WHITE HOUSE COMPLIANCE WITH COMMITTEE SUBPOENAS

HEARINGS

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

NOVEMBER 6 AND 7, 1997

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WHITE HOUSE COMPLIANCE WITH COMMITTEE SUBPOENAS

THURSDAY, NOVEMBER 6, 1997

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The committee met, pursuant to notice, at 10:25 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Morella, Shays, Cox, McHugh, Davis of Virginia, McIntosh, Souder, Sununu, Sessions, Pappas, Snowbarger, Barr, Waxman, Lantos, Owens, Kanjorski, Condit, Sanders, Barrett, Norton, Fattah, Cummings, Kucinich, Blagojevich, Davis of Illinois, Tierney, Allen, and Ford.

Staff present: Kevin Binger, staff director; Richard Bennett, chief counsel; Barbara Comstock, chief investigative counsel; Judith McCoy, chief clerk; Teresa Austin, assistant clerk/calendar clerk; William Moschella, deputy counsel and parliamentarian; Robin Butler, office manager; Dan Moll, deputy staff director; Will Dwyer, director of communications; Ashley Williams, deputy director of communications; Dave Bossie, oversight coordinator; Robert Rohrbaugh, James C. Wilson, Uttam Dhillon, and Tim Griffin, senior investigative counsels; Phil Larsen, investigative consultant; Kristi Remington and Bill Hanka, investigative counsels; Jason Foster, investigator; Carolyn Pritts, investigative staff; David Jones and John Mastranadi, investigative staff assistants; Jay Apperson, special counsel, and J. Keith Ausbrook, senior counsel, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Agnieszka Fryszman, Elizabeth Mundinger, Kristin Amerling, Christopher Lu, Andrew McLaughlin, David Sadkin, and Michael Yang, minority counsels; Ellen Rayner, minority chief clerk; Becky Claster, minority staff assistant; and Sheridan Pauker, minority research assistant.

Mr. BURTON. The committee will come to order.

The first order of business before we discuss business with our guests this morning will be the minority consultant contract. Without objection, the contract will be considered as read.

[The contract referred to follows:]

CONTRACT AGREEMENT

This Agreement is made and entered into this 15th day of September, 1997, by and between the Committee on Government Reform and Oversight of the U.S. House of Representatives, hereinafter referred to as the Committee, and The Emerald Group, hereinafter referred to as the Contractor, subject to the approval of this Agreement by the Committee on House Oversight of the U.S. House of Representatives.

It is hereby agreed that the Committee, under authority of House Resolution 91, approved March 11, 1997, 105th Congress, retain the Contractor to perform the following services:

To assist the minority members of the Committee in investigating political fundraising improprieties and possible violations of law in areas in which the Contractor is uniquely qualified.

It is understood, however, that the Chairman of the Committee, reserves the right to terminate this Agreement at any time. In such cases, the payment shall be based upon work performed.

The Committee further agrees to pay the said Contractor for all such contractual services rendered, the total sum not to exceed $35,000, including authorized travel expenses. It is further agreed that payment for such contractual services will be paid monthly, as such services are rendered.

The Contractor further agrees and warrants that it:

1. Has not employed any person to solicit or obtain this Agreement for any commission, percentage, brokerage, or contingent fee;
2. Will save the Government harmless from liability in performance;
3. Will release no information obtained in carrying out the provisions of the Contract without prior consent of the contracting Committee;
4. Will not subcontract or assign elsewhere any of the work or services involved without prior consent of the contracting Committee; and
5. Will not discriminate in its performance of this Agreement because of race, creed, color, sex, or national origin and shall comply with all laws appertaining to the compensation for labor.

The Contractor further agrees and warrants that it will fully complete its services to the Committee hereunder not later than the 31st day of December, 1997, unless said date shall be extended by mutual agreement of the parties to this Agreement with the approval of the said Committee on House Oversight

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part in this Contract or to any benefit that may arise therefrom

Approved by the Committee on House Oversight of the U.S. House of Representatives,

_____
Chairman

Dated _____

Committee on Government Reform and Oversight
Chairman Dan Burton

_____
Chairman

_____
Ranking Minority Member

The Emerald Group
699 Hampshire Road, Suite 204
Westlake Village, CA 91361
(Contractor)

By _____
(Title)

The Emerald Group

Corporate Profile

The Emerald Group is an international security management firm providing a full range of investigative and security consulting services to corporations, institutions and individuals. The Company's exclusive international network of former FBI Agents, Scotland Yard detectives and similar law enforcement officials and security experts provides global services to a wide and growing range of clients. Most Emerald Group associates are former high level executives of their respective agencies who enjoy close working relationships with their counterparts throughout North and South America, Europe, Africa, and Asia.

Our core purpose is to help our clients resolve complex problems they have never had to face before, and to assist them in preventing those problems from ever occurring again.

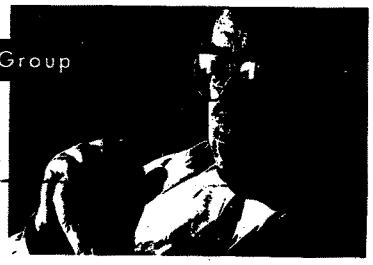
Each Emerald Group associate brings to our clients more than twenty years of highly specialized expertise in attacking fraud and embezzlement, industrial and foreign espionage, copyright and trademark infringement, executive and celebrity extortion and kidnapping, international terrorism, organized crime, and the criminal infiltration of legitimate business.

With its corporate headquarters in the Los Angeles area, The Emerald Group has established regional headquarters on five continents and associate offices in more than 30 cities around the world.

Associate Offices

Domestic		International	
New York	Phoenix	London	Caracas
Los Angeles	Salt Lake City	Paris	Buenos Aires
Washington, D.C.	Baton Rouge	Geneva	São Paulo
Chicago	San Diego	Milan	Sydney
Houston	San Jose	Frankfurt	Tokyo
Kansas City	Santa Barbara	Madrid	Hong Kong
Philadelphia	Tampa	Budapest	Johannesburg
Minneapolis		Moscow	
Las Vegas		Mexico City	

We Are The Emerald Group

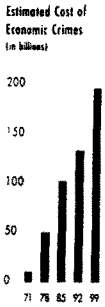


Thomas R. Parker
Chairman and
Chief Executive Officer

During my 24-year career with the Federal Bureau of Investigation, I witnessed first-hand the explosive growth of fraud and its impact on the business sector. Federal, state and local law enforcement agencies and their prosecutorial counterparts were increasingly unable to keep up as their resources became more constrained every year. As a result, criminal investigations became more and more selective. The gap continues to widen between the white collar crime problem and the ability of its victims to gain the law enforcement attention they deserve.

I saw the need for a discreet, professional, private-sector firm, providing a full range of investigative and forensic services to meet the growing security challenges facing major corporations. In response to that need, I formed The Emerald Group. I am proud that we have been able to bring to our clients the quality, professionalism and confidentiality that, until now, have not been readily available in private sector investigations.

The quality of our work speaks for itself. Our annual growth has averaged more than 50 percent including both international and domestic business, and has been a direct result of our success in meeting the needs of our clients. We have built our business through referrals from satisfied customers. We do not advertise, nor have we ever disclosed the names of our clients.



As a direct result of the breadth and depth of our decades of experience, we bring a unique, integrated approach to our investigative work. We provide our clients with expertise relevant to their problem, rather than high-priced generalists. Whether a client requires financial investigations expertise, counter-terrorism specialists, behavioral science assessments, or forensic laboratory examinations, we are able to deliver. We also offer a strategic business alliance with one of the world's largest accounting and management consulting firms and strong relationships with a number of well-known international law firms.

Many — in fact, most — of our clients may only require our assistance once, usually at a time of crisis or acute need. We are committed to meeting that need with rapid, professional and reliable services of the highest quality. *We are Emerald!*

Sincerely,

Thomas R. Parker

Thomas R. Parker
Chairman of the Board

Investigative Services

The Emerald Group's Investigative Services division conducts worldwide financial and fraud investigations, dealing with such issues as:

❖ Management and employee embezzlements and thefts ❖ Contract and procurement frauds ❖ Bankruptcy and asset concealment frauds ❖ Securities, investment and loan frauds ❖ Contract and procurement frauds ❖ Insurance and health care frauds ❖ Computer crimes and software piracy ❖ Money laundering investigations ❖ Asset identification and location ❖ International law enforcement liaison.

Investigative Services also conducts due diligence investigations, including background and financial inquiries on

❖ Joint ventures ❖ Investments ❖ Mergers and acquisitions ❖ Conflicts of interest ❖ Customer integrity and stability ❖ Prior litigation searches

The infringement of intellectual property rights, whether within the realm of clearly-defined trademark, copyright, and patent violations or the more abstract world of trade secrets and creative works-in-progress, is at an unprecedented level and has become international in scope. Unfortunately, few law enforcement agencies have the jurisdiction, resources or experience to handle these complex investigations. The Emerald Group has both the technical resources and the global network to provide individuals, corporations and law firms with sophisticated investigative expertise that can protect their intellectual property. We can also pursue those who seek to profit from the piracy of our clients' products.

Intellectual property investigative capabilities include:

❖ Validating complaints of infringement ❖ Developing corroborating evidence and witnesses ❖ Interviewing potential witnesses and informants ❖ Identifying production outlets and distribution channels ❖ Undercover investigations ❖ Searches and seizures ❖ Forensic laboratory examinations ❖ Background investigations of suspected violators ❖ Identifying, locating and seizing illicit assets ❖ Domestic and international law enforcement liaison ❖ Developing anti-piracy programs.

Examples of investigative successes in this area include cases in which Emerald:

❖ Determined that the European managing director of a multinational firm was engaged in a pattern of activities including bribes and kickbacks from vendors, extortion of distributors, gross inflation of sales figures, and possible affiliations with organized crime figures

❖ Successfully established the guilt of a senior executive of an international financial institution who was demanding and receiving kickbacks from customers in a foreign country.

❖ Identified a group of corporate managers and an internal scheme by which they defrauded their employer through a "phantom" vendor and fictitious order procurement scam.

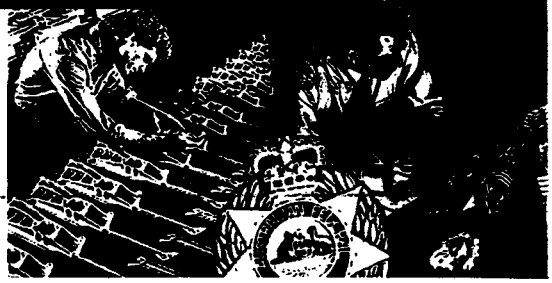
❖ Located a bank account in a tax haven country into which millions of dollars of illegally diverted corporate assets had been secretly deposited. These funds were traced through six countries — including two Caribbean

James G. Perry
Executive Vice President
Director of Investigations

"One of our greatest strengths is the proven expertise of our associates. Their ability to identify the critical issues, develop a strategy, and carry out a thorough investigation is the Emerald hallmark."

Emerald identified and traced the global activities of a multinational organized crime cartel based in Moscow. The cartel was attempting to infiltrate and control an entire industry in several countries from the former Soviet Union. The results of our investigation were successfully used by our client to publically expose this cartel and thwart their efforts to seize control of the industry.

Corporate Security Services



Security of the operations, assets and personnel of corporations is the concern of Emerald's Corporate Security Services division. Services for the workplace include:

❖ Assessment of vulnerabilities to intruders and criminal activity ❖ Violence in the workplace prevention programs ❖ Development and implementation of access controls and intrusion prevention systems ❖ State-of-the-art electronics surveillance installations and technical operations ❖ Electronic eavesdropping countermeasures.

Emerald also offers services for the protection of products and proprietary information, including:

❖ Competitive intelligence countermeasures ❖ Product counterfeiting and copyright/trademark infringement investigations ❖ Intellectual property protection and anti-piracy programs ❖ Product tampering and diversion investigations.

Recognizing that the greatest need may arise in time of threat or crisis, Emerald offers a series of services designed to prevent or assist in the management of critical incidents. These include:

❖ Policy planning and development ❖ Critical incident management ❖ Domestic and international law enforcement liaison ❖ Crisis management and disaster recovery planning ❖ Media relations and crisis communications

Examples of successful experiences in providing these services include cases in which Emerald:

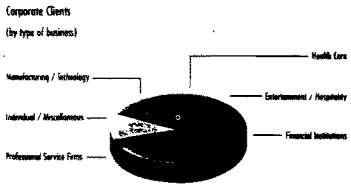
❖ Conducted an international copyright and trademark investigation on behalf of a multinational corporation whose products were being "pirated" in foreign countries. Successfully identified and obtained evidence of the criminal and civil culpability of the counterfeiters.

❖ Developed in-depth background information on the chief financial officer of a corporation which revealed gross fabrications of critical personal and work history details, resulting in the individual's dismissal by the firm.

❖ Discovered several prior sexual harassment victims of the candidate for the chief executive officer position at a large corporation during a routine background investigation of the candidate. Obtained the cooperation of these victims, none of whom had previously reported the harassment incidents.

❖ Investigated allegations of embezzlement at a national membership organization. Working with senior officials of the organization, subsequently obtained the confession of an accounts receivable manager who had been embezzling thousands of dollars from incoming client and member payments.

❖ After successfully resolving a potentially violent senior employee termination for a major firm in the healthcare field, advised the firm's CEO on public statements and coordinated media coverage for the duration of the incident



Emerald consultants have successfully resolved several violence in the workplace incidents for major corporations without injury to any participants or damage to company facilities and property. Thereafter, we consulted with the victim companies on implementing early identification programs designed to prevent future problems of this type. To date, none of these firms have had a recurrence of this type of activity.

Risk Management Services

The third area of services Emerald offers is provided by its Risk Management Services division. The Emerald Group's personal security experts routinely design customized executive and celebrity security programs and systems in each of the following areas:

❖ Threat assessment and risk analysis ❖ Security planning and protection program development ❖ Residential, workplace and travel security ❖ Hostage negotiations, kidnapping and extortion contingency planning and management ❖ Celebrity stalking situations ❖ Domestic and international law enforcement liaison ❖ Crisis management and media relations ❖ Counter-terrorism intelligence monitoring and briefings ❖ Special event personal security requirements.

Examples of successes in providing these services include cases in which Emerald:

❖ Advised and represented the family of a wealthy foreign businessman who had been kidnapped and a $10 million ransom demanded. The victim was released unharmed within 48 hours.

❖ Provided threat analysis and security enhancement procedures to celebrity stalking victims. Provided psychological profiles of the stalkers to the celebrity victims.

❖ Implemented high-security executive protection programs for the senior executives of major international corporations.

❖ Relocated and provided customized, around-the-clock security program for a senior corporate executive and his entire family following threats from organized crime figures.

❖ Provided threat assessment to an officer of a major corporation who had received communications from a former employee threatening financial harm out of vengeance for perceived workplace injury.

❖ Using our document examination experts, scientifically determined that a disputed contract was in reality an artfully crafted "cut and paste" document which had been electronically reproduced and offered as evidence in a civil litigation.

❖ Conducted an extensive internal investigation of a large public company under the direction of its board of directors into allegations of fraudulent entries in its books and records. The investigation produced evidence that grossly inflated profits had been reported for several years. As a result, the company president, vice president of marketing, financial manager, and several other employees involved in the scheme were terminated.

❖ Assisted an international firm in developing procedures to detect potential money laundering transactions.

John D. White
Senior Vice President
Director, Risk Management and
Security Services

"We're experts in the prudent assessment of risk from criminal activity, and we have helped clients prevent problems from occurring as often as we solve them."

Combining the highest ethical standards with an unparalleled degree of professionalism, discretion and confidentiality, The Emerald Group is regularly retained by major law firms, multinational corporations, international financial institutions, and government agencies. We conduct complex international fraud investigations, background and due diligence inquiries, sophisticated security and threat analysis surveys, customized security planning, crisis management, sensitive undercover operations, and international law enforcement liaison, as well as identifying and locating illegally-concealed assets.

The Emerald Group Worldwide

From left to right: Thomas R. Parker, Chairman and CEO; Mary Ellen Hoover, C Administrative Officer; John D. White, Senior Vice President; James G. Perry, Executive Vice President; Otto G. Stoll, Vice President - Communications; Thome Kahl, Vice President and CFO.

Almost from its inception, The Emerald Group has been an international firm. Headquartered in the Los Angeles area, we serve a diverse group of clients with interests throughout the world. To accommodate the needs of its clients, Emerald has established regional headquarters on five continents.

Barry Todd
International
Managing Director

"Emerald is the ideal security partner for major corporations worldwide. We stand ready to respond quickly and efficiently wherever and whenever we're needed."

Responding to the immediate need of a large, multinational corporation, Emerald conducted a massive product liability investigation in six separate countries with investigators fluent in the respective languages and thoroughly familiar with local customs and business practices. The months-long investigation uncovered significant evidence of the statistical improbability that the client's product was the cause of alleged deaths and injuries being attributed to it by rumor and innuendo.

Today's sophisticated white collar criminals, terrorists and industrial spies recognize no international borders. Unfortunately, public law enforcement agencies are often constrained in their pursuit of international crimes. Frequently, the magnitude of the offense is not matched by the availability of international law enforcement resources.

As a result, The Emerald Group has become the premier choice of clients worldwide for corporate investigations and security management — especially where in-depth financial analysis or lengthy technical investigation is required to establish evidentiary patterns. With our international network of former senior law enforcement officials of many nations, we are uniquely equipped to pursue investigations on behalf of our clients, no matter where in the world they originate or conclude.

The Emerald Group
Corporate Officers

THOMAS R. PARKER
CHAIRMAN AND CHIEF EXECUTIVE OFFICER

With over 28 years of experience in local and Federal law enforcement in the United States, Thomas R. Parker spent 23 years with the Federal Bureau of Investigation (FBI). He rose through the FBI ranks in a variety of progressively responsible supervisory and management positions and retired as Assistant Special Agent in Charge of the Los Angeles FBI Regional Office where he was in charge of all criminal investigations.

While a field investigator and supervisor, Tom became a specialist in the investigation of complex financial fraud and organized crime violations, and in the detection of criminal penetration of legitimate business. He was the FBI representative to the Federal Organized Crime Strike Force investigating corruption within the Nevada gaming industry where he initiated and conducted the successful seven-year probe into the hidden Mafia ownership and control of major Las Vegas casinos which resulted in the conviction and imprisonment of the entire leadership of the Mafia families in Chicago, Kansas City, and Cleveland, as well as the liberation of these casinos from organized crime control. This investigation became the focus of the recent hit movie "Casino". Tom also conducted many successful criminal investigations into the organized crime infiltration and control of several labor unions in the United States. He was also responsible for the investigation and imprisonment of several high-level government officials for corruption.

Tom was the senior Federal law enforcement executive assigned to the Emergency Command Center managing all of the law enforcement activities during the infamous 1992 Los Angeles riots, as well as the crisis management of the cataclysmic 1994 Los Angeles earthquake. He created and implemented the first Joint Drug Intelligence Center in the United States which used sophisticated computer systems to gather, analyze, and disseminate complex drug trafficking intelligence data impacting the southern border of the United States. He was also the senior FBI representative to the High Intensity Drug Trafficking Area Executive Board responsible for the coordination of all international and domestic drug enforcement investigations by Federal, state, and local law enforcement agencies. Tom also had executive management responsibility for the largest field contingent of FBI Agents investigating white collar crimes and public corruption in the United States. In 1990 and 1991, he was a delegate to the Japanese-American Working Group on Organized Crime.

Prior to his duties in Los Angeles, Tom was Chief of Resource Management and Planning for the FBI Criminal Investigative Division at FBI Headquarters. In that position, he devised and implemented the first Asset Seizure and Forfeiture Teams in major FBI field offices to identify and locate the illicit profits of major criminals and to recover those profits for ultimate forfeiture to the government. He was also a member of the FBI's Undercover Review Committee which had the approval authority over all FBI criminal undercover operations. He also served as a Public Affairs Manager in the Office of the Director of the FBI. Tom was also a member of the FBI's Inspection Staff and conducted audits and surveys to determine the effectiveness and efficiency of FBI investigative and management operations.

Upon his retirement from the FBI in 1994, Tom founded **The Emerald Group**, an international security management and investigative firm with headquarters in Los Angeles and regional offices on five continents. The highly experienced investigators and security consultants of **The Emerald Group** are in great demand throughout the world by multinational corporations, international law firms, and government agencies to conduct sophisticated international security consultations and financial fraud investigations. The firm is in the fourth year of a strategic business alliance with one of the world's largest international accounting firms, Price Waterhouse.

He holds a Bachelor of Arts Degree in Criminal Justice Administration from San Jose State University in California, and a Master of Arts Degree in Public Safety Management from the University of St. Thomas in St. Paul, Minnesota.

Mr. BURTON. The gentleman from California, Mr. Waxman is recognized in support of this contract.

Mr. WAXMAN. Thank you, Mr. Chairman. The minority is proposing that the committee approve a consultant to contract with the Emerald Group. The Emerald Group is an international security management firm that provides investigative services to corporations, institutions and individuals.

The minority proposes the contract because the minority seeks the assistance of the Emerald Group in investigating possible conduit payments to the Republican National Committee and the Dole campaign.

These conduit payments are the same activity that the committee is investigating, except the recipients are Republicans, not Democrats.

Approval of this contract should be routine. In June, the majority and the minority discussed how consultants would be handled. We proposed that consultants hired by our committee be a joint resource, which means that both sides would be informed about the work of the consultants.

Chairman Burton's staff rejected this idea. They insisted that they wanted complete control over the activities of the consultants hired by the majority. As a result, what we agreed to is they get 75 percent of the money that would be used for consultants, and we would get 25 percent of the money, to allocate as each of us sees fit and those consultants would work for each of us.

Since June, the majority has hired four consultants. Three of these consultants—including a private investigator and a former CIA operations officer—were hired with our votes. We supported the idea of those consultants being hired because it was the choice of the minority.

Today, we are making our first request for a consultant. We have expected this would be routinely approved just like the majority approved all of its requests for consultants. Unfortunately, it now appears that the majority will deny the minority any consultants. This is simply unfair. It seems that every chance the majority gets, the majority tries to tilt the deck in their favor by denying the rights of the minority.

Now, the majority is opposing the Emerald Group contract because they say it does not prevent conflicts of interest. The fact of the matter is that the Emerald Group has agreed to follow exactly the same precautions and procedures that Mr. Bennett agreed to follow. As explained in a September 23 letter to myself, the Emerald Group has pledged to follow the House Code of Official Conduct, and the House gift ban, just as Mr. Bennett did.

The Emerald Group has also agreed to conduct a careful review before accepting any assignments to assure that there is no conflict of interest, exactly the same procedure that Mr. Bennett is following.

Specifically, the Emerald Group wrote, quote, for each specific assignment provided Emerald, Emerald will perform a thorough check using the firm's computer technology to ensure that there is no conflict of interest with respect to its existing client list, and if there is a conflict, Emerald will not accept the assignment, end quote.

What we are seeing is a double standard being applied by the majority and it becomes especially apparent when you compare the Emerald Group contract with the first three major consultants. The majority approved these consultants without requiring any safeguards against conflicts of interest. These consultants are directly comparable to the Emerald Group. Like the Emerald Group, they are being used for discrete projects.

The Republicans also argue that the consultant contract with the Emerald Group is flawed because it is an entire organization, not a single individual. According to them, it makes it harder to ensure there are no conflicts or other problems. I would submit that this argument is a straw man. There is no rule against hiring organizations as consultants. In fact, the use of organizations as consultants is expressly authorized by law. 2 U.S.C. Section 72(a) provides that "Each standing committee of the House of Representatives is authorized to procure the temporary services of individual consultants or organizations thereof."

There is nothing unusual at all about having a consultant contract with a firm instead of a single individual. For example, this is exactly what the Republican majority on the House Oversight Committee has done in the Sanchez-Dornan investigation.

On January 8 of this year, the majority entered into a contract for the services of the Baker Hostettler Law Firm. This contract did not limit the number of Baker and Hostettler attorneys working under the contract. In fact, it specifically provided that the rate of compensation could not exceed $300 per day per attorney providing services.

Well, there are a lot of precedents. For example, in the Gingrich investigation by the House Ethics Committee, the consultant contract was not with Jim Cole individually, but with the Bryan, Cave Law Firm.

Mr. Chairman and my colleagues, we are making this request. We think it is a respectable request, given the rules that we have set out and the way we have operated. I expect that we are going to lose this. I expect that the Republicans are going to exercise their majority and vote it down. But if they do, it is another example of how the Republican majority of the committee is closing out the rights of the minority to do our investigation, to participate in the campaign financing investigation of the committee overall, and how this is an investigation run by the Republican majority to the exclusion of the Democratic minority for purposes that I believe are partisan because they are solely in the interest of the Republican majority rather than in the interest of this country for an honest campaign finance investigation. Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Mr. Waxman. I must regretfully oppose the contract that Congressman Waxman has proposed today. I was hoping that we could reach an agreement on this matter. I have offered to work with him to restructure this contract in a form that would be acceptable to the entire committee. But, it is apparently not going to be possible.

We reached an agreement earlier this year to give the minority 25 percent of the consultant budget, while the majority would control 75 percent of the budget. I served in the minority for 12 years,

and this is a better deal than we were ever offered on any committee that I ever served on.

After reaching this agreement earlier this year, I was very disappointed that the minority decided to vote in lock step against Dick Bennett's contract. Mr. Bennett's contract was identical to contracts used by the House Oversight Committee and the House Ethics Committee under both Democrats and Republicans to hire attorneys for sensitive investigations. It should have been routine. And yet they voted in lock step against him. Unfortunately, we were forced to approve it on a party line vote.

Despite this, I am still willing to work with the gentleman from California to resolve some of the problems with this contract. I would like to suggest, once again, to the gentleman that he withdraw it and work with me to solve some of these problems. The problems are fairly basic.

First, this committee has never before contracted with the firm of private investigators to work on an investigation such as this. All of the majority's consultants have been individuals, not entire companies or investigative agencies.

The Emerald Group is an international firm. It has offices and major corporate clients all over the world. This is an investigation of influence buying by foreign companies, foreign individuals and possibly foreign governments. The prospects for serious conflicts of interest are too large when you deal with an entire firm like this.

The Emerald Group's brochure states that it never reveals the identities of its clients and that is why it is far more appropriate to hire an individual to come in and work out of the committee offices alongside the regular committee staff like Mr. Bennett has. When Dick Bennett came to work as chief counsel, he set up a fire wall between his law firm and his work here on this committee. Nobody else from his firm works on this investigation. No resources of his law firm are utilized. This makes it very easy to isolate the potential for any conflicts.

I have invited Mr. Waxman to structure this contract in the same way. I have urged him to put together a contract in the same manner that the majority contracts are structured. I think that this is a reasonable and fair proposal.

Second, this contract offers not even a general description of the type of work to be done by this firm. Not only is the work to be done at an unknown corporate office, the type of work to be done is a closely guarded secret. Every contract proposed by the majority has contained a general description of the work to be done by the consultant and the general issue area. This is a standard practice.

Today, Members are being asked to vote in the dark. As I said before, I think the offer we have made to our friends in the minority is more generous than we ever would have received during all of the years that we served in the minority. Despite the fact that not a single Democrat here today voted for Dick Bennett's contract, I am still willing to work with you, Mr. Waxman, to resolve some of these problems. I believe that we could reach an agreement on the contract that the entire committee could support. If that is not possible, then I must reluctantly oppose this contract.

Do any further Members seek to be recognized on this issue?

Mr. WAXMAN. Mr. Chairman, if you would yield to me?

Mr. BURTON. I am happy to yield to my colleague.

Mr. WAXMAN. I want to point out that we have supported all the consultants requested by the majority. We have tried to structure the conflict of interest issue with the Emerald Group in the same way that you handled Mr. Bennett's agreement. We cannot agree to let the majority have such supervisory role as you would if they were individuals as opposed to an organization. We do not know what your consultants do. They operate for you and we agreed to let them do that. We want the ability for a very specific project of checking out Republican conduit payments to have this group that we think is quite qualified to handle it and we think offer the best services to accomplish this goal.

We have a disagreement. It is not unusual on this committee that we have a disagreement. You are the chairman of the majority party, which means your party has the majority and has exercised that power every step of the way to succeed in accomplishing your goals and I expect you will do the same here.

I know that there are Members who have other places they have to be, and rather than ask for a recorded vote, we will ask only for a voice vote on this matter. I do want to put in the record a letter from the Emerald Group to me that I referred to in my opening statement.

Mr. BURTON. Without objection.

[The information referred to follows:]

699 Hampshire Road, Suite 204
Westlake Village, California 91361
(805) 374-1272 (213) 236-4518
Fax: (805) 374-1274

September 23, 1997

The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Waxman:

I am writing to assure you that The Emerald Group (Emerald) will abide by the requirements for a company hired as a consultant to a committee staff in the House of Representatives.

Emerald pledges that each employee engaged in work for the minority members of the committee will abide by the House's Code of Official Conduct and the House gift rules during the hours on which we are working on Minority Committee assignments. Emerald would also agree to adhere to the post-employment restrictions that normally apply to House employees; however, I have been informed by your staff that in our case the amount of the contract ($35,000) is too low to trigger any such restrictions.

Finally, for each specific assignment provided Emerald, Emerald will perform a thorough check using the firm's computer technology to ensure there is no conflict of interest with respect to its existing client list. If there is a conflict, Emerald will not accept the assignment.

I trust that these commitments will be satisfactory to permit Emerald to contract for work at the direction of the minority members of your committee.

Sincerely,

Thomas R. Parker

Thomas R. Parker
Chairman and C.E.O.

TRP/meh

Mr. BURTON. Let me just say that the majority is investigating both Democrat and Republican conduit payments, contrary to some of the media reports, and we will continue to do that wherever we find illegal activities or alleged illegal activities we are going to investigate.

With that, is there further discussion on the issue? If not, the question occurs on the contract offered by Mr. Waxman.

All those in favor of the contract signify by saying, aye.

All those opposed will signify by saying, no. In the opinion of the chair, the noes have it. The noes have it, and the contract is not agreed to.

We now have a vote on the floor.

Mr. WAXMAN. Mr. Chairman, could I ask you one question?

Mr. BURTON. Yes.

Mr. WAXMAN. You made a statement that you are investigating some Republican conduit payments. We have no knowledge of that. Can you tell us anything more about that?

Mr. BURTON. Mr. Bennett, do you want to respond to him briefly?

Mr. BENNETT. Congressman Waxman for the record, agents both of this committee, including the particular individual assigned to your staff, were in California last week and I won't say on the record what was done, but there were matters—the inquiry concerned contributions from a foreign source and the inquiry concerned a clear record of distribution of those contributions to a Republican candidate. And I would be glad to deal with that in some detail obviously in a better setting.

Mr. WAXMAN. I appreciate that. If these are joint detailees, they are supposed to report——

Mr. BENNETT. No, these were not joint detailees. I believe it's Harry, and I have forgotten his last name.

Mr. WAXMAN. Is there any other example, Mr. Bennett?

Mr. BENNETT. Mr. Waxman, I am glad to go into more detail, but clearly as of last week we were seeking to do that as well. So, it is not a correct statement.

Mr. BURTON. Nevertheless, some of these things we are looking at and are not ready to be made public.

Mr. WAXMAN. We are not asking it to be made public. We are colleagues on the committee. If you are doing an investigation for the first time in our knowledge that involves Republicans, I think you ought to let us know about it.

Mr. BURTON. We certainly will, Mr. Waxman. I will be happy to consult with you and your counsel as soon as possible. We have a vote on the floor, and I know that we want to go through these hearings with as few interruptions as possible, so why don't we go ahead and vote and come back as quickly as possible and get into the meat of the hearing. We stand in recess until the fall of the gavel.

[Recess.]

Mr. BURTON. The committee will come to order.

The gentleman from Pennsylvania, Mr. Fattah.

Mr. FATTAH. Thank you, Mr. Chairman. I seek unanimous consent to enter into the record a number of news clippings relative to our investigation. And the first one is from a Capitol Hill magazine, which suggests that senior aides in a Dole campaign were in-

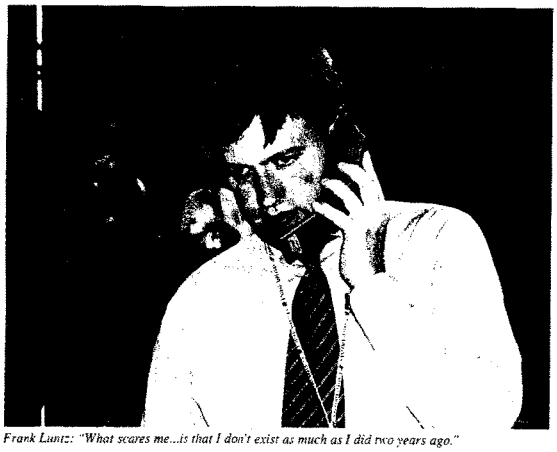
volved in, at least it alleges, were involved in a kickback scheme in the latter days of the campaign. And another is from the newspaper, the Wall Street Journal, references unfortunately a Pennsylvania family who gave close to $2 million to issue advocacy groups having to do with the Triad Management, and there are a number of other ones. And I mention these and I want to insert them in the record because of the chairman's statement earlier that we have crossed a major rubicon in that we now have an investigation in which we will look at Republican misdeeds. I want to thank the chairman for that and seek unanimous consent that these matters be entered into the record because they may help our investigators toward some of the misdeeds that may have been prevalent on the Republican side.

Mr. BURTON. Without objection.

[The information referred to follows:]

Full Disclosure

A Monthly Guide to Washington Behavior



Frank Luntz: "What scares me...is that I don't exist as much as I did two years ago."

Naked Luntz

Is he a conceptual genius or a self-promoting geekazoid? There are as many theories to explain the mind of pollster Frank Luntz as Luntz has to explain the moods of the voting public. The controversial Republican consultant expressed his latest thoughts on the latter subject in *The Language of the 21st Century*, a 222-page how-to manual he recently distributed free to GOP lawmakers.

In it, Luntz, a framer of the Contract with America, accuses Republicans of "being linguistically out of touch with the American people." His advice: Learn to communicate better with all voters, particularly women and minorities, or suffer the electoral consequences. To attract women, he recommends using phrases like "parental involvement" and "child-centered." Remember, he says, women "bring home the bacon *and* fry it up in a pan."

But who is this man whose Dutch-boy coiffure makes him look like Elton John and whose ideas exert such influence on GOP leaders? Before he appointed himself party sage, Luntz let his hair down with writer Jeff Shear, offering these insights into what makes him tick.

Question: How do you approach your work?

Luntz: When I approach all this, I do it from a Peter Sellers mode. I've actually studied him. I've studied all his characters. By the time he died, he did not exist. He only existed in character. And what scares me a little bit is that I don't exist as much as I did two years ago.

I am a focus group. I can synthesize for you: After I get out of a focus group, I, Frank Luntz, cease to exist and I become those 12 people in the focus group. I'm like Chauncy Gardener in the movie *Being There*. He doesn't exist either. It took

Continued on page 12

PHOTOGRAPH OF LUNTZ BY LAURA WHITEHORN

CapitalEyes

The Kickback Kids... A year has passed since **Bob Dole**'s presidential campaign crashed and burned. But many Republicans who witnessed the flameout are still sniping at each other, and not just about incompetence. Some within the GOP are charging that suspicious financial deals took place inside the ill-fated Dole campaign, including cash kickbacks to senior aides.

Consultants close to the campaign and others — all of whom are trying to position themselves for doing business in 2000 — allege that a small group of campaign higher-ups earned hundreds of thousands of dollars through a secret agreement they made with hired hands. In exchange for employment on the campaign, they say certain consultants paid back a percentage of their fees to the officials who hired them. Thus, staff members orchestrating the scheme could augment their salaries and circumvent Federal Election Commission law requiring the disclosure of all income and expenses.

"[Campaign officials] were on the take, and bitter fights erupted over who was getting the most," according to a post-election memo written by a high-ranking Republican and obtained by CapitalEyes.

The bitterness surfaced again recently when wife-abuse charges were leveled against

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Pennsylvania's Cones Secretly Funded Controversial '96 GOP Election Effort

By GLENN R. SIMPSON
And PHIL KUNTZ
Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON – A wealthy family associated with conservative causes secretly put up much of the funding for a controversial campaign to help Republican candidates in the last election.

Between mid-1995 and November 1996, members of the Cone family of Pennsylvania made a series of payments totaling as much as $1.8 million to accounts controlled by a Republican-oriented consulting firm called **Triad Management Services** Inc., according to information provided by several people familiar with Triad's finances.

Much of the money went to two nonprofit groups that spent at least $3 million last fall on advertisements that benefited Republican candidates for Congress. Triad officials and others associated with the groups have refused to identify their financial backers.

The contributions included an Oct. 16, 1996, check for $300,000 to one of the groups, Citizens for the Republic, from businessman Edward Cone. His brother, Robert Cone, also made payments to Triad totaling $175,000 over a six-month period in 1995. In addition, Triad and an affiliated nonprofit received $350,000 in wire transfers from a personal trust at CoreStates Bank, the same Philadelphia bank through which Edward Cone has made payments to Triad. Senate investigators say payments from the Cone family to Triad totaled about $600,000 while their payments to the two nonprofit groups totaled about $1.2 million.

Through his secretary, Robert Cone yesterday declined to comment on his relationship to Triad. Edward Cone declined to respond directly when asked whether information regarding his payments is accurate, saying, "I just think what I do to contribute is my business."

The nonprofit groups' ads proved controversial because they showed how donors could avoid disclosure. Even Senate investigators with access to Triad records can't figure out the source of all the money of the two nonprofits. For example, the groups received about $1.3 million from a group called the Economic Education Trust. Investigators suspect – but are unable to prove – the trust is tied to the Koch family of Kansas, which controls the energy conglomerate Koch Industries Inc.

The Kochs have been major contributors to conservative causes for years. Republican investigators said the Kochs paid Triad a fee, indicating they are a client of the company, which advises donors on where to contribute. A Koch Industries spokesman declined to say whether the family was behind the education trust's donations.

Anonymous campaign contributions have been long been prohibited by law in American elections, and laws passed following the Watergate scandal were designed to further tighten disclosure requirements. In a famous 1976 decision, the Supreme Court upheld contribution disclosure requirements, concluding that "disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes . . . ."

But Triad's backers claim to have found a legal means of hiding political contributions by steering them through tax-exempt organizations that claim they don't have to make filings with the Federal Election Commission because they are technically not political. The tax-exempt groups then use the funds for advertisements that benefit candidates but can't be defined as a direct contribution to them, allowing the groups to maintain their "nonpolitical" status.

Washington lawyer Mark Braden, who helped set up Triad and its nonprofit arms, said yesterday that Triad is in compliance with both tax and disclosure laws. He declined to comment on information showing the Cone brothers' support for Triad, but he defended Triad's insistence on anonymity for its backers. There are some good arguments for disclosure, he said, "but it's not a lead-pipe cinch that it's good public policy." Many honest people are afraid to make political contributions "because they're afraid, rightly or wrongly, of retribution from the folks in power," he said.

While the Cone brothers don't want to discuss their dealings with Triad, the Cone family is far from anonymous in politics. Federal records show that the two brothers, along with their spouses, children and friends, made more than $160,000 in contributions to conservative political action committees and Republican congressional candidates. All of those contributions were disclosed as required by law.

Fleet to Acquire Credit-Card Lines Of Advanta Corp.

By ROSS KERBER
Staff Reporter of THE WALL STREET JOURNAL

Fleet Financial Group Inc. agreed to buy the credit-card operations of **Advanta** Corp. for $500 million, in a bid to become a major player in the field at a bargain price.

The deal was expected. But in a surprise development, the confirmation of the sale was accompanied by the resignations of two key officers: Alex W. "Pete" Hart, Advanta's chief executive, who has led the company through a troubled period of rising loan losses and damage control; and Jim Allhusen, the head of an Advanta payment division.

Dennis Alter, Advanta's chairman, will succeed Mr. Hart. No successor to Mr. Allhusen, whom some analysts had expected might go to Fleet, was named. Advanta said both were leaving to pursue other interests, and neither executive was available for comment.

In buying the card portfolio, Fleet will acquire $10.5 billion in credit-card receivables, bringing its total to over $13 billion, ninth in the country. The Boston bank also is continuing a long-term pattern of buying problem-plagued goods in hopefully opportunistic circumstances.

The price was much less than what some analysts had expected Advanta might receive. Eugene McQuade, Fleet's chief financial officer, said the bank had been in talks with Advanta since the start of the year, but was in no hurry to complete an agreement because of a $20 million Advanta loss in the first quarter, ascribed to rising delinquencies.

The deal will increase Fleet's net income by five cents a share next year and 15 cents a share in 1999, Mr. McQuade said. H. Jay Sarles, Fleet vice chairman, said Advanta's six million credit-card holders might be targeted for new electronic-payment cards and other high-tech services, and other Fleet products. The purchase effectively doubles Fleet's customer base.

But the Advanta portfolio still has problems. The Spring House, Pa., company reversed its losses by raising interest rates, but has lost customers as a result. Mr. Sarles said that is because Advanta has "pretty much stopped their marketing, so they weren't getting an inflow" to replace the customers who had left because of rates.

"You've got Fleet paying a very low price," said Moshe Orenbuch, analyst at Sanford C. Bernstein & Co. in New York. "But the question is, is Fleet getting enough marketing expertise to make this work in the long run?"

Moody's Investors Service lowered its ratings outlook for Fleet's debt to stable from positive, citing increased competition for credit-card customers and the resulting reduction in profitability for all providers. The deal is expected to be completed by early 1998, pending approvals from regulators and Advanta shareholders.

Advanta will be left with mortgage and business-services divisions, together totaling 2,200 employees.

Advanta Class A shares rose 93.75 cents to close at 34.4375 in Nasdaq Stock Market trading yesterday, while Fleet shares fell 62.5 cents to $63.75 in New York Stock Exchange composite trading.

–Stephen E. Frank contributed to this article.

3RD STORY of Level 1 printed in FULL format.

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October 23, 1997, Thursday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 979 words

HEADLINE: RNC Steered Funds To Outside Groups; $1 Million-Plus Was Passed From Big Donors

BYLINE: Ruth Marcus, Washington Post Staff Writer

BODY:

In the closing weeks of the 1996 campaign, the Republican National Committee steered more than $ 1 million in contributions from its major donors to sympathetic outside groups, collecting the checks at the RNC and then passing them on to the other organizations, documents obtained by Senate investigators show.

The documents, obtained last week from the campaign of former senator Robert J. Dole (R-Kan.) by the Senate Governmental Affairs Committee, demonstrate that then-RNC chairman Haley Barbour and deputy finance director Jo-Anne Coe tapped big GOP donors to make large contributions to the outside groups. Unlike political parties, such groups don't have to disclose where their money comes from or how they spend it.

The groups included the National Right to Life Committee, an antiabortion group that was heavily involved in voter education projects in the 1996 campaign, and Americans for Tax Reform, which made 4 million phone calls and sent 19 million pieces of mail urging voters to dismiss Democratic warnings about Medicare cuts.

The documents show that Coe passed on checks for $ 100,000 each to the Right to Life Committee and Americans for Tax Reform from Carl Lindner of the American Financial Group, a major donor to both parties.

The biggest beneficiary of the GOP program was the American Defense Institute, which runs a voter turnout program for military personnel, who tend to vote heavily in favor of Republican candidates.

The military-oriented group received around $ 1 million, including $ 500,000 that Barbour solicited from Philip Morris, the documents show. American Defense Institute president Eugene B. "Red" McDaniel said that was close to the full cost of the voter turnout effort.

Republicans erupted with criticism earlier this year after reports that Democratic National Committee officials and Harold Ickes, then White House deputy chief of staff, directed givers to groups they thought would help boost Democratic turnout in 1996.

Democratic and Republican election law experts said yesterday that party officials are allowed to solicit and even serve as conduits for contributions to outside groups as long as the groups don't coordinate their activities with the political parties.

But the GOP-generated donations to the outside groups allowed the party's backers to give additional sums that would help the party without having them publicly reported. Having the donors give directly to the groups also kept the full amount of the GOP's help to the outside organizations from being disclosed. Internal RNC documents show that officials there were highly sensitive to donors' concerns about keeping the full extent of their contributions from public view.

The checks, which were made out to the groups rather than to the RNC, were in addition to the large sums the RNC separately gave directly to the groups at the end of the 1996 campaign, including $ 650,000 to the National Right to Life Committee and $ 4.6 million to Americans for Tax Reform, run by GOP activist Grover Norquist.

RNC spokesman Clifford May said of the program: "This party has an interest in these organizations being successful. We help them. There's no reason not to. These are independent organizations, and we had no input into how this money was spent."

Asked why Coe had checks from donors sent to her to pass on to the groups rather than having the donors contribute directly to the organizations, he said, "She was raising it so I guess the protocol was to give it to her to get to them. The RNC wants these groups to know we support them. That doesn't mean we have sway over them. They're independent groups, and what they're doing is going to be philosophically similar to what we're doing."

In the case of the American Defense Institute, the contributors were able to deduct their gifts as charitable donations on their tax returns. Normal political contributions aren't tax-deductible.

The contributions from the RNC donors also allowed the group, which bills itself as strictly nonpartisan, to avoid taking money directly from the RNC.

In September 1996, the RNC gave the American Defense Institute $ 600,000 from its own funds, but the group returned the party's donation, McDaniel said yesterday, because "we didn't want to be controversial and we had funding from other sources."

Federal Election Commission reports show that the RNC money was returned on Oct. 29, several days after a bundle of six donor checks, totaling $ 530,000, was sent from the RNC to the group.

The checks came from some of the party's biggest donors, including $ 150,000 from John Moran, Dole's finance chairman in the 1996 campaign, and $ 100,000 each from longtime GOP donor Max M. Fisher, Enterprise Rent-a-Car founder Jack C. Taylor and a foundation started by billionaire investor Kirk Kerkorian. The other donations were $ 50,000 from a foundation controlled by former defense secretary Donald Rumsfeld and $ 30,000 from Houston oil executive Patrick R. Rutherford.

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"Please send an acknowledgment to each individual as well as a receipt for their use in claiming deductions on their tax returns," said a letter to the group from Coe accompanying the checks.

In addition, an internal memorandum dated Oct. 17, 1996, refers to "the $ 500,000 Haley obtained from Philip Morris" for the institute. McDaniel said yesterday that the group received that amount from the tobacco company and that Barbour "could have" helped solicit it.

Barbour was traveling yesterday and unable to return telephone calls, said his aide, Ed Gillespie. Philip Morris did not respond to a request for comment on its involvement.

McDaniel said his group was "truly apolitical" and had asked for money from both parties. Asked why the RNC provided him with so much financial support, McDaniel said, "Maybe they think it helps them."

LANGUAGE: ENGLISH

LOAD-DATE: October 23, 1997

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The Inquirer SMTWTFS October 28, 1997

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National

GOP coordinated issues ads with Dole forces

Republicans have cited the same tactic as evidence that Clinton violated a campaign spending ceiling.

By Larry Margasak
ASSOCIATED PRESS

WASHINGTON -- With Bob Dole's campaign reaching federal spending limits last summer, campaign officials coordinated with the national GOP organization on running issue-based advertising that would not count against the ceiling, internal GOP memos show

The same tactics by the Clinton campaign triggered Republican accusations that the President was violating the spending ceiling by coordinating similar ads with the Democratic National Committee.

A political party may run ads that are exempt from the ceiling, provided they do not advocate anyone's election or defeat, but rather place issues before the public.

If a candidate coordinates the ads with his political party, that could indicate a plot to purposely evade the limits. However, the White House has said in Clinton's defense that coordination by itself is legal and even anticipated by the Federal Election Commission.

Former Republican National Chairman Haley Barbour set the stage for the GOP coordination in a March 5, 1996, memo, written even before Dole captured the Republican nomination.

Barbour wrote Republican leaders that the party nominee "is likely to be broke and to have reached the spending limit allowed by law. Assuming our nominee has reached the limit, he will not be able to air radio and TV spots or conduct much in the way of campaign activity until the convention in August."

Declaring that Clinton, who was far under the limit, should not have "a free shot," Barbour said the RNC and state party organizations "have a sizable . . . budget" for generic issue ads that would begin in April. Then, he added, "the party can coordinate our generic advertising with anybody" except for restrictions in doing so with independent groups.

On May 22, two Republican National Committee staffers wrote Barbour that

the party "could run into a real snag" with a generic, biographical ad on Dole.

"Certainly, all the quantitative and qualitative research strongly suggests that this spot needs to be run," but "making this spot pass the issue advocacy test may take some doing," the memo acknowledged.

Several weeks later, on June 5, Barbour wrote Republican staffers that he would discuss the budget for generic ads with Dole campaign manager Scott Reed.

"I will reach out to Scott Reed to ask him to consider whether the Dole campaign would want us to . . . reduce other spending, such as the issue advocacy television advertising by $800,000," Barbour wrote.

In midsummer, GOP consultant Don Sipple wrote both Barbour and Reed to coordinate strategy on television spots beginning in mid-July.

Dole will testify soon before the campaign-finance hearings of the Senate Governmental Affairs Committee, after volunteering to do so.

Sen. Arlen Specter (R., Pa.) has led the Republican charge against Clinton, contending that recently released videotapes show that Clinton coordinated and controlled Democratic National Committee issue-based advertising to avoid the spending limits.

The White House responded that the coordination was legal so long as the ads concentrated on issues without advocating Clinton's election or Dole's defeat.

Senate aides said yesterday that an Indonesian couple who donated $450,000 to the Democratic Party at the direction of fund-raiser John Huang obtained the money from overseas while Huang still held his government job.

Arief Wiriadinata and his wife, Soraya, told Senate investigators they had $500,000 wired to them from Indonesia in November 1995 to make donations because Huang told them such contributions would help their business ventures, aides said.

It is generally illegal for anyone who is not a legal U.S. resident to donate to federal election campaigns. Also, the Hatch Act prohibits federal employees from soliciting campaign contributions. Huang worked as a deputy assistant commerce secretary.

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Mr. BURTON. Before the distinguished ranking member and myself deliver our opening statements, the committee must first dispose of procedural issues, pursuant to an agreement reached last night with Mr. Ruff. I thank Mr. Ruff for coming up to our office on the Hill last night. I know it was a strain on you and your staff.

Mr. RUFF. Not at all, Mr. Chairman.

Mr. BURTON. Members are advised that they may not release copies of documents listed on the White House privilege log dated October 21, 1997. These documents, which relate to the Hudson Dog Track issues, do not implicate core Presidential powers or responsibilities. They do not implicate national defense, national security, or foreign policy concerns. They do not implicate the appointment or removal power of the President. In fact, they don't even implicate a decision the President would ever be called to make.

However, because these documents are still subject to Presidential claims of privilege, we have agreed to meet again in a collegial way to discuss the committee's future public use of these documents. Members may refer to the documents by noting the description on the privileged log and may discuss with the witnesses the documents generally. However, Members should not quote in large part from the documents or release them publicly at this time.

Furthermore, consistent with the unanimous consent agreement I am about to offer, Members may quote from depositions pertinent to today's hearings. However, the committee will not make them public today. They will only be made public after Mr. Ruff has had an opportunity to review the depositions. He needs a couple of days to notify the committee about any deposition testimony which may be subject to privilege. Staff will redact any material subject to privilege, and then the redacted depositions will be made public.

With that understanding, I ask unanimous consent that Members be able to use the depositions of Lanny Breuer, Michael Imbroscio, Cheryl Mills, Dimitri Nionakis, Jack Quinn, Steven Smith, Colonel Joseph Simmons and Alan Sullivan at today's hearing. Without objection, so ordered.

I ask unanimous consent that those depositions be made public after the Counsel to the President notifies the committee that the deposition material is not subject to privilege, or after the committee staff redacts material after Counsel to the President notifies the committee staff as to material subject to claims of privilege.

Without objection.

Mr. WAXMAN. Reserving the right to object.

Mr. BURTON. The gentleman reserves the right to object. The gentleman will state his reservation.

Mr. WAXMAN. You are asking unanimous consent that we make these depositions public after we have information from the White House as to what ought to be redacted because it is privileged. Is this decision up to the White House or is it up to our committee counsel to decide what will be withheld and redacted?

Mr. BURTON. I think last night we decided that there would be a conference between the White House and our committee staff, including the general counsel, Mr. Bennett, and that would be a decision that would be made jointly.

Mr. WAXMAN. Well, if I might inquire, then, what you are asking us to agree to by unanimous consent is an agreement you have made with the White House on this information; is that correct?

Mr. BURTON. I think that is correct.

Mr. WAXMAN. I withdraw my reservation.

Mr. SOUDER. Reserving the right to object.

Mr. BURTON. The gentleman will state his reservation.

Mr. SOUDER. I am willing to trust the chairman and the ranking member and the White House counsel in working through this at this point, but I am very concerned that one of the processes here is that we make as much public as possible, because that is part of the education of the general public in understanding. Because this is an oversight committee that hopefully will lead potentially to changes in both how the Government behaves directly and what laws need to be changed and part of that is minimizing the information that is not available to the public.

Mr. BURTON. The gentleman's point is well taken. Let me just say that the committee reserves the right to release these documents. But we felt, after consultation with Mr. Ruff last night, that they deserved an adequate amount of time to make their case regarding privilege, and if they could not make their case, then of course we would go ahead and make the documents public.

Mr. WAXMAN. Would the gentleman yield?

Mr. SOUDER. Yes.

Mr. WAXMAN. I appreciate your comment. I agree with it completely. That is why we sought to make all the depositions public that had been taken by this committee. And we were defeated on that on a party line vote. But I do think the public ought to get the depositions, be able to review them, because I don't think there is anything in all the 50 depositions that this committee has taken and that is the reason I submit, that the Republicans defeated our attempt to make it public.

But your statement was you think these depositions ought to be out, the public ought to be able to see them. I fully support that.

Mr. BURTON. Without objection, so ordered.

I ask unanimous consent that copies of the depositions listed in the Deputy Independent Counsel's November 5, 1997, letter, except the deposition of Gina Ratliff, be transmitted to the Office of Independent Counsel.

Mr. WAXMAN. Reserving the right to object.

Mr. BURTON. The gentleman will state it.

Mr. WAXMAN. I have no objection to releasing these documents to Ken Starr. If they are relevant in any way to his investigation, he should have them. But I want to remake the point I just stated for the record. I believe we should also be releasing these depositions to the public.

I would note for the record that the minority Members offered a motion to release these depositions at a recent committee meeting and we were voted down on a party line vote. The Republicans voted not to let the public have these depositions and to be able to review them and to see what was said in a secret, closed-door deposition of these witnesses.

So, let's give them to Ken Starr. That is your unanimous consent request, and I will not object to it. But I want to use this oppor-

tunity to point out that he is not the only one who should get these depositions. The American people should see how this committee has spent its money in depositions and what we have to show for it. I withdraw my reservation.

Mr. BURTON. Does the gentleman, Mr. Souder, have further comments?

Mr. SOUDER. No, I withdraw my objection.

Mr. BURTON. Without objection, so ordered. I ask unanimous consent that questioning in the matter under consideration proceed under 2(j)(2) of House Rule XI and Committee Rule 14 in which the chairman and ranking minority member allocate time to committee counsel as they deem appropriate for extended questioning, not to exceed 60 minutes equally divided between the majority and minority.

Mr. WAXMAN. We have no objection.

Mr. BURTON. Without objection, so ordered. I ask unanimous consent that the witnesses and Members' statements appear in the record in their entirety. Without objection.

I ask further unanimous consent that questioning in the matter under consideration proceed under clause 2(j)(2) of the House Rule XI and Committee Rule 14 in which the chairman and ranking minority member allocate time to members of the committee as they deem appropriate for extended questioning not to exceed 60 minutes equally divided. We have already covered that. Without objection, so ordered.

Mr. WAXMAN. Mr. Chairman? If we are making unanimous consent requests, let me suggest a way to expedite our hearing today. We have two panels and since they are all from the same area in the White House, I would suggest and make a unanimous consent request that we put them all together and then have questioning of all of them by the Members. And I have no problem if we go through several rounds so Members will have a full opportunity to ask all the questions they want to ask. But it seems to me pretty wasteful to have two separate panels and to go through the testimony in two separate groupings.

Mr. BURTON. The Chair would object to that because we have some reasons to have these two panels split. And so an objection is heard.

Without objection, the previous question is ordered. We have a vote on the floor, I have been notified, and we have opening statements. So before we begin the opening statements, we will recess once again. There probably will be numerous recesses today. There are some dilatory tactics that are going to be employed on the floor. So I would urge Members to get back as quickly as possible so that there would be some continuity in the hearing. The Chair recesses the hearing to the fall of the gavel.

[Recess.]

Mr. BURTON. The committee will reconvene.

Today, we are addressing how the White House has complied with subpoenas issued by this committee in the course of its investigation into fund-raising abuses and the funneling of foreign money into political campaigns. While the issue of the White House videotapes of fund-raising events being withheld for months brings us to this point today, it is part of a bigger picture of a consistent

pattern of lack of cooperation by the Clinton White House in any and all investigations.

This conduct by the White House is just one of the bricks in the stone wall put up to stop this and other investigations. Other bricks in the stone wall include the over 60 witnesses who have taken the fifth amendment or fled the country, including a number of close friends of the President such as Webb Hubbell, John Huang, Mark Middleton and Charlie Trie, and the remarkable lack of memory of so many of the key facts by those witnesses who are still available.

This situation with the White House videotapes is hardly unique. It is part of a 5-year history of stonewalling of any investigative body, the House, the Senate, any number of Independent Counsels and even the President's own Justice Department. While we are addressing this matter publicly today, I would note that the Justice Department has already called before the grand jury various members of the White House Counsel's Office and other White House staffers regarding this very serious matter. Despite what many of us may feel is a weak investigation by the Attorney General, even General Reno did not feel she should have to tolerate such defiance among those subpoenas. It was only due to 2 months of pointed requests and questions from the Senate, that these long-subpoenaed items finally were turned over.

Initially, the existence of videotapes of the White House coffees was denied by the White House after a month of alleged inquiry into the matter. It then took another month of pressing from the Senate to finally result in the White House's compliance with months-old subpoenas with which the White House Counsel had assured us the White House had complied.

The Washington Post has written a series of editorials on how the White House responds to subpoenas and inquiries in "dribs and drabs" and provides varying accounts of various events as new pieces of information are uncovered. The story is the same: Run the clock, attack those who attempt to investigate, change the subject, drag everything out long enough that most will lose interest or energy.

Those at the White House charged with the task of producing relevant records perhaps may not want to find out how many other shoes are yet to drop or where these other shoes are located. As columnist Michael Kelly has observed, "the White House is on a need-to-know basis about itself these days and what it does not need to know and does not want to hear about grows and grows."

Republicans in Congress are not the only ones who have been frustrated by the Clinton White House. As I already noted, the Attorney General has expressed her exasperation with White House's foot dragging on the videotapes.

Last Congress, we heard from one of the city's most respected senior Justice Department officials, Michael Shaheen, who testified before this committee during the Travelgate investigation that, quote, the lack of cooperation and candor, end quote, that he received from the Clinton White House was unprecedented in his 20-year Justice Department career in the Office of Personal Responsibility.

At issue in that case were withheld documents pertaining to the Travel Office inquiry. Mr. Shaheen stated that in 1995, quote, even a minimal level of cooperation by the White House, end quote, would have resulted in documents requested 2 years earlier being produced.

In that same investigation, we heard from the head of public integrity, Lee Radek that he too was faced with an uncooperative White House. After a year of attempting to obtain documents about Harry Thomason in the Travel Office inquiry, Mr. Radek wrote to Acting Criminal Division Chief Jack Keeney in September 1994 stating quote, At this point we are not confident that the White House has produced to us all documents in its possession relating to the Thomason allegations. The White House's incomplete production greatly concerns us because the integrity of our review is completely dependent upon our obtaining all relevant documents, end quote.

Even after the Justice Department issued a subpoena to the White House because of Mr. Radek's concerns, it was only after this committee subpoenaed documents from Harry Thomason that the White House and other documents which should have been produced years earlier finally came to light years after they were originally subpoenaed.

Other instances of this investigative stonewalling by the Clinton White House include White House billing records showing up in the White House private residence book room almost 3 years after they were first subpoenaed; Webb Hubbell, while he was essentially running the Justice Department, transferring Whitewater files to his basement at the same time the Justice Department was investigating this matter; a former bar bouncer at the White House, Craig Livingstone, inexplicably ending up with hundreds of FBI files on Reagan and Bush officials, and the White House calling it a bureaucratic snafu.

The FBI Director called it an inexcusable invasion of privacy. The White House withholding subpoenaed records regarding the investigation of the Hudson Casino project from the House and Senate until the information made its way into the press; the White House delivering just a week ago documents on the White House data base requested over a year ago by Chairman McIntosh.

If anyone wonders why we must continue this investigation, just consider the history of this White House. Would anyone be surprised, including our witnesses today, if documents central to our investigation are still somewhere in the book rooms at the White House or basement offices or misplaced files?

No doubt we will hear much about how many documents have been produced, but compliance with subpoenas is not measured by the pound. Quantity does not mean compliance.

It is not a mistake here or there that is troublesome. We all understand that mistakes will occur. It is the consistent patterns of behavior throughout five different White House Counsels that raise serious questions and concerns; questions and concerns which I earlier noted are shared by my colleagues in the Senate as well as the Attorney General, and rightfully so. The atmosphere that has been created at the White House is that compliance with congressional subpoenas is not treated seriously.

Sadly, this year it took a threat of contempt of the White House to produce many responsive records, and then the President attempted to claim executive privilege in May, something which Mr. Ruff told me the President didn't intend to do when we first met on February 6, 1997. At that time, Mr. Ruff pledged the President's full cooperation.

But this is a White House which has always had more staff operating on spin control than it has on document production. A White House which often hides the facts from its own people and its own lawyers. This is the White House which not only had a Johnny Chung giving $50,000 checks to the First Lady's Chief of Staff, but which saw Johnny Chung solicited by close friends of the First Lady to contribute $25,000 to the Back to Business Committee, a group set up by close friends of the President and First Lady to thwart any investigations and attack committee chairmen and Independent Counsels appointed by their own Justice Department.

This is a White House which gathered documents back in October 1996, about John Huang and others and held on to those documents and held its collective breath until Election Day. Trying to find out about how the DNC vice chairman, John Huang, raised money was attacked as quote, "partisan." Yet at least one candid White House staffer said a week before last year's Presidential election, quote, all they, [the DNC] are trying to do is push this back until after the election and then we'll watch it all blow up, end quote.

Let's take for example the White House coffees. Initially, the President said they were an opportunity for outreach to stay in touch with people. The White House overnights, all 938 of them were friends. "I did not have any strangers here," said the President. While it is hard to imagine that all 938 overnighters were friends or that the President really needed to reach out and touch a Chinese arms dealer or a Florida drug dealer, now that we have the videotapes we do, indeed, see that certain individual people central to this investigation who have now taken the fifth or fled the country were intimate friends of the President.

A picture paints 1,000 words. On one video we see the Trie team, which included Charlie Trie and the infamous Mr. Wu, the Macau gambling honcho, who provided Trie with over $1 million in wire transfers from overseas. It sends a message, the President was told when he posed with Mr. Trie, Mr. Wu, and various of their business associates. It sends a message, indeed. What message is sent by a President who made time for these shady characters, but leaves human rights activists and friend of many of us, Harry Wu, like an unwanted orphan? It sends a message, indeed. Why is the President meeting with Mr. Wu, instead of the humanitarian Harry Wu?

If anyone wants to know why we need to complete this investigation, they also should roll the videotapes of Jiang Zemin being feted at the White House just a few days ago. Representative Nancy Pelosi said last week, quote, "As the Clinton administration gives a 21-gun salute to President Jiang Zemin today, which the Chinese Government insisted upon that President Clinton and all those assembled remember the shots fired in Tiananmen Square." The President's National Security Advisor, Sandy Berger, said last

week that the Chinese Government has denied any plan to funnel money into our political system. Let's remember they also denied killing anyone at Tiananmen Square.

Does anyone really believe that we learned all there is to learn in these matters? There is much work left to do. The stonewall erected by the White House and the President's operatives must be taken down brick by brick. "James Riady sent me," whispered the Riady intermediary, Arief Wiriadinata, in a September coffee 1995. Mr. Wiriadinata provided $450,000 to the DNC, the legality of which was questioned over a year ago.

Consider if the James-Riady-sent-me tape was public in October 1996 instead of October 1997. Would we have accepted the DNC's assurances that there was nothing to an Indonesian gardener of moderate income contributing close to half a million dollars to the DNC? The James-Riady-sent-me greeting brought an approving nod from the President. Now we have learned that Mr. Wiriadinata's lawyers are telling him to stay out of the country along with over 60 others who have taken the fifth amendment or fled the country. Mr. Wiriadinata is just another brick in the White House stonewall.

These videotapes are a treasure trove of information on the way this President worked for campaign cash. We now are able to see how those who have taken the fifth and fled the country in order to obstruct this investigation were intimately engaged with the President who knew them on a first name basis. A Presidential hug for Johnny Chung, a "Hi Pauline" for Pauline Kanchanalak, the woman who has fled the country and left a multitude of questions about her quarter-of-a-million-dollar DNC contributions. Questions, regrettably, which apparently create no curiosity on the part of the President, the White House, or many in Congress. Who are these people and what were they doing at the White House?

I would like to add one other thing that just came to my mind. I sent two letters to the President of the United States regarding Charlie Trie, asking him to talk to the Chinese Government and in particular, the Chinese President about bringing Mr. Trie back before this committee so we could talk to him and ask him questions. To my knowledge, and to the media's knowledge, that question was never asked of the Chinese President. And I would like to know why the President didn't ask him that if he really wants to get to the bottom of this investigation. Could it be because Charlie Trie has answers we want and cannot get as long as he is in China? That is something I am very concerned about and I think other members of the committee are concerned about as well.

These pictures clearly provide a clear picture of what we are investigating and the withholding of such information is inexcusable as the ranking member of this committee, Mr. Waxman, has acknowledged. They were clearly responsive to our subpoena of March 4, 1997. There is no contention about this. The President's counsel has admitted the videotapes should have been turned over.

As we go forward in our investigation, the FBI assigns more agents every day and additional Cabinet members are under investigation by a slow-moving Justice Department. Some would suggest we should stop investigating, but the role of oversight is to inform

the American public of important information which may affect American policy. There is much left here yet to uncover.

The fact that an unprecedented number of witnesses have either pled the fifth amendment or fled the country cannot and will not deter us even if it will make our task more lengthy and difficult. The White House shouldn't be assisting in this stonewalling effort. Rather the President should demand that the public servants who serve him make every effort to get at the truth.

With that I yield to my colleague Mr. Waxman for his opening statement.

[The prepared statement of Hon. Dan Burton follows:]

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Statement of Chairman Dan Burton
House Government Reform and Oversight Committee
November 6, 1997

SUBPOENA COMPLIANCE BY THE WHITE HOUSE
"Running the Clock...."

Good morning. Today we are addressing how the White House has complied with the subpoenas issued by this Committee in the course of its investigation into fundraising abuses and the funneling of foreign money into political campaigns. While the issue of the White House videotapes of fundraising events being withheld for months brings us to this point today, it is part of a bigger picture of a consistent pattern of lack of cooperation by the Clinton White House in any and all investigations. This conduct by the White House is just one of the bricks in the stonewall put up to stop this and other investigations.

Other bricks in the stonewall include the over sixty witnesses who have taken the Fifth amendment or fled the country -- including a number of close friends of the President such as Webster Hubbell, John Huang, Mark Middleton, and Charlie Trie -- and the remarkable lack of memory of so many key facts by those who are still available.

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the Justice Department has already called before the grand jury various members of the White House Counsel's office and other White House staffers regarding this very serious matter. Despite what many of us may feel is a weak investigation by the Attorney General, even General Reno did not feel she should have to tolerate such defiance of month old subpoenas.

It was only due to two months of pointed requests and questions from the Senate that these long subpoenaed items were finally turned over to the Committee. Initially, the existence of videotapes of the White House coffees was denied by the White House after a month of alleged "inquiry" into the matter. It then took another month of pressing from the Senate to finally result in the White House's compliance with months old subpoenas which the White House Counsel had assured us the White House complied.

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As columnist Michael Kelly has observed, "The White House is on a need to know basis about itself these days. And what it does not need to know, and does not want to hear about, grows and grows."

Republicans in Congress are not the only ones who have been frustrated by the Clinton White House. As I already noted, the Attorney General has expressed her exasperation with White House footdragging on the videotapes. Last Congress we heard from one of the government's most respected senior Justice Department official, Michael Shaheen, who testified before this Committee during the Travelgate investigation that the "lack of cooperation and candor" that he received from the Clinton White House was unprecedented in his 20 year Justice Department career in the Office of Professional Responsibility. At issue in that case were withheld documents pertaining to the Travel Office inquiry. Mr. Shaheen stated in 1995 that "even a minimum level of cooperation by the White

House" would have resulted in documents requested TWO years earlier being produced.

In that same investigation we heard from the head of Public Integrity, Lee Radek, that he, too, was faced with an uncooperative White House. After a year of attempting to obtain documents about Harry Thomason in the Travel Office inquiry, Mr. Radek wrote to Acting Criminal Division Chief Jack Keeney in September 1994 stating:

> "At this point we are not confident that the White House has produced to us all documents in its possession relating to the Thomason allegations...the White House's incomplete production greatly concerns us because the integrity of our review is entirely dependent upon securing all relevant documents."

Even after the Justice Department issued a subpoena to the White House because of Mr. Radek's concerns, it was only after this Committee subpoenaed documents from Harry Thomason, the White House and others, that documents which should have been provided years earlier finally came to light -- YEARS after they were originally subpoenaed.

Other instances of this unprecedented stonewalling of investigations by the Clinton White House include:

* Whitewater billing records showing up in the White House private residence bookroom almost three years after they were first subpoenaed.
* Webster Hubbell, while he was essentially running the Justice Department, transferring Whitewater files to his basement at the same time the Justice Department was investigating this matter;
* A former bar bouncer hired by the White House, Craig Livingstone, inexplicably ending up with hundreds of FBI files on Reagan and Bush officials and the White House calling it a "bureaucratic snafu."
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If anyone wants to know why we need to complete this investigation they also should roll the videotapes of Jiang Zemin being fetted at the White House just days ago. Rep. Nancy Pelosi noted last week, "As the Clinton administration gives the 21 gun salute to President Jiang Zemin today, which the Chinese Government insisted upon, that President Clinton and all those assembled remember the shots fired in Tiananmen Square." The President's National Security Adviser Sandy Berger said last week that the Chinese government has denied any plan to funnel money into the political system. Let's remember they also denied killing anyone at Tiananmen Square. Does anyone really believe we have learned all there is to learn in these matters? There is much work left to do. The stonewall erected by the White House and the President's operatives must be taken down brick by brick.

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Would we have accepted the DNC's assurances that there was nothing to an Indonesian gardener contributing close to half a million dollars to the DNC? The "James Riady sent me," greeting brought an approving nod from the President. Now we have learned that Mr. Wiriadinata's lawyers are telling him to stay out of the country. Along with over 60 others who have taken the Fifth or fled the country, Mr. Wiriadinata is just another brick in the White House stonewall.

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These pictures provide a clearer picture of what we are investigating and the withholding of such information is inexcusable as the ranking member of this Committee, Mr. Waxman has acknowledged. They were clearly responsive to our subpoena of March 4, 1997. There is no contention about this. The President's Counsel has admitted the videotapes should have been turned over.

As we go forward in our investigation, the FBI assigns more agents every day and additional Cabinet members are under investigation by a slow moving Justice Department. Some would suggest we should stop investigating, but the role of oversight is to inform the American public of important information which may affect American policy. There is much left here yet to uncover. The fact that an unprecedented number of witnesses have either pled the Fifth or fled the country cannot and will not deter us even if it will make our task more lengthy and difficult. The White House should not be assisting in this stonewalling effort; rather the President should demand that the public servants who serve him make every effort to get at the truth.

Mr. WAXMAN. Thank you, Mr. Chairman. Since our committee last met, Senator Thompson announced that he was bringing his hearings to a close. He held 32 hearings this year, but concluded he wasn't going to hold more hearings just for the sake of holding hearings.

I completely agree with Senator Thompson's assessment that his hearings showed the need for real campaign finance reform. Our system is broken and desperately needs fixing. In New York's special congressional election, for instance, just 2 days ago, more than $1 million in soft money was pumped into a single congressional race. That was inconceivable just 8 years ago.

This morning's Washington Post has an article, "Fund-Raising Flourishes in the House." In the first 6 months of 1997, incumbent Members of the House of Representatives raised $52.9 million, up $7.4 million from the comparable period 2 years ago, according to a new report by the Federal Elections Commission. And they pointed out Members who raised a lot of money recently and they pointed out a lot of Members who were holding on to war chests.

In terms of people who raised a lot of money, they talked about Newt Gingrich as of June 30th raising a million eight, and Richard Gephardt, the Democratic leader, a million four; Joe Kennedy, $1 million, and others over hundreds of thousands of dollars.

They pointed out that some of our colleagues have stored away money. David Dreier, $2.7—over $2.7 million he is holding on to. Joe Kennedy has a million eight. Dick Gephardt a million one. Our chairman, $995,000.

We need to change this system. People are out grubbing for money and that is what we have seen in the Congress and that is what we have seen from the Presidential campaigns as well.

That is only one of the reasons that nearly every Democrat on this committee and Representative Sanders has signed on to the discharge petition that would force a vote just simply a vote on the House floor on campaign finance legislation. And I also want to mention that one Member of the majority, Congressman Shays, has also signed that petition, and nearly every minority Member supports passing a bill that would ban soft money. The fact that we have soft money that can be thrown into these campaigns, Presidential and congressional, has meant that we have seen extraordinary, extraordinary lengths to which people have gone to raise more and more money.

At the same time, many of us are wondering why we are having this hearing today since Senator Thompson covered the same ground with the same witnesses last week. It might be a better use of our time to focus on other issues like the Triad Management's role in the 1996 election. And I very much doubt when we hear that our majority is looking at Republican campaign finance abuses that they are looking into that. One should. Or the Empire Landfill's conduit contribution scheme. These were ignored by the Senate. They shouldn't be ignored by our committee.

The continual duplication of the Senate's work suggests that the real objective may not be the truth, but to drive the Democratic party further into debt. There are two points I want to make about today's hearing. First, the White House has an absolute obligation to provide Congress with information pursuant to legitimate infor-

mation requests. No one on this committee, Republican or Democrat, will tolerate frivolous privilege claims or any attempt to hide important information from Congress.

Over the past year, there have been a series of editorials in the Washington Post titled "Dribs and Drabs" and I noticed, Mr. Chairman, you used the term, dribs and drabs. The point of the series, which I think many Members agree with, is that the White House has sometimes failed to provide needed or accurate information to the public. At some point, it matters less why that happens, than the fact that it undermines credibility.

In many instances, it is a failure to provide information when first requested, and not even the substance of the information, that is damaging. For this reason, my personal view is that careless mistakes, not malicious intent, is the likely explanation. Based on the evidence I have seen, there is no indication that Charles Ruff or his staff have intentionally misled the Congress.

It is also essential that we put the White House's action in context. The White House has received over 1,100 requests for information from the House and the Senate, the Independent Counsel and the Justice Department. They have spent millions of dollars complying with these requests and have worked with a small staff under tight deadlines. In a process like this, mistakes and omissions are possible.

As important as it is for the White House to cooperate with us, we must be reasonable in our requests and careful in the accusations we make. In October, for instance, Mr. Chairman, you appeared on Face the Nation and leveled a serious charge at the Clinton administration. You said that, quote, "We think that some of those tapes may have been cutoff intentionally. They have been altered in some way."

Now, this very serious accusation was the lead story on the evening news and was in the next day, and it was even sent out in a prominent Washington Post headline: "Tapes May Have Been Altered, Representative Burton Says."

There is only one problem. It is apparently not true. I know of no evidence that substantiates your charge. In fact, several witnesses who testified in the Senate, including Chief Petty Officer Charles McGrath and Colonel Charles Campbell, swore under oath that the videos have not been altered.

The depositions that we are releasing today, or at least we are going to release after some of the privileged information is redacted, will provide further evidence that there was no tampering. And I understand that Paul Ginsberg, a video expert hired by Senator Thompson has also concluded that there was no tampering.

Mr. Chairman, if you have some evidence on this matter, I hope you will share it with the committee this morning. If not, I would ask that you correct the record so that reputations are not needlessly impugned.

Furthermore, I found your opening statement really curious, because you attacked the President for entertaining some of these contributors at the White House. At the same time you attacked the President for receiving the President of China, as if there is some conspiracy that the President of China coming to the White House had something to do with these other characters.

I just don't see it. And I have to say that you and I have not disagreed on policies that we voted on in the House when it has come to China because both of us voted against most favored nation status to China and strongly spoken out against human rights abuses in China. Speaker Gingrich received the President of China. Senator Lott received the President of China. The President of the United States received him as well.

I think we have to be careful. I think the White House has to be careful to be sure to comply with the requests for information or they are going to lose their credibility. And that is something they should take seriously. But I think we as Members of Congress have to be careful when accusations are made if there is no substantiating evidence for it. Let us conduct an investigation to get the facts, to get to the truth, and not make statements for which there are no facts to substantiate them.

I look forward to any new information that last week's hearing might have overlooked when these same witnesses appeared in the Senate. I yield back the balance of my time.

Mr. BURTON. Thank you, Mr. Waxman. We would like to ask other Members to submit their statements for the record so we can get to our witnesses as quickly as possible.

And with that, Mr. Ruff, Ms. Mills, would you raise your right hands, please?

[Witnesses sworn.]

Mr. BURTON. Thank you. Mr. Bennett.

Mr. BENNETT. Mr. Chairman, I believe Mr. Ruff has an opening statement.

Mr. BURTON. Pardon me, I agree. Mr. Ruff, you are recognized for an opening statement. If you could keep it to 5 minutes we would appreciate it.

STATEMENT OF CHARLES F.C. RUFF, COUNSEL TO THE PRESIDENT

Mr. RUFF. Mr. Chairman, I will do my best to abide by that constraint. I submitted my opening statement 2 days ago. And I will read it into the record, but I want to begin with one very brief, very pointed response, Mr. Chairman, to your opening.

There is not in my office, there never has been, and there never will be defiance, stonewalling, obstruction, or any other inappropriate conduct. My orders from the President of the United States are to cooperate with this committee's legitimate demands. We do so. And that is all we do.

Now, my colleagues and I are here to respond to the committee's questions today concerning compliance with your document request and subpoenas. When we have answered those questions, I am confident that the committee will conclude that our efforts have been diligent and our compliance with the committee's demands exemplary.

It is inevitable in any adversarial setting that there will be disagreements about process and substance. Mr. Chairman, you and I have disagreed on occasion. You have been candid in letting me know about your concerns, and I trust that you have found my responses equally candid.

Our staffs, too, have had disagreements, most of which have been resolved just as they should be, by ongoing discussion. When we have found some requests to be overbroad, your staff has often been willing to narrow them. When demands have strained our resources, we have been able to prioritize your requests. When concerns over privilege have arisen, we have been able to establish a process that ensures committee access to all relevant documents.

And I will pause here for a moment to reiterate what I said earlier, Mr. Chairman. I appreciate your taking the time to meet with me last night to resolve what I think was really a procedural question about how these issues ought to be addressed. It was symptomatic, I think, of the relationship we have developed in which we are honest with each other about our concerns and we try to find solutions to them.

When the committee has made special requests for expedited production we have done our best to respond. At every stage, we have worked to give the committee the information it needs.

Where we have erred, we have been forthright in admitting it, and we have done our best to correct mistakes as quickly as possible. But I submit that, considering the extraordinary number and breadth of the demands placed on us by this committee and other investigative body, those mistakes have been few.

On that point, let me address one of the principal issues that has brought us here today, the recent discovery and production of the videotapes. The charges of impropriety surrounding that discovery, although readily disposed of, are symptomatic of a tendency of some, I would submit, to reach hasty and ill-considered conclusions.

We do not dispute that the videotapes were responsive to the committee's subpoenas and should have been found and produced some months ago. But the record developed over the past month makes it clear beyond any doubt, that the reason they were not found was simple and innocuous. One page of my directive, faxed from the White House Military Office to the White House Communications Agency was misplaced. WHCA personnel have testified that if they had received that page, they would have searched their computer looking for tapes of the coffees. There was no conspiracy. There was no effort to obstruct justice. There was no stonewalling. There was only a mistake of the most mechanical, routine and innocent variety.

Thus, the suggestion that the videotapes were concealed or their production delayed for some ulterior purpose is absolutely baseless. Nor is there any basis whatsoever for the claim that the tapes were altered before they were produced. The WHCA professionals, career military personnel, have testified that they retrieved the original tapes from the archives and copied them. Nothing else.

I began with the issue of the videotapes because, just as the charges that have been levied concerning their discovery are baseless, so is the more general allegation that the White House has been deliberately slow in responding to subpoenas or has somehow been concealing relevant documents. Those who make such accusations need to understand two things.

First, to withhold, for tactical or political purposes, documents responsive to this committee's legitimate demands would be incon-

sistent with our professional responsibility, a responsibility that all the lawyers in my office take very seriously.

Second, to search for documents in the White House is an enormous task. There are some 2,000 employees in some 40 different units within the Executive Office of the President. No matter how focused a search request may be, and most are far from that, it may require us to contact every 1 of those 2,000 people, examine every one of their files, search the central records storage system as well.

Faced with deadlines from this committee and others that any dispassionate observer would find extraordinarily short, my lawyers have worked 100-hour weeks to meet the committee's demands in a manner that deserves, I submit, not criticism, but praise. When we receive a subpoena, a letter, or merely a phone call, we respond as rapidly as possible.

When a subpoena is broad-ranging or numerous requests have been received from various investigative bodies, we issue a directive to all personnel of the Executive Office asking them to search their files. Lawyers in our office are available to answer questions or assist in the search. In addition, my lawyers visit the individual offices that are most likely to contain responsive files and work with the Office of Records Management to guide their search for archived documents.

In response to more limited requests, we conduct targeted searches or send special directives to those persons who are most likely to have responsive millionaires and for WAVES records, phone logs and e-mails we search through mounds of paper ourselves, often in response to some emergency request.

No process, however careful, can ensure error-free compliance, particularly given the demands and deadlines we have faced. Indeed, any lawyer who has been involved in large-scale document production, even in routine civil litigation will understand that mistakes sometimes larger, sometimes smaller are inevitable.

We can, however, take all reasonable steps to minimize the chances of error and to that end, we have continued to search to make sure that we have found every responsive document. When we find such a document, we produce it. That is the responsible and professional course that any lawyer would follow.

It is a course, Mr. Chairman, that is consistent with my mandate from the President to respond forthrightly to this committee's legitimate demands. No one has ever so much as hinted that we do anything less, and neither the President nor I would accept anything less. With that, Mr. Chairman we are happy to respond to the committee's questions.

[The prepared statement of Mr. Ruff follows:]

Mr. Chairman, Congressman Waxman, and Members of the Committee:

My colleagues and I are here today to respond to your questions concerning compliance with the Committee's document requests and subpoenas. When we have answered those questions, I am confident that the Committee will conclude that our efforts have been diligent and our compliance with its demands exemplary.

It is inevitable, in any adversarial setting, that there will be disagreements about process and substance. Mr. Chairman, you and I have disagreed on occasion. You have been candid in letting me know about your concerns, and I trust that you have found my responses equally candid. Our staffs too have had disagreements, most of which have been resolved as they should be -- by ongoing discussion. When we have found some requests to be overbroad, your staff has often been willing to narrow them. When demands have strained our resources, we have been able to prioritize your requests. When concerns over privilege have arisen, we have been able to establish a process that ensures Committee access to all relevant documents. When the Committee has made special requests for expedited production, we have done our best to respond. At every stage, we have worked to give the Committee the information it needs.

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professional responsibility -- a responsibility that the lawyers in my office take very seriously. Second, to search for documents in the White House is an enormous task. There are some 2000 employees in some 40 different units within the Executive Office of the President. No matter how focused a search request may be (and most are far from that), it may require us to contact every one of those 2000 people, examine every one of their files, and search the central records storage system as well.

Faced with deadlines from this Committee and others that any dispassionate observer would find extraordinarily short, my lawyers have worked 100-hour weeks to meet the Committee's demands in a manner that deserves, I submit, not criticism but praise. When we receive a subpoena, a letter, or merely a telephone call, we respond as rapidly as possible. When a subpoena is broad-ranging or numerous requests have been received from various investigative bodies, we issue a directive to all personnel of the Executive Office of the President, asking them to search their files. Lawyers in our Office are available to answer questions or assist in the search. In addition, my lawyers visit the individual offices that are most likely to contain responsive files and work with the Office of Records Management to guide their search for archived documents. In response to more limited requests, we conduct targeted searches or send special directives to those persons who are most likely to have responsive materials. And, for WAVES records, phone logs, and e-mails, we search through mounds of paper ourselves -- often in response to some emergency request.

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involved in large-scale document production, even in routine civil litigation, will understand that mistakes -- sometimes larger, sometimes smaller -- are inevitable. We can, however, take all reasonable steps to minimize the chances of error, and to that end we have continued to search to make sure that we have found every responsive document. When we find such a document, we produce it. That is the responsible and professional course that any lawyer would follow.

It is a course, Mr. Chairman, that is consistent with my mandate from the President to respond forthrightly to this Committee's legitimate demands. No one has ever so much as hinted that we do anything less, and neither the President nor I would accept anything less.

Mr. BURTON. Thank you, Mr. Ruff.

Ms. Mills, do you have an opening statement.

Ms. MILLS. I do not.

Mr. BURTON. Thank you.

Mr. Bennett.

Mr. BENNETT. Thank you, Mr. Chairman. Mr. Ruff, Ms. Mills. Good morning. Almost good afternoon. I thank you for your patience. Mr. Ruff, I, too, want to thank you for your visit up here last night. I enjoyed our meeting.

Let me first, for the record, note Ms. Mills, you are accompanied here by your attorney, Mr. Neil Eggleston; is that correct?

Ms. MILLS. That is correct.

Mr. BENNETT. Mr. Eggleston, if you want to be seated next to your client at the table, you are welcomed to do so, sir. If at any time you want to stop my questions, please so advise.

Mr. Ruff, you did not arrive as Chief Counsel to the President until late January or early February of this year; is that correct?

Mr. RUFF. February 10th was my first day, Mr. Bennett.

Mr. BENNETT. Had you previously served in any capacity in the White House at previous administrations?

Mr. RUFF. No, I had not.

Mr. BENNETT. What was the general status of varying investigative matters upon your arrival?

Mr. RUFF. I think it's fair to say that they rested in various stages. Some matters were left over from the previous Congress and actions were being taken to respond to a variety of requests that had been lodged over the preceding months. Others were just gearing up.

For example, we were aware that the Thompson committee was about to begin, but hadn't yet begun its work. Similarly, the work of this committee was just beginning, and, indeed, I think maybe even before I arrived in my office I had my first meeting with the chairman.

Mr. BENNETT. And that would have been, I believe, February 6th of this year; is that correct?

Mr. RUFF. I believe that's correct.

Mr. BENNETT. So essentially there were matters having to do with the Senate, the House, the Department of Justice and Independent Counsel as you arrived on the scene; is that correct?

Mr. RUFF. That is true.

Mr. BENNETT. You will note that there were in fact earlier directives from your predecessor, Mr. Jack Quinn, concerning information sought by these investigative bodies and I believe if we can put up on the screen certain directives which had been previously sent by Mr. Quinn. Exhibit 135, a directive, I believe, in October 1996; exhibit 136, a directive of December 16, 1996; and exhibit 137, I believe it was a directive of January 9, 1997.

Did you have occasion to review those directives from your predecessor when you arrived, Mr. Ruff?

Mr. RUFF. In the days and weeks following my arrival, I reviewed these directives as part of my ongoing effort to try to catch up with the state of affairs and begin to address how we would go about making production.

[Exhibits 135, 136, and 137 follow:]

THE WHITE HOUSE

WASHINGTON

October 31, 1996

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE, THE OFFICE OF ADMINISTRATION, THE OFFICE OF MANAGEMENT AND BUDGET, AND ALL OTHER UNITS OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: DOCUMENTS RELATING TO THE LIPPO GROUP, INDONESIA AND OTHER MATTERS

The White House (including the NSC and all other EOP components) has received a congressional request for production of documents relating to the Lippo Group, Indonesia and other matters. The precise document requested is attached, if you have any questions concerning the interpretation of the request, contact Kathy Wallman (x6-6611) or Alan Kreczko (x6-9111).

Please conduct a thorough search of your files and provide copies of responsive documents to William Leary (NSC) in Room 392 of the OEOB, no later than 5:00 p.m. on Tuesday, November 12, 1996. For purposes of this request, documents include, but are not limited to, drafts and final copies of correspondence, memoranda, reports, notes, records of conversation, calendars, telephone records, electronic mail, and any other material in the possession of the White House, either on paper or in computer files.

Attachment: Document Request

Jack Quinn

EXHIBIT
135

1. Any telegraphic or electronic mail messages in the possession of the NSC, whether "in the system" or "not for the system" relating to the Lippo Group, the Hong Kong Chinese Bank, and any of their known affiliates (or entities which have participated with it in joint ventures or financing deals); Mr. Mochtar Riady, Mr. James Riady, Mr. Stephen Riady, Mr. John Huang, or Ms. Melinda Yee.

2. Any other material in the files of the NSC on the individuals and entities spelled out in the preceding paragraph.

3. Any telegraphic messages, electronic mail messages, or written materials relevant to the following aspects of US-Indonesian relations:

   a. Any material relating to the President's announcement in May, 1993, that he was going to meet with the Indonesian President in Tokyo and relative to discussions about whether the Indonesian President would be received by the entire G-7 or otherwise.
   b. Indonesia's GSP status.
   c. Indonesia's IMET program.
   d. Development aid levels and programs for Indonesia.
   e. The US view of Indonesia's behavior on the protection of intellectual property.
   f. The situation in East Timor.
   g. The F-16 sale to Indonesia.
   h. The F-5 sale/exchange relating to Indonesia.
   i. The President's trip to the APEC meeting in Indonesia in 1994.
   j. The Indonesia trade mission of 1994 and the participation of any U.S. government official.
   k. The President's meeting with Minister Habibie.
   l. Any meeting between the President or any other officer of the United States government with any of the

EXHIBIT
135-2

THE WHITE HOUSE

WASHINGTON

December 16, 1996

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

We have received document requests from certain congressional committees and the Department of Justice. Accordingly, please conduct a thorough and complete search of ALL of your records (from January 20, 1993 - present) -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichattkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

EXHIBIT
136-1

Please include any documents refering or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

We recognize that this request is, in some respects, duplicative of a prior document requests. To ensure a complete response, however, please provide all responsive documents -- even those you may have previously provided.

All document must be provided by NOON ON MONDAY, DECEMBER 23, 1996 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Wendy White (6-7361).

THE WHITE HOUSE

WASHINGTON

January 9, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN, COUNSEL TO THE PRESIDENT

SUBJECT: Follow-up to December 16, 1996 Document Request

On December 16, 1996, we asked you to search for materials in response to requests we received from certain congressional committees and the Department of Justice. As a follow-up to this request, please conduct a thorough and complete search of **ALL** of your records that were created or received between **DECEMBER 23, 1996 - JANUARY 9, 1997** -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichantkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

Please include any documents referring or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

EXHIBIT
137-1

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

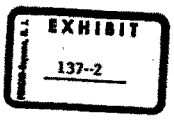
Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Please remember that you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests. In addition, please provide your documents in the manner in which they are maintained in your files.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

All document must be provided by NOON ON THURSDAY, JANUARY 16, 1997 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Karen Popp (6-7901).



Mr. BENNETT. I note with respect to the first directive, exhibit 135, looking at the second page, that that directive included the particular attached request for information or subpoena. I think it's on the television screen in front of you, sir, if you want to take a minute to look at it on the document.

Mr. RUFF. Unhappily, sir, the screen is only modestly legible. Yes, I see it.

Mr. BENNETT. That directive, in fact, Mr. Quinn just also attached the particular request for information which had come from the investigative body; isn't that correct?

Mr. RUFF. Yes, that appears to be the case.

Mr. BENNETT. Ms. Mills, you, in fact, worked with Mr. Quinn prior to working with Mr. Ruff; is that correct?

Ms. MILLS. That is correct.

Mr. BENNETT. And what is your present title?

Ms. MILLS. Deputy Counsel to the President.

Mr. BENNETT. You are essentially the No. 2 lawyer in the office; is that right?

Ms. MILLS. There are two deputy counsels; myself and Mr. Bruce Lindsey.

Mr. BENNETT. So essentially only Mr. Ruff outranks you in the Office of White House Counsel; is that correct?

Mr. RUFF. I don't like to think of it that way, Mr. Bennett.

Mr. BENNETT. I won't ask you if you outrank Mr. Ruff. Let me rephrase my question.

You had, in fact, been employed in the first term of the Clinton administration in the Office of White House Counsel?

Ms. MILLS. Yes.

Mr. BENNETT. And you, in fact, assisted Mr. Quinn in the preparation of these directives that we just placed up on the screen; isn't that correct?

Ms. MILLS. No, it's not. I think, as you know from my deposition testimony, this first directive I was not involved in. The second directive I was.

Mr. BENNETT. I'm sorry, Ms. Mills, I did not take your deposition. I apologize for that error.

Ms. MILLS. I'm sorry; I thought you had my transcript.

Mr. BENNETT. I looked at part of it. Then you assisted in the second directive; is that correct?

Ms. MILLS. Right.

Mr. BENNETT. And how about the third directive? Did you assist in the preparation of that directive?

Ms. MILLS. Yes.

Mr. BENNETT. So then I misstated as to the first of the three, but then directives two and three in December and January you prepared those?

Ms. MILLS. That's exactly correct.

Mr. BENNETT. And whose decision was it to attach copies of the actual request, whether it was a request for documents or a subpoena? Did you make a decision to attach the particular request with these directives from Mr. Quinn?

Ms. MILLS. I think you are speaking about the first directive, and I was not involved in the first directive. The second two directives actually were with respect to requests that we had received and we

went about ensuring that we put all the information from the particular requests in there in a form that would be understandable to our staff.

Mr. BENNETT. Ms. Mills, was it Mr. Quinn's policy to generally seek to attach the particular document request or subpoena to a directive?

Ms. MILLS. No.

Mr. BENNETT. And directing your attention to the group of lawyers who arrived—in fact, you and Mr. Lindsey were the only two holdovers from the first term; isn't that correct?

Ms. MILLS. That's incorrect. In fact, at that time there were several other members of the Counsel's Office who were still there, but they have since departed.

Mr. BENNETT. Well, let me ask you this. Is it safe to say that by February or March of this year that essentially there had been a complete turnover with the exception of you and Mr. Lindsey?

Ms. MILLS. I think by June, that would be an accurate statement.

Mr. BENNETT. And by mid-January of this year, just prior to Mr. Ruff's arrival, there were a considerable number of documents which had already been compiled; isn't that right?

Ms. MILLS. We were beginning the collection with respect to the December 16th and January 9th. At that point, we had compiled documents. We had not completed, obviously, compiling all of the materials nor had we began all the production related to those materials, as I think you might know.

Mr. BENNETT. In fact, in late January, early February, right around the time of Mr. Ruff's arrival, a significant number of documents were turned over to the Department of Justice under your supervision; isn't that correct?

Ms. MILLS. I believe somewhere on the order of 3,000 pages had been turned over at that point.

Mr. BENNETT. And in terms of your efforts for document compliance in searching for information, you had actually gone through a number of documents yourself with respect to Mr. John Huang; isn't that correct?

Ms. MILLS. Yes.

Mr. BENNETT. In fact, you sent an aide down to the photo office to see if you could find photographs of Mr. Huang or the Riadys at some point in time.

Ms. MILLS. With respect to the WAVES request, when we were getting press requests from a number of individuals, we made an attempt to go through and identify all the different WAVES records for Mr. Huang. I believe we had a request from the committee for that information as well. And so in the course of trying to establish which was the correct John Huang, which was an individual who was also named John Huang, but not the same John Huang, that is how we went about trying to discern the appropriate visitor and determining whether or not Mr. Huang was or was not the correct John Huang.

Mr. BENNETT. And during that process, did you, in fact, deal with the White House Communications Agency, better known as WHCA?

Ms. MILLS. I dealt with the photo office. I did not deal with the audio visual section of the WHCA, as I think you probably are aware. I was not familiar with their practices with regard to videotaping.

Mr. BENNETT. Directing your attention to January 15th of this year, prior to Mr. Ruff's arrival, there was, in fact, a letter sent by Chairman Burton of this committee, I believe it is exhibit 138 that is on the screen now, with respect to the matter of compliance with document requests of this committee. Did you discuss this matter with Mr. Ruff when he arrived?

[Exhibit 138 follows:]

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

January 15, 1997

Mr. Charles F.C. Ruff
Mr. John M. Quinn
White House Counsel
The White House
Washington, D.C. 20500

Dear Messrs. Ruff and Quinn:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials or misuse of agency resources and any related matters arising out of these areas.

It has come to my attention that Mr. Quinn distributed two memos instructing all White House staff to collect and submit documents to the Counsel's Office, many of which are relevant to the Committee's inquiry as defined above. I am encouraged by this action, as a prompt response by the White House will allow this investigation to proceed in an orderly fashion. As we begin this process I trust we can work together, in a cooperative manner, to complete this essential review.

To prevent conflicts or the appearance of conflicts, it is essential that none of the individuals who were involved in dealing with Mr. Huang, Mr. Trie or any of these DNC fundraising matters be involved with the collection of documents or response to Congressional requests. In this regard, it has been confirmed by the White House that Deputy Counsels Bruce Lindsey and Cheryl Mills attended a May 9, 1996 meeting regarding questionable funds raised by Mr. Trie for the Presidential Legal Expense Trust. In addition, Special Counsel Jane Sherburne reported that Mr. Lindsey relayed misleading information about the President's meetings with the Riady family. I understand that Ms. Mills currently is in charge of document production on this matter. Given this information and what I am sure is your interest in avoiding any conflicts as we begin reviewing these matters, I trust that you will not have interested parties such as Mr. Lindsey or Ms. Mills working on these matters. I would appreciate your assurance that they will not be participating in any way with this investigation.

Finally, during the 104th Congress, the White House and Committee agreed that production of documents within 15 days was a reasonable response period. Accordingly, we request the documents on the attached list, with a production log, by January 30, 1997. The production log should include each document's Bates number, author, description and source file.

Thank you for your prompt attention to these matters. If you have any questions please do not hesitate to contact me.

Sincerely,

Dan Burton
Chairman

cc: Rep. Henry Waxman

Attachment 1

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, memoranda, diaries, phone bills, telephone logs, telephone message slips, tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" shall also include redacted and unredacted versions of the same record.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this request "White House" refers to any and all employees of the Executive Office of the President; the First Lady and her office; the President; the Vice-President; consultants, whether paid or not paid; volunteers; and all employees of the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) For purposes of this request any records requested included all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

1. All records relating to the following individuals:

   A. John Huang
   B. James T. Riady
   C. Mochtar Riady
   D. P. Kanchanalak
   E. Praitun Kanchanalak
   F. Pauline Kanchanalak
      a.k.a Pornpimol Parichattkul
   G. Arief Wiriadinata
   H. Soraya Wiriadinata

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I. Hashim Ning
J. Johnny Chien Chuen Chung
a.ka. Johnny Chung
L. Yogesh Gandhi
M. John Hoon Kyung Lee
a.k.a John H.K. Lee, Lee Kyung Hoon,
or Kyung Hoon Lee
N. Hogen Fukunaga
O. Yoshia Tanaka
P. George Psaltis
Q. Hsing Yun
a.k.a. Shing Yun
R. Tzu Jung
a.k.a Su-Jen Wu
S. Siuw Moi Lian
T. Mi Ryu Ahn
U. Gary Hsueh
V. Keshi Zhan
W. Xiping Wang
X. Jung Wang (or Wang Jun)
Y. Yue F. Chu
Z. Mark Middleton
aa. Mark Grobmyer
bb. Yah Lin "Charles" Trie
cc. Nora Lum

2. All records related to Mr. Trie's appointment to the Commission on U.S.-Pacific Trade and Investment Policy.

3. All records related to Executive Order Number 12987 which expanded the membership of the above named Commission.

4. All records on the following corporations:

A. Lippo Group, including LippoBank, LippoLife, PT. Multipolar Corporation or any other affiliate and/or subsidiary of the Lippo Group.
B. Cheong Am America
C. K&L International
D. K&L International Partners
E. Psaltis Corp.
F. Hip Hing Holdings Ltd.
G. Automated Intelligent Systems Inc.
H. Ban Chang Group (a.k.a. Bang Chang Group)
I. Ban Chang International (a.k.a. Bang Chang Int.)
J. San Kin Yip International Trading Company

K. CommerceCorp. International
L. Arkansas International Development Co.
M. Aegis Capital Management Corporation
N. Poly Technologies, Inc.

5. All records relating to Legal Expense Trusts, or other type of legal defense fund formed by any current or former Clinton administration White House employee. Please include SF-278 forms or related gift disclosure forms filed with the ethics office in the White House which require the reporting donations to such funds.

6. All records relating to any contacts between White House staff and any trustee and/or employee of the Presidential Legal Expense Trust.

Ms. MILLS. When everyone arrived, there was, as you would say, there was a large number of individuals who arrived to do the investigative work, and I did sit down with the new staff who were going to be doing the investigative work to apprise them of what had taken place to that point and also what matters we had that had just come in that needed to be addressed.

Mr. BENNETT. In fact, your office is right next door to Mr. Ruff's office in the White House; is that right?

Ms. MILLS. It is now. At the time you're speaking of now, it was in the Old Executive Office Building.

Mr. BENNETT. And when did your office move next door to Mr. Ruff's?

Ms. MILLS. Early February.

Mr. BENNETT. Upon his arrival?

Ms. MILLS. I believe that is correct.

Mr. BENNETT. Incidentally, Ms. Mills, just to perhaps correct a misimpression by Congressman Waxman, you did not testify before the Senate; is that correct?

Ms. MILLS. No, I did not.

Mr. BENNETT. Ms. Mills, with respect to the time period of February 6th at the time that Mr. Ruff met with Chairman Burton, I assume that except for Bruce Lindsey, there were basically no other persons upon whom Mr. Ruff could rely for document production in that I think Mr. Breuer has testified that at least he thought by February or March, Mr. Breuer in an earlier deposition testimony, that by February or March the entire new team had arrived. So I gather that upon Mr. Ruff's arrival and your taking the office next to Mr. Ruff, that Mr. Ruff was relying upon you to assist him in efforts of document production upon his arrival?

Ms. MILLS. That's correct. I was transitioning those matters. There was one member of the team who arrived in December 1996, but apart from that; that is correct.

Mr. BENNETT. Mr. Ruff, ultimately there was a subpoena that was served by the committee, the subject subpoena for your appearance today, and I believe that is exhibit 139. The March 4th subpoena. Mr. Ruff, do you know who actually received the subpoena and receipted it?

[Exhibit 139 follows:]

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest:

Robin H Carle
Clerk.

EXHIBIT
139-1

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

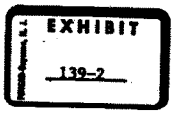
SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,



journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang.

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng, China Council for the Promotion of

EXHIBIT
139-5

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

Mr. RUFF. I do not. That tends to vary depending on how it is delivered and what time of day and who happens to be present. But we view it as having been served on and received by the Office of White House Counsel.

Mr. BENNETT. Who made the initial determination as to who was going to ensure compliance with that subpoena and gather the requested material?

Mr. RUFF. I think it is fair to say, Mr. Bennett, that we treated this subpoena as we would any other subpoena or request for documents. Principal responsibility for responding to these sorts of subpoenas is vested in what I'll refer to as the investigative side of my office, which is headed by Mr. Breuer as Special Counsel to the President.

Mr. BENNETT. Ms. Mills and Mr. Ruff, I'll note that paragraph 1 of page 1 of that subpoena, clearly calls for videotapes; isn't that correct?

Mr. RUFF. It refers to video or audio recording, yes.

Mr. BENNETT. And I believe, and if I am incorrect, Mr. Ruff, correct me, and I note and have appreciated your great candor in our meetings in terms of the error in not turning the material over, but neither of you dispute the fact that the videotapes recently produced by the White House were clearly within the scope of this subpoena back in March of this year; is that correct?

Ms. MILLS. That's correct.

Mr. RUFF. Yes, Mr. Bennett.

Mr. BENNETT. Now, Mr. Ruff there was a directive which you ultimately sent out on April 28, 1997, I believe noted as exhibit 140 and we will place it on the screen.

[Exhibit 140 follows:]

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

EXHIBIT
140-1

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

Any documents or materials dated -- or if undated, documents created or received -- after **January 1, 1994:**

a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

Any documents or materials dated -- or if undated, documents created or received -- after **February 17, 1995:**

a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

Any documents or materials dated -- or if undated, documents created or received -- after **January 1, 1996:**

a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors -- e.g. Yah Lin "Charlie" Trie -- regarding raising money for the Presidential Legal Expense Trust;

b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

Any documents or materials dated -- or if undated, documents created or received -- between **August 3, 1996 and December 31, 1996:**

a. Referring or relating to the White House Data Base (WHODB).

ENTITIES[1]

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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[1] Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

EXHIBIT
140-3

ATTACHMENT A

INDIVIDUALS*

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pornpimol) Kanchanalak*
(aka Pauline (or Pornpimol) Parichattkul*)
Daungnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

Mr. RUFF. Yes, sir.

Mr. BENNETT. Is there any reason why there was almost a 2-month delay before forwarding this directive to members of your staff to seek compliance with this subpoena?

Mr. RUFF. This directive to my best recollection, Mr. Bennett, was intended to encompass a variety of requests and subpoenas received not only from this committee, but from other investigative bodies as well.

There had been, as you know, during the February, March, April period, ongoing efforts to collect documents and produce those that were responsive to the earlier Quinn directives as well as specific searches that were being conducted. This really was designed to wrap up a whole range of different requests that had come into the office.

Mr. BENNETT. Ms. Mills, you were, in fact, aware of the existence of the entity known as the White House Communications Agency as early as last year, 1996, weren't you?

Ms. MILLS. Yes.

Mr. BENNETT. In fact, that is the entity that produces the videotapes that are subject to question here among the many questions we have?

Ms. MILLS. It is the entity that produces them among lots of other responsibilities that they have.

Mr. BENNETT. And if I can, showing you exhibit 141, which is the memorandum in April 1996 from Mr. Quinn, noting that that agency, WHCA, would be recording political events, you in fact assisted in authoring that memorandum in April 1996; is that correct?

[Exhibit 141 follows:]

DRAFT

April 8, 1996

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Reminder: Appropriate Use of Resources

As we get closer to the general election season, we want to remind staff that federal resources may not be used to assist in political activity on behalf of the President's re-election efforts. This memorandum outlines appropriate use of federal resources on the White House complex during the campaign season.

As a general principle, government resources should not be used for campaign purposes. In certain instances where official resources are used for purposes that may be considered campaign-related, there must be prompt reimbursement for the costs incurred by the government. To ensure that White House resources are not used, as a general matter, to support campaign activity, White House staff should use that equipment that has not been paid for from appropriated funds for political activity.

White House Equipment
White House equipment, including computers, copiers, and facsimile machines, is for official purposes and should not be used for campaign activity. Because of the need for liaison between limited numbers of White House staff members and various political committees, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising. Moreover, any long-distance calls for campaign activity must be made using a personal or campaign calling card.

White House Communications Agency (WHCA) Resources
WHCA is a Department of Defense agency; its mission is to provide communications support for the President of the United States in his official capacity. Accordingly, it is important that staff appreciate the limitations on WHCA's activities as they relate to political activity.

WHCA facilities provided in connection with Presidential travel may continue to be used during mixed and wholly political trips. The facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct political purposes such as campaign fundraising and crowd-building.

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Unlike for official events, WHCA only provides limited support for the President during political events on the road and at the White House. This support is limited to the following activities:

1. providing technical advice to the staff regarding the quality of audio-visual systems;
2. installing Presidential lecterns, microphones and teleprompters;
3. recording Presidential remarks for the Archives;
4. announcing the President;
5. operating teleprompter equipment for Presidential use;
6. feeding Presidential remarks to the Press Filing Center;
7. installing phones, facsimile machines, computers and other communications equipment for official use when travelling; this equipment may not be used for political purposes.

WHCA will not provide the following support for political events:

1. lights or sound equipment, nor contract for such equipment;
2. make announcements at political events that include other candidates or announcements with a partisan slant (e.g., "the next President of the United States . . .");
3. install or operate communications equipment that is intended for campaign staff or used for political purposes such as crowd-building or fund-raising.

If WHCA provides any of the aforementioned support during a political event, there must be prompt reimbursement.

Government operators should not be used by staff members to place campaign-related or other political long distance calls. In addition, the incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters. Similarly, government credit cards may not be used for campaign telephone calls. Finally, WHCA equipment -- including cellular telephones and two-way radios -- only may be used for official purposes.

<u>White House Services</u>
Services provided at the White House are for official business. Lexis-Nexis may not be used to conduct research for campaign purposes. Similarly, staff may not ask the Library staff to conduct research or gather information for campaign purposes. The White House messenger service may not be used to take packages to or pick packages up from the campaign or Democratic National Committee offices, nor may you use inner office mail for campaign purposes. Likewise, White House stationary, envelops and postage is for official use only. Finally, the White House

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Print Shop produces reports, charts, pamphlets and other material for official purposes; campaign and partisan political documents should not be sent to the print shop for reproduction.

White House Photographs
White House photographers may continue to photograph all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this Administration. However, as a general rule, photographs taken by White House photographers at political events should not be used for distribution to individuals attending such events or for any other political or campaign purpose.

Photographs taken at events in the Executive Residence (other than politically-sponsored events), at West Wing and East Wing meetings, and at non-political events outside the White House may be distributed consistent with regular practices. In addition, photographs taken of persons assisting with official aspects of any Presidential trip (e.g., Fire Department personnel, Emergency Medical staff, hotel staff) may be distributed pursuant to ordinary practices.

For security reasons, White House photographers may photograph politically-sponsored events in the Executive Residence. The political sponsors must pay the U.S. Treasury for the cost associated with producing any photographs it requests from the White House Photo Office. A campaign or political committee will be expected to provide a photographer at all other campaign and political events for which it desires to distribute photographs to the participants for political purposes. White House photographers will not photograph receiving lines or greetings at campaign or political events, except to the extent necessary for archival purposes.

A campaign or political committee may purchase, for its use, photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign or political committee must be directed to the Director of the White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office, who will be responsible for billing the campaign or political committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the Government for the purchase of such pictures.

If you have any questions, please call Cheryl Mills (6-7960) or Dawn Chirwa (6-7901) in this Office.

DRAFT

EXHIBIT
141-3

Ms. MILLS. That's correct. It indicates that it would be recording Presidential remarks as opposed to political events.

Mr. BENNETT. But essentially you were aware of the efforts of WHCA in that regard?

Ms. MILLS. My interactions with WHCA at that time were not to walk through a memo. As you probably are aware, there was a precursor memo that WHCA sent to me outlining what their activities were. With respect to that memo, we were focused, in particular, on activities and support that they provided that were telecommunications-related.

For example, when the President travels, every trip that he takes, there is always a staff room, and associated with it there are computers, faxes, phones and other equipment. WHCA wanted to ensure that they were appropriately following the guidelines that had been laid out in earlier memoranda that we had sent out regarding political activity, so our discussions related to those matters, as opposed to what other practices or activity they might actually engage in as an agency.

Mr. BENNETT. Showing you a memorandum 4 months later, once again involving you with WHCA—and correct me if I'm wrong, Ms. Mills, because I'm really not sure of this—but exhibit 141–A is a memorandum in August 1996, and I believe there is a note as to guidelines, as to the taping of political events by this agency; is that correct?

[Exhibit 141–A follows:]

Jake/Steve: same memo as b/f w/ several additions — comments, edits ok...?

C—
6-7900
Rm 128

THE WHITE HOUSE
WASHINGTON

August 23, 1996

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Use of White House Communications Agency Resources

This memorandum provides guidance regarding the appropriate use of equipment and services provided by the White House Communications Agency (WHCA) in support of the President's official duties. The President's travel in the up-coming two months will, for the most part, be campaign-related. I therefore wanted to take this opportunity to remind staff about appropriate uses of WHCA resources.[1]

WHCA is a Department of Defense funded agency. Its mission is to provide communications support to the President in his official capacity. Thus, WHCA does not provide the same level of support for the President at political events as it does for official events. As always, staff must be careful to use WHCA resources solely for official purposes during political travel by the President (or any of the other principals).

Reminder on Staff Use of WHCA Equipment

Generally, official White House resources should not be used for campaign purposes. In certain instances where official resources are used for purposes that may be considered campaign-related, there must be prompt reimbursement for the costs incurred by the government. To ensure that White House resources are not used to support campaign activity, White House staff should use only that equipment that has not been paid for from appropriated funds for political activity, unless arrangements for reimbursement to the government have been made.

In terms of WHCA resources, please remember:

1. The incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters.

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[1] For a comprehensive discussion of political activity, including appropriate use of WHCA resources, please review the April 27, 1996 White House Memorandum (Presidential Campaign-Related Political Activity).

2. WHCA facilities provided outside the White House in connection with travel may continue to be used during mixed and wholly political trips. The facilities, however, must be used exclusively for communications relating to trip planning and arrangements and other official matters and not for direct political purposes such as campaign fundraising and crowd-building. Additionally, WHCA cell phones, radios and pagers may not be used for political purposes.

3. On Air Force I, if you are making a political call, please indicate that fact to the operator to ensure that those lines that are reimbursed by the campaign committee are used.

WHCA Support

WHCA provides support to the President during official and political events. During a political event, however, WHCA support is generally limited to the following:

1. Providing technical advice to the staff regarding the quality of audio-visual systems;
2. Installing Presidential lecterns and microphones;
3. Recording Presidential remarks for the National Archives;
4. Announcing the President;
5. Operating teleprompter equipment for Presidential use;
6. Feeding Presidential remarks to the Press Filing Center;
7. Installing phones, facsimile equipment, computers and other communications equipment solely for official communications and activities.

WHCA will not provide the following support during political events:

1. Provide light or sound equipment or contract for this equipment;
2. Make announcements that include candidates other than the President or make political announcements (e.g., "and the next President . . .")
3. Install or operate communications equipment that is intended for campaign personnel or used for political purposes (e.g., crowd-building, fundraising).

Please remember that WHCA, as a customer-oriented agency, will always seek to provide those services that are appropriate. You, however, are responsible for ensuring that you use these resources for official purposes. If you have any questions about appropriate use of WHCA resources, please contact Cheryl Mills (6-7900) in my office.

Ms. MILLS. If you're speaking about on the second page, where it speaks about reporting Presidential remarks, it is, and as you are probably aware, there is a precursor memo to this memo from WHCA that is identical almost to this memo. So what I was trying to do was ensure that I was providing advice to our staff regarding the activities that they indicated that they did or didn't do.

Mr. BENNETT. Just so you understand, there is a limited amount of time, so I can't necessarily produce each document to lead into the next document.

Ms. MILLS. No, I understand. But I noticed that that one was not here, so——

Mr. BENNETT. In fact, correct me if I'm wrong, your personal notation is in your handwriting at the top of that page to the right; isn't it?

Ms. MILLS. Right.

Mr. BENNETT. Did you at that time—the notation there in terms of your handwriting on that memorandum, did you at that time have a general discussion with audiovisual officials with respect to the particular events that were going to be videotaped by WHCA over the course of the Presidential campaign?

Ms. MILLS. No. And as I think you are probably aware, the individuals with whom I met were not familiar with what WHCA's audiovisual practices were at that time. Indeed, Mr. Steve Smith was not yet assigned to the audiovisual unit, so he was unaware what practices they had with regard to what they taped and what they didn't tape; and the other individuals also, I think, as you probably are aware from testimony in the Senate, were unaware at that time. So we did not discuss that.

Indeed, what we were trying to ensure was with respect to the President's political activity during a time period where there would be a considerable amount, we were making sure that WHCA's resources with respect to their phone, their faxes, their equipment, and their computers were being used appropriately; and that was particularly of interest because in this time period forward, the President's activity at that time was primarily campaign-related with respect to his traveling.

Mr. BENNETT. In fact, I can't report to you that I read all the Senate testimony, but Steven Smith, I believe, testified before the Senate within the last 2 weeks that you came to speak with him about the role of WHCA in filming events; is that correct?

Ms. MILLS. That is not correct.

Mr. BENNETT. His testimony would be incorrect in that regard?

Ms. MILLS. I'm not familiar that he has made testimony with respect to us having discussions regarding WHCA's filming.

Mr. BENNETT. But if that was the extent of his testimony, then you would disagree with that?

Ms. MILLS. I would disagree with that, though it is my understanding that Mr. Smith has indicated that we did not discuss WHCA's videotaping practices at that time. Indeed, he was not familiar with them at that time.

Mr. BENNETT. Ms. Mills, in fact, you are on one of the videotapes that was released within the last few weeks, I think the March 11, 1995, videotape, if I can have exhibit Roman Numeral 6 or VI. And if we can, just quickly that is, in fact——

Mr. BARRETT. Mr. Chairman? Parliamentary inquiry, Mr. Chairman.

Ms. MILLS. That's my lovely family.

Mr. BENNETT. That is you and your family there; is that correct?

Ms. MILLS. That's correct.

Mr. BENNETT. I will stop, Mr. Chairman, if there is a——

Mr. BARRETT. Mr. Chairman, I have a parliamentary inquiry here.

Mr. FATTAH. Mr. Chairman, when we are requesting information for someone to respond to testimony, we should provide the transcript of that testimony so the witness can familiarize herself with it.

Mr. BURTON. The point is well taken.

Mr. BENNETT. Ms. Mills in that regard——

Mr. BARRETT. Mr. Chairman, I have an inquiry, too.

Mr. BURTON. The gentleman will state his inquiry.

Mr. BARRETT. Do we have a copy of all the exhibits that are being shown here? I understand there may have been one copy given to the minority. It is difficult when we see a corner of a picture to know what the probative value of that is. I mean, it would be helpful for us, as we go through these, so when counsel is asking a question, we see more than just the part that is on the screen.

Mr. BENNETT. I will be glad to respond to that, Mr. Chairman.

Mr. BURTON. Please, Mr. Bennett.

Mr. BENNETT. The tape, Congressman, is quite lengthy. It wasn't my intent to play the entire tape.

Mr. BARRETT. No, not the tape. I'm referring more to the prior one that we saw. The prior exhibit that we saw on the screen here. What I would like to do is be able to look at the whole document as you are showing it on the screen, and to know what the document is.

Mr. WAXMAN. Will the gentleman yield to me?

Mr. BARRETT. Yes.

Mr. WAXMAN. I was going to point out that the majority gave us these documents and we are now trying to duplicate them. They just gave it to us just now, so we are trying to make copies as quickly as possible.

Mr. BURTON. In the future, we will try to make sure that documents relevant to the hearings will be provided in advance.

Mr. BARRETT. Thank you very much, Mr. Chairman.

Mr. FATTAH. Mr. Chairman, no attempt to be dilatory either, there have been a series of questions in which the witness has said, "as you are aware," and I guess the concern would be—that would arise out of that is, if the counsel has some information to the contrary or that would infer a different slant to things—I mean, there just seems to be something going on that I am not——

Mr. BURTON. Well, relevant documents, we will try to make sure are given to the minority so that they are aware.

Mr. BENNETT. Congressman Fattah, there is nothing going on between Ms. Mills and myself. I think we have met each other once before. Is that correct, Ms. Mills, in case my wife happens to watch?

Ms. MILLS. I'm not going to answer that question.

Mr. BURTON. The gentleman will suspend.

Yes, Mr. Kanjorski?

Mr. KANJORSKI. If I may followup on Mr. Fattah, I think the counsel examined and asked, as you are aware, Mr. Smith testified on such and such in the Senate. And then that was not her recollection, that she is aware that he so testified. It would be awfully helpful, if there is that type of testimony of which the counsel is aware, if the staff immediately provides us with it, and follows up and provides it to the witness.

Mr. BURTON. As I said, Mr. Kanjorski, we in the future will try to make sure that depositions or testimony given in the other body that's being referred to will be provided to all Members.

Mr. Bennett.

Mr. BENNETT. Ms. Mills, I think just for the record, you and I, I think, have met once before on Friday morning, October 10th, in Mr. Ruff's office; is that correct?

Ms. MILLS. I believe that's correct.

Mr. BENNETT. And this is only the second time you and I have actually spoken; isn't that correct?

Ms. MILLS. I believe it is.

Mr. BENNETT. And to the extent that you indicate, as I may be aware—I don't presume that I am as aware of some of the facts as you are—I am trying to get to some facts. If to any extent I summarize something that you think is inaccurate, please correct me, if you will.

Ms. MILLS. I am assuming that you have my deposition transcript, because that is what I was informed at my deposition. So if I don't have that, I don't, so—OK, I have yours. Thanks.

Mr. BENNETT. Directing your attention to June of this year, Mr. Ruff, I'll show you your letter of June 27th, which is exhibit 142.

[Exhibit 142 follows:]

THE WHITE HOUSE
WASHINGTON

June 27, 1997

BY HAND

The Honorable Dan Burton
Chairman
House Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As we discussed yesterday, this letter serves to certify that, to the best of my knowledge, the White House has produced all documents responsive to the Committee's subpoenas, with the exception of those documents that appear on the privilege logs that we have provided to the Committee.

We have made every effort to collect and produce, on the schedule reflected in my letter of May 20, 1997, all documents that are responsive to the Committee's subpoenas. Further, however, in order to ensure to the maximum extent possible that no responsive documents have been overlooked, I have directed my staff to continue their efforts to see to it that all areas that may contain such documents have been searched and that all responsive documents have been produced. As a result of that continuing process, we have located some additional documents, which we are producing today under separate cover. and we will, of course, produce promptly any others that are found.

I appreciate your and the Committee's courtesy as we have worked through this process.

Sincerely,

Charles Ruff

Charles F.C. Ruff
Counsel to the President

cc: The Honorable Henry A. Waxman

Mr. RUFF. Yes, Mr. Bennett.

Mr. BENNETT. And essentially at that time you represented to Chairman Burton that, to your knowledge, your staff had complied with all requests contained in the subpoenas; is that correct?

Mr. RUFF. That's correct. As you will note, my letter states, "To the best of my knowledge, the White House has produced all documents responsive to the committee's subpoenas, with the exception of those documents that appear on the privilege logs," and then goes on in the next paragraph to note "our continuing efforts to ensure that we have been fully productive of these documents and that our searches are continuing and we will produce documents that we find."

Mr. BENNETT. Did you have any knowledge of the existence of videotapes at that time, Mr. Ruff?

Mr. RUFF. No, I did not.

Mr. BENNETT. Ms. Mills—at any time, did Ms. Mills indicate to you, Mr. Ruff, that there were videotapes?

Mr. RUFF. No, sir.

Mr. BENNETT. And did you ever inquire of Ms. Mills as to whether or not she knew of any videotapes?

Mr. RUFF. No, I did not.

Mr. BENNETT. Were there any discussions with her?

Mr. RUFF. Many discussions with her about the general duties of our office, including the discovery and production of documents, but nothing that was focused on the issue of videotapes.

Mr. BENNETT. According to—again just as a matter of public record and not trying to give any concerns to the minority, not trying to repeat the testimony of the Senate, but I think that everyone is aware of the testimony in the Senate, and if I summarize this incorrectly, please correct me, Mr. Ruff. But according to testimony presented in the Senate, there came a point in time where attorney Donald Bucklin of Senator Thompson's committee inquired of your office with respect to the existence of some taping; isn't that correct?

Mr. RUFF. I believe the sequence of events is essentially this, Mr. Bennett: That in a conversation with Michael Imbroscio of my office on August 7th, Mr. Bucklin raised with Mr. Imbroscio the question of whether there was some form of clandestine taping of conversations in the Oval Office, and asked him to inquire into that.

Then, later in August—I believe the date was August 19th—Mr. Bucklin sent a letter to Mr. Breuer asking more broadly about the activities of WHCA. The first time, I believe, which the issue of videotaping coffees was broached was at a meeting between Mr. Imbroscio and Mr. Bucklin on September 9th, in which Mr. Imbroscio described the preliminary results of his inquiry to Mr. Bucklin; told him there was no evidence of clandestine taping; that there was taping of DNC fund-raisers; that he didn't believe that the coffees had been videotaped, but that he would continue to search to be sure of the story on that subject.

Mr. BENNETT. Well, with respect to your interpretation of possible clandestine taping—and I believe those are your words, sir—did you discuss with Ms. Mills a question from counsel for the Sen-

ate which you interpreted to ask about clandestine taping at the White House? Did you inquire of Ms. Mills as to that?

Mr. RUFF. You know, I don't remember Mr. Bennett. Mr. Imbroscio came to me shortly after his August 7th meeting with Mr. Bucklin—and by the way, I think the clandestine taping reference was Mr. Bucklin's. I expressed, given my historical experience, a mild degree of skepticism that any sort of clandestine taping in the Oval Office had gone on, but instructed Mr. Imbroscio to do whatever was necessary to find out. I do not remember whether I mentioned that subject to Ms. Mills or not, because I did discuss it with Mr. Breuer and Mr. Imbroscio.

Mr. BENNETT. You basically cannot say that you did or did not; you just don't recall?

Mr. RUFF. I just don't have a recollection. Ms. Mills might.

Mr. BENNETT. Ms. Mills, do you recall whether Mr. Ruff broached the topic with you of counsel for Senator Thompson's committee, suggesting that there might be clandestine taping at the White House?

Ms. MILLS. I do not recall that.

Mr. BENNETT. When you say you do not recall, is it your testimony that it did not occur, or you cannot say one way or the other?

Ms. MILLS. I don't have a recollection of it occurring.

Mr. BENNETT. And with respect to the September 9th meeting, Mr. Ruff, when there was apparently a discussion with staff in the Senate as to taping of political events, but not specifically coffees, did you at any time have any member of your staff contact any representatives of this committee with respect to the fact of political taping of any type, which you learned about on September the 9th?

Mr. RUFF. Let me be clear, Mr. Bennett, that my brief recitation of the chronology with respect to Mr. Imbroscio's meeting was largely a matter of having heard his testimony on the subject and discussing it with him. I was not aware of the September 9th meeting, indeed, I think, until October 1st when I first learned of the existence of the tapes themselves. So there was really no predicate, I think, for the question of whether or not I would instruct somebody to raise it with this committee.

Mr. BENNETT. And with respect to the importance of that kind of topic, there is no point in time that you didn't ask Mr. Lindsey or Ms. Mills, based on their history during the first term of the President's administration, as to this whole matter of taping, to your recollection?

Mr. RUFF. No, I am certain I did not. And indeed I would only comment in that regard, Mr. Bennett, that although legitimately so, the issue of videotaping has taken on a sort of life of its own in the last month, the existence or nonexistence of videotaping really was not an issue that was, I think, high on anybody's screen here, other than as a general matter searching for all responsive documents, whatever form they took.

Mr. BENNETT. Mr. Ruff, let me ask you this. There was a meeting in your office on Friday morning, October 3, 1997, this year, when these videotapes had been discovered; isn't that correct?

Mr. RUFF. That's correct.

Mr. BENNETT. And who was in attendance at that meeting?

Mr. RUFF. I don't remember who all were there, but it was basically the investigative team in my office, which would have been Mr. Breuer, Mr. Imbroscio, and a variety of other lawyers who work on the investigative side, the purpose being to discuss where we stood on various elements of document collection and production and, particularly, the issue of the recently discovered videotapes.

Mr. BENNETT. And Mr. Ruff, Ms. Mills was present at that meeting at well, wasn't she?

Mr. RUFF. I believe so.

Mr. BENNETT. Ms. Mills, were you present?

Ms. MILLS. Yes, I was.

Mr. BENNETT. At that point in time, was there any discussion by anyone of the fact that they knew that there had been, in fact, videotapes of political events before?

Mr. RUFF. Well, there was discussion of Mr. Imbroscio's having found the initial evidence of videotaping. I recall no other discussion of the subject.

Mr. BENNETT. Ms. Mills, did you at that point in time indicate to Mr. Ruff that if you had known they wanted videotapes, you certainly could have let people know that there were videotapes? Did you express any surprise at this request?

Ms. MILLS. I learned about this the morning of the 3rd, so, I think, as you might know from prior testimony of mine. So one of the things that I think was at issue at that time was that the taping was the coffees. I was quite surprised to learn that there were videotapes related to the coffees.

Mr. BENNETT. Did you—what steps did you take over the weekend with respect to this matter?

Ms. MILLS. I tried to work with the staff and assist in any way that I could with regard to ensuring that all the appropriate materials were produced.

Mr. BENNETT. Did you contact Mr. Steve Goodin?

Ms. MILLS. I'm sure I would have contacted Mr. Goodin prior to the time we would have produced them, because at that time we had understood that Mr. Goodin might have been one of the individuals who worked with WHCA to apprise them of what events should and shouldn't be taped.

Mr. BENNETT. Moving on to just the general topic, Mr. Ruff, of compliance—Mr. Chairman, I'll yield the balance of my time to another attorney on the staff of this committee and the subcommittee, Jay Apperson, and I ask that exhibit 146 be placed up on the screen.

[Exhibit 146 follows:]

THE WHITE HOUSE

WASHINGTON

January 17, 1994

MEMORANDUM FOR MARSHA SCOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND DIRECTOR OF CORRESPONDENCE AND PRESIDENTIAL MESSAGES

FROM: CHERYL MILLS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Department Database Project

This memorandum responds to your request for guidance regarding a new database system for the Correspondence Department. In particular, you have requested guidance on procurement rules, receipt and distribution of data, the Presidential and Federal Records Act and personal contacts within the computer industry.

It is my understanding from you that the Correspondence Department would like to acquire new software, and any necessary associated hardware, for a new database system that will be used to track all contacts and correspondence on behalf of (or by) the President. This database will be used solely for official purposes -- to track the official contacts and correspondence of the President and White House employees acting on his behalf or at his direction.

This memorandum responds to three of the four questions you raised in your January 11, 1994 memorandum and in Erich Vaden's January 13, 1994 memorandum. Information regarding procurement issues needs to be addressed through a meeting, which I will set up as soon as you would like, with the General Counsel's Office in the Office of Administration.

Receipt and Distribution of Data

The White House can receive data (e.g., names and addresses, mailing lists, birthdates and social security numbers, etc.) for the proposed database system from any source, provided that the data is received for use in carrying out the statutory, constitutional, ceremonial or other official duties of the President. The White House can therefore receive data from private entities or individuals, non-profit organizations, political organizations, and other sources.

- Can we receive electronically?
- Security issues

Once White House employees integrate information provided by any source into the database system, it becomes government property in the form that it is stored in the database system. Thereafter, data from the database system may be provided to a source outside the federal government only for authorized purposes. 5 C.F.R. § 2635.704. Authorized purposes are those

- Two-way link!
- Tracking back & forth
- Disk space

H 24918

THE WHITE HOUSE

WASHINGTON

purposes specified by law or regulation or those purposes for which Government property is made available to the public. Id.

Generally, the White House cannot provide data from the database to a non-federal entity or individual. The White House also should not provide an outside entity with updated or supplemental information about data the entity may have initially provided to the White House, if the newly acquired information was received in the course of, or for the purpose of, official business. We obviously should be helpful where the action involved is de minimis, e.g., correcting addresses, name spellings, birthdates or social security numbers; however, the White House should not provide or update any other information for non-federal sources unless the information is to fulfill an official purpose.

Presidential and Federal Records Acts

Presidential records are all documentary materials (in any form) created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose role is to advise and assist the President, in the course of carrying out the President's constitutional, statutory, or other official or ceremonial duties.

Data in the database system is a Presidential record. As such, it must be preserved for the Archives. It is important to remember that all information in the database system belongs to the government and ultimately may be made available to the public. The Correspondence Department should make every reasonable effort to respect the privacy of the individuals, and any associated information, included in the database system.

Notes taken by your assistants in the process of reviewing available software also may be subject to the Presidential Records Act. While informal notes that contain information that ultimately is reflected in final documents and that do not document policy development or execution are not necessarily Presidential records, they potentially could be subject to the Act. Accordingly, notes made by your assistants in this enterprise should not be destroyed.

The Federal Records Act provides that all documentary materials made or received by an agency of the government in connection with the transaction of public business and appropriate for preservation because of its informational value as evidence of the agency's policies, decisions, procedures or other activities are Federal records. Notes taken by employees of the Office of Administration for the purposes of this project may therefore be

N 24919

Where is it? → Details

subject to Federal Records Act; however, it is more likely that these notes will be Presidential records.

Informal notes that do not add information of value to the preparation of an official record need not be preserved under the Federal Records Act. However, if these notes are used by employees of the White House Office in making decisions to advise and assist your staff, this material may be subject to the Presidential Records Act. Accordingly, these notes should also be preserved and evaluated at the conclusion of the project to determine whether they must be preserved, and if so, pursuant to which Act.

For further guidance on Presidential records, please consult the Chief of Staff's May 5, 1993 memorandum.

Industry Contacts

It is my understanding from you that one of your assistants, Erich Vaden, has several contacts in the software industry, one of whom is his brother. It is permissible for Mr. Vaden to contact these individuals for informal advice on technological issues (e.g., what types of products are on the market, what is the state of available technology, etc.). However, Mr. Vaden may not solicit or engage in any negotiations with his brother's company for software, as this action would violate 5 C.F.R. § 2635.502 (involvement in a matter with specific parties likely to have a direct and predictable impact on the financial interest of a family member). Similarly, to avoid the appearance of using public office for private gain in violation of 5 C.F.R. § 2635.702, Mr. Vaden likewise should not engage in any negotiations with companies at which he has contacts arising from personal relationships. Contract negotiations should be coordinated with the Office of Administration's General Counsel, Chris Serf, but in particular, Stewart Bender (5-2273).

- Can't prohibit info?

This memorandum addresses three of the four issues raised by you in your memorandum. If you need further guidance on any of the issues discussed in this memorandum, please contact me.

OA

H 24920

Mr. BURTON. Mr. Apperson is recognized for the remainder of the time.

Mr. APPERSON. Thank you, Mr. Chairman.

Mr. Ruff, Ms. Mills, good afternoon. The subcommittee of this committee, chaired by Representative David McIntosh, has been tasked with conducting an investigation of the White House data base which was planned and developed inside the Clinton White House with the use of taxpayer funds to the tune of $1 million-plus dollars. The investigation includes the possible misuse of that data base for partisan political purposes.

The subject of our inquiry, from the subcommittee's standpoint today, stems from a remarkable incident just last week. After being repeatedly assured that the requests for documents by the chairman and by the subcommittee had been complied with, we were sent a letter, as you know, Mr. Ruff, on October 28th, conveying additional documents. And we learned for the first time that those documents contained some very important ones, ones that had, in fact, been discovered not in some dusty room in the basement of the White House, as you referenced in other instances in your opening statement, but had been discovered fully a year ago when they were first requested; and that someone in the White House had found those documents pursuant to the subcommittee's request and pursuant to the directive from the Counsel's Office to find it and to give it to the Counsel's Office. And the record reflects that whoever that was in the White House in fact delivered it to the Counsel's Office for production to the Congress.

This is an instance in which that document was then deliberately determined not to be provided to the Congress pursuant to its request, not by some low-level staffer but by someone directly in the White House Counsel's Office. That person or other persons thereafter placed that responsive document in a file and there it remained.

Now, Mr. Ruff, on August 2, 1996, after repeated attempts to obtain cooperation and relevant evidence from your predecessor, Jack Quinn, the subcommittee sent a letter directly to the President, signed by all majority members of the subcommittee, requesting all documents and materials related to the White House data base known as WHoDB. The subcommittee had been led to believe that, the relevant documents pursuant to that request had in fact been produced.

Now, I have noted your letter of just last week conveying additional documents and that's what I want to talk about. Among these documents——

Mr. WAXMAN. Point of inquiry, Mr. Chairman.

Mr. BURTON. The gentleman will state his point of inquiry.

Mr. WAXMAN. Are we in the process of questions or are we now in a monologue? Are we getting to a question?

Mr. BURTON. The counsel has the time as requested and agreed to, and I'm sure it will result in questions. I think he is setting the stage for his questions.

The gentleman will proceed.

Mr. APPERSON. Thank you, Mr. Chairman. On the screen is the pertinent portion of the request from the subcommittee.

Mr. RUFF. Mr. Apperson, may I request what exhibit you are looking at? It's very difficult to read.

Mr. APPERSON. You have it right on the screen. It's in a separate notebook identified as White House data base information, and you will find that as exhibit No. 3, sir. The attachment to that request is very specific and sets forth: Requires response from the White House to furnish documents for all communications concerning the WHoDB, including and involving the White House, its employees, internal communications, notes, et cetera.

Now, produced along with your letter was a handwritten notation, and I will ask that that be put up now as C–64.

[Exhibits 155 and C–64 follow:]

Congress of the United States
Committee on Government Reform and Oversight
House of Representatives

August 2, 1996

BY FACSIMILE

President William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

As you know, the House Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs has been conducting an investigation of the White House Database (WhoDB) at the request of our full Committee Chairman, William F. Clinger, Jr.

In the course of this investigation, the Subcommittee has requested certain documents, materials, and other information from the White House. Unfortunately, the White House has provided only a limited number of documents and incomplete responses to many of the requests for information.

The Subcommittee has indicated in several letters to your Counsel, John M. Quinn, that we cannot fulfill our oversight obligation without complete answers to our questions and the production of all responsive documents and materials.

Specifically, the Subcommittee has requested a copy of the database, an alphabetized list of the Americans on whom a database file is maintained, as well as documents and other materials related to the design and development of the WhoDB. In response to Mr. Quinn's objections to providing the requested information, we have described many of the reasons why we need the documents, materials, and answers. (Please see the attached letters of July 3, 10, 23, and 29, 1996 from the Subcommittee to Mr. Quinn.) At the very least, however, this information is essential for the Subcommittee to determine if this White House project is a wise and proper expenditure of more than 550,000 taxpayer dollars and if this project should continue to be funded by the taxpayers. As you know, this is Congress's most basic oversight obligation.

Mr. Quinn confirms the legitimacy of our oversight needs, and repeatedly says that he wants to satisfy them all. In his most recent letter to the Subcommittee, however, Mr. Quinn provides absolutely no explanation as to why he will not provide answers to our questions. In addition, Mr. Quinn again rejects our request for an alphabetized list of Americans on whom you maintain a file in the WhoDB. We offered to postpone our request for the entire database if the White House would answer a number of questions about the database and produce the list. Mr. Quinn argues that the list of Americans in the WhoDB would not answer our questions. Although our recent letters establish that the list would be highly relevant to many of our questions, we agree that a copy of the entire database would be a great deal more helpful than the list in satisfying our oversight needs.

The White House cannot first deny our request for the database and then plausibly deny other information about the database simply because such information will not provide us with all of the information that is necessary for us to complete our investigation. A more forthcoming response would be to provide all the needed information. The White House response, or lack thereof, is unacceptable.

Nor can we abdicate our oversight obligation based on assurances from the White House that we would find nothing improper in our examination of the WhoDB.[1] As you can appreciate, we have a constitutional obligation to determine the facts for ourselves. That means we must examine the relevant documents and all other necessary information for ourselves, and we must make our own determinations what information is helpful and relevant to our investigation.

In this regard, you should not be surprised that we have not yet scheduled a personal visit to review the WhoDB. We have objected from the start to the unacceptable constraints you have attempted to impose on such a visit, and have also communicated that it would be premature for us to review the database until GAO made substantial progress in its review of the technical configuration of the WhoDB. Thus far, you have not permitted GAO any direct access to the database itself. In any event, we have repeatedly indicated that no personal review of the WhoDB and no technical audit would be a meaningful substitute for the information we have requested.

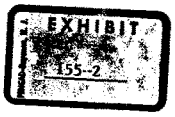
The Subcommittee is resolved to complete this oversight investigation. Therefore, pursuant to Rules X and XI of the House of Representatives, the Subcommittee requests that the materials described in the attached document be provided forthwith.

If all of these materials are not provided to the Subcommittee by noon, August 15, 1996, we are resolved to proceed with the steps necessary to issue a formal subpoena for the production of the documents and materials described.

We urge you to direct your staff to begin prompt compliance with the Subcommittee's request.

---

[1] Although it is not our role to render final determinations on compliance with the criminal laws, we grow increasingly concerned about Mr. Quinn's seeming indifference to whether the WhoDB is maintained and used in accordance with law because he refuses to tell the Subcommittee what steps he has taken to ensure compliance with the law. Mr. Quinn does not respond at all to the possible violation of the Computer Security Act, various ethics laws that prohibit political and campaign related activity by government employees, appropriations statutes that prohibit the expenditure of public funds for improper or non-appropriated purposes, and related executive branch regulations, all of which undoubtedly apply to the creation, maintenance, and use of the WhoDB. Mr. Quinn does address the Privacy Act with a somewhat cavalier statement that it does not apply to the WhoDB. As the White House Counsel's Office has confirmed in an earlier telephone conversation with my staff, the question of whether this White House Office is generally covered under the Privacy Act depends on its current functions, rather than any analysis of White House Office operations in any of the previous Administrations. The more our Committee learns about current White House Office operations, the more reason there is to conclude that White House Office operations of prior years is not an apt comparison, and that the current White House Office would be found by a court to be covered by the Privacy Act. Even if a court did find that the current White House Office normally is exempt from coverage of the Privacy Act, there still are several reasons to conclude that the WhoDB is covered by the Privacy Act, including the involvement of other components of the Executive Office of the President in its creation and maintenance, and because the specific uses of the WhoDB by White House staff vitiates the normal exemption. Accordingly, we urge you to take the necessary steps to ensure that the WhoDB is maintained and used in accordance with all applicable laws.



Thank you for your cooperation in this important matter.

Sincerely,

David M. McIntosh
Chairman

J. Dennis Hastert

Randy Tate

Joe Scarborough

Scott Klug

Robert L. Ehrlich, Jr.
Vice Chairman

John M. McHugh

Gil Gutknecht

John Shadegg

EXHIBIT
155-3

White House Database (WhoDB) Document and Material Request

1. An electronic copy of the White House Database (WhoDB).

2. An alphabetized list of names in the WhoDB in hard copy and electronic form.

3. All communications related to the WhoDB, including, but not limited to, those involving the White House, its employees, government agencies or entities, and/or the outside contractors. This includes all documents and materials that memorialize conversations, meetings, or other communication involving the White House, its employees, and/or the outside contractors. This should include internal communications regarding the project, as well as communications with outside entities including the contractors and other government agencies or entities.

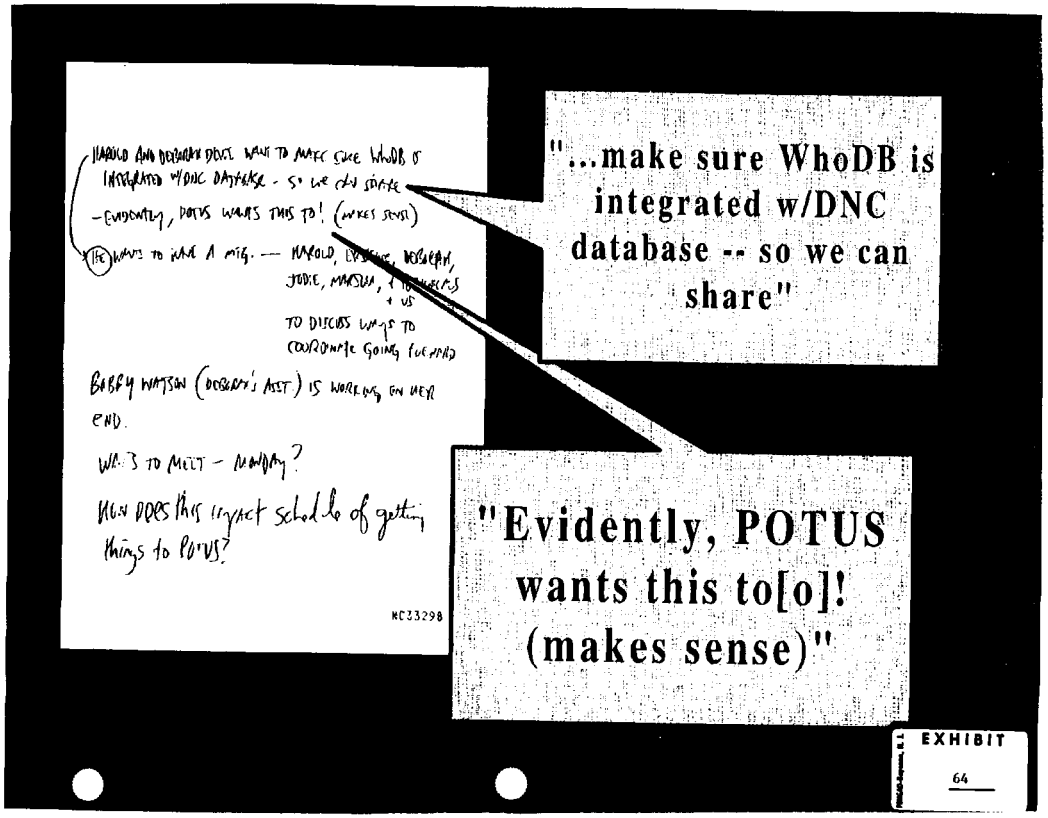
4. All documents related to the specifications, design or modification of the WhoDB.

5. All contracts, invoices, agreements, or other documents detailing the tasks undertaken by the contractors and its employees, as well as cost-related information.

6. All documents related to the legality or propriety of creating and maintaining the WhoDB or related system(s).

7. All documents related to who initiated and approved the WhoDB project.

The foregoing request includes all documents and other materials in your possession or control, including those in draft and final form. It includes all hard copy and electronic materials, including but not limited to, electronic mail, memoranda, letters, faxes, phone messages, pager messages, and notes.


"...make sure WhoDB is integrated w/DNC database -- so we can share"
"Evidently, POTUS wants this to[o]! (makes sense)"
EXHIBIT
64

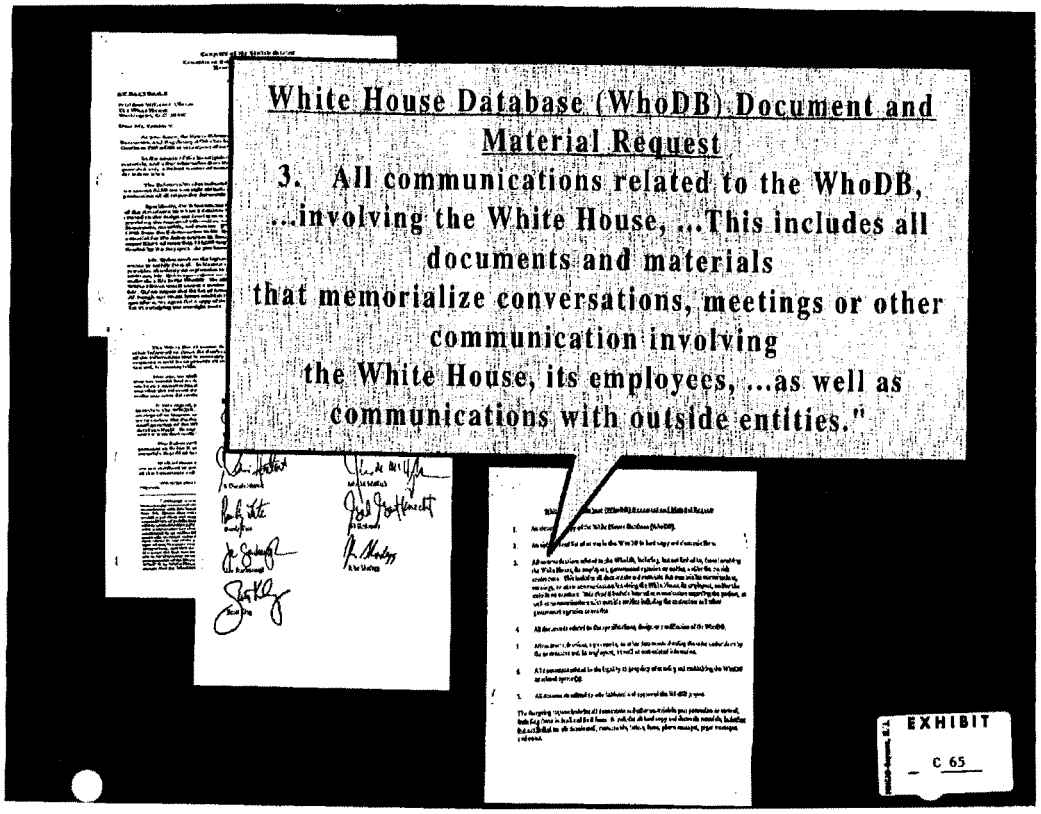
Mr. BARRETT. Parliamentary inquiry?

Mr. BURTON. The gentleman will suspend. The gentleman will state his parliamentary inquiry.

Mr. BARRETT. Before we get to the next one, again, I am having difficulty, and it may be that we do have the documents. I have here exhibit C–65, which is the prior screen, and it has obviously this material that's been taken out and highlighted. Everything else on the page, I'm unable to read.

Mr. APPERSON. If I may, Mr. Chairman, it will be found in the Members' books as exhibit 147.

[Exhibits C–65 and 147 follow:]


White House Database (WhoDB) Document and Material Request
3. All communications related to the WhoDB, ...involving the White House, ...This includes all documents and materials
that memorialize conversations, meetings or other communication involving
the White House, its employees, ...as well as communications with outside entities."
EXHIBIT
C 65

HAROLD AND DEBORAH DEVEE WANT TO MAKE SURE WHODB IS INTEGRATED W/DNC DATABASE - SO WE CAN SHARE

- EVIDENTLY, POTUS WANTS THIS TO! (MAKES SENSE)

HE WANTS TO HAVE A MTG. — HAROLD, ERSKINE, DEBORAH, JODIE, MARSHA, + TECHNICALS + US

TO DISCUSS WAYS TO COORDINATE GOING FORWARD

BOBBY WATSON (DEBORAH'S ASST.) IS WORKING ON HER END.

WANTS TO MEET - MONDAY?

HOW DOES this impact schedule of getting things to POTUS?

EXHIBIT 147

MC33298

Mr. BARRETT. Could you refer to that when you have an exhibit up there?

Mr. APPERSON. I will attempt to do so.

Mr. BARRETT. Thank you.

Mr. FATTAH. Parliamentary inquiry, Mr. Chairman. Is this line of questioning related to our investigation of Chinese influence in the 1996 elections?

Mr. BURTON. It's related to the investigation by this full committee and the subcommittee chaired by Mr. McIntosh.

Mr. FATTAH. Thank you, Mr. Chairman.

Mr. MCINTOSH. Mr. Chairman, parliamentary inquiry.

Mr. BURTON. The gentleman will state it.

Mr. MCINTOSH. The counsel's time is not being docked for all of the inquiries, is it?

Mr. BURTON. It is not. We are giving him the full time. Add an additional minute and a half or 2 minutes to that. Thank you.

Mr. APPERSON. Thank you, Mr. Chairman.

Mr. Ruff, with respect to that document—and I know you are familiar with it because it was one of a very few documents which were sent accompanying your letter, is a handwritten note, a single page that references and provides evidence that Harold Ickes, who was then Deputy Chief of Staff to the President, and Deborah DeLee, Executive Director of the Democratic National Committee, wanted to assure that the WHoDB, the White House data base, is integrated with the DNC data base so that each can share the information.

The handwritten notations further reflect that evidently POTUS, President of the United States, wants this done. It further talks about the desire on the part of Mr. Ickes for a meeting to take place to further this plan. And it talks further that Bobby Watson, Deborah DeLee's assistant at the DNC, is working on that very plan at their end, i.e., at the DNC. You can imagine that after a year, we were quite interested to receive this document.

Now, in your letter of October 28th, conveying the document—well over a year—you stated, quote, "certain of these documents," accompanying your letter, "are arguably not responsive."

Mr. Ruff, I am going to ask you directly with respect to this document, these handwritten notations which set forth a plan by persons in the highest level of the White House and at the DNC to share prohibited data from the White House data base, do you consider that relevant to the request from this subcommittee in August 1996?

Mr. RUFF. Mr. Apperson, I don't want to be impolite, but I will avoid, I think, trying to parse, line by line, the introduction to that question; because I disagree with at least many of the implications that it contained.

My view of this document is that it was clearly something that we should produce to the subcommittee as soon as we found it, which we did. We have taken the view in the months since Congressman McIntosh and I exchanged what seemed to be an endless number of letters—some before and some after I took office—and I told him that my view of this process was——

Mr. APPERSON. With all respect, Mr. Ruff, I appreciate your views of the process; my question is with respect to this document.

Mr. RUFF. I am attempting to answer your question, Mr. Apperson.

Mr. APPERSON. My question is, is this document responsive to the August 2 letter?

Mr. RUFF. If you will permit me, I will try to make my answer shorter than the introduction.

Mr. BURTON. Just wait a second. We all want to hear what you have to say, and when beepers go off——

Mr. RUFF. Thank you, Mr. Chairman. I appreciate it. I didn't know that beepers could be controlled, but I appreciate it.

My view has been, since the early months of this year, and as reflected in my discussion, my correspondence with Chairman McIntosh, that we would break through the impasse that had developed previous to that. We have produced documents erring on the side of responsiveness without worrying, candidly, about fine questions about whether or not they fit exactly within a particular description. I will not, I think, venture to go back into even the modestly dim mists of history and make a judgment about where this document fit into the sequence of events.

I made the decision on production on October 28th because there was no question in my mind that it was directly relevant to the chairman's concerns, the committee's investigation, the subcommittee's investigation, and there was clearly no reluctance on our part to produce it at that time.

Mr. APPERSON. Well, Mr. Ruff, a year before, well over a year before, there was more than a reluctance on the part of someone in your office to make that exact decision. And my question to you is, who in 1996 in the White House Counsel's Office made the decision to withhold that document?

Mr. RUFF. Mr. Apperson, obviously I was not there at the time so what I am about to tell you is a reconstruction of events that led up to my letter of October 28th to Chairman McIntosh.

As I understand the situation last fall, there were a number of lawyers working to collect documents responsive to the WHoDB request. Ultimately, as I understand it, the decisions about responsiveness were made by my predecessor, Mr. Quinn, who, as is my practice, reviews these close questions whenever they arise and makes the ultimate judgment about them.

[Exhibits 166, 162, and C–66 follow:]

THE WHITE HOUSE
WASHINGTON

October 28, 1997

VIA HAND DELIVERY

Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs
B-377 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Consistent with our commitment to deal candidly and forthrightly with the Subcommittee, I want to apprise you of some new information and to correct certain statements regarding two earlier aspects of our document production.

On February 26, 1997 we produced a number of documents, including two memoranda written by Marsha Scott. One memorandum, dated March 7, 1994, bears the number M 32447. As to the second memorandum, dated June 28, 1994, two versions were produced -- one bearing the number M 32433-34 and the other the number M 32438-39. In response to the Subcommittee's inquiry about the late production of the version numbered M 32438-39, I stated in my letter of March 6, generally, that the February 26 production was the result of an ongoing review of White House files and, specifically, that M 32438-39 had been found in Mr. Ickes's files during a search in connection with other document requests.

By letter dated May 13, 1997, from Lanny Breuer to Ms. Webber, we produced to the Subcommittee additional documents from Ms. Scott's files (bearing the numbers M33040-81), explaining that they had been found during the restoration of her computer drive in connection with unrelated searches. Further in my letter to you of May 30, 1997, in which I responded to your letters of May 5 and 15 concerning our document search and production procedures, I stated that the documents produced on May 13 had been missed when Ms. Scott's computer was searched last fall.

Both explanations were true to the best of our understanding at the time they were

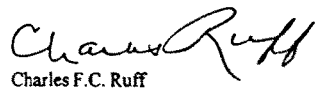
offered, but we have recently learned that they were inaccurate.

In the course of efforts to respond to the questions in your October 9, 1997 letter, staff has spent considerable time reviewing the documents produced in response to the Subcommittee's August 2, 1996 document request. As a result of that review, we learned last week that some of the Scott documents produced earlier this year (M32433-34, 32447, 33040-44, 33050-52 and 33081) had, in fact, been found in September, 1996, during the initial search for documents responsive to the August 2, 1996 request. They had not been produced at that time because they were not believed to be responsive to that request. Instead, they were placed in folders and, together with other materials, were transferred in December 1996 to the attorney who was assuming responsibility for responding to the Subcommittee's requests. She did not examine the contents of those folders, however, until last week when, as part of her effort to respond to your letter of October 9, she undertook a review of the materials gathered in 1996. Thus, when we produced the Scott documents in February and May, 1997, we believed them -- erroneously -- to have been newly discovered.

In addition, some of the documents in the folders found last week have not yet been produced in any form, but some are substantially similar to documents already produced. Although certain of these documents are arguably not responsive, we are erring on the side of production. Bearing the Bates numbers M 33292-33302, they are enclosed with this letter.

I apologize for the errors in our previous explanations concerning the source of the documents produced earlier this year and for the belated production of the remaining responsive documents. We are available to meet with your staff at their convenience to answer any questions you may have and to offer any further explanation you deem necessary about the circumstances of our 1996 and 1997 productions.

Sincerely,



Charles F.C. Ruff
Counsel to the President

Enclosures

cc: Honorable Bernard Sanders

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

MEMORANDUM TO: Harold Ickes
Bruce Lindsey
cc: The First Lady

FROM: Marsha Scott

This sounds promising. Please advise. HRC

DATE: June 28, 1994

SUBJECT: Recommendation for Design of New Database

As you know, over the past year I and my staff have had extensive interaction with Percy's people and their system in Arkadelphia. We spent two days in Arkadelphia working with their people to learn their operation and software capabilities. Our technicians have worked regularly with their designers. In order to obtain lists for various functions and projects, I have requested from the PeopleBase system, many different types of information with varying time frames for turnaround time. (If you need specifics, I will be glad to provide the documentation). My overall impression is that while he has made some improvements, Percy's system and staff cannot adequately meet our quality or response demands and should not be considered for future use.

Currently in the White House we are preparing, as you know, to implement a new database system starting August 1. While that system is modeled after the PeopleBase software, it has major differences. The main differences are ease of use, function flexibility and correction capabilities. By the first of the year we should have any flaws identified and corrected and the majority of the White House using the new system. We will then have a year to fully train and familiarize our folks to its' many possibilities and uses. If they like it, as they seem to now, they will use it. The PeopleBase system was not used during the campaign because it was not user friendly. For the most part, only people from the Governor's staff used it. While I feel the new system far surpasses PeopleBase as a useful tool, it will be technically compatible with PeopleBase.

My team and I are also engaged in conversations with the DNC about the new system they are proposing. We have asked that their system be modeled after whatever system we decide to use outside the White House. I need you to make very clear to them that their system must be technologically compatible, if not the same, as whatever system we decide to use for political purposes later on. These discussions are currently in progress and a clear direction from you to the DNC will eliminate much unnecessary wrangling.

M 32438

The time to act is now. Cloning or duplicating database systems is not difficult if carefully planned by a good design team. We have proven that it can also be done relatively quickly and inexpensively. Therefore, I suggest that instead of continuing with an old outdated system (PeopleBase) that does not meet our current demands, let my team work with the DNC to help them design a system that will meet our needs and technical specifications. We can show them what to do and then clone another system for our specific uses later on. Any information stored with PeopleBase could then be dumped into the new system and made available, when deemed necessary, to the DNC or other entities we choose to work with for political purposes.

The time to make these decisions is now while we have the opportunity to coordinate the various projects. Please let me know your thoughts as soon as possible. In the meantime I am proceeding as if this is the plan.

EXHIBIT
162-2

M 32439

THE WHITE HOUSE
WASHINGTON

CONFIDENTIAL

MEMORANDUM TO: Harold Ickes, Bruce Lindsey, The First Lady

cc:

FROM: Marsha Scott

DATE: June 28, 1994

SUBJECT: Recommendations for Design of New Database

This provides promising. Please above. BCE

As you know, over the past year I and my staff have had occasion to interface with [illegible] people and their system in Arkansas. We spent two days in Arkansas this month [illegible] people to learn their operation and software capabilities. Our technicians have [illegible] regularly with their designers. In order to obtain here the various functions [illegible] I have requested from the PeopleBase system, many different types of information [illegible] using data sources for commercial sites. (If you need specifics, I will be glad to [illegible] this documentation). My overall impression is that while he has made some improvements, Perry's system and staff cannot adequately meet our quality or response [illegible] and should not be considered for future use.

Currently in the White House we are preparing, as you know, to implement a new database system starting August 1. While that system is modeled after the PeopleBase software, it has major differences. The main differences are ease of use, function flexibility and connection capabilities. By the first of the year we should have any bugs identified and corrected and the majority of the White House using the new system. We will then have a year to fully train and familiarize our folks in all using possibilities and uses. If they like it, as they seem to now, they will use it. The PeopleBase system was not used during the campaign because it was not user friendly. For the most part, only people from the Governor's staff used it. While I feel the new system far surpasses PeopleBase as a useful tool, it will be technically compatible with PeopleBase.

My team and I are also engaged in conversations with the DNC about the new system they are proposing. We have asked that their system be modified after our system we decide to use outside the White House. I want you to make every effort to [illegible] our system must be technologically compatible, if not the same, so whatever system we [illegible] for potential purposes later on. These discussions are currently in progress and [illegible] from you to the DNC will eliminate much unnecessary wrangling.

M Scott

M 32439

EXHIBIT
C 66

"Currently in the White House we are preparing, as you know, to implement a new database system starting August 1."

"My team and I are also engaged in conversations with the DNC about the new system they are proposing."

Mr. APPERSON. Are you testifying that Mr. Quinn made the decision——

Mr. RUFF. I cannot——

Mr. APPERSON. Excuse me—not to produce this document?

Mr. RUFF. I obviously cannot tell you as to each document, who made which decision, because I was not there.

Mr. APPERSON. Have you asked the people in the White House Counsel's Office the question I am asking you now?

Mr. RUFF. No, I have not. But may I suggest——

Mr. FATTAH. Could we allow the witness to answer the question?

Mr. RUFF. May I suggest that my colleague's recollection, that since she was there at the time, she may be able to shed some light on that.

Mr. APPERSON. I appreciate it.

Ms. Mills, do you know about this?

Ms. MILLS. Yes. At that time——

Mr. APPERSON. Let me ask the question of you.

Who made the decision in the White House Counsel's Office in 1996 not to produce this document, which had been provided to you pursuant to the request of the committee for production? Who made the decision in 1996 not to give it to Congress?

Ms. MILLS. Well, setting aside your premise, because actually this was one of the materials that were found by the Counsel's Office in going through archived materials——

Mr. APPERSON. When?

Ms. MILLS. Back in September.

Mr. APPERSON. Of what year?

Mr. FATTAH. Mr. Chairman, can we allow the witness to answer the question?

Mr. BURTON. Let her answer the question.

Ms. MILLS. Thank you.

Mr. APPERSON. What year?

Ms. MILLS. In 1996, as—I don't know if you were familiar with the data base production at that time, but Mr. McIntosh at that time was seeking seven itemized materials related to the data base; and in connection with that, we sent out a directive on September 12th.

On September 18th, when documents were to be returned, Mr. McIntosh determined that he needed those documents that day. We began production at that time. We completed production within 4 days of over 27,000 documents——

Mr. MCINTOSH. Mr. Chairman, the witness is not answering the question as to who made the decision.

Mr. SANDERS. Mr. Chairman, let her answer the question, please.

Mr. MCINTOSH. Could I ask unanimous consent for additional time if she is going to stonewall and not answer the question as to who made the decision?

Mr. WAXMAN. I object. I object.

Mr. FATTAH. I have no objection that he has the time, but we should allow the witness to answer the question if we want to know the truth.

Mr. MCINTOSH. And that's all I ask for is time.

Mr. BARRETT. I understand that Mr. McIntosh is upset that he can't control the witness's answer, but if she could be allowed to continue.

Mr. BURTON. That's enough. That's enough.

The gentlelady will be allowed the time to answer the question, and we will allow the continuance to get to the conclusion of this. We have 10 minutes. Go ahead.

Ms. MILLS. We reviewed all the materials at that time and produced them to you. At that time, this is a part of the materials that I reviewed and then reviewed with Mr. Quinn, and made the determination that these materials were not responsive to the seven enumerated items that you all had listed in the August 2nd directive.

Mr. APPERSON. So your testimony is that you looked at this document, which reflected "WHoDB" in bold letters at the top line of that document, and reflects people at the highest levels of the White House and the DNC sharing data bases, and you determined it was not responsive to a request for WHoDB material?

Ms. MILLS. Actually, I think you probably are familiar with the directive that actually asked for seven enumerated things. It doesn't ask for all documents related to WHoDB.

But setting that aside, I can't go back and re-create for you at this time what information I had that led us to conclude that this material was not responsive to any of the seven enumerated items. But at that time we sat down, we looked at these documents, I reviewed them with Mr. Quinn, and ultimately made the determination that those materials did not fall within the scope of the materials that were requested.

As you likely—are probably aware, there were many documents of a similar type to this that we produced that are equally—provide the same information with respect to the desire by many of the staff members to ensure that there were supporters of the President included in the data base, so that they might have an opportunity to invite and include them in events. The President and First Lady also were obviously interested in ensuring that they could have a data base that would provide them with an opportunity to include supporters at events, and that is something that——

Mr. BURTON. The gentleman's time has expired.

The Chair will stand in recess, and when we return, the minority will have their half-hour.

Mr. BURTON. The committee will reconvene. The gentleman from California is recognized for 30 minutes.

Mr. WAXMAN. Thank you, Mr. Chairman. In my opening statement——

Mr. BURTON. Excuse me. I agreed that Mr. Ruff would have 1 minute to respond to some comments that were made earlier so, Mr. Ruff, if you want to be recognized, we will go to Mr. Waxman.

Mr. RUFF. Excuse me, Mr. Waxman, and thank you, Mr. Chairman. In your opening statement, Mr. Chairman, you raise the question about the importance of communications with the leaders of the People's Republic of China concerning cooperation with this committee's and other investigations I just wanted to inform the Chair that indeed this very issue of cooperation in the investiga-

tion, of course, had been raised previously by both the Vice President and the Secretary of State during their visits to Beijing, but more importantly for today's purposes, this was an issue that is the importance of cooperation with your investigation and others, that was raised directly by the President, with the President of the People's Republic during his recent visit. The administration intends to continue to press for further cooperation by the Chinese Government in these matters, and I wanted to put that on the record.

Mr. BURTON. Just for clarification, did the President specifically ask Charlie Trie be returned to the United States for questioning?

Mr. RUFF. Mr. Chairman, I am not familiar with the details of the conversation, but I am advised he did specifically raise and press for full cooperation in all aspects of your and other investigations.

Mr. BURTON. But you do not know about Charlie Trie.

Mr. RUFF. I do not, Mr. Chairman.

Mr. BURTON. Mr. Waxman.

Mr. WAXMAN. In my opening statement, I noted that this hearing, like the first and only other campaign finance hearing we have held, duplicates hearings already held in the Senate, and if this committee is going to investigate campaign finance issues, they should look into matters not previously investigated by the Senate, such as the activities of nonprofit groups like Triad Management.

I do not want my skepticism about this hearing to be construed as an endorsement of the White Houses actions. The Presidency is the highest office in our country. Those who serve in the White House should be held to high standards. It is reasonable to expect the White House to comply fully and promptly to all reasonable congressional requests for information, including requests for videotapes of political coffees.

Mr. Ruff, you testified, and I want to quote, our efforts have been diligent and our compliance exemplary, end quote. I do not doubt that your efforts may have been diligent. You have a small staff of talented lawyers who have been working very hard, but I would not call the failure to discover the videotapes exemplary.

In fact, I was extremely disappointed when I learned it had taken the White House so many months to produce the videotapes. In a word, I think it is inexcusable.

In a sense, Mr. Madigan, the Senate counsel, captured some of my thoughts when he asked you about a series of questions about Starbucks. And if I may, I would like to replay a portion of that Senate hearing, and you can see it on the monitor in front of you.

It would be helpful if we had sound.

Mr. BURTON. Run it back to the beginning, please. This will not be counted against the gentleman's time. The only thing worse than this is when the Super Bowl goes silent. We have an hour, I have been informed.

Mr. WAXMAN. Thank God they don't have the Super Bowl repeated as we have the hearings repeated.

Mr. BURTON. While we are waiting for the sound, I would like to make one brief response to my colleague from California. It is my understanding Ms. Mills did not testify before the Senate, so that is some new information for our investigation.

Mr. WAXMAN. A new witness. I don't know about new information.

While we are waiting, just for the record, both Lanny Breuer and Mr. Ruff testified in the Senate and Ms. Mills gave them a deposition in the Senate, but did not testify.

Mr. BURTON. That is correct.

Would it be possible, Mr. Waxman, for you to come back to this part of your testimony or your statement?

Mr. WAXMAN. I can't understand why we can't master the technology to run a videotape. You turn it louder. You have got the video. It is running, so, therefore, the sound, audio, has to be turned up.

Mr. RUFF. I may remember what I said.

Mr. WAXMAN. Mr. Chairman, have you hired lip readers?

Mr. BURTON. Let me think about that.

Mr. WAXMAN. Well, I would have liked everyone to have seen this videotape, because it encompassed some of the very same questions that have been asked already, and in that videotape, Mr. Ruff, it was the questioning of you.

Mr. RUFF. Yes.

Mr. WAXMAN. You were asked whether you would go to the President or the CEO of a company if you were trying to get information to comply with the request for information. And as I understand your answer, you said you would not.

Mr. RUFF. I think the way it played out was this, Congressman Waxman. Mr. Madigan was pressing to learn how we go about checking to make sure we got everything that is responsive, and we, of course, had talked about sending the directive out to WHCA, and then he asked——

Mr. WAXMAN. WHCA is the White House.

Mr. RUFF. Communications Agency that did the taping and, of course, how we lost relevant pages, as we have often been told. He then asked, well, did you go to see the President, and I think my response was, something along the lines of, if you were conducting a document search in Starbucks, you wouldn't go talk to the CEO about where those documents were. I think that was the exchange to which you had reference.

Mr. WAXMAN. And with that kind of an answer, I presume that when you start a document search, you don't go to the President of the United States because you would be taking up his time at every request for information.

Mr. RUFF. I think that is a fair assessment, yes.

Mr. WAXMAN. What I don't fully understand is why you or your staff didn't talk with enough people close to the President to know the coffees had been videotaped. Can you explain why you didn't learn about the videotapes earlier?

Mr. RUFF. Well, I think it is difficult to look back over the last several months and respond to that question, simply because the videotapes have taken on such an enormous aspect in the last month or so, and, quite rightly, they have.

When we send out a directive asking for information in all its forms, computerized and every other, and we get back a specific response from the agency involved, as we did in this case, as we do from all the people to whom we send this directive, and we get

computerized information and photographs and e-mails, and everything else, we have no reason at that point to pick out the videotape process or the coffees as a special item for inquiry, and we didn't really have that until August when Mr. Imbroscio began his inquiry into the matter.

Mr. WAXMAN. Did you send out a directive to the White House Communications Agency requesting information that would have included videotapes?

Mr. RUFF. We sent the directive of April 28 to all the key agencies, including the White House Military Office, which is the parent agency of the White House Communications Agency, and as you know from testimony, Congressman Waxman, they in turn sent that directive to WHCA, and one page didn't make it off the fax machine.

Mr. WAXMAN. Well, Mr. Ruff, I am going to tell you that I would have hoped you would have done more than this to find the tapes, and I wish that you had asked people who participated in the coffees what kind of information existed about those coffees, and perhaps if you had taken a more active approach, you would have learned about the videotapes earlier. This could have saved you, the President, and everybody, in general, a lot of embarrassment.

Mr. RUFF. I will second your wish that I had done just that, if only to have avoided the last 5 weeks of turmoil.

Mr. WAXMAN. Well, for the reasons I indicated to you, I wish you had done a better job of locating the videotapes, plus I am critical of your efforts.

Mr. RUFF. I understand.

Mr. WAXMAN. But there is a big difference between making a mistake and deliberately trying to obstruct a congressional investigation or deliberately tampering with the evidence. The chairman and other Republican members of the committee have gone much further in their criticism than I have. The chairman said on national television that he thought the tapes had been intentionally cutoff and altered.

This would have been a deliberate obstruction of justice. Other Republican Members have also raised allegations of obstruction of justice. In fact, Mr. Barr, a member of this committee, sent a letter to me and other Members of the House this week that said articles of impeachment should be filed against the President.

Now, these are very serious charges. If they are true, there should be serious consequences for the White House, but if they are false or unsubstantiated, they represent partisanship at its worst. Serious investigators don't throw around unsubstantiated charges, but those conducting a partisan witch hunt do.

This issue of obstruction of justice was addressed in the Senate and we have another videotape and I want to see if the sound is working so we can show that videotape. That was an inquiry by Mr. Baron, the minority counsel, where I thought he cut right to the issue. Has anybody contacted Ms. Ros-Lehtinen to see if we can get the sound working, because she was very successful last week?

Mr. BURTON. We have a technician that is on his way to get to this. I apologize, once again, somebody must have kicked a wire loose or something.

Mr. WAXMAN. Well, let me read from the testimony in the Senate.

Mr. BARON. Mr. Imbroscio, have you ever been told or has it ever been suggested to you directly or indirectly or in some implicit way to conceal a document or any other material from being produced?

Mr. IMBROSCIO. One-hundred percent, absolutely not.

Mr. BARON. Are you aware of anybody else within the White House attempting to conceal or fail to produce a document that was responsive to requests?

Mr. IMBROSCIO. Certainly not, and if I were, I would probably go immediately to Mr. Ruff.

Mr. BARON. With regard to the videotapes, are you aware of anybody attempting to conceal, alter, or in any way hinder the production of the videotapes?

Mr. IMBROSCIO. Certainly not.

Those were the statements given, under oath, before the Senate Committee. Mr. Ruff, I would like to ask you the same questions Mr. Baron asked one of your lawyers.

First, have you ever been told or has it ever been suggested to you directly or indirectly or in some implicit way to conceal a document or any other material from being produced?

Mr. RUFF. I can't say it better than Mike Imbroscio did, 100 percent, absolutely not.

Mr. WAXMAN. Are you aware of anybody else in the White House attempting to conceal or fail to produce a document that was responsive to a request?

Mr. RUFF. Absolutely not.

Mr. WAXMAN. With regard to the videotapes, are you aware of anybody attempting to conceal, alter, or in any way hinder the production of the videotapes?

Mr. RUFF. I am not.

Mr. WAXMAN. Mr. Ruff, are you aware that this committee has taken the deposition of Colonel Joseph Simmons, the commander of the White House Communications Agency, Colonel Alan Simmons, who heads the White House Military Office, which oversees the White House Communications Agency and Steven Smith, Chief of Operations of the White House Communications Agency?

Mr. RUFF. I am aware their depositions were taken, yes, sir.

Mr. WAXMAN. Each of these witnesses are nonpartisan White House employees. They have distinguished military records. They are all in the chain of command responsible for those videotapes. Each of them was asked whether they were aware of any evidence of tampering or altering those tapes, and do you know what they told this committee?

Mr. RUFF. I know only in summary that they absolutely deny any knowledge of such tampering.

Mr. WAXMAN. They all testified under oath that there was no alteration of those videotapes. Mr. Chairman, I wrote to you a letter last week asking you to substantiate your accusations of tampering, and I said you should either come forward with evidence supporting these allegations or you should apologize to the President, Mr. Ruff, and to everyone else responsible for the tapes at the White House.

Unfortunately, you didn't respond to that letter, but in light of the testimony in the Senate, given under oath by people who are not even partisans, who work at the White House, and the testi-

mony received today, I would like to yield to you if you want to retract that accusation.

Mr. BURTON. If the gentleman would yield, the Justice Department, the Senate committee and our committee are going to be examining the tapes if it hasn't been done already by expert technicians to make sure that the tapes were intact and were not at all altered in any way. What I said on national television, I believe it was on Face the Nation, is I thought there was a real possibility that they may have been altered. I made no categorical statement they were altered.

Mr. WAXMAN. On what basis did you think there was a real possibility?

Mr. BURTON. I will be glad to restate what I said on Face the Nation.

Mr. WAXMAN. I heard what you said. In fact, we even have the videotape, but we wouldn't get the sound from that one either.

Mr. BURTON. I can get you sound.

Mr. WAXMAN. You said there may be alteration of those tapes. You made the statement. Do you have any basis for it?

Mr. BURTON. The basis we have is there were interruptions, there were tapes that had no sound, there were tapes that were broken in the middle and have information that may have been relevant was left out and we are trying to find out if that was a deliberate attempt to keep information from the committee or if it wasn't. The fact of the matter is, we are investigating that right now, and if we find no attempt to alter the tapes, then we will so state.

Mr. WAXMAN. The only thing I can say is Mr. Ginsberg also testified in the Senate who said there was no alteration of the tapes.

Mr. BURTON. If the gentleman will yield, I believe they said to the best of their knowledge.

Mr. WAXMAN. I am reclaiming my time. To the best of your knowledge, Mr. Chairman, you had no evidence. You were making a guess, and when you make a guess, and you are the man leading the investigation, that is what ends up in the headline the next day, and often the truth never catches up with the accusation, and I think that that is not a responsible way for an investigative committee to be proceeding.

Now, we have additional time and I want to yield to members of the committee, and I promised that I would yield to—well, Mr. Sanders, I know I promised, let me yield to him a minute or two and see if we have time for others.

Mr. SANDERS. Very briefly, Mr. Chairman, I will get into greater discussion later on. It seems to me one of the problems we have had in the whole hearing is that the focus of attention has only been on the White House.

Now, I think we should probe as deeply as we can, all of the problems, and there are many associated with the President's fundraising, no argument from me, but I think that the reason that these hearings have not captured the interest of the American people is there is nobody in America, maybe with the exception of a few people on that side of the aisle, who think campaign finance problems are limited to the White House.

Let me quote, if I might, it doesn't have to go very far, today's newspaper. USA Today, quote, "National Republican organizations sank $5 million into their sweep of Tuesday's elections in New York, New Jersey and Virginia, more than five times what Democrats invested."

Next article, today's paper, Wall Street Journal, quote, After months of intraparty second guessing, Tuesday's elections became a triumph to gladden Republican hearts and perhaps also to stiffen their spines against the prospect of sweeping campaign finance overall, end of quote. In other words, they raised five times more money, they won the elections and they are saying, hey, who needs campaign finance reform.

Mr. Chairman, I would hope very much that we might hold some hearings on that issue. And the second point I would like to make with that regard is an article in Roll Call, October 30, just last week. The thrust of the articles are Democrats are very upset, because corporate America, the largest corporations in this country, are contributing more money to the Republican party than they are to the Democratic party, it is a great concern to the Democrats. AT&T, American International Group, Anheuser-Busch, are putting millions of dollars in soft money, and the Democrats are upset the Republicans are getting more.

I would hope very much that we can have a hearing which I think really would capture the attention of the American people if we brought corporate America in here and asked them why they are contributing millions of dollars to both political parties, and what they expect to get from that. It is no secret that the rich get richer, the middle class is shrinking, working people have seen a decline in their standard of living, and I think the American people understand that that is directly related to the role that corporate America and big money have on campaign finance.

Mr. WAXMAN. Thank you, Mr. Sanders. I want to yield to some of the other Members. I thought you had some good points.

Mr. Lantos, 2 minutes.

Mr. LANTOS. Thank you, Mr. Chairman. Let me first commend Mr. Ruff and Ms. Mills for an outstanding job conducted in a most professional manner. We don't know each other. This is the first in my life I have seen you, but on behalf of the committee, I want to express our apologies to you, because you have been harassed, incessantly, and in an utterly irresponsible fashion and there as one member of this committee, I want you to know how sorry I am and how fully you do not deserve this.

Now, I want to bring a bit of reality check to this hearing because to call this trivial pursuit is an insult to other trivial pursuits. This is much worse than that. This is a reckless and irresponsible and hypocritical attempt to create an impression that highly professional and dedicated public servants, who have been doing their jobs, have somehow, illegally, attempted to confuse and cloud and obfuscate an issue.

I would like to remind our Members that 10 years ago, this week, in November 1987, at the conclusion of the Iran-Contra hearings, some of the most respected Members of this body, some of them no longer alive, future Speaker of the House, Tom Foley; future Secretary of Defense at that time, Les Aspin; chairman of the House

Judiciary Committee during the Iran-Contra hearings, Peter Rodino, issued a report concerning the Reagan White House's noncompliance with requests.

I want to read just one paragraph. Because of President Reagan's personal promise that the executive branch would fully cooperate with the committees in their investigation, the committees did not issue subpoenas to any person or agency of the executive branch. However, the White House and a number of executive agencies, either belatedly produced or withheld information requested by the committees. This delayed production, nonproduction, and noncompliance with committee requests, made witness interviews difficult, made it necessary that some witnesses be reinterviewed, and complicated the committee's preparation for public hearings.

Mr. Chairman, I ask unanimous consent that this report be made a part of the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

Final Report of the Iran-Contra Committees
H. Rept. No. 100-433, S. Rept. No. 100-216

November 1987

Additional Views of Honorable Peter W. Rodino, Jr., Honorable Dante B. Fascell, Vice Chairman, Honorable Thomas S. Foley, Honorable Jack Brooks, Honorable Louis Stokes, Honorable Les Aspin, and Honorable Edward P. Boland

We have all joined in voting for the joint Report of the Select Committees, and wish to commend the Chairmen and the staff for their extraordinary efforts in assembling the voluminous factual information gathered during our investigation and crafting it into a fair and credible report. Obviously, it would have been impossible to draft a report with which all the Members of the Committees would have agreed in every particular; the subject is far too complex, the information subject to too many different shadings, and the unresolved questions too numerous to expect unanimity. Nonetheless, we wish to emphasize our strong support for the Report in general and for the work of the leadership of the Committees in producing a document that a majority of Members could endorse.

We would emphasize, however, that the Report is based solely on the documents, testimony, and other information available to the Committees. Unfortunately, not all information requested by the Committees was in fact made available, and this has deprived us of material that quite possibly could resolve a number of key issues.

Along this line, we are therefore submitting these additional views in order that the public record be absolutely clear with respect to the production of materials by the White House. For, despite its repeated public assurances, the White House did not provide the Select Committees with all the documents and information requested in the past months.[1] Of paramount concern to us is the outright refusal of the White House to provide certain critical computer records possibly containing directly relevant information on some of the remaining key unresolved questions of the Iran–Contra episode. Experts from Price Waterhouse, hired by the House Committee, met with White House communications specialists and, after some study, concluded that more information could be in the White House computer system that had not yet been produced. Much of this information was previously thought to be destroyed, but, according to our experts, could still be retrieved.

White House Computerized Documentation

On August 7, 1987, after public hearings were concluded, Chairman Hamilton wrote to the White House stating that our investigation was continuing and requesting White House information stored in the computer system.[2] On August 31, 1987, the House Select Committee sent a more detailed letter listing a number of priority steps required in the review of White House and NSC computer records.[3] On September 4, 1987, White House Counsel Culvahouse responded, stating that "We cannot and will not be able to meet that [September 4] deadline" for producing the materials requested by the Committee on August 31.[4] Culvahouse cited time constraints and previous White House compliance with Committee requests, and added that portions of the request had "no apparent legislative purpose and appear to be more appropriate for a prosecutor's request."[5] Culvahouse concluded as follows:

> In view of all of these factors, and with a due regard for protecting sensitive national security information unrelated to the Committee's investigation, separation of powers principles and the Constitutional prerogatives of both the Legislative and Executive Branches, I respectfully recommend that the Committee reconsider its requests and focus on those tasks that both are relevant to the performance of its legitimate legislative function, and which, in view of the fact that the Select Committees' report will be issued next month, are possible to accomplish in a timely fashion.[6]

Mr. Culvahouse's response flies in the face of the President's promises of complete cooperation. The

suggestion that the White House computer records should not be produced in order to protect "national security information" and because of "separation of powers principles and Constitutional prerogatives" [read: "executive privilege"] is completely without merit[7] and raises legal arguments that have long since been discredited.

It is for the Select Committees, not the White House, to determine what documents and information are "relevant" and needed to fulfill our "legitimate legislative function." In this instance, the relevance of the White House computer records simply cannot be questioned. In its August 31, 1987, letter, the House Select Committee requested that certain specific computer "dumps" be performed by the White House in order to retrieve information from the computer system.[8] These included the following key materials that were *not* produced:

1. PROF Notes

Admiral Poindexter testified that he had deleted PROF messages that he wrote from his computer. As the Committee's experts discovered, however, Poindexter could have deleted his PROF messages from his computer screen, and the messages would not have been deleted from the system itself—only from the user's screen. Therefore, although Poindexter thought he had deleted the messages from the system, he had not. Obviously, the messages that he purposely deleted from the directory are of critical importance to the Committees. Presumably, Poindexter did not destroy irrelevant messages.

The Committees also discovered that the White House reviewed all "live" PROFs only for North and Poindexter, and conducted only a more limited review of PROFs for other NSC staff. It is entirely possible that two additional categories of messages that were not provided are retrievable from the system: (1) PROFs deleted by North and Poindexter sent to others on the system; and (2) "live" or deleted messages to or from users other than North and Poindexter not discovered by the more limited review.

After the White House refused to "dump" all of the live and deleted material from the PROF notes of the principals in this investigation, the Committee sought alternatives. Its experts attempted to devise a program that would separate out the deleted materials and retrieve them in a readable format. In order to write the program, the experts asked the White House for access to the NSC system in order to understand the system and to facilitate the writing of the program. Again, the White House refused, on national security grounds.

That left the experts with no choice but to go to outside system programmers to try to recreate the system in order to write the program. Without the on-site inspection of the White House system, and the initial participation of an expert who actually worked the system, what would ordinarily have taken only a matter of hours or days took weeks to try to solve. As of the time of this Report, a working program still has not been completed; moreover, there is no guarantee that the finished program will actually function in the White House system.

Therefore, although the Committee made a valiant effort to retrieve PROF notes that could be critical to the investigation, the lateness of the discovery that materials could possibly be retrieved from the White House computer, combined with the lack of White House cooperation, made the Committee's task impossible. As a result, the documentary record is not complete and our conclusions are qualified.

2. Diskettes

Many critical documents, including the key diversion memorandum, were typed on word processing equipment that utilized diskettes. Fawn Hall stated that she used these diskettes to alter some documents on November 21, 1986. In fact, the diversion memorandum itself was found on Hall's diskettes. However, the Committee never received any diskettes so that it could run a complete print-out of all the documents or data on them. A full print-out could have disclosed all documents typed onto the diskettes, even if they had been deleted from the user's directory. The original diskettes are in the joint custody of the Independent Counsel and the White House. Although the Committee apparently received a written inventory of over 90 diskettes and relevant documents printed from the diskettes, this production did *not* include deleted material. Without that information, it is impossible to say that there were not other diversion memoranda or other pertinent documents.

3. Other Systems

The Committee learned that some NSC employees had access to other computer systems, including microcomputers and a VAX minicomputer system. Although the White House stated that the key NSC employees either did not have these computer systems or did not use the systems because they were so new, the Committee did request a list of users and inventory to determine whether the principals of our investigation had access to these systems. The Committee also requested a briefing on the NSC "flashboard" system that transmitted messages within the NSC. These requests were not granted.

Section III (Minority)

1. Because of President Reagan's personal promise that the executive branch would fully cooperate with the Committees in their investigation, the Committees did not issue subpoenas to any person or agency of the executive branch. However, the White House and a number of executive agencies either belatedly produced or withheld information requested by the Committees. This delayed production, non-production, and non-compliance with Committee requests made witness interviews difficult, made it necessary that some witnesses be re-interviewed, and complicated the Committees' preparation for public hearings.

2. Letter from Lee H. Hamilton, Chairman, to Arthur B. Culvahouse, Jr., Counsel to the President, August 7, 1987.

3. Letter from John W. Nields, Jr., to Alan Raul, Associate Counsel to the President, August 31, 1987.

4. Letter from Arthur B. Culvahouse, Jr., to John W. Nields, Jr., September 4, 1987, at 2.

5. *Id.*

6. *Id.*, at 3.

7. For example, all staff members of the Select Committees had the necessary security clearances to review all documents relevant to our inquiry.

8. The computer experts employed by the Committee estimated that it would take only one day to perform the requested "dumps."

PETER W. RODINO, JR.
JACK BROOKS.
EDWARD P. BOLAND.
THOMAS S. FOLEY.
LES ASPIN.
DANTE B. FASCELL.
LOUIS STOKES.

Mr. LANTOS. Now, it is important for us, who are so self-absorbed in our own importance in this particular trivial pursuit, to recognize that there is a whole world out there. Southeast-Asian economies are crumbling, Iraq is preparing weapons of mass destruction, there is a new palace revolution within the Kremlin, and as we speak, 6 million political prisoners in China are suffering fate that most people in this country cannot even comprehend.

So I would like to call on you, Mr. Chairman, to follow the example of Senator Thompson, who recognized that there is nothing there, throw in the towel and call off the investigation. What we are witnessing is an irresponsible and reckless partisan political theater of the absurd, with self righteousness oozing, oozing from the pours of this committee, at a time when the country is, in fact, in need of dealing with serious domestic and international issues.

Last night, as we were here until past 11 voting, some of us went into the Cloakroom and watched Ken Burns' Masterpiece, the Lewis and Clark expedition, and it sort of restored one's faith in both the past and future of this country. But, frankly, I couldn't care less whether these breathless movies showing Sweet 'N Low being put into a coffee at a White House gathering, whether it is released Tuesday or Wednesday or next Friday afternoon, and this pathetic attempt to make it appear that we are dealing with issues of major import, matters of deep concern for the United States, when military officers are testifying that nobody altered these films, that mistakes were made in releasing them late, never having made a mistake in my life, I really have no sympathy for people who make mistakes in the White House or elsewhere, but I just think it is important to wake up and realize that there are real issues to be dealt with, and this trivial pursuit needs to come to an end.

Campaign fund-raising reform is long overdue, the Republicans are as guilty as the Democrats of historic mistakes and we better move on to some real issues. Thank you, Mr. Chairman.

Mr. WAXMAN. Thank you, Mr. Lantos.

Mr. Kanjorski.

Mr. KANJORSKI. Thank you very much. Just as a point, I think we have all seen it in Pennsylvania. We call it Monday morning quarterbacking, and, of course, we can all outguess Joe Paterno, particularly if he loses. It seems to me we have had a perfect example here today where even the simplest of modern technology goofs up on three occasions.

We are incapable of providing just the sound to evidential documents that we wanted to be presented to the witnesses and the committee. And I have not heard a cry for an investigation of miscarriage of justice or an attempt to avoid proper pursuits of the same. I think that Mr. Lantos has adequately summed up what we are all about, or should be about. But Mr. Ruff, I would like to follow through, particularly on this question of the tapes.

As I understand it, and I want to make sure the American people that are watching this, the explanation is that there was not a protocol until April 10 of this year in which any documents were supplied by the White House to this committee; is that correct?

Mr. RUFF. There were some documents supplied before that time, but not really in any flow until we had that arrangement with the committee; that is correct.

Mr. KANJORSKI. And the protocol we would be talking about for the average American out there is the system or process under which it would operate.

Mr. RUFF. That is correct.

Mr. KANJORSKI. There was an understanding for protection and security, that those documents would not be misused, abused or inadvertently leaked or intentionally leaked; is that correct?

Mr. RUFF. That is correct, sir.

Mr. KANJORSKI. We are dealing with a period that moves from April, when the documents were begun to be released. As I understand it, the White House encompasses about 19 offices in the Executive Office of the White House; is that correct?

Mr. RUFF. Actually, more offices than that, depending on how you count. In the neighborhood of 40.

Mr. KANJORSKI. What now is the breakdown? I think when I was Chair of the committee that had jurisdiction over the White House, we have about 22 or 23 offices now.

Mr. RUFF. More than that, actually.

Mr. KANJORSKI. And as I understand it, there are more than 2,500 employees in the White House engaged in various pursuits.

Mr. RUFF. That is correct.

Mr. KANJORSKI. And as I understand it, and I am being facetious, you were given $6 million in the Counsel's Office to respond. We appropriated that money, did we not?

Mr. RUFF. I have been searching for the $6 million. I am sure it is there somewhere.

Mr. KANJORSKI. In reality, you have in the President Counsel Office, yourself, a deputy and several assistants, four or five assistants?

Mr. RUFF. We have a total of 17 lawyers, about half of whom work on noninvestigative matters, the real business of the office.

Mr. KANJORSKI. And the Congress has not seen fit to give you additional appropriations so you could increase that staff, even though you have three intensive examinations going on, one by the Senate, one by the House committee we are at now, and one by the Justice Department; is that correct?

Mr. RUFF. That is correct, sir.

Mr. KANJORSKI. And in the course of this period of time, is it correct that you have had over 300 subpoenas to which to respond?

Mr. RUFF. We have had 300 requests or so from this committee alone, plus about the same from the Senate, and several hundred from other bodies.

Mr. KANJORSKI. OK. So we are talking about a receipt of maybe seven to eight subpoenas per working day, since April.

Mr. RUFF. Well, I haven't tried the division, but certainly if you divide the 1,100 or so requests we have got into the intervening days, certainly on work days; that is correct.

Mr. KANJORSKI. I understand in this committee alone you provided us with more than 110,000 documents.

Mr. RUFF. That is correct.

Mr. KANJORSKI. All of which had to be found, read, and determined whether or not they violated national security or were subject to executive privilege?

Mr. RUFF. That is correct, Mr. Kanjorski.

Mr. WAXMAN. Mr. Kanjorski, will you yield to me just to make one point?

Mr. KANJORSKI. Certainly, Mr. Waxman.

Mr. WAXMAN. You have 17 people.

Mr. RUFF. We have 17 lawyers total, Congressman Waxman. Ms. Mills, myself and Mr. Lindsey, are the three headquarters lawyers, and then we have about a—half our lawyers work on investigations, about seven, and another seven to work on noninvestigative matters.

Mr. WAXMAN. In this committee alone, we have 60 people investigating you.

Mr. RUFF. I would have guessed more, given their presence, but I will take your word for it.

Mr. WAXMAN. Sometimes they ask the same questions over again. And I must say, 60 people working on the investigation in this committee, it hasn't been a model of efficiency.

Mr. KANJORSKI. Let us attack just that. This committee has already issued six subpoenas to misidentified Americans that had nothing to do or were not intended to be subpoenaed. We brought the bank records in of people, examined their bank records, when they had absolutely no relationship to it, so with our 60 employees and all our lawyers, and all the coordination between the House and the Senate side and whoever else, I think there are probably some nonprofit organizations out there that are even providing soft support, they have made significant errors, it could border, if you were not fair-minded, to say men make mistakes and sometimes things don't pursue a degree of incompetence. As a matter of fact, as I recall, about 2 months ago, there was a chief counsel on the majority side, who resigned because of incompetence and political activity on the part of the majority.

Have you had any of your attorneys at the White House resign because they felt you were politicizing the office or that the office was acting in an incompetent manner?

Mr. RUFF. No, sir.

Mr. WAXMAN. Mr. Kanjorski, I am going to yield some time to Mr. Fattah, who has been here as well, and we will have more time to go back and forth.

Mr. Fattah.

Mr. FATTAH. Let me thank the ranking member.

I guess I want to get at two issues as quickly as I can and as concisely as I can. The President is at, on one hand, the most successful politician of his generation, and the most successful Democrat, in at least two, maybe three decades, having won the White House twice. So on one hand we have a very successful politician, and on the other hand, as best as I can determine it, between Whitewater and Filegate and Travelgate and now the campaign finance investigation, he is also—somewhere around 55 million or so being spent on investigating his activities, the most investigated person, ever in the history of this country.

Would that be a correct statement, Mr. Ruff?

Mr. RUFF. I am not sure that my history is good enough, but certainly there are more investigations than one would care to contemplate.

Mr. FATTAH. What I mean is by most investigated, I mean that no one has ever had that much resources spent analyzing, investigating his every activity, meetings, phone calls, his wife's activities, even down to Socks the cat, I think there have been allegations of some type of wrongdoing. And through it all, there has not been anything that has come of these investigations, and the Senate, after spending millions of dollars, has concluded its campaign finance investigation, and today we spent a long time talking about videotapes, the suggestion being there was an obstruction of justice and the reality is there is nothing on the videotapes that is incriminating in any way, shape or form, as best I have been able to determine.

Do you have some contrary determination about that?

Mr. RUFF. I think, quite so, Congressman Fattah, the videotapes of the coffees are entirely consistent with the descriptions previously given of those events and certainly reveal no improper activity.

Mr. FATTAH. So you have been brought over here with your deputy to be questioned about obstructing the delivery of incriminating evidence, supposedly, which is not incriminating at all.

Mr. RUFF. I think that is fair.

Mr. FATTAH. Now there was an election that took place in 1996 and one that took place in 1992, and I think that maybe the biggest offense of Bill Clinton is that he beat the Republicans, but there is another point I would like to make about those elections, is that there was some similarities between the two campaigns, the Republican party's campaign and Democratic party campaign. Both campaigns used soft money for issue advocacy and other purposes, and both campaigns received foreign contributions that they had to return in the millions of dollars, and there are some differences in the two campaigns. The Dole campaign is the only one of the two in which there have now been two successful criminal prosecutions, one of a campaign chair, who was fined some $6 or $8 million, I can't recall, and put under house arrest for laundering money through a Hong Kong bank, and we now have a Pennsylvania company that has pled guilty to a conduit of hundreds of thousands of dollars into the Republican campaign coffers.

Have there been, to your knowledge, any successful prosecution of any official in the Clinton campaign having to do with conduit payments?

Mr. RUFF. No, sir.

Mr. FATTAH. Have there been any charges made, specific criminal charges, to your knowledge, of the President or anyone else, being involved in criminal activity, conduit campaign contributions?

Mr. RUFF. Not to my knowledge, Congressman.

Mr. FATTAH. So there is a distinction between the two campaigns, in that one has been burdened by successful prosecutions of illegalities, and the other, at best, what we have had is a Senate investigation, which has concluded with nothing but thin air. And I think that it is important, as we deal with this issue, that we try

to put this in its own perspective because I assume your office has other responsibilities, as the counsel to the White House.

Mr. RUFF. I would like to think so, Congressman, yes.

Mr. FATTAH. I have no idea, since I am not a lawyer and I never worked in the White House Counsel's Office, would you in a bullet form tell us about some of the other responsibilities that you have as counsel to the White House?

Mr. RUFF. Well, my principal responsibility, of course, is to try to advise the President on a whole range of legal matters arising out of legislation, the work of this body, and others. We are responsible for advising the President concerning the selection of judges, certainly one of the most important functions the President has; we serve as ethics counsel to all White House employees.

Mr. FATTAH. I would assume there are some national security issues that you have to deal with?

Mr. RUFF. We, together with the National Security Council legal advisors, work on a number of those matters.

Mr. FATTAH. Let me just conclude because I know the ranking member has a limited amount of time, but the real crime that may have been committed is that this White House, this administration, notwithstanding its political success, has been burdened, as you have already illustrated, by a whole range of investigations. My colleague, Mr. Kanjorski, said we have one investigation here in the House. There are other committees in the House that are issuing subpoenas and making requests around other matters, and I remember the Speaker saying that once the Republicans took over they were going to have every committee of the Congress be an investigatory committee and they will have subpoenas flying all over the place. I think that one possibility is that the biggest crime that has been committed here is that this administration is, even though it is elected by the people of the country twice now, is being impeded from carrying out its policy objectives by this continuing assault, within, after all of it, after tens of millions of dollars being spent, no one has even come close to being able to bring any type of a criminal activity or improper activity upon the President or saying that he had any knowledge thereof. So I want to thank you for your appearance here and I want to thank the ranking member for yielding to me.

Mr. BURTON. The gentleman's time has expired. I would like to just make a couple of clarifying comments before I yield to Mr. McIntosh for his 10 minutes.

First of all, Senator Thompson wanted more time. In fact, I think he said when he concluded his hearings that, in effect, the White House had run out the clock and he thought setting time constraints on him was probably, in retrospect, the wrong thing to do because they had more they had to look into.

Second, it was two and not six people to whom we sent erroneous subpoenas. Those records that we received were returned without us reviewing them. Obviously, when you send out 300 or 400 subpoenas, sometimes there is a mistake made, but we made sure they were not violated in any way because those records were returned without review.

Finally, there are 62-plus people that we have been investigating and asking for information on the Democrat side who have taken

the fifth amendment or fled the country, none on the Republican side. That is the reason why the preponderance of effort in the investigation has been on the Democrat side. That is not to say that we are not going to investigate Republican alleged illegal activity. We are. When you have 62 people taking the fifth amendment or fleeing the country, you have to look into that.

Finally, I want to ask Mr. Ruff one quick question. Has anybody on my staff, on the majority side, harassed you in any way?

Mr. RUFF. Mr. Chairman, we are engaged, I believe, in good, hard fought occasionally, professional dealings with you and your staff. As I indicated at the beginning of my comments today, I have always appreciated the candor with which you and I have dealt with each other, and I appreciate the candor with which Mr. Bennett and I deal with each other. We do not always agree, almost never agree, but I have always felt our relationships to be professional. I feel burdened because you have asked for a lot of stuff from us, but our relations, as I said, I viewed as professional, occasionally contentious but professional.

Mr. BURTON. But not harassed?

Mr. RUFF. No, sir.

Mr. BURTON. Mr. McIntosh.

Mr. MCINTOSH. Mr. Chairman, let me start with an inquiry. Do you want to stop for the vote, first?

Mr. BURTON. If you would like, Mr. McIntosh, we can break for the vote and come back and then you can start when we come back.

Mr. MCINTOSH. We have 10 minutes. I am happy to do it.

Mr. BURTON. We have the time.

Mr. MCINTOSH. Good afternoon, Mr. Ruff and Ms. Mills. Let me pick up where we left off on the WhoDB question. And, Ms. Mills, in addition to you and Mr. Quinn, were there any other individuals who were involved in the decision to withhold the handwritten notes and the other documents in the fall of 1996.

Ms. MILLS. In the fall of 1996, given the short timeframe in which we had to review the materials, we went about asking those members of our office who had time that weekend to come in to help go through all the different materials that had been collected. I couldn't tell you how many of those different people might have had occasion to review this document, but what we did try and do, once we got to this particular document and some others, is review them carefully and make a determination based on the criteria you outlined that you were looking for and make a determination regarding its responsiveness.

Mr. MCINTOSH. OK. And do you recall which weekend that was?

Ms. MILLS. I believe, actually, we sent out our request on the 12th. I believe on the 18th is when we had our directive return date for the documents, so we had a very quick turnaround for the return date. I believe it was on the 18th or 19th that you sought the materials from us and we started producing them around that time. That is my best recollection.

Mr. MCINTOSH. Was that decision ever revisited?

Ms. MILLS. The decision to produce documents to you?

Mr. MCINTOSH. The particular ones that we were talking about earlier, the handwritten memo and the other documents that Mr. Ruff said?

Ms. MILLS. They were placed in a file and at the time when I concluded handling this matter I transferred them to another attorney who was handling them. I don't believe she had occasion to rereview those materials until sometime recently in response to additional requests that you have been posing.

Mr. MCINTOSH. You and Mr. Quinn didn't revisit that decision?

Ms. MILLS. At that time we didn't revisit because we didn't have any new requests from you; that is correct.

Mr. MCINTOSH. Well, let me point out we had an outstanding request for all of the documents. Let me ask you about some individuals to see if you remember whether they were involved in that initial decision. There was Mr. Quinn. Were any of the individuals listed in the handwritten document, there is Erskine, which I presume is Erskine Bowles, was he consulted about the document?

Ms. MILLS. No, these are—these were internal notes of a particular staff member so he was not consulted with regard to this document, this was somebody's notes.

Mr. MCINTOSH. Mr. Bowles was not consulted?

Ms. MILLS. Correct.

Mr. MCINTOSH. Do you know whose notes these were?

Ms. MILLS. It is my understanding they are Brian Bailey's notes.

Mr. MCINTOSH. Was Mr. Bailey consulted?

Ms. MILLS. I don't know if he was consulted at that time or not.

Mr. MCINTOSH. OK. Do you know—Harold is listed. Was Harold Ickes consulted?

Ms. MILLS. I don't believe he would have been. These would have been Mr. Bailey's internal notes, so I don't believe we would have consulted him, but I am doing my best to recall from over a year ago.

Mr. MCINTOSH. I understand. How about Deborah DeLee, would she have been consulted?

Ms. MILLS. No.

Mr. MCINTOSH. Or Bobby Watson?

Ms. MILLS. No.

Mr. MCINTOSH. OK. And then the other one, I have to ask, was the POTUS consulted?

Ms. MILLS. No.

Mr. MCINTOSH. The President?

Ms. MILLS. No.

Mr. MCINTOSH. Who is Brian Bailey again?

Ms. MILLS. Brian Bailey was at that time serving in, I believe, the Deputy Chief of Staff's Office. He was an assistant in that office.

Mr. MCINTOSH. So he was the deputy to which deputy?

Ms. MILLS. I don't know that he was a deputy to a deputy.

Mr. MCINTOSH. OK.

Ms. MILLS. I actually don't know what his official title was. He was one of the staff members in the Deputy Chief of Staff's Office.

Mr. MCINTOSH. Forgive me if I forget the organizational chart. Was Mr. Ickes and Mr. Bowles, both of them were deputies? Did he work with one or the other?

Ms. MILLS. I believe both of them were deputies at the time Mr. Bailey was working in the White House, I believe that is correct. I believe at that time he was working with Mr. Bowles, but that is my best understanding.

Mr. MCINTOSH. OK. Thank you. Let me ask you this. To get the sequence correct, on that weekend when the documents were reviewed, Mr. Ruff indicated in his letter they were then put in the folder. That was your job, to put them in the folder and then keep custody of the documents?

Ms. MILLS. Yes, at the end of what I was doing is I created a working file, a file of other materials that might need to be reviewed or issues that needed to be handled in that file. When I was transferring the matter, that file was transferred.

Mr. MCINTOSH. OK. And who was the attorney to whom the documents were then transferred?

Ms. MILLS. Miss Sally Paxton.

Mr. MCINTOSH. Miss Paxton. Did you review with her at that time the contents of the folder of documents that you had deemed were not relevant?

Ms. MILLS. I don't believe I reviewed the contents of the folder. I believe I might have reviewed my working file with her, in other words, the different files that were in my working file, but I don't believe or at least I don't recall as I sit here right now going through those documents with her.

Mr. MCINTOSH. OK. Approximately when did you give Miss Paxton the files?

Ms. MILLS. I believe it would have been sometime in December.

Mr. MCINTOSH. December.

Ms. MILLS. Of 1996.

Mr. MCINTOSH. And, again, you gave them to her because you were being reassigned to different duties, or what was the reason you gave them.

Ms. MILLS. There were a lot of different matters I was also starting to handle, and so we were transitioning different matters to different people. This was one of the matters that Miss Paxton had the fortune to be transferred to her.

Mr. MCINTOSH. We have enjoyed working with her, too, actually.

We are talking about the WHoDB matter generally, or—just to be clear, the matter that was being transferred to her was the WHoDB investigation and the responses to our subcommittee?

Ms. MILLS. Correct.

Mr. MCINTOSH. OK. Let me ask you, Mr. Ruff, could you tell me, and I want to point everybody's attention to a letter that you wrote to me on May 20, and it is tab 9 in the book of documents about the WHoDB investigation, and for my colleagues, it is in the green folder, the May 22 letter, from Mr. Ruff to me.

You indicate there, and we disagreed at the time, but in fairness to you, you stated there was no evidence that in this memorandum or anywhere else that WHoDB was planned to be used for political purposes.

Now we have new evidence that you tell me in your October 28 letter was newly—you became newly aware of. It strikes me that this new evidence, whether or not it is dispositive, is evidence that

a discussion of an illegal activity, using a Government data base to share information with a political campaign is now before us.

Do you disagree with that, and I don't want to hold you to the May 22nd letter?

[The information referred to follows:]

THE WHITE HOUSE
WASHINGTON

May 22, 1997

VIA HAND DELIVERY

Honorable David M. McIntosh
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs
B-377 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is a further response to your letter of May 1, 1997, and also a partial response to your May 15, 1997 letter.

I am pleased that discussions between our staffs have resulted in considerable progress in resolving various outstanding issues. Enclosed with this letter is the new copy of the WhoDB which has the redactions discussed with your staff. I believe that the events which have been redacted will protect the personal privacy of the First Family at the same time that the Subcommittee is provided with the information it believes necessary to finish its investigation. Additionally, as discussed, we are enclosing a list of those individuals who stayed overnight at the Residence and are included in the database, as well as a list of individuals (not including Chelsea's friends and family) who have stayed at the Residence. As we have offered in the past, you or a member of your staff may always come to the White House to view the unredacted version of the database. Additionally, I appreciate your staff's agreement to work out proper protocols for this information prior to any release by the Subcommittee.

In addition, as discussed with your staff, we have been reviewing those documents subject to privilege that were previously withheld from the Subcommittee. This review has been done in light of the ongoing consultation with the full Committee regarding the various privilege issues raised by its document requests. As a result, enclosed are those documents over which we will not be asserting any privilege, in addition to an index of those documents which we believe are properly subject to a privilege. As we have stated, we are willing to discuss any questions you may have regarding these documents and/or the index. The Bates stamp numbers for the enclosed documents are reflected in the enclosed production log.

As pleased as I am that we are resolving our respective differences, I want to respond to some of the serious allegations in your recent letters. Most importantly, your description of

the June 28, 1994 memo as providing "compelling evidence that criminal activity may have been planned" is, I submit, completely unfounded. I believe you will find that the memo discusses four separate databases; the references to "outside" database and "new system" are referring to whatever campaign database -- not WhoDB -- that was under consideration at the time. There is no evidence in this memorandum or anywhere else that WhoDB was planned to be used for political purposes, nor any evidence that it was, in fact, put to such use.

Your letters also raised several questions about the document searches undertaken in order to respond to the Committee's requests. Although we will respond to your questions under separate cover, I want to address your primary concern that the documents produced from Ms. Scott's restored drive suggest either the erasure of a computer drive or the destruction of any documents or information. Neither is true. Instead, these documents were found as part of the ongoing searches undertaken to respond to a number of pending document requests. Indeed, the very fact that they were found and produced belies any theory of erasure or destruction. The discovery of these documents simply underscores the good faith and conscientious manner in which the White House has searched for documents.

As you know, the White House has produced tens of thousands of documents, as well as copies of the database itself. These documents were produced following extensive searches of various files in the White House. However, it is not realistically possible to review every document or every file in the White House in response to each document request. The many ongoing document searches being conducted in response to more broad-ranging requests and subpoenas will, of course, result in the discovery of additional documents responsive to the Subcommittee's document requests, and I assure you that, when that occurs -- as with the documents provided last week -- these documents will be produced promptly.

Again, I am pleased that we have been able to resolve these outstanding issues and if there are any questions or concerns about these issues, please let me or my staff know.

Sincerely yours,

Charles Ruff

Charles F.C. Ruff
Counsel to the President

Enclosures

cc: Congressman Sanders

Mr. RUFF. First of all, I disagree with your characterization. I would not now and hope never to hold myself out as an expert on the intricacies of WHoDB and all its many iterations, but as I understand the situation, there is a distinction, and I cannot tell what is reflected in this memorandum, because I have not discussed it with anybody, between making data bases compatible so that information can be used and making federally funded assets available for political purposes. Now we may disagree about where on that spectrum this note or any other piece of evidence falls, but I know of nothing to suggest a misuse of Government assets for political purposes.

Mr. MCINTOSH. I must say, Mr. Ruff, when the notion of sharing data comes up, that that is a nongovernmental function of a Government asset and so a distinction that doesn't carry the difference.

I am deeply concerned by this and will want to continue to ask all of you about questions on custody of this document, but for now let me yield back the balance of my time to the chairman.

Mr. BURTON. The gentleman yields back the balance of his time.

The Chair will stand in recess. We have three votes on the floor, on H.R. 188. We will return just as quickly as possible.

[The prepared statement of Hon. David M. McIntosh follows:]

Statement of Representative David McIntosh
Committee on Government Reform and Oversight
November 6, 1997

Mr. Chairman, thank you for holding this hearing on the failure of the White House to comply with Committee subpoenas. I can certainly appreciate the difficulty the full Committee is having with getting all responsive documents from the White House. The Subcommittee on Regulatory Affairs, which I chair, has had the same experience, recently brought sharply into focus by the production of the handwritten notes of a White House aide that stated that Harold [presumably, Ickes] and Deborah Delee [presumably, the DNC executive director at the time] want to integrate the WhoDB with the DNC database to share data, something that one of our witnesses today has written is clearly illegal. The notes further state that evidently the POTUS [presumably President Bill Clinton] wants this too.

Beyond the obvious pertinence of this document to the Subcommittee's investigation of the White House database, the production of this document and others more than a year after they were found raises troubling questions regarding the cooperation of the White House with our investigation. This is not a case where the document was only recently discovered buried in the wrong file somewhere in the bowels of the White House. No, this is a document that someone in the White House believed was responsive to the Subcommittee's request and therefore produced to the White House counsel's office. Someone in the counsel's office overruled that opinion and decided not to produce it. I questioned the thoroughness of the document collection procedures on at least two occasions and was reassured that all files had been reviewed, only to discover now that apparently certain folders in the counsel's office were off limits.

I would be more optimistic about cooperation if delaying and obstructing our efforts did not appear to be standard operating procedure at the White House. From the very beginning of the investigation, the counsel's office has obstructed our efforts by 1) first, telling us that the database was essentially an elaborate holiday card list but then 2) refusing to produce the database, 3) providing censored documents, 4) excluding from the database events the White House deemed as "personal and private" only later revealing their definition of personal and private events includes the President's dinner and movie with the now infamous Roger Tamraz, and 5) generally stonewalling our requests.

All of these are unacceptable responses to the subcommittee's inquiries. The recent production of this document and others, and, frankly Mr. Ruff, your explanation of it, suggest that the White House has intentionally concealed evidence from the Subcommittee and has engaged in a pattern of obstruction and delay.

Mr. BURTON. The committee will come to order.

Mr. Waxman, your side is recognized for 10 minutes for whomever you designate.

Mr. WAXMAN. Mr. Barrett.

Mr. BURTON. Mr. Barrett is recognized for 10 minutes.

Mr. BARRETT. I don't really want to use a lot of time. I just have a couple of observations and then a couple of questions.

One of the observations I had was, earlier the chairman—you referred to the number of witnesses who had given testimony who have not come forth to testify and pointed out, quite correctly, that all those who have not testified are associated with the Democrats. You said that there was zero on the Republican side, which I assume is pretty accurate, given the fact that you haven't asked any Republicans to testify.

Mr. WAXMAN. Would the gentleman yield?

Mr. BARRETT. I would be happy to yield.

Mr. WAXMAN. I can't quite hear you. I don't think the sound system is working.

Mr. BARRETT. I will try this. Is that a little better?

Mr. WAXMAN. I can hear you because I can hear your voice, but it sounds like the sound system——

Mr. BARRETT. I will speak a little louder into the microphone, too.

But I think it is accurate to say that if no subpoenas are given to the Republican side, you are not going to have any Republicans refuse to testify. You can turn that around and say that not a single Republican has agreed to come forth to testify, which would also be factually accurate. So I think we have to sort of keep a perspective of what we are doing here.

Mr. Ruff, I have what has been labeled as exhibit 64. I don't know if you can grab that document, but it is the handwritten notes that we saw on the television screen here.

Mr. RUFF. Is this what we were discussing with Congressman McIntosh?

Mr. BARRETT. No—I think Mr. McIntosh did have that on the screen, yes. I don't know whose notes they are, but they are handwritten notes.

My question—and maybe you don't even have to look at it—when you produced this document, is it accurate to say that the White House produced this document?

Mr. RUFF. Yes. If we are discussing the notes relating to WhoDB, when we found the document—I guess it was last week; I have lost track of my weeks—I sent it along with some others to Chairman McIntosh, explaining the circumstances under which it had been discovered.

Mr. BARRETT. OK. So it was not something that was refused? It may have been late, it may not have come as quickly as they wanted, but this is something that was produced by the White House; is that right?

Mr. RUFF. The subcommittee now has it, that's correct.

Mr. BARRETT. Again, this may be material that's already been gone over here, but it would be helpful for me. To date, roughly how many documents have been produced by the White House?

Mr. RUFF. I am not sure I can break it into documents, but we are somewhere north of 110,000 pages of stuff.

Mr. BARRETT. 110,000 pages of stuff?

Mr. WAXMAN. Would the gentleman yield for a second?

This PA system doesn't seem to be working. Mine does. This one—not either.

Mr. RUFF. Yours is breaking up, too.

Mr. WAXMAN. Well, Mr. Chairman, it is your committee.

Mr. RUFF. Can we call the White House staff?

Mr. WAXMAN. Your television doesn't produce sound. Your sound system produces staccato. Is this a plot or what are we to make of it?

Mr. BURTON. I think the sound——

Mr. WAXMAN. The Senate system worked.

Mr. BURTON. I think that we have got static here. We need to change that. Have we called anybody over here to take a look at this system?

The VCR is now fixed. So now we can hear on the TV, but we can't hear each other.

Mr. KANJORSKI. The Otis elevator technician has been in.

Mr. BURTON. Call and get a technician over here as quickly as possible and find out what is wrong with the microphones.

Mr. BARRETT. Do you want me to proceed, Mr. Chairman, or shall we wait?

Mr. BURTON. I think that we can figure out what you are saying, and if you want to proceed, we can do that.

Mr. BARRETT. I would be more than happy to proceed.

Mr. BURTON. Thank you.

Mr. BARRETT. I don't have a lot.

Again, 110,000 pages have been produced. Do you have a feel for exactly how many pages we are fighting over that have not been produced or that mistakes were made on out of those 110,000?

Mr. RUFF. I am not sure. I think it is fair to say, Congressman, that with very few and very minor remaining exceptions, all of which the committee staff is aware of, we are in essence in compliance with the outstanding subpoenas and requests.

Mr. BARRETT. Of the 110,000 pages, how many mistakes were made? What percentage would you attribute to mistakes?

Mr. RUFF. Well, of course, there is no question that the videotape issue is—looms largest as our single biggest failure to find what we could have found. I think, other than that, what we have done is, by and large, to have found bits and pieces from time to time that should have been found earlier; but the vast bulk of what has been produced has been produced in a regular and, I believe, timely fashion.

Mr. BARRETT. From your perspective, has the videotape issue been pretty much resolved?

Mr. RUFF. I certainly hope it has, Congressman. I think the record is so clear at this point about the circumstances under which it was first not found and then found, I hope there is very little dispute there. We are in the process even now of talking with the committee about any other tapes they may be interested in looking at, but I certainly hope the general issue is close to being put to rest.

Mr. BARRETT. OK. Thank you. The reason I raise the 110,000 pages and the percentage of pages that were either erroneously or maliciously, if one wants to argue that, mistaken, is because of the issue that was raised a little earlier, that I think is important to raise again, and that is the woman who lives in Congressman Moran's district who received a subpoena for her bank records.

This is the woman, as this committee knows, who was applying for American citizenship. Her sin apparently, according to this committee, is that she has an Asian American background, and for that reason her bank records were subpoenaed.

That was a mistake. The Republican party recognizes it was a mistake. I think that they have apologized, rightly so. But I think, as a percentage—and again my understanding is the chairman mentioned that there were maybe 600 subpoenas issued and there were 2 subpoenas that were erroneously issued—6 subpoenas that were erroneously issued. That's a 1 percent error rate.

If we are talking about 110,000 pages of documents that are produced—that have been produced, if we are looking at a 1 percent error rate, you have got about 1,100 pages you can screw up before I think we are on equal ground with the Republicans in this.

And again, I look at what happened to that woman, a woman who is waiting for American citizenship and is served with a subpoena to look at her bank records, and what is her reaction? If it were me, my reaction would be to freak out, wondering what in God's name have I done wrong?

As it turns out, she was not from a politically active family. In fact, her husband's last contribution was in 1986 when he gave $50. I think he was a Republican at that time.

But she is not from a politically active family. But she is a victim, she is a victim of this investigation for the simple reason that she has an Asian-American last name.

And I think that if we are going to point fingers, I think that we should be pointing them equally. And I think that there was a mistake that was made, and I will grant the majority party that there are going to be mistakes made. But I think that there is a two-way street here, and it seems somewhat ironic to me that when the White House makes a mistake, and you have made a mistake—you should have produced those documents earlier.

When there is a mistake made by the Democratic administration, what do we do? We have 2 days of hearings. When there is a mistake made by the Republican side, oops.

No further questions, Mr. Chairman.

Mr. BURTON. Mr. Waxman.

Mr. WAXMAN. We have additional time. Do any other members on this side of the aisle wish to ask questions?

Mr. FATTAH. Yes.

Mr. WAXMAN. Mr. Fattah.

Mr. FATTAH. Thank you very much.

One of the allegations that has been bandied about in terms of the President's efforts at fund-raising in the last election was that he hosted supporters of his in the White House, which is the subject of the discussion about the videotapes.

Now, we know that he is not the only President that has done this. In fact, we have seen, at least on videotape, President Reagan

hosting them. The videotapes that were supplied by the White House, there are other videotapes that the Senate Democrats wanted to receive from the Bush Library and from the Reagan Library, and neither wanted to comply.

As White House counsel, could you tell me whether or not in the archives of the White House Communications Agency copies of those tapes would be available to this committee if we wanted to request them?

Mr. RUFF. I don't believe so, but let me check with my—I believe that they are then transferred to the individual Presidential libraries. We do have, I understand, but I have not seen it—nor has anyone else, I believe, in my office—logs, computer records of what used to be in the archives, but I believe everything has now gone to the individual Presidential library.

Mr. FATTAH. So the only way that this committee could get those is if we requested them from those Presidential libraries?

Mr. RUFF. From the libraries, I believe that's correct.

Mr. FATTAH. Which are taxpayer-supported libraries?

Mr. RUFF. That's correct.

Mr. FATTAH. OK. Because it may be helpful to put this in some perspective, that President Clinton is among a number of Presidents who have, as part of their practice, hosted supporters of the White House in some form or fashion, financial supporters, and in some varying degrees thanked them, encouraged them in some way to be supportive of the political activity of the party. So the President doesn't do it alone in that respect.

The other issue has been—the principal issue has been focused on foreign money, and both parties have received foreign money and returned it. And the chairman mentioned earlier, he was emphasizing that there were grand jury investigations of certain activities, but neglected to put on the record, and I want to put on the record, that it has also been reported that Chairman Haley Barbour has been called before what I assume should be a secret grand jury proceeding, but one in a similar manner. But he testified before the Senate that he went to a foreign land and requested and received over $2 million of foreign money, which eventually helped facilitate the election of the Republican Members of Congress.

The circumstances surrounding that are very different from the circumstances surrounding the allegations of conduit payments in the Clinton campaign, and I want to see if I can draw that distinction for the record. One is that conduit payments are really kind of a fairly common violation of Federal election law.

There have been hundreds of cases in which people who seek to make contributions in someone else's name—it happened in the congressional campaign and seemingly it may have happened in the Clinton campaign. In all of those cases, to the best of my recollection, with one exception having to do with a member of the Congress, it has been the position of the Justice Department that neither Bob Dole knew nor any of these other parties knew that these illegal contributions were being made to their campaign.

Mr. BURTON. Mr. Fattah.

Mr. FATTAH. Yes.

Mr. BURTON. The lights aren't working. We have a technician there. He is going to be one of the most popular fellows in the place.

But your time has expired. We will have to keep time with a watch for our next round of questioning.

Mr. Cox.

Mr. COX. Thank you. We are sitting sufficiently close together that even if this doesn't work, I am sure we will be able to hear each other.

Mr. RUFF. Yes, sir.

Mr. COX. As you know from our earlier meetings, I used to work in the White House Counsel's Office. My job was, Ms. Mills, roughly equivalent to yours, and I empathize with what you are going through.

I understand that you produced 110,000 pages worth of documents.

Because one of my colleagues from California earlier raised the Iran-Contra example, I would point to it as an example of what Congress typically does in an investigation of this sort, and just read briefly from the Iran-Contra report. At that time, the Democrats controlled the Congress. The chairman of the Senate committee was Daniel Inouye; the vice chairman was Warren Rudman.

We wish to recognize the cooperation that we received from the White House throughout this inquiry. Once our investigation commenced, the White House rose above partisan considerations in cooperating with our far-reaching requests and ensuring the cooperation of other agencies and departments of the executive branch. In compliance with our requests, over 250,000 documents were produced by the White House alone.

I would point out that is more than twice the number of documents that we are talking about here in less than half the time.

Additional large quantities of material were produced by other executive branch agencies and departments. Relevant personnel and officials, et cetera, were made available for interviews, depositions, discussions and assistance in facilitating our work. All of our requests to the White House and the executive branch were fulfilled. The White House pledged to cooperate with this investigation, and it did.

That's not a report that this committee is likely to issue because we have been meeting with you about compliance with subpoenas that have been outstanding for months. And the one of them, we are talking about here today, one of several that we are talking about here today, was issued on March 4th.

It is my understanding that the White House Counsel's Office did not even contact agencies within the White House to return information about the subpoena for some time after that. There was a March 24th return date on that subpoena, and a month after the return date on the subpoena had expired, on April 28th, there was a memorandum sent to the Executive Office of the President covering these videotapes that went to the Military Office and to WHCA.

Is my date correct? Was it April 28th that you sent that memo?

Mr. RUFF. That directive was sent out on April 28th. It was not, however, the only step that was taken with respect to the production of documents to this committee.

Mr. COX. Did you send a memo to WHCA prior to April 28, 1997?

Mr. RUFF. No, I did not.

Mr. COX. Thank you.

About 4 months later, 4 months after you sent that memo to WHCA, on August 19, 1997, the U.S. Senate Committee on Governmental Affairs asked the White House, did WHCA make any videotapes? It is a reasonably plain-English letter, and it says, "please advise immediately whether any video or audio record exists and whether it will be produced pursuant to the outstanding subpoena." And the understanding expressed in the letter is that the videotapes were made by the White House Communications Agency, WHCA, and that that information would be responsive to the subpoena. The letter is only one page long.

Did you send a copy of that letter to WHCA, ever?

Mr. RUFF. No, but it wasn't necessary to do so, Congressman Cox, because Mr. Imbroscio was already fully engaged in the process of dealing with Mr. Bucklin's questions about WHCA.

Mr. COX. Now, if you didn't send a copy of the letter which asked for the videotapes, did you send your own memo to WHCA asking for videotapes?

Mr. RUFF. First of all——

Mr. COX. In response to this letter of August 19, 1997?

Mr. RUFF. First of all, Congressman, I don't have the August 19th letter with me, but my recollection of the first paragraph is not exactly as you have recited it.

Second——

Mr. COX. I am sorry. In what respect does your recollection differ?

Mr. RUFF. Can we be provided with a copy?

Mr. COX. I would be happy to have you read the first paragraph, whatever it says.

Can we suspend the time while the witness is given a copy of this letter? It is very short. It is only three paragraphs.

Mr. RUFF. Yes. I have it now.

Mr. COX. In what respect does your recollection of this letter differ from what we are discussing here?

Mr. RUFF. It doesn't. I just wanted to be clear that what this paragraph says is—and it might be useful for me just to put it on the record, so that we all have——

[The information referred to follows:]

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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

August 19, 1997

Via Facsimile (202) 456-7931
and First-Class Mail

Lanny A. Breuer, Esquire
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Lanny:

At our meeting on August 7, 1997 I mentioned to Michael Imbroscio that we had received information indicating that an entity within the White House provides routine audio and visual support to the Office of the President. We understand that this entity, the White House Communications Agency (WHCA) may have information responsive to our outstanding subpoena. Because this entity may be funded by the Defense Information Systems Agency, I asked Michael to have someone advise me immediately whether a separate subpoena/request to the Department of Defense was necessary to insure production of this information. I have not received any response. The definition of documents in our subpoena would require production of all video and audio footage referring to any of the individuals listed in our outstanding requests. Please advise me immediately whether any video or audio record exists, and whether it will be produced pursuant to the outstanding subpoena.

We have also recently learned that meeting agendas and other documents distributed by Dick Morris at White House strategy meetings were not collected from the President, Vice President and either Harold Ickes or Erskine Bowles. We had been under the impression from earlier testimony that all such documents were routinely collected by Mr. Morris at the conclusion of the meetings. We have not received any of these documents. To the extent not previously requested, please produce all agendas and any other documents distributed by Mr. Morris at these strategy meetings.

Lastly, we have requested on several occasions a formal certification that all documents responsive to our requests have been produced by the White House. You have assured Mike Madigan, Mark Tipt and me that a certification similar to that provided Congressman Burton would be provided. Senator Thompson is very interested in obtaining this certification as soon as possible. Please advise us when this certification will be forthcoming.

I am available to discuss these requests at your convenience.

Sincerely,

Donald T. Bucklin

DTB/kmb

Mr. COX. Please don't read the letter. I have got a copy of it as well.

Mr. RUFF. Well, I think it is important to understand what this letter is, because it frames what the question was.

Mr. COX. With all respect, I understand exactly what the letter is. It is a request for videotapes from WHCA, is what it says it is; and my understanding is that you did not send a copy of this letter to WHCA. Neither did you send your own memo in plain English, saying, we have been contacted by the U.S. Senate, and they have said that their outstanding subpoena expressly includes WHCA tapes, and we would like you to make those WHCA tapes available to us.

No such memo went, my understanding is, from the White House Counsel's Office to WHCA at any date after August 19, 1997. Tell me if I am wrong and there was such a memo or whether you sent a copy.

Mr. RUFF. You are not wrong, but I believe your question and last statement is misleading, Congressman, because as the record very clearly reflects, Mr. Imbroscio within, I believe, 10 days of this letter was personally speaking with WHCA about the very issues posed in the initial conversation with Mr. Bucklin, and—in this letter, as well as the broader request made in the April 28th directive.

Mr. COX. You are aware, I am sure, that WHCA's testimony is that they were not properly asked for this information. That's why I would expect a lawyer's office to ask for documents in response to subpoenas, which are much more serious than simply document requests in writing.

When I worked in the White House Counsel's Office, that's the way it was done.

Now, I want to ask some additional questions.

Mr. RUFF. If I may, Congressman, because your question, I think, is once again not entirely an accurate reflection of the record, the WHCA personnel did not testify that they were not properly asked.

The testimony was, I believe, quite clearly, that the directive of April 28th was sent from the White House Military Office to WHCA; that one page, the critical page referring to coffees, in some fashion didn't make it through the fax machine or from the fax machine to the relevant people. They testified that if they had received——

Mr. COX. I am sorry, Counsel, but I am going to have to interrupt you, because you are talking now about the original document request.

Mr. RUFF. That's correct.

Mr. COX. That antedates by months the letter we got from the U.S. Senate to the White House.

What I have been able to establish, in response to the questions I have just put to you, is that—I think I asked the question clearly, and you responded in a straightforward fashion that you neither sent a copy of the letter that the Senate sent to the White House, expressly asking for WHCA to turn over videotapes, nor did you restate that in your own language and send it WHCA.

There was simply no correspondence, no writing on this document requesting documents from the White House to WHCA.

Now I want to ask you a different question. Do you remember this headline from the New York Times, which reads "Reno in Letter to Congress"—it was page 1—"Rejects Most Allegations That Clinton Violated Law"?

Do you remember the date that happened? It was a Saturday morning.

Mr. RUFF. I don't remember the particular document, but I take your word for the fact that it is in the New York Times.

Mr. COX. Do you remember that it was front page news in newspapers across America when Janet Reno issued her letter on Friday, October 3rd?

Mr. RUFF. I surely do.

Mr. COX. Were you surprised that that was front page news in the newspapers across America?

Mr. RUFF. No, I wasn't surprised.

Mr. COX. Why weren't you surprised?

Mr. RUFF. Because I would think that any time the Attorney General speaks to issues, particularly in the form of a response to the chairman of the House Judiciary Committee, that bear on her assessment of violations of law by senior official, that that would be front page news.

Mr. COX. Would another reason that you were not surprised be that you knew in advance that October 3rd was the date that she was due to make that decision to respond to Henry Hyde's letter to us?

Mr. RUFF. Indeed, I did.

Mr. COX. Or from us to you, I should say.

Mr. RUFF. Indeed, I did.

Mr. COX. And that was a deadline that was pretty well known across the country; isn't that right?

Mr. RUFF. Absolutely.

Mr. COX. All right. Because the question was, will there be an Independent Counsel investigation taken one step further with respect to the President and the Vice President? That's a pretty serious matter.

Now, that was October 3rd. You met with the Attorney General the day before, didn't you?

Mr. RUFF. That's correct.

Mr. COX. You met with her about 3 in the afternoon?

Mr. RUFF. That's correct.

Mr. COX. Did you do something unusual that morning before you met with her?

Mr. RUFF. Congressman, no, actually, I didn't. But if you are—if you are——

Mr. COX. Did you look at videotapes of the President at these White House coffees that morning?

Mr. RUFF. If your question is, was I aware of the videotapes earlier that day, it was either late morning or early afternoon——

Mr. COX. That was not the question. The question is, did you look at those videotapes?

Mr. RUFF. I did. I have so testified. I have so stated publicly.

Mr. COX. All right. Now, that's not unusual?

Mr. RUFF. Of course it is unusual. But I am trying to be as responsive to your questions as I can.

Mr. COX. Yes. And that is why I asked you whether it was an unusual morning, because believe me, when I worked at the White House Counsel's Office, if we were in the middle of an investigation of this magnitude—and particularly you, knowing what meaning tapes have in an investigation like this because of the Watergate days, I am sure—we are sitting on a bombshell, you understood that, because that also made national news.

You stated earlier in your testimony here today that this has taken on a life of its own and it has occupied the media's attention for a month. But you knew this, and the rest of the world didn't know it that morning. And in fact—how long did it take you to watch the videotapes that morning?

Mr. RUFF. Perhaps 5 minutes.

Mr. COX. You watched them for 5 minutes. And what is the name of the member of the Counsel's Office that first informed you about it that morning?

Mr. RUFF. Mr. Imbroscio.

Mr. COX. And how long did you talk to Mr. Imbroscio about those tapes?

Mr. RUFF. He came in, said that he had found evidence in the computer data base that these tapes existed, that he had——

Mr. COX. How long did it take him?

Mr. RUFF. I am just trying to give you a sense of it. He showed me—told me that he had a sample of them; I believe there were three, perhaps four—showed them to me, and I told him to take whatever steps were necessary to find them.

Mr. COX. Did you talk to anybody about it on the phone that day before you met with the Attorney General?

Mr. RUFF. No, I didn't.

Mr. COX. Did you talk to the President about it that day?

Mr. RUFF. No, I didn't.

Mr. COX. Did you talk to the Chief of Staff of the White House about it that day?

Mr. RUFF. No, I didn't.

Mr. COX. Did you talk to Mike McCurry about it?

Mr. RUFF. No.

Mr. COX. So you kind of kept it to yourself?

Mr. RUFF. Other than my conversation with Mr. Imbroscio, that's correct.

Mr. COX. And then you met with the Attorney General later that day?

Mr. RUFF. Uh-huh.

Mr. COX. And when you met with her, were you aware that the Justice Department had an outstanding request for those very documents?

Mr. RUFF. I think it is fair to say I was aware. I so testified.

Mr. COX. And you were also aware that the next day was the day that she was going to make national news, one way or the other, you weren't sure which way, on the question of whether an Independent Counsel should look into these things?

Mr. RUFF. Indeed. As I have stated publicly.

Mr. COX. Mr. Chairman, has my time expired?

Mr. BURTON. I think the gentleman has a few more seconds, but——

Mr. KANJORSKI. Mr. Chairman, I am informed that the responses of the witness are not getting on television at all. In all fairness, it seems to me we ought to make sure this high tech system of ours really works.

Mr. BURTON. If you like——

Mr. KANJORSKI. You have got the example of the White House.

Mr. BURTON. If you like, I hate to inconvenience the witnesses, but what we could do is recess until tomorrow morning at 10.

Mr. WAXMAN. Mr. Chairman——

Mr. BURTON. This is important for the American people as well, and the television stations that are here can't pick this up because of the annoying interference. So since we can't get this fixed, I don't think it would be of long duration tomorrow, but would it be possible for you to come back so we can conclude this in a short period of time tomorrow?

Mr. RUFF. Of course we are at the committee's disposal, Mr. Chairman.

Mr. BURTON. I think what we will do is just recess until 10 a.m. I will make sure that this is fixed. Thank you.

The committee stands in recess until 10 a.m. tomorrow.

[Whereupon, at 4:10 p.m., the committee recessed, to reconvene at 10 a.m., Friday, November 7, 1997.]

WHITE HOUSE COMPLIANCE WITH COMMITTEE SUBPOENAS

FRIDAY, NOVEMBER 7, 1997

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Cox, Horn, Mica, McIntosh, Shadegg, Sununu, Sessions, Snowbarger, Barr, Portman, Waxman, Lantos, Kanjorski, Condit, Maloney, Fattah, Cummings, Kucinich, Blagojevich, Davis of Illinois, and Ford.

Staff present: Kevin Binger, staff director; Richard Bennett, chief counsel; Barbara Comstock, chief investigative counsel; Judith McCoy, chief clerk; Teresa Austin, assistant clerk/calendar clerk; William Moschella, deputy counsel and parliamentarian; Robin Butler, office manager; Dan Moll, deputy staff director; Will Dwyer, director of communications; Ashley Williams, deputy director of communications; Dave Bossie, oversight coordinator; Robert Rohrbaugh, James C. Wilson, Uttam Dhillon, and Tim Griffin, senior investigative counsels; Phil Larsen, investigative consultant; Kristi Remington and Bill Hanka, investigative counsels; Jason Foster, investigator; Carolyn Pritts, investigative staff; David Jones and John Mastranadi, investigative staff assistants; Jay Apperson, special counsel, and J. Keith Ausbrook, senior counsel, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Agnieszka Fryszman, Elizabeth Mundinger, Kristin Amerling, Christopher Lu, Andrew McLaughlin, David Sadkin, and Michael Yang, minority counsels; Ellen Rayner, minority chief clerk; Becky Claster, minority staff assistant; and Sheridan Pauker, minority research assistant.

Mr. BURTON. The committee will reconvene.

I want to thank our guests for coming back this morning. I hope you had a good night's sleep. You have heard of Murphy's law, Mr. Ruff and Ms. Mills. I went out to the parking lot, and I am not sure if you had anything to do with it or not, but I had a flat tire. And I didn't get home till 1 o'clock in the morning. And I really believe the White House had something to do with it. I am going to check this out.

Mr. RUFF. Mr. Chairman, you and I will have to talk about it a little bit later, but I think I can explain it to you.

Mr. BURTON. You are a very inventive fellow, Mr. Ruff.

In any event, we have two more individuals that we need to have sworn in this morning. And we thought in accordance with your request, Mr. Ruff, we would have all four of you up there at the same time to try to complete this in an expeditious way.

Mr. RUFF. I appreciate this, Mr. Chairman. Thank you.

Mr. BURTON. Mr. Breuer and Mr. Nionakis, would you please stand up?

[Witnesses sworn.]

Mr. BURTON. Thank you.

I want you to know how well the sound system is working today. It is kind of a miraculous thing. Because of the glitch in the sound system yesterday, what we have decided to do is to go back to where the system really got out of control, because I think the person that was doing the transcribing as well as people who were watching this hearing on television were having a difficult time of it. So we are going to go back and give the minority 10 minutes. Then we are going to come back to Mr. Cox and give him 10 minutes. Then we will have 10 and 10. And then we will get back to the regular order. So we will——

Mr. WAXMAN. Let's see if we understand this right. You are going to give—we agreed we would have three segments of 10 each side.

Mr. BURTON. That is correct.

Mr. WAXMAN. We are on the second round of 10 minutes. Mr. Cox went yesterday for 10 minutes. He was the second questioner for 10 minutes. Now it is our turn. Will there be another round of 10 minutes on your side and another round here of 10 minutes?

Mr. BURTON. That is correct. You will have the same number of 10 minute rounds as the majority.

Mr. WAXMAN. We are fine on this.

Mr. BURTON. OK. So Mr. Waxman, to whomever you designate.

Mr. WAXMAN. Mr. Kanjorski.

Mr. KANJORSKI. Thank you very much, Mr. Waxman.

Mr. Ruff, when I ended up yesterday in some of my examination, we were moving through the process of how many people you had in the Counsel's Office and how many documents you have delivered. And, we were just about to get into the idea of the videotapes.

Now, although the tapes are an old story in this town and has a story of itself, as you have pointed out in testimony, because we are talking of videotapes and because we are talking of the White House, and because we are talking of subpoenas, to the American people there still is that idea that there must be something sinister involved. Or, of course, why else would the black helicopters in the White House do what they are doing? So in order to try and extract that idea, maybe we could walk through your experience and my experience with videotaping in the White House.

First and foremost, as I understand it, this White House Communications Agency is not a politically appointed office or even a civilian office in the White House. It is something long-standing. It is commanded by a major or a colonel who is a professional military officer of the U.S. Government. And that regardless who is President of the United States or what party wins the election, this office goes on in continuity with the same personnel serving either administration in a very professional capacity. Is that correct?

Mr. RUFF. That's my understanding.

Mr. KANJORSKI. And that it is not something new, relatively new as black helicopters, it has actually been around the White House for more than a quarter of a century I am sure.

Mr. RUFF. Yes.

Mr. KANJORSKI. And we are not even quite sure where these tapes are located, but unlike the famous Watergate tapes, there is not a little hole in the front of the desk and a wire and somebody in the basement sitting with a monitor, as we conjure up in our imagination. But there is something like a typical home-run operated camera that people walk around and take pictures.

Mr. RUFF. I think we probably have some real live examples with us this morning.

Mr. KANJORSKI. So, if we asked every one of these fine television men to reverse that camera and turn it on themselves, what we see walking around here walks around the White House all the time.

Mr. RUFF. That's correct.

Mr. KANJORSKI. As a matter of fact, I do not think any of us would want to put a number on how many events at the White House would be taped. But, again, the American people do not meet movie stars and Nobel prize winners, and Congressmen every day of the week as the President does. He has a strange function down there. He is doing, 10, 12, 15 meetings that are televised almost every day. Is that not correct?

Mr. RUFF. I'm not sure of the number. But certainly a great many of the things that he does, particularly the ones that are ceremonial, but also occasionally ones that are official.

Mr. KANJORSKI. Right. Well, I was thinking in the back of my mind, the amount of time that I spent with the President or have seen him or been around him, and whether there were cameras there. And I had to conclude that probably half of the time that I have been with the President, there has been a camera there, but it is blended into the woodwork because we were not paying attention to it: it was just expected.

And prior to events starting, whether it is a very serious meeting or whether it is just a ceremonial meeting, an entire crew comes in with cameras and snaps pictures. Then they clear them out, and then you start doing something serious. And, of course, the cameras are off at that time.

So it is unlike what average, typical Americans experience with a camera, or the 25th anniversary party that gets taped, or anything else; this is such a regular occurrence at the White House that none of us would probably make any to-do about it. As a matter of fact, in that regard, I was thinking I hope that Mr. Burton never sends a subpoena to me and asks the same question to provide this committee with all the tapes, because I always forget to ask these guys, we have three, four, five, six, eight, I think a count of nine television cameras in this room right now, and I haven't the slightest idea who they are. It could be NBC, CBS, Japanese television. It could be—there is a new network, RNC. They are usually around and about. But all these people come in and constantly take our pictures and it blends into the woodwork. We do not know. But how in the world would I find out? Or if any staff and I received the subpoena and I said, answer this subpoena, I am not sure we

could go back here and find out every occasion I have been in this room or other rooms and who these people are and where these tapes are. So inevitably, regardless of what material or documents I send, I would never comply 100 percent. Would that be reasonable to assume?

Mr. RUFF. I think it probable, given the life you lead, Congressman.

Mr. KANJORSKI. I heard you say in reading a couple of their letters in response, "Dear Mr. Chairman, we have to the best of my knowledge complied with your subpoena completely." And that word struck me, as a lawyer, that God only knows there is nothing in this world that is complete. And you are a lawyer and you agree with that, too. Invariably, whatever we do, somebody is going to go back to that White House and open up a file cabinet or talk to somebody somewhere, maybe the assistant stewardess on the President's helicopter, and find out that she had a taping machine one day and carried on a taping where somebody got on the helicopter with the President and he hadn't even thought about it. Isn't that correct?

Mr. RUFF. It's a frightening prospect, but it's distinctly possible.

Mr. KANJORSKI. All right. Now that we have an idea of the understanding. These are not hidden documents. These are things actually for historical record and future use of the archives of the library of this President as it has been for every President of modern times.

Mr. RUFF. That's true, Congressman.

Mr. KANJORSKI. And all this shaking and everything, they didn't produce the tapes, there is nothing—you are testifying there is absolutely no intent on—that you found from anyone in the White House, in your office, or any other place in the White House that they intended to do this, because, in fact, they didn't even recall or remember that these were made. And the people that should have didn't receive that one document in the inquiry to assemble all the documents that were missed; is that correct, the famous missing tapes?

Mr. RUFF. That's correct. I think the record is absolutely clear on that. We are rightfully subject to criticism for failing to produce them because they were responsive. But there certainly is no basis for suggesting that it was anything other than the essentially mechanical problem that has been testified about on the public record.

Mr. KANJORSKI. And so the American people understand that there—that is the best answer, made a mistake, damnedest mistake.

I agree with Mr. Waxman. We don't like to hear you do those things. But then we have had the occasion to see how many mistakes this committee has made in the short life of this committee, and we don't nearly have the full burden to carry on the operation of the Presidency. So we are all prone to mistakes, and those of us that want to pretend that we are absolutely accurate and correct all the time are disingenuous. Our life isn't like that. The average American knows that. We don't have to belabor that.

Now that we know this process has had a fracture in it or failing and we didn't get those tapes on time, it strikes me, as an average person in there, well, what are we arguing about here? Are we ar-

guing about process or are we arguing about substance? The process obviously didn't work. And the majority of the committee has raised holy hell about that process not working.

But let us assume that the process had worked and all the tapes that have been found or delivered had been found or delivered 2 or 3 months before because that is all the difference was. What have we found in those tapes that indicates anything wrong happened at the White House?

Mr. RUFF. I think the answer to that is quite easy, Congressman, which is zero.

Mr. KANJORSKI. Zero. No impropriety, no illegal activity, no conspiratorial activity. Actually, humorously, someone called my attention to it, they caught the President making a joke. After listening to the joke, he wished somebody had a tape of it; he would like to record that tape. Little did he know that joke is on tape, right?

Mr. RUFF. That suggests the level to which cameras become part of the woodwork.

Mr. KANJORSKI. That is right. Now if that is the case, there is nothing substantive in these tapes indicating any wrongdoing. We are spending an awful lot of time on process. And unless the majority of this committee can indicate there was an intentional act to subvert justice, or obstruct justice here—purposely cabal, if you will, a conspiracy at the White House to avoid answering a subpoena—then we are really wasting an awful lot of time about process. Process that didn't work for about 2 months or so until actually it did occur; is that correct?

Mr. RUFF. That's correct, Congressman.

Mr. KANJORSKI. It seems to me a lot to do about nothing. Not to say that when a committee of Congress asks the White House to do something isn't something, but what they asked them to do, if it had been done on time wouldn't have been worthy of one word in the newspaper, because there was no substance in the tapes. On the other hand, it shows us that the White House isn't any more perfect than this committee. It makes mistakes and sometimes doesn't find things or sometimes acts less than up to the standard we would like to see it act. But that wasn't done by political operatives in the White House or people of the President, that was done by military officers that are professional that had no reason to do that other than they either didn't get the material, the communication correctly, or they just didn't think about.

Now, I think there is probably one other criticism of the White House. And I found that criticism myself in dealing with not only this White House, with this President, but past Presidents since I have been in office. I find it to be an area that is a little too focused and compartmentalized that one group doesn't talk to the next group. And as a result we don't get a synthesis of brain power working there but get very focused brain power.

And sometimes, well, I guess the famous holes in the floor of the network and people starting to slip through where things are slipping through, and that is what is happening more often, as exemplified by the tapes, that, in fact, those 16 lawyers down there probably didn't go to enough parties at the White House to understand that they are taped. And maybe if we gave them a little more

time and a little less subpoenas and requests for documents, they would be a little more socially minded. Maybe we should do that.

Mr. RUFF. It sounds like a good idea.

Mr. KANJORSKI. If I may, in closing, I appreciate it, Mr. Chairman. Mr. Ruff, I just wanted to point out that there is nothing sinister here. There is no conspiracy here. As a matter of fact, this is procedure over substance. And even when you get to the procedure it is a 2-month delay. But, clearly, when you get to the substance there was nothing in these tapes, never has been anything in these tapes, never will be, and therefore we are chasing fanciful goblins, if you will.

Mr. RUFF. I agree, Congressman.

Mr. KANJORSKI. Thank you very much.

Mr. BURTON. Before I yield to Mr. Cox, I am going to take just a little bit of his time and I will then yield to him. I want to make three points. First of all we will be liberal with the clock, Mr. Waxman.

Mr. WAXMAN. I hope it will be liberal on both sides. Let's keep track of the time on both sides.

Mr. BURTON. Mr. Waxman, we will do that. I can assure you. I just gave Mr. Kanjorski a little extra time. We will try to be fair.

The subpoena was sent regarding the tapes and all other materials 7 months before we received them. That is No. 1. No. 2, Ms. Mills knew about the White House data base memo 13 months before we received it. She knew about it. She knew it was in a file. Three, Ms. Mills and the President and most people close to the President knew there were tapes being made of the Presidential meetings for a long, long time.

Now, you can say anything you want, Mr. Kanjorski, but these are the facts. Now, you say that there is nothing——

Mr. KANJORSKI. Mr. Chairman.

Mr. BURTON. No.

Mr. KANJORSKI. If those are the facts—you mentioned my name in your remarks.

Mr. BURTON. Mr. Kanjorski, those are the facts. You had your time. We will get back to your side.

Mr. KANJORSKI. I would only call the Chair's attention——

Mr. BURTON. We will get back to your side in a moment.

Now I want to point out that there are some very interesting things on some of these tapes. I want to show you now a tape of December 7, 1995, during which the President openly discusses how to go around Federal election laws. Run that tape back and show it all. Wait until we shut off the machines because Mr. Waxman is leaving his on. Just 1 second. Wait till Mr. Waxman shuts off his machine. OK. Now you can show it. I want everybody to see this.

[Video presentation was shown.]

Mr. BURTON. I think that is one picture that is worth 1,000 words. The committee will stand in recess until after this vote.

Mr. KANJORSKI. Mr. Chairman, if I can just say I'm shocked at that. Can you imagine funds down here in Washington being raised for campaigns? I am really shocked.

[Brief Recess.]

Mr. RUFF. Mr. Chairman, forgive me, I wonder if before we begin I might just take a moment to respond to your comments as you closed the meeting, if I might have that privilege?

Mr. BURTON. I am always anxious to hear your response, Mr. Ruff.

Mr. RUFF. It will be brief, Mr. Chairman. I just want the record to be very clear, as I believe it has been on prior occasions when the segment of tape that you showed has been displayed elsewhere, that the President's comments about so-called issue ads reflected an entirely legitimate program of advertising that was engaged in by both the Republican National Committee and the Democratic National Committee, fully analyzed and approved by counsel. And I didn't want the record to remain silent, at least at my end of the record, with respect to your suggestion that there was something inappropriate with respect to that tape.

Mr. BURTON. I think there is a divergence of opinion on that point. I think many people, some on both sides of the aisle, but certainly on the Republican side, believe that there was a definite, definite line that was crossed by the President when he was talking about using soft money for campaign ads that were going to benefit his re-election. And for that reason we think it was a very important piece to be shown to the audience.

Ms. MILLS. Mr. Chairman, I would also just like to address one of the statements that you made.

Mr. BURTON. Sure.

Ms. MILLS. In particular with regard to my knowledge of tapes, I just wanted to assure you that I was unaware that WHCA taped the coffees. That's something I had no knowledge of. I simply was not familiar with what WHCA's practices were, with respect to what they did and did not tape. And I think, as probably was evident from the Senate hearings, WHCA's own supervisors were unaware of what they taped and what they did not tape. So certainly someone such as myself who was not a part of their office would be less likely also to have knowledge of that. I think there are many events that they do tape, but I simply was unaware, one, that they taped the coffees and, two, as to what their practices were as to what they did and wasn't taped.

Mr. BURTON. Thank you, Ms. Mills. But the relevant point is you were in one tape and you knew tapes existed and you were Associate Counsel to the President of the United States and you didn't even tell Mr. Ruff about them and we think that is very curious.

Mr. Cox.

Mr. COX. Thank you, Mr. Chairman.

And I welcome the two witnesses that have joined us this morning that were not part of yesterday's proceedings so that we now have four members of the White House Counsel's Office before us. As you perhaps know, I served 10 years ago in the White House Counsel's Office in a position similar to yours. And I empathize with the demands that are placed upon you. I mentioned at the outset yesterday that in the Iran-Contra investigation, the White House produced some 250,000 pages of documents fully apart from and on top of all the documents produced by other parts of the executive branch of Government. And that is more than twice as many as have been produced in this manner. We did it in less than

half the time. And I am well aware of the burden that it places on the office.

In that investigation, and I read yesterday from the report of the Senate select committee, because the chairman and the vice chairman of that committee who were both, of course, Democrats and not of the same political party as the President of the United States, praise the White House and the White House Counsel's Office for its responsiveness in every respect to document requests.

And I would hope that the integrity of the White House Counsel's Office, which has been high in administration after administration, would be something that you all would be interested in upholding. And I am concerned that mechanically, the procedures that are being followed are not designed to either evidence full cooperation or to result in it. Rather, we are here today because we have several examples such as the memorandum that says that the President of the United States wants us to integrate the White House data base with the DNC data base, a document that was uncovered by the White House Counsel's Office. That is what it says. It was not turned over in response to our request for information about the White House data base. Nothing could be more clearly a smoking memo than this. And to hang on to it for so long having looked at it, having intelligent lawyers involved in this evidences all the wrong things about the Counsel's Office.

Mr. Ruff, I met with you earlier this year and explained how I thought it was beyond the pale that a subpoena could be issued in March of this year and that months after the return date on the subpoena, the subpoena being a lawful demand for the production of documents and a valid one, that we had not gotten the documents that we should have gotten in response to that subpoena. The subpoena was issued on March 4th. The return date was March 24th on the subpoena. Your office did not issue a directive to other parts of the White House, such as WHCA, the Military Office, and so on, until April 28th, long after the return date on the subpoena. So you didn't even start to look for the documents until after legally they were due.

Now, we are here after you have provided the committee with a letter in June saying the White House has produced all documents responsive to the committee subpoenas with the exception of those documents that appear on the privilege logs that we have provided the committee, except of course for the videotapes.

And the videotapes were asked for by the U.S. Senate in a letter in plain English that says, does WHCA have any videotapes? And yet, it wasn't until a long time afterward that these videotapes were produced.

