

**EXHIBIT 1**

to

Plaintiff's Response to Defendant's Statement of Material Facts  
Not in Dispute and Statement of Undisputed Material Facts  
in Support of Cross-Motion for Summary Judgment

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC., )  
)  
Plaintiff, )  
) Civil Action No. 15-cv-1740 (RBW)  
v. )  
)  
NATIONAL ARCHIVES AND )  
RECORDS ADMINISTRATION, )  
)  
Defendant. )  
\_\_\_\_\_ )

**DECLARATION OF PAUL J. ORFANEDES**

I, Paul J. Orfanedes, hereby declare as follows:

1. I am counsel for Judicial Watch, Inc. (“Judicial Watch”), Plaintiff in the above-captioned matter. I also am an officer and director of Judicial Watch, and, as such, have personal knowledge of the matters set forth below.

2. The following five (5) reports are publicly available on the U.S. Government Publishing Office’s website: <https://www.gpo.gov/fdsys/browse/collection.action?collectionCode=GPO&browsePath=Independent+Counsel+Investigations%2FLewinsky&isCollapsed=true&leafLevelBrowse=false&isDocumentResults=true&ycord=191>:

- (1) Final Report of the Independent Counsel, *In re Madison Guaranty Savings and Loan Association* (In re Anthony Marceca) (published March 16, 2000);
- (2) Final Report of the Independent Counsel, *In Re Madison Guaranty Savings and Loan Association* (In re Bernard Nussbaum) (published March 16, 2000);
- (3) Final Report of the Independent Counsel, *In re Madison Guaranty Savings and Loan Association* (In re William David Watkins and In re Hillary Rodham Clinton) (published June 22, 2000);

- (4) Final Report of the Independent Counsel, *In re Madison Guaranty Savings and Loan Association* (published January 5, 2001); and
- (5) Final Report of the Independent Counsel, *In Re Madison Guaranty Savings and Loan Association (Regarding Monica Lewinsky and Others)* (published March 6, 2002).

I am familiar with these reports based on my prior work at Judicial Watch and also reviewed the reports in the course of my representation of Judicial Watch in this litigation. Each report contains enormous quantities of investigative materials, including grand jury testimony. Each report also appears to have been approved for publication by the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) pursuant to Section 594(h), Title 28 of the United States Code.

3. In the course of my representation of Judicial Watch in this litigation, I have become familiar with the January 5, 2001 Final Report of the Independent Counsel in *In re Madison Guaranty Savings and Loan Association* (“Final Report”). In particular, I reviewed Chapter 3 of Volume II, Part B of the January 5, 2001 Final Report, entitled “Mrs. Clinton’s Madison Guaranty Representation.” A true and correct copy of Volume II, Part B, Chapter 3 of the January 5, 2001 Final Report is attached to Plaintiff’s Statement of Undisputed Material Facts in Support of Cross-Motion for Summary Judgment as Exhibit 2.

4. Based on my review of Chapter 3, I prepared a chart identifying the various sources of information relied on, cited, and quoted in the chapter. A true and correct copy of the chart, entitled “January 5, 2001 Final Report – Sources of Information” is attached hereto as Exhibit A. The chart differentiates between non-grand jury information, grand jury information, and documentary evidence. Each entry also includes a reference to the page(s) in the chapter where the citation was found. As the chart demonstrates, Chapter 3 cites, references, and quotes,

in some cases extensively, from as many as 44 different, non-grand jury sources of information, not including numerous individual documents, gathered from various investigations. These non-grand jury sources of information include:

- independent counsel witness interviews;
- interrogatory responses to regulators;
- deposition testimony;
- trial testimony;
- congressional testimony;
- witness interviews by regulators;
- regulatory reports;
- media reports;
- television interviews; and
- at least one book.

The chapter also cites, references, and quotes grand jury testimony from at least 25 grand jury appearances by 21 witnesses between 1995 and 1998.

