

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 1/29/98

KENNETH H. BACON, Assistant Secretary of Defense for Public Affairs, 1400 Defense Pentagon, Washington, D.C., telephone number [REDACTED], voluntarily appeared at the Office of the General Counsel, Pentagon, for the purpose of being interviewed by Office of the Independent Counsel (OIC) representatives, Special Agents (SAs) ERIC L. KARANDY and COURTNEY WEST. Also present was Attorney WILLIAM J. MURPHY, Murphy & Shaffer, Ninth Floor, 100 Light Street, Baltimore, Maryland 21202, telephone number [REDACTED] and Attorney BRADFORD WEIGMAN of the Pentagon Counsel's Office.

BACON advised that the position for his secretary, also referred to as confidential assistant, became available when GENE WHETZEL announced her intentions to resign. Her decision to transfer over to the National Security Council was based partially on a job which required less travel and irregular and long hours. WHETZEL is approximately [REDACTED] and a Schedule C employee.

A "two track" approach was taken to fill the vacated position, according to BACON. This entailed notifying the personnel apparatus within the Department of Defense (DOD), as well as the White House Liaison Office in the DOD, headed by CHARLIE DUNCAN. Based on the job description approximately three to four individuals were identified within DOD and only one, MONICA LEWINSKY, from the White House Liaison Office.

BACON advised that based on GENE WHETZEL'S recommendations that her replacement possess the requisite computer skills (familiarity with Internet) and have a high energy level, he selected MONICA LEWINSKY. The selection process also included a review of her resume, a one-half hour initial interview and a request to observe her typing skills. He stated that he was never contacted by anyone at the White House regarding his selection of Lewinsky and never had discussions with VERNON JORDAN.

BACON was never informed, nor did he ever discuss, LEWINSKY'S security clearance in regard to her employment. He assumed this would have been pre-screened as part of the job description. He would usually relegate one of his deputies,

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CLIFF BERNATH, to check references prior to hiring an employee, but he could not recall if he did this with MONICA LEWINSKY.

According to BACON, LEWINSKY'S job description was essentially that of an Executive Secretary, which required the basic skills of dictation, scheduling, appropriate telephone and people skills and flexibility. He stated that she fulfilled these requirements to his satisfaction and gave her an "exceeded expectations" in her annual performance review. MONICA LEWINSKY was satisfied with this evaluation, but she did tell BACON that she felt her responsibilities entitled her to a pay grade higher than the grade 9. BACON knew that she was asking other employees what salary they made and in one meeting told her that she would need more experience before he could recommend an increase in salary.

Following an overseas trip in April of 1997 to Japan and Seoul, Korea, BACON began to receive some complaints from several employees that LEWINSKY'S work was less than satisfactory. He counseled LEWINSKY in his office and she admitted that there had been extenuating circumstances for her poor performance, but agreed to do better. BACON stated that LEWINSKY felt she was hired as his personal secretary and had difficulties sometimes working with other employees in a team concept environment.

BACON recalls LEWINSKY mentioning that she was quite proud of her internship and opportunity to work for President BILL CLINTON. She bragged about a tie she had given the President as a gift and would bring this to his attention when he was wearing it on television. LEWINSKY never mentioned any other political connections she might have, but BACON knew her family were friends with WALTER KAYE, a southern California Democratic fundraiser.

BACON recalled one day in late November or December, 1997, when LEWINSKY became very upset and asked to leave work due to an emergency. His recollection was that it was a Friday, because his wife called her the following day (Saturday) and left a message on her home answering machine. Later LEWINSKY telephoned BACON'S wife, DARCY BACON, to express her appreciation for her concern. LEWINSKY never said why she was upset. BACON further advised that the telephone call from his wife to LEWINSKY

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was made from her automobile in the presence of BACON.

LEWINSKY did not have an extensive social relationship with BACON, but she went to lunch with DARCY BACON on several occasions in Washington, D.C. She knew and occasionally talked to BACON'S daughters on the telephone. She arranged to have BACON and his family attend one of CLINTON'S Saturday radio addresses from the Oval Office. When BACON received an invitation to attend the annual press party at the White House, LEWINSKY asked if she could go with the BACONS. She already had her own invitation and BACON was unsure whether she met President CLINTON at this event.

BACON has no recollection of any conversations either with MONICA LEWINSKY directly or with anyone else regarding her relationship with LINDA TRIPP or any other Pentagon employees. BACON did not have any conversations with LEWINSKY about her alleged sexual relationship with President CLINTON. LEWINSKY did not discuss any visits to the White House. She did not discuss the PAULA JONES' case, make comments or remark about her subpoena to testify at the PAULA JONES' deposition.

BACON advised that MONICA LEWINSKY never discussed any photos taken of her and the President, nor did he ever see or hear about mini-cassettes in her possession. He did ask her to send several VCR tapes to several cabinet members, but he did not know how they were sent or whether she delivered them in person. These tapes were copies of a 15-minute CBS, "60 Minutes" television program regarding a successful New York welfare project, which BACON thought could serve as useful public relations. BACON provided an extra copy for the White House after LEWINSKY suggested that the President would also appreciate a copy.

BACON provided the following background information:

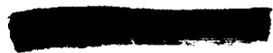
Home address:



Home telephone:



Work telephone:



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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 3/3/98

KENNETH H. BACON, Assistant Secretary of Defense for Public Affairs, was re-interviewed at the Pentagon in the presence of his attorney, WILLIAM MURPHY. BRADLEY WIEGMANN, Pentagon Deputy General Counsel, was also present during the interview. BACON was advised as to the identity of the interviewing Agents and the nature of the interview. He provided the following information:

BACON advised that he had no conversations with any White House personnel prior to hiring MONICA LEWINSKY as his confidential assistant. BACON's normal practice is to ask his chief deputy, CLIFF BERNATH, to check references of potential employees. BERNATH did not have any record of checking LEWINSKY's references. BACON advised that he did not have any conversation with CHARLES DUNCAN, the Pentagon White House Liaison, prior to hiring LEWINSKY. BACON interviewed four people for the position of his confidential assistant. No one person was the perfect fit for the job. BACON talked with JEANNE WETZEL about the job requirements of a confidential assistant and she recommended a younger, energetic person for the job.

BACON stated that he had no knowledge that LEWINSKY may have been known as a "stalker" at the White House. BACON had no indication of any problems with LEWINSKY at the White House. He stated that he would have wanted to have known this information if it was available. BACON stated that he hired her for clear reasons. BACON viewed JEANNE WETZEL's promotion to the White House National Security Staff and the hiring of MONICA LEWINSKY as separate events. WETZEL wanted to be promoted to a GS-12 at the White House. WETZEL was happy when she left because she was getting promoted. WETZEL had grown tired of the travel required as a confidential assistant and she was eager to leave the job. BACON wanted to move as quickly as possible to fill the vacancy. He hoped to have some overlap of WETZEL departing and LEWINSKY arriving, so that WETZEL could explain the office procedures. WETZEL was present when LEWINSKY was interviewed by BACON.

BACON stated that transcribing was an important part of the confidential assistant's job. LEWINSKY was not an "ace" transcriber. She had a problem and "dropped the ball" transcribing speeches on a trip to Asia. BACON counseled her

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by [REDACTED] Date dictated 3/3/98

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about her performance. Her performance improved after he counseled her. BACON was not aware that LEWINSKY was self-taught in typing.

BACON advised that, in a mid-year performance counseling meeting, LEWINSKY felt that the other assistants were being too hard on her and that she was required to work to a higher standard. BACON wanted the Public Affairs Office to work together as a team to get the job done. BACON advised that when problems arose, it was because the team was not working together. LEWINSKY was not highly organized in her work habits. BACON stated that he also was not organized. LEWINSKY had to be reminded that she was not just working for BACON. BACON stated that she worked cheerfully and well for him, but felt that she did not have to do anything else. BACON advised that in April 1997, BERNATH asked BACON whether LEWINSKY should be replaced because of her performance. BACON stated he did not want to replace LEWINSKY because, from his standpoint, she was doing a good job. BERNATH did not have a problem with BACON's decision not to replace LEWINSKY.

BACON was shown a photocopy of a "Performance Management System for General Schedule and Wage System Employees" form for MONICA LEWINSKY dated May 2, 1997. BACON stated that the form was completed by CLIFF BERNATH. LEWINSKY was rated "Exceeds Fully Successful." BACON signed the form as LEWINSKY's immediate supervisor on May 2, 1997. BACON advised that 75% of the personnel in Public Affairs are rated Outstanding, which is the highest overall rating. BACON and LEWINSKY did not see her "Exceeds Fully Successful" rating as a good grade. LEWINSKY knew what the rating conveyed and that there was room for improvement.

BACON advised that in September 1997, LEWINSKY wanted to be raised in her grade from a GS-9 to a GS-12. LEWINSKY stated that a number of confidential assistants at the Pentagon were GS-12s. BACON told her that she could not get an increase in her grade because her performance was not good enough and a grade promotion would create a salary compression problem with another employee in his office.

BACON advised that in April 1997, LEWINSKY expressed an interest in returning to a job at the White House. BACON called White House Spokesman MIKE McCURRY and mentioned that LEWINSKY

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would be a good employee for the Press Office. McCURRY told BACON to write a note to LORRIE McHUGH, a Deputy Assistant to the President, in McCURRY's office. BACON stated that, on or about April 28, 1997, he wrote a short note to McHUGH recommending LEWINSKY for a position in the Press Office or the Communications Office. In May 1997, BACON asked LEWINSKY about the White House job and she stated that she had not heard anything from the White House.

BACON advised that in late-October or early-November 1997, LEWINSKY told him that she wanted to leave the Pentagon to seek employment in New York City. LEWINSKY stated that her mother was moving to New York and that she wanted to work in Public Relations in New York City. BACON advised that in November 1997, he had a conversation with HOWARD PASTER, the Chairman and Chief Executive Officer of HILL & KNOWLTON, INC., about LEWINSKY seeking employment in Public Relations. PASTER advised that CONNIE CHUNG may be looking for a researcher. On or about November 24, 1997, BACON wrote a letter to PASTER enclosing a copy of LEWINSKY's resume and thanking PASTER for his offer to talk to CONNIE CHUNG on behalf of LEWINSKY. BACON does not know whether PASTER forwarded the resume to CHUNG. BACON stated that he mentioned the conversation with PASTER to LEWINSKY.

BACON advised that in October and November of 1997, he had other conversations with LEWINSKY about her job seeking employment in New York. LEWINSKY told BACON that she was offered a job with the U.S. Mission to the United Nations. LEWINSKY stated that she had until January to accept or reject the job. BACON asked LEWINSKY how she got the job. She stated that she was put in contact with Ambassador RICHARDSON through a mutual friend. LEWINSKY did not mention the mutual friend's name. BACON does not recall any conversations with his wife about LEWINSKY's job seeking in New York. BACON did not write LEWINSKY's resume or any reference letters to any prospective employers. BACON did not receive any telephone calls requesting reference information about LEWINSKY from any employers.

BACON stated that on Friday afternoon, December 19, 1997, LEWINSKY left the office very upset. BACON had just returned to his office and LEWINSKY was in the process of leaving. LEWINSKY stated that she had a problem and there was nothing BACON could do for her. LEWINSKY did not mention the

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nature of the problem. BACON initially focused on a potential health problem. On Saturday, December 20, 1997, BACON asked his wife to call LEWINSKY from their car phone. LEWINSKY did not answer the phone, and DARCY BACON left a message on her machine. BACON stated that his wife, DARCY BACON, had a previously-scheduled lunch engagement with LEWINSKY on Monday. BACON does not recall any conversations with his wife following the lunch engagement.

BACON advised that he has not talked to anybody at the White House about LEWINSKY. He has not been interviewed by anyone at the White House or any attorneys employed by President CLINTON. BACON stated that he has been on conference calls with White House Spokesman MIKE McCURRY and his assistant, P. J. CROWLEY, when LEWINSKY's name may have been briefly mentioned. BACON stated that he recently had a dinner with HAROLD ICKES and STEVE COHEN, a law professor at Georgetown University, and that the group talked in general terms about LEWINSKY.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

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UNITED STATES OF AMERICA :
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VS. : Grand Jury Number 97-4
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JOHN DOE :
:
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U.S. Courthouse
401 Courthouse Square
Alexandria, Virginia

July 15, 1998

The testimony of KENNETH BACON was taken in
the presence of a full quorum of the Grand Jury
beginning at 10:05 a.m.

BEFORE:

JIM CRANE
Associate Independent Counsel

1 FOREPERSON: No.

2 MR. CRANE: All right. We're here then to
3 hear the testimony of Mr. Bacon and I will put some of
4 the preliminary matters on the record.

5 BY MR. CRANE:

6 Q This is the Grand Jury. I'm an attorney for
7 the government. The court reporter sits opposite with
8 you, opposite the third table there at the end with the
9 recording devices, and the Grand Jurors are, are all
10 the other persons sitting around the table. To your
11 left is the Foreperson of the Grand Jury who has just
12 sworn you in. And another Grand Juror is just
13 entering.

14 This is a, a Grand Jury proceeding and let me
15 go over your rights and responsibilities. I'm sure
16 your attorney has gone over some of these and you're
17 probably familiar with them, so I'll do it fairly
18 quickly. But if you would like me to do it in more
19 detail, just let me -- just ask me to slow down, sir.

20 You have a Fifth Amendment right not to
21 incriminate yourself. That means you don't have to
22 answer any question which you believe would tend to
23 incriminate you. Is that clear to you?

24 A Yes, it is.

25 Q All right. You have the right to consult an

1 attorney if you choose, including you can take
2 reasonable breaks during the course of the proceedings
3 and -- is that clear?

4 A Yes, it is.

5 Q And you do have an attorney here today. Is
6 that right?

7 A Yes, I do.

8 Q And his name, for the record, is?

9 A Thomas Murphy.

10 Q All right.

11 A I'm sorry, William, William Murphy.

12 Q William Murphy. And he's outside. You can
13 take a reasonable number of breaks, but not after each
14 question or something that would end up disrupting the
15 procedures.

16 Now, your status before the Grand Jury is
17 that in a broad category called a subject and a
18 witness. You are not a target of the Grand Jury
19 investigation. A subject is defined by the Department
20 of Justice manual as a very broad category, witnesses
21 whose conduct comes within the scope of the Grand Jury
22 investigation. Is that more or less clear to you?

23 A Yes, it is.

24 Q All right. It's a very broad category and I
25 explain for witnesses who appear before the Grand Jury

1 that even a bank teller in a bank robbery would often
2 be considered to be a subject of the Grand Jury
3 investigation until all the facts are absolutely clear
4 as to what happened in the hypothetical bank robbery.

5 This Grand Jury is looking -- has limited
6 jurisdiction and we are looking into whether any person
7 committed perjury, obstruction of justice, witness
8 tampering or witness intimidation or false statements
9 in relation to the civil lawsuit known as Paula Corbin
10 Jones versus William Jefferson Clinton. Is the scope
11 of our jurisdiction clear to you?

12 A Could you repeat that one more time?

13 Q Yes. The, the Office of the Independent
14 Counsel stands in the shoes of the Attorney General,
15 but unlike the Attorney General, the Department of
16 Justice or the U.S. Attorney's Offices which can look
17 into any violation of criminal law nationwide, any sort
18 of violation, including, as I mentioned a moment ago,
19 bank robbery, the Office of the Independent Counsel is
20 given a list of statutes which it may investigate or
21 must investigate by the Attorney General and by what is
22 called a Special Division of the Court of Appeals of
23 the D.C. Circuit. And the statutes and the area that,
24 that the Office of the Independent Counsel has been
25 asked to look into include whether any person has

1 committed perjury, obstruction of justice, witness
2 tampering, false statements in connection with the
3 civil lawsuit known as William -- excuse me,
4 Paula Corbin Jones versus William Jefferson Clinton.

5 Finally, Rule 6(e) provides that attorneys
6 for the government and the members of the Grand Jury
7 themselves, as well as the court reporter, cannot
8 disclose these matters to any other person outside.
9 You, on the other hand, as a witness, are free to
10 discuss your testimony, of course, with your own
11 attorney and with any other person, even with the
12 press, if you so choose. You are not subject to
13 secrecy.

14 All right. Is all, all of those preliminary
15 matters clear to you?

16 A Yes.

17 Q All right. Without further ado, let me start
18 asking you some basic factual questions and --
19 basically, about where you're employed and, and how
20 long you've been there. But before I do that, let me
21 ask you to state your full name and spell your last
22 name for the court reporter.

23 A My full name is Kenneth Hogate, H-O-G-A-T-E,
24 Bacon, B-A-C-O-N.

25 Q Where are you employed, sir?

1 A At the Department of Defense.

2 Q And could you just tell us what is your
3 position, how long have you been there, and what are
4 your basic day-to-day duties?

5 A My position is the Assistant Secretary of
6 Defense for Public Affairs. I've been there since
7 September 20th, 1994, and my basic duties are to advise
8 the Secretary of Defense on press matters and to run
9 the press operation at the Pentagon.

10 Q All right. Now, your position is a high
11 level position, is that correct, within the government?

12 A It's a Senate-confirmed position, yes.

13 Q All right. Nominated -- you were nominated
14 by the President?

15 A Yes, I was.

16 Q And confirmed by the Senate?

17 A Yes.

18 Q All right. What sort of dealings do you have
19 with the press on a day-to-day basis?

20 A Extensive dealings.

21 Q All right. Can you give us an overview of
22 some of the issues that you deal with on a day-to-day
23 basis?

24 A I certainly deal with deployments of troops
25 to places like Bosnia, Kosovo. I deal with foreign

1 policy matters that have an impact on the military.

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 So, on a day-to-day basis, I, I basically
18 respond to requests from the press for information on a
19 whole variety of topics.

20 Q All right. Can you tell us where did you
21 work before you came to work at the Pentagon?

22 A I worked at the Wall Street Journal.

23 Q And how long were you there?

24 A Twenty-five years.

25 Q What were your positions at the Wall Street

1 Journal?

2 A I was both the reporter and an editor. I
3 sort of alternated between the two.

4 Q All right. What sort of issues did you
5 report on?

6 A I covered a wide range of issues, starting
7 with regulatory affairs. I covered economics,
8 education, the military, foreign affairs, international
9 finance, banking regulation.

10 Q And how did you come to be employed -- to be
11 appointed by the President?

12 A I was -- in the 1970s when I covered the
13 Pentagon, I got to know William Perry who was then the
14 Undersecretary of Defense for Research and Engineering,
15 basically weapons development. And when he became the
16 Secretary of Defense, somebody recommended me to him as
17 his press spokesman. I had an interview with him and
18 one other person in the Department and was hired for
19 the job.

20 Q All right. Now, can you just give us some
21 background? Generally, how was it that both Monica
22 Lewinsky and Linda Tripp came to work in your office?

23 A Well, I can't say very much about Linda Tripp
24 because she arrived a month before I did and I have no
25 firsthand or personal knowledge about how she got that

1 job. I've read accounts of it, as has everybody else,
2 but I don't have any firsthand evidence.

3 Monica Lewinsky was one of four people I
4 interviewed for the job. Three already worked at the
5 Pentagon; she did not. And I decided to hire her.

6 Q All right. And what was the position Monica
7 held while she worked for you?

8 A Well, her title was confidential assistant.
9 She essentially was a secretary.

10 Q Okay. What sort of things did she get to do?
11 Was she doing travel?

12 A She traveled -- Secretary Perry traveled
13 extensively, between a third and half the time, and
14 many of these trips were foreign. When the Secretary
15 travels abroad, I go and usually two or three people
16 travel with me from my office, and maybe as many as 10
17 or 15 press people. One of the things we do is
18 transcribe every comment that the Secretary makes to
19 the press, whether it was an interview on the airplane
20 or a press conference in Copenhagen or Bonn or London,
21 Riyadh, where we have to speak. Monica Lewinsky did
22 that transcribing.

23 The other thing she did on foreign trips was
24 to sort of handle the enormous flow of faxes that would
25 come in. There's -- it seems the farther one gets from

1 Washington, the greater the appetite is for news. And
2 so, we would have news summaries and wire service
3 stories and other things faxed over to us and she would
4 distribute those several times a day.

5 In the office, she answered the telephone,
6 and I probably got an average of 30 or 40 phone calls a
7 day. She would manage my appointments, my schedule,
8 and she would handle correspondence.

9 Q All right. And there was a number of
10 problems with Monica's job performance. Is that
11 accurate or inaccurate?

12 A I would say her performance, as far as I was
13 concerned, was, was, was competent. She was not a
14 great team player and the Pentagon is a building filled
15 with many teams, and she did not always get along well
16 with some of the other people in the office. Her
17 feeling from time to time was that she worked only for
18 me and not for other people in the office, so there
19 were some complaints about her performance vis a vis
20 other people in the office.

21 Q What about -- I've heard that her typing
22 skills were actually quite poor.

23 A They were certainly adequate for the amount
24 of typing that I had her do.

25 Q All right. Was there some discipline or some

1 counseling that she was undergoing for her job
2 performance?

3 A Not from me, but she was counseled by my
4 deputy at the time, Cliff Bernath.

5 Q And why was that?

6 A It was really --

7 GRAND JUROR: I'm sorry, excuse me.

8 Mr. Crane, where exactly are you going with these
9 questions about Monica Lewinsky and about work?

10 GRAND JUROR: Right. We don't understand.
11 Yeah, we don't understand with the background.

12 GRAND JUROR: Sort of -- I was losing track
13 there. It seems like we were talking more about her.

14 MR. CRANE: Right. We're almost done with
15 the background.

16 BY MR. CRANE:

17 Q What was the area that she was counseled on?

18 A It was -- there was one foreign trip to Asia
19 in which there had been tension between her and one of
20 the military assistants who had traveled with us on
21 that trip, and -- but it really came back to the
22 broader issue I mentioned earlier, of, of what her role
23 was on a broader team, beyond just working for me but
24 working with and for other people in the office.

25 Q All right. Now, why did you ask Mr. Bernath

1 | to release information from Linda Tripp's security
2 | files to the press?

3 | A Well, I didn't ask him to release information
4 | from Linda Tripp's file.

5 | Q What did you ask him to do?

6 | A It might be helpful if I explained what
7 | happened, and then you can ask me some questions about
8 | that.

9 | Q Sure, go ahead.

10 | A Late in the day, in the early evening -- I
11 | got a call from a reporter asking me a question about
12 | Linda Tripp. I was unable to answer that, to find the
13 | answer to that question on that evening, which was a
14 | Thursday evening. Either that evening or early the
15 | next morning, I can't remember which, Cliff Bernath,
16 | who had been out of town -- he was my deputy --
17 | returned and we were talking about what was going on.
18 | I told him that I had received a request from the
19 | reporter. I told him what the request was about. I
20 | told him I didn't know whether we would be able to find
21 | the information and, if we found it, whether we'd be
22 | able to release it. And then I was going to take up
23 | the matter in the morning and whether -- as I say, I
24 | can't recall whether I had this conversation with him
25 | on Thursday evening or early, say, 7:15 or 7:30 on

1 | Friday morning. He said he would take it over.

2 | Q All right. Let me just interrupt. Who was
3 | the reporter and what was your relationship to her?

4 | A The reporter was Jane Mayer of the New Yorker
5 | and we had worked maybe 10 years earlier as colleagues
6 | at the Wall Street Journal.

7 | Q All right. And had you stayed in touch with
8 | her over the years?

9 | A I had not.

10 | Q All right. Go ahead, if you want to continue
11 | essentially in narrative form.

12 | A So, Cliff Bernath took over the project and
13 | he basically handled it from there, although I was very
14 | aware of what he was doing because he checked back with
15 | me. I basically then left the office and reappeared
16 | every hour, every hour and a half for the rest of the
17 | day, sometimes for 5 minutes, sometimes for 15 minutes,
18 | and then would go off and do -- to another meeting
19 | essentially.

20 | Q Okay. What was it that Ms. Mayer asked you
21 | to find out about Linda Tripp?

22 | A She called me up and said that she had
23 | learned that Linda Tripp had been arrested and asked me
24 | if I was aware that she had been arrested, and I said
25 | no. I asked her the circumstances of the arrest and

1 she told me.

2 Q What did she tell you about the
3 circumstances?

4 A She told me that she had been arrested and
5 charged with grand larceny 19 -- when she was 19 years
6 old.

7 Q Okay. And how long ago was that?

8 A Well, I don't remember the exact date but I
9 think Linda Tripp is in her mid- to late forties now.

10 Q All right. What else did she tell you? What
11 else did Ms. Mayer tell you she had found out?

12 A That's all she told me.

13 Q And what did she want you, in turn, to find
14 out?

15 A She, she asked if it was possible for me to
16 find out if she had -- how she had answered the
17 question on a particular form which she identified as a
18 Form 398.

19 Q All right. And why did she want that
20 information?

21 A Well, she was writing an article for the New
22 Yorker in which she was going to mention this. She
23 didn't tell me what the article was -- what the theme
24 of the article was going to be but she said this was
25 going to be mentioned in the article, and she wondered

1 how she had answered the question on her security form.

2 She --

3 Q Okay. Go ahead.

4 A That's, that's all.

5 Q Okay. What was the particular question from
6 her security form that she wanted answered?

7 A She informed me -- I did not know about the
8 Form 398. She informed me -- although I have, I guess,
9 have filled one out myself but I didn't look at the
10 name of the form when I filled it out. She asked me --
11 she informed me that on that form there was a question:
12 Have you ever been arrested? And she asked me if I
13 could find out how she had answered that question.

14 Q All right. And it was your understanding
15 that she would write an article about what information
16 you provided her or --

17 A Well --

18 Q -- together with the other information she
19 had?

20 A I, I did not interrogate her about what the
21 article was going to say, whether this was the whole
22 article or a small part of the article. She asked me
23 for a specific piece of information.

24 Q All right. But is this a fair
25 characterization? That she was going to write that

1 Linda Tripp lied on her personnel form if that was the
2 way -- if she answered no, then that would be the
3 logical inference. And that's, in fact, what she did
4 write in her article?

5 A That is, in fact, what she wrote, yes.

6 Q Okay. Now, tell us again -- is this correct:
7 you essentially turned over the mechanics of it to
8 Mr. Bernath?

9 A That is correct.

10 Q Okay. And he does -- tell me also in summary
11 form so I can move along. He does some calling around
12 and talks to a few people and eventually gets a hold of
13 Linda Tripp's Form 398?

14 A Yes.

15 Q Okay. And a 398 is a form that a federal
16 employee fills out to get a security clearance. Is
17 that correct?

18 A Yes.

19 Q All right. And, in fact, Linda Tripp had a
20 top secret security clearance?

21 A That is correct.

22 Q Okay. Now, what led you to believe that
23 information from a top secret security clearance could
24 be disclosed to the media?

25 A Well, we had since this story broke disclosed

1 a wide range of personnel information about both Linda
2 Tripp and Monica Lewinsky to the press. At the time --
3 well, not at -- until late last year, my office
4 actually ran the Freedom of Information Act Section of
5 the Pentagon. On October 1st, it was moved from my
6 office to another office as part of a reorganization.

7 We have always taken the position that we
8 will try to answer reports' questions as quickly as
9 possible, when possible. And we've always taken the
10 position that we should be as open as possible. We
11 were relatively open with the information back in
12 January and I approached this question basically with
13 the same spirit we had in January.

14 Q All right. But back in January of this year,
15 1998, when the Lewinsky/Tripp story hit the papers, you
16 did not release any information from Ms. Tripp's 398 at
17 that time, did you?

18 A We did not.

19 Q Okay. And you did not release any
20 information from Ms. Lewinsky's 398 or the successor
21 form to that, which I believe is an SF-86, did you?

22 A We did not -- we were not asked to.

23 Q In fact, you were?

24 A I don't believe so.

25 Q You were asked for all releasable information

1 from their personnel files by handwritten Freedom of
2 Information Act requests.

3 A I don't think we were specifically asked for
4 anything on the 398. You are right that we were
5 asked --

6 Q For all releasable information?

7 A Yes, right.

8 Q All right. And one thing that you have to do
9 in dealing with public affairs is not simply to feed
10 the press but to protect the rights of your employees.
11 Isn't that also right?

12 A There, there is a balance between the Privacy
13 Act and the Freedom of Information Act.

14 Q Okay, what balancing did you undergo before
15 you told this reporter that you would go and get --
16 before you released the 398 information? What
17 balancing did you do?

18 A Well, in retrospect, probably not enough.
19 But when I initially got this request on Thursday
20 evening, I called a fellow named Doc Cooke who runs the
21 administrative side of the Pentagon. This was, I would
22 say, 5:30 or 6:00. And I said to him that I had a
23 gotten a call from a reporter. I described the
24 substance of the call, that it was about an arrest
25 record, and that she had asked a question about how

1 Linda Tripp had answered a question on her Form 398
2 about a public record, the arrest record, and would it
3 be possible to find out how she had answered this
4 question.

5 Now, at the time I knew that the New Yorker
6 was going to run this article and that it would appear
7 early next week. And I also knew that regardless of
8 whether we released the information then, we had to --
9 we were going to be asked the answer to the question.

10 Q Right, but that's an internal matter for the
11 Pentagon to --

12 A That's right.

13 Q And correct me if I'm wrong, but if an
14 employee lies on a 398 form or on another government
15 form, that's a matter of internal discipline. Is that
16 correct?

17 A Well, I didn't know that at the time. Since
18 then, I've learned that, yes.

19 Q You're saying you did not know at the time
20 that internal matters were not just released to the
21 press as a -- to feed the press?

22 A That's not what I said. You asked me a
23 different question.

24 Q What, what did you understand at the time as
25 to releasing information about internal investigations?

1 A Not much. What I said to Doc Cooke was that
2 I had told Jane Mayer that we -- I would look into this
3 matter and I didn't know whether I'd be able to release
4 the information but I would look into it. I told the
5 same thing to Doc Cooke, that I didn't know whether I'd
6 be able to release it. One, if we could find the
7 information, I didn't know. Two, I didn't know if we
8 could find it if we could release it. I believe I
9 mentioned to Doc the Privacy Act.

10 Q Did you also mention to Ms. Mayer the Privacy
11 Act?

12 A I believe I did mention that to her.

13 Q So, early on, the Privacy Act was at least
14 going around in your mind.

15 A That is correct.

16 Q Is that correct?

17 A Yes.

18 Q And you mentioned it to, to Doc Cooke and
19 possibly Ms. Mayer? Or was it the other way around,
20 Ms. Mayer and possibly Doc Cooke?

21 A I believe I mentioned it to both, but I think
22 what I did say to both was, one, I don't know whether
23 we have the information, if we can locate it; two, if
24 we locate it, I don't know whether we'll be able to
25 release it.

1 Q Okay. Let me ask you a question about that.
2 When you said that to Doc Cooke, I don't know if we
3 have it, if we can locate it, I don't know if we can
4 release it, you're saying you actually asked Doc Cooke
5 I don't know if we can release this --

6 A No.

7 Q --- meaning --

8 A No. I reported to Doc Cooke what I had said
9 to the reporter.

10 Q Okay.

11 A I didn't ask him a question. I didn't ask
12 him for any judgment. I said Doc -- Doc's called Doc
13 because his name is David O. Cooke and everybody calls
14 him Doc. He -- I said Doc, I just got a call from a
15 reporter who said -- who informed me that Linda Tripp
16 had been arrested and asked me how she had filled out a
17 line on the Form 398. I told her that I don't know
18 whether we can find this information and, if we find
19 it, I don't know whether we can release it.

20 Q Okay. When you say release it, who are you
21 talking about? Release it to whom?

22 A Release it to the reporter.

23 Q Okay.

24 A She had asked me for a specific piece of
25 information.

1 Q Okay. And in the context of your
2 conversation with Doc Cooke, was it clear that when you
3 say I don't know if we can release it that he
4 understood release it to the press as opposed to
5 release it for internal investigatory purposes?

6 A I do not know what he understood from that
7 conversation.

8 Q But that was your intent when you were
9 talking to him: Is there any way to find this out and,
10 if we can, can we release it, question mark, to
11 Dr. Cooke -- Doc Cooke?

12 A As I said to you, I was not asking him for
13 advice. I was merely reporting to him what I had told
14 the reporter.

15 Q But I'm looking now at your Inspector General
16 statement. I can show you a copy of it, but just let
17 me -- and it says on page 4 "I said the same thing to
18 Doc, essentially, 'Is there any way to find this out
19 and, if we can find it out, can we release it?'"

20 A That's what I said to Doc.

21 Q Okay. So, you were asking him a question?

22 A Yeah. I -- my recollection is that I
23 reported the conversation to Jane Mayer to Doc and that
24 I was not asking him for a legal opinion at that time.

25 Q All right. Let me show you a copy -- this is

1 | my mark-up copy of your Inspector General statement.
2 | On page 4, it's the top line and it -- what I wanted to
3 | ask you about particularly, the handwritten comments
4 | that say "can we release it." Now, explain to the
5 | Grand Jury how those came to be written in there, some
6 | typed comments, for the members of the Grand Jury, and
7 | then there are some handwritten ones.

8 | A Sure. I was -- I talked to the
9 | representative of the Inspector General in April, I
10 | believe, April 15th and they made a transcript. After
11 | the transcript was complete, they sent me a copy and
12 | also a copy to my attorney, Bill Murphy. We went over
13 | this transcript together over the telephone and we
14 | believe that there were some inaccuracies and some
15 | incomplete statements in the transcript. So, we then,
16 | together, wrote -- I think he probably had written in
17 | this before he called me and we went through. I had my
18 | own copy, which I believe you have also --

19 | Q Yes.

20 | A -- and I had written several things. The
21 | copy you have reflects both what I had written before I
22 | talked to Murphy and what I had written after I talked
23 | to Murphy. So, I assume that in my copy this is also
24 | written in.

25 | Q All right.

1 A I believe that what I sent back to the
2 Inspector General, the representative of the Inspector
3 General's office, was the one in which I had written in
4 remarks.

5 Q Okay. So, what I'm looking at here, the
6 words "can we release it," are your attorney's
7 handwritten comments which you later ratify or write --

8 A Yes.

9 Q -- write on your comments?

10 A Right. I don't dispute that.

11 Q Okay. And you believe that that is the more
12 accurate transcript than the way the court reporter
13 portrayed it?

14 A I do.

15 Q Okay. Okay, let me read to you the next
16 sentence of the IG statement. And again, you're
17 essentially testifying in the narrative form, so
18 there's no immediate question, but the sentence says,
19 "I mean obviously if this is going to run in a
20 magazine, we need to know what the facts are at some
21 point anyway. If we can find it out, I have no idea
22 whether this is the type of thing we can release or
23 not." Now, who is -- you're speaking if we can find it
24 out, who is the we that you're referring to there?

25 A That was essentially my office or it was

1 anybody I asked for the information. I mean, we, I
2 think, is more of a corporate we, right there.

3 Q Okay. And who are you speaking to when you
4 relate this statement to the Inspector General? "I
5 have no idea whether this is the type of thing we can
6 release or not."

7 A That's what I said to Jane Mayer, and it's
8 also essentially what I said to Doc Cooke.

9 Q Okay. What did Doc Cooke say to you when you
10 said, "I have no idea whether this is the type of thing
11 we can release or not"?

12 A I don't think he responded specifically to
13 that remark. My, my recollection is that Doc Cooke
14 said let me see what I can find out.

15 Q All right. Now, at some point Mr. Bernath
16 brings you Linda Tripp's 398. Is that correct?

17 A Yeah. He first brought me another form, a
18 371, which was not germane.

19 Q Okay.

20 A I mean a 171. It was not germane. It had a
21 question on it about arrests but it wasn't, it was not
22 the 398.

23 Q All right. And why was it that the 171 was
24 not germane?

25 A Because I believe it said have you ever been

1 convicted, have you been convicted of a crime in the
2 last 20 years.

3 Q Okay.

4 A That's my recollection of the, of the
5 statement he showed me.

6 Q Okay. So, there are two things that didn't
7 give Jane Mayer the information she wanted. One is
8 that it asks about convictions. Is that correct?

9 A Right. And it was within the last 10 years.

10 Q Okay. And neither of those would have
11 applied in the case of Linda Tripp, at least according
12 to the information she'd given you over the phone? She
13 being Jane Mayer.

14 A Well, Jane Mayer had asked me for something
15 very specific and what Cliff brought me on Friday
16 morning was not what Jane Mayer had asked for.

17 Q Okay. But it seems that it's pretty obvious
18 that Jane Mayer has an angle, that she wants to get
19 something fairly negative on Linda Tripp. I mean,
20 that's the way it came out in the article, whether you
21 knew that at the time -- and just let me finish. She
22 can't -- the question about has Linda Tripp ever been
23 convicted doesn't do her any good because, in fact,
24 Linda Tripp's never been convicted. And the fact that
25 the conviction has occurred within 10 years, that

1 doesn't do her any good because this thing happened 29
2 years ago. So, it seems to me that it's pretty obvious
3 at this point that Jane Mayer is digging back 29 years.

4 A That was obvious at the beginning. She said
5 that.

6 Q Okay.

7 A She told me that she had been arrested when
8 she was 19.

9 Q Okay. So, it was pretty obvious to you at
10 this point that Jane Mayer is now digging back 29 years
11 into Linda Tripp's past?

12 A Yes, I knew that Thursday night.

13 Q Okay. And it's pretty obvious at this point
14 that it's derogatory?

15 A Arrests usually are, yes.

16 Q Right. It's pretty obvious that Linda Tripp
17 has some sort of a criminal past and that's derogatory.
18 Is that correct?

19 A Well, I'm not sure it's fair to say that I
20 assume she had a criminal past because an arrest
21 doesn't necessarily mean a conviction, as you pointed
22 out.

23 Q Right. A criminal incident of some, of some
24 substance?

25 A She had a run in with the law.

1 Q Right. And then, perhaps more importantly,
2 that she had lied about it, and that was another
3 important angle that Ms. Meyer or Mayer was working on?

4 A That's what she asked me about, yes.

5 Q All right. So, it's pretty clear that she is
6 going to portray Linda Tripp as someone who has been
7 arrested and lied about it and you knew that?

8 A I did know that, yes.

9 Q Okay. And that is extremely derogatory, is
10 it not?

11 A It certainly is not one you would like to
12 have published about you.

13 Q Exactly. And Linda Tripp could possibly have
14 been fired for that, couldn't she?

15 A I did not know at the time what the outcome
16 would be, and the outcome was that she was not fired.

17 Q That's right. But rather than refer it to
18 the internal authorities for proper and confidential
19 investigation, you gave it to a reporter. Is that
20 correct?

21 A That is correct.

22 Q Why didn't you call up Defense Investigative
23 Service, Inspector General, and say I have something
24 highly confidential, highly embarrassing about
25 Ms. Tripp that needs to be confidentially investigated?

1 A Well, in retrospect, what I wish I had done
2 is just called the lawyer and said here's the
3 situation, please sort it out. But I did not do that.

4 Q All right. And you knew that these documents
5 were subject to a subpoena by the, by the Independent
6 Counsel, didn't you?

7 A I never -- well, I knew that the Independent
8 Counsel's Office had subpoenaed documents. I never
9 looked at the documents we turned over or even at a
10 long list of the documents that we turned over. So, I
11 suppose in a theoretical sense I knew that, but this
12 was not a factor in my thinking at the time.

13 Q And you knew that there had been -- and I
14 believe it's in your statement, either your IG
15 statement or your civil deposition to the Judicial
16 Watch group that it was a very broad, very long-length
17 list of documents which the government had subpoenaed?

18 A Yes.

19 Q You were generally aware of that?

20 A Yes. But as I said, this was not a factor in
21 my thinking at the time.

22 Q Had you simply forgotten that Office of the
23 Independent Counsel was looking into Ms. Tripp and
24 Ms. Lewinsky?

25 A No, I hadn't forgotten, but you're asking me

1 to recreate what was in my mind at the time and this
2 was not in my mind at the time.

3 Q All right.

4 A I don't know how to say it more clearly than
5 that. Maybe it should have been but it was not.

6 Q And, in fact, the General Counsel Office of
7 the Pentagon had written you all a memorandum saying do
8 not release anything that has been subpoenaed by the
9 Office of the Independent Counsel. Isn't that correct?

10 A I do not recall seeing that but it wouldn't
11 surprise me that they had done that.

12 Q You're saying you're unaware of that?

13 A Well, I do not recall seeing it.

14 Q And, in fact, you early on had been
15 interviewed by the FBI, you and your wife, both, isn't
16 that correct?

17 A Yes. I've been interviewed twice.

18 Q Okay. The first time, some point in January,
19 is that correct, or early February?

20 A I believe January 28th.

21 Q All right. And yet another time. Is that
22 correct?

23 A Right.

24 Q And a lot of that was these preliminary
25 matters that we were going over with the dates of

1 Lewinsky and Tripp's employment in your office?

2 A That is right.

3 Q Okay. So, you had a very heightened or you
4 had some heightened sense of the importance of this
5 because the FBI had come to you and interviewed you
6 twice. Is that correct?

7 A They have interviewed me twice.

8 Q Okay. And you were getting -- from
9 January 21 on, your office was virtually deluged with
10 inquiries about Tripp and Lewinsky. Is that correct?

11 A Yes.

12 Q And this all related to the fact that
13 Lewinsky and Tripp work in your office. You understood
14 that?

15 A Yes.

16 Q And they wanted lots and lots of information
17 out of these people?

18 A Yes.

19 Q Okay. But up until this point, up until
20 March 13th, you had essentially released on both of
21 these women, the dates of their employment. Is that
22 correct?

23 A Yes.

24 Q Their pay rates?

25 A Yes.

1 Q The amount they get paid?

2 A Right.

3 Q And other pretty basic, what I would call
4 generic information?

5 A And their security clearances.

6 Q And the status of their security clearance?

7 A Right.

8 Q Whether they had top secrets?

9 A Right.

10 Q And they both had top secrets, right?

11 A Yes, they did.

12 Q Okay. But then on March 13th you suddenly
13 decide to release this other extremely derogatory
14 information about Ms. Tripp.

15 A On March 13th, we responded to a reporter's
16 question --

17 Q All right.

18 A -- as you know we did.

19 Q Now, when was the previous occasion that you
20 had spoken with Ms. Mayer?

21 A She had called me once before to ask me a
22 question about Linda Tripp. I would say it was maybe
23 two or three weeks prior to this March 12th
24 conversation.

25 Q Okay. And what did she want on that

1 occasion?

2 A She asked me if I could tell her anything
3 more about Linda Tripp than what I had said publicly.

4 Q And what was your answer on that occasion?

5 A I said no.

6 Q And why did you say that then?

7 A Well, first of all, it was a very vague
8 question: can you tell me anything more about Linda
9 Tripp than you said publicly? And it was not a
10 specific question in any way, and that was the main
11 reason I said no. It was a question that I thought
12 called for sort of a stream of consciousness and it
13 didn't seem to be going anywhere.

14 Q Did you have any further conversations with
15 the reporter?

16 A No, I did not.

17 Q And the follow-up was done by Mr. Bernath.
18 Is that correct?

19 A Well, wait a minute. I think you might be
20 putting some things together.

21 Q Okay.

22 A Mayer called me, I would guess, sometime in
23 February. She asked me if I could tell her anything
24 more about Linda Tripp than I had said publicly, and I
25 said no. I didn't hear from her again until

1 March 12th. She called me on March 12th, asked me a
2 question. I believe I asked one of my military
3 assistants, LTC Bolts (phon. sp.) to call her back and
4 say that we could not get the answer to her question on
5 Thursday night, March 12th. At that point she said to
6 Bolts -- and I don't recall whether she said directly
7 to Bolts or then called me, but I learned that she was
8 going to extend the deadline of the story to see if we
9 could get this information in the morning. It was at
10 that point, either Thursday night or Friday morning,
11 that Cliff Bernath took over the project.

