

# FOIA MARKER

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Folder Title:

Deborah Perroy Declaration (Filegate) [3]

Staff Office-Individual:

Legal Advisor-Derosa, Mary

Original OA/ID Number:

3409

| Row: | Section: | Shelf: | Position: | Stack: |
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# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                             | DATE       | RESTRICTION |
|--------------------------|-----------------------------------------------------------|------------|-------------|
| 001a. letter             | From Louis Perroy to Jocelyn Breeland. [partial] (1 page) | 09/26/1994 | P6/b(6)     |
| 001b. letter             | Home Address. [partial] (1 page)                          | 09/15/1994 | P6/b(6)     |
| 001c. form               | Home Address. [partial] (1 page)                          | 09/15/1994 | P6/b(6)     |
| 001d. form               | Personnel From Other Agencies. [partial] (1 page)         | 08/29/1994 | P6/b(6)     |
| 001e. form               | Leave Statement. (1 page)                                 | 09/08/1994 | P6/b(6)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Mary DeRosa)  
OA/Box Number: 3409

### FOLDER TITLE:

Deborah Perroy Declaration (Filegate) [3]

2006-1066-F

vz872

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

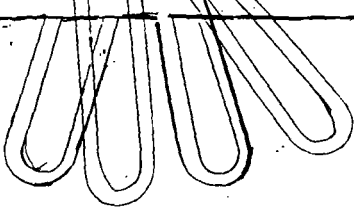
C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



*Penney  
declarations*

## Exhibit A

SEP 1 1993

THE WHITE HOUSE  
WASHINGTON

SEP 9 1993

(Date)

TO: FBI, LIAISON  
FROM: BERNARD W. NUSSBAUM  
SUBJECT: FBI Investigations

Subject's Name PERROY, DEBORAH WOOD SS [REDACTED]Date of Birth [REDACTED] Place of Birth [REDACTED]Present Address [REDACTED]

We request: ☒ Copy of Previous Report  
☐ Name Check  
☐ Expanded Name Check  
☐ Full Field Investigation: Level I ☐ Level II ☐  
☐ Limited Update  
☐ Other

The person named above is being considered for:

☐ White House Staff Position  
☐ Presidential Appointment  
☒ Access (N)

Attachments:

IN REPLY

YOU ARE REFERRED TO APPLICANT  
INVESTIGATION WHICH WAS SENT TO YOUR  
SF 86 OFFICE ON OCTOBER 7, 1993.SF 87, Fingerprint Card [REDACTED]SF 86, Supplement [REDACTED]Remarks/Special Instructions:F MAR 17 1994  
FBI-00006570 29

**CERTIFICATE OF SERVICE**

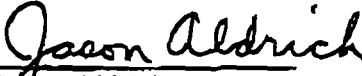
I hereby certify that on January 7, 2000, a true copy of the foregoing, **PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD** was served by first class mail, postage prepaid, on the following:

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

James J. Gilligan, Esq. (By Facsimile, as requested)  
Elizabeth Shapiro, Esq.  
U.S. DEPARTMENT OF JUSTICE  
P.O. Box 883  
Washington, DC 20044

**Attorneys for Defendant Hillary Rodham Clinton:**

David E. Kendall, Esq.  
Paul Gaffney, Esq.  
WILLIAMS & CONNOLLY  
725 12th Street, N.W.  
Washington, DC 20005

  
Jason Aldrich  
Jason Aldrich

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

PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD

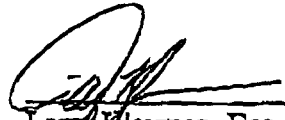
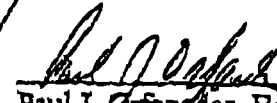
Plaintiffs, by counsel, hereby respectfully move this Court to Supplement the record with newly discovered evidence. The grounds for this motion are set forth below:

MEMORANDUM OF LAW

In the past few days, Plaintiffs' counsel has been contacted by a former Clinton White House employee who offers evidence of patent Clinton White House misuse of Privacy Act protected FBI and other government files of Republicans and others. This evidence adds to and corroborates the compelling additional evidence of such file misuse offered by Linda Tripp, Leslie Gail Kennedy, the 5th Amendment claims of Anthony Marceca, and others in this case. Plaintiffs will be filing a motion for leave to supplement their definition of "class" based on this new evidence. However, Plaintiffs wanted to get this new evidence to the Court as soon as possible, since it is currently considering a number of motions which could be ruled upon at any time.

Obviously, once discovery is unstayed, Plaintiffs' will seek appropriate discovery in furtherance of the evidence set forth in the attached declaration. Exhibit 1.

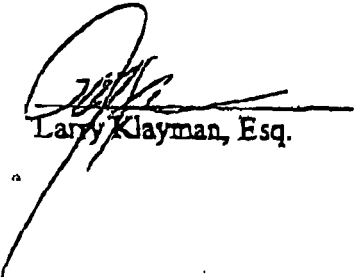
Respectfully submitted,

  
Larry Klayman, Esq.  
DC Bar No. 334581  
Paul J. Orfanedes, Esq.  
DC Bar No. 429716  
JUDICIAL WATCH, INC.  
501 School Street, SW  
Suite 725  
Washington, DC 20024  
(202) 646-5172

Attorneys for Plaintiffs

**LOCAL RULE 7.1(m) CERTIFICATE OF COUNSEL**

On January 7, 2000, Judicial Watch contacted Paul Gaffney, Esq., counsel for Defendant Hillary Rodham Clinton, and James Gilligan, Esq. Counsel for Defendants Executive Office of the President and Federal Bureau of Investigation to inquire whether their clients would consent to the relief requested herein. Messages were left for Mr. Gilligan. When Mr. Gilligan called back, he stated after Plaintiffs' counsel read the Declaration that he would need some time to consult with his clients. Plaintiffs' counsel responded that the submission of the declaration did not ask for any relief, therefore there was no need to delay its submission to the Court as it could rule at any moment on pending motions. Therefore, Plaintiffs will supplement this certificate should they hear from Mr. Gilligan again. Mr. Gaffney was re-contacted and he stated that his client would not consent to the motion.



Larry Klayman, Esq.

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

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion to Supplement the Record, any opposition thereto,  
and the entire record herein, it is hereby

ORDERED that:

1. The motion is granted.
2. Plaintiffs' Motion to Supplement the Record is hereby deemed filed.

SO ORDERED.

DATE: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Royce C. Lamberth  
United States District Judge

Copies to:

Attorneys for Plaintiffs:

Larry Klayman, Esq.  
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501 School Street, S.W.  
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Attorneys for Defendants Federal Bureau of Investigation and  
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Washington, DC 20044

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David E. Kendall, Esq.  
Paul B. Gaffney, Esq.  
WILLIAMS & CONNOLLY  
725 12th Street, N.W.  
Washington, DC 20005

# EXHIBIT 1

# a 4.2 pe 'cen

By Patrice Hill  
THE WASHINGTON TIMES

Unemployment last year fell to 4.2 percent, the lowest it has been since man first walked on the moon in 1969, as businesses put a record number of Americans to work.

The year was marked by gains for nearly every group, from those emerging from poverty and welfare to those at the top of the economic ladder.

Joblessness among blacks and Hispanics hit record lows, the Labor Department reported yesterday, and the welfare rolls were cut in half and the number of women working hit record highs.

As if to celebrate the uninter-

rupted good economic news, the Dow Jones Industrial Average soared 269 points yesterday to a new high of 11,523 less than a week after dropping steeply on worries about higher interest rates.

The hard-hit Nasdaq Composite Index, weighted with technology stocks, also leaped decisively out of its weeklong slump with a 155-point gain.

"American workers are faring well in this economy," said Labor Secretary Alexis M. Herman. "This is prosperity that is broadly shared."