Now yesterday I asked you whether this New York Times headline, which is three columns across and three lines deep, that says "Reno in Letter to Congress Rejects Most Allegations That Clinton Violated Law." This was on October 4th. You said that you were aware of that headline. And of course it ran in every newspaper in America. Because the day before, October 3rd, was a very important day, the date on which everybody expected the Attorney General was going to decide whether to go forward with an Independent Counsel. And you met with the Attorney General of the United States the day before. You met with her at 3 p.m. And I

asked you whether or not you had done anything unusual that morning. And you said no. But I asked further, then, whether or not you had watched videotapes of White House coffees that morning. And you said yes. And you acknowledge that actually was an unusual thing because you had just learned about those White House coffee tapes that morning. And I asked you whether or not you were aware at the time that you met with the Attorney General later that day, that the Justice Department had outstanding, a document request that covered those videotapes and you said yes.

Now, you have already told us in your deposition that you didn't tell the Attorney General about the existence of those videotapes. And I asked you yesterday whether you told anyone else. I asked you whether you told the President. I asked you whether you told the Chief of Staff, whether you told Mike McCurry, or whether you called anybody outside the White House. And you said in response to all of those things, no, you did not.

I would like to ask you now whether or not you told anyone else besides your own staff about the existence of these videotapes prior to your meeting at 3 p.m., on October 3rd with the—excuse me, on October 2nd with the Attorney General. That was a Thursday, the day before she made her decision on October 3rd. Prior to your—pardon me, I want to make sure I have this chronology straight. You discovered the existence of the tapes on the very day you met with the Attorney General; is that right?

Mr. RUFF. I was told about the tapes; that's correct.

Mr. COX. And watched them.

Mr. RUFF. Watched three of them, I believe.

Mr. COX. And later that day you met with the Attorney General?

Mr. RUFF. That's correct.

Mr. COX. And did not tell her about the existence of those tapes that day?

Mr. RUFF. That's correct.

Mr. COX. And did you tell anybody else outside the White House Counsel's Office before your meeting with her at 3 o'clock?

Mr. RUFF. No, I did not.

Mr. COX. The next day when the Attorney General, one of those headlines for absolving the President in saying we didn't need an Independent Counsel, did you tell anybody outside the White House Counsel's Office that day?

Mr. RUFF. Let me, if I may, describe the sequence of events so that you have a full understanding of the persons outside the Counsel's Office who were aware of this and the time in which they became aware of it.

Mr. COX. If I may, I just want to know who you told.

Mr. RUFF. That's what I'm about to explain to you. On Thursday afternoon, as has already been testified by Mr. Imbroscio, he informed counsel for the Senate about the existence of the tapes. I believe on Friday morning, I advised——

Mr. COX. I'm sorry, you told the Senate about this when?

Mr. RUFF. One of my staff members told the Senate about this on Thursday afternoon.

Mr. COX. Before you told the Justice Department?

Mr. RUFF. I don't know what the timing was.

Mr. COX. But the Justice Department knew before——

Mr. RUFF. Yes. Before the Justice Department was aware of that.

Mr. COX. The Attorney General didn't find out until after the——

Mr. RUFF. You're absolutely correct. You're absolutely correct. I'm walking through the sequence with you.

So that the Senate counsel was aware of this on Thursday afternoon. On Friday morning, I advised Ms. Mills, as she's previously testified. I've also spoken with Deputy Chief of Staff Podesta and advised him of the existence of the tapes, the fact that we were searching for them. I don't think there was anybody else outside the Counsel's Office who I informed on that day.

Mr. COX. And at what point did you discuss this with the President for the first time?

Mr. RUFF. I did not—I was not the first person who discussed this matter with the President as I think has also been a matter of public record. My only conversation with the President on this subject occurred after the press leakage over the weekend to advise him that the tapes would be released both to the Congress and to the press.

Mr. COX. I asked these questions about your involvement because I want to know who is in charge of this investigation. You represented to us that the White House has produced all documents responsive to the committee subpoenas, even though it was months after they were due, in June 1997. And even though it turned out that you had not produced all documents in response to these subpoenas, because they were discovered later. I want to know who is in charge. You qualified your representation to the committee by saying to the best of your knowledge. So it matters a great deal to us in understanding the value of your representation to us how much you know and how actively you are involved.

As you know, a major part of the investigation is into illegal payments, both by Congress and by the Justice Department. Those investigations concerns alleged money laundering between the Teamsters and the DNC and the Teamsters and the Clinton/Gore campaign. Because you represented the Teamsters in 1994, I take it you have recused yourself of all matters having to do with this?

Mr. RUFF. That's correct.

Mr. COX. Has your recusal been in writing?

Mr. RUFF. I don't believe it's been in writing. I advised my staff and I had nothing to do with that aspect of the investigation.

Mr. COX. And who in the White House is in charge of that part of the investigation?

Mr. RUFF. Mr. Breuer, as part of his supervision of the investigative side of the office, is responsible for producing all documents and responding to questions with respect to any aspect of campaign finance, including any inquiries that may come in about the Teamsters.

Mr. COX. Now, in your representations to the Congress about responses to subpoenas, do you have procedures that you follow to make sure that somebody else is making representations concerning the Teamsters?

Mr. RUFF. The basis of any representation I make to the Congress is intended to reflect the collective wisdom and understanding and activity of my office. Obviously, I write on behalf of the office as well as signing the letter personally. And I rely, and

I think rely well, on my staff to be sure that what representations I make on the office's behalf are accurate ones.

Mr. COX. Mr. Chairman, and the members on the minority side, if I might, yesterday I asked a question to Mr. Ruff, which he answered under oath. He has told me in a sidebar he would like to change his answer to that question. I would like to give him an opportunity to do that. May I have additional time for that purpose?

Mr. BURTON. Yes. We will give the Democrat side additional time as well. Go ahead.

Mr. COX. One of the matters that we discussed yesterday was your response to the Senate's letter asking whether there were videotapes by WHCA of these events, such as we have seen here, that would be responsive to their subpoena and indicating that they thought there were such documents and asking for a definitive reply. I asked whether or not you had written a memo in response to that inquiry from the Senate, which was made in August of this year. You replied that you had not sent your own memo asking for those documents. And I take it that is still your testimony today. But I also asked you whether a copy of that letter was provided to the Military Office. And you testified yesterday that the Counsel's Office did not provide a copy of it. And my understanding is that, in fact, another member of the Counsel's Office, not you, but another member did provide that letter; is that correct?

Mr. RUFF. That's correct, Congressman. When I responded to your questions yesterday, I was unaware of the fact that Mr. Imbroscio of my staff had, in fact, when he met with Mr. Smith of WHCA, I believe on August 29th, turned over a copy to Mr. Smith of the August 19th letter. I advised you this morning before the session began of that fact and that I wanted to clarify the record. I appreciate your giving me the opportunity to do that.

Mr. COX. Mr. Ruff, the reason I remain concerned is that when we call you up here to testify under oath about an investigation over which you have control about a matter that we have discussed at some great length that has been the subject of national headlines, and when I ask you whether the letter asking for the tapes had gone from the White House Counsel's Office to WHCA, you didn't know the answer to that question yesterday. You only have discovered the answer between yesterday and today. That means that some underling was handling this and you were not handling it. And it again raises a question of whether somebody is really in charge of this investigation and whether it is being taken seriously inside the White House. Every indication that I have is that it is not.

I thank you for the clarification.

Mr. RUFF. Just a moment, Congressman, Mr. Chairman, my apologies. That simply cannot go unresponded to, Congressman Cox. I do my best when I appear before this committee or any committee or any other public forum to be aware of the relevant facts and to be prepared to respond. You are quite correct that I did not know yesterday that one of my staff members had given this letter. And I thought it would be helpful to this committee to understand what the true facts were, indeed, I would commend to the committee a full review of the relevant depositions so that those facts are fully set out on both the private and the public record. Beyond

that, though, I think, Congressman Cox, you have to go back to my answer yesterday to your basic question suggesting that there was somehow a failing in the process once the August 19th letter had been received. And what I told you in response to that, and which I think is directly responsive to the underlying concern you have, is that at the moment that that letter was received and in the ensuing days and weeks, one of my staff members was directly involved in seeking to respond to the Senate's inquiry. And thus that, the issue of whether a new directive went out was, in my view, not an issue of note during that period.

Mr. COX. Mr. Ruff.

Mr. RUFF. Just a moment, Congressman. I'm entitled, I believe, Mr. Chairman.

Mr. COX. You have had more time than I have.

Mr. RUFF. I don't think so, Mr. Congressman. I want to be, with all due respect, sure that the record is absolutely clear. If you have concerns about the extent to which I am responsible for or taking responsibility for the operations of this investigation, I'll be happy to address them. But I think when I come to you in a good faith effort to clarify the record, that does not justify a suggestion that somehow my failure to know that fact yesterday afternoon suggests anything other than full responsibility in every respect for the ongoing nature of the investigation.

Mr. COX. Counsel.

Mr. BURTON. The gentleman's time has expired. I would like to say to Mr. Cox that we will have another round. And I hope you will come back and address this.

Mr. COX. I shall, indeed.

Mr. BURTON. OK. Thank you. How much time, additional time was there on Mr. Cox's time? Four minutes. The minority will be given 14 minutes. Mr. Waxman.

Mr. WAXMAN. Mr. Chairman, just to put this matter into context, I take this investigation very seriously. And I know Mr. Burton does as well. But there are things that go on that he and I both aren't fully apprised of. And I see this often, because in exchange of letters after I have talked to Mr. Burton, he hasn't been aware of all the things in these letters. I think the fact that you weren't aware of one issue should not lead people to the conclusion that Mr. Cox is reaching, because that is preposterous. You are saying that you weren't aware of one transmittal of a letter to another department; is that the issue, Mr. Ruff?

Mr. RUFF. That's correct.

Mr. WAXMAN. And therefore, from that fact, which you voluntarily brought to our attention to make sure that the record was straight, he is trying to reach the conclusion that you are not serious about the investigation, you are not serious about your job, you are not following the ethical standards that would be required of you?

Mr. RUFF. I, as my comments to Congressman Cox reflect, and I trust not in disrespectful tone, reject any such suggestion.

Mr. WAXMAN. OK. Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

I want to associate myself with the ranking member's observations. I think it is outrageous, it is outrageous to imply that since

Mr. Ruff does not know of every single communication of any—of all of the members of his staff, to all of the entities involved here, there is something inappropriate here. And I want to state for the record I have total confidence in your integrity and professionalism, Mr. Ruff.

Mr. RUFF. Thank you, Congressman.

Mr. LANTOS. I did not expect to be treated to XXX-Rated movies earlier today. But since the chairman chose to show the Clinton movie, which I thought I was too young really to see because it relates to his comment about how the funds raised by Democrats will be used for democratic campaign purposes, I would like to show and read several similar XXX-Rated observations of Presidential candidate Bob Dole and President Ronald Reagan. So if we can have the tape, if it is ready. If not, I will be happy to read it.

[Video tape presentation shown.]

Mr. LANTOS. Well, this little XXX-Rated piece sort of equalizes the field, Mr. Chairman. Presidential candidate Clinton and Presidential candidate Dole tell their, I have people and the media that, through the use of soft money, they hope to advance their respective candidacies. I was shocked when I saw the Clinton tape, but now my mind is at peace again, because I see that the playing field is level and equalized.

But I also would like to offer some historic views on this. And without any hint of criticism of President Reagan, I would like to read to you statements of former President Ronald Reagan concerning identical events.

The Republican Eagles event held in the East Room on 9/30/87, President Reagan: "You started as just 85 contributors, but your support helped our party. . . . You played a vital role in our victory in 1980. Thanks to the Eagles, the Republican Party had the financial strength, not only to recapture the White House, but to recapture the Senate as well. . . . I know this is silly, but can I count on you to help out in 1988? . . . Besides keeping the White House the top of our list is getting back the Senate, and I know we have got a lot of people here today to help lead that charge." End President Reagan.

Republican Eagles event, 9/12/85, East Room: "You have made all the difference. The hard work and generosity of the Eagles has provided us with the means to send out those messages. . . . Please don't just keep up your tremendous work, redouble your efforts." End Senator—President Reagan.

Dinner reception in the East Room, April 29, 1987: "I want each of you to know how grateful we are for your generous support for our cause. . . . Your efforts have made the dinner tonight an unparalleled success. . . . I am expecting tonight that they will tell us that last year we set the record for a political fund-raising event. And tonight, we are going to break that all-time record. . . . I am told that this function has raised an enormous sum. It is tough enough raising political funds in an election year, but to do it in an off year, . . . thank you."

President's dinner reception, 5/11/88, the East Room: President Reagan: "Nancy and I want to say a special word of thanks to those of you that made a special contribution toward this evening. . . . The proceeds from the splendid evening will go to a cause that can

hardly be more important to the future of our Nation, giving George Bush a Congress he can work with."

Republican re-election committee, East Room, 8/29/84, President Reagan: "You raised funds that we spent down at the grass-roots in all 50 States, and these funds went to aspects of the campaign that were important. The results speak for themselves."

President's dinner reception, East Room, May 10, 1984: "I want to give my heartfelt thanks to all of you in this room. . . . We still have a lot to do and that is why your support during this campaign is vital."

President's trust donors meeting, East Room, April 2, 1985: "You raised almost $7 million to support the re-election effort."

Republican congressional leadership counsel reception, April 22, 1985, East Room, President Reagan: "I appreciate all you have done for the Republican Party. . . . The Republican Congressional Leadership Council was able to funnel," and funnel is a very tricky word here, "funnel $4 million into Republican congressional campaigns. . . . I know that many of you were instrumental in giving us the means to keep control of the Senate. I hope I can count on all of you next time around."

Now these quotes go on ad nauseam and ad infinitum.

The point I want to make, Mr. Chairman, is that when you showed a tiny clip of President Clinton making a statement, which is indistinguishable from the statements of former Senator Dole and President Reagan, you said a picture is worth 1,000 words. Well, pictures occasionally are, but not these pictures.

These pictures show fund-raising events. Some of us feel that fund-raising needs to be reformed. Some of you on the Republican side don't. But to make this a partisan issue reeks of hypocrisy. I want you to reread every one of President Reagan's statements. I want you to look at the Dole clip again, and then say, mia culpa, mia maxima culpa, I was guilty of one-sided, blatant partisanship, and I will not engage in this any further.

There is one more point I would like to make. Yesterday I suggested that we are engaged in a trivial pursuit and I apologize to the concept of trivial pursuit because what we are engaged in is much less than a trivial pursuit. It is a diversion. It is a diversion at a time the country has serious problems. But it is not just a diversion. This issue is not only a pointless exercise, but it is a harmful exercise.

It is a harmful exercise, Mr. Chairman, in two ways. It is a harmful exercise internationally because the work of this committee is making a laughing stock of the Congress of the United States, across the globe, as Saddam Hussein is getting ready to build weapons of mass destruction; as global issues crowd in on us on all continents; and we are trying to find out whether it was Thursday or Friday that Mr. Ruff or somebody in his staff notified someone on the Senate committee or in the Attorney General's office as to the availability of these breathtaking tapes, these tapes which have shaped American history, which showed Clinton was raising money in the White House, as was Bush, as was Reagan, as were other Presidents. So it is harmful to us abroad, because instead of this legislative body being seen to be engaged in the serious work dealing with the problems of the United States of Amer-

ica, we are engaged in what I can most generously label only as a trivial pursuit.

It is harmful to us domestically. There is already a great deal of lack of trust between the American people and their Government. And by attempting to undermine faith and trust in our governmental institutions, these hearings undermine confidence in our democratic system of government.

So it is not only pointless, it is not only trivial, it is harmful, and I hope, Mr. Chairman, as I asked you yesterday, that you will follow the example of your distinguished fellow Republican, Senator Thompson, and recognize that this circus must come to an end. We have played it long enough, we have played it hard enough, we have come up with nothing, and the time has come to admit it and to say so. Thank you.

Mr. WAXMAN. Thank you, Mr. Lantos. We have a couple minutes left on this round. Mr. Cummings is the next Member in order of seniority who has not asked questions yet. I want to ask if he wants to ask questions at this time or reserve his time for the next round.

Mr. CUMMINGS. I would prefer to reserve my time, Mr. Chairman.

Mr. WAXMAN. Mr. Kucinich, I will recognize you. You will have the balance of the time.

Mr. KUCINICH. Thank you very much, Mr. Chairman, and members of the committee.

One of the things which has concerned me as a member of this committee, from the comments that I heard yesterday relative to news shows where certain suspicions were broadcast publicly, is that some Members are proceeding with offering what is an implied verdict, that wrongdoing was committed, that crimes were committed, and I would just like to say publicly that I think we do the House better credit if we proceed from first the facts, and then the verdicts, instead of an Alice in Wonderland scenario of first the verdict and then the facts.

The Senate just spent $2.2 million to hold 32 hearings featuring 81 witnesses and allegations of campaign finance abuses, including 3 days of hearings on videotapes in the White House. These issues are also being investigated by the Department of Justice task force, Independent Counsel Kenneth Starr, and a number of other congressional committees. This committee has already spent at least $3 million on this investigation.

I would like to ask, Mr. Ruff, is there anything you can tell us today or have told us today, other than the incident involving a lack of communication with one piece of paper, that you haven't already told the U.S. Senate?

Mr. RUFF. I would like to think that the record is fairly clear on many fronts, both at the Senate and in the media on this subject, Congressman, and it may be that there is somewhere in the recesses of my brain a piece of information which is not on the record, but I can't think of what it is.

Mr. KUCINICH. Is it true that every person, relevant to this issue, from the White House counsel to the chief petty officer in charge of the audio visual unit, gave extensive testimony to the U.S. Senate?

Mr. RUFF. I believe that is the case.

Mr. KUCINICH. Isn't it also true that most, if not all, of the major areas of questions which have been put to you in these hearings, were put to the White House personnel who testified before the Senate?

Mr. RUFF. That is correct.

Mr. KUCINICH. Now there have been accusations of altering the videotapes. Isn't it true that in the Senate hearings, Chief Petty Officer McGrath, Mr. Imbroscio, Colonel Campbell, and Mr. Smith all categorically rejected Chairman Burton's allegation of tape alterations?

Mr. RUFF. Very clearly.

Mr. KUCINICH. Some members of this committee have suggested that the Counsel's Office omitted videotapes from the definition of responsive documents in its directive to all White House personnel. Isn't it a fact that the Counsel's Office directive instructed White House officers to provide all records, that is whether in hard copy, computer or other form?

Mr. RUFF. That is correct, Congressman.

Mr. KUCINICH. And isn't it also a fact that this issue was discussed at length in the Senate hearings, and in those hearings laid to rest?

Mr. RUFF. That is correct.

Mr. KUCINICH. And you gave extensive testimony in the Senate that there was no effort whatsoever to exclude videos of political coffees from the White House document search?

Mr. RUFF. I did.

Mr. KUCINICH. And the lawyers and career military people who testified in the Senate said that every effort was made to comply with the demands of this committee, the Senate committee, and the Department of Justice?

Mr. RUFF. And we believe we have always engaged in a good faith effort to be responsive.

Mr. KUCINICH. Now, how much of the materials produced by the White House in response to the committee subpoenas duplicated what was provided to the Senate?

Mr. RUFF. I think the vast bulk.

Mr. KUCINICH. OK.

Mr. BURTON. Mr. Kucinich, one thing I would like to say, Mr. Kucinich, is you were gone some of yesterday and there are some other relevant documents we did not receive in a timely fashion which we would be happy to provide for you.

Mr. KUCINICH. Thank you, Mr. Chairman.

Mr. BURTON. Mr. Barr, you are recognized for 10 minutes.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Ruff, if we could turn our attention back, please, to your discussion yesterday with Mr. McIntosh, and if we could have the document 147 up on the screen, please. Document 147, as I am sure you will recall, Mr. Ruff, is the one that says at the top of that page, Harold and Deborah DeLee want to make sure WHoDB is integrated with DNC data base so we can share, evidently POTUS wants this too, make sense, then it goes on from there.

If I am not mistaken, in response to some questions from Mr. McIntosh, you used a word to describe the essence of this document

that doesn't appear in it. I know you are a very learned man, and I know also you are a very, very careful attorney and you choose your words very, very carefully, as you should. And, therefore, when you used this certain word yesterday, I wondered why you were using it because it doesn't appear in the document and it has a meaning quite different from the plain meaning of the words in the documents. The word in the document that I believe Mr. McIntosh was talking about was the word "integrated," and he was talking about that in the context of having two data bases, the White House data base and DNC, and integrating them together. And in response to his question, I think you very deliberately used a word, not "integrate" but "compatible," to make them compatible, and making two data bases compatible is something very, very different from integrating them, as I am sure you know.

Compatible means, and I quote from the dictionary here, "capable of existing or operating together in harmony," the implication being you have two entities that are different and very distinct, but they work together, and I certainly agree with you, that it is not against the law to make two data bases compatible. That is very different from making those two data bases—to integrate those two data bases. To integrate means to form, to coordinate or blend into a functioning or unified whole.

I was just wondering why you chose to use the term "compatible," which is not used in this document, as I suspect—and maybe this is your job as a lawyer, to, you know, shift the focus, change the meaning of something.

Do you not see that this document is talking about integrating two data bases and would you not agree that that is different, substantially different, from simply taking steps to make two data bases compatible with each other?

[Exhibit 147 follows:]

HAROLD AND DEBORAH DEVEL WANT TO MAKE SURE WHODB IS INTEGRATED W/DNC DATABASE - SO WE CAN STATE

- EVIDENTLY, POTUS WANTS THIS TO! (MAKES SENSE)

HE WANTS TO HAVE A MTG. — HAROLD, ERSKINE, DEBORAH, JUDIE, MARSHA, + TECHNICALS + US

TO DISCUSS WAYS TO COORDINATE GOING FORWARD

BOBBY WATSON (DEBORAH'S ASST.) IS WORKING ON HER END.

WHO'S TO MEET - MONDAY?

HOW DOES this impact schedule of getting things to POTUS?

EXHIBIT 147-1

MC33298

Mr. RUFF. First, I appreciate your suggestion that I am either learned or careful. I do try to be careful. I reject the notion, however, of being learned certainly when it comes to the White House data base. As I think I indicated in my response to Congressman McIntosh, I neither have nor aspire to a level of understanding of the intricacies of the White House data base. But that said, my effort to try to be responsive yesterday to his questions was to suggest that—and I have no idea, obviously, what the author of this memo may or may not have meant.

Mr. BARR. Have you checked into it?

Mr. RUFF. No, I certainly have not.

Mr. BARR. Do you intend to?

Mr. RUFF. Congressman Barr, I know you will appreciate fully the constraints that the White House Counsel's Office operates under. We tend not to conduct independent inquiries because those inquiries, in turn, tend to become the subject of further inquiries.

Mr. BARR. Do you intend to forward this to the Attorney General, since on its face this would seem to indicate, very clearly, that two data bases, which by law cannot be merged or integrated, unified, that it is the intent of at least some people to do just that? Does that not concern you as an attorney?

Mr. RUFF. These documents are, in fact, in the possession of the Justice Department for whatever action they deem appropriate. What I was trying to suggest in my response to Congressman McIntosh yesterday, albeit from less than a learned posture, was that it is fully appropriate to make incoming information available, that is, that two data bases could be compatible for purposes of sharing information from the DNC into the White House. If I did not make myself clear on that, I should have done a better job. But I do not purport either to understand exactly what Mr. Bailey meant when he took these notes, nor did I intend, certainly, to suggest that I was reaching any conclusion, either as to the meaning of "integration" or to use "compatible," other than in my understanding of the capacity to absorb information from the DNC. There is no suggestion on my part, and I believe there is none in this memorandum, of any impropriety or illegality.

Mr. BARR. Well, OK, that really gets us back to some of the fundamental concerns here, and maybe our focus ought to be on the process. I know we heard from folks on the other side earlier, they don't think that the process is important, they make light of it. I would hope that you won't, and don't.

Process goes to the heart of whether or not our system of laws in this country and our system of government operates properly. Process is at the heart of our Federal statutes on obstruction. Folks on the other side, you were very ready to agree with them that this is all about process in response to their questions that that is not important. I beg to differ. I think process is very important, and time and time again, we see people look at documents, look at tapes, even when they are in them and say, oh, that is not important, we don't know what that means, that, no, that raises no questions.

One can look at the tapes that have just been played and reach a certain conclusion about those tapes, whether they are tapes from 10 years ago or from a year ago, but to simply and constantly turn

a blind eye to say, oh, a document that talks about integrating two data bases that by law cannot and should not be integrated, and saying, oh, we are too busy to do anything about that, and I don't see anything wrong with that anyway, yet it is very easy for you to say, oh, it looks as if they are just talking about something being compatible, raises very serious questions in our mind.

Another thing that raises very serious questions in our mind is you all's use of executive privilege, and I would like now to turn to that, although perhaps it might be better, Mr. Chairman, after the next vote, in the context of another very disturbing incident.

Mr. BURTON. Does the gentleman wish to suspend at this point and come back?

Mr. BARR. The gentleman does.

Mr. BURTON. The Chair will stand in recess. He will conclude his interrogation when we come back.

[Brief Recess.]

Mr. BURTON. The committee will reconvene.

When we recessed, Mr. Barr of Georgia was in the middle of his questioning. I think he has some time remaining, so don't start the clock just yet; wait until Mr. Barr is ready.

I might inform anybody who is interested, the next time we have a series of votes, because it is lunch time, or past lunch time, and Mr. Ruff said he cannot stand not having a sandwich, especially if it is egg salad—that is a personal joke. What we will do is, we will break for at least 30 minutes so everybody can get a sandwich or something to eat. Are you ready, Mr. Barr?

Mr. BARR. Yes, Mr. Chairman. Before going into one other area, I would like to have document 162 put up. Mr. Ruff, this document also concerns the White House data base, and——

[The information referred to follows:]

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

To

MEMORANDUM TO: Harold Ickes
Bruce Lindsey

cc: The First Lady

This sounds promising. Please advise. HRC

FROM: Marsha Scott

DATE: June 28, 1994

SUBJECT: Recommendation for Design of New Database

As you know, over the past year I and my staff have had extensive interaction with Percy's people and their system in Arkadelphia. We spent two days in Arkadelphia working with their people to learn their operation and software capabilities. Our technicians have worked regularly with their designers. In order to obtain lists for various functions and projects, I have requested from the PeopleBase system, many different types of information with varying time frames for turnaround time. (If you need specifics, I will be glad to provide the documentation). My overall impression is that while he has made some improvements, Percy's system and staff cannot adequately meet our quality or response demands and should not be considered for future use.

Currently in the White House we are preparing, as you know, to implement a new database system starting August 1. While that system is modeled after the PeopleBase software, it has major differences. The main differences are ease of use, function flexibility and correction capabilities. By the first of the year we should have any flaws identified and corrected and the majority of the White House using the new system. We will then have a year to fully train and familiarize our folks to its' many possibilities and uses. If they like it, as they seem to now, they will use it. The PeopleBase system was not used during the campaign because it was not user friendly. For the most part, only people from the Governor's staff used it. While I feel the new system far surpasses PeopleBase as a useful tool, it will be technically compatible with PeopleBase.

My team and I are also engaged in conversations with the DNC about the new system they are proposing. We have asked that their system be modeled after whatever system we decide to use outside the White House. I need you to make very clear to them that their system must be technologically compatible, if not the same, as whatever system we decide to use for political purposes later on. These discussions are currently in progress and a clear direction from you to the DNC will eliminate much unnecessary wrangling.

M 32438

The time to act is now. Cloning or duplicating database systems is not difficult if carefully planned by a good design team. We have proven that it can also be done relatively quickly and inexpensively. Therefore, I suggest that instead of continuing with an old outdated system (PeopleBase) that does not meet our current demands, let my team work with the DNC to help them design a system that will meet our needs and technical specifications. We can show them what to do and then clone another system for our specific uses later on. Any information stored with PeopleBase could then be dumped into the new system and made available, when deemed necessary, to the DNC or other entities we choose to work with for political purposes.

The time to make these decisions is now while we have the opportunity to coordinate the various projects. Please let me know your thoughts as soon as possible. In the meantime I am proceeding as if this is the plan.

Mr. RUFF. Excuse me, Mr. Barr, can I try to find it in my book here. I see it. Thank you very much.

Mr. BARR. This document, similar to the one we were discussing earlier, although typed instead of handwritten, also relates to the White House data base. This document was provided to the committee or subcommittee, I believe in February 1997.

For those of us, I guess you and I both fall into this category, that we don't know an awful lot about data bases, but at least I understand the difference between integrating and making data bases compatible, and I thought we both agreed that it would be illegal for campaign data bases to be integrated with the official data base of the White House. I am not sure we even agree on that. But if you look, Mr. Ruff, at this document, particularly the last paragraph on the first page, which goes into, in some length, about proposing a new system, and, well, I see they use your word "compatible" there. In the second paragraph, however, on the first paragraph on the second page, they go into great length about a system, they talk about PeopleBase, which is a campaign data base, a political data base, and then go on to talk about the DNC designing a system that will meet needs and specifications to clone another system for specific uses later on, that the information stored with PeopleBase could then be dumped into the new system, presumably the White House data base, and made available when deemed necessary to the DNC.

I don't know a lot about computers either, Mr. Ruff, but I do note, when I see somebody discussing taking information from one data base into another, making these two data bases work together, and explicitly talking about taking information, store it in a political campaign data base, putting it into the new White House system, making it available to the DNC, is against the law. And we have the First Lady saying, this sounds promising, please advise.

Now I am not sure we know what the advice to her was, but as with the first document that we looked at earlier, on its face, there seems to be at least a colorable issue raised of illegality. I happen to think it is more than a colorable inference of illegality, but I think at a minimum is that.

This document was provided to us earlier this year. The one we talked about previously was not. We did not get this one until last week, even though, as with this document, they both talk very clearly about the data bases. I think it is obstruction not to have provided this. I think there is no reasonable explanation that has been put forward, and I guess, again, I would like to ask you why is it that when you looked at these documents, and I understand that you all have a lot to do, but when you look at these documents on their face, they don't raise in your mind any inference whatsoever, possibility that there was illegal action occurring here, merging these two data bases in some way?

Mr. RUFF. Congressman Barr, I will give you the one-line answer and then if I can impose on the committee, I will ask my colleague, Ms. Mills, who knows a lot more about the issue of the data bases than I do, to respond to the specific questions you have.

The basic answer is no, we do not believe that anything that either was contemplated or that happened with respect to WhoDB

involved any impropriety, much less any violation of law, and if I can, I will let Ms. Mills try to address the particular language of this memorandum as it bears on the relationship between the data bases.

Ms. MILLS. Mr. Barr, I think the paragraphs you are referencing are all referencing outside data bases and the sharing of information with respect to those outside data bases.

The last paragraph which you reference indicates my conversations with the DNC about the new system they are proposing. "We have asked that their system be modeled after whatever system we decide to use outside the White House." That is with respect to whatever other data bases are going to be used to deal with the campaign or the DNC's data base, outside the White House. PeopleBase, which you referred to as a political data base is not; it is actually the Legacy data base of President Clinton from his time as Governor in Arkansas.

Mr. BARR. That wasn't the Clinton/Gore data base?

Ms. MILLS. No, it was not. PeopleBase is the Governor's data base of contacts with people and correspondence that he had as Governor.

Mr. BARR. It was used for political purposes?

Ms. MILLS. Actually, the PeopleBase was used as a means of maintaining his contacts with individuals that he met and dealt with as Governor of Arkansas.

Mr. BARR. But it was used for political purposes.

Ms. MILLS. I am not aware it was used for political purposes.

Mr. BARR. I am not asking if you were—I mean, what you have just described is——

Ms. MILLS. Well, you are asserting that it is.

Mr. BARR [continuing]. A political process.

Ms. MILLS. I guess if you can believe serving as Governor of Arkansas, that is a political process, then, yes, I agree with you.

Mr. BARR. We are making progress.

Ms. MILLS. OK. I am happy to say that all politicians are obviously involved in politics, and to the extent they have data bases that are associated with the work that they perform in their duties, then to the extent that that is perceived as political, they are obviously politicians, that is political, but it relates to what they do when they are elected to do those jobs.

Mr. BARR. And how do you, then, explain away the top paragraph on page 2?

Ms. MILLS. Well, I won't attempt to explain it away, but I will attempt to tell you what my understanding of the truth is with respect to this document as I understand it.

With respect to the second part, it is talking about cloning or duplicating different data bases can be done relatively easy, they have been able to establish it can be done on the outside, therefore, their suggestion they take the old outdated PeopleBase that doesn't meet their needs and let their team work with the DNC to design a system that meets their needs, that is with respect to the DNC's data base, an outside data base. In other words, we are not going to use the format that was used in PeopleBase for the DNC's data base; we are going to use a new format that is more user friendly, also outside of the White House.

Mr. BARR. Does it disturb you, or perhaps Mr. Ruff, that White House people are doing this? I mean, clearly, there are at least two, maybe there are three, but at least two different data bases here, a political data base and the development of a White House data base. And then you also have the DNC ones.

You are talking about people at the White House, paid by the taxpayers of this country, to perform official duties, engaging in setting up data base or data bases, and then working with the DNC dumping information back and forth, again, that doesn't raise any red lights or you think this is perfectly hunky-dory and ethical and legal, obviously.

Ms. MILLS. I think I am on the record as to what is ethical and appropriate with respect to the data base. We are allowed to take information in with respect to the data base. I think the other thing that is important to remember is that the Hatch Act clearly intends and expects that there will be people who engage in political activity and they draw careful lines——

Mr. BARR. The Hatch Act is not a defense to what we are talking about.

Ms. MILLS. The Hatch Act clearly anticipates and has for many years understood that people will engage in political activity——

Mr. BARR. The Hatch Act——

Ms. MILLS. What it does do is try and draw——

Mr. BARR. If you don't see that, you don't see anything.

Ms. MILLS. Well, I would like to respond. I don't know how you can know what I see if I haven't at least tried to give you an opportunity to understand.

Mr. BURTON. Ms. Mills, I think the point has been made. The gentleman's time has expired. We will have another round, Mr. Barr, and we will give you an opportunity to revisit this issue.

Mr. Waxman is not back but we will yield 10 or 12 minutes to Mr. Fattah and whomever else he designates, as the senior member here on the Democrat side.

Mr. FATTAH. Thank you, Mr. Chairman, and let me try to cover a few important points here. One is that I have had the responsibility to serve on this committee in two successive Congresses, so I am somewhat aware of this data base issue because it was one of the various investigations we as a committee conducted in regard to the White House in the last session. It is not, however, part of the investigation of foreign influences and illegalities connected to the 1996 election, so some people who may be spectators here might be somewhat confused because the committee has spent at least half of its time focusing in on a subject unrelated to the subject matter of the committee's new charge, but the data base may be a priority of the committee. But I want to put on the record that if it is, the committee has held not one—the subcommittee has held not one hearing this year and only held one hearing in all of last year, so this interesting focus on the data base itself is a new found interest at best. It is intruding upon what was at least allegedly going to be this massive investigation of foreign influences and illegal contributions in the 1996 campaign, but I want to try to clear a few things up.

Let me ask Mr. Ruff, a data base, just so that those of us who are following this can understand it, is a list of names and addresses and contacts, information?

Mr. RUFF. That is correct.

Mr. FATTAH. Phone numbers.

Mr. RUFF. Stored in a computer, as I understand it.

Mr. FATTAH. Would there be a legal distinction between whether or not you kept those on a three by five card or whether you kept them in a computer?

Mr. RUFF. Not that I can think of.

Mr. FATTAH. A data base is a Rolodex; it is an address book?

Mr. RUFF. That is in essence correct.

Mr. FATTAH. So if a Member of Congress or the Vice President or the President of the United States or anyone in conduct with their professional duties might have a phone log or a Rolodex these are the essential ingredients; the only difference here is that they were put into a computer?

Mr. RUFF. That is correct.

Mr. FATTAH. Now the committee's interest in this data base precedes you becoming White House Counsel?

Mr. RUFF. It does, yes.

Mr. FATTAH. So the memos you were being questioned about, you were not around in 1994 when this was written, right?

Mr. RUFF. That is true.

Mr. FATTAH. But there wouldn't be—I mean, if by chance any of us had on our Rolodexes back in our office a list of politically important people in our districts, or people who supported us, there wouldn't be any difference between that Rolodex, from a legal distinction, and a computer data base, right?

Mr. RUFF. That is true.

Mr. FATTAH. Even some of the Members of Congress, who are computer literate, they have these hand-held systems where they can call people on and so on. So the interest here about whether or not the President had enough common sense to want to stay in touch with his supporters is not a big distinction between those of us who do that here?

Mr. RUFF. I trust everybody who runs for office probably wants to do the same thing.

Mr. FATTAH. Well, I think that the other issue I want to cover has to do more with the 1996 investigation. There has been some discussion about a check that was delivered to the White House and it was then sent over to the DNC, and in the Congress, we have a set of rules, that if we inadvertently receive a contribution, we have I think up to 7 days to get it from our office to our political campaigns. The White House, as I understand it, has a policy that says, basically, immediately or as soon as possible, if inadvertently a check were to come it should be sent away?

Mr. RUFF. That's correct.

Mr. FATTAH. Do you see any distinction between those two policies?

Mr. RUFF. No, obviously the Congress is free to make its own rules in this area, and the White House policy is designed to ensure that these issues are resolved as rapidly as possible in a way that does not implicate any potential violation of law.

Mr. FATTAH. Let me yield to the gentleman for a second.

Mr. KUCINICH. Thank you very much, Congressman Fattah.

Again, to Mr. Ruff or Ms. Mills, whichever, the Bailey document which we are talking about seems to indicate that the President was interested in integrating the White House data base with the DNC data base.

Do you have any reason to believe that integration ever happened?

Mr. RUFF. Absolutely not.

Mr. FATTAH. Reclaiming my time, it is interesting because a number of my colleagues who have spoken have spoken out in the past on issues in relationship to some of the allegations that are basically being inferred here, that is to say that the Speaker of the House had a circumstance in which there was an inquiry, an investigation into some of his activities, and he misled the Ethics Committee, but he made a distinction, and many of my colleagues here spoke out publicly on the record that it was a very important distinction in that he did not intend to mislead the Ethics Committee and that was the reason why, in the final hours of that issue, the Speaker was reprimanded and had to pay a $300,000 fine, but people, especially those in his party, stood up and said he didn't intend to mislead the committee and, therefore we should kind of go on.

There have been circumstances in which, whether it was the videotapes or other circumstances, in which things did not happen perfectly in terms of communications between the White House and this committee.

Mr. WAXMAN. Will the gentleman yield?

Mr. FATTAH. Yes.

Mr. WAXMAN. I think you are making an excellent point and I think we all have to keep things in perspective. If the gentleman will permit, I wanted to yield to Mr. Condit some of the time. He hasn't had a chance to ask any of his questions yet in the last 2 days.

Mr. CONDIT. Thank you, Mr. Waxman, and thank you, Mr. Chairman. I will be brief, but I feel somewhat compelled to make an observation, and I do have some questions that I will ask when we begin to ask questions, but, Mr. Chairman, in front of us today are witnesses from the White House Counsel's Office who in some cases have appeared before three or four different investigative bodies. Charles Ruff, deposed by the Senate, testified before the Senate. Lanny Breuer, deposed by the Senate, testified before the Senate, testified before the grand jury. And Cheryl Mills, deposed by the Senate.

I have just a couple questions and they can be rhetorical questions or you can respond to them if you would like, and, basically, we need to figure out how much is enough? How many times are we going to haul the same people in here so they can repeat what they have already told the other investigative bodies? How much money are we going to spend and waste to do that, and what will we discover that we haven't already discovered in the documents that we have available to us?

We did this exact thing a month ago with Manlin Foung and Joseph Landon, the very same thing. We hauled them in here. We brow beat them for several hours and we did not learn anything

new. Nothing significant came up that would help this investigation, and, Mr. Chairman, if we were serious about doing something constructive and in a bipartisan manner, there is a discharge petition at the well of the House, it has 187 Members who have signed the discharge petition to bring to the floor immediately campaign finance reform. You know and I know it takes 218 signatures to bring it to the floor. I would respectfully call on my colleagues on the other side of the aisle and on this committee to sign the discharge petition and we could have a solution to the problem that we have been discussing.

Matter of fact, we have been duplicating our discussions, multiple times, but we can really solve this problem if we could force ourselves to deal with campaign finance reform, and one of the ways we can do that is to put our money where our mouth is and sign the discharge petition and bring about campaign finance reform.

I felt compelled, Mr. Chairman, to make this point. I have made the same point over and over again. I guess some might say I am being duplicative, but I think someone needs to make the point that these folks have been through this several times, and I think it is just unreasonable for us to continue this and keep them in here asking the same questions over and over again.

I will yield back to Mr. Waxman.

Mr. WAXMAN. Thank you very much.

Mr. BURTON. I won't take any of your time. We will add to your time. I just want to say I will not answer right now. I will at the conclusion of your time, but I appreciate your remarks, Mr. Condit.

Mr. WAXMAN. We still have time, Mr. Chairman, and we are not yielding back the balance of it because we have other Members who wish to speak. I want to point out the only reason we have to get a discharge petition is because the Republican leadership in the House will not schedule a vote, so the rules of the House allow us, if we get 218, a majority, to sign this discharge petition, we could force it to the floor, but we shouldn't have to do that.

Mr. Kucinich, you were interrupted in your questions. I want to yield to you.

Mr. KUCINICH. Thank you, Mr. Chairman.

Mr. CONDIT. Mr. Chairman, may I have a point of order here? There is a little confusion on my part, too, Mr. Waxman about is this the appropriate time to ask questions.

Mr. WAXMAN. Yes, it is.

Mr. CONDIT. I understand that and——

Mr. WAXMAN. If Mr. Kucinich will allow, I——

Mr. CONDIT. I will let him continue and then if you have time, come back to me. I do have a couple questions to ask.

Mr. WAXMAN. I yield to Mr. Kucinich.

Mr. KUCINICH. Thank you, Mr. Chairman.

I would like to go back to a point I was asking about before about the handwritten page. I want to ask Mr. Ruff, if that handwritten page presents new evidence that had never before been produced to the subcommittee?

Mr. RUFF. Congressman Kucinich, I have to say that I am really not probably in a position to make an expert assessment of that. In my view, it does not add to the core information that had been

made available to the committee, that is with respect to the nature of the White House data base. I have to leave it, I guess, to those who are on the receiving end to decide whether they find anything in there that is substantively advancing the cause of this investigation.

Mr. KUCINICH. Well, Mr. Cox yesterday asked whether the White House Communication's Agency had been given a copy of the letter from Senate investigators and you answered that, and to the best of your knowledge, the letter was not given to the Communication's Agency. Now today you corrected the record.

Mr. RUFF. That's correct.

Mr. KUCINICH. And you told us that you learned yesterday after the hearing, one of your staff attorneys, Michael Imbroscio did, in fact, give a copy of the letter to Steven Smith, Chief of Operations, Communications Agency.

Now I know that some members of this committee may not have read the depositions taken by this committee, but the record should be clear that Steven Smith, in his deposition to this committee a few weeks ago, clearly stated that he had received a copy of the Senate letter from Mr. Imbroscio, so even if Mr. Cox didn't know that, it seems to me the staff could have told him, and so my question is, do you know every single action that every single one of your staff members has taken in the last 2 years in connection with the subpoena compliance?

Mr. RUFF. I would never venture to make such a statement, Congressman. I appreciate your making the record clear with respect to the deposition testimony on this.

Mr. KUCINICH. Do you feel Mr. Imbroscio was doing his job by passing that letter along to the Communications Agency?

Mr. RUFF. Absolutely.

Mr. KUCINICH. I yield back, Mr. Chairman.

Well, while we are at it, I would like to take the opportunity to ask one other question about the cost of the White House data base investigation, because I am very concerned that this might be costly to the taxpayers, and, actually, costing too much money.

Can you estimate how many hours the White House has spent answering questions about this data base inquiry?

Mr. RUFF. Perhaps I will consult with my colleague who has been actually through this.

Mr. KUCINICH. And just one followup question, how much does this cost the taxpayers?

Ms. MILLS. Well, in one 3-month period that we were auditing the time and costs associated with it, it was more than $155,000, and that was in a 3-month period. Obviously, we have been working with this matter for over a year.

Mr. KUCINICH. I might add in conclusion, this doesn't even include the hundreds of thousands that have been spent by the committee on this issue. Thanks.

Thanks, Mr. Chairman.

Mr. WAXMAN. We have spent over $3 million in this committee. We yield back the balance of our time.

Mr. BURTON. I would like to respond briefly before I yield to Mr. Horn.

First of all, two of these witness have not appeared before the Senate, and there have been some depositions taken but they have not appeared before the Senate. And what we are looking at is activities where current law has been broken, and that is the reason why we are not talking about new campaign laws, which is under the purview of the House Oversight Committee, and with that I will be happy to yield.

Mr. WAXMAN. Mr. Chairman, will you yield? You say current laws have been broken. Can you site for us any law that has been broken? There are allegations, but nobody has proved any law has been broken by anyone, as best as I can tell.

Mr. BURTON. Well, first of all, the Democratic National Committee has returned questionable contributions amounting to several million dollars.

Mr. WAXMAN. As has the Republican National Committee.

Mr. BURTON. No. 2, 62 people at least have either taken the fifth amendment or fled the country. Many of these people are very close to the President. If there is no concern about laws being broken, I would welcome them before the committee. So it is my opinion that laws have been broken. You may differ.

Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman.

Mr. Ruff, I am going to ask a series of questions that are related to a request for information by the Subcommittee on Government Management, Information, and Technology, which I Chair. We have had a long-term operation of looking at travel by senior executive branch officials that happened to include the costs of the trip the President took to the Asian Pacific Economic Cooperation meeting in Asia in November 1996. We first requested information on the actual cost of the trip, almost a year ago, November 26, 1996. The reply, which came from the director of administration, came only after repeated staff calls, and the second letter was sent on January 15, and we never got any specific information on the actual cost of the trip, and we are talking about a trip that ran somewhere between $4.7 million and maybe $5½ million. I did send a letter to you and I realize you weren't there in the initial stages, but I did send a letter to you, as I did to Mr. Quinn and others, on February 25, 1997, asking for compliance with this simple information request. Over 6 months and almost weekly phone calls from our subcommittee staff and its director, Russell George, I have received no reply to this letter.

Is there a reason why the White House Counsel's Office has decided not to reply? I might add a footnote that one reply said, well, we will give it to the subcommittee when we give it to the full committee. What you have given the full committee stops, essentially, at October 1996, and, thus, we don't have the data, and what you gave the full committee only reached them because you had a press inquiry.

Now it sounds to me like press inquiries get first dibbs at the White House, let's give them the information, then when they go to the full committee or one of its subcommittees, they can say this is old news, don't bother me about it. Now I am just curious, how seriously do we take congressional inquiries?

Mr. RUFF. I can tell you as a basic proposition that we take congressional inquiries very seriously, and we do try to be as responsive as we can be. I also have to confess, however, that I am not familiar with the specifics of your request. I will commit to you that I will make myself familiar with them and I will respond personally to you on this point as soon as I have had an opportunity to learn the background and the circumstances of your request.

Mr. HORN. Mr. Chairman, I would like at this point simply to put in the record the letter I sent to Franklin S. Reeder, Director of Office of Administration, November 26, 1996, letter to White House Counsel to the President, Jack Quinn, January 15, 1997, and his reply and another reply from Mr. Reeder, which has the estimates but not the actual costs in the letter of February 25, 1997, to the Counsel of the President, Mr. Ruff. I would like it at this point in the record.

Mr. BURTON. Without objection, all exhibits, documents, articles and other material referred to by Members today shall be included in the record.

[The information referred to follows:]

November 26, 1996

VIA TELECOPIER

Franklin S. Reeder
Director
Office of Administration
The White House
Washington, D.C. 20500

Dear Mr. Reeder:

Pursuant to its responsibilities under Article I of the U.S. Constitution and Rules X and XI of the Rules of the U.S. House of Representatives, the Government Reform and Oversight Committee Subcommittee on Government Management, Information and Technology is conducting an inquiry into the travel costs of senior Federal officials. In that regard, please provide the subcommittee with the cost of the President's trip to the Asia-Pacific Economic Cooperation meeting. Please provide an itemized list of the components of this figure. If necessary, you may provide estimated figures.

Should you have any questions regarding this request, please contact Russell George, Staff Director and Counsel of the subcommittee at (202) 225-5147.

Very truly yours,

Stephen Horn
Chairman
Subcommittee on Government Management,
Information and Technology

SH:JRG

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

January 15, 1997

The Honorable Jack M. Quinn
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Quinn:

On November 26, 1996, a request for information relating to the cost of the President's November 1996 trip to the Far East was sent to Frank Reeder, director of the Office of Administration. This request was made pursuant to the Committee on Government Reform and Oversight's subcommittee on Government Management, Information and Technology's responsibilities under Article I of the U.S. Constitution and Rules X and XI of the Rules of the U.S. House of Representatives.

To date, the subcommittee has not received a response to the request. In fact, repeated telephone calls made to Cheryl Mills of your staff by J. Russell George, the subcommittee's staff director and counsel have been ignored. Staff Director George has attempted to communicate with Ms. Mills to determine why the delay in responding to the request. Your office's failure to respond is very disturbing.

Mr. Quinn, as the President's counsel, I ask that you immediately look into this matter and supply the subcommittee with the information requested and an explanation for the delay in supplying it.

Sincerely,

Stephen Horn

Stephen Horn, Chairman
Subcommittee on Government Management,
Information and Technology

THE WHITE HOUSE
WASHINGTON

January 15, 1997

The Honorable Stephen Horn
Chairman
Subcommittee on Government Management,
Information and Technology
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

BY FACSIMILE

Dear Congressman Horn:

I am in receipt of your letter dated today. I regret that the press of other business has prevented us from getting to your request more quickly.

Cheryl Mills, who is preparing a response to your inquiry, has been out of the country for more than a week. She will be returning to Washington tomorrow. I am sure that Ms. Mills will call Mr. George before the end of the week.

Sincerely,

Jack Quinn
Counsel to the President

01/21/97 TUE 19:14 FAX

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

January 21, 1997

The Honorable Stephen Horn
Chairman, Subcommittee on Government
Management, Information and Technology
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Horn:

I am writing in response to your letter regarding the President's recent trip to the Asia Pacific Economic Cooperation (APEC) conference in November, 1996. As you anticipated, we are providing estimated costs for this trip; actual costs are not available.

The President also made official visits to Australia and Thailand when he traveled to the APEC conference in the Philippines. We therefore have taken the liberty of including the estimated costs for the President's travel to these locations as well. See Enclosure. As always, we have not included information related to the President's security.

Sincerely,

Franklin S. Reeder
Director, Office of Administration

Enclosure

Presidential Travel to 1996 APEC Meeting (Philippines, Australia, Thailand)
January 21, 1997

The charts reflect estimated costs for the President's travel to the 1996 APEC Meeting (as well as Australia and Thailand). These costs are typical for a Presidential trip of this type; for example, the conservative estimated cost for President Bush's 1992 travel -- excluding hotel and ground transportation costs -- to Australia, Singapore, Korea, and Japan, is $3,746,720 using FY92 DOD aircraft rates (FY94 rates for the C-25A (AF1); DOD did not compute a rate for AF1 until FY94).

Estimated Presidential Trip Costs (President and White House Staff)

Aircraft Type	Flight Hours	FY97 DOD Rate/Hour	Total Estimated Costs
AF1 (C-25A)/ AF1 Back-up	100.0	$36,000.00	$3,600,000.00
Support Plane (C-137C)	57.6	$9,912.00	$570,931.20
Support Planes (C-130H)*	18.9	$1420.00	$26,838.00
Helicopters: VH-60N	8.3**	$4,871	$40,429.30
Helicopters: CH-53D/E	11.7**	$3,175.00	$37,147.50

* The C-130H is the most frequently used C-130 aircraft for Presidential missions.
** These figures are passenger flight hours; they excludes flight hours solely for military exercises or ferry time.

Country	Hotel and Ground Transportation	Estimated Costs
Australia	Hotel/Lodging	$59,000
Australia	Ground Transportation	$51,000
Philippines	Hotel	$29,000
Philippines	Ground Transportation	$18,400
Thailand	Hotel	$15,000
Thailand	Ground Transportation	$9,500

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

February 25, 1997

The Honorable Charles Ruff
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Ruff:

Pursuant to its responsibilities under Article I of the U.S. Constitution and Rules X and XI of the Rules of the U.S. House of Representatives, on behalf of the Government Reform and Oversight Subcommittee on Government Management, Information and Technology I requested information on the cost of the President's November 1996 trip to the Asia Pacific Economic Cooperation conference. The date of the request was November 26, 1996.

In answer to that request, on January 21, 1997, Franklin Reeder, then of the Office of Administration, sent a response which provided estimated costs for the trip. I am writing to request that you provide the subcommittee with the actual costs of the President's trip, including the costs of the official visits to Australia and Thailand. In your response please provide the names and the number of people who traveled due to the trip; the cost of the per diem for those people; and the cost of any recreational activities in which the President engaged while on the trip.

Mr. Ruff, there was an undue delay in the response to the November 26, 1996 letter. Your immediate attention to this request is sought. Should you have any questions regarding this matter, please contact, J. Russell George, staff director and counsel of the subcommittee at (202) 225-5147.

Sincerely,

Stephen Horn
Chairman
Subcommittee on Government Management,
Information, and Technology

SH:jrg

Mr. HORN. I have one more question. This is simply to clarify, and it might have been answered when I was out of the room, to Ms. Mills, one of the senior counsels, deputy counsel in the office.

I gather there is a confusion about when you learned about the White House Communications Agency, and as I understand the record we have in front of us, I am looking at a document of April 8, 1996, from Jack Quinn, Counsel to the President, memorandum for White House staff; I am looking at another one, August 23, 1996, from Jack Quinn, Counsel to the President, memorandum for White House office staff; and the hitch of both of these, which I believe was prepared by you, and your name is in the last sentence on one of them, exclusively, and shared with another member, I assume, of the counsel's staff, Don Sherwa, if I am pronouncing it correctly, and I assume you wrote these memoranda, which would mean you knew quite a bit about the White House Communications Agency, as of April 8, 1996 and of August 23, 1996, and as I understand it your family and you were actually videotaped by them in a tour of the White House on March 11, 1995.

The query obviously is, is why was the ball dropped on videotapes? You were the most knowledgeable person on the staff. I realize there was a transition, but as I understand it through depositions and everything else a lot of members of the White House Counsel's Office went to you just to ask how things are done because you are the longest serving member, I believe, of the Office of White House Counsel.

Now you came in on January 20, 1993; is that not correct?

Ms. MILLS. I arrived on January 20, 1993. I guess there are several things I would like to try and address to be helpful. First, with respect to the videotape on which I appeared, it was not a tour of the White House, it was a radio address. Second——

Mr. HORN. I believe you toured with your family, though; did you not?

Ms. MILLS. No.

Mr. HORN. Weren't you taking them through the White House?

Ms. MILLS. No.

Mr. HORN. OK. Your family wasn't with you?

Ms. MILLS. My family was with me at a radio address.

Mr. HORN. OK.

Ms. MILLS. OK.

Mr. HORN. But you were taking them, wouldn't you say radio address is partly touring the White House?

Ms. MILLS. My family, because they didn't go to a radio address until 1995, and I don't want to quibble with you about this, had had many tours of the White House by that point.

But with respect to my knowledge of WHCA, as you may know from some of the testimony that has been received over the past several months, WHCA has approximately 900 employees. In dealing with WHCA, their primary function is with respect to telecommunications support of the President. Only seven of the employees deal with the audio visual aspects of WHCA.

In my dealings with WHCA, we were dealing with issues relating the President's travel, in particular the resources related to that that they provide on the road. On the road they provide staff support in terms of pagers, phones, computers, faxes, beepers, and lots

of other materials that the staff use, obviously, to conduct their business. I wanted to ensure that the staff used those resources in a way that was consistent with the Hatch Act, in other words, that they didn't use it for political activity. That was the substance of our discussions and that is what we were talking about with the WHCA personnel.

WHCA had provided me with their own memorandum they drafted regarding their activities. We didn't discuss the substance of the memoranda. What we discussed was the substance of what activities they performed for the staff with respect to the resources they provided, so I wasn't in a position to know what their practices were with regard to what they videotaped and what they didn't videotape; I simply didn't know. And I think, as I indicated earlier, WHCA's own supervisors did not know what their practices were with respect to what they videotaped and what they did not, so to the extent they responded to a document request and indicated at that time they did not have any responsive material, I would not have been in a better position to know whether or not they had or had not taped the coffees. I hope that is helpful.

Mr. HORN. Well, that helps, but isn't it true, then, you knew the videotape operation did exist and when we asked in the subpoena for videotapes, wouldn't that be the first place you would go to ask if they have the relevant material?

Ms. MILLS. That is what we did, we sent a directive to WHCA.

Mr. HORN. You did or who did?

Ms. MILLS. No, I do not—contrary to what might be popular opinion, I am not a part of the investigative team so my day-to-day duties actually involve the other parts of the office. I try to work with the investigative team to try to be as supportive and helpful as I can, but my daily duties are not with respect to the investigative team. Mr. Breuer, who is the special counsel, handles the matters.

Mr. BURTON. The gentleman's time has expired.

Mr. HORN. I would like these letters put in the record, Mr. Chairman.

Mr. BURTON. Without objection.

[The information referred to follows:]

DRAFT

April 8, 1996

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Reminder: Appropriate Use of Resources

As we get closer to the general election season, we want to remind staff that federal resources may not be used to assist in political activity on behalf of the President's re-election efforts. This memorandum outlines appropriate use of federal resources on the White House complex during the campaign season.

As a general principle, government resources should not be used for campaign purposes. In certain instances where official resources are used for purposes that may be considered campaign-related, there must be prompt reimbursement for the costs incurred by the government. To ensure that White House resources are not used, as a general matter, to support campaign activity, White House staff should use that equipment that has not been paid for from appropriated funds for political activity.

White House Equipment
White House equipment, including computers, copiers, and facsimile machines, is for official purposes and should not be used for campaign activity. Because of the need for liaison between limited numbers of White House staff members and various political committees, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising. Moreover, any long-distance calls for campaign activity must be made using a personal or campaign calling card.

White House Communications Agency (WHCA) Resources
WHCA is a Department of Defense agency; its mission is to provide communications support for the President of the United States in his official capacity. Accordingly, it is important that staff appreciate the limitations on WHCA's activities as they relate to political activity.

WHCA facilities provided in connection with Presidential travel may continue to be used during mixed and wholly political trips. The facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct political purposes such as campaign fundraising and crowd-building.

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Unlike for official events, WHCA only provides limited support for the President during political events on the road and at the White House. This support is limited to the following activities:

1. providing technical advice to the staff regarding the quality of audio-visual systems;
2. installing Presidential lecterns, microphones and teleprompters;
3. recording Presidential remarks for the Archives;
4. announcing the President;
5. operating teleprompter equipment for Presidential use;
6. feeding Presidential remarks to the Press Filing Center;
7. installing phones, facsimile machines, computers and other communications equipment for official use when travelling; this equipment may not be used for political purposes.

WHCA will not provide the following support for political events:

1. lights or sound equipment, nor contract for such equipment;
2. make announcements at political events that include other candidates or announcements with a partisan slant (e.g., "the next President of the United States . . .");
3. install or operate communications equipment that is intended for campaign staff or used for political purposes such as crowd-building or fund-raising.

If WHCA provides any of the aforementioned support during a political event, there must be prompt reimbursement.

Government operators should not be used by staff members to place campaign-related or other political long distance calls. In addition, the incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters. Similarly, government credit cards may not be used for campaign telephone calls. Finally, WHCA equipment -- including cellular telephones and two-way radios -- only may be used for official purposes.

<u>White House Services</u>
Services provided at the White House are for official business. Lexis-Nexis may not be used to conduct research for campaign purposes. Similarly, staff may not ask the Library staff to conduct research or gather information for campaign purposes. The White House messenger service may not be used to take packages to or pick packages up from the campaign or Democratic National Committee offices, nor may you use inner office mail for campaign purposes. Likewise, White House stationary, envelops and postage is for official use only. Finally, the White House

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Print Shop produces reports, charts, pamphlets and other material for official purposes; campaign and partisan political documents should not be sent to the print shop for reproduction.

White House Photographs
White House photographers may continue to photograph all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this Administration. However, as a general rule, photographs taken by White House photographers at political events should not be used for distribution to individuals attending such events or for any other political or campaign purpose.

Photographs taken at events in the Executive Residence (other than politically-sponsored events), at West Wing and East Wing meetings, and at non-political events outside the White House may be distributed consistent with regular practices. In addition, photographs taken of persons assisting with official aspects of any Presidential trip (e.g., Fire Department personnel, Emergency Medical staff, hotel staff) may be distributed pursuant to ordinary practices.

For security reasons, White House photographers may photograph politically-sponsored events in the Executive Residence. The political sponsors must pay the U.S. Treasury for the cost associated with producing any photographs it requests from the White House Photo Office. A campaign or political committee will be expected to provide a photographer at all other campaign and political events for which it desires to distribute photographs to the participants for political purposes. White House photographers will not photograph receiving lines or greetings at campaign or political events, except to the extent necessary for archival purposes.

A campaign or political committee may purchase, for its use, photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign or political committee must be directed to the Director of the White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office, who will be responsible for billing the campaign or political committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the Government for the purchase of such pictures.

If you have any questions, please call Cheryl Mills (6-7900) or Dawn Chirwa (6-7901) in this Office.

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EXHIBIT
141-3

Jane / Steve: same memo as b/f w/ several additions — comments, edits etc.

C—
6-7900
Rm 128

THE WHITE HOUSE

WASHINGTON

August 23, 1996

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Use of White House Communications Agency Resources

This memorandum provides guidance regarding the appropriate use of equipment and services provided by the White House Communications Agency (WHCA) in support of the President's official duties. The President's travel in the up-coming two months will, for the most part, be campaign-related. I therefore wanted to take this opportunity to remind staff about appropriate uses of WHCA resources.[1]

WHCA is a Department of Defense funded agency. Its mission is to provide communications support to the President in his official capacity. Thus, WHCA does not provide the same level of support for the President at political events as it does for official events. As always, staff must be careful to use WHCA resources solely for official purposes during political travel by the President (or any of the other principals).

Reminder on Staff Use of WHCA Equipment

Generally, official White House resources should not be used for campaign purposes. In certain instances where official resources are used for purposes that may be considered campaign-related, there must be prompt reimbursement for the costs incurred by the government. To ensure that White House resources are not used to support campaign activity, White House staff should use only that equipment that has not been paid for from appropriated funds for political activity, unless arrangements for reimbursement to the government have been made.

In terms of WHCA resources, please remember:

1. The incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters.

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[1] For a comprehensive discussion of political activity, including appropriate use of WHCA resources, please review the April 27, 1996 White House Memorandum (Presidential Campaign-Related Political Activity).

2. WHCA facilities provided outside the White House in connection with travel may continue to be used during mixed and wholly political trips. The facilities, however, must be used exclusively for communications relating to trip planning and arrangements and other official matters and not for direct political purposes such as campaign fundraising and crowd-building. Additionally, WHCA cell phones, radios and pagers may not be used for political purposes.

3. On Air Force I, if you are making a political call, please indicate that fact to the operator to ensure that those lines that are reimbursed by the campaign committee are used.

WHCA Support

WHCA provides support to the President during official and political events. During a political event, however, WHCA support is generally limited to the following:

1. Providing technical advice to the staff regarding the quality of audio-visual systems;
2. Installing Presidential lecterns and microphones;
3. Recording Presidential remarks for the National Archives;
4. Announcing the President;
5. Operating teleprompter equipment for Presidential use;
6. Feeding Presidential remarks to the Press Filing Center;
7. Installing phones, facsimile equipment, computers and other communications equipment solely for official communications and activities.

WHCA will not provide the following support during political events:

1. Provide light or sound equipment or contract for this equipment;
2. Make announcements that include candidates other than the President or make political announcements (e.g., "and the next President . . .")
3. Install or operate communications equipment that is intended for campaign personnel or used for political purposes (e.g., crowd-building, fundraising).

Please remember that WHCA, as a customer-oriented agency, will always seek to provide those services that are appropriate. You, however, are responsible for ensuring that you use these resources for official purposes. If you have any questions about appropriate use of WHCA resources, please contact Cheryl Mills (6-7900) in my office.

Mr. WAXMAN. Mr. Chairman, now that we are under the 5-minute rule, I wish to be recognized for 5 minutes and then I will yield.

How many times have you been asked that question?

Ms. MILLS. I've been asked that question at least more than 35 times.

Mr. WAXMAN. A good use of all of our time and taxpayers' money.

Mr. Condit.

Mr. CONDIT. Thank you, Mr. Waxman. Mr. Waxman has actually kicked off my theme here. I would like, if I may, to go to Mr. Breuer. I want to ask you a series of questions, Mr. Breuer, and you feel comfortable to take whatever time you need to answer. I am going to ask most everyone there similar questions.

Have you been asked for information by any other investigative body or have you testified before any other body?

Mr. BREUER. I have, Congressman. I have testified before this body, as I am doing now. I have obviously been deposed by this body. I also was deposed by the Senate. I testified publicly in front of the Senate. I testified before the grand jury. I have also publicly spoken about these issues, so I have done it quite a few times just in the last few weeks.

Mr. CONDIT. So you have appeared four or five times before the investigative committees or bodies?

Mr. BREUER. That is correct, Congressman.

Mr. CONDIT. Have the other requests for information overlapped with the request of this committee?

Mr. BREUER. They have, in many respects. We probably, in the short time I have been at the White House, since February, we have received approximately 1,100 different types of requests or approximately that. We probably received approximately 300 requests from this committee, many of which do overlap.

In addition, we are responsible for and try to do whatever we can, Congressman, to make White House employees available for interviews and depositions. Many of the White House employees have been interviewed and deposed more than on one occasion by the Senate and in addition have been deposed or interviewed by this committee, in addition to other investigatory bodies and subcommittees as well.

Mr. CONDIT. Do you have a count on how many White House employees have been deposed or interviewed by this committee?

Mr. BREUER. My rough count is—unfortunately, this committee, unlike some other investigatory bodies, has chosen not to go directly through the Counsel's Office, and so the dilemma that I have found that we have is that I don't find out directly when White House people are contacted by the committee. Indeed, the only time I usually find out about it is when there is a problem, and as an attempt at accommodation, we are asked to intercede and help make the process work, something that is very important to Mr. Ruff, and to the President as well. In saying that, probably approximately 50 people have been made available just to this full committee for depositions and for interviews. That is not including the subcommittee by Congressman McIntosh or some of the other subcommittees. It doesn't include any of the depositions or interviews in the Senate.

Mr. CONDIT. Has anyone from the White House refused to cooperate or to give information to this committee or any other investigative body?

Mr. BREUER. Absolutely not. Indeed everyone has agreed to come forward voluntarily. Indeed, I think it is the experience on the Senate side, where the Counsel's Office is present, something that I was hopeful could be done in this committee, something Mr. Ruff as well wanted, whenever there were dilemmas at all or any attempt to ask a question that perhaps might implicate certain privileged or other issues, we found a way of accommodating the need of the Senate committee to get the information it needed, while also preserving the very important institutional rights of the White House. So I would like to take pride in thinking that we accommodated the needs throughout the depositions and interviews, and as far as I know, every single White House person agreed to come voluntarily.

Mr. CONDIT. Can you estimate for me how much time you have spent responding to this committee's request for information?

Mr. BREUER. It is hard, Congressman, just specifically to divide up the amount of time we have spent on this committee's request as opposed to all the committees' requests because we indeed received so many and we received so many on a daily and weekly basis. But the 6 lawyers I have had the privilege of working with indeed, more often than not, work 7 days a week and, more often than not, work between 12 and 16 hours. Quite a bit of that time, Congressman, has been in responding to the requests of this committee.

Mr. CONDIT. Would you say it would be true that most of the topics before us today, you have already addressed most of them with some other body?

Mr. BREUER. I think that is fair, that most of the topics addressed today have, indeed, been addressed previously.

Mr. CONDIT. I would like to go to Mr. Ruff, if I may. I appreciate you being here, Mr. Ruff. Have you been asked for information by any other investigative body or have you testified before any other body?

Mr. RUFF. Congressman Condit, I have been deposed by the Senate leading up to my testimony of last week, before the Senate, and this is only the second formal open session that I have had the pleasure of attending.

Mr. CONDIT. Have the requests for information by those committees or bodies overlapped with the request of this committee?

Mr. RUFF. Substantially so.

Mr. CONDIT. Could you explain that a little bit for me?

Mr. RUFF. Well, as is true on the—obviously on the public record, the substantial portion of my testimony before the Senate had to do with the videotapes, which have certainly been a subject of some discussion yesterday and today, as well as more broadly the processes we used for finding documents and other materials in response to committee requests. So those two areas, I think, have been explored in some depth.

Mr. CONDIT. Can you give me an estimate of how much time you spent responding to this committee's request for information?

Mr. RUFF. Well, I would venture to guess that in any given work day, probably close to a half of my waking hours tend to be immersed in document or similar requests or dealing with various other issues relating to this and similar committees. Relying largely on my colleagues to deal with this issue, I nonetheless find myself caught up in it inevitably because I am ultimately responsible for what the office does.

Mr. CONDIT. Thank you, Mr. Ruff. I see my time has expired. I apologize to Ms. Mills. I know she has similar answers. We documented that. If we have another round, I might get back to her.

Thank you, Mr. Chairman. Could you put the response to those questions in the record, Ms. Mills?

Ms. MILLS. I will.

Mr. CONDIT. Thank you.

Mr. BURTON. Ms. Mills, have you appeared before any——

Ms. MILLS. I apologize.

Mr. BURTON. Have you appeared before any congressional committee before today?

Ms. MILLS. Yes, I appeared before the Senate, a deposition.

Mr. BURTON. Did you appear for testimony before any committee before today?

Ms. MILLS. No. I was deposed in the Senate twice and deposed here.

Mr. BURTON. I know, but you did not appear in open testimony before today?

Ms. MILLS. That is correct.

Mr. BURTON. Mr. Nionakis, have you appeared before any congressional committee before today?

Mr. NIONAKIS. No, Mr. Chairman, I have not.

Mr. BURTON. Thank you very much.

Mr. Shadegg.

Mr. SHADEGG. I don't believe I have any questions. I appreciate the 5 minutes. I simply want to clarify something. The subject of this hearing today has to do with the responsiveness of the White House in terms of producing documents, that is correct; isn't it, Mr. Chairman?

I guess my comment is that I am somewhat mystified by some of the dialog that is going on here. I have heard a discussion all morning about this duplicates the Thompson hearings, witnesses have already appeared before, this is a complete waste of time, and that seems to be a consistent theme we hear on the other side and yet I just heard some comments by a Member on the other side, which said, my goodness, what are we doing going into the White House data base, that isn't the subject of this hearing, the White House data base isn't appropriate, this is all new.

It seems to me that the White House data base and withholding documents pertaining to the White House data base investigation is very appropriate to our inquiry today. The Senate did not look at the White House data base issue. The White House data base issue is clearly related to the 1996 election and to the overall subject matter of the jurisdiction of this hearing and the hearings we are conducting.

I am a little mystified. We are criticized for not doing anything that the Senate committee hasn't already done, and then when we

do something the Senate committee hasn't already done, we are criticized for not doing something—for doing something the Senate committee hasn't already done, and I just find it mystifying, and it seems to me the White House data base is a very pertinent topic here and we have already brought out very significant evidence about the withholding of information that related to the investigation of the White House data base. It is new material and I think it is very newsworthy and important.

Thank you, Mr. Chairman.

Mr. BURTON. Does the gentleman yield back the balance of his time or does he yield to someone else?

Mr. SHADEGG. I would be happy to yield to my colleague, Mr. Cox.

Mr. COX. I thank my colleague from Arizona. I would just briefly pick up where I left off with Mr. Ruff on an earlier matter because the time did not permit me to respond to what he said.

And I want to be straight with you, so that you understand my concern as a former member of the Counsel's Office.

Mr. RUFF. I appreciate that, Congressman.

Mr. COX. About the way these things are handled, we were talking about the efforts that the Counsel's Office made and did not make, respectively, to get the videotapes in response to a subpoena.

And to recap, the subpoena was issued in early March, March 4th, the return date on the subpoena was March 24th, and it was more than a month after that when the first request to offices around the White House went out in writing to return information in response to that subpoena. Is that correct?

Mr. RUFF. That is true that the first directive went out at the end of April. As you undoubtedly know, Congressman, there were two things at work during that period of time: First, the collection and production and preparing for production of documents collected under the Quinn directives, which had gone out earlier and which covered much of the same territory; and considerable discussion between the staffs, White House staff and the committee staff, about working out procedures and scope of that March 4th subpoena.

Mr. COX. My concern is that there was not an internal investigation going on in the White House. It is a lawyer's point, and lawyers argue about these things, whether or not you can stave off compliance with a subpoena. But to not investigate internally, to not undertake that investigation yourself is what concerns me. And that investigation wasn't even commenced internally with respect to any of the things covered by our subpoena, including the White House communications office, until over a month after the return date on the subpoena.

Mr. RUFF. I don't believe that's accurate. I'm sorry, go ahead I didn't mean to interrupt.

Mr. COX. It is accurate, is it not, that the first directive went out on April 28th?

Mr. RUFF. Yes, but you made a broader statement that there was no internal investigation or inquiry or gathering of documents. That is not accurate.

Mr. COX. Did you, Mr. Ruff, make any written request of the Military Office for White House videotapes prior to April 28, 1997?

Mr. RUFF. No, but I was trying to respond to your broader comment, Congressman.

Mr. COX. Well, I'm trying to get us on a specific point which you left hanging before, which is the White House videotapes.

Mr. RUFF. Happy to do that. Happy to do that.

Mr. COX. When I asked you yesterday whether or not the White House, in response to the Senate's written request, homing in on videotapes in August, saying we have a subpoena outstanding, we understand there are videotapes, we understand WHCA makes them, we would like to get an answer from you on this, I asked whether or not you sent anything in writing to the Military Office.

Yesterday you said you did not. Today you said that you did not, but that a copy of that letter itself was physically carried by an associate member of the Counsel's Office.

And my concern with your not knowing yesterday and only discovering this today is that it makes it clear that you didn't do any of those things yourself; that you weren't aware of them, as you were, for example, and as routinely the Counsel to the President is aware with any other document request, whether this is a memorandum for the Executive Office of the President's staff from Chuck Ruff, Counsel to the President, re: document request. Initialed by you, it went out because you received a subpoena from the Office of the Independent Counsel.

But no such writing of any kind at any time went from your office in response to the request from the Senate Governmental Affairs Committee, and that is what concerns me. I want to ask you about your change in testimony between yesterday and today; whether when your staff told you that a staff member had made a copy of the Senate's letter available, whether that triggered a recollection that you had actually known he had done that, or whether you didn't know at any time before that he had done that and that is the first you had learned of it?

Mr. RUFF. That is the first I have learned of it, Congressman. And let me just say that, although I appreciate your concern, I'm trying to be responsive to it.

Let me make two points. The fact is I did not indeed personally talk to WHCA about this, nor did I personally deliver that letter, nor did I personally deliver the directives. I do try to become involved to the point where I have an understanding and an appreciation of the things my office is doing. I delegate a fair amount of responsibility.

But let me, with respect to this issue of the transmittal of the August 19th letter, make a point. I fear that you were not here earlier when Congressman Kucinich noted that Mr. Smith had specifically testified in his deposition some weeks ago that he had received that letter. So it was a matter of record at least for the committee.

It was, I regret to tell you, not something I knew yesterday nor did it trigger any recollection on my part once Mr. Imbroscio had advised me of it.

Mr. COX. That's fair enough.

Mr. Chairman, I think we have had enough on the point. I simply want to focus on the degree to which the Counsel to the President is in charge of this investigation, the extent to which the

White House itself is making efforts to uncover this information, and I think the counsel's testimony that he didn't even know about this until today or yesterday speaks for itself.

Mr. BURTON. The gentleman's time has expired. Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Mr. Ruff, we just mentioned the April 28th directive. Is it true that this directive calls for all White House employees to conduct a thorough and complete search of all your records, whether they were in hard copy, computer or any other form?

Mr. RUFF. That's correct, Congressman.

Mr. DAVIS OF ILLINOIS. Would you agree or would you assert that the language in that directive is clear?

Mr. RUFF. I believe it clear and all encompassing, and I think the message it conveyed to the people who received it was exactly what was intended, which is all—capital-letters—"in any form," and that is what the people understood who received it.

Mr. DAVIS OF ILLINOIS. Do you recall if there were any limitations of any kind in that memorandum?

Mr. RUFF. To the contrary. I believe it was emphasized that there were no limitations on the form or nature of the documents to be retrieved.

Mr. DAVIS OF ILLINOIS. And so it would be very difficult for one to suggest in reality that there was any confusion in relationship to what the directive actually meant?

Mr. RUFF. I think it was clear. I doubt that there was any confusion. To the extent that anyone had any questions, our lawyers were ready to respond and did respond to any questions.

Mr. DAVIS OF ILLINOIS. And so even if some confusion would arise, although it was unlikely, there were individuals listed that one could call and inquire or ask or clear up any questions that they may have?

Mr. RUFF. That's correct. And, in addition, my lawyers actually visited individuals and offices to make sure whether they needed assistance in pursuing their searches.

Mr. DAVIS OF ILLINOIS. Let me also ask, did you ask the heads of the different offices to certify in writing that both they and their employees had done a complete search in response to the April 28th directive?

Mr. RUFF. Yes, we did.

Mr. DAVIS OF ILLINOIS. And did they, in fact, comply?

Mr. RUFF. Routinely so, yes.

Mr. DAVIS OF ILLINOIS. Then you would find it difficult, as I do, to rationalize how anyone could suggest that there was any lack of clarity or lack of understanding relative to the effort put forth to comply in the generation of all documents and information that was available?

Mr. RUFF. I believe and hope that we were clear and that is my understanding.

Mr. DAVIS OF ILLINOIS. Thank you very much. I have no further questions, Mr. Chairman.

Mr. FORD. Would the gentleman yield?

Mr. DAVIS OF ILLINOIS. I will yield to Representative Ford.

Mr. FORD. Thank you. I really just have one question. I thank the panelists for coming and I appreciate your patience. Your patience is being tested, as ours are on this panel, on this committee.

But just to be clear, Ms. Mills, the 11 documents that we have, those on this committee and others in this Congress have expressed some disappointment in receiving late, do those documents show that there was any integration of them? My dear colleague from Ohio has mentioned this, but I want the record to reflect clearly.

Does it show that there was any integration between White House data bases and DNC data bases?

Ms. MILLS. It does not, and it is also duplicative of other information we provided to the subcommittee some time ago.

Mr. FORD. Does it show, do any of those documents demonstrate that any of these data bases were used for campaign purposes?

Ms. MILLS. No.

Mr. FORD. Does it show that anything—do any of these documents suggest there was anything illegal done by anyone in your office or anyone in the White House with regard to the 1996 campaign?

Ms. MILLS. No.

Mr. FORD. I have no further questions. Thank you, Ms. Mills.

Mr. BURTON. The gentleman yields back the balance of his time. Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman. Mr. Ruff and Ms. Mills, to your knowledge, did anyone in your office discuss with others at the White House potentially responsive records pertaining to the White House coffees? Mr. Ruff.

Mr. RUFF. I am not sure I fully understand the question, Congressman.

Mr. MICA. Did anyone discuss or did you discuss or anyone in the office, to your knowledge, discuss with others at the White House potentially responsive, being responsive to the request you had made regarding the coffees? Any type of discussions taking place?

Mr. RUFF. My colleague, Mr. Breuer, is probably best able to respond, but I think it's fair to say the answer is, yes, in the sense that when we search for documents we frequently end up talking to people who have those documents or have questions about whether they have responsive documents.

Mr. MICA. Well, was the discussion limited to the individuals that are at the table or beyond that?

Mr. RUFF. Perhaps, if I can, I will allow Mr. Breuer to respond.

Mr. BREUER. Congressman, in attempting to respond to the many requests of this committee, we endeavor to search through a variety of different ways. One way that we did that has been discussed: through the directive. But the other way that we did it, frankly, was through targeted searches. And in doing that we did speak to people at the White House, and we attempted, Congressman——

Mr. MICA. My question is, we have counsels here that primarily were involved with dealing with questions and discussions about the coffees and the tapes; right?

Mr. BREUER. Well, Congressman, in all due respect, I am trying to—I will try to answer that. It is not, in retrospect, a reality to say that there were discussions just about videotapes.

Mr. MICA. What I am trying to do is trace when the subpoenas came in, and the subpoena came in and you knew some time ago that, and I guess it is January; is that the first time folks knew about the existence of videotapes?

Mr. RUFF. No.

Mr. BREUER. No.

Mr. MICA. Were you made aware of it in January?

Mr. BREUER. I'm not sure what you are referring to when you are talking about January, Congressman. Are you talking about when we first received a request for videotapes? Or are you saying when did we first learn there were videotapes of the coffees?

Mr. MICA. When did you first learn there were videotapes, Ms. Mills?

Ms. MILLS. I learned of the videotapes of the coffees on October 3rd.

Mr. MICA. Of this year?

Ms. MILLS. Correct.

Mr. MICA. But you were not aware that these things were being done before?

Ms. MILLS. Correct.

Mr. MICA. OK. And, again, the discussion took place among you from October 3rd forward?

Mr. BREUER. Well, Congressman——

Mr. MICA. Did you discuss it—you were involved in trying to get information on the early subpoena, which was the beginning of the year?

Mr. BREUER. Well, we received a subpoena from this committee in March, Congressman.

Mr. MICA. Right. Was there any discussion before that, among any of the folks who were involved in dealing with the systems that were issued by this committee?

Mr. BREUER. And now are you asking, Congressman, if there were discussions specifically about videotaping of coffees or simply about discussions in general?

Mr. MICA. Existence of videotapes; about——

Mr. BREUER. Congressman——

Mr. MICA. Anything that pertained to potentially responsive records relating to what was requested by this committee or the Senate committee.

Mr. BREUER. Congressman, as I'm sure you are aware, this committee has generated approximately 300 requests. When I first came about, in the middle of February—Congressman, I have to be——

Mr. MICA. You are not answering my question, though. My question is did you all know of the existence of these tapes prior to that point, or was there any discussion among any of the folks who were involved about the existence of those tapes?

Mr. BREUER. Congressman, I have testified before the House, before the Senate, and in other forums that I, in fact, did not know about the existence of videotapes of coffees, and had I known about it, of course, we would have produced them to you promptly.

Mr. MICA. You are not answering my question.

Mr. BREUER. I think I am trying to.

Mr. MICA. Were there any discussions prior to that date about the existence of the videotapes or a request from this committee or the Senate committee for that? Were there discussions——

Mr. BREUER. I was not involved——

Mr. MICA. If I——

Mr. BREUER. I was not involved in any conversations with respect specifically to the videotaping of coffees in March of this year, Congressman.

Mr. MICA. You keep changing my question. Prior to March, or prior to March and in response to our requests, are you aware of any discussions that you had or others had relating to the existence of these tapes?

Mr. BREUER. I joined the White House Counsel's Office approximately February 18th. Between February 18th and March 5th, or, in fact, until much after that, Congressman, I am aware of absolutely no conversations dealing with videotapes and coffees.

Mr. MICA. OK. Mr. Ruff, did you have any knowledge of the existence of the tapes?

Mr. RUFF. Certainly did not, Congressman, until October 2nd, nor am I aware of any discussions focusing on the existence or nonexistence of videotapes before that time.

Mr. MICA. But our request came some time ago.

Mr. RUFF. Yes.

Mr. MICA. And you are saying you were never aware and you never discussed with anyone the question of are there videotapes?

Mr. RUFF. That's correct, not until I was alerted to their existence on October 2nd.

Mr. MICA. Who did you talk with, then, about the existence of videotapes?

Mr. BREUER. Well, Congressman, as we have stated before, that when the request came in from the Senate, it was a much more general request. At the time that the request came in to one of the associate counsels on approximately August 7th, Mr. Imbroscio began the inquiry to determine whether or not there were videotapes from WHCA. At some point, he did learn about those and we pursued that matter.

He found out about that, Congressman, and continued to endeavor to find out, and on September 9th notified the Senate of the existence of videotapes for fund-raising events, but at that time was under the understanding that he did not and there were not videotapes of coffees.

He confirmed the fact that there were videotapes of coffees, I believe, either late in the evening of October 1 or sometime on October 2. The Senate was notified, as you know, Congressman, on October 2. And that is the chronology of the discovery of the videotapes.

Mr. MICA. That is the famous Saturday?

Mr. BREUER. I think Saturday was the 3rd—the 4th, I'm sorry. Saturday was the 4th. October 4th. I was referring to Friday, October 3rd.

Mr. BURTON. The gentleman's time has expired.

Mrs. Maloney.

Mrs. MALONEY. Thank you, Mr. Chairman. I truly believe that any hearing that focuses on campaigns and how campaigns are run

and the vast amount of money involved is critically important. Because I really believe that our democracy is at stake, given the way that our campaign laws, that are weak to begin with, are being manipulated, coordinated, sidetracked and abused.

I would like to focus on a group called Triad, which, according to reports in the press, not in any hearings before Congress, but in the press, that Triad Management ran $5 million in attack ads and coordinated PACs in the closing days of the 1996 elections.

I have one question, Mr. Chairman. I would like to know when you are going to issue subpoenas to the groups and individuals involved in the Triad Management scheme to violate or evade the campaign finance laws?

This has been reported in the press over and over again. Now, if we are going to look at how campaigns are being run, we are going to look at money. This is a group that needs to be looked at. And I would like to know what is it going to take? You have issued a lot of subpoenas. What is it going to take to subpoena the Triad Management group?

Mr. BURTON. Is that a question you would like to pose to me this morning?

Mrs. MALONEY. Yes.

Mr. BURTON. Let me just say we don't disclose potential subpoenas before we issue them. We will be issuing additional subpoenas, some to Republican targets as well as Democrat targets. I will not tell you that we are going to issue them to the Triad group, but I will tell you that we are going to look at it. We are looking at it. And we very well may do that.

Mrs. MALONEY. Well, thank you, Mr. Chairman.

There have been many reports that these hearings have been very partisan, but I am hopeful that you will be bipartisan and look at both parties, because I believe there are skeletons in both parties.

Mr. BURTON. I can assure you wherever we find illegal or potentially illegal activities in the area of fund-raising, we will look at it, regardless of where the chips may fall.

Mrs. MALONEY. Well, I would like to challenge the ranking Democratic member, Mr. Waxman, who is incredibly busy curbing the money of tobacco interests in our country and working on trying to improve public health, but I would like to challenge you, since I don't believe we're going to have hearings that are going to focus on Triad and the abuses that took place.

I would like to read into the record what has been reported, not before congressional committees, not in hearings, but reported by Time Magazine, the New York Times, the L.A. Times, the Washington Post, but not before congressional hearings, and they show ways that they are getting around campaign finance laws.

I feel even if you don't have the officials, the documents that we can bring together, this has to be brought up to the public, and I would hope that the ranking member would pay attention to this. And if you have to go down the hall or into some other office building to have it, the Vice President's office or the President's office to have a room to have a hearing, they have offices on the Capitol if we can't get one from the Republicans, as happened in the past.

I would like to challenge you to have hearings on Triad Management.

Mr. WAXMAN. Would you yield to me?

Mrs. MALONEY. I certainly will.

Mr. WAXMAN. Our committee has already sent out document requests or subpoenas, over 600, to Democratic targets and only 10 to Republican targets.

The chairman answered your question as if you were a member of the press. You said are you going to pursue the Triad issue because it's been so prominently mentioned in the press as a clear issue similar to the ones we have been investigating. His answer was he wouldn't tell you specifically because he's not going to talk about specific subpoenas. Well, you are a member of the committee.

Mr. BURTON. Would the gentleman——

Mr. WAXMAN. I'm the ranking Democrat on the committee. He hasn't mentioned that he is going to pursue that issue at all.

Mr. BURTON. Would the gentleman yield?

Mr. WAXMAN. I will in a minute, or she will, I would encourage her to in a minute. It is her time.

But if I can just complete my statement. We see no evidence that this committee is going to pursue anything that has to do with Republican targets. We have heard this rhetoric from the chairman over and over again. We are going to pursue these things wherever they may be, but we have seen no action to back up that rhetoric.

We have seen a clear record of going after Democrats, and, of course, we're reminded again what the former chief counsel of this committee said when he quit. He said, they're only interested in "sliming" Democrats.

Mrs. MALONEY. Reclaiming my time.

Mr. BURTON. Would the gentlelady yield for a response?

Mrs. MALONEY. Reclaiming my time, I will certainly yield on your time. But on my time I have a point that I would like to make, and this is that in the final days of the 1996 election, tax exempt organizations, tax exempt organizations spent more than $5 million on attack ads benefiting Republicans in 34 key congressional races. Among the groups that paid for this, for this media blitz, were the Coalition for our Children's Future, Citizens for Reform, and Citizens for the Republic Education Fund.

All of these groups did not have to disclose to the Federal Election Commission how they spent their money or where their money came from. The Citizens for Reform and the Citizens for the Republic Education Fund were directly run by the Triad, according to the Washington Post and the New York Times.

Again, there have been no hearings on this. We are relying on the press. But the point is here, they have been credited by the press for turning and winning elections at the last minute, yet they don't have to disclose where their money comes from. It is a way to get around the existing laws, and this loophole should be changed.

I have a bill in, by the way——

Mr. BURTON. The gentlelady's time has expired.

Mrs. MALONEY [continuing]. With Mr. Horn that would close this loophole, and I hope that is one measure this Congress can pass.

I look forward to your response now, Mr. Chairman.

Mr. BURTON. The gentlelady's time has expired. And I will just say that I will be happy to talk with any member of the committee privately about the potential targets for subpoenas. We have done that in the past.

We have sent subpoenas out to the Young Brothers, which was a company out of Hong Kong that had a shell corporation that sent money to the RNC. We are looking at that as well. So we will look at these things, and I will discuss them with you.

I do not believe that potential subpoenas or targets should be discussed in an open forum. So when Mr. Waxman says that we're trying to keep it from members of this committee, he is in error.

Now, let me just say I want to take my 5 minutes now, so please start the clock.

I would like to put up Exhibit No.s 141 and 141–A, please.

[Note.—Exhibit 141 can be found on p. 81, and exhibit 141–A can be found on p. 85.]

Mr. BURTON. Now, Ms. Mills, you have danced around this issue quite a bit by saying that you were not aware of videotapes of coffees. Now, if you look at these two documents, I believe they were your documents. It is very clear you knew there were videotapes being made in the White House, correct?

Ms. MILLS. I was aware that WHCA videotaped events of the President. I was not aware as to which events WHCA videotaped.

Mr. BURTON. But you were aware that videotapes were being made?

Ms. MILLS. I certainly was aware that the President's remarks at events were videotaped. I was not aware as to which events were videotaped.

Mr. BURTON. But it was in the White House?

Ms. MILLS. He travels as well.

Mr. BURTON. In the White House?

Ms. MILLS. I have been to events in the White House where the press are present and WHCA is present as well, yes.

Mr. BURTON. In the White House.

Ms. MILLS. I just said, I will say again, I have been to events in the White House in which WHCA is present and videotaping, along with other cameras as well.

Mr. BURTON. Now, in the subpoena that was sent to Mr. Ruff, does it say videotapes of the coffees?

Ms. MILLS. I'm sure it does.

Mr. BURTON. To your knowledge.

Ms. MILLS. I did not review the subpoena. I have seen the directives. As you probably are aware, Mr. Breuer is the Special Counsel who ends up handling these types of matters.

Mr. BURTON. Were you in any meetings with Mr. Ruff when you discussed the subpoena we sent to you?

Ms. MILLS. I do not recall an occasion where I have been in a meeting with Mr. Ruff or Mr. Breuer where we talked about videotapes.

Mr. BURTON. No.

Ms. MILLS. I have been in many meetings—Mr. Chairman, I really will try to be responsive to your question, if you let me. I have been in many meetings when we have discussed different requests that are—to the White House, but I could not tell you

whether those requests are from this committee, the Senate or others.

Mr. BURTON. Were you in any meetings—and Mr. Ruff, I will ask you if she was in any meetings; or Mr. Breuer, was she in any meetings when you discussed or had any discussion whatsoever about the subpoena that I sent to you back in March?

Ms. MILLS. I will answer that one more time and then I will let both of them answer it.

I am quite confident that I have been in meetings where issues that were covered by your subpoenas were discussed. I don't know if they were discussed as your subpoena, but I'm quite confident that I have been in meetings where issues that you all, this committee and other committees are interested in, have been discussed.

Mr. BURTON. Thank you. Now, let me just followup on that. In the subpoena that I sent to Mr. Ruff, it very clearly asks for video and audiotapes, and it does not specify whether or not they were coffees or Presidential addresses or anything else. Is that correct, Mr. Ruff?

Mr. RUFF. I believe that in the definition of documents audio and visual taping is included as a definition and, thus, we treat that as encompassing any relevant matter that is listed in the subpoena as something the committee is looking for.

Mr. BURTON. So those tapes, even though they may not have been coffee tapes, would have been included under our subpoena, correct?

Mr. RUFF. If there was a request concerning an individual or an event and we knew about a video or an audiotape that encompassed that individual or event, yes, it would be responsive.

Mr. BURTON. So, to me, it stretches credulity to think that from March, until late June when you sent me that letter, that somebody would not have said, hey, there were videotapes made, shouldn't we check into this? And yet that wasn't done until October.

Can you explain to me why? I mean, how many—all videotapes were encompassed in my subpoena. Now, why is it, Ms. Mills, and the others who were very well aware—if you look at the documents that are on the screen, why is it that nobody even said, hey, there were some videotapes taken; shouldn't we take a look at this, especially in view of the fact that everybody knows what happened in Watergate when we found out about the audiotapes?

You would think somebody would have thought of that. And for a group of people as intelligent as you—and you are very intelligent, we all know that—to not even discuss the contents of my subpoena, which was all-inclusive about videotapes, just stretches somebody's imagination beyond credulity, as I said.

Mr. RUFF. I won't comment on what is or is not within the bounds of imagination. I will simply repeat what I have said before.

It is absolutely true that there was never in any conversation I have been a part of or, I'm sure, any member of my staff has been a part of, any discussion of the existence of videotapes that would be relevant to this committee's response until I first learned of it on October 2nd.

Mr. BURTON. I'd like to point out that my letter of January 15th, before you became Counsel, noted videotapes even before you came on board.

So we asked for videotapes in a letter; we asked for video or audiotapes in a subpoena. You sent me a letter in June saying that to the best of your knowledge everything I asked for in my subpoena had been complied with. Since that time, we've had 12 boxes of documents; and now, in October, we find out there were videotapes.

There's an appearance here that you were trying to stop us from getting information that was relevant to our investigation. Now, I know you're going to say that that appearance is erroneous.

Mr. RUFF. Indeed, that is in fact my testimony.

Mr. BURTON. But anybody in the public who sees this, they would have to say, my gosh, 12 boxes of documents after you said we had everything; videotapes which were asked for not once, but twice, as well as audiotapes, we don't find out about until October, when the young lady who sits right next to you, who is Associate Counsel to the President of the United States, who was in one videotape, had letters containing two videotapes, it just doesn't make any sense.

So I think that it's something that the American people, if they are paying attention to this, would question, even though we have high regard for you and your ability.

And I would like to just say for the record—and I will bring this up in just a few moments, my time has run out; I want to bring up a statement you made back at the end of the Watergate hearings, which I talked to you about yesterday, where I think you indicated that it's convenient for you not to know certain things, because if you didn't know those things, you couldn't be held accountable. And we will put that in the record before too long.

Mr. RUFF. Mr. Chairman, since you have raised that issue with me, after you raised it with me the other night, since I didn't ever remember saying that, I went back and put my own name in Lexis-Nexis, and went back to my—I won't say youth, because I was not youthful at the time, in 1977, when the Watergate office closed. In an interview with Bob Woodward I was quoted as saying, I think—and I am trying to put myself back in my mood on that day, which was, as expressed in that article, one of relief and an overwhelming desire to close the doors of the office and move on to other things. I think I said something along the lines of, the one lesson I have learned, and one can go back and look at the teachers during that period of time, was that if called on to recite the events of Watergate, that one escape from that question was a failure of recollection.

It had nothing to do with—first of all, it was facetious, Mr. Chairman; and second, it had nothing to do with what is another line from Watergate, which is "plausible deniability." I don't have any of that. I take responsibility for everything my office does.

Mr. BURTON. Let me just read to you exactly what Mr. Woodward said that you said. He said, "If called to testify someday at such an inquiry, Ruff said he knows just what to do, just what to do, quote, 'I'd say, gee, I just don't remember what happened back then, and they won't be able to indict me for perjury,' and that

'maybe that's the principal thing that I've learned in 4 years. I just intend to rely on that failure of memory.'"

And I want you to know that maybe you didn't mean that, Mr. Ruff, but when you look at all the things we're talking about here today, it certainly sounds like you took that to heart.

And with that, I would be happy to yield——

[The information referred to follows:]

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HEADLINE: The Last Prosecutor;
Special Watergate Force Is Going Out of Business;
Watergate Force Going Out of Business

BYLINE: By Bob Woodward, Washington Post Staff Writer

BODY:

The Watergate Special Prosecution Force is going out of business this week and Charles Ruff, the fourth and final Watergate prosecutor, says that he is tired, drained and frankly sick of it all.

After 20 months as the part-time, caretaker prosecutor, Ruff said, "I'm going to try and get these damn boxes packed as fast as I can and get the hell out of here . . . I am, for the record, sick of it. I look forward to leaving this office."

If Watergate was a sickness, then investigating Watergate - at least for too long - is itself a kind of sickness, according to Ruff.

Ruff appears strung out. "You work so damned hard at detaching yourself from emotional reactions," he said, "you can't do anything but come away almost artificially detached from the real world."

And if anyone will believe it, he says that there are no big secrets left to be uncovered. Should all the files and tapes be made public, people would be "titillated but not stunned," he said in a 1 1/2-hour interview two weeks ago which was embargoed for use today just before his office shuts its doors permanently.

Ruff says that he is pretty sure there is nothing monumental left and continuing to look under rocks and through former President Nixon's tapes will have no meaning to society or government.

Sure, Ruff said, there are a bundle of unanswered questions - but not any that would make a difference to history.

He said, however, he thought large parts of the tapes could be made public without violating the privacy of Nixon or others.

"I think everybody walked out of this office, some more, some less, with that incredible feeling of frustration that there were some things out there that if we only had the right person with the right document then we would know something else," he said.

The biggest such frustration, he said, was the long investigation into the $100,000 cash gift billionaire Howard Hughes made to Nixon friend Charles G.

(Bebe) Rebozo. It resulted in no prosecution and lots of lawyers, Ruff said, "left here shaking their heads and with really deep concerns" over the case.

Nonetheless he said emphatically: "We ought to get on to other things." Ruff, 37, is taking a job in the Carter administration as deputy inspector general in the Department of Health, Education and Welfare.

Ruff has held his post on a part-time basis while also maintaining his position as an associate professor at Georgetown Law Center. He is the least known of the four men who have held the post of Watergate special prosecutor. The others were Archibald Cox, Leon Jaworski and Henry Ruth, whom Ruff succeeded in October, 1975.

Ruff has been confined to a wheelchair since an illness crippled his legs in 1964. In the 14 years since he graduated from Law School (Columbia, 12th in a class of 235), his career has intermittently been that of law professor and Justice Department prosecutor.

He is breaking some of the most sacred Washington bureaucratic rules - he is glad to eliminate his job and tell people it is not needed. He also is returning a portion of his office's $2 million budget for fiscal year 1976.

Ruff is also breaking some Watergate traditions. He promises not to write a book and the 74-page report he issued with his departure adds no new revelations or even interesting tidbits to the reocrd.

Because the Watergate scandal had such dramatic impact and because of the lingering questions in some people's minds. Ruff said that he has a nightmare that in 15 or 20 years there might be another congressional investigation of Watergate.

Depending on what happens in the next two decades and what political party is in power, Ruff said it may all look different to future congressional investigators:

"If they ever get into our files they will go in and perhaps say, 'God, there's this piece of paper and they didn't do anything with it,' or that This reveals to us the ultimate secret of what was going on.'"

Ruff continued) "This office came into being with people writing stories about what a marvelous bunch of lawyers." The press has perhaps, he said, given the office "unduly favorable reviews," and in the years to come there may likely develop another view.

"I suspect that we'll come off better than the Warren Commission that investigated the Kennedy assassination," Ruff said, "and I suspect we'll come off better than the FBI and CIA in the (Martin Luther) King assination case, but there are judbment calls that were made that people can legitimately question."

Ruff said that there is nothing he has done to protect himself from a more hostile view of the work of his office.

If called to testify some day at such an inquiry, Ruff said he knows just what to do. "I'd say, 'Gee, I just don't remember what happened back then, and they won't be able to indict me for perjury and that, maybe, that's the

principal thing that I've learned in four years . . . I just intend to rely on that failure of memory."

Ruff said that he is adamantly opposed to a permanent special prosecutor, maintaining that the potential abuse by such an office is greater than its need.

In fact, Ruff went so far as to say that the Justice Department should in the future be able to investigate impartially even the President's closest aides and friends.

A special prosecutor would only be needed in the extreme case where the President or the Attorney General were the subjects of a criminal investigation, acording to Ruff.

This conclusion, he said is based not on any particular confidence in the inlegrity of the new Carter administration but his conviction that the Nixon administration and Watergate were aberrations and will not recur in his lifetime.

Ruff made these additional points:

The existence of the special prosecutor's office has hurt "morale, the public image and the objective competency" of the Justic Department, which "for the last four years has had this sort of strange appendage tacked on to it that's done all the really hot and sexy work." Accordingly, the department can return to its position as the pre-eminent law enforcement agency only when the special prosecutor's office is closed.

is office "barely scratched the surface on" the alleged "sale" of ambassadorships to political campaign donors. "Aren't our foreign relations amore important than that?"

He does not view as "a great achieverational version in the testimony" on the original motivations for the Watergate burglary: to obtain political intelligence on the Democrats. "Even if that's that's not the real reason . . . I don't really care what the ultimate answer is, because I don't think it's going to make any difference."

He does not view the downfall of Richard M. Nixon as "a great achievement (for this office) . . . I view it as a tragedy. But the system worked and that is encouraging, not the fact that Richard Nixon is no longer President."

On the prison sentences some of the Watergate figures received: "If a prosecutor sees the incarceration of a human being as a great achievement then he's just not doing his job. He's got to say, Was it done according to the rules?' and 'Was some semblance of justice done?'"

Leon Jaworski, the second Watergate special prosecutor, should not have used certain confidential material in his best-seller book, "The Right and the Poser." "I think there were things reprinted in Leon's book that were not otherwise available in a public forum, and would not have been disclosed by this office under any other circumstances, and I think they should not have been in his book . . ."

The Washington Post, June 19, 1977

He had a high opinion of two other books written by former Watergate prosecution staffers. Ruff said the Richard Benveniste and George Frampton's book, "Stonewall," "provides the best lawyer's insight into what was going on," and James Doyle's book, "Not Above the Law," "provides the most human insight into what was going on at this time."

He felt under pressure during last year's investigation into allegations the President Ford had improperly diverted maritime union campaign contributions for his personal use. Ruff issued a statement clearing Ford before the presidential election. He said his investigation might have gone on a few more weeks if it had not surfaced during the election campaign. There was, he said, "that incredible emotional tug which says Jesus Christ let me get out of here before we're on election day!" On the other hadn, Ruff said, "One thing I sure didn't want to have happen was to wake up the morning after I closed the investigation to have somebody writing a story saying, hey, I just discovered over here this magnificent piece of information."

The request to investigate the Ford allegation, Ruff said, "represents one prime reason why we should not have a special prosecutor floating around on a permanent basis . . . we were a tempting repository for that kind of problem." And, he said, the Justice Department is going to have a learn to deal with such "ultimate tough problems" on its own.

Nixon could have received a fair trial if he had been indicted and not pardoned, Ruff said. Nixon could have avoided resigning, he added, "if he could have brough himself to the point of public embarrassment involved in a straightforward expanation even as late as 1974, if he had given a sort of mea culpa kind of speech, even then he could have saved himself."

GRAPHIC: Picture 1, Special prosecutor Charles Ruff: "I am, for the record, sick of it." By James M. Thresher - The Washington Post; Picture 2, Steven Tilley, a staffer with the National Archives, packes up boxes with Watergate files for posterity. AP

LANGUAGE: ENGLISH

Mr. RUFF. Mr. Chairman, I think we probably all—those in this room and elsewhere—have made comments to the press that were perhaps facetious when made and came back to haunt one.

But I will tell you this: Whatever I said in that moment to Bob Woodward—and I said it on the record, knowing that he was going to print it, it has nothing to do, nothing to do with my role as Counsel to the President of the United States.

I have told you what we've done. We did it in good faith. My testimony here is accurate. My testimony here is as responsive as I can make it to this committee's questions and nothing else.

Mr. BURTON. Who do you have at this time?

Mr. Fattah.

Mr. WAXMAN. Mr. Fattah, would you yield to me?

Mr. FATTAH. Let me yield to the ranking member.

Mr. WAXMAN. I just want to say a couple of things for the record. One, I want to quote from the Washington Times, July 3rd. "Committee aide said, Mr. Rowley, who was the chief counsel of this committee, had tried to fire Mr. Bossie, but was overruled by Mr. Burton. They said Mr. Rowley complained that Mr. Bossie was trying to use the probe to 'slime' the Democrats, while Mr. Rowley wanted to 'follow where the evidence leads us.'"

Second, I want to point out that on May 8, 1997, the Democrats asked Mr. Burton to issue subpoenas to investigate congressional fund-raising on Federal properties; for example, the 1995 Republican House-Senate dinner invitations put a price tag on Federal property, and he refused to issue the subpoenas or investigate.

Second, we also asked that events held by GOPAC, which is Speaker Gingrich's political action committee, on Federal property, be examined; and Mr. Burton refused to investigate.

I want those things on the record, when we hear how this investigation is going to pursue wrongdoing wherever it may lead. You can't pursue wrongdoing that you refuse to know anything about.

I thank you for yielding.

Mr. FATTAH. Thank you, Mr. Chairman.

Let me try to delve back into this. Again, we're talking about the same videotapes that everyone's seen that show that the President didn't do anything improper or wrong or different than Bob Dole in his campaign? Are those the videotapes we're talking about?

Mr. RUFF. Those are, I presume, the videotapes we are talking about.

Mr. FATTAH. So the inference and the accusation, after trying to, I think four or five times, state that it was a tour with your family in the White House, when you were telling us under oath that it wasn't a tour—the allegation is that basically you somehow knew something about the fact that these coffees were videotaped and that by your absence of letting someone know, you were purposely trying to obstruct this committee from ever seeing these videotapes that exonerate the President?

Ms. MILLS. That would appear to be the line of questioning.

Mr. FATTAH. Now, the people who have questioned you about this, they don't want to bring the people from the White House Communications Agency in, the supervisors, the people who control the activities of this office, who themselves did not know that these were the types of events that were being videotaped, right?

Ms. MILLS. That's correct. They indicated that they did not know. Indeed, Mr. Smith, when I met with him at the time, when we were drafting this particular memo, was not over the audiovisual and did not know at that time what they taped and what they did not tape, so he could not have communicated that information because he himself was not aware of it.

Mr. FATTAH. Now, you are an attorney, right?

Ms. MILLS. Yes.

Mr. FATTAH. And you don't do any videotaping yourself, do you? Have you videotaped any of these coffees?

Ms. MILLS. I have not.

Mr. FATTAH. That is not part of your responsibility at the White House?

Ms. MILLS. It is not.

Mr. FATTAH. And the people who were videotaping in the White House, they didn't come knock on your door—videotaping the coffees, they didn't come knock on your door and say we videotaped those coffees that everybody is talking about and here they are.

Ms. MILLS. That's correct. I was unaware that any of the coffees had been videotaped.

Mr. FATTAH. In fact, even these military officials, when they testified before the Senate, said they didn't know anything about this confusion. They are like the majority of the American public; they are not paying attention to this. They are dealing with more pressing issues of the day.

Ms. MILLS. That is my understanding of what they said.

Mr. FATTAH. So just so the record can be clear, this accusation is baseless, and it really stretches the credibility of our committee to continue this kind of assault unnecessarily. I think maybe we can move on to some other issues.

We have covered—I was intrigued by Congressman Horn's questions about the transportation budget of the President on one of his international visits, and the allegation that somehow you were being unresponsive in letting us know about what the travel costs for that visit were.

I just think that what it appears to me to be is that the committee and the Congress have made so many requests, issued so many subpoenas, that they really have created a situation where there is always going to be something that is a little bit late or hard to get your hands on, because it is a purposeful overload of a very small office in the White House, making, would you say, over 300 requests from this committee?

Mr. RUFF. That is correct.

Mr. FATTAH. 1,100 or so in total. And you have six lawyers responding to them.

Mr. RUFF. That's correct.

Mr. FATTAH. Now, this committee has a staff of, I guess there are 60 people we heard yesterday. So if we cannot keep track of who we are subpoenaing, and we have had our own problems that have been illustrated in the press, and keep track of what we are doing, it is possible the White House could be having some difficulty.

But I want to be as clear as I can. Mr. Ruff, the questions of Mr. Horn about the President's trip to Southeast Asia, he said he had

sent you a letter about that. He actually sent that letter to Jack Quinn.

Mr. RUFF. I believe he said he'd sent a letter to Mr. Quinn and then one later to me. But I must say it is not one I'm aware of, and I told him I'd look into it.

Mr. FATTAH. This has to do with his concern about how much it costs for the President to travel?

Mr. RUFF. I believe that's correct.

Mr. FATTAH. And this is what Jay Letterman, the guy who's got the show at night. He was talking about the fact of why people don't walk across the street from the White House and use the phone booth. Because it costs a lot of money to move the President around, right?

Mr. RUFF. Yes.

Mr. FATTAH. Thank you very much.

Jay Leno was his name. Thank you.

Mr. BURTON. Mr. McIntosh will be recognized for 5 minutes. Then we will go vote and break and we will allow our guests to get some lunch, as well as members of the committee, and we will reconvene about 10 minutes after 2 or 15 minutes after 2. That will give us 5 minutes for Mr. McIntosh and then 30 minutes for lunch.

Mr. MCINTOSH. Thank you, Mr. Chairman. Continuing on with some of the questions that we had yesterday on the WhoDB documents, Ms. Mills, you testified yesterday that on the weekend of September 18th, when you were going through the documents to respond to one of our early requests, that there were some additional lawyers who helped you review those documents. Were those lawyers also all members of the White House Counsel's Office staff, or were there lawyers outside of that office or outside of the White House staff?

Ms. MILLS. There were a number of people who helped and who volunteered to try to be of assistance. I recall speaking to people in the Counsel's Office at a staff meeting, asking if there was any way they could be helpful, I would appreciate it.

Mr. MCINTOSH. Could you help me by trying to recall who some or all of those lawyers are?

Ms. MILLS. I'm probably not going to do a good job, so I don't want to try to misrepresent the record.

Mr. MCINTOSH. Let me ask two things. Let me ask unanimous consent that we keep the record open for 5 days so that you can get a chance to look and talk to your colleagues and find that out.

Ms. MILLS. OK.

Mr. MCINTOSH. Are there any that you know of today who helped with this?

Ms. MILLS. As I sit here, the best of my recollection—I have a recollection, I believe, of Wendy White having volunteered some of her time. Potentially, Dawn Chirwa. I just can't—but those are two of the people who come to my mind as I sit here right now.

Mr. MCINTOSH. If I could ask, Mr. Chairman, for unanimous consent to allow the record to be open so Ms. Mills could go back and consult with her colleagues and try to find her best knowledge possible who was involved in that.

Mr. BURTON. Without objection.

[Note.—The information referred to was requested but never received.]

Mr. MCINTOSH. Thank you.

Mr. Ruff, obviously I'm interested not only in the documents that were sent to us in your recent letter and which—I appreciated your candor in sending that. But all of the documents that were apparently set aside in a folder or another box as being determined to be nonresponsive, but having been sent to the White House Counsel's Office.

Have we received all of the documents that were in that folder as having been at one point determined to be nonresponsive?

Mr. RUFF. No, you haven't. Mr. Chairman, I reviewed that folder and determined, I believe, three—I believe three, but I will clarify it further once I go back and look again. One comes to mind, for example; it was simply a memo from a person asking for a pay raise. The other had to do with, I think, the archived records of President Clinton when he was Governor. I forget what the third one was.

But there was no reference, direct or indirect, to WhoDB in any of those three documents. We turned over everything else, as I think I indicated in my letter to you, erring on the side of over-inclusiveness, because we surely did not want to suggest that there was any fine lines being drawn, given the concerns I expressed in my letter, that I wanted to be fully open and candid with you on this matter.

Mr. MCINTOSH. So we have all but those three?

Mr. RUFF. Of those folders; that's correct.

Mr. MCINTOSH. Of those folders. Were any of the documents that were at one point sent to the White House Counsel's Office sent back during the last year?

Mr. RUFF. Not to my knowledge, Mr. Chairman.

Mr. MCINTOSH. Ms. Mills, to your knowledge, is that true?

Ms. MILLS. These were in a file that I transferred in December to another attorney who is handling the matter. It is my understanding that they remained in that file with that attorney during that entire time.

Mr. MCINTOSH. During the time you had responsibility for the investigation, none of the documents sent to your office, pursuant to your request within the White House, were sent back? They were all kept and either determined to be nonresponsive or sent to the committee?

Ms. MILLS. Right. That's the best of my understanding.

Mr. MCINTOSH. OK. And currently all the documents are in custody of the White House Counsel's Office; is that correct?

Mr. RUFF. That's correct.

Mr. MCINTOSH. Mr. Ruff, let me, I guess, say we will probably want to work with you—I know we will want to work with you as a procedure to also look at the remaining documents, because I think it's important that we satisfy ourselves, given what we've seen so far.

Mr. RUFF. I understand that concern, and we will be glad to work with your staff.

Mr. MCINTOSH. The other question that I want to ask at this point is, have you satisfied yourself that there are no documents

in the White House about—that your process has been thorough enough that you have received all the documents that may be responsive to our requests?

Mr. RUFF. I believe that's the case, Mr. McIntosh.

Let me do this, which I will commit to do at your staff's convenience: I will need to talk through with Ms. Paxton whether there are any remaining issues, because she is in the process of trying to respond to one of your earlier letters, and I will be able to make that representation to you once I have had that further detailed conversation.

Mr. MCINTOSH. The other thing that would be helpful is, for a while there was no document log kept; and I think you have changed the procedure on that, to do it. We will need to have that, to the best of the ability of those involved, go back and try to recreate some of that.

And I understand that's a resource question. Given the difficulty we're having, I think that would be important.

Mr. RUFF. It is, I'm afraid, not just a resource question; it is a question of people, just because most of it was done in 1996 and before, who are no longer around and it may be very difficult.

We will do our best to try to respond. Particularly if you have a particular document or set of documents that you have a question about, we will do our best to try to reconstruct it. But I am told that it's a very difficult process just because the people are not there anymore.

Mr. MCINTOSH. And the final——

Mr. BURTON. The gentleman's time has expired.

Mr. MCINTOSH. I ask unanimous consent for 10 more seconds.

Mr. BURTON. All right.

Mr. MCINTOSH. The White House data base, I understand, is continuing to be used and has a legitimate function, but the audit trail has never been engaged, and we need you to engage that audit trail. And that's a computer function that needs to be switched on. It was built into it, but never turned on.

Mr. RUFF. You have now gone well past my understanding of what's in the computer, but we will be happy to talk to staff about what's possible and be as responsive as we can.

Mr. MCINTOSH. Thank you.

Mr. BURTON. The gentleman's time has expired. The committee will stand in recess until 2:20.

Mr. BURTON. The committee will come to order. What we have decided to do to help expedite things is, Mr. Bennett will go ahead and start his last round of questioning and then when Members come back, we may interrupt him so that they can have their questioning. That way, we will not have to impose on your time any more than is absolutely necessary.

Mr. Bennett.

Mr. BENNETT. Thank you, Mr. Chairman.

Mr. Breuer, Mr. Nionakis, I compliment you on your patience. You were both here all day yesterday. And, Mr. Nionakis, you must be exhausted after all your testimony thus far. For the record, I believe you are represented by Mr. Neil Eggleston of the law firm of Howrey & Simon, Mr. Eggleston?

Mr. NIONAKIS. That is correct.

Mr. BENNETT. And Mr. Breuer, you're represented by Mr. Mark Lynch of the firm of Covington & Burling; is that correct?

Mr. BREUER. That's correct, Mr. Bennett.

As you know, I had been hopeful that the White House Counsel would be able to represent the various people in the office, as has been in other fora. This committee chose not to permit that to take place, and so we have endeavored to get representation for the various lawyers, given that they are going to have to be deposed and appear in various hearings.

Mr. BENNETT. Certainly. Mr. Lynch and Mr. Eggleston, welcome. Nice to see you here. We will move along, and to the extent any Members want to come in, I will stop and interrupt my questioning.

Mr. Breuer, you, in fact began your employment in the White House Counsel's Office in February of this year; is that correct?

Mr. BREUER. That's correct, Mr. Bennett, I did.

Mr. BENNETT. And, Mr. Nionakis, you began your employment in March of this year?

Mr. BURTON. Would you pull the mic a little bit closer so we can pick you up?

Mr. BENNETT. Mr. Nionakis, you began your employment when, sir?

Mr. NIONAKIS. In the beginning of March 1997.

Mr. BENNETT. And Mr. Breuer, you had extensive experience with respect to the area of law known as white collar criminal defense practice; isn't that correct?

Mr. BREUER. Fairly extensive, that's correct, yes.

Mr. BENNETT. I think you need to pull the microphone a little closer to you again.

Mr. BREUER. I keep changing it because every time I move it, the camera people ask me to move it back. But I will move it toward me.

Mr. BENNETT. Certainly defer to the camera people over me, sir.

And in terms of your private practice background, you have had considerable experience with respect to compliance with grand jury subpoenas for individual clients and corporations; is that correct?

Mr. BREUER. I did have a fair degree, yes.

Mr. BENNETT. And what percentage of your practice would have been based in that area of the law, sir?

Mr. BREUER. As you know, Mr. Bennett, I said in my deposition it is somewhat difficult to give you a percentage of the different types. During my 7½ years at Covington & Burling, more or less of my time would be spent on criminal work, but a significant amount. I don't think I can do better than that.

Mr. BENNETT. Mr. Nionakis, have you had any experience with respect to white collar criminal practice and/or grand jury subpoena compliance?

Mr. NIONAKIS. Yes, I have.

Mr. BENNETT. And what was the nature of your experience in private practice?

Mr. NIONAKIS. As an associate in a downtown law firm here in DC, I—a portion of my practice was working on white collar matters.

Mr. BENNETT. And I gather with respect with your precise role, Mr. Breuer, I think you've indicated that you were in fact—or I think Mr. Ruff has indicated you were in fact hired specifically to handle the various investigations currently being handled by the White House Counsel's Office; isn't that correct?

Mr. BREUER. That's correct, under Mr. Ruff.

Mr. BENNETT. And that is your primary task, to handle all those matters?

Mr. BREUER. It is to the handle a good number of the investigatory matters that face the White House. That is correct.

Mr. BENNETT. And that would include the Senate, the House, as well as the Department of Justice or any Independent Counsel who have been appointed?

Mr. BREUER. That is correct for the most part, yes.

Mr. BENNETT. Mr. Nionakis, what would have been the extent of your particular assignments since March?

Mr. NIONAKIS. Excuse me, with respect to?

Mr. BENNETT. In terms of, are you assigned on the side of the office Mr. Ruff addressed that deals with judicial appointments, are you assigned to the side of the office dealing with investigations?

Mr. NIONAKIS. I do mostly investigations.

Mr. BENNETT. And what percentage of your time is spent on the investigations?

Mr. NIONAKIS. Since I have begun at the White House, virtually all of my time.

Mr. BENNETT. And Mr. Breuer, essentially—correct me if I am wrong—I believe I asked Ms. Mills yesterday, as of February or March of this year, essentially an entirely new team of lawyers came on board with the exception of Ms. Mills and Mr. Bruce Lindsey. Is that basically correct?

Mr. BREUER. That's essentially correct. That's right. There are some lawyers, who still have stayed on, that had various responsibilities, but for the most part there was a new team.

Mr. BENNETT. And Ms. Mills, I think you have previously indicated, particularly played a key role in orienting the new team with respect to document compliance, is that correct, Mr. Breuer?

Mr. BREUER. I'm sorry; I thought that was directed to Ms. Mills.

Ms. Mills has been very willing and extremely helpful in providing information to the team. That is correct.

Mr. BENNETT. Mr. Nionakis, were Ms. Mills and Mr. Lindsey both helpful to you also with respect to your initial work assignments?

Mr. NIONAKIS. I would say that is true with respect to Ms. Mills, yes.

Mr. BENNETT. In fact, one of the first assignments both of you worked on upon coming to the White House Counsel's Office was with respect to the compliance with this committee's subpoena of March 4, 1997; isn't that correct?

Mr. BREUER. That's correct. This committee's subpoena of March 4, among others, was of central importance and something we did in fact work on soon after I joined the White House.

Mr. BENNETT. And I gather, with respect to document production, that Ms. Mills has continued to play some role and assist you

and the members of your team in compliance with document production, is that correct, Mr. Breuer?

Mr. BREUER. She has certainly played—as the Deputy White House Counsel, she has definitely played a role; that's correct.

Mr. BENNETT. Now, you have both patiently sat through a great deal of testimony, and I'm not going to go through the matter of the March 4, 1977, subpoena—1997 subpoena or Mr. Ruff's directive of April 28th of this year.

And I think that Mr. Breuer, with respect to—your testimony with respect to the videotapes is a matter of public record, so I will again try not to have you repeat that for purposes of time.

But, Mr. Nionakis, you did not testify before the Senate, did you, sir?

Mr. NIONAKIS. I did not. That's correct.

Mr. BENNETT. And exactly when did you become aware of the fact that there was an inquiry with respect to videotaping at the White House?

Mr. NIONAKIS. It would have been sometime prior to October 2nd, but sometime after the Senate committee staff member had made the inquiry to Mr. Imbroscio in the Counsel's Office.

Mr. BENNETT. And what was the nature of the inquiry from the committee staff member from the Senate?

Mr. NIONAKIS. Well, the way it was conveyed to me was that the subcommittee staff member had inquired about the possible existence of clandestine audiotapings in the Oval Office.

Mr. BENNETT. Did that seem somewhat bizarre to you?

Mr. NIONAKIS. "Bizarre" probably isn't the word I'd use; but "odd," I would say.

Mr. BENNETT. And given what you determined would be an odd inquiry, exactly with whom did you speak about possible clandestine taping at the White House?

Mr. NIONAKIS. I only had one conversation and that was with Mr. Imbroscio when he conveyed the substance of that conversation that he had had with a Senate subcommittee staff member.

Mr. BENNETT. You did speak with Mr. Imbroscio about this?

Mr. NIONAKIS. He conveyed to me the conversation that he had had with the person on the Senate committee.

Mr. BENNETT. Yes, Mr. Chairman?

Mr. BURTON. Mr. Cox has another appointment, and I promised him when he came back that we would give him 5 minutes.

Mr. BENNETT. Absolutely, sir.

Mr. BURTON. So could you suspend?

Mr. BENNETT. Absolutely, sir.

Mr. BURTON. Keep track of the time down there, will you please?

Mr. Cox.

Mr. COX. You've very kind, and I thank you for yielding, and I thank the chairman.

If I might, Mr. Breuer, ask you, in the Counsel's Office, whom do you report to?

Mr. BREUER. I report to Mr. Ruff, Congressman.

Mr. COX. And on Teamsters matters, whom do you report to?

Mr. BREUER. On Teamsters matters, I inform Ms. Mills about the matters. I'm not sure to what degree, if any, Mr. Ruff follows it, but there have been——

Mr. COX. Would it be fair then to say that you report to Ms. Mills on Teamsters matters?

Mr. BREUER. No, I don't think it would be fair to say that I report to her.

Mr. COX. You report to somebody else?

Mr. BREUER. I don't think with respect to the particular matter of the Teamsters that I really think in terms of reporting to someone.

Mr. COX. Are you sort of—you are as far as it goes in the White House?

Mr. BREUER. No, I don't think I'm as far as it goes. I think on a general matter, various people in the White House Counsel's Office are aware of what we're doing. I think Ms. Mills may be aware. Frankly, I'm not positive.

Mr. COX. Now, the Counsel to the President in other matters reports to the President, of course. He is an Assistant to the President. Since he has got to recuse himself because he has represented the Teamsters, in Teamsters matters do you report to the President?

Mr. BREUER. Well, Congressman, I——

Mr. COX. Have you ever reported to the President on the Teamsters matters?

Mr. BREUER. Without really going into the substance of what requests have been made, there have been a limited number of requests that have, in fact, been made by various committees and others about Teamsters matters. And with respect to those, they have been document requests and we have simply fulfilled those requests by identifying the relevant documents and producing them.

Mr. COX. So it's safe to say there is not an independent White House investigation of any of this?

Mr. BREUER. None that I'm aware of, that's correct, Congressman.

Mr. COX. Mr. Ruff, you recused yourself on what date?

Mr. RUFF. I don't recall. I think the first occasion on which—whenever it was, on which allegations began to surface about possible links between the fund-raising inquiry and the Carey re-election, I indicated to my staff that I really didn't want to participate in those matters because I had represented the union, not in connection with anything that was involved in these matters, but in 1994. I just thought it better that I not have any substantive role in the process.

Mr. COX. Now, you told me that you didn't write any kind of recusal letter.

Mr. RUFF. That's correct.

Mr. COX. Is there anything memorializing your recusal, even a memo to the file?

Mr. RUFF. No, there is not. This is not a matter in which there was any conflict of interest, Congressman. I simply thought it better, given my former representation, that the rest of my staff deal with any document requests that arose in this connection.

Mr. COX. Why is there not a conflict of interest?

Mr. RUFF. Because I didn't represent the Teamsters Union in any matters that to my knowledge are at issue in the ongoing inquiries.

Mr. COX. There is litigation right now, is there not, by union members against the Teamsters to determine what the $152,000 that you spent to hire Jack Palladino——

Mr. RUFF. There was litigation on that subject but that is not the subject, to my knowledge, of any inquiries that have been made of the White House. In any event, that was not the triggering event. I simply believed that in light of my representation of the union, it would not be appropriate——

Mr. COX. It seems to me that the Counsel's Office is supposed to be concerned about making sure the President avoids even the appearance of impropriety. And for to you say there is no conflict, when you were representing Teamsters management in 1994, when there is litigation pending about that right now, you were representing Teamsters management precisely because there were allegations about Mafia ties and so on, and your job was to make sure that all those allegations were dispersed, I think that is a serious conflict.

Right now allegations are that there was money laundering between the Teamsters and the campaign, the Clinton/Gore campaign, and the DNC. I think it is quite proper for to you recuse yourself.

Mr. RUFF. Congressman, as I've said, I did. We might disagree on whether there was a conflict within the meaning of the rules of professional conduct, but the fact is that I have not played any role in responding to Teamsters-related inquiries.

Mr. COX. Now, when you were representing the Teamsters, were you a partner at Covington & Burling? In fact, the Teamsters hired the firm, right?

Mr. RUFF. That is correct.

Mr. COX. Now, you have turned over the Teamsters matters to Mr. Breuer. Was Mr. Breuer a partner at Covington & Burling also?

Mr. RUFF. No, he wasn't. Not during the time involved.

Mr. COX. But was he a partner at Covington & Burling?

Mr. RUFF. Just in the year or so before he came to the work in the White House.

Mr. COX. And before that he was an associate at Covington & Burling?

Mr. RUFF. That's correct.

Mr. COX. Mr. Breuer, how long did you work at Covington & Burling?

Mr. BREUER. Since 1989. I'd like to make a point if I——

Mr. COX. Why is it that you were picked to be the guy to resolve the conflict that Mr. Ruff had because he worked at Covington & Burling? If you are trying to avoid the appearance of impropriety, wouldn't almost anybody else be a better choice?

Mr. BREUER. Well, I don't think I ought to be the person to discuss why certain decisions that I don't make are made. But I want to——

Mr. COX. Well, you accepted the position to be in charge of the Teamsters——

Mr. BREUER. Congressman, I just want to answer your question about one point that I think is important. When we talk about Teamsters inquiries you have to understand, as we get from this

committee and others, we simply get requests and it is not always obvious to know why we get requests.

For instance, the kind of request we may get is for WAVES records, the amount of time that someone actually comes to the White House, a certain individual. That individual may or may not be involved in, as you described it, Congressman, a Teamster inquiry. But all that we are doing in that function is literally getting the documentation to establish how often a particular individual came to the White House, and that may be related to Teamsters or it may not. We are not always clear to know if it's Teamsters related or not.

Mr. COX. Innocuous requests, of course, pose no problem. But it seems to me that, first of all, if there is no written recusal there is probably no notice to anybody else in the White House that it would be improper for them to contact you, Mr. Ruff, about Teamsters matters. How are they to know that they're not supposed to contact you?

Mr. RUFF. No one has ever contacted me. If anyone began to have such a conversation with me, I would refer them to Mr. Breuer or Ms. Mills.

Mr. COX. Don't you think it would be more advisable for to you do a written recusal?

Mr. RUFF. A written recusal is perfectly appropriate under the circumstances. I don't believe it's necessary. And I believe that there has been no hint or suggestion of any sort that I've played any role in connection with Teamsters matters while I have been at the White House, despite occasional press speculation on the contrary.

Mr. COX. My concern—and I don't wish in any way to question your scruples on this. I think it is quite appropriate that you have recused yourself. My concern is that there is not anybody in charge of these investigations in the White House in any way that—I mean, Mr. Breuer is not reporting to anyone except occasionally Ms. Mills, but not really, he said. You're the last person in charge of this.

I just compare it to the Iran-Contra matter where the President issued an Executive order, brought in the Tower Commission, did all of the document discovery because the White House wanted to get to the bottom of this before Congress forced them to. And that is how 250,000 documents were sent up here, and why at end of the investigation the Democratic chairman and various chairmen said, "Congratulations on producing all of these things that we asked for."

Here, we are not uncovering the documents that we should be uncovering. I see that my time has expired and I apologize for running over. But I think as an oversight committee our concern is that——

Mr. WAXMAN. Mr. Chairman, he has run over, and it seems to be only fair to give us a chance over here on this side.

Mr. BURTON. I most certainly will. The Chair wants to be fair.

Mr. COX. I yield back.

Mr. BURTON. Mr. Cox, if you choose we can have another round and you can get back to this.

Mr. WAXMAN. Mr. Chairman, I'm seeking recognition.

Mr. BURTON. Mr. Waxman.

Mr. WAXMAN. First of all, Mr. Ruff let me tell you I have to apologize to you, to have you come here and have to be abused in the rudest possible way. Now, the idea that you don't have a recusal in writing is nonsense, because if you claim you are recusing yourself, you are recusing yourself. There is no requirement that it be in writing.

No one asked Senator Lott, when he recused himself in the tobacco issue because his brother-in-law is a lawyer representing some of the parties in that negotiation, whether he had it in writing. We trust his judgment, if he says he is recusing himself, to recuse himself.

I just think that Mr. Cox has been quite out of line in the questions that he has asked and I want to state that publicly. And I just think that at some point—it's like we're not going to leave a stone unturned; we're going to turn it over and we're going to turn it over and we're going to turn it over and we're going to turn it over again.

You have all answered the questions that have been asked by members continuously. I hope C–SPAN, if C–SPAN is covering this, would just pan how many Members are sitting here. Members are not sitting here, they leave, they are doing other things, and then they walk in and ask you the exact same questions that the other Members asked.

So you have answered the same questions over and over again, and that has been just today. And then you did it yesterday, and then you did it in the Senate, and then you all did it in depositions. And we are all paying your salary because we're all taxpayers. Now it seems to me is that at some point this gets to be a little ridiculous.

What is happening, of course, is that you're being asked these questions and being attacked so that the press will write it in the newspapers. Now they don't make a judgment as to what is accurate or not. They say things like "GOP accuses White House of stonewalling," "Republicans accuse White House counsel of not turning over documents," or whatever. And they don't even have to have evidence sometimes for these kinds of accusation that are made—when they are made.

As I said when we started this hearing, our chairman said that the tapes were altered and he's yet to explain to us any evidence that would lead him to that conclusion. But it's like Members of Congress don't need any evidence to make an accusation, and we're never subject to any lawsuits because the Constitution gives us immunity from any defamation, unlike other Americans who have to watch what they say for fear that they may be sued.

Now, are we under the 5-minute rule?

Let me—some in this committee have raised questions about the Hudson casino document. Mr. Ruff, can you explain that issue to me and what the disagreement is all about?

Mr. RUFF. I will try to do it in something approaching shorthand, Congressman Waxman.

There has been for some time now litigation against the United States in Wisconsin dealing with the question of approval by the Interior Department, or the disapproval, of a casino on Indian res-

ervation land. As part of the discovery process in that litigation, documents were sought from the White House.

At the same time as we were searching for those documents, represented in that process by the Department of Justice—since we were not parties to the litigation, they were representing the United States, and they were representing our interest as the subject of discovery in the search for those documents—we produced some 300-plus documents which were turned over to this committee in mid-September. Some 9 documents, I believe, were listed on a privilege log prepared with the advice and guidance of the Department of Justice and filed with the court in Wisconsin in response to the document request. Also, a copy of that log was provided to the committee.

The privilege assertions on that log, reflected as well in the privilege claims raised but never formally asserted before this committee, were essentially claims having to do with the protection of the confidentiality of White House communications.

This committee has had since mid-September, as I said, the 330 or so documents produced to the plaintiffs. In addition, since October 21st the committee has had all of the documents as to which we have stated that there are issues of privilege.

Mr. WAXMAN. So we have these documents?

Mr. RUFF. You do have them, and they——

Mr. WAXMAN. They were not withheld from this committee. No privilege was asserted over these documents, not executive privilege, not attorney-client privilege, not deliberative process privilege?

Mr. RUFF. No. Pursuant to the understanding we have with the committee which has worked well over the last several months, where we have privilege issues which we believe are raised by some of the documents, we turn them over to the committee for the committee's use, and that's what's happened here. There was an exchange of correspondence between me and the chairman back in June.

Mr. WAXMAN. So that correspondence we have?

Mr. RUFF. Yes.

Mr. WAXMAN. I see my yellow light and my time is going to be up and I don't want to abuse the time as some Members do on this committee. I just want to say this: You recused yourself on some issue where you have a conflict of interest. Tomorrow's headline could say, "Ruff Claims Conflict of Interest," and they will never quite explain what is going on. Just like we will never see a headline explaining, "Tapes Were Never Altered," when we finally get everybody to admit that, although not everybody will admit that either.

And I must say I am sorry Mr. Cox was not here. He was in your position at the White House. I don't know if it was the Reagan White House or the Bush White House. I don't know if he was there when Reagan was making fund-raising appeals or meeting with contributors or if he had any role in that, and I don't know if he was there when Bush was trying to cover up Iran-Contra. But for somebody who had that position to come and throw these grenades at you, I'm just outraged. I think it is completely out of line to take the scantiest information and try to blow it up into some-

thing when there is nothing there. My red light is on, I yield back the balance of my time.

Mr. BURTON. Before I yield to Mr. Barr, yesterday, we dedicated with a great deal of fanfare the President Bush Library, and President Clinton even attended and I don't believe anybody, to my knowledge, has ever accused President Bush of any kind of a cover-up or wrongdoing of that type, and I am disappointed that my colleague did.

I also want to say briefly that we sent a subpoena in March to Mr. Ruff. In June, after the subpoena had expired, he sent a letter saying that we had received everything to the best of his knowledge that we requested. We have since then received 12 boxes of additional documents. They said they didn't know anything about the videotapes until October. Ms. Mills was in videotapes. She had memos about videotapes. She had a memo about a document pertaining to the WHoDB system in a file that she kept for 13 months.

I mean for my colleagues on the other side to try to infer that this exercise is just duplication and waste just goes beyond reason. And I just want my colleague to know that we're not trying to get headlines. We're not trying to get anything except at the truth.

Mr. Barr.

Mr. WAXMAN. Will the gentleman yield?

Mr. BREUER. Mr. Chairman, may I respond to your comment?

Mr. BURTON. Mr. Barr is recognized.

Mr. BARR. Thank you, Mr. Chairman.

Mr. WAXMAN. Thank you, Mr. Chairman, for your lack of courtesy.

Mr. BARR. We hear that the ranking minority member is outraged that a Member on this side asked a question about recusal. Well, let me explain to the outraged Member that here, again, process does matter. The folks on the other side don't seem to feel that process matters at all.

Those of us who believe in some semblance of the rule of law believe that it does. When I served as U.S. Attorney recusal did matter. You want to avoid even the appearance of any impropriety. And if matters came before my office in which I might have, because of prior association, had even a passing interest, knowledge, or familiarity with those things, then I felt duty bound do recuse myself. Not because of the substance, but because of the process and because it was important in the Reagan and Bush Departments of Justice to avoid the appearance of any impropriety.

So the fact that process does matter, that there are such things as formal recusals that are required in certain administrations to avoid that appearance may outrage the ranking member. So what. Process does matter to the many of us on this side of the aisle, and I suspect that deep down, it does matter to Mr. Ruff, whom I've known for many, many, many years.

Let me turn to process again. With regard to the Hudson Dog Track Indian gambling matter that we have begun to touch on here, Mr. Breuer, are you familiar with the various subpoenas that have been served on the White House regarding production of documents for this committee?

Mr. BREUER. Congressman Barr, in general, I am aware of the various subpoenas that we have received.

Mr. BARR. OK. Are you aware of any of those subpoenas, including but not limited to those that relate to the Hudson Indian gambling matter, that have either a footnote or contain a limitation in the body of those subpoenas that say: This subpoena does not extend to documents that may be of a kind that are not different from those that we have already gotten?

Mr. BREUER. Congressman, I'm not——

Mr. BARR. Are you familiar with any language to that effect in any of the subpoenas that have been served on the White House by either the Senate or House committees? Yes or no?

Mr. BREUER. I'll have to check. I'm not—the language that you're saying——

Mr. BARR. That's very disingenuous. You know as well as I do that no such language is ever contained in a subpoena from the Congress.

Mr. BREUER. Congressman, I'd like to say first——

Mr. BARR. And the reason that I ask you that question——

Mr. BREUER. Congressman, if I may. You've just called me disingenuous.

Mr. BARR. No, you may not. Let me finish.

Mr. FATTAH. Could the chairman allow the witness to answer the question?

Mr. BARR. I'm controlling the time, not the gentleman from Pennsylvania. The reason I ask you that question Mr. Breuer, is very simple——

Mr. FATTAH. Parliamentary inquiry, Mr. Chairman.

Mr. BURTON. What's your parliamentary inquiry?

Mr. BARR. In your deposition, Mr. Breuer——

Mr. BURTON. Just 1 second.

Mr. FATTAH. Is it the practice of the committee that we allow witnesses to answer a question that has been asked to them?

Mr. BURTON. It is the practice of the committee, and Mr. Barr is trying, I think, to get to the end of the question and we will allow the witness to answer the question.

Mr. BARR. The reason that I ask you this question, Mr. Breuer, is because in your deposition, in response to questions about why additional documents on this matter had not been provided, you said as a reason for further delays and not providing the information that, quote, It is not at all clear to me that the documents in front of me here represent information of a kind so different than the 330, the 340 pages of materials that you previously received on this issue, closed quote.

And my point is that that is not the basis, and never has been the basis for not supplying information pursuant to a lawful subpoena from this Congress. You know that as well as I do that language does not appear on any subpoena.

So that's my point. And you know that that language does not appear on any subpoenas. That is not an excuse for not providing information, is it?

Mr. BREUER. Congressman, may I respond? First, I would like to take exception. The chief counsel of the majority has gone out of his way to say, in the very deposition you are quoting, that he believed I have been nothing but forthright and complete in all of my questions.

Mr. BARR. I haven't presumed otherwise.

Mr. BREUER. Indeed, the chairman of the committee has said much of the same. So on a personal note, Congressman, we don't know one another, but I assure you I am not being disingenuous. As a second point, Congressman, I——

Mr. BARR. No, I think you are because you know as well as I do——

Mr. BREUER. And as you are doing now, Congressman, I was unable to complete my answer——

Mr. BARR. That—Mr. Breuer, I am finished on that particular point. I am not interested in pursuing that further.

Mr. BREUER. Obviously.

Mr. BARR. I think it is a very disingenuous response.

Mr. BREUER. I was not able to finish my answer, and indeed, Congressman, I don't believe you are fairly characterizing my deposition testimony as well.

Mr. BARR. Life is tough, Mr. Breuer. Life is tough.

Mr. BREUER. I am sure that my deposition testimony will be taken as a whole in the record.

Mr. BARR. Oh, I'm sure.

If I could, turning now back to this Indian matter, we have touched on it briefly. What is the basis, Mr. Ruff, a number of documents, including one EOP 069092, which you discussed with the chairman Wednesday night, which is a notation, a handwritten notation from the President to Mr. Panetta inquiring about the Indian tribal deal. He asked what the status of that is. That is one document for which you have asserted some form of privilege so that it is not made available to us in a way that can be made public so the American people can see it.

There have been several other documents, as you are well aware of, that fit into the category in the subpoenas that have been served with regard to the Indian gambling matter, the Hudson Dog Track matter. What is the basis for asserting executive privilege, particularly in light of the fact that we have very recent case law, and I cite you to the case of In re Sealed Case, 121 F 3rd 729, decided by the DC Circuit just a few months ago in June, that I think makes very clear that there continue to be limitations on the assertion of executive privilege. That particularly where there is evidence to believe that misconduct may have occurred in this case, very clear evidence that a decision by the BIA and the Department of the Interior stemming from a meeting at which President Clinton was present, may have been influenced by moneys. What is the basis for the assertion of executive privilege with regard to these types of documents?

Mr. RUFF. Congressman Barr, I think probably of all the members of in committee you may be in the best place to appreciate the circumstances surrounding the production of these documents.

As you know, these documents were initially the subject of discovery requests from a private plaintiff. And the assertions of privilege here were initially contained in privilege claims asserted vis-a-vis those private plaintiffs. The goal, as you will fully appreciate, is to make available to the plaintiffs as much as possible those documents which are relevant to their lawsuit, but to protect the confidentiality interests of the Executive Office of the President.

That's what was done in this case with the full cooperation and advice of the Department of Justice, who is representing through the U.S. Attorneys Office in Madison, the interests of the White House in this matter.

So that what has occurred here is that six or seven documents were treated as privileged vis-a-vis those private plaintiffs who are seeking them in this discovery. They were all turned over to this committee, as you know. And so the question you raise is in essence should this committee be able to make public documents which are the subject of private litigation and in which the private plaintiffs do not have a right of access unless they can convince a judge or convince us as a matter of discretion that they ought to be released?

So this is not a setting in which this committee has been deprived in any way of the opportunity to study these documents. They have been fully available to you now for some 2 weeks and they will continue to be available to you hereafter.

With respect to the specific document you question, I would note only this: First of all, the mere allegation of impropriety cannot be taken to wipe out the legitimate confidentiality concerns of the White House, particularly with respect to this document. As you're fully aware, it was prepared some year or more after the decision in the Hudson Casino matter had been made, and is simply a retrospective discussion of the circumstances surrounding the litigation.

When communications are made to the President of the United States, or he asks questions about a particular matter, that goes, obviously, presumptively to the very heart of the Presidential communications which are the subject of In re Sealed Case. Far from that opinion being a voice for restricting the extent to which privileges can be claimed, that opinion is a ringing endorsement of the breadth, albeit exercised with discretion, of the Presidential communications privilege.

And I suggest to you that we have accommodated this committee pursuant to my understanding and agreement with the chairman, to the maximum extent that could ever be contemplated in a setting in which the confidentiality interests of the President of the United States are implicated because you have the documents, as does every member of this committee, and may use them for every purpose in taking depositions, in analyzing the particular substance of the matter at issue. All we ask is because they are not being made public in connection with the litigation, that they not be made public here.

Mr. BURTON. The gentleman's time has expired. Let me just say we did have a meeting last Wednesday with the President's counsel, Mr. Ruff and Mr. Breuer. The question was at that time—and my legal counsel concurred—the question was that they didn't have enough time to review and make the case that executive privilege was necessary. And because of the sensitivity of the documents, we decided to give them a little bit more time to make their case.

That's not to say that at some point, if we don't feel the case is made, that we won't release the documents. And so, Mr. Ruff, and I and Mr. Bennett and Mr. Breuer and others will be discussing this and debating it and at some point they may very well be made public.

Mr. RUFF. Your description of our understanding is exactly correct, Mr. Chairman. We look forward to further discussions on this subject.

Mr. BURTON. I think both Mr. Fattah has had two rounds of questioning and so has Mr. Waxman. Did Mr. Shadegg want a second round of questioning? Mr. Mica you want to go first?

Mr. FATTAH. Wait a minute, Mr. Chairman, excuse me. Parliamentary inquiry. Isn't it the rule of the committee that it is 5 minutes on that side and 5 minutes on our side?

Mr. BURTON. It is as long as we have Members on both sides that—but we've had two rounds. We are going by rounds.

Mr. WAXMAN. I don't think Mr. Fattah has had two.

Mr. FATTAH. I would insist that there be a ruling by the Parliamentarian on this matter. We are entitled to equal time.

Mr. BURTON. We will check. Just 1 second. I stand corrected. You have had but one round. You're next. Mr. Fattah.

Mr. FATTAH. Let me pursue my parliamentary inquiry first. Is it not true, even if I had had a second round, that we are entitled to 5 minutes for every 5 minutes that the majority has?

Mr. BURTON. The Parliamentarian informs me that you have to extinguish the round for all Members before you go back, even if there is fewer minority or majority Members in attendance. So if we had two majority Members and you had six minority Members here, we would go ahead and proceed after a round until that round was completed.

Mr. FATTAH. Thank you, Mr. Chairman.

This issue of ethics in Government is one that has got a lot of attention, especially here on the Hill, because we have had our own share of problems. We had a member of the Republican leadership, at least as reported in the press that, had a logbook of contributions by various lobbyists and would direct them when they came into the office to, you know, look at where they stood in relative conformity to Republican giving.

And we had, as I was mentioning earlier, the Speaker of the House, who was defended enthusiastically by Members on this committee, even though he had misled the Ethics Committee, because it was stated that he had no intent to. And we have seen the selective investigative techniques of our committee.

I mean, we have had plenty of examples of foreign money in the 1996 elections that we have neglected to look at. We had a foreign arms dealer who donated thousands of dollars to the Speaker's campaign. We had a circumstance in Florida where the Florida Republican party was sanctioned by the court in a fine of significant dollars because of a gentleman of—a foreigner who had contributed hundreds of thousands of dollars. And we have had, as I was interested in discussing earlier, the Haley Barbour trip in which he went over—first of all, created something called the National Policy Forum. In the documents that established the framework for creating this entity, it was said to be established so that they could attract foreign money. He then went in, asked for, and received some $2 million. And as the chairman mentioned earlier, the Young brothers' front corporation was the vehicle under which this money eventually made its way back and was focused in on the election of Republicans to the Congress.

And just a few days ago we had the circumstance in New York in which there was a contested election, and it was widely publicized that the Home Builders PAC and the Realtors PAC were both informed by the Republican leadership that if they had contributed to the Democratic candidate as their local membership wanted them to contribute, they would be effectively left out of the debate here on matters that might have been of importance to them.

So the reason why I assume the Congress is so interested in ethics is that we have our own burdens to bear. I was reading this new book that was written on the subject, a book entitled "The Appearance of Impropriety" by Morgan and Reynolds and it goes to great length to make a very important point, and that is that the appearance of something being amiss does not mean necessarily that something is amiss. And the appearance that everything is fine does not mean that everything is fine.

It starts out with the whole discussion of how con men operate, that the whole notion of their framework. And I am reminded that when we had the S&L scandal we had people who seemingly were conducting appropriate business but doing something else.

This committee is focusing in on the appearance of what may be some delay in receiving some information, but we have not focused in on the substance of what that information is, and we had the gentleman from Georgia who was talking about, Mr. Ruff, you not recusing yourself.

Now, one could draw a number of inferences on this matter, or one might recuse themselves of something they might already have had some involvement in. But we have members of this committee who have already said that the President of the United States should be impeached. They have already come to the conclusion that there are impeachable offenses that have been acted upon by the President. And one might draw a notion that they might not be objective, fair investigators of the facts because they have already come to that conclusion.

But one could always know that it is not the appearance of these issues. I am sure the gentleman from Georgia and others can, in fact, be fair, and that they are going to search and work hard at it as we go forward, because we are supposedly operating not as just mere partisans but we are supposed to be representatives of the American people. And it does a great disservice to this committee, to this House, for us to be in a situation in which we, first of all, question but not even give room for one to answer.

And I want to yield the remainder of my time to Mr. Breuer to have an opportunity to further expound on responses to inquiries that were made to him, but he was not able to answer.

Mr. BREUER. Congressman, the one point that I would like to make is that there's been a reference that since the time of the certification that was made by Mr. Ruff that some 12 boxes of documents came to this committee. Well, in fact, as those most familiar with this process are aware, we alerted the committee that we would give a certification, if indeed required, that there were certain types of materials that were physically not possible to produce by the time of the certification. Those included the e-mail system, Congressman, that, in fact, for the most part was inherited by prior

administrations for which it is extraordinarily costly and time-consuming to produce and reconstruct e-mails so that we can actually generate them, go through them, find the responsive materials and produce them to you. Much of the boxes that occurred after the certification were, in fact, those e-mails.

Second, as we informed the staff of this committee, there were phone logs. There are many phone logs, as you can imagine, at the White House that are in storage. Literally—paralegals have to go page by page through every single phone log to try to determine which of those are responsive. We alerted the committee that this was a remarkably time-consuming task and that, too, could not be done until after the certification.

And last, because of the instructions by Mr. Ruff and the fact we should remain as thorough and complete as possible, we sent lawyers and paralegals back to review briefing papers and schedules to determine that, in fact, if there were other responsive materials that could not be gleaned, either from computer searches or because of subsequent information we had learned, that we went over and again tried to find those, and indeed we did that. And we did that so that we could be as thorough as possible.

If we simply wanted to have an appearance, as you have described Congressman—and I agree, appearance and content are not always the same—we would have simply closed up and said: we're all done and let the appearance be that, because Mr. Ruff had written a certification, that it was all over. But we didn't do that. We went back and we looked further.

That is why there have been 12 additional boxes, but that's not really a surprise to the staff of this committee. We have apprised this committee that we would continue to look and, indeed, we will continue to look. And the best we can do in a place as large and complex as the White House with as many employees as the White House has, some 2,000 not even including the military people when are nearly another thousand, is that as we learn more we will endeavor to search more and find more, and regardless of the political repercussions, we will produce those materials to you as quickly as we can. I think we did that here.

Mr. BURTON. The gentleman's time has expired.

Let me just make one brief observation before I yield to Mr. Shadegg, and that is that Senator Thompson and I have been of the same opinion that there has been a very, very, very slow production of a lot of documents. Mr. Thompson, I think, said at the conclusion of his set of hearings, that he was frustrated because he was upset with the—I think he used the term "stonewalling," I am not sure, by the White House. And so I want you to know that while I respect all of you folks a great deal, I think the appearance to both of the chairmen of the committees in the Congress that have been investigating this, that there has been either incompetence or a deliberate attempt to keep information from getting to us in a timely fashion, and that is something that really concerns us.

Mr. Mica. Excuse me.

Mr. MICA. Thank you, Mr. Chairman. Let me just go back to sequencing your involvement in the production of documents.

Now, Ms. Mills, you are the long-term, I guess, individual involved in this. When did you start looking for various documents that were requested?

Ms. MILLS. I took over responsibility in an interim basis on October 30th of 1996 for requests that were coming in related to different matters. And transitioned that matter in the beginning of February.

Mr. MICA. So you were basically in charge of getting the information requested. Mr. Quinn, would he direct you at that time?

Ms. MILLS. That's correct.

Mr. MICA. And these gentlemen came on, when did you come on? March?

Mr. BREUER. I came in the middle of February, Congressman.

Mr. NIONAKIS. I came on in the beginning of March.

Mr. MICA. And you came in February?

Mr. RUFF. February 10th.

Mr. MICA. Well, we have documents here, the very beginning exhibits, I have 135 requesting information and you were involved, I guess, in trying to help Mr. Quinn get some of this information together, documents and backgrounds.

Ms. MILLS. I think as I testified yesterday I wasn't involved with this particular request, but I was involved with the subsequent one on December 16th.

Mr. MICA. December 16th. These are some that I am referring to.

Ms. MILLS. That's correct.

Mr. MICA. Then we have the January 15th memo from our chairman, and it was addressed because—I guess you were coming in; is that correct?

Mr. RUFF. My appointment had been announced on January 6th, I believe, Congressman, but I didn't arrive for another month.

Mr. MICA. Or our request, January 15th, was directed to both you and Mr. Quinn as White House counsel. Now, this is back in January. Did you see this January 15th memo that was directed to you?

Mr. RUFF. I saw it, I believe, after I had arrived at the White House. I'm not positive, though.

Mr. MICA. Did you ask that there be any followup to comply with that request since you had taken over those responsibilities?

Mr. RUFF. When I arrived, there was an ongoing process of trying to collect documents pursuant to the Quinn directives.

Mr. MICA. But did you read the 15th memo?

Mr. RUFF. I believe I reviewed all of the outstanding document requests that had been collected in those early days of my tenure.

Mr. MICA. So you did review the 15th memo——

Mr. RUFF. I believe I did, yes.

Mr. MICA [continuing]. From the committee. And in that 15th memo—now, you had already been assigned to work on the request of December 16th, and you were starting on the work on the 15th? Did Mr. Quinn give you—did he give you any requests from the 15th to comply with our requests?

Ms. MILLS. I'm sure that I would have seen this, though at that time Mr. Quinn indicated to the committee that we were

transitioning that and the committee indicated that they understood and would be working with the new Members.

Mr. MICA. So Mr. Quinn, not Mr. Ruff, showed you the memo of the 15th?

Ms. MILLS. I believe that would have been correct.

Mr. MICA. I mean, the memo of the 15th says to prevent any conflicts or appearance of conflicts, it is essential that none of the individuals involved in dealing with Mr. Huang, Mr. Trie or any of the DC fund-raising matters be involved in the collection of documents or response to congressional requests.

In this regard, it has been confirmed by the White House that deputy counsels Bruce Lindsey and Cheryl Mills attended a May 9, 1996, meeting regarding questionable funds raised by Mr. Trie for the Presidential Legal Expense Trust fund.

So Mr. Quinn gave you this that said you shouldn't be involved in putting together any information for response to this committee?

Ms. MILLS. As you likely are aware, Congressman, Mr. Quinn wrote back and indicated that there was not indeed a conflict. And indeed, if on every occasion that that was alleged, we would never be in a position to be able to assist this committee because there would be no one in our office left to be able to assist. So one of the things we try and do is review all of the materials and requests that you all have and come to a reasonable way to try and address them.

Mr. MICA. But you did read this and you weren't concerned that already that your involvement was called into question January 15, 1997, by this committee that expressed concern so you just went on with your regular——

Ms. MILLS. You all had requests; I thought it was my job to try and address them. That's what I try and do. The particular matter that you all indicated that I should recuse myself or not be involved was that I was at a meeting in which the legal expense trust was discussed with regard to contributions that had been received. I was in that position in my role as Associate Counsel in the Counsel's Office, and that is something that I had an obligation and a responsibility to do.

Mr. MICA. Were you in charge of this inquiry at that point or had anyone else come in?

Ms. MILLS. At that point—in October is when I took responsibility for dealing with these matters.

Mr. MICA. Right. And we are now up to January. He has come in. He has looked at this memo.

Ms. MILLS. Actually, Mr. Ruff came in in February, as he just indicated, and we had also indicated to this committee that we anticipated new arrivals and that they would be addressing this matter with respect to your requests.

Mr. MICA. From December on through this time——

Ms. MILLS. Yes, that was me.

Mr. MICA. And you were totally in charge?

Ms. MILLS. I wasn't totally in charge. As you might be aware, during that time period I was associate counsel. There were two deputy counsels and also a counsel.

Mr. MICA. But you were given this responsibility?

Ms. MILLS. I had the responsibility for trying to respond to different requests, including this committee's requests.

Mr. MICA. What concerns me is that I am also hearing that we may be getting more. There may be more tapes, there may be requests for information or the material that we have requested coming in dribbles and drabs. It sounded like you were talking about that we should expect this and shouldn't be shocked by it.

Mr. BREUER. Well, don't think that's fair, Congressman. What I do think is the fact is that we have produced to you, as best as we can, completely. Now, this committee has reviewed—it should be no secret, that since the beginning of the Presidency, the President has had videotapes. We have now provided to you far in excess of any request you have ever made the videotape data bases of every single event where the President of the United States has either been videotaped or audiotaped. This subcommittee has at least indicated, at least initially, an interest in videotapes or audiotapes that at first blush, Congressman, appear to have no relationship whatsoever to your inquiry. But we have said because Mr. Ruff has instructed us to——

Mr. MICA. They just happened to feature all of the principals in that——

Mr. BREUER. Well, no, Congressman. Some of them happen to feature nothing more than private personal events.

Mr. MICA. I have seen them.

Mr. BREUER. We're talking about the ones you don't have.

Mr. MICA. Oh, I am sorry.

Mr. BREUER. Because you have now expressed interest—because videotapes since the first day, Congressman, of this administration, as there have been in all administrations. I am simply telling you——

Mr. MICA. So don't be surprised.

Mr. BREUER. No, it is that we're willing to work with you and we want to know what you're interesting in.

Mr. MICA. At least though November of next year. Thank you.

Mr. BURTON. The gentleman's time has expired.

Let me say, there are a number of videotapes that we will be reviewing. We are going to be going down to WHCA and taking a look at those videotapes, and the ones that we think are relevant to the investigation, we will be asking for the original copies of that and bring them down for further review and analysis. So we are in the process of looking at a lot of those. We are looking at hundreds more.

I think, Mr. Fattah, we will come back to you in just a minute because we want to be fair. Is Mrs. Maloney back? Did you want to ask any questions at this time? Let me go to Mr. Shadegg then and then we will come back to you.

Mr. FATTAH. Mr. Chairman, can I renew my point that I believe it is the custom and precedent of the committee, and it is a committee I have served on for two Congresses in that it is supposed to be a balance between both sides in the use of time.

Mr. BURTON. Mr. Fattah, I will accede to your wishes. That is not the rule of the committee but we will accede to your wishes.

Mr. FATTAH. I will be glad to yield to Mr. Shadegg away the time, but just to act as if we don't have the right to have a fair

amount of time is the wrong way for this committee to proceed. If the gentleman has to leave, he can have the time.

Mr. BURTON. I am not sure the rule wasn't created to make sure that Members attended. But if you want to yield to Mr. Shadegg, you may.

Mr. FATTAH. I yield our time and receive it back on the other end.

Mr. BURTON. You are a very nice fellow. Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

First of all, let me say to the panelist it has been a very, very long afternoon and I apologize it has taken so long. Unfortunately, that impinges also on my time because I was supposed to get 10 minutes to do what I now have to try to do in 5 minutes. So if I am a little short with you, please understand that I can't tolerate long answers.

Mr. Ruff, I would like you to start by looking at exhibit 168, which is on the screen. It is a part of this issue of documents produced or produced late and perhaps why they were produced late. It is identified as a memo from Marsha Scott to Harold Ickes and Bruce Lindsey and it reflects I believe a carbon copy to the First Lady. This is a document that Mr. Ruff, you produced to the committee in February; isn't that right?

[Exhibit 168 follows:]

Database
hc

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

MEMORANDUM TO: Harold Ickes
Bruce Lindsey
cc: The First Lady

FROM: MS Marsha Scott

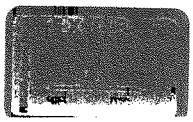
DATE: June 28, 1994

SUBJECT: Recommendation for Design of New Database

As you know, over the past year I and my staff have had extensive interaction with Percy's people and their system in Arkadelphia. We spent two days in Arkadelphia working with their people to learn their operation and software capabilities. Our technicians have worked regularly with their designers. In order to obtain lists for various functions and projects, I have requested from the PeopleBase system, many different types of information with varying time frames for turnaround time. (If you need specifics, I will be glad to provide the documentation). My overall impression is that while he has made some improvements, Percy's system and staff cannot adequately meet our quality or response demands and should not be considered for future use.

Currently in the White House we are preparing, as you know, to implement a new database system starting August 1. While that system is modeled after the PeopleBase software, it has major differences. The main differences are ease of use, function flexibility and correction capabilities. By the first of the year we should have any flaws identified and corrected and the majority of the White House using the new system. We will then have a year to fully train and familiarize our folks to its' many possibilities and uses. If they like it, as they seem to now, they will use it. The PeopleBase system was not used during the campaign because it was not user friendly. For the most part, only people from the Governor's staff used it. While I feel the new system far surpasses PeopleBase as a useful tool, it will be technically compatible with PeopleBase.

My team and I are also engaged in conversations with the DNC about the new system they are proposing. We have asked that their system be modeled after whatever system we decide to use outside the White House. I need you to make very clear to them that their system must be technologically compatible, if not the same, as whatever system we decide to use for political purposes later on. These discussions are currently in progress and a clear direction from you to the DNC will eliminate much unnecessary wrangling.



M 32433

The time to act is now. Cloning or duplicating database systems is not difficult if carefully planned by a good design team. We have proven that it can also be done relatively quickly and inexpensively. Therefore, I suggest that instead of continuing with an old outdated system (PeopleBase) that does not meet our current demands, let my team work with the DNC to help them design a system that will meet our needs and technical specifications. We can show them what to do and then clone another system for our specific uses later on. Any information stored with PeopleBase could then be dumped into the new system and made available, when deemed necessary, to the DNC or other entities we choose to work with for political purposes.

The time to make these decisions is now while we have the opportunity to coordinate the various projects. Please let me know your thoughts as soon as possible. In the meantime I am proceeding as if this is the plan.

M 32434

Mr. RUFF. I am trying to track down a copy of it, because the screen is not really legible.

Mr. SHADEGG. We don't give you a screen to look at it.

Mr. RUFF. You give me a screen, but not much that is legible on it, Mr. Congressman. Thank you. One of my colleagues has handed me the document. I'm sorry, go ahead, sir.

Mr. SHADEGG. That was a document that you produced to the subcommittee in February, correct?

Mr. RUFF. I believe that's correct.

Mr. SHADEGG. At the time you produced it, you had concluded that it was responsive to the subcommittee's August 1996 request, correct?

Mr. RUFF. Yes, that's correct.

Mr. SHADEGG. Your letter shows that. As a matter of fact, your February 26th letter to the subcommittee indicates that it was produced in response to that and expressly states that it was responsive, that those documents were responsive to that request, right?

Mr. RUFF. That's right.

Mr. SHADEGG. If we could look at the first sentence of the second paragraph, and it is highlighted on the screen which you can't read, it says: Currently in the White House we are preparing, as you know, to implement a new data base system starting August 1.

That sentence I believe, and the rest of the paragraph, which is about the WHo data base made it clear to you that the document was responsive to the August 2, 1996, request?

Mr. RUFF. I'm candidly reluctant to tell you which particular line it was, if any, that triggered this, but I have no doubt that that reference is among the things that we believed were relevant.

Mr. SHADEGG. Well, clearly the new data base that it referred to there in a memo from Marsha Scott who was responsible for creating the WHo data base is a reference to the WHo data base, right?

Mr. RUFF. I believe so but I'm not positive. My colleague here is who is more knowledgeable—I don't want to take up your brief time and I'm happy to turn the light off if I can do that from the witness stand.

Mr. SHADEGG. Actually, there is a letter in which you acknowledge that fact.

Mr. RUFF. That it is relevant, yes.

Mr. SHADEGG. No, I think there is a letter in which you acknowledge that it was a reference to the WHo data base. Marsha Scott wrote it. I can't imagine what else it would be about.

Mr. RUFF. I am willing to accept the fact that the document is responsive and that that response may well be one of the triggering elements.

Mr. SHADEGG. OK. I posit that it is, and anybody who reads the whole memo can figure that out.

Ms. Mills, you found this document in September 1996, didn't you?

Ms. MILLS. I found a version of this document. It didn't have the First Lady's handwriting on it.

Mr. SHADEGG. OK. And you did not produce it at that time; is that right?

Ms. MILLS. That's correct.

Mr. SHADEGG. OK. As a matter of fact, like the handwritten notes of yesterday, you determined that it was not responsive and put it in that separate folder?

Ms. MILLS. That's correct, because I had a working knowledge then of the different data bases that had been addressed at that time. Ms. Scott was trying to address several different types, and this particular one, at the time I had knowledge of, was not related to WhoDB.

Subsequently, WhoDB, which is what your request was, came into being and the documents that were specifically related to WhoDB were provided.

Mr. SHADEGG. Well, you said subsequently. But you wrote—you had already written in January 1994 a memo to Marsha Scott about WhoDB and you knew that she was working on WhoDB.

Ms. MILLS. Actually, that's not correct. My memoranda in January is about a new correspondence data base, and as I think you probably are aware, in the end the data base that was implemented was not a correspondence data base, but WhoDB, which is the data base that is used throughout the White House.

Mr. SHADEGG. So your January 17th data base didn't have to do with WhoDB?

Ms. MILLS. That was my impression at the time, that's correct.

Mr. SHADEGG. The second paragraph does talk about the new data base and you now agree with me that that is the WhoDB. And you are saying that it wasn't the WhoDB at the time?

Ms. MILLS. It was my impression at the time, through conversations and other materials that we had with respect to this, that it was not with regard to the WhoDB. As you probably are aware, there were many different data bases in the White House and there were many different designs that were considered as to what would be the final data base that was going to ultimately be used.

At this time, we are talking about using a system modeled on PeopleBase. Ultimately, they ended up using WhoDB, which is not modeled on PeopleBase.

Mr. SHADEGG. OK. Let's talk about the first sentence of the third paragraph. Let me turn your attention to that.

That sentence says, "My team and I are involved in conversations with the DNC about the new system they are proposing."

Do you see that?

Ms. MILLS. Yes.

Mr. SHADEGG. Do you have any idea why someone in the White House, a White House official, working with a team, presumably a team of Government officials, would be working on a DNC, or discussing working with the DNC on a data base?

Ms. MILLS. As you probably are aware, White House officials and others are allowed to engage in political activity and they are allowed to use their time in that way when they volunteer to provide political activity, so to the extent that Ms. Scott wanted to provide or make herself available to engage in those activities, provided she did not use Government resources, that would be perfectly consistent with the Hatch Act.

Mr. SHADEGG. Government resources seems to be a good question. This is on stationery which says the White House, Washington. I presume that would be a Government resource, wouldn't it?

Ms. MILLS. Yes, it would.

Mr. SHADEGG. OK. And I suppose it is going to be difficult to figure out what computer she used. But the paper certainly suggests that it may have been a White House computer?

Ms. MILLS. Well, the paper—yes, I would certainly think that.

Mr. SHADEGG. OK. I guess I just have to—I find it curious that you don't produce this document, which I think clearly references the WhoDB, and I think any reasonable mind would conclude that, and it contains this information in it, which is rather embarrassing to the White House, and we are talking about responding to a request from our committee before the 1996 election, a document that gets set aside and not produced until months after the 1996 election.

And I just have to tell you that from my perspective, it is a little bit difficult to believe that it wasn't concern about those embarrassing comments in there, and I have only been able to go over one—there are several others in there, references to working with this data base and coordinating it with the DNC and trading information back and forth. I find it a little bit hard to believe that that didn't influence the decision not to produce it.

And I guess, since unfortunately my time has run out, I find it even more curious, when you go to the document you did refer to, which you said you did find in September, which shows—and now we will put that one up on the screen—which shows the First Lady's notation that says, "This sounds promising; please advise," and has the First Lady's initials on it.

Ms. MILLS. Right. As I probably indicated to you, the one that we were reviewing did not have the First Lady's handwriting on it.

But one thing I would like to point out, we gave careful advice to the staff regarding what was and wasn't appropriate for them to do and they were very clear on the fact that they could not share data from the White House data base with other data bases unless there was some official purpose.

And in that regard, I think one of the things I would like to try and address in your statement is that people have to observe the rules, but when they observe the rules they properly can work with the DNC or other entities provided that they observe the appropriate rules, and it is my understanding that that is what they did.

Mr. SHADEGG. Well, except that the appropriate—if I could, Mr. Chairman, just two comments, briefly. The appropriate rules include not using White House resources, that's not one and, No. 2, this memo is clearly responsive, as Mr. Ruff has indicated, to our request whether it had the First Lady's initials on it or not.

Ms. MILLS. Right. At that time, I probably had a little bit greater familiarity because we were working through all of the different data bases. There were numerous data bases, as I think the correspondence back and forth with Mr. McIntosh indicated. He indicated an interest in the WhoDB data base.

Ultimately, the data base that was implemented was WhoDB, but there were numerous other models and prototypes that were considered prior to that time.

Mr. SHADEGG. Maybe we will have to ask Mrs. Scott whether or not this is, in fact, the WhoDB. I believe that's what she was working on. Thank you.

Ms. MILLS. OK. But that is not my impression at the time.

Mr. BURTON. The time of the gentleman has expired. But I would like just to add one additional question here because it is relevant and it is timely.

The next paragraph on the next page says, "The time to act is now. Cloning or duplicating data base systems is not difficult if carefully planned by a good design team. We have proven that it can also be done relatively quickly and inexpensively. Therefore, I suggest that instead of continuing with an old outdated system, PeopleBase, that does not meet our current demands, let my team work with the DNC to help design a system that will meet our needs and technical specifications. We can show them what to do and then clone another system for our specific uses later on," which looks like, to a person just reading that paragraph, that they wanted a system that would work together with the other for political purposes.

Ms. MILLS. They were talking about their outside data bases and they did want those to be able to work together.

Mr. BURTON. Outside. What was the other outside data base if it wasn't the DNC?

Ms. MILLS. There is PeopleBase, the DNC and the campaign.

Mr. BURTON. But they were talking about a data base that was going to be consistent with the DNC one, one they could clone. What was that for, the other one?

Ms. MILLS. I believe at the time——

Mr. BURTON. There was the DNC. What is the other one for?

Ms. MILLS. Which one, the campaign?

Mr. BURTON. No. If you read what they say there, it says, "let my team work with the DNC to help them design a system that will meet our needs and technical specifications."

Ms. MILLS. That was with respect to information that they had from the campaign where they wanted to create a place where that information could ultimately end up residing, and they wanted that to be consistent and compatible with the DNC's.

Mr. BURTON. But they were talking about the DNC——

Mr. FATTAH. She is agreeing with you.

Mr. BURTON. And then in the next sentence it says, "We can show them what to do and then clone another system for our specific uses later on."

It sounded like they were talking about a DNC system and another system that would be the same. Explain to me what the other system was. Is that the White House?

Ms. MILLS. No. It was the campaign.

Mr. BURTON. The DNC and the Presidential campaign?

Ms. MILLS. They wanted the DNC's data base to be consistent with whatever data base they ultimately ended up creating for the campaign, so that they would be compatible.

Mr. BURTON. Mrs. Maloney.

Mrs. MALONEY. Thank you, Mr. Chairman.

First of all, I would like to really apologize to the two witnesses who are being asked to duplicate their testimony today, and I really see no need for it.

I really feel like it is sort of a déjà vu all over again. I think that we are just reviewing what took place in the Senate Governmental

Affairs Committees. And I think we ought to think about not only talking to the same witnesses, Mr. Chairman, we ought to talk about stealing their budget.

The Senate committee managed to hold 32 hearings. They called 81 witnesses. They spent $2.2 million. This committee has spent $3 million and this is only the third day of testimony.

So, Mr. Ruff and Mr. Breuer are 2 of 29 witnesses who have been doubly deposed, and I really feel it has been unfair to you and your time.

There has been a great deal of talk today about videos, but there is one video that wasn't shown, that I wish we had, and I was talking earlier about Triad and the resulting expenditure of $5 million in attack ads and asked the chairman when he would be subpoenaing witnesses in that respect, but according to the Washington Post they talk about a video where a Republican Senator, Don Nickels, appears and in the film he says, and I quote, "I think Triad is a fantastic organization. This is a very effective organization that is going in and helping us in those races that are close, in those races that are targeted."

According to the Washington Post and National Journal Report, this was filmed in part in his Senate office. And I would like to request from the chairman if he would likewise show this tape at these hearings.

But we do happen to have a tape, a tape that was filmed in 1987 in the East Room with our former President Ronald Reagan speaking, and I would like to ask if we could show that tape. I think we should be able to show some tapes on the Democratic side.

And while they are preparing it, I would like to simply ask the chairman—well, he is in conversation.

Mr. BURTON. I beg your pardon.

Mrs. MALONEY. I am getting ready to show a tape and I wanted you to see this.

Mr. BURTON. OK. Thank you.

[Videotape shown.]

Mr. WAXMAN. I think those tapes were altered.

Mrs. MALONEY. There are a whole list of them here, 10. We won't have time to look at all of them. But, Mr. Chairman, I would really like to request that the tape of the Triad fund-raising appeal be played at this committee so that tapes that are current can be shown. This was in the past. But we have read—again, it hasn't been before any of the hearings, but we have read in the papers, the papers have covered how Triad used a shield of not-for-profit organizations, giving tax breaks to American citizens to donate for political campaigns and they would then target it into vulnerable campaigns to defeat Democrats.

And I think that this is a loophole that needs to be changed in our law. As I mentioned earlier, Congressman Horn and I have a bill in that would require all of these so-called not-for-profits, such as Triad's Citizens for Reform—it sounds very nonpartisan but, in fact, according to the documents in the press, it was very partisan and totally funded to defeat Democratic candidates. But not to get partisan, I just think that we should look at this loophole. We should close it.

And I, again, appeal to the chairman to have a hearing focusing on Citizens for Reform and some of these so-called independent groups that have, in some cases, spent twice as much as a candidate spends.

We had an example just a week ago in New York where in the last week of the campaign, they came in and spent $1 million of soft money. This type of thing is going on, and I think, at the very least, the American public should know who is trying to buy their vote or influence the election; and under the current laws, the soft money does not have to be disclosed.

I think it should be banned, but at the very least, we should disclose who is making these contributions.

And since the press has covered this in detail, I think that at least we should have one governmental hearing on this issue.

Mr. BURTON. The gentlelady's time has expired. Let me just say, as I said before with Lanny Davis before the media a while ago—I see his smiling face out there in the audience—that we are certainly going to look at Triad. We may very well subpoena records from them.

So we are going to be as fair as we possibly can in the investigation. If we find illegal campaign contributions, we are going to try to pursue that.

Let me just say—yes, ma'am?

Mrs. MALONEY. You mentioned you were going to be as fair as we possibly can.

Mr. BURTON. That's true.

Mrs. MALONEY. Very respectfully, why have you approved four consultants for your side of the aisle, yet the consultant that the ranking member tried to have hired for the Democrats was not approved?

If you talk about—you have got us outgunned four to zero, why not just be three to one?

Mr. BURTON. The gentlelady, if she was here—I think she was here when we had our discussion yesterday; and the vote on that, it was clear—at least I hope—from my remarks that if the contractual agreement with the Emerald Group that you were talking about was consistent with the one that we had for Mr. Bennett, we probably would have had no problem.

I also said in my remarks that I was more than willing to work with Mr. Waxman to try to work out our differences so that you could hire a consultant that you felt comfortable with.

Now, let me just end up by saying, we have two more people Mr. Barr has not had a second round, nor Mr. Snowbarger. Then what I would like to do is have Mr. Bennett conclude, because our witnesses have been here for a long time, and I know they are getting a little tired. They are getting saddle sores.

Mr. FATTAH. Mr. Chairman, I thought we agreed that you were going to have two on your side and then we would have two on our side.

Mr. BURTON. Mr. Fattah, the Chair wants to be fair. Let me go to Mr. Snowbarger. Then we will come back to someone on your side and then we will go to Mr. Barr and then we will—if it is all right with you, we will go to Mr. Bennett and then wind up.

Mrs. MALONEY. Point of information.

Mr. BURTON. The gentlelady will state her point.

Mrs. MALONEY. I would just like to clarify for the record, in response to your statement, Mr. Waxman agreed—correct me if I am wrong, Mr. Waxman—that our consultant would apply and follow the same guidelines as Mr. Bennett.

Is that correct, Mr. Waxman?

Mr. WAXMAN. Yes.

Mrs. MALONEY. I thought that's what you said yesterday. So, in other words, we said we would—or rather Mr. Waxman said on behalf of the Democrats that we would abide—our consultant would abide by the exact same guidelines as your consultants. Yet you hired yours and not a Democratic one. And I think it is—you are in the majority; you can have three to one. But to have four to zero and to sit here and talk about fairness, it is a little unfair to try to act like you are fair when you are not being fair.

Mr. BURTON. Mrs. Maloney, I will talk with you about this later. I think we can work out our differences.

Let me go to Mr. Snowbarger.

Mr. SNOWBARGER. Thank you, Mr. Chairman. I will try to make these brief.

Ms. Mills, I am trying to understand exactly how documents were handled in the White House. When you sent out your requests for information, they—as I understand it, they came back into the Legal Office, and when they came into the Legal Office, you would put them in folders that would show the source, in other words, where they had come from.

Is that a fair description?

Ms. MILLS. That's a fair description with respect to the Quinn directive.

Mr. SNOWBARGER. OK. Just so I make sure, so if a document, say, came from Harold Ickes, it would be in a file either labeled with his office or his name.

If it came from the Social Office, there would be a file from the Social Office, that kind of thing?

Ms. MILLS. Correct.

Mr. SNOWBARGER. OK. And so with a system like that, you would at least be able to know where the document originated from?

Ms. MILLS. Typically, that's what we try to do when we have sufficient time to be able to do that, correct.

Mr. SNOWBARGER. OK.

Mr. Ruff, I think we were told yesterday that the handwritten document that we have talked about over the last couple of days, that was discovered in 1996 but not produced until, I guess it was last week sometime, that that was written by Brian Bailey.

Mr. RUFF. So I understand, yes.

Mr. SNOWBARGER. The production log that you gave us for that particular numbered document indicates that the source of that document was the Office of the White House Counsel.

Is Mr. Bailey in that office?

Mr. RUFF. No, he is not.

Mr. SNOWBARGER. Has he ever been in that office?

Mr. RUFF. I don't believe so, at least——

Mr. SNOWBARGER. Then why would we be told that the source of that was the White House Counsel's Office?

Mr. RUFF. Well, perhaps I can have Ms. Mills respond, but I believe it reflects that, as has already been explained at some length, that document was found in a folder contained in files stored in the White House Counsel's Office; and that's fully explained in my letter to Mr. McIntosh.

Mr. SNOWBARGER. So you aggregated all these files from various sources that might have had labels at some point in time, telling us where they came from, but now everything comes from the White House Counsel's Office?

Mr. RUFF. No, sir. But you are candidly out of my depth, because I didn't actually find the document. So let me——

Mr. SNOWBARGER. Well, we can have Ms. Mills——

Mr. RUFF. But I would be happy to explain it to you at length if—either—if there is someone here who can do it, or I will get you the information.

Mr. SNOWBARGER. Well, if Ms. Mills could respond to that. I am confused. We are trying to find out where documents like this come from.

Ms. MILLS. Right.

Mr. SNOWBARGER. And obviously, if we are told that everything that we are getting now is coming from the White House Counsel's Office, we are not—we are not going to know much about the document.

Ms. MILLS. No. I can understand that.

With respect to the WhoDB document request, we actually collected documents, and on the day they were collected, they were asked to be produced. So we did not have the time that we would ordinarily have to go through those documents and provide them with respect to what files and offices they came from.

Indeed, we asked people just to send the records and we started Bates Stamping as soon as they came in and producing them so we could produce them in a timely fashion.

Those materials were reviewed and placed in a file because they were not produced at that time, so they remained in the Counsel's Office, and I believe that's the reason why it says the Counsel's Office.

Mr. SNOWBARGER. There was no attempt whatsoever in your files to make a notation where the document originated from?

Ms. MILLS. At that time we did not have sufficient time to be able to do that because we were asked to produce documents on the day that people turned them into our office.

Mr. SNOWBARGER. So what was the label of the file that you put this into?

Ms. MILLS. Nonresponsive.

Mr. SNOWBARGER. Nonresponsive?

Ms. MILLS. Correct.

Mr. SNOWBARGER. OK. Understanding our concern about trying to be able to find sources—I mean, we don't want to have to go and depose everyone in the White House to find out whose handwriting this is.

Ms. MILLS. No. I understand that. I think if you have documents that you all have questions about, I think we have tried to be responsive in identifying where they came from.

Mr. SNOWBARGER. Well, if you could, we have a number of documents that are listed here as White House Counsel's Office, M 33292 through 33302; I would ask at a minimum that we get a log that shows us specifically where those documents came from. And, again, I think—I suspect we have other production logs like this that are very general in nature, and I think we need to have that more specific information.

Mr. RUFF. As I indicated to Congressman McIntosh when he raised this issue a little earlier today, we will be happy to work with his committee staff to identify the source of any documents we can that are of particular concern.

Mr. SNOWBARGER. Mr. Chairman, thank you. I would yield back.

Mr. BURTON. Are you finished, Mr. Snowbarger?

Mr. SNOWBARGER. Yes, I yield back.

Mr. BURTON. The gentleman has completed.

Mr. Fattah.

Mr. FATTAH. Thank you, Mr. Chairman.

In our search for the truth, I have some final questions I just want to walk through.

Ms. Mills, you have been at the White House since—for how many years?

Ms. MILLS. Since January 20, 1993.

Mr. FATTAH. And during this period of time, you have had a number of different supervisors?

Ms. MILLS. Yes, that's fair to say.

Mr. FATTAH. Or people that you report to?

Ms. MILLS. Yes.

Mr. FATTAH. Can you lay them out in chronological order for us?

Ms. MILLS. I reported to Bernard Nussbaum. I subsequently reported to Lloyd Cutler. I subsequently reported to Ab Mikva. And I subsequently reported to Jack Quinn; and then I subsequently report to Chuck Ruff.

Mr. FATTAH. In all of the times that these issues that the committee has asked you about, did you have someone you were directly reporting to?

Ms. MILLS. Yes, indeed, with respect to these materials, I reviewed them.

Mr. FATTAH. In response to this particular issue about the memo that was termed to be nonresponsive, was it not your testimony yesterday that that was a decision jointly arrived at between you and White House Counsel Quinn?

Ms. MILLS. Yes.

Mr. FATTAH. The two of you made this decision?

Ms. MILLS. Yes. I put——

Mr. FATTAH. Because in subsequent questions by members of the committee, they seemed to have missed this point; that this was not an individual decision that was made by you.

Ms. MILLS. That's correct.

Mr. FATTAH. OK. So I just wanted to clarify the record. You also indicated that the subcommittee's response vis-a-vis this data base was quite specific, seven enumerated questions, and that, under the decision of the person who was your immediate supervisor and was, in fact, the ultimate authority on what was going to be re-

sponsive, both of you agreed that this was not responsive at that time?

Ms. MILLS. That's correct.

Mr. FATTAH. Now, Counsel Ruff has indicated to the committee that he has a different view of responding to this committee's requests. He says, we are going to give them everything, even those things that maybe are not responsive, so that we don't get accused of being not responsive.

Ms. MILLS. That's correct. I think a——

Mr. FATTAH. That is a different policy in the office, right?

Ms. MILLS. That's correct.

Mr. FATTAH. So whereas before you were responding to the specific nature of the subpoenas, this is a broader interpretation of what should be delivered?

Ms. MILLS. Correct; and it was a request, that's correct.

Mr. FATTAH. So that as we—and the other thing that you said, I think, in your testimony yesterday, was that substantially the same information that's in this document, that people keep going around and around about was available in other information that was provided?

Ms. MILLS. That's correct.

Mr. FATTAH. So that in all of this smoke, there was nothing that was being hidden from anyone?

Ms. MILLS. That's correct.

Mr. FATTAH. And that finally, when the chairman was asking you whether or not, when they talk about having these—these data bases being able to be compatible, that it was fully the White House's viewpoint that legally they could develop a data base that would serve a public purpose, but that also had the ability to be coordinated with data bases that were built and financed through political dollars?

Ms. MILLS. That's correct.

Mr. FATTAH. And that this was advice that various legal authorities had given to those who were producing this or preparing this data base?

Ms. MILLS. Correct.

Mr. FATTAH. So that at all times when those who were involved in the effort to produce the data base, they thought that they were acting and still believed that they were acting well within the color of the law?

Ms. MILLS. Yes, that's my understanding.

Mr. FATTAH. I want to thank you for your testimony. I want to thank all of you, and I want to thank the chairman for allowing me an opportunity to clarify the record as we conclude this hearing.

Mr. BURTON. Mr. Fattah.

Mr. MICA. Mr. Chairman, would the gentleman yield?

Mr. BURTON. Would you yield to Mr. Mica?

Mr. FATTAH. I would be glad to yield.

Let me ask one last thing, though. I do want to ask unanimous consent—I know you provided a general unanimous consent to all

Members. There is an article in this magazine on Triad Management and its activities, and I know that we are going to be searching for the truth in that direction and I thought maybe the committee might find it useful.

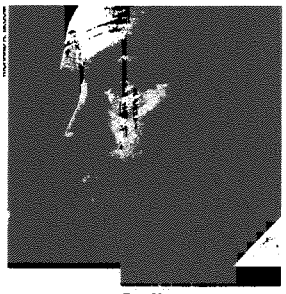
Mr. BURTON. Without objection.

[The article follows:]

Lobbying & Law

TROUBLED TIMES FOR THE TRIAD GROUP

BY PETER H. STONE



DON NICKLES: "I think Triad is a fantastic organization" that pulls together people "who want to make a difference."

During the 1996 campaign, Triad Management Services Inc., a conservative political consulting firm, appeared to play all of its cards right. Triad raised almost $3 million to help beleaguered Republican candidates. But that hand is looking weaker since Democrats made the group a symbol of GOP fund-raising abuses last year.

Triad's mission was to marry conservative donors with like-minded politicians. For example, in late 1995 there was a meeting between top aides to Senate Majority Whip Don Nickles, R-Okla., and Robert Cone, a wealthy Pennsylvania businessman who became the group's first big contributor.

Triad's founder, Carolyn Malenick, a longtime conservative activist, was the matchmaker at the meeting. Not long after the discussion, Cone, his brother, Edward, and other donors started giving generously to the campaign coffers Triad advised them to fill. Nickles's leadership political action committee (PAC) received about $18,000 in 1995-96 from six Triad donors, including the Cones.

For his part, Nickles, in possible of violation of Senate rules, appeared in a Triad promotional video taped in his Senate office. "I think Triad is a fantastic organization . . .pulling people together who want to make a difference," he gushes in the promo.

Nickles said in a statement that he doesn't think he violated Senate rules.

With Triad's help, the Cones donated approximately $1.3 million that was spent in the last weeks of the 1996 campaign for negative issue ads designed to boost the fortunes of some two dozen Republicans.

But Triad's efforts have recently come under fire. Campaign watchdogs and Democratic investigators at the Senate Governmental Affairs Committee are probing whether Triad funneled almost $3 million through two nonprofit affiliates—Citizens for Reform and Citizens for the Republic Education Fund—to avoid federal disclosure and spending limits.

They have also raised questions about possible collusion between Triad's issue ads and the campaigns of several candidates. "The allegations of coordination made by critics of Triad are exactly the sort of thing that the FEC is likely to look at," said Trevor Potter, a former Federal Election Commission chairman who is now a partner at the Washington law firm of Wiley, Rein & Fielding. "The FEC has made the whole legal issue of coordination a priority in its investigations."

Triad's attorney, Mark Braden, said the firm adhered to the law and did nothing wrong.

Critics notwithstanding, Triad was skillful in setting up its operations. Malenick mined to the hilt her ties to numerous conservative consultants and donors.

In an interview with National Journal last year, Malenick boasted that she had some three dozen clients, but she has refused to name them. Senate aides, however, leaked the names to reporters late last month. After the Cones, the biggest donor was the Economic Education Trust, a mysterious group that gave $1.3 million to Triad last year. Investigators contend the Trust was set up by Koch Industries, the nation's second largest privately-held company and long a major backer of conservative causes and GOP candidates, including Nickles and former Sen. Robert Dole, R-Kan.

The bulk of Triad's fund raising didn't have to be reported under federal election laws because the money was targeted

for issue ads that didn't specifically endorse candidates. The $3 million Triad and its affiliates spent on issue ads helped 26 Republicans in hotly contested House and Senate races.

Some of the spots may have been coordinated with candidates, which would be a violation of election laws. For instance, Triad unleashed a blitz of negative ads against Democratic candidate Bill Yellowtail in Montana. Time magazine has reported that a Triad consultant met in late September last year with campaign aides to Yellowtail's GOP opponent, Rep. Rick Hill. A Triad memo, according to *Time*, says that Hill "needed a 3rd party to expose Yellowtail."

Triad donors also coughed up an estimated $400,000 for a TV ad campaign that slammed the Democratic opponent of Sen. Sam Brownback, R-Kan.

Rep. David McIntosh, R-Ind., was another recipient of Triad-directed money. He appears in the Triad promotional video with Nickles. McIntosh's Faith Family and Freedom PAC received $17,700 from six major Triad contributors in the last election cycle, according to the nonpartisan Center for Responsive Politics. Last year, McIntosh's PAC disbursed money to numerous Republicans. In many cases within days of these PAC donations, several Triad clients, who had earlier given to the PAC, contributed the maximum $1,000 to the same candidates.

That pattern of giving suggests "that these (contributions) might have been controlled or handled by one person," said Kent Cooper, the center's executive director. Further, a Triad consultant, Carlos Rodriguez, was the primary consultant to McIntosh's campaign in 1994. Rodriguez, a Sacramento (Calif.)-based political strategist, helped Triad identify GOP candidates who needed money. Rodriguez also is a board member of Triad's affiliate, the Republic Education Fund.

Despite all the flaps, Triad continues to hammer away at its opponents. When the AFL-CIO held its annual convention in Pittsburgh in September, Triad and its allies pumped $50,000 into television commercials there attacking the union's leadership and called for an end to the use of compulsory union dues for political activities. ■

FROM THE K STREET CORRIDOR

A Medicare Chair for Steelman?

Washington lobbyist and health policy expert [illegible] Steelman is rumored to be one of Senate Majority Leader Trent Lott's four appointments to [illegible] bipartisan commission on Medicare. "[illegible] but not directly from Sen. Lott," Steelman said. "I'd love to be on it."

But a Republican lobbyist said that Steelman's roster of clients, which includes major health [illegible] companies, could, at the very [illegible] a conflict of interest. Steelman [illegible] to have some bearing on the [illegible] [a commission of] 8 members [illegible]

Lott spokeswoman Susan Irby said [illegible] confirm any names" on [illegible] that Lott's picks would include a [illegible] ent from the Senator's home state of [illegible] policy expert and two Senators. Sens. [illegible] and Phil Gramm, R-Texas, are reportedly [illegible] for Lott's slots.

New Fight Over Health Care

Jittery over several bills calling for increased regulation of the managed care industry, Republican congressional leaders have initiated a round of discussions with lobbyists to mobilize against tougher controls. Senate Majority Leader Trent Lott, R-Miss., and Majority Whip Don Nickles, R-Okla., are sponsoring the meetings, but several House leaders are also involved.

At an Oct. 31 kickoff session called "Will Managed Care Return?" a panel of heavy-hitting lobbyists [illegible]

[illegible] Rep. [illegible]

[illegible] that helped [illegible]

[illegible] group's [illegible] [illegible] Steamed [illegible] [illegible] merica.

[illegible] to protect [illegible] from being [illegible] electric bills [illegible] also wants Congress to force [illegible] low-income and rural customers and to [illegible] stability of [illegible]

[illegible] meeting [illegible] Union, the Cato Institute and the Heritage Foundation [illegible]

Mr. MICA. Just to clarify the record, if I may—and I thank the gentleman for yielding—there were comments made, I think, by the gentlelady from New York, and I am sorry she is not here, but I did want to clarify the record that, in fact, this committee on which I have served since 1992 has been very fair, both in the distribution of staff—when I came on this committee, there were 5 minority—we were in the minority—investigative staff and 55 staff. The record is clear. It will show that.

Also, in fact, the cost of this investigation is less than the cost, if you go back and look at the responsibilities we now have, is less than the cost of the similar operations under the 103d Congress, including the cost of this investigation, which is an important responsibility in this Congress that we get the facts from the executive branches and other agencies we oversee, and have that important responsibility for oversight and audit investigations.

Thank you.

Mr. FATTAH. Reclaiming my time, let me again thank the chairman for his patience.

Mr. BURTON. Mr. Fattah, your eloquence has only been exceeded by your kindness, and it is great being with you. I hope you have a nice vote.

Mr. Bennett.

Mr. BENNETT. Mr. Ruff, Ms. Mills, Mr. Breuer, Mr. Nionakis, I just have about 2½ hours of questions that I would like to pursue. No, just to wind up, as the chief counsel for this committee, I want to definitely let those that arrived at the White House in February or March, in a transition period, understand that I have been on this job less than 2 months. So just as you take certain attacks in terms of your conduct in office, I take it pretty seriously when Members from the other side of the aisle question what we are doing. I am still trying to catch up and do the best we can do in the fairest way possible.

In that regard, Mr. Ruff, I want to say that you and I have had some very delightful conversations, and Mr. Breuer, you and I have, and I am looking forward to working with both of you. And I want to commend you for your professionalism here today. We disagree on a lot of points but I would be remiss if I didn't note that for the record before I wind up.

Mr. RUFF. I appreciate it, Mr. Bennett. It will always be the case that our differences can be resolved or at least addressed through professional dialog, and that's what we have always had.

Mr. BENNETT. Just for the record, you and I have dealt with each other before over our careers. I am sure that relationship will continue.

Ms. Mills, if I can, just to pick up on a few points, because quite frankly I think some of these things really aren't in dispute, and I am just trying to clarify it and I am not—I don't mean that in an attacking way. I am just trying to clarify some matters.

You indicated earlier this afternoon, talking about the data base, that you were—you talked about the correspondence data base and the data base of the Correspondence Office as opposed to the WhoDB data base.

Ms. MILLS. Actually, there were several data bases and models that were considered, so it wasn't just that one. Subsequently,

there were lots of different models that were considered before they settled on WhoDB.

Mr. BENNETT. I understand. But, for example, Marsha Scott was the prime force overseeing the development of WhoDB, isn't that correct?

Ms. MILLS. That is correct. She——

Mr. BENNETT. I am sorry.

Ms. MILLS. She looked at a number of different models before settling on WhoDB. At least that was my impression at the time.

Mr. BENNETT. And in January 1994, Marsha Scott was working in the White House Correspondence Office at that time, wasn't she?

Ms. MILLS. Right, that is correct.

Mr. BENNETT. It is that reason that you referred to the data base as the correspondence data base, because ultimately the correspondence data base became WhoDB, didn't it?

Ms. MILLS. Actually, I referred to it as the correspondence data base because, as you imagine, when staff comes to you they have different ideas about what it is they were going to do. At that particular time her interest was in setting up a data base that was related to correspondence. Obviously, over time, it evolved.

Mr. BENNETT. And ultimately it became WhoDB?

Ms. MILLS. Ultimately the model that they settled on for doing a wide variety of things, and not just the things related to correspondence, became WhoDB.

Mr. BENNETT. And if I can just go back in terms of where we were yesterday afternoon and clarify, in January 1994—you are the only holdover from the first term of the Clinton administration in the White House Counsel's Office, correct, you and Mr. Lindsey?

Ms. MILLS. You mean January 1997?

Mr. BENNETT. No, I am going to get to January 1994. Basically, as we speak now today, it is essentially you and Mr. Lindsey are the only two holdovers from the first term in terms of the White House Counsel's Office, isn't that correct? There is an entirely new team of lawyers that have——

Ms. MILLS. No, there are other lawyers who were in the Counsel's Office in President Clinton's first term who are in the White House.

Mr. BENNETT. I am sorry. In terms of investigations, then. I must have misspoken. Mr. Breuer came in?

Ms. MILLS. Ms. Paxton was in the Counsel's Office in the first administration. She was on the investigative team.

Mr. BENNETT. All right. I apologize for my confusion, then.

Ms. MILLS. That's OK.

Mr. BENNETT. Directing your attention to January 17, 1994, in a document that we have had before, there you set forth very clearly the standard in that memorandum, accurately noting that with respect to the creation of a data base, that it becomes Government property and that data from that data base system may be provided to sources outside the Federal Government only for authorized purposes. Correct?

Ms. MILLS. I believe that's correct.

Mr. BENNETT. And essentially you clearly set forth the legal standard to be applied with respect to that—I can assure you, I

don't intend to take 20 minutes, I promise you—that standard having been set. Correct me if I am wrong.

But then looking at the handwritten notes of Mr. Brian Bailey, I believe that's exhibit 147, clearly there is no dispute, is there, that with respect to that suggestion—and this is a document that was recently turned over, and I am not going to get into the matter of the timing right now, but clearly as to that document where it says, "make sure WhoDB is integrated with the DNC data base so we can share," and the notes there, clearly those—those notes would reflect, in your opinion, an improper political use of the computer at the White House, would it not?

[Exhibit 147 follows:]

HAROLD AND DEBORAH DEVEL WANT TO MAKE SURE WHODB IS INTEGRATED W/DNC DATABASE - SO WE CAN SHARE

– EVIDENTLY, POTUS WANTS THIS TO! (MAKES SENSE)

HE WANTS TO HAVE A MTG. — HAROLD, ERSKINE, DEBORAH, JUDIE, MARSHA, + TECHNICALS + US

TO DISCUSS WAYS TO COORDINATE GOING FORWARD

BOBBY WATSON (DEBORAH'S ASST.) IS WORKING ON HER END.

WANTS TO MEET – MONDAY?

HOW DOES this impact schedule of getting things to POTUS?

Ms. MILLS. It was actually my impression that what they were ultimately hoping to do was create a data base that would allow them to share with the White House, and I think Mr. Bailey has indicated, I guess through a statement he released yesterday, that that was also his intention.

Mr. BENNETT. I understand that. But my point is, is that ultimately there isn't any question that you testified today that clearly that is an improper—this document that is on the screen now clearly reflects an improper use of the data base, would it not?

Ms. MILLS. You and I have a different interpretation of this document. I understood this document to be referencing—because I was aware that Mr. Bailey was apprised of the rules with regard to sharing of information—that this was speaking of sharing information that could be included in the White House data base.

Mr. BENNETT. But my point to you is, clearly as you speak today, you would acknowledge that that document that's on the screen does not meet the standard that you set in January 1994?

Ms. MILLS. I think there was some debate earlier about what it means to be integrated but I think, at least as I understand this document, I understood it to be sharing of information with the White House; and Mr. Bailey has indicated that that is what his own notes meant.

Mr. BENNETT. I am just trying to understand what the position of the White House was in the Washington Post today. It is my understanding that clearly, if you did not state directly, perhaps Mr. Davis in the back of the hearing room or someone indicated that the White House now takes the position that this document should have been disclosed in response to the request by Congressman McIntosh's subcommittee in August. Is that correct?

Ms. MILLS. I think certainly to have eliminated any debate about its responsiveness, I would happily have provided this document because there is nothing in this document that concerns me with regard to the materials. But one of the things I obviously was trying to do at the time that we got the request was be particularly responsive to the materials—the request as it was laid out, and as we put this document against the request as it was laid out, we did not believe it was responsive. But I would have happily provided it to avoid any of the debate that we are having right now.

Mr. BENNETT. Hold on 1 second, please.

If I can on this screen, if we can have exhibit 155, and that is the request from Congressman McIntosh's committee. And as to paragraph 3 that is being highlighted there—again, I don't want to—it is late in the day and I don't want to belabor this point but I think that with all the discussions, some things are pretty clear here, it seems to me.

Clearly you set an appropriate standard, rightfully so, in January 1994. Clearly there is a document, which is my understanding there is not much dispute about now, doesn't meet that standard and implied improper uses. And I am not castings aspersions on you but clearly it was a suggestion that it would not meet your standard.

Looking at exhibit 155, paragraph 3, if you want to take a look on the screen, clearly the suggestion in terms of the political use and integration with the DNC would fall within that request, paragraph 3, wouldn't it?

[Exhibit 155 follows:]

Congress of the United States
Committee on Government Reform and Oversight
House of Representatives

August 2, 1996

BY FACSIMILE

President William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

As you know, the House Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs has been conducting an investigation of the White House Database (WhoDB) at the request of our full Committee Chairman, William F. Clinger, Jr.

In the course of this investigation, the Subcommittee has requested certain documents, materials, and other information from the White House. Unfortunately, the White House has provided only a limited number of documents and incomplete responses to many of the requests for information.

The Subcommittee has indicated in several letters to your Counsel, John M. Quinn, that we cannot fulfill our oversight obligation without complete answers to our questions and the production of all responsive documents and materials.

Specifically, the Subcommittee has requested a copy of the database, an alphabetized list of the Americans on whom a database file is maintained, as well as documents and other materials related to the design and development of the WhoDB. In response to Mr. Quinn's objections to providing the requested information, we have described many of the reasons why we need the documents, materials, and answers. (Please see the attached letters of July 3, 10, 23, and 29, 1996 from the Subcommittee to Mr. Quinn.) At the very least, however, this information is essential for the Subcommittee to determine if this White House project is a wise and proper expenditure of more than 550,000 taxpayer dollars and if this project should continue to be funded by the taxpayers. As you know, this is Congress's most basic oversight obligation.

Mr. Quinn confirms the legitimacy of our oversight needs, and repeatedly says that he wants to satisfy them all. In his most recent letter to the Subcommittee, however, Mr. Quinn provides absolutely no explanation as to why he will not provide answers to our questions. In addition, Mr. Quinn again rejects our request for an alphabetized list of Americans on whom you maintain a file in the WhoDB. We offered to postpone our request for the entire database if the White House would answer a number of questions about the database and produce the list. Mr. Quinn argues that the list of Americans in the WhoDB would not answer our questions. Although our recent letters establish that the list would be highly relevant to many of our questions, we agree that a copy of the entire database would be a great deal more helpful than the list in satisfying our oversight needs.

The White House cannot first deny our request for the database and then plausibly deny other information about the database simply because such information will not provide us with all of the information that is necessary for us to complete our investigation. A more forthcoming response would be to provide all the needed information. The White House response, or lack thereof, is unacceptable.

Nor can we abdicate our oversight obligation based on assurances from the White House that we would find nothing improper in our examination of the WhoDB.[1] As you can appreciate, we have a constitutional obligation to determine the facts for ourselves. That means we must examine the relevant documents and all other necessary information for ourselves, and we must make our own determinations what information is helpful and relevant to our investigation.

In this regard, you should not be surprised that we have not yet scheduled a personal visit to review the WhoDB. We have objected from the start to the unacceptable constraints you have attempted to impose on such a visit, and have also communicated that it would be premature for us to review the database until GAO made substantial progress in its review of the technical configuration of the WhoDB. Thus far, you have not permitted GAO any direct access to the database itself. In any event, we have repeatedly indicated that no personal review of the WhoDB and no technical audit would be a meaningful substitute for the information we have requested.

The Subcommittee is resolved to complete this oversight investigation. Therefore, pursuant to Rules X and XI of the House of Representatives, the Subcommittee requests that the materials described in the attached document be provided forthwith.

If all of these materials are not provided to the Subcommittee by noon, August 15, 1996, we are resolved to proceed with the steps necessary to issue a formal subpoena for the production of the documents and materials described.

We urge you to direct your staff to begin prompt compliance with the Subcommittee's request.

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[1] Although it is not our role to render final determinations on compliance with the criminal laws, we grow increasingly concerned about Mr. Quinn's seeming indifference to whether the WhoDB is maintained and used in accordance with law because he refuses to tell the Subcommittee what steps he has taken to ensure compliance with the law. Mr. Quinn does not respond at all to the possible violation of the Computer Security Act, various ethics laws that prohibit political and campaign related activity by government employees, appropriations statutes that prohibit the expenditure of public funds for improper or non-appropriated purposes, and related executive branch regulations, all of which undoubtedly apply to the creation, maintenance, and use of the WhoDB. Mr. Quinn does address the Privacy Act with a somewhat cavalier statement that it does not apply to the WhoDB. As the White House Counsel's Office has confirmed in an earlier telephone conversation with my staff, the question of whether this White House Office is generally covered under the Privacy Act depends on its current functions, rather than any analysis of White House Office operations in any of the previous Administrations. The more our Committee learns about current White House Office operations, the more reason there is to conclude that White House Office operations of prior years is not an apt comparison, and that the current White House Office would be found by a court to be covered by the Privacy Act. Even if a court did find that the current White House Office normally is exempt from coverage of the Privacy Act, there still are several reasons to conclude that the WhoDB is covered by the Privacy Act, including the involvement of other components of the Executive Office of the President in its creation and maintenance, and because the specific uses of the WhoDB by White House staff vitiates the normal exemption. Accordingly, we urge you to take the necessary steps to ensure that the WhoDB is maintained and used in accordance with all applicable laws.

Thank you for your cooperation in this important matter.

Sincerely,

David M. McIntosh
Chairman

J. Dennis Hastert

Randy Tate

Joe Scarborough

Scott Klug

Robert L. Ehrlich, Jr.
Vice Chairman

John M. McHugh

Gil Gutknecht

John Shadegg

White House Database (WhoDB) Document and Material Request

1. An electronic copy of the White House Database (WhoDB).

2. An alphabetized list of names in the WhoDB in hard copy and electronic form.

3. All communications related to the WhoDB, including, but not limited to, those involving the White House, its employees, government agencies or entities, and/or the outside contractors. This includes all documents and materials that memorialize conversations, meetings, or other communication involving the White House, its employees, and/or the outside contractors. This should include internal communications regarding the project, as well as communications with outside entities including the contractors and other government agencies or entities.

4. All documents related to the specifications, design or modification of the WhoDB.

5. All contracts, invoices, agreements, or other documents detailing the tasks undertaken by the contractors and its employees, as well as cost-related information.

6. All documents related to the legality or propriety of creating and maintaining the WhoDB or related system(s).

7. All documents related to who initiated and approved the WhoDB project.

The foregoing request includes all documents and other materials in your possession or control, including those in draft and final form. It includes all hard copy and electronic materials, including but not limited to, electronic mail, memoranda, letters, faxes, phone messages, pager messages, and notes.

Ms. MILLS. I think that as we looked at this request, we noted that Mr. McIntosh had made distinctions between instances where he was seeking all documents and instances where he was seeking communications. I think if you look at 3, he indicates he is seeking communications. I think if you look at 4, 6, and 7, he had indicated documents.

So I think at that time, when we were setting this beside his request and trying to be uniquely responsive, that's how we interpreted it, and we interpreted Mr. Bailey's own notes as not being responsive.

I understand that there is a debate. I have no interest in a debate. I quite clearly find it something that we could provide. It was nothing I was concerned about and don't really believe it is worth debating, because you all have the document and there is nothing to hide or be concerned about.

Mr. BENNETT. Right. I want to get to that. I want to get to that. I understand now the position is it is not worth debating and that the White House has now essentially in the Washington Post today said you should have had the document; you didn't get it. So I don't think there is any real dispute about it being within the requirements of paragraph 3.

Ms. MILLS. I think probably Mr. Quinn's own statement is he probably would dispute that. I just don't—I don't know.

Mr. BENNETT. I don't know who made the statement. Is Mr. Quinn speaking for the White House? I am talking about what is quoted in the paper today.

Ms. MILLS. No. I think at that time we were reviewing the materials, and I think there are a number of things. And I just think that we tried to be uniquely responsive to the request as it was drafted. We assumed that Mr. McIntosh intended something in particular with respect to stating "communications."

Mr. BURTON. Let me just interrupt. The appearance is that you were splitting hairs in order not to comply with the intent of the memo.

Ms. MILLS. Actually, Mr.——

Mr. BURTON. You know——

Ms. MILLS. Mr. Burton, I can understand and appreciate that concern, and I think one of the things we tried to do was be very responsive to this request because we had such a short period of time to try and address it. And I can appreciate how that might appear, and it is certainly the reason why I think it is not worth any debate and would provide it, and if I sat here tomorrow and knew that you all would be seeking this document again, I would certainly provide it.

I think what we tried to do was be uniquely responsive to your requests. And I appreciate your concern.

Mr. BENNETT. Just to wind up, and I will come back in just 1 second, Ms. Mills; Mr. Ruff, in terms of this whole point in these documents, clearly this document that was turned over—and I know that you wrote a very professional letter to Congressman McIntosh's subcommittee on October 28th, extending apologies and turning the document over—clearly that document was within the requirement of paragraph 3 of Congressman McIntosh's request; wasn't it?

Mr. RUFF. Mr. Bennett, you will appreciate that it is very difficult for me to put myself back in the setting of last September because I had no involvement with this, no knowledge of the matter then or any discussions there were with Mr. McIntosh's committee and his staff.

My view of this is, and without using the—abusing the chairman's language, by the time we got around to dealing with Mr. McIntosh's committee, after I arrived, there had been a considerably heated exchange of documents. In an effort to sort of cool the temperatures, I simply said, look, if it is even within shouting distance of responsiveness, produce it. This document is clearly within shouting distance.

Whether I would have made the same call in September or not is something I simply can't put myself in the position to make.

Mr. BENNETT. And I understand your reluctance to second-guess Mr. Quinn. But, essentially, Mr. Ruff, there is no question, as you make that call today, that clearly that document was within the request, should have been turned over, and you have turned it over, correct?

Mr. RUFF. I have turned it over. As you quite properly said, I would never and don't intend to put myself in Mr. Quinn's shoes for this purpose.

Mr. BENNETT. And in light of the acknowledgment of the White House in today's Washington Post in terms of clearly it should have been turned over and it wasn't, just as—from the position of White House counsel, there is a concern about an overbreadth with respect to subpoenas and requests of documents, and something that I certainly will be sensitive to in acting in my role as chief counsel, the point of this exercise is to show that to the extent that there is this kind of fine hairsplitting, when clearly lawyers, regardless of their political persuasion, can clearly see that a document is required and then it is not turned over and then there is later acknowledgment by the White House spin office, well, yes, you are right, we should have turned it over, that causes the overbreadth of the request.

And I can assure you on our side we will seek, to you and Mr. Breuer and to others, not to have these requests be too cumbersome. And in response we would hope that we would not have this fine hairsplitting, because as I think we would agree in light of the tone of some of the questions today, it upsets members of this committee and raises suspicions, whether justifiable or not.

Do you understand what I am saying?

Mr. RUFF. I understand your concerns. I can guarantee you that my hairsplitting tools are nowhere to be found. We take a responsible, but I hope a broadly reasonable, approach to responding to this committee's requests.

Mr. BENNETT. Thank you, Mr. Ruff, Mr. Breuer.

I have no further questions, Mr. Chairman.

Mr. BURTON. Mr. Barr has returned and I promised Mr. Barr before we adjourned I would give him one more brief round for questioning. He has not finished his second round, Mr. Fattah.

Mr. FATTAH. Mr. Chairman, the majority has just used up at least 13 minutes, and now you are suggesting that you be given another 5 without an opportunity for the minority to speak?

Mr. BURTON. Mr. Fattah, under the agreement that was agreed to by both sides at the beginning, with each group of witnesses there was supposed to be 30 minutes for both majority and minority counsel.

Mr. FATTAH. If you think it is fair, Mr. Chairman, I will go along with you. Do you think that is fair?

Mr. BURTON. Mr. Fattah, I always want to be fair. Would you like to question some more?

Mr. FATTAH. I just want to clarify for the record one more time, Ms. Mills, Jack Quinn was your supervisor?

Ms. MILLS. Yes.

Mr. FATTAH. And when you conferred with him about whether this was responsive, you jointly made the decision that it was not responsive?

Ms. MILLS. That is correct.

Mr. FATTAH. And then at a subsequent time, Mr. Ruff was your supervisor?

Ms. MILLS. That is correct.

Mr. FATTAH. The person you reported to?

Ms. MILLS. Yes.

Mr. FATTAH. You conferred with him?

Ms. MILLS. Yes.

Mr. FATTAH. You decided that it was responsive?

Ms. MILLS. And I concurred with producing the document.

Mr. FATTAH. And you provided the document?

Ms. MILLS. Correct.

Mr. FATTAH. Thank you.

Mr. BURTON. Before I yield for a final group of questions, and then we can all go have an egg salad sandwich, Mr. Ruff, the committee will submit questions to you for the record and would appreciate if you would make sure that they are answered in a timely fashion.

Mr. RUFF. I will do my very best, Mr. Chairman.

Mr. BURTON. Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

I would like to just return briefly to two particular topics that we have touched on. One which has been touched on by a number of people, and I do this at the risk of having folks on the other side complain again about repeating ourselves, but I think it does bear repeating.

Mr. Ruff, both you and Ms. Mills have continually, and I can understand why, when we put up—if you would put up this document, refer to this document, you all keep using the word "compatible" or "compatibility" or whatnot. I can understand why you want to do that because using a word like "compatible," which is a word used in one—in this other memo, may make the difference between something being legal and illegal.

If you have two data bases, one that belongs to the taxpayers of this country, that is used for the use of the President and his administration for official purposes, and if you have another one that is a political data base not paid for by the taxpayers of this country to be used for whatever political purposes, a political campaign or the DNC or the RNC wants to use it, then that is fine. And you can take steps, I believe, under the law to make those two systems

compatible. I don't think that there is any inherent illegality or any inference of illegality if that is what we are talking about.

This document says something very different, and it puts us, I believe, squarely in the realm of an inference of and evidence of illegality. When you go from making two systems compatible to integrating systems, that is very different.

And I think also, if you look at the specific language on exhibit 162–2 in the first paragraph on page 2, I think you also very clearly go from the realm of something that is OK to do, and that is simply taking steps by the two entities, discretely, making sure that their data bases are compatible, you go from that into people at the White House putting together a data base directly for a political entity, the DNC or an outside campaign, and you discuss, as this document does, more than just making those two systems compatible, even though they are discrete, to exchanging data back and forth, taking data from one to the other, you go from the realm of something that has the presumption of something that is permissible and legal into the area, the arena, of something that is possibly illegal and for which there is an inference of illegality.

[Note.—Exhibit 162–2 can be found on p. 112.]

Mr. BARR. So I understand why you all are very hesitant to use the terminology that appears in this document and shy away from what is here.

My only point is, I think we are talking about something, quite aside from the obstruction, which I believe has been practiced in holding on to this document as being nonresponsive when clearly on its face it is clearly responsive, and this other document as well, for the time that it was withheld, I think that we are talking about something—and my only distress over this point, Mr. Ruff, is that you won't even admit that there is a possibility that maybe something had gone wrong here or there is at least some possible inference or possible illegality.

Mr. RUFF. May I——

Mr. BARR. I think clearly there is.

Mr. RUFF. May I respond briefly, Mr. Congressman?

Mr. BARR. Briefly, please.

Mr. RUFF. Yes. First of all, let's talk—the word "integrated" is, of course, neither your word nor mine. It is Mr. Bailey's word. I have no idea, I have not spoken to Mr. Bailey, about what he intended, although I understand he has made a public statement yesterday suggesting that he understood what the rules were and intended to abide by them.

But even beyond that, let's assume the very worst, that Mr. Bailey, when he wrote this memo, believed that it was all right or didn't believe that it was all right, to integrate the data bases. To my knowledge, there is not a single piece of evidence anywhere that, in fact, anything wrong was ever done with respect to the construction or use of WHoDB.

If there is evidence of impropriety, I am sure that the authorities will pursue it properly and deal appropriately with the people involved.

Mr. BARR. Well, I know that you taught, and very ably, contract law at Georgetown and not criminal law, but I must assume that you are familiar, for example.

Mr. RUFF. I also taught criminal law. Not to you, Congressman.

Mr. BARR. OK. Then I know that you would be familiar with, for example, the law of conspiracy, criminal conspiracy, that one can engage in and be convicted of engaging in a conspiracy even though one ultimately may extricate themselves from that conspiracy and that would shield them from liability after they withdraw if, in fact, they actually withdraw.

But the fact that ultimately the two data bases may not have been fully implemented and integrated does not mean that there were not steps taken in that direction which at least on the surface it appears to me that there were. And to simply say, well, just because eventually the ultimate or an ultimate crime was not consummated does not mean something wrong occurred leading up to the point where that decision may have been made.

Mr. RUFF. Both of us used to hold the same job, one in Atlanta and the other in the District of Columbia, in which we tested matters against available evidence to determine whether, in fact, there was any basis to believe that criminal activity had occurred.

In my judgment, Congressman, with all due respect, there is absolutely no evidence of any such activity in this case.

Mr. BARR. Thank you, Mr. Chairman.

Mr. WAXMAN. Mr. Chairman.

Mr. BURTON. The gentleman's time has expired.

The gentleman from California.

Mr. WAXMAN. Our side is entitled to half-hour questions. I can't imagine going through anything more. This has been redundant. It is now quarter after 5 in the afternoon. You have been here since 10 in the morning today, not that we have had all that time for questions and answers but almost all that time. We had breaks for votes on the floor.

You were here yesterday almost all day as well. I don't think after all of those hours we have learned anything that we didn't know already. I apologize to you on behalf of those of us who are offended by some of our colleagues who I think were bullying you, but there is nothing more—unless you have something more you want to say, there is nothing more I have to ask you.

Mr. RUFF. Well, I would like to stay and chat for another half-hour or so.

Mr. WAXMAN. Do you want to speak into the microphone?

Mr. RUFF. I would like to stay and chat for another half-hour or so but in deference to my colleagues, who aren't as filled with stamina as I am, I think I would be happy to go home.

Mr. WAXMAN. Well, Mr. Chairman, on the assumption that you are not going to have more people ask questions, we will yield back our time.

Mr. BURTON. Mr. Fattah.

Mr. WAXMAN. No, no, we yield back our time.

Mr. BURTON. The gentleman yields back the balance of the time.

Mr. Ruff, we would like to ask the Counsel's Office to review the depositions we discussed on Wednesday by early next week regarding executive privilege concerns so that we can make your deposition part of the public record.

Mr. RUFF. We will do that and get back to Mr. Bennett as quickly as possible, Mr. Chairman.

Mr. BURTON. Once again, I want to thank you and Lanny Davis for being with us. Lanny, it is good seeing you.

We thank you for being with us today. We are sorry for the delays that were caused by the actions on the floor. But we appreciate your help and your patience. Thank you.

Mr. RUFF. Appreciate your courtesy, Mr. Chairman. Thank you.

[Whereupon, at 5:20 p.m., the committee was adjourned.]

[The depositions of Cheryl Mills, Michael Imbroscio, Dimitri Nionakis, Lanny Breuer, Jack Quinn, Steven Smith, Colonel Joseph Simmons, and Alan Sullivan follow:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: CHERYL D. MILLS

MONDAY, NOVEMBER 3, 1997

The deposition in the above matter was held in Room 2247, Rayburn House Office Building, commencing at 8:15 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Chief Investigative Counsel; Uttam Dhillon, Senior Investigative Counsel; Kristi Remington, Investigative Counsel; Kenneth Ballen, Minority Chief Investigative Counsel; Christopher Lu, Minority Counsel; David Sadkin, Minority Counsel; and David Jones, Staff Assistant.

For MS. MILLS:

W. NEIL EGGLESTON, ESQ.
Howrey & Simon
1299 Pennsylvania Ave., N.W.
Washington, D.C. 200040–2402

Ms. COMSTOCK. Good morning. We are on the record this morning for the deposition of Cheryl Mills, Deputy Counsel at the White House. She is joined this morning by her counsel, Neil Eggleston. My name is Barbara Comstock. I am the designated Majority counsel this morning. I will be joined by David Jones and later Kristi Remington.

I will at this time ask Minority counsel to identify themselves.

Mr. BALLEN. Ken Ballen.

Ms. COMSTOCK. Ken, you will be designated counsel this morning?

Mr. BALLEN. Yes. Also present are David Sadkin and Chris Lu.

Ms. COMSTOCK. We are going to skip the preliminary statement this morning by agreement with counsel and the Minority, and also skip over Ms. Mills' background and get right into matters so as to expedite and shorten things up here.

Mr. EGGLESTON. That's fine.

THEREUPON, CHERYL D. MILLS, a witness, was called for examination by Counsel, and after having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MS. COMSTOCK:

Question. Ms. Mills, your official title is Deputy Counsel to the President?

Answer. Yes.

Question. And Special Assistant?

Answer. Deputy Assistant.

Question. Deputy Assistant to the President?

Answer. Yes.

Question. Okay. And who do you report directly to?

Answer. Chuck Ruff.

Question. And do you have anybody else that you have any reporting capacity to?

Answer. We all report to the President of the United States.

Question. Okay. Is there anybody in the Deputy Chief of Staff's office to whom you report?

Answer. I report to Chuck Ruff.

Question. So there is nobody other than in the Chief of Staff's office or the Deputy Chief of Staff's office that you report to on a regular basis?

Answer. That's correct.

Question. You are familiar in the past that Jane Sherburne had a reporting relationship to Harold Ickes?

Answer. I am familiar with that description.

Question. And have you ever, in your capacity as the Deputy Counsel, had any type of reporting relationship like that to the Deputy Counsel—I mean Deputy Chief of Staff's office or Chief of Staff's office?

Answer. No.

Question. Who are the attorneys in the Counsel's Office who work under you, directly, on a day-to-day basis?

Answer. Well, as Deputy Counsel you just have general supervisory responsibilities and there is a list of people who work in our office who would fall under that.

Question. Okay. In that capacity, do you then have a role overseeing Mr. Breuer and his team of attorneys and paralegals that work on special investigations?

Answer. Well, Mr. Breuer reports to Chuck Ruff, and so I think we have more of a consultative relationship with the attorneys who work under them. Yes, I am still responsible for them if there are administrative issues, including Lanny's, like parking, office space and all the other attractive things that go with my position.

Question. On a day-to-day basis do attorneys from Mr. Breuer's office come to you for advice and information?

Answer. I try to be available for all attorneys so if they have questions or things they would like to talk to me about—I am always responsive to them like I am responsive to anybody else in the office.

Question. Are there other attorneys in the Counsel's Office—you began your work in the Counsel's Office on January 20th, 1993; is that correct?

Answer. Yes.

Question. Are there other attorneys in the Counsel's Office who have as long a tenure as you do at this time?

Answer. Bruce Lindsey began on January 20th. He was not in the Counsel's Office at that time. He was Director of Presidential Personnel. But he has been in the White House since that time period. There are a couple of attorneys who are in the vetting shop who have been there probably from a very early point, but I can't identify what date it would be.

Question. Okay. Who is that?

Answer. Stacey Reynolds has been there for quite a period of time.

Question. Is there anybody else who has been there since '93 or so?

Answer. Not that I can recall them sitting here right now.

Question. Would it be fair to say that you have the most historical knowledge then of the Counsel's Office at this point of the people who are there at this time?

Answer. It is certainly fair to say I have been there the longest.

Question. Okay. Did there come a time where you became involved in handling matters related to fund-raising investigations?

Answer. Yes.

Question. And when was that?

Answer. October 30th, 1996.

Question. Could you tell us how that came about?

Answer. Ms. Sherburne, who had been handling the matters as they had begun to arise, indicated that she was going to be leaving the Counsel's Office and at that time those—that responsibility for the campaign finance issues was transitioned to me.

Question. Did Ms. Sherburne speak with you about this matter?

Answer. Sure, she did. She just went through the different files and materials that she had when she was transferring.

Question. All right. What files did she transfer to you?

Answer. She had created basically newspaper clipping files of different people based on the different articles and other things like that that had occurred, and so in those files she basically transferred all of those different materials to me.

Question. All right. Do you recall how many files there were?

Answer. I don't.

Question. Bigger than a bread box?

Answer. It was, I would say, two bread boxes, maybe.

Question. Did it deal with matters relating to John Huang?

Answer. It dealt with all the matters related to campaign finance, including John Huang. So if there were articles at that time, which I believe there were, about John Huang, there would have been materials related to that as well.

Question. Would it have included things such as a $250,000 contribution that—to Chong Yam (phonetic) at that time?

Answer. I don't recall if there were newspaper articles, or things like that, about that at that time; it would have likely included that. I can't really specifically recall all the different materials.

Question. Did anybody else in the Counsel's Office speak with you about taking over these duties?

Answer. Mr. Quinn.

Question. All right. And what did he ask you to do?

Answer. He basically said it was a transitionary matter if I could handle this until we hired someone to take responsibility for doing the same position that Ms. Sherburne had done.

Question. All right. And prior to—this was October 30th when you started with these duties?

Answer. Yes.

Question. Had you been involved in any of these matters prior to October 30th?

Answer. Not really. I am sure if people had questions related to political activity or something like that or about the Hatch Act, they would have called and asked me a question, but I wasn't involved in the day-to-day handling of it.

Question. Okay. Now, prior to this, had you been involved in any advisory capacities about fund-raising or campaign matters?

Answer. I don't understand your question.

Question. You said you generally dealt with Hatch Act things, that was one of the things that you dealt with.

Answer. One of my issue areas of responsibility was the Hatch Act, yes.

Question. In that capacity, did you ever write any memos to White House employees on how to handle political activities at the White House?

Answer. Yes.

Question. All right. And could you describe what you did in that capacity?

Answer. As a general matter, we provide guidance to the staff, and I think you are probably familiar with it in the form of the Ab Mikva 1995 memoranda on political activity, but we provide that kind of advice and guidance to the staff regarding political activity.

Question. I am showing the memo the witness has mentioned, which is an April 27th, 1995 memo, to White House staff from Abner Mikva, Counsel to the President at that time, and Cheryl Mills, Associate Counsel to the President in 1995.

The topic of this memo is Presidential Campaign-Related Political Activity. We don't have a Bates stamp number on this document.

Could you describe the purpose of this memo?

Mr. EGGLESTON. Are you going to mark this as an exhibit?

Ms. COMSTOCK. Yes. I will make this Deposition Exhibit No. 1.

[Mills Deposition Exhibit No. CM–1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 323.]

The WITNESS. Could you repeat your question?

EXAMINATION BY MS. COMSTOCK:

Question. Could you describe the purpose of this memo?

Answer. The purpose of the memo is to advise staff regarding rules with respect to the Hatch Act and other obligations that we have as Federal employees with respect to political activity.

Question. Directing your attention to page 3 of this memo, item No. 3, which actually is marked——

Ms. COMSTOCK. I will just note for the record the copy that we have has been marked. This is a copy that we had received informally. So these are not markings, I believe, from the White House and they aren't the witness' markings. They just are markings on this document.

Mr. BALLEN. I would note for the record the last page of the document is a fax apparently from C. Boyden Gray at Wilmer, Cutler & Pickering, dated March 4th, 1997.

Ms. COMSTOCK. Actually, I think that may go to another document, so why don't we take that off because I don't think that came with this. There are some other memos by Mr. Gray that that may have gone with. So thank you for identifying that.

Mr. EGGLESTON. Just so that I am clear on the record, the document that was labeled Mills 1 had attached to it a memorandum from Boyden Gray, who was

Counsel to the President in a Republican administration. I take it you are not telling us you got this memorandum from Mr. Gray; he has transmitted other documents to you and that relates to that?

Ms. COMSTOCK. Yes. Actually, I am not sure—I am not sure—I know we have gotten this memo somehow informally. I think we may have actually gotten a copy ultimately from the White House also. I think this copy that is before us, which is marked has some other markings. I know we did get some other memos both from the White House and from other outside sources. So I am just not sure where this one came from.

So I just want to make clear for the record that the underlinings or anything like that are not from the White House, from the witness, and let's move forward in that way. Just so that we have a record on that.

Mr. EGGLESTON. I mean, Mr. Gray, of course, would not have been in the White House in April of 1995, so if he had it he did not receive it in a capacity as a White House employee?

Ms. COMSTOCK. Right. I believe this memo has been floating around out with the press and a lot of people since last spring or summer—I know long before we had it from the White House.

EXAMINATION BY MS. COMSTOCK:

Question. Directing your attention again to item No. 3, where it reads, that Federal employees, including White House employees, may not ever knowingly solicit, accept or receive a political contribution from any person, including a subordinate or other Federal employee, did you—you included that in this memo?

Answer. Yes.

Question. And could you tell us why that was included?

Answer. It is one of the restrictions in the Hatch Act for Federal employees.

Question. Okay. And besides sending out this memo, was there any effort to discuss this memo or advise people at the White House about this?

Answer. Well, with respect to this memo, separately, no, but we regularly have ethics training and also during the course of the time period when the President was a candidate we had different meetings with staff to advise them about the rules of political activity and particular questions that particular staff might have as relates to their duties.

Question. Okay. And so when it says no one can ever knowingly solicit, accept or receive, I take it that means exactly what it says, you cannot accept checks at the White House?

Answer. No, actually the Hatch Act regs and also some of the opinions that interpret it define "accept" and "receive" probably differently than what they might ordinarily have as their kind of everyday usage, but other than that, yes.

Question. Okay. And does that mean, you know, if, for example, checks are mailed in there is a process by which they can be forwarded——

Answer. Yes.

Question [continuing]. To a campaign?

But as far as somebody accepting a check in the White House, someone coming in and handing a check to the White House, is this designed to prevent that type of thing?

Answer. If you are asking with respect to the Hatch Act, if someone hands you a check if you are not an authorized recipient, then that is not in violation of the act.

Question. Okay. Handing a check to somebody?

Answer. Correct.

Question. And are you aware then of individuals at the White House accepting checks for political campaigns?

Answer. I am aware of the incident with respect to Ms. Williams. But other than that, I don't have any other knowledge.

Question. Okay. So at no time—actually, on Ms. Williams' situation, were you aware at the time of Ms. Williams' accepting that check in March of '95?

Answer. No.

Question. Did you know anything about Johnny Chung who was the individual who is alleged to have given the check to Ms. Williams?

Mr. EGGLESTON. Did she know in March of 1995?

Ms. COMSTOCK. In March of 1995.

The WITNESS. No.

EXAMINATION BY MS. COMSTOCK:

Question. When did you first hear about that incident?

Answer. I don't recall. Around the time that I am sure it was publicized in the media would have been around the time that I learned.

Question. Did anybody call you for advice on that matter or about the particulars involved in that matter?

Answer. I don't recall. I mean, at that point obviously whenever there are issues or questions related to the Hatch Act, I talk to numerous people because obviously there are press inquiries and other things like that, so I am certain I would have had conversations, but I couldn't tell you particularly with whom.

Question. And other than the incident with Ms. Williams, were you aware—you were not aware then of any other incidents where checks were given to individuals at the White House?

Answer. I am not personally aware of any, no.

Question. Did you ever hear about any other instances from anybody at the White House?

Answer. No, because I think I would have been made personally aware or heard of something, but I have not heard of another situation in which someone was handed a check.

Question. You have not heard of another situation from any source?

Answer. That's correct.

Mr. BALLEN. And just so the record is clear, you are not making any legal judgment about the Maggie Williams' situation, are you?

The WITNESS. No, I am not, but I am obviously under the Hatch Act. Her situation is not inconsistent with the Hatch Act. It is consistent with the Hatch Act.

EXAMINATION BY MS. COMSTOCK:

Question. So is it the position of the White House then that individuals can accept checks at the White House?

Answer. I don't know that the White House has a position one way or another. I think I was answering the question with respect to the Hatch Act.

Question. Okay. But on this memo, was the purpose of item number 3 here in this memo to instruct the employees at the White House not to accept checks from individuals?

Answer. What I was attempting to do was convey to them the requirements of the Hatch Act, and this is one of the particular—in fact, the language is actually specifically from the Hatch Act, and I was trying to convey that to them.

Question. And are you familiar with the videotape of the coffee in which Don Fowler tells an individual not—that he can't give him a check in the White House?

Answer. I have not seen that videotape. I am familiar with it from descriptions of it in the press, but I have not seen the videotape.

Question. Okay. And do you know if Mr. Fowler was ever advised by anyone at the White House as to whether or not checks could be accepted in the White House?

Answer. I do not know if he was advised.

Question. Did you ever talk with anyone in the DNC about checks being transmitted or given to anybody during events at the White House?

Answer. I don't believe so.

Question. All right. Were you in regular touch with Joe Sandler?

Answer. Yes.

Question. During your—well, could you just tell us your relationship with Joe Sandler in terms of how often you are in touch?

Answer. Joe Sandler was and is the General Counsel for the DNC, so I would say certainly since he gained that position, and I don't recall when that is; he is a person with whom I have conversations to ensure that we are making sure both the DNC and the White House abided by the appropriate restrictions with regard to political activity.

Question. Okay. Did you have occasion to discuss at any time with Mr. Sandler whether or not checks to the DNC or any political campaign could be given to people at events at the White House?

Answer. I don't believe so. I believe my conversation with Mr. Sandler was with respect to the procedures for checks that were mailed into the White House being provided to the DNC.

Question. And what did you tell him about that?

Answer. I don't recall anything in particular, other than we had a process whereby there was a mail room where people had to send any checks that they might have received and also where checks might have been mailed into—their messenger had to come by and pick those up regularly.

Question. And whose office was that?

Answer. That would have been in Correspondence, Jim Dorskind's office.

Question. In fact, in this memo, the April 27th, 1995 memo, on page 4, the bottom of page 4, receipt of campaign contributions at the White House, Mr. Dorskind is identified there as the individual to whom checks are supposed to be forwarded if they are received at the White House?

Answer. Correct.

Question. Okay. In this paragraph it talks about occasionally contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Do you know how often that occurred?

Answer. I do not.

Question. Okay. Did individuals call you when that occurred or talk to you about it?

Answer. Typically not. I mean, I think the directions were probably clear enough that I didn't tend to get questions like that.

Question. Do you have any idea about the volume of mail that would have been directed to Mr. Dorskind?

Answer. I do not.

Question. At any time did Mr. Dorskind come to you to talk about how to handle these checks or what to do with them?

Answer. At the time we—that this was placed in the memo, I am sure I would have had conversations with him regarding ensuring that the messenger came and picked it up and designating a place where they would be picked up from.

Question. Would a messenger from the DNC come over to pick them up or some other entity?

Answer. From the DNC.

Question. Okay. Were there also—was there occasion for contributions to be sent to the President's legal expense trust also that would be sent to the White House?

Answer. Yes.

Question. Okay. And would Mr. Dorskind also receive those from people at the White House if that occurred?

Answer. No.

Question. Okay. How were those transmitted?

Answer. Those typically would have been forwarded to my office and then a messenger from the Presidential Legal Expense Trust would have come and picked them up.

Question. Was there any direction provided to individuals at the White House about what to do with checks from the trust?

Answer. Yes.

Question. And were memos sent out about that also?

Answer. At the time when the trust was set up, we did send out a memo that directed people to recognize the distinction between the trust and the White House in terms of separate entities and that the contributions for the Legal Expense Trust should be sent to the Counsel's Office. They should not be answered.

Question. Okay. In this paragraph on the bottom of page 4, it appears that generally you envisioned the contributions that would be forwarded to Mr. Dorskind would be ones that would be mailed in; is that correct?

Answer. Yes.

Question. All right. And other than the incident with Ms. Williams, it is your testimony then that you do not know of any other checks that were given to individuals at the White House?

Answer. I am not familiar with any. That's not to say that people got checks that were given to them at the White House they wouldn't have forwarded them to Mr. Dorskind. I am just personally not familiar with it.

Question. Do you know of, in the case of Ms. Williams if she did, in fact, forward to Mr. Dorskind the check she received from Mr. Chung?

Answer. I believe she did.

Question. Do you recall how you learned that?

Answer. I believe during the time period that this was being reported in the media. One of the things that I think was reported was with respect to the fact that she had had the particular check forwarded, I believe, to that office, but I am only guessing. I really don't have a particularized knowledge of exactly where it was forwarded to.

Question. Okay. You have not talked to Mr. Dorskind then about that particular check?

Answer. No, I have not.

Question. Okay. Or have you talked to anybody, Ms. Williams or anyone in her office, about how that check was forwarded?

Answer. I am certain during that time period I would have spoken to Ms. Williams or any of her assistants to make sure that we were giving accurate informa-

tion to the press, but I don't recall any particularized conversation which would track through where exactly the check went. It was my understanding that she had forwarded it.

Question. Okay. Can you recall with any more specificity how the check was handled?

Answer. No.

Question. All right. Okay. Again, if you turn to page 3 of this memo, footnote No. 5, it says the sole exception to this prohibition—and this is a footnote to the paragraph on Federal employees not being able to solicit, accept or receive political contributions from any person. It says, the sole exception to this prohibition is Federal labor or employee organizations, and then it indicates, please consult our office before undertaking any action implicating this exception.

Could you explain why that footnote was here?

Answer. The Hatch Act provides for people being able to solicit people who are members of Federal labor organizations, and we provided that exception in there to identify the fact that the act does provide for an exception but we wanted to ensure prior to anyone actually soliciting that they consult with our office.

Question. Did, in fact, people consult with your office about this exception?

Answer. I am not aware of anybody consulting with us regarding that exception, and I think I typically would be the person who would have been asked.

Question. Okay. Were there any other people in your office who worked on these matters with you?

Answer. Towards the end of the campaign, we hired a woman named Dawn Chirwa who began working on these matters, but typically I ended up handling these matters and she shadowed me.

Question. Is Ms. Chirwa at the White House now?

Answer. Yes.

Question. What matters does she generally work on?

Answer. Ethics.

Question. In the course—before we return to your duties in fund-raising in general, do you also handle matters related to other Independent Counsels?

Answer. I don't have duties related to fund-raising. I actually have duties related to political activity where that was typically the area that I had responsibility with respect to.

Question. Okay. Then actually I was meaning your interim duties that you had in October when Ms. Sherburne left and before Lanny Breuer came on?

Answer. You mean campaign finance?

Question. Yes.

Answer. When you said fund-raising, I think of fund-raising as fund-raising as opposed to the fund-raising matter.

Question. What I wanted to ask you was in terms of other duties that you have regarding other investigations?

Answer. Currently or previously?

Question. Both. Historically, what your involvement has been in handling matters related to other investigations?

Answer. With respect to the Independent Counsels, I have worked with respect to the Espy and Cisneros Independent Counsel matters.

Question. What have your duties with that involved?

Answer. Responding to requests that they provide to us asking for information that they requested.

Question. That includes responding to subpoenas?

Answer. Yes.

Question. What was your standard way of obtaining information that was subpoenaed in those investigations?

Answer. Depending on what the nature of their subpoena was, we would send the particular request to the targeted audience through a directive that we drafted using the information provided in the subpoena; collect the particular information that was provided; review it for responsiveness and provide the responsive materials to the particular Independent Counsel office that was seeking it, and if there were privileged matters, address them as well.

Question. Okay. And did you have occasion also to work with various attorneys of the individuals involved in those investigations?

Answer. Typically not, primarily because at the stage at which the Independent Counsel was discussing matters with us we had the information they were seeking; it didn't require us to consult or seek other information. With respect to the Espy matter, prior to the Independent Counsel sending a request to us we obviously spoke to Mr. Weingarten. He was representing to Mr. Espy at that time and made several visits to the White House prior to Mr. Espy's decision to resign.

Question. Okay. And in the course of those meetings, were notes taken?

Mr. EGGLESTON. Ms. Comstock, I must say that Mr. Espy is under indictment, and I really am not sure why this is within the course of your investigation, which I wouldn't ordinarily object to, but there is a pending indictment of Mr. Espy.

Ms. COMSTOCK. Actually, I am really just trying to go at how you handle—really more historically how you handle investigative matters. So I appreciate your concerns. I really want to see how you handle, you know, subpoenas in general and to the extent that you can provide some guidance on, you know, discussing with attorneys, and we don't need to go into the particulars of what was discussed.

Mr. EGGLESTON. Thank you.

Ms. COMSTOCK. But your interaction with the attorneys, the kind of standard operating procedures that you have in responding to subpoenas and handling investigative matters.

The WITNESS. Typically when we get a request, we review the request. We draft a directive. We circulate the directive to the particular audience that has been requested.

When we receive the documents back, we go through them for responsiveness. To the extent we have questions or other things, we might talk directly to the individuals who were involved in preparing the materials. To the extent that those people might be represented by attorneys, we obviously would consult with them in that process. We would then go about providing or collecting the responsive material and providing it to the requesting entity.

EXAMINATION BY MS. COMSTOCK:

Question. So is the purpose of those contacts in those types of situations to be able to effectively respond to the subpoenas?

Answer. Typically it is to be able to respond to subpoenas. Often they are the subject of press attention, so they might be to respond to press questions to ensure that we are giving out accurate information with respect to them. Most of the time, the goal of those conversations is to provide accurate information to whatever entity, and also the public to the extent that they also are inquiring with respect to the matter.

Question. Okay. Are you aware of any other individuals at the White House working on, for example, the Espy matter, or is that largely handled out of the Counsel's Office?

Answer. It is largely handled out of the Counsel's Office.

Question. You indicated that you also worked on the Cisneros matter?

Answer. Yes.

Question. Do you know if anyone at the White House was ever—in the Counsel's Office was ever tasked with handling matters related to the Ron Brown investigation?

Answer. Yes. During that time period initially Beth Nolan was tasked and it was transitioned to me.

Question. Okay. And in the course of that, did you have occasion to deal with attorneys of various witnesses in that matter?

Answer. No, we did not because we didn't receive—we didn't have a lot of interaction with the Independent Counsel prior to the Independent Counsel's decision to terminate upon Ron Brown's death.

Question. Do you know if Mr. Podesta was involved in contacting any witnesses or potential witnesses in the Ron Brown matter?

Answer. I am not aware that he is.

Question. Okay. Do you know of any of his duties that would be involved in doing that?

Answer. No.

Question. Okay. Do you know if in that case, the Ron Brown investigation, if Reid Weingarten had been contacted in that matter?

Mr. BALLEN. I am going to object to this entire line of questioning. I think from the Minority's point of view, we have been lenient with the questions as a matter of background, but that Ms. Mills's involvement with the Ron Brown matter has any relationship at all to our investigation or subpoena compliance, I mean, you asked her the general question on background and we are getting far afield here, and I don't think it is appropriate.

Ms. COMSTOCK. Actually, the committee's investigation does include matters related to Ron Brown and a number of the witnesses involved in that. I don't think this is going to be a very long line of inquiry, but I just wanted to find out what information in that area the witness might have.

Mr. EGGLESTON. I actually did not understand that. Is it in the resolution?

Ms. COMSTOCK. I know we did not discuss this particularly, so I don't intend to go into detail, but if you could——

Mr. EGGLESTON. If you are asking her general questions about compliance and then you are going to get to, did you comply in the same fashion in the fund-raising investigation, I think that's a background if you want to cover it generally.

Ms. COMSTOCK. Also in response to our subpoena, we do have documents, actually subpoena requests for documents related to the Ron Brown investigation. So I did want to, you know, get a sense of what had been done in that area, if possible. I mean, I understand we did not specifically talk about it, so if the witness is not prepared in detail to talk about it, I understand; but if there is general information she might have, I think it would be helpful for the compliance process.

Mr. BALLEN. Is it in the resolution or the report, the Ron Brown?

Mr. EGGLESTON. Is this a two-page resolution?

Mr. BALLEN. No. It should be three pages.

Mr. EGGLESTON. Usually in resolutions it says what you are investigating, which I don't see here.

Mr. BALLEN. That's just the rules.

Mr. BALLEN. Just for the record, the resolution says, while Ms. Comstock is looking for that, this resolution shall apply to the investigation by the Committee on Government Reform of political fund-raising improprieties and possible violations of law. And the Minority's view of that is that is in the conjunctive.

Mr. EGGLESTON. Yes, I understand. I would certainly dispute that they could pass a resolution saying just violations of law and depose anybody about any possible violations of law.

Mr. BALLEN. Although we have had that point of view articulated to us in several depositions that would involve any possible violations of law, the only fair reading of that is political fund-raising improprieties and possible violations of law. And, frankly, I fail to see how the Ron Brown matter relates to that in any way, the matter of investigation with an Independent Counsel.

Ms. COMSTOCK. I am sorry. This is fairly lengthy and I have not marked this particular part. I think we can move on on this pretty quickly.

Mr. EGGLESTON. Okay. If you want to do it as background, that's fine, but you are going to have to show me if you are investigating Ron Brown, because I would say the resolution does not include Ron Brown issues, did not relate to campaign fund-raising in 1996, since he was long dead by then.

Ms. COMSTOCK. The committee is looking at a number of areas in the Commerce Department and activities related to that, but I think if we can just move through—you know, what the Counsel's Office may have been handling in that regard I think we can move through this.

The WITNESS. With respect to—like any other Independent Counsel matter, if they made a request to us we would have circulated it and sought whatever documents or materials. I truthfully don't recall there being a subpoena in the Ron Brown matter.

EXAMINATION BY MS. COMSTOCK:

Question. Then returning to when you first began working on matters related to John Huang and James Riady, which were the first issues that came up in October of 1996, can you tell us what you did after Ms. Sherburne provided you with the files and the information, what actions you then took?

Answer. With respect to requests that we had from Members of Congress or from the press, we would obviously try and go about collecting information and being responsive to that in connection with those requests.

Question. Okay. Were there individuals that you reached out to at the White House to try and find out what Mr. Huang's activities had been at the White House?

Answer. Well, I am sure I did. I obviously went through and we had to collect his WAVE requests. I believe that was the requests we had from Chairman Clinger with respect to the WAVES of Mr. Huang; in the course of undertaking to provide that information, I am confident I had conversations with lots of people regarding his particular visits, so that we could give accurate information to the committee.

Ms. COMSTOCK. I am showing the witness an October 18th, 1996, letter to the President that was signed by Henry Hyde, Chairman Hyde, Chairman Clinger, at the time the Chairman of this committee, and Chairman Thomas of the Committee on House Oversight. I will make this Deposition Exhibit 2. Again, it is an October 18th, 1996 letter.

[Mills Deposition Exhibit No. CM–2 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall receiving this letter or discussing this letter with anybody at the White House?

Answer. I don't recall receiving this letter. I am sure I would have ultimately seen it, but I don't recall receiving this letter or having discussions regarding it.

Question. Okay. Then directing your attention to the second page, where it discusses Mr. Huang's unavailability at the time in October for various parties to ask him questions about his activities, do you know if anybody at the White House was in touch with Mr. Huang in October of 1996?

Answer. I do not know.

Question. All right. So you were not in touch with Mr. Huang or his attorneys at that time?

Answer. Correct.

Question. And you have no knowledge of any other White House attorneys being in touch with him?

Answer. That's correct.

Question. Do you have any knowledge of DNC attorneys, Mr. Sandler or others, being in touch with Mr. Huang or his attorneys in October of 1996?

Answer. It was my understanding that Mr. Sandler was dealing with his attorneys and that Mr. Sandler had indicated that that is why they weren't able to talk with Mr. Huang directly. That's my only understanding.

Question. Okay. Were you aware of discussions at the White House between and among Harold Ickes and Bruce Lindsey and Joe Sandler about matters related to Mr. Huang?

Answer. I am sure if they had questions regarding the Hatch Act or his duties, and I recall one of the issues related to his move to the DNC and also Commerce, I would have had conversations regarding that, but I don't recall anything more particular than that.

Question. Okay. Did you learn of any potential Hatch Act violations that Mr. Huang had been involved in?

Answer. The only issue that I recall being raised was with respect to, I guess, his leaving of the Commerce Department and his starting at the DNC and that there may have been some overlapping period with respect to that because of government shutdown and Commerce not taking him off their payroll, something to that effect. That's my best recollection.

Question. Do you recall how you learned that?

Answer. I don't recall how I learned that. It might have been in conversations with Mr. Sandler. I just don't recall.

Question. Okay. And that was when Mr. Huang initially had asked to go to the DNC at September 13th, 1995 meeting with the President and Mr. Giroir and Mr. Lindsey?

Answer. I wasn't present at that meeting. I am confident you probably know that.

Question. Yes.

Answer. Okay.

Question. So you are speaking, though, about that time when Mr. Huang requested to go to the DNC and then he left his Commerce Department job sometime in December?

Answer. I am speaking about having learned in 1996 with respect to one of the questions being the time period in which he may have been on both the DNC and Commerce Department payroll because the Commerce Department had not transitioned him off their payroll. I am speaking about that.

Question. Okay. And did you have occasion to talk to anybody at the Commerce Department about that?

Answer. I just don't recall. I am sure if there were questions I would have tried to address them but I don't recall.

Question. Okay. Do you recall if Mr. Quinn asked you to look into that?

Answer. He did not.

Question. Okay. Do you recall if Ms. Sherburne had already looked into that matter at the time when you assumed these duties on October 30th?

Answer. She may have.

Question. All right. Do you know if she provided you with any files or notes on that?

Answer. She may have.

Question. All right. And to your knowledge, were all of the notes and files that Ms. Sherburne provided to you preserved—you know, whatever materials she had gathered at that time, she had passed on to you?

Answer. Right. But the majority of her materials were clips and materials like that and other things that were in her files that had already been produced.

Question. All right. You mean they have been produced to this committee?

Answer. Correct.

Question. Okay. Another one of the issues that came up in October of 1996 were payments to Webster Hubbell from the Lippo Group. Do you recall dealing with that matter at all in October of 1996?

Answer. No.

Question. All right. Do you recall at any time, while you were handling these matters during the transition time between Ms. Sherburne leaving and Mr. Breuer coming aboard in February of 1997 handling any matters related to Mr. Hubbell and the Lippo Group, or Mr. Hubbell in general?

Answer. I recall the issues regarding Mr. Hubbell arising in 1997 as opposed to in 1996. That's my best recollection.

Question. Now, there were editorials and stories that appeared about the Lippo Group in early October 1996.

Answer. Okay. I am not familiar with those.

Question. If that refreshes your recollection?

Answer. It doesn't.

Question. Okay. And earlier in 1996, in February of 1996, in fact, Mr. Hubbell had testified before the Whitewater committee and was asked questions about Lippo. Did you have occasion to be involved in any discussions related to that?

Answer. No.

Question. Okay. That would have been Ms. Sherburne's responsibility at that time; is that correct?

Answer. Yes.

Question. Okay. And so nobody at any time in February 1996 came to you to ask you about any of those matters related to Mr. Hubbell?

Answer. That's correct.

Question. Okay. Did you ever have occasion to discuss with Mr. Lindsey any matters related to Mr. Hubbell and the Lippo Group?

Answer. I am confident when this issue arose in the press sometime in early 1997 I would have had conversations with him. I don't recall having conversations with him prior to that time.

Question. Okay. And we haven't gone through a lot of the preliminaries today, but just for the record, Mr. Lindsey is also Deputy Counsel at the White House?

Answer. Yes, but he is an Assistant to the President.

Question. Okay. And do you have any kind of reporting relationship to Mr. Lindsey on any regular basis regarding any of these matters?

Answer. I do not.

Question. Okay. But on a regular colleague basis, do you discuss these matters with Mr. Lindsey, or are your duties fairly separate so that you aren't discussing these matters?

Answer. Our duties tend to be fairly separate. He tends to deal with more substantive issues like securities, litigation, products, tobacco. Those are typically not issues on which we overlap.

Question. Okay. Do you know when you first came to take over these duties on October 30th, 1996, did Mr. Quinn give you any type of deadlines or how quickly information should be provided?

Answer. No.

Question. Okay. Do you know when you first came on board to take over these duties, did you have Mr. Huang's WAVES records at that time? Were they in the materials that Ms. Sherburne provided you with?

Answer. Some of them were. The problem is that Ms. Sherburne had not identified that there were two John Huangs. So the process was going through and identifying the wrong John Huang, so that we gave the committee the right John Huang's WAVES.

Question. How did you learn that there were two John Huangs?

Answer. In the process of going through and talking with people about potential meetings that might have happened, people would indicate that they had never met with the John Huang that was appearing on the TV, and which ultimately led us to determine that there had been a John Huang who was an IRS employee who had been working on the National Performance Review; and then it was easier to tell by the pattern of meetings which John Huang was the right John Huang and which John Huang was the wrong John Huang.

Question. Our tongue twister for the day.

I am showing the witness an e-mail that is marked EOP 068461, which was—October 31st, 1996, is the date. It is to Jane Sherburne. Maybe you can tell us a

little bit about the creation date and that type of thing, how the e-mails read just so we have a clear record of that?

Answer. Well, this would have been an e-mail that was to Mary Ellen Glynn from Jane Sherburne, and Jane would have been communicating that I had informed her that there were two different John Huangs. That's what it appears to be.

Question. Okay.

Answer. This is an e-mail record so the e-mail record that comes back is a confirmation. That's why the "to" is to Jane Sherburne. She gets an e-mail record of the transmission of her page.

Question. Okay. And do you recall transmitting this information to Ms. Sherburne about the two John Huangs?

Answer. I don't actually have a particular recollection of discussing that with her, but I am sure I would have.

Question. Okay. At that time, was Ms. Sherburne then still involved to some degree in handling any of the matters related to Mr. Huang?

Answer. Well, this was the day after she had given me the files, so I don't know how you would describe that, but I am sure that if she had asked, or if we had had a conversation, I would have informed her of that.

Question. Okay. Were any contacts made with the other John Huang to find out when he had been at the White House?

Answer. I actually did not make any contacts with the other John Huang. Basically, we tried by talking to the different staff members to walk through there, and so it was a process that took a little while.

Ms. COMSTOCK. Okay. This is Deposition Exhibit No. 3.

[Mills Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. I am handing you two letters of October 31, 1996, one to Terry Good, head of Office of Records Management, and the other to the President.

Mr. EGGLESTON. You didn't give me the first one, I don't think.

Ms. COMSTOCK. We will make the Terry Good letter Deposition Exhibit No. 4 and the October 31st letter to the President Deposition Exhibit No. 5.

[Mills Deposition Exhibit Nos. CM–4 and CM–5 were marked for identification.]

Mr. EGGLESTON. Is that another court reporter coming in?

Ms. COMSTOCK. Yes. Just so you know, the only people that are permitted in the room are court reporters and Majority and Minority staff. We will attempt to identify them as they come in.

Mr. EGGLESTON. Since she had that pull cart, I thought she was a court reporter, but I thought she might also be Kristi whoever.

The WITNESS. Remington.

Mr. EGGLESTON. That's what I wasn't sure about.

EXAMINATION BY MS. COMSTOCK:

Question. Have you seen either of these letters before?

Answer. I believe I have seen this letter. I don't recall seeing this letter, but I likely would have.

Mr. EGGLESTON. The first letter she was referring to was Mills 4 and the second letter she referred to was Mills 5.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. Do you recall how you learned about the letter to Terry Good?

Answer. I don't recall how I learned about it. I am sure I would have probably gotten a copy of it.

Question. Okay. Do you know if Ms. Sherburne had talked to Mr. Good about obtaining WAVES records?

Answer. I do not know if she had.

Question. Okay. Who has WAVES records at the White House? When you need to find the WAVES records and look at them, where do you go?

Answer. We would go to Records Management, which would have the hard copies of the WAVES records, and review the hard copies to try and determine people's visits. It typically is a pretty long process because there are boxes and boxes of WAVES for all the different years.

