

**INVESTIGATION OF THE CONVERSION
OF THE \$1.7 MILLION CENTRALIZED WHITE HOUSE COMPUTER SYSTEM,
KNOWN AS THE WHITE HOUSE DATABASE, AND RELATED MATTERS**

Mr. Burton, from the Committee on Government Reform and
Oversight, submitted the following

_____ **REPORT**

together with

MINORITY AND ADDITIONAL VIEWS

On October __, 1998, the Committee on Government Reform and Oversight approved and adopted a report entitled "Investigation of the Conversion of the \$1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters." The Chairman was directed to transmit a copy to the Speaker of the House.

I. SUMMARY AND OVERVIEW

The story of the White House Database is one about a White House that disregarded the difference between the official business of the United States government and the political business of reelecting the President. Because the line between official business and campaigning was obliterated, this President and his White House subordinates proceeded to spend at least \$1.7 million of government funds on a complex, centralized computer system known as the White House Database or "WhoDB." It was used not just for official purposes; senior White House staff planned and, in fact, used it to advance the campaign fundraising objectives of the Democratic National Committee (DNC). This conversion of government property to the use of the DNC constitutes a theft of government property under 18 U.S.C. § 641.

Similarly, White House staff, at the President's direction, used other White House resources to translate their new expertise in database development, acquired at government expense, to plan the development and use of databases for the DNC and other political committees in violation of the Hatch Act, 5 U.S.C § 7324, which restricts government employee use of government property for political activities. This, too, represents a theft of government property.

The conversion of the White House Database and other government resources to benefit the DNC and the President's campaign in this way was an integral part of the conversion of the nation's White House into the political fundraising tool of the President and the DNC. With respect to the Database alone, the conversion of that resource was simply a continuation of the

obliteration of any distinction between the official functions of the White House and the campaign to reelect the President.

Prior to the deployment of the White House Database, lists generated by White House computers for invitations or attendance at social events, meetings, and other White House functions were routinely provided to the DNC and the Clinton/Gore '96 campaign. These lists included, for example, the 1993 and 1994 Holiday Card lists, among others, that were assembled through White House computers, merged with DNC lists and campaign lists, and then left in the possession of the DNC and the Clinton/Gore campaign for their use. The names and addresses of the people to whom the President and First Lady send holiday cards are a very valuable asset to those entities. They are also the property of the United States government.

The President's involvement in the plan to convert government property to the DNC and the ultimate accomplishment of that plan (represented by the transfer of these lists and data to the DNC and the Clinton/Gore campaign) motivated the White House to mount an extraordinary effort to delay and impede the investigation. Incriminating documents were withheld until after the 1996 election -- in one case, for more than a year. The White House refused to respond for months to repeated requests for documents and information. Most significantly, when called before the committee to explain the withholding of documents, Deputy Counsel to the President Cheryl Mills chose to give demonstrably false testimony. This matter has been referred to the Department of Justice for investigation of possible perjury and obstruction of the investigation.

Finally, there is evidence that the President and First Lady were responsible for the development of the Database and were informed of the theft of this and other government property for political purposes. The unlawful conversion of government property to the use of the DNC or a political campaign represents not only the crime of theft of government property. It also represents an abuse of power by the President, who used his high office and the nation's White House to achieve his and his political party's fundraising objectives. The committee issues this report to expose the evidence of the President's possible involvement in the theft of government property and his abuse of power.

A. Deputy Counsel to the President Cheryl Mills Lied to the Committee and Obstructed the Investigation by Withholding Documents.

The committee found substantial evidence that Deputy White House Counsel Cheryl Mills perjured herself in testimony before the committee about her decision, made in concert with White House Counsel Jack Quinn, to withhold important documents responsive to the committee's requests. The withheld documents included: (1) the handwritten notes of Brian Bailey, an assistant to then-Deputy Chief of Staff Erskine Bowles,¹ expressing the President's desire to integrate the White House Database with the DNC database; and (2) a June 28, 1994 memorandum from Marsha Scott to Harold Ickes, Bruce Lindsey, and the First Lady,² showing that the First Lady was informed of Marsha Scott's interest in using the Database for political

purposes and employing White House staff to create political databases. To these proposals, the First Lady later wrote to Harold Ickes, "This sounds promising. Please advise."³

While these documents were discovered at the White House in September 1996, they were both withheld until well after the 1996 election. Marsha Scott's memorandum was produced to the committee in February 1997, after it was found by other members of the Counsel's Office in an independent search. Bailey's notes were not produced until October 1997, when they were discovered by other members of the Counsel's Office who were reviewing, apparently for the first time, files created by Cheryl Mills to contain withheld documents.

Ms. Mills testified that she and Mr. Quinn had determined that the documents were not responsive, and that the Database referenced in one of them was not the White House Database, but was another database on which the author of the document, Marsha Scott, was working at the time. Subsequent deposition testimony establishes that there was no other database to which the document could have referred. Accordingly, not only is Ms. Mills's statement that she thought at the time that it was another database not credible, but so is her claim that she and Mr. Quinn determined that the documents were not responsive.

The committee believes that Ms. Mills, in fact, determined that the documents were responsive, would expose unlawful activity, and would be politically damaging, if released shortly before the 1996 election. The withholding of these documents illegally obstructed the committee's investigation, delayed the discovery of important relevant evidence, and raised further questions about the truthfulness of the White House's representations to the committee throughout the investigation.

B. White House Personnel Took Government Data and Transferred it to the Democratic National Committee to Assist in Campaign Fundraising.

The committee uncovered substantial evidence of plans to transfer, and the actual transfer of, official government data from the White House Database and other sources to entities outside of the federal government for use in campaign fundraising. Additionally, White House personnel converted official resources, such as White House computers, photocopiers, stationery, office equipment, and possibly even the time of career staff for activities expressly related to the President's reelection campaign. The knowing transfer of government data for an unofficial use and the use of government resources for campaign purposes constitute the theft of government property under 18 U.S.C. § 641.

The documents withheld by Cheryl Mills make clear that (1) the President himself wanted to integrate the Database with the DNC database and (2) the First Lady was interested in using the design of the Database and White House personnel for the development of political databases outside of the White House. Many documents also suggest that Senior White House officials, such as then-Deputy Chief of Staff Harold Ickes and Deputy Counsel to the President Bruce Lindsey, were frequently informed of plans for the political use of the Database and plans to

manage outside data using White House resources. Testimony from numerous White House and DNC witnesses establishes that DNC fundraising staff, in concert with Social Office and Office of Political Affairs staff, mined the White House Database for valuable information to enable the DNC to accomplish its fundraising goals.

Other data was also transferred to the Clinton/Gore campaign or the DNC. The committee has obtained evidence that the 1993 White House Holiday Card list was transmitted to and retained by the Clinton/Gore campaign and is still in their possession. The 1994 White House Holiday Card list was transmitted to the DNC and remains in its possession. Also, the committee obtained documents that show that the President routinely transferred names and addresses obtained through the official White House mail to his campaign database.

1. Data from the White House Database and other Government Databases.

The committee has obtained substantial credible evidence that data from the White House Database was systematically made available to the DNC to assist in its fundraising efforts. Documentary evidence and sworn testimony establish that members of the DNC Finance Department contacted the White House on a routine basis to ask for information on who had attended previous White House social events. This information was then used by the DNC Finance staff to determine who would be recommended to the White House by the DNC Finance staff for invitations to future White House events.

DNC Finance staff testified to this process in depositions, as did White House Political Affairs staff. In addition, White House Social Office staff testified to giving out such information from the Database to White House Political Affairs staff who then passed it on to DNC fundraisers. One document produced by the White House states that the DNC obtained direct access to Social Office Information by sending a staff person to the White House Social Office to research event attendance.

The committee obtained evidence that the distribution of this data to the DNC was authorized by Erskine Bowles (at that time, Deputy Chief of Staff) in a meeting in March 1995 with Truman Arnold (at that time, DNC Finance Chairman) and Ann Stock, the White House Social Secretary. Truman Arnold testified that he met with Erskine Bowles and Ann Stock to seek better access to Social Office information. Erskine Bowles and Ann Stock testified that they had no recollection of that meeting. Erskine Bowles was unable to produce a calendar from that time to verify whether such a meeting took place.

The committee finds this to be part of a recurring pattern in which witnesses who had regular contact with the President develop faulty memories about key meetings and events that implicate the President and White House staff in wrongdoing. Nevertheless, these same witnesses can remember in striking detail those events that exculpate the President and his staff.

The committee also discovered, in the possession of the DNC, lists generated by the White House Database and other White House data systems, including (1) a list of Asian Pacific Americans prepared by the White House Office of Public Liaison, (2) the White House calligrapher's list prepared by the Social Office for the President's "Yale Dinner" and White House holiday parties, and (3) lists prepared by the Social Office of those invited to the White House Arts and Humanities Dinner in October 1995. While the White House permitted the DNC to have some of these lists without redacting personal information, such as home addresses, the committee was denied this information in the copy of the Database produced to the committee on the ground that it was too personal.

2. 1993 and 1994 White House Holiday Card Lists

Although the 1993 and 1994 White House Holiday Card lists were prepared in a government database that predated the White House Database, they constitute government property of substantial value. The transfer of data through the 1993 and 1994 Holiday Card project came to light as the committee investigated the data used to populate the White House Database, which included the 1994 Holiday Card list. The knowing delivery of these lists to others outside of the government would also constitute the theft of government property under 18 U.S.C. § 641.

The committee's evidence shows that the 1994 list was deliberately transmitted to the DNC and not returned, notwithstanding a February 1997 letter to the committee from White House Counsel Charles Ruff stating that the list was inadvertently sent to the DNC and returned immediately upon the White House's discovery that it was in the possession of the DNC. Documents and deposition testimony show that White House staff was fully aware that the DNC had the list in November 1994 and that there was no documentation that the White House had imposed any restrictions on its use. Moreover, while the DNC returned one copy to the White House, it retained a copy for itself.

The transmission of the 1994 Holiday Card list from the White House to the DNC did not differ significantly from the handling of the 1993 Holiday Card list. The 1993 Holiday Card list was delivered to W.P. Malone, Inc. (Malone), a contractor to the Clinton/Gore campaign in Arkadelphia, Arkansas, which maintained the campaign supporter lists in a database known as PeopleBase. The 1993 list from the White House was combined with the holiday card lists from the campaign and the DNC into one computer at Malone. This list was retained in that computer in Arkadelphia until the computer was shipped to the Clinton/Gore campaign offices in Washington, D.C. in 1995, where it still resides.

C. The President and First Lady Directed the Development of the White House Database and Were Informed of and Involved in Plans for the Use of Government Resources to Advance the President's Re-election campaign.

As Marsha Scott, the architect of the White House Database and of at least one plan for integrating the White House with the campaign by converting the Database to campaign uses, noted regarding that plan: "This is the President's idea and it's a good one."⁴ Numerous documents make clear that the President and First Lady directed the development of the White House Database and were aware of and kept informed of its potential uses. The First Lady actually received a demonstration of the Database. The President approved a job description for Marsha Scott that specifically referenced her access to the Database. Also, contrary to the written opinion of the White House Counsel's Office, the President routinely continued to build PeopleBase with the names and addresses of individuals who communicated with him through the official White House mail. The pattern of evidence obtained by the committee implicates the president and the First Lady in the possible theft of government property.

D. Summary of Findings and Conclusions

Senior officials in the White House sought to obstruct the committee's investigation of the systematic transfer of data from the White House to campaign entities and the President's and First Lady's knowledge and involvement in the conversion of the White House Database and other official resources to the use of the DNC and the Clinton/Gore campaign. This obstruction culminated in the perjury of Cheryl Mills, Deputy Counsel to the President. Despite the efforts of White House officials to obstruct the investigation, the committee found substantial evidence that White House officials, including possibly the President and the First Lady, knowingly and willfully planned to convert, and did in fact convert, valuable government property, including data from the White House Database, to the DNC and the Clinton/Gore campaign in violation of 18 U.S.C. § 641. Such conduct by the President represents not only a theft of government property; it represents an abuse of power by the President.

II. PERJURY AND OBSTRUCTION

On June 27, 1996, pursuant to the direction of the Chairman of the House Government Reform and Oversight Committee, Representative William J. Clinger, Representative David M. McIntosh, Chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, first wrote to then-Chief of Staff to the President Leon Panetta requesting information on the White House Database, known inside the White House as "WhoDB."⁵ Since the committee's very first efforts to discover the facts about the Database, including its planned and actual use, and its costs, the committee encountered unprecedented efforts by the White House to withhold documents and information and to mislead the committee with materially false statements as to its use.

Through its investigation, the committee has uncovered substantial disturbing evidence of repeated false or misleading statements emanating from the highest levels of the White House, including the White House Counsel's Office and the Office of the Press Secretary, concerning how the Database was planned and used. The investigation has uncovered evidence which reveals that persons in the White House Counsel's Office, which was charged with responding to the committee's inquiry, were themselves central figures in the scheme to put the Database to prohibited uses. Those same persons, with ample motivation to protect at least themselves, actively sought to provide misleading explanations and conceal and alter documents.

These actions severely hampered the committee in the exercise of its proper oversight role and needlessly prolonged the investigation at taxpayer expense. More importantly, despite the best efforts to find the facts and to present them to the American people, the committee may never know many of the facts which would be revealed by the production of contemporaneous documents which the committee has specifically sought, but which the White House reports "cannot be found." In addition, responsive documents that (1) the White House did locate and (2) are evidence of the President's and First Lady's involvement in plans to convert the Database and other White House resources to campaign uses were deliberately withheld from the committee just before the 1996 election and not produced until February 1997 in one instance, and for more than a year in another case.

To consider adequately the White House's efforts to obstruct the committee's investigation, it is important to recognize the fundamental legal principle applicable to data in the White House Database and other government data repositories. That principle is that once data is entered into an official government, taxpayer-funded database, distribution to any outside entity, including partisan political entities, is prohibited. As Cheryl Mills, then-Associate Counsel to the President, wrote with respect to this issue on January 17, 1994 in an internal White House memorandum:

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. Therefore, 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 specified by law or regulation or those purposes for which Government property is made available to the public. *Id.*⁶

David Watkins, Assistant to the President for Administration, expressed the same view of the government's ownership of the data in the White House Database.

[T]he White House Database will be government property and cannot be given to or used by a campaign entity (unless made public and thus available to any campaign entity).⁷

During the course of the committee's investigation, White House officials, and in particular the White House Counsel's Office, repeatedly misled the committee as to whether anyone in the White House planned to transfer, or in fact transferred, data from the White House Database. Very early in the investigation, on June 28, 1996, Jack Quinn, then Counsel to the President, told the committee:

The database is for White House use only; **we prohibit distribution to outside entities or political organizations -- including the Democratic National Committee or the Clinton-Gore '96 Committee.**⁸

Despite such steadfast denials by the White House, the investigation has revealed the systematic distribution of data from the White House Database and other official sources to the DNC, including the ongoing distribution of such data to the DNC Finance Department which the DNC Finance Director stated in his deposition "should properly be called the fundraising division."⁹ In addition, there is substantial evidence that contrary to specific written advice from the White House Counsel's Office, other official resources, such as computer time, stationery, photocopying equipment, and other office equipment and supplies, were converted to help manage the DNC's and the Clinton/Gore campaign's data.

A. Members of the White House Counsel's Office and Possibly Others Obstructed the Committee's Investigation to Prevent Disclosure of the Theft of Government Property and the Possible Involvement of the President and First Lady.

The principle that the distribution of government data to campaign entities is prohibited provides ample motive for the White House to obstruct the committee's investigation. In one specific instance, that obstruction, followed by material false statements by Deputy Counsel to the President Cheryl Mills during an open hearing before the committee, was especially significant because it marked the most obvious effort to conceal the clearest evidence that the President and the First Lady were involved in the distribution of such data and conversions of other government resources to serve the interests of political campaign entities.

The committee believes that there is substantial evidence that in September 1996 then-Associate (now-Deputy) Counsel to the President Cheryl Mills, with the knowledge and concurrence of then-White House Counsel Jack Quinn, knowingly and wilfully obstructed the investigative authority of this committee by withholding documents that were plainly responsive to the committee requests for documents and information. Moreover, when this obstruction was brought to light in a hearing before the committee, Ms. Mills lied under oath about the documents and the circumstances surrounding their nonproduction.

Ms. Mills's actions, withholding responsive documents from the committee, delayed the committee for more than a year from obtaining important evidence that the President wanted to "integrate" the White House Database with the DNC database and delayed until after the 1996 election the disclosure of the use of White House personnel and office equipment to assist the DNC in its efforts to develop a new database. Consequently, not only did the American public not have relevant information regarding the conversion of official resources prior to the 1996 election, the committee's ongoing investigation was impeded by the delay in producing those important documents.

Moreover, the failure to produce these documents when they were discovered in September 1996 had the effect of delaying the committee's investigation long enough to allow memories of relevant witnesses to fade for more than a year until they could plausibly testify that they could no longer remember the meetings or conversations reflected in the documents. The committee believes that Ms. Mills was fully aware of these potential effects and deliberately engaged in the withholding of documents for that purpose. In the second term, she was promoted from Associate Counsel to the President to Deputy Counsel to the President.

On October 28, 1997, White House Counsel Charles F.C. Ruff produced to the committee a document containing the handwritten notes of Brian Bailey, an assistant to then-Deputy Chief of Staff Erskine Bowles, that read:

HAROLD [ICKES] AND DEBORAH DELEE WANT
TO MAKE SURE WHODB IS INTEGRATED W/DNC
DATABASE — SO WE CAN SHARE — EVIDENTLY,
POTUS WANTS THIS TO[O]! (MAKES SENSE)¹⁰

A letter from Mr. Ruff and a production log accompanied the document and other documents produced to the committee that day.¹¹ The letter was intended to apprise the committee of "some new information and to correct certain statements regarding two earlier aspects of [the White House] document production."¹²

Mr. Ruff's letter and the production log raised as many questions as it purported to answer. With respect to the handwritten notes, Mr. Ruff explained that these notes, along with other documents, had been found in September 1996, more than a year earlier, and set aside in folders.¹³ Mr. Ruff's letter also sought to obscure whether the previously withheld notes were responsive to the committee's request, saying: "Although certain of these documents [including the notes] are arguably not responsive, we are erring on the side of production."¹⁴

While Mr. Ruff's explanation for the nonproduction of the notes sought to avoid the admission that they were responsive and had been withheld, he was unable to make such a claim with respect to a June 28, 1994 memorandum¹⁵ from White House Office of Political Affairs staff member Marsha Scott to Harold Ickes, Bruce Lindsey, and the First Lady that was also found in September 1996. That document included evidence suggesting that the White House Database would be useful for the campaign and urging that Marsha Scott and her database development team of government employees be allowed to continue to work with the DNC and others to develop databases outside of the White House.

This document had already been produced in February 1997 by Mr. Ruff, who at that time apparently was unaware that Ms. Mills had discovered the document in September 1996 and withheld it as nonresponsive. When Mr. Ruff produced it, he included it in a production of documents that he represented in his February 27, 1997 transmittal letter as "responsive"¹⁶ to the committee's request and also admitted in open hearings before the committee that he had determined that it was responsive.¹⁷

The complete sequence of events relating to Ms. Mills's withholding of the document and her testimony before the committee is as follows:

August 2, 1996

The Majority Members of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs write to President Clinton requesting, among other things, "All communications related to the WhoDB" which "includes all documents and materials that memorialize conversations, meetings, or other communication."¹⁸

September 18, 1996

Deputy Counsel to the President Cheryl Mills discovers (1) handwritten notes reflecting the President's desire to integrate the White House Database with the DNC database¹⁹ and (2) a June 28, 1994 memorandum²⁰ from Marsha Scott to Harold Ickes and Bruce Lindsey (with a copy to the First Lady) regarding the White House Database and the development of the DNC and other databases outside of the White House using government resources.

September 19-24, 1996

Despite Cheryl Mills's discovery, the thousands of pages of documents produced by Ms. Mills and White House Counsel Jack Quinn during this time do not include either document.

February 26, 1997

Apparently unaware that Cheryl Mills had previously discovered the June 28, 1994 memorandum, White House Counsel Chuck Ruff produces it to the committee and another copy of it that includes the First Lady's note to Harold Ickes that "This sounds promising."²¹

March 6, 1997

Mr. Ruff inaccurately represents that the memorandum was discovered "over the last few months as part of the ongoing review of files"²²

October 28, 1997

White House Counsel Charles Ruff produces a copy of the handwritten notes, and discloses that the notes and the memorandum had been discovered in September 1996.²³

November 6-7, 1997

Cheryl Mills testifies under oath that:

(1) she determined that notes reflecting the President's interest in integrating the White House Database with the DNC database "were not responsive to the seven enumerated items" requested by the committee;²⁴

(2) "the particular [database referenced in the second paragraph of the June 28, 1994 memorandum], at the time [she] had knowledge of, was not related to the WhoDB;"²⁵

(3) her "impression at the time" of production of a January 17, 1994 memorandum²⁶ was that the database in that memorandum was not the White House Database;²⁷ and

(4) "[u]ltimately, they ended up using WhoDB, which is not modeled on PeopleBase."²⁸

Each and every one of these statements is a material false statement, and the evidence obtained by the committee shows that Ms. Mills knew they were false at the time that she made them.

B. The Evidence Before the Committee Establishes That The Testimony of Cheryl Mills Before the Committee Was False and That She Knew it Was False.

The evidence obtained by the committee contradicts Ms. Mills's testimony in every respect. The sworn deposition testimony of five other witnesses makes clear that at the time the

documents were withheld, Ms. Mills could not have believed that they were not responsive, deliberately withheld them, and lied to the House Committee on Government Reform and Oversight about withholding them.

1. **Ms. Mills’s Testimony regarding the Notes Was Demonstrably False.**

Not only are the notes on their face responsive to the committee’s request. But the author of the notes, Brian Bailey (an assistant to then-Deputy Chief of Staff Erskine Bowles), testified that the notes did indeed memorialize a “communication,”²⁹ which falls clearly within the scope of the committee’s August 2, 1996 request.

2. **Ms. Mills’s Testimony Regarding the June 28, 1994 Memorandum Was Demonstrably False.**

Like the notes, the memorandum on its face was responsive to the committee’s request. The second paragraph states: “Currently in the White House we are preparing, as you know, to implement a new database system starting August 1.” There is no other database system to which that sentence and the ensuing paragraph could have referred. Not only is that true from the face of the document, but that fact was confirmed by the testimony of four other witnesses whose testimony is consistent with the testimony of each other and who had no reason to lie.

Moreover, when that document was discovered by White House Counsel Charles Ruff, independent of Ms. Mills’s discovery, he immediately produced it as a document responsive to the committee’s request. He did not, at the time of production, qualify its responsiveness in any way. Mr. Ruff also expressly testified that the memorandum was responsive to the committee’s request.³⁰

a. **Marsha Scott’s testimony contradicts Cheryl Mills’s testimony.**

Marsha Scott, who developed the White House Database, contradicted Ms. Mills’s testimony, stating under oath that the database referenced in the June 1994 memorandum was indeed the White House Database and that the description, including that the WhoDB was modeled after PeopleBase, accurately described the White House Database.³¹

The White House has been mysteriously unable to produce the January 11, 1994 memorandum from Marsha Scott or the January 13, 1994 memorandum from Erich Vaden, one of Marsha Scott’s principal assistants on the White House Database project, requesting the advice provided in Ms. Mills’s January 17, 1994 memorandum. Having those documents would assist in determining whether the January 17, 1994 memorandum was intended to be responsive to a request for advice regarding the White House Database or some other database as Cheryl Mills claimed.

