

used the Secret Service Passholder list (dated June 10, 1993) that Ms. Gemmell left behind for that purpose. See Wetzl Decl. ¶¶ 22, 28, 30-31, 35; Anderson Dep. at 94-95; 103-04.

Mr. Marceca worked on the Update Project through the fall and winter of 1993, and early 1994, obtaining the FBI background summary reports of persons named on the Secret Service list. Wetzl Decl. ¶¶ 21-22. However, when Mr. Marceca's detail ended in February 1994, he had not completed the project, and left files containing background summaries he had received, together with his workpapers, in the OPS vault. Wetzl Decl. ¶ 23. They remained there for several months, until Ms. Lisa Wetzl, another OPS employee, began working on the Update Project. Wetzl Decl. ¶ 24.

When Ms. Wetzl took over the project, she examined the security files and related workpapers that Mr. Marceca had left behind, and concluded that Mr. Marceca had acquired the background summaries of persons no longer requiring White House access as a result of using Ms. Gemmell's list, which, she determined, was out of date. See Wetzl Decl. ¶¶ 25-28, 30-32, 35; Anderson Dep. at 142-43. Ms. Wetzl identified the background summaries she believed OPS no longer required, and due to space limitations in the OPS vault, boxed them up, together with Mr. Marceca's workpapers, and sent them to storage in the Office of Records Management ("ORM"). See Wetzl Decl. ¶¶ 32-34; Anderson Dep. at 143, 146-47.

Mr. Dale was one name that appeared on the June 10, 1993 Secret

Service list, even though by that time, he no longer worked at the White House, and no longer needed White House access. To the best of EOP's knowledge, Mr. Marceca, working from that June 10, 1993 list, requested Mr. Dale's summary report on December 20, 1993. 1 010630. The FBI provided the report to the White House on January 6, 1994, FBI 003130, and it was placed in the OPS vault together with other files of previous summary reports obtained by Mr. Marceca.

Mr. Dale's file remained in the OPS vault until December 1, 1994, when Ms. Wetzl sent Mr. Dale's file, together with hundreds of others obtained by Mr. Marceca, to ORM. Wetzl Decl., ¶¶ 33-35; 1 006934-43. EOP has no knowledge of Mr. Dale's file being removed from ORM until May 21, 1996, when it was retrieved by Associate White House Counsel Wendy White for the purpose of responding to a subpoena from the House Oversight Committee. 1 014256-60. The file was produced to the Committee on May 30, 1996. Id. On June 6, 1996, the original White House personnel security file containing Mr. Dale's FBI summary report was delivered to the Office of Independent Counsel. 1 023164, 1 023305-06.

EOP is aware of no other instances in which Mr. Dale's security file was ever accessed. It is possible that during the course of the White House's internal review of the travel office firings, a request was made to OPS for records concerning the travel office employees. See Deposition of Mari Anderson (Senate Judiciary Committee) (Oct. 1, 1996) ("Anderson Senate Dep.") at 53-54 (1 004238-39); Deposition of

David Craig Livingstone (June 8, 1999) at 513-1a. As Ms. Anderson testified, however, she recalls either finding nothing inside the file, or no file at all. See Anderson Senate Dep. at 54. This testimony is consistent with the documentary evidence that Mr. Dale's summary report was not delivered to the White House until January 6, 1994. FBI 003130.

INTERROGATORY NO. 13: Identify all persons who have knowledge about the use of Billy Dale's FBI file by the Clinton White House.

