TABLE OF CONTENTS

			PAGE
I.	INTRO	DDUCTION	2
II.	SCOPE	E OF REPORT	4
III.	FIND	INGS	7
	Α.	The Independent Counsel Concluded That There Was No Substantial Evidence of a Conspiracy Involving Senior White House Officials or Mrs. Clinton to Obtain Confidential Background Reports on Former Republican White House Staff	8
	В.	Mr. Marceca Did Not Knowingly Make False Statements to the FBI When He Requested the Background Reports of Former White House Staff Who No Longer Required Access	11
	C.	Although Portions of Mr. Marceca's Testimony Before Congress Were False and Misleading, the Independent Counsel Concluded That Prosecution Was Unwarranted.	16
IV.	BACK	GROUND	18
	Α.	Congress Investigated Mr. Marceca's Request for the Confidential FBI Background Report of Fired White House Travel Office Director Billy Ray Dale	18
	В.	The Federal Bureau of Investigation Conducted an Internal Investigation of its Role in Providing Background Reports to Mr. Marceca	23
		1. The FBI Has Historically Provided the White House and Others with Confidential Background Reports for Certain Specific Purposes	23

			PAGE
		2. The FBI Issued a Report Concluding That Inadequate Management Controls Contributed to the Release of Background Reports of Former White House Staff to the White House Office of Personnel Security	25
	С.	The Independent Counsel Concluded That the FBI Files Matter Was Not Within His Juris-diction Over the Travel Office Matter	26
V.	SUMM	MARY OF INVESTIGATIVE STEPS	27
	Α.	The Reconstructed June 10, 1993 WHOP List Reflected a Methodology That Was 99 Percent Accurate in Recreating the Portion of the Actual List That Was Recovered	31
	В.	The Independent Counsel and The Senate Judiciary Committee Asked the FBI to Conduct Forensic Analyses of the Background Reports and Related Documents	35
		1. The Fingerprint Analysis Disclosed No Fingerprints of Senior White House Officials	35
		2. The OIC's Physical Examination of Requested Background Reports Revealed Few Documents with Evidence of Multiple Stapling or Folded Corners	37
		a. Staples	37
		b. Folded Corners	38
		3. The OPS File Check-Out Log Contained	30

					PAGI
VI.	FACT	UAL S	UMMAR	Y	40
	Α.	Work Supe Revi	er, W rvisi ewing	arceca, a Former Campaign Advance ithout Experience, Training, or on, Was Assigned the Task of Confidential FBI Background	40
		1.	Thro	Marceca Routinely Proceeded ugh the Offices and Names on June 10, 1993 List	44
		2.	Noth They	Livingstone and Mr. Marceca Did ing to Change the Process after Realized That There Was a lem	48
		3.		Marceca Read the Contents of Some ground Reports	51
	В.	Bill Marc Decl Cong	y Dal eca G arati ressi	Discovery of the Request for e's Background Report, Mr. ave Sworn Testimony in a on, Before a Grand Jury, in a onal Deposition, And in a Public onal Hearing	53
		1.	That	Marceca Testified That He Believed All of the Names on the List Were ent White House Passholders	54
			a.	Mr. Marceca's June 9, 1996 Declaration	54
			b.	Mr. Marceca's June 11, 1996 Grand Jury Testimony	55
			С.	Mr. Marceca's June 18, 1996 House Deposition	55
			d.	Mr. Marceca's Testimony at the June 26, 1996 Public Hearing in the House of Representatives	57
			е.	Mr. Marceca's September 11, 1999 Immunized Admissions Regarding the Requests for Background Reports	5.0

2.	Mac	Marceca Testified That He Did Not	
۷.	Read Back	the Contents of Confidential FBI ground Reports, Except in Limited	
	Circ	umstances	61
	a.	Mr. Marceca's June 9, 1996 Declaration	62
	b.	Mr. Marceca's June 10, 1996 Interview with OIC Agents	63
	С.	Mr. Marceca's June 11, 1996 Grand Jury Testimony	64
	d.	Mr. Marceca's June 18, 1996 House Deposition	65
	е.	Mr. Marceca's Testimony at the June 26, 1996 House Committee Hearing	68
	f.	Mr. Marceca's September 11, 1999 Immunized Testimony Regarding Whether he Read the Contents of the Background Reports	71
VII. ANALYSIS	OF PO	TENTIAL STATUTORY VIOLATIONS	73
Con Ref Whi	clusio lected te Hou	nce Does Not Support the n that Mr. Marceca's Conduct a Conspiracy Involving Senior se Officials or Mrs. Clinton to nfidential Background Reports	75
Did He for	Not V Was Un a Bac	nce Establishes That Mr. Marceca iolate 18 U.S.C. § 1001 Because aware That Any Particular Request kground Report Contained a That Was False	79
1.	the Allo	Statement on the Request Form That Background Report Was Needed to w a Person Access to the White e Was False	80

PAGE

	2.	State	Marceca Did Not Know that the ement on Any Particular Request False	81
		a.	The List Mr. Marceca Used Did Not Distinguish Between Active and Inactive Passholders	81
		b.	Analysis of Evidence Regarding Mr. Marceca's Use of the June 10, 1993 List	82
		С.	Evidence Relating to Lack of Intent to Conceal Contemporaneously His Requests For Background Reports	84
		d.	Lack of Supervision, Training, and Experience	85
		е.	Review of Background Reports for Suitability	85
С.	Befor Couns Such	re Con sel De a Pro	Portions of Mr. Marceca's Testimony agress Were False, the Independent eclined to Prosecute Him Because esecution Would Not Vindicate the at Counsel's Mandate	88
	1.	Knowi Never Indiv	eca's Testimony in Congress Was Ingly False When He Said That He Suspected That There Were Viduals on the List Who Were Not ent Passholders	89
	2.	the Only	Marceca's Statements That He Read Contents of the Background Reports in Certain Circumstances Were	90
	3.	White	Marceca's Testimony That No Senior House Official Was Involved in esting Background Requests was	92
VIII.SUMMA	ARY C	ONCLUS	SION	92

PAGE

APPENDIX	1 DESCRIPTION OF OIC LIST RECONSTRUCTION METHODOLOGY	
1.	Methodology Used to Identify Names for Reconstructed List	i
2.	Methodology Used to Determine the Type of Pass Held by Individuals on Reconstructed WHOP List	iv
3.	Methodology Used to Determine Temporary or Permanent Status of WHOP Passholders on June 10, 1993	V
4.	Comparison of Reconstructed Po-Zy List to Actual Po-Zy List	vi
APPENDIX	2 DESCRIPTION OF SUBSTANTIVE POST-IT NOTES	AND