Notwithstanding these missing documents, counsel for Marsha Scott insisted in Ms. Scott's deposition that a December 16, 1993 memorandum to Cheryl Mills with the subject heading of "White House Database"³² "track[ed]" the advice in Cheryl Mills's January 17, 1994 memorandum.³³ Ms. Scott also confirmed in her testimony that Ms. Mills's memorandum addressed some of the same issues raised in her December 16, 1993 memorandum seeking advice on the White House Database,³⁴ which contradicts Ms. Mills's claims that her January 17, 1994 memorandum referenced some other database.

b. Erich Vaden's testimony contradicted Cheryl Mills's testimony.

Erich Vaden, Marsha Scott's principal assistant who was largely responsible for the technical development of the Database and who became the Database Administrator, contradicted Ms. Mills when he testified that:

- (1) the database referred to in the second paragraph of the June 28, 1994 memorandum could be no database other than the White House Database;³⁵
- (2) nothing in that paragraph suggested to him that the referenced database was not the White House Database;³⁶
- (3) Marsha Scott was not involved in the development of databases in the White House other than the White House Database at that time;³⁷ and
- (4) he had specifically and expressly discussed with Cheryl Mills in January 1994 that the database referenced in her January 17, 1994 memorandum was the White House Database, not some other Correspondence Department database, which she acknowledged at that time.³⁸

c. Laura Tayman's testimony contradicts Cheryl Mills's testimony.

Laura Tayman, who also worked with Marsha Scott and Erich Vaden on the development of the White House Database, contradicted Ms. Mills's testimony when she confirmed that:

- (1) there were no other databases in the White House to which the June 1994 memorandum could be referring;³⁹
- (2) the database referenced in the January 17, 1994 memorandum was, and could only have been, the White House Database;⁴⁰ and
- (3) the White House Database was designed to include features from PeopleBase.⁴¹

d. Miscellaneous other testimony regarding the use of PeopleBase as a model for the White House Database contradicts Cheryl Mills's testimony.

That the White House Database was, in fact, modeled after PeopleBase (contrary to Ms. Mills's testimony) is also confirmed by the testimony of Erich Vaden⁴² and Mark Bartholomew, a career White House technical staff member who worked on the White House Database project.⁴³

C. Cheryl Mills Could Not Have Believed that her Testimony was Truthful.

The testimony of these five witnesses contradicts Cheryl Mills's testimony and establishes that she did not believe, and indeed could not have believed, that her statements before the committee were true, namely that (1) the handwritten notes were not responsive to the committee's request; (2) the database referenced in the second paragraph of the June 28, 1994 memorandum was not the White House Database; and (3) the database in the January 17, 1994 memorandum was not the White House Database.

D. Ms. Mills's False Testimony Before the Committee is Evidence That She and Possibly White House Counsel Jack Quinn and Others Obstructed the Committee's Investigation by Withholding Documents Responsive to the Committee's Inquiry.

Ms. Mills's false testimony to Congress is also evidence of unlawful obstruction of the committee's investigation. The evidence contradicting Ms. Mills shows that instead of determining that the withheld documents were not responsive, she determined that the documents were responsive.

Consequently, she, White House Counsel Jack Quinn, and possibly others deliberately determined without legitimate justification to withhold documents that were the subject of the committee's request. Mr. Ruff's October 28, 1997 letter admits that the documents had been found in September 1996.⁴⁴ Ms. Mills admitted that she and White House Counsel Jack Quinn reviewed the handwritten notes in September 1996.⁴⁵ She also admitted that she placed both the handwritten notes and the June 28, 1994 memorandum in separate folders in the Counsel's Office in September 1996.⁴⁶

Finally, Ms. Mills testified that she and Mr. Quinn made the decision jointly to withhold the documents as nonresponsive.⁴⁷ The withholding of these documents without justification did, in fact, impede the committee's investigation and constitutes unlawful obstruction under 18 U.S.C. § 1505.

E. Ms. Mills Prevented the American People From Learning Just Before the 1996 Presidential Election That the President of the United States and the First Lady Were Involved in the Theft of Government Data and Other Government Resources to Benefit Their Political Campaigns.

The act of withholding the documents themselves and then lying to cover up the obstruction is significant evidence of Ms. Mills's consciousness that the contents of the documents reflected involvement of the President and the First Lady in various efforts to convert government property for unauthorized purposes. Significantly, the documents were withheld only six weeks before the 1996 Presidential election. There can be no doubt that Ms. Mills knew that the release of the withheld documents would have been, at the very least, politically damaging if the documents had been released shortly before the 1996 Presidential election. Indeed, the documents attracted substantial media attention when they were released in 1997.⁴⁸

Since the production of the documents, the committee has also obtained other corroborating evidence of the theft of government property, *i.e.*, that data was transferred to the DNC and that other White House resources were converted. However, Ms. Mills's failure to produce the documents at the time when they were discovered was detrimental to the committee's investigation and delayed the discovery of both the documents withheld and other important evidence.

The committee considers giving false testimony before it to be a very serious matter that may subject a witness to serious penalties for perjury, making false statements in a congressional investigation, and obstruction under the criminal code of the United States. Consequently, the committee acknowledges that Chairman McIntosh has already referred evidence obtained relating to this matter to the Justice Department for further investigation and appropriate prosecution.

III. UNLAWFUL DISTRIBUTION OF WHITE HOUSE DATA AND CONVERSION OF WHITE HOUSE RESOURCES FOR POLITICAL PURPOSES

The documents ultimately produced by the White House and the testimony of numerous witnesses reveals that the theft of data from the White House Database for political purposes was an integral part of an illegal scheme to convert government data and other resources that was planned and executed to aid the DNC fundraising effort and the Clinton/Gore campaign. On May 22, 1997, Charles F.C. Ruff, Counsel to the President, told the committee that "there is no evidence . . . that WhoDB was planned to be used for political purposes . . ." ⁴⁹ Notwithstanding this denial, the handwritten notes of Brian Bailey that were withheld by Cheryl Mills and produced five months after Mr. Ruff's letter reflect that the President of the United States wanted to integrate the White House Database and the DNC database to share data in violation of 18 U.S.C § 641.

In addition to the federal criminal code's prohibition against converting government property, the White House also had a clear policy that government resources could not be used

for political purposes, even if White House staff could engage in political activity under the Hatch Act. Cheryl Mills had prepared, with former White House Counsels Bernard Nussbaum, Lloyd Cutler, and Abner Mikva, memoranda to White House staff, essentially advising that they could engage in political activity provided they did not use White House resources to support it.⁵⁰ Mills testified before the committee when asked why, as reflected in the June 28, 1994 memorandum, government employees were working on the DNC's database:

As you are probably 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 consistent with the Hatch Act.⁵¹

Congressman Shadegg further inquired regarding the use of government resources:

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?⁵²

Ms. Mills responded to that question by admitting twice that the stationery was, in fact, a government resource.⁵³

For a similar use of government resources, including merely government photocopying paper, the Clinton Administration prosecuted Peter Collins for the theft of government property. United States v. Peter Collins, 56 F.3d 1416 (D.C. Cir. 1995). In that case, the Court of Appeals for the District of Columbia Circuit upheld the conviction of Mr. Collins for using office supplies, including paper for making photocopies, to support the United States Amateur Ballroom Dancing Association. Id. at 1421. The court also expressly acknowledged that the theft of computer time and storage could also constitute the theft of government property under 18 U.S.C. § 641. Id. at 1420. The court also noted that intangible property, including the mere content of a writing, is a thing of value that can be converted to an unofficial use in violation of 18 U.S.C. § 641. Id. (citing United States v. Girard, 601 F.2d 69, 71 (2d Cir.), cert. denied, 444 U.S. 871 (1979)).

The committee found evidence, beyond the withholding of incriminating documents, of both the systematic transfer of data from the White House Database and other data systems to political entities and the systematic use of other government resources to advise and assist those entities in the development and management of their data systems. These conversions of government property, according to the Deputy Counsel to the President and the rationale of United States v. Collins, are inconsistent with the Hatch Act and constitute the theft of government property under 18 U.S.C. § 641.

A. Marsha Scott Developed a Plan for the President to Use The White House Database For Partisan Political Purposes.

The committee has unearthed abundant evidence that the planned uses for the WhoDB included partisan political ones for the 1996 reelection effort. Multiple documents expressly identify using the WhoDB as critical to election year efforts to energize the President's friends and supporters. The withheld June 28, 1994 memorandum includes a time frame for development and deployment that is directed at the 1996 campaign. The memorandum states:

By the first of the year [1995] we should have any flaws identified and corrected and the majority of the White House using the system. We will then have a year [until 1996] to fully train and familiarize our folks to its many possibilities and uses.

Although the time frames in the memorandum plainly are aimed at making certain that the White House Database was fully operational by 1996, Marsha Scott denied that the dates had anything to do with the campaign.⁵⁴

A draft of another memorandum written by Marsha Scott for White House Chief of Staff Mack McLarty reveals a plan to: "reach[] out to [the President's] friends and supporters. . . ; identify and contact the key early supporters in all fifty states . . . ; **put in WhoDB** the names and relevant information about those early supporters . . . ; [and] add to this base group by early 1995, **those folks we will be working with in 1996.**"⁵⁵

The draft further outlines the plan to use the White House Database to "recreate the Primary campaign structure . . . ; establish a database to hold and work these names. (WhoDB will be fully functional by January [1995]) . . . ; recreate the General campaign structure using the same method we employed for recreating the Primary . . . [,] add[ing] the DNC and campaign records . . . ; identify by early 1995, **key financial and political folks in each state who can work with us**" with the expectation that "[t]hrough consistent dialogue and follow-up, leaders will emerge" to allow "[c]o-ordinat[ion] with DNC and DLC about what they are doing for these folks."⁵⁶ With respect to this plan, Scott states directly, "This is the President's idea and it's a good one."⁵⁷

The final memorandum prepared and actually sent to Deputy Chiefs of Staff Erskine Bowles and Harold Ickes⁵⁸ tracks the draft in key, although not all, respects. In producing this final memorandum, the White House first produced it without the most damaging information. The concealed text included all references to using the data, and people identified in the database, for the 1996 reelection campaign, as well as the fact that the planned use was personally approved by -- indeed originated with -- the President.⁵⁹ Although the draft memorandum itself, not just the final version that was withheld, was responsive to the committee's original August 2, 1996 request, it was not was not produced until May 13, 1997. When Marsha Scott

was questioned about the contents of this memorandum, she acknowledged that this plan involved using the White House Database to identify leaders for the 1996 campaign.⁶⁰

B. The White House Social and Political Affairs Offices Shared Data from the White House Database with DNC Fundraisers.

The transfer of data from the White House Database was a significant tool in the conversion of White House resources to the use of the DNC to exchange White House invitations and other perks for campaign contributions. Individuals in the White House Social Office and Political Affairs Office were the points of contact through which White House data was converted to the use of DNC fundraisers.

The transfer of data was so significant that first, Jack Quinn denied that such transfers happened. Then, confronted with newspaper reports that such transfers did occur, the White House Press Office staff acknowledged the reports, while at the same time the Counsel's Office staff and the Press Secretary himself were secretly helping to draft a misleading press release for DNC Finance Chairman Truman Arnold. When new White House Counsel Chuck Ruff was confronted with the press reports and the Press Office statements, he sought to qualify and minimize the use of the data, claiming that it happened only occasionally. However, the committee uncovered that DNC Finance Chairman Truman Arnold and Erskine Bowles agreed to a plan to allow DNC fundraisers to obtain regular access to data from the White House Database to select donors for attendance at White House events.

The committee uncovered a scheme to use data from the White House Database to enhance DNC fundraising efforts. This scheme involved the White House staff using the White House Database to identify for the DNC individuals who had attended White House social events. The DNC would then use that information to determine whom to recommend for invitations to upcoming White House social events. In this way the DNC ensured that it was able to reward its donors appropriately with White House invitations.

1. The White House Counsel and the White House Press Office Concealed the Regular and Continuous Transfer of Data from the White House Database to the DNC.

The White House Counsel consistently denied or sought to minimize the transfer of any data stored in White House databases to the DNC or other partisan political entities, including specific denials of dissemination of data from White House computers in the specific context of generating invitations to White House events. In a June 28, 1996 letter to the Committee, White House Counsel Jack Quinn stated:

The database maintained by the White House is a list of names, addresses and other pertinent information *for generating invitations to White House events* The database is for White House use

only; we prohibit distribution to outside entities or political organizations -- including the Democratic National Committee or the Clinton-Gore '96 Committee.⁶¹

This denial was untrue. On January 30, 1997, the Los Angeles Times reported that White House staff frequently retrieved data on large contributors and turned it over to the DNC to help raise money for the President's reelection. The L.A. Times story by investigative reporter Glenn F. Bunting, reported that former DNC National Finance Chairman, Truman Arnold told him that:

[the DNC finance] staff routinely used WhoDB to identify likely candidates for increased donations. . . . [T]he staff found out how many White House invitations certain donors were receiving, so they could arrange more events for prospective contributors. . . . I started checking back with the White House just as a routine matter. . . . It didn't seem very privileged to me. It was open to a lot of people.

* * *

[P]eople familiar with the system said that during the last two years DNC workers routinely used the database as a fund-raising tool to recruit prospective donors and to solicit large contributions.

* * *

Arnold said he focused on reconnecting the party with contributors who had given in 1992 but who had "fallen from the fold." To do this, Arnold said, party staff members tapped the White House computer base, usually calling for the information. . . . "It was most helpful to us because we were looking to the disaffected," Arnold said. "The database helped us to see who had been invited to what."⁶²

That day's White House Press Briefing was largely dominated by questions stemming from the story. With no mention of the White House Counsel's prior denial that any such data had been disseminated to the DNC, the White House Deputy Press Secretary Barry Toiv *after talking with the White House Counsel*, responded repeatedly that giving such White House data to the DNC was appropriate:

If the DNC, in the context of putting together a list of people that they might want to ask to be invited to an event here, asked the question, was this particular person invited to previous events, or did this person previously attend events at the White House, *it*

*would be entirely appropriate for the Social Office to answer that question. . . . If they didn't know [the answer], the place where that information was kept was in the database.*⁶³

This statement is wholly inconsistent with Mr. Quinn's assertion six months earlier that the White House prohibits the distribution of such data to the DNC. The White House now admitted that what was prohibited⁶⁴ was, in fact, "entirely appropriate." In addition, the White House had refused to provide this very information to the committee for over three months. On October 3, 1996 the committee had specifically asked the White House to acknowledge whether "the White House ever provided any data from the WhoDB to an outside organization or individual."⁶⁵

The committee requested an answer by October 9, 1996. The White House failed to answer by that date, was asked again to respond by October 29, 1996,⁶⁶ again failed to answer, was again asked to respond by November 18, 1996,⁶⁷ again failed to answer, was again asked to do so by January 14, 1997,⁶⁸ and again did not respond.⁶⁹ Indeed, the answer to this question was *never* provided during the tenure of Jack Quinn as Counsel to the President.

Even after Mr. Ruff's arrival as Counsel to the President, and after the press briefing admission of the data transfer to the DNC, the White House still failed to answer the committee's questions with respect to that very matter. The committee once again, requested answers to these questions by February 26, 1997.⁷⁰ The White House once more failed to answer and was asked again to do so by February 28, 1997.⁷¹ Not until February 28, 1997, almost five months after first being asked, *well after the 1996 Presidential election, and well after the previously denied facts had been exposed by the LA Times*, did the White House finally admit to the committee that data from the White House Database had been funneled to the DNC.⁷²

In addition to the White House Counsel repeatedly refusing to answer the committee's questions, the President's Press Secretary Mike McCurry also concealed his own role in the story at a White House press briefing. Although Mr. McCurry had assisted Mr. Arnold in drafting a statement regarding the use of the Database, he turned the briefing over to his assistant Barry Toiv. When Toiv was asked if anyone in the White House had spoken with Truman Arnold, he responded, "I don't know."⁷³ Mike McCurry, although still present, said nothing. Four questions later, when reporters pressed the issue, asking "[D]on't you think you might want to ask [Arnold] about that? [] Given all the reports you all haven't talked to [Arnold] yet[,]'" McCurry interjected to tell Toiv "Barry, the Counsel's Office has"⁷⁴ To this, Toiv admitted, "That's true. The Counsel's Office has contacted him"⁷⁵

At no time did McCurry reveal the fact that he had talked to Arnold the previous night. The committee had asked who in the White House had contacted Arnold.⁷⁶ In response, the

White House revealed that McCurry had indeed talked to Arnold about these matters on the

evening of January 29, 1997:

Later that evening [January 29, 1997], Mr. McCurry returned Mr. Arnold's call. . . . Mr. Arnold said that he trusted Mr. McCurry's opinion and wanted some guidance as to how to respond to a number of press inquiries related to the WhoDB⁷⁷

Not only was McCurry silent about his own conversation with Arnold on the night before the briefing, neither he nor Toiv revealed the White House Counsel's role in conveying a misleading denial for the DNC to issue. On the very day of the press briefing, [January 30, 1997] Sally Paxton, Associate Counsel to the President, after Arnold read her a prepared written statement denying aspects of data transfer matters attributed to him by the L.A. Times, secretly received and thereafter transmitted to the DNC, Arnold's written denial.⁷⁸

The following day Arnold was "unavailable" and instead issued a statement under his name claiming he had never heard of WhoDB.⁷⁹ Presumably, this was the statement which had previously been read to Paxton, received at the White House, and faxed to the DNC. Of course, the Committee's investigation has established that many aspects of the data transfer described by Truman Arnold to the L.A. Times were, in fact, true.

2. Sworn Testimony Indicates That The DNC Obtained Data Exactly as Arnold Had Revealed to the L.A. Times.

The committee's investigation confirmed that Mr. Arnold had set up a scheme with Erskine Bowles and Ann Stock in March 1995 to allow DNC fundraisers to contact the White House Social Office to obtain the valuable information contained in the White House Database regarding who had attended events at the White House. Prior to this confirmation by the committee's investigation, the White House sought to downplay the extent and frequency of the data flow to the DNC. In his February 28, 1997 letter to the committee, Charles F.C. Ruff, Counsel to the President, stated that

the DNC **occasionally** called the White House to inquire whether specific individuals had been to prior events, such as state dinners. [White House] [s]taff **sometimes** would consult WhoDB to answer a specific question.⁸⁰

This attempt to minimize the conduct was contrary to what Truman Arnold had revealed to the

L. A. Times. Arnold is reported to have admitted: “I started checking back with the White House **just as a routine matter**.”⁸¹ The L.A. Times also reported:

people familiar with the system said that during the last two years DNC workers **routinely** used the database as a fund-raising tool to recruit prospective donors and to solicit large contributions.⁸²

More importantly, as set forth *infra*, the evidence uncovered by the committee’s investigation, including the sworn testimony of numerous witnesses, both at the White House and the DNC, revealed that such conduct was not at all occasional, but was a significant, regular, and ongoing practice which allowed the DNC access to the prohibited White House data. This evidence included Truman Arnold’s testimony in a committee deposition in which he stood by his publicly reported statement that the DNC “started checking back with the White House **just as a routine matter**.”⁸³

Indeed from documents and testimony obtained as part of the investigation, both from the White House and the DNC, as well as the testimony of participants in the data flow scheme both at the White House and the DNC, a clear picture emerges of the regular and ongoing practice of supplying the DNC with government-owned proprietary data. Further, the investigation reveals that this data **was** indeed used in a sophisticated scheme to directly further the fundraising goals of the DNC.

3. Obtaining the Data on Social Event Attendance Was Directly Tied to Fundraising Efforts.

Obtaining invitations to White House events and other perks was part of a direct coordinated scheme between the White House and the DNC to convert the White House into nothing more than a fundraising machine. As recently as May 25, 1998, The Washington Post starkly revealed not only the tremendous value of White House event attendance, but the very effective use of such attendance in assuring a huge flow of money to the DNC.⁸⁴

Bernard Schwartz, described as “the party’s largest single individual donor,”⁸⁵ was reported to have been “twice invited to stay in the Lincoln Bedroom but couldn’t make it. He attended state dinners for the Emperor of Japan and British Prime Minister Tony Blair, and was toasted at a White House dinner two years ago on his 70th Birthday.”⁸⁶ Schwartz was quoted as saying, “It’s awesome to go to the White House, an extraordinary privilege.”⁸⁷ Indeed, the article quotes a former DNC official: “He was really sort of your perfect donor -- just wanted to attend events and never asked for anything.”⁸⁸

a. The DNC planned to use White House event invitations as a

fundraising tool.

Documents found within the White House show that the DNC in concert with the White House staff used access to events as a tool to achieve fundraising goals. A May 5, 1994 DNC memorandum written by DNC staffer Martha Phipps sets forth the plan to use event invitations to meet DNC fundraising goals. The memorandum identifies as essential to reaching a goal of \$40 million offering invitations to specific events, including “[s]ix seats at all White House Private dinners . . . [s]ix to eight spots at all White House events . . . White House residence visits and overnight stays . . . [t]wo places per week at the Presidential CEO lunches . . . [and] [t]en places per month at White House film showings.”⁸⁹

This memorandum was discovered in the Office of the White House Chief of Staff (Leon Panetta at the time the memorandum was written) in a file marked “Democratic National Committee, FINANCE SUPPORTERS, Revised 5/4/94.”⁹⁰ Also contained in the file was another page which appears to be from a larger document. In addition to its location in a DNC file, the content of this page, and its wording, gives every appearance that it was written by someone at the DNC. It significantly states:

The White House Social Office has been relatively inaccessible to the DNC. . . . We are on the same team and would like to share information in a legal and ethical manner. If we can break down the territorial nature of the Social office, we will accomplish a great deal more for the President and the party.

PROBLEMS:

EVENTS

At this time we do not have access to calendars or advance notice of events and dates. We frequently face the embarrassing situation of being notified of upcoming events by the contributors.

Additionally, **we can match the most appropriate people and events, given some advance notice.**

FOLLOW UP

The DNC is not aware of who has been **taken care of to date.** **Only recently have we been allowed to send a staffer to the Social office to look up Trustee involvement for the past year.** *Having this information in a timely fashion is important to our fundraising efforts.*

COOPERATION

The nature of fundraising is very last minute. Contributors often come in at the last minute **for a specific event**. . . . We need flexibility to make changes where appropriate.