The year ended on a high note, with new jobs growing by 315,000

see JOBS, page A4

## Clinton aides accused of snooping in files

### Ex-staffer says she caught officials in act

By Jerry Seper  
THE WASHINGTON TIMES

A former White House employee said in a sworn statement yesterday that she saw high-ranking Clinton administration officials looking through top-secret personnel files in 1993 in the office of the CIA liaison to the National Security Council.

Deborah Perroy, a member of the NSC support staff, said the classified files included documents kept in the safe of the CIA's liaison office intended for use by CIA officials to evaluate the suitability of security clearances for

White House officials.

Mrs. Perroy, who worked at the White House from 1988 to 1993, said the files included copies of FBI background reports and other FBI information on persons who worked for the NSC and in the West Wing during the Reagan and Bush administrations.

She said the files included those for persons who no longer required either access to the White House or security clearances.

Mrs. Perroy, who helped run the offices associated with the White House Situation Support Staff and

see FILES, page A4

## INSIDE

Saturday, Jan. 8, 2000

Volume 19, Number 8, 9 Sections, 88 Pages



AP

ti yesterday, holds a subpoena to while court actions are worked out.

gave the peace sign before heading back indoors.

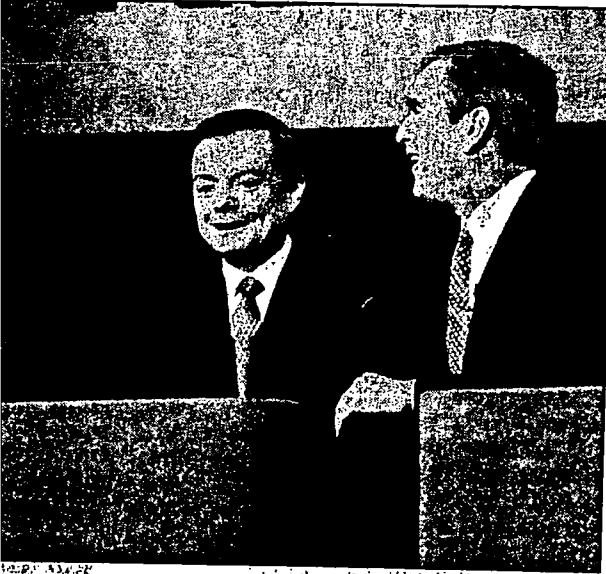
In Cuba, Elian's father was angry about the subpoena, which was issued by Rep. Dan Burton, Indiana Republican and chairman of the House Government Reform Committee.

"What right does that man have?" Juan Miguel Gonzalez said during a news conference in his hometown of Cardenas. "I am the father of Elian, and immigration said that I am the only one who can speak for him."

"Why should it be delayed? Who is he? He is no one. I am the father."

Mr. Burton had threatened earlier yesterday to resort to the subpoena after speaking with Mr. B, the Florida governor, and

see CUBA, page A7



Sen. John McCain (left), Gary Bauer, and Gov. Al Gore in West Columbia, S.C., to debate last night.

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"If you solicit my advice, I'll tell you this: All governments everywhere — federal, state, local — should get out of the business of putting a corrupting, regressive tax on the backs of their people," he said.

The candidates also took aim at Donna Brazile, campaign manager for Vice President Al Gore.

Miss Brazile accused Republicans of using Gen. Colin Powell and Rep. J.C. Watts Jr. of Oklahoma for photo-ops to cover up their own heartlessness and joylessness.

Mr. Forbes said all the candidates should get together and "ask Al Gore to fire Donna Brazile and apologize to two great Americans."

Mr. Bauer called this the latest example of years of Democratic "scare tactics" on race against Republicans and said "Al Gore's campaign manager ought to be ashamed of herself, and she ought to resign tonight."

Both the McCain and the Bush campaigns say the South Carolina primary is a must-win for the Arizona senator if he manages to win in New Hampshire on Feb. 1.

Mr. McCain is far behind Mr. Bush in money and in the recognition of his name, and he would need

# FILES

From page A1

the NSC, said she witnessed Robert Manzanara, director of NSC administration, and his assistant, Marcia Dimel, looking through the files in an office on the third floor of the Old Executive Office Building.

In an affidavit taken as part of a pending lawsuit by Judicial Watch, a conservative public interest law firm, Mrs. Perroy said she resigned after the incident and that White House officials threatened to "come after me with false charges and allegations in order to smear my good name" if she did not return.

"I then informed the Clinton White House that I would sue them if they did something so egregious and that I would go public with information about what I believed to be improper activities I witnessed while working at the White House," she said in the affidavit.

Mrs. Perroy also said she has since learned that her FBI file was requested by the White House Office of Personnel and Security in March 1994, six months after she had left her post and no longer required access or a security clearance.

"Based on my experience working for the Clinton administration, I believe my FBI file was obtained and repeatedly sought in part because of fear I would divulge information about improper activities I witnessed at the Clinton White House and so, if I did go public ... confidential information about me from my FBI file could be used against me," she said.

Mrs. Perroy is the second former administration employee to come forward in the past month with complaints of impropriety at

the White Hou

Sheryl Hall, a former White House computer specialist who left her job four months ago, said in legal papers filed Dec. 15 that the Clinton administration was trying to "stall" the "Filegate" lawsuit until after President Clinton left office with first lady Hillary Rodham Clinton.

Mrs. Hall said Michelle Peterson of the White House Counsel's Office told her in late May or early June "that 'our strategy' for the Filegate lawsuit was to 'stall' because 'we had just a couple of more years to go.'"

The Judicial Watch suit claims the White House "willfully and intentionally" violated employees' rights under the Privacy Act by receiving more than 900 classified FBI files at the White House.

White House officials have called the accusations "baseless."

Mrs. Hall, in a separate lawsuit against Mrs. Clinton and the Democratic National Committee, said she was forced to quit her job because of actions "undertaken at the direction of Mrs. Clinton and in retaliation" for her "challenging the unlawfulness" of the White House office database.

In the suit, she said when she complained that the database violated the Hatch Act, her duties were withdrawn until they were eliminated altogether.

She said in November 1993 she "was assigned responsibility for developing the software for a new, taxpayer-financed master database that Mrs. Clinton and the DNC sought to establish for partisan, political purposes, including campaign fund raising for the DNC and the 1996 Clinton-Gore reelection campaign."

When she complained about it to Marsha Scott, then the White House Correspondence Office director, Miss Scott told her she

"should ... her imagination" to circumvent "illegal restrictions."

Mrs. Hall said that after Mrs. Scott sent a memo to Mrs. Clinton and senior presidential adviser Bruce Lindsey on Jan. 26, 1994, describing her as disloyal, her staff was cut by 10 and she was relieved of any further responsibility for the development of the database.

She left the White House on Sept. 10 and moved to a computer management job at the Bureau of Alcohol, Tobacco and Firearms.

In the Perroy affidavit, the former White House employee said that when she "came across Manzanara and Dimel in the CIA liaison office," the safe where the files were kept was open and that Mr. Manzanara was "pulling files out of the safe, looking through them and handing them to Dimel."

"They also were keeping some sort of list. ... They clearly reacted as if they did not expect me and had been caught doing something improper," the affidavit said.

Mrs. Perroy said the FBI files contained information on "virtually every top political and NSC aide to Presidents Reagan and Bush," including those of retired Marine Lt. Col. Oliver North, Vice Adm. John Poindexter "and other prior administration officials."

She said Mr. Manzanara had obtained the combination to all the safes in the office, although the CIA liaison office had been "off-limits" before the arrival of the Clinton administration.

Mrs. Perroy said she had not come forward because she was unaware until recently that her FBI file had been "compromised" by the Clinton administration.

She said recent news reports about Mrs. Hall "inspired" her to tell the "court and the American people about the activities I witnessed at the Clinton White House."

# quar like y aid B

## Reduce th Buchanan

By Andrew Cain  
THE WASHINGTON

Pat Bucha  
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George W. Bush's wo  
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Bitter: infighting  
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The Minnesota go  
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"Certainly, if he an  
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Mr. Ventura said.

