

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 1, 2019

MEMORANDUM

TO: Members of the Committee on Oversight and Reform

FROM: Republican Committee Staff

SUBJECT: Democrats' White House Security Clearance Transcribed Interview

On Saturday, March 23, 2019, at 8:30 a.m., Committee Democrats conducted a closed-door transcribed interview of a witness, Tricia Newbold, as part of Chairman Cummings's unilateral and partisan investigation into White House security clearances. Ms. Newbold self-identifies as a whistleblower with relevant knowledge about the security clearance processes within the White House. The transcribed interview lasted nine hours, ending at 5:48 p.m.

Earlier today, Chairman Cummings issued a press release and a memorandum using cherry-picked excerpts from Ms. Newbold's transcribed interview to release highly personal information to continue his partisan investigation of the White House.¹ Chairman Cummings released closed-door testimony—without consulting Republicans Members—to build a case for a deposition subpoena to Carl Kline, a former White House employee who formerly supervised Ms. Newbold. The Committee is scheduled to consider Chairman Cummings's request for a deposition subpoena at a business meeting tomorrow.

Chairman Cummings solicited this material from Ms. Newbold despite Ms. Newbold's stated reservations about discussing highly personal information about White House officials. We did not intend to release any material from the interview; however, Chairman Cummings's reckless decision to release cherry-picked excerpts forces us to provide this supplemental information.

This memorandum seeks to clarify the record about Ms. Newbold's interview. Before turning to the substance of the transcribed interview, it is important to note that the Democrat staff only notified Republican staff about the specific topic and witness for the interview at 3:30

¹ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (Apr. 1, 2019); Memorandum from Democratic Staff to Members of the H. Comm. on Oversight & Reform, *Summary of Interview with White House Whistleblower on Security Clearances* (Apr. 1, 2019).

p.m. on Friday, March 22.² The Democrats' late notice did not provide Republican staff with much time to prepare for the interview. We do not know how far in advance the Democrats had scheduled the interview with Ms. Newbold. The late notice also prevented Republican Members from participating in the transcribed interview.

Ms. Newbold's Background

Ms. Newbold is an employee of the Office of Chief Security Office (OCSO) within the Executive Office of the President (EOP), which is responsible for processing of security clearances for White House and EOP employees. Ms. Newbold has been employed by OSCO for 18 years, and is currently an Adjudication Manager, Supervisory Personnel Security Specialist within OCSO's Adjudications Branch. Ms. Newbold testified that she chose to come forward due to her concern for how OCSO handles security clearance adjudications for White House and EOP employees.

As an adjudication manager, Ms. Newbold is responsible for conducting a second-level evaluation of background information for applicants and making a recommendation on whether the applicant should be deemed eligible to receive a security clearance. All employees on the White House campus must be deemed suitable for a security clearance whether they need one for their assigned duties or not. Some of the applicants Ms. Newbold testified about did not advance to a clearance because their job duties did not require it. In reviewing an application, an adjudicator evaluates an applicant under the "whole person concept," meaning they review the concerns and mitigating factors in totality before making a recommendation. Her recommendation is subject to review by the Director of Personnel Security and Chief Security Officer (her supervisors) and potentially the Office of White House Counsel. As Ms. Newbold acknowledged in the transcribed interview, the President retains ultimate authority to grant access to national security information to anyone he chooses.

Ms. Newbold's Testimony

On a macro level, Ms. Newbold provided testimony that the Democrats are misusing to manufacture a misleading narrative that the Trump White House is reckless with our national security. As Chairman Cummings's actions this morning show, the Democrats are inclined to use some information from the transcribed interview to embarrass senior White House officials. Ms. Newbold's testimony discussed two officials with specificity, who the Democrats labeled as "Senior White House Official 1" and "Senior White House Official 2."

In reality, however, Ms. Newbold provided little direct knowledge about the reasons for why Senior White House Official 1's and Senior White House Official 2's security clearances

² The Democrats had previously alerted Republican staff on the afternoon of Thursday, March 21, that an interview would occur on Saturday; however, they did not share any details at that time.

were granted over her recommendations. Her testimony focused on a series of personnel and workplace complaints that suggest she is unhappy and dissatisfied in her office.