12 Q All right. Now, early on in the
13 investigation --

14 A And I did not speak to Jane Mayer after
15 March 12th.

16 Q Okay. Early on in the investigation, you got
17 your own attorney, Mr. Murphy. Is that correct?

18 A Yes, I did.

19 Q And about what date was that?

20 A Well, I would say it was sometime after
21 January 21st but before January 28th.

22 Q All right. And then shortly after that you
23 were interviewed by the FBI the first time?

24 A I was interviewed by them, I believe, on
25 January 28th.

1 Q Okay. And he has continued to represent
2 you --

3 A Yes, he has.

4 Q -- throughout? All right. And the -- so,
5 you have your own private attorney relatively early on,
6 certainly before this incident occurred?

7 A That's correct.

8 Q Okay. And there's also the office of the
9 General Counsel within the Pentagon?

10 A Right.

11 Q Okay. And you had told your deputies that
12 you wanted everything to be checked with the lawyers
13 before you released any information on Trip or
14 Lewinsky. Isn't that correct?

15 A I said that in January. When this broke, I
16 was in Korea. And --

17 Q Okay. What do you mean, when the story
18 initially broke?

19 A On January 21st when the story initially
20 broke that Tripp had taped Lewinsky and what the
21 subject of the tapes were --

22 Q Right.

23 A -- and what was on the tapes. I was in
24 Korea. We had began, back in Washington, getting
25 deluged for information, and I said just find out from

1 the lawyers what we can release and release it.

2 Q Okay. I'm looking at your Inspector General
3 statement and it said, "We kept getting requests. A
4 lot of information had been put out. I said I want to
5 make sure that we check everything with the lawyers."
6 And this is what you were referring to, you made this
7 statement early on?

8 A That's correct.

9 Q Okay. But you all continued to coordinate
10 with the lawyers, meaning the Office of General
11 Counsel, throughout -- in the ensuing months. Isn't
12 that correct?

13 A Not me personally but people in my office,
14 yes.

15 Q All right. But you were the one that gave
16 the order, check it with the lawyers?

17 A Right.

18 Q Okay. Why didn't you check it with the
19 lawyers this time? Did you just like forget?

20 A No. It was done -- as I said, this was done
21 quickly. In retrospect, I wish I had checked with the
22 lawyers, but I did not. I had turned this over to
23 Cliff. I had mentioned -- I clearly raised the
24 question of releasability with him and with Doc Cooke,
25 but I never -- and this, I think, was a supervisory

1 failure. When Cliff came back with the information, I
2 never said to him can we release this.

3 Q All right. But you had already said that to
4 Doc Cooke, right?

5 A I had mentioned it to Doc Cooke, yes, and I
6 think it was on Thursday night. But it wasn't Doc
7 Cooke that ultimately provided the information to
8 Cliff.

9 Q Right. Okay. And I'm looking at your
10 Inspector General statement. It also says -- it
11 doesn't give an exact time frame, but your answer is
12 "So, I asked Dick Bridges who runs the Director of
13 Defense Information, to check everything with the
14 lawyers before releasing anything." Now that
15 statement, that also is something, an order that you
16 gave relatively early on in this scandal?

17 A That was in January. I believe either
18 January 21st or 22nd.

19 Q All right. So, at least on two different
20 occasions you were telling people to check everything
21 with the lawyers?

22 A That is correct.

23 Q Okay. What effect did you think this would
24 have on Ms. Tripp, reading about this information about
25 an arrest she'd had when she was 19 years old, reading

1 it in the New Yorker?

2 A I did not think about that. I did not ask
3 myself that question.

4 Q You, you totally forgot that Ms. Tripp worked
5 for you?

6 A No. You asked me a specific question and I
7 didn't -- that question didn't arise in my mind. I had
8 assumed but -- I had never asked Jane Mayer but I
9 assumed that Jane Mayer would have contacted Ms. Tripp
10 or her attorney with this information for a comment.

11 Q All right. But as her boss, why didn't you
12 contact her and tell her Ms. Tripp, a reporter is
13 asking questions, can I have your permission --

14 A I, I, I have said publicly that in retrospect
15 I regret that I didn't either contact her attorney or a
16 Defense Department attorney about this.

17 Q Nor your own personal attorney?

18 A It never occurred to me to contact him. I
19 didn't regard this as a personal issue, I regarded it
20 as a, as an issue of releasability of information.

21 Q Okay. In the -- is it 4½, going on 5 years
22 you've been at the Pentagon?

23 A It's 3½, going on 4.

24 Q Three and a half, going on four. Have you
25 ever released information concerning anyone else's

1 arrest record?

2 A I've never been asked a question like this
3 before.

4 Q Right. It was a -- in 3½, going on 4 years,
5 this had never occurred. Didn't that ring a warning
6 bell or wasn't that some kind of red flat that wait,
7 this has never happened to me before, this is not
8 routine?

9 A Yes, and that's one of the reasons I made the
10 statement I did to Doc Cooke and also to Cliff Bernath
11 about raising the issue of the releasability of the
12 information.

13 Q Okay. So you, you raised an issue of the
14 releasability with Doc Cooke?

15 A Yes.

16 Q Are you certain about that?

17 A I believe that I said -- what I believe I did
18 was report to Doc basically what I had said to Jane
19 Mayer. I'd be glad to run through that again. I also
20 believe that I reported -- when I first mentioned this
21 to Cliff Bernath, I basically did it in the format of
22 reporting to Cliff my conversation with Jane Mayer.

23 Q All right. But let me get this straight.
24 Asking about someone's criminal arrest record had never
25 happened to you while you worked at the Pentagon?

1 A Almost every day I get asked questions that
2 I've never been asked before. There are 1.4 million
3 people in the military and somebody's always doing
4 something wrong or something different. So, I get a
5 lot of new questions and this was a new question that
6 I'd never been asked. The mere fact that I had never
7 been asked the question before wasn't a surprise to me
8 because, as I say, every day I'm -- I face questions
9 I've never been asked before.

10 Q Okay. What about -- generally, about
11 someone's Form 398, the information that the employée
12 fills out to get a security clearance?

13 A I've never been asked a question about that
14 before.

15 Q Didn't that send out some kind of warning
16 bell that whoa, this is about, you know, highly
17 personal information that the government uses to
18 evaluate employees to get security clearances; I
19 better, I better back off? That never dawned on you?

20 A Well, as I said, I mentioned to the reporter
21 and to Doc Cooke and Cliff Bernath, all three, I raised
22 questions about releasability.

23 Q You're certain you raised this to Doc Cooke?

24 A I believe that I did, yes. But I want to be
25 very clear again. When Jane Mayer called me, my

1 recollection is I said to her two things: I don't know
2 whether we will be able to locate this information and,
3 if we do, I don't know whether we'll be able to release
4 it.

5 Q All right.

6 A When I talked to Doc Cooke, I said I just got
7 a call from a reporter, she told me that she has
8 information that Linda Tripp had been arrested and she
9 wants to know how she responded to a question on a
10 specific point. I said to her I don't know whether we
11 can release this -- whether we have the information,
12 whether we can locate it. And, two, if we locate it, I
13 don't know that we can release it. I'm calling you to
14 find out if we do have this information to answer the
15 first question. That's my recollection of what I said
16 to Doc.

17 Q All right. And I'm looking on page 12 of
18 your Inspector General statement. It has a very -- a
19 virtually identical quote and I will quote you saying,
20 "At that point I said," and your conversation with Doc
21 Cooke and I continue the quote, "this looks like it's
22 it. But what I never said to him was is this
23 releasable. I mean, in my mind I had said early on,
24 both to him and to Doc, you know -- I don't know
25 whether we can release this or not." Let me just ask

1 you to look --

2 A Excuse me. I believe that --

3 Q Who, who is it you're talking to?

4 A -- was the conversation with Cliff Bernath --

5 Q Okay.

6 A -- you just read, not with Doc Cooke.

7 Q All right. So, you are talking about your
8 conversation with Cliff Bernath and you never said to
9 Cliff Bernath is it releasable, but it says, "In my
10 mind, early on I had said both to him, Cliff Bernath,
11 and to Doc I don't know whether we can release this or
12 not."

13 A Right.

14 Q So, you had already asked Cliff Bernath can
15 we release this?

16 A Well, you may be dancing on the head of a pin
17 and I don't mean to be contentious about this, but I'm
18 not aware that I specifically said to Cliff can we
19 release this information. What I did do is raise the
20 question of releasability but I never said Cliff, I
21 want you to find out if we can release this
22 information.

23 Q All right. Now, you had some discussions
24 with Mr. Bob Tyrer after this occurred?

25 A Yes, I did.

1 Q Okay. Now, what happened and what was the
2 outcome of those discussions? What was his tone and
3 was he happy or sad that this had occurred or what?

4 A Mr. Bob Tyrer is Secretary Cohen's chief of
5 staff.

6 Q All right.

7 A After this event took place, I left town on
8 March 14th and was gone for a week with my family. I
9 got a call from Tyrer on Wednesday, which would have
10 been the 18th, I believe, of March.

11 Q Okay.

12 A He was upset with, with Cliff Bernath and
13 with COL Bridges because he felt that the Secretary had
14 not been adequately warned that the information about
15 Linda Tripp had come from the Pentagon and he was
16 mainly asking me questions about how to deal with Cliff
17 Bernath and Dick Bridges.

18 Q Okay. He was quite angry, was he not?

19 A Yes, he was.

20 Q Okay. Did you have to submit your
21 resignation?

22 A I did not.

23 Q Did you offer it?

24 A I don't believe at that time that I did.

25 Q And was there another time when you wrote a

1 memorandum saying you would offer it if asked or
2 something to that effect?

3 A Yes, there is.

4 Q Okay. What exactly -- as best you recall,
5 why did you write that memorandum?

6 A That memorandum was written in May and it was
7 following a conversation that I had had -- several
8 conversations that I had with Secretary Cohen and also
9 with Bob Tyrer over this.

10 Q All right.

11 A I had made it very clear to the Secretary
12 that it was my job to, to deal with problems that he
13 faced and that if I was creating a problem for him I
14 wanted him to know that I was ready to depart at any
15 minute in order to ease pressure on him if he thought
16 that was necessary.

17 Q All right.

18 A And I repeated that -- that was a statement
19 that I made orally and I repeated that in writing to
20 Tyrer. I had also made it orally to Tyrer.

21 Q Now, after this incident occurred,
22 Mr. Bernath went to a different position but is still
23 more or less under your supervision. Is that correct?

24 A Yes.

25 Q And tell us a little bit about how that came

1 about.

2 A One of the divisions in the Office of Public
3 Affairs is called the Armed Forces Information
4 Service --

5 Q All right.

6 A -- which runs a worldwide radio and
7 television broadcasting service for troops overseas.
8 It also broadcasts directly to ships at sea. It also
9 runs a news service that provides stories for
10 newspapers on bases, both domestically and overseas,
11 and it runs Stars and Stripes, the newspaper for
12 soldiers, sailors, airmen, marines serving in Europe
13 and in the Pacific.

14 Q All right. And he had been -- he had
15 applied for that position at some point in the past.
16 Is that correct?

17 A He had said to me about a year ago that when
18 the, the incumbent director of AFIS retired, which we
19 expected to happen sometime in the next year or so,
20 that he would be interested in taking over that job.

21 Q All right. Was there any other reason why
22 Mr. Bernath was transferred to that position?

23 A No. I interviewed three people for the job.
24 I asked each one to write a vision statement for AFIS,
25 where they would take it in the next 5 or 10 years,

1 what they thought the major issues were. And prior --
2 I had interviewed three people and had received these
3 vision statements prior to leaving town on March 14th.
4 And it was always my intention to make a decision among
5 these three people and announce when I came back my
6 choice to head AFIS.

7 Q Okay. Did Mr. Tyrer ever tell you that he
8 had simply lost confidence in Mr. Bernath?

9 A He told me that he had lost confidence in
10 Mr. Bernath, yes.

11 Q Did he say the same thing about you?

12 A I don't believe he ever said that to me.

13 Q All right. The fact that Mr. Tyrer lost
14 confidence in Mr. Bernath, did that -- did Mr. Tyrer
15 have any sign off on the transfer of Bernath to AFIS?

16 A He did not. It was my decision.

17 Q Okay. Let me ask you some questions that the
18 Inspector General asked you. On page 20, they ask you
19 "Do you consider this a Privacy Act violation?" And
20 what is your answer as you sit here today?

21 A I don't believe it was a Privacy Act
22 violation, but that is one of the things that the
23 Inspector General is trying to determine.

24 Q All right. And at that time -- I'll read
25 your answer back. You say essentially the same thing

1 with a little more -- "I don't know. As I told you,
2 I'm not an expert on the Privacy Act, haven't been
3 briefed on the Privacy Act, so I couldn't tell you
4 whether it's a Privacy Act violation or not." Why do
5 you think it's not a Privacy Act violation?

6 A Well, you've already read the qualifiers,
7 that I'm not a lawyer and I'm not an expert on the
8 Privacy Act. And as I've already said to you, this is
9 exactly one of the things that the Inspector General is
10 looking at right now.

11 Q All right. But do you continue to release
12 398 information to reporters in the 2 months, 2½ months
13 since then?

14 A I think I've made it very clear that if I had
15 this to do over again I would have done it differently.
16 One, I have not received another request for
17 information. This was a response to an individual
18 request. And two, obviously if I had received, if I
19 did -- were to receive tomorrow another request, I
20 would, of course, turn it over to the lawyers.

21 Q All right. They asked you -- the Inspector
22 General asked you on page 20 "Do you feel culpable in
23 this matter at all?" Your answer is "Not at all." Why
24 is that?

25 A Well, clearly, there's always a balance

1 between the Privacy Act and the Freedom of Information
2 Act. Our office, as I said earlier, does have a policy
3 of being as open and as forthcoming as possible. The
4 issue here is, I suppose, in a strict legal term
5 whether the Privacy Act was designed to protect people
6 from answering a question about whether they lied on a
7 issue of public record. In this case, it happens to be
8 an arrest record.

9 Q What makes you think that was a public
10 record?

11 A The arrest record?

12 Q Yeah. You, you believe that was public or
13 you think so -- you thought so at the time?

14 A I was informed that -- by the reporter that
15 she had, she had gotten this out of public records.

16 Q All right.

17 A No, I didn't, I did not interrogate her about
18 that, nor did I call a lawyer and say is it possible to
19 get arrest records out of public records.

20 Q Okay. But the 398 is not -- you don't
21 believe that to be a public record?

22 A I do not believe that to be a public record.

23 Q And you did not believe it to be a public
24 record at the time you put in play the release of
25 information from the 398, did you?

1 A Well, what I did know that there is always
2 attention between the Freedom of Information Act and
3 the Privacy Act. What I didn't know was whether this
4 record was public or not, that's, that's correct.

5 Q All right. Now, in your Inspector General
6 statement you said something to the effect that she,
7 meaning Linda Tripp, put herself in this position.
8 What did you mean by that?

9 A Well, she was a public figure who had -- who
10 herself had talked about her security clearance.

11 Q A public figure that was -- I mean, however
12 you look at it, Linda Tripp was perhaps trying to bring
13 down the President of the United States. Is that what
14 you understood at the time, that she had taped this
15 individual to bring evidence against the President of
16 the United States? Isn't that correct?

17 A Well, what she has said is that she taped
18 this individual in order to protect herself.

19 Q Right. But it also -- if Ms. Lewinsky's
20 statements on the tapes that have been released
21 publicly are true, pose grave, grave legal problems for
22 the President of the United States. Is that correct?

23 A If they were true, yes.

24 Q Right. And you certainly knew that shortly
25 after January 21, didn't you?

1 A Right.

2 Q Okay. So, however, whether one likes Linda
3 Tripp or despises her, the information she provided
4 could imperil the Presidency of the United States?

5 A That is certainly the case, yes.

6 Q Okay. And that certainly was in the back of
7 your mind when you released this derogatory information
8 about her? Or you had forgotten it?

9 A To say that it was -- well, it wasn't a
10 question of forgetting it, sir, it was a question of --
11 was it foremost in my mind? No.

12 GRAND JUROR: Mr. Crane --

13 MR. CRANE: Yes?

14 GRAND JUROR: -- could we take about a 10-
15 minute break?

16 MR. CRANE: Sure. Yeah, it's now 11:05 and
17 we'll take a 10-minute break and resume at --

18 GRAND JUROR: 11:15?

19 MR. CRANE: What time?

20 GRAND JUROR: 11:15?

21 MR. CRANE: 11:15, a little bit after.

22 (Whereupon, at 11:06 a.m., a recess was taken
23 and the Grand Jury reconvened at 11:19 a.m.)

24 FOREPERSON: May I remind you, sir, that
25 you're still under oath?

1 WITNESS: Thank you.

2 MR. CRANE: Okay, we're back on the record,
3 properly quorumed and no unauthorized persons.

4 BY MR. CRANE:

5 Q I'm going to show you what has been labeled
6 as Grand Jury Exhibit Number 1. It also has
7 Mr. Bernath's name on it, but we will refer to it as
8 Grand Jury 1-Bacon in the future. It's three pages. I
9 would represent to you that it's the 398 of Linda
10 Tripp. Take a look at it and tell us if that comports
11 with your understanding, sir.

12 A I have not seen this form before but it does
13 appear to be her 398.

14 Q All right. Now, at some point Mr. Bernath
15 brought you, first, Ms. Tripp's 171. Is that correct?

16 A That, that is correct.

17 Q Did he actually show it to you or just
18 discuss the 171 with you?

19 A I believe he showed me a portion of the form,
20 not the entire form.

21 Q All right. Now, did he actually -- after
22 that, where -- you all decided that the 171 was not
23 germane to the reporter's questions. Is that correct?

24 A Right.

25 Q And then he went back and eventually found

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1 the 398?

2 A When he showed me the 171, I said that it was
3 not germane. I said maybe we just don't have this
4 information --

5 Q Okay.

6 A -- and we can't answer the question and we'll
7 just tell her we don't have the information. And he
8 said at that point well, let me check further. And
9 then that's, that's what happened. He came back, he
10 never showed me the front page of a 398, he basically
11 showed me the answer to the question.

12 Q Okay. Which would be page 3 of the document,
13 Exhibit 1, that I've showed you where I've highlighted?
14 Had you seen that page, page 3?

15 A Yes. Yes, I, I saw -- you have called my
16 attention with highlighting to question 21 labeled
17 "Arrests." That's what I saw.

18 MR. CRANE: I'll just pass this -- these
19 three pages of Exhibit 1 around to the members of the
20 Grand Jury.

21 All right, at this point, we'll allow the
22 members of the -- the foreperson will allow the other
23 members of the Grand Jury to ask you questions, if
24 there are any questions at this point.

25 GRAND JUROR: I was -- when the reporter

1 called you, they already indicated that they had gotten
2 from public record this, this information on Ms. Tripp.
3 Were they asking for just corroboration of, of what
4 they understood to be the case and that's why they were
5 asking for what you knew? You didn't provide them the
6 form, but was it just read to them or just said yeah,
7 we, we have the information that agrees with whatever
8 arrest record she had gotten before?

9 WITNESS: Not precisely. Jane Mayer didn't
10 ask me to comment on whether or confirm that Linda
11 Tripp had been arrested. What she asked me to do was
12 find out if I could answer a specific question about
13 how she, how she answered a specific question on the
14 Form 398, and that question was have you ever been
15 arrested. That was the question she asked me, if I
16 could find out how she answered that particular
17 question.

18 I did not interpret this as trying to confirm
19 whether or not Ms. Tripp had been arrested. The
20 reporter already had that information from public
21 documents. She was asking to find out how she had
22 dealt with it on this particular form.

23 GRAND JUROR: Okay, I guess that was kind of
24 my question. She was asking you a question about
25 information that was confidential because OPF records

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1 and security records are locked up. And if there was a
2 question about it, I wonder whether you asked
3 Mr. Cooke. Is he a disclosure specialist?

4 WITNESS: Well, he's the chief administrative
5 officer of the Pentagon. He's called the mayor.

6 GRAND JUROR: Is he a disclosure specialist?

7 WITNESS: Well, his office does administer
8 the Privacy Act at the Pentagon.

9 GRAND JUROR: I understand that, sir. I
10 don't mean to be disrespectful, but is he a disclosure
11 specialist?

12 WITNESS: I would have to say that I don't
13 know whether he is or not. He's a lawyer but he
14 just -- I get, as I said, 30 or 40 calls a day.
15 Frequently, people ask me for information. And when I
16 get those calls, if -- I do one of several things. I
17 might give them to a member of my staff to answer. I
18 may refer the reporter to a member of my staff or I
19 may, in some cases, just pick up the phone and call
20 somebody myself to try to get the answer.

21 GRAND JUROR: I was just wondering why, you
22 know, if you weren't sure if he could answer the
23 question -- you said I don't know if I can do this or
24 not -- why you didn't go to somebody that you knew was
25 a specialist.

1 WITNESS: That's a good question. I just
2 went to the guy I thought could answer the -- could
3 lead me to the answer to the question the fastest. I
4 understand your question. I did not ask myself is he a
5 disclosure specialist.

6 GRAND JUROR: Okay. I wonder why you didn't
7 require him to develop a form, the release for
8 information form. Privacy Act/FOIA form.

9 WITNESS: Well, you, you know this in much
10 more detail than I do. Typically, in a case like this,
11 I would ask somebody who knows more about this than I
12 to sort out the, the issue, and that's in fact what I
13 thought I was doing in going first to Doc Cooke and
14 then turning it over to Cliff Bernath.

15 GRAND JUROR: So, you really don't have a
16 disclosure office per se then?

17 WITNESS: No.

18 GRAND JUROR: That's the problem.

19 GRAND JUROR: Do reporters ever ask you just
20 classified information about military information?

21 WITNESS: Yes.

22 GRAND JUROR: I mean, so you answer it? I
23 mean, I mean, are you into this where you could have --
24 could answer, decide how much to answer?

25 WITNESS: That's a very interesting question.

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1 One of the biggest problems I and the Pentagon faces
2 today is a fairly routine and brazen disclosure of
3 secret and top secret documents. Since the Cold War
4 ended, the internal restrictions that people felt about
5 protecting classified information seem to have
6 evaporated, or certainly weakened considerably. And
7 so, on the average of once a week we're faced with a
8 story in a newspaper that is based on secret
9 information and may actually say in a secret document
10 and then quote from the document.

11 We have a firm rule about not confirming
12 reports based -- commenting on reports based on
13 classified information.

14 GRAND JUROR: But you have to make a decision
15 whether a question is a classified question, I guess?

16 WITNESS: Yeah. This comes up fairly
17 regularly. People will ask me to describe the latest
18 situation in Kosovo, for instance, and this would -- I
19 give briefings twice, twice a week and this is a very
20 typical question now. I read intelligence reports
21 every day that have very detailed descriptions about
22 what's going on in Kosovo. And either on my own, I
23 decide how to sort of dumb down those reports and, and
24 explain in very general terms, frequently the type of
25 reporting you get in a newspaper, about what's

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1 | happening in Kosovo. Or if I have questions, I will
2 | call an intelligence officer and say I think I'm going
3 | to be asked this particular question, how can I answer
4 | this question? How can I be as forthcoming as possible
5 | without causing you any problems?

6 | GRAND JUROR: You could screw up that way,
7 | too.

8 | WITNESS: There are about 100 ways a day for
9 | me to screw up. I must say that I, I am, I am very
10 | careful about dealing with classified information that
11 | comes from intelligence sources and, and I spend a lot
12 | of time making sure that I don't reveal facts that,
13 | that aren't supposed to be revealed that I respect.

14 | GRAND JUROR: Just to follow up, the reason
15 | you were selected for your job, it sounds like, was for
16 | your expertise in dealing with the press and the
17 | sensitivities of the press and not so much in your
18 | expertise on government personnel matters.

19 | WITNESS: That is certainly true because if
20 | that had been a consideration I never would have been
21 | hired.

22 | GRAND JUROR: So, what you were thinking, and
23 | I'm just kind of recapping for my own edification, is,
24 | is the press issues coming from that perspective on, on
25 | this, this case and not the personnel issues?

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1 WITNESS: That is right. I have tended to
2 try -- I have tended to delegate personnel and many
3 administrative issues to people on my staff, and I
4 really spend most of my time dealing with issues that
5 arise on a day-to-day basis. I'm sort of like a, like
6 a second baseman and people are hitting line drives at
7 my head all day long and I try to deflect them and
8 throw the guy out at first, if I can, or stop from
9 getting killed if I can't.

10 GRAND JUROR: Am I correct in understanding
11 that there is an internal DOD regulation that speaks to
12 the issue of -- information -- security clearance?

13 WITNESS: There are certainly -- well,
14 there's the Privacy Act and there are regulations that
15 implement the Privacy Act, yes.

16 GRAND JUROR: Okay. So that's probably --

17 WITNESS: Yeah.

18 GRAND JUROR: Given that there is such a
19 regulation, it's my understanding that it precludes
20 releasing information that comes out of a security
21 file. Is that correct?

22 WITNESS: Well, I, I believe, and actually
23 I've submitted for the record some legal analysis on
24 this. I believe, as I said earlier, the Freedom of
25 Information Act and the Privacy Act have to be

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1 | considered as partners. So, sometimes it's a good
2 | marriage, other times it's like the marriage where the
3 | partners are going in different directions and you have
4 | to decide with one over the other. But there are --
5 | there is a judgment call that takes a certain amount of
6 | discretion provided in many of these cases.

7 | Now, I can't -- I am not an expert on the
8 | Privacy Act and I could not go through a whole -- if
9 | you were to throw 10 questions at me on it, I probably
10 | couldn't answer them.

11 | GRAND JUROR: No, no. I was just, I was just
12 | wondering if, if Ms. Tripp had ways to -- regulation
13 | with you. And, I mean, my understanding of those kinds
14 | of regulations is the intent to make it a little easier
15 | and more clear for carrying out the Privacy Act and
16 | the --

17 | WITNESS: Right.

18 | GRAND JUROR: As you say, subject to many
19 | different interpretations, the regulation lays out a
20 | specific guideline where you do this or you don't do
21 | this.

22 | WITNESS: Right.

23 | GRAND JUROR: And did he ever talk to you
24 | about that?

25 | WITNESS: Not in this particular case. Maybe

1 I haven't explained exactly what happened here, and I
2 don't offer this as an excuse. But on this particular
3 day, this entire decision probably took no more than 5
4 to 10 minutes of my time. I was sort of in and out of
5 the office, working on a number of projects, and the
6 primary project I was working on was assembling a lot
7 of information [REDACTED]
8 [REDACTED]
9 [REDACTED] and I was trying to draft a position paper for
10 Secretary Cohen to use in his speech the next week
11 before I left. So, I was sort of in and out of my
12 office, gathering up a lot of information, some of
13 which was intelligence information that I was trying to
14 put into a publicly presentable form. And so, for
15 better or for worse, and it turns out for worse, I
16 probably did not devote enough time to this decision,
17 but it was made very quickly, sort of on the fly
18 between a series of meetings. So, I did not pull out
19 the Privacy Act or the regulations or even discuss them
20 with, with Cliff who was the only person I discussed
21 this with on this morning of Friday, March 13th.

22 GRAND JUROR: You didn't discuss this with
23 anybody outside your office?

24 WITNESS: I did not, no.

25 GRAND JUROR: Had you received that kind of

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1 guidance from anyone prior to the question coming up of
2 how to respond to a request for -- requests about
3 Ms. Tripp and Ms. Lewinsky?

4 WITNESS: No, not -- well, we had -- and
5 Mr. Crane brought this up, that in January when this
6 broke and I was in Korea, I asked my office to -- when
7 they were deluged with questions to check with the
8 lawyers and find out what we could release and what we
9 couldn't release. And we did stick pretty close to
10 that at -- during that period, January and February.

11 GRAND JUROR: Okay. And have you had any
12 discussions with anybody in the White House about what
13 happened?

14 WITNESS: Absolutely not. I never discussed
15 this issue with anybody in the White House.

16 BY MR. CRANE:

17 Q What about Mr. Ickes? Just give us a little
18 background. Who is he? He's not at the White House
19 now but what were your conversations with him in recent
20 months?

21 A Harold Ickes, as you know, used to be the
22 deputy chief of staff at the White House until sometime
23 after the 1996 election, I'd say early in 1997. Then
24 he left the White House. He is an acquaintance of
25 mine. I wouldn't say a friend but an acquaintance.

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1 And I have seen him three times this year, once at a, a
2 very informal dinner at a mutual friend's house, a
3 fellow named Steve Cohen who I believe has appeared
4 here, a bearded tax professor. Once I met -- I walked
5 by his table in a restaurant -- and that dinner was
6 sometime in February. I walked by his table at a
7 restaurant, probably in the third week of March in
8 Washington. And then he and I went to a Seder at Steve
9 Cohen's house, a Passover Seder, on April 10th, which
10 was also Good Friday obviously. But I did not speak to
11 him at the Seder. There were probably 20 or 30 people
12 at the Seder and we were sitting at different tables,
13 so I waved to him but never spoke to him.

14 Sometime in February we met at Steve Cohen's
15 house for an informal dinner, Thai or Chinese or
16 something food, and he had just volunteered to help the
17 White House deal with the press on some of the
18 Tripp/Lewinsky issues. He was not an employee of the
19 White House or paid by the White House. And we
20 discussed very briefly Tripp and Lewinsky. He said
21 they both work for you? I said yes. He said how has
22 it been? I said sort of hellish, we're getting deluged
23 with questions, it's been very, obviously,
24 destabilizing to the office and it's been very tough on
25 morale to be in the spotlight like this for people in

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1 the office. And we spent most of the time then talking
2 about what he was doing, his conversations with --
3 what, what he knew and didn't know, and we spent some
4 time talking about how Mike McCurry was handling these
5 questions.

6 Q Did Linda Tripp ever come up during the
7 course of this conversation?

8 A Well, her name came up but just -- as I said,
9 the context was sort of -- he said they both work for
10 you; yes, they did. I can't even remember that he
11 asked me anything about her. I said she came from the
12 White House, did you know her over there? And he said
13 I knew who she was, I knew where she sat, that was
14 about it, I'm not sure I ever have a conversation with
15 her. It was a very, I would say, brief and I would
16 call it a tangential conversation actually. It was
17 more just sort of in passing.

18 Q And is this correct? That Mr. Cohen,
19 Mr. Steve Cohen had recommended an attorney for you.

20 A It's a little more complex than that. When I
21 get back from Korea on January 22nd, I believe, I was
22 served with a subpoena to serve before the -- to either
23 the Paula Jones case -- it was a subpoena to give a
24 deposition. I gather this Grand Jury is actually
25 indeed somehow connected with that case. Isn't that

1 right? You read to me Paul Jones' name.

2 Q That's correct. You're saying you got a
3 subpoena in the civil Paula Jones case?

4 A In the civil Paula Jones case. The subpoena
5 was subsequently dismissed. But before it was
6 dismissed, I decided that I should hire an attorney.
7 While I was sitting in my office, contemplating my
8 fate, having received this subpoena, Steve Cohen called
9 me and he said -- Steven Cohen is an old friend from
10 college. I've known him over 30 years. He said I've
11 read your name in the paper, I understand both Tripp
12 and Lewinsky work for you, you're probably going to
13 get -- probably going to be subpoenaed. And I said I
14 just have been. He said you have a lawyer? And I said
15 no, do you have any suggestions? He said I don't but I
16 could call Greg Craig who is a mutual friend of ours
17 and he now works in the State Department but he used to
18 work at a local law firm, Williams and Connolly. And I
19 said no, that's all right, I'll call Greg. And he said
20 no, why don't I call him? I need to talk to him
21 anyway. So, he called back about an hour later and
22 said Greg Craig recommends William Murphy.

23 Q All right.

24 GRAND JUROR: Sir, is it safe to say that --
25 or for me to speculate that when you gave this

1 | information, when you conferred with Mr. Bernath that
2 | he said he would take over, that that was -- you felt
3 | confident that he would take care of it. And did you
4 | feel at any point that he needed to come back to you,
5 | report to you, let you know what he was doing? Or did
6 | you feel confident that you could just leave the matter
7 | in his hands?

8 | WITNESS: Well, first, I relied on Cliff to
9 | do a lot of things and Cliff has, has a lot more
10 | experience in the government bureaucracy than I do.
11 | But so, I did assume that he would take care of it.
12 | But Cliff also checked back at me -- with me throughout
13 | the day. The way it worked is I left, I would come
14 | back an hour later. Cliff would come into my office
15 | and say here's the 171 and I said no. And then I left,
16 | came back an hour or so later. He said I think that,
17 | that I'm in the process of finding this form. I don't
18 | think immediately that he found it. Then he came back
19 | and showed me. I came back maybe an hour later, he
20 | showed me the form.

21 | So, between 7:30 and 12 I might have had
22 | three or four 1- or 2- or 3-minute meetings with him.
23 | That's why I said I didn't really spend more than a
24 | total of 10 minutes on this whole thing. But I was
25 | very aware of what Cliff was doing. I want to be clear

1 about that. I mean, I didn't just send Cliff off and
2 he, you know, went off on his own and did this. I knew
3 what was happening.

4 GRAND JUROR: I have a three-part question.
5 You're the lead character obviously for the office when
6 it comes to press briefings.

7 WITNESS: Right.

8 GRAND JUROR: You're the high profile --

9 WITNESS: Right.

10 GRAND JUROR: Do you have, have people
11 delegated below you to do like low profile things,
12 minor questions from the press who handle that on a
13 day-to-day basis? Or do you handle everything that
14 comes --

15 WITNESS: No, no, I couldn't possibly handle
16 everything. There is a part of my office called the
17 Directorate for Defense Information that has maybe 20
18 people in it. It's run by an Army colonel, Dick
19 Bridges. They have area experts, somebody who follows
20 what goes on in Bosnia very closely and what's going on
21 in Iraq, what's happening in weapons development
22 programs, what's happening with Y2K computer adjustment
23 for the next millennium type stuff.

24 The bulk of questions that come in come
25 directly to there and they answer them. I refer a lot

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1 of questions I get. There are a number of reporters
2 who only call me and I will either answer the question,
3 if I know it, or refer them or have -- or call
4 somebody, call Bridges and say call so and so back, she
5 has a question on X or Y.

6 GRAND JUROR: So, these are reporters that
7 you know on a personal basis, one to one?

8 WITNESS: Well, I mean, one of the things I
9 have to do in my job is sort of have a sense of what's
10 out there, what stories are about to pop, what issues
11 are going to arise for the Secretary or for me or other
12 people in the Department. So, I try to talk on a daily
13 basis with reporters from the major news organizations,
14 the networks, CNN, The Washington Post, The New York
15 Times, and those are the ones who, sort of out of
16 habit, call me all the time just because I encourage
17 them to do that. This is my best way of sort of
18 keeping abreast of what people are working on, what
19 stories are about to, to pop.

20 GRAND JUROR: Did you handle Jean Mayer
21 personally because she was a former colleague of yours
22 or --

23 WITNESS: Not -- she happened to call me
24 because she knew me. She didn't know -- she doesn't
25 cover the Pentagon. She knew me, she called me. The

1 | reason this -- ordinarily, I probably would have given
2 | this request to Dick Bridges and asked somebody in the
3 | Directorate of Defense Information to offer it.
4 | Bridges leaves at about 5. He gets in around 6, leaves
5 | at about 5. This happened at 5:30 or 6 in the
6 | afternoon, so -- and I also knew that I could probably,
7 | at that time of day, if we were going to answer the
8 | question we had to answer it very quickly because
9 | people would be leaving. And that's why I just picked
10 | up the phone and called Doc Cooke.

11 | GRAND JUROR: Why were you anxious to be so
12 | cooperative with Ms. Mayer?

13 | WITNESS: Well, I'm cooperative with most
14 | reporters who call. I consider it my job generally to
15 | answer questions and to get information out. So, I
16 | didn't -- I don't believe I treated her any differently
17 | than I would treat many reporters who called me, and
18 | they're not -- sometimes people call me from, you know,
19 | much smaller publications. And if they get through to
20 | me, I try to get their questions answered as soon as
21 | possible.

22 | GRAND JUROR: This was a different kind of
23 | question, you said.

24 | WITNESS: You're absolutely right.

25 | GRAND JUROR: You'd never answered it before.

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1 WITNESS: That's right, but I also pointed
2 out that every day I get questions on topics I've never
3 faced before. It's one of either the glories or the
4 pitfalls of my job.

5 GRAND JUROR: What would make you think that
6 it would be all right to release that kind of
7 information, an answer that she'd given on, on this
8 security form? I mean, you said you wondered if it was
9 all right. What would make you think that it would, it
10 would be all right, knowing it was a confidential
11 question in files that were locked up?

12 WITNESS: Well, as I said, one, I was not an
13 expert on the security form and I didn't know whether
14 this was locked up or not. I just basically asked
15 somebody to find out. Two, if I had this to do over
16 again, I would do it differently. Yes?

17 GRAND JUROR: Did you ever have like a Monday
18 morning quarterback conversation with Ms. Mayer to try
19 to find out how she came upon that information?

20 WITNESS: No, but she subsequently wrote a
21 second piece in the New Yorker in which she said she'd
22 been tipped off to the information by Linda Tripp's
23 stepmother.

24 I don't know whether you've distributed that
25 article to the Grand Jury or not, but that's what she

1 wrote.

2 And indeed, maybe since Mr. Crane has brought
3 up the article several times, the article was
4 largely -- the article that ran in which this piece of
5 information about the arrest was embedded was largely a
6 psychological profile of Linda Tripp that dealt
7 extensively with the relationship between Ms. Tripp and
8 her father. And this was a, was a relatively small
9 part of the article. It was not the focus of the
10 article. It was a very -- I guess you would have to
11 describe it in psychological terms as a Freudian
12 approach, in a way, that dealt with daughter/father
13 relationships. And then she went back and wrote a
14 subsequent article.

15 Now, I, I did not talk to Ms. Mayer about the
16 first article in any general terms. You know, I did
17 not know at the time what the article was going to say
18 and what the approach was going to be.

19 GRAND JUROR: So, in fact then, it seems to
20 me like she really didn't get the information from
21 public records, she got it from somebody who told her
22 that --

23 WITNESS: Well, I think what --

24 GRAND JUROR: -- and gave her some kind of a
25 lead that caused her to go and look in the Poconos or

1 | wherever it was.

2 | WITNESS: Well, I think it's both. I think
3 | that, that the -- as I understand it, and maybe you
4 | should get the article from Mr. Crane, the second
5 | article, but as I understand it, the stepmother or
6 | former stepmother had tipped the reporter off, said
7 | there was something about an arrest that, that the
8 | father felt toward Linda Tripp. I'm just trying to
9 | recall the article. I'm not -- and this is my
10 | recollection of the piece. And that, that after she
11 | got this mention of an arrest, then she or somebody on
12 | her staff went and found the arrest record. So, it was
13 | both a tip that led to locating a public record that
14 | was available to anybody who knew where to look for it.

15 | MR. CRANE: Right, except that the 398 is
16 | still not a public record?

17 | WITNESS: That is correct.

18 | MR. CRANE: Okay. The incident of her --

19 | GRAND JUROR: Would there have been any other
20 | way to corroborate that arrest?

21 | WITNESS: I guess I'm not enough of an expert
22 | on records to -- having never looked for an arrest
23 | record myself. But I think this was a case where she
24 | had adequate confirmation. She actually had a copy of
25 | the arrest record. I haven't seen it. I understand

1 from the article the arrest record was printed on the
2 Internet but I have not seen it personally. But so,
3 the basic issue, had Linda Tripp ever been arrested,
4 was answered -- that question was answered by the
5 arrest record.

6 BY MR. CRANE:

7 Q Did Ms. Mayer give you any indication how she
8 knew whether to look -- let me rephrase that.

9 Did Ms. Mayer tell you how she knew to look
10 on a Form 398?

11 A She did not.

12 Q So, you have no idea how she knew even that
13 Linda Tripp had filled out a 398? Did she ever tell
14 you or did anyone else ever tell you that someone --
15 the stepmother, as I understand it from the press,
16 tipped off the reporter about the arrest which occurred
17 some 29 years ago, but the stepmother didn't know about
18 the 398. So, someone, I'm surmising, must have tipped
19 off Ms. Mayer that a document somewhere within the
20 government exists called a 398 that Linda Tripp filled
21 out. This -- I'm surmising again, but this didn't just
22 dawn on Jane Mayer out of the blue.

23 A I have no way of knowing that.

24 Q You have no way of knowing that?

25 A No. She didn't describe to me how she knew.

1 She just -- she announced two things to me. One, Linda
2 Tripp had been arrested and, two, she understood that,
3 that to get a security clearance she would have had to
4 fill out a form and on that form there was a
5 question --

6 Q Right. Did she use --

7 A -- have you ever been arrested.

8 Q Excuse me. Did she use the term 398 when she
9 called you?

10 A I, I don't believe she did, but I don't
11 recall.

12 GRAND JUROR: Mr. Bacon, I'd like to ask a
13 question. What, what action has your office taken,
14 steps, to see to it that you don't provide private
15 information on, on federal employees today? Have you
16 taken any action or would you again provide somebody --
17 if I called you today and asked you for Mr. Tripp's
18 Social Security number, would you provide it to me?

19 WITNESS: I would not. I don't believe I
20 would have provided it back in March either, but I can
21 assure you --

22 GRAND JUROR: Well, you -- but you provided a
23 very private information on her arrest record. That
24 was private. So was her Social Security number. But
25 it was private and you provided it.

1 WITNESS: Yes, I did. And I can tell you
2 that today if I got a similar request I would turn it
3 over to the lawyers.

4 GRAND JUROR: But you'd still provide the
5 Social Security number then?

6 WITNESS: No, I said, I said I would not. I
7 said I think I, I would have known in March not -- I
8 wouldn't have provided a Social Security number or --

9 GRAND JUROR: Well, I'm, I'm surprised that
10 your office doesn't have a standard process to handle
11 these requests and not just by hook and crook -- I
12 don't expect you in your capacity to do it, but there
13 should be a process in your office that these things
14 don't fall through the cracks, because to me providing
15 private information to me is an invasion of an
16 individual's privacy to provide that information. It's
17 all confidential information, whether it be on you or
18 me or anybody else. This just happened to be
19 Ms. Tripp, but I'm concerned that there isn't something
20 in your office that's established to see that this
21 doesn't happen in the future to some other employee.

22 WITNESS: Well, I think this incident has
23 sensitized everybody in the office to the need to do
24 that, and my way of dealing with it would be just to
25 turn it over to the lawyers and say here's a request

1 we've gotten, what's the advisability of doing this.

2 GRAND JUROR: Do you think if the form had
3 said that she had been arrested for something, you
4 know, that you would have given that information out or
5 the fact that it said that she hadn't been arrested and
6 that's --

7 WITNESS: Well --

8 GRAND JUROR: You say you wouldn't have given
9 out the Social Security number because that, you know,
10 that's -- that was private.

11 WITNESS: It's a hypothetical. For better,
12 for worse, I was faced with a very specific question
13 about how she had filled out a form dealing with a
14 matter of public record, i.e., her arrest record. And
15 for better, for worse, we provided the answer to that
16 question. I guess that I probably would rather not
17 speculate about if the question had been slightly
18 different or if the information had been slightly
19 different.

20 GRAND JUROR: I just see a big difference
21 when you get questions like Bosnia and all that. That
22 does serve the public but, I mean, something like did
23 she lie on he form, I mean, that doesn't serve the
24 public, you know, to answer that question. And, and,
25 you know, for the most part, I mean, you are supposed

1 to fill out the release form for, for information about
2 private records. That's the standard. I mean, you --
3 fax machines, you fax it over, you get somebody on it
4 right then if it's a big, if it's a big rush. I just
5 don't understand, you know, why it was so important.

6 WITNESS: Well, as I said, it was done
7 quickly, it was done on the fly. In retrospect --

8 GRAND JUROR: But in here it says that you
9 told her you couldn't get the information that night,
10 at 5:45 p.m. on March the 12th, and that you would --
11 and that she said she could wait till morning. So, it
12 wasn't so much on the fly. That's what it says here.

13 WITNESS: Right. But we didn't have the --
14 the first question was could we locate the information
15 at all, and we didn't know that until, until the next
16 morning.