Question. And when—do you know generally when Mr. Good was requested or somebody in the records office was requested to get Mr. Huang's WAVES records?

Answer. I do not.

Question. Okay. Do you know at all how quickly he was able to provide them or when he provided them?

Answer. It is a process. He can't do it himself. Actually, on a lot of occasions we have to provide people to actually go through it. It is literally boxes and boxes and boxes of material, which is—it is pretty substantial so if one person were undertaking that task it would take them days.

Question. Okay. Now, on October 31st, this committee had sent a letter to Mr. Good regarding obtaining the WAVES records. He had informed the committee that Mr. Good had the—you know, he could provide these dates—these records within a day or so. Did you have occasion sometimes for Mr. Good in the records office to provide you WAVES records in a day or two?

Answer. I have never had occasion where they have been able to provide them in a day or two.

Mr. EGGLESTON. Nor does Ms. Mills have any knowledge about the representation that you just made about Mr. Good.

Ms. COMSTOCK. No, I understand. I am making that representation.

Mr. EGGLESTON. I want to make clear she didn't buy into that, because I don't believe she has any knowledge of that.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall any discussions you had with Mr. Good about the WAVES records pertaining to Mr. Huang?

Answer. No, I don't believe so. I believe that—I believe that those materials might have been in the materials Ms. Sherburne provided to me, because I don't recall having a particular discussion with Mr. Good. But I am only guessing.

Question. Do you recall then when you first took over these duties and if Mr. Quinn asked you to gather all the information that you could about Mr. Huang and his visits to the White House?

Answer. I recall when I took this over that there were questions regarding Mr. Huang's visits, so I don't know that anybody specifically had to direct me in that regard. I recall knowing that one of the issues of interest was Mr. Huang's WAVES.

Question. Okay. I will provide you with a copy—actually, this is EOP 4969 through 5018. And it is a fax cover sheet from the Counsel's Office dated November 2nd, 1996 to Bruce Lindsey from C.D. Mills, which would be you; is that correct?

Answer. Yes.

Question. And can you just tell us about this fax and these WAVES records attached to it?

Answer. We were trying to attempt to go through and identify and eliminate the wrong John Huang from the WAVES records, and this was, as of the 2nd, what we had been able to eliminate as the wrong John Huang. Subsequently, we identified more, but at this point, this is where I was in my ability to be able to do that.

Question. Okay. And so is it your testimony then that these WAVES records that are attached to this fax, that you had this information, the WAVES records, when Ms. Sherburne gave you the files on October 30th?

Answer. I think it is quite possible that that was the case. That's my best guess, because I don't recall speaking to Mr. Good regarding the WAVES records for Mr. Huang.

Question. So between October 30th, when you took over these duties, and November 2nd, the date of this fax, which has the WAVES attached to it, you do not recall going to Mr. Good and asking him to produce these records?

Answer. That's correct. I do not.

Question. You don't have any idea how long prior to this date he had been asked to provide the records?

Answer. Correct.

Question. Do you know if Mr. Good's office keeps track of requests or there is any dating on this document, which indicates when it was requested?

Answer. No.

Question. Could you just describe the process, then, by which you went through these WAVES records?

Answer. I typically tried to speak to the different people, if the person might have been waved in, to try to determine if it was the right John Huang or the wrong John Huang.

Question. And this fax had been sent to Mr. Lindsey?

Answer. Yes.

Question. Why was it sent to Mr. Lindsey?

Answer. At this point they were receiving questions on the road regarding Mr. Huang's visits to the White House, and I know that one of the issues was whether or not we were able or in a point to accurately identify Mr. Huang's visits.

Question. When the fax number here says "Road Runner," is that to send the fax to Air Force One or where is it sent to?

Answer. Road Runner travels wherever the President is, so if he is down in a hotel room, then Road Runner is in the hotel, if he is traveling, it is on the plane, if he is golfing, it's at the golf course. Road Runner is the particular fax machine that travels wherever.

Question. So the fax even goes to the golf course?

Answer. Yes.

Question. Why don't we then go through these, then, starting on page EOP 4971. These WAVES include both Riady WAVES and then I believe they pick up John Huang WAVES; is that correct?

Answer. 4978 is where the Huang WAVES start. Prior to that are Riady WAVES.

Question. Just so that the record is clear, do you recall that the Riady WAVES were also in the group of documents that Ms. Sherburne transferred over to you?

Answer. I would guess that they were because I don't recall having a conversation with Terry Good about the Riady WAVES.

Question. Okay. And do you know why the Riady WAVES were collected at this time?

Answer. I do not, other than he obviously had an association with Mr. Huang.

Question. Then if you could just, you know, as we start, then, going through these, this is your handwriting on this document?

Answer. Yes.

Question. Okay. And on some of these, for example, on the first one, it says James Riady. Next to it it says, meeting, then it says, Neel, N-E-E-L, and then it says, Huang, Grobmyer, drop by. Would that be, then, information that you learned when you talked to Mr. Neel?

Answer. Well, just to be clear, meeting is "MTG," so it is referring to meeting but it says "MTG."

Secondly, I don't recall actually having a conversation with Mr. Neel but it would have been through either Mr. Neel or other information that we were able to discern that this was a meeting or our best information was that it was a meeting.

Question. And what was the body of information that you used to check to determine some of these things?

Answer. I would ask people for any schedules, what their recollection might be, any of the President's schedules, any kind of materials that might suggest if there were newspaper articles written about that, about particular things at the time period, I might look at that. I would look at anything that would seem to provide information or shed light about the different visits.

Question. At this time did you have anybody working with you on this?

Answer. At this time I had only my assistant, Melissa Murray.

Question. Okay. And is she still in the office with you?

Answer. She actually left to go work at Arnold and Porter.

Question. Is she an attorney?

Answer. No.

Question. She is a paralegal?

Answer. Of a sort. She is better than a paralegal.

Question. Sort of a super staff assistant?

Answer. Yes.

Question. I'm sorry, her name again?

Answer. Melissa Murray.

Question. What was Ms. Murray doing to assist you with this project?

Answer. She is my assistant so she actually answers my phones, she collects materials if somebody is supposed to be sending them to me. She literally is my assistant.

Question. Do you sit down and sort of figure out what would be the places to go to find out about these meetings and the sources of information to be able to determine, you know, what these visits to the White House were about?

Answer. I don't recall really sitting down very often because it was very—there were a lot of requests that were coming in at that point toward these particular materials, but I would obviously sit and try and think through as I went through each one of these who I might need to talk to to try and figure out what the particular visit might be about or what information I might be able to look at to figure that out, so I might ask her to go to the scheduling office and pick up the President's schedule for a particular day and she would go and fetch it for me. I mean, that is what she would do.

Question. And who would she go to to get that, the President's schedule?

Answer. We have a scheduling in advance office.

Question. And she could go there, pick a date, and get the scheduling information fairly instantaneously?

Answer. She could get it. Fairly instantaneously might be a little bit of an overstatement, but, yes, she could go to the office and get it.

Question. She would get it that day?

Answer. Yes, usually, typically, unless it was late and there was no one there.

Question. Is this the President's computerized schedule that is kept track of or how is the information scheduled?

Answer. The President has a schedule every day, which are also published, as you know, in the Presidential documents, they keep a copy of them.

Question. Are there any other schedules that you had her check?

Answer. I am sure if there were other schedules, I would have had her check them as well. I had her check whatever materials or information I needed to try and address a particular request.

Question. Did she check with Ms. Hernreich or with the diarist or any of those sources?

Answer. I am sure if there was information that would have been helpful in either of those places, we would have gone there. I don't particularly recall that, but if there would have been information, we would have tried to collect it.

Ms. COMSTOCK. And why don't I go ahead and—we will go ahead and make this Deposition Exhibit No. 6, which we are going to have to use your copy when we get done here.

The WITNESS. Could you start again, I'm sorry.

Ms. COMSTOCK. We are going to make these WAVES records Deposition Exhibit 6.

[Mills Deposition Exhibit No. CM–6 was marked for identification.]

Ms. COMSTOCK. But I also wanted, while we are going through this, to show you what would be Deposition Exhibit 7, which is EOP 4499 through 4501, which is a "Summary of Records of Riady Meetings."

[Mills Deposition Exhibit No. CM–7 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And just so we can clarify for the record, is that your handwriting on this document?

Answer. It is not.

Question. Do you know whose handwriting that is?

Answer. I do not.

Question. Have you seen this document before?

Answer. I have.

Question. Okay. Do you know who is working on "Summary of Records of Riady Meetings"?

Answer. I believe Ms. Sherburne.

Question. And do you recall, then, if she transmitted this to you in the materials she gave you?

Answer. I believe this would have been something that would have been in the materials. I don't have a particular memory, but this would strike me as something that would have been in the materials.

Question. Do you know if you did any additional work on this or taught somebody to work on a "Summary of Records of Riady Meetings"?

Answer. Other than the WAVES records we provided and to the extent there are charts that list out each particular visitor and visitee, no, I did not.

Question. Okay. Do you know if Ms. Sherburne provided you with "Summary of Records of Huang's Meetings" at this point?

Answer. I don't recall. I recall this particular document, but I don't recall whether or not she had done a similar document for Mr. Huang. Mr. Huang's visits were substantially more in number, so I just don't recall actually seeing the Huang chronology. That is just my best memory now.

Question. Okay. And so would it be a fair guess that the documents that Ms. Sherburne lists in the "Summary of Records of Riady Meetings" were included in these records she gave you at that time?

Answer. They may be, but not all of them would have been. I mean, some of these are just information she might have had through conversations or other things like that.

Question. Like the first item, it says an April 11, 1993, memo from Hernreich to the President, it says that, quote, Joe Girorir called on behalf of his client, Riady, who is in D.C., and would like to meet with you about Suharta, I think it is Suharta, but would that have been in a document that was in the records?

Answer. It might have been, though I don't recall that document, quite candidly.

Question. Do you recall discussing with Ms. Sherburne, you know, if she had gone out and gathered records from people such as Ms. Hernreich or others about Riady or Huang?

Answer. I don't recall having that discussion. I recall when she transferred the materials that she indicated that she was transferring what she had done to that point. I don't recall having conversations about how she had gone about doing that.

Question. Do you need to take a break?

Answer. No.

Mr. EGGLESTON. Not right now.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. And then, also, in this first paragraph it says, "Betty has in BC memos a letter from Mark Grobmyer on this same topic."

Do you know if that is Betty Currie, who works in the President's office?

Answer. That is what I would have guessed.

Question. And do you know what BC memos refers to?

Answer. Ms. Currie has a practice of when a correspondence comes in, writing a memo saying this is what the correspondence particularly says, and I think you probably have copies of some of those because we provided them in connection.

Question. So Ms. Currie, as a practice, keeps all of the letters and correspondence that goes directly to the President?

Answer. No, I didn't say that. She has a practice of summarizing correspondence that she reviews. I don't know what her system is and whether or not she sees all the correspondence or anything with respect to that.

Question. But any correspondence that she does see, she has a practice?

Answer. I don't know what her decision-making is to decide what she actually puts in the memo, so I don't know if she sees correspondence that she doesn't put in or if she puts all of it in. I don't know what her practice is in that regard.

Question. Have you had occasion to gather documents from Ms. Currie in the past?

Answer. Yes.

Question. Okay. And do you just have a general familiarity with the BC memos file?

Answer. Correct. It is not, to my knowledge, a file, actually. My only experience with it has been with respect to copies of it that have printed from her computer.

Question. So this is a computerized record that she keeps?

Answer. It is a memo. I don't know if you all have seen the documents, but we provided to you in your documents a memo where she writes a memo to the President, correspondence and then she writes a summary of each one of them, and I am confident that is in the materials we provided. That is what I am familiar with.

Question. Okay. So it is your recollection, then, that this "Summary of the Records of Riady Meetings" you had at the time when you started going through to assess what some of these meetings were about?

Answer. It is my best guess that I would have had it. I don't have a specific recollection of having had it, but I recall seeing this document.

Question. Okay. And, again, could we then just return and maybe go through some of these meetings that Mr. Riady had, and if you can look at the actual record to refresh your recollection of who you talked to and tell us about the people you talked to and what they told you about the meetings?

Mr. EGGLESTON. Actually, I could use a 5-minute break.

Ms. COMSTOCK. We will go off the record for a few minutes.

[Brief Recess.]

Ms. COMSTOCK. Back on the record.

EXAMINATION BY MS. COMSTOCK:

Question. I think we were talking about if you could explain the process whereby you went through and talked to various people in various offices.

Answer. Generally, what I tried to do is look at the WAVES records and then figure out what information might be helpful in determining what the visit was about and talk to people or look at whatever schedules or other things I could to determine what a particular visit might have been about.

Question. Do you know if you reviewed any pictures or checked with the photo office about any events?

Answer. I don't recall. I am sure I might have, but I just don't recall.

Question. You said the first James Riady visit, which the visitee is identified as Neel, would that be Roy Neel?

Answer. That is my best information, yes.

Question. And do you recall talking to Mr. Neel about this visit?

Answer. I don't.

Question. Okay. So is it your guess that you learned from other records who else was at this meeting or do you recall? If you have any recollection.

Answer. Right, I don't have any recollection so I couldn't guess. I mean, this was for me a while ago so I am not in a position to recall who I spoke to and who I didn't and what materials I might have looked at.

Question. And then the second person is listed as a visitee for April 13, 1993, visit, is Dickey. Do you recall talking with, was it Robin or Helen, whichever Dickey this is?

Answer. Right, I don't know which Dickey this is and I don't recall whether or not I spoke to them. I am sure I might have but I just don't recall.

Question. And then there is another entry on April 13 for Yee. Do you know if that would be Melinda Yee, who worked in the personnel office at that time?

Answer. That is my best information.

Question. Do you recall if you talked to Melinda Yee at any time about John Huang or James Riady?

Answer. I don't believe I did because I don't believe she was in the White House at this point, so I don't believe I did.

Question. Do you know if you reached out to anybody outside the White House sort of in going through these?

Answer. I am sure I might have but I just don't recall with respect to Ms. Yee having had a conversation with her.

Question. Do you know Melinda Yee?

Answer. I do know her.

Question. And have you had occasion to speak with her at all about any of her dealings with John Huang?

Answer. No.

Question. Or with James Riady?

Answer. No.

Question. Or with matters related to fund-raising, any of the matters under investigation?

Answer. No.

Question. And, again, there is another entry on April 16 for the visitee being Dickey. You don't recall having any conversations?

Answer. I don't recall what I would have done to determine what that particular visit would have been about.

Question. And then the 4/19/93 entry is for Rubin, and then it says in POTUS photo, with all three men, Riady, Huang, Grobmyer.

Do you recall discussing that visit with anybody?

Answer. I don't recall having discussions regarding that other than trying to figure out whether or not they had actually gone and seen the President on that occasion. I believe, actually, Ms. Sherburne had information about that but I don't recall any particular discussions.

Question. Okay. Do you recall anything about what that meeting was about or how you learned that there was a photo?

Answer. I don't recall.

Question. The next page of these documents, EOP 4972, it continues with Mr. Riady's visits, and the next two entries are for Aileen and James Riady on June 21, 1993, and the visitee is Middleton. Is that Mark Middleton?

Answer. Yes.

Question. Do you recall if you spoke with Mr. Middleton about any of his visits with Mr. Riady?

Answer. I might have. I don't recall having done so, but I might have.

Question. You don't have any recollection of talking to Mr. Middleton about these visits?

Answer. I actually do not.

Question. Okay. When you say you might have——

Answer. I just say I might have because he is a person who is still in town, but I don't recall having conversations with him regarding this.

Question. Do you recall any discussions with his attorney?

Answer. I am sure I probably would have.

Question. Can you tell us what you discussed with his attorney about any meetings?

Answer. I don't recall having any particular discussions in that regard, other than probably to indicate his name was on these and we were going to be sending out the WAVES records. I think the only other thing, actually now that I think about

it, is that his attorney, who is Bob Luskin, I believe, would have indicated, I think, that he would answer questions about this. I am only guessing that because there is nothing next to these so I probably would have referred any questions that came directly to him. I only say that because there is nothing next to these that is written.

Question. So it is your recollection that Mr. Luskin told you that any inquiries could be directly sent to him?

Answer. That is my best guess.

Question. Instead of giving you the information?

Answer. That is my guess by looking at the records. I don't have a particular recollection.

Question. And I have asked you about whether you talked to him about Mr. Middleton's visits with Riady. Do you recall if you ever talked to him, Mr. Luskin or Mr. Middleton about his visits with John Huang?

Answer. I am sure as we have gone through these records I would have had conversations with Mr. Luskin regarding Mr. Middleton or any questions or information that we needed with respect to that to be giving accurate information. I don't recall any particular discussions.

Question. Okay. When you spoke with Mr. Middleton's attorney, did he express any reluctance to discuss why he was meeting with Mr. Riady or Mr. Huang?

Answer. I don't recall that, but I also don't recall what the substance of all of our conversations were, but I don't recall him ever expressing reluctance or anything like that.

Question. And the time frame of October of 1996, there had been a story about Mr. Middleton allegedly soliciting or being offered $15 million from somebody in Taiwan for the DNC. Do you recall ever having any discussions with his attorney about that matter?

Answer. I do not recall that matter.

Question. Do you know Mark Middleton personally?

Answer. Yes.

Question. Have you ever had any discussions with him on any of the matters under investigation?

Answer. Not that I recall.

Question. Do you have any knowledge as to why he is taking the fifth on these investigations?

Mr. BALLEN. I am going to object to that question.

Mr. EGGLESTON. Because he is exercising constitutional right.

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any personal knowledge about Mr. Middleton's meetings with John Huang or James Riady?

Answer. No.

Question. This is your handwriting. It says the entry that is fifth down, Johnson, visitee, James Riady, on June 28, 1993, and it says that he worked for Middleton. Do you know who that is?

Answer. I don't know who it is. I think I was able to discern—I believe it might be that the person was Mr. Middleton's assistant. I don't know how I was able to determine that.

Question. You don't recall learning that from Mr. Middleton or his lawyer?

Answer. Correct.

Question. Let's go on to the next page, EOP 4973. Now, on this page, there is a second entry, James Riady, visitee is Middleton, and it also lists Huang.

Do you know if you learned that from Mr. Middleton or his attorney or if that was in reviewing other WAVES records or how you learned it?

Answer. Probably that I would have learned by looking at Mr. Huang's WAVES but that is just my best guess.

Question. And this visit in June of 1994 was in the time frame when Mr. Hubbell received his payments from the LIPPO Group. Do you recall ever having any discussions with Mr. Middleton or his attorney about Mr. Hubbell?

Answer. I don't recall.

Question. And the third entry on this page for June 23, 1994, is for I guess another member of the Riady family, where it says, Nancy. Is that another—it's an Indonesian name. It's spelled T-J-A-H-A-J-A, and then to the left of it it says, Nancy.

Answer. I don't know why it says Nancy.

Question. Okay. And then the visitee is Herman. Would that be Alexis Herman?

Answer. Yes.

Question. And do you recall having any discussions with Ms. Herman about Mr. Riady?

Answer. I do not.

Question. Okay. Now there is a star on Ms. Herman's name where it says Herman not present, briefing to CEOs, and reps of corps. That is your handwriting. Why don't I have you read it instead, if you can, if it is your handwriting.

Answer. It is my handwriting but the copy is not clear, though my understanding is, it says, Herman not present, briefing to CEOs and reps of corporations, or C-O-R-P, semicolon, Doris welcome slash Emerson Gatt, slash, Rubin economy in Roosevelt room.

Question. Okay. And do you recall how you learned of that meeting and that description?

Answer. I don't recall, actually. It might have been a briefing paper. It might have been anything. I just don't recall.

Question. Okay. And Emerson, is that John Emerson?

Answer. Yes.

Question. And Rubin, is that Robert Rubin?

Answer. Yes.

Question. And then you have no other recollection of what you learned about this meeting?

Answer. No. This was actually quite a while ago and a relatively detailed process and I just don't recall, actually, with respect to these particular entries, other than I obviously tried to talk to people and look at whatever schedules or other information there might be to try and discern any particularized conversations or other things like that with regard to those records.

Question. Did you keep contemporaneous notes of these conversations you were having with people at that time or was this the only document you put information on?

Answer. This is the document I put information on.

Question. Did you have other notes you kept as you were going along, or that you took but you did not keep?

Answer. I don't believe so.

Question. So were you sitting down as you called people and just noting things on each of these meetings?

Answer. Or I would recall, based on conversations I had with them, or having looked at something, I would either do it while I was having conversations or I would recall conversations that I had.

Question. Okay. Do you recall how long of a process this was, going through these WAVES records?

Answer. I actually don't. But this was the process that helped be able to learn that there were two John Huangs because I placed I think a random call to one person that just looked different than other people, and that is how I started this process, and that is why we started going through the entire process.

Ms. COMSTOCK. For the record, Kristi Remington is also joining us this morning.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. And the next entry here is Middleton, again, it is——

Mr. EGGLESTON. Ms. Comstock, I am not going to stop you from doing this, but I am fairly confident you are going to get the same answer. You can go through every one of these, and, again, I haven't reviewed these with her, and it's possible I am wrong, but I am willing to bet that every time you ask her she is going to say I generally remember doing this, I can't tell you where I got the information. Again, it is your deposition, I can't stop you, but I am fairly confident she is going to give you the same answer.

EXAMINATION BY MS. COMSTOCK:

Question. Well, maybe if you can review them, and in reviewing the documents if there is anything that you can tell us about, for example, Mr. Middleton and any conversations you had with him, some of these indicate whether this was lunch or that it was lunch, you know, how you learned about that, who were the sources of information that you would go to to find out if an event was a lunch or how you would determine information like that?

Answer. Typically, with respect to time frames, if it was around noon or 1:15, our best estimate would be those would be lunches, because those are the sittings for the Mess.

Question. Okay. And do you recall if you had conversations with Mr. Middleton's attorney about did Mark meet with these guys for lunch or have them over or know generally that he had done so?

Answer. I am sure I would have asked whether or not it would have been likely he would have been having lunch, but I just don't recall particularly.

Question. Okay. And this Weaver is identified here also as one of the visitees. Do you know Vanessa Weaver?

Answer. Yes, she works in the White House currently.

Question. And do you recall any conversations you had with Ms. Weaver about the Riadys?

Answer. I am sure I would have spoken with Ms. Weaver or seen materials or information that led to it. I don't recall particularly, but I am sure I would have.

Question. Do you have any understanding of what Ms. Weaver's contacts with the Riadys were about?

Answer. I do not, other than the information reflected on here.

Question. Do you recall trying to discuss with her why she was meeting with them or why they were there?

Answer. I am sure I probably would have but I don't recall particularly having those conversations, but I am sure that is something I would have tried to do to try and give accurate information.

Question. Okay. Was there anybody that the Riadys met with that you have any recollection of talking about what their meetings were about?

Answer. I am looking because I recall an occasion where I had a conversation with someone regarding Mrs. Riady. This conversation I recall with respect to Mrs. Mochtar Riady also being present because people remembered her jewelry. I just recall that standing out in my head.

Question. Is that on page——

Answer. That is EOP 4976.

Question. That reflects a record of Mochtar Riady visit, and Weaver is the visitee and it says lunch, Peg Clark, Paul Miller, John Huang, Mrs. Riady, question mark?

Answer. Correct.

Question. And do you recall who you talked with about that?

Answer. It would have been either Vanessa Weaver or Peg Clark.

Question. And who is Peg Clark?

Answer. She also works in Presidential Personnel or did work in Presidential Personnel.

Question. Who is Paul Miller?

Answer. He used to work in Presidential Personnel.

Question. And do you know why all these people in Presidential Personnel were meeting with the Riadys on June 27, 1996?

Answer. I do not.

Question. Okay. A number of these meetings were with people in the personnel office—well, I guess with Ms. Weaver, largely, and then, initially, the meetings with Melinda Yee were at a time when she was in the personnel office.

Do you recall generally learning of the Riadys talking to people in the personnel office?

Answer. No, actually, I don't. I don't recall learning that.

Question. Do you have any knowledge as to why they were meeting with people in the personnel office?

Answer. No. It is my sense that they were actually meeting with people, as opposed to meeting with the personnel office.

Question. Were you aware of the Riadys trying to recommend people for positions?

Answer. That is how I interpreted your first question, and no I was not.

Question. Did you attempt to learn anything about their attempts to assist people with getting jobs?

Answer. I was unaware that they made attempts to assist people in getting jobs.

Question. Do you recall reviewing any correspondence or seeing any records where they were promoting any individuals for positions?

Answer. I recall that Mr. Huang was interested in a position, and I believe Mr. Huang might have indicated Mr. De Queljoe, I recall seeing correspondence like that that I know were produced to you.

Question. And did you talk with Ms. Weaver or anybody else at the personnel office about Mr. De Queljoe?

Answer. I don't believe so. I am sure I might have spoken with someone about Mr. De Queljoe when there were inquiries regarding him and we were looking for materials related to him, but apart from that, I don't.

Question. So other than this meeting where people recalled Mrs. Riady's jewelry, is there anything else that you recall about the Riadys, hair styles or anything?

Answer. That is the one that sticks out in my mind.

Question. Were you attempting at this time to find out what they were doing there, why they were there?

Answer. I was attempting to determine what the purposes of their meetings were, particularly as we wanted to ensure that we were obviously providing accurate information.

Question. And do you have a general impression of what you learned in that process, of what they were doing there?

Answer. I don't, actually, other than it just appeared to me they were actually visiting people as opposed to having any particular agenda.

Question. And was it your understanding these were people they knew prior to these individuals joining the administration?

Answer. I don't know the answer to that question. I don't believe I had that impression one way or another.

Question. Well, did you inquire as to how they came to meet with these particular people, why were they meeting with Mark Middleton, why didn't he become somebody who was a point of contact for both Mr. Riady and Mr. Huang? Do you recall having any discussions about that?

Answer. Setting aside the premise of your question, I don't recall any particular sense of why they were seeing the particular people they were, other than the things I ended up reflecting on this particular document.

Question. And the premise of my question was that a number of the meetings with both Mr. Riady and Mr. Huang, quite a few of the Mr. Huang ones, and actually, although we don't have them here, Mr. Trie also met with Mr. Middleton quite a bit.

Answer. Just to be clear, I am only looking at the Riady records right now so I don't have a perfect memory of that.

Question. And that is why I am saying the entire document here does have—as we move on later, Mr. Middleton also had occasion to meet with Mr. Huang, so I was wondering if that stands out in your mind, having learned about Mr. Middleton being a point of contact for some of these people, Mr. Riady, Mr. Huang, Mr. Trie, others?

Answer. No, it does not. I don't recall him being a point of contact for them. That is not something that stood out in my mind.

Question. Now on page EOP 4974, it has an asterisks for Aileen Riady, also present in picture. Again, I know I asked you before about pictures, but do you recall if there were pictures in the file that Ms. Sherburne turned over to you?

Answer. I do not recall there being pictures in the files. There may have been; I just don't recall that.

Question. Do you recall if you asked your assistant to check with the photo office or look into that?

Answer. Asking my assistant, you said? I thought you said her assistant. I am sure I would have asked if it would have been likely if there was a picture to ask her to go look and see if there was one. I just don't recall that in particular.

Question. And on page EOP 4975, they have visitee, and on the top entry on September 13, 1995, it says Nancy Hernreich, and that was a meeting with the President and Mr. Lindsey, Joe Girorir, and then John Huang, and I believe Mr. Riady.

Do you recall having a discussion with anybody about that meeting?

Answer. I recall there being lots of discussions about this meeting in the press and other places. At the time that I was doing this, I don't recall, other than obviously going through and identifying the participants for that particular meeting. I believe there came a point there was lots of discussion regarding that meeting.

Question. Okay. And I will go into that a little later but I was wondering, at the time did Mr. Lindsey tell you about this meeting or did you discuss it with him?

Answer. I just don't recall because I recall this meeting becoming the topic of conversation at some point when there were news articles related to it, and I can't associate in time to tell you when those would have been in relationship to this. I think they may have been subsequent to this.

Question. Generally, can you tell us what Mr. Lindsey told you about this meeting? At any time can you recall what his recounting of this meeting was to you?

Answer. I recall that there were discussions related to Arkansas family and friends. I recall that Mr. Huang had indicated at some point that he was interested in going to the DNC, and I recall that—I think that is my best recollection right now with respect to that. There was a subsequent meeting I guess with Mr. Riady too, and sometimes in my brain I collapse the two because both of those were topics of interest from the press.

Question. And would that be this October of '96 meeting?

Answer. Yes.

Question. Where Mr. Middleton was at that meeting with Mr. Lindsey?

Answer. Right.

Question. And Mr. Riady?

Answer. Correct.

Question. And do you recall what you talked about at that meeting?

Answer. I recall learning that that also was an occasion where Mr. Riady and the President talked about Arkansas and family and friends.

Question. Did you learn how that meeting came about?

Answer. Not that I recall.

Question. Were you told anything about Mr. Middleton setting up that meeting?

Answer. That would make sense, but I don't recall actually being told it was Mr. Middleton. I am sure at the time period when this was going on, I probably knew, but I don't recall right now.

Question. Do you have any knowledge, now or then, tell us when you had it, about Mr. Middleton doing any work for Mr. Riady or with the LIPPO Group?

Answer. No.

Question. When you say it would make sense he would set it up, why would it make sense Mr. Middleton would set up the meeting with the President for Mr. Riady?

Answer. Because he was present, so I am just guessing based upon his presence he might have called and said he was going to be in town.

Question. And do you know why Mr. Middleton would be the person setting up the meeting for Mr. Riady?

Answer. I do not.

Question. Did you attempt to find out anything about what Mr. Middleton was doing with Mr. Riady?

Answer. I am sure at that time I probably did, but I don't have any particular recollection that stands out in my mind about that.

Question. You have no recollection of what Mr. Middleton was doing in connection with the Riadys?

Answer. I do not, but I am sure there are materials or other documents we probably produced to you that might shed light on that that I would have obviously been familiar with at that time, but I don't have a particular recollection of it right now.

Question. And sitting here today, you didn't get an impression or an understanding of what he was doing?

Answer. That's correct.

Question. Were you seeking to find that out or were you just trying to get the basics?

Answer. At this point I probably was trying to get the basics, primarily, because obviously we were trying to make sure we had accurate information and there were lots of requests for the materials. I am sure at the time when there were all the different press inquiries and interests with respect to Mr. Riady's meetings with the President I would have learned more. I just don't recall in particular any association with why Mr. Middleton was present at the meeting and why he might have set it up.

Question. Again, do you recall having any discussions with Mr. Middleton or his attorney about, in particular, him setting up that September '96 meeting or being involved in it?

Answer. I am sure I would have talked to his attorney. I don't have a particular recollection of what might have been communicated in that conversation, but I am quite confident I would have attempted to speak to his attorney about it.

Question. When you speak with people's attorneys, do you take notes of those conversations?

Answer. I do not.

Question. And is that a practice that you had stopped then at some point at the White House?

Answer. It is a practice I do not engage in.

Question. Okay. Again, EOP 4977 is the September 9, 1996, meeting, which I think we were referring to with Mr. Middleton, Bruce Lindsey and the President, and is that another name for James Riady then? Is that your understanding?

Answer. Yes.

Question. And I will try to pronounce that. I don't know if you are able to.

Answer. No.

Question. It's spelled T-J-A-H-A-J-A. I know it is not very good handwriting—your handwriting is very good, but the copy isn't very good here, but can you tell us what, to the extent possible, what your notes say on the bottom of that page?

Answer. Respect to foreign policy, supportive of our trade, I can't read those two, and hope for continuing better relations. There is a part in the middle I cannot read.

Question. Where there is a slash there, is that something China?

Answer. It could be. I just can't read it very clearly.

Question. Do you recall if that referred to Mr. Riady having a general discussion with the President about China policy?

Answer. I don't recall him having a general discussion. I actually recall it as Mr. Riady, upon his departure, indicating he was glad the President had addressed China and encouraged that we continue engaging China. That is my best recollection and that is based on all the different attention that ultimately ended up being paid to that meeting and the previous one.

Question. Can you tell us the time frame of when you were making these notes or doing this?

Answer. This would have been—I mean, the best guess I would have would be sometime in November I would have been doing these.

Question. Now this copy was actually sent to Mr. Lindsey on November 2nd?

Answer. That is not——

Question. That is not the case?

Answer. That is not accurate. The copy that was sent to Mr. Lindsey did not have handwriting on it, so it would have been exactly this without handwriting.

Question. So initially what you sent to Mr. Lindsey on November 2nd was a copy of this document without any handwriting at all?

Answer. I don't know if it was exactly this document, yes, it would not have had handwriting on it, or that is my best guess.

Question. And why do you say that?

Answer. Because at that point we were still trying to determine what were the actual correct WAVES for John Huang, and so subsequent to the faxes that I sent at that point, we discovered there were more John Huangs that were the wrong John Huang.

Question. All right. And on the front cover, it says, on the fax sheet, the November 2nd one says, new version, eliminate several instances where it was a different John Huang, otherwise say an exact, is that cleanup?

Answer. Yes.

Question. Date of birth in 1996?

Answer. Correct.

Question. Could you tell us what that means?

Answer. That was just trying to eliminate the different John Huangs.

Question. And how did you do that?

Answer. By talking to different people and also by, in certain instances in '96, the date of birth is actually indicated, so we could eliminate based on the date of birth.

Question. So the date of birth is actually in the database or the WAVES database——

Answer. In '96 it was. In previous years it wasn't. That is why it requires conversations with people.

Question. And then on the next fax page of November 3rd, 1996, can you explain your comments there that you made on that fax transmittal sheet?

Answer. Additional Huang, checked ones are new; total: 11 WAVES; 6 actuals; new total, 140 WAVES; 95 actual WAVES.

Question. Okay. Could you explain that?

Answer. It is still part of the process of trying to get rid of the wrong John Huangs and make sure we had the right ones.

Question. At this time it says you only faxed 6 pages in the second time, 6 pages that were part of this 41 that we—or however many?

Answer. That is probably right, part of the overall WAVES.

Question. Now this is a November 1st, 1996, letter from Chairman Clinger of this committee. At this time when you were working with this, were you aware that Chairman Clinger had requested these records?

Answer. I don't have a particular association. There were lots of people requesting them so I don't know I would have had a particular association with him versus all the other Members seeking copies of John Huang's WAVE, but I was cognizant of the fact that Members of Congress were receiving the WAVES and were trying to go about determining what records would be responsive to do that.

Question. And was Kathleen Wallman involved in this process at that time?

Answer. She was the deputy at that time.

Question. And were you working with her on these matters at all?

Answer. Not particularly.

Question. Now this letter reflects conversations made at the time, and I understand—do you have any knowledge of those conversations Ms. Wallman had with this committee?

Answer. No.

Question. And the letter here refers to a discussion with Ms. Wallman, where she claimed that Mr. Quinn was too busy to get to these records and that they weren't going to be getting to them.

Do you recall anyone telling you that they weren't going to get to these records or not to do them?

Answer. No.

Mr. EGGLESTON. Nor does she know in fact whether that was said by Ms. Wallman.

Ms. COMSTOCK. I understand. I am just asking about your knowledge of anybody communicating with you that they are trying to get the records to anybody at a certain time.

The WITNESS. It was my impression that these records were being requested and that we were going about trying to address that request, and that is with respect to what I was doing.

Ms. COMSTOCK. What document number are we up to?

Mr. EGGLESTON. I thought this was 8.

Ms. COMSTOCK. This is 6.

I will make the November 1st, 1996, letter to Mr. Quinn from Chairman Clinger Deposition Exhibit No. 8.

[Mills Deposition Exhibit No. CM–8 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Here is an October 31, 1996, memo for all staff of the White House from Jack Quinn regarding documents of the LIPPO Group, Indonesia and other matters. Do you recall seeing this document?

Answer. I am sure I did see this document, though I was not involved in this particular request.

Question. Do you know if this is a request that Ms. Sherburne or Ms. Wallman or somebody else had put together?

Answer. I do not recall who was tasked with this particular request.

Question. Now this request attaches a request to it. Do you know where the attachment came from?

Answer. I do not.

Question. And the contact person on this request—actually, why don't I—for the record, this is I guess what will be called a directive to all staff to turn over documents?

Answer. Correct.

Question. Regarding certain topics; would that be correct?

Answer. Correct.

Question. And it indicates the White House has received a congressional request for production of documents relating to the LIPPO Group, Indonesia and other matters, and it says, "The precise document requested is attached."

Is it your understanding the precise request that came from Congress was attached to this directive?

Answer. I can only do the same thing you are doing and that is read this particular document. I don't recall being involved with this particular request.

Question. Okay. And the contact person here was Kathy Wallman or Alan Kreczko. Alan Kreczko is at NSC?

Answer. Correct.

Question. Do you know why they were the contact people on this?

Answer. I do not.

Question. Do you recall having conversations with Ms. Wallman about LIPPO documents that were gathered?

Answer. I am sure there would have been an occasion where we would have had a conversation. I don't recall in particular conversations regarding it, but I am sure we would have discussed it.

Question. Did Ms. Wallman, in fact, give you documents that had been gathered about the LIPPO Group, Indonesia and the matters we related in the attached two pages?

Answer. I recall that production being a separate production but I could be wrong and just not having an accurate memory in that regard.

Question. How do you mean that it was separate production?

Answer. I don't recall it being part of the request that I ended up—a document I ended up addressing which was we got a request in December from the Justice Department where we circulated a directive, that is, the documents that I recall addressing with respect to collecting materials.

Question. Okay. At any time did Ms. Wallman give you the documents that she had gathered?

Answer. If she had already produced them, she probably wouldn't have. I just don't recall.

Question. Okay. Because this request, which is about the LIPPO Group and Indonesia, I imagine, overlap some, the request that came from the Justice Department in December?

Answer. I am certain it would.

Question. Why don't I just get that for you so you have it in front of you. This is the December 16, 1996, directive to Executive Office of the President staff from Jack Quinn, regarding a document request, and it indicates, we received document requests from certain congressional committees and the Department of Justice, and then asks for a search of records relating to a number of individuals. And then on the second page is a number of entities.

Question. Do you recall in preparing this directive going back to Ms. Wallman about what she had collected at that point?

Answer. I don't recall that, but I am certain that if there were materials that had not been produced, those materials would have been captured in this.

Question. And this October 31, 1996, directive——

Answer. Let me just address, as it says on the second page, we recognize that this request, in some respects, is duplicative of a prior document request. To ensure complete response, however, please provide all responsive documents, even those you may have previously provided.

Question. Was it your understanding, then, that whatever documents had been given to Ms. Wallman or Mr. Kreczko would again come back to you?

Answer. I don't know that I had an impression, with regard to them transferring materials, every staff member would have to go back through all their materials to make production that was responsive to this request.

Question. And on that second page of the December 16, 1996, directive, which we will go ahead and make Deposition Exhibit No. 9, you are the contact person on these documents along with Wendy White; is that correct?

Answer. Yes.

Question. And what was Ms. White then working on at this time?

Mr. EGGLESTON. I don't mean to be a housekeeper, but if you didn't make this an exhibit, it maybe should be.

Ms. COMSTOCK. I'm sorry. We will make October 31, 1996, Deposition Exhibit 9, and December 16, 1996, Deposition Exhibit 10, and I always appreciate housekeepers.

[Mills Deposition Exhibit No. CM–9 was marked for identification.]

[Mills Deposition Exhibit No. CM–10 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And I just wanted you to be able to have both of them in front of you so we all aren't referring to documents that you don't have a chance to refer to, in fairness to you.

But why don't we return to the October 31, 1996, memo. It does ask the documents be turned over to William Leary in the NSC. Do you know who that is?

Answer. Bill Leary is their, for lack of a better word, documents person. He is like Terry Good is for records management. He also manages their records for the NSC.

Question. And it asks that the documents be turned over by November 12, 1996. Do you know if that generally occurred, if documents were produced by that date?

Answer. I do not know. I was not involved in this request.

Question. Okay. Generally, when you have a directive and have a date on it, do you generally get most of the documents by that date, some, all?

Answer. I would say we get most of them, but we always get documents after that date. If staff have been traveling where they weren't in the office on a day the record went out, and as they come out, they obviously provide their records as quickly as they can.

Question. Historically has there been particular offices that you have learned, you know, you have to go and kind of bother them or remind them or tell them that it doesn't appear they have looked through the documents?

Answer. No.

Question. Is it your experience, then, that people have responded in a timely fashion then to your directives?

Answer. Usually people try and respond in a timely fashion. Obviously there are things that people schedule, travel and things like that, but people try and respond in a timely fashion.

Question. So would it be fair to say by November 12, 1996, a body of documents regarding the LIPPO Group and the matters identified on the attached sheets would have been collected within the White House?

Answer. I don't——

Mr. BALLEN. I object. The witness testified she wasn't involved in the directive and you are asking basically speculative questions at this point.

The WITNESS. I don't know, which I already started to say, I don't know kind of what the production was like on this particular request.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. Well, then, referring to the December 16 directive, as you noted earlier on the second page, you had said we recognize this request is somewhat duplicative of a prior document request. Do you know if you were referring to any other request, aside from the October 31, 1996, request?

Answer. I don't know.

Question. Okay.

Answer. I just knew there had been lots of requests for information regarding all of these matters, and so to ensure we got all of the records, we required people to do another production.

Question. And at or around the time of this December 16, 1996, directive, do you recall that you already had gathered a fair amount of documents pertaining to these matters?

Answer. No, this was the first request I sent out.

Question. So the documents that had come in to Bill Leary, you had not seen then, prior to doing the December 16 directive?

Answer. I don't recall if I had gone through these materials or not. I don't recall.

Question. Now, generally, Mr. Leary wouldn't be sending out documents in response to a congressional request; is that correct?

Answer. No, Mr. Leary actually deals with—as you probably can imagine, in the NSC there are lots of materials that are classified, so I am sure part of the rationale for the production, for Mr. Leary, was with respect to ensuring they would be able to be maintained in a fashion consistent with their classification.

Question. Mr. Leary wouldn't be the person who would bundle them up and send them up to the Hill or to HPSCI?

Answer. No, I imagine Kathy Wallman and Alan Kreczko would have been playing that role.

Question. And would they have gone through you at this time, before anything was transferred?

Answer. I don't know that they would have gone through me, primarily, just because of their seniority at that time, but I am sure we would have tried to ensure that we had all the appropriate documents and to the extent that this request was sent out, one of the ways we tried to ensure that was to ask for all records to be reproduced.

Question. And the deadline on this directive of December 16, 1996, Deposition Exhibit 10, was December 23, 1996, and do you recall if you did get a lot of those documents by that date?

Answer. We got a fair number but because it was the holiday season there were a number of people out so we continued to receive documents throughout the end of the month.

Question. Okay.

Answer. Into the beginning of the next year, too.

Question. So by early to mid January, had you received a lot of the documents, then, pertaining to, for example, John Huang, Mr. Riady?

Answer. I think we would have received a fair amount of the documents by that point, yes.

Question. And do you recall any discussions you had about transmitting them to the congressional committees and the Department of Justice?

Answer. I recall that obviously we needed to go through, Bate stamp them, review them for responsiveness, and we needed to provide them as we were able to do so.

Question. Do you recall when you provided the documents to the Justice Department?

Answer. I believe sometime in January.

Question. All right. And do you know why the documents at that time were not provided to congressional committees?

Answer. It is my impression that the documents ultimately were being reviewed to be provided and I just don't recall what the different issues were with committees. If I recall correctly, most of the committees were at that point setting up what were going to be their processes, and there was some discussion regarding whether or not this matter was going to be handled by Mr. Gilman, is it Representative Gilman, is that correct, or this committee.

Similarly, on the Senate side, I recall there being lots of discussions in that regard, and then I subsequently transitioned out so I didn't participate in the follow-up discussions to determine how you all ultimately ended up resolving that, though obviously the committee ended up with jurisdiction here and on the Senate side they ended up as they did.

Question. When you gathered these documents pertaining to John Huang or James Riady, and Ms. Kanchanalak is listed on here, Charlie Trie, Johnny Chung, others, do you recall if you had gathered the memos which I think we sort of obliquely referred to earlier, regarding James Riady's visits to the White House, the Sherburne memos, that discussed I guess her disagreements with Mr. Lindsey about various accounts of the Riady meetings?

Answer. I don't know what date Ms. Sherburne created her document, but we would have gathered them in the process of all the other requests that we would have been dealing with.

Ms. COMSTOCK. I will make this Deposition Exhibit No. 11. This was a November 26, 1996, memo to Leon Panetta and Erskine Bowles and Jane Sherburne regarding White House statements regarding the Riady meetings.

[Mills Deposition Exhibit No. CM–11 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. This is an exhibit from a different deposition and I just marked it correctly. So then since this memo was on November 26th, 1996, is it your understanding that it would have been collected pursuant to the December 16th directive?

Answer. Yes, it should have been collected at that time period, right.

Question. Do you know if it was provided to the Justice Department in January?

Answer. I do not know. I don't know that all of our production was complete to the Department of Justice in January. If my memory serves correctly, towards the end of January, we made our initial production but we had subsequent productions that continued throughout March. That's my best recollection.

Question. Do you know any reason why this particular document would have been withheld and not provided in January? I am not saying it is. I am just saying, if you know.

Answer. I don't know that it wasn't. I don't know when it was provided, actually.

Question. Do you recall any discussions about—there are a number of other documents that are related to this or other copies of this memo, but I will just refer to this one for now somewhat generically if we can on the topic.

Do you recall any discussions about withholding these—this memo or others related to it for executive privilege purposes?

Answer. I am sure that because this is a memo from Jane Sherburne we would have had to review this in the context of other documents that might be subject to privilege. So I am sure this one would have had to have been reviewed in that context. I don't recall particularly this particular document but I am sure we would have reviewed it in that context.

Question. Okay. Did you have any conversations within the counsel's office about claiming executive privilege vis-a-vis Justice Department requests?

Answer. I am sure we would have gone through, as we do for any document production, to review documents and determined whether or not there is privileges associated with them and then how to address those particular privileges that might be associated with the documents.

Question. But in a situation where the Justice Department was asking the White House for documents, or the particular issues that were raised about how to go about claiming executive privilege when the Justice Department is asking you for?

Answer. I don't know that—since the Justice Department is another branch of the government, I don't know that you have that same issue as opposed to when you are dealing with Congress, quite candidly.

Question. That's what I am trying to get at. Usually, the counsel's office would go to OLC for advice and counseling on claiming executive privilege. Isn't that correct?

Answer. It depends. There have been numerous investigations that have been ongoing that we have not been able to engage in that process either because of their particular investigation that they were doing or other reasons, and particularly, for

example, in the Whitewater case there were some instances where—in the Whitewater matter there were some instances where we did not consult because of ongoing matters that they might have had.

Question. Because of potential conflict?

Answer. I don't know if it is always potential conflict, quite candidly.

Question. Okay. Were you aware of—did you ever have any discussions with Mr. Ruff about Ms. Reno recusing herself from executive privilege issues as far as the fund-raising investigation is concerned?

Answer. I am sure we would have had conversations to conclude that since the Department was going to be reviewing these matters that we would not review with OLC materials that would be going to them. I am sure we would have probably had those kinds of discussions.

Question. Okay. Do you recall in particular conversations you had?

Answer. I mean, I just recall that issue coming up. I don't recall particular conversations, but I recall that issue coming up and addressing that issue. Otherwise, as a matter of practice we probably would always be addressing these with OLC so I am sure we did have discussions in that regard.

Mr. BALLEN. Does that mean that you made a categorical decision not to address it with OLC as to all documents or just you had some discussions about appropriateness?

The WITNESS. We had discussions regarding what would be appropriate, I am sure, documents for them, given their particular, I guess, investigation.

EXAMINATION BY MS. COMSTOCK:

Question. Was there ever any decision made that the White House would not claim executive privilege over documents—I mean, that the Justice Department requested?

Answer. I don't know that the executive privilege issue arises in that context because it is an executive branch agency. So I don't know that we have the same issue in that context. So I think discussions would have been in that vein as opposed to asserting executive privilege with respect to the Department. They are an executive branch agency.

Question. Are you aware of instances previously where the White House did withhold documents from the Justice Department based on attorney/client or executive privilege issues?

Answer. I am not.

Question. This is a matter Mr. Eggleston and I have discussed previously in another life.

But did you then not work on any issues related to Whitewater and the withholding of documents in that case on executive privilege—on attorney/client privilege or anything like that?

Answer. That's correct, I did not work on the Whitewater matter. Otherwise I think we would have worked together.

Question. As far as—I didn't work on that one.

Answer. Okay.

Question. You aren't familiar then generally with the White House having then withheld documents from the Justice Department in the past, pursuant to any type of privilege?

Answer. They may have. You may be able to walk me through a scenario where it would refresh my recollection, but I don't particularly have a recollection as I am sitting here, and I did not work on the Whitewater-related matters to the extent it arose in that context.

Question. In the whole fund-raising case, you do not recall any particular documents where the issue came up and you had any discussions about withholding particular documents and how that might be done?

Answer. Correct.

Question. All right. So is it your—and I am gathering from your response that usually it would be unusual for the White House to claim executive privilege over another executive branch. Since you are within the executive branch claiming executive privilege, it is not something that normally one does?

Answer. I don't know if it would be unusual. In this matter, I recall that they—we are an executive branch agency so to the extent that the context of our discussions arose, or our discussions arose in that context, I don't know what might be the context in which it would arise in other investigations.

Question. In the December—I am sorry. Why don't we keep the December 16th directive out and then I think we may still need the WAVES records, too.

When you compiled this list on December 16th, what was the source of the various names and requests? I mean, it says that there is congressional committees and Department of Justice had requested these things. Were there names on here, some of which you all didn't know who they were or what they were about?

Answer. My best recollection is that the Department of Justice had been fairly specific in their interest and they were the first ones who were as specific about all the different entities they were interested in, so that's my best recollection of where we would have drawn most of the information from.

Question. Do you know if there was any effort to find out—for example, the last name on the list Yue F. Chu; did you all look at that and say who is that?

Answer. I still don't know who Yue F. Chu is.

Question. Or Keshi Zahn?

Answer. Right. I mean, all of these were individuals or entities that had been, at least to that point, identified as of interest to, I know, certainly the Department of Justice and many of them overlapped with other requests that we had. And so we attempted to try and do a comprehensive document search at that point.

Question. Okay. Was there any attempt to find out internally who these people were? Or was the directive just sent out?

Answer. We sent the directive out and to the extent that we learned who people were if it was helpful in trying to help people we would, but we basically sent the directive out.

Question. Okay. I guess we said earlier Wendy White assisted you then with this.

Answer. Yes, I believe that would be correct.

Question. And what were Wendy White's duties in this regard?

Answer. I think Wendy was at that time also assisting with the collection of the materials, and reviewing of the materials.

Question. And did you task her or anybody else with finding out who any of these people were?

Answer. I am sure we tried to find out who these people were but I don't recall in particular tasking anybody to try and address them. I think often as documents came in it became clear who the different people were.

Question. Okay. For example, were you familiar with Yogesh Ghandi?

Answer. Yes.

Question. Okay. Now you had in fact worked on some matters related to Mr. Ghandi?

Answer. Yes.

Question. All right. And did you then gather up the files that you had or material that you had on Mr. Ghandi?

Answer. The material I would have had on Mr. Ghandi would have been a memo that Cathy Whalen had so that would have been something I would have sent back just because at that point I wasn't handling that matter; Ms. Whalen was handling it.

Question. With respect to what?

Answer. With respect to the Yogesh Ghandi award, Ms. Whalen was handling that matter.

Question. In collecting these documents, did you put the Ghandi documents into the pile that was being collected pursuant to the December 16th directive?

Answer. Yes, to the extent that I had Ghandi documents.

Question. Okay. So it is your recollection that you had sent them off to—sent a lot of the documents to Ms. Whalen?

Answer. I don't recall actually being consulted other than one question that was raised with me with regard to Mr. Ghandi, and that was basically someone forwarding me a request to look at the issue. Since Cathy was already working on it, I just sent it down to her.

Question. Do you recall in January, when documents were turned over to the Justice Department, if the Ghandi documents were included in that?

Answer. I just don't recall.

Question. Okay.

Answer. I should be clear that we did not complete production to the Justice Department in January. We basically began production in January, towards the end, I believe. So this would have been a process of going through all the materials and it would have taken a couple of months probably before we completed production.

Question. Okay. And who worked on that, that initial—that January production with you?

Answer. Karen Popp in our office and then it was transitioned obviously to well, Mr. Breuer's staff and team when they came on board.

Question. And when did Ms. Popp come on board?

Answer. December 23rd, I believe, or the 24th; some awful time right before Christmas.

Question. And she worked with you exclusively?

Answer. At that point, she did.

Question. Okay. Can you tell us when she came on board, what you did to sort of get her up to speed on these matters?

Answer. I believe at that point we already sent out the directive when she came on board and so I basically asked her to look through the materials. I tried to explain to her where the different places were where we looked for materials, how we gather materials, basically all the things you would need to know to be able to hopefully be helpful and effective in a process like this.

Question. Okay. Did you indicate to her what offices would be most likely to have documents regarding any of these people?

Answer. To the extent that there was follow-up required, but I believe that the document requests had already gone out by the time that she came on board so we would have already been receiving in the materials.

To the extent that we were trying to follow up on materials or follow up on information, I would obviously describe to her where we might need to follow up based on materials or other information that we had.

Question. Okay. And can you describe anything else you did to sort of acclimate her to this process and how she would go about gathering the documents and making sure that she would obtain all responsive documents within the White House?

Answer. Well, these were already coming in so she didn't have an obligation to make sure they were coming in; they were already coming in. We had already sent out the directive. But typically, what I tried to do with her and with others, to the extent that I have information that might be helpful, is to walk them through what I have already learned; walk them through whatever information we already know; walk them through the different places where there might be information coming from based on what we know and also try and introduce them to different people as they are working through the process so that they know who the different people are in the different offices so they can always have a point of contact that they can talk to to ask questions about materials and other things.

Question. Okay. And who were those key type people?

Answer. They would be whoever the particular assistants were for the office or other people who might be their assistants. Those would be people who might likely see a lot of the paper or information that goes through the office.

Question. Can you tell me some of those office, like the staff secretary's office would have a lot of the people?

Answer. Staff secretary's office probably I would indicate Terry Good because that comes under there, and Terry Good would be a person—he has another person on his staff who also is particularly responsive in trying to ensure that we go through materials, and so—Tom Taggert, I would indicate he is another person in Records Management to talk to. We would go through the different offices and identify people who were in those offices and likely to be able to provide help or guidance with respect to materials that come from their office.

Question. Do you know the volume of documents that have been gathered by January that you had collected, you know, boxes or folders?

Answer. I do not know the volume but it was certainly boxes.

Question. All right. Do you know where it was being stored or kept?

Answer. We have a room where we just stored materials, and that's where they were being stored.

Question. Can you just describe the process, how they came in and what you did when records would come in responsive to a directive such as the December 16th?

Answer. Typically when records came in we would try and place them in a file folder or something that would help identify the source of those particular records, and then we would just place it in a box and keep collecting the records until the time period when we perceived that we had most of the documents that were out there, which was usually somewhere shortly thereafter the date of production that we had given out our memos.

Question. Would you identify the offices from which the documents came as they came in?

Answer. The name of the person or the office if there was no name associated with it.

Question. Okay. So as the documents came in to—what was the room number that this came in?

Answer. They came into my office and then we would put them basically into a box to try and go about identifying them as they came in to ensure that we had all the records identified when they came in.

Question. If Mr. McLarty sent documents from his office, they would come in from his office and they would be identified Mr. McLarty's documents?

Answer. Correct.

Question. Is that correct? And if Terry Good sent over documents from Records Management would he usually—would he know whose offices they had come from?

Answer. They would be identified in ours as from Records Management.

Question. Okay. But would Mr. Good in his records have a record of whose records those are?

Answer. I am sure he probably does.

Question. Okay. But so would he then be able to inform you whose records they are when he sent them over?

Answer. I am sure he could, though typically when they came in they came in as Records Management documents. In other words, they came in as archives documents rather than archive documents of X person.

Question. If you were to go back to Mr. Good and say, Gee, I have this document, I don't know what it is, can you tell me whose file it came from, does Mr. Good have a process by which any documents he gives to you he can then trace in his tracking system to tell you where he got it initially?

Answer. I don't know, but I am sure he does.

Question. Isn't that part of what Records Management is, to know where the records came from that he is managing and filing?

Answer. It is partially that. It is also just to ensure that we have a complete record so that sometimes there obviously will be occasions where they don't know particularly whose file a record might have come out of but they try and make sure they have all the records.

Question. Generally, he tries to identify—I mean, if somebody comes and drops a box on his doorstep and doesn't tell him where it is from, obviously he wouldn't know. But if he was given information when he was given the documents, doesn't the office then go ahead and identify the documents?

Answer. That's my understanding of their practice.

Question. Well, in gathering documents in your office, do you then go back and find out the source of those original documents aside from Records Management?

Answer. Not beyond Records Management.

Question. All right. When you provided documents to the Justice Department, did you recall if you did a production log to the Justice Department?

Answer. I don't recall if we did a production log, but if we did we still would have identified it as Records Management unless we had more information.

Question. Okay. Do you recall—you don't recall if you did a production log for the Justice Department?

Answer. That's correct. I am sure there was one that was done but it would have been done after the time period that I was handling this matter.

Question. Okay.

Answer. Production logs typically are done at the end of productions. This production was not completed by the time I transitioned out of the matter.

Question. Okay. How much was completed in terms of the Justice Department production while you were still working on these matters?

Answer. I believe we had only done our first production to them, and I believe there were several subsequent productions.

Question. Okay. Do you have any general recollection of how much of a volume of documents you turned over at that time?

Answer. I don't. I really don't.

Question. Do you know who would know?

Answer. No. I mean, I think that's a piece of information we could try and find out for you but I don't have a particular recollection.

Question. Well, I am just trying to get a sense of by the time you left how much was gathered and together on these various topics.

Answer. I don't know that I can give you a good answer on that because I wasn't involved in the subsequent aspects of the production and what review went into those in terms of trying to ensure complete production in that sense. That was something that was handled by somebody else. So I can't give you a sense of whether or not we produced 3 boxes to Justice and there ultimately were 12 boxes produced. I just don't ultimately have a sense of that.

Question. Okay. I think in looking at the WAVES records—I did not want to return to the WAVES records, but we have probably gone through pretty much all you recall on any of the Riady meetings; is that correct?

Answer. Correct.

Question. Okay. And I just wanted to now refer to Mr. Huang's visits at the White House and to the extent you have any knowledge of those events and who he was meeting with.

Answer. I don't have any particularized knowledge beyond what I ultimately ended up reflecting on these documents.

Question. Okay. And the bottom of page 4978, that is your handwriting on the February 11th, 1993, notation?

Answer. Correct.

Question. Can you make that out?

Answer. POTUS economic briefing in East Room. I can't make out the next section. Open press. The next line I cannot make out.

Mr. BALLEN. Cannot make out because the Xerox copy is poor.

Ms. COMSTOCK. I understand. Ms. Mills has some of the best handwriting that we have seen on documents so that has nothing to do with her handwriting. It is a poor copy.

The WITNESS. The last paren says "photo, too," T-O-O.

EXAMINATION BY MS. COMSTOCK:

Question. Then on the next page, EOP 4979, it indicates there is a photo in file. Do you know if that is a photo that you had in your file at that point or what you are referring to there?

Answer. It probably would reflect that there was photos in the photo office in their file.

Question. Okay. So I know we mentioned this a little earlier, but is it your recollection that you would have sent your assistant to get photos from the photo office about this?

Answer. Well, you can't get photos but you can actually look at the contact sheets or get a copy of the contact sheets. I probably would have asked my assistant to go up and look and tell me if there was a photo in the file or not.

Question. So this notation would mean that someone had seen a photo in the photo office but that you didn't actually have a physical copy of it?

Answer. Right, though I might have had a copy of the contact sheet.

Question. How would you go about getting a copy of the contact sheet?

Answer. I have to confess to not knowing because I don't actually do it. I would ask my assistant to do it.

Mr. BALLEN. Just so the record is clear, you were not a participant in any of these meetings; were you?

The WITNESS. That's correct.

Mr. BALLEN. This was something you were finding out to respond to the various requests that came in?

The WITNESS. Yes. I was not a participant in the meetings.

Ms. COMSTOCK. I hope the record will reflect that. We are asking the witness about her notations about this and none of the meetings are with her.

The WITNESS. Correct.

Mr. BALLEN. Not based on her firsthand knowledge, just based on information she collected either from talking to people or looking at documents.

The WITNESS. Correct.

EXAMINATION BY MS. COMSTOCK:

Question. And again on page 4980, Melinda Yee is mentioned in meetings with Mr. Huang. Again, you don't recall talking to Melinda Yee about John Huang?

Answer. That's correct.

Question. Do you recall any general discussion about John Huang's relationship with the President or how long they had known each other? Do you recall getting an impression of what the relationship was?

Answer. I am sure that that is something I would have learned, and I know the President has spoken to that. I can't tell you in particular, in time frame, that I would have learned that, but I understood that Mr. Huang had spent some time in Arkansas.

Question. I am just trying to get a sense. I mean, when you go about—when you went about this exercise, were you attempting, you know, as a lawyer to find out, you know, the client, you know, what the involvement was here to find out as much as you could about Mr. Riady and Mr. Huang and what their interactions were at the White House?

Answer. I wasn't particularly interested in Riady and Huang as I was interested in what the nature and purpose of their visits were and what kinds of events they might have been attending and why they might have been attending them. I didn't

have a particularized interest in John Huang per se or Riady per se. I had an interest in understanding what their contact had been with the White House.

Question. And do you know who Holt is who has a meeting? It is on page 4983, 6–24–93 meeting.

Answer. I do not know who Holt is, though obviously I indicated he or she works in the visitors office.

Question. Do you recall having any discussions with Mr. Holt or Miss Holt or whoever that might be?

Answer. No. And that visit actually appears to reflect that the visit didn't actually transpire.

Question. That's because of the little stars there would mean there is not an arrival time?

Answer. Under the TOA, there is four stars which would indicate that at least the record would reflect that they did not arrive.

Question. Okay. Page 4985, where the visitee is the President but then you have next to it "Meeting with California opinion leaders."

Answer. Correct.

Question. Is that something you would have gathered from the Presidential records or something like that?

Answer. Yes.

Question. On page 4986, I think we have talked about Miss Dickey. You don't recall the conversations with Ms. Dickey about John Huang or James Riady?

Answer. I am sure I would have spoken to Ms. Dickey but I don't recall having a particular conversation, and I couldn't tell if it is Robin or Helen Dickey.

Question. Do you recall ever discussing with Mr. Quinn, who is listed as a visitee on 9–24–93, any discussions he had with John Huang or meetings?

Answer. No, but I am sure I would have called him.

Question. The stars again on the side——

Answer. Oh, you are right. I might not have.

Question. So I do want the record to reflect that. Do you recall having any discussions like, hey, Jack, did you set up a meeting with John Huang and what can you tell me about it?

Answer. I am sure I would have. I don't recall particularly, but I am sure I would have.

Question. All right. Do you recall what he said?

Answer. No, I actually don't.

Question. You are laughing. I am not sure—can you——

Answer. I am just laughing because it is Jack Quinn so I would have, of course, wanted to call him but I don't recall in particular.

Question. But you have no recollection of what he said he was meeting with Mr. Huang about or might have been meeting—had—obviously this reflects there was a scheduled meeting or that there was at least an attempt for Mr. Huang to come in and Mr. Quinn was a visitee.

Answer. Correct. But since there was no time of arrival, obviously people I think tended to have a harder time figuring out what they might have been meeting with people about when actually didn't meet with the people as opposed to when they did. That was just generally kind of one of the things I noticed as I was going through here. I don't particularly recall any conversations with Mr. Quinn in which he was able to reconstruct what that might have been about.

Question. All right. Then there are a number of receptions and events. Again, you just had your assistant check about these events; is that how you learned of it?

Answer. Correct. Or you look at the schedule to see what events were going on at that time period.

Question. Okay. Now, Ms. Matsui had some meetings with Mr. Huang; is that correct? And I am on page 4991. The Bates stamp number has fallen off the page there.

Do you recall any discussions you had with Ms. Matsui about her interaction with Mr. Huang?

Answer. I am sure I had discussions with Ms. Matsui about her interactions with John Huang primarily because I believe there was some plan that was put out by the Asian Pacific working group and I recall having discussions with her in that context. So I am confident I had conversations with Ms. Matsui.

Question. And what did she tell you?

Answer. I don't recall her telling me anything in particular about Mr. Huang other than him being a part of the same working group and being, I believe at that point, at Commerce initially and often being an advocate for the involvement of Asian Americans.

Question. Okay. And talking with any of these people about Mr. Huang, do you recall anyone ever raising any concerns about, gee, I thought it was funny that he

brought this person or that person in, or as the stories came out of anybody ever saying to you that, gee, I had suspicions about this or that or anything of that nature?

Answer. No.

Question. Okay. Are you aware of anybody at the—did anyone at the DNC ever say anything like that to you?

Answer. No.

Question. Have you ever heard that anyone told you about, gee, someone at the DNC told me they were wondering where he got that money from a certain event or anything of that nature?

Answer. No.

Question. Okay. Then I guess going through, as we did with the Riady ones, if you could look through any other John Huangs and see if there are any ones in particular that you might recall having discussions with the individuals?

Answer. None of these stick out in particular, but I am sure I had conversations with Ms. Matsui. I recall having had a conversation with Bob Kyle and that he indicated it was an Indonesian meeting, so I recall having spoken to him about that. Others don't really stick out into my mind as to what conversations might have happened or materials I might have been looking at to determine what they were.

Question. Do you recall any discussions with Harold Ickes about any meetings he had with Mr. Huang?

Answer. I don't, but I am sure if he is on here I would have probably asked him about it.

Question. Or Maggie Williams?

Answer. I recall speaking to an assistant in her office. I don't recall who, regarding an Ambassador who came to visit, an Ambassador from—Ambassador March Fong Eu or someone by that name. I recall that.

Question. March Fong Eu, Ambassador to Micronesia?

Answer. Yes.

Question. And do you recall what she told you about that?

Answer. I just recall that one of her assistants had indicated that they had dropped by, I believe on one day and Ms. Williams wasn't there and they came by another time and introduced them to her. That's to the best of my recollection.

Question. Did they tell you why she was coming to visit Ms. Williams?

Answer. No. It was my impression they were just introducing the Ambassador to Ms. Williams.

Question. Again, as with Mr. Riady, a number of the meetings were with people in the personnel office, somebody Huynh, H-U-Y-N-H; do you know who that individual was?

Answer. I believe his name was Fu Huyhn. I believe he was also involved in the Asian American appointees group that they had.

Question. Did you ever talk with anyone about John Huang was trying to get people placed or, you know, get jobs for anybody or making recommendations?

Answer. I don't particularly recall that, but I also recall that Mr. Huang, as an Asian American appointee of the President, was interested, as were Ms. Matsui and others, in seeing Asian Americans appointed to positions in the administration.

Question. All right. Can we just generally discuss in addition—we had discussed already a little bit about how you transitioned Ms. Popp into working on these matters. As other people came on board, could you describe that process and what you did to sort of transition out of working on this?

Answer. As other people came on board, I sat down, I particularly recall with Mr. Breuer and I guess Ms. Peterson might have been there as well, but others and just walked them through what had been done to that point, what materials there were, where materials tended to come from in terms of what offices would have what kinds of materials; where they could go about finding out information about schedules or events and things like that and kind of walk them through the ways in which they could go about discerning information that might be helpful or responsive or provide greater insight into different events or things that might have transpired that would be responsive to or elaborate on the requests that we were receiving from the various entities.

Question. All right. Did you tell them about the White House Communications Office?

Answer. No.

Question. All right. And did you tell them anything about audiotapes or videotape records or any type of records in that regard?

Answer. No.

Question. Do you recall——

Mr. EGGLESTON. Could I ask you a question: Have you had access to the Senate deposition?

Ms. COMSTOCK. Are we going into some areas there?

Mr. EGGLESTON. No, no. She has pretty much done this in the Senate.

Ms. COMSTOCK. Actually, I don't think we are going to go into that a lot because I understand the testimony and everything with Senate and everything, so I am trying to——

The WITNESS. As you are probably aware, I didn't have a great familiarity with what they taped and what they didn't tape and so had not been a participant in productions with regard to tapes. So I was not familiar with what they might have and what they might not have. I obviously understood that everyone got the directive, but beyond that I didn't have any particular familiarity with what their practices were and what they taped.

EXAMINATION BY MS. COMSTOCK:

Question. But in working on the memos that you had done with them, the memos did discuss that there was taping of Presidential events; is that correct?

Answer. Actually the memos referenced recordings and they do not discuss taping. As you are probably aware from my deposition, and from the depositions of the others as they testified to at least when they were at their hearings, we did not discuss videotaping.

Mr. BALLEN. For the record, do you have—this is an internal matter, but we have not received a copy of your deposition in the Senate, the Minority.

Do you have that, Ms. Comstock, from the Senate?

Ms. COMSTOCK. We can discuss internal matters elsewhere. I am trying to stay on——

Mr. BALLEN. I am going to object then entirely to any questions about any matter raised in the Senate. If you have access to the Senate deposition and the Minority does not, I don't think that's fair, and to question a witness about it, to repeat the questioning we have a long-standing objection to that without providing Minority a copy at least of the Senate deposition. So it is more than an internal matter if you plan to ask questions that this witness has already testified to.

Ms. COMSTOCK. If you can indicate matters as they come up that you think—because I think we have been staying—you know, trying to discuss our subpoenas and our matters.

Mr. EGGLESTON. That's fine. I will tell you generally, the Senate was interested in the videotape issue as anybody who watches ABC News knows. Ms. Mills testified in a fairly lengthy Senate deposition and, frankly, I can't imagine there are any questions that you could ask her about the videotapes that weren't asked of her at the Senate. But, I mean, they were pretty exhaustive on this subject.

It was really almost exclusively the subject of a couple hour deposition. I don't know that I can remember every single question that she was asked, but they pretty much occupied the field on this issue. And since then, of course, the WHCA employees all testified they didn't talk about the videotapes with her so that it turns out she is not in the WHCA videotape story as the matter ended up.

Ms. COMSTOCK. Okay.

EXAMINATION BY MS. COMSTOCK:

Question. In the course of your gathering documents in the January time frame, were you aware of documents from Mr. Ickes' office being gathered in any manner?

Answer. Yes. Mr. Ickes provided documents in response to the request.

Question. Okay. And were you aware of Harold Ickes taking documents with him?

Answer. I am aware of that now. I don't know if at that time that would have struck a bell, but I am certainly aware that there were materials that were campaign materials or other things like that that he departed with.

Question. And this committee received documents from Mr. Ickes in February of 1996. Were you aware of discussions about whether or not Mr. Ickes should turn over documents to this committee—in February of 1997, I am sorry. Were you aware of any discussions in the counsel's office about Mr. Ickes turning over documents?

Answer. I am certain we had discussions regarding whether or not any of these materials were materials over which there potentially would be privilege issues that needed to be addressed and we would have had those conversations in that context.

Question. Okay. Do you know if there were discussions with Mr. Bennett about that, Mr. Bennett being Mr. Ickes' attorney?

Answer. Right. I actually recall there probably being discussions with Ms. Amy Sabirn, who I believe also worked on this matter with Mr. Ickes.

Question. Do you recall—were you involved in those discussions?

Answer. I am sure I would have been involved in those discussions with respect to Mr. Ickes' documents if they were done in the beginning of the—of February. I am sure that would have been a time period that I would have still been involved in those matters.

Question. Okay. Do you recall any particular issues regarding Mr. Ickes' documents and what he had taken with him?

Answer. I recall there being press attention to the fact that he had materials that were with him. I don't recall there being any particular issue, other than ensuring that to the extent there were any privileges that might properly be associated that we would have an opportunity to review and identify them. Other than that, no.

Question. Was there any discussion about Mr. Ickes had a number of documents that were his memos to the President and the President had written on them, things such as that?

Answer. I don't recall any particular issues about that, no.

Question. Okay. I wanted to ask you some questions about when you were working on matters in the fall of 1996. One of the matters you also worked on was the White House database; is that correct?

Answer. Correct.

Question. And could you tell us how you came to be involved in gathering those documents?

Answer. It was just one of the issues that was assigned to me by Mr. Quinn.

Question. All right. And were you involved then in the process of turning over White House database documents?

Answer. Yes.

Question. Since we are going into a new area here, would it be okay to take a break for just a minute?

Answer. Sure.

Ms. COMSTOCK. Let's go off the record.

Mr. BALLEN. A 5-minute break?

Ms. COMSTOCK. Yes.

[Brief Recess.]

EXAMINATION BY MS. COMSTOCK:

Question. We were talking about the White House database and I am not sure where we were in terms of——

Mr. EGGLESTON. You had not asked a question yet.

Ms. COMSTOCK. Okay.

EXAMINATION BY MS. COMSTOCK:

Question. Were you involved in discussions on actually turning over the records on the database to the committee?

Answer. I was handling the database matter until approximately November/December of 1996.

Question. Okay. At that time Sally Paxton began handling that issue; is that correct?

Answer. Correct.

Question. Are you aware of documents that were gathered during the summer/fall time period of 1996?

Answer. Fall, correct.

Question. And let me show you an exhibit. Are you familiar with the letter that Mr. Ruff had sent last week to the committee?

Answer. Yes.

Question. And if you could just tell us, what is your understanding of these documents and where they have been?

Answer. When I stopped handling this matter, these—my files were transferred to Ms. Paxton and the documents were transferred to Ms. Paxton. In my working file was a file that had these materials in them that were transferred to Ms. Paxton at that time so that would have been probably the end of November or December sometime.

Question. Okay. And——

Answer. And remained in those files until they were provided to the committee.

Question. Okay. And at that time, they were not turned over to the committee?

Answer. They were not turned over initially to the committee with respect to their first request because they were not responsive.

Question. Okay.

Mr. EGGLESTON. Again, we are talking about—there were a number of documents provided. You are talking about the documents that are attached to Mr. Ruff's October 28th, letter?

Ms. COMSTOCK. Yes, the October 28th, 1997, letter to Chairman McIntosh, who is chairman of the subcommittee of this committee and attached—it is a 2-page letter and attached to it are documents Bates stamp numbered M 33292 through 3302 from the Office of White House Counsel.

EXAMINATION BY MS. COMSTOCK:

Question. Is your testimony then that these documents were not turned over at that time because they were not responsive to the committee's request?

Answer. To the particular request, correct.

Question. And were there any privilege issues attached to any of these documents or just it was the sense that they were not responsive to the request in the fall of 1996?

Answer. August 1996, correct.

Question. And then you had transferred all of these files to Ms. Paxton?

Answer. Correct.

Question. And then when initial requests came in this year, did you talk to anyone about your files or where anything was at?

Answer. Other than obviously Ms. Paxton had all of my files, and I already have indicated when I have gotten questions about the database that, you know, I have transferred all my materials to Ms. Paxton so they would have to look through the materials that were transferred to her.

Question. Have you had discussions about these documents that were attached to Mr. Ruff's letter recently?

Answer. Oh, sure, before they were provided, yes.

Question. How did they come about to be—Mr. Ruff had stated that they just were found recently when Ms. Paxton went back to review her files?

Answer. Correct. I believe Ms. Paxton was reviewing her files for another request that had come in from the Chairman and she went through all of her files and this file was one of the files that was in her files, yes.

Question. Okay. And did you have any discussions with her about why they hadn't been turned over earlier?

Answer. Other than at the time that we reviewed them they were deemed not responsive, those were the discussions that we had had.

Question. To your knowledge, have all of the files that you turned over to Ms. Paxton now been reviewed and all the responsive documents turned over to date?

Answer. I believe so. Ms. Paxton obviously reviews all the files and materials in that regard, but I believe she has done that.

Ms. COMSTOCK. All right. I will make this Deposition Exhibit No. 12.

[Mills Deposition Exhibit No. CM–12 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. When the database information was first turned over to the subcommittee, was there any discussion about information about the coffee events being on the database internally at the White House?

Answer. I don't believe so. I am sitting here trying to think about that. I know that in the course of trying to determine the list of coffees that had occurred and the coffees that—and the attendees, obviously some of the attendees' lists were in the database but that was not discussed.

Question. Was the White House database ever used as a source of information for tracking down documents or information as responsive to various document or subpoena requests?

Answer. I am certain if we get documents from the database that would indicate responsive materials might exist someplace else we would follow up to try and collect those materials.

Question. Like if—I know the committee has received things such as—there was—say, if we had asked for all documents related to John Huang, we would get a sheet from the database which is a readout of John Huang's attendance at various events. Was that something that you normally did in other productions where you would go to the database and say, print me out all of the events attended by whoever the subpoena was requesting information on?

Answer. Once the database came on-line that's one of the things we would try to do to ensure that we had materials that might be responsive. In other words, we would look at those—the database sometimes against the WAVES records so it would help sometimes identify what particular visits might have been about.

Question. And do you know if in the course of going through the Riady and Huang WAVES, did you use the White House database to check on those things?

Answer. I don't know. I am sure we would have. If it had information that would have been responsive, I am sure we would.

Question. And do you recall any issues, when the database information was turned over, that some of the information in there was obviously private or not known to the public at that time and how that—you know, do you have any internal discussions about, these coffees were private events or anything like that and indicate that this information would now be known to Congress that there were these coffee events?

Answer. I don't recall discussions about coffee events, particularly because there are lots of coffees that are held. I know people are most familiar with political coffees, but there are coffees held, all kinds of different coffees. There are coffees with Members of Congress. There are coffees with the Childrens Defense Fund. I mean, it is just one of the types of events that we have at the White House.

Question. Was it your understanding that these political coffees were like those coffees?

Answer. I didn't have any understanding of the political coffees until sometime in January of 1997.

Question. How did you learn of that?

Answer. There were press inquiries with respect to how many coffees the President had had with different political supporters.

Question. All right. And at that time, did you utilize a database to find out that information?

Answer. At that time we actually went and tried to go back through schedules, briefing books and other materials that might have guest lists.

Question. Okay. And in particular the coffee Wang Jun attended became public, and I think there were some news articles in December of 1996 around the time the story about Charlie Trie came out. Did you attempt in that December time frame of 1996 to find out about why Wang Jun was at a coffee?

Answer. I think whenever the coffee issue arose, we attempted to try and gather all the information that would give us a list of who had attended the coffees and the dates that the coffees had occurred. We didn't have any requests regarding coffees that I am familiar with, and so at that point what we were trying to do was gain an understanding of the different events that had been held in that regard, and I believe that was one of the coffees, but there were other coffees that people were also interested in as well.

Question. Okay. And you are familiar with Charlie Trie at this point; is that correct?

Answer. I have become familiar with—yes, that's correct.

Question. Okay.

Answer. By at this point, you are talking about December of 1996?

Question. Correct. Right. I don't think we are going to go into all the Charlie Trie May events and the May 9th meeting and all of that. I think that's been covered in Mr. Cardozo's testimony, unless you have anything to add that it was contrary to Mr. Cardozo's public testimony or accounts of those meetings.

Answer. No, but I didn't see all of his testimony, but no.

Question. We had already discussed prior that we weren't going to be going into a lot in that area and were going to be staying more in the compliance area in general.

But in regard to Mr. Trie, do you recall ever discussing anything related to Wang Jun and Mr. Trie, Mr. Trie bringing in Wang Jun or learning about that at the time of the coffee?

Mr. BALLEN. Discussions with whom, with Wang Jun or Charlie Trie——

Ms. COMSTOCK. Discussions about——

Mr. BALLEN. My question was discussions with whom? Would they be discussions with Wang Jun? Would they be discussions with Charlie Trie.

Ms. COMSTOCK. I don't know if he speaks English.

The WITNESS. If you are talking about the December '96 time period, or the January '97 time period with respect to coffees, I am sure we would have tried to ask whatever questions we could to try and determine the guest lists and other things like that. I don't particularly recall conversations about each particular guest, though I do believe he was somebody that people were interested in. So I would have had conversations to try and determine how he came to be there, but I don't really particularly recall him as disassociated from some of the other people that people might have been interested in.

EXAMINATION BY MS. COMSTOCK:

Question. Were you aware of any process at the White House whereby some of the people who went to coffees were checked or anybody at the NSC asked about them?

Answer. I have learned, during the course of handling this matter, that I guess it was people's expectation that the DNC was reviewing these guests. At least in the White House we did not have, I think, adequate procedures to review for the guests, and that's something that was subsequently implemented.

Question. What is that process now?

Answer. I am not familiar enough with it, but each particular contact person or assistant to the President who has responsibility for an event has the obligation for ensuring all the different guests are vetted for the various events that they might be coming in for.

Question. Do you recall if anyone had ever asked you about Wang Jun or his attendance at a coffee?

Answer. I don't recall anyone asking me. I am familiar with an e-mail that I have. I don't recall the circumstances surrounding that e-mail. I became familiar with that during the course of our production.

Question. Okay. I believe this is an e-mail that we just received recently.

Answer. No, this would have been produced quite some time ago.

Mr. EGGLESTON. In any event, you have it now.

EXAMINATION BY MS. COMSTOCK:

Question. Yes. It is a February 5th, 1996, e-mail from Phil Caplan to you; is that correct?

Answer. Yes.

Question. And on the e-mail it says, "As we discussed: Mr. Wang Jun." It says, "Chairman, China International Trust and Investment Corp," and then "Dr. Carlos Mersan" and then it says, "Let me know. Thanks."

You don't recall any conversation with Mr. Caplan?

Answer. No, and I have looked at this. I don't recall a conversation with him.

Question. Okay. Have you talked to Mr. Caplan about this?

Answer. I have not.

Ms. COMSTOCK. I will make that Deposition Exhibit No. 13.

[Mills Deposition Exhibit No. CM–13 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Would I be correct then this document was brought to your attention recently or sometime in the past few months, whenever it was produced——

Answer. Correct.

Question [continuing]. To the committee?

And at that time did you discuss with anybody, you know, whether you had done any general vetting of anybody or anything in relation to people such as Mr. Wang Jun or Carlos Mersan?

Answer. That's a compound question.

Mr. BALLEN. Excuse me. I don't understand the question.

EXAMINATION BY MS. COMSTOCK:

Question. I was wondering—this was brought to your attention at some point, whenever it was produced to the committee; is that correct?

Answer. That's correct.

Question. You have no recollection, other than someone brought it to your attention?

Answer. Correct.

Question. So at the time of the February 6th coffee or sometime at or around the February 6th coffee, you have no recollection of anybody approaching you about Wang Jun?

Answer. Correct.

Question. You have no recollection of anybody approaching you about Carlos Mersan?

Answer. Correct.

Question. In particular, you have no recollection about Phil Caplan, who is the author of this e-mail, contacting you about either?

Answer. Correct. Indeed, when I saw this e-mail I didn't recall it at all. It surprised me that I had this e-mail.

Question. Have you checked with anyone else in the counsel's office to find out if they had discussed Mr. Wang Jun or Mr. Mersan, Dr. Mersan, with Mr. Caplan?

Answer. No. But, you know, his e-mail is to me so I would be the person who would probably have a recollection, and I don't.

Question. Okay. Then I guess my question I was trying to get at is any type of vetting that was ever asked of you, did anyone ever come to you and say, can we have so and so come to an event or——

Answer. I am sure that has happened in the past, and typically I would try and be responsive to whatever requests I might have got. I don't have particular associations with anybody in particular, but I am sure that might have happened in the past. There was no systemized process or anything like that, if that's what your question is.

Question. Okay. Were there ever any issues where people who attended coffees had some type of criminal background or had hits on their—on, you know, when you come in with the Secret Service there are some hits on their name?

Answer. If there were, I did not know.

Question. Did somebody ever raise that? Nobody would ever call you about that and say, DNC wants to let this person in and we have an issue with this; what should we do?

Answer. I am not aware of anybody raising with me that someone has had a hit or whatever you are identifying with respect to their WAVES record or—or their Secret Service check.

Question. Do you know anybody at the White House who was tasked with sort of monitoring these lists and who was on them?

Answer. It was my impression that that was actually the Secret Service's task. Obviously, through this process, we have discerned that they don't make judgments regarding propriety but only security, and so someone might have other issues that are associated with them that might be criminal but that they don't view to be actually a threat risk. That's something that we learned through this process. Prior to that, I think it was my impression that that was one of the functions that the Secret Service performed.

Question. You mean up until recently, that was your understanding of the Secret Service?

Answer. Up until all of this—until it all got raised, the fact that there were people who obviously had particular issues in their background who were visiting the complex, correct.

Question. Okay. That wasn't brought to your attention, for example, last year with Mr. Livingstone and the FBI files or any of the things that came about?

Answer. No. I actually wasn't involved in those matters so it probably wouldn't have been something that would have perked my attention.

Question. So we are just blank on this e-mail?

Answer. Yeah.

Question. Okay.

Mr. BALLEN. Has that been entered as an exhibit?

Ms. COMSTOCK. Yes. That is Exhibit 13.

Mr. BALLEN. Thank you.

EXAMINATION BY MS. COMSTOCK:

Question. There was no—on the Yogesh Ghandi matter that we just discussed briefly, and I really don't intend to go into that a lot except in the matter of this background thing, did anything you do in regards to Yogesh Ghandi have to do with dealing with his background and any concerns about his background?

Answer. No.

Question. I have another e-mail from July 22nd, 1996, regarding Chong Lo. Actually it is regarding the Lotus fund gala. Do you recollect having any discussions with Karen Hancox or Daniel, is it Bernal, B-E-R-N-A-L, about the Lotus fund gala?

Answer. I do not, though obviously one of my responsibilities was to review different invitations and other things like that to ensure that they were consistent with the Hatch Act. I just don't know what this particular one was about, but that was one of the responsibilities I had.

Question. Okay. Now, are you aware of someone named Chong Lo who was connected with this Lotus fund gala?

Answer. I am now. I was not at that time.

Question. Do you know if—was this e-mail to you or this question to you about the Lotus fund, you don't have any—do you have any recollection of what it was about?

Answer. No.

Question. Were you aware of Chong Lo having some legal problems in July of 1996?

Answer. No.

Question. All right.

Answer. I wasn't aware of Chong Lo in July of 1996.

Mr. EGGLESTON. I am sorry. I am probably the only one here who is dense. Chong Lo's name is not on this e-mail.

Ms. COMSTOCK. It is not. It says "Lotus fund gala," and Chong Lo is an individual who is associated with the Lotus fund gala, which I believe was an event that may have been cancelled, although I don't want to represent that for the record.

EXAMINATION BY MS. COMSTOCK:

Question. I am not asking you to confirm that or anything. I am just asking you if anyone ever contacted you about Chong Lo and any fund-raising events she was connected with to ask you for guidance?

Answer. Not to my recollection.

Ms. COMSTOCK. Okay. I will make that Deposition Exhibit No. 14.

[Mills Deposition Exhibit No. CM–14 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Were you aware of Karen Hancox or Doug Sosnik ever doing any vetting of people? Is that something you had an understanding they were involved in?

Answer. It is my understanding now that one of the tasks that Karen might perform would be to check with the NSC from time to time. Apart from that, no.

Question. Check with the NSC?

Answer. Yes.

Question. On people's backgrounds?

Answer. On whether or not—I think whether or not there would be a foreign policy issue with regard to their attendance.

Question. Okay. And then did any of that ever get kicked back to the counsel's office, as far as you know?

Answer. Not that I recall.

Question. So would she go—it was your understanding she would go directly to the NSC to discuss these matters?

Answer. It is my understanding that there is an exec secretary who is basically the point of intake for any information or questions, and that was who she might be discussing it with.

Question. Do you know of particular individuals she discussed with the NSC?

Answer. No. I am sure there are materials or documents that we might have produced that might address that, but I don't recall any as I am sitting here.

Question. Okay. And how did you learn of this?

Answer. During the course of producing materials.

Question. Okay. That's your only knowledge of that?

Answer. That's my only particular recollection of it, yes. I am not saying that Karen and I couldn't have had conversations. I had conversations with Ms. Hancox quite frequently obviously over the course of '95 and '96. It's quite plausible we might have had a conversation. I don't recall one.

Question. You had discussions about coffees with her in general; is that correct?

Answer. No, that's not correct.

Question. Okay. You did not discuss with her where events could be held or anything like that?

Answer. I discussed—as one of the issues I always deal with is where different events could be held. That is something that I did discuss, but not necessarily in particular to particular types of events.

Question. Okay. Did you have any discussions with anybody about whether political coffees could be held in the White House or not?

Answer. I don't recall. I mean, one of the things that I typically do is give advice about events. It doesn't matter what the kind of event, whether it is a coffee, lunch, tea, breakfast or dinner. Typically the issue is the type of event. I don't recall any particular events about the coffees per se, but do recall that we obviously had discussions about political events and where they were held.

Question. Was it your advice that the political coffees would generally be held in a part of the White House that is considered a residence?

Answer. I specifically said I did not have conversations about political coffees. I was unaware of all the coffees that were transpiring until after the issue got raised in the press. I had discussions about events.

Question. All right. So when people would come to you, they wouldn't tell you necessarily what they were talking about? They would be asking, can we do this or that, and you wouldn't necessarily know?

Answer. Can we hold an event, a political event, in X place or Y place or Z place, correct.

Question. So you wouldn't know what the event is? They are just sort of asking you for, you know, if I do it here what can I do; if I do it there, what can I do?

Answer. Yes, though sometimes I might know what the event is. It just depends on the circumstances of what the person communicated to me.

Question. Was there any reason why they wouldn't tell you what the event is?

Answer. No, other than I think it is not relevant in determining where the thing occurs as to what the nature of it is.

Question. Did you get a sense sometimes people might not want to sort of ask you things because you might say no or they might sort of hide the ball from you in terms of what it was?

Answer. No. My experience is more particularly that they ask me for cover, so I have the opposite experience.

Mr. EGGLESTON. It just doesn't matter to what they are going to serve at the event, I take it?

The WITNESS. Right.

EXAMINATION BY MS. COMSTOCK:

Question. When you say they are asking you for cover, would that be before or after the fact?

Answer. Before the event they would typically consult if there was a question that they had.

Question. Okay. But you have no recollection of them coming to you at all discussing these particular political coffees?

Answer. No. I mean, that's not to say that someone might not have asked me a question about an event or a coffee or something, but I don't recall having a discussion regarding the fact that there were going to be a series of coffees that were held over a period of time that subsequently were the materials that we ended up disclosing to the press in terms of the number of coffees and the guests associated with them.

Question. The political coffees, I mean, as you understand them now, were those supposed to be held in the Oval Office? Was that an appropriate place for them to be held?

Answer. They can be held anywhere.

Question. And that was advice that you gave them at the time, that political events connected—whether they are connected with fund-raising or not could be held anywhere?

Answer. The Hatch Act actually provides that political events or political activity can be—can occur anywhere within the White House.

Question. This is a March 7th, 1996, e-mail regarding an April 30th coffee and it is to Karen Hancox and the creator is Margo Spiritus. And we will note either of these are to or from you. They just mention you in the body of the e-mail.

Are you familiar with these documents?

Mr. EGGLESTON. I am sorry. Are these different?

Ms. COMSTOCK. Yes. I think they follow upon one another so that's why I wanted to give you both of them.

Mr. EGGLESTON. Okay. The one you gave us second is the first one?

Ms. COMSTOCK. I think so.

Mr. EGGLESTON. They are Mills 15 and 16?

Ms. COMSTOCK. Yes.

I will make EOP 62689 Deposition Exhibit No. 15, and EOP 62693 Deposition Exhibit 16.

[Mills Deposition Exhibit No. CM–15 was marked for identification.]

[Mills Deposition Exhibit No. CM–16 was marked for identification.]

The WITNESS. I have not seen these before, that I recall.

EXAMINATION BY MS. COMSTOCK:

Question. Okay, so you haven't seen them in the course of document production either?

Answer. Not that I recall.

Question. Okay.

Answer. I might have but I don't recall.

Question. The initial one says "SS suggested you ask Cheryl Mills if it would be ok if we do a coffee on the same date but in the west wing. What do you think? Is this doable?" It begins, "Well actually, SS suggested," and so forth. Do you know who "SS" is in this context?

Answer. Stephanie Streett.

Question. Okay. And do you recall talking to any of the people named here about this event?

Answer. No.

Question. And you don't recall any of these people asking you about the event and where it could be held?

Answer. Correct, but you have to recognize, I receive somewhere on the order of about 70 calls a day, so I talk to lots of people, and in that time frame I was receiving a fair number of calls.

Question. And I am not particularly referencing this particular coffee, but do you recall generally someone calling and saying "Can we do this in the West Wing? Where should we do it?" And a follow-up to this initial e-mail, Deposition Exhibit 15, says "I guess the only place to do it would be Roosevelt or Cabinet Room but I don't think you can do political stuff in the Cabinet Room, that's why I wanted to run it by Cheryl Mills."

Answer. I don't recall that particular series of discussions, but people called me all the time asking where they could hold events.

Question. And was this the kind of advice you would have given them in terms of where events could be held?

Answer. I would answer whatever——

Question. That you can't do the political stuff in the Cabinet Room?

Answer. I would answer whatever particular question they might actually ask me.

Question. Do you recall telling people whether something could be done in the Cabinet Room or not?

Answer. No.

Question. Something to that effect?

Answer. No.

Question. And you don't recall particularly telling them whether or not any particular event could be held in the Oval Office, per se?

Answer. The Hatch Act provides that events can be held in all these particular places.

Question. Then I am wondering, why were the people calling you? They were just calling you to find that out again?

Answer. I think it just arises from people's confusion with respect to the Hatch Act.

Question. I will make these Exhibits 15 and 16. Were you involved in the decision in January of '96 to make the information about the White House coffees public?

Answer. January of '97 I was.

Question. '97, I'm sorry.

Answer. Yes.

Question. And how did that decision come about?

Answer. I believe the President had been receiving that information for a period of time, and so we tried to go about collecting that information so we could give a complete and accurate picture.

Question. And did you talk with Ms. Hancox and Doug Sosnik and others who were involved in the coffees to find out what was involved with the coffees?

Answer. I am sure I would have.

Question. And did you sit down to discuss with them sort of the body of potential records that may have been related to the coffees?

Answer. No, primarily because we didn't have a request regarding the coffees, but what we were seeking to do is satisfy particular press questions. In particular, the press wanted to know who had attended the coffees and how many there were.

Question. And so there was no effort on the part of the White House to find out other information at that time that you might know about the coffees?

Answer. No, I was trying to find out who attended and what dates the coffees were held on.

Question. And then in relation to the White House database having included the White House coffees, do you have any knowledge as to who was actually inputting the information about the coffees into the database?

Answer. No.

Question. Do you have an understanding of who was inputting information in general into the coffees or where they were getting that information from?

Answer. It was my understanding the DNC would submit a list of guests for the coffees.

Question. And do you know who they submitted it to?

Answer. I do not.

Question. Did you ever have any concerns that were raised to you from any source in the White House that the White House database was being misused by Marsha Scott or others for political purposes?

Answer. No. I am aware, obviously, that that is one of the issues that the subcommittee has asked about, and I know that in reviewing that, I believe Ms. Paxton did a lot of that, but there has not been such information, and that is my best knowledge.

Question. I am asking in particular if anyone at the White House, the DNC or from an outside—you know, other than Congress, has approached you about "I am concerned that this might have crossed the line here" or how they are doing things or anything like that?

Answer. No, I don't recall anybody approaching me in that regard.

Question. Okay. So prior to your transitioning out of the collection of documents in this area, you didn't get involved then in really going any further in terms of collecting documents pertaining to the coffees?

Answer. Correct.

Question. And then the first time you learned about the videotape to the coffees, then, was in October of this year?

Answer. Correct.

Question. Okay. And who told you about that initially?

Answer. On October 3rd, I believe in the morning, Mr. Ruff informed me Mr. Imbroscio had determined there were snippets of the coffees that had been videotaped.

Question. And that was the first you heard of it?

Answer. Correct.

Question. And I am really not going to go into this at length, but you were the individual who informed the President about the videotapes of the coffees and other events, is that correct?

Answer. Correct.

Question. Could you just tell us what you said to the President?

Answer. I think I testified to that in my deposition with the Senate.

Question. But there has been—the President has said on one occasion he was very mad and I have read other accounts that said he wasn't mad. Can you shed any light on that?

Answer. I think, as I said in my Senate deposition, it was my impression he was concerned about the fact they had not been produced and insisted they be produced right away, and I think he has accurately addressed his emotions with respect to that.

Question. I am asking not for how he has expressed it but your impression at that time.

Answer. I don't have impressions that differ in any way from his.

Question. Is that a policy matter or is that your impression?

Answer. No, that is my polite way of saying I agree.

Question. Did he express anger that these hadn't been turned over earlier?

Answer. I think it would be accurate to say he expressed considerable concern that they had not been turned over earlier.

Question. Was anybody else in the office when you told him about this?

Answer. No.

Question. And how did it come that you were the individual to discuss this with the President?

Answer. I don't recall. It was just after one of our discussions about this. We all took different responsibilities, and that is the one I took.

Question. I think earlier we discussed why documents hadn't been turned over to this committee that were obviously gathered in January.

Mr. EGGLESTON. You are going to have to do a better lead into this because I don't agree to that.

EXAMINATION BY MS. COMSTOCK:

Question. Well, I think you had testified, I believe, that documents were turned over, some documents were turned over to the Justice Department in January. The only documents that this committee received in January were documents relating to the coffees. I believe there had been a few WAVES——

Answer. I believe you also got WAVES materials, and those were materials we provided to the department.

Question [continuing]. That were made public to the press at the same time we got information or sometime prior to that.

Answer. I want to be clear, I don't know what was the actual production date of the first set of materials to the Justice Department. You keep referencing that it would have been sometime in January. That is my best understanding, too.

Question. If you can give us an approximate date, at or around January, as opposed to May?

Answer. I know it is around January or February as opposed to May.

Question. That is all I am talking about and trying to represent——

Mr. EGGLESTON. Can I have a copy of this?

Ms. COMSTOCK. Yes.

EXAMINATION BY MS. COMSTOCK:

Question [continuing]. That the committee received only documents that—documents of coffees in January, and I believe some of the documents pertaining to Tony Lake's confirmation in February.

Answer. You should have also received WAVES material.

Question. WAVES material in December, Kanchanalak, Charlie Trie?

Answer. You also received some in November with respect to John Huang.

Question. That is correct. Do you recall receiving this January 15 request from Chairman Burton?

Answer. I don't recall, but it mirrors in large part the request we had already circulated to the White House.

Question. Okay. And in fact, it was designed to reflect the directive that had gone around, knowing, in fact, that you all had been collecting documents pertaining to these particular topics, so do you recall discussing whether or not these documents would be provided or whatever documents had been gathered at that point would be provided to this committee?

Answer. I am actually sitting here recalling that we probably produced documents to the department at the end of January because it would have been after I returned from a vacation, which would have probably been around the 30th or sometime toward the end of January.

Ms. COMSTOCK. Okay, and I will go ahead and make that January 15, 1997 letter and request Deposition Exhibit No. 17, and then I will make this January 31 letter Deposition Exhibit No. 18.

[Mills Deposition Exhibit No. CM–17 was marked for identification.]

[Mills Deposition Exhibit No. CM–18 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And there is a January 17 letter from Mr. Quinn that I do not have, but it is referenced here in the January 31st letter, which indicates he would not be able to provide the designated documents by the 30th. Do you know why there was a problem in physically producing any of the documents related by the 30th?

Answer. In producing, there are several problems but, yes, there is obviously the amount of production that has to be done, and probably as people are aware, at that point there were only three people doing what now there are approximately nine people doing, so our opportunity and ability to be able to satisfy different requests was considerably reduced from where it is now.

Question. And is it your understanding, then, that the documents are not able to be produced to this committee because of physical limitations of the Counsel's Office?

Answer. A; and, B, we also have to go back through and Bates stamp them for the committee, so it creates a whole other process that has to be associated with the production.

It was also my impression, though I could be wrong, that there was discussion regarding what committees, what protocols and other things might be appropriate to deal with particular documents. It was my sense that those had not—or were just beginning as I was transitioning out of this matter.

Question. Were you involved in any of the discussions on the limited committee access type documents that were going to be withheld from committees and ask the committee if they actually would come down and physically look at documents, as opposed to producing them?

Answer. It was my impression that limited committee access were actually materials that were being produced but only certain people on committees who had a need to review them would be reviewing them, so it was my impression limited access documents were being produced to you all.

Question. Were there going to be other documents that had to be viewed at the White House?

Answer. I am sure that is probably something we did discuss with respect to matters that might be subject to privilege or something of that type.

Question. When Mr. Ruff came on board, did you have particular documents that you discussed with him at that point, documents that you had gathered up until that point, that you felt were executive privilege documents that had been sort of segregated? Do you have a way that you segregated them from other documents?

Answer. Typically if a document may have privileged issues, those are documents you put toward the end of the production so everybody can sit down and review them and make a judgment about whether they are or aren't and produce them. I am sure that is exactly what we would have done with Mr. Ruff because that is typically the way production is done. You review all of them in context and eliminate those that are not subject to privilege and produce those, and to the extent there are materials subject to privilege, figure out what the appropriate accommodations will be to address those documents.

Question. Okay. Now we had previously discussed Ms. Sherburne's memo of the 26th about the Riady meetings and the varying accounts of that, and that document is actually one of the documents that have been withheld from the committee until the committee was discussing contempt, and then the documents came forward in a production following cancellation of a contempt hearing. There was not privilege claimed over them but it was represented by Mr. Ruff it had been withheld up until that time because of privileged concerns.

Do you remember discussing those particular documents and any privilege concerns there might be?

Ms. COMSTOCK. I will note for the record, Uttam Dhillon, who is the majority counsel, is also here at this moment.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall any——

Answer. I am sure this is a document we would have discussed in that context because it is from the special counsel, so it is one of the documents that would have to be reviewed toward the end of production to be able to determine whether or not a privilege is going to be asserted with respect to it or at least identified as potentially associated with it, or whether or not it is a document we are going to produce.

Question. Given those were documents—I mean, we have not gone into detail on that today and I am not going to go into great detail on that, but that was the exchange sort of between Mr. Lindsey and Ms. Sherburne on the account of the Riady meetings, was something that you were involved in to some extent, the back and forth, after the fact?

Answer. I wasn't involved in the initial. I was only involved with respect to Ms. Sherburne was attempting to draft an editorial and had a conversation with me with respect to that because I at that point was handling the matter, and I ended up drafting a draft editorial with respect to that, as she was trying to draft one in that context. That was my involvement in the matter.

Question. And you were aware Mr. Lindsey disagreed with Ms. Sherburne's account of what he had said about the meetings?

Answer. It is my impression the issue related to whether or not these meetings are appropriately described as primarily social or policy, and that was my understanding of the debate that was going on.

Question. You are familiar with the document where Mr. Lindsey has written on Ms. Sherburne's memo "This is a bunch of crap."

Mr. BALLEN. I don't know if that is exactly what he said.

The WITNESS. I think he said, "This is mostly crap."

Mr. EGGLESTON. I guess you are familiar with it.

The WITNESS. That would have been one of the documents produced.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall discussing that with Mr. Lindsey?

Answer. No.

Question. And do you recall discussing with Mr. Lindsey the producing of those documents to this committee or any other body?

Answer. No. I am sure I might have but I don't recall any particular discussions about it.

Question. Okay. And you don't recall any discussions with anybody about discussing those memos?

Answer. I am quite confident those memos would have been in the materials we would have reviewed to determine privilege, so they would have been conversations we would have had with counsel and Chuck Ruff.

Ms. COMSTOCK. Since we have been discussing it—okay, it says, "Jack, this is mostly crap. Bruce," on the November 26th memo, which we will make Deposition Exhibit No. 19.

[Mills Deposition Exhibit No. CM–19 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Okay. And I am just trying to understand. Given this was something you had been involved in, the back and forth between Ms. Sherburne and Mr. Lindsey on this, do you recall any discussions about holding up these documents or how these documents would be handled in particular?

Answer. Setting aside the way in which you characterized your question, I am confident that this would have been a document that we would have discussed in the context of whether or not privilege appropriately applies because it relates to Ms. Sherburne and materials she has written as special counsel. We would obviously—this would be an obvious candidate for a document that would have to be reviewed and determined whether or not there were any privileges associated with it. So I am quite confident those discussions happened and that I would have participated in them.

Question. Were you aware that Mr. Ruff—or did Mr. Ruff ever discuss with you that the President had told him he did not intend to claim executive privilege over any documents related to these fund-raising matters?

Answer. It was my understanding that the President indicated he was not going to assert executive privilege over fund-raising matters.

Question. And what was your understanding of that?

Answer. That is my entire understanding of it.

Question. Well, he was not going to claim executive privilege. Why were you then withholding—why were documents then withheld to review privilege issues?

Answer. I think the question as to what is a fund-raising issue and what is not are two different things. There are different interpretations you might have as to whether or not this is a fund-raising matter.

This is not associated with his raising of monies, the DNC's raising of monies, or John Huang or any of the other individuals who were raising money, and there were questions about their contributions, and so I think this was actually a document that can be looked at any number of ways as to whether or not it is or is not a fund-raising matter. I think it is not.

Question. You were aware Mr. Riady was certainly a central focus of many people in the course of this fund-raising investigation?

Answer. Yes.

Question. And was it your understanding, when the President said he was not going to claim executive privilege over these matters, was it sort of that the document wasn't just necessarily related to but had to say fund-raising on the document? Was it that specific?

Answer. I don't know I had any particular association in that regard, but it was my understanding we were not going to assert privilege over fund-raising matters, at least in my—at that time all the questions were being raised with respect to contributions that were being returned.

Question. And are you aware that Mr. Riady had been a contributor in the past to the DNC, a fairly substantial contributor?

Answer. I am not aware that Mr. Mochtar Riady ever contributed, and James Riady may have contributed. I don't have a particular association with that right now, but I am sure if that is the case I would have known it at that time.

Question. And you are aware of it?

Answer. Though it is my impression he did not contribute in 1996.

Question. There are no checks, apparently, with his name on them in 1996?

Answer. That is how I know who contributes.

Question. Okay. I believe in '92 there were quite a few checks to the DNC?

Answer. I didn't understand you all were looking at '92.

Question. And obviously there was some interest in some of the people who were associated with Mr. Riady in terms of fund-raising issues. Do you have an understanding of that?

Mr. EGGLESTON. I am losing track of this. This relates to——

Ms. COMSTOCK. To Mr. Riady's meetings.

Mr. EGGLESTON. It actually relates to how the White House dealt with a press release, and press statements that took place. That is the substance of this.

Ms. COMSTOCK. I am trying to get a sense of what the understanding was that there would be no executive privilege claimed, if it was more general or if it was more specific.

The WITNESS. I can only tell you my best understanding is not with respect to fund-raising matters.

Ms. COMSTOCK. Okay.

Mr. BALLEN. For the record, there may have been other privileges, such as attorney-client, that the White House may want to be sensitive to for other reasons.

The WITNESS. Correct.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. When you say that the documents that are privileged are generally held to the end of the production, given——

Answer. I want to correct you right now. Documents that may have a privilege associated with them would get reviewed at one period of time to make a determination with respect to them. They are not withheld, because to withhold it would require you to have completed your production and identify them as materials you are not providing.

Question. Was there usually an attempt to sort of at least inform or identify that there would be privileged documents prior to, say, if a subpoena due date comes due? Is there usually an attempt to say, "Well, we have not yet identified all documents, but we believe we may have some privileged documents," so there is at least an understanding there may be some documents that are not yet being produced because of privilege issues?

Answer. No.

Question. Were there any policy matters on how you would, you know, inform somebody that, well, there may still be more documents that are privileged?

Answer. I think you don't know if there are going to be materials that are going to be privileged until you actually review them, so part of what we obviously do is inform people we have materials, we are producing them, once we get to the close of our production, we will identify any materials that are subject to a privilege.

Question. Okay. Did you ever see the Committee's March 4th subpoena that has the definitions of records——

Answer. I just saw it recently.

Question. So prior to that time you had not been asked any questions about it or asked any advice on how to respond to it?

Answer. I am sure if it is a substance issue I might have been asked. I don't typically get involved with the day-to-day correspondence and materials that come in. I typically end up seeing directives when they get circulated, and to the extent people have questions or issues, I try to be helpful regarding them. I am sure I would have circulated that but I don't recall it.

Question. We have not put it in the record, but during your time frame when there was another directive, a January 9 directive, that really was just a follow-up for the December 16 we have been previously discussing. Is that correct?

Answer. That is.

Ms. COMSTOCK. And I will just go ahead and make that an exhibit for the record. It is Deposition Exhibit No. 20.

[Mills Deposition Exhibit No. CM–20 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And would it be correct this was just to follow up and make sure you had gotten all additional documents from the December 16th request?

Answer. Yes, and also to get any documents that were created between December 23 and January 9.

Question. Did that come pursuant to an additional request or how did that—is that something you all decided to follow up on?

Answer. It is my recollection that the department was particularly interested up until that date.

Question. Okay. Were there any particular matters that were going on in late December or early January regarding any of these individuals?

Answer. Not that I know.

Question. That you have knowledge of, and I am not asking what you provided to the Justice Department, I am just asking your activities in that time frame.

Answer. Not that I am aware of.

Question. Mr. Trie, who was on both of these, you know, December 16 and January 9 directives, I believe he had attended a Christmas party event in December of '96. Were you aware of that at the time?

Answer. I am sure somebody apprised me at the time he actually went to the event that he went.

Question. Now we haven't discussed at length Mr. Trie or, you know, the fund-raising problems that kind of came to light a little bit after that Christmas party in December 1996, but you had been apprised of problems of Mr. Trie's fund-raising for the Presidential Legal Defense Trust in May of '96. Is that correct?

Answer. I had been apprised in May of 1996 with respect to the contributions that had been provided by others, as opposed to him. He did not provide a contribution.

Question. Okay. The contributions that he had collected and provided that were in sequential money orders, those are the contributions you are talking about?

Answer. Yes, as well as other contributions that were received that were not in sequential money orders, they were people's personal checks or other things.

Question. And you were aware that much of the money he had raised had been—quite a bit of it had been returned in the summer of 1996?

Answer. I was aware they were going to return it, that is correct.

Question. And so in the time frame of December of 1996 you were aware that money that had been collected by Charlie Trie had been returned?

Answer. Or was going to be returned, right.

Question. And when you took over these duties in October of 1996 on fund-raising, did you ever discuss with anybody at that time, Ms. Sherburne, Harold Ickes or anybody, Charlie Trie?

Answer. No, I don't recall Mr. Trie arising in the context of news reports until I believe—my best and earliest recollection is sometime in November of 1996.

Question. Okay. And you are aware now, I believe Mr. Ickes has said he told somebody at the DNC or mentioned something to the DNC or somebody asked him or something to that effect, in mid-October, about Mr. Trie?

Answer. Correct.

Question. But at the time you were dealing with that in October, you had no knowledge of Mr. Ickes saying anything about Charlie Trie?

Answer. Correct, because I was dealing with it as of October 30 of 1996.

Question. Okay. And at that time, did you ever raise with anybody "We should look at this" or have an understanding Charlie Trie was doing DNC fund-raising?

Answer. It didn't come to my attention until sometime in November that Mr. Trie was a supporter of the DNC.

Question. In the May 9th meeting with Mr. Cardozo, no one raised that Mr. Trie was a fund-raiser for the DNC?

Answer. I don't recall anyone raising that. I understand Mr. Cardozo has testified, but I don't recall anyone raising that.

Question. And you are speaking of Mr. Cardozo's testimony that Bruce Lindsey mentioned Mr. Trie was a fund-raiser?

Answer. Well, I don't know if——

Question. Or that is his recollection?

Answer. I don't know what he said with respect—I do recall him saying Mr. Trie was associated with the DNC. That is what I understand Mr. Cardozo to have said in his testimony. I did not hear such a comment.

Question. Have you discussed that with Mr. Lindsey, whether he had knowledge about Charlie Trie being a fund-raiser?

Answer. I am sure I would have asked him. I just don't recall, but I don't think he did.

Ms. COMSTOCK. Off the record for a minute.

[Discussion off the record.]

Ms. COMSTOCK. Back on the record.

We are going to make the March 4 subpoena Deposition Exhibit No. 21.

[Mills Deposition Exhibit No. 21 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And it is your testimony that prior to these videotape issues becoming an issue, you had not seen this subpoena?

Answer. No, actually—I don't know that I actually have reviewed the subpoena. I don't typically review the correspondence coming in from the different committees.

Question. And when a subpoena is received at the White House, generally, and as you were responding to any number of bodies about this, would there ever be any meetings in the Counsel's Office about, "Okay, where are all the possible places that there might be records?"

Answer. We obviously have meetings in the Counsel's Office to try and ensure that we are responding to the request. We don't have meetings about where would particular things be, at least I don't participate in them. Obviously Lanny Breuer

meets with his team and they might have those kind of discussions. I don't participate in meetings where Mr. Breuer is meeting his team. To the extent I participate in any meetings, it tends to be the larger meetings we have.

Question. Given your historical knowledge of the office, do you ever attempt to provide any guidance on, you know, check a book room, check stacks, here is where you might find things, so you don't run into some of the problems that have occurred in the past?

Answer. I think as I testified to initially, when people came on board and to the extent people have ongoing or continuing questions, I try to do just that.

Question. And given that some of these events were, you know, many of the events that were involved were political events, and many of them have been held at the White House, was there ever any discussion of the type of photograph—when we looked at the WAVES records, you had checked for photos on a lot of these people. At that time, did you ever check on any videotapes or any other type of photographic record that might be of individuals or people or events?

Answer. No.

Question. Was that not something you normally checked, in the way you did—I mean, you clearly were looking at the photos, so I am trying to get a sense of why you checked with the photos but not on videotape.

Mr. BALLEN. I object, because I think that the witness said she did not review the subpoena, so you are asking her how she would have checked on something she didn't review.

EXAMINATION BY MS. COMSTOCK:

Question. I am talking in relation to when we looked at the WAVES records and you were trying to determine when John Huang was at events or when James Riady was. One of the resources you went to, I believe prompted by a particular request, was to look for photos, is that correct?

Answer. Yes.

Question. Okay. At that time, no one had asked you particularly, Congress hadn't spelled out particularly, "Give us all photos of John Huang," is that correct?

Answer. Yes.

Question. But you went or sent somebody to locate what photos are here, what is the universe of pictures or what type of things might assist us with knowing about what records are in the White House about Mr. Riady or Mr. Huang. Is that correct?

Answer. Yes. I was familiar with the photo office.

Question. And were you not familiar with the videotaping office, then?

Answer. Correct.

Question. Are you aware of remedial measures, or whatever measures have been taken since the videotapes have been found, to sort of regroup in the Counsel's Office and consider other records which might be responsive to various requests, in order to assist getting all the information to the Justice Department?

Answer. This request actually would have gotten to the right place and would have gotten the videotape, so I think actually this whole exercise exemplified the process we have been using would ordinarily have captured the materials, but for the fax issue that arose in WHCA's office.

Mr. BALLEN. Just so that is clear, you are referring to the fax issue. Why don't you state that for the record?

The WITNESS. As the WHCA individuals testified, the person who would have been the one to do the search for these materials indicated if he had gotten the request, it was sufficient to be able to identify that they needed to search for the videotapes. In addition, our request asked for all computerized records.

The way in which you search for the videotapes is not to actually look at videotape boxes but to search the computer database, so all of the information would have been captured if they had had a—if it got circulated to them by their chief of staff, the actual request that identified coffees as one of the issues that the committee was interested in.

EXAMINATION BY MS. COMSTOCK:

Question. Now there was a 10/31/96 request that we had looked at earlier today, which was the one that referenced documents that would go to Bill Leary, and Alan Kreczko and Kathy Wallman were also contact points on that. That request had actually attached the congressional request to it.

Answer. I think, as I told you, I am not familiar with the origin of those particular materials.

Question. Do you know of other instances where the actual request was attached to a directive?

Answer. Typically, we write the language of the request as opposed to attaching particular requests.

Question. And are you aware of testimony from some of the WHCA people as to the subpoena itself actually would have assisted them also in finding these records?

Answer. No, I'm not familiar with it. I'm not disputing they might have said it but I am not familiar with it.

Question. The definition section in the subpoena, I guess directing your attention to page one, definitions and instructions are very specific in terms of all of the records, by going down item by item and describing them. Was there ever any discussion of putting a more detailed description of documents on directives, so that when a particular office would get it they would know it is not just paper files or computer files but any records, anything?

Answer. No, because our directives actually asked for all records, and typically we say in whatever form they exist.

Question. And was there an effort to go around to different offices, sort of "What do you have?"

Answer. I can only speak obviously with respect to mine in particular, the requests I handled. We do try and get whatever materials we can get from people. We obviously have a certification process for people to identify whether or not they have searched for the records. The process is used to ensure people have produced whatever responsive materials they have.

Question. And are those certifications that are signed by people in various offices and provided to the Counsel's Office?

Answer. Yes.

Question. You all keep a record of those for everybody who has certified they have produced documents?

Answer. I can certainly speak to mine, yes, but I don't know kind of what the process is since then, but I would assume it is the same.

Question. The practice, when you were collecting these documents, was that you went around to each office to collect the certifications?

Answer. We didn't go around to each office. We require each office to send us a certification.

Question. One of the things you wanted to get, if you sat down and you didn't have a certification by the due date or some reasonable time afterwards, you would say—either yourself or go to somebody and say, I need a certification from Political Affairs that they have given us all the documents?

Answer. Correct.

Question. And in regard to another recent issue which has just come up in the past week or so regarding the dog track issue generically, can you tell us—we also have Jim Wilson and David Bossie also here from majority staff.

Could you tell us of your involvement on executive privileged documents related to the dog track issue?

Answer. I am sure if there are privileged materials about the dog track, which I believe there are, I would have participated in the process to ensure that if there were appropriate privileges, that they were identified.

Question. And do you know when that process occurred?

Answer. I don't know kind of what the time frame was for it, but it was only relatively recently we ended up producing the privilege log in connection with litigation that is going on, so it would have been close to that time period.

Ms. COMSTOCK. Okay. Actually, this is the August 4th directive, which on the second page includes a request for documents. It is request No. 8, "All documents relating to the Department of Interior's decision to deny a petition for a casino in Hudson, Wisconsin." I will make that Deposition Exhibit No. 22.

And then in particular this committee, as well as, I believe the Senate has requested probably even earlier than we had, documents pertaining to the dog track issue. That will be Exhibit 23.

[Mills Deposition Exhibit No. CM–22 was marked for identification.]

[Mills Deposition Exhibit No. CM–23 was marked for identification.]

The WITNESS. Number 8, is it you all's intention that all documents relating to the Department of Interior's decision to deny a petition that arose out of you all's request——

EXAMINATION BY MS. COMSTOCK:

Question. No, because our subpoena is actually after that date. I believe there are requests from the Senate at an earlier date.

Answer. Yours was on the 4th of September.

Question. Actually it was the 21st of August, due on the 4th of September. The directive is August 4, 1997. I assume the directive was pursuant to another request, other than ours, prior to August 4th?

Answer. Are these individuals that are listed on the attachment associated with the dog track matter?

Question. Yes, all records relating to St. Croix Meadows Greyhound Racing Park. That is the dog track.

Answer. The dog track issue is the same as the St. Croix Meadows racing track, racing park?

Mr. EGGLESTON. Well, obviously you can say what you know.

The WITNESS. I don't believe that St. Croix is—it's Chippewa. That is why I am trying to understand how this captures the Chippewa. I am just trying to understand.

Ms. COMSTOCK. Okay. Can we just take a break here for a minute, then?

[Brief recess.]

Ms. COMSTOCK. Back on the record.

EXAMINATION BY MS. COMSTOCK:

Question. The August 4th directive, were you aware of documents being collected regarding the Department of Interior's decision?

Answer. I am sure they would have been, and I am sure if I saw this request, I would know materials associated with that would have been collected, yes.

Question. The contact person on this is Michael Imbroscio?

Answer. That is correct.

Question. Did Mr. Imbroscio talk to you about this issue at any time?

Answer. No, not that I believe.

Question. Would your involvement in this only be regarding any executive privilege issues?

Answer. Typically, yes.

Question. So you weren't day-to-day involved in the substance of the issue; you would only be involved in the addressing of executive privilege issues regarding any documents?

Answer. Typically, that is right, and the day-to-day production I didn't do.

Ms. COMSTOCK. To shorten this up, we can skip to executive privilege issues, less than the substance of these. And have we marked these yet? We can just skip that and go to the documents, if that is easier, so we don't need that.

Mr. EGGLESTON. I had this marked Exhibit 22.

Ms. COMSTOCK. We can mark those 22 and 23. And this is the privilege log.

EXAMINATION BY MS. COMSTOCK:

Question. Maybe if you could just tell us generically your involvement in discussing these issues, and I am assuming it's fairly recent; is that correct?

Answer. Correct.

Question. Within the past month or so?

Answer. Correct.

Question. And did you discuss these matters with Mr. Lindsey, with his involvement in the dog track issue in general?

Answer. No, the issues that we had regarding privilege—and Mr. Lindsey was not a part of those discussions, it was discussions that were with Mr. Ruff, Mr. Breuer and Mr. Nionakis.

Question. In order to get an understanding of the issue in general, did you discuss with Mr. Lindsey the comments that have now been reported, that the President made a comment to him and then there were phone calls?

Answer. I might have talked with him about it because there have been different news articles that have been written about it, but this is an issue that was reported on last year as well, so it is something that is kind of part of the public domain now.

Question. And we had discussed this a little earlier about the concept of the Justice Department working with the White House on executive privilege issues. Given that this matter is under investigation now by the Justice Department, were there any discussions with the Justice Department about how they would both simultaneously assist the White House with claiming privilege while they were investigating the preliminary matter regarding Secretary Babbitt?

Answer. I am not aware of any such discussions.

Question. You don't know of any having occurred at the White House?

Answer. Correct.

Question. Between or among people at the White House or the Justice Department?

Answer. Right. I mean, this is with respect to litigation that is actually ongoing, and so the Department represents us in that particular litigation. We are not actually the subject of the litigation, someone else is, and so I am not aware of discussions of the sort that you have indicated.

Question. And do you know who the point person was at OLC who was working on this?

[Witness confers with counsel.]

Mr. EGGLESTON. If you don't know, tell her.

The WITNESS. No, I don't know for certain.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if Beth Nolan has been involved in working on these matters?

Answer. She has not.

Question. Has she recused herself from this because she was at the White House when some of the initial events occurred, do you know?

Answer. I don't know.

Question. Okay. Could you just tell us, then, what the discussions were in claiming privilege over some of these documents?

Answer. I think the process typically is, we identify documents that may be subject to privilege, in this instance the Department reviews them and makes a determination with respect to the privileges, and then we place them on a privilege log and provide them.

Mr. BALLEN. When you say the Department——

The WITNESS. The Department of Justice in that instance, and then we provided them to the committee. The committee actually has these documents.

EXAMINATION BY MS. COMSTOCK:

Question. The committee was provided these documents after a story in the press?

Answer. The story in the press, though, originated because we produced on the Friday the production of the privilege log in the litigation, which would have been on Monday you all got the materials. Because there are reporters who obviously are interested in this matter and report on it during the course of the weekend, that is the only reason it would have been produced afterwards, but it was produced in a timely fashion. Indeed, the privilege log was not even filed until late that day on Friday.

Question. Was there any discussion prior to filing this privilege log in the litigation that they might want to inform Congress that some of these documents, you know, had not been produced yet, so they weren't reading about them in the paper, you know, the documents being withheld?

Answer. The documents hadn't been withheld. The documents had been provided to you and were not going to be withheld. It is my understanding there is a nonwaiver agreement, so these would be materials you all would receive once they had been determined with respect to what privileges might have been associated with them. The only withholding is with respect to private litigants in the litigation in Wisconsin, not with respect to the committee.

Question. The directive that we made, Exhibit No. 23 asked to have all these documents turned in by August 11. Do you know how long these documents had been gathered, why there was the delay in turning them over?

Answer. I don't know that there was delay in turning them over and I don't know when they were collected and gathered.

Question. Okay. And this is one of the documents that was——

Mr. EGGLESTON. Ms. Comstock, I have to tell you, I am not sure what we are doing here because it seems to me you are only doing this with regard to the private litigation. The committee has them. There has not been privilege claimed over them. I think they have never been withheld. You have a privilege log. They weren't late.

And it seems to me unless you are just acting on behalf of a private party, I don't understand what issue it is—I mean, there is litigation involving private parties, but I don't see what you think the White House has done that is inappropriate on this. And it seems to me, since I think the likelihood this deposition is going to be leaked is close to 100 percent, the notion you are going to question her about the process by which the executive branch asserted privilege over documents involved in private litigation, I don't see the slightest congressional interest in that.

Ms. COMSTOCK. For the record, none of the depositions we have taken to date have been leaked, and I would disagree with that percentage as well as——

Mr. EGGLESTON. On that issue, let me say they are usually released at the time of public testimony, so certainly this is likely to be.

Ms. COMSTOCK. Actually, these documents were——

Mr. EGGLESTON. I don't see the interest the committee has in advancing private interests, and apart from that, I don't see what else the purpose of this is, because these have not been—they were provided to the committee, they weren't late, and I don't see what interest is being pursued here.

Ms. COMSTOCK. Actually they were gathered in August and not produced until October, after they were produced to private litigants. What we are trying to determine is the process going on here and why there was this delay in producing them.

The WITNESS. I don't know there is actually a delay. I think, as I probably indicated previously, that when documents—we put a date on there, and people obviously have to go through whatever materials they have and provide them. And they try and provide them as closely as they can, but there is a process of review that would take time, so I don't know if I would buy into the notion of there being a delay.

EXAMINATION BY MS. COMSTOCK:

Question. And this is EOP 69070, which is an April 24, 1995 memo for Harold Ickes from Loretta Avent, and this is one of the documents which is executive privilege, subject to executive privilege. Is it correct that privilege has not actually been asserted, then, by the President?

Answer. Correct.

Mr. EGGLESTON. It also is correct you just handed them to us and they are in the possession of the committee, correct?

Ms. COMSTOCK. That is correct, and we are trying to determine the process by which this document was considered executive privilege.

Mr. EGGLESTON. I think she just said executive privilege has not been asserted, and in fact, they are in the hands—if you are asking why they put it on a private litigant privilege log, then I think——

Ms. COMSTOCK. We received a privilege log from this committee saying this is a document subject to executive privilege, and we are also looking at the Justice Department having reviewed this and agreed with this, and I think we have some issues of why there may or may not be some conflicts on this. And what we are trying to understand is the process by which, you know, going through and determining this document was subject to executive privilege, a memo for Harold Ickes, from Loretta Avent——

Mr. BALLEN. Subject to executive privilege in a private litigation. Has the privilege been asserted as regards this committee?

The WITNESS. No.

EXAMINATION BY MS. COMSTOCK:

Question. We have a document here that says it is subject to executive privilege. What I am asking is why is it contended that this is a document subject to executive privilege. This is part of this non-waiver agreement thing that we have—the committee has not signed any non-waiver agreement, but there is an informal——

Answer. Does that mean the committee does not abide by the non-waiver agreements? You are saying it is informal. What does that mean?

Question. We have been asked to have an agreement that this is subject to executive privilege, and if these are some kind of special documents, what we are asking——

Answer. Is it the case the committee does not have an agreement, does not have a non-waiver agreement? Is that what you are saying?

Question. We have a letter agreement.

Answer. Does the letter agreement encompass a non-waiver agreement?

Question. Well, I don't have the letter in front of me here, but the point is I am trying to ask why is this subject to—why are we being asked to put that in the category of documents that are subject to or in this waiver agreement—non-waiver agreement? What is the purpose of that?

Answer. Well, if documents are subject to executive privilege, then they would fall in the category of the non-waiver agreement.

Question. Why is this document, the April 24, 1995 document for Harold Ickes, subject to executive privilege?

Answer. I can't go about re-creating whatever people's judgments and decision-making processes with respect to particular documents, but in general the way we determine privilege is to review the principles that are outlined in a case that re-

cently came down called the In Re: Seal case and look at it, also another memorandum that addresses executive privilege, and review the document in that context.

Question. You review these matters with the assistance of OLC; is that correct?

Answer. It is my understanding in this instance OLC was consulted with regards to these materials because it is involved in ongoing litigation of private parties.

Question. Do you know who in the Counsel's Office was talking to OLC about this?

Answer. It would be my impression Dimitri Nionakis would be.

Mr. BALLEN. I want to note it is 12:30, for the record, and although we agreed I believe to finish up now, and the Minority does have some questions, I want to get the witness out on time.

Ms. COMSTOCK. I think we are going to be able to meet that time frame.

We are going ahead and make the privilege log deposition Exhibit 24 and memo deposition Exhibit No. 25.

[Mills Deposition Exhibit No. CM–24 was marked for identification.]

[Mills Deposition Exhibit No. CM–25 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. To your knowledge, are there any documents which are currently being reviewed for privilege issues that have not been produced to the committee, that are sort of the subject of ongoing privilege evaluations?

Answer. No.

Ms. COMSTOCK. I believe that is all I have at this time.

Mr. EGGLESTON. Can we just take a 2-minute break?

Mr. BALLEN. Yes.

[Brief recess.]

Mr. BALLEN. I just want to make one comment for the record because we didn't resolve this earlier. If you have in your possession her deposition before the Senate or any other depositions, we request they be turned over to us.

Ms. COMSTOCK. And we can talk about that.

Mr. BALLEN. Particularly since we have hearings later this week.

Ms. COMSTOCK. Yes. I know on Friday Mr. McLaughlin had mentioned that he had other depositions, and I think there may have been a misunderstanding, but we can resolve all that, and I think that is what we have tried to do. I talked to Mr. Eggleston about areas that had been covered and we talked early last week about all of that, so we tried to focus on some areas in October of last year and in particular in our subpoenas, with a lot of the information already actually being made public. I appreciate Mr. Eggleston's assistance in that, and thank you.

Mr. BALLEN. Okay. Thank you.

[Whereupon, at 12:35 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]

THE WHITE HOUSE

WASHINGTON

April 27, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE
OFFICE OF POLICY DEVELOPMENT AND
OFFICE OF THE VICE PRESIDENT STAFF

FROM: ABNER J. MIKVA
COUNSEL TO THE PRESIDENT

CHERYL MILLS
ASSOCIATE COUNSEL TO PRESIDENT

SUBJECT: Presidential Campaign-Related Political Activity

This memorandum provides employees of the White House Office, the Office of Policy Development and the Office of Vice President with guidance regarding Presidential campaign-related political activity.[1] With the President's formal decision to seek re-election, we wanted to review the rules governing campaign activity by federal employees.

I. Governing Principle

Under the Hatch Act Reform Amendments of 1993 (the Act), most employees[2] paid from appropriations for the Executive Office of the President may engage in political activity: 1) while on duty, 2) while in a federal building, and 3) while using government vehicles, provided that "*the costs associated with that activity are not paid for by money derived from the Treasury of the United States*." 5 U.S.C. § 7324(b)(1). Activities which incur costs include: faxing, copying, use of computers, and

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[1] General guidance regarding permissible political activity by federal employees under the Hatch Act Reform Amendments of 1993 is provided in an October 12, 1994, memorandum from this Office ("Political Activity Guidance"). Please consult the October 13, 1994, memorandum for a comprehensive discussion of the Act and implementing regulations governing political activity.

[2] Only those Executive Office of the President staff members who duties continue outside normal duty hours and while away from post may engage in political activity while on duty; all other staff members only may engage in political activity during non-duty hours and while not in a federal building. 5 U.S.C. § 7324(b).

EXHIBIT
CM-1

long-distance phone calls.[3] It is important that staff members consider this principle in relation to their activities during the President's re-election campaign; it often will help avoid a problem before it arises.[4]

II. Distinguishing Political and Official Activity

Perhaps one of the more difficult aspects of evaluating on-duty conduct is discerning the difference between official and political activity. As a general matter, activity is political if its primary purpose involves the President's role as a candidate for office or as the leader of the Democratic Party (e.g., appearing at party functions, fundraising, campaigning for specific candidates). 6 O.L.C. 214, 217 (1982). Activity is official if it relates to the President's policies, programs or legislative agenda, even if it concerns matters on which opinion is politically divided. Id. Obviously, however, there are gray areas in between these two definitions; if you have questions regarding particular activities, do not hesitate to contact the Counsel's Office for guidance.

III. Prohibitions on Certain Political Activity

While White House staff may engage in political activity, there are still certain restrictions on such conduct. A number of criminal statutes prohibit the use of federal programs, property or employment for political purposes. Violation of these statutes is punishable by imprisonment and a substantial fine. It is therefore imperative that staff observe the prohibitions outlined below.

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[3] Certain costs are not considered to be borne by the Treasury because they are costs that the government already has incurred for official purposes in the absence of political activity, e.g., office space; employee salaries. 5 C.F.R. § 734.503. But see IV, Section D.

[4] It is important to understand that for the purposes of this memorandum, the official responsibilities that customarily have been performed by the Political Affairs Office constitute "official" and not "political" activities. Therefore, the restraints cited herein do not in general affect the activities, office maintenance, or other costs undertaken or incurred in the discharge of such responsibilities.

Federal employees, including White House employees, may not:

(1) use their official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election of any candidate;

(2) intimidate, threaten, command or coerce any federal employee to engage in or not to engage in any political activity;

(3) ever knowingly solicit, accept or receive a political contribution from any person, including a subordinate or other federal employee;[5]

(4) run for the nomination or as a candidate for election to a partisan political office;

(6) knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the staff member's office; or,

(7) promise or withhold federal benefits (jobs, grants, contracts) based on political support or nonsupport -- including favoring or penalizing employees or withholding employment to induce someone to make a political contribution or otherwise participate in political activity; or,

(8) knowingly solicit or discourage the participation in any political activity of any person who is the subject of, or a participant in, an ongoing investigation, audit, or enforcement action being carried out by the employee's office.

IV. Limitations on Campaign Activities By White House Staff

We have set forth below guidelines to ensure that political activity undertaken by White House staff is within the limits prescribed by law and White House policy. While these guidelines will cover many day-to-day situations that arise, the simplest rule to follow is the "common-sense" practice that anything obviously political that involves the use of resources should be done by the campaign, even if doing it here can be "legally" justified.

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[5] The sole exception to this prohibition is for federal labor or employee organizations. Please consult our Office before undertaking any action implicating this exception.

A. Campaign Meetings on Government Property

1. Small meetings involving campaign or political officials and White House staff members may be held in a White House staff member's office, the West Wing or the Old Executive Office Building, or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business. Such gatherings must be organized by White House staff members who are permitted to engage in political activity in a federal building. Government buildings, including White House offices and meeting rooms, should not be used for meetings or events organized by a campaign or political committee.

2. Campaign fundraising activities of any kind are prohibited in or from government buildings. In addition, federal employees are prohibited from soliciting or accepting campaign contributions. This means that fundraising events may not be held in the White House; also, no fundraising phone calls or mail may emanate from the White House or any other federal building.

3. Campaign-sponsored or other political activities (receptions, dinners, meetings, but not fundraisers) may be held in the Executive Residence, provided that the President, First Lady or some other family member attends the event. Similarly, campaign or other political events (other than fundraisers) also may be held at the Vice President's Residence as long as the Vice President, Mrs. Gore, or some other family members attends the event. The costs of such events at either residence must be paid by the proper campaign or political committee.

B. Campaign Contributions by White House Employees

Under 18 U.S.C. § 603, it is a felony for any officer or employee of the government to give a political contribution to his or her "employer or employing authority." At the very least, this provision prohibits employees of the White House Office, the Office of Policy Development, and the Office of the Vice President (including his Senate staff), and quite probably all federal employees, from contributing to the authorized campaign committee of the President.

C. Receipt of Campaign Contributions at the White House

Federal law prohibits the receipt of campaign contributions in federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be taken to Jim Dorskind in the Correspondence Department in the Old Executive Office Building, Room 94.

There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If a contribution is accompanied by a letter that primarily addresses governmental issues, a response to those issues may be prepared and sent from the White House; however, there should be no reference to the contribution.

D. Use of Leave

1. Some White House staff members, as leave-earning employees, are entitled to specific amounts of annual leave. As discussed below, such leave may be used for political purposes; however, one cannot take an "advance" on annual leave to engage in political activities. Those White House staff members who are not entitled to annual leave (e.g., commissioned officers) may use a ceiling of 15 days of compensatory leave (i.e., the equivalent of vacation time) for political purposes.

2. All White House staff members must perform their official duties for a minimum of 40 hours per week or 80 hours per two-week pay period in order to receive their full federal salary. If a staff member does not complete 40 hours of official duty in any week, the difference between the number of hours completed and 40 hours must be covered by annual leave, leave without pay, official holidays or made up in the second week of that pay period. The difference cannot be made up in a subsequent pay period.

3. White House staff members who complete a minimum of 40 hours of official duty during any full week (Monday-Sunday) may be absent from their official duty station for no more than one weekday (Monday-Friday) solely for the purposes of engaging in political activity without taking annual leave, compensatory leave, or leave without pay. If a staff member desires to be absent for political purposes for more than one weekday in any week, each additional weekday must be covered by annual leave or leave without pay, regardless of the number of official hours worked during that week. In other words, it is not permissible for a staff member to put in 40 hours of official duty in the first three days of the week and then take the remaining two weekdays off for campaigning without using annual leave, compensatory leave, or leave without pay.

4. Sick leave cannot be used to cover an absence from official duty for the purpose of engaging in political activity.

5. White House staff members are permitted to take leave without pay to cover absences from official duties for the purposes of engaging in political activity.

6. Staff members may use only eight hours of compensatory leave for political activity during any 7-day period unless additional leave is approved by Counsel's Office.

7. When annual leave, compensatory leave or leave without pay is used for political purposes:

(a) Staff members must submit a request for leave for political purposes in advance of the leave period to their White House department supervisor for approval.

b) Following approval, the office supervisor should forward the request to the Counsel's Office for approv(al prior to the leave period.

E. USE OF GOVERNMENT VEHICLES AND MESSENGERS

Generally, government vehicles -- including White House vehicles -- may not be used for political purposes. This means that White House cars may not be used to transport staff members or materials to or from any political committee office, including the President's campaign committee, or event. In addition, White House messengers may not be used to deliver or pick up materials from the DNC or the President's campaign committee. White House vehicles also may not be used to transport staff members or political materials to airports or any other locations if the purpose of the trip is political.

The only exception, excluding official use for compelling security considerations,[6] is for travel to or from a political event in the following circumstances:

(1) the White House staff member is the Chief of Staff or an EOP agency head; and,

(2) the use of the vehicle will occur during the regular work week (Monday through Friday, excluding weekends and holidays); and,

(3) the political or candidate campaign committee pays for the anticipated cost of the vehicle prior to the travel.

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[6] Compelling security considerations requiring use of a government vehicle include, for example, a recent threat to the life or safety of a staff member or overriding national security concerns. Specific approval must be requested from and provided by the Counsel's Office prior to the use of a government vehicle for compelling security considerations.

Because of the special requirements surrounding departures and arrivals from Andrews Air Force Base, White House vehicles may be used to transport White House staff members to that facility when they are accompanying the President, Vice President, or First Lady on a campaign or political trip. The campaign committee must reimburse the government for the costs of a large rental vehicle for the President or Vice President, as well as for the costs of any other vehicles that are not solely related to the security of the principal traveller (e.g., staff vans).

When the President or Vice President is participating in a campaign or political event in the Washington, D.C., area or other location where White House cars are available for official purposes, White House cars may be used for the Presidential motorcade, with appropriate reimbursement for all vehicles -- including the amount for a large rental vehicle for the President or Vice President -- except those vehicles essential to the security of the President (e.g., Secret Service vehicles).

F. USE OF COMMUNICATIONS SYSTEMS AND COPYING MACHINES

Generally, official White House resources should not be used for campaign purposes. In certain instances where official resources are used for purposes that may be considered campaign-related, there must be prompt reimbursement for the costs incurred by the government. To ensure that White House resources are not used to support campaign activity, White House staff should use only that equipment that has not been paid for from appropriated funds to political activity; if no such equipment is available, the campaign committee should undertake the activity in question.

1. In those limited circumstances in which government communications systems -- telephone, e-mail (which automatically is backed up as a potential presidential record), telegraph, teletype, telecopy or radio -- are used for campaign-related purposes, appropriate reimbursement or payment at the "usual or normal charge," 15 C.F.R. § 100.7(a)(1)(B), must be made by the proper political campaign committee.

2. Because of the need for liaison between limited numbers of White House staff members and various political committees, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising.

3. Government credit cards must not be used for campaign-related or other political calls, whether made from inside or outside the White House.

4. Government operators should not be used by staff members to place campaign-related or other political long distance calls.

5. Campaign-related long distance telephone calls made from the White House may be made only if charged to a credit card issued by the proper campaign or political committee (or on telephones installed and maintained by such committees for exclusive use in dealing with campaign or political matters).

6. The incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters.

7. White House Communications Agency (WHCA) facilities provided outside the White House in connection with travel may continue to be used during mixed and wholly political trips. The facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct political purposes such as campaign fundraising and crowd-building.

8. Government copying machines also should not be used to reproduce materials for transmittal to a campaign or political committee.

C. USE OF PHOTOGRAPHS

1. White House photographers may continue to photograph all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this Administration. However, as a general rule, photographs taken by White House photographers at political events may not be used for distribution to individuals attending such events or for any other political or campaign purpose.

2. Photographs taken at events in the Executive Residence (other than politically-sponsored events), at West Wing and East Wing meetings, and at non-political events outside the White House may be distributed consistent with regular practices.

3. A campaign or political committee will be expected to provide a photographer at all campaign and political events for which it desires to distribute photographs to the participants. White House photographers will not photograph receiving lines or greetings at campaign or political events, except to the extent necessary for archival purposes.

4. A campaign or political committee may purchase, for its use, photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign or political committee must be

directed to the Director of the White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office, who will be responsible for billing the campaign or political committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the Government for the purchase of such pictures.

H. CORRESPONDENCE

1. Campaign and political correspondence should not be produced at the White House using White House resources, nor can White House stationery, stamps or related supplies be used in the preparation of such correspondence at another location.

2. As stated earlier, federal law prohibits the receipt of contributions in Federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be taken to Jim Dorskind in the Correspondence Department in the Old Executive Office Building, Room 94. There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If the contribution is accompanied by a letter that deals primarily with governmental issues, a response dealing with those issues may be prepared and sent from the White House; however, there must be no reference to the contribution.

VI. CONCLUSION

These guidelines are designed to address many of the issues that you may confront during the President's re-election campaign. Staff members are encouraged to contact our Office -- or the Vice President's Counsel for OVP staff -- for guidance if you have any questions about appropriate activity by White House employees.

Congress of the United States
Washington, DC 20515

October 18, 1996

The Honorable Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

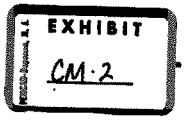
We are writing to call upon you: (1) to ensure the immediate return by the Democratic National Committee of $295,000 received from Arief and Soraya Wiriadinata, after their return to Indonesia, and (2) to ensure that the $140,000 raised last April in a DNC fundraiser in a California Buddhist temple was raised in accordance with the law. We call upon you to assure the American public that any illegal contributions received by the DNC are immediately returned. We also call upon you to provide the news media with direct access to Mr. John Huang to address these issues and we ask that you make publicly available any records which may substantiate or refute the many issues being raised.

The unusually large amounts of contributions to the DNC by individuals connected with the Lippo Group of Indonesia have been the focus of intense scrutiny. As you also know, the DNC has returned at least two contributions totaling more than $250,000 from a South Korean company because those contributions were in violation of the Federal Election Campaign Act.

Yesterday, the press reported a DNC fundraiser with Vice-President Gore in a Buddhist temple where a contributor, Ms. Man Ya Shih, said she was given $5000 in "small bills" and asked to write a check to the DNC in that amount. In addition, press reports have indicated that many of the donors at the Buddhist temple event have taken a vow of poverty and would not have the means to make the large donations indicated in DNC reports.

Press reports allege a connection between John Huang and these various activities. However, Mr. Huang has provided only limited response. A DNC spokesman, David Eichenbaum, claims that Democratic Party lawyers twice checked the legality of the Wiriadinata's contributions. However, contributions sent from abroad by non-citizens are illegal. In order to ensure the integrity of our federal election process, we call upon you to ensure that the DNC immediately return these contributions.

PRINTED ON RECYCLED PAPER



President Clinton
Page 2
October 18, 1996

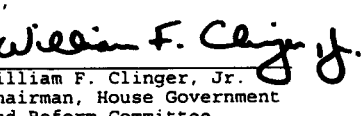
Mr. Huang, whom you praised on July 22, 1996, for his "aggressive" fundraising efforts, should not be withholding the facts surrounding these questionable fundraising activities from the American public. Attendees to a number of the fundraisers arranged by Mr. Huang reportedly are "disappearing" or telling the press they cannot discuss these matters. We call upon you as the leader of the Democratic Party to ask that your former Deputy Assistant Secretary of Commerce, Mr. Huang, explain all of these transactions.

You also may be aware that the Lippo Group paid former Associate Attorney General Webb Hubbell between $150,000 to $250,000 in the fall of 1994. This is in the same time frame that Special Counsel Jane Sherburne was "monitoring" Webb Hubbell's cooperation with the Independent Counsel's office after his guilty pleas on December 6, 1994 to two felony count violations of mail fraud and tax evasion. The American people deserve a full explanation of any knowledge you or your staff have concerning Mr. Hubbell's work for any Lippo affiliates.

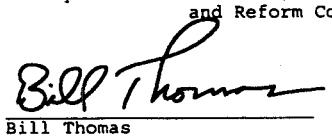
In conclusion, please assure the American people that documents pertaining to these matters will be preserved and that the Commerce Department and the DNC will provide the press and our Committees with immediate access to pertinent records. We appreciate your response to these serious issues and ask that you direct your staff to fully cooperate with congressional review of these matters.

Sincerely,

Henry J. Hyde
Chairman, House Judiciary Committee



William F. Clinger, Jr.
Chairman, House Government and Reform Committee



Bill Thomas
Chairman, Committee on House Oversight

!ECORD TYPE: PRESIDENTIAL (PAGER)

:REATOR:Mail Link Monitor (MAILMGT) (SYS)

:REATION DATE/TIME:31-OCT-1996 16:38:29.45

;UBJECT:PAGER CONFIRMATION - GLYNN,MARY ELLEN

'O:Jane C. Sherburne (SHERBURNE_J) (WHO)
!EAD:NOT READ

'EXT:

'AGE FOR GLYNN,MARY ELLEN, WAS TRANSMITTED 31-OCT-1996 16:37:34.59
'EXT TRANSMITTED WAS:
TWO DIFFERENT HUANGS PER CHERYL. JANE
!OTE: This message signifies only that the page was sent. If the
·ecipient was out of range or his/her pager was not operating, then
:he message may not have been received.

EOP 06846

EXHIBIT
CM·3

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Congress of the United States
House of Representatives

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INDEPENDENT

MAJORITY—(202) 225-5074
MINORITY—(202) 225-5051

October 31, 1996

Mr. Terry Good
Office of Records Management
The White House
Washington, D.C. 20500

Dear Mr. Good:

Please provide all records of any visits that John Huang had at the White House complex between January 20, 1993 to the present. I request these records be made available by noon on Friday, November 1, 1996. I have attached a sheet reflecting the type of records I am seeking and have received from your office in the past.

Thank you for your immediate attention to this matter.

Sincerely,

William F. Clinger, Jr.
Chairman

EXHIBIT
CM-4

REPORT NO: WA ES

WAVES

PAGE NO: 004

RUN DATE : 93/05/01

VISITOR SUMMARY FOR 93/05

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TCA	POA
SAMPLE	PENNY CORNELIUS	U55985	0736	930520	C	37	CORNELIUS	000251	0219	001
SAMPLE	PENNY WALTON	U56013	0926	930521	D	67	WALTON	000553	0519	002
SAMPLE	PENELOPE WALTON	U57491	1005	930522	C	27	WALTON	000155	1006	002
SAMPLE	PENELOPE CORNELIUS	U57512	1560	930522	C	87	CORNELIUS	001693	1531	002
SAMPLE	PENELOPE SCHIFF	U57605	0425	930524	[illegible]	[illegible]	SCHIFF	000000	0451	004

CGE 009416

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House of Representatives

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 31, 1996

President William Jefferson Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

The American people deserve a full and complete explanation regarding the many questionable activities of your "longtime friend John Huang" while Huang was at the Commerce Department, the DNC and particularly at the White House where Huang was a frequent visitor. Your continued efforts to avoid addressing these issues and the Administration's support for Mr. Huang while he was avoiding U.S. Marshalls, does a disservice to the American people.

I request that you immediately make all records regarding Mr. Huang's activities available to Congress and the public. This should include all records of Huang's involvement in trade or foreign policy matters, all of Huang's White House meetings (including with whom Huang met and what actions were recommended or taken) and most importantly, thorough documentation and explanation for Huang's campaign fundraising activities. As you know the Democrat National Committee has failed to respond to public inquiries about these issues despite a commitment by DNC Chairman Chris Dodd to make John Huang available and respond to questions.

The White House's Office of Records Management has records such as the example enclosed which would reveal more detail on Mr. Huang's many visits to the White House. Those records can and should immediately be made available.

Sincerely,

William F. Clinger, Jr.
Chairman

EXHIBIT
CM-5

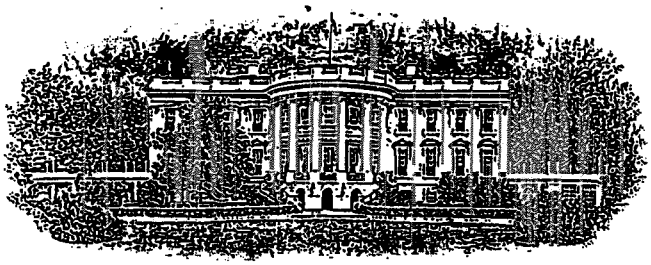
REPORT NO: [illegible] WAVES PAGE NO: [illegible]

RUN DATE : [illegible] VISITOR SUMMARY FOR [illegible]

VISITOR	VISITEE	*	VIN#	TYPE	DATE	LOC	ROOM	REQUESTOR	BADGE	TCA	POA
SAMPLE	PENNY	CORNELIUS	U55985	[illegible]	930520	C	37	CORNELIUS	[illegible]	[illegible]	[illegible]
SAMPLE	PENNY	WALTON	U56015	[illegible]	930521	D	37	WALTON	[illegible]	[illegible]	[illegible]
SAMPLE	PENELOPE	WALTON	U57[illegible]	[illegible]	930522	C	37	WALTON	[illegible]	[illegible]	[illegible]
SAMPLE	PENELOPE	CORNELIUS	U57[illegible]	[illegible]	930522	C	37	CORNELIUS	[illegible]	[illegible]	[illegible]
SAMPLE	PENELOPE	SCHIFF	U57[illegible]	[illegible]	930522	[illegible]	[illegible]	SCHIFF	[illegible]	[illegible]	[illegible]

CGE 009416

The White House



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: 11/2/96

TO: BRUCE R. LINDSEY

FACSIMILE NUMBER: ROAD RUNNER

TELEPHONE NUMBER: 1993: 11 & 1995: 11 / 1994: 10 1996: 9 } (+1 pgs)

FROM: CDMILLS

TELEPHONE NUMBER: PAGER

PAGES (WITH COVER):

COMMENTS: NEW VERSION; ELIMINATES SEVERAL INSTANCES WHERE IT WAS A TIFF J.H. (SEE 1995); OTHERWISE SAME EXCEPT CLEANUP ON DOB IN 1996

EXHIBIT
CM-6

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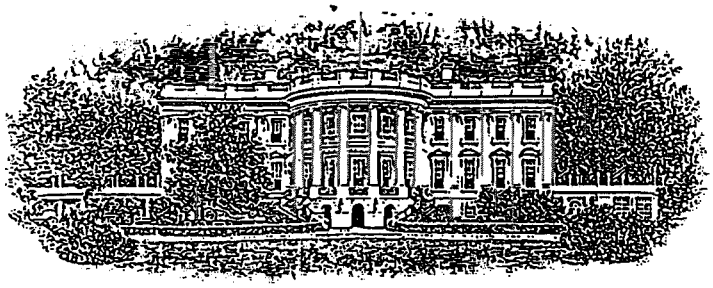
Exhibit 6

The White House



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npm

FACSIMILE TRANSMISSION COVER SHEET

DATE:	11·3·96
TO:	BRUCE LINDSEY
FACSIMILE NUMBER:	ROADRUNNER
TELEPHONE NUMBER:	
FROM:	CDMILLS
TELEPHONE NUMBER:	PAGER
PAGES (WITH COVER):	6
COMMENTS:	ADD'L HWANG; THE CHECKED ONES ARE NEW; TOTAL: 11 WAVES; 6 ACTUALS; NEW TOT: 190 WAVES; 95 ACTUALS

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REPORT NO: WAV077DS WAVES, PAGE NO: 652

RUN DATE : 93/05/23 VISITOR SUMMARY FOR 93/04

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
RIADY	JAMES MTG	HEEL HUANG; GROSBANER	U35078	1422	930412	O	274	SPINNING	858555	1422	B04
RIADY	JAMES	DICKEY, HUANG; GROSBANER	U36445	1330	930413	W	EW	DICKEY	016546	1355	A01
RIADY	JAMES	YEE HUANG	U35081	1350	930413	O	141	YEE	000751	1138	B01
RIADY	JAMES	YEE	U35446	1355	930413	O	141	YEE	******	****	***
RIADY	JAMES	DICKEY, HUANG	U38144	1430	930416	W	EW	DERRICOTTE	254679	1419	A01
RIADY	JAMES	RUBIN HUANG; GROSBANER	U38725	1045	930419	W	EW	HELXUEHLIN	752585	1044	A04

* NED POTUS PHOTO W/ ALL 3 MEN
(RIADY, HUANG, GROSBANER)

EOP 004971

F:6

REPORT NO: WAV077B5 WAVES PAGE NO: 0/4

RUN DATE : 93/07/0 VISITOR SUMMARY FOR 93/06

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOD	POR
RIADY	AILEEN MIDDLETON	U71083	1030	930621	W	WW	JOHNSON	******	****	***
RIADY	JAMES MIDDLETON	U71083	1030	930621	W	WW	JOHNSON	******	****	***
RIADY	JAMES DICKEY	U73423	0945	930623	W	EW	DUNYEA	003696	0939	A01
RIADY	JAMES DICKEY	U74563	1530	930624	W	EW	DICKEY	32	1613	A01
RIADY	JAMES JOHNSON (CHECKED FOR MIDDLETON)	U75903	1130	930628	W	EW	JOHNSON	354163	1107	A04
RIADY	JAMES DICKEY	U76287	1500	930576	W	EW	DICKEY	99	1520	A04

342

EOP 004972

3-5

VISITOR SUMMARY FOR 94/06

VISITOR		VISITEE		VIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
RIADY	JAMES	MIDDLETON		U35486	1630	940621	W	WW	EWING		897328	1645	A04
RIADY	JAMES	MIDDLETON, HUANG	MARK	U35782	1515	940622	W	WW	EWING	K	352555	1437	A04
RIADY	TJAHAJA	HERMAN		U36270	1000	940623	W	WW	WEXLER		454534	1026	A04
RIADY	CAROLINE	MIDDLETON		U37219	1200	940624	W	WW	EWING		755487	1210	A04
RIADY	JOAN	MIDDLETON, HUANG		U37219	1200	940624	W	WW	EWING		985496	1210	A04
RIADY	JAMES	MIDDLETON		U37303	1355	940624	W	WW	CAIN		635241	1256	A04
RIADY	AILEEN	WEAVER		U37443	0915	940625	O	131	WEAVER		******	****	***
RIADY	CAROLINE	WEAVER		U37444	0915	940625	O	131	WEAVER		******	****	***
RIADY	[illegible]	WEAVER		U37444	0915	940625	O	131	WEAVER		******	****	***
RIADY	HENRY	WEAVER		U37444	0915	940625	O	131	WEAVER		******	****	***
RIADY	JOHN	WEAVER		U37444	0915	940625	O	131	WEAVER		******	****	***
RIADY	STEPHANIE	WEAVER		U37444	0915	940625	O	131	WEAVER		******	****	***
RIADY	AILEEN	POTUS	BUSINESS LEADER RECEPTION	U34233	2015	940621	W	SOUTH LAWN	SPANGLER		000000	1851	VIB
RIADY	[illegible]	POTUS	BUSINESS LEADER RECEPTION	[illegible]	2015	940621	W	SOUTH LAWN	SPANGLER		000000	1851	VIB

A (HERMAN NOT PRESENT; BRIEFING TO CEO'S & REP OF COUP; DOC: WELFARE/EMERGING: GATT/MUSIN: SUMMARY - IN ENGL VERSION)

REPORT NO: WAVOZZD' WAVES PAGE NO: 663

RUN DATE : 94/10/03 VISITOR SUMMARY FOR 94/09

VISITOR		VISITEE									
RIADY	JAMES	MIDDLETON	U68032	0915	940910	W	WW	RATHBONE	236532	0927	A04
RIADY	JAMES	MIDDLETON (RADIO ADDRESS)	U68011	0930	940910	W	WW	CRAWFORD	******	****	***
RIADY	JAMES	POTUS RADIO ADDRESS)									

* AILEEN RIADY ALSO PRESENT - FILTHIKE

EOP 004974

J:3

344

REPORT NO: [illegible] WAVES PAGE NO: [illegible]

[redacted]

VISITOR SUMMARY FOR [illegible]

VISITOR	VISITEE	VIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
RTADY [illegible] WAHAJA	HERNREICH [redacted]	U09981	1715	950913	W	WW	HERNREICH	34B62D	1710	A04
RTADY [illegible] WAHAJA	SCHIFF [redacted]	U10296	1200	950914	W	WW	SCHIFF	34D9EO	1158	A04
RTADY [illegible] J	WEAVER	U10165	0915	950914	O	WEBTWIN	WEAVER	D ******	****	***
RTADY [illegible] J	WEAVER	U10172	0915	950914	O	145	WEAVER	D ******	****	***

REPORT NO: WAV0770 WAVES PAGE NO: 573

RUN DATE : 96/07/0 VISITOR SUMMARY FOR 96/06

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR		DOD	TOA	SSN
RIADY	MOCHTAR	WEAVER	LUNCH: PEG CLARK, PAUL MILLER, JOHN HUANG, MAX. RIADY(?)	U14333	1145	960627	154	WEAVER	N	051229	1217	

346

RUN DATE : 96/10/01

VISITOR SUMMARY FOR 96/09

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
RIADY	TJAHAJA	HERNREICH	MIDDLETON, BRL, POTUS	U40393	1300	960909	WW	CAMERON	R	010757	1200	

347

[illegible]

REPORT WAV0778S WAV

RUN DATE 93/04/02 VISITOR SUMMARY FOR 93/03

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	WEE	U24230	1030	930324	O	141	WEE	005204	1031	002
HUANG	JOHN	POTUS DNC BREAKFAST	U17760	0800	930315	W	RESIDENCE	SPANGLER	000000	0850	A01

* 2/11/93 - POTUS [illegible] IN EAST ROOM; [illegible]; OPEN PRESS;
(LETTER [illegible] JOH [illegible]; dtd 2/12/93)
(PHONE TWO)

EOP 004978

REPORT NO: [illegible]

WAVES

PAGE NO: 368

RUN DATE : 93/05/03

VISITOR SUMMARY FOR 93/04

VISITOR		VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	NEEL	RANDY, GROSSMAYER (DAOPW)	U35078	1422	930412	0	274.	SPINNING	415558	1422	804

(PHOTO MATCH)

FOP 004979

REPORT NO: WAV077RS WAVES PAGE NO: 369

FROM DATE : 93/057G3 VISITOR SUMMARY FOR 93/04

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	TEE READY	U35681	1350	930413	O	141	TEE	003988	1138	B01
HUANG	JOHN	TEE	U35644	1353	930413	O	141	TEE	******	****	***
HUANG	JOHN	DICKEY READY, GROSBERGER	U35651	1430	930413	W	EW	DICKEY	054852	1402	A01
HUANG	JOHN	DICKEY READY	U38144	1430	930416	W	EW	BERNICOTTE	125487	1419	A01
HUANG	JOHN	RUBIN READY, GROSBERGER	U38726	1045	930419	W	WW	MCLAUGHLIN	335525	1044	A04

A(POTUS PICTURE ON THIS DAY
W/ READY, HUANG, GROSBERGER)

REPORT NO: WAVO77A5 WAVES PAGE 4 340.

RUN DATE 1993/06/01 VISITOR SUMMARY FOR 93/05

VISITOR	VISITEE	VIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
GUARDS	JOHN	POTUS	[illegible]	US7020	1330	930503	V	RESIDENCE	DICKEY	000000	1432	A01
GUARD	JOHN	POTUS	[illegible]	US6137	1400	930521	V	RESIDENCE	SPANGLER	000000	1435	A01
GUARD	JOHN	POTUS	[illegible]	US6137	1401	930521	V	RESIDENCE	SPANGLER	000000	1435	A01

WAVES

VISITOR SUMMARY FOR 93/06

RUN DATE : 93/07/01

VISITOR		VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	PDA
HUANG	JOHN	MIDDLETON		U64599	1300	930607	W	WJ	JOHNSON		96	1522	A01
HUANG	JOHN	DICKEY		U64777	1500	930607	W	EW	BERRYCOTTE				

EOP 004982

REPORT NO: WAV07765 WAVES PAGE NO: 373

RUN DATE : 93/07/01

VISITOR SUMMARY FOR 93/06

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	JOHNSON (MIDDLETON ASST)	U67683	1330	930611	W	WW	JOHNSON	002122	1406	A06
HUANG	JOHN	MIDDLETON	U71083	1030	930621	W	WW	JOHNSON	------	----	---
HUANG	JOHN	DICKEY	U73423	0945	930623	W	EW	DURYEA	002587	0939	A01
HUANG	JOHN	HOLT	U74505	1530	930624	W	EW	HOLT	------	----	---
HUANG	JOHN	JOHNSON	U75903	1130	930626	W	WW	JOHNSON	852416	1107	A06
HUANG	JOHN	DICKEY	U76287	1500	930628	W	EW	DICKEY	78	1520	A01

REPORT NO: WAV07785

WAVES>

RUN-DATE : 93/08/02 VISITOR SUMMARY FOR 93/07

VISITOR	VISITEE	UIN	TIME DATE	LOC ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

V REPORT NO: VAV077R
UNDATED: 93/09/01

WAVES

PAGE NO: 213

VISITOR SUMMARY FOR 93/08

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
HUANG	JOHN	POTUS [illegible]	U92587	1330	930802	W	RESIDENCE	FINE		000000	1237	A01

REPORT NO: WAV07785 WAVES PAGE NO. 356

RUN DATE : 93/10/04 VISITOR SUMMARY FOR 93/0

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
NUANG	JOHN	DICKEY	U16837	1100	930924	W	EW 100	DEMRICOTTE	******	****	***
NUANG	JOHN	QUINN	U16900	1100	930924	O	276	HOPKINS	******	****	***

* 9/27/93 : [illegible] w/ Asian American [illegible] ; Los Angeles; [illegible] ; [illegible] (Asian [illegible]) ([illegible]) ([illegible]) [illegible]

REPORT [illegible] WAVE PAGE 334

RUN DATE : 93/11/01 VISITOR SUMMARY FOR 93/10

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	POTUS DNC RECEPTION	U26642	1200	931014	W	S. GROUNDS	GRIFFIN	000000	1806	VIS

357

REPORT NO: [illegible]

RUN DATE : 93/12/01

VISITOR SUMMARY FOR 93/11

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REGULATOR	[illegible]	TOTAL POP
J HUANG	JOHN	POTUS	ARK RECEPTION	[illegible]	[illegible]	[illegible]	[illegible]	DICKEY	[illegible]	[illegible]

(Place in this file)

EOP 004988

NUMERATOR: [illegible] VISITOR SUMMARY FOR 94/01

VISITOR		VISITEE	VUIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	POTUS WESTERN RECEPTION (WWW & W)	U62360	1630	940105	W	EW	SPANGLER	000000	1807	VIS
HUANG	JOHN	VP (OFFICE OF THE VP/WESTERN REC SUITE) (FOLLOW ANOTHER CITIZEN)	U62935	1500	940106	O	474	MCAFEE	000000	1544	801
HUANG	JOHN	RILEY	U68879	1530	940121	O	94	RILEY	000047	1542	802
HUANG	JOHN	POTUS WESTERN RECEPTION (FOR)	U62360	1830	940105	W	EW	SPANGLER	000000	1807	VIS

(VP SCHED INFILE)

		VISITEE	VIN	TIME DATE	LOC ROOM	REQUESTOR	BADGE	TOA	EOA
HUANG	JOHN	DICKEY	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

VISITOR SUMMARY FOR 94/04

VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	U07827	1800	940420	O	122	NISHIKAWA	000836	1487	D01
HUANG	JOHN	U08808	0900	940422	W	WW	EWING	******	****	***

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	JOHN DICKEY	U16639	1430	940510	WH	EW	DICKEY	346346	1430	A01
[illegible]	JOHN MATSUI	U16881	1445	940510	O	122	NISHIKAWA	987877	1630	D01
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	0926	A04
[illegible]	JOHN NISHIKAWA (Calendar/Form)	[illegible]	[illegible]	[illegible]	[illegible]	122	NISHIKAWA	797797	1906	D01
[illegible]	JOHN	U21961	0000	940520				******	****	***
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	JOHN [illegible] VP (Asian Pacific Affairs Coordinator (Commerce Office - Asia - Regional Director VP))	U21600	0000	940520	[illegible]	272	NISHIKAWA	[illegible]	[illegible]	L01

(5/25/94 -- [illegible])

REPORT NO: WAVO/7[illegible]

WAVES

PAGE NO: 330

RUN DATE: 94/07/01

VISITOR SUMMARY FOR 94/06

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[illegible]	JOHN POTUS [illegible]	U29210	0830	940613	[illegible]	[illegible]	DILKEY	******	****	***
[illegible]	JOHN MIDDLETON [illegible]	U34[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	SWING	983873	1645	A04
[illegible]	JOHN POTUS [illegible]	U34233	[illegible]	[illegible]	[illegible]	SOUTH LAWN	STANGLER	000000	1830	VIB
[illegible]	JOHN MIDDLETON MACDY MARK	U39782	[illegible]	[illegible]	[illegible]	[illegible]	SWING	K 583241	1497	A04
[illegible]	JOHN HERMAN [illegible]	U34270	1000	940623	[illegible]	SWO	WEILER	543454	1027	A04
[illegible]	JOHN WEAVER [illegible]	U34497	1030	940623	[illegible]	131	WEAVER	******	****	***
[illegible]	JOHN MIDDLETON [illegible]	U37231	[illegible]	[illegible]	[illegible]	[illegible]	SWING	[illegible]	1205	A04
[illegible]	JOHN RUBIN [illegible]	U37214	1300	[illegible]	[illegible]	[illegible]	LAUGHLIN	******	****	***
[illegible]	JOHN WEAVER [illegible]	U37644	0215	[illegible]	[illegible]	131	WEAVER	******	****	***
[illegible]	JOHN	U34271	0000	940618	[illegible]	[illegible]	[illegible]	******	****	***

* SEE RIDER DESCRIPTION

(HERMAN: [illegible] CSP [illegible])

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EOP 004993

[redacted] WAV07785

RUN DATE : 94/08/01

WAVES

VISITOR SUMMARY FOR 94/07

VISITEE			VIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	POTUS (NEWLY ELECTED) (COMMERCIAL DEPT POLITICAL APPTEE)	U47960	1800	940721	O	400	CARTER	000000	1817	001

REPORT NO: WAV0770S WAVES PAGE 234

RUN DATE : 94/09/01 VISITOR SUMMARY FOR 94/08

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[illegible]	JOHN	[illegible] LEWIS [illegible] (OLD PLATTE)	[illegible]	[illegible]	0	474	LEWIS	000000	0739	W01

EOP 004995

(photocopied [illegible])

REPORT NO. WAV07780 — WAVES — PAGE NO. [illegible]

RUN DATE : 94/10/03 — VISITOR SUMMARY FOR 94/09

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	MIDDLETON BABY (RADIO ADDRESS)	U68[illegible]	[illegible]	[illegible]	[illegible]	MIDDLETON	******	****	***
HUANG	JOHN	WEAVER (WHITEHOUSE)	U7[illegible]	[illegible]	[illegible]	[illegible]	WILBORN	[illegible]	[illegible]	[illegible]
HUANG	JOHN	WEAVER (WHITEHOUSE)	U73119	1100	940927	EO	131	WEAVER	015880	1102 D01
HUANG	JOHN	POTUS RHYTHM & BLUES CONCERT	U72096	1000	940922	W	S. LAWN	DURVEA	******	**** ***
HUANG	JOHN	POTUS " "	U72096	1001	940922	W	S. LAWN	DURVEA	******	**** ***
HUANG	JOHN	POTUS [illegible]	U72096	1000	940922	W	[illegible]	DURVEA	[illegible]	[illegible]

9/10/94 [illegible] (LAWARYS)

EOP 004996

[redacted]

[redacted]

VISITOR SUMMARY FOR 94/10 [redacted]

VISITOR		VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]												
HUANG	JOHN	BURGET	[redacted]	UB2048	1000	941014	N	10103	BURGET	345573	1001	K01
HUANG	JOHN	KRISTOFF	[redacted]	UB2443	1400	941014	O	230	WILSON	******	****	***

[redacted]

EOP 004997

REPO 0: WAVO7705

VISITOR SUMMARY FOR 94/12

VISITOR [redacted] TIME DATE [redacted] LOC DOOR [redacted] REQUESTOR [redacted] BADGE TOA POA

[redacted] 130 A04

EOP 004998

VISITOR SUMMARY

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	U23996	1418	960206	O	476	[redacted]	000282	1414	804
HUANG	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	MIDDLETON, M	678894	1189	A04
HUANG	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

EOP 004999

REI NO: WAV07785

RUN DATE: 93/04/03

VISITOR SUMMARY FOR 93/03

VISITOR		VISITEE		TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
HUANG	JOHN	MATSUI	APA Appointment Mtg	U48392	1600	930330	0	476	SHULMAN	J	125649	1984 BO4

VISITOR S RY FOR 95/04

VISITOR			VISITEE			TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
H. HUANG		JOHN	WEAVER			1405	950402	O	131	WEAVER				
		JOHN	KANG							KANG		S 000000	0834	P01
													1352	P04

EOP 005001

[redacted]

[redacted]

VISITOR SUMMARY FOR 95/05

[redacted]

[redacted]

[redacted]

[redacted]

EOP 005002

REPORT NO: MAV07783 MAVERICK PAGE NO: 200

VISITOR SUMMARY FOR 03/08

VISITOR		VISITEE		VIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
HUANG	JOHN	BARKER		U79300	1000	990621	9	474	BARKER	C	******	****	***
HUANG	JOHN	WEAVER	[illegible]	U73612	2000	990607	9	UM	WEAVER	B	674670	1989	A04

EOP 00500

REPORT NO: HAV07785

RUN DATE: 950708/01

HAVES

VISITOR SUMMARY FOR 95/07

PAGE NO: 275

VISITOR			VISITEE			UIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
1	HUANG	JOHN	EDER			UB5132	1400	950710	G	180	EDER	A	******	****	***
	HUANG	JOHN	EDER			UB5777	1400	950710	G	180	EDER	A	34DEF1	1409	D01
	HUANG														

EOP 005004

WAVES

JE NO: 236

VISITEE								REQUESTOR	BADGE		
[redacted]											
[redacted]								CAMERON	34D614	1715	A04
[redacted]								SCHIFF	34D721	1217	A04
[redacted]								DUDLEY	34CAA7	1098	A04
HUANG	JOHN	WEAVER (?)	U10165	0915	930914	D	WESTWIN	WEAVER	D 34D6A2	0923	A04
[redacted]	JOHN	WEAVER	U10172	0915	930914	D	145	WEAVER	D ******	****	***

VISITOR	VISITEE	UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN

[redacted]

[redacted]

[redacted]

[redacted]

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	HHGUESTOR	DOG	TOA	SSN
[redacted]				[redacted]							
HUANG	JOHN	MATSUI	[illegible]	U26020	1700	891026	122	ZONA	A	1682	

HUANG	JOHN	MATSUI	U28689	0800	951102	474	EDER	A	******	****	**********
HUANG	JOHN	EDERA	U29082	0830	951102	122	EDER		[redacted]	0831	
HUANG	JOHN	MATSUI	U30122	1700	951106	122	EDER	A	******	****	**********
HUANG	JOHN	MATSUI ABA [illegible]	U32367	1700	951113	474	WYCKOFF	D		1722	
			U36290	1400	951126	WW	WYCKOFF	A		***	
HUANG	JOHN	VP DEC PHOTO OF	U32469	1230	951113	476	HUMAN			1330	
HUANG	JOHN	FLOTUS [illegible]	U32703	1820	951113	EW	SKINNER		**********	****	

REPOR : MAV077BS M PAG 1 277

RUN DATE / /

VISITOR SUMMARY FOR 95/12

VISITOR					TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
HUANG	JOHN	MATSUI	U44096	1600		951218	122	EDER	A		1557	
HUANG	JOHN	SCOTT	U48449	1418		951221	110	HEISTAD	M		1424	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	WW	CAMERON			0939	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	STATE	TWINDESS	K	******	****	**********
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	WW	CAMERON	R	******	****	**********
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	WW	CAMERON		******	****	**********
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]		******	**	

[illegible]

EOP 005009

REPORT NO. HAV07789

RUN DATE: 960701

HAVER

VISITOR SUMMARY FOR 96/07

VISITOR	VISITEE	UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG	JOHN	MATSUI	U58779	1700	960209	EDER	A	1636	

EOP 005010

REPORT NO: WAV0778S

RUN DATE : 96/03/01

WAVES [redacted]

VISITOR SUMMARY FOR 92702

PAGE NO [redacted]

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
HUANG	JOHN	MATSUI	APA [redacted] GROUP	U613675	1400	960216	122 [redacted]	EDER	A		1408	
HUANG	JOHN	MATSUI		U627597	1700	960221	WW [redacted]	EDER	A	******	****	*********
HUANG	JOHN	MATSUI		U64931	1530	960227	WW	EDER	A	******	****	*********

EOP 005011

REPORT NO: WAVO2TBS

RUN DATE: 95/04/01

WAVES

VISITOR SUMMARY FOR 95/03

PAGE NO: 301

VISITOR		VISITEE		VIN	TIME	DATE	ROOM	REQUESTOR	DOH	TOA	SSN
[redacted]											
[redacted]											
[redacted]											
HUANG	JOHN	ICKES		U77874	1630	950329	WW	SUTTON		******	**** *********
HUANG	JOHN	JONES		U72214	1310	950316	WW	VP		041448	1311 04580108
HUANG	JOHN	VP		[redacted]				JONES		[redacted]	
[redacted]											

AMS TO AMICRONESIA

EOP 005012

REPORT NO. UAV07RS

RUNDATE: 96/05/01

WAVES

VISITOR SUMMARY FOR 96/04

PAGE NO

VISITOR	VISITEE	UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG	JOHN	HUYNH (APPLE/OUTREACH)	U82936	1600	960410	131	HUYNH	P	1330

REPORT NO: WAV077DS
RUN DATE: 96/06/01

WAVES

VISITOR SUMMARY EOP 96/05

PAG 301

VISITOR		VISITEE	VIN	TIME	DATE	ROOM	REQUESTOR	DOD	TOA	SSN
HUANG	JOHN	HUYNH (NAFEEG/OUTREACH)*	U02052	1615	960530	131	HUYNH	F	1611	
HUANG	JOHN	MATSUI APA WORKING GROUP (OUTREACH)	U02131	1700	960530	WW	EDER	A	1657	

*LAPPTRAC ATTACH TO NONTRADITIONAL
PUBLIC SERVICE MISSIONS - I.E. NOT CR; IMAG OUT
DIVERSE MEDIA WITH STATE/TERR/EDA/ENVIRON)

REPORT NO: WAV077B61

WAVES

PAGE NO: 317

RUN DATE : 96/07/01

VISITOR SUMMARY FOR 96/06

VISITOR		VISITEE		VIN	TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
HUANG	JOHN			U03021	1400	960606	472			******	****	**********
HUANG	JOHN	MATSUI		U08009	1700	960613	WW	EDER	A	******	****	**********
HUANG	JOHN	MATSUI		U08401	0900	960627	[illegible]	[illegible]	A	041445	1724	
HUANG	JOHN	[illegible]		U08410	0151	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	**********
HUANG	JOHN	HEAVER (CODA)		U03002	2100	960602	[illegible]	HEAVER	[illegible]	041445	2059	
HUANG	JOHN	HUYNH (COMMUNICATIONS)		U03238	1145	960606	1131	HUYNH	P.	041445	1155	
HUANG	JOHN	POTUS (NSC COMMS)		U09772	0830	960610	PRESIDENT	SPANGLER	J.	041445	0839	
HUANG	JOHN	HEAVER		U8335	1445	960627	[illegible]	HEAVER	[illegible]	041445	1217	

WALKER/KIADY/JOHN HUANG
(MR. HUANG)

EOP 005015

VISITOR		VISITEE	UIN	TIME	DATE	ROOM	REQUESTOR	DOH	TOA	SSN
HUANG	JOHN	HUYNH	U17737	0910	960708	154	HUYNH	******	****	*********
HUANG	JOHN	MATSUI	U22366	1400	960718	450	EDER	A ******	****	*********
HUANG	JOHN	HUYNH (V WEAVER SWEARING-IN)	U20212	1600	960718	474	HUYNH	F ******	****	*********

REPORT NO: WAV077BS

WAVES

RUN D : 96/09/01

VISITOR SUMM FOR 96/08

VISITOR			VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
HUANG	JOHN		NASH		U31541	1330	960809	153	SHEEHAN	A		1338	
HUANG	JOHN	OPA	GARDENSWARTZ		U28667	1700	960801	WW	HATSUI			1658	
HUANG	JOHN		HUYNH (Advance/Outreach)		U38203	1400	960820	184	HUYNH			1355	
HUANG	JOHN		HATSUI (OPA Working Group Outreach)		U38189	1700	960822	WW	EDER	A		1726	

REPORT ..D: WAV077DS - WH..S — PAG. J: 197

RUN DATE : 96/10/01 VISITOR SUMMARY FOR [illegible]

VISITOR		VISITEE	VIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG	JOHN	HATSUI [illegible]	U39476	1700	960905	WW[illegible]	EDER	M	1712	
HUANG	JOHN	HUYNH [illegible] PHU	U39644	1810	960905	134	HUYNH	P	1816	
HUANG	JOHN	HATSUI	U47162	1700	960926	WW-	EDER	A	******	**** **********

SUMMARY OF RECORDS OF RIADY MEETINGS

An April 11, 1993 memo from Hernreich to the President says that "Joe Girorir called on behalf of his client Riady who is in DC and would like to meet with you about Suharta. . . . Betty has in BC memos a letter from Mark Grobmyer on this same topic." Suggests that Riady meet with NSC instead.

4/12/93 WAVES appointment for James Riady with Roy Neel in OEOB Room 274, arriving at 2:22pm.

The President's schedule shows that he was in the Oval Office during this time period.

4/13/93 WAVES appointment for James Riady with Yee, OEOB Room 141, arriving at 11:38am; WAVES appointment for James Riady with Dickey in the East Wing, arriving at 1:55pm. private tax?

The President's schedule shows that he was out of the complex from 11:49 a.m. until 2:12 p.m., when he went to the Roosevelt Room for a health care meeting that lasted until 6:20 p.m.

4/16/93 WAVES appointment for James Riady with Dickey in the East Wing, arriving at 2:19pm. ?

The President's schedule shows a press conference with Prime Minister Miyazawa in the East Room from 1:55 - 2:35 p.m.

An April 15, 1993 memo to the President from Nancy Hernreich says that McLarty "thinks that Riady should meet with Rubin instead of you or him. . . . I will try to get him in for a quick photo sometime but have him meet with Rubin instead."

1 4/19/93 WAVES appointment for James Riady with Rubin in the West Wing, arriving at 10:44am.

The President's schedule shows a brief meeting in the Oval Office with Mark Grobmyer sometime in the afternoon. A photo from that day shows the President and Grobmyer with James Riady and John Huang.

6/21/93 WAVES appointment for James and Aileen Riady with Mark Middleton in the West Wing, no arrival time. debt conso

2 6/23/93 WAVES appointment for James Riady with Dickey in the East Wing, arriving at 9:39am.

A message for Hernreich on 6/23/93 (?) at 10:35 a.m. says "James Riady will be visiting with Mark Middleton

EXHIBIT CM-7

Exhibit 7

SOB 004499

today and has something with him that Betty Tucker wanted him to show Nancy."

A June 23, 1993 memo from Hernreich to the President says "James Riady was here this morning - he'll be here until Friday, He would like to see you but understands how busy you are and doesn't expect anything."

A June 24, 1993, memo from Hernreich to the President says "do you still want to see James Riady or did the time yesterday take care of it?"

? 6/24/93 WAVES appointment for James Riady with Dickey in the East Wing, arriving at 4:13pm.

During this time period, the President was in meetings and had official photos taken in the Oval Office.

6/28/93 WAVES appointment for James Riady with Johnson in the East Wing, arriving at 11:07am; WAVES appointment for James Riady with Dickey in the East Wing, arriving at 3:20pm.

The President's schedule shows that he was in meetings in the Cabinet Room or the Oval Office from 9:20 a.m. to 7 p.m.

6/21/94 WAVES appointment for James Riady with Middleton in the West Wing, arriving at 4:45pm.

The President's schedule shows he had a series of meetings in the Oval Office during this time period.

6/22/94 WAVES appointment for James Riady with Middleton in the West Wing, arriving at 2:57pm.

The President's schedule shows he had a series of meetings in the Oval Office during this time period.

6/23/94 WAVES appointment for Tjahaja Riady with Herman in the West Wing, arriving at 10:26am.

The President's schedule shows he had a G-7 briefing and a meeting with Russian Prime Minister Chernomyrdin in the morning.

6/24/94 WAVES appointment for John and Caroline Riady with Middleton in the West Wing, arriving at 12:10pm; WAVES appointment for James Riady with Middleton in the West Wing, arriving at 12:56pm.

The President's schedule shows that he left for St. Louis in the morning and did not return until late in the evening.

Brought all his children [illegible] the president, middle of the week.

6/25/94 WAVES appointment for Aileen, Caroline, James, Henry, John, and Stephanie Riady with Weaver in OEOB 131, no arrival time.

The President's schedule shows he gave a radio address in the morning and then left for Camp David.

9/9/94 WAVES appointment for James Riady with Middleton in the OEOB 176, arriving at 9:38am.

The President's schedule shows he was out of the complex all day from 8:11 a.m. until the evening.

9/10/94 WAVES appointment for James Riady with Mark Middleton in the West Wing, arriving at 9:27am; WAVES appointment for James Riady with POTUS in West Wing, no arrival time.

There is a record showing that Riady was cleared in for the President's 9:30 a.m. radio address.

3 9/13/95 WAVES appointment for Tjahaja Riady with Nancy Hernreich in West Wing, arriving at 5:10pm.

The President's schedule shows a meeting in the Oval Office with James Riady, John and Ellen Huang, Joe Giroir and Bruce Lindsey from 5:40 to 6:02 p.m. would not be to Nancy

Vanessa

9/14/95 WAVES appointment for Tjahaja Riady with Schiff in West Wing, arriving at 11:58am; WAVES appointment for T Riady with Weaver in WW, no arrival time; WAVES appointment for T Riady with Weaver in OEOB 145, no arrival time.

The President's schedule shows he was in a budget meeting in the Cabinet Room from 11:16 a.m. to 12:10 p.m., and that he then had lunch with Gore in the Oval Office.

6/27/96 WAVES appointment for Mochtar Riady with Weaver in OEOB 154, arriving at 12:17pm.

The President's schedule shows he was in France on this day.

4 9/~~25~~9/96 WAVES appointment for Tjahaja Riady with Hernreich in West Wing, arriving at 12:30pm.

- Bruce
- Mark Middleton.

WILLIAM F. CLINGER, JR., PENNSYLVANIA
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ONE HUNDRED FOURTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-5074
MINORITY—(202) 225-5051

November 1, 1996

John M. Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20500

Dear Mr. Quinn:

I understand you have taken charge of handling the records regarding John Huang's numerous visits to the White House. Your office has refused to provide these records which were due at noon today and refused to return calls from my staff.

At 4 p.m. today, upon reaching your deputy, Kathleen Wallman, she refused to discuss whether or not a request had been made of Mr. Good to produce the documents he has readily available in his office. Ms. Wallman's claims that you are too busy to get to these records is disingenuous. If Mr. Good had been requested to provide the documents, he could easily have done so.

It is clear from comments to the press by White House officials that you have knowledge of whom Mr. Huang was visiting. The public has a right to know who Mr. Huang was meeting with at the White House. Mr. Huang has been alternately described as a "low-level paper pusher" and a "longtime good friend" of the President. Why is the President refusing to provide this information?

Sincerely,

Bill Clinger

William F. Clinger, Jr.
Chairman

EXHIBIT
CM-8

THE WHITE HOUSE

WASHINGTON

October 31, 1996

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE, THE OFFICE OF ADMINISTRATION, THE OFFICE OF MANAGEMENT AND BUDGET, AND ALL OTHER UNITS OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: DOCUMENTS RELATING TO THE LIPPO GROUP, INDONESIA AND OTHER MATTERS

The White House (including the NSC and all other EOP components) has received a congressional request for production of documents relating to the Lippo Group, Indonesia and other matters. The precise document requested is attached; if you have any questions concerning the interpretation of the request, contact Kathy Wallman (x6-6611) or Alan Kreczko (x6-9111).

Please conduct a thorough search of your files and provide copies of responsive documents to William Leary (NSC) in Room 392 of the OEOB, no later than 5:00 p.m. on Tuesday, November 12, 1996. For purposes of this request, documents include, but are not limited to, drafts and final copies of correspondence, memoranda, reports, notes, records of conversation, calendars, telephone records, electronic mail, and any other material in the possession of the White House, either on paper or in computer files.

Attachment: Document Request

Jack Quinn

EXHIBIT
CM-9

1. Any telegraphic or electronic mail messages in the possession of the NSC, whether "in the system" or "not for the system" relating to the Lippo Group, the Hong Kong Chinese Bank, and any of their known affiliates (or entities which have participated with it in joint ventures or financing deals); Mr. Mochtar Riady, Mr. James Riady, Mr. Stephen Riady, Mr. John Huang, or Ms. Melinda Yao.

2. Any other material in the files of the NSC on the individuals and entities spelled out in the preceding paragraph.

3. Any telegraphic messages, electronic mail messages, or written materials relevant to the following aspects of US-Indonesian relations:

   a. Any material relating to the President's announcement in May, 1993, that he was going to meet with the Indonesian President in Tokyo and relative to discussions about whether the Indonesian President would be received by the entire G-7 or otherwise.
   b. Indonesia's GSP status.
   c. Indonesia's IMET program.
   d. Development aid levels and programs for Indonesia.
   e. The US view of Indonesia's behavior on the protection of intellectual property.
   f. The situation in East Timor.
   g. The F-16 sale to Indonesia.
   h. The F-5 sale/exchange relating to Indonesia.
   i. The President's trip to the APEC meeting in Indonesia in 1994.
   j. The Indonesia trade mission of 1994 and the participation of any U.S. government official.
   k. The President's meeting with Minister Habibie.
   l. Any meeting between the President or any other officer of the United States government with any of the

individuals named in item 1 or with any official of any entity referred to in item 1.

m. Any assessment of the prestige the Riady family has gained as a result of their contacts with the President and his party.

n. Any discussion of or request for special courtesies or consideration to be extended to any person referred to in item 1 by any official of the United States government.

o. Any reference to the deliberations of Eximbank, OPIC, TDA, AID, or any multilateral development bank or international financial institution relating to Indonesia.

p. Any matter relating to the topic of normalization of relations with Vietnam that refers or relates in any way to (i) the opinions or views of businesses which are not owned predominantly by American citizens or (ii) the officers or representatives of such businesses.

Any material relating to Indonesia, or to any aspect of business involvement in or justification for the decision to normalize our relationships with Vietnam, that has appeared in the reports prepared for the NSC by agencies of the United States government.

THE WHITE HOUSE

WASHINGTON

December 16, 1996

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

We have received document requests from certain congressional committees and the Department of Justice. Accordingly, please conduct a thorough and complete search of ALL of your records (from January 20, 1993 - present) -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pompimol) Kanchanalak
Pauline (or Pompimol) Parichankul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

Please include any documents refering or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

EXHIBIT
CM-10

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

We recognize that this request is, in some respects, duplicative of a prior document requests. To ensure a complete response, however, please provide all responsive documents -- even those you may have previously provided.

All document must be provided by NOON ON MONDAY, DECEMBER 23, 1996 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Wendy White (6-7361).

-J -
Erskine asked to return this memo to you (unread). Until he becomes the Chief of Staff, he need not be briefed on these matters.

THE WHITE HOUSE
WASHINGTON
November 26, 1996

MEMORANDUM TO LEON PANETTA
CHIEF OF STAFF

ERSKINE BOWLES
CHIEF OF STAFF-DESIGNATE

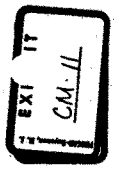
FROM: JANE SHERBURNE JRS
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE STATEMENTS RE RIADY MEETINGS

The following is my understanding of the development of White House statements related to meetings between the President and James Riady. In early October 1996, Mark Fabiani reported to me that the Wall Street Journal was working on a story about the President's relationship with the Riady family, John Huang and the Lippo Group. The WSJ asked about the number of times James Riady had met with the President and the nature of any such meetings. On checking records of meetings with the President, Miriam Nemetz (Associate Counsel) reported to me that there were at least two White House meetings: one in April 1993 that lasted about five minutes and a 20 minute meeting in the Oval Office in September 1995. The President also had a brief encounter with Riady at a social event in Jakarta in November 1994. Bruce Lindsey had been present at the Jakarta event and at the September 1995 meeting.

I consulted with Bruce about how to describe these meetings. He said they were social visits. Nancy Hernreich (Director of Oval Office Operations), confirmed that the April 1993 meeting had been simply to say hello. Accordingly, I instructed Fabiani to describe the meetings as casual, drop-by visits, primarily social in nature. I also suggested that we refer to the number as "a few" and confirm there were at least three, while we continued to check for records of other meetings.

After published reports of the two White House meetings (e.g. NYTimes 10/11), Bruce told me we had failed to identify and mention a more recent meeting that had occurred sometime in what was then the previous six or eight weeks. (Miriam checked this with Nancy Hernreich who told Miriam that she had mentioned this most recent meeting when Miriam had first questioned her.) I instructed Fabiani to disclose the 4th meeting, which was reported in the press on October 12, 1996 (Washington Post). Thereafter, I instructed Miriam to assemble all WAVES records reflecting meetings with Riady. The records confirmed a meeting on September 9, 1996. We continued to describe the meetings as "drop by social visits" (e.g. Washington Post 10/12, LATimes 10/14).



During this same time period, Fabiani had been asked whether the President an Riady had a private conversation in a limousine somewhere around the time of the summe Olympics during which they discussed U.S. policy toward China. Bruce confirmed to me th Riady had sat with the President in his limousine following a political dinner in Washingto sometime since the Olympics. He did not know what they discussed and said it likely was privat only because the Secret Service would have been uncomfortable with the President standin outside in the open for longer than a fev minutes.

On October 10 or 11, I asked Records Management to pull all Riad correspondence. The correspondence included an extensive letter from Mochtar Riady to the President in early 1993 expressing views on a variety of subjects of significance to Pacific Rim interests. There was also a July 1993 thank you letter from the President to James Riady on the bottom of which the President had handwritten, "I enjoyed my visit with President Soeharto."

I brought this correspondence with me on October 13 to the Albuquerque debate preparation and showed it to Bruce. I told him I thought it likely that this correspondence and the limousine meeting would become public and that it would raise questions about our characterization of the President's relationship with the Riadys as simply social. Bruce did not disagree, but expressed a concern that if we acknowledged there may have been policy discussions the meetings would begin to sound more substantive than they were in fact. Following this discussion, I advised Fabiani to begin "backgrounding" with the press the likelihood that these meetings included casual conversation about issues of interest to Pacific Rim countries.

On October 14 or 15, during a conference call with several people involved in handling the Riady matter, including Bruce, I expressed concern about our characterization of these visits, based on the additional information we had learned about these meetings. I do not remember or know that I even knew who all participated in the call. I believe, in addition to Bruce and me (who were in the same room) and Fabiani, the other participants were Harold Ickes, Joe Sandler (DNC General Counsel), Amy Weiss Tobe (DNC Press Spokeswoman), and Joe Lockhardt (Clinton Gore Spokesman). Fabiani stated his view that we should provide a more complete description of what occurred at the meetings between Riady and the President. He said that the press was skeptical about our statements that they were social visits. I believe this was the call in which Fabiani also expressed the view that the press did not expect a detailed explanation until after the election. Bruce reiterated his concern about overstating the significance of the meetings. However, no one, including Bruce, disagreed that we needed to provide a fuller account of these meetings if press interest persisted.

At about this time, Joe Sandler told me that John Huang had refused to tell hir about one of the subjects that had been discussed in his September 1995 meeting with th President, Bruce and Riady. I asked Bruce if he had any idea what Huang was withholding an Bruce told me that they had discussed Huang moving from his post in the Commerce Departmer to a fundraising position at the DNC.

On October 16, 1996, the LA Times reported the following:

> One of Clinton's senior advisors, Bruce Lindsey, said he has been present for twc meetings between Riady and Clinton in the past two years, including one in the lasi few months. "It was basically a drop-by social visit," Lindsey said of that session. He said no issues of U.S. policy were discussed. When asked whether the meeting was about fund-raising, he declined further comment. "I'm not going to tell you what the meeting was about," he said.

I asked Bruce about the statement and told him, as Fabiani had reported to me, that it had created quite a buzz in the press because it suggested we were refusing to provide any more information about the meetings. Bruce told me that the LATimes had confused the quote because he had not been referring to the September 1996 meeting, but the September 1995 meeting (at which Huang's transfer to the DNC had been discussed). He did not seem to recognize that his statement was inconsistent with what I thought was an understanding that we would be more forthcoming in describing what occurred at these meetings.

On returning to Washington after the San Diego debate, I undertook to verify that we had identified all of the meetings between Riady and the President.

As it became clear that issues related to the Riadys and other contributors were likely to endure well beyond my tenure as well as Fabiani's, I discussed with Harold whether others should handle these matters. As the days passed, Fabiani and I were becoming more immersed, which made little sense as Fabiani would be gone in a few weeks (his last day was November 15) and he had been distracted by departure planning. I had long planned to leave the White House by the end of the year. Harold discussed my concern with Bruce and reported back that Bruce had conferred with Jack Quinn and they agreed it was sensible for Fabiani and me to withdraw. Mary Ellen Glynn picked up the press function for a few days and sometime in late October, I briefed Bruce and Cheryl Mills (Associate Counsel) on the information I had collected, including what I had been able to verify about the Riady meetings. Since that time, I have been largely uninvolved.

Shortly after the election, Fabiani told me that Jeff Gerth was making inquiries

about Bruce's role. He indicated that Gerth was observing similarities between the earl Whitewater response in which Bruce was involved and the response to inquiries about foreig contributors raised in the final weeks of the campaign.

On November 14, I received a call from Steve Labaton of the NYTimes. He sai he wanted to talk to me about Bruce Lindsey's role in the White House regarding the Riad matter. He said he understood I had been concerned that Bruce's description of the Riad meetings was misleading and that he had been told that my plans to leave the White House were related to my concerns that Bruce was dissembling about the meetings. I agreed to talk tc Labaton. The discussion was off-the-record. I told Labaton that I had long planned to leave the White House and my departure had nothing to do with the Riady matter or any concern that Bruce had been untruthful. I told him of Bruce's concern that the significance of these casual meetings would be overstated if we described policy matters that had been discussed. I said that I had expressed a view that more needed to be said about the meetings because the description of them as "social" would not hold up. I told Labaton that as I had learned more about the content of these meetings, I took the position that we should explain what had occurred at the meetings and not characterize them and that Bruce did not disagree with this. He expressly asked me if I believed Bruce had lied and I expressly told him that I did not believe Bruce had lied.

On Saturday, November 16, Labaton paged me. When I returned the page, he told me that he wanted to read me a statement that Mike McCurry had given to Jeff Gerth and provide me an opportunity to respond on-the-record, as he believed Mike's statement was inconsistent with my view of events. The statement he then read indicated that Bruce had fully described the Riady meetings to me from the outset and that our initial description of the meetings as social was based on that information. Labaton offered to call me back the following day to get my response.

After speaking to Labaton, I called McCurry, with whom I had spoken earlier in the day about the developing story. I expressed dismay to Mike that he would have gone on-the-record with a statement about what I knew, when I knew it, and what advice I gave, without checking it with me. He told me he had received his information from Cheryl Mills whom he had asked to run down the facts. He said he had assumed that what she had given him had been checked with me. It hadn't. I told Mike that his statement was incorrect because I knew virtually nothing about the content of these meetings from Bruce at the time we described them as social and that nearly everything I had learned from Bruce since then had been as a result of asking him to confirm what I had learned from other sources. I also told Mike that Gerth and Labaton already knew his statement was wrong. Mike, who had made it clear from the outset that he was determined to get the full story out accurately, was concerned. He said he thought we had no choice but for me to go on-the-record with Labaton and correct it. We spoke generally about what I should say.

On Sunday morning, November 17, I wrote out a proposed on-the-record statemen and called Mike and read it to him:

> Bruce described the meetings between the President and Mr. Riady as social. He continues to regard them as social in nature. As I learned more about these meetings from others and confirmed that information with Bruce, Fabiani and I told him that we believed the meetings could not be characterized credibly as social visits and that we needed to describe them more fully. Bruce feared we would overstate their true significance if we described the meetings as more than social but agreed that more needed to be said. At the time we began disengaging, Bruce and others anticipated a more rigorous examination of these meetings that would enable a fuller explanation to the public.

Mike suggested that I take out the reference to our belief that the visits could not be characterized credibly as social. Otherwise the statement was fine, although Mike said that he thought I was making too big a deal out of this and should try to down play it.

Labaton called back on Monday morning. I read him the following:

> Bruce described the meetings between the President and Mr. Riady as social. He continues to regard them as social in nature. As I learned more about these meetings and confirmed that information with Bruce, Fabiani and I recommended that the description of the meetings be elaborated. Bruce feared we would overstate their true significance if we described the meetings as more than social but agreed that more needed to be said. At the time Mark and I began disengaging, Bruce and others anticipated a more rigorous examination of these meetings that would enable a fuller explanation to the public.

In response, Labaton asked why we recommended that the description be elaborated. I said it was "because I felt, as did Mark, that calling them social would subject us to challenges."

THE WHITE HOUSE
WASHINGTON

October 28, 1997

VIA HAND DELIVERY

Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs
B-377 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Consistent with our commitment to deal candidly and forthrightly with the Subcommittee, I want to apprise you of some new information and to correct certain statements regarding two earlier aspects of our document production.

On February 26, 1997 we produced a number of documents, including two memoranda written by Marsha Scott. One memorandum, dated March 7, 1994, bears the number M 32447. As to the second memorandum, dated June 28, 1994, two versions were produced -- one bearing the number M 32433-34 and the other the number M 32438-39. In response to the Subcommittee's inquiry about the late production of the version numbered M 32438-39, I stated in my letter of March 6, generally, that the February 26 production was the result of an ongoing review of White House files and, specifically, that M 32438-39 had been found in Mr. Ickes's files during a search in connection with other document requests.

By letter dated May 13, 1997, from Lanny Breuer to Ms. Webber, we produced to the Subcommittee additional documents from Ms. Scott's files (bearing the numbers M33040-81), explaining that they had been found during the restoration of her computer drive in connection with unrelated searches. Further in my letter to you of May 30, 1997, in which I responded to your letters of May 5 and 15 concerning our document search and production procedures, I stated that the documents produced on May 13 had been missed when Ms. Scott's computer was searched last fall.

Both explanations were true to the best of our understanding at the time they were

EXHIBIT
CM-12

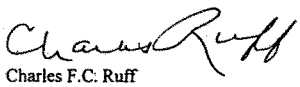
offered, but we have recently learned that they were inaccurate.

In the course of efforts to respond to the questions in your October 9, 1997 letter, staff has spent considerable time reviewing the documents produced in response to the Subcommittee's August 2, 1996 document request. As a result of that review, we learned last week that some of the Scott documents produced earlier this year (M32433-34, 32447, 33040-44, 33050-52 and 33081) had, in fact, been found in September, 1996, during the initial search for documents responsive to the August 2, 1996 request. They had not been produced at that time because they were not believed to be responsive to that request. Instead, they were placed in folders and, together with other materials, were transferred in December 1996 to the attorney who was assuming responsibility for responding to the Subcommittee's requests. She did not examine the contents of those folders, however, until last week when, as part of her effort to respond to your letter of October 9, she undertook a review of the materials gathered in 1996. Thus, when we produced the Scott documents in February and May, 1997, we believed them -- erroneously -- to have been newly discovered.

In addition, some of the documents in the folders found last week have not yet been produced in any form, but some are substantially similar to documents already produced. Although certain of these documents are arguably not responsive, we are erring on the side of production. Bearing the Bates numbers M 33292-33302, they are enclosed with this letter.

I apologize for the errors in our previous explanations concerning the source of the documents produced earlier this year and for the belated production of the remaining responsive documents. We are available to meet with your staff at their convenience to answer any questions you may have and to offer any further explanation you deem necessary about the circumstances of our 1996 and 1997 productions.

Sincerely,



Charles F.C. Ruff
Counsel to the President

Enclosures

cc: Honorable Bernard Sanders

**DOCUMENTS PRODUCED TO THE
HOUSE SUBCOMMITTEE ON NATIONAL ECONOMIC GROWTH,
NATURAL RESOURCES AND REGULATORY AFFAIRS
ON OCTOBER 28, 1997**

BATES NUMBER	SOURCE
M 33292-33302	Office of White House Counsel

MEMORANDUM TO BRUCE LINDSEY

FROM MARSHA SCOTT

DATE FEBRUARY 23, 1994

SUBJECT REASSIGNMENT UPDATE

I read Kevin's draft and think the concept is fine but I have another suggestion as to my placement. Wherever I am placed, the data base project and staff go with me. They don't have to go literally but they work for me. That will continue no matter what I do. Because of the sensitivity and importance of that project it should be under either the Chief of Staff's authority or yours. Therefore, I should be placed within either the Chief of Staff's office or under you.

Where I sit physically takes on added significance because we are beginning the cabling phase of the database operation. Because I am a primary user and will be getting new equipment, I need to be located permanently. If this meets approval, I will start looking for office space. There are some possibilities in OEOB and in the East Wing.

As you recall, what I propose to do is work primarily with the Social, Scheduling and outreach offices to insure that Clinton folks are represented at their functions. Whenever the principals travel I will go and work the group by holding briefings, meetings, etc. This part can easily be done through my placement in Public Liaison. However, the added duties which I have, of which the database project is the most visible, necessitate my working very closely with you, Harold and Mack. It makes more sense to me to be within that confine than arbitrarily trying to finesse myself into another.

c:helen.wps

MEMORANDUM TO: PHIL LADER

FROM: MARSHA SCOTT

DATE: JULY 26, 1994

SUBJECT: HELEN DICKEY

As you know, we desperately need support help. Helen Dickey of the Social Office has been doing yeoman's work helping Laura and Erich get the data cleaned up. She wants to be involved full-time. There is a definite need and several specific roles she can perform. I've spoken to both the First Lady, Maggie Williams and Ann Stock. They are all enthusiastic supporters of this move. What do I need to do to make this a reality?

Thanks...

THE WHITE HOUSE

WASHINGTON

PRIVILEGED AND CONFIDENTIAL

Copy 1 of 2: Mack McLarty
Copy 2 of 2: David Watkins

December 3, 1993

MEMORANDUM FOR MACK McLARTY
CHIEF OF STAFF

FROM: DAVID WATKINS
ASSISTANT TO THE PRESIDENT
FOR MANAGEMENT AND ADMINISTRATION

SUBJECT: Lists

There are currently three separate lists that are being created or that have been created to support the White House or the President personally. The first list is the holiday card list for 1993. The second list is the political list, currently being compiled by Marsha Scott for use throughout the White House from Public Liaison to the Social Secretary's Office to state-by-state listings of early supporters for the President himself. The third list is the campaign list, including everyone from Bill Clinton's original database and donor information from Clinton for President, Clinton/Gore GELAC, the Transition, and the Inaugural (approximately 800,000 to 1,000,000 names).

The 1993 Holiday Card List

As in previous administrations, the Correspondence Office and Social Secretary have been the coordinators of holiday cards. In April, Ann Stock in the Social Secretary's office informed Marsha Scott that the Social office would be arranging holiday cards for the President. From that time, the First Lady's Office has been the primary coordinator of the holiday cards and every decision relating to the cards has been cleared through the First Lady via Maggie Williams.

Around the first of August, in a meeting with Maggie Williams and Ann Stock, Maggie assigned to Marsha Scott the production of the holiday card list, production of the cards and envelopes, and financing arrangements with the DNC. Ann Stock was tasked with working with Maggie on the creative concept of the card.

Around the end of August as Correspondence was determining how to create the holiday card list and from what sources to draw, Mark Middleton became involved. Mark remained involved and provided other input in early September.

The Correspondence Office began piecing together a list drawn from lists from individual submissions inside the White House and from outside sources, including Clinton/Gore, Clinton for President, the Transition, the Inaugural, and the DNC. These separate pieces were combined by Percy Malone to produce the master holiday card list in a uniform format.

Around November 2, after working for several weeks on options for financing the cards, it was determined that financing for only 250,000 cards could be obtained from the DNC. To reduce the list to this number, criteria options were developed by Correspondence with the decisions to be made by the First Lady's Office.

The largest delays in the holiday card production came from delays in choosing a holiday card and a font for the addresses. Until those two choices were made, no work could begin on production of the envelopes from the list. Those two decisions remained with the First Lady's Office throughout September, October, and November, and they were not finalized until this week. Now that that decision has been made, the vendor handling the addressing is testing the data from the list until it receives the designated envelopes, probably today.

The holiday card production is now on schedule for completion in time for mailing of the final cards no later than December 20. This will be cutting it very close, due to the late choice of card, envelope and font, but Correspondence in cooperation with the DNC expects everything to be accomplished according to this schedule.

As to expanding the list, I have been informed by Marsha's office that American Greetings cannot produce even one hundred thousand additional cards before Christmas. Thus, according to Correspondence, any significant expansion of the current list could not be accomplished using American Greetings.

As well, Correspondence reports that we are already sending approximately one-third more holiday cards than have ever been sent by a sitting President.

The Political List

At the request of Bruce Lindsey, Marsha Scott began work about six weeks ago on compiling a list of early supporters by state for the use of the President. Originally, the Political Office had produced a version of such a list, but it proved incomplete. Therefore, Marsha was asked to rework it and take over the project. She spoke with the First Lady about what the President and First Lady desired and they discussed the data to be included. Marsha also had a meeting with Roy Neel on this subject and provided a memorandum to him on the subject.

Currently the programming for the database is being developed by Laura Tayman from Marsha Scott's staff and the Office of Administration; when this is complete, selected data from Clinton's campaign databases, Political, the Social Secretary, Public Liaison, and other offices will be added. Access will be limited, though the specialized uses of each office will be provided for. It is expected by Marsha Scott that this project will be in place by approximately February 1, 1994.

MC33295

A more immediate version of the political list is also being developed for holiday party scheduling. This "early supporters list" is being compiled by Correspondence with the help of the Office of Administration by "cherry picking" from Clinton's campaign databases and the lists of individual states merged with the Political Office's list, and then comparing that to the Social Office's list.

The Campaign List

As part of the wind down strategy following the general election, I had Monica Breedlove and the campaign data processing staff continue the campaign's ongoing focus on the paper documents of the campaign and on generating a comprehensive, accurate list of people, which was not possible during the hectic days of the campaign. Accordingly, the campaign data processing staff began work in November 1992 on a comprehensive, accurate campaign list ultimately to include all information and donations received by the Campaign committees, the Transition, and the Inaugural Committee. The mission was to compile this list as accurately as possible and to protect its viability for future campaigns and other use by the President.

This campaign list is owned and paid for by the Clinton for President Committee and accordingly remains under FEC regulations as to its use. Thus, it can only be used for campaign use or for the President's personal use (*i.e.*, anything other than fundraising). Clinton for President Committee entered into an agreement with Percy Malone and Malone, Inc., for approximately $650,000 for consolidation and cleaning of this list.

Why Malone?

Due to the confidence the President and First Lady have in Malone, and due to the familiarity of the President and his support staff with PeopleBase, it was considered desirable to continue with that software for which Malone is the sole vendor. There was serious concern whether any other system would be trusted to provide the information wanted and needed by the President and First Lady. In addition, we checked Percy's price with that of other vendors and found him to be competitive; though we did have to negotiate hard to get a satisfactory pricing arrangement for us since his initial bid was slightly in excess of $1,000,000.

The campaign staff worked from November 1992 through summer 1993 on entering all field and correspondence activity from the campaign. From November through January, our small transition and wind down data processing staff were focussed almost entirely on the transition and inauguration and preparations to that end.

Throughout this time, the contributor information was all computerized and accessible, but our objective was consolidation and accuracy -- the information had to be brought into a single database along with the original Clinton database and other campaign data, as well as updated with correct addresses and other changes.

We began regular meetings with Malone in January with the goal of agreement on how and when he would have the list consolidated and cleaned. From that time through summer the

effort of his staff was on capturing paper campaign data (other than contributions) on omputer. With PeopleBase II planned to become operational in April, not much effort was made toward the list consolidation. Thereafter, despite a verbal understanding reached in June, serious work on the data did not begin until PeopleBase II finally became operational in September.

The agreement with Percy Malone for the campaign list commits to 75-80% accuracy (considered to be very accurate by industry standards) no later than March 31, 1994. Therefore, we expect to have a comprehensive, very clean campaign list well before any re-election fundraising efforts begin.

The goal all along was to have an accurate campaign list for future use with extremely accurate information. Such a clean list requires a vast amount of manual work and thus a significant amount of money to acquire. The main delays were three-fold: (1) collecting all the data in its initial form from the various sources, (2) legal considerations to determine how it could be paid for, and (3) waiting for the development of the new PeopleBase.

From the beginning, we knew that we wanted a comprehensive, accurate list that included all the information from primary through inauguration, thus at the end of the campaign and inauguration we requested that all the sources provide all possible lists that had been used and had anything to do with the campaign. Before consolidation could really proceed, however, the financing aspect had to be settled. After numerous meetings and advice from various counsels, we determined to take an aggressive approach that allowed it to be paid for from excess '92 primary funds. As well, the legal intricacies of protecting the list were myriad, and the cost of a mistake through improvident action was barring the list's use in any future fundraising. Finally, there was significant delay waiting for the development of an improved PeopleBase – PeopleBase II – with expanded fields, easier access, and other enhanced features.

Mack, the summary key points for the President are these:

Scheduled to have by mid-year 1994:

- **A comprehensive, newly updated and accurate, consolidated campaign list (80% accurate)**
  - **To include:**
    - **Original PeopleBase I list**
    - **State-by-State campaign lists**
    - **Primary contributors**
    - **General Election Compliance Fund contributors**
    - **Transition contributors**
    - **All direct mail lists**
    - **Inaugural lists**
- **New and improved PeopleBase II with easier access and greater fields.**
- **All paid for by '92 excess primary campaign funds**

MC33297

HAROLD AND DEBORAH DEVEE WANT TO MAKE SURE WHODB IS INTEGRATED W/DNC DATABASE - SO WE CAN SHARE

- EVIDENTLY, POTUS WANTS THIS TO! (MAKES SENSE)

HE WANTS TO HAVE A MTG. — HAROLD, ERSKINE, DEBORAH, JODIE, MARSHA, + TECHNICALS + US

TO DISCUSS WAYS TO COORDINATE GOING FORWARD

BOBBY WATSON (DEBORAH'S ASST.) IS WORKING ON HER END.

WHO'S TO MEET - MONDAY?

HOW DOES this impact schedule of getting things to POTUS?

M033298

Notes for WhoDB meeting with Erskine and Harold

I. SECURITY ISSUES - Erich and Jerry

II. RAPID RESPONSE LIST - Helen and Brian

Christmas cards

- Consists of approx. 100,000 names.
- Primarily direct mail contributors ($25+) from the '92 campaign.
- POTUS and FLOTUS have expressed interest in having these names in the database.
- This will be a significant addition to the database (now, we have 150,000).
- We have this info on disk and can download. However, it will take much time.
- The data is 3 years old. Thus, much of the info needs to be updated.
- What resources will we use to update this info? Could be very time consuming.
- Why do we need this info in our internal management system?
- Would it not be more appropriate at the DNC or Re-Elect? (our recommendation)

III. SOCIAL CHANGEOVER SCHEDULE - Helen and Erich

IV. FIRST MEETING - Brian

- Weekly Roll Out meetings in the Roosevelt Room. Chaired by Erskine.
- We need to kick off these meetings soon, so that we take advantage of interns.
- Ideally, we will begin the week of May 22. If not, then the week after Mem. Day.
- We will invite the contact from each relevant WH office to each meeting.
- In addition, we would like to invite office heads to the first meeting to get buy in.

- Issues to discuss in these meetings:
  - Resources. Does every office have the interns, computers, etc. necessary?
  - Distribute Source Reports to begin data cleanup in each office.
  - At first meeting, we might give a brief demo for attendees.
  - Monitor progress of data cleanup on a weekly basis (go around room).
  - Erich and Helen will develop working plans for each office, and will work with the contacts to ensure steady progress.
  - Contacts will also determine the reporting needs of their offices, and work with Jerry and Erich to design these canned reports.

HAROLD will ask for erich's list of what is in database
— # of records

MO33299

ERSKINE ISSUES

① are we shutting down db for week (who
- what wk?
- fundrais?
② VS2000 (Tim, Jake, etc)
③ Tim's pay?
④ social offic needs?

MEMORANDUM FOR MARSHA SCOTT

From: Brian Bailey

Date: December 6, 1994

Subject: LONG RANGE SUPPORTER OUTREACH PLAN

Following up on your memo to Erskine on November 16, I'm very interested in helping you create a long-term strategy for contacting supporters and others. I think it would be great if we could draft and present a 12 month outreach plan. The following are some of the items we should discuss if we undertake this process.

1. WHAT IS THE UNIVERSE OF PEOPLE WE NEED TO TOUCH?
   - How many, in total?
   - How does this group differ from the early supporter state lists?
   - Are some subsets higher priority than others? (specific states? types of people?)

2. WHAT TOOLS DO WE PRESENTLY HAVE TO MEET THESE NEEDS?
   - White House events
     - State days, holiday receptions, state dinners, small dinners, state arrivals, political/policy briefings, special events, etc.
     - Which of the above count as "meaningful" events?
     - Plan for small dinner parties? (50 couples x 22 dinners = 1,100 couples)
   - Road Outreach events
     - Can we plan these events "on calendar", or should these be in addition to planned outreach efforts (i.e., use relevant lists for POTUS trips)?

3. WHO HAS ALREADY BEEN CONTACTED?
   - Recent state days, upcoming holiday events, others?
   - Should we exclude these invitees from outreach plan for 1995?

4. CAN WE PREPARE/PROPOSE AN OUTREACH CALENDAR FOR 1995?
   - Schedule events on monthly blocks, with event name/type and number of invites.
   - See attached blank calendars.

5. TO WHOM WOULD WE MAKE THIS PROPOSAL? WHEN?

6. NEXT STEPS? WHOM TO GET INVOLVED?
   - Ann Stock / Social Office?
   - Billy Webster / Scheduling?
   - Joan Baggett or Harold Ickes / Political Affairs? DNC?
   - Maggie Williams / First Lady's Office?

I'm sure some of these thoughts are clearer than others. Please let me know how you think we should proceed. At the least, perhaps we should meet to discuss. Thanks.

BRIAN 6-1902

M033300

Social process:

For the Christmas season, we suspended the new process. Beginning with new year, it will start up again. It consists of the following:

a) State Dinners - vet by Maggie, Alexis, Baggett. final approval from Stock, Marshall, and Ann Jordan. ultimate approval by FLOTUS.
b) Private Dinners - done by Ann Stock. ultimate approval by FLOTUS. That's why we have so much east coast, Hollywood attendance.
c) Other Events - Point person collects recommendations and prepares list with 50% back up. Ultimate approval by FLOTUS.

Several things to think about regarding the social process going forward:

a) we need to make sure that all Clinton people are at these state days.
b) nothing should go to social office without addresses. that is the biggest problem right now. FL has final approval and it goes straight to Ann Stock after that. We should have someone else in between who prepares addresses. (WhoDB will help)
c) we need to amend the process to ensure that we can get beginning and ending lists of those actually submitted. Right now, it kinda disappears. Again, a WhoDB consideration.
d) social office should not be deciding who comes to events. their job is to compile lists, invitations, etc. from information provided by political and other WH offices.

Next Steps to Consider

1) Cultivate a defined relationship with DNC. We should be sending bi-monthly faxes to field. DNC should broadcast tothat we

cannot share lists directly with DNC.

2) Must find other ways to get info to early supporters in field. Cannot wait until just before 96 election.
3) Should legitimize the early supporter function within the WH. This could include definition, titles, office, as well as some official name and announcement. Public Liaison is probably not the right home, because early supporters group is much more political/Clinton-driven, while OPL is much more constituency-driven.

3 years old
we need to clean up →

Data to Download

• Rapid response database	100,000
• New OPL Data	
• DNC Data by Kane-Wilcox	?
• Convention Delegates	600
• DNC Trustees	2000
• DNC State Chairs '92, '94	2000
• Business Leadership Forum	?
• Women's Leadership Forum	?
• National Finance Council	?
• County Party Chairs	?
• Health Care War Room databases	? → probably sloppy
• 1994 Christmas Cards List	40,000
• Republicans for Clinton	600
• Cleaned-up list from Arkansas – from Suzie (we lost the 13,000)	?
• Colorado environmental conference participants	200
• POC List	14,000
• Bill White's list of Texas supporters	100
	168,400 +

To Input:

	Approx. # of records
• Presidential Appointees — VANESSA	→ 5000
• State Legislatures — some names are in, some will be new	
• Campaign Structure — just coding	
• Mayors —	
• Media Leaders	
• Editors who endorsed C/G	

There will be a considerable amount of duplication among these records and with WhoDB. Therefore, another round of deduping will be required. Furthermore, the increase in new records will be less than the total number of records imported.

Brian –
This is the briefing memo for tonight.
Thanks.

Cher

1545 18th #608

MC33302

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INDEPENDENT

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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MINORITY (202) 225-5051
TTY (202) 225-4852

Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
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Facsimile Cover Letter

To: Jane Fullerton

Total Number of Pages (including cover sheet) 6

Fax #: 662-7693

From:

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____Kelly Duquin - Subcommittee Clerk
(Kelly.Duquin@mail.house.gov)

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR:Phillip M. Caplan (CAPLAN_P) (WHO)

CREATION DATE/TIME: 5-FEB-1996 20:21:05.37

SUBJECT:FYI

TO:Cheryl D. Mills (MILLS_C) (WHO)
READ: 6-FEB-1996 08:03:05.14

TEXT:

As we discussed:
Mr. Wang Jun
Chairman
China International Trust and Investment Corp
Wuxan, China
Dr. Carlos Moreno
Eddie Moreno
Asuncion, Paraguay
Let me know. Thanks.

EOP 068374

EXHIBIT
CM-13

RECORD TYPE: PRESIDENTIAL (PHONE MESSAGE)

CREATOR:Daniel E. Bernal (BERNAL_D) (WHO)

CREATION DATE/TIME:22-JUL-1996 19:02:40.56

SUBJECT:PH: cheryl mills number not given

TO:Karen L. Hancox (HANCOX_K) (WHO)
READ:23-JUL-1996 08:00:39.85

TEXT:

Caller: cheryl mills
Of: 67900
Phoned. Please call.
re: lotus fund gala

EOP 068395

EXHIBIT
CM-14

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR:Margo L. Spiritus (SPIRITUS_M) (WHO)

CREATION DATE/TIME: 7-MAR-1996 14:19:25.98

SUBJECT:RE: coffee on April 30th

TO:Karen L. Hancox (HANCOX_K) (WHO)
READ: 7-MAR-1996 14:32:55.32

TEXT:
Well actually, SS suggested that you ask Cheryl Mills if it would be ok if we do a coffee on the same date but in the west wing? What do you think? Is this doable?

EOP 062689

EXHIBIT
CM-15

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR:Margo L. Spiritus (SPIRITUS_M) (WHO)

CREATION DATE/TIME: 7-MAR-1996 14:35:37.40

SUBJECT:RE: coffee on April 30th

TO:Karen L. Hancox (HANCOX_K) (WHO)
READ: 7-MAR-1996 14:38:05.41

TEXT:
Oh well I guess the only place to do it would be Roosevelt or Cabinet Room but I don't think you can do political stuff inthe Cabinet room that's why I wanted you to run it by Cheryl Mills.

EOP 062693

EXHIBIT
CM-16

RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

January 15, 1997

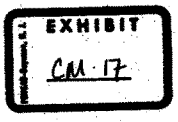
Mr. Charles F.C. Ruff
Mr. John M. Quinn
White House Counsel
The White House
Washington, D.C. 20500

Dear Messrs. Ruff and Quinn:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials or misuse of agency resources and any related matters arising out of these areas.

It has come to my attention that Mr. Quinn distributed two memos instructing all White House staff to collect and submit documents to the Counsel's Office, many of which are relevant to the Committee's inquiry as defined above. I am encouraged by this action, as a prompt response by the White House will allow this investigation to proceed in an orderly fashion. As we begin this process I trust we can work together, in a cooperative manner, to complete this essential review.

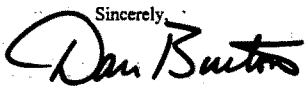
To prevent conflicts or the appearance of conflicts, it is essential that none of the individuals who were involved in dealing with Mr. Huang, Mr. Trie or any of these DNC fundraising matters be involved with the collection of documents or response to Congressional requests. In this regard, it has been confirmed by the White House that Deputy Counsels Bruce Lindsey and Cheryl Mills attended a May 9, 1996 meeting regarding questionable funds raised by Mr. Trie for the Presidential Legal Expense Trust. In addition, Special Counsel Jane Sherburne reported that Mr. Lindsey relayed misleading information about the President's meetings with the Riady family. I understand that Ms. Mills currently is in charge of document production on this matter. Given this information and what I am sure is your interest in avoiding any conflicts as we begin reviewing these matters, I trust that you will not have interested parties such as Mr. Lindsey or Ms. Mills working on these matters. I would appreciate your assurance that they will not be participating in any way with this investigation.



Finally, during the 104th Congress, the White House and Committee agreed that production of documents within 15 days was a reasonable response period. Accordingly, we request the documents on the attached list, with a production log, by January 30, 1997. The production log should include each document's Bates number, author, description and source file.

Thank you for your prompt attention to these matters. If you have any questions please do not hesitate to contact me.

Sincerely,



Dan Burton
Chairman

cc: Rep. Henry Waxman

Attachment 1

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, memoranda, diaries, phone bills, telephone logs, telephone message slips, tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" shall also include redacted and unredacted versions of the same record.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this request "White House" refers to any and all employees of the Executive Office of the President; the First Lady and her office; the President; the Vice-President; consultants, whether paid or not paid; volunteers; and all employees of the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) For purposes of this request any records requested included all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

1. All records relating to the following individuals:

   A. John Huang
   B. James T. Riady
   C. Mochtar Riady
   D. P. Kanchanalak
   E. Praitun Kanchanalak
   F. Pauline Kanchanalak
      a.k.a Pompimol Parichattkul
   G. Arief Wiriadinata
   H. Soraya Wiriadinata

I. Hashim Ning
J. Johnny Chien Chuen Chung
a.ka. Johnny Chung
L. Yogesh Gandhi
M. John Hoon Kyung Lee
a.k.a John H.K. Lee, Lee Kyung Hoon,
or Kyung Hoon Lee
N. Hogen Fukunaga
O. Yoshia Tanaka
P. George Psaltis
Q. Hsing Yun
a.k.a. Shing Yun
R. Tzu Jung
a.k.a Su-Jen Wu
S. Siuw Moi Lian
T. Mi Ryu Ahn
U. Gary Hsueh
V. Keshi Zhan
W. Xiping Wang
X. Jung Wang (or Wang Jun)
Y. Yue F. Chu
Z. Mark Middleton
aa. Mark Grobmyer
bb. Yah Lin "Charles" Trie
cc. Nora Lum

2. All records related to Mr. Trie's appointment to the Commission on U.S.-Pacific Trade and Investment Policy.

3. All records related to Executive Order Number 12987 which expanded the membership of the above named Commission.

4. All records on the following corporations:

A. Lippo Group, including LippoBank. LippoLife, PT. Multipolar Corporation or any other affiliate and/or subsidiary of the Lippo Group.
B. Cheong Am America
C. K&L International
D. K&L International Partners
E. Psaltis Corp.
F. Hip Hing Holdings Ltd.
G. Automated Intelligent Systems Inc.
H. Ban Chang Group (a.k.a. Bang Chang Group)
I. Ban Chang International (a.k.a. Bang Chang Int.)
J. San Kin Yip International Trading Company

K. CommerceCorp. International
L. Arkansas International Development Co.
M. Aegis Capital Management Corporation
N. Poly Technologies, Inc.

5. All records relating to Legal Expense Trusts, or other type of legal defense fund formed by any current or former Clinton administration White House employee. Please include SF-278 forms or related gift disclosure forms filed with the ethics office in the White House which require the reporting donations to such funds.

6. All records relating to any contacts between White House staff and any trustee and/or employee of the Presidential Legal Expense Trust.

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

January 31, 1997

Mr. Charles Ruff
Counsel to the President
The White House
Washington, D.C. 20500

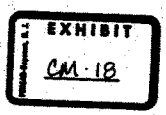
Dear Mr. Ruff:

I am writing with regard to the exchange of letters between the White House and the Committee concerning the production of White House documents for this committee.

I appreciate Mr. Quinn's stated willingness to cooperate with the committee as it moves forward with its investigation. I am, however, concerned about the events of the last two weeks, and I wanted to share those concerns with you.

I wrote to you and Mr. Quinn on January 15 to request the production of relevant documents by January 30. Mr. Quinn responded on January 17 by offering to cooperate, but saying that it was not feasible to produce the designated documents by the 30th. One week later, on January 24, the White House released a number of the documents to the press, without delivering them to the Committee. The documents in question, having to do with White House coffees with DNC contributors, were not provided to the Committee until January 29 -- five days later.

The fact that a number of documents were released to the press one week before Mr. Quinn stated that they could not be delivered to Congress calls into question his assertion that the January 30 deadline was not feasible. This is especially true since the Committee is well aware that the document production process at the White House started far earlier than my letter of January 15. The fact that the documents in question were released to the press five days prior to turning them over to this Committee is of equal concern. To be very frank, it leaves the impression that the White House wishes to appear to be cooperating without being fully cooperative.



I would like us to get off on the right foot as this process commences. It is my sincere hope that we will be able to work together in a cooperative way to move this investigation forward expeditiously. I understand that your office has agreed to a meeting between us for next week. I am looking forward to our meeting, and resolving these issues in an amicable way.

Best Regards,

Dan Burton

Dan Burton
Chairman

CC: The Honorable Henry Waxman

THE WHITE HOUSE
WASHINGTON
November 26, 1996

Jack,
This is mostly crap
Bruce

MEMORANDUM TO LEON PANETTA
CHIEF OF STAFF

ERSKINE BOWLES
CHIEF OF STAFF-DESIGNATE

FROM: JANE SHERBURNE JCS
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE STATEMENTS RE RIADY MEETINGS

The following is my understanding of the development of White House statements related to meetings between the President and James Riady. In early October 1996, Mark Fabiani reported to me that the Wall Street Journal was working on a story about the President's relationship with the Riady family, John Huang and the Lippo Group. The WSJ asked about the number of times James Riady had met with the President and the nature of any such meetings. On checking records of meetings with the President, Miriam Nemetz (Associate Counsel) reported to me that there were at least two White House meetings: one in April 1993 that lasted about five minutes and a 20 minute meeting in the Oval Office in September 1995. The President also had a brief encounter with Riady at a social event in Jakarta in November 1994. Bruce Lindsey had been present at the Jakarta event and at the September 1995 meeting.

I consulted with Bruce about how to describe these meetings. He said they were social visits. Nancy Hernreich (Director of Oval Office Operations), confirmed that the April 1993 meeting had been simply to say hello. Accordingly, I instructed Fabiani to describe the meetings as casual, drop-by visits, primarily social in nature. I also suggested that we refer to the number as "a few" and confirm there were at least three, while we continued to check for records of other meetings.

After published reports of the two White House meetings (e.g. NYTimes 10/11), Bruce told me we had failed to identify and mention a more recent meeting that had occurred sometime in what was then the previous six or eight weeks. (Miriam checked this with Nancy Hernreich who told Miriam that she had mentioned this most recent meeting when Miriam had first questioned her.) I instructed Fabiani to disclose the 4th meeting, which was reported in the press on October 12, 1996 (Washington Post). Thereafter, I instructed Miriam to assemble all WAVES records reflecting meetings with Riady. The records confirmed a meeting on September 9, 1996. We continued to describe the meetings as "drop by social visits" (e.g. Washington Post 10/12, LATimes 10/14).

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During this same time period, Fabiani had been asked whether the President and Riady had a private conversation in a limousine somewhere around the time of the summer Olympics during which they discussed U.S. policy toward China. Bruce confirmed to me that Riady had sat with the President in his limousine following a political dinner in Washington sometime since the Olympics. He did not know what they discussed and said it likely was private only because the Secret Service would have been uncomfortable with the President standing outside in the open for longer than a few minutes.

On October 10 or 11, I asked Records Management to pull all Riady correspondence. The correspondence included an extensive letter from Mochtar Riady to the President in early 1993 expressing views on a variety of subjects of significance to Pacific Rim interests. There was also a July 1993 thank you letter from the President to James Riady on the bottom of which the President had handwritten, "I enjoyed my visit with President Soeharto."

I brought this correspondence with me on October 13 to the Albuquerque debate preparation and showed it to Bruce. I told him I thought it likely that this correspondence and the limousine meeting would become public and that it would raise questions about our characterization of the President's relationship with the Riadys as simply social. Bruce did not disagree, but expressed a concern that if we acknowledged there may have been policy discussions the meetings would begin to sound more substantive than they were in fact. Following this discussion, I advised Fabiani to begin "backgrounding" with the press the likelihood that these meetings included casual conversation about issues of interest to Pacific Rim countries.

On October 14 or 15, during a conference call with several people involved in handling the Riady matter, including Bruce, I expressed concern about our characterization of these visits, based on the additional information we had learned about these meetings. I do not remember or know that I even knew who all participated in the call. I believe, in addition to Bruce and me (who were in the same room) and Fabiani, the other participants were Harold Ickes, Joe Sandler (DNC General Counsel), Amy Weiss Tobe (DNC Press Spokeswoman), and Joe Lockhardt (Clinton Gore Spokesman). Fabiani stated his view that we should provide a more complete description of what occurred at the meetings between Riady and the President. He said that the press was skeptical about our statements that they were social visits. I believe this was the call in which Fabiani also expressed the view that the press did not expect a detailed explanation until after the election. Bruce reiterated his concern about overstating the significance of the meetings. However, no one, including Bruce, disagreed that we needed to provide a fuller account of these meetings if press interest persisted.

At about this time, Joe Sandler told me that John Huang had refused to tell him about one of the subjects that had been discussed in his September 1995 meeting with the President, Bruce and Riady. I asked Bruce if he had any idea what Huang was withholding and Bruce told me that they had discussed Huang moving from his post in the Commerce Department to a fundraising position at the DNC.

On October 16, 1996, the LA Times reported the following:

> One of Clinton's senior advisors, Bruce Lindsey, said he has been present for two meetings between Riady and Clinton in the past two years, including one in the last few months. "It was basically a drop-by social visit," Lindsey said of that session. He said no issues of U.S. policy were discussed. When asked whether the meeting was about fund-raising, he declined further comment. "I'm not going to tell you what the meeting was about," he said.

I asked Bruce about the statement and told him, as Fabiani had reported to me, that it had created quite a buzz in the press because it suggested we were refusing to provide any more information about the meetings. Bruce told me that the LATimes had confused the quote because he had not been referring to the September 1996 meeting, but the September 1995 meeting (at which Huang's transfer to the DNC had been discussed). He did not seem to recognize that his statement was inconsistent with what I thought was an understanding that we would be more forthcoming in describing what occurred at these meetings.

On returning to Washington after the San Diego debate, I undertook to verify that we had identified all of the meetings between Riady and the President.

As it became clear that issues related to the Riadys and other contributors were likely to endure well beyond my tenure as well as Fabiani's, I discussed with Harold whether others should handle these matters. As the days passed, Fabiani and I were becoming more immersed, which made little sense as Fabiani would be gone in a few weeks (his last day was November 15) and he had been distracted by departure planning. I had long planned to leave the White House by the end of the year. Harold discussed my concern with Bruce and reported back that Bruce had conferred with Jack Quinn and they agreed it was sensible for Fabiani and me to withdraw. Mary Ellen Glynn picked up the press function for a few days and sometime in late October, I briefed Bruce and Cheryl Mills (Associate Counsel) on the information I had collected, including what I had been able to verify about the Riady meetings. Since that time, I have been largely uninvolved.

Shortly after the election, Fabiani told me that Jeff Gerth was making inquiries

about Bruce's role. He indicated that Gerth was observing similarities between the early Whitewater response in which Bruce was involved and the response to inquiries about foreign contributors raised in the final weeks of the campaign.

On November 14, I received a call from Steve Labaton of the NYTimes. He said he wanted to talk to me about Bruce Lindsey's role in the White House regarding the Riady matter. He said he understood I had been concerned that Bruce's description of the Riady meetings was misleading and that he had been told that my plans to leave the White House were related to my concerns that Bruce was dissembling about the meetings. I agreed to talk to Labaton. The discussion was off-the-record. I told Labaton that I had long planned to leave the White House and my departure had nothing to do with the Riady matter or any concern that Bruce had been untruthful. I told him of Bruce's concern that the significance of these casual meetings would be overstated if we described policy matters that had been discussed. I said that I had expressed a view that more needed to be said about the meetings because the description of them as "social" would not hold up. I told Labaton that as I had learned more about the content of these meetings, I took the position that we should explain what had occurred at the meetings and not characterize them and that Bruce did not disagree with this. He expressly asked me if I believed Bruce had lied and I expressly told him that I did not believe Bruce had lied.

On Saturday, November 16, Labaton paged me. When I returned the page, he told me that he wanted to read me a statement that Mike McCurry had given to Jeff Gerth and provide me an opportunity to respond on-the-record, as he believed Mike's statement was inconsistent with my view of events. The statement he then read indicated that Bruce had fully described the Riady meetings to me from the outset and that our initial description of the meetings as social was based on that information. Labaton offered to call me back the following day to get my response.

After speaking to Labaton, I called McCurry, with whom I had spoken earlier in the day about the developing story. I expressed dismay to Mike that he would have gone on-the-record with a statement about what I knew, when I knew it, and what advice I gave, without checking it with me. He told me he had received his information from Cheryl Mills whom he had asked to run down the facts. He said he had assumed that what she had given him had been checked with me. It hadn't. I told Mike that his statement was incorrect because I knew virtually nothing about the content of these meetings from Bruce at the time we described them as social and that nearly everything I had learned from Bruce since then had been as a result of asking him to confirm what I had learned from other sources. I also told Mike that Gerth and Labaton already knew his statement was wrong. Mike, who had made it clear from the outset that he was determined to get the full story out accurately, was concerned. He said he thought we had no choice but for me to go on-the-record with Labaton and correct it. We spoke generally about what I should say.

On Sunday morning, November 17, I wrote out a proposed on-the-record statement and called Mike and read it to him:

> Bruce described the meetings between the President and Mr. Riady as social. He continues to regard them as social in nature. As I learned more about these meetings from others and confirmed that information with Bruce, Fabiani and I told him that we believed the meetings could not be characterized credibly as social visits and that we needed to describe them more fully. Bruce feared we would overstate their true significance if we described the meetings as more than social but agreed that more needed to be said. At the time we began disengaging, Bruce and others anticipated a more rigorous examination of these meetings that would enable a fuller explanation to the public.

Mike suggested that I take out the reference to our belief that the visits could not be characterized credibly as social. Otherwise the statement was fine, although Mike said that he thought I was making too big a deal out of this and should try to down play it.

Labaton called back on Monday morning. I read him the following:

> Bruce described the meetings between the President and Mr. Riady as social. He continues to regard them as social in nature. As I learned more about these meetings and confirmed that information with Bruce, Fabiani and I recommended that the description of the meetings be elaborated. Bruce feared we would overstate their true significance if we described the meetings as more than social but agreed that more needed to be said. At the time Mark and I began disengaging, Bruce and others anticipated a more rigorous examination of these meetings that would enable a fuller explanation to the public.

In response, Labaton asked why we recommended that the description be elaborated. I said it was "because I felt, as did Mark, that calling them social would subject us to challenges."

THE WHITE HOUSE

WASHINGTON

January 9, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN, COUNSEL TO THE PRESIDENT

SUBJECT: Follow-up to December 16, 1996 Document Request

On December 16, 1996, we asked you to search for materials in response to requests we received from certain congressional committees and the Department of Justice. As a follow-up to this request, please conduct a thorough and complete search of **ALL** of your records that were created or received between **DECEMBER 23, 1996 - JANUARY 9, 1997** -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichattkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

Please include any documents referring or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

EXHIBIT
CM-20

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Please remember that you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests. In addition, please provide your documents in the manner in which they are maintained in your files.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

All document must be provided by NOON ON THURSDAY, JANUARY 16, 1997 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Karen Popp (6-7901).

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest: Robin H Carle
Clerk.

EXHIBIT
CM-21

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang.

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng, China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

THE WHITE HOUSE
WASHINGTON
August 4, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: DOCUMENT REQUEST

As part of our ongoing efforts to gather materials responsive to various document requests, we ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, electronic message, or other form) that were created during the period January 20, 1993 to the present for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files. Please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including those responsive to this and other requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. Each respective office head, Assistant to the President, General Counsel, or agency head must certify that all employees on his or her staff have made a complete and full search of their records. Certification forms will be circulated for this purpose in the near future.

Please search your files and records for the following materials.

1. All documents (a) reflecting any proposed or actual meetings between Carlos Mersan, Juan Carlos Wasmosy, Mark Jimenez, and any representative of the White House; (b) relating to any scheduled or actual meetings between any White House official and Juan Carlos Wasmosy (including but not limited to documents relating or referring to Paraguay's access to International Development loans); or (c) relating or referring to President Clinton's 1995 waiver of the State Department's decertification of Paraguay as a recipient of foreign aid from the United States in connection with Mark Jimenez, any representative of Future Tech International, Inc., or any fundraising activity or contribution.

2. All documents relating to the placement of Maria Haley as a Director at the United States Export-Import Bank.

3. All documents received by the White House from non-governmental sources concerning the issue of granting a visa to Taiwan's President, Lee Teng-hui, including any material submitted by Cassidy & Associates or any other outside lobbyist.

4. All documents relating to meetings or communications between any White House official and Alan Solomont (or any representative of ADS Group) regarding the enforcement of nursing home laws, rules, or regulations.

5. All documents relating to Alan Solomont's appointment as DNC Finance Chairman.

EXHIBIT
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6. All documents relating to Energy Capital Partners including, but not limited to, the program for energy efficiency administered by the Department of Housing and Urban Development

7. All documents relating or referring to the Executive Order creating the Grand Staircase Escalante National Monument in Utah.

8. All documents relating to the Department of Interior's decision to deny a petition for a casino in Hudson, Wisconsin.

9. All documents relating to any communications or meetings with representatives of the Immigration and Naturalization Service regarding (a) sibling preferences in U.S. Immigration policy or (b) visas for foreign immigrants seeking to enter the United States for investment and/or business purposes within the meaning of the Immigration Act of 1990 or other federal laws.

10. All documents referring or relating to the Guam Commonwealth Act, including (a) any meetings or communications between White House officials and Carl T. Guiterrez or any other public official or representative of Guam (including Mary Eva Candon, Esq.), or (b) any memoranda by John Garamendi, deputy secretary of the Interior Department, relating to the Guam Commonwealth Act.

11. Any documents relating or referring to any of the individuals or entities listed below:

INDIVIDUALS

Michael H. Cardozo
Jessica Elnitiarta
Sandra Elnitiarta
Sundari Elnitiarta
Maria Haley (after her departure as a White House employee on September 30, 1993 and unrelated to her official White House duties)
Eric Hotung
Patricia Hotung
Maria Hsia
Shen Jueren
Juwati Judistrira
Carl Linder
Haroun (or Harut) Sassounian
Ted Sioeng

ENTITIES

Buddhist Monastic Order
CP Group
Charoen Pokphand Group
Chiquita Brands International Inc. ("Chiquita")
Cosmopolitan Properties and Securities Ltd
Florida Splendid China Inc.
Fo Kwang Shan
Future Tech International
Hong Kong Development Ltd.
Hotung Institute
International Buddhist Progress Society ("IBPS")

All documents must be provided BY NOON ON MONDAY, AUGUST 11, 1997 to Michael Imbroscio, OEOB Room 488. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio at 456-6243.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Thursday, September 4, 1997, at the hour of 12:00 noon

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of August, 19.97.

Dan Burton
Chairman.

Attest: Robin H Carle
Clerk.

EXHIBIT
CM-23

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

The Executive Office of the President
Serve: Charles Ruff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact the Committee's Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not

limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. For the purposes of this subpoena "St. Croix Meadows Greyhound Racing Park" refers to any and all employees, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the St. Croix Meadows Greyhound Racing Park, and any representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, working on any proposal involving St. Croix Meadows Greyhound Racing Park, located at 2200 Carmichael Road, Hudson, Wisconsin, also known as the Hudson Dog Track.

11. For the purposes of this subpoena "Cheyenne & Arapaho" Indian tribes refers to any and all employees, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Cheyenne & Arapaho Indian tribes of Oklahoma.

Subpoenaed Items

Please provide the Committee with the following:

1. All records relating to the St. Croix Meadows Greyhound Racing Park.

2. All records relating to the Cheyenne & Arapaho Indian Tribes, including, but not limited to, all contacts and communications between members of the Cheyenne and Arapaho Indian tribes and the following individuals:

a. Mike Copperthite;
b. Richard Greliner;
c. Archie Hoffman;
d. Nathan Landow;
e. Ken Lavine;
f. Peter Knight;
g. Jason McIntosh;
h. Charles Surveyor;
i. Todd Tyler;
j. Joseph Trapasso;
k. Mike Turpen.

October 21, 1997

PRIVILEGE LOG

KEY:

E/P: Subject to Executive Privilege
A/P: Subject to Attorney Client Communication Privilege
W/P: Subject to Attorney Work Product Privilege

No.	Doc. Control No.	Date	Privilege	Description
1	EOP 64985	5/23/95	E/P	E-mail from Deputy Assitant to the President for Political Affairs to Special Assistant to the Deputy Chief of Staff for Policy and Political Affairs re attendance of possible presidential appointee at political event.
2	EOP 69070-71	4/24/95	E/P A/C	Memorandum from Special Assistant to the President for Intergovernmental Affairs to Deputy Chief of Staff (cc: Assistant to the President and Chief of Staff for the First Lady and Associate Counsel to the President) containing legal advice and discussion re American Indian gaming policy matters.
3	EOP 69076-78	4/24/95	E/P A/C	Memorandum from Senior Policy Analyst, Office of Policy Development to Associate Counsel to the President (cc: Assistant to the President for Domestic Policy, Special Assistant to the President for Intergovernmental Affairs, Assistant to the Deputy Chief of Staff for the First Lady) re discussion of legal advice and American Indian gaming policy matters.
4	EOP 69079-81	undated	A/C W/P	Handwritten notes reflecting mental impressions of Associate Counsel re Hudson casino litigation allegations.

EXHIBIT
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October 21, 1997

PRIVILEGE LOG

KEY:

E/P: Subject to Executive Privilege
A/P: Subject to Attorney Client Communication Privilege
W/P: Subject to Attorney Work Product Privilege

5	EOP 69082-89	8/23/96	E/P W/P	Fax cover sheet from Department of Interior Solicitor's Office to Associate Counsel with attached draft letter of Interior responding to Congressional inquiry.
6	EOP 69092-97	undated @ fall 1996	E/P	Notation of President to Chief of Staff re Hudson casino matter; notation attached to portions of pre-trip briefing document.
7	EOP 69098-99	10/23/96	E/P A/C W/P	Memorandum from Chief of Staff to the President with attached memorandum dated 10/23/96 from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff (cc: White House Counsel) re status of Hudson casino litigation.
8	EOP 69100	10/22/96	A/C W/P	Memorandum from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff re status of Hudson casino litigation.
9	EOP 69101	10/23/96	A/C W/P	Memorandum from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff (cc: White House Counsel) re status of Hudson casino litigation.
10	EOP 69102-05	8/1/96	E/P	Drafts of letter responding to Congressional inquiry regarding Hudson casino matter.

THE WHITE HOUSE

WASHINGTON

April 24, 1995

MEMORANDUM FOR HAROLD ICKES

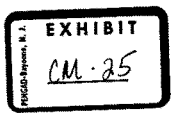
FROM: Loretta Avent

I just got a call from Bruce in reference to a person named Pat O'Connor, whom I don't know, who has called me on numerous occasions. Unfortunately, I was on my reservation circuit, so I asked both Jay Campbell and Katy Button in my office to call and advise him I was travelling and that before I could respond personally, I would need a letter from one of the tribal leaders he was representing explaining their situation and/or their concerns. Following the legal advice we have received concerning these kinds of issues, I have not and would not speak with him, or any lobbyist or lawyer.

Irrespective of lawyers and lobbyists say they know personally in the Administration , my first responsibility is to take care of the pres. because I am aware of the politics and the press surrounding this particular situation, it is in our best interest to keep it totally away from the white house in general, and the pres in particular. This is such a hot potato (like Cabazon) -- too hot to touch. The legal and political implications of our involvement would be disastrous. I am on my way into a meeting with five of our strongest tribal leaders (because of their significant voter turnout), who have already gone ballistic about other tribal governments who have greater access to the Administration because of their ability to pay hired guns (as they call them) and their belief that this unfairly gets things to happen. They believe that when the President said "Government-to-Government" and "respect for tribal consultation" that it meant directly with them. They consider the lobbyists and lawyers trying to access us as staff they (the tribal leaders) pay and that their responsibility is to report and advise them (the tribal leaders), and as tribal leaders elected by their membership, they will do the business of tribal governments directly with our government.

This puts us in a Catch-22. To ensure we don't get caught in this web, I treat all 550 elected tribal leaders the same (I deal directly with them on behalf of the President).

Harold, my goal is to clean up as much as I can clean up (seven reservations in less than ten days) prior to the April 28th meeting. We are 98% there. I do not want this situation to be part of or anywhere near the meeting on the 28th. This is a



Department of Interior and Justice Department and that's where it should stay. Finally, the fact that he would even suggest I would discuss anything remotely connected to Indian gaming tells me he is not truly connected to Indian country (all 550 federally recognized tribes know I don't do gaming and say it). Both Domestic Policy and Intergovernmental Affairs deal with this issue in this manner.

I explained this to Bruce and he understands the way I operate and I assured him I would make the call directly to advise the party that called. I will do this as soon as my meeting is over. I'll call later and give you an update. The press is just waiting for this kind of story. We don't need to give it to them.

One last concern leading into Friday, but I am working on that now. Because of the diversity and complexities within Indian Country and the constant changes in elected leadership, there is no lobbyist or lawyer that I will put before my responsibility to the President and his commitment to Indian Country (April 29, 1994).

cc: Maggie Williams
Cheryl Mills

[The deposition of Michael Imbroscio follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: MICHAEL X. IMBROSCIO

THURSDAY, OCTOBER 16, 1997

The deposition in the above matter was held in Room 2157, Rayburn House Office Building, commencing at 10:10 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Chief Investigative Counsel; Kristi Remington, Investigative Counsel; David Bossie, Richard Bennett, Chief Counsel; James C. Wilson, Senior Investigative Counsel; Oversight Coordinator; Kenneth Ballen, Minority Chief Investigative Counsel; Andrew J. McLaughlin, Minority Counsel.

For MR. IMBROSCIO:

MARK H. LYNCH, ESQ.
Covington & Burling
2301 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 23044

Ms. COMSTOCK. Good morning. On behalf of the Members of the Committee on Government Reform and Oversight, I thank you for appearing here today. This proceeding is known as a deposition. The person transcribing this proceeding is a House reporter and a notary public. I will now request Robin Butler of the Committee staff to place you under oath.

THEREUPON, MICHAEL X. IMBROSCIO, a witness, was called for examination and, after having been first duly sworn, was examined and testified as follows:

Ms. COMSTOCK. I would like to note for the record those who are present at the beginning of this deposition.

My name is Barbara Comstock, chief investigative counsel for the Committee; I am accompanied today by Kristi Remington, associate counsel, who is with the Majority staff; Ken Ballen, designated Minority counsel for the Committee this morning, and he is accompanied by Andrew McLaughlin. The deponent is represented by Mr. Mark Lynch, and the deponent is Mr. Michael Imbroscio.

Although this proceeding is being held in a somewhat informal atmosphere, because you have been placed under oath, your testimony has the same force and effect as if you were testifying before a Committee or in a courtroom. If I ask you about conversations you have had in the past and you are unable to recall the exact words used in that conversation, I would ask that you state you are unable to recall the exact words but give the gist or substance of any such conversation to the best of your recollection. If you recall only part of a conversation or only part of an event, please give me the best recollection of those events or parts of conversations that you do recall.

If I ask you whether you have any information about a particular subject and you have overheard other persons conversing with each other regarding that subject or have seen correspondence or documentation about that subject, I would ask that you provide such information and indicate the source from which you have derived such knowledge.

Before we begin the questioning, I would like to give you some background about the investigation and your appearance here. Pursuant to its authority under House Rules X and XI of the House of Representatives, the Committee is engaged in a wide-ranging review of possible political fund raising improprieties and possible violations of law. Pages 2 through 4 of House Report 105–139 summarizes the investigation as of June 19, 1997, and describes new matters which I will raise in the course of the investigation. Also, pages 4 through 11 of the report explain the background of the investigation.

All questions related either directly or indirectly to these issues, or questions which have the tendency to make the existence of any pertinent fact more or less probable than it would have been without the evidence, are proper.

The Committee has been granted specific authorization to conduct this deposition pursuant to House Resolution 167, which passed the full House on June 20th, 1997. Committee Rule 20 outlines the ground rules for the deposition. Majority and Minority Committee counsel will ask you questions regarding the subject matter of this deposition. Minority counsel will ask questions after Majority counsel is finished. After the Minority counsel has completed questioning you, a new round of questioning may begin. Members of Congress who wish to ask questions will be afforded an immediate opportunity ask their questions at any time when they may be present. When they are finished, Committee counsel will resume questioning.

Pursuant to the Committee's rules, you are allowed to have an attorney present to advise you of your rights. Any objection raised during the course of the deposition needs to be stated for the record. If the witness is instructed not to answer a question or otherwise refuses to answer a question, Majority and Minority counsel will confer to determine whether the objection is proper. If Majority and Minority counsel agree that a question is proper, the witness will be asked to answer the question. If an objection is not withdrawn, the Chairman or a Member designated by the Chairman may decide whether the objection is proper.

This deposition is considered taken in Executive Session of the Committee, which means that it may not be made public without the consent of the Committee, pursuant to clause 2(k)(7) of House Rule XI. We ask that you abide by the rules of the House and not discuss with anyone other than your attorney this deposition and the issues and questions raised during this proceeding.

Finally, no later than 5 days after your testimony is transcribed and you have been notified that your transcript is available, you may submit suggested changes to the Chairman.

That 5-day rule, with agreement of Minority, has been routinely waived in order for people to be able to work with their counsel in a timely manner.

A transcript may be available for you for review at the Committee office or we can, if you can sign a form that you are not copying it or sharing it with anyone, we can make it available to you to review outside the Committee offices with your client.

Mr. LYNCH. Appreciate that.

Ms. COMSTOCK. Committee staff may make any typographic or technical changes requested by you. Substantive changes, modifications, clarifications or amendments to the deposition transcript submitted by you must be accompanied by a letter requesting the changes and a statement of your reasons for each proposed change. A letter requesting substantive changes, modifications, clarifications or amendments must be signed by you. Any substantive changes, modifications, clarifications or amendments shall be included as an appendix to the transcript conditioned upon your signing of the transcript.

Do you understand everything we have gone over so far?

The WITNESS. Yes.

Ms. COMSTOCK. Do you have any questions about anything?

The WITNESS. No.

Ms. COMSTOCK. I just want to go through a few ground rules.

The reporter will be taking down everything we say to make a written record. You need to give verbal, audible answers. We don't want to talk over each other. Wait until we are finished asking the questions, then I will also wait until you have finished your answer.

Are you here voluntarily today or as a result of a subpoena?

The WITNESS. Voluntarily, I believe.

Mr. LYNCH. Yes, Mr. Imbroscio is here voluntarily.

May I say something at this point?

Ms. COMSTOCK. Yes.

Mr. LYNCH. I had a conversation with Mr. Bennett yesterday in which I explained to him that I have only been very recently retained by Mr. Imbroscio.

As you know, the Committee has taken the position that attorneys in the Office of the Counsel to the President may not be represented by other attorneys in that office, so it was necessary for them to seek private counsel. And as I said, I have just been retained a very few days ago. We have thoroughly reviewed the subject matter of the discovery of the audio tapes and are fully ready to discuss that as long as and as completely as you want to do today.

To the extent that you are interested in the broader question of compliance with subpoenas and other requests for documents, there may well be areas that I simply have not had a chance yet to discuss with Mr. Imbroscio, and we certainly would anticipate coming back at a later time after we have had a chance to go over all that material, but we simply have not been able to cover that material.

I explained all this to Mr. Bennett yesterday. We are certainly not suggesting that you're not entitled to go into everything, but we are asking if today we could focus on the discovery of the videotapes, because that is really all I have been able to get my arms around at this point.

Ms. COMSTOCK. Okay. Mr. Bennett had shared your conversation with him with me also, and I do understand that you expressed those concerns to him.

To the extent that the videotapes do and the discovery springs from certain requests and things like that, I think it will be necessary to go into the general areas. I think what we can do is, if we start general and then you can indicate areas where you have not had that opportunity yet to work with your client, then we can just skip over those areas as we go through. But maybe it will be easier if we can get through what you are comfortable going through, and then if there are areas that you just have not had a chance to discuss yet, then we will put those off for another day.

Mr. LYNCH. Sure. We appreciate that.

Ms. COMSTOCK. But it may be that in working on the videotapes and in general work on those matters, that some of the other more general questions will be able to be answered. But why don't we just see as we go how far we can get.