FUNDRAISING INTERFERENCE

DNC solicitation is subverted due to **major donors being invited to high level White House events regardless of the date or amount of contribution**. *This is a disincentive especially for the Trustee level contributor.*

UNDERSTANDING THE CONTRIBUTOR

The Trustee consist [sic] of many of the nation's wealthiest and most influential profiles. Some White House staffers fully understand the profiles of these contributors. **We avoid events with huge crowds that may make the donors feel unimportant.**⁹¹

Yet another page contained in the file contains handwritten notes reflecting that 30 percent of the DNC Managing Trustees (DNC Trustees raised or donated \$100,000 or more to the DNC)⁹² had not been to the White House. The notes further reflect the need for a "list of who has been [to the White House]."⁹³

These documents **found inside the White House** parallel other documents discovered **inside the DNC** complaining of the inability to gain access to internal White House information. These documents include internal DNC memorandum prepared by **DNC Fundraising staff**. This fact cannot be over-emphasized. DNC Finance Director Richard Sullivan testified in depositions both before the Senate and House that the Finance Division at the DNC ought to have been named "**the fundraising division.**"⁹⁴ Sullivan described his duties:

The finance director reported to the Finance Chairman. Essentially, the finance director had the day-to-day interaction with the fundraising staff, and worked with the fund-raising chairman **in working towards the goals of how much money was to be raised and in what way.**⁹⁵

Significantly, Sullivan testified that he had **no other duties** at the DNC other than fundraising.⁹⁶ In 1995 one of Sullivan's top fundraising assistants, Ari Swiller, served as Director of "major supporter fund-raising," whose duties including "work[ing] in **raising money from our top tier of donors.**"⁹⁷ Indeed, Swiller headed the DNC Trustee program which Swiller described as "a group of major donors and contributors to the Democratic Party as well as major fundraisers."⁹⁸ He described duties in heading the program as "speaking with **donors**, following up with them, working on events and **soliciting contributions from new donors.**"⁹⁹

b. The plan involved the transfer of prior attendance information by the White House Social Office to the DNC.

The committee found evidence that the White House staff and the DNC planned to facilitate DNC fundraising by providing the proprietary prior event attendance information to DNC fundraisers. While witnesses sought to assert that providing this information was part of an “official” invitation process, much of it was, in fact, nothing more than a scheme to allow DNC fundraisers to have better information on the susceptibility of prospective donors to solicitations. By obtaining information from White House computers on previous event attendance, DNC fundraisers could decide who had already been rewarded, who needed to be rewarded, and who needed to be inspired through a White House invitation to raise and give money to the DNC.

It is clear that within the White House the guest lists detailing who has been invited, who has accepted, and who has attended White House social events is jealously guarded. This information was maintained in the White House Database with respect to events such as official State dinners with foreign Heads of State, State arrival ceremonies for visiting Heads of State, receptions, and other official events. It is equally clear from the evidence that the DNC **wanted this information**, and complained when they could not get it.

In March 1995, the DNC fundraising staff’s complaints about access to the White House Social Office reached the new DNC Finance Chairman Truman Arnold in a memorandum from Richard Sullivan.¹⁰⁰ The memorandum included complaints that mid-level White House staff compiled **the event invitation lists** and recommended **who should be included in White House functions** -- “When we follow up, our requests are often second guessed, questioned and scrutinized by this tier of staff.”¹⁰¹ It described the “need to sell and represent our donors as supporters that represent more than contributions,”¹⁰² and proposed, under the heading “COORDINATION,” that “[e]ach agency and WH department should have a list of supporters and a staff person identified and devoted to handle matters related to reaching out to our donors.”¹⁰³

Significantly, the memorandum recommends:

[W]e might be able to work out a situation with the Social Office **for us to get a copy of invited guests after WH affairs have occurred.**

* * *

If there’s a problem sending it to [DNC] finance **then perhaps it could be sent to the Chairman’s office and then routed to finance.**¹⁰⁴

Ari Swiller, DNC Deputy Finance Director under Richard Sullivan, testified that many of the ideas in the memorandum represented the perception of those persons, including himself, in the DNC finance division.¹⁰⁵ Swiller testified that he formed his perception based upon his own experience of having made calls to the White House Social Secretary's Office and having his "requests for information about upcoming events [n]ot responded to, because persons in the White House [he] dealt with felt that there shouldn't be preferential treatment given to the finance division."¹⁰⁶

Swiller testified that there was a time when the DNC could not get information from the White House staff reflecting who had been invited to or attended White House events,¹⁰⁷ and that both he and others in the DNC Finance Division desired to obtain White House Social Secretary lists of persons who had attended events at the White House.¹⁰⁸ Indeed, this information was extremely valuable to the DNC Finance Division because whether or not a person had attended a prior event at the White House was a factor used by the DNC fundraising division in determining who it would recommend for invitations to upcoming events.¹⁰⁹

DNC Finance Chairman¹¹⁰ Truman Arnold, was very candid in his deposition with respect to how prior attendance information was used as part of the DNC fundraising effort. Arnold testified that the reason the DNC obtained the prior attendance information was:

Because in trying to **reactivate the people who had stopped contributing**. . . .¹¹¹

There were people in Washington, inside Washington who know how to work the system to get to a lot of events that **don't ever give a dime**, or work,¹¹²

So it was our way of of bringing equity to the system . . . to make sure that the DNC was not being abused, and that the President wouldn't be abused.¹¹³

Arnold admitted that the system of making sure people got invited to the White House was **designed to "energize" them to raise and give money**.¹¹⁴ He went on to compare the DNC fundraising operation in this regard to people who attend church being expected to tithe:

. . . [I]f you attend church, **you are supposed to be a tither**. So if I can hopefully give a little explanation, short philosophical approach to what I was doing that may clarify some other questions, I am not a hard s[ell]. I have been in sales all of my life, but my whole philosophy is to include and to involve people in the process, and if they like it and embrace it, they will do their part without being asked. And if they don't like it they won't.

Whether it be charity drives that I have had for my hospitals, for my church, for civic endeavors in the community, mine is one of doing my part, stepping up, including and involving and engaging. They become energized, take part, take a role, **and the balance follows.** This was my approach to this. This is what I was attempting to do.¹¹⁵

Indeed, Ari Swiller, also admitted that there were discussions with respect to people being invited over and over again to the White House **even though they had not contributed recently.**¹¹⁶

Truman Arnold admitted that the White House attendance information was used in the preparation of DNC lists:

[W]e had the list -- how many times they had attended White House social events.

* * *

[T]he list would have already been prioritized, and there were references who they were and the nature of their business **and how they had come to be contributors.**

Another internal DNC memorandum to DNC Deputy Finance Director David Mercer, revealed that “The only way [the DNC] can get the things we need to have done is through the [White House Chief of Staff’s] office. This person is critical to our abilities.¹¹⁷ Indeed, it was the Chief of Staff’s Office¹¹⁸ to whom the DNC Finance Chairman, Truman Arnold, turned to break the logjam and permit the information flow. As set out below, Arnold went to the White House to obtain an agreement that the White House would provide the DNC with the information it sought.¹¹⁹

In March 1995, shortly after taking over the helm as DNC Finance Chairman, and after the fundraising staff voiced to him their complaints about the inability to get proprietary White House attendance data,¹²⁰ Arnold went to the White House and met with Erskine Bowles, Deputy Chief of Staff, and Ann Stock, White House Social Secretary. Although Arnold testified that the data flow arrangement had been in place before he arrived at the DNC,¹²¹ he explained that the meeting was arranged “because there was a lot of confusion on how the system worked and what the responsibility was. I wanted to find the responsibility of the DNC and how it interfaced with the White House Social Office.”¹²²

It was at this meeting that Arnold learned of the Social Office event data which the White House would make available to the DNC:

So I met with [Ann Stock] and . . . Erskine Bowles—and we had a discussion about the protocol and **how the system worked**. And as a result of that, **I knew that they had an internal record of everyone and the number that had attended a social event, and what that event was, and how many times they had attended** as part of the Social Office.

So, from that, **the understanding that I had with the Social Office is that we would check** [for prior attendance].¹²³

While Mr. Arnold’s testimony was refreshingly candid with respect to most matters, one troubling aspect of his testimony on this crucial meeting was Arnold’s seeming attempt to suggest that the DNC was permitted to obtain proprietary White House data in an effort to “screen” inappropriate persons from attending events.¹²⁴ The record as a whole, however, makes clear that obtaining event attendance information had nothing to do with screening for inappropriate persons, as Arnold himself made clear. Arnold elsewhere repeatedly testified that non-familiar DNC names were **already screened** by the DNC **before** the DNC called the White House for attendance data. He said:

[W]hen we had our list screened, our nominees screened, we would call over to rate them and prioritize them to see what the record was, because we knew how many that the DNC had invited them to, but they could have come from a lot of different directions to other events.¹²⁵

The only thing we called for was to see the number of times that this list, **that we had already screened**, the number of times that they had attended functions because we did not have that information. . . . **the only thing we used it for was to prioritize the attendees.**¹²⁶

[I told the fundraising staff] [t]hat we had the responsibility to screen. In our recommendations, we would assume major responsibility for screening of IDs to the White House, and the procedure we would use is to do the best we could with the tools we had to work with **and then** we would call the White House to see, **after we screened them**, how many times they had attended, **as part of prioritizing**¹²⁷

As with his fleeting and seemingly half-hearted suggestion concerning a “non-fundraising” screening function, Arnold also sought to defend the appropriateness of receiving the information by suggesting that:

I never discussed financial terms in any form or fashion with the Social Office. They never knew in the list how much had been contributed, why they were being submitted, what kind of workers they were. There was a Chinese wall between the Social Office and the Financial Office.¹²⁸

While it may very well be true that the DNC Finance Division did not discuss contributions with the Social Office, that is beside the point. There was no need to discuss contributions with the Social Office because the DNC Finance Division **already had the financial and contributor information about every donor and potential donor**. What they lacked was the proprietary White House data about past event attendance.

Far from keeping that valuable data from the DNC -- the White House agreed *to provide it*, and indeed thereafter did so on a regular and ongoing basis. It cannot be overstated that the White House agreed to provide the information that Arnold sought **directly to the DNC Finance Division**, the very entity which was charged with raising money.

Neither Erskine Bowles nor Ann Stock recall the meeting at all. Stock testified that she had no recollection of a meeting with Arnold and Erskine Bowles. She recalled a meeting in her office in the White House with Arnold and his wife, where they discussed the logistics of the Arnolds’ move to Washington, D.C., but has no recollection of any discussions with Truman Arnold concerning the DNC and White House event attendance.¹²⁹ Significantly, Stock testified - - directly contrary to Truman Arnold with respect to White House authorization for DNC staff to call and obtain information from the White House databases. Stock pointedly stated that Arnold “may have had the desire [to obtain such information] but he didn’t have the ability to do that.”¹³⁰

Similarly, Erskine Bowles testified that he had no recollection of any such meeting. He testified that he did not remember a meeting with Arnold and Stock at any time, and recalled no meeting with Arnold in March of 1995.¹³¹ Prior to his deposition, committee staff had specifically requested Mr. Bowles to bring his calendar for 1995 for use during the questioning. Bowles neither brought his calendar, nor reviewed it. He testified “I don’t know where it is.”¹³² Bowles did recall meeting with Arnold at some time during Bowles’s tenure as Deputy Chief of Staff and recalled Arnold complaining about problems of getting people invited to White House events.¹³³ Bowles testified that he was unaware of any White House event attendance data which was ever provided to Arnold.¹³⁴

It is difficult to reconcile the testimony of Truman Arnold and the testimony of Erskine Bowles and Ann Stock without concluding that the meeting to discuss the arrangement took place. Arnold has a clear memory of it; the others do not.

Moreover, it is during this period that Brian Bailey worked for Erskine Bowles and created the handwritten notes reflecting that the President agreed that the WhoDB and the DNC database should be integrated.¹³⁵ These notes are evidence that the President signed off on a plan to give DNC Finance Chairman Truman Arnold the very data that he sought in his meeting with Erskine Bowles and Ann Stock.

The inescapable conclusion is that Truman Arnold and Erskine Bowles agreed that the DNC would receive the proprietary White House information to -- in Truman Arnold's words -- **“reactivate the people who had stopped contributing”**¹³⁶ and with the “hope” that they would be **“energized” to raise money.**¹³⁷ The best evidence that individuals at the highest levels in the White House agreed to provide the data is the fact that the data was thereafter regularly provided.

c. Richard Sullivan, Ari Swiller, and others obtained data from the White House Social Office and the Office of Political Affairs.

Apparently in response to DNC complaints about not knowing about White House events for which they might submit names for invitations, at least while Erskine Bowles served as Deputy Chief of Staff, a group operated within the White House which held regular weekly “list creation meetings.” This group permitted the notification of upcoming official White House events to coordinate component entities to be able to submit names for invitations.¹³⁸ Remarkably, the DNC as well as the the Clinton-Gore reelection campaign, and the Democratic Leadership Council (DLC) were regular participants. The DNC representative to the group, Brooke Stroud, admitted that the DNC was **“just like any other department within the White House.”**¹³⁹

Following the weekly list creation meetings at the White House, DNC personnel armed with the knowledge of upcoming events, informed the respective DNC offices of those events and invited all offices to submit names to the DNC “Office of Constituent Services.” According to testimony received by the committee it was **this** entity, the Office of Constituent Services, within the DNC which was the official entity to collect DNC names, prioritize them, and send them to the White House as part of the invitation process.¹⁴⁰ The number of events for which DNC submitted names was approximately 20 a month.¹⁴¹

This system itself provided a mechanism which allowed for a significant flow of proprietary White House information to the DNC (and presumably to the DLC and to the Clinton-Gore reelection campaign). This data included otherwise jealously guarded (even within the White House) information revealing which individuals had been selected for invitations to upcoming official White House events,¹⁴² and who had been invited to past events.¹⁴³ The information concerning who had been invited to upcoming White House events was widely sought by persons both within and outside of the White House. However, this information was

kept highly confidential by the Social Office. As Ann Stock, the White House Social Secretary

testified:

[Persons in the White House] could possibly call and ask [who had been invited to an upcoming event from their recommended list] but that wasn't really a regular occurrence, **because we had a policy of not releasing lists, because we wanted invitations to come from President and Mrs. Clinton, not from people who had suggested names.** So we had a policy of not releasing the lists [either inside or outside of the White House].¹⁴⁴

We chose not to submit [the invitation] list and circulate it through the White House so that the President and First Lady would have the opportunity to invite people . . . rather than somebody decide that they wanted to call up and say, I put you on the list. **That is why it was kept very confidential.**¹⁴⁵

We usually didn't give them the information, **which was a source of contention,** because we maintained [the invitee list] until the people came to the White House, the list was under the purview of President and Mrs. Clinton, how and why they had been invited, **and we didn't circulate the list.**¹⁴⁶

The value of this information was expressed most pointedly by Stock when she testified:

People want to claim credit for getting someone invited to the White House. That is why we did not circulate those lists. . . .¹⁴⁷

People like to have the information.¹⁴⁸

Beyond the list creation meetings, specific staff members of the DNC called specific individuals in the Social Office and Office of Political Affairs to obtain lists and information about prior attendance at White House events. Richard Sullivan, the DNC Finance Director himself testified that he obtained lists of attendance at White House CEO lunches and the White House Economic Conference and that he used those lists to raise money.¹⁴⁹ Karen Hancox, the Deputy Director of the Office of Political Affairs testified that Sullivan called her and asked for information about prior event attendance, that she called the Social Office staff for such information, which was given to her, and that she, in turn, gave it to Sullivan.¹⁵⁰

Ari Swiller, the Director of the DNC's major donor program, similarly testified that he and two other DNC staff members called for such information from the staff in the Social Office.¹⁵¹ He also testified that it was his impression that Donald Dunn in the White House Office of Political Affairs was looking up data on a computer when he provided such data to Swiller.¹⁵² Donald Dunn, whom DNC Director of Constituent Services Brooke Stroud called "Information

Central,”¹⁵³ confirmed that Swiller contacted him and that he used the White House Database to provide him with data. Swiller also testified that he received lists from the White House when he had inquired about prior attendance.

Consistent with Arnold’s and Bowles’s plan, it plainly became a routine matter for DNC staff to contact the White House staff to obtain this information. Moreover, the President’s objective of integrating the White House Database was effectively achieved. DNC fundraisers had obtained access to the crucial and valuable data in the White House Database.

d. The White House Database was used to supply data to the DNC for planning DNC events at the White House.

After Arnold exposed the practice of the White House providing the DNC with proprietary White House information in connection with official White House events, the White House Press Office sought to transform what Jack Quinn had said was prohibited¹⁵⁴ into something fully appropriate, claiming that the DNC by obtaining proprietary information was somehow performing an official governmental function.¹⁵⁵ During the January 30, 1997 press briefing Deputy White House Press Secretary Barry Toiv also suggested that the data flow to the DNC was limited only to “official” White House functions:

The only contact that we’re aware of that the DNC would have had would have been when the Social Office was putting together lists of people to invite to **official events** here

* * *

[T]hose [DNC events at the White House such as coffees] are not the events I’m talking about.

* * *

It would not have been appropriate to use the database to determine who ought to come to a DNC event. And -- well, that’s the answer.”¹⁵⁶

Although Toiv was correct that it would not be appropriate to use the White House Database “to determine who ought to come to a DNC event,” he failed to answer the question of whether the Database had, in fact, been used to determine who ought to come to a DNC event. The committee’s investigation revealed that the DNC **did** obtain data from the Database in the planning of DNC events at the White House.

Richard Sullivan testified that the DNC finance staff “probably” contacted the White

House and obtained prior event attendance information with respect to putting together invitees to DNC sponsored dinners, lunches, and receptions held both at the White House and outside the White House.¹⁵⁷ Similarly, Truman Arnold testified that his DNC staff did indeed obtain for use by DNC fundraisers prior White House attendance in preparing lists for DNC events.¹⁵⁸ Ari Swiller, who was very active in seeking and obtaining White House information, **made no distinction between official events and DNC sponsored events at the White House.**¹⁵⁹ Swiller testified:

Often we would submit a list of names to be included at an event at the White House, and when we did that, we wanted to see if people we were submitting **had been invited to previous events and attended or regretted, or been invited at all.**¹⁶⁰

He added that this happened without distinction between official or DNC events.¹⁶¹

Furthermore, it is clear that with respect to DNC events at the White House the DNC got **more** information from White House databases in the form of **actual lists** and **printouts** both for **upcoming events** at the White House and for **previous** events at the White House. In addition, the committee has exposed the establishment of an entire infrastructure, including government manpower, computer time and resources, fax transmissions, and telephone reports paid for by government funds, which were converted to the DNC fundraising efforts.

e. The White House infrastructure was dedicated to helping the DNC raise money through White House invitations.

The resources dedicated to these events represent the conversion of the taxpayer-funded White House infrastructure to help the DNC raise money. That infrastructure included the preparation and mailing of invitations to DNC events.¹⁶² White House computer systems, including the White House Database, were utilized for inputting the DNC names into a list for each DNC event at the White House.¹⁶³ Once the list was inputted, it was then printed from the White House Database (and, previously, its predecessor system) and sent to the White House Calligrapher's Office where the written invitations were prepared for mailing from the White House.¹⁶⁴

Thereafter, the White House Social Office received responses from those invited, and tracked whether they accepted or declined the invitation. White House personnel received the responses of those accepting or regretting and entered that responses and for those accepting, their date of birth and Social Security Number into the White House Database,¹⁶⁵ or its DOS predecessor database system.¹⁶⁶

All of this information, including the updated accept/regret responses was able to be

printed out in hard copy updates from both the White House Database and its DOS predecessor system.¹⁶⁷ When the White House Database was installed, it permitted White House staff to view an entire list on the computer screen without the need to print out a report.¹⁶⁸

After handling invitations at government expense,¹⁶⁹ the White House faxed to the DNC updated guest status lists from government computer systems for upcoming DNC events at the White House. These lists provided up-to-date information from the White House computer systems reflecting who had been invited, and who had accepted, who had declined an invitation.¹⁷⁰

Both prior to and after the installation of the White House Database, these White House-generated and updated lists were regularly sent by persons in the White House to the DNC to facilitate event attendance.¹⁷¹ While the DNC actually solicited the contributions, the White House infrastructure handled all of the arrangements for the events to which the contributions were attributed.

Having the lists prepared by White House staff on White House computers permitted the DNC to “work the phones,” targeting calls to those who had not responded to the White House to check on their intentions.¹⁷² Remarkably, this appeared to be the exception. The usual practice was for *government employees* to make these calls in follow-up to invitations.¹⁷³ The use of the White House staff to generate attendance cloaked the DNC’s involvement, concealing the role that contributions played in obtaining the invitations. This process effectively integrated the White House infrastructure with the DNC staff for the purpose of raising money through White House invitations.

4. **The Transfer of Data from the White House Database as Part of a Scheme to Convert the White House Infrastructure to the Benefit of the DNC May Constitute the Theft of Government Property.**

18 U.S.C. § 641 provides:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys, or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his own use or gain, knowing it to have been embezzled, stolen, purloined, or converted --

Shall be fined under this title or imprisoned not more than

ten years or both; but if the value of such property does not exceed the sum of \$10,000, he shall be fined under this title or imprisoned not more than 1 year, or both.

The evidence obtained by the committee shows that individuals in the White House may have violated this section of the federal criminal code by converting to the use of the DNC a thing of value, namely data from the White House Database. The information was plainly a thing of value in the scheme to use White House invitations to reward and energize donors.

There can be no suggestion that they did not transfer this data knowingly and without authority. White House Counsel Jack Quinn plainly recognized that such transfers were prohibited, and memoranda from the Counsel's Office to all White House staff advised that the use of White House property was not permitted under the provisions of the Hatch Act that otherwise permit political activity by White House staff.

Erskine Bowles and Truman Arnold knowingly and willfully planned the transfer of data to support the conversion of the White House infrastructure to an effective fundraising machine. The DNC fundraisers knowingly and willfully carried out that scheme to obtain the data and to convert the White House infrastructure to the use of the DNC for fundraising. And White House staff knowingly and willfully cooperated in that scheme by giving out the data and by allowing the White House to become a fundraising tool of the DNC.

Obtaining the data itself was a critical element in advancing the scheme to use the White House for fundraising to meet DNC fundraising objectives. Without the information from the White House Database, the DNC would have wasted precious fundraising resources -- White House invitations -- on at least those who had already been rewarded for their generosity. Obtaining the data allowed the DNC to integrate their fundraising with the White House Social Office.

C. White House Staff Transferred Other Data to the DNC and the Clinton/Gore Campaign before the White House Database was Operational.

The sharing of White House data did not begin with the White House Database. Prior to the development of the Database, White House staff apparently distributed White House lists to the DNC. The committee found numerous White House lists in the hands of the DNC and the campaign that pre-dated the White House Database.

These lists included calligraphers' lists with hundreds of names and addresses from White House holiday receptions in 1994 and the President's Yale Dinner in December of the same year, which were produced to the committee by the DNC.¹⁷⁴ The Yale Dinner list, although available to DNC fundraisers, was withheld from the committee by the White House.¹⁷⁵ They also included the 1993 and 1994 Holiday Card lists that were transferred to the campaign and the DNC, respectively.¹⁷⁶ The list of those invited to attend the White House Economic Conference in 1994

was also produced by the DNC.¹⁷⁷ A White House Office of Public Liaison list of Asian Pacific American leaders was given, according to the White House Counsel, possibly to John Huang while he was employed by the DNC.¹⁷⁸ The transfer of the lists, which are things of value, and the knowing conversion of them to the use of the DNC is a theft of government property under 18 U.S.C. § 641, which punishes the knowing conversion of government property.

Finally, although Cheryl Mills had prepared a memorandum specifically advising that names and addresses from the official mails could not be sent to the DNC (in the context of the 1993 Holiday Card project), the President routinely directed that names and addresses from official correspondence that had not been entered in the WhoDB be included in PeopleBase. This, too, could constitute theft of government property under 18 U.S.C. § 641. It is hardly surprising that with this history of sharing data that the White House Database, when it became operational, was used as a vehicle to transfer similar valuable data to outside entities.