5. In June 2014, Judicial Watch submitted a Freedom of Information Act (“FOIA”) request to the National Archives and Records Administration (“Archives”) seeking access to a binder of materials prepared by the Office of the Independent Counsel (“OIC”), as referenced in *The Death of American Virtue: Clinton vs. Starr* (Broadway Books 2011) by Ken Gormley. The Archives subsequently produced 246 pages of records in response to the request.

6. Among the records produced by the Archives to Judicial Watch in response to the June 2014 FOIA request was a 206-page memorandum, dated April 22, 1998, to “All OIC Attorneys,” from the “HRC Team” and bearing the subject line “Summary of Evidence: Hillary

Rodham Clinton and Webb Hubbell.” A true and correct copy of the memorandum is attached to Plaintiff’s Statement of Undisputed Material Facts in Support of Cross-Motion for Summary Judgment as Exhibit 3.

7. I reviewed the April 22, 1998 “Summary of Evidence” memorandum produced by the Archives and, based on that review, prepared a second chart identifying the various sources of information cited, referenced, and quoted in the memorandum. A true and correct copy of this second chart, entitled “April 22, 1998 Summary of Evidence Memorandum – Sources of Information; Non-Exhaustive” is attached hereto as Exhibit B. Like the chart I prepared for Volume II, Part B, Chapter 3 of the January 5, 2001 Final Report, this second chart differentiates between non-grand jury information, grand jury information, and documentary evidence. Each entry also includes a reference to the page(s) in the memorandum where the citation was found. Because the memorandum’s citations are in different formats (*e.g.* “GJ,” “G.J.,” vs. “Grand Jury” and “Deposition vs. Dep.”) and I searched the memorandum electronically in preparing the chart, I am not confident that I was able to identify all of the relevant citations in the memorandum. The information I was able to gather nonetheless demonstrates that the memorandum cites, references, and quotes from many of the same, non-grand jury sources of information cited in Volume II, Part B, Chapter 3 of the January 5, 2001 Final Report. It also cites, references, and quotes from a great many additional sources, including as many as 12 separate FBI 302s. Although not an exhaustive count, it also cites, references, and quotes testimony from at least 34 grand jury appearances by some 27 witnesses between 1995 and 1998, including 12 witnesses not referenced in Volume II, Part B, Chapter 3 of the January 5, 2001 Final Report. *Id.*

8. The April 22, 1998 “Summary of Evidence” memorandum, which is largely unredacted, is available to the public on Judicial Watch’s website along with the other records

produced by Archives in response to Judicial Watch's June 2014 FOIA request. Judicial Watch did not pursue an administrative appeal of the Archives' relatively few number of redactions for reasons unrelated to whether Judicial Watch believes those redactions have merit.

9. On March 9, 2015, Judicial Watch submitted a FOIA request to the Archives seeking access to Ewing's draft indictments. Specifically, Judicial Watch requested:

All versions of indictments against Hillary Rodham Clinton, including but not limited to Versions 1, 2, and 3 in box 2250 of the Hickman Ewing Attorney Files, the "HRC/\_\_\_ Draft Indictment" in box 2256 of the Hickman Ewing Attorney Files, as well as any and all versions written by Deputy Independent Counsel Hickman Ewing, Jr. prior to September of 1996.

10. On March 5, 2016, I performed a simple google search using the words "Starr Report." The search yielded 13,200,000 search results. A google search for "Hillary Clinton draft indictment" on March 5, 2016 yielded 547,000 search results.

11. Judicial Watch's efforts to gain access to the draft indictments has been the subject of news reports by CNN, Politico, The New York Post, Investor's Business Daily, The National Review, and even the United Kingdom's Daily Mail. *See, e.g.*, Eric Bradner, "Judicial Watch sues for draft Whitewater indictments of Hillary Clinton," *CNN* (Oct. 20, 2015); Josh Gerstein, "Feds fight disclosure of Hillary Clinton Whitewater indictment drafts," *Politico* (Feb. 3, 2016); John Crudle, "Skeletons in Hill's closet are ready to rumble," *New York Post*" (Feb. 16, 2016); "Whitewater Indictment Haunts Hillary All the Way to Benghazi," *Investor's Business Daily* (Oct. 21, 2015); Brendan Bordelon, "Lawsuit: Obama Administration Withholding Draft of Clinton Whitewater Indictment," *National Review* (Oct. 20, 2015); and J. Taylor Rushing,

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“Indictment drafted against Hillary Clinton 20 years ago in Whitewater scandal must be published, conservative group demands,” *Daily Mail* (Oct. 21, 2015).

