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Folder Title: Deborah Perroy Declaration (Filegate) [1]				
Staff Office-Individual: Legal Advisor-Derosa, Mary				
Original OA/ID Number: 3409				
Row: 39	Section: 5	Shelf: 7	Position: 3	Stack: V

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CARA ALEXANDER, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, *et al.*,

Defendants.

Civil Action Nos.

96-2123/97-1288 (RCL)

JOHN MICHAEL GRIMLEY, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, *et al.*,

Defendants.

**PLAINTIFFS' REPLY TO GOVERNMENT DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION TO
SUPPLEMENT THE RECORD RE:
PERROY DECLARATION**

Plaintiffs, by counsel, respectfully submit this reply to the Government Defendants' Opposition to Plaintiffs' Motion to Supplement the Record with the declaration of a former National Security Counsel staffer Deborah Perroy.

MEMORANDUM OF LAW

Plaintiffs seek to supplement the record in this matter with a relevant, probative and important declaration from a former National Security Counsel ("NSC") staffer, Ms. Deborah Perroy. In her declaration, Ms. Perroy swore, under oath, that while working in the Clinton White House, she witnessed Director of NSC Administration J. Robert Manzanares and an assistant, Masha L. Dimel, looking through files in a safe that she knew to contain FBI and CIA background information on Reagan and Bush Administration NSC staffers, including such well-known persons as Admiral John Poindexter and Lieutenant Colonel Oliver North. *See* Declaration of Deborah Perroy, attached as Exhibit 1 to Plaintiffs' Motion to Supplement the Record, at para. 4. In addition, Ms. Perroy testified that Manzanares and Dimel were making some sort of list as they examined the files. *Id.* Ms. Perroy also testified that Manzanares and Dimel had no legitimate reason to be accessing the files. *Id.* at para. 7. Ms. Perroy further testified that the incident occurred after normal working hours, and that Manzanares and Dimel reacted as if they had been caught doing something improper. *Id.* at para. 5.

In their opposition, the Government Defendants do not dispute that Ms. Perroy saw Manzanares and Dimel going through personnel security files on NSC staffers. In fact, Manzanares and Dimel effectively admit that the incident took place as Ms. Perroy describes. They only deny that they were looking at the personnel security files on former NSC staffers. The incident thus presents yet another example of misuse of information in confidential, government files by the Clinton White House. That Manzanares and Dimel deny reviewing the personnel security files of former NSC staffers only demonstrates that further investigation of this incident is warranted, just as the Court has authorized Plaintiffs to investigate the release of information from Ms. Linda Tripp's confidential U.S. Department of Defense personnel file and the release of letter written by Ms.

Kathleen Willey to President Clinton by the Clinton White House.¹ See April 13, 1998 Memorandum and Order at 6-7 (“The question becomes whether plaintiffs should be allowed to pursue discovery into [the Tripp] and other matters bearing on the obtaining and misuse of government files in order to create the inference that it is reasonable to conclude that FBI files were obtained and misused in the instant case. The court concludes that this is a permissible inference for plaintiffs to pursue.”); June 15, 1998 Memorandum Opinion at 8-9; July 10, 1998 Memorandum and Order at 22. Based on Ms. Perroy’s declaration, it certainly is likely that the FBI files of many class-members were maintained in the NSC safe, in addition to being maintained improperly in the Office of Personnel Security and elsewhere in the Clinton White House. A motion for leave to depose Manzanares and Dimel will be forthcoming.

Predictably, the Government Defendants also makes what has become the standard response of the Clinton White House whenever it is caught engaging in improper, if not illegal, conduct. It tries to denigrate Ms. Perroy in an attempt to undercut the evidence that she offers. In order to rebut these specious charges, Ms. Perroy has executed a second declaration, attached hereto as Exhibit 1, that is self-explanatory.

Ms. Perroy was in error about the date of her resignation, an innocent mistake for which she apologizes to the Court. Nonetheless, this innocent mistake cannot and does not detract from the importance of her testimony and the obvious conclusion that, in addition to Filegate, the Clinton White House misused information in confidential, government files on numerous occasions.² As the

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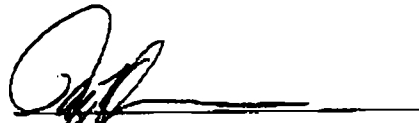
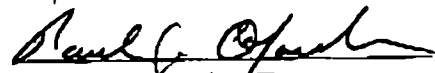
² As part of their transparent attempt to undercut Ms. Perroy’s powerful declaration, the Government Defendants released, onto a public record, documents that they admit are from Ms.