1. White House Staff Knew that the 1994 Holiday Card List was Transferred to the DNC.

The committee discovered that the Holiday Card project, at least in 1994, served as a vehicle to funnel massive amounts of proprietary government data, at least 76,000 names and addresses,¹⁷⁹ from White House computers (prior to the creation of the White House Database) to the DNC. The Holiday Card projects undertaken during previous administrations are appropriate and legal joint undertakings by the White House, the national political party of the President, and his campaign entity, if any.

While the national party traditionally pays for the production and mailing of the White House holiday cards, government data is prohibited from being provided to the national party by the White House. In order to ensure that the law is not violated, the White House, the political party, and the campaign often transmit their respective lists to a third-party professional outside vendor to merge the lists and mail the cards.¹⁸⁰ The purpose of this process is to ensure that the political party does not receive the White House list, which is government property.

Despite these legal restrictions, the committee dislodged evidence that persons within the Clinton White House sought to use the Holiday Card project to unlawfully transmit government data to the DNC. Contemporaneous notes made by Erich Vaden reveal that Marsha Scott suggested that the Holiday Card project could be used as a vehicle to transmit the data to the DNC.¹⁸¹ These notes suggest a criminal conspiracy to circumvent the prohibition on transferring data to the DNC.

According to Vaden's testimony, in response to Scott's suggestion that the White House names might be sent to DNC, Vaden felt it necessary to contact Cheryl Mills in the White House Counsel's Office to learn whether this was unlawful. "Marsha was saying, 'Hey, well, we are sending this to the public.' It is public knowledge. You know, we are not hiding who we send the Christmas card to. De facto, people find out. So it is then public? Is that a public record

then?”¹⁸² Vaden testified that: “to the extent possible that we could, we were looking for vehicles, you know, as ways to share that information with people.”¹⁸³

This statement is not the only instance of the expressed desire to accomplish what the law prohibited. In her reply to a June 17, 1994 memorandum from Brooke Stroud (DNC) to Tara Burns (White House), Burns suggested that the DNC bring over their list to the White House “for a cross check” -- “since we legally can’t give it to you, I think it’d be helpful if you all could come over some time.”¹⁸⁴

Despite knowing the prohibition on transferring White House data to the DNC, and even suggesting during her deposition that she thought it was illegal,¹⁸⁵ Brooke Stroud, Deputy Director of Membership Services at the DNC, who was in charge of the 1994 Holiday Card project for the DNC, oversaw the delivery of the merged list (including the White House lists) to the DNC in November 1994 from the Saturn Corporation, a third-party contractor used for the production of the list.¹⁸⁶ There, it was entered into the DNC computer.¹⁸⁷ Further, a hard copy printout was made which reached five feet in height,¹⁸⁸ which has not been located.¹⁸⁹ This is troubling indeed, for as Richard Sullivan testified with respect to other White House lists:

We assembled tens of lists to work off of, and I don’t rule out that those lists may have been assimilated into this assimilation of tens of hundreds of lists that were floating around in the fund-raising division. * * * [I]t . . . would have accumulated with other lists that I had and others. * * * Generally when we were working on our big Washington galas, we would try to put together thousands of names for prospect mailings or for prospect list callings. So that we would ask everyone to produce whatever list they had¹⁹⁰

The knowing transmission of this list to the DNC is a violation of White House policy and a violation of 18 U.S.C. § 641, which prohibits the theft of government property. The mere possession of the list by the DNC is evidence of a theft of the property. But in addition to the possession of the list, there is other evidence that White House and DNC staff knew that they had no authority to transfer or receive and retain the list. Nevertheless, the list was transferred to the DNC not just once, but multiple times and retained in several forms. The multiple transfers are part of a pattern of evidence that White House staff provided and the DNC staff retained valuable government property. It is clear that these lists should not have been sent to the DNC even once, much less the many times they were sent.

The list was transferred to DNC computers multiple times. The *data* in the merged file from which duplicates were removed (called “deduping”) at the DNC over the 1994 Veterans Day weekend itself remained as uploaded data in a file in the DNC computer. There were in fact

numerous other tapes and computer files containing this government data which were impermissibly transferred to the DNC.

a. At the direction of the DNC, Saturn delivered a sample printout of the merged tape to the DNC.

After the DNC and White House lists had been combined or merged by the Saturn Corporation, the DNC instructed Saturn to produce and deliver to the DNC for review a “sampling” of the lists (including the White House data).¹⁹¹ Stroud has no recollection as to what happened to the “sample” list which included White House data.¹⁹²

b. At the direction of the DNC and with the knowledge and cooperation of White House staff, Saturn delivered the merged computer file tape to the DNC.

Prior to the Veterans Day weekend in 1994 Brooke Stroud (with the full knowledge of White House personnel) directed Saturn to deliver the merged Holiday Card list including the White House data to the DNC headquarters. There, Stroud had arranged for the data to be entered into the DNC computer and to be further de-duped by White House volunteers under the direction of a government employee, Sharon Lewis. Saturn made deliveries of the merged data to the DNC in multiple installments on November 8, 9, and 11, 1994.¹⁹³ The component parts making up the merged list were entered into the DNC computer where it was worked on and further de-duped.¹⁹⁴ As Brooke Stroud testified:

A All the lists, PeopleBase, White House, DNC, all the lists were sent to a merge/purge house who did the de-duping. They did not -
- they didn't do a great job. So we brought the list in.

* * *

Q All right. That list came back to the DNC?

A Right.¹⁹⁵

DNC personnel and White House volunteers worked on the data in the DNC computer at least during the Veterans Day weekend and thereafter. The two computer personnel at DNC testified that they had no recollection of these events involving volunteers or weekend work. Though, clearly someone beyond the technical level of Stroud would have been needed to enter the data and set up the terminal access for a dozen persons. Bryan Daines, the Director of Information services at the DNC, testified that only two DNC employees were technically capable of uploading data into the DNC system from a magnetic tape -- he and Al Hurst, a DNC computer programmer.¹⁹⁶ However, neither Daines¹⁹⁷ nor Hurst¹⁹⁸ had any recollection of performing such a task.

It is likely they would have remembered this incident, given the unusual circumstances of the situation including the use of White House volunteers on a weekend.¹⁹⁹ This suggests that

someone other than these two entered the data into the DNC computer. The committee has been unable to discover in what file name or other identifying information it was entered, what, if any access limitations were built in, and who thereafter had access to the information thus entered is unknown to the committee.

The committee requested all sign-in/sign-out logs and records for the time period covering the Veterans Day weekend which would reveal the names of those persons present in the DNC. The DNC did not produce those records, and refused to state what records they had produced and why they were produced. Finally, testimony revealed that these records had been destroyed.²⁰⁰

On or about November 30, 1994, the DNC produced tapes from the DNC computer containing the de-duped, or cleaned-up, information. However, at least one set of tapes containing the merged data was returned to Saturn Corporation to be placed in postal presort format and then transferred to the laser house (“The Last Word”) for final mailing.²⁰¹ The information transferred to the tape, of course also, as far as is known remained in the file within the DNC computer. No evidence exists that the data was deleted from the computer system after the tapes were made to be returned to Saturn.

c. A so-called problem tape was delivered to the DNC and retained.

The committee’s investigation revealed that the prohibited data went to the DNC and into its computer system, yet again, this time, under the guise of a problem tape. After receiving the DNC de-duped tapes back from the DNC on or about November 30, 1994, Saturn placed the data in a postal presort format. On or about December 2, 1994 Saturn delivered the data to the laser house for addressing and mailing.²⁰²

However, The Last Word discovered what was perceived to be a problem with the tape provided by Saturn. The Last Word returned tapes to Saturn Corporation which Saturn received on December 14, 1994.²⁰³ Two days later, on Friday, December 16, 1994, Saturn representatives arrived at DNC with the problem tape. Two letters from Saturn, one dated December 20, 1994 to Brooke Stroud,²⁰⁴ and one dated December 22, 1994 to Eric Sildon,²⁰⁵ confirm the meeting of Saturn personnel at the DNC on that date concerning the problem tape.

With respect to these events, Al Hurst, the computer programmer at the DNC, recalled that his only contact with Saturn personnel occurred at the time of the “the problem tape.”²⁰⁶ He testified that when Saturn brought the “problem tape” to the DNC, “we uploaded it to a secure place on the AS400 [the DNC computer database system].”²⁰⁷ Beyond his recollection that he once viewed the problem tape on the computer screen with Brooke Stroud,²⁰⁸ Hurst has no

recollection as to what happened to the tape itself, which Saturn brought to the DNC on December 16, 1994 and which Hurst uploaded into the computer.²⁰⁹

With respect to the data from the tape which had been uploaded into the DNC computer system, the record establishes that it remained in the computer for an extended period of time. At some time after 1994, at Brooke Stroud's request, Hurst made *yet another tape* containing this data.²¹⁰ He gave the tape to Brooke Stroud, but has no idea what she did with that copy.²¹¹ In addition to this copy of the data on yet another tape, the data also remained in the DNC computer system thereafter.²¹²

In fact, this data remained in the specified file in the DNC computer system for a total of over a year, until in approximately January 1996, Hurst testified he deleted the file from the DNC system.²¹³ However, before deleting the data, Hurst made *yet another* tape which contained the data.²¹⁴ This copy was placed on a tape rack in the unsecured DNC computer room.²¹⁵

Hurst's testimony regarding the deletion of the data from the DNC computer system is unusual. Hurst is a computer programmer. He described his duties as being "to keep the computer running, to train people how to use the computer, and to make enhancements and changes to the programs that are on the computer."²¹⁶

Yet Hurst, seemingly out of the blue and of his own volition, made the independent judgment to delete the file from the system -- a file which contained data that he produced in the form of a tape for Brooke Stroud. Hurst testified that he did not ask anyone else whether the file should be deleted.²¹⁷ He stated that he made the determination because "it was taking up a lot of space on the system."²¹⁸ Despite specific recollections of having deleted this particular file, the name he gave to the file, and when he deleted it, Hurst was unable to recall the volume of the data in this file.²¹⁹

In addition, despite his earlier testimony that the other criteria he used in determining whether to delete a file was how often it was *used*, he admitted that he consulted no one about this file's use²²⁰ and that he did not check the computer program data which would have revealed its "use."²²¹ He could not explain why he did not check that information before deleting the file.²²² Nor could Hurst provide any explanation as to *why* he copied the data onto a copy tape prior to deleting the file in January 1996.²²³

In sum, this data (from the supposed "problem tape") was purposefully and deliberately entered into the DNC computer system where it remained for at least a year. Further, numerous copy tapes were produced from downloading that data, some of which, at least, remained unsecured in the possession of the DNC for years. At least one such copy remains in the possession of the the DNC at this very moment. And the original Saturn tape from which the data was originally uploaded remains unaccounted for, last seen at the DNC when uploaded.

d. After the mailing, the final merged tape was returned to the DNC, not the White House.

Following the lasering and the mailing of the 1994 holiday cards, the final tape containing White House data was returned not to the White House, but to the DNC. Al Hurst understood it had come from Saturn in as much as it had a Saturn label on the tape.²²⁴ However he received it and placed it on the tape rack in the unsecured computer room at the DNC.²²⁵ Hurst did not recall uploading this tape into the computer, or whether anyone else may have in March of 1997. This tape was subsequently retrieved by Hurst in March of 1997 from the tape rack for a copy to be made at DNC counsel's request.²²⁶

2. The White House Counsel Sought to Evade the Committee's Questions about the 1994 Holiday Card Tape because the Staff Knew that the Tape Had Been Transmitted to the DNC Illegally.

The White House has sought to conceal many of these facts and to mislead investigators concerning the unlawful access. These efforts to mislead are evidenced by the convoluted language in the attachment to White House Counsel Charles F.C. Ruff's letter of February 28, 1997.

One of the most glaring examples is the White House's assertion that it had only "recently become aware" of the DNC receipt of the White House list.²²⁷ In fact, Maggie Williams, Chief of Staff to the First Lady, Alice Pushkar, Director of the Office of the First Lady's Correspondence, Jim Dorskind, Director of White House Correspondence, Sharon Lewis, who directed the White House volunteers, and perhaps Cheryl Mills, then-Associate Counsel to the President, were all fully aware in November 1994 that the White House data was unlawfully transferred to the DNC.

The White House certainly knew as early as August 1995 that the final list was unlawfully at the DNC. Alice Pushkar testified that she knew it by that date, and prior to that had always "assumed" that the DNC and not the White House had received the final list after the 1994 mailing.²²⁸ However, in August 1995, Pushkar told Cheryl Mills, Deputy Counsel to the President, in a written memorandum that the DNC had the tape.²²⁹ Indeed, Mills responded that the DNC could not legally have the list.²³⁰

While Erich Vaden testified that to his knowledge the Holiday Card list was not shared with the DNC,²³¹ the evidence clearly reveals that, at least in 1994, it was. More importantly, the elaborate efforts taken by the White House to conceal the facts and to misrepresent the circumstances of the delivery of the data has not only obstructed the committee's investigation, but suggests a consciousness of criminal guilt surrounding the delivery.

At least by October 1996, the committee's investigation had identified the possible improper use of official data under the guise of the traditional joint White House/DNC Holiday Card projects. On October 3, 1996, the committee requested answers to specific questions surrounding the Holiday Card projects.

While many of the questions focused on the 1995 and 1996 Holiday Card projects, the

final question asked the White House to “identify any and all outside contractors who assist or have assisted in the preparation and/or mailing of the White House holiday cards.”²³² The committee requested answers by October 9, 1996. The White House failed to answer by that date and was asked again to respond by October 29, 1996.²³³ White House Counsel Jack Quinn again failed to answer and was asked to respond by November 18, 1996.²³⁴ He again failed to answer, was again asked to do so, this time by January 14, 1997,²³⁵ and again, he did not respond.²³⁶ Indeed, answers to these questions concerning the Holiday Card project were *never* provided during the tenure of Jack Quinn as White House Counsel, despite representations that such answers would be forthcoming.

After Mr. Ruff’s arrival, the White House had still failed to answer the holiday card questions. The committee, once again, requested answers to these questions by February 26, 1997.²³⁷ The White House once more failed to answer, was asked again to do so by February 28, 1997.²³⁸ Not until February 28, 1997, almost five months after first being asked, *and well after the 1996 Presidential election*, did the White House Counsel’s Office respond -- only then revealing for the first time the illegal transfer of massive amounts of data from the White House to the DNC in the guise of the 1994 Holiday Card project.

At a White House press briefing on January 30, 1997, White House spokesman Barry Toiv stated categorically that at no time did the DNC ever get to see any list from White House computers for the Holiday Card project. He further emphasized that “the entire [merged list] was then brought back [to the White House],” that only the printer would see the whole list, and that “The DNC would not see the White House list.”²³⁹

In a February 28, 1997 letter, the White House Counsel told the committee that in 1994 the arrangements for the preparation and mailing of holiday cards was “similar” to that in 1995 and 1996. The White House suggested that in 1994 (as in 1995 and 1996):

The White House, [and] the DNC [] independently submitted their respective lists directly to an outside vendor. The vendor then compiled the lists into a single list, attempted to eliminate duplicates and mailed the same White House card to everyone on the list.²⁴⁰

Mr. Ruff’s letter further stated that “there was a clear understanding that, after the various lists had been merged and the duplicates eliminated, the final list was to be returned to the White House only.”²⁴¹ In fact, this was simply not true. The White House was unable to produce any documentary evidence reflecting that the vendor understood that it was to return the de-duped lists only to the White House. Indeed, no documents produced by Saturn included any instruction that the final list was to be returned only to the White House. The person in charge of the project at the White House similarly testified that she could not recall *any* discussions about the requirement of either the original White House tape or the merged tape being returned to the White House,²⁴² and that with respect to the final merged tape, she “assumed it would go back to [the DNC].”²⁴³

The evidence uncovered by the committee revealed Saturn was instructed to send the merged lists not to the White House *but to the DNC*. Prior to the final mailing, the merged lists were delivered to the DNC where the list was entered into the DNC AS 400 computer system.²⁴⁴

The White House Counsel's Office further characterized the delivery of the merged tape to the DNC as a "mistake" and a "mix-up"²⁴⁵ In fact it was not a mistake or a mix-up at all, but was intentionally sent to the DNC to be entered into its computer and cleaned up or "de-duped" by White House volunteers directed by White House employees. Not only had Saturn Corporation done exactly what the DNC asked it to do -- deliver the merged tape to the DNC -- it did so with the full knowledge of White House officials in charge of the 1994 Holiday Card project. In memoranda dated November 9, 1994²⁴⁶ and again on November 15, 1994,²⁴⁷ Brooke Stroud at the DNC, informed Maggie Williams and Alice Pushkar at the White House that White House lists were at the DNC for "manual de-duplication," having been delivered from Saturn to the DNC.

Further, White House employee Sharon Lewis was fully aware that White House lists had been entered into the DNC computer, because she coordinated White House volunteers to de-dupe the merged lists at the DNC headquarters on the Veterans Day weekend in 1994.²⁴⁸ Jim Dorskind, Assistant to the President and Director of White House Correspondence, was also fully and specifically aware of the fact and directed Lewis to direct White House volunteers to the DNC for the project.²⁴⁹

In addition, it is quite possible that Cheryl Mills had specific knowledge of the unlawful transfer of data to the DNC. Brooke Stroud testified that "Cheryl Mills might have [had knowledge of the project and the use of White House volunteers to dedupe the list at DNC], but I don't remember."²⁵⁰ Stroud stated, that while she had no distinct memory of Mills having such knowledge, Mills "was on the telephone for most of our meetings, or most of the holiday card group meetings."²⁵¹

Additional evidence, suggesting that other White House staff, including Mills, had actual knowledge of the prohibited transfer of data at the time of the transfer, is Mills's later attempts at damage control in her 1995 memoranda. For example, in her memorandum to Alice Pushkar of August 14, 1995, Mills retreated from her earlier categorical response to Alice Pushkar that the DNC "shouldn't **have** [the] tape"²⁵² to her more expedient advice that "[n]evertheless, the DNC is, as you know, prohibited from **using** the official Holiday Card list for any purposes other than the Holiday Card project."²⁵³

Pushkar testified that she had no idea what Mills meant by "use restrictions" and that she (Pushkar) wasn't concerned about use restrictions at the DNC.²⁵⁴ Mills's memorandum further suggests that not only was the DNC prohibited from using the list for any purpose other than the Holiday Card project, but also that such "use restrictions" had been imposed on the DNC by the White House.²⁵⁵ Mills's memorandum clearly states that prior to 1995 the White House had "entered into use agreements to protect the use of the White House list against any other use than

the holiday [card] project.”²⁵⁶

The committee sought from the White House copies of all such “use agreements,” both by letter request,²⁵⁷ and later subpoena.²⁵⁸ Such agreements between the White House and the DNC would, of course, clearly establish that the White House staff knew very well that the DNC had obtained the prohibited data. Despite the compelled production of these critical documents, the White House has never produced these records, claiming that they are missing. On November 19, 1997, the White House Counsel’s Office responded to the committee that:

We have been unable to locate any use agreements for any years between any holiday card vendors or the DNC and the White House²⁵⁹

The White House Counsel’s staff provided no further explanation concerning these suddenly missing documents, casually suggesting that “should we subsequently locate responsive material, it will be provided promptly.”²⁶⁰ Thereafter, at the committee’s request a subpoena was issued compelling production of this material. Further, in an attempt to discover why the White House was “unable to locate” these records, the subpoena compelled all records reflecting efforts made by the White House Counsel’s Office to locate them.²⁶¹ No documents have been produced in response to this subpoena.

It is reasonable to conclude in light of this record that the list was delivered to the DNC without any use restrictions. Mills’s memo suggests that she believed either that the DNC **had** the list or that it was better to lie about the existence of such use restrictions than to admit that the DNC had the list without them.

There is ample reason to prepare a memorandum after the fact, saying that use restrictions were imposed when they were not. Preparation of such a memorandum would conceal the fact that the lists were delivered to the DNC without restrictions. The memorandum would lead the reader to believe that even if the DNC had the tape, it could not and would not use it for fundraising purposes. The inability of the White House to produce any agreements or any evidence of agreements, other than Mills’s self-serving memorandum, leads the committee to conclude that White House staff knowingly allowed the list to be delivered to the DNC without restriction in violation of law, and in direct contradiction to the White House’s later statements to the committee that the lists were sent to the DNC inadvertently.

3. **The Clinton/Gore Campaign Impermissibly Received the 1993 Holiday Card List.**

The committee has exposed the fact that White House staff not only impermissibly transferred the 1994 White House Holiday Card list to the DNC, but also that the White House portion of the 1993 Holiday Card list was transferred into the Clinton/Gore computer system.

The documentary evidence discloses that the Clinton/Gore campaign acquired between 33,000²⁶² to 43,000²⁶³ names and addresses from the White House, which were entered and still reside in a Clinton/Gore campaign computer.

In 1993, the entity selected to merge the Holiday Card list was W.P. Malone, Inc. (Malone), an Arkadelphia, Arkansas firm which was also the entity which had maintained the Clinton "PeopleBase" campaign database.²⁶⁴ Documents obtained by the committee reveal that the White House list went to Malone on or about November 8, 1993.²⁶⁵

As a result of interviews with Malone employees conducted by committee staff in Arkadelphia on April 29, 1998, a Malone staff member supplied a sworn affidavit to the committee that (1) the White House portion of the 1993 Holiday Card list was received in disk or tape form and was merged with both DNC and PeopleBase lists to create a master database for the card mailing; (2) this separate database was entered into the Clinton/Gore ICL DRS 6000 computer which was later moved to the offices of the Clinton/Gore '96 campaign in 1995; and (3) he has no recollection that he was asked to return these disks to the White House, or to return the master merged lists containing the White House submissions to the White House.²⁶⁶

This retention of the final merged list by Malone was no mistake or inadvertent oversight. Indeed, the retention by Malone of the merged list, including the White House data, was fully known by persons in the White House, including Marsha Scott and Dan Burkhardt. In January 1994, for example, Burkhardt had asked Malone -- not for the return of the final master list -- but **for a copy** of it for White House clean up.²⁶⁷

Not only was the original list retained by the Clinton/Gore campaign following the 1993 Holiday Card mailing, but also, corrections to the list made by White House employees on White House stationery and at government expense were transmitted to the Clinton campaign to be used to clean up the campaign database.²⁶⁸ The best evidence suggests that the number of returned envelopes totaled approximately 8,000.²⁶⁹ The White House sent the directive to Malone, with instructions to use the information gleaned from the mailing to clean up the database, with specific instruction to drop listings from the database where the envelopes reflected insufficient addresses, and where new address information had been provided, the new listings "can be updated on the database."²⁷⁰

That the 1993 information was intentionally used to clean the campaign database was known at the highest levels of the Clinton-Gore campaign **and the White House**. Documents attached to a March 9, 1998 memorandum from Lyn Utrecht, counsel to the Clinton/Gore campaign, to Bruce Lindsey and recovered from White House files, make clear that the 1993 White House Holiday Card mailing was used to correct addresses in the campaign database.²⁷¹

There were, in fact, elaborate efforts made in 1993 to get the 1993 White House holiday card data not only to the Clinton-Gore campaign, but to the DNC. There is evidence that plans were underway to send White House lists directly to the DNC. The data sought to be transferred

under the guise of holiday card lists had been compiled by White House employees based upon official lists including “correspondence, event attendance lists, outreach lists and other sources”²⁷² The DNC transfer plan was apparently set forth in a September 15, 1993 memorandum from Cheryl Mills to Maggie Williams, entitled “Holiday Greeting Cards.”²⁷³ Yet this crucial document is inexplicably missing. The White House Counsel informed the committee that it has “not located” a copy of this document.²⁷⁴

Thereafter, persons in the White House sought to implement complex schemes to transfer both campaign lists and White House lists to the DNC. Evidence suggests that the first scheme was designed to funnel campaign lists (presumably from PeopleBase) through the White House and then to the DNC. This scheme would have hidden evidence of a direct transfer of campaign data to the DNC. While providing such lists may be legal under certain circumstances, providing them also triggers reporting requirements as well as in-kind contribution limits which could have been avoided by sending the data through the White House.