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 11, 2016 in Washington, D.C.

  
Paul J. Orfanedes

**EXHIBIT A**

to

Declaration of Paul J. Orfanedes



## **JANUARY 5, 2001 FINAL REPORT – SOURCES OF INFORMATION**

### **I. Non-Grand Jury.**

1. Campbell, George, June 28, 1996 Interview (Report at 460)
2. Clark, FNU, July 26, 1997 Interview (Report at 474)
3. Clinton, Hillary, November 10, 1994 FDIC Interview (Report at 474)
4. Clinton, Hillary, April 22, 1995 Deposition Testimony (Report at 431-434, 435-36, 458, 472-73, 473, and 474)
5. Clinton, Hillary, May 24, 1995 RTC Interrogatory Responses (Report at 437)
6. Clinton, Hillary, January 20, 1996 RTC Interrogatory Responses (Report at 483, 484-85, and 487)
7. Clinton, Hillary, February 14, 1996 RTC/FDIC Interview (Report at 437-39, 470, 474-75, 481-82, 486, and 488)
8. Clinton, Hillary, April 25, 1998 Deposition Testimony (Report at 430-431, 439-41, 441-49, 467, 478-80, 486, and 489-90)
9. Clinton, William J., April 22, 1995 Deposition Testimony (Report at 420 and 421)
10. Clinton, William J., April 28, 1996 Deposition Testimony (Report at 421-22)
11. Clinton, William J., April 28, 1996 Testimony at Jim McDougal's criminal trial (Report at 420)
12. Denton, Don, June 20, 1996 Interview (Report at 475)
13. Denton, Don, June 26, 1996 Interview (Report at 483)
14. Ford, Darlene, July 29, 1996 Interview (Report at 483)
15. Gregory, Watt, May 24, 1995 Interview (Report at 459)
16. Heritage-Hays, Pat, January 6, 1995 Interview (Report at 453)

17. Strayhorn, Susan March 30, 1994 Interview (Report at 423)
18. Hubbell, Webster, February 1, 1995 Interview (Report at 454 and 458)
19. Hubbell, Webster, October 26, 1995 Senate Whitewater Committee Testimony (Report at 455, 456, and 458-59)
20. Hubbell, Webster, February 7, 1996 Senate Whitewater Committee Testimony (Report at 489)
21. Jones, Wilson, June 27, 1996 Interview (Report at 460)
22. Kennedy, William, January 16, 1996 Senate Whitewater Committee Testimony (Report at 460)
23. Knight, David, May 16, 1996 Senate Whitewater Committee Testimony (Report at 451 and 452)
24. Latham, John, February 14, 1995 Interview (Report at 425 and 453)
25. Latham, John, May 15, 1996 Senate Banking Committee Testimony (Report at 425 and 453)
26. Latham, John, May 15, 1996 Senate Whitewater Committee Testimony (Report at 425, 452, and 453)
27. Latham, John, May 16, 1996 Senate Whitewater Committee Testimony (Report at 425, 452, and 453)
28. Latham, John, July 12, 1995 RTC Interview (Report at 453)
29. Massey, Rick, January 11, 1996 Senate Whitewater Committee Testimony (Report at 449, 450, 451, 457, 460-61, 463, and 464-65)
30. McDougal, Jim, May 8, 1996 Criminal Trial Testimony (Report at 414, 415, 416 and 417)