RESPONSE: EOP has no knowledge of any use of Billy Dale's FBI file, except to the extent that Mr. Dale's summary report was obtained as part of the Update Project, and later provided to investigators. See Response No. 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 either first-hand knowledge (or second-hand knowledge as a result of responding to investigative inquiries) of at least some part of the information contained in Response No. 12 are:

1. Lisa Wetzl
c/o David Wilson
Hale & Dorr
1455 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Telephone No.: (202) 942-8476
2. Mari Anderson
(address cited in Anderson Dep., p. 10)
3. Anthony Marceca
c/o Robert Muse
Stein, Mitchell & Mazines

1100 Connecticut Avenue, N.W.
Suite 1100
Washington, D.C. 20036
Telephone No.: (202) 737-7777

4. Craig Livingstone
c/o David Cohen
Miller, Cassidy, Larroca
& Lewin
2555 M Street, N.W.
Washington, D.C. 20037
Telephone No.: (202) 833-6503
5. Tom Taggart
Office of Records Management
The White House
Washington, D.C. 20500
Telephone No.: (202) 456-1414
6. Janice George, Research Analyst
Federal Bureau of Investigation
935 Pennsylvania Ave., N.W.
Room 4973
Washington, D.C. 20535
Telephone No.: (202) 324-2568
7. Natalie Williams, former Associate Counsel
to the President
(The EOP has no business address or telephone number
for Ms. Williams)
8. Wendy White, former Associate Counsel to
the President
Shea & Gardner
1800 Massachusetts Ave., N.W.
Washington, D.C.
Telephone No.: (202) 828-2000
9. 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
10. Jane Sherburne, former Special Counsel to
the President

Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037
Telephone No. (202) 663-6000

11. Jack Quinn, former Counsel to the President
Arnold & Porter
555 12th Street, N.W.
Suite 1251
Washington, D.C. 20004
Telephone No.: (202) 942-5000

INTERROGATORY NO. 14: Identify all persons who recommended or who helped make the decision that Kathleen Willey's letters to President Clinton should be released by the Clinton White House.

RESPONSE: Persons who made the decision to release the Willey letters were:

1. Bruce Lindsey
Deputy Counsel to the President
Office of White House Counsel
The White House
Washington, D.C. 20500
Telephone No.: (202) 456-1414
2. Cheryl Mills
Deputy Counsel to the President
Office of White House Counsel
The White House
Washington, D.C. 20500
Telephone No.: (202) 456-1414
3. Charles F.C. Ruff
Counsel to the President
Office of White House Counsel
The White House
Washington, D.C. 20500
Telephone No.: (202) 456-1414
4. President William Jefferson Clinton
The White House
Washington, D.C. 20500

EOP objects to the term "helped make" as vague and ambiguous, and overbroad. EOP also objects to the identification of all persons "who recommended" that the Willey letters be released, as the

identification of "who recommended" would reveal information protected by the attorney-client and deliberative process privileges. In addition, the President's personal counsel participated by telephone in some discussions that included this matter. EOP, on behalf of Williams & Connolly, objects to revealing the substance of those discussions on the basis of the President's personal attorney-client privilege and the work product doctrine.

INTERROGATORY NO. 15: With regard to George Stephanopoulos' reference to the Ellen Rometsch strategy on the February 8, 1998 edition of ABC's "This Week," (attached as Exhibit 3), identify all persons to whom Mr. Stephanopoulos was referring when he said "White House allies."

RESPONSE: EOP has no knowledge of persons to whom Mr. Stephanopoulos was referring when he said "White House allies."

INTERROGATORY NO. 16: Describe with specificity, all of your knowledge about the transfer of information from FBI files to the Democratic National Committee.

RESPONSE: EOP has no knowledge of information from FBI files being transferred to the Democratic National Committee.

INTERROGATORY NO. 17: With respect to the certification attached as Exhibit 4, identify all facts upon which the following statement is based, including in your answer the identity of all persons having knowledge of such facts: "I find that the invasion of privacy claim asserted against individual defendants Bernard W. Nussbaum, David Craig Livingstone, and Anthony Marceca in this lawsuit arises from conduct performed by them within the scope of their former federal employment by the White House."

RESPONSE: EOP has no knowledge of the specific facts upon which the Department of Justice's certification decision was based. Generally, EOP is aware that attorneys from the Department of Justice