Whatever the reason, it appears that Cheryl Mills took the position that such a transfer scheme was “impermissible.”²⁷⁵ The White House has been unable to “locate[] a written memorialization of the ‘explanation of the impermissibility of a list from campaign to [White House] to DNC[,]’”²⁷⁶ which presumably would elucidate both the details of the scheme and the reasons for opposing it.

Another effort was made to use an outside entity to funnel the data to the DNC. It is not clear whether these efforts were designed to funnel the campaign data to the DNC, similar to the first scheme, or to funnel the White House data to the DNC, **or both**. In an October 20, 1998 e-mail message from Matthew Moore to Cheryl Mills, Moore informed Mills that:

Dan Burkhardt, in light of your explanation of the impermissibility of a list from campaign to WH to DNC, inquired as to the permissibility of sending our created list to a third party, having the campaign and/or transition send similar lists to the same third party (for elimination of duplicates on the list and creation of a master list), **who would then send the resultant list to the DNC.**

Again: Campaign/Transition to Joakum Doe to DNC
parallel to : WH to Joakum Doe to DNC.
With all resulting list being sent to the DNC.

Please advise.²⁷⁷

The committee's efforts to fully understand the specific details of this proposal has also been prevented by missing records. In response to the committee's request for the memorialization of Daniel Burkhardt's inquiry as to the permissibility of sending a list to the DNC through third parties,²⁷⁸ the White House Counsel's Office responded that it has "not located [such] a written memorialization."²⁷⁹ In response to the committee's request for Mills's response to the e-mail proposal,²⁸⁰ the White House Counsel stated, "[w]e have not located a memorialization of a response to the October 20, 1993 e-mail from Matthew Moore to Cheryl Mills."²⁸¹

However, by October 28, 1993, Cheryl Mills had provided a remarkable attempt at "legal cover" in the form of a memorandum, **allowing** the transfer of White House data to any outside entity, including the DNC. Despite clear pronouncement elsewhere that once data is entered into databases in the White House, it cannot thereafter be transferred to outside sources, here, Mills states:

Because the White House did not use mailing lists created **from the official government mail** from members of the public who wrote to the President (or the First Lady or any other White House entity), but rather created a list of supporters of the Administration **based upon personal knowledge of staff members**, this list properly can be provided to a non-federal entity, including the DNC or a non-governmental individual.²⁸²

This analysis of what data may be used for the holiday card lists sent to the DNC makes no sense. It is simply not credible that a list of approximately 43,000 names, with their accompanying addresses was "created . . . based on personal knowlege of staff members." Indeed, the names are gathered by White House personnel in performance of their official duties at the White House, and included: 2500 names of military personnel including "all military assigned to the White House,"²⁸³ the internal White House and taxpayer-funded Presidential contact (PCON) database list;²⁸⁴ lists of invitees to the White House, the diplomatic corps, and the Secret Service.²⁸⁵ It also included State Department lists which were provided by "a career person who has background or who has received lists in the past."²⁸⁶ Further, Mills herself describes the source of this White House data in the very same memo -- not as coming from the memories of individuals -- but from White House staff who "**reviewed their correspondence, event attendance lists, outreach lists and other sources . . .**"²⁸⁷

In addition, only as recently as August 11, 1993, Cheryl Mills had concluded that the very same White House Holiday Card list "**was** created from the official mail of the President. . . ."²⁸⁸ Indeed, Mills had been specifically told on August 6, 1993 that the White House Holiday Card list "will come from databases within the White House."²⁸⁹ Yet, less than three months later, she authored a memorandum purporting to reach the exact opposite conclusion and concocting an argument to allow the flow of prohibited data to the DNC, and key documents which would

reveal the circumstances of this remarkable turnaround are inexplicably missing.

The committee uncovered that the White House staff, under the guidance of Cheryl Mills, assembled the 1993 Holiday Card list and forwarded it to the operator of PeopleBase, the Clinton/Gore campaign database operator, where it was merged with the DNC and the Clinton/Gore campaign lists, cleaned up based on the returns after the mailing, and has been retained in the Clinton/Gore computer to this day.

Indeed, the Clinton/Gore campaign is well aware that it has this list and has yet to notify the committee of its return to the rightful owner, which is the White House, or its destruction. As recently as August 21, 1998, Carl Mecum analyzed the file, presumably under the direction and with the permission of the Clinton/Gore campaign, to prepare the affidavit for the record of this investigation. Despite this notice of its possession of the lists, as far as the committee knows, no steps have been taken to return the government's property.

While the original transfer may constitute a theft of government property, the retention of the list knowing it to be stolen also constitutes theft under 18 U.S.C. § 641. The Clinton/Gore campaign, because of the committee's investigation, is on notice that the data belongs to the government. Accordingly, the continued retention of the list constitutes a theft independent of the original theft.

4. The Names and Addresses from the Official Mail Sent to the President were Transferred to PeopleBase.

While Cheryl Mills's October 28, 1993 memorandum could not have been clearer -- that data from the official mail could not be transmitted to the DNC -- the names and addresses of people who contacted the President through the official mails or through the White House switchboard were routinely referred for entry into PeopleBase. Such transfers of official government data to the President's campaign database could constitute the theft of government property under 18 U.S.C. § 641.

According to an October 17, 1994 memorandum prepared by White House staff, "Quite frequently, the President will ask that certain names and addresses be added to the 'supporter file'. . . . Attached is a list of supporter file information. Please make sure all this information is added to the Data Base System. Also, can you send this information to Arkansas or do you need me to?"²⁹⁰

While the nature and extent of this practice was not fully explored, the committee obtained several specific examples of lists that were forwarded to PeopleBase from the White House, including a January 1996 White House phone log with notations in the margin in unidentified handwriting "PB" and "WhoDB,"²⁹¹ and a July 1993 list of addresses with a cover note to Monica Breadlove who operated PeopleBase, to add the names and addresses on the list to PeopleBase.²⁹² It is not clear whether the President asked for these lists to be forwarded to

PeopleBase or what the criteria for directing these particular addresses to PeopleBase was. If the names and addresses were, indeed, from the official mails or derived from other official sources, the transfer of the data to PeopleBase could be considered a theft.

D. Marsha Scott Converted Other Government Resources to Benefit the Democratic National Committee and the Campaign.

The committee has uncovered information that government personnel and resources were converted to directly benefit outside political campaigns. Marsha Scott, in memorandum after memorandum, appeared to be advising and/or managing the campaign database and/or DNC databases, as well as other DNC operations. The knowing use of government computers, paper, and other office supplies and resources for the benefit of the DNC or the Clinton/Gore campaign constitutes the theft of government property. See United States v. Peter Collins, 56 F.3d 1416 (D.C. Cir. 1995).

Even if Ms. Scott was permitted to engage in political activity on her own time, it is clear that she knowingly and wilfully used her White House computer and other office equipment and supplies to translate her new-found expertise in database development and data management to the benefit of the DNC or the President's campaign. This activity is contrary to Cheryl Mills's advice and testimony discussed earlier in this report that White House staff are prohibited from using White House resources to engage in political activity.²⁹³

Marsha Scott's June 28, 1994 memorandum makes clear that she was seeking to do just that. As Mr. Shadegg and Ms. Mills agreed at the committee hearing on November 7, 1997, Ms. Scott used government resources to prepare her memorandum to Harold Ickes, Bruce Lindsey, and the First Lady regarding her involvement in developing the DNC and other outside databases. That in itself is a violation of 18 U.S.C. § 641.

Both White House Counsel Charles F.C. Ruff and Ms. Scott in her deposition acknowledged that the memorandum dealt with working on outside databases.²⁹⁴ Indeed, in Mr. Ruff's case, his insistence that these were outside databases was intended to clarify that the memorandum was not discussing the use of the White House Database to populate other outside databases. Thus, to defend Ms. Scott from a charge that she was using the White House Database improperly, Mr. Ruff was willing to admit, as was she, that she was using other government resources to make plans for the DNC and other political databases, a violation as well.

Indeed elsewhere, in Marsha Scott's June 28, 1994 memorandum to Harold Ickes, Bruce Lindsey and the First Lady, Marsha Scott reported having used government resources and personnel to work with the DNC on the development of their database. She also sought Ickes's, Lindsey's, and Mrs. Clinton's intervention to direct the DNC to allow her team of government personnel to work with the DNC on its database to ensure compatibility with future political databases outside of the White House.

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.

* * *

. . . [L]et 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 in PeopleBase could then be dumped into the new system and made available . . . for political purposes.**

* * *

. . . I am proceeding as if this is the plan.²⁹⁵

The “team” to which Scott referred was composed of White House personnel, including career personnel who thought they were performing only official government services with respect to all aspects of their database work with Marsha Scott.²⁹⁶

Indeed, career employees were sent to the DNC by White House officials. One career employee testified that “[I]t just didn’t look right for us to go to the DNC. We were Federal employees [M]y entire team was questioning us going to the DNC when we went, yes . . . ,” until his career supervisors put a stop to any further visits.²⁹⁷ He further testified that “[W]hen we visited the DNC there was some discussion about being able to swap systems and information and things like that; but that was brought to a halt.”²⁹⁸

Other career employees testified that members of the WhoDB team had been sent to the DNC for yet another meeting. While at the DNC, the team was contacted by beeper, and ordered back to the White House.²⁹⁹ A career employee who was sent and then ordered back explained “The sense was that it wasn’t appropriate for Federal employees to have direct contact with DNC.”³⁰⁰

The White House Counsel’s Office would later make extraordinary and elaborate attempts to cloak the diversion of official personnel and resources to political activity as being permitted by the Hatch Act. There is no doubt, but that certain White House officials may, in appropriate circumstances, engage in partisan political activities on their own time. However, while

individuals are free to voluntarily engage in certain partisan political activities, the law does not sanction White House employers **directing** individuals to perform political work without their knowledge or consent. That is a diversion of official government resources, which is unlawful.

In addition, the committee uncovered the fact that much of the work on database development, which the White House later sought to characterize as work on campaign databases, had involved government resources, including White House stationery, fax machines, etc., for which, as far as we have been able to determine, there has been no reimbursement from any campaign or party entity. The record is unmistakable that in the Clinton White House, the lines between official and partisan political acts were so blurred as to be non-existent. This led White House staff to involve themselves in political activity using government resources in violation of 18 U.S.C. § 641.

Beyond that, the efforts to label certain database work as campaign-related, was an after-the-fact attempt to justify the nonproduction of records related to the official White House Database. Those records make clear that persons at the highest levels of the White House, including the First Lady, knew of the use of official government resources for partisan campaign activities³⁰¹ in violation of 18 U.S.C § 641.

The crucial June 28, 1994 memorandum from Marsha Scott to Harold Ickes, Bruce Lindsey, and the First Lady, was itself written on official White House stationery and prepared on government-owned word processor equipment and systems. It conveyed an update not only on the White House Database project, but a report of the White House Database team, (whom Scott referred to as “my staff”) and its trip to Arkadelphia to review the PeopleBase system. The memorandum further provides an update on the implementation of the White House Database, noting,

By the first of the year [1995] 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 [until 1996] to fully train and familiarize our folks to its many possibilities and uses.³⁰²

After reviewing this memorandum, the First Lady responded: “**This sounds promising. Please advise. HRC**” -- and directed the memo, along with the notation to Harold Ickes.³⁰³ This is indeed a remarkable memorandum. It reveals that persons at the highest levels of the White House, including the First Lady, knew of, and approved the planned use of the White House Database for partisan political purposes, or the use of government personnel and resources to work on outside partisan political databases. Either scenario is simply unlawful, and represents a planned theft of government property for partisan political activities.

Further, the committee’s investigation uncovered the significance of Marsha Scott’s proposal to use government personnel to set up an outside database for future political purposes into which “**any information stored with PeopleBase could then be dumped.**” The evidence

obtained by the committee shows that by June 28, 1994 the “information stored with PeopleBase” included over 40,000 names and accompanying data from White House computers.³⁰⁴ The committee found that the unlawfully transferred data ended up in the Clinton-Gore ‘96 campaign computer.³⁰⁵

The many other memoranda written by Ms. Scott to her superiors regarding her political activity equally reflect a diversion of government resources to the benefit of the DNC and the campaign. In addition to her June 28, 1994 memorandum, Ms. Scott wrote to Harold Ickes regarding “DATABASE OUTSIDE WHITE HOUSE.”³⁰⁶ On January 26, 1994, she had written a “CONFIDENTIAL” memorandum to Hillary Rodham Clinton and Bruce Lindsey outlining plans to use White House resources and personnel to clean up and correct campaign lists for future campaign use:

Status of Outside Databases

* * *

Another way we can insure accuracy, is by **providing corrections to any data sent to us**. As long as we are not giving “updated or supplemental information about data the entity may have initially provided”, **we can correct “where the action is de minimis.”** (See Cheryl’s [Mills] memo attached for a full explanation.) I will work with Cheryl on a case by case basis and am anxious to discuss this with you further.³⁰⁷

As with other documents, the White House Counsel sought to conceal this very information from the committee by altering documents to delete the information reflecting work on outside political databases.³⁰⁸ Another draft of notes or an agenda for a meeting with the First Lady and Deputy Chiefs of Staff Phil Lader and Harold Ickes references “Systems outside White House,” “Database for campaign use,” and “resources available to fund outside databases.”³⁰⁹

It is apparent that these kinds of notes and memos finally were enough for Harold Ickes. In a note dated December 5, 1994, he was reminded of a scheduled meeting with Marsha Scott in which he was “supposed to be getting her clear on what she will be doing and what she will not be doing.”³¹⁰ The note further exposes exasperation with Marsha Scott’s communications: “As you know, until you have this conversation, you will continue to get memos from her and copies of memos she is sending around to different people”³¹¹

Ultimately, in May 1996, the President approved a new job description for Marsha Scott, prepared mostly by Deputy Chiefs of Staff Evelyn Lieberman and Harold Ickes, expressly authorizing Marsha Scott to involve the President’s supporters in fundraising from her government position and purporting to limit her access to the White House Database to uses that were “only in connection with her official duties.”³¹² However, those official duties, according to

the same memo, included fundraising. The use of the Database for fundraising constitutes theft of the data for the DNC's use.

In his deposition, Harold Ickes described Marsha Scott's views of her responsibilities as "expansive."³¹³ When asked whether he ever expressed concern to Marsha Scott about this view of her responsibilities, he said, "No. Well, the answer is, I didn't worry about it, because I knew that this was -- if it were going to go anywhere, it would have to come back up through me, and I had no problem with her writing memos about it."³¹⁴ Ickes also testified that he did not concern himself with Marsha Scott's June 28, 1994 memorandum regarding plans to develop a new DNC database because "I don't think [the DNC] had the money at that time to even think about a new computer system. They were lucky to turn on the electricity of the one they had."³¹⁵ He further added: "I knew what the financial situation of the DNC was. They had a database that had been there for years. They hardly had the money to turn on the damn database, much less establish a new one, so this sort of stuff didn't worry me."³¹⁶

This testimony demonstrates that Harold Ickes knew that Marsha Scott was using an "overexpansive" view of her responsibilities to work on the development of DNC databases at a time when the DNC had no money to do it itself. Without DNC financial capability, it was even more important that White House staff, such as Marsha Scott, conduct as much development and planning activity as possible from a position where the DNC would not have to pay her. Ickes knowingly continued to allow the diversion of government resources to the DNC at a time when he also knew that the DNC itself lacked resources. Thus, at the taxpayers expense, Marsha Scott was allowed to plan databases for the DNC.

IV. THE PRESIDENT AND FIRST LADY KNEW OF THE CONVERSION OF GOVERNMENT RESOURCES TO BENEFIT THE DNC AND THE CAMPAIGN.

"The President and the First Lady want this done. Translating this into action on the part of others is the rub."³¹⁷

This statement, included in a memorandum from Marsha Scott to the First Lady and Bruce Lindsey, describes the essence of the President's and First Lady's involvement in the White House Database project. This and other documents and testimony showing that the President and the First Lady were informed of the use of official resources for unofficial political purposes suggest that the President and the First Lady were aware of the conversion of government resources to support the DNC and the campaign. See Section III.A and III.D (regarding Scott's conversion of government resources for political purposes).

The committee believes that the President's involvement in the conversion of the White House into a fundraising tool represents an abuse of power. The President is entrusted with the conservation of the White House as a national landmark. The scheme to transfer data from the

White House Database and other data sources supported the overall objective of systematically using White House invitations to accomplish political fundraising goals. The committee has issued this report to expose the evidence of this abuse of power.

The documents plainly show that the President and the First Lady jointly directed the use of official resources to create the Database, with Marsha Scott in charge. Even after the initiation of the project, the President and First Lady remained deeply involved in the ongoing development and use of the Database. In this regard, the First Lady's actions with respect to the Database and the conversion of other official resources should be viewed as the President's.

The evidence suggests that the President and the First Lady were involved in the enhancement of the DNC fundraising operation through the use of White House staff and resources, including the White House Database. See Section III.B (regarding the conversion of data from the White House Database to the use of DNC fundraisers). While having an official purpose, the White House Database was susceptible to being used for both official and unofficial purposes. The President and the First Lady capitalized on the Database's susceptibility to misuse for political purposes. The White House Database included financial information,³¹⁸ which allowed internal decisions on invitations to White House events to be determined by the degree of financial support given by potential invitees. The President's and First Lady's involvement in the details of the Database suggest that they knew what a powerful tool the Database would be not only for internal data management, but also for working with the DNC and the campaign to upgrade their data and data management systems.

The DNC and the Clinton/Gore campaign also benefitted from the President's and First Lady's knowledge and approval of the use of official resources, in addition to the Database, for unofficial purposes. The connection between the conversion of the White House Database and the conversion of other resources is reflected in the memoranda that address the internal data needs of the White House while at the same time seeking to address the database needs of the DNC and the campaign. Indeed, those sections of documents that addressed the issues of management of the DNC were originally withheld from the committee to conceal the relationship between the White House Database and the other efforts to use official resources for political purposes.

A. Evidence Relating to the President's and First Lady's Knowledge of, approval of, and Involvement in the Conversion of Resources, including the White House Database, to the DNC and the Campaign.

Several documents produced to the committee reflect the President's and First Lady's knowledge, approval, and involvement in the conversion of government resources, including the White House Database, to the DNC and the campaign.

1. **The President Wanted to “Integrate” the White House Database with the DNC Database: *Handwritten Notes of Brian Bailey, Assistant to Deputy Chief of Staff, Erskine Bowles.***³¹⁹

The handwritten notes of Brian Bailey, Assistant to then-Deputy Chief of Staff Erskine Bowles, express most clearly the President’s involvement in efforts to convert the White House Database to the use of the DNC. These notes, written in late 1994 or 1995,³²⁰ expressly say that the President wants to “integrate” the White House Database with the DNC database to “share” data.³²¹ Associate Counsel Cheryl Mills had opined that once data is entered in an official government database, sharing it with anyone for political purposes violates the law.³²² The President’s interest in sharing data with the DNC suggests that the President was willing to convert the White House Database to the use of the DNC in violation of clear White House legal advice and in violation of 18 U.S.C. § 641, which prohibits the theft of government property.

The withholding of this document by Cheryl Mills herself further corroborates that the President was interested in illegally integrating the Database. As discussed in Section II, there would be no reason to withhold this document, which was obviously responsive to the committee’s request, unless it implicated the President in wrongdoing.

2. **Conversion of White House Resources “Sounds Promising” to The First Lady: *June 28, 1994 Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey, with a copy to the First Lady.***³²³

In her June 28, 1994 memorandum, Marsha Scott communicated to the First Lady her interest in and efforts to develop databases for the DNC or “other entities we choose to work with for political purposes later on.”³²⁴ The First Lady responded to this memo with a handwritten comment at the top of the page: “This sounds promising. Please advise.”³²⁵ This memorandum shows that the First Lady was informed of this conversion of government staff and other resources for political purposes and even found it a “promising” project.

As with the Bailey handwritten notes, the deliberate withholding of a version of this document (which is in itself a criminal violation) corroborates its incriminating content. This evidence is particularly strong corroboration because the document was withheld, again by Cheryl Mills, who had provided advice through three separate memos to White House staff that such work using government resources was prohibited by law. Cheryl Mills knew that this memorandum implicated the First Lady in Marsha Scott’s conversion of government property and withheld it for that reason. See Section II.E.

3. **The President Recreates the Campaign: *Draft Memorandum to Chief of Staff on Early Supporters.***³²⁶

“This is the President’s idea and it’s a good one,” announces a memorandum, which was originally produced to the committee in draft and was written by Marsha Scott for White House

Chief of Staff Mack McLarty.³²⁷ This draft memo reveals a plan to: “reach[] out to [the President’s] friends and supporters . . . ; identify and contact the key early supporters in all fifty states . . . ; **put in WhoDB** the names and relevant information about those early supporters . . . ; [and] add to this base group by early 1995, **those folks we will be working with in 1996.**”³²⁸

The draft further outlines the plan to use the White House Database to “recreate the Primary campaign structure . . . ; establish a database to hold and work these names. (WhoDB will be fully functional by January [1995] . . . ; recreate the General campaign structure using the same method we employed for recreating the Primary . . . [,] add[ing] the DNC and campaign records . . . ; identify by early 1995, **key financial and political folks in each state who can work with us**” with the expectation that “[t]hrough consistent dialogue and follow-up, leaders will emerge” to allow “[c]o-ordinat[ion] with DNC and DLC about what they are doing for these folks.”³²⁹

4. **The President Approved the White House Database: “WhoDB Requirements Report.”**³³⁰

The WhoDB Requirements Report expressly set forth the early history of the project. It stated: “The President and First Lady have requested from Marsha Scott that a resource database containing relevant information about all White House events and contacts be designed and implemented.”³³¹ That document further stated that the objectives of the Database would be to “[p]rovide the President and the First Lady with a database that tracks all contacts with individuals and organizations that are important to the Presidency.”³³²

The knowledge and involvement of the President and the First Lady in directing the creation of the White House Database suggests that they had a particular interest in the Database project, such as the possible political uses of databases, with which they were familiar from their use of the campaign database, PeopleBase. Moreover, the potential for conversion of the White House Database to political purposes was enhanced by choosing Marsha Scott, a long-time friend of the President who was involved in other schemes to convert government resources for unofficial political purposes. This document is also consistent with numerous other memoranda that invoke the President’s and First Lady’s names for the Database project.³³³

5. **WhoDB Was Intended to Support the Fundraising Objectives of the President and the First Lady: October 25, 1994 Draft Memorandum to Erskine Bowles from Paul Antony and Brian Bailey.**³³⁴

The draft October 25, 1994 memorandum from Paul Antony and Brian Bailey to Erskine Bowles, “Update on White House Database Project,” confirms that the President and the First Lady thought that the Database would be a useful tool to track events and contributions. The memo expressly states under the heading “WILL IT MEET THE NEEDS OF POTUS AND THE

FIRST LADY?” that those needs include “keep[ing] accurate records of individuals’ dealings with the White House (invitations, contributions, meetings)”³³⁵ The answer was “YES?”³³⁶

Clearly, this memo indicates that the President wanted the Database to be able to correlate contributions, invitations to, and attendance at events and so-called “meetings.” This document reflects the contemporaneous communication to Brian Bailey (an assistant to then-Deputy Chief of Staff Erskine Bowles) by Marsha Scott, regarding what needs the First Lady expressed regarding the Database -- that is, to track “invitations, contributions, and meetings.”³³⁷ At the time Brian Bailey wrote this memorandum, he had been in the White House only a few weeks³³⁸ and had no reason not to write down what he was told about needs for the Database. Although he testified that he consulted with Cheryl Mills frequently, he could not remember whether he had spoken with her prior to the drafting of this memorandum.³³⁹

The final database that was created, in fact, met, the President’s and the First Lady’s needs. It included designations of contributors, such as DNC Trustee or DNC Managing Trustee,³⁴⁰ which correspond to specific dollar contributions. Not only were the designations within the Database useful for the President and First Lady to identify donors for invitations, the committee now knows that DNC fundraisers matched up their contributor information with WhoDB attendance information (see Section III.B) to appropriately reward donors. The combined efforts of the DNC and the White House most effectively and efficiently ensured the maximization of fundraising by matching DNC data on donors and White House data on attendance. This document indicates that these functions were designed to meet a “need” of the President to have such information.