While the Democrats may try to cherry-pick her testimony in furtherance of the Chairman's singular desire for headlines (as evidenced by his press release today), Ms. Newbold acknowledged that her supervisor (a non-political federal employee who has since been transferred out of the White House, and who made the decision to approve Senior White House Official 1's and Senior White House Official 2's applications) treated Senior White House Official 1 and Senior White House Official 2 the same as a General Services Administration custodian. Ms. Newbold also acknowledged that the President has ultimate authority over security clearances and the Trump White House has made improvements to the security clearance process.

Below are key aspects of Ms. Newbold's testimony.

1. ***Ms. Newbold had limited firsthand knowledge on particular security applicants and, instead, focused her testimony primarily on problems with her supervisor.***
 - Ms. Newbold had limited direct knowledge about OSCO's decision-making process with respect to particular security clearance applicants for whom she did not perform the adjudication. Even for the applicants whom she did adjudicate, she could not provide direct firsthand knowledge of the process after her adjudication review and determination.
 - Ms. Newbold discussed other concerns, including OSCO staffing levels and her belief that OSCO needed to hire more experienced staff.
 - Ms. Newbold generally focused her testimony on her concerns about Carl Kline, who served as OSCO's Director of Personnel Security (and Ms. Newbold's manager) until June 2018. Kline left the White House in January 2019.
 - Ms. Newbold's primary concern with Kline was that he disagreed with her adjudication determinations in 25 cases, granting favorable adjudications when Ms. Newbold had recommended unfavorable outcomes.
 - Ms. Newbold also lodged complaints about the office's environment—ranging from how office files are stored, to the manner in which employees were required to scan documents into emails, to the physical position of a Kline's computer monitor on the desk inside of his office.
 - Ms. Newbold testified that OSCO has been plagued by poor management during the majority of her 18-year tenure as an employee. She acknowledged, however, that the Trump Administration has implemented improvements to the office.

2. Ms. Newbold testified that Kline overruled her recommendation with respect to Senior White House Official 1, but she has no direct knowledge as to why.

- Ms. Newbold performed a second-level adjudication review on Senior White House Official 1's application for a security clearance.
- Ms. Newbold stated that Kline overruled her unfavorable adjudication of Senior White House Official 1's application. Ms. Newbold recalls "briefly" looking at Kline's adjudication file and seeing that Kline favorably adjudicated Senior White House Official 1's file as the issues raised during the process occurred prior to Senior White House Official 1's federal employment.
- Ms. Newbold testified that Senior White House Official 1's application triggered certain concerns including foreign influence and outside activities.
- However (without going into specifics in the interview about each activity), Ms. Newbold testified that she successfully mitigated aspects of Senior White House Official 1's file.
 - According to the adjudicative guidelines, problematic outside activity could be mitigated if it does not pose a conflict with an individual's security duties or U.S. national security interests, or if an individual discontinued the activity following being apprised it may be a conflict.
- Problematic foreign influence can be mitigated if there is no conflict of interest, or if the contact or communication with a foreign citizen is infrequent, or if an individual has promptly complied with a requirement to cease the contact.
 - Ms. Newbold noted that some people who are new to the government do not even know what foreign contacts mean or how to disclose those contacts accurately.
- Ms. Newbold said she had no knowledge whether Senior White House Official 1 asked for any special consideration during the security clearance process. She did not communicate with the Office of White House Counsel or anyone about why Kline favorably adjudicated Senior White House Official 1's adjudication. She testified that the decision to overrule her "appeared to be at Mr. Kline's discretion...."

3. Ms. Newbold said she did not "work" on Senior White House Official 2's application, but she would recommend against a clearance.

- Ms. Newbold testified she "did not work on [Senior White House Official 2's] case specifically." However, she said that Senior White House Official 2's file had been adjudicated unfavorably at the first-level review. As the next level review, Ms. Newbold told Kline that she intended to adjudicate Senior White House Official 2's

file unfavorably. Ms. Newbold alleges then that Kline told her not to work on Senior White House Official 2's file.

- Ms. Newbold did not know why Kline told her not to work on Senior White House Official 2's file or the reason(s) why Senior White House Official 2's application was ultimately approved.