Court has held previously, these other instances of misuse are relevant to rebut the Government Defendants' disingenuous claim that Filegate was an "innocent bureaucratic snafu." *See, e.g.*, April 13, 1998 Memorandum and Order at 6-7.

WHEREFORE, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion to Supplement the Record with this important and probative evidence.

Respectfully submitted,

JUDICIAL WATCH, INC.


Larry Klayman, Esq.
D.C. Bar No. 334581
Paul J. Oranedes, Esq.
D.C. Bar No. 429716
Suite 725
501 School Street, S.W.
Washington, DC 20024
(202) 646-5172

Attorneys for Plaintiffs

Perroy's personnel and personnel security files. *See* Declaration of Marsha L. Dimel at para. 14; Declaration of Charles C. Easley at para. 4. This unauthorized release constitutes yet another violation of the Privacy Act.

SECOND DECLARATION OF DEBORAH PERROY

I, Deborah Perroy, hereby states as follows:

1. I have personal knowledge of the matters attested to herein.
2. On February 3, I was contacted by a representative of Judicial Watch, Inc. and was alerted to the point made in the Government Defendants' Opposition to Plaintiffs' Motion to Supplement the Record ("Opposition") that I had left the Clinton White House in September, 1994 rather than September, 1993. A subsequent review of the documents contained in the Opposition (documents which I did not have at the time of my January 7, 2000 declaration) has led to me to conclude I was inadvertently mistaken in the date of my resignation, which did occur in September, 1994.
3. I sincerely apologize to this Court for this innocent mistake, which was not intended in any way to mislead this Court.
4. In their Opposition, Government Defendants argue that since I left the Clinton White House in 1994, it therefore follows they had properly obtained my FBI file information in October, 1993 and properly requested it again in March, 1994. I do not believe that explanation as, based on my experience, the FBI background files on NSC staff such as myself were maintained by the NSC itself, not by the Office of Personnel Security. 

5. Furthermore, the documents the Government Defendants use in support of their Opposition contain confidential information which is admitted to have come from my "personnel security file," the release of which I believe violates my rights under the Privacy Act. I did not authorize the Clinton White House to release any information from my personnel security file and am outraged that they have. One of the documents attached to the Opposition's Third Declaration of Charles Easley contains written comments about me which, in addition to being false, harm my reputation. In other words, whatever the alleged timing of their obtaining of my FBI file information, the Clinton White House has now done what I had feared they would do for coming forward and telling the truth in good faith – use the contents of my confidential government files in an effort to smear my good name. Also, based on my experiences working in the Clinton White House, it was common knowledge among Clinton White House staff that Hillary Clinton had a deep, however unfounded, mistrust of the holdover White House employees from the previous administration (Chris Emery, Billy Dale and his Travel Office colleagues, and Linda Tripp, to name but a few examples). All this calls into question in my mind their initial motives in obtaining material from my FBI file in the first place.

6. In his declaration, Robert Manzanares denies that he was technically a "political appointee," but he misconstrues my use of the phrase. His position was "political" in the sense that, based on my experience, the position he held would never be filled by someone who was not loyal to the President's political agenda.

7. Contrary to the Opposition's effort to denigrate the breadth of my responsibilities and knowledge of NSC operations and staff responsibilities at the Clinton White House, I knew in great detail about the responsibilities of Manzanares and Dimel at the time I worked with them at the Clinton White House. Contrary to Manzanares' and Dimel's claims, I was very much aware of Manzanares' job duties and responsibilities, as I worked closely with him on a day-to-day basis. Manzanares knows this himself, since he constantly assigned to me important tasks outside my formal job responsibilities as a financial management officer, including tasks concerning highly sensitive national security matters which I do not feel comfortable discussing publically.
8. To be clear, I am aware of the distinction between personnel files (containing dates of employment, salary histories, etc.) and personnel security files (containing CIA and FBI information). I caught Manzanares and Marcia Dimel accessing personnel security files, which they themselves have now admitted to doing on repeated occasions.
9. To reiterate, I personally saw the personnel security files of current and former White House staffers (Reagan, Bush, and Carter) in the safe. I witnessed Manzanares and Dimel later accessing personnel security files from this same safe.
10. Prior to Manzanares's tenure at the Clinton White House, no one other than the CIA liaison (or "NSC Security Officer") had access to the files at issue here. In fact,