6. The First Lady Received a Demonstration of the Database and Asked for a Specific List to be Included: March 2, 1995 Memorandum from Erich Vaden to Marsha Scott.³⁴¹

On March 2, 1995, Erich Vaden wrote a memorandum to Marsha Scott that reflected that he had given the First Lady a demonstration of the Database. From that demonstration, the First Lady asked that a specific list, the “Miles Rubin Rapid Response List,” be included in the Database.³⁴² This memorandum shows the substantial involvement of the First Lady in the details of this Database in that (1) she wanted a demonstration and (2) she wanted a particular list added to the Database.

Moreover, at the same time as she was asking for data to be put into the Database, others were devising a plan to send data to the DNC from the Database. Just a few weeks later, Truman Arnold and Erskine Bowles met to devise the plan for the White House to share data with the DNC (see III.B.2). This plan set forth an illegal scheme to convert official resources (the Database and White House personnel) to implement fundraising based on meetings and contact with the President through such activities as coffees, overnights in the Lincoln Bedroom, and invitations to White House events.

7. **The President Regularly Views Data and Places “High Priority” on Data Clean-up: March 28, 1995 Memorandum [for multiple distribution] from Erskine Bowles, “Clean-up and Coding of Database Records.”**³⁴³

Indeed, four days after the meeting between Erskine Bowles and Truman Arnold, Erskine Bowles wrote a memorandum to various White House staff asking them to verify the data in the Database.³⁴⁴ The memorandum stated that the new Database would “speed up the list creation process by giving us the ability to identify and target individuals.”³⁴⁵ It further represented that “The President and First Lady will view this information on a regular basis.”³⁴⁶ In addition, the memorandum stated: “This clean-up project is one of the highest priorities for the President and your office should treat it as such.”³⁴⁷

The new Database would in fact speed up the list creation process because it would allow the DNC to identify more readily those donors who were due for invitations to the White House. Because of the commitment to supply data to the DNC, it was important to clean up the data. It is logical to conclude that the President placed a high priority on the data because of the enhanced role of White House invitations in the DNC fundraising plan.

Identifying the appropriate people in the Database for White House invitations took on new importance at this time. In March of 1995, the President was attempting to raise millions of dollars from Democrat Party supporters to counter the Republican electoral gains the previous November. In January, he had personally authorized the use of overnight stays to raise money, asking for “names at 100,000 or more, 50,000 or more” and noting in his own handwriting that he was “ready to start the overnights right away.”³⁴⁸ Logically, a President so personally involved in fundraising (and using White House invitations to do it) needed access to the right kind of data to make his efforts successful.

8. **The President Signs Off on Official Fundraising Job: The May 1996 Marsha Scott Job Description.**³⁴⁹

In May 1996, the President approved a job description for Marsha Scott. That description included: “insur[ing] that the President’s supporters were involved in fundraising activities to the extent possible” and “attend[ing] political fundraising coffee/events, and certain other events”³⁵⁰ The description also stated that Scott will “have appropriate access to the White House database [sic] but only in connection with her official duties.”³⁵¹ According to the documents produced regarding this description, the President asked to “discuss once more” the description with Harold Ickes³⁵² and approved it only after the discussion (“okay, per our discussion”).³⁵³

It is not clear what official function is fulfilled by Marsha Scott’s efforts to involve supporters in fundraising and attending fundraisers. However, the committee regards the disclaimer of use of the White House Database “only in connection with her official duties” to be

nothing but boiler plate language with little or no meaning in this context. Here, the President approved a job description that included as an “official duty” the involvement of others in fundraisers. By including that definition within the definition of official responsibilities, the President essentially gave a license to use the White House Database for Marsha Scott’s work involving fundraisers.

9. The First Lady was Aware of Marsha Scott’s Transfer of White House Data from the White House Database to the Campaign, the Conversion of Government Resources for the DNC, and The Political Nature of the Database: January 26, 1994 Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey.³⁵⁴

On January 26, 1994, Marsha Scott prepared a memorandum detailing proposals to help clean up data in the campaign database and at the DNC. Marsha Scott informed the First Lady that she was working to clean up the campaign data from the campaign database by “providing corrections to any data sent to us.”³⁵⁵ Not only was Marsha Scott’s use of government resources to work on the outside resources a conversion of government property; making corrections to the data of others using White House data was also a conversion.

a. Transfer of data through providing corrections to the Campaign.

In this memorandum, Marsha Scott communicates to the First Lady about her efforts to convert government data to the campaign. The memorandum states that the White House staff can ensure the accuracy of data “by providing corrections to any data sent to us.”³⁵⁶ In her deposition, she insisted that this was permissible regardless of the quantity of data.³⁵⁷ But the corrections to PeopleBase enhanced the value of the list that was ultimately delivered to the 1996 Clinton/Gore campaign.³⁵⁸

The view that address corrections were of “de minimis” value is preposterous. The entire value of a list of names and addresses is derived from its accuracy. To correct a list of thousands of names, even if each correction is minor, adds significant value to that list. If that correction is taken from a White House data source, it is a theft of government property. Yet, this memorandum expressly explains to the First Lady how government property can be stolen.

b. Conversion of government resources for the DNC and the Clinton/Gore campaign.

This memorandum to the First Lady is one of several memoranda to the First Lady and others prepared by Marsha Scott reflecting her involvement in the conversion of government resources to benefit the DNC and the campaign.³⁵⁹ These memos reflect her systematic use of her time and other government resources to improve the data at the DNC and the campaign. In her deposition, Scott admitted that, like the June 28, 1994 memorandum, this memorandum was

written on a White House computer and on White House stationery.³⁶⁰ As discussed in section III.D, this use of government resources to benefit the DNC and the Clinton campaign represents a theft of government property, even if White House staff are permitted to use their time to engage in political activity at the White House. There is no evidence that the First Lady, Harold Ickes (who was the recipient of most of these memos), or anyone else did anything to stop it.

Further evidence of the incriminating nature of the portions of this document dealing with the outside databases includes the fact that White House Counsel Jack Quinn, with the involvement of Cheryl Mills, originally produced this memorandum without any of the information regarding outside databases.³⁶¹ The committee views this as an attempt to conceal incriminating information from the committee. Cheryl Mills, who had prepared three memoranda on the scope of permissible political activity, withheld those portions of the documents because she knew that the information withheld would expose that the First Lady had been informed of Marsha Scott's impermissible political activities.

c. The Database as a political project.

Marsha Scott communicated in this memorandum to the First Lady her view that the White House Database was a political project. She identified a career employee on her team as a "closet Democrat," explained that his work on the Database was kept secret, and complained about the other career staff's lack of loyalty to the President.³⁶² She wrote that she found "an inherent conflict in having our entire information management system developed and supervised by people who do not know and may not support the President."³⁶³ She later sent a memorandum to Deputy Chief of Staff Phil Lader complaining about the allegiance of the career technical staff.³⁶⁴ All of these steps suggest that the Database was more than just a White House management tool -- it required political loyalty and secrecy.

B. The Contemporaneous Documentary Evidence is Credible.

The contemporaneous documentary evidence, suggesting that the President and the First Lady knew of, approved of, and continued to be involved in the conversion of White House resources to the DNC and the Clinton/Gore campaign, is very credible. These documents represent the best evidence of the real thoughts and actions of individuals at the time, and they are supported by credible testimony.

In one case, although Marsha Scott testified that she has "no memory of a conversation with the President" regarding the Database other than a passing remark that **she made** to him that she was "working on something to get a social system up,"³⁶⁵ nevertheless, admitting that she had read the WhoDB Requirements Report,³⁶⁶ she did not change its text about the President and First Lady's involvement. This suggests that, at the time, she viewed it as accurate.

In addition, there is no reason to discount invocations of the President's name in these documents. Marsha Scott, who had known the President for many years and appears to have

frequent access to the President, made these invocations. Further, she made them to persons at the highest levels of the White House -- persons who would have reason to know if the invocations were not accurate, including White House Chief of Staff Mack McLarty and Deputy Counsel to the President Bruce Lindsey.

Moreover, one making false invocations is not likely to do so to the very person whose name one is invoking. However, that is exactly what Marsha Scott did. In her January 26, 1994 memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, Scott states “The President and the First Lady want this done. Translating this into action on the part of others is the rub.”³⁶⁷

Finally, Jerry Carlsen, a career employee of the Office of Administration, and Manager of the Systems Integration and Development Branch of the Office of Information Systems and Technology who was asked to lead the White House Database development team, testified that Marsha Scott told him that the Database was a top priority for the President.³⁶⁸ He further testified that he had never heard the President’s authority invoked with respect to another project at the White House.³⁶⁹

The President and the First Lady clearly involved themselves more deeply in projects like the White House data management systems than other Presidents and First Ladies. Of course, they recognized that the Database had a value greater than just running an efficient White House, such as the value of using the Database for other unofficial political purposes. The clear involvement in the development of the Database, the President’s desire to integrate the White House Database with the DNC database, and the circumstances surrounding the distribution of data from the Database (see Section III.B) are compelling evidence that the President and First Lady planned and carried out those plans to develop a database that could be, and was, used for unofficial political purposes.

The President’s encouragement of sharing official resources, such as the White House Database, to benefit the DNC, seconded by his agent, the First Lady, in her support for the development of outside databases referenced in the June 28, 1994 memo, plainly represents the dedication of White House resources to unofficial political activity. There is simply no evidence that the President or the First Lady, having been informed of these activities using White House property, ever did anything to stop them.

V. CONCLUSIONS

The committee has obtained evidence that (1) Deputy Counsel to the President Cheryl Mills perjured herself and obstructed the investigation to prevent Congress and the American public from finding out that the President and the First Lady were involved in the unlawful conversion of government property; (2) the President and the First Lady were involved in the unlawful conversion of government property to the use of the DNC and the Clinton/Gore campaign; and (3) numerous other individuals, including Truman Arnold, Erskine Bowles, and

Marsha Scott were also involved in the unlawful conversion of government property to the use of the DNC and the campaign through the diversion of data and resources.

VI. RULES REQUIREMENTS

A. Committee Action and Vote

Pursuant to clause 2(l)(2)(A) and (B) of House Rule XI, a majority of the Committee having been present, the report was approved by a vote of _____ ayes to _____ nays.

B. Statement of Committee Oversight Findings and Recommendations

Pursuant to clause 2(l)(3)(A) of House Rule XI and clause 2(b)(1) of House Rule X, the findings and recommendations of the Committee are contained in the foregoing sections of this report.

C. Statement on New Budget Authority and Related Items

Pursuant to clause 2(l)(3)(B) of House Rule XI and Section 308(a)(1) of the Congressional Budget Act of 1974, the Committee finds that no new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures result from approval of this report.

D. Statement of CBO Cost Estimate and Comparison

Pursuant to House Rule XI(2)(l)(3)(C) and Section 403(a) of the Congressional Budget Act of 1974, the Committee finds that a statement of Congressional Budget Office cost estimate is not required as this report is not of a public character.

E. Statement of Constitutional Authority

Pursuant to House Rule XI(2)(l)(4), the Committee finds that a statement of Constitutional authority to approve the report is not required as this report is not of a public character.

F. Changes in Existing Law

Pursuant to House Rule XIII(3), the Committee finds that a statement of changes in existing law is not necessary, as the report does not alter existing law.

G. Statement of Committee Cost Estimate

Pursuant to House Rule XIII(7)(a), the Committee finds that a statement of Committee

cost estimate is not necessary as the report is not of a public character.

H. Statement of Federal Mandates

Pursuant to the Unfunded Mandates Reform Act and Section 423 of the Congressional Budget Act of 1974, the Committee finds that a statement of federal mandates is not necessary as this report is not of a public character.

ENDNOTES

1. Handwritten notes of Brian Bailey, Assistant to Deputy Chief of Staff Erskine Bowles, undated, White House document production Bates Stamp No. M 033298. (Hereinafter, document numbers preceded by “M” or “EOP” indicate White House documents.)
2. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), “Recommendation for Design of New Database,” June 28, 1994, M 32433-32434.
3. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), “Recommendation for Design of New Database,” June 28, 1994, (copy inscribed with handwritten notes of the First Lady) M 32438-32439.
4. Draft memorandum from Marsha Scott to Mack McLarty, undated (computer archive date February 11, 1995), M 33054-33057; Memorandum from Marsha Scott to Erskine Bowles and Harold Ickes, November 1, 1994, M 32457-32461 (unredacted copy).
5. The scope of the committee’s investigation is set forth in the July 17, 1997 referral from the Chairman of the House Committee on Government Reform and Oversight, which provides in pertinent part:

[T]he content of the WhoDB and any other database and comparable information repository; its purposes and uses, both planned and implemented; the planning, creation, design, implementation, management of the same; the sources of information that were used, planned or contemplated to be used to populate the same; the use and dissemination of any information at any time contained in any such repository to any person or entity; the use of government time and resources in any of these matters; the knowledge, direction, encouragement, assistance or acquiescence of any person with respect to any of these matters; and any matter that might reasonably lead to the production of relevant evidence concerning these matters.

In addition, the Subcommittee should investigate any attempt, plan, scheme, or other action which would impede or prevent a thorough investigation of these matters, including, but not limited to, nonresponsive or misleading answers, evasive acts, attempts at delay, or unsupported claims of privilege.

Letter from Dan Burton, Chairman, Committee on Government Reform and Oversight, to David M. McIntosh, Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, July 17, 1997. (Hereinafter, letters to or from the Subcommittee Chairman

shall be designated as letters to or from “Chairman McIntosh.”)

6. Memorandum from Cheryl Mills, Associate Counsel to the President, to Marsha Scott, Deputy Assistant to the President and Director of Correspondence and Presidential Messages, January 17, 1994, M 24918-24920 (citing 5 C.F.R. § 2635.704) (emphasis added). 5 C.F.R. § 2635.704 provides, in pertinent part:

(a) *Standard.* An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

(b) *Definitions.* For purposes of this section:

(1) *Government property* includes any form of real or personal property in which the Government has an ownership . . . or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes . . . automated data processing capabilities . . . [and] Government records.

(2) *Authorized purposes* are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

See also 18 U.S.C. § 641, which provides in pertinent part:

Whoever embezzles, steal, purloins, or knowingly converts to his use **or the use of another**, or without authority . . . conveys or disposes of any record, . . . or thing of value of the United States or of any department or agency thereof . . . ; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

Shall be fined under this title or imprisoned not more than ten years, or both

Id. (emphasis added).

7. David Watkins, "Briefing Paper on Databases—Eyes Only," January 31, 1994, M 32467-32472.
8. Letter from Jack Quinn, Counsel to the President, to Chairman McIntosh, June 28, 1996 (emphasis added).
9. Committee deposition of Richard Sullivan, October 22, 1997, p. 17.
10. Handwritten notes of Brian Bailey, undated, M 033298 (all capitals in original).
11. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, October 28, 1997.
12. *Id.*
13. *Id.*
14. *Id.*
15. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), June 28, 1994, M 32433-32434.
16. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, February 27, 1997.
17. *White House Compliance With Committee Subpoenas: Hearings Before the House Committee on Government Reform and Oversight*, 105th Cong., 1st Sess., p. 240 (1997) (testimony of Charles F.C. Ruff, Counsel to the President).
18. Letter from the Majority Members of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs to President William J. Clinton, August 2, 1996.
19. Handwritten notes of Brian Bailey, undated, M 033298.
20. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), June 28, 1994, M 32433-32434.
21. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), June 28, 1994, M 32438-32439 (copy inscribed with handwritten notes of the First Lady).
22. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, March 6, 1997.

23. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, October 28, 1997.

24. *White House Compliance With Committee Subpoenas: Hearings Before the House Committee on Government Reform and Oversight*, 105th Cong., 1st Sess., p. 115 (1997) (testimony of Cheryl Mills, Deputy Counsel to the President).

25. *Id.*, p. 241.

26. Memorandum from Cheryl Mills, Associate Counsel to the President, to Marsha Scott, Deputy Assistant to the President, January 17, 1994, M 24918-24920.

27. *White House Compliance With Committee Subpoenas: Hearings Before the House Committee on Government Reform and Oversight*, 105th Cong., 1st Sess., p. 241 (1997) (testimony of Cheryl Mills, Deputy Counsel to the President).

28. *Id.*

29. Committee deposition of Brian Bailey, February 6, 1998, p. 135.

30. *White House Compliance with Committee Subpoenas: Hearings before the House Committee on Government Reform and Oversight*, 105th Cong., 1st Sess., p. 240 (1997) (testimony of Charles F.C. Ruff, Counsel to the President).

31. Committee deposition of Marsha Scott, February 19, 1998, pp. 90-91.

32. Memorandum from Marsha Scott to Cheryl [Mills], December 16, 1993, M 25101.

33. Committee deposition of Marsha Scott, February 18, 1998, p. 84.

34. *Id.*, p. 89.

35. Committee deposition of Erich Vaden, January 25, 1998, p. 258.

36. *Id.*

37. *Id.*, p. 260.

38. *Id.*, pp. 25-27, 34, 81, 98-99.

39. Committee deposition of Laura Tayman, March 20, 1998, p. 136.

40. *Id.*, pp. 122-124.

41. *Id.*, pp. 50-51.

42. Vaden deposition, pp. 144-145.
43. Committee deposition of Mark Bartholomew, August 15, 1997, p. 73.
44. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, October 28, 1997.
45. *White House Compliance With Committee Subpoenas: Hearings Before the House Committee on Government Reform and Oversight*, 105th Cong., 1st Sess., pp. 114-115 (1997) (testimony of Cheryl Mills, Deputy Counsel to the President).
46. *Id.*, p. 133.
47. *Id.*, pp. 248, 265.
48. *See, e.g.*, Guy Gugliotta, "Lawmaker Suggests Obstruction in Late Delivery of Memo on White House Database," The Washington Post, Friday, October 31, 1997, p. A8; Jeanne Cummings, "White House Retained Memo on Database," The Wall Street Journal, Friday, November 7, 1997, p. A4; Larry Margasak, "Committee Chairman Warns White House Lawyers on Delays," Associated Press, November 6, 1997; John Solomon, "Withheld Documents Say President Wanted Database to Share With DNC," Associated Press, October 30, 1997.
49. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, May 22, 1997.
50. Memorandum from Bernard W. Nussbaum, Counsel to the President, and Cheryl Mills, Associate Counsel to the President, to White House Staff, July 12, 1993, M 033320-033330; Memorandum from Lloyd Cutler, Special Counsel to the President, and Cheryl Mills, Associate Counsel to the President, to Executive Office of the President Staff, April 6, 1994, M 033331-033342; Memorandum from Abner J. Mikva, Counsel to the President, and Cheryl Mills, Associate Counsel to the President, to Executive Office of the President Staff, October 12, 1994, M 033343-033355.
51. *White House Compliance With Committee Subpoenas: Hearings Before the House Committee on Government Reform and Oversight*, 105th Cong., 1st Sess., p. 241 (1997) (testimony of Cheryl Mills, Deputy Counsel to the President) (emphasis added).
52. *Id.* (statement of Rep. Shadegg).
53. *Id.* (testimony of Cheryl Mills, Deputy Counsel to the President).
54. Scott deposition, February 19, 1998, pp. 93-94.
55. Draft memorandum from Marsha Scott to Mack McLarty, undated (computer archive date February 11, 1995), M 33054-33057 (emphasis added).

56. *Id.*
57. *Id.*
58. Memorandum from Marsha Scott to Erskine Bowles and Harold Ickes, November 1, 1994, M 32457-32461 (unredacted copy).
59. Memorandum from Marsha Scott to Erskine Bowles and Harold Ickes, November 1, 1994, M 25673-25677 (redacted copy).
60. Scott deposition, February 18, 1998, pp. 144-146.
61. Letter from Jack Quinn, Counsel to the President, to Chairman McIntosh, June 28, 1996 (emphasis added).
62. “Fund-Raisers’ Use of White House Database Reported,” Los Angeles Times, Thursday, January 30, 1997, p. A1.
63. White House Press Briefing by Mike McCurry and Barry Toiv, January 30, 1997 (12:45 p.m. EST), transcript, p. 9 (emphasis added) (hereinafter “White House Press Briefing”).
64. Letter from Jack Quinn, Counsel to the President, to Chairman McIntosh, June 28, 1996 (“The database is for White House use only; **we prohibit distribution to outside entities or political organizations—including the Democratic National Committee.**”) (emphasis added).
65. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, October 3, 1996, response to question 1(I) (emphasis in original).
66. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, October 28, 1996.
67. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, November 13, 1996.
68. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, January 10, 199[7].
69. On January 17, 1997, Quinn wrote to the Committee that, with respect to the October 3, 1996 questions, “That response is almost complete and I expect it will be finished at the end of next week.” Letter from Jack Quinn, Counsel to the President, to Chairman McIntosh, January 17, 1997.
70. Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President. February 21, 1997.

71. Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, February 27, 1997.
72. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, response to question 1, February 28, 1997.
73. White House Press Briefing, transcript p. 8.
74. *Id.*, pp. 8-9.
75. *Id.*, p. 9.
76. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, January 31, 1997.
77. Letter from Jack Quinn, Counsel to the President, to Chairman McIntosh, February 3, 1997.
78. *Id.*
79. "DNC Statement on the White House Database," January 30, 1997, M 037428.
80. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, February 28, 1997, response to question 1 (emphasis added).
81. "Fund-Raisers' Use of White House Database Reported," Los Angeles Times, Thursday, January 30, 1997, p. A1 (emphasis added).
82. *Id.* (emphasis added).
83. Committee deposition of Truman Arnold, July 18, 1997, p. 124.
84. "Big Donor Calls Favorable Treatment a Coincidence," The Washington Post, Monday, May 25, 1998, p. A1.
85. According to the Washington Post, Schwartz contributed \$25,000 in the 1991-92 election cycle; \$112,000 in 1993-94; \$602,000 in 1995-96; and \$421,000 in 1997-98. *Id.*
86. *Id.*
87. *Id.*
88. *Id.*
89. Memorandum from Martha Phipps to Ann Cahill, "White House Activities," May 5, 1994, EOP 036287. A previous draft of this memorandum which appears to have been

prepared for Martha Phipps (inside the DNC) appears to have been faxed to the White House from the office of the Chairman of the DNC on April 28, 1994. See draft memorandum to Martha Phipps, April 28, 1994, EOP 036294. This earlier draft encompassed only items 1 through 10 of the later memo. It included, however, the following notation: “NOTE: Any money above and beyond the \$40 million goal would require two additional Presidential events outside of Washington, D.C.” *Id.*

90. Notes, undated, EOP 036283-036286. See also White House Production Log, “Documents produced to the Committee on Government Reform and Oversight on June 6, 1997, EOP 32986-36699, Office of the Chief of Staff,” June 6, 1997.

91. Notes, undated, EOP 036286 (emphasis added).

92. “Fund-Raisers’ Use of White House Database Reported,” Los Angeles Times, Thursday, January 30, 1997, p. A1.

93. Handwritten notes, undated, EOP 036285.

94. Sullivan deposition, October 22, 1997, p. 17.

95. *Id.*, p. 19 (emphasis added).

96. *Id.*, p. 17.

97. *Id.*, p. 20.

98. Committee deposition of Jacob Aryeh (“Ari”) Swiller, January 6, 1998, p. 16.

99. *Id.*, p. 17 (emphasis added).

100. Memorandum from David Mercer, Fran Wakem, Ari Swiller, Jennifer Scully, and Peter O’Keefe to [Truman] Arnold and Richard Sullivan, “Proposed Communications & Marketing Ideas: INTERNAL MEMO—NOT FOR DISTRIBUTION,” March 14, 1995, DNC 3236734-3236737, at DNC 3236734.

101. *Id.*, at DNC 3236735.

102. *Id.*

103. *Id.*

104. *Id.*

105. Swiller deposition, p. 69.

106. Swiller deposition, p. 70.

107. *Id.*, p. 92.

108. *Id.*, pp. 79-80.

109. *Id.*, p. 54 (stating that whether or not someone had been to an event at the White House was “a factor” in DNC finance prioritization of names to recommend for invitations); pp. 57-58 (stating that information he received from the White House about prior event attendance and prior invitations to attend events was a factor that would be considered in the prioritization of recommendations for invitations to future White House events).

110. Arnold had been personally asked to become DNC finance Chairman by President Clinton after declining the position when asked by DNC Chairman Don Fowler. Arnold deposition, pp. 63-64. The President’s charge to Arnold was “to raise the money and to make sure it was spent frugally.” *Id.*, p. 64.

111. *Id.*, p. 122.

112. *Id.*, p. 116.

113. *Id.*, p. 116.

114. *Id.*, pp. 123-124.

115. *Id.*, p. 124. *See also id.*, p. 77 (“[P]eople . . . would contribute if they were included and made aware of the need.”).

116. Swiller deposition, p. 95.

117. Memorandum to David Mercer, “Finance Needs,” March 13, 1994, DNC 3236707. This memorandum also states that “[m]ajor contributors or raisers should have the opportunity to dine in the White House Mess. We have not been able to get this done with any consistency, and I do not understand why?” *Id.* The memorandum also outlines the importance of movies, the White House Tennis Courts, and theater tickets. *Id.*

118. The very office in which DNC documents reflecting the DNC fundraising staff’s desire for the information and their complaints about getting it. *See* Production Log, June 6, 1997, EOP 036286.

119. Arnold deposition, pp. 126, 141, 142.

120. White House Automated Verification Entry System (WAVES) records reflect Arnold’s entry for a meeting with Ann Stock on March 24, 1995. *See* WAVES records, March 24, 1995, EOP 040404. This was ten days after the Finance Staff memo was prepared which outlined complaints and sought DNC-White House coordination for servicing DNC donors. Memorandum, March 14, 1995, DNC 3236734-3236737. Ari Swiller testified that the topics in

the memorandum had been discussed at a fundraising staff meeting around March 14, 1995, and that both Richard Sullivan and Truman Arnold appeared to be receptive to the ideas expressed at the meeting. *See* Swiller deposition, pp. 63-64 (“[P]art of this discussion . . . is [that] there was a concern that on certain occasions we were unable to get information about who attended or was invited to White House events.”); p. 66 (“[The discussion would] probably [have] be[en] about the same time period.”); p. 84 (stating that Mr. Sullivan and Mr. Arnold were receptive to the concerns).

121. Arnold deposition, p. 121 (“[I]t was a procedure in place. It seemed to work well”); p. 126 (stating that procedure was in place before Arnold arrived).

122. Arnold deposition, p. 126. Despite the transcript reference on this page (p. 126) to his having met with Marsha Scott, the record makes clear that his meeting was only with Bowles and Stock (not Marsha Scott). *See id.*, pp. 133, 137, 141, 142, 144, 108 (“[I] never met with [Marsha Scott] on official business at the White House.”).

123. Arnold deposition, p. 126 (emphasis added).

124. *See id.*, pp. 126-127:

[Bowles and Stock] were concerned about someone inappropriate having access to the White House. So I assumed responsibility for doing the very best that we could with information that was available to bring equity to the system so it would't be overrun with people who knew how to work the system; they would be legitimate people of good reputation. So we shored up our responsibilities. Not only were we raising money, we were making sure that appropriate people were being invited and included.

Id.

125. Arnold deposition, p. 115 (emphasis added).

126. *Id.*, pp. 133-134 (emphasis added).

127. *Id.*, p. 143 (emphasis added).

128. *Id.*, p. 122. *See also id.*, p. 137. At the meeting with Bowles and Stock, neither told Arnold that there was **any** information which the White House could not provide to the DNC. *Id.* However, Arnold did testify that “[t]he ground rules were discussed that there would be no financial information across those lines. The White House didn't want to know it, was not allowed to know it. Whether it was legal or policy, I'm not sure.” *Id.*

129. Committee deposition of Judith Ann Stock, February 20, 1998, pp. 126-128.

130. *Id.*, pp. 127-128.
131. Committee deposition of Erskine Bowles, May 5, 1998, pp. 53-54.
132. *Id.*, p. 58.
133. *Id.*, p. 54.
134. *Id.*, pp. 55-56.
135. Bailey deposition, p. 13 (“[F]rom September 1994 until November 1995, I am not sure of the exact day, I worked at the White House Chief of Staff’s Office.”).
136. Arnold deposition, pp. 122-124.
137. *Id.*, p. 123-124.
138. Stock deposition, pp. 33-34.
139. Committee deposition of Brooke Stroud, November 4, 1997, p. 47.
140. *Id.*, pp. 52-55.
141. *Id.*, p. 93.
142. *Id.*, p. 70. When DNC offices wanted to know who had “made the cut” or been included on the invitation list to an upcoming event, Stroud called and obtained that information from Kim Widdess. *Id.* Stroud thereafter passed on the information to the DNC requestor. *Id.* See also *id.*, p. 71 (“[I]f they were really on the ball, they were able to fax over a list that said who was included. But that was rare.”); p. 77 (“Sometimes I never—never heard back at all. Sometimes somebody would want to know just about one person to make sure the one person off the list had been selected. And sometimes an actual list would be sent over that said who had been invited.”).
143. *Id.*, p. 78 (“[I]nconsistently, again, a list may or may not be sent over [from the White House to the DNC] afterward. . . . But it was very rare.”). Such lists were sent to Brooke Stroud and were apparently also sent to DNC Finance Director Richard Sullivan. *Id.*, p. 79. Sullivan nevertheless obtained additional such White House lists, for Stroud saw them in Sullivan’s office. *Id.* Stroud could not recall how many such lists she received; she testified that she filed them in her office. *Id.*, p. 80. When the questioning turned to the location of her files, Stroud then said, “I might have thrown them away, I might have kept them. I don’t really know.” *Id.*, p. 81.
144. Stock deposition, p. 56. She noted that the **only** instances in which White House lists were released were for **State Dinners**, but **only** for publication in the Washington Post **after the dinner took place**. *Id.*, pp. 56-67.

145. *Id.*, p. 58 (emphasis added). Stock gave every indication that providing the information to anyone was done only with the approval of the President or First Lady based upon a demonstrated need by a senior White House official of the highest level: “It went to President and Mrs. Clinton, and on occasion if the Chief of Staff asked to see something right before the event occurred, like an hour or two before it occurred, but we did not circulate lists through the White House” *Id.*

146. *Id.*, p. 59 (emphasis added).

147. *Id.* (emphasis added).

148. *Id.*, p. 60.

149. Committee deposition of Richard Sullivan, March 5, 1998, pp. 40-41, 81-86.

150. Committee deposition of Karen Hancox, December 18, 1997, pp. 55-56.

151. Swiller deposition, pp. 57, 60.

152. *Id.*, pp. 99, 104.

153. Stroud deposition, November 4, 1997, p. 41.

154. Letter from Jack Quinn, Counsel to the President, to Chairman McIntosh, June 28, 1996.

155. White House Press Briefing, transcript pp. 6-7.

156. White House Press Briefing, transcript pp. 6, 9.

157. Sullivan deposition, October 22, 1997, p. 92. Sullivan, the DNC Finance Director, testified that he did not believe this happened with respect to any of the DNC “coffees,” but that:

I don’t rule out the fact that in putting together the list of recommended invitations for the dinners or receptions or lunches that were held at the White House or DNC-sponsored, that, again, Ari [Swiller] might not have made an inquiry to the Social Secretary’s office. I don’t remember specific instances, but I can’t tell you definitely, no, because that could have happened.

Id., p. 93. Sullivan also stated: “I don’t rule out that he may have made a call or two or three as they related to the lunches or receptions or dinners.” *Id.*, p. 95. Furthermore: “I have a very, very vague recollection that [Ari Swiller] may have made a call in reference to an individual as we put together the list for a [DNC-sponsored] dinner or a lunch.” *Id.*, p. 96.

158. Arnold deposition, pp. 120-121. Arnold testified as follows:

Q. Did you use that same process with those kinds of events?

A. Yes.

Q. Did you use them for—let me make sure I understand. You used them **for all the DNC events** that you were involved in?

A. Right.

Mr. Ballen. Did he use what?

Mr. Ausbrook. That process of vetting the list and screening them with the White House.

The Witness. The number of times in attendance previous. The Social Office would tell us how many times they had been there. The staff did those. It was a procedure in place. It seemed to work well, because during this period of time there were no improprieties of anyone having attended or any problem being made, to my knowledge.

Id.

159. Swiller deposition, p. 21 (“I don’t recall ever drawing a distinction [between official White House events as opposed to DNC-sponsored events at the White House].”). *See also id.*, p. 23 (“Again, you’re drawing a distinction I was not familiar with when I was at the DNC, of what was a DNC-sponsored and what was official I didn’t know of such a distinction at the time. When it would come to submitting names, I would review a list . . . [o]r I would submit a short list of names [which went to the White House].”); p. 24 (no distinction in his mind between official White House events and DNC-sponsored events).

160. *Id.*, p. 20 (emphasis added).

161. *Id.*, p. 36. Swiller participated in sending DNC names for both official events and DNC-sponsored events at the White House. *See id.*, pp. 21, 37.

162. Stock deposition, pp. 30-33. White House staff usually prepared and mailed written invitations for DNC-sponsored events taking place at the White House. *Id.* In the case of “last minute” invitations, White House personnel spent time telephoning from the DNC list to extend invitations. *Id.*

163. *Id.*, p. 28 (“[W]e would put [the list] into the White House Database to create a calligrapher’s list so that invitations could be addressed. Those invitations were sent out.”). Stock testified that the process was the same for both political events, including DNC-sponsored events, and official events. *Id.*, p. 31. *See also* Committee deposition of Kimberly Widdess, February 24, 1998, p. 28 (“The [White House] database is used when we have a list of people that we are going to invite. We enter their names and addresses into the database and then it—that information is then printed out on a list that the calligraphers write the invitations off of “); p. 29 (“Most often, the invitations are sent—we have hard copy invitations and an actual card that is sent out to people.”).

164. Stock deposition, p. 28 (“[W]e would put [the list] into the White House Database to create a calligrapher’s list so that invitations could be addressed. Those invitations were sent out.”). Stock testified that the process was the same for both political events, including DNC-sponsored events and for official events. *Id.*, p. 31. *See also* Widdess deposition, p. 28 (“The [White House] database is used when we have a list of people that we are going to invite. We enter their names and addresses into the database and then it—that information is then printed out on a list that the calligraphers write the invitations off of, . . . “); p. 29 (“Most often, the invitations are sent—we have hard copy invitations and an actual card that is sent out to people.”).

165. Widdess deposition, p. 28 (“[T]hen responses come to the office [of the Social Secretary], people responding to the event. That information is entered into the computer with their dates of birth and Social Security number.”).

166. *Id.*, pp. 29-30 (stating that, prior to installation of White House Database, a DOS-based computer system performed a similar function).

167. Stock deposition, p. 87 (“WhoDB and the previous [White House computer system in the Social Office] generated exactly the same reports.”). *See also* Facsimile from Judy Spangler, White House Office of the Social Secretary, to Jennifer Scully, DNC, April 15, 1994, DNC 3058341-3058351 (print-out from White House Database reflecting status of persons invited to an upcoming April 19, 1994 DNC Trustee Reception at the White House, as of April 15, 1994 at 1:00 p.m).

168. *See* Widdess deposition, pp. 30-31:

You can see the entire guest list on the screen so you don’t have to waste paper printing names out. It gives you information as to—immediately gives you information as to how many responses you have, how many responses you are waiting on. It is a much better system for us to use in the office for executing events. . . . The only way the old system you could see the guest list is if you printed it out. . . . The WhoDB lets you see the entire guest list and who their guest is and **if they have accepted, responded,**

regretted or whatever. The other system you could only see one record.

Id. (emphasis added).

169. Swiller deposition, p. 36. Swiller participated in sending DNC names for both official events (p. 37) and DNC sponsored events at the White House (p. 21). *Id.*, pp. 21, 37.

170. Facsimile from Judy Spangler, Office of the Social Secretary, Executive Office of the President, to Jennifer Scully, DNC, April 15, 1994, DNC 3058341-3058351 (11-page White House computer report dated April 15, 1994 reflecting the names of invitees and their acceptance-regret-no response status as of 1:00 p.m. on that date for an **upcoming** DNC Trustee Reception to take place at the White House).

171. *See id.* Ari Swiller, of the DNC Finance Division, testified that he saw such White House-generated lists which had been faxed to the DNC “every couple of months” during the time period 1993 through 1997, and that he had personally received such faxed lists from persons in the White House Social Office, namely Judy Spangler, Tracy LeBreque and perhaps Kim Widdess. Swiller deposition, pp. 18-19. *See also id.* at pp. 29-30 (received lists **both before and after events**).

172. Swiller deposition, pp. 31-32 (stating that DNC personnel, after identifying persons who had not responded, telephoned such persons to remind them of the invitation and to inquire whether they wished to attend). Swiller personally made “dozens” of such calls connected with at least two events. *Id.*

173. *See* Widdess deposition, p. 115 (stating that White House employees “frequently” contacted the DNC to obtain telephone numbers of non-responding persons so that White House employees could make follow-up telephone calls to such persons); Stock deposition, p. 87 (“You have a slight problem with this list. It is April 15th, and the event is April 19th, and no one has responded, which is why they are sending the list to find out if anybody has phone numbers to figure out how to call people and see if they either—my guess is this was not an invitation that went out on an invitation list, and it was a phone list, and they have bad phone numbers, and it was 108 on the 15th, and it is 3-1/2 days later. Basically you are looking at a completely unresponsive list.”).

174. Memorandum from Minyon Moore to Chair [Deborah] DeLee, Bobby Watson, Laura Hartigan, Jill Alper, and Vida Benavides, “Upcoming Holiday Events at the White House,” December 9, 1994, DNC 0908516-0908663.

175. Letter from Lanny Breuer, Special Counsel to the President, to Mildred Webber, Staff Director, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, June 2, 1997.

176. See letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, February 28, 1997; Affidavit of Carl Mecum, September 4, 1998.

177. “Economic Conference List—Southern Region, Invitation List of Panelists and Observers as of 3/21/95,” March 21, 1995, DNC 3236693-3236694, 3236696-3236699, 3236712.

178. White House Office of Public Liaison, “APA Opinion Leaders,” DNC 0626453-0626472; letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, June 6, 1997.

179. Memorandum from Brooke Stroud to Alice Pushkar, Maggie Williams, and Jim Dorskind, November 15, 1994, DNC 1019684-1019685.

180. See Memorandum from Cheryl Mills to Alice Pushkar, “1995 Holiday Card Project,” August 14, 1995, M 24915-24917.

181. Handwritten notes of Erich Vaden, undated, M 20536 (“MS . . . —Christmas List as vehicle to get out? . . . —Meeting w/Cheryl.”).

182. Vaden deposition, p. 183. Apparently, Scott also advanced the argument that the White House could provide the DNC the final list because they were paying for the mailing. *Id.* (referencing *de minimis* language in Cheryl Mills’s Memorandum, cited *supra* n.6 (M 24918-24920)).

183. Vaden deposition, p. 183.

184. Handwritten reply inscribed on copy of Memorandum from Brooke Stroud to Tara Burns, “X-mas List,” June 17, 1994, DNC 1019608. Marsha Scott also suggested that the DNC could come to the White House and review lists. Memorandum from Marsha Scott to Erskine Bowles, “Meetings To Be Held While I Am Gone,” October 28, 1994, M 33082-33083.

185. Stroud deposition, November 4, 1997, p. 133.

186. *Id.*, pp. 142-143.

187. Stroud deposition, November 18, 1997, pp. 36-37. See also *id.*, p. 106 (“White House lists were uploaded into the DNC system. . . .”); Memorandum from Brooke Stroud to Alice Pushkar and Maggie Williams, November 9, 1994, DNC 1020078; Memorandum from Brooke Stroud to Alice Pushkar, Maggie Williams, and Jim Dorskind, November 15, 1994, DNC 1019684-1019685. The only two persons at DNC capable of entering the tape into the AS 400 were Al Hurst and Bryan Daines. Neither has a recollection of having done so. See Committee deposition of Al Hurst, March 13, 1998, p. 40; Committee deposition of Bryan Daines, April 6, 1998, p. 29.

188. Stroud deposition, November 4, 1997, p. 169; Stroud deposition, November 18, 1997, p. 30.

189. Despite Brooke Stroud's recollection that she believed that she had boxed the printout at the DNC to send to Archives and despite the specific request for its production, the DNC has not produced it. Also unaccounted for is a "Sampling" or partial printout of the merged lists from Saturn which was delivered to Stroud at the DNC. Stroud testified that she did not recall what had happened to the sample printout. Stroud deposition, November 18, 1997, pp. 10-12, 28-29.

190. Sullivan deposition, March 5, 1998, pp. 44-46.

191. Stroud deposition, November 18, 1997, pp. 10-11.

192. *Id.*, pp. 28-29.

193. Saturn documents 0000607, 0000005, 0000006; Stroud deposition, November 18, 1997, p. 100. *See also* Memorandum from Brooke Stroud to Alice Pushkar and Maggie Williams, November 9, 1994, DNC 1020078 ("White House lists are contained on multiple discs . . . Saturn delivered that list to the DNC today, we will begin manual de-duping immediately. . . . Saturn will deliver [disks 6 & 7] on Friday [November 11, 1994]."); Memorandum from Brooke Stroud to Alice Pushkar, Maggie Williams and James Dorskind, November 15, 1994, DNC 1019684-1019685 ("Disks Six and Seven have been uploaded. We will complete clean-up no later than Friday. . . .").

194. Stroud deposition, November 18, 1997, p. 36.

195. Stroud deposition, November 4, 1997, pp. 164-67.

196. Daines deposition, p. 29 ("Just Al [Hurst] and myself [were the persons at the DNC in 1994 who had the expertise and the know-how to upload data from a magnetic tape into the DNC computer so that the data could be worked on.]").

197. *See* Daines deposition, p. 24 (no recollection of volunteers working on 1994 Holiday Card list on any weekend in 1994); p. 37 (no recollection of volunteers being asked to modify data in a database at DNC); p. 40 (no recollection of data being received in November 1994 from an outside entity to which Brooke Stroud was granted access); p. 40 (no recollection of having met Sharon Lewis); p. 44 (even after being shown documents reflecting disk deliveries from Saturn, no recollection of DNC receiving such disks).

198. Hurst deposition, p. 41 ("No, I don't recall any contact with Brooke Stroud over Veterans Day weekend."); *id.* ("I worked at the DNC on Saturdays and Sundays, but it is not my practice to."); *id.* ("No, I don't recall working on Veterans Day Weekend of 1994."). Hurst had no recollection of any of events concerning the delivery of tapes over the Veterans Day weekend or the use of White House volunteers in that effort. *Id.*, p. 100 ("I never received any disks.").

199. Hurst deposition, p. 41 (“I worked at the DNC on Saturdays and Sundays, but it is not my practice to.”). Daines deposition, p. 24 (“No, I very rarely was there weekends.”).

200. Committee deposition of Joseph Birkenstock, June 2, 1998, p. 114.

201. See Memorandum from Brooke Stroud to Alice Pushkar, Maggie Williams and James Dorskind, November 15, 1994, DNC 1019684-1019685 (“[T]he de-duped list will be returned to Saturn Corporation to be placed in a postal-presorted order [T]he laser house . . . will begin [lasering, stuffing and stamping] . . . as soon as they receive the tape from Saturn. . . .”); letter from Saturn Corporation to Eric Sildon, December 22, 1994, Saturn documents 0000604-0000607 (“The output tapes from the DNC were sent back to Saturn in the Saturn format for presort processing. . . . Tapes [were] received back from the DNC [on November 30, 1994]”).

202. Letter from Saturn Corporation to Eric Sildon, December 22, 1994, Saturn documents 0000604-0000607 (“4. The presort processing was accomplished by Saturn and a tape was sent to The Last Word for imaging on the envelopes; . . . [Attachment:] Tapes shipped to the Last Word . . . 12/02/94.”).

203. Letter from Saturn Corporation to Eric Sildon, December 22, 1994, Saturn documents 0000604-0000605 (“Saturn received the 3 pre-sorted files back from The Last Word on Wednesday, December 14.”).

204. Letter from Saturn Corporation to Brooke Stroud, December 20, 1994, Saturn document 0000633 (discussing the “problem” with the tape, “based on our meeting at the DNC on Friday December 16, 1994.”).

205. Letter from Saturn Corporation to Eric Sildon, December 22, 1994, Saturn Document 0000604-0000607 (“On Friday [December 16] after your call, we identified the problem in talking with Al [presumably Al Hurst] at your offices and came over to review the problem.”).

206. Hurst deposition, p. 28 (“[The only contact with Saturn was] when it was discovered there was a problem with the tape.”); p. 30 (“[T]hey brought a tape back to us prior to the mailing of the Christmas cards when there was a problem.”); pp. 37-38 (“It is my recollection that Brooke Stroud called me upstairs and she was up there talking to the people from Saturn.”).

