

persons who have knowledge" as vague, ambiguous, and overbroad, in that it could include any person whose sole knowledge comes from the public media. Subject to this objection, the following persons have some knowledge about how Craig Livingstone became employed at the White House:

1. Craig Livingstone  
c/o David Cohen  
Miller, Cassidy, Larroca  
& Lewin  
2555 M Street, N.W.  
Washington, D.C. 20037  
Telephone No.: (202) 833-6503
2. Cheryl Mills  
Deputy Counsel to the President  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500  
Telephone No.: (202) 456-1414

INTERROGATORY NO. 7: For each time Craig Livingstone entered the White House residence, as indicated on the attached Secret Service WAVES logs (Exhibit 2), state: (a) each purpose of his visit; (b) the persons he met at the White House during his visit; and (c) whether he transported information from FBI files to the residence.

RESPONSE:

1. December 7, 1993: (a) The purpose of this visit was to attend the Congressional Holiday Ball; (b) Mr. Livingstone attended the function with approximately 756 other guests and invitees; (c) Mr. Livingstone has never transported information from FBI files to the White House Residence on this or any other occasion. See Livingstone Deposition, p. 95-96.

2. October 18, 1994: (a) The purpose of this visit was to attend the Tennessee Day Reception; (b) Mr. Livingstone attended the

function with approximately 382 other guests and invitees; (c) Mr. Livingstone has never transported information from FBI files to the White House Residence on this or any other occasion. See Livingstone Deposition, p. 95-96.

3. March 6, 1996: Craig Livingstone did not enter the Residence on this date. The person indicated on the "WAVES" log is not David Craig Livingstone, but a Mr. David Nelson Livingstone, a man not born in the same year as was David Craig Livingstone. See Livingstone Dep., 5/26/99, pp. 125-26. The purpose of Mr. David Nelson Livingstone's visit was to attend a Reception for the White House Leadership Conference on Youth, Drug Use and Violence, an event attended by approximately 572 other people.

EOP objects to identifying each individual who attended the foregoing events as irrelevant and unduly burdensome.

INTERROGATORY NO. 8: Describe with specificity, all of the reasons why Chris Emery's FBI file was used by the Clinton White House.

RESPONSE: EOP is not aware of Mr. Emery's background summary report being used for any purpose other than (i) to determine his suitability for continued access to the White House complex, (ii) to determine whether he was due for a five-year reinvestigation, and (iii) to prepare a memorandum to his employing office inquiring whether he still worked at the complex. 1 000253-55.

As part of the Update Project, the Office of Personnel Security ("OPS") requested from the FBI a copy of Mr. Emery's previous summary report. See Response No. 12. This request was made on September 17,

1993, while Mr. Emery was an employee of the White House. The summary report that came back from the FBI was from 1986. 1 000253-55. Although Mr. Emery had undergone a reinvestigation in 1991, as required, the FBI failed to provide the 1991 report to the White House. Since Mr. Emery continued to work at the White House, where employees are required to undergo reinvestigations every five years, and since the latest FBI summary report provided to the White House was from 1986, Mr. Emery was issued the paperwork necessary to initiate a reinvestigation. Mr. Emery signed a consent form for that reinvestigation on November 15, 1993, and on December 15, 1993, OPS submitted a request to the FBI for a full field background investigation. When the FBI received and processed the request, it discovered that Mr. Emery had had a reinvestigation in 1991, and therefore did not require another full field investigation. The FBI so notified OPS, and attached a copy of Mr. Emery's 1991 summary report. See FBI 002943, FBI 002950, FBI 002677.

The obtaining of Mr. Emery's summary report was routine for current employees, whose White House security files were removed by the previous administration and had to be recreated. See Response No. 12. The request was wholly unconnected to his termination in March 1994.

**INTERROGATORY NO. 9:** Identify all persons who have knowledge about the use of Chris Emery's FBI file by the Clinton White House.