The Reformers app  
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tional convention in

# JOBS

From page A1

in December, fed by a surprising 65,000 jump in retail jobs, which

## JOBLESS RATE ENDS YEAR STRONG

The U.S. unemployment rate held at 4.1 percent in December, bringing the yearly rate to 4.2 cent — the showing since 1969.



...the Clinton administration has a "I'm sick to regulation. It's inspiring." an upset here enthusiasm of ew over-tooled organi-eld on caucus n is that a lot estless at all. they like Clin-often in that

pr who turned , summed up h the econom- l for the last why change?" enthusiasm for ett-Simonsen, ge's program story Dem-nds of times on Day. "The an Hills with re getting sev-ys. "I didn't 10 years ago, gree."

ing even ument that a al program is an Bradley's ebecca Solow, y West High ut so s like l in ex- r Gore. "It's ac get ent propose a while he's in e thing to give ts of big rhet- to go in and

her political with a smile: . I'm a prag- rats talk that hat Gore is Bradley must

...your conversation with your representative on the school board and anything that's happening in terms of education. People worry about losing control if we go to an appointed board. Well, they're losing control already. The charter school movement is as strong in D.C. as it is anywhere in America, and it's because parents are understanding the disconnect between the board and the success of the schools their children attend."

But how would appointing board members make it better? Williams accepted a musical

...but the city council no- perhaps be e it d 't believe the mayor knows enough about e ational reform to deliver on his rhetoric, perhaps because it considers the loss of democracy too high a cost to pay for reform.

There's been some temporizing talk about allowing the mayor to hire and fire the superintendent, subject to school board approval—an idea Williams says he would veto as too confusing. But the bottom line is, the mayor has lost perhaps the boldest initiative of his first term. Who won?

...that's not the point. The point is the Thin Edge of the Wedge. Today, "Beverly Hills 90210"; tomorrow, the world.

Of course it should make us uncomfortable to think of the government spending our own money to influence us secretly. While the propaganda in question here was distinctly benign, and the networks hardly had to be coerced to trade their artistic sovereignty for money, the deal crossed a line that does indeed disturb.

But I wish my fellow liberals could at least entertain the possibility that there might be gradations of harm in this realm. It makes some difference, for example, that in most cases the government was reward-

...network's sending in a tape of a show, after the fact, for government credit. And of course the episodes in question should have carried some sort of notice indicating that the show was aired in cooperation with the White House Office of National Drug Control Policy.

But few have noted the irony that this entire collusion is an example of the flexible, smart government we all claim to want. Originally, the ONDCP was assigned a \$1 billion budget to create anti-drug public service ads. Lest this look like a taxpayer-funded bonanza for the networks (and for newspapers such as The Washington Post, which will earn \$181,366 in advertising revenue from the ONDCP this fiscal

...vices an irritated counteraction. It be nice to play defense all the time, to back the unseen hand of the feds and then sleep your blameless sleep. I'd feel more sympathetic if I saw anyone on my side exerting a tenth as much p n over the violence and the sex and the lust for goods that the iron fist of the market insistently pounds into the lives of my children.

Apples and oranges, you say. Perhaps. But it's short-sighted—no, it's culpably naive—for liberals to enter the 21st century loudly arguing that the biggest threat to our free is of mind comes from the most stable democratic government on the face of the earth.

It's the market, stupid.

Robert D. Novak

## Back to the FBI Files

Federal District Judge Royce C. Lamberth, a Reagan appointee who has often ruled against the Clinton administration, may be nearing two decisions of profound importance for the president's legacy and the first lady's future.

At issue is the most mysterious of the Clinton scandals: discovery at the White House of more than 900 secret FBI personnel files, including dossiers of prominent Republicans. For more than six months, Lamberth has had on his desk requests for sworn testimony by two people—a former White House aide's ex-wife who claims Hillary Rodham Clinton was associated with the files affair, and Mrs. Clinton herself. Lawyers familiar with Lamberth's court believe his decision is imminent.

The judge has more to consider than one woman's unsubstantiated allegations. Conservative Larry Klayman's Judicial Watch has collected at least 14 pieces of evidence in his class action suit in behalf of persons claiming exposure of their

confidential files violated their privacy. His evidence certainly does not prove Mrs. Clinton's complicity, but it does suggest this was more than the FBI blunder described by the White House.

How could a single controversial judicial activist uncover such material when Independent Counsel Kenneth Starr, in late 1998, gave President Clinton a clean bill of health on the files scandal? Sources close to Starr's investigation say the burdens of simultaneous prosecutions in Washington and Little Rock forced him to pick and choose. Uninhibited by such demands, Klayman has plowed ahead, collecting affidavits on a matter that even Republicans have abandoned but that Democrats consider the most dangerous of all Clinton improprieties.

The most recent Judicial Watch affidavit was taken Jan. 7 from Deborah Perroy, a former National Security Council (NSC) aide. One evening in 1993, after working hours, she said, "I came upon" her superior,

NSC administrative director Robert Manzanares, and his assistant, Marcia Dimel, "looking through top-secret personnel background files" in the NSC's CIA liaison office—an off-limits area for them.

Asserting that Manzanares and Dimel were removing background files from a safe and "keeping some sort of list," Perroy said the files included FBI information on "virtually every top political and NSC aide to Presidents Reagan and Bush." She added that her colleagues "clearly reacted as if they did not expect me and had been caught doing something improper."

Perroy also claimed "personal knowledge of several meetings" between Manzanares and White House Personnel Security Chief Craig Livingstone, who was blamed for acquiring the FBI files. "Livingstone was really 'working for Mrs. Clinton' as far as everyone knew, and everyone dropped everything to accommodate Mr. Livingstone's requests," she added.

Although she left the White House in September 1993, Perroy did not "come forward until now," she said, "for fear of retaliation by the Clinton White House." She added that she was encouraged to speak out when she learned of an affidavit from another former White House staffer, Sheryl L. Hall.

Hall, a computer specialist who resigned last September, said her duties included helping Clinton administration lawyers reply to plaintiffs in the file scandal. Hall said that last spring Michelle Peterson of the White House counsel's office "told me in her office that 'our strategy' for the Filegate lawsuit was to 'stall' because 'we had just a couple of years to go.'"

Deputy White House Press Secretary Jim Kennedy said yesterday: "There is no basis for any of these allegations. We have and will continue to prove them wrong in court, where the facts count, and not engage in a purposeless debate in the press."

Judge Lamberth now is consider-

ing the request for sworn testimony by the first lady and Leslie Gail Kennedy, who in 1994 was married to then White House Associate Counsel William Kennedy. Last June 11, Mrs. Kennedy told a Judicial Watch interviewer that in 1994 she observed her husband "on several occasions" transferring FBI files into his laptop computer. She expressed the opinion that Mrs. Clinton, her ex-husband's former law partner in Little Rock, was using the files against enemies of health reform.

To consider whether the first lady should be put under oath, the judge might ponder the Dec. 14, 1998, deposition by the ubiquitous Linda Tripp. She testified that on two occasions she heard Kennedy talking about transferring FBI files into the White House database and that senior White House staffer Marsha Scott told him "Mrs. Clinton wanted this done." Is this enough to suggest that Ken Starr overlooked the worst Clinton scandal?

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To Mary 6-9110

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

647-0866

CARA LESLIE ALEXANDER,  
et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF  
INVESTIGATION, et al.,

Defendants.

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

CONSOLIDATED ACTIONS

MICHAEL JOHN GRIMLEY,  
et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF  
INVESTIGATION, et al.,

Defendants.

**THE GOVERNMENT DEFENDANTS' MOTION FOR A ONE-WEEK  
EXTENSION OF TIME TO FILE THEIR OPPOSITION TO  
PLAINTIFFS' MOTION FOR LEAVE TO SUPPLEMENT THE RECORD.**

The government defendants hereby move for a one-week extension of time, until Friday, January 28, 2000, to respond to Plaintiffs' Motion for Leave To Supplement the Record, dated January 7, 2000 ("Pl. Mot."). For the reasons that follow, the government defendants' motion should be granted.

