

Paul Allen, Inspector, FBI. The interview took place by telephone. The participants were:

Paul Allen Jon Pifer
Elizabeth Shapiro (possibly)

Thomas Kelley, Deputy General Counsel, FBI. The interview took place at FBI Headquarters. Present were:

Thomas Kelley Jon Pifer
Elizabeth Shapiro James Gilligan
David Anderson

Howard Shapiro, former General Counsel, FBI. The interview took place at FBI Headquarters. Present were:

Howard Shapiro Jon Pifer
Elizabeth Shapiro David Anderson

David Kitchen, Chief, Field Information Support Section, FBI. The interview took place at FBI Headquarters. Present were:

David Kitchen Jon Pifer
Elizabeth Shapiro James Gilligan

Other Witnesses

Other persons potentially having knowledge relevant to the FBI files matter who came to DOJ's attention during the scope-of-employment inquiry include (i) those individuals identified in H.R. Rep. No. 862, 104th Cong., 2d Sess., Investigation into the White House and Department of Justice on Security of FBI Background Investigation Files (Sept. 28, 1996) (the "House Report"), (ii) the individuals whose testimony before the House of Representatives and/or the Senate (whether before committee, or in deposition) DOJ reviewed (see list below), and (iii) any other individuals identified in that testimony.

Gary Grindler, then-Deputy Assistant Attorney General, Federal Programs Branch, also conferred with David Kendall, counsel for Mrs. Clinton.

DOCUMENTS REVIEWED UNDERLYING THE SCOPE DETERMINATION

**Depositions Before the House of Representatives,
Committee on Government Reform and Oversight**

- Craig Livingstone (6/14/96, 6/17/96, 9/24/96) (1 004751-4800; 1 004801-4830; 1 004831-4990)
- Anthony Marceca (6/18/96) (1 005119-5199)
- Bernard Nussbaum (7/11/96)
- Lisa Wetzl (6/17/96) (1 003937-3999)
- William Kennedy (6/18/96) (1 004093-4130)
- James Bourke (6/17/96) (2 000516-75)
- Gary Aldrich (7/18/96) (1 005312-5356)
- Sherry Carner (7/24/96) (2 000494-515)
- Dennis Casey (6/20/96) (1 004594-97)
- Arnold Cole (7/10/96) (1 004524-4546)
- Chuck Easley (7/26/96) (1 004598-4662)
- Janice George (7/24/96) (2 000317-35)
- Terry Good (6/25/96) (1 005279-5311)
- Edward Hughes (8/13/96) (1 004663-4689)
- Thomas Kelly (7/30/96) (2 000336-84)
- Peggy Larson (7/24/96) (2 000282-316)
- John Libonati (7/10/96) (1 004547-4551)
- George Saunders (7/16/96) (1 004690-4718)
- Dennis Sculimbrene (7/15/96) (1 003729-3777)

- Howard Shapiro (7/30/96) (2 000090-281)
- Jane Sherburne (7/23/96) (1 003378-3883)
- Jeff Undercoffer (7/10/96) (1 004552-4578)
- Kathleen Walker (7/30/96) (2 000607-17)
- Cecelia Woods (7/10/96) (2 000576-634)

Other Statements and Testimony Before the House Committee on Government Reform and Oversight

- Statement of Lisa Wetzl (6/26/96) (1 003930-3936)
- Statement of William Clinger (7/25/96) (1 020533-38)
- Interim Report of the House Oversight Committee (1 015843-912)
- Transcript of Hearings (Jane Dannenhauer, Richard Hauser, Arthur Culvahouse, Nancy Gemmell) (6/19/96) (1 015787-88; 1 015801-08; 1 004369-4443)
- Transcript of Hearings (Bernard Nussbaum, Craig Livingstone, Anthony Marceca, William Kennedy, Lisa Wetzl) (6/26/96) (1 005569-5827)
- Transcript of Hearings (Libonati, Undercoffer, Cole)(7/17/96) (1 020643-842)
- Transcript of Hearings (8/1/96) (1 007028-7214)

Depositions, Statements, Interviews and Other Testimony Before the Senate Judiciary Committee

- Deposition of Mari Anderson (10/1/96) (1 013093-13277)
- Statement of Lisa Wetzl (6/28/96) (1 013303-09)
- Interview of Edward Hughes and Jonathan Denbo (6/26/96) (1 004444-4500)
- Interview of Howard Shapiro (7/29/96) (2-000001-89)
- Transcript of Hearings (Mary Kate Carroll, Graven Winslow Craig, Billy Ray Dale,

Ellen Janyce Gober, Anita McBride, Robert Miller, Howard Shapiro) (6/20/96)
(1 005828-6019)

