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Committee on International Relations
House of Representatives
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PERSONAL AND CONFIDENTIAL

The Honorable Lee Hamilton
Ranking Minority Member
Committee on International Relations
B-360 Rayburn House Office Building
Washington, D.C. 20515

Dear Lee:

Thank you for your letter of February 6th, responding to many of my questions about the incident last December in which Mr. Dan Restrepo of your staff faxed to the Department of State two Committee documents that had been prepared solely for my personal use.

Your letter contains a number of significant revelations that help explain what happened last December. Based on your letter, as well as other information that has been brought to my attention, permit me to summarize below the facts as I understand them:

1. Shortly after the beginning of the 104th Congress, our new systems administrator became concerned that the Committee's computer system did not routinely "back up" (i.e., temporarily save) all word processing documents, giving rise to a risk that documents could be permanently lost in the event of a computer malfunction. To eliminate this risk, he programmed the computer to periodically back up all word processing documents. Under the procedure that he put in place, all word processing documents that were being created or edited by computer users automatically were copied and temporarily saved into a "backup subdirectory" every 30 minutes. This appears to have been a prudent decision on the part of our systems administrator.
2. To facilitate the recovery of documents that might be lost in the event of a computer malfunction, our systems administrator designed the main backup subdirectory so that all word processing documents would be saved to it and so that all computer users would have access to it. He made this decision on his own,

without consulting with or informing other members of the majority staff. In retrospect, this appears to have been an imprudent decision that grossly overestimated the willingness of some members of the Committee staff to respect the privacy of their colleagues and the confidentiality of the Committee's work.

3. In early January of 1995, almost immediately after the new backup procedures were instituted, the full Committee's minority staff realized that the main backup subdirectory afforded a means of "perusing" (i.e., reading, and, if they so desired, printing) word process documents that were being created or edited by other staff members. Some members of the minority staff in fact perused documents in the main backup subdirectory. By the spring of 1995, every member of the minority staff of the full Committee knew that it was possible to peruse word processing documents in the main backup subdirectory, having either heard about it informally from his or her colleagues or, failing that, having been individually instructed by the minority counsel not to peruse documents in that file.

4. To protect members of the full Committee minority staff against the risk that their word processing documents might be read and printed by other staff members, the work station of each computer user on the full Committee minority staff was individually modified to back up documents into a file accessible only to that user rather than the main backup subdirectory to which all computer users had access. Users whose work stations had been so modified continued to have access to documents in the main backup subdirectory created by other staff members whose work stations had not been modified. Curiously, computer records from late last year indicate that, as of that time, the work station of the staff of only one of our five subcommittee Ranking Minority Members had been modified to protect against unauthorized access to word processing documents.

5. Apart from instructing members of the full Committee minority staff not to peruse documents in the main backup subdirectory, no other steps were taken to ensure that the minority staff refrained from perusing documents in that file. In particular, the minority staff did not take the most obvious and most effective step that could have been taken to prevent abuse of the backup subdirectory, namely, informing the majority staff of the situation and suggesting that the same steps that the minority staff had taken to secure its documents from unauthorized access be taken system-wide.

6. No member of the majority staff (other than the systems administrator) was aware of the access to other staff members' documents afforded by the main backup subdirectory until that problem was revealed by my investigation of Mr. Restrepo's leak of sensitive Committee documents to the State Department. It also appears that the staff of four of our five subcommittee

Ranking Minority Members (Messrs. Gejdenson, Lantos, Torricelli, and Berman) were not aware of the problem, inasmuch as no action was taken to modify their work stations to protect their documents.

7. Because the full Committee minority staff chose to keep its knowledge of the problem to itself, members of the full Committee minority staff were in a position for over one year effectively to surreptitiously peruse documents written by other members of the staff. Those whose documents were at risk of such surreptitious perusal included not only all full Committee and subcommittee majority staff members, but also the subcommittee minority staff members working for Messrs. Gejdenson, Lantos, Torricelli, and Berman.

8. On December 21st, Mr. Restrepo was informed of my intention to hold a press conference on Haiti, and in conversations with State Department officials that same day, Mr. Restrepo learned of their acute interest in what I planned to say at that press conference. According to your letter, Mr. Mike Van Dusen, the Minority Chief of Staff, also had conversations with State Department officials which made clear to him the Department's interest in the matter.

9. In the late afternoon of December 21st, Mr. Restrepo faxed two documents to the Department of State that had been created solely for my personal use in connection with my press conference on Haiti. These documents had been created by Mr. Noriega in his personal word processing account and were printed surreptitiously from the main backup subdirectory. That they were printed from the main backup subdirectory is established not only by the timing of the fax (before the documents were distributed to anyone else or sent to me) but also by the nature of the documents themselves. In particular, the second document (Qs and As for the press conference) was not complete. That document not only contained typographical errors that were corrected before Mr. Noriega printed it out, but also consisted only of the first page of a multiple page document. One would expect to find this sort of incompleteness in a backup version of a document that was still being created. In addition, both documents were in a font and format different than the versions of the documents that were subsequently distributed to other majority staff and delivered to me.

10. The documents faxed by Mr. Restrepo to the State Department made their way to Deputy Secretary of State Strobe Talbott within a matter of hours. Mr. Talbott telephoned me on the evening of December 21st, and, reading from the documents, urged me not to make certain statements contained in them. I had not yet seen the documents and therefore found it difficult to respond to Mr. Talbott's request.

11. It would not be difficult for you to ascertain who printed out the backup documents faxed by Mr. Restrepo to the State Department. One can readily rule out those who did not know of the access to other staff members' documents afforded by the main backup subdirectory (i.e., everyone except the full Committee minority staff), as well as those members of the minority staff who were not aware of the State Department's interest in my press conference. Any staff member who was aware of the State Department's interest in my press conference and was also known to have ever "perused" documents in the main backup subdirectory would have to be suspected of involvement. In this connection, I could not help but note that you did not answer the last question contained in my January 31st letter, namely whether Mr. Restrepo had ever used his knowledge of the Committee computer system to gain access to documents created by members of the majority staff.

You and I have managed to maintain a collegial relationship over the years, notwithstanding the political environment in which we work. The facts outlined above are inconsistent with that collegial spirit.

I have directed that steps be taken to modify the Committee computer system to prevent any future unauthorized "perusal" of Committee documents. I would hope that also you would take appropriate steps to ensure that there are no further leaks by your staff of sensitive Committee documents. Only by taking such steps can we send a signal to others that they cannot leak sensitive Committee information with impunity. Failure to take such steps, or insistence on an unjustifiably high standard of proof before doing so, would undermine our years of shared concern for the protection of sensitive Committee information.

Accordingly, I would welcome learning what steps you are planning to take to address the misconduct that took place in this case and to prevent any recurrence.

With best wishes,

Sincerely,



BENJAMIN A. GILMAN
Chairman