31. McDougal, Jim, June 22, 1995 Interview (Report at 417 and 422)
32. McDougal, Jim, August 96-June 97 Interview (Report at 415, 416, 417, 418, 419, 422, 423-24, 427, and 434)
33. Moles, Rae Ann, August 4, 1994 and February 9, 1995 Interview (Report at 425-26)
34. Patton, Martha, September 25, 1996 Interview (Report at 483)
35. Schaufele, Mike, May 27, 1988 Deposition Testimony (Report at 472)
36. Ward, Seth, February 12, 1996 Senate Whitewater Testimony (Report at 470)
37. Pillsbury Madison & Sutro, LLP, "A Report on Certain Real Estate Loans and Instruments Made by Madison Guaranty Savings & Loan and Related Entities: Prepared for Resolution Trust Corporation" (December 19, 1995) (Report at 468-69)
38. Pillsbury Madison & Sutro LLP, "A Supplemental Report on the Representation of Madison Guaranty Savings & Loan by the Rose Law Firm: Prepared for Federal Deposit Insurance Corporation" (February 25, 1996) (Report at 481 and 484)
39. FDIC-OIG Supplemental Report on Rose Law Firm Conflicts of Interest (September 20, 1996) (Report at 474)
40. Frantz, Rempel, "Fallout from Collapse of S&L Shadows Clinton," *Los Angeles Times*, November 7, 1993 (Report at 417)
41. Maraniss, David and Weisskopf, Michael, "Lawyer Will Review Arkansas Land Deal," *Washington Post*, March 12, 1992 (Report at 424)
42. Stewart, James B., *Blood Sport* (1996) (Report at 423)
43. Prime Time Live: Diane Sawyer Interview of Susan McDougal (ABC Television, August 30, 1996) (Report at 425)

44. Larry King Live: Larry King Interview of Susan McDougal (CNN, September 6, 1996) (Report at 425)

II. Grand Jury.

1. Bunch, Gary, January 20, 1998 Grand Jury Testimony (Report at 462)
2. Clark, R., December 5, 1995 Grand Jury Testimony (Report at 473)
3. Clinton, Hillary, January 26, 1996 Grand Jury Testimony (Report at 428-30 and 491)
4. Denton, Don, August 20, 1996 Grand Jury Testimony (Report at 472, 474, 475, 476-77, 478, and 490)
5. Denton, Don, March 19, 1998 Grand Jury Testimony (Report at 482)
6. Donovan, Rick, December 6, 1995 Grand Jury Testimony (Report at 480)
7. Giroir, Joe, July 18, 1996 Grand Jury Testimony (Report at 436, 456, and 460)
8. Gregory, Watt, January 3, 1996 Grand Jury Testimony (Report at 459 and 460)
9. Handley, Sarah, October 31, 1995 Grand Jury Testimony (Report at 427)
10. Henley, William, June 18, 1996 Grand Jury Testimony (Report at 422 and 423)
11. Hubbell, Webster, December 19, 1995 Grand Jury Testimony (Report at 457, 458, and 491)
12. Hubbell, Webster, May 7, 1996 Grand Jury Testimony (Report at 455 and 473)
13. Hubbell, Webster, August 22, 1996 Grand Jury Testimony (Report at 471-72)
14. Knight, David, December 6, 1995 Grand Jury Testimony (Report at 457)
15. Lynch, Loretta, February 1, 1996 Grand Jury Testimony (Report at 453 and 454)
16. Massey, Rick, November 7, 1995 Grand Jury Testimony (Report at 449, 450, 456, 457, 460, and 463)

17. Massey, Rick, December 3, 1997 Grand Jury Testimony (Report at 449, 450, 451, and 454)
18. McDougal, Jim, April 2, 1997 Grand Jury Testimony (Report at 415, 416, 417, 418, and 423)
19. Moles, Rae Ann, October 19, 1995 Grand Jury Testimony (Report at 426 and 427)
20. Randolph, R.D., September 17, 1996 Grand Jury Testimony (Report at 427)
21. Schaufele, Mike, January 30, 1996 Grand Jury Testimony (Report at 482 and 495)
22. Selig, John, July 18, 1996 Grand Jury Testimony (Report at 466)
23. Thomases, Susan, February 29, 1996 Grand Jury Testimony (Report at 454)
24. Tucker, Jim Guy, March 18, 1998 Grand Jury Testimony (Report at 467 and 482)
25. Ward, Seth, January 17, 1996 Grand Jury Testimony (Report at 470 and 482)

III. Documentary Evidence.

Report at 419, 420, 430, 431, 436, 439-40, 441, 444, 449, 452, 453-54, 454, 463, 466, 469, 470, 471, 473, 474, 475, 478, 480, 481, 482, 483, and 490.