DP

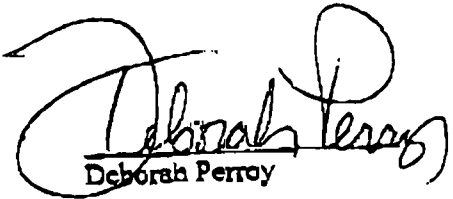
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12. Based on my experience at the Clinton White House, Manzanares and Dimel did not "routinely" work together until 7:30 p.m. or 8:00 p.m. Because of my commute, I was usually the first to arrive in the morning (at around 5:00 a.m.) and the last to leave in the evening (often as late as 8:00 p.m.). It was extremely rare that they both would be there after normal working hours.

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I swear under penalty of perjury that the foregoing is true and correct. Executed on February 15, 2000 in the Commonwealth of Virginia.


Deborah Perroy

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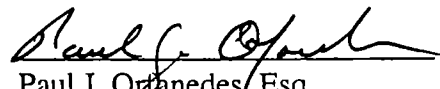
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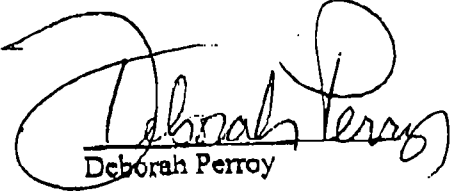
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CERTIFICATE OF SERVICE

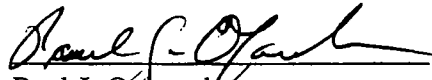
I hereby certify that on February 16, 2000 true and correct copy of the foregoing PLAINTIFFS' REPLY TO GOVERNMENT DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD RE: PERROY DECLARATION was served via first class U.S. mail, postage prepaid, on the following:

Attorneys for Defendants Federal Bureau of Investigation and Executive
Office of the President:

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U.S. DEPARTMENT OF JUSTICE
P.O. Box 883
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Washington, DC 20005


Paul J. Oranedes

U.S. Department of Justice

Civil Division

P.O. Box 883
Washington, D.C. 20044

MO

Perry
decl.

January 28, 2000

FACSIMILE TRANSMISSION

TO: SHELLI PETERSON 456-7024
MARY DeROSA 456-9110
BOB MANZANARES 647-0866

FROM: JIM GILLIGAN

Phone No. (202) 514-3358
Fax No. (202) 616-8460

THERE ARE A TOTAL OF 10 PAGES INCLUDING
THE COVER PAGE IN THIS TRANSMISSION.

MESSAGE: Shelli, Mary, Bob:

Here's the revised draft of the declaration, which I am sending
to Bob by messenger for his signature. It reflects changes and
suggestions from all concerned.

JG

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Plaintiffs,

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CONSOLIDATED ACTIONS

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Defendants.

DECLARATION OF J. ROBERT MANZANARES

J. Robert Manzanares, for his declaration pursuant to 28 U.S.C. § 1746, deposes and says as follows:

1. I am the Executive Director of the Bureau of African Affairs, U.S. Department of State, a position I have held since June 1998. From June 1993 July 1994, I was detailed from the State Department to the National Security Council ("NSC"), where I held the position of Director of Administration. I have personal knowledge of the matters attested to herein.

2. I have read the Declaration of Deborah Perroy, dated January 7, 2000 ("Perroy Decl."). Ms. Perroy states that on one occasion, shortly before my assignment to a foreign post (the U.S. Embassy in Tel Aviv, see ¶¶ 6, 15, below), she observed me and my assistant, Marsha Dimel, reviewing personnel security files in the office of the "CIA liaison." Perroy Decl., ¶ 4. (She is apparently referring to the office of the NSC Security Officer, which was located in the same office suite as my own, Room 397 of the Old Executive Office Building. The NSC typically filled the position of Security Officer with security personnel detailed from the Central Intelligence Agency, or other intelligence agencies.)