Mr. LYNCH. Sure. And we will certainly take this on a question-by-question basis.

Ms. COMSTOCK. We would certainly prefer to make any revisit shorter rather than longer.

Mr. LYNCH. Sure.

Ms. COMSTOCK. Or unnecessary, if possible.

Mr. BALLEN. And, whenever appropriate, I have a statement before we begin.

Ms. COMSTOCK. Okay.

Mr. BALLEN. I will do it now.

First of all, on this issue of scope, what we understand the scope to be in the Minority is to be on the compliance with the subpoenas and nothing beyond that. And Mr. Lynch has indicated today a question of preparation on the videotapes versus nonvideotape issues, but what we understand the scope of these depositions to be is related to compliance with subpoenas and not anything else.

To the extent, and let me make it very clear on behalf of the Members in the Minority, to the extent there is any questioning beyond the issue of compliance with the subpoenas that were issued by this Committee and by the Senate and by others, we will object most strenuously to that, and we will seek, because we believe it is beyond the proper scope of this Committee, we will seek a Committee vote on any such questions. And so I want that to be clear at the outset, our view on the scope of these depositions.

Having stated that, what I need to also state is several other views of the Minority. First, we object to these depositions. we object to these depositions being taken at all, but I will get to that at the last. As a procedural matter, we object. Mr. Condit wrote a letter on behalf of the Minority Members to the Chairman and——

Ms. COMSTOCK. Is that a letter we have received, to your knowledge?

Mr. BALLEN. It went out yesterday. I certainly hope——

Ms. COMSTOCK. We have not received that letter. I read about it in the paper this morning, but we have not received it.

Mr. BALLEN. Well, Mr. Condit sent it out yesterday and I will enter it. I know Mr. Condit sent it to the Chairman.

In fact, let me enter it into the record at this point. It is a public letter sent out by Mr. Condit yesterday. I know Mr. Condit is very good about making sure letters are delivered, so I am sure he—we can mark it as Minority Exhibit Number 1.

[Minority Exhibit No. 1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 509.]

First off, as Mr. Condit states quite eloquently in his letter, we object to these depositions being taken without either conducting them jointly with the Senate, deferring the House until the Senate has conducted them, or the Senate deferring until the House has conducted them. These are depositions with the exact same witnesses, exact same issues, same questions, same documents, and if there ever were a case for coordinating between the House and the Senate, our view is the entire investigation should be coordinated, but at least this one discrete aspect should be coordinated. So we object to that.

Our Members, including Mr. Waxman, Mr. Lantos, Mr. Kanjorski and Mr. Condit, specifically object to these depositions occurring now. We believe that the Members should have a right to attend these depositions; that if they are important enough to do, Members of Congress, who are now on recess and are not available, should

be afforded the opportunity to attend, and our Members very strongly wanted that opportunity. And, again, these have been scheduled over our objection to taking them, which is set forth in Mr. Condit's letter as well.

Let me read verbatim a statement Mr. Condit would like read in the record. "I object to these depositions taking place at this particular time." This is Mr. Condit's statement. "Given the short notice of the depositions, scheduled after Members left for the current recess, and given scheduling problems associated with the recess, it is impossible for Members who may choose to be present for the depositions to be here. Additionally, I have written to Chairman Burton spelling out this objection and, as yet, have not received a reply. I would, therefore, object and urge postponement of these depositions until such time as Members have returned from their respective districts."

And that is a statement of Mr. Condit and is a statement that is echoed by all Minority Members of this Committee, and we fail to see the urgency in proceeding in this fashion.

Lastly, I want to note something for the record, which is the extreme dismay that I have that we are going through this process at all. I have been up on the Hill on and off for 10 years now and was intimately involved in the Iran-contra investigation. And I must say we had problems with the White House during Iran-contra in terms of documents being submitted, other documents being withheld, documents being discovered late, and outright refusal to turn over some of the information subpoenaed, period, without assertion of any privilege or any other reason.

This White House has been cooperative and, from my point of view, as far as we know, acted in good faith. To put people whose job it was, who are in the counsel's office, through this kind of a process, under oath, without giving them the benefit of trying to explain themselves first, strikes me as an unfortunate exercise of the Majority's power. These depositions were done without consult with the Minority whatsoever and, frankly, without really giving the White House an opportunity in good faith to reply to what had happened.

I have to note, too, that if this were an issue where documents that were incriminating in any effect were not turned over, maybe this entire process could be justified, but we're talking about, the best we can determine at this point in time, exculpatory information. Why anyone would submit themselves to this kind of proceeding for failure to turn over information that would have helped them had it been turned over earlier boggles the mind.

So with those objections noted for the record, we should proceed.

Ms. COMSTOCK. Okay. I would like to note that the letter that Mr. Ballen entered into the record apparently was faxed to Mr. Waxman's office last night at 6:12 p.m. We were not in receipt of that letter at any time before the deposition this morning.

We did read about the letter in Roll Call this morning, so apparently it was made, at least the sense of it was made available to Roll Call at some point before deadline last evening, but we were not aware of any of these objections.

We did have a meeting last Friday with Mr. Ballen and with the White House Counsel, Chuck Ruff, and with Deputy Counsel Cheryl Mills and Special Counsel Lanny Breuer. At that time Mr. Ballen did not voice any of these concerns, and actually the White House Counsel, Mr. Ruff, had no objection to us going forward. And during a very candid and frank discussion, Mr. Ruff understood exactly why the Committee was going forward with these depositions.

He did not raise the issue of joint depositions or anything like that because, in fact, this investigation, the House investigation and the Senate, has a number of different issues. We have different scopes. And certainly, as the witness will probably be able to tell us today, our subpoenas have been different, our requests have been different. While there obviously is some overlap in these matters, how and when our subpoenas were responded to as opposed to Senate subpoenas or others are different issues, and for that reason we are going to continue to proceed this morning.

And like Mr. Ballen, I too have been involved in a number of investigations up here on the Hill over the years and, unfortunately, the patterns that we have seen with this one have been all too common. We have had records turn up years after they were sought, and this has been a concern that this chairman and many Members of this Committee, who not only have served during this Congress on this investigation but served on the Committee with previous investigations and were familiar with the lack of response that has resulted often from our subpoenas. And, in fact, we have had to move in the past on contempt as we did this year with the White House.

So with all those things in mind, the Committee Members and on the Majority side felt very strongly it was important to establish not only the issue of the video-

tapes and how they were discovered but general compliance with the Committee's subpoenas.

Now, as we have discussed with counsel already, we understand that the witness may not be ready this morning for the entire area of compliance issues, but we are going to cover those that we are able to deal with this morning.

Mr. BALLEN. Let me just note for the record, I don't want to engage in a long debate with counsel for the Majority, but to point out several facts.

One is that our objections to these, I talked to Mr. Bennett about it and this was faxed from Congressman—my understanding is Mr. Condit delivered this letter to Mr. Burton yesterday. That is my understanding. That is what I was told by Mr. Condit's office: The letter was delivered here yesterday. Why you have not received it, I do not know.

It was faxed from Mr. Waxman's office to me. And if you look at the bottom of the thing, it says 5:18 p.m. That is when I received it. I don't know what that 6:12 is on the top, because I received it from our main office, which is the faxes, earlier in the day. I don't know what that is at the top because I know when I received it. It was refaxed, apparently.

But in any event, it was delivered to you yesterday. And if you want to beg to differ with Mr. Condit on that, his office assured me that it was delivered to you yesterday afternoon. And my objections were made to Mr. Bennett earlier, in any event.

Ms. COMSTOCK. I would note for the record, counsel apparently had this by 5:18 or 6:12 and did not bring this to our attention last evening.

Mr. BALLEN. Which counsel?

Ms. COMSTOCK. Minority counsel.

Mr. BALLEN. Why should I, if it was delivered to you by Mr. Condit. And that office delivered it to you. If I am told a letter is delivered to you, I assume it was delivered. That is what I was told. I didn't see any reason to bring it to your attention since you received an original of it in the afternoon.

Mr. LYNCH. One minor housekeeping item. I think when you identified the people present you did not identify Mr. Bossie.

Ms. COMSTOCK. I think we had forgot. Mr. Bossie was down here on the list already.

EXAMINATION BY MS. COMSTOCK:

Question. Okay, if we could begin. Could you please provide your employment history from college forward?

Answer. Let me take a step back. I was born in Ohio in 1968, I attended Ohio State University, graduating summa cum laude in 1990. Thereafter attended Harvard Law School, graduated in 1993 magna cum laude. I clerked for one year for Judge John M. Walker, Jr., on the Second Circuit Court of Appeals in New York. Judge Walker is, as you probably are aware, President Bush's first cousin. After clerking for Judge Walker, I entered employment with Covington & Burling, where I worked over the summer a few years earlier, and worked at Covington & Burling for approximately two-and-a-half years until March of this year.

Question. Then at that time were you hired at the White House?

Answer. My first day at the White House was March 3, 1997.

Question. And who hired you?

Answer. While at Covington & Burling I worked closely with Mr. Lanny Breuer, and he, as well as Mr. Ruff, hired me to come work at the White House.

Question. And what are your duties at the White House?

Answer. I work on Mr. Breuer's team of lawyers doing our best to comply with the numerous requests for documents and other materials from the various investigative committees and other investigative bodies.

Question. Is Mr. Breuer your supervisor?

Answer. He is.

Question. And how many of you work on these matters?

Answer. We have a small staff of about five or six lawyers who work on these matters.

Question. And could you identify those people, please?

Answer. I may leave out one or two, but our team is comprised of myself, I am the most junior lawyer on the team; Michelle Peterson, Demetri Nionakis, Karl Racine, Karen Popp, and Mr. Breuer.

Question. And is Lanny Davis also part of that team?

Answer. Lanny Davis' responsibilities are to deal with the various press inquiries that our office receives. He is in no way a part of the document compliance team.

Question. And do you also have paralegals and support staff who work with you?

Answer. We do have a few parallels and support staff.

Question. Who are those individuals?

Answer. We have three paralegals and Mr. Breuer has an assistant.

Question. And who are the paralegals?

Answer. Their names are Debra, Dimi and Erin.

Question. Could you give me their full names?

Answer. I have a hard time spelling a few of them. Debra Falk, F-A-L-K; Erin Green, G-R-E-E-N; and Dimi Dooufekias, spelling of which I will not attempt.

Question. And so Mr. Breuer has an assistant also?

Answer. Mr. Breuer does have an assistant.

Question. And who is that?

Answer. His name, as you might be aware, is Brian Smith.

Question. And are there any other individuals who work on Mr. Breuer's team?

Answer. Throughout the summer and currently we occasionally have various volunteers and interns that are assigned to our office in the White House.

Question. And does Cheryl Mills also work on any of these production matters?

Answer. She does not. Cheryl is the deputy counsel to the President. I don't know what the whole host of her duties entail, but she is not a member of the day-to-day compliance team.

Question. In a letter of people who had been involved in production matters, in these videotapes in particular, Mr. Ruff provided Ms. Mills' name. Do you know what her role is on this?

Answer. I believe Mr. Ruff also provided his own name, and certainly Mr. Ruff is not involved in the day-to-day production issues of our team. But certainly Mr. Ruff, Ms. Mills and the rest of us on the team are certainly lawyers in the office who work on these matters.

Question. Do you know who Ms. Mills reports to in that structure of the counsel's office?

Answer. My understanding of it is that she reports to Mr. Ruff.

Question. And do you know if Mr. Lindsey has had any involvement in any of the production issues or production?

Answer. During my 7 months at the White House Mr. Lindsey has had absolutely no involvement in production issues. I believe I spoke with Mr. Lindsey less than three times.

Question. Why don't you describe to us what you do in terms of gathering documents.

Mr. BALLEN. Gathering documents when? In response to the subpoena?

EXAMINATION BY MS. COMSTOCK:

Question. In response to letter requests or subpoenas.

Mr. BALLEN. From who? It is a rather broad question. He might have different procedures with regard to different types of issues.

EXAMINATION BY MS. COMSTOCK:

Question. This team of people you identified, do you respond to the House letter requests and subpoenas in the course of this investigation?

Answer. Yes, we do.

Question. Do you also respond to the Senate requests or subpoenas for information?

Answer. As I testified earlier, this is the team that responds to all requests from various committee and other investigative bodies.

Question. Okay. And so that would include the Justice Department also?

Answer. It would.

Question. And that would be any independent counsel or the Justice Department task force? This would be the same group of people that would respond to those matters?

Answer. That's correct.

Question. Now, are any particular people assigned to the White House or the Senate or Justice Department subpoenas?

Answer. Not in any formal sense, no.

Question. So there's not somebody who is the House guy, and then the Senate guy, and the Justice Department guy who sort of is in charge of compliance and making sure that particular subpoenas are complied with at the end of the day?

Answer. Again, not in any formal sense. We all have various roles depending on various requests. We obviously get numerous requests from many bodies, and if it happens to be a request that relates to an earlier request that somebody had re-

sponsibility for, they would then take responsibility for that request. But, again, there's no designated individual to handle requests from a particular body.

Question. And is Mr. Breuer, then, in charge of all of these areas then in terms of final compliance? Is that where the buck stops, generally?

Answer. That is part of his role as Special Counsel to the President, yes.

Question. Is he working on other matters besides responding to these investigations?

Answer. I stumble on the word "responding." If you define responding very broadly, yes, that is his responsibility. Responding not only to documents but responding more generally.

Question. He is not working on appointment of judges or things that other counsel people might work on?

Answer. That's accurate.

Question. How many attorneys are in the counsel's office?

Answer. I'm not sure, but I think somewhere between 14 and 18 at any given time.

Question. And do you know the total number of people who are in the counsel's office?

Answer. I thought I just answered that question.

Question. With support staff and paralegals.

Answer. Several of the lawyers who are not on our team who do various other tasks of the counsel's office, like judges and appointments, as you just mentioned, they often share an assistant. I believe there are a few assistants throughout the office that support the other attorneys.

Question. Any other attorneys detailed, to your knowledge, to the counsel's office?

Answer. My understanding is that there are such attorneys and that they do primarily vetting. But in all honesty, I have not met any of these such attorneys. I am told they exist but cannot confirm it under oath.

Question. To your knowledge, are any of the individuals you named who are on the team, were they detailed from other agencies or from U.S. Attorneys' offices?

Answer. No, they are not.

Question. Now, you said you are the low man on the totem pole in terms of this team; is that correct?

Answer. I believe I said I was the most junior attorney on the team, yes. I'm 29 years old, for the record.

Question. And why don't you tell us how you go about then responding, if there is a difference—is there a difference in how you respond to the House or Senate or Justice Department subpoenas or requests?

Answer. We do not distinguish between requests from one entity versus the other.

Question. Why don't you tell us how you generally respond to requests; how they are handled in your office.

Answer. Okay, I can speak generally at this point. Generally, when we receive a request, and we receive many of them, we evaluate the nature of the request; ask ourselves does the request require an entire White House-wide search or something more limited.

For instance, if it is a WAVE search, that would not require an entire White House-wide search. If it does require a White House-wide search, we undertake the steps to conduct a targeted search to the areas or offices of the White House that would be likely to have responsive documents.

If it does require a White House-wide search, the practice that is in place, and as I understand has been in place well before, well before I came into this office, is that the Counsel to the President, and there have been several, currently Mr. Ruff, will send out a memorandum to the entire Executive Office of the President, sometimes shortened to EOP, detailing what those requests are and asking attorneys to search—asking employees of the EOP to search all of their records for materials and provide to the counsel's office any responsive materials.

Question. Maybe if we could get a little, sort of some of the technical aspects of when a letter request comes into your office, who is the person who receives it, to your knowledge?

Answer. Typically, the person who receives it is the person to whom it is sent. Sometimes they are sent to the President of the United States, sometimes they are sent to Mr. Ruff, sometimes they are sent to Mr. Breuer, and sometimes, particularly ones where there is a working relationship between our staff and staffs of other committees, the letter will come in directed to one of the staff attorneys.

Question. And is there a process whereby a letter is logged in in the counsel's office?

Answer. There very well might be, but I am not aware of such a process.

Question. Is there a process by which a subpoena is logged in?

Answer. Same answer.

Question. Do you know if there's any type of database or accounting of various requests?

Answer. No, not to my knowledge.

Question. I'm just wondering, last night on the news I think Mr. Lanny Davis was saying how many requests had been made from different agencies, and I was wondering who is in charge of counting those or where is that body of information that would count that?

Answer. Well, I believe we have a collection of correspondence, subpoenas and other requests that are probably put together in various binders. I am sure there is a binder for the House of Representatives as there are for the other investigative bodies, and I suspect the counting took—it meant someone going through and counting the various requests for the various bodies.

Question. Do you know who did that in this case?

Answer. I have no idea.

Question. But there's not any type of, you are not in charge of that recordkeeping or accounting of requests?

Answer. I am not.

Question. Do you know who is?

Answer. I do not know if anyone is in charge at all and if there is someone in charge who that person would be.

Question. Do you know how, once the request is received by Mr. Breuer, by whoever it was addressed to, how is it handled from that point?

Answer. At that point it is usually discussed at a gathering of lawyers on the team and the task of, the discussion of what it takes to respond is discussed, as I testified earlier that that process occurs, and the request may be assigned to a particular person, if it is a rather discrete request, or it will be, a strategy for responding to a particularly larger request would be discussed.

Question. And then are particular people put in charge of different areas of a subpoena or is one person put in charge of each request?

Answer. Again, there's no set answer. It really is case specific. It depends on the breadth of the subpoena, if it is a subpoena; depends on the nature of the requests, whether they require a White House-wide search or whether they require more targeted searches.

Mr. LYNCH. I think the record should reflect that Mr. Imbroscio explained, when we first came in, that he has aggravated an old knee injury within the last day or two, and he is in some obvious discomfort I think everyone here at the table will recognize. And among other things he has to get up and walk around once in a while to relieve the pain in his knee.

Ms. COMSTOCK. And if at any time you need a break, just let us know. Feel free to—we are in a pretty small area, so if it helps to walk around, that will be fine.

The WITNESS. I appreciate that.

EXAMINATION BY MS. COMSTOCK:

Question. I want to maybe distinguish between letter requests and subpoenas. Are those treated differently, to your knowledge, and how you respond to them?

Answer. Well, we respond to all requests fully and completely. So in the sense of whether one gets second class status, absolutely not.

Question. And when you said that memos are often put out, office wide memos are put out, who generally writes up those memos?

Answer. We sometimes call them directives because they direct the White House staff to search their files. Such directives are sent out under the name of the Counsel to the President, and particular members of the staff will work with the Counsel to the President in drafting and formalizing and finalizing such a memo.

Question. But usually Mr. Ruff himself is not sitting at the computer drafting the memo?

Answer. As you might suspect, he is not usually the original drafter, but certainly he does have a part in the editing of the document.

Question. You had said you started at the White House on March 3 of this year; is that correct?

Answer. That was a Monday, that is correct.

Question. And where is your office located?

Answer. My office has moved once since I have been here, but if we can get away with this, in the Old Executive Office Building.

Question. And is that where you started?

Answer. That is where I started.

Question. And do you have an office mate, someone that is in your office with you?

Answer. I do not.

Question. Is there a suite of offices where this team works?

Answer. The Old Executive Office Building was built in, I believe beginning in 1871. Its design and construction does not involve various suites of offices. My office is on the fourth floor, which is a hallway that several of the attorneys on my team also have offices.

Question. Generally, you are in an area together? You are not spread out across the complex? That is what I am trying to understand.

Answer. That is generally correct, yes.

Question. So who else is in that group of offices?

Answer. Mr. Racine, Mr. Nionakis, Miss Peterson and Ms. Popp have offices generally in the same corridor.

Question. And is there also a Michael Waitzkin who is on your team?

Answer. Yes. His name is Michael "Buzz" Waitzkin. Buzz was a partner at a law firm in town and joined the counsel's office some months after I joined. He is a person that I probably have left off the original list.

As you can gather from his previous status, he's a more senior lawyer and while he does have involvement generally in responding to requests, he is not one of the line attorneys as the other ones I described in responding to requests.

Question. And where is Mr. Breuer's office?

Answer. Mr. Breuer's office is in a different part of the Old Executive Office Building. We are on the fourth floor. When I say we, I mean the individuals I just testified about a few minutes ago. Mr. Breuer's office is on the first floor of the Old Executive Office Building.

Question. And are there other people from the team and all who are with Mr. Breuer?

Answer. Not on our team. Mr. Davis has an office in proximity to Mr. Breuer, but not any one of the ones on our team.

Question. And then Brian Smith is in Mr. Breuer's office?

Answer. He sits outside of Mr. Breuer's office, yes. And just to be clear, Mr. Waitzkin also has an office on the first floor in the same general vicinity as Mr. Breuer but not in terribly close proximity.

Question. So Mr. Breuer, Mr. Waitzkin and Lanny Davis have offices in close proximity on the first floor?

Answer. I would say they have offices on the first floor. Mr. Breuer and Mr. Davis' office are in closer proximity than Mr. Waitzkin office.

Question. And Mr. Ruff's office is in the West Wing; is that correct?

Answer. That's correct.

Question. And where is Ms. Mills' office?

Answer. Ms. Mills, as Deputy Counsel to the President, has an office in the office typically held by the Deputy Counsel to the President, which is adjacent to Mr. Ruff's office.

Question. And Mr. Lindsey's office is also in the West Wing?

Answer. That's my understanding, yes. I have never been to Mr. Lindsey's office.

Question. How is communication between the offices handled? Do you have daily meetings in order for Mr. Breuer to give you assignments?

Mr. BALLEN. Is this in relation to compliance with subpoenas or?

EXAMINATION BY MS. COMSTOCK:

Question. Yes, and I am limiting that to subpoenas and document response.

Answer. As you might suspect, we meet quite frequently on a whole host of topics. Many times a particular meeting will cover several topics, one of which might be document compliance. There is no set pattern for document compliance meetings nor is there a set frequency.

Question. Okay. Where are the documents that you all have now put things? Where are they physically located?

Answer. They are physically located in the offices of people who send them to us.

Question. But where, when they send them to counsel's office, where are they kept in the counsel's office?

Answer. The copies of the documents are generally kept in a large workroom that is close in proximity to the offices on the fourth floor. I will stop with that.

Question. So when these memos are sent out asking for documents they would be returned, then, to the fourth floor offices, to your attention or Mr. Nionakis or somebody up there?

Answer. Yeah, it depends on—typically, there is a contact person on each of the directives. That contact person would handle particular requests, or generally, or a request for follow-up guidance on what a particular term in the directive means.

That same person would usually be the recipient of the documents and they would be the ones to receive them, process them, at least initially, before storing them more generally in the large workroom.

Question. And, generally, do people sign, employees at the White House, sign forms attesting to searches for files in their office?

Answer. It is my understanding that the heads of the various offices would sign such a form attesting to the fact that all of the employees under their direction have made full and complete searches of their files and provided all responsive records to the best of their ability.

Question. Now, when you get a request, do you send out the actual request with whatever memo you send out to the various offices?

Answer. We typically do not. We have a White House full of nonlawyers and oftentimes the requests that come in are many, many, many, many pages long. I believe the subpoena the Committee issued is somewhere in the neighborhood of 15 pages long. We do our best to summarize the requests, making sure to encompass every single request in the directive, but try to put it in a language that nonlawyers can understand and will, in fact, maximize the chances that they actually read the document and provide us with responsive documents.

Question. When you joined the White House in March of this year, how were you brought up to speed as to requests that had already been made?

Answer. I believe—I came to the office, as I say on March 3rd. I believe we received your subpoena, which was dated March 3rd, a few days later. That was, for all intents and purposes, the first huge request that we had received that related to this investigation. There were several earlier requests, but my understanding is your subpoena, which as I am sure you probably drafted it, was quite comprehensive and in many ways became the guiding document for the nature of requests.

Question. When you came on board were you aware of previous letter requests that this Committee had made?

Answer. Not specifically. Not specifically, no. I assumed there was—I understand there had been some requests, but I have no specific knowledge or recollection of what those requests might have been.

Question. When you came on board did someone sort of direct you to files, like here are the outstanding requests and here is—did anyone fill you in on what they were doing in terms of document response at that time?

Answer. With respect to document response, I was informed that our obligation and directive from Mr. Ruff was to respond to all requests as fully and as completely as possible. No one sat me down and walked me through the list of requests that had previously been made.

Question. And the other individuals who are there, could you just maybe tell us when each person came on board, to the extent that you know?

Answer. To the extent that I know, I believe it would be as follows: Mr. Ruff was probably a matter of public record when he became counsel to the President. I do not know the exact date. Ms. Mills has been in the counsel's office for some time. Mr. Breuer started, I believe, a week or two prior to the time when I started. Miss Popp started sometime before I started. I don't know the exact time. Miss Peterson came with Mr. Ruff from the corporation counsel's office, so I assume her employment coincided to some degree with Mr. Ruff's entry into the counsel's office. Mr. Nionakis started approximately the same time I did. And Mr. Racine started some months, or a month or two after I started. Mr. Waitzkin started about the same time as Mr. Racine, as best I can recall.

Question. And then Lanny Davis started sometime earlier, late last year?

Answer. I assume you guys would have a better understanding of that one. I simply don't know. He was there when I got here.

Question. And your understanding of the paralegals, were they people who had been at the White House or were they new also. All three of the paralegals started after I started. They are all new paralegals.

Question. So to your knowledge, is there anyone on this team, then, who has worked on any of these matters before at the White House?

Answer. Can you please define these matters?

Question. Responding to investigations, responding to subpoenas.

Answer. Apart from Ms. Mills, who I assume, I don't know specifically, but I assume she had some responsibilities before I started, we generally had a brand new team of lawyers on this team.

There is one lawyer who has only tangential responsibility, she deals primarily with an investigation of one of your subcommittees, who had been around prior to the time when we all came on in essentially calendar year 1997.

Question. Do you know if someone named Ches Johnson was still working on these matters for you all?

Answer. Ches had been around for, I understand, a previous time period. Ches has no day-to-day involvement in document compliance issues. My understanding of Ches Johnson's role at this point is as an assistant to Mr. Davis.

Question. I'm sorry, did you say that somebody in the counsel's office had worked on a subcommittee matter with this Committee that you are familiar with?

Answer. Yes.

Question. And who was that?

Answer. Her name is Sally Paxton. I believe she was a partner in the law firm of Jenner & Block. Came to the White House, as best I know, sometime in calendar year 1996, and deals primarily with issues relating to Congressman McIntosh's subcommittee, which is investigating, as I understand it, the WHODB, W-H-O-D-B, White House database.

Question. When you came on board, did you have any knowledge of what Jack Quinn had done in terms of responding to requests prior to the date of your coming on board, or Mr. Ruff coming on board? I guess Mr. Ruff came on board in February of '97?

Answer. I have no specific knowledge. I assume Mr. Quinn responded to requests during the time when he was Counsel to the President. I don't know what Mr. Quinn did.

Question. Did you ever see any memos that Mr. Quinn had put out to the White House to gather various documents for this investigation?

And I guess we can just say the investigation I am referring to is the investigation that this Committee is conducting that you are familiar with, and this Committee and the Senate is basically what you have been working on; is that correct?

Answer. That is generally accurate.

Question. So we can generically refer to it, and if I am talking about some other investigation I will distinguish it in more particular terms?

Answer. Okay.

Question. Were you aware of Mr. Quinn responding to matters on this investigation?

Answer. I assume that he did respond to such matters, if that is the question, yes.

Question. Did you see any memos he had put out to the White House?

Answer. I have seen, I think, two memos that Mr. Quinn circulated, two directives, I should use the word, that he circulated sometime in December and January of this year.

Question. I'm showing the witness a January 9th, 1997, memo for the Executive Office of the President staff from Jack Quinn, Counsel to the President, as follow-up to a December 16th, 1996 document request.

Have you seen this document before?

Mr. LYNCH. Let me interpose here. We are starting to get into areas now that I'm uncomfortable with because I haven't had a chance to review with Mr. Imbroscio.

We have gone on generally about how the office is set up and who does what, and that's fine and I have no problem. But I do have a problem asking him specific questions about documents that we haven't had a chance to review together, and, obviously, memos from Mr. Quinn are matters that I haven't gotten into yet because, as I have mentioned earlier, I have stuck to the tapes matter.

Ms. COMSTOCK. So would you prefer to wait on those questions?

Mr. LYNCH. Yes. Maybe this is getting into a level of detail I'm uncomfortable with.

Ms. COMSTOCK. Sure. We will pick that up at another time.

Mr. BALLEN. I am not entitled to keep a Committee record?

Ms. COMSTOCK. It is not a subpoenaed document.

EXAMINATION BY MS. COMSTOCK:

Question. Why don't we turn, then, to the March 4th subpoena. Do you all have a copy of that?

Mr. BALLEN. You said it was not a subpoenaed document? This? May I ask, how did you receive it if it is not subpoenaed?

Ms. COMSTOCK. Can we go off the record for a minute?

[Discussion off the record.]

EXAMINATION BY MS. COMSTOCK:

Question. I'm showing the witness the March 4th subpoena that this Committee issued. You're familiar with this subpoena?

Mr. LYNCH. Excuse me, are we going to mark this for identifying in any way?

Ms. COMSTOCK. Yes, I will make this Exhibit 1. We might as well go ahead and mark that.

Mr. LYNCH. It might be easier to keep track of them if we mark them before we start talking about them.

[Imbroscio Exhibit No. MI–1 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. You are familiar with this subpoena?

Answer. Generally, yes.

Question. And can you just tell us generally what work you did on this subpoena? Just walk us through anything you did in regards to the subpoena.

Answer. Well, again, I would like to keep it as general as possible. I have not discussed this with my attorney.

Generally, we received the subpoena. I believe, although I was not part of such discussions—there was a long, long series of discussions and conversations between lawyers from my office and lawyers from the Committee staff, I believe primarily yourself and Mr. Rowley, who no longer works for the Committee, to try to work with the staff to focus the request. I think that that was culminated in a letter sometime the following month and we then set about the search for those records.

Question. So is it your testimony that there was no search done of the records until after—I guess the letter you are referring to is our April 18 letter?

Answer. I don't have the date in front of me. And the answer to your question is no, that is not what I said.

We searched for records and I think, I believe that the record will establish we began providing records well before the April time period, but we did not purport to commence a White House-wide search through the directive process until we had a firm focus and understanding of what documents the Committee was seeking.

Question. Okay. And the subpoena that we've marked as Exhibit 1, had a due date of March 24th; is that correct?

Answer. The date March 24th, appears on the subpoena, yes.

EXAMINATION BY MS. COMSTOCK:

Question. Were you aware of any memos or directives to gather documents responsive to this March 4 subpoena that were done prior to March 24?

Answer. Can you ask your question again?

Question. Were you aware of any directives that were done prior to March 24 that were sent out to collect documents responsive to this March 4 subpoena?

Mr. LYNCH. Again, we are getting into a level of detail on matters other than the videotapes or the coffees that makes me uncomfortable. We would be very happy to go into this at another time after we've had more opportunity to go over all the material.

Mr. BALLEN. Just so I note for the record, you've had a limited time and been brought into this thing on a very expedited schedule, Counsel, so I think that your request is quite reasonable.

The WITNESS. I'm happy to talk with you about this at some point in the future.

EXAMINATION BY MS. COMSTOCK:

Question. Maybe if we can direct it to the coffees, do you know if there was any attempt to gather information regarding the White House coffees prior to March 24?

Mr. LYNCH. Which is referred to in paragraph 16 of the subpoena?

Ms. COMSTOCK. Yes.

The WITNESS. Again, I think my answer would be on the general level. We had started almost from the outset to try to evaluate this request and develop a strategy that would maximize the chances of finding all responsive documents on a request that, as initially written, had 45 numbered requests.

We began, I think, searches in targeted areas sometime in the months of March and April. Specifically, I don't recall the exact times. But with respect to coffees, I am not aware of anything particularly we did for that request versus other requests for this subpoena.

Question. Were you aware of any representations that had been made by the White House that, generally, documents pertaining to the coffees had already been provided?

Answer. I guess I don't understand your question. Can you repeat it?

Question. Was it your understanding that documents pertaining—and this was prior to when you came to the White House, there were documents provided to the public and to the press, actually they were provided on January 24 to the press, they were provided to this committee on January 29, 5 days after they were pro-

vided to the press, but there were documents pertaining to the White House coffees that were provided back in January. And if this helps refresh your recollection, do you have any understanding as to whether there were outstanding documents related to the White House coffees?

Mr. BALLEN. I'm going to have to interrupt. Between the phone call and everything, I missed part of that question.

The WITNESS. I kind of had a hard time following it as well. I think I know the answer, but if you could ask it again.

Mr. BALLEN. I just want to note for the record, Mr. Bossie received a cell phone call in the middle of the question, so I didn't hear it all.

EXAMINATION BY MS. COMSTOCK:

Question. Again, I'm not going to go into particulars on this, but as we just discussed, this is the January 24 letter we received, actually it was cc'd to us, it was sent to Chairman Gilman and cc'd to Chairman Solomon and Chairman Burton. Guest lists for coffees held at the White House were provided to the media on this date, January 24. We did not in the committee receive these documents until January 29, so at that time we had, in January we had received documents pertaining to the coffees. I will go ahead and make that Exhibit 2.

But I just wanted to put this in context and get that on the record that we had received documents pertaining to the coffees.

[Imbroscio Deposition Exhibit No. MI–2 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Were you aware in this March-April time frame of any discussions—did you have any discussions about seeking other documents pertaining to the White House coffees?

Answer. Let me answer, I think, the question you had asked previously and go into that question. I was aware generally that the White House had disclosed a list of attendees that attended the various coffees. I read about it in the Washington Post sometime in January, I believe, before I had any inkling that I would ever be working at the White House. I don't know the specifics on when the committee actually received these documents. I will take you at your word that you received them some days after the date of the letter.

With respect to discussions held in March and April related to coffee documents, again I cannot answer specifically whether the topic of coffees versus any of the other 45 topics in the subpoena was discussed, but certainly by the time I came into the White House counsel's office or shortly thereafter, I did have an understanding that a list of attendees had been provided both to the committees and to the media.

Question. Did you have any understanding of other documents pertaining to White House coffees that existed?

Answer. I certainly probably understood that such documents did exist, yes.

Question. Did you have any understanding of the universe of what those documents might be?

Answer. No, at that point I did not have an understanding.

Question. Did you have any discussions with anyone in the counsel's office about what other types of documents pertaining to the coffees might exist in the White House?

Answer. No.

Question. At any time?

Answer. No. Well, at any time, that's a tough question. Certainly we had discussions about responsive documents, responsive documents including documents relating to the White House political coffees as we entered and worked through this monumental task of responding to this request.

So when you say did I have a discussion at any time about documents related to the White House coffees, I'd have to say, yes, I'm sure I did. I don't recall anything specifically, as you might expect.

Question. I was just seeing if you could generally recall discussions that you had about the types of documents pertaining to the coffees that you might need to go about gathering in responding to this March 4 request.

Answer. Again, not focused on the coffees, I had an understanding that documents were being gathered from the Office of Records Management, which houses the papers of the President, including the briefing papers which it is my understanding is the primary repository for documents relating to the coffees was in the briefing memos that we have provided to you all dealing with the attendees; and there is usually a short description of who the attendee is. Certainly I had an understanding that those documents were being gathered.

Question. And do you know who is gathering those?

Answer. The office generally was supervising the career professionals in the Office of Records Management, trying to gather all those documents.

Question. So that would be Mr. Good's office?

Answer. Exactly. Mr. Good, as a career employee, I think has been around since the Watergate time period.

Question. And Mr. Good was going through his records at the Office of Records Management to find any documents about White House political coffees?

Answer. I don't know if it was Mr. Good himself or one of his subordinates.

Question. Somebody in his office?

Answer. But it's my understanding that Records Management made a Herculean effort to go through all the briefing memos and tried to identify every single document relating to coffees.

Question. Did you understand, do they have some kind of database or search base in the Office of Records Management for records?

Answer. It is my understanding that they have such a system. I can certainly testify I know absolutely nothing about it.

Question. Do you know if Mr. Good was ever provided with any types of records that he was supposed to look for, the definitions of what records would include?

Answer. I suspect most certainly he received a copy of the directive of April 28, I believe the date of it is, that asked for all records in any form whatsoever. I am unaware if he had any more focused or specific request to search for any other types of documents.

Question. We are going to get to the April 28 directive in a little while here, but aside from that directive, are you familiar with any other directive that asked for documents pertaining to the White House political coffees? Anyone prior to April 28?

Answer. Any other directive? No, I'm not aware of any other White House-wide directive that would ask for documents relating to White House coffees. Again, I can't speak to what went on prior to March 3, 1997, the date I started. There might have been. I am not aware of any.

Question. But it is not something you have come across or were asked, here is the February directive, could you follow up on it? You were never given anything like that on the coffees?

Answer. That's right.

Question. So between the time you came on on March 3 and the April 28 directive, you were not aware of any other directive about the coffees to White House-wide staff?

Answer. I believe that's what I testified to, yes.

Question. Directing your attention to the second page of the subpoena that you have, which is schedule A, the first page, where it says "definitions and instructions," did you ever have any discussions with your working group, the people you have identified here, about the definitions section of the subpoena?

Answer. No.

Question. When you were gathering documents and records, did you have an understanding of what the universe of the types of records was that you were looking for?

Answer. My understanding was we were searching for all records.

Question. Does that understanding mean that you had an understanding that you were searching for all documents that had been filmed or were video- or audiotaped as the definition here on page 1 includes?

Answer. Let me answer it in this way.

I had been in private practice for approximately 3 years, as I said, and did a lot of work responding to such, not so much subpoenas but other document requests. This was a list of definitions and instructions that were, in my mind, somewhat boilerplate, and oftentimes, as lawyers, we would read it but not focus on as much as when we get to the requested items portion of the subpoena.

So to answer your question, I certainly read it initially, but did not focus on the 40 to 60 types of definitions of records that are listed in the subpoena, including punch cards and some of the other items.

But, in fairness, I should say that I certainly knew that any and all records would be responsive to the subpoena.

Question. And you had said, in private practice you did work on document production and response to subpoenas; is that correct?

Answer. I'll answer that yes if you promise not to ask any more questions about what I did in private practice. I don't want to betray any prior confidences.

Question. No, I'm not asking you about any of your clients; I'm asking more with your familiarity with searching for records and complying with subpoenas in general.

You had done work in complying with subpoenas?

Answer. I had.

Question. You understood the legal obligations to respond with thorough searches?

Answer. Absolutely.

Mr. LYNCH. I'm sorry, you just said subpoenas, and earlier Mike had said not so much subpoenas as document requests, and I think there's a little ambiguity there.

EXAMINATION BY MS. COMSTOCK:

Question. Are you using them interchangeably?

Answer. I am. I'm using them generically. Certainly I was involved in responding to both, document requests typically in the civil context, as well as subpoenas including grand jury subpoenas.

Question. When you were responding to grand jury subpoenas, would there often be definitions and instructions on the type of records they were seeking?

Answer. I have not seen a document request or subpoena that did not include a paragraph similar to the one appearing in your subpoena.

Question. So you are familiar with that type of definitions and instructions section in the subpoena?

Answer. That type of boilerplate definitions and instructions section, yes.

Question. Did you ever have any discussions in the counsel's office about the types of records generally that you would need to search out in the White House, the type of records that would be responsive?

Answer. Not so much the types of records, but discussions as to where such—the location of such records, in other words, what offices would likely have responsive records.

Question. And do you recall what offices those were that you came up with that would have responsive records?

Answer. Well, it would depend on the particular request. For instance, a request related to John Huang, you might very likely find records in the Office of Public Liaison because of John Huang's connection when he was at the Department of Commerce with the working group and with various parts of the Office of Public Liaison.

Records Management is always a good place to look for records because they are somewhat the central repository of all records. But, again, it was along the nature of evaluating particular requests and doing our darnedest best to find out and figure out where such records would likely be held.

Question. And in regards to the coffees, it's your testimony you don't recall any particular conversations about trying to figure out, other than you have mentioned the Office of Records Management, in order to find the President's records and schedules and briefing memos on that? Were there other offices that you sought out in particular relation to the coffees?

Answer. I don't think I said that that was the only place we looked. That was one place that sprang to mind. I don't have a specific recollection of discussing any other particular offices where coffee records would have been kept.

I certainly assumed that such discussions were had, where there would be other places. For instance, the Office of Political Affairs, sitting here today, is one place I would also want to look for such records; and while I have no specific recollection of having a discussion along those lines, I can imagine that such a discussion could occur.

Question. That's Mr. Sosnik's office?

Answer. It had been Mr. Sosnik's office. I don't think he is now.

Question. At the time of the coffees, that was Mr. Sosnik's office?

Answer. Again, that's my understanding.

Mr. BALLEN. Can I ask a follow-up question, please?

Ms. COMSTOCK. Yes.

Mr. BALLEN. Were you the sole person responsible for complying with the subpoena?

The WITNESS. No, not at all. Our entire team of 5 or 6 lawyers, as I testified earlier, were charged with responding to this request as well as to numerous other requests.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall generally any discussions with any attendees of the coffees about where records might be?

Answer. You mean the White House staff members who attended?

Question. Yes, the White House staff.

Answer. No, I have not had any such discussions.

Question. You were aware that White House staff had attended the coffees?

Answer. I suppose I was aware, seeing Doug Sosnik's name appearing on many of the briefing papers as did Craig Smith's name appear on many of the outreach coffees of political supporters around the country.

Question. Were you aware of Marsha Scott attending a number of the coffees?

Answer. I suppose I became aware of that at some point later, but not at the time period which I believe we're discussing, which was sometime in the March-April time period. It became known to me sometime in the months thereafter that Marsha Scott did attend a number of the coffees.

Question. And how did you learn of that?

Answer. I believe I probably learned about it from reviewing documents and seeing her name on a lot of the coffees, and also from press reports.

Question. And did you go to Ms. Scott at any time to ask her for any responsive records she might have about the White House coffees?

Answer. I have never met Ms. Scott other than a brief hello, across the street at the Senate offices during a deposition where I was attending—not her deposition.

Question. Were you aware of anyone in the counsel's office discussing the coffees with her at any time?

Answer. I am not aware of any such discussion.

Question. Were you aware of anybody from the counsel's office talking to her—when you say you have only met her, does that mean you haven't talked to her, either, about anything?

Answer. I know what she looks like and I've seen her in the halls, but I've never had a substantive conversation with her other than a brief hello at the Senate during a deposition.

Question. So that would include any phone calls, when you say you haven't met her, you're not meaning that you maybe only talked to her on the phone?

Answer. No. To my knowledge I don't have any recollection of talking with her, ever. I'm not saying that I haven't talked to her, because we do get phone calls asking for, sometimes, guidance on document requests. I don't believe I've ever spoken to her.

Question. Were you aware of requests in particular for notes that Ms. Scott may have taken at White House coffees?

Answer. I am not aware of any specific request for notes of Ms. Scott. I now know that Ms. Scott did take some notes that I have seen as we have produced them to you. But if the question is dealing with a request for such notes, I have no knowledge of that.

Question. Were you aware of anyone going to Ms. Scott from the counsel's office in particular to ask her about any other records she might have regarding the White House political coffees?

Answer. I am not aware of that. I presume, based on our conversation here, that someone probably did, but I was not aware of that nor was I the person to do it.

Question. And I'm just asking if you have any knowledge or have ever heard about anybody in the counsel's office going to Ms. Scott saying, what can you tell me about responsive documents on the coffees?

Mr. BALLEN. That is in addition to any directives that were sent out?

Ms. COMSTOCK. Right.

The WITNESS. I believe I answered the question previously and I think I'll stick with that.

EXAMINATION BY MS. COMSTOCK:

Question. Now, were you aware of anyone going to Mr. Sosnik from the counsel's office to talk with him about any knowledge he might have about any potentially responsive documents about White House political coffees?

Answer. I believe I would say the same answer. I personally did not speak with Mr. Sosnik about this topic nor am I aware specifically of anyone going to talk with him about this topic, but I certainly cannot say whether or not anyone actually did.

Question. Do you have any general knowledge of somebody in the counsel's office or somebody on your team being tasked as sort of to go to this group of people who attended coffees to ask them, please make sure you've given us all the documents that may have existed?

Answer. If your question is, did I generally have an understanding that this was being done, I suppose the answer is yes. I have no other specifics to offer other than my, again, general understanding that it was being done.

Question. Do you have any general understanding of who was doing it?

Answer. It would have been one of the lawyers on our team. Again, I don't know who it would have been. It could have been one of—really, almost any of those folks.

I don't have—I don't want to say—I don't want to offer a name when, in fact, it's not that person.

Question. I understand. It's just your general understanding that in order to comply with the subpoena, somebody was going to these people who attended coffees to make sure that—have you guys given us everything that we need to have on the coffees?

Answer. Yes.

Question. And then directing your attention on the subpoena to item 16, which reads, "all records relating to the White House political coffees"; and then it goes on, "and including but not limited to," and mentions a number of things and information about the coffees.

This is the April 18, 1997, letter that, as you recounted, your office and our office, with the Minority, had discussed at length some of the areas that we wanted to have the White House focus its search, because at that time the White House had indicated that you wanted to have some kind of idea of the priorities, your office did.

Directing your attention to item 16 in this letter, it is identified—I believe, in the beginning of the letter, it says that the items that were in bold on this letter were to be considered priority items.

Mr. LYNCH. Are we going to mark this letter?

Ms. COMSTOCK. Yes, this will be Deposition Exhibit No. 3.

[Imbroscio Deposition Exhibit No. MI–3 was marked for identification.]

Mr. LYNCH. I just get worried sometimes if we don't mark them right away that we forget to mark them and chaos ensues.

EXAMINATION BY MS. COMSTOCK:

Question. I think the witness is aware of this, but this is a letter that was intended to assist the White House in focusing its search on a number of matters that the committee identified as priority—not in any way limiting, but just to focus it at this time or not to vitiate the subpoena at any time, and we had ongoing discussions about those.

Answer. I would just say, without challenging your characterization of what this letter was, that I was not involved in the drafting of it or any negotiations. So I cannot affirm what you just said. By my silence, I should not——

Question. And I am just giving you a little background for an understanding here, and I understand that you were not involved in that, that is correct, and I am not going to ask you questions about that negotiation, unless you have any understanding on some of the particular topics that we are discussing about whatever your understanding was on your end about those negotiations.

Answer. Thank you.

Mr. BALLEN. For the record, excuse me, Counsel, I must disagree with your characterization of the letter, because I believe it does limit things on the term. So I have a different understanding, but that is not what this witness is here to answer today.

EXAMINATION BY MS. COMSTOCK:

Question. On page 2 of the letter, right before it goes into listing the items, it reads, "You have committed to provide requests numbered 1 through 8 by Monday, April 21, and we request all other priority items as indicated in boldface by Monday, April 28, 1997." At that time we were also requesting completion date for production which we did not have.

But then I want to direct your attention to page 3 where request 16, which pertained to the coffees, was in boldface as one of these items that was a priority item and that was going to be complied with—was requested to be complied with by April 28.

With that background, did you have an understanding of the coffee items as being a priority item to track down those documents?

Answer. I suppose generally I did have an understanding that documents relating to the coffees were a priority both for this committee as well as other investigative bodies, and in fact, I believe we did our level best to get those documents to the committee as quickly as humanly possible. I believe we delivered a large batch of documents relating to the coffees sometime in the middle of May.

Question. Could you just then go through from—we made this Exhibit 3—leading up to the directive of April 28, any knowledge you have about how that was produced and what led up to that directive.

Mr. LYNCH. The April 28 directive?

Ms. COMSTOCK. Yes.

We will make that Exhibit 4.

[Imbroscio Deposition Exhibit No. MI–4 was marked for identification.]

The WITNESS. We are taking off the cover sheet as part of the record?

Ms. COMSTOCK. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Could you walk us through whatever knowledge you have of trying to get the coffee documents and leading up to the directive?

Answer. Could you rephrase the question?

Question. Maybe what we should do is clarify.

Did you see this April 18, 1997, letter which prioritized some of the subpoenaed items from the March 4, 1997 subpoena?

Answer. I most certainly did see it.

Question. What did you do? What were you asked to do in dealing with this letter?

Answer. I think how I should answer is as follows:

There was a very dynamic process both in negotiations with your committee as well as receiving our first request from the Senate committee in the month of April as well as receiving requests from other investigative bodies during this time period. And I believe the April 28 directive really was the culmination of our efforts to condense and provide a single document that would be designed to ask for all documents responsive to both this committee's request as well as other requests we had received.

The reason really is quite simple. The risk of not receiving all responsive documents greatly increases the greater number of these documents you send out because we have a very hard-working White House staff that does a lot of other things besides respond to document requests; and the risk of it not being read and complied with greatly increases if you send one of these out every other day.

So this was really our effort to put in one document all the requests that required a White House-wide search into one document.

Question. Do you know who wrote this memo, the April 28 directive?

Answer. I think it was a collaboration. I certainly had some involvement in it, but it was a culmination of many people's efforts, including myself.

Question. This directive was—do you know who else was involved in working on this?

Answer. I think probably most everyone on our team was involved. It required really to examine quite closely the state of the requests, as we had received them, which included the April 18 letter from this committee and the other requests, which I won't go into, from other investigative bodies.

Many of the requests were greatly overlapping, as I'm sure you can guess, and this was really an effort to put in one document, as I said, and summarize all of the requests we had received that required a White House-wide search.

As you're aware, it contains five sort of textual requests with many other subparts, as well as a list of names on attachment A, of individuals and entities somewhere in the neighborhood of over a hundred of such names and entities.

Question. Was this directive then in response—in part, then, to the April 18 letter that you received from this committee?

Answer. In part from the request from this committee, as well as requests from the Senate and other investigative bodies, yes.

Question. And when had the Senate request been received?

Answer. I can't give you an exact date. Sometime contemporaneous—sometime in the middle of April, I believe. I don't know the exact date. I'm sure it's a matter of record.

Question. Then you were also receiving Justice Department requests; is that correct?

Answer. Yes, if you don't ask me any more questions. Yes.

Question. I'm trying to understand. This directive then is combining a number of requests from all three areas to collect documents from people; was that the purpose of it?

Answer. Yes.

Question. And so our March 4 subpoena, as prioritized in the April 18 letter, there was an attempt to include our request in this April 28 letter?

Answer. That's correct. A request for documents—a request that would require a White House-wide search; that's right.

Question. I'm using the word "request." It was—our March 4 subpoena was a subpoena; the April 18 letter was prioritizing that subpoena. The Senate at that time was only sending you letter requests; isn't that correct?

Answer. Yes, that is correct.

Question. And the Senate did not send subpoenas until sometime in the summer, in July or so; isn't that correct?

Answer. I believe they have issued one subpoena that was dated on July 31 that was received on August 1 by the White House.

Question. I won't go into the content of the Justice requests, but were those by subpoena or request, if you can just answer that?

Mr. LYNCH. I think that gets into a very sticky area, because of, as you well know, the secrecy surrounding the Justice Department's investigative processes. I think we better not go into that at all.

Question. Let's resolve that elsewhere. I think obviously at this point we did have a subpoena outstanding. The Senate requests were not by subpoena. That's correct, right? We have established that?

Answer. That is correct. But as I said, whether it be by subpoena or letter request, no request received from any investigative body ever had second class status.

Question. This was a letter to this committee on—I'll skip that.

Answer. Are we at a good breaking point?

Ms. COMSTOCK. Yes. Why don't we take a break.

[Recess.]

EXAMINATION BY MS. COMSTOCK:

Question. Let me go back on the record. I think we were discussing the April 28, 1997, directive from Chuck Ruff to Executive Office of the President, and the subject was document request.

On the bottom of this directive, it says that all documents must be provided by noon on Wednesday, May 7, to yourself, Michael Imbroscio or Dimitri Nionakis, OEOB room 125?

Answer. Yes.

Question. Is that where the documents were actually kept, or is that Mr. Breuer's office?

Answer. Let me not answer that question but hopefully get to the information you want. 125 is Mr. Breuer's office. There are several offices right together. You go in the same door. At that point Mr. Nionakis had an office there as well, and that's where Mr. Smith sat.

The reason that we had—I was across the hall at this time period. This was before I moved upstairs.

The reason we had 125 is because Mr. Smith was typically at his desk while Mr. Nionakis and I were often not at our desks, and they were designed that he would be the person to—who would be there most likely to receive the documents.

So the answer of where they were kept, they were kept there, I think, initially as almost a way station, but our production typically had been run out of the workroom on the fourth floor.

Question. How did the documents come into room 125?

Answer. In a variety of ways. Sometimes people would walk copies of the documents over. Sometimes they would be sent by messenger.

Question. Would they be identified with sort of a transmittal memo?

Answer. Unfortunately, not often. Usually they would come in an envelope sometimes with a Post-it note saying who they were from or where they were from.

Question. Did they come in brown paper bags with no identification, or did people come in and say, these are Mack McLarty's documents and I'm responding for Mr. McLarty and all the various people in his office?

Answer. Again, there was no set pattern. It would depend on the particular person, the particular responder. Most typically, we would receive not so much a brown paper bag but a brown envelope that would contain the documents as well as either a note on the envelope or—informing the person receiving the documents where they were from.

Question. So generally it would include where the documents were from?

Answer. Generally, there would be some communication to the recipient, in this case it was many times Brian, of the source of the documents, yes. At least generally the office whereby the documents came from. Usually, we would get documents from a particular office as opposed to Joe or Sally or Mary.

Question. Was there a process whereby they were checked in by Mr. Smith?

Answer. I don't think they were formally checked in. They were placed into, as I recall a box, receiving box that would periodically be taken upstairs as they came in.

Question. And who would take them upstairs?

Answer. No one in particular. Perhaps Dimitri, perhaps myself, perhaps another lawyer working on the team.

Question. And when you would get, say, documents that had been—if they were in the box and these are documents from John's office or Sally's office, would you then keep those documents together, how they had been received?

Answer. Yes, typically.

Question. Did you have a process—what is the process whereby you reviewed them?

Answer. Well, typically we would receive a document from a particular entity or office in the White House. The lawyers would review them. Oftentimes people would send—would be overly inclusive in the documents they sent and would send us documents that were, in fact, not responsive. Lawyers would make a first cut for responsiveness, and then they would go into the production cycle.

Question. And could you describe that cycle?

Answer. Typically the way it happens is that the documents will be stickered or stamped, numbered, and then they will be copied, the requisite number of copies. If documents contain dates of birth, Social Security numbers, we try not to provide those. We haven't been perfect, but out of interest to people's privacy, we have tried to keep those out.

And so that step, the redaction step of the birth dates, Social Security numbers, and sometimes other occasional private information, that would be done, and then the copies would be made, and they would be put together and produced.

Question. You said sometimes people would provide things that were overly responsive?

Answer. I wouldn't say overly responsive, I would say not responsive.

Question. Would it be a case where, sort of in the abundance of caution, someone gave you a document and then you would determine whether or not they needed to turn it over?

Answer. That happened occasionally, yes.

Question. Would the first attorney who looked through them, would they be the sole person who would sort of weed out nonresponsive documents?

Answer. I suppose on the ones that were very clear-cut, the attorney would have responsibility to do that weed-out. I suppose on close calls, sometimes there was a collaboration among lawyers: "Do you think this document is responsive?" It was a very dynamic process as you might suspect.

Question. Other than yourself going through documents, who else looked through these documents and made this cut through what was responsive?

Answer. I think it's safe to say that all the lawyers at various points would assume that role. Because of the vast number of documents that our office was charged with gathering, reviewing, and producing, it could not be one single person who did that.

Question. Did it ever break down into particular areas where somebody would be doing documents: I'll look through all the documents pertaining to X subject and—because you had more familiarity with that, whereas somebody else might say the NSC documents and what was responsive on NSC documents? Would somebody within your office be the person who would usually look through NSC documents?

Answer. I think the question you asked initially was different from the question you asked me at the end. Did a particular person review documents from a particular source? Yes. Typically that is the way it would work. Documents from that source may be responsive to six or seven different topics.

But your question whether anyone reviewed all the coffee documents or all the John Huang documents or all the Joe and Sally Smith documents, that typically was not done, because it was not feasible to do it that way. When a particular office provides documents, it usually includes documents pertaining to a number of different topics.

Question. So it was more broken down into offices that were responding?

Answer. It would be broken down into offices, groups of documents, exactly.

Question. Did there come a time, then, that you became tasked with dealing with the White House Communications Office, dealing with that office in particular?

Answer. No, there was never a time where I became tasked for searching for documents, for searching for materials, in the White House Communications Office. I can get into the story as to how all that unfolded, but it was not in the normal course of receiving materials from the office that had been responsive to the directives.

Question. Was there someone in your office that was one of the offices that was to keep track of making sure they got all their documents in?

Answer. There was no one particularly responsible. We received documents from the White House Military Office, which is the body overseeing WHCA as well as, I believe, a number of other units. Those documents came in, they were reviewed, and responsive documents were provided.

Question. What offices, if any, were you responsible for?

Answer. Again, there was no set pattern or no set plan at the outset that I would be—if any document came in from a particular office, I would be the person responsible. It typically was a function of what documents had come in during a given time period and what lawyer was ready to start reviewing more documents.

Question. Maybe if we could continue going through the process, you described where you made the cut through the documents and then you mark them and stamp them and all. Was there then—did it go up through your superiors as to what documents were going to be turned over?

Answer. Typically, because we were dealing in such large volumes, we would get together a set, sometimes referred to affectionately as the working set. That would be the set of documents that would be produced in the next day or so. That set would be reviewed by other lawyers in the office as well as—other lawyers in the office who might not have had a particularly key role in putting those documents together.

Question. Could you describe that process of looking through the working set?

Answer. It was sort of generally available. And if people wanted to come look through it, they could.

Question. Who would be able to look through it?

Answer. Anyone in our office could look through it. Attorneys typically looked through it, because apart from responding to requests which, again, is my primary job, we also had an obligation to try to learn the records as best as possible, which I'm sure you can imagine, so it was not uncommon for the lawyers in the office to review documents that were going out.

Question. And would Mr. Breuer be the person who did the final review of the documents?

Answer. There really was no final review of the documents in the sense I think you're getting at. The documents as they were stamped to be produced, that's a manner they were produced. Certainly Lanny, Mr. Breuer, did want to have an understanding of what documents were being produced, and in fact we would try to bring to his attention documents he might be particularly interested in seeing.

Question. And how did you do that?

Answer. No set way. Either perhaps show him copies of some documents in his office or sometimes he would come, I believe, to room 400 and sort of get a feel for which documents were going out and page through them.

Question. Were these documents that might get particular attention that you were bringing to his attention?

Answer. Generally, yes. I mean, the documents that would most likely be leaked to the press in short order after they were produced, so that he would be prepared, and I use the word "leak," I don't mean to be pejorative, that would soon become the focus of public scrutiny, and so he would be prepared to handle that aspect of responding to press inquiries.

Question. And was Mr. Lanny Davis also included in these—in informing him of these documents?

Answer. Mr. Davis really had little, if any, role in reviewing documents before they went out.

Certainly it was part of our job to let Lanny know what the particularly sensitive documents might be so that he would be in a position, once he started to get press inquiries, he would at least have some familiarity with it. But, again, that was very much after the fact, and he had—I think I can say safely, he had no role in the gathering, reviewing, or producing of documents.

Question. But these documents, these particular documents you brought to the attention of Mr. Breuer, to your knowledge, were they also brought to the attention of Mr. Davis?

Answer. Perhaps a subset of them were. Oftentimes what would happen is that Mr. Davis would be fielding press inquiries relating to documents that had been produced, and he in many cases would not have ever seen the document before, and oftentimes he would get the document because a reporter faxed him a document that we had produced to the various investigative bodies. It's at that point when we worked with Lanny to try to figure out the facts behind that particular document.

Question. Now, when you had this working set of documents, did you also have some kind of log of what was in this set of documents?

Answer. We had a very general, I don't know if "log" is the right word, but a general source identity of which offices various documents came from, and I believe we typically provide that to you.

Question. At all times before you sent documents out, you knew what offices they came from?

Answer. Well, not in the beginning. As you can understand, we inherited a system—we inherited a lot of documents that had already been gathered, and our role was to get them produced to you as quickly as possible.

Because of the turnover, we did not—the turnover in our office combined with the need to provide documents as quickly as possible to you all, we did not have, at least at our hands at that time, a firm or in-hand source of all those documents. We, rather, did our best to get the documents produced to you.

I think we subsequently have provided a log of where all those documents came from. That took, I think, a lot of time from paralegals to go through and source them all.

Question. So it is your testimony that when you initially turned over documents, y'all didn't know where they had come from?

Answer. No, I didn't say that. I believe what I'm saying is, our focus was to turn over documents as quickly as possible, and I believe we did our best to do that.

The source for these logs, there was not a readily obtainable document, at least that we knew of, that identified the sources. We had various file folders where documents had come from, and it took—it was a project later on of the paralegal to go through quite meticulously and try to identify the office sources of those documents, and I believe we've given you that source log.

Question. But initially when documents were turned over, what I'm trying to determine, were documents sent out here that you all did not know whose documents they were?

Mr. BALLEN. Objection. He's asked and answered this question three times now. I might note for the record, we still have not gotten into the issue of the videotapes and we're almost 2 hours into the deposition minus the break.

EXAMINATION BY MS. COMSTOCK:

Question. I just wanted to direct an answer on, if there were documents sent out, that it's your testimony that you didn't know whose they were. was there ever a time when documents were sent up here when you didn't know where these documents came from?

Answer. I don't think I said that. I think I said that the sources were not readily at hand. But certainly we could—we did figure it out. In fact, we did figure it out. It was a meticulous process.

Question. I wonder if Mr. Breuer knew? Was Mr. Breuer sending up documents up here saying, well, we don't know where these came from, but send them on up?

Answer. No, I don't think that's what I've said at all.

We had a general understanding that these documents had been gathered previously to the time when we were in this office. We knew that they could be sourced and identified by that process which was a laborious process, had not been undertaken at that point. We put the emphasis on providing you documents rather than waiting 3 weeks or 2 and a half weeks to figure out and identify the sources of each of those documents.

Question. Was there ever an occasion when Mr. Breuer, Mr. Ruff, or somebody in the counsel's office, before a document got sent up, before you send that up, "Can you tell me where it came from and whose document it is? I'd like you to find that out before it goes up there"?

Answer. Can you give me a time? I don't know if I understand your question. Can you repeat it?

Question. I'm just saying, at any time from when you first started producing documents, were there situations where anyone in the counsel's office may have asked you, "Find out whose document this is before I'm going to send it up there" because someone sitting there looking at a working set of documents may not know whose documents they are.

Did the people approving this document production have an interest in knowing whose documents they were?

Mr. BALLEN. That's a different question than the previous question. Did they have an interest in it, or was there ever a——

EXAMINATION BY MS. COMSTOCK:

Question. Did they ask you?

Answer. I can recall specifically not being asked in any particular case as you had asked what is the source of this document. I think generally the sources of such documents sometimes speak for themselves. If it's a memo to someone or a memo from someone, you can assume generally that the document came either from the person who received it or the person who sent it.

Question. Did you ever have a situation where there were handwritten notes that somebody said, "Gee, whose notes are these?"

Answer. No, not that I can recall.

Question. Then returning to the April 28 directive, you said this had been a collaborative effort within the counsel's office?

Answer. Yes, that's accurate to say.

Question. That you worked on?

Answer. I did certainly work on it, yes.

Question. And, to your knowledge, did Mr. Breuer sign off on this also?

Answer. Mr. Ruff signed off on it, which I think presupposes that Mr. Breuer signed off on it as well.

Question. Turning to the second—why don't we stay on the first page where it reads, "We ask"—in the first paragraph it says, "We ask that you conduct a thorough and complete search of all your records, whether in hard copy, computer, or other form." was there any other supplemental assistance in terms of providing them an idea of what type of records you were looking for?

Answer. I mean, I think the directive speaks as broadly as possible. It says all, capital A capital L capital L, of your records, whether in hard copy, computer, or other form.

As you noticed on the final paragraph on this particular directive, Dimitri Nionakis and my name appears at the bottom. It would not be uncommon to field questions related to the particular requests, and we would have also been open to requests related to what types of records. We would have responded to any such requests, any type of record.

Question. And did you have any inquiries about what types of records you asked for?

Answer. I don't recall, no.

Question. There is no indication in this memo that you had requested any videotapes or audiotapes or any type of tape recordings; is that correct?

Answer. I would say that is actually not accurate. I would assume that by the words capital A capital L capital L, all of your records whether in hard copy, computer, or other form would subsume the 50 or 60 types of records that are listed in both your subpoena as well as other document requests.

Question. Could you tell us what your knowledge was maybe before the Senate approached you on the videotaping issue, what your knowledge was on what type of videotaping and audiotaping was done at the White House?

Answer. I really had no knowledge, no specific knowledge. I guess somewhere in the back of my mind would assume that things the President does are videotaped. But the word "video" or the concept of videotaping was not in my mind.

Question. Was there any discussion in the counsel's office about finding that type of record?

Answer. There was none that I'm aware of.

Question. So in any of these discussions that you had about sort of the universe of documents, videotapes or audiotapes never came up?

Answer. That's right. And, again, in the universe of documents were almost always discussions of locations of documents as opposed to forms of records.

Question. Then in the third paragraph, it discusses the heads of agencies being responsible during this. Were those people identified, or by this memo, did those people know who they were?

Answer. I don't have a knowledge of how that process works. It was a process that proceeded that was in place before I came.

There are lists of agency heads that attempt to be subsumed by this paragraph which I think was a boilerplate taken from perhaps Mr. Quinn's directive of January 9, which I don't know if you want to compare the language; it may very well be the same.

But my understanding of the process is, the memo gets sent out to the various agency heads a short time after this directive gets sent out, notifies them of the fact that the directive had been sent out and that they should, when the search is complete, provide written certification that, in fact, the searches have been complete and that all records have been provided.

Question. So there is a separate memo to them explaining their duties and responsibilities in that regard?

Answer. That's my understanding, yes. Again, I was not personally involved in that process.

Question. You had previously testified that this April 28 directive was intended to include this committee's request; is that correct?

Answer. That's correct, yes.

Question. Actually, our subpoena request.

Answer. Those requests that required a White House-wide search.

Question. Why wasn't the committee's definition of "records" included in the memo?

Answer. I suppose it circles back to what I had testified a few minutes earlier about, we were trying to put together a document that, A, people will read, and, B, people will understand and provide the responsive records.

We already had an entire page of instructions which, as you might understand, was quite lengthy. If we were to include an entire other page of definitions of types of records, that increases the risk that people will not read the document and people won't respond.

I believe we chose those words which are quite broad, "all of your records, whether in hard copy, computer, or other form," purposefully to include any types of records that might exist.

Question. Was there any discussion of including the committee's actual subpoena with the memo?

Answer. Not that I'm aware of, no.

Question. Or was there any discussion of including the April 18 letter with the memo?

Answer. Again, not that I'm aware of. Each additional document that we would attach would be additional pages of requested materials that a nonlawyer might have trouble reading, certainly understanding, and the chances of them actually reading the document diminish with each additional page that's added to the memo sent around to the White House.

Question. Why didn't you attach it, though, in terms of—if yours was going to be on top, why wouldn't you attach the subpoena or a letter which would provide additional information to them?

Answer. I think the answer I just gave is the same, which is it would be attaching not just this committee's request but the requests of numerous other investigative bodies, and we would have a document that would very quickly become as thick as the binder sitting ahead of you. In front of you.

Again, the memo is our good faith effort to provide in simple, nonlawyer, plain language, the hard-working staff of the White House, whose job certainly is not centrally focused on responding to and replying to document requests, to have them focus on the document, read it and provide all of the responsive efforts that they have.

Question. Was there discussion in the counsel's office about whether or not to attach the subpoena or a letter request to these memos?

Answer. I'm unaware of any such discussion.

Question. Do you know of any subpoenas or document requests that have been sent, you know, attached to directives to collect documents?

Answer. I am unaware that that ever occurred.

Question. So this would be the case of the House subpoenas or letter requests, as well as the Senate, as well as the Justice Department? You do not send around the request or subpoena itself, you send around some type of directive which is represented as encompassing the things requested?

Answer. That's accurate, to my knowledge. Again, I started on March 3rd, '97.

Question. Then directing your attention to the second page now of the directive, which begins, "Please search your files and records for the following materials." Could you describe the process by which you came up with this list?

Answer. I think I talked about it earlier as a dynamic process, trying to sit down with the numerous document requests and subpoenaed information that we had before us at this time period from this committee, from the Senate, from other investigative bodies, and try to synthesize those requests into a comprehensive but readable and understanding listing for those items which required a White House-wide search.

Question. And do you recall particular items that didn't require a White House-wide search? You mentioned WAVES earlier?

Answer. WAVES would be a very good example. Nothing springs to mind. But, for instance, if there were requests for all documents of a certain person related to a particular topic, it would be common to search that particular person's files as opposed to searching some completely unrelated person's files for the likelihood that they would have a document that would be responsive.

Question. But for somebody like, say John Huang, all documents relating to John Huang, you included that on the attachment. John Huang is included on attachment A as individuals.

Why would you include a name like that on here? So you could get any records pertaining to John Huang from anybody in the White House?

Answer. That's correct.

Question. Do you recall any discussions you had about this sort of cataloguing of items that you were asking people to search for?

Answer. I guess I don't understand the question. I apologize.

Question. Can you tell us anything else you recall about coming up with this directive?

The first page, where it says, "Please search your files and records for the following materials," and then the attachments to it, could you just walk us through the entire process of how you came up with requesting Executive Office of the President, White House-wide, for these particular records?

Answer. Again, this is a process that took place some time ago. I don't know if I have a recollection of really any of the specifics other than what I testified, which is, we did our best to sit down with the various document requests in front of us and synthesize them and condense them into one document.

I don't know what else you're looking for.

Question. Can you tell me who was involved in that process?

Answer. As I think I said, I was involved, as well as I think probably pretty much every lawyer on our team in the office at that time, which was certainly before Mr. Racine came to the office.

Question. So was this listing then circulated among the attorneys for revisions or additions, that type of thing?

Answer. I recall that it was, yes. Certainly the lawyers who were meeting with you and Mr. Rowley. I'm not even sure who those people were. You probably know better than I do. But certainly they would have been involved in the process.

Question. If I say it was Karen Popp and Dimitri, do you recall working with them?

Answer. I don't recall specifically, but I'm sure they were part of the team.

Question. Did you have any separate discussions with minority staff of this committee about these document requests in counsel's office?

Answer. No. Not that I recall, no. At this time period. The formation of this April 28th directive is what you're talking about?

Question. Well, and generally in responding to these subpoenas, this time frame.

Answer. That's right.

Question. The spring of '97?

Answer. That's right. Other than—I don't know if the minority was involved in your discussion, so I don't want to speak for the office when Karen Popp and Dimitri, as you say.

Question. We did have some joint phone discussions on these matters.

Answer. So I'm not aware of any. I did not personally.

Question. I want to direct your attention back to the April 18th letter and request 29, which is on page 5, pertaining to records relating to Webb Hubbell.

Answer. Uh-huh.

Question. Do you recall any discussion about gathering documents related to Mr. Hubbell?

Mr. LYNCH. That gets way beyond what we're prepared to talk about. I haven't had any opportunity to go over with Mr. Imbroscio things other than the White House videotapes, and certainly generically we've been going on at great length about the way they put this memo together and the way they operated generically, but to ask questions about specific kinds of documents that we really haven't had a chance to discuss is one of the things I would like to defer.

The WITNESS. I would feel more comfortable, too.

EXAMINATION BY MS. COMSTOCK:

Question. Well, in gathering and putting this directive together, were there any items that you made any decisions about not putting on the directive?

The WITNESS. Let me just ask.

[Witness confers with counsel.]

The WITNESS. Just that, obviously, you pointed to a request that I can read from across the table that had Webb Hubbell's name on it. It is not surprising Webb Hubbell's name does not appear on this, because I believe in connection with the search of documents from another investigative body there have been contemporaneous requests for documents related to Webb Hubbell.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall seeing requests for Webb Hubbell?

Answer. I recall that there was such a request, and that—I recall that there was such a White House-wide request.

Question. And you recall seeing a document to that effect?

Answer. I do recall that such a document existed. I don't have a present recollection of what that document looked like, but I do have an understanding that the request of documents related to Webb Hubbell.

Question. Then on the second page of this directive it says any documents or materials, and then item (b) is referring or relating to White House political coffees.

Answer. Sure.

Question. Could you describe what materials you got as a result of this directive?

Answer. Well, we received——

Question. Regarding 1(b).

Answer. Sure. We received a whole bunch of stuff: briefing memos, attendees lists, Marsha Scott's notes, and other documents relating to the coffees.

Question. Do you recall getting any of the President's notes from coffees?

Answer. I don't know if there were such notes from coffees. I do not recall receiving any such notes.

Question. Were you aware of individuals saying that the President had taken notes at these coffees?

Answer. No, that's the first I have heard of it.

Question. Were you aware of any efforts to check with the President to see if he had any notes from these coffees?

Answer. I was certainly not involved in such an effort and was not aware of any such effort.

Question. Do you recall any discussions that you had with people about any particular documents relating to coffees, any particular issues that come to mind about whether or not certain documents should be turned over that were related to coffees?

Answer. Specifically, I have no recollection. Let me answer generally to maybe move things along. Generally, if it related to coffees, we provided it. We turned it over.

Question. Are you aware of any documents or records, and I guess when I say records, if you would like to look at our March 4th subpoena again, when I say records I would include all those.

Are you aware of any records that your office has received regarding White House political coffees, that this committee has not received?

Answer. Sitting here today, I am not aware of such records that the committee has not received or been made aware of. I guess you have received now all of the video—the videos of the coffees, which I guess we will get into in a second.

Question. So to your knowledge, as of this date, we have all records pertaining to the White House political coffees?

Answer. That's my understanding, yes. I'm aware of no documents or records relating to White House coffees that you have not been provided or made aware of.

Question. These are documents the White House provided to us yesterday, sent over, which apparently were some records they had made available to the press and others regarding the response to this April 28th directive.

Answer. Sure.

Question. They aren't Bates stamped at this time.

Answer. Are you going to mark them?

Ms. COMSTOCK. Why don't we put the whole group of them together as Deposition Exhibit 5.

[Imbroscio Deposition Exhibit No. MI–5 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Have you seen these documents?

Answer. I have.

Question. And could you just describe or tell us, to your knowledge, what these documents are?

Answer. I believe these documents are, at least the top document of Exhibit 5, that has the date bearing April 29th, 1997, would be the kind of document I described to you a few minutes ago; would be a document sent out from our office to the various office heads, asking the office heads to ensure that their staff had thoroughly searched their files, and attesting that all such responsive records had been provided.

Question. And this top memo is from Jodie Torkelson?

Answer. Yes, that's correct. I would just note at the outset, which might avoid some confusion, the memo is dated April 29th, 1997. I suspect that is not the date which Jodie Torkelson returned it, but was probably the date it was sent out by our office.

We basically had, as you can figure, this was a memo that was sent out to various heads of offices, and it was probably sent out on April 29th. Probably should have been April blank, 1997.

Question. So this document was a form document that you sent out from the counsel's office, someone from the counsel's office sent out, asking them to sign and attest that they had searched the files in response to a directive that people in your office had sent?

Answer. Exactly, sent out to the various office heads to ensure that they were aware of the directive being sent out; that they had instructed their staff to thoroughly search their records and files and to forward to the counsel's office copies of anything responsive.

Question. So Ms. Torkelson didn't send this memo on April 29th, is your understanding of it?

Answer. That's quite correct, yes.

Question. And then the second page is a May 7, 1997 memo for Jodie Torkelson from Ashley Raines, Chief of Staff, Management and Administration, and the subject is "Independent Counsel Request For Documents." Can you tell us about that?

Answer. I can shed some light on that, as well. I suspect that the top document, signed by Jodie Torkelson, probably was contemporaneous or right after the May 7th document, which appears second in the grouping, because I assume that she received this document from her chief of staff before signing the earlier document, which would place the date of the first document sometime around May 7th or May 8th.

As for Ms. Torkelson's chief of staff's subject line, "independent counsel request," that would be a misnomer. I suspect that, because certainly before I came to this office there had been several requests over the past years for documents related to the independent counsel, she mistakenly assumed this was also a request related to the independent counsel. That's just not accurate. So just to avoid any confusion.

Question. And, actually, the April 28th directive, it was your testimony it was sort of a compilation of a number of requests from a number of different bodies?

Answer. Related to campaign financing, yes.

Question. Can you just tell us what you know about the individuals on this May 7th memo, to your knowledge? Whatever you know about them.

Answer. I know nothing about the individuals on this memo. I assume they are people who work for Jodie Torkelson. Jodie created or Jodie's office created this second document to distinguish it from the first document, which counsel's office created as a way for her to track and demand extra accountability from people on her staff that they had in fact searched their records.

Question. And who does she oversee?

Answer. Individuals, I simply do not know. She oversaw the Office of Management and Administration, which sort of, in layman's terms, is the office that keeps the White House trains running.

Question. Does the Military Office also report to her?

Answer. I just—I don't know. It's my understanding, based on events in the past week or so now, that there is some reporting relationship between the Office of Management and Administration and the Military Office.

I believe it has to do with complicated issues related to the budget and funding, which frankly I know nothing about. But there was some relationship between Jodie Torkelson's shop and the Military Office, but I'm not the person who can give you definitive answers on what that relationship is.

Question. And the May 6, 1997 memo for Jodie Torkelson from Michael Malone, can you tell us about whatever knowledge you have about that memo?

Answer. My answer for this memo would be identical to the answer on the memo we just discussed and which was dated May 7, which again I think is an example of Jodie demanding extra accountability from people on her staff in responding to the April 28th directive. Again, that is not a document that was created in the counsel's office.

Question. And then the last document on here is May 6, 1997, memo for Charles Ruff from Alan Sullivan.

Answer. Uh-huh.

Question. Could you tell us about that document?

Answer. This was a document that counsel's office received directly from Mr. Sullivan, who is the head of the White House Military Office, forwarding the documents that he had gathered in response to the directive.

Question. Now, are these documents that were attached to this classified, to your knowledge?

Answer. I think there was a classified document attached. And if you read, it says, "Unclassified upon removal of Attachment 5," which means probably the 5th out of the 6 documents was classified; that's correct.

Question. We may have them separately in a production, but we don't have them here with what the White House gave us, so I don't know what was attached to this. So to the extent that you have knowledge about the unclassified documents that were attached to this, do you know what those documents were?

Answer. I do not. I assume they are documents that, if they were responsive, have been provided to you. I would more than assume that. I can assert if they were responsive to the committee's request or requests, they would have been duly provided.

Question. And is it your understanding that these documents from Mr. Sullivan encompass documents from the White House Communications Agency?

Answer. I don't have—I don't know where the documents came from, from within the Military Office.

Question. Are you aware of any memos from the White House Communications Agency saying that they had searched their files?

Answer. I am aware of no such memos.

Question. So this memo is only from the Military Office and you have no knowledge of anything—this memo doesn't mention anything about the Communications Agency. I was wondering if you know anything about this being connected to anything related to the Communications Agency.

Answer. All I can say is this. It is my understanding now that the White House Military Office has oversight over a number of units within the White House, one of which is the White House Communications Agency.

Question. That's Deposition Exhibit 5.

Okay, why don't we move along, then, to the videotapes.

Answer. I'd be happy to do so.

Question. Did there come a time where you were asked about any videotaping or audio taping that was done at the White House that would be responsive—did there come a time when you were asked about any responsive video or audiotapes, that would be responsive to our subpoenas or Senate subpoenas?

Answer. Let me answer the question in this manner, which basically would take us to the beginning incident where the story starts.

On August 7th, 1997, I attended a meeting with Lanny Breuer, Don Bucklin—Don Bucklin is the senior counsel to the Senate Committee on Governmental Affairs—and with Jeff Robbins, who is, I believe, the deputy minority counsel of that same committee. The meeting was to discuss a number of topics, including ongoing document compliance issues. The meeting occurred in Mr. Breuer's office the afternoon of August 7th, 1997.

Question. And can you tell us what occurred at that meeting?

Answer. Sure. As I said, the meeting—at the meeting, numerous items were discussed, from broad document compliance, difficulties in issues, to specific requests. At this point we had just received a subpoena from the Senate. There was some discussion as to some of their requests, trying to get a handle on what their requests were.

The meeting lasted approximately, at this point, best estimate would be about 45 minutes. At the close of that meeting, after Mr. Breuer and Mr. Robbins left to attend another meeting with Senate majority-minority staff on another topic, also in the Old Executive Office Building, I had a brief discussion with Don Bucklin, as the two of us remained in Lanny Breuer's office.

During that discussion, Don Bucklin asked me or indicated to me he had one additional item that he wanted to discuss. At this time it is just Mr. Bucklin and myself in Mr. Breuer's office. From what I can recall, and these may not be precise words, Mr. Bucklin said to me that he had a source, the reliability of which he would not attest, who told him that everything in the Oval Office was recorded, video and audio recorded.

I looked at him, he looked at me a little funny, because it was a somewhat unusual request, but I agreed with Mr. Bucklin I would try to find out whether in fact such clandestine video and audio taping of meetings in the Oval Office existed. He then left.

Either later that day or perhaps the next day, which I think would have been a Friday, I let Mr. Breuer know that Mr. Bucklin had made this somewhat unusual request, and it was agreed that I would try to identify the person who would know the answer to that somewhat unusual question.

Sometime the following week, in a meeting between—a meeting involving Mr. Breuer, Mr. Ruff and myself, I believe on another topic, I communicated to Mr. Ruff

the nature of Mr. Bucklin's request as to whether there was clandestine video and audio taping in the Oval Office.

Question. Whose word was "clandestine"?

Answer. "Clandestine" is my word. I don't have a recollection that Don Bucklin used that word. I don't know if he used the word "secret" or "hidden," but clearly when I left that conversation I had the distinct understanding that he was speaking of clandestine taping in the Oval Office.

That was what I communicated to Mr. Breuer, perhaps that day or the next, and what I communicated to Mr. Ruff along with Mr. Breuer sometime during the middle of the next week.

It was agreed at that meeting that I would try to identify the appropriate official who would have the answer to such a sensitive question.

Question. What did Mr. Ruff say to you?

Answer. He said to me that I should try to find out from the appropriate official whether such recording did exist. He was skeptical as to the existence of such recordings, but agreed that I would have to try to find the appropriate individual to answer the question accurately.

Question. What did Mr. Breuer say to you when you told him back on August 7th, later that day?

Answer. And it might have been the next day, I'm just not sure. I think he had a similar reaction as the reaction Mr. Ruff had, which is a reaction of some skepticism that such taping actually existed, given recent history, but that we would endeavor to find out what the answer to the question was.

Question. And did they, either of them, suggest who you should talk to about it?

Answer. No, I—at some point the name WHCA was brought to my attention, or the entity WHCA. Mr. Bucklin, in our initial August 7th meeting, I don't think used the term WHCA, White House Communications. I do have a recollection he said it's some unit of the Department of Defense, but I don't think he used the word WHCA at that time period.

But at some point in the week or 10 days that followed, the name WHCA was brought to my attention, and it was agreed that I would try to find the appropriate individual at WHCA who could answer that question.

Question. And that was an agreement you had with Mr. Ruff and Mr. Breuer, then, that you would try to seek out who that person was at WHCA?

Answer. Wasn't so much an agreement, it was an instruction to me that I would try to do that, yes.

Question. Did they give you a deadline or a time frame within which you should do this?

Answer. No explicit deadline, other than handle it in the course of things as I was handling, as we were working on ongoing document productions.

Question. And then what did you do next?

Answer. All during this month, as I know you are aware, because you received documents, we were producing documents, including e-mails. So that was really the primary focus of what I was doing, as well as handling multiple, multiple informal requests from the Senate as they were gearing up during the recess for their fall hearings.

So as part of handling their various informal requests and in responding to their subpoena, I was—also on my list was to figure out the answer to this question.

Sometime—well, not sometime—on Tuesday of the following week, and by this point I had not reached out to anyone at WHCA to try to find out who the person would be, we got a letter from Mr. Bucklin. The letter was dated Tuesday, August 19th, I believe. It was a Tuesday, whether it was the 19th or 18th, I don't have a sense of it in front of me.

Can we take one break?

Ms. COMSTOCK. Sure.

The WITNESS. I have a calendar in front of me of dates which will help me. I think it will help this process go more quickly. It is simply a calendar listing the days of the year of 1997.

Ms. COMSTOCK. Maybe what we should do is make copy of that for the record so that we can have in the record what you are referring to.

The WITNESS. We can make a copy of 1997.

Ms. COMSTOCK. Do you want to take a break and do that so the minority has one too?

The WITNESS. I think that would be the best, thank you very much.

[Brief recess.]

EXAMINATION BY MS. COMSTOCK:

Question. Okay, returning to the record, we were discussing events in August of this year.

Answer. I believe I was about to discuss a letter that we had received on Tuesday, August 19th, and I have a calendar in front of me, the record should reflect.

Ms. COMSTOCK. And we will go ahead and make that Deposition Exhibit Number 6.

[Imbroscio Deposition Exhibit No. MI–6 was marked for identification.]

The WITNESS. Okay. And just to be clear, it is a calendar of simply days and months.

Ms. COMSTOCK. In 1997.

The WITNESS. Yes.

Sometime on August 19th, 1997, our office, Mr. Breuer particularly, received a letter from Mr. Bucklin that raised several topics, one of which was a follow-up of our August 7th discussion at the close of the meeting.

Mr. Bucklin had asked, he had mentioned he had spoken to me on August 7th and asked in his letter a quite different question, or a broader question than he had asked of me at the August 7th meeting. This request was now not simply whether they were taping in the Oval Office, tapings in the Oval Office, but more generally what was it that WHCA does and what do they have that could potentially be responsive to their subpoenas.

We received that letter on the 19th. I don't recall when I first had notice of it. Probably not that day, probably the next day, simply because sometimes it takes a day for the letters to get circulated in our office, particularly if it came late in the day, which I simply do not know.

After getting that letter, I believe I had a discussion with Mr. Breuer where it was basically indicated, the existence of this request, and that I would continue to follow up on it as I had set out to do with respect to their secret Oval Office tapings request of August 7th.

So it was either later that week, which according to the calendar would have been sometime the 21st, 22nd, or perhaps early the next week, which would be Monday the 25th, I set about to try to find the official at WHCA who could answer my question.

As an aside, WHCA is somewhat of a unique agency in the White House. They do not—the members of WHCA do not appear in our phone book. There is no listing for WHCA nor is there a listing of any of the officials of WHCA. The one WHCA number that does appear in our phone book is a WHCA customer service number. That is the number we are asked to call if we would have any trouble with our pagers. WHCA is also the entity that provides us with our pagers.

EXAMINATION BY MS. COMSTOCK:

Question. So prior to this August 19th letter, when you said you—after that August 7th meeting, which was a Thursday, you said sometime in the next week you had talked with Mr. Ruff and Mr. Breuer and they had told you to find the person who could answer any questions——

Answer. A specific question related to oval office tapings.

Question. And prior to August 19th, you had found out nothing?

Answer. Yes. I had many other items on my plate, including responding to the new round of requests that came in from the Senate, and frankly this was not at the top of my priority list at that point.

Question. Why is that?

Answer. I suspect the reason is, quite understandable, that we were in the middle of what was a pretty massive document production, producing I think over 10,230 pages of documents, including over 5,230 pages of e-mails over this period, and that was my primary obligation, to respond to the written requests, and at this point it had become a Senate subpoena.

For that reason it was not at the top of my "to do" list. After the August 19th meeting, I tried to, as I was about to testify——

Question. You mean the letter?

Answer. I'm sorry, yes, thank you very much. After receiving the letter and notification of the letter, sometime over the next couple of days I tried to find the official, an official at WHCA who would be sufficiently senior enough to answer what was a particularly sensitive question relating to secret Oval Office recordings.

Question. To your knowledge, had Mr. Ruff talked to anybody about this prior to this time?

Answer. To my knowledge, absolutely not.

Question. Or Mr. Breuer?

Answer. Not that I recollect.

Question. Was there anybody else in the counsel's office you told about it in the time frame between August 7th and August 19th, when the letter came in?

Answer. No one else.

Question. You never told Mr. Nionakis about this request?

Answer. No, I don't believe that I did. You know, we all had a full plate of items to handle. This was on my plate, and I don't recall discussing it with any of the other lawyers in the office. I'm not saying that this might have come up in a discussion, sort of what are you working on, what am I working on, but I have no specific recollection of discussing this particular request with any of the other lawyers apart from Mr. Breuer and Mr. Ruff.

Question. And do you have daily meetings with this group that include Mr. Breuer, or how are your meetings that you have?

Answer. As I think I said earlier, there is no set pattern. It depends very much on the nature of what is going on around us. If we're in the middle of hearings, we tend to meet more often than if we're not in the middle of hearings. Obviously, August was a month that, as you are aware, that the Congress and Senate were on recess and you all got to take vacations, I hope. No?

Question. Let the record reflect not too many people took much of a vacation in August.

Answer. Fair enough. But people were in the office less regularly during this period and, thus, there was not a series of regular—certainly no series of regular meetings during this time period.

After trying to get back to it, after receiving the letter, as I said, WHCA appears nowhere in the phone book. It is sort of a unique agency. I called up the number that appeared in the phone book, which was the customer service number of WHCA, and asked them where they were physically.

I then went to that area, which was the area where I had picked up my pager, I think on my first day of employment on March 3rd, and asked a few of the career military people there who would be the head of the agency that I could talk to. I think the name they gave me was Mr. Steven Smith. I then set about to have a meeting——

Question. Do you know who you asked when you called? You just got somebody on the phone?

Answer. No. Well, I talked to somebody on the phone, asked them where they were, and actually physically went there to that office.

Question. And where was that?

Answer. It's also on the fourth floor, in the opposite corner of where my office is located.

Question. And how much of an office do they have there?

Answer. They have a room with some desks and cubicles, which is their customer service center, as I understand it.

Question. So you went to that room to find out who to talk to?

Answer. I went to that room. I wanted to find out where they were, and that is what I did in my phone call. Then I walked down, either after the phone call or maybe a short while later, I don't recall specifically, to talk to a human being in that room to try to identify an appropriate person.

Question. Prior to that time you were not aware that that office was on the fourth floor?

Answer. I suppose I was aware of it, because that was the office, when I walked in I realized was the office I picked up my pager on my first day, but I had long since forgotten that is where that office was or that was in fact the office that I was calling when I called the number.

So I walked in the office and asked a couple of people there who had uniforms on, I don't recall what branch of service they were even in, and the name they gave me was Mr. Steven Smith.

After obtaining Mr. Smith's name, I set about to schedule a meeting with him, and we ended up meeting sometime the latter part of the last week in August, which could have been anywhere between the 27th, 28th and 29th. I don't have a firm recollection of when the date was.

Question. So you went down to the office sometime a day or two after this August 19th letter, then you set up a meeting for the following week?

Answer. That's right. I don't have a firm recollection what day I actually went to their customer service center to get his name. I believe it was the latter part of that week. It might well have been the first part, Monday, or Tuesday of the following week, but sometime in the aftermath of receiving the August 19th letter I did that.

Question. And where is Mr. Smith's office?

Answer. Mr. Smith's office, I learned, was on the fifth floor of the Old Executive Office Building.

Question. And was this appointment—was Mr. Smith not available that day to talk with?

Answer. I don't recall the specifics of setting up an appointment, whether we had missed each other on phone calls. Mr. Smith, I understand, has an office on the fifth floor but also has duties outside of the complex, as well, and so is not there on a 9 to 5 basis, as many of the other career people are. There might have been some difficulty in setting up a meeting immediately, but what I do recall is we did meet the latter part of August 1997.

Question. And did you have any discussions with anybody prior to that meeting, just about "I found who I am supposed to talk to," or report back in any way?

Answer. Not that I recall. Not that I recall, no.

Question. And you had told Mr. Breuer and Mr. Ruff sometime following the August 7th meeting about the request of the Oval Office tapings, and then the letter came, and you don't recall any other discussions with Mr. Breuer or Mr. Ruff about this prior to your meeting with Mr. Smith?

Answer. I certainly recall not discussing it with Mr. Ruff. I had only the single discussion I had mentioned. I very well might have had a discussion with Lanny to give him a status report that either I had found the person or I had scheduled a meeting with the person. I have no specific recollection of such a conversation, however.

Question. Going back to that meeting after the August 7th when the request was made of you, that meeting was only with you, Mr. Ruff and Mr. Breuer; is that correct?

Answer. That's correct. It was in Mr. Ruff's office.

Question. And how did that meeting come about?

Answer. I don't have a specific recollection. My sense is we were meeting for another reason.

Question. Do you recall what that was for?

Answer. No, I don't. But the reason I think that is because it was at the tail end of that meeting that I recall raising this issue. I don't know why we were meeting at that point.

Question. Do you meet with Mr. Ruff often?

Answer. Mr. Ruff prides himself on having an open door policy, and I meet both informally and formally with Mr. Ruff on numerous occasions.

Question. How often, since March, if you recall?

Answer. Well, if you mean formal meetings, Mr. Ruff has a weekly, sometimes twice a week staff meeting with all the lawyers in the counsel's office, not just our team handling this matter, this investigation, to use your term. So there are certainly those meetings.

We also occasionally have more focused meetings with just the investigative team and Mr. Ruff. There are also numerous informal times when I walk into Mr. Ruff's office if I have a specific question or want his advice on a particular topic.

Question. Would that be on some documents you were reviewing that you would have discussed with him?

Answer. Perhaps, but that would be unlikely. It would be just more general advice or guidance.

Question. Can you generally recall what some of those occasions were?

Answer. No, I mean I really can't. You know, Mr. Ruff is my ultimate boss and I have the sort of communications and interactions with him as you might expect with any—as you do, I am sure, with the chairman or with people, with Mr. Bennett. We talk about office-related matters, sometimes we talk about personal and private matters as well; who is going to win the World Series.

Question. You don't recall the other topic of this meeting?

Answer. No, I'm sorry. I have given it some thought and I just can't recall what it was.

Question. And did you sort of spontaneously bring this topic up in the meeting with Mr. Ruff, or had you told Mr. Breuer that you wanted to raise this with Mr. Ruff?

Answer. I don't recall whether I brought it up spontaneously. I somewhat doubt I would have done it that way. I probably—I don't want to speculate, and this is pure speculation.

Mr. LYNCH. Well, don't do it.

Mr. BALLEN. Don't do it; right.

Mr. LYNCH. Don't do it if it is pure speculation.

EXAMINATION BY MS. COMSTOCK:

Question. I am trying to get a sense, if you brought this up in a meeting with Mr. Ruff, did Mr. Ruff appear to know about it; that Mr. Breuer had told him?

Answer. Absolutely not. It was clear this was the first time that Mr. Ruff had been made aware of Mr. Bucklin's request on August 7th.

Question. Because you had told Lanny Breuer sort of sometime either the day you learned or the next day?

Answer. That is correct. That was my testimony.

Question. And then this meeting with Mr. Ruff is the next week or so, so some days after you had told Lanny Breuer. And you have no knowledge of anybody else that Mr. Breuer told about this request?

Answer. I have no knowledge.

Question. And Mr. Ruff, it is your testimony, was sort of skeptical about whether any type of taping system existed?

Mr. LYNCH. Taping existed?

Ms. COMSTOCK. In the Oval Office.

Mr. BALLEN. Clandestine taping.

EXAMINATION BY MS. COMSTOCK:

Question. "Clandestine" was your word, you have told me. Mr. Bucklin's request wasn't asking you, he didn't use the word "clandestine." Isn't that correct?

Answer. As I testified, I don't recall him using the word "clandestine." I don't know whether he used another word, like "secret" or "hidden" camera, but what I do recall coming out of that meeting is the very clear impression that he was asking me whether there was secret or clandestine taping in the Oval Office. It is fair to say that Mr. Ruff's reaction was skepticism.

Question. Did Mr. Ruff ever indicate if he was going to talk with the President about it or ask him anything about it?

Answer. He never gave me any such indication, no.

Question. Did he indicate whether he was going to talk to Mr. Lindsey about it?

Answer. Again, no. It was resolved at the end of that meeting, as I said, that I would set about to try to find the appropriate WHCA individual. And, again, I don't know if WHCA, at that point I knew the name WHCA or not, but I would try to find the appropriate individual that could answer that question.

Question. I think the record already reflects it, but I will make it clear: The conversations that you have recounted with Mr. Breuer and Mr. Ruff are the only conversations you had about this up until the time you met with Mr. Smith?

Answer. Yes, that's my recollection.

Question. And why don't we go into that meeting.

Answer. Sure. The meeting took place in Mr. Smith's office on the fifth floor of the Old Executive Office Building. Mr. Smith, as I understand it, is the operations director of WHCA. The meeting lasted probably around 45 minutes, approximately.

The meeting began with me introducing myself, explaining to Mr. Smith that I was a member of the counsel's office and part of the team handling the various investigations ongoing, and let him know that we had received a request from Senator Thompson's staff related to two topics.

The first topic we discussed was the tie to the first question Mr. Bucklin had asked me on August 7th, which was whether, in fact, there was any sort of secret or clandestine taping system of meetings and conversations in the Oval Office. And after some discussion, Mr. Smith reported to me that no such taping existed.

Question. Can you describe the discussion?

Answer. I believe the discussion was mainly on my part. This was a rather extraordinary request. My effort was to communicate the seriousness of the request and the essential need to get the correct answer, and to try to probe his complete state of knowledge. I was trying to identify if in fact he would be the man who would know or the individual who would know whether in fact it existed.

Question. And what did you ask him?

Answer. I don't recall specifically. I recall asking him generally what his role was and what he—what generally his position was.

I recall asking him questions about what sort of recordings, if any, took place in the Oval Office. And at the end of that discussion I was informed that no such secret or clandestine meetings in the Oval Office were recorded.

Mr. LYNCH. Can you read that back, because I think you may want to, the way it came out, you may want to rephrase it.

[The reporter read back as requested.]

The WITNESS. I think it is probably more accurate to say were made. No such secret or clandestine recordings were made.

EXAMINATION BY MS. COMSTOCK:

Question. Because you were asking generally about what type of recordings were made in the Oval Office?

Answer. I was asking him specifically whether there was any sort of secret or clandestine video or audio taping system for meetings in the Oval Office.

Question. Did you ask him if there were any recordings of meetings in the Oval Office?

Answer. I will turn to that, but at this point in the conversation, no, it was not at that level. It was generality. It was trying to ascertain whether there were any clandestine recordings in the Oval Office.

Question. So is this discussion sort of like, "Are there any secret switches? Is there something like Nixon had?" Is that the kind of discussion you are having? "Is there something we don't know about, that is not known publicly?" Is that what you are asking him about?

Answer. That is accurate, to characterize it that way, and the answer was no, there is no such system or secret switches, as you put it.

I next went into the more general topic, which really traced the request made in Mr. Bucklin's August 19th letter, which was my effort to ascertain what precisely WHCA did and what kind of video or audio records they would have and potentially what responses they might have.

Mr. Smith then explained to me for some time the general mission and purpose of what WHCA does. He explained to me that WHCA, for the most part, is simply another camera crew along with the press, recording and documenting for archival purposes the presidency.

He explained——

Mr. BALLEN. I'm sorry, the President's what?

The WITNESS. The presidency, period.

He explained that oftentimes they are simply another camera crew along with CBS, NBC, ABC and the others, recording the President's public and open appearances. And when I say public or open, I mean open to the press, not necessarily open to the general public.

He explained to me that they typically did not—he also—put that aside for a minute. He also told me that at small events when there is only one pool camera—apparently, the way it works is if it is a small, closed—a small event with limited space, there would only be one network camera that would rotate to cover the event, but they are always an additional camera along with the pool.

I asked him whether they would record fund-raisers, and he told me that typically they would record the President's remarks at such fund-raisers, the President's speech, and occasionally his entrance into the room. I believe he also told me that sometimes usually the press are at some of these events as well, so again they are at the same event as the press is.

I then, trying to understand precisely what they did, went through a litany of items to try to find out whether, in fact, they recorded certain types of items. On my list, I don't recall everything on the list, but certainly I recall a few of the things. One of the items was fund-raisers, and he gave me the response I just gave to you.

I asked him whether meetings, small private meetings in the Oval Office, would be videotaped. I had in my mind in asking that question, for instance, whether the September 13th, 1995 meeting with Mr. Huang, Mr. Riady and Mr. Giroir would have been something that would have been videotaped, and he replied that that—Mr. Smith replied that that would not be something they would videotape, it being a small, private, closed meeting.

I then went through a few other items. I believe I asked him about political dinners, and I have a recollection he gave me the same answer, which is that he would record the President's speech at such events and perhaps an entrance into the room.

I recall asking him whether coffees would have been recorded, and gave him a description of what these coffees were: These were closed, private meetings, small group meetings that occurred typically in the Map Room. And I recall him telling me those would not be the types of events typically that would be recorded.

Question. Did you ask him those types or——

Answer. I recall mentioning the word "coffee." Certainly they are not figured prominently in my litany of items. And I recall describing what these events were.

Question. You were referring to the White House coffees that had been in the press?

Answer. In my mind, that is what I had in my mind, because I was going through an event of what happens—going through a list of what perhaps could be responsive events; described them as they are, which were the small private gatherings typi-

cally held in the Map Room. And I recall he responded to me those would not be the types of events that they would typically record.

I recall asking him about a few other items, one of which, I believe, was radio addresses, and I recall he told me that they typically would record the President's remarks at the radio address.

By the time we got to this litany, we were probably quite near the end of the meeting, perhaps the last 5 minutes of the meeting, and I thanked him and I left the meeting.

Question. How were things left at the end of that meeting?

Answer. It was left as follows: I had asked him if he could try to ascertain for me what types of records or files or file cabinets or indexes they might have of events that were recorded, because I personally wanted to thumb through them so I would have a better understanding of what, in fact, they did record.

Question. So you asked him for a complete index?

Answer. I asked him—I didn't say give me a complete index. I asked him generally, "What kinds of files or records do you maintain?" Because I had in my mind the desire to want to go through such a file cabinet or such a binder of events to ascertain whether, in fact, there is anything that would be responsive to the request.

Question. And did you in fact learn of such a record or index?

Answer. Much later into the story. It will probably fit in quite naturally as I move forward, if you don't mind.

Question. Sure.

Mr. LYNCH. Are we going to break for lunch at all?

Ms. COMSTOCK. I know we sort of have a four o'clock deadline. We can go off the record for a minute.

[Whereupon, at 1:25 p.m., the deposition was recessed, to reconvene at 2:00 p.m. the same day.]

Mr. BENNETT. For the record, I'm Richard Bennett, chief counsel to the Committee on Government Reform and Oversight. It has been brought to my attention that there was a contention made earlier today that Minority counsel had previously indicated opposition to this deposition. Mr. Ballen can respond in a minute. I want to say that until that was brought to my attention this morning, that I have not received any correspondence from Minority counsel or any Minority member of the committee with respect to opposing the depositions, that to my knowledge there was certainly, at least as to this matter and the matter of compliance with the subpoenas issued by this committee, a bipartisan consensus that there must be compliance with our subpoenas.

We attended last Friday at the White House, Barbara Comstock and I, accompanied by Dudley Butch Hodgson, an agent assigned to the Majority, as well as Mr. Kenneth Ballen, the chief Minority counsel, attended a meeting at the White House counsel's office last Friday October 10, 1997 at which Mr. Ruff was in attendance, Ms. Cheryl Mills and Mr. Lanny Breuer.

For the record, Mr. Ruff indicated his willingness to have us conduct any interviews of White House counsel personnel, and I indicated my insistence that I felt that White House personnel in the counsel's office needed to be placed under oath and be deposed. It was my recollection that there was no opposition voiced by Mr. Ballen at that time, that there has as we speak, until this very moment, never been any opposition, and indeed I recall Congressman Waxman at a hearing at some point a week and a half ago or a week ago finding that he felt it, I believe he used the word "inexcusable."

So I think it's important to put this on the record. There has not been any contention about this and to the extent that there is a representation on the record that someone has told me that there is opposition to it, I have not heard one word of opposition until I was advised by Ms. Comstock here, who is conducting the deposition this morning, that there had been placed on the record a contention that previous opposition had been indicated. So I think it's important to put that on the record.

Mr. Ballen, if my recollection is not correct, you need to put that on the record.

Ms. COMSTOCK. That was my recollection also, which I have reflected this morning on the record.

Mr. BALLEN. I agree with Mr. Bennett's representation at the meeting with Mr. Ruff. That is an accurate reflection. I don't dispute anything you said other than that. Perhaps I'm mistaken.

Ms. COMSTOCK. Because the representations this morning were that——

Mr. BALLEN. Could I finish, please?

Ms. COMSTOCK. I would like for the record to reflect that there were independent——

Mr. MCLAUGHLIN. Could you just let him finish his comment before you start blabbing on the record?

Ms. COMSTOCK [continuing]. That there was a representation by Mr. Ballen that he had had an independent conversation with Mr. Bennett that I was not aware of and I think that is what was directed this morning on the record.

Mr. BENNETT. Go ahead, Ken.

Mr. BALLEN. Thank you. No, I don't dispute Mr. Bennett's recollection and I don't want to engage in a debate over that. I stated mine to the best of my recollection, but I don't dispute his recollection whatsoever. There was—because I won't do that. There was a letter sent from Mr. Condit's office representing the views of the Minority Members of this committee. My understanding is that letter was sent out yesterday, early afternoon to the Chairman. I don't know why you did not receive that. I don't understand why you didn't receive it. It was told, represented, to me that the letter was sent and delivered to this office that we are in now, the chairman's office, yesterday. More than that, I can't add to that, and that does represent the views of not only Mr. Condit but the Minority Members of the committee.

Mr. BENNETT. We are here to depose a witness. I don't want to get into that. But just so the record is clear, one, in terms of my understanding of the depositions and at some point in time we can go into the matter in opposition to this, but just so the record is clear in terms of my view as chief counsel, it is hard for me to imagine any meaningful effort at determining facts if there isn't some consensus that subpoenas need to be complied with, and that is our thrust. Our thrust is not to cast aspersions on anybody in terms of the matter of subpoena compliance, but it is hard for me to imagine that anybody on the committee, be they Majority or Minority, which I believe was the tone of the expression of Congressman Waxman a week ago was that we need that compliance with our subpoenas. That is why I would at least hope on this matter there can be some agreement. We can discuss this at a later point in time, but I just wanted to clarify the record on that and I thank you for allowing me to do.

EXAMINATION BY MS. COMSTOCK:

Question. When we broke for lunch, we were discussing the meeting at the end of August that you had with Steven Smith. I believe you had finished all your recounting of that meeting, is that correct?

Answer. That's my recollection, yes.

Question. In the course of that meeting, I just have a few follow-up questions, did he discuss with you at all any paperwork or anything that was sent to his office in order to make requests that events be taped?

Answer. Not that I can recall.

Question. Did he discuss the process by which his office made decisions about taping events?

Answer. I don't recall a specific discussion as to the process. Certainly in the context of our larger discussion of what they did and what they did not do, I suppose implicit in that discussion is some understanding of their process. But I don't recall a specific discussion or question and answer colloquy along the lines of, "What is your process? My process is X."

Question. And following that conversation that you had with Mr. Smith, what was the next action that you took regarding the videotapes and audio tapes?

Answer. As I testified, that meeting occurred somewhere the latter part of the last week of August, 27, 28th or 29th. I simply don't recall. Sometime during the next week, I had a telephone conversation with Mr. Bucklin. It was not uncommon for Mr. Bucklin and I to speak on a wide variety of topics. In that conversation I recall indicating to him that I could—I had met initially with a representative of WHCA and I could report back to Mr. Bucklin and Minority staff the results of my preliminary inquiry. That meeting ultimately took place on September 9, the meeting occurred in Mr. Bucklin's office in the Senate committee. Present at that meeting was Mr. Bucklin, Mr. Robbins, who I believe is deputy Minority counsel for the Senate staff, and Ms. Maggie Hickey, H-i-c-k-e-y, who is on Mr. Bucklin's staff.

Question. Did you tell us what occurred at that meeting?

Answer. Certainly.

Mr. LYNCH. Do you have a date for this?

The WITNESS. Yes, that meeting took place on, I think I September 9, 1997.

EXAMINATION BY MS. COMSTOCK:

Question. Was there a letter either prior to that or on that date?

Answer. I am aware—relating to this topic?

Question. Yes.

Answer. I am aware of no letter on or about that date. At that meeting I set about to try to communicate to Mr. Bucklin, Mr. Robbins and Ms. Hickey what I had learned in my meeting a short time earlier with Mr. Smith. I recall initially discussing or revealing the fact——

Question. Was this just you, as the only person from the White House counsel's office?

Answer. Yes, that's my recollection.

Question. Had you informed anyone in your office that you were going to be meeting with them?

Answer. I believe I did. I believe I spoke with Mr. Breuer and he was aware that I was meeting with Mr. Bucklin.

Question. Prior to the meeting and from the time you talked to Mr. Smith, did you talk to Mr. Breuer after that and tell him you were talking to Mr. Smith?

Answer. I don't have a specific recollection of having such a conversation with Mr. Breuer. All I recall is I informed him of my intention to meet with Mr. Bucklin and others on the Senate staff to inform them of what I had learned from Mr. Smith of WHCA.

Question. What did you tell Lanny Breuer you were going to be telling Mr. Bucklin and the Senate staff?

Answer. Frankly, I have no recollection of what, if anything, I said to Mr. Breuer in that conversation. I don't know if I went through point by point everything I just told you or if I just provided to him more generally that I was going to make a status report. I simply don't recall.

Question. So you can't recall if you even mentioned to Lanny Breuer that I'm going to tell them what I talked to WHCA about?

Answer. As I think I said, I have a vague recollection of informing Mr. Breuer that I was going to be making a status report to Mr. Bucklin and others on the staff. What I can't recall is whether I gave Mr. Breuer a synopsis of what that status report would be.

Question. This being the status report on subpoena response generally or in response to the August 7 and August 19 requests?

Answer. The latter.

Question. You can continue with the meeting.

Answer. And so at that meeting, which occurred in Mr. Bucklin's office on September 9, I set about to try to relay the information that I had learned a short while earlier from Mr. Smith. I relayed first, and not surprisingly, that there is no clandestine, secret Oval Office recordings, and second, I described more generally what it was I learned and what I understood at the time to be WHCA's role and what they in fact filmed. I let Mr. Bucklin and the others in the room know that it was my understanding that WHCA generally filmed open press events and that they are another camera, as with the networks and other cameras, involved in documenting the President. I recall specifically informing them that the President—that fund-raisers were recorded more specifically, that the President's remarks at fund-raisers are recorded and that occasionally a few minutes, or a few seconds of him entering the room to the fanfare.

I recall in response to a question whether coffees were also filmed, and I don't recall who asked the question. Someone in the room. I have no firm recollection who it was. I said it was my understanding that these were not the types of events that were filmed, but indicated that I would inquire further.

Question. At that time you didn't have understanding either way whether those events had been taped or not?

Answer. No, I think what I just said is that I communicated what I had learned from Mr. Smith sometime earlier, which is it was my understanding that those were not the types of events that would have been filmed. But I agreed to check further in response to that specific question. And just so we're clear, that was the first time in my communications with Mr. Bucklin and others that the word "coffee" had ever surfaced with respect to videotapes. That was on September 9.

Question. When you had met with Mr. Smith back at the end of August, did you ask him were White House coffees taped?

Answer. I think I testified about that earlier. What I did is I went through a litany of events, one of which I'm quite certain was coffees, and I recall describing what these coffees were, which were small private meetings that typically occurred in the Map Room. But again just so we're clear, that was a list of my own creation and not in response to any specific request at that time from the Senate committee.

Question. Was this discussed further in that September 9 meeting with Mr. Bucklin?

Answer. No. How the meeting ended was after the specific request for me to follow up on coffees, which I agreed to do, I said that I was in the process of trying

to ascertain what, if any, kinds of records that WHCA maintained of these events so that I could be more comfortable in searching them and responding precisely, in getting precise answers to their questions.

Question. So between the end of August, whenever you had this meeting, and September 9, you had not sought out those records at all?

Answer. As I testified, where we left it—where I left it with Mr. Smith was he was going to get back with me to let me know what, if any, kinds of records they would have that could be manually looked at by me.

Question. And he never got back to you?

Answer. He did not get back to me on that point for some time, which I'll go into in a few minutes.

So after that meeting, which again was September 9, I was also—by this point the Senate hearings had recommenced, as well as we were producing documents, so I was—my primary focus during this period was to produce documents as quickly as possible, particularly the E-mails which we had been getting back since the end of August and which we have produced to this committee as well as to the Senate since that time period, as well as the Senate hearings were ongoing.

The next week the Senate hearing topic was, as you probably recall, Roger Tamraz and matters relating to Mr. Tamraz. That was one of the matters for which I was an attorney involved and thus spent a good deal of the next week in preparation for and working on those days of testimony.

Question. Were you the lead attorney who worked on Roger Tamraz matters?

Answer. Lanny Breuer is the lead attorney on all of our matters. Because there are a wide variety of topics that this investigation and other investigations are looking into, it tends to work out that particular attorneys develop certain expertise in particular areas. It just so happened that one of the areas in which I had developed some limited expertise was our friend Roger Tamraz.

Question. Aside from your friend Roger Tamraz?

Answer. I say that with a grin, and the record should reflect we are both grinning.

Question. Aside from everybody's friend Roger Tamraz, what other areas of expertise did you work on or did you develop?

Answer. That was primarily my——

Ms. COMSTOCK. If the record could reflect that Mr. McLaughlin, if you could restrain yourself from gestures and things during the deposition, I think that would be productive here.

Mr. MCLAUGHLIN. I consider myself free to communicate with Mr. Ballen by whatever means I choose and deem necessary.

Ms. COMSTOCK. Let the record reflect that Mr. McLaughlin chooses to make ridiculous hand gestures throughout the deposition.

The WITNESS. Let me give my best answer to your question, and I would like to get back to the story, which I think is important. Apart from Roger Tamraz, there really is no other particular area that I developed expertise. He was by and far the person that I was involved with. That largely stems from the fact that I was one of the first people on the staff to get security clearance and because, as you are certainly aware, several of the documents that went to Roger Tamraz require security clearance. It was by happenstance that I became the person on that matter.

But getting back——

EXAMINATION BY MS. COMSTOCK:

Question. So other than the Tamraz matter, you normally would not be pulled off of document production for handling matters like that?

Answer. And frankly I was not pulled off of document production. I think all during that week, we had made document production. I think. I don't have the exact letters in front of me, but we certainly produced documents to this committee as well as to the Senate throughout this time period, including I believe productions in the middle weeks of September. So the document production train never stops, which I think is important to note.

In any event, Thursday of that week, which was the 18th of September, I had a preexisting obligation to be out of town to visit my family and was out of town the week—the days of the 18th, 19th, 20th and 21st, returning back into the office on Monday, the 22nd. It was sometime during that week that I had a conversation with Mr. Bucklin in which we discussed several topics, one of which was he inquired as to the status of following up on the WHCA issue, which was, he had inquired where things stood with respect to getting my hands on what, if any, records they would have so I could answer his questions more fully.

After that conversation which, and again I cannot put on it a particular date, but certainly the early part of the week I returned from out of town from visiting my

family, I had a conversation with Mr. Smith, which was a telephone conversation, I'm quite certain, in which he indicated to me for the first time that there in fact was no hard copy logs or indexes or binders or any other types of hard copy material in existence, at least in one centralized location, that could be searched, but rather explained to me that there was a database which could be queried, was his word, essentially could be searched.

Question. So between the end of August and this conversation with Mr. Smith sometime after you returned on the 20th, you had had no communication with Mr. Smith?

Answer. No, I didn't say that. I believe that I had communications with Mr. Smith sometime the first week in September, before my meeting with Mr. Bucklin, and sometime the week after—or in the days after my meeting with Mr. Bucklin on September 9. I recall meeting with Mr. Smith in his office two, maybe three times. Certainly the first time will be the one I've testified already, the end of August. The second time, and the second time I'm sure of was on October 1, which I will get to momentarily. I might have had one additional meeting with him, I can't recall, in his office. But in any event, I spoke to him on the phone——

Question. Do you keep a calendar or anything like that?

Answer. No. And I also spoke with him on the phone on several occasions. As I testified earlier, Mr. Smith, as I understand it, has responsibilities offsite as well and thus my understanding is there are some days when he is not onsite, and when I say onsite, I mean within the 18-acre complex of the EOB and White House. So after talking with Mr. Bucklin in the early part of the week, I had a conversation with Mr. Smith. I believe the conversation was probably on Wednesday, the 24th, as best as I can recollect. During that conversation, as I just testified, he explained to me for the first time that there in fact was no hard copy, extant log, index or file cabinet which would include everything they have, but rather there was a database. He explained to me that he had a subordinate draw up an outline of what the various fields in the database were.

Question. Did he say who that was?

Answer. No, he did not. And he agreed to get that document to me. On Friday, September 26, sometime shortly before noon, either Mr. Smith or someone who worked with him left that document on my chair in my office. I was not in my office at the time. I returned to my office that day, Friday, September 26, shortly after noon, and received that document at that point. I left work around 12:20 that day to leave town with my wife to visit my in-laws in North Carolina. When I returned on Monday, now that I had this document in hand, I called Mr. Smith back to set about situating myself in front of whatever computer terminal they had to start to figure out what the heck they had.

Question. When you got the document on Friday, did you take it with you over the weekend and review it?

Answer. No, I did not. It was a one-page document which simply described what the various fields are in the database. And by field, I mean database components. In other words, some of the fields were date, place, event, film type, other various fields that the WHCA staff maintained. But I did not take it with me.

Question. Did you tell anybody else about it on that Friday?

Answer. I did not, no. I got back to my office, it was there, and I left the office.

Question. And during this entire time when you were dealing with Mr. Bucklin, there was nobody else in the counsel's office who is working with you on this?

Answer. That is accurate. Other than Mr. Breuer having a general awareness that I was following up on this issue at the request of Mr. Bucklin, there was no one else involved.

Question. Was there anybody else in the office who had general knowledge that you were working on these matters?

Answer. No, not that I'm aware of. Mr. Breuer would be the one. Mr. Breuer is my direct supervisor.

Question. None of your other colleagues that you were working with, this didn't come up at any meetings or discussions about document production or anything like that?

Answer. No, not that I can recall. This was a rather discrete issue. And I don't recall it ever coming up at any larger meeting.

Question. You never went to one of your colleagues and said, hey, do you know anything about this that you might be able to help me, do you know where I should look? Maybe check with any other colleagues to see if they might have some knowledge of any of this throughout this August-September time period?

Answer. Other than Mr. Breuer, no. Other than the communications I've already testified about with Mr. Breuer, no.

So I returned from North Carolina late on Sunday, September 28. I recall I did not get home until after 10. There was a bad wreck which had occurred at the 495 and 95 interchange that we got caught in the traffic of. I returned home late in the evening, returned back to work on Monday, the 29th. This was certainly at the top of my to do list at this point.

I placed a call to Mr. Smith, did not reach him. We exchanged several phone messages between, on Monday and Tuesday, and I finally reached him shortly after noon on Wednesday, October 1. I recall the time because it was getting near the lunch hour, and I requested if we could meet immediately.

Question. So you started calling him on the 29th, Monday?

Answer. Yes. I placed a call to him on Monday, and we had exchanged a few messages on Monday and Tuesday. I recall Mr. Smith telling me that he was not in the complex during this whole period. There was a period when he was not in the complex, and I recall that because in our discussion when we finally hooked up, there was some initial small talk saying that "Sorry we haven't hooked up, it's been hectic."

I went back to Mr. Smith's office after speaking with him on the phone, I asked whether we could meet immediately; he said yes. I went to his office with the document that he had given me. In anticipation of that meeting, I don't know whether I did it on September 29 or September 30, I had prepared a list of a few items that I wanted to check whether they were in the database or not. These were items that are events of interest that I wanted to check and find out what, if anything, they had.

Question. Do you still have that document?

Answer. I think I do have that list. What was on it, I put a couple of fund-raisers on it, a couple of political dinners, the September 13 meeting, and a couple of the coffees, one of the coffees for sure was the April 1 Roger Tamraz coffee. Again it flows back to my limited expertise in Mr. Tamraz. I went to Mr. Smith's office that afternoon with my list in hand, and I suggested to him that I would like to search the database. He at that point made a phone call to I believe what turned out to be the video unit, which was on the ground floor of the Old Executive Office Building. Again to remind you, Mr. Smith's office was on the fifth floor. And he arranged a meeting with me after lunch at approximately 2 o'clock and it was resolved that I would go down to meet with the video folks after lunch. In fact, I did do that. Sometime shortly after 2 o'clock, I recall, it was probably a little bit late, I went to the video unit, which was on the ground floor of the Old Executive Office Building. The exact room number, I don't have in my mind. I spoke there with a gentleman by the name of Charles McGrath, Chuck McGrath who is sometimes referred to as Chief McGrath. I'm not sure if the chief refers to some military designation or chief of the unit and thus that's what he's referred to as.

I sat down with Mr. McGrath, in the company of a few of his subordinates, I don't recall specifically who was there apart from Mr. McGrath, and began to ask him some of the same general questions that I had asked Mr. Smith in our first meeting, which were questions along the lines of what do you do generally, what is the nature of your mission, what do you typically film. After some time of initial discussion, perhaps 15 minutes to 20 minutes, I indicated to him that I would like to maybe query the database. I had some sample dates, and I would like to query the database for those dates to find out what if any events were in there. I don't recall what order I searched for the items, but I will give you the general results.

One thing that I had learned even before I sat down at the database was that the database was sort of composed of two separate components. And, Ms. Comstock, you will probably learn this sometime in the next hour and a half as well, there is what is called a regular event database as well as a photo op database. The regular event database is sort of a compilation of one tape per event or more than one tape per event. The photo op database is a database of essentially tapes of the week that would document various snippets of the President's schedule during any given week. For instance, one photo op tape might have the President arrives from Andrews, the President goes to church, the President meets with the ambassador every some country. These were all typically snippets, one to five minutes on average, of what can generically be called photo ops.

So when I sat down to search the database, there were two components of the database that required to be searched. I don't recall the order in which I searched that was on my list, but what I do recall is searching for a couple of fund-raisers on my list and I recall, not surprisingly, and consistent with what Mr. Smith had told me when I reported back to Mr. Bucklin and others, was that there were—that the fund-raisers that I had on my list were in fact, there were copies of tapes. That was not surprising. I presumed they were the President's remarks. I also checked at least one political dinner, I don't know if there was another, but the political din-

ner I recall checking was March 27, 1996, one of the attendees of whom was Roger Tamraz. I also recall checking, I believe, 3 coffees. The April 1 coffee with Roger Tamraz, the June 18 coffee with John Huang, and the February 6 coffee with Wang Jun.

Question. Wang Jun.

Answer. Thank you very much.

Question. And Charlie Trie.

Answer. The searching for the coffees was a little bit different because I had a date—for instance, April 1 was not a date you could necessarily enter into the computer, but the photo op database is organized along the lines of week of. So we had to search the week of, whatever that week was, Sunday to Saturday, I believe. But I did—I do recall finding a hit for the April 1 coffee and for the June 18 coffee, but not for the February 6 coffee.

And to skip ahead a bit, it's sort of a function of, I think the searching the week of issue, that was a problem because I've since learned that there is a tape of the February 6 coffee, which I think you have. But at that point, the computer had come back with a no hit. Once I realized—it was the discovery of the coffees in the database that first raised concern in my mind because this was the one thing that was inconsistent with what had been reported to me earlier and what I had reported to Mr. Bucklin on September 9. In short order, I went to Mr. Breuer's office. By this point, sometime approximately 4:30 p.m., Mr. Breuer was on his way out of the office. That was to start Rosh Hashanah, the Jewish new year.

Question. We're now on Wednesday, October 1?

Answer. Yes, all this is occurring on Wednesday, October 1, as I think I made clear earlier.

Question. Did you say anything—were there any discussions while you were in the office with Mr. McGrath, or Chief McGrath or others there, did you have any discussions with him about various events as you were going through them?

Answer. At some point, and I'm not sure whether it was the late afternoon, early evening of October 1 or the morning of October 2, I did have a brief discussion with Mr. McGrath, questioning him whether in fact he had received the document request we had sent out and whether he had searched the database for coffees.

Question. What did he say?

Answer. I recall him telling me that he did receive the document request and that he did duly search the database for the names and entities on the list. I did not go into an accusatory mode at all. Mr. McGrath, or Chief McGrath and people who work for him, as you are aware, are career military people doing, you know, the best they can, and typically when this does happen, we don't—we try not to get into an accusatory mode but we rather try to rectify and remedy the situation as quickly as possible. So that was a brief conversation.

Question. Did you speak with anyone else besides Mr. McGrath at that time?

Answer. No, I did not.

Question. So when you got a hit on some of these things you were looking at, was he sitting there with you?

Answer. He was, yes.

Question. And did you turn to him at some point and say, hey, what about this?

Answer. I think that's what I just testified that I did. I don't have a precise recollection whether it was on the evening of the 1st or the next day, when I go back down there, which I'll talk about in a few seconds. But it was a brief exchange. It was a question by me of whether they had searched the database and an answer by him that yes, they had. But again it was not accusatory at all.

Question. Had in fact he produced any videotapes to anybody in the counsel's office?

Answer. No, he did not. And I had known that in fact. I had known that none of the tapes had been produced to us.

Question. Because at that point there were no videotapes produced by anybody from anywhere?

Answer. That's not quite accurate. There was a special request from Mr. Bucklin in anticipation of Mr. Berger's testimony, as you can recall, which occurred sometime in September, for a copy of the video that the White House's security professionals prepared to show at orientation for new employees. It's somewhat outdated. It was made during the Bush administration, I think about 8 years ago or 9 years ago, which simply lays out the various internal White House security procedures and the WAVE process.

Question. This is the video that staff are shown for security?

Answer. Precisely, yes.

Question. Matters that Mr. Bucklin had asked you previously for, whatever video it is that you sit down and run the staff through about security matters?

Answer. Yes. Essentially that encapsulates the ongoing discussions. I worked to get a copy of that tape and provided it to him under the conditions that were acceptable to the career security professionals at the White House. They had some concern about public dissemination of that tape, as you might imagine, but we were able to work out an arrangement whereby we provided a copy to Mr. Bucklin for Mr. Robbins' review as well to take a look at.

Question. Are you aware of any other requests from anybody to the video office for any particular events, videos of events?

Answer. I am not aware of any particular requests, no.

Question. To this day?

Answer. To this day.

Question. Other than these requests that we are going to go into and discuss. But you aren't aware of cross calls or anything like that asking for video?

Answer. No, that's exactly right.

But I should be clear, in my discussions with Mr. McGrath, at some point, he informed me that they would get requests from Mr. McCurry's office to get copies of various President's speeches and things of that sort that they wanted to use. That's the only request that I'm aware of at this point.

Question. Did he ever say if Mr. McCurry's office ever requested any videos for private events or anything like that?

Answer. No, I did not get into that level of detail. So I think where I left off, it was approximately 4:30 p.m., I went into Mr. Breuer's office and explained to him that we might have a problem, that I had done a search of the computer database and found at least two coffees that appear in the database which was inconsistent with what I had known prior to that time. Mr. Breuer instructed me to essentially, I don't know his exact words, but to find out everything I could about it and to get on top of it.

Question. Did you tell anybody else?

Answer. I'm sorry?

Question. Did you tell anybody else besides Mr. Breuer?

Answer. I did not.

Question. And so how long was this conversation—you went to Mr. Breuer's office?

Answer. Yes. It was quite short. He was quite literally packing up and getting ready to walk out the door. I think he was running up against the sundown deadline. I explained to him very briefly that I had found at least two coffees and that he instructed me to find out everything I could. I then returned down to the video unit and instructed Mr. McGrath to pull back the tapes that we had gotten hits for from my sample list. And I remember this, it was close to 5 o'clock, because we were running up against the 5 o'clock deadline for when the archives closes. They're career folks there as well, and my understanding is that they leave work pretty firmly 9 to 5. I instructed him I wanted him to pull those tapes back because I wanted to review them. He agreed to endeavor to do so. I then returned to my office——

Question. So the tapes of the two coffees you hit, you asked Mr. McGrath to call the archives and get those tapes immediately?

Answer. That's exactly right.

Question. That's where you learned that that's where the tapes were?

Answer. I don't recall precisely. Probably in asking Mr. McGrath how do I go about getting these tapes, he probably informed me that they're offsite at the archives.

Question. So after talking to Mr. Breuer, you returned to Mr. McGrath and asked him to get those two?

Answer. It was not just those two coffee tapes, but it was the other tapes that I had gotten hits on, a couple of fund-raisers and the one political dinner. He agreed to do so. I returned to my office and handled a few other matters. I believe we had produced documents later that week and I probably did some matters related to that. I think I might have called my wife to see what the dinner plans were as well. I returned back about 5:30—I returned back to Mr. McGrath's office about 5:30 or so after receiving a telephone call from him that he was able to successfully retrieve from the archives those tapes before the archives closed. I then sat down at one of the TV screens and video units and undertook to review the tapes that they had brought back for me.

Question. How were they—were they on a cassette or how did they come to you?

Answer. As I understand it, the archives, or the WHCA people use beta tapes, which I was informed when I asked the very same question I think you are yet going to ask, why beta, that is apparently the industry standard. So I had in front of me a series of beta tapes which are the small Sony betas. I then set about to review what was on those tapes. And after reviewing them or in the process of reviewing them had asked one of the technicians who was present in the room to

make for me a dub of these portions of these tapes onto a VHS tape so that I could inform people in my office and explain to them what at least I had found initially. By this point after having reviewed the various tapes that had been pulled back, it was somewhere in the area of 7, 7:30, maybe as late as 8 o'clock, and I was clearly—let me restate that. The folks who worked in that office were getting ready to go. They were around because I was there. So I took my tape that they had made for me and left.

Question. Now, you didn't go back in the database at all during this time?

Answer. Not at that time, no.

Question. Did you ever consider talking to somebody else in the office to come and assist you; you were doing this all alone at this time?

Answer. Yes. At this point people had generally left, the holiday had started on, so Mr. Breuer was gone, and I spent approximately 2 hours or so down reviewing the tapes that they had pulled back.

Question. There was nobody else in the counsel's office after 5:30?

Answer. Well, Mr. Breuer was gone. He had been the principal person that I had been working with and that I had informed already. I don't recall checking whether Mr. Ruff was still in the office that evening or not. He might have been. He might not have been. But I did not check to see if he was there at that time. What I did is I took the tape and I left. When I had gotten back to my desk, I believe Mr. Bucklin had left a phone mail message raising several topics, one of which was following up on his message earlier, what the status was of finding the logs. I returned his call Wednesday sometime between 7:30 and 8, I would imagine. Did not reach him but left him a message that we needed to talk and that I wanted to give him a status report of what I had found so far. I had intended to let Mr. Bucklin know essentially what I had let Mr. Breuer know, which was that contrary to what I had understood before, there were at least two coffees that they had at least snippet videotape of. By this point I had seen the coffees and that they were, as you at this point realize, they were opening snippets. I did not reach Mr. Bucklin but left him a message that where he needed to talk and that I wanted to give him a status report. The next morning, I proceeded back down to the video unit of the White House Communications Agency.

Question. On Wednesday afternoon, no one aside from yourself and Mr. Breuer were aware of the tapes?

Answer. Certainly Mr. Breuer was the only one that I informed about the existence of these tapes. I don't know—I don't recall if there was anyone else in his office when I went in. There might have been, but I simply don't recall.

Question. Including Captain McGrath in that?

Answer. Certainly Chief McGrath.

Question. I'm talking about in your office. That is our understanding.

Answer. Fair enough. That is precisely accurate.

The next morning I returned to the WHCA video unit and set out to carry out Mr. Breuer's instructions, which was to find out what additional coffees and other events that the WHCA database held. I sat down with Chief McGrath and I recall one of the technicians, whose name I don't know, and sat down in the database and began asking questions apart from the date, what other ways can we search the database. I thereafter, after some discussions, tried to search for the word "coffee" in what is the, I believe the event field or the description field of the database and after searching that got a hit for, I got 49 hits. Paged through the hits on the database, discovered that a good deal were actually not the coffees as you and I speak. One or two, maybe more were coffees with President Bush and some foreign leader. There was a tea and coffee with someone, but that there were approximately somewhere, from my rough estimate, somewhere between 30 and 40 of the political coffees that occurred in 1995 and 1996 in the Map Room. I had at that point endeavored to print out the screens of those hits that contained the coffees, and either while the screens were printing out or immediately afterwards, set about to search for some other terms as well. I believe I searched for the word "DNC." I believe I searched for the word "Democratic National," and finally I believe I searched the word "fund-raiser." Each of those searches came up with multiple hits. I don't recall the precise numbers of hits that each one of those responded to, but certainly there would be some overlap because an event that was a DNC fund-raiser would have been a hit for both DNC and for fund-raiser.

At this point I took the tape that I had made the night before as well as the coffee hits and proceeded for Mr. Ruff's office. This was some time, as I best recall, after lunch, probably between 1 and 3 p.m. I don't recall the exact time but that's a ballpark figure, and let Mr. Ruff know, and this was the first conversation I've had with Mr. Ruff on this, that contrary to what I had understood before, at least apparently the snippets of the opening moments of somewhere between 30 and 40 of the coffees

were on videotape, and proceeded to show Mr. Ruff some of the excerpts of the tape that I had made, that the WHCA professionals had made for me the night before, which included the opening snippets of, I believe, 4 coffees. Because on the tape that contained the April 1 coffee and the tape that contained the June 18 coffee, each contained an additional coffee of that week. And because these are week of tapes, they would end up getting 4 coffees on video. Mr. Ruff was concerned and instructed me to——

Question. What did he say?

Answer. I don't recall any specific words that Mr. Ruff used. Clearly——

Question. You went up to his office and he was there?

Answer. He was there.

Question. And you asked to see him?

Answer. Yes, that's right.

Question. You just sort of have walk-in rights at the office or sort of check with his secretary, knock and see if he's available?

Answer. It depends. Chuck prides himself on having an open door policy. Oftentimes he is in meetings and one cannot barge in when he is in a meeting. My recollection is he was not in a meeting and that I was able to go in either immediately or after a few moments into his office and let him know.

Question. And he was alone in his office?

Answer. He was. It was just the two of us.

Question. So when you told him, it was just the two of you?

Answer. That's precisely right. He was concerned and instructed me——

Question. Do you have any general recollection of what he said to you about it?

Answer. Mr. Ruff is a man of few words, and I believe he expressed his concern to me about this issue without using too many words.

Question. Was he upset?

Answer. I think concerned is really the emotion that I perceived. He instructed me to do everything I could to find out how many of these coffees were there, to get them duplicated, copied and produced as quickly as possible. I also informed him that I had a pending message from Mr. Bucklin in response to the message I left him the night before, you recall I said, saying that we needed to talk and that I wanted to give him a status report, and Mr. Ruff instructed me to call—to let Mr. Bucklin know what I had found at that point.

Question. To tell him that you had found these videotapes?

Answer. That at this point I wasn't sure what we had, but I had found at least 30 to 40 coffees apparently there's some videotape of, the opening snippets of. That's exactly right. So I left Mr. Ruff's office, proceeded to do several things, the exact order of which I'm not clear. But what I did is draw up—I went through the printout screens more carefully that they had printed out for me as I had gone through the database to develop a comprehensive list of what the political coffees were. I believe I used as a crosscheck the listing that we have produced to you, which was the listing that went to the press, the 3-page listing in chart form of the various coffees. And I had provided that list to Mr. McGrath and let him know certainly what needed to happen. And what needed to happen was he needed to get these tapes pulled back and we needed to set up a procedure whereby they could be reviewed, copied and made numerous copies of to produce.

Question. And who set up that procedure?

Answer. Mr. McGrath did. I gave him the list of tapes to be brought back. He arranged to have them brought back the next morning.

Question. So at your direction, Mr. McGrath ordered particular tapes from the national archives? When you say pulled back from the archives, you mean he's to go and request from the archives that they deliver particular tapes to his office?

Answer. That's more articulate but the same essence of what I have said.

Question. So then he could spend—was he to review them, Mr. McGrath?

Answer. No, I instructed him to pull them back so I could review them and identify the responsive items from those tapes and have them copied and produced as quickly as possible.

Question. And who determined that you were going to be the person to review them?

Answer. I don't know if there was an overt decision instructing—I mean that I was going to be the one. I was clearly the one involved in this from the beginning and Mr. Ruff instructed me to do everything within my power to have these reviewed, copied and produced as quickly as possible.

Question. Did he suggest that you have anybody join you in working on this from the counsel's office?

Answer. Yes. And I'll get into that in one second, just because that was the next morning. Apart from letting Mr. McGrath know that the list of tapes that we needed

to be brought back, we also had—I also returned Mr. Bucklin's call sometime around 4:30 or so, let him know that contrary to what I had understood before and explained to him, there were at least snippets of somewhere between 30 and 40 coffees on video and that we were going to get them pulled back, reviewed and produced as quickly as possible. Mr. Bucklin explained to me that his committee's desire is to have copies of all of them, and I said that that's understandable and that I would be discussing it tomorrow with Mr. Breuer, who was not in the office at the time, that we would do everything we could to get them produced as quickly as possible.

Question. So you spoke with Mr. Bucklin on Thursday afternoon, then?

Answer. I did, yes. Sometime I think approximately 4:30 or so.

Question. After that discussion you had with Mr. Ruff, you said it was after lunch, were you aware of him going over to the Attorney General's office and meeting with the Attorney General that day?

Answer. I was not aware of it at the time. I have become aware of it now because of press reports, but I had no idea Mr. Ruff had a prescheduled meeting with the Attorney General at that time.

Question. Did you have any discussion with him about these tapes or records being responsive to any Justice Department subpoenas or requests?

Answer. Not in so many words. We certainly knew they were responsive to all the investigative bodies, including this committee, the Senate and the Justice Department, and Mr. Ruff's instruction to me was get them copied and produced to all 3 of the bodies.

Question. So when you had that discussion on Thursday, his response was to get them to all—get them to the Justice Department, the House and the Senate?

Answer. He did not delineate the 3 investigative bodies. He instructed me to get them produced as quickly as possible. I guess you could say it was understood that by getting them produced, it was getting them produced to all 3 investigative bodies.

Question. Did he instruct you to call anybody at the Justice Department to inform them?

Answer. He did not. He instructed me to undertake the process of searching, identifying and copying and producing the documents, or the videos. And he instructed me to, after I told him about Mr. Bucklin's pending call, of course to return his call and to give him a status report.

Question. So on Thursday——

Answer. Thursday, now we're sort of in the early evening on Thursday. At some point——

Question. This is Thursday, October 2?

Answer. That's precisely correct. Sometime after I spoke to Mr. Bucklin, I had a telephone conversation with Mr. Breuer. Mr. Breuer was in his car returning from religious services, I believe in Baltimore. I did not call him. I suspect he was calling in to the office to check the status of various things and had been patched into me. I don't recall if I told his assistant Mr. Smith that it was imperative that I spoke to Mr. Breuer. I believe that I did. And thus Lanny was patched in to me for that reason.

Question. So he was returning a message you had left?

Answer. That's my best recollection, yes. I then went about to explain to Lanny what I had already explained to Mr. Ruff and to Mr. Bucklin, which was contrary to what we had previously understood, there were videos of at least between 30 and 40 coffees, and that I was going—was in the process of trying to identify the universe of coffees, get them returned from the archives, reviewed, copied and produced.

Question. And what did he say?

Answer. He said similar much to what Mr. Ruff said, which was do everything I could to make it happen as quickly as possible.

Question. And what did you do?

Answer. Then I went back and I think it was at this point that I gave Mr. McGrath the list that I had checked and double checked carefully to make sure that I had all the events crosschecked against the master list and given him the list of coffees. I recall that it was after the 5 o'clock archive deadline, because I recall that they did not—they did not get pulled back until the next morning. I believe the rest of the evening I was working on a document production that we made on October 3, which I believe included a bunch of E-mails.

Question. The October 3 production to this committee?

Answer. Yes. As well as to—there was a mirror production to other committees.

Question. And in producing that, was there ever any discussion about informing—this is October 3, a letter from you to myself delivering documents. Was there ever

any discussion of informing the committee of these points since you were summing up this letter, about these events?

Answer. Again, there was no specific discussion of informing the committee via letter, in this production letter. This is a fairly routine letter that sometimes gets drafted in conjunction with the document production and thus this letter might have been drafted prior to the documents—the advent of the video issue. But to answer your question, no, there was no specific—there was no specific discussion of informing this committee via letter during the document production.

EXAMINATION BY MS. COMSTOCK:

Question. Now, you had informed Mr. Bucklin on Thursday. Was there any discussion throughout the rest of Thursday and Friday of discussing this with the Justice Department or this committee; just informing them that documents that were long past due and responsive to our subpoenas had been located?

Answer. I will get into this in more detail. My role on Friday was a technical one, which was trying to identify the universe of videos, getting them produced and copied. I spent literally the entire day on Friday doing that task.

I was not involved in any discussions as to the notification and timing of such notification to this committee, the Senate and the Justice Department.

Question. Now, Thursday, you said—I guess these offices all sort of shut up at 5:00. The archives close down at 5:00, and the WHCA office you had kept there until 7:30 or 8:00, so they—on Thursday, how late did you stay working with them on Thursday?

Answer. I had kept them late on Wednesday, which was the night that I had reviewed the videos. On Thursday, I recall, did not spend much of the evening down there because I had given them the list of videos that needed to be retrieved from the archives, and they had agreed to set in motion a procedure whereby I could review the tapes the next morning and have them systematically copied onto a tape to be produced to the various investigative bodies.

And I believe I spent most of Thursday evening, as I think I testified, finalizing the document production that went out on October 3rd.

Ms. COMSTOCK. This is the October 3rd letter, and we will make that Deposition Exhibit Number 7.

[Imbroscio Deposition Exhibit No. MI–7 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Friday morning, then, is when the rest of these tapes were gotten from the archives?

Answer. Yes.

Question. As you just described, and they are copying them?

Answer. If I can, I will give you the full story. Sure. Friday morning I got a message from, I believe, Chief McGrath confirming that, as he had promised at 0900 or 0800, or some military time, tapes had been brought back and were ready for me to go through the process of reviewing and having them copied.

Friday morning we had a staff meeting with Mr. Ruff in which I briefed the rest of the Counsel's Office as to my findings over the previous 2 days.

Question. And who was at that meeting?

Answer. It was a meeting of all of the folks on the investigative team, so that would be Mr. Ruff, Mr. Breuer, Mr. Nionakis, I believe was there. Essentially, it was all—I don't know. I don't want my testimony today to establish the fact that some people were there. I recall Ms. Mills being there. It could have been that one or two of the attorneys from my office was not there, but it was generally a meeting of the attorneys in my office.

Question. Okay.

Answer. At that meeting I had informed them of the nature of my discovery.

Question. And what was their response, the folks that were there?

Answer. There was a response of concern and of wanting to do everything we could to identify the universe and get them produced as quickly as possible. So at the conclusion of that meeting, I was tasked to go and start the reviewing and copying process at WHCA.

Question. Were any of the videotapes reviewed in that meeting?

Answer. I had at the meeting a sample tape I had shown Mr. Ruff earlier that we had made Wednesday night, October 1st, and I recall playing some, but perhaps not all, of that sample videotape.

Question. With the staff there?

Answer. With the staff present, yes.

Question. And were there any comments about the tapes?

Answer. I don't recall any specific words uttered, but there was a discussion as to the significance of this discovery.

Question. Being what?

Answer. Well, that this was, in fact, a significant discovery and a fact we were not previously aware of, and that we had to do everything we could to get these—to identify the universe, make sure we had the entire universe, get them copied and produced as quickly as possible.

Question. Did anyone discuss about informing the President about the tapes?

Answer. No, not that I can recall at that meeting.

Question. Are you aware of anybody informing the President about the tapes?

Answer. The President—I had no firsthand knowledge of that. I have read press accounts of when the President said he was notified, but that exhausts my knowledge as to the notification issue to the President.

Question. Were you aware of Ms. Mills being tasked to discuss this with the President?

Answer. It's my understanding, from the press, that she was the one who spoke with the President. I have no firsthand knowledge if that was, in fact, the case.

Question. So other than——

Answer. Even to this day.

Question. So other than press accounts, you have not discussed that with anybody, or you did not hear that from anybody in your office?

Answer. That's correct. And again, just so it is clear, the first time that I communicated this to lawyers besides Mr. Breuer and Mr. Ruff was at that Friday meeting.

Question. Did people ask you about what was on the other tapes?

Answer. No, at this point I had not seen any of the tapes that was not on the sample tape. I let them know we were in the process of pulling back what we believed to be the universe of coffees and that we would get them copied and produced as quickly as possible.

Question. Did they ask you about the types of events that were videotaped?

Answer. I don't recall any discussion of any events other than the coffees. Certainly on the tape there were noncoffee—there was at least one or two noncoffee events, but again, that was not all that surprising.

We sort of had a general understanding that the President's remarks at such events were on tape, and that had been communicated to the Senate on September 9th. So coffees—to answer your question, coffees was the essential focus because that was really the new fact we had not known prior to that time.

Question. Did anybody say anything about or ask how these had been found or why they had not been found before?

Answer. I don't recall there being a detailed question and answer as to the procedure by which I discovered these, as I just explained to you. I believe it was simply related to them that I had just discovered these had existed, without a detailed description as to the precise nature of that discovery.

Question. Was this a surprise to everybody, then, that these had been obtained? Was that your impression?

Answer. It was a surprise to everyone in the room, yes.

Question. As a result of learning about these various coffee tapes, was there any attempt to go to some of the people that had actually attended them to ask them about any other records that they knew about with regard to the coffees?

Answer. Not to my knowledge. Not to my knowledge. Again, during this time period, my primary role was, technically, to review the tapes and get them copied and produced.

Question. I understand you were tied up with that. Did anyone raise, well, maybe somebody else should go return back and find out do we have everything on these or other events, and either should go back and revisit some of the people who may know more about these events?

Answer. I understand your question, and not that I'm aware of.

Question. So there was no discussion in that meeting?

Answer. No, not that I can recall.

Question. And you're not aware of any efforts in the Counsel's Office to revisit with any of the people who attended these events any other records they may have?

Answer. I am not aware.

Question. Why don't you continue with the Friday.

Answer. So after that meeting on Friday morning, it probably broke up sometime between 9:45 and 10:00, I proceeded up to the fifth floor master control room, WHCA master control room, which was the location whereby Mr. McGrath had arranged for me to review and have the tapes copied. They had the tapes there, and I set about to review them and identifying for the professional staff there what portions of the tapes needed to be duplicated.

Again, as I testified earlier, these tapes contained numerous snippets on any given tape of events like the President goes to church, the President lands, the President takes off. And my role was to review the tapes, identify what, if any, responsive coffee portions existed, and to have those entire portions copied onto a single tape.

Question. So you were the sole person that was in charge of editing how the tapes would be edited for production to Congress?

Answer. I think that asks two questions. The first question, was I the sole person involved, the answer is no.

Question. Subjectively. Like, I understand there might be technical people who are going to tape. But were you the person making the judgment call on what should be taped and edited?

Answer. I was there, along with another lawyer in my office, Karl Racine, and the two of us together reviewed the coffees, reviewed the tapes, and identified the responsive portions of those tapes.

Again, these were not particularly close calls. They were tapes of events that appear on a master list that we released to the press and to the committee, and, thus, it became quite easy for us to identify what, in fact, were the responsive portions of the tapes.

And there was no—just so we are clear and so the record is clear, the tape that you received contained every portion of the coffees as they had been recorded. There is no portion of any particular coffee that you did not receive because of any editorial decision or decision not to provide that. If I am clear.

Question. So that would have been, whatever we have, say, on the February 6 coffee is everything that was taped that morning; that when it cuts off, that is when the camera crew was cut off?

Answer. That is precisely right.

Question. And when it begins is when the camera crew begins?

Answer. That's precisely right. Just so it is clear. There is nothing on those tapes that you did not get. You have everything that was on the original tapes.

Question. And is that true also for not just the coffee tapes, but then the other fund-raising events and items that we received this week?

Answer. I am not in a position to answer that. I would presume that to be the case, but I have not been directly involved in this ongoing process. But certainly that would be the instructions given to the WHCA professionals.

Question. So you were only involved in reviewing the coffee tapes, then?

Answer. That's right. I have described my role in this.

Question. And why don't I get this clear for the record. In this meeting that you had Friday morning, was Mr. Racine then tasked to assist you in reviewing the tapes?

Answer. That's right, yes.

Question. And who asked him to do that?

Answer. I actually don't know because I had left the meeting momentarily, for what reason I don't recall, but I recall when the meeting broke up, I was informed that—I think Karl told me he had been asked to help me out on this project. So I don't know who tasked him to do it.

Question. And then the two of you went back down there and started going through the tapes, then?

Answer. We actually went back up there, because at this point we had been told to go up to the fifth floor, and we set about to review the tapes in chronological order and have them copied and put onto a master tape that could thereafter be dubbed and copied.

That process took some time. I recall approximately 1:15 or so we were not done, we were still sometime in the month of April, we broke for lunch and I took care of a few matters, including finalizing this document production, and returned sometime in the neighborhood of 2:30, and we wrapped up the reviewing process sometime around 4:00.

There was a natural time lag in getting the tapes that we had reviewed copied onto a master tape. And as I understand the process, and my understanding is not strong, that once they had this master tape, they would then—they were in a position to record VHS copies of the tapes that were thereafter produced.

The first tapes were not available until early Friday evening, as I understand it.

Question. And how many tapes were then produced at that time? At that point there was just one tape? However many coffees there were were on one tape at that point?

Answer. Yes.

Question. And you say that was completed at that time?

Answer. That's correct. I'm on somewhat weak ground because I don't know the technicalities of it; left that to the WHCA professionals. All that I'm aware of is that we had finished our reviewing process sometime in the neighborhood of 4 o'clock and that the first tapes weren't available for review until sometime in the early evening. I don't recall the exact time.

Question. And did someone give them to you early Friday evening?

Answer. Yes. I mean, I recall receiving the tapes from the technical staff; receiving the first tapes from the technical staff on the fifth floor at WHCA.

Question. How many had you asked them to make?

Answer. I don't recall giving them a precise number; how many to make. I believe they have the ability to make several at one time, four at a time, once they have the master completed. And I asked them to basically produce, to start making copies of it.

The problem is there is a real-time problem in that they cannot make them any faster than it takes to play through it all. So you cannot do any high-speed dubbing.

Question. And do you recall how many copies you got that Friday evening?

Answer. No, I don't recall how many I got. It would have been—I don't recall. We had multiple copies, but I don't recall how many.

Question. And who delivered to it you, somebody from the office, WHCA office?

Answer. I don't recall whether they were delivered to me or whether I went back up to that room and picked them up. But I recall having them in my possession sometime during the early evening of Friday.

Question. And what did you do with them?

Answer. I believe—I don't recall. At this point there were several discussions about what was on the tapes, and I probably provided a—I don't recall. I don't recall what I did with them.

[Witness confers with counsel.]

The WITNESS. I just don't recall.

EXAMINATION BY MS. COMSTOCK:

Question. Did anybody else look at them, or were they just sitting in your office?

Answer. No. Certainly I provided a copy—I recall providing a copy to Mr. Breuer. I don't know if he looked at it at that time or not.

Question. So Mr. Breuer was back to work, then, Friday?

Answer. Yes, that's exactly right. The holiday, as I understand it, ran from sundown on Wednesday to sundown on Thursday.

Question. Did you inform Mr. Breuer that documents were to be delivered to this committee on Friday evening?

Answer. I'm sure he was aware that documents were being delivered, but there was never a discussion drawing a nexus between the document production, which had been in the works for some time, and handling of the videotape issue.

Question. And so you gave a copy to Mr. Breuer? You're sure you gave a copy to Mr. Breuer?

Answer. No, frankly, I'm not sure. This was a point when there was a lot going on, and I want to be careful because I don't have a firm recollection of the precise timing of what went on that night and the next day.

Question. How late did you stay that evening?

Answer. I recall staying till approximately 8:30 or 9 o'clock. I left work for an engagement, prescheduled engagement, with my wife at a function of her office, and I believe I arrived sometime around 9 o'clock.

Question. And were you asked to come back in on Saturday to deal with any of these issues?

Answer. I don't recall specifically being asked to come back in. We typically work 7 days a week in our office. In fact, the few days I took off that I discussed earlier were probably 4 or 5 of the 10 to 15 days I took off since I started in March. So I was never asked to come in on a Saturday. I came in on Saturday because that was my normal course.

Question. And do you know what happened—can you just tell us the rest of your knowledge of what happened with those tapes that you had copied?

Answer. Yeah. My understanding is that Mr. Breuer had a meeting on Friday with the Senate staff. I was not at that meeting. Again, I was handling the technical aspects of it; and that we provided a copy of the video to the Senate and to the Justice Department sometime Saturday afternoon; and that we provided a copy to this committee, I believe, Sunday morning.

Question. Sunday afternoon.

Answer. Again, I don't know the technical details of it.

Question. The copies that you got, do you know where they were kept on Friday night, what you did with them?

Answer. I believe I had them in my office safe.

Question. In your safe?

Answer. Yes, I have a safe in my office to handle national security documents, and I believe I put them in my safe. I recall putting them in my safe.

Question. Did somebody ask you to do that?

Answer. No, I did that on my own accord.

Question. Do you know why those tapes weren't turned over on Friday to any of the investigative bodies involved?

Answer. I don't know.

Question. Did anybody review them Friday night or Saturday, to your knowledge?

Answer. Again, I don't have a clear recollection of the order of events really starting Friday after my reviewing process. Certainly people in my office began to look at the tapes in anticipation of getting them produced over the next day or so.

Question. I'm sorry, I don't understand what you mean.

Answer. Let me restate it. As I said, I don't have a clear recollection of who reviewed the tape and who watched it at what point, but over this period people were reviewing the tape in anticipation of having it produced over the next day or so.

Question. So most of the people in your office were looking at copies of the tapes so that they knew what was going to be——

Mr. BALLEN. I think he said he doesn't have a clear recollection. He's said it three times now.

The WITNESS. As I said, I don't know who reviewed it and who didn't review it.

EXAMINATION BY MS. COMSTOCK:

Question. So did you take your copies out of the safe, then, to share with people; or were there other copies that started to be produced and sent around to offices?

Answer. I certainly retrieved the copies from my safe on Saturday.

Question. Do you know who you gave them to?

Answer. I do not—I do not recall who I gave them to, whether I kept them in my own possession or whether I turned them over to anyone. But certainly we had those copies that were made the night before, and at some point on Saturday afternoon I think we received an additional set of copies.

If I said Sunday, I mean Saturday afternoon.

Question. Did there come a time, sometime Saturday afternoon or Saturday evening, when you learned that Time magazine was doing a story on these tapes?

Answer. I did not become aware that Time magazine was doing a story on this tape until I was awakened by a phone call on Sunday morning.

Question. And who called you?

Answer. I recall it was Lanny Breuer who called me.

Question. And what did Mr. Breuer say?

Answer. Mr. Breuer said they had begun to get press inquiries relating to the videotapes and that—asked if I could come to the office as quickly as possible.

Question. Do you recall what time that was?

Answer. It was 8:30 a.m. And I should just note that I was unable to attend the Pittsburgh Steelers-Baltimore Ravens game that day because of this event, and I'm a huge Pittsburgh Steelers fan.

Question. Do you know any reason why on Sunday, when obviously you started getting press inquiries, if there was any reluctance to deliver this videotape to this committee for any reason?

Answer. No, I'm unaware of any such reluctance.

Question. When we inquired, when we called in Saturday and we called in Sunday, we were told we couldn't get it until Monday. Are you aware of any shortage of tapes on Sunday that we wouldn't be able to have a copy until Monday?

Answer. I'm aware of no such shortage, and I have no knowledge of the conversation which you describe. I would presume that in the normal course of events, typically we make productions on Monday. But, again, I know nothing about the conversation you just described. It was not with me, the record should be clear.

Question. What time did you go into the office, then, on Sunday?

Answer. Without unduly getting into my personal habits, I suspect——

Question. Just asking the time.

Answer. I suspect I arrived in the office sometime between 9:15 and 9:45 a.m.

Question. And who else was there when you arrived?

Answer. I don't have a specific recollection of the entire roll call of lawyers who were there at that time. I recall Mr. Breuer was there.

Question. And did you have a meeting with Mr. Breuer at that time?

Answer. Let me just think about that for a second.

[Witness confers with counsel.]

The WITNESS. I should just be clear. I am actually not sure that Mr. Breuer was there when I got in that morning. He might have very well called me from home, I just don't recall. But certainly at some point that day, on Saturday, he was in the office.

EXAMINATION BY MS. COMSTOCK:

Question. On Sunday, you mean?

Answer. Yes, on Sunday.

Question. You said he called you at 8:30 Sunday morning?

Answer. I'm not sure if he was there when I arrived or got there sometime later.

Question. I understand. So at some point by Sunday morning you are in the office, and Mr. Breuer's there also?

Answer. Yes, without pinning a time on when Mr. Breuer arrived, that's correct.

Question. Can you just describe what you did on Sunday in regards to the tapes?

Answer. I recall very little, technically. I recall one of the things that I was asked to help out with was handling the various press inquiries that the office was getting, because I was the one who, as we have discussed here today, was the one who was sort of the principal person who discovered the tapes and was trying to answer press inquiries as best we could.

Question. At this point, when Mr. Breuer has called you at 8:30 in the morning and is asking you to handle the press inquiries, was there ever a discussion that maybe you ought to turn it over to a committee that has already subpoenaed it who doesn't have it yet?

Answer. I was not involved in any discussions on that front, basically.

Question. You didn't suggest to Mr. Breuer, wait, we haven't given it to everybody who has subpoenaed it yet?

Answer. There was a general understanding from the moment that I met with Mr. Ruff that this tape would be timely produced to all the investigative bodies that requested it, including this committee. I had no further discussions as to the particular timing of that production.

Question. But when Mr. Breuer called you on Sunday morning, did he mention anything about making sure a copy of this got up to this committee?

Answer. I don't recall that he did.

Question. So he was talking to you about press inquiries and responding to the press inquiries on Sunday morning; is that a fair characterization of why he wanted you to come into the office?

Answer. No, not quite; close, but not quite. I think he had asked me to come into the office because they were getting press inquiries, not so I could come in and answer the press inquiries. He asked me to come into the office because I was the person who knew the most about the discovery of the videotapes.

It turned out that I spent a lot of my time that day dealing with press inquiries, but I was not tasked to come into the office to handle those press inquiries. It is an important distinction.

Question. Was Lanny Davis at the White House that morning also?

Answer. Again, he was certainly around that day. I don't know the precise timing of when he came in.

Question. Do you recall anyone else who was there on Sunday?

Answer. I recall that most people were there. If you were to tell me that you had evidence that someone wasn't there, I probably couldn't refute that. But generally people were there.

I don't recall specifically who was or who wasn't, but as best I can recall, people were there. And, actually, I actually do not think that Ms. Peterson was there that day, just to spare her. I don't think she was there.

Question. In the course of finding out about these videotapes, was there ever any attempt to go back and find out what other types of audio or video recordings may have occurred in any other events which may be responsive?

Answer. Clearly there was, in the days that followed, a decision to undergo the Herculean task of trying to identify what the universe of potentially responsive items might be. That was a process that I actually had little involvement in, but I did have a general understanding that process was ongoing. And I believe you received the fruits of that process sometime over the past day or so and will have a chance to see the log in a few minutes.

Question. Now, were you not involved, then, with that second group of the hundred or so, 230, however many events it was, were you not involved in going through those records?

Answer. I had a very tangential involvement. Every lawyer in the office was working on it. There are a limited number of TVs in the control room that could be used to review it. There was never a point when there was a vacant TV. But because other lawyers had filled up the slate, so to speak, I did not have an active involvement.

I have reviewed a few of them, when there were down times and people needed someone to help review, but I was not an integral part of that reviewing process.

Question. So generally all the attorneys in your sort of investigative unit were involved in reviewing them?

Answer. It's safe to say at various times all of the line attorneys, and by that I mean Mr. Racine, Mr. Nionakis, Ms. Peterson, Ms. Popp, and to some degree Mr. Waitzkin had involvement in reviewing and identifying for responsiveness those various tapes.

Question. Now, Mr. Ruff had indicated to us that the Justice Department had also subpoenaed these records, so I would like to just ask any knowledge you have about whether there was any discussion about turning over the originals to the Justice Department; in lieu of you all reviewing them, turning them all over to the Justice Department instead?

And maybe if you can divorce—if there is a general discussion. I am not going to ask you particularly the response to the subpoena, but if you just know of any discussion about turning these documents over to the Justice Department.

Answer. I am unaware of any——

Question. I'm sorry, records. The tapes. The videotapes.

Answer. I'm unaware of any new subpoena we have received from the Justice Department in the aftermath of this incident. I do know that there was at least a request, and the request might very well have been a subpoena, I simply don't know.

Question. And, I'm sorry, Mr. Ruff indicated they were due by Tuesday, so maybe it was an old subpoena or request.

Answer. I simply don't know. What I do know is that there was a request for certain of the original tapes by the Justice Department relating to coffees.

Question. And were they asked for by a date certain, to your knowledge?

Answer. I do not know the specifics of the request.

Question. Do you know if there was any discussion—I think what I want to get at more was the discussion in the office on how the handling of the tapes should be done in light of this being evidence.

Answer. I was not privy to any such discussions.

Question. So you were just directed to go review them and decide; of the ones you reviewed you decided what portions were responsive, and other attorneys would do the same?

Answer. I lost that one along the way. I apologize.

Question. I want to figure out how—I understand these are big reels of tapes—or not reels—or however they are produced to you, and you have to go through and figure out which sections are responsive; is that correct?

Answer. Yes and no. With respect to tapes emanating from the photo-op database, the photo-op tapes, you would have a series of snippets of unrelated events on any one given tape. With respect to tapes from the regular event database, you would have a tape that, for the most part, is unique to one event or more than one tape unique to that same event. So for those tapes there would be no "this is in" and "this is out." The entire tape, if responsive, or tapes, would be in.

With respect to the coffee, the photo-op tapes on which the coffees existed, there were certainly portions that were not responsive. For instance, the President goes to church, the President arrives from Andrews Air Force Base.

Question. So would that be sort of, if it is morning, it started he went to church, then he's walking down the hall saying hi to people, then he's going to a coffee. Even though that's all on one tape, it would be cut sort of as he is going into the coffee, and that portion of the coffee to whenever the coffee tape cut off, that would be the portion of that tape that would be produced?

Answer. Again, these tapes covered not just a day, but usually a week, and sometimes one event a day sometimes two events a day. But, yes, the portions of the tapes that were produced were the portions, the entire portions, that related to the White House coffee.

And it is not—this is not a snippet, where it's one continuous shot that leads into the coffees. In between each snippet there is a break in the tape, whereby they put up the color bars to signify that it's a break and it is a new event. It's that portion that relates to the coffees on the photo-op tapes that were provided to this committee.

Question. Did you then narrow your search to these particular events? Not narrow it, but you said you went through all these coffee events and then different DNC

fund-raisers. Was the search primarily oriented towards those events, or was there, as you reviewed these, sort of if John Huang is going to church with the President, for example, or something like that, would that be produced? Just to try to figure out how you would go through this.

Answer. I understand your question, and I think I need to divorce what I did with what was done in the days and weeks that followed for which you received the output.

What I had done is gone through the tapes that I had pulled back from the archives that had apparently had coffees on them. I would review those tapes, particularly the portions of the coffees, and provide those entire portions onto what I think ended up on a single videotape.

Question. So the tapes you looked at, though, you didn't look at them for other things that may have been responsive, like if there was a Webb Hubbell going-away party, and say, gee, that may be responsive? Would that be included, or was that not the universe of things you were looking for?

Answer. If it were included, it would have been by happenstance because it so happened to be on that same tape. I have a recollection of only one event that was on one of the photo-op tapes that I reviewed for the coffees. That was an event of a political luncheon in the White House for which there was, I think, 2 or 3 minutes filmed that, just by pure coincidence, happened to be on one of the tapes of the coffees that was pulled back. As I understand it, and I'm actually quite certain, that event didn't make it onto the coffee compilation but made it onto the compilation of 66 tapes you received this week.

But to answer your question, yes, there was an effort made to go through everything, and that's the effort that I assume you will learn more about in the next hour or so. But, again, I was not directly involved in that, so I can't speak to it too knowledgeably.

Question. Are you aware of any taping that the President does himself of events or things that he does that has been discussed in the Counsel's Office?

Answer. I'm not aware of any such statements.

Question. Are you aware or did anyone bring to your attention former Press Secretary Dee Dee Myers talking about the President dictating or taping into a tape recorder of events and things as he went through day to day?

Answer. That's the first I have heard of it.

Question. Do you know if anybody in the Counsel's Office has sought such records or made a request from the President or the President's Office that would sort of alert them to turn over any such type records?

Answer. Not to my knowledge.

Ms. COMSTOCK. Let's go off the record for a minute.

[Discussion off the record.]

EXAMINATION BY MS. COMSTOCK:

Question. One of the things that I wanted to see if you know anything about is this is a Washington Post, October 6, article. Directing your attention to the third column on the bottom. It's highlighted on the copy you have.

Answer. Okay.

Question. Says, "Within a week"—this is after the August 7th meeting with the Senate. It says, "Within a week, according to a Senate staff member, White House lawyer Michael Imbroscio reported that the events videotaped were all public events, unless at the specific request of one of the principals, the President or the Vice President, they were asked to record a closed event."

Is that your understanding of how the events actually are to be taped is that the President or the Vice President would make the request?

Answer. Again, I have no recollection of either learning that fact or reporting that fact to Mr. Bucklin.

Question. So this account in the Post on October 6 is not your recollection?

Answer. No, I believe——

Question. It does say a Senate staff member says this.

Answer. It probably goes to Mr. Bucklin, and it doesn't comport with my understanding.

Question. Do you have an understanding of how those people show up, the camera people? Somebody obviously tells them to show up?

Answer. Yeah. I don't have a firm understanding and can't speak as to what their procedures are.

Question. Do you know Steve Goodin, who works with the President?

Answer. I know of Mr. Goodin. I believe he is the President's aide, I believe is his title.

Question. Do you know if Mr. Goodin has anything to do with requesting that people come to events to videotape, the audiovisual crew?

Answer. It's my understanding that that is correct, that Steve Goodin has involvement in deciding which events are videotaped.

Question. And does he do this by making a formal request or a paper request?

Answer. Again, that's beyond my level of knowledge. I just don't know.

Question. So have you told us then your entire knowledge of what Steve Goodin's role is in getting the audiovisual crews to tape the President?

Answer. Yes, my general knowledge being that I understand he has some involvement. I don't know the precise nature of his involvement.

Question. And when did you learn of Mr. Goodin's role?

Answer. I think I learned of Mr. Goodin's role over a period of days that probably started with one of my initial discussions with Mr. McGrath, Chief McGrath, and my discussions in trying to figure out what they did and why they did it. I recall him using either Steve Goodin's name, or someone in Steve Goodin's position would have some say in what they did on a daily basis.

Question. And are you aware of anyone in the Counsel's Office talking to Mr. Goodin about this?

Answer. I don't have a specific recollection. I believe probably at some point, particularly when we were endeavoring to answer press inquiries, that someone from the Counsel's Office spoke with Mr. Goodin. But I did not speak with Mr. Goodin. I don't think I have ever spoke with Mr. Goodin, apart from one occasion when I said hi to him some months ago.

Question. But you don't know who in the Counsel's Office spoke with Mr. Goodin?

Answer. No, I don't have a recollection of who it would have been.

Question. And does Mr. Goodin decide this on his own, or does he consult with the President, to your knowledge, about this?

Answer. Again, that's way beyond what I know.

Ms. COMSTOCK. I guess we are running up against the clock here. So we do still have some additional inquiries, but we are just going to pick them up when we pick up the other general production matters that we wanted to revisit.

Mr. LYNCH. Okay.

EXAMINATION BY MS. COMSTOCK:

Question. And I guess we can take this up over at the Counsel's Office also, but are you aware of ongoing efforts to locate any additional audio or videotape recording?

Answer. I'm aware there was a comprehensive effort over the past week or so to systematically identify, review and produce events that could potentially be responsive.

Question. To your knowledge, is the President aware of that effort also?

Answer. I have no personal knowledge of what the President is or is not aware of. I presume, since it has been reported widely in the press that this process is ongoing, that he has some understanding of it.

Ms. COMSTOCK. Do you all want to ask any questions at this time?

Mr. BALLEN. Yes, thank you.

I don't know what questions I had, but I wanted to put two things on the record.

First of all, just so it is clear, I talked to Mr. Bennett for about 15 minutes during the deposition this afternoon, and I think I can fairly state for the record, just so there is no misunderstanding, he and I have an honest and good faith difference of opinion over the conversation we had this past Tuesday, and we will leave it at that. I don't question his good faith, and I assume he does not question mine as to what the contents of our conversation was.

The second thing I want stated on the record is to express our appreciation to Mr. Imbroscio for coming in here today and answering the questions fully and completely that have been posed to you. We can certainly take notice of the fact that you left a lucrative law practice at the early stage of your career to devote yourself to government service, and I think your integrity and competence are not, and character, are not what is at issue here in any fair reading of what has occurred.

So I just wanted to note that for the record and hope that in any respect that your desire to go into public service and make that kind of sacrifice is not impugned here today.

Nothing further.

Ms. COMSTOCK. I just have one additional inquiry.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if any memos have been sent around regarding or instructing staff not to delete or eliminate any potential records that they may have that would be responsive to subpoenas?

Answer. You mean generally?

Question. Generally.

Answer. Generally employees have an obligation under the Presidential Records Act to maintain the originals of any records that would potentially be defined as Presidential records. I believe the April 28th directive as well as other directives make that clear.

I am not aware of any memos sent around along the lines of what you just asked.

Ms. COMSTOCK. Okay. You know, I think we will go ahead, since we did refer to this news article of October 6, and the witness did have a difference in the report, I think in fairness it would be helpful to put this into the record since this was not your recollection.

It is an October 6, 1997 Washington Post article entitled White House Video Crew Taped Coffees. And we will make that Deposition Exhibit Number 8, and that was one we just referred to a little while back which quoted a Senate staff member.

[Imbroscio Deposition Exhibit No. MI–8 was marked for identification.].

Ms. COMSTOCK. And we will end with that for today and have to meet again another time to finish up.

[Whereupon, at 3:55 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON RISK MANAGEMENT AND SPECIALTY CROPS
RANKING MINORITY MEMBER
SUBCOMMITTEE ON LIVESTOCK, DAIRY, AND POULTRY

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
SUBCOMMITTEE ON ECONOMIC GROWTH, NATURAL RESOURCES, AND REGULATORY AFFAIRS
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE

GARY A. CONDIT
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Congress of the United States
House of Representatives

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October 15, 1997

The Honorable Dan Burton
Chairman
Committee on Government
Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Burton:

It has come to my attention that you intend to depose as many as 60 witnesses in connection with the White House Communications Agency videotapes of White House coffee events. You have already scheduled 26 witnesses for deposition.

Repeatedly, I have expressed concern over wasting taxpayer dollars. Time and time again I have suggested that we not conduct multiple, duplicative investigations. Once again, however, it seems that we are headed down the avenue of wasteful spending.

Pursuing these depositions in this manner makes little sense. Chairman Thompson's investigation is virtually an identical effort – deposing many of the same witnesses. On the narrow issue of videotapes, as well as the broader issue of compliance with Congressional subpoenas, our Committees face the same issues, the same questions, the same witnesses and the same documents. In fact, both Committees seem to share the same sense of urgency about scheduling these depositions.

In order to get to the bottom of these matters as rapidly and efficiently as possible, and with minimal waste of taxpayer funds, I urge you to either:

(1) consult with Senator Thompson and conduct joint depositions and interviews, in conjunction with the Senate; or
(2) defer the House investigation pending completion of the Senate's investigative efforts.

EXHIBIT
Minority 6

At the least, I would urge you in the strongest possible terms, Mr. Chairman, to put a hold on these proceedings until Committee Members have returned from our current recess. As you

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know, several members have been in attendance in previous depositions. Delaying these proceedings to allow Members the option to attend should they chose to seems reasonable. If these matters are of sufficient magnitude to require such attention, then we owe it to the American taxpayer to give them our fullest consideration.

Unless you act now, our Committee and the Senate Committee will needlessly waste additional taxpayer dollars solely because of overlap. As you know, Mr. Chairman, I wholeheartedly support a thorough investigation, but I would like to renew my call for a single, joint investigation into alleged campaign finance abuses since the beginning of this year. In regards to the WHCA videotapes at least, the nature of our investigations demand nothing less than a coordinated approach.

Sincerely,

GARY A. CONDIT
Member of Congress

cc: Hon. Henry A. Waxman
Each member, Committee on
Government Reform and Oversight.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest: Robin H Carle
Clerk.

EXHIBIT
MT-1

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng, China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

THE WHITE HOUSE
WASHINGTON

January 24, 1997

Honorable Benjamin A. Gilman
Chairman
Committee on International Relations
U.S. House of Representatives
Washington, D.C.

Dear Representative Gilman:

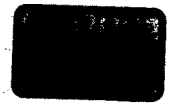
We are enclosing copies of documents that are responsive to your December 4, 1996 document request. Specifically, the responsive documents enclosed consist of an Asian Pacific American working group plan and several lists of individuals attending coffees held at the White House at which subjects of your request also attended (e.g., March 7, 1995, June 21, 1995, January 25, 1996, February 6, 1996, August 8, 1996, and June 18, 1996). Guest lists for all other coffees held at the White House are being provided to the media today and we are enclosing copies of those documents for you as well.

We are continuing to work diligently to gather and ready documents for complete production to the Committee in response to the pending request.

Sincerely,

Jack Quinn
Counsel to the President

cc: Honorable Gerald Solomon
Honorable Dan Burton



DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

April 18, 1997

Lanny A. Breuer
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Breuer:

The following outlines where the Committee at this time would like the White House to focus its search in response to the Committee's March 4, 1997 subpoena and how such searches can best be prioritized. We understand this search is well underway since many of these documents have been requested by this Committee and other entities for months now.

You have indicated that requests 1-8 have been gathered. Yet despite the Committee's formal adoption of a document protocol, the White House is still refusing to provide an unspecified volume of responsive subpoenaed documents which were due to the Committee on March 24, 1997. In your letter of March 28, 1997 you wrote:

> "As we have previously discussed, the White House anticipated making its production after the Committee had adopted governing protocols."

You made a similar commitment in a letter of March 19, 1997. The Committee voted to adopt a document protocol on April 10, 1997. Nevertheless, the White House has reneged on its commitment to provide the subpoenaed records to the Committee. Further, you have indicated that certain documents may be withheld subject to "privilege." As you know, the only privilege under which the President may withhold subpoenaed documents is executive privilege. Mr. Ruff has indicated that the President will not claim executive privilege in this matter.

We hope the White House will reconsider its refusal to provide all subpoenaed documents to the Committee as you had previously committed to doing upon the adoption of a

protocol. The Committee's procedures provide for appropriate treatment of sensitive documents. You have made clear that the documents in question are not national security documents or classified material. As you may know, when Mr. Ruff met with Chairman Burton in early February 1997, he pledged that the President was committed to producing all documents. But at the least, the Committee should be provided a privilege log of any documents the White House insists on withholding. (Copies of both production logs and privilege logs previously provided by the White House are attached).

Notwithstanding our serious concerns about any further delay by the White House in producing documents, Committee staff have spent many hours working with White House counsel and Committee minority counsel to prioritize production of documents. We accordingly are providing you with following outline prioritizing the Committee's subpoena. The Committee reserves its rights to request the broader range of documents outlined in the March 4, 1997 subpoena. You have committed to provide requests numbered 1-8 by Monday, April 21. We request all other priority items (as indicated in boldface) by Monday, April 28, 1997. You have indicated that you would provide a date for completing production soon.

Subpoenaed records:

* **Requests 1 - 7 pertain to all records of key individuals involved in the investigation -- in particular they include a number of individuals who have refused to cooperate with the Committee.**

* **Request 8 should remain as requested.**

* **Request 9 should remain as is and is a priority item for the committee since Mr. Middleton has asserted his Fifth Amendment privilege. The request asks for all records related to Mark Middleton after he left the White House on February 17, 1995.**

* **Requests 10 and 11** pertain to items for numerous individuals and companies. We have agreed to review the list to narrow it and to identify the individuals to you. (See Attachment which identifies a narrowed group of individuals and companies). **At this time we request that records relating to the following individuals be given priority for production: Soraya and/or Arief Wiriadinata, Hashim Ning, Mark Grobmyer, Eugene Wu, Ernest Green, Roger Tamraz and Grigory Loutchansky.**

* **Request 12 pertains to all records related to Executive Order Number 12987 which expanded the number of appointees on the Commission to which the President appointed Charlie Trie. Any records related to Charlie Trie are a priority for the Committee.** At this time, this request may exclude documents regarding the form and legality of the Executive Order. Your staff has indicated

that there was no objection to the legality of the Executive Order from any office.

* Request 13 pertains to all records related to the Presidential Legal Expense Trust. At this time the Committee requests only records relating to meetings that Michael Cardozo had with White House staff and individual donors such as Charlie Trie or others who assisted with raising money.

* **Request 14 pertains to all documents relating to the Chinese officials who accompanied Johnny Chung to the White House and items related to Wang Jun, and related companies of each.** The following individuals are associated with the companies identified in the request:
Hongye Zheng, China Council for the Promotion of International Trade (CCPIT);
Yan Sanzhong, China Petro-Chemical Corporation;
Jichun Huang, China International Trust and Investment Corp.;
Renzhong Wang, Shanghai AJ Shareholding Corp.,
James J. Sun, Urumqi Talhe Industry Company;
Wang Jun, Poly Technologies, Poly Group and/or CITIC
This request should include all records relating to the individuals and/or the companies.

* Request 15 pertains to all records relating to Occidental Petroleum. At this time, the Committee requests only those items relating to any communication and/or contact with Occidental Petroleum Corporation concerning business and/or investment by Occidental Petroleum Corporation in Sudan from January 1996 to the present.

* **Request 16 which focuses on White House Political coffees already has been provided in part but we have not yet received the numerous memos and related documents which you have indicated relate to the coffees, nor the information provided by the DNC or reviews done of particular individuals by the NSC. The Committee requests these outstanding items.**

* Request 17, pertains to Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for non-staff passengers. The Committee was provided with information provided to the press (2 days after the press received the information) regarding donors or fund-raisers who flew on Air Force I or Air Force II for 1995 and 1996. At this time the Committee is reviewing these documents and will provide supplemental requests for additional information on particular flights.

* Request 18 can be held in abeyance at this time as items connected with the use of "official delegation trips abroad" as outlined in the March 1994 "Phipps memo" should be covered by other requests according to your staff.

* Request 19 pertains to records relating to William Ginsberg, in particular Mr. Ginsberg's diaries which we have been informed by the Commerce Department are in the custody of the White House.

* Request 20 pertains to records of attendees at White House movies. At this time the Committee requests only records relating to donors and Webb Hubbell or any member of his family. (The majority and minority staff have agreed to provide the White House with a list of donors for this search).

* Request 21 pertains to residence records. At this time the Committee requests information pertaining to the dates for overnight guests attendance at the White House and any costs paid by such individuals. While the White House has released a list of overnight guests it has not provided the dates of the visits and any expenses related to these visits. (The majority and minority will provide a list of the donors for which dates are requested). The Committee also requests all information regarding any visits or stays at the residence for Webster Hubbell from March 1, 1994 to the present.

* Request 22 pertains to records relating to the Presidential box at the Kennedy Center. The "Phipps memo" identified this as one of the "perks" for DNC donors as part of an effort to raise $40 million. At this time, the Committee requests only records relating to donors. (The majority and minority staff have agreed to provide a list of donors).

* Request 23 pertains to records of attendees at radio addresses. The Committee has already received some lists. Again, this was an item identified in the "Phipps memo" as a perk for donors. At this time, the Committee requests the lists from January 1, 1994 to the present relating to donors. (The majority and minority staff have agreed to provide a list of donors).

* Request 24 pertains to records relating to White House mess privileges. This request is connected with reports that Mark Middleton (while not employed at the White House) and others not employed at the White House utilized mess privileges for donors. At this time this request can be held in abeyance while awaiting information on Mr. Middleton which has been identified above as a priority item.

* Request 25 pertains to lists of guests at Camp David. Press reports have indicated that Webb Hubbell was a Camp David guest in July 1994. The White House released some information about Camp David to the press but this has not been provided to the Committee. From press accounts, the information released did not include the Webb Hubbell information. The Committee's request for information related to Webb Hubbell should include this information.

* Request 26 pertains to records from the offices handling social arrangements at the White House. This request is intended to gather documents connected with any "perks" or services or meetings provided to donors as outlined in the March 1994 "Martha Phipps memo." Your staff have indicated that they expect most of these documents to be gathered through other requests so this request may be held in abeyance at this time.

* Request 27 pertains to DNC records. At this time, the Committee requests documents which relate or refer to DNC fund-raising and any fund-raising meetings from January 1, 1994 to the present. This request is intended to reach fund-raising documents such as those that Harold Ickes has disclosed as well as documents connected with the Wednesday "money meetings," and other DNC fund-raising meetings. While these documents appear to have been centered with Harold Ickes, Mr. Ickes has disclosed that there were many copies of these records with various individuals at the White House, including the staff secretary and many of these records were provided to the President, Vice-President, Leon Panetta and others. The Committee's request is intended to reach all such documents.

* Request 28 should remain as requested.

* **Request 29 pertains to records relating to Webb Hubbell. While we do not agree with you office's request to limit Mr. Hubbell's records to the time period after he left the Justice Department in April of 1994 (given the recently disclosed efforts by Mr. McLarty and others to find Hubbell work in March 1994), at this time, the Committee limits the time frame as follows:**

    * **For the period January 1, 1994 to present: all records relating to Webster Hubbell are requested except documents in connection with his official duties at the Department of Justice.**

* Request 30 pertains to records related to the First Lady's visit to Guam in September 1995. At this time, this request is intended to produce all information on fund-raisers at that time in Guam, including but not limited to recommendations for attendance at fund-raisers, briefings on any attendees at fund-raisers and the itinerary of visits during the Guam trip in September 1995.

* Request 31 pertains to records relating to changes in Guam policy. At this time, the Committee requests only records related to John Garamendi or Governor Gutierrez (or anyone in his office) in connection with Guam policy.

* Request 32 is focused on the meetings conducted at the White House with Mr. Ickes and others which have been identified as "Wednesday Money Meetings." At

this time, this request should be covered under request #27.

* Request 33 pertains to records relating to Truman Arnold. At this time, the Committee requests WAVES records of Mr. Arnold from January 1, 1994 to the present.

* Request 34 pertains to records relating to the facts and individuals connected with the investigation of former Commerce Secretary Ron Brown. This request is designed to obtain all information the White House obtained regarding possible financial problems of Ron Brown; and all records relating to the Lums and/or Dynamic Energy Resources, Inc. The Committee is not asking for requests directed to the White House by any Independent Counsel or Justice Department official, but records which are responsive to this request should not be excluded just because the same records may have been requested by the Independent Counsel or the Justice Department.

* Request 35 pertains to records relating to the American Institute in Taiwan and/or James Wood. At this time, the Committee requests only documents related to James Wood in connection with any allegations of fund-raising improprieties connected with the American Institute in Taiwan.

* Request 36 pertains to records relating to the Clinton Birthplace Foundation and/or the Hope Foundation. The Committee will review the recently disclosed information from the foundation and hold this request in abeyance until review is completed.

* Request 37 pertains to records of various groups with which John Huang was associated. At this time, the Committee anticipates that many of the documents related to APAC or APALC will be disclosed through other requests. The request for APAWG should remain as requested.

* Request 38 should remain as requested.

* Request 39 should remain as requested.

* **Request 40 requests all legal opinions relating to fundraising, a number of which have already been provided to the press.**

* Request 41 should be included in request 27.

* Request 42 pertains to expenses connected with White House coffees, overnights and other guest services. The House Appropriations Committee has requested an audit by GAO of these expenses and at this time the Committee will await those

results if White House cooperation is forthcoming on those matters under review by the GAO.

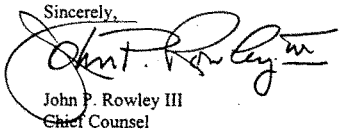
* Request 43 at this time can be limited to phone calls to the following numbers from October 22 - November 5, 1996:
  202-659-4929
  202-737-1632
  213-782-1144
  916-321-3161
  305-374-4143
  212-935-9935
  202-863-7193
  202-863-8081
  954-525-9895
  954-525-9788
  954-525-9785
  954-525-9798
  954-525-9797

* Requests 44 and 45 may be held in abeyance at this time. Your staff has indicated that information from lexus-nexus about particular donors identified elsewhere should be included in other requests.

This detailed outline which has prioritized the Committee's subpoenaed requests to the White House has been produced with extensive consultation with both the White House Counsel's office staff and minority committee staff. Many of these requests have now been outstanding for months and the White House has gathered many, if not most of the responsive materials. We would appreciate your prompt attention in producing these subpoenaed materials.

Thank you for your prompt attention to producing these records.

Sincerely,



John P. Rowley III
Chief Counsel

CC: The Honorable Henry Waxman

Addendum Pertaining to Subpoenaed Requests #10 and #11

10. **Wiriadinata, Arief and Soraya** : Non-permanent resident of US who contributed $450,000 to the DNC. Daughter and son-in-law of the late Lippo executive Hashim Ning.

Paul Berry: Former roommate of President Bill Clinton, engaged by Lippo Group to pursue investments with US companies.

Jerome Berlin: Democratic fund-raiser and lawyer from Florida.

Hashim Ning: Indonesian businessman and major Lippo investor whom John Huang visited in the hospital in the fall of 1995.

Yogesh Gandhi: Presented President Clinton with "world peace" award from his organization. Donated $325,000 to the DNC on the day of a Washington fund-raiser attended by President Clinton.

Hsing Yun (aka Shing Yun): Leader of the Fo Kwang Shan Buddhist organization and master of the Hsi Lai Buddhist Temple.

Ken Hsiu: Involved with C.K. Victory Investments, and is the president of Prince Motors. This Taiwanese-American businessman donated $150,000 for a fund-raising dinner at the Jefferson Hotel.

Man Ya Shih: Buddhist nun who wrote a $5,000 check at the Hsi Lai temple in LA to the DNC at the request of a "Democratic activist" who told her that an anonymous source wanted to donate the money.

Mi Ryu Ahn: President of Pan Metal Corporation, LA. He made several contributions to the DNC and was appointed to the Investment and Services Trade Advisory Committee by then US Trade Representative Mickey Kantor in October 1995.

Charles DeQueljoe: Lippo executive appointed by Mickey Kantor in December of 1994 to a panel advising US Trade Representatives on international investment policy.

Keshi Zhan: Part-time employee of San Kin Yip and Arlington records clerk who donated $12,500 to DNC with a salary of $22,408. Additionally, Keshi Zhan worked with Charlie Trie.

Xiping Wang: Acquaintance of Keshi Zhan, and donor who DNC recorded as giving $5,000. She works at a restaurant for modest wages.

Yue F. Chu: Gave $20,000 at Hay Adams event. Chu was on a list generated by White House Jack Quinn, requesting all information that the White House had on certain individuals.

Farhad Azima: Iranian born, airplane-leasing executive. Invited to three White House coffees over 10 month period while contributing $95,000.

Richard Mays: A personal friend of the President, and attorney for Eric Wynn. It was reported that Mays arranged through the DNC for Wynn to meet the President.

Richard J. Soon Choi (aka Unchung Choi): The DNC returned his $20,000 donation, arranged by John Huang, because of insufficient information.

Richard Tienken: Donated $25,000 to DNC which was returned "inappropriate" on October 29, 1996.

Chong Lo: Was convicted of income tax evasion in the 1980's under the name of Esther Chu. Arrested four days before APA awards gala on 14 counts of fraud.

Master Suma Ching Hai: Taiwanese Buddhist leader who urged members to donate to Presidential legal defense fund.

Eugene Wu: Taiwanese billionaire who runs the Shinkong Group a Taiwanese conglomerate.

Mark Grobmyer: A friend of President Clinton's from Arkansas, known to associate with James Riady. Owns a company called Commerce International.

Jorge Cabrera: A convicted drug smuggler who visited the White House in December of 1995 after donating $20,000 to the DNC.

Dhanin Chearavanont: Chairman of the C.P. Group who brought his brother and others to the 6/18/96 coffee at the White House.

Sumet Chearavanot: Brother of Dhanin Chearavanot and president of the C.P. Group.

Sarasin Virpol: A Thai foreign ministry official. DNC records confirm his attendance at the 6/18 White House coffee.

Mark Jimenez: Philippine-American computer entrepreneur based in Miami. His company is Future Tech International. He donated $50,000 to restore President Clinton's boyhood home, and also donated $50,000 to the DNC.

Ernest Green: He is a managing director in the Washington office of Lehman Brothers

Inc. He is a fund-raiser who attended a 2/6 coffee at the White House with Wang Jun. He had business dealings with Wang Jun, and donated $50,000 to the DNC on 2/7/96.

Howard Glicken: Former chair of the Commonwealth Group. One of 22 executives to accompany Secretary Ron Brown on a 1994 export promotion trip to Latin America. A key fund-raiser who served as DNC vice chairman for finance.

Alan Leventhal: Donated $15,000 the day before the 2/16/95 coffee. He and his business partner, Fred Seigel, collected over $3,000,000 for the campaign. Their company, Energy Capital, was chosen by HUD for a leading role in a $200 million program.

Grigory Louthansky: Heads an international commodities firm called Nordex which has been linked to nuclear weapon smuggling, and shipping scud missiles to Iraq. He was invited to two DNC fundraising dinners with the President.

Vivian Mannereud: A Cuban-American businesswoman from Miami who solicited DNC donations from Jorge Cabrera. He donated $20,000.

Mike Mitoma: Mayor of Carson City, California. Wrote a letter to Clinton on 4/8/96 regarding businessman John K.H. Lee. Lee wanted to meet with the President. (Only documents connected with John K.H. Lee should be provided.)

Joseph O'Brien: Arkansas businessman and associate of the Riadys.

Fred Siegel: He and his business partner, Alan Leventhal, collected over $3,000,000 for the campaign. Their company, Energy Capital, was chosen by HUD for a leading role in a $200 million program.

Ng Lap Seng: Chinese real estate developer from Macao, and partner of Charlie Trie in several business ventures including San Kin Yip.

Roger Tamraz: Partner with the Libyan government in Tamoil, contributed $170,000 to DNC and Democratic Party in Virginia. Tamraz attended a White House coffee on 4/1/96. His access to the White House has led to a CIA IG inquiry.

Melinda Yee: A 1992 fund-raiser for the DNC who took a position at the Commerce Department with Secretary Ron Brown.

Eric Wynn: A New Jersey stock promoter with a fraud conviction. He served two years in prison before attending a White House coffee on 12/21/95.

11. **The Lippo Group**: $5-6 billion dollar Indonesian financial conglomerate controlled by Mochtar Riady. Longtime contributors to President Clinton.

Lippobank: Acquired by Riady in 1984. John Huang served as president. The bank was cited by the FDIC for "hazardous lending practices."

Cheong Am America: Subsidiary of a South Korean electronics company incorporated in 1996. Illegally contributed $250,000 to the DNC after John K.H. Lee, an executive of the Corporation, met with President Clinton in April of 1996.

Psaltis Corporation: Donated $50,000 to the DNC which was returned on Nov. 5, 1996 as foreign-source contribution.

Hip Hing Holdings, Ltd.: California based firm listing John Huang as VP in 1993. Its address is the same as Lippo. Paid John Huang a severance bonus before he left for the Commerce Department.

Automated Intelligent Systems, Inc.: Company Headed by Johnny Chung.

Ban Chang Group: Headed by Pairoj Piempongsant. A Thai real estate conglomerate with developments throughout Asia. The organization is partly owned by Ban Chang International, which is headed by Pauline Kanchanalak.

Ban Chang International: Washington-based consulting firm which donated $300,000 to the DNC. This money was returned. The company specializes in US investments in Thailand and is headed by Pauline Kanchanalak.

San Kip Yip International Trading Company: Import-export firm in Little Rock, made a $15,000 donation to the DNC 10 days after it was formed. Owned by Charlie Trie and Ng Lap Seng.

CommerceCorp. International: Washington-based company formed by Mark Middleton.

Hsi Lai Temple: Buddhist Temple in Hacienda Heights, California. Scene of an April 30, 1996 fund-raiser with Vice President Al Gore.

Commerce International, Inc.: Shortly after the 1992 Presidential election Mr. Grobmyer formed Commerce International, Inc. to do business in Asia.

Mid-South International Trade Association: A company located in Little Rock, AR, and formed by Mark Grobmyer in 1989.

U.S.-Thailand Business Council: A business trade umbrella group that Pauline

Kanchanalak helped organize. John Huang helped the White House host the inaugural meeting of the Council.

Daihatsu International Trading Company: Little Rock based trading company run by Charlie Trie.

America-Asia Trade Center, Inc.: A Charlie Trie company.

Wireless Advantage: Eric Wynn is said to have partial control of the company. Wireless Advantage made a $25,000 contribution two days before Wynn attended a coffee at the White House.

C.K. Victory Investments: Ken Hsui's Company.

Prince Motors, Co.: Ken Hsui is the president, and it is one of the 50 largest companies in Taiwan.

White House Supplemental Production Log
December 22, 1995

BATES RANGE	DOCUMENT DESCRIPTION	SOURCE
CGE 7771-7810	Logs	Office of Records Management
CGE 9424-10176	Trip files	Office of Administration
CGE 10177-10268	Communications with Public Integrity Section	Counsel's Office
CGE 10269-367	Memorandum to Office of the Counsel to the President from Margaret Ann Irving dated September 16, 1994, with attachment	Joel Klein
CGE 10368-467	Note from Marvin Krislov to Abner Mikva, Joel Klein, John Podesta, Todd Stern and Chris Cerf, dated December 13, 1994, with attachment	Joel Klein
CGE 10468-79	Note from Marvin Krislov to Abner Mikva and Joel Klein, dated November 18, 1994, with attachment	Joel Klein
CGE 10480-578	Memorandum to Office of Counsel to the President from Margaret Ann Irving, dated September 16, 1994, with attachment	Joel Klein
CGE 10579-581	"White House Press Charters"	Cliff Sloan
CGE 10582-89	Memorandum from Catherine Cornelius to David Watkins dated January 26, 1993	Cliff Sloan
CGE 10590-618	"The White House Travel Office: Briefing Book and Proposal by Catherine Cornelius and Clarissa Cerda," dated February 15, 1993	Cliff Sloan
CGE 10619-631	Letter dated May 17, 1993 from Peat Marwick to William Kennedy	Cliff Sloan
CGE 10632-633	Memorandum from Lee Johnson to John Podesta, dated May 21, 1993	Cliff Sloan
CGE 10634	Letter dated May 26, 1993 from Sara Trott to David Watkins	Cliff Sloan
CGE 10635	Letter dated June 15, 1993 from David Watkins to Sara Trott	Cliff Sloan
CGE 10636	Memorandum from Cynthia Monaco to Cliff Sloan, dated June 14, 1993	Cliff Sloan

ATTACHMENT I

May 23, 1996

DOCUMENTS OVER WHICH THE PRESIDENT ASSERTS EXECUTIVE PRIVILEGE IN RESPONSE TO THE HOUSE GOVERNMENT REFORM COMMITTEE'S JANUARY 11, 1996 SUBPOENAS

DOC NUMBER	DATE	TO PERSON	FROM PERSON	DESCRIPTION	SOURCE(S)
DF 780001-7	7/6/95		Natalie Williams	Memorandum re: notes for discussion with Congressional staff including legal analysis of work product issues	Counsel's Office
DF 780008-29, 780234-37	7/9/95, 7/5/95	Jane Sherburne	Natalie Williams	Analyses of custody and disclosure of Foster Travel Office file	Counsel's Office
DF 780031-40	7/10/95		Natalie Williams	Memorandum re: chronological analysis of Travel Office events	Counsel's Office
DF 780048-49	7/21/95	Jane Sherburne	Natalie Williams	Memorandum analyzing Foster communications re: Travel Office	Counsel's Office
DF 780052-57, 780093-98, 780655-57	7/29/95		Natalie Williams	Memoranda analyzing House Government Reform Committee Travel Office document requests and privilege issues	Counsel's Office
DF 780041-47, 780058-65	7/11/95		Natalie Williams	Memoranda analyzing House Government Reform Committee document request, witness interviews and privilege issues	Counsel's Office
DF 780066-85	7/12/95		Natalie Williams	Summary and analysis of Travel Office events	Counsel's Office
DF 780086-92	7/17/95	Jane Sherburne	Natalie Williams	Chronological analysis of Travel Office events	Counsel's Office
DF 780108-14	8/7/95, 8/9/95	Abner Mikva, Jane Sherburne	Natalie Williams	Analyses of privileges for Travel Office internal review documents	Counsel's Office
DF 780115-17	8/11/95		Natalie Williams	Analysis of House Government Reform Committee requests for information related to Harry Thomason and Darnell Martens	Counsel's Office

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

2. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1994:**

   a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

3. Any documents or materials dated -- or if undated, documents created or received -- **after February 17, 1995:**

   a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

4. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1996:**

   a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors -- e.g. Yah Lin "Charlie" Trie -- regarding raising money for the Presidential Legal Expense Trust;

   b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

5. Any documents or materials dated -- or if undated, documents created or received -- **between August 3, 1996 and December 31, 1996:**

   a. Referring or relating to the White House Data Base (WHODB).

ATTACHMENT A

INDIVIDUALS**

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pornpimol) Kanchanalak*
(aka Pauline (or Pornpimol) Parichattkul*)
Daungnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

** Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

ENTITIES*

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

THE WHITE HOUSE
WASHINGTON

April 29, 1997

MEMORANDUM FOR: **DIMITRI NIONAKIS**
Associate Counsel to the President

REGARDING: April 28, 1997 Request for Documents

This certification is in response to the memorandum from Charles F.C. Ruff, Counsel to the President, regarding the 4/28/97 Document Request. By signing this document, I am certifying that I directed all individuals in my office to search their files as well as the office's files. To the best of my knowledge, these files have been reviewed and all responsive documents have been provided.

Management and Administration:

Jodie R. Torkelson
Assistant to the President for Management
and Administration

THE WHITE HOUSE
WASHINGTON
May 7, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: ASHLEY RAINES
CHIEF OF STAFF
MANAGEMENT AND ADMINISTRATION

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997, my files and the files of the following staff members have been reviewed:

Circulated, Read and Attested to by:

KELLI MCCLURE
PERSONNEL LIAISON
___ no files found
✓ files have been forwarded

TERESA WILDMAN
EXECUTIVE ASSISTANT
___ no files found
✓ files have been forwarded

BROOKS SCOVILLE
STAFF ASSISTANT
___ no files found
✓ files have been forwarded

THE WHITE HOUSE
WASHINGTON

May 6, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: MICHAEL D. MALONE, SPECIAL ASSISTANT TO THE PRESIDENT AND DIRECTOR OF WHITE HOUSE OPERATIONS

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997 files in the following offices have been reviewed:

Circulated, Read and Attested to by:

MELINDA BATES
DIRECTOR, VISITOR'S OFFICE
✓ no files found ___ files have been forwarded

PATTI COGDELL
DIRECTOR, WHITE HOUSE CONFERENCE CENTER
___ no files found ✓ files have been forwarded

SUSAN L. HAZARD
DIRECTOR, WHITE HOUSE TRAVEL OFFICE
✓ no files found ___ files have been forwarded

MADGE HUBER HENNING
DIRECTOR, INTERN PROGRAM
___ no files found X files have been forwarded — not responsive — MDM Line s/k/A.

BOB McNEELY
DIRECTOR, WHITE HOUSE PHOTO OFFICE
___ no files found X files have been forwarded

ALEX G. NAGY
DIRECTOR, WHITE HOUSE TELEPHONE SERVICES
___ no files found X files have been forwarded

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

May 6, 1997

Unclassified upon removal of attachment (5)

MEMORANDUM FOR CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

FROM: ALAN P. SULLIVAN
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT: Document Request

In response to your memorandum of April 28, 1997, we have searched our files and found the six attached documents referring or relating to the individuals or entities identified in the memorandum.

Attachments

CONFIDENTIAL

1997

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EXHIBIT
ME 5

THE WHITE HOUSE
WASHINGTON

October 3, 1997

BY HAND DELIVERY

Barbara Comstock
Chief Investigative Counsel
Committee on Government Reform and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Barbara:

As part of our ongoing effort to respond to the Committee's subpoenas, and in accordance with Mr. Ruff's letter to the Chairman dated September 11, 1997, enclosed please find additional electronic mail messages responsive to the Committee's subpoenas (EOP 066546 to EOP 066935). In addition, I am enclosing two additional responsive documents recently located by the Office of Records Management. The first document bears control numbers EOP 066542 to EOP 066545. The second document bearing control numbers EOP 066936 - EOP 066938 appears to relate to and is consistent with previously produced phone messages from Johnny Chung to Evan Ryan. See EOP 059059 and EOP 059074.

If you have questions, please give me a call at 456-6243.

Sincerely yours,

Michael X. Imbroscio
Associate Counsel to the President

cc: Ken Ballen, Esq.

Documents Produced to the House Committee on Government Reform and Oversight on October 3, 1997

CONTROL NUMBERS	SOURCE
EOP 066542 - EOP 066545	Office of Records Management
EOP 066546 - EOP 066935	Information Systems and Technology
EOP 066936 - EOP 066938	Office of Records Management

White House Video Crew Taped Coffees

Recordings of 44 Gatherings Found Last Week, Are Given To Campaign Finance Probers

OCT 16 1997 WP

By George Lardner Jr
Washington Post Staff Writer

The White House this weekend turned over to Senate investigators what it described as belatedly discovered videotapes of 44 of President Clinton's controversial coffees with campaign contributors.

Congressional sources said they have been told that freshly examined White House logs indicate that as many as 150 fund-raising events involving the president or Vice President Gore were also recorded by White House audiovisual crews.

The tapes of the morning coffees, showing only the start of the meetings, were ostensibly covered by Senate requests for documents relevant to campaign financing inquiries submitted to the White House as far back as last January and again in a subpoena issued last July 31.

One clip of interest to Senate investigators who were reviewing the videos yesterday dealt with a June 18, 1996, coffee with Clinton at which controversial Democratic fund-raiser John Huang is said by one witness to have appealed, at the outset of the meeting, for money to help reelect the president. Other witnesses have said they did not recall hearing Huang make such remarks, but could not reject the possibility.

A Senate investigator said yesterday that there is audio for tapes of every one of the 44 breakfast meetings except the June 18 get-together. A showing at the White House last evening for the press confirmed that.

"We may have a Rose Mary Woods problem here," the investigator said, alluding to President Richard M. Nixon's secretary, who claimed to have been responsible for an 18½-minute gap on one of Nixon's Watergate tapes. "This is a missing 90 seconds."

White House special counsel Lanny J. Davis said he had "no immediate comment about audio problems on that particular tape. We are looking into it."

The contents of the videotapes aside, said Paul Clark, a spokesman for the Senate Governmental Affairs Committee headed by

See TAPES, A7, Col. 1

White House Finds Videos Of 44 Coffees

TAPES, From A1

Sen. Fred D. Thompson (R-Tenn.), "this is just one more example of the White House seriously delaying our investigation."

One committee member, Sen. Arlen Specter (R-Pa.), said yesterday on CNN's "Late Edition" that "at this point, with the White House not turning over evidence again and again, I think you really may have crossed the line of obstruction of justice. First they don't give us materials while we're questioning witnesses. And now, the tapes are turned over. If they're innocent [regarding] why don't we have them a long time ago?"

"We didn't even know about them and that really bothers us," Rep. Dan Burton (R-Ind.), chairman of a parallel House investigation, said on "Fox News Sunday."

Davis said discovery of the videotapes was the result of "a good faith effort" by the White House to comply with congressional requests. "We've said we would conduct ongoing searches for new material and that's what happened here," he said.

"The counsel's office became aware of the tapes [of the coffees] on Wednesday," Davis said. "We informed the Senate committee about their existence on Thursday and we met with Senate staff members on Friday."

The tapes were made by the White House Communications Agency (WHCA), a Pentagon unit that provides a steno pool for White House events, supplies the lecterns, flags and seals for White House media functions, and keeps what officials say is a 60-day record of operator-assisted phone calls placed by Clinton and Gore.

A frame from one of 44 just-released White House videotapes shows President Clinton flanked by Democratic Party donors at a morning coffee session.

White House officials said they at first checked the WHCA database only by the names of the individuals named in Senate requests, such as John Huang, and came up empty. Then, a staff member checked again and "came across the word, coffees," an official said.

That led to discovery of the 44 tapes delivered to the Senate committee as well as to the Justice Department and House investigators this weekend. A Senate investigator said another, apparently more recent, check of the phrase, "DNC fund-raiser," produced "150 hits."

The committee has told the White House it wants the logs on those events and will request at least some of those tapes as well.

Asked about this discovery, Davis said only that "we are currently in the process of looking for other possible taped materials to determine the full universe of what the committee is seeking."

The turning over of the coffee tapes was reported yesterday by Time magazine. In July, Thompson's committee began checking into the possibility of their existence, largely as the result of inquiries by The Washington Post about the activities of the WHCA, a secretive military unit that takes its day-to-day instructions from the White House but gets its annual $122 million budget from the Pentagon.

The agency's audiovisual unit has a staff of more than 100 whose work, as a 1989 White House document described it, "covers all open and a majority of closed events."

White House lawyers agreed at an Aug. 7 meeting with Senate staff members to look into the matter. When they did not respond by mid-August, the Senate counsel in charge of document production, Donald T. Bucklin, made a formal written demand of the White House for all WHCA records.

Within a week, according to a Senate staff member, White House lawyer Michael Imbroscio reported that the "events [the WHCA] videotaped were all public events, unless at the specific request of one of the principals, the president or the vice president, they were asked to record a closed event. He [Imbroscio] said he was told none of the coffees had been videotaped, but that there was a log of every event that had been videotaped."

Senate demands for the logs and threats to depose the head of the WHCA were met with silence until Imbroscio called last week to report that he had checked the database itself against the word "coffees."

Most of the videotaped coffees were held in the White House Map Room, but one took place in the Oval Office.

A tape of the 44 morning coffee segments, shown to reporters at the White House yesterday, showed that some segments lasted only about 5 seconds, but most were three to four minutes. The WHCA crews recorded the president shaking hands and making small talk, then left the room as the meetings got underway.

Gore turned up on one of the videos, a Dec. 15, 1995, coffee. Another, on April 1, 1996, shows Clinton shaking hands with outspoken international oil financier Roger Tamraz and saying, "Good to see you again."

The June 18, 1996, session, the only one without sound, shows the president shaking hands with Huang.

Most of the taped coffees were held in the book-lined White House Map Room, but one took place in the Oval Office and another in the Roosevelt Room. The earliest on video was on Aug. 3, 1995, and the last on Aug. 23, 1996.

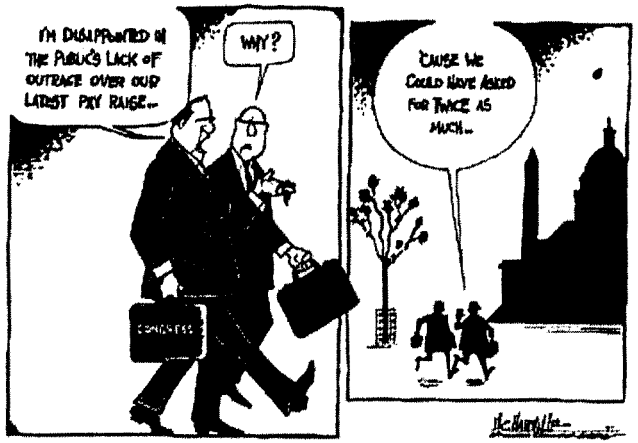
"These tapes are not inconsistent with what we have previously described to be the purpose of these coffees: to encourage people to support the president and his programs and that included financial support," Davis said.

Thompson's committee also plans to pursue WHCA phone call records, particularly in light of the controversy over Gore's fund-raising calls from the White House, now the subject of a preliminary Justice Department inquiry to determine whether an independent counsel should be appointed.

The committee has been told that WHCA routinely destroys its records of Clinton's and Gore's calls after 60 days, but wants to make sure. Investigators have DNC "call sheets" urging Clinton to make calls for campaign cash, but are still seeking evidence that he did so.

Staff writer Michael A. Fletcher contributed to this report.

Editorial Cartoon



CK TO Local News

-6 OCT 1997

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[The deposition of Dimitri Nionakis follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: DIMITRI J. NIONAKIS

MONDAY, NOVEMBER 3, 1997

The deposition in the above matter was held in Room 2303, Rayburn House Office Building, commencing at 1:15 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Uttam Dhillon, Senior Investigative Counsel; James C. Wilson, Senior Investigative Counsel; Robert Dold, Counsel; Michael Yang, Minority Counsel; Andrew J. McLaughlin, Minority Counsel; and David Sadkin, Minority Counsel.

For MR. NIONAKIS:

W. NEIL EGGLESTON, ESQ.
Howrey & Simon
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 22304–2702

Mr. DHILLON. Good afternoon, I'd like to begin by thanking you on behalf of the Members of the Committee on Government Reform and Oversight for appearing here today. I would like to note for the record those who are present at the beginning of the deposition.

I am Uttam Dhillon, the designated Majority counsel for the committee. I'm accompanied today by Robert Dold, who is with the Majority staff. Andrew McLaughlin as the designated Minority counsel for the committee. And he's accompanied by David Sadkin, who was is also with the Minority staff. The deponent is represented by Mr. Neil Eggleston.

Mr. Nionakis, because you are an attorney, we're going to skip the usual preamble and ground rules and go straight into questioning, if that's all right with you.

The WITNESS. That's fine.

Mr. DHILLON. The only thing I would ask, if there are any questions you don't understand, would you please tell me you don't understand, and I'll rephrase the question.

The WITNESS. Okay.

Mr. DHILLON. And, Mr. McLaughlin, do you have something to state?

Mr. MCLAUGHLIN. In honor of your skipping the preamble, I will skip my comment on the rules, too.

EXAMINATION BY MR. DHILLON:

Question. Mr. Nionakis, can you give us a brief rundown of your employment history from college forward?

Answer. I began working at a law firm downtown in the fall of 1991, a law firm. Would you like the name of the law firm?

Question. Yes, sir.

Answer. Howrey & Simon. And worked there from September '91 until about the end of February, 1997. At the beginning of March of 1997, I began at the White House as Associate Counsel to the President.

Question. Who hired you? At the White House?

Answer. Charles Ruff, Counsel to the President.

Question. And who is your supervisor at the White House?

Answer. My direct supervisor is Lanny Breuer: Charles Ruff is the highest supervisor in that office.

Question. And where is your office physically located?

Answer. My office is in the OEOB.

Question. And is that the office?

Answer. The Old Executive Office Building.

Question. And are there any other members on the Counsel's Office at the same floor or near you at the OEOB?

Answer. Yes.

Question. And let me ask you first, what floor are you on?

Answer. I'm on the fourth floor.

Question. And who is—who from the Counsel's Office is also on the fourth floor near your office in the same vicinity as your office?

Answer. The lawyers in the Counsel's Office on that floor, Karl Racine, Karen Popp, Michelle Peterson, Michael Imbroscio.

Question. And where is Mr.——

Answer. I think that's it.

Question. Where is Mr. Breuer's office located?

Answer. He is located on the first floor.

Question. Of the Old Executive Office Building?

Answer. Of the Old Executive Office Building.

Question. And Mr. Ruff's office?

Answer. He is in the west wing of the White House.

Question. Now, what are your duties at the White House?

Answer. I primarily work on investigative matters for the White House.

Question. Have your duties been the same since the time you began in March of 1997?

Answer. I think that's correct, yes. I think that's accurate.

Question. When you say investigative matters, what exactly are you talking about? Well, let me rephrase the question. What exactly do you do with respect to investigative matters?

Answer. I handle responding to inquiries from a variety of investigative bodies.

Question. What investigative bodies have you responded to since you began working in March of 1997?

Answer. This committee, the Senate committee, and the Department of Justice. So basically the Hill and the Department of Justice.

Question. Well, are you also responsible for responding to any civil requests, involving civil litigation?

Answer. Yes. They have come through the Department of Justice.

Question. So there are no civil requests that come directly to the White House. They all come through the Department of Justice.

Mr. EGGLESTON. I think you—of the ones—you're asking of the ones he was working on?

The WITNESS. Right.

EXAMINATION BY MR. DHILLON:

Question. Let me rephrase the question. Of the ones you're working on, you're aware of civil requests, but the request came through the Department of Justice?

Answer. The one that I'm working on, the request came through the Department of Justice.

Question. With respect to the requests through the Department of Justice, are there multiple kinds of requests that have come in from them that you've worked on?

Answer. Yes.

Question. And what are those kinds of requests?

Answer. Let me take one step back. Could you clarify what you mean by multiple requests?

Question. Are there requests from different entities at the Department of Justice that the Department of Justice is funneling through itself and, if I can ask you sort of a compound question, are there criminal and civil mixed in in those requests?

Mr. MCLAUGHLIN. I'm a little bit confused here.

Mr. DHILLON. Let me back up.

EXAMINATION BY MR. DHILLON:

Question. With respect to the Department of Justice, have you responded to requests that are both criminal in nature and civil in nature?

Mr. EGGLESTON. Well, he—now I'm confused, too, because he told you he responded to the Hill in connection with investigations that are going forward. And he's also told you that he's responded to request for documents from the Department of Justice that are civil in nature. He's already answered it.

Mr. DHILLON. That's only—that's not——

Mr. EGGLESTON. If you're asking a new one, then I don't understand what you're trying——

Mr. DHILLON. No, I'm not. I am trying to establish that that's the only route that those come through. Let me just ask the question this way.

Do you respond to requests for civil actions that come from the Department of Justice?

Mr. MCLAUGHLIN. Is it do you or have you?

Mr. DHILLON. Have you.

The WITNESS. I have worked on a matter that is a piece of civil litigation. The plaintiffs in that matter have made requests of the White House. Those requests have come through the Department of Justice.

EXAMINATION BY MR. DHILLON:

Question. Is that the only civil matter you've worked on?

Answer. To the best of my recollection, that is correct.

Question. Are there other requests that come from the Department of Justice, excluding that matter?

Answer. I'm not aware of any.

Question. Are there any——

Answer. There may be. I don't know.

Question [continuing]. An investigation by the Department of Justice into various activities that are similar to the—this committee's investigation?

Answer. Yes. There are.

Question. Okay. So that's another line of requests from the Department of Justice that you've responded to?

Answer. That is a different request from a different part of the Department of Justice.

Question. Okay.

Answer. That's correct.

Question. Now, we've identified two—you've identified two for us, that line of request and then that civil litigation. Are there any others—any other requests you responded to from the Department of Justice?

Mr. MCLAUGHLIN. I'm sorry. Can we just be clear. There is one line of request from the Campaign Task Force from the Department of Justice.

Mr. DHILLON. Why don't you ask him that question?

Mr. MCLAUGHLIN. Yes. Let's pin down his visions.

Mr. DHILLON. Mr. McLaughlin's question, could you answer that?

The WITNESS. Yes. The task force that is investigating the campaign financing issue has made requests.

EXAMINATION BY MR. DHILLON:

Question. All right.

Answer. Separate from the requests that have come through another branch of the Department of Justice with respect to that civil litigation.

Question. All right. Other than those two, is there anything else from the Department of Justice that you've responded to, any other requests?

Answer. To the best of my knowledge, no.

Question. Okay. Now, how is communication between the various offices—between the Counsel's Office handled? Between members of the Counsel's Office handled?

Answer. I'm not sure I understand the question.

Question. Do you have regular meetings?

Answer. We have meetings, yes.

Question. How frequently do you have those meetings?

Answer. We have at least one meeting a week.

Question. Who attends?

Answer. There are staff meetings of the entire Counsel's Office in which all lawyers in the Counsel's Office attend. And there are smaller meetings where people who work on investigative matters may attend those?

Question. Okay. Let's go to the big picture. How many attorneys are in the counsel's office?

Answer. Approximately 12 to 14.

Question. Are there any paralegals?

Answer. Yes.

Question. How many?

Answer. The paralegals, I'm familiar with the paralegals who work in the investigative matters, and there are 3.

Question. Three.

Answer. Three.

Question. Any interens?

Answer. Yes. We have interns who come through our intern program, who spend some time working on investigative matters, but also work on other matters in the counsel's office.

Question. Okay. You hit on this a little bit before. I would like to now ask you what the structure of the Counsel's Office is in terms of top to bottom and where do you fit in on that. So let's start with the first question. Let's start with the structure of the Counsel's Office.

Answer. As a nonexpert on the structure, I'll tell you to the best of my knowledge. Charles Ruff is Counsel to the President. There are two Deputy Counsels, Cheryl Mills and Brucy Lindsey. Lanny Breuer is the Special Counsel. I believe there's another special counsel. And I may not be exact on that title. And there are several associate counsels. I'm one of the associate counsels. I should say the bulk, in those titles, the bulk of people are associate counsels, hold that title.

Question. Now, you spoke of meetings with the entire Counsel's Office and then separate group meeting. Are you in a separate group?

Answer. I wouldn't necessarily call it a separate group, but because I work on investigative matters, those people who work on investigative matters often have meetings.

Question. How many people are in that group? Is calling it a group okay or would you prefer—what would you call it? Task force?

Answer. No. I'm fine with group.

Question. Okay.

Answer. I'd say approximately six.

Question. And who are they?

Answer. Lanny Breuer, myself, Michelle Peterson, Michael Imbroscio, Karen Popp, Karl Racine. I think that's it.

Question. And what's the objective of this group? What are they tasked with doing?

Answer. Pretty much what I described earlier is what my role is.

Question. In terms of the investigative, responding to investigative inquiries?

Answer. That's correct.

Question. Now, who's in charge of that particular group or team?

Answer. Lanny Breuer.

Question. Now, is Cheryl Mills involved in any aspect of the review or production of documents in response to requests or subpoenas from investigative bodies?

Answer. No. I would say, no. Not on a direct day-to-day basis, no.

Question. Who does Ms.—do you know who Ms. Mills reports to in the Counsel's Office?

Answer. I don't know. I've never asked her.

Question. What's your understanding of what her duties are and responsibilities are?

Answer. I know—my understanding is that she has a broad range of responsibilities and duties. I have not sat down and asked her exactly what those are.

Question. Is Mr. Brucy Lindsey involved in any aspect of the review or production of documents or things in response to request or subpoenas from investigative bodies?

Answer. To the best of my recollection, I don't believe he is.

Question. What's your understanding of what Mr. Lindsey's duties and responsibilities are?

Answer. My best description of his duties would be as a senior advisor to the President.

Question. Do you have any interaction with Mr. Lindsey?

Answer. I do not have any regular interaction with Brucy Lindsey, no.

Question. When you do have interactions with Brucy Lindsey, what are they regarding generally? Is there a specific area or topic that you have interactions with him on?

Answer. No. It's typically, hi, Bruce, how are you.

Question. What process does the Counsel's Office follow when responding to a subpoena or other requests from this committee from beginning to end?

Answer. The entire process of responding to a subpoena?

Question. I can break it down if you would like. I would prefer if you can give me a synopsis, and then we can sort of go over it, the parts that——

Answer. Generally, we receive a request. We review the request. To the extent that we believe it's overbroad or unmanageable or unduly burdensome, we try and work with the investigative body to modify it, if possible. After that, we sit down and determine where responsive documents may be located. We set out to gather those documents. We receive them or we gather them. We review them. We produce them.

Question. From the beginning, at the beginning of the process, who in the Counsel's Office accepts a subpoena or document request?

Answer. I don't believe there's any particular individual who accepts a subpoena or document request. They simply come in.

Question. Are the subpoenas or document requests logged into a database or computer of any kind?

Answer. To my knowledge, no.

Question. Is there any written logging in of a subpoena or document request?

Answer. I don't believe so.

Question. Who decides who will respond to a subpoena or a document request?

Answer. I would say Lanny Breuer typically determines how he will allocate the resources, given the demands on the office.

Question. Are there—you said typically. Are there times when Mr. Breuer doesn't do that and it's done in another manner?

Answer. In the—when we get a very specific, narrow request, for instance, could you please provide the WAVES records for a particular individual, that is something that, when it comes in, I and the other associate counsels can simply just do it. It's not something that Lanny Breuer needs to necessarily think about and allocate.

Question. So there are some subpoenas that are sufficiently narrow that you or another associate counsel would know how to obtain the responsive information without going through your supervisor.

Mr. MCLAUGHLIN. Just for——

The WITNESS. Actually——

Mr. MCLAUGHLIN [continuing]. Just for clarification, I think he also mentions subpoenas with regard to WAVES records.

The WITNESS. That's absolutely correct.

Mr. MCLAUGHLIN. Do you mean to encompass subpoenas, document requests, and formal letter requests together; or do you want to separate those out one by one? I'm not sure where you're going on this.

Mr. DHILLON. My questions have been both subpoenas and document requests or subpoenas and other requests.

EXAMINATION BY MR. DHILLON:

Question. I'll ask this question. Do you treat a subpoena, a document request, or an informal type of request any differently in terms of how you respond to it?

Answer. With respect to subpoenas, Lanny Breuer will definitely have some weighing in as to who will respond to it. The example I gave you was a subpoena, narrow, informal request for the WAVES records of a particular individual. And that example covers that exact type of request.

Question. What do you mean when you talk about an informal request?

Answer. Barbara Comstock might call me up and say may I have the WAVES records for a particular individual.

Question. And your response would be to personally or have somebody, one of your fellow associates obtain those and produce them to the committee without going through a formal assignment process?

Answer. Generally speaking, that's right.

Question. And since we're on the subject, do you treat a written document request in, say, the form of a letter differently from a subpoena? Are those handled differently by your office?

Mr. MCLAUGHLIN. I just want to—one more thing for clarification. As I understand it, there are subpoenas, there are document requests in the nature of a subpoena, in other words, with lengthy definitions and instructions and so forth, and then a series of items. There are also just simply letters that request information. You.

Know, in my own mind, there's a distinction between those last two things. I think of the last category as being somewhat more informal. I want to be clear because, in other depositions, we've been trying to draw distinctions between those three kinds of requests.

Mr. DHILLON. Then I'll ask that question.

The WITNESS. I think it's more of the breadth and the scope of the request that determines whether or not it is something that needs to be allocated among several individuals or something that is so narrow and targeted that can be done fairly quickly and by one person. It's not really by the nature of, you know, whether it's a subpoena. We can get document requests that are much broader than subpoena requests.

EXAMINATION BY MR. DHILLON:

Question. So the form of the request is less critical than the breadth or the size of the request?

Answer. I don't know if that's the case either. I don't—I don't know if that's really the case.

Mr. EGGLESTON. Mr. Dhillon, another individual has just entered the room. Could you identify him?

Mr. MCLAUGHLIN. I will. He's on my staff. His name is Michael Yang. He's also counsel on minority staff.

Mr. EGGLESTON. Thank you. I have no objection, I just want to know who people are as they come.

Mr. MCLAUGHLIN. It's good practice.

EXAMINATION BY MR. DHILLON:

Question. Is it safe to say that requests are handled on a request-by-request basis, and there are different ways of handling them just depending on all the circumstances surrounding the request?

Answer. That's very fair. Yes.

Question. Now, what do you do—what's the next step after you've obtained, let's say, for example, a subpoena from this committee? What's the next thing that the Counsel's Office would do?

Answer. We sit down and review it.

Question. And then what?

Answer. Determine whether we should try to or need to modify some of the requests to make them even more manageable. Sometimes they're overbroad. Sometimes they're a little bit unclear. All document requests tend to be that way sometimes.

Question. And how do you do that?

Answer. We consult with the committee, the investigative body.

Question. And once you've reached an agreement—I take it in the past you've reached agreements about the language or the scope of subpoenas.

Answer. We've made every attempt to do so, yes.

Question. Once you've gotten to that point, what's the next step?

Answer. We try to determine where responsive documents may be found.

Question. Okay. How do you do that?

Answer. By looking at the nature of the request, by looking at the various offices within the executive office of the President, trying to match the two up.

Question. And what do you do once you've determined which offices are the offices you believe are likely to contain responsive documents?

Answer. If it—if our conclusion is that it is probably many offices that may contain responsive documents, excuse me, then we will send out a directive that is EOP-wide. If it is one that we think is targeted—that is targeted, we will do a targeted search.

Question. Now, do the people who receive this, let me back up. What's a directive?

Answer. A directive is, in essence, a document that notifies the recipient that there has been a request for information and documents, and that they are asked to search their files and—for certain documents. And the documents are described. And to send them to the Counsel's Office.

Question. Do the people who receive these directives ever sign any forms or in some way attest that they've done a search and they could or they did or did not find files—or I'm sorry, find responsive documents?

Answer. In some instances, they do do that.

Question. Is there a requirement or a form that the Counsel's Office has to make that—and that's made available to the individuals who receive the directive?

Answer. In some instances, yes.

Question. When is it—when is such a form given to the people who receive the directive?

Answer. When we send out a very large EOP-wide directive, that is one—that I believe, to the best of my knowledge, is when we've done it.

Question. And when did you not do it?

Answer. If it's a targeted search where we will go to maybe one or two offices and we pretty much deal directly with those individuals and is more of a go over, get the documents, or have them provide the documents and make sure that the search has been completed.

Question. Who would sign such a document?

Mr. EGGLESTON. Are you talking about the certification?

Mr. DHILLON. The certification, yes.

The WITNESS. I believe the person in charge of a particular office will sign the certification.

EXAMINATION BY MR. DHILLON:

Question. Now, how—when you do a large request, and you—that justifies a directive, how do you ensure that all of the offices have complied?

Answer. Well, one way is usually the certification process that I just described.

Question. What—does the certification process or—is there a form that you prepare, or is the form prepared by the office responding?

Answer. The form is prepared by the Counsel's Office.

Question. And does that form allow——

Answer. Generally the form is prepared by the Counsel's Office, yeah.

Question. And do you receive that form from every office, in the case of a directive, from every office the directive was sent to?

Answer. To the best of my knowledge, I believe that we do do that.

Question. So just so I'm clear, you ensure that—my question to you is how is compliance assured. And is the answer that you ensure that you received a form from every office that the directive was sent to?

Answer. I personally, no. The Counsel's Office receives the certifications from the various offices after the certifications have gone out.

Question. Who verifies that those certifications have been received from every office in the case of response to a request from the Counsel's Office, to a directive from the Counsel's Office?

Answer. One of the—one of the Counsel's Office members.

Question. An associate counsel?

Answer. I don't know if it's particularly an associate counsel, but one of the Counsel Office's members.

Question. Have you personally ever done that?

Answer. I have not.

Question. Do you know of anyone in the Counsel's Office who has?

Answer. I believe Karen Popp did.

Question. And in what circumstance or in response to which directive did she do that?

Answer. I believe she did it in response to the April 28 directive.

Question. And that was a directive sent out by Mr. Ruff?

Answer. I believe his name is on it, yeah.

Question. How are the documents—let's talk in the case of a directive—let's not. Let's talk in the case of a targeted request, and you used WAVES records as an example. Do you——

[Pager interruption.]

Answer. Sorry. I'm fine.

Question. With respect to a targeted request——

Answer. Uh-huh.

Question [continuing]. You indicated that, if the request is, for example, WAVES records, you or one of your fellow counsels may go and simply obtain the records; is that accurate?

Answer. In some instances, yes.

Question. So there are times when you actually go digging through and—or go into the office and requesting—and actually physically requesting the records yourself?

Answer. That's correct.

Question. With respect to a directive, do you typically work in that manner, also?

Answer. Typically not, because if the directive goes out, usually the person receiving the directive will send us the documents. There are instances where we will review documents in a person's office at their request.

Question. Are the documents sent through interoffice mail or through couriers or interns? How do the documents physically get from one office to the Counsel's Office in response to a directive?

Answer. Typically, they are hand-delivered.

Question. Now, what happens when documents that are responsive to a directive are received? Where are they received, and where—where are they received? Where are they sent to?

Answer. Generally, they are sent to one of the associate Counsel's Offices.

Question. Where do they go from there?

Answer. They are either reviewed by that associate counselor, they are placed in a workroom where somebody—one associate counsel will review them.

Question. Is there a specific workroom that you have for reviewing the responses to directives and other document requests?

Answer. We have a workroom that we use.

Question. Do you use that for storing the documents, also?

Answer. Storing, viewing, preparing.

Question. Now, have you personally ever received documents responsive to a directive?

Answer. Yes.

Question. And what process did you follow with those documents?

Answer. Either I would review them, or they would go to the document room where I or somebody else reviewed them.

Question. And what would happen after the review process?

Answer. Responsive documents are flagged for production.

Question. When are they given their EOP number?

Answer. When? Some—I don't mean to be flip, sometime before they're produced.

Question. Okay.

Answer. And prior to the copying obviously.

Question. When the final decision has been made on production?

Answer. Once they're deemed responsive.

Question. Okay. You said that you review the documents, and you flag the ones you think are responsive. What's the next step after that with respect to your production?

Answer. Generally speaking, they are Bates stamped and, at some point, they go out.

Question. Are you, for example, in—for documents you've received in response to a directive, are you the final person to review those documents before they're produced to this committee?

Answer. Sometimes yes. Sometimes no.

Question. Under what circumstances are you the last person to review them?

Answer. It's not really a formal process. It would just be that I was the last person to look at them.

Question. Okay.

Answer. Versus another associate counsel.

Question. Do you have Mr. Breuer look at documents before they're produced?

Mr. EGGLESTON. Would——

Mr. DHILLON. I'm sorry. Jim Wilson of the Majority staff just entered the room.

Mr. EGGLESTON. Thank you.

The WITNESS. Sometimes he does, yes.

EXAMINATION BY MR. DHILLON:

Question. And under what circumstances does he look at documents before they're produced, Mr. Breuer, that is?

Answer. An example would be if a particular—if a production is going out, he may want to just get a sense as to what kind of documents are going out.

Question. Okay. Was there ever a time when you specifically flagged a document for Mr. Breuer to review before sending it out?

Answer. I need to confer for a second.

[Witness confers with counsel].

The WITNESS. Don't believe I've done that, no.

EXAMINATION BY MR. DHILLON:

Question. Was there ever a time when Mr. Breuer came through and asked you just generally to review documents before they went out?

Mr. EGGLESTON. I'm sorry. Those are documents he's not collected and someone else has collected?

Mr. DHILLON. Yes. I'm sorry.

Mr. EGGLESTON. Because otherwise——

Mr. DHILLON. Yes. Documents you've collected that he asked you to review them before they went out.

Mr. MCLAUGHLIN. Review a second time. I'm sorry, I'm confused. Documents he's already reviewed?

EXAMINATION BY MR. DHILLON:

Question. I'll rephrase the question. Was there ever a time that Mr. Breuer asked you to provide to him documents for his review after you had reviewed them.

Answer. I can't recall a time where he would do—where he has done that.

Question. When has Mr. Breuer reviewed documents after you've reviewed them before they were sent to this committee?

Mr. MCLAUGHLIN. You want dates? Do you want kinds of documents? I'm not sure what you mean by when.

Mr. DHILLON. When means when.

Mr. MCLAUGHLIN. Meaning what date and what month?
Mr. DHILLON. When.
The WITNESS. I actually don't recall.

EXAMINATION BY MR. DHILLON:

Question. All right. Do you recall that event ever occurring?
Answer. I don't.
Question. So is it your recollection, then, that Mr. Breuer never has reviewed documents after you've reviewed them?
Mr. MCLAUGHLIN. I don't think that was his testimony earlier.
The WITNESS. I'm sorry. Was that the question?
Mr. DHILLON. Yes.
The WITNESS. Mr. Breuer has reviewed documents—has looked at documents after I have reviewed them.

EXAMINATION BY MR. DHILLON:

Question. Under what circumstances did that occur?
Answer. It would be under the circumstances where I would say, Lanny—as I said before, I think it would just be a circumstance where he would like to get a sense of what kinds of documents were going—have been produced.
Question. So that the request to review those documents that you reviewed come from Mr. Breuer?
Answer. Are you saying—are you asking me if Mr. Breuer is the one who asked me?
Question. Yes.
Answer. I believe so, yeah.
Question. And how often has that occurred?
Answer. Not often. And I believe after documents have been produced.
Question. Has Mr. Breuer ever asked you to review documents—has Mr. Breuer ever requested documents from you that you have reviewed prior to production to this committee or another investigative body?
Answer. I don't recall his ever doing that.
Question. When memos or directives are sent out by the Counsel's Office, who typically writes them?
Answer. I think typically one of the associate counsels draft them.
Question. Have you ever done that?
Answer. I assisted in drafting. I've reviewed drafts of directives, yes.
Question. Now, with respect to responding to specific document requests or subpoenas, does your team or group have regular meetings or—to discuss the response?
Answer. If you're asking if our team meets regularly when we're responding to subpoenas or document requests, the answer is, yes.
Question. What do you talk about at those meetings?
Answer. The status of production.
Question. Do you ever talk about specific documents and whether they should or should not be produced?
Answer. I don't believe so, no.
Question. Has the frequency of meetings remained relatively the same and stable since you arrived at the White House Counsel's Office?
Mr. EGGLESTON. These are investigative team meetings?
Mr. DHILLON. Yeah. That's correct.
The WITNESS. I think so, yes.
Mr. EGGLESTON. They meet a lot over there.
Mr. MCLAUGHLIN. We do over here, too.

EXAMINATION BY MR. DHILLON:

Question. Now, when you receive a subpoena or a document request or a letter request, do you send out the actual request to the various offices or units or groups?
Answer. Could you repeat that question.
Question. When the White House Counsel's Office receives a subpoena or document request or letter request, is that—is an actual copy of that sent to the various offices or units or entities within the White House?
Answer. I don't believe so.
Question. How do you advise the various entities within the White House of the subpoena, document request, or letter request?
Answer. Generally, it's using the directive.
Question. Which is a document created by the Counsel's Office?
Answer. That's correct.

Question. Do interns review any documents that are responsive or potentially responsive to committee subpoenas?

Answer. At times, they will do an initial overbroad first cut.

Question. And when you say "first cut", what does that mean?

Answer. They will take a very large universe of documents, and using an overbroad scope, review those documents.

Question. And using the scope, the overbroad scope, will they eliminate some documents from that universe of documents?

Answer. I don't know. They might. I don't know.

Question. Have you ever given interns instructions on how to review documents and what they were looking for, how they should——

Answer. I have not.

Question. Have you ever been present when anyone in the Counsel's Office gave an intern such an instruction or instructions?

Answer. I have not.

Question. How do you know that interns review documents?

Answer. I have walked into the workroom and seen interns reviewing documents.

Question. Are these interns that are working with the investigative group?

Answer. That's correct.

Question. And do you know what their names are?

Answer. Actually, I don't know their full names.

Question. Do you know who—how about first names. You know first names?

Answer. Yes. I know one first name.

Question. And that is?

Answer. Erica.

Question. Is Erica still employed as an intern at the White House Counsel's Office?

Answer. I believe that she is.

Question. Do you know who assigned the interns to review these documents?

Answer. I don't know.

Question. Have you ever assigned interns to do a first cut on documents responsive to this committee's subpoena or subpoenas?

Answer. I don't recall ever doing that.

Question. Now, what was the status—let me back up. When you arrived in March of 1997, was Mr. Quinn still there?

Answer. No, he was not.

Question. And what was the status of document gathering at the time you arrived?

Answer. We were anticipating receiving a subpoena from this committee.

Question. Did Mr. Quinn leave any memos or explanations of what he had done at that point?

Answer. I don't know if he did.

Question. Did you ever see any such memos?

Answer. I did not.

Question. Do you know who was in charge of responding to subpoenas or other requests under Mr. Quinn?

Answer. I don't know.

Question. Does the President see subpoenas from this committee?

Answer. I don't know.

[Discussion off the record.]

Mr. EGGLESTON. He said he didn't know.

EXAMINATION BY MR. DHILLON:

Question. Do you know if the President is on the list to—I'll back up for a second. What about directives? Is the President provided with directives from your office?

Answer. I don't know.

Question. Now who——

Answer. Now——

[Witness conferring with counsel.]

EXAMINATION BY MR. DHILLON:

Question. I'm sorry?

Answer. I want to clarify one response, and that was to your question as to whether Lanny Breuer has ever asked to review documents after I reviewed them before they have gone out. I just want to make it clear that I don't recall his ever doing that. He may have, I just don't recall, okay?

Mr. DHILLON. Okay.

Mr. EGGLESTON. I just couldn't remember whether that's—he gave an answer close to that before, but I didn't remember. But I didn't take him——

EXAMINATION BY MR. DHILLON:

Question. Okay. Who would provide the President with a copy of a subpoena or a directive?

Answer. I really don't know who would. I assume one of his advisors.

[Witness conferring with counsel.]

The WITNESS. And, also, your question kind of presumed that he is provided with one. And as I said earlier, I don't know that he's provided with one.

Mr. EGGLESTON. With one.

The WITNESS. With a subpoena.

EXAMINATION BY MR. DHILLON:

Question. I was asking about a couple of things.

Answer. With a directive.

Question. Subpoena or directives.

Answer. Okay.

Question. Who do you represent in your capacity as Associate Counsel to the President?

Answer. I represent the President and the White House and the Executive Office of the President.

Question. All three?

Answer. Well, they are all part of the administration.

Question. You do that as one entity or multiple entities?

Answer. In the broad sense, yes.

Question. Now, have all the responsive documents in the President—of the President's been turned over to this committee?

Answer. To the best of my knowledge, yes.

Question. Who certifies from the President's Office the documents that have been turned over?

Mr. MCLAUGHLIN. I'm sorry, in the President's possession, do you mean in his personal capacity or Oval Office operations or Executive Office of the President or immediate Office of the President? I'm not sure what you mean by that.

EXAMINATION BY MR. DHILLON:

Question. Let's start off with personal capacity. I'll reask the question. Thank you. Have all responsive documents in the President's personal possession been turned over to the committee?

Answer. I don't know if the President has documents in his personal possession. I'm not sure if I can answer that question.

EXAMINATION BY MR. DHILLON:

Question. So it's possible, then, that the President does have documents in his personal possession that would be responsive to this committee?

Answer. Either you misunderstood my answer or I misunderstood your first question. How about asking the first question again. You said—why don't you ask it to me. You said something about the documents to the President?

Question. I asked a question and I received a satisfactory answer, so I'm going to go on to the next question, which is: Is it possible that the President has documents in his personal possession that have not been produced to this committee?

[Witness conferred with counsel.]

The WITNESS. To my knowledge, no.

Mr. MCLAUGHLIN. I'm sorry; were you given a chance to explain your answer? I think there was a disconnect.

The WITNESS. There was a disconnect. But——

Mr. MCLAUGHLIN. I'd like you to say whatever you think is important to say on the record.

Mr. EGGLESTON. That's all.

Mr. MCLAUGHLIN. Okay. As long as it's clear.

EXAMINATION BY MR. DHILLON:

Question. Who certifies for the President personally that documents in his possession have been turned over, or that he has no such responsive documents?

Answer. I don't know.

Question. Have you ever seen such a certification from the President personally, or from someone acting on his behalf, that he has or does not have any documents responsive to a request of this committee?

Answer. I don't recall ever seeing that.

Question. Has the President personally ever provided the Counsel's Office with any documents responsive to this committee's subpoena or subpoenas?

Answer. Could you explain what you mean by "the President personally"?

Question. Documents coming from the President himself.

Answer. We have received documents from Oval Office Operations. I don't recall the President himself personally sending over responsive documents. But Oval Office Operations covers the area that the—of the Oval Office, which is where the President's office is.

Question. Who in the Oval Office Operations procedure certifies that documents have been produced or could not be found or do not exist?

Answer. I don't know. I don't recall. I should say as I sit here, I don't recall.

Question. Is the First Lady's office provided with subpoenas, directives, letter requests, or——

Answer. I believe so. Yes. Yes, they are.

Question. Has the First Lady herself ever provided Counsel's Office with any documents responsive to subpoenas or directives or letter requests?

Answer. We have received documents from the First Lady's office.

Question. And who certified that the document—or that the search was complete?

Answer. I don't recall.

Question. Are you aware of the President taking any notes at coffees?

Answer. No.

Question. Are you aware of any attendees who said that the President took any notes at coffees?

Answer. I am not.

Question. Has anyone asked the President for notes that he may have taken at coffees?

Answer. I don't know.

Question. We are placing for, and you asked to be marked as Exhibit 1, the March 4, 1997, subpoena issued by this committee, and I'd ask that you review it.

[Nionakis Deposition Exhibit DN–1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 595.]

[Witness complies.]

The WITNESS. I've flipped through it.

EXAMINATION BY MR. DHILLON:

Question. Do you recognize Exhibit 1?

Answer. It looks like the March 4th subpoena that we received.

Question. When was the first time you saw Exhibit 1?

Answer. I believe March 5th.

Question. I'm sorry, what day did you begin working at the White House Counsel's Office?

Answer. Either the 1st or 2nd of March. It may have been the last day of February; I'm not sure exactly.

Question. Okay. So you were already employed at the White House Counsel's Office at least for a few days when this arrived, when Exhibit 1 arrived?

Answer. Yes, that's right.

Question. As part of your responsibilities in the White House Counsel's Office, have you ever dealt with Exhibit 1 in any way?

Answer. Yes.

Question. How?

Answer. I responded to it.

Question. Were you given the responsibility of responding to Exhibit 1 or to any part of Exhibit 1?

Answer. Several of us worked on responding to Exhibit 1.

Question. And who—would you please identify those people?

Answer. Mike Imbroscio, Karen Popp, Michelle Peterson. I think that's—among the associate counsels, I think that's it, yeah.

Question. Who assigned you to respond to Exhibit 1?

Answer. Lanny Breuer.

Question. And when did that occur?

Answer. I don't recall.

Question. Did the Counsel's Office issue any memos or directives regarding Exhibit 1?

Answer. Yes.

Question. And approximately when was—well, what was issued?

Answer. I believe it's the April 28th directive.

Question. Were there any other directives issued by the Counsel's Office regarding Exhibit 1?

Answer. There may have been; I'm not sure.

Question. Was anyone assigned to locate and produce documents related specifically to coffees?

Answer. I don't recall.

Question. Did anyone take it upon themselves, during the course of producing or responding to Exhibit 1, to respond to or to look for coffee-related documents?

Answer. I don't recall.

Mr. DHILLON. Exhibit 2, now. We place before you what I will ask to be marked as Exhibit 2. On April 18, 1997, a letter from John Rowley, former chief counsel, to Lanny Breuer, Special Counsel to the President. Could you please review Exhibit 2.

[Nionakis Deposition Exhibit DN–2 was marked for identification.]

[Witness complies.]

Mr. MCLAUGHLIN. When we reach a logical breaking point, could we take a bathroom break in the next 5 or 10 minutes?

Mr. DHILLON. That's fine with me. How about a five-minute break now? It's a fairly long document and he's reviewing it. Why don't we take a bathroom break now. Off the record for five.

[Recess taken from 2:20 p.m. to 2:25 p.m.]

EXAMINATION BY MR. DHILLON:

Question. Do you recognize—have you had a chance to review Exhibit 2?

Answer. I briefly reviewed it, yes, sir.

Question. Do you recognize Exhibit 2?

Answer. I recognize it as a document—yes, I do.

Question. What is it?

Answer. It's a document sent by John Rowley to Lanny Breuer dated April 18, 1997.

Question. Were you involved in any discussions with this committee that led to the preparation of Exhibit 2?

Answer. I believe so, yes.

Question. Besides yourself, who else in the Counsel's Office were involved in such discussions?

Answer. I believe Lanny Breuer and Karen Popp. That's all I can recall right now.

Question. Who did you have your discussions with in this—in the committee's office regarding this matter?

Answer. Barbara Comstock, John Rowley, I believe Andrew McLaughlin was at some of the meetings. I believe Ken Ballen was, Phil Barnett, and David Bossie. And there may have been others.

Question. When was the first time you saw Exhibit 2?

Answer. On or soon after it was sent to us. I really don't recall exactly when.

Question. Were any other members of the Counsel's Office provided with a copy of Exhibit 2?

Answer. I believe so, yes.

Question. What is your understanding of why certain items are in bold face on Exhibit 2?

Answer. I have no idea.

Mr. MCLAUGHLIN. Do you want him to read the instruction on the letter?

EXAMINATION BY MR. DHILLON:

Question. Would reading that help refresh your recollection?

Mr. EGGLESTON. Why don't you just direct him?

The WITNESS. Can you direct me? If there is a particular——

Mr. MCLAUGHLIN. How about the first full paragraph on page 2? Is your question whether Mr. Nionakis can read the instructions and report back to you——

EXAMINATION BY MR. DHILLON:

Question. No my question is do you know why it is in bold face?

Mr. EGGLESTON. You guys put it in bold face. Unless it is written here, it is fully in your control. Why are you making him guess?

Mr. DHILLON. I am not asking him to guess. When he was part of this——

Mr. MCLAUGHLIN. I think he testified that——

Mr. DHILLON [continuing]. I am asking—if you would let me ask the question, I think we will get——

Mr. MCLAUGHLIN. Let me make my statement. We are making a record here.

Mr. DHILLON. You can make your statement when it is time to ask your questions.

Mr. MCLAUGHLIN. I am making a statement——

Mr. DHILLON. I withdrew the question. You have no statement to make.

Mr. MCLAUGHLIN [continuing]. To make sure there is a clear record.

Mr. DHILLON. I withdraw the question.

EXAMINATION BY MR. DHILLON:

Question. I would ask you to review page 2.

Mr. MCLAUGHLIN. I just to make clear that your prior question, now withdrawn, mischaracterizes Mr. Nionakis's testimony.

Mr. DHILLON. If you want to make statements about questions that are not pending, that is your business.

The WITNESS. Okay. Your question is?

EXAMINATION BY MR. DHILLON:

Question. To your knowledge, what was your understanding of why certain items are boldfaced in Exhibit 2?

Answer. I have no independent understanding as to why documents were—why certain things were boldfaced in this document.

Question. After reviewing it, do you have a understanding of why they were boldfaced?

Answer. I can only—I don't have an understanding. I only read Mr. Rowley's words that say: "We request all other priority items (as indicated in boldface) by Monday, April 28, 1997."

Question. Did you use this document in any way in responding to the committee's subpoena which is marked Exhibit 1?

Answer. Yes.

Question. Did you understand when responding when using this document that the items in boldface were considered a priority by the committee in terms of production from the White House?

The WITNESS. Could you read that question back?

[Reporter read the record as requested.]

The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. How did you use Exhibit 2 to respond to the committee's subpoena which is marked at Exhibit 1?

Answer. As I had mentioned earlier, some of the—several if not many of the requests were either overbroad or unduly burdensome, and that we tried to modify them and limit them, and this document was the result of that attempt to limit the scope of various requests.

Question. Did you treat the categories or subgroups of requests differently based upon the priority this committee assigned to them as demonstrated in Exhibit 2?

Answer. I recall there were certain categories of documents that we made a very, very valiant attempt to produce as soon as possible.

Question. Was that based on the fact that they were prioritized in Exhibit 2?

Answer. I don't think so. I think it was based on the discussions that we had with the committee members—with the committee staff. I just don't recall specifically whether it was off of this document or after our discussions.

Question. Did the White House Counsel's Office use Exhibit 2 in any way to prioritize the documents it would search for in responding to the subpoena which is marked as Exhibit 1?

Answer. We may have. I don't recall, because we had many, many discussions as well.

Question. Was it your understanding that information about the coffees were considered a priority item by the committee?

Answer. I don't recall.

Question. Exhibit 3. I'm asking that Exhibit 3 be placed before you and that it be marked as Exhibit 3. It is an April 28th, 1997, memorandum from Charles F.C. Ruff and I would ask that you please review it.

[Nionakis Deposition Exhibit DN–3 was marked for identification.].

[Witness complies.]
The WITNESS. Okay.

EXAMINATION BY MR. DHILLON:

Question. Do you recognize Exhibit 3?
Answer. Yes.
Question. What is it?
Answer. It is the April 28th, 1997 directive.
Question. Who wrote Exhibit 3?
Answer. It was I believe initially drafted by Michael Imbroscio. I reviewed the draft as well. And I think others may have looked at it; I just don't recall.
Question. Did Mr. Ruff ultimately review Exhibit 3, if you know?
Mr. EGGLESTON. He signed it.
The WITNESS. I only know that he signed it.

EXAMINATION BY MR. DHILLON:

Question. Did you——
Answer. Hold on.
[Witness conferring with counsel.]
The WITNESS. I'm fine.

EXAMINATION BY MR. DHILLON:

Question. Did you make any changes to the draft you received from Mr. Imbroscio?
Answer. I don't recall.
Question. In preparing Exhibit 3, did you use any other documents to help you—I'm sorry. Strike that.
Did you use any documents to help you prepare Exhibit 3?
Mr. MCLAUGHLIN. In reviewing Exhibit 3?
Mr. EGGLESTON. He testified he did not prepare Exhibit 3.

EXAMINATION BY MR. DHILLON:

Question. To review Exhibit 3?
Answer. I don't recall.
Question. What did you do or what was done with Exhibit 3 after it was finalized?
Answer. I understand that it was sent to—sent throughout the EOP using our mail room process.
Question. How many different offices or groups or units would it have been—was it sent to?
Answer. I only know that it would have been many.
Question. Do you have—I take it you received responses to it, which is how you know that it was sent out?
Answer. That's correct.
Question. Did anyone tell you it had been sent out?
Answer. I know that it had been sent out because people called in and had questions about it. So.
Question. You said it was distributed through—I'm sorry, the mail room, did you say?
Answer. I think like any large structure, there's an inner office mail system. It was distributed using that system.
Question. It wasn't faxed; it was mailed out?
Answer. I don't know if it was faxed to certain places. I don't know how that inner office process works. I just know that that is the mechanism that was used to distribute this. If that is sometimes by hand and sometimes by fax, I'm not sure. But that's the system that was used.
Question. Were Exhibits—and they're still before you, so you refer can to them if you need to—were Exhibits 1 and 2 distributed in a similar fashion?
Answer. I don't know.
Question. Did you receive any responses to Exhibit 3?
Answer. Yes.
Question. And who did you receive responses from?
Answer. Various offices within the EOP.
Question. You have already previously described the process you used when we were talking generally about responses to directives.
Answer. Uh-huh.
Question. Was that process in any way different with respect to this directive?

Answer. To the best of my recollection, no.

Question. With respect to this directive, were people assigned to any particular areas or individuals that they were to obtain documents from or about?

Answer. I don't believe so, no.

Question. Was anyone——

Answer. I don't recall.

Question. Was anyone assigned to or did anyone take it upon themselves to focus on the coffees?

Answer. I think you asked me that before. I didn't recall then and I don't recall.

Question. Just so we are clear, now I'm asking and I'm going to skip through a lot of this. I asked you that question. Now I am asking specifically about this directive.

Answer. Same answer. I don't recall.

Question. Was the procedure for reviewing the documents the same as already described with respect to this directive?

Answer. Basically it's the same process, yes.

Question. You said "basically." Were there any differences with respect to this directive than what you just described?

Answer. I don't recall any differences, no.

Question. With respect to responding to this directive, did you ever bring any documents to anyone's attention to assist them in preparing for press inquiries?

Answer. I don't recall doing that, no.

Question. Did you ever bring any documents to anyone's attention for any other reasons?

Answer. I don't recall doing that, no.

Question. Did Mr. Davis have any role in gathering, reviewing, or producing the documents that were responsive to——

Answer. No.

Question [continuing]. Exhibit 3?

Answer. I'm sorry.

The WITNESS. Why don't you read that back.

[Reporter read the record as requested.]

The WITNESS. Other than his own documents that he provided to us in response to the directive, no, he did not.

EXAMINATION BY MR. DHILLON:

Question. Did anyone from any of these offices or groups or units ever ask—that the directive had been sent to, ever ask you any questions about the kind of records being requested by Exhibit 3?

Answer. Could you clarify that question?

Question. Did you ever receive a phone call from somebody who received Exhibit 3 asking "what do you want?"

Answer. No.

Question. Did you ever receive any other inquiries of any personal or by internal memo or by letter asking questions regarding what was being requested by the directive?

Answer. Yes.

Question. What sort of—what kind of inquiry did you receive? I'll do general and then we will break it down into individuals.

Answer. I can only recall generally, and it was generally is this kind of—I've got this kind of stuff, is this kind of stuff responsive? Is this the kind of stuff that you think would be responsive? Is this the kind of stuff that I should send to you? More guidance-type questions.

Question. How often did that occur, approximately?

Answer. I can't recall exactly.

Mr. EGGLESTON. And you're talking about in response to this directive?

Mr. DHILLON. Yeah. Let's back up.

The WITNESS. I'm only speaking about this directive.

EXAMINATION BY MR. DHILLON:

Question. That's right, yes.

Answer. I know it happened several times. I can't guess as to how many times it happened.

Question. Do you recall any of the offices or agencies or entities that called you with such a question?

Answer. No, I don't.

Question. Did the military office ever call?

Answer. No, not to my recollection.

Question. Did WHCA ever call?

Mr. MCLAUGHLIN. By WHCA, you mean the White House Communications Agency?

EXAMINATION BY MR. DHILLON:

Question. Yes, that's what I mean. I'll refer to it as WHCA from now on.

Mr. MCLAUGHLIN. And it's abbreviated W-H-C-A.

The WITNESS. I don't recall WHCA ever calling me with any questions about the April 28th directive.

EXAMINATION BY MR. DHILLON:

Question. Do you recall WHCA ever calling you with any questions about anything?

Answer. With respect to responding to this directive, no.

Question. How about with respect to anything else?

Answer. Yes.

Question. And what did they call you about?

Mr. EGGLESTON. Well, I mean, as you guys probably know, as I'm sure Ms. Comstock does know, he becomes involved after October 2nd or 3rd, if you want him to get into that line of questions. But if the question is prior to October 2 or 3, which may be a better question to ask——

Mr. DHILLON. I assume that, and I'd like his response to that, and then I will break it down.

The WITNESS. Sometime after October 3rd, I was working with WHCA to produce responsive videotaped events.

EXAMINATION BY MR. DHILLON:

Question. Prior to October 3rd, did WHCA ever contact you?

Answer. To the best of my knowledge, no.

Question. Prior to——

Answer. Recollection, no.

Question. Prior to October 3rd, did you ever contact WHCA?

Answer. I don't recall ever contacting WHCA.

Question. Now, prior to distributing Exhibit 3, was anyone in the White House searching for documents responsive to the committee's subpoena which is marked as Exhibit 1?

Answer. I recall that some of the requests on the March 4 subpoena from this committee had been already requested or had been already been part of a previous directive.

Question. And which directive was that?

Answer. I believe a directive went out in December of '96, I think a follow-up went out in January of '97.

Question. Have you seen—did you ever see those directives?

Answer. I recall seeing them at some point.

Question. Did you ever respond to them? I'm sorry, let me back up. Let me ask another question. Were you ever in the process of collecting documents in response to the directives?

