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# Congress of the United States

## House of Representatives

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June 26, 2007

The Honorable Fred Fielding  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. Fielding:

Last week, I wrote the Vice President about evidence that he violated Executive Order 12958 by blocking the National Archives from conducting security inspections in his office. In response, White House spokesperson Dana Perino said: "The president and the vice president are complying with all the rules and regulations regarding the handling of classified material and making sure that it is safeguarded and protected." She asserted that the only part of Executive Order 12958 that was not being followed by the White House and the Vice President's office was the "small portion" giving oversight responsibilities to the Information Security Oversight Office of the National Archives.

I have received information that casts doubt on these assertions. There is evidence that both the White House and the Office of the Vice President have flaunted multiple requirements for protecting classified information, not just the section related to the responsibilities of the Information Security Oversight Office. According to current and former White House security personnel who have contacted my staff, White House practices have been dangerously inadequate with respect to investigating security violations, taking corrective action following breaches, and physically securing classified information.

I have received information that:

- **White House security officials have been blocked from inspecting West Wing offices for compliance with procedures for handling classified information.** The White House has its own security office that functions independently of the Information Security Oversight Office in the National Archives. According to several security officials who have worked in this White House office, the Bush White House blocked the White House security officers from conducting

unannounced inspections of the West Wing. This is a departure from the practices of the prior administration, which allowed these inspections.

- **The White House regularly ignored security breaches.** The security officers described repeated instances in which security breaches were reported to the White House Security Office by Secret Service or CIA agents, but were never investigated. In one case, the White House Security Office took no action after receiving a report that a White House official left classified materials unattended in a hotel room. In numerous instances, reports that White House officials left classified information on their desks went uninvestigated.
- **The President's top political advisor received a renewal of his security clearance despite presidential directives calling for the denial of security clearances for officials who misrepresent their involvement in security leaks.** Under guidelines issued by President Bush, security clearances should not be renewed for individuals who deny their role in the release of classified information, regardless of whether the disclosure was intentional or negligent. Contrary to this guidance, the White House Security Office renewed the security clearance for Karl Rove in late 2006.
- **The White House has condoned widespread mismanagement at the White House Security Office.** According to the White House security officers, the White House allowed the White House Security Office to be run by managers who ignored basic security procedures and allowed other White House officials to do so also.

The Oversight Committee has been seeking to interview or take the deposition of White House officials with knowledge of these security matters since I wrote to former White House Chief of Staff Andrew Card about them in April. While I do not question your good faith in seeking to negotiate the terms of these interviews, further delay would not be in the interests of the nation. I am therefore writing to advise you that unless we are able to schedule these interviews promptly, I will bring before the Committee on Thursday, June 28, a motion to subpoena the relevant officials for depositions.

### **Background**

I wrote to Vice President Cheney last week regarding his decision to exempt himself from the President's executive order that establishes a uniform, government-wide system for safeguarding classified information.<sup>1</sup> In response to my letter, White House spokesperson Dana

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<sup>1</sup> Letter from Chairman Henry A. Waxman to the Vice President (June 21, 2007).

Perino explained that the Vice President is complying with most sections of the executive order, stating: "There's no question that he is in compliance, in terms of the meat of the issue, which is ... the handling of classified documents. It's just simply a matter of a small portion of an executive order regarding reporting requirements, of which he is not subject to, and the interpretation of the EO."<sup>2</sup>

Ms. Perino repeatedly reiterated this point, stating: "The President and the Vice President are complying with all the rules and regulations regarding the handling of classified material and are making sure that it is safeguarded and protected," "the Vice President's Office says that they are in compliance, and I can tell you on behalf of the President that we are in compliance, with all matters regarding classified information," and "I don't think there's a question of the handling of the documents. There's a question of the reporting. In the handling of the documents, we are confident that we are in full compliance."<sup>3</sup>

These statements do not appear to be accurate. After the Committee's hearing in March into the disclosure of the identity of covert CIA agent Valerie Plame Wilson, several former and current employees of the White House Security Office informed my staff of multiple White House violations of the rules for safeguarding classified information. If their statements are true, the White House has repeatedly disregarded basic requirements for protecting our national security secrets.

### **Blocking Inspections by White House Security Officials**

Last week, White House spokesperson Dana Perino asserted that the Information Security Oversight Office in the National Archives "is not the only agency that can check" whether White House offices are in compliance with the security procedures established by the President's executive order.<sup>4</sup> On this issue, Ms. Perino is right. Within the Executive Office of the President, there is a White House Security Office that is supposed to ensure that all White House officials comply with the requirements for protecting classified information.

What Ms. Perino did not mention is that former and current employees of the White House Security Office have informed my staff that they have been blocked from conducting inspections in the West Wing of the White House, where most of the President's most senior advisors work.