17 GRAND JUROR: But it just seems like there
18 was a little bit more time than on the fly. Am I wrong
19 in assuming that or --

20 WITNESS: Well, I think that, as I said, this
21 was not something I devoted a lot of time to thinking
22 about. The next morning Cliff took over the project.
23 I basically was out of the project, although Cliff kept
24 me informed about what was happening and I did not
25 think about this really much more than, as I said, a

1 small number of minutes in the course of the morning.
2 Since then, I've spent many, many hours thinking about
3 it. I hadn't thought about it for better, for worse.

4 GRAND JUROR: I guess I'm just reading this
5 wrong because it looks like there was more than a few
6 minutes spent on it because from one evening to the
7 next morning, that just seems like a little bit more
8 than a few minutes.

9 WITNESS: Well, the fact of the matter is I
10 didn't, you know. The --

11 MR. CRANE: Let's -- can we just take like a
12 five-minute break? I think some of us have to go to
13 the bathroom anyway.

14 Could you just step out for a minute?

15 WITNESS: Absolutely.

16 MR. CRANE: Okay, thank you.

17 WITNESS: You want to come get me when you're
18 through?

19 MR. CRANE: Yeah, we'll come and get you.
20 That's fine.

21 (Whereupon, at 12:10 p.m., the witness was
22 excused and subsequently recalled at 12:34 p.m.)

23 WITNESS: I don't have to swear again?

24 FOREPERSON: No. I just have to remind you
25 that you're still under oath, sir.

1 BY MR. CRANE:

2 Q All right, I have just a few questions that
3 we've already gone over. But to make it clear, this
4 Government Exhibit 1, as I understand it, on the 13th
5 Mr. Bernath came and showed you page 3 of the 398 which
6 here I've highlighted the operative points -- operative
7 line in yellow. Is that correct?

8 A Yes.

9 Q Now, after he shows it to you, did you know
10 that he was then going to call back Jane Mayer and give
11 her that answer? Did you tell him to do it or what was
12 your, your directive or nondirective?

13 A I, I think, as I recall, he said to me is
14 this what she wants, and I said I believe so. Then he
15 said should I provide this -- he said I guess I'll
16 provide this information, and I said fine or something
17 like that. I don't believe he said should I provide
18 the information, do you want me to call her now? He
19 said, you know, I guess I'll call her back, and I said
20 fine.

21 Q All right.

22 A That's my recollection of the conversation.

23 Q Okay.

24 MR. CRANE: Back to the members of the Grand
25 Jury, are there any follow-up questions on this line?

1 WITNESS: Do you want this back?

2 MR. CRANE: Yeah, that's fine. Thank you,
3 sir.

4 GRAND JUROR: I don't think there are any,
5 sir.

6 MR. CRANE: All right. Let me just look over
7 my notes.

8 Again, I think I've asked you earlier, there
9 was no contact with either Ms. Tripp or her attorneys
10 before the release of this information?

11 WITNESS: No.

12 MR. CRANE: Okay.

13 GRAND JUROR: Mr. Bacon, could I ask a
14 question? This involves when you were interviewing
15 Ms. Lewinsky for employment. Did you ever receive any
16 written or telephone calls from anyone to influence
17 your decision on hiring her?

18 WITNESS: No. I've been asked this question
19 and maybe I should just take a minute to explain it. I
20 interviewed -- I had had a, a secretary named Jean
21 Wetzell who was maybe about my age. [REDACTED]

22 [REDACTED] And she had left --

23 GRAND JUROR: Can you speak a little louder?

24 WITNESS: Sorry?

25 GRAND JUROR: Can you speak a little bit

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1 | louder?

2 | WITNESS: Certainly. I had had a secretary
3 | named Jean Wetzell who was about my age, maybe a couple
4 | of years older. She was maybe ██████████ at the time.
5 | And she had not been happy in the job because she felt
6 | that the traveling was too exhausting and stressful.
7 | She wanted to move to another job at the National
8 | Security Council and I arranged for -- helped her get
9 | over there and get the grade she wanted. And, and she
10 | said to me -- I interviewed three people from within
11 | the building and -- who were already working -- one
12 | person who had had the job several years prior under
13 | one of my predecessors.

14 | And in the middle of this the personnel
15 | office at the Pentagon called me and said would you
16 | interview a person who currently works at the White
17 | House and I said I would, and that person was Monica
18 | Lewinsky. That was the only phone call I ever got
19 | about Monica Lewinsky.

20 | She came and interviewed, I believe talked to
21 | Cliff Bernath and talked to me separately. I'm not
22 | positive that she talked to Cliff but the standard
23 | procedure is she would have talked to Cliff and I'm
24 | pretty sure she did in this case. When the interview
25 | was over, Jean Wetzell, my current secretary, said you

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1 know, given the demands of this job, maybe you ought to
2 hire somebody younger. And all the women I had
3 interviewed were also about Jean Wetzell's age or my
4 age. And the -- so that began making me think that
5 maybe she was right, I should have a younger person in
6 this job.

7 The other thing that intrigued me about
8 Monica was that she, as history later showed, was
9 clearly adept at using the Internet and Jean had not
10 been. And increasingly, in my office I was realizing
11 that we were getting more and more information off the
12 Internet. If I wanted to get a copy of a speech that
13 Secretary Albright had given, or then-Secretary
14 Christopher, or wanted to get a document from the UN
15 that the fastest way to do this was over the Internet
16 and Monica was very conversant with the Internet.

17 So, after interviewing these four people, I
18 hired Monica, but I never -- I actually gave her, to
19 address your question, Mr. Crane, I dictated a letter
20 to her and had her type it out just to see if she could
21 take dictation and, and produce a letter in a timely
22 way. And I hired her but I never talked to anybody
23 else in the White House. Nobody ever called me.

24 GRAND JUROR: The decision was yours and
25 solely yours?

1 WITNESS: Solely mine.

2 GRAND JUROR: Thank you.

3 WITNESS: You're welcome.

4 GRAND JUROR: Were there any type of
5 applications with them when they come there? Any of
6 those that you interviewed?

7 WITNESS: Sorry?

8 GRAND JUROR: Did they have any type of
9 application to go along with the interview?

10 WITNESS: Well, she had a résumé and I think
11 one of these 171 forms. And the other applicants, the
12 three other applicants had the same things.

13 GRAND JUROR: Okay. If, if a news media
14 called you and wanted a copy of those, would you
15 release it to them?

16 WITNESS: Probably not now without checking
17 with my lawyer. I don't know what I would have done on
18 March 13th, but no one has made that request to me,
19 specifically. I mean, as, as Mr. Crane said, we got
20 blanket FOIA requests, but no one came to me
21 specifically and said could I look at Monica Lewinsky's
22 or, or Mrs. X's form.

23 BY MR. CRANE:

24 Q Can you tell us, do you, do you have a
25 sharing agreement with some of the other witnesses or

1 targets that have appeared, or subjects that have
2 appeared before the Grand Jury to share information
3 back and forth with them, to your knowledge?

4 A No.

5 Q You haven't signed something or told your
6 attorney share everything I, I tell the Grand Jury with
7 the White House, et cetera?

8 A I have not.

9 Q Okay. And that would include any documents.
10 Is there any document sharing that you know of?

11 A Not that I'm aware of.

12 Q Okay.

13 A I would be glad to go out and ask my attorney
14 if he signed such an agreement, but I would hope that
15 he would tell me --

16 Q Right.

17 A -- since it would implicate me in some way.

18 MR. CRANE: All right, I'm just going to look
19 over my notes, if any other member of the Grand Jury
20 has a question. I think we will finish up about 15 or
21 20-minutes early.

22 GRAND JUROR: I have just a real quick one.
23 How would the White House know that you're looking for
24 a replacement for your secretary?

25 WITNESS: Well, as I understand it, first of

1 all, the job was a Schedule C job, political appointee
2 job. And when those jobs become vacant -- and I, I
3 don't do this myself -- it's reported up through some
4 personnel chain and the personnel office just produces
5 applicants. So, I interviewed the first three, as I
6 said, and then really fairly late in the process we got
7 a request -- or I think it actually came -- I learned
8 about it probably through Cliff or COL Joe Gordon who
9 ran the management side of my office that handles
10 personnel that we had been asked to interview one
11 person from the White House.

12 GRAND JUROR: Is a Schedule C a political
13 appointee position or what?

14 WITNESS: Yes. Yes.

15 GRAND JUROR: Okay.

16 WITNESS: This had been -- when I got there,
17 I inherited a secretary. She left to become a writer
18 at AFIS, the Armed Forces Information Service, and then
19 Jean Wetzell came after her. She had been working on
20 the Joint Staff, was a secretary on the Joint Staff.

21 GRAND JUROR: Ms. Tripp was a Schedule C,
22 also, right?

23 WITNESS: Yes, she was.

24 GRAND JUROR: Well, this is another -- just
25 an offshoot of this. Was Ms. Lewinsky around the day

1 that you and Mr. Bernath were talking about this issue?

2 WITNESS: No, because she had left in
3 December of '97. And the last day I saw her in the
4 office was the day before -- I think it was
5 December 23rd. I think officially her employment ended
6 on December 27th.

7 MR. CRANE: And just out of -- essentially,
8 for background for the members of the Grand Jury,
9 Ms. Tripp continues to be employed by your office, she
10 works at home essentially. Is that correct?

11 WITNESS: Yes. She's on what's called the
12 Flexiplace arrangement that allows her to work at home.

13 GRAND JUROR: Is she doing anything
14 substantive for your office?

15 WITNESS: She, she has not for several
16 months. But to be fair, the agreement allows her to
17 take administrative -- paid administrative leave to
18 cooperate with the Grand Jury and that's how she's been
19 spending most of her time, cooperating with the Office
20 of the Independent Counsel.

21 MR. CRANE: All right. I think I have
22 nothing further. And if there are no further
23 questions, Mr. Bacon, do you have anything further
24 relevant to add or any just statement that's not
25 responsive to any question that you want to -- for the

1 benefit of the members of the Grand Jury?

2 WITNESS: No. I think you've given me an
3 opportunity to say everything I want.

4 MR. CRANE: All right. Then if there's
5 nothing further, I'll ask the Foreperson to excuse you
6 and you can return to your duties.

7 FOREPERSON: Thank you, sir.

8 WITNESS: Thank you very much.

9 MR. CRANE: Okay. Thank you, sir. Thank you
10 for your time.

11 (Whereupon, the witness was excused at
12 12:45 p.m.)

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1 CERTIFICATE OF COURT REPORTER AND TRANSCRIBER

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I, BARBARA LORD, the reporter for the United States Attorney's Office, do hereby certify that the witness whose testimony appears in the foregoing pages was first duly sworn by the Foreperson or the Deputy Foreperson of the Grand Jury when a full quorum of the Grand Jury was present; that the testimony of said witness was taken by me, and thereafter, reduced to typewritten form; and that the transcript is a true record of the testimony given by said witness.



Barbara Lord,
Official Court Reporter



Lou Deosaran,
Official Transcriber

- 1 -

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 2/26/98

On February 25, 1998, DOUGLAS JAY BAND, born [REDACTED] at [REDACTED], residing at [REDACTED] ([REDACTED]) [REDACTED] was interviewed by Special Agents [REDACTED] and [REDACTED], Federal Bureau of Investigation, at the SIDLEY AND AUSTIN LAW FIRM, 1722 I Street, NW, Washington, D.C. Also in attendance was BAND's attorney, DAVID B. FEIN of WIGGIN AND DANA, Three Stamford Plaza, P.O. Box 110325, Stamford, Connecticut 06911-0325, telephone number (203) 363-7603.

After being advised of the identity of the interviewing Agents and the purpose for the interview, BAND provided the following information:

BAND advised he is currently employed as a paid staff member in the Old Executive Office Building (OEOB) in the White House Counsel's Office, working judicial selection matters and ethical issues in connection with Presidential travel. BAND has two immediate supervisors; JONATHAN YAROWSKY and DAWN SHIRWA. BAND has worked in the White House for approximately two and one-half years, beginning as a White House intern in 1995. BAND remained at the White House as an intern until the spring of 1996. In May 1996, he was hired as a staff member. BAND has been employed at his current job since December of 1996.

BAND said he first met MONICA LEWINSKY during his White House internship in September or October 1995. However, BAND does not remember exactly how they met.

BAND was aware that LEWINSKY was a paid staff member in the Legislative Affairs Office at the White House. BAND stated he did not know if LEWINSKY disliked her job, but assumed LEWINSKY liked being there. BAND does not know how LEWINSKY moved from her intern position to being a paid staff member. BAND is not aware of why LEWINSKY left the White House and went to the Pentagon.

Investigation on 2/25/98 at Washington, D.C. File # 29D-OIC-LR-35063
 by [REDACTED] Date dictated 2/26/98

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Continuation of OIC-302 of DOUGLAS JAY BAND, On 2/25/98, Page 2

BAND advised that LEWINSKY showed him a tie which she was going to give to President CLINTON. BAND thought it was a little strange that a staff member from Legislative Affairs would give a gift to the President. BAND said that LEWINSKY never told him about receiving any gifts from the President. BAND does not remember any discussions concerning LEWINSKY giving other gifts to the President.

BAND advised that LEWINSKY asked him to go with her to the White House Congressional Ball held in December 1995. BAND also had lunch with LEWINSKY on one occasion. BAND stated the only other time he socialized with LEWINSKY was when he would see her around at various bars and restaurants.

BAND mentioned that he really did not stay in touch with LEWINSKY after being assigned to the OEOB.

BAND advised that he attended a New Year's Eve party (1998), which was hosted by five women. BAND could only remember three of them by name: MARY MORRISON, REBECCA CAMERON, and KARIN COLEMAN. BAND said there were at least 300 people at the party. BAND remembers LEWINSKY coming to this New Year's Eve party with KELLY MCCLURE, ASHLEY RAINES, and BROOK SCALVILLE (phonetic).

BAND advised that, after leaving the White House and starting her new job at the Pentagon, LEWINSKY called BAND. BAND said LEWINSKY's job was that of a Confidential Assistant. LEWINSKY did not say she was upset with her new job. BAND thought she seemed excited.

BAND could not recall any specifics concerning LEWINSKY leaving the White House. BAND only heard that LEWINSKY was incompetent at her job and she had a hard time working with people. BAND believes that is the reason she left the White House.

BAND did not know any of the circumstances surrounding ~~LEWINSKY~~ being fired from the White House.

BAND heard rumors LEWINSKY hung around the West Wing of the white House too much. BAND said everyone wanted to be near

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Continuation of OIC-302 of DOUGLAS JAY BAND, On 2/25/98, Page 3

the West Wing. BAND never heard anything else concerning the West Wing visits.

BAND stated that the word "clutch" meant someone who was trying to be around the President, and also wanted to have pictures taken with the President. BAND had heard that LEWINSKY was referred to as a "clutch" by other White House staffers.

BAND advised that he worked during the 1995 government shutdown and visited the West Wing in the White House; however, BAND does not remember seeing LEWINSKY at that time in the West Wing.

BAND stated that he was a friend of LEWINSKY's, however, not a very close or dear friend.

BAND did not know WALTER KAYE was LEWINSKY's advocate for the White House Internship Program.

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 2/2/98

CELIA INA BERK, Managing Director of the Human Resources for BURSON-MARSTELLER's (B-M) United States Operations, 230 Park Ave., South, New York, NY, was made available for interview by her attorneys, MARK T. McENROE and MARK DILLER, Legal Counsel for YOUNG & RUBICAM, INC., 285 Madison Ave., New York, NY, telephone number [REDACTED]. McENROE and DILLER were present during the interview. All persons present were advised of the purpose of the interview and the official identity of OIC Investigator [REDACTED] and FBI Special Agent [REDACTED]. BERK thereafter provided the following information:

BERK's duties as Managing Director includes hiring, training, compensation issues, and assisting managers in creating new positions. In December 1997, PATTY FOX, Executive Assistant to B-M's Chief Executive Officer TOM BELL, contacted BERK and informed her that she had a job candidate who came to PETER GEORGESCU and B-M needs to give quick attention to this candidate. BERK took FOX's comments to mean that the person's application should not get caught in the system. Berk also recalls that FOX said the applicant was "well connected in Washington D.C." FOX informed BERK that she would be sending BERK a copy of the applicant's resume. BERK later received MONICA LEWINSKY's resume.

BERK did not remember setting up a meeting with LEWINSKY so she assumed that PATTY FOX set it up and confirmed that BERK was available on that date. LEWINSKY was by herself when BERK met her in B-M's reception area. Although BERK could not remember specifically all of the questions she asked LEWINSKY, it's her normal procedure to ask an applicant to "walk" through her resume. BERK remembers telling LEWINSKY that creativity was important to B-M and followed that comment by asking LEWINSKY to describe a time when she was creative. LEWINSKY seemed a little confused by the question and asked BERK for clarification. After rewording the question, LEWINSKY was able to respond.

BERK could not remember LEWINSKY's responses, but recalled being interested in LEWINSKY's prior work. Although BERK was aware that LEWINSKY was referred by PETER GEORGESCU, she was not aware of VERNON JORDAN's call to GEORGESCU. LEWINSKY did

Investigation on 1/30/98 at New York City, NY File # 29D-LR-35063

by [REDACTED] Date dictated 2/2/98

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Continuation of OIC-302 of Celia Ina Berk, On 1/30/98, Page 2

not mention during the interview how she knew GEORGESCU. BERK thought it was not appropriate for her to ask the candidate.

BERK liked LEWINSKY as a result of their 20 minute interview. LEWINSKY was poised and articulate. BERK felt for LEWINSKY when she was flustered in trying to respond to the creativity question. LEWINSKY regrouped and gave a good response. BERK did not recall LEWINSKY "dropping" any names and thought she would have remembered it if LEWINSKY had done so.

At the conclusion of the interview, BERK took LEWINSKY to meet MICHELLE MORGAN who handles entry level employees. BERK informed LEWINSKY that applicants have to go through some testing which is arranged by MORGAN.

BERK was on vacation when LEWINSKY returned on December 30, 1997, for the testing. BERK also received a thank you note from LEWINSKY sometime after their interview. After returning from vacation, BERK contacted MORGAN concerning the status of LEWINSKY's application, and was informed that the testing scores had not come back yet.

BERK later learned that GUS WEILL had also interviewed LEWINSKY and it was his recommendation not to hire LEWINSKY. BERK advised that they were continuing the hiring process when the allegations of LEWINSKY's relationship with President CLINTON hit the press.

After the press articles were issued regarding LEWINSKY, BERK discussed LEWINSKY's application with B-H's President CHRIS KOMISARJEVSKI. KOMISARJEVSKI instructed her not to pursue LEWINSKY's application any further.

BERK is described as follows from observation and interview:

[REDACTED]

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Continuation of OIC-302 of Celia Ina Berk . On 1/30/98 . Page 3

Home Telephone:

[REDACTED]

Business Telephone:

[REDACTED]

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 4/6/98

CELIA BERK, Managing Director of Human Resources for United States Operations, BURSON-MARSTELLER, 230 Park Avenue South, New York, New York, was interviewed at the office of MARK DILLER, corporate attorney for BURSON-MARSTELLER. BERK resides at [REDACTED] She declined to provide her date of birth. Present at the time of interview were MARK DILLER and Assistant Independent Counsel STEVEN BINHAK.

BERK is responsible for all aspects of human resources for the company in their United States operations. This includes recruitment as well as development and retention of staff. She is involved with interviewing the senior level hires and the strategic hires, which she defined as encompassing areas of special interest to the company. She also conducts interviews of candidates if requested by another member of management. BERK conducts interviews of entry level staff only if she is responsible for introducing them to the company, or if the person scheduled to do the interview is unavailable. BERK does not see any people who submit unsolicited resumes.

When she interviews a potential recruit, she tries to get a general sense of the person as well as a reasonable idea of their qualifications. She thinks across the various practices, which make up the company structure, to place them in the most useful position. She also attempts to think of other ways to help them in their career development if they are not going to be hired at BURSON-MARSTELLER. If the candidate is qualified, BERK hands them off to MICHELLE MORGAN or another person on the human resources staff for further processing.

BERK's interviews generally last 15-20 minutes. She takes them through their resumes point by point. She tries to figure out why they are applying for employment with BURSON-MARSTELLER and what they want to achieve in the job.

BURSON-MARSTELLER is continually in the recruitment mode at all levels. There is a fairly high percentage of turnover of personnel in the lower level positions. BURSON-MARSTELLER's reputation as the best company in the public relations field causes employees to be continually recruited away

Investigation on 03/31/98 at New York, New York File # 29D-OIC-LR-35063

by [REDACTED] Date dictated 4/6/98

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Continuation of OIC-302 of CELIA BERK On 03/31/98 . Page 2

to other firms. BERK does not have the authority to offer employment to anyone. The final approval has to come from the practice for which the person will be working.

BERK became aware of MONICA LEWINSKY after TOM BELL's assistant, PATTY FOX, called her. FOX said there was a candidate who was extremely well connected and asked if BERK could please interview her. BERK met with LEWINSKY on December 16 or 18, 1997. In view of the way LEWINSKY came to her attention, it meant that someone was going to be interested, at some point, in how she had been treated at BURSON-MARSTELLER. BERK knew that LEWINSKY could not get lost in the recruiting system. BERK also was aware that she would have to report back to FOX with the results of the interview. BERK was unsure, but she thought FOX described LEWINSKY as well connected in Washington, D.C.

The interview of LEWINSKY lasted about twenty minutes and took place in BERK's office. It was a routine interview during which they discussed the points in her resume, why she wanted to move to New York, and why BURSON-MARSTELLER was of interest to LEWINSKY. When BERK asked her for an example of an occasion when she had been creative, LEWINSKY went blank. When BERK reassured her and rephrased the question, LEWINSKY was able to give a response, which was her suggestion that President CLINTON take videos of current movies overseas with him to watch with members of the armed services as a morale booster.

BERK liked LEWINSKY as a candidate. She was poised and articulate. She did not have an "attitude" like some of the people who are granted an interview on a VIP basis. They discussed the matter of salary, including her past compensation and what might be possible at BURSON-MARSTELLER. There was no mention of VERNON JORDAN during the interview. MICHELLE MORGAN was told that LEWINSKY was referred to BURSON-MARSTELLER by DON COGMAN; however, BERK said that was not accurate. As a follow-up to their meeting, LEWINSKY wrote a thank you note to BERK.

After her holiday vacation at the end of 1997, BERK received the thank you note from LEWINSKY, which reminded her about the matter. At that point, she discussed LEWINSKY on one occasion with GUS WEILL, Chairman of the Corporate Practice, about his rejection of LEWINSKY and the rumors "about Washington, D.C." PATTY FOX contacted BERK and said she needed to know what had happened with LEWINSKY's candidacy. FOX made this request before the news came out about LEWINSKY and the President.

After the news about LEWINSKY broke, BERK was involved

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Continuation of OIC-302 of CELIA BERK . On 03/31/98 . Page 3

in a meeting to discuss a response to press inquiries about LEWINSKY. It was decided that information about her would be handled with confidentiality. The company ceased all applicant processing at that point.

BERK described the company's actions with regard to LEWINSKY as "by the book". In her case, the recruitment process was somewhat accelerated, but it went through the normal stops.

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 2/1/98

Clifford Howard Bernath, [REDACTED], was advised of the identity of the interviewers and the nature of the interview. Mr. Bernath was interviewed at the Pentagon in the presence of Department of Defense (DOD) Attorney Brad Wiegman. He provided the following information.

Mr. Bernath is the Primary Deputy Assistant Secretary of Defense for Public Affairs, United States Department of Defense. He is the second in command in the DOD Public Affairs office underneath Ken Bacon, who is the Assistant Secretary of Defense for Public Affairs. Mr. Bernath's duties entail the day to day operations of the Public Affairs office. In this capacity, Mr. Bernath would have oversight over the employees in the Public Affairs office.

There are two other Deputy Assistant Secretaries of Defense for Public Affairs in addition to Mr. Bernath. They are Doug Wilson, who is the Deputy Assistant Secretary of Defense for Public Affairs (Communication) and Captain Michael Doubleday, U.S. Navy, who is Deputy Assistant Secretary of Defense for Public Affairs (Information).

Monica Lewinsky was the Confidential Assistant to Ken Bacon. Confidential Assistant is more or less a secretarial position. Although Ken Bacon was Monica Lewinsky's direct supervisor, Mr. Bernath wrote Ms. Lewinsky's performance appraisals. After he wrote the performance appraisal, he would give it to Mr. Bacon for review and signature.

The performance appraisals at DOD have five possible ratings. They are Outstanding, Exceeds Fully Successful, Fully Successful, Satisfactory, and Unsatisfactory. Monica Lewinsky received a performance rating of Exceeds Fully Successful on her one performance appraisal during her eighteen month stint at DOD.

Although Exceeds/Fully Successful is the second highest rating on DOD performance appraisals, it has become more of an average or middle of the road rating.

Her main job was supporting Mr. Bacon, and Mr. Bacon

Investigation on 1/28/98 at Arlington, VA File # 29D-OIC-LR-35063, Sub46

by [REDACTED] Date dictated 2/1/98

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Continuation of OIC-302 of Clifford Howard Bernath, On 1/28/98, Page 2

never offered any complaints to Mr. Bernath about her performance. However, he did occasionally receive complaints on her performance from other employees in the Public Affairs office. On several occasions, Mr. Bernath spoke with Ms. Lewinsky to address problems with her job performance. In particular, he advised her that she had too many personal calls, spent too much time sending e-mail not related to her job, and was ignoring incoming telephone calls. Ms. Lewinsky was not an organized person and at times was overwhelmed by the tasks of her job.

Monica Lewinsky was tasked on several occasions to work on foreign trips made by the Secretary of Defense. These foreign trips required Ken Bacon to accompany the Secretary. Lewinsky's job was to assist Mr. Bacon on these trips by typing transcripts, preparing faxes and various other administrative duties. Ms. Lewinsky accompanied Mr. Bacon on approximately one third of the foreign trips made by Mr. Bacon while she worked at DOD. Other support staff, which consisted of military personnel, would rotate assignments for these foreign trips with Ms. Lewinsky. Cliff Bernath did not travel on these foreign trips, because his job was to keep the Public Affairs office functioning in Mr. Bacon's absence. After one trip in particular, Mr. Bernath received numerous complaints regarding Monica Lewinsky's job performance. He had to counsel her regarding her performance on this particular trip. Ms. Lewinsky explained her poor performance to personal problems and stated it wouldn't happen again.

The Confidential Assistant position has a high burnout level. Because of the demands of the job, especially on foreign trips when the Confidential Assistant must stay up late at night typing transcripts, it is difficult to keep people in the position for a long period of time. It is because of the burnout level of the job that Clifford Bernath and Ken Bacon agreed to hire a younger person after the Confidential Assistant prior to Monica Lewinsky, Jean Wetzel, left the job for a position at the National Security Counsel (NSC).

Once Mr. Bernath discovered Jean Wetzel was leaving her job at DOD, he called the DOD Liaison to the White House, Charlie Duncan. The Confidential Assistant position is a Schedule C or political appointment and serves at the discretion of the Secretary of Defense. Therefore, the White House is always

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Continuation of OIC-302 of Clifford Howard Bernath, On 1/28/98, Page 3

contacted regarding any Schedule C openings in order that the White House can recommend candidates for the particular position. The only name Charlie Duncan provided to Clifford Bernath from the White House was Monica Lewinsky.

In addition to Monica Lewinsky, three other candidates were interviewed by Mr. Bernath and Ken Bacon. Since there is no formal process to recruit candidates for Schedule C positions, except to contact the White House to advise of the vacancy, any other candidates who express an interest in a Schedule C position learn of the job by word of mouth.

Mr. Bernath does not recall contacting Monica Lewinsky's supervisor at the White House, but believes that he more than likely did contact the supervisor to discuss Ms. Lewinsky's job performance while working at the White House. Mr. Bernath was never advised why Ms. Lewinsky left the White House and did not attempt to find out of his own volition.

Monica Lewinsky was selected by Ken Bacon and Clifford Bernath for the Confidential Assistant position based upon her youth. Although her typing skills were substandard, by her own admission, Mr. Bernath believes that skills of that nature can be taught. He was more interested in the position being filled by someone with good interpersonal skills. Ms. Lewinsky was gregarious and outgoing.

Mr. Bernath does not know who Monica Lewinsky may or may not have socialized with at work or away from work. He was not aware of any personal relationships she had with DOD employees. He did not hear any rumors of that nature either. He observed Ms. Lewinsky and Linda Tripp speak together on occasion, but never thought it to be anything more than a normal co-worker relationship.

Although Mr. Bernath knew that Monica Lewinsky was a Clinton enthusiast, the only time Ms. Lewinsky ever discussed President Clinton was on a few occasions when the President was on television and Ms. Lewinsky would point out to others in the office that the President was wearing the tie she had purchased for him.

Mr. Bernath only knew of Ms. Lewinsky visiting the

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Continuation of OIC-302 of Clifford Howard Bernath, On 1/28/98, Page 4

White House when invitations were sent to most of the political appointees at the DOD. These events occurred approximately twice per year.

Mr. Bernath could provide no further information relating to any possible relationship between President Clinton and Monica Lewinsky.

Ms. Lewinsky gave notice in November of 1997 that she would be leaving her job at the end of the year. She stated that she was leaving to be with her mother, who lived in New York. She advised that she was going to find a job in New York, but did not ask Mr. Bernath for a reference or possible job leads.

A few weeks before she left the DOD, Ms. Lewinsky appeared distraught at work. So distraught that Clifford Bernath called her into his office to determine the nature of her problem. He asked Ms. Lewinsky if there was anything he could do to help her, but she advised that she would work out her own problems. She stated that she was feeling better and did seem to be in a better disposition the remainder of her time at the DOD.

Mr. Bernath was asked to comment on the comment made by Willie Blacklow, who was the Deputy Assistant Secretary of Defense for Public Affairs (Communications) prior to Doug Wilson. Mr. Blacklow had stated to a news reporter that it was a mystery to him how someone with Monica Lewinsky's youth and inexperience had landed that position at the Pentagon. Mr. Bernath explained Mr. Blacklow's comment as typical of the type of overblown statements Mr. Blacklow was known to make. When Mr. Blacklow was at the DOD, the people in the Confidential Assistant Position were more experienced than Monica Lewinsky. Cliff Bernath and Ken Bacon made a deliberate decision to hire someone more youthful because of the high burnout level of the position. Mr. Blacklow's statement was nothing more than his disagreement with a management decision.

The Confidential Assistant subsequent to Monica Lewinsky, Melanie Shender, was also hired from the White House. She is twenty-two (22) years old. Ms. Shender left the White House for the DOD because she wanted a more challenging position.

Clifford Bernath, 5/21/98

Deposition

Page 2 to Page

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

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Suite 490-North
Washington, DC 20004
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OFFICE OF THE INDEPENDENT COUNSEL
 DEPARTMENT OF DEFENSE
 Thursday, May 21, 1998
 WASHINGTON, D.C.
 DEPARTMENT OF DEFENSE
 CLIFFORD H. BERNATH
 before the Independent Counsel, held at the Office of the
 Independent Counsel, in Suite 400-North, 111 Pennsylvania
 Avenue, N.W., Washington, D. C. 20004, beginning at
 10:19 a.m. When present:
 For the Independent Counsel:
 JAMES N. CRANE, ESQUIRE
 Associate Independent Counsel
 THOMAS A. CORCORAN, ESQUIRE
 Associate Independent Counsel
 Court Reporter: Elizabeth A. Eastman

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employ. So, that is important to keep in mind.
 The type of individuals that appear before a grand
 jury are target, subject, and witness. A target is an
 individual about whom the grand jury has acquired sufficient
 information that they are ready to become, or likely to
 become, a defendant. You are not a target of the grand jury
 investigation.
 The second category is a broad category of
 individuals whose conduct comes within the ambit of the grand
 jury investigation, and they are called subjects. You are a
 subject of the grand jury investigation. And a subject can
 be, to give an example, anyone from a bank teller, for
 example, in a bank robbery who witnesses the burglar come in
 and give a demand note: give me all your money.
 A Uh-huh.
 Q Even a teller could be a subject, as well as a
 witness, in a grand jury investigation. Is all of that clear?
 A I think so.
 Q Then, without further elaboration, Ms. Corcoran
 will ask you some fact-based questions. And from time to
 time I will jump in and follow up.
 A Okay.
 BY MS. CORCORAN:
 Q To begin with, could you tell us what your title is
 and position?

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PROCEEDINGS
 WHEREUPON
 CLIFFORD H. BERNATH
 having been called for examination by the Office of the
 Independent Counsel, and having been first duly sworn by the
 notary, was examined and testified as follows:
 EXAMINATION BY COUNSEL FOR THE INDEPENDENT COUNSEL
 BY MR. CRANE:
 Q Sir, state your full name, please.
 A Clifford H. Bernath.
 Q And your middle name is?
 A Howard.
 Q I am Jim Crane. I'm an Associate Independent
 Counsel here. Present with me is Julie Corcoran, also an
 Associate Independent Counsel. We are prosecutors for the
 government involved in a grand jury investigation.
 As you probably know, we work for the Office of the
 Independent Counsel. We are prosecutors for the government
 and we have special or a limited area of jurisdiction. It is
 a criminal investigation into allegations of perjury,
 subornation of perjury, and obstruction of justice in
 relation to Monica Lewinsky and William Jefferson Clinton, in
 relation to a civil lawsuit, Paula Jones versus William
 Jefferson Clinton, et al. And that is what we are looking
 into generally.

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A My current title is Director of the American Forces
 Information Service. My title at the time of the -- until a
 month ago was Principal Deputy Assistant Secretary of Defense
 for Public Affairs.
 Q And how long were you in that position?
 A Almost five years.
 Q Could you describe some of your primary
 responsibilities in that position?
 A Yes. I was the number two public affairs official
 in the Department of Defense. I had responsibility for the
 day-to-day operations of the Office of the Assistant
 Secretary of Defense for Public Affairs.
 I also was responsible for media relations insofar
 as they cover military operations, exercises, and war. I was
 responsible for the DOD national media pool and all public
 affairs planning and guidance for military operations.
 I was responsible for a partnership for peace
 initiative, which helped developing democracies form a proper
 relationship with their medias in those countries. I had
 administration, all the administration, personnel, logistics
 under me. I also had Freedom of Information and security
 review under me.
 Q Let's begin with the week of January 22nd and 23rd.
 When did you become aware that the Office of Independent
 Counsel had issued a subpoena for the production of Monica's

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What we are talking about here today are some
 computer issues and we will get into a number of factual
 issues.
 Is all of that information about our jurisdiction
 and so forth clear to you?
 A It is.
 Q All right. As Ms. Corcoran said before we went on
 the record, this is a grand jury proceeding, or a grand jury-
 like proceeding. We asked you to come here today to this
 deposition. But, as Ms. Corcoran said, the court reporter
 will produce a record, a transcript of the proceedings, and
 all or part of that will be made available to the grand jury.
 This is a grand jury proceeding. So, unlike a
 civil deposition, there is no lawyer representing you present
 here today, although Mr. Brad Wiegmann from the general
 counsel's office, as I understand it, is present outside in
 the waiting room. Is that correct?
 A Yes, it is.
 Q Did you have any other counsel here with you today?
 A No, I don't.
 Q Now, you may go and consult with Mr. Wiegmann.
 But, since he is a government attorney, anything you say to
 him, or he says to you, is not necessarily covered by the
 attorney/client privilege, the way it would with a private
 attorney, which you may employ or have employed or could

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computer and other related documents for Linda's computer?
 A It was -- I was out of town when the subpoena came
 in. So, I was made aware of it a few days later. I don't
 remember the exact date, but I think your subpoena came in
 like the 21st or --
 Q The 22nd.
 A -- 22nd. Can you tell me what day of the week that
 was?
 Q The 22nd was a Thursday.
 A Okay. So, I was out of town Thursday, Friday and
 Saturday, I believe, and I came back Sunday. So, it would be
 the following Monday that I became aware of it.
 Q Who informed you first that there had been a
 subpoena issued by this office?
 A I believe it was Captain Mike Doubleday.
 Q Do you recall specifically what he had said to you
 in that meeting?
 A Just that, that he had received it and in my
 absence he had given -- he had met with Pat Bursell and
 Bonnie Nicholson. I can't remember if there were any other
 people in that meeting, because I wasn't there, but that he
 had met with them and that he had started the process of
 record collection going.
 Q Did he request that you take over any of the
 responsibilities in terms of producing documents pursuant to

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the subpoena?
 A No. I think that we thought that since he had already begun the process that it was better for him to just keep it going, and I received like progress reports, but not independently.
 Q Did you have any input into how the documents were going to be produced? Did you express any concern regarding the production?
 A No.
 Q On Monday, January 26th, when you heard about the subpoena, did you attend any meeting with any other individuals at the DOD regarding the production?
 A We had a meeting again with Mike Doubleday, Bonnie, Pat Bursell. I can't remember if Nancy Gorski was there or not. But it was a small group of people, and they just went over what they were doing.
 Q Do you recall the substance of the discussion?
 A They had gone out to the directorate and asked for any documents and equipment that were listed in the subpoena, and they had coordinated with the general counsel's office to make sure that what they were doing was in compliance with the subpoena.
 Q At any time during this period were you in contact with the general counsel's office regarding the subpoena?
 A I can't remember a specific, but I would think that

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I must have talked to them. I must have talked to Brad Wiegmann. It would have been normal for me to do that.
 Q Normal, in terms of?
 A Normal, since, since I was the principal deputy, that I would have -- if there were any instructions or anything, Brad would have called me. But I can't remember a specific conversation. If there was a specific conversation, it would have been along the lines of we are working on the documents.
 Q Were you relying on other individuals to keep you informed on the progress?
 A Yes.
 Q Was it your general responsibility and duty to keep Brad Wiegmann and the general counsel's office aware of that progress?
 A No, not necessarily. It's more like coordination.
 Q Coordination?
 A Right.
 Q You don't recall any conversation during this time period though with Brad Wiegmann regarding the coordination?
 A I don't, no.
 Q Are you familiar with any policies that exist at the DOD relating to when an employee leaves, concerning their computer and the backup of data on that computer?
 A No. We didn't have a written policy. I can tell

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you what the normal procedure was.
 Q Please.
 A Normally, the computer did not become the main file archiving mechanism. Everything, all official papers and everything were printed out and signed and then put in files.
 Q Our normal procedure was that when a person left, they got rid of their personal notes. They got rid of their personal e-mail, and then the disk drive was wiped clean for the next person coming in.
 Q To your knowledge, was a backup of Monica's computer done when she left the DOD?
 A Yeah, I believe there was. I believe there was a -- we have regular backups. I don't remember the -- I guess, I don't know if they're weekly, but there is a regular tape and it's, it goes into a rotation for archiving. And I believe that that did happen.
 Q Going back to the subpoena that Monday, after the meeting on Monday that you attended, what further role did you have, or participation did you have in the production of documents pursuant to the subpoena?
 A I provided documents that were in my possession in accordance with the subpoena.
 Q Those documents were?
 A Files, counseling, any e-mails that I had in my system, personal notes.

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Who directed you to produce those documents?
 A Well, the initial tasking memorandum that Mike Doubleday had pertained to the front office, my office as well as all the other offices. So, everybody in the office had to do their own searches.
 Q Did everybody in the office receive this task memo?
 A Yes.
 Q When did you receive the task memo?
 A It was waiting for me when I got back.
 Q After you produced the documents in accordance with the task memo, what other involvement did you have in the production of Monica's computer or Linda Tripp's?
 A No direct. I made sure that Pat had enough people to help make copies. That was quite a logistics exercise. So, it was mainly just making sure that she had the assets that she needed to comply.
 Q At any time were any concerns raised regarding preserving the integrity of Monica's and Linda's original computer?
 A Both computers were actually set aside in accordance with the subpoena.
 Q Do you recall when they were set aside?
 A They had been set aside when I got back. So, as soon as they got the subpoena, I would imagine they set those aside. I don't know the exact date.

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But, to your knowledge, you're not sure?
 A No.
 Q When you returned on Monday, do you recall seeing anybody accessing Monica's or Linda's original computer?
 A No.
 MR. CRANE: Do you have anything else?
 MS. CORCORAN: Not at the moment. Do you have any questions? I just want to think.
 MR. CRANE: On that issue?
 MS. CORCORAN: Yes.
 BY MR. CRANE:
 Q I did have one. You guys discussed it a minute ago. Mr. Bernath, I believe you said something to the effect that when an employee leaves, the disk drive was wiped clean for the next person?
 A Yes.
 Q Can you describe who would do that? Who would wipe the disk drive clean, and how and why would that be done?
 A It would be done by our Information Resources Management branch, Bonnie's, Bonnie Nicholson's crew. It could have been her or a contractor. I don't know who would do it. Well, and the reason is that we reuse the computers. So, people should start off with a, you know, just the clean computer with the normal file system on it.
 Q All right. But if there is routine work-related

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documents, and someone, an employee is taking over his or her predecessor's duties, wouldn't archive copies of what they have done previously be useful to the new person?
 A There is a judgment call on whether or not -- what documents should be left on the machine. When I say "wiped clean", in some cases they are wiped clean, I guess. But in a lot of cases there are probably -- all of the personal items are removed. Anything that is not duty-related, anything that the successor may not need would be eliminated.
 Q And who makes that judgment call?
 A Normally the individual who is leaving.
 Q Okay. So, if you have -- for example, in the legal field we have a lot of what we call boilerplate documents that we tend to use again and again with relatively minor changes. In your field, would there be similar documents that would be quite useful to the next person that you would not want to delete?
 A I'm sure there are. When I left, I left some documents like that.
 Q Okay.
 MR. CRANE: Ms. Corcoran, did you have some followup?
 MS. CORCORAN: I have some other questions.
 BY MS. CORCORAN:
 Q The Tuesday following the Monday of your return,

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[1] was there another meeting that was held regarding Monica's
 [2] and Linda's computer?
 [3] A There may well have been. There may have been a
 [4] discussion about since -- about replacing the computer on
 [5] Monica's desk for the next, getting a new computer for the
 [6] other person.
 [7] Q On Tuesday?
 [8] A On Tuesday. I say there may have been. I don't
 [9] remember specifically.
 [10] Q The substance of the meeting, you don't recall the
 [11] specifics?
 [12] A Well, I'm not even sure if there was a meeting.
 [13] But we did discuss at one point, well, if we're taking
 [14] Monica's computer off that desk, we've got to have another
 [15] computer on the desk for the new person to work.
 [16] Q Do you recall anybody requesting of you or asking
 [17] you to have another individual delete or erase any files off
 [18] of Monica's or Linda's computer?
 [19] A No. No.
 [20] Q Are you aware of anyone who may have deleted or
 [21] erased any files off of Monica's or Linda's computer?
 [22] A No.
 [23] Q So, as of Tuesday, the meeting, when would you say
 [24] your last involvement with the production of documents
 [25] pursuant to the subpoena was?

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[1] A The last involvement was when the records were
 [2] boxed up and shipped up to the general counsel's office. I
 [3] don't remember the date, but it was a pallet load of
 [4] documents and I just looked at the pallet, and said, wow,
 [5] it's a lot of documents.
 [6] Q Did somebody come and inform you that the documents
 [7] had been hand-delivered to the general counsel's office?
 [8] A Pat Bursell.
 [9] Q Pat Bursell?
 [10] A Right.
 [11] Q Did she inform you of any other information at that
 [12] time?
 [13] A No.
 [14] Q And that would have been the last time that you had
 [15] discussed the subpoena or the documents?
 [16] A I can't remember having a discussion after that.
 [17] Q So, going back to a question I had asked earlier,
 [18] you don't recall any conversations with the general counsel's
 [19] office or any individual there regarding the production of
 [20] these documents?
 [21] A No, I don't.
 [22] Q To your knowledge, who was the individual who was
 [23] in charge of producing these documents?
 [24] A Pat Bursell.
 [25] Q Who made you aware that she was in charge of

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[1] producing the --
 [2] A Mike Doubleday.
 [3] Q Mike Doubleday?
 [4] A (Witness nodded indicating an affirmative
 [5] response.)
 [6] Q Okay.
 [7] MS. CORCORAN: I think that's all I have.
 [8] BY MR. CRANE:
 [9] Q I just have some sort of general followup
 [10] questions. Did you work with Monica Lewinsky?
 [11] A I did.
 [12] Q What sort of interactions did you have with her?
 [13] A Daily. She worked in the immediate office, same
 [14] office I worked with. She was Ken Bacon's confidential
 [15] assistant. So, I would give her guidance on a daily basis,
 [16] and she would consult with me.
 [17] Q All right. And she was there for approximately how
 [18] many months? When I say "there", I mean in your office.
 [19] A It was about a little over a year, as I recall.
 [20] Q All right. Was she a good employee?
 [21] A She was an adequate employee. She was, she was a
 [22] fully successful employee.
 [23] Q How did she get hired?
 [24] A Ken Bacon and I hired her.
 [25] Q How did that come about?

