

To the best of EOP's knowledge and belief, four of the requests on Exhibit C were made prior to the time that Ms. Gemmell began requesting previous reports for purposes of the Update Project (Matthew Dunlap Smith, Agnes Charlescraft Warfield, John Griffen Weinmann, and John Cunningham Whitehead). Two additional requests on Exhibit C, made following the conclusion of Mr. Marceca's detail, are not clearly related to the Update Project (Susan Karen Brown and Helen Gus Skaltsounis). In all six of these cases, the purpose of the requests (as indicated on either the request forms or the purge logs) is "access," i.e., to determine the individual's suitability for access to the White House complex.

EOP cannot determine from the information available to it whether 30 of the almost 1,000 requests on plaintiffs' Exhibit 1 were made at a time when the subjects of the requests still required White House access, or were under consideration for presidential appointment. A list of these requests is attached as Exhibit D. To the best of EOP's knowledge and belief, 27 of these requests were made by Ms. Gemmell (those dated between July 30 and August 17, 1993) or Mr. Marceca (those dated between October 29, 1993 and February 18, 1994) in connection with the Update Project. Of the remaining three requests, two (John Edward Hopcroft and Richard Neil Zare) were made before Ms. Gemmell began making previous report requests in connection with the Update Project, and one (Muriel Shiell Henderson) was made after June 29, 1994, and may or may not have been related to Ms. Wetzl's work on the Update Project.

In the purge log entry for Mr. Hopcroft, the notation in the

CATEGORY column of the purge log is "S," indicating, to the best of EOP's knowledge and belief, that this request was made because Mr. Hopcroft continued to work on the White House staff. In the purge log entry for Mr. Zare, the notation in the CATEGORY column of the purge log is "PA," indicating, to the best of EOP's knowledge and belief, that this request was made in connection with Mr. Zare's consideration for a Presidential appointment. The request form for Ms. Henderson does not indicate the purpose of the request. EOP has no knowledge or information to suggest that these requests were submitted for any purpose other than the ones indicated, or, where none is indicated, for purposes other than determining persons' suitability for White House access.

EOP objects to Interrogatory 1, subpart (a), to the extent it seeks to impose undue burdens upon EOP. EOP cannot warrant the complete accuracy of the information provided above. It has compiled the information requested based upon records maintained by EOP, including personnel and security records. This information, while the best EOP data available, is not always accurate. Secret Service data was also used.

Two of the entries on Exhibit 1 refer to organizations, not individuals, receiving Presidential awards (Deaton James AFL-CIO Retirees Program, and District Council Carpenters Seattle North, etc.). Another entry concerns a "name check" (a records check for prior convictions, arrests, or outstanding warrants) on Bobby Ray Inman. On January 12, 1994, the National Security Council ("NSC") requested that Mr. Inman be issued a temporary White House pass from

January 16 to February 4, 1994, for work it was anticipated he would be doing with the NSC. See Exhibit E, hereto. All persons who are issued temporary passes to the White House complex undergo name checks to determine their suitability for access. EOP objects to Interrogatory No. 1 as irrelevant and not calculated to lead to the discovery of admissible evidence insofar as it pertains to these three requests.

(b) To the best of EOP's knowledge and belief, the requests on Exhibit 1 that pre-date June 1996 were made by employees of the White House Office of Personnel Security ("OPS"). (In June 1996 the personnel security functions of OPS, including responsibility for requesting previous background reports from the FBI, were transferred to the EOP Security Office.) A list of persons employed within OPS during the Clinton Administration was produced to plaintiffs on or before January 30, 1998 under Bates stamp nos. 1 014890-92. EOP cannot determine with certainty who in fact made any particular request, because, as a matter of procedure, requests were made at that time in the name of the Counsel to the President. The forms then used did not reflect who in fact filled them out or had them submitted to the FBI. To the best of EOP's knowledge and belief, however, based on the dates the reports were requested, the composition of OPS at the time, and the specific people who had responsibility for the Update Project, the requests dated July 30 to August 17, 1994, were made by or on instruction of Nancy Gemmell, requests dated October 29, 1993 to February 18, 1994, were made by or on instruction of Anthony Marceca, and requests dated April 26 to

June 29, 1994, and possibly including requests as late as December 1994, were made by or on instruction of Lisa Wetzi.

