

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC., et al., )  
Plaintiffs, )  
v. )  
NATIONAL ENERGY POLICY ) Civil Action No. 01-15 0 (EGS)  
DEVELOPMENT GROUP, et al., )  
Defendants )  
  
SIERRA CLUB, )  
Plaintiff )  
v. ) Civil Action No. 02-631 (EGS)  
VICE PRESIDENT RICHARD B. )  
CHENEY, et al., )  
Defendants. )

DECLARATION OF KAREN Y. KNUTSON

I, Karen Y. Knutson, hereby DECLARE:

1. I am a full-time employee of the Vice President of the United States appointed pursuant to Section 106 of Title 3 of the United States Code. My title is Deputy Assistant to the Vice President for Domestic Policy. From on or about February 6, 2001 to April 2, 2002, I was a full time employee of the U.S. Department of Energy (DOE) on assignment to the Office of the Vice President. Within that period, from on or about February 6, 2001 through September 30, 2001, my responsibility in the Office of the Vice President was to provide staff support to the National Energy Policy Development Group ("NEPDG"). My title when I performed that responsibility was Deputy Director of the NEPDG. The NEPDG was created by a memorandum of President

of the United States George W. Bush of January 29, 2001. At the end of the last day of fiscal year 2001, on September 30, 2001, the NEPDG ceased to exist by operation of that Presidential memorandum.

2. This Declaration is based on my personal knowledge and on information available to me in my official capacity.

3. Of the professional personnel in the Office of the Vice President who were responsible for providing the staff support to the NEPDG from February 2001 through September 30, 2001, I am the only one who is currently employed by the Vice President. Andrew Lundquist was a DOE full-time employee on assignment to the Office of the Vice President with the responsibility from February 2001 through September 30, 2001 to provide staff support to the NEPDG. His title during that period was Executive Director of the NEPDG. After the termination of the NEPDG on September 30, 2001, he was a DOE assignee, and then detailee, to the Office of the Vice President through March 26, 2002. On March 26, 2002, Mr. Lundquist left Federal Government service and at all times since then he has worked in the private sector. The NEPDG ceased to exist on September 30, 2001 and Mr. Lundquist ceased at that time to be the Executive Director of the NEPDG; therefore, when Mr. Lundquist left Federal Government employment, no one replaced him in his former capacity as Executive Director of the NEPDG.

4. As directed by the President in his memorandum of January 29, 2001, the NEPDG consisted of the following officers of the Federal Government: Vice President Cheney, Secretary of the Treasury O'Neill, Secretary of the Interior Norton, Secretary of Agriculture Veneman, Secretary of Commerce Evans, Secretary of Transportation Mineta, Secretary of Energy Abraham, Director of the Federal Emergency Management Agency Allbaugh, Administrator of the Environmental Protection Agency Whitman, Assistant to the President and Deputy Chief of Staff for Policy Joshua Bolten, Assistant to the President for Economic Policy Lawrence

Lindsey, and the Assistant to the President for Intergovernmental Affairs. Additionally, in accordance with the terms of the Presidential memorandum of January 29, 2001, the Vice President invited the participation of Secretary of State Powell when the work of the NEPDG involved international affairs, and, as appropriate, the participation of Director of the Office of Management and Budget Mitchell Daniels. Finally, because the President had not appointed an individual with the title Assistant to the President for Intergovernmental Affairs, the Vice President invited, as appropriate, the participation of Deputy Assistant to the President and Director of Intergovernmental Affairs Ruben Barrales. The NEPDG consisted of these officers of the Federal Government, and no one else.

5. The above-named officers of the Federal Government, in their participation in the NEPDG, performed the functions set forth for them in the President's memorandum of January 29, 2001: to gather information, deliberate, and, as specified in the President's memorandum, to make recommendations to the President for a national energy policy. The Vice President performed the additional duties assigned to him by the President's memorandum of January 29, 2001 of presiding at the meetings of the NEPDG and directing its work. On May 16, 2001, the Vice President, on behalf of the NEPDG, submitted to the President for his consideration the recommendations known as the Report of the National Energy Policy Development Group.

6. During the period of the existence of the NEPDG, the NEPDG was supported by five professionals employed by the Department of Energy who were originally assigned to the Office of the Vice President for the purpose of providing such support: an Executive Director of the NEPDG (Andrew Lundquist); a Deputy Director of the NEPDG (me); two Senior Professional Staff Members, and a Professional Staff Member. In addition, a White House Fellow assigned to the Office of the Vice President provided support to the NEPDG. This support staff for the

NEPDG also had one staff assistant who provided clerical support. All of these individuals responsible for providing staff support to the NEPDG were full-time Federal employees.