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[1] A Her predecessor had given us notice that she was
 [2] leaving. Ken and I decided the type of person that we
 [3] wanted. We went to our White House liaison in the Pentagon
 [4] and we went to other sources in the Pentagon. We had a list
 [5] of four, I think four people, maybe five people who we
 [6] interviewed, and we selected Monica.
 [7] Q Who's the White House liaison?
 [8] A That's a person who works in the Pentagon who is
 [9] part of the administration who liaises with the White House
 [10] on personnel issues.
 [11] Q And who is that person?
 [12] A At the time it was Charles Duncan.
 [13] Q And he has since gone --
 [14] A I'm sorry. It might have been Liz Bailey at that
 [15] time.
 [16] Q And who is Liz Bailey's successor, if there is one?
 [17] A Liz is still there.
 [18] Q Liz is still there?
 [19] A Yes.
 [20] Q And Charles Duncan, what is his title or position?
 [21] A He was the liaison. I'm not sure what he's doing
 [22] now.
 [23] Q Did Monica ever get admonished or anything for
 [24] needing to improve her performance, anything like that?
 [25] A I, I counseled her on some parts of her duty, yes.

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[1] Q What --
 [2] A Admonishment is not the right word. Counsel is a
 [3] better word, I think.
 [4] Q Okay. What was that counseling?
 [5] A Kind of normal things that I counsel people about.
 [6] Sometimes spending too long on a phone conversation,
 [7] sometimes not being responsive enough, all very minor things,
 [8] you know. Nothing, nothing that would warrant any kind of
 [9] action or anything like that.
 [10] Q What about promotions? Was she promoted while she
 [11] was there in Public Affairs?
 [12] A No.
 [13] Q Did she want to be promoted?
 [14] A Yes.
 [15] Q What was the outcome? Were there any discussions
 [16] about that?
 [17] A Yes, with me, and my determination was that she was
 [18] hired at a specific grade, and that was the appropriate
 [19] grade, and I was not supportive of a promotion.
 [20] Q Why were you not supportive of a promotion? What
 [21] was she doing or not doing that would not, after a year more
 [22] or less --
 [23] A Well, first of all, in the political system -- in any
 [24] system, but in the political system in this case, people
 [25] aren't automatically entitled to a promotion. You are hired

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[1] as a GS-9, and unless you accrue extra duties or have some
 [2] physical reason to warrant a promotion, you don't get it.
 [3] So, there was no, no reason to warrant it. She was still
 [4] doing the job that she was hired to do in accordance with her
 [5] job description. There was no basis for a promotion.
 [6] Q All right. But she wanted to be promoted?
 [7] A Oh, yes.
 [8] Q Describe what conversations you had with her about
 [9] her desire for a promotion.
 [10] A Well, she asked, she felt that she had been at work
 [11] for a sufficient time and she felt she was performing her
 [12] duties sufficiently well that she should have a promotion.
 [13] And basically I explained why that's not the way the system
 [14] works. It's the same conversation I have with lots of
 [15] employees, by the way.
 [16] Q All right. She was a GS-9, is that correct?
 [17] A Yes.
 [18] Q She's on the GS scale, but she was a political
 [19] appointee, is that correct?
 [20] A That's correct.
 [21] Q Okay. Do the criteria for evaluating a political
 [22] appointee, are they the same as for a regular GS employee?
 [23] A Once they are hired?
 [24] Q Yes.
 [25] A Yes.

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[1] Q Okay. So, what were the reasons that she could not
[2] be promoted or get a step increase or a --
[3] A No, a step increase is different, and she did get
[4] step increases.
[5] Q Okay.
[6] A Step increases are based on time, in-service time
[7] and grade. So, they are fairly routine. When a certain
[8] amount of time passes, unless you've done anything egregious,
[9] you get a step increase.
[10] Q All right.
[11] A So, that's a pay increase. A raise would be like
[12] going from GS-9 to GS-11.
[13] Q I see.
[14] A Okay. And that's what I objected to. To go from a
[15] GS-9 to a GS-11, I would have to show that she substantially,
[16] that her job description substantially changed to make it
[17] warrant that higher grade, and that didn't happen. She
[18] stayed in the same position.
[19] Q Right. About how much time would she spend on
[20] personal phone calls, that sort of thing?
[21] A It depended. If the office was busy, none. You
[22] know, she was pretty good about matching the pace of the
[23] office. If it was not busy, then she might have one, two,
[24] three personal calls.
[25] Q About how long would they be?

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[1] her to be experiencing that.
[2] Q All right. Now, did she travel with you or with
[3] Mr. Bacon, or --
[4] A With Mr. Bacon.
[5] Q Okay. Did she ever travel with you abroad?
[6] A No.
[7] Q So, when she travels with Mr. Bacon, what is this
[8] transcribing? What does that involve?
[9] A When she travels with Mr. Bacon, it's when Mr.
[10] Bacon is traveling with the Secretary of Defense. That's
[11] always the precipitator. So whenever they do a media
[12] interview on the plane, whenever they do a press conference,
[13] any type of media, a speech, those get transcribed and sent
[14] back to the Pentagon.
[15] Q So, Monica Lewinsky, as confidential assistant,
[16] would transcribe from an audio tape, is that it?
[17] A That's correct.
[18] Q So, what does she have to do, sit in a hotel room
[19] and --
[20] A And we've got a transcriber, and she types and then
[21] e-mails it back to us.
[22] Q Did she ever complain about her job duties, that
[23] she was working too hard, or there was too much transcribing,
[24] that she told to you or related to another person that you
[25] heard about?

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[1] A Well, I don't, I mean, I, I counseled her one time
[2] because I, I knew about one phone call that seemed to go on
[3] too long, maybe 15 minutes. So -- but I don't, you know, I
[4] couldn't physically see her from my office. I didn't watch
[5] her all the time. I, I felt this was one phone call, I'm
[6] just going to talk to her about it. So, that's the nature of
[7] the conversation.
[8] Q Okay.
[9] A It wasn't based on my, on my knowledge of many
[10] phone calls. I think that one phone call was too many like
[11] that, unless she had a good reason.
[12] Q And what was her reaction to your talking to her,
[13] or counseling her about that phone call?
[14] A It was fine. It was okay, and I understand.
[15] Q She didn't dispute it, or, you know, say that she
[16] thought maybe it was a little unfair, anything like that?
[17] A Oh, she certainly may have. You know, she was 22,
[18] 23 years old. I'm sure that I was, I probably looked like
[19] her father to her and, you know -- but, to me, it was just a
[20] counseling session and, and it passed on.
[21] Q Right. You didn't have any personal knowledge, or
[22] hearsay knowledge, did you, of her activities, alleged
[23] activities with the President?
[24] A No.
[25] Q Until the news broke in the paper in --

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[1] A I would, I would say that she complained a lot less
[2] than most of her predecessors. It's not a great job.
[3] Q When she was hired initially back whenever that
[4] was, did you all check out any of her previous references?
[5] A I did call the people at the White House who she
[6] worked for. She didn't have a long job history. She had
[7] just gotten out of college. So, I did talk to the person
[8] that she worked for, yes.
[9] Q Who was that?
[10] A I don't remember her name. It was a woman. I
[11] don't remember her name.
[12] Q What sort of references did she get?
[13] A They said that she got along well with people and
[14] did a, you know, a decent job, and that she had a lot of
[15] energy. And the reason -- what we were looking for was
[16] somebody just like that. We had tried a couple of different
[17] models. I said that we -- you know, people last about a
[18] year, year and a half.
[19] The person before her was closer to my age. She
[20] thought that a lot of the duties were beneath her, that it
[21] was drudgery and it was very hard on her. When she left, Ken
[22] and I got together and said, let's find somebody young with
[23] almost no record and let's mold her, and see if that model
[24] works better. And that's what we did.
[25] Q That's who you hired after Monica left?

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[1] A That's correct.
[2] Q -- January of this year, is that correct?
[3] A That's correct.
[4] Q Did you know she was close friends with Linda
[5] Tripp?
[6] A I didn't.
[7] Q Is Linda Tripp in your immediate work area, or is
[8] she in a different area?
[9] A She is in Public Affairs, but she worked on a
[10] different floor.
[11] Q All right. Now, was Monica job-hunting to go
[12] elsewhere?
[13] A The reason that she gave me that she was leaving
[14] was that her mother had moved to New York and that she wanted
[15] to move to New York with her, and that she would leave as
[16] soon as she found a job.
[17] Q All right. Did you get the impression that she was
[18] unhappy in her job?
[19] A I think she was unhappy that I wouldn't promote
[20] her, and that, and that maybe, you know, it had just -- it's
[21] a job that you can burn out at. It's a job with long hours,
[22] a lot of travel that's not very, you know, you go to
[23] interesting places, but you stay in a hotel room and you
[24] transcribe mainly. So, people don't last in this job more
[25] than a year, two years. So, it was about the right time for

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[1] A No, after Monica's predecessor left.
[2] Q All right.
[3] A That's also the same model that we hired after
[4] Monica left.
[5] Q When you were hiring Monica, did you ever learn
[6] anything adverse from her previous supervisors at the White
[7] House?
[8] A No, no.
[9] Q Nothing derogatory?
[10] A Nothing.
[11] Q No one related anything to you that she was less
[12] than a fully successful employee what --
[13] A No.
[14] Q -- soever?
[15] A No.
[16] Q Do you know about how many people you would have
[17] talked to at the White House?
[18] A We only talked to one. I only talked to one.
[19] Q Okay. And it was a woman, but you don't remember
[20] her name?
[21] A That's correct.
[22] Q Do you know, did Mr. Bacon or the White House
[23] liaison, would they have had some conversations?
[24] A I don't know.
[25] Q But presumably the White House liaison was the

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person who put you in touch with the White House?
 A Well, I never -- oh, no. Actually, it was -- I asked during Monica's interview with me, I asked who was her supervisor, and that's how I got that name. Through the early part of this, as I recall, Ken was out of town. So, I did most of the initial interviewing and coordination with the White House liaison.
 Q Okay. But to even get Monica to the interview stage, the White House liaison would --
 A Provided that name.
 Q -- call over there and get a list of names, or one or two names?
 A That's correct.
 Q Okay. Have you ever heard of bit-imaging? It's a computer term which I myself just learned about.
 A No, I don't believe so, no.
 Q Slack space, file slack? Do any of those ring --
 A No.
 Q Okay. Monica Lewinsky, would you describe her as emotional?
 A No.
 Q When --
 A And let me explain that though. In the course of a year, spending 12, 14-hour days together and a lot of weekends, you know, you see a lot of people. So, you know,

formal counselings a year.
 Q All right. But those would be what every employee would get?
 A Right.
 Q Okay. But was Monica getting something, some sort of counseling above and beyond that, or exactly the same as every other employee?
 A On the formal counseling, she was getting the same as everybody else. But the nature of my job is that people, all of them, all 126, come in. I'm a sounding board. So, you know, if she had a problem, she would come in, you know, this doesn't work, I'm frustrated, or something like that. I don't think I counseled her in any excessive way. I mean, I don't think she required more than a normal employee.
 Q Did you ever have to like do write-ups on her for her evaluation file?
 A Yes. Ken Bacon is actually her rater. I would do the draft patterns for Ken.
 Q And what sort of comments did you make about her in her evaluation file, or her personnel file?
 A Basically good. There, there are four, I guess, ratings, where you go from outstanding -- I guess there's five, from outstanding to unsatisfactory. She got the second highest level, which is "exceeds fully successful". So, her ratings were generally good.

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do we get angry every once in a while? Certainly. But across the spectrum of the year, I would not describe her as that.
 Q Were there any occasions when she would start crying on the job?
 A No, I've never seen her cry on the job.
 Q Did you ever hear about her crying, getting upset? Not when you were present, but when someone else was there that they later told you about?
 A On trips. Sometimes things got very tense on trips. And, again, you have to put that in perspective. I -- her predecessor cried more than once in my office and on trips. It's a very high pressure.
 Q What trips did Monica cry on?
 A I can't remember. I mean -- no, I can't remember.
 Q Who told you she had cried, or how did you learn that?
 A One of the military assistants, whichever one was traveling at that time. I always got a back-brief on trips, how they went, what do we need to do to make it better next time.
 Q Who would typically travel with her, what other support-level staff?
 A The only other support-level staff is one of the military assistants, and that's not really administrative

Q Okay. Was the issue of e-mail and telephone calls sort of a recurring theme that would come up with Monica Lewinsky while she was working for you?
 A I had to counsel her more than once on it.
 Q And again, what was her response when you would -- I assume you would tell her something to the effect of, Monica, you're talking on the phone too much, personal calls?
 A Right.
 Q And what sort of response would she make?
 A She reacted like a young person, you know. She would say, oh, okay, you know, and maybe sometimes offer an excuse, but -- and then she was over it. Like there were never residuals, never, you know, hard feelings afterwards, or we didn't speak, or anything like that.
 Q All right. That's all I can think of at the moment. We will shortly go off the record. We appreciate you coming today. We don't know, we can't promise you that you won't have to come back again to a further proceeding. Every witness is subject to being called back again, but we appreciate you coming and being available for us today.
 A Okay.
 MR. CRANE: Thank you.
 (Whereupon, at 11:00 a.m., the proceedings were concluded.)

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support. That's support to Mr. Bacon, mainly in working with the media. But the military assistant would also help the confidential assistant when needed.
 Q Who were the military assistants that would have traveled with her, or the one?
 A They rotated. So, there were three who rotated. I can't -- you mean the names?
 Q Yes, please.
 A Col. Ed Veiga, V-E-I-G-A, Commander Jamie Graybeal, and Lt. Col. Donna Bolts, who is no longer with us, were the three during her tenure.
 Q Where did Donna Bolts go?
 A She went to Command Corps -- to a, I think she went to the War College at Carlisle Barracks, Pennsylvania. And she's getting ready to go to another assignment now.
 Q Okay. Back to the issue of counseling Monica. About how many times, over the year plus or minus that she worked for you, did you have counseling sessions with her?
 A I tried to have two counseling sessions a year with everybody who worked for me.
 Q So, she would have only had two?
 A Yeah. Now, that's -- you know, on a day-to-day basis, I'll walk around, you know, and make course corrections wherever I see. So, you know, there's daily you-need-to-do-this, you know. But I would have at least two

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC
 I, Elizabeth A. Eastman, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me electronically and thereafter reduced to typewriting by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.
 NOTARY PUBLIC FOR THE
 DISTRICT OF COLUMBIA
 My Commission Expires:
 July 31, 2000

Clifford Bernath, 6/25/98

Grand Jury Transcript

Page 1 to Page 166

CONDENSED TRANSCRIPT AND CONCORDANCE
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Page 1

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF VIRGINIA
 Alexandria Division

UNITED STATES OF AMERICA
 Grand Jury Number 97-3

June 25, 1998

The testimony of CLIFFORD H. BERNATH was taken in the presence of a full panel of the Grand Jury beginning at 9:37 a.m.

DAVID BARGER
 Associate Independent Counsel

JIM CRANE
 Associate Independent Counsel

ED PAGE
 Associate Independent Counsel

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Q You have an attorney present outside the Grand Jury room here today. Is that correct?

A I do.

Q And for the record, what is his name?

A William Hardy.

Q Hardy, H-A-R-D-Y?

A Yes.

Q All right. You understand that you may request a reasonable number of breaks to stop and consult with him. Is all that clear?

A Yes.

Q Okay. You understand that secrecy provisions of Rule 6(e) apply to the attorneys, the members of the Grand Jury, and the court reporter, but you are free to discuss your testimony with any person you choose to. Is that clear?

A Yes.

Q Okay. And you are here today as a subject of the Grand Jury investigation, meaning that you conduct is within the scope of the matters being examined by the Grand Jury. Is that clear to you?

A I believe it is.

Q All right. Can you tell us where you're employed?

A I'm the director of the American Forces

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PROCEEDINGS

Whereupon,
 CLIFFORD H. BERNATH
 was called as a witness and, after first being duly sworn by the Foreperson of the Grand Jury, was examined and testified as follows:

EXAMINATION
 BY MR. CRANE:

Q Good morning, Mr. Bernath.

A Good morning.

Q My name's Jim Crane and I have met you on an earlier occasion of a deposition. Before we go over your rights and responsibilities again, could you just state your full name and spell your last name for the court reporter?

A It's Clifford H. Bernath, B-E-R-N-A-T-H.

Q And your middle initial, H, stands for?

A Howard.

Q Howard. All right. You have previously come to a deposition at the Office of the Independent Counsel in Washington, D.C., that's correct?

A Correct.

Q And you gave sworn testimony concerning a number of issues but, in particular, the computers that Monica Lewinsky and Linda Tripp used.

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Information Service in Old Town Alexandria

Q All right. And that's referred to as A-F-I-S or AFIS?

A AFIS.

Q AFIS?

A Yes.

Q Okay. And you've recently come to that job. Is that correct?

A That's correct.

Q When was that, sir?

A That was April 13th.

Q All right. So that was just about -- almost a month to the day after the incident involving the release of Linda Tripp's personnel information?

A That's true.

Q Okay. And tell us what your responsibilities are at AFIS.

A The American Forces Information Services provides new information and entertainment to military and civilian personnel, primarily stationed overseas, so that they can get the same type of information that they would get if they were here in the United States.

Q Okay. And what are your responsibilities there as -- you are the director?

A I am the director, I'm the head of the

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We'll just wait till this person comes in.

Okay.

FOREPERSON: That's our final Grand Juror.

MR. CRANE: Right, our final Grand Juror. And just for the record, we are properly quorumed. There are no unauthorized persons in the Grand Jury room?

FOREPERSON: That's right. We have 17 now.

We had 16 when we began.

MR. CRANE: All right.

BY MR. CRANE:

Q And at that point, all your rights and responsibilities were read to you and explained to you on the record in some detail. Is that correct?

A That's correct.

Q Okay. Then I will go over them more quickly, however. If you need to hear them in more detail, be sure to stop. But since we've been through this once before, I won't go into quite as much detail.

This is the Grand Jury. The Foreperson has just sworn you in. The court reporter is at the end of the table there. You understand you have a Fifth Amendment right not to give any answer that would tend to incriminate you. Do you understand that?

A Yes.

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agency, so I, I set policy, I work with the people who run the Stars and Stripes newspapers overseas, the American Forces radio and television service, Armed Forces Network in Korea, the Defense Information School at Fort Meade, Maryland.

Q All right. And how many employees are employed -- work at AFIS altogether?

A About 750.

Q Okay. And what is your GS or your, your SES status? Could you explain that?

A I'm a Senior Executive Service level 6.

Q Okay. And what does level 6 mean? How many levels are there?

A There are six levels and I'm at the senior level.

Q All right. And above that in terms of moving up in the government, you would have to be, what, a cabinet official or what --

A Or a Presidentially appointed political appointee.

Q Okay.

A Confirmed by Congress.

Q As part of your duties at AFIS, do you deal with the Freedom of Information Act or do you deal with the Privacy Act?

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A No, not really.
 Q All right. Tell me about your previous position at the Public Affairs Office in Pentagon, DOD.
 A Prior to my current job, I was the Principal Deputy Assistant Secretary of Defense for Public Affairs. That's the number 2 position in the Secretariat. I was responsible primarily for the day-to-day operations of the Public Affairs in the Department of Defense.
 Q All right. And your boss was who?
 A Mr. Kenneth Bacon.
 Q All right. And he is a Presidentially appointed -- that is a Presidentially appointed position that he occupies. Is that correct?
 A It's an executive level confirmed by Congress. He was appointed by the Secretary of Defense and approved by the President, confirmed by Congress.
 Q All right. So, he is a political appointee?
 A Yes, he is.
 Q Okay. And how long were you the Deputy Assistant Secretary of Defense, Public Affairs?
 A Since -- the title changed a couple of times but, but the duties I had since about August of '93.
 Q Okay. Can you just tell us the change in your titles?

to more than one service, then the Freedom of Information people up at the Department of Defense level would take care of it. If it was only Army, it would just go the Army people.
 Q All right. Now, at one point in time, is this correct, sir, that you were a political appointee and then you, you have gone back to being a career senior civil servant?
 A That's correct.
 Q Okay. Can you describe that for us?
 A When -- at the end of the Bush Administration and the beginning of the Clinton Administration, I -- prior to the Clinton Administration, I was political. Actually, I spent 21 years in the Army and I retired from the Army. I became a career public service person. So, I was career probably up to '93. When the entire front office, immediate office left because they were all political. I was the senior career person.
 Q Okay.
 A And, and so, I was asked by the then-coming-in-Secretary of Defense Aspen, by his staff, if I would assume these duties. In order to assume those duties, I was made a political appointee with full reinstatement rights after that was over.
 Q All right. So, it was under the Clinton

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A First, I was an Acting Deputy Assistant Secretary to the Secretary of Defense. The "to the" just means it's a level down from being an Assistant Secretary of Defense level. When, when the office was changed to Assistant Secretary of Defense for Public Affairs, I became the Principal Deputy Assistant Secretary for Public Affairs.
 Q All right. So, from '93 until just last month in '98, so you were in that job just short of five years?
 A Correct.
 Q Now, a minute ago we were talking about AFIS and you said something, that you don't really deal with the Freedom of Information Act or the Privacy Act there. Is that correct?
 A I don't have any level of responsibility for it and the provisions don't usually come up in terms of our people there.
 Q All right. But in terms of the day-to-day operations, I realize you've only been there a month, you might get from time to time Freedom of Information Act requests in written form?
 A I haven't had any since I've been there, but I can imagine instances where that would happen.
 Q All right. And do you have a person or

Administration that you converted to being a political appointee?
 A Yes.
 Q Okay. And then how long did you remain in that status before you changed back?
 A About 2 to 2 years.
 Q Okay. And what would be the reason for converting back once Secretary of Defense Aspen had asked you to assume that position?
 A The, the Directorate for Public Affairs and the, and the -- at that time it was the Perry Administration -- Secretary Aspen had left and died and Secretary Perry took over -- determined that this position should be a career position because it was continuity and they didn't want to happen what happened during the last time, where everybody leaves and there's nobody there to take over. So, for continuity, they made the principal deputy a career position.
 Q All right. Tell us briefly about your prior uniformed military experience. I believe you said you had 21 years?
 A That's correct.
 Q And describe that.
 A I went in the Army after college, in 1968. I was commissioned in 1969. I served as a basic training

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persons or a division that deals with FOIA, Freedom of Information Act, requests?
 A No, not specifically. No.
 Q Who would deal with that?
 A It depends on the request came in. If it came in for information about the school, the Defense Information School, I would send it to the commandant of the school. If it came in about Stars and Stripes, I would send it to the people at Stars and Stripes.
 Q All right. But you would -- AFIS would have some way to comply with the Freedom of Information Act and the Privacy Act?
 A Yes. The way it would work is that the request would come in to the director of Freedom Information and Security Review, which used to be under Public Affairs, is no longer under Public Affairs. They would be the controllers of the request and they would farm it out to whatever agencies may have documents that correspond and that comply with it.
 Q Department of the Army, Department of the Navy, whatever particular agency would have it?
 A Yes. Now, each of the departments, the services, have their own Freedom of Information activities, but, but -- so it depends on the level. If the information requests information that, that applies

company commander, I served as an infantry captain in Vietnam, served in Turkey, Fort Riley, Fort Leonard Wood, Missouri. Came to the Pentagon in about 1979 the first time, then was stationed there for a couple year. I went back to Turkey for two years, came back to the Pentagon.
 Q All right. During your years as -- what was your highest rank, colonel or light --
 A Lt. Colonel.
 Q Lt. Colonel, light colonel?
 A Yes.
 Q During those years of uniformed military experience, did you ever have any occasion to deal with the Privacy Act?
 A Yes. Not in, not in official capacities, but certainly I had knowledge of -- that it existed and, you know, basically what it was.
 Q Okay. And there are a lot of government documents that come with a little stamp, I say a stamp or a warning that says Privacy Act protected. Are you familiar with that?
 A I don't know that I've ever seen a, a stamp. I mean, there are certainly statements on some forms that, that give Privacy Act information, releaseable, releaseable instructions.

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Q All right. And also during your years as a uniformed military officer, did you have any responsibilities -- apart from your knowledge of the Privacy Act, was it ever your duty to see that it was complied with, to develop regulations, to implement it, anything like that?

A When I was at Fort Riley, that was right after Vietnam, '74, '75, that's when the, the Freedom of Information Act came into effect and the office that I was running had inherited responsibility for that. So, we, we did a lot with Freedom of Information Act. The Privacy Act, that was kind of always -- kind of a subset of it, although that's not really what it is.

Q Okay. And in many government offices, is it your understanding that they're often called FOIA Privacy Office because they deal with very similar issues?

A Yes. None of the ones I worked with had that. What we dealt with in Public Affairs was Freedom of Information and security review, was the, the office.

Q Okay. Freedom of Information, FOIA, for one thing. What does security review mean?

A Security review is a, a subset of the Freedom of Information Act. If somebody requests information

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that happens to be classified, then there's an automatic security review function to say is this information properly classified, can it be declassified and released or should it remain classified.

Q All right. Back to your years as a uniformed military officer, did you ever have any training or any other experience dealing with either Freedom of Information Act or the Privacy Act?

FOREPERSON: Excuse me.

MR. CRANE: Yeah, someone's knocking at the door, so let's take --

FOREPERSON: Mr. Barger.

MR. CRANE: Okay. Yeah, Mr. Barger from my office, an attorney from my office has just entered.

BY MR. CRANE.

Q Any other experience by way of a course, a seminar, information that you read?

A I, I have certainly read information. Although I can't remember a specific course, I can't say that I haven't been to one. I just don't remember being to one.

Q All right. Now, I believe you mentioned a moment ago that FOIA was passed in 1974. Is that your understanding?

A No. What I said was I was dealing with it in

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that 1974 to '75 time frame. So, it was around there. I don't remember the date of it.

Q All right. What is your understanding about the Privacy Act. How long has it been a law?

A I don't know.

Q During your career, do you remember it any time where you first heard about it or has it sort of always been in your, in your consciousness?

A I don't remember a first time, so -- but it's, it's been in my consciousness for a long time.

Q All right. After you left uniformed military service, that was '68 to '78-79?

A '79.

Q Okay. What was your first position at DOD?

A I was director of Information Resources Management, which was the computer and automation section for the Public Affairs.

Q Okay. And how long were you there?

A About a year.

Q Okay. And where did you go then?

A I became the director for Management and Public Affairs.

Q Okay. And how long were you in that position?

A I guess about two years, maybe a little more.

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Q Okay. And after that, where did you go?

A That's when I became the principal deputy.

Q Okay. And then you stayed there about five years?

A Yes.

Q So, for about the last 5, 6, 7, 8 years, you were generally working in a management position within Public Affairs. Is that correct?

A That's correct.

Q Okay. What about your years, both -- let's, let's start first in the Army. Did you ever have occasion to deal with personnel issues?

A Yes.

Q Okay. And you were a, you were a colonel at least for some of your years in the uniformed Army?

A Lt. Colonel, yes.

Q A lt. colonel. So, you had, obviously, supervisory duties over enlisted men?

A Yes.

Q People below you in rank?

A Yes.

Q And you must have had to deal with their personnel files, hiring, demotion, possibly discipline, all those sorts of personnel issues?

A Yes.

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Q Okay. What about dealing with the media? When did you first have any responsibility in your career for dealing with either the media directly or media issues?

A Not until I came up to be the principal deputy.

Q All right. Now, you yourself, I assume, must have a security clearance of some sort?

A I do.

Q And would that be top secret?

A Yes.

Q Okay. And how long have you had that for?

A Many years, I take it?

A Many years. I had it in the military and I've had it ever since I've been out.

Q Okay. And those security clearances get reviewed periodically. Is that correct?

A That's correct.

Q Now, do you recall when you last filled out or renewed your top secret security clearance form what type of form it was, either by the number or what it looked like?

A It was the DD Form, Department of Defense Form 398 and it was -- I think I had to do one when I took the, the job as principal deputy.

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Q All right. And it's my understanding that a few years ago the 398 was discontinued in favor of a different form. Is that familiar to you or --

A No.

Q -- you're just -- the last you had to deal with it, it was still a 398?

A Yes. Are you thinking of the 171?

Q No. I was thinking of a different one called an SF 56 that I've heard some mention of.

A I'm not familiar with it.

Q All right, we'll leave that then. The 171, of course, is the government standard r, sum, form --

A That's right.

Q -- that has, to some extent, been discontinued?

A That's correct.

Q Now, when you filled out your 398, do you recall seeing the Privacy Act statement on one of the pages with a general warning, Privacy Act, some language on that?

A Yes.

Q Okay. And what did that mean to you when you filled out your 398 and you saw that it was Privacy Act?

A It gave the general protections and the

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general instances under which it would be -- could be released.

Q Okay. And back then when you filed out your 398 to, to get or to get renewed your top secret clearance, in common sense terms, what did that mean to you, that it was Privacy Act protected?

A That it would not be released without, without consideration of the terms of the Privacy or that -- that meant to me that nobody would ever see that information.

Q All right. Okay, let's change the subject just for a moment and tell us about your workplace in Public Affairs. As I understand it, both Monica Lewinsky and Linda Tripp worked there at the same time as you did. Is that correct?

A That's correct.

Q Can you give us a general time frame -- you're there for roughly a five-year period. What is the general time frame, you don't have to get the exact month or date, but that Monica Lewinsky is working there?

A Monica came in mid-1996, I think.

Q All right. And who did she go to work for?

A She worked as the confidential assistant to Ken Bacon.

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Q All right. And confidential assistant is?

A Just secretary.

Q Secretary. And what were her duties, generally?

A She performed secretarial duties: answered phones, typed memoranda. She traveled overseas when the Secretary of Defense and Ken Bacon traveled and she provided administrative assistance. Transcribing briefings was the main duty.

Q All right. And although she was confidential assistant or secretary, it's my understanding that that was actually a political appointee or a Schedule C position?

A That's correct.

Q And she transferred there from the White House. Is that correct?

A Yes.

Q So, Monica Lewinsky worked there from mid-96 until about --

A December of '97.

Q All right. And do you know why she left?

A The reason she gave me was that her mother had moved to New York and she wanted to be nearer her.

Q All right. And during her year, year and a half there, she received, as I understand it,

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satisfactory or fully successful type evaluations?

A Yes.

Q Okay.

A I, I think the -- if I recall it correct, she was an exceeds fully successful. It's the second highest rating.

Q All right. Were there some problems, though, with her work while she was there?

A She was not a perfect worker. She was -- you know, she did her job well but she was also pretty young and she -- this was her first real job, so she was not accustomed to the discipline of a job like that. So, there were things that she was counseled on, yes.

Q What was she counseled on?

A Oh, sometimes being on the phone too long, personal phone calls. Sometimes being on the Internet, looking around. Some of her duties involved getting information off the Internet, some of it didn't. Keeping her work area neat. Kind of the typical things that a young person doesn't know when they have a first job.

Q All right. Now, you said a couple times this is her first job, but she actually had a job, as I understand it, and correct me if I'm wrong, in the in

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the White House or, rather, in the Legislative Affairs within the White House where she had a paid position.

A Well, first job is maybe the wrong way to characterize it. I think that working in the Pentagon is a much more disciplined place than, than a lot of other places. So, getting accustomed to the way it's done in the military and in the Department of Defense is different than other places.

Q All right. Even more disciplined than the White House?

A I've never worked at the White House. I have no idea.

Q All right. Were there also some complaints that she was sending too much e-mail?

A Certainly, spending time on e-mail. Whether she was sending or receiving. I don't know.

Q All right. Were there some occasions when she would become emotional, leave the office in tears, that sort of thing?

A I never saw that.

Q Did you hear about it?

A Somebody -- yeah, there was one occasion when, when it was brought to my attention that she was upset. But when I called her in a little later and asked, she was calm and rational and she said that she

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wasn't upset. So, I never saw anything like that.

Q Okay. Now, do you know how she got the job?

A Yes.

Q How is that?

A Her predecessor had indicated that she wanted to leave, she did leave. Ken Bacon and I sat down and decided what type of person we wanted to hire and we decided that because, because the position had been filled with fairly senior people, mature, in the mid-forties before that and they'd always been unhappy with the job after a few months, it was too low level for them, we decided that what we wanted was somebody young and inexperienced, who was smart enough to be trained to do these things. And we, we kind of knew that this was never going to be a position that anybody wanted for their whole life. It's too, too rigorous. The travel is hard and everything. But a younger person might, might do better with it mentally. So that's what we looked for.

We asked the White House liaison at the Pentagon if they had anybody, since it was a political position, and we went out in the Pentagon and asked -- and solicited other people who were in jobs like that to interview with us.

Q All right. Did you ever find out while

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Monica Lewinsky was working there that she was spending a lot of time on the phone, talking to people at the White House?

A No.

Q Did that ever come to your attention in any way?

A No, it didn't.

Q And then just to reiterate, did anyone, you know, ever say to you second- or third-hand Monica is -- something like Monica is on the phone to the White House a lot?

A No.

Q No? Okay, tell us generally about Linda Tripp and what area of Public Affairs she worked in.

A Linda Tripp was also a political appointee assigned to us by the White House. I think through the White House. The first year or so that she worked for us she worked with another political appointee on setting up media activities for the Secretary and the Deputy Secretary of Defense, and mainly radio and TV. So, a TV show like "Larry King" would say I'd like the Secretary to be on and she would be the coordinator for that, one of the two people who did the coordination for that. And --

Q I'm sorry. Who was her immediate supervisor?

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Was that Lynn Reddy?

A Yes, it was.

Q During that period?

A That's correct.

Q Okay, go ahead.

A After that, we did a little reorganizing in that area and she assumed duties as the director for the Joint Civilian Orientation Conference which is a program that the Department has organized for, for successful opinion leaders throughout the country to, to tour bases and get briefings from senior people so that they have a better understanding of the Department of Defense.

Q All right. And she was the organizer or -- what was her title?

A Her title was director of the program.

Q Okay. But it was basically Linda and maybe one other person working with her?

A At different times through the year, the strengths were different. When we were actually gearing up the conference which is going on right now, it's usually a June conference, the three, four months ramping up to it the staff gets bigger. We have augmentation from the military services. During the rest of the year, it's -- it was Linda and one other

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Q Okay. Is this a fair or unfair characterization: that basically that other person whose name we can't remember sort of had her job divided in half and some of it was given -- half of her job was given to Linda and then this other person kept the other half?

A That's certainly the way the two characterized the tension between them.

Q Okay. So, this other person felt that someone had just come and like, sort of taken away some of their turf. Is that an accurate --

A That's a part of it, and another part of it was that once it was taken over she felt that Linda had so many constraints about what time she could come to work, what time she had to leave work, what types of parts of the job she wanted to do or didn't do. So, the real -- there were a whole lot of things meshed up in that.

Q All right. Now, it's -- is this accurate or inaccurate: that when Linda Tripp was leaving the White House, is it your understanding -- let me ask that in a question form -- that Linda worked at the White House also before she came --

A Yes.

Q -- to the Pentagon?

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person usually.

Q Okay. And that was -- was there a Mr. Coughter, C-O-U-G-H-T-E-R? Did he work with her or--

A He worked in the same office but he was not part of the JCOC.

Q Okay. I'm sorry, I'm getting my names mixed up. Who was the individual that worked with her? I believe he's recently retired or had been recently retired from one of the uniformed services. Does that name -- all right, it doesn't matter. I can't remember the name either.

Who was Kathleen DeLasky?

A Kathleen DeLasky was the Assistant Secretary-- she was under the old title, Assistant to the Secretary of Defense for Public Affairs, before Ken Bacon. She was Ken Bacon's predecessor.

Q Okay. And before Ken Bacon, just to put it in historical context, there was a guy named Pete Williams?

A Pete Williams was under the Bush Administration and he left at the end of that Administration.

Q All right. And he's the guy that's now an NBC correspondent of some sort?

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A Yes.

Q That a job was basically created or made up for her at the political appointee level?

A That's correct.

Q That the position that she had, there was not another person, another body doing that job and that person left to take another job or retire or something?

A That's correct.

Q Okay. And was it the White House or was it the Pentagon that just decided, however they did, we need to create a job for Linda Tripp at the Pentagon?

A I can only tell you my part of it.

Q Sure.

A I was contacted by the White House liaison. There's a White House personnel person in the Pentagon and, and that person said I have a priority placement, she's going to go to Public Affairs, create a job for her.

Q And did they actually use those words, "create a job for her," or not --

A Certainly, certainly, words to that effect. I can't remember the exact words.

Q All right. Now, this is asking you to speculate a little bit. In, in retrospect, the fact that both Monica and Linda Tripp were at the White

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A That's correct.

Q Now, was Linda a problem employee?

A Yes, during -- certainly, during her first year.

Q All right. How so?

A When she came, she, she had a lot of problems getting along with people. She was very threatening. She felt threatened. And she -- almost everybody who, who came in contact with her ended up in a fight with her. She, she was kind of demanding of what types of office furnishings and things she should have, parking passes. She felt like she should be treated better than, than the other people. And we worked, we worked very hard with her during that year to try to bring her into the team and make her feel much more comfortable.

Q All right. Now, during that first year were her duties somehow divided up with or shared with another individual?

A Yes.

Q And who was that again?

A The name will come to me.

Q All right. It's --

A It's another political appointee and --

Q Okay. I can't think of the name either.

A Maybe it'll pop into my head in a second.

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House and then ended up in Public Affairs, I understand that was not your personal doing, but does it now, in retrospect, strike you odd that somehow these problem employees got dumped over at the Pentagon?

A No, I wouldn't agree with that

characterization. Monica didn't get dumped on us, we, we selected her from, from a group of people. And I would also say that she was no more -- the things that I said I counseled her for, I counseled other people for the same thing. I did not, in my mind, you know, I didn't think she was great, but I didn't think she -- I never characterized her in my mind as a problem employee.

So, you know, in retrospect, that these two things happened may be odd but they're unrelated.

Q All right. I don't know if you're aware of this. During your hiring process involved with Monica Lewinsky, did you find out that she had been fired from the White House?

A No.

Q And none of the -- whoever did the hiring never came across that information or learned that she had been terminated unsuccessfully or out and out fired--

A No.

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Q -- from the West Wing of the White House?
 A No, absolutely not.
 Q And what about Linda Tripp? Did you ever learn that there was some sort of effort or need, for whatever reason, she's a bad employee, good employee, whatever, but that she needs to be away from the White House?
 A I was never given any reason why, why she was assigned to the Pentagon. You know, Linda Tripp herself kind of made allusions, but even -- that was all they were. She never said anything definite.
 Q And what sort of allusions with Linda Tripp make?
 A It must have been her first day or her second day, she said, you know, I'm, I'm involved in the Vince Foster and I'm involved in a lot of things and I know a lot of things and this is why I need privacy and this is why I should be treated differently.
 Q All right. And was it during that first year that she was sort of sharing the job with this other employee that she had to go testify before Congress? Does that ring a bell? Do you recall that?
 A I didn't monitor her day by day, so I don't remember her going out to testify. She was, you know, she certainly indicated that she was, you know, on tap

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reasons why -- let me back up. So, in your understanding, it's Charlie Duncan. He had the authority to just tell Public Affairs, you, Ken Bacon a job will be created for Linda Tripp?
 A Yes.
 Q Okay. And that was created at the GS-15 level?
 A That's correct.
 Q Fairly high on the GS scale?
 A Yes.
 Q And she gets paid, what, 80-some -- \$88,000 a year?
 A Yes.
 Q But she's both on the GS scale, but she's also a Schedule C employee?
 A Yes.
 Q And what does that mean again?
 A Schedule C is a political appointee. Once they're appointed, though, they come under the General Schedule, GS, wage that all the other career and civil servants are under --
 Q All right.
 A -- unless they're above that level, the executive level.
 Q And that was quite a step up in salary for

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to do so and that she had a lawyer and things like that, but I don't remember her actually testifying.
 Q All right. So, in your view, who was responsible for getting Monica and Linda hired in Public Affairs? Would it be the White House liaison? Was it Ken Bacon? How did it come -- who was the one who made the decision?
 A Let's break it down because we're talking about two people. Who made the decision that a job essentially would be created for Linda Tripp and she would be hired in Public Affairs?
 A That came to me from the White House liaison.
 MR. BARGER: Who was that? You're talking about somebody that worked physically at the Pentagon?
 WITNESS: Worked physically at the Pentagon, but he was the, the personnel liaison to the White House.
 MR. BARGER: Do you remember his name?
 WITNESS: Charlie Duncan.
 BY MR. CRANE:
 Q And he's since gone on to --
 A And the other person is Susan Wallace.
 Q Susan Wallace?
 A Yes.
 Q Okay.

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Linda at the time she came to Public Affairs, wasn't it?
 A That was my understanding, yes.
 Q Okay. Now, I understand that there was lots of friction with Linda Tripp and she can be, for lack of a better word, brash or maybe hard to deal with. Is that accurate?
 A Yes.
 Q But as I understand it, her work was uniformly rated pretty highly, wasn't it?
 A Yes, it was.
 Q Was that accurate? I mean, were her evaluations accurate or was there fudging or --
 A I, I think that had everything been equal, the ratings would have been much lower. But because she came in directed, because there was enough power, wherever it came from, to determine that slot be created, because there was enough power to give her a raise that was kind of above what would normally happen, and because she was so hard to get along with and so -- always threatening lawsuits, it, it would have been a major effort in time and -- to, to give her anything less. I think that's as honest as I can be on it.
 Q All right. And her evaluations were

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A That's the person whose name we couldn't remember.
 Q Right, okay. And for the members of the Grand Jury, Susan Wallace is the person who ended up sort of sharing a job with Linda Tripp --
 A That's correct.
 Q -- and with whom Linda had lots of friction, I take it?
 A Yes.
 Q Is that correct?
 A That's correct.
 Q Charlie Duncan, the White House liaison, works at the Pentagon or works at the White House? How is the liaisoning done?
 A He, he worked at the Pentagon, and I don't know how he liaised with the White House but he was my contact.
 Q And now there's a woman who has that position as White House liaison --
 A Yes.
 Q -- and I also can't recall her name.
 A Liz Bailey.
 Q Right, Elizabeth Bailey.
 A Right.
 Q Okay. Did you ever find out any other

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excellent, outstanding? What was --
 A Outstanding.
 Q Okay. And you were -- were you her rating supervisor?
 A No.
 Q Who was that?
 A Lynn Reddy.
 Q Okay, Lynn Reddy is the one who actually fills out her evaluation, and Linda is there from -- how many rating periods would she have had? Did she get outstanding a couple years in a row?
 A Yes, she did.
 Q Okay. Now, after Lynn Reddy does the evaluation, did you or anyone else look over all the evaluations of the line supervisor?
 A I looked over them to make sure that they were administratively correct, and then all of the ratings for all the civilian personnel are -- actually the final rater is Ken Bacon, the Assistant Secretary of Defense.
 Q Okay. Now, a moment ago you said something like other things being equal her evaluation might have been somewhat or considerably lower. Did Lynn Reddy ever tell you something to the effect that I want to give Linda Tripp an average rating but I know that I

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[1] have to -- or how do you arrive at this conclusion that
[2] other things being equal she would have gotten a lower
[3] evaluation?