Plaintiffs seek leave to supplement the record with a declaration from former National Security Council ("NSC") employee Deborah Perroy. Plaintiffs describe her testimony as

"evidence of patent Clinton White House misuse of Privacy Act protected FBI and other government files of Republicans and others." Pl. Mot. at 1. The government defendants' opposition to plaintiffs' motion will demonstrate, to the contrary, that Ms. Perroy's testimony is in all meaningful respects speculative, irrelevant, and inaccurate.

For example, Ms. Perroy testifies that on one occasion she observed Robert Manzaneres, then the NSC's Director of Administration, reviewing NSC personnel security files. Declaration of Deborah Perroy, dated January 7, 2000 ("Perroy Decl."), ¶ 4. Yet nowhere does she state whose files he actually reviewed, let alone identify them as the files of "Republicans." Nor does she even purport to know why he was examining these files, much less establish that his reason for doing so was improper. The government's opposition will show, moreover, that (i) Mr. Manzaneres<sup>ares</sup>, as the NSC Director of Administration, was routinely involved in legitimate personnel security matters that required him to review the personnel security files of NSC staff; (ii) he did not review the files of former NSC personnel for purposes of any "misuse"; and (iii) Ms. Perroy, who had no duties or responsibilities relating to personnel security, or to the handling of personnel security files, is not in a position to testify competently to the contrary.

Ms. Perroy also testifies that she resigned from the White House in September 1993, six months before the White House Office of Personnel Security ("OPS") allegedly requested her FBI background report, and speculates (without any supporting evidence) that the White House sought her background report to use against her should she ever divulge the "improper activities" she witnessed. Perroy Decl., ¶ 7. The government's opposition will demonstrate not only that Ms. Perroy witnessed no "improper activities," but also that she resigned from the White House in September 1994, months after any OPS request for FBI background information pertaining to her. The government defendants will also show that any OPS requests for background information pertaining to Ms. Perroy were made for legitimate personnel security reasons, such as an <sup>upgrade of her background investigation</sup> upgrade of her White House pass.

The government defendants' opposition to plaintiffs' motion is currently due Friday, January 21, 2000. Because Ms. Perroy's testimony pertains to events (allegedly) occurring five and six years ago, the government defendants require a modest extension of time to gather the necessary supporting documentation to demonstrate that Ms. Perroy's testimony is, as stated above, speculative, irrelevant, and inaccurate, and should not be made part of the record of this action. Accordingly, the government defendants respectfully request an additional week's time, until Friday, January 28, 2000, to file their opposition.

Pursuant to LCvR 7.1(m), undersigned counsel for the government defendants telephoned plaintiffs' counsel on Friday, January 21, to ascertain whether plaintiffs would oppose the relief requested herein, and, if so, to what extent the parties' differences could be narrowed. Plaintiffs' counsel stated [that they oppose the government defendants' request.]

CONCLUSION

For the foregoing reasons, the government defendants' motion for an extension of time to file their opposition to plaintiffs' motion to supplement the record should be granted.

Dated: January 21, 2000

Respectfully submitted,

DAVID W. OGDEN  
Acting Assistant Attorney  
General

WILMA A. LEWIS  
United States Attorney

---

DAVID J. ANDERSON  
ANNE L. WEISMANN  
JAMES J. GILLIGAN  
ELIZABETH J. SHAPIRO  
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(202) 514-3358

Counsel for the Government  
Defendants

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---------------|------|-------------|
|--------------------------|---------------|------|-------------|

|              |                                                           |            |         |
|--------------|-----------------------------------------------------------|------------|---------|
| 001a. letter | From Louis Perroy to Jocelyn Breeland. [partial] (1 page) | 09/26/1994 | P6/b(6) |
|--------------|-----------------------------------------------------------|------------|---------|

### **COLLECTION:**

Clinton Presidential Records  
National Security Council  
Legal Advisor (Mary DeRosa)  
OA/Box Number: 3409

### **FOLDER TITLE:**

Deborah Perroy Declaration (Filegate) [3]

2006-1066-F  
vz872

### **RESTRICTION CODES**

#### **Presidential Records Act - [44 U.S.C. 2204(a)]**

**P1** National Security Classified Information [(a)(1) of the PRA]  
**P2** Relating to the appointment to Federal office [(a)(2) of the PRA]  
**P3** Release would violate a Federal statute [(a)(3) of the PRA]  
**P4** Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
**P5** Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
**P6** Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

**C.** Closed in accordance with restrictions contained in donor's deed of gift.

**PRM.** Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**RR.** Document will be reviewed upon request.

#### **Freedom of Information Act - [5 U.S.C. 552(b)]**

**b(1)** National security classified information [(b)(1) of the FOIA]  
**b(2)** Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
**b(3)** Release would violate a Federal statute [(b)(3) of the FOIA]  
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**b(7)** Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
**b(8)** Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
**b(9)** Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

VANGEL LOUIS PERROY  
COUNSELOR AT LAW

INTERNATIONAL SQUARE  
1825 I STREET, N.W., SUITE 400  
WASHINGTON, D.C. 20006  
TELEPHONE (202) 429-2739  
FAX (703) 752-9575

SHESHI SKENDERB88J  
TIRANA, ALBANIA  
PHONE/FAX 355-42-27945

DATE: September 26, 1994

TO: Ms. Jocelyn Breeland  
Director of Administration

FROM: Vangel L. Perroy, Esquire

SUBJECT: Resignation of Deborah W. Perroy

This letter is in response to your letter by certified mail dated September 15, 1994. The matter of the credit card charges should be resolved based upon my discussions with Ms. Katherine Ash on September 23, 1994. I asked her to contact you directly concerning her misunderstanding that individual charges were to be billed to the credit card instead of submitted by invoice to Ms. Perroy for subsequent payment by the individuals ordering the cards. She advised that she would credit such charges back to the Government on the card and could provide you a breakdown by name of individuals who had paid by check. The fact that I, as Ms. Perroy's attorney, was able to resolve this matter during the course of a single telephone conversation with Ms. Ash raises a question as to whether your office made a serious or reasonable effort to do so.

As to the next issue raised in your letter, Ms. Perroy offered voluntarily to remain at work during a two week transition period to facilitate the transfer of her duties to other individuals. Her decision to depart sooner was due solely to the overbearing and unreasonable actions and conduct of [REDACTED] P6/(b)(6) Contracting Officer for the White House Situation Room. [REDACTED] P6/(b)(6) [001a] [REDACTED] P6/(b)(6) dissatisfaction with Ms. Perroy's planned departure was expressed to her in an openly offensive manner to include his questioning her integrity concerning applicable compensatory time records. Employees, whether Government or private, are under no obligation to remain in an offensive environment where they are subject to abusive behavior or to conduct that falsely impugns their character.

Finally, the tone of your letter is of an offensive and threatening nature and is wholly inappropriate to the circumstances. Ms. Perroy is not responsible for the sorry state of affairs in the administrative, budgetary, personnel, travel or planning areas at the NSC or the WHSSS. Indeed, on several occasions Ms. Perroy attempted to discuss various problem areas with you to no avail. It is inappropriate and unacceptable to adopt the position that "questions" may have to be referred to your legal advisor for possible action. Ms. Perroy can only assume that by this you mean that

the legal advisor will be expected to perform actions that your office should be performing for itself.

Ms. Perroy stands ready to provide any and all information she possesses concerning administrative, accounting, travel, budgetary and other practices at the NSC and WHSSS and about which she has firsthand knowledge or experience. However, such discussions must be in the larger context of how the NSC and WHSSS carry out their administrative responsibilities and must be made the subject of greater public and Government scrutiny.

It is my understanding that this letter fully addresses the issues raised in your letter of September 15. I expect no further communication on this or any other "work" related issue.

Respectfully,

A handwritten signature in black ink, appearing to read 'V. Perroy', with a stylized flourish at the end.