Under Executive Order 12958, every entity in the executive branch that handles classified information is supposed to have a security office that administers the classified information

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<sup>2</sup> The White House, *Press Briefing by Dana Perino* (June 22, 2007).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

program.<sup>5</sup> The White House Security Office fills this role in the White House, overseeing White House compliance with the order. Its responsibilities under the executive order and implementing regulations and guidance include issuing security clearances, conducting security education and training programs, and maintaining an ongoing self-inspection program.<sup>6</sup>

During the previous administration, security specialists working for the White House Security Office were given access to all White House offices, including those in the West Wing. According to the security officers, this access was revoked by the Bush Administration. As a result, only the senior management of the White House Security Office (such as the Director and Deputy Director) retained the authority to enter the West Wing without advance notice to and assistance from West Wing personnel. The security officers objected to the loss of access, but Security Office management denied their requests to restore access to the West Wing.

The denial of access to the West Wing has serious adverse effects, according to the security officers. The officers report that they and other security officers working in the White House Security Office do not have the ability to perform basic security functions, such as conducting unannounced inspections of West Wing offices. The result is that security violations are disclosed only when the incidents are self-reported by the violators or happen to be noticed and reported by Secret Service or other officials with access to the West Wing.

### **Ignoring Security Violations**

The security officers also described a systemic breakdown in procedures for responding to reports of security violations in the West Wing. The officers identified multiple instances of security breaches that were reported to the White House Security Office by concerned officials, such as Secret Service agents, but ignored by the White House Security Office. According to the security officers, the practice within the White House Security Office was not to document or investigate violations occurring in the West Wing or to take corrective action.

This failure to respond to reports of security breaches would appear to be a direct violation of Executive Order 12958. Under the executive order, one of the fundamental responsibilities of security offices is to investigate reported security breaches and “take appropriate and prompt corrective action.”<sup>7</sup>

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<sup>5</sup> Exec. Order No. 12958, *Classified National Security Information*, as amended by Executive Order 13292, sec. 5.4 (Mar. 25, 2003).

<sup>6</sup> See *id.*; see also Information Security Oversight Office, *Classified National Security Information (Directive No. 1)*, 32 CFR Parts 2001 and 2004 (Sept. 22, 2003).

<sup>7</sup> Exec. Order No. 12958, *Classified National Security Information*, as amended by Executive Order 13292, sec. 5.5(d) (Mar. 25, 2003); see also Information Security Oversight Office, *Classified National Security Information (Directive No. 1)*, 32 CFR Parts 2001 and 2004, Sec. 2001.47 (Sept. 22, 2003).

The security officers provided several examples of White House security breaches that were never investigated by the White House Security Office. One high-profile example cited by the officials was the failure of the White House to initiate its own investigation into the disclosure of Valerie Plame Wilson's covert identity. It took months before a criminal investigation into this breach was initiated by the Justice Department. Yet according to the security officers, no White House investigation into the breach was initiated during this critical period.<sup>8</sup>

In another example described to my staff, a junior White House aide reported that a senior assistant to the President improperly disclosed "Sensitive Compartmented Information" to the junior aide, even though the aide had no security clearance. Although SCI is the highest level of security classification, the White House Security Office took no steps to investigate or take corrective action.

In a third example, a security officer reported that a White House official left classified material behind in a hotel room during a foreign trip with the President. Although the CIA recovered the material and reported the incident, the White House Security Office did not investigate, seek remedial action, or discipline the responsible official.

The security officers also described numerous examples of White House officials failing to physically secure classified information within the White House in accordance with applicable security requirements. The officers related that they had received numerous reports of White House officials leaving classified information out on their desks, rather than in secure locations. Yet according to the officers, the White House Security Office made no effort to investigate these violations or implement any remedial actions.

### **Renewal of Karl Rove's Security Clearance**

On March 16, 2007, I wrote to White House Chief of Staff Joshua Bolten to ask about the renewal of Karl Rove's security clearance.<sup>9</sup> You wrote back on April 16, 2007, to say that Mr. Rove did undergo a review for the renewal of his security clearance last year. According to your letter:

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<sup>8</sup> During the Committee's hearing in March, James Knodell, Director of the White House Security Office, confirmed that although his office was required to investigate whether classified information had been leaked inappropriately, no investigation of the leak of Ms. Wilson's identity occurred. House Committee on Oversight and Government Reform, Testimony of James Knodell, Director of White House Security, *Hearing on White House Procedures for Safeguarding Classified Information* (Mar. 16, 2007).

<sup>9</sup> Letter from Chairman Waxman Henry A. Waxman to Joshua Bolten, Assistant to the President and Chief of Staff (Mar. 16, 2007).