Answer. Those directives went out prior to my tenure at the White House. I don't recall ever working to gather documents to respond to those directives or the requests encompassed by those directives.

Question. When was—what were those directives in response to?

Answer. I really don't know.

Question. Were documents being produced pursuant to those directives at the time you arrived at the White House?

Answer. I don't recall that they were.

Question. So from the time—so from the time Exhibit 1 was provided to the White House, which is the subpoena, to the time Exhibit 3 was distributed to the White House——

Answer. Uh-huh.

Question [continuing]. Was anyone in the White House searching for or producing documents responsive to the committee's subpoena?

Mr. MCLAUGHLIN. Other than the ones that had been encompassed in prior directives?

Mr. DHILLON. No, that's not my question.

The WITNESS. Could you read his question back?

[Reporter read the record as requested.]

The WITNESS. I recall that we were.

EXAMINATION BY MR. DHILLON:

Question. Now, how did that process occur?

Answer. I'm sorry, which process?

Question. Well, as I understand it, Exhibits 1 and 2 were never sent out to anybody in the White House. Only Exhibit 3 was. How was it that responsive offices, units, groups or agencies could respond to the committee's subpoena prior to April 28th, 1997, the date of Exhibit 3?

Answer. Let me give you an example. There were documents, I believe—the March 4—this is an example. The March 4th subpoena requested documents relating to John Huang. The December directive, my recollection is that the December directive also asked people to provide all documents that relate to John Huang.

We were in the process of trying to gather any documents that had been collected in response to that directive, get them ready and prepare them for production to this committee, given that this subpoena asked for John Huang-related materials. There were other requests that were similar to that one.

Question. Okay. So in other words, tell me if I'm correct, the White House had already collected documents responsive to the two directives, and you were sorting through those after you received this committee's subpoena to determine what in those documents was responsive to the committee's subpoena marked as Exhibit 1?

Answer. Yes, that was one of the things we were doing, yes.

Question. Now, the directives—but—I'm not sure of this so I'm going to ask you again. Do you recall why the directives or what the directives were responsive to? Were they requests from a committee or from the Department of Justice or what?

Mr. EGGLESTON. The December '96, January '97 directives?

Mr. DHILLON. Yes.

Mr. EGGLESTON. Because there are a lot of directives in this matter. More than two.

Mr. DHILLON. The two that you mentioned.

The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. Other than the material that had been gathered pursuant to the directives, were any other areas of the White House being searched between the time the subpoena, which is marked Exhibit 1, was provided to the White House, and the time Exhibit 3 was sent out to all the various offices and agencies of the White House?

Answer. I don't recall specifically, but generally, I recall that we were trying to at least locate areas where responsive materials may be and anticipate searching those areas for documents, if we hadn't already started searching those areas.

Question. That was in addition to culling out the documents that were responsive to the directives—January and December directives?

Answer. That's correct.

Question. Were you doing anything else during that period of time? I mean by "you," you or the White House Counsel's Office doing anything else to respond to the committee's subpoena?

Answer. We may have been. I don't recall specifically.

Question. The two directives, the December '96 and the January '97 directive, did not cover all of the same material as the directive marked Exhibit 3; is that correct?

Answer. I don't recall. I don't know.

Mr. DHILLON. Let's go to Exhibit 4. I'm having placed before you, and I will ask to be marked Exhibit 4, a June 27, 1997, letter from Mr. Charles F.C. Ruff.

[Nionakis Deposition Exhibit DN–4 was marked for identification.]

The WITNESS. Okay.

EXAMINATION BY MR. DHILLON:

Question. Do you recognize Exhibit 4?

Answer. Yes.

Question. What is it?

Answer. It is a letter from Charles Ruff to Chairman Burton dated June 27, 1997.

Question. Did you assist in the preparation of Exhibit 4?

Answer. I believe I did.

Question. What did you do?

Answer. I believe I assisted in drafting this letter.

Question. At the time Exhibit 4 was—you were preparing Exhibit 4, were you aware of any documents or things that were not being produced to this committee?

Answer. I was not aware.

Question. Have there been document productions following the presentation of Exhibit 4 to the Chairman? Let me ask the question better——

[Pager interruption.]

Mr. DHILLON. Who is beeping?

[Discussion off the record.]

EXAMINATION BY MR. DHILLON:

Question. After providing the Chairman with this letter, were there additional document productions from the White House Counsel's Office?

Answer. Yes.

Question. How many productions have there been since the June 27th letter which is marked as Exhibit 4?

Answer. I don't know.

Question. How did those come about?

Answer. I can't recall specifically how they came about.

Question. Or where did the additional documents come from?

Answer. I know that some were e-mails. They came from our archived e-mails.

Question. Were you aware at the time you prepared this letter from Mr. Ruff that—well, let me back up. was somebody searching for the e-mails in the White House Counsel's Office?

Answer. At some point, someone was searching for them, yes.

Question. When did that search begin?

Answer. I don't know.

Question. Who was searching for the e-mails?

Answer. I don't know specifically who was searching for them.

Question. Were e-mails responsive to the committee's subpoena, which is marked as Exhibit 1?

Answer. I believe we produced e-mails to this committee and, therefore, I believe that they were probably responsive to the committee's subpoena.

Question. Do you know what offices the additional productions came from? And by that I'm referring to productions that followed the June 27th, 1997, letter marked as Exhibit 4.

Answer. I don't recall the offices.

Question. Were you involved in the production of any documents after June 27th, 1997, to this committee?

Answer. With respect to this March 4 subpoena?

Question. Yes.

Answer. I may have been. I don't recall specifically.

Question. Since June 27th, 1997, to today, what have you been doing with respect to—what have you been doing at the White House Counsel's Office?

Answer. I continue to work on investigative matters.

Question. Do you continue to search for documents responsive to the committee's subpoena which is marked Exhibit 1?

Answer. I don't believe I do. I don't believe I continue to do that, no.

Question. When did you cease searching for documents responsive to the committee's subpoena?

Answer. I don't recall, but the one clarification I want to make is that if in the process of searching for documents responsive to another request, and if documents responsive to this March 4 subpoena arise or surface, we will produce them to this committee. And that is precisely what I believe is one point Mr. Ruff makes in Exhibit 4, and that is if we locate them, regardless of when we do, and how we do, we will promptly produce them to this committee.

Question. Have you personally been involved in when that has occurred?

Answer. Yes, I have been.

Question. Under what circumstances—strike that. When?

Answer. One example—one example I recall is some documents relating to either Trie or John Huang—and Barbara can remember because I had a long conversation with her.

Mr. EGGLESTON. Ms. Comstock.

The WITNESS. Ms. Comstock, excuse me. But documents relating to Charlie Trie—I believe it was Charlie Trie; if it wasn't Charlie Trie, it was John Huang—surfaced and I called up Ms. Comstock and told her that we had found these documents and we arranged for their production.

EXAMINATION BY MR. DHILLON:

Question. How did the documents surface?

Answer. I don't recall specifically, but I'm sure I explained it to Ms. Comstock. I just don't recall.

Question. And approximately when did this occur?

Answer. I believe it was late summer. I believe it was August, maybe.

Question. Any other similar type events occur that you were personally involved in?

Answer. I don't recall any.

Question. Is there anyone in the White House Counsel's Office who is personally looking for documents responsive to the committee's subpoena marked as Exhibit 1?

Answer. To the best of my knowledge, no.

Question. And when did the Counsel's Office cease searching for documents responsive to the committee's subpoena?

Answer. I don't know that there was a specific date when we sat around a table and decided that we were completely finished searching for documents.

[Witness conferring with counsel.]

The WITNESS. And I just want to add what I said before, and that is that if we find responsive stuff, regardless of how we find it or when we find it, if it is responsive to the March 4th subpoena, we will arrange to promptly produce them to this committee.

And by the same token, if the committee believes that there is outstanding material and the committee comes forward and makes a request, we will do our best to make sure that we gather all the responsive documents.

EXAMINATION BY MR. DHILLON:

Question. At the time you began your employment in the White House Counsel's Office, did you have any knowledge about videotaping or audiotaping conducted at the White House?

Answer. None whatsoever.

Question. When did you first learn about the existence of WHCA?

Answer. I don't recall.

Question. You are aware of what WHCA is?

Answer. I am now, yes.

Question. Do you recall when you became——

Mr. EGGLESTON. As does the whole country.

The WITNESS. As well as the entire country.

EXAMINATION BY MR. DHILLON:

Question. You'd cut out a lot of questions if you said you didn't have the foggiest notion what I was talking about.

Under what circumstances did you learn about WHCA?

Answer. As I previously stated, I don't recall when I learned about WHCA. And I also don't recall specifically what the circumstances were that I learned about WHCA. At some point I learned about WHCA. How and when it happened, I just don't recall.

Question. There have been a lot of events occurring that related to WHCA in the last 30 days.

Answer. That's correct.

Question. Did you—to the best of your knowledge, did you know that WHCA existed prior to these events occurring?

Answer. I may have, which is why I keep saying I don't recall. I may have known about WHCA prior to these events occurring, I just—I'm not sure if I did. And if so, I don't recall when.

Question. Have you personally ever received any responsive documents to either the committee's subpoena or to any request from WHCA?

Answer. Again, as my counsel stated earlier, prior to these events occurring, no.

Question. And let's be clear when we talk about prior to these events occurring, you had attached a date to that, October 2nd or 3rd, I believe?

Answer. October 2nd.

Question. Have you ever attended an event where the President was present and the event was being videotaped or audio taped?

Mr. MCLAUGHLIN. By anybody?

Mr. EGGLESTON. I was about to say.

Mr. DHILLON. By anybody.

Mr. MCLAUGHLIN. By TV cameras, personal tape recorders——

Mr. EGGLESTON. That's enough.

Mr. DHILLON. The answer is yes.

The WITNESS. At the time I was at the event, I did not know it was being videotaped. As I sit here today, it probably was videotaped.

EXAMINATION BY MR. DHILLON:

Question. What event was that?
Answer. I attended a radio address with my parents.
Question. When was that?
Answer. That would have been in August of this year.
Question. Besides your parents, yourself and the President, who else was present?
Answer. A lot of other people.
Question. From a specific group or do you recall?
Answer. I know—there were a couple of other White House staff people whom I just know by face, and the other people, I just don't recall who they were.
Question. Now, you said that at the time you didn't know it was videotaped but now you think it was. Could you clarify what you mean by that?
Answer. My understanding is that WHCA——
Mr. EGGLESTON. Your understanding today?
The WITNESS. My understanding today is that WHCA typically or generally videotapes the President's radio address. So knowing what I know now, I think it is quite probable that that radio address was videotaped.

EXAMINATION BY MR. DHILLON:

Question. And that was August of this year?
Answer. Yeah.
Question. Do you recall seeing a camera at the event?
Answer. I recall seeing a photographic camera, because ultimately I was photographed.
Question. Do you recall seeing a video camera?
Answer. I don't really recall seeing a video camera, no.
Question. Where was the radio address?
Answer. The radio address I attended was in the Oval Office.
Question. And how many people were present?
Answer. Maybe 80.
Question. Have you attended any other events where the President was present and the event was being videotaped or audiotaped?
Answer. To the best of my knowledge, I don't believe I have.
Question. Do you meet with the President on a regular basis?
Answer. No, I don't. Even you had to laugh when you asked that question.
Question. How many times you have personally met with the President, excluding the radio address?
Answer. I wouldn't really call that encounter a personal meeting with the President. I have——
Mr. EGGLESTON. You and 80 other people.
The WITNESS. That's correct. I have been in the presence and greeted and exchanged greetings with the President on several occasions. I don't—I can't really count exactly how many.

EXAMINATION BY MR. DHILLON:

Question. Were video cameras present at those times?
Answer. I only recall photographic cameras.
Question. Still cameras? Still photos?
Answer. Still photos, photographic cameras, right.
Question. No movie cameras?
Answer. I don't remember movie cameras, camcorders, video cameras.
Question. Now, prior to October 2nd, 1997——
Answer. Uh-huh.
Question [continuing]. Did you ever attend any meetings with anyone or anyone mention that there may exist audiotapes or videotapes responsive to any subpoena or document request?
The WITNESS. Could you read that back?
[Reporter read the record as requested.]
The WITNESS. I had a brief conversation with Michael Imbroscio when he recounted his conversation with somebody from the Senate committee where that staff person inquired about clandestine audio recordings in the Oval Office. The possible existence of such recordings.

EXAMINATION BY MR. DHILLON:

Question. Besides that, any other meetings where that came up?
Answer. Prior to October 2nd, 3rd, no.
Question. At any meeting—at any of your team or group meetings did anyone ever mention WHCA prior to October 2nd, 1997?
Answer. They may have; I don't recall.
Question. When was that meeting or discussion with Mr. Imbroscio?
Answer. I don't recall.
Question. What did he say?
Answer. He said that a Senate committee staff member had made this inquiry.
Question. And what was your response?
Answer. I found it an incredible inquiry.
Question. Did anyone ever ask the President whether such a system existed? Let me rephrase that so I'm clear on the "system." Your conversation with Mr. Imbroscio focused on a clandestine recording system in the Oval Office; is that correct?
Answer. That's not necessarily accurate.
Question. Okay.
Answer. He recounted a conversation that he had had with a person on the Senate committee. In that conversation with that person, that person inquired about the possible existence of clandestine audio recordings in the Oval Office.
Question. Did anyone ever ask the President if such a system or such recordings were made or existed?
Answer. I don't know.
Question. Were you involved in any way in ascertaining whether such taping, clandestine taping occurred in the Oval Office?
Answer. I was not involved.
Question. Let's—prior—did anyone ask at one of these meetings or any other time, anyone else in the Counsel's Office about this sort of clandestine taping?
Answer. I don't know.
Question. Did anyone ask anyone in the President's office about clandestine taping?
Answer. I don't know.
Question. Prior to October 2nd, 1997, what did you do to locate audio or videotapes responsive to any document request or subpoena?
Answer. I was not involved in doing any of that.
Question. Were you notified about the existence of certain videotapes that relate to coffees on or about October 2nd, 1997?
Answer. Yes.
Question. Who told you about those?
Answer. Can we go off the record for a second?
Mr. DHILLON. Sure.
[Discussion off the record.]
The WITNESS. In the evening of October 2nd, I had a brief discussion with Michael Imbroscio in which he informed me that certain responsive videotapes had been located. I had bumped into him in our document room. I was in the process of doing something and so it was a very quick exchange. That was when I first learned about responsive videotapes. I did not know at that time that they related to coffees.
Mr. MCLAUGHLIN. By October 2nd, you mean the Thursday?
The WITNESS. Yes, the Thursday, that Thursday evening.

EXAMINATION BY MR. DHILLON:

Question. What was the next—let's go through the sequence of events that occurred with respect to the tapes and your involvement. What was the next thing that occurred?
Answer. With respect to the videotapes?
Question. Yes, we are talking just about the videotapes. And you have spoken to Mr. Imbroscio on the second Thursday. What happened next?
Answer. October 2nd.
Question. October 2nd, yes.
Answer. The next day, Friday morning, we had a meeting and that is when I became aware that the videotapes related to coffees.
Question. You say "we." Who are we talking about?
Answer. People in the Counsel's Office.
Question. Who was present?
Answer. I recall Chuck Ruff, Lanny Breuer, Cheryl Mills, Michael Imbroscio, and there were probably other people there, I just don't recall who.

Question. What was discussed?

Answer. Among other things, that these videotapes had been located and that we would be producing them.

Question. What was your—what was the next step? Was anyone assigned a task with respect to the videotapes at that meeting?

Answer. I'll refer to Michael Imbroscio's testimony, but I believe——

Mr. EGGLESTON. His public testimony.

The WITNESS. His public testimony. I believe he handled the copying or overseeing the copying and the production of those tapes.

EXAMINATION BY MR. DHILLON:

Question. Were you involved in that process at all?

Answer. No, I was not.

Question. Did you ever review the videotapes before they were produced to any entity?

Answer. No, I did not.

Question. Have you reviewed the videotapes since?

Answer. No, I haven't. I will qualify. I will say I've seen the snippets of them, but I've not reviewed the videotapes of the coffees.

Question. Were you involved, except for that meeting and the conversation you had with Mr. Imbroscio on October 2nd, were you involved in any way in the preparation or production of videotapes to any investigative group or agency?

Answer. I had one conversation with Barbara Comstock on—Ms. Comstock on Sunday, and told her that she would be receiving copies of the tapes that afternoon.

Question. Okay. And what prompted that call to Ms. Comstock?

Answer. I had received a message from her asking her to call—to call her.

Question. How did you obtain the information that you passed on to her?

Answer. I believe I spoke to either Chuck Ruff or Lanny Breuer.

Question. Except for that, were you involved in any way with respect to the review, location, and production of the videotapes?

Answer. Relating to the coffees?

Question. Yes.

Answer. No.

Question. What about relating to fund-raisers, were you involved in that process?

Answer. Yes.

Question. Okay. When did that process begin?

Answer. I believe it began sometime during the week of the 6th of October.

Question. And what was your responsibility with respect to noncoffee videotapes? Let me ask you this, how best do you characterize the videotapes that you were involved in? Were they fund-raising videotapes?

Answer. They were videotapes relating to DNC events.

Question. Okay.

Answer. Those were fund-raising and nonfund-raising.

Question. What was your involvement with respect to those videotapes?

Answer. I oversaw the review of those tapes, and worked with WHCA to copy those tapes, the ones that needed to be copied. And they ultimately were the production of those tapes to the various investigative bodies.

Question. Were you involved in the identification of responsive tapes?

Answer. Yes.

Question. And how did—describe how that process worked.

Answer. We had—we, the Counsel's Office, obtained logs of the videotapes from WHCA. We then reviewed those logs, reviewed them against the President's schedule to locate potential responsive events. We then sat down and reviewed the tapes of those events.

Question. And when you say "we," who are you referring to besides yourself?

Answer. Other people in the Counsel's Office.

Question. Who were?

Answer. Karl Racine—I believe he and I did most of the reviewing.

Question. Where did you review the videotapes?

Answer. In WHCA.

Question. Did you review the originals?

Answer. Yes. We reviewed the originals.

Question. Did somebody retrieve those and put those in the machine for you, or were you doing that yourself?

Answer. They were retrieved from the archives by WHCA. Steps were taken to ensure that there was no possibility of any accidental recording.

Question. Recording over?

Answer. Recording over of the original. And then we sat in WHCA and reviewed them in the presence of other—in the presence of WHCA staff.

Question. What steps were taken, very briefly, to ensure that the tapes were not recorded over?

Answer. Like a cassette, the—these are Beta cassettes, but like an audio cassette, there is a tab that could be removed that prevents any recording. Those tabs—I was told that those tabs were removed. Also, on the actual video machine, there's a button that you can press that says—it says something like "antirecord" or—it prevents any—even if I hit the record button, I was told that it would not engage, and there would be no recording.

Question. What did you do after you reviewed the tapes?

Answer. Handed them to the WHCA staff and asked them to be copied onto video—onto VHS.

Question. Were there any tapes you reviewed that you did not produce to this committee?

Answer. Yes.

Question. Okay. And what were those? What were on those tapes—back up. Did you you conclude that those tapes were not responsive to the subpoena?

Answer. To the best of our knowledge, in looking at those tapes, yes.

Question. Approximately how many tapes fell into that category?

Answer. I don't know. I can't recall.

Question. More than five? Less than five?

Answer. It would have been more than five.

Question. More than 10?

Answer. Possibly more than 10.

Question. More than 15?

Answer. Possibly. I just don't know.

Question. What criteria did you use to determine if the tapes were relevant or responsive to the subpoena?

Answer. We tried to locate those events that were sponsored in part or in whole by the DNC, whether they were fund-raising or nonfund-raising events.

Question. So as an—could you give me—can you give me an example of a tape you reviewed that wasn't responsive to the subpoena, that you determined wasn't responsive to the subpoena.

Answer. A state party fund-raiser that was in no way sponsored by, in part or in whole by the DNC.

Question. You have a specific one in mind?

Answer. No, just one.

Question. You recall——

Answer. Generally, there was some state party fund-raisers that were not sponsored in part or in whole by the DNC.

Question. And the President was obviously present at these fund-raisers?

Answer. Yes.

Question. Any other categories or kinds of tapes that you reviewed that you concluded were not responsive to the subpoena, to the committee's subpoena?

Answer. I don't recall, no.

[Witness conferring with counsel.]

EXAMINATION BY MR. DHILLON:

Question. After you reviewed the—let's see. After you reviewed the Beta tapes, you asked WHCA to prepare the VHS tapes.

Answer. To record the—these events onto VHS tapes.

Question. And then what did you do with those?

Answer. Well, they did all the copying. And they created several copies. And they provided us with the copies. We had to sign for them. And then we produced them.

Mr. DHILLON. Is this a good time for a break?

Mr. MCLAUGHLIN. Sure.

Mr. DHILLON. I would like to take an opportunity to look at my notes. Can we go off the record?

[Recess taken.]

EXAMINATION BY MR. DHILLON:

Question. Was the April 28th directive, which is marked as Exhibit 3 that is before you, intended to include this committee's subpoena, which is marked as Exhibit 1?

Answer. To the best of my recollection, it was intended to include many of the requests on the March 4 subpoena.

Question. Okay. You've qualified that by saying "many." Was there a point where certain requests were eliminated?

Answer. Certain requests weren't eliminated. But certain requests may have been encompassed by another directive or were so narrow that we could go directly to that office and get the materials, rather than include it on the directive and either confuse or potentially overburden many other people who we know would not have such documents.

Question. Except for the categories you've just named, was the document, which is Exhibit 3, intended to cover all the other areas that were covered by the subpoena, which is Exhibit 1?

Answer. With—with the prior qualifications and one more, which is that certain requests were held in abeyance and certain requests were modified, in other words narrowed, this directive was used to respond to that subpoena and other requests from other investigative bodies.

Question. Very briefly, how were requests either modified or held in abeyance?

Answer. On the Exhibit 2, John Rowley's letter to Lanny Breuer, certain requests were held in abeyance by this committee. Certain requests were also narrowed after our discussions with the committee. And that was an agreement that we had reached. And it was like and—and later on verbal requests may have been narrowed. I just don't recall.

Question. I would like to refer to page 2 of Exhibit 3.

Answer. Page 2.

Question. Item B.

Answer. Excuse me, is that item 1-B?

Question. Yes. I believe so. It's the coffees part.

Answer. Uh-huh.

Question. Now, did you receive—do you see that? It relates to coffees?

Answer. Right. Excuse me one second.

[Witness conferring with counsel.]

EXAMINATION BY MR. DHILLON:

Question. We're on page 2 of Exhibit 3——

Answer. Uh-huh.

Question [continuing]. The section item B relating to coffees.

Answer. Right.

Question. Did you receive any documents or material in response to this item?

Answer. I may have. I don't recall.

Question. Do you recall what you received, if anything?

Answer. Well, I—I don't—I may have received materials. I don't recall whether I did.

Question. Okay. Do you—so you don't recall if you—if you did receive materials, you don't recall who you received them from?

Mr. MCLAUGHLIN. Are we talking just about item 1-B now?

Mr. DHILLON. Yes. Yes. Just coffees.

The WITNESS. If I did receive materials, which I don't recall, I wouldn't recall who they were from either.

EXAMINATION BY MR. DHILLON:

Question. Do you have any specific recollection about receiving any materials related to coffees in response to the subpoena or—which is Exhibit 1 or Exhibit 3?

Answer. I personally don't recall receiving any materials relating to coffees.

Question. Do you recall——

Answer. I want to say that I know for a fact that we have received materials relating to 1–B, i.e., the coffees.

Question. Do you recall any conversations you had with anybody in the White House, either responding to Exhibit 3 or asking questions about Exhibit 3 that relate to coffees?

Answer. I don't recall, no.

Question. And that includes receiving any notes written by the President which related to coffees?

Answer. That's correct. I don't recall receiving any such notes.

Question. Did you make any efforts to determine if the President had made any notes relating to coffees?

Answer. I personally do not recall doing that.

Question. Did you have any discussions with anyone regarding the protection of documents or things related to coffees?

Answer. Would you read that back again?

Question. Did you have any discussions with anyone regarding the production of documents related to coffees?

Answer. Other than a general discussion that, on a particular day, we were going to do a document production or perhaps my asking what kinds of stuff we were producing and somebody saying, among other things, you know, X, Y, Z, and some documents relating to coffees. That's the kind of stuff I recall.

Question. Do you have any specific recollection of such conversations?

Answer. No.

Question. To your knowledge, has this committee received all documents, items, or things in the possession of the White House which relate to the political coffees?

Answer. To the best of my knowledge, we have produced all documents relating to coffees that we have gathered and that we're aware of. I will also say, though, that I believe that there is one document on the last privilege log that you received that is related to a coffee. So you're aware of the existence of that document.

Question. And you've had discussions with other members of the majority counsel regarding the production of that document?

Answer. They have—they have the log. And I don't believe that they have asked any questions about it. But, as always, we are more than happy to engage in that process.

Question. All right. Is the White House Counsel's Office actively looking for documents or records relating to coffees as we speak?

Answer. I don't believe so.

Question. We talked about documents. Did you also mean, when you say documents, videos, audio tapes? Did you encompass that in your——

Answer. Yes. Documents in any form.

Question. Okay. Are you aware of any tapes being given out to any of the attendees of coffees?

Mr. MCLAUGHLIN. Tapes of what?

Mr. DHILLON. I'm sorry. Thank you.

EXAMINATION BY MR. DHILLON:

Question. Are you aware of any videotapes of the coffees themselves being given to any of the people who attended the coffees?

Answer. I'm not aware of that happening.

Question. Did you ever go to any office or subdivision or unit or—excuse me. Off the record, please.

[Discussion off the record.]

Mr. DHILLON. Back on the record, please.

EXAMINATION BY MR. DHILLON:

Question. Did you ever follow up on any subpoena or other requests, including Exhibit 3, by talking to a responsive department or group or division or subdivision within the White House to determine if there had been compliance with the committee's subpoena or Exhibit 3?

Answer. I don't recall doing that.

Question. Did you ever attempt to ascertain where responsive documents, documents responsive to the committee's subpoena or to any request would be located within the structure of the White House?

Answer. I believe I've done that.

Question. And under what circumstances did you do that?

Answer. I recall with respect to the Trie documents that I mentioned earlier, the—this committee had made a request for documents related to the security clearance of Charlie Trie. I went to the offices that I thought might have such responsive documents and talked about that with those people. And that's how we yielded these documents.

Question. Now, how did you figure out which offices might be responsible for that request?

Answer. I determined which offices might be involved with clearance issues and spoke to those people in those offices.

Question. Are you familiar with all of the departments and groups and offices and divisions that comprise the office, executive office of the department?

Answer. Not all of them. I have general knowledge of what some of them do.

Question. Okay. Is there anyone in the Counsel's Office that is familiar with all of them and what they do?

Answer. I'm not familiar with anyone in the Counsel's Office who is familiar with every one of them.

Question. Do you know how many such offices, groups, or units or divisions there are?

Answer. No. I refer to a—an address book to determine—I don't know. I don't know off the top of my head.

Question. Is there anybody in the Counsel's Office that is familiar with the responsibilities of each of those offices, groups, or subdivisions, or units?

Answer. I don't know if anyone in the Counsel's Office has that familiarity with the EOP.

Question. Did you ever receive response to a request or a directive that seemed, after review, inadequate?

Answer. I don't recall.

Question. Did you ever follow up on any subpoena, document request, or directive by talking to anyone in the military office?

Answer. I don't recall ever doing that.

Question. Did you ever follow up on any subpoena, document request, or directive by talking to anyone in WHCA?

Answer. Prior?

Question. Before October 22nd, 1997.

Answer. I don't recall ever doing that, no.

Question. Who in the White House has been involved with production of documents regarding the Hudson Dog Track?

Answer. I have.

Mr. DHILLON. Off the record for a minute.

[Discussion off the record.]

EXAMINATION BY MR. DHILLON:

Question. Who was involved in the production of Hudson Dog Track documents which were produced to this committee on October 22nd, 1997?

Answer. Well, there was a production of Hudson Dog Track documents, I believe, to this committee on or about September 13th. We produced some 360 pages of documents relating to the Hudson Casino matter.

Question. Were there any documents produced to this committee on October 22nd, 1997?

Answer. There may have been. I don't know if there were exactly. I don't know.

Question. Were you——

Answer. There may have been on or about October 22nd.

Question. Were you involved in that production?

Answer. I was involved in a production in October of the Hudson Casino documents, yes.

Question. Does October 22nd sound about right?

Answer. It was about that time.

Question. Was anyone else in the Counsel's Office involved in that production?

Answer. The actual physical production, no. I don't believe so.

Question. Now, with respect to the Hudson Dog Track documents, who in the White House took part in the decision to assert privilege over those documents?

Answer. As a preliminary matter, privilege was not asserted over any of those documents. Those documents were placed on a log, as other documents in the past have been placed on a log, and designated as being subject to privilege.

Question. Who in the White House took part in the decision to make them subject to privilege, the—let me rephrase the question so we're clear.

With respect to the Hudson Dog Track documents, who in the White House took part in the decision to make them subject to privilege?

Answer. I can speak generally about the process that we go through with respect to privileged documents.

Question. Okay.

Answer. When we find documents that we believe are potentially subject to privilege, they are gathered. And at some point, they are reviewed. And a final decision is made as to whether or not they are subject to privilege.

With respect to those that we determine are subject to privilege, we place those—we describe them on a log, and we produce them to this committee. The added component, then, in this process with respect to the Hudson Casino documents is that, because they were at issue, and subpoenaed in a private litigation, the Justice Department, after our review, reviewed the documents in consultation with the office of legal counsel and determined that they were subject to privilege, put them on a log and filed that log in a private litigation.

Question. That was the civil litigation you had talked about earlier in the deposition?

Answer. That's correct.

Question. Now, with respect to these dog track documents, I want to take you to a point where, before you've sent them over to the Department of Justice, who in the White House made the decision to make a claim that they were subject to privilege?

Answer. I recall a meeting that Chuck Ruff, Lanny Breuer, Cheryl Mills and I participated in, in which we—during which we reviewed these documents.

Question. And at that meeting, was that when the decision was made to make these documents subject to privilege?

Answer. Not—not really, because, as I said, there was the added step. And so the conclusion at the end of this meeting was we believed—we believed that these documents were subject to privilege. But they had to be sent to the Department of Justice for their review and final determination prior to our putting them on any kind of a log.

Question. When did that meeting occur?

Answer. I don't recall.

Question. How long did it take the Department of Justice to make its decision?

Answer. I only know that it took them a while. I don't recall exactly how long.

Question. More than a month?

Answer. I know this, I know that they finalized their review to the Thursday before they were produced to this committee and filed the actual log in the civil litigation the Friday before these documents were produced to this committee.

Question. So at the meeting with you and Mr. Breuer and Mr. Ruff, you concluded, the three of you concluded that these documents were subject to privilege subject to review of the Department of Justice—I'm sorry, and Ms. Mills was also at that meeting?

Answer. Yes. That was what I would consider to be our initial determination. But we knew that the next step was that they had to go to Justice.

Question. Did the White House make any other determinations after that determination?

Answer. No.

Question. So you——

Answer. I don't recall us making any other determinations after that one.

Question. So it was—you said it was your initial determination. Was it fair to say it was the only determination the White House made with respect to whether those documents were subject to privilege?

Answer. Prior to—yes. Yes, I believe that's accurate. I say "initial," because that was not the final step in this process is why I say that, because they have to go to Justice.

Question. It was the final step for the White House Counsel's Office, though; is that correct?

Answer. With respect to reviewing them to determine whether they may be subject to privilege, yes.

Question. Now, when—now I'm only talking about the documents produced on or about October 22nd. When were these documents first discovered?

Answer. I don't recall.

Question. Who discovered them?

Answer. They were provided to Counsel's Office, I believe, by the Office of Records Management.

Question. Were those documents provided in response to the civil subpoena that had come through the Department of Justice?

Answer. I don't recall specifically.

Question. Do you recall when the request came through for those documents?

Answer. By the civil?

Question. By anyone.

Answer. I don't recall specifically, no.

Question. Do you recall by the civil——

Answer. No, I don't.

Question. Does the White House always send documents to the Department of Justice for privilege determination?

Answer. No.

Question. Was this the first time that that had occurred since you had been there?

Answer. To my knowledge, yes.

Question. And why were these documents sent to the Justice Department for privilege determination?

Answer. They are representing us in that litigation. We are not a party, but they are representing us.

Question. And you say "us"?

Answer. Excuse me, the White House.

Question. And how was it that they came to—did they tell you that they were—strike that.

Did the Department of Justice advise you that they wanted to review all documents that you believed were subject to privilege before they could be produced?

Mr. EGGELSTON. Are you talking about in the civil——

Mr. DHILLON. Right. In the civil.

Mr. MCLAUGHLIN. You mean, as lawyers, did they need to fulfill their obligations as lawyers to review documents to be produced in the litigation?

Mr. DHILLON. Let me rephrase the question.

EXAMINATION BY MR. DHILLON:

Question. How did DOJ—with respect to the——

Mr. EGGELSTON. I really need to break.

Mr. DHILLON. Do you want to break now?

Mr. EGGELSTON. Is that okay?

Mr. DHILLON. Yeah. It's fine.

[Recess taken.]

EXAMINATION BY MR. DHILLON:

Question. I would like to go back to the meeting that you were talking about before the break where the discussion of privilege about these documents occurred.

Mr. Ruff was present, Mr. Breuer, Mr. Mills?

Answer. Ms. Mills.

Question. I'm sorry. Ms. Mills and you?

Answer. That's correct.

Question. And did that meeting occur prior to the production of the documents that you previously referred to, the September production?

Answer. I don't recall.

Question. With respect to the October production of documents, when were those documents first reviewed by anyone?

Answer. I don't recall that either.

Question. You talked about a September production. Were the documents that were produced—and you said there were how many hundreds of pages?

Answer. I think around 380 pages.

Question. Were the documents that were produced in October part of the set of documents that were produced in September and taken out?

Answer. I don't recall that either.

Question. Oh, I know what we were talking about, the review of documents by the Department of Justice.

Answer. Uh-huh.

Question. Why did the Department of Justice review the documents in this case?

Answer. They are the ones representing us in this matter. They are the ones who have produced any documents—any White House documents in this private litigation. I don't, and the White House doesn't, directly produce documents to the private plaintiffs. We give our documents, the responsive documents to the Department of Justice. They then turn them over to the private plaintiffs.

Question. Why did you wait for the Department of Justice to rule on whether the documents were subject to privilege before producing the documents to this committee?

[Witness conferring with counsel.]

The WITNESS. We wanted to resolve the issues with respect to the private litigation prior to doing anything with these documents with respect to the—this committee.

EXAMINATION BY MR. DHILLON:

Question. When you say "we," who are you referring to?

Answer. The Counsel's Office.

Question. Who in the Counsel's Office?

Answer. As a collective entity, the Counsel's Office.

Question. Did Mr. Ruff make that decision?

[Witness conferring with counsel.]

The WITNESS. He did, yes.

EXAMINATION BY MR. DHILLON:

Question. And just so I'm clear, Mr. Ruff decided that no documents that were subject to privilege—are those the only ones that we're talking about here in terms of documents not produced in the September production that relate to the racetrack?

Answer. Could you repeat that?

Question. All I want to talk about—ask you about are documents that are subject to privilege. Actually, let me step back from that. All I want to talk to you about are the racetrack documents that were not produced in September, but were produced in October. Okay?

Answer. Okay.

Question. Was Mr. Ruff's decision—did Mr. Ruff decide not to produce documents subject to privilege to this committee until after the Department of Justice had also reviewed those documents?

Answer. His decision was to wait until this issue was resolved with respect to the private litigation.

Question. Did the—did Mr. Ruff or anyone in the White House Counsel's Office advise this committee that such documents existed and that there was an additional review being conducted by the Department of Justice?

Answer. I don't know.

Question. How did the Justice Department insert itself into the loop of review?

Mr. EGGLESTON. I think he's really answered that. They produce the documents in the private litigation. I mean——

Mr. DHILLON. Let me ask another question.

Mr. EGGLESTON. I mean the words "insert in the loop"; they're in the loop.

The WITNESS. They're in the loop.

Mr. MCLAUGHLIN. They're your questions.

The WITNESS. Yes, that's correct; as I said, they're representing us.

Mr. EGGLESTON. I just want to raise another issue, which is that you're also—I don't want to stop you from asking any questions, but there is currently private litigation involving the Department of Justice acting as attorney to the White House in connection with that litigation. And it's ongoing pending litigation.

And so he's just going to have to be careful about answering some of these questions, because it relates to ongoing pending litigation, and the Department of Justice, as it always does, represents the White House in these matters. It is not unusual to have the Department of Justice represent the White House if they have responsive materials in connection with private litigation. That is the way the system is designed.

EXAMINATION BY MR. DHILLON:

Question. Are the documents that were produced to the committee in October responsive to any committee subpoena?

Answer. They may be.

Question. Why were they produced to the committee?

Answer. Because they—they may be responsive to one of the committee's requests.

Question. So is it fair to say that these documents were—there was a dual nature to these documents? They were responsive not only to the civil litigation but also to this committee's request or subpoenas?

Mr. EGGLESTON. I think he said "may be."

The WITNESS. May be, yes.

EXAMINATION BY MR. DHILLON:

Question. That there were a dual nature then to these documents?

Answer. Maybe, yes. Yes, maybe.

Question. The White House Counsel produced these documents?

Answer. You have these documents.

Question. You concede that in October the White House produced documents to this committee that we are talking about?

Mr. EGGLESTON. This whole discussion has been about documents that are in your possession. If that's the question, the answer to that question is yes.

EXAMINATION BY MR. DHILLON:

Question. And the White House produced those documents because they were responsive to a request from this committee; is that right?

Mr. MCLAUGHLIN. That is the third time you have asked that question. Do you want to answer?

Mr. EGGLESTON. He's going to say "may be."

The WITNESS. They may be responsive to a request by this committee.

EXAMINATION BY MR. DHILLON:

Question. The documents that may be responsive to requests or subpoenas by this committee up until that point had never gone through the Department of Justice for review, had they?

Mr. EGGLESTON. I'm sorry? Did you understand that? These documents or other documents?

EXAMINATION BY MR. DHILLON:

Question. Other documents except for these documents, the October documents that relate to the racetrack——

Answer. All right.

Question [continuing]. No other documents that were or may have been responsive to this committee's request or subpoena has gone to the Department of Justice for review; is that correct?

[Witness conferring with counsel.]

The WITNESS. To my knowledge, no, because to my knowledge, no other documents that have been requested by this committee were also at issue in a private litigation in which the Department of Justice was representing us.

EXAMINATION BY MR. DHILLON:

Question. So this category of documents, the documents produced in October, were treated differently by the White House Counsel's Office by virtue of the fact that the Department of Justice was involved in civil litigation relating to the documents; is that correct?

[Witness conferring with counsel.]

The WITNESS. Different because they were subject to a subpoena in a private litigation in which the Department of Justice was representing us, the White House.

EXAMINATION BY MR. DHILLON:

Question. And you had a—there was a meeting where this issue was discussed; is that correct?

Mr. MCLAUGHLIN. Asked and answered.

The WITNESS. What issue?

EXAMINATION BY MR. DHILLON:

Question. Was there a meeting where it was discussed that these documents would be treated differently because they were under the subpoena through the civil action?

[Witness conferring with counsel.]

The WITNESS. We did not discuss treating these differently. We reviewed these documents and the next step, because they were subpoenaed in connection with a private litigation, was the Department of Justice was representing us, they had to go to the Department of Justice next. There was no discussion as to whether or not we were going to treat these documents any differently.

EXAMINATION BY MR. DHILLON:

Question. Now, when did the dog track documents go to the Department of Justice?

Answer. I don't recall.

Question. Were there any communications to the Department of Justice about Congress, this committee, or the Senate, wanting those documents?

Answer. I don't recall.

Question. Was the Department of Justice told anything about the Congress's requests or needs with respect to those documents?

Answer. I don't recall.

Question. At the time—you were the person who produced the documents in September?

Answer. The White House did. The Counsel's Office did. I'm not sure—I believe I was the person who shepherded them out the door.

Question. At the time those documents were shepherded out the door, were you aware of the existence of the documents that were eventually produced to this committee in October of 1997?

Answer. I don't recall.

Question. Who at the Department of Justice reviewed the documents? And when I talk about "the documents," from this point on it will be the October 22nd documents.

Answer. The AUSA representing us, representing the White House, his name is David Jones.

Question. Was he the person who did the Department of Justice review?

Answer. He's the person I communicated with. I'm not sure if he was the person who did the review.

Question. Who communicated back to you that the Department of Justice review was complete and what the results were?

Answer. David Jones.

Question. Did you meet with the Department of Justice at any time regarding the decision as to what documents to assert a privilege over?

Answer. I had conversations with DOJ.

Question. And who would that have been with? David Jones?

Answer. David Jones, I believe I spoke to David Jones about this.

[Witness conferring with counsel.]

The WITNESS. I don't recall speaking to David Jones specifically about the documents and his review or if he reviewed them—the review of the documents. I recall speaking to someone at OLC, Office of Legal Counsel, about this.

EXAMINATION BY MR. DHILLON:

Question. Do you recall who you spoke to?

Answer. Yes.

Question. Who?

Answer. Paul Colborn.

Question. What did you tell Mr. Colborn?

Mr. EGGLESTON. Now, hold it. Let me raise two objections. First, you are inquiring into communications between attorney and client in connection with ongoing private litigation. And I must say it is ongoing, and given the fact that you have these documents, it seems to me that you are doing little here other than trying to advance a private interest in private litigation. There is litigation going on, and maybe litigation that will arise as a result of the assertion of privilege by the White House.

The WITNESS. If there is an assertion.

Mr. EGGLESTON. If there is an assertion in connection with that. And your asking directly for communications between the Department of Justice and the White House in this matter I think is absolutely inappropriate, and I can't help but concluding that you are attempting to influence private interests. Because otherwise I don't see what this inquiry is about, because you have the documents. The documents have not been withheld from either the Senate or the House; and indeed, I think a few of these documents were actually used by the Senate in connection with its hearings.

[Witness conferring with counsel.]

Mr. EGGLESTON. And I really—finally, let me say I've let this go on quite some distance. But I talked to Ms. Comstock last week and told her that Mr. Nionakis would not be answering questions about this, and she said she would raise it with Mr. Ruff and Mr. Ruff would provide someone else to respond to questions. And since you talked to Mr. Breuer, I assume he has answered the questions.

But I am really not in a position to let them respond to questions about communications between the Department of Justice acting as the lawyer, particularly in a circumstance where it seems to me you already have the documents. And I can't imagine what your interest in this could be, other than advancing private interest in private litigation.

Mr. DHILLON. Are you instructing your client not to answer my question?

Mr. EGGLESTON. I would very much like to accommodate this with you, but if your question is that—if you're going to ask about communications between Mr. Nionakis and the Department of Justice, I'll refer you back to my conversation with Ms. Comstock of last week, where she agreed that he would raise this issue with Mr. Ruff and Mr. Ruff would provide other people to respond to these questions. So, yes.

Mr. DHILLON. Are you instructing your client not to answer the question?

Mr. EGGLESTON. I am.

Mr. MCLAUGHLIN. I'll just pitch in and say on behalf of the minority, I'm just sitting here like a bump on a log letting these questions go on, but I will second the objections. And just add my own, that the relevance of this line of questioning is not readily apparent to me in light of the fact that we have the documents and that they were in fact turned over to this committee. This seems like once again the com-

mittee comes close to crossing the line of self-parody. But that having been said, I will simply add my objection to the record.

[Counsel confer off the record.]

Mr. MCLAUGHLIN. When I can get Mr. Dhillon's attention, I will ask him to state the relevancy of the line of questioning that he has been propounding or he proposes to propound.

Mr. DHILLON. Your request is so noted for the record.

Mr. MCLAUGHLIN. Mr. Dhillon, you are declining to state on the record the relevancy of these questions?

Mr. DHILLON. The relevance is self-evident, I am certain, to you.

Mr. EGGLESTON. I might say it is not relevant to me. Indeed, I have taken the position that unless the relevance to you is in order to advance a private party litigation, there is no conceivable relevance about communications with the Department of Justice about these documents where they have not been withheld from the committee.

It is certainly not self-evident to me. The only thing that is self-evident to me is if you were taking sides in a private litigation—and it seems to me that the likelihood of this deposition is going to be released at some time in the future, and it will assist a party in connection with private litigation to know about communications between the White House and the Department of Justice, that it otherwise would not be subject to discovery in that private litigation.

I can't imagine that that is the reason that you are doing it, but it is the only conceivable relevance that I can imagine to any issue pending.

Mr. DHILLON. Counsel, just so we are clear, you have advised your client to not answer my previous question, and I would like the reporter to please mark that and do an index of any other occasions when any attorney advises the witness not to answer a question.

Mr. MCLAUGHLIN. And I will ask the reporter to make an index of all occasions in which majority counsel declines to fulfill his obligations under Supreme Court decision of "Watkins vs. United States" to state for the record the logical chain by which the question propounded is relevant to the scope of the investigation. I will identify those occasions for the benefit of the reporter.

Mr. DHILLON. Counsel, I am going to try to proceed, and if you have any other objections, obviously, make them and then if we have to shut down, we will. But I think maybe I can get around this; I'll give it a try.

Mr. EGGLESTON. Look, I don't want to stop you from asking any questions. But I can't let him get into an area that is going to impact on private litigation that is currently pending. I have really let you ask lots and lots about this. You have sort of gotten to the core of a communication, and I don't want to stop you. If you can get around it, so be it, go ahead and do it. I would much rather that be the outcome.

EXAMINATION BY MR. DHILLON:

Question. In your conversations—before I get an objection, please let me finish it.

Mr. EGGLESTON. I've done this before. I'll let you——

Mr. DHILLON. And he's an attorney. I'm sure he will wait to answer the question.

EXAMINATION BY MR. DHILLON:

Question. In your conversations with Justice Department lawyers or OLC lawyers, did you communicate with them the White House counsel's rationale for making certain documents potentially subject to privilege?

[Witness confers with counsel.]

The WITNESS. Can you read that question back?

[Reporter read the record as requested.]

[Witness conferring with counsel.]

The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. Did you ever talk to a person named Beth Nolan?

Mr. EGGLESTON. About this issue?

Mr. DHILLON. Yes.

The WITNESS. Never.

EXAMINATION BY MR. DHILLON:

Question. And the person—you already gave us the name of the OLC person you dealt with. Were there any other OLC people that you dealt with?

Answer. No.

Question. Did all the dog track documents go to the Department of Justice at the same time?

Answer. I don't recall.

Question. Were there any meetings with Department of Justice attorneys or OLC attorneys?

Answer. Other than the conversations I've just described, no. To the best of my recollection.

Question. Was the President consulted on any of the documents that were subject to executive privilege?

Answer. I don't know.

Question. Who in the U.S. Attorney's office in Wisconsin took part in the decision to assert privilege?

Answer. No privilege has been asserted over these documents.

Question. Who in the U.S. Attorney's office in Wisconsin took part in the decision to potentially or to potentially assert privilege to some of these——

Mr. MCLAUGHLIN. That mischaracterizes his testimony, the predicate assumption of the question.

The WITNESS. These documents are designated as being subject to privilege, and the answer to your question is I don't know. I deal with David Jones, the AUSA.

EXAMINATION BY MR. DHILLON:

Question. Who makes the final determination in the White House as to whether a privilege is to be asserted over documents?

Mr. EGGLESTON. If you know.

[Witness conferring with counsel.]

Mr. EGGLESTON. We are back.

Mr. DHILLON. If you could give us a second.

The WITNESS. Sure.

[Counsel confer off the record.]

The WITNESS. With respect to White House documents, it's my understanding that the President is the person who will determine whether there is a formal assertion of privilege—will make the final determination as to whether there is a formal assertion of privilege.

Mr. DHILLON. I ask that we place before the witness, and ask that it be marked Exhibit 5, a memo from Loretta Avent to Harold Ickes.

[Nionakis Deposition Exhibit DN–5 was marked for identification.]

Mr. DHILLON. I ask that you please review Exhibit 5.

[Witness complies.]

EXAMINATION BY MR. DHILLON:

Question. Do you recognize Exhibit 5?

Answer. Yes.

Question. What is it?

Answer. I just recognize it as a memorandum from Loretta Avent to Harold Ickes dated April 24th, 1995, and it is one that is in the committee's possession.

Question. And it is one of the documents that was produced on or about October 22nd——

Answer. I believe so, yes.

Question [continuing]. 1997. Who was involved in the decision to assert privilege over this document?

Mr. MCLAUGHLIN. Objection. No decision to assert privilege over this document has been made. I don't know how many times we have to correct you, Mr. Dhillon, but no such decision has been made.

The WITNESS. That's correct. No assertion of privilege has been made with respect to this document.

Mr. MCLAUGHLIN. If an assertion of privilege had been made, we wouldn't have this document. I am sitting here looking at it. It was produced. It appears with an EOP number. You are asking perhaps why it might be subject to privilege in private litigation going on in Wisconsin, but your question implies that some decision was made that was not made.

EXAMINATION BY MR. DHILLON:

Question. This document is on a privileged log, is it not?

Answer. It was on a log of documents that are subject to privilege, and I believe the log clearly states that.

Question. Who is involved in the decision to make this document subject to privilege?

Answer. It was one of the documents that was reviewed by Chuck Ruff, Lanny Breuer, Cheryl Mills, myself, and then by the Department of Justice.

Question. And this log was made subject to executive privilege; is that correct?

Answer. No, the log has various privileges on there.

Question. Would reviewing the log refresh your recollection as to what Exhibit 5 was subject to?

Answer. I think the log probably speaks for itself.

Question. I place before you what's been marked as Exhibit 10 and ask you to review it.

[Nionakis Deposition Exhibit DN–10 was marked for identification.]

Mr. MCLAUGHLIN. Exhibit 10?

Mr. DHILLON. Yes, they were all premarked and that was marked as Exhibit 10. We will fill in the other ones in the interim.

Mr. MCLAUGHLIN. Go ahead.

The WITNESS. This document states that—I'm sorry, Exhibit 10 reflects that Exhibit 5 is subject to executive privilege and subject to attorney-client communication privilege.

EXAMINATION BY MR. DHILLON:

Question. I want to get into that, but let's back up just a second on Exhibit 10. What is Exhibit 10?

Mr. EGGLESTON. Could I actually—could I ask you a question, because I'm getting increasingly concerned about the private litigation. If Mr. Nionakis's deposition is released publicly, are you going to release these documents such as Exhibit 5? Will they be released along with it?

Mr. DHILLON. I'd like to go off the record for a moment.

Mr. EGGLESTON. I'd like to do it on the record.

Mr. MCLAUGHLIN. On the record.

Mr. EGGLESTON. This is what concerns me about this. There is private litigation going on, and I am quite concerned what is going on here is the committee is acting as a stalking horse for private litigation. And that's why I want to know, if the deposition is released, which frequently happens, I want—these documents on the privileged log have not yet been produced in private litigation. In connection with responding to these questions I would like to know whether these documents are going to be released as part of his exhibits to his deposition. And now are we going to have testimony about them in a deposition that is going to be released.

Mr. MCLAUGHLIN. A related—I will wait for Mr. Dhillon—a related point, counsel may or may not be aware that these documents were turned over to the committee pursuant to a nonwaiver agreement. And so accordingly, these documents cannot be made public without violating that agreement.

And I presume that any deposition testimony relating to the substance of these documents would also be subject to a nonwaiver agreement. And, accordingly, that agreement would not afford this committee, without violating it, the ability to raise these documents publicly.

Mr. EGGLESTON. That was actually my concern, which is if you are now going to start asking him questions about it, for example——

Mr. DHILLON. You are looking at Exhibit 10.

Mr. EGGLESTON. I know, Exhibit 10, but—for example, you have mentioned the name of an individual. That individual's name is not on the privileged log. As of this minute, if this deposition were released there would be information that is released off the face of a document that has been provided to the committee under a restrictive basis. I understand that would then be made public and be available for use by private litigants in private litigation. And I'm sure that this committee does not want to be taking sides in private litigation, I'm sure that is not what you are about. But it seems to me that is very definitely the road we are going down.

And as I say, the problem is that I don't understand what the issue is that you're going to, since you have the documents. And so I don't understand what wrongdoing it is that you think that the White House is engaged in. You are showing him one of the documents. And my understanding is that you have them. The Senate has them. They were provided to you. And I don't see the relevance of this line of questioning, but it has substantial impact on private litigation, and that is my concern. I do not want to interfere with anything you're doing, but it seems to me the impact of this is only to interfere with private litigation, which I just am quite concerned about.

I don't even know who the private parties are in the private litigation. It's not like I'm shilling for one side or the other. It is clear that there is a court and there's a process and apparently somewhere in Wisconsin, and by going down this route, if this deposition is released, we run substantial risk of interfering with the judicial process. And I think that that would be wrong to do. So I was back to the question of, if this gets released is it going to be redacted? What is happening?

Mr. DHILLON. What I wanted to talk about were the procedures we followed off the record, but I guess we can do it on the records if you prefer.

[Pager interruption.]

Mr. EGGLESTON. I'm sorry; I'm not from the White House. It's a Sky-Tel pager.

Mr. DHILLON. You can put the paying client off.

These are held in executive session. They can only be released through a vote of the committee. And we can redact portions that—or withhold portions that can be redacted or withheld. Mr. McLaughlin is here, and he seems very much aware of these issues; and I know he is very competent and able, and I am certain he will bring those issues to bear at that time so that everyone on the committee is aware of what portions are properly released or not properly released.

And of course you can communicate with me and Mr. McLaughlin, and we can prepare a deposition that is—that I think meets with those concerns with respect to the private and civil litigation.

Mr. MCLAUGHLIN. Well, the nonwaiver agreement is not between the minority and the White House. It is between the majority and the White House. Of course we had nothing to do with negotiating or implementing that nonwaiver agreement. It was your decision to enter into that agreement. You got these documents pursuant to it.

This committee has a history of ignoring Chairman Burton's agreements with the minority, so I have no idea whether or not the members of the majority side will respect his agreements with regard to the White House. But my point is that obviously none of this can be released publicly without violating that agreement. So I'm sure that Mr. Dhillon, who is also competent and a conscientious, ethical attorney, I'm sure will also want to take whatever steps are necessary to avoid violating that agreement with the White House. That's not my agreement. I'll help you out if you want my help.

Mr. DHILLON. I thank Mr. McLaughlin for his kind words, and there is no doubt that that is the case that we will abide by that agreement. And you certainly raise, both counsel for the witness and Mr. McLaughlin have raised some important issues with respect to the release or potential or possible release of the subpoena—I'm sorry, of this deposition.

So I think we can work through those concerns. I wouldn't mind if we could have a moment off the record. I think that would be helpful once the speeches are done.

Mr. MCLAUGHLIN. Let me restate my question on the record, which is that before you go any further on these questions, I would like to invite you to state the relevance. You have been challenged on the relevance by me, and you have declined to state the relevance of them for the reasons that have been ably stated by Mr. Eggleston. I can't understand how the designation of a document that is subject to privilege in ongoing private litigation is in any way relevant to this committee's inquiry, that once used to be about campaign fund-raising and related matters.

Mr. DHILLON. It is really way too late in the day for these kinds of speeches. If we could go off the record please.

[Recess.]

Mr. EGGLESTON. Let me just say that of the nine documents——

The WITNESS. Of the nine Hudson Casino related.

Mr. EGGLESTON. Hudson Casino related documents that are reflected on the privilege log, two of them have been provided to the private plaintiffs and were—and the Senate was authorized last week to use them in their hearing and, in fact, I think, used one of them.

And Mr. Nionakis can tell you which two those are. As to the remainder, they remain subject to privilege and at issue. And Mr.—just so that you know, Mr. Nionakis has been providing the process by which these decisions are made. He will not answer questions, and I will instruct him not to answer any questions if they have to do with discussions within the White House Counsel's Office over what kind of documents, why they asserted privilege—I'm sorry, why they deemed these documents subject to privilege.

Those substantive decision making by the White House Counsel's Office, he will not answer questions about those, and he will not answer questions about substantive communications with the Justice Department on this same issue.

Mr. DHILLON. Could I ask the basis for advising your client not to answer questions about conversations that occurred within the Counsel's Office?

Mr. EGGLESTON. Well, it is part of the decision-making process of the Counsel's Office, and it's also subject to a conversation that I had last week where I thought—where I thought I had agreement with Ms. Comstock where she would discuss these issues with Mr. Ruff. And it was my understanding that she talked about it with Mr. Ruff, and he was going to provide someone to address the issue generally.

In light of my conversation with Ms. Comstock, we've actually gotten much further into the Hudson Dog Track issues than I anticipated getting. Again, I had not wanted to get in the way of whatever you wanted to do, so I permitted him to answer process questions. But as to the substantive decision making by the White House Counsel's Office about why they treated these documents in one occasion or another and communications with the Justice Department, you should raise that issue with Mr. Ruff.

Mr. DHILLON. Yeah, just so I'm clear, I'm sorry I'm not, your objection, then, the basis for advising your client not to answer any questions—and I was—I do intend to ask a lot of those questions, so I want it to be very clear for the record—is deliberative process. Is that what you said?

Mr. EGGLESTON. Well, at this point, it's pursuant to an agreement with Ms. Comstock, where she was going to raise these issues with Mr. Ruff. And it was my understanding that she had done so. In addition, I think they're of subject to a variety of privileges, some of the attorney/client privilege, deliberative process, executive, Presidential communication, a variety of privileges. And I'm not going to limit myself to any one right now.

Mr. DHILLON. But you're including executive privilege in the basis—as one of the bases for instructing your client not to answer any questions?

Mr. EGGLESTON. Well, by not excluding any, yes.

Mr. DHILLON. Okay. All right. Given what you put on the record, I want to ask the questions, and I would like you to obviously assert whatever objections you deem appropriate. Do it, rather than one document at a time, all of them at the same time when I ask the questions.

Mr. EGGLESTON. I think that it would be fine.

EXAMINATION BY MR. DHILLON:

Question. Let's finish up with Exhibit 10. So I'm clear on the record. What is Exhibit 10?

Answer. I think I answered that question already.

Question. Actually I checked. You didn't.

Answer. Exhibit 10 is the log that we provided to this committee.

Question. That was?

Answer. Dated October 21, 1997.

Question. And I would ask that exhibits—Exhibit 5 is before you. Exhibit 6 through 9 be placed before the witness.

[Witness conferring with counsel.]

EXAMINATION BY MR. DHILLON:

Question. Now, I'd ask you to look at Exhibits 5 through 9.

Answer. I believe I only have——

Mr. EGGLESTON. We don't see a 7. Do you?

The WITNESS. No, I've got 7.

Mr. DHILLON. Counsel, if I may ask, some of these exhibits were not placed on the log, which is Exhibit 10. Is it your intention to still assert the same objection and instruct your client not to answer questions about those documents?

Mr. EGGLESTON. I don't think so. It was the privilege——

Mr. DHILLON. Okay.

Mr. EGGLESTON [continuing]. Issues that we're addressing.

Mr. DHILLON. In that case, I better do these one at a time. I was reminded by my counsel, co-counsel that not all of these are on the log. So some of the questions that you objected to would be appropriate as to those documents, not that I'm conceding that your objection is appropriate.

Mr. EGGLESTON. No, I didn't expect that.

Mr. DHILLON. For the record, I am not. But let's proceed and see how far we can get.

[Witness conferring with counsel.]

EXAMINATION BY MR. DHILLON:

Question. Let's just go through them quickly. With respect to Exhibit 5.

Answer. Okay. Before we go on, I do want to note for the record that these documents are all in the possession of this committee, every single one of them.

Mr. MCLAUGHLIN. The documents listed on the privilege list.

Mr. DHILLON. So noted.

The WITNESS. The documents related to the Hudson casino matter listed on the privilege log have all been provided to this committee.

Mr. EGGLESTON. And obviously documents——

The WITNESS. Exhibits 5, 6, 7, 8 and 9——

Mr. EGGLESTON [continuing]. Have been provided.

The WITNESS [continuing]. Have been provided to this committee. So what's the issue?

EXAMINATION BY MR. DHILLON:

Question. With respect to Exhibit 5, who was involved in the decision to assert privilege over—to—I'm sorry. That question has been asked. Let me go to the next question.

What element of Exhibit 5 suggests executive privilege.

Mr. EGGLESTON. Instruct not to answer.

Mr. MCLAUGHLIN. And I object on the basis of relevance and on the basis of propriety.

Mr. DHILLON. Again, I would ask that all—on all occasions when counsel advises client not to answer, that an index of those events be made.

Mr. MCLAUGHLIN. And I would ask the court reporter make an index of all instances in which the majority counsel is challenged on the basis of relevance and declines to state for the record the relevance of the question propounded.

EXAMINATION BY MR. DHILLON:

Question. What element of Exhibit 5 suggests attorney/client privilege?

Mr. MCLAUGHLIN. Objection as to relevance. Objection as to propriety.

Mr. EGGLESTON. Objection as to relevance. Objection as to—that question calls for privilege answers, and the witness is instructed not to answer.

EXAMINATION BY MR. DHILLON:

Question. When was Exhibit 5 found?

Mr. MCLAUGHLIN. Objection as to relevance. Objection as to propriety.

Mr. DHILLON. We can just have a standing objection. If so, you don't have to say that all the time.

Mr. MCLAUGHLIN. If you're going to ask each question, I'm going to raise each objection.

[Witness conferring with counsel.]

The WITNESS. I don't know.

EXAMINATION BY MR. DHILLON:

Question. Do you know where it was found?

Answer. I don't know.

Question. Do you——

Answer. I don't recall, I should say.

Question. Do you know whose files it was found in?

Mr. MCLAUGHLIN. Objection as to relevance. Objection as to propriety.

The WITNESS. I don't recall.

Mr. DHILLON. Now, we'll move to Exhibit 6. That's already before you. I would ask that you please review it. That's a memo from a Chippewa Tribal Chairman to Loretta Avent.

[Nionakis Deposition Exhibit DN–6 was marked for identification.]

The WITNESS. I've reviewed it.

Mr. DHILLON. Do you recognize Exhibit 6?

Mr. MCLAUGHLIN. Objection as to relevance. Objection as to propriety.

The WITNESS. I recognize it as a document that we've produced to this committee.

EXAMINATION BY MR. DHILLON:

Question. Just in terms of how we proceed here, the privilege log that accompanied this document does not list it as a privileged document; is that correct?

Answer. That's correct.

Mr. EGGLESTON. So, I mean, the privilege didn't accompany it. This document is produced to you. It's not listed as a privilege document.

The WITNESS. I want to state that we made a production of documents. And with that production of documents, we also provided you with a supplemental privilege

log, which is something that we have done in the past, which is something that we do at a legitimate stopping point in the production.

EXAMINATION BY MR. DHILLON:

Question. Okay. Why was this document not produced with the documents in September? I'm referring to Exhibit 6.

Mr. EGGLESTON. I'm sorry. Objection as to relevance. Assertion of privilege. Witness is instructed not to answer.

Mr. MCLAUGHLIN. I object as to relevance and object on the grounds it's not proper to ask that question.

EXAMINATION BY MR. DHILLON:

Question. Was Exhibit 6 given to the Department of Justice lawyers for their review?

Mr. EGGLESTON. Objection.

Mr. MCLAUGHLIN. Objection.

Mr. EGGLESTON. I'm sorry. You go.

Mr. MCLAUGHLIN. Objection as to propriety. And objection as to relevance.

[Witness conferring with counsel.]

Mr. EGGLESTON. Objection as to relevance and assertion of privilege. The witness is instructed not to answer it.

EXAMINATION BY MR. DHILLON:

Question. Did the Department of Justice conclude that Exhibit 6—I'm sorry. Did the White House Counsel's Office conclude that Exhibit 6 was privileged or that there should be an assertion or subject to privilege?

Mr. MCLAUGHLIN. Objection as to relevance. Objection on the grounds that the question is improper.

[Witness conferring with counsel.]

The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. When was Exhibit 6 found?

Answer. I don't recall.

Mr. MCLAUGHLIN. Objection as to relevance. Objection as to——

Mr. DHILLON. Where was it found?

Mr. MCLAUGHLIN. Can I finish my objections, Mr. Dhillon?

The WITNESS. That's my problem.

Mr. EGGLESTON. It wasn't directed to you.

Mr. MCLAUGHLIN. I have an objection as to relevance. I'm still objecting to the prior question. Objection as to relevance. And objection that it is improper to use committee resources to pursue private litigation.

Mr. DHILLON. When? When was Exhibit 6 found?

Mr. MCLAUGHLIN. Objection as to relevance and propriety.

The WITNESS. I don't remember the——

EXAMINATION BY MR. DHILLON:

Question. Where was Exhibit 6 found?

Answer. I——

Mr. MCLAUGHLIN. You're going to have to let me say this.

The WITNESS. Right. I want to make——

Mr. MCLAUGHLIN. So objections as to relevance and propriety.

Mr. DHILLON. Do you know whose files it was found in?

Mr. MCLAUGHLIN. Objection as to relevance and propriety.

EXAMINATION BY MR. DHILLON:

Question. I ask you to review Exhibit 7, which is before you. And that is a memo to Loretta Avent, dated August 17th, 1995.

[Nionakis Deposition Exhibit DN–7 was marked for identification.]

EXAMINATION BY MR. DHILLON:

Question. Would you please review it?

Answer. I'm sorry, Exhibit 7.

Question. Yes.

Answer. Okay. I've reviewed it.

Question. Do you recognize it?
Mr. MCLAUGHLIN. Objection as to relevance and propriety.
The WITNESS. I recognize it.

EXAMINATION BY MR. DHILLON:

Question. And what is it?
Answer. It's a document that we produced to this committee.
Question. And, once again, is this Exhibit 7 listed on the privilege log which is marked as Exhibit 10?
Answer. It doesn't appear to be.
Question. Was Exhibit 7 a document that you or the White House Counsel's Office concluded was subject to some sort of privilege?
Mr. MCLAUGHLIN. Objection as to relevance and objection on the grounds that it is improper to ask that question.
The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. Did the Department of Justice—was the Department of Justice provided with a copy of Exhibit 7?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the grounds it's improper to use taxpayer resources to pursue private litigation.
Mr. EGGLESTON. Objection as to relevance and, in addition, it's—that question is covered by applicable privileges. And the witness is instructed not to answer it.

EXAMINATION BY MR. DHILLON:

Question. When was Exhibit 7 found?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the basis of impropriety.
The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. Do you know where it was found?
Answer. I don't.
Mr. MCLAUGHLIN. Objection as to relevance and as to propriety.
The WITNESS. I don't recall.

EXAMINATION BY MR. DHILLON:

Question. Do you know whose file it was found in?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the basis of impropriety.
The WITNESS. I don't recall.
Mr. DHILLON. Let's move on to Exhibit 8, which is already before you. It's a memo from Michael Schmidt to Cheryl Mills regarding a call from lobbyist, Pat O'Connor.
[Nionakis Deposition Exhibit DN–8 was marked for identification.]

EXAMINATION BY MR. DHILLON:

Question. Can you please review Exhibit 8?
Answer. I reviewed it.
Question. Who participated in the decision to make Exhibit 8 subject to privilege?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the ground it's improper to use taxpayer resources in pursuit of private litigation.
Mr. DHILLON. May I inquire, Mr. McLaughlin, is it the Minority's position that the timing of production of this committee is not relevant to the work of this committee?
Mr. MCLAUGHLIN. Mr. Dhillon, if you are asking questions concerning the timing of production of documents, I might, once again, sit here quietly like a bump on a log. You are not, however, going into the timing of production of documents. You are going into the question of why documents were classified as subject to privilege, an ongoing private litigation in Wisconsin.
The committee has these documents. The questions regarding the designation "subject to privilege" are utterly improper, in my view, because the committee has them. I would encourage you to drop this line of questioning and to return to something which is even marginally relevant to the investigation.
Mr. DHILLON. Well, you've objected several times to my questions of when was the document found. So I'll try to——
Mr. MCLAUGHLIN. Well, because——

Mr. DHILLON. Well, you can let me finish. I usually let you finish. In fact, I always have let you finish.

Mr. MCLAUGHLIN. Fair enough.

Mr. DHILLON. I've asked that question several times, and you've objected to it. And you just said a second ago timing is relevant. It appears to me——

Mr. MCLAUGHLIN. Well——

Mr. DHILLON. Sir, I'm not done. The timing of the production of documents has a direct bearing on whether this administration, this White House is cooperating with this committee or the Senate. It is patently relevant. If you want to continue making objections which are clearly baseless, you may continue to do so, and you may continue to waste everyone's time. You make quite a deal out of the resources being spent. Well, indeed, sir, your baseless constant objections are wasting time.

I would ask you, sir, as a courtesy to everyone here, if you want to continue to assert basis objections, place a standing objection on the record. I will stipulate to a standing objection. I'm sure counsel for the witness will stipulate to a standing objection. I'm sure everyone in this room will stipulate to a standing objection.

Mr. MCLAUGHLIN. Mr. Dhillon, I will happily agree to your suggestion not to make baseless objections. I will continue to make objections supported by the law and facts on the questions you're raising. So I will not stop making objections on a question-by-question basis.

If you—because you are asking particular questions, I'm going to continue considering your questions on a question-by-question basis and raising what objections I deem appropriate.

Your charges of wasting time are not well taken. This deposition has been crawling along since the very beginning, and it's not the fault of the witness. The subject matter that you've gotten into is one which is so blatantly beyond the scope of the investigation that I've objected to your questions as to timely because they clearly come in a sequence of questions which is in its entirety outside the scope of this investigation.

Accordingly, I will continue to make my objections on a question-by-question basis in the probably vain hope that you will shift your questioning at some point or other to a relevant line of questioning. As to the proprieties objections, I think your objection to my objection is not well taken.

Mr. DHILLON. And so am I correct, then, because I think it's important, I usually don't think it's so important to get into one of the attorney things, so since you represent the Minority, it is important, is it correct, then, that the timing of production of documents, that it's your position that the timing of production of documents has no bearing at all, is not relevant to determine whether there has been cooperation with this committee or the Senate?

And I would further add that the question of whether videotapes were timely produced is absolutely no different from what I—the questions that I am asking now of whether these documents were timely produced. They may not have the same media appeal as the videotapes do, but, sir, I have little doubt that they are identical in terms of the timely production of discovery.

So is it the Minority's position that any questions that have to do with the timely production of discovery by the White House are simply irrelevant and not proper?

Mr. MCLAUGHLIN. I'm not going to take your bait on that question, Mr. Dhillon. I will raise whatever objections are proper. This colloquy can best be served at a higher level than staff attorneys.

Mr. DHILLON. I know the answer to the question. Do you know what the answer is to the question? In other words, I know what's relevant. Do you?

Mr. MCLAUGHLIN. I make objections based on the relevance.

Mr. DHILLON. You told me a second ago you wouldn't answer, you'll let someone answer.

Mr. MCLAUGHLIN. No, no. You asked me what the Minority's position on the matter was. I'm not going to engage you in the colloquy.

Mr. DHILLON. You're the Minority counsel.

Mr. MCLAUGHLIN. You're here to take the deposition of the witness. Speechification and throwing questions back and forth among the Majority and Minority counsel is not an efficient use of the witness' time, my time, or your time.

What I would continue to do is make objections on the basis of relevance of what you're asking. When the question is irrelevant, I'll object on the basis of irrelevance. When the question is improper, I'll object on the basis of impropriety.

Mr. DHILLON. Mr. McLaughlin, you've finally come to the realization that making long speeches on the record are not appropriate. Let's continue.

Okay. Were we on Exhibit 8?

Mr. EGGLESTON. I don't know.

Mr. DHILLON. I don't either.

Mr. EGGLESTON. Yes. I think you had just shown him Exhibit 8.
Mr. DHILLON. I didn't I think I had. I had.

EXAMINATION BY MR. DHILLON:

Question. Who participated in the decision to assert privilege over to—to place Exhibit 8 subject to privilege?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the grounds that it is improper to use committee resources to advance the interests of a private party in litigation.
The WITNESS. I only know that, with respect to the White House, this document is one of the documents that was part of that meeting that I previously testified to.
Mr. EGGLESTON. Ruff, Mills, Breuer.
Mr. DHILLON. Can I go off the record for a minute?
[Discussion off the record.]

EXAMINATION BY MR. DHILLON:

Question. The privilege log, which is Exhibit 10, indicates that executive and attorney/client privilege—that this document was subject to executive and attorney/client privilege. Why was that?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the grounds that it is improper to use committee resources to advance the interest of a private party in litigation.
Mr. EGGLESTON. And I object on the basis of relevance and the assertion of applicable privileges and direct the witness not to respond to the question.

EXAMINATION BY MR. DHILLON:

Question. Okay. Exhibit 9.
[Witness conferring with counsel.]
Mr. DHILLON. Is the White House instructing your client to assert executive privilege over any of these documents?
Mr. EGGLESTON. Yes.
Mr. DHILLON. Exhibit——
Mr. EGGLESTON. Well, I'm sorry. Not over the documents. I'm sorry. No. Over questions related to communications within the White House Counsel's Office about how to classify these documents for the purpose of private litigation and communications with the Justice Department with regard to that issue. It's not over the documents. You have the documents. They've been given to you. And privilege has not been asserted.
So, no, I don't want to be so flip. The answer to that question is, no. It's over communications related to how to respond to private litigation. That is the area of where privilege has been asserted.

EXAMINATION BY MR. DHILLON:

Question. Exhibit 9, if you could, it is before you, if you could review it, please.
Mr. EGGLESTON. That's 8.
The WITNESS. Oh. Excuse me. Got it. I've reviewed it.
[Nionakis Deposition Exhibit DN–9 was marked for identification.]

EXAMINATION BY MR. DHILLON:

Question. Why is—why was this document subject to executive privilege?
Mr. MCLAUGHLIN. Objection as to relevance. Objection that it—on the grounds that it's improper to use committee resources to advance the interests of a private party in litigation.
Mr. EGGLESTON. I object as to relevance and direct—and direct the witness not to answer because it raises applicable privileges and inquires into the process with the White House with regard to private litigation.
Mr. DHILLON. Who participated in the decision to assert executive privilege to make this document subject to privilege?
Mr. MCLAUGHLIN. Objection as to relevance. Objection on the grounds that it is improper to use committee resources to advance the efforts of a private party in litigation.
The WITNESS. This document was one of the documents that was part of the meeting that I have testified to earlier.
Mr. EGGLESTON. Same answer. He already gave you that answer.

EXAMINATION BY MR. DHILLON:

Question. When was that document found?

Answer. I don't recall.

Question. Where was it found?

Answer. I don't recall.

Question. In whose files was it found?

Answer. I don't recall.

Question. Why was that document not produced with the documents in September?

Mr. MCLAUGHLIN. Objection as to relevance. Objection on the grounds that it's improper to use committee resources to advance the interests of a private party in litigation.

[Witness conferring with counsel.]

Mr. DHILLON. Mr. McLaughlin, you've made a relevance objection. I asked when the document was produced. Why is that not a relevant question?

Mr. MCLAUGHLIN. This whole line of questions is irrelevant to the scope of this committee's investigation. These—we have the documents. The documents are sitting on the table in front of you. The White House produced them. You are probing into the production of documents that are also implicated in private litigation which is not—that the—the assertion of privilege in that litigation is not properly within the scope of this committee's investigation.

So, accordingly, when you ask questions that fall directly underneath the umbrella of objectionable and improper questions, I will raise the objection.

I'm fascinated that you're now paying so much attention to my objections. You stampede past them as you always do, as is you're right under the committee rules. I'm flattered as to you're now probing into the substantive basis of my objections. I'd be delighted to expound them to you off the record at some future time. I think the purpose of this deposition is to not waste any more of the witness' time. Why don't we keep going through your questions.

Mr. DHILLON. I look forward to the day we can sit down and talk about that. The reason I ask is because you previously said that the timing was relevant, and that was specifically a timing question. You objected to it on relevance grounds.

Mr. MCLAUGHLIN. Certain issues of timing are relevant. Other issues of timing are not relevant.

Mr. DHILLON. Then I will ask that the question be answered.

Mr. EGGLESTON. Well, look, I think he's already given you an answer to that question, and I'm happy to have him give the answer. I think he gave the answer an hour ago.

Mr. DHILLON. I'd like to hear it again.

Mr. EGGLESTON. No, I'm happy for him to give it to you again.

The WITNESS. This was one of the documents that was part of the meeting that I testified to previously.

EXAMINATION BY MR. DHILLON:

Question. So it was a document that the White House Counsel's Office believed was subject to some privilege?

Answer. It is one that became part of that process where these documents were turned over to or produced to the Department of Justice for its review.

Question. Other than your attorney, have you discussed this deposition with anyone else?

Answer. I have not—other than logistics and timing, I have not discussed my deposition with anyone else.

Question. You discussed logistics and timing with someone other than your attorney, but not the substance of your deposition?

Answer. Well, I couldn't discuss the substance of my deposition—I've been here all day. So, no, I haven't discussed——

Question. Prior to being deposed, did you discuss?

Answer. No, no. But when I—I don't mean to be flip, but timing and logistics, just simply I'm not going to be in the office after 1 o'clock because I'm going to be in a deposition.

Question. Have you contacted anyone in the Minority to discuss your deposition?

Answer. No.

Question. Have you had any meetings with Minority counsel about the videotapes?

Mr. EGGLESTON. Objection. I'm sorry, I fell asleep. I thought you were asking—I'm going to object to questions about communications with Minority, Majority staff about this. I really think that's quite inappropriate.

My recollection is that, for quite some time, there's been an understanding in this committee that neither side is probing the activities of the staff of the other side. And I can't imagine that those understandings have been abandoned.

Mr. MCLAUGHLIN. Well, I'll just note for the record the following objection which is that, actually, I'm happy to have the witness answer that question. But I will tell you that the Chairman has repeatedly taken the position that investigating Members of Congress is outside the scope of this committee.

If I'm wrong on that, I'll be delighted to learn that today and to hear that investigating the conduct of Members of Congress and with their staff is fully within the scope of this committee, because I assume that you must have some basis to think that something improper is going on with his communications with the Minority. But given that I know that not to be the case, I guess I don't have any objection to him answering the question. But perhaps Mr. Dhillon could clarify what is and isn't within the scope of the committee's jurisdiction.

Mr. EGGLESTON. Just—I'm happy to have him answer the question. I really must say this is another example where I cannot conceive of the relevance. It was not my understanding the Majority was investigating the activities of the Minority on this committee. If it is, that seems to me it ought to be more widely disseminated. With that said, I'm happy to have Mr. Nionakis answer the question.

Mr. DHILLON. That's two of the longest nonobjections on the record I've ever heard.

Mr. EGGLESTON. I'm objecting as a matter of principle because I think it's quite inappropriate. Again, I have really tried very hard to let you get to the bottom of this.

You were asked about the——

The WITNESS. Right. The only discussion I recall with Minority staff about the videotapes is a discussion I had with Mr. McLaughlin in which I arranged to provide him—provide the Minority with a set of the videotapes weeks after a set was provided to the Majority.

Mr. MCLAUGHLIN. And that was in the nature of my complaining about your failure to produce those tapes.

The WITNESS. And, again, I apologize, Mr. McLaughlin, but with all due respect, yes, you were complaining quite vociferously.

EXAMINATION BY MR. DHILLON:

Question. Do you or your office—does anyone in your office or do you speak with defense counsel for any witnesses that have been named in subpoenas, for example, Exhibit 1? That was a long time ago, but that was the original subpoena from our committee?

Answer. The question is do we speak with defense counsel for any witnesses?

Question. Named in the subpoenas.

Answer. I imagine that we all have spoken with defense counsel for various witnesses. We, that is——

Mr. MCLAUGHLIN. Are you using defense counsel as a term of art there? You mean personal lawyers retained.

The WITNESS. I mean private attorneys.

Mr. DHILLON. In the form of prosecutor, on the other side is the defense, you're right. Counsel for the witness. That's a throwback.

The WITNESS. You're absolutely right. They're not defendants. Private counsel for various witnesses, I imagine I have. And I imagine other people in the Counsel's Office have.

EXAMINATION BY MR. DHILLON:

Question. Are you aware of anyone in the Counsel's Office or have you ever spoken with any lawyer for a person who has taken the fifth before this committee?

Answer. I have not. And I'm not aware of anyone in the Counsel's Office who has.

Question. Same question except for somebody who has fled the country?

Answer. Same answer.

Mr. DHILLON. I probably have a few more minutes of questions. I would like to take a break. I've got a bunch of notes that I need to look at. So I'll need a break to decide which ones to ask, but I'm ready to defer to you.

Mr. MCLAUGHLIN. Why don't we get all the questions out of the way. I have a tiny number of questions. And we'll be happy to wait until you're finished.

Mr. DHILLON. Shall we take five?

Mr. EGGLESTON. Sure.

Mr. MCLAUGHLIN. Sure.

[Recess.]

EXAMINATION BY MR. DHILLON:

Question. There's been some discussion of a nonwaiver agreement that may apply to these documents. When I say these documents, I'm referring to the October 22nd dog track documents. Do you know what that nonwaiver agreement is?

Answer. In this substance——

Mr. EGGLESTON. I'm sorry.

[Witness conferring with counsel.]

The WITNESS. I generally know, but I couldn't tell you sitting here exactly what it is.

EXAMINATION BY MR. DHILLON:

Question. Okay. Does it apply to an agreement not to produce documents over which the White House has, in fact, asserted executive privilege or a privilege?

Answer. I don't know.

Question. Okay. Do you know if it would apply to documents where—that are only subject to privilege?

Answer. I don't know. And don't recall.

Question. And just so we're clear, all the documents that we're talking about, I think they were Exhibits 5 through 9. Of the ones that were on the privilege log, there has been no actual claim of executive privilege as to those documents, correct?

Answer. There has been no formal assertion of privilege with respect to those documents.

Question. Has there been a claim of executive privilege as to those documents?

Answer. The documents have been classified as being subject to privilege. That's—that's the best answer I can give you, to the best of my knowledge.

Question. If the nonwaiver agreement applies only to documents over which a claim has actually been asserted, then it wouldn't apply to documents 5 through 9, correct?

[Witness conferring with counsel.]

Mr. EGGLESTON. You just have to ask someone who's more familiar with this. I mean, rarely are we going to have a nonwaiver, we, the White House, have a nonwaiver over a document that has been asserted, because you won't have it to release. So it's kind of a silly composition.

Mr. DHILLON. And just for the record, I didn't bring it up. It was brought up by someone else——

Mr. EGGLESTON. No, I understand.

Mr. DHILLON [continuing]. Who started to complain about a nonwaiver agreement. And it seems to us, because I made certain assertions to you about it, that if we had been given those documents, and there's no subject—no privilege asserted, the nonwaiver agreement wouldn't have to apply.

The WITNESS. It applies only to documents that are subject to privilege, but over which privilege has not been asserted. That's you get them. The White House gives them to the committee subject to privileges that it is not waiving by turning them over to the committee.

So, in other words, it's an institutional accommodation where everybody's happy. The committee gets to see the documents. The White House doesn't have to waive privileges which it believes exists, but it nevertheless wants to make the documents available to Congress pursuant to its review and pursuant to the investigative oversight.

Mr. EGGLESTON. The rest of it is Congress is not allowed to release it. The other half of the deal is they're not subject to release by Congress. And that's my understanding.

Mr. DHILLON. The point I'm wanting to make is we're talking about documents that are subject to privilege not asserted.

Mr. EGGLESTON. But that's the point.

Mr. DHILLON. Right. No, I understand the point. I just wanted to be very clear about that. Because I understand, I think we're all sort of saying the same thing over and over again.

Mr. EGGLESTON. Okay.

Mr. DHILLON. I think we understand that.

Mr. MCLAUGHLIN. And just to be clear, so the privileges can be asserted over these to documents in other contexts. Do you understand, like, for example, civil litigation.

EXAMINATION BY MR. DHILLON:

Question. Do you know who a person named Dan Goldberg?

Answer. Don Goldberg.
Mr. EGGLESTON. I was going to tell you not to help him.
The WITNESS. I know a Don Goldberg.

EXAMINATION BY MR. DHILLON:

Question. Does he work for the White House?
Answer. I believe he does.
Question. Do you know in what capacity he's employed?
Answer. I don't know his official title.
Question. Do you know who he's employed with—is he employed with the Counsel's Office?
Answer. I don't know.
Question. Have you ever worked with him?
Answer. Yes.
Question. And in what capacity have you worked with him?
Answer. On these, on investigative matters.
Question. Is he a lawyer?
Answer. I don't know.
Question. What has he done for you or with you?
Answer. [Witness conferring with counsel.]
I only know he works on legislative affairs type matters. And to the extent that his role overlaps with my role, we have worked together.
Question. Is he on the investigative group or team?
Answer. I don't think so, no.
Question. Do you know who he reports to?
Answer. No.
Question. I'll take you back to when we were talking about the process by which documents are produced pursuant to exhibit—I think it was Exhibit 4——
Answer. Is this——
Question [continuing]. Or Exhibit 3.
Answer. The directive.
Question. The directive, Exhibit 3. Did any documents come from an office that had already certified that it had produced all-responsive documents?
Answer. I don't recall.
Question. Now, with respect to the documents that we were just talking about, exhibits, I believe, 5 through 9——
Answer. Uh-huh.
Question [continuing]. Who sent those documents to Department of Justice?
Answer. I did.
Mr. EGGLESTON. Although I should say I don't believe he testified as to all of them that they were sent to the Department of Justice. I think, as to some of them, we refused to answer. I directed you not to respond to that question.
The WITNESS. That's right.
Mr. EGGLESTON. So your question was overinclusive. He has not testified that all of those documents were sent to the Justice Department.
The WITNESS. That's correct.

EXAMINATION BY MR. DHILLON:

Question. Did the Department of Justice make a document request to the White House regarding the Hudson Dog Track?
[Witness conferring with counsel.]
Mr. EGGLESTON. I'm sorry. I need to take a break.
Mr. DHILLON. Okay.
[Recess.]

EXAMINATION BY MR. DHILLON:

Question. There's a question pending.
Answer. Right. Which was? I believe your question was that the Department of Justice make a request for those documents. My response is that I think about—about a week and a half ago, the task force requested these documents.
Question. Did the Department of Justice request the documents—but the Department of Justice through the subpoena in the civil action had requested the documents prior to that?
Answer. But the Department of Justice did not. It's the private plaintiffs who asked for them.
Question. Right.
Answer. I need to be—I want to be perfectly clear.

Question. No, I understand.

Answer. The Department of Justice did not ask for these documents. The private plaintiff subpoenaed these documents. Your question now is, did the Department of Justice ever ask for these documents? My answer to you is, the only time the Department of Justice as an entity has asked for these documents is about a week and a half ago, and that would be the task force that asked for those.

Question. And were they produced to the task force?

Answer. Yes, they were.

Question. Are—have these documents been released to the press, and I'm referring to Exhibits 5 through 9, to the press by the White House?

Answer. To my knowledge, no.

Mr. EGGLESTON. That's been three.

EXAMINATION BY MR. DHILLON:

Question. How did the Department of Justice communicate the civil subpoena to you?

Answer. We received copies of the subpoenas.

Question. From the Department of Justice?

Answer. From the Department of Justice.

Question. When?

Answer. I don't recall.

Question. The meeting you had with Mr. Breuer, Mr. Ruff, Ms. Mills regarding the documents that we've been talking about before they went to the Department of Justice, do you recall the month that occurred?

Answer. Actually, I don't.

Question. Was it—do you recall if it was summer?

Answer. I don't recall the month it was.

Question. Have you had any meetings or conversations with Loretta Avent about the subject matter of the Hudson Dog Track documents?

Answer. I don't—I have not.

Question. Do you know if anyone else has had any discussions or communications with Loretta Avent?

Answer. I don't know. To my knowledge, no.

Question. Do you know what month the Department of Justice transmitted the civil subpoena to you?

Answer. I don't recall.

Question. Would there be such records at the White House about when those meetings occurred, that information?

Answer. I don't believe so. No.

Question. How about the subpoenas?

Answer. I don't believe so either.

Mr. DHILLON. No further questions.

Mr. MCLAUGHLIN. Thank you, Mr. Dhillon.

EXAMINATION BY MR. MCLAUGHLIN:

Question. Mr. Nionakis, I want to thank you for taking your time to come here. Your patience has been extraordinary in the case of what can only be termed a bizarre series of questions stretching well over an hour into the designation of documents as subject to privilege which have been turned over to this committee. And I congratulate you on your patience and forthrightness in responding to those questions nonetheless.

I just have two questions for you. First of all, are you aware of—have you—I'll rephrase the question. Have you knowingly withheld any responsive nonprivileged documents from this committee?

Answer. No.

Question. Have you undertaken your compliance with this committee's subpoena in a good faith manner and utilizing your best efforts at every step of the process?

Answer. Absolutely.

Question. Thank you. I have nothing further.

Mr. DHILLON. I have one follow-up question.

Mr. EGGLESTON. It's hard to have a follow-up question to those two.

EXAMINATION BY MR. DHILLON:

Question. With respect to Exhibit 10, which is the log——

Answer. Right.

Question [continuing]. Was that created by the White House or by the Department of Justice?

Answer. It was created by the White House.

Mr. DHILLON. Also, I would like to state for the record that this committee and myself and Mr. Dold have no interest in this private litigation. There's been references to that. I know the counsel for the witness has raised that question, and Mr. McLaughlin has certainly intimated there is some interest. There is—this deposition and deposition questions being asked were not asked to further any interest in any litigation. They were asked to further, we believe, the legitimate goals of the investigation. I just wanted you to know that, sir.

Mr. MCLAUGHLIN. I think—I'll just note that the record speaks for itself. And this committee's interest is a matter of—is now a matter of record. Observers can draw whatever conclusions they deem fit.

Mr. DHILLON. Well, with your permission, I'm sure they will. Is there any further questions we need to ask?

The WITNESS. NO.

Mr. DHILLON. Thank you very much, sir.

The WITNESS. Thank you.

[Whereupon, at 6:03 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest: Robin H Carle
Clerk.

EXHIBIT
DN - 1

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng, China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

April 18, 1997

Lanny A. Breuer
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Breuer:

The following outlines where the Committee at this time would like the White House to focus its search in response to the Committee's March 4, 1997 subpoena and how such searches can best be prioritized. We understand this search is well underway since many of these documents have been requested by this Committee and other entities for months now.

You have indicated that requests 1-8 have been gathered. Yet despite the Committee's formal adoption of a document protocol, the White House is still refusing to provide an unspecified volume of responsive subpoenaed documents which were due to the Committee on March 24, 1997. In your letter of March 28, 1997 you wrote:

> "As we have previously discussed, the White House anticipated making its production after the Committee had adopted governing protocols."

You made a similar commitment in a letter of March 19, 1997. The Committee voted to adopt a document protocol on April 10, 1997. Nevertheless, the White House has reneged on its commitment to provide the subpoenaed records to the Committee. Further, you have indicated that certain documents may be withheld subject to "privilege." As you know, the only privilege under which the President may withhold subpoenaed documents is executive privilege. Mr. Ruff has indicated that the President will not claim executive privilege in this matter.

We hope the White House will reconsider its refusal to provide all subpoenaed documents to the Committee as you had previously committed to doing upon the adoption of a

protocol. The Committee's procedures provide for appropriate treatment of sensitive documents. You have made clear that the documents in question are not national security documents or classified material. As you may know, when Mr. Ruff met with Chairman Burton in early February 1997, he pledged that the President was committed to producing all documents. But at the least, the Committee should be provided a privilege log of any documents the White House insists on withholding. (Copies of both production logs and privilege logs previously provided by the White House are attached).

Notwithstanding our serious concerns about any further delay by the White House in producing documents, Committee staff have spent many hours working with White House counsel and Committee minority counsel to prioritize production of documents. We accordingly are providing you with following outline prioritizing the Committee's subpoena. The Committee reserves its rights to request the broader range of documents outlined in the March 4, 1997 subpoena. You have committed to provide requests numbered 1-8 by Monday, April 21. We request all other priority items (as indicated in boldface) by Monday, April 28, 1997. You have indicated that you would provide a date for completing production soon.

Subpoenaed records:

* **Requests 1 - 7 pertain to all records of key individuals involved in the investigation -- in particular they include a number of individuals who have refused to cooperate with the Committee.**

* **Request 8 should remain as requested.**

* **Request 9 should remain as is and is a priority item for the committee since Mr. Middleton has asserted his Fifth Amendment privilege. The request asks for all records related to Mark Middleton after he left the White House on February 17, 1995.**

* Requests 10 and 11 pertain to items for numerous individuals and companies. We have agreed to review the list to narrow it and to identify the individuals to you. (See Attachment which identifies a narrowed group of individuals and companies). **At this time we request that records relating to the following individuals be given priority for production: Soraya and/or Arief Wiriadinata, Hashim Ning, Mark Grobmyer, Eugene Wu, Ernest Green, Roger Tamraz and Grigory Loutchansky.**

* **Request 12 pertains to all records related to Executive Order Number 12987 which expanded the number of appointees on the Commission to which the President appointed Charlie Trie. Any records related to Charlie Trie are a priority for the Committee.** At this time, this request may exclude documents regarding the form and legality of the Executive Order. Your staff has indicated

that there was no objection to the legality of the Executive Order from any office.

- Request 13 pertains to all records related to the Presidential Legal Expense Trust. At this time the Committee requests only records relating to meetings that Michael Cardozo had with White House staff and individual donors such as Charlie Trie or others who assisted with raising money.

- **Request 14 pertains to all documents relating to the Chinese officials who accompanied Johnny Chung to the White House and items related to Wang Jun, and related companies of each.** The following individuals are associated with the companies identified in the request:
  Hongye Zheng, China Council for the Promotion of International Trade (CCPIT);
  Yan Sanzhong, China Petro-Chemical Corporation;
  Jichun Huang, China International Trust and Investment Corp.;
  Renzhong Wang, Shanghai AJ Shareholding Corp.,
  James J. Sun, Urumqi Talhe Industry Company;
  Wang Jun, Poly Technologies, Poly Group and/or CITIC
  This request should include all records relating to the individuals and/or the companies.

- Request 15 pertains to all records relating to Occidental Petroleum. At this time, the Committee requests only those items relating to any communication and/or contact with Occidental Petroleum Corporation concerning business and/or investment by Occidental Petroleum Corporation in Sudan from January 1996 to the present.

- **Request 16 which focuses on White House Political coffees already has been provided in part but we have not yet received the numerous memos and related documents which you have indicated relate to the coffees, nor the information provided by the DNC or reviews done of particular individuals by the NSC. The Committee requests these outstanding items.**

- Request 17, pertains to Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for non-staff passengers. The Committee was provided with information provided to the press (2 days after the press received the information) regarding donors or fund-raisers who flew on Air Force I or Air Force II for 1995 and 1996. At this time the Committee is reviewing these documents and will provide supplemental requests for additional information on particular flights.

- Request 18 can be held in abeyance at this time as items connected with the use of "official delegation trips abroad" as outlined in the March 1994 "Phipps memo" should be covered by other requests according to your staff.

- Request 19 pertains to records relating to William Ginsberg, in particular Mr. Ginsberg's diaries which we have been informed by the Commerce Department are in the custody of the White House.

- Request 20 pertains to records of attendees at White House movies. At this time the Committee requests only records relating to donors and Webb Hubbell or any member of his family. (The majority and minority staff have agreed to provide the White House with a list of donors for this search).

- Request 21 pertains to residence records. At this time the Committee requests information pertaining to the dates for overnight guests attendance at the White House and any costs paid by such individuals. While the White House has released a list of overnight guests it has not provided the dates of the visits and any expenses related to these visits. (The majority and minority will provide a list of the donors for which dates are requested). The Committee also requests all information regarding any visits or stays at the residence for Webster Hubbell from March 1, 1994 to the present.

- Request 22 pertains to records relating to the Presidential box at the Kennedy Center. The "Phipps memo" identified this as one of the "perks" for DNC donors as part of an effort to raise $40 million. At this time, the Committee requests only records relating to donors. (The majority and minority staff have agreed to provide a list of donors).

- Request 23 pertains to records of attendees at radio addresses. The Committee has already received some lists. Again, this was an item identified in the "Phipps memo" as a perk for donors. At this time, the Committee requests the lists from January 1, 1994 to the present relating to donors. (The majority and minority staff have agreed to provide a list of donors).

- Request 24 pertains to records relating to White House mess privileges. This request is connected with reports that Mark Middleton (while not employed at the White House) and others not employed at the White House utilized mess privileges for donors. At this time this request can be held in abeyance while awaiting information on Mr. Middleton which has been identified above as a priority item.

- Request 25 pertains to lists of guests at Camp David. Press reports have indicated that Webb Hubbell was a Camp David guest in July 1994. The White House released some information about Camp David to the press but this has not been provided to the Committee. From press accounts, the information released did not include the Webb Hubbell information. The Committee's request for information related to Webb Hubbell should include this information.

* Request 26 pertains to records from the offices handling social arrangements at the White House. This request is intended to gather documents connected with any "perks" or services or meetings provided to donors as outlined in the March 1994 "Martha Phipps memo." Your staff have indicated that they expect most of these documents to be gathered through other requests so this request may be held in abeyance at this time.

* Request 27 pertains to DNC records. At this time, the Committee requests documents which relate or refer to DNC fund-raising and any fund-raising meetings from January 1, 1994 to the present. This request is intended to reach fund-raising documents such as those that Harold Ickes has disclosed as well as documents connected with the Wednesday "money meetings," and other DNC fund-raising meetings. While these documents appear to have been centered with Harold Ickes, Mr. Ickes has disclosed that there were many copies of these records with various individuals at the White House, including the staff secretary and many of these records were provided to the President, Vice-President, Leon Panetta and others. The Committee's request is intended to reach all such documents.

* Request 28 should remain as requested.

* **Request 29 pertains to records relating to Webb Hubbell. While we do not agree with you office's request to limit Mr. Hubbell's records to the time period after he left the Justice Department in April of 1994 (given the recently disclosed efforts by Mr. McLarty and others to find Hubbell work in March 1994), at this time, the Committee limits the time frame as follows:**

  * **For the period January 1, 1994 to present: all records relating to Webster Hubbell are requested except documents in connection with his official duties at the Department of Justice.**

* Request 30 pertains to records related to the First Lady's visit to Guam in September 1995. At this time, this request is intended to produce all information on fund-raisers at that time in Guam, including but not limited to recommendations for attendance at fund-raisers, briefings on any attendees at fund-raisers and the itinerary of visits during the Guam trip in September 1995.

* Request 31 pertains to records relating to changes in Guam policy. At this time, the Committee requests only records related to John Garamendi or Governor Gutierrez (or anyone in his office) in connection with Guam policy.

* Request 32 is focused on the meetings conducted at the White House with Mr. Ickes and others which have been identified as "Wednesday Money Meetings." At

this time, this request should be covered under request #27.

- Request 33 pertains to records relating to Truman Arnold. At this time, the Committee requests WAVES records of Mr. Arnold from January 1, 1994 to the present.

- Request 34 pertains to records relating to the facts and individuals connected with the investigation of former Commerce Secretary Ron Brown. This request is designed to obtain all information the White House obtained regarding possible financial problems of Ron Brown; and all records relating to the Lums and/or Dynamic Energy Resources, Inc. The Committee is not asking for requests directed to the White House by any Independent Counsel or Justice Department official, but records which are responsive to this request should not be excluded just because the same records may have been requested by the Independent Counsel or the Justice Department.

- Request 35 pertains to records relating to the American Institute in Taiwan and/or James Wood. At this time, the Committee requests only documents related to James Wood in connection with any allegations of fund-raising improprieties connected with the American Institute in Taiwan.

- Request 36 pertains to records relating to the Clinton Birthplace Foundation and/or the Hope Foundation. The Committee will review the recently disclosed information from the foundation and hold this request in abeyance until review is completed.

- Request 37 pertains to records of various groups with which John Huang was associated. At this time, the Committee anticipates that many of the documents related to APAC or APALC will be disclosed through other requests. The request for APAWG should remain as requested.

- Request 38 should remain as requested.

- Request 39 should remain as requested.

- **Request 40 requests all legal opinions relating to fundraising, a number of which have already been provided to the press.**

- Request 41 should be included in request 27.

- Request 42 pertains to expenses connected with White House coffees, overnights and other guest services. The House Appropriations Committee has requested an audit by GAO of these expenses and at this time the Committee will await those

results if White House cooperation is forthcoming on those matters under review by the GAO.

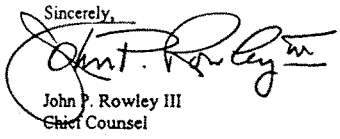
- Request 43 at this time can be limited to phone calls to the following numbers from October 22 - November 5, 1996:
  202-659-4929
  202-737-1632
  213-782-1144
  916-321-3161
  305-374-4143
  212-935-9935
  202-863-7193
  202-863-8081
  954-525-9895
  954-525-9788
  954-525-9785
  954-525-9798
  954-525-9797

- Requests 44 and 45 may be held in abeyance at this time. Your staff has indicated that information from lexus-nexus about particular donors identified elsewhere should be included in other requests.

This detailed outline which has prioritized the Committee's subpoenaed requests to the White House has been produced with extensive consultation with both the White House Counsel's office staff and minority committee staff. Many of these requests have now been outstanding for months and the White House has gathered many, if not most of the responsive materials. We would appreciate your prompt attention in producing these subpoenaed materials.

Thank you for your prompt attention to producing these records.

Sincerely,



John P. Rowley III
Chief Counsel

CC: The Honorable Henry Waxman

Addendum Pertaining to Subpoenaed Requests #10 and #11

10. **Wiriadinata, Arief and Soraya** : Non-permanent resident of US who contributed $450,000 to the DNC. Daughter and son-in-law of the late Lippo executive Hashim Ning.

Paul Berry: Former roommate of President Bill Clinton, engaged by Lippo Group to pursue investments with US companies.

Jerome Berlin: Democratic fund-raiser and lawyer from Florida.

Hashim Ning: Indonesian businessman and major Lippo investor whom John Huang visited in the hospital in the fall of 1995.

Yogesh Gandhi: Presented President Clinton with "world peace" award from his organization. Donated $325,000 to the DNC on the day of a Washington fund-raiser attended by President Clinton.

Hsing Yun (aka Shing Yun): Leader of the Fo Kwang Shan Buddhist organization and master of the Hsi Lai Buddhist Temple.

Ken Hsiu: Involved with C.K. Victory Investments, and is the president of Prince Motors. This Taiwanese-American businessman donated $150,000 for a fund-raising dinner at the Jefferson Hotel.

Man Ya Shih: Buddhist nun who wrote a $5,000 check at the Hsi Lai temple in LA to the DNC at the request of a "Democratic activist" who told her that an anonymous source wanted to donate the money.

Mi Ryu Ahn: President of Pan Metal Corporation, LA. He made several contributions to the DNC and was appointed to the Investment and Services Trade Advisory Committee by then US Trade Representative Mickey Kantor in October 1995.

Charles DeQueljoe: Lippo executive appointed by Mickey Kantor in December of 1994 to a panel advising US Trade Representatives on international investment policy.

Keshi Zhan: Part-time employee of San Kin Yip and Arlington records clerk who donated $12,500 to DNC with a salary of $22,408. Additionally, Keshi Zhan worked with Charlie Trie.

Xiping Wang: Acquaintance of Keshi Zhan, and donor who DNC recorded as giving $5,000. She works at a restaurant for modest wages.

Yue F. Chu: Gave $20,000 at Hay Adams event. Chu was on a list generated by White House Jack Quinn, requesting all information that the White House had on certain individuals.

Farhad Azima: Iranian born, airplane-leasing executive. Invited to three White House coffees over 10 month period while contributing $95,000.

Richard Mays: A personal friend of the President, and attorney for Eric Wynn. It was reported that Mays arranged through the DNC for Wynn to meet the President.

Richard J. Soon Choi (aka Unchung Choi): The DNC returned his $20,000 donation, arranged by John Huang, because of insufficient information.

Richard Tienken: Donated $25,000 to DNC which was returned "inappropriate" on October 29, 1996.

Chong Lo: Was convicted of income tax evasion in the 1980's under the name of Esther Chu. Arrested four days before APA awards gala on 14 counts of fraud.

Master Suma Ching Hai: Taiwanese Buddhist leader who urged members to donate to Presidential legal defense fund.

Eugene Wu: Taiwanese billionaire who runs the Shinkong Group a Taiwanese conglomerate.

Mark Grobmyer: A friend of President Clinton's from Arkansas, known to associate with James Riady. Owns a company called Commerce International.

Jorge Cabrera: A convicted drug smuggler who visited the White House in December of 1995 after donating $20,000 to the DNC.

Dhanin Chearavanont: Chairman of the C.P. Group who brought his brother and others to the 6/18/96 coffee at the White House.

Sumet Chearavanot: Brother of Dhanin Chearavanot and president of the C.P. Group.

Sarasin Virpol: A Thai foreign ministry official. DNC records confirm his attendance at the 6/18 White House coffee.

Mark Jimenez: Philippine-American computer entrepreneur based in Miami. His company is Future Tech International. He donated $50,000 to restore President Clinton's boyhood home, and also donated $50,000 to the DNC.

Ernest Green: He is a managing director in the Washington office of Lehman Brothers

Inc. He is a fund-raiser who attended a 2/6 coffee at the White House with Wang Jun. He had business dealings with Wang Jun, and donated $50,000 to the DNC on 2/7/96.

Howard Glicken: Former chair of the Commonwealth Group. One of 22 executives to accompany Secretary Ron Brown on a 1994 export promotion trip to Latin America. A key fund-raiser who served as DNC vice chairman for finance.

Alan Leventhal: Donated $15,000 the day before the 2/16/95 coffee. He and his business partner, Fred Seigel, collected over $3,000,000 for the campaign. Their company, Energy Capital, was chosen by HUD for a leading role in a $200 million program.

Grigory Louthansky: Heads an international commodities firm called Nordex which has been linked to nuclear weapon smuggling, and shipping scud missiles to Iraq. He was invited to two DNC fundraising dinners with the President.

Vivian Mannereud: A Cuban-American businesswoman from Miami who solicited DNC donations from Jorge Cabrera. He donated $20,000.

Mike Mitoma: Mayor of Carson City, California. Wrote a letter to Clinton on 4/8/96 regarding businessman John K.H. Lee. Lee wanted to meet with the President. (Only documents connected with John K.H. Lee should be provided.)

Joseph O'Brien: Arkansas businessman and associate of the Riadys.

Fred Siegel: He and his business partner, Alan Leventhal, collected over $3,000,000 for the campaign. Their company, Energy Capital, was chosen by HUD for a leading role in a $200 million program.

Ng Lap Seng: Chinese real estate developer from Macao, and partner of Charlie Trie in several business ventures including San Kin Yip

Roger Tamraz: Partner with the Libyan government in Tamoil, contributed $170,000 to DNC and Democratic Party in Virginia. Tamraz attended a White House coffee on 4/1/96. His access to the White House has led to a CIA IG inquiry.

Melinda Yee: A 1992 fund-raiser for the DNC who took a position at the Commerce Department with Secretary Ron Brown.

Eric Wynn: A New Jersey stock promoter with a fraud conviction. He served two years in prison before attending a White House coffee on 12/21/95.

11. **The Lippo Group**: $5-6 billion dollar Indonesian financial conglomerate controlled by Mochtar Riady. Longtime contributors to President Clinton.

Lippobank: Acquired by Riady in 1984. John Huang served as president. The bank was cited by the FDIC for "hazardous lending practices."

Cheong Am America: Subsidiary of a South Korean electronics company incorporated in 1996. Illegally contributed $250,000 to the DNC after John K.H. Lee, an executive of the Corporation, met with President Clinton in April of 1996.

Psaltis Corporation: Donated $50,000 to the DNC which was returned on Nov. 5, 1996 as foreign-source contribution.

Hip Hing Holdings, Ltd.: California based firm listing John Huang as VP in 1993. Its address is the same as Lippo. Paid John Huang a severance bonus before he left for the Commerce Department.

Automated Intelligent Systems, Inc.: Company Headed by Johnny Chung.

Ban Chang Group: Headed by Pairoj Piempongsant. A Thai real estate conglomerate with developments throughout Asia. The organization is partly owned by Ban Chang International, which is headed by Pauline Kanchanalak.

Ban Chang International: Washington-based consulting firm which donated $300,000 to the DNC. This money was returned. The company specializes in US investments in Thailand and is headed by Pauline Kanchanalak.

San Kip Yip International Trading Company: Import-export firm in Little Rock, made a $15,000 donation to the DNC 10 days after it was formed. Owned by Charlie Trie and Ng Lap Seng.

CommerceCorp. International: Washington-based company formed by Mark Middleton.

Hsi Lai Temple: Buddhist Temple in Hacienda Heights, California. Scene of an April 30, 1996 fund-raiser with Vice President Al Gore.

Commerce International, Inc.: Shortly after the 1992 Presidential election Mr. Grobmyer formed Commerce International, Inc. to do business in Asia.

Mid-South International Trade Association: A company located in Little Rock, AR, and formed by Mark Grobmyer in 1989.

U.S.-Thailand Business Council: A business trade umbrella group that Pauline

Kanchanalak helped organize. John Huang helped the White House host the inaugural meeting of the Council.

Daihatsu International Trading Company: Little Rock based trading company run by Charlie Trie.

America-Asia Trade Center, Inc.: A Charlie Trie company.

Wireless Advantage: Eric Wynn is said to have partial control of the company. Wireless Advantage made a $25,000 contribution two days before Wynn attended a coffee at the White House.

C.K. Victory Investments: Ken Hsui's Company.

Prince Motors, Co.: Ken Hsui is the president, and it is one of the 50 largest companies in Taiwan.

HIGHLY CONFIDENTIAL

White House Supplemental Production Log
December 22, 1995

BATES RANGE	DOCUMENT DESCRIPTION	SOURCE
CGE 7771-7810	Logs	Office of Records Management
CGE 9424-10176	Trip files	Office of Administration
CGE 10177-10268	Communications with Public Integrity Section	Counsel's Office
CGE 10269-367	Memorandum to Office of the Counsel to the President from Margaret Ann Irving dated September 16, 1994, with attachment	Joel Klein
CGE 10368-467	Note from Marvin Krislov to Abner Mikva, Joel Klein, John Podesta, Todd Stern and Chris Cerf, dated December 13, 1994, with attachment	Joel Klein
CGE 10468-79	Note from Marvin Krislov to Abner Mikva and Joel Klein, dated November 18, 1994, with attachment	Joel Klein
CGE 10480-578	Memorandum to Office of Counsel to the President from Margaret Ann Irving, dated September 16, 1994, with attachment	Joel Klein
CGE 10579-581	"White House Press Charters"	Cliff Sloan
CGE 10582-89	Memorandum from Catherine Cornelius to David Watkins dated January 26, 1993	Cliff Sloan
CGE 10590-618	"The White House Travel Office: Briefing Book and Proposal by Catherine Cornelius and Clarissa Cerda," dated February 15, 1993	Cliff Sloan
CGE 10619-631	Letter dated May 17, 1993 from Peat Marwick to William Kennedy	Cliff Sloan
CGE 10632-633	Memorandum from Lee Johnson to John Podesta, dated May 21, 1993	Cliff Sloan
CGE 10634	Letter dated May 26, 1993 from Sara Trott to David Watkins	Cliff Sloan
CGE 10635	Letter dated June 15, 1993 from David Watkins to Sara Trott	Cliff Sloan
CGE 10636	Memorandum from Cynthia Monaco to Cliff Sloan, dated June 14, 1993	Cliff Sloan

ATTACHMENT 1

May 23, 1996

DOCUMENTS OVER WHICH THE PRESIDENT ASSERTS EXECUTIVE PRIVILEGE IN RESPONSE TO THE HOUSE GOVERNMENT REFORM COMMITTEE'S JANUARY 11, 1996 SUBPOENAS

DOC NUMBER	DATE	TO PERSON	FROM PERSON	DESCRIPTION	SOURCE(S)
DF 780001-7	7/6/95		Natalie Williams	Memorandum re: notes for discussion with Congressional staff including legal analysis of work product issues	Counsel's Office
DF 780008-29, 780234-37	7/9/95, 7/5/95	Jane Sherburne	Natalie Williams	Analyses of custody and disclosure of Foster Travel Office file	Counsel's Office
DF 780031-40	7/10/95		Natalie Williams	Memorandum re: chronological analysis of Travel Office events	Counsel's Office
DF 780046-49	7/21/95	Jane Sherburne	Natalie Williams	Memorandum analyzing Foster communications re: Travel Office	Counsel's Office
DF 780052-57, 780093-98, 780655-57	7/29/95		Natalie Williams	Memoranda analyzing House Government Reform Committee Travel Office document requests and privilege issues	Counsel's Office
DF 780041-47, 780058-65	7/11/95		Natalie Williams	Memoranda analyzing House Government Reform Committee document request, witness interviews and privilege issues	Counsel's Office
DF 780066-85	7/12/95		Natalie Williams	Summary and analysis of Travel Office events	Counsel's Office
DF 780086-92	7/17/95	Jane Sherburne	Natalie Williams	Chronological analysis of Travel Office events	Counsel's Office
DF 780108-14	8/7/95, 8/9/95	Abner Mikva, Jane Sherburne	Natalie Williams	Analyses of privileges for Travel Office internal review documents	Counsel's Office
DF 780115-17	8/11/95		Natalie Williams	Analysis of House Government Reform Committee requests for information related to Harry Thomason and Darnell Martens	Counsel's Office

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

EXHIBIT
DN - 3

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

2. Any documents or materials dated -- or if undated, documents created or received -- after **January 1, 1994:**

   a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

3. Any documents or materials dated -- or if undated, documents created or received -- after **February 17, 1995:**

   a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

4. Any documents or materials dated -- or if undated, documents created or received -- after **January 1, 1996:**

   a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors -- e.g. Yah Lin "Charlie" Trie -- regarding raising money for the Presidential Legal Expense Trust;

   b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

5. Any documents or materials dated -- or if undated, documents created or received -- between **August 3, 1996 and December 31, 1996:**

   a. Referring or relating to the White House Data Base (WHODB).

ATTACHMENT A

INDIVIDUALS*

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pompimol) Kanchanalak*
(aka Pauline (or Pompimol) Parichattkul*)
Daungnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

ENTITIES*

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

THE WHITE HOUSE
WASHINGTON

June 27, 1997

BY HAND

The Honorable Dan Burton
Chairman
House Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As we discussed yesterday, this letter serves to certify that, to the best of my knowledge, the White House has produced all documents responsive to the Committee's subpoenas, with the exception of those documents that appear on the privilege logs that we have provided to the Committee.

We have made every effort to collect and produce, on the schedule reflected in my letter of May 20, 1997, all documents that are responsive to the Committee's subpoenas. Further, however, in order to ensure to the maximum extent possible that no responsive documents have been overlooked, I have directed my staff to continue their efforts to see to it that all areas that may contain such documents have been searched and that all responsive documents have been produced. As a result of that continuing process, we have located some additional documents, which we are producing today under separate cover, and we will, of course, produce promptly any others that are found.

I appreciate your and the Committee's courtesy as we have worked through this process.

Sincerely,

Charles Ruff

Charles F.C. Ruff
Counsel to the President

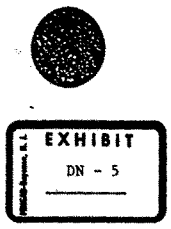
cc: The Honorable Henry A. Waxman

EXHIBIT
DN - 4

THE WHITE HOUSE

WASHINGTON

April 24, 1995



MEMORANDUM FOR HAROLD ICKES

FROM: Loretta Avent

I just got a call from Bruce in reference to a person named Pat O'Connor, whom I don't know, who has called me on numerous occasions. Unfortunately, I was on my reservation circuit, so I asked both Jay Campbell and Katy Button in my office to call and advise him I was travelling and that before I could respond personally, I would need a letter from one of the tribal leaders he was representing explaining their situation and/or their concerns. Following the legal advice we have received concerning these kinds of issues, I have not and would not speak with him, or any lobbyist or lawyer.

Irrespective of lawyers and lobbyists say they know personally in the Administration , my first responsibility is to take care of the pres. because I am aware of the politics and the press surrounding this particular situation, it is in our best interest to keep it totally away from the white house in general, and the pres in particular. This is such a hot potato (like Cabazon) -- too hot to touch. The legal and political implications of our involvement would be disastrous. I am on my way into a meeting with five of our strongest tribal leaders (because of their significant voter turnout), who have already gone ballistic about other tribal governments who have greater access to the Administration because of their ability to pay hired guns (as they call them) and their belief that this unfairly gets things to happen. They believe that when the President said "Government-to-Government" and "respect for tribal consultation" that it meant directly with them. They consider the lobbyists and lawyers trying to access us as staff they (the tribal leaders) pay and that their responsibility is to report and advise them (the tribal leaders), and as tribal leaders elected by their membership, they will do the business of tribal governments directly with our government.

This puts us in a Catch-22. To ensure we don't get caught in this web, I treat all 550 elected tribal leaders the same (I deal directly with them on behalf of the President).

Harold, my goal is to clean up as much as I can clean up (seven reservations in less than ten days) prior to the April 28th meeting. We are 98% there. I do not want this situation to be part of or anywhere near the meeting on the 28th. This is a

Department of Interior and Justice Department and that's where it should stay. Finally, the fact that he would even suggest I would discuss anything remotely connected to Indian gaming tells me he is not truly connected to Indian country (all 550 federally recognized tribes know I don't do gaming and say it). Both Domestic Policy and Intergovernmental Affairs deal with this issue in this manner.

I explained this to Bruce and he understands the way I operate and I assured him I would make the call directly to advise the party that called. I will do this as soon as my meeting is over. I'll call later and give you an update. The press is just waiting for this kind of story. We don't need to give it to them.

One last concern leading into Friday, but I am working on that now. Because of the diversity and complexities within Indian Country and the constant changes in elected leadership, there is no lobbyist or lawyer that I will put before my responsibility to the President and his commitment to Indian Country (April 29, 1994).

cc: Maggie Williams
Cheryl Mills

MEMORANDUM

August 3, 1995

TO: Ms. Loretta Avent
Special Assistant to the President
for Intergovernmental Affairs

FROM: Arlyn Ackley, Sr.
Tribal Chairman
Sokaogon Chippewa Community

RE: Disapproval of Hudson Application for Trust Status

We have been able to obtain information from the Department of the Interior's Indian Gaming Office that their staff people disagreed with the disapproval of our trust application signed by Michael Anderson of the Department of Interior.

All my information indicates that Interior's staff was disappointed and completely disagreed with this decision. In fact, and I quote "there was no real evidence to support disapproval". The staff tells us that the people who made the final decision did not follow § 20 of the Indian Gaming Regulatory Act of 1988. That this decision was purely a discretionary-/political one.

In the letter, Mr. Anderson stated that there was a problem with the St. Croix Waterway. However, the staff tells us that this small issue could have been explained but we were not given the opportunity to respond to this.

The Department of the Interior staff indicated to us that they could not find anything detrimental in our application either to nearby tribes or to surrounding communities. Moreover, Mr. Anderson states that this property acquisition would be detrimental to a nearby tribe.

Another quote from the Department's staff was "What is the point of § 20 if not to be helpful to remote tribes?". They indicated to us that the extraordinary thirty (30) day period that was provided to our opponents which allowed them to submit an additional

economic study did not provide any substantial information that would point to the proposed facility being detrimental to the surrounding communities or tribes. They commented that there are two criteria. One -- it should be in the best interest of the Indian tribe (applicant). Two -- Could not be detrimental to the surrounding communities or nearby tribes. Their indication to us is that they were both disappointed and that they disagreed with the disapproval of the trust application.

As the Chairman of my tribe I must protest the Department of the Interior's treatment of our application for the placing of the Hudson Dog Track into trust status. The Minneapolis BIA Area Director and staff followed the letter of the law in approving our application. The Department of the Interior's staff (per our information) also carefully followed the criteria set out in the Indian Gaming Regulatory Act. However, the people who made the final decision did not.

Finally, if I may reiterate these points which we were able to obtain. (Loretta, they were taken from a telephone conversation, therefore repetitious and redundant.)

1. Staff was disappointed;
2. Decision makers did not fully consider Section 20 IGRA;
3. Staff disagreed with decision;
4. No real evidence;
5. St. Croix waterway question could easily be addressed (We were not given an opportunity to do so.);
6. Staff didn't want to set national precedent of a tribe rejecting another tribe's application;
7. Staff didn't want to set a national precedent of a community rejecting a tribe's application - 6 and 7 would have to be detrimental;
8. Decision makers were worried about being second guessed by the Governor;
9. What is the part of best 20, IGRA if not to helped "remote" tribes?;
10. Political, not factual decision; and
11. Staff could not find anything detrimental to the nearby communities or tribes.

August 17, 1995

URGENT---URGENT---URGENT---URGENT

MEMORANDUM FOR LORETTA T. AVENT

FROM: Ahsha Ali Safai

RE: Hudson

Dwayne Derrickson called and expressed deep concern for the issue his tribe faces on behalf of Chairman Arlyn Ackley . The Chairman is looking for a response to their issue. Chairman Ackley is hoping you will be able to provide some guidance within the next few days because of the fact that he is planned to face his tribal council as well as his tribal community and is expected to have some answers regarding the Hudson case.

Dwayne talked about the importance of this issue being brought to closure. He used the words, "If this issue can't be resolved, then we will have to go to the press, courts, or to the opposition!".

They will be in town next week and were hoping to meet with you. I told them that I expected you to be on travel, but for them to check back with me late today or tomorrow.

Dwayne said that Chairman Ackley hardly asks for help, but in this case they are hoping that you will be able to provide them with some answers. Please advise.

EXHIBIT
DN - 7

EXECUTIVE OFFICE OF THE PRESIDENT

24-Apr-1995 07:17pm

TO: Cheryl D. Mills

FROM: Michael T. Schmidt
Domestic Policy Council

CC: Carol H. Rasco
CC: Loretta T. Avent
CC: Katharine M. Button

SUBJECT: Call from Lobbiest Pat O'Connor

Cheryl,

This e-mail is to fill you in more detail about a call that Loretta and I were on with a Lobbyist/Fundraiser named Pat O'Connor. It was half-dictated to me by Loretta via phone, so I apologize in advance if it is unwieldy at times:

Pat O'connor is a lobbyist that represents a number of gaming tribes in Wisconsin and Minnesota. He is also, I believe, a DNC trustee of some sort. He is working on some off-reservation gaming project (dog racing I think) called "the Hudson Project," which under the Indian Gaming Regulatory Act will need Secretary Babbitt's approval to go forward, since it is off reservation gaming.

Pat called Loretta last week on this issue. As you know, last year WH counsel advised Loretta that she should not meet with lobbyists or lawyers on Indian issues. Also, on April 29, the President signed a memorandum stating his strong support for the government-to-government relationship with the Tribes and direct consultation (which they hold us to in every letter they send!!). We get hit hard by Tribal leaders when we meet with Lobbyists, since many times the tribal leaders are not even aware that the lobbyists are calling us on their behalf. Loretta was out of town when Pat called, but asked Jay and Katy Button on her staff to return the calls from Pat, informing him that he needed to have the Tribal leader(s) that he represent send in whatever request that they had, and that she would work with the leaders directly. This is her standard response in these situations.

After several calls trying to get around Jay and Katy, on Wednesday of last week Pat sent in a memo from him (not from the Tribal leaders as requested) to Loretta asking to talk to her about intervening with Secretary Babbitt to allow this Hudson project to be able to do off-reservation gaming. This fax also

EOP 069076

stated that Loretta had told the leader of the Red Cliff Tribe (who Loretta has never met or spoken with) that she would intervene on their behalf (not true!). After this fax came in, Jay on Loretta's staff called Pat's office again asking for the letter from the tribal leader. It never came.

In the meantime, Pat bumped into the President today in Minnesota and mentioned to him that Loretta never returned his calls (technically true, but her staff did return them several times because she was travelling). A call came from AA1 this morning from Bruce Lindsey to Loretta to find out what had happened. Loretta reviewed the story I have written so far, and told Bruce that she would call Pat to explain our process. Loretta called me (since I do Indian Gaming Policy) and then conferenced me into a call with Mr. O'connor (her assistant Katy Button was also in on the call). And then, in Loretta's words, "his story began to unravel" in two ways: 1) He had to admit to Loretta that he had a return call from Loretta's office; 2) See the attached fax from him -- he had to back off of the statement about the leader of the Red Cliff Tribe talking to Loretta about this since it was not true. He was agitated that Loretta could not meet with him on this issue, and he took my name and number and promised to call me about this issue sometime this week, and that he would also bring it up in his meeting this Friday with Don Fowler at the DNC. He abruptly hung up before I could respond.

According to Loretta:

The first mistake Pat O'connor is making is trying to tie the President into an issue that he cannot be tied into for legal and political reasons. The White House should not be involved in this issue!

He must stop telling others that he has access to the WH on this issue. As you know, we legally cannot intervene with the Secretary of Interior on this issue.

Please have Harold call Don Fowler and explain that there are no secrets in Indian Country, that word of this conversation is already getting out and it would be political poison for the President or his staff to be anywhere near this issue.

Loretta consistently will not allow anyone take advantage of the President's best intentions and put him into potentially negative press situation (especially with 100 tribal leaders coming to town on Friday).

Loretta asks that you do whatever you think we need to do to take care of the President's best interests on this -- these Indian Gaming issues are always explosive (as the Cabazon situation made clear).

If you have any questions on any of this, call Katy Button to get ahold of Loretta in AZ, or call me at 6-5567 and I will try to

EOP 069077

give you whatever info you need.

To Martha — Look at.

Leon
What's the deal
on the Wisco – tribe
Indian dispute
BC

SUBSTITUTION

Leon
What's the deal on the
Wisconsin tribe Indian
dispute?

BC

EXHIBIT
DN - 9

EOP 069092

October 21, 1997

PRIVILEGE LOG

KEY:

E/P: Subject to Executive Privilege
A/P: Subject to Attorney Client Communication Privilege
W/P: Subject to Attorney Work Product Privilege

No.	Doc. Control No.	Date	Privilege	Description
1	EOP 64985	5/23/95	E/P	E-mail from Deputy Assitant to the President for Political Affairs to Special Assistant to the Deputy Chief of Staff for Policy and Political Affairs re attendance of possible presidential appointee at political event.
2	EOP 69070-71	4/24/95	E/P A/C	Memorandum from Special Assistant to the President for Intergovernmental Affairs to Deputy Chief of Staff (cc: Assistant to the President and Chief of Staff for the First Lady and Associate Counsel to the President) containing legal advice and discussion re American Indian gaming policy matters.
3	EOP 69076-78	4/24/95	E/P A/C	Memorandum from Senior Policy Analyst, Office of Policy Development to Associate Counsel to the President (cc: Assistant to the President for Domestic Policy, Special Assistant to the President for Intergovernmental Affairs, Assistant to the Deputy Chief of Staff for the First Lady) re discussion of legal advice and American Indian gaming policy matters.
4	EOP 69079-81	undated	A/C W/P	Handwritten notes reflecting mental impressions of Associate Counsel re Hudson casino litigation allegations.

EXHIBIT
DN - 10

October 21, 1997

PRIVILEGE LOG

KEY:

E/P: Subject to Executive Privilege
A/P: Subject to Attorney Client Communication Privilege
W/P: Subject to Attorney Work Product Privilege

5	EOP 69082-89	8/23/96	E/P W/P	Fax cover sheet from Department of Interior Solicitor's Office to Associate Counsel with attached draft letter of Interior responding to Congressional inquiry.
6	EOP 69092-97	undated @ fall 1996	E/P	Notation of President to Chief of Staff re Hudson casino matter; notation attached to portions of pre-trip briefing document.
7	EOP 69098-99	10/23/96	E/P A/C W/P	Memorandum from Chief of Staff to the President with attached memorandum dated 10/23/96 from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff (cc: White House Counsel) re status of Hudson casino litigation.
8	EOP 69100	10/22/96	A/C W/P	Memorandum from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff re status of Hudson casino litigation.
9	EOP 69101	10/23/96	A/C W/P	Memorandum from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff (cc: White House Counsel) re status of Hudson casino litigation.
10	EOP 69102-05	8/1/96	E/P	Drafts of letter responding to Congressional inquiry regarding Hudson casino matter.

[The deposition of Lanny Breuer follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: LANNY BREUER

FRIDAY, OCTOBER 31, 1997

The deposition in the above matter was held in Room 2303, Rayburn House Office Building, commencing at 8:45 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Richard Bennett, Chief Counsel; Barbara Comstock, Chief Investigative Counsel; Sophia Nelson, Staff Assistant; Kenneth Ballen, Minority Chief Investigative Counsel; Andrew J. McLaughlin, Minority Counsel; and David Sadkin, Minority Counsel.

Also Present: Representatives Barrett and Kanjorski.

For MR. BREUER:

MARK H. LYNCH, ESQ.
Covington & Burling
2301 Pennsylvania Avenue, NW
Washington, D.C. 23044

Mr. BENNETT. Good morning, Mr. Breuer.

Mr. BREUER. Good morning.

Mr. BENNETT. Mr. Lynch, nice to have you here early in the morning on this day. Congressman Barrett is here. He's had his workout and run, so we're ready to get rolling.

On behalf of the members of the Committee on Government Reform and Oversight, we thank you for appearing today. There are certain preambles I just want to go over before we get started.

Obviously you recognize that this is a deposition, and you have been placed under oath—or will be placed under oath to answer these questions. And I would request that the court reporter place you under oath now at this time.

THEREUPON, LANNY BREUER, a witness, was called for examination, and after having been first duly sworn, was examined and testified as follows:

Mr. BENNETT. I would like to note for the record those who are present here today with me. I'm Richard Bennett, chief counsel for the Majority; Ms. Barbara Comstock, chief investigative counsel. Ms. Sophia Nelson is here for the Majority. Mr. Andrew McLaughlin is here for the Minority, and Mr. David——

Mr. SADKIN. Sadkin.

Mr. BENNETT [continuing]. Sadkin is here, along with Mr. Breuer and his counsel, Mr. Lynch. And we're pleased to also have Congressman Tom Barrett of Wisconsin, if I'm not mistaken——

Mr. BARRETT. That is correct.

Mr. BENNETT [continuing]. Congressman Barrett here as well as well.

Mr. BENNETT. Although this proceeding is being held in a somewhat informal atmosphere, because you've been placed under oath, your testimony here today has the same force and effect as if you were testifying before the committee or in a courtroom. Do you understand that, Mr. Breuer?

The WITNESS. I do, Mr. Bennett.

Mr. BENNETT. If I ask you about conversations you have had in the past, and you're unable to recall the exact words used in that conversation, you may state that you're unable to recall the exact words, and then you may give me the gist or substance of that conversation to the best of your recollection.

If you recall only part of a conversation or only part of an event, please give me your best recollection of those events or parts of conversations that you recall.

If I ask you whether you have any information about a particular subject, and you have overheard other persons conversing with each other regarding that subject or have seen correspondence or documentation about that subject, please tell me that you do have such information, and indicate the source from which you derive such knowledge.

Do you understand that?

The WITNESS. I'll try to answer your questions as best as I can. I'm not sure if I'll remember all of your instructions, but I will try to answer everything the best I can.

Mr. BENNETT. I think the—the boilerplate is to the extent you were not in a conversation, but you have knowledge or reason to believe there was a conversation, to the extent you're able to provide us information, if you would do so. Do you understand that?

The WITNESS. I'll do my best.

Mr. BENNETT. Before we begin the questioning, I want to give you some background about the investigation and your appearance here and the authority pursuant to which we've asked you to be here.

Pursuant to its authority under House Rules X and XI of the House of Representatives, the committee is engaged in a wide-ranging review of possible political fundraising improprieties and possible violations of law. Pages 2 through 4 of House Report 105–139 summarizes the investigation as of June 19, 1997, and describes new matters which have arisen in the course of the investigation. Also, pages 4 through 11 of the report explain the background of the investigation.

All questions related either directly or indirectly to these issues, or questions which have the tendency to make the existence of any pertinent fact more or less probable than it would be without the evidence, are proper pursuant to the House rules.

This committee has been granted specific authorization to conduct this deposition pursuant to House Resolution 167, which passed the full House on June 20, 1997. Committee Rule 20 outlines the ground rules for the deposition.

Majority and Minority committee counsel will ask you questions regarding the subject matter of the investigation. Minority counsel will ask questions after Majority counsel has finished. After the Minority counsel has completed questioning you, a new round of questioning may begin.

Members of Congress who wish to ask questions will be afforded an immediate opportunity to ask their questions. When they are finished, committee counsel will resume questioning.

Congressman Barrett is here this morning. He will be given an immediate opportunity to ask questions. He will also be permitted at any time to interrupt or ask that he be able to follow up on a question.

Other Members of Congress may or may not attend this morning's session. In that regard, I would note that there is a business meeting scheduled for 10:30 this morning. It would be my intent, Mr. McLaughlin, around 10:30 to be prepared to stop for a period of time during the course of that business meeting pursuant to the question of some Members of the committee.

I suspect that the business meeting may not start promptly at 10:30, so I would suggest that we sort of have someone monitor when the business meeting starts, and then we can stop and continue the deposition if you would like.

Mr. MCLAUGHLIN. Well, I appreciate that, Mr. Bennett. Let me just note in that regard that the Minority Members of the committee had hoped that this deposition would not be scheduled to conflict with that meeting at all. Nevertheless, given the constraints of Mr. Breuer's schedule and your determination to hold the deposition on this day, I propose that we just simply plow ahead with the deposition and get it over as quickly as possible.

If any of the Minority Members wish to halt the deposition to be able to take part in that meeting, of course, I think we ought to honor that request. But barring such request, I would prefer to just plow forward and get it over with.

Mr. BENNETT. That's fine. In that regard, Mr. Lynch and I have spoken, and Mr. Breuer has probably the most important commitment of anyone here today. At noon, I have agreed that he can leave because he needs to be with children for a Halloween party.

The WITNESS. I appreciate you honoring that, Mr. Bennett.

Mr. BENNETT. Let me say that the committee is not a committee without a heart, so we will be stopping at noon anyway. In light of that fact, Mr. Lynch and I have discussed the fact that very likely we will be continuing Monday morning until, perhaps, lunchtime.

So in that regard, I have no concern one way or the other about stopping during the course of the business meeting, because I suspect we may not finish by noon today anyway. So, again, Mr. McLaughlin, in that regard, if you desire for us to stop during the business meeting as a courtesy to Members of the committee, please let me know.

Mr. BENNETT. Pursuant to the committee rules, Mr. Breuer, you are allowed to have an attorney present to advise you of your rights. And the record will reflect that Mr. Mark Lynch is here with you.

Any objection raised during the course of the deposition shall stated for the record. If the witness is instructed not to answer a question or otherwise refuses to answer a question, Majority and Minority counsel will confer to determine whether the objection is proper. In that regard, only your counsel has the right to advise you not to answer a question.

If Majority and Minority counsel agree that a question is proper, the witness will be asked to answer the question. If an objection is not withdrawn, the chairman or a Member designated by the chairman, in this case, Congressman Dan Burton of Indiana, may decide whether the objection is proper.

This deposition is considered to be taken in executive session of the committee, which means that it may not be made public without the consent of the committee pursuant to clause 2(k)(7) of House Rule XI. You are asked to abide by the rules of the House and not discuss with anyone other than your attorney this deposition and the issues and questions raised during this proceeding. Do you understand that?

The WITNESS. I do.

Mr. BENNETT. Finally, no later than 5 days after your testimony is transcribed and you have been notified that your transcript is available, you may submit suggested changes to the chairman. The transcript will be available for your review at the committee office. The committee staff may make any typographical and technical changes requested by you. Substantive changes, modifications, clarifications, amendments to the deposition transcript submitted by you must be accompanied by a letter requesting the changes and a statement for your reasons for each proposed change.

In that regard, Mr. Lynch, we have been adopting a policy pursuant to which we can send the deposition to you, and you can review it with your client in his office or yours. And then I ask you that you return that back to us. You don't need to come back and come to the committee room. So we'll extend that courtesy to you.

In light of the fact Mr. Breuer, as I indicated to Mr. Ruff last night, that the committee has noticed hearings for next Thursday and Friday, it's anticipated you will be called next Thursday, we will make this transcript available to you as quickly as possible, presumably today's transcript by Monday, and Monday's transcript by late Monday afternoon or Tuesday morning.

The WITNESS. I appreciate that.

Mr. BENNETT. Do you understand everything we've gone over so far?

The WITNESS. I think so.

Mr. BENNETT. Have I gone through the preamble too quickly? I hope not.

The WITNESS. No. I think it's fine, Mr. Bennett.

Mr. MCLAUGHLIN. Before you get to your substantive questions, Mr. Bennett, maybe I'll make my two points.

Mr. BENNETT. Sure.

Mr. MCLAUGHLIN. The first point I want to make is my usual point, for Mr. Lynch's benefit; that is, pursuant to House Rule XI 2(k)(8), objections as to pertinence and relevance is the province of the full committee, and not merely the chairman, to rule on. Accordingly, any objection ruled on by the chairman is appealable to the committee.

My second objection is in the nature of a continuing objection. I just want to state it at the outset so I won't have to waste time stating it during the course of the deposition, and that is that Minority objects to any questions in this deposition that have already been asked in Mr. Breuer's Senate deposition or in the public testimony that he gave 2 days ago.

It's my understanding that the Senate deposition was made public. I was able to retrieve a copy from the hearing room, and I'm sure that you will have had a chance to review those depositions and we can avoid duplicative questioning. If necessary, I will be reiterate that objection, but I just want to get it out of the way at the beginning.

It's the position of the Minority that redundant and duplicative questions should not be a part of this deposition in light of the fact Mr. Breuer has given testimony publicly under oath 2 days ago and under oath in a deposition last week.

Mr. BENNETT. And just in response to Mr. McLaughlin, I had a meeting with Mr. Ruff on Friday, October the 10th, which indicated that our concern with respect to the integrity and the process and subpoenas issued by this committee cover more than just a matter of videotapes. And Mr. Ruff has concurred. In fact, Mr. Breuer was present in that meeting.

With respect to the matter of redundancy, we will make every effort not to be redundant, but we're going to be looking into the entire scope of the compliance with our subpoena and procedures prior to and subsequent to.

So having said that, I think we'll move forward.

EXAMINATION BY MR. BENNETT:

Question. Mr. Breuer, without getting into a lot of your background, which, as Mr. McLaughlin notes, is a matter of public record, and your distinguished academic career at Columbia University and Columbia Law School, let me, if I can, just go immediately into the matter of first your employment background.

Mr. BARRETT. Mr. Bennett, we may have a vote.

Mr. BENNETT. Excuse me, sir. I'm sorry. Excuse me, Congressman. I overlooked the fact that Congressman Barrett, as I noted, is here.

Congressman Barrett, if you would like to ask any questions, you may do so.

Mr. BARRETT. Thank you. And I appreciate that.

Mr. BENNETT. I meant to do that, and I apologize. I was just going to get the background out of the way.

Mr. BARRETT. Sure. It's about 3 minutes to 9:00, and we're scheduled to go in at 9:00.

Mr. Breuer, thank you for being here. Mr. Bennett, thank you.

It's my understanding, Mr. Breuer, you left your law partnership with Covington & Burling early this year to serve the President and spend many, many hours responding to that request from this committee, from the Senate Governmental Affairs Committee, and from the Department of Justice, and I thank you for that. It's also my understanding that you have also appeared for a deposition before the Senate committee; is that correct?

The WITNESS. That is correct, Congressman.

Mr. BARRETT. And how long did you spend in that deposition?

The WITNESS. Approximately 2 hours——

Mr. BARRETT. 2 hours?

The WITNESS [continuing]. In the deposition.

Mr. BARRETT. And you appeared before the full Senate committee earlier this week?

The WITNESS. That's correct. I believe it was on Wednesday that I appeared before the full committee.

Mr. BARRETT. And how long was your testimony?

The WITNESS. I was part of a panel of three. And we were there for approximately 3 hours.

Mr. BARRETT. Okay. And that was televised on C-SPAN?

The WITNESS. Yes, so I understand; that's right.

Mr. BARRETT. I ask those questions simply because, Mr. Bennett, I don't know, have you got any copy of his deposition?

Mr. BENNETT. Yes. I have a reviewed a copy of his deposition from the Senate yesterday.

Mr. BARRETT. And also his testimony before the Senate?

Mr. BENNETT. I have reviewed portions of a transcript of his testimony. I had not seen the entire tape.

Mr. BARRETT. I raise that simply because of the concern that was raised earlier. It is my hope that we do not have a rerun of that show. And I think it's valid certainly to go into areas that haven't been examined, but, as you know and as has been pointed out, part of our objection is that this is just a waste of time, waste of money. It may be good for the attorney here if he's billing on an hourly basis, but otherwise, I don't see where anybody benefits at all by simply going through it.

Mr. BENNETT. So I can respond to that, Congressman, if I can, our subpoena was issued on March 4th, 1997, before the Senate's subpoena was issued. The matter of the complaint to our subpoena is a totally separate question in terms of steps taken with respect to our subpoena, totally apart from the Senate subpoena, which was issued later, as well as dialogue that was held with the Senate with respect to their subpoena, two entirely separate issues.

Mr. Ruff and I, when we met on Friday, October the 10th, I think, had a fairly good understanding with respect to that. Ken Ballen, Minority counsel, was there. In fact, Mr. Breuer was present. And I indicated my concerns over the matter of compliance with our subpoena and some of the problems that this committee has had.

And for the record, I believe that Congressman Waxman himself used the word "inexcusable" with respect to the nonproduction of matters for this committee, not directly necessarily with Mr. Breuer, but just generally the entire process.

So we think it's important for counsel for this committee to try to inquire as to subpoena compliance generally and procedures that are taken. The matters we will cover as quickly as possible will not just be the matter of White House videotapes and just a repetition of the events of the month of October 1997.

Mr. BARRETT. And I appreciate that and understand that, but, again, so you understand, our concern is that it's a waste of time and waste of resources if we're just going to be running reruns.

Mr. BENNETT. Right. And I will do my best to the extent possible not to have reruns. Meaning no disrespect to my counterpart in the Senate, there are some matters I would like to go into a little more in depth, perhaps, than Mr. Madigan choose to go into, so to that extent, it will not be a rerun.

Mr. BARRETT. Okay. I'll yield to you.

Mr. BENNETT. And at any time you want to interrupt and ask questions, just so you'll know, please.

EXAMINATION BY MR. BENNETT:

Question. In terms of your background, Mr. Breuer, you were, for a period of time prior to your engagement as White House Counsel, with the law firm of Covington & Burling here in Washington; is that correct?

Answer. That's correct, Mr. Bennett.

Question. And you started with that law firm upon graduation from law school, or completion of a clerkship rather?

Answer. No, that's not correct. Upon graduating from law school in 1985, I joined the Manhattan District Attorney's Office where I was an assistant district attorney for 4 years where I prosecuted violent and organized crime and some white collar crime. I then joined the law firm of Covington & Burling in 1989. I became a partner of the law firm in 1995, and I left the law firm in February of 1997 to become Special Counsel to the President.

Question. And with respect to your private practice and experience, you indicated that you prosecuted white collar criminal offenses in the District Attorney's Office in New York?

Answer. Not in private practice, of course, but as an assistant district attorney, I did prosecute, yes.

Question. And with regard to your private practice experience with Covington & Burling, it's my understanding that you engaged in representation of clients that will be defined as in the white collar criminal arena; is that correct?

Answer. Right. I did both civil and criminal, but that's absolutely right, I had a white collar practice.

Question. And in terms of a white collar criminal practice, that involves representing corporations or individuals with respect to government or corporate investigations as to alleged impropriety in what would be defined as the white collar area?

Answer. That's correct. And as you know, that area has become broader and broader, but in essence that's correct, Mr. Bennett.

Question. And with respect to that practice, it would involve, I gather, the dealing with and compliance with grand jury subpoenas and other subpoenas issued to your clients; is that correct?

Answer. It is.

Question. And what percentage of your practice was devoted to that area?

Answer. It's hard for me to give you a percentage. I would say that, in the early years, more of my practice was devoted to civil litigation. In the last years, probably more of it was dedicated to white collar criminal. It's a little hard for me to give you a percentage. At any different—at different points, the majority would have been civil in the beginning, and in the end, the majority would have been criminal or white collar.

Question. I gather, then, in light of your practice, it would be difficult for you to put a number on the number of white collar criminal investigations you've worked on?

Answer. Yeah. I mean, I—it would be hard for me to give you a number. I—well, a fair number.

Question. And you would then, I think, in terms of with the American Bar Association and with other professional associations, have held yourself out, properly so, I might add, as having expertise with respect to the practice of white collar criminal law; is that correct?

Answer. I don't know what I would say about expertise. I was one of the editors of the Complex Crimes Journal. And I was on the Steering Committee on the Criminal Law and Civil Rights here in the District of Columbia.

Question. And with respect to your editorship on the Complex Crimes Journal, essentially, that is a journal sent to other professionals who may engage in especially white collar criminal practice; isn't that correct?

Answer. I think that's probably correct.

Question. And, in fact, there were articles in that journal that relate to fairly esoteric white collar crime issues, including compliance with grand jury subpoenas, internal corporate investigations and things such as that; is that correct?

Answer. That is correct.

Question. And can I ask, with respect to the nature of your practice at Covington & Burling, did you ever find yourself in the type of situation that, unfortunately, White House Counsel is in now with respect to the matter of compliance with the subpoena?

Answer. I'm not sure what you mean with regards—in your characterization. Obviously, one of the tasks that someone does in private practice is to comply with subpoenas, and I certainly was involved in that task. I've never before been deposed or challenged about—about activities involving what my colleagues or others have done in that pursuit.

Question. And have you, during your career in private practice with Covington & Burling, have either you or your firm ever been challenged by a U.S. Attorney's Office or by a court with respect to your compliance with a grand jury subpoena on behalf of a client?

Mr. LYNCH. Are you asking him to comment on the entirety of Covington & Burling's experience since 1919?

Mr. BENNETT. Mr. Lynch, the point is well taken.

With respect to Mr. Breuer's involvement on the cases he's worked on at Covington & Burling.

The WITNESS. I don't think so. I mean, there's always, as you know, Mr. Bennett, the natural tension between private practice litigators and U.S. attorneys. U.S. attorneys want more. Private practice litigators will try to work with the U.S. attorneys.

EXAMINATION BY MR. BENNETT:

Question. U.S. attorneys generally are very compassionate people, though, generally?

Answer. And I'm familiar with your old office. So aside from the natural tensions that come into that dynamic, the answer is no.

Question. So is it safe to say, is it not, and I'm not casting aspersions on you, Mr. Breuer, believe me I'm not, I'm just saying that, just presenting the question, it's safe to say, is it not, the circumstances surrounding the matter of these videotapes and compliance with the subpoena are fairly unique in your legal career; is that correct?

Answer. Yes. Certainly I've never before been involved, Mr. Bennett, in a situation that's so highly politicized that, in the course of providing materials, that it becomes such a focus of public attention. And so it's a little hard to divorce the remarkable political atmosphere from the rest. And so with respect to that, for me personally this is a fairly unique experience.

Question. And I guess specifically my question is, apart from the matter of the public nature of this dispute and the politicization of it, with respect, again, to your practice as an attorney, this is fairly unique, is it not, in your career for there to be a challenge over clear noncompliance with a subpoena? You've never been in that position before; isn't that correct?

Answer. That is correct. I have—obviously, as I'm sure you're aware, Mr. Bennett, it's not unusual in a large production to find documents or materials subsequently; once you learn about them, to produce them. But you are right. I have never before been in this kind of situation.

Question. And, indeed, as a matter of public record, that in light of the events of October 1997, this is October 31st, and you started a rather eventful month with information on October 1 that came to your attention—the record should reflect that you're smiling in that regard about—but this has been a pretty active month for you in terms of this particular question; is that right?

Answer. That's right. I mean, every month since I've been at the White House has been very active. But the focus, of course, with this month with respect to the videotapes, it's been very active.

Question. Again in terms of—it's a matter of public record in terms of being called before a Federal grand jury. For example, never in your career before has a Federal grand jury called you to appear before it with respect to compliance on behalf of a client with a subpoena; isn't that correct?

[Witness confers with counsel.]

The WITNESS. Mr. Bennett, without creating any sort of sexy issues, I do want to be clear that I have said earlier on, I may have said it to this committee, that

early on I thought it was very important that, to the degree there were ever questions at the White House, that I would try to address them.

The White House does not have a custodian of records like many corporations do. A number of the lawyers who work with me are younger lawyers, and I, of course, report to Mr. Ruff. I had from the start said to the Justice Department and others that I would step forward if anyone had any questions.

So I just want it to be clear that, in going to the grand jury to do that, I, of course, can't read what are in other people's minds, but it was clear, I think, to those who had spoken to me before that, because the White House didn't have a custodian of records, because I didn't think we should put career people in that position, because I didn't think Mr. Ruff should be put in that position, and because I didn't think the younger lawyers should, that if at any point there were questions, that I would come up.

So I just want to be clear I think it's in that vein, in all fairness, that I did appear before the grand jury. And I just wanted to put that in the correct context.

EXAMINATION BY MR. BENNETT:

Question. I understand. And I gather that what you're saying is that, with respect to the appearance before the grand jury, you were the representative of the White House Counsel's Office who appeared before the grand jury as a representative of the entire office?

Answer. Now, again, I don't—I'm not reading what is in the prosecutors' minds, of course, and I don't want to make any such representations, but, yes, I went in there as obviously, I thought, and, in fact, throughout this have acted as a representative of the White House. And it's in that capacity, my official capacity, that I appeared there, and, I would like to think, I'm appearing before you today.

Question. Certainly. So to your knowledge, no one else in the White House Counsel's Office was asked to appear before the grand jury?

[Witness confers with counsel.]

The WITNESS. I——

EXAMINATION BY MR. BENNETT:

Question. To your knowledge.

Answer. To my knowledge, I am, in fact, now aware that others have appeared.

Question. All right. Directing your attention to your employment at the White House in February of 1997, when you began working at the White House, who hired you? Who was your immediate supervisor?

Mr. MCLAUGHLIN. I'm just going to note an objection. The background of Mr. Breuer's hiring at the White House Counsel's Office is part of the deposition and the hearing transcript before the Senate.

Mr. BENNETT. I've read the transcript, and I have follow-up questions, Mr. McLaughlin, as to that.

EXAMINATION BY MR. BENNETT:

Question. Mr. Ruff, I believe, preceded you, and you practiced law with Mr. Ruff at Covington & Burling, correct?

Answer. I did.

Question. And I think at the Senate deposition you indicated that you had spoken with people prior to Mr. Ruff, and then you arrived 1 week after him; is that correct?

Answer. That's exactly correct.

Question. And my question is, exactly with whom you had spoken prior to your arrival, because, obviously, Mr. Ruff wasn't there for you to speak with him?

Answer. I initially was contacted about this position in December and asked if I would be interested in becoming Special Counsel.

Question. And who contacted you?

[Witness confers with counsel.]

The WITNESS. Judge Garland, before he was on the bench, we had had some professional dealings. And he was the person who contacted me and said he had heard that the White House was looking for a Special Counsel and would I be interested. Without belaboring it, as I was joking, I had just got my partner's desk and really wasn't looking to move.

EXAMINATION BY MR. BENNETT:

Question. You became a partner in '95 but didn't get your desk until '97?

Answer. Yes. That's actually right. Right. It's a big firm.

Mr. LYNCH. It takes a while to clear the offices out.

The WITNESS. But—and it was in that vein that I was initially contacted, Mr. Bennett. I then, after speaking to a couple of people, including Mr. Ruff, by pure coincidence, decided to send my resume. I then spoke to Ms. Kathy Wallman, who, I guess, at the time was the Deputy White House Counsel. I spoke to her over the telephone. I then probably the next day spoke to Mr. Quinn, who I did not know.

EXAMINATION BY MR. BENNETT:

Question. Mr. Jack Quinn?

Answer. Mr. Jack Quinn.

Question. Mr. Ruff's predecessor as Counsel to the President?

Answer. That's exactly right. And I did not know him. And I met him in his office, and that's with whom I spoke.

It was soon thereafter, Mr. Bennett, that it was announced that Mr. Quinn was leaving the White House Counsel's Office, so I think my resume was held in abeyance or whatever. And then by coincidence Mr. Ruff, in fact, did become White House Counsel. And so at that point, I joined Mr. Ruff.

Question. And so the point I was trying to clarify, which was not clear from the Senate deposition, is that your hiring at the White House was totally—to your knowledge, was totally independent of Mr. Ruff going to the White House?

Answer. I don't think so. I think what happened, in all candor, is that Mr. Quinn was considering me when he made the announcement that he was leaving. And then, in fact, at that point, the decision was made that Mr. Ruff would make—the successor would make the decision.

Mr. Ruff came. I, of course, knew Mr. Ruff. So I think ultimately Mr. Ruff selected me. So I think, though I was initially contacted by Mr. Quinn, it was literally within a couple of days that Mr. Quinn announced that he was leaving the White House Counsel's Office. No one acted on my resume. And then after Mr. Ruff came on board, he asked—he formally asked me to join the White House Counsel's Office.

Question. Did Mr. Garland, then Mr. Garland, now Judge Garland, indicate why he had called or if anybody had said that you were looking for a position?

Answer. No.

Question. Do you know what prompted his call?

Answer. We know one another, and many years earlier he knew—he has known that I'm interested in public service. I, in fact, was not looking for a position. I don't really know why he called other than he ultimately gave me a call.

Question. Who—exactly who were the people with whom you spoke at the White House, if you can remember those people with whom you spoke?

Answer. You mean prior to coming?

Question. Yes.

Answer. I think it was——

Question. Did you speak with Bruce Lindsey?

Answer. No.

Question. Did you ever speak with Cheryl Mills?

Answer. No. I really do think that the only people I spoke prior to Mr. Ruff and I speaking and Mr. Ruff hiring me was Ms. Wallman and Mr. Quinn, and we only met on one occasion, which was within a day or 2, candidly, of when I sent my resume. And then I probably spoke to Ms. Wallman a couple of times just to find out if there was going to be any action on my resume prior to the time of the selection of a new counsel. I think it was something I had the understanding that there would not be. And then Mr. Ruff was named.

Question. To your knowledge, when was the first time you met Cheryl Mills or Bruce Lindsey?

Answer. I can't give you the date, but I think the first time I met them was——

Question. Let me step back. Maybe it will be easier for you. Did you meet them prior to your arrival at the White House?

Answer. I did. And I'm really trying to think. I began, I think, on approximately the 16th or 18th. And Mr. Ruff asked me probably a couple of weeks before I started to come in on a Saturday just to meet some people and to meet with him, and that's when I met with Ms. Mills. And I think, as I recall, Mr. Lindsey at some point walked into the room, and literally I just shook his hand.

Question. And what were their positions as you understand them?

Answer. I'm not sure then if I really did have, to be candid, an understanding who was what, but I soon learned that they were both the Deputy White House Counsels.

Question. And was it your understanding when you arrived that you would occupy a position subordinate to them?

Answer. I didn't really have that understanding one way or the other, Mr. Bennett. My understanding was that I would report to Mr. Ruff; that Ms. Mills was the Deputy White House Counsel, and that she assisted Mr. Ruff, but that I reported to Mr. Ruff, but clearly she works with Mr. Ruff.

Question. And in terms—and again it wasn't clear from the Senate deposition—in terms of the chain of command or the structure, then, you did not view Cheryl Mills as your superior?

Answer. You know, it's hard to say. And I'm not—it's hard to say, because on the one hand, I don't report directly to her. On the other hand, she's Mr. Ruff's deputy, and so she often will fill in for him. So that's right. I didn't formally think of her as my superior. On the other hand, as the Deputy White House Counsel, there are times she works closely with Mr. Ruff.

Question. Your title today is Assistant to the Counsel to the President?

Answer. No, it's Special Counsel to the President.

Question. Special Counsel to the President?

Answer. Right.

Question. She is, in fact, the number 2 person in the office. For example, she is the Deputy Counsel—deputy to Mr. Ruff who is Counsel to the President?

Answer. Right. And she, of course, has responsibilities for the entire office, whereas I, day to day, so to speak, head the team that deals with the investigations. But it's—it should be very clear that I always report to Mr. Ruff——

Question. So——

Answer. Who ultimately makes the decisions.

Mr. LYNCH. I don't want to belabor this point.

The WITNESS. That's right.

EXAMINATION BY MR. BENNETT:

Question. So from your perspective, when you arrived on or about February 16th this year, it was your understanding that you would report directly to Mr. Ruff, and you did not feel that you needed to report to Mr. Ruff through Ms. Mills; is that essentially——

Answer. Yeah. I don't want to overplay this. The answer is I would report to Mr. Ruff, but it didn't occur to me that I was—that I was trying to sidestep anyone. But that's right, ultimately, I reported to Mr. Ruff. And to the degree Ms. Mills was part of that process or practice, you know, she would be informed just as well. But, yes, that's right, I don't go through——

Question. On any important matters, then, you would, not only report to Mr. Ruff, but keep Ms. Mills advised as best you could on important matters so that you wouldn't appear to certainly circumvent her; is that what you're saying?

Answer. Right. I'm fairly open in my style. I think I'm known for that. That's true, I would let people know. If people were interested in knowing, I would always explain to people what we were doing.

Question. Now, when you arrived on February 16th, there had been a meeting between Chairman Burton of this committee and Mr. Ruff just a matter of a week or 10 days prior to that; isn't that correct?

Answer. I actually don't remember that, but I'm sure if you say so, that's right. I just don't remember that right now.

Question. Well, I believe that you indicated in your deposition before the Senate that you were specifically hired to assist Mr. Ruff with respect to the handling of matters in connection with the congressional investigation; is that correct?

Answer. Among others. Among others.

Question. As well as Independent Counsel investigations?

Answer. That's correct. And other issues that could come up. That's right.

Question. But clearly—and correct me if I'm wrong, but how I understood your deposition before the Senate, but clearly your immediate task upon arrival was to deal with the matter of these investigations, whether they be Senate, House, Justice, or Independent Counsel?

Answer. Yes. I think that's fair.

Question. And they were the immediate duties that you assumed when you arrived?

Answer. Yes. That's correct, Mr. Bennett.

Question. So in that regard, you clearly would have been made aware at some point in time of dealings that Mr. Ruff had had with Chairman Burton of this committee with respect to issues; isn't that correct?

Answer. Absolutely. And I just simply say sitting here I don't remember the timing of an initial meeting between the Chairman and Mr. Ruff.

Question. What individuals were present at that time who were to assist you in the handling of these investigations?

Answer. Well when I came, Ms. Popp, Karen Popp, was already there.

Question. Is she an attorney?

Answer. She is an attorney.

Question. If you can, in your answers to these questions, if you indicate those people who are attorneys and those people who were paralegals.

Answer. All right.

Question. Because I believe you had a staff of both lawyers and paralegals; is that correct?

Answer. Yeah, though when I got there—that's correct. When I got there, there were a number of people who needed to be hired. So Ms. Popp was already there. And Ms. Sally Paxton, who doesn't really work as directly with me, but who handles other issues that don't—that aren't the focus of the full committee was already there.

Question. When you say aren't the focus of the full committee, you mean the committee of the White House or this committee?

Answer. Your committee. She tends to work on some issues that I have absolutely nothing to do with and some issues that I have something to do with, but not——

Question. So Sally Paxton would not have been involved necessarily with respect to the investigations and compliance with subpoenas, say, as actively as Karen Popp would have been?

Answer. Well, she would have been, but she would have been more involved, for instance, in Chairman McIntosh's inquiry as opposed to Chairman Burton's or Chairmen Thompson's or the Department of Justice's. I'm not sure I would really focus on the specific issue she was handling.

Question. And Chairman McIntosh's issues being the White House databases?

Answer. Exactly.

Question. Right. Go ahead.

Answer. Certainly something I spend less time on that.

So then with Mr. Ruff came Michelle Peterson, who I had known from Covington & Burling.

Question. Did she come from Covington & Burling?

Answer. Well, she came indirectly. She had left Covington & Burling to join Mr. Ruff at the Corporation Counsel's Office and then came with them there. But I had known her from the time she was at Covington & Burling.

Question. Who were the other individuals who were going to be on the team?

Answer. Michael Imbroscio, who joined me a few weeks later, who was an associate of Covington & Burling.

Question. So Mr. Imbroscio came after you?

Answer. That's correct. Dimitri Nionakis came after I did and came from the law firm of Howrey & Simon. Sometime after that, Karl Racine was hired, and he came from——

Question. These are all lawyers thus far?

Answer. These are all lawyers, that's exactly right—from the law firm of Cacheris & Treanor. And just so it's clear, these people are hired by the Counsel's Office. I don't have the authority.

Question. I understand.

Answer. Okay.

Question. I'm just trying to go over the team of people. Thus far, correct me if I'm wrong, all the people you've named thus far——

Answer. Are lawyers.

Question. Are all arriving sometime in February of this year or afterwards?

Answer. I would say February to March. I think that Ms. Popp was ahead of me. Ms. Paxton was here a while. I believe Mr. Imbroscio probably came in March.

Question. How about Mr. Buzz Waitzkin?

Answer. Mr. Buzz Waitzkin came sometime thereafter, and he was hired essentially to work on the issues dealing with the Vice President and works for the most part—he works—he was hired, I believe, out of the Counsel's Office, but essentially spends the great majority of time working on issues for the Vice President.

Question. And again, Mr. Waitzkin came sometime in February, March of this year?

Answer. I don't—I don't think February. I think more like—I may be wrong. I think more like maybe late March or April.

Question. The matter that was unclear to me from the deposition before the Senate, Mr. Breuer, was—and you've confirmed my impression, but it wasn't clear from reading the transcript—is that all of the people on your team essentially in terms

of working on these compliance issues with subpoenas from whatever source, they were all new to the White House, arriving after you did?

Answer. Except for Ms. Popp.

Question. I understand.

Answer. Who's also relatively new, that's right.

Question. And when did Karen Popp arrive?

Answer. I think late December, perhaps January.

Question. And who were the individuals whom they replaced; meaning who were the lawyers in the White House Counsel's Office that would normally have handled compliance with subpoenas from this committee, or the Senate, or the Independent Counsel, or the Justice Department?

Answer. Mr. Bennett, as you may know, the institutional memory of the White House sometimes is a little thin.

Question. We sort of have noticed that in some of the depositions.

Answer. So I don't want to represent to you that I can give you by any means a full listing. Indeed, Ms. Comstock may be in a better position, seeing that you and I can name the players. But surely there was a woman Miriam Nimitz, who worked on compliance issues.

Question. Maybe I can save some time for you.

Answer. That would be great.

Question. Again, not to cut you off, I guess the point I'm making is that all of the people, is it safe to say—and I don't want to put words in your mouth, Mr. Breuer—but it appears—it did not appear and was not clear in the Senate deposition, but it appears from what you're saying that, with respect to lawyers dealing with these compliance issues in the area of white collar criminal investigations, that, essentially, all the people who had handled those matters by December of '95—by December of '96 or January of '97 were leaving, and there was an entirely new team coming in to handle these issues? Is that a fair statement?

Answer. It is, Mr. Bennett. I had been warned when I was still at Covington by someone, candidly, who had urged me not to take this job. The job becomes a very, very taxing and difficult job, not just because of the demands of the hours, but because in the highly politicized world we're in, that the actual lawyers and individuals become the focus themselves of questioning. And so that you have to really be willing to accept a lot of punishment, not just in the hours, but in sort of accusations that are made in a very highly charged partisan atmosphere. As a result, people don't stay very long. And people very much in the White House Counsel's Office wanted to leave and indeed did leave. So it was in that vein, in that environment, that new people were hired to take on the new challenges.

Question. And then, again, not putting words in your mouth, but essentially we had an entirely new team coming on board to handle any subpoenas that arrived at the White House essentially?

Answer. I think that's right, under Mr. Ruff's leadership. For the most part, that's correct.

Question. Now, then, correct me if I'm wrong, my—again, what was Mr. Lindsey's title? Mr. Lindsey is Deputy Counsel to the——

Answer. I think he has two titles, Mr. Bennett. I think he has the title of Deputy White House Counsel and also Assistant to the President.

Question. Is it safe to say, then, with respect to Bruce Lindsey and Cheryl Mills that, in terms of the structure of the White House Counsel's Office, when there was this transition from the old team to the new team of which you were a part, that Mills and Lindsey were basically the only two people left who were going to be staying there?

Answer. That's correct. And Ms. Paxton, who deals with not these issues, correct. I think that you are right.

Question. So then in terms of grand jury compliance, compliance with congressional subpoenas, Independent Counsel subpoenas, when the new team arrived, Mills and Lindsey were the only people who had been there previously who had dealt with those kinds of issues on behalf of the White House before?

Answer. I—I think that's correct.

Question. Now, with respect to those individuals on the new team, Mr. Imbroscio, Ms. Peterson, and Mr. Nionakis, the entire group that we've named earlier, what was their level of experience with respect to white collar criminal practice? For example, Mr. Imbroscio, I believe you said, was an associate at Covington & Burling?

Answer. That's correct.

Question. He had not had, for example, meaning no disrespect to Mr. Imbroscio, he had not had the level of experience in dealing with white collar criminal investigations that you had had, for example?

Answer. That's right. But Mr. Imbroscio is a remarkably able and dedicated young lawyer, and I had had the opportunity of working with him on a very complicated criminal case and had worked with him on some civil litigation. And as you know, a lot of dealing with document production issues is taking young, very bright people who are highly motivated and have great energy levels and are willing to do what they need to do to perform well. And Mr. Imbroscio, I thought, had really stood out. And I had mentioned that to Mr. Ruff, who knew him as well. So given the way white collar practice works, one of the key points to it, I think, is to have young lawyers who show the kinds of traits that Mr. Imbroscio does have.

Question. Is it fair to state, though, with respect to all of these people, that they were fairly young and inexperienced when it came to complying with—certainly with congressional subpoenas? None of them had ever dealt with congressional subpoenas before; is that correct?

Answer. I'm not sure that is correct. I'm not saying you——

Question. I'm not questioning their abilities.

Answer. No, no.

Question. I'm saying their experience level.

Answer. I'm just trying to give you a full answer. Mr. Nionakis was a mid to senior level associate. Mr. Racine was a young partner of Plato Cacheris, which as you know is a very prominent white collar firm. Ms. Peterson had worked with me on the largest investigation of a pharmaceutical company that indeed came from—that was prosecuted by your illustrious office.

Question. For the record, that was the U.S. Attorney's Office from Maryland, not the office that I'm in now?

Answer. That's right.

Question. And Ms. Popp had been a Federal—had been an associate at Sullivan & Cromwell; had been a prosecutor in the Eastern District of New York, which she had prosecuted some of the most infamous organized crime cases; then had gone to the Office of Legal Counsel at the Justice Department, which you know has a very fine reputation, and had been practicing law as long as I have. So I'm not sure I would say that they're all inexperienced.

Question. To your knowledge, had any of them dealt with compliance with congressional subpoenas in their private practice?

Answer. I believe so. But—I believe so, but I can't tell you exactly who. For instance, I know Mr. Imbroscio had not. I suspect Ms. Peterson had not. I think some of the others may well have.

Question. Was Mr. Quinn still on duty at any point in time when you arrived, or he had completely left by that point in time? Mr. Ruff had replaced him?

Answer. That is exactly right.

Question. Now, upon your arrival, I gather, with the new team that had arrived, I would assume, then, that you—for a period of time, the new team needed to rely, including Mr. Ruff, for that matter—you know, given his extensive background, he was still new on the job as Counsel to the President. I assume that Ms. Mills and Mr. Lindsey were fairly helpful in trying to orient the new team, having been holdovers from the first administration; isn't that correct?

Answer. Yeah, I think people are helpful in general. Mr. Lindsey, I think it is fair to say, plays less of a direct role, at least with respect to the investigatory issues. And Ms. Mills, I think, was more helpful. Not saying Mr. Lindsey wasn't helpful, but she probably spent more of her time dealing with the kinds of issues that the team I work with was dealing with.

Question. And would you define Ms. Mills as having been helpful in—I guess quite helpful in assisting you and orienting you to your job when you arrived?

Answer. I do think that's correct. She was helpful.

Question. And was she helpful to all the other members of the team in terms of assisting them with their duties as they arrived?

Answer. I think so.

Question. And all these people were arriving in February? You said you arrived on February 16th or somewhere between the 16th or the 18th?

Answer. Whatever that Monday is.

Question. I understand. And these others arrived after that through the month of March, I gather?

Answer. Mr. Racine came later.

Question. Essentially the month of February and March?

Answer. Essentially March and some in April.

Question. In terms of—in terms of the status of the investigations upon your arrival, Mr. Breuer, let me show you first what has been marked as Government Exhibits—strike that—Committee Exhibits or Deposition Exhibits 1 and 2.

[Breuer Deposition Exhibit No. 1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 701.]

[Breuer Deposition Exhibit No. 2 was marked for identification.]

Mr. MCLAUGHLIN. I don't mean to be picky, but can we have the witness shown the ones with the yellow tabs?

Mr. BENNETT. I don't care. That's fine.

Mr. MCLAUGHLIN. I'll take your word for it.

Mr. BENNETT. I can assure you they're the same copies, Mr. McLaughlin, but I have no problem with that.

Mr. Breuer, Mr. McLaughlin has requested that you look at the ones that have the yellow tab markers. For the record, we have accurate copies, but why don't you take those originals, if you will.

Mr. MCLAUGHLIN. I have Exhibit 2 here. I don't think I have Exhibit 1.

Mr. BENNETT. We'll do 1 and 2. We're handing out Exhibits 1 and 2 right now, copies 1 and 2.

We've handed all the copies of 1 and 2. Given Mr. Breuer has the originals, maybe we can—we need some more down here. We can—here's Exhibits 1 and 2, if anybody wants copies.

EXAMINATION BY MR. BENNETT:

Question. Now, Exhibits 1 and 2, in terms of the status of the investigations, I gather, that you reviewed when you arrived in mid-February, you attempted as best you could to determine what the status of the various investigations might be; isn't that correct?

Answer. I think that's fair to say.

Question. And you did that with respect to the investigations by the Independent Counsel?

Answer. Certain Independent Counsel.

Question. And—not all Independent Counsel?

Answer. I don't handle all the Independent Counsel inquiries.

Question. Who would handle any other Independent Counsel inquiries?

Answer. Well, I do deal with the Independent Counsel inquiries dealing with the issues you're concerned with here. Other lawyers that respond to Mr. Ruff would handle the others.

Question. Okay. Just without getting into the nature of those Independent Counsel inquiries, some of which are public record and some of which are not, obviously, which other lawyers in the White House would deal with any of those Independent Counsel inquiries?

Answer. It may be some—more often than not, it would be the same ones we've talked about here.

Question. In other words, either members of your team or Ms. Mills or Mr. Lindsey?

Answer. I don't know if Mr. Lindsey deals with that.

Question. Ms. Mills may?

Answer. She may.

Question. Okay. Anyone else besides you or Ms. Mills who would deal with Independent Counsel inquiries?

[Witness confers with counsel.]

The WITNESS. Mr. Rob Weiner will on occasion deal with certain issues dealing with Independent Counsel inquiries.

Question. And I believe Shelly Peterson may as well?

Answer. She would be one of the lawyers——

Question. Okay.

Answer. Who I already mentioned.

Question. Rob Weiner is an individual who arrived——

Answer. On the exact day I did.

Question. You did not mention him as part of your team.

Answer. He's not.

Question. Okay. Is he in the Office of the Counsel of the President?

Answer. He is. He's a Senior Counsel to the President and doesn't spend a lot of his time on such issues, but there has been some Senior Counsel to Mr.—he's Senior Counsel to Mr. Ruff.

Mr. LYNCH. Mr. Breuer misspoke when he said Senior Counsel to the President.

The WITNESS. Yeah, I think it's Senior Counsel to Mr. Ruff. Thank you.

EXAMINATION BY MR. BENNETT:

Question. And I gather, in reviewing the status, you would have necessarily reviewed such directives as those from Mr. Quinn as reflected by Exhibits 1 and 2; is that right?

Answer. I think that's correct.

Question. And just for the record, I am—I'll identify the exhibits and didn't mean any disrespect. I'll let you identify the exhibits. What are Exhibits 1 and 2?

Answer. Number 1 is a directive dated December 16th, from Mr. Quinn to the Executive Office of the President. And Exhibit 2 is a January 9 directive from Mr. Quinn to the Executive Office of the President.

Question. And essentially these memoranda are memoranda throughout the White House seeking compliance with document requests from both this committee and the Senate as well as the Department of Justice; isn't that correct?

Answer. I believe that that is correct, Mr. Bennett, and that they would go out to the entire Executive Office of the President.

Question. Did you undertake steps with respect to determining whether or not there had been compliance with this directive—these directives from Mr. Quinn?

Answer. Can you—I'm not sure I understand the question.

Question. I guess my point is, when you arrived on February 16th or the 18th, did you undertake to review whether or not there had been compliance with the directives from Mr. Quinn in terms of document productions as to document requests not only from this committee, but the Senate and the Department of Justice?

Answer. Yeah, I think Mr. Ruff and I tried to orient ourselves by learning about the production, and to get a sense of, as best you can in a place as large as the Executive Office of the President, which with over 2,230 people working there over many different buildings, we try to get a sense of the production. That's correct.

Question. And so did you—did you undertake an inquiry to determine what the level of compliance had been with these two memoranda?

Answer. Well, I'm not sure what an inquiry to the level of compliance is. I think we probably spoke with Ms. Mills and others about what had been done. At some point, as you know, we started to have extensive conversations with this committee. At that point I and other lawyers tried to learn how document productions were being done. We tried to educate ourselves about that.

Question. And again——

Answer. But I didn't go an office-by-office search.

Question. I understand.

Answer. I didn't want to leave the misrepresentation.

Question. I'm not suggesting that's what you did.

Answer. I want to be clear.

Question. Clearly again, there's an example, I guess, as you have indicated previously, where Ms. Mills was quite helpful in terms of trying to assist you in terms of what the status had been prior to your arrival in terms of some of these matters?

Answer. Yeah, to Mr. Ruff and to me and to others.

Question. So Ms. Mills was not only helpful to you, but to Mr. Ruff and others?

Answer. I suspect that's right, when we reached out.

[Discussion off the record.]

[Recess.]

Mr. BENNETT. For the record, if we can go back on, we have been joined here this morning by Congressman Paul Kanjorski of Pennsylvania, and pursuant to the protocols, I yield now to Congressman Kanjorski with respect to any questions he may have.

Mr. KANJORSKI. At this point, since I just entered, just follow through and follow up on your questions.

Mr. BENNETT. Just for the record, Congressman Kanjorski, so you understand, we had tried to schedule this deposition consistent with Mr. Breuer's schedule, Mr. Lynch's, counsel for the Minority and Majority. We may or may not finish by lunchtime today. Mr. Breuer has a very important family engagement that he must attend in the afternoon today.

We have noted that there is a business meeting scheduled for the committee at 10:30. I have indicated we are fully prepared to stop at the time of that business meeting and adjourn and wait until the business meeting has concluded. Mr. McLaughlin has indicated he wishes to continue through. Whatever the wish of Minority is, we can undertake that, consistent with the protocols. And then we, I suspect, may come back Monday morning to finish up. That is the schedule we are on.

The WITNESS. Obviously, Mr. Bennett, as you can imagine, I very much appreciate you taking my schedule into consideration. If there is a way to finish it, as I am sure it is not surprising to you, I would like to do that.

Mr. MCLAUGHLIN. I just want to make clear that my preference is to proceed through, but that, of course, is subject to the wishes of any of the Minority Members to whom I report.

Mr. BENNETT. I guess where we will leave it is, if for any reason someone from the Minority wants us to stop at 10:30, we need not have any formal vote,, if just any Member, one Member, says, I prefer to have an opportunity to come up, then we will not go forward, and we will wait until the business meeting is over, and we will leave it at that.

EXAMINATION BY MR. BENNETT:

Question. Now, Mr. Breuer, with respect to the collection of documents seeking to comply with Mr. Quinn's document request as reflected by Exhibits 1 and 2, which are before you, were you able to locate where these documents were or whether they had been accumulated when you arrived at the White House?

Answer. As best as I recall, they were in an office or offices in the Old Executive Office Building. I may be incorrect, because there have been so many documents that have come through since I have been there. There may have been others that were still being collected pursuant to the Quinn directives, despite the return date, after I had come, but as I recall, the majority, or the vast majority of them, if not all of them, were in a couple of offices in the Old Executive Office Building.

Question. I may have asked this question before the break, and if I did, I will have to ask you again, because I don't recall. Were you able to determine the level of compliance with Mr. Quinn's memorandum at that time? Were you satisfied that all the documents had been collected, or did it appear that all the documents he requested had not yet been collected?

Answer. Mr. Bennett, I did my best, as did Mr. Ruff and others, to try to familiarize ourselves with the production as best we could. We spoke, in fact, to the committee about that. But, again, absent an office-by-office search, it is very difficult, probably it is the most difficult entity I have ever known, to try to figure out exactly how to identify all of the documents that are responsive. But having said that, I attempted to do it as best I could.

Question. According to your review, you were able to determine, were you not, that some of those documents that had been requested, in fact, were, in fact, already turned over to some entities, including the Department of Justice at that point in time? Isn't that correct?

Answer. I am not sure what you are referring to. I actually don't remember that.

Question. You don't?

Answer. You may be right. I am just not sure what you are specifically referring to.

Question. At any point in time, did you come to learn that some documents which had been included on Mr. Quinn's list had been turned over to the Department of Justice?

Answer. You are asking back in February?

Question. When you arrived, yes.

Answer. I don't remember that. That may be true, but given the number of materials I have reviewed, I don't have a specific memory of doing that, but that may well be the case.

Question. I gather, again, this is an area where Ms. Mills was of great help, because she was the only holdover, so to speak, who would be able to help you with respect to that when you arrived?

Answer. When I arrived, that is correct.

I should say one thing. There were other lawyers, I believe, who in the interim may have been of some assistance, a little bit of assistance, in this production, but really at a very minor level, much like at anyplace where, in a crunch, you may ask someone to help out.

But Ms. Mills clearly would have been the person who would have had the most knowledge about this; that's correct.

Mr. BENNETT. Let me show you what has been marked as Exhibit 3. You can put those in front of the court reporter, if you will.

[Breuer Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MR. BENNETT:

Question. Directing your attention to Exhibit 3, for the record, a letter from Chairman Burton dated January 15, 1997, to both Mr. Ruff and Mr. Quinn, first, do you know whether Mr. Ruff had, in fact, arrived there in his position? I know it had been announced, but do you know if he had arrived there on January 15th?

Answer. I believe he had not. I am fairly confident Mr. Ruff was still the corporation counsel to the mayor.

Question. And the mayor being the mayor of Washington, D.C.?

Answer. The mayor of Washington, D.C.

Question. And did you have occasion to review this letter—well, I gather you must have reviewed this letter upon your arrival at some point in time—having to do with compliance with requests for documents by this committee?

Answer. I suspect I would have. I have no specific recollection, sitting here today, of reading this letter, but I am confident that sometime at or about the time that I joined the White House I would have reviewed this letter.

Question. If you want to take just a second to quickly look through it right now to see if it might refresh your recollection as to reading that at the time when you arrived.

Answer. Again, Mr. Bennett, I suspect I did read this letter, but I cannot state that I have at this point a specific recollection of reading—of reading this letter. I am sure—I try to make a practice of reading all correspondence from the chairman.

Question. In reviewing that, do you recall the matter addressed in this letter, again, as something that certainly was not discussed in the Senate deposition?

And I need to inquire into now, Mr. Breuer, this letter talks about an issue—it directs its attention in the third paragraph to a potential conflict of interest of Cheryl Mills with respect to her involvement in producing records in light of the fact that the chairman noted that she and Mr. Lindsey had attended a meeting in May of 1996 regarding fund-raising and Mr. Trie, Mr. Charlie Trie, and the Presidential Legal Expense Trust.

Without getting into the merits of whether there was or was not a conflict of interest, do you recall reading the letter where the issue of a conflict of interest was raised by the chairman?

Answer. Again, I am confident I would have read this letter. I don't right now have a specific recollection of reading this particular letter.

Question. Well, let me ask you this——

Answer. That's not to say I am not sensitive to the issue you are addressing, but I want to be clear that I don't remember reading this exact letter.

Question. I guess my question is: Did the matter of a conflict of interest, a potential conflict of interest with Ms. Mills and/or Mr. Lindsey, in terms of seeking compliance with certain document requests, in light of this issue raised by Congressman Burton—did that matter ever become a topic of discussion?

Answer. Well, members of this committee—the staff of this committee, Ms. Comstock and others, have on occasion raised their concerns about Ms. Mills and others in meetings, and Mr. Lindsey. They have stated that. And so I clearly recall, for whatever reason, whatever the history is there, that neither you or I are a part of, there clearly is a history there. It is unfortunate, but there is one.

Question. Well, my point is, I am not so much directing personal criticism at Ms. Mills right now. What I am trying to address is the question of when you arrived and the obviously thorough efforts you made to apprise yourself of the status of investigations.

Did you address the issue of the chairman of this committee noting his concern about a conflict of interest? Did you address that issue?

Answer. Well, Mr. Bennett, I am trying to answer the question; I truly am. I don't divorce what I am trying to say to you with what this issue is, and that is, I don't know whether or not there is a true conflict.

Mr. Ruff satisfied himself, I think, that Ms. Mills is an integral part of the White House Counsel's Office. She is his deputy and acts as such. And, candidly, it was Mr. Ruff's office, and he, I think, ought to decide how the staff of the White House Counsel operates. And I think it is for him to make those decisions.

Having said that, I think we were sensitive that there was a level of—I don't know if the right word is "animosity," but certainly there is a history there that there have been staff on this committee who have been fairly candid, I think, about their views about certain people at the White House, and, unfortunately, Mr. Lindsey and Ms. Mills were two of those people.

It is in that vein, not specifically in this one, that that issue came up. But we did satisfy ourselves, I believe, that there were no true conflicts.

Question. And having satisfied Mr. Ruff—and, again, I am not getting into the merits of the decision.

Answer. I know you are not. Nor am I.

Question. Yes. But the point is that, having satisfied himself that he believed there was no conflict of interest, Mr. Ruff did not undertake any steps to preclude Ms. Mills' involvement in any of these matters; is that correct?

Answer. I——

Question. That's a poorly phrased question. Let me rephrase it. That was a legalistic question.

The question is: Cheryl Mills stayed actively involved with respect to these issues of document production, and Mr. Ruff basically disagreed with Chairman Burton's point and moved forward, and Ms. Mills stayed involved. Isn't that basically what happened?

Mr. LYNCH. That's also quite a compound question.

Mr. BENNETT. It isn't a question, it is a statement, as a matter of fact, and I apologize.

EXAMINATION BY MR. BENNETT:

Question. You know what I am getting at. Why don't you respond then, Mr. Breuer.

Answer. Right. I think I do know. In this game—not this game. I don't mean that in a dismissive respect.

But in this exercise that we are—which some at this table have much more experience than I, and I think we can't discuss any of these issues, Mr. Bennett, without the political nature we are in—we are right now in a world where we at the White House are criticized because, on the one level, those at least on the Senate side think that someone like Ms. Mills should have known about things like videotapes, and did we speak with her, and we may be criticized if we did or did not speak with her.

On the other hand, we are criticized by those who think we should not speak with her. So there is sort of this ying and this yang in this exercise that, no matter what we attempt to do, someone else will always find fault with it.

Ms. Mills is a member of the Counsel's Office, and Ms. Mills is the—one of the people who provides an institutional memory. I don't want to characterize how active or inactive, but clearly she remains a member of the Counsel's Office, remains Mr. Ruff's deputy, and, as such, is involved in the work of the Counsel's Office.

And just so I directly answer your question, the work of this chairman and this committee is part of that—is part of the work of the Counsel's Office, the part that I spent a bit of time on, and, as such, Ms. Mills has an involvement in that, yes.

I hope that answered your question fully.

Question. I think it did. I think it did.

What percent of your time, certainly in the early months, in February and March and April, were you spending on these investigations responding to the Senate and to the House, apart from the Department of Justice, just the Senate and House inquiries?

Answer. It is hard to divide up the Senate and the House and the Justice Department, but the vast majority of my time I was spending on what I will call the campaign fund-raising inquiries from the Senate, from the House, from the Department of Justice, from the press, and whatever ancillary other issues or bodies were interested in campaign finance issues, that, and then Independent Counsel Starr and other independent counsels I spent time on as well. But I would say the majority of my time was clearly on campaign finance issues.

Question. What was the status of grand jury subpoenas—strike that.

Were you aware that grand jury subpoenas had been issued in December of 1996, when you arrived?

Answer. If they were, I am aware of them. I received so many, literally hundreds of inquiries, that without looking at them, it is hard for me to remember when I got any one. But if they existed, I knew about them.

Question. And with respect to the level of compliance with grand jury subpoenas, again, I am not asking you to recollect the specific document productions, but did you undertake to determine the level of compliance with grand jury subpoenas when you arrived?

Answer. The exercise was the same as I described previously.

Question. And, again, with respect to—and you would check the dates of production, compliance with subpoena, or do the best you could to determine where the office was when you arrived in terms of complying with those subpoenas?

Answer. Mr. Bennett, as you know, from the moment I came here—and maybe your experience since you joined the committee is the same—from the moment I came to the White House, there was a remarkable flurry of activity, from this committee, from the Senate, from the House, from the press.

So it is impossible for anyone to sit back, as one might in private practice or in another place, and sort of study everything that has occurred in the past. From the moment you walk into a place like the White House, you work remarkably long hours just trying to catch up with the day's events.

So I don't want to give the false impression that I was studiously left alone in my office for a very long period of time, able to do some sort of remarkable analysis of what had occurred before me.

Question. And in light of that, there, again, would lie the importance of Ms. Mills with respect to trying to assist you, because she was the only holdover from the previous administration?

Answer. And others and——

Question. That would be correct, would it not, with respect to Ms. Mills? She was of enormous help to you in trying to undertake these duties?

Answer. And, again, I don't want to say—I don't want to be too specific here, but she was of enormous help to the office. I think that that is the most accurate way—given the way that any office such as ours works—it may be a mini microcosm, indeed, Mr. Bennett, of what you had when you were a U.S. attorney. There are so many demands. Often during the days, I have to go to very many meetings with Mr. Ruff or others. So during that exercise, my lawyers also undertake to do stuff and there is an open level of communication between many different people.

She would be of help not just to me.

Question. I am not suggesting that. The point I am making in terms of the pace of the office, for Congressman Kanjorski's benefit, because he wasn't here earlier this morning, that you literally have an entirely new team coming on board in February and March of 1997, an entire old team leaving. Ms. Mills being the only holdover, she obviously was enormously important in assisting you in these duties; is that correct?

Answer. Yes, it would be correct that she was of great help, as were others, given the fact that, like this committee has an enormous—has enormous resources to do its work and we, of course, have much more limited resources, with approximately six lawyers and three paralegals, you need to reach out, and we did that.

Question. Directing your attention now to the subpoena issued by this committee, reflected by Exhibit 4, this subpoena—in fact why don't we, to expedite matters, let me show you also Exhibit 5, if we can, please.

[Breuer Deposition Exhibit No. 5 was marked for identification.]

EXAMINATION BY MR. BENNETT:

Question. Exhibit 4 is, in fact, the subpoena issued by this committee dated March 4 of 1997. Is that correct, from what you can see?

Answer. Yes, it is.

Question. And we will go back into the specifics in a minute, but then Exhibit 5 before you, if you can identify that, please?

Answer. It is a letter that I wrote, it appears, on March 7, to Mr. Rowley, your predecessor. That's what it is.

Question. Essentially noting your effort to comply with subpoenas issued and responding.

So the subpoena was dated on March the 4th. The return date was March 24th. And you promptly replied on March 7th. So I gather that this—this subpoena had your immediate attention, and you gave it your immediate review immediately upon its arrival at White House Counsel's Office; is that correct?

Answer. I don't have a specific memory. If a pattern or if history is any guide here—and I don't mean this disrespectfully—more often than not we would receive subpoenas at least a day or two after the date on the subpoena, and often I would first learn about a subpoena through the press.

I don't know if on this—I suspect by the 7th I would have received the subpoena, but I don't know if I just received it that day.

Question. Just for your edification, I believe the records of the committee would reflect, not that I am trying to testify here, but just to move along, I think this actually was served on the White House Counsel on the 5th.

Answer. Okay, on the 5th.

Question. I guess the point I am trying to address here is that in light of the subpoena being dated the 4th, service on the 5th, and your prompt letter dated March 7th, you gave this your immediate attention?

Answer. I did. I gave it—I don't have, again, any specific memory, but the letter would suggest that I at least reached out to Mr. Rowley in a fairly quick time.

Question. Now given that you had arrived on March—February 16th or February 18th, this is just 2, 3 weeks after your arrival that this subpoena is served on White House Counsel. Is that correct?

Answer. That is correct.

Question. And that would be your first involvement with a subpoena issued by this committee; isn't that correct?

Answer. I suspect that this was the first subpoena issued by this committee after I came on board.

Question. Do you recall whether or not you had dealt with any other subpoenas issued in connection with these matters by either the Senate or the Justice Department or Independent Counsel during those first 2 or 3 weeks?

Answer. I suspect I did deal with other subpoenas. I can't tell you if they were campaign finance or if they were from independent counsels, but I suspect that I already was dealing with other issues, subpoenas for people or for documents or for related issues.

Question. Suffice it to say, you gave this your serious attention in that it was the first subpoena from the House of Representatives that you had dealt with?

Answer. Again, I have no specific memory, but I think it is fair to say that I would have looked at the subpoena; I would have spoken with people about the subpoena; and, indeed, I think as I have—I have always tried to do in my practice is, I reached out to this committee right away so we could begin a dialogue about this.

Question. If you will look through the subpoena—and I don't want to belabor this, because clearly this is established in the Senate deposition as well as in your public testimony 2 days ago before the Senate, but clearly the matter of this subpoena has not yet been discussed. This is our subpoena from this committee, and I need to inquire of you, Mr. Breuer, with respect to that.

Answer. I understand that, Mr. Bennett.

Question. On the first page of our subpoena which, for the record, predated the Senate subpoena—in fact, this subpoena does predate the Senate subpoena, does it not, Mr. Breuer? I would assume you are somewhat up-to-date on the Senate dates in light of your recent testimony.

Answer. I think it predates it.

Question. This committee subpoenaed—issued this subpoena prior to the Senate subpoena about what you were questioned 2 days ago; that's correct, isn't it?

Answer. Yes, though when you say "subpoena," I was questioned about—you know, the Senate did not subpoena us in the beginning. We only really received a subpoena from the Senate in July. I was questioned, though, about many document requests that came much before, and that's the only reason I have hesitated.

Clearly, this predates the July subpoena, but many of the materials that are requested in this subpoena would have been reflected in correspondence that we had received from the Senate in formal requests.

Question. The point is, is that without getting into the dates of their request, this committee was well in advance of the Senate in terms of the particular subpoena; isn't that correct?

Answer. You were in advance in sending the document. Then, of course, after that, there was a subsequent history that this committee had dealings among itself, and so it is—we chronologically received the subpoena before the Senate subpoena.

Question. Directing your attention to the first page of the subpoena, paragraph 1, definitions and instructions, based on your extensive experience in subpoena compliance and your background in terms of white-collar criminal defense, you certainly read the subpoena, did you not, Mr. Breuer?

Answer. I am sure I read the subpoena.

Question. And in reading this subpoena, clearly the word "record" or "records" on the very first page, the very first paragraph of the subpoena, mentions items, and it has a definition that includes video or audiotape.

Do you see it there on the first page of the subpoena, paragraph 1?

Answer. Yeah, I see it on the 5th line, video or audio recording. Is that what you are referencing?

Question. I am actually looking where it says—the fifth line where it says, whether written, typed, printed, et cetera, et cetera, then video or audiotaped.

Answer. Oh, I see where you are.

Question. And then farther down it says, video or audio recording.

Answer. I do see that.

Question. So there are two different references; is that correct?

Answer. Yes. There is one reference of video or audiotaped, and there is one to video or audio recording.

Question. And also you would have read then, in terms of requested items, the particular items sought apart from the individuals listed. Paragraph 16, item 16 on page 5 of the House subpoena dated March 4, clearly also referred, and the very first words of item 16 are, all records relating to White House political coffees.

Do you see that?

Answer. I do see that.

Question. What steps did you take—after having been served with this subpoena and reading the subpoena, what steps did you take—and I guess maybe the best

way to do this, as to the House subpoena, as I discussed with Mr. Ruff two and a half weeks ago in terms of our concerns in this regard, is——

Answer. And with me. I would like to think I was there.

Question. You were there; and Ms. Mills was there; and, for the record, Ms. Comstock was there and Butch Hodson and Mr. Ballen from the Minority.

What steps were taken, in terms of—for example, do you know who logged the subpoena in? Is there a log where you log in the subpoena and record its receipt?

Answer. I don't specifically remember who was involved in the receipt of the subpoena. Typically, someone from this office——

Question. Would there be a log?

Answer. I don't think there would be a log. More often than not—and Ms. Comstock may know better—more often than not, I think Mr. Ruff has been contacted when subpoenas have been received.

Mr. Ruff actually works in the West Wing of the White House. I work in the Old Executive Office Building. More often than not, I think someone from Mr. Ruff's office actually physically gets the subpoena. I think that's been the practice of this committee.

Some committees will call me or others, and so then my assistant or others may pick it up. I think it is more likely than not here—but I may be wrong—that probably someone from Mr. Ruff's office actually received the subpoena.

Question. Do you know if there is a log that's kept of subpoenas when they arrive?

Answer. There is no log I keep. Well, I will tell you what I have. What I keep is a book, where I keep all of the subpoenas. I keep all my correspondence in a loose leaf, I keep all the subpoenas in a loose leaf, and so I try to maintain all the correspondence that I have with respect to them.

Question. I gather then, with respect to this subpoena, you would have done that?

Answer. I think—yeah, this would be in my records, that's correct.

Question. And apart from your own personal records, do you know if there are any White House Counsel records kept in that regard?

Answer. I don't know if I would call them White House Counsel records. I am confident that Mr. Ruff and/or Ms. Mills have a filing system where they maintain their records.

Question. I guess the point I am trying to inquire about is, at Covington and Burling, at your law firm, if a corporate client receives a grand jury subpoena or, for that matter, a congressional subpoena, there is a fairly careful indexing of, if you are going to receive a subpoena for a client, when you receive it, when it is logged in and the due date; is that correct, at Covington and Burling?

Answer. There is, and, Mr. Bennett, as I hope you are sensitive, the practice of law at a private firm is very different from the practice of law at a place like the White House.

Question. Why with respect to compliance with a subpoena, Mr. Breuer?

Answer. Well, it is not with compliance with the subpoena, but it is with respect to memoranda that are kept by lawyers.

Question. I am addressing, apart from the matter of memoranda or a different pace, why would there be any difference in terms of a compliance with a subpoena in the office of the White House or anywhere other than what you would normally do in the private sector?

Answer. I am not suggesting——

Mr. MCLAUGHLIN. Mr. Bennett, you cut Mr. Breuer off, and you should give him a chance to answer your question.

The WITNESS. I am not suggesting, Mr. Bennett, I don't agree with your thesis. I am not saying that there was anything different. You are more than welcome to speak, and you are indicating you will—I am telling you what I do, and that's the best I can do. I think I keep pretty good records that establish when we receive information. I have no doubt I have this in my book, no doubt I have all the correspondence that reflects it, and so that's what I have in my book.

All I wanted to be clear of, in your question about the White House Counsel's Office, is I am sure Mr. Ruff and Ms. Mills as well maintained their own records about that.

EXAMINATION BY MR. BENNETT:

Question. Do you believe that the same steps were taken by Mr. Ruff in terms of documenting the service of subpoenas, compliance dates, et cetera, as would have been taken at Covington and Burling?

Answer. Again, I am confident that Mr. Ruff would have followed the same—whatever his practice was at Covington, I suspect he would have followed a comparable practice. He and I have not talked about that.

Question. As far as you are concerned, as far as you are concerned, there would be an effort to maintain the same level of due diligence at the White House Counsel's Office as would be undertaken at Covington and Burling?

Answer. Right. I mean——

Question. Is that correct?

Answer. There would be the same attempt at complying in good faith with the subpoena. Mr. Ruff and I have the same devotion and dedication to complying with the subpoena in good faith, working in the White House, as we would have when we were at Covington and Burling.

Question. And the same level of due diligence would apply? As far as you were concerned, you would try to meet that standard to the best of your ability?

Answer. We would try to comply to the best of our ability.

Question. And meet that standard to the best of your ability?

Answer. I am not sure what the standard is that you are suggesting, so I will just simply say that we would do, and I did do, and the people in the Counsel's Office, as far as I am aware did, whatever we could to identify responsive materials and to produce them to you when we discovered them.

Question. Let me just fall back if I can on one question.

Answer. Sure.

Question. If you look at Exhibits 1, 2, and 3 in terms of Mr. Quinn's memoranda reflected by Exhibits 1 and 2, and Chairman Burton's letter of January the 15th, essentially the—Chairman Burton's letter mirrors essentially Mr. Quinn's memoranda.

And I guess my question to you: Even before the subpoena arrived in March, to your knowledge, why were no documents supplied in connection with Chairman Burton's letter in January and the memorandum from Quinn which actually predated your arrival? Why had no documents still arrived at the time that the subpoena ultimately had to be issued? Do you recall that?

Answer. As I recall—and I can only speak as to what happened when I came on board. As I recall, we had lengthy discussions with this committee about having some sort of a protocol that we could all agree upon about the use and sanctity of how documents would be cared for.

This was a new terrain for me, working at the White House, and I understood from those who were more schooled in this specific issue and had been dealing with it more that it was, indeed, routine, that when documents were produced to the committee that there would be an understanding both among the Majority and the Minority about how those documents would be maintained and that the White House would have a level of assurance that the documents would be maintained in a careful manner, given that, obviously, many of the issues that the White House deals with that could be contained in documents could be of significant import.

It was in that vein that we began to have a series of discussions and, in fact, negotiations. As I recall—and I may be—there may be other factors. I don't have the correspondence, but as I recall, when I came in, that that was actually one of the issues that Mr. Ruff wanted us to deal with with the committee and, indeed, the issue that for quite sometime we did.

As I recall, the chairman was taking the position, frankly, did he have the right to decide how documents would be dealt with, when they would be produced, when—released, when they wouldn't be released?

We did have some concerns about documents as being not dealt with very carefully, and as—I may not be right, but that clearly was one of the issues that we were talking about.

I think we were, frankly, Mr. Bennett—at least I was, though I may have been unskilled—very open about that in my dealings with at least Mr. Rowley, and I believe with Ms. Comstock as well.

There may well have been other issues, as you know, that this committee itself at one point said it was going to get us a protocol. Then I believe there was a lot of internal problems in this committee about getting a budget. I think we were in the middle of discussions when all of that occurred and everything stopped from the committee, and, indeed, we didn't then again hear from the committee until after your authorization.

I think that that is some of—not all, but some of the explanation that might affect the timing.

Question. Were the documents, in fact, still collected, however?

Answer. Some were, and we continued to—I tried, as best as I could, to try to continue to figure out how to collect documents. Some of them were collected. I don't remember exactly at what point.

Question. Clearly, some documents could be collected to turn over to this committee pending the resolution of some of those issues you are talking about?

Answer. Right.

Question. But the actual physical act of gathering documents, was there an effort to do that even during this time period?

Answer. There was some effort, though.

One of the things that we tried to do—and I don't know exactly at what point, he said it is very hard—people at the White House feel very much, it may be hard to believe, under siege. They feel that all the time that everyone is skeptical of what they are doing, and they feel that these many investigations take on lives of their own.

So one of the responsibilities that one has to do in the Counsel's Office is to attempt to gather documents, but also to enable people at the White House to continue to do their jobs.

It is not like a corporation, Mr. Bennett, where maybe there will be one or two subpoenas. At the White House, given all of the level of activity and all the investigatory bodies, literally, there are requests for materials constantly, constantly. One could literally be sending out directives constantly. And you——

Question. As to this committee, the——

Mr. MCLAUGHLIN. Mr. Bennett, why don't you let him finish his answer before you interrupt.

Mr. BENNETT. Mr. McLaughlin, you have noted your great concern for the time. I have no difficulty with allowing Mr. Breuer to answer any question as long as he wants. I can assure you now, sir, I don't intend to then be told at noon that we should stop the deposition. I don't believe I have interrupted the witness.

EXAMINATION BY MR. BENNETT:

Question. Mr. Breuer, have I been rude to you this morning?

Answer. I don't believe you have.

Question. Thank you.

Answer. I hope you don't feel I am being overly wordy.

Mr. MCLAUGHLIN. I will just state, I am interested in Mr. Breuer's answer. I was interested in what he was saying just now, and you produced—I think if the question is worth answering, you should let Mr. Breuer answer it in a way that he feels is complete.

EXAMINATION BY MR. BENNETT:

Question. Why don't we save the theatrics. We are trying to accomplish this to allow Mr. Breuer to move through this.

And my question is, with respect to—again, I haven't been rude to you, have I?

Answer. No, I don't think you have been.

Question. With respect to the matter of the House, I understand the matter of all of the other documents——

Answer. Right.

Question. But as to the House, clearly the House question had been crystallized in terms of Chairman Burton's letter, and at least according to our review and your review, I gather it is safe to say we have Chairman Burton's letter on January the 15th reflected by Exhibit 3, and then we ultimately have the grand jury subpoena March the 4th; correct?

Answer. Right. But——

Question. So during that time period, at least as to the House, I am just trying to clarify that there wasn't any confusion over what the request was. There was a great deal of discussion about protocols, privilege, and what-have-you, and I guess my point is, you clearly knew what documents the House was seeking. Is that correct?

Answer. Not exactly. And let me just explain, Mr. Bennett.

Question. All right. Fine.

Answer. As you know that we received broad requests even from this committee, just so I can finish my answer, the last one.

Question. Go right ahead.

Answer. We obviously don't send out directives for every particular inquiry. With respect to the requests even of this committee, at the same time that we were discussing appropriate protocols by which we could provide materials to you, we also were having discussions with you; and I am not going to represent exactly when. I can't leave——

Question. I am not expecting you to.

Answer. Okay. But we were, as I am sure is not a surprise to you, discussing the breadth of the inquiries. In fact, Ms. Comstock was a part of many of those discussions. So that even on paper if you would have asked for all the documents on X,

Y, and Z, we would have discussions that would say, well, even though you asked for all the documents for X, Y, and Z, we would like to focus this with you.

So with respect to that, it was a dynamic process; it was one that we were both engaged in. That's my caveat, that it would not be clear to us as to what you were expecting, and, indeed, in the end, that's exactly what happened on a number of requests.

Question. Clearly, as to Mr. Quinn's memoranda that predated your arrival, Exhibits 1 and 2, it is clear what those memoranda required; there wasn't any ambiguity about those?

Answer. All that was clear was what Mr. Quinn's gathered. Obviously, merely because counsel gathers materials from the White House doesn't mean that we turn over all of those documents. A layperson could, you know, send us documents that say there are from John Huang about someone having nothing to do with the investigation, and obviously we would be duty bound not to produce those kinds of materials to you.

So it is not fair to say that even though materials were gathered, that there were no questions about them.

Question. The question precisely is, and then we can move on——

Answer. Okay.

Question. As to the matter of document collection, is it my understanding that in light of the Quinn memoranda—two memoranda, Exhibits 1 and 2, and the chairman's letter from this committee, Exhibit 3, that even during the discussion of the various issues that you raised, there was the physical act of gathering documents together?

Answer. There was the physical act of gathering certain documents together, yes.

Question. And who would have been engaged in the physical act of gathering those documents?

Answer. Well, a lot of these documents were coming in at this point. But depending on the different points that you are talking about the lawyers working with me and, frankly, the lawyers who preceded me, given the dates——

Question. The team you brought on in February and March would have been engaged at some point ultimately in further gathering of documents?

Answer. And ultimately what I—right. And the way you said it I am very satisfied with, which is, at some point subsequently. I am not going to say that it was continuous or at any point.

Question. I understand.

Answer. But certainly at some point we would have been involved in gathering materials for this committee and following up; not necessarily on the Quinn directives as much as on the directives, of course, that occurred after we all joined the White House.

Question. And getting back to the matter of subpoena compliance, did you assign a particular response with respect to this subpoena reflected by—from the committee, reflected by Exhibit 4? Do you recall whether you had a particular—whether it was Ms. Popp or Mr. Waitzkin, and you said, here, I want you to take steps to comply with the subpoena? Do you recall what you did?

Answer. I typically do do something like that, and I typically do assign people to specific tasks. In this particular case, I think a number of people would have been involved when we knew it was broad. Ms. Popp in the very beginning was, in fact, dealing with this committee.

I don't know, though, if it is fair to say that she was assigned to the gathering of the materials as much as she had been. In the beginning, as I recall, she had a fairly active dialogue with the committee. She may have had more of an active dialogue with the committee in the beginning than I, because I was working on other matters as well.

Question. In light of the fact that this was only your third week on the job, to what extent did you seek assistance from Ms. Mills on these issues?

Answer. Here is what I think more likely would have happened. I would—more likely would have had discussions with Mr. Ruff, and I think Ms. Mills would have been a part of those discussions. I think that I probably did speak with her as well, but a lot of times, frankly, we wouldn't speak one-on-one. It might be more Mr. Ruff. And I think, frankly, lawyers, independent of me, which is my style, would have reached out to her. I am fairly open. I don't pretend to know——

Question. Which lawyers would have reached out to her?

Answer. I think at one point or another all of the lawyers would have talked to her, and again, it depends on the task. But I would be shocked—I mean, in fact, I am confident all lawyers have spoken with Ms. Mills, just like all lawyers have spoken with me and Mr. Ruff.

Question. I think you mentioned in your previous answer that it was—being that you were new on the job, and I think your words were, if I am not mistaken, this was new terrain and that there were others that were more schooled in this regard.

Answer. Particularly with respect to issues like the protocols and exactly—as you know, Mr. Bennett, when it comes to like grand jury productions, typically I would be less concerned about providing something to your office. I would get a subpoena; I would give it to you.

Question. My prior office?

Answer. Your prior office, I am sorry. Here I understood there were many issues with respect to how documents should be handled, given the politicized nature of this, and that was one of the big dialogues.

Question. In light of Ms. Mills being the key holdover then, I gather, is she one of those more schooled, as you say, who you would have discussed this with?

Answer. I suspect I would have spoken with her about this, and others.

Question. And the members of the team, I gather that you—the new team that you had assembled, you let them know of her expertise, and you have indicated their contact with her. Was it a formal contact, or was it just on a daily basis for them to go see her if they needed help?

Answer. It is a very small office. We are not as large as your office, Mr. Bennett. There are just—even the whole Counsel's Office, there are not that many people. So people deal with one another regularly. I am frequently not in the building. I am often either helping Mr. Ruff or doing something else.

So to make the system work, so we can be as responsive as possible, lawyers are assigned tasks and they go about trying to identify, you know, how they can find materials. I am sure in that vein they would have spoken with her.

Mr. BENNETT. Let me just note just for one second, just pause for a second here. It is now 10:30. The Government Reform and Oversight Committee business meeting is scheduled to start at 10:30.

Congressman Kanjorski, I don't know what your pleasure is, sir. Would you like me to continue?

Mr. KANJORSKI. Continue.

Mr. BENNETT. If at any time you want me to stop, in light of the meeting, I will stop.

The WITNESS. I would appreciate continuing as well.

EXAMINATION BY MR. BENNETT:

Question. Do you know if any memoranda were sent out in connection with this subpoena? Did you send out any memoranda in connection with the House subpoena reflected by Exhibit 4?

Answer. I believe we sent out the directive in April to take those materials. I don't recall any other specific memoranda.

Question. Just one second, please.

Answer. I assume you mean internal memoranda.

Question. Just continuing on, do you know to whom those memos would have been sent, those directives?

Answer. I sent—well, I only mentioned one, the April 28th directive. That would have gone to everyone in the White House, in fact, of the—in the entire Executive Office of the President.

Question. Let me step back for a second.

Answer. Okay.

Question. Apart from the April 28th, 1997, directive from Mr. Ruff—excuse me one second here. I will address that in a second. But apart from the April 28th, 1997, directive, to your knowledge—and that was the directive from Mr. Ruff—I think you were questioned about that before the Senate this week.

Answer. I think that's correct.

Question. Apart from that directive from—your letter of March 7th, 1997, reflected by Exhibit 5, to the directive of Mr. Ruff dated April 28th, 1997, to your knowledge, were there any other memoranda or directives sent out in connection with any—well, that directive, I will have you testify about that in a minute, but were there any directives sent out specifically with respect to the House of Representatives subpoena that you had received?

Answer. I think not. I think that was a period of time that we were discussing issues with you like the protocol and other matters. I think you were having your internal debates at that point. So formal memoranda, no.

There are far fewer memoranda sent at the White House than would be in other places, and I don't recall any.

Question. Do you know who handles, for example, I gather, documents when they are produced are what are called Bates stamp? Are you familiar with that phrase?

Answer. Yes, I am.

Question. In the white collar criminal field there is Bates stamping religiously as to every piece of paper turned over, isn't there?

Answer. I think that's fair to say.

Question. Who was handling the Bates stamp at the White House?

Answer. The White House is a big place. Within——

Question. I am sorry. Specifically with respect to production and compliance with this subpoena of this committee.

Answer. To give you a level of—to give you a little flavor, unlike at a firm where we have machines that automatically Bates stamp documents as they go through the Xerox machine, the White House—literally, paralegals take stickers and put it on every piece of paper, because we don't have the facilities that other places do have. And that would have been the three paralegals who worked with us.

Question. Are subpoenas—as far as you were concerned, were subpoenas to be handled differently than document requests?

Answer. Again, there is no black-and-white answer to that.

All of the document requests that we get we attempt to address. All of them are dealt with in the dynamic process of contacting the committee and working with the committee.

We have received, for instance, very broad requests from this committee and others with very short turnaround times. With respect to that, I deal with that the way I would deal with other requests, which is to say, you know, we can't meet your deadline; let's talk about it.

I try on some level to gauge the priorities of the requesting body, and so I can't say necessarily that a subpoena is always dealt with differently, but they are dealt with very seriously, and I try carefully.

Question. Is there any supervisory review? Given the new team that had just been assembled—this was literally the first month for many of these people—what role did you play in terms of a supervisory role in ensuring compliance with document production?

Answer. Well, what we attempted to do, as best we could, is—well, once we started—once we sent out the directive, we attempted to identify those offices that were more likely to have responsive materials. We attempted to go to those offices and speak to people about how they should go about doing their searches. We let people know that they could inquire of our lawyers on any questions they had. When we could identify places where we thought follow-up was necessary or when the committee and others called us, we attempted to follow up on that.

And so it was through that process of talking that we tried to identify those places in the morass of the Executive Office of the White House, including OMB and USTR and——

Question. Office of Management and Budget?

Answer. Exactly. We had literally enormous places, the New Executive Office Building. You try, as you would in other scenarios, to identify those offices that are more likely than not to have materials, to speak to those people you can and to really impress upon them the necessity of searching their materials carefully.

Question. Let me show you Exhibits 6 and 7 if I can, please.

Answer. Okay.

[Breuer Deposition Exhibits Nos. 6 and 7 were marked for identification.]

EXAMINATION BY MR. BENNETT:

Question. If you will review Exhibits 6 and 7 just for a minute.

Have you had a chance to review Exhibit 6, Mr. Breuer?

Answer. Briefly.

Question. If you need some more time, tell me.

Answer. Do you want me to read the entire thing?

Question. I will ask you some questions about this.

Answer. Then I will probably violate my own cardinal rule that I tell my clients that they should read the entire document.

Question. Read the entire document if you want to.

Answer. I will if I need to.

Question. Do you want to take a break for a few minutes to do that?

Answer. No, no. I know I have the option. I am ready.

Question. Reviewing Exhibit 6, Exhibit 6 is a letter, is it not, to you from Mr. John Rowley, who was then acting as chief counsel to this committee—to the Majority of the committee?

Answer. It is.

Question. And that letter basically, does it not, sort of summarizes or tries to focus on particular areas and areas of dispute or contention, trying to focus on particular matters, does it not?

Answer. I think that's the intent, yes.

Question. And that was, in fact, the result of conversations which you had had with Mr. Rowley about the various issues which you addressed earlier in your deposition, was it not?

Answer. I think a group of us, Mr. Rowley, Ms. Comstock and Mr. Bossie from the House, and I, and maybe others on my team on my side. It wasn't just the two of us talking.

Mr. MCLAUGHLIN. That included Mr. Ballen and myself, too?

The WITNESS. Yes, and I do apologize, Mr. McLaughlin and Mr. Ballen.

Mr. BENNETT. Mr. McLaughlin was there, and Mr. Ballen was there.

EXAMINATION BY MR. BENNETT:

Question. Essentially this at least gives greater focus, does it not, or focus that you desired in terms of certain areas where this committee was requesting that you give your immediate attention? Is that right?

Answer. Well, I think we had had a dynamic process, frankly. I don't recall if this letter, in and of itself, represented more than our discussions back and forth.

I had a very, I thought, very good working relationship with Mr. Rowley. So we had had that process ongoing. I don't know——

Question. Exhibit 7 is your response basically noting your efforts in that regard? Not to belabor that point, but Exhibit 7——

Answer. It may be, among others.

Mr. MCLAUGHLIN. Just to interject here, I believe Exhibit 7 is in response to two subpoenas that this committee issued on April 24th, not the limiting letter of April 28th.

The WITNESS. That's too what I was going to say. I don't think it is a direct response.

As you know—and I can't tell the times—at different times, Mr. Bennett, we even had situations where we came to discuss matters with you and this committee, and Mr. Ruff was personally served with subpoenas at the end of the meetings, to our surprise.

So I don't know if this was in response to one of the short subpoenas we had received.

Question. You mean that predates my arrival?

Answer. All of this predates your arrival. I just wanted to be clear that it is not clear to me at all what this letter responds to.

Question. Let me perhaps assist a little bit just to move along.

With respect to the subpoenas that are referred to in Exhibit 8, the first sentence, they were, in fact—in fact, subpoenas with respect to Mr. Huang and Mr. Riady, weren't they? Do you recall?

Answer. I have no recollection. I don't even have a recollection of 7 as related to 6. We received a number of subpoenas, and I just don't remember which subpoenas those responded to——

Mr. MCLAUGHLIN. Do you——

The WITNESS [continuing]. My letter of April 30th responds to.

Mr. MCLAUGHLIN. I am sorry. I was just doing what I was complaining about before.

Mr. BENNETT. That's all right, Mr. McLaughlin. Go right ahead.

Mr. MCLAUGHLIN. That happens.

Do you plan to introduce the April 23rd, April 24th or April 29th subpoenas?

Mr. BENNETT. With respect to those as to Mr. Riady and Mr. Huang, we are trying to stay focused of the subpoena that included the specific reference to the videotapes and videotaping.

Mr. MCLAUGHLIN. I just want to note then, this is my representation for the record—and this letter from Mr. Breuer speaks for itself and is dated April 30th. I will represent that that was the return date on the April 24th subpoenas and that this letter is in response to those.

There is also a letter dated April 29th, which responds to the April 23rd subpoenas, also within the frame that—also on the return date listed on the subpoenas.

There is another set of two subpoenas, I believe, that is April 29th and the same series of targeted subpoenas, and, again, I believe that there was a responsive letter by the return date.

I just think that, in fairness to Mr. Breuer, the record ought to reflect those documents if you don't plan to introduce them.

Ms. COMSTOCK. We should also note for the record that——

Mr. MCLAUGHLIN. I am sorry. Who is the designated counsel?

Ms. COMSTOCK [continuing]. Those subpoenas were also a subset of the items 1—the first few items on the letter of April 18th, as well as the March 4th subpoena.

EXAMINATION BY MR. BENNETT:

Question. Just to address the point, my next question is going to, I think, get to all of this, is that the second sentence of the letter, we have previously produced or made available for review all documents responsive to these subpoenas that we have thus far collected, I gather that that representation is, to the best of your ability, in terms of any subpoenas issued by this committee, be it the March 4th subpoena or any specific subpoena, is, as of April 30th, you were doing your best to tell Mr. Rowley that you had made available for review all documents responsive thus far?

I mean, I am just trying to summarize or point where we are in the chronology of compliance.

Answer. Let me tell you where I think we are. I think where we are is we are still, unfortunately, having a battle over protocol. We still feel that we would like some assurance on how our materials were going to be handled, and the committee has decided, the Majority has decided, that probably we should—probably what the White House wanted in a protocol was not going to occur.

I was struggling with a way of dealing with how to deal with documents but also show we weren't at least under—with my involvement that we were trying to make things available to you.

I think what I was suggesting here is, come look at everything; feel free to look at all of our documents, even if we are not going to give them to you yet because we haven't agreed on a protocol.

I think, but I am not positive, that that is where we are in the chronology by April 30th.

Question. With that status as of April 30th, come look at all of our documents, would that have included come look at any videotapes?

Answer. If I had known on April 30th that there were videotapes, it would have. I didn't know. But let me tell you, if someone had said—and your committee has been very good about telling us when you know of materials and us following up.

If someone had called me specifically and said, Lanny, there are videotapes responsive to this guy Riady, we want to look at them, I am sure I would have done what I always do. I would have said, I will get back to you. I would have said to someone, what are they talking about? I would have sure talked to Chuck Ruff, if not others, and then I think probably—I would have probably said, if responsive, you can't have them yet because we are negotiating the protocol, but come look at them. I think so.

Question. And with respect to that hypothetical about, come look at them——

Answer. And that's a hypothetical; right.

Question. I understand. In fact, it wasn't a hypothetical—and I will get back to this later either this morning or Monday morning, but it wasn't a hypothetical as of August 19th, when Don Bucklin from the Senate specifically addressed an inquiry about videotapes.

Answer. Well, when Mr. Bucklin talks about the videotapes on August 19th—well, he doesn't talk about August 19th. He writes a letter on August 19th, and we have spent many hours, and I think you probably have all deposed Mr. Ruff, so you know that—you know all what is going on there.

But we looked into it. We informed Mr. Bucklin on September 9, I guess. I didn't, but Mr. Bucklin was informed September 9 of the videotapes.

Mr. MCLAUGHLIN. I am going to interpose an objection that the conversations between Mr. Breuer and Bucklin and the other members of the Senate staff have been plummeted into great depth by the Senate in their deposition and in the public hearing. I don't think it does any good for us to go into that.

EXAMINATION BY MR. BENNETT:

Question. With respect to the hypothetical—and we will address this later—the hypothetical you addressed on April 30th did, in fact, bear fruit, did it not?

In August there was a specific inquiry by someone from the Senate directed, I believe, to Mr. Imbroscio with respect to the matter of whether or not there were videotapes in existence. Without getting into the specifics now, that did occur, in fact, in August?

Answer. I think on August 19th is the first reference to videotapes. I think you are right, Mr. Bennett.

Question. We will get back to that, but just picking up on the fact when you said—if someone had addressed it on April 30th, obviously——

Answer. Well, no, if you had addressed it. I mean, part of the nature of this beast is that we get—for better or for worse, is we get so many inquiries all the time that we tend to associate requests with the individuals that make the request. So, Mr. Bennett, if you've never done it, I don't think you and I have ever chatted on the telephone, but if you called me and said, I want you to check into something, we would check into it, and we would get back to you, or I would try to get back to you personally. We have never had that actual exchange, but I would hope that's what we would do.

Question. Let me show you now, if I can, Exhibit 8.

[Breuer Deposition Exhibit No. 8 was marked for identification.]

EXAMINATION BY MR. BENNETT:

Question. Exhibit 8 is, in fact, the Chuck Ruff directive of April 28, 1997; is that correct?

Answer. That is correct.

Question. And, essentially, it directs—it's very similar to the Quinn memoranda of December and January—December '96, January of '97 reflected by Exhibits 1 and 2; is that correct?

Answer. I'm taking——

Question. It is similar to the directives of Mr. Ruff's predecessor Jack Quinn reflected by Exhibits 1 and 2 of his deposition dated December 16, 1996, and January, 9, 1997; is that correct?

Answer. I'm not sure it's similar. I mean, I think it speaks for itself. It was an attempt to taking a myriad of requests, and putting them in an understandable format, and providing that information to the Executive Office of the President. I mean, 1 and 2 have a short paragraph each and then a listing of names and then some descriptive paragraphs at the end. Exhibit 8 has far more instructions on the first page and then has the requests on pages 2 through 4.

Question. With respect——

Mr. LYNCH. Can you——

Mr. BENNETT. I'm sorry.

Mr. LYNCH. I think we ought to note Exhibit 8, the word "all" in the third line in the text has a box drawn around it.

Mr. BENNETT. Yes.

Mr. LYNCH. And I think we'll all agree that the actual original directive did not have any markings around the word at all.

Mr. BENNETT. I believe that's correct.

The WITNESS. Indeed, I can say it's pretty clear you got this from the Senate, because I think I'm the one who put the box by mistake around it during my last deposition.

EXAMINATION BY MR. BENNETT:

Question. I can't represent source——

Answer. I'm pretty sure.

Question. Of—I know we've been seeking it from the White House. And I'm not criticizing Mr. Ruff, but whether Mr. Ruff finally sent it over or whether——

Answer. I think he did.

Question. Or whatever.

Mr. BENNETT. I concur, Mr. Lynch, that the box "all" as circled was clearly not in the original.

EXAMINATION BY MR. BENNETT:

Question. Directing your attention to—directing your attention to Exhibit 8, Mr. Breuer, why was this the first such memorandum submitted with respect to the—for example, the subpoena of this committee was dated March the 4th, received March the 5th. Why would it take 7 weeks, almost 2 months, for there to be this kind of directive, which is not just directed to the House subpoena, but is directed to all subpoenas? Why would there be such a delay in seeking this?

Answer. I don't think there was really such a delay if you were living through the process as we all were, in fairness, Mr. Bennett. There was first a dynamic process going on about discussion of protocols. In this committee—and I don't quite recall what was going on, Mr. Bennett——

Question. I might help you in that regard. The protocols of this committee were passed in early April.

Answer. Okay. I know that for one point we were discussing with the protocols. And we may, and I'm not saying we were, but we may well have been talking to you about the requests themselves, and you were discussing them with us. And when—you, I'm talking about the committee, not you personally, Mr. Bennett, since you weren't here.

And then, frankly, there was an internal battle within the committee about various issues. And during that time, everything dropped. You didn't get back to us on a bunch of the issues. And we were waiting to hear back from you, whether about the protocol or about the scope of requests. That was all occurring.

At the same time that that was occurring, we were, indeed, receiving requests from the Department of Justice and from the Senate and from other investigatory bodies. And instead of sending out, you know, repeated document requests, in the same way that now, you know, a lot of people are having repeated depositions, we tried to get whatever materials we could to end our negotiations with the various investigatory bodies and send out a comprehensive directive.

And, indeed, if you look at the directive that we do identify, we tell people that certain documents they should give us from certain return dates, some as far back as January 1, '94, some from February of '95, others from January of '96, et cetera.

And that was an attempt in taking all of the requests from all the different bodies and trying to put it in one place so that we could provide the materials to you. Indeed, it may turn out that this directive was requesting more materials than are actually in your subpoena. I haven't studied it, but it may well be the case.

It was our attempt in one comprehensive way to make yet another directive, since Mr. Quinn had already had two himself; and, again, as I suggested, so that the White House doesn't continuously have directives. And, indeed, during this period there may have been directives sent out as a result of inquiries unrelated from Independent Counsels. I hope that answers your question.

Question. Yes. In picking up on that, of whether this directive of April 28th was more extensive, if you'll look at Exhibit 4, Mr. Breuer, the subpoena itself, looking at page 6, item 29, there is a specific reference to, for example, just as an example——

Answer. Right.

Question. To Webster Hubbell——

Answer. Sure.

Question. In that subpoena. If you'll look at the directive of Mr. Ruff reflected by Exhibit 8——

Answer. Right.

Question. I believe you could look and see for yourself,, but I represent to you that there's no reference——

Answer. Right.

Question. To Webster Hubbell.

Answer. Well, I'll try——

Question. I wonder why that might be.

Answer. Well, with Webb Hubbell, I'll try to give you the best example. I can't do it all the time. First, I initially told you that giving you all records relating to Webster Hubbell, I'm quite confident we had discussions with the committee, would be virtually impossible to do, given that Mr. Hubbell, for much of the periods of this administration, was, I believe, the Associate Attorney General. And there would be numerous documents, an enormous number of documents, having absolutely nothing to do with your inquiry and having everything to do with Mr. Hubbell's official responsibilities. And I think you acknowledged that.

Question. I'm sorry. Who acknowledged that?

Answer. The committee, not you, Mr. Bennett.

But I think we had discussions with this committee, frankly. And I think if you were to talk to your colleagues, that people would acknowledge that, indeed, you were not interested in all documents relating to Webster Hubbell as we described it.

Question. Let me follow up on that point.

Answer. Can I finish?

Question. Sure. Go ahead.

Answer. Let me finish.

So that's one point we would have talked about. But, secondly, there were other directives and other ways of getting materials. It is not—it should be of no surprise that Independent Counsel Starr, as one example, is interested in documenting dealing with Webb Hubbell.

I believe in the case of Webb Hubbell, in my attempt not to every day barrage people with directives, we knew you wanted Hubbell documents, and we would have attempted to gather those, I suspect, I could double-check, but I suspect through our inquiry or directive that was more focused on the request from the Independent Counsel. And so even though it wasn't in this directive——

Question. "This" meaning Exhibit 8?

Answer. This Exhibit 8. Webb Hubbell-related documents would have been captured by a directive that, for the most part, would have focused more on what the Independent Counsel was seeking.

Question. Did you draft this directive for Mr. Ruff, the April 28th directive?

Answer. I think. Mr. Imbroscio and Mr. Nionakis did the first draft, and Mr. Ruff and I did the other. I believe, more likely than not, I would have not been the first drafter of the directive. The lawyers who are most responsible for the directive would do it. They would then circulate a draft. I'm fairly confident that that would have occurred.

Question. You had some role to play in this directive?

Answer. I had an editing role to play.

Question. But you believe, even though it's your—so I understand your testimony, that with respect to Webster Hubbell, while the subpoena clearly called for records as to Webster Hubbell and the directive did not, you believe that was the result of conversations with staff on this committee as to how you were handling the Webster Hubbell?

Answer. No, I didn't say that. It has nothing——

Mr. MCLAUGHLIN. Just before you ask Mr. Breuer, can I suggest——

Mr. BENNETT. Sure.

Mr. MCLAUGHLIN [continuing]. That you also take a look at the April 18th limiting letter which also contains language limiting the request as to Mr. Hubbell?

Mr. BENNETT. That's fine. Sure.

Mr. MCLAUGHLIN. You talk as though the subpoena and directive are directly linked, but, of course, there is the intervening limiting letter.

EXAMINATION BY MR. BENNETT:

Question. Go right ahead, Mr. Breuer. You can address that.

Answer. We have a dynamic question. I don't think I said that. I think what I said, Mr. Bennett, is that I would have pointed out, I suspect—I don't pretend to remember everything I said. I talk a lot, as you can tell.

Question. You're doing fine. Go right ahead.

Answer. I think I would have had said, look, Ms. Comstock, or Mr. Rowley, you can't really want every document dealing with Webb Hubbell. There are millions of documents associated with the Attorney General that have absolutely nothing to do with this investigation. That I would have said.

I do not believe I would have said, oh, and by the way, this is how I'm going to go about putting it in a directive. That would not have been a part of my conversation. Instead we would have attempted to get those materials that were responsive. But I wouldn't have talked to you, the committee, about the means of doing that. I want to be clear about that. I'm not representing about what was or wasn't in the directive.

Question. Let me pick up on this. If you'll look at Exhibit 6, Mr. McLaughlin's point about the narrowing letter, page 5, where Mr. Rowley addressed the matter of Webster Hubbell, clearly there was not a withdrawal of requests as to Hubbell. In fact, Mr. Rowley narrowed it and limited as follows: For the period January 1, '94 to present, all records relating to Hubbell, except documents in connection with his official duties at the Department of Justice.

Do you see that?

Answer. I do see that. Now——

Question. My question is, again, in light of that narrowing, on April the 18th, why would there not be some reference to Webster Hubbell in the directive which followed 10 days later?

Answer. For the same reason that I said before, because I think we had probably attempted to gather Webb Hubbell documents. And I'm not convinced, by the way, Mr. Bennett, that this is exactly the narrowing of the—I just don't remember—of the Hubbell request. I mean, this inquiry, as I recall, is about campaign finance and improprieties and illegalities. I don't recall if the Webb Hubbell documents that we provided to this committee would have been documents that are connected to improprieties and illegalities. I mean, this committee in its prior iterations has investigated Hubbell and Whitewater and all kinds of other issues. So I want to be clear about that.

Question. Just for the record, the Committee on Government Reform and Oversight, you're saying, has investigated Webster Hubbell?

Answer. I think under—I think Ms. Comstock has pointed out in the past that under Chairman Clinger, and I wasn't a part of it, that the White House had produced documents dealing with Mr. Hubbell and others.

Question. Let me ask you a specific question on Hubbell in terms of the—his nonlisting, his not being on the list of Exhibit 8, the directive of April 28th. Do you specifically recall, yourself, a discussion as to Hubbell not being listed?

Answer. No. I don't have a specific recollection, but I'm pretty sure he was captured in another body. I don't have a specific recollection. I thought I started by saying, I'm using your example of Hubbell. I have hundreds of conversations. And I give lots and lots of phone calls. So I want to be clear, I was giving you my sense of why that occurred.

Question. That is your sense of it. But you specifically don't recall a discussion as to whether Hubbell was to be listed or not listed——

Answer. I——

Question. On Attachment A to Ruff's memorandum of April 28th?

Answer. I suspect that I would have had a conversation at the time about how were we gathering the responsive documents for all of the inquiries. And either the person who handles Ken Starr's matters most would have said, through the directive I'm sending out, we will capture the Hubbell materials that will be responsive to the committee, or some analogous kind of a conversation would have occurred.

Question. Let me give you another example in terms of a possible—some variance between the subpoena and the directive of Mr. Ruff. Item 34, you can look at item 34 on the subpoena of March 4th. And it's on page 6 of the Exhibit 4 there, as well——

Answer. Page—I'm sorry.

Question. Of the subpoena.

Answer. Yeah, I found it.

Question. It's page 6 of the subpoena, item 34. There is specific reference by the committee subpoena to Ron Brown documents. And then, if you look at page 6 of Mr. Rowley's letter of April 18th, there is an attempt to focus with greater specificity on the Ron Brown documents. Do you see that there, sir?

Answer. I do.

Question. And yet Mr. Ruff's directive of April the 28th does not make reference to Ron Brown documents.

Answer. It may well be. And I don't—again, it may well be that Brown documents, that if there were any such documents that were responsive, that they may well have been gathered either by someone who is dealing with the Independent Counsel who, at the time, was looking for Ron Brown, and so someone would have had those materials and could have made the determination whether they were or weren't—we did or did not have responsive ones.

In doing the directive, one of the exercises that would have been undertaken was to determine what documents had already been gathered for other reasons and to make a determination whether or not we had them or not. I also candidly don't recall in our discussions what we ultimately said about Ron Brown.

Again, I want to be clear that this limiting letter was not the end of the process at all. I think we continued to have discussions, as far as I recall. And so I want to be clear about that. And I don't really—I don't have a specific recollection of what we all decided or discussed about Ron Brown.

Question. So you, yourself, other than understanding your good faith effort here now to summarize what you believe might have occurred, you yourself don't have any specific knowledge as to, apart from Webster Hubbell, why the matter of Ron Brown documents were not listed on Mr. Ruff's directive?

Answer. Yeah, I don't. I don't know if we all—I don't remember if it's because we gathered it in a different way, whether we had narrowed it—that request in a different manner. And, indeed, there have been so many requests and so many directives that, you know, we could go all day and compare directives to requests, and I don't think I would be able to tell you sitting here today why we did something and with respect to a particular request one way or another.

Question. Did you reread—do you recall whether you reread the subpoena in connection with Mr. Ruff's directive at the time that the Ruff directive went out?

Answer. I don't recall. I suspect I did. I don't recall. I suspect that Mr. Ruff and I and others would have talked about the directive and tried to figure out the best way we could to capture the responsive materials.

Question. Was there any particular reason why the subpoena itself was not attached to Ruff's directive?

Answer. Yeah, a couple of reasons. One, the first directive I sent out made it in the newspapers. Prior to the time—the press received the copy of the directive prior to the time the people at the White House itself got it, so it becomes very disconcerting to people at the White House.

Second of all, though various committees have requested that we produce to them everything that the grand jury gets, that the grand jury requests, we feel an obligation not to announce to the world what the grand juries are asking us for.

And so to the degree we give a specific subpoena out, people will start figuring out what body is specifically asking for what. That's one reason.

The second reason is, Mr. Bennett, is you all asked for documents in one way. The Senate asked for similar documents in a second way. The Department of Justice asked for similar documents in a third way. If we were to have given all of that to everyone, it would have been total mass confusion, and I suspect you would have gotten very little.

That was the intent of the directive in trying to take all of these various requests and combine them. And I suggest that the White House people get too much paper anyway and get too many requests; that if we sent every one of the requests we get, that the response would not be a particularly good one.

Question. Clearly, you and I would agree, would we not, that with respect to matters of grand jury secrecy, first of all, there are no matters of grand jury secrecy as to a subpoena of the House of Representatives or from the United States Senate?

Answer. No, but I——

Question. That's correct; is it not?

Answer. That's exactly correct. But, of course, the problem is once I start producing all—once we produce documents to a body, and everybody knows what you have all asked for, then they can figure out by process of elimination what the Department of Justice has asked for.

But my main reason, that's one reason. And, frankly, we were very sensitive. You not so much, but the Senate very specifically asked us to hand them over everything we gave to the Department of Justice, and I was clear that, though we might try to do that, I didn't want to identify specifically what those documents were. But the main reason is because you all have overlapping requests. It becomes very confusing if you just hand out the actual requests to everybody.

Question. With respect to the Senate, there was no Senate subpoena at that time; there had just been a request?

Answer. Right.

Question. But on April the 28th, again, not going into the matters of grand jury service upon the White House, and I'm not asking that, but as to the Senate, there was no Senate subpoena. The only subpoena was from the House of Representatives?

Answer. But there were requests. And we had said from the start, indeed, we hoped we could succeed with the Chairman—Mr. Ruff, I think in the meeting that you alluded to with the Chairman himself——

Question. The meeting of February the 6th?

Answer. I suspect. I don't remember the date. Mr. Ruff had said that he was very hopeful that you would not—I think he said, I may be wrong, but we were hopeful this committee would not issue subpoenas to the White House, but rather would give us requests, because we would deal with the requests in the same manner as we did with subpoenas. And, indeed, you all have given us subpoenas, and we dealt with them seriously. And we've received informal requests from you all, and we attempted to honor those as well.

Question. Did you ever meet, for example, in terms of the distribution with the directive and compliance of this subpoena, did you ever meet with Alan Sullivan, head of the White House Military Office, for example?

Answer. No, I did not.

Question. Do you know Mr. Sullivan?

Answer. I do not.

Question. And, in fact, without going into all the details of the Senate depositions and your testimony before the Senate 2 days ago, you have heard, have you not, that those people who were seeking to gather materials or came up with the videotapes, who have said they are not aware of the subpoena and that they have not even seen the subpoena? You have heard that testimony, haven't you?

Answer. Well, I'm not sure what you're referring to. What I'm familiar is with the fact that we sent out the directive, that it went to Mr. Sullivan or Colonel Sullivan, the head of WAMO, that he got it, and that he sent out our directive; and that, in fact, the people who are most responsible for finding it stated that, had they received the full directive, including page 2, that, indeed, they would have produced the videotapes. I'm familiar with that. I'm not familiar with what you said. I have

not received access to the depositions, so I haven't read them, but I know they're public statements.

Question. Did you at any time meet with Doug Sosnik or anyone in his office with respect to the matter of the subpoena?

Answer. I've met with Doug Sosnik.

Question. Who is Doug Sosnik?

Answer. Doug Sosnik is one of the advisors, slash, counselors to the President.

Question. He's a political director; is he not?

Answer. I don't think he's currently the political director, though I may be wrong. I'm not sure he's currently in that position.

Question. He has been?

Answer. He has been the political director, that is correct.

Question. Have you ever met with him with respect to subpoena compliance?

Answer. I have met with Mr. Sosnik, and I have spoken to him in general about materials that would be in his possession or in control, and we've talked about that. Unfortunately, Mr. Bennett, from the very beginning, everyone thought that this is going to become highly politically charged and very cantankerous, so people from the start have their own lawyers at the White House. And one of the things that I deal with, frankly, Mr. Bennett, is often that I deal with people through their attorneys, because everybody suspects that they'll get to the point, as I am right now, where they're being deposed.

So either—and so I've dealt with Mr. Sosnik, I've dealt with Mr. Sosnik's lawyer, and I am sure I spoke to Mr. Sosnik about what responsive materials he had or his office had. And, in fact, we received those materials, I believe, from Mr. Sosnik.

Question. Let me pick up on this on that, if I can, with respect to dealing with Mr. Sosnik or his lawyer. Obviously, at some point in time, he didn't have a lawyer. He retained a lawyer at some point in time?

Answer. Pretty early on when this inquiry began. I think—I don't know specifically.

Question. When do you believe Mr. Sosnik retained a lawyer?

Answer. Early on. I think the Senate early on stated that they wanted to depose him.

Question. In terms of early on, I'm having a hard time identifying——

Answer. Probably within a month. I may be wrong. I may be completely wrong, given how many—certainly within a month or so of my joining the White House.

Question. So Mr. Sosnik had his own personal attorney, say, if you joined the White House staff at the White House Counsel's Office February the 16th, 1997, that was the date I think you gave; is that correct?

Answer. Yeah. Whatever that——

Question. I think the 16th or the 18th.

Answer. Right. We can all figure out that Monday.

Question. So to the best of your recollection, Mr. Sosnik had an attorney as of March 16th, or certainly by the end of March——

Answer. Right.

Question. To the best of your recollection?

Answer. Right. I mean, I don't think we should have—you've given Mr. Sosnik as an example, and suddenly we're talking about Mr. Sosnik as opposed to someone else.

Question. No, no. I want to follow up on what you said.

Answer. I think so. I could be wrong, but I think so.

Question. So with respect to the discussions on Mr. Sosnik, so I understand, I'm trying to pick up and follow to make sure I understand, you would have dealt with his lawyer before talking to Mr. Sosnik?

Answer. No, not that. I just meant I would have talked to both. I would have talked to Mr. Sosnik directly about—or lawyers with me more often than I—about needing these kinds of materials. These are the materials that we need from your office, Mr. Sosnik, or from Political Affairs. Where are they?

Question. Did you ever talk about political coffees with him?

Answer. I'm sure—I don't know if the word "political coffees." I think the discussion that I or others—I want to be clear here. I've talked to Doug Sosnik a number of times. I don't know if he and I sat down for a lengthy period of time where I would have said, Doug, we need various materials, and one of the lawyers is going to be contacting you directly or someone in your office directly. They're going to come visit your office. They're going to find out where responsive materials are, get them, assist you in that production.

I think that some combination of that occurred.

Question. Who were the people who might have assisted him? For example, was there a woman Karen Hancox, for example; would you have dealt with her perhaps?

Answer. Ms. Hancox had already left.

Question. All right.

Answer. I think she had already left the White House.

I would have dealt with Doug Sosnik. The lawyers working with me more likely than I would have dealt with Doug, and then the people under Doug who probably have a better sense of where the materials are. I think that's literally what would have happened.

Question. Directing your attention to immediately after sort of, I guess, right in this time period, continuing on in the chronology, in May—let me, if I can, show you Exhibit 9.

Answer. Should I put these aside?

Question. You can just keep them in order if you want, and you can put them aside.

Answer. All right. They're probably out of order now. I apologize. Which one are we up to now?

Question. We're on Exhibit 9, which is a May 14, 97 letter to the chair from Mr. Ruff.

[Breuer Deposition Exhibit No. 9 was marked for identification.]

The WITNESS. Okay.

EXAMINATION BY MR. BENNETT:

Question. Have you seen that letter before?

Answer. I'm sure I have.

Question. And, in fact, in May of 1997, there was an invitation of the committee for Mr. Ruff to appear and testify; is that correct?

Answer. There was.

Question. And, in fact, you were involved with Mr. Ruff, I gather, in his response with respect to the potentiality of contempt hearings. Do you recall that?

Answer. Yeah. I and others, clearly, that is right.

Question. So with respect to the potentiality of the contempt hearings as to the counsel and President, I gather that had some focus to it and caused people to try to get together and solve a problem; isn't that correct?

Answer. I think it's fair to say I particularly took it very personally and wanted to get it resolved.

Question. What role or involvement did you have in seeking to prepare responses as reflected by Chairman Burton's desire in the letter of May 14th, Exhibit 9?

Answer. Are you talking about the privilege issue in particular?

Question. Yes.

Answer. I think what I tried to do is take whatever materials, given the speed with which we were—I was trying to get whatever materials had been withheld throughout the time of the collection, figure out what they were, figure out whether or not they should be put on a log. As you know, we didn't really want to have a log. The whole concept of executive privilege is a very dynamic process.

I think both institutions have an obligation not to come to loggerheads if it's unnecessary, and I very much wanted to provide whatever means we could in providing you all with the access to documents that you needed, but also being able to preserve legitimate deliberations and protect those from disclosure if not necessary.

We ultimately resolved that, I think, with this committee happily. It took 'til after all of this to occur. My involvement would have been to see how we could get to that point where we could give you what you all need, satisfy you that we weren't withholding documents pertinent to your investigation, but also enabling us to—what I think is a very institutional obligation—to preserve the deliberations of the White House. That's sort of a long-winded way of saying what my involvement would have been.

Question. I don't think it was long-winded at all, and that was fine.

Directing your attention, I'll give you this exhibit, and then we'll go through the time period. I'll show you what's now been marked Exhibit 10.

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

The WITNESS. Thanks. Okay.

EXAMINATION BY MR. BENNETT:

Question. Directing your attention to Exhibit 10, that is, in fact, a letter of June 27th from Mr. Ruff to the Chairman with a copy to Congressman Henry A. Waxman, the Ranking Minority Member; is that correct?

Answer. It is correct.

Question. And it is essentially a letter in which Mr. Ruff uses the word "certify" to the best of his knowledge that the White House has produced all documents re-

sponsive to the committee's subpoenas. Do you see that? The first paragraph of that letter.

Answer. Yes, I do see it.

Question. Now, can you describe what steps were taken from the letter of May 14 from the Chairman to Mr. Ruff until June 27 to put Mr. Ruff in a position where he basically was prepared at that time to certify that there had been full compliance?

Answer. Yeah. I think he said, I think, certify to the best of his knowledge, with the caveat, which I think is in here——

Question. I understand.

Answer. But it's a very important caveat, particularly in a building that is as complicated and dynamic as the White House, that we have made—and I think he probably suggests, we will continue to make—efforts, always continue to produce materials.

The committee wanted Mr. Ruff to certify completion. I don't recall exactly what we did, but I suspect what we did is that we had lawyers go make sure that we checked the offices that were the most likely to have responsive materials; that we gathered certifications from offices that they had done their searches; that, in certain circumstances, we went back and made further inquiries.

I mean, I've said to this committee, I think I've said to Ms. Comstock and to Mr. Rowley and Mr. Bossie at the time of the issues of contempt here, and I've certainly said it to the Senate, that, you know, I wake up a lot—I haven't said this, but I do wake up a lot wondering about how we can comply as well as possible, and that I think we will always continue to find more and more materials. But the best we can do is to try as best we can to identify those places where there are responsive materials and to push. And with six lawyers and three paralegals, we do that. And I think we engaged in that kind of a process. We engaged in that kind of process when Mr. Ruff wrote this letter.

Question. And did you help draft this letter?

Answer. I don't—well, help draft. I'm sure—I don't remember. I suspect that one of the—either one of the lawyers worked with me probably drafted it. Sometimes, as you know, letters go under my signature; sometimes they go under Mr. Ruff's signature. The process isn't always all that different between the two. When we write to the Chairman, pretty much we think it's appropriate for Mr. Ruff to do that. There's a lot of correspondence. So I don't really recall my exact role in this letter.

Question. As of June 27th, were you yourself comfortable with the fact that Counsel to the President had certified to the Chairman of this congressional committee that, to the best of his knowledge, there had been compliance, complete compliance, at that point?

Answer. Yeah.

Question. Were you comfortable with that at that time?

Answer. I never really wanted to certified, because I do think that, given the breadth of the request, given the volume of their requests, that we're always going to find more. I'm very open about that. I think anyone who is sitting in my seat and who worries about things that I do, we come out differently. But I understood sort of the necessity or the political necessity of doing that.

Question. Doing what, of certifying?

Answer. Of providing a certification because the Chairman wanted it. And there's no secret I would like to have good relationships with the committee. That's why we had Mr. Ruff certify to the best of his knowledge. We keep learning. The videotapes is a remarkable example, but an example of that. So I felt comfortable—to the degree we had to perform that exercise, I felt comfortable in it. I would have preferred not having to have done it at all, but to continue the dynamic process of providing materials as we discover them.

Question. You would concur, would you not, that the matter of certification or use of the word "certify," in light of the comments you just made, it's an important word, it's an important concept, and I understand your professional reservations about using it, but were there discussions with Mr. Ruff and others about the position to take in terms of certification?

Answer. Again, I don't know at what point I should stop talking about the conversations.

Question. I don't want to know the——

Answer. Right.

Question. I'm not asking the contents of the conversations, but——

Answer. I think that I tried to be cautious. And I think I would have preferred not to have certified, simply because I think, frankly, as we sit here today, there very well be documents that someone will call me about at some point and tell me

what they have that are responsive to this committee. And what I'm going to do is I'm going to call you or Ms. Comstock, and I'm going to say, I just found out about these, didn't know about them, and here they are.

Question. Let me follow up with that, if I can. On the matter specifically of—not getting into the future, but in terms of this June 27th certification——

Answer. Right.

Question. What—again, understanding your feelings as to the importance of that, and I respect that, what discussion—who were privy to discussions, again not the contents——

Answer. Right.

Question. But who would have discussed the matter of the Counsel to the President making that kind of certification? Would Mr. Lindsey have been part of a discussion with Mr. Ruff in that regard?

Answer. He might have. I don't suspect so.

Question. Would Ms. Mills have been part of it?

Answer. She may well have been. She may well have been. Obviously, Ms. Mills' office is next to Mr. Ruff's office in the West Wing, and Mr. Lindsey's is. I'm in the Old Executive Office Building, so I'm there a lot. I'm sure many times they run into each other, and I'm nowhere near there.

Question. Was that the location of their offices in June of this year?

Answer. Oh, sure.

Question. And it's still the location?

Answer. Yes.

Question. And do you recall in terms of a discussion about, apart from the political realities and necessities or whatever, about making a certification and bringing closure to this issue on June 27th, do you recall who, apart from Ms. Mills and yourself, Mr. Ruff would have discussed this with?

Answer. I want to be clear, I'm not even—I'm not remembering a specific conversation with Mr. Ruff and Ms. Mills and I sat together.

Question. I understand.

Answer. Having said that, I'm confident Ms. Mills would have been aware of this and would have talked to Mr. Ruff.

Question. Who also would have been aware?

Answer. My other lawyers working with me. That's really—I would have reached out to them. Typically, what I would do is say, you've got to satisfy yourselves. I mean, we would talk about the offices. They would reach out and ask people like Ms. Mills or others about where other things may be. At times, Ms. Comstock and I at different points have talked, and she would say that I think—or the Minority—I think that there are materials somewhere, and we go about and try to figure it out.

Question. And those other lawyers who would have been part of this discussion on certification you believe would have been those lawyers working in your group?

Answer. I think so.

Question. You would have tried to discuss it openly with all of them?

Answer. I believe—again, what I would have done is, there's no secret here, they know that I want us to have the responsive materials. And so I would have said—I typically don't go to the different offices. Typically the lawyers working with me will check. And I suspect, you know, we have lawyers go back. We had lawyers—even when others have said they completed production, we've gone back and found other materials independently. We followed up independently of any request. And so, in that kind of a process, we would—I assume that's what——

Question. Correct me if I'm wrong, but there was never the word "certify" or such certification with respect to the Senate; isn't that correct?

Answer. I think you're right. I think you are right.

Question. And doesn't the matter of this certification in late June relate to the potentiality of contempt hearings where there was an effort to bring closure to the matter of the subpoena and say——

Answer. Right.

Question. Have you complied with the subpoena or not? Isn't that really why the certification is there?

Answer. Yeah. I mean, it was involving requests—I think, you know, when Mr. Ruff and I came and met with the Chairman and others, we said, if you have concerns, let us know.

Mr. MCLAUGHLIN. I'm sorry, we need to pause for a second.

[Pause.]

Mr. BENNETT. Just for the record, the pause is not because Mr. McLaughlin is in distress, it's because a member of Mr. Kanjorski's staff has arrived in the room, and we're pausing as a courtesy to Mr. Kanjorski.

Mr. MCLAUGHLIN. This is for executive session, so——

Mr. KANJORSKI. Let the record show there's a vote on the floor, and I have to leave, and a second vote to follow.

The WITNESS. Thank you for coming.

Mr. BENNETT. Congressman, I gather you don't object to my continuing on?

Mr. KANJORSKI. Maybe let me make a note on the record. I've had the occasion to observe the deposition for approximately 2 hours, and I gather the contention is whether there was purposeful forgetting sources of information by the White House Counsel. And I've observed the demeanor of the committee chairman and the White House Counsel, and I see that he's fully cooperative in the spirit of examining the facts relating to it. And my own impressions are that, like many things in life, things appear to be obvious to many people and not obvious to those that are closely related to the information, so I wanted to have that on the record.

The WITNESS. I think I was in the middle of an answer, but I'm not sure.

Mr. BENNETT. Can you read his answer back?

[The reporter read back as requested.]

The WITNESS. For the record, I hate when you read them back. I realize how many times I stop in midsentence.

It was in connection with the threat of a contempt proceeding that we engaged in lengthy discussions. It was in that vein that we had said to the Majority and to the Minority that, to review your concerns, we wanted to know about them, that we would provide you the materials you wanted or continue to. In fact, we did provide to you those materials, and that, as we discovered materials, that we would continue to, you know—we would continue to look, and as we discovered materials, we would produce them. But it was in that vein that I suspect the request came to certify, and it was in that vein that Mr. Ruff would have written this letter.

EXAMINATION BY MR. BENNETT:

Question. Then showing you Exhibit 11.

[Breuer Deposition Exhibit No. 11 was marked for identification.]

The WITNESS. Can we take a 30-second break?

Mr. BENNETT. Sure.

[Recess.]

EXAMINATION BY MR. BENNETT:

Question. Directing your attention to the Exhibit 11, which is the letter of September 11 from Mr. Ruff to Chairman Burton.

Answer. Yes.

Question. Suffice it to say that—well, maybe you can characterize it. I don't want to characterize it. What does the letter represent in terms of the continuing dialogue, which is now after the certification letter by some 2½ months?

Answer. I haven't read this letter in some time, but——

Question. If you want to take a minute to review it——

Answer. But I think I know what it is.

Mr. LYNCH. Dick, would it be helpful to have the September 2 letter?

Mr. BENNETT. It might, Mark, and I don't have it right in front of me, quite frankly. We don't need to go into the details of the matter, I'm just trying to get over the——

EXAMINATION BY MR. BENNETT:

Question. I think it's clear for the record, and correct me if I'm wrong, Mr. Breuer, the September 11 letter is a response by Mr. Ruff to Chairman Burton with respect to the issue of continued production; is that basically correct?

Answer. I think that is basically correct.

Question. If you want to take a second to look at the Exhibit 11, September 11 letter then.

Answer. I'll just be one more moment.

Question. Okay. Take your time.

Answer. Mr. Bennett, I haven't read the entire document, but let me give you my best of what this is. There are certain—the breadth of the requests that we have received from various bodies has required us to go back and continue to look for responsive materials. And, indeed, I had asked some lawyers, despite the press of time, to go back, even in offices where we have received materials, independently, frankly, and to go back, yet again, and double-check.

So I had one lawyer, for instance, to go back and review briefing papers, because if you look through computer database or you look at one point of time, and you may not have the proper context, you may go back and look at briefing papers

again. So at some point I or Mr. Ruff, I don't remember, but I tasked at least one lawyer when things calmed down a little to just go back again and go through all the briefing papers, because you hear about a new event or a new event comes up in the news, and you realize you didn't have that focus earlier on. That was one of the exercises that we had someone do independently, where we ourselves took over the search—do you want me to wait?

Question. Go ahead.

Answer. So that—so that—and I think that, for instance, where Mr. Ruff talks about the Presidential diarist, it was us going back yet again. And I think Mr. Ruff says in this letter, what I thought, that when he certified, he said that that was everything as best as we knew at that time, but we would keep going back.

Electronic messages, as you know, the White House, for the most part, has the same e-mail system that we—that was adopted from the Bush administration, and during the Bush administration there was civil litigation, Armstrong litigation, to enable the administration to reconstruct its e-mails, which it had not done, and which it had not been producing in the Bush administration.

We are producing e-mails, but it's a very laborious process, both very costly and very time-consuming. Indeed, we only were able, I think, to produce—and my dates may not be exactly right—e-mails as far back as June of '94 only became physically possible, as I understand it, to reconstruct, review, and produce in approximately July of this year. And that's a—it costs literally hundreds of thousands of dollars, as I understand it. It's very laborious, not that I pretend to have firsthand knowledge of how it's done. That's why we produced you the e-mails as we did.

Phone logs for people at the White House who maintain them are kept for the most part separately in what's called the Office of Records Management. Typically when we get a search from you, given that there are millions of documents in the Office of Records Management, the Office, which is very good with career civil servants, will do index checks to see where are responsive materials. But with phone logs, you really can't do that because it's the most laborious process. You literally have to go through every page of someone's phone log, particularly if you have the cutouts where you might have four—I don't know if you know what I'm referring to, but you might have four phone logs on a piece of paper. And it literally requires a manual search where someone looks at every single piece of paper. And there are very many phone logs, and this committee and others were very interested in the phone logs of many people.

I suspect, and the letter references it, that at some point this would have been one of the examples we gave with one of the really truly remarkable tasks that has to be undertaken to comply with the subpoenas, and that it was going to take a long time. But, nonetheless, we did it. And I think we—I don't remember exactly when—we're pretty up front about that task.

The Vice President's Office tends, for the most part, to work a little bit independently. I think just historically Vice Presidents and Presidents have been working. So though we had been involved, the Vice President, too, had been continued to review materials.

And I think that that—and the reference here, frankly, are materials that we had only recently received. As you know, Senator Thompson has had hearings, and in the due course—in the course of that, we would receive materials from outside entities, or we might receive them, but at the time we had initially produced documents we did not have.

We produced those to you after we got them. Though an argument, I think, can be made they weren't in our custody and control, we didn't need to, I think the law suggested that—there is a lot of division in the law, and we did do that.

The McLarty and Trie, I think, are fairly syncretic examples. I don't I don't think I need to go into them. I think it, you know, speaks for itself.