Vangel L. Perroy, Esquire

VLP/mlk

cc: Nancy Soderberg  
Andrew Sens  
Allen Krezcko

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                    | DATE       | RESTRICTION |
|--------------------------|----------------------------------|------------|-------------|
| 001b. letter             | Home Address. [partial] (1 page) | 09/15/1994 | P6/b(6)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Mary DeRosa)  
OA/Box Number: 3409

### FOLDER TITLE:

Deborah Perroy Declaration (Filegate) [3]

2006-1066-F  
vz872

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

September 15, 1994

Deborah Perroy

P6/(b)(6)

[001b]

Dear Deborah:

Since your departure, the staff have been trying to assemble, from the documents in your office, a clear picture of the status of the various accounts you managed. A number of questions have arisen. For example, if \$2300 was charged to the credit card for business cards, how is the money collected from employees to be credited to WHSSS?

David Herrington called your home more than once, and was cut off. My message on your answering machine last week has gone unanswered. It is imperative that we be able to contact you when questions arise. The nature of financial management is such that we cannot be satisfied with assuming what must have happened. Had you not departed so suddenly, we would have had a transition period in which to clarify the questions that confront us now.

Please contact me within two business days of receipt of this letter. If you do not contact me, I will have no choice but to refer our questions to the legal advisor for possible action.

Sincerely,



Jocelyn Breeland  
Director of Administration

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                    | DATE       | RESTRICTION |
|--------------------------|----------------------------------|------------|-------------|
| 001c. form               | Home Address. [partial] (1 page) | 09/15/1994 | P6/b(6)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Mary DeRosa)  
OA/Box Number: 3409

### FOLDER TITLE:

Deborah Perroy Declaration (Filegate) [3]

2006-1066-F

vz872

### RESTRICTION CODES

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P 029 606 139



**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

[001c]

P6/(b)(6)

|                                                                  |    |
|------------------------------------------------------------------|----|
| Postage                                                          | \$ |
| Certified Fee                                                    |    |
| Special Delivery Fee                                             |    |
| Restricted Delivery Fee                                          |    |
| Return Receipt Showing<br>to Whom & Date Delivered               |    |
| Return Receipt Showing to Whom,<br>Date, and Addressee's Address |    |
| TOTAL Postage<br>& Fees                                          | \$ |
| Postmark or Date                                                 |    |

PS Form 3800, June 1991

EP 94 12: 03

Fold at line over top of envelope to  
right of the return address

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P 029 606 139

**MAIL**

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| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                     | DATE       | RESTRICTION |
|--------------------------|---------------------------------------------------|------------|-------------|
| 001d. form               | Personnel From Other Agencies. [partial] (1 page) | 08/29/1994 | P6/b(6)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Mary DeRosa)  
OA/Box Number: 3409

### FOLDER TITLE:

Deborah Perroy Declaration (Filegate) [3]

2006-1066-F

vz872

### RESTRICTION CODES

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF ADMINISTRATION

PERSONNEL FROM OTHER AGENCIES

|                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                                                                                                                                                                                                                        |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| TO: PERSONNEL MANAGEMENT DIVISION<br>ROOM 4013<br>NEOB                                                                                                                                                                                                                                                                                                                                                 |                              | FROM: (Requesting Official)<br><br>JOCELYN G. BREELAND                                                                                                                                                                 |                    |
| THIS IS TO INFORM YOU THAT THE FOLLOWING INDIVIDUAL WILL BE PERFORMING DUTIES IN THE EOP COMPLEX                                                                                                                                                                                                                                                                                                       |                              |                                                                                                                                                                                                                        |                    |
| RECEIVING AGENCY:<br><br>NSC                                                                                                                                                                                                                                                                                                                                                                           |                              | PARENT AGENCY:<br><br>DISA                                                                                                                                                                                             |                    |
| NAME: Last<br><br>PERROY                                                                                                                                                                                                                                                                                                                                                                               |                              | First Middle Initial<br><br>DEBORAH W                                                                                                                                                                                  |                    |
| GRADE/STEP:<br><br>P6/(b)(6)                                                                                                                                                                                                                                                                                                                                                                           | SALARY:<br><br>P6/(b)(6)     | TYPE OF APPOINTMENT:<br><br>[001d]                                                                                                                                                                                     |                    |
| SOCIAL SECURITY NUMBER:<br><br>P6/(b)(6)                                                                                                                                                                                                                                                                                                                                                               |                              | DETAIL                                                                                                                                                                                                                 |                    |
| BIRTHDATE:<br><br>P6/(b)(6)                                                                                                                                                                                                                                                                                                                                                                            | BIRTHPLACE:<br><br>P6/(b)(6) | DATE OF APPOINTMENT:<br>03-27-88                                                                                                                                                                                       |                    |
| PURPOSE/JUSTIFICATION OF EXTENSION (Describe project or duties):<br><br>RESIGNATION OF DETAIL & GOVERNMENT SERVICE                                                                                                                                                                                                                                                                                     |                              |                                                                                                                                                                                                                        |                    |
| TYPE:<br><input type="checkbox"/> HISTORICALLY PROVIDED SERVICE<br><input type="checkbox"/> ASSIGNEE<br><input type="checkbox"/> PRESIDENTIAL MANAGEMENT INTERN<br><input type="checkbox"/> WHITE HOUSE FELLOW<br><input checked="" type="checkbox"/> DETAILEE<br><input type="checkbox"/> STUDENT VOLUNTEER<br><input type="checkbox"/> AGENCY REPRESENTATIVE<br><input type="checkbox"/> OTHER _____ |                              |                                                                                                                                                                                                                        |                    |
| DRUG TESTING DESIGNATION:<br><input type="checkbox"/> TOP<br><input type="checkbox"/> Non-TOP                                                                                                                                                                                                                                                                                                          |                              |                                                                                                                                                                                                                        |                    |
| BEGINNING DATE (Mo/Day/Yr):<br>03-27-88                                                                                                                                                                                                                                                                                                                                                                |                              | ENDING DATE (Mo/Day/Yr):<br>09-10-94                                                                                                                                                                                   |                    |
| POSITION TITLE (At the EOP Complex):<br>BUDGET ANALYST                                                                                                                                                                                                                                                                                                                                                 |                              | BUILDING PASS IS REQUIRED FOR:<br><input checked="" type="checkbox"/> WH<br><input type="checkbox"/> OEOB<br><input type="checkbox"/> NEOB                                                                             |                    |
| TYPE OF DETAIL (If applicable):<br><input checked="" type="checkbox"/> Non-Reimbursable<br><input type="checkbox"/> Reimbursable<br>IF REIMBURSABLE, FMD CERTIFICATION OF FUNDS AVAILABILITY:                                                                                                                                                                                                          |                              | ASSIGNMENT LOCATION<br>(Office or Division, Building, Room Number, & Telephone):<br>NATIONAL SECURITY COUNCIL<br>DETAIL: DEFENSE INFORMATION SYSTEMS AGENCY<br>ADMINISTRATIVE OFFICE, NSC<br>ROOM 397, OEOB<br>X6-9307 |                    |
| EOP CONTACT PERSON (Name & Telephone):<br>HELEN PAHLKE (202) 456-9406                                                                                                                                                                                                                                                                                                                                  |                              |                                                                                                                                                                                                                        |                    |
| APPROVING OFFICIAL IN PARENT AGENCY (Name & Telephone):                                                                                                                                                                                                                                                                                                                                                |                              |                                                                                                                                                                                                                        |                    |
| SIGNATURE OF EOP AGENCY APPROVING OFFICIAL:<br><br>JOCELYN G. BREELAND, DIR OF ADMIN, (202) 456-9302                                                                                                                                                                                                                                                                                                   |                              |                                                                                                                                                                                                                        | DATE:<br>J. 19. 88 |

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE             | DATE       | RESTRICTION |
|--------------------------|---------------------------|------------|-------------|
| 001e. form               | Leave Statement. (1 page) | 09/08/1994 | P6/b(6)     |

### **COLLECTION:**

Clinton Presidential Records  
National Security Council  
Legal Advisor (Mary DeRosa)  
OA/Box Number: 3409

### **FOLDER TITLE:**

Deborah Perroy Declaration (Filegate) [3]

2006-1066-F  
vz872

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**C.** Closed in accordance with restrictions contained in donor's deed of gift.