**RESPONSE:** No person has knowledge about the use of Mr. Emery's FBI summary report, since it was not used, except to the extent that

OPS obtained and used the report in the normal course of conducting the Update Project. See Response Nos. 8, 12. EOP objects to the phrase "all persons who have knowledge" as vague, ambiguous, and overbroad, in that it could include any person whose sole knowledge comes from the public media. Subject to this objection, persons with first-hand knowledge of the obtaining of Mr. Emery's summary report, as described in Response No. 8, are:

1. Mari Anderson  
(address cited in Anderson Dep., p. 10)
2. Fat Kaloudis  
Supervisory Personnel Security Specialist  
Federal Bureau of Investigation  
935 Pennsylvania Ave., N.W.  
Washington, D.C. 20535  
Telephone No.: (202) 324-2568
3. Janice George, Research Analyst  
Federal Bureau of Investigation  
935 Pennsylvania Ave., N.W.  
Room 4973  
Washington, D.C. 20535  
Telephone No.: (202) 324-2568
4. Anthony Marceca  
c/o Robert Muse  
Stein, Mitchell & Mezines  
1100 Connecticut Avenue, N.W.  
Suite 1100  
Washington, D.C. 20036  
Telephone No.: (202) 737-7777

In addition, the following person has second-hand knowledge of of the obtaining of Mr. Emery's summary report as the result of responding to investigative inquiries on the subject during the summer of 1996:

1. Sally Paxton, former Special Associate Counsel

to the President  
Deputy Solicitor for National Operations  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Room S-2002  
Washington, D.C. 20210  
Telephone No.: (202) 693-5262

INTERROGATORY NO. 10: Describe with specificity, all of the reasons why William Clinger's FBI file was used by the Clinton White House.

RESPONSE: The White House has never requested, acquired or used William Clinger's "FBI file." Indeed, the FBI, in response to plaintiffs' requests for documents in this case, has stated that it has no background investigation file on Mr. Clinger, and no record of a request by the White House for, or disclosure by the FBI of, FBI background investigation material relating to Mr. Clinger. See FBI's Response to Plaintiffs' Third [Sic] Request for Production of Documents to EOP and the FBI (June 10, 1999), Response No. 7.

INTERROGATORY NO. 11: Identify all persons who have knowledge about the use of William Clinger's FBI file by the Clinton White House.

RESPONSE: None. See Response No. 10.

INTERROGATORY NO. 12: Describe with specificity, all of the reasons why Billy Dale's FBI file was used by the Clinton White House.

RESPONSE: Billy Dale's FBI summary report was not used by the Clinton White House, except to the extent that it was obtained as part of the Update Project, and later provided to investigators.

The Update Project involved, at the beginning of the new administration, the re-creation of personnel security files of holdover employees and other persons who continued to work at or hold active passes to the White House complex. Gemmell Decl. ¶ 6; Wetzl

Decl. ¶ 15; Anderson Dep. at 74-75. This was necessary because at the end of each administration, personnel security files, together with all other "Presidential records," are transferred to the National Archives, as required by the Presidential Records Act. Gemmell Decl. ¶ 8; Wetzl Decl. ¶ 15; Anderson Dep. at 75. OPS recreated these files by obtaining from the FBI new copies of background summary reports on persons who continued to work at or hold active passes to the White House complex notwithstanding the change of administration. Gemmell Decl. ¶ 10; Wetzl Decl. ¶ 16; Anderson Dep. at 76-77.

In 1993, Nancy Gemmell, the sole remaining OPS employee from the Reagan and Bush Administrations, raised the need to conduct the Update Project, and, before her retirement in August, 1993, she began work on it. Gemmell Decl. ¶¶ 4-6, 12; Wetzl Decl. ¶¶ 12-13; Anderson Dep. at 77-78, 80, 89, 93. To carry out the Update Project, Ms. Gemmell obtained a list from the United States Secret Service of what were thought to be active White House passholders. Gemmell Decl. ¶¶ 13, 20; Anderson Dep. at 89-90, 101-02. When Ms. Gemmell retired, she left this list behind for use in completing the project. Gemmell Decl. ¶ 30; Wetzl Decl. ¶ 20; Anderson Dep. at 93-94. Shortly thereafter, Anthony Marceca began his six-month detail in OPS. Gemmell Decl. ¶ 29; Wetzl Decl. ¶ 21; Anderson Dep. at 72-73. As part of his duties, Mr. Marceca continued work on the Update Project. Wetzl Decl. ¶¶ 21-23; Anderson Dep. at 52. In so doing, Mr. Marceca