4. Ms. Newbold testified that Kline directed her to change her determination for a third White House Official, but that official never obtained a final security clearance.

- Ms. Newbold testified she rendered an unfavorable adjudication determination for the employee whom the Democrats labeled "Senior White House Official 3." Ms. Newbold alleged Kline directed her to change her recommendation for Senior White House Official 3's file.
 - While Senior White House Official 3 may have had interim top secret during their employment at the White House, Senior White House Official 3 was never granted a final clearance.

Ms. Newbold was also unaware of what information Senior White House Official 3 had access to while they had an interim clearance. She testified "I'm unable to speak to what they did and did not have access to. Our office doesn't get involved in that type of information. We just determine should they have access or not."

5. Ms. Newbold testified that Kline overruled her on 25 applications—from senior White House officials to nonpolitical employees.

- One of Ms. Newbold's primary complaints was that Kline overturned her adjudication determinations fairly regularly. She believed Kline's decisions did not comport with the adjudicative guidelines. Since the start of the Trump Administration, Ms. Newbold said that she had compiled a list of 25 EOP employees for whom Kline had overruled her unfavorable recommendation.
 - The EOP—which includes OMB, ONDCP, and USTR—covers about 5,000 employees, including volunteers, interns, career staffers, detailees, contracts, and consultants.
 - To be an EOP employee, everyone must be consistently deemed "suitable" for a security clearance—whether or not the employee ultimately requires a clearance for his or her job duties.
- Ms. Newbold testified that only 4-5 of her unfavorable 25 adjudications were for "very serious reasons."

- If Kline overturned only—at most—five clearance adjudications with very serious concerns out of five thousand, Ms. Newbold’s concerns seem overblown.
- In total, Ms. Newbold identified seven types of problematic activity in these 25 applications: drug use, criminal conduct, foreign influence, foreign preference, outside activities, personal conduct, financial consideration.
- Of the 25 EOP employees, Ms. Newbold testified that only three individuals were senior-level employees who worked at the White House (including Senior White House Official 1 and Senior White House Official 2). The other 22 individuals were employed in various roles across the EOP.
- We asked Ms. Newbold for details about these 25 EOP employees. Ms. Newbold had trouble recalling specific details for the majority of the other employees but was able to testify with specificity regarding Senior White House Official 1, Senior White House Official 2, one other employee of the White House Office, and a custodian.
- Ms. Newbold did not know how many of the 25 employees had left the EOP, obtained access to national security information, or received a clearance.

6. *Ms. Newbold has filed EEOC and OSC complaints about her work environment at the White House, suggesting she is unhappy with her office.*

- Ms. Newbold has filed a complaint with the Equal Employment Opportunity Commission (EEOC) and with the Office of Special Counsel (OSC) relating to her employment with OCSO. Her EEO complaint related to Kline’s management of OCSO and his actions towards her disability, which affects her access to certain items and objects.
 - In January 2019, Ms. Newbold was suspended from work for two weeks without pay for failure to follow the office’s policies. Ms. Newbold alleges that the suspension was in retaliation for her EEO filing, as the “information that the investigator found in that EEO investigation was in [her] favor.”
 - Ms. Newbold had earlier filed a complaint in 2008 related to maternity leave and a promotion.
- We take Ms. Newbold’s allegations at face value, but did not have an opportunity to conduct any due diligence on her claims due to the very short notice of the interview provided by the Democrats.