So I think, in general, this was another attempt to go back and as best we could to provide to you materials. I want to be clear here that—that this is a sincere attempt, not a perfect attempt, but sincere attempt, to identify materials and get them to you. And in the course of time, you know, the more time we have, the more we can do. But e-mails and the phone logs are the two vaguest examples, plus the exercise that I had a couple of the lawyers undertake really the essence, I think, of what this letter was about.

Question. And Mr. Ruff in his letter notes that he has revisited various offices to search for responsive documents. And he's even quoted as saying he's informed staff to let him know of, quote, any documents that had been overlooked. Do you know how he informed the staff of that? Did he send a memorandum out?

Answer. No. I think—I don't think he did. I think that was the exercise of me having various lawyers, or Chuck and I asking the lawyers to go to the offices that we identified in particular as the ones that would have the most likely responsive

materials, such as the briefing papers of the President, the schedules of the President, the real essence of what the production is, aside from the, you know—an office that may have one or two documents, and really, instead of just sending a memo, really going in and trying to see what else there might be. I think that that was the exercise he's referencing here.

Question. Let me ask you this: In terms of this continuing exercise that you speak about, why would it be that other lawyers were not aware of the videotape request? Apart from the matter of WHCA and much of the discussion that was held with the Senate in public testimony 2 days ago, why were other lawyers not aware of the videotape request?

Answer. I can't obviously speak to what's in other people's state of mind. I can tell you that I've never seen video cameras when I've been with the President, and I've been with him as frequently as others. But I think for one, it isn't that obvious. I mean, I think somebody in the committee said that, indeed, the commander of WAMO and the commander of WHCA themselves weren't aware of the videotaping of coffees. I simply wasn't aware of the videotaping. Surely the lawyers who worked with me, I suspect, were not aware. I don't think it's really all that obvious, and if you were in the White House, I think that would probably become evident.

Question. Well, I guess——

Answer. With respect——

Question. I'm sorry. Go ahead.

Answer. But I will say to you, it is clear, I want to be up front that early on in the process when we identified offices like the political office or the public liaison, I'm giving just examples, that I certainly didn't think the White House Military Office, which runs the Mess and all these other things, that that's an office that we ought to really focus in on.

Question. Just with respect to you, in terms of your lack of awareness of the videotapes, you yourself don't travel with the President that frequently, I gather?

Answer. I never travel with the President.

Question. And you yourself do not attend many social events with the President?

Answer. I have attended a social event with the President.

Question. And you yourself never attended any political coffees? You weren't there in the election season of '96?

Answer. That's correct. I was not.

Question. And just so I understand it, from your perspective, if you had been so privileged, then the matter of videotapes might have been in your mind-set because you would have been there, but you have not been so privileged, so you wouldn't have any knowledge of that?

Answer. Right. But let me be clear about one thing. As has been reported, much to my wife's chagrin, because she's a private person, I did take my family to a radio address recently. The only reason I point it out is that may or may not have been videotaped. I actually didn't notice it at the time, you know, whether it may have been or not. So it's not clear to me even if I had, I would have noticed it. But, you're right, I have not been privy to any of those kinds of events.

Question. Again, following up on what you have just said, if you had been—for example, if you had been in a receiving line with the President, or meeting people or whatever, and that type of social event with cameras being present and videotaping, then you would have had a different mind-set with respect to these matters; but you were not so privy to that or involved, so you didn't have that on your radar screen, so to speak? Is that basically what you're saying?

Answer. Yes and no. I mean, you're right, I wasn't a part of it. I can say, you know, hindsight is 20/20. You know, as you know, Mr. Bennett, the document requests that one gets, or subpoenas, define documents in very many ways. And I can't tell you that no matter how many of the events I would have been involved in, that I would have thought to myself one of the many definitions is videotapes, and I have been with the President at one of these kinds of events, and there were TV cameras. I don't think human nature is necessarily like that. Clearly, I didn't have the opportunity, so I clearly didn't, but I'm not even sure if I had the opportunity that I would have.

Question. I guess my question to you is on the subpoena, March 4 subpoena, Exhibit 4 that we discussed——

Answer. Right.

Question. That right on the very first page, very first paragraph that you previously testified to earlier this morning, there's not one, but two different references to audio and videotaping?

Answer. Right.

Question. And the point is that if you had been so privy to those events, clearly, when you read the subpoena for the first time, you would have been aware that

there was videotaping; but you yourself were not at those events, so you would not have been aware?

Answer. Right. I wasn't aware, so you're correct, I wasn't aware. I don't want to be saying I'm so special here. I don't know if I had been privy if I would have thought of it, because when you look at a subpoena, you look at the entire subpoena, and there are so many different references to documents. And, frankly, I don't know, it's quite likely that I wouldn't have thought of it.

Question. You don't know.

Answer. That's not my mind-set.

Question. And in terms of that answer, it is perfectly possible that you might have thought of it because you have said, ah, I was there, and I recall videotapes.

Answer. It's possible I might have; perhaps even more likely, in fact, that I would not have.

Question. Directing your attention to—well, let me pick up one other thing. I'm sorry.

Answer. Sure.

Question. The matter of the Presidential diaries, we're talking about the matter of compliance with this committee's subpoena——

Answer. Right.

Question. And we're talking about the matter of Presidential diaries, the daily recordings or musings of the President, whatever, however you define it.

Answer. They're clearly not that. I want to be clear. There's nothing about musings. Whether "diary" is a misnomer or not, I don't want to debate. But there is nothing—the person who is a diarist has no contact with the President as far as I know, works in the Old Executive Office Building. There are no musings or thinkings. It is simply what is on her computer, as I understand it. I have never had access myself, but as I understand, what is on her computer is a filing to—virtually an index that has enabled us to give the core source materials, I think approximately a thousand or so, that we've actually produced. That's my understanding of what she has.

Question. When was the matter of the Presidential diarist discovered?

Answer. Well——

Mr. MCLAUGHLIN. Let me just interrupt and interject my usual objection. This was covered quite thoroughly in the public hearings 2 days ago not only by Mr. Breuer, but also by Mr. Ruff and Mr. Imbroscio. Furthermore, I just want to note just in passing that the word "diarist" appears on page 2 of Exhibit 11, which is a letter sent September 11, and make it quite clear that diarist records have been turned over to this committee during the August production.

Mr. BENNETT. Your objection is noted, Mr. McLaughlin.

EXAMINATION BY MR. BENNETT:

Question. Mr. Breuer, I'll make sure I finish in the next 7 minutes for your noon appointment. But I'll——

Answer. Okay. And I can——

Question. I can't represent that I've reviewed all of your tapes, and I apologize if this has been repetitive. I've made every effort not to duplicate, but on this particular issue I'm not privy to all the facts.

Answer. And I can go a little after noon.

Question. Thank you.

Answer. I think the committee and others have, in fact, known about the existence of the diarist, because I think we've been producing materials to you from the start from the diarist. Those documents are the very documents that we've given you and I think—I think, I don't have them in front of me, would be reflected in production logs and others. So there is no mystery about that at all.

There are many data, there are many sort of computer-generated finding tools in any institution. When we have attempted, or paralegals or others have attempted, to find responsive materials to you, one of the ways of doing that is to ask the diarist if they can look at the computer. By looking at the computer, you can find out that a document or material exists and then try to get it for you.

So that's been an ongoing process. I think what happened is the Senate inquired about the actual what's on the computer, on the database. And I think that the Chairman thought, and I think mistakenly, that, in fact, this did contain the musings of the President. Indeed, it doesn't. There's—everything that's in the computer is simply duplicative—not even duplicative, but references, as I understand, the source materials that you all have. And that's, I think, what we're talking about here, to the best of my understanding.

Question. Thank you. I appreciate that. That only took a few minutes, and I appreciate that. And for the record, I have not had an opportunity to review all of your transcript of your testimony.

Answer. I hope you don't have to for your sake.

Question. With respect to the events now in August—just to wind up a little bit this morning, and we'll pick up again, for the record, by agreement of counsel and Mr. Breuer at 3 o'clock this afternoon—in terms of, directing your attention to August of 1997 and the matter of the existence of videotapes, I'll show you Exhibit 12.

[Breuer Deposition Exhibit No. 12 was marked for identification.]

The WITNESS. Thank you.

EXAMINATION BY MR. BENNETT:

Question. This is a matter, obviously, Mr. Breuer, that was addressed by the Senate in its deposition and in your public testimony. And we're not going to attempt to belabor many points, but it obviously relates to our subpoena of the House of Representatives as well, and that's why I need to inquire as to this. Directing your attention to Exhibit 12, that is a letter to you from Donald Bucklin, Majority counsel for the Committee on Governmental Affairs in the United States Senate; is that correct?

Answer. It is correct.

Question. And Mr. Bucklin addresses the meeting held on August 7th with respect to information that the Senate had received as to audio and visual support to the President. Do you see that there?

Answer. He references, just so it's clear, and I have said it, but I would like to say it again, I had actually called that meeting, because we received a subpoena from the Senate, and it was a very overencompassing subpoena. And I, in fact, in that meeting stated that I wanted to figure out what we should—what they wanted first, prioritize the requests of the Senate.

I also said at that meeting, coincidentally, I guess I had some ability at forecasting the future, that it would occur again that materials that were responsive to different committees would be discovered, and that, in the highly politically charged nature that we're in, whatever documents they were would become the cause celebre, and we would all find reasons, or those who want to find reasons would find reasons, why—if there's anything particularly special about the belatedly found material. But there was nothing we could do.

And I also said, and I explained the circumstances surrounding the Ng Lap Seng discovery, and Mr. Bucklin indeed said, had I had the opportunity to explain that, that a lot of the public commotion, in his view, would have been unnecessary.

Throughout that meeting Mr. Bucklin never raised any issue about taping or—he only did that after the meeting with Mr. Imbroscio. So I want to be clear, when it says at the meeting, it didn't occur at the meeting. It occurred after the meeting had ended.

Question. Again, not trying to repeat your Senate testimony, but to make sure we're clear on this, the matter of the August 7th discussion is between Mr. Bucklin and Mr. Imbroscio, correct?

Answer. Exactly. That's my point. Just the two of them.

Question. And exactly when did Mr. Imbroscio make you aware of the discussion held with Mr. Bucklin where the issue of videotapes had come up?

Answer. Well, I actually think, to the best I recall, Mr. Imbroscio and I had a discussion within a day or 2. But I think the focus of our discussion was that Mr. Bucklin thought there was secret taping in the Oval Office. That is the best of my memory. That is clearly the focus, as I took it, from what Mr. Imbroscio told me of what Mr. Bucklin was concerned about at that time. But it would have been within a day or 2 of the August 7 discussion between Bucklin and Imbroscio.

Question. So sometime, let's say, by August 9th, I believe is what you previously represented—if I'm misstating it, correct me—sometime between August 7th and August 10th, I think you said in your Senate deposition testimony, you became aware of an inquiry with respect to taping by Bucklin?

Answer. Yes. And the focus became secret taping. And my sense it would have been audiotaping; but secret taping, more likely audiotaping, in the Oval Office.

Question. And you'll note that Mr. Bucklin's letter talks about routine—not necessarily secret taping, but routine taping. I think you just indicated that you thought there might have been some inquiry as to secret taping. In fact, his letter—again, I know that you weren't privy to his conversation with Mr. Imbroscio, but his letter of August 19th addresses what he would define as routine audio and visual support, not secret taping.

Answer. Well, I don't take routine as not consistent with secret. I mean, I actually—it may well have been what Mr. Bucklin was concerned about is whether there was routine secret taping. That—the operative word to me wasn't "routine" versus "extraordinary," but, rather, that there was some sort of secret taping system in the Oval Office. So I don't take this reference to be in any way different or inconsistent, from my understanding, with Mr.—from what Mr. Imbroscio told me.

Mr. BENNETT. Well, why don't we—it's noon. And we are—in light of the fact we're going to come back at 3:00, and I promised you could get to the children's Halloween party, why don't we stop promptly at noon so you get out of here, and start promptly at 3 o'clock.

Mr. LYNCH. Fine.

Mr. MCLAUGHLIN. Let me make it clear, I have a 6 o'clock flight. If I leave here at 5——

Mr. BENNETT. We will be finished by 5 o'clock.

Mr. LYNCH. We have to leave here by 5 o'clock.

Mr. MCLAUGHLIN. I would rather err a little light now or a little early before 3 to——

Mr. BENNETT. I think we will be fine.

[Discussion off the record.]

Mr. BENNETT. And I just want the record to reflect, Mr. Breuer, I appreciate the depth of the discussion as far as you recall at our meeting on Friday morning, October the 10th, at which Mr. Ballen was present. Our concern is—I think you well understand, is not just the matter of these White House videotapes, but the whole matter of compliance with the subpoenas of this committee, past, present, future, and I appreciate your candor thus far.

The WITNESS. And I want you to really know that I'm taking your questions very seriously.

Mr. BENNETT. I know.

The WITNESS. And giving you as full answers as I can.

Mr. BENNETT. I know. Thank you.

[Whereupon the deposition recessed to reconvene at 3 p.m. this same day.]

Mr. BENNETT. Okay. I think where we were——

Mr. MCLAUGHLIN. Are we going back on the record now?

Mr. BENNETT. Yeah.

Mr. MCLAUGHLIN. I just want to make one note. Mr. Kanjorski asked me to mention this.

Mr. Bennett, you've already graciously apologized to Mr. Breuer for the TV camera out front. I want to do the same and just note that I hope that it isn't going to be a practice for the committee to be notifying the media when people are giving depositions.

So far in my experience two TV cameras have shown up in this whole process, and it's both been times when a White House counsel person has shown. That's either remarkable sleuthing, or somebody somewhere along the line is giving the media a heads-up. On behalf of the Minority, I apologize for the camera.

Mr. BENNETT. In all candor, Mr. Breuer, I'm not sure where it came from. I can't tell you that it did not come from someone on the Majority staff. I just don't know. I know that there wasn't an announcement so a whole flock of media is there. But certainly there is one media crew out there in the hall. I think they're from—someone said they're from CBS is what I heard. I don't know whether they are or not.

So I feel badly they're out there. I don't know whether our staff was responsible for that leak or not, but if it was clearly an announcement, we would have far more than just one TV camera out in the hall, I suspect.

EXAMINATION BY MR. BENNETT:

Question. Okay. I think where we were is the matter of the events of August 19. And I think if you want to take Exhibit 12 and look at that exhibit in front of you.

Answer. Okay.

Question. For the record, Mr. James Wilson, the Majority counsel, is also here for a portion of your deposition—is here in the room.

Directing your attention to August of 1997—if I am mistaken, correct me—I believe where we were, Mr. Breuer, when we took the break at lunchtime was that sometime during the period of August 7 to August 10, 1997, Mr. Michael Imbroscio advised you of the conversation you had with Donald Bucklin, Majority Counsel for the United States Senate Committee on Governmental Affairs, with respect to an inquiry as to routine audio and visual support on some inquiry which is made. Is that basically correct? Is that the time period?

Answer. That is the time period. And as I think I said at lunchtime, it's my recollection that, essentially, Mr. Imbroscio mentioned to me that Mr. Bucklin had inquired about secret taping—whether audio, visual, I don't recall—but secret taping in the Oval Office.

Question. And did you undertake to determine whether or not there had been any such secret taping?

Answer. Well, I told Michael Imbroscio that he should look into that. And, indeed, he proceeded to do that.

Question. Did you yourself make any inquiry, or did you speak with Mr. Ruff or Ms. Mills or anyone else regarding that matter?

Answer. I did not. I—well, I did not. I did speak with Mr. Ruff at some point within a week or so. I don't really recall exactly.

Question. Within a week of August 7th?

Answer. Exactly. Mr. Imbroscio and Mr. Ruff and I had a meeting where we're talking, as I recall, about a variety of issues. This was one of them. That would have occurred prior to the time of this letter.

Question. The time of the letter being August 19th?

Answer. The 19th, that's right. And at that time as well, Michael researched the fact that Mr. Bucklin had raised the issue of secret taping at the White House, and we all agreed that Michael would look into it. I personally did not look into it.

Question. When you say we all agreed——

Answer. Mr. Ruff and I.

Question. Sometime prior—in terms of a discussion, who—who were the attorneys who discussed this with Mr. Imbroscio in terms of the inquiry and the interpretation of whether or not there had been secret taping or not?

Answer. To put it in context, when we say "discussion," there wouldn't have been a lengthy discussion, given the volume of requests we receive. The first time that Michael came to my office and mentioned this, I told him I thought he should look into it. Then, again, within a week or so of the 7th, when Michael and I were with Mr. Ruff, among the issues discussed, Michael mentioned the fact that Mr. Bucklin had made this inquiry of him. And, once again, with Mr. Ruff there, the three of us agreed that Michael should look into this matter.

Question. And with respect to inquiring as to the matter in terms of secret taping, you and Mr. Ruff and Mr. Imbroscio had all arrived in February of this year, correct?

Answer. That's correct, yes.

Question. And so——

Answer. Well, Mr. Imbroscio, I think, started in March, to be literal.

Question. Suffice it to say, all of you, the three of you mentioned thus far, were still, say, within your first 6 months of working at the White House; is that correct?

Answer. Right. I think that's right.

Question. Did you make any effort or were any efforts made—and again whether you were involved personally or have knowledge of or your impression with respect to discussions with people who were more experienced during the White House, had been there a longer period of time?

Answer. I certainly have no firsthand knowledge of that at all.

Question. When you say you have no firsthand knowledge, you weren't present?

Answer. I wasn't present.

Question. Is it your understanding that someone might have made that effort?

Answer. I think what Mr. Imbroscio did actually was, on his own, tried to identify the appropriate agency or unit that was in charge of taping. And I learned that it was WHCA and proceeded from there. And again, that's secondhand. Obviously, Mr. Imbroscio has not testified to that in a public forum.

I'm not aware of Mr. Imbroscio speaking to various individuals about this issue. I think he just attempted to identify the source and went from there.

Question. I guess my question to you is that in light of personnel who were more experienced there, who had been there a longer period of time, it seems to me it would be logical, particularly in light of the proximity of offices, for someone to ask, is there such a thing as secret taping here at the White House?

Wouldn't you think that would be a logical thing for you or Mr. Ruff to ask?

Answer. Well, it would certainly be logical for us to do various things. Yeah, I think it is logical for us to do what I typically do when I get an inquiry of this sort, which is, I assign it to a lawyer, and frankly, I don't do anything more with it until the lawyer gets back to me. I tend to field a lot of inquiries.

Perhaps, in all candor, if you called me directly and said, Lanny, I really need you to get back to me on X, Y and Z, I might do it. More often than not, in all candor, what I do is, I have one of the lawyers or even a paralegal check into something, depending on the issue. More often than not, then they get back to me.

With respect to the Senate, in fact, this has been publicly testified, I had agreed to have Michael have an ongoing discussion dialogue with Mr. Bucklin. So it wouldn't, in that situation, at all be likely that, once Mr. Imbroscio was in charge, that I would start calling up.

Question. I think you testified earlier as to meetings that you and Mr. Ruff and the entire team——

Answer. Right.

Question. Of Karen Popp, Shelly Peterson, Cheryl Mills, Buzz Waitzkin, the entire team of people who would have meetings on matters——

Answer. Right.

Question. Correct?

Answer. Yes.

Question. There were such meetings?

Answer. There were such meetings on occasion.

Question. And I'm asking in terms of this particular matter——

Answer. Right.

Question. You've indicated that you recall—specifically recall, just the three of you—Mr. Imbroscio, Mr. Ruff and you—meeting on this matter. And I'm inquiring as to why there would not, to your recollection, have been a more general discussion, so you understand the nature of my question.

Answer. I understand. I do.

Question. It seems like it's not a minor manner. If someone said there was clandestine taping in the offices of the House of Representatives, to me, I would be wanting to know right away what they're talking about.

Answer. Well, putting it in context, I took that request to be a little off the wall. And I don't mean any disrespect; I just thought that there was virtually no likelihood at all that there was secret taping in the White House, in the Oval Office. And in the—and in the context of the requests we receive and given the fact that there were hearings about to begin again, which takes a fair bit of my time, there are various inquiries of the Vice President, the President, as has been publicly been disclosed, various actions of the Independent Counsel and various other requests, this particular request, in fact, did not seem of such moment.

Indeed, I think that when Mr. Imbroscio and I were meeting with Mr. Ruff, this was a minor issue. We were, I suspect, discussing more one of the issues that Mr. Imbroscio deals with having absolutely nothing to do with it this at all, we were exploring that. And then we followed on with Mr. Imbroscio referencing this.

In the meetings that we have, for the most part, it's not as if we run through every request. That's not what the meetings are. It's not as if we go through with Mr. Ruff every single request and go through them. I will, on occasion, have status reports where people will tell me, if you're in charge of this subpoena, you're in charge of this request, you'll let me know where you are. But it is not the practice that we go through all the correspondence en masse or at least with my lawyers and everybody starts talking about each of the requests. That's not the typical practice.

Question. Again, my question to you is this, precisely on the matter of steps taken. You have indicated that as—that the request of Bucklin wasn't so much we think they're—given what you have said was your impression, and if I'm putting words in your mouth, correct me if I'm wrong——

Answer. I will.

Question. I thought you said—this morning you said it wasn't a matter that someone said, oh, by the way, I think there are videotapes of political functions at the White House. Someone was talking about what you interpret to be "clandestine"—I think was your word, your phrase—taping.

I guess my question to you is, in light of that interpretation that you gave it—and as you say this afternoon, you thought it was a little bit off the wall—I'm wondering why you would not have wanted to bring all the lawyers in to discuss a matter which could have certain implications, you know——

Answer. I think.

Question. Particularly lawyers who are more experienced as opposed to people who had only been there a few months?

Answer. I think the answer is—in fact, I know the answer is that, in the scheme of the requests we got, this one just didn't rise to the top. Mr. Bucklin himself—at least my impression is, after speaking with Mr. Imbroscio, Mr. Bucklin himself thought the request was off the wall. Now, again, we're separating the oral discussion between Mr. Bucklin—I want to be precise here—and Mr. Imbroscio on the 7th with the subsequent letter on the 9th.

Question. I understand.

Answer. Just so we're clear.

With respect to that, in all candor, I thought that the odds of it were 99.9 percent it didn't happen. Frankly, I think Chuck Ruff had the exact same impression from his facial expression when he heard for the first time this inquiry.

As you can imagine, we sometimes get, and I don't mean it disrespectfully, other off-the-wall requests, and I don't really get everybody involved in a long discussion about off-the-wall requests; that's not my practice.

Now, I'm not suggesting to you that a perfectly reasonable approach may not have been to talk to other people to find out about it. I don't think, in that particular case, that Mr. Imbroscio—well, I didn't do any more about it, because I have utter confidence in Michael, utter confidence. He's an exceptionally talented young lawyer. He's very good at getting to the bottom of things.

He was handling a lot of matters; this was one of them. I left it to him. I knew he would get back to me, and proceeded to do what, in fact, without 20/20 hindsight, I think is a very reasonable thing, which is to try to figure out who's responsible and to talk to those people.

Question. Let me ask you this, then. Let's move up then when you get the letter of August 19th, continuing with the chronology, I think you're talking about the time frame—I think you just mentioned the time frame up to getting the letter, the letter of August 19th from Mr. Bucklin, as reflected by Exhibit 12. There is the reminder or the comment by Mr. Bucklin as to the discussion with Mr. Imbroscio, and there, it's with more specificity. And that says, it is not a matter of, you know, interpreting clandestine taping; it's with more specificity, routine audio and visual support and reference to the White House Communications Agency having this information.

Now, once you receive this letter, I gather you were able to give Mr. Imbroscio a little greater definition of how he might undertake to follow up on this?

Answer. Well, actually, I would say that this letter is a broader request. I wouldn't call it more specific.

Question. Fine.

Answer. I actually would call it a broader request, at least, as I had understood the discussion between Mr. Bucklin and Mr. Imbroscio.

I don't have a very—in fact, I don't have a specific recollection at all of a discussion with Mr. Imbroscio once I got this letter, though I'm confident that when we got this letter, that I spoke to Mr. Imbroscio. I think Mr. Imbroscio stated publicly that he was a little disappointed in getting this letter so quickly, because he had been handling a lot of the requests from Mr. Bucklin; and I suspect that I asked Michael if he was going to pursue it. And I suspect—I don't have a specific memory, but I'm doing my best as your instructions in the beginning were—I suspect that Michael informed me that he was pursuing this.

I don't think, having said this, that I would have said to him now, I want you to do things differently. I'm quite confident that he would have, and indeed he did, contact WHCA.

Question. Before I get to the content of the letter, during the time period up until the letter, which I think really zeros in on the matter of the White House Communications Agency, did you ever inquire of any individuals, or the President, in terms of whether or not there is any such clandestine taping?

Answer. I did not. I never speak to the President about discovery requests at all.

Question. Do you know if anybody else did?

Answer. I'm quite confident nobody else did. But I only have firsthand knowledge, of course, of what I did. And certainly no one in my presence ever did, and I suspect no one did.

Question. When you received the letter of August 19th, Exhibit 12, again in terms of Mr. Imbroscio's steps to be taken, the clear stating of the White House Communications Agency, as far as you were concerned, would prompt Mr. Imbroscio to contact the White House Communications Agency and to determine if that information was present?

Answer. And, Mr. Bennett, I think he did. I think—the one thing that I tried to make clear during the hearing, I think what's very important, in fairness, is, we now all look at this document in isolation, and we act as if in the White House that's all people were dealing with. Indeed, at the time that we got this letter, we were really getting very many requests, particularly from the Senate.

We had just received a subpoena from the Senate. The Chairman had very publicly stated——

Question. There were no hearings in August, right?

Answer. There were no hearings in August, but we had just received—we had just ended the hearings. The Chairman had just given us a large subpoena and had stated to the Nation that he expected that we produce the materials.

Question. Chairman Thompson?

Answer. Chairman Thompson, exactly. Chairman Thompson stated very clearly that we respond very quickly and get him the materials responsive to the subpoena. Indeed, the very purpose of the meeting on August 7th that I had called in my office with Mr. Bucklin and with the Minority Counsel in the Senate was to address the issues that were contained in the subpoena. That was clearly the focus of us. And indeed, I think, in fairness, that was the focus of the Senate; and indeed that was the focus of Mr. Bucklin while, in addition, Mr. Bucklin and others were making numerous other formal and informal requests.

So when Mr. Imbroscio received this, he in fact, I think, did do the kinds of things that you're suggesting, that it would be unfair to say that this was the only thing on his or other people's plates. So that, in part, explains the period of time between the 7th and what—until he gives the status report to Mr.——

Question. Well, I'm getting to the period—I'm sorry.

Answer. Bucklin on September 19th.

I think you've probably deposed Mr. Imbroscio and know this probably better than I at this point, or someone on the committee.

Question. My question is on Exhibit 12. This letter of August the 19th from Mr. Bucklin is more than the matter of just actually giving some definition to the matter of taping by the White House Communications Agency or the possibility of it. Because there, the specific request is identical to the request made by Congressman Burton and his letter in mid-January, as reflected by Exhibit 3, which you have in front of you if you want to review it, in that there—it's indicated to you that Senator Thompson wants the same kind of certification of compliance that was provided to Congressman Burton.

Answer. I'm—I apologize.

Question. If you want to look at the list——

Answer. I lost you.

Question. Look at the last paragraph, the last paragraph of Exhibit 12——

Answer. Okay.

Question. The letter to you——

Answer. Right.

Question. From Mr. Bucklin makes reference to your having "assured Mike Madigan, Mark Tips, Majority Counsel for the Senate, and me," Mr. Bucklin, "that a certification similar to that provided Congressman Burton would be provided," and similar to the certification as reflected in the exhibits here for this deposition.

Do you see where it says that?

Answer. I do see that.

Question. And there's specific reference to "certification similar to that provided"—there was actually a reference to Congressman Burton here. This was not just a letter to be lost among many letters. Here the Senate was now asking for the same type of certification that the House had required and, you know, Mr. Ruff had very carefully provided that type of certification in June of 1997, as reflected by one of the exhibits here. I'm not sure what the number is. It's one of the first 12 exhibits.

For the record Mr. Bob Dold, Majority Counsel, has arrived. It's D-O-L-D, not D-O-L-E.

The WITNESS. I was going to say, he looks great.

Mr. BENNETT. Off the record for one second.

[Discussion off the record.]

Question. Back on the record.

Answer. I don't think, Mr. Bennett, that if you were sitting in my chair, that that characterization is a fair one. I don't think the fact that there is a reference to a certification made this letter one of particular import. I think we treat the letters and the requests we get, or at least I do, quite seriously. But indeed, Mr. Bucklin and others had asked for a certification, and indeed, in the dynamic I experienced in the White House, there is a great amount, if not—I won't call it jealousy, but concern between the two bodies about who we were spending more time concentrating on; and the Senate was very concerned at different points about the amount of attention and timeliness with which we were providing materials at one point to you as opposed to them.

So this idea of the certification was, in fact, something that had been bantered about. But the reference here did not suddenly—and I take it very seriously, certification, but it wasn't as if this was the only reference to it. And frankly, in the reading of the letter, until you have just now mentioned the certification, I never really focused on it; and indeed, I don't think Mr. Bucklin or Mr. Madigan or others have. Because we've talked about this letter, as you know, both publicly in the hearings, I believe, and in the depositions.

So I want to be clear, you're absolutely right, it's a reference. This wasn't the only reference, as I used the term before. It was sort of a dynamic process. They would

make requests of us; I would want to get back. It was hard to make a certification, particularly at that point, to them, given the flurry of activity, the number of subpoenas and requests we were getting.

So despite the requests, I don't want you to think that that, in and of itself, made this letter more than the kind of letter that I was receiving on quite a frequent basis from the Senate and, in addition, a number of other investigatory bodies.

Question. Now, in terms of this letter, Exhibit 12, the August 19th letter, and the reference to the White House Communications Agency, and with respect to any impression you had about an allegation of clandestine taping, up until that letter, it is my understanding that you never at any point in time ever spoke with any other lawyers at the White House concerning the potentiality of such a videotape.

Answer. I have no recollection at all of speaking with anyone else about this request, other than Mr. Imbroscio and Mr. Ruff.

I want to be clear here. I'm not definitively saying, it's impossible. I have absolutely no recollection, and indeed, I made no personal fact-finding mission. My involvement was literally tasking Mr. Imbroscio. And I recall, frankly, only speaking with him about it within a day or two after the 7th and again sometime about a week later. And then maybe at some point after that, he gave me some sort of a status report, but I don't have any specific recollection of that.

Question. Do you recall specifically whether or not you would have spoken in any general context, in any way, with Bruce Lindsey at the White House concerning this?

Answer. I'm positive I did not. I frankly don't speak very frequently with Mr. Lindsey; and I'm positive——

Question. Where is Mr. Lindsey's office in relation to Mr. Ruff's?

Answer. If, well, Mr.—Mr. Ruff's office is in one end of the second floor and Mr. Lindsey's is literally on the very opposite end of the floor—on that floor. When you get off the elevator, Mr. Ruff is all the way to the right, and Mr. Lindsey would be all the way to the left.

Question. With respect to Cheryl Mills, her office is, in fact, right next to Mr. Ruff's?

Answer. That's what I said to you earlier. That's right.

Question. And with respect to Ms. Mills, do you have specific recollection that you did not speak to Ms. Mills at any point in time concerning the inquiry as to the taping?

Answer. I do. As best as I can remember, I have a very specific recollection. If not, obviously this has become an issue, so I've thought about it pretty hard. I do, because frankly I wasn't making an inquiry of anybody about it.

The only conversation I remember having specifically about the videotapes until their discovery was the discussion with Mr. Ruff, Mr. Imbroscio approximately a week later. In fact, I don't think I had a specific conversation with anybody about the videotapes until October 1 in the evening when Mike Imbroscio came to my office.

Question. Do you have any knowledge as to whether or not Mr. Ruff would ever have spoken with Ms. Mills concerning videotape?

Answer. I—it is virtually inconceivable to me for the same reason. It's inconceivable to me that Mr. Ruff would have taken this request among the many, knowing that——

Question. This meaning the August 19th letter?

Answer. Exactly, the request encompassed by August 19th. It's inconceivable that Mr. Ruff, given all of his responsibilities, would have, on his own, endeavored to make a factual inquiry of this, given Michael Imbroscio was handling it. I can't imagine that would have occurred.

Question. Do you know whether or not—do you have any personal knowledge as to whether or not Mr. Imbroscio ever spoke with Ms. Mills or anyone else at the White House?

Answer. I believe Mr. Imbroscio told me he had not, but I don't have any personal knowledge apart from that. It's my understanding that he did not speak to her about that.

Question. Now, just—as I understand it, then, after you received this letter of August the 19th, 1997, you had no further—and you spoke with Mr. Imbroscio about it and tasked him with looking into the matter.

I gather, then you had no further conversations with anyone on this matter having to do with the videotapes or the White House Communications Agency until October 1?

Answer. He—it is certainly conceivable, as I hope I said just a moment ago, and perhaps likely, though I don't recall, that at some point Mr. Imbroscio, who had come into my office fairly routinely, as with the other lawyers—given my style, I

have a pretty open door—that among the issues he might have said something like, I talked to the WHCA people, or he might have given me a 2-minute status report.

I don't specifically remember that, but I don't want to say that it did not occur, that between the week after August 19th and October 1 that there was no reference. Indeed, he might have said—he might have, I don't recall—said, you know, I'm meeting with Bucklin about a variety of issues. One of the issues we are going to talk about is WHCA and what I've learned as of this day.

Question. Is it correct to say then that with the exception of possibly talking with Michael Imbroscio between August 19, 1997, and October 1, 1997, that you would have definitely not had any conversations with any other individuals concerning WHCA or videotapes?

Answer. I think that's correct. I would be shocked if I had. I really don't recall any. I think that that's a fair characterization, what you've said.

Question. And with respect to the possibility of having any conversations with Mr. Imbroscio, you don't remember the specifics of any such conversations, but you believe they may or may not have occurred during that time period; you just don't recall?

Answer. That's exactly right. And to the degree they did occur, there would have been a very brief status report.

Question. In terms of the status report, it really wouldn't be that complicated, would it, as to WHCA and that if Mr. Imbroscio talked with WHCA——

Answer. Right.

Question. Either they did or didn't talk about videotapes?

Answer. Right. And it wouldn't have been, oh, let me tell you about WHCA; it would be, I'm this far along on the phone logs, this is the story on E-mails, this is why we can't get E-mails out, there are four new press inquiries, there's this issue with—you know, Roger Tamraz or someone. I mean, that would be the most likely context in which this discussion, if it occurred, would have occurred.

Question. Directing your attention then to October 1, 1997, it is your recollection then that on October 1—Wednesday, October 1st, 1997, was the first time that you were contacted by Mr. Imbroscio in terms of the existence of videotapes?

Answer. That's right.

Question. And in fact, I believe that October the 2nd was Rosh Hashanah; is that correct?

Answer. The—yeah, the evening of October 1st is when it began——

Question. Is when it began?

Answer. And it goes to the evening of——

Question. To sundown the following day.

Answer. Right. Which is why I was rushing out.

Question. So, again I have made every effort not to repeat the Senate testimony——

Answer. That's fine.

Question. But so I'm clear on this, and I think you have to acknowledge I have a done a very good job of trying to avoid that, is that correct, I'm trying not to be redundant on this.

Answer. You've been very fine.

Question. With respect to sundown, October 1st, and then sundown October 2nd, how soon before sundown when you left the White House were you made aware by Imbroscio—I'm not sure if I'm clear on this, I'm having trouble getting a handle on this.

Answer. That's fine.

Question. The time period, as you're leaving the White House when you're advised, by the way, there are videotapes——

Answer. I'm smiling just because obviously this had come up.

Question. It's a rather hectic night, I would think.

Answer. It was. It probably is not a surprise, I don't have a very good record of getting out of the White House at a reasonable hour. And in my mind was that, given that and given that my wife has made that clear to me, I was really trying to get out for the holiday because we were going out with our children.

So I was, I think, literally packing my bag and trying to get out—and it may literally have been the earliest I've left the White House on a working day—when, as I recall, Michael Imbroscio walked in. And to the best I remember, he said something to the effect to me like, there may be videotapes of some coffees. He does not yet know.

And our conversation, in all candor, was very short. I said something to him to the effect—I clearly don't have the exact words—you know, you've got to find everything about this right away. Or you've got to find out everything about it, or figure it out, or something to that effect.

And, you know, it may well have been that other people before had talked to me about other things. But as I remember, that's about the last thing I remember doing that day. And I left.

Question. And did you talk with Mr. Ruff prior to leaving? As I understand it, you did not?

Answer. No. I talked to Mr. Ruff——

Question. You talked to Imbroscio and left?

Answer. I didn't talk to Ruff about this. I talked to Mr. Ruff repeatedly every day, as I'm sure you can imagine. Literally, I think, after talking to Imbroscio, I left and got into my car.

Question. Just so I'm clear again in terms of what I understand the record to be thus far in your Senate deposition testimony and your testimony Wednesday this week before the Senate, as you understand it, your next appearance was—in the office, was Friday morning, October the 3rd?

Answer. That's exactly right. That's the first time I'm back in the office.

Question. And during your religious observance of Rosh Hashanah, you were not in telephonic communication with the White House or speaking about this issue with——

Answer. I was on one occasion.

Question. And with whom did you speak?

Answer. I spoke to Mr. Imbroscio from my car phone, coming back from Baltimore actually at approximately—this is rough—approximately a quarter of 5:00 or 5:00. And Mr. Imbroscio told me then that there were, in fact, videotapes, which is the first time he was now telling me that there were.

Question. This is Thursday, October 2nd?

Answer. This is Thursday, October 2nd. And he told me he had spoken to Mr. Ruff about it already and that he had already contacted the Senate.

So the Senate already knew about it. And we had a very brief conversation. I think I said, well, you know, we can talk about it tomorrow or something. And I probably, after that, talked to my assistant about other unrelated issues.

Question. Your assistant being——

Answer. Brian Smith. But he was not a part of that conversation. He literally would like put me through to someone, and then I might call them back or something. And that was the extent of my conversation on this issue with Mr. Imbroscio.

Question. There has been testimony received by counsel for this committee that officials from the White House Communications Agency said that Mr. Imbroscio was upset upon this discovery, I think he said, oh, and used an expletive with sort of an "s"——

Answer. Right.

Question. When he heard about this matter.

Answer. Right.

Question. Did he express his distress either Wednesday, October 1st, or Thursday, October 2nd, to you?

Answer. Yeah. I mean, I don't remember—I mean, he didn't say, oh, expletive to me. But I think it's fair to say that he was upset. Frankly, I was upset. You know, I was not happy—and I've been public about that—that, you know, we suddenly found that something we thought did not exist that existed. It unfortunately confirmed what I had said before, which is that, at a place like the White House, given its breadth and complexity, that it would be inevitable—discoveries of materials. But we were not happy about it.

Question. I understand.

Answer. We were not happy that we were discovering it in October, as opposed to in April, which frankly would have been a lot better. Because unfortunately, once again, from my vantage point, the process becomes the subject, which I think is unfortunate, most of the substance of the issues that we all at least supposedly running to address.

Question. And again, I think consistent with what you said this morning, you had never found yourself in a similar such position—in private practice at Covington & Burling, for example.

Answer. Well, I had found myself in positions—I want to be clear—in private practice where we would think that there were not responsive materials and that we would learn subsequently there were. I was never in a position that, as a result of that, it would be in the front page of every paper in the country and wild assertions would be made, as I'm sure you know, 99.9 percent of which were completely untrue. That's the problem, that that—despite best efforts, that everything becomes a remarkable incident. And regardless of the substance of the material, once there's late disclosure, by definition of the political exercise, those belatedly discovered materials become very significant to everybody.

That had never occurred to me in private practice.

Question. Arriving at the White House Counsel's Office Friday morning, October the 3rd, how quickly did you meet with Chuck Ruff in light of this?

Answer. Well, to be honest with you—and maybe this gives you a little bit of flavor with my job—I ended up dealing with another problem totally unrelated to this. And so—in fact, I had to deal with an issue with respect to the Department of Justice having nothing—having nothing to do even with the task force. And that was actually the first thing that I dealt with in the morning. It took some time.

Question. And what time did you complete that task?

Answer. I never—no tasks get completed. I don't mean that to be flip, but tasks typically take a long time.

Question. What time did your attention to that matter terminate for that morning?

Answer. To answer your question, I probably got to Mr. Ruff's office somewhere around the 9 o'clock hour. In fact, I think, on that day, we had a meeting of 9 o'clock in Mr. Ruff's office with the investigatory team.

Question. And who would have been at that meeting? As I understand, the entire team was there, Cheryl Mills, Karen Popp, everyone was in Mr. Ruff's office; is that right?

Answer. Right, I—I don't want to say exactly who was there because I don't remember. I think you're right, Cheryl Mills was there.

Question. Who else was there?

Answer. I think Ms. Popp was there. Mr. Imbroscio was obviously there. I think Ms. Peterson was there. Lanny Davis may have been there.

Question. Mr. Davis had not been part of the investigative team, had he?

Answer. No, but he is the press person. So for meetings of that nature, he will often come. He won't be a part of a meeting that I will have with respect to with—when I talk to my lawyers typically. But he'll come to meetings of that nature where we discuss things, sort of in general what's going on. And he, in fact, might tell us, you know, these are the issues that the press is interested in; here are the inquiries.

I think he was there.

Question. Was Don Goldberg there?

Answer. He may have been. He may well have been. I'm trying to visualize; I'm not positive, but he may have been. It would not surprise me at all if he were there.

Question. And reasonably it was a fairly significant meeting that morning, wasn't it? It was a situation you had to deal with immediately, and you had compliance issues to come up with?

Answer. Yeah. The answer is, absolutely, it was important. But in fairness, off—it was very important. But in fairness, a lot of times, we're dealing with issues that are very important and always become cause celebre from a public point of view. But either it's a logical matter or issues—most of the days that I'm at the White House, something I'm handling somebody thinks is something that they truly, really care about. And so I just want to put that in context.

Having said that, you're right, I think it's true to say it was important.

Question. Did anyone indicate that they were aware of these videotapes, that the existence of them was not a surprise?

Answer. No, no one said that.

Question. Did everyone express surprise at the videotapes?

Answer. There wasn't a lot, as I remember it, and maybe—maybe I'm not remembering it correctly exactly. I don't remember a lot of discussion about—I remember we were seeing the—Michael showed a couple of snippets of the videotapes. And my orientation in those situations, in all candor, is to try to figure out—not to second-guess what happened in the past, but I feel like I'm now confronted with a situation and I'm going to have to deal with it.

And so I was focused on getting Michael—as was Chuck, I think—Michael and I—Chuck and I were focussing on getting Michael and others to figure out, what's our universe? How long is it going to take? These things—I'm not that technical. These things always take a lot longer than I think they're going to take.

So that was, to some degree, my orientation—in addition, in all candor, to other issues, such as the one I was handling earlier.

Question. So no one at the meeting expressed knowledge of the fact that there were such videotapes, and essentially everyone expressed surprise that there were such videotapes, to your knowledge?

Answer. Yeah, I want to be clear here that I don't purport to know what everybody said.

Question. I see.

Answer. I realize it's important. As I remember it, I do not personally remember anyone saying, oh, I knew there were videotapes. I suspect, if anyone said some-

thing like that, given the level of attention that has come on this issue, I would remember that. I have no memory of that. But I also don't have a memory of everyone talking.

I think that it was pretty clear that I was upset about it, Chuck Ruff was upset about it. I think that sort of sets the tone. The tone is, let's resolve—let's correct this problem. And at least frankly among the things I was dealing with, that was my orientation.

Question. Once the tapes were found, what process was undertaken to review the tapes? For example, did you yourself have actual access to the tapes?

Answer. I never had—well, I—my access, let me describe what I did.

There is a room in WHCA that—the tapes remained under the control of the WHCA people. I don't know how they did it, but they were able to do something to the tapes so there could be no erasure or no changing of the tapes. I can't tell you technically how that happens, but that's my understanding. Those tapes were then put in machines within the WHCA office. Lawyers then looked at those tapes in the WHCA office.

Question. Lawyers from the White House?

Answer. Yeah. Our lawyers, because we had to immediately figure out—we are getting requests from everybody—which of the tapes are responsive, which of the tapes are not responsive? And that's exactly the exercise that we undertook.

Question. Which lawyers undertook to do that?

Answer. Dimitri Nionakis did it. Sally Paxton helped, because I was pulling in—even though, typically, as I said earlier, she would not work on this, some people were away for the weekend, and I wanted people really working as quickly as I could. So she agreed to look at them. Karl Racine looked at them. Michael Imbroscio looked at them.

Let me make sure I'm not forgetting anybody.

Question. Is it safe to say that they were more voluminous than you expected in terms of having to go through all of these tapes and determine the extent to which they would be responsive to a subpoena?

Answer. Well, I think it's fair to say that the coffee—the first process was simply to produce the coffee videotapes. It was inevitable that, once this became a cause celebre that everybody was going to ask for all videotapes of DNC events.

As you may know, WHCA has been videotaping forever, and it's my understanding, anecdotal at best, that under no prior administration has any administration ever produced videotapes. So under the Reagan administration, under the Bush administration, it never happened before.

Having said that, it was clear to me that once this happened, everybody was going to suddenly decide that every videotape was going to matter. We were getting requests. We got a request from this committee. We got a request from the Senate committee and from others to see, you know, a listing of everything ever videotaped that included the President.

So it's a little hard to say more voluminous. I expected that the requests were going to expand and continue to expand.

But the coffees, Michael was able to identify pretty quickly. And given the process, we were able actually to get them—I think it was out by—before Monday.

Question. Who called the Senate? Did you make the call?

Answer. Well, Mr.—Mike Imbroscio contacted the Senate on Thursday, telling them of the existence of the videotapes, even before I found out about them. That was the first inquiry. So that's what—on Friday, because I knew Don Bucklin, this had been something he was dealing with, I called up actually Michael Madigan, who is the chief counsel on the Senate, sort of your counterpart on the Senate side, to say, look, Michael, I—these things just came up, and I would like to sit down with you and talk to you about it.

Question. I guess my question is, when you learned of the tapes on October 1st and then discussed them on October 2nd——

Answer. I didn't learn about the tapes on October 1st. It's very important. I only—when I left, Michael Imbroscio told me there may be videotapes of coffees. He did not——

Question. October 2nd, then.

Answer. October 2nd, I talked to him from my car phone, that's exactly right, at about a quarter of 5:00 or so.

Question. And by October 2nd, you clearly knew there were tapes?

Answer. At about a quarter of 5:00 or so, from the car phone, I knew there were tapes.

Question. And why did you not then contact both the Senate and the House?

Answer. I didn't contact anyone, right. The Senate knew already. You did not know; that's correct.

Question. When you say me, you mean the Committee on Government Reform and Oversight?

Answer. Right. And I speak——

Question. I understand.

Answer. I never take—I never do anything personally.

Question. But clearly this committee wasn't notified on October 2nd.

Answer. That's right.

Question. And the Senate was notified exactly when again? I'm sorry.

Answer. It was before—I think you've taken Mr. Imbroscio's deposition.

Question. I apologize if I can't recall the exact time.

Answer. No, no, that's fine. It's important. I was away with my family. So by the time I'm contacted on October 2nd, Mr. Bucklin has already been called. So I can tell you that—if I'm right in my rough estimate, that it was approximately a quarter of 5:00 that I'm driving back with my family, sometime before a quarter of 5:00 that day, is when the Senate was first contacted.

Question. And the Department of Justice was not contacted?

Answer. That's exactly right.

Question. And this committee was not contacted?

Answer. As far as I know, that's exactly right.

Question. And then there is the meeting on Friday, October the 3rd, in Mr. Ruff's office?

Answer. That's right.

Question. And, again, the—and I'll get back to this in a minute, but the Senate is not contacted until Saturday, October the 4th?

Answer. Now, the Senate was contacted——

Question. I'm sorry. Excuse me. The Department of Justice was not contacted until Saturday, October the 4th.

Answer. That's right. I only succeeded in contacting the Justice Department on Saturday. That's exactly right.

Question. When you say "succeeded," what efforts did you make on Friday, October the 3rd, to call the Justice Department?

Answer. I called the Justice Department a couple of times. And let me——

Question. Who were you calling?

Answer. Let me explain. I called Bill Corcoran. If I had, in hindsight, thought that my contact with the Justice Department was going to be such a remarkably important event, or in fact—not that I should speak for him—I think if Mr. Ruff had thought of it, we could have all done something different.

But at the time that I was dealing with this issue among other issues, what I was focused on was the fact that we had a very specific inquiry from the Senate about it. That's not to say that it wasn't responsive to one of your many requests or that it was not responsive to one of the Justice Department's many requests. But it was the Senate that was really pushing, and it was the eve—they were about to have a hearing.

There was nothing that seemed particularly timely to me, maybe it was erroneous, there was nothing that seemed particularly timely to me about informing the Justice Department or you, and we probably should. I think others at the White House acted accordingly, by contacting people immediately.

The Hyde letter, which has been the issue that has been raised in the press, frankly never was an issue that I considered. And what's more, it never would have occurred to me that if there was a discovery of these videotapes and they were relevant to an inquiry, that the Attorney General or anyone else would act any differently after the Hyde letter.

I mean, in retrospect, if I had thought of it, which I think, as a lawyer involving——

Question. When you say "the Hyde letter," the letter from the Attorney General to Congressman Hyde?

Answer. Right. And I think, in all candor, Mr. Bennett, as a lawyer opposed to this political exercise, I think we would all agree that there's nothing remarkably significant about the date of the letter as a legal matter. The investigation continues.

So, A, I never thought about it; but B, even if I had thought about it, which I did not, I don't think the timing of it would have mattered. It was only as a political exercise that I think it mattered.

Having said all of that, I wish I had contacted and I wish I tried harder with the Justice Department. I called Mr. Corcoran.

Question. What is Mr. Corcoran's position?

Answer. Well he—I don't know his exact title. He was, until recently, he may still be, but until recently, he was the attorney who probably I dealt with most fre-

quently, day-to-day. I would deal with either him or Ms. Ingersoll. But he was the attorney I dealt with most recently on just pure document-related issues. He was the person who would call up and say we're sending over a subpoena or sending over a document request. So he was the person who, more often than not, was a person I called. And he was a person I reached out here.

But I want to be clear here, and then I'll stop.

I reached out to him in a fairly routine manner. I called. He returned my call at some point. I called him back. And one of those calls, I said, there's been a development. He called me back, and we didn't hook up; and that frankly is the extent of my activity.

Question. When the effort—I'm sorry, excuse me.

Answer. No.

Question. Are you finished?

Answer. That was a long answer.

Question. That's all right.

When the tapes were given to the Justice Department and the Senate on October the 4th, was there any particular reason why the tapes weren't turned over to this committee?

Answer. There is no particularly good reason, no. I think that people—I mean, I—I think that people were moving as quickly as they could. We were doing a lot of—I mean, you weren't a big focus, and I don't mean that disrespectfully.

During the time, early on, when we were working on some of the issues that were of greatest interest that we seemingly test to the House of Representatives, there were times I think the Senate felt that we weren't spending enough time concerning their issues.

Question. You're aware, are you not, that members of the Majority staff called after press reports in terms of the existence of the tapes, that they actually learned about it from the newspapers or press reports?

Answer. I'm not. The only thing that I'm aware of, and I have only secondhand knowledge of this conversation, is that Mr. Nionakis informed Ms. Comstock of the existence of the videotapes, and that Ms. Comstock expressed some concern about it. But what Mr. Nionakis said, as I recall, something to—unique. And immediately—he can—I'm sure, will discuss it in greater detail. But she was less concerned about exactly when she was going to get it.

That's a very rough, very thirdhand, I want to be clear, but that's the only recollection I have of the conversation between the committee.

No one on the committee actually spoke—called me about it. I think that's the only conversation I am aware of.

Question. Did anyone, to your knowledge, you directly or anyone on your staff in the White House Counsel's Office, notify Minority counsel for this committee before Sunday——

Answer. No.

Question. October the 5th?

Answer. Not to my knowledge, no.

Question. Now——

Answer. Indeed, I should say, ironically, you received the videotapes—the Majority received the videotapes far earlier than the Minority, because it was such a duplicating problem, that I couldn't send duplicate tapes, or we—when I say "I," the White House. So indeed the Minority got the tapes far later than the Majority on the House side.

Mr. MCLAUGHLIN. That was a matter of considerable annoyance to the Minority, I should note for the record.

The WITNESS. I know. I should say for the record, at that time, I thought I could take the annoyance of the Minority a little bit better than the annoyance of the Majority. I don't mean that in a flip manner. Sometimes, sadly, those are the kinds of decisions that I have to make. And that was a very real decision that we made at that time.

EXAMINATION BY MR. BENNETT:

Question. Were you involved with respect to any discussions or aware of any discussions as to exactly who was going to contact the President concerning the existence of these videotapes?

Answer. I was—well, I don't believe I was. It was clear I was not. That is typically not something that I do. I believe that Mr.—and I don't know more than this, Mr. Ruff was either out of town or away. Mr. Ruff and Ms. Mills had—may well have had a conversation on that topic, but I was not a part of it.

Question. Do you know what the mechanism was or the reason for Cheryl Mills being the one to notify the President?

Answer. I think Mr. Ruff was not—was not at the White House. And in that circumstance, she, more likely than I, would be the person.

Question. If he was at the White House and she still notified the President, do you know why she and not Mr. Ruff would be notifying the President? Would there be any reason?

Answer. There would be a reason, and I don't know what the reason is. And I had nothing to do with any of those discussions.

Question. With respect to the matter of the failure to notify Attorney General Reno of the existence of these tapes prior to her letter to Chairman Hyde of the House Judiciary Committee on Friday, October the 3rd, the Attorney General has indicated, as we're all well aware, that she was "mad" when, I believe you've heard her say, that she heard it; have you not?

Answer. I think we're all aware of it.

Question. And with respect to your appearance on national television Face The Nation, I believe—and correct me if I'm wrong—my review of the transcript of that indicates that you yourself used the word "incompetence" with respect to the performance, or your "embarrassment."

Do you recall—and I'm not going to hold you to the words if you can't recall what it was—exactly what word would you put on this fiasco, I guess is what I'm saying?

Answer. I don't know what I said on Face The Nation. It was my first time on national TV, and I think it is as big a mea culpa as anyone should ever have to do. So I think I tried to step up to the plate.

Having said that, I haven't reviewed the transcript. So all I can do is not tell you what I said, but I can tell you how I feel.

I truly believe that there was no legal import whatsoever to notifying the Attorney General on Thursday, which I couldn't have on Thursday, I wasn't there, on Friday or Saturday. I clearly regret it because of the fire storm that has occurred.

I wasn't thinking of the Hyde letter. I hadn't read the Hyde letter. Indeed, I hadn't read the Hyde letter response. I didn't read the Attorney General's letter to Chairman Hyde until sometime over the weekend, after the connection to the Hyde letter, I think came about. That wasn't the focus.

There were many other focuses, the 30-day review of the Vice President, whether or not the preliminary investigation was going to be expanded on the phone call issue. The beginning of the review of the President. There were many other issues we were dealing with.

And I do apologize, because I don't want to put anyone in an embarrassing situation. So I feel badly about that. But frankly, Mr. Bennett, given the number of issues that we deal with, the number of issues I deal with it, I think it's only with 20/20 hindsight that the Attorney General's response to the Hyde letter would be connected to the videotape and someone would say I should get it out.

And as the Attorney General stated, if you had asked me before, it doesn't have any import. She's going to continue her investigation. And it would never have occurred to me that she would not.

Question. Now, with respect to whether you used the word "incompetence"——

Answer. I think I did. I think what I said there is there is no defense of incompetence.

Hello, David.

Question. And in terms of no defense of incompetence, did you feel that, in fact, there had been some incompetence with respect to compliance with the subpoena? Is that what you meant by that comment?

Answer. No, I think we said—I think what I said, but the only time I remember using the word "incompetence"—and I may be wrong, I haven't read the transcript—the only time I personally remember using the word "incompetence" in the Face the Nation interview is when I said to Mr. Sheaf, in response to a question he had, is that the White House says we don't give a defense of incompetence; then I tried to explain in my own words what I feel.

I don't think we acted incompetently. And I do—I'm very, very proud, I am proud of, given the complex nature of the White House, the degree to which the lawyers working with me have attempted to honor subpoena requests. I think we've done a good job.

Everything is relative, and I think, in hindsight—I would like to be perfect, but I think we've done a good job. But I clearly regret that we hadn't found the videotapes earlier.

Question. Let me, if I can, go over the matter. And I don't intend to summarize or highlight your Senate testimony, but I just want to make sure I'm clear in terms of——

Answer. And I haven't reviewed a transcript of my Senate——

Question. I understand.

Answer. Nor have I watched myself.

Question. And just in terms of, as I understand the various areas that arose, I think, to reflect that, apart from the problems we've had with compliance, there are a series of issues with the Senate, were there not, in terms of compliance?

For example, there's a dispute over July 31st information with respect to Ng Lap Seng, better known as Mr. Wu?

Answer. Right. And I think there——

Question. I'm not asking you to repeat all your explanations, but I'm just trying to go through the litany of the areas of concern or dispute, however you want to define them.

Do you understand what I'm saying?

Answer. I do. I feel obligated to say, with respect to Ng Lap Seng, when I had the opportunity in that August 7th meeting actually to explain to Mr. Bucklin the Ng Lap Seng issue, to tell him that such things could occur again, when I explained to him how that occurred, he said something to the effect—and I can't tell you exactly—that if I had had the opportunity to explain that to him earlier, he would have hoped that there wouldn't have been a public uproar.

But clearly the Chairman referenced Ng Lap Seng; I don't think it's a fair example, but he did reference it.

Question. And another area of dispute with the Senate, and if I'm wrong—again, I'm not trying to go into all the details of the facts or the facts concern Warren Medoff and a facsimile sent to Mr. Medoff from Harold Ickes to Mr. Medoff. It's another topic of dispute, correct?

Answer. I don't think it's a fair one. And I'm not the one to debate point by point, but I think with Medoff, we produced everything we had. And, indeed, as I said to the Senate, the Senate itself misspelled Medoff's name. If we had wanted to be cute, we would have used the misspelling. Indeed, when we identified, without the Senate, that they had misspelled the name, and a lot of searches were computer generated, we did a subsequent search on our own with the correct spelling. I think, frankly, that the Chairman backed off on those.

Question. Chairman Thompson?

Answer. I think he did. I think those are—I think that they came up. I think that they're unfair. Those are two very unfair examples. And I may even have addressed this directly.

Question. You mean unfair on the part of the Senate, not unfair in my asking the question?

Answer. Absolutely. I think there are many legitimate issues of concern. I just say, if we're going to talk about those, I think dispassionate viewers would say that, on those two, there is not—that the White House acted well.

Question. Another area of dispute with the Senate, totally apart from the problems we've had, for example, would be—I think that's actually in terms of the compliance with our subpoena, the matter of call sheets, telephone calls from the President. That was another area that came up, has it not, with the Senate in terms of a dispute over that?

Answer. I think that when——

Question. I mean, there has been a dispute, correct?

Answer. Well——

Question. You can explain if you want, but I'm just trying topic the area. Has there been a dispute on that?

Answer. I don't want to speak for how the Senators view it. I will say the following: Until the Chairman or Mr. Madigan in the hearing raised that issue with me, it had not, to the best of my recollection, it had not been raised.

At some point, if you can say——

Mr. BENNETT. I'll identify counsel here. Anyone present is counsel for our office or the court reporter who has arrived. There's no press.

Mr. LYNCH. I noticed Mr. David Bossie. I don't know who this gentleman is.

Mr. BENNETT. Mr. Uttam Dhillon.

The WITNESS. So, in fact, I don't think—I think that that came in the context of Mr. Madigan alluding—I may be wrong, and I don't mean to make this a debating exercise about something with respect to call sheets. I think what I told him is, to the best my knowledge—and I think I was right, I think I am right—we gave him things that were responsive. So he began to talk about the call sheets, but indeed, I don't know of an existing dispute.

Question. I guess my point is, I'm not trying to debate all those points with you. Again, I'm just trying to note for, in terms or for purposes of our concerns with com-

pliance with the House subpoena, that there clearly had been areas of dispute with the Senate on these matters?

Answer. Yeah, but I think that it's hard to say. I think that, again, in the political world we live in, when we're asked for very many, many different requests, we become criticized, sometimes fairly, but in fact, sometimes unfairly. And I don't think these have been all areas of dispute. Indeed, during at least the Senate hearings, you know, there were references that we hadn't produced documents that the Senate would like that had never been called for, that doesn't exist in any request at all.

So I think those were not necessarily fair. I'm not going to say that in the natural tensions that exist, that that's not going to happen. I don't think that those examples are particularly fair ones, I guess is my point.

Question. I think that, in terms of the October—strike that—the August 19th letter from Mr. Bucklin in the matter of the White House Communications Agency—correct me if I'm wrong—I believe you testified in front of the Senate 2 days ago that you yourself have only met Steve Goodin on one occasion?

Answer. I don't think I said that.

Question. How often have you met him?

Answer. Well, I—I don't know how often. Presumably I've only met him the first time I met him. I have seen him——

Question. Who was Mr. Goodin?

Answer. Mr. Goodin is the President's aide, who is with the President often and who typically is outside the Oval Office. I've seen Mr. Goodin on a number of occasions, sometimes simply passing him in the halls of the West Wing, other times waiting before I go inside the Oval Office to brief the President on an issue. You know, I've seen him in the hallway of the Old Executive Office Building.

Question. Mr. Goodin is, in fact, the individual who is that person who can determine whether or not videotape is to be turned on or off; isn't that correct? He tells the WHCA crew whether to film or not to film; isn't that correct?

Question. That is correct, is it not, he is the one who says whether they are going to film or not film?

Answer. I am really going to try to answer that. I think you have a better understanding of what Mr. Goodin does than I do because you had an opportunity to depose him and I haven't.

Question. We have not deposed him yet.

Answer. Oh, okay. I am sure you will. He has been deposed I guess on the Senate side. I apologize.

It is my understanding he does deal with the WHCA people. I don't have any firsthand knowledge of that. As I understand it, having briefly spoken with him about it, when this issue occurred, he does meet with them in the mornings, and I am not sure if he makes the ultimate decision or it is more a collaborative effort. That is where, frankly, I am not positive of exactly how it goes.

Question. When is the first time you would have spoken with Steven Goodin concerning the matter of videotapes?

Answer. I think when the Senate notified us that they wanted to speak to Mr. Goodin, and that the reason they wanted to speak to Mr. Goodin is because they thought he had the responsibility that you have just described.

Question. And when would that have been?

Answer. It would have been within—I don't know exactly. It would have been probably within the last—between a week ago and 3 weeks ago.

Question. In the month of October?

Answer. It would have been in the month of October, sometime probably between the second and third weeks. More likely than not, he and I would have had a brief conversation about it.

Question. Did you ever talk to Nancy Hernreich, if I am pronouncing her name correctly, with respect to production of documents?

Answer. I have spoken to Nancy Hernreich about production of documents.

Question. And, in fact, Stephen Goodin reports to Nancy Hernreich, does he not? She is the secretary to the President?

Answer. She is not the secretary to the President. She has a title. I am not sure of the name. She is sort of in charge of Oval Office operations. She is not really the secretary. And I think you are correct, that in that capacity, Steve Goodin, I believe, reports to her.

Question. And did you ever talk with Nancy Hernreich, if I am pronouncing her name correctly, with respect to any discussions she had with Cheryl Mills with respect to these videotapes?

Answer. Never, and I am not aware of any.

Question. As we said at our meeting Friday, October the 10th, 3 weeks ago, Mr. Breuer, the staff on this committee is concerned about efforts toward subpoena compliance, not in terms of these past problems, but in terms of trying to proceed in the future in terms of assuring that measures are taken.

What additional measures have been taken by the White House Counsel's Office to ensure that this kind of situation we find ourselves in with respect to the White House videotapes doesn't occur again?

Answer. Well, it is a dynamic process, and I guess the answer is that I can never give you a full assurance. What I have done, and what I continue to try to do, knowing full well that even after certifications, we may produce documents, is I try to have lawyers go back to different areas and to re-review. So, for instance, without going through everything I do, I am right now in the process of trying to figure out, and will try to do that over the next couple of days, what are other likely offices that perhaps may have responsive materials, or offices that we have gone to once or twice, and to see if maybe we need to do another search.

Question. It is my——

Answer. But I want to be clear here. I don't, and I am very open about it, I don't have any magic solutions or any magic books. I think that people know pretty well that Mr. Ruff and I and others are very committed to finding materials that are responsive; I think we look for them. I think when they are identified, we try to get them, but I don't have any magic solutions.

Question. My question to you specifically is to what extent have you undertaken any measures to tighten up the process?

Answer. Well, again, I don't know what——

Question. I don't mean to go into the long decision about talking to the staff, have there been any measures? Perhaps there haven't been.

Answer. Mr. Bennett, I just want to say something. You know, I handled, and I am as fallible as the next person, but I think I had a pretty good record, both as a prosecutor and in private practice, when you represent a corporation and private practice in an enormous case, you walk around, you learn about the offices, maybe you talk to the in-house lawyers, but at the end of the day you send memoranda, directives, to people within the organization, making it clear they have to provide materials to you, and you go about that, and as you learn about—just as a prosecutor will call up and say I got this but I didn't get this and I don't know why I didn't get this, you try to find out, but in the large corporation, that is what you do.

The White House, in some ways, is like that, without even the benefit, frankly, of having a custodian of records. You have people who work very, very hard. And so except for the political discourse that comes up with people on both sides and all sides, it is not only one side, making assertions that I think are somewhat hallow, the actual exercise of finding materials is not an easy one. What you do is you send out directives. You try to focus. I think, in fairness, the directive we sent, despite what Mr. Madigan and others said, was the right kind of directive.

Question. Directive meaning was the Exhibit 8, this deposition, Chuck Ruff?

Answer. That would be the kind.

Question. April the 28th?

Answer. I believe that is the appropriate way and, indeed, I think it is the most likely way of getting materials.

I think with respect to that you continue to have lawyers visit offices. I think the level of the number of lawyers who work with me or visited offices has been high and we continue to do it, but I don't feel comfortable talking about tightening procedures or processes, it is easy to say it, it is a quick fix, I don't know what that means. What I can tell you is we go back and identify materials and we try to provide them, and the more I learn about the White House, the more other lawyers learn about the White House——

Question. I guess the question is, I gather that there aren't any changes in procedure, then?

Answer. Well, I don't know about changes in procedures. I mean, we haven't received another directive, or we haven't received another subpoena, but that is not a fair statement. I don't want to—I mean, it is easy for me. If I say no, then it becomes a political exercise. You didn't do well and you haven't changed anything. I mean, we are attempting to identify places where there may be responsive materials. We are trying to figure out if we have everything. Indeed, no one congratulated us when, during the summer, or whenever, without a request from this committee, without a request from the Senate, on our own at a time when we weren't besieged with requests, I sent out a couple lawyers to go out and continue the process of looking and we found more. We didn't just sit there; we did find more and we produced it.

Question. I think you indicated in your response a few minutes ago that you visited certain offices and talked to other lawyers. What other offices have you visited and which other lawyers have you spoken with?

Answer. I meant the lawyers within my team, like, for instance, I had a lawyer go and review manually the briefing papers. We at the Vice President's office went back and manually reviewed the briefing papers, exercises that, frankly, I am not sure other administrations have done. I am not going to speak for them, but I think those are remarkably labor-intensive exercises. Those are the kinds of things.

I mean, I think given the resources we have, we do a pretty great job, and I think with respect to the videotape issue, frankly, it was the most routine and pedestrian of mistakes. And I understand your frustration, I truly do, but I don't think it's fair, if you were sitting where I am, to suggest that lawyers, at least who are working with me, are doing a slipshod job in caring. They care a lot, and as far as I know are working very, very hard.

Question. This morning we discussed the matter of the Ruff directive reflected by Exhibit 8 in the deposition transcript and the fact that our subpoena, the House subpoena, Exhibit 4, the subpoena dated March 4, 1997, was not attached to the directive. Do you recall that?

Answer. I do remember that.

Question. Is there any effort now to attach a subpoena to directives so that in addition to the summary of the contents made by a lawyer that the actual subpoena is attached, because I believe there are people from WHCA who indicated they thought that would have been helpful. Is there any effort in that regard?

Mr. MCLAUGHLIN. Do you mean the subpoena as limited by the April 18 letter? Are you asking about whether they should attach the subpoena along with the limiting language?

EXAMINATION BY MR. BENNETT:

Question. My question is generic in terms of is there an effort to attach a subpoena to a directive now so that the particular agency actually sees the subpoena itself?

Answer. Let me first just address one of the—one of the representations in your question, which is, as I recall, and I watched a fair bit of the Senate hearings, the two WHCA people who were the closest to the production of the videotapes, Colonel Campbell, and Chief Petty Officer McGrath, CPO McGrath, both said that had they received the directive, page 2, they would have found the videotapes. They would have found it because they would have remembered it, and they also would have found it because they would have looked through a computer database and we asked for it.

I want to be clear that the two people who would have been tasked with the findings of these stated, I believe, under oath, pretty clearly had they received the directive, they would have found it. So I don't believe there was anything defective about the process, and, indeed, it was the most routine and pedestrian of mistakes that occur, and Colonel Campbell was describing everything within WHCA, and I think that is unavoidable. Having said that, I am more than happy to consider it. We don't have a directive right now, we haven't done it, and I am not saying we will do it, but I hear your suggestion.

Question. Actually, it wasn't a suggestion; I meant to ask a question. Have you done it, and I gather your response is, no, you haven't.

Answer. Well, there is nothing to have done in the last 3 weeks. I mean, I am not sure what the question is. In the last 3 weeks, we have not had the opportunity to do it, and indeed, I suggest to you that if we were to send around subpoenas—first of all, I have a real problem sending around grand jury subpoenas at the White House, and I think I alluded to that this morning, and I am not going to speak for the Department of Justice, but I suspect others would have serious concerns about that, being our practice.

Question. Do you have any reluctance in sending around congressional subpoenas?

Answer. Well, I do, but I am willing to consider it; I am willing to talk to Mr. Ruff about it. I don't think it is a better practice. I don't particularly believe that it is going to get more—you are going to get more responsive documents. Sadly, in the exercise, I mean, so much of it is political and so much is—you know, so much of our criteria have to be what will be said in hearings and the press and it's something that I am at least willing to consider.

Question. I just want to go into one example of trying to assure compliance, and we will wind up, it shouldn't take that long, but let me ask you this: As we sit here today, do you have a level of comfort that there has been complete compliance with the subpoenas issued by this committee?

Answer. I will never have a sufficient level of comfort that there has been complete compliance. I think there has been substantial compliance. I think there was substantial compliance even with respect to videotapes. That is not to say, Mr. Bennett, we won't find other materials. We have produced well over 230,230 pages. Our requests are very broad, they are continuous, but I can't—you know, I don't know, Mr. Bennett, there are over 2,230 people at the Executive Office of the President. They work, I think, in some five different buildings. There is no humanly possible way that any one person or a group of six lawyers can figure out what is in everybody's file cabinet or what people have put in one place or another. That is just the nature of the beast, and it is frankly the nature of the beast in private practice as well.

Question. Mr. Breuer, why don't I give you a series of exhibits, to give an example of how we hope we can resolve some of these problems. I will give you Exhibits 13 through 20. Take a look at those, please, and I will pass these down.

[Breuer Deposition Exhibit Nos. 13 thru 20 was marked for identification.]

The WITNESS. Sure. I am going to want to take a 30-second break sometime here. Maybe this is a good time.

Mr. BENNETT. That is fine.

[Brief Recess.]

EXAMINATION BY MR. BENNETT:

Question. Just one thing. Chairman Burton sent me a note to make sure——

Mr. MCLAUGHLIN. Are we back on the record?

Mr. BENNETT. Yes, we are. Excuse me. I apologize.

EXAMINATION BY MR. BENNETT:

Question. Mr. Breuer, you and I discussed this morning the matter of daily taping by the President, in terms of I think we were talking about the diarist before the President. I think I discussed this just generally with you this morning; is that correct?

Answer. Yes, we talked briefly about that.

Question. To make sure you understand the nature of my inquiry, do you have any knowledge with respect to the Dictaphone of the President himself, in terms of dictating his personal notes to himself?

Answer. I actually don't think the President has a Dictaphone.

Question. If he does, you have no knowledge of it yourself?

Answer. I have no knowledge of the President having a Dictaphone. In fact, I am under the strong impression he does not have a Dictaphone.

Question. And it was my understanding what you said this morning, but I want to make sure we are clear on this, is you don't have any knowledge of daily memoranda or musings of the President, as it were, with respect to summaries of daily activities that he does himself on the tape recorder?

Answer. That is exactly correct, I have no knowledge of that whatsoever.

Question. Now I promised Mr. McLaughlin we will make sure we are finished by 5 o'clock, and this may not even take that long, but I have placed before you, and Mr. McLaughlin, you have before you Exhibits 13 through 20, and this is just an example of what we perceive to be the continued compliance problem, Mr. Breuer, and that is what I am going to ask you about.

We have inquired with respect to a subpoena, I believe the subpoena was dated August 21, 1997, with respect to the decision by the Department of the Interior that rejected an application by a Wisconsin Indian tribe to establish a casino at an existing Greyhound track. It is the topic about which Secretary Babbitt testified yesterday. Are you familiar with the general topic area?

Answer. I am. Let me just be clear. You are referencing an October 21 subpoena from this committee?

Question. No, we are representing a August 21, 1997, subpoena. We actually received the documents on October 22, but the subpoena was August 21.

Answer. From this committee?

Question. That is correct.

Answer. I don't have it in front of me. I am sure I will align your representation of the date.

Question. Let me, if I can, for example, if you look at Exhibit 19, with respect to the document request, the document request of Mr. Ruff, with respect to this dog track, if you want to take a second to look at that exhibit.

Answer. Okay.

Question. You see that?

Answer. I do.

Question. Item 8 clearly lists the matter of documents relating to the Department of the Interior's decision to deny a petition for a casino in Hudson, Wisconsin.

Answer. Right.

Question. We received a number of documents in the White House on October 22, the middle of the last week, pertaining to that decision, and I need to just ask you, if you can, who in the White House has been involved with the production of documents about the Hudson dog track?

Answer. Well, involved, I will tell you the people who are involved.

Question. Just to make sure you understand, and then I want you to answer that, so you understand the predicate for the question. We view it here as a similar pattern to the White House videotapes.

There is an initial request from Congress, there is then the document request by Mr. Ruff, then there is ultimately a subpoena, and then for we think a fairly extended time thereafter we wait and suddenly we get documents and we can't understand what the delay is and that is why I am asking the question.

Answer. I would also like to address the substance of the premise of your question, but I will try to address both.

Question. That is fine.

Answer. As to who is involved, the lawyer probably most involved in this would have been Dimitri Nionakis. Cheryl Mills would have been involved. And Mr. Ruff and I, I am sure, were involved at different points.

Question. Is there any reason why it is those four lawyers?

Answer. The reason in this case is because, as I said, I typically am not always involved in the way Mr. Imbroscio is dealing with the videotape issue. More often than not, on a discrete issue, I might ask one lawyer to sort of take charge of something.

Question. If Miss Mills is not really your subordinate, why would she be involved in this?

Answer. Because I was not involved at all in the—well, I may be wrong. You asked me who was involved.

Question. Yes.

Answer. And she is not my subordinate but I think she had an involvement. I think I recall being in a meeting where she was present, and so, again, I don't know the degree of involvement, but those are all the people to one degree or another that I remember.

Question. And if you will look at Exhibit——

Answer. May I finish?

Question. Sure.

Answer. I just want to explain something. When you talk about the Hudson dog track, in fairness, I don't know exactly, but I think you have probably received, for some time, Mr. Bennett, probably about 330 or 340 pages of documents on this issue. It is not at all clear to me, but I don't purport to know every document, that the documents in front of me here represent information of a kind so different than the 330 or 340 pages of materials that you previously received on this issue. But, again, because you don't have them right away, and, again, this has nothing to do with you personally, because you didn't receive these right away, they will have a level of undue importance. But there also is a litigation going on in Wisconsin where the Department of Justice is representing the interests of the United States. And there the Department of Justice, as the lawyers, made a determination in consultation with the Office of Legal Counsel, the civil litigation, that there were certain documents that were subject to privilege, or potentially subject to privilege.

Question. When were these documents requested pursuant to the civil litigation; do you know?

Answer. I don't know.

Question. And when were the determinations made as to privilege?

Answer. I know that you received—we produced these materials immediately upon the time that the Department of Justice made those assertions to the court. I think you received it, literally, I believe, I could be wrong, it is tough, within the next working day or soon thereafter. So that was pretty expeditious.

Question. Well——

Answer. Well, let me finish.

Question. I am trying to make sure we shorten this because I want to finish by 5:00.

Answer. But I want you to understand my point. Because we want to show you that we are not hiding the ball, because we want to give you the materials, we arranged, and I think it was prior to your time when it was Mr. Bossie and Ms. Comstock and Mr. Rowley and I and some lawyers, we worked out a way of executing a nonwaiver agreement with you so that we could give you the substance of every

single document so you could see them, but yet we would not have to make a formal assertion or waive a privilege with respect to private litigants, because in the same way you have an important constitutional responsibility, we at the White House have an important Constitution responsibility to protect certain kinds of deliberations.

You have all the materials. You have them well before any of the hearings in your case, and I don't accept the premise that this is some late production. I think, frankly, another administration might have decided just not to produce them at all, but we figured a way, we executed a way so you could see every single document, but yet we could protect our rights, the rights of the United States, and the principles and deliberative process and other comparable principles with respect to private litigants, and that is what these documents represent.

Question. We received these documents subject to those claims of privilege and you have the privilege log there reflected by Exhibit 13 in front of you. Do you see that?

Answer. I see this privilege log, I do.

Question. And who in the White House took part in the decision to assert privilege?

Answer. Well, the Justice Department made the determination of what documents were responsive.

Question. Who at the Justice Department then?

Answer. I don't actually know. I wasn't dealing with them directly. I don't know the names of the lawyers, but it was clearly lawyers at OLC, and it was also trial lawyers in the Justice Department.

Question. With respect to interaction of the Justice Department, when were the documents transmitted to the Department of Justice?

Answer. I don't know the answer to that.

Question. Were there——

Answer. I suspect Mr. Nionakis would know.

Question. Were there meetings?

Answer. I am sure there were conversations. I don't know if they were formal meetings.

Question. When did you get the documents back from the Department of Justice?

Answer. I don't know what "back" means.

Question. When were they returned?

Answer. I am not sure—I mean, I don't know if we retained a copy or not. I don't want to give the misimpression we ship them over and don't retain a copy. What I can tell you, what I do know is from the time of the filing of the privilege log with the Department, that the Department of Justice did in the Wisconsin litigation, we provided these materials. By the way, this is part of an ongoing process. It is probably the only way you can carry forth this kind of a process and still protect your rights with private litigants.

Question. Was the President actually consulted with respect to the assertion of any executive privilege?

Answer. No, there has been—well, I shouldn't be so quick to say no. I am unaware of such contact. There has been no formal assertion and that is the entire point, Mr. Bennett, of the nonwaiver agreement. The nonwaiver agreement is——

Question. I understand. You don't need to go into that.

Answer. But there has been no assertion so there would be no reason.

Question. Who in the U.S. Attorneys' Office in Wisconsin would have taken part in any assertion of a privilege?

Answer. I don't know who is handling it. Mr. Nionakis can tell you the name of the players.

Question. So I have a feel for this, who at the White House makes the final determination about whether or not such a privilege is going to be asserted, executive privilege?

Answer. Again, no assertion——

Question. If there is to be an assertion.

Answer. If there were a formal assertion of privilege, I believe it is the President who makes that final determination. He would do that after getting advice and consulting with Mr. Ruff.

Question. The concern that this committee has is that, according to our records, these documents were shown to members of this committee staff on Sunday, October the 19th, and this came after, I note after, press reports about the Wisconsin Indian matter?

Answer. Well, that is a little unfair.

Question. I am just telling you what the chronology was.

Answer. But there is a reason for that. We couldn't have done it quicker. The press reports came because of the formal filing of the privilege log. We couldn't show them or produce them before the filing of the log. The filing of the log occurs, the press reports occur, and we do it. I mean, obviously one of the—we are not a party to this litigation but one of the parties to the litigation knew there was no secret that the log was coming. In the same way there were TV cameras waiting for me in front of this deposition, there were TV cameras and there was a press report waiting for the log. So it is a little of a chicken and an egg; I don't know how we could have avoided that.

Question. Let me show you the concern and the pattern as perceived here, and we won't belabor this point much longer.

Answer. I want you to at least get my perspective on it.

Question. And I am trying to give you our perspective. Let's look at Exhibit 14. Exhibit 14 is a memo from Loretta Avent, who I believe was in the Office of Intergovernmental Affairs at the White House; is that correct?

Answer. I don't know her.

Question. Do you know Miss Avent at all?

Answer. I have never met her. I don't know her at all.

Question. But you see it is a memo dated April 24, 1995, to Mr. Ickes?

Answer. That is correct, I do see that.

Question. It discusses a call from—it says, "I just got a call from Bruce." Information we have at our committee is that it appears to clearly be Bruce Lindsey. And then looking at the privilege log, there is an executive privilege asserted, if you look at Exhibit 13, number two.

Answer. I only have 2 pages.

Question. The first page of Exhibit 13, the second entry, when I say entry two.

Answer. Oh, I misunderstood.

Question. Entry two, there is an assertion of a privilege, memorandum from special assistant to the President for intergovernmental affairs to deputy chief of staff, containing legal advice and discussion re American Indian gaming policy matters.

And looking at that document, to which there is—E/P means executive privilege, correct, in your privilege log?

Answer. Yes.

Question. And A/C means attorney/client privilege?

Answer. That is correct, Mr. Bennett.

Question. And I note in that document, which, again, we got after press reports, it says, the second paragraph, it is in our best interest to keep it totally away from the White House in general, this is such a hot potato, too hot to touch. And then it goes over to the second page, the paragraph on the second—paragraph of the second page, press is just waiting for this kind of story, we don't need to give it to them. There are copies to Maggie Williams.

Now is Ms. Williams an attorney?

Answer. I don't think she is an attorney.

Question. She was the personal secretary to Mrs. Clinton?

Answer. Mr. Bossie is telling me no, so I don't think so. She is the chief of staff, I think—I think she was—I am quite confident she was the chief of staff to Mrs. Clinton.

Question. No longer employed at the White House?

Answer. That is correct.

Question. At that time she was chief of staff to Mrs. Clinton?

Answer. I think you are right. I wasn't there then. I think that is correct.

Question. And with respect to the assertion of privilege, as to that document, who was involved in asserting the privileges as to that document?

Answer. Well, I described the process. I don't particularly recall. I think there probably was a meeting, although I don't have a very good memory of it. I think it probably—I think I attended one meeting where these issues occurred. There may have been others. There would have been at least one meeting where Mr. Ruff and I, and Ms. Mills, and Mr. Nionakis were there, and, frankly, I didn't spend a lot of time on this issue. OLC and the Department of Justice had made a determination as to what documents were appropriate for privilege. This would be one, but I don't quite understand the issue because, Mr. Bennett, you have the document.

Question. I am going to get into that.

Answer. You have everything.

Question. Clearly, the meeting must have been pretty recent, given the production. It would have been this month in October; wouldn't it?

Answer. I don't think that is necessarily true. I don't know that to be the case. I don't think that actually is the case. I think probably at some point we reviewed the materials.

Question. What element of this memo suggests—looking at Exhibit 14, what element of this memo suggests executive privilege?

Answer. I am actually not going to—I mean, I would want to spend a fair amount of time looking at the document and then start looking into it. If you want, I will take the time and read the document.

Question. Well, you don't have to stop now but in preparation for testimony before the committee, if you would be able to take time to look at that to determine what element of the memo suggests executive privilege and in that regard what element of the memo suggests attorney/client privilege.

Answer. I guess what I would do, and I don't mean this in a coy manner at all, but the people at the Office of Legal Counsel are really expert in this. They are probably the country's leading experts on executive privilege. We would never, in private litigation, we would not be able to assert or make documents subject to such privilege unless OLC determined that it was appropriate.

Question. Who at OLC would have made that determination in this case?

Answer. I don't know.

Question. I gather you will be able to find out?

Answer. And it may well be Mr. Nionakis or others already know that, but what I can assure you of, if indeed what the hearing is about is to figure out the principles of attorney/client or executive privilege, I would suggest you speak to the people at the Department of Justice who are far more expert in this than I.

Question. But you are saying that was based on a representation of the Department of Justice; there was executive privilege or attorney/client privilege to this document?

Answer. I am saying to you, as far as I know, unless I am mistaken, that every document on this log is a document that the Department of Justice reviewed and made a determination was appropriate as a document subject to, in that particular case, executive privilege and attorney/client, that is my understanding. I would be surprised to find out that that is incorrect.

Question. Do you have any knowledge of disputes——

Answer. But I don't have any great familiarity with this document.

Question. You don't have any knowledge of any discussions between the attorney general and Mr. Ruff with respect to any disputes on the assertion of executive privilege?

Answer. None whatsoever. I think that is quite unlikely. None that I know of.

Question. Do you know when this document, for example, was found? I will go on to the next exhibit in a minute, but as to this document, do you have any knowledge as to when this was found?

Answer. I think there was a request for, you said in August, am I correct, so it would be sometime subsequent to the request.

Question. Let's look at Exhibit 15, and this is a memorandum from the Chairman to Miss Avent. This is not on the privilege log?

Answer. I just want to be clear here, Mr. Bennett, as we sit here now. I may at one point have seen this document. I have no memory of it, and if you want me to talk about it, I am going to have to read it.

Question. Go right ahead. I understand. The predicate of this question, and we are winding up here, is this document is not on the privilege log?

Answer. Right.

Question. And I just don't understand, as these documents came in last week, I don't understand what the delay was in turning the document over.

Answer. I will tell you what it may have been, as best I can do, I will tell you what it may have been. It may have been, I am not saying it is, it may have been this is one of the documents the Department of Justice and Office of Legal Counsel determined should not be withheld subject to the privilege. That may be the explanation. I am not telling you it is the explanation.

But, again, I understand your frustration, but if you can understand mine for just 30 seconds, we have produced to you pretty quickly about 335 pages. They talk about this issue, and once again the focus is always in what we don't give you as opposed to the fact we produced a lot of documents on this topic. I don't know the exact number, but I think that is probably a fairly accurate representation, and I am not trying to be coy, I am just saying——

Question. And I am not trying to be coy with you.

Answer. I know.

Question. I think you would agree, and we are about to wind up today, you and I have had a fairly courteous exchange——

Answer. On both sides.

Question. And my point is, from our perspective, there seems to be a pattern that these documents arrive almost contemporaneous with the press reporting them, and

I started reading about the Hudson dog track and these matters in the press last week and suddenly these documents arrive. Do you understand my frustration?

Answer. Well, I hear your frustration and I do understand it, but I just need to respond——

Question. Certainly.

Answer. You received 330 or 340, whatever the number of pages of documents on Hudson casino before it was ever in the newspapers, it had nothing to do with it. Indeed, I don't think it should be a surprise we should submit the document subject to privilege to you, give you all of them, after the log has been filed. It was because—I want to make sure you are hearing this.

Question. I am listening.

Answer. It was only because the log was filed. It was the act of filing the log that triggered the press reporting. So the fact is that the culminating event was the filing of the log. You were going to get these documents at the same time the press reported because it became public, but I don't think it's fair, at least at the time it was related to that, and, again, the lion's share of all the responsive materials you had well before this was in the press.

Question. Looking at Exhibit 16, again, this is not included in the privilege log and this is marked memorandum from Miss Avent marked "Urgent, Urgent, Urgent, Urgent," and this was not included in the privilege the log. Do you know when this document was found?

Answer. I don't. I suspect, again, sometime subsequent to the search of your—subsequent to the subpoena, and I suspect, but I could be wrong, that it may well have been a document that was being withheld and that the Department of Justice or OLC determined that it was not. I don't have the most direct knowledge on this issue but that could well be it.

Question. Looking at Exhibit 17.

Answer. And you have them all.

Question. If you would look at Exhibit 17.

Answer. Is this on the log?

Question. Yes, Exhibit 17. This is on the log, in terms of assertion of privilege, and executive privilege and attorney/client privilege is asserted and this is, in fact, a memorandum to Cheryl Mills regarding a call from a lobbyist. Do you see that?

Answer. All I see, and I am not very familiar with this document, is that it is a letter—it is a memo to Cheryl Mills from Michael T. Schmidt.

Question. Well, if you want to look——

Answer. The subject is "Call from Lobbyist Pat O'Connor," that is the subject of the memo, but the memo is from Schmidt. It appears here he is from the Domestic Policy Council, to Mills.

Question. The point is, the very first sentence says, this e-mail is to fill you in in more detail about a call Loretta and I were on with lobbyist/fund-raiser Pat O'Connor. Do you see that?

Answer. I do see that.

Question. Who is the attorney in this situation, and for whom is there an attorney? I am grappling with where there is an attorney/client privilege on the document?

Answer. And I guess what I feel is given my familiarity with the document, that I am not familiar with it, or not very familiar with it. I could study it, but, A, I think it would be best for you to talk to those who are most familiar with it, both at the White House and perhaps at OLC and the Department of Justice.

Question. You yourself cannot, looking at it, you probably can have time, in fact just the second page of this Exhibit 17, the one to which there is an assertion to privilege, if I can finish my question.

Exhibit 17 has the quote, it has now been picked up by the press and we just got the document after the press, I guess, but it says, "it would be political poison for the President or his staff to be anywhere near this issue." Do you see that down about the fourth paragraph down?

Answer. Yes. I want to say a couple of things.

Question. Well, my question is where is there a privilege in this document that you can see?

Answer. Well, I want to be clear. I don't want this record at some point to be misrepresented, and it would never be by you, I know, but I don't want this to sound like, a special counsel to the President was given an opportunity to review documents and wasn't asserting privilege or explaining it. I stated clearly I am not the most familiar with these documents. If we really want to spend the next few hours, I am willing to, once again, go through the exercise of reviewing it and making the determination, but I take assertions of executive privilege and attorney/client privilege seriously, as I am sure you do. I don't have a real familiarity with the docu-

ment. There are people at the Department of Justice who do and I suspect people at the White House do. I think that exercise is better, in all candor, done with them to the degree you are curious. I just don't think this is the kind of topic we should be talking about in such a quick manner. If you want, I am happy to engage in the exercise. I don't want the record to suggest, given the opportunity, he couldn't do it; I am willing to try to do it. I just don't think you are well-served by that exercise, nor am I, given there are plenty of folks out there who can discuss this in greater substance than I.

Question. Let me ask you, if you will look at Exhibit 18. For example, Exhibit 18 is a handwritten note, is it not? Exhibit 18 is right in front of you as well, it should be.

Answer. It should be and I am sure it is.

Mr. LYNCH. Just so I am clear about this, these assertions——

Mr. BENNETT. I think you may have it underneath there. Here is Exhibit 18.

Mr. LYNCH. The assertions of privilege reflected in the privilege log of Exhibit 13 were prepared by the Department of Justice in connection with the litigation in Wisconsin.

The WITNESS. Which we are not a part of.

EXAMINATION BY MR. BENNETT:

Question. Who turned over this privilege log, Exhibit 13, Mr. Breuer?

Answer. Well, it is not Bate stamped. Actually, Mr. Lynch brings up a good point, there is no EOP Bate stamp number on this.

Question. Have you seen this privilege log before?

Answer. I may have. I may have. I may have. We are not asserting a privilege of course as to you; you have all of the documents, so, again, I don't understand.

Question. Again, I am trying to direct the matter of the validity of the assertion.

Mr. LYNCH. I am just trying to figure out who made the assertions.

The WITNESS. First of all, nothing has been asserted.

EXAMINATION BY MR. BENNETT:

Question. These came with the documents, this privilege log came with the documents.

Answer. But no privilege has been asserted. Documents in private litigation, to which the White House is not a party, had been withheld subject to a privilege. There is a judge who can—as is appropriate, a judge can make whatever determinations he wants. Indeed, I believe, the matter is being resolved between the Department of Justice in this matter and the private litigants in Wisconsin.

You have every single document. It was important to us that you get every document. So I don't understand why, not that it is for me to know here, since it is your deposition, but I don't understand what the exercise we are going through is. It would be one thing if we were saying you can't have these documents. You have them, we have given them to you, and that is what I don't understand.

To the degree you are really concerned about it, I truly believe that speaking to the Department of Justice and the Office of Legal Counsel, which is representing the interests of the United States, in the private litigation, that that is the appropriate parties to address this matter with.

Mr. LYNCH. Let me say something at this point, Mr. Bennett. I guess I have been a little slow on the uptake here. But it now appears to me that privilege has been asserted by the Department of Justice with respect to these documents, and this log may reflect the assertions made by the Department of Justice.

Mr. BENNETT. Or they may reflect assertions made by the White House.

Mr. LYNCH. That has not been established.

Mr. BENNETT. And if the witness can't establish it, I understand that. I am asking if he can.

Mr. LYNCH. Well, it is not fair to quiz Mr. Breuer on assertions of privilege made by the Department of Justice.

Mr. BENNETT. Well, I am not trying to, is the point. And to the extent he has knowledge, I am asking him if he has knowledge, and I am not holding him to the fact that he is stating that; I am just asking if he has knowledge of that. And maybe to move on to show you my concern, so we can get back focused on the matter of compliance and the example, Exhibit 18 is a copy, this is what has been turned over to us, a copy of a handwritten note. It appears to be a handwritten note from the President to Leon Panetta, with "BC." Is that how the President signs his notations, "BC"?

Answer. Clearly, this substitution is the President.

Question. Okay.

Answer. But I identify that because it says "substitution."

Question. I am just showing you the document we have received. I am trying to understand the document. And there is an assertion of a privilege on this and we are trying to clarify from your record, Mr. Lynch, who actually asserted the privilege.

But let me finish the question. The handwritten note says "Leon, what's the deal on the Wisconsin tribe Indian dispute?" And then it is typed. First of all, what is Mr. Leon Panetta's position at the White House, or what was it?

Answer. He was the chief of staff.

Question. And he was not an attorney, correct?

Answer. Mr. Panetta is an attorney.

Question. But do you know with respect to the President to his chief of staff, I am trying to determine if you have any knowledge as to who would have made a determination to list that on a privilege log with respect to asserting executive privilege on that?

Answer. Executive privilege has absolutely nothing to do with being an attorney.

Question. I agree.

Answer. And I think that probably, given the fact that no attorney/client privilege was—no document was withheld in private litigation on the basis of attorney/client suggests that Mr. Panetta wasn't working as an attorney.

Mr. LYNCH. I want to clarify. The document, your Exhibit 18, which is EOP 069092, to the extent that appears on this privilege log, the providence of which we haven't established, it is executive privilege only.

Answer. Right, that is what I said.

Mr. MCLAUGHLIN. Can I make a note. Also—whenever you are ready, Mr. Bennett. Mr. Bennett, I also want to note that the log refers to documents EOP 069092 to 069097, which means that there are an additional 4 pages to this document.

Mr. BENNETT. We will cut right to the core of this. It is getting late. It is very simple.

EXAMINATION BY MR. BENNETT:

Question. To your knowledge, did Mr. Nionakis bring these documents over? If it is Mr. Nionakis, not you, I won't waste your time.

Answer. Let me tell you what I understand, and I want to be clear, and it is getting late, but I think it has been very cordial throughout. Nothing has been withheld from you. We haven't asserted privilege with respect to you. We have given you everything. In private litigation, no document was withheld from private litigation without the concurrence and advice of the Department of Justice and the Office of Legal Counsel.

Question. And who were the persons at the Department of Justice?

Answer. And I told you, I don't know the names of the persons, but we can find out. But that is the appropriate way of dealing with this. You have everything. You have everything.

Question. I guess my question to you is, on this note from the President, when is the first time you ever saw this note?

Answer. I suspect, and I am not sure, at that meeting that I had that I described to you before, that I have this vague recollection of the four of us meeting.

Question. And so you yourself don't have any involvement in the assertion of any executive privilege with respect to this document?

Answer. I suspect to a degree we had a discussion in that room about documents that might be appropriate for—again, no assertion, whether we had a discussion about documents that might be appropriate, subject to the consent and review of the Department of Justice, that would be the subtotal of my involvement. You can determine that level of involvement. I was involved to the degree of being in one such meeting so I would have had that level of involvement. But, again, you have it all. You have always had it all. That is the purpose.

Question. We have had it since October 22.

Answer. Right.

Question. We have always had it for 9 days.

Answer. You have always had it for 9 days because probably 10, 11 or 12 days ago the privilege log in the private litigation was put in. That is the process. We have had an ongoing process and nonwaiver agreement. The Chairman of this committee signed it, I think the Ranking Member.

Question. I am not disputing that. I am not getting into that. My point is the timing with press announcements, is my concern.

Answer. But I explained the press announcements.

Question. Why don't we move on.

Answer. I want to say one other thing about the press getting something before you. I, too, I will ask this as a rhetorical question, am keenly interested in knowing how the press did get the documents, very keenly interested, and I am not suggesting anything untoward here, but let me suggest that often documents are provided to the press. We take documents that are being withheld for privilege in private litigation very seriously. I think those around me knew I was quite shocked to find out that these materials were—or some of them were provided to the press.

Question. Let me end with this, then, in terms of trying to stay on the question of subpoena compliance and we have three minutes before 5:00 and we promised we would wind up at 5 o'clock.

Looking at Exhibit 20, a letter from Robert Bennett, no relation to me, to Chairman Burton, on behalf of his client, Harold Ickes. Do you see his—I don't presuppose you have seen this before, so I will give you an opportunity to look at it.

You see the second paragraph there says there is some assertion of attorney-client privilege, and the privilege is being asserted at the direction of counsel for either the White House, Clinton/Gore or the Democratic National Committee. Do you see that?

Answer. I do see that paragraph. I do see it.

Question. Now with respect to that, do you have any personal recollection of assertion of privilege as to this attached document?

Answer. Assertion of privilege?

Question. It's attached to the letter as part of the Exhibit 20, is an index of documents withheld as privileged from production?

Answer. And, I'm sorry, just repeat your question.

Question. My point is, do you recall any discussion of those items indexed as privileged, in connection with Mr. Bennett's production for Mr. Ickes?

Answer. I don't remember speaking to Mr. Bennett. He may well have spoken to Chuck Ruff directly, I don't know. Mr. Bennett represents here that he is withholding documents. I think his language is we are one of the entities, he describes the White House, that he would have had a discussion with perhaps Mr. Ruff or another, you know, someone else in the counsel department.

Question. If you look, to wind up here on this, then, to show you the frustration we have with production and compliance, look at the last page of the exhibit, and it is page 2 of the index with Mr. Bennett's letter.

Answer. Okay.

Question. And items 10 and 11, it refers to a 6/28/95 memorandum from Jane Sherburne, Special Counsel to the President, regarding summary of Hubbell's sentencing, 3 pages, then item 11 is a 02/06/95, February 6, '95, memorandum from Judge Mikva, counsel to the President to Mr. Panetta, chief of staff, regarding legal advice concerning continued employment of Suzanna Hubbell.

Answer. Okay.

Question. At the Department of the Interior. They are items having to do with Mr. Hubbell. We haven't seen these on a privilege log. We haven't seen them anywhere. Do you have any knowledge of those documents?

Answer. I don't remember them. If they are not on a privilege log—first of all, let me begin by saying any inquiries you have that you want me to get back to you on, I am more than happy to. I want to be very open about that. I don't remember—I suspect if they are not on a privilege log it is because, you know, we have not found them. Or, frankly, I would suspect that is the case. But I am more than happy to look into them. Sitting here right now, neither of these memos is ringing a bell to me.

Question. So clearly there has been, according to the information provided to the committee, there has been an assertion of a privilege. This would have to be an assertion of a privilege by the White House, correct?

Answer. It wouldn't be an assertion of a privilege necessarily.

Question. Well, we will follow up, then. I am not trying to put you on the spot with this.

Answer. I appreciate that.

Question. The bottom line is with respect to the privilege issues and production of documents after press reports, it seems to be a continued pattern of late compliance.

Answer. Well, I don't agree with that last assertion. Look, it is very complicated producing as many materials as we do in so many areas, but a lot of political hate can be made on both sides. I think we do a pretty good job.

Question. Let me wind up with this.

Answer. Well, let me finish.

Question. Go right ahead.

Answer. I want to be clear here. I don't know if we have the documents in our possession. I don't know if Mr. Ickes is the only one. I know Mr. Ickes took a number of documents with him. I simply can't provide a heck of a lot more information about it right now.

Question. We will perhaps follow up with that.

Answer. I assume you will let me know.

Question. And consistent with my promise to Mr. McLaughlin, it is now 3 minutes after 5:00.

Mr. MCLAUGHLIN. I am going to take just 2 minutes to ask questions.

Mr. BENNETT. Go right ahead. I am finish with my questions and Minority counsel will ask you a few.

EXAMINATION BY MR. MCLAUGHLIN:

Question. I have two questions, Mr. Breuer, and a brief apology. I will preface my questions this way: Mr. Lantos has been asking the question as to whether this investigation is more like theatre of the absurd or more like Alice in Wonderland, and I think that believing this recent line of questioning about these privileged matters would provide important new evidence to the case would tip the scale. My two questions are as follows: Have you or anyone on your staff knowingly withheld any responsive nonprivileged documents from this committee?

Answer. Not to my knowledge, absolutely not.

Question. Have you attempted to engage in the best good faith efforts to secure compliance for this committee's subpoenas at every step of the process?

Answer. I have.

Question. Let me end with just a brief apology on behalf of the Minority members of this committee. I apologize that the word "incompetence" was thrown in front of you in this deposition. It is a matter of singular irony that this committee would choose to use the word "incompetence," and I would note no one at the White House has resigned as counsel to the President on behalf of the unprofessionalism of the staff at the White House.

The word "noncompliance" was also thrown out. It is also singularly ironic for that to be mentioned in the light of the pattern of staff bungling we have seen on the part of this committee.

Minority experience has been one demonstrating consistent good faith efforts on the part of the White House to meet our requests for information and the request of the Majority staff for information.

With that, I thank you for your public service and for your appearance today.

Mr. BENNETT. Why don't I follow up.

Given that I am not one to make speeches, my practice of law has been a deposition is a place for questions and answers, Mr. Breuer, not political statements, but with respect to an inquiry I made today, the last 45 minutes, I believe, maybe 45 minutes with respect to the Hudson dog track issue, generally, I think you would agree, we have had a productive dialogue today. Would you agree with that.

The WITNESS. I think we both entered these discussions with cordiality and mutual respect.

Mr. BENNETT. And have I in any way been disrespectful to you in any way?

The WITNESS. No, and I hope you don't feel I have been either.

Mr. BENNETT. Absolutely not. And I hope you don't believe that I have. Do you believe that I have?

The WITNESS. No, I do not.

Mr. BENNETT. And do you believe that my conduct in conducting this deposition has at all times been professional with respect to my treatment of you?

The WITNESS. I do. And do you think my answers have been such?

Mr. BENNETT. Absolutely, I think you have been very professional in your response. And perhaps you and I can try to raise this conversation above the level recently exhibited in the last minute or two.

Thank you very much, Mr. Breuer. It was nice to see you and good luck to you.

[Whereupon, at 5:05 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]

THE WHITE HOUSE

WASHINGTON

December 16, 1996

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

We have received document requests from certain congressional committees and the Department of Justice. Accordingly, please conduct a thorough and complete search of ALL of your records (from January 20, 1993 - present) -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichattkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukumaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

Please include any documents refering or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

We recognize that this request is, in some respects, duplicative of a prior document requests. To ensure a complete response, however, please provide all responsive documents — even those you may have previously provided.

All document must be provided by NOON ON MONDAY, DECEMBER 23, 1996 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Wendy White (6-7361).

THE WHITE HOUSE

WASHINGTON

January 9, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN, COUNSEL TO THE PRESIDENT

SUBJECT: Follow-up to December 16, 1996 Document Request

On December 16, 1996, we asked you to search for materials in response to requests we received from certain congressional committees and the Department of Justice. As a follow-up to this request, please conduct a thorough and complete search of ALL of your records that were created or received between DECEMBER 23, 1996 - JANUARY 9, 1997 -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichattkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

Please include any documents referring or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Please remember that you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests. In addition, please provide your documents in the manner in which they are maintained in your files.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

All document must be provided by NOON ON THURSDAY, JANUARY 16, 1997 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Karen Popp (6-7901).

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

EXHIBIT

3

Breuer

January 15, 1997

Mr. Charles F.C. Ruff
Mr. John M. Quinn
White House Counsel
The White House
Washington, D.C. 20500

Dear Messrs. Ruff and Quinn:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials or misuse of agency resources and any related matters arising out of these areas.

It has come to my attention that Mr. Quinn distributed two memos instructing all White House staff to collect and submit documents to the Counsel's Office, many of which are relevant to the Committee's inquiry as defined above. I am encouraged by this action, as a prompt response by the White House will allow this investigation to proceed in an orderly fashion. As we begin this process I trust we can work together, in a cooperative manner, to complete this essential review.

To prevent conflicts or the appearance of conflicts, it is essential that none of the individuals who were involved in dealing with Mr. Huang, Mr. Trie or any of these DNC fundraising matters be involved with the collection of documents or response to Congressional requests. In this regard, it has been confirmed by the White House that Deputy Counsels Bruce Lindsey and Cheryl Mills attended a May 9, 1996 meeting regarding questionable funds raised by Mr. Trie for the Presidential Legal Expense Trust. In addition, Special Counsel Jane Sherburne reported that Mr. Lindsey relayed misleading information about the President's meetings with the Riady family. I understand that Ms. Mills currently is in charge of document production on this matter. Given this information and what I am sure is your interest in avoiding any conflicts as we begin reviewing these matters, I trust that you will not have interested parties such as Mr. Lindsey or Ms. Mills working on these matters. I would appreciate your assurance that they will not be participating in any way with this investigation.

Finally, during the 104th Congress, the White House and Committee agreed that production of documents within 15 days was a reasonable response period. Accordingly, we request the documents on the attached list, with a production log, by January 30, 1997. The production log should include each document's Bates number, author, description and source file.

Thank you for your prompt attention to these matters. If you have any questions please do not hesitate to contact me.

Sincerely,

Dan Burton
Chairman

cc: Rep. Henry Waxman

Attachment 1

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, memoranda, diaries, phone bills, telephone logs, telephone message slips, tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" shall also include redacted and unredacted versions of the same record.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this request "White House" refers to any and all employees of the Executive Office of the President; the First Lady and her office; the President; the Vice-President; consultants, whether paid or not paid; volunteers; and all employees of the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) For purposes of this request any records requested included all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

1. All records relating to the following individuals:

   A. John Huang
   B. James T. Riady
   C. Mochtar Riady
   D. P. Kanchanalak
   E. Praitun Kanchanalak
   F. Pauline Kanchanalak
      a.k.a Pornpimol Parichattkul
   G. Arief Wiriadinata
   H. Soraya Wiriadinata

I. Hashim Ning
J. Johnny Chien Chuen Chung
a.ka. Johnny Chung
L. Yogesh Gandhi
M. John Hoon Kyung Lee
a.k.a John H.K. Lee, Lee Kyung Hoon,
or Kyung Hoon Lee
N. Hogen Fukunaga
O. Yoshia Tanaka
P. George Psaltis
Q. Hsing Yun
a.k.a. Shing Yun
R. Tzu Jung
a.k.a Su-Jen Wu
S. Siuw Moi Lian
T. Mi Ryu Ahn
U. Gary Hsueh
V. Keshi Zhan
W. Xiping Wang
X. Jung Wang (or Wang Jun)
Y. Yue F. Chu
Z. Mark Middleton
aa. Mark Grobmyer
bb. Yah Lin "Charles" Trie
cc. Nora Lum

2. All records related to Mr. Trie's appointment to the Commission on U.S.-Pacific Trade and Investment Policy.

3. All records related to Executive Order Number 12987 which expanded the membership of the above named Commission.

4. All records on the following corporations:

A. Lippo Group, including LippoBank, LippoLife, PT. Multipolar Corporation or any other affiliate and/or subsidiary of the Lippo Group.
B. Cheong Am America
C. K&L International
D. K&L International Partners
E. Psaltis Corp.
F. Hip Hing Holdings Ltd.
G. Automated Intelligent Systems Inc.
H. Ban Chang Group (a.k.a. Bang Chang Group)
I. Ban Chang International (a.k.a. Bang Chang Int.)
J. San Kin Yip International Trading Company

K. CommerceCorp. International
L. Arkansas International Development Co.
M. Aegis Capital Management Corporation
N. Poly Technologies, Inc.

5. All records relating to Legal Expense Trusts, or other type of legal defense fund formed by any current or former Clinton administration White House employee. Please include SF-278 forms or related gift disclosure forms filed with the ethics office in the White House which require the reporting donations to such funds.

6. All records relating to any contacts between White House staff and any trustee and/or employee of the Presidential Legal Expense Trust.

EXHIBIT
4
Breuer

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest:
Robin H Carle
Clerk.

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang.

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.: Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng, China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

THE WHITE HOUSE
WASHINGTON

March 7, 1997

VIA FACSIMILE

John Rowley, Chief Counsel
Committee on Government Reform and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Rowley:

As I mentioned when we briefly spoke today, we are reviewing the two subpoenas issued by Chairman Burton. We are already taking steps to begin responding to them, and we will endeavor to provide you with materials as soon as possible. Indeed, we anticipate making an initial production of documents as early as next Friday.

I look forward to meeting with you on Monday to discuss some issues that these subpoenas raise for the White House. We are committed to taking all reasonable steps to respond to these subpoenas.

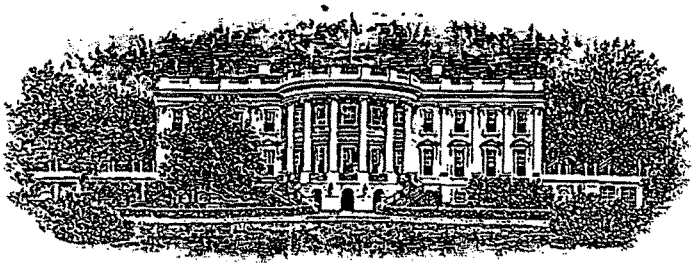
I look forward to meeting with you to discuss these issues.

Sincerely yours,

Lanny A. Breuer
Special Counsel to the President

cc: Philip Barnett, Minority Chief Counsel

The White House



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: 3/7/97

TO: John Rowky ; Phillip Barnitt

FACSIMILE NUMBER: 225-3974 ; 225-8185

TELEPHONE NUMBER:

FROM: Lanny Breuer

TELEPHONE NUMBER:

PAGES (WITH COVER): 2

COMMENTS:

PLEASE DELIVER AS SOON AS POSSIBLE

The document(s) accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this information in error, please immediately notify the sender at their telephone number stated above.

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

EXHIBIT
6
Breuer

April 18, 1997

Lanny A. Breuer
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Breuer:

The following outlines where the Committee at this time would like the White House to focus its search in response to the Committee's March 4, 1997 subpoena and how such searches can best be prioritized. We understand this search is well underway since many of these documents have been requested by this Committee and other entities for months now.

You have indicated that requests 1-8 have been gathered. Yet despite the Committee's formal adoption of a document protocol, the White House is still refusing to provide an unspecified volume of responsive subpoenaed documents which were due to the Committee on March 24, 1997. In your letter of March 28, 1997 you wrote:

> "As we have previously discussed, the White House anticipated making its production after the Committee had adopted governing protocols."

You made a similar commitment in a letter of March 19, 1997. The Committee voted to adopt a document protocol on April 10, 1997. Nevertheless, the White House has reneged on its commitment to provide the subpoenaed records to the Committee. Further, you have indicated that certain documents may be withheld subject to "privilege." As you know, the only privilege under which the President may withhold subpoenaed documents is executive privilege. Mr. Ruff has indicated that the President will not claim executive privilege in this matter.

We hope the White House will reconsider its refusal to provide all subpoenaed documents to the Committee as you had previously committed to doing upon the adoption of a

protocol. The Committee's procedures provide for appropriate treatment of sensitive documents. You have made clear that the documents in question are not national security documents or classified material. As you may know, when Mr. Ruff met with Chairman Burton in early February 1997, he pledged that the President was committed to producing all documents. But at the least, the Committee should be provided a privilege log of any documents the White House insists on withholding. (Copies of both production logs and privilege logs previously provided by the White House are attached).

Notwithstanding our serious concerns about any further delay by the White House in producing documents, Committee staff have spent many hours working with White House counsel and Committee minority counsel to prioritize production of documents. We accordingly are providing you with following outline prioritizing the Committee's subpoena. The Committee reserves its rights to request the broader range of documents outlined in the March 4, 1997 subpoena. You have committed to provide requests numbered 1-8 by Monday, April 21. We request all other priority items (as indicated in boldface) by Monday, April 28, 1997. You have indicated that you would provide a date for completing production soon.

Subpoenaed records:

* **Requests 1 - 7 pertain to all records of key individuals involved in the investigation -- in particular they include a number of individuals who have refused to cooperate with the Committee.**

* **Request 8 should remain as requested.**

* **Request 9 should remain as is and is a priority item for the committee since Mr. Middleton has asserted his Fifth Amendment privilege. The request asks for all records related to Mark Middleton after he left the White House on February 17, 1995.**

* **Requests 10 and 11** pertain to items for numerous individuals and companies. We have agreed to review the list to narrow it and to identify the individuals to you. (See Attachment which identifies a narrowed group of individuals and companies). **At this time we request that records relating to the following individuals be given priority for production: Soraya and/or Arief Wiriadinata, Hashim Ning, Mark Grobmyer, Eugene Wu, Ernest Green, Roger Tamraz and Grigory Loutchansky.**

* **Request 12 pertains to all records related to Executive Order Number 12987 which expanded the number of appointees on the Commission to which the President appointed Charlie Trie. Any records related to Charlie Trie are a priority for the Committee.** At this time, this request may exclude documents regarding the form and legality of the Executive Order. Your staff has indicated

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that there was no objection to the legality of the Executive Order from any office.

* Request 13 pertains to all records related to the Presidential Legal Expense Trust. At this time the Committee requests only records relating to meetings that Michael Cardozo had with White House staff and individual donors such as Charlie Trie or others who assisted with raising money.

* **Request 14 pertains to all documents relating to the Chinese officials who accompanied Johnny Chung to the White House and items related to Wang Jun, and related companies of each.** The following individuals are associated with the companies identified in the request:
Hongye Zheng, China Council for the Promotion of International Trade (CCPIT);
Yan Sanzhong, China Petro-Chemical Corporation;
Jichun Huang, China International Trust and Investment Corp.;
Renzhong Wang, Shanghai AJ Shareholding Corp.,
James J. Sun, Urumqi Talhe Industry Company;
Wang Jun, Poly Technologies, Poly Group and/or CITIC
This request should include all records relating to the individuals and/or the companies.

* Request 15 pertains to all records relating to Occidental Petroleum. At this time, the Committee requests only those items relating to any communication and/or contact with Occidental Petroleum Corporation concerning business and/or investment by Occidental Petroleum Corporation in Sudan from January 1996 to the present.

* **Request 16 which focuses on White House Political coffees already has been provided in part but we have not yet received the numerous memos and related documents which you have indicated relate to the coffees, nor the information provided by the DNC or reviews done of particular individuals by the NSC. The Committee requests these outstanding items.**

* Request 17, pertains to Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for non-staff passengers. The Committee was provided with information provided to the press (2 days after the press received the information) regarding donors or fund-raisers who flew on Air Force I or Air Force II for 1995 and 1996. At this time the Committee is reviewing these documents and will provide supplemental requests for additional information on particular flights.

* Request 18 can be held in abeyance at this time as items connected with the use of "official delegation trips abroad" as outlined in the March 1994 "Phipps memo" should be covered by other requests according to your staff.

* Request 19 pertains to records relating to William Ginsberg, in particular Mr. Ginsberg's diaries which we have been informed by the Commerce Department are in the custody of the White House.

* Request 20 pertains to records of attendees at White House movies. At this time the Committee requests only records relating to donors and Webb Hubbell or any member of his family. (The majority and minority staff have agreed to provide the White House with a list of donors for this search).

* Request 21 pertains to residence records. At this time the Committee requests information pertaining to the dates for overnight guests attendance at the White House and any costs paid by such individuals. While the White House has released a list of overnight guests it has not provided the dates of the visits and any expenses related to these visits. (The majority and minority will provide a list of the donors for which dates are requested). The Committee also requests all information regarding any visits or stays at the residence for Webster Hubbell from March 1, 1994 to the present.

* Request 22 pertains to records relating to the Presidential box at the Kennedy Center. The "Phipps memo" identified this as one of the "perks" for DNC donors as part of an effort to raise $40 million. At this time, the Committee requests only records relating to donors. (The majority and minority staff have agreed to provide a list of donors).

* Request 23 pertains to records of attendees at radio addresses. The Committee has already received some lists. Again, this was an item identified in the "Phipps memo" as a perk for donors. At this time, the Committee requests the lists from January 1, 1994 to the present relating to donors. (The majority and minority staff have agreed to provide a list of donors).

* Request 24 pertains to records relating to White House mess privileges. This request is connected with reports that Mark Middleton (while not employed at the White House) and others not employed at the White House utilized mess privileges for donors. At this time this request can be held in abeyance while awaiting information on Mr. Middleton which has been identified above as a priority item.

* Request 25 pertains to lists of guests at Camp David. Press reports have indicated that Webb Hubbell was a Camp David guest in July 1994. The White House released some information about Camp David to the press but this has not been provided to the Committee. From press accounts, the information released did not include the Webb Hubbell information. The Committee's request for information related to Webb Hubbell should include this information.

* Request 26 pertains to records from the offices handling social arrangements at the White House. This request is intended to gather documents connected with any "perks" or services or meetings provided to donors as outlined in the March 1994 "Martha Phipps memo." Your staff have indicated that they expect most of these documents to be gathered through other requests so this request may be held in abeyance at this time.

* Request 27 pertains to DNC records. At this time, the Committee requests documents which relate or refer to DNC fund-raising and any fund-raising meetings from January 1, 1994 to the present. This request is intended to reach fund-raising documents such as those that Harold Ickes has disclosed as well as documents connected with the Wednesday "money meetings," and other DNC fund-raising meetings. While these documents appear to have been centered with Harold Ickes, Mr. Ickes has disclosed that there were many copies of these records with various individuals at the White House, including the staff secretary and many of these records were provided to the President, Vice-President, Leon Panetta and others. The Committee's request is intended to reach all such documents.

* Request 28 should remain as requested.

* **Request 29 pertains to records relating to Webb Hubbell. While we do not agree with you office's request to limit Mr. Hubbell's records to the time period after he left the Justice Department in April of 1994 (given the recently disclosed efforts by Mr. McLarty and others to find Hubbell work in March 1994), at this time, the Committee limits the time frame as follows:**

    * **For the period January 1, 1994 to present: all records relating to Webster Hubbell are requested except documents in connection with his official duties at the Department of Justice.**

* Request 30 pertains to records related to the First Lady's visit to Guam in September 1995. At this time, this request is intended to produce all information on fund-raisers at that time in Guam, including but not limited to recommendations for attendance at fund-raisers, briefings on any attendees at fund-raisers and the itinerary of visits during the Guam trip in September 1995.

* Request 31 pertains to records relating to changes in Guam policy. At this time, the Committee requests only records related to John Garamendi or Governor Gutierrez (or anyone in his office) in connection with Guam policy.

* Request 32 is focused on the meetings conducted at the White House with Mr. Ickes and others which have been identified as "Wednesday Money Meetings." At

this time, this request should be covered under request #27.

* Request 33 pertains to records relating to Truman Arnold. At this time, the Committee requests WAVES records of Mr. Arnold from January 1, 1994 to the present.

* Request 34 pertains to records relating to the facts and individuals connected with the investigation of former Commerce Secretary Ron Brown. This request is designed to obtain all information the White House obtained regarding possible financial problems of Ron Brown; and all records relating to the Lums and/or Dynamic Energy Resources, Inc. The Committee is not asking for requests directed to the White House by any Independent Counsel or Justice Department official, but records which are responsive to this request should not be excluded just because the same records may have been requested by the Independent Counsel or the Justice Department.

* Request 35 pertains to records relating to the American Institute in Taiwan and/or James Wood. At this time, the Committee requests only documents related to James Wood in connection with any allegations of fund-raising improprieties connected with the American Institute in Taiwan.

* Request 36 pertains to records relating to the Clinton Birthplace Foundation and/or the Hope Foundation. The Committee will review the recently disclosed information from the foundation and hold this request in abeyance until review is completed.

* Request 37 pertains to records of various groups with which John Huang was associated. At this time, the Committee anticipates that many of the documents related to APAC or APALC will be disclosed through other requests. The request for APAWG should remain as requested.

* Request 38 should remain as requested.

* Request 39 should remain as requested.

* **Request 40 requests all legal opinions relating to fundraising, a number of which have already been provided to the press.**

* Request 41 should be included in request 27.

* Request 42 pertains to expenses connected with White House coffees, overnights and other guest services. The House Appropriations Committee has requested an audit by GAO of these expenses and at this time the Committee will await those

results if White House cooperation is forthcoming on those matters under review by the GAO.

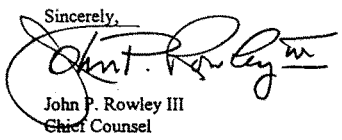
* Request 43 at this time can be limited to phone calls to the following numbers from October 22 - November 5, 1996:
  202-659-4929
  202-737-1632
  213-782-1144
  916-321-3161
  305-374-4143
  212-935-9935
  202-863-7193
  202-863-8081
  954-525-9895
  954-525-9788
  954-525-9785
  954-525-9798
  954-525-9797

* Requests 44 and 45 may be held in abeyance at this time. Your staff has indicated that information from lexus-nexus about particular donors identified elsewhere should be included in other requests.

This detailed outline which has prioritized the Committee's subpoenaed requests to the White House has been produced with extensive consultation with both the White House Counsel's office staff and minority committee staff. Many of these requests have now been outstanding for months and the White House has gathered many, if not most of the responsive materials. We would appreciate your prompt attention in producing these subpoenaed materials.

Thank you for your prompt attention to producing these records.

Sincerely,



John P. Rowley III
Chief Counsel

CC: The Honorable Henry Waxman

Addendum Pertaining to Subpoenaed Requests #10 and #11

10. **Wiriadinata, Arief and Soraya** : Non-permanent resident of US who contributed $450,000 to the DNC. Daughter and son-in-law of the late Lippo executive Hashim Ning.

Paul Berry: Former roommate of President Bill Clinton, engaged by Lippo Group to pursue investments with US companies.

Jerome Berlin: Democratic fund-raiser and lawyer from Florida.

Hashim Ning: Indonesian businessman and major Lippo investor whom John Huang visited in the hospital in the fall of 1995.

Yogesh Gandhi: Presented President Clinton with "world peace" award from his organization. Donated $325,000 to the DNC on the day of a Washington fund-raiser attended by President Clinton.

Hsing Yun (aka Shing Yun): Leader of the Fo Kwang Shan Buddhist organization and master of the Hsi Lai Buddhist Temple.

Ken Hsiu: Involved with C.K. Victory Investments, and is the president of Prince Motors. This Taiwanese-American businessman donated $150,000 for a fund-raising dinner at the Jefferson Hotel.

Man Ya Shih: Buddhist nun who wrote a $5,000 check at the Hsi Lai temple in LA to the DNC at the request of a "Democratic activist" who told her that an anonymous source wanted to donate the money.

Mi Ryu Ahn: President of Pan Metal Corporation, LA. He made several contributions to the DNC and was appointed to the Investment and Services Trade Advisory Committee by then US Trade Representative Mickey Kantor in October 1995.

Charles DeQueljoe: Lippo executive appointed by Mickey Kantor in December of 1994 to a panel advising US Trade Representatives on international investment policy.

Keshi Zhan: Part-time employee of San Kin Yip and Arlington records clerk who donated $12,500 to DNC with a salary of $22,408. Additionally, Keshi Zhan worked with Charlie Trie.

Xiping Wang: Acquaintance of Keshi Zhan, and donor who DNC recorded as giving $5,000. She works at a restaurant for modest wages.

Yue F. Chu: Gave $20,000 at Hay Adams event. Chu was on a list generated by White House Jack Quinn, requesting all information that the White House had on certain individuals.

Farhad Azima: Iranian born, airplane-leasing executive. Invited to three White House coffees over 10 month period while contributing $95,000.

Richard Mays: A personal friend of the President, and attorney for Eric Wynn. It was reported that Mays arranged through the DNC for Wynn to meet the President.

Richard J. Soon Choi (aka Unchung Choi): The DNC returned his $20,000 donation, arranged by John Huang, because of insufficient information.

Richard Tienken: Donated $25,000 to DNC which was returned "inappropriate" on October 29, 1996.

Chong Lo: Was convicted of income tax evasion in the 1980's under the name of Esther Chu. Arrested four days before APA awards gala on 14 counts of fraud.

Master Suma Ching Hai: Taiwanese Buddhist leader who urged members to donate to Presidential legal defense fund.

Eugene Wu: Taiwanese billionaire who runs the Shinkong Group a Taiwanese conglomerate.

Mark Grobmyer: A friend of President Clinton's from Arkansas, known to associate with James Riady. Owns a company called Commerce International.

Jorge Cabrera: A convicted drug smuggler who visited the White House in December of 1995 after donating $20,000 to the DNC.

Dhanin Chearavanont: Chairman of the C.P. Group who brought his brother and others to the 6/18/96 coffee at the White House.

Sumet Chearavanot: Brother of Dhanin Chearavanot and president of the C.P. Group.

Sarasin Virpol: A Thai foreign ministry official. DNC records confirm his attendance at the 6/18 White House coffee.

Mark Jimenez: Philippine-American computer entrepreneur based in Miami. His company is Future Tech International. He donated $50,000 to restore President Clinton's boyhood home, and also donated $50,000 to the DNC.

Ernest Green: He is a managing director in the Washington office of Lehman Brothers

Inc. He is a fund-raiser who attended a 2/6 coffee at the White House with Wang Jun. He had business dealings with Wang Jun, and donated $50,000 to the DNC on 2/7/96.

Howard Glicken: Former chair of the Commonwealth Group. One of 22 executives to accompany Secretary Ron Brown on a 1994 export promotion trip to Latin America. A key fund-raiser who served as DNC vice chairman for finance.

Alan Leventhal: Donated $15,000 the day before the 2/16/95 coffee. He and his business partner, Fred Seigel, collected over $3,000,000 for the campaign. Their company, Energy Capital, was chosen by HUD for a leading role in a $200 million program.

Grigory Louthansky: Heads an international commodities firm called Nordex which has been linked to nuclear weapon smuggling, and shipping scud missiles to Iraq. He was invited to two DNC fundraising dinners with the President.

Vivian Mannereud: A Cuban-American businesswoman from Miami who solicited DNC donations from Jorge Cabrera. He donated $20,000.

Mike Mitoma: Mayor of Carson City, California. Wrote a letter to Clinton on 4/8/96 regarding businessman John K.H. Lee. Lee wanted to meet with the President. (Only documents connected with John K.H. Lee should be provided.)

Joseph O'Brien: Arkansas businessman and associate of the Riadys.

Fred Siegel: He and his business partner, Alan Leventhal, collected over $3,000,000 for the campaign. Their company, Energy Capital, was chosen by HUD for a leading role in a $200 million program.

Ng Lap Seng: Chinese real estate developer from Macao, and partner of Charlie Trie in several business ventures including San Kin Yip

Roger Tamraz: Partner with the Libyan government in Tamoil, contributed $170,000 to DNC and Democratic Party in Virginia. Tamraz attended a White House coffee on 4/1/96. His access to the White House has led to a CIA IG inquiry.

Melinda Yee: A 1992 fund-raiser for the DNC who took a position at the Commerce Department with Secretary Ron Brown.

Eric Wynn: A New Jersey stock promoter with a fraud conviction. He served two years in prison before attending a White House coffee on 12/21/95.

11. **The Lippo Group**: $5-6 billion dollar Indonesian financial conglomerate controlled by Mochtar Riady. Longtime contributors to President Clinton.

Lippobank: Acquired by Riady in 1984. John Huang served as president. The bank was cited by the FDIC for "hazardous lending practices."

Cheong Am America: Subsidiary of a South Korean electronics company incorporated in 1996. Illegally contributed $250,000 to the DNC after John K.H. Lee, an executive of the Corporation, met with President Clinton in April of 1996.

Psaltis Corporation: Donated $50,000 to the DNC which was returned on Nov. 5, 1996 as foreign-source contribution.

Hip Hing Holdings, Ltd.: California based firm listing John Huang as VP in 1993. Its address is the same as Lippo. Paid John Huang a severance bonus before he left for the Commerce Department.

Automated Intelligent Systems, Inc.: Company Headed by Johnny Chung.

Ban Chang Group: Headed by Pairoj Piempongsant. A Thai real estate conglomerate with developments throughout Asia. The organization is partly owned by Ban Chang International, which is headed by Pauline Kanchanalak.

Ban Chang International: Washington-based consulting firm which donated $300,000 to the DNC. This money was returned. The company specializes in US investments in Thailand and is headed by Pauline Kanchanalak.

San Kip Yip International Trading Company: Import-export firm in Little Rock, made a $15,000 donation to the DNC 10 days after it was formed. Owned by Charlie Trie and Ng Lap Seng.

CommerceCorp. International: Washington-based company formed by Mark Middleton.

Hsi Lai Temple: Buddhist Temple in Hacienda Heights, California. Scene of an April 30, 1996 fund-raiser with Vice President Al Gore.

Commerce International, Inc.: Shortly after the 1992 Presidential election Mr. Grobmyer formed Commerce International, Inc. to do business in Asia.

Mid-South International Trade Association: A company located in Little Rock, AR, and formed by Mark Grobmyer in 1989.

U.S.-Thailand Business Council: A business trade umbrella group that Pauline

Kanchanalak helped organize. John Huang helped the White House host the inaugural meeting of the Council.

Daihatsu International Trading Company: Little Rock based trading company run by Charlie Trie.

America-Asia Trade Center, Inc.: A Charlie Trie company.

Wireless Advantage: Eric Wynn is said to have partial control of the company. Wireless Advantage made a $25,000 contribution two days before Wynn attended a coffee at the White House.

C.K. Victory Investments: Ken Hsui's Company.

Prince Motors, Co.: Ken Hsui is the president, and it is one of the 50 largest companies in Taiwan.

White House Supplemental Production Log
December 22, 1995

BATES RANGE	DOCUMENT DESCRIPTION	SOURCE
CGE 7771-7810	Logs	Office of Records Management
CGE 9424-10176	Trip files	Office of Administration
CGE 10177-10268	Communications with Public Integrity Section	Counsel's Office
CGE 10269-367	Memorandum to Office of the Counsel to the President from Margaret Ann Irving dated September 16, 1994, with attachment	Joel Klein
CGE 10368-467	Note from Marvin Krislov to Abner Mikva, Joel Klein, John Podesta, Todd Stern and Chris Cerf, dated December 13, 1994, with attachment	Joel Klein
CGE 10468-79	Note from Marvin Krislov to Abner Mikva and Joel Klein, dated November 18, 1994, with attachment	Joel Klein
CGE 10480-578	Memorandum to Office of Counsel to the President from Margaret Ann Irving, dated September 16, 1994, with attachment	Joel Klein
CGE 10579-581	"White House Press Charters"	Cliff Sloan
CGE 10582-89	Memorandum from Catherine Cornelius to David Watkins dated January 26, 1993	Cliff Sloan
CGE 10590-618	"The White House Travel Office: Briefing Book and Proposal by Catherine Cornelius and Clarissa Cerda," dated February 15, 1993	Cliff Sloan
CGE 10619-631	Letter dated May 17, 1993 from Peat Marwick to William Kennedy	Cliff Sloan
CGE 10632-633	Memorandum from Lee Johnson to John Podesta, dated May 21, 1993	Cliff Sloan
CGE 10634	Letter dated May 26, 1993 from Sara Trott to David Watkins	Cliff Sloan
CGE 10635	Letter dated June 15, 1993 from David Watkins to Sara Trott	Cliff Sloan
CGE 10636	Memorandum from Cynthia Monaco to Cliff Sloan, dated June 14, 1993	Cliff Sloan

THE WHITE HOUSE
WASHINGTON

April 30, 1997

BY HAND

John P. Rowley, III
Chief Counsel
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear John:

This letter responds to your subpoenas dated April 24, 1997. We have previously produced or made available for review all documents responsive to these subpoenas that we have thus far collected.

We are, of course, continuing to collect documents and will produce them in accordance with our ongoing production schedule.

If you have any questions, please call me at 202/456-5073.

Sincerely yours,

Larry A. Breuer
Special Counsel to the President

cc: Philip Barnett, Esq.
Ken Ballen, Esq.

ATTACHMENT I

May 23, 1996

DOCUMENTS OVER WHICH THE PRESIDENT ASSERTS EXECUTIVE PRIVILEGE IN RESPONSE TO THE HOUSE GOVERNMENT REFORM COMMITTEE'S JANUARY 11, 1996 SUBPOENAS

DOC NUMBER	DATE	TO PERSON	FROM PERSON	DESCRIPTION	SOURCE(S)
DF 780001-7	7/6/95		Natalie Williams	Memorandum re: notes for discussion with Congressional staff including legal analysis of work product issues	Counsel's Office
DF 780008-29, 780234-37	7/9/95, 7/5/95	Jane Sherburne	Natalie Williams	Analyses of custody and disclosure of Foster Travel Office file	Counsel's Office
DF 780031-40	7/10/95		Natalie Williams	Memorandum re: chronological analysis of Travel Office events	Counsel's Office
DF 780048-49	7/21/95	Jane Sherburne	Natalie Williams	Memorandum analyzing Foster communications re: Travel Office	Counsel's Office
DF 780052-57, 780093-98, 780655-57	7/29/95		Natalie Williams	Memoranda analyzing House Government Reform Committee Travel Office document requests and privilege issues	Counsel's Office
DF 780041-47, 780058-65	7/11/95		Natalie Williams	Memoranda analyzing House Government Reform Committee document request, witness interviews and privilege issues	Counsel's Office
DF 780066-85	7/12/95		Natalie Williams	Summary and analysis of Travel Office events	Counsel's Office
DF 780086-92	7/17/95	Jane Sherburne	Natalie Williams	Chronological analysis of Travel Office events	Counsel's Office
DF 780108-14	8/7/95, 8/9/95	Abner Mikva, Jane Sherburne	Natalie Williams	Analyses of privileges for Travel Office internal review documents	Counsel's Office
DF 780115-17	8/11/95		Natalie Williams	Analysis of House Government Reform Committee requests for information related to Harry Thomason and Darnell Martens	Counsel's Office

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

2. Any documents or materials dated – or if undated, documents created or received – after January 1, 1994:

   a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

3. Any documents or materials dated – or if undated, documents created or received – after February 17, 1995:

   a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

4. Any documents or materials dated – or if undated, documents created or received – after January 1, 1996:

   a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors – e.g. Yah Lin "Charlie" Trie – regarding raising money for the Presidential Legal Expense Trust;

   b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

5. Any documents or materials dated – or if undated, documents created or received – between August 3, 1996 and December 31, 1996:

   a. Referring or relating to the White House Data Base (WHODB).

ATTACHMENT A

INDIVIDUALS*

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pornpimol) Kanchanalak*
(aka Pauline (or Pornpimol) Parichattkul*)
Daungnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

ENTITIES*

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

EXHIBIT
9
Breuer

May 14, 1997

Mr. Charles F. C. Ruff
White House Counsel
The White House
Washington, D.C. 20500.

Dear Mr. Ruff:

On April 23, 1997, in a meeting that we had you committed to providing a privilege log of documents the President refused to turn over pursuant to the Committee's subpoenas for documents pertaining to Webster Hubbell, John Huang, Charlie Trie, Mark Middleton, Pauline Kanchanalak, and the Riadys. At that time you said you would produce such a log within a matter of days. Despite repeated requests over the past three weeks for this promised privilege log, none was forthcoming.

On May 9, 1997, in inviting you to appear before the Committee, we requested that you provide a privilege log by noon on May 12, 1997. Late in the day on Monday, you sent a letter saying you had not completed a privilege log but would provide one on Tuesday, May 13, 1997. After repeated phone calls to your office over the weekend, on Monday and Tuesday, May 12 and 13, 1997, to obtain the privilege log, my Chief Counsel was informed late in the day that you would not have a privilege log before Wednesday morning. We have still not received the privilege log.

In order to properly respond to your privilege log and to provide you more time as you requested, the Committee is postponing tomorrow's hearing until Wednesday, May 21, 1997. I trust you will provide your privilege log to us today as promised and I look forward to speaking with you about these important constitutional issues.

Sincerely,

Dan Burton
Chairman

THE WHITE HOUSE
WASHINGTON

June 27, 1997

BY HAND

The Honorable Dan Burton
Chairman
House Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As we discussed yesterday, this letter serves to certify that, to the best of my knowledge, the White House has produced all documents responsive to the Committee's subpoenas, with the exception of those documents that appear on the privilege logs that we have provided to the Committee.

We have made every effort to collect and produce, on the schedule reflected in my letter of May 20, 1997, all documents that are responsive to the Committee's subpoenas. Further, however, in order to ensure to the maximum extent possible that no responsive documents have been overlooked, I have directed my staff to continue their efforts to see to it that all areas that may contain such documents have been searched and that all responsive documents have been produced. As a result of that continuing process, we have located some additional documents, which we are producing today under separate cover, and we will, of course, produce promptly any others that are found.

I appreciate your and the Committee's courtesy as we have worked through this process.

Sincerely,

Charles Ruff

Charles F.C. Ruff
Counsel to the President

cc: The Honorable Henry A. Waxman

THE WHITE HOUSE
WASHINGTON

September 11, 1997

BY HAND

The Honorable Dan Burton
Chairman
Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As promised, I want to respond in detail to your September 2, 1997 letter regarding our recent production of documents to the Committee. I appreciate your inquiry and want to address your questions fully and explain the efforts this Office has undertaken to respond to the Committee's requests for information.

Since receiving the Committee's initial subpoenas, we have attempted in good faith to search all records that may contain responsive documents. To this end, I sent out a directive to all relevant White House personnel to search their records thoroughly for responsive materials. My June 27, 1997, certification was the culmination of our efforts to provide all materials responsive to the Committee's first seven subpoenas within a three-week period. As of that date, we had produced all responsive materials that we had been able to locate.

Although the production completed in June represented the result of an intensive, good-faith search for all materials responsive to the Committee's subpoenas, as I informed you at the time, I wanted to be doubly sure that all responsive documents had been located and directed my staff to take certain additional steps to that end. As a result, my staff has revisited various offices, including the Office of Records Management, to search for responsive documents, and we have instructed White House staff promptly to inform this Office if they discover any responsive documents that had been overlooked. I also directed my staff to inform me immediately of any such occurrences and to produce any newly located documents as soon as possible.

The August Production

The following is a description of the circumstances surrounding the production of the materials about which you inquired:

1. Documents Relating to Fundraising Events

The bulk of our supplemental production during August consisted of briefing memos concerning fundraising events, as well as annotated schedules from the Presidential Diarist. Briefing memos are typically prepared for official and political events that are attended by the principals. By June, we had produced all responsive briefing memos provided in response to our directive, but to ensure that our production was complete, my staff reviewed again the briefing books for dates on which we knew that fundraising events had occurred but for which no briefing memos had been collected. When briefing memos were located, they were promptly produced.

As to the annotated schedules, by June 27 we had provided the Committee with all of the responsive schedules we had received from the Diarist in response to my directive. As part of our ongoing compliance effort, my staff conducted an additional review of the schedules to determine whether any others contained responsive annotations. All schedules located through this process were likewise promptly produced.

2. Electronic Messages

The search for e-mail messages has been the most difficult element of the production process. This Office's directives instructed White House personnel to search their files and computers for any responsive e-mail messages, and as we gathered these materials, we produced them to the Committee. As we explained to your staff this spring, however, messages not saved on an individual's computer or messages created during the earlier years of the Administration are stored in a central archive, and a computer search of that archive is extremely time-consuming and costly. For example, it can take two to three days to perform a search of a month of archived e-mail messages of the White House Office alone, not including the other agencies of the Executive Office of the President. After a search is complete, even more time is required to print the e-mails and then manually search them for responsiveness.

Accordingly, faced with similar document requests from several investigating entities, we have attempted to coordinate our e-mail searches so that they could be performed only once, encompassing as many document requests as possible. We directed the White House Information Systems and Technology Division to combine several different requests and search the archived e-mails using general terms. We have been receiving hard copies of the e-mails that

were located as a result of this search and will continue to review and produce any additional responsive materials on an ongoing basis.

3. Phone Logs

As you note in your letter, we have produced responsive phone message slips of the First Lady's Office, including Margaret Williams and other personnel. These and other phone messages were located in the Office of Records Management, which contains approximately 140 boxes of phone logs of various White House personnel. Like the archived e-mails, a search of these materials is labor intensive and time-consuming. For example, it takes an individual approximately four to six hours to review a single box of phone logs.

When my staff met with Committee staff last May, they described these archived phone logs and indicated that they would, realistically, be unable to complete this search before the June 13 production deadline. Your staff indicated that they appreciated this situation. Since then, my staff has searched the phone logs of individuals identified as likely to contain responsive materials. I have attached a list of the boxes held in Office of Records Management that contain phone logs. A check mark beside an individual's box indicates that this box has been searched. If your staff believes that there remains on that list an individual whose phone logs should be searched, please have them contact us, and we will, of course, conduct that search.

4. Documents Relating To The Vice President

The "call sheets" relating to the Vice President to which you refer are DNC documents that only recently have come into the possession of the White House and, we understand, have not otherwise been provided to the Committee. We produced them promptly upon receiving them and will continue the practice of producing similar documents received from third parties as part of our ongoing commitment to cooperate with the Committee's inquiry.

5. Documents Relating To Mack McLarty And Yah Lin Trie

Your letter next refers to our production of materials related to Mack McLarty and Yah Lin Trie. With respect to the McLarty-related materials, some were inadvertently omitted from our initial production. When we realized that they had not been produced, we produced them within one week. The other documents belonged to a State Department employee who brought them with him when he recently joined the White House staff, and, thus, they were not in our possession at the time of our original search.

The Trie-related materials consist of three pages of non-substantive administrative routing documents and one other document that was recently located in Oval Office Operations. When they were discovered, we promptly produced them to the Committee.

Current Production

Except for the completion of the e-mail review described above, and any additional phone log searches the Committee wishes us to undertake, we do not anticipate any further production in response to the Committee's first seven subpoenas. We are, of course, conducting searches with respect to the Committee's more recent requests (for example, we expect to produce later this week materials responsive to the Committee's August 21, 1997 subpoena) and, if, in the course of those searches, we locate any additional documents that are responsive to the earlier subpoenas, we will produce them promptly.

In addition, as you know, we have received numerous requests and subpoenas for documents from other investigative bodies. In the event that the materials gathered in response to those requests are related to the Committee's requests, even if not technically responsive, we will produce them as part of our ongoing cooperation with the Committee. For example, we recently received a request from another investigative body related to U.S. policy concerning Guam. The search for those documents generated materials that were not within the scope of the Committee's request as agreed on by our staffs, but we will be producing those documents to the Committee in the near future.

Mr. Chairman, during our conversations I have repeatedly expressed the seriousness with which I and my staff take our obligation to respond to the subpoenas we have received. We have endeavored to execute the President's mandate to cooperate fully with the Committee's investigation. Nonetheless, as we have discussed and as is reflected in the description of our compliance efforts in this letter, we will inevitably discover responsive documents in the course of other searches. I can assure you that we will produce any such documents promptly, and I reiterate my previous representation to you that, under no circumstances, will this Office ever manipulate our compliance efforts or our production schedule for any tactical advantage. Moreover, if the Committee has some special interest in particular documents or information, because it is preparing to interview a witness or for any other reason, we will endeavor to adapt our searches and production to the Committee's needs.

Thank you again for giving me the opportunity to address your concerns about this matter. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Charles Ruff

Charles F.C. Ruff
Counsel to the President

cc: The Honorable Henry A. Waxman

TELEPHONE LOGS HELD IN CUSTODY BY RECORDS MANAGEMENT

AS OF: 09/05/97

	BOX OR OA #	OFFICE OR STAFFER
1	CF24	ALEXIS HERMAN
2	CF70	COUNSEL'S OFFICE (136 OEOB)
3	CF78	MACK MCLARTY
4	CF98	ALEXIS HERMAN
5	CF101	COUNSEL'S OFFICE (136 OEOB)
6	CF104	MATT MOORE
7	CF160	SECURITY OFFICE (84 OEOB - CRAIG LIVINGSTONE)
8	CF203	COUNSEL'S OFFICE (136 OEOB)
9	CF269	SECURITY OFFICE - CRAIG LIVINGSTONE
10	CF411	COUNSEL'S OFFICE - JANE SHERBURNE (SENT TO SENATE BANKING - NOT PHONE LOGS)
11	CF454	COUNSEL'S OFFICE - MIRIAM NEMETZ (JOEL KLEIN)
12	CF459	COUNSEL'S OFFICE - MIRIAM NEMETZ (US SPRINT)
13	CF471	JOHN PODESTA
14	CF472	JOHN PODESTA
15	CF553	COUNSEL'S OFFICE (GIVEN TO CLINGER COMMITTEE)
16	CF557	COUNSEL'S OFFICE (WHCA PHONE BILLS 7/15-30/93)
17	CF641	COUNSEL'S OFFICE
18	CF642	COUNSEL'S OFFICE
19	CF643	COUNSEL'S OFFICE
20	CF646	COUNSEL'S OFFICE
21	CF647	COUNSEL'S OFFICE
22	CF664	COUNSEL'S OFFICE
23	CF667	COUNSEL'S OFFICE
24	CF677	COUNSEL'S OFFICE
25	CF739	COUNSEL'S OFFICE (TRAVEL OFFICE)
26	CF855	COUNSEL'S OFFICE - ODETTA WALKER - WW
27	CF861	COUNSEL'S OFFICE - 128 OEOB
28	CF851	COUNSEL'S OFFICE - KATHI WHALEN
29	CF852	COUNSEL'S OFFICE - KATHI WHALEN
30	CF853	COUNSEL'S OFFICE - KATHI WHALEN
31	OA889	LEGISLATIVE AFFAIRS
32	1286	NATIONAL SERVICE
33	1287	NATIONAL SERVICE
34	1288	NATIONAL SERVICE
35	1339	OFFICE OF THE FIRST LADY
36	1340	OFFICE OF THE FIRST LADY
37	1341	OFFICE OF THE FIRST LADY
38	1362	MACK MCLARTY
39	1525	VISITORS OFFICE
40	1635	FIRST LADY'S PRESS OFFICE
41	1636	FIRST LADY'S PRESS OFFICE
42	1700	DAVID GERGEN
43	1730	CHIEF OF STAFF'S OFFICE
44	1923	COUNSEL'S OFFICE (PPO, SOME TRANSITION)
45	2418	DAVID GERGEN
46	2468	VERONICA BIGGINS - PPO
47	2567	MACK MCLARTY
48	2568	MACK MCLARTY
49	2576	VISITORS OFFICE
50	2588	MACK MCLARTY
51	2641	VERONICA BIGGINS - PPO

AS OF: 09/05/97

	BOX OR OA #	OFFICE OR STAFFER
52	2645	ALEXIS HERMAN
53	2786	JOAN BAGGETT
54	2803	PRESIDENTIAL PERSONNEL
55	2807	DAVID GERGEN
✓ 56	2865	VISITORS OFFICE
✓ 57	3621	FIRST LADY'S OFFICE
✓ 58	3622	FIRST LADY'S OFFICE
59	3881	RICHARD VELOZ - DOMESTIC POLICY
✓ 60	3890	DORIS MATSUI
✓ 61	3891	DORIS MATSUI
62	4017	JEFF ELLER / MARIA MERCEDES TIO
63	4061	DEE DEE MYERS
✓ 64	4117	GEORGE STEPHANOPOULOS
65	4285	DAVID KUSNET - SPEECHWRITING
✓ 66	4503	MARK MIDDLETON
✓ 67	4511	MARK MIDDLETON - CALL SHEETS - NOT LOGS
68	4597	CABINET AFFAIRS - STEVE SILVERMAN
69	4615	CABINET AFFAIRS - STEVE SILVERMAN
70	4618	CABINET AFFAIRS - STEVE SILVERMAN
71	4620	CHRISTINE HEENAN
72	4627	CHRISTINE HEENAN
✓ 73	4761	FIRST LADY'S OFFICE
74	4779	IRA MAGAZINER
75	4800	ANTONELLO PIANALTO - PERSONNEL
76	5049	CHRIS JENNINGS
77	5081	SPEECHWRITING
78	5082	FIRST LADY'S PRESS OFFICE
79	5083	FIRST LADY'S PRESS OFFICE
80	5084	FIRST LADY'S PRESS OFFICE
81	5114	VERONICA BIGGINS - PPO
82	5115	VERONICA BIGGINS - PPO
✓ 83	5234	LEON PANETTA
✓ 84	5235	LEON PANETTA
✓ 85	5236	MACK MCLARTY
✓ 86	5252	DORIS MATSUI
87	5264	ALEXIS HERMAN
88	5342	SUZANNA VALDEZ
89	5346	SUZANNA VALDEZ
✓ 90	5351	VISITORS OFFICE
91	5378	BRUCE LINDSEY/ANTONELLO PIANALTO
✓ 92	5618	FIRST LADY'S OFFICE
93	5727	BILL GALSTON
94	5877	GABRIELLE BUSHMAN - SPEECHWRITING
95	5902	ALEXIS HERMAN
96	5934	LEGISLATIVE AFFAIRS
97	5935	LEGISLATIVE AFFAIRS
98	5938	SUZANNA VALDEZ
99	6046	HAROLD ICKES
100	6047	HAROLD ICKES
✓ 101	6049	GEORGE STEPHANOPOULOS
102	6099	SUZANNA VALDEZ

AS OF: 09/05/97

	BOX OR OA #	OFFICE OR STAFFER
103	6131	FIRST LADY' S PRESS OFFICE
104	6132	FIRST LADY'S PRESS OFFICE
✓ 105	6389	FIRST LADY'S OFFICE
✓ 106	6485	DORIS MATSUI
107	6516	MACK MCLARTY
108	6518	FIRST LADY'S PRESS OFFICE
109	6533	ANTONELLA PIANALTO
110	6534	PRESIDENTIAL PERSONNEL
111	6534	ANTONELLA PIANALTO
✓ 112	6673	FIRST LADY'S OFFICE
113	6710	NATIONAL ECONOMIC COUNCIL - GENE SPERLING
114	6883	COUNSEL'S OFFICE (EOB)
115	6884	COUNSEL'S OFFICE (EOB)
✓ 116	6925	MACK MCLARTY
117	6935	COUNSEL'S OFFICE - CHES JOHNSON
118	6938	ALEXIS HERMAN
119	7044	COUNSEL'S OFFICE - STACY REYNOLDS
✓ 120	7408	PRESIDENTIAL PERSONNEL - CHARLES DUNCAN
121	7471	ALEXIS HERMAN (1PG)
122	7529	DOMESTIC POLICY - CAROL RASCO
✓ 123	7535	LEON PANETTA
✓ 124	7536	MACK MCLARTY
125	7542	COUNSEL'S OFFICE
✓ 126	7559	DORIS MATSUI
127	7596	INTERGOVERNMENTAL AFFAIRS - JEFF WATSON
128	7597	INTERGOVERNMENTAL AFFAIRS - JEFF WATSON
129	7718	ALEXIS HERMAN
✓ 130	7937	FIRST LADY'S OFFICE
131	7976	INTERGOVERNMENTAL AFFAIRS - KATE SMITH-CARR
✓ 132	7979	VISITOR'S OFFICE - MELINDA BATES
✓ 133	8028	GEORGE STEPHANOPOULOS - CALL SHEETS
✓ 134	8039	FIRST LADY'S OFFICE
✓ 135	8042	MACK MCLARTY
✓ 136	8153	DEPUTY CHIEF OF STAFF - JENNIFER O'CONNOR
137	8167	COUNSEL'S OFFICE
138	8307	NATIONAL AIDS POLICY - KRISTINE GEBBIE
139	8437	ALEXIS HERMAN (1PG)
140	8540	PRESIDENTIAL PERSONNEL - DENISE RYAN
141	9033	PRESS OFFICE - VICKI RIVAS-VAZQUEZ
142	9125	KEVIN O'KEEFE - INTERGOVERNMENTAL AFFAIRS
✓ 143	9172	HAROLD ICKES
✓ 144	9175	HAROLD ICKES
✓ 145	9873	DORIS MATSUI
146	10072	MARCIA HALE - INTERGOVERNMENTAL AFFAIRS
147	10073	MARCIA HALE - INTERGOVERNMENTAL AFFAIRS

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LEONARD WEISS, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

EXHIBIT
12
Breuer

August 19, 1997

Via Facsimile (202) 456-7931
and First-Class Mail

Lanny A. Breuer, Esquire
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Lanny:

At our meeting on August 7, 1997 I mentioned to Michael Imbroscio that we had received information indicating that an entity within the White House provides routine audio and visual support to the Office of the President. We understand that this entity, the White House Communications Agency (WHCA) may have information responsive to our outstanding subpoena. Because this entity may be funded by the Defense Information Systems Agency, I asked Michael to have someone advise me immediately whether a separate subpoena/request to the Department of Defense was necessary to insure production of this information. I have not received any response. The definition of documents in our subpoena would require production of all video and audio footage referring to any of the individuals listed in our outstanding requests. Please advise me immediately whether any video or audio record exists, and whether it will be produced pursuant to the outstanding subpoena.

We have also recently learned that meeting agendas and other documents distributed by Dick Morris at White House strategy meetings were not collected from the President, Vice President and either Harold Ickes or Erskine Bowles. We had been under the impression from earlier testimony that all such documents were routinely collected by Mr. Morris at the conclusion of the meetings. We have not received any of these documents. To the extent not previously requested, please produce all agendas and any other documents distributed by Mr. Morris at these strategy meetings.

Lastly, we have requested on several occasions a formal certification that all documents responsive to our requests have been produced by the White House. You have assured Mike Madigan, Mark Tips and me that a certification similar to that provided Congressman Burton would be provided. Senator Thompson is very interested in obtaining this certification as soon as possible. Please advise us when this certification will be forthcoming.

I am available to discuss these requests at your convenience.

Sincerely,

Donald T. Bucklin

DTB/kmb

EXHIBIT
13
Breuer

October 21, 1997

PRIVILEGE LOG

KEY:

E/P: Subject to Executive Privilege
A/P: Subject to Attorney Client Communication Privilege
W/P: Subject to Attorney Work Product Privilege

No.	Doc. Control No.	Date	Privilege	Description
1	EOP 64985	5/23/95	E/P	E-mail from Deputy Assitant to the President for Political Affairs to Special Assistant to the Deputy Chief of Staff for Policy and Political Affairs re attendance of possible presidential appointee at political event.
2	EOP 69070-71	4/24/95	E/P A/C	Memorandum from Special Assistant to the President for Intergovernmental Affairs to Deputy Chief of Staff (cc: Assistant to the President and Chief of Staff for the First Lady and Associate Counsel to the President) containing legal advice and discussion re American Indian gaming policy matters.
3	EOP 69076-78	4/24/95	E/P A/C	Memorandum from Senior Policy Analyst, Office of Policy Development to Associate Counsel to the President (cc: Assistant to the President for Domestic Policy, Special Assistant to the President for Intergovernmental Affairs, Assistant to the Deputy Chief of Staff for the First Lady) re discussion of legal advice and American Indian gaming policy matters.
4	EOP 69079-81	undated	A/C W/P	Handwritten notes reflecting mental impressions of Associate Counsel re Hudson casino litigation allegations.

October 21, 1997

PRIVILEGE LOG

KEY:

E/P: Subject to Executive Privilege
A/P: Subject to Attorney Client Communication Privilege
W/P: Subject to Attorney Work Product Privilege

5	EOP 69082-89	8/23/96	E/P W/P	Fax cover sheet from Department of Interior Solicitor's Office to Associate Counsel with attached draft letter of Interior responding to Congressional inquiry.
6	EOP 69092-97	undated @ fall 1996	E/P	Notation of President to Chief of Staff re Hudson casino matter; notation attached to portions of pre-trip briefing document.
7	EOP 69098-99	10/23/96	E/P A/C W/P	Memorandum from Chief of Staff to the President with attached memorandum dated 10/23/96 from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff (cc: White House Counsel) re status of Hudson casino litigation.
8	EOP 69100	10/22/96	A/C W/P	Memorandum from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff re status of Hudson casino litigation.
9	EOP 69101	10/23/96	A/C W/P	Memorandum from Associate Counsel to the President to Special Assistant to the Deputy Chief of Staff (cc: White House Counsel) re status of Hudson casino litigation.
10	EOP 69102-05	8/1/96	E/P	Drafts of letter responding to Congressional inquiry regarding Hudson casino. matter.

THE WHITE HOUSE

WASHINGTON

April 24, 1995

MEMORANDUM FOR HAROLD ICKES

FROM: Loretta Avent

I just got a call from Bruce in reference to a person named Pat O'Connor, whom I don't know, who has called me on numerous occasions. Unfortunately, I was on my reservation circuit, so I asked both Jay Campbell and Katy Button in my office to call and advise him I was travelling and that before I could respond personally, I would need a letter from one of the tribal leaders he was representing explaining their situation and/or their concerns. Following the legal advice we have received concerning these kinds of issues, I have not and would not speak with him, or any lobbyist or lawyer.

Irrespective of lawyers and lobbyists say they know personally in the Administration , my first responsibility is to take care of the pres. because I am aware of the politics and the press surrounding this particular situation, it is in our best interest to keep it totally away from the white house in general, and the pres in particular. This is such a hot potato (like Cabazon) -- too hot to touch. The legal and political implications of our involvement would be disastrous. I am on my way into a meeting with five of our strongest tribal leaders (because of their significant voter turnout), who have already gone ballistic about other tribal governments who have greater access to the Administration because of their ability to pay hired guns (as they call them) and their belief that this unfairly gets things to happen. They believe that when the President said "Government-to-Government" and "respect for tribal consultation" that it meant directly with them. They consider the lobbyists and lawyers trying to access us as staff they (the tribal leaders) pay and that their responsibility is to report and advise them (the tribal leaders), and as tribal leaders elected by their membership, they will do the business of tribal governments directly with our government.

This puts us in a Catch-22. To ensure we don't get caught in this web, I treat all 550 elected tribal leaders the same (I deal directly with them on behalf of the President).

Harold, my goal is to clean up as much as I can clean up (seven reservations in less than ten days) prior to the April 28th meeting. We are 98% there. I do not want this situation to be part of or anywhere near the meeting on the 28th. This is a

Department of Interior and Justice Department and that's where it should stay. Finally, the fact that he would even suggest I would discuss anything remotely connected to Indian gaming tells me he is not truly connected to Indian country (all 550 federally recognized tribes know I don't do gaming and say it). Both Domestic Policy and Intergovernmental Affairs deal with this issue in this manner.

I explained this to Bruce and he understands the way I operate and I assured him I would make the call directly to advise the party that called. I will do this as soon as my meeting is over. I'll call later and give you an update. The press is just waiting for this kind of story. We don't need to give it to them.

One last concern leading into Friday, but I am working on that now. Because of the diversity and complexities within Indian Country and the constant changes in elected leadership, there is no lobbyist or lawyer that I will put before my responsibility to the President and his commitment to Indian Country (April 29, 1994).

cc: Maggie Williams
Cheryl Mills

MEMORANDUM

August 3, 1995

TO: Ms. Loretta Avent
Special Assistant to the President
for Intergovernmental Affairs

FROM: Arlyn Ackley, Sr.
Tribal Chairman
Sokaogon Chippewa Community

RE: Disapproval of Hudson Application for Trust Status

We have been able to obtain information from the Department of the Interior's Indian Gaming Office that their staff people disagreed with the disapproval of our trust application signed by Michael Anderson of the Department of Interior.

All my information indicates that Interior's staff was disappointed and completely disagreed with this decision. In fact, and I quote "there was no real evidence to support disapproval". The staff tells us that the people who made the final decision did not follow § 20 of the Indian Gaming Regulatory Act of 1988. That this decision was purely a discretionary-/political one.

In the letter, Mr. Anderson stated that there was a problem with the St. Croix Waterway. However, the staff tells us that this small issue could have been explained but we were not given the opportunity to respond to this.

The Department of the Interior staff indicated to us that they could not find anything detrimental in our application either to nearby tribes or to surrounding communities. Moreover, Mr. Anderson states that this property acquisition would be detrimental to a nearby tribe.

Another quote from the Department's staff was "What is the point of § 20 if not to be helpful to remote tribes?". They indicated to us that the extraordinary thirty (30) day period that was provided to our opponents which allowed them to submit an additional

economic study did not provide any substantial information that would point to the proposed facility being detrimental to the surrounding communities or tribes. They commented that there are two criteria. One -- it should be in the best interest of the Indian tribe (applicant). Two -- Could not be detrimental to the surrounding communities or nearby tribes. Their indication to us is that they were both disappointed and that they disagreed with the disapproval of the trust application.

As the Chairman of my tribe I must protest the Department of the Interior's treatment of our application for the placing of the Hudson Dog Track into trust status. The Minneapolis BIA Area Director and staff followed the letter of the law in approving our application. The Department of the Interior's staff (per our information) also carefully followed the criteria set out in the Indian Gaming Regulatory Act. However, the people who made the final decision did not.

Finally, if I may reiterate these points which we were able to obtain. (Loretta, they were taken from a telephone conversation, therefore repetitious and redundant.)

1. Staff was disappointed;
2. Decision makers did not fully consider Section 20 IGRA;
3. Staff disagreed with decision;
4. No real evidence;
5. St. Croix waterway question could easily be addressed (We were not given an opportunity to do so.);
6. Staff didn't want to set national precedent of a tribe rejecting another tribe's application;
7. Staff didn't want to set a national precedent of a community rejecting a tribe's application - 6 and 7 would have to be detrimental;
8. Decision makers were worried about being second guessed by the Governor;
9. What is the part of best 20, IGRA if not to helped "remote" tribes?;
10. Political, not factual decision; and
11. Staff could not find anything detrimental to the nearby communities or tribes.

EOP 069074

August 17, 1995

URGENT---URGENT---URGENT---URGENT

MEMORANDUM FOR LORETTA T. AVENT

FROM: Ahsha Ali Safai

RE: Hudson

Dwayne Derrickson called and expressed deep concern for the issue his tribe faces on behalf of Chairman Arlyn Ackley . The Chairman is looking for a response to their issue. Chairman Ackley is hoping you will be able to provide some guidance within the next few days because of the fact that he is planned to face his tribal council as well as his tribal community and is expected to have some answers regarding the Hudson case.

Dwayne talked about the importance of this issue being brought to closure. He used the words, "If this issue can't be resolved, then we will have to go to the press, courts, or to the opposition!".

They will be in town next week and were hoping to meet with you. I told them that I expected you to be on travel, but for them to check back with me late today or tomorrow.

Dwayne said that Chairman Ackley hardly asks for help, but in this case they are hoping that you will be able to provide them with some answers. Please advise.

EXECUTIVE OFFICE OF THE PRESIDENT

24-Apr-1995 07:17pm

TO: Cheryl D. Mills

FROM: Michael T. Schmidt
Domestic Policy Council

CC: Carol H. Rasco
CC: Loretta T. Avent
CC: Katharine M. Button

SUBJECT: Call from Lobbiest Pat O'Connor

Cheryl,

This e-mail is to fill you in more detail about a call that Loretta and I were on with a Lobbyist/Fundraiser named Pat O'Connor. It was half-dictated to me by Loretta via phone, so I apologize in advance if it is unwieldy at times:

Pat O'connor is a lobbyist that represents a number of gaming tribes in Wisconsin and Minnesota. He is also, I believe, a DNC trustee of some sort. He is working on some off-reservation gaming project (dog racing I think) called "the Hudson Project," which under the Indian Gaming Regulatory Act will need Secretary Babbitt's approval to go forward, since it is off reservation gaming.

Pat called Loretta last week on this issue. As you know, last year WH counsel advised Loretta that she should not meet with lobbyists or lawyers on Indian issues. Also, on April 29, the President signed a memorandum stating his strong support for the government-to-government relationship with the Tribes and direct consultation (which they hold us to in every letter they send!!). We get hit hard by Tribal leaders when we meet with Lobbyists, since many times the tribal leaders are not even aware that the lobbyists are calling us on their behalf. Loretta was out of town when Pat called, but asked Jay and Katy Button on her staff to return the calls from Pat, informing him that he needed to have the Tribal leader(s) that he represent send in whatever request that they had, and that she would work with the leaders directly. This is her standard response in these situations.

After several calls trying to get around Jay and Katy, on Wednesday of last week Pat sent in a memo from him (not from the Tribal leaders as requested) to Loretta asking to talk to her about intervening with Secretary Babbitt to allow this Hudson project to be able to do off-reservation gaming. This fax also

EXHIBIT
18
Breuer

To Martin
Look at.

Leon
What's the deal
on the Wisco -- tribe
Indian dispute
BC

SUBSTITUTION

Leon
What's the deal on the
Wisconsin tribe Indian
dispute?

BC

stated that Loretta had told the leader of the Red Cliff Tribe (who Loretta has never met or spoken with) that she would intervene on their behalf (not true!). After this fax came in, Jay on Loretta's staff called Pat's office again asking for the letter from the tribal leader. It never came.

In the meantime, Pat bumped into the President today in Minnesota and mentioned to him that Loretta never returned his calls (technically true, but her staff did return them several times because she was travelling). A call came from AA1 this morning from Bruce Lindsey to Loretta to find out what had happened. Loretta reviewed the story I have written so far, and told Bruce that she would call Pat to explain our process. Loretta called me (since I do Indian Gaming Policy) and then conferenced me into a call with Mr. O'connor (her assistant Katy Button was also in on the call). And then, in Loretta's words, "his story began to unravel" in two ways: 1) He had to admit to Loretta that he had a return call from Loretta's office; 2) See the attached fax from him -- he had to back off of the statement about the leader of the Red Cliff Tribe talking to Loretta about this since it was not true. He was agitated that Loretta could not meet with him on this issue, and he took my name and number and promised to call me about this issue sometime this week, and that he would also bring it up in his meeting this Friday with Don Fowler at the DNC. He abruptly hung up before I could respond.

According to Loretta:

The first mistake Pat O'connor is making is trying to tie the President into an issue that he cannot be tied into for legal and political reasons. The White House should not be involved in this issue!

He must stop telling others that he has access to the WH on this issue. As you know, we legally cannot intervene with the Secretary of Interior on this issue.

Please have Harold call Don Fowler and explain that there are no secrets in Indian Country, that word of this conversation is already getting out and it would be political poison for the President or his staff to be anywhere near this issue.

Loretta consistently will not allow anyone take advantage of the President's best intentions and put him into potentially negative press situation (especially with 100 tribal leaders coming to town on Friday).

Loretta asks that you do whatever you think we need to do to take care of the President's best interests on this -- these Indian Gaming issues are always explosive (as the Cabazon situation made clear).

If you have any questions on any of this, call Katy Button to get ahold of Loretta in AZ, or call me at 6-5567 and I will try to

EOP 069077

give you whatever info you need.

THE WHITE HOUSE
WASHINGTON
August 4, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: DOCUMENT REQUEST

As part of our ongoing efforts to gather materials responsive to various document requests, we ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, electronic message, or other form) that were created during the period January 20, 1993 to the present for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files. Please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including those responsive to this and other requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. Each respective office head, Assistant to the President, General Counsel, or agency head must certify that all employees on his or her staff have made a complete and full search of their records. Certification forms will be circulated for this purpose in the near future.

Please search your files and records for the following materials:

1. All documents (a) reflecting any proposed or actual meetings between Carlos Mersan, Juan Carlos Wasmosy, Mark Jimenez, and any representative of the White House; (b) relating to any scheduled or actual meetings between any White House official and Juan Carlos Wasmosy (including but not limited to documents relating or referring to Paraguay's access to International Development loans); or (c) relating or referring to President Clinton's 1995 waiver of the State Department's decertification of Paraguay as a recipient of foreign aid from the United States in connection with Mark Jimenez, any representative of Future Tech International, Inc., or any fundraising activity or contribution.

2. All documents relating to the placement of Maria Haley as a Director at the United States Export-Import Bank.

3. All documents received by the White House from non-governmental sources concerning the issue of granting a visa to Taiwan's President, Lee Teng-hui, including any material submitted by Cassidy & Associates or any other outside lobbyist.

4. All documents relating to meetings or communications between any White House official and Alan Solomont (or any representative of ADS Group) regarding the enforcement of nursing home laws, rules, or regulations.

5. All documents relating to Alan Solomont's appointment as DNC Finance Chairman.

6. All documents relating to Energy Capital Partners including, but not limited to, the program for energy efficiency administered by the Department of Housing and Urban Development.

7. All documents relating or referring to the Executive Order creating the Grand Staircase Escalante National Monument in Utah.

8. All documents relating to the Department of Interior's decision to deny a petition for a casino in Hudson, Wisconsin.

9. All documents relating to any communications or meetings with representatives of the Immigration and Naturalization Service regarding (a) sibling preferences in U.S. Immigration policy or (b) visas for foreign immigrants seeking to enter the United States for investment and/or business purposes within the meaning of the Immigration Act of 1990 or other federal laws.

10. All documents referring or relating to the Guam Commonwealth Act, including (a) any meetings or communications between White House officials and Carl T. Guiterrez or any other public official or representative of Guam (including Mary Eva Candon, Esq.); or (b) any memoranda by John Garamendi, deputy secretary of the Interior Department, relating to the Guam Commonwealth Act.

11. Any documents relating or referring to any of the individuals or entities listed below:

INDIVIDUALS

Michael H. Cardozo
Jessica Elnitiarta
Sandra Elnitiarta
Sundari Elnitiarta
Maria Haley (after her departure as a White House employee on September 30, 1993 and unrelated to her official White House duties)
Eric Hotung
Patricia Hotung
Maria Hsia
Shen Jueren
Juwati Judistrira
Carl Linder
Haroun (or Harut) Sassounian
Ted Sioeng

ENTITIES

Buddhist Monastic Order
CP Group
Charoen Pokphand Group
Chiquita Brands International Inc. ("Chiquita")
Cosmopolitan Properties and Securities Ltd.
Florida Splendid China Inc.
Fo Kwang Shan
Future Tech International
Hong Kong Development Ltd.
Hotung Institute
International Buddhist Progress Society ("IBPS")

All documents must be provided **BY NOON ON MONDAY, AUGUST 11, 1997** to Michael Imbroscio, OEOB Room 488. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio at 456-6243.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

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MOSCOW
PARIS
SINGAPORE
SYDNEY
TOKYO
TORONTO

EXHIBIT
20
Breuer

June 11, 1997

VIA HAND DELIVERY

The Honorable Dan Burton
Committee on Government Reform and Oversight
2157 Rayburn Office Building
U.S. House of Representatives
Washington, D.C. 20515

Re: Document Production Request to Harold Ickes Dated 5/28/97

Dear Chairman Burton:

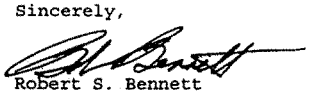
On behalf of our client, Harold Ickes, we are today providing the Committee with documents called for in your request dated May 28, 1997. These documents are numbered CGRO-10001 through CGRO-13175. In order to ensure the completeness of our production to the Committee, our efforts to locate potentially responsive documents continue.

Thirteen documents have been withheld from today's production on the grounds of attorney-client privilege. An index of those documents is attached hereto. The privilege is being asserted at the direction of counsel for either the White House, the Clinton/Gore Committee, or the Democratic National Committee as appropriate. Accordingly, any inquiries about these documents should be directed to them.

With respect to the Committee's request that we produce Mr. Ickes' "color-coded" handwritten notes of various meetings, we have consulted with Mr. Ickes who has indicated that he did not keep notes in a color coded system. Should the Committee wish to review the origi-

nals of Mr. Ickes' handwritten notes, we will make them available for review in our offices.

Sincerely,



Robert S. Bennett

Enclosures

cc: The Honorable Henry A. Waxman

INDEX OF DOCUMENTS WITHHELD AS PRIVILEGED FROM PRODUCTION TO THE HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT ON JUNE 11, 1997

1. 08/10/95 Memorandum from Harold Ickes to Terry McAuliffe, Laura Hartigan, and Clinton-Gore counsel Lyn Utrecht, memorializing meeting with counsel regarding expenses for fund raising for the Clinton-Gore re-elect. One page. **Bates # CGRO-11449.**

2. 10/04/94 Memorandum from DNC counsel Joe Sandler and Neil Reiff to Bobby Watson, providing legal advice regarding the use of state party federal money and use of DNC non-federal money. Two pages. **Bates numbers CGRO-12063.**

3. 11/27/95 Memorandum from DNC counsel Joe Sandler & Neill Reiff to DNC Finance Staff regarding legal guidelines for fundraising. 14 pages. **Bates # CGRO-12987.**

4. 02/10/95 Memorandum prepared by Clinton-Gore counsel Oldaker, Ryan & Leonard, Election Timing Working Group, regarding applicable spending limits and matching fund rules as applied to "Projected '96 Spending- Timing of Primary Start-up." Six pages. **Bates # CGRO-12994.**

5. 02/08/95 Memorandum to the White House Staff from Abner J. Mikva, Counsel to the President, and Cheryl Mills, Associate Counsel to the President, providing legal advice about the Presidential Legal Expense Trust. One page. **Bates # CGRO-13085.**

6. 05/31/94 Memorandum from Harold Ickes to Lloyd Cutler regarding the Legal Defense Fund (with attachment). Four pages. **Bates # CGRO-13088.**

7. 07/11/94 Memorandum from Cheryl D. Mills, Office of the White House Counsel, to Ann C. Castagnetti, responding to request for legal advice regarding the Fund (with attachments). Three pages. **Bates # CGRO-13106.**

8. 06/30/94 Memorandum to Executive Office of the President Staff from Lloyd N. Cutler, Special Counsel to the President, providing legal advice regarding President's Legal Expense Trust. One page. **Bates # CGRO-13107.**

9. 06/17/94 Memorandum for the President and Mrs. Clinton from Lloyd N. Cutler, Special Counsel to the President, regarding the Legal Expense Fund. Two pages. **Bates # CGRO-13108.**

10. 06/28/95 Memorandum from Jane Sherburne, Special Counsel to the President regarding summary of Hubbell Sentencing. Three pages. **Bates # CGRO-13113.**

11. 02/06/95 Memorandum from Abner J. Mikva, Counsel to the President, to Leon E. Panetta, Chief of Staff, regarding legal advice concerning continued Employment of Suzanna Hubbell at the Department of Interior. One Page. **Bates # CGRO-13114.**

12. July 1992 Clinton/Gore General Election Campaign Legal Manual. 59 pages. **Bates # CGRO-13174.**

13. October 1991 Clinton/Gore General Election Campaign Legal Manual from Carol C. Darr, Chief Counsel to the Democratic National Committee regarding legal advice about the General Election. Seventy-two pages. **Bates # CGRO-13175.**

[The deposition of Jack Quinn follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: JACK QUINN

TUESDAY, NOVEMBER 4, 1997

The deposition in the above matter was held in Room 2303, Rayburn House Office Building, commencing at 9:37 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Chief Investigative Counsel; Elliot Berke, Investigative Attorney; and Andrew J. McLaughlin, Minority Counsel.

Also present: Representative Tierney and Representative Kanjorski.

For MR. QUINN:

KATHLEEN A. BEHAN, ESQ.
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 22304–2306

Ms. COMSTOCK. Good morning. We are on the record this morning for the Committee on Government Reform and Oversight. Thank you for appearing here today, Mr. Quinn. Mr. Quinn is accompanied here this morning by Kitty Behan, his attorney.

I would like to note for the record those present at the beginning of the deposition. My name is Barbara Comstock. I am the designated majority counsel for the committee, and I am accompanied today by Elliot Berke, who is also with majority staff. The designated counsel for the minority this morning is going to be Ken Ballen, who will be joining us shortly.

Mr. MCLAUGHLIN. Actually, it is Andrew McLaughlin at this point.

Ms. COMSTOCK. But I think Ken indicated he wanted to be the designated counsel.

Mr. MCLAUGHLIN. I am designated minority counsel. I am sitting here to take the deposition.

Ms. COMSTOCK. Okay. That is going to then be for the whole deposition?

Mr. MCLAUGHLIN. We will see when Ken's appointment lets up. I mean, Ken wanted me to thank you on the record, Barbara, for accommodating his request for the appointment this morning, but seeing as how he is not out of there right now, we have to proceed.

Ms. COMSTOCK. Mr. Ballen asked us to move the deposition back to 9:30 this morning so he could join us as designated counsel.

Mr. MCLAUGHLIN. He thanks you for graciously accommodating his request. Nevertheless, he is not here and I am.

Ms. COMSTOCK. That's right, and no good deed goes unpunished. Okay. We will get started here. We are going to dispense with some of the preliminaries, as Mr. Quinn is familiar with those.

We are joined also this morning by Congressman Tierney from Massachusetts. And at this time, Congressman, if you have any questions, I will defer to you.

Mr. TIERNEY. I appreciate that. Thank you. I am just going to observe, but if I have questions on the minority side, I will pipe in.

Ms. COMSTOCK. Okay, thank you.

Ms. BEHAN. If I could just state for the record, I understand the scope of the deposition will not repeat questions or lines of inquiry that were already fully pursued in the Senate deposition, though you may have some follow-up issues you want to pursue.

Ms. COMSTOCK. Right. As we discussed last night, I was able to review the Senate deposition, as was the minority, and so we agreed on a number of areas to pretty much entirely not go into them at all. There might be a few follow-up areas and some issues that veer off and a few of those things, but I think largely, if not entirely, we won't repeat any of that.

EXAMINATION BY MS. COMSTOCK:

Question. Mr. Quinn, just for the record, could you just tell us your time period when you served at the White House and the various positions you had?

Answer. I began my service at the White House on Inauguration Day 1993, at which point I was the Counsel and Deputy Chief of Staff to Vice President Gore, a position I held until sometime later in the spring, roughly April or May, when I became Acting Chief of Staff to the Vice President. I became Chief of Staff to the Vice President at the end of June or early July of 1993, and I served in that position until October or November, 1995, at which point I became Counsel to the President.

COURT REPORTER. Ms. Comstock, would you like him sworn in?

Ms. COMSTOCK. Oh, yes, I'm sorry.

THEREUPON, JACK QUINN, a witness, was called for examination by Counsel, and after having been first duly sworn, was examined and testified as follows:

The WITNESS. Including with respect to everything I just said.

Ms. COMSTOCK. We will trust you on that.

EXAMINATION BY MS. COMSTOCK:

Question. And you served as Counsel until when?

Answer. I served as Counsel until about the 14th or 15th of February, 1997.

Question. Okay. And when you served as Counsel, who was your deputy or were your deputies?

Answer. Kathleen Wallman, W-A-L-L-M-A-N, and Bruce Lindsey, L-I-N-D-S-E-Y, were my two deputies.

Question. Okay. And Jane Sherburne, who served as Special Counsel, did she also report to you?

Answer. That is not as simple a question as you might think. She did for a time. There came a time when she believed she didn't, and when she reported instead to Mr. Ickes.

Question. Okay. Can you describe generally when that time frame was?

Answer. Sometime during 1996. She had always had a, I suppose a split reporting relationship, by which I mean she reported to both me and Mr. Ickes, and during the course of the year that evolved on her side as a reporting relationship solely to Mr. Ickes.

Question. Okay. And was that something you were aware of at the time?

Answer. Well, I was aware that—yes, I was aware of that.

Question. And so can you be more specific in terms of the time frame when Ms. Sherburne stopped reporting to you and began reporting to Mr. Ickes?

Answer. It wasn't something that happened by agreement. It happened over the course of a period of months, and I would say, oh, by the end of the summer of 1996 she was reporting only to Mr. Ickes.

Question. Okay. And was that on the investigative matters that she worked on, she was only reporting to Mr. Ickes?

Answer. Correct.

Question. Okay. And those were largely pretty much 230 percent her duties at that time?

Answer. Well, by "the investigative matters" you mean Whitewater and what else?

Question. The other investigative matters that she handled. I mean, she was brought into the counsel's office to handle various investigations, Independent Counsels and that type of thing?

Answer. She was brought in to handle certain matters, right.

Question. And on those matters, by the end of sometime in the summer, she reported exclusively to Mr. Ickes?

Answer. That is correct.

Question. Okay.

Answer. As a practical matter.

Question. Okay.

Answer. And so we are clear on this, that was not an arrangement to which I assented.

Question. Okay. So in the course of that time frame when she transitioned into only reporting to Mr. Ickes, were you then not as involved in getting information on investigative matters then, or did you have another source?

Answer. It was never easy to get information.

Question. And why is that?

Answer. Well, I don't think the reporting relationship was as smooth and comfortable as it might have been and as one would hope it would have been, at any point.

Question. Okay. But was there somebody else, then, in the office, that then reported to you so you were kept apprised of these various matters as Counsel to the President?

Answer. There were a number of people in the office who worked on those matters, and I don't mean to suggest Jane would not be responsive when I sought out information. When I sought it out, she would be responsive, and there were others in the office who were involved in those matters. Jane attended our regular Counsel's Office staff meetings and from time to time reported information.

Question. All right. Could you tell us the process that you followed in terms of document production and subpoena response while you were counsel in the office?

Answer. Well, to generalize, the process we followed was to receive a request for information, be it in the form of a letter request or a subpoena, analyze it, study it, do our best to interpret it fairly, cover it with an explanatory note and a strong admonition to the White House staff to promptly search for any responsive materials, get them back to a person in the Counsel's Office who might be handling that particular matter, gather the information, find out what we had and, you know, respond. I don't think I can generalize more than that.

Question. When requests came in, or subpoenas, did they go directly to you initially and then you assigned them out to somebody?

Answer. I can't say they all went directly to me. I think that there were occasions on the Hill when people, including yourself, dealt with others on the staff, for example, Jane, and transmitted requests directly to her. There well may have been others who received requests directly. I would be informed of those, in the ordinary course, so I believe I was aware—I don't believe there was any request of which I was unaware, and typically, though not in every instance, the directive to the staff would come from me.

Mr. MCLAUGHLIN. Can I ask a relevance question, Barbara? Are we looking into subpoena compliance prior to this investigation? Are you looking at subpoena compliance with respect to other investigations? Are you looking at whether or not Counsel's Office complied with old subpoenas from the last Congress?

Ms. COMSTOCK. No. Mr. Quinn was there during the transition time and that is what we are going to focus on, but I am getting some background going into that time frame.

EXAMINATION BY MS. COMSTOCK:

Question. When you said that you would review the subpoenas and examine what type of information was requested, was one of the things you did to sit down with a group of people and try to figure out the body or universe of responsive documents and how one would go about searching for it?

Ms. BEHAN. That he might have done?

The WITNESS. Let me just try to provide some context, and this does predate the investigation that is the subject of your inquiry, obviously. In the time I was counsel we had an enormous number of requests. We had relatively few resources with which to deal with those requests.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. When you were counsel, how many people did you have working on these investigative matters, sort of Jane's team of people?

Answer. Oh, somewhere between 4 and 6, I would say. But there were other matters, as you know, that were the subject of document requests. Indeed, a directive went out to the committees from the leadership to investigate, seek documents, you are aware of that, and we were subject to—I don't know the number, but an enormous number of requests for information, and I can't easily generalize the process across all of those different requests.

We had lawyers who worked for the National Security Counsel handling a number of inquiries. We had lawyers who were trying to handle a particularly urgent set of requests from one of the subcommittees here. We had requests from the Independent Counsel, we had requests from the Senate, we had requests from your committee, and we had relatively few resources with which to deal with them. People were greatly burdened, but I think we did a terrific job of responding to these requests.

Question. Okay. When you would send out directives for requests, would you often attach the actual request that had come from a congressional committee?

Answer. I believe almost always.

Question. Okay. And so that was generally your practice when you were at the White House?

Answer. Yes, I think so. I think we would either attach it or literally parrot it. I don't think we would summarize it or condense it; I think it was typically the case. Again, there were so many of these requests, I don't want to be heard to be saying that there might not have been exceptions to this, but I think typically we would do so.

Question. Okay. And actually, we will look at some of the ones you did, and that was in fact my impression of it. And why did you do it that way, to sort of parrot what was requested?

Answer. So that we would be true to the request, so that we would not get caught in a situation in which one might argue that we were asking for less than had been requested of us.

Question. And when requests were sent around, now, when we are dealing with most of these investigative matters, that was largely the responsibility of Ms. Sherburne at the time you were counsel. Would that be correct?

Ms. BEHAN. I am confused here, because we talked about a lot of different document requests coming in, and I want to make sure the record is clear when you talk about "Jane's team" and the like that we are clear on what Jane's duties were.

The WITNESS. With respect to the subject matter this committee is now investigating, Jane did not have much of a responsibility.

EXAMINATION BY MS. COMSTOCK:

Question. No, I understand that, and we will get to that. I am more or less trying to get a sense of what your knowledge may have been at the time of the practices, and I understand that the dynamics there were somewhat strange.

Answer. She was responsible for some of the investigative matters, but not all.

Question. Did there come a time when you were counsel where Ms. Sherburne stopped handling these matters?

Ms. BEHAN. Which matters?

Mr. MCLAUGHLIN. Which matters?

EXAMINATION BY MS. COMSTOCK:

Question. The investigative matters.

Answer. There came a time she transitioned out of the White House and left.

Question. At or around October of 1996, did you task—some fund-raising, campaign fund-raising issues arose—did you task somebody else to respond to those issues?

Ms. BEHAN. Again, "those issues," you mean the issues relating to this committee?

Ms. COMSTOCK. Yes.

The WITNESS. I would answer you this way. Jane never had an assignment from me in this area. She undertook her own set of activities, either on her own initiative or at the request of Mr. Ickes, I don't know which, but I assigned Cheryl Mills to handle these matters on a transitional basis. I assured her that we would be getting the resources to hire additional people, to staff up, because I was trying very hard to get those resources.

I wanted those matters handled in the meantime by somebody I could trust to do a thorough and complete and highly competent job. That was she, and in the meanwhile I undertook to get the authorization to hire people to respond—to deal with the matters that we knew would be coming up.

EXAMINATION BY MS. COMSTOCK:

Question. So in the October of '96 time frame—and I believe the first stories about campaign finance problems relating to the DNC arose sometime in sort of late September, early October, you know, throughout the month of October—is it your testimony then that Ms. Sherburne was handling those in her—and at that point in her capacity reporting to Mr. Ickes, and that you were not aware of what she was doing?

Answer. That is right. Whatever she was doing in that time period on the issues, she was doing with Mr. Ickes, not me.

Question. Did you come to learn at some point what, exactly what she was doing during that time frame?

Answer. No.

Question. And when did you learn that she had been doing something on those matters, if you did?

Ms. BEHAN. Objection, I don't think he knows.

The WITNESS. Yes, I don't know, and it wasn't terribly important to me then. I assigned Cheryl to handle these matters until we could get permanent people on board to handle them.

EXAMINATION BY MS. COMSTOCK:

Question. And do you recall when you assigned Ms. Mills to that task?

Answer. No. You know, there was a flurry of activity, as you say, in September and October, and we were trying to keep a lot of balls in the air, moving, trying to respond to these requests as best we could in that time period, and that included requests involving matters related to this fund-raising stuff, and I believe Cheryl was working on that at that time.

Question. Okay. Now at that time, in October of '96, had Jane already decided she was going to be leaving? Is that why you tasked Cheryl Mills?

Answer. Yes, it was my clear understanding she would be leaving.

Question. And at that point, had you already planned on leaving at that point also, in October of '96?

Answer. I was pretty much sure I would be leaving. I didn't know exactly when.

Question. So I am just trying to get a sense of when you selected Ms. Mills to do that, was that because you thought both Ms. Sherburne wouldn't be there and you wouldn't be there, so you are selecting someone with historical or kind of long-term knowledge on these matters?

Answer. There are a couple reasons. Number one, most importantly, she is a person of enormous ability and high integrity. Number two, she is somebody who did most of the counseling of people in the White House on matters involving the line between official and political activities. She was most familiar with the law in this area, so she was clearly the person best suited to handle these matters. I really had to persuade her to do this, and I had to assure her that this was only a temporary assignment, that we would be getting someone else to come in and take it on an ongoing basis.

Question. Okay. And what did you ask Ms. Mills to do?

Ms. BEHAN. With regard to what?

EXAMINATION BY MS. COMSTOCK:

Question. With regard to when she took on these duties.

Answer. Basically to oversee these matters.

Question. When did you first learn about any campaign fund-raising problems related to John Huang?

Ms. BEHAN. I object to the form of the question because I don't know he knows of any campaign fund-raising problems related to him.

EXAMINATION BY MS. COMSTOCK:

Question. When did you learn of issues related to the campaign fund-raising of John Huang?

Answer. Honestly, I can't pinpoint the date for you.

Question. Was it spring '96, or summer or fall? Can you split it down?

Answer. Whenever it became a matter of public knowledge in the press.

Question. So prior to the public stories, nobody from the DNC, or some outside person hadn't called you up to say keep a look at this guy?

Answer. I do not believe so. I don't believe I had any advance knowledge there was an emerging problem in this area.

Question. All right. Do you recall if anybody from the DNC ever talked to you about John Huang prior to the news stories about issues related to his fund-raising?

Answer. I certainly don't recall any such conversation.

Question. When did you first meet John Huang?

Answer. I don't know exactly when. It would have been during the time I was Counsel to the President, and he certainly—I was acquainted with him. I know I had seen him at DNC-related events, and I was reminded recently, or I am reminded that he apparently came by to visit me on at least one occasion, I saw him at a subsequent meeting in Los Angeles. You know, I have seen him on a number of occasions. When all of these matters did become public and I saw his picture in the newspaper, I recognized him as, "Yes, I have seen that guy around. I know that guy."

Question. Did you do any work or campaign fund-raising in the '92 campaign?

Answer. Any work? I did not do fund-raising in the 1992 campaign or the 1996 campaign. I did help the Vice President after then Governor Clinton asked him to be on the ticket. I helped then Senator Gore out during the course of the campaign, in particular by assisting him in preparing for his debate.

Mr. TIERNEY. Can I ask a clarification? Are we limited to matters pertaining to more recent periods, or are we going back to '92?

Ms. COMSTOCK. We have been covering '92 as well as '96. With this witness I do not intend to go back into much of '92.

EXAMINATION BY MS. COMSTOCK:

Question. One of the things I wanted to ask is, because Mr. Huang was involved in fund-raising in '92, to see if you knew him then.

Answer. I don't believe I did.

Ms. BEHAN. I want to clarify for the record, you said you first met John Huang when you were Counsel to the President.

The WITNESS. No, it would have been when I was in the Vice President's office.

Ms. BEHAN. You said you recently learned that, you know, there was this letter from John Huang when he made a stop by, and that was in the Vice President's office.

The WITNESS. I think I first met him while I was in the Gore office.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. And I think the letter you refer to, why don't we just take a look at it. This is a letter from Mr. Huang, and I will make this Deposition Exhibit No. 1.

[Quinn Deposition Exhibit No. 1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 805.]

The WITNESS. Right.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. Is this the letter you are referring to that helped you recall, or actually did you recall that you had met with him prior to?

Answer. I did not.

Question. Okay.

Answer. Let me be clear. He refers in this letter to seeing me—to stopping by the office, and he refers to a meeting on Monday, September 27, in Los Angeles. I have a very clear memory of the September 27 meeting in Los Angeles. I don't recall his stopping by and visiting, though it certainly appears that he did so.

Mr. MCLAUGHLIN. Barbara, just for process, can you show the witness the one that is going to go in the record?

Ms. COMSTOCK. And it is an October 7, 1993 letter from Mr. Quinn to John Huang, EOP 49490.

EXAMINATION BY MS. COMSTOCK:

Question. Could you tell us what you recall about the September 27 event, or if you have already told us everything you recall.

Answer. One reason I remember it is because it was in a conference room in these law offices, it was standing room only, it felt like it was about 105 degrees, and I remember getting up, and I remember sitting by the door and like leaving on about three occasions because it was, you know, close and warm and uncomfortable in the room. It was pretty crowded.

Question. Was that a fund-raising event?

Answer. It was not. It was, as I recall it, it was with 30 or 40 Asian American individuals, and it was sort of outreach to the Asian American population in California, leaders of that community in California.

Question. And the Vice President was making remarks at that event?

Answer. Yes, it was sort of—yes. It was sort of a, you know, he came in, he sat down, he sort of talked about what was going on in Washington, what the administration was doing, what it was pursuing, and then kind of took questions, went around the room and answered people's questions.

Question. Do you recall if he made any remarks about Mr. Huang or his friendship with Mr. Huang or anything like that at that event?

Answer. I do not, and that is not the sort of thing that would—you know, that I would try to remember.

Question. Do you recall if anyone in the office had prepared remarks for the Vice President that were geared toward Mr. Huang in particular?

Answer. I don't know the answer to that. You know, he would typically have in his briefing book a memo on the event which would identify the individuals in attendance. He has always been rather fastidious about being sure that he thanked all of the people who should be thanked, and is usually very unhappy if there is

somebody he should thank and that individual is not identified by the staff. If anything, he over thanks. And so, you know, he might or might not have thanked Huang or any other individual.

Question. To your knowledge, did the Vice President know Mr. Huang before this time period, September of '93, or thereabouts?

Answer. I have the impression he did, but I don't have firsthand knowledge of that.

Question. Do you recall ever talking to the Vice President about Mr. Huang?

Answer. I do not.

Question. At any time?

Answer. At any time.

Question. So we have discussed—is all you recall in the September 27 meeting or whatever, assuming this date is correct, an event in Los Angeles at or around that time in 1993, but you do not recall the September 24th meeting in your office?

Answer. I do not, and I don't believe that this was on my schedule, this meeting. And I want to emphasize here, I am reconstructing, and surmising and speculating.

Question. Have you had an opportunity to review your schedules, in light of this issue becoming public, I guess it was this summer at some point?

Answer. When I first heard about this, I looked back at my schedule, and I think my schedules are in the White House, and I asked somebody to look and see if I had a meeting with these people on this day and I apparently did not.

Question. Okay.

Answer. In reconstructing, my surmise or speculation is that they dropped by. You know, I would imagine that this was a brief drop by, and it well may have been because we were going to Los Angeles to meet with this group of Asian Americans, and it may be that somebody on the staff brought them by. But better than that, I can't do for you.

Mr. MCLAUGHLIN. Can I pitch in for a second? The letter says, "Thank you for taking time out of your busy schedule to receive myself at your office." That is a little different from meeting; is that right? It says thank you for receiving us. You just greeted them in your office?

The WITNESS. I believe that is probably what happened, but——

Ms. BEHAN. But he doesn't want to speculate.

The WITNESS. That is in the nature of speculation.

Mr. MCLAUGHLIN. I just don't want the record to reflect that somehow a substantive meeting took place. The letter suggests to the contrary.

Ms. COMSTOCK. And the letter will be an exhibit.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall, I guess this Chairman Shen Jueren, do you have any recollection of him?

Answer. No, and I don't believe——

Question. I may be butchering this pronunciation.

Answer. And I have no idea how to pronounce this gentleman's name. I don't recall having met with him on this occasion, and to the best of my knowledge, I never had anything to do with the guy after this.

Question. Okay. And the assistant that is named here, Ms. Liang of China Resources Group, any recollection of her?

Answer. No.

Question. Do you know if you ever met with—I assume you do not recall meeting with this gentleman at any other time, Shen Jueren?

Answer. I certainly do not.

Question. Do you recall receiving this letter?

Answer. No, I do not.

Question. And the handwriting on the bottom of it, which I believe is John Huang's handwriting, just from a lot of the other documents we have gotten, and certainly in the context of the letter it appears to be his handwriting, can you make that out from anything?

Answer. It appears to say, "Let me know if you decide to go to Asia next." Again in the nature of speculation, I think that is probably a reference to a Vice Presidential trip, and it well may be that there was contemplation among the National Security people or others on our staff that one of the trips in the next year might be to Asia. I have a high degree of certainty he wasn't talking about my going to Asia, since in the whole time I was in the White House, I didn't go anywhere that one of the principals didn't go.

Question. And were you aware of any trips that the Vice President had taken with John Huang to Asia, or have any knowledge of that prior to this time, prior to 1993?

Answer. Was I aware of trips he had taken? I don't believe I was.

Question. When issues relating to John Huang came up, you had to move back to 1996, about his fund-raising, at that time you said you saw his picture and, you know, recognized that you had seen him. Were you aware he was involved in fund-raising for the DNC?

Answer. I think I was. You know, one of the difficulties is that so much has come out, I am trying my best to remember what I knew at the time, because we all learned a lot subsequently. It is my impression, and you can correct me if I am wrong, that when this became the subject of news stories he was working at the DNC as a fund-raiser.

Question. Yes?

Answer. So that that would have been apparent, at least at that time. So is your question did I know then or did I know prior to that?

Question. Did you know at that time, or did somebody come and tell you and say, "That is John Huang, our vice chairman of fund-raising," or that is the person that asked the President if he could go over to the DNC?

Mr. MCLAUGHLIN. Do you mean other than from news accounts, did he have an independent source of knowledge prior?

Ms. COMSTOCK. Why don't I let the witness answer.

The WITNESS. I am not exactly sure what you want me to answer.

EXAMINATION BY MS. COMSTOCK:

Question. At the time, as the news stories came out, what was the discussion sort of among staff, and in trying to find out what he was doing, you know, any conversations that you recall with staff at that time?

Answer. Honestly, I can't recall staff conversations at the time. I mean, I would have to go back and look at these press accounts and try to reconstruct it. I don't even remember what the initial press stories were precisely about.

Question. Okay. Well, they assist you in some way, the initial stories about a contribution of a quarter of $1 million that was returned that had been raised by Mr. Huang?

Answer. Okay.

Question. Do you recall anyone ever coming to the White House—or anyone discussing that issue with you?

Answer. No. I do not.

Question. Okay. And then subsequently there were the Wiriadinatas?

Answer. Right.

Question. The gardener or landscape architect, whatever your preference is, where he had contributed $450,230 under Mr. Huang, who was the solicitor?

Answer. I learned about that from press accounts. Let me see if this helps you. No one, either inside the White House or at the DNC, came to me, I don't believe, in advance of these stories and said there are questionable contributions that have been raised, or there are problem contributions or contributions that have to be returned.

I don't believe the Counsel's Office was involved in any of the legal issues around those contributions when these stories broke or before these stories broke. I believe I am correct. I am correct at least insofar as my own involvement is concerned. I am not aware—I can't say that no one in the office was put on notice that there were contribution issues at the DNC, but I am sure not aware of our office having been put on notice about that.

Question. Okay. Now you have been put on notice about Charlie Trie and the contributions he raised for the President's Legal Expense Trust, correct?

Answer. Correct.

Question. I know you have testified to that in Senate depositions, so I do not want to belabor that or go into that too extensively, but in the context of this sort of October time frame and sort of potentially problematic fund-raising, did Charlie Trie's name ever come up again, knowing what you knew about him in relation to the trust?

Ms. BEHAN. I'm sorry, outside of what did Charlie Trie's name come to his attention?

EXAMINATION BY MS. COMSTOCK:

Question. Why don't we briefly get on the record, you were aware that Mr. Trie in the spring of 1996, March of 1996, had brought a large number of donations, individually, $1,230, sequential checks, and a number of other donations to the Legal Expense Trust?

Answer. Right.

Question. And that had been brought to your attention, apparently, on May 9, 1996 by Mr. Cardozo?

Answer. Correct.

Question. Prior to that time you did not know anything about Mr. Trie?

Answer. I don't believe I had ever seen the name.

Question. And you had not met him prior to that?

Answer. I don't believe so, and——

Question. And I understand he may have shown up at an event, and you are at a lot of events, and I am not holding you to that.

Answer. I don't believe I have met him, and by contrast, when I saw his picture, I didn't think I recognized him. I became aware of him, as you indicate, when Michael Cardozo came to our offices and reported about this effort on Mr. Trie's part to make this large number of donations to the Legal Expense Trust, and that was the first, I believe, I had heard of them.

Question. Were you aware he was a presidential appointee at that time?

Answer. I did not know that at that time.

Question. Did you tell the president anything about what Mr. Cardozo told you about Mr. Trie?

Answer. I don't believe so. And I do not want to get into conversations I may have had with the President, but I am on the record already, so I don't believe I did.

Question. Okay. And when you received that information about Mr. Trie, what was your understanding of the purpose of your being informed of that information?

Ms. BEHAN. Are you talking about from Mr. Cardozo?

EXAMINATION BY MS. COMSTOCK:

Question. I mean, Mr. Cardozo was executive director for the trust, so why did he go to you rather than the President and the First Lady and tell them, "We have these donations we think we are going to have to investigate and possibly return."

Ms. BEHAN. I don't think there is any foundation for that at all. I don't think Jack has put in any testimony about where Mr. Cardozo went to.

And I also, Jack, suggest you not speculate about what other people's purpose was in coming to you. And I also want to reiterate, there is a privilege here to be protected, and I assume you are not trying to get into any scope of the privilege of his conversations.

Ms. COMSTOCK. I think it is public record that the President was well aware of Mr. Trie's fund-raising.

Mr. MCLAUGHLIN. I don't think that is public record, Barbara.

Ms. COMSTOCK. I think it very well is, and after seeing all the videotapes we know——

Mr. TIERNEY. I don't think it makes a lot of sense for counsel to be putting their observations or conclusions on the record. You might want to ask the question. I don't mean to be critical, but I can see this going back and forth and having a lot of testimony from lawyers, and I am not sure that moves us along here.

EXAMINATION BY MS. COMSTOCK:

Question. I would like to explain, the reason I would like to discuss this is because I think, whether or not anyone agrees, that the President had knowledge of Charlie Trie being a fund-raiser. I think the record, the Congressman is correct, the record can speak for itself, and I will let it do so.

But I would ask, you know, and I think you have already indicated, but I would ask you if you do recall if you told the President or First Lady about Mr. Trie's activities with the trust, the money he had given to the trust?

Mr. MCLAUGHLIN. We have been joined by Mr. Kanjorski from the minority side.

Ms. COMSTOCK. At any point you may have questions, please let me know and interrupt, and we will cease.

The WITNESS. What is your question?

EXAMINATION BY MS. COMSTOCK:

Question. Okay. My question is, I think we have already established you did not talk with the President about the information that Mr. Cardozo shared with you about Mr. Trie's donations, correct, or you don't believe you did?

Answer. I don't believe I did.

Question. Okay. Now did there come a time you became aware that Mr. Cardozo had informed the First Lady and Harold Ickes about Mr. Trie's contributions?

Answer. I understand that to be the case.

Question. When I say Mr. Trie's contributions, I understand they aren't his, but I am generically referring to the money, he brought it in the bag, and if we can shorthand that because I am trying to make it as brief as possible——

Mr. MCLAUGHLIN. This was all covered in the Senate deposition. I don't see that it is productive for us to go into this.

The WITNESS. I have heard that that happened.

EXAMINATION BY MS. COMSTOCK:

Question. But at that time you did not know Mr. Cardozo had informed Mr. Ickes and the First Lady about Mr. Trie's donations he had provided to the trust?

Answer. I am not sure when I became aware of that, but I don't believe I knew it on May 9.

Question. Okay. And following——

Answer. I can't be sure about that.

Question [continuing]. Following the May 9 meeting, did you share the information you learned from Mr. Cardozo with anybody else at the White House?

Ms. BEHAN. If you don't recall, you don't recall.

The WITNESS. I am trying to remember if I recall. I don't recall.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall ever discussing anything related to Mr. Trie with Harold Ickes?

Ms. BEHAN. Other than what has been discussed in the Senate deposition?

Ms. COMSTOCK. Right, and I understand Mr. Ickes——

Ms. BEHAN. And what he's said about the Legal Expense Trust?

Ms. COMSTOCK.—Mr. Ickes was in the May 9 meeting.

EXAMINATION BY MS. COMSTOCK:

Question. But did you ever have any discussions with Mr. Ickes, other than he was sitting in the room at the same time Mr. Cardozo relayed this information?

Answer. Look, I can't say that at no time after that meeting we passed words about the situation, but I don't recall any specific conversation I might have had with him about the Trie donations.

Question. Okay. And do you know if you discussed with anybody ever whether or not Mr. Trie was involved in DNC fund-raising?

Answer. I am virtually certain I never had any such discussion with anyone.

Question. All right. Now there came a time in December of 1996 where it became public about Mr. Trie's donations. At that time, did you learn he had been involved in DNC fund-raising?

Answer. I don't recall when I learned it, but it was, as you say, much later, much, much later.

Question. So in the October time frame, October, 1996, Mr. Ickes has indicated that he told Ms. Thornberry at the DNC or made references to Charlie Trie. Did he ever mention anything like that to you in that time frame of October of 1996?

Ms. BEHAN. Objection on foundation grounds.

The WITNESS. I don't believe he did at that time. Again, I wish I could recall every snippet of every conversation I had in 4 years at the White House. There was a lot going on. This was one of a great many things going on. Looking back now, I don't recall Harold having told me that. But I have to be very careful about this because I can't sit here and swear that he didn't say any such thing. I don't believe he did, but that is the best I can do.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. Do you have any knowledge of him informing Ms. Sherburne about Mr. Trie's fund-raising?

Answer. I do not.

Question. And if we could return then to some of the—when the information about Mr. Huang's fund-raising first became public, there were requests from this and, I know, other committees about information relating to Mr. Huang. We will make this Deposition Exhibit No. 2. These are two requests from the same day: A letter to the President of October 31, 1996, from Chairman Clinger, the previous chairman of the committee; and an October 31, 1996 request to Terry Good of the Office of Records Management, requesting Mr. Huang's WAVE records.

Do you recall dealing with either of these matters?

Answer. Not specifically. Eventually, this letter addressed to the President would have found its way to my desk; almost always, I will tell you, with a good deal of

delay, because for future reference, when you send a letter addressed to the President like this, it goes through the Legislative Affairs Office and it may sit there anywhere from a few hours to a few weeks.

Question. So we should simultaneously fax to the Counsel's Office?

Answer. You bet.

Question. I think we learned that somewhere along the line.

Do you recall if you tasked Ms. Mills in gathering John Huang's WAVE records or any records relating to John Huang in October of 1996?

Answer. I don't specifically recall, but—well, that is my answer. I don't specifically recall whom I would have assigned this to in the office. There was a likelihood it would have been Ms. Mills.

Question. Okay. And I know you have indicated sort of in the October time frame you weren't really—would it be fair to say you really weren't aware of what Ms. Sherburne was doing at that time on anything?

Answer. That would be fair.

Question. Okay. Now in fact, we have received testimony that Ms. Sherburne was sort of handling these issues or at least gathering documents relating to the issues. Did there come a time you learned she had sort of gathered some files, and did you ever ask her to pass them on to Ms. Mills or anything like that?

Answer. There came a time I know she passed materials on to Ms. Mills, as she was transitioning out. I can't pinpoint the date, but I am aware of that.

Ms. COMSTOCK. Okay. And then why don't we go ahead and mark these two as Deposition Exhibits 2 and 3.

[Quinn Deposition Exhibit No. 2 was marked for identification.]

[Quinn Deposition Exhibit No. 3 was marked for identification.]

Ms. COMSTOCK. And this is another letter, a November 1st letter.

Mr. MCLAUGHLIN. Do you have another copy, Barbara?

Ms. COMSTOCK. I will make this Deposition Exhibit No. 4.

[Quinn Deposition Exhibit No. 4 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall receiving this letter?

Answer. Vaguely, yes.

Question. And do you recall Kathleen Wallman being involved in anything relating to Mr. Huang's WAVE records?

Answer. No, but she was my deputy so she was involved in many of the things I was involved in.

Mr. MCLAUGHLIN. I wanted to ask something. I understood you to say you were asking questions on background as to the transition to the current White House team. Are you looking at compliance with document requests issued by the last Congress to this White House counsel or are you actually trying to get at subpoena compliance? I mean, I just think it is a matter of public record.

As you said before, the first subpoena issued by this committee was issued on March 4th. Mr. Quinn had left at least 2 weeks prior to that, and so background is one thing. Digging into back and forth exchanges back in October and November may be interesting political history but I don't think it sheds any light on subpoena compliance.

Ms. COMSTOCK. This all leads to the gathering of a body of information that was residing in the White House in January and early February at the time when Mr. Quinn left, and that's what we are trying to establish here, is to go through that as we did with other witnesses.

Ms. BEHAN. I will just second the objection for the record. It sounds that—it appears to be beyond the scope. I will permit you to answer.

The WITNESS. What is the question about this?

Ms. BEHAN. On background.

EXAMINATION BY MS. COMSTOCK:

Question. I was wondering if you recall taking any action in terms of gathering documents related to Mr. Huang in response to this letter?

Answer. Well, let me say this: It was my job, as counsel, to make sure that we were responsive to the request of the Congress for information on all of the legitimate matters Congress had an interest in for purposes of legislating and conducting oversight. We dealt with this, as we did with all other requests, by attempting to gather the information carefully, deliberately, thoroughly and responding to it in due course.

There was, as you have pointed out by showing me these letters, a particular sense of urgency on the part of your committee, at the end of October of 1996, to

getting this information. That sense of urgency no doubt had to do with the impending elections, and I know that it might—it might have created on the part of some up here some sense of eagerness to get whatever information it could.

It was our job to collect all of the information you wanted and get it to you as promptly as we could, but as completely and thoroughly as we could, without reference to the fact that the election was coming up.

Mr. TIERNEY. Mr. Quinn, can I interject for a second. Did you receive more than one request from more than one committee?

The WITNESS. Yes. We had a good many requests on this and other topics.

Mr. TIERNEY. Are you aware of any directive that the Republican leadership sent to its various committees instructing them or suggesting to them that they send off a number of requests to the White House all at once?

The WITNESS. I am aware that the House leadership instructed its committees to investigate to a fare-thee-well to ferret out all information it could get on whatever could be found that might be helpful for political purposes. And I think that that instruction was a significant reason why we had a large volume of requests from the Congress, why we were never really able to negotiate reasonable scope on those requests and, you know, why it was just so difficult to do this under the artificial deadlines that were imposed on us.

You look at the letters that have just been entered in as exhibits and see the deadlines that were imposed. They had—they all had reference to them—I mean, they were in a matter of days. They wanted them by noon on a certain day. It was never noon the day after the election. It was noon in advance of the election.

Mr. KANJORSKI. Do you think there may have been some relationship to that?

Ms. COMSTOCK. Or perhaps any relationship with them not being produced in time?

The WITNESS. I think not. I think there was no relationship to their not being produced. And, look, I confess to you that this was a source of some frustration because we had, relatively speaking, a small staff; certainly a fraction of the staff that this committee and the Senate committee have employed to investigate these matters.

It was always a source of frustration that none of the Members of Congress who wanted this information, and I say this to you with all respect, went down on to the floor of the House and said, let's appropriate more money to give these people the resources they need to answer our questions. All of the appropriations were for more staff to ask the questions. There has never been an appropriation for staff to answer the questions.

Mr. TIERNEY. Other than this committee, the Government Reform and Oversight, can you think off the top of your head of some of the other committees that were making requests for documents at that same time?

The WITNESS. Well, Mr. Solomon was making requests on a weekly, if not more frequent, basis, again with a great sense of urgency. There were requests, I believe, from the Foreign Affairs Committee. I can't identify all of them but there were a good many requests at the time. Mr. McIntosh had sort of a rolling set of requests.

Mr. TIERNEY. Were they duplicative in any way?

The WITNESS. They were overlapping, no doubt about it. And at this time there was a good deal of uncertainty, at least on our part, where the authority to investigate these matters would ultimately rest in the House of Representatives.

There was, as you may recall, public discussion about the possibility of the Speaker putting together a special committee or a select committee, of his assigning it to joint task forces and so on. So there was a good deal of confusion.

But putting all of that aside, again, when I would see a request for information in 3 days, what I feared was not getting the information out because, mind you, none of this information ultimately has been hurtful. What I feared was our putting the information out that we could get in 3 days and then a week later, quite naturally, finding additional information and then being accused of not providing everything when it was due.

Mr. KANJORSKI. Wasn't that a favorite expression of Mr. Clinger: This raises more questions?

The WITNESS. Right. I mean, we would constantly get into sort of losing sight of what started all this, what the underlying issue is and get into process, frankly, as we are now. What becomes more interesting to people when the substance turns out to be noncontroversial is the process by which the White House responds to these matters.

But it was always a trap to impose deadlines that were unreasonable that couldn't be met that have us provide some of the information but not all of the information and then later slam us for not having provided all of the information on a timely basis.

We did everything we could, and I say that with all my heart. I went out and hired additional people to come in, after there were some admitted, acknowledged late-found documents—and no one was more distressed about that than I was—things that should have been turned over under previous counsels that were found in the White House while I was counsel. That was painful. And I went out and I brought in people, and I said, your job is to take this place and turn it upside down and shake it, and you find everything that's responsive to these requests and you get it to Ken Starr and you get it up to the Hill. And we did that. We did that.

We had, in the period 1996, just the number of requests, it exploded exponentially and, frankly, it was just overwhelming. We were just drowning in requests and we did our very best to find the information and turn it over in a timely basis.

Mr. TIERNEY. Was there any sense of coordination on your part from the Majority's issuance of these requests for documents? Did you get the sense that anybody was coordinating that effort or was it just coming in from all different directions?

The WITNESS. Yeah, on the contrary. We got a sense that there was no coordination, that we were getting overlapping and inconsistent requests and having to assemble one set of information for one committee and a slightly different set of information for another one.

And, again, we truly were shorthanded.

Mr. MCLAUGHLIN. I have a quick follow-up. These deadlines——

Ms. COMSTOCK. Actually, I——

Mr. MCLAUGHLIN. Just a quick follow-up to the Congressman's questions. These deadlines in Exhibits 3 and 4, was it—in Exhibit 4, was it humanly possible to meet a 1-day turnaround for all documents related to John Huang?

Ms. COMSTOCK. I will state for the record as having been the person who spoke with Mr. Good.

Mr. MCLAUGHLIN. I am sorry. Are you testifying? I didn't actually ask you a question.

Ms. COMSTOCK. But you have raised questions.

Mr. MCLAUGHLIN. I don't want you to testify in response to my question. My question was to Mr. Quinn.

Mr. Quinn, was it humanly possible to obtain, within a 24-hour period, all documents relating to John Huang?

The WITNESS. I have to answer you by telling you that I was a level or so removed from the process of actually gathering the documents. I had to rely on other people on my staff to go out and deal with the people who had access to them. So I didn't have firsthand knowledge.

I do have, however, absolute confidence in the honesty and integrity of the people who had the documents in the White House and who work in the counsel's office and had the job of producing them. And I think that they did at the time and continue to do the very best they can to respond to these requests.

EXAMINATION BY MS. COMSTOCK:

Question. Is that——

Mr. MCLAUGHLIN. My second follow-up question to the Congressman's questions is——

Ms. COMSTOCK. We are on the first round and you are, I guess now, the designated counsel for today?

Mr. MCLAUGHLIN. Since the very beginning, as I indicated during your opening remarks.

Ms. COMSTOCK. It is just that Mr. Ballen is——

Mr. MCLAUGHLIN. Mr. Quinn——

Ms. COMSTOCK. We are not on your round.

Mr. MCLAUGHLIN. No. I am asking a follow-up question to the questions by the Congressman. Are you going to deny me the ability to ask a follow-up question to questions asked by members of this committee? Yes or no?

Ms. COMSTOCK. Just proceed, Mr. McLaughlin.

Mr. MCLAUGHLIN. Thank you, Ms. Comstock.

Is it at least conceivable to you, Mr. Quinn, that Chairman Clinger and the other committee and subcommittee chairmen that were passing these requests along in the week or two just prior to the election, is it conceivable to you that they were setting unreasonable deadlines so that the White House would not be able to meet them and so that they could yet then claim, as is so often the case here in Congress, that a cover-up was taking place? Is that conceivable?

The WITNESS. Look, I am not going to question anyone's motivation, including Chairman Clinger.

Ms. COMSTOCK. I think usually counsel is asked not to speculate.

Mr. MCLAUGHLIN. Actually, it is a question as to whether it is conceivable.

Ms. COMSTOCK. That's not speculative?

The WITNESS. But I will say this—I will say this, and I said it, frankly, to either Mr. Clinger or Mr. McIntosh in the context of some of these requests, I was distressed at this time that there was a bald partisan political election related effort to use these committees not for legislative or oversight purposes but as, frankly, an adjunct to the Republican campaign.

I ignored that. I wasn't going to let us be affected by democratic politics but I didn't think that we should be bullied into doing something incomplete or hastily or inappropriate just because some people wanted to use these investigations to affect the campaign.

I certainly never thought there was anything here that would affect them, by the way, but with all my heart I tell you that there was not a person I worked with in the counsel's office who would countenance unreasonable delay, who would countenance anything in the nature of foot dragging, who would do anything other than do their job and do it thoroughly and completely and on a reasonable and timely basis.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know Mr. Good, who is the Office of Records Management chief?

Answer. I may have met him at some point. I don't know him personally.

Question. You know of his work and that he has been at the White House for over 25 years or so?

Answer. I do.

Question. All right. Do you have any reason to think that he would give misinformation to this committee?

Answer. I do not.

Question. Or lie?

Answer. No, I do not.

Question. If Mr. Good had told this committee that certain records were available within a day or two, do you think that he would have been giving misinformation to this committee for any political reasons or anything such as that?

Ms. BEHAN. Objection. I don't know what you mean. Available within what?

Mr. MCLAUGHLIN. Do you have any documents about this, Barbara?

EXAMINATION BY MS. COMSTOCK:

Question. If Mr. Good had informed the committee that the WAVES could be made available promptly, do you have any reason to make believe that——

Ms. BEHAN. I would object to the form of this question. It is calling for the same speculation that you have just said that he should not do.

Mr. KANJORSKI. I think we should call Mr. Good. I don't think Mr. Quinn should be called upon to testify.

Ms. COMSTOCK. I would hope that we don't have to call Mr. Good. Maybe we can just submit some questions to him.

In fact, I will make this Deposition Exhibit No. 5.

[Quinn Deposition Exhibit No. 5 was marked for identification.]

Ms. BEHAN. Is Mr. Good getting special treatment?

EXAMINATION BY MS. COMSTOCK:

Question. Weren't the WAVES records actually collected at some time in October, to your knowledge?

Answer. I don't have direct knowledge of this. I assigned this matter to others in the office and I can't speak to what was collected or when it was collected. I did not involve myself in the collection of the documents, analysis of the documents, submission of the documents, except on certain exceptional occasions.

So these questions are best directed to the lawyers and the staff who did gather the documents as to when they did and how they did.

Question. Okay. Did anybody——

Mr. MCLAUGHLIN. I just want to know—it now seems we are clearly straying beyond background to subpoena compliance. Now you are once again just poking around.

Ms. BEHAN. I would like to reiterate that objection.

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever see these WAVES records that had been gathered at the time in regard to documents that were gathered regarding John Huang and James Riady? These are actually WAVES records from both Mr. Riady and Mr. Huang.

Mr. MCLAUGHLIN. Barbara, is it the case that you are trying to figure out why information was not turned over immediately prior to the election? Because this information has been turned over. I am looking at it here. It has got an early EOP number. It obviously was an early part of the White House's production to this committee. Is this committee inquiring as to why this stuff was not added to the documents that the Congress wanted prior to the election? Is that the nature of the inquiry?

Ms. COMSTOCK. I will just let my question stand.

Mr. MCLAUGHLIN. You are declining to respond to my question about your question? Is that yes or no, Barbara? Okay. I am just going to——

EXAMINATION BY MS. COMSTOCK:

Question. If the witness could answer the question?

Answer. And the question was?

Question. The question was, at the time did you see Mr. Huang's records——

Mr. MCLAUGHLIN. Before you answer, Mr. Quinn, I just want to note for the record that Majority counsel is declining to answer a basic question about the scope of the inquiry.

The WITNESS. At the time, by which you mean November 2nd?

EXAMINATION BY MS. COMSTOCK:

Question. On or around the end of October, early, mid-November, did you see these WAVES records before they were turned over?

Answer. I don't recall seeing these particular records. I mean, I have seen other WAVES records and so they look familiar to me. But I don't recall having been shown these.

Mr. MCLAUGHLIN. Is that the marked copy? Can we show the marked copy to the witness?

Ms. COMSTOCK. These are all identical copies. If you want to check at the end of the deposition to make sure these are the actual things, we have made identical copies of this. It is easier to mark them and——

Mr. MCLAUGHLIN. That's your representation but the bottom line is it is normal deposition practice—I know that you are not a practicing lawyer, but it is a normal deposition practice to show the copy that goes into the record to the witness. That's just rudimentary law, rudimentary civil procedure.

Ms. BEHAN. He is now looking at the official copy of the exhibit.

Mr. KANJORSKI. Are these supposed to mean something?

Ms. COMSTOCK. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. On page EOP 4986, I want to direct your attention to a WAVE entry for John Huang, and actually I think that is the date of Exhibit 1, the meeting that John Huang had referred to on September 24th. And the visitee is listed as Quinn and the requester here is listed as Hopkins.

I will note for the record—I don't know how familiar you are with WAVES—the stars there to the right sometimes indicate that people may or may not have come by.

Mr. Huang's letter indicated he stopped by. These WAVES records are sort of inconclusive as to whether he came in. He may have come in at a different entrance. I think you maybe may have gone through——

Ms. BEHAN. Are you indicating that the WAVES records do not suggest that he came there?

EXAMINATION BY MS. COMSTOCK:

Question. No, I am just asking if Mr.—if you recall Mr. Hopkins or Ms. Hopkins, whoever that is, having anything to do with John Huang or if you talked—in seeing these WAVES records at or around November of 1996, if you recall discussing any meetings that you may have had with John Huang?

Answer. I do not recall.

Ms. BEHAN. Do you recall seeing these WAVES records specifically?

The WITNESS. I don't recall seeing these—these may have been shown to me in the Senate deposition. In any event, Kim Hopkins was one of the assistants who

worked outside my office. She was a receptionist. And so it would not be unusual for her to wave people into the building.

As I said earlier in this deposition, I don't doubt for a moment that John Huang stopped by to see me.

EXAMINATION BY MS. COMSTOCK:

Question. I understand. I am just wondering if this refreshes your recollection as to any discussions you may have had about Mr. Huang or when you say the WAVES records, if at the time you saw the WAVES records before turning them over, you——

Answer. No, it really wouldn't. It really wouldn't. And it is highly unlikely I would have had any discussion with Kim about him.

Question. Okay. Now, these WAVES records were WAVES records that were prepared by Ms. Mills, and as is reflected on the fax sheet she sent them to Mr. Lindsey. Were you aware of Mr. Lindsey handling matters relating to John Huang and James Riady at this time?

Answer. I was aware that he was—Bruce has a deputy counsel, still is a deputy counsel, and was involved in these matters and in helping to ensure our compliance, sure.

Question. Okay. Did you ask Ms. Mills to send these to Mr. Lindsey?

Answer. I don't recall having done so, but Bruce is somebody whom it would have been my practice to consult on any number of matters, because he was a senior lawyer in the office and a person of good judgment.

I am not sure why they had this interaction. I just don't know. I mean, you would have to ask them.

Question. Okay. Is it your recollection that Mr. Lindsey was traveling with the President at that time, and this would be a few days before the election in 1996?

Ms. BEHAN. I object. I think that is really calling for speculation since he knows so little about this.

The WITNESS. True. I can't answer this.

Ms. COMSTOCK. I am referring to November 2nd.

Ms. BEHAN. There is something——

The WITNESS. There is a line on the first page that tells me it went to the—that it went to Mr. Lindsey while he was with the President on the road.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know any particular reason why Mr. Lindsey wanted these documents while they were on the road?

Ms. BEHAN. Again, I am going to object. He said he is learning this from the face of the document.

Mr. MCLAUGHLIN. I think he has already responded that Bruce Lindsey was involved in the matter.

The WITNESS. I thought you folks were in a hurry to get these things. I mean, the alternative, it seemed to me, would be for Ms. Mills to wait until they returned.

EXAMINATION BY MS. COMSTOCK:

Question. I am just trying to understand what your knowledge was at that time of preparing these records.

Answer. My lawyer is going to let me speculate here that Ms. Mills was trying very hard to get you the information as quickly as possible, even going to the length of sending this material to Mr. Lindsey while he was on the road so that she could clear it with him or get his input and get it up to you as soon as possible. But I am speculating. Again, you would have to ask them.

Ms. COMSTOCK. I will mark this as Deposition Exhibit No. 6.

[Quinn Deposition Exhibit No. 6 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. This is an October 31st, 1996, memo for all staff of the White House from yourself regarding documents relating to the Lippo Group. And as we had discussed earlier, I think you said it was your practice often to send out the actual request and that is—as indicated here, it is attached to this memo. Do you recall sending this memo out?

Answer. Vaguely.

Question. At this time, do you recall having Kathleen Wallman or Alan Kreczko handling these matters?

Answer. Again, it appears as such from the face of the document.

Question. Okay. And the due date for producing these documents was November 12th, 1996. Do you know if documents responsive to this request started coming in in that time frame?

Answer. I don't know. Again, it—as you can see from the document, Wallman and Kreczko were sort of the people overseeing compliance with the request. The actual first line person gathering the documents was Bill Leary at the National Security Council, who is somebody who I will tell you is the—one of the people, if not the person, most expert in the classification of national security related materials and the person who would be in a position to know whether the disclosure of information might compromise the national security.

Question. Okay. Is it your experience that Mr. Leary, if he were tasked with something such as this, would be responsive and make an effort to get the documents by the due date on this directive?

Answer. I certainly believe so. I mean, he is not a political operative, if that's what the question is.

Question. No, that's not the question. The question is just as to Mr. Leary's, you know, responsibilities that if he didn't get documents that he might go out and seek them and make sure people were complying with your directive.

Answer. I tried very hard, in my time in the White House, not just to protect and preserve Presidential prerogatives as the constitutional responsibilities of the President, but I tried also, whenever matters arose that might implicate national security, to exercise utmost caution. And, again, we were in a period of time when there were a good many requests for information from different sources that went to matters involving foreign affairs and national security issues, and we had to take particular care to make sure that those matters were handled appropriately. And we tried to do so.

Question. Okay. And was it your experience that Mr. Leary and Mr. Kreczko usually responded to your directives in a prompt manner?

Answer. Absolutely. They are the utmost professionals, but they are also extremely careful to protect the national interests. I mean, I can give you examples. We had, again, in response to this directive from the leadership, I assume, you know, we had requests, for example, as breathtaking as this seems—I am sure even to you now—we had a congressional request for a memorandum of a conversation between President Clinton and President Yeltsin. That obviously is the sort of request that makes people whose job it is to protect the national security very nervous.

We had inquiries, as I think you know, into the issues of arms shipments through Croatia into Bosnia and the report of the Intelligence Oversight Board on that matter.

We had inquiries into the alleged involvement of intelligence agents and military personnel of this country in arms shipments to Bosnia. These are all matters—and I sat down on a number of occasions with Mr. Gilman and worked through these requests. Sometimes we agreed; sometimes we didn't. But the point I am making is that whenever we had a request that might implicate the national security or the foreign relations of the United States, I made sure that they were handled in a way that would allow the National Security Council and the Department of State and not the political people in the administration to exercise the ultimate judgment.

Question. That is why Mr. Kreczko is on here and Mr. Leary?

Answer. Right.

Question. And if Mr. McLaughlin doesn't mind, I will note that we have had very fine dealings with Mr. Kreczko, and to the extent that Mr. Leary has been involved, that is true, too, and we agree with your assessment of those abilities.

What I am trying to determine is if you have a knowledge of the volume of documents that have been gathered at or around this time in November, December of 1996?

Answer. I don't. None of that, I don't believe, came back to me.

Question. Were there any particular documents, as they were gathered, that people may have brought to your attention or talked to you about in that time frame?

Answer. I don't recall any specific documents coming to me, but, you know, it is not out of the question. Again, I don't recall it in this context; that somebody might say, gee, do you think this is responsive or not responsive, questions like that.

Question. And then during this time frame, say November, December 1996, at that time did anybody come to you about any problems they had heard about John Huang or Charlie Trie and fund-raising issues?

Ms. BEHAN. I believe he has already answered this.

The WITNESS. Yeah. I just—again, I—well, let's take them one at a time.

I don't recall anybody coming to me about John Huang, raising problems with me, asking me to take any action or anything like that.

Charlie Trie, I became aware of in May in the context of his effort to make donations to the Presidential Legal Expense Trust. And since you have come back to that again, let me just tell you the—let me describe for you the prism through which I was looking at that issue.

No one said to us, not Michael Cardozo or anyone in the White House, this guy is a democratic activist or a fund-raiser or somebody who makes contributions to the campaign. When this came to us, it was, this is a guy who has a restaurant in Little Rock and we have learned that some of these contributions are connected with a religious sect, some said cult, in California. And there was some description of the sort of activities and beliefs of this cult.

For months, in my mind, this was this cult issue. These people were trying to give donations to the President. I didn't know why. I knew that the expense trust and its investigators thought they were questionable. But I didn't connect them up with the campaign or democratic politics or any other activities of Mr. Trie.

The only other activity of which I was aware was that this guy was a former restaurant owner who loved the President.

Question. At any time did you learn that he had been appointed by the President to a Presidential commission?

Answer. I think I learned that much, much later. I can't tell you when I learned that, but it was not during those early months, I am virtually certain.

Question. And the Executive order that expanded that commission——

Answer. And may I—just one other point on this, because I think this is important. In the time I was counsel, it was always clear through the course of our dealings that the trustees of the trust and Mr. Cardozo and Mr. Cardozo's lawyer from Sullivan and Cromwell regarded the trust as independent. When they informed us of things, it was just that.

Question. An FYI?

Answer. Information.

If I expressed a view, I might think they would take it into consideration, but it was always clear—and I think if you look at the trustees, you will understand why. It was always clear that they regarded themselves as the people who would make decisions about how to handle the affairs of the trust.

I mean, you are talking about people like Elliott Richardson and—I mean, these were not people who were sending Michael Cardozo over to the White House to get direction from me or anyone else. It just didn't work that way. And so I didn't view the Trie donations issue as sort of—as being on our to-do list. Okay?

Cardozo came over in May, said we have got this issue. We are undertaking, through this investigative agency, to run this down and get additional information.

My reaction, frankly, was that, gosh, these people are really going to extraordinary lengths to make sure that they don't take any contribution that's inappropriate. I thought it was admirable. I still think it was admirable. I think they handled it with enormous integrity and responsibility.

But when Michael Cardozo left the White House that day, I regarded the ball as being very much in his court and the court of the trustees; that they were going to conduct a further investigation and figure out what to do. They weren't expecting me to do anything. I didn't need to go running to the President and say, the trust has, you know, this problem; we need to do something.

We didn't need to do anything. The ball was in their court.

Question. Did he indicate whether he was going to—somebody was going to inform the President about the problematic contributions?

Answer. I honestly don't recall how or when the President was informed. I just don't recall that.

Question. Do you have any knowledge if the President knew sometime prior to the October 1996?

Answer. I do not. I don't recall that. I just don't recall. I did become aware at some point, as you pointed out, that Cardozo had had a conversation with the First Lady and with Harold Ickes.

Question. To your knowledge, and if you know, I mean, did the First Lady share information like that with the President, to your knowledge?

Ms. BEHAN. I am going to object to this. I think this is inappropriate.

The WITNESS. I can't speculate.

Mr. MCLAUGHLIN. The indication is obnoxious, Barbara.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know whether the President knew about Charlie Trie's contributions?

Answer. I don't now. If I did, I have forgotten, sincerely.

Question. And I believe it was at a Christmas event in December of 1996. I believe the date is at or around December 13th, 1996, Charlie Trie was invited to a Christmas party event. Do you recall any issues that arose around Mr. Trie attending that event?

Answer. I do not.

Question. That was not brought to your attention at that time?

Ms. BEHAN. I am going to object to the foundation. I have no idea what you mean by "issues," and if he doesn't recall then——

EXAMINATION BY MS. COMSTOCK:

Question. If anyone brought it to your attention should we have him attend this or not, is that going to be appropriate?

Answer. I don't recall that having come up.

Ms. BEHAN. Shall we take a break? Do you need a break? No?

The WITNESS. I would just assume plow through.

Ms. BEHAN. Okay.

[Quinn Deposition Exhibit No. 7 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. I am showing the witness a December 16th, 1996, directive, to all——

Mr. MCLAUGHLIN. Do you have copies for the Congressmen?

The WITNESS. Yeah. I mean, this goes back to, you know, your first question, how would I handle document requests. Well, I would tell people, you know, dammit, I want you to go through all of your files and I want you to turn things over to us promptly. In this case, what, in a week?

EXAMINATION BY MS. COMSTOCK:

Question. I believe on the second page it indicates December 23rd?

Answer. We gave people 1 week to respond to this request.

Mr. KANJORSKI. This was over Christmas; wasn't it?

The WITNESS. Right.

Ms. BEHAN. He was nice to them because it was shopping time.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall—the first paragraph of the memo indicates that, quote, we have received document requests from certain congressional committees and the Department of Justice.

At that time, was there a grand jury subpoena that came to the White House about a number of these matters?

Ms. BEHAN. If you recall.

The WITNESS. I don't recall.

EXAMINATION BY MS. COMSTOCK:

Question. And——

Answer. Do you know?

Question. Yes, I believe there was. I was just seeing if you recall some of the events.

Do you recall—the names that are listed here, did you have knowledge of who some of these people were? Aside from people like John Huang or James Riady, that you might have heard about in October or November, were you familiar with the other individuals on the list?

Mr. MCLAUGHLIN. You mean other than from press accounts was he familiar with any of these names or do you mean including through press accounts?

Ms. COMSTOCK. Just any knowledge he had about them.

The WITNESS. We have talked about Huang. I guess by this point I had heard plenty about Riady. I was familiar with Pauline Kanchanalak.

EXAMINATION BY MS. COMSTOCK:

Question. How were you familiar with her?

Answer. Back—I had seen her—I probably hadn't seen her in a couple of years, but I recall back in the days when I ran the Vice President's office seeing her at events, DNC-related events, that sort of thing.

Question. Were you aware of her role in fund-raising or if she had a role? Or did you just see her at events?

Answer. I saw her at events that were related to fund-raising, so I would have said she was a donor or somehow related to a donor.

Question. Johnny Chung, had heard about him at that time?

Answer. Well, I think I have seen him around as well. Okay?

Question. I don't know if you had any pictures pop up. He had pictures with everybody.

Answer. Well, as a matter of fact——

Question. Do you have one?

Answer. The reason I am smiling is because when I think of Johnny Chung, I mean, I have the image of this guy going 230 miles an hour, sort of running around with a camera and always asking people to pose for a picture.

I was—and I will tell you that I was in a restaurant one night and I came across this group of about eight Asians or Asian Americans and this guy came up and asked me, can we take our picture with you? And I did. And I had a picture taken with these guys.

It has always baffled me why they always wanted to—why this fellow always wanted to have pictures made. But in any event, he always had his camera ready.

Question. Okay. Had you heard about him at the White House coming in often or trying to get people in, anything like that?

Answer. Not really. I think—I will tell you what I knew about him. At some point when—somebody said to me at one point, this guy has a blast fax business. And I recall saying, what is a blast fax? And I learned that it is some technology that allows you to send a fax out to hundreds or thousands of people more or less simultaneously. And that's pretty much the extent of my knowledge of Johnny Chung.

Question. Okay. And during the time frame when you were still counsel and documents were being collected, did you learn anything more about Mr. Chung——

Answer. No.

Question [continuing]. Or what he had done at the White House?

Were you aware of the contributions that he—the $50,230 check that he gave to Maggie Williams?

Answer. No, I was not.

Question. When you were at the White House, did anyone ever hand you a check for the DNC?

Answer. No.

Question. Okay. Was it your understanding that people were not supposed to be giving you contributions at the White House?

Answer. Well, I was familiar with the Hatch Act restrictions regarding the receipt, acceptance or solicitation of contributions. But it was never an issue, because I don't—I don't think anyone was ever tempted to give me a contribution.

I never—I never had occasion to wonder if I could because I never was in a circumstance where someone might.

Question. Okay. But if someone had walked up, here is a $50,230 check, just wanted to drop it off with you, was it your understanding that you were supposed to direct them elsewhere?

Answer. No, that's not necessarily my understanding now. I probably would have consulted somebody else. But it is my understanding at this time that it might be permissible to forward a contribution as long as one didn't hold it for some period of time. I think there are Hatch Act regulations or instructions on this.

Question. Okay. So it is your understanding that you are not supposed to solicit checks in the White House?

Answer. It is my understanding that persons subject to the Hatch Act——

Question. Contributions?

Answer. Are not to solicit contributions.

Question. Okay.

Some of the other people on this directive, did you——

Answer. And just for the record I will say that——

Question. And I won't—we are not going into the phone calls or any of the other things today.

Answer. I want to say that the President and the Vice President are not subject to the Hatch Act, for the record.

Question. Is that your legal opinion?

Answer. It is fact.

Mr. MCLAUGHLIN. Mere facts.

Mr. KANJORSKI. How about Members of Congress?

The WITNESS. I don't think so.

Mr. MCLAUGHLIN. Mere facts don't always pertain to this committee investigation.

Ms. COMSTOCK. Or apparently inquiries at the Justice Department, also.

EXAMINATION BY MS. COMSTOCK:

Question. Any of the other individuals here, Johnny Chung, as you go down the list, did you have any personal knowledge of other names listed here?

Answer. I don't believe so.

Question. And the second page, if you would turn to the entities, did you have any particular knowledge of any of these entities that were listed?

Answer. I do not.

Question. Did you task anybody to sort of find out, so that you would know, like who are some of these people or what are these entities, as we are trying to gather information, so that you would know, you know, where to look for information, you know, what it was you were looking for?

Answer. I learned from experience that it would be unwise to try to narrow the places we were looking, because——

Question. I am thinking more in terms of so that you look at enough places.

Answer. My memo went to the Executive Office of the President's staff. Everybody, the gardeners, everybody was to comply; everybody was to search all of their records. If we had—if I had sat down and said, well, let's just think of where these things are most likely to be, then I would be sitting explaining to this committee why I only looked in those offices and not in the gardener's wastebasket.

Mr. KANJORSKI. If I may interpose a question. Executive Office of the President, would that include the White House WHCA—what is it called?

The WITNESS. WHCA.

Mr. KANJORSKI. WHCA.

The WITNESS. Yes, indeed. The Executive Office of the President includes what is called the White House office and it includes all of the related White House.

Mr. KANJORSKI. Twelve in all?

The WITNESS. OMB and U.S. Trade Representative.

Mr. KANJORSKI. This talks about electronic material. Did they ever indicate to anyone or to you that they may have videotapes of any of these people?

The WITNESS. No, I never heard that from—you mean did WHCA come to me and say that?

Mr. KANJORSKI. Under this directive, it would seem to me that WHCA should have looked into any possibilities that any of these people were on videotape.

The WITNESS. Indeed.

Mr. MCLAUGHLIN. Actually, we know WHCA searched for videotapes with every single directive.

Ms. COMSTOCK. Are you testifying, Mr. McLaughlin?

Mr. MCLAUGHLIN. Actually, I am just stating a fact.

Mr. KANJORSKI. So that under this directive, Mr. Quinn, WHCA would have been on notice of trying to search in every office of the—in every entity of the Executive Office of the President who had this memo at that point in time, as of December 16th?

The WITNESS. That's correct.

Mr. KANJORSKI. They should have been on notice to make that examination and finding?

The WITNESS. I believe that's right.

EXAMINATION BY MS. COMSTOCK:

Question. To your knowledge, did WHCA list people's names who attended events? Were they ever given names of individuals who were at events to put into their database so that they could search for people's names?

Answer. I don't know the answer to that question, other than to say that there are some people on this committee who greatly object to the use of our database for recording people who come to events.

Question. Well, I am talking about the White House Communications Office, which one of the things they did was tape the President. Were you aware of them, when they were taping the President, getting a list of names of people who were at an event with the President?

Answer. No. I would say in the course of a typical day, the President might come in touch with hundreds of people.

Question. Okay. Are you aware that they largely are taping the President himself and that they record events by date only and event?

Answer. I am not familiar——

Ms. BEHAN. Are you familiar today?

The WITNESS. I wasn't then nor am I now familiar with how WHCA catalogs its materials.

EXAMINATION BY MS. COMSTOCK:

Question. Were you aware that there were videotaped events at the White House?
Ms. BEHAN. When is this? When?
Ms. COMSTOCK. When you were at the White House.
Mr. MCLAUGHLIN. Including by the press?

EXAMINATION BY MS. COMSTOCK:

Question. By WHCA.
Answer. Let me answer you this way: And I have to answer as to both. If you said to me, were Presidential events videotaped, I would say certainly, not as a matter of course. But certainly some things are, a good many by the press, which are open press events, and I would say to you, I also recall seeing video cameras on a small number of occasions and then you would say, like what? And I would say, the radio addresses. But I can't tell you for sure whose cameras they are, whether they are WHCA's or the press.
But I have, for example, when I try to answer this question and I conjure up an image in my mind of the President sitting at his desk in the Oval Office and 40 people sitting around watching him do his radio address, in my mind's eye there is a camera in the middle of the room and it might be a WHCA camera.
But I will also say to you that when you work around that place, cameras are ubiquitous. They are just all over. There are still cameras. There occasionally are the press, you know, what do you call, motion picture cameras, you know what I mean, video cameras.
I hate to say this. I mean, photographers do start to blend into the wallpaper. Okay? But I would also say to you that in my experience most things the President does in the course of a day are not videotaped. So I would have said, no. I mean by and large he is not typically taped but there are occasions when he is.
Question. Okay. And did you have any knowledge about the—any of the political, the White House political coffees being videotaped?
Answer. I didn't. I mean, I would have thought not but I wouldn't be sure.
Question. Okay. Did you know Steve Goodin?
Answer. Sure.
Question. Did he ever raise with you at any time, in response to any document request, while you were serving as counsel, that there might be videotape of any certain events or things that you were looking for?
Answer. No, he didn't.
Question. To your knowledge, is Steve—would Steve Goodin—he works in the Executive Office of the President?
Answer. That's correct.
Question. So he would receive a memo such as this?
Answer. You bet.
Question. So if he received a memo such as this, in an attempt to find out information from him that he might know about, would he be an individual who would have known about taping of Presidential events?
Mr. MCLAUGHLIN. I am going to object.
Ms. BEHAN. I will object and say you should not be speculating about what is in people's heads.
Mr. MCLAUGHLIN. Let me just state——
Ms. COMSTOCK. What is your understanding——
Mr. MCLAUGHLIN. Barbara, let me state my objection for the record, which is that it seems to me that on its face this document requests—this directive requests documents that somebody has, not documents that somebody may suspect exist somewhere or even know about. So it is a mischaracterization to say that this directive somehow directs individuals to produce documents that they don't possess.
Ms. COMSTOCK. That's not my question.

EXAMINATION BY MS. COMSTOCK:

Question. My question is: Did Mr. Goodin ever bring to your attention, in response to any type of document request he might have gotten, that you might want to look at videotapes?
Answer. No, he didn't, but it was not my expectation that people would say, here is what I have and, by the way, you know, the following 12 offices may also have documents.
Question. No, I understand. But I am just asking, did he ever say to you——
Answer. No, he did not.
Question [continuing]. By the way, you might want to look at this?

Answer. No, he did not.

Mr. MCLAUGHLIN. He didn't do what you didn't ask him to do?

The WITNESS. Right.

Mr. KANJORSKI. I have a question. When is the first time that the committee received any videotapes from the White House at all, Ms. Comstock?

Ms. COMSTOCK. I believe actually we had received some videotapes about Harry Thomasson perhaps last year from the White House that were Mr. Thomasson's but this year was October 5th, 1997.

Mr. KANJORSKI. The first time, this was a——

Ms. COMSTOCK. Did you want this on the record?

Mr. KANJORSKI. Yes. Was this some new thing that the committee became aware of that there may be taping at the White House?

The reason I asked the question for the record is—of course, I have read Mr. Clinger has made requests, and I assume the subsequent chairman has made requests. And as a Member of Congress, I am aware of almost 50 percent of the times I have been in the White House that I have been on tape or a video machine or a movie machine was going on. I am curious why no member of the Majority of our committee ever brought that to the attention that when they are at the White House there is—I mean, if I go to the Christmas party, there is a videotape machine there.

The Members of Congress were oblivious to it, also?

Ms. COMSTOCK. My understanding was that the way this came about was that it was brought to the attention of the White House by the Senate on August 7th, 1997, and then there were initially—they were initially told that they were not tapings of the coffee events in particular, and then they came back a month later and informed them that, in fact, there were taping of events and that's when they were produced.

Mr. KANJORSKI. But that was the first time that any Member, any House Member or Senate Member, that they were aware of functions at the White House where there was this individual who would be doing tapes?

I am shocked about it. I am surprised. I assume when I am at the White House I am always on tape. That would be my presumption because I am mostly there at a function.

Ms. COMSTOCK. Well, actually, our request and subpoenas have always included videotapes. When things aren't produced, there is a presumption that they don't exist or there weren't responsive documents that exist.

Mr. KANJORSKI. Why wasn't there follow-up saying, well, I recall this function or that function that there was a videotape there. Have you searched different individuals?

And we are all aware of the fact that it was usually done by the Defense Department, all of this, whatever it was, and that these were the people that really should have been zeroed in on. I am just curious why that didn't happen. We made such a big to-do of it in the press. It wasn't surprising to me.

I could just name off dozens of functions and yet I am not sure how you would ever offer a subpoena for it. Let me give you an example. One day I took to the White House the winning national high school football team, and if you had asked whether Ron Pollis was on tape, that was the year he was the quarterback of that team, I am not sure you would ever find it unless you searched down the particular event and time and circumstance.

Do they categorize and classify every individual? Because I don't think they took the names of the whole team.

Ms. COMSTOCK. I don't know that any of us probably should be testifying on that. But I think we do have testimony on that from others.

Mr. KANJORSKI. So as a member of the committee, you can tell me as counsel, that nobody, Mr. Clinger or no one else, ever raised that question? I have been in the Oval Office with Mr. Clinger when we have been taped.

Ms. COMSTOCK. Actually, in the last Congress we did raise the issue of tapes relating to Harry Thomasson related to a number of issues. We could ask the witness about that.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall, you did have some documents and actually——

Mr. MCLAUGHLIN. Just so I am clear, the committee did know that events were videotaped because they had received them in the last Congress and yet the Majority never made a specific request?

Mr. KANJORSKI. Let me give you a specific event so that there isn't any question about it. January 20th of 1996, Mr. Clinger sat with me in the Oval Office when

a videotape was taken. Present at that meeting was Senator Specter, Senator Santorum, Bill Clinger, myself and possibly Jack Murtin. And none of the Republican Members of either the House or the Senate, Mr. Clinger in particular, never suspected or remembered that he was videotaped that day?

Ms. COMSTOCK. I don't know that there would be any reason that Mr. Clinger, in any previous requests, would have requested videotapes of himself.

Mr. MCLAUGHLIN. I just want to note that it is fascinating that this committee knew of the existence of the videotapes in this last Congress and never made a request for searches to be made.

Ms. COMSTOCK. First of all, we are not testifying, and what we are talking about is we did have a previous—last year it also included tapes.

The WITNESS. Can I——

EXAMINATION BY MS. COMSTOCK:

Question. We can just show the witness a document and see if you recall. This was CGE 1048. It is a document received from last Congress. It was notes of Mr. Foster, who was deputy counsel. And item No. 9 mentions HT tapes.

Do you recall at any time discussing the issue of Harry Thomasson tapes?

Mr. MCLAUGHLIN. Let me raise an objection to this. This is so flagrantly outside the scope of today's deposition, I am not even sure that—words fail me.

Ms. COMSTOCK. I did not plan to raise this, but Mr. Kanjorski and yourself raised the issue tapes.

Mr. MCLAUGHLIN. Please don't interrupt me. Anyway, it is so far outside the scope of this deposition that words fail me. We are now investigating, miraculously enough, Vince Foster's notes having something to do with Harry Thomasson. And I am flabbergasted, but frankly not surprised that we would careen off in directions like this.

Mr. KANJORSKI. What are the dates of these notes, if I may ask?

Ms. COMSTOCK. These are notes from December of 1993. Because you raised this, I am just asking if——

Mr. KANJORSKI. Was Mr. Quinn counsel to the President?

Ms. BEHAN. No.

Ms. COMSTOCK. No, but these were matters that we were investigating.

EXAMINATION BY MS. COMSTOCK:

Question. I am just wondering if at any time during 1996 if the issues of tapes relating to Harry Thomasson was raised?

Answer. No, it was not.

Ms. COMSTOCK. I don't even think we need to go into this, I agree, but Mr. Kanjorski raised this.

Mr. MCLAUGHLIN. This is going to be what exhibit number?

Ms. COMSTOCK. I am not making this an exhibit. The witness has said he didn't know about it.

Mr. MCLAUGHLIN. Don't think all documents shown to the witness in the course of the deposition should be made a part of the record?

Ms. BEHAN. We should make that part of the record.

Ms. COMSTOCK. Fine. We will make that deposition exhibit number——

Mr. TIERNEY. Just mark it for identification. You don't have to mark it as an exhibit if you don't want.

Mr. MCLAUGHLIN. Just include it for the record.

Ms. COMSTOCK. It is CGE 1048.

EXAMINATION BY MS. COMSTOCK:

Question. But did the issue of tapes—was that ever discussed in previous productions? Do you recall discussing it or learning that there were tapes of particular events or private events?

Answer. No. It was not, to my knowledge, the subject of any discussion.

What I think is—and perhaps we are going to move on. I would like to say, as my memorandum of December 16th, 1996, makes clear, we asked for everything and we asked for it promptly. Tapes later turned up which were not turned over to us. I think the record ought to reflect there was nothing on the tapes of any interest to anyone.

So, frankly, we spent a lot of time talking about whether these tapes could have been found earlier. Had they been found earlier, what? I mean, how would anything be different if these tapes had been located earlier?

Mr. KANJORSKI. We'd know that John Huang doesn't take sugar in his coffee.

The WITNESS. It beats me.

Ms. COMSTOCK. I don't think we need to be answering rhetorical questions.

This is Deposition Exhibit No. 8, which is a January 9 directive which followed up on your December 16, 1996 directive.

The WITNESS. Yes.

[Quinn Deposition Exhibit No. 8 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall sending this out?

Answer. I vaguely recall that it was sent out. As you can see from the signature line, my deputy, Kathy Wallman, signed it in my absence.

Question. And do you recall what prompted this additional directive?

Answer. I do not. I don't know whether it is identical or not, I don't.

Question. And then directing your attention to Page 2 of this memo, Deposition Exhibit No. 8, the January 9, 1997 directive, the due date on this is January 16, 1997, and the documents were to be produced to Cheryl Mills or Karen Popp?

Answer. Yes.

Question. Do you recall assigning Karen Popp to work on this matter?

Answer. Karen was somebody I brought in to help on this. As I indicated earlier, I knew we had to beef up the staff. Karen was a career prosecutor from the Southern District of New York, and we added her to the team. I don't recall exactly what date I hired her, but we brought her in to help with compliance and make sure we got all the materials that were being requested.

Question. Okay. And so at or around the time of mid-January, 1997, do you have any knowledge of the body of documents that had been gathered in response to, first, the October 31 directive that you had sent out, and then the December and the January directives?

Answer. I do not.

Question. Did you ever talk with Ms. Mills about what volume or type of documents were being collected?

Ms. BEHAN. At any time?

EXAMINATION BY MS. COMSTOCK:

Question. During this time frame, November, December, January?

Answer. I don't recall now having such a conversation.

Question. Do you recall discussing with her whether or not those documents would be produced to any investigative body, whether it be the Justice Department or congressional committees?

Answer. Whether they would?

Question. Yes.

Answer. I didn't need to discuss that. We were going to gather everything everyone asked for and produce them.

Question. While you were there, were you aware if documents were in fact produced?

Answer. Let me state for the record, we never had discussions about not producing things that were called for.

Question. Did you have any timetables that you had established for producing the documents?

Answer. As soon as we reasonably and humanly could.

Question. Okay. Now if the due dates on these were the initial—the October 31st one I believe was in mid-November, so then the December 16 was December 23rd, and the January 9 was January 16. Do you know, then, following the gathering of those, how long it would be before you would produce documents?

Ms. BEHAN. Just for the record, the due dates were internal dates for people to collect them.

Ms. COMSTOCK. Exactly, the due dates were for when they should be provided to counsel.

The WITNESS. I don't know whether logs were created. I know we always had these discussions with your office about, you know, there was a desire not just for the documents but for logs.

EXAMINATION BY MS. COMSTOCK:

Question. Logs that would identify the documents and whose office they came from?

Answer. Right, yes.

Question. Is that what you are referring to?

Answer. I don't know if those had to be prepared or not. I am not the person who can tell you what documents we gathered from what offices. And what cataloging

or other work went on before they were delivered to the Congress, I don't have first-hand knowledge of.

Mr. KANJORSKI. Mr. Quinn, when you say you never had discussions of not producing documents, you don't mean you didn't have discussions not to produce documents that may have had executive privilege or——

The WITNESS. Or that were not called for.

Mr. KANJORSKI. In other words, you did have discussions not to produce documents that may have been subject to the subpoena but may have had some sensitive information concerns?

The WITNESS. That is correct, or that were questionable in terms of whether they were called for or not. But I was never, in my time in the White House, involved in a conversation involving a document that was clearly called for in which anyone suggested that we find a way not to produce it. If we knew a document was called for and it was not privileged, and it was clearly called for, everyone understood we are going to produce it, we are going to do what is right.

Mr. MCLAUGHLIN. I have a quick follow-up to that.

In light of the fact that a new Congress had just been convened, after you had collected the documents, might you have wanted to negotiate a reasonable document protocol for the handling of those documents before physically turning them over?

The WITNESS. Absolutely. I mean, we always tried to do that, particularly—well, particularly where there might be documents with, as I say, a foreign policy or a national security implication.

It was not unknown to us that documents we turned over to the Hill later found their way into the public and to the press. We had had a very unhappy experience with one of the subcommittees of this committee involving what I believed to have been the inappropriate and unforgivable disclosure of certain confidential information involving the database, despite assurances it would be maintained in confidence.

But, again, the really important area is an area that involved foreign affairs and international security interests, and to the extent there might have been documents here that fell in that category, we would want to have an airtight protocol in addressing the handling of those documents.

Mr. MCLAUGHLIN. So had you been at the White House after mid-February, and had this committee not adopted a document protocol until April, there may well have been grounds to withhold certain documents for a period of time until the negotiations of the protocol had been settled and completed and then to produce those documents; is that fair?

The WITNESS. Absolutely. I think that in the case of certain kinds of sensitive information, it would be irresponsible to produce it in the absence of a protocol.