The sole request on Exhibit 1 that post-dates June 1996, pertaining to Gregory Monetta Sleet, was made by Clifford Maulton, a paralegal in the White House Counsel's Office, with the approval of Associate White House Counsel Peter Erichsen. See FBI 00007440. The request was made in connection with Mr. Sleet's appointment by President Clinton as a United States District Judge for the District of Delaware.

EOP objects to Interrogatory 1, subpart (b), to the extent it seeks to impose undue burdens upon EOP. It is unduly burdensome, for example, to expect EOP to attempt to correlate further each of the nearly 1000 names on Exhibit 1 with the likely requester of the person's summary report. Plaintiffs are in possession of the information to undertake that task, to the extent possible, if they choose to devote their resources in that fashion.

(c) During 1993 through mid-1996, previous reports from the FBI were delivered by FBI courier in sealed envelopes to OPS, Room 84 of the Old Executive Office Building ("OEEOB"). Reports obtained during that time period were stored in personnel security files maintained in the OPS vault, designated as Room 86, OEEOB. The personnel security files that Mr. Marsaca re-created in connection with the Update Project, and that Lisa Wetzi later determined OPS no longer needed to maintain, see Response No. 12, were boxed up and sent to the Office of Records Management ("ORM") (Rooms 80 and 563, OEEOB), for secure storage. An annotated list of these files prepared by Ms.

Wetzl was previously produced to plaintiffs on or before January 30, 1998 under Bates-stamp nos. 1 006670-6676. Ms. Wetzl subsequently determined that OPS in fact required seven of these files (because the individuals in question still worked at the White House), retrieved those files from ORM, and stored them again in Room 86, the OPS vault. The files in question, to the best of EOP's knowledge and belief, are identified on the annotated inventory referred to above.

Because of space limitations in the OPS vault, from time to time OPS boxed up the personnel files of departed staff and transferred them to ORM for archival storage. On these occasions OPS prepared inventories of the transferred files. To the best of EOP's knowledge and belief, these inventories were produced to plaintiffs on or before January 30, 1998, under Bates-stamp nos. 1 003498-520, 1 003521-722, 1 003724-26, 1 008555-585, 1 008586-685 and 1 008686-779. Plaintiffs can consult these inventories to ascertain whether the personnel security file of any individual listed on Exhibit 1 was transferred to ORM on any of these occasions. These files were also stored by ORM in its secured facility in Room 563, OEOS.

From approximately January to December 1994, Room 563 underwent roof renovations. During that period, records stored there were transferred to a secure facility in Room 520, OEOS. Thus, any personnel security files of individuals listed on Exhibit 1 that were transferred to ORM before or during the Room 563 renovation may have also been stored in Room 520.

On May 21, 1996, the personnel security file of Billy Dale was

retrieved from ORM by Wendy White of the White House Counsel's Office, and a copy was delivered on May 30, 1996 to Representative Clinger in response to a congressional subpoena. The original personnel security file of Billy Dale was delivered to the Office of Independent Counsel on June 6, 1996.

Also on June 6, 1996, the White House delivered 333 personnel security files to FBI personnel. On June 10 and 13, 1996, 73 additional files were delivered to the custody of the FBI. The names of the people whose files were transferred to the custody of the FBI on June 6, 10 and 13, 1996 are identified in the documents produced to plaintiffs under Bates-stamp nos. 1 006668-6679 and 1 006721.

Between June 19, 1996 and September 10, 1997, all personnel security files maintained in the OPS vault, or that OPS had previously committed to the custody of ORM, were transferred to the EOP Security Office, Room 4026, New Executive Office Building ("NEOB"), where they have remained. EOP has no knowledge or information to suggest that data from the personnel security files of any of the people on Exhibit 1 were ever stored in, or disseminated to, any other place inside or outside the White House.

EOP objects to Interrogatory 1, subparts (c) and (e), as unduly burdensome, irrelevant, annoying and oppressive, and on the basis of the Court's previous orders, to the extent it seeks to have EOP identify the location and dissemination of the personnel security files of persons who worked at or held active passes to the White House complex, or who were under consideration for Presidential appointments, at the time their background reports were obtained.