3. Ms. Perroy does not identify, or even claim to know, whose files Ms. Dimel and I were supposedly looking at on this occasion. Nor does she purport to explain, or even to know, why we were examining these files. Yet she intimates that we were reviewing the files of former NSC staff from prior, Republican administrations for some improper political purpose, based on her claim that the personnel security files of former NSC staff were maintained in this office, and her view that I, whom Ms. Perroy describes as a "political appointment," had no "legitimate reason" for accessing these files. Perroy Decl., ¶¶ 4, 7.

4. Ms. Perroy's suggestion that Ms. Dimel and I were reviewing the personnel security files of former NSC staff for some sort of improper purpose is absolutely false. As Director

of Administration, I was responsible for all matters of financial, personnel, facilities and space management at the NSC. These duties encompassed managerial responsibility for personnel security. (Personnel security was the process by which NSC staff underwent the necessary background checks by the Federal Bureau of Investigation ("FBI"), and sometimes other investigative agencies, to assess their suitability for employment and to obtain clearances for access to classified information.) Accordingly, from time to time I, as Director of Administration, and Ms. Dimel, acting as my assistant, had reason to check information in the files of current NSC staff (such as their clearance for access to classified information) for legitimate personnel security reasons. See ¶ 13, below. But at no time did I, or to my knowledge, Ms. Dimel, ever review the personnel security files of former NSC staff, for any purpose, let alone an improper one. Based on my knowledge, Ms. Perroy would not be in a position to suggest otherwise, and, as a matter of fact, most of her supporting assumptions are mistaken.

5. First, neither I nor Ms. Dimel was a "political appoint[ee]." Perroy Decl., ¶ 7. For more than twenty years I have been a career Foreign Service Officer, serving under Republican and Democratic administrations alike since 1979. I do not now hold, nor have I ever held, a political appointment with the U.S. government.

6. Prior to obtaining my current position at the Bureau of African Affairs, in June 1998, I was enrolled for approximately one year in a State Department executive training program known as Senior Seminar. From 1979 to June 1997, I held various other career Foreign Service Office positions, including Administrative Counselor for the U.S. Embassy in Tel Aviv (1994-97) (the position to which I was transferred immediately following my NSC detail); Supervisor, Post Management Officers, Bureau of Near Eastern/Asian Affairs (1991-93) (the position I held immediately prior to my NSC detail); Senior Watch Officer, State Department Operations Center (1990-91); Administrative Officer, U.S. Embassy, Reykyavik (1987-90); Administrative Officer, State Department Travel Support Staff (1985-87) (providing overseas trip support for then-President Reagan and Vice President Bush); Special Assistant to the Deputy Assistant Secretary, Foreign Buildings Operations, Asia/Pacific Region (1984-85); Junior Officer Rotational Position, U.S. Embassy, Mexico City (1981-84); and Regional Budget & Finance Officer for West Africa (1979-81).

7. In 1993, during my assignment as Supervisor of Post Management Officers for the Bureau of Near Eastern/Asian Affairs, the NSC Executive Secretary asked me to accept a detail as Director of Administration, a non-political staff position. The NSC Executive Secretary at the time was also a career Foreign

Service Officer on detail from the State Department. I had worked with him during my tenure as Senior Watch Officer at the State Department Operations Center.

8. I accepted the detail and held the position of NSC Director of Administration from June 1993 to July 1994, as stated above. When my detail began, Marsha Dimel already held the position of Support Assistant to the Director of Administration, likewise a non-political position on the NSC staff. She had served in that capacity under my two predecessors as Director of Administration. Because of her experience, I decided to retain her in that position.

9. Second, based on my knowledge, Ms. Perroy would not be in a position to know whose files were or were not maintained by the NSC Security Officer. See Perroy Decl., ¶ 4. Ms. Perroy was a Financial Management Officer whose primary responsibility was to oversee the budget for classified computer systems supplied to the NSC by the Department of Defense. She worked under the supervision of the NSC Director of Systems and Technical Planning, Col. David Herrington (himself a detailee from the Department of Defense), who in turn reported to me. Ms. Perroy had no duties or responsibilities relating to personnel security, or to the handling of personnel security files. She did not work with or for the NSC Security Officer, the NSC staff person with day-to-day responsibility for personnel security matters, who also reported directly to me.