[4] A Lynn Reddy and I had discussed it, yes, and
[5] there were a -- there were times that Lynn -- Linda had
[6] been counseled a lot. She had -- but -- and I agreed
[7] with her that, that sometimes it's, it's too hard, it's
[8] a fight that you can't win. Now, whether that was a
[9] correct assessment, I don't know, but that was our
[10] assessment at the time.

[11] Q Okay. What exactly do you remember Lynn
[12] Reddy saying about the way Linda Tripp was evaluated?

[13] A She -- I mean, I don't remember the exact
[14] words, but she would have liked to have given her a
[15] lower rating. She was, she was hard to work with.
[16] It's not that she's a bad person, she was hard to work
[17] with.

[18] Q Okay. So, Lynn Reddy says something to the
[19] effect that she would have liked to give Linda a lower
[20] rating but -- but what? The White House will make me,
[21] or who, who is putting this pressure on Lynn Reddy?

[22] A I, I think that, that nobody put the
[23] pressure. I think that the pressure was, was there
[24] knowing that, that Linda Tripp would have raised enough
[25] of a problem after -- if she had anything other than an

[1] abrasive and abusive relationship.

[2] Q Okay. Who else did she threaten to sue?

[3] A I can't remember specifics. There were other
[4] times when she would -- she wouldn't threaten to sue.
[5] She would say you know I have a lawyer and you know
[6] that -- it would be inuendo like that, not -- with
[7] Susan, it was I'm going to sue. The other times it was
[8] these veiled threats.

[9] Q Did she ever threaten to sue you?

[10] A No.

[11] Q Any other supervisor that was threatened, Ken
[12] Bacon, directly or indirectly, to your knowledge?

[13] A Not Ken, no.

[14] Q So, basically, Susan Wallace?

[15] A This was -- sue?

[16] Q Right.

[17] A Yes.

[18] Q Anyone else that you heard that she

[19] threatened to sue?

[20] A No.

[21] Q Okay. Now, a minute ago I think you said
[22] something about the problems with Linda were discussed
[23] with the White House liaison?

[24] A Yes.

[25] Q Was this at the time she was hired? Later?

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[1] outstanding that that it -- and because of all the
[2] things that had happened already, the fact that, that a
[3] job was created, the fact that she had these
[4] promotions, the fact that there didn't seem to be any
[5] will anywhere to rein her in that, that we weren't
[6] going to win this one.

[7] MR. BARGER: And you stated there didn't seem
[8] to be any will to rein her in from -- who, who did you
[9] perceive that to be? Is that something that you just
[10] sort of place on yourself or is that something, is that
[11] something you saw?

[12] WITNESS: We, we had discussed the problems
[13] with the White House liaison.

[14] MR. BARGER: Mr. Duncan?

[15] WITNESS: Yes.

[16] MR. BARGER: All right. Did you have any
[17] sense or -- and I don't know whether it's a fair
[18] characterization, but a sense like there's a little bit
[19] of, a little bit of fear of Ms. Tripp? What was your
[20] understanding or your sense of where her power base
[21] was? In other words, if, if you confronted Ms. Tripp
[22] or Mrs. Tripp or if you neglected -- or if you gave a
[23] rating you thought that might be more accurate, what
[24] was your sense of what she might do? Did you have any
[25] sense of, of who she would go to in the White House or

[1] Both?

[2] A Later.

[3] Q Okay. And how would that --

[4] A This was after, after a pattern of problems
[5] were developing. I went up and talked to him and said,
[6] you know, what can we do about this?

[7] Q Okay. And again, this is Charlie Duncan.

[8] right?

[9] A Yes.

[10] Q And what would you -- what did Charlie Duncan
[11] tell you?

[12] A Basically, this was my problem and we had to
[13] deal with it.

[14] Q Did he tell you anything like she can't be
[15] fired, she's untouchable or --

[16] A No.

[17] Q Nothing like that?

[18] A No.

[19] Q But just that it's your problem? Could you
[20] fire her?

[21] A No, I didn't feel I could.

[22] Q You didn't feel you could?

[23] A Well, I couldn't.

[24] Q Okay. Who can fire a Schedule C employee?
[25] Given the structure in Public Affairs, who would have

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[1] complain to, for example?

[2] WITNESS: I didn't have that sense, but, but
[3] we certainly had a sense that somebody, you know,
[4] whether it's the White House liaison -- that's the only
[5] one I ever dealt with, that's the only one who ever
[6] told me, but somebody made a decision to give her what
[7] would be an extraordinary raise and, and to put her
[8] into this position. That's not a low level -- that's
[9] not in my level. I can't do that. And, and the fact
[10] that she was always threatening to sue people. I mean,
[11] that's, that's a huge threat, you know.

[12] BY MR. CRANE:

[13] Q Describe those? What, what did she threaten
[14] to sue about?

[15] A She threatened to sue Susan Wallace over -- I
[16] can't remember which fight it was that they had, but
[17] they were in my office and counseled about, about that.

[18] And --

[19] Q What would she sue her for?

[20] A I don't remember the circumstances. I mean,
[21] there was -- during that first year there were a lot of
[22] confrontations and, and -- I don't know how to describe
[23] it in detail. I can describe it in feeling. Everybody
[24] has to be with somebody who is constantly threatening
[25] and constantly not getting along. So, it makes an

[1] the authority to do it?

[2] A The way it would work is I, is I would go to
[3] the White House liaison and he and whatever circle of
[4] people he deals with would, would make that decision,
[5] whether not to fire, whether to reassign, whether to--

[6] Q Okay.

[7] A But my contact was only with the one person.

[8] Q All right.

[9] MR. BARGER: When Mr. Duncan said you had to
[10] deal with it, what did you understand him to mean?

[11] WITNESS: Just that, that this is my problem
[12] and that she's going to remain with me.

[13] MR. BARGER: So, in other words, you can't
[14] get rid of her, you're just going to have to learn to
[15] cope. Is that sort of a fair characterization?

[16] WITNESS: Well, I mean, the characterization
[17] is that she's my problem.

[18] MR. BARGER: But you, but you felt that
[19] meant, and correct me if I'm wrong, you felt that
[20] basically you weren't going to be able to get rid of
[21] her?

[22] WITNESS: That's correct, I was not able to
[23] get rid of her at that time.

[24] BY MR. CRANE:

[25] Q Did you ever say to Charlie Duncan, you know,

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[1] this woman is extremely difficult to deal with, we
 [2] would like to replace her? Anything to that effect?
 [3] A Pretty close to that, yes.
 [4] Q And again, I take it his response was, as
 [5] you've just said, it's your problem and you're kind of
 [6] stuck with her or you deal with her?
 [7] A Again, whether those are the words, I don't
 [8] remember, but that's certainly an accurate
 [9] characterization.
 [10] Q And did you have this type of conversation
 [11] with Charlie Duncan just on one occasion or multiple?
 [12] A It was more than once. I don't remember a
 [13] number. After a while, it didn't make much sense to,
 [14] to pursue it much more.
 [15] Also, I would say, you know, that after
 [16] the-- after we got her into a different job and, and
 [17] really worked to make this work, she settled down.
 [18] And, and although it wasn't a great relationship, it
 [19] was a much more acceptable relationship that we had
 [20] with her.
 [21] Q All right.
 [22] A It was, it was a rough first year.
 [23] Q Okay. And this would coincide with her
 [24] taking over the JCOC program?
 [25] A Yes.

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[1] Q Okay. And in that position, she didn't have
 [2] to essentially share a job or compete with another
 [3] person the way she had with Susan Wallace.
 [4] A That's correct.
 [5] Q Is that accurate? And as far as her running
 [6] the program, she did a good job?
 [7] A She did a good job. You know, I would say
 [8] kind of the same words that I used with Monica. It
 [9] wasn't a great job but it was, it was very acceptable
 [10] and we were comfortable with it.
 [11] Q Was it outstanding?
 [12] A No. And the reason was again -- I mean, the
 [13] program was very successful, and I say successful
 [14] because a lot of people were involved in it and Linda
 [15] did a lot of hard work on it. But the -- but there
 [16] were a lot of problems with her relationships with the
 [17] people who had -- she had to coordinate with and I
 [18] would spend a lot of time and Lynn Reddy would spend a
 [19] lot of time patching up relationships that she had made
 [20] kind of stormy in building this, this program. So, for
 [21] that reason, it wasn't outstanding but, you know, did
 [22] she do a good job of technically, you know, putting
 [23] together the schedules and, and making sure that we had
 [24] the best deals and the best, you know, the itineraries
 [25] were good? Yes, absolutely.

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[1] Q I'm still having a little trouble
 [2] understanding why Lynn Reddy and then you, as the next
 [3] line up supervisor, wouldn't just evaluate her the way
 [4] you really saw it. Why not give her just a good, or
 [5] maybe even a below average or unsuccessful evaluation?
 [6] Why is there -- why are you all fudging on her
 [7] evaluation?
 [8] A The -- again, it may not, it may not have
 [9] been accurate. It was our feeling at the time that to
 [10] do anything less than the outstanding would have meant
 [11] that we would be doing nothing for the next six months
 [12] but going through an appeals process that we weren't
 [13] going to win, we felt.
 [14] Q But if she's a political appointee as opposed
 [15] to a career government service GS employee, doesn't she
 [16] serve at the pleasure of the Administration, at the
 [17] pleasure of the President?
 [18] A That's certainly the theory behind it.
 [19] Q So, what would be her avenues of appeals if
 [20] you and Lynn Reddy, her supervisors in Public Affairs,
 [21] decide to end her employment?
 [22] A She, she still has some rights under the
 [23] Civil Service, at least concerning the, the ratings.
 [24] The bottom line was we just felt that it was going to
 [25] be too hard. It was easier and probably cheaper for

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[1] the entire government to, to give her the outstanding.
 [2] It didn't matter because she was, you know -- it didn't
 [3] matter that much.
 [4] Q All right. Now, Monica's --
 [5] A That's not the way we deal with, with most
 [6] people. And had she been a career person, we would
 [7] have gone through this process. We'd have gone through
 [8] the pain of a --
 [9] Q Monica's evaluation, on the other hand, that
 [10] was more or less accurate?
 [11] A Yes.
 [12] Q She got whatever it was, exceeds expectations
 [13] or whatever you call it?
 [14] A Exceeds, fully successful.
 [15] Q So, during the time prior to the
 [16] Lewinsky/Tripp story breaking, sounds like there was
 [17] probably a lot of resentment of Linda Tripp within
 [18] Public Affairs, that she might have alienated a lot of
 [19] people?
 [20] A No, I wouldn't, I wouldn't say that. What
 [21] I'm describing, the really hard times, was the first
 [22] year. By the, by the end of the second and third year,
 [23] we had all learned to live together pretty comfortably.
 [24] And Linda spent a lot of time in my office briefing me
 [25] on the JCOC. I would -- from my perspective, I'd have

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[1] described the relationship as pretty good.
 [2] Q Oh, okay. Well, did she go from -- if she
 [3] had been like really evaluated, you know, the way you
 [4] guys saw it, she would have gone from average/below
 [5] average to -- she improved a lot?
 [6] A I definitely think she did.
 [7] Q Okay. But she still -- is this an accurate
 [8] characterization: that she's doing a good job but she
 [9] still has a very brash, loud, outspoken personality?
 [10] A Yes, that's an accurate statement.
 [11] Q Okay. And she rubs a lot of -- whether she's
 [12] doing her job or not, Linda Tripp rubs a lot of people
 [13] the wrong way. Is that -- would you agree with that
 [14] or--
 [15] A Yes, I would agree with that.
 [16] Q So, again my questions was whether she's
 [17] doing an outstanding, truly outstanding job or just a
 [18] good or below average job, seems like there's a lot of
 [19] people that don't like Linda Tripp?
 [20] A It's a hard one for me to answer.
 [21] Q Did you like her?
 [22] A Yes, I was -- yeah, I did, and I would have
 [23] told anybody -- I didn't tell people that, you know, we
 [24] were getting along fine.
 [25] Q You liked her but you had gone to Charlie

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[1] Duncan a couple times to kind of like see if she could
 [2] be fired?
 [3] A During the first year. In the first year, I
 [4] didn't like her, but as we, as we worked through a lot
 [5] of the problems, I think she learned to trust us or at
 [6] least appeared to trust us. I learned more about, you
 [7] know, how to, how to motivate her and how to have a
 [8] positive relationship. And we had actually gone on a
 [9] couple of these JCOCs together, the week-long trips,
 [10] got to know each other better. I would have described
 [11] it as a good relationship.
 [12] Q Okay. Let's jump ahead now. January 21,
 [13] 1998, is when the -- I'd represent to you that's the
 [14] date that the Lewinsky/Tripp story breaks, first in
 [15] the-- report and then in the mainstream media. Now,
 [16] what has been the attitude toward Linda Tripp since
 [17] this story has broken within the office? Are people
 [18] happy with her? Are they unhappy with what she did,
 [19] with the fact that she sits at home now and doesn't
 [20] come into the office? Just describe what is the
 [21] attitude towards Linda Tripp in the office, generally.
 [22] A I guess I'm a little uncomfortable
 [23] characterizing other people's feelings.
 [24] Q I know, but that's -- you know, from what you
 [25] understand from their body language, what people say,

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are they, are they happy with the Flexiplace agreement that she has that she doesn't have to come into the office anymore, et cetera, et cetera?

A I think that, that certainly there have been a lot of problems with Linda since January 21st. She requested a Flexiplace assignment. We, we did that, we put that into place. There was resentment that she has not done hardly any work during -- since January 21st and that she's getting paid for it. And, and it has been difficult, if not impossible, to get her to do any work. She's spending a lot of time, I understand, with the Independent Counsel, but the terms of the Flexiplace are that anytime that she's not with the Independent Counsel she should be doing the duties under the Flexiplace. So, and, and a lot of people have to do a lot of things in the office to, to make sure that she's being treated fairly, like box up materials so that she can work and get it out to her place, put computers in, teach her how to use computers from home. And there isn't any, anything coming back to the office. A lot of -- the dealings that people have had with her have not been pleasant in terms of electronic mail and, and phone calls. It just has not been a happy relationship.

Q All right. Now, she had been the director of

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the JCOC and she was relieved of that title?

A I do not -- I don't characterize it like that.

Q How do you characterize it?

A When she requested the Flexiplace assignment, she -- the, the reason was that she could not come into the office, she could not -- that she was -- she felt threatened and, and needed protection. So, the, the planning for the program had to go on. It couldn't have been done from -- by the telephone. It's a lot of personal meetings. It's going out to hotels, it's going, you know, to make the arrangements. It's meeting with members of the other services. It's dealing with the -- these very senior opinion leaders who are nominees for the program.

So, so, in order to make the Flexiplace work, we came up with a set of duties that were commensurate with Flexiplace. In other words, what can you do from your home and still spend a large portion of your time at the Independent Counsel? You know, that's what Flexiplace is.

Q Right.

A It was to give her the flexibility to do that. She could not do the job of director of, of JCOC. We tried to keep her involved by phones, but

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that was difficult to do.

Q Okay. Did you know that -- do you know of any threats that were made on Linda Tripp?

A No.

Q Did she report that to you?

A That was in one of the letters from her lawyer, that due to the threats against her that she had been moved to a safe house and that she needed this Flexiplace assignment. So that's --

Q All right.

A But no, I don't know of any personally.

Q And when you say safe house, what do you understand that to mean?

A I, I don't know what that meant, I mean, other than --

Q That's just what her lawyer represented to you?

A Right.

Q So, as I understand it, they came up with, as you say, a set of duties under JCOC but it was sort of, and you tell me if this is accurate, it was sort of a make-work assignment? Linda, you sit at home and write a manual of some sort. Is that correct?

A I don't think it was make-work. It was, it was something -- first of all, if you're familiar with

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the military and you're familiar with Department of Defense standing operating procedures are just that. Every office has them. And, and the idea is because in the military people change jobs every two, three years that you don't want to constantly be reinventing the wheel -- learning a new job. There should be something that a person can read when they come in and say this is how the job is performed, these are the people to contact, phone numbers. And, and --

Q Okay. So, she writing standard operating procedures for the JCOC program?

A That's correct. Who would be in a better position to do that and who would have -- you know this is, this is the perfect opportunity. It's a job that can be done at home. It can be done when she has the time, when she's not with the Independent Counsel.

To us, it was not make-work, it was a project that we needed and that this was an opportunity for both of us.

Q All right. Now, but Public Affairs had gotten along without a set of standard operating procedures heretofore for the JCOC program?

A That's correct, and, and we suffered for it. And this was not the first time that we had ever talked about an SOP, but the person who handled it before her was long term. And, and then when she took it over,

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that person was still there. There was some continuity. But, but the idea of having this, this book is -- to me, it's not make-work. We should have had it all along.

Q Okay. Why don't we get ready to take a break in a minute but before we break, if there are any questions about the areas that we've covered thus far, if either Mr. Page --

GRAND JUROR: I have one.

MR. CRANE: Yes, sir?

GRAND JUROR: Explain in just brief, brief detail explain the JCOC function?

WITNESS: Yes.

GRAND JUROR: I hear these terms but I don't know what they mean.

WITNESS: Okay. The Joint Civilian Orientation Conference is a program that was established by the Secretary of Defense almost 40 years ago. It's an annual event where we get -- take 60 very accomplished opinion leaders from different parts of the country and different types of jobs. We try to make sure that it's a good mix of men and women, it's racially represented. And these people -- the idea is, and it's becoming more and more true in the military, that the civilian society does not know the military

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anymore. It's not like after World War II where everybody had served, or even after Vietnam. A lot of people are growing up now and are in positions of leadership who have never served and don't even know people who served.

So, this program takes these 60 people, and it's a 7-day program. The first day they spend at the Pentagon and they get briefings by the Secretary of Defense, the Chairman of the Joint Chiefs, the senior leadership. What are their concerns, what's going on? Then we take them to a Coast Guard base, an Army base, Navy base. We take them out to a carrier and a Marine base. And they spend a day with the troops, training and getting to know the equipment, getting to know the people.

At the end of the week, they have a better understanding and then, you know, our hope is that they will go out and tell people what they saw.

GRAND JUROR: Thank you very much.

GRAND JUROR: What was Mr. Bacon's position before this current position?

WITNESS: He was with The Wall Street Journal. He was a reporter and financial editor.

GRAND JUROR: Who did Monica Lewinsky's evaluations? Did you do them or did someone else?

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WITNESS: I would normally draft comments for Mr. Bacon, but he was the --

GRAND JUROR: Okay, because she reported directly to him?

WITNESS: That's correct.

GRAND JUROR: And what grade was Sue Wallace?

WITNESS: A 15, a GS-15.

GRAND JUROR: She was a 15 as well?

WITNESS: Yes.

GRAND JUROR: In the Flexiplace agreement with Linda Tripp, does it call for quantifiable work products? Are there milestones and dates or --

WITNESS: I haven't read it recently, but it outlined the way the SOP or the manual should be written. It gave examples of other SOPs. And we have asked for her to, to deliver to us first a -- just a rough kind of table of contents, what she thinks it should include. And the, and the idea was that then we could go over that and, and start saying well, maybe we don't need to cover this, maybe you should cover this. To my knowledge -- and again, I've been out -- I have not been in the loop for -- since April 13th, but to my knowledge, nothing has been submitted. Certainly, by the time -- at the time I left the Pentagon, nothing had been submitted.

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GRAND JUROR: But at the time this was drafted, you thought, under the, under the unusual circumstances, that this was reasonable, that this was a reasonable --

WITNESS: Absolutely, absolutely.

GRAND JUROR: If I'm understanding the process of how Monica and Linda came to the Pentagon, correct me if I'm wrong, what I thought I heard your testimony to be was that when Monica came you and Mr. Bacon talked about the kind of person you wanted for the job, you thought about having a younger person versus a middle-age person and the growth the job offers, and you said --

GRAND JUROR: It wasn't the age, though, it was really the expectations that somebody who had been in the government a longer time would have about a job versus the expectations of somebody who was newer.

GRAND JUROR: Okay, but basically, you selected from a pool of people, you interviewed Monica from the job?

WITNESS: Yes, ma'am.

GRAND JUROR: In contrast with Linda coming to the Pentagon, you basically needed to create a position for her?

WITNESS: That's correct.

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GRAND JUROR: How many people did you interview, do you recall?

WITNESS: It was -- yes, four or five.

MR. BARGER: Let me go back to Mr. Duncan just briefly. Concerning Linda Tripp, when he contacted you, either in your initial contact or subsequently, did he ever say anything to you to indicate who at the White House he had been in contact with about having Linda Tripp placed at the Pentagon?

WITNESS: No.

MR. BARGER: Was it your sense that he had been in contact with someone at the White House and just didn't know who they were or, or was your sense that this was solely a result of Mr. Duncan's activity, if you understand my question? In other words, is having Linda Tripp moved from the White House to the Pentagon solely Mr. Duncan's idea or did you have the sense that it was coming from somewhere else without not necessarily knowing the identity?

WITNESS: Well, my assumption is that since he was the White House liaison he was liaising with the White House. I don't know that I know any more than that.

MR. BARGER: Is it fair to say -- I believe just to -- and I don't want to -- I'm going to try not

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to be too repetitive. Is it fair to say that he characterized it as a priority placement?

WITNESS: Yes. Yes, priority placement is the term.

MR. BARGER: Did he give you any sense of why it was a priority?

WITNESS: No.

MR. BARGER: When you say priority, what did you understand that -- what did you understand it to mean? In other words, did it -- was it priority because it was something that had to be done quickly or in what sense was it a priority, if you know?

WITNESS: My understanding of the priority placement is a term giving -- you know, saying that this person has to be placed.

GRAND JUROR: Mr. Bernath, have you had requests like this from the White House counsel -- excuse me, White House liaison before Linda Tripp?

WITNESS: Priority placement is not, it's not common but it's not unheard of either, so it had been done before. I can't, I can't remember any examples of it during my term up there in Public Affairs. Again, while it's not the norm, it's not unheard of either.

GRAND JUROR: Is it probably fair to say that priority placements also took place during the Reagan

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and Bush Administrations?

WITNESS: I think that's fair to assume.

Again, I wasn't working at this level that I would know about that, but I think it's fair to assume.

GRAND JUROR: While Monica Lewinsky was not a priority placement or anything, were you to find her a job somewhere? I mean, if you couldn't -- what was exactly the --

GRAND JUROR: We, we were never under any pressure to hire her. Nobody had ever said anything. We, we selected her and it got processed through. So, my assumption would be that if we didn't hire her that we wouldn't have hired her.

GRAND JUROR: Does priority placement necessarily go hand in hand with a high salary, like \$80,000? Or could you have priority placement with slightly less: 60-, 50-?

WITNESS: I again don't know the exact answer to that, but my, my assumption is that no, the two are separate.

MR. BARGER: Who chose -- oh, I'm sorry. Who chose the grade for her, for Linda Tripp?

WITNESS: That, that was -- that came with her through the White House liaison. We had nothing to do with that.

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GRAND JUROR: Did I earlier hear that Monica Lewinsky was fired from the White House? Did you use that term earlier?

WITNESS: No, I didn't. The question was had she, and I said I was not aware of anything like that.

GRAND JUROR: Well, does anyone know? Is it important or was she or wasn't she?

WITNESS: I mean, my understanding was that we hired her and she came over because of that. I, I had never heard anything about firing.

MR. CRANE: Other than -- until I represented that to you here today, had you -- since January 21, had you heard about Monica being fired from any other source? Not at the time that you hired her, but since January 21, long after Monica -- or two months after Monica left?

WITNESS: No. I mean, I certainly read the newspaper articles that have all the allegations, but I have not heard that through any source or anything.

MR. CRANE: All right.

MR. BARGER: Did you contact -- oh, I'm sorry, there's a question for you back over here.

GRAND JUROR: Do you know what Linda Tripp's salary was at the White House just prior to coming to the Pentagon?

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WITNESS: I don't know what her salary was, but, but I think, I think she was around a GS-12 level at the White House, but I am not sure of that.

GRAND JUROR: And as a Schedule C appointee was she not subject to -- grade restrictions and all that?

COURT REPORTER: I'm sorry, I didn't -- you have to speak up.

GRAND JUROR: As a Schedule C appointee, was she not under the same restrictions as to grade and time in grade, so that she would have spent so many years as a 12 or 13 or a 14 before she could be appointed a 15?

WITNESS: The Schedule C system is a little looser than the Civil Service system. However, in general, even in the career, you don't get promoted necessarily every year. You may get a within grade increase but your job is, is designated as a GS-12 and as long as you're doing that job, you're going to be a GS-12. A GS-12 can compete for a higher level job, like even a 15, if they're qualified and then get promoted that way. But you don't get promoted in the government just for staying in a job a certain number of years.

GRAND JUROR: I may have missed this, but

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Q That for the first year had been Lynn Reddy?

A Yes. The only time that I was her first-line supervisor was for a short period after the Flexiplace agreement was signed.

Q Okay, after the Lewinsky/Tripp scandal hit the papers?

A Yeah, after the Flexiplace assignment was signed, I was her first-line supervisor for not more than a week or so.

Q Okay. And then what -- why only for a week? Then who became her first-line supervisor?

A Doug Wilson became her first-line supervisor.

Q Okay. When -- is this early January or later?

A No. The Flexiplace agreement really didn't go into -- I don't remember the exact date. It was in February. Took a while to coordinate it through all the lawyers and all the management people and go back and forth.

Q Okay. So, why did Doug Wilson become her supervisor?

A After the -- Ken Bacon and I released the information in conjunction with The New Yorker, Ms. Tripp, through her lawyers, requested that I not be her supervisor since I was involved in this other

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what was Monica Lewinsky's grade schedule?

WITNESS: She was a GS-9.

MR. CRANE: Let me just ask one other question, then I think -- is everyone ready for a break?

MR. BARGER: I've got a couple more.

MR. CRANE: Okay. We may -- I might have one in a couple minutes, but -- okay. Well --

MR. BARGER: You want to go first or you want me to go first?

MR. CRANE: Yeah, let me go first. Let me go first.

BY MR. CRANE:

Q Back to the Flexiplace agreement, okay, after January 21 when it became public that Linda Tripp was a cooperating witness, had taped Monica Lewinsky, and allegations involving the President, et cetera, her lawyer wrote you a letter that she had been threatened and she had been in a safe house. Is that correct?

A I can't remember the exact words of the, of the letter.

Q Something to that effect?

A Yes.

Q Okay.

A Something about that, yeah.

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matter.

Q Okay. And that's when Doug Wilson was put in?

A That's correct.

Q Okay. And so, the Flexiplace didn't -- you said it was about a week, so sometime the latter part of February?

A I don't remember the -- I mean, that, that whole period has been kind of a, a whirlwind, so I don't remember the exact dates, but --

Q Okay.

A -- I do know I have a copy of it.

Q So, is this accurate: For a short period of time, you were her line supervisor, and then you were removed and Doug Wilson put in as her line supervisor?

A That's correct.

Q And then a few weeks later, month later, you go off to work at -- to be the director of AFIS?

A Sequentially, that's true, but the, the fact is that job with AFIS had been in the mill for more than a year.

Q Okay.

MR. CRANE: Why don't -- I know there's lots of other questions, but I think -- why don't we take a break?

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Q And then you, you, supervisors in Public Affairs, and Linda Tripp came up with the Flexiplace agreement. Is that correct?

A She, through her lawyer, requested this arrangement and we, through management, agreed and we came up with a set of duties in an agreement that she had to sign and that we had to sign.

Q Okay. Now, since then, has Linda requested to come back to the Pentagon?

A I, I don't know about that exactly. When I was there, she had not requested.

Q Okay.

A And I have not been involved with any of this since I left.

Q Okay. Now, before you left, did you continue to supervise her? You're there for roughly another month, until April 13th?

A Right.

Q Were you her supervisor or was there someone else that was in there?

A I was her supervisor only for a short time.

And but --

Q Her line supervisor, her first-line supervisor?

A Her first-line supervisor.

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MR. BARGER: I have a couple.

MR. CRANE: Well --

MR. BARGER: I'm not going to be coming back.

MR. CRANE: Okay. Well, let's have a couple more and then take a break.

MR. BARGER: I want to go back briefly just to Mr. Duncan. Other than Linda Tripp, has Mr. Duncan ever made any other request to you to place any employees from the White House?

WITNESS: Well, all the, all the political appointments were coordinated through Mr. Duncan to me. Linda Tripp, I believe, I believe Linda Tripp is the only priority placement that I --

MR. BARGER: And just briefly going back to Monica Lewinsky, how did, how did she come to your attention as a, as a prospective employee?

WITNESS: We went to Charlie Duncan and said is there anybody on the -- in the White House pipeline and we went out to other people in the Pentagon, let him know that this job was open. The only name that came down through the White House pipeline was Monica Lewinsky's.

MR. BARGER: And why would you go to Mr. Duncan to ask if there's anybody at the White House or in the White House pipeline who might be interested?

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Just: just good --
 WITNESS: It's --
 MR. BARGER: -- good business sense? I
 don't --
 WITNESS: No. That's the standard way you
 proceed. Whenever you have a political vacancy,
 there's always people -- through that chain, there's
 always people through the Secretary of Defense chain,
 people who are looking for jobs. So that's, that's
 kind of the normal way to do it.
 MR. BARGER: And the secretary of Mr. Bacon.
 I believe you had said, was a political appointee --
 WITNESS: Yes.
 MR. BARGER: -- spot, so that made sense to
 go to the White House --
 WITNESS: Exactly.
 MR. BARGER: -- liaison as a possible source?
 WITNESS: Right.
 MR. BARGER: That's all I have.
 GRAND JUROR: May I ask one very brief? And
 to your knowledge, do other cabinet agencies have White
 House liaisons?
 WITNESS: I believe they do. I've never
 dealt with any of them.
 GRAND JUROR: One very brief question.

Q -- mentioned earlier?
 A Yes, it is.
 Q Okay. And what is that form used for?
 A That's used as the basis for security -- for
 investigations for security clearances.
 Q All right. Okay, continue. So, you were
 having this conversation with Mr. Bacon.
 A Right. So, he mentioned that -- he said that
 he would -- he told Jane Mayer that he would get back
 in touch with her in the morning and he asked me if I
 would see that through, if I would follow up on that.
 He mentioned that he had talked -- he already had made
 a phone call to the director for Headquarter Services,
 Mr. David Cooke and, and that Dr. Cooke -- it's Doc
 Cooke, he goes by initials. D-O-C, you know, had
 indicated that he would look into it first thing in the
 morning, so he asked me to follow up on it.
 Q Okay. And what did you do that evening, if
 anything?
 A I didn't do anything that evening. It was
 starting to get late. It was almost 8:30 by the time
 we were ready to leave, so I left.
 Q Okay. Did you talk to anybody else? Did you
 talk to Doc Cooke or anyone that evening?
 A No.

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please. We've heard reference a couple times to this
 letter from Linda Tripp's attorney. Are we to see that
 as evidence or is that going to remain as loosely
 referred to as hearsay?
 MR. CRANE: We have a number of exhibits.
 We have -- that's sort of why I'm being a drill
 sergeant and hurrying people along. I don't think that
 is one, but I have -- it's probably literally hundreds
 of pages.
 GRAND JUROR: You understand the reason for
 my question?
 MR. CRANE: Right. I'm not sure that I have
 that one labeled as an exhibit.
 GRAND JUROR: Thank you.
 MR. CRANE: Okay. How long a break?
 FOREPERSON: Can we get by with 10 or do we
 need 15?
 GRAND JUROR: Fifteen.
 FOREPERSON: How about 15?
 MR. CRANE: Fifteen minutes.
 FOREPERSON: And we will be back promptly.
 MR. CRANE: So, at just about 11:18.
 (Whereupon, at 11:03 a.m., the Grand Jury was
 recessed and subsequently reconvened at 11:19 a.m.)
 MR. CRANE: Okay, it's 11:19 and we're back

Q Okay. Just Mr. Bacon?
 A That's correct.
 Q Okay. And you didn't -- you also did not
 talk to Jane Mayer?
 A No.
 Q Okay. Now, what is your understanding, why
 is he looking into Linda Tripp's security clearance
 form?
 A Why is Mr. Bacon?
 Q Right.
 A My understanding is that he was looking at it
 because that was the question that the reporter asked.
 Q Okay. But what about the Privacy Act
 protecting personnel files?
 A I guess I have to say two things. One is at
 the time, we, we had not considered this a Privacy Act
 issue. This was another in dozens, hundreds of phone
 calls that we had been answering from the media since
 January 21st about all sorts of things. And the phone
 calls had been coming not only during the day, and our
 workday was 6:00 in the morning till about 8:00 or 8:30
 at night, but then when we'd get home and on weekends.
 And when I was on leave, we'd get called back from
 leave to answer questions. So, this was not an
 isolated question. This was one of many, many

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on the record, and it appears we are properly quorumed
 and without any authorized persons -- unauthorized
 persons.
 BY MR. CRANE:
 Q Okay, let's -- I'm going to start talking a
 little faster and we'll try to push ahead, Mr. Bernath.
 As you can tell, we spent an hour, hour and a half
 covering essentially background. Let's go into the
 events of March 12th and March 13th and talk about
 those. And then we'll have a number of specific
 questions to ask you.
 What happened on March 12th with reference to
 the release of Linda Tripp's security clearance form or
 what conversation did you have?
 A I had been out of town during the day on the
 12th. That was a Thursday. I got back to the office
 at about 7:30 in the evening and Ken Bacon was still
 there. He and I talked about what went on during the
 day. He said that he had received a phone call from
 Jane Mayer of The New Yorker asking a question about
 the manner in which Linda Tripp completed a, a
 question, answer to question on a her security
 questionnaire, her security form.
 Q Is that the Form 398 that we --
 A Yes, it is.

questions that we'd been answering over the few-month
 period that this happened.
 Q Okay. But heretofore, you hadn't released
 any information from a -- Ms. Tripp's security
 clearance form, had you?
 A We had never been asked about a question on
 it. This was a specific question. This was the -- we
 did not release the form. It was a specific question
 on how she answered the question. So, so, it just
 didn't trigger to us that this was Privacy Act.
 The second thing that I want to make clear is
 that although neither Ken Bacon nor I are experts on
 Privacy Act, the -- what, what my understanding of the
 Privacy Act is, if there is nothing that is absolutely
 covered by the Privacy Act. In other words, there is a
 balancing act between the public's right to know and
 the, the individual's right to have information
 protected.
 Q Where do you get that from? Does that -- is
 that some training you've had or where does that come
 from?
 A It's my understanding, and I would image -- I
 can't remember specifically being trained on it but
 this is my understanding, this is my basis.
 Q Okay. Let me ask you a specific question

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about Thursday evening, March 12th. Does Mr. Bacon say that he wants to release this information to the reporter or do you understand him to be looking for the information for internal DOD purposes?

A No. My understanding is that, that we are trying to respond to the reporter's query.

Q Okay. Now, what did Mr. Bacon tell you the reporter had said? Just the -- she wants to know the answer to what sort of question?

A That she wanted to know the answer to the question how did -- the question was have you ever been arrested or convicted of a crime, words to that effect. And he said she indicated that --

Q She being?

A She being Jane Mayer. -- that there might be information about something in her past. Nothing more specific than that.

Q Something -- the question is about arrests or convictions, so --

A That's right.

Q -- apparently the reporter has some sort of angle that --

A A reporter rarely asks a question that they, that they don't have some reason for asking.

Q Okay.

to Ken's question the night before. He said he hadn't and he'd get back with me. He called back, I think probably a half hour later. I'm not real sure of the times, but about a half hour later, I think, and said he had some information based on her 171, which is that personnel, like a resume form that's, that's -- where they ask a similar question on that form. At the end it says have you ever been convicted or arrested, and she had answered on that form no. So, I went ahead and gave that information to Ken. He said okay, but the question was the security form, do we know what she -- how she answered that question?

So, I went back to Doc. Doc arranged for me to look at a security file that's kept in the Pentagon, and the 398 is not in there either. So, I guess the, the people who were -- who had that file said you need to call up this other, Les Blake I think was his name, at Defense Security Services and see what -- because he's got the file.

So, I called him up. He said yes, I've got the file; yes, she answered no to the questions. I said can you fax me a copy of that so that I make sure that I'm -- you know, that I have the, the right information. He faxed that to me. I went in, discussed it with Mr. Bacon, and said you know, do you

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A So, you know --

Q So, is this -- you said that you believe there's some sort of balancing test, that you all balanced the public's right to know about Linda Tripp's criminal past?

A No. I'm saying that, that in, in the case of this question, in the case of this total of maybe 20 minutes out of my life, we didn't consider the Privacy Act. It didn't trigger in our minds.

So, the reporter asked a question. The answer to the question was no, I've never been convicted or arrested, and we said that's how she answered. It didn't trigger that that was bad information to say I was never arrested or convicted.

Q Okay. Did Mr. Bacon say anything to you about the Privacy Act on Thursday, March 12th?

A I don't believe we ever discussed the Privacy Act.

Q Did he say anything to the effect, talking to you, Cliff will you look into this or will you check on it to see if we can release this information?

A No, that's not my recollection.

Q Okay. Did he say anything about FOIA, Freedom of Information Act?

A No.

want to call her back or should I call her back? He said why don't you call her back? I did and, and that's about it.

Q Okay. And what did she say -- what did Ms Mayer or Meyer say to -- what was your conversation on the phone?

A It was very short.

MR. PAGE: First, where do you call her?

WITNESS: I had a phone number from her query the night before.

MR. PAGE: And is she a Washington, D.C., reporter?

WITNESS: I don't remember whether -- what the area code was when I called her. In fact, I probably didn't call her. I probably had somebody place the call.

MR. PAGE: And, and connect --

WITNESS: Right.

MR. PAGE: -- you?

WITNESS: Yeah. So, I, I don't know where I was talking to her.

MR. PAGE: So, it could have been Washington, D.C., or it could have been some other place?

WITNESS: Or it could have been in New York.

yes.

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Q Did he say anything to you, let's check with the lawyers, anything along those lines?

A No.

Q Okay.

A You know, in retrospect, these are questions that we should have asked. The fact is that in this short period of time we did not ask those questions.

Q Okay. What happens next? I guess we're on to --

A We're on to --

Q -- March 13th?

A We're on to Friday morning, the 13th. DocCooke arrived at 8:30 in the morning. We hadn't discussed this at all prior to that, you know. We, again, arrived at 6:00 in the morning and were just working. This, this was pretty much to me, and I believe to Ken, kind of a routine thing. Doc came in about 8:30 --

Q I'm sorry. Did he come up to your offices or did you go down to his office?

A I called Doc on the phone.

Q Okay, you called him on the phone?

A Yes.

Q Okay.

A And asked if he had done anything in response

MR. PAGE: And this reporter worked for whom?

WITNESS: The New Yorker magazine.

MR. PAGE: Magazine.

WITNESS: Right.

MR. PAGE: Had you had any previous experience with this reporter --

WITNESS: No.

MR. PAGE: -- before these dealings?

WITNESS: No.

MR. PAGE: Had you heard of her?

WITNESS: No.

MR. PAGE: Had you ever read The New Yorker magazine yourself?

WITNESS: Oh, I've looked at copies of it but I'm not a regular reader.

So, the conversation was I'm getting back to you on your phone call with Ken last night, I've got the information and the answer is she answered no to those questions. She said if I have information to the contrary, would this be a serious offense? And I said well, if, if it's proved that she has lied on this, then that would be a serious matter and there would have to be an investigation into it.

BY MR. CRANE:

Q And why did you say that?

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A Because that's true.
 Q Okay, true enough. If, if --
 A I mean, if there's -- if you -- well, there's also -- on the bottom of the form it, it says, you know, there's a warning right by the signature block that says, you know, I affirm that this is true to the best of my ability. If I don't -- if it isn't, there are penalties involved.
 Q Okay. My question is, though, if a government employee is suspected of making a false statement on a security form or a personnel form, isn't that a matter for internal review? Why would you speculate to the reporter about the status of a criminal investigation into Linda Tripp if you didn't know about it?
 A No, no, no. What I'm saying -- what I said to her was that if it were true, then there would be -- then that would be a serious matter and it would have to be investigated. I didn't say I was going to investigate or who was going to investigate. It would just be a matter that would be investigated.
 Q Now, what time of day was it that you had this conversation? Is it morning or afternoon?
 A This is probably late, late morning.
 Q All right. But normally, if there's some

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sort of an internal investigation of an employee --
 A But there was none at this time.
 Q No. But wouldn't you normally say something to the effect of we have no comment, that's being looked into by the Office of the Inspector General?
 A But nothing was being looked into. I didn't know that there was -- that she lied. I didn't have any -- this was just a would this be a serious offense? Yes, this would be a serious offense and it would be investigated.
 Q Okay. You guys didn't know that she had lied?
 A No.
 Q But the reporter had kind of indicated that she had information to that effect, that Linda Tripp had some sort of --
 A She said if I have information to the contrary, would this be a serious offense, yes.
 Q And she had earlier told that to Ken Bacon?
 A That she may have something, yes.
 Q Right, she had some arrest or some criminal activity on the part of Linda Tripp?
 A I don't know exactly what she told him, but yes, there was some, some indication.
 MR. PAGE: When you get the fax the day

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before --
 WITNESS: No, the morning.
 MR. PAGE: That morning?
 WITNESS: Yes.
 MR. PAGE: Excuse me. And then you go and see whom?
 WITNESS: Mr. Bacon.
 MR. PAGE: And can you tell the members of the Grand Jury the substance of your conversation, when you have this fax in your hand, with Mr. Bacon?
 WITNESS: It was about a one-minute meeting. It was, you know, I've got the information requested, this is what it looks like. We both kind of looked at it and I said, you know, do you want to call her back or should I? And he says go ahead and call her back.
 MR. PAGE: So that was the end of that conversation?
 WITNESS: Yes.
 MR. PAGE: Had the form had on it that Tripp had been arrested, what would your approach have been?
 WITNESS: Frankly, that would have triggered something different. That would have said oh-oh, there's a problem here, let's get this to the lawyers and investigate it. The fact that she had not done anything wrong, and I would assume that that would be

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the most -- the most accurate information would be this sworn form. So, to me, when she said I had done nothing wrong, to me that was good information to release.
 BY MR. CRANE:
 Q Now, after -- how many phone calls did you have with Ms. Mayer? Was it one or more?
 A I think I had two. I had one early in the morning, just letting her know that that I was going to be following up on her phone call to Ken last night, and then the second one when I gave her the information.
 Q Okay. And what did she say to you in that first phone call when you told her you would be the one to follow up?
 A I don't, I don't recall it being much more than a one- or two-minute call.
 Q Okay. Did she say anything about what she was going to write or that she had some information about Linda Tripp in that first phone call on March the 13th?
 A No. I don't recall that, no.
 Q Okay. Now, you do or you don't deal with the media very often as part of your job?
 A Dealing with the media is, is not a normal

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part of my job, although if it's an area within my cognizance, then I will.
 Q All right. Now, within Public Affairs, there is another individual named Michael Doubleday. Is that correct?
 A Yes, correct.
 Q And does he have a higher profile role in dealing with the media?
 A Yes.
 Q Okay. And why was it that he was not involved in this decision?
 A As I recall, he may have been out of town with the deputy secretary, but -- I think that that's true. The more immediate was that I just happened to come into the office Thursday night and be the only one in the office when Ken had gotten this call and I kind of got the task or, or, you know, asked to help.
 Q Okay. Just off the top of your head, what are the other sorts of questions that are asked, asked of the applicant or the person filling out Form 398? What other sort of areas do they ask about?
 A Oh, it's -- they ask everywhere you've lived for the past 10 or 15 years, what schools you went to. You put down -- they ask about drugs. Kind of the typical things that, that investigators would want to

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know if they were going to grant you a security clearance. It's a total background check of information.
 Q Okay. And they ask about a number of pretty personal areas of your life, don't they? Doesn't the form?
 A Yeah, I guess. Depends on how you define that.
 Q Well, hospitalization in a mental hospital?
 A Yes.
 Q Isn't that a pretty personal type of area?
 A It is.
 Q Prior marijuana and drug use?
 A Correct.
 Q Other substance abuse? Is that your understanding?
 A Yes.
 Q Prior criminal activity was the question relating to Linda Tripp. Personal bankruptcy, the form asks if you've ever filed personal bankruptcy or been declared bankrupt?
 A I didn't remember that one, but --
 Q And the purpose of the 398 is for the government to decide if you are a security risk in dealing with classified information. Is that correct?