7. Ms. Newbold has registered several complaints about Kline, her office, and other White House officials.

- Ms. Newbold articulated numerous issues she had with Kline, her former supervisor.
 - She said that Kline’s “national security adjudications were not always adjudicated in the best interest of national security.”
 - Ms. Newbold said that Kline was a supervisor who made her “feel uncomfortable,” was concerned about how he managed the security clearance process, and he did not like to be challenged.
 - Ms. Newbold complained that Kline would act in “bizarre ways,” explaining “he would place chairs in front of his door and instruct us not to go in. And most recently in the SCIF, he placed Scotch tape across his door to determine — up high to see if anyone was going in.”
 - Ms. Newbold also complained about the location of Kline’s computer in his office and Kline’s practice of changing his clothes in his office behind frosted glass and a closed office door. She also complained that Kline asked her to transmit personally identifiable information in advance of a meeting at the Defense Department.
- Ms. Newbold noted other workplace concerns that are not unique across the federal workforce.
 - Ms. Newbold discussed her displeasure that her job responsibilities had changed.
 - Ms. Newbold felt that OSCO needed to obtain more employees with relevant experience, and she expressed a preference for hiring individuals through the “excepted service route.”
 - Ms. Newbold cited an interest in attending security-related trainings such as a special security officers’ course.
- In response to a Republican staff question about any “other” concerns, Democratic staff prompted Ms. Newbold to mention “policy changes and whistleblower retaliation.”
- Ms. Newbold testified about problems she had with other White House officials, including the Deputy Director of the EOP’s Office of Administration, and with Kline’s immediate supervisor, the Chief of the Office of Security and Emergency Preparedness.

- Although Ms. Newbold testified that she found her current supervisor respectful, she later suggested that she is still not satisfied with how the OCSO currently operates.
 - She took issue with her current supervisor's role in her suspension and the lack of qualified adjudication staff in the office.
 - Due to a proposed office reorganization, Ms. Newbold's current supervisor removed her from adjudications. Democrat staff prompted Ms. Newbold to suggest that the change in her job duties was the result of her raising concerns about the process.
- Ms. Newbold testified she raised her complaints to the White House Counsel's office on several occasions outside of the normal process. Her communications with the Counsel's office were frequent enough, she said, she was subsequently asked not to communicate directly with the office. She testified that she was told to follow the "proper chain" before speaking with attorneys in the Office of White House Counsel.
- We must carefully weigh Ms. Newbold's testimony against the backdrop of her various complaints directed at her supervisors and colleagues.

8. *Ms. Newbold acknowledged that the President has ultimate control over security clearances, and that the Trump Administration is improving the process.*

- Ms. Newbold noted "the President absolutely has the right to grant anyone access to classified information." Recognizing this, she said that her concerns were about the security clearances process "prior to reaching White House counsel or the President."
- Ms. Newbold's testimony demonstrates that challenges within the EOP security clearance office are not unique to the Trump Administration. For example, she counted 15 bosses during her tenure over multiple Administrations.
- Ms. Newbold pointed to two examples when the Obama White House granted security clearance eligibility to individuals with questionable backgrounds:
 - First, an OMB employee who was using cocaine frequently. Ms. Newbold said that the suitability manager did not promptly address the issue when the employee self-reported their drug use. Ultimately, the individual and suitability manager were removed, along with Ms. Newbold's immediate supervisor at the time.
 - Second, an Obama White House employee expressed an unwillingness to renounce his foreign citizenship with the United Kingdom. Although the employee did not receive a clearance, he was still eligible for a clearance.

- Ms. Newbold conceded that the Trump Administration has improved some aspects of the security clearance processes.
 - Ms. Newbold spoke favorably of the removal of Kline, and favorably about her current supervisor and chain of command.
 - Ms. Newbold generally approved of the new OSCO policies that codified and clarified the security clearance process. She noted a few concerns: a reciprocity policy for accepting clearances for cleared employed from outside agencies, the removal of credit checks, a change to the SCI briefing process, and a policy for scanning PDF documents to the CIA.
 - Ms. Newbold appreciated that her office had been moved into a SCIF.
- Ms. Newbold spoke favorably about Chief of Staff John Kelly's memo, issued in February 2018, that reformed the security clearance process. She stated, "I do believe that we were getting out of control with the interim clearances, and Mr. Kelly acted accordingly, and that was an improvement."
 - The memo ended the practice of granting new interim clearances barring extraordinary circumstances and required the Chief of Staff to approve all new security clearance requests. It also renewed training and best practices for handling classified information.
- Ms. Newbold also acknowledged that the White House Counsel's office has improved the security clearance process at the front end by adding more lawyers to evaluate and conduct suitability checks.

If you have any questions about this transcribed interview, or Chairman Cummings's unilateral and partisan investigation into White House security clearances, please contact Republican Committee staff at (202) 225-5074.

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