My office has confirmed that these processes and security clearance renewals continued uninterrupted for all White House officials, including for Karl Rove. Although Mr. Knodell testified he had no “first-hand knowledge” of whether a reinvestigation of Mr. Rove’s security clearance was initiated, my office has confirmed that it was initiated. Upon conclusion of the reinvestigation process in late 2006, Mr. Rove’s security clearance was continued by the Office of Security and not altered in any respect.<sup>10</sup>

This renewal of Mr. Rove’s security clearance would appear to be another example of a questionable White House security practice. Under guidelines approved by President Bush in 2005, the “deliberate or negligent disclosure” of classified information can be a “disqualifying” condition.<sup>11</sup> Moreover, these guidelines provide that an individual’s response to a potential security breach may be just as important as the breach itself. Under the guidelines, a lack of candor, even about unintentional breaches, can be grounds for terminating access to classified information.<sup>12</sup>

Under these standards, it is hard to see how Mr. Rove would qualify for a renewal of his security clearance. At a minimum, his disclosure of Ms. Wilson’s status as a CIA officer would appear to be a disqualifying “negligent” disclosure under the executive order. In addition, he told White House spokesman Scott McClellan in September 2003 that there was “no truth” to the allegations that he was involved in the disclosure of Ms. Plame’s identity. This misrepresentation would appear to be an independent ground under the President’s guidelines for denying his clearance renewal.

### **Mismanagement of the White House Security Office**

Another area of concern involves the management of the White House Security Office itself. The current and former security officials reported that James Knodell, who until recently was the Director of the White House Security Office, and Ken Greeson, the Deputy Director, routinely violated basic security guidelines. They also said that these officials were poor managers who were loath to assert authority over White House security practices or to take actions that could embarrass White House officials.

One example cited by the officials involved security procedures in the White House sensitive compartmented information facility (SCIF). The security officers said that Mr. Knodell and Mr. Greeson habitually brought their Blackberry devices and cell phones into the SCIF in the

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<sup>10</sup> Letter from the Honorable Fred Fielding, White House Counsel, to Chairman Henry A. Waxman (Apr. 16, 2007).

<sup>11</sup> Adjudicative Guidelines for Determining Eligibility for Access to Classified Information (Dec. 29, 2005), part 34(a).

<sup>12</sup> *Id.*, Sec. 2(e) and sec. 15.

The Honorable Fred Fielding  
June 26, 2007  
Page 7

White House Security Office in violation of the rules. The officials said that Mr. Knodell and Mr. Greeson also allowed others, such as visiting White House personnel, to bring their Blackberries and cell phones into the SCIF. According to the officials, these improper practices were allowed to continue even after security officers repeatedly informed Mr. Knodell and Mr. Greeson that the practices violated security rules and set a poor example.

According to the security officers, the poor management and bad examples set by Mr. Knodell and Mr. Greeson caused extreme frustration and plummeting morale among White House security officers, resulting in the departure of more than half of the White House security officers within the last year.

### **Request for Interviews**

I wrote to former White House Chief of Staff Andrew Card about many of these issues on April 23, 2007, when I urged Mr. Card to appear voluntarily before the Committee to address inadequate White House security procedures.<sup>13</sup> In your letter to me on April 24, 2007, and in subsequent meetings, you proposed that the Committee first interview lower-ranking White House officials. You expressed the hope that these interviews could “obviate the need to further consider your request for Mr. Card’s appearance.”<sup>14</sup>

I do not doubt your good faith in proposing that the Committee consider interviews with other White House officials before seeking testimony from Mr. Card. But it has now been over two months and the Committee still has not been able to arrange an interview with Alan Swendiman, the Director of the Office of Administration; Mark Frownfelter, a former White House security officer; and Jeff Thompson, the former Director of the White House Security Office. This continued delay is impeding the Committee’s inquiry and is not in the nation’s interest.

I respectfully request that the interviews that the Committee has been seeking be scheduled without further delay. If this cannot be accomplished, I will recommend to the Committee the issuance of subpoenas at our next business meeting, which is currently scheduled for June 28.

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<sup>13</sup> Letter from Chairman Henry A. Waxman to Andrew Card (Apr. 23, 2007).

<sup>14</sup> Letter from the Honorable Fred Fielding, White House Counsel, to Chairman Waxman (Apr. 24, 2007).

The Honorable Fred Fielding  
June 26, 2007  
Page 8

If you have any questions regarding this letter, please contact me or ask your staff to contact Michael Gordon or David Rapallo of the Committee staff at (202) 225-5420.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive style with a prominent initial "H".

Henry A. Waxman  
Chairman

cc: Tom Davis  
Ranking Minority Member