

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER,
et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

Civil Action Nos.
96-2123/97-1288 (RCL)

CONSOLIDATED ACTIONS

RESPONSES AND OBJECTIONS TO PLAINTIFFS' THIRD SET OF
INTERROGATORIES TO THE EXECUTIVE OFFICE OF THE PRESIDENT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant Executive Office of the President ("EOP") responds as follows to Plaintiffs' Third Set of Interrogatories to the Executive Office of the President ("EOP"), dated May 13, 1999. EOP bases the following responses and objections on its current knowledge, information and belief.

GENERAL OBJECTIONS

EOP makes the following general objections to plaintiffs' interrogatories, both individually and collectively, and the definitions and instructions thereto, whether or not separately set forth in response to each of the interrogatories below:

1. EOP objects to Instruction No. 1, regarding the identification of each document, communication or act "relied upon in the preparation of each answer," "which forms all or part of the basis for that answer," "which corroborates the answers," or "the substance [sic] which forms all or part of the answer" as unduly

burdensome, vague, unworkable, and seeking to impose requirements that are beyond the scope of the Federal Rules of Civil Procedure.

2. EOP objects to Instruction No. 2, regarding the identification of "each person who may have personal knowledge" and "each person who communicated to the affiant any part of the information furnished" as unduly burdensome, vague, unworkable, and seeking to impose requirements that are beyond the scope of the Federal Rules of Civil Procedure.

3. EOP objects to Instruction No. 3 to the extent it seeks to impose requirements for the preparation of a privilege log that are beyond the scope of Rule 26(b)(5), Fed. R. Civ. P.

4. EOP objects to Definition No. 1, which defines "person" or "persons", as overbroad, vague and unworkable. EOP, for example, would not be able to know all persons "purporting" to act on every other person's behalf, or would not be able to identify all "assignees" or "associates" of all other persons.

5. EOP object to Definition No. 3, which defines "communication" or "communications" to include "any other means of transmitting information", as vague and overbroad.

6. EOP objects to Definition No. 6, which requests that EOP identify each corporation of which any person is officer or director, each business in which such person is principal, such person's position(s) "at the time of the act to which the interrogatory answer relates," "each position he has ever held with you, and the date such positions were held," and "such other information to sufficiently identify the person," as vague,

overbroad, unduly burdensome, invasive of individuals' privacy rights, and seeking to impose requirements regarding the identification of any person that are beyond the scope of the Federal Rules of Civil Procedure.

7. EOP objects to Definition No. 8 insofar as it purports to include in the definition of "White House" the residence of the President of the United States.

8. EOP objects to the term "FBI file," as used throughout these interrogatories, as vague and undefined. EOP has never obtained a background "FBI file" on any person.

RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES

In addition to the foregoing general objections, and without prejudice to their continued assertion, EOP responds and objects as follows to plaintiffs' interrogatories:

INTERROGATORY NO. 1: With the exception of political appointees to the Clinton Administration, state for each of the FBI files of the people on the attached list (Exhibit 1): (a) all reasons why the FBI file was procured; (b) who requested the file; (c) where the file was stored after delivery from the FBI (including specific rooms); (d) how the information in the file was used by the Clinton White House; (e) where the information from the file was disseminated, both inside and outside of the White House; (f) who had access to the file; and (g) whether the file was improperly obtained by the Clinton White House.

RESPONSE: (a) Exhibit 1 to plaintiffs' interrogatories is a list produced in November 1997 by the FBI of requests from EOP for individuals' previous background summary investigation reports. As an initial matter, EOP did not obtain the previous reports of all the people who appear on Exhibit 1. The FBI disseminated no information

to the White House in response to those requests that are marked on Exhibit 1 with an "X" in the column headed "CRS" (Central Records System). A list of these requests is attached hereto as Exhibit A. In addition, the White House never made a request for any FBI background information pertaining to Representative William Clinger.