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A That's right.
 Q And all of these personal areas, drug use, mental illness, prior arrests, are what the government uses to determine if an individual is a good risk to have secured or classified information. Is that correct?
 A That's right.
 Q Okay. And Linda Tripp had filled out this form in 1987. Is that right?
 A I believe that's right.
 Q Okay. We will look at the exhibits later, so a lot of these questions will come up. So, we'll just try to get an overview. What I don't understand is why wasn't the answer on the Form 171 -- again, 171 is the standard form, standard r, sum, form that federal employees have to fill out. And on it somewhere it says no, I've never been arrested. Why wasn't that sufficient? Why did you have to go to the security form?
 A My understanding of the question was how did she answer the security form, so that's what we went to.
 Q So, is it the reporter that just can determine whatever information she wants to get? You know, the reporter asks for whatever she wants on Linda

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Tripp and she gets it because that's what she asked for? Aren't there any checks or rules that come into play?
 A Well, there are checks and rules. You know, there's -- but in dealing with the media, there's no, there's no guide that says this is what you do, this is what you don't do. In general, you're always making decisions. In, in this case, the, the information, (a) it just didn't trigger in our minds that this was Privacy.
 And again I would say that as you look at this as one isolated incident, it's, it looks a lot clearer than it does when you're looking at this as one of hundreds of questions in 15 or 20 minutes total activity over, you know, in one, in one short time over, you know, taken out of context of a much bigger picture. At this time it was one more media question. It did not seem like it was information that, that was harmful to the individual. In fact, it seemed like it was information that was not harmful to the individual and we did it.
 Q How --
 A You know, with no more motivation than that.
 Q Okay. As I understand it, and after having read The New Yorker article, Linda Tripp was portrayed

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both as an individual with a criminal past -- or a criminal arrest in her past and as having lied about that. How would that not be considered harmful?
 A Well, the information that we -- first of all, I had no information that she had been arrested. I had no information that she lied. At the time that we released the information, that information was not available to us.
 Q I thought the reporter told you she had information?
 A The information -- she said that she had some information that related to that and that -- and certainly, we knew that she was asking the question for a reason, but I had no knowledge that, that the information that Linda gave on the form was not true. I assumed it to be true.
 Q All right. Now, when you talked to Mr. Blake, did you tell him that you were going to use Linda Tripp's 398 for official purposes?
 A Mr. Blake asked if, if this request was for official purposes. In my mind, that meant am I going to use it within the official capacity of my job. Yes, I was going to use it within the official capacity of my job, which is dealing with the media and, and releasing information.

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Q Okay. And you also told him that it was -- when he asked further that it was for official use?
 A I'm sorry, that was the same question.
 Q Official purposes and official use?
 A I don't know the distinction.
 Q Okay. So, no distinction between using Linca Tripp's 398 for official purposes and making official use of it. Those are synonymous terms?
 A I'm not sure that I see it again.
 Q Okay. So, your understanding is that releasing this information to a reporter was, in fact, an official purpose?
 A Yes.
 Q And that was, in fact, an official use?
 A Yes.
 Q Okay. And you had been interviewed by the Inspector General for the Pentagon on this same issue. Is that correct?
 A I have.
 Q And at one point -- I have a copy of it if you want to look, but I'll just read you, in the interest of time -- they asked you about this same issue and you said, "Yes, I'm official and I'm going to use it for official purposes." Is that -- that's your understanding that that's what you told Mr. Blake?

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A Yes.
 Q Mr. Les Blake?
 A Right.
 Q Now --
 A Now, I have to say, in retrospect, I understand now he was asking a different question, but in the phone call when he said is this for official use and I say well, what am I? I'm an official who releases information. This is official, yes.
 Q And you didn't tell Mr. Blake you were going to release the information to a reporter?
 A I don't believe that ever came up.
 Q And no conversation about I want this information to get to the media or something more general like that?
 A No.
 Q Okay. Now, Mr. Bacon had told you to handle this as a priority matter?
 A Yes.
 Q Okay. Why was that? Why was Linda Tripp's alleged answer on the form a priority matter?
 A Linda Tripp's answer on the form was not the priority. The priority was a reporter working on a deadline and we would -- when a reporter says I've got a deadline, we consider that a priority. So, the

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priority had nothing to do with Linda Tripp or the form or anything like that. It was responding to a media request. Sometimes reporters are working on a story that's three weeks out. That's not a priority. We can -- we've got a couple of days to play with that one. If they're on a tight deadline, then we try to help.
 Q But aren't reporters almost always on a tight deadline?
 A No.
 Q No?
 A No.
 Q So, if a reporter calls Public Affairs and says they're on a deadline, they get sort of expedited service?
 A Sure. There are many times that, that somebody's working on a story and we'll be there till 9, 10, 11:00 at night trying to find out information for them.
 Q All right. Now, had you ever released information from anyone else's Standard Form 398?
 A Have I?
 Q Yes.
 A No. I've never been asked before either.
 Q And again, you'd been in there about five

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years, in Public Affairs?
 A True.
 Q So, this was a pretty unusual type of request. It had never happened?
 A It's unusual if you think about it in retrospect. Knowing everything you know now, it's unusual. It was not unusual in, in the context of the time that we were dealing with and the quantity of information that we were dealing with.
 Q Okay. But it seems that there were a number of sort of like stop signs or warning signals up until the point where you give the information to Ms. Mayer over the telephone. You had -- both you and Mr. Bacon had overnight to sleep on it or think about it, is that correct, from the 12th to the 13th?
 A Yes, but it was -- again, it was not a matter that, that we would think about when we left. It was just another query, you know, it wasn't something that had triggered anything other than we've got a query, we're going to answer it.
 Q Right. And not to argue with you, but it was just another query but it was the type of query you'd never gotten in your career on anyone?
 A Well, that's, that's not exactly true.
 Q It's-- it was the only query that I've gotten on a

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398, but the 398 didn't trigger anything special. It was, it was another in a lot of information that we -- that had been asked and released on this matter, so in the context of the information, it just didn't seem that unusual.
 Q Okay. Let's kind of continue on, get an overview, and then we can come back and ask some specific questions.
 A After you talked to Jane Mayer on the telephone, do you type something up, some -- I think you call it public affairs guidance?
 A Correct.
 Q What is that and what does it do?
 A Whenever we ask a question in the media, we, we type up what we call a guidance. This was the question, these are the answers that we gave, and we give that to the rest of our public affairs officers so that if they get queries they know that this information, this is what was said on it. That way, we can -- everybody's putting out accurate information and they don't have to do research again on the same question that's been asked.
 Q Okay.
 A So, I did that based on my phone call with Jane Mayer.

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Q All right. And we have that as an exhibit that we'll get to in a bit, but it basically is question: How did Linda Tripp answer Form 398 question 21(a), something to that effect?
 A Correct.
 Q And just as you recall it, what sort of answer did you give?
 A I can't remember exactly. Maybe it's better to read it, but that I answered the question and it's just a short thing.
 Q Okay. That she answers, "No, I've never been arrested." And then there's the following --
 A And then there's the following question that-- can you, can you re-read the question to me so that I have the accurate question?
 Q Okay. And then there's also the part about Linda Tripp will -- if true, she will have to be investigated.
 A Oh, yeah, that last part of it about the --
 Q Okay.
 A That we've already discussed.
 MR. PAGE: Did Mayer ask you for that Form 398?
 WITNESS: No.
 MR. PAGE: Did she ask you to send any part

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of it to her?
 WITNESS: No.
 MR. PAGE: Would you have had she?
 WITNESS: I don't think I would have. I can't answer that question definitely, but I don't think I would have. That, that isolated question is all we considered.
 MR. PAGE: I'm sorry?
 WITNESS: That isolated question is all we considered.
 MR. PAGE: And what if she said cut that out and fax it to me?
 WITNESS: I don't see any reason to speculate on that. I don't know. It wasn't asked, it wasn't done.
 BY MR. CRANE:
 Q Okay. Who was the first person within Public Affairs that alerted you that this was a Privacy Act violation?
 A When I brought the, the -- let me recharacterize that.
 Q Okay.
 A Who was the first person who alerted that this might have Privacy Act implications?
 Q Okay.

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A When I brought the guidance back to the -- to one of the desk officers who -- the media officers, she looked at it and she said, you know, this may have Privacy Act implications.
 Q And who is that?
 A Susan Hanson.
 Q H-A-N-S-O-N or S-E-N?
 A S-O-N. I believe.
 Q Okay. And what is her position? Do you know what GS level she would be?
 A She's a GS-14.
 Q Okay. And she is a desk public affairs officer. Is that --
 A A press officer.
 Q Okay.
 A Her job, her job is daily handling of the press, answer inquiries.
 Q Okay. And she essentially will read these public affairs guidance statements to the press or fax them to the press, however? How does she do her job?
 A A number of different ways. She -- the desk officers have areas of expertise. And so, a question will come in and the person who has that area of expertise will deal with it. In, in this case, this was kind of after duty hours by the time this had been

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done and I guess Susan must have been the duty officer. It was just happenstance that she was the one that I gave it to.
 Q Okay. So, she is one of the employees that you supervise?
 A I don't directly supervise her, no.
 Q Somebody else -- who's in her, her chain of command?
 A There's a director for Defense Information. He's an Army colonel.
 Q COL Bridges?
 A Dick Bridges.
 Q Okay.
 A And then Dick Bridges works for Mike Doubleday.
 Q All right. So, what did -- what exactly did Susan Hanson say to you?
 A Basically, that was it. She said, you know, this might have a Privacy Act implication.
 Q Okay. And what did you do?
 A It was after hours, but the first thing I did next day or the next morning was I called the Defense lawyers and I called the Freedom of Information people and the Privacy Act people and got everybody together and said this is what I've done.

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Q Okay. What further dealings did you have with Ms. Hanson?
 A None.
 Q None?
 A None.
 Q Okay. Did you redraft or do something with the guidance form?
 A Oh, yeah, when I gave her the guidance form the first time, it actually had the question no. she didn't -- she answered no to the question. And when she said this may have Privacy Act implications, I deleted that part of the question from the guidance because I didn't want that to go out anymore --
 Q Okay.
 A -- until we check it out with the lawyers the next day.
 Q So, did you come back into her office the second time or something to talk to her, like the way you revised the guidance or --
 A I gave it to her. I don't remember any conversation of any substance.
 Q Do you remember going in and tearing up a form in front of her?
 A Tearing up the old one?
 Q Right.

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process of keeping people informed of what's been said, preparing this Public Affairs guidance, for instance, so that everybody knows, it gets very difficult if you've got 20 people answering questions. So, when we have a high media impact thing, we try to establish a team that'll work on it, and that's what we did here.
 Q All right. It seems here, though, that the line -- what happened was that the line desk officer, Susan Hanson, sort of knew the rules but the higher ups, you and Mr. Bacon, didn't know the rules, you didn't know the Privacy Act. Is that what happened?
 A That's that's not an unfair characterization. She was definitely much more familiar handling things like that on a day-to-day basis than we were. But because I was involved in the hiring and knew a lot of the background about when Linda Tripp and Monica Lewinsky and because I had dealt with the White House liaison and had -- you know, I had kind of the working knowledge of this, it was just decided that, that the group would be at that level because we were the people who had the most information about it initially anyway.
 Q Okay. And you all had a number of meetings with the Department of Defense General Counsel's Office attorneys on the release of their information. Is that

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A The one that said no. Yeah. I don't remember tearing it up. I probably did. It was just, you know, because it's the old kind, this was no longer good, the one that we had revised that didn't have any Privacy Act problem on it was the good one.
 Q Okay. When you went in the second time she was talking on the phone and you tore up the form in front of her and then walked out. Is that what happened?
 A I guess -- I mean, I don't, I don't truly remember this, but my recollection was that I brought in the new one, took the old one, tore it up and left.
 Q Okay. Were you angry at her?
 A No, absolutely not.
 Q Although she had essentially said that, you know, this was a violation of, of criminal law?
 A No, she didn't say that. She said this may have been a Privacy Act implication, and I'm not mad at somebody who brings that to my attention. She brought it to my attention and, and then I took action to, to make sure that everything that could be done was done.
 Q All right.
 A No, I was absolutely not mad at her.
 Q Now, after the story of Monica Lewinsky and Linda Tripp broke on January 21st, within Public

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correct?
 A Yes, we did.
 Q Okay. Who, in particular, did you meet with from the General Counsel's Office?
 A I met with Don Perkal who was the personnel lawyer; Stu Aly; Doug Dworkin a little bit.
 Q Okay. And just for the record, Dworkin is spelled D-W-O-R --
 A -- O-R-K-I-N.
 Q All right. And I take it this is relatively early on in the media crisis, media frenzy, if you will?
 A Yes.
 Q That this working group of the four deputies-- Mr. Bacon and the three deputies, plus COL Bridges, I'm not sure what his title is, when you meet with the General Counsel, and what sort of things did you all talk about?
 A (No verbal response)
 Q Let me just ask you, did you talk about what information could be released from Linda Tripp's personnel file?
 A I think it was more general. It was -- we did have some discussions about types of information that could be released, not necessarily from what file

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Affairs you set up a little committee to handle the deluge of media inquiries. Is that correct?
 A We determined that, you know, only a few people should be involved in answering the questions because it was easier to keep a smaller group informed of all the, all the things that were coming in.
 Q Okay. Who was in that group?
 A Ken --
 Q Ken Bacon?
 A Ken Bacon, I guess Mike Doubleday, Dick Bridges, me. I think that might have been it.
 Q Oh, all right. Ken Bacon, you, Mr. Bernath, COL Bridges, and Michael Doubleday?
 A Correct.
 Q Okay, and they're the higher ups. Is that fair to say?
 A Yes.
 Q Okay. And why is it that just not anyone would have access to disseminating information about Monica? Why was -- why did you create this work group or subcommittee?
 A Whenever we have a high media impact case, like a plane crash or sexual misconduct or the Marine blood -- or something like that, when you know you're going to be getting a lot of inquiries, you know, the

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or what category. But, but actually, most of the conversations that I was in on with the lawyers were much more to do with the Flexiplax agreement and, and what could be done, you know, how to set up a rating chain, how to set up a job description. My, my contacts with the lawyers were along the personnel lines.
 Q Okay. Did you ever have any, any discussions with the lawyers about the media inquiries on Monica and Linda?
 A I, I don't remember specific ones. I'm sure I, I was in on those, but --
 Q What about --
 A -- I can't remember specifically.
 Q -- the other members of the working group?
 A Was there someone else that met with the lawyers on the issue of what sort of information on Linda and Monica could be released?
 A I think Dick Bridges had most of the contact with the lawyers on specific information.
 Q Okay. And from January 21, for the next month, six weeks, there was a feeding frenzy, if you will, of information, reporters trying to get information --
 A Yes.

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Q -- about Linda and Monica?
 A Correct.
 Q It was a big national scandal. Is that correct?
 A Correct.
 Q And you're deluged with faxes, FOIA requests, informal demands, all sorts of -- they even want to know who Monica's replacement is?
 A Correct.
 Q But after time went on, that feeding frenzy sort of died down. Is that correct?
 A It, it certainly tapered off, yes.
 Q So, by March 13th, you're almost two months into the Tripp/Lewinsky story?
 A Yes.
 Q Okay. And heretofore, the information you had been releasing about Monica and Linda was pretty routine, like names, pay grade, dates of employment?
 A No. We had been releasing their, their rating standards. We'd been releasing how they got promoted and when they got step increases. A lot of information about jobs, a lot of information.
 Q Okay. A lot of information, but my characterization that it was pretty routine, about what their job was, when they were promoted, what their pay

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would be responsible for that? That would be -- or what?
 WITNESS: You mean for determining the correctness of the answer itself?
 GRAND JUROR: And routinely looking into the criminal background, if any, of anybody who's making application for a security clearance?
 WITNESS: I, I'm not an expert on this, but I would imagine it's some sort of combination of the FBI, the Defense Investigative Services, the Defense investigative agency, the, you know, the investigators.
 GRAND JUROR: So, you were not directly in the loop involving this particular function, to begin with, if I understand you correctly. That was really a function of some other department head. In this case, would you have had any reason for questioning the accuracy of that answer?
 WITNESS: No, just the opposite. The fact that she had put that down on a sworn statement and then been awarded the clearance, to me, means that the information on there has been validated.
 GRAND JUROR: My point exactly. Thank you.
 GRAND JUROR: I have a couple questions, if you'll bear with me, because there's so much we've heard. Okay, on the evening of the 12th when you

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grade was, nothing about their criminal histories?
 A We didn't know anything about their criminal histories, so no.
 Q But --
 A But, but things related to the job generally, you know, we released, yeah.
 Q You say you didn't know about criminal histories but, obviously, in, in an employee's personnel file there's all sorts of stuff. There's a 398, a 171. Is that right?
 A Yes.
 Q So, there's lots of tidbits of information. Every address you've ever had. Is that correct?
 A Yes, it's correct, but it's not something that we ever looked at either.
 Q And you didn't release that sort of information, every address Monica and Linda ever had?
 A No, but we, we were never asked that information and we probably wouldn't have released it. But, you know, the -- you're trying to tie all the information to a specific form and I'm saying that, that the information was not form specific that we dealt with.
 Q Okay. But early on in this media frenzy crisis, hadn't the working group set up some sort of

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were -- when you came back from your trip and you were speaking with Mr. Bacon, did he indicate that the reporter, Mayer, was seeking information about whether -- how do I want to say this? -- whether she had falsified information or not? Was your conversation with Mr. Bacon about the fact that the reporter was wondering whether her response was true or false?
 WITNESS: No.
 GRAND JUROR: Am I making myself clear?
 WITNESS: I think you are. The, the question was how did she answer a specific question on a specific form.
 GRAND JUROR: Okay.
 WITNESS: And, and that was the information we were looking at.
 GRAND JUROR: Okay. So, from what I'm hearing -- understanding of your testimony is the point where you sort of had a heads-up as to whether her response was true or false was when you talked to the reporter, Mayer, and she said something about well if I have information that this was false, that was when you responded well, if you have that information then we'd investigate it or that would --
 WITNESS: Yeah, that's essentially true. Let

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guidelines, together with the lawyers, very carefully that this is what we can release about Linda, this is what we can release about Monica?
 A I, I don't know that it was ever that formal, but what we, what we had going during the crisis period that kind of -- that fell through when it was -- when we hit this less intense period that we were talking to lawyers much more about each, each inquiry. As things died down, that lapsed and that's where this difficulty was. The difficulty, in my mind, wasn't that we -- whether or not we released this information; the difficulty was that we didn't follow the procedure that we had been following of checking everything with the lawyer first.
 Q All right.
 MR. CRANE: Let's see, it's about 5 after 12. Why don't I open the floor for questions and we take some questions? And then if there is some time before lunch, we can start going over some of the exhibits. Is that --
 GRAND JUROR: With regard to the question yes or no with regard with past criminal history or arrested, however it was formulated, what is the usual procedure for checking out the answers on a public record? I'm assuming it is all public record. Who

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me see if I can clarify the sequence. When I talked to Ken on Thursday evening, he said that he had this -- the question and the question was how did she answer this question on the security form. And he indicated that, that she may have some information about this, which is kind of what you know when you're answering the question. No reporter's going to ask a question that, that they don't have a reason for asking and a motivation behind it. It's not our job to, to discover the motivation behind a question.
 So, then the next morning, whenever I talked to her again and I gave her the answer, she answered no to that question, then she said what if I had information to the contrary.
 GRAND JUROR: But you didn't have that conversation with Mr. Bacon. He didn't infer that the reporting was saying that she had conversation that she may have answered it to the contrary the night before. You basically were responding to what was her answer?
 WITNESS: Yes, on that question, that's correct.
 GRAND JUROR: Okay. Okay, so now, when you fill out the form for the Public Affairs Office and Ms. Hanson says that there may be Privacy implications, was -- did you then have any conversation with

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1 Mr. Bacon that -- after Ms. Hanson had looked at the
2 typical form that you fill out that there could be,
3 there could be problems as far as Privacy?

4 WITNESS: Yeah, I did. It's not a form that
5 we fill out; it was just a typewritten memorandum of
6 the conversation. And -- and, you know, I showed that to
7 Mr. Bacon first and then I went back to Susan Hanson
8 and gave it to her. She said hey, this answer here and
9 the fact that you're answering this question could have
10 Privacy implications. So, I went back, I changed the
11 the Public Affairs guidance, ran that by Mr. Bacon and
12 said, you know, Susan's raised this as a problem. And
13 then I took that back to Susan and I guess ripped it
14 up.

15 GRAND JUROR: But when you showed it to
16 Mr. Bacon, he, he didn't say there could be Privacy
17 implications?

18 WITNESS: Neither of us knew any -- had
19 given -- had any indication of a Privacy implication
20 until Susan --

21 GRAND JUROR: Until Susan, okay.

22 WITNESS: -- mentioned it.

23 GRAND JUROR: You said you write letters the
24 next -- and said this is what I've done?

25 WITNESS: Right.

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1 WITNESS: We have principles of information
2 that each Secretary of Defense signs, and basically it
3 says that we'll release all information -- I can't
4 remember the exact wording but, you know, our job, our
5 job is to make sure that the American people, through
6 the media, it's the best way we have of getting the
7 information out. The American people know what's
8 happening in the Department of Defense, how we're
9 operating, the good, the bad, and everything else.

10 So, consistent with national security and
11 with Privacy and with Freedom of Information, you know,
12 and consistent with the law, we release the maximum
13 amount of information. Our job is not to hide
14 anything. One of the things it specifically says is we
15 don't hide information just to prevent embarrassment of
16 our officials.

17 So, we do tend to be proactive in releasing
18 information when the media call. If you talk to the
19 media, you would find that we have a pretty good
20 reputation about doing that. It's not -- we don't do
21 it in a reckless way, but we do do it in a proactive
22 way. And most of the scandals that you read about,
23 Tail Hook included, are scandals that the media found
24 out because we released information.

25 GRAND JUROR: So, because you want to give

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1 GRAND JUROR: What did they say to you?

2 WITNESS: They said that, that -- I was
3 concerned about a couple of things. One is, you know,
4 if I did something wrong, I want to know about it. And
5 two, I want other people to know about it because, you
6 know, it's -- it wasn't my intent to do anything wrong,
7 it wasn't my intent to hide anything, to do anything
8 wrong.

9 They said basically that, that this sounded
10 like a procedural error, like -- but not a -- I forget
11 the word -- not, not a criminal error. That
12 procedurally I should have gone to the legal people and
13 run this through them. But we talked about then this
14 balancing act, too, about, you know, public figures
15 have less right to Privacy than private figures. Now,
16 you know, it's far beyond my purview to decide who's a
17 public figure and who's not, but the, the implication
18 in a lot of the papers is that this is an automatic
19 illegal thing to do, and I don't believe that's the
20 case.

21 GRAND JUROR: Was there ever a Justice
22 Department investigation of the -- an internal
23 investigation of this?

24 WITNESS: The Department of Defense Inspector
25 General --

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1 accurate information to the public and the best vehicle
2 is the press, does that mean that, in general, you --
3 your office is to, when -- as far as possible, maintain
4 good relations with the press, cooperate with the
5 press? I mean, obviously, in a way you've just said
6 that --

7 WITNESS: Somewhat.

8 GRAND JUROR: -- but -- so, if somebody calls
9 up and says I want one question answered and, and would
10 it be part of the overall philosophy that okay, this is
11 a fairly quick thing to respond to, let's get it done
12 and, and cooperate with the press and, and maintain our
13 good working relationship so that we can get accurate
14 information out?

15 WITNESS: Yeah, I think that's fair. It's
16 not to say that we answer all questions. I don't want
17 to leave you with that --

18 GRAND JUROR: Right.

19 WITNESS: You know, there are times when we
20 have to say that's, you know, that's classified or I
21 can't talk about that. But generally, yes, you're,
22 you're correct.

23 GRAND JUROR: But so, the overall tone of
24 your office is not to be antagonistic with the press?

25 WITNESS: That's right.

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1 GRAND JUROR: Defense, I meant, not Justice.

2 WITNESS: Yes. Yeah, they, they -- that
3 investigation is ongoing.

4 GRAND JUROR: Okay.

5 GRAND JUROR: I have a couple questions. You
6 said that the 12th you arrived back at the office, you
7 had been out of town and you arrived back in the office
8 about 7:30 at night, and then you went in and talked to
9 Mr. Bacon. And was this the only thing you talked
10 about?

11 WITNESS: No. The conversation wasn't that
12 long. It was obviously getting late and we both wanted
13 to go home. But, you know, I told him about my trip a
14 little bit, he told me what's been going on during the
15 day and this was kind of a oh -- you know, he had the
16 memorandum of the phone call, you know, the please call
17 back phone call. And he said oh, by the way, I got
18 this call from Jane Mayer, and that conversation.

19 GRAND JUROR: Now, was it one -- I'm not sure
20 how to phrase this. From the mission statement, if you
21 will, of the Public Affairs Office, does it say
22 anything about relationships with the press?

23 WITNESS: Yes.

24 GRAND JUROR: And that would be -- what is
25 your mission as far as relations with the press?

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1 GRAND JUROR: This is a very picky question,
2 I guess. Mr. Crane talked about the 171 and questions
3 on that about arrest or conviction. I don't know if
4 you'll remember this, I'm trying to remember it myself,
5 but let me ask do you recall whether it says on the
6 171, as opposed to the 338, have you been arrested
7 versus have you been convicted, of any felony?

8 WITNESS: I don't recall the exact wording on
9 the 171.

10 GRAND JUROR: So that the --

11 WITNESS: The questions were similar but they
12 were not exact.

13 GRAND JUROR: Okay. That's -- Mr. Crane, do
14 you have a 171 that we could --

15 MR. CRANE: Right. I have about 50 exhibits,
16 and I can't pull it out right now because I can't
17 remember where it is, but we'll look at all of those.

18 GRAND JUROR: Okay. Thank you.

19 GRAND JUROR: May I ask one question? Am I
20 correct in assuming, number one, that the criminal
21 record of an individual making application for either
22 employment federally with a 171 or for a security
23 clearance with a 398, the checking of that information,
24 would that not be a matter of public record off of
25 various police records? I don't know, that's why I'm

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asking the question.

WITNESS: I don't know either. I don't know what records they check to verify the information on --

GRAND JUROR: I was curious whether, in and of itself, asking a question relating to something which would presumably be public record, if that would be a violation of either Privacy or whatever else might be brought into this picture. I mean, out of context, by itself, it would seem a rather innocuous question.

WITNESS: Well, out of context, the question was innocuous and that's why it didn't trigger anything.

BY MR. CRANE:

Q Are you familiar -- this is a very technical point -- exemption number 6 from Freedom of Information Act?

A If you'd read it to me, maybe. I certainly don't know all the exemptions.

Q It's the, the one dealing with personnel files and personal information. I actually don't have it right there in front of me.

A I'm generally familiar that there is an exemption. None of the exemptions are absolute. All of them are subject to some test.

Q Okay. So, you believe that when the -- when

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we say the exemption, that means under the Freedom of Information Act you can release this unless it's exempt, and then there are six to nine -- how many is it? Nine exemptions?

A Nine or so, yeah. But the exemptions don't mean you can't release them, it just means that you've got to go through another step before you release them, if they're releaseable. Somebody has to make a determination.

Q Okay. Now, earlier you had actually written some regulations on the Freedom of Information Act, hadn't you?

A I had?

Q Yeah. Some implementing regulations?

A When?

Q In your past.

A I, I guess you're talking about back at Fort Riley, back in '79 -- is that when you're talking about?

Q I don't remember exactly --

A I certainly didn't write any -- I mean, I didn't write any implementing instructions when I was up in Public Affairs here.

Q No.

A When the Freedom of Information Act came into being, I oversaw the writing of the implementation for

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Fort Riley.

Q And you actually drafted them, didn't you?

A I don't recall if I drafted them or -- but I was in the, in the supervisory chain of those who did certainly.

Q Okay. And this was right after FOIA was passed in -- whenever it was, '72 or '74?

A Right.

Q And it was sort of a new law then?

A Right.

Q And you were sort of on the cutting edge of writing the regulations that would give guidance to line people as to how to apply --

A That's correct, yeah.

Q So, basically, had been kind of dealing with this information for over 20 years?

A No, that's not accurate.

Q No?

A I dealt with it for a short period of time, then didn't deal with it again for a long, long time afterwards.

Q Okay. But exemption number 6, which we can go into in some detail later, says that there is no discretion in its release and the regulation -- if I represent that to you, does that sound familiar, that

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exemption 6 dealing with personnel information has no discretion?

A I don't know that.

Q You don't know that? And that there is no balancing? If I represent to you that the regs, DOD Regulation 5400.7-R says if the information qualifies as exemption 6 information, there is no discretion in its release, is that something you've never heard of?

A I don't -- that does not strike me as familiar, and I'd want to see the thing in the, in the whole, not just one quote out of it.

Q Okay.

MR. CRANE: Were there some other questions?

GRAND JUROR: The lady asked wasn't that criminal record public information, that anybody could have gotten that information to use for their purpose.

WITNESS: You mean whether or not she actually had a conviction?

GRAND JUROR: Right, right.

WITNESS: I, I believe that Ms. Mayer got it in some way. I don't know how she got it but --

GRAND JUROR: It was, in turn, investigated before she could have clearance. Shouldn't the FBI or -- have gotten that information, too?

WITNESS: I would think so. I would think

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so. But --

GRAND JUROR: So, something happened why she got a clearance, unless it was purged from her record or something like that.

WITNESS: I just -- I don't have enough information to answer that.

GRAND JUROR: From, from March 12th, from that evening until the time that the information was given to Jane, was anything said about that this information was going to be released in an article? To you, was anything said to you from anyone?

WITNESS: I certainly knew that it was going to be used in an article that she was writing. Certainly.

GRAND JUROR: But you didn't know -- you thought it was going to be no or --

WITNESS: Again, whenever a media person asks a question, they have an answer in their mind and you know they do. You know that they've got an ulterior -- they're either checking to confirm a fact or they're checking to, to confirm that something is wrong. So, I can't say that, you know, I didn't know that there was something in the back of her mind. But that's not really a factor that we use in whether we're going to answer a question or not.

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GRAND JUROR: Did she tell you after you said that the answer was no -- you said, you said that she said if. Did she ever come out and say what it was she had --

WITNESS: No.

GRAND JUROR: -- to you?

WITNESS: When I, when I learned the extent of that was when she faxed out -- when The New Yorker actually faxed out articles to the media and to us, I read the article.

GRAND JUROR: That's when you first --

GRAND JUROR: When you talk to someone, as this woman, and ask --

COURT REPORTER: I'm sorry, can you -- ma'am, I can't -- excuse me, I'm not getting your question on the record. Can you speak up a little?

GRAND JUROR: Oh, sure. I'm sorry.

COURT REPORTER: That's all right. I couldn't hear you.

GRAND JUROR: When you talk to someone like

Ms. Mayer, can you ask her if you can speak off the

cuff and if you can find out what's in her mind? Do

you do that with the press people?

WITNESS: Can I speak, can I speak to her off the record and, and get more information?

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GRAND JUROR: Yeah.

WITNESS: We do that occasionally. Mainly, we do that when the question is kind of unspecific and we're trying to figure out what is it that you're really asking, so that we can get you with the right person to answer the question.

GRAND JUROR: So, you do do that on -- basis--

WITNESS: Yes.

GRAND JUROR: -- to protect your people, so to speak?

WITNESS: To what?

GRAND JUROR: To protect your people.

WITNESS: No, no, no, that's not the, the reason we do it. We do it because sometimes a reporter will call in with a question and you can tell by the question that they're not sure what it is that they're asking. And so, they want to talk to X Assistant Secretary of Defense and you'll be thinking, wait, that question doesn't pertain to that person. What is it you really want to know? And we'll start asking them questions just to help narrow down what the field is so that we can get them with the right person to answer the question. We don't -- but we, we don't get in the habit of asking them what they're writing just so that

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we can determine whether or not to answer the question. You see the distinction that I'm making?

GRAND JUROR: I think so, but that would be a good safeguard.

WITNESS: Well, but it would -- they have a First Amendment right to ask these questions and it's not our right to weigh, weigh the legitimacy of the question.

GRAND JUROR: Just get everything out on the table, though.

WITNESS: But they don't --

GRAND JUROR: There are certain --

GRAND JUROR: That's not the way our government works.

WITNESS: They have protections against that.

GRAND JUROR: When you said you only learned of the article's context when it was faxed to you, how soon after that -- when did that --

WITNESS: That was late Friday, probably around 6 or 7:00 Friday night.

GRAND JUROR: So, it came right back?

WITNESS: Yes. The way a lot of the magazines do things, when they have what they consider to be a hot story, is they'll fax it to other members of the media so that the media -- this article wasn't

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going to be published in The New Yorker till Monday, but over the weekend it generated a lot of media coverage of it, so that when it hit the newsstand on Monday there was a bigger market for it.

GRAND JUROR: I just want to go back to this gentleman's question which was like a hypothetical. When he asked -- when you told Jane the answer and if she had asked would you fax me the paper, you said you don't know.

WITNESS: Well, he said would I fax part of the paper.

GRAND JUROR: Right.

WITNESS: I certainly would not have faxed the form. You know, the question pertained to one fact and, and everything else on that form did not pertain to it, so there would be no reason to give her the rest of that information. Certainly, I would never have released all the information because, as he said, some of it is clearly sensitive and clearly would have would have triggered a Privacy Act thought. This particular question did not trigger that. That's the distinction here.

MR. CRANE: Let me just jump in. We can go on as long as we want, but it's 12:30. We'll come back and certainly have many more questions after lunch.

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Let me just jump in with one. I'll read you a provision of the Freedom of Information Act, Mr. Bernath. It says, "This section does not apply to matters that are," and I'll jump down to number 6, "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Let me just hand you that, and I've put a star and circled that portion.

GRAND JUROR: Excuse me, Mr. Crane. When you said this section, do you mean this section of the Privacy Act?

WITNESS: No, this is the Freedom of Information Act. And again, I am not an expert, but my, my understanding is that this says the information that cannot be released under the Freedom of Information Act. The Privacy Act is different and, and -- so, when, when, when this excludes something, then the provisions of the Privacy Act then kick in and you go under the, the Privacy Act rules then.

BY MR. CRANE:

Q Okay.

A And again, I'm not an expert but this just says that you don't release it under the Freedom of Information. It doesn't say you don't release it under

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the Privacy.

Q Okay. But you do understand that -- did you understand that information you were releasing was a personnel -- it's not a medical file, I guess, but a personnel and similar file?

A I did not -- see, I did not release any file. I did not release a file. I released an answer to one question on one, on one form from a file. I did not release a form or a file.

Q Okay. But did you consider it to be a -- the information you were reading over the phone, not faxing or giving in hard copy, but did you consider it to be personnel or -- a personnel file or a similar file?

A See, that's the point. I didn't consider it to be anything other than a piece of information. I did not consider it to be Privacy Act or Freedom of Information Act. And whether I should have at the time, that's a different question. The fact is I didn't. And none of us did.

Q Okay.

GRAND JUROR: There's a further provision that you read about when this would be harmful. Finish the sentence.

MR. CRANE: Yeah, the sentence -- again, I'll read the whole Act -- or the whole sentence again.

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"The following are not subject to" -- the section does not apply, meaning you do not disclose "Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Now, I think that the Juror's -- Grand Juror's question was regardless of what sort of file this came from, security, personnel, similar, isn't it kind of an invasion of Linda Tripp's, you know, personal privacy to dig around about what she reported about arrests?

GRAND JUROR: Actually, that was not my question. My question was did he feel since it did not seem to be an invasion of personal privacy --

MR. CRANE: Okay, that's the question.

GRAND JUROR: That was the question.

GRAND JUROR: Do you have a Privacy Act?

MR. CRANE: Yes.

GRAND JUROR: So, could we compare the two?

MR. CRANE: Sure.

GRAND JUROR: See, you're picking that Act and try to apply it to what he have done. So, we need more proof of the two Acts and see.

MR. CRANE: Yeah, we can, we can look at all of them.

GRAND JUROR: Will we have -- before lunch,

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will we have the opportunity to ask you some questions with Mr. Bernath out of the room?
 MR. CRANE: If you want to. That's up to you -- as to how we want to do the lunch break. It's now going on 12:35. What do you all want to do?
 GRAND JUROR: I think, I think we should break now for lunch. There are some people who --
 GRAND JUROR: Hungry.
 GRAND JUROR: -- who are hungry and there are some people who have medical reasons to eat on a regular basis.
 MR. CRANE: Okay. So, we break --
 GRAND JUROR: But that's my feeling.
 GRAND JUROR: No, we want to eat.
 GRAND JUROR: I think, I think if we don't break, we could go on and on and on. So, I'd like to break now. And --
 GRAND JUROR: Ask your questions before the beginning -- well, before we begin in the afternoon, will we have an opportunity to ask you a couple of questions without the witness present?
 GRAND JUROR: How can we pick up that thread, though?
 GRAND JUROR: Well, I -- no, that's okay, I can hang onto it. I don't know if you can, but --

under oath for many hours and that investigation is to determine whether all this was right or wrong.
 Q Right.
 A It seems -- you know, my logic says the scope of what we're doing here is was the White House involved and was there any misconduct. I'm not sure why this is germane to, to this --
 Q Well, yeah, I don't know that I can -- I can answer that. The scope of the Grand Jury investigation is, you know, to look at a number of possible violations. So that -- at this point, that's all I can say.
 A Investigations going into this.
 Q Right. Now, what was the portion of 21(a) that was released?
 A The portion of it is the, is the part that says no.
 Q Okay. What is the, the line?
 A "Have you ever been arrested, charged, cited or held by federal, state or other law enforcement or juvenile authorities, regardless of whether the citation was dropped or dismissed or you were found not guilty, including all courts martial or nonjudicial punishment while in the military service? You may exclude minor traffic violations for which a fine or

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write it down.
 MR. PAGE: Can we agree on a time to come back and reserve a section for questions before Mr. Bernath continues?
 GRAND JUROR: I, I would rather take 45 minutes and then an hour after we get back take a 10-minute break, instead of at -- because I think we are all interested in moving this along. What is the consensus? Forty-five minutes?
 GRAND JUROR: Sure, I agree.
 GRAND JUROR: Sounds good. Be back at 20 after.
 GRAND JUROR: Twenty after? Okay. And we will talk to Mr. Crane first, and then we will resume asking Mr. Bernath questions.
 MR. CRANE: Okay.
 (Whereupon, at 12:35 p.m., the Grand Jury recessed and subsequently reconvened at 3:15 p.m.)
 BY MR. CRANE:
 Q It's now about 3:15. Sorry about the delay. We had a number of other issues. We will try to wrap up in about a half an hour.
 Let me show you what I've labeled as Grand Jury Exhibit Number 1. Take a look at this.
 MR. CRANE: And I would represent to the

forfeiture of \$100 or less was imposed."
 Q Okay. Now, did you read it to Ms. Mayer that way or did she read it to you or did she refer to 21(a)? How did you both get on the same wave length since she doesn't have the form directly in front of her?
 A She -- her question was how did she answer the question on the form. When I asked her -- when I told her the answer was no, she, she had me read it to her. She wanted to make sure of the wording.
 Q Just the way -- the same way that I have here? Read the entire question: Have you ever been arrested, charged --
 A Yes.
 Q Okay. Now, in a subsequent call from -- I don't recall his name, Retica or something, who is the fact checker from The New Yorker, this was later in the afternoon, he called me up and -- I guess this is the way they verify their information. He said Mayer has given me this information, this information, and he wanted to verify it. I can't -- somehow there is a discrepancy.
 Q How so?
 A Oh, okay. I know what the discrepancy was. When I read -- I think when I read the form the first

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members of the Grand Jury that is the 398 form pertaining to Ms. Tripp. And I'll ask Mr. Bernath to look at that.
 BY MR. CRANE:
 Q And is that, in fact, the form?
 A Looks like it, yes.
 Q Okay. And that's the form that you obtained on March 13th. Is that correct?
 A Yes, I believe so.
 Q Okay. Now, which is -- if you would look on what's going to be page 3, I believe, answer 20 or 21, could you read the answer as -- the one that you read to the reporter?
 A Can I ask a question first?
 Q Certainly.
 A I don't know if this is germane but it, I think, kind of goes back to the original rights and everything. I'm not exactly sure, given the scope of what you're looking at, which is possible misconduct by the White House -- as you know and I think the Grand Jury knows, I've been deposed for six hours by Larry Klayman --
 Q Right.
 A -- under oath. I went through all this. The Department of Defense Inspector General has deposed me

time, the question -- I'm not sure. Here's what happened. I don't know how it happened. One time when I read her the question it was off of a different version of this form, an older version -- or a newer version, rather.
 Q You mean one that Linda Tripp herself had filled out or simply a blank form?
 A I think it might have been a blank form. I don't remember exactly, but it was a different form. And when I actually was -- when Retica had read it back to me, it was different from this wording and I gave him this wording. I can't remember the sequence of which one, but at that time we noticed -- I noticed that it was a different question, in a different form.
 Q Okay. Are you talking about the answer on the 171 form?
 A No, I'm talking about this question here.
 Q About prior criminal involvement?
 A Yeah. On a newer form the question was worded slightly differently, and I think that's what I gave Jane Mayer the first time. So, when he read it back and I was looking at this form, the wording was different. I gave him the wording that was on this form.
 Q Okay. Now, was that a form actually signed

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1 by Ms. Tripp, the way this one is, or was it --
 2 A I don't recall whether it was off of a blank
 3 form that I had or, or it might have been even one that
 4 I had on myself. I just can't remember, but, but there
 5 was that discrepancy when Retica called back and I
 6 realized that he didn't have the wording and it was off
 7 of this particular form.
 8 Q Okay. I would represent to you I'm unaware of
 9 any other security clearance/background form signed by
 10 Ms. Tripp.
 11 A Yeah. And that's what I'm saying. I don't
 12 think that this was the one. I think it might have
 13 been one that I had on myself or it might have been a
 14 blank one.
 15 Q Okay. So, you were just reading her the
 16 language about how the question about prior arrests --
 17 A That's right.
 18 Q -- had been -- how it, how it's phrased in
 19 the form?
 20 A Right.
 21 Q And then when you eventually found this form,
 22 you told her that Ms. Tripp's answer in 21(a) was no?
 23 A No.
 24 Q Another question, again, I may have asked
 25 this, but it's getting late in the day. Did Ms. Mayer

1 consideration of the Privacy Act.
 2 Q Okay.
 3 A And there is an investigation going on now to
 4 see whether that was correct or not. But I can't argue
 5 the legal aspects of this.
 6 Q All right. That's fine, you don't have to.
 7 Let me just show you one page of the Freedom
 8 of Information Act which I'm going to label Exhibit 3.
 9 I'm going to label the front page of it 3. And I would
 10 draw your attention -- take your time to read as much
 11 of it as you need to. It's page 730 here, the portion
 12 that I was most interested in. Take a look at Exhibit
 13 Number 3, if you can.
 14 GRAND JUROR: What is Exhibit 3 a copy of?
 15 MR. CRANE: It is a copy of the Freedom of
 16 Information Act, and I'll read --
 17 BY MR. CRANE:
 18 Q All right, Mr. Bernath, we'll read aloud the
 19 provision. Let me know when you've had enough time,
 20 Mr. Bernath.
 21 A Okay.
 22 Q Okay. The provision, for the members of the
 23 Grand Jury, says, "This section does not apply to
 24 matters," and I'm jumping down to number 6, exemption
 25 number 6, "personnel and medical files and similar

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1 refer to the question by number? Did she say to you
 2 Mr. Bernath, I would like to know the answer to 21(a)
 3 on Form 398? How did they know to go to this form?
 4 A I don't believe she ever asked by number. I
 5 don't believe she did. And, and I don't recall ever
 6 hearing her say a form number; she said security form.
 7 Q Okay. Now, let me show you a portion of the
 8 Act. You've already, to some extent, given your
 9 explanation about balancing, the balancing interests.
 10 And I'm going to label this as Exhibit 2. Just one
 11 second. This is, I'll represent to you, a copy of the
 12 Privacy Act and I'm going to show you a portion of it.
 13 MR. PAGE: Can you pass this around?
 14 MR. CRANE: Yes, we can pass around Exhibit
 15 Number 1 to the Grand Jurors.
 16 BY MR. CRANE:
 17 Q Okay, I'm going to show you what I've now
 18 labeled as Exhibit 2, the Privacy Act. You can read
 19 the entire thing, but the portion that I wanted to ask
 20 you about is subsection (b) here on page 737. Take as
 21 much time as you need to, looking at Government Exhibit
 22 Number 2.
 23 Okay, my question is a portion on page 737 I
 24 underlined. I'll read it just for the record since the
 25 Grand Jurors don't have it in front of them. "No

1 files, the disclosure of which would constitute a
 2 clearly unwarranted invasion of personal privacy."
 3 Now, my question is while you were the appellate
 4 authority for FOIA at the Department of Defense, did
 5 you ever have occasion to grant or deny FOIA appeals
 6 dealing with provision number 6?
 7 A I think there's one other portion that you
 8 may want to read, and I'm not sure how it applies but
 9 it's relevant. It says, "Any reasonably segregable
 10 portion of a record shall be provided to any person
 11 requesting such record after a deletion of the portions
 12 which are exempt under this subsection. The amount of
 13 information deleted shall be indicated on the released
 14 portion of the record." It goes on to explain how, how
 15 to delete -- how to do that.
 16 Q Okay.
 17 A So, this was a segregable part of it.
 18 Once again, I would say that there are people
 19 who deal with the Freedom of Information Act on a day-
 20 to-day basis. There is a body of law that goes around,
 21 there are lawyers devoted to it. There is a body of
 22 law on the Privacy Act that is very difficult to
 23 define. There is no -- I do not believe that there is
 24 anything that says X is always private and never shall
 25 be released. That's, that's what a court determines.