**EXHIBIT B**

to

Declaration of Paul J. Orfanedes

**APRIL 22, 1998 SUMMARY OF EVIDENCE MEMORANDUM – SOURCES OF INFORMATION; NON-EXHAUSTIVE**

I. Non-Grand Jury.

1. Adams, Roger, July 27, 1995 Senate Testimony (Memo at 98)\*
2. Breslaw, April, April 1994 Interview (Memo at 64)\*
3. Breslaw, April, July 28, 1994 Senate Banking Committee Deposition Testimony (Memo at 55)\*
4. Breslaw, April, June 6, 1995 Senate Banking Committee Deposition Testimony (Memo at 57 and 64)\*
5. Breslaw, April, August 10, 1995 House Testimony (Memo at 56)\*
6. Breslaw, April, October 23, 1995 Senate Banking Committee Deposition Testimony (Memo at 57 and 58)\*
7. Breslaw, April, November 30, 1995 Senate Banking Committee Testimony (Memo at 51, 55, 58 and 63)\*
8. Castleton, Thomas, June 27, 1995 Senate Deposition Testimony (Memo at 102)\*
9. Castleton, Thomas, August 3, 1995 Senate Hearing Testimony (Memo at 102)\*
10. Clinton, Hillary, April 22, 1995 Deposition Testimony (Memo at 24)
11. Clinton, William J., April 22, 1995 Deposition Testimony (Memo at 31)
12. Hubbell, Webster, April 20, 1995 Interview (Memo at 63)
13. Hubbell, Webster, August 10, 1995 House Banking Committee Testimony (Memo at 51, 52 and 63)\*
14. Hubbell, Webster, December 1, 1995 Senate Testimony (Memo at 55 and 63)\*
15. Hubbell, Webster, February 7, 1996 Senate Testimony (Memo at 58 and 61)
16. Latham, Rick, May 15, 1996 Senate Deposition Testimony (Memo at 37)

\* Indicates source was not included in Chapter 3, Vol. II, Part B of 2001 Final Report.

17. Latham, Rick, May 16, 1996 Senate Hearing Testimony (Memo at 37)
18. Margolis, David, August 10, 1995 Senate Hearing Testimony (Mem at 98)\*
19. Massey, Rick, January 11, 1996 Senate Hearing Testimony (Memo at 24 and 33)
20. Neuwirth, Steve, July 10, 1995 Senate Deposition Testimony (Memo at 101)\*
21. Salter, FNU, June 30, 1995 Deposition Testimony (Memo at 98)\*
22. Thomases, Susan, August 8, 1995 Senate Hearing Testimony (Memo at 101)\*
23. Vernon, Jordan, July 24, 1997 House Testimony (Memo at 161, 162 and 163)\*
24. Williams, Maggie, October 24, 1994 Interview (Memo at 101)\*

II. Grand Jury.

1. Adams, Roger, May 9, 1995 Grand Jury Testimony (Memo at 98)\*
2. Bassett Schaffer, Beverly, November 8, 1995 Grand Jury Testimony (Memo at 75)\*
3. Breslaw, April, June 16, 1994 Grand Jury Testimony (Memo at 51)\*
4. Castleton, Thomas, April 4, 1995 Grand Jury Testimony (Memo at 102)\*
5. Clark, Ron, March 30, 1994 Grand Jury Testimony (Memo at 23)\*
6. Clark, Ron, December 2, 1997 Grand Jury Testimony (Memo at 91)\*
7. Donovan, Rick, January 6, 1998 Grand Jury Testimony (Memo at 56, 69, 70 and 72)\*
8. Donovan, Rick, January 21, 1998 Grand Jury Testimony (Memo at 56, 59 and 66)\*
9. Giroir, Joe, July 18, 1996 Grand Jury Testimony (Memo at 15, 24 and 38)
10. Gregory, Watt, January 3, 1996 Grand Jury Testimony (Memo at 40)

\* Indicates source was not included in Chapter 3, Vol. II, Part B of 2001 Final Report.