There are also persons listed on plaintiffs' Exhibit 1 whose background summaries were obtained (i) while they continued to be employed at, or to hold active passes to, the White House complex, or (ii) in two cases, for purposes of their receiving or renewing presidential appointments. A list of these requests is attached as Exhibit B. EOP objects to Interrogatory No. 1 as irrelevant to the extent it seeks discovery pertaining to these requests. See Memorandum and Order dated May 17, 1999, at 6-7 (regarding motion to compel further deposition of William H. Kennedy, III) (holding that the use of current government employees' files is irrelevant); Memorandum and Order dated April 16, 1999, at 10 (regarding motion to compel further deposition of Mari Anderson) (same).

Notwithstanding this objection, and without waiving it, EOP responds that to the best of its knowledge and belief, the requests on plaintiffs' Exhibit 1 that are dated July 30 to August 17, 1993, and October 29, 1993 to February 18, 1994, were made by Nancy Gemmell and Anthony Marceca, respectively. These requests were made for purposes of the Update Project, i.e., the re-creation of the personnel security files of persons who continued to work at or hold passes to the White House complex notwithstanding the change in administration. The requests dated April 26 to June 29, 1994, and

possibly including those dated as late as December 1994, were made by Lisa Wetzl, also for purposes of the Update Project.

Two requests listed on Exhibit B, made following the time that Ms. Gemmell retired (James Davis and Cheryl Ann Reynolds), and another six requests, made following the conclusion of Mr. Marceca's White House detail (James William Allen, Edward Barnett, Florence Champagne, Gail Areden Collins, Deborah Wood Perroy, and Sean Jerome Stewart), are not clearly related to the Update Project. Twenty-two requests, made following June 29, 1994, may or may not have been connected to Ms. Wetzl's work on the Update Project (Edward Appell, Tyron Leon Chase, Lue Culbreath, Joan Kay Edwards, Joseph Kenneth Ford, Alice Mae Gamble, Samuel Allen Henry, Larry Lee Kauffman, Manuel Anthony Mendoza, Arlette Nickens, Andre Norwood, Lee Prince, James M. Reagan, James M. Reid, George Everett Saunders, William Oliver Studeman, Michael John Sullivan, Edward L. Tolbert, Gwendolyn Schroeder Watson, Beatrice Watts, Lafayette Witherspoon, Jr., and James York).

In 13 of these 30 cases, the stated purpose on the request forms themselves (earlier produced to plaintiffs by the FBI) (Bates stamp nos. FBI 003146-3155, 00006447-6896), or as indicated by the notation "A" in the "CATEGORY" column of the FBI "purge logs" (also produced earlier to plaintiffs), is "access," i.e., to determine the individual's suitability for access to the White House complex. In three additional cases, the notation in the CATEGORY column of the purge log is "S," indicating, to the best of EOP's knowledge and belief, that the requests had been made because the individuals in

question continued to work on the White House staff. In the remaining 14 cases, all from 1995, the request forms used did not indicate the purpose of the request. (The purge logs do not cover the years after 1994.) EOP has no knowledge or information to suggest that any of these 30 requests were submitted for any purpose other than to assess persons' suitability for continued access to the White House complex.

There are also persons listed on Exhibit 1 whose summary reports were requested by the White House when they no longer were employed at, or held active passes to, the White House complex. A list of those requests is attached hereto as Exhibit C. To the best of EOP's knowledge and belief, the requests on Exhibit C dated July 30, 1993 to August 17, 1993 were made by Nancy Gemmell for purposes of the Update Project. Ms. Gemmell submitted these requests, even though the individuals in question no longer required access, because of her reliance on a June 10, 1993 Secret Service pass holder list to conduct the Update Project which, unbeknownst to the people using it, was an active/inactive White House pass holder list.

To the best of EOP's knowledge and belief, requests on Exhibit C between October 29, 1993 and February 18, 1994 were submitted by Anthony Marceca for purposes of the Update Project, also because he relied on the same June 10, 1993 Secret Service pass holder list obtained by Ms. Gemmell, without knowing it was an active/inactive list. To the best of EOP's knowledge and belief, requests on Exhibit C dated April 26 to June 29, 1994, and possibly as late as December 1994, were made by Lisa Wetzl for purposes of the Update Project.