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1 agency shall disclose any record which is contained in
 2 the system of records by any means of communication to
 3 any person or to another agency, except pursuant to a
 4 written request by or with the prior written consent of
 5 the individual to whom the record pertains, unless such
 6 disclosure would be" and then we have exceptions 1
 7 through 12.
 8 Now, did you -- were you familiar with this
 9 portion of the law that a system of records can't be
 10 disclosed? This portion of the Privacy Act or was this
 11 all kind of news to you?
 12 A I certainly had not read this prior to doing
 13 the release and, and was not -- I was not conversant
 14 with the details. However, I would say that I did not
 15 release a record or a system of records. I released
 16 specific information from a record.
 17 Q Okay.
 18 A So, no record was released.
 19 Q All right. What about -- what are your
 20 thoughts on when the statute says "by any means of
 21 communication"? Wouldn't that include reading
 22 something over the telephone?
 23 A I go back to my original statement. I didn't
 24 read this. I don't claim to be an expert. The fact is
 25 we released this -- these pieces of information without

1 Q But my question to you --
 2 A And so, yes, I dealt with, with cases that--
 3 of information that had to be released. And when those
 4 cases come up, we look at the specific parts of the,
 5 the act that are germane. I'm not, I'm not saying that
 6 I'm not responsible but what I'm looking at is the
 7 staff work of the staff officers who present the case
 8 and who are making the recommendation as to whether
 9 something should be released or not released.
 10 Q Okay. But my question was while you were the
 11 appellate authority, did you grant or deny appeals
 12 based on this subsection number 6? I sort of lost your
 13 answer in the -- in what you said.
 14 A Is the question have I released information
 15 from personal files?
 16 Q The question was while you were the appellate
 17 authority did you grant or deny appeals of FOIA denials
 18 based on exemption number 6?
 19 A Which is personnel/medical files?
 20 Q Right.
 21 A We had, we had FOIA requests, and I can't
 22 cite the cases but they would be pertaining to medical
 23 files on, on personnel killed in, in combat or killed
 24 in accidents, and we certainly did release some
 25 information from those files about --

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Q The causes of the death or injury?
 A Yes. And, and if there were any other factors leading to the death.
 Q Okay.
 A So, there are cases where this has been done.
 Q All right. Let me retrieve that exhibit from you and show you now Exhibit 4. This is, I would represent to you, a portion of a security clearance form that was sent to Ms. Tripp, that I would represent to you is the SF 86, Standard Form 86, Questionnaire for National Security Positions, which is -- my understanding, it is the successor form to 398.
 A I've never seen this form before.
 Q Okay. Can you look at the answer -- excuse me, the question about criminal history where it asks about prior arrests, et cetera? I wanted to go back to one kind of small detail we were talking about earlier.
 A The part that says, "Have you ever been charged with or convicted of any offenses?" That's alcohol, drugs.
 Q Yeah. Is that the -- was a question like that that you read the reporter the first time?
 A No.
 Q Was it like any of the other subparts A, B, C, D, E or F? Like, for example --

[1] Grand Jury have any questions as to what we've done so far, the exhibits that we're passing around and so forth?
 Mr. Page?
 BY MR. PAGE:
 Q Mr. Bernath, when you saw the letter, how was it distributed within your place of work?
 A This letter from Brad Weigman?
 Q Yes, sir. Let me try to help you. Do you have an in-box there or a bunch of individual boxes for the employees --
 A No.
 Q -- in your department?
 A No. It may have been in a read file with other information that we get every morning.
 Q For you and Mr. Bacon and, and others in similar positions?
 A Right.
 Q Well, what's your routine practice with your read file?
 A I look through it. I can't say I memorize it or, you know, it's -- but, you know, I'm generally aware of what's in it.
 Q But after you read, do you toss or do you keep or it's at your discretion?

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A I mean, it was, it was the same type of question: "Have you ever been convicted of a felony or felony offense, but it wasn't off of this form and it had more provisions to it. But I have never seen this form before."
 Q Number F is, just for the members of the Grand Jury. "In the last 7 years, have you been arrested or charged with or convicted of any offenses not listed in responses to A, B, C, D or E above. Leave out traffic fines of less than \$150 unless the violation was alcohol and drug related." But again, your answer is it wasn't any of these forms, it was --
 A This form had nothing to do with the case.
 Q Okay. Now, let me just draw one attention. On these security forms, there is -- I call a stamp. I don't know if it's a stamp or it's printed on there, but it's a warning or an -- I don't know what it is. It says, "Privacy Act information." Are, are you used to seeing that on Privacy Act forms or was that the first time you'd ever seen --
 A I don't know that I've seen this stamp before. Was it on the form that's being passed around? Or was it on the 398?
 Q It was not stamped on there. I'll represent it wasn't. There was a separate --

[1] A Well, it's a read file that goes -- it's circulated, so --
 Q You check off, you're saying, and then you pass on?
 A Right.
 Q Oh, I see. And you get it near in time to the date on the letter?
 A I mean, it's -- I don't know. Sometimes we don't get the letter here -- to the date on the letter.
 Q So, I would assume that the read file is put together based on the information that comes in -- on what we get today.
 Q And is it your testimony for the Grand Jury that you do have a recollection of reading the letter?
 A Yes, I, I have the recollection of reading the letter. How, how specifically I read it, I don't recall. I'm guessing that it was a read file.
 Q Can you tell the members of the Grand Jury what your thoughts or impressions were when you read the letter?
 A Well, I don't know that I had any thoughts about it. It was, it was just another letter. There's a lot of -- you know, another piece of information that had come down.
 MR. PAGE: Where's our letter? Could you

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A So, there was nothing on that form that said, you now, this is Privacy Act.
 Q Right. Let me show you Exhibit Number 5, a letter from the Office of the Independent Counsel to the Department of Defense, Office of General Counsel. And we'll take a minute for the witness to read the exhibit.
 Okay. Were you, were you aware that the Office of the Independent Counsel had asked Department of Defense, through your lawyers, the general counsel, not to release information that was subject to subpoena?
 A Yes, I was in the early days of this. By the time this happened, it, it didn't connect up.
 Q So, you -- had you just sort of forgotten about the subpoena or what -- I'm not quite sure what you mean when you say it didn't connect up.
 A I mean that form -- that letter went around, and it's one of I don't know how many thousands of things that I've seen since then and before then. So, again, if it's early days, I probably was aware of this. By April, by the time this happened, it -- I never had a complete knowledge of everything that had been under subpoena and that letter did not come up.
 MR. CRANE: All right, do the members of the

[1] tell me the date?
 GRAND JUROR: March 3rd.
 BY MR. PAGE:
 Q Right, that letter's dated March 3rd.
 Mr. Bernath. Now, the, the Lewinsky/Tripp matter had been in the news since on or about January 21st, 1998, correct?
 A Correct.
 Q So that's approximately 10 or so days, I believe, plus the 28 in February, so that would give you about 38 days from the letter at least to the date of -- I'm sorry, from when the matter was publicized until the date of the letter. And then we'll add on a couple days after that, give or take some, for it to get delivered. In, in those 30 days, were you aware that the Office of Independent Counsel, Starr, was in existence and was looking into the Lewinsky matter as a result of all the publicity that was in the paper and on the TV?
 A Sure.
 Q So, does anything click in your head when you get the letter in relation to that this is a big newsworthy event? See what I'm saying?
 A I see what you're saying, but it takes everything out of context. It takes everything and

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puts it in a context that maybe you want to hear but that's not the context that reality exists in.

Q Well, please put it in context.
A The context is that (a) we didn't release any information that -- any records that had been subpoenaed. We responded to a query. It was, it was not a significant event in our lives. You know, in retrospect, this has been the most significant event of my life. You know, it's taken it over and it's caused, you know, us to have lawyers and it's caused us to miss work, it's -- and it's caused extreme emotional difficulties for my family. So, in retrospect, that 15 minutes has changed our lives. But at the time that it happened, it was just another media query. It was just another little piece of information that we were releasing. It was a piece of information that did not look significant on the surface. It was a piece of information that under, under her sworn testimony said no, I didn't. And, and then we moved on with our lives and we answered other questions about other things that were going on, you know, about military engagements, about war in, in Bosnia. We got on with our lives. It was just 15 or 20 minutes of something that happened. That's the perspective. It wasn't that we were looking at this under a microscope a few weeks later for any

9:15 a.m., Elaine Sciolino," spelled S-C-I-O-L-I-N-O, first bullet, "story to run tomorrow." Second bullet, "Leaving with quote from her year book about pet peeve being a certain fair-weather friend." And what does that refer to?

A Elaine Sciolino was New York Times and she called up and asked some question which I didn't record and I don't remember, but it was about -- it was -- she was going a -- at that time a lot of people were doing backgrounders on Linda Tripp. I forget what was in the news -- but as, as they start to become newsworthy people want to do stories on them. And that's what she told me. She said she was going to lead with this story, that she found something from the year book, did I know anything about it. I said no, I never heard of her year book.

Q When you wrote in here, the next entry sequentially, "9:25 a.m. to 9:30, security has only a few records, all of which have been subpoenaed by the Office of the Independent Counsel," did that give you any cause that oh, this is stuff that the Grand Jury's looking into; oh, you know, maybe --

A None of the records -- (a) it didn't give me enough pause and (b) none of the records that, that we talk about there were the ones that got released.

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intent or purpose. That's the context.

Q All right, I understand --
A And, and the thing -- and, you know, the thing that we should have done, we wish we would have done is that we wish we would have run this by a lawyer, but we didn't.

BY MR. CRANE:
Q Okay, let me just jump in here. Now, you said it was a, you know, a momentary thing that took 15 or 20 minutes. I'm looking at your day planner and it looks to me that you were working on this from at least 8:30 in the morning on the morning of March 13th, 8, 9, 10, 11, 12:00. One o'clock there's an entry that the facts checker for The New Yorker calls, and that does not go into what, whatever transpired on the 12th. So, to me, it looks like you all were spending more than the 15 or 20 minutes.

A No, because you can't tell on there, and the date planner doesn't accurately describe time frames because it doesn't do it down to the minutes. But --

Q Well, it says, for example, 8:55 a.m. to 9:05 a.m., Jane Mayer.

A That's because I can't do a one, a one-minute thing on the day timer. It doesn't record small amount of times like that. So, so, I give it a designation.

Q What are you saying? That the 398 had not been subpoenaed?

A No, the 398 wasn't part of that group of records that I looked at to --

Q Okay. You mean that because it was not physically at the Pentagon at the time you all first gathered up documents and sent them over to us?

A No, it was just a statement. He said, he said these records here that we've looked at -- I forget what the first sentence was, but they'd all been subpoenaed and it was a separate incident.

Q So, but how -- my question is you actually thought that her 398 had not been subpoenaed?

A No, I just never thought about it, whether it was or wasn't.

Q Okay. Well, I don't understand why you wrote it then in your -- you took enough time to write in your day planner, actually, to type in or however you do it, that --

A I was just, I was just taking notes on the phone with whoever. Was it Doc Cooke?

Q Yes, Doc Cooke.

A He, he, he said it, I wrote it down. I didn't think about it.

Q Okay. So, he was the one that told you that

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But, in fact, the first phone call to Doc Cooke about less than a minute. The reviewing the records, it took me longer to walk down the hall than it did to look at the records. The Jane Mayer phone call was two minutes long. None of these were long things. I was doing other things in between.

Q Let me just read a quote: "9:25 a.m. to 9:30 a.m., security has only a few Tripp records, all of which have been subpoenaed by the Office of the Independent Counsel." Did you write that?

A Um-hum. That was, that was based on some information that -- I think from Doc. Is that where it comes from?

Q Right. And you wrote that on March 13th in your day planner?

A Um-hum.

Q Okay. Let me ask you about another one. Okay, in your conversation with Jane Mayer at 8:55 a.m. to 9:05 a.m., "Told her I was working on answer to her question and Ken has made clear it's a priority."

Okay, you wrote that. Is that correct?

A Correct. Do you want me to explain again what that priority was?

Q I think you've explained that several times. Let me go on to some other questions. "9 a.m. to

all the records had been subpoenaed?

A That the records that we had looked at specifically had been --

Q Okay. And then from 10, 10 a.m. to 10:25, the entry is "Steve O'Toole, director of Personnel Security." "Reviewed Tripp's security file" is the next entry. "Security clearance," et cetera. So, I take it you had a conversation with him as well?

A That was actually I walked down to his area. That's why it took so long.

Q Okay.

MR. PAGE: Tell us, Mr. Bernath, what files you're talking about that you had looked at?

WITNESS: These -- at Steve O'Toole's?

MR. PAGE: No, the earlier entry with Doc.

WITNESS: It was the, it was the -- I hadn't

looked at any of them. Doc had looked at records and said that -- and, and I think that was mainly the ones that we want, but I don't know exactly which records those were.

MR. PAGE: What else did he have at the time or should he have had?

WITNESS: Again, I don't know. The records that he looked at, which I think was the 171 -- which, by the way, the 171 had been released to the media.

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MR. PAGE: Is that at the Pentagon or --
 WITNESS: Yes.
 MR. PAGE: -- is that what -- is it DDS or --
 had sent over?
 WITNESS: No, no, this is before DDS.
 MR. PAGE: Okay. So, this is exclusively
 then at this juncture --
 WITNESS: That's right.
 MR. PAGE: -- the --
 WITNESS: That's right, that's the first --
 event --
 MR. PAGE: Physically --
 WITNESS: -- before -- that's right.
 MR. PAGE: I'm sorry, we talked over each
 other, but would you say that again?
 WITNESS: I'm saying that this was -- this
 information was before Steve O'Toole and it was before
 Les Blake.
 MR. PAGE: And you hadn't physically seen
 this stuff. You're taking down what Doc Cooke tells
 you --
 WITNESS: That's correct.
 MR. PAGE: -- he has seen?
 WITNESS: Yes.
 MR. PAGE: Which you understand to be an

Q Okay. And this is immediately after about
 five entries concerning Linda Tripp, her personnel
 file.
 A Um-hum.
 Q What, what all did you talk about?
 A I don't know. Is that one that's blanked out
 or --
 Q No. Do you recall?
 A I can't recall every conversation. If you
 can give me a hint, I can tell you --
 Q Okay. It's RE phone call from Mr. Zaccanini.
 A Oh, okay.
 Q Tripp's lawyer?
 A Yeah.
 Q Okay. What -- how does that tie in?
 A It doesn't tie into, to this at all. It ties
 into her Flexiplace assignment.
 Q All right. And there's something about, I'm
 quoting, "Told Don I received call from Zaccanini
 regarding Linda's new duties. Agreed that if Linda
 wanted to talk to me about the detail of the job she
 should do so directly with me. If there were legal
 questions, this should be lawyer to lawyer. He will
 call Zaccanini."
 A Right.

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SF171?
 WITNESS: Yes.
 MR. PAGE: And is it fair to say that if the
 398 had been at the Pentagon you wouldn't have had to
 call -- is it DDS?
 WITNESS: DSS.
 MR. PAGE: I'm sorry, DSS. Is that accurate?
 WITNESS: I'm not sure if I understand the
 question.
 MR. PAGE: Okay. Well, if Cooke is saying
 here are these files and this is -- these are the files
 that are under subpoena, okay, and if you had to go
 ahead and call DSS to get the contents of the 398 faxed
 to you, is it fair to -- later on, is it -- to make the
 disclosure, is it fair to say then that the 398 was not
 one of the documents that was at the Pentagon at the
 time you had this conversation with Doc Cooke?
 WITNESS: It was not in the files that Doc
 Cooke had. To this day, I don't know where DSS is, but
 it is a Defense agency. It's the Defense -- but I
 don't know if they're located in the Pentagon or not.
 MR. PAGE: Have you had other occasions in
 other, you know, situations to know that the only kind
 of security information kept at the Pentagon for this
 kind of person would be the -- just the SF 171?

Q Okay. So, did you refer to Mr. Perkal the,
 the legal questions involving the release of her --
 A No, this conversation had nothing to do with
 the release of information. It had only to do with the
 Flexiplace assignment.
 Q Okay. But from 8:55 until 10:25, you had
 been dealing with this 398 release issue. It didn't
 come up in any way?
 A No.
 Q And you mention in your own notes that the
 documents were under subpoena.
 A The, the first documents that, that Doc Cooke
 had looked at, yes.
 Q And -- but it never dawned on you to ask him
 oh, by the way, a reporter wants the form Linda Tripp
 filled out to get her top secret security clearance?
 A No. I had been working with Don on the
 Flexiplace agreement and that's what I talked to him
 about.
 Q Okay. Then, from 12:30 to 12:50 it says,
 "Martha Brandt, RE Tripp, Newsweek." Does that mean
 she's a reporter at Newsweek?
 A Yes.
 Q And you talked to her about Linda Tripp?
 A I guess so. Again, if you'll read it, I can

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WITNESS: For what kind of person?
 MR. PAGE: Tripp.
 WITNESS: No, that's not true.
 MR. PAGE: All right, what else is kept there
 routinely?
 WITNESS: She, she has a personnel file
 there.
 MR. PAGE: Okay, but, but security-wise,
 beyond the SF 171?
 WITNESS: Maybe I'm out of my league here. I
 don't know what files are kept in addition to that. I
 don't know. Probably -- I don't know what other files
 would be kept. I'm not an investigator.
 BY MR. CRANE:
 Q Okay, continuing on your day book planner
 from March 13th, there's an entry at 11:20 to 11:30,
 Don Perkal. Who's Don Perkal?
 A He is a lawyer from the General Counsel's
 Office.
 Q Okay. It was my understanding that I thought
 you hadn't talked to any lawyers. I'm confused.
 A Why?
 Q In your day planner it says Don Perkal and
 he's a lawyer from the General Counsel's Office?
 A Um-hum.

tell you what it was about, but I don't remember.
 Q "Details of current job in response to
 Tripp's charge that we are downgrading her."
 A Yes.
 Q Okay.
 MR. PAGE: Mr. Bernath, in all of the media
 requests for information about Tripp that you handled,
 did you ever deny a representative of the media any of
 their requests?
 WITNESS: Yes. Maybe not denied, but I
 never, I never told anybody the information that I told
 you all today about her problems the first year or any
 kind of personnel problems.
 MR. PAGE: Can you give us -- do you remember
 any specific examples where you said whatever your
 standard line is, no comment or can't disclose --
 WITNESS: With, with Brandt I never -- she
 asked the exact same types of questions about what type
 of employee was she and I gave her a fairly innocuous
 answer.
 MR. PAGE: Do you recall what it was?
 WITNESS: It's probably in there.
 MR. PAGE: Any other examples you can recall
 where you said --
 WITNESS: Yeah.

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MR. PAGE: -- deny --
 WITNESS: Yes.
 MR. PAGE: What is your standard response anyway? How do you handle reporters who have an angle but you're -- you know that you can't say anything?
 WITNESS: I don't speculate, so -- and I don't -- and, and I try not to, you know, I try to speak to the facts only and, and release factual information. I try not to get into areas that are gray. I try not to speculate on, on reasons why did she release the, the tapes, did she hate Monica? I stay away from questions like that.
 MR. PAGE: All right, but how do you stay away? Do you say I don't speculate or --
 WITNESS: Yeah. Yeah.
 MR. PAGE: Do you say no --
 WITNESS: I say I don't want to comment on that.
 MR. PAGE: All right, so no comment, I don't speculate. What other standard lines do you use?
 WITNESS: I don't know, just, just comments like that. I mean, I don't have a dozen favorite comments that I use.
 MR. PAGE: Does --
 MR. CRANE: Let me jump in a minute.

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it's, it's certainly been -- ever since this incident, it's been foremost in my mind. And, and on obvious Privacy Act issues. I s. On, on this one, as I've said about a dozen times, it didn't. That's all I can say on it.
 BY MR. CRANE:
 Q Okay let's see if we have just a few more things to go over. Okay, let me read from your day book. From 1 to 2 p.m. on March 13th under the, the entry "Aaron Retica" spelled R-E-T-I-C-A, "fact checker for New Yorker." Second bullet: "Went over fax. Based on copy of Tripp's 398 faxed to me, determined that wording of questions and warnings were different on the version of the form she signed. Made corrections." Okay, we discussed this before, I know. I'm still not sure -- it appears that the person on the other end of the phone has a form in front of them.
 A No.
 Q No?
 A No. The person on the other end of the phone, Aaron Retica, had the information that I gave to Jane Mayer earlier and was reading it back to me to make sure that it was correct.
 Q Okay. And were they just re-reading it wrong, like not getting the words right or --

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BY MR. CRANE:
 Q On the issue of speculation, I mean, it's my impression, and you correct me, that when you say to a reporter if this is true she will have to be investigated, in my, you know, understanding --
 A Can I see the 398? Is that out still?
 GRAND JUROR: Is this it?
 BY MR. CRANE:
 Q Okay, let me finish my question. You can take time to look at the exhibit.
 A Okay.
 Q But you're saying to a reporter if true she will have to be investigated.
 A If I --
 Q Let me finish my question. If true, she will have to be investigated. At the time you said that to Ms. Mayer, I understand that it was your testimony that you didn't know that that was true. You didn't know, in fact, that she had been arrested when she was 19 years old --
 A That's correct.
 Q -- in 1969. So, you were speculating?
 A No. I'm saying that if, if there's a violation, then it would have to be investigated.
 That's not speculation, that's fact. And in fact, it

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A No. And again, I'm not sure where -- which form I read to Jane Mayer earlier, but the -- it was a different version of the form, different date on the, on the version number so the, the wording was slightly different. So, when I looked at it again when he was reading it back to me, I said oh, no, that's different wording. So, I gave him the exact wording off of the form.
 Q Okay. Let me ask you about an entry you made on March 16th, about three days -- the 13th was a Friday, Friday the 13th. So, we had 14, 15, Monday, March 16th, a telephone call with Jane Mayer at 2:45 to 2:55 p.m. The second bullet is "Received a called from Tucker Carlson of the Weekly Standard questioning DOD's release of information from Tripp's security form."
 Now, that is -- is this correct, that Jane Mayer is relating to her that she received a call from Tucker Carlson?
 A Yes.
 Q Okay. The second -- or the next bullet is "Mayer said Carlson is a rabid anti-Clintonite." What was the relevance -- why was she giving you this information?
 A I don't know.
 Q Why did you write it down?

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was investigated.
 Q But --
 A It says here "I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both." Now, that's, that's the penalty. So, if, if something -- and they, they've told us that from the time, you know, I came into the military when you filled this out, you know, if anything goes wrong, if you, if you lie, this'll be investigated. That's -- to me, that's not speculation, that's a statement of fact.
 MR. PAGE: In your other --
 WITNESS: I'm not speculating whether she's guilty and I'm not speculating how the investigation will come out, I'm just -- I'm stating that there would be an investigation. That's the procedure.
 MR. CRANE: Okay.
 MR. PAGE: In your other refusals to give the media information about Tripp, what, what is guiding you when you do that, when you say no comment or I refuse to speculate?
 WITNESS: What's guiding me is to stick to factual information.
 MR. PAGE: Is the Privacy Act guiding you?
 WITNESS: It is when, when it kicks in. And

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A I, I don't know always why I write certain things down and why I didn't write other things down. It just -- I'm writing it down. It's the, the, the bane or the blessing of the new computer age where you can just type things in and there they are.
 Q The final bullet for that time period is "Wants to know how to respond. Doesn't want to cause me any problems." What is that referring to?
 A She -- when, when he called her, she started to get concerned about, you know, whether I was going to be in trouble for this. I thought that was kind of generous of her since I never met her before, but I told her do what you have to do, you know, tell him what you -- I don't know how reporters tell other reporters things, but do what you want to do.
 Q All right. Since this incident occurred, have you had some contacts with Mr. Bacon? Have you had, excuse me, discussions with Mr. Bacon about releasing this information?
 A Yes.
 Q And what has he told you?
 A He told me that he, he, like I, wished that we had talked to a lawyer before we released it.
 Q The other way, as I understand it, is that you can ask for the person's permission to release

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CERTIFICATE OF COURT REPORTER AND TRANSCRIBER

information. For example, in the case of someone
dying, quite often you may contact next of kin or
something and -- talking about some sort of graphic
injuries to a pilot, that sort of thing. Was there any
point where you tried to call Ms. Tripp or her lawyer
to --
A No.
Q Well, why not?
A Because we didn't look at this information in
light of the Privacy Act. We looked at it in light of
the multitude of other questions and answers that we
had given out.
Q Did you have some conversations with Mr. Bob
Tyrer about this incident?
A I did.
Q And what did he, what did he tell you?
A He was unhappy, he was irate that we had
released the information. I believe he said it was a
stupid release. And his main concern was that
Secretary Cohen had not been advised about it.
GRAND JUROR: Excuse me.
MR. CRANE: Yes, other questions at this
point?
GRAND JUROR: Who was the -- Mr. -- who
was--

I, BARBARA LORD, the reporter for the United
States Attorney's Office, do hereby certify that the
witness whose testimony appears in the foregoing pages
was first duly sworn by the Foreperson or the Deputy
Foreperson of the Grand Jury when a full quorum of the
Grand Jury was present; that the testimony of said
witness was taken by me, and thereafter, reduced to
typewritten form; and that the transcript is a true
record of the testimony given by said witness.

Barbara Lord,
Official Court Reporter

Lou Deosaran,
Official Transcriber

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WITNESS: Tyrer?
GRAND JUROR: Yes. What was his position?
WITNESS: He's a special assistant to
Secretary of Defense Cohen.
BY MR. CRANE:
Q Now, was his -- was your moving to another
position in any way related -- did Mr. Tyrer say that
he wanted to move you to a different position?
A No. The move had been in progress for more
than a year. We were just waiting for the person I
replaced to formally announce his retirement.
Q And since this event has happened, have
you-- or shortly after it happened, did you call
Ms. Tripp to tell her that you had made a mistake?
A No.
MR. CRANE: That's all the questions I have
right now. Any other questions from the members of the
Grand Jury? Yes, ma'am?
GRAND JUROR: Why did you not call Ms. Tripp?
Because you said you were very friendly with her at
that point.
WITNESS: Well, by the time -- ever since
January 21st, the only conversations that most of us
had with Linda Tripp were through a lawyer. Relations
after that -- it was very difficult to talk to her.

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GRAND JUROR: I understand.
GRAND JUROR: I have a question for Mr. Page
actually.
MR. CRANE: Yeah, we'll do that after the
witness --
GRAND JUROR: I don't think it's legal,
though.
MR. CRANE: Yeah, but if it's -- even if it's
factual, we have to do it after the witness has left.
I'm sorry.
Any other questions of the witness? I think
what we will do is just ask him to step out for a
moment.
And then if there are no further questions,
in a couple minutes we can excuse you for the day,
Mr. Bernath.
WITNESS: Excuse me for the --
MR. CRANE: Well, you can leave the
courthouse for the day.
May he step outside?
FOREPERSON: Yes. Thank you.
(Whereupon, the witness was excused at
4:10 p.m.)

- 1 -

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 1/30/98

ANDREW JAMES BLEILER, white male born [REDACTED]
[REDACTED]
[REDACTED]

was interviewed in the presence of his attorney, TERRY M. GILES,
P. O. Box 9558, Rancho Santa Fe, CA, [REDACTED].

After being advised of the personal and official identities of the interviewers and the purpose of the interview, BLEILER provided the following information:

BLEILER met MONICA LEWINSKY in May, 1992 at the Beverly Hills, CA High School where he was employed from July, 1989 to June, 1994 as a pro-tech (production sets for theater performances). LEWINSKY was not a student as she had already graduated from high school. BLEILER saw her during the summer of 1992 at a summer camp and was invited to her home. BLEILER had married KATHLYN NASON in October 1991 and was married when he and LEWINSKY mutually agreed to have a sexual relationship which consisted of five or six meetings during the summer. LEWINSKY then went to Santa Monica Community College in the fall but the relationship continued when LEWINSKY stopped by the high school to see him about every three weeks.

In late 1992 or early 1993 LEWINSKY found out that the BLEILERS were considering a move to Portland, OR. LEWINSKY picked up the pace of their relationship and began coming to his informal instruction classes at the school. He attempted to withdraw from the relationship but LEWINSKY continued coming to the school and threatened to tell BLEILER'S wife and other teachers of the affair. By this time KATE (KATHLYN) BLEILER was pregnant with their child. BLEILER continued to have occasional sexual encounters at LEWINSKY'S apartment. LEWINSKY volunteered to work on costumes for the school production of Oliver and she interrupted his classes at times to ask him to talk about their relationship.

BLEILER told LEWINSKY to quit doing this and she became apologetic and started sending gifts and leaving personal greeting cards in his office. About March, 1993 LEWINSKY was accepted to Cal State. In the summer of 1993 BLEILER went to

Investigation on 1/28/98 at Portland, OR File # 29D-LR-35063

by [REDACTED] Date dictated 1/30/98

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Continuation of OIC-302 of ANDREW JAMES BLEILER, On 1/28/98, Page 2

Portland to look for a job. LEWINSKY, without consulting him, elected to enroll in the fall of 1993 at Lewis and Clark College in Portland. She then introduced herself to BLEILER'S uncle, DR. STEPHEN BLEILER, who is a professor of math at Portland State. LEWINSKY volunteered to baby sit the professor's children and began buying the children gifts. LEWINSKY rented a house near the professor even though the location was inconvenient to Lewis and Clark. LEWINSKY seemed to have a lot of money and she paid cash for a Subaru station wagon that she drove in Portland. LEWINSKY made trips back to Los Angeles during the 1993/94 school year to visit BLEILER'S high school classes and this made him very uncomfortable with his students.

BLEILER moved to Portland on 7/2/94 and stayed with his uncle STEPHEN BLEILER. LEWINSKY visited him a lot at the residence and would confront him about continuing their relationship anytime the others left the room. Unbeknownst to BLEILER, LEWINSKY apparently forged the signature of DAVID BLISS on a verification of potential employment at Lewis and Clark College and was caught by BLISS. LEWINSKY had previously arranged for BLEILER to meet with BLISS, who works in the drama department, to speak with BLEILER about the job market in the Portland area. BLEILER did not request this letter and knew nothing of it until it was publicized in the newspaper about six days ago.

On 10/30/94 the BLEILERS moved to Portland at which time LEWINSKY soon endeared herself to BLEILER'S wife, KATE, and continued to proposition him when KATE was out of the room. BLEILER saw her a few times over the next three or four months. LEWINSKY began buying their children gifts costing \$50 to \$100 apiece and continued pressuring him to be her friend and to have sex.

In September of 1995 BLEILER got a job as production manager of the Canby, OR high school drama department and LEWINSKY moved to Washington, D.C. for her internship. BLEILER was subsequently interviewed by the FBI as a reference for LEWINSKY'S background investigation. LEWINSKY returned to Portland once or twice a year to visit friends, come to the high school, and to have sex with him. BLEILER'S sexual relationship consisted of oral sex and sexual intercourse. The oral sex was performed on him by LEWINSKY at her suggestion but was not

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Continuation of OIC-302 of ANDREW JAMES BLEILER . On 1/28/98 . Page 3

reciprocal. LEWINSKY became suspicious of an affair that BLEILER was having with a [REDACTED], and left a lurid message on DOUGLAS' voice mail.

LEWINSKY became suspicious of an affair that BLEILER was having with a [REDACTED], and left a lurid message on DOUGLAS' voice mail. BLEILER again tried to break off the relationship but LEWINSKY continued calling him at Canby High school and at his home. LEWINSKY began providing him some details about her relationship at the White House about the end of 1995 and early 1996. LEWINSKY said that she was having a sexual relationship with some high official at the White House and when BLEILER joked that it was the President she scolded him about the telephones being monitored but she did not confirm that it was the President. LEWINSKY never identified the individual but complained in early 1996 that "the creep" wasn't calling her or giving her any time. LEWINSKY related that she did not have sexual intercourse with this individual but rubbed against him to masturbate him, had oral sex with him and that each of them "came". On one occasion this individual took her to a room off the oval office and stuck a cigar up her vagina and they then smoked it together. From the 8 or 10 phone calls complaining about the relationship BLEILER believed that LEWINSKY spoke of about six sexual encounters.

BLEILER said that before LEWINSKY left Portland for the White House she stated how handsome CLINTON was and openly joked with BLEILER and his wife that she was going to get some "presidential knee pads".

LEWINSKY also complained about her treatment in another sexual relationship she was having about the same time or possibly after she moved to the Pentagon. LEWINSKY advised KATE [REDACTED]

[REDACTED] While at the Pentagon LEWINSKY apparently traveled to Bosnia with PANETTA or someone as she had photographs of herself in a helicopter.

LEWINSKY had a need to share information and probably told others of these details. LEWINSKY had received counseling in Los Angeles and possibly in Portland for an eating disorder. LEWINSKY made numerous calls to BLEILER and his wife KATE about their marital problems and the possibility of BLEILER having an

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Continuation of OIC-302 of ANDREW JAMES BLEILER, On 1/28/98, Page 4

affair with [REDACTED] [REDACTED] went to KATE and told KATE of her affair with ANDY. KATE confronted ANDY about the affairs with MONICA and [REDACTED] and he admitted them. KATE mailed back lurid sex notes that ANDY had received from MONICA and told MONICA to quit sending things and calling them. All of this resulted in marital counseling and improved marital relations for the BLEILERS. All of this resulted in marital counseling and improved marital relations for the BLEILERS.

BLEILER has revealed these details to his wife KATE, his current attorney TERRY GILES, his previous attorney AUGUSTINE CAMI of Los Angeles, and some family members.

BLEILER made available the following items that were sent to he and KATE from the White House:

1. Letter on White House stationary dated 6/23/94 to Congressman ANDREW JACOBS, Jr. and signed "BILL"
2. Handwritten note on White House stationary dated 11/21/95 beginning "Dear ANDY" and signed "BILL CLINTON".
3. Color photograph of BILL and HILLARY CLINTON signed "To the BLEILERS with Best Wishes" and signed by both CLINTONS.
4. Color photograph of BILL CLINTON signed "To MAKENNA LEHRER, Best Wishes" and autographed "BILL CLINTON".
5. Printed card of recipe for chicken enchiladas signed "BILL CLINTON".
6. Color photograph of BILL CLINTON signed "To ANDY BLEILER, congratulations" autographed "BILL CLINTON".
7. Four color pamphlets entitled "Holidays at the White House 1995".
8. Happy birthday letter dated 2/20/96 addressed to ANDY and signed "BILL CLINTON".
9. Color photograph of BILL CLINTON signed "To THOMAS BLEILER", Best Wishes BILL CLINTON".

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Continuation of OIC-302 of ANDREW JAMES BLEILER . On 1/28/98 . Page 5

10. Three small boxes of White House M & M's.
11. One small box White House Whitman chocolates.
12. One book of White House matches.

Items one and two were provided to investigators.

Sidney Blumenthal, 2/26/98

Grand Jury

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CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

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Page 1

[1] UNITED STATES DISTRICT COURT
[2] FOR THE DISTRICT OF COLUMBIA
[3] ----- x
[4] In re
[5] GRAND JURY PROCEEDINGS
[6] ----- x
[7] Grand Jury Room No. 4
[8] United States District Court
[9] for the District of Columbia
[10] 3rd & Constitution, N.W.
[11] Washington, D.C. 20001
[12] Thursday, February 26, 1998
[13] The testimony of SIDNEY BLUMENTHAL was taken in the
[14] presence of a full quorum of Grand Jury 97-2, impaneled on
[15] September 19, 1997, commencing at 9:26 a.m., before:
[16] SOLOMON WISENBERG
[17] ROBERT J. BITTMAN
[18] JACKIE M. BENNETT, JR.
[19] DAVID BARGER
[20] Associate Independent Counsel
[21] Office of Independent Counsel
[22] 1001 Pennsylvania Avenue, Northwest
[23] Suite 490 North
[24] Washington, D.C. 20004
[25]

Page 2

[1] PROCEEDINGS
[2] Whereupon,
[3] SIDNEY BLUMENTHAL
[4] was called as a witness and, after having been duly sworn by
[5] the Deputy Foreperson of the Grand Jury, was examined and
[6] testified as follows:
[7] EXAMINATION
[8] BY MR. BITTMAN:
[9] Q Good morning.
[10] A Good morning. How are you?
[11] Q I'm fine. How are you this morning?
[12] A Very well.
[13] Q Would you please state your full name?
[14] A Sidney Blumenthal.
[15] Q How do you spell your last name, Mr. Blumenthal?
[16] A B-l-u-m-e-n-t-h-a-l.
[17] Q Let me advise you, Mr. Blumenthal, you are a
[18] witness appearing before this grand jury this morning and you
[19] have certain rights and you also have certain obligations as
[20] a witness appearing before the grand jury.
[21] One of your rights is that you have the right to
[22] have an attorney present outside the courtroom and you may
[23] consult with that attorney at any reasonable time. You may
[24] ask to take a break at any time you want and consult with
[25] your attorney.

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[1] Do you in fact have an attorney with you today?
[2] A I do.
[3] Q Who is that person?
[4] A I have Bill McDaniel, William A. McDaniel, Jr., and
[5] Jo Marsh, his associate. I have two attorneys.
[6] Q And Jo is a female spelled J-o?
[7] A Correct. And White House counsel is also
[8] co-counsel.
[9] Q Is that Cheryl Mills?
[10] A That is correct.
[11] Q You also have the Fifth Amendment right. That is,
[12] if a question I ask you may incriminate you in any way, the
[13] answer may incriminate you in any way, you may refuse to
[14] answer that question. Do you understand that?
[15] A Yes, I do.
[16] Q You have an obligation to tell the truth and if
[17] you lie or intentionally mislead this grand jury, you may be
[18] prosecuted by this grand jury or subsequent grand juries.
[19] Do you understand that?
[20] A Yes, I do.
[21] Q Okay. Let me first go through and talk with you
[22] a little bit about the jurisdiction of this investigation
[23] and this grand jury. I have provided your counsel with a
[24] copy of the Special Division's order granting the Office of
[25] Independent Counsel, Kenneth W. Starr, jurisdiction over

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[1] certain matters dated January 16, 1998.
[2] Paragraph 2 of that jurisdictional grant provides
[3] "The Independent Counsel shall have jurisdiction and
[4] authority to investigate to the maximum extent authorized by
[5] the Independent Counsel Reauthorization Act of 1994 whether
[6] Monica Lewinsky or others suborned perjury, obstructed
[7] justice, intimidated witnesses or otherwise violated federal
[8] law other than a Class B or C misdemeanor or infraction in
[9] dealing with witnesses, potential witnesses, attorneys or
[10] others concerning the civil case Jones v. Clinton."
[11] Paragraph 4 provides "The Independent Counsel shall
[12] have jurisdiction and authority to investigate any
[13] obstruction of the due administration of justice or other
[14] material false testimony or statement in violation of federal
[15] criminal law arising out of his investigation of the matter
[16] described above."
[17] These are the matters that we're inquiring of
[18] today, Mr. Blumenthal.
[19] Can you tell us, sir, where you are currently
[20] employed?
[21] A I work in the Executive Office of the President in
[22] the White House.
[23] Q What is your title there?
[24] A My title is Assistant to the President.
[25] Q Are you the Assistant to the President for any

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[1] specific thing?
[2] A No, I am not.
[3] Q What are your duties at the White House?
[4] A They are such duties as the President and the Chief
[5] of Staff shall decide.
[6] Q How long have you been so employed?
[7] A Since August 11, 1997.
[8] Q Can you tell us how you were hired? How you came
[9] to be employed by the White House?
[10] A The President asked me to assume this position.
[11] Q And when was that relative to August 7th,
[12] approximately?
[13] A He asked me if I would be interested in joining the
[14] administration in January 1997.
[15] Q I have a directory from the White House of the
[16] various offices within the White House, the Executive Office
[17] of the President, and you are identified as being in the
[18] Office of Communications. Is that correct or did they want
[19] to just fit you in somewhere?
[20] A I think it's an effort to fit me in somewhere
[21] within that directory, but I have nothing after my title.
[22] I have taken my rank as my title and it is not for
[23] communications, nor am I a deputy for communications in any
[24] way. It is part of my job to deal with the media.
[25] Q I'm asking this only because I identified you as

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[1] being an Assistant to the President for Communications to the
[2] grand jurors and if you could just explain that is how you're
[3] identified in this directory.
[4] A Right.
[5] Q This is just some place to fit you in.
[6] A Right. Although that's a misstatement of my formal
[7] title.
[8] Q Okay. And let me make clear at this point, all the
[9] questions that I'm going to inquire of you today and this
[10] grand jury will inquire of you is related strictly to your
[11] employment at the White House, that is, from August 7th last
[12] year and your duties while employed at the White House.
[13] A Excuse me. August 11th.
[14] Q Oh, did you say -- I'm sorry. August 11, 1997.
[15] A Yes.
[16] Q What is your average day, if there is sort of an
[17] average day? Who do you consult with and what type of work
[18] do you do at the White House?
[19] A I'm engaged in a broad range of issues.
[20] Q And what is your role?
[21] A My role is to assist on these various issues.
[22] Q Do you advise the President as to a specific area?
[23] That is, communications, foreign policy, domestic policy,
[24] legislation, drugs or anything like that? Can you narrow it
[25] down at all? Or do you everything that the President

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handles?
 A I deal with foreign policy, with domestic policy.
 Q On Tuesday when we were in the judge's courtroom downstairs, and the grand jurors know that, your attorney described to the judge that your job is to talk to the media.
 A That's part of my job.
 Q That's part of your job.
 A Yes.
 Q Is that the biggest bulk of your job?
 A On some days.
 Q Some days? And when your primary job is not talking to the media, what is your primary job?
 A Well, I have made a concerted effort not to be a public spokesman. I give very few, if any, on-the-record interviews. I have never appeared as a spokesman on television or on radio. And I've been involved in such issues over the last month as writing the State of the Union and helping to arrange the visit of Prime Minister Blair, who is a very old friend of mine.
 Q In your duties at the White House, do you typically advise the President himself?
 A I do speak with the President. I brief him.
 Q Without going into the substance of what you talk to the President about, is that something you do on a daily basis or on a weekly basis?