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**RR.** Document will be reviewed upon request.

#### **Freedom of Information Act - [5 U.S.C. 552(b)]**

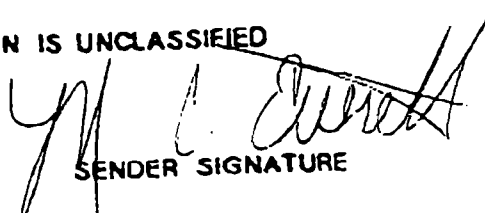
**b(1)** National security classified information [(b)(1) of the FOIA]  
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**b(9)** Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

UNCLASSIFIED FACSIMILE HEADER PAGE

## DEFENSE INFORMATION SYSTEMS AGENCY

FROM (NAME) Monica Everett TO (NAME) Marsha Dimel  
CODE BX CODE \_\_\_\_\_  
PHONE 692-5866 FAX PHONE 202-456-9300  
DESTINATION PHONE \_\_\_\_\_  
NO. OF PAGES (INCL. HEADER) 2 AUTOVON \_\_\_\_\_  
DATE 9/9/94 COMMERCIAL 202-456-9304  
VERIFICATION PHONE \_\_\_\_\_  
SUBJECT Leave for D. Perrey  
COMMENTS

I CERTIFY THAT THE ABOVE INFORMATION IS UNCLASSIFIED

  
SENDER SIGNATURE

HIGHER PRECEDENCE/USE OF COMMERCIAL CIRCUITS AUTHORIZED

RELEASER SIGNATURE

UNCLASSIFIED FACSIMILE HEADER PAGE

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

*Perroy*

CARA LESLIE ALEXANDER,  
et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF  
INVESTIGATION, et al.,

Defendants.

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

**CONSOLIDATED ACTIONS**

MICHAEL JOHN GRIMLEY,  
et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF  
INVESTIGATION, et al.,

Defendants.

**THE GOVERNMENT DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD**

Plaintiffs seek leave to supplement the record with the declaration of a former National Security Council ("NSC") staff person, Deborah Perroy, describing her testimony as "evidence of patent Clinton White House misuse of Privacy Act protected FBI and other government files . . . ." Plaintiffs' Motion To Supplement the Record, dated January 7, 2000, at 1. This is hyperbole, bearing no resemblance to the testimony actually submitted by Ms. Perroy, which in all meaningful respects is speculative, irrelevant, and demonstrably inaccurate.

Ms. Perroy first testifies that on one occasion she observed the NSC Director of Administration, together with his assistant, reviewing NSC personnel security files. Declaration of Deborah Perroy, dated January 7, 2000 ("Perroy Decl."), ¶ 4. Yet nowhere does she even claim to know whose files they actually reviewed, or why. Her intimation that they were improperly reviewing the files of persons who were not then-current NSC employees rests wholly on uninformed speculation (and, as attested to by witnesses with personal knowledge, is also completely false).

Ms. Perroy also testifies that she resigned from the NSC in September 1993, six months before the White House Office of Personnel Security ("OPS") allegedly requested her FBI background report. She speculates (without any supporting evidence) that the White House sought her background report to use against her should she ever divulge the "improper activities" she witnessed. Perroy Decl., ¶ 7. Apart from the fact that she witnessed no "improper activities," irrefutable documentary and testimonial evidence demonstrates that she resigned in September 1994, meaning that she, too, was a current government employee when the White House made requests for her FBI background information. (Moreover, as shown below, the White House made these requests for legitimate personnel security reasons.)

In short, Ms. Perroy's speculation about misuses of government files (including her own) is inadmissible as such, and, without competent evidence that her testimony concerns the

use (or misuse) of former employees' files, it is irrelevant, under this Court's precedents, to plaintiffs' claims. Thus, for plaintiffs to describe Ms. Perroy's testimony as "patent" evidence of file misuse that "corroborates" their claims merely underscores the fatal defect at the heart of their case. They have no competent evidence ~~of what actually occurred in OPS~~ to support their allegations that the White House acquired ~~their~~ FBI background reports for improper political purposes. ~~The undisputed testimony of all witnesses with first hand knowledge, and the documentary record, establish that OPS obtained plaintiffs' FBI background reports because of an unwitting bureaucratic error committed during the course of the Update Project.~~ Because Ms. Perroy's declaration is no more competent to place the material facts of the case in dispute than any other evidence that plaintiffs have so far adduced, leave to file her declaration should be denied.

#### ARGUMENT

**A. Ms. Perroy's Suggestion That Mr. Manzanares Improperly Reviewed the Personnel Security Files of Former NSC Staff Is Unsupported and Irrelevant Speculation That Should Not Be Admitted.**

So far as she can attest to facts, Ms. Perroy states merely that on one occasion she witnessed Robert Manzanares, then the NSC Director of Administration, together with his assistant, Marsha Dimel, reviewing personnel security files maintained in the office of the "CIA liaison." Declaration of Deborah Perroy,

dated January 7, 2000 ("Perroy Decl."), ¶ 4.<sup>1</sup> But she does not identify, or even claim to know, whose files Mr. Manzanares and Ms. Dimel were reviewing on this occasion. Nor does she purport to explain, or even to know, why they were examining those files.

Mr. Manzanares, on the other hand, and Ms. Dimel, can and do confirm that they were not reviewing the personnel security files of former NSC staff, on this or any other occasion, for any sort of improper purpose. Any suggestion to the contrary is absolutely false. Manzanares Decl., ¶ 4; Dimel Decl., ¶ 4. Mr. Manzanares, as Director of Administration, had managerial responsibility for personnel security at the NSC. Thus, from time to time he, and Ms. Dimel, as his assistant, had reason to check information in the files of current NSC staff for legitimate personnel security purposes.<sup>2</sup> At no time, however, did either of them ever review the personnel security files of

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<sup>1</sup> Ms. Perroy apparently means the NSC Security Officer, a position typically filled by a detailee from the CIA, or other government intelligence agency. Declaration of J. Robert Manzanares, dated January 28, 2000 (filed herewith) ("Manzanares Decl."), ¶ 2; Declaration of Marsha Dimel, dated February 1, 2000 (filed herewith) ("Dimel Decl."), ¶ 2.

<sup>2</sup> For example, from time to time the NSC would receive a late-afternoon telephone call, after the Security Officer had already left for the day, asking if staff members scheduled to attend a meeting the next morning were cleared for access to a particular type of classified information. Under these circumstances it fell to Mr. Manzanares, as the Security Officer's direct supervisor, to check the personnel security files of the staff members in question to determine whether they had the requisite security clearances. Manzanares Decl., ¶ 13; Dimel Decl., ¶ 12.

former NSC staff, for any reason, let alone an improper one. Manzanares Decl., ¶ 4; Dimel Decl., ¶ 4.

This Court has ruled repeatedly that the handling of files of then-current government employees "cannot possibly serve as evidence of government files misuse relevant to plaintiffs' claims . . . ." Alexander v. FBI, No. 96-2123, Memorandum and Order at 10 (D.D.C. Apr. 16, 1999) (regarding motion to compel further testimony from Mari L. Anderson); see also Alexander v. FBI, 186 F.R.D. 200, 204 (D.D.C. 1999) (regarding motion to compel further testimony from William H. Kennedy, III) (use of files of "then-current Clinton Administration employees" is "irrelevant"). Because Ms. Perroy does not (and cannot) identify the files that Mr. Manzanares and his assistant reviewed as those of former government employees, her testimony is irrelevant, and therefore inadmissible. Plaintiffs should not be given leave to "supplement" the record with inadmissible testimony.