— Transcript of Hearings (Craig Livingstone, Lisa Wetzl, Arnold Cole, Jeffrey Undercoffer, James Wolfe, Nancy Gemmell, Mary Beck, Charles Easley, John Libonati) (6/28/96) (1 020910-21210)

— Transcript of Hearings (Livingstone, Wetzl) (7/28/96) (1 005357-5510)

— Transcript of Hearings (Livingstone, Shapiro) (9/25/96) (1 006163-6246) — *Serwitz*

FBI Form "302" Investigatory Interview Reports

— Pickup and Receipt of White House Cartons CF 159, CF 214, and CF 215 (6/10/96)
(FBI 000318)

— Interview of Peggy Larson and Sherry Carner (6/10/96) (FBI 000305-17)

— Interview of Vernon Thornton (6/10/96) (FBI 000303-04)

— Interview of David Kitchen (6/10/96) (FBI 000302)

— Interview of Barbara King (6/10/96) (FBI 000300-01)

— Receipt of Original of Billy Ray Dale Request Form (6/10/96) (FBI 000296-97)

— Interview of James Bourke (6/10/96) (FBI 000298-99)

— Interview of Thomas Kelly (6/10/96) (FBI 000291-95)

— Transfer of White House Boxes From Kelly (With Inventory) (6/10/96) (FBI 000280-90)

— Transfer of White House Envelope from Howard Shapiro, of letter from Jane Sherburne, and Dreylinger and Brasseur folders with letter (6/10/96) (FBI 000277-79)

— Interview with USSS liaison to FBI (6/10/96) (FBI 000153-54)

— Interview of Janice George (6/11/96) (FBI 000275-76)

— Interview of Jane Sherburne and transfer of "Project Update" folder with list (6/11/96)
(FBI 000273-74)

- Interview of J. Douglas Seward (6/11/96) (FBI 000271-72)
- Telephonic interview of San Antonio Special Agent Robert Zane (6/11/96) (FBI 000269-70)
- Review and summary of "White House Instruction Folders" (6/11/96) (FBI 000202-268)
- Telephonic interview of Supervisory Senior Resident Agent David J. Malarney (6/12/96) (FBI 000200-201)
- Interview of Joseph Sawyer (6/12/96) (FBI 000198-99)
- Transfer of 71 folders from White House Special Associate Counsel Sally Paxton with list (6/13/96) (FBI 000194-197)
- Telephonic interview of John Graham (6/13/96) (FBI 000193)
- Follow up interview of Peggy Larson and Sherry Carner (6/13/96) (FBI 000192)
- Interview of Peggy Larson (6/14/96) (FBI 000172-73)
- Interview of Janice George (6/14/96) (FBI 000166-171)
- Follow up interview with Joseph Sawyer (6/17/96) (FBI 000165)
- Follow up interview with Janice George (6/18/96) (FBI 000156-64)
- Interview of Dennis Sculimbrene (FBI 000143-150)

Miscellaneous Documents

- Report of the General Counsel, FBI, and attachments (6/14/96) (1 011271-11331)
- Copy of form request for previous background investigation report on David Lee Black (FBI 003191)
- Copy of form request for previous background investigation report on Patrick Adam Beers (FBI 003184)
- Copy of form request for previous background investigation report on Marjorie Anne Bridgman (FBI 003209)

- Copy of form request for previous background investigation report on Joseph Nelson Cate (FBI 006463)
- Copy of form request for previous background investigation report on Cara Leslie Alexander (FBI 003484)
- Inventory of Names and documents entitled "White House Personnel Security Files Staff Prior to 01/20/93" (FBI 000284-290)
- Letter dated June 13, 1996 to Howard Shapiro, FBI General Counsel, from Jane Sherburne, Special Counsel to the President, with attached receipt and lists (FBI 000476-481)
- Letter dated June 25, 1996 to John Bates, Deputy Independent Counsel, from Howard Shapiro, with attached list (FBI 004473-83)
- one-page, unsigned, undated interview report of Bernard Nussbaum and others for the apparent purpose of Craig Livingstone's background investigation report (FBI 0004335) (the "Sculimbrene insert")
- First Lady Discussion with Traveling Press (7/10/96) (1 006431)
- Statement of Bernard Nussbaum (7/25/96) (1 006911)
- Declaration of Anthony Marceca (6/9/96) (1 015828-31)
- Update Project as of 1-94 Marceca (1 00707-981)
- generally, documents produced by White House to the House Government Reform Committee, the Senate Judiciary Committee, and OIG concerning the FBI files matter were reviewed; none were found which called into question DOJ's determination that Nussbaum, Livingstone and Marceca acted within the scope of their employment; all of these documents that are non-privileged and responsive to plaintiffs' document requests have been produced.