7. The NEPDG met twelve times. The dates of the twelve meetings were: January 29, February 9 and 16, March 12 and 19, April 3, 11, and 18, May 2, 4 and 16, and July 13, 2001. All twelve meetings occurred in Washington, D.C. At the January 29, 2001 meeting, the President announced the formation of the NEPDG. Other meetings of the NEPDG may have been scheduled, but did not occur because they were cancelled or rescheduled.

8. Within the Office of the Vice President, personnel of the NEPDG support staff attended the NEPDG meetings as follows: the NEPDG Executive Director (Mr. Lundquist) attended all the meetings; the NEPDG Deputy Director (me) attended all the meetings, except for the meeting on January 29, 2001; the senior of the two Senior Professional Staff Members attended approximately seven or eight of the meetings, but did not attend the meetings on January 29 and February 9, 2001; the junior of the two Senior Professional Staff Members attended one of the meetings; the White House Fellow attended all of the meetings, except for the meeting on January 29, 2001; the Professional Staff Member attended the meetings of April 3, 11, and 18 and May 2, 4 and 16; and the staff assistant who provided clerical support attended all of the meetings, except the meetings on January 29, February 9, and May 4, 2001.

9. Also, the following individuals employed on the Vice President's staff attended one or more of the NEPDG meetings: Chief of Staff to the Vice President, Deputy Chief of Staff to the Vice President, Counselor to the Vice President, Assistant to the Vice President for Legislative Affairs, Assistant to the Vice President for Domestic Policy, Deputy Assistant to the Vice President for Public Affairs, Deputy Assistant to the Vice President for Legislative Affairs (Senate), and the Press Secretary to the Vice President. These individuals at the time of their attendance were and still are full-time Federal employees, except for the individual who then was

**Press Secretary to the Vice President, who was at the time of her attendance a full-time Federal employee but who left Federal service on January 31, 2002 and is now in the private sector.**

**10. For each of the twelve meetings, the Office of the Vice President strictly limited those whom it invited to officers and employees of the Federal Government. The Office of the Vice President invited the officers of the Federal Government who constituted the NEPDG, and invited each such officer to be accompanied by one employee of that officer's department, agency or office. On rare occasions, such an officer would be accompanied by more than one employee of that officer's department, agency or office. To the best of my knowledge, no one other than the officers of the Federal Government who constituted the NEPDG, the Federal employees whom they chose from their respective departments, agencies and offices to accompany them (all of whom were full-time Federal employees), and the Office of the Vice President personnel set forth above, attended any of the meetings.**

**11. The Presidential memorandum of January 29, 2001 establishing the NEPDG authorized the Vice President to establish subordinate working groups to assist the NEPDG in its work. The Vice President did not establish any such working groups.**


**12. The Executive Director of the NEPDG proposed in February 2001 the establishment of a detailed structure of targeted working groups on a series of subjects, with a subset of the departments, agencies and offices whose heads were on the NEPDG to constitute each such targeted working group, but that proposal was not implemented.**

**13. The Executive Director of the NEPDG also gave the label "Working Group," which sometimes was also referred to as the "Staff Working Group," to a collection of staff-level Federal employees with whom he worked in drafting the Report of the NEPDG. That staff-level group held numerous meetings regarding drafting of the Report. To the best of my knowledge, the only attendees at such meetings were full-time Federal employees of the departments,**

agencies, and offices whose heads constituted, with the Vice President, the NEPDG, with one exception. The exception is that one individual, Joan C. O'Callaghan, doing business under the trade name The Communications Collective, was engaged to help provide technical writing and graphic design services relating to production of the NEPDG Report and attended brief portions of meetings -- two or three, but not more than three -- of the staff-level group as it worked on preparing the NEPDG Report; she did not participate in deliberations on or development of energy policy recommendations nor provide energy policy advice or recommendations, but rather provided technical writing and graphic design services in the preparation of the NEPDG Report. I do not recall how many meetings of the staff-level group occurred or precisely which employees attended, nor did the Office of the Vice President to the best of my knowledge keep records at such meetings that reflect such information.

14. It is my understanding that the plaintiffs in this lawsuit have alleged that the following individuals regularly attended and fully participated in the meetings of the NEPDG: the four individuals in the private sector who were named by Judicial Watch, [Inc.](#) as defendants in its Second Amended Complaint (see paragraph 25) in this lawsuit, other, unnamed, individuals who were private lobbyists, and other unnamed individuals who were energy industry executives. No such individuals attended or participated in any meetings of the NEPDG or the Staff Working Group.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Washington, D.C. on September 3, 2002.

  
\_\_\_\_\_  
Karen Y. Knutson