Ms. Perroy suggests that Mr. Manzanares was improperly reviewing the personnel security files of NSC staff from prior, Republican administrations, based on her assumption that former staff persons' files were kept in the Security Officer's safe, and her opinion that Mr. Manzanares, whom she erroneously describes as a "political appointment,"<sup>2/</sup> had no "legitimate

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<sup>2/</sup> Mr. Manzanares was NSC Director of Administration from June 1993 to July 1994. He was at the time and still remains a State Department employee, a career Foreign Service Officer who has served under Republican and Democratic administrations alike (continued...)

reasons" for accessing personnel security files. Perroy Decl., ¶¶ 4, 7. None of this testimony is competent, however, to support her contentions. *does not claim to, nor did she have*

Ms. Perroy was a Financial Management Officer whose primary responsibility was to oversee the budget for certain NSC computer systems. She ~~had no~~ duties related to personnel security, or to the handling of personnel security files. She did not work with or for the NSC Security Officer, who had day-to-day responsibility for personnel security matters. Manzanares Decl., ¶¶ 9, 12; Dimel Decl., ¶¶ 7, 11. There is no evidence from which it could be found that she had personal knowledge of whose files the Security Officer kept on hand, rendering Ms. Perroy's testimony unreliable, and inadmissible.<sup>4/</sup>

<sup>2/</sup> (...continued)

for more than 20 years, and who has never held a political appointment with the government. In 1993 he accepted a detail to the NSC as Director of Administration, a non-political staff position, ~~offered to him by the NSC Executive Secretary (himself a career Foreign Service Officer on detail from the State Department), with whom Mr. Manzanares had worked at the State Department Operations Center.~~ Manzanares Decl., ¶¶ 1, 5-7.

The only positions that Ms. Dimel has ever held with the government are NSC Personnel Liaison Officer, and, before that, Support Assistant to the Director of Administration, neither of which is a political appointment. She was hired as Support Assistant by the Bush Administration in November 1992. Prior to that she worked in the private sector as a payroll, benefits and accounts receivable manager. Dimel Decl., ¶¶ 1, 5.

<sup>4/</sup> Stagman v. Ryan, 176 F.3d 986, 995 (7th Cir.), cert. denied, 120 S. Ct. 446 (1999); Visser v. Packer Eng'g Assoc., 924 F.2d 655, 659 (7th Cir. 1991); U.S. v. Burnett, 890 F.2d 1233, 1240-41 (D.C. Cir. 1989); Peavy v. Dallas Independent Sch. Dist., 57 F. Supp. 2d 382, 387 (N.D. Tex. 1999).

When Ms. Perroy attempts to substantiate her claim that she knew whose files were actually located in the Security Officer's safe on the day she observed Mr. Manzanares and Ms. Dimel reviewing files there, she manages only to undermine her testimony. She states that she caught a glimpse of former staff persons' files in the Security Officer's safe during an office "remodeling project." Perroy Decl., ¶ 4. Although she does not specify the date of this renovation, NSC records document that it took place between August and November 1993. Dimel Decl., ¶ 9.

On the other hand, Ms. Perroy recalls having seen Mr. Manzanares and his assistant reviewing personnel security files sometime "[s]hortly before" he left the NSC for a "foreign post." Perroy Decl., ¶ 4. Mr. Manzanares ended his detail to the NSC (see n. \_\_\_, supra) in July 1994, to assume an administrative position at the U.S. Embassy in Tel Aviv, Manzanares Decl., ¶¶ 6, 15. What Ms. Perroy thinks she saw in August or November 1993 is not probative evidence of what was contained in those files nearly a year afterward, in July 1994. [CITE]<sup>5/</sup> In any

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<sup>5/</sup> Ms. Perroy states vaguely that she had some responsibility for the maintenance of "NSC personnel and other files/rosters." Perroy Decl., ¶ 3. Personnel files, containing information about an employee's salary, health benefits, and the like, are not to be confused with personnel security files, which include FBI background reports and other materials used to determine employees' suitability. These two sets of files are separately maintained. Manzanares Decl., ¶ 10; Dimel Decl., ¶ 8. See also Deposition of Craig Livingstone, dated May 26 and June 8, 1999, at 510-13 (submitted on October 1, 1999 as Exhibit No. 25 in Support of the Attorney General's Certification as to Scope of Employment [etc.]) (hereinafter generally, "Def. Exh.").

event, none of Ms. Perroy's assumptions about whose files may have been located in the Security Office can alter the reality that neither Mr. Manzanares nor Ms. Dimel ever reviewed (or even saw) the personnel security files of former NSC staff, Manzanares Decl., ¶ 11; Decl., ¶¶ 7, 10, a fact that Ms. Perroy cannot dispute on the basis of her own first-hand knowledge.

Ms. Perroy's opinion that Mr. Manzanares had no "legitimate reason" to examine NSC personnel security files, Perroy Decl., ¶ 7, also lacks any foundation in personal knowledge, and for that reason is neither probative, nor admissible to prove that he was acting for some sort of unidentified but improper purpose. As the government defendants observed supra, at \_\_\_\_, Ms. Perroy had no duties or responsibilities related to personnel security matters. She was, moreover, Mr. Manzanares' subordinate, occupying a position two steps removed from his. Her limited job duties did not encompass the broad array of administrative matters, including personnel security, for which Mr. Manzanares was responsible. She was therefore not in a position to know what valid reasons Mr. Manzanares, as Director of Administration, or Ms. Dimel, as his assistant, might have for their actions. Manzanares Decl., ¶¶ 4, 9, 12; Dimel Decl., ¶¶ 4, 7, 11.<sup>5/</sup>

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<sup>5/</sup> Ms. Perroy also observes that she came across Mr. Manzanares and Ms. Dimel "after normal working hours," Perroy Decl., ¶ 5, but they routinely worked until 7:30 or 8:00 in the evening to keep pace with the many administrative matters, in particular, replacement of departing staff, for which they were responsible. Manzanares Decl., ¶ 14; Dimel Decl., ¶ 13. Ms. (continued...)

In short, plaintiffs ask this Court to assume that Mr. Manzanares and his assistant were handling the files of former NSC staff, for improper political purposes, and to assume further, therefore, that the Update Project was also sinisterly motivated, based on speculation that has no toe-hold whatsoever in first-hand knowledge. A party may not rely on evidence that lacks a proper foundation in personal knowledge, and which depends on conjecture, and the laying of one unsupported inference upon another, to support a desired conclusion.<sup>2/</sup> Leave to clutter the record with uninformed and, therefore, inadmissible speculation lacking any demonstrated relevance to misuses of former employees' files should be denied.

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<sup>6/</sup> (...continued)

Perroy also looks askance at Mr. Manzanares' request for the combinations to his staff's locking filing cabinets, Perroy Decl., ¶ 5, but this was a standard administrative practice to ensure that if a staff person who had secured materials in his or her safe were out of the office, then others having legitimate need for such materials could come to Mr. Manzanares for access to them. Manzanares Decl., ¶ 16. Finally, Ms. Perroy notes that Mr. Manzanares met on several occasions with Craig Livingstone, although by her own admission she has no idea why. Perroy Decl., ¶ 6. The sole purpose of Mr. Manzanares' discussions with Mr. Livingstone was to inquire if anything could be done about the delays in issuing NSC staff members their permanent White House passes. Manzanares Decl., ¶ 17.

<sup>2/</sup> See n. 4, supra, and cases cited therein; see also Anderson v. Chevron Corp., 933 F. Supp. 52, 61 (D.D.C. 1996); Dillon v. Murray, 853 F. Supp. 199, 202 (W.D. Va. 1994).