Mr. MCLAUGHLIN. And one last follow-up. It is particularly significant that a new protocol be negotiated in January of 1997 because there is a new Congress, the old Congress has expired, and even some protocols have expired along with it?

The WITNESS. That is correct, and we had, frankly, a new Chair.

Mr. MCLAUGHLIN. Thank you, Barbara.

Ms. COMSTOCK. Are you through?

Mr. MCLAUGHLIN. Yes.

[Quinn Deposition Exhibit No. 9 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Okay. In the course of collecting these documents, do you recall, or just in the normal course of having received documents——

Mr. MCLAUGHLIN. Is this Exhibit BL–26?

Ms. COMSTOCK. No, I am changing it. For the witness, it will be Deposition Exhibit 9.

The WITNESS. I am aware of this document.

EXAMINATION BY MS. COMSTOCK:

Question. This is EOP 8737, and it is a November 26, 1996 memo to Leon Panetta and Erskine Bowles from Jane Sherburne, and the subject is "White House Statements Re Riady meetings."

Did you receive that in the normal course—?

Answer. I did.

Question [continuing]. Of November of 1996?

Answer. When you say in the normal course, I mean, I received it. I won't say I received it in the normal course. I don't recall where I got it. It was not addressed to me.

Question. I understand that. How did you get a copy of this document?

Answer. I'm not sure. I know I got Erskine's copy, I may have gotten Leon's copy, I think I got Bruce's copy, I may have gotten Cheryl's copy.

Question. And this one actually has a note from Bruce Lindsey on the top of it to you; is that correct?

Answer. That is correct.

Question. And this was regarding how the Riady meetings had been accounted for?

Answer. Characterized.

Question. And characterized in the press, is that correct?

Answer. I still have not read this memo.

Question. Okay. Well, then that will make our questions real brief.

Ms. BEHAN. I also want to note for the record this was covered in the Senate deposition.

EXAMINATION BY MS. COMSTOCK:

Question. We were discussing documents that had particular sensitivity or national security concerns. Was this such a document that had national security concerns, to your knowledge?

Answer. I doubt it. I have not read the document, and so I am not familiar with its content except to the extent I was briefed on it. I was told about it, I was told what it was about. It is a long document. I mean, you know, it is a long memo, but I was made aware by others what it was about.

Question. Okay. And what was your understanding of that? I think we can be very brief here.

Answer. My understanding is that it was a memo written by Jane explaining why she took the position she did about the characterization of the Riady meetings, and I guess I understood it to be in defense of whatever she had told the New York Times about those meetings.

Question. And was this a type of executive privilege document or sensitive document, to your understanding?

Answer. No, I thought it was an unimportant document, not a sensitive document.

Question. Was this the type of document you thought necessitated any type of particular protocol or national security protection?

Ms. BEHAN. I want to state for the record, he testified he did not read the document.

EXAMINATION BY MS. COMSTOCK:

Question. But your understanding of the document?

Answer. This is not the type of document I had in mind when I made my earlier point.

Question. That is what I was trying to get at. Thank you.

Ms. COMSTOCK. I would note for the record that is a document we received sometime in May after the committee had instituted—had actually scheduled a contempt hearing, and Mr. Ruff represented to us that that was a document that was being considered for executive privilege.

Mr. MCLAUGHLIN. Well, if it was gathered pursuant to the March 3rd subpoena, as limited by the April 18 letter, May production does not strike me as particularly dilatory.

Ms. COMSTOCK. If we can return to——

The WITNESS. Before you leave that.

Ms. BEHAN. Wait, wait. I think it is important to note for the record that whatever calls were made on this document, Mr. Quinn himself has testified he did not read the document, so I think——

Ms. COMSTOCK. And I understand and I think that is clear.

EXAMINATION BY MS. COMSTOCK:

Question. When you said earlier the January 9, 1997 directive, as well as Deposition Exhibit No. 7, which is a December 16 one, does call for all documents related to James Riady, would that produce this document, which indeed discusses James Riady, if people were properly responding?

Ms. BEHAN. I am going to really object to that. You can say what you want, but I am going to object to your making any process calls on any document, both on privilege grounds, on the grounds that whatever her characterization of the document is——

EXAMINATION BY MS. COMSTOCK:

Question. Why don't you tell us if you turned over your copy.

Answer. I am not going to talk about this document. What I would like to do is simply underscore the point that Congressman Kanjorski made a moment ago, that documents which are responsive to a request may nevertheless be subject to a legitimate claim of privilege, executive privilege or otherwise. And in response to the thrust of your questions, I will say that executive privilege is a concept that embraces more than just issues of national security.

Question. I understand that, and I would agree, but I guess we have had a representation by Mr. McLaughlin that this particular document, Exhibit No. 9, was gathered in response to the March 4 subpoena, which I have no idea, unless he is over collecting documents at the White House for the White House, how he would have had any possibility of knowing that.

Mr. MCLAUGHLIN. I don't want the record to be unclear. My statement is that this document is responsive to this committee's March 3rd subpoena as limited by the April 18 letter, so for us to get a document that is responsive to the subpoena within a month, I believe, of the limiting letter actually going out, does not strike me as dilatory. I have no idea what they collected it relative to. All I know is, the subpoena that this committee issued after Mr. Quinn left the White House called for this document.

Ms. COMSTOCK. And my question to the witness was his understanding of what documents would have been—if a document that existed on November 26 was requested—all documents relating to Mr. Riady were requested on December 16 and in a January 9 directive, has it been your experience that someone would produce such a document to the Counsel's Office?

The WITNESS. I have lost the thrust of your question, but I will repeat, I still haven't read this document and I still don't plan to.

EXAMINATION BY MS. COMSTOCK:

Question. And did you have a copy in your files that you turned over at any point to Cheryl Mills or Karen Popp or whoever else may have been collecting documents?

Answer. I think this came from my files.

Question. I would think that is a fair guess since it is addressed to you, but do you recall turning that particular document over, or would you have had a secretary go through and check your records?

Answer. I would have had a lawyer go through my files. You know, I may have been told this was going to be turned over. It was not a matter of great moment to me.

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

EXAMINATION BY MS. COMSTOCK:

Question. Deposition Exhibit No. 10 is a January 15 letter request which is addressed to both Mr. Ruff and to you, and I understand at that time you were still the person represented as counsel; is that correct?

Answer. Yes.

Question. And Mr. Ruff had been named to come on board as your successor?

Answer. Right.

Question. Do you recall receiving this document request?

Answer. I do.

Question. And noting the attachment, which asks for certain records, do you recall that a large part of the requests in this mirrored the directives that you had sent out in December and January?

Answer. Do I recall that now? I mean, I see that now. I mean, I see some similarities.

Question. Okay. And actually, if I could direct your attention to Paragraph 2 of the letter, the first page of the letter does note that you had distributed two memos instructing White House staff to collect and submit documents to the Counsel's Office.

Answer. Right.

Question. Do you recall discussing with Ms. Mills or others in the Counsel's Office or anybody at the White House responding to this letter request of January 15?

Answer. I think I did respond to it, did I not?

Question. In general, in terms of turning over documents that had been collected, responsive to the——

Answer. There was, as you know from the earlier exhibits, there was a document collection process ongoing at this time. I would have given this request to those who

were supervising that process. To the extent it was duplicative, they would have made sure that the documents being collected were turned over in response to this request. To the extent that it may have asked for things not sought in the original two requests, they presumably would have made additional requests of the staff.

Ms. COMSTOCK. Okay. And you noted you did respond to this in a letter on January 17 from you to Chairman Burton, which I will make Deposition Exhibit No. 17.

[Quinn Deposition Exhibit No. 11 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And I guess, directing your attention to the second page of the letter—and actually, if you would like an opportunity to review the entire letter, why don't we take some time.

Answer. I was just looking at the first paragraph and thinking the chairman never called me to express his dissatisfaction with our response.

Mr. MCLAUGHLIN. You received no such call from Chairman Burton?

The WITNESS. No.

Ms. COMSTOCK. It is Deposition Exhibit No. 11. January 17 is the date of the letter, if I had it incorrect on the record.

The WITNESS. I understand.

Mr. MCLAUGHLIN. So no such call expressing dissatisfaction was received?

The WITNESS. No.

Mr. MCLAUGHLIN. Was there a document protocol in place at this time?

The WITNESS. I don't believe so. As you can see, at this time I expressed the hope that we could sit down with the Chairman to talk about the scope and bases for his request and expressed the desire that we do that soon.

EXAMINATION BY MS. COMSTOCK:

Question. And in fact, did you come to learn the Chairman had a meeting with Mr. Ruff shortly thereafter?

Answer. Was it shortly thereafter?

Question. February 6th.

Answer. I thought on your schedule that wasn't very shortly.

Mr. MCLAUGHLIN. A little more than shortly?

The WITNESS. But I will accept that.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. Now directing your attention to the second page of the letter, the last line says, "I look forward to discussing with you a reasonable timetable for the production of the documents requested in your letter."

Just in terms of the timetable, since the production had been going on, I mean, since people had been producing documents at the White House, presumably in response to your directive, since October 31, and there had been this previous practice of a rolling production, was there any problem in beginning to produce documents in January?

Answer. Well, we didn't have any understanding. Look, I think you are familiar with this. I must say it always struck me as odd that, unlike in private practice, which was the only thing I was familiar with when I was there, typically when people ask for documents, you would say, "Okay, let's get together, let's talk about two things, one, what you really need and how we can get it, and, two, when we can get it," there was never that kind of discussion, at least involving me. The deadlines were always, you know, now, now, now, now, now, and without any reference to what was possible. And I always felt, frankly, that the deadlines were set—one couldn't help but feel, frankly, that they were set precisely so that failure was inevitable, so that we could always be accused of not responding to the deadline.

Question. Didn't you in fact turn over documents to the Justice Department responsive to some of these matters in late January, early February?

Answer. I don't know the answer to that question. Again, I didn't collect and transfer the documents.

Question. You have no knowledge of documents being turned over in late January, early February?

Answer. That may have happened, but as I have tried to explain, people who were my subordinates on the staff undertook the collection to—undertook to supervise the collection of the documents, the handling of them once they came in and then the transmittal of them to the requesting party. I did not intervene in that process. I was not a screen between the collection of the documents and the transmittal of them, either to the Department of Justice or to you. I wasn't a screen in the middle of that process.

Mr. MCLAUGHLIN. Can I ask a follow-up?

Ms. COMSTOCK. Can I finish my questions first?

Mr. MCLAUGHLIN. Can I ask a follow-up? Barbara, are you going to deny me the opportunity to ask a directly relevant follow-up question?

Mr. Quinn, is the Department of Justice subject to grand jury secrecy rules which cover the treatment and handling of documents and which do not apply to this committee?

The WITNESS. That's correct.

EXAMINATION BY MS. COMSTOCK.

Question. And I am talking about the timetable, and the timetable here—did the Justice Department, did you have any discussions with them that their timetable of producing things in late January, early February was unreasonable?

Ms. BEHAN. I just want to say, I think this line of questioning is highly argumentative to what he is trying to address, which has to do with compliance with subpoenas for this committee and has nothing to do with the Department of Justice.

The WITNESS. You know, the protocols were of course in place in the case of the Justice Department. I reached out to Chairman Burton, I asked him to sit down with me, I asked him to talk to me about the timetable for production. I never got a call.

EXAMINATION BY MS. COMSTOCK:

Question. And at that time you were planning to leave the White House; isn't that correct?

Answer. I reached out to the Chairman, I asked him to sit down with me, I asked him to discuss the timetable for the production of documents. I never heard from him.

Question. Well, I think the record will reflect the January 15 letter was addressed to both Mr. Ruff and you, and Mr. Ruff also reached out, and since Mr. Ruff was going to be the person there long-term, that was the person that the Chairman contacted.

Mr. MCLAUGHLIN. Who is testifying now?

EXAMINATION BY MS. COMSTOCK:

Question. But I am trying to find out if you know about the body of documents——

Answer. I can't explain to you why it was that the meeting I requested took place 3 weeks later. If there was such a sense of urgency that we had to have the documents by the time Justice had them or by the end of January, I would think that meeting could have taken place at an earlier point, but it is not for me to explain that.

All I can point out is that, as you will see from the documents I sent to the White House staff, number one, I put demanding timetables on them for the production of documents. Number two, I didn't ask for them once, I asked for them twice, and I twice put demanding timetables on them. Number three, I received the Chairman's request and responded, I think, in a forthcoming way, and expressed an eagerness to sit down with him and talk about how we could cooperate and meet his needs. Now the paper speaks for itself, I think.

Question. Was there any particular reason that you felt that the January 30 deadline, given that these documents were collected, that no documents could be provided at that time?

Answer. What January 30 deadline?

Question. That was in the January 15 letter. The January 15 letter, Exhibit No. 10, had a deadline of January 30. I am wondering if there was a particular reason you can recall——

Answer. My recollection is that we did not have in place at that time a protocol for the handling of the documents. We didn't have any understanding about how these documents would be handled, and I think it was very important that we have that in place.

Question. Do you recall turning over documents relating to the coffees, providing them to the press in this time frame?

Answer. I don't, no.

Question. Were you involved in that at all?

Answer. I am not sure——

Question. I mean in doing a final review of them or a sign-off that they could be turned over or provided to the press.

Answer. I am not sure what documents you are talking about.

Question. The documents on the White House political coffees.

Answer. If there were people in the White House whose job it was to deal with the press or whose job it was to deal with politics or whose job it was to deal with things other than legal matters, who made a decision to turn documents over to the press, they didn't need my permission to do that.

Question. Did they usually consult with you before those documents were turned over, if they were documents——

Answer. I can't give you an answer that applies to all situations.

Question. But if I can finish my question, for example, when Mr. Fabiani was there, during your tenure for the most part; is that correct?

Answer. Correct.

Question. Before he would turn over documents to the press that were basically documents provided to various investigations, would he consult with you before turning those documents over to the press?

Answer. He might or might not. It would depend on whether Jane recommended that he talk to me.

Question. Is that part of the, I guess the reporting situation, where Jane would sometimes consult with Harold Ickes on that type of thing rather than you?

Answer. That might have been a political judgment, not a legal issue.

Question. On the White House political coffees information which was released in late January, do you recall being involved in that decision at all?

Answer. I don't. I don't want to rule it out, but I just don't now remember.

Mr. KANJORSKI. For the record, may I ask, Ms. Comstock, my understanding is that Congress took no action to authorize the investigation of the campaign fundraising until some time after its reorganization in January. In Mr. Burton's letter he references a prior understanding of 15 days as a reasonable response period. Isn't that consistent with the examination made of Whitewater, the FBI files, and sundry other examinations of Mr. Clinger's committee, as opposed to any understanding or protocol having taken place with Mr. Quinn and the White House regarding campaign files, or am I missing something? I assume we went home for an election in early October and had no further meeting with the committee to transact any business and any further examination until we returned in January. Am I understanding that?

Ms. COMSTOCK. I believe the 15-day turnaround time was both based on the fact Mr. Quinn's directives indicated documents would have been gathered at this point, as well as a previous understanding that that was an agreed upon turnaround time.

The WITNESS. In another context. But the Congressman is quite right that it——

Ms. COMSTOCK. Which I think we clearly said and is clearly noted in the record.

The WITNESS. At this point in time, and the reason we said "I know that we will want to explore with you," I am quoting from my letter, "the scope and bases for your inquiries," is because it was not at all clear that this committee——

Mr. KANJORSKI. Had jurisdiction.

The WITNESS. Had jurisdiction. We had Mr. Solomon expressing a good deal of interest. There was talk about the creation of a select committee. There was talk about the creation of a joint committee between the House and the Senate.

Mr. KANJORSKI. That goes to, and I want this on the record, these letters of late October or early November. Anyone in Washington at that period of time knew we were involved in a congressional and presidential election, the committee was no longer sitting, and the committee's charge in the 104th Congress had been an examination of Whitewater, FBI, and——

Mr. MCLAUGHLIN. Travel Office.

Mr. KANJORSKI. Yes, Travel Office. I have lost track of all the investigations we have been involved in, but they all came to an end and the committee was charged with filing a report. Those members of the committee would have been astounded to know that Mr. Clinger, who was now clearly leaving office within the 60 days, would be making demands upon the White House on anything to do with campaign finance reform, because it was not an issue at that time before the committee.

EXAMINATION BY MS. COMSTOCK:

Question. I would like to talk briefly about your transition between you and Mr. Ruff. Can you just generally describe to us what assistance you provided to Mr. Ruff during the transition time? Perhaps you can tell us what the transition time period was, first.

Answer. I provided all I could because I was so pleased he was there.

Question. Was there an overlapping time when you both worked in the office together?

Answer. Yes, a bit. Not as much as I would have liked, and not as much time as I had actually in the office with my predecessor, because my recollection is that Chuck had had more difficulty than he expected finding a replacement for himself at the Corporation Counsel's Office, and so he got out of there later than he had hoped to, so we didn't have as much time as I think we would have liked.

Question. And did you have him meet Ms. Mills and the other people that had been handling this particular investigation, in terms of transitioning this information to him?

Answer. We went through—I set up a series of briefings over the course of probably a week, in which people working on different matters came in and brought Chuck up to speed on those matters. It is important, I think, to put this in some context.

Again, these matters with which you are now concerned, the production of documents on this inquiry at the time, and I am afraid that it has grown, but at the time these were just a small part of the work of our office. We had responsibility for a great many other matters ranging from, you know, overseeing the vetting of senior level appointees and the selection of candidates for different kinds of offices to advising the President and people in the White House on a range of legal issues related to policy matters.

We would, for example, get involved in legislative issues that raised legal concerns. There were, for example, certain constitutional concerns that came up in welfare reform. We had to have people work on that. We were involved in legal reform, product liability and the like. We were involved in the tobacco litigation.

Question. Well, I understand there are a lot of duties at the Counsel's Office, but I want to talk about——

Answer. What I want you to understand is that in bringing Chuck Ruff up to speed on these matters, this would be but a fraction of the things he had to worry about.

Question. And I just wanted to get an understanding of how you brought him up to speed on these particular campaign fund-raising matters.

Answer. He would have been briefed by the people working on the matter.

Question. Do you recall who that was at that time?

Answer. No doubt it would be Cheryl and Karen Popp and whoever else might have been tasked to the matter at the time.

Question. Okay. And do you recall generally, you know, what they had learned at that point or what they briefed Mr. Ruff on?

Answer. No.

Question. I mean, just topics? Not to go into details, but just, you know, "We have gathered this many documents, this many boxes," something like that?

Answer. I think we probably would have run through the status of the requests and identified for him the various requests coming in on this, and probably at that time point, you know, said our work is ongoing, we are still gathering the documents.

Question. And the team that was going to be responding to this was both going to respond to the Justice Department investigation as well as the congressional investigation; is that correct?

Answer. Actually now, as we are talking about this, I am recollecting. I mentioned to you earlier in the deposition that I had promised Cheryl I would be bringing in new people. When I made the decision to leave, it occurred to me that Chuck should be involved in the selection of those new people; that I shouldn't, in other words, hire a team of people to handle these matters and then turn around and say to Chuck, you know, "I have hired six people and," you know, "you don't have any say in it." So at the same time he was coming in, we were in the process of interviewing people and hiring people for those new positions, people like Lanny Breuer and so on.

Question. And did you interview Mr. Breuer?

Answer. I did.

Question. Okay. And did you have any briefings with Mr. Breuer or did you provide him with any briefings?

Answer. Well, he actually came on after Chuck got there, okay, so we were kind of like passing on the way through the door.

Question. So other than a meeting with him and interviewing him, did you have other meetings with him?

Answer. I don't think he showed up for work until I was gone.

Question. Okay. Do you know who was sort of physically showing people where, here are the files, here is what we have gathered?

Answer. No. That happened a level or two down.

Question. And who would have been doing that, to your knowledge?

Answer. Karen Popp, Cheryl Mills, others who were doing the detail work.

Question. And after you left, did Mr. Ruff or others at the Counsel's Office call you about where to find things or where documents might be or any potentially responsive documents?

Answer. No, because I didn't have any documents—well, I mean, that is an overstatement, as you can no doubt imagine, but I didn't have other people's documents. I didn't collect things and store them in my office or outside my office or anything like that, so I wouldn't be the person they would call looking for documents. And I left my stuff there, so they had my stuff, they didn't need to call me for my stuff, and documents belonging to others were in the possession of others.

Question. And I am not specifically asking about did they call you to say, you know, give us something, did they call you to ask, you know, can you give us some ideas on, you know, where certain things were.

Answer. No, because, again—I have said this a couple times but let me try again—I wasn't the person who was the interface with the other offices. That happened a level or two down in my office, and there were other lawyers like Karen Popp who would know far better than I, you know, whether a particular office had responsive documents, the history of having been through the office, having talked to people, having gotten questions. Those would have gone to more junior lawyers in the office.

Question. Was the practice of those lawyers to, after they sent out the directives, then they would try and ensure that documents were coming in in a timely fashion, would they get certifications from various offices that documents had been produced? Would that be something that was done?

Ms. BEHAN. To the extent you know.

The WITNESS. I don't think there was a uniform practice, but I think that that happened on some occasions. I just can't tell you which ones.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if sometimes they would go to particular offices to say, you know, do you have any other——

Answer. I don't have any firsthand knowledge.

Question. If you know, if one stands out, that we would go to the Political Affairs Office or we would go to Mr. Ickes office to find that?

Answer. I don't have firsthand knowledge. Others could answer that question better. I certainly believe there would have been a communication with the likely places where responsive documents would be.

Question. Okay. While you were still there, since the issue of the coffees did come up in January and documents regarding the coffees were turned over to the press, do you recall at that time if anyone in the Counsel's Office went to Mr. Sosnik, who had been involved in that, to discuss with him any potentially responsive documents on the coffees?

Answer. I don't know the answer to that.

Question. And again, it is your testimony, then, you weren't involved at all in collecting documents or have any knowledge of the universe of documents about White House coffees?

Answer. That is correct.

Question. So no one ever mentioned to you anything about the videotaping or anything like that of the coffees?

Ms. BEHAN. Asked and answered.

The WITNESS. I heard about the videotapes recently.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. And since this has all come out, has anyone said to you something like, "Boy, so-and-so knew that was there, they did, why didn't they say it," anything like that?

Answer. No.

Ms. COMSTOCK. Okay. If we can take a brief break, the only questions I have remaining are a number of questions about Mr. Hubbell that I mentioned, and then I think we will be done shortly.

[Brief recess.]

Ms. COMSTOCK. Back on the record.

EXAMINATION BY MS. COMSTOCK:

Question. Just on the question of tapes, I just wanted to finish up just a couple of other questions, just to make clear for the record.

You have no knowledge of any other type of taping that the President does of any events or anything independently of anything WHCA does?

Answer. No, I don't.

Question. All right. And regarding pictures, you had mentioned Johnny Chung running around with pictures, but also you said there are regular photographers that are often taking pictures?

Answer. Yes.

Question. Do you know, in the course of doing document production, if going down to look at the pictures was something that your staff normally did in order to be responsive to subpoenas?

Answer. I am sure the people in the Photographers' Office would have been recipients of our requests, but, again, I wouldn't have been the person dealing with those offices.

Question. So you have no knowledge of how they are listed or anything like that at the photo office?

Answer. I do not, no.

Question. Okay. I wanted to turn to Mr. Hubbell and matters related to him. When did you first meet Webster Hubbell?

Answer. Sometime during the transition, that is to say, after the election in 1992 and before the inauguration in 1993.

Question. Were you at all involved in his confirmation process?

Answer. No, I wasn't.

Question. And did there come a time when you learned of legal problems that Mr. Hubbell had with his law firm?

Answer. Yes.

Question. And when did you first learn of that?

Answer. I think it would have been when they became public.

Ms. BEHAN. I just want to for the record object on scope. Unless you tie it in, I don't see how this has to do with political fund-raising improprieties.

Mr. TIERNEY. When you object, are you instructing the witness not to testify or not?

Ms. BEHAN. I do believe I am trying to limit the scope of this to proper matters, because I don't believe Mr. Hubbell's personal problems are something that relates to fund-raising. So I am permitting the witness to answer, but with that objection.

EXAMINATION BY MS. COMSTOCK:

Question. And the report that the committee has in terms of the depositions did include matters relating to Mr. Hubbell and the Lippo Group and his consultant contracts, which is largely what we are going to be focusing on, is any knowledge you have about work he had after leaving.

Answer. Okay.

Question. And this is to establish a foundation for that and to go into that.

Ms. BEHAN. Just as a technical matter, I don't think the report determines the scope of the deposition, but in any case I am permitting the witness to answer.

Mr. MCLAUGHLIN. Similarly, I think it would be quite remarkable if one committee of Congress could bind the others by a report to its resolution. I am not sure the Rules Committee report, which is in fact a description of what the investigation might be about, is in no way dispositive of the question of what this committee's proper jurisdiction is pursuant to the resolution passed by the full house.

Ms. COMSTOCK. Do you recall the question now?

The WITNESS. No.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall, other than learning about it in press accounts, do you recall knowing about Mr. Hubbell's legal problems prior to the press accounts?

Answer. I do not.

Question. And do you recall discussing that with anybody at the White House, what his legal situation was?

Answer. You know, I am confident that I would have had conversations, I mean, you know, water cooler conversations with people. It was a fairly high profile matter. But I don't recall anything beyond that.

Question. Okay. Did you ever talk to Mr. Hubbell about his legal situation?

Answer. Not in any—I never discussed with him the factual allegations. I don't recall ever having had any such conversation with him.

Question. Okay. And after he announced his resignation, at or around, I believe it was March 14th, and then he resigned in early April from the Justice Depart-

ment, after he had announced his resignation, you kept in touch with him; is that correct?

Answer. I don't think that is correct.

Question. Did you have occasion to meet with him socially?

Answer. I went to a good-bye party that employees of the Department of Justice had for him after he left. I have had lunch with Web Hubbell probably twice in my life.

Question. Okay.

Answer. I don't know exactly when. Whether one of those occasions was after he resigned or not, I can't be sure.

Ms. COMSTOCK. Okay. Well, this is a calendar of Mr. Hubbell's. This was a March 16, 1994 calendar entry. We will make that Deposition Exhibit No. 12.

[Quinn Deposition Exhibit No. 12 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And it indicates a lunch on March 16, 1994.

Answer. Can I ask a question?

Question. Sure. We may have your calendar too. This is Mr. Hubbell's, and I am not asking you to—you know, obviously this is his calendar.

Answer. I don't know if this lunch actually happened. I believe it indicates on my calendar that I had lunch with Senator Mikulski this day.

Question. Okay.

Answer. But I am not sure. I know it wasn't the three of us, but I just can't be sure. I don't know if this happened.

Question. Okay. And do you recall generally, then, after Mr. Hubbell left, if you discussed with him what he was going to be doing in terms of employment?

Answer. I don't think I ever discussed with Mr. Hubbell what he was going to be doing.

Question. Did you have any understanding of what he was doing at that time?

Answer. No, I did not.

Question. Did he ever discuss with you if you could help him with any assistance in getting a job at a law firm in town?

Answer. He never asked for my help.

Question. Not in any way, whether at a firm or consultancy or anything like that?

Answer. No.

Question. Do you have any knowledge of Mr. Hubbell doing any work for the Lippo Group?

Answer. No, I don't.

Question. Or for James Riady?

Answer. No, I don't.

Question. Did you have any knowledge of any of the other employers that Mr. Hubbell did consultant work for?

Answer. I don't believe so.

Question. Okay. Did you have any knowledge about Mr. Hubbell obtaining a contract with the City of Los Angeles?

Answer. No, I did not.

Question. Did you learn about that at any time while you were in the Counsel's Office?

Answer. When it became public knowledge is, I believe, when I learned about it.

Question. Were you involved in addressing any of the legal issues regarding that, or inquiries?

Answer. Not that I recall.

Question. All right. Would that have largely been in Ms. Sherburne's bailiwick?

Answer. It might have been. I just don't recall the context.

Question. Okay. Were you aware of any meetings at the White House, prior to Mr. Hubbell's resignation, aware of ever any meetings that any attorneys had at the White House to discuss his resignation?

Answer. No. I wasn't counsel then.

Question. I understand. You were still with the Vice President at that time, correct?

Answer. Right, yes, so I wasn't privy to any of those conversations.

Question. Were you aware of Mr. Hubbell staying in touch with people at the White House, generally?

Answer. I don't think I have any or had any particular knowledge of his doing so. I don't think I had any particular knowledge of that.

Question. Do you recall seeing him around the White House during the months after he left, at the Mess or visiting people or anything like that?

Answer. I can't rule it out. It would not have been a common occurrence. I can't rule out that I might not have seen him on the premises on an occasion, but I don't have any specific memory of seeing him around.

Question. Okay.

EXAMINATION BY MS. COMSTOCK:

Question. Were you aware of Mr. Hubbell utilizing office space with Michael Cardozo?

Answer. No, I don't remember that.

Question. Were you aware of any efforts to raise any money for Mr. Hubbell's legal defense fund?

Answer. No.

Question. No one ever contacted you with regard to any matters related to that defense fund as opposed to the President's?

Answer. No; nor asked for a donation.

Question. How did you first learn about Mr. Hubbell—that Mr. Hubbell was going to plead guilty to some of the charges? And that was in December of 1994, I believe, that he plead guilty.

Answer. I don't recall when I learned that, and I don't think I had any particular advance knowledge of it.

Question. Is your first recollection, then, press accounts?

Answer. Probably. Again, I can't rule out that someone might have told me that it was going to happen but I am sure I didn't know of it long before it happened.

Question. Okay. Other than the—you said you maybe had two lunches with Mr. Hubbell. Did you have any other contact with him? And I understand they may be not after he left but I guess one of the other ones, maybe before or after.

Answer. Oh, yes, I had contact with him.

Question. What was that contact?

Answer. He was the Associate Attorney General.

Question. I am saying after he left the Justice Department. I am saying you had said you had two lunches, and I just wanted to clarify for the record. I am not representing, and I don't think you have testified, that both of those lunches were after he left; you just had said in your life. So I just wanted to clarify my question.

Answer. I had contact with him while he was in the Department of Justice on a number of matters. After he left the Department of Justice, I recall seeing him at the going away party I mentioned, which was not long after his departure. You know, I well might have seen him on one or two occasions between then and now, but I don't think on more than one or two occasions.

Question. And do you know Mark Middleton?

Answer. Yes.

Question. Okay. And did you have—did you work with him while he was at the White House on any matters?

Answer. Not really. I mean, we might have had dealings on an issue in which he was acting on behalf of Mack McLarty but I didn't have sort of regular ongoing dealings with him.

Question. Okay. Did you ever have any knowledge of meetings that he was having with the Riadys or John Huang?

Answer. No, I didn't.

Question. Or Charlie Trie?

Answer. No.

Question. Or Mr. Wu or Ng Lap Seng?

Answer. No.

Question. Did you ever have occasion to meet Mr. Wu at the White House?

Answer. No.

Question. Or Antonio Pan?

Answer. No.

Question. Do you know who these individuals are?

Answer. No.

Question. Other than seeing them in the press in the past weeks?

Answer. No, I don't.

Question. Or the past months.

Answer. These names don't ring any bells.

Question. Okay. After Mr. Middleton left the White House, which was sometime in February of 1995, were you aware of what he was doing after he left the White House?

Answer. No.

Question. Okay. Did you have any knowledge of him working on any matters with the Riadys?

Answer. No.

Question. Or the Lippo Group?

Answer. No.

Question. Were you aware of him being in contact with Mr. Hubbell about any of these matters?

Answer. No.

Question. Or do you have any knowledge of him bringing donors or fund-raisers to the White House?

Answer. No.

Question. Okay. Did you ever have occasion, when you were in the Counsel's Office, to address any issues as to, you know, how people could use the White House—people such as Mr. Middleton coming back and bringing in donors or bringing business associates into the White House Mess or any issues like that?

Answer. Well, I can't recall when the Middleton story broke. I remember——

Question. By that do you mean the story about the alleged $15 million contribution?

Answer. No, no, no.

Question. The phone——

Answer. The story about Mark's phone rolling over or having a recording on one of McLarty's lines or something to that effect.

Question. That was the end of October.

Answer. Of?

Question. 1996, if that helps.

Answer. And his use of the Mess and people coming in. I recall being very unhappy about that.

Question. Did you take any action with regard to that?

Answer. Yeah. I think we did take action to make sure that, first of all, that his phone situation was changed. I think we looked into whether there were any other phone lines that—of departed employees that were being similarly misused, and just made sure that this sort of thing wasn't widespread.

Question. Okay. And did you discuss with Mr. Middleton's attorney any matters related to this?

Answer. Who is his attorney?

Question. Bob Luskin.

Answer. I don't believe so.

Question. Or Mr. Middleton himself?

Answer. No, I did not.

Question. Are you aware of anyone in the Counsel's Office talking with Mr. Middleton or his attorney?

Answer. I can't speak to that. I just don't know. I am not sure. You would have to ask others.

Question. And did you have anyone, at that time in October 1996, check into any matters related to Mr. Middleton, or have anyone inform you about any fund-raising activities of Mr. Middleton?

Answer. I don't think—again, when—I don't know that I knew about Mr. Middleton's fund-raising activities. What first came to my attention were the stories about Middleton having a phone number—you know, his old phone number, still having a voice message from him or directing people to where he was working; his being able to use the White House Mess and having other people get him into the Mess and put meals on their accounts and so on, so that he could entertain people there. I was very unhappy about that.

Question. Who did you learn about that from?

Answer. I don't recall, but we were—I was very unhappy, and I instructed people to take steps to make sure that that didn't happen, either in Mark's case or others.

Question. Were you able to obtain records to find out when and how he had done that?

Answer. I am not clear on the details of how much we knew, but I know we took action.

Question. Okay. And just one final area. You mentioned the database a few times today, the White House database, which the subcommittee, this committee, has been looking at. Are you aware of—do you recall documents being gathered last fall about the database?

Answer. The fall of '96?

Question. Yes.

Answer. Was it last fall? I guess that's right. Yeah.

Question. Okay. And do you recall any documents being withheld or not turned over to the committee for any particular reason?

Answer. I know that there were documents—yes, indeed. I know that there were documents related to the database that were deemed to be nonresponsive.

Question. Okay. And you recall——

Answer. They were not called for, I should say.

Question. Do you recall reviewing those particular documents?

Answer. I don't recall reviewing particular documents. I do recall being briefed on a group of documents which had been deemed to be not called for. But as I look at particular documents, I can't tell you that I have seen them, and I know that in some cases I don't feel like I did see the particular documents.

Question. And do you recall who briefed you on that?

Answer. Probably Cheryl Mills.

Question. Okay. And was it Ms. Mills then who made the determination that she presented to you as to what was responsive or not?

Answer. Not necessarily.

Ms. BEHAN. I would object. Okay.

The WITNESS. Not necessarily. They were more junior people, I think, who made the first cuts, the first determination. That was my impression.

EXAMINATION BY MS. COMSTOCK:

Question. But is it your recollection you signed off on particular documents not being responsive and produced?

Answer. What I am saying——

Question. And therefore not produced?

Answer. No, I am saying something different; that—if you want to talk about a particular document, I am happy to, and I can answer your question about any particular document.

Question. I don't mean to get into this at all in any length, but I just want to know if you discussed this.

Answer. I recall being briefed about a group of documents, some of which I am sure I saw, all of which I am prepared to have others say I saw, but there are some documents which when I look at them now, I do not recognize them and I do not believe I have seen them previously.

Ms. BEHAN. Did you want to state an objection for the record?

Mr. MCLAUGHLIN. If you don't intend to go into it in any great length, why are we wasting everyone's time here by going into it in a cursory and rather confused fashion?

Ms. COMSTOCK. In order to find the witness' knowledge about this.

The WITNESS. Are there——

Mr. MCLAUGHLIN. Either do it properly or don't do it at all, is what I am saying.

Ms. COMSTOCK. I believe that is all I have for today.

Mr. MCLAUGHLIN. Okay. I have just a few questions, but I will defer to the Members if they want to ask anything.

Mr. TIERNEY. I just want to extract the promise from you that it is just a few of them.

Mr. MCLAUGHLIN. Yes, just a few.

Mr. KANJORSKI. Go ahead.

EXAMINATION BY MR. MCLAUGHLIN:

Question. I just have two questions. To the best of your knowledge, did you or anyone at the White House knowingly withhold responsive, nonprivileged documents from this committee during your tenure at the White House?

Answer. Absolutely not.

Question. Did you consistently utilize your best good faith efforts to respond to this committee's request for documents and information at every step of the process?

Answer. Yes, we did. We did what I think was a thoroughly professional job to respond completely and in a timely fashion, subject to the appropriate protocols for the protection of documents, the recognition and privileges, ensuring the confidentiality of sensitive materials; and we did this, again, despite what I knew to be, particularly in the fall of 1996, an overtly partisan and politically motivated effort to harass us.

Mr. MCLAUGHLIN. I have nothing further. Thank you.

The WITNESS. Thank you.

Ms. COMSTOCK. Thank you. We are off the record.

[Whereupon, at 12:50 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]

LIPPO GROUP

October 07, 1993

Mr. Jack Quinn
Assistant to the President
Chief of Staff and Counselor
to the Vice President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Jack,

I want to thank you for having taken the time out of your busy schedule to receive myself, Chairman Shen Jueren and his assistant, Miss Liang of China Resources Group on September 24 at your office.

We fully believe that relationship can be built and nourished through frequent contacts by high level people. We thank you for taking the same view.

We enjoyed meeting you again on following Monday, September 27 in Los Angeles. Vice President Gore was just super. We, the Asian American Community, are grateful for such a visit and look forward to further engagements in this nature in the future.

Our best regards.

Sincerely yours,

John Huang
Director

P.S. : Saw you in DSCC event. There were too many people for me to come around to say hello.

JH/dt

Jack: Let me know if you decide to go to Beijing. J.

EXHIBIT 1

EOP 049490

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INDEPENDENT

MAJORITY—(202) 225-5074
MINORITY—(202) 225-5051

October 31, 1996

President William Jefferson Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

The American people deserve a full and complete explanation regarding the many questionable activities of your "longtime friend John Huang" while Huang was at the Commerce Department, the DNC and particularly at the White House where Huang was a frequent visitor. Your continued efforts to avoid addressing these issues and the Administration's support for Mr. Huang while he was avoiding U.S. Marshalls, does a disservice to the American people.

I request that you immediately make all records regarding Mr. Huang's activities available to Congress and the public. This should include all records of Huang's involvement in trade or foreign policy matters, all of Huang's White House meetings (including with whom Huang met and what actions were recommended or taken) and most importantly, thorough documentation and explanation for Huang's campaign fundraising activities. As you know the Democrat National Committee has failed to respond to public inquiries about these issues despite a commitment by DNC Chairman Chris Dodd to make John Huang available and respond to questions.

The White House's Office of Records Management has records such as the example enclosed which would reveal more detail on Mr. Huang's many visits to the White House. Those records can and should immediately be made available.

Sincerely,

William F. Clinger, Jr.
Chairman

EXHIBIT
2

REPORT NO: [illegible] WAVES PAGE NO: [illegible]

RN DATE : [illegible] VISITOR SUMMARY FOR [illegible]

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TCA	ROM
SAMPLE	PENNY	CORNELIUS	[illegible]	[illegible]	[illegible]	[illegible]	CORNELIUS	[illegible]	[illegible]	[illegible]
SAMPLE	PENNY	WALTON	[illegible]	[illegible]	[illegible]	[illegible]	WALTON	[illegible]	[illegible]	[illegible]
SAMPLE	PENELOPE	WALTON	[illegible]	[illegible]	[illegible]	[illegible]	WALTON	[illegible]	[illegible]	[illegible]
SAMPLE	PENELOPE	CORNELIUS	[illegible]	[illegible]	[illegible]	[illegible]	CORNELIUS	[illegible]	[illegible]	[illegible]
SAMPLE	PENELOPE	SCHIFF	[illegible]	[illegible]	[illegible]	[illegible]	SCHIFF	[illegible]	[illegible]	[illegible]

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MAJORITY—(202) 225-5074
MINORITY—(202) 225-5051

October 31, 1996

Mr. Terry Good
Office of Records Management
The White House
Washington, D.C. 20500

Dear Mr. Good:

Please provide all records of any visits that John Huang had at the White House complex between January 20, 1993 to the present. I request these records be made available by noon on Friday, November 1, 1996. I have attached a sheet reflecting the type of records I am seeking and have received from your office in the past.

Thank you for your immediate attention to this matter.

Sincerely,

William F. Clinger, Jr.
Chairman

EXHIBIT
3

REPORT NO: WA 15 WAVES PAGE NO: 104

RUN DATE : 93/06/01 VISITOR SUMMARY FOR 93/05

VISITOR		VISITEE	VIN	TIME DATE	LOC	ROOM	REQUESTOR	BADGE	TCA	POA
SAMPLE	PENNY	CORNELIUS	U55965	U716	930520	C	27	CORNELIUS	000291	2819	001
SAMPLE	PENNY	WALTON	U56615	0920	930521	0	67	WALTON	000593	0919	002
SAMPLE	PENELOPE	WALTON	U57491	1005	930522	C	27	WALTON	000194	1006	002
SAMPLE	PENELOPE	CORNELIUS	U57512	1500	930522	C	87	CORNELIUS	001698	1511	002
SAMPLE	PENELOPE	SCHIFF	U57605	0815	930524	6	44	SCHIFF	000000	0851	004

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DAVID M. McINTOSH, INDIANA
JON D. FOX, PENNSYLVANIA
RANDY TATE, WASHINGTON
DICK CHRYSLER, MICHIGAN
GIL GUTKNECHT, MINNESOTA
MARK E. SOUDER, INDIANA
WILLIAM J. MARTINI, NEW JERSEY
JOE SCARBOROUGH, FLORIDA
JOHN SHADEGG, ARIZONA
MICHAEL PATRICK FLANAGAN, ILLINOIS
CHARLES F. BASS, NEW HAMPSHIRE
STEVE C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
ROBERT L. EHRLICH, JR., MARYLAND

ONE HUNDRED FOURTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

November 1, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-5074
MINORITY—(202) 225-5051

John M. Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20500

Dear Mr. Quinn:

I understand you have taken charge of handling the records regarding John Huang's numerous visits to the White House. Your office has refused to provide these records which were due at noon today and refused to return calls from my staff.

At 4 p.m. today, upon reaching your deputy, Kathleen Wallman, she refused to discuss whether or not a request had been made of Mr. Good to produce the documents he has readily available in his office. Ms. Wallman's claims that you are too busy to get to these records is disingenuous. If Mr. Good had been requested to provide the documents, he could easily have done so.

It is clear from comments to the press by White House officials that you have knowledge of whom Mr. Huang was visiting. The public has a right to know who Mr. Huang was meeting with at the White House. Mr. Huang has been alternately described as a "low-level paper pusher" and a "longtime good friend" of the President. Why is the President refusing to provide this information?

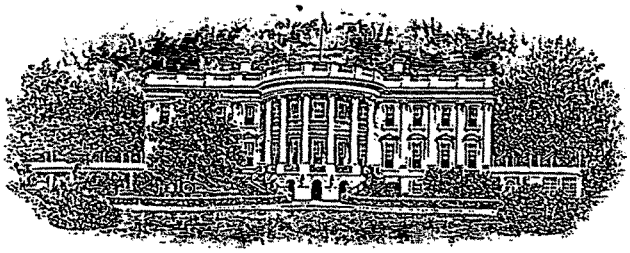
Sincerely,

Bill Clinger

William F. Clinger, Jr.
Chairman

EXHIBIT
4

The White House



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: 11/2/96

TO: BRUCE R. LINDSEY

FACSIMILE NUMBER: ROAD RUNNER

TELEPHONE NUMBER: 1993: 11 pg 1995: 11 1994: 10 1996: 9 } (+1 pgs)

FROM: CDMILLS

TELEPHONE NUMBER: PAGER

PAGES (WITH COVER):

COMMENTS: NEW VERSION; ELIMINATES SEVERAL INSTANCES WHERE IT WAS A DIFF J.H. (SEE 1995); OTHERWISE SAME EXCEPT CLEANUP ON DOB IN 1996

EXHIBIT 5

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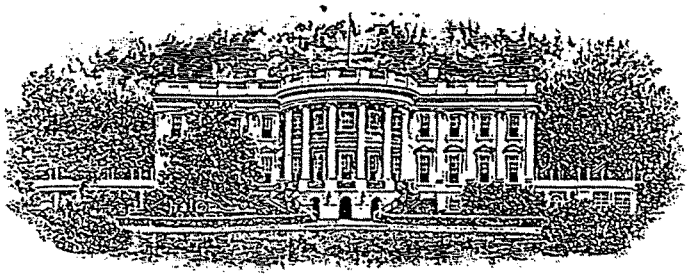
The White House



COUNSEL'S OFFICE

npm

FACSIMILE TRANSMISSION COVER SHEET

DATE:	11·3·96
TO:	BRUCE LINDSEY
FACSIMILE NUMBER:	ROADRUNNER
TELEPHONE NUMBER:	
FROM:	CDMILLS
TELEPHONE NUMBER:	PAGER
PAGES (WITH COVER):	6
COMMENTS:	ADD'L INFANG; THE CHECKED ONES ARE NEW; TOTAL: 11 WAVES; 6 ACTUALS; NEW TOT: 140 WAVES; 95 ACTUALS

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REPORT NO: WAV0776S WAVES. PAGE NO: 652

RUN DATE : 93/05/03 VISITOR SUMMARY FOR 93/04

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
READY	JAMES MTG	NEEL, HUANG, GROSBAUER & DROP-BY	U35078	1422	930412	O	274	SPINNING	858555	1422	B04
READY	JAMES	DICKEY, HUANG, GROSBAUER	U34645	1330	930413	W	EW	DICKEY	016546	1355	A01
READY	JAMES	~~YEE, HUANG~~	~~U35081~~	~~1330~~	~~930413~~	~~O~~	~~141~~	~~YEE~~	000751	1338	D01
READY	JAMES	YEE	U35045	1355	930413	O	141	YEE	******	****	***
READY	JAMES	DICKEY, HUANG	U38144	1430	930416	W	EW	DERRICOTTE	254079	1419	A01
~~READY~~	~~JAMES~~	~~RUBIN, HUANG, GROSBAUER~~	~~U38723~~	~~1045~~	~~930419~~	~~W~~	~~EW~~	~~MCLAUGHLIN~~	~~752585~~	~~1044~~	~~A04~~

* AND POTUS PHOTO W/ ALL 3 MEN
(READY, HUANG, GROSBAUER)

813

EOP 004971

J:6

RUN DATE : 93/07/0 VISITOR SUMMARY FOR 93/06

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOD	POA
RIADY	AILEEN MIDDLETON	U71083	1030	930621	W	WW	JOHNSON	******	****	***
RIADY	JAMES MIDDLETON	U71083	1030	930621	W	WW	JOHNSON	******	****	***
RIADY	JAMES DICKEY	U73423	0945	930623	W	EW	DUAYEA	003696	0939	A01
RIADY	JAMES DICKEY	U74565	1530	930624	W	CW	DICKEY	32	1613	A01
RIADY	JAMES JOHNSON (LOOKED FOR MIDDLETON)	U75903	1130	930628	W	WW	JOHNSON	354163	1107	A04
RIADY	JAMES DICKEY	U76287	1500	930528	W	EW	DICKEY	99	1520	A01

814

EOP 004972

3-5

REPORT NO: WAV07781 WAVES PAGE NO: 578

RUN DATE : 94/07/01 VISITOR SUMMARY FOR 94/06

VISITOR			VISITEE			UIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
RIADY		JAMES	MIDDLETON			U35486	1630	940621	W	WW	EWING		897328	1643	A04
RIADY		JAMES	MIDDLETON, HUANG		MARK	U35782	1515	940622	W	WW	EWING	K	352555	1457	A04
RIADY	NANCY	TJAHAJA	HERMAN			U36270	1000	940623	W	WW	WEXLER		454534	1026	A04
RIADY		CAROLINE	MIDDLETON,			U37219	1200	940624	W	WW	EWING		795487	1210	A04
RIADY		JOHN	MIDDLETON, HUANG			U37219	1200	940624	W	WW	EWING		585496	1210	A04
RIADY		JAMES	MIDDLETON			U37303	1335	940624	W	WW	CAIN		635241	1256	A04
RIADY		AILEEN	WEAVER			U37643	0915	940625	O	131	WEAVER		******	****	***
RIADY		CAROLINE	WEAVER			U37643	0915	940625	O	131	WEAVER		******	****	***
RIADY		JAMES	WEAVER			U37643	0915	940625	O	131	WEAVER		******	****	***
RIADY		HENRY	WEAVER			U37643	0915	940625	O	131	WEAVER		******	****	***
RIADY		JOHN	WEAVER			U37644	0915	940625	O	131	WEAVER		******	****	***
RIADY		STEPHANIE	WEAVER			U37644	0915	940625	O	131	WEAVER		******	****	***
RIADY		AILEEN	POTUS	BUSINESS LEADER RECEPTION		U34233	2015	940621	W	SOUTH LAWN	SPANGLER		000000	1851	VIS
RIADY		JAMES	POTUS	BUSINESS LEADER RECEPTION		U34233	2015	940621	W	SOUTH LAWN	SPANGLER		000000	1851	VIS

*(HILLARY NOT PRESENT; BRIEFING TO CEO'S & REP OF COUP; DOCK WELCOME/SINGING; GATT/HUMAN ECONOMY - IN ROOS SEC'T DIN ...)

EOP 004973

J:6

RUN DATE : 94/10/03 VISITOR SUMMARY FOR 94/09

VISITOR		VISITEE										
RIADY	JAMES	MIDDLETON		U68052	0915	940910	W	WW		RATHBONE	236532	0927 A04
RIADY	JAMES	MIDDLETON (RADIO ADDRESS)		U68052	0915	940910	W	WW		RATHBONE	000000	0938 A04
RIADY	JAMES	POTUS	RADIO ADDRESS	U68011	0930	940910	W	WW		CRAWFORD	******	**** ***

* AILEEN RIADY ALSO PRESENT - PHONE

EOP 004974

J:3

816

REPORT NO: WAV0778S

WAVES

PAGE NO: 428

VISITOR SUMMARY FOR 950909

VISITOR	VISITEE	VIN	TIME	DATE	LOC	ROOM	REQUESTOR	DADOE	TOA	POA
RTADY LJAHAJA	HERNREICH	U09981	1715	950913	W	WW	HERNREICH	34B62D	1710	A04
RTADY LJAHAJA	SCHIFF	U10296	1200	950914	W	WW	SCHIFF	34D9E0	1158	A04
RTADY J	WEAVER	U10165	0915	950914	O	WEBTWIN	WEAVER	D ******	****	***
RTADY J	WEAVER	U10175	0915	950914	O	145	WEAVER	D ******	****	***

817

EOP 004975

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
RIADY	MOCHTAR	WEAVER	LUNCH: PEG CLARK, PAUL MILLER, JOHN HUANG, MAS. RIADY(?)	U14335	1145	960627	154	WEAVER	051229	1217	

REPORT NO: WAV077BS WAVES PAGE NO: 362

RUN DATE : 96/10/01 VISITOR SUMMARY FOR 96/09

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
RIADY	TJAHAJA	HERNREICH	MIDDLETON, BRL, POTUS	U40393	1300	960909	WW	CAMERON	R	010757	1230	

819

[illegible]

EOP 004977

[illegible]

REPORT: JAV07705 WAVE PAGE 335

RUN DATE: 93/04/02

VISITOR SUMMARY FOR 93/03

VISITOR		VISITEE	UIN	TYPE	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	WEE	U24230	1010	930324	O	141	WEE	005204	1031	002
HUANG	JOHN	POTUS DNC BREAKFAST	U17760	0800	930315	W	RESIDENCE	SPANGLER	000000	0850	A01

* 2/11/93 - POTUS [illegible] IN EAST ROOM; [illegible]; OPEN PRESS;
(REFERENCE [illegible]; DUE 2/12/93)
(PMEDIA TOD)

EOP 004978

820

VISITOR SUMMARY FOR 93/04

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	HEEL, RANDY, GROSSMYER(DEPUTY)	U35078	1422	930412	0	274.	SPINNING	415556	1422	804

(PHOTO REQ'D)

REPORT NO: WAV077R5 WAVES PAGE NO: 369

RUN DATE: 93/057G3

VISITOR SUMMARY FOR 93/J4

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	YEE RIADY	U35681	1350	930413	O	141	YEE	003988	1138	B01
HUANG	JOHN	YEE	U35646	1355	930413	O	141	YEE	******	****	***
HUANG	JOHN	DICKEY RIADY, GROSBANER	U35651	1430	930413	W	EW	DICKEY	054852	1402	A01
HUANG	JOHN	DICKEY RIADY	U33144	1430	930416	W	EW	DERNICOTTE	125487	1419	A01
HUANG	JOHN	RUBIN* RIADY, GROSBANER	U38726	1045	930419	W	WW	MCLAUGHLIN	335525	1044	A04

*(FOTUS PICTURE ON THIS DAY
W/ RIADY, HUANG GROSBANER)

822

EOP 004980

RUNDATE 93/06/01 VISITOR SUMMARY FOR 93/05

VISITOR		VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[illegible]	JOHN	POTUS [illegible]		U44028	1330	930503	W	RESIDENCE	DICKEY	000000	1432	A01
[illegible]	JOHN	POTUS DNC RECEPTION		U56137	1400	930521	W	RESIDENCE	SPANGLER	000000	1435	A01
[illegible]	JOHN	POTUS (SAME GUEST AS ABOVE)		U56137	1401	930521	W	RESIDENCE	SPANGLER	000000	1435	A01

REPORT NO: WAVC77a5 WAVES PAGE NO: 372

RUN DATE : 93/07/01 VISITOR SUMMARY FOR 93/06

VISITOR		VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	MIDDLETON		U66598	1500	930607	W	EW	JOHNSON	96	1523	A01
HUANG	JOHN	DICKEY		U64777	1500	930607	W	EW	BERNICOTTE	******	****	***

REPORT NO: WAVO7765 WAVES PAGE NO: 573

RUN DATE : 93/07/01 VISITOR SUMMARY FOR 93/06

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	JOHNSON (MIDDLETON ASST)	U67683	1330	930611	W	WW	JOHNSON	002122	1406	A04
HUANG	JOHN	MIDDLETON	U71083	1030	930621	W	WW	JOHNSON	******	****	***
HUANG	JOHN	DICKEY	U73423	0945	930623	W	EW	DURYEA	002587	0939	A01
HUANG	JOHN	HOLT	U74503	1530	930624	W	EW	HOLT	******	****	***
HUANG	JOHN	JOHNSON	U75903	1130	930628	W	WW	JOHNSON	852416	1107	A04
HUANG	JOHN	DICKEY	U76287	1500	930628	W	EW	DICKEY	78	1520	A01

825

EOP 004983

REPORT NO: WAV077BS WAVES> PAGE NO: 291

VUH-DATE : 93/08/02 VISITOR SUMMARY FOR 93/0:

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

REPORT NO: WAV077A5 WAVES PAGE NO: 213

RUN DATE: 93/09/01 VISITOR SUMMARY FOR 93/08

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
HUANG	JOHN	POTUS IN W/ VOLCOM LEADERS	U92587	1330	930802	W	RESIDENCE	FINE		000000	1237	A01

REPORT NO: WAV07785 WAVES PAGE NO. 356

RUN DATE : 93/10/04 VISITOR SUMMARY FOR 93/0

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	DICKEY	U16837	1100	930924	W	EW 100	DERRICOTTE	******	****	***
HUANG	JOHN	QUINN	U16900	1100	930924	O	276	HOPKINS	******	****	***

* 9/27/93: Mtg w/ Asian American Lawyers; Los Angeles; Brown Green Law Firm; @ 4:30-5:15 (Annex 30 AA Invitees) (John Huang introduced VP) (Official event) [Out of Town]

REPORT : [illegible]

RUN DATE : [illegible]

VISITOR SUMMARY FOR [illegible]

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[illegible]	JOHN PCTUS DMC [illegible]	U26662	1200	931614	N	E. GROUNDS	GRIFFIN	000000	1606	VIS

REPORT NO: [illegible]

RUN DATE : 93/12/01

VISITOR SUMMARY FOR 93/11

VISITOR		VISITEE		VIN	TIME DATE	LOC ADDR	VISITATOR	NAME	TOTAL VIS
[illegible]	[illegible]	[illegible]	ARK RECEPTION	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

(Page no this file)

REPORT NO: AV07756 WAVES PAGE NO 207

[redacted]

[redacted]		VISITEE	[redacted]	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TYP	POA
[redacted]	JOHN	POTUS [redacted]	U62360	1530	940105	W	EW	SPANGLER	000000	1007	VIS
[redacted]	JOHN	VP [redacted] (POTUS NAME [redacted])	U62935	1500	940106	O	476	MCAFEE	000000	1544	001
[redacted]	JOHN	RILEY [redacted]	U68870	1530	940121	O	90	RILEY	000067	1542	002
[redacted]	JOHN	POTUS [redacted]	U62360	1530	940105	W	EW	SPANGLER	000000	1007	VIS

(VP SCHEDULE)

EOP 004989

REPORT N W07785 WAVE: PAGE N 312

[redacted] 94/04/04

[redacted]	VISITEE	UIN	TIME DATE	LOC ROOM	REQUESTOR	NADDP	TOA	FDA
HUANG	DICKEY	W71882	1300 740314	N RM	BAUMER	001877	1300	A01
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

[redacted]

PAGE NO: 333

Visitor SUMMARY FOR 94/04

VISITOR	VISITED	UIN	TIME DATE	LOC ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]								
[redacted]								

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	JOHN MIDDLETON	[redacted]	1630	940304	[redacted]	[redacted]	[redacted]	[redacted]	1624	A04
[redacted]	JOHN DICKEY	U14639	1430	940310	WH	EW	DICKEY	546346	1430	A01
[redacted]	JOHN HATSUI	U14881	1649	940310	[redacted]	122	NISHIKAWA	987877	1650	D01
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	092A	A04
[redacted]	JOHN NISHIKAWA	[redacted]	[redacted]	[redacted]	[redacted]	122	NISHIKAWA	987787	1300	D01
[redacted]	JOHN	U21761	0000	940520				[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	JOHN [redacted]	U21600	0900	940520	[redacted]	272	NISHIKAWA	[redacted]	[redacted]	D01

(4/26/94 -- [redacted])

REPORT NO: WAVO/785 WAVES PAGE NO: 330

RUN DATE : 94/07/01 VISITOR SUMMARY FOR 94/06

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN POTUS	U29210	0830	940613	U	[illegible]	GROUP [illegible] VIVAREY	******	****	***
HUANG	JOHN MIDDLETON	U35486	1430	940621	[illegible]	[illegible]	BUING	903873	1643	A04
HUANG	JOHN POTUS	U34223	2013	940621	[illegible]	[illegible]	SOUTH LAWN SPANGLER	000000	1890	VIB
HUANG	JOHN MIDDLETON BRADY MARK	U33762	1915	940622	[illegible]	WW	BUING K	593281	1457	A04
HUANG	JOHN HERMAN	U36270	1000	940623	U	WW	WEXLER	545454	1027	A04
HUANG	JOHN WEAVER	U36489	1030	940623	O	131	WEAVER	******	****	***
HUANG	JOHN MIDDLETON	U37231	1200	[illegible]	[illegible]	[illegible]	BUING J	598788	1209	A04
HUANG	JOHN RUBIN	U37216	1300	940624	[illegible]	WW	MCLAUGHLIN	******	****	***
HUANG	JOHN WEAVER	U37644	0915	940625	O	131	WEAVER	******	****	***
HUANG	JOHN	U34271	0000	940618				******	****	***

* SEE BADGE DESCRIPTION

(HERMAN, [illegible] CSP SPECIAL ASSISTANT)

REPORT NO: WAV0778S

RUN DATE : 94/08/01

WAVES

VISITOR SUMMARY FOR 94/07

VISITOR		VISITEE		UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	POTUS	(POTUS DIRECTION) (CONNECTING DEPT POSITION APPROVES WAIVERS)	U47960	1800	940721	D	450	CARTER	000000	1817	001

(POTUS DIRECTION - NOT ON TOURS) (DEPT POSITION APPROVES WAIVERS)

EOP 004994

REPORT NO: WAV07785 WAVES PAGE NO: 234

RUN DATE : 94/09/01 VISITOR SUMMARY FOR 94/09

VISITOR	VISITEE	VIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[illegible]	JOHN [illegible] LEWIS (SPECIAL [illegible] (ZEP [illegible])	U53377	0720	940902	0	474	LEWIS	000000	0735	U01

EOP 004995

(DOCUMENT [illegible])

[redacted]

[redacted] HAVES [redacted]

RUN DATE : 94/10/03 VISITOR SUMMARY FOR 94/09

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]											
[redacted]								MIDDLETON	[redacted]		
[redacted]	JOHN	MEAVER (APPOINTMENT)	U78119	1100	940927	EO	181	MEAVER	015980	1102	D01
[redacted]	JOHN	POTUS [illegible] CONCERT	U72094	0000	940922	W	B LAWN	DURYEA	******	****	***
[redacted]	JOHN	POTUS "	U72097A	1001	940922	W	B LAWN	DURYEA	******	****	***
[redacted]	JOHN	POTUS [illegible]	U72094	1000	[illegible]	W	B LAWN	DURYEA	******	****	***

[illegible] (LAHAYES)

EOP 004996

[redacted]

-WAVES-

VISITOR SUMMARY FOR 94/10

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
[redacted]	JOHN	[redacted]	1000	941014	N	10103	BURGET	345573	1004	K01
[redacted]	JOHN	[redacted]	1400	941014	O	230	WILSON	******	****	***

[redacted]

EOP 004997

REPORT [illegible]

VISITOR SUMMA[illegible] FOR 94/12

VISITOR [illegible] REQUESTOR [illegible] BADGE TOA POA

[illegible]

EOP 004998

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	U23996	1410	960206	O	476	[illegible]	000383	1414	804
HUANG	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	MIDDLETON	678896	1189	A04
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

REP. ID: MAV07785

RUN DATE : 95/04/03

VISITOR SUMMARY FOR 95/03

VISITOR		VISITEE		DATE	LOC	ROOM	REQUESTOR		BADGE	TOA	POA
[redacted]	JOHN	MATSUI	APA Appointments Mtg	U45292 1900	950330	O 476	SHULMAN	J	[redacted]	[redacted]	[redacted]

EOP 005000

VISITOR SU Y FOR 95/04

VISITEE	TIME	DATE	LOC	ROOM	REQUESTOR	TOA	POA
H. HUANG JOHN WEAVER	1405	950402	O	131	WEAVER	1411	
HUANG JOHN KANG					KANG		
HUANG							

EOP 005001

[redacted]

[redacted]

VISITOR SUMMARY FOR 99/05

[redacted]

[redacted]

[redacted]

EOP 005002

REPORT NO: WAV077D5 WAVES PAGE NO: 289

RUN DATE: 05/07/02

VISITOR SUMMARY FOR 05/06

VISITOR		VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN	BARKER	U79389	1800	980621	D	474	BARKER	C ******	****	***
HUANG	JOHN	WEAVER	U73612	2000	980607	D	WJ	WEAVER	D 074878	1989	A04

REPORT NO: HAV0778S

HAVER

PAGE NO: 275

RUN DATE: 95/08/01

VISITOR SUMMARY FOR 95/07

VISITOR	VISITEE	UIN	TIME	DATE	LOC	ROOM	REQUESTOR	BADGE	TOA	POA
HUANG	JOHN EDER	U85132	1600	950710	O	180	EDER	A ******	****	***
HUANG	JOHN EDER	U85777	1600	950710	O	180	EDER	A [illegible]	1609	001

REPORT ID: MAV077B

WAVES

[redacted]

VISITEE					LOC	ROOM	REQUESTOR		BADGE		
[redacted]							CAMERON	[redacted]	340614	1715	A04
[redacted]							SCHIFF	[redacted]	340721	1217	A04
[redacted]							DUDLEY	[redacted]	34CAA7A	1038	A04
HUANG	JOHN	WEAVER	(?)	U10169	0915	930914	0	WESTWIN	WEAVER	D	34D8A2	0923	A04
HUANG	JOHN	WEAVER		U10172	0912	930914	0	145	WEAVER	D	******	****	***

EOP 005005

VISITEE	UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN

[redacted]

[redacted]

[redacted]

[redacted]

VISITOR		VISITEE	UIN	TIME	DATE	ROOM	ENQUIRETOR	DOB	TOA	SSN
[redacted]			[redacted]				BLIZENSKI		1021	
HUANG-	JOHN	MATSUI [redacted]	U26029	1700	2010X6	122	ZONA	A	1602	

[redacted]

[redacted]	JOHN	MATSUI	[redacted]	U28669	0800	981102	474		EDER	A	******	****	**********
[redacted]	JOHN	EDERER	[redacted]	U28906	0830	981102	122		EDER	[redacted]		0831	
[redacted]	JOHN	MATSUI	[redacted]	U30122	1700	981106	122		EDER	A	******	****	**********
[redacted]	JOHN	MATSUI AIA Approach Study	[redacted]	U32807	1700	981113	474		WYCKOFF	D		1722	
[redacted]	JOHN		[redacted]	U30520	1400	981118	WW		WYCKOFF	D		***	
HWANG	JOHN	VP DFGC Phase 0/	[redacted]	U32402	1230	981113	476		HUMAN			1330	
HWANG	JOHN	PLOTUS [illegible]	[redacted]	U31708	1630	981113	BW		SKINNER		******	****	
[redacted]	******	******	[redacted]	******	****	******	****		HYMER				

REPORT WAVG77BS MAI PAGE 477

RUN DATE / /

VISITOR SUMMARY FOR 93/12

[redacted]																
[redacted]																
[redacted]																

[redacted]

[redacted]

VISITOR SUMMARY FOR [illegible]

VISITOR	VISITEE	VIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN

[redacted]

EOP 005010

REPORT NO: WAV07285

RUN DATE: 96/03/01

WAVES [redacted]

VISITOR SUMMARY FOR [redacted]

[redacted]

VISITOR		VISITEE		UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	GEN
HUANG	JOHN	MATSUI	[redacted]	[redacted]	1400	[redacted]	[redacted]	[redacted]	A	1400	
HUANG	JOHN	MATSUI		[redacted]	1700	[redacted]	[redacted]	[redacted]	A.	[redacted]	[redacted]
HUANG	JOHN	MATSUI		[redacted]	1930	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

EOP 005011

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RUN DATE : 96/04/01 — VISITOR SUMMARY FOR 96/03

VISITOR			VISITEE			UIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG		JOHN	HUYNH										
HUANG		JOHN	WILLIAMS										
HUANG		JOHN	WASH										
HUANG		JOHN	ICKES			U77974	1830	960329		SUTTON	******	****	**********
HUANG		JOHN	JONES			U72284	1310	960310		VP	041448	1311	068801[illegible]
HUANG		JOHN	VP										
HUANG		JOHN	[illegible]										
HUANG		JOHN	[illegible]										

END OF REPORT

EOP 005012

[redacted]

HAYES

PAGE [redacted]

VISITOR SUMMARY FOR 86/04

VISITOR	VISITEE	VIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
[redacted]	[redacted]	[redacted]	1600	860410	131	[redacted]	P	1330	

855

EOP 005013

VISITOR SUMMARY, EOB 96/05

VISITOR		VISITEE	VIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG	JOHN	HUYNH (NOTTEG/COUTRELAGH)*	U02032	1615	960530	121	HUYNH	F	1611	
HUANG	JOHN	HATSUI AKA WENTING CHENG (DYMELAGH)	U02131	1700	960530	WW	EDER	A	1657	

*(APPEARS HUANG TO NOTTEGHOMELAGH
PUBLIC SERVICE MEETINGS ... IE, NEW CHINESE GIF
DIGESTIONS LIKE MINISTRIES/ETC (DYMELAGH)

REPORT NO: WAV07986

RUN DATE : 96/07/01

WAVES

VISITOR SUMMARY FOR 96/06

PAGE NO: 317

VISITOR		VISITEE		VIN	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG	JOHN			U00021	1400	960606	472		******	****	**********
HUANG	JOHN	HATSUI		U00002	1700	960612	[illegible]	[illegible]	[illegible]	****	**********
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	JOHN	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
HUANG	JOHN	HUYNH	[illegible]	[illegible]	1445	[illegible]	[illegible]	HUYNH	P.	061445	1189
HUANG	JOHN	POTUS	[illegible]	U07777	0830	[illegible]	[illegible]	SPANGLER	J.	061445	0839
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

EOP 005015

[redacted]

[redacted]

WAVES

VISITOR SUMMARY FOR-96/07

PAGE NO: 226

VISITOR		VISITEE	UIN	TIME	DATE	ROOM	REQUESTOR	DOW	TOA	SSN
[redacted]										
HUANG	JOHN	MATSUI	U22366	1400	960710	450	EDER	A	******	**** **********
HUANG	JOHN	HUYNH, [illegible]	U20812	1600	960710	47A	HUYNH	F	******	**** **********

EOP 005016

[illegible] : 96/09/01 VISITOR SUMM FOR 96/08

VISITOR		VISITED BY	IVIN ID	TIME	DATE	ROOM	REQUESTOR	DOB	TOA	SSN
HUANG	JOHN	HASH	U31541	1330	960809	153	SHEEHAN		1330	
HUANG	JOHN OPC	GARDENSWARTZ	U28667	1700	960801	WW	HATSUI		1630	
HUANG	JOHN	HUYNH ([illegible])	U38203	1400	960820	184	HUYNH		1355	
HUANG	JOHN	HATSUI (PPA [illegible])	U38182	1700	960823	WW	BURR	A	1725	

REPORT ....: WAV077DS

RUN DATE : 96/10/01

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VISITOR SUMMARY FOR 96/09/[illegible]

VISITOR		VISITEE	VIN	TIME	DATE	ROOM	REQUESTOR		DOB	TOA	SSN
HUANG	JOHN	HATSUI	U39476	1700	960905	[illegible]	EDER	[illegible]		1712	
HUANG	JOHN	HUYNH (APPROVED/[illegible])PHU	U39644	1810	960905	134	HUYNH	P		1816	
HUANG	JOHN	HATSUI	U47162	1700	960926	UNI	EDER	A	******	****	**********

EOP 005018

THE WHITE HOUSE
WASHINGTON

October 31, 1996

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE, THE OFFICE OF ADMINISTRATION, THE OFFICE OF MANAGEMENT AND BUDGET, AND ALL OTHER UNITS OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: DOCUMENTS RELATING TO THE LIPPO GROUP, INDONESIA AND OTHER MATTERS

The White House (including the NSC and all other EOP components) has received a congressional request for production of documents relating to the Lippo Group, Indonesia and other matters. The precise document requested is attached; if you have any questions concerning the interpretation of the request, contact Kathy Wallman (x6-6611) or Alan Kreczko (x6-9111).

Please conduct a thorough search of your files and provide copies of responsive documents to William Leary (NSC) in Room 392 of the OEOB, no later than 5:00 p.m. on Tuesday, November 12, 1996. For purposes of this request, documents include, but are not limited to, drafts and final copies of correspondence, memoranda, reports, notes, records of conversation, calendars, telephone records, electronic mail, and any other material in the possession of the White House, either on paper or in computer files.

Attachment: Document Request

Jack Quinn

EXHIBIT
6

1. Any telegraphic or electronic mail messages in the possession of the NSC, whether "in the system" or "not for the system" relating to the Lippo Group, the Hong Kong Chinese Bank, and any of their known affiliates (or entities which have participated with it in joint ventures or financing deals); Mr. Mochtar Riady, Mr. James Riady, Mr. Stephen Riady, Mr. John Huang, or Ms. Melinda Yee.

2. Any other material in the files of the NSC on the individuals and entities spelled out in the preceding paragraph.

3. Any telegraphic messages, electronic mail messages, or written materials relevant to the following aspects of US-Indonesian relations:

   a. Any material relating to the President's announcement in May, 1993, that he was going to meet with the Indonesian President in Tokyo and relative to discussions about whether the Indonesian President would be received by the entire G-7 or otherwise.
   b. Indonesia's GSP status.
   c. Indonesia's IMET program.
   d. Development aid levels and programs for Indonesia.
   e. The US view of Indonesia's behavior on the protection of intellectual property.
   f. The situation in East Timor.
   g. The F-16 sale to Indonesia.
   h. The F-5 sale/exchange relating to Indonesia.
   i. The President's trip to the APEC meeting in Indonesia in 1994.
   j. The Indonesia trade mission of 1994 and the participation of any U.S. government official.
   k. The President's meeting with Minister Habibie.
   l. Any meeting between the President or any other officer of the United States government with any of the

individuals named in item 1 or with any official of any entity referred to in item 1.

m. Any assessment of the prestige the Riady family has gained as a result of their contacts with the President and his party.

n. Any discussion of or request for special courtesies or consideration to be extended to any person referred to in item 1 by any official of the United States government.

o. Any reference to the deliberations of Eximbank, OPIC, TDA, AID, or any multilateral development bank or international financial institution relating to Indonesia.

p. Any matter relating to the topic of normalization of relations with Vietnam that refers or relates in any way to (i) the opinions or views of businesses which are not owned predominantly by American citizens or (ii) the officers or representatives of such businesses.

4. Any material relating to Indonesia, or to any aspect of business involvement in or justification for the decision to normalize our relationships with Vietnam, that has appeared in the reports prepared for the NSC by agencies of the United States government.

THE WHITE HOUSE

WASHINGTON

December 16, 1996

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

We have received document requests from certain congressional committees and the Department of Justice. Accordingly, please conduct a thorough and complete search of **ALL** of your records (from January 20, 1993 - present) -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichattkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

Please include any documents refering or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

EXHIBIT
7

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

We recognize that this request is, in some respects, duplicative of a prior document requests. To ensure a complete response, however, please provide all responsive documents -- even those you may have previously provided.

All document must be provided by NOON ON MONDAY, DECEMBER 23, 1996 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Wendy White (6-7361).

THE WHITE HOUSE

WASHINGTON

January 9, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JACK QUINN, COUNSEL TO THE PRESIDENT

SUBJECT: Follow-up to December 16, 1996 Document Request

On December 16, 1996, we asked you to search for materials in response to requests we received from certain congressional committees and the Department of Justice. As a follow-up to this request, please conduct a thorough and complete search of **ALL** of your records that were created or received between **DECEMBER 23, 1996 - JANUARY 9, 1997** -- whether electronic, paper or any other form -- and provide any materials referencing or relating in any way to the following:

Individuals
John Huang
James T. Riady
Mochtar Riady
P. Kanchanalak
Pauline (or Pornpimol) Kanchanalak
Pauline (or Pornpimol) Parichantkul
Arief Wiriadinata
Soraya Wiriadinata
Yah Lin Trie (aka Charles ("Charlie") Yah Lin Trie)
Johnny Chien Chuen Chung (aka Johnny Chung)
Hashim Ning
Yogesh Gandhi
John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee)
Hogen Fukunaga
Yoshia Tanaka
George Psaltis
Hsing Yun (aka Shing Yun)
Tzu Jung (aka Su-Jen Wu)
Shih Hsin Kuang
Hsiao Pi-Hsia
Chu Lin Hsiu (aka Hsiu Chu Lin)
Jou Shen (aka Jou Sheng)
Man Ya Shih
Siuw Moi Lian
Mi Ryu Ahn
Gary Hsueh
Keshi Zhan
Xiping Wang
Yue F. Chu

EXHIBIT 8

Please include any documents referring or relating to visits to the White House by, or other activities of, any of the aforementioned individuals.

Entities
The Lippo Group
Lippobank
Cheong Am America
K & L International
K & L International Partners, Inc.
Psaltis Corporation
Hip Hing Holdings, Ltd.
Automated Intelligent Systems, Inc.
Bang Chang Group
Bang Chang International
San Kin Yip International Trading Corp.

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

Documents include, but are not limited to, memoranda, correspondence, notes, minutes from meetings, schedules, messages, appointment logs, telephone logs, telephone messages, photographs, and computer disks.

Please remember that you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests. In addition, please provide your documents in the manner in which they are maintained in your files.

Every employee is responsible for searching all of his or her files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each Office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel must certify that all agency records have been provided.

All document must be provided by NOON ON THURSDAY, JANUARY 16, 1997 to Cheryl Mills, OEOB Room 128. If you have any questions, please call Cheryl Mills (6-7900) or Karen Popp (6-7901).

THE WHITE HOUSE
WASHINGTON
November 26, 1996

Jack,
This is mostly crap
Bruce

MEMORANDUM TO LEON PANETTA
CHIEF OF STAFF

ERSKINE BOWLES
CHIEF OF STAFF-DESIGNATE

FROM: JANE SHERBURNE JRS
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE STATEMENTS RE RIADY MEETINGS

The following is my understanding of the development of White House statements related to meetings between the President and James Riady. In early October 1996, Mark Fabiani reported to me that the Wall Street Journal was working on a story about the President's relationship with the Riady family, John Huang and the Lippo Group. The WSJ asked about the number of times James Riady had met with the President and the nature of any such meetings. On checking records of meetings with the President, Miriam Nemetz (Associate Counsel) reported to me that there were at least two White House meetings: one in April 1993 that lasted about five minutes and a 20 minute meeting in the Oval Office in September 1995. The President also had a brief encounter with Riady at a social event in Jakarta in November 1994. Bruce Lindsey had been present at the Jakarta event and at the September 1995 meeting.

I consulted with Bruce about how to describe these meetings. He said they were social visits. Nancy Hernreich (Director of Oval Office Operations), confirmed that the April 1993 meeting had been simply to say hello. Accordingly, I instructed Fabiani to describe the meetings as casual, drop-by visits, primarily social in nature. I also suggested that we refer to the number as "a few" and confirm there were at least three, while we continued to check for records of other meetings.

After published reports of the two White House meetings (e.g. NYTimes 10/11), Bruce told me we had failed to identify and mention a more recent meeting that had occurred sometime in what was then the previous six or eight weeks. (Miriam checked this with Nancy Hernreich who told Miriam that she had mentioned this most recent meeting when Miriam had first questioned her.) I instructed Fabiani to disclose the 4th meeting, which was reported in the press on October 12, 1996 (Washington Post). Thereafter, I instructed Miriam to assemble all WAVES records reflecting meetings with Riady. The records confirmed a meeting on September 9, 1996. We continued to describe the meetings as "drop by social visits" (e.g. Washington Post 10/12, LATimes 10/14).

EXHIBIT 9

EOP 008737

During this same time period, Fabiani had been asked whether the President and Riady had a private conversation in a limousine somewhere around the time of the summer Olympics during which they discussed U.S. policy toward China. Bruce confirmed to me that Riady had sat with the President in his limousine following a political dinner in Washington sometime since the Olympics. He did not know what they discussed and said it likely was private only because the Secret Service would have been uncomfortable with the President standing outside in the open for longer than a few minutes.

On October 10 or 11, I asked Records Management to pull all Riady correspondence. The correspondence included an extensive letter from Mochtar Riady to the President in early 1993 expressing views on a variety of subjects of significance to Pacific Rim interests. There was also a July 1993 thank you letter from the President to James Riady on the bottom of which the President had handwritten, "I enjoyed my visit with President Soeharto."

I brought this correspondence with me on October 13 to the Albuquerque debate preparation and showed it to Bruce. I told him I thought it likely that this correspondence and the limousine meeting would become public and that it would raise questions about our characterization of the President's relationship with the Riadys as simply social. Bruce did not disagree, but expressed a concern that if we acknowledged there may have been policy discussions the meetings would begin to sound more substantive than they were in fact. Following this discussion, I advised Fabiani to begin "backgrounding" with the press the likelihood that these meetings included casual conversation about issues of interest to Pacific Rim countries.

On October 14 or 15, during a conference call with several people involved in handling the Riady matter, including Bruce, I expressed concern about our characterization of these visits, based on the additional information we had learned about these meetings. I do not remember or know that I even knew who all participated in the call. I believe, in addition to Bruce and me (who were in the same room) and Fabiani, the other participants were Harold Ickes, Joe Sandler (DNC General Counsel), Amy Weiss Tobe (DNC Press Spokeswoman), and Joe Lockhardt (Clinton Gore Spokesman). Fabiani stated his view that we should provide a more complete description of what occurred at the meetings between Riady and the President. He said that the press was skeptical about our statements that they were social visits. I believe this was the call in which Fabiani also expressed the view that the press did not expect a detailed explanation until after the election. Bruce reiterated his concern about overstating the significance of the meetings. However, no one, including Bruce, disagreed that we needed to provide a fuller account of these meetings if press interest persisted.

At about this time, Joe Sandler told me that John Huang had refused to tell him about one of the subjects that had been discussed in his September 1995 meeting with the President, Bruce and Riady. I asked Bruce if he had any idea what Huang was withholding and Bruce told me that they had discussed Huang moving from his post in the Commerce Department to a fundraising position at the DNC.

On October 16, 1996, the LA Times reported the following:

> One of Clinton's senior advisors, Bruce Lindsey, said he has been present for two meetings between Riady and Clinton in the past two years, including one in the last few months. "It was basically a drop-by social visit," Lindsey said of that session. He said no issues of U.S. policy were discussed. When asked whether the meeting was about fund-raising, he declined further comment. "I'm not going to tell you what the meeting was about," he said.

I asked Bruce about the statement and told him, as Fabiani had reported to me, that it had created quite a buzz in the press because it suggested we were refusing to provide any more information about the meetings. Bruce told me that the LATimes had confused the quote because he had not been referring to the September 1996 meeting, but the September 1995 meeting (at which Huang's transfer to the DNC had been discussed). He did not seem to recognize that his statement was inconsistent with what I thought was an understanding that we would be more forthcoming in describing what occurred at these meetings.

On returning to Washington after the San Diego debate, I undertook to verify that we had identified all of the meetings between Riady and the President.

As it became clear that issues related to the Riadys and other contributors were likely to endure well beyond my tenure as well as Fabiani's, I discussed with Harold whether others should handle these matters. As the days passed, Fabiani and I were becoming more immersed, which made little sense as Fabiani would be gone in a few weeks (his last day was November 15) and he had been distracted by departure planning. I had long planned to leave the White House by the end of the year. Harold discussed my concern with Bruce and reported back that Bruce had conferred with Jack Quinn and they agreed it was sensible for Fabiani and me to withdraw. Mary Ellen Glynn picked up the press function for a few days and sometime in late October, I briefed Bruce and Cheryl Mills (Associate Counsel) on the information I had collected, including what I had been able to verify about the Riady meetings. Since that time, I have been largely uninvolved.

Shortly after the election, Fabiani told me that Jeff Gerth was making inquiries

about Bruce's role. He indicated that Gerth was observing similarities between the early Whitewater response in which Bruce was involved and the response to inquiries about foreign contributors raised in the final weeks of the campaign.

On November 14, I received a call from Steve Labaton of the NYTimes. He said he wanted to talk to me about Bruce Lindsey's role in the White House regarding the Riady matter. He said he understood I had been concerned that Bruce's description of the Riady meetings was misleading and that he had been told that my plans to leave the White House were related to my concerns that Bruce was dissembling about the meetings. I agreed to talk to Labaton. The discussion was off-the-record. I told Labaton that I had long planned to leave the White House and my departure had nothing to do with the Riady matter or any concern that Bruce had been untruthful. I told him of Bruce's concern that the significance of these casual meetings would be overstated if we described policy matters that had been discussed. I said that I had expressed a view that more needed to be said about the meetings because the description of them as "social" would not hold up. I told Labaton that as I had learned more about the content of these meetings, I took the position that we should explain what had occurred at the meetings and not characterize them and that Bruce did not disagree with this. He expressly asked me if I believed Bruce had lied and I expressly told him that I did not believe Bruce had lied.

On Saturday, November 16, Labaton paged me. When I returned the page, he told me that he wanted to read me a statement that Mike McCurry had given to Jeff Gerth and provide me an opportunity to respond on-the-record, as he believed Mike's statement was inconsistent with my view of events. The statement he then read indicated that Bruce had fully described the Riady meetings to me from the outset and that our initial description of the meetings as social was based on that information. Labaton offered to call me back the following day to get my response.

After speaking to Labaton, I called McCurry, with whom I had spoken earlier in the day about the developing story. I expressed dismay to Mike that he would have gone on-the-record with a statement about what I knew, when I knew it, and what advice I gave, without checking it with me. He told me he had received his information from Cheryl Mills whom he had asked to run down the facts. He said he had assumed that what she had given him had been checked with me. It hadn't. I told Mike that his statement was incorrect because I knew virtually nothing about the content of these meetings from Bruce at the time we described them as social and that nearly everything I had learned from Bruce since then had been as a result of asking him to confirm what I had learned from other sources. I also told Mike that Gerth and Labaton already knew his statement was wrong. Mike, who had made it clear from the outset that he was determined to get the full story out accurately, was concerned. He said he thought we had no choice but for me to go on-the-record with Labaton and correct it. We spoke generally about what I should say.

On Sunday morning, November 17, I wrote out a proposed on-the-record statement and called Mike and read it to him:

> Bruce described the meetings between the President and Mr. Riady as social. He continues to regard them as social in nature. As I learned more about these meetings from others and confirmed that information with Bruce, Fabiani and I told him that we believed the meetings could not be characterized credibly as social visits and that we needed to describe them more fully. Bruce feared we would overstate their true significance if we described the meetings as more than social but agreed that more needed to be said. At the time we began disengaging, Bruce and others anticipated a more rigorous examination of these meetings that would enable a fuller explanation to the public.

Mike suggested that I take out the reference to our belief that the visits could not be characterized credibly as social. Otherwise the statement was fine, although Mike said that he thought I was making too big a deal out of this and should try to down play it.

Labaton called back on Monday morning. I read him the following:

> Bruce described the meetings between the President and Mr. Riady as social. He continues to regard them as social in nature. As I learned more about these meetings and confirmed that information with Bruce, Fabiani and I recommended that the description of the meetings be elaborated. Bruce feared we would overstate their true significance if we described the meetings as more than social but agreed that more needed to be said. At the time Mark and I began disengaging, Bruce and others anticipated a more rigorous examination of these meetings that would enable a fuller explanation to the public.

In response, Labaton asked why we recommended that the description be elaborated. I said it was "because I felt, as did Mark, that calling them social would subject us to challenges."

I. Hashim Ning
J. Johnny Chien Chuen Chung
a.ka. Johnny Chung
L. Yogesh Gandhi
M. John Hoon Kyung Lee
a.k.a John H.K. Lee, Lee Kyung Hoon,
or Kyung Hoon Lee
N. Hogen Fukunaga
O. Yoshia Tanaka
P. George Psaltis
Q. Hsing Yun
a.k.a. Shing Yun
R. Tzu Jung
a.k.a Su-Jen Wu
S. Siuw Moi Lian
T. Mi Ryu Ahn
U. Gary Hsueh
V. Keshi Zhan
W. Xiping Wang
X. Jung Wang (or Wang Jun)
Y. Yue F. Chu
Z. Mark Middleton
aa. Mark Grobmyer
bb. Yah Lin "Charles" Trie
cc. Nora Lum

All records related to Mr. Trie's appointment to the Commission on U.S.-Pacific Trade and Investment Policy.

All records related to Executive Order Number 12987 which expanded the membership of the above named Commission.

All records on the following corporations:

A. Lippo Group, including LippoBank, LippoLife, PT. Multipolar Corporation or any other affiliate and/or subsidiary of the Lippo Group.
B. Cheong Am America
C. K&L International
D. K&L International Partners
E. Psaltis Corp.
F. Hip Hing Holdings Ltd.
G. Automated Intelligent Systems Inc.
H. Ban Chang Group (a.k.a. Bang Chang Group)
I. Ban Chang International (a.k.a. Bang Chang Int.)
J. San Kin Yip International Trading Company

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

January 15, 1997

Mr. Charles F.C. Ruff
Mr. John M. Quinn
White House Counsel
The White House
Washington, D.C. 20500

Dear Messrs. Ruff and Quinn:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials or misuse of agency resources and any related matters arising out of these areas.

It has come to my attention that Mr. Quinn distributed two memos instructing all White House staff to collect and submit documents to the Counsel's Office, many of which are relevant to the Committee's inquiry as defined above. I am encouraged by this action, as a prompt response by the White House will allow this investigation to proceed in an orderly fashion. As we begin this process I trust we can work together, in a cooperative manner, to complete this essential review.

To prevent conflicts or the appearance of conflicts, it is essential that none of the individuals who were involved in dealing with Mr. Huang, Mr. Trie or any of these DNC fundraising matters be involved with the collection of documents or response to Congressional requests. In this regard, it has been confirmed by the White House that Deputy Counsels Bruce Lindsey and Cheryl Mills attended a May 9, 1996 meeting regarding questionable funds raised by Mr. Trie for the Presidential Legal Expense Trust. In addition, Special Counsel Jane Sherburne reported that Mr. Lindsey relayed misleading information about the President's meetings with the Riady family. I understand that Ms. Mills currently is in charge of document production on this matter. Given this information and what I am sure is your interest in avoiding any conflicts as we begin reviewing these matters, I trust that you will not have interested parties such as Mr. Lindsey or Ms. Mills working on these matters. I would appreciate your assurance that they will not be participating in any way with this investigation.

K. CommerceCorp. International
L. Arkansas International Development Co.
M. Aegis Capital Management Corporation
N. Poly Technologies, Inc.

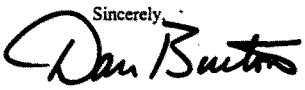
5. All records relating to Legal Expense Trusts, or other type of legal defense fund formed by any current or former Clinton administration White House employee. Please include SF-278 forms or related gift disclosure forms filed with the ethics office in the White House which require the reporting donations to such funds.

6. All records relating to any contacts between White House staff and any trustee and/or employee of the Presidential Legal Expense Trust.

Finally, during the 104th Congress, the White House and Committee agreed that production of documents within 15 days was a reasonable response period. Accordingly, we request the documents on the attached list, with a production log, by January 30, 1997. The production log should include each document's Bates number, author, description and source file.

Thank you for your prompt attention to these matters. If you have any questions please do not hesitate to contact me.

Sincerely,



Dan Burton
Chairman

cc: Rep. Henry Waxman

THE WHITE HOUSE
WASHINGTON

January 17, 1997

The Honorable Dan Burton, Chairman
Government Oversight and Reform Committee
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Burton:

I have your letter of January 15, 1997. I appreciate very much your stated desire to work cooperatively with this office and am sure that we will more than do our part to work in a spirit of mutual respect, accommodation and good faith. I know, too, that I speak for Mr. Ruff as well as for myself, in telling you that you should not hesitate to call us directly if you are not satisfied with our responses to your inquiries.

I know that we will want to explore with you the scope and bases for your inquiries, but we can do that when first we meet, which I hope will be soon. In the meanwhile, however, I do want to respond to several points in your letter.

First, no one in this office is conflicted out of any of the matters you mentioned. It is both appropriate and unsurprising that we would be involved in meetings such as the one you mentioned regarding the Legal Expense Trust. I, too, was at that meeting. But that does not mean that I had anything to do with the raising of the funds in question or that I am in any other way conflicted out of the matter. The same is true for Mr. Lindsey and Ms. Mills. Frankly, they are no more conflicted on this matter than is anyone on your staff.

Second, I do not believe that Ms. Sherburne has ever said that Mr. Lindsey relayed misleading information about the Riady meetings. And, as in the case of our attendance at these meetings, we cannot allow our service as lawyers on a matter to conflict us out of answering your subsequent questions about the matter. The logic of that approach would ultimately result in our never having lawyers available to help you or to counsel the President.

Finally, we have never had any regular practice of providing production logs or of meeting document requests on a 15 day-turnaround basis. Production logs are feasible only when document requests are narrowly drawn. We simply cannot expend the time and resources to log the production of thousands, sometimes tens of thousands, of pages of documents,

particularly given the number of inquiries made of us by the Congress. As for response times, we will spare ourselves a great deal of unhappiness and frustration if we can understand that all production deadlines should be set in advance by mutual agreement. I look forward to discussing with you a reasonable timetable for the production of the documents requested in your letter.

Sincerely,

Jack Quinn
Counsel to the President

THE WHITE HOUSE
WASHINGTON

COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: January 17, 1997

TOTAL PAGES (INCLUDING COVER PAGE): 3

TO:	U.S. House of Representatives
ATTN:	The Honorable Dan Burton
FACSIMILE NUMBER:	225-3974
TELEPHONE NUMBER:	225-5121
FROM:	Jack Quinn, Counsel to the President (202) 456-2632

COMMENTS:

PLEASE DELIVER AS SOON AS POSSIBLE

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WEDNESDAY
MARCH 16, 1994

TIME | FOR | RE | DESCRIPTION

7 AM
8 AG Staff re: Criminal Matters
9 CASC Staff
10
11 HOLD
12 Lunch w/Jack Quinn w/H Mtrs

TO BE DONE TODAY (ACTION LIST)

Wk 11 • Day 75, 290 Left

WEDNESDAY
MARCH 16, 1994

30

PM | FOR | RE | DESCRIPTION

1 PM
2 Lincoln Caplan NY Times Monday Thing re: Profile on AG's 1st year
3
4
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6
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8
9

*Entertainment Details

Mileage

EXPENSES

TRANS.
GAS
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OTHER
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EXHIBIT
12

SWC 000248

GRO 000248

DOT 0004

[The deposition of Steven Smith follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: STEVEN SMITH

SATURDAY, OCTOBER 18, 1997

The deposition in the above matter was held in Room 2303, Rayburn House Office Building, commencing at 4:00 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Chief Investigative Counsel; Kristi Remington, Investigative Counsel; Andrew J. McLaughlin, Minority Counsel; Christopher Lu, Minority Counsel.

For STEVEN SMITH:

LIEUTENANT COLONEL JOHN SPARKS, ESQ.
National Security Council

Ms. COMSTOCK. Okay, we can get on the record here. I am going to read through this preamble that we have.

Good afternoon. On behalf of the members of the Committee on Government Reform and Oversight, I would like to thank you for appearing here today.

This proceeding is known as a deposition. The person transcribing this proceeding is a House reporter and notary public, and I will now request that the reporter place you under oath.

THEREUPON, STEVEN SMITH, a witness, was called for examination by counsel, and after having been first duly sworn, was examined and testified as follows:

Ms. COMSTOCK. I would like to note for the record those who are going to be here at the deposition today. My name is Barbara Comstock, I'm the chief Majority investigative counsel and the designated counsel for the committee in this deposition. I'm accompanied today by Kristi Remington, who is also with the Majority staff; and Minority counsel who will be here today is Andrew McLaughlin.

Is it Colonel Smith?

The WITNESS. No, I'm a civilian. Steven Smith.

Ms. COMSTOCK. Mr. Steven Smith is here represented by Colonel John Sparks this afternoon.

Although this proceeding is being held in a somewhat informal atmosphere, because you have been placed under oath, your testimony here today has the same force and effect as if you were testifying before the committee or in a courtroom.

If I ask you about conversations you have had in the past and you are unable to recall the exact words used in that conversation, you may state that you are unable to recall those exact words and then you may give me the gist or substance of any such conversations to the best of your recollection. If you recall only part of a conversation or only part of an event, I would ask you to give me your best recollection of those events or parts of conversations that you do recall.

If I ask you whether you have any information about a particular subject and you have overheard other persons conversing with each other regarding that subject or have seen correspondence or documentation or any records or, obviously in this case videotapes regarding that subject, please tell me what you do have such information about and indicate the source from which you derived such knowledge.

Before we begin the questioning, I would like to give you some background about the investigation and your appearance here today. Pursuant to its authority under House Rules X and XI of the House of Representatives, the committee is engaged in a wide-ranging review of possible political fund-raising improprieties and possible violations of law on related matters within the committee's jurisdiction.

Pages 2 through 4 of House Report 105–139 summarizes the investigation as of June 19, 1997, and describes any new matters which arise directly or indirectly in the course of investigation. Also, pages 4 through 11 of the report explain the background of the investigation. All questions relating either directly or indirectly to these issues, or questions which have a tendency to make the existence of any pertinent fact more or less probable than it would be without the evidence, are proper.

I would note at this point that your appearance here today is largely in regard to the videotapes and other records in WHCA, and so many of the general matters that the committee is investigating would not obviously be applicable in your case, but I want to just give you an understanding of the scope. But we have discussed with Colonel Sparks the areas that we are going to be addressing, and I think he is familiar from the other depositions what we will be going over.

Lieutenant Colonel SPARKS. Yes.

Ms. COMSTOCK. The committee has been granted specific authorization to conduct this deposition pursuant to House Resolution 167, passed by the full House on June 20, 1997. Committee Rule 20 outlines the ground rules for the deposition.

Majority and Minority committee counsels will ask you questions regarding the subject matter of the investigation. Minority counsel will ask questions after Majority counsel is finished. Members of Congress who wish to ask questions will be afforded an immediate opportunity to ask their questions at any time when they may be present. We have had no indication today that there will be any Members attending. If they were here, when they were finished, committee counsel would resume questioning.

Pursuant to the committee's rules, you are allowed to have an attorney present to advise you of your rights. Mr. Sparks is here representing you in that capacity today, although I would like to note for the record that Colonel Sparks is counsel at the NSC and not personal counsel for Mr. Smith.

Any objection raised during the course of the deposition shall be stated for the record. If the witness is instructed by his counsel, Colonel Sparks, not to answer a question or otherwise refuses to answer a question, Majority and Minority counsel will confer to determine whether the objection is proper. If Majority and Minority counsel agree that a question is proper, the witness will be asked to answer the question. If an objection by your counsel is not withdrawn, the Chairman or a Member designated by the Chairman may decide if the objection is proper.

This deposition is considered as taken in executive session of the committee, which means it will not be made public without the consent of the committee pursuant to clause 2(k)(7) of House Rule XI. You are asked to abide by the rules of the House and not discuss with anyone, other than your attorney, this deposition and the issues and questions raised during this proceeding.

Finally, no later than 5 days after your testimony is transcribed and you have been notified that your transcript is available, you may submit suggested changes to the Chairman. I would note we have also been waiving that with the consent of the Minority. We can also send that down to you so that you can review that instead of coming up here to review it. Any changes we would just ask be accompanied by your signature and a letter requesting those changes and that they be put in writing and that you sign that.

Do you understand everything we have gone over so far?

The WITNESS. I do.

Ms. COMSTOCK. If you have any questions as we go along, please stop and ask me. If a question is unclear, let me know, or Colonel Sparks can also let me know at any time as we are proceeding.

We have a court reporter here today. As we proceed through the deposition, if you can wait until I finish the question, and then I will also, in turn, wait until you finish the answer so that we don't speak over each other, they can get a clear record.

Mr. MCLAUGHLIN. Let me make my two quick points before you gone on.

The first is that objections are the province of the full committee and not the Chairman alone under House Rule XI(2)(k).

The second comment I want to note again for the record is the Minority's ongoing objections to the scheduling of these depositions at such times as our Members are unable to attend.

Mr. Condit has indicated the sense of the Minority Members and has made that request and that request has not been honored, so here we are at 4:05 on a Saturday taking this deposition. Thank you.

Ms. COMSTOCK. I believe the Chairman has written a letter to Mr. Condit in that regard and we can make that part of the record.

EXAMINATION BY MS. COMSTOCK:

Question. Can you just give us your full name and your employment history from college forward?

Answer. My name is Steven Smith. I'm the Chief of Operations at the White House Communications Agency. I'm a DOD civilian. I have been a part of the Department of Defense for 23 years. For 20 years and 8 months, I was an active duty

member in the United States Army. I retired in June of '95 as Chief Warrant Officer.

After a short break, I came back to the Department of Defense as a civilian with employment at the White House Communications Agency, and that was in July of '95, and I have been there ever since, totaling a 23 year period.

Question. And who hired you for this job at the White House?

Answer. Actually, I was previously associated with the White House Communications Agency when I was on active duty. I spent 6½ years out of my 20 years and 8 months on active duty with the White House Communications Agency.

After I retired, or during that period when I had retired, they had put out an announcement for a DOD civilian billet within the White House Communications Agency and I competed for that and I was selected in July of '95 and came back. And that selection process was through the Defense Information Systems Agency, which is within the administrative chain of command for the White House Communications Agency, a part of the Department of Defense.

Question. Do you recall who interviewed you for that position?

Answer. They actually interviewed records. I think I was told that there was 60-some records that they went through. Who actually did that, I don't know. I just got a phone call saying, you were selected.

Question. And who is your direct supervisor?

Answer. My direct supervisor is Colonel Joseph J. Simmons, IV, who is the commander of the White House Communications Agency.

Question. Can you generally describe your duties in your position as chief of operations?

Answer. My current duties are to provide oversight and management of both fixed and travel missions. And basically what that means is, fixed means within the Washington, D.C., area. There is a very large robust infrastructure that the White House Communications Agency has in place to support the President, the National Security Council, the Secret Service, and to aid them in doing their duties here in Washington.

And the travel portion of my duties, as far as oversight, is when the President travels away from the White House complex, we also send teams comprised of White House Communications Agency personnel to provide telecommunications and other related support to the President and his staff as directed by the White House Military Office.

Ms. COMSTOCK. We can go off the record for a minute.

[Discussion off the record.]

EXAMINATION BY MS. COMSTOCK:

Question. Where is your office physically located?

Answer. I have a primary office that is physically located on the fifth floor of the Old Executive Office Building in Washington, D.C. I have a small satellite office located at the Anacostia Naval Air Station in Washington, D.C., in Building 399.

Question. And who else is in that fifth floor OEOB office that you have, or in that general vicinity, what other WHCA people are in that?

Answer. There is administrative staff, a noncommissioned officer in charge of our customer support directorate, and the officer in charge of that directorate also is in the same vicinity of my office that I have on the fifth floor.

Question. And who is that?

Answer. Tom Carr is the officer in charge of the customer support directorate and Frank Barthol is the noncommissioned officer in charge of that directorate, also.

Question. Could you spell those so we can get them accurately for the record, if you know?

Answer. Tom Carr, last name is C-A-R-R; Master Sergeant Barthol's spelling is B-A-R-T-H-O-L. I believe that is the correct spelling.

Question. Could you generally describe the chain of command in your office with what you do and how you report?

Answer. The chain of command in my office is—obviously I am the—well, let me, if I can back up for just a second. Recently the organization went into a redesign and I have moved from the operations division chief to the headquarters element.

Prior to July 17th, the chain of command was from the division to the headquarters element. Now I'm part of the headquarters staff, which is a recent change. So my current chain of command is from myself upward to Colonel Simmons. Colonel Simmons then operationally reports to the directorate of the White House Military Office and administratively he reports to the commander of the Defense Information Systems Agency, who is General Kelley. So we have a parallel chain of command going upward.

Then downward, there are several operational directorates that are directly under my control, and that is the travel support directorates, the customer support directorate, and the Washington area support directorate. Each one of the directorates have divisions and branches and so on and so forth.

Ms. COMSTOCK. I just wanted to enter for the record, and we will make this Deposition Exhibit Number 1, the White House Communications Agency structure of the office.

[Smith Deposition Exhibit No. SS–1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 913.]

EXAMINATION BY MS. COMSTOCK:

Question. Could you just generally tell us the various directorates, what they include?

Answer. Going from left to right in this exhibit, on the left side we have input directorates. There's a personnel and security directorate, and in that directorate what they do is personnel management and security. They process security clearances and so on and so forth, working in concert with other DOD entities.

Then there's a resource management directorate, which is our financial management and acquisition directorate.

Then there's a systems and services directorate, and they do configuration management, logistics-type support.

Then there's a program management directorate, which does just that, program management for radio systems, information systems and network type infrastructure.

Then there's a mission support directorate, which takes care of training and qualifications of our personnel. And they report directly to the chief of staff, who is a Colonel Ken Campbell.

Moving to the right, next is chief of operations, which is myself. And then we have the output directorates, which fall directly under my span of control, and Washington area support directorate which is our voice operations division, networks division, audiovisual division and Camp David detachment.

Then there's a travel support directorate, and they handle all the deployments away from the White House complex both for the President and the Vice President's travel.

Then there's a customer support directorate, and they do the requirements and operations and customer services type stuff.

Question. Could you tell us who is in charge of each of these areas?

Answer. I can do that, I think.

Question. And if you don't recall someone in particular, we could get that for the record, too. I don't want to unnecessarily——

Answer. The personnel and security directorate, Lieutenant Colonel Fountain is in charge of that directorate. A Ms. Carla Hawkins is in charge of the resource management directorate. A Lieutenant Colonel Neal Riddle is in charge of the systems and services directorate. A Mr. Alan Hynes is in charge of the program management directorate. Lieutenant Colonel Warren Snow is in charge of the mission support directorate. Lieutenant Colonel Marty McLain is in charge of the Washington area support directorate. Lieutenant Colonel Nathaniel Smith is in charge of the travel support directorate. And, again, Lieutenant Colonel Tom Carr is in charge of the customer support directorate.

Ms. COMSTOCK. We will make that copy, your copy, Exhibit Number 1, and maybe we can use it as a reference point as we go through on various matters.

EXAMINATION BY MS. COMSTOCK:

Question. I would like to maybe move right into the major areas, because I know you have testified about this before and I'm not sure if you may be also testifying before the Senate shortly, so I will try to make this as brief as we can.

Could you just walk through your beginning to be part of the process of responding to any subpoenas or document requests or directives that came from the counsel's office?

Answer. The first time that I became involved in a document request, that I recall, was around 29th of April. We received an electronic mail from Colonel Campbell, who is currently the chief of staff, who at that time was the deputy of the agency under our whole organizational structure.

Part of that e-mail there was attached a WordPerfect file. The attachment had a lot of names and entities identified on it and we were directed to check our files

for any documents or materials that may be associated with those individuals identified. And we had a suspense on there that was the 5th of May.

And that was sent out to all the operation and maintenance unit representatives, the senior individuals of those elements and all staff divisions, and to the best of my recollection everyone responded back. I believe there were a couple of documents that were identified; I believe that came out of our record communications or cable systems. And there was a formal response that went back from the White House Communications Agency to the White House Military Office. And that is where that tasking came from.

My understanding of that process for that request was from the White House Counsel's Office to the White House Military Office to the White House Communications Agency, and we did an internal distribution. What was actually received at the White House Communications Agency, I really don't know. I can only speak of certainty of what I received, and that was the e-mail with the attached file that just had the names and entities.

Recently, I was made aware that there were two other pages to that document that we, internal to the agency, did not receive. I did speak to Colonel Campbell, who was the one that interfaced directly with the White House Military Office, and he informed me that he was uncertain if he had received the entire document, but stated if he had, he must have mishandled it. He just doesn't really recall. And that's pretty much my initial contact.

Then again——

Question. I want to just for the record, because when you said the suspense was May 5th, you mean the date it was due; that's the term?

Answer. For the e-mail, yes. I'm sorry.

Question. I wanted it more for the record, for that to be clear.

So when you got this e-mail, you had an understanding that you had a turnaround time of approximately?

Answer. Six days or whatever.

Question. Six or 7 days, okay. And the e-mail came from Colonel Campbell?

Answer. That is correct.

Question. Do you still have a copy of that e-mail?

Answer. I did up till yesterday. I gave it to the grand jury. They took it when I was there.

Question. I apologize because we don't have a copy of it yet, and maybe we can get it; we had requested from the White House to get the various documents and we have gotten some of them, so I don't want to sort of have you be in the dark or be describing things we don't necessarily have.

Answer. Sure.

Question. But I will go ahead and at least give you the April 28th directive which we have received from the White House.

And was the attachment you referred to, that you got the e-mail, is that the attachment that is Attachment A on this April 28th, 1997, directive?

Answer. Yes, it is.

Ms. COMSTOCK. And we will make this Deposition Exhibit Number 2.

Mr. MCLAUGHLIN. My preference is that we be marking the copy that is actually shown the witness for inclusion in the record, for purposes of clarity.

[Smith Deposition Exhibit No. SS–2 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Did the e-mail that Colonel Campbell sent, did it have some information within the e-mail that he sent out to you?

Answer. To the best I can recall, the e-mail directed us to take a look at all our internal documents and materials regardless of media in reference to the attachment, which to us, that was our search criteria that was identified to us, the agency.

I know internal to my division, because at that time I was in the operations division, not in the headquarters element, and basically what that meant was to check my file cabinets to see if I had anything in there. And we directed our administrative staff to do that, they did, and we did not find anything within my division.

Since that time frame, just in the recent time frame, rather, I went to the audiovisual unit or branch to see what they did when they got this request, and they brought to my attention that they did go through the audio and video archives that we have, using that as a search criteria, and they didn't find anything.

I just recently found that out, after all the articles in the newspaper, I was just trying to find out what really happened and what has been going on.

Question. And who brought that to your attention in the audiovisual unit?

Answer. It was Chief Fischer, who is one of the individuals employed in our—actually the event productions, I think is their new name.

Question. So do you generally recall the e-mail that you got, how long the message was from Colonel Campbell, a paragraph or two?

Answer. A paragraph.

Question. And then attached to that was the Attachment A that is on Deposition Exhibit Number 2?

Answer. That's correct.

Question. And it has only been subsequently, in the past several weeks, or since these matters have all come publicly to light about the videotapes, that you learned that, in fact, the audiovisual unit had searched for all the individuals and companies named in Attachment A?

Answer. That is correct. They actually told me they did that the week of the 29th of April, but I recently found that out.

Ms. COMSTOCK. I will be showing the witness another copy, actually it is a group of memos together, that I will make Deposition Exhibit Number 3. They did not necessarily all come together; they were just provided to us together from the White House.

[Smith Deposition Exhibit No. SS–3 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Have you seen these documents before?

Answer. I have not.

Question. Do you know if your office had provided any similar type memos, sort of certifying that searches had been done?

Answer. I know each one of the staff elements and O&M units, operation and maintenance units, within our agency sent a response to our headquarters, and our headquarters sent a response to the White House Military Office stating that, or what they found. Because there were a couple of documents that were generated in that search, and I believe that was indicated in that response.

I don't recall the exact language that was used, but I know there was one. And how I know that is just in the recent weeks I went through a file that we had at our headquarters and there was a copy of a draft memo that was prepared, I believe by either Colonel Campbell or his administrative assistant, to go to the White House Military Office in regards to this 28th April inquiry.

Question. And have you provided those documents to the White House Counsel's Office?

Answer. I have not.

Question. Or to another body?

Answer. The e-mail that he sent I gave to the grand jury yesterday. I believe when I was deposed by the Senate I gave the attachment. And the draft memo from the White House Military Office I have not given that to anyone.

Question. And in the past few weeks, nobody from the counsel's office has asked your office for any of the responsive documents that may have been generated in response to the e-mails?

Answer. Not that I'm aware of. And if I may add one caveat. I would think if the White House Military Office, excuse me, White House Counsel's Office wanted a document of that type, they would go through the White House Military Office, because that is pretty much how that's structured. And I'm not aware of them going through them to the White House Military Office, either.

Question. Nobody in the White House Military Office has come to you to ask you for additional documents relating to the production that you all undertook as a result of the directive?

Answer. Not that I'm aware of.

Question. Directing your attention to the last page of this group of documents in Deposition Exhibit Number 3, it is a May 6th, 1997, memo for Charles Ruff, Counsel to the President, from Alan Sullivan.

Now, you said you have not seen these documents before; is that correct?

Answer. I may have seen this one before, because when I went over to the White House Military Office just in the last week or so I was talking to their admin folks, one of the individuals, more senior individuals in their office. I just asked, trying to do a postmortem of what happened, and I do believe that they have had a file copy of this document. That's the first time I saw it. But prior to that I had not.

Question. And is it your understanding in the normal course of business that this is the type of memo that they would produce as a result of having received things from your office and other offices under their control?

Answer. That is correct.

Question. Just for your understanding, if Mr. Sullivan had written this memo, it would have been after receiving some type of response from your office?

Answer. That is correct. That's the normal practice.

Question. Now, you had said that at the time you conducted the search you saw the e-mail with the attachment to it; is that correct?

Answer. That is——

Question. That was the only document you saw at the time?

Answer. That is correct.

Question. Just for the record, I don't think you have seen this, this is this committee's March 4th, 1997, subpoena to the White House. Have you ever seen this document before?

Answer. No, I have not.

Question. Would it be correct, then, that this subpoena was not included in any type of memo or anything that was forwarded to your office to assist you in searching for records?

Answer. That is correct.

Question. And I would just note for the record this is the committee's March 4th, 1997, subpoena which includes as item number 16 all records relating to White House political coffees, and then it also has a definitions and instructions paragraph which includes, among numerous records, videotapes and audiotapes and video and audio recording.

But you never did receive anything like this at any time?

Answer. No.

Question. From the White House Military Office?

Answer. No, I don't recall seeing this document before.

Ms. COMSTOCK. And we will make that Deposition Exhibit Number 4.

[Smith Deposition Exhibit No. SS–4 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Now, had you previously responded to other document requests that came down through the military office?

Answer. There have been other requests. I don't really recall what they were about. I know one of them had to do with Kennedy assassination documents, if we had anything on file, because our agency was obviously supporting them at the time that that tragedy happened. That's the only one I can really recall.

But there have been inquiries over a period of time that we've done. How many, I don't know, and just what they were. I wasn't directly involved with them at the time. I was in a slightly different position.

Question. And how long have you been in your current position?

Answer. Current position since July of '97.

Question. And prior to that your position was?

Answer. Prior to that was in the operations division. First, I was in there as the deputy, from June of '95 to about June of '96. And it is very likely if something like that came in, that my predecessor may have handled it. But I would have thought I would have heard about it if it had.

I just don't really recall anything of this type of nature. I do recall the Kennedy one, but that is about it.

Question. And who was your predecessor?

Answer. Lieutenant Colonel Mitch Ross.

Question. And you said you were in that position until June of '96. Did you have another position between June'96 and '97?

Answer. The agency restructured and they did away with the staff elements of the operations division and moved the operations function into the headquarters.

Question. That was what we had previously discussed, the change?

Answer. Right. Exactly.

Question. Are you aware, from any previous document productions or searches that you did, of ever providing any videotapes or audiotapes to the—I guess you generally provide them to the military office and they forward them to the counsel's office; is that correct?

Answer. The only time we have ever done that has just been in this last 2 weeks or 10 days. We have been working very closely directly with the White House Counsel's Office, but it has been under the direction of the White House Military Office. They have directed us to work with them.

And we have—they have actually came into our facilities to review tapes. We have given them printouts of our audio and video database, and they have identified various tapes that they wanted to review and we've went to the National Archives to

retrieve those. So there has been a closer working relationship with that office in the past 2 weeks.

But prior to that, I have no recollection of ever doing, giving tapes or providing tapes as part of an inquiry from the White House Counsel's Office.

Question. Why don't we move into the videotape issue directly. Can you just tell us when this first came to light to you?

Answer. Just to kind of give a chronology of my involvement, the very first time I ever got involved in a conversation about tapes was on the 29th of August when a Mr. Mike Imbroscio out of the White House Counsel's Office met me in my office. He said he was responding to an inquiry from, I believe he said Senator Thompson's office, and he wanted to discuss some issues with me.

I invited him right up. He came up. When he came up we talked—the first thing he asked me is, is the White House Communications Office involved in doing clandestine kind of recordings. I started off by saying he had the wrong agency, because we are not a covert agency; that he needed to check with the CIA. He said something about he didn't care much for my sense of humor. He didn't quite say it that way. But I said that I have no knowledge about the CIA doing that, but our agency definitely doesn't.

Then it was obvious to me he really didn't know or understand what our agency does, the types of services we provide.

Question. He was asking about clandestine taping, something that was sort of secret and unknown to the parties involved?

Answer. Right. And how he phrased it, if the President was in a meeting in the Oval Office would your agency be doing recordings that, like behind the walls or the people in the meeting wouldn't know that things were taking place; recordings were taking place that they weren't aware of. That's kind of the context of that conversation.

And I went right into giving him a spiel on what we do for about the next 10 minutes or so. And we talked about audio and video services that we provide. We talked about the different types of events, closed, closed to the press or open to the press. We talked about political and official, which that really applies more on the road. We don't really make that distinction in the White House complex.

I remember him asking if he could listen to one of our audio recordings because he had a question. He was wondering if the President was doing a radio address would our microphones be on prior to his radio address and pick up some of his conversations prior to doing that. I told him no, not to my knowledge.

While he was there I called out, matter of fact, to Master Sergeant Barthol, who I referred to earlier, and asked for him to arrange for an audio cassette of the most recent radio address, and have it sent to my office. He immediately brought that up. He listened to the audio tape and we talked a little about video type stuff and recordings.

Question. Now, is that while you were in this meeting on the 29th that you called and had somebody send over an audio tape of the most recent radio address?

Answer. That is correct.

Question. And then you and Mr. Imbroscio listened to it?

Answer. That is correct.

Question. All right. And it was Mr. Barthol that you called who brought that?

Answer. That is correct.

Question. So within, what?

Answer. Ten minutes, tops. I mean they're right in the same building, lower floor, and they just made a copy. They already had a copy of it. It was just the 23rd, I believe was a Saturday, and the 29th was, I believe, a Friday. So they had it right handy. It only took them a couple minutes to bring it up to me.

Question. And the tape that you listened to just was the tape of the radio address itself? It didn't have anything before or after?

Answer. That is correct. And he thanked me. We talked a little. He asked me a little more about other type of recordings. I don't remember the exact conversation.

He was concerned about the type of video recordings we do and what type of environments. We talked about the archival and retrieval process, how you could get stuff from our database. I remember offering him a tour of our facility, because I could see he was kind of glazed over and there was a lot of information discussed in a very short period, and I just thought maybe walking through it would really help him in his efforts. He declined at that time and said he may take me up at a later date.

That pretty much just—prior to his departure I remember asking him if there was any correspondence that went out in response to this inquiry, did I get a chance to review it for technical comment. He told me he was working a little more informal with somebody in Senator Thompson's office and he didn't think there would

be any correspondence going out, but agreed that if it did, he would let me know. And the rest is pretty much history.

Question. Did he tell you that he had received a letter from Senator Thompson's committee?

Answer. He mentioned he was responding to, I believe he used the words, "inquiry from Senator Thompson's office." But he did have a letter in his hands, and I have a copy of that here today. Because as he was leaving I remember asking him just quickly if I had a copy of it.

And, really, what I wanted it for was to get an idea of just who he was talking to, where this information was, so I could brief my boss. Because immediately after that I went and picked him up at the airport and I wanted to make sure I could speak to him on that.

Ms. COMSTOCK. Why don't we go ahead then and make that part of the record. If we can take a break here to get a copy of them, also.

[Smith Deposition Exhibit No. SS–5 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. So you indicated that at your meeting with Mr. Imbroscio he did end up giving you this letter that we have marked Deposition Exhibit Number 5 to Lanny Breuer, Special Counsel to the President, from Donald Bucklin, who is with the Senate Government Affairs Committee?

Answer. That's correct.

Question. In this discussion with Mr. Imbroscio, did he explain what his understanding was of what he thought that the Senate was looking for?

Answer. He really just got right into the questions about what we did. He did give me, at the top of our meeting, about 10 seconds to glance at this. I didn't really read it. I looked it over and gave it right back to him.

But during our conversations it looked like he was referring to the document as he would ask different questions, so that is pretty much how he articulated what to me they were looking for. And I kind of tried to extrapolate from those questions what they were really trying to find. But I must admit, after I read this a little later, I just figured to myself, and this was days later, I said, well, I was just certain he would come back.

And eventually he did come back with more questions and there were certain other conversations that we have had. But I knew he'd be back sooner or later.

Question. And you mentioned he talked about this clandestine taping and behind the walls or things like that that he was asking you about?

Answer. That's correct.

Question. And do you know where he got that idea from, clandestine type taping?

Answer. I have no idea where that came from.

Question. Why don't you continue then with your next encounter with Mr. Imbroscio, or actually why don't I back up a little. What did you do after this meeting, if anything, before your next encounter with Mr. Imbroscio?

Answer. The only thing I did relative to this was I briefed my boss, Colonel Simmons, on my discussion I had with him later that day, and that was pretty much it.

The next contact I had, or conversation on this topic was on the 25th of September when I received a call from——

Question. Was that September?

Answer. September, 25th of September, and he wanted—he had asked me if I could provide him the exact format for the information for our audio and video archival system to do retrieval. We discussed it in our conversation on the 29th, but on the 25th he wanted me to actually provide him with that. I told him I would arrange to get that information to him, and that's pretty much the end of our conversation for the 25th.

On the 26th I called him back. By that time I had an individual in our agency provide me an e-mail with that information on it, and I told him I had it. He said, okay, thanks. He sent an intern up to my office to pick it up that same day, and the intern picked it up. I have a copy of it here with me today.

Then the next time we had a conversation was on the 30th——

Question. Why don't we go ahead and mark that. Do you have a copy of that?

Answer. I do. It has some of my personal notes on it, and that's fine, if it is okay with you. Just a chronology of the conversations and dates and times that I have had with Michael Imbroscio was also on there, but that is not what was on the original document. It was just this information here.

Ms. COMSTOCK. Well, we can make that clear for the record, if that's okay with you.

Lieutenant Colonel SPARKS. Sure.

Ms. COMSTOCK. Let's go off the record for a minute.

[Smith Deposition Exhibit No. SS–6 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. As we were discussing, this document that we have made Deposition Exhibit Number 6, which has in its typed portion the, I guess material that you provided to Mr. Imbroscio on the 26th; would that be correct?

Answer. I provided to an intern that he sent up to my office; that is correct.

Question. And then the handwritten notations on here are notations that you had made subsequently which identify the contacts you have had with Mr. Imbroscio?

Answer. That's correct.

Question. We will continue with that, then. So Mr. Imbroscio sent an intern to pick up this listing that you had done for him?

Answer. That's correct.

Question. And do you know what happened to that list? Did Mr. Imbroscio call you and let you know he had gotten it?

Answer. He did not. The next time that I heard anything from him was on the 30th of September, and he had called and wanted to meet with me again.

He immediately came up to my office and at this time he had a list of dates and events, which was the proper search criteria for our database, and the assumption I made is that he got that, you know, he was using the outline that I gave him, the intern, on the 26th, and also we had discussed that on our initial meeting on the 29th.

What he wanted to do was to see if, in fact, we had tapes for those specific events that he had on his little, on his pad that he had with him, and I think he had six or seven events and dates. He at that time had asked me if I had thought that we would have tapes, videotapes or audiotapes, for these events. And to the best of my recollection I told him all we really know is to check the system, and so he said he would like to do that.

So I called down to our event productions branch, and I believe I spoke to Chief McGrath at the time and set up a meeting for them to meet the following day, which was the 1st of October, to take him through our system, give him an orientation and let him actually go through the database for tapes. And they did meet the following day. I believe they met around 10 o'clock or so.

I was not present at that meeting, and from that time on the White House Counsel's Office has been working extensively with our members of the White House Communications Agency in this event productions area and master control facility to identify various tapes and retrieve them.

Question. Now, when he met with you on September 30th, and you put him in touch with the AV unit, did you hear back from him the following day when he went over to the AV unit?

Answer. I did not hear correctly back from him. I did get bits and pieces from our WHCA members, the agency members.

Question. And who did you hear from?

Answer. I believe it was Chief McGrath. I'm not sure. There has been so many conversations in the last 2 weeks, I don't remember who called me first. It was either he or Chief Fischer. I believe it was Chief McGrath.

He told me they were finding some of the information they wanted. They had identified some tapes they would like to have us pull back from the National Archives and that they wanted to review and they were working with them.

That's pretty much all I remember. This has been a constant request and updates. Actually, there have been hundreds of tapes that have been pulled back from the archives in the last 2 weeks.

Question. Did Mr. Imbroscio ever come back to you to ask you anything more about the tapes or the systems or anything like that?

Answer. He has not.

Question. And when you had met with him on the 29th, did he ask you in particular whether the White House coffees had been taped?

Answer. I don't ever remember in that conversation the word "coffee" being used. The first time I heard the word "coffee" was he had, on the 30th of September, on that list of six or seven events, one or two of them were coffees. I don't really remember if there was one or two, but I know at that time that's the first time I recall hearing that word "coffee."

Question. And do you recall if in the August 29th meeting, had you told him that you had a database that you could search for events?

Answer. Absolutely.

Question. And so at that time you had explained to him if he needs to find out something how he would search for it, what your office was capable of doing?

Answer. That is correct. Because he had asked me if you had a name of an individual would you be able to search that way? I told him no, the way we do our archiving is by dates, the name or the title of event. And the title that's normally used is the same as on the President's schedule, or given to us from whatever office notifies us about a particular event.

We don't even know who the attendees are, so that really means nothing at all to us.

Question. And did he indicate to you that he was going to come back and give you any dates at that time on the 29th?

Answer. Not at that time he didn't. What he did indicate that he was going to go back—well, he more implied that he had some—if he needed to come back, he would. He didn't say what he was going to come back with or when he was going to come back. He just said if I need any more information I will get ahold of you and kind of went away for the next few weeks.

Question. Now, you indicated that when you first met on the 29th and he had given you the August 19th letter, that you had asked him that if he did respond or whatever that you would like to be able to see the correspondence, I guess, or some type of technical advice or anything like that.

Did he ever come back to you with any letters that he was going to send back to Senator Thompson to ask for your input on any such letters or representations?

Answer. No, he has not.

Question. To this date he has never done that?

Answer. That's right, he has not.

Question. Were you aware of them informing the Senate of any information about anything that you had represented?

Answer. I had picked up bits and pieces from various conversations. Not from Mike Imbroscio. My commander, he had some conversations with Cheryl Mills. I was in a phone conference after the information had already been given out.

Question. So these are conversations in the past few weeks?

Answer. Yes, but not at that time it all happened, I was not aware of it.

Question. So throughout September you had no knowledge of any representations being made to the Thompson committee about what type of taping or audios you had in your office?

Answer. That's correct.

Question. And Mr. Imbroscio never came back to ask you for any clarifications or anything from the August 29th meeting?

Answer. That's correct.

Question. And the next time you hear from him is on this 25th date in September?

Answer. In reference to the tapes, yes.

Question. Why don't you tell me about the conversations that you indicated that you had with Cheryl Mills and your supervisor?

Answer. She had just called. After I read a newspaper article, I was just kind of upset about it.

Question. And was that when the story first became public?

Answer. Yes.

Question. I believe it was October 5th, was a Sunday morning, when the existence of the videotapes became public in the newspapers. Actually, it was a Time magazine report that came out. Was that the report that you are referring to?

Answer. Yes.

Question. Did somebody call you about that?

Answer. I believe it was Colonel Simmons that called me first to tell me, you know, look at the newspaper. And I felt it was either slander or just miscommunications that had happened between, you know, Mike Imbroscio or I.

I was a little, at first, a little emotional about it and upset, but after I got the emotion out of it, I just pretty much felt it must have been just miscommunications or journalism, but definitely it wasn't what transpired in our meeting. So I just couldn't understand how something like that could happen but it happened.

And later on that week, I believe there was a conversation, I don't remember the exact day or night, Colonel Simmons was talking to Cheryl Mills and they were just being understanding about what happened, and just we didn't put that out there kind of thing. And there weren't any specific things that were said, it was just more of, hey, don't be upset, we didn't put that out there. And that was pretty much about it. There have been numerous conversations ever since.

Question. This is a Washington Post article of October 6th. I think that was the first news. Your public knowledge of it was on October 5th from Time magazine. I don't think there were anything in the newspapers until on the 6th, but then this

story was in the Post on the 6th, as well as a number of other accounts. There was the L.A. Times, the one Washington Times.

Mr. MCLAUGHLIN. Are you going to make that part of the record?

EXAMINATION BY MS. COMSTOCK:

Question. I wanted to ask, did you read the newspaper in the morning? When you got up in the morning, was that when you saw the news account?

Answer. It probably was. I don't remember exactly when it was; what time of day it was. But it seems like the same information, if not the same article.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. And specifically when you said you were upset, were you upset about the account that had been given of your office's role in these tapes not being turned over earlier?

Answer. I think actually what I was upset about is there was a comment, or a statement in the article, or a phrase rather, that implied that I said that we don't have tapes, and I know that never happened in our conversation on the 29th, and they were referring to videotapes. And as I recall in that conversation of the 29th, when we were talking about different types of events, the only time I ever remember even using those words was when regarding audio, I said we often do not do closed type of events, but video is really driven by the staff, and we could be videoing any type of event, because the real charter of that camera crew is to capture the presidency, and so it very well may be that we have something like that. The only thing I thought is that maybe he had taken the conversation, you know, that we had about audio tapes and applied it to the video, you know, just miscommunications or just too much information, and he wasn't able to assimilate it at all, or it was just slander, I don't know, I don't know what it was. But it wasn't what I said, and, you know, you can't help but to be a little frustrated by those kinds of things, but he seems like a good guy so I don't think it was deliberate.

Question. And this may not be the story you are referring to, but there was a story later in the week where they did quote Mr. Imbroscio as well as Lanny Breuer so maybe when we take a break I can find the precise stories. This may not be the precise story and maybe you don't recall which story it was.

Answer. I thought it was out of the Post, I thought it was Monday, but I am not sure. I know I have a copy of it. Somebody sent it to me trying to be humorous.

Question. Well, we will go ahead and make this Deposition Exhibit No. 7, understanding, you know, whether or not this was the one.

[Smith Deposition Exhibit No. SS–7 was marked for identification.]

Mr. MCLAUGHLIN. Do you have a copy of that for me?

Lieutenant Colonel SPARKS. Can we go off the record for just a minute?

[Recess.]

Ms. COMSTOCK. Back on the record.

EXAMINATION BY MS. COMSTOCK:

Question. On October 1st, when Mr. Imbroscio went over to the AV unit, did you hear about it from—you said you thought it was Mr. McGrath or Mr. Fischer, about the accounts. Did you talk to them further about what Mr. Imbroscio was looking for?

Mr. MCLAUGHLIN. Further on that day?

The WITNESS. On the first?

Mr. MCLAUGHLIN. Yes.

The WITNESS. Actually, I am not even certain if I talked to them on the first. It may have been a day or 2 later. But by that time, several of us, myself, Colonel Simmons, were working very close with members of the White House Counsel the following week, so during that, you know, period while we were helping retrieve some information from the archives, delivering stuff to the White House Counsel's Office, there were numerous conversations that I had with individuals. I don't remember just when I was getting bits and pieces of what transpired with Mike Imbroscio and our folks. They did explain to me that he sat down at the database, he immediately realized there was probably a lot of stuff that had not surfaced previously. They told me he left and said he was going to come back and then give them some more dates, and, literally, they have been working with those folks, the White House Counsel's Office constantly, from the first on to, I believe it was probably as late as probably the 16th or so this week. I believe up until Wednesday or Thursday of this week.

EXAMINATION BY MS. COMSTOCK:

Question. Did they say what Mr. Imbroscio said when he started entering things and he found some of these events, what his response was?

Answer. They just said he was thankful, he was calm and grateful for their assistance.

Question. And could you describe your understanding of the process by which they—tapes were pulled back from the archives and how you went forward in preparing the tapes to make copies of them and get all the events together—and why don't I back up a little? We initially, if this helps, I will separate out 2 events. We initially got copies of the White House coffee tapes, it was 44 or so coffees, they were all snippets printed onto one videotape and then there was a second round where we got the following week of—actually, it was this week we got, the initial 44 tapes we got on Sunday, October 5th. I think the Senate and Justice Department got them on Saturday, October 4th. We then, this week, the week of October 13th, I believe it was on the 14th and 15th, we actually received a second round of tapes which was all a number of fund-raising events. So I am going to try and separate the 2 different productions if we can and start with the initial production of the coffee tapes and how that process ensued.

Answer. The process is the same for all of it, so that may help some. My understanding is the way it happened, and also my firsthand knowledge of it is we provided printouts of our entire database—not the entire data base, I think it was '93 to '96, both video and audio, to members of the White House Counsel.

Question. Do you know when you did that?

Answer. I believe it was Monday the 6th is when they got the detailed list. Prior to that, he, "he" meaning Mike Imbroscio, was working with our folks, he was getting dates and providing it to our audiovisual folks and as they would identify—confirm it was in the database and go to the National Archives and work with an individual at the National Archives to send the tapes over to the White House Communications Agency, and I know there was a very quick turnaround on the tapes, probably the following day, I am not certain of that. Then what they were doing was, the original tapes are in Betamax format and they would take the Betamax tapes and put them into a computer system that we have and upload it to the computer, and then download it to a VHS tape. This computer would allow them to take a variety of Betamax tapes and put them onto one VHS tape. Just what day they were turned over, you probably have better knowledge of that than I do.

Question. From the time when Mr. Imbroscio learned—started putting in the dates on October 1st, were you aware of anyone else in the Counsel's Office learning about this or contacting anyone in your office?

Answer. No one contacted anyone in our office, and I wouldn't know about if anybody in the White House Counsel's Office was getting that information. I can only assume, if they did, that Mike Imbroscio would be talking to someone, but I have no knowledge of that.

Question. Is the first time that—the conversation you described with Cheryl Mills in response to the news articles, was that the first time that you have been in touch with the Counsel's Office after these events came out in public or, actually, after the tapes were known about, which I guess being October 1st?

Answer. I was working with them on a separate issue that had nothing to do with the tapes, but relative to this, that is correct.

Question. Okay. Were you working with them on other matters about responsive documents?

Answer. I was working with them on—they were responding to something that had to do with Vice Presidential calls or something, was providing information on our billing and logs that WHCA maintains.

Question. Okay. That is how you maintained the phone logs at the White House?

Answer. That is right, phone logs that we the White House Communications Agency had and phone bills that we get from the commercial vendors.

Question. And were you working with Cheryl Mills on that?

Answer. That is correct.

Question. And did you in fact provide any documents or information to Ms. Mills in response to that request?

Answer. Actually, I ended up providing it to—she had actually introduced me to a Lisa Brown, who I believe is out of the VP's legal Counsel's Office, I think that is the side of the house she works on, and that is who I really worked more with and our final reply to those questions we routed through the White House Military Office and gave her an official response, but I had been working with her just so I could understand what she actually wanted.

Question. And do you recall what that response was?

Answer. You know, we let her know there was a Presidential log, calls that have operator intervention and they are kept up to 60 days and she wanted to know who else had those logs and I let her know we forward them to the Presidential front office, Nancy Hernreich, and I also let her know there is a log that we have, it has other governmental calls, VP type calls and that is kept up to 60 days, both hard copy and data file copy. Then we also talked about phone bills. She wanted to know what type of information, so she could put that in her memo coming back, who else she was going to respond to. I don't really remember who it was and I provided that information to her also, you know, detailed type information on the various types of bills we had, like an FTS—Federal Telephone Service—that is leased through AT&T, and I explained to her the type of information on that bill. Then I also let her know we have Bell Atlantic as a local provider, and we just went through the various vendors and bills.

Question. Do you then have records of long distance phone calls from the White House that are identifiable?

Answer. Well, actually, we wouldn't have—if it goes through our network, you would not have the originator, you would only have the distant end, and the originator would show like Trump Group, so you wouldn't have from originator to the individual you talked to, if it went through our network. We have a few lines that—you know, AT&T is our long distance provider, but those are really more for WHCA internal use or fax machines, to secure voice type terminals we have, but not for your common use type telephone calls you use in your office.

Question. So would that mean the phone call—I mean, the basic White House number, 456–1414, would it—the originating number would be the same for all the calls, it wouldn't show what particular phone in somebody's office made the call but it would show they called Joe Smith in California?

Answer. Conceptually, yes. But that 456, that is a different switchboard, that is not the White House Communications Agency. We are on a 757 exchange, they are on—456 I believe is the White House, but that is a separate phone system. We have a phone system that is primarily used for the President for——

Question. For traveling?

Answer. When he is traveling, it is more inbound calls from the trip site in through our network. Seldom does he use our regular commercial nonsecure network for routine type calls. He does use our network for secure calls, head of state type calls, those types of things, but just routine type calls he seldom uses our signal switchboard, is what we call it, for those calls. You know, recurring or routine calls, he would go through most likely the administrative board or dial direct. I believe he has that capability in his office.

Question. And that is totally separate from your—your office doesn't have anything to do then with the regular 456 numbers?

Answer. That is correct.

Question. So all the phone calls that go out of the White House offices, the 456 numbers, are just on AT&T type billing?

Answer. There is another organization within the White House that provides that type of service, they have their own operators, their own switchboards, very similar infrastructure to the one we have but they are independent of us.

Question. Do you know what office is in charge of that?

Answer. I believe it is the Office of Administration. I believe, I am not certain.

Question. And do you know, similarly, with them, the long distance calls, are they just identifiable by the one number, but then you can identify who the call is made to?

Answer. I don't know if their system is the same or not, quite honestly. I can really only speak to the way ours is, and our system, if you dial through our network you would not be able to tell what desk or what user made that call.

Question. And, again, just so I can be clear, you did not then provide any documents to Ms. Mills or to the Vice President's office in response to those inquiries about phone calls?

Answer. We just provided an explanation of how our system works and the types of bills that we have. They wanted to know who our bills are routed through and that kind of information, where they were paid. They obviously originate with the vendor. Our Federal Telephone Service we have leased through AT&T is through a General Service Administration, GSA, contract. They also get that information, and then it goes to an organization called DITCO, which is subordinate to the Defense Information Systems Agency, which actually does the payment, but we get a summary report, I believe it is called, I don't know if that is the technical term, that let's us know what calls were made and the amount of—the volume of traffic, that kind of information, but it is not detailed enough to where you could tell who originated a call.

Question. You said you only keep the records for 60 days?

Answer. Well, it depends on—well, for, I believe it is 60 days for the FTS bills, it was either—I am pretty sure it was 60, it might have been 90, I'm not certain. For the Bell Atlantic type bills, we do have a small number of commercial lines that don't go through our network, and those bills are only maintained in the agency if they are in dispute, but other than that, they are paid immediately and they are destroyed. We don't archive our bills, keep those around.

Question. So they are just thrown out?

Answer. Well, we have a——

Question. I understand in the routine course of business kind of things, they are discarded after they are paid?

Answer. That is correct.

Question. And you said something was sent to Nancy Hernreich's office. What are those?

Answer. It is called a Presidential call log. Any call that the President makes, that has a White House Communications Agency operator intervention to process the call, they will put the time of the call and, you know, the number and who he called, I think who he called, I'm not certain, quite honestly. We use that as a management tool, in the event there is a pending call or he wanted to talk to someone, you know, there was a call request for the President, he wanted to talk to someone, he may try to get ahold of that individual, they were not available so they know to keep trying to get the call processed or check his aide or try and the individual is not available and that is pretty much what we use it for. There is internal distribution within the agency for the log, it goes to the commander, he gets it daily, destroys it immediately, he doesn't keep it, and there is a copy that goes to Nancy Hernreich and I believe she also gets one from this OA board, this other signal board, and consolidates that information. And I believe it is for historical purposes, quite honestly. I am not certain of that, but it has been going on for the 8½ years or so I have been affiliated with the White House Communications Agency.

Question. It is your understanding those logs are kept once they are given to Ms. Hernreich?

Answer. I believe they are, I am not sure of that.

Question. Do you know who prepares the logs on a daily basis?

Answer. The signal supervisor within the White House Communications Agency, the individual in charge of that particular shift, he will prepare that and process it through.

Question. And who is the supervisor of that office?

Answer. There is a variety of individuals. I don't know their names quite honestly. It is a pretty large organization.

Question. Do you know if there is a similar log for the Vice President's phone calls?

Answer. There isn't a dedicated log, you know, like that for the Vice President that we maintain, there is the other log, the signal artiva report and in that they would put the Vice Presidential calls that are processed, would also be in there, but that doesn't go, you know, like to his front office for historical purposes, and there are other calls that would be, you know, in there for key staff members, cabinet members, that may have called in, would also be indicated on that document, and the handling of that is the same. I mean, we keep it for roughly 60 days and it is destroyed.

Question. Were you aware of who in the Counsel's Office was involved in reviewing the videotapes, once they were found?

Answer. Not all the individuals. I know one gentleman's name was Dimitri Nionakis. I know he was involved in it, the other named Karl, I don't remember his last name.

Question. Racine?

Answer. That is his last name, I do remember now that you say that. And there was another individual, I think he was more focused on audio tapes than videotapes, his name was Buzz.

Question. Waitzkin?

Answer. That is the last name. And those are the only ones I really recall. There were other individuals, but those are the ones I remember.

Question. And could you just generally describe the process that your office has gone through since October 1st, when Mr. Imbroscio discovered that there were these videotapes that were responsive to the subpoenas?

Answer. My understanding in that process is the White House Counsel's Office has identified specific tapes, both audio and video, that they wanted us to retrieve from the archives. We did the retrieval for the video, we put them into our computer system, we downloaded them to VHF tapes and they have been reviewing various

tapes in our facility, it is called the master control facility, up on the fifth floor of the Old Executive Office Building.

Question. The various counsel have been reviewing the tapes?

Answer. That is correct.

Question. When they were reviewing the tapes, were your staff present or other?

Answer. Yes, the facility that they are using to view the tapes, is a White House Communications Agency facility, and it is called the master control facility and there are individuals that are manned up there around the clock working with them.

Question. So your people would actually be loading the tape in and playing it for them to review?

Answer. Actually, they took the original Betamax tape, put it onto the computer, gave them the VHF tapes and stuck the VHF tapes in the various monitors to let them view it, identifying which ones they wanted more copies of. I believe six was the number they have been doing multiple copies of certain tapes. There were I believe 39 original Betamax tapes they requested, and I know we turned over to the White House Counsel's Office, Colonel Simmons and I did that directly, I don't really recall what night that was, I believe they were going to turn them over to—.

Question. The Justice Department?

Answer. The Justice Department, that is correct.

Question. Was it your understanding those were tapes of the coffees, the original tapes?

Answer. I don't know which ones were identified but my understanding is that is what they were, the coffees, but I am not certain of that, I didn't view them, I didn't read over the lists. We did do an inventory but the inventory only had numbers so we could do chain of custody, we filled out forms and turned them over to the White House Counsel's Office. It didn't really have a descriptive title of what was on the tapes. That was my assumption.

Question. This chain of custody you did, those documents, the chain of custody documents have all been turned over to the Counsel's Office also?

Answer. They have a copy and we have a copy.

Question. So you have been maintaining the original in your offices?

Answer. That is correct.

Question. I know we maybe addressed this a little indirectly previously, but if we can get copies of all of the chain of custody documents I think that would be of some assistance also.

When the counsels were viewing the tapes, were they making the decision, they were—was the process initially they would look through this database you provided them and find out which tapes they wanted to pull back from the archives, and then once they got those, they would view those to see if they were going to be responsive, is that your understanding?

Answer. That is my understanding but I don't know what they were really looking for or what determined something that was going to be responsive and what wasn't.

Question. But your staff and your people are just basically loading the tapes in there for them to watch and they would make the decision on what was responsive?

Answer. That is correct.

Question. You weren't involved, your staff or you yourself weren't involved in any type of editing or decision making process, in terms of what tapes were responsive or not responsive?

Answer. Absolutely not, and they did no editing at all.

Question. And is it your understanding that whatever tapes were turned over were turned over in their entirety, with however your staff had presented them to the counsels?

Answer. I'm not sure I understand your question. Are you asking everything they identified and retrieved from the archives, if that is what has been turned over?

Question. Yes.

Answer. I don't believe that is what happened. I actually believe they reviewed hundreds of tapes.

Question. There were many tapes they reviewed that they made a decision weren't responsive, so you didn't end up copying them or doing anything with them?

Answer. We had to make the original, up load to the Beta, down load to the VHS for them to review it, but I don't believe that they were—every one that they reviewed was responsive, for whatever reason, I don't know.

Question. Now in the course of getting all of these tapes pulled back from the archives, do you know if the archives keeps a record of what tapes were requested of them to turn over?

Answer. I am not certain that they do, but I would assume that they would, because they are handled, you know, pretty carefully.

Question. Record keeping is their business?

Answer. Yes. We provide them with information on the tapes we give to them when we turn them over and we only keep them for about 60 days inside the agency, so I would imagine they keep pretty good records.

Question. And do you know if your office kept a record of all of the videotapes that were requested by the White House counsels to be pulled back from the archives?

Answer. I am pretty certain they did.

Question. And, again, if we could request that record, if you all have that available.

So this process that I guess has been going on for the past couple of weeks, involved just this ongoing process of the White House reviewing these logs, and viewing the videotapes and then asking your staff to make copies of whatever they felt was responsive?

Answer. That is correct.

Question. All right. And to your knowledge, all of the videotapes they asked you to copy have been copied and provided?

Answer. That is correct.

Question. Or provided to the Counsel's Office. I understand you may not know who physically brought them up here or if they were even brought up here?

Answer. That is correct.

Question. Has anyone in the Counsel's Office, in addition to these videotapes, now asked you to go back and look through any other records you might have that would be responsive to various requests?

Answer. Mr. Sullivan, the Director of the White House Military Office, has directed us to go through all of our databases again, and since then the White House Counsel's Office has provided new search criteria, I think it was like three pages of words that—to use to go through that base, and we have been going through that effort for probably a week and a half, 2 weeks now.

Question. Have they provided you with dates of events, in addition to names, or words?

Answer. No, the three-page document, which is a list of words, the dates and names, pretty much were worked as it relates to—in regards to the video and audio archive data base. That is really where the date part was really pertinent. The three-page list, it was just a list of key words, like DNC fund-raisers, those types of things. I do believe the search after the time frame was from '93 to '96, but I am not certain of that.

Question. All right.

Answer. But I know we were looking through entire databases.

Question. You have actually gotten a sort of new three-page directive from the Counsel's Office instructing your office to look for a list of new items through all of your databases?

Answer. Right. The direction to check came from the White House Military Office and the three-page list of words, I believe, came directly from the White House Counsel's Office, but I am not certain of that. It is a little convoluted how that all happened.

Question. Do you recall, was that this week or last week when you received it, if you know?

Answer. I believe it was last week.

Question. And, again, if we could get a copy of that.

Mr. MCLAUGHLIN. Being the 12th or the week of the 5th?

The WITNESS. Week of the 5th. I think it was the tail-end of that week, but I'm not certain.

EXAMINATION BY MS. COMSTOCK:

Question. Have you had any other discussions or meetings with anyone in the Counsel's Office, you know, with them informing you of the kind of information that they were seeking in order to assist you in pinpointing information that you might have available?

Answer. No, we have a pretty clear understanding what you are looking for now. No one from the Counsel's Office, has, as I recall—well, there was one brief meeting. Cheryl introduced me to you, and that was all that meeting really entailed.

Question. Now, the subpoena we had, the March 4th subpoena, which was Exhibit No. 4, has anyone provided that subpoena to you to date?

Answer. No.

Question. Has anyone in the Counsel's Office provided any other subpoena to you?

Answer. No.

Question. Okay. So other than this three-page summary of items, are you aware of any other information provided to your office in terms of searching for items?

Answer. No.

Question. All right. So, for example, if Webster Hubbell's name isn't on that—do you recall if Webster Hubbell's name is on that three-page directive?

Answer. No, I don't.

Question. If his name were not on that directive, would it be safe to assume you are not looking for anything related to him in your search?

Answer. That is a very safe assumption.

Question. Well, I would just note, maybe this is something you all want to take up with counsel so you don't end up revisiting this again in the future, our subpoena does include all records relating to Webster Hubbell. That is something we had represented to us in June of this year, had been fully complied with, that I don't know if that has been something searched or not but that is one thing also. I will be happy to provide you with a copy of our subpoena, also, if that would be of any assistance, but in particular, the items, all items related to John Huang and the Riadys, I think it is items 1 through 7 on the subpoena, have been represented to us as having been fully complied with. And I don't know if you can take a look at the names there, I am wondering if those are names, if you can recall, that are on the three-page list?

Answer. I don't recall.

Question. Just to be clear, is it words or names that they have on this new list?

Answer. I don't even believe they are names, I think they were like words like "DNC fund-raiser." I don't recall names. I am not saying names aren't on there, but I just glanced at it and we gave it to folks working in our data centers. They have been doing queries of our E-mail system and various other databases that we have, but I don't recall names being on the list.

Question. Okay. And, then again, do you recall dates being—particular dates being on the list?

Answer. I don't remember dates being on the list, but I think the direction was to look back as far as January of '93 to December of '96, I believe, that whole window.

Question. Okay. Do you know if there is anything like, you know, look under this particular event to see if particular individuals are there, or anything like that?

Answer. No, nor do I believe that would ever be given to us because we don't know any of the individuals. For instance, our video crews are only about 3 percent of the individuals in the agency that are involved in that production, meaning the sound and lighting and the recording and the video piece and the video crew. A part of that 3 percent is only seven individuals. So a very small amount of people in the agency is involved in that, and their focus is to capture the Presidency. They have no interest at all who is attending the various functions, so giving us names does not help us.

Question. Does not help you at all?

Answer. Yes.

Question. And you have explained that now to the Counsel's Office fairly clearly?

Answer. Numerous times, since the 29th of August.

Question. So it is your belief they have an understanding that if they want to be able to find videotapes or audio tapes that pertain to something, that they need to come to you with information, such as a date and the people they are looking for, and then perhaps even look for that person themselves, if you don't happen to know who that person is?

Answer. We won't know. They would have to give us a date and a title of an event and somebody who knows them. We would provide the tape for them to review it and somebody that has knowledge of the individuals, who is capable of identifying them, would physically have to get in front of the monitor and point that individual out, independent of our following.

Question. If somebody told you we are looking for all the videotapes on Mr. Wu, you won't know Mr. Wu from Mr. Smith or Mr. Jones?

Answer. That is absolutely correct.

Question. Have you been given any type of deadline on this new request?

Answer. We have been directed to do it as quickly as possible. There is no way you can give a deadline, and the reason for that is some of the databases that we have, they are not smart enough, like say for instance, you give me, say, a key search word of "DNC," and it is in the title of an event or something, some of our databases, especially our records cable system or E-mail system, it will search the entire text of an E-mail document and if "DNC" appears anywhere, it may have nothing to do with Democratic Committee, but just because it is in the text, they are going to get a hit and somebody has to manually go in and review that. So right

now today, based on the new search criteria, there are thousands of documents that they are going through, you know, taking a look at, that are just not relevant to this at all, but they are still going through the process.

Question. And that is the Counsel's Office that is going through that, continuing to go through that process, in terms of reviewing?

Answer. Our own individuals are looking at that right now. If it is something that is pertinent to the administration, I mean, even an internal E-mail document that I sent to somebody in my staff, that I may have used, you know, "DNC" or maybe a better example, say the word "complete," maybe in the new word search, if P-L-E is somewhere in the text it may take a hit. So they have to physically go and take a look at it. So just about everything in our system right now is being manually reviewed to see if it is relative to the effort, and once they find it is, they will afford it. But right now they really haven't had a lot of pertinent or substantive hits. But they are still going through this extensive process because we have a new search criteria and we have been directed to do so. Some of this may take a month or more to go through.

Question. You also have photograph databases, is that correct, or photo on databases?

Answer. We have a photo archival system, where they have like contact sheets, negative type information, you know, of photos that were taken by the members of the White House Photo Office, which is independent of the White House Communications Agency.

Lieutenant Colonel SPARKS. You said negative type information, you mean negatives?

Answer. Negatives, right. I'm sleepy.

Question. Any time you want to take a break.

Answer. We don't take any still photography. We do develop for the White House office and we do have a database with that information in it.

Question. And how is that searched?

Answer. I believe there is actually numbers that are assigned to specific events, I don't know, I am not really that familiar with that database system. I know there have been some queries for information, from I believe originally out of the White House Counsel's Office, but I am not certain. But I know we are checking all data bases.

Question. Are you aware of the White House Press Office coming to—going to the photo people to ask for the negatives, get access to the negative contact sheets?

Answer. The White House press?

Question. Yes.

Answer. I don't have first-hand knowledge of it, but that is highly probable. I don't know if it has taken place or not.

Question. Have you heard about anybody doing that or has anybody in your office told you about that occurring?

Answer. No, and I would believe, if there was such a request from someone in the White House, it probably would come out of the White House Photo Office, not the White House press, but I am not aware of it.

Question. If someone were to go to—who was the person who sort of in charge of the whole photo database in your office?

Answer. The photo lab comes under the Washington Area Support Directorate, which is part of the Visual Division, and I just can't recall who is in charge of that now. It used to be a Sergeant Goanes, and I am not sure who is in charge of it currently.

Question. And could you just describe the process of how those photographs are archived and maintained?

Answer. I am really not that familiar with it. I know they do the development, they create a document, it is called a contact sheet. On the contact sheet they will have various frames that were taken, each one is assigned a number, the overall sheet has a number. I know they pass that to—routinely pass it to the White House Photo Office and they will identify which pictures they want to have, you know, larger, or actually prints made of and they will do that. But I am really just not that familiar with that archival system, you would have to talk to one of the technicians.

Question. Do you know if——

Mr. MCLAUGHLIN. For the record, we have been joined by Christopher Lu, who is Minority counsel on our staff.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if over the past 6 or 9 months, in terms of responding to any directives or requests from the Counsel's Office, whether or not any photos have been provided to the Counsel's Office?

Answer. I am not certain whether it has or not, but I was recently in a conversation and I don't remember who made the comment, they said it had been—there had been inquiries or a request for the photo lab to provide contact sheets, and I don't even remember recalling who made that statement in response to an inquiry.

Question. So there was somebody in your office who said they had been asked to provide contact sheets?

Answer. Not in my immediate office, just somebody in the agency. There had been so many conversations about inquiries and providing information in the last 2 weeks, I just don't even remember who made the comment.

Question. And is there an original contact sheet that would stay in your office and you give a copy or if somebody requests it does the original go out?

Answer. I believe we will always have a copy of the original.

Question. Is that generally true for just about any record in your office, that any time a tape or an audio or something goes out, it goes out as a copy and you maintain the originals?

Answer. That is correct, we would never get like a master or an original videotape or an audio tape. The exception to that, the only time I have ever seen in 8½ years is this recent time we provided it to the Justice Department.

Question. But the normal practice would be, I mean, if somebody in the President's office called up and wanted a tape of his radio address, you would copy that tape and send it up to that office, you wouldn't send up the original for them to copy?

Answer. That is correct.

Question. That is part of the service you all provide?

Answer. That is.

Question. Does that occur often, that people from various offices in the White House will make a request to your office to get a copy of an audio or a video?

Answer. It doesn't happen often, but it does happen from time to time.

Question. And what is the process?

Answer. I am really not that familiar with it. I know there is a release sheet that they have, in our master control facility that identifies certain individuals that tapes can be released to. I know that they will make a copy if we still have it, we normally maintain it for about 60 days. If they don't, they go to archives and retrieve it and make a copy, they provide it to the office and keep it up to about 2 weeks, and then they will go back and retrieve that, and just copy over that tape.

Question. And it is your understanding that there is some kind of request form that needs to be filled out in order for your office to produce a video?

Answer. I think they just call and say I am from the White House Media Affairs Office and I would like to have a copy of the President's radio address, and I believe they put it in a little log.

Question. Your office puts it on a log?

Answer. Our agency, yes. Maybe I can help put this in perspective. There are about 850 people in the agency. This office of the AV portion that we are really talking about is really a very small group, about four layers or five layers, so I have very little first-hand knowledge of their internal procedures.

Question. How many people are in that AV unit?

Answer. Actually, there are probably about 230 people, roughly, that are associated with the audio visual duties of the agency, but the ones that really do event production in the video crew, there are 18 people assigned to event productions, pertaining to the audio piece, 7 do the video camera and then we have this facility called master control, which is also part of the audio visual mission, and there is probably 10 or 12 people working. So we are talking about a total of, at the most, 40 people, that really are involved in that type of stuff on the White House complex. And the only reason I bring that to the table is because I have very little first-hand knowledge of all the A to Z mechanics associated with how they do business.

Question. Because WHCA has, what, approximately a thousand employees?

Answer. 850.

Question. And you are overseeing all the other offices?

Answer. That is correct, from an operational perspective, and there are a lot of layers between me and them and we are kind of in the weeds from my perspective, but—someone that works in our office could be more conversant on that, but my understanding is they do log in those types of requests, and they do go back and

retrieve those tapes and I know for a fact they never give up originals and that is the extent of my knowledge.

Question. So if someone had wanted to, you know, if I was there and shook hands with the President and now I am running for Congress and want that tape, can somebody go in and make a request through somebody that I would like to get that copy of the videotape in the Rose Garden, shaking hands with the President, something like that?

Answer. I don't know of that happening ever; I don't see it happening, quite honestly.

Question. If you know, do you know what type of requests are made?

Answer. I have seen requests, you know, where the President may have made—he may have had a structured speech, you know, that was written, and he may have deviated from the text, and he may have liked, you know, what he said and he wanted to hear that or maybe incorporate it in another speech or something and they have asked for copies of a tape, and then we give it right back. I mean, I don't know of any incident where somebody that attended, you know, one of his meetings or whatever, and asked for a copy and then we provided it, and if we had we wouldn't know that directly anyway because we would never take a request from someone outside of the White House. So we would have no knowledge of that.

Question. But the request would then have to come from somebody within the White House?

Answer. Absolutely.

Question. And is it a fairly small group of people that would have to make that request?

Answer. That is correct.

Question. Do you know generally who the people are who have to make that request?

Answer. I know the Media Affairs Office is one of the offices. It is very likely maybe the Social Office may request that, but I am not certain.

Question. And is the process you would make a copy of the tape but then they end up returning the tape to you after they looked at it?

Answer. That is correct.

Question. Is there an obligation for them to return the tape or do you track it down and get the copy of it or is it something that they can actually have a copy and take home and keep in their file for their memoirs?

Answer. There have been—there is probably some of both, but internally you have a procedure because it is DOD property that we use, that VHF tape, so that is really why we go out to retrieve it. And from my knowledge, people are very good at turning it back. Our folks will be proactive and call them and say we gave you a tape. There are cases where like the Boy Scouts of America, the President did an event with them and they want a copy of it and they may come to us and ask for it or we may direct them back to Media Affairs or some other office within the White House and they will call and if we have it internally, if it is still maintained in White House Communications Agency facility, we may make a copy and turn it over. We may give it to them and we know it is gone forever, but the norm for something like that is we would direct them to National Archives. Because it is in a public domain you can request it and get a copy.

Question. Is that your understanding, once you send them over, and it is over there, there is supposed to be public access to those records?

Answer. That is my understanding.

Question. Has that been the practice, you said you have been with the agency for 8 years or so?

Answer. Yes.

Question. And so any event that may have been taped from 1993 or 1994, we should be able to get by going down to the archives, as well as—?

Answer. I believe that that is true. I know the Archives will make copies. I don't know, you know, all their rules and regulation of who can and who can't, but I do believe the public has access to that information. That is why I was a little surprised why they came to us. You know, we just recently heard about audio and videotapes the 29th of August, I was a little surprised why they didn't just go to the National Archives and get the information.

Question. Have you heard anything about the Archives not providing such information or being prevented from providing any such information in recent years?

Answer. No. I know they have worked a lot with us providing information here in the last 2 weeks, but I never heard of them not providing anything.

Question. Let us discuss a little bit, to the extent that you have an understanding of this, how the audiovisual crews operate on a day-to-day basis, how they get their instructions and how they decide what they're going to tape or not going to tape.

Answer. It differs between the audio and the video side slightly. I will talk audio first.

Both of them use the President's schedule as a planning document. On the President's published schedule, it will have the event, and there is some recurring, routine type events that we know that we always support, like radio addresses and things of that nature. In addition to that, they get taskings that come from the White House Social Office.

There is an event that requires audiovisual support. They have a template type document that goes to various elements within the White House, White House Communications Agency being one, and on that sheet it will have things like "record," "announce," I think "mike," just different audiovisual type services. Oh, there you go.

Ms. COMSTOCK. I will show you this. This is a Residence Event Task Sheet. Actually, there is three of them in this packet, and we will make that Deposition Exhibit Number—I think we are up to 8. And it is EOP 023953, EOP 023930, and EOP 023910.

[Smith Deposition Exhibit No. SS–8 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And is this the type of task sheet that you would be given?

Answer. Yes.

Question. And where do these come from?

Answer. This document, I believe, is created out of the White House Social Office, and it is either faxed or hand carried over to our event productions office in the Old Executive Office Building.

Question. And who is in charge of the White House Social Office?

Answer. I believe it's Sara Farnsworth, but I'm not certain of that.

Question. Is it your understanding Ms. Farnsworth would provide this type of task sheet to your office on a daily basis or——

Answer. On an as-needed basis, when there was a requirement for White House Communications Agency support for an event on the White House complex.

Question. And do you recall these type of sheets being received for White House coffees or anything like that?

Answer. I would never have seen these types of sheets. The execution for these types of requirements are really decentralized. It is actually done in that work center, so Chief McGrath and Sergeant VanKareun, those types of individuals would be the ones that would actually see these types of documents and build a support group to go out to meet this requirement.

Question. And maybe if you could just explain these task sheets, to the extent that you have knowledge about them.

Answer. As I mentioned earlier, the task sheet goes to various offices within the White House. It has the White House photo office on there, the military office, and then it has the White House Communications Agency, and that is the part that is pertinent to us.

On there, you will see things like podiums, mikes, recording, and it says yes or no. And there is an asterisk which would depict—if, for instance, a podium was required on that date, a speaking platform for the President, she would mark a "yes." On this particular example she marked "no."

Question. So the star that's next to "no," that little asterisk?

Answer. Right.

Question. Represents the "no"?

Answer. The no requirement.

Question. There is no podium?

Answer. Required. Exactly.

Question. And we are both looking at EOP 023953, the top page, just for the record.

Answer. Exactly.

Question. And then on this one, where it says "announcer, mike," it also has an asterisk that says "no;" is that correct?

Answer. That's correct.

Question. And on this one, it also says "recording," and the asterisk there, it would be your understanding, is for the "no"?

Answer. That's correct.

Question. Now, the July 31, 1995, coffee was actually one of the coffees that we got a tape for. Do you know how it would be that it would end up being taped whereas this sheet had given your office directions not to? What event would have intervened in between?

Answer. What would have happened—first of all, the date of the event is 3 August, not July 31.

Question. You are correct; I'm sorry; the document creation date is July 31.

Answer. This document would have not come to the White House Communications Agency for this particular event, because if you look at everything, the asterisks indicate no, as you mentioned earlier. However, you do know it was videotaped. How that really happens, this very likely was on the President's schedule as a coffee for that particular day.

Shifting from audio to video, the video team leader or supervisor for that day on 3 August would have actually met with, most likely, a member of the White House staff. Daily they meet with the President's aide, Steve Goodin, and they would just ask him: Do you want us to be there or not? And he would say yes or no.

If you have a tape, he or somebody representing him or that office requested us to be there. And then routinely, the way they do business is, they would be told when to be there, and they would be queued in and queued out. And that is pretty much how that happened. That is normal business.

These would routinely say no. Where it says "White House television" here, that is the old name. It is really now the White House Communications Agency camera crew, but it is all the same organization.

Lieutenant Colonel SPARKS. Can we take 5 minutes or so?

[Brief recess.]

Ms. COMSTOCK. We began this deposition at 4 o'clock today. At no time did Mr. McLaughlin, who, as the designated counsel by the Minority, indicate that he had to leave. He was clearly aware that this deposition would be very likely to go longer than 2 hours.

At 6:20, Mr. McLaughlin informed everybody that he had to leave and apparently go out for a social engagement. So even though he is the designated Minority counsel for this deposition, he has just decided to leave in the middle of the deposition, an extremely unprofessional action that we have not had occur in any prior deposition. In my experience in this investigation or any prior investigations, or, in fact, in my legal experience, having an attorney leave in the middle of a deposition is a fairly unusual circumstance.

But in his place he has asked to have Mr. Lu here, who is not the designated counsel, and our rules provide that there is one counsel from each side per round. We are on the first round. Mr. McLaughlin began the first round, and now he has exited. So we are going to proceed with this deposition so that we can finish up with our witness here.

Mr. LU. If I can state the Minority's position for the record, and let's just move on with it. I don't think we need to sit here and discuss Mr. McLaughlin's professionalism or lack of professionalism. I don't think that is really appropriate for a deposition. I don't think it's appropriate at 6:25 to be arguing about this on a Saturday evening.

The Minority's position is that it is acceptable and it is within the context of the rules of the committee to switch counsel during a deposition. Mr. McLaughlin informed me that he has not asked any questions during this round. And we would argue even more so that our round of questioning has not even begun. Our round typically is begun after the Majority has asked all of its questions, and that is the position that the Majority has always stated when we have tried to ask follow-up questions.

So I don't want to belabor this point. At the end of Majority counsel's questions, if I have any questions, I'm happy to let Majority counsel state that objection on the record. If at that point I am not allowed to continue, that's fine, we will just put that on the record and we will reserve our right to call the witness back at another point, something I don't think the witness or the witness's counsel or Majority counsel wants.

I don't see any harm that is done from switching counsel at this point, but I think at this late time of the day we should just move on and try to wrap this up.

Ms. COMSTOCK. Well, we are not going to object to you going ahead and asking questions because the designated Minority counsel has taken these unprofessional actions and decided to leave. We will, obviously, allow you to ask questions for the record.

Mr. McLaughlin was making comments earlier in the deposition and was acting in the capacity as designated counsel during the deposition. You were not here, so I don't know what representations he made to you. Apparently, at some point this evening, he decided to call you and inform you to come in, something he never discussed with us, because if he had indicated to us there was going to be a problem, we could have either waited for you to come in or have proceeded.

But Mr. McLaughlin apparently just decided to play musical chairs here with attorneys, and there was no need for this if he had informed us beforehand. But I think his record and behavior speaks for itself, and we will proceed.

Mr. LU. Well, you have attacked the credibility of one of my colleagues, and all I can say is, Mr. McLaughlin has performed professionally, admirably, throughout this investigation, and I object to the characterization of his actions as anything but professional.

Ms. COMSTOCK. Well, I think leaving in the middle of a deposition speaks for itself.

EXAMINATION BY MS. COMSTOCK:

Question. Are you aware of records that are kept in your office on the use of White House fleets and cars, carpool information?

Answer. Not at all. The White House Communications Agency doesn't use the White House fleet of cars.

Question. I'm sorry, maybe I'm unclear. Are there any phone systems that are used with the cars that would go through your office?

Answer. None that I'm aware of.

Question. When we were discussing earlier the videotaping that is sometimes done for events, if a staff member perhaps requests a video of a President's speech to look at, you know, how that was done, do you know anything about a system whereby that taping can be put on some kind of White House internal TV system for people to watch?

Answer. Within our agency, we have a facility called a master control facility and we have several dedicated channels where we can do an internal distribution of something, if it was requested, or even a live event that was being captured by one of the networks. We could distribute it internal to the White House complex.

Question. So it is the kind of thing where you can say, I would like to see this at 6 p.m., the President's State of the Union from 1995, and you can plug that into the system for someone to watch in their office?

Answer. Technically, that could be done.

Question. And do you keep logs of that type of thing also?

Answer. I'm not certain if we do or not.

Question. Were you aware of people in the Counsel's Office, of Mr. Breuer or Mr. Ruff, reviewing any particular tapes and any questions they may have had for you about any particular tapes?

Answer. No, not at all.

Question. Did anybody in the Counsel's Office ever ask you about any cuts in any tapes or any edits that had been made?

Answer. None at all. We don't do editing, so I don't see why that question would come up.

Question. You had mentioned earlier, or we discussed pretty much at the top of the deposition, about your being upset when you had seen news accounts about how WHCA had somehow missed the tapes. Did anyone in the Counsel's Office ever say anything to you directly about that?

Answer. You mean about the articles themselves? Is that your question?

Question. Yes.

Answer. No.

Question. Did they ever say whether they were misquoted or that they didn't mean for it to come out that way or anything like that?

Answer. I was in one phone conversation with Colonel Simmons and Cheryl Mills and myself, and she made just kind of a general comment that, don't worry about what's in the newspaper. But I don't really remember her saying anything specific about a particular quote, but just kind of a general comment, don't be overly concerned about that, you know. That's pretty much it.

Question. Now, were you aware of Mr. Breuer and Mr. Imbroscio making themselves available to the press and talking about this to the press?

Answer. After the fact.

Question. Did you see comments that they had made to the press about these matters?

Answer. I just made some assumptions by what I saw in the newspaper that it must have been derived from their comments. I don't really know if that was their actual comments. I have no knowledge of that or any indication of it.

Question. Now, WHCA's staff, you all can't really go out to the press and tell your side of the story, can you?

Answer. Definitely cannot.

Question. It is like the Secret Service, you guys can't say anything. Really, you don't have a PR office?

Answer. No, we do not.

Question. You don't have a press office that goes out and gives your side or account of events?

Answer. That is correct.

Question. And, obviously, the White House Counsel's Office is aware of that?

Answer. I assume that they are. I don't know that for certain.

Question. And if The Washington Post calls someone in your office up, they can't go on the record and make comments?

Answer. Our office can't. Matter of fact, we have been deferring any type of media type requests to, I believe it was Lanny Davis as a contact.

Question. And Lanny Davis being the counsel in the White House Counsel's Office who responds to press matters?

Answer. I assume that's what his function is, but that is the name that we've been giving to folks. I haven't directly had any conversations with him, when I have given Lanny Davis' name—oh, yes, I have. I can't remember who it was. There was one. I can't remember if it was Washington Post.

There has been a whole bunch of media folks all the way from the L.A. Times to Washington Post to the various networks trying to track me down since my name appeared in the paper. And I do believe I had a conversation with one of them, and I passed his name as a point of contact for questions.

Question. And who told you that Lanny Davis should be the point of contact?

Answer. It has been put out in our agency. We know it is our internal policy that we don't discuss business with anyone outside the agency. We just don't do it. It's always been the policy.

And with all this visibility here in the last couple of weeks, that's just pretty much what we've been passing out to our staff, to vector everyone that have questions to—outside of the military, to Lanny Davis.

Question. If the information that Lanny Davis was the point of contact, was that put out in a memo or e-mail, or someone told you orally?

Answer. It was orally, verbal direction.

Question. Do you recall who told you that?

Answer. I think the first time I heard it was probably from Colonel Simmons.

Question. Can I presume Lanny Davis probably isn't someone you were dealing with on a regular basis before?

Answer. Definitely not. Definitely not, no.

Question. Do you have any knowledge of the President being told about the tapes or hear anything about how he was told or when?

Answer. No, I wouldn't have any knowledge on that.

Question. When we discussed earlier not all of the tapes that had been pulled back were necessarily responsive, or your interpretation as well as the counsel's may have been that they weren't responsive so you may have records of hundreds and hundreds of tapes from the archives, that doesn't mean we're going to be getting hundreds and hundreds up here.

Sort of in that winnowing down process that the Counsel's Office has been going through, have you been privy to any discussions as to the type of tapes that they weren't turning over or that they didn't think were responsive?

Answer. No.

Question. Have you, with your colleagues at WHCA, discussed anything about the individuals who had attended the coffees, a lot of the President's aides and people like Steve Goodin, who had directed cameras to be there and taken them?

Did you ever have a discussion about those people, how come they didn't inform the Counsel's Office or tell somebody about what was fairly common knowledge about the taping?

Answer. No, not really.

Question. Have you had any discussions with Steve Goodin since this occurred?

Answer. Absolutely not.

Question. Do you know if anyone in the WHCA office has had any discussions with Steve Goodin since this occurred?

Answer. About this?

Question. Yes.

Answer. Not likely, but I have no knowledge of that.

Question. The people who deal with Steve Goodin on a day-to-day basis, the seven or so camera people, who I guess we have been seeing their names, even though we have not seen their faces yet, but have heard their names on a number of the tapes that we have received, those are generally the people who interface with Mr. Goodin on a day-to-day basis?

Answer. That's correct.

Question. Is there anybody else at WHCA who would be dealing with Mr. Goodin on any regular basis?

Answer. Not on this issue.

Question. Do you have any knowledge as to how Mr. Goodin decided whether or not an event should be taped or not?

Answer. No, I don't.

Question. Do you have any knowledge of who Mr. Goodin reported to, who his direct supervisor is?

Answer. No, I don't. Not really.

Question. You had occasion to travel with the President in your capacity?

Answer. I have.

Question. And on those trips, did Mr. Goodin go around with the camera crews? Is that generally what occurs?

Answer. He doesn't really travel with the camera crew. It's more the other—the camera—there's always a camera crew assigned. Even when they are on Air Force One, there is a camera that is assigned.

When they arrive at the event, they move around to various locations. The procedure for them to get directions is pretty much the same. Either they get a task from Steve Goodin, and there are a couple of other members of the administration that also may play into that; I think Chris Inskov is another individual that may, but it happens the same way. They get tasked from him on the road and also in the Washington area.

Question. Is it your impression that it is generally sort of an ad hoc process, as they are sort of going along throughout the day, like, come on down and tape, the President is down in Texas and is going through a day-day center, then he stops off somewhere that maybe wasn't planned, and they say, come on tape something here in the hospital?

Answer. Very much so. But their focus is always the President. They are not really taping the event or who is attending or where he is. They are really just keyed on trying to capture the President for archival purposes, and it is very much ad hoc for the video piece especially.

Question. Is the practice such that Steve Goodin would sort of start out an event? Say if he goes to a dinner at a private home, it's going to be 20 people or so, they will film the beginning of it and then sort of, okay, cut off now, now we're going to have a really private event?

Answer. Very much so like that. They may come in; there may be an event, say, like at a private residence, that may last hours. They may only film 2 or 3 minutes. They may film 5 minutes, but they normally will get the first minute or so, and then they will cue them to stop covering the event, and then maybe at the tail end of it they may get a piece again.

But he doesn't normally say, get this, get that. He will just tell them, okay, he's going to come in this entrance; capture that.

Question. Just sort of follow him usually—not specifically follow him, but make sure you get a picture with Jill and Jack?

Answer. No, it's not normally that direct. And, one, they know we are there to capture the Presidency, and they also know we don't know who these individuals are. So somebody would literally have to be there. And they know that is not what our mission is, to capture these other individuals that are attending these various functions.

Question. So they are usually not there saying, make sure you get Barbara Streisand in this frame?

Answer. No.

Question. There is no sort of stage directions; your camera crew is told, sort of, show up, and they make the elective decision to really focus on the President, follow him around?

Answer. Exactly.

Question. And get him in the picture, and everybody else is sort of peripheral to the camera crew?

Answer. That is correct.

Question. Now, when we watch some of these coffee tapes and we see them just cut off at some point, that is because that is exactly the way it was taped then?

Answer. Exactly.

Question. Does that mean at that point that that is when Mr. Goodin or whoever was doing that kind of said, cut, you're out of here?

Answer. He probably just signaled, nodded to them or something, and they walked out.

Breaks in the tape can be a variety of reasons. It could be that somebody was walking past the camera guy and he literally just cut the camera off to let the individual pass by him.

Another thing that could cause that type of thing is, as you mentioned, they are cued to get out. Or it could be they are changing tapes. And when they're changing tapes in the camera, they have to cut the camera off and cut it back on.

You can normally view the tape and pretty much figure out what is going on, if you are familiar with it.

If they are changing positions can be another thing. Or if they are walking from point A to point B, they would normally cut the camera off.

Sometimes they would leave it on and you would see the floor or the back of a table and you wonder what is going on, but that is usually what it is, they are just moving around, kind of an independent operation once they have queued the film.

Ms. COMSTOCK. I think at this point we may look at a couple of tapes, and if you could maybe comment on them.

We are looking at White House tape number 5, which is a February 19th, 1996, dinner at the Hay Adams Hotel.

[Videotape shown.]

Ms. COMSTOCK. If we can freeze it there.

EXAMINATION BY MS. COMSTOCK:

Question. Where the screen sort of goes black and then goes on, can you explain, if you know, what has happened?

Answer. Obviously, the only person that can give you an exact answer to what happened here is the individual that was on that camera that day. But most likely what happened there is, he just stopped filming, just cut it off at that point, because they don't capture the entire event. They caught the President, he panned out, and that's probably all he wanted to do.

Question. And when people come back from events and they have their tapes, that is exactly how it was taped, it just goes directly into the archives in whatever way it was taped? It is not edited or changed in any way?

Answer. That's right, it is not edited.

Question. Have you ever had anyone on any occasion ask you to edit or do any editing of any event where it's like, gosh, we really didn't mean for you to be there, can you cut the end of the tape when somebody got really silly, and it was something, or it was like some event you were inadvertently at or taped?

Answer. No, and I believe if that had ever happened, a request to do something like that, I would have heard about it, because something like that would be—that is not what we do.

We are there to capture the Presidency. We are not there to edit in any way. And our procedures are to turn that in, assign a number to it, put it into our database, and eventually get it off to the archives.

So I believe if there ever was such a request, that would immediately come up to my office, and that has never happened, and I have never even heard of it in the 8 and a half years I have been affiliated with the agency.

Ms. COMSTOCK. This is tape 63, which I believe is the end of a radio address, or it's in the Oval Office with the President, some type of photo-op situation. The date on this is September 10th, 1994.

[Videotape shown.]

The WITNESS. I saw where it changed frames. Is that what you're talking about?

Ms. COMSTOCK. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Again, the President was talking with James Riady. Then there was a frame switch, and John Huang and Mark Middleton was in the picture also.

Do you have any knowledge of that?

Answer. I don't have firsthand knowledge, but it is very likely that they were changing film at that time, and it takes a few seconds to do that. So that is probably what happened then.

Question. And I don't want to put you on the record here as making representations about these tapes. I do want to state for the record that we understand that you are just sort of giving us your understanding of these things, of your experience in viewing tapes, and not making any particular representations about these particular tapes, because I understand you weren't there and you didn't take them, but we really are just asking you for your knowledge of the process and using these as examples in that process. So I wanted that to be clear for the record so there is no misunderstanding.

Since these events have come to light in the past few weeks, have you had anybody—you mentioned the press tried to contact you. Has anyone other than the White House Counsel's Office come to you directly and tried to talk with you about these matters?

Answer. No. A Washington Post individual approached me coming out of the grand jury, but nobody other than that.

Question. Has anyone in the White House, any other staffers or anybody from any office, come to you to talk to you about your account of what happened or anything like that?

Answer. No.

Question. Following the news reports last week, after, I guess, your Senate deposition and then that information came out, did anybody from the Counsel's Office at that point come to you again to discuss whatever account you had given to the Senate of these events?

Answer. No.

Question. A little earlier, we had been discussing how the camera crews—their planning documents, and how they decide what events to videotape, and you had mentioned they worked off of the President's schedule.

Do they get the President's private schedule or his complete schedule of what he is actually doing every day as opposed to his public schedule?

Answer. I believe it is a private schedule, but internal distribution to certain elements within the White House. I don't believe it's the same one you see on television and in the newspaper.

Question. I ask that in particular; I don't want to hide the ball here, but the coffees were not on the President's public schedule in any way, and I was wondering if you have any knowledge of the coffees being on those private schedules or if it was a situation where the camera crews just sort of went around with Mr. Goodin and he said, "Here you are; film"?

Answer. I don't recall seeing—personally seeing coffee on his schedule, but I think it's very likely that it was on his schedule that is distributed internal to the White House.

The only reason I say that is because the example, or the task sheet for 3 August, which was Exhibit 8, indicated that there was no White House—excuse me—White House Communications Agency camera crew requirement, but we do know that they videotaped it. So something had to prompt our individual to go find out what needed to be done.

They're not just haphazardly hanging around Steve Goodin all day. They would normally go to him around 9 o'clock in the morning. This one here actually happened at 8:30 in the morning, as indicated on Exhibit 8. I can only assume that they got that from him earlier on.

Question. Would the situation be something like, the night before they may have called and said, "Make sure you have camera crews here at 8:30," or do you have camera crews there 24 hours a day?

Answer. They are not there 24 hours a day. I think they are there until about 8:00 at night. I'm not certain if that's the time they shut down. Obviously, it is dependent. If he has an event scheduled, they are there until that is over. But we do not keep people there around the clock.

But the normal procedure for them is to take a look at the schedule when they come in in the morning. The schedule is faxed the night before. They will get in about 8 o'clock, check the schedule, and if there's anything that warrants further discussion or clarification, they would go to like a Steve Goodin and seek that information.

Question. Would these documents then be maintained in your office, the type in Exhibit 8? Do you keep a record of these ongoing?

Answer. I'm not certain if they archive that information or not, quite honestly. I don't believe they do, but I don't have any firsthand knowledge of what the disposition or destruction of that particular document or how long it's archived.

Question. I don't have the actual transcript from when Mr. Ruff had been on TV last week, but he had said something to the effect that this happened because someone queued something in wrong into the computer.

That isn't what occurred here; is that correct? You guys didn't put the wrong word into a computer?

Answer. I don't know what context when he said that, but the words that we put into the computer are the words that they provided to us. So I don't really know——

Question. So if they didn't give you the right information, you weren't going to be able to—sort of garbage in, garbage out type of situation?

Answer. That's exactly right.

Ms. COMSTOCK. I believe that's all I have at this time.

Mr. LU. I want to thank you for coming in today. I really don't have a lot of questions. I know Majority counsel and I can spend a lot more time talking about whether I can ask the questions than the time it will take to ask them, but my understanding of the rules is that nothing prevents the Minority from switching counsel halfway through. It is unfortunate it happened. I apologize to you. I just have a couple of questions.

EXAMINATION BY MR. LU:

Question. I think you have said that the job of your office is to basically catalogue the Presidency. I'm not sure that was your word, but to basically inventory, be an inventory of audio and video information about the Presidency; is that correct?

Answer. That's correct.

Question. And I believe you also said that it is not your job or your office's job to edit the video or audiotapes?

Answer. That's correct, we don't do any editing.

Question. And you also said that you knew of no instance during your time where a tape was altered, doctored, edited, whatever words you want to use?

Answer. That's correct.

Question. And I believe you also said that had there been such an event, you would have heard about it; isn't that correct?

Answer. That's correct.

Question. What would you have done if you had found one of the people that worked for you had done that, had edited a tape or altered a tape without your permission or without permission from somebody higher up?

Answer. Well, that has never happened. But the action that I would have taken, obviously, I would have reported that through my chain of command, who is Colonel Simmons, who in turn would have, I'm sure, informed his boss in the operational chain of command, the directorate of the White House Military Office, and I'm also sure that we would have taken proper disciplinary actions to that individual that did such a thing, because, clearly, that is out of our charter and not part of our mission.

Question. It is not standard operating procedure?

Answer. It is not.

Question. I believe you also said that after 60 days tapes are turned over to the National Archives; is that correct?

Answer. That is correct.

Question. And was that the practice before January 20th, 1993, before President Clinton took office?

Answer. I believe that has been the normal practice. I really don't know. Quite honestly, I have been recently asked that question about, how long do we keep tapes, and was informed about 2 months' worth is what we keep on hand.

Question. Do you have any understanding or any knowledge as to what the National Archives does with the tapes after a President leaves office and after a Presidential library is created?

Answer. Not direct knowledge. But my understanding of that is that they are turned over to the Presidential library, or if that President wants, that library is put in place.

Question. Is it your understanding they actually physically turn over the tapes, or do they make a copy for themselves and turn over a copy? Or do you have any understanding of that at all?

Answer. No, I do not.

Question. One thing you just alluded to, I asked you about the procedure before January 20th, 1993. Do you have any knowledge as to how the process for filming or recording events has changed from President Bush to President Clinton?

Answer. My understanding is that it hasn't changed at all. I do believe we have been filming or videotaping Presidents for about 40 years. Actually, the White House Communications Agency has picked that mission up in '94. Prior to that, it belonged to the Navy Imaging Command, who was under operational control of the White House Military Office.

But I believe the practices and procedures have been the same for a very long time.

Question. And when you say the practices and procedures, do you also mean the practices and procedures for the retaining of videotapes or audiotapes?

Answer. That is correct.

Question. How far back does your office keep logs of tapes?

Answer. I believe we have a video database or archive system that has information all the way back to '89. I have not personally seen it, but I do believe that is

how far back it goes. And the audio data base goes back to '93. They are two independent systems.

Question. So for the videotape log, is that something that you or someone in your office could easily search?

Answer. It could be searched, yes.

Question. Going back to 1989?

Answer. That is my understanding.

Mr. LU. I have no further questions.

Ms. COMSTOCK. I just have a few more questions.

EXAMINATION BY MS. COMSTOCK:

Question. Is there any editing equipment in your offices, that you know of?

Answer. We do have an editing capability. And when I say we don't do any editing, that was in response, in reference to Presidential tapes, video and audiotapes.

But we do do, like, for instance, what we call a news summary tape. If a lot of the different networks may have captured different—have an event or a segment on the President, our individuals in the master control facility will make a tape, a composite tape of those various news summaries. Instead of showing 30-minute segments from NBC, CBS, CNN, they will go through and edit that to just capture what is pertinent or relative to the President, put it on a composite tape, and make that available, if it's requested.

Question. And one other thing I wanted to ask about was communications from Air Force One or Air Force Two. Your office handles those communications; is that correct?

Answer. The communications infrastructure systems on Air Force One really belongs to the 89th Air Wing, not to the White House Communications Agency. However, there are some of the systems on board that aircraft that come into the White House Communications Agency's network or systems to be processed. They can also go independent.

But if—for the ones that come through our agency, if it is for the President, they would handle it just like they do the calls if they were in the White House or out on a trip site in California or anywhere else.

Question. Has anyone ever asked your office, for purposes of document responses or any directives you have gotten from the Counsel's Office, to check on any communications records from Air Force One?

Answer. When I mentioned earlier I was working with Lisa Brown from the VP Counsel's Office for records and Cheryl Mills had directed me to her, we provided that information or that feedback. I send a log, a signal activities report, that is a composite. It doesn't make any difference if it is in the plane. That same information would be gathered in that same log. There isn't an independent log WHCA keeps for calls processed off the airplane.

Recently I was asked about logs specifically that were made on the airplane, and basically I told them they needed to go to the 89th to get that. I believe that was the grand jury. And also I believe when I was deposed by the Senate they also asked that question. I'm pretty sure they did.

Question. I don't have another copy of this. This is an April 18, 1997, letter that we had sent to the White House where, in request number 43, we had asked for a check of certain phone calls from Air Force One to the following numbers.

There is a list of numbers between October 22nd and November 5th, 1996, and actually, in particular, if this helps to put it in context, these were phone numbers in connection with calls that had been made to Warren Meddoff, who had had some discussions with Harold Ickes while he was on Air Force One.

Do you know if anyone in your office has ever been asked about any type of phone calls or messages in connection with any matters related to Mr. Meddoff or Air Force One records?

I am trying to make it broad, so in case there's something——

Answer. I don't recall this specific request, but I was just talking about, if a request of this nature came in, I really would think the White House Military Office would have sent that to the 89th Air Wing, not to the White House Communications Agency.

Question. So that might bypass you and go directly from the military office to the 89th Air Wing?

Answer. That is a possibility, because on Air Force One there is an operator on board, and that's probably where it would go. There is a possibility that the call was placed from Air Force One through the White House Communications Agency, and at that time we may have had some information pertinent to that. But I don't recall anybody asking that specifically.

Question. So if someone were to do a thorough check of records then, your office would be a possible source of information to find out if calls actually had been made through WHCA?

Answer. But we would only have information for the last 60 days.

Question. Okay. So any records for phone calls back in 1996 would not be available?

Answer. No.

Lieutenant Colonel SPARKS. I think he has already testified, too, that it would only be the President's calls.

The WITNESS. That's correct.

Lieutenant Colonel SPARKS. He would not have staff members.

The WITNESS. The Presidential log that we keep would only be for the President. Other calls, individuals that would generate a call, originate a call from Air Force One, we would not put it on our Presidential log.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if the 89th Air Wing's records are kept in any different way, if they would still be available?

Answer. I'm not certain, but I think they destroy theirs immediately after the flight. The reason we keep them are, really, if there are call problems, network problems, as a management tool.

In their case, once that mission or flight is over with, it's over. They are not going to process a pending call, because it is no longer a part of that platform. If it is infrastructure related or a network problem, if it is not isolated to the aircraft, there is really no reason for them to keep historical documentation. So I would assume that they don't. That is an assumption.

EXAMINATION BY MS. COMSTOCK:

Question. And to your knowledge, are any of those calls or anything like that ever taped or recorded in any way?

Answer. No.

Question. Okay. And do you know of any other types of logs or records that were kept of those type of calls from Air Force One?

Answer. No.

Question. Okay. Are you aware of any other type of video or audio records that have not been brought to light in these past few weeks that——

Mr. LU. Be careful what you say right now.

The WITNESS. Not that I'm aware of.

EXAMINATION BY MS. COMSTOCK:

Question. This was in a press briefing sometime in 1993, Dee Dee Myers had indicated the President did some type of dictating of notes. Do you have any knowledge of anything ever being processed through your office as Presidential dictation or anything like that?

Answer. No.

Question. Have you ever heard of any type of, you know, Dictaphone or sort of audio records that the President himself is keeping of any events?

Answer. No. There might have been a request to borrow a cassette recorder or something, but I have no knowledge of any records that are kept or anything like that.

Question. When people request any equipment from your office, is there a log kept of that, like of who requests some type of recording equipment or to have some type of, you know, custody of some type of equipment?

Answer. No, because there are very few individuals that we would give our equipment to, actually loan our equipment to, and there aren't any records that I am aware of.

Question. And you have no knowledge of the President asking for any type of recording equipment from your office?

Answer. To be quite honest, I don't even recall that ever even happening, but the possibility of it happening is there. I just know if the President was to ask, he would get it, but I don't ever know of him asking.

Ms. COMSTOCK. If I can take a minute and go off the record.

[Off the record.]

Ms. COMSTOCK. Okay. I believe that is all I have. I would like to thank you very much, Mr. Smith. I know you have had a rough couple of weeks.

Mr. LU. I'm sorry.

Ms. COMSTOCK. Let me just finish this.

I know you had a rough couple weeks and I appreciate you coming in here and very candidly and forthright telling us what went on, and I appreciate your recollection of events. I think the record will reflect it is a clear recollection of events, which is something which is welcomed and sometimes we don't always get, so I want to just thank you and we appreciate your time and effort.

Mr. LU. I won't keep you here too much longer. Just one more question.

EXAMINATION BY MR. LU:

Question. In response to a question from Ms. Comstock, I believe you said that your office does have editing equipment, and you can do composite tapes. My understanding is the tapes that have been turned over to this committee and to the Senate have been composite tapes, you know, fragments pulled from a wide variety of tapes. Did your office create those composite tapes?

Answer. They did.

Question. They created all the composite tapes turned over to these committees?

Answer. I have no knowledge of anybody else doing it but we didn't do the editing of the originals. Actually what they did is took the Betamax original tape, uploaded it to an avid computer system, and——

Lieutenant Colonel SPARKS. A-V-I-D.

The WITNESS. The acronym, okay. A-V-I-D, it is a corporation. And then they downloaded to a VHS tape and they have done that for the purpose of this request of the White House Counsel's Office.

EXAMINATION BY MR. LU:

Question. So what is on the tapes that were turned over to this committee and to the Senate were what your office found when it was doing searches over all the tapes?

Answer. It is what we were directed to put on the tapes from the White House Counsel's Office to provide, but it is, you know, from the actual Betamax tape.

Question. With no other alteration for editing, doctoring or anything like that?

Answer. That is correct.

Ms. COMSTOCK. And I would like to clarify the record in case there are any future problems with tapes or things that didn't show up. Everything that you were asked to put on tapes by the Counsel's Office were put on tapes; is that correct.

The WITNESS. That is correct.

MS. COMSTOCK. So if something is not on there, it is because you were not asked to put it on there; is that correct?

The WITNESS. That is correct.

Mr. LU. That is all I have. I want to thank you as well and echo the comments of Majority counsel. I know this has not been a fun experience for you but we do appreciate your time and your effort for coming in here today.

The WITNESS. Thank you.

[Whereupon, at 7:10 p.m., the deposition was adjourned.]

[The deposition exhibits referred to follow:]

WH[illegible] House Communications Agency

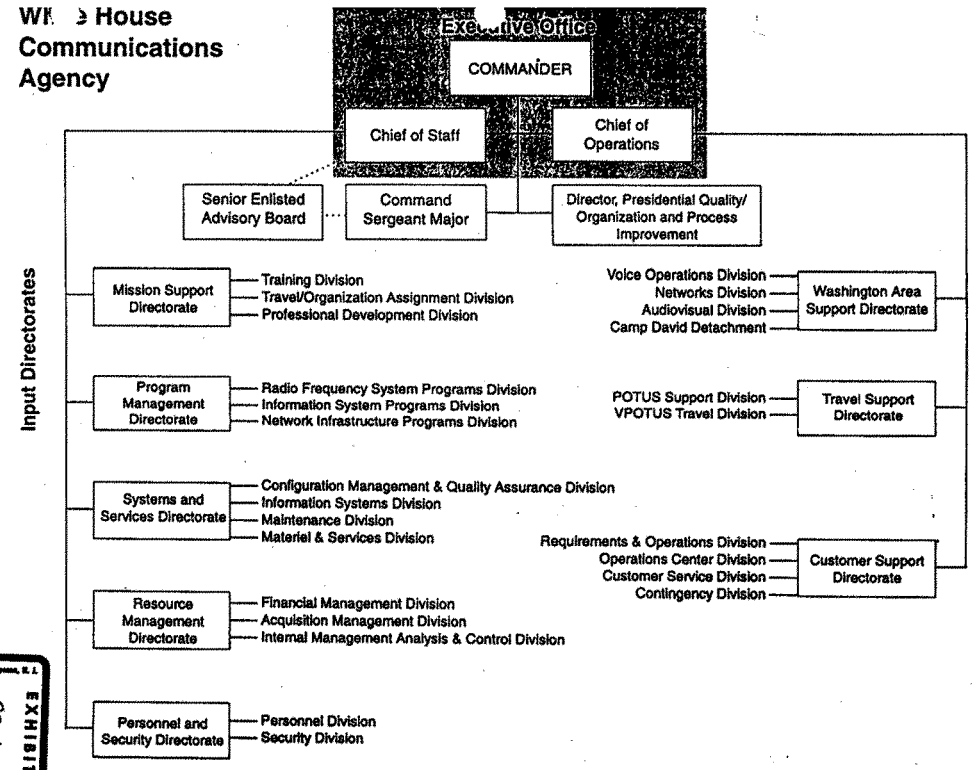

EXHIBIT
SS-1

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

EXHIBIT
SS-2

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

2. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1994:**

   a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

3. Any documents or materials dated -- or if undated, documents created or received -- **after February 17, 1995:**

   a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

4. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1996:**

   a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors -- e.g. Yah Lin "Charlie" Trie -- regarding raising money for the Presidential Legal Expense Trust;

   b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

5. Any documents or materials dated -- or if undated, documents created or received -- **between August 3, 1996 and December 31, 1996:**

   a. Referring or relating to the White House Data Base (WHODB).

ATTACHMENT A

INDIVIDUALS**

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pornpimol) Kanchanalak*
(aka Pauline (or Pornpimol) Parichattkul*)
Daumgnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

** Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

ENTITIES*

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

THE WHITE HOUSE
WASHINGTON

April 29, 1997

MEMORANDUM FOR: **DIMITRI NIONAKIS**
Associate Counsel to the President

REGARDING: April 28, 1997 Request for Documents

This certification is in response to the memorandum from Charles F.C. Ruff, Counsel to the President, regarding the 4/28/97 Document Request. By signing this document, I am certifying that I directed all individuals in my office to search their files as well as the office's files. To the best of my knowledge, these files have been reviewed and all responsive documents have been provided.

Management and Administration:

Jodie R. Torkelson
Assistant to the President for Management
and Administration

EXHIBIT
SS-3

THE WHITE HOUSE
WASHINGTON
May 7, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: ASHLEY RAINES
CHIEF OF STAFF
MANAGEMENT AND ADMINISTRATION

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997, my files and the files of the following staff members have been reviewed:

Circulated, Read and Attested to by:

KELLI MCCLURE
PERSONNEL LIAISON
___ no files found
✓ files have been forwarded

TERESA WILDMAN
EXECUTIVE ASSISTANT
___ no files found
✓ files have been forwarded

BROOKS SCOVILLE
STAFF ASSISTANT
___ no files found
✓ files have been forwarded

EXHIBIT
SS-3A

THE WHITE HOUSE
WASHINGTON

May 6, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: MICHAEL D. MALONE, SPECIAL ASSISTANT TO THE PRESIDENT AND DIRECTOR OF WHITE HOUSE OPERATIONS

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997 files in the following offices have been reviewed:

Circulated, Read and Attested to by:

MELINDA BATES
DIRECTOR, VISITOR'S OFFICE
✓ no files found ___ files have been forwarded

PATTI COGDELL
DIRECTOR, WHITE HOUSE CONFERENCE CENTER
___ no files found ✓ files have been forwarded

SUSAN L. HAZARD
DIRECTOR, WHITE HOUSE TRAVEL OFFICE
✓ no files found ___ files have been forwarded

MADGE HUBER HENNING
DIRECTOR, INTERN PROGRAM
___ no files found X files have been forwarded — not responsive — MDM Line s/c/A.

BOB McNEELY
DIRECTOR, WHITE HOUSE PHOTO OFFICE
___ no files found X files have been forwarded

ALEX G. NAGY
DIRECTOR, WHITE HOUSE TELEPHONE SERVICES
___ no files found X files have been forwarded

EXHIBIT
SS-38

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

May 6, 1997

Unclassified upon removal of attachment (5)

MEMORANDUM FOR CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

FROM: ALAN P. SULLIVAN
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT: Document Request

In response to your memorandum of April 28, 1997, we have searched our files and found the six attached documents referring or relating to the individuals or entities identified in the memorandum.

Attachments

CONFIDENTIAL

EXHIBIT
SS-3C

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97.

Dan Burton
Chairman.

Attest:

Robin H Carle
Clerk.

EXHIBIT
SS-4

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang.

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng, China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

FRED THOMPSON, TENNESSEE, CHAIRMAN

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LEONARD WEISS, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

August 19, 1997

Via Facsimile (202) 456-7931
and First-Class Mail

Lanny A. Breuer, Esquire
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Lanny:

At our meeting on August 7, 1997 I mentioned to Michael Imbroscio that we had received information indicating that an entity within the White House provides routine audio and visual support to the Office of the President. We understand that this entity, the White House Communications Agency (WHCA) may have information responsive to our outstanding subpoena. Because this entity may be funded by the Defense Information Systems Agency, I asked Michael to have someone advise me immediately whether a separate subpoena/request to the Department of Defense was necessary to insure production of this information. I have not received any response. The definition of documents in our subpoena would require production of all video and audio footage referring to any of the individuals listed in our outstanding requests. Please advise me immediately whether any video or audio record exists, and whether it will be produced pursuant to the outstanding subpoena.

We have also recently learned that meeting agendas and other documents distributed by Dick Morris at White House strategy meetings were not collected from the President, Vice President and either Harold Ickes or Erskine Bowles. We had been under the impression from earlier testimony that all such documents were routinely collected by Mr. Morris at the conclusion of the meetings. We have not received any of these documents. To the extent not previously requested, please produce all agendas and any other documents distributed by Mr. Morris at these strategy meetings.

Lastly, we have requested on several occasions a formal certification that all documents responsive to our requests have been produced by the White House. You have assured Mike Madigan, Mark Tips and me that a certification similar to that provided Congressman Burton would be provided. Senator Thompson is very interested in obtaining this certification as soon as possible. Please advise us when this certification will be forthcoming.

I am available to discuss these requests at your convenience.

Sincerely,

Donald T. Bucklin

DTB/kmb

EXHIBIT
SS-5

- Audio

  - Event Name
  - Date
  - Who (POTUS, VP, FLOTUS, Staff, etc.)
  - Event Location
  - Start Time
  - Total Time
  - Initials of WHCA person making the recording
  - Is event "On or Off the Record"

Video Tape Archiving

- Project Number (each President is issued a distinct number)
- Ledger Number (each event is given a number)
- Master Tape Number (each tape is given one)
- Date of Event
- Archive box the tape is located in
- Location of the event
- Event title/name
- Name of camera person/sound person
- Main Camera or Cut Camera

The National Archives uses the numbers our camera personnel assign for tracking. Searches can be made using one or more fields from the data base, but the primary ones are date, place and name of event.

29 AUG. INITIAL MTG. w/MICHAEL IMBROSCIO (EXT'SQ @ 0505)
25 SEP. RCV'D CALL FROM M.I. RE: FORMAT INFO
26 SEP. CALL M.I. & NTF'D HIM THAT FORMAT WAS READY; SENT "IT" TO P/UP BOX.
* 30 SEP. M.I. CALL ME TO COORD. MTG. TO DISCUSS RETRIEVAL OF TAPES, CAMS IMAGES. TO MY OFFICE. I PUT HIM IN TOUCH w/AV – THEY MET ON 1 OCT

* w/SEARCH CRITERIA RELATED TO OUR DATA BASE

EXHIBIT
SS-6

White House Video Crew Taped Coffees

Recordings of 44 Gatherings Found Last Week, Are Given To Campaign Finance Probers

OCT 08 1997 WP

By George Lardner Jr.
Washington Post Staff Writer

The White House this weekend turned over to Senate investigators what it described as belatedly discovered videotapes of 44 of President Clinton's controversial coffees with campaign contributors.

Congressional sources said they have been told that freshly examined White House logs indicate that as many as 150 fund-raising events involving the president or Vice President Gore were also recorded by White House audiovisual crews.

The tapes of the morning coffees, showing only the start of the meetings, were eagerly sought by Senate requests for documents relevant to campaign financing inquiries submitted to the White House as far back as last January and again in a subpoena issued last July 31.

One clip of interest to Senate investigators, who were reviewing the videos yesterday, dealt with a June 18, 1996, coffee with Clinton at which controversial Democratic fund-raiser John Huang is said by one witness to have appeared, at the outset of the meeting, for money to help reelect the president. Other witnesses have said they did not recall hearing Huang make such remarks, but could not reject the possibility.

A Senate investigator said yesterday that there is audio for tapes of every one of the 44 breakfast meetings except the June 18 get-together. A showing at the White House last evening for the press confirmed that.

"We may have a Rose Mary Woods problem here," the investigator said, alluding to President Richard M. Nixon's secretary, who claimed to have been responsible for an 18-minute gap on one of Nixon's Watergate tapes. "This is a missing 60 seconds."

White House special counsel Lanny J. Davis said he had "no immediate comment about audio problems on that particular tape. We are looking into it."

The contents of the videotapes aside, said Paul Clark, a spokesman for the Senate Governmental Affairs Committee headed by

See TAPES, A7, Col. 1

White House Finds Videos Of 44 Coffees

TAPES, From A1

Sen. Fred D. Thompson (R-Tenn.), "this is just one more example of the White House seriously delaying our investigation."

One committee member, Sen. Arlen Specter (R-Pa.), said yesterday on CNN's "Late Edition" that "at this point, with the White House not turning over evidence again and again, I think you really may have crossed the line of obstruction of justice. First they don't give us materials while we're questioning witnesses. And now, the tapes are turned over. If they're innocent [recording], why don't we have them a long time ago?"

"We didn't even know about them and that really bothers us," Rep. Dan Burton (R-Ind.), chairman of a parallel House investigation, said on "Fox News Sunday."

Davis said discovery of the videotapes was the result of "a good faith effort" by the White House to comply with congressional requests. "We've said we would conduct ongoing searches for new material and that's what happened here," he said.

"The counsel's office became aware of the tapes [of the coffees] on Wednesday," Davis said. "We informed the Senate committee about their existence on Thursday and we met with Senate staff members on Friday."

The tapes were made by the White House Communications Agency (WHCA), a Pentagon unit that provides a stress pool for White House events, supplies the lectern, flags and seals for White House media functions, and keeps what officials say is a 60-day record of operator-assisted phone calls placed by Clinton and Gore.

A frame from one of 44 just-released White House videotapes shows President Clinton flanked by Democratic Party donors at a morning coffee session.

White House officials said they at first checked the WHCA database only by the names of the individuals named in Senate requests, such as John Huang, and came up empty. Then, a staff member checked again and "came across the word, 'coffees,'" an official said.

That led to discovery of the 44 tapes delivered to the Senate committee as well as to the Justice Department and House investigators this weekend. A Senate investigator said another, apparently more recent, check of the phrase, "DNC fund-raiser," produced "150 hits."

The committee has told the White House it wants the logs on those events and will request at least some of those tapes as well.

Asked about this discovery, Davis said only that "we are currently in the process of looking for other possible taped materials to determine the full universe of what the committee is seeking."

The turning over of the coffee tapes was reported yesterday by Time magazine. In July, Thompson's committee began checking into the possibility of their existence, largely as the result of inquiries by The Washington Post about the activities of the WHCA, a secretive military unit that takes its day-to-day instructions from the White House but gets its annual $122 million budget from the Pentagon.

The agency's audiovisual unit has a staff of more than 100 whose work, as a 1989 White House document described it, "covers all open and a majority of closed events."

White House lawyers agreed at an Aug. 7 meeting with Senate staff members to look into the matter. When they did not respond by mid-August, the Senate counsel in charge of document production, Donald T. Bucklin, made a formal written demand of the White House for all WHCA records.

Within a week, according to a Senate staff member, White House lawyer Alfred Imbroscio reported that the "events [the WHCA] videotaped were all public events, unless at the specific request of one of the principals, the president or the vice president, they were asked to record a closed event. He [Imbroscio] said he was told none of the coffees had been videotaped, but that there was a log of every event that had been videotaped."

Senate demands for the logs and threats to depose the head of the WHCA were met with silence until Imbroscio called last week to report that he had checked the database itself against the word "coffees."

Most of the videotaped coffees were held in the White House Map Room, but one took place in the Oval Office.

A tape of the 44 morning coffee segments, shown to reporters at the White House yesterday, showed that some segments lasted only about 3 seconds, but most were three to four minutes. The WHCA crews recorded the president shaking hands and making small talk, then left the room as the meetings got underway.

Gore turned up on one of the videos, a Dec. 15, 1995, coffee. Another, on April 1, 1996, shows Clinton shaking hands with outspoken international oil financier Roger Tamraz and saying, "Good to see you again." The June 18, 1996, session, the only one without sound, shows the president shaking hands with Huang.

Most of the taped coffees were held in the book-lined White House Map Room, but one took place in the Oval Office and another in the Roosevelt Room. The earliest on video was on Aug. 3, 1995, and the last on Aug. 22, 1996.

"These tapes are not inconsistent with what we have previously described to be the purpose of these coffees: to encourage people to support the president and his programs and that included financial support," Davis said.

Thompson's committee also plans to pursue WHCA phone call records, particularly in light of the controversy over Gore's fund-raising calls from the White House, now the subject of a preliminary Justice Department inquiry to determine whether an independent counsel should be appointed.

The committee has been told that WHCA routinely destroys its records of Clinton's and Gore's calls after 60 days, but wants to make sure. Investigators have DNC "call sheets" urging Clinton to make calls for campaign cash, but are still seeking evidence that he did so.

Staff writer Michael A. Fletcher contributed to this report.

EXHIBIT
SS-7

Date: 31-Jul-1995

RESIDENCE EVENT TASK SHEET

Type of Event: COFFEE
Group: RE-ELECT
Date: 03-Aug-1995 Time: 8:30am to: 10:00am Guests: 18 Dress: BUSINESS
Site: MAP ROOM Rain Site:
Principals: THE PRESIDENT
from: 9:00am to: 10:00am Remarks: Yes No * Time:
Receiving Line: Yes No * Time: Site:

USHERS' OFFICE: #Chairs: 18 Tables: 1 TABLE Platform: NO
Serving Time: 8:30AM Location:
Coat Check: Yes No *
Food/Beverage: COFFEE, JUICE, PASTRIES

TOUR OFFICERS: Entry Gate: NORTH WEST GATE Exit: SAME
Parking: Yes No Location:
Comments: GUESTS WILL PROCEED TO THE WEST LOBBY FROMTEH NW GATE

CALLIGRAPHERS: Place Cards: Yes * No Handouts: Yes No *
Other:

WHITE HOUSE PHOTO: Yes * No Time: 9:00am General Edit: Yes * No

MILITARY OFFICE: Social Aides: 0 Carriage Call: Yes No *
Door Openers: Yes No * Honors: Yes No *
Type of Music Site Time

WHCA: Podium: Yes No * Type: Location:
Announcer Mike: Yes No * Other Mikes: Yes No
Site:
Recording: Yes No * Other Requirements:

PRESS: Yes No * Details:
WH Television: Yes No *

SPECIAL INSTRUCTIONS:

GUESTS WILL ENTER THROUGH THE NORTH WEST GATE AND PROCEED TO THE WEST LOBBY - - GUESTS THEN WILL BE ESCORTED TO THE MAP ROOM

Social Office Contact: T. LABRECQUE Phone: x7136 Fax: x
White House Staff Contact: ANN STOCK Phone: x Fax: x
Group contact: DOUG SOSNIK Phone: ( ) - Fax: ( ) -

Reimbursable: Yes * No Bill: TERRY MCAULIFFE
CLINTON/GORE 96

EOP 023953

EXHIBIT
SS-8

Date: *01-Sep-1995*

RESIDENCE EVENT TASK SHEET

Type of Event: *COFFEE*
Group: *DNC*
Date: *07-Sep-1995* Time: *8:30am to: 10:00am* Guests: *18* Dress: *BUSINESS*
Site: *MAP ROOM* Rain Site:
Principals: *THE PRESIDENT, THE VICE PRESIDENT (T)*
from: *9:00am* to: *10:00am* Remarks: *Yes* *No* * Time:
Receiving Line: *Yes* *No* * Time: Site:

USHERS' OFFICE: #Chairs: *18* Tables: *1 LARGE TABLE* Platform:
Serving Time: *8:30AM* Location:
Coat Check: *Yes* *No* *
Food/Beverage: *COFFEE, OJ, PASTRIES*

TOUR OFFICERS: Entry Gate: *NORTH WEST GATE* Exit: *SAME*
Parking: *Yes* *No* * Location:
Comments: *GUESTS ENTER NW GATE AND PROCEED TO MAP ROOM*

CALLIGRAPHERS: Place Cards: *Yes* * *No* Handouts: *Yes* *No* *
Other:

WHITE HOUSE PHOTO: *Yes* * *No* Time: *9:00am* General Edit: *Yes* * *No*

MILITARY OFFICE: Social Aides: *0* Carriage Call: *Yes* *No* *
Door Openers: *Yes* *No* * Honors: *Yes* *No* *
Type of Music Site Time

WHCA: Podium: *Yes* *No* * Type: Location:
Announcer Mike: *Yes* *No* * Other Mikes: *Yes* *No*
Site:
Recording: *Yes* *No* * Other Requirements:

PRESS: *Yes* *No* * Details:
WH Television: *Yes* *No* *

SPECIAL INSTRUCTIONS:

Social Office Contact: *TRACY LABRECQUE* Phone: *x7136* Fax: *x*
White House Staff Contact: *A. STOCK* Phone: *x* Fax: *x*
Group contact: *D. SOSNIK* Phone: ( ) - Fax: ( ) -

Reimbursable: *Yes* * *No* Bill: *DEMOCRATIC NATIONAL COMMITTEE*

EOP 023930

EXHIBIT
SS-8A

Date: *13-Sep-1995*

RESIDENCE EVENT TASK SHEET

Type of Event: *COFFEE*
Group: *CLINTON GORE 96'*
Date: *14-Sep-1995* Time: *8:30am to: 10:00am* Guests: *16* Dress: *BUSINESS*
Site: *THE MAP ROOM* Rain Site:
Principals: *THE PRESIDENT*
from: *9:00am* to: *10:00am* Remarks: *Yes No ** Time:
Receiving Line: *Yes No ** Time: Site:

USHERS' OFFICE: #Chairs: *16* Tables: *LRG MAP ROOM TABLE* Platform:
Serving Time: *8:30AM* Location:
Coat Check: *Yes No **
Food/Beverage: *COFFEE, JUICE, PASTRIES*

TOUR OFFICERS: Entry Gate: *NORTH WEST GATE* Exit: *SAME*
Parking: *Yes No ** Location:
Comments: *GUEST ENTER NW GATE & PROCEED TO WEST LOBBY*

CALLIGRAPHERS: Place Cards: *Yes * No* Handouts: *Yes No*
Other:

WHITE HOUSE PHOTO: *Yes * No* Time: *9:00am* General Edit: *Yes * No*

MILITARY OFFICE: Social Aides: *0* Carriage Call: *Yes No **
Door Openers: *Yes No ** Honors: *Yes No **
Type of Music Site Time

WHCA: Podium: *Yes No ** Type: Location:
Announcer Mike: *Yes No ** Other Mikes: *Yes No*
Site:
Recording: *Yes No ** Other Requirements:

PRESS: *Yes No ** Details:
WH Television: *Yes No **

SPECIAL INSTRUCTIONS:
GUESTS ENTER THE NORTH WEST GATE AND PROCEED TO WEST LOBBY TO HOLD
THE GUESTS THEN WILL BE ESCORTED TO THE MAP ROOM

Social Office Contact: *T. LABRECQUE* Phone: *x7136* Fax: *x*
White House Staff Contact: *A. STOCK* Phone: *x7136* Fax: *x*
Group contact: *D. SOSNIK* Phone: ( ) - Fax: ( ) -

Reimbursable: *Yes * No* Bill: *TERRY MCAULIFFE, CLINTON GORE 1996*

EOP 023910

EXHIBIT
SS-8B

[The deposition of Colonel Joseph Simmons follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: COLONEL JOSEPH SIMMONS

SATURDAY, OCTOBER 18, 1997

The deposition in the above matter was held in Room 2303, Rayburn House Office Building, commencing at 10:08 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: James C. Wilson, Senior Investigative Counsel; Miki White, Investigative Counsel; Butch Hodgson, Investigative Counsel; David Bossie, Oversight Coordinator; Barbara Comstock, Chief Investigative Counsel; Andrew McLauhlin, Minority Counsel; and Kristi Remington, Investigative Counsel.

For MR. SIMMONS:

LT. COL. JOHN SPARKS, ESQ.
Deputy Legal Advisor
National Security Council
Washington, D.C.

Mr. WILSON. Good morning, Colonel Simmons. On behalf of the members of the Committee on Government Reform and Oversight, I thank you and appreciate you being here today. This proceeding is known as a deposition. The persons transcribing the proceedings are House reporters and notary publics, and I will now request that the reporter place you under oath, please.

THEREUPON, COLONEL JOSEPH SIMMONS, a witness, was called for examination by Counsel, and after having been first duly sworn, was examined and testified as follows:

Mr. WILSON. For the record, I would like to note those present at the beginning of this deposition. My name is Jim Wilson. I am a Senior Majority Counsel for the committee. I am accompanied today by Miki White and Butch Hodgson. Appearing on behalf of the Minority is Andrew McLaughlin. The deponent, Colonel Simmons, is represented by John Sparks.

Although this proceeding is being held in a somewhat informal atmosphere, because you have been placed under oath, your testimony here today has the same force and effect as if you were testifying before the committee or in a courtroom. If I ask you about conversations you have had in the past and you are unable to recall the exact words used in that conversation or conversations, you may state that you are unable to recall those exact words and then give me the gist or substance of any such conversation to the best of your recollection.

If you recall only part of a conversation or only part of an event, please give me your best recollection of those conversations or events. If I ask you whether you have any information about a particular subject and you have overheard other persons conversing with each other about that subject or have seen correspondence or documentation about that subject, please tell me that you do have such information and indicate the source from which you have derived such knowledge.

Before I begin the questioning, I want to give you some brief background about the investigation and your appearance here. Pursuant to its authority under House rules X and XI of the House of Representatives, the committee has engaged in a wide-ranging review of the possible political fund-raising improprieties and possible violations of law.

Pages 2 through 4 of House Report 105–139 summarize the investigation as of June 19, 1997, and describe new matters which have arisen in the course of the investigation. Pages 4 through 11 of the report explain the background of the investigation. All questions related either directly or indirectly to these issues are questions which have a tendency to make the existence of any pertinent fact more or less probable than it would be without the evidence are proper.

Pursuant to the committee's rules, you are allowed to have an attorney present to advise you of your rights. Any objection raised during the course of the deposition

shall be stated for the record. If the witness is instructed not to answer a question or otherwise refuses to answer a question, Minority and Majority counsel will confer to determine whether the objection is proper. If Majority and Minority counsel agree that the question is proper, the witness will be asked to answer the question.

If an objection is not withdrawn, the Chairman or a Member designated by the Chairman may decide whether the objection is proper. No later than 5 days after your testimony is transcribed and you have been notified that your transcript is available, you may submit suggested changes to the Chairman. We have generally been able to turn the transcripts around fairly quickly and you will be notified, presumably at the beginning of the week about the transcript and we will make arrangements for a review of the transcript at that time.

The committee staff may make any typographical or technical changes requested by you. Substantive changes must be accompanied by a letter requesting the change or changes and a statement of reasons for the proposed change. A letter requesting substantive changes or modifications or clarifications must be signed by the deponent. Any substantive changes shall be included as an appendix to the transcript, conditioned upon your signing of the transcript. Do you understand everything we have gone over so far?

The WITNESS. Yes, I do.

Mr. WILSON. I will be asking you questions concerning the subject matter of our investigation. Do you understand that?

The WITNESS. Yes, I do.

Mr. WILSON. If you don't understand a question, please say so and I will either rephrase or repeat the question. Do you understand that you should tell me if you don't understand my question?

The WITNESS. I do.

Mr. WILSON. The reporter will be taking down everything we say, and will make a written report of the deposition. Therefore, you are asked to please give verbal and audible answers. Do you understand that?

The WITNESS. Yes, I do.

Mr. WILSON. If you can't hear me, which I don't think will be a problem in this small room, please say so and I will repeat the question. Do you understand that?

The WITNESS. Yes, I do.

Mr. WILSON. It is my understanding you are here voluntarily and not as a result of a subpoena; is that correct?

The WITNESS. I have not seen a subpoena.

Mr. WILSON. Do you have any questions about the deposition or these proceedings before we begin?

The WITNESS. No, I do not.

Mr. WILSON. Now is an appropriate time, if anybody has a statement or any type of questions or clarifications, now would be a good time to put those on the record.

Mr. MCLAUGHLIN. I will make my usual comment that pursuant to House Rule XI(2)(k), objections are as to province of the full committee, not merely the Chairman to resolve. Accordingly, any such objections are appealed to the full committee. That is my only comment. Thank you.

EXAMINATION BY MR. WILSON:

Question. Colonel Simmons, could you please state your full name for the record?

Answer. My name is Joseph Jacob Simmons, IV.

Question. What is your current position?

Answer. I am the Commander of the White House Communications Agency.

Question. And what is your current rank in the Armed Forces?

Answer. I am a colonel in the United States Army.

Question. If you could, just provide a very brief professional history over the course of the last 10 years.

Lieutenant Colonel SPARKS. It might make more sense to just give a brief capsulated history beginning from the end.

EXAMINATION BY MR. WILSON:

Question. Yes, if you could.

Answer. I went back to 1987 and I drew a blank. Well, I enlisted in the Army in October of 1969. I had entered it on delayed entry program, which started in September, but everything correlates to the day you get paid and that was October, so I went to basic training at Fort Leonard Wood, Missouri, and, also, advanced individual training at Fort Leonard Wood, Missouri, and this was the height of sort of the Vietnam era, and after 8 weeks of basic training and 8 weeks of AIT, I felt that there was a little bit more to it than going over Vietnam right away, so I decided

I would apply for officer candidate school, and I was accepted. And I went to the officer candidate program at Fort Benning, and when I arrived there, they were deciding to reduce the number of officers.

I guess the Army had been commissioning 19,230 every year, and so they offered me an option to revert back to my enlisted rank and be assigned anywhere or go to this program. And I highlight this program because it was unique. Usually, when you went to officer candidate school, it was 24 weeks, and you wouldn't make it, but this one they decided that they were going to use us as an experimental group and they recruited TAC officers from various locations, and there were 288 of us and only 88 were commissioned. They washed out 230.

It was very rigorous physically and academically. I finished in the top ten of my class, and I could have been an infantry officer, but I was able to select Signal Corp, so I have been in the Signal Corp. And after I was commissioned, I was assigned to the Washington area at Fort Belvoir. And subsequent to that assignment, I went overseas to Germany.

I have had a total of 4 years—four tours overseas, in Europe, in 11 years. I have been a platoon leader, a company commander, operations officer, and battalion XO, battalion commander, and brigade commander. I have attended commander all staff college and also the senior service college, Army War College at Carlisle barracks.

When I was wasn't in Europe, in the field, I was back here either attending school, military school or graduate school. I have a Masters Degree in computer science, and I have been assigned on various staffs. I have worked in the Defense Communications Agency, which is now the Defense Information Systems Agency, DISA, and I have worked at the Defense Intelligence Agency as a computer systems analyst, and those are basically the tours that I have had here.

I was selected, nominated for this command by the Army. There were five Army officers and three Air Force officers, and we went through an interview process, and after that I was selected to command in October of 1994.

Question. What is the current title of your position?

Answer. The current title is Commander of the White House Communications Agency.

Question. And you just referred to your current command, that is the one you went to in October of '94?

Answer. That is correct.

Question. Okay. Other than your attorney, who have you discussed this deposition with, if anybody?

Answer. My deposition?

Question. Yes.

Answer. Just my attorney.

Question. Have you had any discussions with Senate or House of Representatives staff prior to appearing here today?

Answer. Yes, I have.

Question. Who have you had discussions with?

Answer. I believe it was—they were staffers at Representative—Senator Thompson's committee, Senate Governmental Affairs Committee.

Lieutenant Colonel SPARKS. To make it clear, discussions or previous depositions?

EXAMINATION BY MR. WILSON:

Question. I was about to ask. Have you been deposed by the Senate committee?

Answer. I was deposed at that time.

Question. If you could, I don't want to sort of dissect this with too fine a scalpel right now, but if you could please just give me a brief overview of—and I will refer to White House Communications by its acronym, WHCA, if you could provide a brief overview of the size and duties of WHCA.

Answer. Okay. The White House Communications Agency is a joint agency. All five services are represented. When I say that, including the Coast Guard. It consists right now of 853 people. Our mission is to provide telecommunications support, and we further define information systems, services technology, which is very comprehensive, to the President, Vice President, National Security Council, Senior White House staff and the Secret Service, and others, as deemed related by the White House Military Office.

Question. How many individuals work in the Audio Visual Unit?

Answer. I don't know the exact number. I couldn't tell you right now. I would say roughly 80 some personnel.

Question. And where is the location, or locations, of Audio Visual Unit or functions?

Answer. They have a location in the Old Executive Office Building, Room 85, and, also, at my headquarters, which is Anacostia Naval Station, Building 399.

Question. Where is your office located?

Answer. I have two offices, one in the Old Executive Office Building, Room 592, and then my main office, I will say, is over in Building 399 at the headquarters.

Question. Who works on a regular basis at the office, your office in the Old Executive Office Building?

Answer. Mr. Steve Smith does. He is Chief of Operations.

Question. Is Mr. Smith a civilian?

Answer. Yes, he is a GS–15.

Question. Do the two of you share a single office?

Answer. No. In 592, I have an office that is there, that is reserved for me. I have meetings that I have to attend and it gives me a place to hold those meetings when I come to what we call the 18-acre complex. I never really counted it or measured it and I don't know if it is 18 acres, but that is what it is known by.

Question. Where is Mr. Smith located?

Answer. Mr. Smith's office is in the same room area, but he has a separate office.

Question. Do any other individuals use that office on a regular basis?

Answer. Right now, yes, I have what we call a Director of the Customer Support, Lieutenant Colonel Tom Carr, C-A-R-R.

Question. And what is his function?

Answer. He is in charge of our customer service director. In other words, he is the one that monitors customer service support and obtains feedback for us about how we are doing our job. It is a brand new director.

Question. How long has he been in that position?

Answer. As of August of this year.

Question. As of August of 1997?

Answer. 1997.

Question. Was there anybody fulfilling the function that Mr. Carr now fills or a similar function prior to his coming on in August of '97?

Answer. Yes, I had an office downstairs on the fourth floor of the Old Executive Office Building that is a customer service area and we decided to formalize it and make it a directorate, because we believed it was key to us improving the service that we provide.

Question. And if you could just give me a little bit of background on what you mean when you say customer service, please?

Answer. Well, we provide information technology services to the people that I delineated before, so we are in the service business, and so we have tried to adopt some of a business approach and apply it to a military hierarchy. We are still predominately a military organization. I have six civilians assigned in my organization of those 853. But we have initiated this redesign effort in order to improve our service, and we felt that one of the things that was missing was how we were doing, and we needed to gain feedback from the people that we provide services to, and it is just a matter of trying to improve our efficiency and processes, which I think, and believe, are very important, especially with the way, as dynamic as technology is today.

Question. You mentioned that there are six civilians assigned?

Answer. Yes.

Question. Who are the six civilians?

Answer. All right. Mr. Steve Smith is one of them. He is a GS–15. Mrs. Carla Hawkins, she is the head of the Resource and Management Directorate. She is a GS–15. Doctor—I will just put J as his initial, Suarez, S-U-A-R-E-Z. He is head of our Quality Management Directorate. He is a GS–14. Mr. Julian J-U-L-I-A-N, Gitlin, G-I-T-L-I-N. He is a GS–14. He is an electrical engineer. Mr. Dave Ruble, R-U-B-L-E, he is a GS–13, and I have got one more. And Mr. Alan Hynes, H-Y-N-E-S, he is a GS–15.

Question. And where are those individuals located? You don't need to be specific in terms of office, but just, you know, in the White House complex or somewhere else?

Answer. Okay. Mr. Smith has two offices, just like myself; one in the Old Executive Office Building and also one in Building 399. Miss Hawkins is in Building 399 at the Naval Station—Anacostia Naval Station, and Mr. Ruble, Mr. Gitlin, and Mr. Hynes, and Suarez are also there. They are located in Building 399.

Question. Who supervises the civilian employees?

Answer. My deputy commander will supervise some. I have a chart with me, which I can show you, which would probably be a little bit better.

Question. Actually, that might be very helpful and cut through my questions. Do you by any chance have a separate copy for Minority counsel?

Answer. I certainly do.

Question. Thank you very much. If I may have this, I will mark this as an exhibit and we will put it in the record. The chart is marked as JS–1.

[Simmons Deposition Exhibit No. JS–1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 984.]

The WITNESS. As I stated, you see that Mr. Smith is in our Executive Office. He is the Chief of Operations. Okay. Miss Hawkins, she is the Resource and Management Directorate. My Deputy/Chief of Staff is Colonel Campbell. Under the old organization, he was a deputy commander and I still think he should be because when I travel—when the President travels, one of the two of us always has to be with him so we sort of have a co-relationship. But in this new organization, we defined it as also a Chief of Staff so it is a Deputy/Chief of Staff.

Mr. MCLAUGHLIN. That is the same person as Chief of Staff, that is also the Deputy box.

The WITNESS. Yes, and that is Colonel Ken Campbell. He is in the United States Air Force. He is a full colonel. As you can see, the line that goes alongside here, these are my input directorates and these are all the skills and services that I provide. I have also on the other side my output directorates, as far as the taskings and requirements that I receive and then you will see my customer service report that provides me feedback.

The input directorates—so Colonel Campbell would supervise Ms. Hawkins, who is head of the Resource Management Directorate and he would also supervise the Program Management Director, which is Mr. Alan Hynes. The remaining people are all military in the organization.

EXAMINATION BY MR. WILSON:

Question. In terms of the civilian employees, who was responsible for hiring them?

Answer. I am responsible for hiring them. I have to go thorough—in conjunction with DISA, see, as far as personnel and management and manpower, I have to do that and that is the Defense Information Systems Agency. They give me the authorization, but I go through the competition phase and so forth and the interviews and then I decide. I have a panel convene and they make recommendations to me, I will say that, and then I am the one that has the final call.

Question. With respect to Mr. Steven Smith, how was he hired?

Answer. He had to compete for the job. He had worked in the agency roughly 8 years. He was a Chief Warrant Officer, United States Army, had a breadth of experience, worked mainly in operations in the Operations Directorate, with the agency, so he was—he competed and we had to submit it through DISA and the competition and his name came back when he decided to retire, and he was selected.

Question. Would you characterize WHCA as an entirely apolitical organization?

Answer. Absolutely.

Question. Were any of the individuals now employed by WHCA—would you characterize any of them as political appointees?

Answer. None of the WHCA people were political appointees.

Question. Okay. As part of the hiring process, is the political affiliation of any of the individuals—the civilian individuals hired, was that ever determined?

Answer. We asked the question, and I will say that of the military, when we assessed people and interviewed them for a position in our organization, and we asked them—it is very important to us because regardless of who is in administration, we feel that we have to do our job, and so that is a question that we asked the military. I have not sat on the board, you know. I usually get the recommendation. I have not sat on a board that has convened and when we hired a civilian and know if that is one of the questions that was asked.

Question. When you came to your current position in August of 1994——

Answer. It was October.

Question. October, I apologize.

Question. Did you interview with any nonmilitary personnel?

Answer. Yes.

Question. And who was involved in the process, the nonmilitary personnel?

Answer. It was the Director of the White House Military Office.

Question. And who is that?

Answer. At that time, it was Mr. Al Maldon, M-A-L-D-O-N.

Question. And was he the only nonmilitary individual involved in the process of bringing you to the position you now hold in October of 1994?

Answer. Yes, sir.

Question. Did you receive any recommendations for your position, for the current position?

Answer. I received recommendations from military members, I also know that I received recommendations from one—one recommendation I know outside was a Mr. Leroy Borden, who heads the White House Transportation Agency.

Question. Is Mr. Borden military personnel?

Answer. He is a retired military. He is a civilian right now.

Question. I just wanted to go into a little bit more of the sort of logistical aspects where you are located and where the offices are. You already told me where your offices are.

Question. Does Mr. Alan Sullivan have an office in the Old Executive Office Building?

Answer. No, sir.

Question. What is Mr. Sullivan's title or position currently?

Answer. He is the Director of the White House Military Office, and I sort of confused the terms because I know he is not an assistant to the President, but I believe he is Deputy Assistant to the President, and Director of the White House Military Office is his full title.

Question. And how would you characterize his relationship with WHCA?

Answer. He provides operational oversight of my agency.

Question. I'm just trying to get a sense of the chain of command.

Answer. Sure.

Question. You have provided for us Exhibit JS–1, which gives us a very, I think, clear indication of where everybody fits into the WHCA picture. If you could, just give us a brief overview of the overall chain of command of people that have relationships with WHCA that are outside of the chart that you have provided for us this morning.

Answer. Right. Okay. I have what you call a dual chain of command. I have an operational chain of command and the head of that is Mr. Alan Sullivan. He provides operational oversight, and through that chain of command, is where I receive my taskings.

Now, not every tasking comes through his office, and that is why we use the term "oversight". Mr. Sullivan and I converse numerous times over the course of the day, so I am in almost daily contact with him. My missions are generated from the Travel and Scheduling Office and they interface with my organization, and there are functions—missions that will evolve that Mr. Sullivan will be aware of because I am just one part of a huge organization of the White House Military Office. That is the operational side.

The administrative oversight is a Department of Defense chain, and the first one in that chain is the Director of the Defense Systems Agency and that is Lieutenant General Dave Kelley, K-E-L-L-E-Y and then he reports to Assistant Secretary of Defense for Command Control Communications and Intelligence.

Question. Just focusing for a moment on the operational side of the organization, to whom does Mr. Sullivan report?

Answer. He reports to the Director of Management and Administration.

Question. And——

Answer. Who is an assistant to the President.

Question. Who is that individual?

Answer. Right now it is Ms. Virginia Apuzzo, A-P-U-Z-Z-O.

Question. And has she been in that position for the past year?

Answer. No, sir.

Question. Who was in the position before her?

Answer. Ms. Jodie Torkelson, T-O-R-K-E-L-S-O-N.

Question. When did Ms. Torkelson leave that position?

Answer. She left August—I guess it would be 30 July, 31 July, of 1997.

Question. Okay. Now, you mentioned that you have many, many conversations with Mr. Sullivan. Who else works with Mr. Sullivan that you have regular contact with?

Answer. His Chief of Staff, which now is a Colonel Tim Milbrath, M-I-L-B-R-A-T-H, and I also work with a lieutenant colonel of the Marine Corp, Greg Raths, R-A-T-H-S, and I also interface with a Ms. Danny, D-A-N-N-Y, Donnelly, D-O-N-N-E-L-L-Y. That is Mr. Sullivan's executive assistant or secretary.

Question. Just going back for a moment to Mr. Smith, who is Chief of Operations, why was that position created?

Answer. The position has always existed—it was created because we believed that in order for us to redesign or transform ourselves from an organization that would be ready for the changes in the 21st Century that he should be the Chief of Operations and have oversight of what we call the output directorates, and the lines of

communication were not clearly defined under the old organization, and there was not what I thought was sufficient dialogue among the units, and, now with the dynamic change that technology is undergoing, and especially in the field of information systems, all systems are integrated and we decided that this has been the result of a 2-year project, and decided that this organization would be the one that would best suit us, and that we could also adapt it to the military hierarchy.

So he is in charge of outputs, and then my Chief of Staff or Deputy is in charge of inputs, and it is sort of a cleaner situation. We had about 16 entities once before and we condensed them, so we are trying to become more efficient.

Mr. WILSON. Just to change the subject entirely. Just so you know, Ms. Barbara Comstock has just entered the room, she is with the Majority staff, for the record.

EXAMINATION BY MR. WILSON:

Question. Who else do you meet with or speak with within the White House in order to perform your job?

Answer. I don't really understand that question.

Question. It is a pretty broad question.

Answer. I speak to everybody I see.

Question. You mentioned a number of people. I mean, if you can characterize on a regular basis people that you interact with within the White House complex in order to perform your job, and I am leaving aside a one-shot phone call to ask somebody a question, but are there other individuals that you have a regular professional relationship with within the White House complex?

Answer. As the commander, I occasionally talk to other members of the staff. I would talk to the director or management administration, as needed. I will also talk to the head of the Office of Administration, who is Mr. Mike Malone, as needed, but my main interface with the White House is through Mr. Sullivan. Now, I don't want to give you the impression that I don't know other people, but as far as really discussing anything that relates to my mission, those are the people that I talk to, but mainly it is Mr. Sullivan and his staff.

Question. Who from among the White House staff actually provides tasking or directives to WHCA?

Answer. The Scheduling in Advance Office. That is where the taskings and directorates come and they come to, even under the old organization, the travel support director, which is headed by Lieutanant Colonel Nate Smith. The taskings are involved from there, you know, the President has a schedule and so forth.

Now, there are also routine taskings that occur that are a little bit different. Now taskings, as far as missions have pertained, have taken us out of town, and keeping us—and then tasks that relate to just things that happen on the 18-acre complex and then taskings that relate to in-town missions, all have a little different spin.

Question. In the White House scheduling staff, is there an individual that is designated as the liaison with WHCA?

Answer. In the scheduling.

Question. Yes, and I am just trying to get at who is most often or usually is——

Answer. Dan Rosenthal.

Question. Okay. And are there other individuals on the White House staff that are sort of designated as the people that deal with WHCA?

Answer. I guess I don't really understand the question.

Question. Just as with the individual you just identified, are there other individuals in other offices who have, as their primary function—or as one of their functions, the relationship in dealing with WHCA?

Answer. There is an element of the national security element that we deal with, right now it is Captain Kevin Kosgriff. I have an element that resides in the National Security Council's Situation Room, an eight-person element there, and they interface with the National Security Council. I have an Audio Visual Unit, what we call Event Productions, that interfaces with various members of the staff. It could be the White House Press Office. It could be the President's Aide, Steven Goodin. It could be head of Social, Sara Farnsworth. That is how a lot of the taskings for the audio visual, as it relates to an event that occurs on the White House complex, come in.

Question. Sort of breaking that down, and sort of looking at two separate elements there. With Mr. Goodin, Steven Goodin, what is his relationship with WHCA?

Answer. Well, he knows my camera crew. That is how he interfaces with them, and when we travel, I interface with him regularly, because there are certain things that he will bring to my attention that need to be done or that he would like, et cetera, telephone calls, and maybe the President will want to speak to a group of

people, conference a call or he has a list of calls he wants to be made, special requests.

Question. And I will get into this a little bit later, but does Mr. Goodin exercise supervisory authority over camera crews?

Answer. I don't understand, when you say supervisory.

Question. Can he make them start or stop or leave a room?

Answer. Yes.

Question. Is he the only individual that exercises that type of authority or are there other people on the White House staff?

Answer. I am told that there are others.

Question. Do you know who those are?

Answer. I have been told by my camera crew that Sara Farnsworth will.

Question. I probably will return to this later, but while we are going down this direction, in terms of a camera crew that is going to—that had been tasked to record footage of a certain event, what type of written or verbal tasking do such camera crews usually get?

Answer. There is a planning document, I understand, that I have seen, that is generated from the Social Director's Office, and Sara Farnsworth, and usually it lists an event, the time, and there is a portion of it that relates to WHCA, whether a podium is required, camera crew.

Question. And just so that we all can get a sense of how this works, if a crew is requested to record a certain event or certain events, and they have a written tasking of some sort, how fluid or how concrete is it for them to actually record what their tasking is? What I am trying to get at is it seems like there is an override here and just from an employment perspective, if you were a videographer and you were trying to make a recording of something, you have been asked to do that, you wouldn't want naturally to respond to 50 different people telling you to do your job in a different way. I mean, how would you characterize the relationship between the camera people and White House staff, if you can do that?

Answer. That would be very difficult to characterize because I am not a member of the camera crew. I can only tell you what I have observed on trips, and I know that Steve Goodin will say I need you to do this and he will talk to the camera crew. If I am there, he will say something to me, but the relationship is such that things are so fluid and he knows that I am concerned about other things on a trip, that he will direct the camera crew to come in and film an event.

Question. How are the camera crews organized? Are there certain sort of crew leaders, who are in charge of groups?

Answer. Yes. Well, there is one person that is in charge of the camera crew and that is Chief Petty Officer McGrath.

Question. Have you ever received any complaints from any of the—Chief Petty Officer McGrath or any other camera crew operators regarding overriding of what they regard as their mission?

Answer. Well, to answer your question, no, they have never complained. They enjoy, and I will say that, it is a very tough job. It is demanding because it's so fluid. The mission that they have is that the camera crew sees the President as the Commander in Chief, and Head of State and Chief executive, and so President Clinton is always President Clinton. So any time that he speaks, if the event is an open event, they are there to record it, there are other people there to record it, and when I say open press event, they usually align themselves with the press. You will see them mixed in with our press and they will perform their mission. And when he is speaking, they will tape, videotape his portion and maybe a few pieces of others, but primarily focusing on the President.

Most of the tapes will probably be focused on the President because they are supposed to record his activities and eventually these activities are archived. Then there are other events, closed events, of which the press is not allowed, I will say, and they will be directed by Mr. Steven Goodin or Sara Farnsworth to come in and record those events.

Question. And in terms of the closed event, have you ever received any feedback from any of the camera crew leaders or operators or any complaints about not being able to record more than they have been recording?

Answer. No.

Question. Just very briefly, you mentioned that there is a relationship with the National Security Council. If you could provide an overview of the relationship between WHCA and the National Security Council?

Answer. Well, we have an element that works in the Situation Room that is responsible for the communications for the National Security Council, ensuring that it can speak to other agencies as required. There are certain elements of that, that if I talk about it any further, we would get into classified.

Question. And I certainly don't want to get into that.

Answer. Mainly their function is they interface with the National Security Council, when the President travels overseas. I have an office that is set up for the National Security Advisor, Mr. Berger, and so forth so he can conduct his business. When we are traveling inside the continental area, a lot of the message traffic from the White House will come from the Situation Room, which is in the National Security Council and it usually relates to foreign policy and various other issues.

Question. Does National Security Council staff ever interact with WHCA staff relating to just the everyday filming of open and closed events involving the President?

Answer. They are not involved in that portion at all.

Question. Have they ever reviewed any of the material that—and I am trying to segregate material that is prepared just for NSC purposes from other material. Has NSC ever reviewed material that has been prepared by WHCA?

Answer. Before any of the—I guess if I can have a little more clarification. We deal with message traffic that is given to us from the Council, so we ensure that it gets to the right person.

Question. Right, and that I want to stay far away from.

Mr. MCLAUGHLIN. Do you mean the Audio Visual Unit specifically?

Mr. WILSON. No, I don't. I am trying to be a little bit clearer on that.

EXAMINATION BY MR. WILSON:

Question. Have you ever had a situation where NSC personnel have come to you and said we want to come back and review tapes or materials that involve the President being filmed in either open or closed setting?

Answer. No.

Question. And, again, your answer is inclusive and includes all of this, just to try to finish this line entirely. With the recent controversy over the coffee tapes, was there any NSC involvement to go back and review any of the materials that ultimately have been turned over to the media and congressional committees and the Department of Justice investigators?

Answer. I will tell you that no one contacted me about that. And I am fairly confident that that did not occur.

Question. If you could, please just provide an overview of the types of records that WHCA keeps track of?

Answer. Well, we have information, services records that are mainly databases. Okay, we have message tracking in our Comm. Center, we have telephone logs that are made by our switching element, we have databases for audio tapes, databases for videotapes, and we have databases for—I guess when I said information systems, it would be any servers or mainframes that are available that reside in the White House complex.

Question. Now just working through these, the last one is the one I understand the least and it is because of technological incompetence more than anything else. You mentioned servers or mainframes. Do the White House computer systems have some type of interface with WHCA?

Answer. The National Security Council does.

Question. Is it exclusively the National Security Council?

Answer. That is correct. And I do interface with the White House network, information systems network, they call it Oasis. I do have a link there, but I don't have anything to do with their piece. I just interface with it. And that allows people that work in the Old Executive Office Building, like Ms. Apuzzo, to send me a message, an e-mail message if she should desire.

Question. Is it fair to say that is just your linkage to the White House computer system?

Answer. That is correct.

Question. I am trying to determine more about the records.

Answer. Well, records that I keep?

Question. Or that WHCA keeps, not you?

Answer. Well, the records would reside in those information services. The mainframe of a computer. I also have my own mainframe, a CPU, central processing unit, but now as technology improves, you are moving to more of a distributed architecture and that is where you get into the server world. Mainframes are on their way out, you know. They are big, large machines and so forth, and servers are smaller and more robust and can do a lot more things, as far as information systems technology is concerned. So they are servers instead of—in the old days, I would have had a number of mainframe computers in order to set up a local area network.

Now, I can set them up with a server and each one of those servers reside in this network and each one of those servers has a database, so that any e-mail traffic or traffic that is sent over it, I can capture it. And, you know, it's a matter of record.

Question. And what about, for example, e-mail traffic within the White House. If somebody in the White House sent a message to the OEOB, is that the type of information that WHCA would ultimately keep in their record?

Answer. No, because if someone in the White House sent a message, it would reside in the White House information systems side. See, the Office of Administration has its own information systems technology element, so if someone in the White House, say the President, sent a message to the Old Executive Office Building, their system would handle it. I have my own system that interfaces with them, but I don't have—he doesn't have a computer that I put in his office to interface with me.

Question. So is it correct to say, then, that the material that you have, and when I say you, I am using you for the global WHCA, is limited to the communications between the White House and WHCA, that particular service system?

Answer. Yes, sir.

Question. Okay. In terms of audio visual records, what type of records are kept by WHCA?

Answer. Well, they have two databases that I know of; the audio tape database and the videotape database. They also have a record that when they receive a request for their service, they note the time and date and the person who requested it and so forth. That is usually a paper copy that they just fill out so they can say that we have this tasking.

Question. Now, breaking that down for the audio tape component, what types of events, communications, or exchanges are captured in the audio tape record keeping?

Answer. The schedule of events, if you saw the schedule of events for the President, it usually has either an open press event or a closed event. Audio tapes would be present at all open press events, and that is, I would say, when I say all, I can't just say absolutely all of them because there might be a few of them that might not have been present. But I will say normally the trend is for them to be there because when the President speaks, usually we are responsible for the public address system, and any time he speaks, it becomes a matter of record and so we record his remarks, and that is why audio tapes would be there.

Usually, in a closed event, if he speaks and uses a public address system, I also will tape it, but dependent upon the size, if a public address system is not needed, then there will be no audio taping of that event.

Question. And so you have characterized their events such as speeches and public events?

Answer. Yes, sir.

Question. And you have mentioned closed events, and I don't want to characterize these things because I certainly don't know what all of them are, but what, if you can provide sort of a very brief overview, what types of closed events you would record?

Answer. What type of recording?

Question. We are just thinking now of the audio.

Answer. On the audio piece, I believe the best experts are probably my technicians that could probably tell you that.

Question. Do you have any knowledge——

Answer. The only thing that I can tell you, I know there are events that might take place in the Roosevelt Room, a very small crowd, it might be a pool spray where they allow the photographers to come in and go and shoot their pictures, and then they leave, and the podium is set up, and we would record the remarks the President would make and, you know, it could be a ceremony or a recognition of an individual. Various events like that occur in the East Room.

There is usually a larger place, a larger audience and most events in the East Room are open, and I am sure there probably have been some that have been closed, but they are usually open and I think it depends upon the size of the crowd and what the press office decides, whether they want to make it open or closed. They are the ones that determine that.

Question. So is it the press office that ultimately determines whether events will be recorded, at least the audio portion of events will be recorded?

Answer. It is a number of people. I couldn't pin it exclusively on the press office. I know that if the tasking and the scheduling comes down to us and it says that we want you to provide a podium, a public address system, et cetera, then we will record the event, the audio portion of it.

Answer. And who originates that tasking, it just depends. Sara Farnsworth, if we are talking about the 18 acres, the White House, that would happen. On the road

all these events are determined beforehand, and we know exactly when we arrive on location that at this particular event and the podium is needed, a public address system is needed, lights are needed, et cetera.

Question. I suppose that which brings us here today is the release of the coffee videotapes. Do you know whether any of the coffees, Presidential coffees, were ever recorded by audio recording methods?

Answer. No, I do not.

Question. Who would be the person who would know that?

Answer. Probably Staff Sergeant VanKareun, would know about that.

Mr. BALLEN. Staff Sergeant VanKareun, V-A-N-K-A-R-E-U-N. Probably messing up his name. I don't know the spelling of his name.

Mr. WILSON. It will be corrected by the time everything is said and done so nobody will ever know.

The WITNESS. Sorry to do that.

Mr. WILSON. Unless he is a deposition junkie, he may never read this.

Lieutenant Colonel SPARKS. Just so you know, the record should show that I think Ms. Comstock has VanKareun name.

EXAMINATION BY MR. WILSON:

Question. What is Staff Sergeant VanKareun's position?

Answer. He is my NCOIC—and that is noncommissioned officer in charge—of the Event Productions Section, the section that interfaces and gets taskings that relate to the 18 acres complex that require some type of audiovisual support.

Question. Is the command broken down between audiovisual recording and just simply audio recording?

Answer. Yes, there is a camera crew that resides in the command as well as people that—usually the ones—the operators that work public address systems do the audio recording, because we have what you call—maybe you have seen it at rock concerts—a mix board. And they will interface with that mix board with a cassette recorder, and they will put a cassette tape in, and they will queue it with the mike, and they will run tests, and they will record that event. So usually someone that is operating the public address system would do the audio recording.

So any time, in laymen terms, a microphone is required from us, it usually has to have some type of podium with it, and we also provide that, and there will be a mix; it could be a large mix board or a small one. In addition to that will be a cassette recorder, and so any time the President speaks, they will record.

Question. Where are the tapes kept of the recordings?

Answer. They are originally kept in our master control room, and then from there they go to the video archives—I mean, National Archives, I'm sorry.

Question. And to the extent you know, how are they kept track of? How are they logged into the system?

Answer. They have a procedure. They have a computer in the master control room which they log in all their tapes. There is a preset form that they can enter the software that they have. I believe they call it staircase—Stairs. Stairs is the software. And it allows them to enter the event date and usually to describe the event and so forth, and it is categorized in those terms.

Question. Is the recordkeeping of the audiotapes and the audiovisual tapes integrated, or are they separate recordkeeping systems?

Answer. They are separate recordkeeping systems. That is my understanding. I know that we can access the audio database, which we have done in this type process, and pulled up all the tapes over the last 4 years, and so forth.

Question. We will get into this, hopefully in the not too distant future, but we all know now, through either deposition process or the media, that there was interest expressed in the audiovisual tapes and people did searches to find tapes that now have been released to this committee and to the media pertaining to the coffees.

Do you know whether anybody has ever done a search of either the recordkeeping or the tapes themselves, the audiotapes themselves, to determine whether materials in those tapes is responsive to either this committee's subpoena or Senate subpoenas or Department of Justice information requests?

Answer. Sir, I was present when the members from the White House counsel came to master control—that is the area where the audiotaping occurs—and requested the databases for 1993, '94, '95, and '96.

Question. And did they do any searches other than the searches of the recordkeeping? Did people actually listen to tapes?

Answer. Oh yes. Yes. I believe the count is up to 126 audiotapes that we have provided to them.

Question. That you have provided to the White House Counsel's Office?

Answer. That's correct.

Question. Do you know whether any material from those tapes is responsive to subpoenas that this committee or the Senate or the Department of Justice have issued?

Answer. Do I know? I know what I read. I know that my people have turned over 126 audiotapes to the counsel, and I can only assume they were going to either the Department of Justice or one of the committees.

I have not—I know that we have a strict inventory process and we inventoried them and turned over—handed chain of custody to White House counsel for videotapes and audiotapes, and I was involved in the videotaping piece.

Question. Right. But we're talking now of just the audiotapes, not the video?

Answer. Yes, right.

Question. Just going back to the categories and trying to work through this, we have talked about audiovisual tapes and audiotapes. Does WHCA either take or keep photographs, still photographs?

Answer. We do not take pictures. We develop pictures.

Question. I was going to get to that in a minute, but maybe it is best to finish this side of it now. What is WHCA's relationship with civilian photographers?

Answer. We develop the film that members of the White House Photographic Office take.

Question. And why is that?

Answer. We will have to go back in history. Roughly in 1958, the White House Communications Agency started providing photographic support, and then at that time they were military. Since they have evolved, I guess in the 1960's, '63 or '64, I am not sure, but in the early part of the sixties it became a civilian position.

There were various legal counsel reviews, by then the Defense Communications Agency, saying that it was okay for the White House Communications Agency to develop the film taken from those pictures.

Now I am in the Signal Corps, and we probably gave birth to the Air Force and also balloons, et cetera, and photography also used to be one of the things that resided in Signal units.

So in considering that the White House Communications Agency started off as a White House Army Signal detachment and then went to a White House Army Signal agency, I think there is probably a tradition that has been maintained.

So taking pictures wouldn't be out of the norm for us in those days, and developing, so forth. So I think it has just been something that has just gone on through the years.

Question. Are civilian photographers allowed to keep their films, take them away and develop them themselves?

Answer. The White House Photographic Office, to get—I will just tell you what I know. I know that they take pictures and they provide the film to us. The photographers are not a part of WHCA. I hope I——

Question. No; that's specifically what I was getting at.

Answer. We don't do any—we don't take the pictures, but we do the development of the pictures that are taken.

Question. And I was staying away from tourist X who walks in and takes pictures and takes the camera out.

Answer. That's right.

Question. But in terms of civilian professional photographers, they provide their films to WHCA; WHCA develops the films and returns the hard copy of whatever has been taken to the civilian photographer?

Answer. What they do is, they use the term called a contact sheet, which has a number of pictures, and that's what they return back to the White House office and—White House Photographic Office, and they will circle whatever pictures they want developed and so forth.

Question. Is WHCA responsible for providing whatever is wanted from the contact sheets?

Answer. Yes.

Question. If it is determined that they want 27 copies of whatever picture is circled, then WHCA actually does the making of the hard copies of the photographs?

Answer. Yes, sir.

Question. And does WHCA keep the negatives from all photographs?

Answer. Yes, sir.

Question. So the negatives are not actually the property of the civilian photographers?

Answer. No, sir.

Question. How far back does WHCA's keeping of the negatives go?

Answer. I do not know the answer.

Question. If it is longer than 5 or 6 years, then I don't need to know the specifics, but does WHCA keep negatives for the past, say, 5 years?

Answer. I know that we are right now doing photo archiving, and we're trying to photo archive the negatives, because you know that if you keep a negative just in a folder, in a file, as time goes by it will deteriorate or degrade. So now our photo archiving project is to take that negative and to put it on a CD-ROM, so that it will be archived, so that it will last longer and stay for quite a while.

I know that we have records of negatives. I do not know how far back they go, but I know that they—I have been there since '94, so '94 through the current are there, and I'm sure that prior to my taking over there is.

But as you know, you would run out of space doing that, and that's why this photo archiving project is significant for us, so that we can archive the negatives and then not have to use all that space.

Question. Where are the negatives now stored?

Answer. They are now stored in my building, 399.

Question. Do you know whether anybody has reviewed negatives for the past—over the course of the last 5 years to determine whether any of the materials contained in the negatives are responsive to the subpoenas from this committee or the Senate or the Department of Justice?

Answer. Yes, sir, I do know that there have been two searches of that database, one initiated by the White House Press Office and one initiated by myself.

Question. When did those searches take place?

Answer. I don't know when the White House Press Office performed theirs. I was informed by my people that they had received requests to send certain contact sheets up and it was in relation to this whole incident. But then I decided I wanted to feel sure that we looked through all the databases, so I had my people in this area search, and it was sort of a duplication of effort, but we did it too.

Question. Do you have an approximate time for the press office inquiry?

Answer. I do not know it right now, sir.

Question. Just in terms of the months?

Answer. Oh, it would have to be—well, I don't want to say that. I don't know exactly when, because the conversation that took place—I went into the photo lab, and I asked them, and they said, sir—and they knew about—you can imagine my agency is saying what's going on, sir?

So I went to talk to them, and they said, well, we've had several requests from the White House Press Office to send contact sheets up, and they have supposedly identified the pictures that they wanted printed, and we would also do that, and we returned them to them.

I do not know the time frame in which those requests were made.

Question. Was it after September 1st?

Answer. I do not know that.

Lieutenant Colonel SPARKS. Can we go off the record for just a minutes.

[Discussion off the record.]

Mr. WILSON. If you could, speaking to the reporter here, could you refresh my recollection by giving me the last question that I asked of Colonel Simmons?

[The reporter read back as requested.]

EXAMINATION BY MR. WILSON:

Question. Staying for a moment with the subject of the photographs, do you know what the recordkeeping system for photographs is?

Answer. No, sir, I'm not familiar with it exactly. I know in general terms that most of our records in our database correlate directly to a date. That's the quickest way to retrieve anything from our databases.

Question. Do you know whether there's any recordkeeping by name of individual for photographs?

Answer. I do not know, sir.

Question. Who would be the individual within the WHCA hierarchy that would know most about the recordkeeping for photographs?

Answer. It would be a Sergeant First Class Santoro, S-A-N-T-O-R-O. He will be glad to give you a tutorial on photography.

Question. Do you know whether WHCA has ever made copies of photographs to provide to either the House of Representatives, the Senate, or Department of Justice pursuant to subpoenas or information requests that have been sent to WHCA?

Answer. I do not know the answer to that question.

Question. Have you ever been asked by the White House to conduct a review of the photographs in your records?

Answer. Yes, I have. And the reason I paused is because that has been a recent occurrence. It was a request made by my boss, Mr. Sullivan, to ensure that as a result of what has happened now, that we ensure that we review all our databases.

And that is what caused me to go down in my photo lab and ask them, did they perform a check on their database, and they said, sir, we were told that the White House Press Office was doing that.

See, whatever data that we have archived, they have the same data up at the White House Press Office. They have visibility of it. So you could do a retrieval on the database from the White House Photographic Office and still do the one downstairs. But I wanted to be sure that we did our part.