207. *Id.*, p. 30 (“[T]hey brought a tape back to us prior to the mailing of the Christmas cards when there was a problem.”); p. 32 (“Q. The tape that came back from Saturn that was associated with the problem, what, if anything, was done with that tape at the DNC when you all received it back? A. I uploaded it to a secure place on the AS400 We uploaded it to a library on the AS400 that only a programmer would have the capacity to look at.”).

208. *Id.*, pp. 37-38 (“The only thing we did with it was to view it on the screen to see which records had problems with them . . . [The viewing was done by] myself and Brooke Stroud

. . . [but no one else] that I remember.”).

209. *Id.*, p. 35.

210. *Id.*, pp. 52-53 (“[S]he wanted a tape made of the problem data.”).

211. *Id.*, p. 54 (“I have no idea what she did with the tape.”); *id.* (“I don’t recall ever seeing that tape—ever again.”).

212. Hurst deposition, p. 53.

213. *Id.*, p. 45.

214. *Id.*, p. 79.

215. *Id.*, p. 82 (“I deleted the file on the system. The data was now on the tape.”); *id.* (“I put it on the tape rack . . . in the computer room of the DNC. . . [and] labeled [the tape] S-A-T-M-S-T.”). Hurst testified that while he believes the tape remained on the tape rack until approximately March 1997, he acknowledged that “[a]nyone who came into the computer room could have pulled it off the rack,” and that, other than on weekends, the room generally was not locked. *Id.*, pp. 83-84.

216. *Id.*, p. 16.

217. *Id.*, p. 46 (“I don’t recall asking anyone.”).

218. Hurst deposition, p. 45.

219. *Id.*, p. 62 (“No, I don’t recall [the volume of information that was in the file].”). *See also id.*, p. 85 (“I don’t remember what the size of the file was and the number of records.”). Hurst’s failure to recollect is particularly odd in light of his specific recollections of seemingly unimportant details, as well as the fact that the volume of the data—“taking up too much space”—was the very reason he articulated for deciding to delete the file in the first place. Further, he testified that there were but two criteria which he employed in deciding to delete files, one of which was the “size” or volume of the file. *Id.*, p. 45. The volume of the file was an important factor, not only with respect to the deletions in January 1996, but also with respect to copying the data onto a tape. As Hurst testified, the time it took to make tape copies of the data depended upon the volume of data: “A larger tape would take longer to upload than a smaller tape would, because of the number of fields in the file and the total number of records in the file.” *Id.*, pp. 74-75. Hurst, in fact, dealt with this tape at least five times: *first*, when he uploaded it into the DNC computer; *second*, when he made a copy tape for Brooke Stroud; *third*, when he decided to delete the data (using his volume criterion); *fourth*, when he made another copy tape prior to deleting the file; and *fifth*, in March 1997, when he was given the tape by DNC counsel to copy yet again.

220. Hurst deposition, p. 46.
221. *Id.*, p. 68 (“No, I don’t recall looking—I don’t recall checking that criteria.”).
222. *Id.*, p. 68 (“No, I don’t know why I didn’t check that criteria.”).
223. *Id.*, p. 80 (“I don’t remember why I made the copy [in January 1996]. I don’t remember what drove me to make the copy of that tape.”). *See also id.*, p. 81 (“I made the copy of the tape, and, I don’t remember why I made a copy, but after I made the copy I deleted [the file] off the system.”).
224. *Id.*, p. 117; *see id.* at 114 (“I recall another tape came from Saturn *after* all the Christmas cards were mailed.”) (emphasis added).
225. *Id.*, pp. 34-35 (“I put it on the tape rack . . . in the computer room at the DNC. . . .
Q. What were you [just] talking about that you had put on the tape rack? A. The tape that we received from Saturn *after* the Christmas cards were mailed.”) (emphasis added);
226. Hurst deposition, p. 62-63, 114.
227. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, February 28, 1997, response to question 1.
228. Committee deposition of Alice Pushkar, January 13, 1998, pp. 49, 163.
229. Memorandum from Alice J. Pushkar to Cheryl Mills, August 3, 1995, M 033308-033309 (“The DNC has a tape of the entire 1994 holiday card list.”).
230. Mills immediately told Pushkar verbally that the DNC should not have the tape. That specific response was recorded by Pushkar in her contemporaneous handwritten notes of that conversation which she entered on her copy of her memorandum to Mills. Handwritten notes of Alice Pushkar, undated, M 33308 (“Shouldn’t have tape”). Pushkar testified that after receiving the memorandum, “[Cheryl Mills] immediately called me back and said, you know, the list should have been returned to the White House.” Pushkar deposition, p. 95. *See also id.*, pp. 113-114 (“I just recall her saying . . . they shouldn’t have the tape”); p. 114 (Mills understood Pushkar was going to try to get the tape back).
231. Vaden deposition, pp. 225-226.
232. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, October 3, 1996.
233. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, October 28, 1996.

234. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, November 13, 1996.
235. Letter from Chairman McIntosh to Jack Quinn, Counsel to the President, January 10, 199[7].
236. On January 17, 1997, Quinn wrote to the Committee that, with respect to the October 3, 1996 questions, "That response is almost complete and I expect it will be finished at the end of next week." Letter to Chairman McIntosh from Jack Quinn, Counsel to the President, January 17, 1997.
237. Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, February 21, 1997.
238. Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, February 27, 1997.
239. White House Press Briefing, transcript p. 13.
240. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, February 28, 1997, response to question 1.
241. *Id.*
242. Pushkar deposition, pp. 47-48.
243. *Id.*, pp. 48, 163-164.
244. Stroud deposition, November 18, 1997, p. 36.
245. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, July 15, 1997.
246. Memorandum from Brooke Stroud to Alice Pushkar, Director of the Office of the First Lady's Correspondence, and Maggie Williams, Chief of Staff to the First Lady, November 9, 1994, DNC 1020078.
247. Memorandum from Brook Stroud to Alice Pushkar, Maggie Williams, and James Dorskind, November 15, 1994, DNC 1019684.
248. Stroud deposition, November 18, 1997, pp. 6-7, 34-37.
249. *Id.*, pp. 15-23. *See also* Memorandum from Brooke Stroud to Alice Pushkar, Maggie Williams and Jim Dorskind, November 15, 1997, DNC 1019684.
250. Stroud deposition, November 18, 1997, p. 49.

251. *Id.*, p. 50.

252. Handwritten notations of Alice Pushkar, undated, M 033308-033309 (reflecting Mills's responses to August 3, 1995 memorandum from Alice Pushkar to Cheryl Mills). *See also* Pushkar deposition, pp. 113-116 (stating that Cheryl Mills informed her that "[the DNC] shouldn't have the tape.").

253. Memorandum from Cheryl Mills to Alice Pushkar, "1995 Holiday Card Project," August 14, 1995, M 24915-24917 at M 24916 (emphasis added).

254. Pushkar deposition, pp. 139-140. Similarly, Brooke Stroud could not recall giving computer personnel at the DNC any instructions with respect to limitations on access, use or copying of the White House data. Stroud deposition, November 18, 1997, p. 87.

255. Memorandum from Cheryl Mills to Alice Pushkar, "1995 Holiday Card Project," August 14, 1995, M 24915-24917 at M 24917 ("Despite the use restrictions we impose on the DNC, for appearances [sic] purposes, the vendor should provide either of those two lists [White House portion and final merged lists] only to the White House."). It is not at all clear whether she was suggesting that the "use restrictions" were only for appearances, or whether having the tapes returned to the White House was only for appearances.

256. Memorandum from Cheryl Mills to Alice Pushkar, "1995 Holiday Card Project," August 14, 1995, M 24915-24917 at M 24915.

257. By a letter of October 9, 1997, the Committee requested the following:

Any and all contracts, and, or, "use agreements," in whatever form, drafted, negotiated or entered into between the White House or Executive Office of the President and any vendor, the Democratic National Committee, the Clinton-Gore Campaign, the Clinton-Gore reelect committee, or other entities with respect to the planning, implementation or production of the 1993, 1994, 1995 and 1996 "Holiday Card Project." Such contracts, or "use agreements" are referenced in Cheryl Mill's [sic] August 14, 1995 memorandum (M 24915 - M 24917). Documents provided pursuant to this request should include, but not be limited to, those referred to in that memorandum. Those referred to in that memorandum should be identified as such in your response.

Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, October 9, 1997.

258. By Subpoena, the following records were compelled to be produced:

Any and all contracts, and, or, "use agreements," in whatever form,

drafted, negotiated or entered into between the White House or Executive Office of the President and any vendor, the Democratic National Committee, the Clinton-Gore Campaign, the Clinton-Gore reelect committee, or other entities with respect to the planning, implementation or production of the 1993, 1994, 1995 and 1996 “Holiday Card Project.”

Subpoena of Charles F.C. Ruff, December 16, 1997 (originally returnable January 15, 1998), item 2(a).

259. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, November 19, 1997, response to question 2.

260. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, November 19, 1997, response to question 2.

261. Subpoena of Charles F.C. Ruff, December 16, 1997 (originally returnable January 15, 1998), item 2(b). *See also id.*, item 2(c).

262. *See* Memorandum from Dan Burkhardt to Marsha Scott, “Holiday Card Numbers,” November 10, 1993, M 034954 (“White House[:] . . . 33,000 . . . 33,000”).

263. *See* Memorandum from Dan Burkhardt, through Marsha Scott, to Mack McLarty, “Holiday Cards,” December 2, 1993, M 034960-034962 at M 034961-034962 (“White House List[:] . . . 43,000”).

264. The Clinton-Gore campaign committee is the owner of PeopleBase. *See* Memorandum from Dan Burkhardt to Marsha Scott and Jim Dorskind, “Holiday Card Problem Areas and Considerations,” August 29, 1993, M 034907-034909 at M 034908.

265. Memorandum from Marsha Scott to Maggie Williams, “Holiday Cards,” November 9, 1993, M 034950 (“The internal White House holiday card list went to Little Rock last night. Malone, Inc. will work with it and other lists it maintains to come up with the agreed upon database of 250,000 names.”).

266. Affidavit of Carl Mecum, April 29, 1998, ¶¶ 5, 7, 16.

267. *See* Memorandum from Dan Burkhardt to Marsha Scott, “Holiday Card Wrap-Up,” January 13, 1994, M 034980-034982 at M 034981 (“I already have requested a copy of the master list from Malone so that we can review and eliminate duplicates. That list should arrive by week’s end.”).

268. Letter from Daniel W. Burkhardt, Special Assistant and Counsel to the Director of Correspondence and Presidential Messages, to Monica Breedlove, W.T. [sic] Malone, Inc., March 2, 1994, M 034984 (directing that the information be used to correct the campaign

database). Burkhardt took this action despite his own documented knowledge that such action was unlawful. *See* Memorandum from Dan Burkhardt to Marsha Scott, “Holiday Card Lists,” December 7, 1993, M 034965 (“[I]t has always been my understanding from White House counsel that the White House could not provide the resources to modify or correct lists coming from Malone or the DNC. . .”).

269. *See* Memorandum from Dan Burkhardt to Marsha Scott, “Holiday Card Wrap-Up,” January 13, 1994, M 034980-M 034982 at M 034980 (“[A]s of [January 13, 1994,] we have received only 8,000 returns.”).

270. Letter from Daniel W. Burkhardt, Special Assistant and Counsel to the Director of Correspondence and Presidential Messages, to Monica Breedlove, W.P. Malone, Inc., March 2, 1994, M 034984.

271. Memorandum from Lyn Utrecht, “Database at W.P. Malone,” March 9, 1995, Attachment 2, “Database Status Report (Summary),” M 036558-036560 at M 036560 (“Address corrections entered as received to include 1993 Christmas card mailings and DNC summer, 1994 mailing”). The more detailed memorandum discussing this fact was withheld from the Committee by the White House. In a letter to the Committee of March 13, 1998, the White House stated that the memo was withheld because it was “subject to attorney-client privilege held by Clinton-Gore, and ha[s] not been produced.” Letter from Lanny Breuer, Special Counsel to the President, to Keith Ausbrook and Jay Apperson, Counsels to the Committee, March 13, 1998.

272. Memorandum from Cheryl Mills, via Matt Moore, to David Watkins, October 28, 1993, M 034826-034827 at M 034826.

273. *Id.* (“Initially, this [White House] list was going to be provided to the Democratic National Committee (‘DNC’).”).

274. *See* letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, March 2, 1998, p. 1, item 2 (seeking production of this memorandum); letter from Lanny A. Breuer, Special Counsel to the President, to Keith Ausbrook and Jay Apperson, Counsels to the Committee, March 13, 1998, response to item 2 (“[W]e have not located a copy of this document.”).

275. E-mail Memorandum from Matthew L. Moore to Cheryl Mills, “Christmas Card Lists,” October 20, 1993, M 034831.

276. *See* letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, March 2, 1998, p. 1, item 2 (seeking production of this memorandum); letter from Lanny A. Breuer, Special Counsel to the President, to Keith Ausbrook and Jay Apperson, Counsels to the Committee, March 13, 1998, response to item 2 (“We have not located a copy of this document.”).

277. E-mail Memorandum from Matthew L. Moore to Cheryl Mills, "Christmas Card Lists," October 20, 1993, M 034831 (emphasis added).
278. Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, March 2, 1998, pp. 1-2, item 5.
279. Letter from Lanny A. Breuer, Special Counsel to the President, to Keith Ausbrook and Jay Apperson, Counsels to the Committee, March 13, 1998, response to item 5.
280. Letter from Chairman McIntosh to Charles F.C. Ruff, Counsel to the President, March 2, 1998, p. 2, item 6.
281. Letter from Lanny A. Breuer, Special Counsel to the President, to Keith Ausbrook and Jay Apperson, Counsels to the Committee, March 13, 1998, response to item 6.
282. Memorandum from Cheryl Mills, via Matt Moore, to David Watkins (cc: Dan Burkhardt), October 28, 1998, M 034826-M 034827 at M 034826 (emphasis added).
283. *See* Memorandum from Dan Burkhardt to Marsha Scott and Jim Dorskind, "Holiday Card Lists," August 29, 1993, M 034894-034898, at 034896.
284. Memorandum from Dan Burkhardt, via Marsha Scott, to Mack McLarty, "Holiday Cards," December 2, 1993, M 034960-034962 at M 034961.
285. Memorandum from Dan Burkhardt, through Marsha Scott to Mack McLarty, "Holiday Cards," December 2, 1993, M 034960-034962 at M 034961-034962.
286. *See* Memorandum from Dan Burkhardt to Marsha Scott and Jim Dorskind, "Holiday Card Lists," August 29, 1993, M 034894-034898 at M 034897.
287. Memorandum from Cheryl Mills, via Matt Moore, to David Watkins, "Holiday Greetings Cards II," October 28, 1993, M 034826-034827 at M 034826.
288. Memorandum from Cheryl Mills to Dan Burkhardt, "Holiday Greeting Card Project," August 11, 1993, M 034899 (emphasis added).
289. Memorandum from Daniel W. Burkhardt, through Marsha Scott, to Cheryl Mills, "Democratic National Committee participation in Holiday Card Project," August 6, 1993, M 034893.
290. Memorandum from Helen Dickey to Kelly Crawford, October 17, 1994, M 034692.
291. White House telephone call log, "PHONE CALLS CONCERNING POTUS AND THE ADMINISTRATION, LOG START DATE 1/8/96, LOG END DATE 1/26/96," M 034780.

292. Cover note and list from Kelly Crawford to Monica Breadlove, July 27, 1993, M 036286-036301.
293. *See supra* notes 50-51 (regarding Nussbaum, Cutler, and Mikva memoranda).
294. Letter from Charles F.C. Ruff, Counsel to the President, to Chairman McIntosh, May 22, 1997; Scott deposition, February 19, 1998, pp. 94-102.
295. Confidential Memorandum from Marsha Scott to Harold Ickes, Bruce Lindsey (cc: the First Lady), "Recommendation for Design of New Database," January 28, 1994, M 32433-32434 (emphasis added).
296. Scott deposition, February 19, 1988, p. 83 ("Q. And who on your team was discussing this with the DNC? A. . . . It was Erich Vaden, it was myself, and it was Mark Bartholomew."); Vaden deposition, pp. 256-257 ("I considered [all work related to WhoDB] to be official duties . . .").
297. Committee deposition of Jerry R. Carlson, August 28, 1997, pp. 60-62.
298. *Id.*, pp. 68-69.
299. Committee deposition of Mark Bartholomew, September 16, 1997, pp. 40-43; Committee deposition of Karl H. Heissner, September 9, 1997, pp. 59-62.
300. Heissner deposition, September 9, 1997, p. 61.
301. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), "Recommendation for Design of New Database," June 28, 1994, M 32438-32439 ("My team and I are also engaged in conversations with the DNC about their 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 [L]et 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 close another system for our specific uses later on.").
302. *Id.*
303. *Id.*
304. *See* Affidavit of Carl Mecum.
305. *Id.*, ¶ 7.
306. Memorandum from Marsha Scott to Harold Ickes, "Database Outside WH," May 31, 1994, M 036280.

307. Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 32463-32466 at M 32463 (emphasis added).
308. See Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 25634-25637 at M 25634.
309. Meeting agenda, February 2, 1994, M 33044.
310. Unidentified note, December 6, 1994, M 33181.
311. *Id.*
312. Memorandum from Harold Ickes to Leon Panetta and Evelyn Lieberman, May 17, 1996, M 33215-33219 at M 33217 (reflecting approval of new job description for Marsha Scott).
313. Committee deposition of Harold Ickes, March 12, 1998, pp. 50, 122.
314. *Id.*, p.123.
315. *Id.*, p. 51.
316. *Id.*, p. 57.
317. Memorandum from Marsha Scott to the First Lady and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 32463-32466.
318. Letter from White House counsel Charles F.C. Ruff to Chairman McIntosh, February 28, 1997, response to question 2.
319. Handwritten notes of Brian Bailey, Assistant to Deputy Chief of Staff Erskine Bowles, undated, M 033298.
320. Bailey deposition, p. 13 (testifying that he was employed in the White House Chief of Staff's Office from September 1994 to November 1995).
321. Handwritten notes of Brian Bailey, Assistant to Deputy Chief of Staff Erskine Bowles, undated, M 033298.
322. Memorandum from Cheryl Mills, Associate Counsel to the President, to Marsha Scott, Deputy Assistant to the President, January 17, 1994, M 24918-24920.
323. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), "Recommendation for Design of New Database," June 28, 1994, M 32433-32434.
324. *Id.*, at M 32434.

325. Confidential Memorandum from Marsha Scott to Harold Ickes and Bruce Lindsey (cc: the First Lady), June 28, 1994, M 32438-32439, at 32439 (copy inscribed with handwritten notes of the First Lady).

326. Draft memorandum from Marsha Scott to Chief of Staff [Mack McLarty], undated (computer archive date February 11, 1995), M 33054-33057 at M 33057.

327. Draft memorandum from Marsha Scott to Mack McLarty, undated (computer archive date February 11, 1995), M 33054-33057.

328. *Id.* (emphasis added).

329. *Id.* (emphasis added).

330. “WhoDB Requirements Report,” undated.

331. *Id.*, p. 3.

332. *Id.*

333. “Centralized White House Database Security Brief,” January 12, 1993, M 2778-2780. *See also*, Memorandum from Marsha Scott to Mack McLarty (cc: Bruce Lindsey), “Master Database”, December 7, 1993, M 25921 (“Both the President and the First Lady have asked that I make this my top priority.”); Memorandum from Marsha Scott to Cheryl Mills “White House Database,” December 16, 1993, M 25101 (“I am working on a project that is of high priority to the President and the First Lady”); Memorandum from Marsha Scott to James L. McDonald, Jr. “Continuing efforts for the First Lady,” February 4, 1994, M 25334 (“These projects are very important to the President and the First Lady and should be a priority for us all.”); Memorandum from Marsha Scott to Phil Lader, Mack McLarty, and Harold Ickes “Follow-up to [Hillary Rodham Clinton] Meeting,” March 7, 1994, M 32447 (“... Hillary’s desire to have me proceed unimpeded with the Database Project . . .”); Internal White House E-mail message from Jerry Carlson to Patsy Thomasson, undated, “Update on 11-14-9[4] Meeting Regarding Project,” M 26251-26252 (“Erskine [Bowles] . . . asked that the report and output formats be reviewed in detail to insure the President gets what he is expecting. Erskine . . . will then take this to the President for input.”); “Project Outline and Discussion, Updated 3-5-96,” M 23168-23169 at M 23169 (“... Marsha Scott is expecting to deliver reports on a weekly basis to the President and First Lady starting in March.”).

334. Draft Memorandum from Paul Antony and Brian Bailey to Erskine Bowles, “Update on White House Database Project,” October 25, 1994, M21402-21404.

335. *Id.*, M 21402 (all capitals in original).

336. *Id.* (underline and capitals in original).

337. *Id.*
338. Bailey deposition, p. 13 (testifying that he was employed in the White House Chief of Staff's Office from September 1994 to November 1995).
339. *Id.*, pp. 27-28.
340. Letter from White House counsel Charles F.C. Ruff to Chairman McIntosh, February 28, 1997, response to question 2.
341. Memorandum from Erich Vaden to Marsha Scott, "Number of Items," March 2, 1995, M 25639.
342. *Id.*
343. Memorandum [for Multiple Distribution] from Erskine Bowles, "Clean-up and Coding of Database Records," March 28, 1995, M 32493.
344. *Id.*
345. *Id.*
346. *Id.*
347. *Id.*
348. Memorandum from Harold Ickes to Janice Enright, "Terry McAuliffe's Requests to POTUS," January 6, 1995, EOP 35937; Handwritten notes, undated, CGRO 1570 (reflecting President's communication cited within the memorandum).
349. Memorandum from Harold Ickes to Leon Panetta and Evelyn Lieberman, "Marsha Scott, VIP Operation at the Democratic National Committee," May 17, 1996, M 33215-33219.
350. *Id.*, M 33217.
351. *Id.*
352. Memorandum for the President from Harold Ickes, "Marsha Scott," May 14, 1996, M 33227.
353. Memorandum for the President from Harold Ickes, "Marsha Scott," May 14, 1996, M 33220.
354. Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 32463-32466.

355. *Id.*, M 32463.
356. *Id.*
357. Scott deposition, February 18, 1998, p. 69.
358. Affidavit of Carl Mecum, ¶ 10.
359. Memorandum from Marsha Scott to Harold Ickes, "Database Outside White House," May 31, 1994, M036280; Notes of meeting with HRC, Lader, Ickes, "Database Update," February 2, 1994, M 033044; Memorandum from Marsha Scott to Harold Ickes, "Outside Data," November 21, 1994, M 33050-33052; and Memorandum from Marsha Scott to Harold Ickes, "DNC Offices and Surrogate Speakers," August 19, 1994, M 33283-33285.
360. Scott deposition, February 19, 1998, pp. 71-72.
361. Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 25634-25637.
362. Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 32463-32466, at M 32464-32465.
363. *Id.*, M 32465
364. Memorandum from Marsha Scott to Phil Lader, "Meeting Follow-up," March 4, 1994, M 27470-27475.
365. Scott deposition, April 28, 1998, p. 14 (emphasis added).
366. *Id.*, p. 101.
367. Memorandum from Marsha Scott to Hillary Rodham Clinton and Bruce Lindsey, "Internal Database Update," January 26, 1994, M 32463-32466.
368. Carlson deposition, p. 22.
369. *Id.*, p. 23.