10. Ms. Perroy states that she had responsibility of some kind for the maintenance of "NSC personnel and other files/rosters." Perroy Decl., ¶ 3. But that still does not explain how she would know whose personnel security files the Security Officer kept on hand. Personnel files and personnel security files are separate and distinct sets of files containing different types of information. Personnel files contain information about an employee's position, grade, salary, benefits, and the like. Personnel security files contain FBI background reports and other information used to determine an individual's fitness for employment and for a security clearance. During my tenure, NSC personnel security files were maintained in locked filing cabinets in the office of the Security Officer, whereas NSC personnel files were kept separately in cabinets located in the common office space of our suite.

11. In any case, even if the files of former NSC staff were still located in the office of the Security Officer at the time Ms. Perroy states she observed us there, that still would not alter the fact that I never reviewed the files of former NSC staff for any purpose whatsoever. Indeed if, in fact, the Security Officer retained the files of former NSC staff, I was not even aware of it.

12. Third, Ms. Perroy opines that I had no "legitimate reason" to review the personnel security files of NSC staff. Perroy Decl., ¶ 7. Once again, based on my knowledge, Ms. Perroy

would not be in a position to know what legitimate reasons I might or might not have to review personnel security files. Ms. Perroy was my subordinate, two levels removed from my position in our office hierarchy. She was a Financial Management Officer primarily responsible for oversight of a single budget, whose duties did not encompass the broad array of administrative matters, including personnel security, for which I was responsible. She was therefore not in a position to know what matters did or did not fall within the legitimate scope of my duties, or what valid reasons I might have for my activities as Director of Administration.

13. In fact, while day-to-day responsibility for personnel security was delegated to the Security Officer, it fell to me, as Director of Administration, with ultimate managerial responsibility for personnel security, to handle matters of personnel security that might arise in the Security Officer's absence. For example, the NSC Security Officer at the time alluded to in Ms. Perroy's declaration, see ¶ 15, below, generally left work between 4:00 and 4:30 in the afternoon. From time to time, our office would receive a telephone call after the Security Officer had already left for the day, asking if NSC staff members scheduled to attend a meeting the next morning were cleared for access to a particular type of classified information. On these occasions it was up to me, with the

assistance of Ms. Dimel, to check the personnel security files of the staff members in question to ascertain whether they had the requisite security clearances.

14. Ms. Perroy states that, on the occasion she observed me and Ms. Dimel reviewing personnel security files, she had come upon us "after normal working hours." Perroy Decl., ¶ 5. However, Ms. Dimel and I routinely worked until 7:30 or 8:00 in the evening, to keep up with the many administrative matters that had to be addressed on a daily basis, as well as those additional matters that arose because of the transition from the Bush to the Clinton Administration, such as replacement of departed staff.

15. Apart from having seen myself and Ms. Dimel reviewing personnel security files, Ms. Perroy also states that she resigned from the NSC in September 1993, supposedly six months before the White House made a request for her FBI background investigation report. Perroy Decl., ¶ 7. I know nothing about this or any other White House request for FBI background information on Ms. Perroy. But I can say that she is mistaken when she states that she resigned in September 1993. When I left the NSC in July 1994 for my post at the U.S. Embassy in Tel Aviv, Ms. Perroy was still employed by the NSC. Indeed, she herself states that she witnessed myself and Ms. Dimel looking through NSC personnel security files "[s]hortly before" I left for my "foreign post." Id., ¶ 4. The event she states she witnessed, then, must have taken place "shortly before" July 1994.

16. In paragraph 5 of her declaration, Ms. Perroy alludes to the fact that I requested the combinations to the safes of all persons employed in our office. I asked for the combinations so that if a staff member who kept materials locked in a safe were out sick, and someone else had a legitimate need for those materials, then they could come to me for access to them. This is a standard administrative practice that I have followed in many of the positions I have held during my career.

17. In paragraph 6 of her declaration, Ms. Perroy states that I had several meetings with Craig Livingstone, but that she is not aware of the substance of those meetings. I had a number of discussions with Mr. Livingstone, the sole purpose of which was to address the delays in obtaining White House passes for NSC staff members. Several staff members complained to me about the length of time it was taking to obtain their passes, and so I met with Mr. Livingstone on a number of occasions to inquire what could be done to speed up the process.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January _____, 2000

J. ROBERT MANZANARES