Mr. BALLEN. I'm sorry, the press office or the photographic office?

The WITNESS. Photographic office. White House Photographic Office.

EXAMINATION BY MR. WILSON:

Question. Just to pursue that a little bit further, you mentioned that the rolls of film go to WHCA, the rolls of films are developed and produced into a contact sheet format and then sent—and I think I missed this—I think you said this, but where do the contact sheets go after they are produced?

Answer. They are either, if they are not requested or not asked for—and that is why I believe you need to talk to Sergeant First Class Santoro—they are stored in a file cabinet, filing cabinets; I mean a huge area that we have in the photo lab.

Question. And I don't want to be mysterious here, I am certainly not trying to trap anybody, I'm just trying to figure out——

Answer. Sure.

Question [continuing]. What the photographic office would have. It appears that if they didn't request—if somebody took 10 rolls of film from a certain event and there was not a request made by the photographic office, then they would not have any records from those rolls of film?

Answer. The way I understand it, I'm sure there is a process, because everything, every event that my people develop, it correlates to a photographer. They can tell you which photographer took it. So there is some data entered in it.

And I can only speak from what I have observed on trips. I have seen Mr. McNeely or Sharon Farmer or Barb McKinney; I have seen them; they have little pouches that they label when they take the film out of their cameras and put it in, and it has a date and so forth. And all that is turned in.

Somehow there is—I'm sure there is a process, because our people can identify which photographer took it and the date it was taken and so forth.

Question. I realize this is a question you may or may not be able to answer, because it is pretty specific, but if the recordkeeping is primarily by date and not by individual, it seems to me the only way you can determine whether individuals are in photographs is by looking at the photographs.

I am trying to determine whether the White House photography office would have had hard copies or contact sheets or something to actually visually look at and decide whether there's material that is compliant with subpoenas or not.

Answer. Maybe I wasn't clear enough. I know that the date resides with just about everything we do. I will not—I cannot say that it is the only thing that is a part of that record. I'm sure there are other entries there, more than just a date.

Question. This is kind of piling on here. This is my last question on this. But do you know for a fact whether or not the White House photography office has copies of all the material that is in the WHCA archives of photographs?

Answer. I don't know that.

Question. So I have asked you questions about audio recordings, audiovisual recordings, and still photographs. There's a term of art that I have seen that I don't understand; it's called record communications. Do you know what that is?

Answer. Yes, it's usually message traffic of some sort. It is a hard copy of whatever was sent. That is what you called record communications. And usually that starts—that can either be through our communications center or a facsimile machine as a form of record communications.

Question. Now, staying away from sort of dedicated NSC types of communications, because we will not go there, what other types of record communications would WHCA keep on an ongoing basis?

Answer. In my communications center, that would be the main focal point for record communications traffic.

Question. But, again, my question is somewhat akin to the question I asked about e-mails between person A and person B in the White House. If someone were to use a fax machine in the White House and send a fax to somebody in Poughkeepsie,

New York, there is a fax from the White House to Poughkeepsie. Is that something WHCA would keep track of?

Answer. No.

Question. So when you mentioned faxes, what type of faxes were you——

Answer. Facsimile machines that I'm responsible for. There are facsimile machines throughout the White House complex that I do not have that are not part of my architecture.

See, facsimile machines are part of a user-on, user-operated record communications traffic. That is why they were developed, so that you could send a message to anybody you wanted.

I have that capability to fax, because when the President goes to a certain location, if we have all forms of communication, I have a van that follows him that has a facsimile capability, and it can receive fax traffic.

Mr. MCLAUGHLIN. Is that what is known as the Road Runner?

The WITNESS. That is the Road Runner, yes, sir.

EXAMINATION BY MR. WILSON:

Question. Would you characterize these fax transmissions of all sorts? I don't want sort of classified or national security type of faxes, but this is just a fax capability to allow people to send faxes or traffic?

Answer. I have the capability for facsimile for unclassified and classified traffic.

Question. Do you know whether, pursuant to any of the subpoenas or document requests that have come from either the House of Representatives or the Senate or the Department of Justice, whether anybody has reviewed facsimile transmissions to determine whether they were responsive to either House, Senate, or Department of Justice document requests?

Answer. I don't know that. But just let me explain what happens to me. Once I receive the fax traffic, I give it to the person that is identified, and they are the ones that dispose of it. If it is of a classified nature, they will return it back to me after they have read it, in some cases, not in all cases, and if they give it back to my operators, we will shred it immediately.

Question. So what is kept on a permanent basis and what is not kept on a permanent basis?

Answer. We don't keep fax traffic, facsimile traffic. And if you look in the buffer of your facsimile machine, I think it's limited to about 32 or 33 transactions; it depends on the size of your message and so forth. So you're not going to keep anything over the years and months or something like that.

Question. Does WHCA keep track of telephone communications, or does WHCA record any telephone communications going into or coming out of the White House?

Answer. Yes, sir. Those communications that come through——

Lieutenant Colonel SPARKS. Be clear. He asked you if any are recorded.

The WITNESS. Oh, recorded. Okay, could you define "recorded"?

EXAMINATION BY MR. WILSON:

Question. Well, preserving on an ongoing basis the materials within the communications. If somebody made a telephone call into the White House or made a phone call out of the White House, is there something in your records that one could listen to to determine what was said?

Answer. No, I don't do that.

Question. What do you keep?

Answer. I have a log that is maintained, and it only pertains to the President of the United States, and that's if he uses—he elects to make a call and interfaces with my operator and has my operator place the call.

Question. And why would the President do that?

Answer. Because Presidents don't like dialing numbers.

Question. No; I used to work at the Department of Justice, and we had a command center, and a lot of times people didn't like to dial numbers and did the same thing. But in the Department of Justice we had our command center.

My impression, which is seemingly wrong, is that the President would use the White House switchboard or the White House communications capability. So disabuse me of my—am I wrong or?

Answer. No; he uses our switchboard extensively.

Question. And it is a separate switchboard system than the White House switchboard system?

Answer. Yes, it is. Yes, sir.

Question. And is there any method to using one or the other?

Answer. No, sir.

Question. It is just whatever?

Answer. Whatever he feels like doing.

Question. Right, as is appropriate. And the recordkeeping of these usages, what is the recordkeeping?

Answer. There is an entry, when the President wants a call or someone is making a call for the President and the President is going to speak to the party, I have a special assistance operator that answers that line. It has even a certain tone on the board so we know right off that it is the President. And he records the party that he wants to speak to, and the telephone number and the date is also present, and then he processes the call.

Question. And how far back do the records go of these types of communications?

Answer. 60 days.

Question. And what happens after 60 days?

Answer. The most likely—say we had—at October 31st, we would have September and October's log. When November started, we would destroy September's log and so forth. That is the process.

Question. Have you ever received any communications from anybody—I will use "anybody" in the broadest sense—directing you or requesting that you preserve that type of information?

Answer. No, I have not.

Question. Has anybody from White House Counsel's Office ever discussed with you the types of information that are preserved in this log?

Answer. Yes, sir.

Question. And what have been the subjects of their discussions?

Answer. Most recently with the Vice President's office.

Question. And when you say that, are you referring to the issues that are in the media of telephone calls, his using the White House?

Answer. Yes, I am.

Question. Do you recall—and I will use a specific example; this is a good frame of reference. This committee sent a subpoena to the White House for certain types of information in March of 1997. At any time thereafter, did you receive any communications from the White House suggesting that you should not continue destroying the logs that you had kept?

And I realize they would have only gone back for 2 months before that.

Answer. Right. Yes, sir.

Question. But did you ever get any communications or did you ever have any discussions about not destroying the logs that you did have at that time?

Answer. No, sir.

Lieutenant Colonel SPARKS. Let me just say that you need to establish as a predicate whether or not he knows when any of these subpoenas come in, because I don't think that's the case.

EXAMINATION BY MR. WILSON:

Question. Certainly, and I will ask you some questions about that, but I'm just really focusing on whether you got any—I'm not worried whether it is pursuant to a subpoena or whether it is pursuant to somebody's decision just to make an inquiry of you, but just trying to make certain that we have that no inquiries were made of you and no communications were made to you about preserving any materials that would have been contained in the logs of telephone calls.

Answer. No, sir.

Question. That was my question.

Answer. I would say no to that, because the destruction of logs is a matter of policy, and I'm the only one that can change that.

Question. I understand that is policy.

Answer. And I'm saying that is why that issue would come directly to me. Not even my deputy could make that decision.

Question. Just to finish off the discussion of telephone communications, does WHCA keep any ongoing record of telephone communications that come from either Air Force One or Air Force Two?

Answer. No, sir.

Question. Does WHCA keep——

Answer. Now, let me define that. There is an operator on Air Force One, and it depends on the type of plane. On the 747, the largest plane, there is a whole communications suite on the top deck. There are 89th Air Wing operators.

On that plane, the only way you can access communications is to pick the phone up and you will get the operators. Operators intercept on them. There is no direct dialing or anything off of that plane from the passenger side. The President can't

even do that. So they record; when someone picks up the phone, usually they identify themselves and say that: I would like to speak to so-and-so; this is the telephone number. They log that in on a sheet.

And the only reason I know this is because I have to work very closely with them because they interface with my architecture. Any time the President flies, it all comes back to the Washington metropolitan area. I have ground entry points coming off of the satellite system to a ground entry point that is here in the metropolitan area of which I am responsible for. And I spend most of my time, when I'm on Air Force One up there, because, as you can imagine, it is a lot of message traffic, facsimile, messages of all types are coming up, and also communications up and from the plane are ongoing. So I have seen the process.

Now, they destroy those logs immediately after the trip, they being the 89th Airborne.

Mr. MCLAUGHLIN. You have just destroyed one of the premises of the movie "Air Force One." It is really very disappointing to hear that.

EXAMINATION BY MR. WILSON:

Question. Are there—and I am changing subjects entirely here—are there any permanent recording devices in the White House that you know of? And I will start with audio recording devices.

Answer. No, sir.

Question. Are there any visual image recording devices in the White House that are permanently installed that you know of?

Answer. By visual images——

Mr. MCLAUGHLIN. You mean security cameras?

EXAMINATION BY MR. WILSON:

Question. Well, I will get to that, but cameras of any sort, and one subset of that could be a fixed or mounted security camera.

Answer. There are fixed cameras in certain positions that I know of. And I will tell you the two areas that I know of.

In the White House Press Office, there is a camera, so that when anybody makes a statement, it focuses right on the President or whoever is behind the podium; and also in room 450. Now, that is not run by me.

Room 450 in the Old Executive Office Building, there is a camera there, too.

Question. Sounds kind of Orwellian, but what is room 450?

Answer. Well, that's an auditorium, basically, and there will be functions—depending upon the size of the crowd and whatever—held there by the President and Vice President.

Mr. MCLAUGHLIN. That is where the White House has been screening these videotapes that are the subject of these depositions.

EXAMINATION BY MR. WILSON:

Question. So those are the two fixed cameras you are aware of?

Answer. Yes, sir.

Question. You are not aware of any others?

Answer. No, sir.

Question. Who maintains the audiovisual tape from those cameras?

Answer. You will have to—I will have to refer you to GSA for room 450 and the tape for the—I don't know if there's a tape for the one in the press office. That's the one that we had something to do with.

It just helped us out, because what happens is that when there is a press statement from the press lobby, or also there is a cable TV system and it allows us to take that picture and transmit it over a channel on a closed-circuit TV system that has been in existence since 1960 something, and that camera is there—and I know that we had something to do with the history of WHCA putting that camera there so we could always have a picture of the podium, but I don't believe there's a tape.

That is why I am saying you would have to—either Chief Petty Officer McGrath or VanKareun would know. I don't believe it is a tape. I believe it only allows you to just picture; it doesn't film. It is not like a videocamera that you would operate. You can turn it on and you can see who is behind it, in other words. It is more optical than video, is my understanding of it.

Mr. WILSON. If we could go off the record for just a second.

[Brief recess.]

EXAMINATION BY MR. WILSON:

Question. Changing course slightly, I wanted to get into a little bit of discussion on who is doing the recording and who is responsible for the recording.

I have provided Colonel Simmons with a document that has been marked JS–2, and it has a title on the top "Residence Event Task Sheet."

Mr. MCLAUGHLIN. Actually, can we just make sure the copy that is going in the record is the one the witness is actually seeing. So I think the one that you have marked——

Mr. WILSON. That would be fine.

Mr. MCLAUGHLIN. Thanks.

[Simmons Deposition Exhibit No. JS–2 was marked for identification.]

EXAMINATION BY MR. WILSON:

Question. As I stated, this is marked "Residence Event Task Sheet." There are three pages, and there are sheets from three different dates. The first is July 31, 1995; the second is September 1, 1995; and the third is September 13, 1995.

Are these the types of task sheets that WHCA generates, or does WHCA generate these tasks sheets?

Answer. No, sir, we do not generate these task sheets.

Question. Do you know what these are?

Answer. Sir, I have seen them, and I do believe that they come from the social office.

Question. At the time that these were prepared, which is 1995, do you know whether the social office provided copies of these task sheets to WHCA personnel?

Answer. I don't know if these specific sheets were provided, sir. However, during my discussions with my camera crew, they showed me one of these task sheets and said this is usually what they receive from the social office that tells them what event is going to take place and what is required of them.

Question. Focusing your attention on a line that is about two-thirds down the page next to the acronym initials WHCA, there are a number of categories, and one is recording. It has a yes or a no, and the no has an asterisk next to it.

Do you know whether the social office, in advance, would provide directives to WHCA to either record or not record events?

Answer. My understanding in my discussions with my people are that this sheet is a planning document. And by planning, it means it can be deviated from. So that is my understanding.

Question. And bearing in mind this is something that you may not have seen at the time, the three sheets that you have in front of you have indications for no recording, and in fact we have now received materials that indicated there was recording at these particular events.

Mr. MCLAUGHLIN. Of a portion of something prior to the actual event itself, might be a more fair characterization, Mr. Wilson.

Mr. WILSON. I'm focusing on recording yes and recording no.

Mr. MCLAUGHLIN. I would be surprised if you actually had a recording of the event itself after the door was closed, but I think what you are referring to is the tapes that have been produced of the President entering the room and greeting individuals.

Mr. WILSON. Actually, I'm not trying to testify for anybody. I don't know what the witness knows. I was going to ask him questions.

Mr. MCLAUGHLIN. I just wanted the record to be clear.

Mr. WILSON. Well, to clarify the record, are you testifying that you know that there are no tapes of the entire event?

Mr. MCLAUGHLIN. No. You just stated, you testified that there was such a recording, and I wanted to be clear that I don't think that is what you were testifying. And maybe I will phrase this as a question to counsel for purposes of clarifying the record.

Are you referring to a tape of the entire event, or are you referring to the tapes that have been produced to this committee which are videotapes of brief exchanges prior to the coffee events themselves?

Mr. WILSON. No. It's pointless to get into this, but I asked a question about recording, and it says yes or no. And I'm not stating or providing any information whatsoever on the duration of recording.

Mr. MCLAUGHLIN. What you said, Mr. Wilson—and the record will speak for itself, but I believe what you said was, in fact, we know that there are recordings of these events. And I wanted to be clear that what you were referring to is the brief recordings of the President entering the room prior to the closing of the door.

So if that is in fact what you are referring to, you can concur with my qualification of your statement. Otherwise, you can ask the question in a different way.

Mr. WILSON. Well, if we could go back to my original question, if you are able to find that, I'd appreciate that.

[The reporter read back as requested.]

EXAMINATION BY MR. WILSON:

Question. Are you aware of any discussion from this time or subsequent about whether events should be recorded or not recorded related to these types of Residence Event Task Sheets?

What I'm trying to get at here is, did you ever discuss with anybody or do you know of discussions that involve these types of sheets that specified types of recordings and whether there was any feedback on whether events should be recorded or not recorded?

Answer. No, sir.

Question. Who was involved in the taping of White House coffee events?

And I shouldn't interrupt you, but I know that is a question that involves a lot of people.

Lieutenant Colonel SPARKS. Are you asking names?

Mr. WILSON. I am actually asking names. I know these are names, and I don't want to belabor this in trying to recall a lot of names now. If it is possible to provide names for me at a later date, that would be sufficient for right now. I don't want to walk through a lot of names.

The WITNESS. I think that would be better, because it would depend on who was assigned to the camera crew and who is still there, and some people have departed. I can name a few names right now, but I don't know if they were present during these particular events.

Mr. WILSON. Right. Maybe, if we could leave it that you will make an effort in the course of the next week to provide names of individuals involved in taping coffee events.

Lieutenant Colonel SPARKS. Taping coffee events from?

Mr. WILSON. From 1995 to 1996.

EXAMINATION BY MR. WILSON:

Question. Do you know the names of any of the supervisors of the crews that did the taping?

Answer. Well, that's sort of a difficult question to answer, and let me try to explain. If you look at this sheet, you will see where it says "press" and it says "no." Normally, on the President's schedule there would be a piece that would identify, say, close press or open press.

Open press means—usually means a full engagement of my audiovisual people as far as audio recording and video recording, public address system, podium, et cetera. Sometimes flags might be requested, et cetera, and all that.

Now, a closed press event, unless someone from the staff, White House staff, tells them, usually it is broken down into just maybe a video recording. And that is not always the case, and that is why the video crew checks with the staff member to see if they will be required.

When a closed press event like this says "no podium," "no announce mike," that means the President is not announced into the room. We do that. And "no recording," that means there's probably no public address system so there will be no audio recording of it. But there will be a video that has audio capabilities there.

Now, my White House camera crew will check with Steven Goodin or whatever the social office contact is, depending upon the time, and they get a copy of this sheet—at least that is my understanding—and verify if they are needed. And the only reason they have done that is because they have been, I won't say victimized, but they have read the sheet and it said no and then somebody said, "Why weren't you there? We wanted you."

So now they have instituted measures to avert that type of mishap, if you may. So they check with the staff and make sure that, okay, is it you just want the video crew? Or sometimes they might just change and say, we want a microphone or podium capability. So it is a very, very fluid environment.

So this is a planning document. And I believe that when you talk to my technicians, they will tell you that's all it is, and there can be deviations from it.

EXAMINATION BY MR. WILSON:

Question. You mentioned a change in policy based on certain occasions when video operators were not at a particular event and somebody asked them afterwards why weren't you there.

Do you know, was there a time at which that policy was changed?

Answer. No, and I—let me try to clarify that. Things happen on the 18-acre complex. Some things were very, very structured and then other things will just occur; and what will happen is that there will be maybe some ongoing activity that involves foreign policy or a statement that relates to domestic issues, and the President might just decide, I want to make a statement in the Rose Garden—I mean, bam, and so certain parties have to be notified.

And so probably someone on the White House staff, maybe from the press office, maybe from the social office, maybe from Steve Goodin, the presidential aide will call and say we want this to happen now or maybe someone, from scheduling in advance, will call. So there are occurrences that take place on the White House complex that are not really planned and can happen, and so in order for my operators to preclude not being at a place when these type of occurrences, you know, all of a sudden pop up, they have decided to—and it wasn't like just a formal policy, a matter of, if somebody tells you, where were you last time, you learn very quickly that I need to be there or at least check to make sure if I need to be there.

Question. Does WHCA have any material that is considered to be privileged or confidential? And those are terms of art, and I don't want to take a lot of time trying to define the terms of art; but is there any type of material that you know of—and again, I want to stay out of the National Security Council realms, types of things that involve national security issues.

Lieutenant Colonel SPARKS. I was going to say, you used "confidential"——

Mr. WILSON. I knew that is what you were immediately thinking, and I don't want that and I don't want to go there.

EXAMINATION BY MR. WILSON:

Question. But is there anything else that WHCA records that—maybe a better way of thinking of this is, fits into a different category, a category of heightened sensitivity.

Answer. I am trying to understand your question. I can't think of anything that we would record that would be of that nature. You know, we would treat it as a presidential record, which, to me, puts it at a certain level of—and we are very sensitive to that, because we know it has to be archived; and that would be the sensitivity that we would direct to that type of recording.

Question. Now, following from that, are there any types of—or any specific records that you have kept—and those could be audiovisual or simply audio—that in consultation with White House personnel it has been suggested that those materials contained privileged information? For example, if there was a recording of a White House lawyer talking to a White House employee that happened to be captured on a sort of normal video shoot, has that situation ever come up?

Answer. To my knowledge, no, sir.

Question. Has any White House employee suggested to anybody at WHCA that material that has been sought by either the House of Representatives, Senate, Department of Justice investigators, not be turned over because of any type of privilege or confidentiality or special nature of that material?

Answer. Again, to my knowledge, no.

Question. Breaking this down to the two components—actually, three components—we have photo, video and audio. Let's just take video first. Who has access to the video materials that have been recorded?

Answer. Who has access? I am trying to understand your question.

Question. For example, if I were to locate your office and knock on the door, and say, I'm here; I want to look at the tapes, would I be allowed that?

Answer. No.

Question. How could I be allowed to see the tapes, if there is a way?

Answer. First, if you went to the area, you would have to go to Room 85, event productions, and if you asked for the tape, they would ask you to identify yourself because the people that they deal with, they know—they have developed a relationship where they know who they are; and if someone shows up that they do not know, they ask them questions, and they take their requests—we always try to be courteous—and then we tell them that they need to direct their inquiry to the White House Military Office.

And usually about the course of that time, I will get a phone call or Mr. Smith will get a phone call—probably Mr. Smith, since he is my chief of operations—say-

ing that a person is asking for a tape. That is something that is usually out of the norm, and we are very sensitive, because we treat anything that we record as a presidential record, and we are reluctant to give it to anyone unless someone provides us some type of authentication.

Question. Is there a statutory or regulatory bar on people viewing the videos?

Answer. The only reason I say that, I have not found it, and I have really tried to—I have even consulted with the other services, audiovisual elements; and the other services, I mean the Army, the Navy, and the Air Force. We have not found that statute as regards video per se, other than when it becomes, you know, a presidential record under the Presidential Records Act, you know, there is something there.

But I have not—I guess when you—I believe that when you are in WHCA and we try to espouse this, that we have a very sensitive job as relates to the support that we provide, it is not something that we just broadcast to the world because they do not have a need to know. That is why we go to a very—a demanding security screening process.

It takes either 6 to 9 months, and even if you have a Top Secret Compartmented clearance, that doesn't give you access to WHCA, you have to have what they call a Yankee White clearance that is unique to presidential support. And so our people, if anything, are very guarded in any type of information that they provide.

Now, if a Steven Goodin called and said he wanted to see it—most likely, if a Harold Ickes called up and said he wanted it, he could probably see it too, absolutely. That is what I am saying, those are the types of people they would respond to. They know they are senior staff people and they would do it.

But I would, in turn, or Mr. Smith would be notified, because when someone asks to retrieve a record, we are usually informed, because that is just not the norm unless, you know—usually when they ask for it, they state the purpose of it; and so I guess you would have to build me a scenario who was asking and what was the reason, what were the reasons they were asking.

Question. Do you know whether there is any type of record-keeping system for people who do review video materials at WHCA?

Answer. Again, I would like to refer that to my technicians. I know there is a form that they fill out, name and what they are requesting to see; and usually it is required for them to interface with the National Archives and retrieve the record, and those occurrences—I don't want to give you the idea those things don't happen because they have happened. I can't cite a specific incident, but I know that records have been retrieved from the National Archives. There is not a high demand, you know, everybody saying I want this back, and let me see this, how does this look, et cetera.

Lieutenant Colonel SPARKS. Jim, are you asking whether there is a record for people who want to come in and look at a tape in WHCA or retrieve the tape.

Mr. WILSON. Actually, I am not familiar with the distinction so much. But I was actually asking for people—I will break it down—for people who do want to come in and view or review or look at one of the tapes, if there is a sign-in book or a log; and you have just described that there is a form.

Lieutenant Colonel SPARKS. That is what I am saying, the coming in, sitting and reviewing is different from coming in and asking to check out a copy of a tape.

Mr. WILSON. I was actually going to get to the whole checkout aspect.

Lieutenant Colonel SPARKS. But for him to be clear, I think he is describing the retrieval system.

The WITNESS. The retrieval system, correct.

EXAMINATION BY MR. WILSON:

Question. Then just to be clear, if somebody wants to review a videotape at WHCA, is there a record kept of that individual, if they have in fact reviewed anything?

Answer. I don't know that. I couldn't answer that. I know there is a record kept of retrieving a tape from the National Archives.

Question. So—and part of this is my failure to grasp where the tapes literally are. When do tapes go to the Archives?

Answer. The policy now that Chief McGrath has and has had for quite a while, since he has been on board, is he has tried to keep it within a week, videos that are recorded within a period of a week, they contact the National Archives and the National Archives comes and picks them up. They are temporarily stored in the master control facility, up on the fifth floor in the Old Executive Office Building.

Question. So within a period of approximately 1 week, they are stored on site at the——

Answer. And then that is dependent upon travel, you know, and all that.

Question. Do you know where they are kept at the Archives?

Answer. No, I have not been there.

Question. Okay. So it is your understanding that when anybody wants to review any videotape, first it has to be retrieved, as long as it falls without the 1 week approximate time period?

Answer. Correct, uh-huh.

Question. And there is a form that is filled out to actually retrieve the tape?

Answer. That is right.

Question. Do you know where those forms are kept?

Answer. No, I do not.

Question. And is it your understanding that this system would apply to White House counsel who have recently reviewed videotapes?

Answer. Oh, yes, very much so.

Question. Turning to audiotapes, are audiotapes treated the same way as videotapes, as far as the record-keeping goes?

Answer. Yes, sir, they all—both of them ultimately reside in the National Archives.

Question. Do you know whether there is a retrieval form that is prepared to obtain older video- or audiotapes?

Answer. I don't know the exact process. I know that we just can't call the National Archives up and say, we want this tape; so I know there is some type of record that is initiated, but I have not seen the form.

Question. And then, finally, with negatives or contacts or photographs, do you know whether there is a record-keeping system for obtaining photographs or negatives, contacts, photographs or negatives of photographs?

Answer. I couldn't answer that question.

Question. Who would be——

Answer. Sergeant, first class Santoro could tell you.

Question. You indicated a moment ago that it was somewhat of a—I don't want to mischaracterize this, so just correct me immediately if I am wrong. It was a somewhat unusual situation for somebody to request materials from WHCA, older materials from WHCA, video- or audiotapes; is that correct?

Answer. I did say that, and maybe—let me see if I can word that a little better.

When we record video and audio, it becomes—it is treated as a presidential record, so presidential records ultimately end up in the National Archives, and we consider that very sensitive information in our business. So it's usually, you know, we are providing more input to the National Archives and are not using it just to have people call up and say, I want to see this.

Now I don't want to give the impression that there aren't reasons or occurrences, and that is why I would like to defer that to my technicians, Sergeant VanKareun and Chief Petty Officer McGrath, because they probably have a better feel for it, but I am sure we—from my perspective, we provide input to the National Archives more than going back and retrieving them, until this very day, now we have done more work than we ever have before.

Question. Do you know of any examples of requests for either video- or audiotapes to be copied and given to other individuals, for example, do you know of any requests where WHCA has been asked to provide five videotapes for their participants at a meeting or a lunch or an event?

Answer. No, sir, I do not.

Question. And as far as photographs go, do you know of any examples where somebody has contacted WHCA employees after an event and asked for photographs from a particular event?

Answer. I will say no from the standpoint, I don't work in the photo lab, and ask for—you know, have been involved in that process.

Lieutenant Colonel SPARKS. Let me say this. You have to appreciate where Colonel Simmons is in this entire structure. You are asking him very technical questions about what very junior people do.

Mr. WILSON. I understand that, and 3 weeks ago, I would have not asked the question, but in the recapitulation in the last 3 or 4 weeks, reviewing these matters with other people, talking about all the things that inevitably are coming up pursuant to why we are here, I am sure you have learned a lot of things—I am not sure of that, but—I started getting in the weeds.

Mr. WILSON. You learned things you didn't know about before, and that is what I was getting at. And it was my assumption prior to this that if somebody wanted something, they dealt with the White House photographer people and they would deal with their own folks.

The WITNESS. Usually those—and you will find in your discourse with my technicians, usually those requests come from the White House Photo Office, Photographic Office; and I am sure they have been done, but you know, I couldn't tell you—you know, I couldn't cite a specific date or event.

Question. Just turning to preservation material that WHCA maintains, is there a policy manual or any type of directive that outlines how material is to be preserved?

Answer. I would defer that to my technicians. I believe there is. Now, you are saying photographic negatives and tapes and so forth.

Question. Yes. Yes, and that is obviously a very broad question, you have already answered in part some of the details, for example, with the photo logs, they are kept for—the telephone logs are kept for 2 months and destroyed on a routine basis.

So, I mean, there might be different manuals. I'm just getting a sense of whether you know of a basic policy manual or set of directives or even regulations——

Answer. I know they have—I believe that they have their own SOPs that discuss what they do, how they archive and retrieve and so forth. And I guess I would have to defer that to them as far as how long they preserve the records.

Question. Do you know whether any material that is potentially responsive to this committee's subpoena, or Senate subpoenas or Department of Justice information requests has been destroyed?

Answer. In what context?

Question. That is not meant as an offensive question. For example, the telephone logs are routinely——

Answer. But——

Lieutenant Colonel SPARKS. The problem is, he doesn't know what was requested.

Mr. WILSON. I suppose we will get to that.

Mr. MCLAUGHLIN. Actually, a number of times you talked about requests from the two committees and the Department of Justice. It might be useful to establish a predicate as to whether or not he receives a directive from the Counsel's Office and whether that directive mentions the requesting body. It might be a more useful thing to refer to document directives from the Counsel's Office since, I believe—correct me if I am wrong, Colonel Simmons—that is what your office receives, and maybe you want to establish that predicate, rather than continue to refer to the requesting bodies.

EXAMINATION BY MR. WILSON:

Question. We will get to that. Just in terms, though, of my question, do you know, in subsequent conversations with people, whether any material that you now believe might be responsive to any document requests or information requests has been destroyed?

Answer. To my knowledge, none has been destroyed.

Question. Is it possible that any material responsive to document requests no longer exists or has been destroyed?

Lieutenant Colonel SPARKS. I don't like that question at all. I mean, he would not know what was responsive to any of these requests.

Mr. WILSON. That could be the answer then, if that is the answer.

The WITNESS. Let me tell you the direction that I gave my people.

As far as anything that they do—and we pulled them in when this whole issue surfaced, and I specifically said, there will be no changing of any records, tapes, videotapes, et cetera. And I told my people that, and it has been passed down. Now that is what I told them, and I have trust and confidence in them, and they wouldn't do it.

EXAMINATION BY MR. WILSON:

Question. I am actually getting not so much the affirmative, somebody has gone out and thrown a tape away, to more the telephone log situation where there might have been material, it might or might not have been responsive. But it has, on a routine basis, been—I don't want to use the word with negative connotations—"destroyed," but the materials do not exist because of ongoing policy, and this is kind of a wrap-up question.

Are you aware of any other types of materials that are not kept because of policy, that may have existed prior to today, that no longer exist?

Answer. Right offhand, only the items that we have discussed. Telephone logs, I know that they are destroyed, and that is the policy that has been instituted long before this committee even started, even years back, okay, so that is—I have even read the policy; I know it.

As far as videotapes and audiotapes, destruction of, I feel fairly confident in saying that they have not been destroyed, at least, you know, as far as my people are concerned. They treat them as presidential records. I know they are very guarded about what they do.

Question. Do you know whether any of the raw audiovisual tapes or audiotapes that are recorded by technicians at the White House are ever altered in any way when they—after they have been initially recorded? And I am asking you about whether they are put in different formats or put into different sorts of categories or turned into compilations, just changed in any way from their original format.

Answer. The only changes I know that occurred would have been with this process that has taken place recently. And let me define that.

The tape that was used is a Beta tape, and then the conversion to a VHS, it was—you know, the format, it was changed, so you can see it, and so forth. That is the type of change I know as it relates to videotapes.

As to audiotapes, I don't know of any changes at all.

Question. So you are not aware of any change apart from that which you mentioned, the recorded state to the way that the tapes are ultimately put in the Archives?

Answer. That is correct.

Question. Turning your attention to the process of the information requests. When were you first aware that—and I will ask them all together—the Senate, the House of Representatives or the Department of Justice were interested in information that you might have with—I don't mean you personally—but that WHCA might have?

Answer. There have been various memos through the course of this year, 1997, and '96 from the Counsel's Office that my organization has been in receipt of from the White House Military Office that asked for documents and records, and usually it had a list of names and organizations on it.

Question. Do you know when the first request came to your attention?

Answer. No. I have looked through my files, and I have seen some as far back as February of '96. I have seen some very recent, during 1997.

Question. And I will just——

Answer. I don't know when the first one came.

Question. For clarity's sake on the record, you refer to February of '96?

Answer. Yes, sir.

Question. What request was that?

Answer. I just looked through the file as of recently because a lot has been made mention of—memorandums and so forth—and I just pulled my file in my office, and I noticed there was one from February of '96, I just looked at the date; I was focusing more on the 28th of April of 1997.

Question. Okay. Now, bearing in mind that none of us know what this is, would it be possible after review by your counsel to provide us with the request from February of 1996?

Lieutenant Colonel SPARKS. Keeping in mind it is a White House document.

Mr. MCLAUGHLIN. And that it is a counsel document.

Mr. WILSON. I don't know what it is.

Lieutenant Colonel SPARKS. He described it as a document from counsel, so it is not WHCA's document. I will find out about it.

Mr. WILSON. If you could, that would be very helpful.

EXAMINATION BY MR. WILSON:

Question. Turning to the request that came in, when were you first aware that WHCA might have materials that were responsive to document requests by the Department of Justice, the White House or the House of Representatives—I mean the Department of Justice, Senate or the House of Representatives?

Answer. I remember, as it relates to the 28th of April, 1997, request from counsel, I was made aware that some of the documents that we had were classified, and that were responsive to the request from the general Counsel's Office.

Mr. MCLAUGHLIN. Can I ask a follow-up there? Did that directive state who the requesting entities were?

The WITNESS. Yes, it did.

Mr. MCLAUGHLIN. It did?

The WITNESS. Yes, it did.

Mr. MCLAUGHLIN. And those entities would be.

The WITNESS. No—the requesting entities?

Mr. MCLAUGHLIN. Yes. In other words, it was a directive from the Counsel's Office, I believe you represented, on April 28, 1997?

The WITNESS. Right.

Mr. MCLAUGHLIN. Do you recall if that document stated whether it was from an independent counsel, whether it was from a committee of Congress, whether——

The WITNESS. No, it did not. I did not see the document for the 28th of April. I am telling you that I was aware that we had documents in response to the request.

Mr. WILSON. I will get to that, and we will work through that in a moment.

EXAMINATION BY MR. WILSON:

Question. But just trying to recapitulate there, I suppose the best way to do this is, prior to April 28 of 1997, do you know whether WHCA provided any information pursuant to any document requests?

Answer. Provided any information, yes.

Mr. MCLAUGHLIN. Counsel, you mean from 10/94 to the present, or to April 28, 1997?

Mr. WILSON. Correct.

Mr. MCLAUGHLIN. Okay.

The WITNESS. Any time we received a request for documents, the request came from the Counsel's Office, to the White House Military Office and ultimately to us. And all of those requests required a negative response, or if you had documents. So we either responded negatively or responded with a document.

Question. I don't want to include anything that is not germane to document requests pertaining to the sort of umbrella campaign finance investigations.

Mr. MCLAUGHLIN. Except for the February of '96 one that you have requested.

Mr. WILSON. Well, I'm not referring to that now. I asked a question about that; they provided information. I don't quite understand——

Mr. MCLAUGHLIN. You just said you weren't interested in things other than campaign finance——

Mr. WILSON. Germane to this question.

Mr. MCLAUGHLIN. Fair enough. I want the record to be clear.

Mr. WILSON. Well, you will have an opportunity to follow up at the end of my questioning, and hopefully you will take an opportunity to do that, but these needless interruptions are not productive.

Mr. MCLAUGHLIN. My obligation here is to ensure the cold record is clear. As you know, Mr. Wilson, I am intolerant of sloppiness and indecision, and when I detect it, I will state as much for the record.

Mr. WILSON. And on occasion you are in error yourself. I wasn't referring to February of '96, you brought in an extraneous issue and needlessly interrupted my question. You might have thought there was a purpose to it, but there was not.

Mr. MCLAUGHLIN. I apologize that my intelligence does not match yours, Mr. Wilson, but when I detect something confusing to me, I am going to state as much for the record. It is important to the success of this process, whatever it is, that the cold record that is produced from today's deposition be clear.

I encourage you to move forward with your questions. I don't think this is a productive discussion be holding on the record.

Mr. WILSON. Neither do I.

Lieutenant Colonel SPARKS. Jim, I'm sorry, I just want you to appreciate and to understand that the document requests they get are not all confined to this—to campaign finance reform. As long as you keep that in mind——

Mr. WILSON. I understand, and I know it is difficult to parse one thing to another; and to the extent you can, you can. If you can't, tell me you can't, and I will try to be more clear on the subject.

EXAMINATION BY MR. WILSON:

Question. I suppose the most direct way of getting at this is for requests that are germane to the campaign finance investigations—it is complicated, diverse; they come from different directions—but when was the first time WHCA provided any type of material germane to document requests?

And, I mean, I understand if you interrupt me and say you can't answer that question.

Answer. I can't give you the first date. I just know that there have been requests that relate to campaign finance activities, and there have been a series of memorandums, but I can't tell you the date of the first one or when we were aware of it.

Mr. WILSON. I am providing Colonel Simmons with a document that is marked for the record JS–3. It is a copy of a subpoena that originated with the Government Reform and Oversight Committee of the House of Representatives, and it is directed to the counsel to the President.

[Simmons Deposition Exhibit No. JS–3 was marked for identification.]

EXAMINATION BY MR. WILSON:

Question. You can take a moment to look at it, but the question is relatively simple and that is, did you ever receive a copy of this subpoena or sections of this subpoena?

Answer. I have not received a copy of this subpoena.

Question. Do you know whether, on or about March 4 of 1996, you received any communications or inquiries from the White House or the Office of the Counsel at the White House requesting information of any—I mean, take a moment and have a look at this if you would like—requesting any of the information that is requested in this subpoena.

That is an unfair question.

There is an awful lot of information that is requested in the subpoena. I don't want one small part of it to be something that would cause you to sit here and read for 2 hours, but were you aware in any way of a subpoena coming from the House of Representatives to the White House that might have included information that WHCA had in its possession?

Answer. No, I was not aware.

Question. I will provide for Colonel Simmons a document that is marked Exhibit JS–4. It is a memorandum addressed to Executive Office of the President, from the Counsel to the President Charles Ruff; it is dated April 28, 1997.

[Simmons Deposition Exhibit No. JS–4 was marked for identification.]

EXAMINATION BY MR. WILSON:

Question. And if you could take a moment just to look at this. It is a four-page document, two pages on attachment A that goes for two pages.

Have you ever seen this document before?

Answer. Yes, I have.

Question. Did you receive it on or about April 28 of this year?

Answer. Let me expand my answer. I have seen this document as a result of the inquiry about tapes. Initially, I had not seen this document in its entirety.

Usually, correspondence of this nature—and I will say how we have handled other inquiries. My Deputy/Chief of Staff, Colonel Campbell, would usually deal directly with the White House Military Office as far as these types of inquiries from counsel. The reason I am familiar with this document is because when the request came through—and I am relating to you what I have learned as of my investigation of this whole issue—the attachment, a list, there were what we would call "hits."

We had documents when we did our search that surfaced as a result of doing the search on the names and entities, and that was made aware to me because they were of a classified nature. In other words, the names or entities were in the text of a classified message and there were about four messages, I believe; and that was—and I knew that because Ken and I have a very good relationship, and he is very thorough. And he says, well, we got hit on this one and, he says, it is classified; and I know there was a process that we had to initiate because it was classified message traffic, and we were making copies of it.

Question. Do you know when this was?

Answer. This had to be around the early May time frame, and the reason I state that is because I remember distinctly getting ready to leave for a trip, and my deputy was briefing me on what had happened.

Question. And you indicated that you received certain specific hits when you were doing a search for material. What individual entities did that involve?

Answer. All the entities that have access, that have databases; and this is a result of my perusal, various correspondence from various organizations within WHCA, e-mails, stating that they didn't have documents or so forth, so it—I know the process was implemented, the search was conducted.

Question. Well, I think that was truly a time when my question was completely misleading. I was actually referring to when you obtained information about—you know, pursuant to the document request that involved certain people who were in the—and the information was of a classified nature, but it involved—and what I am asking is, who did that information involve, the individual, the entity.

I am not asking for the substance or the copy of the classified material, but who did it involve?

Answer. You want me to name them?

Question. Yes.

Lieutenant Colonel SPARKS. Do you mean on here?

Mr. WILSON. No, no.

EXAMINATION BY MR. WILSON:

Question. I believe you testified that after receiving a document request, you did searches, you initiated searches?

Answer. That is correct.

Question. And certain information came up pursuant to that search?

Answer. That is correct.

Question. Or searches, and it involved certain individuals or entities?

Answer. Correct.

Question. I am just interested in what it was that was responsive.

Mr. MCLAUGHLIN. You have testified there was correspondence coming back into the office from the various divisions of WHCA, and maybe the question is, which division came back with hits?

Lieutenant Colonel SPARKS. Is that your question. Your question is, which of these——

Mr. WILSON. Precisely who was involved——

Mr. MCLAUGHLIN. It is not, which individuals on there came back; it is, which individuals were involved in doing the search for hits?

Mr. WILSON. No.

Mr. MCLAUGHLIN. You want to know which individuals on the list came back, affirmative?

Mr. WILSON. Yes.

Mr. MCLAUGHLIN. Including the classified ones?

Mr. WILSON. Yes, exactly.

Mr. MCLAUGHLIN. Do we need to classify this deposition?

Lieutenant Colonel SPARKS. Do you even remember.

The WITNESS. I know one name.

Lieutenant Colonel SPARKS. The problem is, that may be the one that is included on the request.

Ms. COMSTOCK. If we could go off the record for a minute.

[Discussion off the record.]

Mr. WILSON. Back on the record.

EXAMINATION BY MR. WILSON:

Question. To follow up on my last question, the answer to the question is clear. It involves information that is still of a classified nature that counsel for Colonel Simmons has indicated that he will provide, in the appropriate forum and at the appropriate time, which I believe will be within the next week or so.

Lieutenant Colonel SPARKS. Sure.

Mr. WILSON. As soon as is practicable, the information that would follow from my question. And we will move from that question.

EXAMINATION BY MR. WILSON:

Question. In response to the April 28th memorandum, I have got to admit to being a little bit lost in where we are on this, but I was going in a certain direction and the direction was information that was provided by WHCA, pursuant to this request for information.

Outside of anything that involves classified information, did WHCA provide documents that were responsive to this information request?

Answer. Outside of those documents that I just talked about, that was it, that was the extent of what we provided.

Question. Do you know who at WHCA was responsible for checking within WHCA to determine what was responsive to this document request?

Answer. I know that my deputy, Colonel Ken Campbell, handled this request.

Question. Were there any other individuals that were involved in the supervising?

Answer. Well, what he did is, he sent an electronic e-mail, an electronic mail-out, with the attachment A names and entities, to all of the organizations within WHCA.

Question. And do you know whether the e-mail that he sent out included just the names that are listed on attachment A, or did it include any of the text of the first two pages describing the document request?

Answer. As a result of my perusal of this issue, I know he sent an e-mail out with attachment A.

Question. But none of the material——

Answer. None of the material, but the other two pages.

Question. If you could give me an overview on the sort of diverse information, upon what was received and what wasn't received, do you know whether your dep-

uty had the entire April 28 communication from counsel to the President, or did he just have the attachment?

Answer. My discussion with him, he can't remember the entire document. And we reviewed this numerous times. He can't remember it. He is not saying it didn't exist, but he can't remember an entire document.

And the reason that this amplified out a little more, usually the requests that we received from the general counsel were of the nature where there would be some text or paragraph; and then it will all point to the attachments and our lists with names. Even sometimes it was a single-page request with a list of names, and our entities on it, names of individuals, and that is the format where they usually came.

For some reason—and we have tried to trace this back—he doesn't remember the top two pages. The White House Military Office says they faxed it to us, and so we are not denying that, but as a result, all we saw and all we have a record of is attachment A and his e-mail going out.

Mr. MCLAUGHLIN. Can I ask a follow-up?

Is only attachment A what you found in your files when you pulled your file later?

The WITNESS. The hits that were taking place, yes, we used these names and entities as keys for the search.

Mr. MCLAUGHLIN. I'm sorry, my question was unclear.

You testified that recently you pulled your file to look at the document requests that had come from the Counsel's Office?

The WITNESS. That is correct.

Mr. MCLAUGHLIN. In your file, was there a four-page document on April 28, including the first two pages that are now in front of you, or only attachment A.

The WITNESS. I only saw attachment A, and it wasn't even a fax copy.

Mr. MCLAUGHLIN. It was a hard copy?

The WITNESS. It was a hard copy.

And now the way he sent the e-mail out, he had to scan that list into the computer and send it out, and all we have—because if it is a fax copy, you have a little date and a time at the top—and all we saw was just, I guess, a reproduction of the printout of attachment A.

EXAMINATION BY MR. WILSON:

Question. You anticipated my question. We know about your files.

Now in terms of—I have forgotten the name of the individual.

Lieutenant Colonel SPARKS. Al Sullivan.

Mr. WILSON. No, who sent out the e-mail.

The WITNESS. Colonel Campbell.

EXAMINATION BY MR. WILSON:

Question. Yes, Colonel Campbell. Did you conduct a search of his files?

Answer. Oh, we searched the entire office. We turned it upside down.

Question. And what was contained in his files, if anything?

Answer. Well, my files and his files are just one file, and—just for point of clarification, it is just one file that exists. But we have looked everywhere, and we just could not find the April 28th fax of the first two pages, or the entire message.

Question. To the extent you know methodologically, the attachment A that we have in the document you have been shown as Exhibit JS–4, has a number of names of individuals and a number of names of entities, mostly companies or corporations.

In terms of the method of searching for the material contained in this attachment, do you know how the searches were conducted?

Answer. I don't know exactly how the searches were conducted; only, in my discussions, as have been told to me, we used the names and entities as keys for the search and would make queries based upon the names and the entities. That is the way that it was done.

And as a result of that, we did get a hit.

This was the most extensive list that we have received from the Counsel's Office.

Question. Do you know who was involved in actually doing the database searching to determine whether materials related to these individuals or entities could be found?

Answer. No, I don't know by name who did it. I just know that organizations, all the organizations in the White House Communications Agency conducted a search.

Question. Do you know whether there was any discussion at the time on how a search might best be conducted to determine whether WHCA had information about the individuals or entities in this attachment?

And I ask that—maybe you can provide me a narrative answer. It is my understanding that the materials in the WHCA files—it is my understanding from your answers to earlier questions that many of the materials are listed by a date or an event name; and if there was material pertaining to an individual, there might be no record of that individual, and it would be known by everybody searching the materials there might be no record of the individual in the database.

Answer. Well, let me see if I understand your question, and try to answer it.

The issue is that, yes, in the audiovisual world, the date is the best thing to use when you are searching through it. However, there are titles in there. I don't know specifically if there are names, unless it is a name of an event, and the event might have a name of an organization, et cetera, okay?

But as to the other databases, the mainframe computers and the servers that—and the comm center database, as far as message traffic, and those types of databases, could possibly have names. So the dates are significant, and I think probably may have more meaning to the audiovisual and the—the audiovisual world as far as video- and audiotapes or the name of an event.

Question. Apart from the materials that are provided as attachment A, that we are looking at right now, did you ever receive, in the basic time frame of the April document request, any other information or instructions to either clarify or amplify this document request?

Answer. No, sir, as far as I know.

Question. As far as you know, this is it?

Answer. As far as I know, this was it.

Question. Do you know whether your office ever made a request of Counsel's Office or anybody at the White House to provide any more clarifying information or any information that would help assist with searching for the material requested in this document request?

Answer. I do not. And I will amplify that question and my answer. If my organization receives and I rest assured they received attachment A, they would conduct a search as they had other correspondence from the Counsel's Office, and this was the only one where something did surface, so they probably would have said, well, it wasn't an exercise in futility.

Lieutenant Colonel SPARKS. All I was going to say is, your question suggested that it was unclear when they got this. You said, seek clarification.

Mr. WILSON. That is an unfair implication, which I don't mean to leave. I am just wondering, and I will explain because it is hard to ask the question in one sentence.

EXAMINATION BY MR. WILSON:

Question. In retrospect, as we have received copies of tapes that involved coffees, it strikes me as being very difficult—if you are trying to find a particular individual in one of the tapes, or as the subject matter of one of the tapes, it would be very difficult to find that, searching through the database, unless you actually viewed the tape or unless the database was so comprehensive as to have a list of all the individuals within the event.

So I am just sort of getting at the overview of when whoever was doing the searching looked at this, attachment A, and made a decision that they were going to do a search in a certain way, whether there was any other back and forth between your office and the people doing the search for your office or other offices in the White House, whether somebody said at any point in the process, it would be very difficult for us to know whether we have any information about individual A unless we know the date they came to the White House or more information.

And so I am just trying to bring out whether you know of any additional communications between either your office and the White House or any offices within WHCA to provide a full search for the information requested.

Answer. I know of no additional information or discussion on that.

Question. Once the search for information requested in the April 28th communication was completed, if you could, please describe the certification process or what WHCA did to indicate that it had completed that search and complied with the search.

Answer. I believe that there was an E-mail or a facsimile—it had to be handled a little bit differently because of the classified nature, and that's the only reason this particular memo comes to mind. We had alerts, the White House Military Office, and there was a form that we had to fill out as far as releasing this classified traffic because it would accompany a packet that was going to be enclosed and ultimately sent back to the general Counsel's Office. So I know there was correspondence from us back to the White House Military Office.

Question. Was that exclusively E-mail communication?

Answer. No, I'm not sure—I doubt if it would be E-mail, because of the nature of the messages and so forth. But I don't know specifically how it got back, but I know that it did.

Question. And that's because of the classified nature of the material?

Answer. That's right.

Question. That you would not have transferred that through E-mail?

Answer. That's right.

Question. Have you conducted any search of your files to determine or try to reconstruct what went on between your office and any office in the White House?

Answer. Well, when this issue surfaced, I didn't even know about an April 28th memo because you don't carry dates in your head. And then someone said it was a four-page document and also that it had a cover memorandum from the Chief of Staff of the White House Military Office attached to it. And in my discussions with Colonel Campbell, he doesn't remember it, however, the list was in our file when we looked through it. A list of names and entities, and that was all that was there. And as far as his—and also his E-mail directing the other units within my organization to conduct a search on the attached names.

Lieutenant Colonel SPARKS. Excuse me, was your question what did they do to show that they had done the search, certifying the search?

Mr. WILSON. Well, the question was just, subsequent to the tape issue coming to light, had either yourself our your deputy gone back and reconstructed in your files the exchanges between WHCA and the White House vis-a-vis this first document request.

Mr. MCLAUGHLIN. By the White House, do you include the White House Military Office or do you mean agencies other than the White House Military Office?

Mr. WILSON. I include any organization subsumed under the White House umbrella.

The WITNESS. Okay. Are you talking about when this was done?

Mr. WILSON. Yes.

The WITNESS. Okay. I know that the White House Military Office was notified about the results of this particular search, as other searches, because, and you will have to ask Colonel Campbell, I believe that he usually sent an E-mail back to the White House Military Office saying we have conducted a search. Because the memo that would accompany this from the White House Military Office would ask for a reply, either positive or negative, and negative replies were required.

[Simmons Deposition Exhibit No. JS–5 was marked for identification.]

EXAMINATION BY MR. WILSON:

Question. If you could take just a moment to review a compilation of pages that have been marked Exhibit JS–5. The first page is dated April 29. There are four pages in this document.

Answer. Okay.

Question. And bearing in mind that these are documents that come from different locations and that they don't include your name, I'm trying to get a sense of the certification process, WHCA's certification that it in fact completed searching for material that had been requested in the April 28 communication.

If you could, just give us an overview, a narrative of what the certification process entailed and how the documents that you have in front of you, these four pages, fit into the certification process.

Answer. I can't really speak to that, only because the deputy handled it, and I know that they were done and I was apprised of it if something did surface. I don't believe that's unusual in a military organization. I believe he would be the best person to speak with as far as what type of certification process.

I had, during the course of looking at this, of seeing some E-mails from members of our organization saying that they had a negative reply, as far as that. And I know—and I believe, as thorough as my deputy is, he would compile all that and then transmit something back to the White House Military Office via either E-mail or facsimile.

Question. Is it fair to say that your involvement in the certification process was limited to being told that the searches had been conducted?

Answer. That's correct.

Question. Or that they had been completed and material responsive had been in fact forwarded to the White House?

Answer. That's correct.

Question. Do you remember any or did you have any other conversations about certification, or do you remember anything else about it?

Answer. No.

Question. Was there ever any discussion about whether or not materials would have to actually be brought from the archives to be reviewed in order to check on whether compliance with the subpoena was completed or not?

Answer. I'm not familiar with any discussions about materials being brought from archives, no.

Let me go back and make sure I understand. You are talking about at that time; right?

Question. At the time; correct.

Answer. In April, no. Or previous other memoranda.

Question. And sort of the simplest way of looking at this is to think of it in terms of anybody coming to you, or anybody you know of, and saying we can't really comply with this unless we pull out all our material from the archives, review it and decide whether the people involved or the companies involved, corporations involved are in the tapes.

The question is directed at that, whether anybody came and said this is going to be really difficult for us to comply with without doing a lot more work.

Answer. You act like my agency is just one big video and audio agency. It is not. There are so many other pieces and parts. The information services that we provide are huge, so the searches—I know—I feel very confident that these searches were done, and I even feel more confident about this 28 April memo, that a search was done on attachment A, because documents surfaced. Those searches were conducted and people will do exactly what they are told.

Now, in the video and audio world, they would also do those searches. And the only reason I know that is I asked them, and I have no reason to doubt them.

Now, the thing is, when you just know a small piece of a big picture, it's very difficult when you are a repository of many databases. So it seems like someone would sit down with you and discuss how they want to retrieve certain materials, if you wanted to do certain things.

And that's me speaking, and, yes, Monday morning quarterbacking and thinking about it now, because we can do these types of searches, and we will do them very rigorously, but if we don't know how it plays into the full picture, then you might not get the type of information you want.

Question. And that's what I'm trying to draw out here.

Answer. Maybe I'm going overboard.

Question. No, that's what I want to derive, and it is difficult to ask in a simple question.

But in retrospect, when you look at what has been received and the types of requests that were made, it seems to me that it is difficult to obtain information without actually having reviewed some of the underlying material. And I just, I don't have any experience with the database.

Answer. Right. Well, there are numerous databases in the White House Communications Agency, and the only ones that were not generating hits at the time were the ones in the audiovisual unit, which is our topic of discussion right now.

Every one, and even they went through the process, but you weren't—you didn't retrieve what you have right now, and it would have required—one memo like this would not have done it. You would have to sit down with us and discuss the entire situation, and that's it, point-blank. So that then we can size the requirement and say, oh, we have these different types of databases. Well, you need to give me some dates and some events, because I'm not going to be able to do this on an audiovisual piece.

Now, I can search through here, and I would do a name search on an audiovisual piece just in case a name came up, but if you really want to know, I have people that film that have no idea who is in attendance. So I need a date, if you can cite a date. And, ultimately, that's how these tapes were derived, dates were given, events were specified and, bam, it happened.

So if someone had laid out the full thing to us, this whole issue would not have surfaced. So we weren't brought in, and I'm just speaking from the heart, the way that I think that we should have, and the agency has taken a lot of hits before that, and I think unfairly. And when someone just brought you into a small piece and said look at this, and we did, we did the job. We didn't—we don't hit wrong keys at WHCA. We'd be out of a job.

So we did what we were told. We thought that was sufficient. We certainly felt good about this memo because something did happen. And until now, you know, I really don't understand it, and I'm probably getting a little bit too emotional, but you have got—any communicator knows that in order to support his commander he has to understand the intent. If you don't give me that, I can't provide the communications you need or the support.

Question. Following from the April 28th communication and the materials that you provided, did you receive any ensuing requests or information from the White House about that document request? Was there anything that followed up from that?

Answer. This?

Question. That's the next thing.

Answer. To my knowledge, no, sir, I did not.

Question. And prior to relatively recently, when White House counsel did come back to WHCA and did ask for additional information, was there any other communication from the material we've looked at in Exhibit JS–5 to the first time White House counsel came back and made such a request about coffee tapes?

Answer. Let me make sure I understand. The only reason I remember this correspondence is because there were some hits on it that we compiled during our search.

Until August, and the only reason I remember that date is because I was coming back from Martha's Vineyard, it was August 29th, my chief of operations officer, Mr. Smith, told me that he had a meeting with Mike Imbroscio and there seemed to be some concerns.

And I didn't—you know, I trust my operations officer. He said he had to go to a meeting, and I understand, and I left it at that. And it was from the Counsel's Office. And only through subsequent conversations with him did I determine that—I can't give you the exact time frame, the exact dates, but I will start with the 29th of August because I remember that's the first time.

Question. If you could keep going with the narrative.

Answer. Right, 29th of August is when I heard the name Mike Imbroscio and a meeting, and as a result of some discussions, and I can't give the date, we're at the end of August so it had to be sometime in September, I was told by Mr. Smith there was a question from him if we did any clandestine taping or recording, and the answer would be no, as I stated to you.

And then there were some discussions—the next date that I can give you was 30 September. I had returned from a meeting in the White House and Mr. Imbroscio and Mr. Smith were discussing an issue, and they were just wrapping up their session, and that's when Mr. Smith told me that the issue of tapes came up. And this is the first time that it was brought to my attention that we had a concern about videotapes. Tapes in general, I will say that.

Question. Where was the meeting between Imbroscio and Smith?

Answer. It was in Room 592 in the Old Executive Office Building.

Question. And at that time did you have a clear understanding or did anybody give you a clear understanding of what the White House was asking for in terms of giving them WHCA material?

Answer. My understanding of that discussion that Mr. Smith had with him, I believe that Mr. Imbroscio understood that we had a database and that you give us a date or a specific event, and realizing the date, we could probably see if we had the information that was being requested, and he offered him the opportunity to see that, that database.

And later on, and I believe it was 1 October, is when he actually sat down and started putting in dates and events and started getting hits.

Question. Do you know whether prior to that time any media representatives had ever made requests about material that WHCA kept pertaining to coffees or any of the campaign finance investigation subject matter?

Answer. At least none of those requests were funneled directly to me. Now, you know, my audiovisual people, as I have stated before, are in contact with media people, and you would have to ask the supervisors, but that's usually not the norm for them to request from us.

Question. Does WHCA have a media relations office or an office that deals with the media?

Answer. No, we do not have an office other than we interface with the media affairs in the Press Office of the White House. The White House Press Office.

Question. Your narrative was good because it allowed me to go through a lot of questions here and eliminate them. So that is a positive thing.

From the time that Mr. Imbroscio and Mr. Smith were talking to each other about possible responsive material and videos kept by WHCA, who was involved from that point on in the responses to White House Counsel's requests?

Answer. What time frame?

Question. From September 30th through the ultimate copying of the tapes.

Answer. Legions of people.

Question. That's going to be a lot of people?

Answer. That's going to be a lot of people.

Question. But to the extent you can direct towards offices or supervisors, Smith——

Answer. The supervisors would be, well, Mr. Smith is my chief of operations, who had the discussion with him; Chief Petty Officer McGrath, Staff Sergeant VanKareun, and a staff sergeant—those would be the main ones that would be involved. And then there are legions of other troops that make this whole thing happen.

Question. And I think it would be quite helpful, actually, if you could continue the narrative from the time Imbroscio and Smith were talking through the searches and up until the point where materials were copied. If you could provide additional narrative on that, it would be very helpful.

Answer. Okay. I know that the issues of tapes came up the first of October, and didn't really hear anything until the following week and then there was—that's when I was informed about an April 28th memo by the Counsel's Office and it said that it had coffees in it. And I said I don't remember anything and all of this.

I guess a lot of people were upset. I was upset because it looked like it was being projected that we were holding back tapes, and that is not the issue at all. The issue is that we were responsive to the request and we provided that.

And then it was decided that the tapes needed to be retrieved, and so we just conducted—pulled everyone in in the audiovisual unit, in the event productions, and went up to master control. We had several interfaces with the White House Counsel; more people—I didn't know they had so many people. Every time I turned around it was a different face. And they were asking to understand—and this was all during the week of the 7th, I think, through the 10th. Or 6th through the 10th. Maybe the 5th. I'm a little fuzzy. But, anyway, through that period, and we started retrieving material.

We had to put guys through 24 hours almost nonstop, getting two and three hours sleep. And we have reviewed, that I know of, over 600 some tapes. These are Beta cam tapes.

Question. And when you state we reviewed, was that reviewing the tapes——

Answer. We retrieved the tapes from the archives and members of the White House Counsel viewed them and identified the ones that they wanted.

Question. And where did the viewing take place?

Answer. That was all conducted on the fifth floor in the master control facilities in the Old Executive Office Building, my facility.

Question. Did WHCA have, or at least WHCA personnel have custody of the tapes at all times during the review process?

Answer. Yes, we did. And as a compilation, when we compiled all the tapes, and the ones that were identified by the counsel, my people went through a process of converting those Beta tapes to VHS, which is a lengthy process. I'm sure Chief Petty Officer McGrath will take you through it step by step, and the labeling.

And as a result, the initial number was 66. Because you can—the Beta tape is usually 30 minutes. And when you put it through our devices, you can load four hours' worth of Beta tapes onto one single tape and then eventually dub it to a VHS tape. And we signed, we identified all those tapes by number in conjunction with the counsel and had a chain of custody inventory of which we now have record of.

Question. Where did the copying take place?

Answer. It took place up in my master control facility on the fifth floor.

Question. Just to finish off on sort of the pre-coffee controversy period, the April 28th memo was sent out and received, or received in part. Between that time and the time that material was copied and produced to congressional and Department of Justice, to the extent it was produced to the Department of Justice, was any other campaign finance related investigatory material produced to anybody?

Between the period of your furnishing information pursuant to the April 28th correspondence and the tapes that have recently been provided.

Answer. To my knowledge, no.

Lieutenant Colonel SPARKS. You need to clarify what you know or don't know about the production from the Counsel's Office to the agencies.

The WITNESS. Oh, I don't know about that. I only know as far as WHCA. From the time we sent our correspondence back to the White House Military Office, reference this memo, which I believe was the 4th or 5th of May—and the only reason I know that is because we were one day ahead of their suspense, and I guess the first of October, when we knew about the tapes. And then the following week when we started copying the tapes, we didn't provide, to the best of my knowledge, any other material to the Counsel's Office.

EXAMINATION BY MR. WILSON:

Question. Correct me if I'm wrong, my understanding from what you have said is that once you provided that material and the certifications were made, that was the end of WHCA's involvement in document requests until the next requests were made?

Answer. Well, really, until the 29th of August. Then it seemed that—and the only reason I cite that is because it seemed around the 29th of August we had not heard anything from the Counsel's Office relative to what we do.

Question. Turning your attention again briefly to the April 29 JS–5 material, is the final page of that, which is from Alan Sullivan to Charles Ruff, would that be considered the certification made on behalf of WHCA?

Answer. Yes. See, as you know, WHCA has other entities involved, and when a tasking comes to the White House Military Office, it usually involves the entire military office. They disseminate that tasking to each entity that resides under the White House Military Office's umbrella, and this is the authentication that would go back to the White House saying that it was done.

Question. So was Alan Sullivan the principal signatory for correspondence between WHCA and the White House in an official nature of this kind? He was the final sign-off on this type of certification?

Answer. From our perspective, yes, sir.

Question. Do you know who was involved from White House staff in reviewing the WHCA materials that were reviewed from the beginning of October on?

I say that because I don't want to limit it to just—well, let me divide it up into two things, the audiovisual tapes and then the audio tapes, and we can talk about them in a moment.

But as far as the audiovisual tapes are concerned, who from White House Counsel's Office was involved in reviewing those tapes?

Answer. Involved, as you are saying, looking at the tapes and sitting down?

Question. Yes.

Answer. You would have to ask my people exactly. I can only tell you the people that I have discoursed with in the Counsel's Office. But I did not physically see them sitting down viewing the tapes.

Question. Do you know whether any non-White House Counsel's Office personnel were involved in reviewing any of the tapes?

Answer. I usually try to stay away from absolutes, but when this whole incident surfaced, there is a Sergeant, first class Dixon who is, as I'm sure you can relate to this when you talk to him, he is OD green. I walk into a room and he snaps.

Lieutenant Colonel SPARKS. Can you say that again.

The WITNESS. Okay. Olive drab green. That describes Army because of the uniform.

He comes to attention. And when you talk to him he's always at attention. I have to put him at ease and say "Stand at ease, Sergeant Dixon." But it is not an act, it's just the way he is.

I told him, I said, Sergeant Dixon, don't let anybody in that master control facility that is not a member of the White House General Counsel. He says, yes, sir, I got it.

I received a call from Sergeant Dixon. He said, "Sir, the counsel wants to bring in some Senate investigators to review it." I said, "Sergeant Dixon, you have your orders." "Yes, sir." They went away.

So I feel fairly sure, and my organization functions on trust, that only counsel people got in there, outside of the people that work in that setting, because Sergeant Dixon, if you ever met him, he's a tough nut.

EXAMINATION BY MR. WILSON:

Question. Do you know when that exchange took place?

Answer. I can't remember the date. I just know that I gave the order and he gave me a call when someone made a request out of the norm and I told him no and he said—it had to be during—it wouldn't be during this week, or it would have been last week or the week before last?

Answer. Prior to——

Answer. Well, we're in this week. So last week.

Question. Kind of hard to know what week we're in now exactly.

Answer. Right.

Question. But just trying to key in on that specifically. Prior to——

Answer. When they were reviewing the tapes and requesting these, right as we were beginning to do it, and there was a request made and I had outlined to him

that no one, and had talked to the Counsel's Office, and I spoke directly to Cheryl Mills. She said, no, only White House Counsel people and that's it.

Question. And do you know who the individuals were that the attempt was made to bring in?

Answer. Well, I believe they—and let me clarify that. A member from the Counsel's Office made a request to see if they could do it. The individuals were not standing outside the door, because there had to be a whole process to get there, but asked if we could. And then Sergeant Dixon, as dutiful as he is, called me up direct. I called to the Counsel's Office and spoke to Cheryl Mills personally and she said no, and that was it.

Mr. WILSON. Can we go off the record for just a moment, please.

[Discussion off the record.]

Mr. WILSON. The record should reflect, and so that you know, this is David Bossie, who is one of the majority committee staff.

EXAMINATION BY MR. WILSON:

Question. Turning your attention to the timing of the release of the tapes, do you know why the tapes were released to different bodies, congressional bodies, at different times, or tapes produced to the media, to different congressional investigative bodies and perhaps to the Department of Justice? Do you know why they were released at different times?

Answer. No, I do not.

Question. Were copies of the tapes made all at the same time so that X number of copies—well, actually, let me ask you that. How many copies of tapes were requested?

Answer. The last number that I was told, and I believe there had been some subsequent, but the last number was 66 and six copies of 66 tapes were made.

The first increment that was delivered to the White House Counsel was 50, and they picked up those 50, which would have been 370, and signed for them. And then the last batch ended up to 66. But I believe, I understand that there has been requests of two. I don't know if it's another tape or what.

Question. So that the actual—that's the video—physical copies of the videotapes were all made at the same time?

Answer. Yes.

Question. They weren't made on a rolling basis?

Answer. Well, when the 50 were handed over, they were beyond 50 and ultimately they got to the number 66.

Question. And turning to the audiotapes, how many copies of audiotapes were made?

Answer. I don't know how many copies. I just—I said the number 126, and I don't know if that's times something, what multiple that is or what. But I was told 126 audiotapes.

Question. You mentioned six copies of the body of audiovisual tapes that were made. Did WHCA personnel make multiple copies of the audiotapes as well?

Answer. You would probably have to ask my technician about the audiotapes. My focus was mainly on the video because that was the most intensive effort because of the whole process that had to be set up as far as getting it from a Beta to a VHS, and whereas with an audio it was very easy to dub and you can do it very quickly.

Question. Who is the one individual that was ultimately in charge of producing the copies of the tapes?

Answer. There was no one—well, I guess, to whom did I—there were two people I spoke to, Chief Petty Officer McGrath and Chief Petty Officer Fischer. Those two technicians can probably tell you just everything.

Fischer is an engineer type. He's the one that—we had a limited number of VHS machines that we could use, and we had another rack in a room, and he even set up a special operation for this and he wired that together. He was the technical piece. But he was also the one that would call me as far as the number of tapes that were being done and where they were and so forth, because there was concern about meeting a deadline, and Chief Petty Officer Fischer kept me apprised of that along with some other senior people. I had majors, lieutenant colonels in there also. But as far as the technicians that were there from in and out, it would be McGrath and Fischer.

Question. Do you know who made the decision to take individual tapes and record them into a compilation? Take individuals and put them into sort of a multiple tape?

Answer. You would have to ask McGrath and Fischer. That was part of the process.

Question. But that was not something that was discussed?

Answer. No, it wasn't discussed. I knew they were up there and I knew there was viewing going on, but I didn't walk in on the process.

Question. Do you know whether Webster Hubbell appears on any of the tapes that were in WHCA's control?

Answer. I have not viewed the tapes, other than the ones I have seen on television.

Question. Have you either received or had produced a written report of the materials that have been produced to White House Counsel's Office?

Answer. I know there are a chain of custody documents that we have of what we have provided to the White House Counsel.

Question. And does that chain of custody documentation indicate with any specificity what has been provided or is it just listing the date?

Answer. Well, the tapes—let me tell you one process that I was directly involved in. I was involved in delivering 39 original—I won't even say original, because I wasn't in the archives and retrieved them, but they came from the archives. They were in Beta form, 39 of them. I inventoried them personally, Mr. Smith and I, and we hand carried them over to the White House Counsel's Office and inventoried them to show them those and handed them over there.

And I know that process was implemented throughout with the tapes that I was producing as a result of the screening. And it listed the number on the tape. There is a little serial number. Also matching the number inside the Beta film number. And it listed those numbers and it had a signature for the person who had it and then who we released the chain of custody to.

Question. And you gave those tapes directly to Ms. Mills?

Answer. Certainly did. She even locked them up in the safe.

Question. So at that point the chain of custody, the tapes came out of the archives, you had control, you gave them to Cheryl Mills and she put them in a safe?

Answer. That's right. And I know that for a fact, because when you query Chief Petty Officer McGrath, he called me when those tapes arrived from the archives and I went down there immediately, and we went—Chief McGrath and I did an inventory. There were more inventories done that night than anything. And both of us were involved.

And it was just checking, because we knew there were 39 tapes. And then Mr. Smith, Chief McGrath and I compiled a list and developed this form and did an immediate chain of custody. And this was in conjunction with Cheryl Mills, because she wanted it just like this. She said this is the way to handle it. So it went from—it came from the archives, to us, to counsel.

Question. But they had not been reviewed at that time?

Answer. I don't know what the status of those tapes were, but I was just very sensitive about, as any one of our people, and especially with all the discussions about videotapes coming out of the archives, I didn't want anything to happen in between and somebody—so there is a chain of custody for those tapes.

Question. And where did Ms. Mills put the tapes?

Answer. She said that she was going to put them in a safe. I didn't physically see her place them in the safe.

Question. And with those 39 tapes, do you know what happened next to them?

Answer. I understand that they were supposed to go to the Department of Justice.

Question. Now, I'm at a bit of a loss. I'm a bit confused here because here we have tapes coming from the archives through you to Cheryl Mills to a safe to the Department of Justice.

Answer. That was my understanding.

Question. But you hadn't reviewed them at this point and no WHCA personnel had reviewed them at this point; is that correct?

Answer. Those tapes that came from the archives, and you will have to ask Chief McGrath, my understanding they had not been—I won't say—I don't know if bits and pieces of them had been or were the result of the query that Mr. Imbroscio did, because there's a number 44 out there, there's a number 40, but I know I took 39 and that's all that I can vouch for.

There were 39 tapes that I took over to the White House Counsel's Office from the archives. I don't know what the process was, as to why they were asked for and why they had to be over at the Justice Department.

Now, well, things start coming when you start talking. I understand they had to go to Justice—well, I heard a discussion about Justice Department amplifying the audio on some of the Beta cam tapes. I don't know whether they went over there for that purpose or what.

Question. How did those 39, to the extent you know, how did those 39 tapes fit into the universe of tapes that were ultimately reviewed and copied and turned over to congressional committees?

Answer. I guess you'd have to ask Counsel's Office. I have no idea. I was a little bit—I'm still confused about it, but maybe there are certain things that—you know, I just know how the chain of custody came, and I know that the—you can ask McGrath, because I asked him. I was a little—I said we're doing this upstairs, now these are coming from the archives, you know.

But I know I was told by—well, I hate to put names on it—Dimitri Nionakis that some tapes coming from the archives had to be at the Department of Justice, and it was the day prior to or the day that Attorney General Reno went and spoke before the House Judiciary Committee. I hope I'm not confusing things.

Question. Well, that was last Tuesday. It was Tuesday of this current week?

Answer. Yes. That was my understanding. But I could—I know that if you talk to the Counsel's Office they could explain it to you. But there was an effort ongoing, and I remember distinctly talking to Dimitri Nionakis, who was concerned about us completing the requirement because I guess initially there was a suspense. And I don't know whether it was extended.

But then Counselor Ruff knew or was apprised of an effort that our people were giving to this whole issue, and you just can't push people nonstop, and so we had to implement sleep hours for them and ensure they received some rest so they could work efficiently and do this job. But Mr. Nionakis stated that the most important, and he even said, Colonel, this is what we must do, is we must get the videotapes that are coming from the archives to the Department of Justice.

And that's when I was informed that, and I informed my Petty Officer McGrath, and he was aware of it, he was already aware of it, he says that's the most important thing; that has to happen. And as far as the time we were taking to go through our process of copying the tapes, this had priority.

Question. Because these were original——

Answer. I believe they were original.

Question. The original tapes, and they could well be the subset of tapes that had already been reviewed and copied?

Answer. Correct.

Question. And you recall something about the digital enhancement?

Answer. That's right. That's right.

Question. I don't mean to put words in your mouth, but you don't know whether this was part of the Department of Justice's efforts to follow up on materials they already had?

Answer. That's right, I don't know.

Mr. MCLAUGHLIN. To be clear, it is your recollection that that was around Tuesday of last week?

The WITNESS. Yes.

Mr. MCLAUGHLIN. Tuesday being about, what, five days ago now?

The WITNESS. Yes. When did Reno go up?

Mr. WILSON. Tuesday.

The WITNESS. Tuesday? So Monday night is, I believe it was Monday night when I took the tapes over to the Counsel's Office. It was the night before. It wasn't the same day.

EXAMINATION BY MR. WILSON:

Question. And you have a log of the tapes that were transmitted?

Answer. Oh, yes. Oh, yes.

Mr. WILSON. Would it be possible to furnish this committee with a copy of that log, Counsel?

Lieutenant Colonel SPARKS. I will have to find out.

Mr. WILSON. Okay.

EXAMINATION BY MR. WILSON:

Question. Just a final area I want to spend a little time on is just the integrity of the tapes that have been turned over to various bodies interested in the tapes.

I was actually going to play you a couple of examples and ask you some questions about those, but are you able to, do you feel you are able to affirm that the tapes that have been provided to this committee are exact copies of what WHCA recorded at the time the tapes were made?

Answer. The only thing that I can affirm to is that, and that's because I have trust in my people, that the copies that were furnished to the counsel were the ones that were there. I can't account for the ones from counsel.

Question. I'm actually not keying in on the 39 specifically.

Answer. No, I'm talking about as far as the handing over of tapes. Here is another number. Sixty-six tapes ultimately to the Counsel's Office. The 66 times 6, I guess is what, 396 tapes. I know how those were done, and I believe my people and what was done was—they did it.

Question. Have you been involved in any conversations about gaps or breaks in any of the taping of the specific events? Have you gone back and specifically been involved in the individual tapes?

Answer. No, I have not.

Question. Have you been part of any discussions involving breaks or gaps in tapes?

Answer. Only through my counsel.

Lieutenant Colonel SPARKS. For the record, I did inform Colonel Simmons of the fact he might be viewing the same tapes that Mr. Sullivan viewed yesterday. To that extent.

EXAMINATION BY MR. WILSON:

Question. Just sort of as an overview. Outside of actually sitting down and looking at tapes with anybody, have you been involved in any conversations about whether the tapes are complete or not complete?

Answer. No, I have not.

Question. Do you know at present whether this committee has everything that WHCA has produced to White House Counsel's Office, that WHCA has produced pursuant to the document requests?

Lieutenant Colonel SPARKS. Again, he's not involved in the process of the Counsel's Office's producing things to you.

Question. Fair enough. To summarize, is it fair to say you know what you have given to the White House Counsel's Office but beyond that you have no knowledge of what has happened to the materials, where they have gone and where they have been produced; is that correct?

Answer. No, no, I do not.

Question. If we could, let us just run one of the tapes. Hopefully, technology will not fail us and we will get through this real quickly. Three tapes. The first tape is an excerpt of a conversation between Mr. Riady and President Clinton. It is tape number 63.

Mr. WILSON. Before the tape commences, let me say that we will provide a copy of the tape to Mr. Sparks and we will provide a copy to Minority, and we will provide a copy to the reporter for inclusion in the record as an exhibit.

[Tape played.]

EXAMINATION BY MR. WILSON:

Question. That which we were hoping you would have an opportunity to look at is what appears to be a conversation between the President and an individual, and what appears to be a break in the taping and then resumption of taping shortly thereafter.

You have testified that you have not seen any of the tapes. Have you had any discussions about this particular example?

Answer. No, I have not.

Question. Do you know of any information indicating any breaks or editing of any of the tapes that have been provided to this committee?

Answer. As it relates to the White House Communications Agency?

Question. Correct.

Answer. Editing; is that your question?

Question. Yes.

Answer. We don't edit tapes. We do not edit tapes. In view of that, you need to understand how they operate, and once you get a technician in here I'm sure they can be a little bit more articulate and succinct about how we film.

They are usually competing for space, because there are people in rooms, and I only know this from traveling with them, and then there are still photographers that just are trying to get the angle of the particulars. So you have someone with a camera that is filming, then all of a sudden somebody will stand right in front.

And if you notice that someone almost walked directly into the camera, the first one there, so it looks like he probably positioned himself. The only reason I know this is because we had an event on the road and the camera people, they have a very, very difficult job, they set up to film, the still photographers came in and positioned themselves right in front of the camera, and the photographer had to change

his angle. And he has a person, in some cases, with him with a boom mike, so they had to move around. And it is almost like you have to fight for space.

So that one looks like he just repositioned himself so that he probably shut his camera off. And the only reason I know that is because I have done a little filming myself, because it looks like it is at a different angle when he is there with the President.

But as a policy, anything we record, as I stated before, is a Presidential record. So we will not do any editing to it. It goes—what is filmed or what is recorded, that's the way it goes to the National Archives. That's it.

Mr. WILSON. Let us set the second one up.

[Tape played.]

EXAMINATION BY MR. WILSON:

Question. Again, I know you have not seen the tapes, but——

Answer. No.

Question. But this is tape number 64, which was a radio address, labeled as a radio address from March 11, 1995, and again it appears that the tape has been cut off at one point in that.

Discussing earlier radio addresses, you indicated that a lot of the radio addresses were taped audio, actually.

Answer. Yes, it has to be on audio because it goes on a radio address.

Question. Right. Do you know whether the preliminaries to radio addresses were also recorded? What generally was recorded for radio addresses?

Answer. The presidential remarks were what was recorded. What will go in, and Sergeant VanKareun can guide you through it, is they do a test to get a feel for the amplification, but everything is very structured.

There is an announcement, depending on if it's a live address, if it's a live address and it is going to be on air, they make sure that the people in the room, even when it is not live—I have been in a couple of radio addresses—they tell you exactly, they give you a countdown and announce, "Okay, anybody who has any pagers, turn them off, cell phones, turn them off," so that there is no noise, because, you know, all that will be picked up because of the audio portion.

So the mike is not live until the crew receives a nod that the President is about to come in, and then he sits down and usually he looks at his text, even though he has seen it before, but he will look through it and then he will say, "Are we ready?" And then that is when they hit it and go live. And then, as soon as he finishes, boom, that is it, because we know it is a radio address.

Question. If you could run, the final tape has been numbered in the production we received, Tape No. 4.

[Tape played.]

EXAMINATION BY MR. WILSON:

Question. Then there is a break in that tape. Have you any suggestions as to why there might be that break, or have you discussed breaks like that?

Answer. No, I have not discussed breaks like that.

Question. Have either yourself or members of your office had any discussions with White House personnel to attempt to refine an official—a story or a uninformed version of events as to why tapes were found recently and not back in March or earlier this year?

Answer. You are saying has anyone from the White House discussed with me why we have not found——

Question. No, just——

Answer. Why we didn't find tapes?

Question. Well, discussed the public rationale for the discovery of tapes now and not earlier. Aside from the conversation with Imbroscio, have there been any official meetings to try and come up with a uniform version of what happened with the tapes?

Answer. There have not been any meetings, no.

Okay. Now let me—I am not sure, maybe I don't understand your question. Meetings, I know there have been discussions. You know, people have not come into the room in which the White House Communications Agency is a part, and people sitting around the table, and said, "What happened?" That has not been done.

Question. Well, in terms of just discussions, what discussions have taken place?

Answer. Well, when the issue surfaced about the tapes, there was a discussion as to this memo, the 28th of April memo, and that is when it was brought to my mind. I said, "What memo of the 28th?" In other words, coffees, this seemed to be the whole thing. He says, "Well, coffees was mentioned in the April 28th memo."

And I said, "I haven't seen the memo that mentioned coffees." And so eventually I found out what this 28th of April memo looked like, and it still wouldn't have produced what they wanted.

Question. Who was involved in that discussion?

Answer. Pardon me?

Question. Who was involved in that discussion?

Answer. Well, I just had some—I talked to the White House Military Office, Lieutenant Colonel Greg Raths, I called Mr. Sullivan up when the date of this memo surfaced. I said, "They are referring to a 28 April memo, sir." I said, "I haven't received it, at least I haven't seen it, and they are talking about coffees," and I said, "I have never seen a memo that came out and just talked about coffees," and so I just—I was at a loss.

I didn't know what was going on, and I knew there was a lot of turmoil being created in saying WHCA all of a sudden had tapes that related to coffees, and it was told to me that they were asked for and the Counsel's Office said that they had forwarded it. And I said, "I don't even see the memo," and I had this discussion with Cheryl Mills, and she can tell you, I was a little upset—more than upset, I was furious, and I said I hadn't seen it.

And so that is the—and I have had discussions with Mr. Smith, and it has sort of just been terrible that something like this would happen. But I am concerned about the White House Communications Agency, our organization, and we are the ones that sort of like, well, they hit the wrong key, when Mr. Ruff said that I wanted to jump through the television and grab him. But it seems like everybody gets air time, talking about June 13, 1996.

Well, Congressman Zeliff got air time when he said I procured equipment that doesn't fit on a C–141 because someone told him that, the IG. And then when I brought him a picture, frame-by-frame, of it going on a 141, he says, "Well, that is why we have committee hearings like this, Colonel." But it was too late, he had his 15 minutes of fame already on ABC. And now the word is out that WHCA, you know, hit the wrong key, and that is all the people focus on and that is not true.

Question. I have one more question. A couple weeks ago when one of the investigators, one of my colleagues called you up to discuss various matters, he was told that he should contact the chief Counsel's Office at the time. Why was that?

Answer. The White House Communications Agency does not, as a policy, interact with any other agency unless it gets approval from the White House Military Office, and that is just the policy. So before we say anything or give any type of correspondence whatsoever, it has to go through the White House Military Office, and that has always been in existence.

Mr. WILSON. Okay. For right now I have no further questions.

Mr. MCLAUGHLIN. I have a few.

EXAMINATION BY MR. MCLAUGHLIN:

Question. Let me preface my questions by thanking you for coming here. On behalf of the Minority, we appreciate your very forthright and direct answers to the questions posed. And I also just want to note, on behalf of the Minority, we recognize that you have a record of remarkable accomplishment and integrity and service to this country and we thank you for that.

I just want to follow up, first of all, on a remark that you just made and sort of ask you about it. In no way do I want to imply that I am aware of any kind of human error on the part of your men. I'm not. There could be all kinds of ways that communications—what somebody thought happened didn't happen, but I want to explore briefly how it might have happened.

To be clear, you know for sure that Attachment A of the April 28th, 1997 directive from Counsel's Office arrived in your office, is that correct?

Answer. Yes, somehow, that is correct.

Question. All right. It arrived one way or another, either by fax, by hard copy?

Answer. Right.

Question. And your assistant, I am blanking on his name?

Answer. Colonel Campbell.

Question. Colonel Campbell recalls seeing Attachment A. He does not recall seeing any of the other 2 pages, either of the other 2 pages of this directive, although he may have. Is that your understanding of this?

Answer. That is my understanding, and the reason he recalls receiving Attachment A, we do a lot of transactions. If someone mentioned this memorandum from general counsel and so forth, we would probably draw a blank. The reason he recalls it is because he has a copy of this e-mail with Attachment A going out, and that is it, the other 2 pages are not there.

Question. Okay. And to your satisfaction, the men and women under your command did proper searches for the terms and names and entities that are listed on Attachment A?

Answer. That is correct.

Question. Had they been requested to do searches of any other matters, any other names, you were confident they would perform those searches, is that correct?

Answer. That is correct.

Question. When a directive like this comes down in e-mail form from Colonel Campbell, it is in the nature of an order, is that correct?

Answer. That is correct.

Question. Your organization is military hierarchy?

Answer. That is correct.

Question. And when an order is issued, it is your experience that the men and women under your command follow and execute those orders, is that correct?

Answer. That is correct.

Question. Now, you stated on the record, and I just want to be careful so we have a clear record, you said something to the effect that had you received this April 28th memo, and I assume by that you mean the first 2 pages of it, and it would not have produced the tapes that are now at issue in this deposition.

Can I direct your attention to Page 2 of the memo? It is Exhibit 4. And let me particularly refer you to the paragraph that is numbered 1(b). Is it your belief that had Colonel Campbell received this page and reviewed these items here, that he would have been able to frame an e-mail to the men and women under your command that would have directed them to find, and I am quoting, "any documents or materials referring or relating to White House political coffees." To repeat the question, is it your belief he could have framed an e-mail that would have passed that request along to the men and women under your command?

Answer. He could have done that. But our duties, you know, and I will try to explain, as a headquarters element you try to streamline the process to your subordinates, such that they understand exactly what you want, and we—and I am just speaking of my headquarters. I would never send out a directive like that because I know that I would have to give my people some detail and explain to them the intent of this. Just by mentioning coffees and knowing the number of databases, I could probably conduct a search but I would probably go back and say, "I need some more information, I need to clarify."

Question. So had this come to Colonel Campbell, do you believe he would have sought clarification from you?

Answer. I believe there is a possibility, and this is all in hindsight.

Question. I understand this is Monday morning quarterbacking.

Answer. You're right. I know what the issue is now. I can't put myself in the time of the up tempo of the organization and what we were doing. As I stated, we had deployments outside of the agency, missions ongoing, day-to-day. This comes through, I don't know.

Question. Okay.

Answer. I know he is a very thorough person and he reads things, and it might have caused some question or concern, and maybe—but then since the other memorandums came down, you know, and all that they had on them were names and entities, I am only assuming, and I drilled myself, he says paragraph 1(a), referring or relating to any individuals in Attachment A, and maybe quickly just looking through this and saying, "Well, I will send this out to the subordinates because this is something that they can conduct a search on."

Because we have not sat down until recently, you know, since this whole issue, and actually scrutinized the database of the video and audio people. So as leaders, you know, we wouldn't know that the names weren't in there. You know, we know now, okay, but we wouldn't know that. We would know you need a date and maybe a title of an event, because the technicians do it, and it is not—you talk about a layer up here, and we are looking down at a database and an audiovisual unit, just don't have that visibility.

Question. Now had the first 2 pages come through to Colonel Campbell, you don't believe that he would have ignored these directives, do you?

Answer. No, he would not.

Question. He would have done something to comply with them?

Answer. That is correct.

Question. He would have either composed an e-mail or sought guidance from you or someone else?

Answer. That is correct.

Question. And, again, there are entities listed on the second page of this memo that are not listed on the following list of individuals?

Answer. That is correct.

Question. I will represent that.

Answer. That is correct, I noticed that too.

Question. And do you have any knowledge whether the entities that are listed on the second page, but not on the attachment, were included in Colonel Campbell's e-mail?

Answer. I know that Attachment A, with the entities, these last 2 pages were the copies that were in the file.

Question. Okay.

Answer. Okay.

Question. So it is your understanding that Mr. Alan Sullivan's office faxed the full four-page document to your office?

Answer. That is correct.

Question. They believe, at least, they faxed the document to your office?

Answer. Yes.

Question. Colonel Campbell recalls only receiving the last 2 pages, doesn't deny receiving the first 2, may have, may not have?

Answer. Correct.

Question. But I just wanted to be clear because you said if you received this, it would not have produced the tapes. But I just wanted to get your opinion as to whether, had you received it, it would have been maybe a back-and-forth process?

Answer. It would have caused some question. In other words—and then, like I am saying, I know now, really reading this thing closely and knowing the full intent, and I guess that is what I want to impart to this body of what is going on, then I would know exactly what to do. This piece of paper is not going to give you the products of the tapes alone, without sitting down in a body and understanding. I have given you a Berlitz course on WHCA in the course of a few hours, and just for you to do your investigation, so it seems like counsel would have done the same thing to understand the databases that I have. That is all I am saying.

Question. Okay. So just so I am clear, you don't believe that Colonel Campbell would have ignored any part of this?

Answer. No, he would not.

Question. He would have done what was necessary to comply with the directive?

Answer. Correct.

Question. And if I could direct your attention to the first page, the very last sentence on that page, I am quoting in part, quote, "If you have any questions, please call Mike Imbroscio or Dimitri Nionakis," and there is a phone number. Had he received this, do you believe he would have read that sentence?

Answer. I believe so.

Question. And known he could call them if he had questions?

Answer. That is true.

Question. If there were difficulties in framing an e-mail?

Answer. Uh-huh.

Question. And that was a yes, just so the reporter can pick it up?

Answer. Yes.

Question. Okay. Let me turn your attention to what has been marked as Exhibit JS–3. This is the subpoena from this committee. Can I ask you just to sort of quickly thumb through the document and sort of look at it?

Answer. I believe it is over there.

Question. My question for you, and we will figure out if there is anything I need to do to make this more specific or more exact, my question is whether, had you received a copy of this document, which contains 45 items and is 7 pages long in particulars, whether this would have produced better responses than the White House Counsel's directive. In other words, would this have been more clear to Colonel Campbell as to what was to be included in his e-mail, or no more or less clear, or less clear?

And let me direct your attention in particular to item 16 on page 5, which does not provide dates, but does instead say "all records relating White House Political Coffees" and then says "including but not limited to," and then it goes on and speaks for itself. Do you believe that this would have given more particular guidance to Colonel Campbell than the White House Counsel's directive?

Answer. Yes, I do. And the only reason I am saying that is because then that would have engendered a response from him as to further explanation, and I guess we work fairly closely, we would have received it and perused through this. And then we would have naturally called the White House Military Office and said, okay, now what do they want us to do, and maybe we need to fully explain to them our capabilities.

Question. Okay.

Answer. This would have probably given us a big picture and at least a start point, a better start point from which to work.

Question. That is because it contains more items?

Answer. It contains more items, and they are asking for records. It would just, to me—and I can't speak for Colonel Campbell, I can only speak for myself, I would really—I would probably pick the phone up and call Mr. Sullivan and say, "Sir, okay, I have this document here and there is something going on, can you fill me in on it," you know.

Question. So just to be clear, it is not the text that is contained in No. 16 that is more specific, it is in fact the fact there are many more items listed here of much greater breadth?

Answer. That is right.

Question. Would have caused you to call someone for guidance?

Answer. That is correct.

Mr. WILSON. If I can interject there, there are a number of——

Mr. MCLAUGHLIN. Let me just finish my line. I will be happy to let you follow up. Just to summarize, and then you can have him for as long as you need him.

EXAMINATION BY MR. MCLAUGHLIN:

Question. Similarly, it is your belief that had Colonel Campbell or you seen the first 2 pages of the April 28 request and reviewed it, you would have also sought guidance on the meaning or the means by which to search for political coffees?

Answer. Would have sought guidance, yes.

Question. That was a confusing question but I think you understood.

Answer. That is correct.

Mr. MCLAUGHLIN. Mr. Wilson?

Mr. WILSON. That is fine. Finish up.

Mr. MCLAUGHLIN. Okay.

EXAMINATION BY MR. MCLAUGHLIN:

Question. You stated that you consider videotapes taken by the audiovisual unit of the White House Communications Agency to be presidential records?

Answer. Yes.

Question. And the same is true for audio tapes?

Answer. That is correct.

Question. So let me direct your attention to the first page of the April 28 directive, which is Exhibit 4. The directive states, in the second sentence, "We ask that you conduct a thorough and complete search of ALL," that is capitalized, capital A, capital L, capital L, "of your records," paren, "whether in hard copy, computer or other form," closed paren, et cetera.

Is it your understanding that the phrase "all of your records, whether in hard copy, computer or other form" would have included videotapes created by the audiovisual unit of the communications agency?

Answer. I am not sure I understand the question.

Question. Does the phrase "all of your records," as used in this memo, include videotapes?

Answer. That is correct.

Question. Does it include audio tapes?

Answer. That is correct.

Question. Let me ask you one final question. You stated that there has been created a chain of custody inventory in the recent weeks as these videotapes have been produced. Are you aware of any efforts by any White House personnel to doctor or alter the tapes?

Answer. No.

Question. Do you believe that your men would have committed such an effort to take place or succeed, had they become aware of it?

Answer. Absolutely not.

Question. Do you believe they would have informed you had they become of any efforts to doctor, alter or otherwise edit the tapes?

Answer. I know they would have.

Mr. MCLAUGHLIN. No further questions at this time.

EXAMINATION BY MR. WILSON:

Question. Just a couple follow-up. You indicated before that you had discussions with one of the members of the White House Counsel's staff, Cheryl Mills. When did you have discussions with Ms. Mills?

Answer. I have had numerous discussions with her. What time frame?

Question. Well, in the most recent time frame related to the coffee tapes, from September 30 on?

Answer. I know from September 30th, I would say starting—commencing once the tapes were discovered, and I guess reading the newspaper on that first Monday in October, I had a discussion with her, and that is only because WHCA was in the newspaper.

Question. Did you call her or did she call you?

Answer. One of the discussions resulted from—I can't remember. There were so many phone calls between the two of us, I can't remember who initiated it.

Question. Going back to the first one in the series, do you recall what was discussed?

Answer. Well, the issue revolved around tapes, and I stated that no one had requested tapes or videotapes. And then that is when she said there was a 28 April memo, and I said I have never seen anybody ask for the word, i.e., videotapes or tapes.

And then she referred to this particular memo and said they had referenced coffees, and I was trying to figure out—I said, "Well, first, I don't remember seeing this memo and I don't know where coffees came up." So then the discussion ensued and then we—I just told her—she knew I was very upset and concerned about the press release on the White House Communications Agency and hitting the wrong key.

And, you know, I told her we did the search based upon the names and we even received hits on the document, but I was not aware of any reference to coffees and not aware of anyone, until, you know, our discussion, until recently, of anyone asking for tapes. And it was, you know, it was conveyed that WHCA held these tapes from the time this memo came out until October, until the tapes surfaced, had held the tapes a secret and it wasn't—it wasn't any secret at all.

Question. And you indicated you had a number of conversations with her. What were such subsequent conversations?

Answer. Well, it involved this whole process, the retrieval process. She wanted to make sure it worked correctly, and she told us that she had discussions also with Mr. Smith. Both of us would talk to her. Then that is when I met Dimitri Nionakis, and she says that we ended up working with Nionakis and a number of other people, and we were just setting up the whole procedure as far as retrieval of tapes.

The agency, even though we were disappointed about the press statements on us, we still are a very proud organization, and we were going to ensure that this operation worked correctly, because we knew what the issue was and we were involved in it from the beginning, and that was it. And anytime that I would have some concerns, I wanted to know what the time lines were.

I wanted to know how many tapes needed to be done, because I wanted to be able to articulate to my people what was required and what the mission was and what the demands were, so they could size their operation based upon that. And I wanted to give her an appreciation for what we could do, and I say "her," I was speaking to a number of counsels, not just her singularly.

Question. Who else?

Answer. Dimitri. Is there a Walt somebody. You don't know. I have seen so many of them, it is unbelievable. They're like rabbits. I definitely selected the wrong profession. I should have been a lawyer. But there were—I didn't know they had so many people in their office. I could identify their faces. I just—I know Dimitri. I knew Mike Imbroscio, but all of a sudden he vanished and I didn't see him, while we were doing this thing.

But there were a number of lawyers up there, and I didn't want to go in—I give a mission to my people and I want them to know—they felt bad about this whole incident because of the whole issue of WHCA. So as they were viewing the tapes for the Counsel's Office, I wanted them to know that I trusted them. And that is why I let them do that operation, and all I did was oversee and make sure that they were doing a good job, and I would go up there and encourage them and that is it. I don't stand over people and watch them do work. And they did it and I am very proud of them for doing that, too, because they did it. It was an excellent job, getting this stuff done.

Question. How many individuals were working on the production process? The White House indicated only six people were working on responding to various subpoenas. How many people have——

Mr. MCLAUGHLIN. Six people or six lawyers?

The WITNESS. You mean in my agency?

EXAMINATION BY MR. WILSON:

Question. Okay. My question is completely out of bounds. Let me start from the beginning.

Answer. Okay.

Question. The White House indicated six lawyers had been working on the compliance process with the coffees issue.

Answer. Okay.

Question. Apart from the individuals you have mentioned, who else can you—can you identify anybody else, or do you have an approximate number of how many people have been working on the compliance issue?

Mr. MCLAUGHLIN. I want to note for the record before you answer, I think that the representation that was made to us, without disclosing testimony from another deposition, I think the representation that has been made to us is there were six lawyers on the subpoena compliance team. I don't think a representation was ever made only six lawyers have ever worked on this issue, just so the record is clear. Cheryl Mills, for example, we have already heard her name mentioned. She is not a member of the six-lawyer subpoena compliance team. We have already heard she was involved in this.

EXAMINATION BY MR. WILSON:

Question. So if you can, you have given us a sort of very broad number in your characterization, but are you able to provide any clearer indication?

Answer. No, I can only tell you that I know that Dimitri Neonakis, and I can identify three of the people in addition to him that I saw up in our master control facility, and then including Cheryl Mills.

Question. Just finally, you indicated that you had numerous contacts with Ms. Mills pursuant to the coffee issue, but prior to September 30 or prior to the coffee issue surfacing, had you had any contact with Cheryl Mills?

Answer. Yes.

Question. On what issues?

Answer. Logs.

Question. When did those contacts take place?

Answer. That was around the 25th or 26th of September. I was in Little Rock, Arkansas.

Question. And prior to that time period, had you had any conversations with Ms. Mills?

Answer. Yes. Not about matters of this nature though.

Question. On what?

Answer. Just saying hello, that is it, just in passing her.

Question. And as far as the telephone log exchanges go——

Answer. Well, let me—maybe I don't understand your question.

[Witness confers with counsel.]

The WITNESS. Okay. That is what I thought. Okay. I had had discussions with her, let's see, I can go back to 1996, and probably—'96 comes to minds, and early January, and even late 1995, and it was about campaign versus official support, and what the White House Communications Agency provides.

EXAMINATION BY MR. WILSON:

Question. Okay. Moving forward from that to the phone log exchanges, what was she asking you to do at that time?

Answer. Asking for a point of contact to talk to her about our telephone log and billing process. It seemed to focus more on bills, what actually was on a bill that we received, versus communications, you know, telephone communications. And I gave her Steve Smith as a point of contact, and then I explained to her what I knew of it, because I know I had a switchboard and we don't receive bills from a number to a certain number, we receive bills from our switchboard to a number. In other words, all calls that access my switchboard that are operator-intercepted, the call record only exists for the switch to the number called. And she just wanted to make sure she understood that because she had indicated she was responding to some type of correspondence.

Question. I was going to ask you, why did she ask that?

Answer. That is right.

Question. You think it was in response to correspondence that she——

Answer. That is right, referenced telephone bills.

Question. Okay. Do you know whether there was any response to a request for information or a subpoena?

Answer. I wasn't apprised at the time when I spoke with her of a subpoena.

Question. Just one last thing. You indicated that Ms. Mills and yourself had had conversations in '95 and '96, matters that were campaign versus nonrelated campaign issues?

Answer. Yes, political versus official.

Question. What was the substance of those conversations?

Answer. We knew that the campaign was—in '95, we at WHCA knew that the campaign was going to happen, and no one had ever supported President Bill Clinton. People that had been in the agency knew and heard what he did during 1992 with just a small group, and it was a very, very rigorous effort.

And having supported him just in the role of conducting his duties and the demands there, we envisioned that the campaign effort was going to be very rigorous, and we also knew that there had to be a distinction to what we could do, since we are a DOD agency, and what we couldn't do. And Cheryl Mills, in previous meetings that I would have with the Director of Management and Administration, that somehow was introduced to her, would surface the issue and preface it by saying she was concerned about how we would support.

And this is in relations to primary communications, telecommunications support, because we would be using a series of platforms from an airplane which is always in existence, to a train, to a bus, and wanted to ensure that we understood what we could and could not do as far as telephone lines and speechwriter support for a campaign and public address systems.

Never during that time did anything come up about videotaping or taping. That was not a topic of discussion. It was more from a macro level. I don't want to leave you with the impression—there is more than to WHCA than videotaping and taping. That is just a small part of our mission, very minute. So when you have to request services for communication lines in a particular city, you have to deal with the local telephone company.

She had apprised us that there was this element called the DNC that would be competing for services in the same area, and she wanted to make sure there was a distinction between the two and wanted to ensure that the political people would use resources, communications resources available to them by the DNC, and that those traveling in an official capacity would use the resources that we provided.

Now as we said, the President is always the President, so that is why we are there. So we went through a very determined effort to ensure that when we went to various locations, the public address system was contracted by the DNC, and usually during the campaign that was the course. That was all set up. Yes, we would record him, but we did that with our mix, tying into this contracted public address system, and the contract was initiated by the DNC.

The only reason we did the audio record and the video record is because it was a matter of presidential record, and that was it. But those details, we didn't get into the details of recording and filming and all of that. It was more or less trying to set up a line of demarcation as to what was our piece of the pie and what was the DNC, and what we could do and what we couldn't do.

Question. You stated that you did not discuss videotaping?

Answer. No.

Question. So let me summarize to make sure it is correct. She didn't make any requests of you to determine how or whether WHCA could provide any videotape or audio tape or photographic information for any of the campaign-related purposes?

Answer. No, she did not.

Question. Okay.

Answer. WHCA is a very, very—you would probably have a better feel if you would see our operation, but it is a very, very complex organization, and it is not uncommon for someone to not know all that we do because it blends in with everything. You would think that the taping and the—particularly the videotaping was being performed by the press because there is nothing that distinguishes them from the press, other than a small device, which I won't even tell you that, that they wear, and that is it. Otherwise they blend in perfectly. So you would not know in all cases that—that a WHCA person was there, you know, just by the crowd, and because even the White House Press Corps, they have the same equipment we do.

Question. Which I have said this in my last question about five times, but it comes from what you just said about blending in. From a layman's perspective, there was a lot of filming going on of events that have recently been the subject of a lot of controversy, the coffees being among them, and obviously individuals with cameras were in situations where they would not blend in with the press.

Have you had any discussions with any of your colleagues at WHCA about whether White House individuals who were present at events that were taped should or

should not have pointed out to WHCA personnel that there were tapes made of issues that were very much the subject of document requests?

And cutting through a long question, there were lots of people at these events, presumably, who knew that there were WHCA personnel filming the events, and has it ever been the subject of any speculation among you and your colleagues as to why White House personnel didn't come back and make a directed request, given the fact the cameras, in closed situations, would not have blended in?

Lieutenant Colonel SPARKS. I don't think that is a proper question at all. You are asking him to speculate.

EXAMINATION BY MR. WILSON:

Question. I am asking you to recount discussions, not whether you should have talked about the things or not, but I am asking whether you have had any conversations with colleagues about the subject.

Answer. I have had conversations with colleagues about the subject. The type of events that you are talking about and we focused on are coffees. Just prior to this inquiry, I knew that those events were closed events, and I knew also that there were exceptions—there are exceptions to policies on closed events, that we will be there even though the event is closed to the press.

But I didn't have any knowledge at all that my people were at coffees until we engaged in this dialogue, because a coffee was a small piece of a rigorous routine operation that occurs. That is one event and that is where your focus is, but there are probably many, and I am sure that the President's schedule when he is in town, a coffee was not the singular event that occurred: press conferences, statements from the Rose Garden, something happening in the Roosevelt Room, something going on in Room 450, the one we talked about, the press lobby. So it was just a whole series of activities ongoing, of which a coffee happened to occur.

Question. But, specifically, have any of your colleagues discussed with you whether individuals who actually attended these events might or might not have seen television cameras there or video cameras there, should have come and pointed with specificity to these types of events, to WHCA?

Answer. No.

Question. The overview is it is—I am not going to characterize it as fair to blame WHCA when they don't know quite what they were looking for, but if there were other people who might have known there was something to look for, it would be incumbent on them to point it out?

Answer. No one pointed that out to us.

Question. No one from the White House pointed that out?

Answer. No.

Question. Have you had conversations with your colleagues where you discussed this matter?

Answer. I guess I am failing to understand your question, and I am trying to. I have talked at length about this matter. We do videotaping and we do audio taping; there is no secret about that, and we will be at certain events. And there are certain events that take place, and even when they are open press events, we check and see what is required because, as I stated in that document that you had, you showed me, that is a planning document. Things will change; requirements will change.

Now not everybody on the White House staff is fully knowledgeable of all the capabilities we have. There are certain entities that I am sure—certain people that do know that we do audio taping and videotaping. I don't want to leave you with that impression, either, but it is not uncommon for someone not to know.

Question. That is a given, but I am just trying to clarify this one thing as much as possible.

Answer. Okay. All right.

Question. Among your WHCA colleagues, not White House personnel but among your WHCA colleagues, has anybody ever expressed any concern or consternation that WHCA was never—WHCA personnel were never specifically approached or informed of the potential existence of coffee tapes by the people who were actually being filmed or were participating in the tapes?

Answer. To my knowledge, no one has approached any of my colleagues about coffee tapes, you know, prior to this investigation.

Question. I am not pointing out that they knew in advance, but now that we know that they do exist and now that they have been disclosed, has there been discussion among your colleagues as to whether somebody might have come forward at some point and said, "We were there, we know there are tapes, why haven't you been able to give us tapes of coffees?"

Answer. No one has come forward and said that.

Question. Okay. That concludes my questioning.

Mr. MCLAUGHLIN. I have just one question.

EXAMINATION BY MR. MCLAUGHLIN:

Question. You were recounting a conversation, your first conversation with Cheryl Mills on this issue, when you said your reaction was you weren't aware of any request for videotapes?

Answer. That is correct.

EXAMINATION BY MR. WILSON:

Question. You later learned, however, the audiovisual unit served the videotape database for the names on Attachment A, so you weren't aware at that time. However the AV unit did do a search for videotapes?

Answer. That is correct.

Question. For the names on Attachment A, is that correct?

Answer. That is correct.

Question. Thank you very much, sir.

Mr. WILSON. Before we go off the record, I wanted to recount, I believe, four things that we discussed that you might be able to provide for us in the short term.

Lieutenant Colonel SPARKS. All right.

Mr. WILSON. One was names of individuals who were on the WHCA taping crews for the coffees. The second was the February of 1996 document request. Then there is the matter of the classified information that we did not go into in this deposition; and the fourth was a copy of the tape log, the audio tape log we discussed.

Lieutenant Colonel SPARKS. The inventory, is that what you all were talking about?

Mr. WILSON. Yes, inventory of the audio tapes.

Mr. MCLAUGHLIN. The chain of custody?

Mr. WILSON. No, there was apparently a log for audio tapes, of what constituted audio tapes.

The WITNESS. A database. You should have that.

Lieutenant Colonel SPARKS. I thought you needed the request—I thought you were requesting the log for the 39 tapes.

Mr. WILSON. That is the final thing. Well, two other things. One is the log for the 39 tapes—actually, let's just discuss for a second the audio tapes. I did want some information on the audio tapes, but is it an extensive database?

The WITNESS. Yes, we provided—I know I was present when we provided 4 years worth of information.

Mr. WILSON. What I would like is not so much of the extensive, all-inclusive, but the material that has been provided to the White House, the audio tapes, there is a log of the tapes.

The WITNESS. There should be a record of the number of tapes we provided to the White House.

Mr. WILSON. And whatever materials contained in the log. And you are correct, the 39 videotapes that were transferred directly to Cheryl Mills.

The WITNESS. So you want the serial numbers on those, or whatever number identifies the tapes.

Mr. WILSON. Yes, whatever you have. And one other thing that occurred to me, if it's possible to get a copy, I am not aware of whether we have or not, the e-mail that went from Colonel Campbell to WHCA personnel, pursuant to the Attachment A that was transmitted.

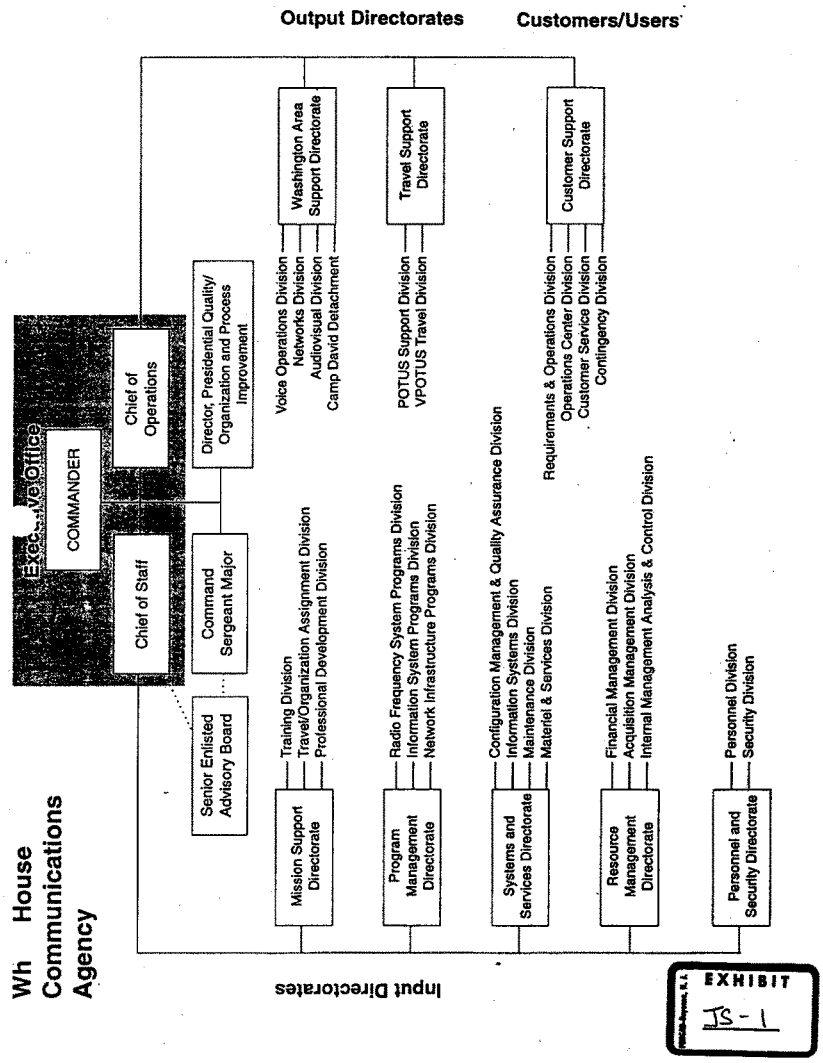
Mr. MCLAUGHLIN. And one outstanding request that I believe we have made is for, first of all, to know what kind of logs exist from the Reagan and Bush administrations, and then to figure out a way to get us a copy of those database printouts. I know the records go back at least to '89, because the White House made available to us the printouts of the records, there was an RNC fund-raiser from '89, so we would be interested from January 20, 1981, through January 20, 1993. First, if you could just let us know as to the existence of those records, then we will figure out where to go from there in terms of which ones we actually need copies of.

Lieutenant Colonel SPARKS. I guess we can go off the record.

Mr. WILSON. That concludes my questioning, and before we go off the record, I would like to thank, on behalf of everybody here, Colonel Simmons for coming here today voluntarily. Thank you.

[Whereupon, at 3:08 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]


Wh House Communications Agency
Executive Office
COMMANDER
Chief of Staff
Chief of Operations
Senior Enlisted Advisory Board
Command Sergeant Major
Director, Presidential Quality/ Organization and Process Improvement
Input Directorates
Mission Support Directorate
Training Division
Travel/Organization Assignment Division
Professional Development Division
Program Management Directorate
Radio Frequency System Programs Division
Information System Programs Division
Network Infrastructure Programs Division
Systems and Services Directorate
Configuration Management & Quality Assurance Division
Information Systems Division
Maintenance Division
Materiel & Services Division
Resource Management Directorate
Financial Management Division
Acquisition Management Division
Internal Management Analysis & Control Division
Personnel and Security Directorate
Personnel Division
Security Division
Output Directorates
Washington Area Support Directorate
Voice Operations Division
Networks Division
Audiovisual Division
Camp David Detachment
Travel Support Directorate
POTUS Support Division
VPOTUS Travel Division
Customers/Users
Customer Support Directorate
Requirements & Operations Division
Operations Center Division
Customer Service Division
Contingency Division
EXHIBIT
JS-1

Date: 31-Jul-1995

RESIDENCE EVENT TASK SHEET

Type of Event: COFFEE
Group: RE-ELECT
Date: 03-Aug-1995 Time: 8:30am to: 10:00am Guests: 18 Dress: BUSINESS
Site: MAP ROOM Rain Site:
Principals: THE PRESIDENT
from: 9:00am to: 10:00am Remarks: Yes No * Time:
Receiving Line: Yes No * Time: Site:

USHERS' OFFICE: #Chairs: 18 Tables: 1 TABLE Platform: NO
Serving Time: 8:30AM Location:
Coat Check: Yes No *
Food/Beverage: COFFEE, JUICE, PASTRIES

TOUR OFFICERS: Entry Gate: NORTH WEST GATE Exit: SAME
Parking: Yes No Location:
Comments: GUESTS WILL PROCEED TO THE WEST LOBBY FRONTEH NW GATE

CALLIGRAPHERS: Place Cards: Yes * No Handouts: Yes No *
Other:

WHITE HOUSE PHOTO: Yes * No Time: 9:00am General Edit: Yes * No

MILITARY OFFICE: Social Aides: 0 Carriage Call: Yes No *
Door Openers: Yes No * Honors: Yes No *
Type of Music Site Time

WHCA: Podium: Yes No * Type: Location:
Announcer Mike: Yes No * Other Mikes: Yes No
Site:
Recording: Yes No * Other Requirements:

PRESS: Yes No * Details:
WH Television: Yes No *

SPECIAL INSTRUCTIONS:

GUESTS WILL ENTER THROUGH THE NORTH WEST GATE AND PROCEED TO THE WEST LOBBY - - GUESTS THEN WILL BE ESCORTED TO THE MAP ROOM

Social Office Contact: T. LABRECQUE Phone: x7136 Fax: x
White House Staff Contact: ANN STOCK Phone: x Fax: x
Group contact: DOUG SOSNIK Phone: ( ) - Fax: ( ) -

Reimbursable: Yes * No Bill: TERRY MCAULIFFE
CLINTON/GORE 96

EOP 023953

EXHIBIT
JS-2

Date: *01-Sep-1995*

RESIDENCE EVENT TASK SHEET

Type of Event: *COFFEE*
Group: *DNC*
Date: *07-Sep-1995* Time: *8:30am to: 10:00am* Guests: *18* Dress: *BUSINESS*
Site: *MAP ROOM* Rain Site:
Principals: *THE PRESIDENT, THE VICE PRESIDENT (T)*
from: *9:00am* to: *10:00am* Remarks: *Yes No ** Time:
Receiving Line: *Yes No ** Time: Site:

USHERS' OFFICE: #Chairs: *18* Tables: *1 LARGE TABLE* Platform:
Serving Time: *8:30AM* Location:
Coat Check: *Yes No **
Food/Beverage: *COFFEE, OJ, PASTRIES*

TOUR OFFICERS: Entry Gate: *NORTH WEST GATE* Exit: *SAME*
Parking: *Yes No ** Location:
Comments: *GUESTS ENTER NW GATE AND PROCEED TO MAP ROOM*

CALLIGRAPHERS: Place Cards: *Yes * No* Handouts: *Yes No **
Other:

WHITE HOUSE PHOTO: *Yes * No* Time: *9:00am* General Edit: *Yes * No*

MILITARY OFFICE: Social Aides: *0* Carriage Call: *Yes No **
Door Openers: *Yes No ** Honors: *Yes No **
Type of Music Site Time

WHCA: Podium: *Yes No ** Type: Location:
Announcer Mike: *Yes No ** Other Mikes: *Yes No*
Site:
Recording: *Yes No ** Other Requirements:

PRESS: *Yes No ** Details:
WH Television: *Yes No **

SPECIAL INSTRUCTIONS:

Social Office Contact: *TRACY LABRECQUE* Phone: *x7136* Fax: *x*
White House Staff Contact: *A. STOCK* Phone: *x* Fax: *x*
Group contact: *D. SOSNIK* Phone: ( ) - Fax: ( ) -

Reimbursable: *Yes * No* Bill: *DEMOCRATIC NATIONAL COMMITTEE*

Date: *13-Sep-1995*

RESIDENCE EVENT TASK SHEET

Type of Event: *COFFEE*
Group: *CLINTON GORE 96'*
Date: *14-Sep-1995* Time: *8:30am to: 10:00am* Guests: *16* Dress: *BUSINESS*
Site: *THE MAP ROOM* Rain Site:
Principals: *THE PRESIDENT*
from: *9:00am* to: *10:00am* Remarks: *Yes* *No* * Time:
Receiving Line: *Yes* *No* * Time: Site:

USHERS' OFFICE: #Chairs: *16* Tables: *LRG MAP ROOM TABLE* Platform:
Serving Time: *8:30AM* Location:
Coat Check: *Yes* *No* *
Food/Beverage: *COFFEE, JUICE, PASTRIES*

TOUR OFFICERS: Entry Gate: *NORTH WEST GATE* Exit: *SAME*
Parking: *Yes* *No* * Location:
Comments: *GUEST ENTER NW GATE & PROCEED TO WEST LOBBY*

CALLIGRAPHERS: Place Cards: *Yes* * *No* Handouts: *Yes* *No*
Other:

WHITE HOUSE PHOTO: *Yes* * *No* Time: *9:00am* General Edit: *Yes* * *No*

MILITARY OFFICE: Social Aides: *0* Carriage Call: *Yes* *No* *
Door Openers: *Yes* *No* * Honors: *Yes* *No* *
Type of Music Site Time

WHCA: Podium: *Yes* *No* * Type: Location:
Announcer Mike: *Yes* *No* * Other Mikes: *Yes* *No*
Site:
Recording: *Yes* *No* * Other Requirements:

PRESS: *Yes* *No* * Details:
WH Television: *Yes* *No* *

SPECIAL INSTRUCTIONS:
GUESTS ENTER THE NORTH WEST GATE AND PROCEED TO WEST LOBBY TO HOLD
THE GUESTS THEN WILL BE ESCORTED TO THE MAP ROOM

Social Office Contact: *T. LABRECQUE* Phone: *x7136* Fax: *x*
White House Staff Contact: *A. STOCK* Phone: *x7136* Fax: *x*
Group contact: *D. SOSNIK* Phone: ( ) - Fax: ( ) -

Reimbursable: *Yes* * *No* Bill: *TERRY MCAULIFFE, CLINTON GORE 1996*

EOP 023910

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest:

Robin H Carle
Clerk.

EXHIBIT
JS-3

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10 All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng. China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

Subpena for.....

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before the Committee on the.....

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Served L. A. Brey.....

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..... John G. 3/5/97

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.....House of Representatives

GPO 1991 42-417 (m)

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

EXHIBIT
JS-4

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

2. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1994:**

   a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

3. Any documents or materials dated -- or if undated, documents created or received -- **after February 17, 1995:**

   a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

4. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1996:**

   a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors -- e.g. Yah Lin "Charlie" Trie -- regarding raising money for the Presidential Legal Expense Trust;

   b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

5. Any documents or materials dated -- or if undated, documents created or received -- **between August 3, 1996 and December 31, 1996:**

   a. Referring or relating to the White House Data Base (WHODB).

ATTACHMENT A

INDIVIDUALS**

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pornpimol) Kanchanalak*
(aka Pauline (or Pornpimol) Parichartkul*)
Daungnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

** Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

ENTITIES*

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

THE WHITE HOUSE
WASHINGTON

April 29, 1997

MEMORANDUM FOR: **DIMITRI NIONAKIS**
Associate Counsel to the President

REGARDING: April 28, 1997 Request for Documents

This certification is in response to the memorandum from Charles F.C. Ruff, Counsel to the President, regarding the 4/28/97 Document Request. By signing this document, I am certifying that I directed all individuals in my office to search their files as well as the office's files. To the best of my knowledge, these files have been reviewed and all responsive documents have been provided.

Management and Administration:

Jodie R. Torkelson
Assistant to the President for Management
and Administration

EXHIBIT
JS-5

THE WHITE HOUSE
WASHINGTON
May 7, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: ASHLEY RAINES
CHIEF OF STAFF
MANAGEMENT AND ADMINISTRATION

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997, my files and the files of the following staff members have been reviewed:

Circulated, Read and Attested to by:

KELLI MCCLURE
PERSONNEL LIAISON
___ no files found
✓ files have been forwarded

TERESA WILDMAN
EXECUTIVE ASSISTANT
___ no files found
✓ files have been forwarded

BROOKS SCOVILLE
STAFF ASSISTANT
___ no files found
✓ files have been forwarded

THE WHITE HOUSE
WASHINGTON

May 6, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: MICHAEL D. MALONE, SPECIAL ASSISTANT TO THE PRESIDENT AND DIRECTOR OF WHITE HOUSE OPERATIONS

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997 files in the following offices have been reviewed:

Circulated, Read and Attested to by:

MELINDA BATES
DIRECTOR, VISITOR'S OFFICE
✓ no files found ___ files have been forwarded

PATTI COGDELL
DIRECTOR, WHITE HOUSE CONFERENCE CENTER
___ no files found ✓ files have been forwarded

SUSAN L. HAZARD
DIRECTOR, WHITE HOUSE TRAVEL OFFICE
✓ no files found ___ files have been forwarded

MADGE HUBER HENNING
DIRECTOR, INTERN PROGRAM
___ no files found X files have been forwarded — not responsive — MDM Lane 5/6/97

BOB McNEELY
DIRECTOR, WHITE HOUSE PHOTO OFFICE
___ no files found X files have been forwarded

ALEX G. NAGY
DIRECTOR, WHITE HOUSE TELEPHONE SERVICES
___ no files found X files have been forwarded

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

May 6, 1997

Unclassified upon removal of attachment (5)

MEMORANDUM FOR CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

FROM: ALAN P. SULLIVAN
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT: Document Request

In response to your memorandum of April 28, 1997, we have searched our files and found the six attached documents referring or relating to the individuals or entities identified in the memorandum.

Attachments

CONFIDENTIAL

[The deposition of Alan Sullivan follows:]

EXECUTIVE SESSION

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPOSITION OF: ALAN P. SULLIVAN

FRIDAY, OCTOBER 17, 1997

The deposition in the above matter was held in Room 2303, Rayburn House Office Building, commencing at 9:45 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Richard Bennett, Chief Majority Counsel; Barbara Comstock, Chief Investigative Counsel; Dudley F.B. Hodgson, Chief Investigator; J.T. Mastranadi, Staff Assistant; Andrew J. McLaughlin, Minority Counsel.

For MR. SULLIVAN:

LIEUTENANT COLONEL JOHN SPARKS, ESQ.
NATIONAL SECURITY COUNCIL

Mr. BENNETT. Good morning, Mr. Sullivan. I have to just go through a certain preamble just to make sure we put certain things on the record, and I want to begin by saying on behalf of the Members of the House on the Committee on Government Reform and Oversight, I thank you for appearing here today.

This proceeding is known as a deposition, and the person transcribing this proceeding is a House reporter and notary public. I will now request that the reporter place you under oath.

THEREUPON, ALAN P. SULLIVAN, a witness, was called for examination, and after having been first duly sworn, was examined and testified as follows:

Mr. BENNETT. I would like to note for the record those who are present at the beginning of this deposition. I am Dick Bennett, Chief Majority Counsel for the committee. I am accompanied by Butch Hodgson, Chief Investigator, and J. T. Mastranadi from our staff. Mr. Andrew McLaughlin is the designated Minority counsel for the committee attending this deposition.

I believe you are also accompanied by your attorney, Lt. Col. John Sparks from the National Security Council.

Is that correct, Colonel Sparks?

Colonel SPARKS. That is, sir.

Mr. BENNETT. Although this proceeding is being held in a somewhat informal atmosphere, because you have been placed under oath, your testimony here today has the same force and effect as if you were testifying before the committee or in a courtroom. Do you understand that, sir?

The WITNESS. I do.

Mr. BENNETT. If I ask you about conversations you have had in the past, and you are unable to recall the exact words of the conversation, you may state that you are unable to recall those exact words, and you may then give me the gist and substance of any conversation to the best of your recollection.

If you recall only part of a conversation or only part of an event, please give me your best recollection of those events or parts of conversations that you recall.

Do you understand that, sir?

The WITNESS. I do.

Mr. BENNETT. If I ask you whether you have any information about a particular subject, and you have overheard other persons conversing with each other regarding that subject or have seen correspondence or documentation about that subject, please tell us that you do have such information and indicate the source from which you derived such knowledge.

Do you understand that?

The WITNESS. I do.

Mr. BENNETT. Before we begin the questioning, I want to give you some background about this investigation and your appearance here.

Pursuant to its authority under House rules X and XI of the House of Representatives, the committee is engaged in a wide-ranging review of possible political fundraising improprieties and possible violations of law. Pages 2 through 4 of House Re-

port 105–139 summarizes the investigation as of June 19, 1997, and describes matters which have arisen in the course of the investigation.

Also pages 4 through 11 of that report explain the background of the investigation. I say that for benefit of your counsel if for some reason he would want to look at those materials.

All questions related either directly or indirectly to these issues or questions which have the tendency to make the existence of any pertinent fact more or less probable than it would be without the evidence are proper.

The committee has been granted specific authorization to conduct this deposition pursuant to House Resolution 167, which passed the full House on June 20, 1997. Committee Rule 20 outlines the ground rules for the deposition.

Majority and Minority committee counsel will ask you questions regarding the subject matter of the investigation. Particularly with respect to today, it relates to compliance with the subpoena issued by the committee on March 4, 1997. Minority counsel will ask questions after Majority counsel has finished. After the Minority counsel has completed questioning you, a new round of questioning might begin.

For the record, procedurally Majority counsel will go first and then Minority counsel will follow. Mr. McLaughlin, at certain points in time, if you desire a follow-up on a question, while I don't waive the right to assert the procedure to have Majority counsel ask all questions first before questions from Minority counsel, as a courtesy to you this morning I will extend you the opportunity, as we get into certain subject areas, if you indicate you want to follow up on a certain subject area before I finish, I will afford you the courtesy to go to that without having to wait until the end of my questioning.

If at any time a Member of Congress wants to ask a question, that Member is afforded then an immediate opportunity to ask his or her questions, and we would stop and allow the Member to ask questions, and then we would proceed.

Pursuant to committee rules, you are allowed to have an attorney present to advise you of your rights.

And, Colonel Sparks, you are here today in that capacity; is that right?

Colonel SPARKS. I am, sir.

Mr. BENNETT. You are with the National Security Council?

Colonel SPARKS. I am.

Mr. BENNETT. Any objection raised by your counsel during the course of the deposition shall be stated for the record. If your counsel instructs you not to a question or you otherwise refuse to answer a question, Majority and Minority counsel will confer to determine whether the objection is proper.

If we think the question is proper, either one of us, we will ask you to answer the question. If the objection is not withdrawn, then the chairman of the committee, Congressman Dan Burton, may decide whether the objection is proper.

This deposition is considered as taken in executive session of the committee, which means the contents of the deposition will not be made public without the consent of the committee pursuant to clause 2(k)(7) of House rule XI. Do you understand that?

The WITNESS. Yes. I understand what you said.

Mr. BENNETT. Colonel Sparks, do you understand that we don't release a transcript of this deposition? You will be given an opportunity to review it with your client, but this is in executive session, so no one is going to release, Mr. Sullivan, your deposition to anybody after the deposition concludes today.

Colonel SPARKS. That's right. When would we have that opportunity?

Mr. BENNETT. I would think by Monday. I believe the court reporter, they have been pretty fast with their responses, so I think by Monday you would have an opportunity to do that.

As I have just mentioned, no later than 5 days after your testimony is transcribed, you may submit suggested changes to the chairman. You will have an opportunity to review it, and the transcript will be available for your review at the committee office.

We have made arrangements also, Colonel Sparks, pursuant to which the deposition transcript can be sent to you, and you can review it and certify the safety of its contents, so to speak, and then send it back to us. We can arrange for that.

Colonel SPARKS. All right.

Mr. BENNETT. In the event that you would want to make changes, substantive changes, or modifications or clarifications or amendments to the deposition transcript submitted by you, they must be accompanied by a letter requesting those changes and a statement of reasons for each proposed change. A letter requesting substantive changes, modifications, clarifications or amendments must be signed by you. Any substantive changes, modifications, et cetera, would be included as an appendix.

Is there anything that you don't understand that I have said thus far, Mr. Sullivan?

The WITNESS. I understand it all.

Mr. BENNETT. Colonel Sparks, any questions you have in terms of procedure?

Colonel SPARKS. None.

Mr. MCLAUGHLIN. Before you get into the substantive questions, I have two statements for the record.

Mr. BENNETT. Sure.

Mr. MCLAUGHLIN. The first is I want to note for the record the Minority's ongoing objection as to the scheduling of this deposition, as Mr. Condit indicated in his letter on Wednesday, which I believe you saw it at least by yesterday.

Mr. BENNETT. I have yet to see Mr. Condit's letter.

Mr. MCLAUGHLIN. I am not sure what staff error in your office has caused that to happen.

Mr. BENNETT. I don't presume it is a staff error, Mr. McLaughlin. Again, I haven't received it, and we have looked in our office. I have yet to receive a letter from Mr. Condit's office.

Mr. MCLAUGHLIN. Copies were given and made a part of the record, Mr. Bennett. So I am not sure whose error it was in bringing it to you, but perhaps you want to investigate that staff error.

Anyway, I want to make clear for the record that Minority members of this committee wanted the opportunity to participate in this deposition. They have requested that opportunity. They have requested it in writing, and it has not been honored. Accordingly, we object as to the scheduling of this deposition.

Second, I want to note for Mr. Sparks that pursuant to House rule XI 2(k)(8), objections as to pertinence are the province of the full committee and not merely the chairman to decide. Accordingly, any rulings by the chairman on such objections are appealable to the full committee.

Mr. BENNETT. Just for the record, Congressman Condit is the one Member who apparently has voiced an objection to this scheduling. For the record, that was never voiced to me until Thursday, October the 16th. I met with Mr. Ruff, Counsel to the President at the White House, last Friday, October the 10th, with Mr. Kenneth Ballen. It was discussed that we would begin immediately taking depositions. There has literally not been one word from any Member of Congress, Republican or Democrat, to me, with respect to the scheduling of these depositions until it was brought to my attention yesterday that Mr. Ballen had indicated an objection on the record.

So meaning no disrespect to Congressman Condit, we will see that he gets a transcript of this or he has access to it as quickly as possible. And certainly in the event that Members of Congress desire to ask any questions, we may have to bring Mr. Sullivan back.

Mr. MCLAUGHLIN. Let me just note that to the extent that you do uncover what happened to those copies of the letter that were sent to your committee, Mr. Bennett, you may want to review the text of the letter, and you will see that Mr. Condit is speaking not merely on behalf of himself, but of all the Democratic members of the Committee. And so I think it is not a trivial objection by one Member, but rather the sense of the entire Minority of the Committee that participation in these depositions is important. At the very least, you had notice of this yesterday, and I note that we are now sitting here, Thursday morning, going forward with this deposition.

Mr. BENNETT. For the record, it is Friday morning and was——

Mr. MCLAUGHLIN. I stand corrected.

Mr. BENNETT. I received word of this late yesterday afternoon, and in light of the scheduling considerations and in light of the Members basically being here Monday nights through Thursday afternoons, it is very difficult, obviously, to schedule depositions at the convenience of witnesses and lawyers and schedule all those in a 3½-day time frame in light of the presence of the Members of Congress here in Washington. And again, we are certainly willing to reconvene the deposition, if necessary, and accord Members the opportunity to ask any questions.

EXAMINATION BY MR. BENNETT:

Question. Mr. Sullivan, if you will state your date of birth, please?

Answer. October 17th, 1948; which is 49 years ago today.

Question. Well, happy birthday, Mr. Sullivan.

Answer. Thank you.

Question. I am sorry you have to spend your 49th birthday under these circumstances.

Sir, you have been employed at the White House for how long?

Answer. Slightly less than 3 years. Since November 1994.

Question. What is your educational background, sir?

Answer. I have three masters' degrees and a bachelor's degree.

Question. And where did you attend college for your bachelor's degree?

Answer. Villanova University.

Question. And then having graduated from Villanova, you then received—got your master's degree where?

Answer. I received a master's degree in human resources management from Pepperdine University; a master's degree in finance from New York University, that's an MBA; and a master's in strategic studies and national defense from the Naval War College.

Question. Do you have a military background, sir?

Answer. I do.

Question. And what is your military background?

Answer. Twenty-plus years of active duty in the United States Marine Corps, retired at the rank of colonel.

Question. Do you prefer to go by Colonel Sullivan or Mr. Sullivan?

Answer. Mister.

Question. Mr. Sullivan. Well, again, as I am a retired major in the Reserves, perhaps I should call you Colonel Sullivan. I will call you Mister, but if I vary——

Answer. I prefer Mister.

Question. That's fine.

When did you retire from the Marine Corps?

Answer. I left—my last day of active duty was the Friday preceding my employment at the White House in 1994.

Question. And I am sorry, did you say that was October of 1994?

Answer. At the end of October or the beginning of November. I retired for record purposes 1 January 1995, having taken terminal leave.

Question. I understand. I understand.

Answer. In accordance with code 5—section 5 of the U.S. Code.

Question. Then I gather prior to your employment at the White House in October of 1994, your political activities were somewhat limited in light of your active military status?

Answer. I have no political activity whatsoever.

Question. And what was—who was the person most responsible for your being hired at the White House?

Answer. Al Mauldon.

Question. How did you know Mr. Mauldon?

Answer. I didn't.

Question. Did you come to apply for the job? I guess I am asking how did you come to retire from the Marine Corps and come to work at the White House?

Answer. I had planned on retiring from the Marine Corps. I had already turned down my colonel's command, the opportunity to command an air station, and indicated to the Marine Corps I planned to retire; I was out looking for jobs. And it came to the attention of one of the senior officials in the Department of Defense at the Office of the Secretary of Defense that I was planning on entering a private career, and he brought to my attention the fact that this position might be available, and John Deutch nominated me to be interviewed at the White House.

Question. Okay. And the position being—head of the White House Military Office?

Answer. Yes, an organization I had never heard of until that point.

Question. And who was Mr. John Deutch?

Answer. Right now?

Question. Yes. I am sorry, who was he? Was he a personal friend of yours? Did you know him?

Answer. He was the Deputy Secretary of Defense, and he was not a personal friend. He was a superior and a colleague. I worked directly for one of the assistant secretaries in the engineering—research and engineering area.

Question. So then to whom did you submit your application at the White House to head up the White House Military Office?

Answer. I interviewed with Phil Lader and Leon Panetta and Jodie Torkelson.

Question. And Jodie Torkelson, I believe, was the Assistant to the President for Management and Administration?

Answer. Correct.

Question. And having interviewed with those persons, who was the person who told you that you were hired for the position?

Answer. The President.

Question. And when did you first meet with the President?

Answer. I will estimate.

Question. That's fine.

Answer. In September or October of 1994.

Question. And how many interview sessions did you have with the President prior to the time being hired?

Answer. One.

Question. Just one?

Answer. About 30 seconds' worth.

Question. And in terms of—you were hired then to be the Director of the White House Military Office?

Answer. Correct.

Question. And is that the only position that you have held at the White House?

Answer. Yes.

Question. And you have held that position then since approximately October of 1994?

Answer. I actually walked through the door in November of 1994.

Question. So you have been in that job almost——

Answer. Two years and——

Question. Almost 3 years then?

Answer. Yes, almost 3 years.

Question. How many people work in the White House Military Office?

Answer. Fifteen percent less than in 1992. We are down to 1,800.

Question. And how many different groups report to that office?

Answer. Depending on how you parse it, you can call it 10 groups or 11.

Question. And one of those groups is the White House Communications Agency, known by the acronym WHCA, correct?

Answer. Correct.

Question. What are the other organizations that report to you?

Answer. The entity known as the President's Pilots' Office, colloquially known as Air Force One; Marine Helicopter Squadron One, which provides a helicopter known as Marine One; a staff office called Airlift Operations; Camp David; the White House Communications Agency; the White House staff Mess; the White House Transportation Agency, known as the motor pool; the medical unit; the Special Programs Office; the Presidential Contingency Programs Office; and the Security Office; and the military aides, military aides to the President.

Question. All told, the number of people in those various agencies total approximately 1,800?

Answer. That's correct.

Question. And in the White House Military Office itself, the coordinating center, where you are the Director, how many people are employed there?

Answer. There are a total of eight people.

Question. And the names of those people—how many people have been there in that group since you arrived in October of 1994?

Answer. One.

Question. And the eight people that are presently employed there, their names, please?

Answer. My administrative assistant is Ms. Danie Donnelly, that's D-O-N-N-E-L-L-Y; my chief of staff is Colonel Timothy Milbrath, M-I-L-B-R-A-T-H, active duty, U.S. Air Force; my assistant chief of staff is a Lieutenant Colonel Gregory Raths, R-A-T-H-S, U.S. Marine Corps; my ceremonies coordinator is Mr. Ron Wright, W-R-I-G-H-T; and I have three enlisted—junior enlisted personnel who work as clerks, a tech sergeant, John Otto, O-T-T-O; a sergeant, Darryl Turner, U.S. Army; and a WN–1, Denver Peters, P-E-T-E-R-S.

Is that it?

Colonel SPARKS. Seven.

The WITNESS. And me.

EXAMINATION BY MR. BENNETT:

Question. And you report to an immediate supervisor who is the Assistant to the President for Management and Administration?

Answer. Yep.

Question. And that person was Ms. Jodie Torkelson, but I believe now she is with Voice of America; is that correct? I mean, she is no longer there, right?

Answer. She is gone.

Question. She is gone. Who took place her place?

Answer. Ms. Virginia Apuzzo, A-P-U-Z-Z-O. She has been on the job 12 days.

Question. That's an interesting time for her to arrive, I guess.

Colonel SPARKS. Welcome party.

Mr. BENNETT. Yes. Let the record reflect that there was a chuckle with that.

EXAMINATION BY MR. BENNETT:

Question. Prior to 12 days ago, when did Ms. Torkelson leave? I did not realize she left so recently.

Answer. She left during the summer.

Question. She did.

Was the position vacant for a period of time?

Answer. Yes, blessedly so.

Question. As best you can recollect, when is the—for the record, Ms. Barbara Comstock, another counsel and chief investigative counsel for the Majority, has arrived.

When did Ms. Jodie Torkelson leave the position Assistant to the President for Management and Administration?

Answer. For the record, I can't remember, but it was in the summer of 1997, mid—midsummer.

Question. And did the individual who took her place—she arrived, you say, 12 days ago?

Answer. Correct, during the month of October 1997.

Question. Now, Ms. Torkelson, did she leave in August or July? Do you recall exactly when she left?

Answer. I honestly don't recollect.

Question. Did you have any discussions with Ms. Torkelson prior to her departing her position as Assistant to the President for Management and Administration with respect to any inquiry concerning videotapes or audiotapes?

Answer. No.

Question. Okay. So to your knowledge, Ms. Torkelson had no involvement in that process at all, to your knowledge?

Answer. She did not—if she was involved, she did not share it with me.

Question. I understand. And to the extent that there was any inquiry by any congressional staffer, I think, for example, Mr. Bucklin from the Senate committee, to your knowledge, did Ms. Torkelson have any interaction with Mr. Bucklin?

Answer. I don't know.

Question. Directing your attention to the White House Military Office, and the relationship it has with the White House Communications Agency, WHCA, I believe that you prepared the OER, or what is known as the officer evaluation report, for the commander of WHCA; is that correct?

Answer. The officer evaluation report for the commander of WHCA is signed by the Chief of Staff to the President of the United States.

Question. Who prepares the OER?

Answer. I do, that's correct.

Question. So in terms of, for example, Colonel Simmons, Jake Simmons is the commander of WHCA?

Answer. That's correct.

Question. Then you are responsible for preparing his OER that you then submit to the Chief of Staff; is that correct?

Answer. That's correct.

Question. Have you prepared an OER yet for Colonel Simmons?

Answer. Yes.

Question. I guess you would have in the last 3 years—they are prepared annually. So when was the last time you prepared that?

Answer. I don't recollect; certainly within the last year.

Question. Then are you the one that provides the mission statement, in military jargon, or the tasking for WHCA with respect to orders to Colonel Simmons?

Answer. I provide the taskings. I do not provide the details in how to accomplish those taskings.

Question. In terms of the tasking, with what frequency do you provide tasking orders to Colonel Simmons?

Answer. Daily, through a variety of mechanisms.

Question. Do you have daily contact with Colonel Simmons?

Answer. As needed.

Question. And so is it fair to state that Colonel Simmons reports directly to you, and that his marching orders each day are received from you?

Answer. His marching orders—it is fair to say that he has—he and I have a very close working relationship. It is equally fair to say that the routine events that go on daily throughout the White House and that require support from WHCA do not require me to tell him to read the schedule. Nor does it require him to read the

schedule, because he has people that read the schedule in their functional areas who just go about and do it. So he and I wind up talking about nonroutine events.

Question. And again, you would probably have a daily contact with him in some form?

Answer. Absolutely.

Question. Where is your office located in relation to his office?

Answer. My office is in the East Wing of the White House. His office is in building 399 Naval Station Anacostia, Southeast, District of Columbia.

Question. So most of your communications would either be by telephone or e-mail?

Answer. The vast majority are telephonic.

Question. Are there any communications by electronic mail?

Answer. We do have e-mail.

Question. Do you communicate with Colonel Feldman by means of e-mail?

Answer. I communicate with Colonel Simmons by e-mail.

Question. Colonel Simmons, excuse me. By e-mail?

Answer. I do.

Question. Now, with respect to the White House taping operations, audiovisual and what have you, do you have personal knowledge of those taping operations? Are you familiar with them?

Answer. I am now.

Question. I guess you are. And when did you gain knowledge of the taping operations?

Answer. It is—let me answer that in a—I gained knowledge incrementally about WHCA generally and each of its functional areas over time as I spent time there. From day one I received briefings about what they did. So I was certainly aware of the existence of an outfit that was videotaping the Presidency, as it had done for numerous Presidencies. That was formerly an independent organization and was only brought into WHCA at approximately the time that I arrived.

Question. Well, let me follow up on that if I can. In terms of the operations of WHCA and the taping operations, when you first arrived in October of 1994, what was your understanding of the role performed by WHCA at that time?

Answer. Provide—my understanding was framed by the mission statements that had been formulated in 1962 that established the White House Communications Agency as a field activity, and the updates to the mission statement. I cannot quote them to you but broadly, if I may summarize it.

Question. Sure.

Answer. It is essentially to provide all forms of electronic, audiovisual and other sorts of telecommunications support to the President, the Vice President and the Office of the President, and related staff, and the National Security Council.

Question. And ultimately, you learned that essentially this White House Communications Agency would tape the President on essentially a daily basis, correct?

Answer. I was aware that they—of the existence of that unit right from day one.

Question. And with respect to the extent of their activities, when did you learn that WHCA essentially tapes every day in the life of the President?

Answer. I would not subscribe to a specific date when that thought crossed my mind, but I understood that their mission—the unit was formerly called the White House TV, and I was initially confused by that. And I don't really suppose it sank in as to what they actually did until I went on several trips and just sort of saw how things worked.

Question. And what did you observe with respect to how things worked?

Answer. They taped all open events that were—that had the media present, and I saw them taping other events where the media was not present.

Question. In terms of closed events?

Answer. Yes.

Question. I was going to ask you this later, but let me just get into this now, if I can. Who ordered—who determined whether an event was a closed event or an opened event?

Answer. I don't know.

Question. That wasn't your decision to make?

Answer. Not at all.

Question. And then there would be tape recording of open events, and there would also be tape recording of closed events also, correct?

Answer. Some.

Question. There would be some. Who would determine which closed events were taped and which ones were not?

Answer. Well, at the time I didn't know. I have recently learned who is responsible for that decision.

Question. Who is responsible for that decision?

Answer. A civilian aide to the President. His name is Steven Goodin, G-O-O-D-I-N or E-N.

Question. And Mr. Goodin then, to your knowledge, makes the determination presently as to whether or not an event is an open event or closed event?

Answer. I do not know about that. I do know he makes the determination as to whether White House TV records a specific event or not.

Question. Whether WHCA records?

Answer. Yes, correct.

Question. So, in other words, Mr. Goodin will then be the one to determine whether or not the cameras for WHCA are turned on or off essentially?

Answer. Correct.

Question. And how long has he had that responsibility?

Answer. I don't know. I would infer it is an inherent part of his job.

Question. And how long has he had his position?

Answer. I would estimate 2 years.

Question. Do you know who would have had the position prior to Mr. Goodin?

Answer. Yes.

Question. And who would that be?

Answer. Andrew Friendly, like Friendly's Ice Cream.

Question. And where is Mr. Friendly employed now?

Answer. He still works in the Executive Office of the President.

Question. And do you know how long he had that position?

Answer. I think from January 20th, 1993, until he was replaced by Steven Goodin.

Question. So you believe Mr. Friendly, and then succeeded by Mr. Goodin, those two individuals would have been the ones to determine whether or not WHCA was going to record an event?

Answer. That's correct.

Question. Be it a closed event or an open event?

Answer. I would say that in terms of an open event, the question was never addressed. I think the presumption was that WHCA would record all open events. The questions would be which closed events would WHCA record.

Mr. MCLAUGHLIN. I am sorry. We are talking about open and closed to the press; not opened and closed to the public; is that correct?

The WITNESS. When we say open and closed, that is in reference to press coverage.

It is—I am sorry. I got distracted there.

EXAMINATION BY MR. BENNETT:

Question. In terms of, Mr. McLaughlin asked—pursuant to my understanding, Mr. McLaughlin can interject questions. In terms of following up on that, in terms of closed or open events, you said there were closed or open to the press, not necessarily to the public?

Answer. In the context of this deposition, I—when we use the term opened and closed, I am using it open to the press and closed to the press. By press, I mean the media that distributes the images of the President at large.

Question. With respect to a closed event that is closed to the press, what kind of event would be closed to the press but open to the public?

Answer. Meetings with heads of state, meetings with groups.

Question. I guess my follow-up question is in terms of meetings with heads of state, the press is really the public in a sense. And if a meeting with a head of state is closed to the press, I don't know that I as a member of the public could walk in and say, I would like to sit in and observe this meeting with a head of state. So I am not really sure what the distinction is between closed to the press or closed to the public.

Answer. Well, let me give you an example that may help frame it.

Question. Okay. Sure.

Answer. Sometimes on the schedule when the President lands at a military airfield, the schedule will say closed to the public, but the media are with us, and they are filming the President getting off the airplane. So there is an event that is closed to the public but open to the press.

Question. And I guess my question is: Can you frame one to me that is closed to the press but open to the public?

Answer. No.

Question. So really the matter of being closed to the press—essentially, closed to the press is closed to the public, correct?

Answer. Yes.

Question. Now, in terms of determining whether or not an event was closed or opened, you indicated that you weren't certain whether Mr. Goodin made that determination.

Answer. I have been told by the audiovisual people that Mr. Goodin does make that determination. They meet with him in the morning and go over the schedule and say, what events are we going to cover or not cover?

Question. And once that determination is made, in terms of whether or not an event is closed or open, when that decision is made, is—is that decision communicated to you and then you communicate it to Colonel Simmons, or is it communicated directly to Colonel Simmons?

Answer. It is communicated directly to the chief petty officer of the United States Navy that's running the camera.

Question. Again, to follow up, a decision is made in terms of whether an event is closed or open, and they don't go through—whoever it is, Mr. Goodin or whoever makes that determination, does not go through you?

Answer. No.

Question. And, to your knowledge, he doesn't go through Colonel Simmons?

Answer. No. This is a retail question, and Colonel Simmons and I deal at wholesale.

Question. And in terms of dealing on the retail level, not the wholesale level, to pick up your metaphor, essentially then Mr. Goodin can make a determination pretty much on the spot with the audiovisual people whether it's going to be taped and whether it's closed or open?

Answer. Yes, sir, that's correct.

Question. And it can be done in a matter of just his—it isn't like a lot of paperwork is done with it. He verbally says, this is closed, or, this is open, and either we are or we are not going to tape; is that basically correct?

Answer. Let me amplify that. The process as explained to me by the chief petty officer who runs this unit is that they meet daily with the President's aide. They go over the schedule, and they make a determination as to which events will be filmed by WHCA—taped, excuse me, taped by WHCA. The question as to opened and closed is not a question that is germane to the audiovisual unit in the sense of decision-making.

If an event is open, it is presumed that the White House Communications Agency will videotape it. If an event is closed, that's when a decision—closed to the media—that's when a decision will be made.

Question. And with respect to that decision being made, is that decision made in writing through——

Answer. No.

Question. It is just a verbal decision that's communicated to the video people, correct?

Answer. Yes. It is a three-person huddle. You have the aide, you have the man with the camera, and you have the man with the boom microphone.

Question. And the names of those people would—for example, in terms of understanding the three people who huddle, presently would Mr. Goodin be one of the three people who huddles?

Answer. Yes.

Question. He would huddle with what other two people?

Answer. The assigned person with the camera and the assigned person with the microphone.

Question. And you believe Mr. Friendly, prior to Mr. Goodin, would have the same role to play?

Answer. I would conclude that.

Question. I understand.

Answer. I have no reason to—I have no facts to base that on.

Question. I understand.

With respect to WHCA taking orders from your office on day-to-day instructions, then, does your—does your office determine specifically which events the audiovisual crews should record?

Answer. No.

Question. Again, that is part of the three-person huddle, I guess, in terms of that decision being made?

Answer. That's correct.

Question. In other words, am I correct in understanding that you believe that absent some special circumstances, any event that's an open event would automatically be videotaped and recorded by WHCA?

Answer. That's correct.

Question. Do you keep any records of the political, as opposed to nonpolitical, events which the audiovisual crew records?

Answer. No.

Question. And do you know whether or not there are any records which distinguish between political and nonpolitical events kept by the White House?

Mr. MCLAUGHLIN. I am sorry. I don't think I understood that question.

Mr. BENNETT. I will repeat it.

EXAMINATION BY MR. BENNETT:

Question. Do you know whether or not there are records that distinguish between political and nonpolitical events recorded by any audiovisual crew of WHCA?

Answer. The records are not organized on that basis. They have a chronological and topical log of the filming. Recollect—I feel compelled to point out that the purpose of the audiovisual unit is to provide a chronology of the Presidency and all the activities that the President will permit to be videotaped. And so, therefore, it is not parsed in terms of political or nonpolitical or even anything else. It is not even parsed in terms of any other dimension. It is a chronology. It is a video vacuum cleaner of the Presidency; no more, no less.

Question. And those crews, in terms of the video vacuum cleaner, those crews pretty much operate, I think you indicated, on a daily basis?

Answer. Yes. Not only that, they are in shifts so that they are available for work from the time the President wakes up until the time the President goes to bed.

Question. And with respect to you indicating what the President permits to be videotaped, do you have any knowledge in terms of communications between the President and Mr. Goodin, and previous to Mr. Goodin, Mr. Friendly, in terms of any decision-making made by the President himself in terms of what is going to be videotaped?

Answer. No, I do not.

Question. Okay. You don't—you don't know the basis upon which Mr. Goodin and, prior to him, Mr. Friendly, will make a determination about whether the cameras are turned on or off?

Answer. No, I do not.

Question. Directing your attention, just quickly, if I can, just on an adjunct matter, Mr. Sullivan, just so I understand the background on this, I think last year the Inspector General at the Department of Defense was doing an audit of the White House Communications Agency; is that correct?

Answer. That's very—that's correct. We are very proud of the results of that. I wish other organizations in government could do as well.

Question. Without getting into the merits of that, I am just trying to verify, have you previously testified before this committee?

Answer. No.

Question. Last year?

Answer. No.

Question. And were you asked to do so?

Answer. Yes.

Question. And on how many occasions were you asked to do so?

Answer. I am only aware of one.

Question. And what was the basis of your not appearing before the committee?

Answer. The basis was that it is an oversight hearing, and White House officials, political appointees, do not appear before committees on oversight issues.

Question. So basically that determination not to appear was not necessarily yours made alone; it was made by your superiors?

Answer. It is consistent with the policy. I did not—the decision was just simply made based upon the standing guidance of the White House counsel.

Question. And essentially, you followed the advice of White House counsel in terms of not appearing then? It isn't that you made that summary decision yourself?

Answer. That's correct.

Question. Okay. With respect to these taping operations of WHCA, the daily taping operations, how often do you attend these taping sessions?

Answer. The only time I would ever see this crew is if I am at an event at which the President is located. How——

Question. If the President is not there, it is not to be taped and you are not there, so it would not be that you have any regular interaction with these audiovisual crews then?

Answer. I have very little interaction with them, except when I am riding on Air Force One, I go back into the cheap seats and chat with them about life. That is my most regular interaction with them, ask them how the Cokes are.

Question. And Air Force One is one of those agencies underneath your command; is that correct?

Answer. That's correct.

Question. In terms of preparing for this deposition, and then we will go over the matter of the subpoena itself that gives rise to this inquiry, other than your attorney Colonel Sparks, with whom have you discussed this deposition?

Answer. Nobody.

Question. Have you discussed the taking of this deposition with any other person other than Colonel Sparks?

Answer. The taking of this deposition? My wife.

Question. Who at the White House notified you that you would have to come forward for a deposition?

Answer. Colonel Sparks.

Question. At any time did Mr. Ruff or anybody from Mr. Ruff's office contact you about a deposition being taken?

Answer. No.

Question. And have at any time you discussed the taking of this deposition with any representatives of any Members of Congress?

Answer. No.

Question. Have you yourself reviewed the videotapes and any of the documents with respect to the videotapes or the audiotapes with any individuals?

Answer. Nope.

Question. Have you ever seen any of these videotapes?

Answer. The snippets on the news, the evening news. That's the extent of my viewing.

Question. To the extent that videotapes have been turned over to investigators either from the Senate or the House, you yourself have not seen any of those tapes?

Answer. No.

Question. Have you had any involvement with the preparation of these tapes or production pursuant to subpoenas issued by both the Senate and the House?

Answer. No direct involvement. I have certainly been made aware that this has been going on. It has been a major crash, if you will, for the White House Communications Agency to dig all these things out of the archives. My—for completeness, let me say I did receive a phone call saying from the National Archives they had experienced a power outage, and would I please contact them and get it fixed quickly so we could finish retrieving the tapes.

Question. When did the National Archives receive a—experience a power outage?

Answer. This past weekend, Monday, Sunday.

Question. Do you have any knowledge of any of the editing with respect to any of these videotapes?

Answer. None.

Question. Do you have—have you discussed or heard of any editing of the tapes with anyone?

Answer. No.

Question. Do you have any knowledge—do you have any knowledge of anyone altering, changing or destroying any videotapes taken by WHCA?

Answer. No.

Question. Do you have any knowledge as to who would have had custody, and perhaps you can explain, who would have had custody of any and all videotapes and audiotapes taken by WHCA since 1992—well, since January 1993, since President Clinton arrived in office?

Answer. The—I can only describe the methods that are used by the audiovisual people to handle the tapes because there are probably thousands of tapes. So I cannot vouch for the handling of any particular tape. However, the method——

Question. Can you tell me what the procedure is?

Answer. The procedure is they take the videotapes.

Question. "They" meaning the visual crew of WHCA?

Answer. The audiovisual crew would take the tapes. They will record the tapes. They go back to their office. They create a log of what is on the tape, or catalog the tape, if you will. They put it in a box that is stored in their office, and periodically that box is carted to the National Archives and placed in temporary storage at the National Archives. The aim is that they will eventually wind up in whatever repository is created for the Presidency.

To the best of my knowledge, this is the same procedure they have used for every administration that they have done this for.

Question. And do you know the time frame pursuant to which the tapes, either be they visual or audio, are kept there at the offices of WHCA before going to the National Archives?

Answer. I don't know the precise time frame. It is measured in weeks, not months; possibly days.

Question. And to the extent that anyone wants to review any particular tape in the custody of WHCA or in the National Archives, is there a log of anyone who wants to review the tape?

Answer. I don't know. I do know that they do not permit the original tapes to leave their hands.

Question. "They," so I understand?

Answer. The White House Communications Agency audiovisual unit does not permit the original tape to leave their custody.

Question. Until they give it to Archives?

Answer. Correct, until they give it to the Archives.

Question. Once it goes to Archives, do you know the procedure with respect to anyone wanting to view the original at the Archives?

Answer. I do not know.

Question. Do you know the name of the person who is responsible for the custody at the Archives?

Answer. No.

Question. In terms of the individual responsible at WHCA, would that be Colonel Simmons or one of his designees?

Answer. Ultimately, it is Colonel Simmons. As a practical matter, it is Chief Petty Officer McGrath, who is the head of the audiovisual filming crew.

Question. Is McGrath; M, small C, G-R-A-T-H?

Answer. That's correct.

Question. And how long has he been in that position; do you know?

Answer. I don't know.

Question. With respect to the matter of logs, again, and review of tapes and the originals, if anyone, say, today wanted to go and review an original of a videotape taken by WHCA, what would be the procedure within the White House if someone wanted to review the original?

Answer. I don't know.

Question. Who would know?

Answer. WHCA may know.

Question. Okay. And you believe Colonel Simmons might know?

Answer. He might. Either he or counsel. I—I am unable to answer this because I don't believe we have ever had a request to review originals. I believe that the process has always been to make a duplicate and hand it to the requester.

Question. Let me ask that. In terms of making a copy of the original and handing it to the requester, what is the mechanism as to that? Is a log kept of that?

Answer. Yes, I believe so. I believe so.

Question. And you believe the log is kept by WHCA?

Answer. Yes.

Question. Is it fair to state then that at any point in time, if anyone, be they the President or anyone at the White House, a counsel, a Member of Congress, if anyone wanted to review either the original or receive a copy of the original, is it your belief that there would be some type of log kept with respect to the particular person requesting to review the original or a copy of the original?

Answer. It is my belief. I have not investigated or made certain of the facts in that matter.

Question. I understand. But to the best of your knowledge, there would be such a log?

Answer. It would seem reasonable.

Question. So that there would be a record with respect to anyone reviewing those tapes?

Answer. Yes. The quality of that record I would not vouch for.

Question. And why would that be?

Answer. Because as we sit in this large room, my audiovisual—WHCA's audiovisual unit that does this consists of about seven enlisted people who film this stuff, catalog it, ship it and then commute to Fredericksburg. And by the way, they travel, too.

Question. I am sorry? They what?

Answer. They travel, too. I have 800 people in South America as we speak.

Question. For the record, the President being in South America?

Answer. In support of the President's trip to South America.

So this is an organization which is devoid of lawyers and public affairs people, but is—understand their core mission, which is to videotape the Presidency and to safeguard the tapes.

Question. And in terms of safeguarding the tapes, picking up on that, with respect to the log of keeping a record of whoever reviews the tapes, those—for example, today, those seven people who were there, what would be the names of those seven people? I may have asked you before. I am sorry. I am not sure I did.

Answer. I only know the head of—the name of——

Question. That's Chief Petty Officer McGrath?

Answer. McGrath, right.

Question. What is his first name?

Answer. I don't know. Chief.

Mr. BENNETT. Colonel Sparks, I gather you could perhaps find out for me and let us know?

Colonel SPARKS. I think we may have supplied it already to Ms. Comstock.

Mr. BENNETT. Do you have it?

Ms. COMSTOCK. I think so, yes.

Colonel SPARKS. I can't remember myself. Afterwards, we can talk about it.

Mr. MCLAUGHLIN. It is on the list.

EXAMINATION BY MR. BENNETT:

Question. Now, Mr. Sullivan, do you have any knowledge of any splicing or cutting of WHCA tapes?

Answer. No.

Question. Do you have any knowledge of any video or audiotapes made of any telephone calls from Air Force One or Marine One?

Answer. Video or audiotapes?

Question. Yes, from Air Force One or Marine One, or any other vehicles used by the President or Vice President or members of their family.

Colonel SPARKS. Excuse me. Dick, is the question—could you state the question again?

EXAMINATION BY MR. BENNETT:

Question. I will try to go back, if I can, John, to the—Mr. Sullivan indicated those agencies under his command for the White House Military Office, and they include——

Answer. Yes.

Question. What you—the acronym is Air Force One, correct?

Answer. Yes.

Question. Obviously the deposition doesn't pick up a nod of the head.

Answer. Yes.

Question. And Marine One? Again, yes?

Answer. Yes.

Question. Okay. And then Camp David, and I gather all the vehicles and associated—be they flight or motor vehicle?

Answer. Yes, everything except the Secret Service limousines.

Question. Now, in terms of the Secret Service limousines, they don't fall within the province of your office?

Answer. They do not.

Question. And do you know who has records with respect to—well, strike that.

If there are any phone calls made from limousines, they would be within the purview of the Secret Service records, correct?

Answer. No, that's not correct.

Question. All right. Who would have those records?

Answer. We would—the White House Communications Agency would have any records.

Question. So, again, if there are any telephone calls and video or audiotapes with respect to limousines of the Secret Service, that would still be in the custody of WHCA; is that correct?

Answer. That's correct. The White House Communications Agency installs communications equipment and maintains it inside the limousines.

Question. And clearly, with respect to Air Force One and Marine One, to the extent that there are any video or audiotapes, that would also be in the custody of WHCA, correct?

Answer. Yes, that's correct. I would like to amplify that, if I might.

Question. Go ahead.

Answer. To the best of my knowledge, we do not record conversations of the President of the United States. Nor do we videotape conversations of the President of the United States. There have been, at various moments, media permitted to observe the President making telephone calls; typically, to the winning coaches of the

Super Bowl and similar events. But we—the White House Communications Agency and the White House Military Office does not make a practice of videotaping or recording anybody's telephone calls, that I am aware of.

Now, there may be a—I exclude from that specifically head of state calls coordinated through the National Security Council which may require—may involve recording.

Question. I am sorry. Just one second.

Do—I gather that still photographs fall within the purview of the White House Communications Agency?

Answer. The White House Communications Agency provides the film developing and the equipment.

Question. Do they handle the framing of photographs taken of persons who come visit the President?

Answer. We do not frame. That was stopped in 1993.

Question. What do you do? You just provide the photograph itself and just forward it to an individual?

Answer. We provide the print to the Photo Office.

Question. And with respect to personal trips of the President, again, given the taping of the President on a daily basis in terms of the historical chronology of his Presidency, those trips would be taped as well, correct?

Answer. Yes. We would send the photographers along.

Question. To your knowledge——

Answer. Excuse me, videotapers along.

Question. Videotapers.

Correct me if I am wrong. Just about every day in the life of the President is taped, correct?

Answer. It—yes, that's correct.

Mr. BENNETT. Just for the record, Mr. Sparks was providing a note to the witness, for the record.

The WITNESS. Yes, I understand the question. Yes.

EXAMINATION BY MR. BENNETT:

Question. Every day in the life of the President is taped, correct?

Answer. Yes. There may be some exceptions. Perhaps when he is at Camp David, they may or may not. I don't know. I am not invited.

Question. I understand. But to your knowledge, you believe that absent some special circumstance, every day in the life of the President is taped?

Answer. That's correct.

Question. In terms of the subpoena process and request, how many subpoenas have you been required to deal with?

Answer. I have never seen a subpoena.

Question. You are about to see one before we are finished today; not one to you. For the record, we are laughing again.

I am going to show you the one that is the subject of this deposition. But do you generally get involved in the subpoena process in any way?

Answer. No.

Question. Is this—how many times has your deposition been taken?

Answer. My deposition?

Question. Yes, such as this.

Colonel SPARKS. For these issues.

The WITNESS. This is my second deposition.

EXAMINATION BY MR. BENNETT:

Question. Okay. Apart from the Senate having—I gather the Senate took your deposition?

Answer. That's correct.

Question. Apart from the Senate and the House having taken depositions with respect to the matter of the White House videotapes, has your deposition ever been taken before?

Answer. No.

Question. And with respect to the matter of subpoenas and compliance with subpoenas, have you ever been involved with respect to the process of complying with a subpoena to the White House?

Answer. Yes.

Question. Okay. What was the nature of those subpoenas?

Answer. I have—I have been requested to search for documents via memoranda from the Counsel's Office.

Question. And they would be on a variety of topics?

Answer. Yes. And those memoranda did not normally indicate to which client we were responding. From my point of view, it was the counsel requesting.

Question. I understand. And you—to the extent that you were involved in document production, you would make those documents available to White House counsel?

Answer. Absolutely.

Question. Exactly what would you—if you can describe your role in the document production process when it has arisen.

Answer. Very well. First the request is submitted to—excuse me, circulated from the Office of Counsel, normally to all White House staff and members of the Executive Office of the President. Upon my—it would be distributed through the normal distribution channels.

Question. What are the normal distribution channels?

Answer. Courier, in-box, out-box, that kind of thing.

Question. I guess my question, to follow up sort of on your summary, are there certain people who gather documents in the West Wing or other offices in terms of complying with the subpoena?

Answer. I don't know.

Question. Okay. Then going back to the process in terms of your involvement, exactly what do you do once you are asked to assist White House counsel in compliance with the subpoena?

Answer. Well, we get the document request, and then I distribute it to 10 different unit commanders and request that they search their own files, comply with the request, provide us with—provide my office with the results of their search. I collate the products, which is to say I staple them together, and put a memo on top to White House counsel and say, here is what we found.

Question. And again, we are not directing your specific attention to the subpoena question. We will get there in a few minutes. But just in terms of the normal process, do you know who actually accepts a subpoena at the White House once it is delivered?

Answer. No.

Question. And you don't know who logs it in?

Answer. No, I don't.

Question. And do you know who assigns the response in terms of decisions made in terms of complying with the subpoena?

Answer. No.

Question. And do you know the names of other people who are generally involved in document production in terms of that checklist I think you made reference to, who generally would be on the list in terms of being involved in document production as a general rule of any subpoena delivered to the White House?

Answer. As a general rule, I would assume it would be the heads of all the separate offices that make up the—that make up the White House.

Question. And how many separate offices are there?

Answer. I don't know. Lots.

Question. When you have to retrieve any documents that fall within your purview of the White House Military Office, how are those documents sent to your office?

Answer. They are normally brought over by people who are making courier runs from the various units to my office.

Question. And does anyone catalog any documents delivered to your office in terms of compliance with the subpoena?

Answer. No.

Question. For example, is there Bates—what is known as Bates stamping that goes on?

Answer. No.

Question. You essentially will give the documents to White House Counsel's Office, and then the White House Counsel's Office will be responsible for stamping or documenting?

Answer. I have only been asked to come up with material that is considered responsive, and the criteria is outlined very explicitly, and so we do a search. We collect the pieces of paper, and we just put them together.

Question. So you don't necessarily catalog the documents by office?

Answer. No, not at all.

Question. Do any interns become involved in this process?

Answer. We don't use interns in the Military Office due to security clearance problems.

Question. To your knowledge, do people send in memos explaining the documents or describing what the documents contain?

Answer. No. They normally produce the—they have always produced the actual document.

Question. Do you know the distinction between a document request as opposed to a subpoena?

Answer. I have a layman's understanding.

Question. And what would your understanding be?

Answer. Subpoenas, you got to do it.

Question. What about document requests?

Answer. You got to do it. Well, you got to do it if you value continued employment.

Question. Do people sign forms in the White House in terms of attesting to searches of their files?

Answer. When I forward the results of my document request—or, excuse me, of counsel's document request to the counsel, I'm certifying for my whole organization that we've conducted a search.

Question. Again, in terms of forms, do people who are searching their respective files or offices, do they sign forms in any fashion to indicate what they have done?

Answer. I have not directed it.

Question. You yourself do that?

Answer. We're organized in a military hierarchy so that things flow from bottom to top when we're responding. So I would assume that each unit commander, when they receive a document request from me, farms it out to each of the areas inside his or her own organization that has databases and that the custodians of those databases or logs or files would search it for the materials that are responsive, send it to their unit commander, who would pull it together, send it to my office, which would put together the responses from all 10 of the units as well as the results of our own search inside our own office files, and then we would put the whole thing together with a memorandum from me to the counsel.

Question. Who ensures compliance office by office?

Answer. At what level?

Question. Say at your level. Ultimately you are the one who is responsible for assuring compliance in the White House military organization, the military office; correct?

Answer. That's correct.

Question. And is the subpoena itself—again, in terms of normal procedure, is the subpoena itself sent around to the respective White House offices?

Answer. I have not seen any subpoenas.

Question. Then in terms of definitions, in the definitional section of a subpoena, for example, as in this case the definition of "records" as defined in the subpoena, how do people know which records to provide if there's no definitional section with respect to records forwarded?

Answer. The White House Military Office is not an organization of lawyers, and we do not spend time worrying about terms. There is a military specialty called records clerk who is normally a 19-year-old person.

Question. Is normally a what?

Answer. A 19-year-old person. And that person knows what a record is, and he or she has probably never seen a subpoena. So I would say that we use a layman's construct of what constitutes a record.

Question. And the subpoena itself, or the covering sheet for the subpoena, then, is not routinely forwarded to your office?

Answer. No.

Question. If you have questions over the scope of the term "records," what would you ordinarily do?

Answer. I have never had a question, so. I would search all materials that were responsive.

Question. Do you have any knowledge in terms of the breakdown, in terms of complying with the response to the Senate as opposed to the House or, for that matter, the Department of Justice? Are there different people assigned to respond depending upon the source of the subpoena?

Answer. No.

Question. So to your knowledge, in terms of responding to different investigations, there's no separation in terms of people assigned to make the response?

Answer. We don't even—my office and the people in my organization don't even know the source of the request other than it's from the White House Counsel's Office. So it would be impossible for them to respond selectively for one investigative body compared to another.

To the best of my knowledge, every search has been undertaken in precisely the same way. We've done 12 of these things in the past 8 months.

Question. And do you know what agencies have requested those 12 searches?

Answer. Nope. I'm getting a clue.

Question. In terms of the matter of the production logs, and as I understand it, and if I am wrong, you yourself do not prepare a production log at the White House Military Office?

Answer. What is a production log?

Question. For example, whatever materials you gather—I thought I understood you to say a few minutes ago that whatever materials you gather you then send to the White House Counsel's Office.

Answer. That's correct.

Question. And you yourself do not Bates stamp or keep a record of the documents you send over to the White House Counsel's Office?

Answer. I don't know what "Bates stamp" means.

Question. For example, if we sent over the pages on this table here at the deposition, we would number them, say, P–1, P–2, P–3 through P–230, and then we would keep a log that on a particular day from this table we produced 230 pieces of paper, and we would have them numbered.

Does your office do that when it sends material over to the White House Counsel's Office?

Answer. No. We keep a photocopy of what we send, though. We photostat the original memorandum I'm sending to the White House Counsel's Office and photostat the submissions.

Question. So, then, whereas you don't number it, you keep a copy of whatever you would send to Mr. Ruff's offices as counsel to the President?

Answer. Yes, with several exceptions. I have been asked to produce manifests of Air Force I and Marine I dating from January 20th. Those records are several feet long, so we did not put a copy of those in the files.

Question. But to the extent that the volume of material is——

Answer. Reasonable?

Question [continuing]. Reasonable, you will keep copies of whatever you submit to Mr. Ruff's office?

Answer. Yes.

Question. And where are those copies kept?

Answer. In my office.

Question. And they are still presently in your office?

Answer. Somewhere around there, yes.

Question. And is it safe to say any such records you have turned over to Mr. Ruff, other than voluminous records which you could not photocopy, you would have photocopies in your office of those records since you began your employment in October of 1994?

Answer. I hope so.

Question. You have no involvement then on determining what documents may or may not be asserted as being privileged, obviously?

Answer. No.

Question. Have you ever directly consulted with the President or the Vice President with respect to the production of any records?

Answer. Never.

Question. You have dealt strictly with the White House Counsel's Office?

Answer. Yes, and that has normally been the form of just responding to the memorandum as received.

Question. And with whom have you dealt in the White House Counsel's Office?

Answer. Wendy White and Cheryl Mills.

Question. And have you dealt with Mr. Michael Imbroscio?

Answer. No.

Question. Anyone else besides Wendy White and Cheryl Mills?

Answer. No.

Question. Have you dealt directly with Mr. Breuer or Mr. Ruff with respect to such production?

Answer. I have never seen Mr. Breuer or Mr. Ruff or talked to them on the phone.

Question. To this day, Mr. Sullivan, have you ever met or spoken to Chuck Ruff?

Answer. Never met him.

Question. And to this day, have you ever met or spoken with Lanny Breuer?

Answer. Never met him.

Question. So, then, again, the total contact you have with the White House Counsel's Office is with Cheryl Mills and Wendy White?

Answer. Yes, and of course Wendy White has since departed, and her and my capacity with her was 230 percent revolved around the House Government Reform and Oversight Committee's inquiry into the WHCA organization.

Question. Last year?

Answer. Last year.

Question. And with respect to Cheryl Mills, with what frequency have you dealt with Ms. Mills?

Answer. Sporadically.

Question. When was the first time you spoke with Ms. Mills in connection with the matter of the White House videotapes that causes us to be here today?

Answer. Sometime during October 1997.

Question. You did not speak with her in August or September?

Answer. No.

Question. And what was the nature of your conversation with Cheryl Mills when you spoke with her in October of 1997?

Colonel SPARKS. Let me just ask this. I am not certain whether privilege issues are about to come up between the White House Counsel folks and anyone they would have talked to about this. Let me ask you where you are going to go with that.

Mr. BENNETT. I was going to go into the particular conversations with respect to compliance with the subpoena and production.

Colonel SPARKS. All right.

Mr. BENNETT. And just for the record, Ms. Comstock advised me yesterday, at the deposition of Michael Imbroscio, no privilege issues had been raised with respect to this discussion, nor has Mr. Ruff raised the issue with me. So I believe in terms of the nature of my inquiry, your client can answer.

Colonel SPARKS. Certainly.

Mr. MCLAUGHLIN. Hold on. Are you making a representation that, to the best of your knowledge, the White House doesn't intend to assert privilege?

Mr. BENNETT. To my knowledge, in terms of asking personnel at the White House what they did with respect to compliance with the subpoena, the White House is not intending to assert privilege.

Mr. MCLAUGHLIN. I am not arguing, I am asking. Is that based on a conversation or simply the experience of no privileges being asserted yesterday?

Mr. BENNETT. No; it is based on my conversation with Mr. Ruff last Friday and his indicating full cooperation with respect to White House personnel specifically on the matter of how the subpoena was—that there was an effort to comply with the subpoena.

Mr. MCLAUGHLIN. Just so we are clear, did he make representation to you as to whether or not privilege issues had been asserted?

Mr. BENNETT. It didn't come up. He specifically told me that his office would completely cooperate and the personnel would come forward and answer any and all questions concerning the matter of efforts to comply with the March 4, 1997, subpoena.

And I don't really believe I'm about to get into privilege issues anyway, and it seems clear that is why these people are being produced for depositions.

Colonel SPARKS. I understand.

EXAMINATION BY MR. BENNETT:

Question. Mr. Sullivan, when, to your knowledge, was the first time you spoke with—let me step back from October of '97 and move forward.

I gather you spoke with Ms. Mills in October, this month, with respect to the matter of the videotapes?

Answer. That's correct.

Question. Prior to speaking with Ms. Mills this month, and, again, did Ms. Mills take the place of Wendy White, to your knowledge?

Answer. No.

Question. Wendy White is no longer employed there at the White House Counsel's Office?

Answer. She no longer is.

Question. When was the last time she was employed there?

Answer. I don't know.

Question. Just a rough time period; several months? A year ago?

Answer. I would hazard to guess a year ago.

Question. With respect to Cheryl Mills, you indicated as the only other person from White House Counsel's Office with whom you have communicated. Prior to speaking with her this month concerning the videotapes, when was the last time you had spoken with Ms. Mills?

Answer. I can't remember. A long time.

Question. Several months?

Answer. At least.

Question. Certainly prior to the beginning of the summer?

Answer. I think so, yes.

Question. What was the nature of the conversation and the topic of the conversation, your first conversation, with Ms. Mills this month, in October of 1997?

Answer. She called me and said that, National Archives was having a power outage; can you help get the power turned back on so we can get the videotapes up to have them reviewed?

Question. And I gather you responded to that?

Answer. I tried to.

Question. Were you able to turn on the power at the National Archives?

Answer. I was told it was a scheduled power outage and would I just relax.

Question. How many other conversations have you had with Ms. Mills apart from that one?

Answer. We have had several subsequent to that, and they revolved around the issue of—not the issue, but she and I both have agreed to do a very powerful search of all the databases inside the White House Communications Agency. That task is under way now.

Question. And what is the nature of that search?

Answer. Searching against all search terms that are possible. It is the universe of all prior searches and then some, using Boolean operators and root directories and computer technicians to get information.

Question. Did Ms. Mills ever speak to you in terms of the definition of records, including videotapes, that were subpoenaed?

Answer. No.

Question. Have you ever had any conversation with Ms. Mills concerning the scope of a subpoena, including videotapes?

Answer. No, I have never discussed a subpoena with Ms. Mills in my life.

Question. I believe you indicated that you have, I think you used the number 12—on 12 other occasions you have dealt with document production in connection with the Committee on Government Reform and Oversight of the House of Representatives?

Answer. No, I don't believe I said that. What I said was, I believe I have responded to 12 requests for data searches, document searches, in the last 8 months.

Question. In the last 8 months, and they were in——

Answer. Over a period of 8 months, correct. Strike that; over a period of 8 months.

Question. And do you believe the number was 12?

Answer. I'm quite sure of that.

Question. And what gave rise to the request of 12?

Answer. 12 requests from the White House Counsel's Office.

Question. Do you know who was the source of those requests? Were they all from the House? The Senate? The Justice Department? Do you know?

Mr. BALLEN. This is the third time you have gone over this, Counsel.

The WITNESS. The source was either Jack Quinn or Charles Ruff.

Mr. BENNETT. I don't believe it is the third time. If it is, I apologize. The one who takes the deposition does not ordinarily continue to take notes at the same time, and I don't believe it is the third time, Mr. McLaughlin, and I apologize to the witness if it is.

Mr. MCLAUGHLIN. Count in the transcript.

Mr. BENNETT. Colonel Sparks, do you have an objection to any of these questions?

Colonel SPARKS. I don't.

Mr. BENNETT. Thank you very much.

EXAMINATION BY MR. BENNETT:

Question. With respect to the subpoena itself, let me show you what has been marked as exhibit 1. Just looking at exhibit 1, I gather from what you have advised us thus far you have never seen this subpoena; is that correct?

Answer. That's correct.

[Sullivan Deposition Exhibit No. 1 was marked for identification.]

[Note.—All exhibits referred to may be found at end of deposition on p. 1043.]

EXAMINATION BY MR. BENNETT:

Question. Is today the very first time that you have viewed this subpoena?

Answer. That's correct.

Question. And if you look at the second page, schedule A?

Answer. Correct.

Question. You will see with respect to the definition of "record or records," and without belaboring this point, I will just for your purposes, Mr. Sullivan, I will advise you that as of last Friday, in a meeting with Mr. Ruff, there didn't appear to be any question that the term "record or records" includes videotapes and audio recordings, and I am just allowing you to read it now because I gather you have not ever seen this document until day.

Answer. That's correct, I have not seen it until today.

Question. And I gather that in terms of all persons with whom you have discussed this subpoena—why don't you make sure I'm clear. And, again, if I have asked this question before—I don't believe I have specifically, but if I have, I apologize. I gather you have discussed the subpoena with Cheryl Mills?

Answer. I have not discussed this subpoena with Cheryl Mills.

Question. Have you discussed the subpoena with anyone?

Answer. I was not aware of the subpoena, the existence of the subpoena, until the beginning of this deposition.

Question. Until we started asking you questions this morning, you were not aware that there was this subpoena?

Answer. That's correct.

Question. And you were not aware that the subpoena included the term, in terms of definitions, "included the videotapes and audiotapes"?

Answer. Because I did not see the subpoena until this morning, I could not know what the contents of the subpoena would be, QED.

Question. I guess my point is, you hadn't read about it in press accounts or anything else, is my question, prior to this morning?

For the record, Mr. Ruff was on national television last Sunday discussing the matter of some errors, and I'm just trying to understand the nature of your knowledge.

Answer. And I have yet to look at that show, because I was in church with my two boys and then went to play soccer afterwards.

Question. Again, you don't have any knowledge of the subpoena, period? No one has discussed it with you at the White House?

Answer. No. No. And let me just make this perfectly clear. I run an operational organization, and the process by which the all-consuming Washington business goes on is inherently boring to me. I'm much more interested in whether my airplanes are on time or not, so I don't—I'm not a news junkie on this stuff.

Question. Directing your attention, then, I can summarize for you, given you had not seen it before, in item 16 there is a request with respect to White House coffees. But, again, you would not have had any knowledge of that?

Answer. What is item 16, sir?

Question. Item 16 on the subpoena, sir. If you want to look at that.

Answer. Do we have an item list? Yes.

Question. I think we do.

Answer. I see item 16.

Question. Again, no one ever discussed White House coffees with you?

Answer. I received a request that included the term "coffees."

Question. Let me show you what has been marked as exhibit 2, which in fact is a memorandum from Mr. Ruff that has been provided by the White House, which apparently is an April 28, 1997, memorandum that we have been advised was sent around in connection with this subpoena.

[Sullivan Deposition Exhibit No. 2 was marked for identification.]

EXAMINATION BY MR. BENNETT:

Question. The subpoena was, for your understanding, Mr. Sullivan, issued on March 4th of this year, and then Mr. Ruff's memorandum is April 28th. Have you seen this memorandum?

Answer. I have seen the April 28th memorandum, exhibit 2.

Question. And do you recall when you first saw it?

Answer. I first saw it either April 28th or April 29th.

Question. And do you recall what steps you took once you received this memorandum?

Answer. Yes, I do recall.

Question. And what steps did you take, sir?

Answer. I scanned it, as I had its numerous predecessors, and I asked my staff to put it on the fax machine and send it to the 10 unit commanders. And then I'm told that we always put a hard copy in their out basket, in their mail distribution boxes, as well.

Question. And did you keep a copy of any covering sheet with respect to the fax?

Answer. Yes, I did.

Question. And would you still have a copy of that in your records?

Answer. I have a copy that shows—yes, I do.

Mr. BENNETT. And, Colonel Sparks, we did not——

The WITNESS. Let me make a correction, for the record.

EXAMINATION BY MR. BENNETT:

Question. Sure.

Answer. That fax was signed out by my then chief of staff, Colonel, now Brigadier General, Jim Hawkins.

Question. And where is General Hawkins now stationed?

Answer. Grand Forks, North Dakota.

Question. He is not retired?

Answer. No.

Mr. BENNETT. Colonel Sparks, do you happen to have—we didn't ask for any document production with respect to the subpoena, but to the extent that you can get a copy of the covering sheet sent from Mr. Sullivan's office with respect to this memorandum, could you please make an effort to locate that and forward that to both Minority and Majority counsel?

Colonel SPARKS. I can do that.

EXAMINATION BY MR. BENNETT:

Question. Looking at this memorandum of April 28, 1997, Mr. Sullivan, do you recall reading it? I understand you get a lot of documents on your desk, but did you make an effort to read it?

Answer. I scanned it.

Question. Do you know if there is any reference there to videotapes in the memorandum from Mr. Ruff?

Answer. I am not aware of any reference to a videotape.

Question. Then I gather when you looked at this document in April of 1997, you personally had no knowledge of any request for videotapes?

Answer. We conducted a search on the terms that were in attachment A.

Question. To exhibit 2?

Answer. To exhibit 2 on the videotape directory.

Question. I guess my specific question though, sir, was, you were not aware then in April that the subpoena issued by this committee on March 4, 1997, had included a request for videotapes?

Answer. I was not aware—no, I was not aware of that. But what I am saying is that we did not bypass the videotape archives in our searches, so therefore we obviously considered videotapes to be a potentially responsive form of record.

Question. I'm not sure if I understand that, in that how did you check these individuals?

Answer. I think they typed the names into the—it is an electronically maintained database, and they typed these people's names in to see if they got any hits; words search.

Question. I understand. In terms of whether or not they had been scheduled in the WAVE records at the White House or meetings or just who, and also the second page are corporations, are they not, they are entities, and I gather that was done?

Answer. Yes.

Question. But, again, in terms of any knowledge you had in April of 1997, you did not have any knowledge about seeking whether or not there were any videotapes of any of these people?

Answer. I did not know—no, I did not have any specific knowledge of the media, but we were not media specific in our searches, we were request specific in our searches.

Question. Specifically, what I'm addressing your attention to is, again, I know you have indicated you prefer to not pay attention to the media as a political junkie may pay attention to it, but in a recent article in The Washington Post, I think dated Monday of this week, there is an indication that—first of all, do you know Steven Smith?

Answer. Yes.

Question. And he is? Who is he? What is his position?

Answer. He is the assistant operations officer, or operations officer at WHCA.

Question. And he comes underneath your command; correct?

Answer. Under Colonel Simmons' command.

Question. And Colonel Simmons comes under your command?

Answer. Correct.

Question. And Mr. Smith has indicated, or there is an indication in The Washington Post that Mr. Smith has sworn that he was never asked for any videotapes or other records of the controversial coffees until about 2 weeks ago.

In light of that statement by him, I am asking you if in April of 1997, based upon the memorandum you received from Mr. Ruff, did you have any specific understanding that you were to look for videotapes?

Answer. No, I did not have a specific understanding I was to look at videotapes any more than I had a specific understanding I was to look for audiotapes, to look for databases, to look at my message center, to look at my flight manifests, but I looked at all those things, as I did for every other search before and subsequent.

Question. And I guess my question, before I get to the matter of what information you sent on to WHCA, how was it that you would not become aware in April of 1998 of the existence of videotapes if you searched for videotapes with respect to the individuals and entities listed on the attachment to exhibit 2?

Answer. April 1998? I don't think we are there yet, sir.

Question. I'm sorry, April 1997. Excuse me.

Answer. I'm sorry, I focused on——

Question. If it is a poorly phrased question, I will rephrase it.

Answer. I lost track when you said '98.

Question. We have been going for almost 2 hours. We will take a break in a minute, if you want. My question is, you have this memorandum from Mr. Ruff?

Answer. Correct.

Question. As reflected by exhibit 2; correct?

Answer. Right.

Question. And you believe you received it on or about the same day, April 28, 1997?

Answer. Correct.

Question. And Mr. Smith has apparently indicated and has been quoted as saying that he had no knowledge and was never asked by anyone for videotapes of the coffees. He wasn't asked for videotapes, has been his response.

Answer. Well——

Question. My question to you is, how is it that you would not have become aware of the fact that there are videotapes involving these people if you specifically looked for videotapes?

Answer. Are you finished?

Question. Sure. Sure.

Answer. The videotapes are not catalogued by the subjects of the individual who is taped, they are catalogued by the type of event. So it all depends on your library system. And if your card catalogue is structured one way and you search in a taxonomy that is not that way, you will not come up with any responsive results.

And when we typed the word "coffee" in later on, we got lots of responses. But if you type in "Mi Ryu Ahn," or whatever it is, you will not get anything out of that archive.

Conversely, let my say that when you go to the message center and you type in names of individuals, you do get responses, whereas if you type "coffee," you don't get responses. So it all depends how you structure your query.

Question. If you will look at page 2 of the exhibit.

Answer. There is a large business out there called structured query languages.

Question. If you look at page 2 in front of you, 1(b) says relating to White House political coffees.

Answer. That's correct.

Question. But as I understand it, you didn't have, or at least in the White House Military Office you didn't enter anything with respect to coffees?

Answer. That's correct.

Question. Now, exactly what did the White House Military Office do with respect to this memorandum? What did you do physically prior to faxing it over to WHCA?

Answer. I physically did nothing.

Question. Did you physically conduct the search?

Answer. No.

Question. Well, then, in terms of your description which we just went through the last couple of minutes, it is your understanding, then, of what you believe WHCA did with respect to the search?

Answer. That's correct.

Question. So correct me if I'm wrong; with respect to this memorandum from Mr. Ruff, you faxed this memorandum from Mr. Ruff to officials at the White House Communications Agency and, I believe you said, all agencies under your command?

Answer. For precision, let me say my clerk, one of the clerks, faxed it to all of the agencies using a broadcast distribution system in our fax machine. What that

means is that you put the fax, the original, in the machine once. It is preprogrammed with 10 telephone numbers. You hit "Send," and it sends them sequentially to the various entities.

Question. And to your knowledge, was that done with respect to all the entities underneath your command?

Answer. Yes.

Question. And to your knowledge, was the full 4-page memorandum from Mr. Ruff sent to all agencies under your command?

Answer. I know that the full memorandum along with a cover sheet and along with my fax cover sheet was received by at least four of my entities.

Question. And which four would they be?

Answer. Special Programs Office, Presidential Contingency Programs, and I can't recollect the other two, but I can get them for you.

Question. I notice you didn't mention that WHCA was one of those four that received the transmission.

Answer. That's correct.

Question. And how do you know that WHCA did not receive the transmission?

Answer. I don't know they didn't receive it.

Question. How do you know there are four that definitely did?

Answer. Because I went to them after the fact and said, "Do you have a copy of what we sent you in your files?"

Question. And why is it you went to those four and not the other six under your command?

Answer. We went to a number of them, but several of them had discarded it because, for example, the medical unit doesn't find this sort of—when they do their response, just for simplicity's sake, they dispose of the original request.

Question. With respect to WHCA, have you spoken with anyone at WHCA with respect to your transmission of this memorandum?

Answer. No, I have not.

Question. Do you know whether or not WHCA received the entire 4-page transmission?

Answer. I do not know that for a fact. I do know that when you transmit—the technology drive is the answer on this. If you use an electronic distribution system where the clerk presses a button once and the machine takes over from there, barring an internal failure of the machine, if the fax was received in its entirety in one destination, it is either received in its entirety at all destinations or it is not received at all because the telephone line didn't work, barring a failure of the fax machine at the other end.

Question. So, then, correct me if I'm wrong; in terms of what you are saying, in light of the fact that four of the agencies under your command you were able to verify received the entire 4-page transmission, it is your belief testifying here today that those other entities to whom you faxed material would also have received the entire 4-page transmission?

Answer. That's correct. I would have regarded any one as being conclusive; four certainly is.

Question. So, then, as far as you are concerned, you believe in terms of how your office handled this, the White House Military Office that—conclusively, you believe that WHCA would have received the entire 4-page transmission?

Answer. I will conclude that.

Question. Was this e-mailed or photocopied? You said it was faxed and sent. Was it ever e-mailed?

Answer. No, it was not e-mailed.

Question. So it was basically photocopied then sent by facsimile transmission?

Answer. Yes.

Question. And a hard copy to follow?

Answer. Hard copy to follow. I cannot verify that. I was told that is our normal procedure.

Question. But you can verify it was clearly sent by facsimile?

Answer. Yes. It was sent between the hours of approximately 7:45 to 8:15 on the 29th of April.

Question. And, again, so I am clear on this, Mr. Sullivan, as far as you are concerned, you personally made no error with respect to the transmission of the request to WHCA?

Answer. Physically, we made no error.

Question. What other error would you perhaps have made, if not physically?

Answer. I don't know; perhaps lack of insight.

Question. But my question is that you yourself, as you sit here, I understand what you have said in terms of the steps you took with the 4-page memo and the trans-

mission—you yourself do not believe in your personal office, there in the White House Military Office, that you made any error with respect to the transmission to WHCA?

Answer. No; that is correct.

Question. I'm not alleging they did, I'm trying to verify your position.

Answer. I'm just telling you they didn't.

Question. I understand.

Mr. BENNETT. Would you like to take a break now for a few minutes?

Colonel SPARKS. That would be helpful.

The WITNESS. Yes, it would be very helpful.

Ms. COMSTOCK. Sure. Fine.

[Brief recess.]

EXAMINATION BY MR. BENNETT:

Question. Do you recall specifically—why don't I give you this exhibit, and this will help you along, Mr. Sullivan.

I will show you what has been marked as exhibit 3, and exhibit 3 is information that has thus far been supplied to us by the White House, and you will see that they are certifications or memos, and I'm just asking you to look at that.

[Sullivan Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MR. BENNETT:

Question. The first page of exhibit 3 is, in fact, a memorandum for Mr. Ruff from you dated May 6, 1997. Do you recall that, sir?

Answer. I do.

Question. And looking at that memo, which is fairly short, it says, "Subject: Document request. In response to your memorandum of April 28, 1997, we have searched our files and found the six attached documents referring or relating to the individuals or entities identified in the memorandum."

Do you see that?

Answer. Yes.

Question. And do you recall what those six documents were that you were forwarding in light of Mr. Ruff's memo of April 28?

Answer. I can generally describe them.

Question. Okay.

Answer. They were cables or messages extracted from our message center.

Question. Would that have been derived from your database?

Answer. That would have been derived from the message center's database.

Question. And do you recall what the topic areas were?

Colonel SPARKS. If we can, these were classified.

EXAMINATION BY MR. BENNETT:

Question. That's fine. They were classified; is that correct, Mr. Sullivan?

Answer. That's correct. Some of them were classified. Maybe they all were. But they were State Department and intelligence agency cables.

Question. But for those six matters that may or may not have been classified—and in the abundance of caution, Colonel Sparks, I will not go into them in case they were classified—none of them related to White House coffees or videotapes?

Answer. No; they referred specifically to items as listed in attachment A of exhibit 2.

Colonel SPARKS. Excuse me. Let me just interject, only because I don't know the security clearances of everyone here, if at some later point we need to find out what the contents of those are, we can do that.

Mr. BENNETT. We will make a note of that for the record, and I thank you for that.

EXAMINATION BY MR. BENNETT:

Question. With respect to page 2 of that document, it was a memorandum signed by your boss, Jodie Torkelson, Assistant to the President for Management and Administration. That memorandum went to Mr. Nionakis, Associate Counsel to the President. Do you see that?

Answer. Yes, I do.

Question. Did you have any knowledge of that memorandum going to him from Ms. Torkelson?

Answer. No.

Question. Did Ms. Torkelson advise you she had sent that memorandum?

Answer. No.

Question. Did you have a close working relationship with her?

Answer. I kept as much distance from her as I could generate, and it wasn't enough.

Did you get that clearly?

Question. And why was that, Mr. Sullivan?

Answer. She was a very difficult person to work for.

Question. And in what ways was she a difficult person to work for?

Answer. Abrasive, corrosive, and presumed that you were an idiot.

Question. And did, at any time, given that relationship you had with Ms. Torkelson——

Colonel SPARKS. I hope we will move beyond that.

EXAMINATION BY MR. BENNETT:

Question. We are sort of laughing here at the table. Any other thoughts you have on Ms. Torkelson?

Answer. No; they might be actionable.

Question. Any time you want to state your opinion here, feel free to do so.

I want the record to reflect that I finally got Mr. Andrew McLaughlin to laugh during this deposition, which is maybe a landmark event in terms of discussion.

Mr. MCLAUGHLIN. It is a first.

Mr. BENNETT. It is a first.

EXAMINATION BY MR. BENNETT:

Question. With respect to the matter of Ms. Torkelson, given your relationship with her, did you have a discussion with her about Chuck Ruff's April 28 memorandum or your effort to respond to it?

Answer. I don't know. The memorandum that I signed out, which is page 1 of exhibit 3, I have been told after the fact was delivered by Lieutenant Colonel Raths to wherever it had to go.

Question. I'm sorry, the memorandum you signed dated May 6, 1997?

Answer. Right.

Question. Was hand delivered by?

Answer. Lieutenant Colonel Raths.

Question. And who is Lieutenant Colonel Raths?

Answer. He is my assistant chief of staff who works in my front office.

Question. You don't know whether he actually delivered it to Mr. Ruff or not?

Answer. No. As a matter of fact, I don't know into whose hand he delivered it. But I know that he made a practice, with my full concurrence, of going by Jodie Torkelson's office, advising them that we had a response in hand, and asking if they wanted us to route it through that office or respond directly to counsel.

Question. And what was the response of Ms. Torkelson's office?

Answer. It varied from time to time.

Question. Based upon your review of these documents, what do you believe occurred with respect to this one?

Answer. I believe we delivered it directly to the counsel's office.

Question. And not through her office?

Answer. Correct.

Question. Then I gather that she herself, based upon your response then, certified her office had responded?

Answer. Correct.

Question. Who else is under her command, apart from you? I hate to use the word "command," in light of your relationship with her, but given she was your superior.

Answer. The Office of Management and Administration has three major subordinate operating entities: The White House Military Office, the Office of Administration, and the White House Office.

Question. And with respect to that, do you believe—is it your understanding that she received—did she receive directly the memorandum from Chuck Ruff reflected by exhibit 2?

Answer. I would infer that, simply by the nature of the distribution list, which it is addressed to the Executive Office of the President, which is a very inclusive distribution list.

Question. So, again, I did not ask you this specifically, but I gather, then, exhibit 2, Mr. Ruff's memorandum of April 28, would have come to Ms. Torkelson, who would then have distributed it to the three offices underneath her supervision?

Answer. No.

Question. No?

Answer. I do not believe that is the case. I believe it was distributed independently to various levels simultaneously.

Question. So you believe you got it directly from Mr. Ruff's office and not through Ms. Torkelson's office?

Answer. I think so, because we are both addressees.

When you address something to the Executive Office of the President, it is my understanding that we would both receive something like that simultaneously. If we're going to distribute hierarchically, it would be memorandum for assistant to the President, because of her title.

Question. Am I correct in understanding, then, that the other two pages on this document would reflect the response of those other two offices underneath the supervision of Ms. Torkelson?

Answer. I haven't seen these before.

Question. Take your time if you want to look at it.

Answer. Yes.

Question. And I note that with respect to your office, the White House Military Office, that the nature of your response, the form appears to be different than as to the other two offices underneath Ms. Torkelson's purview. Do you see that?

Answer. Yes.

Question. Do you know why that would be?

Answer. No.

Question. Did she extend you the courtesy, in terms of having the same checklist for documents or matters found, as the other two offices?

Answer. Despite the somewhat strained personal relationship we may have had, she had more confidence in my operation than she did any other operations, because it's a highly structured military operation, and therefore, rather than regarding this as a courtesy, I believe that this way was her way of assuring—and I'm speculating—of assuring that the work actually got done, whereas that question would not be raised in my office.

So I regard this—I would regard this as a slap in the face, not as a courtesy.

Question. And let me ask you this. Did you ever produce videotapes in response to any request?

Answer. Yes.

Question. When?

Answer. October 1997.

Question. In terms of the Senate request and the House request?

Answer. In terms of the requests from the White House Counsel's Office.

Question. Within the last 2 weeks, in terms of the matters that have come forward?

Answer. We have produced as many videotapes as we can run through the machines.

Question. Prior to this month, had you ever produced videotapes in response to any request?

Answer. No.

Question. Where was your office in relation to Ms. Torkelson?

I will get off this topic in a second. I want to clarify one other matter, however. Where was your office in relation to her office?

Answer. My office is in the East Wing of the White House. Ms. Torkelson's office is in room 145 of the Old Executive Office Building.

Question. So your offices are fairly distant from one another?

Answer. Yes. As I describe to my friends, I regard the East Wing as Outer Siberia, the Old Executive Office Building as Inner Siberia, and of course the West Wing is central—center.

Question. Do you have any knowledge in terms of WHCA operations with respect to any fixed audio or visual equipment in the White House that perpetually records or videotapes?

Answer. None. I'm aware there is some WHCA infrastructure in the White House, but that is to support the closed-circuit TV for public events. There are drop jacks so we can put the video signal through.

Question. But do you have any knowledge of any fixed visual equipment in the White House——

Answer. None.

Question [continuing]. That perpetually records certain——

Answer. None, and I have asked the question and have been assured there is none.

Question. Who did you ask?

Answer. Colonel Simmons.

Question. And when did you ask?

Answer. When I got there, probably.

Question. And Colonel Simmons indicated to you there was no such fixed visual equipment?

Answer. Right.

Question. So that, to your knowledge, there aren't any rooms that are perpetually videotaped, photographed, or audiotaped.

Answer. To the best of my knowledge.

Colonel Simmons arrived roughly the same time I did. He came straight from a brigade in Germany, so I don't think he was co-opted in that period of time.

Question. I'm not suggesting he was.

Answer. I understand, but I'm giving you the basis for my belief that there is none.

Question. Do you know—in terms of WHCA and just going back to one matter you mentioned, do you have any knowledge or are there any facilities for maintaining the negatives of still photographs at the White House?

Answer. Yes.

Question. And, essentially, every person who is photographed with the President, for whatever reason, obviously those people want to have their picture signed by the President or whatever; correct?

Answer. Yes.

Question. And there are records kept of all of those photographs; correct—or negatives?

Answer. Yes. We have an image database repository.

Question. And who has access to that database?

Answer. It would be my—I don't know, but that would most likely fall under the purview of the photographer's office, which is not part of WHCA.

Question. And in terms of those still photographs, that is not part of WHCA, you said?

Answer. Yeah.

Question. I'm sorry, I thought I understood you said it was at one time. I apologize if I misunderstood you.

Answer. It is confusing, so let me just lay it out for you, because to master this is more intricate than it should be.

In 1954, WHCA started providing photographic support to the President of the United States, and at that time they used Army photographers as well as Army photographic equipment.

Question. From the Signal Corps, I think.

Answer. Yes, that's correct, from the Signal Corps.

At some point—and I believe it was during the Kennedy administration, but I'm not sure—they switched to civilian photographers. It may have been later than that. But those civilian photographers are not part of the White House Communications Agency and they are not part of the White House Military Office.

However, the White House Military Office continues to provide the film developing support. We develop all the film, and we also provide the photographic equipment for use by the photographers.

Is that helpful?

Question. It is. And then the individuals taking the still photographs are then civilian; correct?

Answer. Yes, they are appointees of the administration or employees.

Question. In terms of the database that you maintain in your office, the White House Military Office, there is a computer database that you maintain there?

Answer. Of what?

Question. Do you draw from WAVE records or from Secret Service records?

Answer. No.

Question. What records do you yourself keep in terms of visitors to the White House or people who have been taped that would fall within the purview of your office? is my question.

Answer. I heard two questions, and so——

Question. I apologize. Let me rephrase it.

Answer. I will respond to both.

Question. Thank you.

Answer. My office is in room 206 of the East Wing. The only records we maintain on site are those that pertain to my front office operation. These involve every officer nomination that goes to the Senate. We maintain records on that.

We maintain records on people that have received Presidential exemptions to be buried in Arlington Cemetery.

We maintain records on issuance of the Presidential Service Badge to military members assigned to White House duty and other files of that nature.

We also maintain correspondence files of correspondence that passes through our office of a record type, such as requests from the counsel.

We don't have any automated data processing support in my office, with the exception of lap-top, or—excuse me—desktop computers hooked up into a local area network. But we are not database administrators.

Question. So you don't have access to the White House database, for example?

Answer. No, I don't.

Question. Nor would you have access to Secret Service information in terms of in-and-out visits, who has visited the White House?

Answer. No.

Now, like any user of the White House network, you can input a WAVE request through the system. I don't know if you're familiar with this.

Question. Yes. Go ahead.

Answer. We can request a visitor clearance. There's a screen for that. But we have no retrospective data.

Question. So you were not involved in any database searching in terms of code words on the computer? You yourself were not involved?

Answer. None.

Question. In terms of the phrase, "fund-raising, coffees," and what have you, essentially was your delegation of that task down to WHCA and officials at WHCA who would have undertaken that?

Answer. I delegated it to every one of the 10 organizations; plus the clerks in my office had to go look through our files to see if there was anything that per chance—in our case, it would probably be a physical search of the documents, document categories in paper filing folders.

I would like to make one observation that I would think help frame things a little bit.

Question. Sure.

Answer. One of the other tasks that has not come up in this discussion this morning is that last year—and this is true of most years—we handled 96,230 pieces of citizen mail pertaining to matters, military matters, either to the Pentagon or from the Pentagon, or from service members, or from Members of Congress, or expressions of concern from citizens that had a military cast to them.

EXAMINATION BY MR. BENNETT:

Question. All right. I meant to ask one other thing on the matter of the photographs. In terms of those photographs, once they are taken, are they owned—are they civilian owned or militarily owned, in terms of—I gather they are owned by the—they are kept by the civilian photographers on record at the White House. These still photographs aren't military records, per se, in terms of being owned by the military?

Answer. I don't believe so. But I have not given any real consideration to that question. We certainly don't view them as our property.

Question. I understand. Let me just ask you one other—just to go back on one thing. I don't think I really got into this but if I did we will just move quickly through this. In terms of your discussing the audio or videotapes with anyone in the counsel's office, I believe you indicated that the only person you have spoken with in the counsel's office was Cheryl Mills, correct?

Answer. That's correct.

Question. And prior to her was Wendy White, and I think you said she left a year or so ago.

Answer. Correct.

Question. In terms of discussions with Ms. Mills, when was the very first time that you ever discussed audio or videotapes with her, meaning did you ever discuss audio or videotapes with Cheryl Mills prior to November of 1996?

Answer. November of 1996?

Question. Yes, prior to the reelection of the President.

Answer. No.

Question. In other words, any conversations that you had with Cheryl Mills with respect to videotapes or audiotapes would have been in this month of October 1997?

Answer. That's correct. Prior to November 1996, the conversations that I had with Cheryl Mills largely pertain to the issue of isolating the costs associated with the reelection of the President between official and unofficial activities, and those were in connection with communications, sound and lighting at events.

Question. Did you have any discussions with anyone with respect to videotaping matters prior to the presidential election in 1996?

Answer. I did not.

Question. Okay. Do you know whether or not there are any individuals in WHCA who were contacted by people involved in the political campaign with respect to videotaping prior to November of 1996?

Answer. No.

Question. You just weren't involved in that at all?

Answer. I was involved in providing the logistics support on an issue-by-issue basis, but I don't know why anyone would contact those people because those products are generally routed to the archives directly. That's my understanding. And secondly, the product is generally inferior to that produced by the media.

Question. I gather that you have never had any conversations with—based upon your response with, for example, Mr. Michael Imbroscio?

Answer. I never have talked to him in my life. I didn't even know who he was a month ago.

Question. Just—just another few minutes and I am winding up here, Mr. Sullivan.

Answer. That's all right. Take your time, please.

Question. I know it has been a long morning for you. I am looking through my notes here.

Answer. That's fine.

Question. I believe in terms of—we went over this a little bit before, but I believe—just to go back on one point, in terms of those organizations underneath your command at the White House Military Office, what would be described as, for example, the motor pool vehicles, would also come under your purview unless they are Secret Service limousines, correct?

Answer. That's correct.

Question. And the motor pool, I think, is known by an acronym as CRPET, C-R-P-E-T?

Answer. That's correct.

Question. And first of all, what does the acronym CRPET stand for, just for my edification?

Answer. It is a leftover term that used to be a radio call sign from the old Signal Corps days.

Question. What is the standard operating procedure with respect to the use of those cars in the carpool in CRPET?

Answer. They are for official use only, and only designated people may be transported in them.

Question. Are there logs of any requests for use of those motor pool records?

Answer. There are logs maintained for relatively brief periods of time.

Question. And are there logs kept with respect to those people who travel in those vehicles?

Answer. Yes. It's a dispatch log.

Question. I understand.

Answer. Let me amplify. The dispatch log will reflect the requester's name and in whose name the car has been issued. I don't know that the log would reflect the names of additional passengers in the car.

Question. Are there any other logs kept by the motor pool other than the log you just indicated?

Answer. Yes. There is—we are required to keep long-term logs on three people's cars because they have—are one of—they have portal-to-portal service which they pay for.

Question. And who is that, sir?

Answer. Sandy Berger, Jim Steinberg and Erskine Bowles.

Question. And that is also under your command, correct?

Answer. That's correct.

Question. And whoever has traveled in those cars, there would be a record of those, then, correct?

Answer. There is—the Army has—let's see. The White House Transportation Agency operates using Army procedures in accordance with the Military District of Washington, MDW, Military District of Washington, and it is my belief that the record retention policy is 60 days.

Question. With respect to any traveling in those cars, do you know whether or not there are car phones in those cars?

Answer. There are.

Question. And are there tapes kept of conversations or audiotapes of any of those conversations on those car phones?

Answer. No. We do not tape conversations.

Question. Are there any records of who is called from those cars in terms of billing records?

Answer. The——

Question. You have the telephone records that reflect the numbers called on those car phones, correct?

Answer. The cell telephone bills, those cellular telephone bills, are paid by the White House Communications Agency.

Question. So there would be a record, then, of any and all calls made?

Answer. There could be. However, let me say this: Based upon principles of management, WHCA is not a contracting agency and WHCA is not a disbursing agency, WHCA itself. The phone bills are actually paid by an outfit called DITCO, Defense contracting organization, DITCO, D-I-T-C-O. WHCA receives a summary bill. However, the—I am aware that Bell Atlantic Mobile, who is our service provider, has the ability to produce the bills in detail for several years.

Question. And I think I asked you—hold on just one second.

Just a few other things here.

Answer. I think I have retrieved what DITCO means.

Question. Sure.

Answer. Defense Information and Telecommunications Contracting Office.

Question. Are you aware of any recording that the President does, or the Vice President, in any vehicles—well, strike that. The President really wouldn't travel in these vehicles in CRPET because he and the Vice President would travel in limousines maintained by the Secret Service, correct?

Answer. Yes. But WHCA maintains the communications systems in those cars, so from that point of view it's the same.

Question. So then again WHCA would have, apart from the car phone records, with respect to cars in CRPET, WHCA would also have records of phone calls from the limousines of the Secret Service, correct?

Answer. WHCA would have records only associated with the bills that were generated by using those cellular telephones.

Now, that makes the presumption that the President used the cellular telephone. The cars are also equipped with alternative communication paths.

Question. And when you say alternative communication pads, I am not sure I understand what an alternative communication pad is.

Answer. Path; path.

Question. Path. I am sorry.

Answer. It is a duplex radio that connects with a vehicle that follows the limousine, called "Roadrunner," which in turn beams it up to a military satellite after encoding it and brings it back down into a ground entry point through the WHCA switchboard and off to wherever it needs to go.

Question. And WHCA would have records of all of those conversations?

Answer. I believe they only maintain those records for a brief period of time.

Question. How brief a period of time?

Answer. I believe only 60 days.

Question. Why are they only maintained for 60 days?

Answer. Because I believe that's what the Department of Army's standard is.

Question. Are you aware of the President perhaps using his personal hand—I am not giving this question that Agent Hodgson wants me to give so I am going to ask you directly. Are you aware that the President, perhaps using his personal hand-held recorder, like a daily recorder, regularly makes tapes?

Answer. I have never seen him with a hand-held recorder.

Question. And you don't have any knowledge of WHCA handling these tapes?

Answer. I have no knowledge of that whatsoever.

Question. Do you have any—in terms of this satellite system, do you know who is in charge of the uplink to the satellite, what office is in charge of that?

Answer. White House Communications Agency.

Question. And it would be, then, underneath Colonel Simmons' purview?

Answer. All roads lead to Colonel Simmons.

Question. We will certainly let him know that you said that.

Again, we are laughing at that.

Answer. Strike that.

Question. I am sure he will be very pleased to hear that. We may start his deposition by saying that Mr. Sullivan has indicated—the record should reflect some laughter here.

Just zeroing in now on the matter of tapes, correct me if I am wrong, you indicated that you have never even seen the tapes other than on television, is that right?

Answer. That's correct.

Question. And do you have any knowledge of anyone who has copies of these tapes?

Answer. No.

Correction. I know that they have been making copies of these tapes to give to the various investigative bodies, so presumably whatever investigative bodies have asked for tapes or have gotten tapes, they would be the people.

Question. In sort of concluding, Mr. Sullivan, I am going to ask you to look at a few tapes here that we have, and give you the benefit of it. Just one second, please, off the record.

[Off the record.]

Mr. BENNETT. I am sorry. Excuse me. I apologize.

EXAMINATION BY MR. BENNETT:

Question. Mr. Sullivan, I understand clearly your lack of access to these tapes in terms of the chain of command, but I am just trying to clarify a matter. You yourself have indicated that you don't have any knowledge of any splicing or editing of the tape, correct?

Answer. I have no knowledge of that whatsoever.

Question. Nor have you spoken with anyone at the White House Communications Agency about that?

Answer. No. It is——

Mr. BENNETT. Why don't we run—J. T., just tell me, if you will, what is this first tape?

Mr. MASTRANADI. It is going to be James Riady having a conversation with the President, and the conversation is cut off and then it——

Mr. BENNETT. So the tape, for the record, is what date, March 11, 1995?

Mr. MASTRANADI. No, this is a different date.

Mr. BENNETT. For the record, Mr. J. T. Mastranadi is providing information on the record to the witness so the witness is able to review the tape.

Mr. MASTRANADI. This is a tape from September 10th, 1994.

Mr. BENNETT. Can I have that, please, just for the record. Representing on the record that based upon the production made to us by the White House in a box marked Tape 5, this is a tape of September 10, 1994 records which have been produced. These are among the videotapes, the 50—I don't know how many boxes of videotapes we have, 50-some thus far.

If you will now, Mr. Mastranadi, play this for the benefit of the witness so Mr. Sullivan can take a look.

[Videotape played.]

Mr. BENNETT. Hold on one second. Stop, please.

Counsel is not at the table. Stop, please. I did not realize, Mr. Sullivan, that Colonel Sparks had stepped away from the table.

Just for the record, Colonel Sparks is on the telephone at the other end of the table. I apologize, Mr. Sullivan. I did not realize that he had stepped away for a minute.

Colonel SPARKS. I am sorry.

Mr. BENNETT. I am sorry. I started the questioning. I did not realize you had stepped away.

We are back on the record. I wasn't aware you had stepped away from the table.

EXAMINATION BY MR. BENNETT:

Question. We have three videotapes, Mr. Sullivan. I am going to ask you to look at it. I understand you have indicated your lack of any access to these. And whoever the individuals are on the tape, as a matter of record they can be established by—let me ask you this, for the record: Do you know Mr. James Riady?

Answer. No.

Question. Do you know Mr. John Huang?

Answer. No.

Question. Do you know Mr. Mark Middleton?

Answer. No.

Question. All right. So you don't have any knowledge—you have never seen these people; you wouldn't be able to identify them on the tape?

Answer. I hope you will tell me who they are.

Question. I will make an effort to represent to you, but I am not testifying here, but just for purposes of—just watching the tape is the purpose of it. I believe ultimately that can be established. But just in fairness to you, we are going to ask you to look at this tape. This is a tape dated September 10, 1994, which this committee received, both Majority and Minority counsel received, in a box marked Tape 5.

Mr. MASTRANADI. I have to go back a little bit.

Mr. BENNETT. You need to turn up the volume, if you will.

Mr. BENNETT. Stop one second, if you will. In fairness to you, Mr. Sullivan, the individual in the screen with the President right now on Tape 5, I believe, can ultimately be identified as a Mr. James Riady.

Go back on the tape, please.

Mr. MASTRANADI. We just missed.

Mr. BENNETT. You can't really testify, Mr. Mastranadi. If you want to go back on the tape, go back on the tape.

Mr. MASTRANADI. Okay.

Mr. BENNETT. Just go back. I will tell you when to start again. Just keep going back some more. We will just run the entire tape.

Are you ready to stop? All right. Stop.

[Videotape played.]

Mr. BENNETT. Now, just so you understand, again, you cannot identify some of these people and you asked if I could, perhaps. If you want to stop that for a second, please.

EXAMINATION BY MR. BENNETT:

Question. There is an individual that we believe ultimately to be identified as Mr. John Huang on the tape, and these are tapes produced to both the Majority and Minority by White House Counsel's Office. Do you understand, Mr. Sullivan?

Answer. Yes, I do.

Question. Then ultimately an individual, James Riady, comes on to the screen speaking with the President. I would ask if you will watch this videotape through, including one portion when we need to ask you a question on it.

Answer. Very well.

[Videotape played.]

EXAMINATION BY MR. BENNETT:

Question. If you will go back again, please, I want to you look carefully at this. You haven't had the benefit of seeing this, but it appears this tape has been spliced and there is a gap. I need to know if you can observe this or if you have any knowledge of this.

Mr. Riady is speaking to the President.

[Videotape played.]

EXAMINATION BY MR. BENNETT:

Question. And then there is a gap in the tape. Do you see the gap, sir? If you will look back again.

There is a continuous tape up to this point and then there is a gap and then there is further taping.

[Videotape played.]

EXAMINATION BY MR. BENNETT:

Question. Do you see where there is a flip?

Answer. No, I don't. I see where the film stops and resumes but I don't see a gap.

Question. Let's do this. With respect to the film stopping and resuming, do you have any knowledge, any knowledge as to this tape, why the tape would appear to stop and then resume?

Answer. Yes. I would submit to you that the photographer stopped filming and resumed filming.

Mr. MCLAUGHLIN. I will note for the record that the camera is in a different position after the break than it is before.

[Videotape played.]

EXAMINATION BY MR. BENNETT:

Question. Go back again, if you will.

Now, in terms of that stopping and resuming, you don't know what the reason for that stopping and resuming is, yourself?

Answer. No, and I am not qualified to surmise.

Question. I understand. Can you yourself vouch for the—this tape came apparently from the White House Communications Agency. Can you yourself, Mr. Sullivan, vouch for the authenticity of this tape?

Answer. You are asking me to vouch for that which I don't have any direct knowledge of.

Question. Correct. I am asking you if you are comfortable vouching for that tape coming underneath your command, in terms of whether or not that tape has been altered in any way?

Mr. MCLAUGHLIN. Mr. Bennett, we haven't established a chain of custody for this tape.

Mr. BENNETT. Good point, Mr. McLaughlin.

Mr. MCLAUGHLIN. It is enormously unfair to ask a question like that.

Mr. BENNETT. I don't mean to be unfair to the witness.

Mr. MCLAUGHLIN. He has never seen the tape before.

EXAMINATION BY MR. BENNETT:

Question. In terms of the chain of custody, we don't know what the chain of custody is on this tape, Mr. Sullivan. Perhaps you can assist me in that regard. We received these tapes from the White House. You have indicated on the record here today that you yourself had not seen these tapes.

Did you have any involvement in handing these tapes over from the White House to this committee here at the House of Representatives?

Answer. No, I did not.

Question. Do you know who directly dealt with this particular tape?

Answer. No, I don't.

Question. And in terms of whether or not it is—the camera—you indicated it might be the camera stopping and resuming. Were they your words? I think they were, I thought?

Answer. I thought so.

Question. Okay. Or whether it is a change of camera position, as suggested by Mr. McLaughlin, you yourself cannot vouch for the authenticity of this tape, correct?

Mr. MCLAUGHLIN. Can you explain what you mean by authenticity, Mr. Bennett?

EXAMINATION BY MR. BENNETT:

Question. Specifically, you here today, you don't have any knowledge of any splicing or cutting of tape, correct?

Answer. That's right. I have no knowledge—I have no knowledge about the tape at all.

Question. All right. I understand. So here today you yourself cannot vouch for the authenticity of this tape?

Answer. I am not sound biting.

Question. I am sorry?

Answer. I am not going to issue sound bites. I can neither vouch nor not vouch.

Question. And in terms of the—what appears to be a change, however you phrase it, gap, change, change of camera position, the only thought you have with respect to that portion there where it stops and resumes is that the cameraman may have stopped and then resumed, is that correct?

Answer. That is what I would presume to have been the case.

Question. And with respect to the camera stopping and resuming, who is the person who would make the determination to have the camera stop and then resume?

Answer. I don't know.

Question. It would have been one of the three people—I think you mentioned three people in a huddle earlier who would determine it. You said the fellow with the microphone and the fellow with the camera and the third person, who would have been—I am looking for my notes, the individual you named?

Answer. Oh, Steven Goodin.

Question. Is that the kind of situation where Mr. Goodin and two other people might make a determination to stop the camera and then resume?

Answer. I don't know.

Question. But is that what you mean by stop and resume?

Answer. No. I would have thought it was just a matter of the cameraman getting out of people's way that were exiting from shaking the President's hand. He is standing right in the path of the people that are exiting from the "grip and grin."

Question. Why don't we roll through some more so we can see this? Roll back and roll it again.

Answer. Let me say for the record, I wasn't there.

Question. I understand.

Answer. So I don't know what happened.

Question. I understand.

Mr. MCLAUGHLIN. I want to note for the record that Mr. Sullivan was not present. He has already testified he has no knowledge about these tapes. He is a lay witness. We could just as easily pull somebody in off the sidewalk and ask them to surmise

what was going on. This is a uniquely unproductive line of questioning, Mr. Bennett.

Mr. BENNETT. For the record, Mr. McLaughlin, given that at least as a matter of courtesy I try to exercise professional—I will take exception to the matter of a lawyer trying to characterize with adjectives the conduct of another lawyer. I don't think that is professional and I don't think that it is necessary to ever do that.

Mr. MCLAUGHLIN. I don't think the record will reflect that I did that.

Mr. BENNETT. Well, I think that was the nature of the question. So I will let that go by. Perhaps with years you will learn not to do that.

EXAMINATION BY MR. BENNETT:

Question. But my point is, I am not asking, Mr. Sullivan, with respect to terms of an expert witness. I am asking—you had said earlier, I think, Mr. Sullivan—didn't I ask you about, if there is a stopping or resuming of the tape, that Mr. Goodin and two other people would make that decision?

Answer. I believe the question that I responded to was the question of whether an event would be filmed or not. That is the huddle that I referred to. And if I was unclear, I apologize.

Question. Or if I misunderstood you, I apologize.

Answer. On the other hand, I have no insight as to the actual conduct of the filming of the specific event.

Question. Okay. And to your knowledge, if there was a stopping and a resuming of taping—and why don't we go through here and now roll through one more time on this particular tape—if there is a stopping or resuming or for whatever reason, you have no knowledge as to the reason for that?

Answer. That's correct.

Mr. BENNETT. Let's go to the second tape.

Mr. MCLAUGHLIN. Mr. Bennett, while we are waiting for the tapes to be switched, are you going to be making copies of those as exhibits to this deposition?

Mr. BENNETT. I am just going to note what they are, and both Majority and Minority counsel have those tapes.

Mr. MCLAUGHLIN. We have received videotapes.

Mr. BENNETT. You received them in the same fashion.

Mr. MCLAUGHLIN. Well, that's your representation. I don't know if that's true or not.

Mr. BENNETT. It is my representation from the White House to our office.

Mr. MCLAUGHLIN. I understand that, but that's your representation and that's the White House's representation. It is always my preference that when you show something to a witness, that it be appended to the deposition so there will be no question later as to what was shown to the witness.

I will make a request, which you can honor or not honor as you choose, that a copy of that VHS tape that you are holding in your hand, or at least the portions that were shown to the witness, be copied and included with the deposition so that Members, for example, reviewing this deposition in the future will have an opportunity to review that.

Mr. BENNETT. Point well taken, Mr. McLaughlin. And we will definitely endeavor to copy that portion of Tape 5 that we noted, as well as tape—we are now doing Tape 64.

Mr. MCLAUGHLIN. I appreciate that, Mr. Bennett.

EXAMINATION BY MR. BENNETT:

Question. We will take a look at Tape 64 now.

Answer. Now, the committee is aware now, of course, that the originals are filmed in Beta format?

Question. Yes, I understand. Your point being that they are then transferred over to VHS?

Answer. They go to the archives in Beta format. Only when they have to go in consumer machines are they transcribed to VHS format.

Mr. BENNETT. Go ahead. Stop for just one second. Give me the box just for one second. What is the date?

Mr. MASTRANADI. March 11th, 1995.

Mr. BENNETT. This tape I am showing you now, for the record is a tape that was marked No. 64 and to my knowledge, for the record, both Majority and Minority counsel received this tape as No. 64 in the boxes of tapes that were delivered to both staffs, and this relates to March 11, 1960——

Mr. MASTRANADI. 1995.

Mr. BENNETT. 1995, March 11, 1995.

[Videotape played.]

EXAMINATION BY MR. BENNETT:

Question. Again, there, clearly there is no photograph of that individual leaving the President. It appears that without using the word "splice" or "change" or "modification," let us just use the word "gap," for whatever reason on the tape, do you see what I am addressing, Mr. Sullivan, in terms of the individual not seen leaving off camera and suddenly you pick up with the next person?

Answer. I saw an interruption.

Question. Okay. We can use the word "interruption" then.

With respect to the interruption on that tape, again, in terms of any explanation for it from the—from WHCA, the only explanation you would have would be it might be the tape stopping and then resuming at the event?

Answer. Yes. Yes.

Question. You have no other explanation for it?

Answer. I was not present at that event.

Question. I understand.

Answer. I am not involved with the details of how the photographers perform under the guidance of the President and Steven Goodin. I don't know who the people are on the tape. I don't even know what kind of an event that is. So I have nothing useful to say because I just flat don't know.

Question. Who would produce the copies of these tapes from the Beta to the VHS?

Answer. Technicians in the White House Communications Agency.

Question. And who would those technicians be?

Answer. People in the Chief McGrath's organization.

Question. So Chief McGrath, you believe Chief McGrath might have knowledge with respect to these interruptions?

Answer. If—yes.

Mr. BENNETT. Let's go to one more. And again for the record, pursuant to Mr. McLaughlin's point, which is perfectly valid, we will make sure we produce that portion of it, Mr. McLaughlin, to include as an exhibit to the deposition. I would ask that these will ultimately be marked as Exhibits 4A, B and C.

[Sullivan Deposition Exhibit No. 4A was marked for identification.]

[Sullivan Deposition Exhibit No. 4B was marked for identification.]

[Sullivan Deposition Exhibit No. 4C was marked for identification.]

Mr. MCLAUGHLIN. I appreciate that, Mr. Bennett.

Mr. BENNETT. For the record, we will not do the entire tapes with respect to these exhibits. We will do those portions that we have shown to the witness. And hold on just one second.

For the record, clarification, the first tape I showed was not Tape 5 but was Tape 63, Mr. McLaughlin, and then—to my knowledge, your office has the same tape number sequence. And then the second tape was Tape 64; and now this tape, the third tape and the last tape we are doing is Tape 5. Also, for the record, Ms. Ashley Williams of the communications office of the Majority staff will be responsible for reproducing those portions and snippets. And for the record, Mr. J. T. Mastranadi will assist Ms. Williams in noting those portions we have shown to the witness. Once we have done that, we will make that available for you, as well as, Mr. McLaughlin, as well as Colonel Sparks, to make sure we have accurately included those same snippets.

Does that suffice for your position? Of course, the court reporter as well.

Mr. MCLAUGHLIN. That's fine. Can you confirm the date of that first one?

Mr. BENNETT. Tape 63 was dated September 10, 1994, and Tape 64, the second tape, was dated March 11, 1995.

Now we are on to Tape 5, the third exhibit which will be marked as Exhibit 4C, February 19th, 1996. And if we will stop for a minute here, if we can, Mr. Mastranadi, just so you understand, Mr. Sullivan, I represent to you that I believe that the document as produced by the White House to both Majority and Minority staffs would indicate this is at the Hay Adams Hotel.

EXAMINATION BY MR. BENNETT:

Question. This is not at the White House, but, again, the White House Communications Agency will follow the President and film events in his life regardless of where he is, correct?

Answer. That's correct.

Question. So you understand this is an event not at the White House but at the Hay Adams Hotel.

Answer. Correct.

[Videotape played.]

EXAMINATION BY MR. BENNETT:

Question. Now, in terms of that, again, regardless of how—let's use your word before. You would note that there is definitely an interruption in that tape, is that correct?

Answer. I agree.

Question. And the same answers with respect to that interruption that you gave as to the previous two tapes would apply here as well?

Answer. That's correct. I certainly was not at the Hay Adams Hotel.

Question. And your explanation of any interruption, again using your words, would be the same?

Answer. I don't know.

Question. You have no knowledge of it?

Answer. I have no knowledge.

Mr. BENNETT. I have no further questions. Thank you, Mr. Sullivan. I believe Mr. McLaughlin may have some questions.

The WITNESS. Certainly.

Mr. MCLAUGHLIN. I do.

EXAMINATION BY MR. MCLAUGHLIN:

Question. Mr. Sullivan, since we are apparently relying on you as a lay witness as to videotaping matters, let me just represent to you, as somebody who has viewed a large number of these videotapes, that brief momentary interruptions as we have just been exposed to are legion throughout the videotapes. Would it surprise you—would that fact surprise you as a lay observer?

Answer. No.

Question. Is it possible that perhaps the camera operator, whenever he shifts position, turns the camera off, adopts a new position and then turns the camera back on?

Answer. Yes.

Question. That would not surprise you?

Answer. No.

Question. Okay. Let me turn—on a substantive matter, let me direct your attention to Exhibit 2.

Answer. Yes.

Question. And I would like to particularly direct you to the second sentence of that exhibit, and I will read it for the record. We ask that you—and let me just preface this, for purposes of the cold record, by noting that this is a—the memorandum from Charles Ruff, Counsel to the President, to Executive Office of the President, Re: Document request, dated 4–28–97.

The second sentence reads, "We ask that you conduct a thorough and complete search of ALL," and those are capitalized letters, capital A, capital L, capital L, "ALL of your records," paren, "whether in hard copy, computer or other form," closed paren, "that were created during the period of January 20 to the present, unless otherwise noted below, for materials responsive to the requests below."

I would like to question you, since you were questioned about this at some length by Mr. Bennett, about your understanding of the phrase "all of your records, whether in hard copy, computer or other form."

Is it your understanding—was it your understanding, in April and May of 1997, Mr. Sullivan, that the phrase, "all of your records, whether in hard copy, computer or other form," included videotapes?

Answer. Yes.

Question. Was it your understanding then that that phrase included audiotapes?

Answer. Yes.

Question. Okay. Let me turn—direct your attention briefly to Exhibit 1. This is the subpoena which you have stated you have not seen before today. I would like to direct your attention to page 1, paragraph numbered 1 under the heading "Definitions and Instructions." I will note that the heading includes both definitions and instructions.

Turning to paragraph 1, it states—and then I will ask you my question—"For the purposes of this subpoena, the word 'record' or 'records' shall include, but shall not be limited to, any and all originals," et cetera, et cetera.

Let me just ask you for a lay person's opinion. And actually, before I do that, let me, for comparison let me turn—let me refer you to the numbered paragraph 2 on page 2. This paragraph reads, and I will just read the first part, "For purposes of

this subpoena, the terms 'refer' or 'relate' and 'concerning' as to any given subject means anything that constitutes," et cetera, et cetera.

Is it consistent with your understanding as a lay person that paragraph No. 2, which uses the verb "means," is a definition, whereas paragraph No. 1, which says "shall include, but shall not be limited to," is perhaps something other than a definition, like, for example, a list of examples?

Answer. Paragraph 2 is written explicitly as a definition. Paragraph 1 is a litany of examples, apparently in alphabetical order, I might add.

Question. Does the verb, to the extent at least in the first two lines, does the verb "means" appear in the paragraph numbered 1?

Answer. No, but I would point out that this is the first time I have seen this subpoena, so it was not actionable for me, either paragraph 1 or 2.

Question. I understand.

Answer. As I was conducting my search.

Question. I am just trying to determine what your understanding of the phrase, "all of your records, whether in hard copy, computer or other form" was and whether it would include the example items that are given in paragraph No. 2. Why don't we just do a few examples.

In April and May of this year, Mr. Sullivan, was it your understanding that the—the phrase "all of your records, whether in hard copy, computer or other form," would have included cables?

Answer. Yes.

Question. Would it have included calendars?

Answer. Yes.

Question. Would it have included card files?

Answer. Yes.

Question. I am just going to skip ahead here through some of these. Would it have included diaries?

Answer. Yes, although I don't know of anyone that keeps those.

Question. Okay. Would it have included documents?

Answer. Yes.

Question. Electronic mail?

Answer. Yes.

Question. Facsimiles?

Answer. Yes.

Question. Would it have included, and I will skip ahead again, press releases?

Answer. Yes, but it would not have been relevant to us.

Question. Okay. Would it have included recordings?

Answer. Indices thereof.

Question. Indices of recordings?

Answer. Yes.

Mr. MCLAUGHLIN. And I will just leave it at that, on that line of questioning.

In closing, Mr. Sullivan, let me simply thank you on behalf of the Minority members of the committee. To the extent that we are aware, your record of service to the military and to this country is of unblemished integrity, and everything that I have observed today has only reinforced that reputation.

The WITNESS. Thank you.

Mr. MCLAUGHLIN. Thank you, Mr. Bennett. That's all I have.

Mr. BENNETT. Just for the record, I don't think anybody disputes that your service is a distinguished military career for the country. I am sorry that you got embroiled in all of this, and I am glad for your coming forward here, and I also thank you. I think all members of the committee would thank you and I also thank you, on behalf of the Majority.

EXAMINATION BY MR. BENNETT:

Question. Let me just close with saying that we indicated how this deposition will be handled, and it will be made available for Colonel Sparks. Is it your intention, Mr. Sullivan, or have you been advised to discuss this deposition with anyone upon its conclusion?

Answer. I have not received any advice one way or the other.

Question. Okay. I mean, no one has indicated to you that you were to debrief them or speak with them immediately upon the conclusion of this deposition?

Answer. No. I expect I will ask Colonel Sparks how it went.

Question. I understand. For the record, I appreciate your candor here. My point is, is that absent advice from your counsel, you are not under any directives or intentions with respect to discussing this deposition with any particular person?

Answer. I have not been asked to back-brief anybody.

Mr. BENNETT. All right. And again I thank you, and I believe that will conclude this morning's deposition.

I think, Colonel Sparks, we are just about right on schedule.

Colonel SPARKS. Just about.

Mr. BENNETT. Okay. Good. Thank you very much.

[Whereupon, at 12:30 p.m., the deposition was concluded.]

[The deposition exhibits referred to follow:]

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Executive Office of the President SERVE: Charles F.C. Ruff, Counsel to the President, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500

You are hereby commanded to produce the things identified on the attached schedule before the

full Committee on Government Reform and Oversight

of the House of Representatives of the United States, of which the Hon. Dan Burton

is chairman, by producing such things in Room 2157 of the

Rayburn House Office Building, in the city of Washington, on

Monday March 24, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97

Dan Burton
Chairman.

Attest: Robin H. Carle
Clerk.

EXHIBIT
1

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

TO:
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

SERVE: Charles F.C. Ruff
Counsel to the President

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas the following records. Please provide production logs which indicate each record's Bates number, author, description, and source file. Where information is available in computer disk form, please indicate and provide the information by computer disk rather than paper copy. If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles,

journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like a similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this subpoena "White House" refers to any and all employeoes, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(4) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(5) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(6) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(7) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(8) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or

information in sufficient detail to ascertain the validity of the claim of privilege.

(9) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(10) This subpoena includes all Staff Secretary records including all records the President has seen and/or commented on or responded to.

Requested Items

1. All records relating to John Huang and all records relating to Jane Huang

2. All records relating to Mochtar Riady, James Riady, Stephen Riady, Andrew Riady, Lydia Surywati, Aileen Riady, the Lippo Group, and any affiliate of the Lippo Group.

3. All records relating to Yah Lin Charles Trie a.k.a. Charlie Trie and any family member of Mr. Trie, including but not limited to, Wang Mei Trie.

4. All records relating to P. Kanchanalak, Pauline (or Pornpimol) Kanchanalak, and/or Pauline (or Pornpimol) Parichattkul; Chupong Kanchanalak (aka Jeb Kanchanalak) and/or Daungnet Kronenberg.

5. All records relating to C. Joseph Giroir, Arkansas International Development Corporation, Giroir & Gregory and/or any business connected with C. Joseph Giroir, Jr.

6. All records relating to Johnny Chien Chuen Chung (aka Johnny Chung), Automated Intelligence Systems; and/or any business connected with Johnny Chung.

7. All records relating to John Hoon Kyung Lee (aka John H.K. Lee, Lee Kyung Hoon or Kyung Hoon Lee).

8. All records relating to George Psaltis.

9. All records relating to Mark Middleton, CommerceCorp. International, and/or any business connected with Mark Middleton for the period February 1, 1995 to the present.

10. All records relating to any of the following individuals: Soraya and/or Arief

Wiriadinata; Paul Berry; Jorge Bolanos, Craig Hall, Jerome Berlin, Hashim Ning; Yogesh Gandhi; Hogen Fukunaga; Yoshia Tanaka; Hsing Yun (aka Shing Yun); Tzu Jung (aka Su-Jen Wu); Hsiao Pi-Hsia; Chu Lin Hsiu (aka Hsiu Chu Lin); Ken Hsiu; Jou Shen (aka Jou Sheng); Man Ya Shih; Siuw Moi Lian; Mi Ryu Ahn; Gary Hseueh, Charles DeQueljoe; Keshi Zhan; Xiping Wang; Yue F. Chu; Farhad Azima; Leo Chan; Ming Chen; Any Hsi-I Chiang; Chin-kaun Chiang; Juan Kuo Chiang; Hong Jen Chiao; Marina Chiu; Richard Mays, Richard J. Soon Choi (aka Unchung Choi); Wei Fen Chou; Dario Crosetto; Juan Gallicchio; Ming Yao Hao; Chiu-lan Ho; Comete H. Hong; Pi Hsia Hsiao; Bor Yun Jen; Bih-Yueh Jeng; Stanley P. Jobe; Joseph R. Landon; David Lee; Richard Tienken, Qing Li; Michele Lima; Chong Lo; James Lu; Benito Michaud; Sang Minh Nguyen; Hsu Pi-chu Nien; Seow Fong Ooi; Gilberto Pagan; Paul Audio; Ai Hua Qi; Max Salas; Jou Sheng; Shiwen W. The; Min Hsiang Ten; Ying Chiu Tien; Chi R. Wang: Kun-cheng Yeh; Bun Yeung; Kimmy L. Young; Master Shing Yun; Keshi Zhan; Master Suma Ching Hai, Eugene Wu, Mark Grobmyer, Paul Berry; Jorge Cabrera; Dhanin Chearavanont; Sumet Jiaravanot; Sarasin Virpol, Mark Jimenez, Ernest Green; Howard Glicken; Alan Leventhal; Grigory Louchansky; Vivian Manarrud; Mike Mitoma; Joseph O'Brien; Fred Siegel; Ng Lap Seng; Roger Tamraz; Melinda Yee, Eric Wynn.

11. All records relating to any of the following entities: The Lippo Group, Lippobank, Cheong Am America; K & L International; K & L International Partners, Inc.; Psaltis Corporation; Hip Hing Holdings, Ltd.; Automated Intelligent Systems, Inc.; Bang Chang Group; Bang Chang International; San Kin Yip International Trading Company, CommerceCorp. International; Hsi Lai Temple; Commerce International, Inc.; Commerce International of Arkansas, Inc.; Mid-South International Trade Association; U.S.-Thailand Business Council, Daihatsu International Trading Company; Asian Pacific International Inc.; America-Asia Trade Center, Inc.; American Eco Corp.; ACPC Inc.; American International Bank; Aviation Leasing Group; Cherry Communications; Chy Corp.; Empire Sanitary Landfill; Interactive Wireless; Jss Consultants; Japan Green Stamp America; Kassaouf Real Estate; Promay Plastic; Richfield Window Coverings; Royal Industries; Supercom; T & W Arts & Crafts (USA); Taiwan Machinery Trade Center; Tayu (Texas) Inc.; United Global Trading; Victor CNC Systems; Victor Industrial Supply; Victor International; Wireless Advantage; Yama Ren Trade Entertainment; C.K. Victory Investments; Prince Motors, Co.; Global, USA, Inc.

12. All records related to Executive Order Number 12987.

13. All records related to the Presidential Legal Expense Trust.

14. All records relating to Hongye Zheng. China Council for the Promotion of

International Trade (CCPIT), Yan Sanzhong, China Petro-Chemical Corp., Jichun Huang, China International Trust and Investment Corp., Renzhong Wang, Shanghai AJ Shareholding Corp., James J. Sun, Urumqi Talhe Industry Co, Jianiong Yu, Wang Jun, Poly Technologies, Poly Group and/or CITIC.

15. All records relating to Occidental Petroleum.

16. All records relating to White House Political Coffees, including but not limited to, all attendees to the coffees, all invitees to the coffees, all briefing memos for the coffees, all records relating to expenses of the coffees, all records reflecting donors attending the coffees, donations connected with the coffees, "installment" payments from donors, and all notes taken at the coffees, including but not limited to, notes taken by Harold Ickes, Marsha Scott, Alexis Herman, Doug Sosnick, Erskine Bowles, Scott Pastrick, Marvin Rosen, Richard Sullivan, and/or the President.

17. All records of Air Force I and Air Force II passenger manifests for the period January 20, 1993 to the present and all records of reimbursements for Air Force I and/or Air Force II expenses for non-staff passengers.

18. All records relating to official delegation trips abroad.

19. All records relating to William Ginsberg, Chief of Staff to Secretary Ron Brown, including but not limited to his Commerce Department diaries.

20. All records of attendees at the White House movies.

21. All Usher's records of who was in the White House residence for the period January 20, 1993 to the present.

22. All records relating to use of the Presidential box at the Kennedy Center for the period January 20, 1993 to the present.

23. All records of attendees at radio address spots for the period January 20, 1993 to the present.

24. All records of who has White House mess privileges for the period January 20, 1993 to the present.

25. All records of guests at Camp David for the period January 20, 1993 to the present.

26. All records of Ann Stock, Carolyn Huber and/or any social secretary at the White

House regarding scheduling of any of the following White House events for the period January 20, 1993 to the present: ceremonies, residence visits, overnight stays at the White House, Kennedy Center Tickets, Camp David visits, private dinners, guests at White House movie showings, and official delegation trips abroad.

27. All records relating to the Democratic National Committee for the period January 20, 1993 to the present.

28. All records relating to volunteers at the White House paid by the DNC and/or any other outside entity.

29. All records relating to Webster Hubbell.

30. All records relating to the First Lady's visit to Guam in September 1995.

31. All records related to United States policy with Guam, regarding the Jones Act, the Guam Commonwealth Act, and issues relating to immigration, labor and taxes and similar issues relating to the Commonwealth of Northern Mariana Islands since 1993, including all records relating to contacts between the Interior Department and the White House ; all records relating to contacts between the White House and the DNC concerning Guam; all records related to contributions received from Guam and the Commonwealth of Northern Marian Islands; and all records relating to contacts between the White House and Governor Carl Gutierrez of Guam.

32. All records relating to any meetings held in the White House complex (including the White House residence) attended by any employee or volunteer of the DNC, including, but not limited to, all meetings generally known as "Wednesday Money Meetings."

33. All records relating to Truman Arnold.

34. All records relating to the investigation of Secretary Ron Brown by an Independent Counsel, including but not limited to, all records relating to Nora Lum, Gene Lum, Nickie Lum, Maxine Lum Mauricio, Trisha Lum, and/or Dynamic Energy Resources, Inc.

35. All records relating to the American Institute in Taiwan and/or James Wood.

36. All records relating to the Clinton Birthplace Foundation and/or the Hope Foundation.

37. All records relating to the Asian Pacific Advisory Council ("APAC"); the Asian Pacific American Leadership Council ("APALC"); and/or the Asian Pacific American Working Group ("APAWG").

38. All cellular phone records, phone credit card records and any charges billed to the Democratic National Committee.

39. All legal opinions relating to the use of volunteers at the White House.

40. All legal opinions relating to fundraising.

41. All records relating to the President and/or Vice President and fundraising.

42. All records relating to any expenses connected with White House Political Coffees, White House overnight guests, Air Force I and Air Force II trips taken by non-staff, and Camp David guests.

43. All phone records from Air Force I and Air Force II for the period September 1995 through November 5, 1996.

44. All lexus-nexus account numbers for the period January 20, 1993 to the present.

45. All lexus-nexus searches done on any DNC donors for the period January 20, 1993 to the present.

Subpena for.....

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before the Committee on the.....

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Served L. A. Brey.....

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..... John G. 3/5/97

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.....House of Representatives

GPO 1991 42 417 (m)

THE WHITE HOUSE

WASHINGTON

April 28, 1997

MEMORANDUM FOR: EXECUTIVE OFFICE OF THE PRESIDENT

FROM: CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

SUBJECT: Document Request

This request is part of what have been extensive efforts to gather materials responsive to various document requests from outside entities. We ask that you conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) that were created during the period January 20, 1993 to the present (unless noted otherwise below) for materials responsive to the requests below. Please provide copies of these documents in the manner in which they are maintained in your files.

PLEASE NOTE: Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again. If you have previously searched for a particular category of document, please update your search to ensure that you provide any responsive records that were created or discovered after your last search. Moreover, please remember that under the Presidential Records Act you must maintain all original White House or Executive Office of the President documents, including documents that are responsive to this and previous document requests.

Every employee is responsible for searching all of his or her own files and records to ensure a comprehensive search. In the White House Office, the Office of Policy Development, and the Executive Residence, each office head or Assistant to the President must certify that his or her staff has done a complete search. For all other Executive Office of the President (EOP) agencies or entities, the General Counsel (or agency head) must certify that all agency records have been provided. Appropriate search certification forms are attached for your use.

In addition, the Counsel's Office has been working closely over the past several weeks with the staff of the Office of Records Management, and they have been gathering responsive materials located in storage. If you believe files that you have sent to Records Management may contain responsive information, please let us know so that we can ensure that all responsive documents can be located. Thank you very much for your cooperation in this respect.

All documents must be provided by NOON ON WEDNESDAY, MAY 7, 1997 to Michael Imbroscio or Dimitri Nionakis, OEOB Room 125. If you anticipate any difficulty in meeting this deadline, or if you have any questions, please call Michael Imbroscio or Dimitri Nionakis at 456-7901 so that we may offer any assistance available from our office.

EXHIBIT

2

Please search your files and records for the following materials:

1. Any documents or materials:

   a. Referring or relating to any of the individuals or entities on Attachment A.

   b. Referring or relating to White House political coffees (including logistical issues, follow-up memoranda, memoranda recommending or proposing invitees, clearance requests for attendees, etc.);

   c. Referring or relating to volunteers at the White House paid by the DNC and/or any other non-federal entity;

   d. Referring or relating to any fundraising events during the First Lady's trip to Guam on September 4, 1995;

   e. Referring or relating to the Asian Pacific Advisory Council (APAC); the Asian Pacific American Leadership Council (APALC); and/or the Asian Pacific American Working Group (APAWG);

   f. Referring or relating to Executive Order Number 12987, which expanded the membership of the Commission on U.S.-Pacific Trade and Investment Policy (also know as the Bingaman Commission). NOTE: Responsive records do not include documents relating to the form and legality of the Executive Order.

2. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1994:**

   a. Referring or relating to the Democratic National Committee (DNC) and fundraising (including any documents related to DNC fundraising meetings or events, DNC financial projections or budgets, any DNC fundraising memoranda prepared by or that reference Harold Ickes, etc.).

3. Any documents or materials dated -- or if undated, documents created or received -- **after February 17, 1995:**

   a. Referring or relating to Mark Middleton, CommerceCorp International, and/or any business you know to be related to Mark Middleton.

4. Any documents or materials dated -- or if undated, documents created or received -- **after January 1, 1996:**

   a. Referring or relating to meetings or communications between Michael Cardozo and White House staff or individual donors -- e.g. Yah Lin "Charlie" Trie -- regarding raising money for the Presidential Legal Expense Trust;

   b. Referring or relating to any communications or contacts with Occidental Petroleum Corporation (OPC) concerning business or investment by OPC in the Sudan.

5. Any documents or materials dated -- or if undated, documents created or received -- **between August 3, 1996 and December 31, 1996:**

   a. Referring or relating to the White House Data Base (WHODB).

ATTACHMENT A

INDIVIDUALS*

Mi Ryu Ahn*
Farhad Azima
Jerome Berlin
Paul Berry
Jorge Cabrera
Dhanin Chearavanont
Sumet Chearavanont
Richard J Soon Choi (aka Unchung Choi)
Yue F. Chu*
Johnny Chien Chuen Chung
(aka Johnny Chung)*
Yogesh Gandhi*
Howard Glicken
Ernest Green
Master Suma Ching Hai
Ken Hsiu
Jane Huang
Jichun Huang
John Huang*
Mark Jimenez
Wang Jun
Chupong (or Jeb) Kanchanalak
P. Kanchanalak*
Pauline (or Pornpimol) Kanchanalak*
(aka Pauline (or Pompimol) Parichattkul*)
Daungnet Kronenberg
John Hoon Kyung Lee*
(aka John H.K. Lee, Lee Kyung Hoon, or
Kyung Hoon Lee)*
Alan Leventhal
Chong Lo
Grigory Louchansky
Gene Lum
Nickie Lum
Nora Lum
Tricia Lum
Maxine Lum Mauricio
Vivian Mannereud
Richard Mays
Warren Medoff
Carlos Mersan
Mike Mitoma
William Morgan
Hashim Ning*
George Psaltis*
Aileen Riady
Andrew Riady
James Riady*
Mochtar Riady*
Stephen Riady
Yan Sanzoung
Ng Lap Seng
Ma Ya Shih*
Fred Siegel
James J. Sun
Lydia Surywati
Roger Tamraz
Richard Tienken
Yah Lin "Charlie" Trie*
Wang Mei Trie
Sarasin Virpol
Renzhong Wang
Xiping Wang*
Arief Wiriadinata*
Soraya Wiriadinata*
Eugene Wu
Eric Wynn
Melinda Yee
Hsing Yun (aka Shing Yun)*
Keshi Zahn*
Hongye Zeng

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

ENTITIES*

America-Asia Trade Center, Inc.
Arkansas International Development Corporation
Automated Intelligence Systems, Inc.*
Ban Chang Group*
Ban Chang International*
C.K. Victory Investments
China Council for the Promotion of International Trade (CCPIT)
China International Trust and Investment Corp. (CITIC)
China Petro-Chemical Corporation
Cheong Am America*
Commerce International, Inc.
Daihatsu International Trading Company
Dynamic Energy Resources, Inc.
Giroir & Gregory
Hip Hing Holdings, Ltd.*
Hsi Lai Temple*
Lippobank*
Lippo Asia (U.S.A.) Inc.
The Lippo Group (or any affiliates)*
Mid South International Trade Association
Poly Technologies
Poly Group
Prince Motors Co.
Psaltis Corporation
San Jose Holdings Inc.
San Kip Yip International Trading Corp.*
Shanghai AJ Shareholding Corp.
Suma Ching Hai Buddhist sect
U.S. Thailand Business Council
Wireless Advantage

Please include in your search and production, to the extent you are aware, any parents, subsidiaries, affiliates, officers, directors, owners, employees, shareholders, agents, or assigns of the entities identified above.

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* Individuals and entities which were the subject of previous document requests are denoted with an asterisk (*). For these items, please update your search for records created or discovered since January 9, 1997, the date of your last search.

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

May 6, 1997

Unclassified upon removal of attachment (5)

MEMORANDUM FOR CHARLES F.C. RUFF
COUNSEL TO THE PRESIDENT

FROM: ALAN P. SULLIVAN
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT: Document Request

In response to your memorandum of April 28, 1997, we have searched our files and found the six attached documents referring or relating to the individuals or entities identified in the memorandum.

Attachments

CONFIDENTIAL

EXHIBIT
3

THE WHITE HOUSE
WASHINGTON

April 29, 1997

MEMORANDUM FOR: **DIMITRI NIONAKIS**
Associate Counsel to the President

REGARDING: April 28, 1997 Request for Documents

This certification is in response to the memorandum from Charles F.C. Ruff, Counsel to the President, regarding the 4/28/97 Document Request. By signing this document, I am certifying that I directed all individuals in my office to search their files as well as the office's files. To the best of my knowledge, these files have been reviewed and all responsive documents have been provided.

Management and Administration:

Jodie R. Torkelson
Assistant to the President for Management
and Administration

THE WHITE HOUSE
WASHINGTON
May 7, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: ASHLEY RAINES
CHIEF OF STAFF
MANAGEMENT AND ADMINISTRATION

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997, my files and the files of the following staff members have been reviewed:

Circulated, Read and Attested to by:

KELLI MCCLURE
PERSONNEL LIAISON
___ no files found
✓ files have been forwarded

TERESA WILDMAN
EXECUTIVE ASSISTANT
___ no files found
✓ files have been forwarded

BROOKS SCOVILLE
STAFF ASSISTANT
___ no files found
✓ files have been forwarded

THE WHITE HOUSE
WASHINGTON

May 6, 1997

MEMORANDUM FOR JODIE R. TORKELSON

FROM: MICHAEL D. MALONE, SPECIAL ASSISTANT TO THE PRESIDENT AND DIRECTOR OF WHITE HOUSE OPERATIONS

SUBJECT: Independent Counsel Request for Documents

In response to Chuck Ruff's memorandum of April 28th, 1997 files in the following offices have been reviewed:

Circulated, Read and Attested to by:

MELINDA BATES Melinda N. Bates
DIRECTOR, VISITOR'S OFFICE
✓ no files found ___ files have been forwarded

PATTI COGDELL Patti Cogdell
DIRECTOR, WHITE HOUSE CONFERENCE CENTER
___ no files found ✓ files have been forwarded

SUSAN L. HAZARD Susan L Hazard
DIRECTOR, WHITE HOUSE TRAVEL OFFICE
✓ no files found ___ files have been forwarded

MADGE HUBER HENNING
DIRECTOR, INTERN PROGRAM
___ no files found X files have been forwarded — not responsive — MDM Line S/A,

BOB McNEELY Marilyn Jacanin
DIRECTOR, WHITE HOUSE PHOTO OFFICE
___ no files found X files have been forwarded

ALEX G. NAGY Alex G. Nagy
DIRECTOR, WHITE HOUSE TELEPHONE SERVICES
___ no files found X files have been forwarded