11. Handley, Sarah, October 31, 1995 Grand Jury Testimony (Memo at 32)
12. Henley, William, June 18, 1996 Grand Jury Testimony (Memo at 27)
13. Heuer, Sam, April 1, 1997 Grand Jury Testimony (Memo at 70 and 71)\*
14. Heuer, Sam, October 8, 1997 Grand Jury Testimony (Memo at 70)\*
15. Heymann, Phillip, June 13, 1995 Grand Jury Testimony (Memo at 97 and 98)\*
16. Hubbell, Webster, December 19, 1995 Grand Jury Testimony (Memo at 23 and 90)
17. Hubbell, Webster, August 22, 1996 Grand Jury Testimony (Memo at 65)
18. Kennedy, Gail, January 24, 1995 Grand Jury Testimony (Memo at 96)\*
19. Kumpe, Peter, February 3, 1998 Grand Jury Testimony (Memo at 69 and 77)\*
20. Lynch, Loretta, February 1, 1996 Grand Jury Testimony (Memo 79, 80, 81, 82 and 83)
21. Margolis, David, June 14, 1995 Grand Jury Testimony (Memo at 98)\*
22. Massey, Rick, November 7, 1995 Grand Jury Testimony (Memo at 33, 37 and 38)
23. Massey, December 3, 1997 Grand Jury Testimony (Memo at 89 and 90)
24. McDougal, James, April 2, 1997 Grand Jury Testimony (Memo at 15)
25. McLarty, Mack, April 17, 1997 Grand Jury Testimony (Memo at 156, 157 and 158)\*
26. Moles, Rae Ann, October 19, 1995 Grand Jury Testimony (Memo at 31)
27. Neuwirth, Steve, February 28, 1995 Grand Jury Testimony (Memo at 97 and 101)\*
28. Neuwirth, Steve, April 2, 1996 Grand Jury Testimony (Memo at 101)\*
29. Nussbaum, Bernard, June 13, 1995 Grand Jury Testimony (Memo at 97)\*

\* Indicates source was not included in Chapter 3, Vol. II, Part B of 2001 Final Report.

30. O'Neill, Henry, June 6, 1995 Grand Jury Testimony (Memo at 97)\*
31. Sloan, Cliff, April 4, 1995 Grand Jury Testimony (Memo at 97)\*
32. Thomases, Susan, February 29, 1996 Grand Jury Testimony (Memo at 40, 84, 86,  
87 and 88)
33. Ward, Seth, January 17, 1996 Grand Jury Testimony (Memo at 11)
34. Ward, Seth, January 21, 1998 Grand Jury Testimony (Memo at 76)\*

III. FBI 302s.

1. Alford, Jimmie (Memo at 51 and 73)\*
2. Castleton, Thomas (Memo at 102)\*
3. Dover, Darrell (Memo at 6)\*
4. Gregory, Watt (Memo at 40)\*
5. Heritage-Hays, Pat (Memo at 37)\*
6. Hubbell, Webster (Memo at 39 and 40)\*
7. Latham, John (Memo at 22 and 37)\*
8. McDougal, Jim (Memo at 15, 18, 21, 22, 27, 28, 29 and 30)\*
9. Moles, Rae Ann (Memo at 31 and 32)\*
10. OIC (Memo at 65)\*
11. Strayhorn, Susan (Memo at 27)\*
12. Williams, Gary (Memo at 102)\*

\* Indicates source was not included in Chapter 3, Vol. II, Part B of 2001 Final Report.