**B. Ms. Perroy's Belief That the White House Improperly Obtained Her FBI Background Report Months After She Resigned Is Also Irrelevant and Inadmissible Speculation, and Is Patently Erroneous.**

Apart from reporting that Mr. Manzanares reviewed personnel security files that she cannot identify, for reasons unknown to her, Ms. Perroy testifies to having recently been advised that OPS obtained her FBI background report in October 1993 and March 1994. She claims that she resigned from the White House in September 1993, before either of these requests was made. Perroy Decl., ¶ 7. She states that she "believe[s]" the White House obtained her "FBI file" to use against her should she ever divulge the "improper activities" she witnessed. Id.

In point of fact, however, Ms. Perroy witnessed no improper activities, as discussed above. Moreover, her "belie[f]" as to why OPS made requests for her background information, without any foundation in personal knowledge, is inadmissible conjecture that should not be made part of the record of this case. See n. 4, supra, and cases cited therein. But Ms. Perroy also has her facts wrong when she testifies, incorrectly, that she resigned her position at the White House in September 1993.

NSC personnel records reflect that Ms. Perroy terminated her employment a year later, in September 1994. Dimel Decl., ¶ 14 & Exh. A. This information is corroborated by the fact that Ms. Perroy continued to work at the NSC after Mr. Manzanares had already departed for his post in Tel Aviv, in July 1994.

Manzanares Decl., ¶ 15; Dimel Decl., ¶ 15. It is further confirmed by Ms. Perroy's own recollection that she witnessed Mr. Manzanares and Ms. Dimel looking over NSC personnel security files "[s]hortly before" he left for that "foreign post," and that she did not resign until shortly after this event took place. Perroy Decl., ¶¶ 4, 7. Her own testimony establishes that she remained on the NSC staff at a time "[s]hortly before" Mr. Manzanares ended his detail to assume his new position in Tel Aviv, in July 1994.<sup>8/</sup>

The undisputed documentary evidence also establishes that any White House requests for FBI background information on Ms. Perroy were made many months before she resigned from the NSC, and, just as significantly, long before she observed Mr. Manzanares and Ms. Dimel reviewing personnel security files. According to "dissemination stamps" in her FBI background file, see Declaration of Sherry L. Carner, dated September 27, 1999,

*White House?*  
<sup>8/</sup> Ms. Perroy's error is further documented by information in her FBI background file. As discussed in greater detail below, the NSC requested that the FBI begin a routine five-year re-investigation of Ms. Perroy on June 6, 1994. The NSC memorandum to the Bureau identifies Ms. Perroy as "now hold[ing]" a position on the NSC staff. Fourth Declaration of Sherry L. Carner, dated January 28, 2000 (filed herewith) ("Fourth Carner Decl."), ¶ 5 & Exh. A at 3. Her file contains a completed Questionnaire for Sensitive Positions (Standard Form 86), signed by her on May 31, 1994. Id., ¶ 5 & Exh. A at 4-5. An August 16, 1994 memorandum to the file reflects that the Agent assigned to the investigation had interviewed her and verified her White House employment. Id., ¶ 6 & Exh. A at 6. On September 20, 1994, the NSC sent a memorandum to the FBI asking that Ms. Perroy's background re-investigation be terminated, as she had resigned from government service. Id., ¶ 7 & Exh. A at 7.

¶ 3, and request forms found in her EOP personnel security file, the White House received copies of Ms. Perroy's background report (following its initial transmittal, in July 1988), on two and only two occasions, in July 1990 (prior to the Clinton Administration) and October 1993. Fourth Carner Decl., ¶¶ 3-4 & Exh. A at 1-2; Third Declaration of Charles C. Easley, dated January 31, 2000 (filed herewith) ("Third Easley Decl."), ¶ 4 & Exh. A at 1. The White House made another request for Ms. Perroy's background report in March 1994, six months before (not after) her resignation, although no copy of the report was disseminated at that time. Fourth Carner Decl., ¶ 9 & Exh. B; Easley Decl., Exh. A at \_\_\_\_\_. The NSC's request to initiate Ms. Perroy's five-year background re-investigation, in June 1994, see n. \_\_\_, supra, also preceded her resignation by many months.

In sum, Ms. Perroy's testimony that the White House sought her FBI background information months after she departed, following her observation of activities that she thinks were "improper," is so plainly and irrefutably mistaken that it is now incumbent upon plaintiffs' counsel, as members of the bar, to withdraw her declaration, rather than continue to move its admission. See D.C. Rule of Professional Conduct 3.3(a) & comment [4] (a lawyer must refuse to offer evidence that is known to be false). But regardless of the course followed by plaintiffs and their counsel, the fact is unalterable that Ms. Perroy was a current employee when the White House requested her

FBI background report. For that reason, her out-and-out speculation as to why OPS requested her background report is irrelevant, under the Court's precedents discussed above. Alexander, April 16, 1999 Memorandum and Order at 10 (the handling of files of then-current employees of the government are irrelevant); Alexander, 186 F.R.D. at 204 (same). That is further reason why her testimony is inadmissible, and can have no bearing on the material facts of this case. It should therefore not be made part of this record.

In any case, the competent evidence of record dispels Ms. Perroy's uninformed speculation as to why the White House sought her background information. The September 1993 request for Ms. Perroy's background report was only one of the more than 300 requests for background reports on NSC personnel that Anthony Marceca made in the ordinary course of the Update Project,<sup>2/</sup> requests that were perfectly appropriate in the cases of holdover employees such as Ms. Perroy. Likewise, the request in March 1994 (in response to which the FBI disseminated no report, see Fourth Carner Decl., ¶ 9 & Exh. B), was only one of more than "repeat" requests that Lisa Wetzl evidently made when, following

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<sup>2/</sup> See Declaration of Maria Swails-Brown, dated September 28, 1999 ("Swails-Brown Decl."), ¶ 28 & Exh. K at 12-29, 42, 58, 60 (Def. Exh. 17).

Mr. Marceca's departure in February 1994, she attempted pick up with the project where he had left it.<sup>10/</sup>

Ms. Perroy's background re-investigation was, if anything, long overdue. Her previous investigation, undertaken when she first began working at the White House, was completed July 1, 1988. See Carner Decl., ¶ \_\_\_\_ & Exh. A at \_\_\_\_; Perroy Decl., ¶ \_\_\_\_ . Her re-investigation began pursuant to a June 6, 1994 request from the NSC, and Ms. Perroy's written authorization, dated May 31, 1994. Fourth Carner Decl., ¶ 5 & Exh. A at 3, \_\_\_\_.<sup>11/</sup> The NSC requested that the investigation be terminated once Ms. Perroy had resigned. Id., ¶ 7 & Exh. A at 7.<sup>12/</sup>

In the final analysis, then, Ms. Perroy's testimony, like all of the plaintiffs' evidence that precedes it, is either incompetent, irrelevant, or both, so far as any fact material to

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<sup>10/</sup> See Swails-Brown Decl., Exh. K at \_\_\_\_; Supplemental Memorandum in Support of the Attorney General's Certification as to Scope of Employment [etc.], dated October 1, 1999, at 34-36.

<sup>11/</sup> The record suggests that there had been some delay in obtaining paperwork from Ms. Perroy that was needed to initiate her re-investigation, until Mr. Livingstone threatened to withhold her newly upgraded White House pass. See Easley Decl., ¶ 4 & Exh. A at 1-4.

<sup>12/</sup> Finally, Ms. Perroy testifies that following her resignation, the White House sent her a letter "threaten[ing] to come after [her] with false charges and allegations in order to smear [her] good name." Perroy Decl., ¶ 7. Notably, plaintiffs have not attached this letter to Ms. Perroy's declaration for the Court's independent scrutiny. Also absent is any evidence that the letter was related either to the activities Ms. Perroy claims to have witnessed, or to requests for her background information, as opposed to wholly unrelated employment matters. This testimony is likewise irrelevant and should not be admitted.

the outcome of this litigation is concerned. The record should not be burdened at further length with evidence that cannot place the material facts of this case in genuine dispute.

CONCLUSION

For the foregoing reasons, plaintiffs' motion to supplement the record should be denied.

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Respectfully submitted,

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