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A I think I should consult my attorney about how I'm supposed to answer.
 Q I'll withdraw that question for the time being.
 A Aside from the President, who are you regularly in contact with? For example, the Office of Communications, the director is Ann Lewis. Do you speak with Ms. Lewis on a regular basis?
 A I think I want to speak to my attorney about that because I'm a little confused about that.
 MR. BITTMAN: Sure.
 Mr. Blumenthal?
 THE WITNESS: Yes?
 MR. BITTMAN: If you would knock -- when you come back, if you would knock, and we'll open the door.
 THE WITNESS: Sure. Thank you.
 (The witness was excused to confer with counsel.)
 BY MR. BITTMAN:
 Q I had two general questions for you, Mr. Blumenthal. One was whether you advised the President himself. Can you answer that question?
 A I do.
 Q You do. How regularly do you do that?
 A Several times a week.
 Q Who are the other advisors, if any, that you consult with at the White House on a somewhat regular basis?

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A I would say that I speak with almost everybody in the White House on a regular basis. And, on a daily basis, I speak with the Chief of Staff, Erskine Bowles; with John Podesta, the Deputy Chief of Staff; with Sylvia Matthews, the other Deputy Chief of Staff; with Rahm Emmanuel, the senior advisor; with Paul Begala, Counsellor; with Doug Sosnik, Counsellor; with Mike McCurry, Press Secretary; with Joe Lockhart, Deputy Press Secretary; with Tony Blinken and David Levy, the Director and Deputy Director of the Strategic Planning for the National Security Council.
 Q Can you spell Mr. Blinken's last name?
 A Yes. B-l-i-n-k-e-n. With Bruce Reed, the Director of the Domestic Policy Council; with Gene Sperling, Director of the National Economic Council. Almost every day I speak to those people and others.
 Q Where is your office physically located in the White House?
 A It's on the ground floor of the West Wing.
 Q Have you had any involvement in the matter involving Monica Lewinsky?
 A I think I'm going to talk to my lawyer about that one.
 (The witness was excused to confer with counsel.)
 MR. BITTMAN: I'll just note for the record it's 9:44.

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THE DEPUTY FOREPERSON: Mr. Blumenthal, you're still under oath.
 THE WITNESS: Thank you.
 BY MR. BITTMAN:
 Q Mr. Blumenthal, have you had any role in the Monica Lewinsky matter?
 A Yes.
 Q What has been that role?
 A I attend meetings in the White House in the Office of Legal Counsel in the morning and in the evening almost every day.
 Q We understand that these meetings occur daily at 8:30 a.m. and at 6:45 p.m.?
 A Yes.
 Q Are these the meetings that you attend?
 A Yes.
 Q And can you tell us who generally attends them? I understand that these are daily meetings and that the same people don't always attend them. You probably or may not attend them all the time either.
 A Correct.
 Q Can you tell us who generally attends -- first of all, generally, do they attend both meetings, the same group? Or is it like one group attends the 8:30 and then a second, different group attends the 6:45?

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A Generally the same group.
 Q Okay. What's the group, as far as you can remember?
 A It is legal counsel, Chief Legal Counsel, Charles Ruff. It is Lanny Brewer, of the Legal Counsel Office. Cheryl Mills, of Legal Counsel Office. Bruce Lindsey, Senior Advisor to the President and Legal Counsel. John Podesta, Deputy Chief of Staff. Rahm Emmanuel, Senior Advisor. Paul Begala, Counsellor. Jim Kennedy, Legal Counsel Office. Mike McCurry, Press Secretary. Joe Lockhart, Deputy Press Secretary. Ann Lewis, Director of Communications. Adam Goldberg, who is in Legal Counsel Office. That's Adam -- I forget his last name, actually. It's Don Goldberg of Legislative Affairs, I believe, and Legal Counsel. I could be wrong about some of these titles. That's generally the group.
 Q Do any of the President's private attorneys attend either the 8:30 or 6:45 meeting, whether in person or by telephone?
 A I've never seen them in person.
 Q Do you know whether they are on the telephone? Is there a conference call, actually?
 A No.
 Q No? So anyone who is aware of the meeting at the time it occurs would have to actually be present at the

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meeting.
 A Yes.
 Q Does anyone from outside the White House ever attend these meetings, that is, not employed by the White House?
 A No.
 Q Are there regular conference calls, as far as you know?
 A Regular?
 Q When I say "regular," not scheduled but calls that occur on perhaps a daily or every-other-day basis.
 A There have been conference calls that I've been part of, but they haven't been --
 MR. BITTMAN: Please note for the record that an attorney from the Office of Independent Counsel has come in.
 I'm sorry.
 THE WITNESS: There have been conference calls, but, to my knowledge, they're not daily.
 BY MR. BITTMAN:
 Q Are there any meetings that you attend that are a subset of the people that you just listed? That is, a smaller group.
 A There are no regular meetings.
 Q No regular meetings? What occurs at these 8:30 and

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[1] 6:45 p.m., these daily meetings?
 [2] A I can't discuss that.
 [3] Q Why can't you discuss it?
 [4] A I've been advised by White House counsel that
 [5] that's covered:
 [6] Q Do you know by what it is covered, what privilege?
 [7] A Executive privilege.
 [8] Q Executive privilege. These twice daily meetings at
 [9] 8:30 and 6:45, would it be fair to say that the content that
 [10] is the subject matter of the meetings exclusively relates or
 [11] refers to the Monica Lewinsky matter?
 [12] A Yes.
 [13] Q And generally, how long is the 8:30 meeting?
 [14] A It varies from -- I'd guess, I don't want to guess,
 [15] but say 15 minutes to a half hour.
 [16] Q And the 6:45 meeting, generally how long is that?
 [17] A The same. The same.
 [18] Q Have you received any information relating or
 [19] referring to Monica Lewinsky?
 [20] A I think I want to go consult my attorney.
 [21] MR. BITTMAN: Please note for the record it is
 [22] 9:49.
 [23] And, again, if you'll knock before re-entering.
 [24] THE WITNESS: Sure.
 [25] (The witness was excused to confer with counsel.)

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[1] MR. BITTMAN: Please note for the record it's
 [2] 9:52 a.m.
 [3] THE DEPUTY FOREPERSON: Mr. Blumenthal, you're
 [4] still under oath.
 [5] THE WITNESS: Thank you.
 [6] BY MR. BITTMAN:
 [7] Q Mr. Blumenthal, have you received any information
 [8] relating or referring to Monica Lewinsky?
 [9] A I wonder if you could clarify that question because
 [10] I receive information from newspapers and magazines like
 [11] everybody.
 [12] Q I'll clarify it to exclude information from
 [13] published news articles and information directly from your
 [14] private attorney. So have you received any information
 [15] relating or referring to Monica Lewinsky with those
 [16] exceptions?
 [17] A Can I go out?
 [18] MR. BITTMAN: Yes.
 [19] THE WITNESS: Thank you.
 [20] MR. BITTMAN: Please note for the record it's a
 [21] little after 9:52, almost 9:53.
 [22] (The witness was excused to confer with counsel.)
 [23] MR. BITTMAN: Please note for the record it's 9:55.
 [24] THE DEPUTY FOREPERSON: Mr. Blumenthal, you are
 [25] still under oath.

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[1] THE WITNESS: Thank you.
 [2] BY MR. BITTMAN:
 [3] Q Mr. Blumenthal, excepting information from
 [4] published news stories, whether broadcast or in newspapers or
 [5] otherwise published, and excepting information from your
 [6] personal attorney, have you received any information relating
 [7] or referring to Monica Lewinsky?
 [8] A Yes.
 [9] Q From whom? Excepting those two sources.
 [10] A The President and the First Lady.
 [11] Q What information have you received from the
 [12] President?
 [13] A I've been advised by my attorney that I cannot
 [14] discuss this.
 [15] Q On the grounds of executive privilege?
 [16] A I'm not a lawyer, I would assume so.
 [17] Q Did your attorney indicate to you which privilege,
 [18] if any, to assert?
 [19] A I would assume executive privilege.
 [20] Q Okay. Can you tell us what information you
 [21] received from Mrs. Clinton?
 [22] A My legal counsel from the White House says that I
 [23] cannot discuss that and that I'm an employee of the White
 [24] House and that I'm covered by privilege.
 [25] Q How many times, Mr. Blumenthal, have you talked to

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[1] the President about the Monica Lewinsky matter?
 [2] Approximately?
 [3] A Well, I'm going to have to go out of the room
 [4] again.
 [5] Q Okay. I'm going to ask you the same question about
 [6] the First Lady also.
 [7] A Right.
 [8] MR. WISENBERG: And what we'll need, you said you
 [9] assumed executive privilege, but we'll need from you on the
 [10] question of -- on anything that you assert a privilege on, we
 [11] are going to need you to articulate at a minimum what the
 [12] privilege is. We understand you're not a lawyer, but after
 [13] consultation with your lawyer --
 [14] THE WITNESS: I'll consult.
 [15] MR. WISENBERG: Yes. We need to know what
 [16] privilege.
 [17] THE WITNESS: Good. Good.
 [18] MR. BITTMAN: Please note for the record it's
 [19] 9:57 a.m.
 [20] THE WITNESS: If you could just repeat the question
 [21] so I have it exactly.
 [22] MR. BITTMAN: Yes. How many times approximately
 [23] you've talked to the President about the Monica Lewinsky
 [24] matter.
 [25] THE WITNESS: And the First Lady.

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[1] MR. BITTMAN: And the First Lady.
 [2] THE WITNESS: Thank you.
 [3] MR. BITTMAN: You're welcome.
 [4] (The witness was excused to confer with counsel.)
 [5] MR. BITTMAN: Please note for the record it's
 [6] 10:00 a.m.
 [7] THE DEPUTY FOREPERSON: Mr. Blumenthal, you re
 [8] under oath.
 [9] THE WITNESS: Thank you.
 [10] BY MR. BITTMAN:
 [11] Q Mr. Blumenthal, approximately how many times have
 [12] you met with the President about the Monica Lewinsky matter?
 [13] A Once.
 [14] Q Once? When was that?
 [15] A I can't recall the exact date.
 [16] Q Can you recall the approximate date?
 [17] A In late January.
 [18] Q The first news article, Mr. Blumenthal, on the
 [19] Monica Lewinsky was published in The Washington Post on
 [20] January 21, Wednesday. Can you estimate approximately from
 [21] the date of that news article when the date of your meeting
 [22] with the President was?
 [23] A Within that week.
 [24] Q That work week or within -- that is within seven
 [25] days of the article?

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[1] A I don't recall. I would say within a week.
 [2] Q Okay. Within one week. Where was this meeting?
 [3] A I think I'd better talk to counsel now.
 [4] MR. BITTMAN: Okay. I'm going to ask you then a
 [5] series of questions, where was it, how long was the meeting,
 [6] who else was present, and then the general subject matter of
 [7] the meeting.
 [8] THE WITNESS: Okay. Very good.
 [9] MR. BITTMAN: Please note for the record it's
 [10] 10:02 a.m.
 [11] THE WITNESS: Okay. Thank you.
 [12] MR. BITTMAN: You're welcome. And the same
 [13] questions for the First Lady as well.
 [14] THE WITNESS: Right.
 [15] (The witness was excused to confer with counsel.)
 [16] MR. BITTMAN: Please note for the record it's
 [17] 10:05 a.m.
 [18] THE DEPUTY FOREPERSON: Mr. Blumenthal, I need
 [19] remind you you are still under oath.
 [20] THE WITNESS: Thank you.
 [21] BY MR. BITTMAN:
 [22] Q Mr. Blumenthal, let me clarify one matter. I asked
 [23] you when the meeting with the President was relative to the
 [24] Washington Post article on January 21 and you said it was
 [25] within a week. Was it within a week after the article?

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[1] A Yes.
 [2] Q Okay. And now my question is where was the meeting
 [3] with the President.
 [4] A It was in the Oval Office.
 [5] Q Who else was present?
 [6] A Nobody.
 [7] Q How long was the meeting?
 [8] A About a half hour.
 [9] Q Did you discuss any other matter other than the
 [10] Monica Lewinsky matter?
 [11] A White House counsel advises me that I cannot
 [12] discuss any matter I've discussed with the President.
 [13] Q Not even the subject matter? That is, the general
 [14] subject matter, not getting into -- although I will ask you a
 [15] question about what was discussed.
 [16] A I don't recall another subject.
 [17] Q Okay. Did your attorneys, that is either the White
 [18] House or your private attorneys, indicate to you which
 [19] privilege -- well, let me ask you the question first. What
 [20] was discussed? What was the substance of what was discussed
 [21] at the meeting?
 [22] A I've been advised I can't discuss that.
 [23] Q And what privilege are you asserting?
 [24] A Executive privilege.
 [25] Q Have you disclosed to anyone besides your private

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[1] A I have had numerous meetings with the First Lady
 [2] from the day this story broke to the date of the subpoena,
 [3] both on the phone and in person.
 [4] Q Can you tell me approximately how many times you've
 [5] talked to the First Lady about the Monica Lewinsky matter?
 [6] A I don't recall.
 [7] Q Can you say it's a daily occurrence or
 [8] approximately daily occurrence?
 [9] A Yes.
 [10] Q About how many of those times that you've talked to
 [11] the First Lady did you actually meet with her?
 [12] A I can't recall.
 [13] Q Can you say whether you meet with her on an
 [14] approximately daily basis about the Monica Lewinsky matter?
 [15] A How would you define meet?
 [16] Q Talk to her in person.
 [17] A No.
 [18] Q About how frequently do you meet with the First
 [19] Lady about the Monica Lewinsky matter, if you can identify
 [20] some --
 [21] A When you say meet, you mean in person?
 [22] Q Yes. In person speak with the First Lady.
 [23] A Don't know.
 [24] Q Do you remember any specific meetings with the
 [25] First Lady about the Monica Lewinsky matter?

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[1] attorney the substance of what occurred at that meeting with
 [2] the President in the Oval Office?
 [3] A No.
 [4] Q Who called the meeting, Mr. Blumenthal? That is,
 [5] how did you come to be in the Oval Office and discuss this
 [6] with the President?
 [7] A I can't recall.
 [8] Q Can you at least exclude that it was a regularly
 [9] scheduled meeting, if it was not?
 [10] A I don't have regularly scheduled meetings with the
 [11] President. Sometimes I ask to see the President.
 [12] Q We at least know it was not a regularly scheduled
 [13] meeting with the President.
 [14] A Well, none of my meetings are. Except those that
 [15] are regular briefings involving large groups of people.
 [16] Q And you're saying because you don't remember how
 [17] you came to be there that you do not remember whether you
 [18] requested the meeting or the President requested the meeting.
 [19] Is that right?
 [20] A Yes.
 [21] Q Is it possible that some other person besides you
 [22] or the President requested the meeting? That is, somebody
 [23] said, "Sid, go meet with the President"?
 [24] A No.
 [25] Q It would have been either the President asking you

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[1] A Yes.
 [2] Q Can you tell us about those, please?
 [3] A Could you clarify? Do you mean -- what do you
 [4] mean?
 [5] Q Okay. Let me ask this. How many specific meetings
 [6] do you remember? I'm talking about meetings, now, actually
 [7] talking to her in person, whether at a table, whether
 [8] standing up or whatever. How many of those do you
 [9] specifically recall? And then I'm going to go into each one
 [10] of them.
 [11] A I can recall one.
 [12] Q When was that meeting, approximately?
 [13] A In late January.
 [14] Q Can you approximate when it was relative to the
 [15] story breaking on --
 [16] A Within a week.
 [17] Q Within a week. Can you estimate when it was
 [18] relative to the meeting that you had with the President?
 [19] A After.
 [20] Q And within a couple of days, I suspect?
 [21] A Yes. A couple, you mean two? I don't know if it
 [22] was two. It may have been several.
 [23] Q Was it the same day as your meeting with the
 [24] President?
 [25] A No.

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[1] or you asking the President. Okay. Did you take any notes
 [2] at this meeting with the President?
 [3] A No.
 [4] Q Did he take any notes?
 [5] A No.
 [6] Q Was he reading from any documents as far as you can
 [7] tell?
 [8] A I think I'd better speak to my attorney.
 [9] MR. BITTMAN: Please note for the record it's
 [10] 10:09 a.m.
 [11] (The witness was excused to confer with counsel.)
 [12] MR. BITTMAN: Please note for the record it's
 [13] 10:10 a.m.
 [14] THE DEPUTY FOREPERSON: Mr. Blumenthal, I must
 [15] remind you you are under oath.
 [16] THE WITNESS: Thank you.
 [17] BY MR. BITTMAN:
 [18] Q Did the President, Mr. Blumenthal, in your meeting
 [19] with him in the Oval Office appear to be reading from any
 [20] document?
 [21] A No.
 [22] Q Did you have any documents with you?
 [23] A No.
 [24] Q When was the meeting with the First Lady? That is,
 [25] Mrs. Clinton.

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[1] Q Where was this meeting with the First Lady?
 [2] A It was in the residence at the White House.
 [3] Q Can you tell us where in the residence it was?
 [4] A In the First Lady's study.
 [5] Q Who else was present at the meeting?
 [6] A Nobody.
 [7] Q How long was the meeting?
 [8] A Half hour.
 [9] Q Did you discuss anything other than the Monica
 [10] Lewinsky matter? Anything related to Monica Lewinsky?
 [11] A Are those two questions?
 [12] Q I'm sorry. I'll withdraw the question. Did you
 [13] discuss anything other than the Monica Lewinsky matter in
 [14] your meeting with the First Lady?
 [15] A I don't recall.
 [16] Q Did you take notes at the meeting with the First
 [17] Lady?
 [18] A No.
 [19] Q Did she take notes?
 [20] A No.
 [21] Q Did she appear to be reading from any document at
 [22] any time?
 [23] A No.
 [24] Q Did you read from any document or refer to any
 [25] document at any time?

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[1] A No.
 [2] Q Have you told anyone other than your personal
 [3] attorney the substance of what the meeting was with the First
 [4] Lady?
 [5] A No.
 [6] Q What was the substance of the meeting with the
 [7] First Lady?
 [8] A I'm advised by White House legal counsel to assert
 [9] executive privilege.
 [10] Q Is that the only meeting that you specifically
 [11] recall with the First Lady?
 [12] A Yes.
 [13] Q And you acknowledge that there were other meetings,
 [14] you just don't specifically recall those?
 [15] A I don't recall.
 [16] Q Do you recall any specific conversation with the
 [17] First Lady that was not a meeting? That is, a telephone
 [18] call. You also said that you speak to her on the phone, I
 [19] think, or have spoken to the First Lady on the phone about
 [20] the Monica Lewinsky matter.
 [21] A Yes.
 [22] Q Do you recall any specific conversations other than
 [23] meetings with the First Lady about the Monica Lewinsky
 [24] matter?
 [25] A Yes.

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[1] Q How many specifically do you recall?
 [2] A I don't know.
 [3] Q Tell us about the ones that you do specifically
 [4] recall.
 [5] A I can't. Legal counsel advises me to assert
 [6] executive privilege on substance.
 [7] Q Can you tell us when -- were these conversations
 [8] with the First Lady all on the telephone?
 [9] A Yes.
 [10] Q Okay. Have you ever learned any information about
 [11] the Monica Lewinsky matter from any of the President's
 [12] private attorneys? That is, Mr. Kendall or anyone in his law
 [13] firm, Mr. Bob Bennett or anyone in his law firm, or
 [14] Mr. Mickey Kantor or anyone in his law firm?
 [15] A I think I want to consult my attorney, please.
 [16] MR. BITTMAN: It's 10:17 a.m.
 [17] (The witness was excused to confer with counsel.)
 [18] MR. BITTMAN: Please note it's 10:23 a.m.
 [19] THE DEPUTY FOREPERSON: Mr. Blumenthal, I must
 [20] remind you that you're still under oath.
 [21] THE WITNESS: Yes. This will be brief because I'm
 [22] going right back out. I wonder -- my lawyers want you to
 [23] restate the question, if you would.
 [24] MR. BITTMAN: Okay. Have you spoken to any of the
 [25] President's private attorneys?

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[1] THE WITNESS: Okay.
 [2] MR. BITTMAN: And then if you're going to ask them,
 [3] then I'll ask you what you've talked to them about and what
 [4] occurred in the conversations.
 [5] THE WITNESS: Okay. Very good.
 [6] MR. BITTMAN: And, again, if you are claiming a
 [7] privilege as to the substance of those conversations, we'll
 [8] need an articulation of what the privilege is.
 [9] THE WITNESS: Very good. Thank you.
 [10] MR. BITTMAN: It's 10:24 a.m.
 [11] (The witness was excused to confer with counsel.)
 [12] MR. BITTMAN: It's 10:28.
 [13] THE DEPUTY FOREPERSON: Mr. Blumenthal, I must
 [14] remind you you're still under oath.
 [15] THE WITNESS: Thank you.
 [16] BY MR. BITTMAN:
 [17] Q Mr. Blumenthal, have you ever talked to David
 [18] Kendall?
 [19] A Yes.
 [20] Q About what?
 [21] A He has expressed to me his feelings about the
 [22] strangeness, bizarre nature of this case.
 [23] Q So you've talked to him about the Monica Lewinsky
 [24] matter.
 [25] A Yes.

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[1] Q How many times?
 [2] A Don't know precisely.
 [3] Q More than one time?
 [4] A Yes.
 [5] Q More than ten times?
 [6] A No.
 [7] Q More than five times, approximately?
 [8] A Don't know.
 [9] Q Don't know? Somewhere between one and ten?
 [10] A Yes.
 [11] Q What else has Mr. Kendall said about the Monica
 [12] Lewinsky matter?
 [13] A He has expressed his dismay at the grand jury leaks
 [14] to me.
 [15] Q Anything else?
 [16] A No.
 [17] Q Every time you've talked to Mr. Kendall about the
 [18] Monica Lewinsky matter in the one to ten times, it's about
 [19] his dismay about the grand jury leaks?
 [20] A Don't know.
 [21] Q It's possible?
 [22] A Don't know.
 [23] Q Has he provided you information about these alleged
 [24] leaks?
 [25] A No. He's written his letter.

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[1] Q And I noted in your production that was produced to
 [2] us, that is the production of documents, that you had at
 [3] least two copies of Mr. Kendall's letter.
 [4] A Right.
 [5] Q Did you have any role in the drafting of the
 [6] letter?
 [7] A No.
 [8] Q Did you see a copy of the letter before Mr. Kendall
 [9] signed it?
 [10] A No.
 [11] Q Did you provide Mr. Kendall with any of the
 [12] information contained in the letter?
 [13] A No.
 [14] Q Do you know whether anyone at the White House
 [15] provided Mr. Kendall with any of the information contained in
 [16] the letter?
 [17] A I don't know.
 [18] Q Have you talked to anyone else besides Mr. Kendall
 [19] at the law firm of Williams & Connolly about the Monica
 [20] Lewinsky matter?
 [21] A Yes.
 [22] Q Who else?
 [23] A Nicole Seligman.
 [24] Q And about how many times have you talked to
 [25] Ms. Seligman?

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[1] A Don't know exactly.
 [2] Q More than one?
 [3] A Yes.
 [4] Q Fewer than ten?
 [5] A Yes.
 [6] Q And what have you talked to Ms. Seligman about?
 [7] A I've talked to her generally about the case and her
 [8] feelings. She's expressed dismay at the grand jury leaks
 [9] also and at the peculiarity of the case. And I also had a
 [10] conversation with her approximately two weeks ago about a
 [11] television report that had appeared in Los Angeles on a local
 [12] television station about one of the prosecutors in the Office
 [13] of the District Attorney in Los Angeles.
 [14] Q Who between you and Ms. Seligman were aware of t
 [15] news report? Were you aware of it and you told her about it
 [16] or was she aware of it and she told you about it?
 [17] A Reporters were calling me and asking me for
 [18] information and I called Williams & Connolly and spoke to
 [19] Nicole Seligman and she said that she had a videotape of that
 [20] news report.
 [21] Q So she had already been aware of this news report.
 [22] A Yes. Right.
 [23] Q And, indeed, your attorney provided me today
 [24] with -- offered me many videotapes but I actually asked for

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[1] one.
 [2] A Right.
 [3] Q And that is a videotape of this news report in Los Angeles?
 [4] A Right. Right.
 [5] Q And how many copies did you have of the news report?
 [6] A I believe ten.
 [7] Q Where did you get them?
 [8] A Nicole gave me one and I had ten made. Actually, I asked to make a copy and ten were made by a technician.
 [9] Q At the White House?
 [10] A No.
 [11] Q Where?
 [12] A At the political consulting firm of Mr. Robert Shrum.
 [13] Q What's the name of that political consulting firm?
 [14] A I don't know exactly. Shrum, Donnelin & Devine, perhaps.
 [15] Q And was that at your request that ten copies were made?
 [16] A I didn't ask for a specific number.
 [17] Q What did you ask for?
 [18] A "I wonder if you could copy this for me."
 [19] Q And for what purpose did you have ten copies made?

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[1] A I had a copy made of this in order to have this information which was on the public record, to be able to view it myself and to provide it to anybody who was interested in the public record.
 [2] Q You said you had ten copies made and so that would - I assume that that means that you would have had 11 actual tapes.
 [3] A Correct.
 [4] Q And your attorney said there are six left?
 [5] A No. I gave one tape away.
 [6] Q To whom?
 [7] A To the Democratic National Committee research department.
 [8] Q Who at the Democratic National Committee did you give it to?
 [9] A To the research director, Doug Kelly.
 [10] Q And for what purpose did you give it to Mr. Kelly?
 [11] A So that he would have that information if any reporter would come to him.
 [12] Q Did he ask for the information or did you suggest to him that this may be something he would be interested in?
 [13] A I suggested it.
 [14] Q Did you provide it to anyone else?
 [15] A No.
 [16] Q Have you shown the tape to anyone else?

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[1] A My attorneys.
 [2] Q Your attorneys. What else have you discussed with Ms. Seligman?
 [3] A Nothing substantial.
 [4] Q Even the insubstantial stuff, can you tell us about?
 [5] A Can't recall. Just about the oddness of this case.
 [6] Q And what is the oddness of the case that you discussed with Ms. Seligman?
 [7] A I don't recall exactly her words.
 [8] Q And you also described it as peculiarity of the case. Can you tell us not her exact words but the feelings of peculiarity and oddness that were discussed?
 [9] A Don't know.
 [10] Q You also discussed that, I think you mentioned that with regard to Mr. Kendall, too, that you discussed the oddness of the case with him, too.
 [11] A Right.
 [12] Q Do you remember at all what his feelings about the oddness or peculiarity of the case were?
 [13] A I can recall one incident with Mr. Kendall when Mickey Kantor was given a subpoena by the Office of Independent Counsel and it was then withdrawn because the OIC was unaware that he was not on White House staff, but was the President's personal attorney.

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[1] Q Any other oddness?
 [2] A Can't recall.
 [3] Q Any other discussions with anyone else at Williams & Connolly?
 [4] A No.
 [5] Q Have you had any discussions with Bob Bennett, the President's personal attorney in the Paula Jones matter?
 [6] A About?
 [7] Q Anything related to Monica Lewinsky.
 [8] A Only the most general discussions.
 [9] Q Were these more than one discussion that you had with Mr. Bennett or just one?
 [10] A More than one.
 [11] Q And less than ten?
 [12] A Yes.
 [13] Q What did you discuss with Mr. Bennett with regard to Monica Lewinsky? That is, any information that related or referred to Monica Lewinsky.
 [14] A Nothing about her person. No information about her.
 [15] Q Anything related or referring to her? Because I think you indicated that you had talked to him about something.
 [16] A You mean referring to the broad case.
 [17] Q Yes.

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[1] A This whole affair.
 [2] Q The whole affair, so to speak.
 [3] A If you will.
 [4] Q There may be a better word, but the whole matter.
 [5] A Incident. Right.
 [6] Q The whole incident.
 [7] A I don't recall his exact words at all.
 [8] Q And were these in telephone calls -
 [9] A Yes.
 [10] Q - or were these in meetings?
 [11] A Telephone calls.
 [12] Q Did you talk to anyone else in Mr. Bennett's firm about the Monica Lewinsky matter?
 [13] A No.
 [14] Q Have you ever talked to Mr. Bennett about the Paula Jones matter?
 [15] A I have.
 [16] Q About how many times have you talked to him about that?
 [17] A I don't recall.
 [18] Q Have you ever talked to Mr. Kantor about the Monica Lewinsky matter?
 [19] A Yes.
 [20] Q About how many times have you talked to him?
 [21] A More than once.

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[1] Q Less than ten?
 [2] A Yes.
 [3] Q And what have you talked to Mr. Kantor about?
 [4] A His outrage at the grand jury leaks.
 [5] Q Anything else?
 [6] A No, other than just general discussion.
 [7] Q Have you discussed with Mr. Kantor or Mr. Kendall or Ms. Seligman since you discussed the grand jury leaks what information you had, if any, about possible leaks?
 [8] A No.
 [9] Q Other than you've already discussed.
 [10] A No.
 [11] Q Did they discuss with you other than you've already discussed with regard to Mr. Kendall and Ms. Seligman what information they may have had about any leaks coming out of the grand jury?
 [12] A No.
 [13] Q So it was just a very brief, simple conversation with Mr. Kantor about his outrage at the leaks?
 [14] A Yes.
 [15] Q Do you remember any other discussions with Mr. Kantor about the Monica Lewinsky matter?
 [16] A No.
 [17] Q What about anyone in his firm?
 [18] A No.

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[1] BY MR. WISENBERG:
 [2] Q Going back for just a minute, Mr. Blumenthal, you
 [3] said you had only the most general discussions with Mr.
 [4] Bennett, the President's attorney; that it was more than one
 [5] and less than ten --
 [6] A On the Monica Lewinsky matter.
 [7] Q On the Monica Lewinsky matter. More than one and
 [8] less than ten; nothing about her, meaning Monica Lewinsky;
 [9] and you don't recall his exact words. What do you recall
 [10] about the general nature of the discussions with Mr. Bennett?
 [11] A I think I'll consult my attorney on that.
 [12] Thank you.
 [13] MR. BITTMAN: I'll note for the record it's 10:41.
 [14] THE DEPUTY FOREPERSON: We need to take a break.
 [15] MR. WISENBERG: Okay. We'll come and get you.
 [16] Mr. Blumenthal, when we're ready to start up again.
 [17] THE WITNESS: Thank you.
 [18] MR. WISENBERG: It will be about ten minutes.
 [19] (The witness was excused to confer with counsel and
 [20] a brief recess was taken.)
 [21] MR. WISENBERG: Let the record reflect the witness
 [22] has entered the grand jury room.
 [23] MR. BITTMAN: Madam Deputy, do we have a quorum?
 [24] THE DEPUTY FOREPERSON: Yes, we do.
 [25] MR. BITTMAN: It is 11:01, for the record.

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[1] ever indicate to you that they had hired private detectives?
 [2] A No.
 [3] Q Did they ever indicate to you that they hired
 [4] Mr. Lenzner?
 [5] A No.
 [6] Q Or Mr. Palladino?
 [7] A No.
 [8] Q Did they ever indicate to you that they were doing
 [9] any investigation into the factual matters underlying the
 [10] Monica Lewinsky matter?
 [11] A No.
 [12] Q Let me go back to some of the conversations you
 [13] said you had, Mr. Blumenthal, with the First Lady. You said
 [14] you never have a regularly scheduled meeting with the
 [15] President. Do you ever have a regularly scheduled meeting
 [16] with the First Lady?
 [17] A No.
 [18] Q Do you ever have regular phone calls with the First
 [19] Lady?
 [20] A Could you define regular?
 [21] Q Meaning that they're scheduled or just you make it
 [22] a point to every day talk to the First Lady, or every other
 [23] day, something that's a regular sort of basis.
 [24] A These calls are never scheduled, but we speak
 [25] frequently.

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[1] THE DEPUTY FOREPERSON: Mr. Blumenthal, you remain
 [2] under oath.
 [3] THE WITNESS: Thank you.
 [4] BY MR. BITTMAN:
 [5] Q You were last asked, Mr. Blumenthal, about the
 [6] general nature of the conversations you had with Mr. Bennett.
 [7] Do you remember anything about those conversations?
 [8] A I do remember him using the word "ridiculous" about
 [9] this matter and that was the nature of the conversation.
 [10] Q That's all you remember?
 [11] A Yes.
 [12] Q Not even otherwise the -- do you even remember the
 [13] subject matter?
 [14] A Just the general nature of the Monica Lewinsky
 [15] matter.
 [16] Q In your conversations with Mr. Kendall and other
 [17] attorneys at his firm and other attorneys with his firm
 [18] and Mr. Kantor and other attorneys with his firm, have
 [19] any of those attorneys ever indicated to you that their
 [20] conversations with you were confidential?
 [21] A I'm uncertain about this question, so I'm going to
 [22] go consult my attorney.
 [23] Thank you.
 [24] MR. BITTMAN: Please note for the record it's
 [25] 11:03.

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[1] Q In your conversations with the First Lady about the
 [2] Monica Lewinsky matter, has anyone ever been on the phone
 [3] call besides yourself and the First Lady?
 [4] A No.
 [5] Q Why were you discussing the Monica Lewinsky matter
 [6] with the First Lady?
 [7] A I'm going to ask my attorney, if I may.
 [8] MR. BITTMAN: It's 11:07 a.m.
 [9] (The witness was excused to confer with counsel.)
 [10] MR. BITTMAN: Mr. Blumenthal has returned and it's
 [11] 11:10 a.m.
 [12] THE DEPUTY FOREPERSON: You are still under oath.
 [13] THE WITNESS: Thank you.
 [14] BY MR. BITTMAN:
 [15] Q Mr. Blumenthal, why were you speaking to the First
 [16] Lady about the Monica Lewinsky matter?
 [17] A I can't discuss that. It would get into the
 [18] substance of our discussions, so I'm under orders of legal
 [19] counsel at the White House invoking executive privilege.
 [20] Q Any other privilege?
 [21] A No.
 [22] Q In what capacity were you acting when you spoke to
 [23] her? Were you acting in your official capacity or in your
 [24] personal capacity?
 [25] A That's an interesting question. I think I'll talk

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[1] (The witness was excused to confer with counsel.)
 [2] MR. BITTMAN: Mr. Blumenthal is back and it's
 [3] 11:04.
 [4] THE DEPUTY FOREPERSON: I remind you you're under
 [5] oath.
 [6] THE WITNESS: Thank you.
 [7] BY MR. BITTMAN:
 [8] Q The question, Mr. Blumenthal, was whether any of
 [9] the President's private attorneys in your conversations with
 [10] them ever indicated to you that the conversations were
 [11] confidential.
 [12] A They never indicated that.
 [13] Q Have you ever spoken to a gentleman by the name of
 [14] Terry Lenzner?
 [15] A No.
 [16] Q Have you spoken to a guy by the name of Jack
 [17] Palladino?
 [18] A No.
 [19] Q Have you ever received any information from Terry
 [20] Lenzner directly or indirectly?
 [21] A No.
 [22] Q Have you ever received any information directly or
 [23] indirectly from Jack Palladino?
 [24] A No.
 [25] Q Did any of the private attorneys for the President

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[1] to my lawyers about the legal implications of that.
 [2] Q And one other question, you are a friend of the
 [3] First Lady's.
 [4] A Yes.
 [5] Q Okay. I'll withdraw the question, unless you still
 [6] want to talk to your attorneys.
 [7] A No.
 [8] Q Okay. I'll withdraw the question for the time
 [9] being. Have you discussed any portion of your conversations
 [10] with the First Lady, that is, anything that you and the First
 [11] Lady have discussed about the Monica Lewinsky matter with
 [12] anyone else besides your private counsel here today?
 [13] A I've not discussed any of it with anybody except my
 [14] counsel.
 [15] Q And then going back to your one conversation in the
 [16] Oval Office with the President, have you discussed that
 [17] meeting, any part of the meeting, anything that was discussed
 [18] in that meeting, with anyone else except your private
 [19] counsel?
 [20] A Discussed it only with my private counsel.
 [21] Q Okay. Have you ever spoken to a gentleman by the
 [22] name of Anthony or Tony Pellicano?
 [23] A No.
 [24] Q Have you spoken to anyone who has identified
 [25] himself or herself as a private investigator or private

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1 that had been faxed to me by Stanley Sheinbaum. He had told
 2 me that there was widespread concern among the law
 3 enforcement community in Los Angeles.
 4 Q And what was your purpose in disseminating this
 5 information to members of the news media?
 6 A I believe that the public has the right to know
 7 about the character and records of public officials.
 8 Q Have you ever disseminated any information positive
 9 about members of the Office of Independent Counsel staff to
 10 the members of the news media?
 11 A I don't recall.
 12 Q Do you know, by the way, the videotape that your
 13 attorney provided me of a news report that was broadcast
 14 in Los Angeles, do you know approximately when it was
 15 broadcast?
 16 A Just from watching it, it seems as though this is
 17 a second broadcast from this TV station. It's UPN, whichever
 18 TV station that is in L.A. And apparently this is a second
 19 report of this TV station. The first one, they refer to an
 20 earlier report, and then they refer to the Daily Journal
 21 article which they claim was prompted by their earlier
 22 report.
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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1 Q Did you later learn that that was not true?
 2 A I learned that one of the defendants dropped the
 3 case.
 4 Q Did you then tell the members of the news media
 5 that new information that you learned, that the case had been
 6 dropped about that?
 7 A Yes. Anything that had been published about that.
 8 Q Have you ever seen, Mr. Blumenthal, any documents
 9 related to the Monica Lewinsky case?
 10 A How would you define documents?
 11 Q Let me specifically ask, has the White House
 12 produced any document like a talking points document relating
 13 or referring to the Monica Lewinsky matter or the Office of
 14 Independent Counsel staff or anything of that nature?
 15 A I've seen talking points from the Democratic
 16 National Committee.
 17 Q And what was the substance of those talking points?
 18 A Different talking points.
 19 Q Do you remember the subject? Other than Monica
 20 Lewinsky, was it about the Office of Independent Counsel
 21 staff?
 22 A I believe that what -- they're produced by the
 23 research department and they are all based on published
 24 reports and they're summaries of published reports and
 25 obviously they expressed the view of the research department

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1 of the DNC.
 2 Q And you received this from the DNC?
 3 A Yes.
 4 Q Did you distribute it to anyone outside the White
 5 House?
 6 A If reporters called me or I spoke with reporters,
 7 I would tell them to call the DNC to get those talking
 8 points, and those included news organizations ranging from
 9 CNN, CBS, ABC, New York Times, New York Daily News, Chicago
 10 Tribune, New York Observer, L.A. Times.
 11 Q Would you, though, distribute the talking points?
 12 Would you cause the talking points to be distributed to any
 13 of these news organizations?
 14 A Can I consult my attorney?
 15 Q Yes. Could you also ask them one other question?
 16 A Sure.
 17 Q About your role when you were speaking to the First
 18 Lady about the Monica Lewinsky matter.
 19 MR. WISENBERG: The question about in what capacity
 20 were you --
 21 THE WITNESS: Yes. I forgot that. Yes.
 22 MR. WISENBERG: We had withdrawn it, but we're --
 23 THE WITNESS: You're coming back to it?
 24 MR. BITTMAN: Coming back to it.
 25 MR. WISENBERG: Yes.

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1 THE WITNESS: Okay.
 2 MR. BITTMAN: It's 11:37 for the record.
 3 THE WITNESS: So there are two questions: one is
 4 the capacity in which I was speaking to the First Lady?
 5 MR. BITTMAN: Yes. And then the second is whether
 6 you distributed to a news organization the talking points
 7 that you received from the Democratic National Committee.
 8 THE WITNESS: Okay. Thank you.
 9 MR. WISENBERG: Or caused them to be distributed.
 10 MR. BITTMAN: Or caused them to be distributed.
 11 THE WITNESS: Good. Thank you.
 12 (The witness was excused to confer with counsel.)
 13 MR. WISENBERG: Let the record reflect that the
 14 witness has reentered the grand jury room.
 15 MR. BITTMAN: It's 11:46.
 16 THE DEPUTY FOREPERSON: You remain under oath.
 17 THE WITNESS: Thank you.
 18 BY MR. BITTMAN:
 19 Q Mr. Blumenthal, we had two questions for you.
 20 A Yes.
 21 Q The first was about your role when you were
 22 speaking with the First Lady.
 23 A Yes. I was speaking in my capacity as a member of
 24 the senior staff of the White House.
 25 Q And how were you advising -- were you advising her

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1 or someone else?
 2 A I was speaking with her and no one else was
 3 involved in our conversations.
 4 Q Was the purpose, though, to advise the First Lady
 5 or was it to advise someone else?
 6 A It was to advise her.
 7 Q In your conversations with Mrs. Clinton about the
 8 Monica Lewinsky matter, did any of those conversations refer
 9 or relate to the dissemination of information about members
 10 of the Office of Independent Counsel to the news media?
 11 A Well, I really regret that anything to do with the
 12 substance of my conversations, I'm advised by legal counsel I
 13 can't discuss. And I truly regret that.
 14 Q Did you take any actions as a result of your
 15 conversations with Mrs. Clinton?
 16 A On matters regarding?
 17 Q Based on your discussions with Mrs. Clinton, did
 18 you take any actions?
 19 A In any matter?
 20 Q Yes, on any matter based on your conversations with
 21 Mrs. Clinton about Monica Lewinsky.
 22 A On Monica Lewinsky?
 23 Q Yes.
 24 A I think I'd like to consult my attorney on that.
 25 I'm just confused about that one.

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1 MR. BITTMAN: Sure.
 2 THE WITNESS: Thank you.
 3 MR. BITTMAN: It's 11:49.
 4 (The witness was excused to confer with counsel.)
 5 MR. WISENBERG: Let the record reflect the witness
 6 is reentering the grand jury room.
 7 MR. BITTMAN: It's 11:54.
 8 BY MR. BITTMAN:
 9 Q Mr. Blumenthal, my last question was in your
 10 conversation with Mrs. Clinton that related or referred to
 11 Monica Lewinsky, did you take any actions as a result of your
 12 conversation?
 13 A After consulting White House legal counsel, I can
 14 answer the previous question as well, if you would like to
 15 restate it.
 16 Q That is whether the conversations with Mrs. Clinton
 17 referred or related to your dissemination of information
 18 regarding Office of Independent Counsel staff with members of
 19 the news media?
 20 A No.
 21 Q What previous question?
 22 A That question. I'm giving you the answer.
 23 Q Okay. The answer is no.
 24 A Right.
 25 Q Conversations with Mrs. Clinton did not refer or

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{1} relate to that.
 {2} A Correct
 {3} Q Okay. Now, the other question, what actions, if
 {4} any, did you take as a result of your conversations with
 {5} Mrs. Clinton about the Monica Lewinsky matter?
 {6} A None.
 {7} Q Did you take any actions as a result of your
 {8} conversation with the President about the Monica Lewinsky
 {9} matter?
 {10} A No.
 {11} Q And then the break previous to the break you just
 {12} took, we asked you about whether you disseminated the talking
 {13} points that you received from the Democratic National
 {14} Committee to any news organization.
 {15} MR. WISENBERG: Or caused them to be.
 {16} BY MR. BITTMAN:
 {17} Q Or caused them to be disseminated.
 {18} A Well, when reporters would call me, they were
 {19} seeking information and sources and they would ask me if
 {20} there were sources and I would occasionally refer them to the
 {21} Democratic National Committee.
 {22} Q You received a document from the Democratic
 {23} National Committee that had various talking points in it.
 {24} A Yes.
 {25} Q Did you cause that document to be disseminated to

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{1} orders.
 {2} MR. BITTMAN: Okay. We've got to get the orders.
 {3} THE WITNESS: There aren't orders here.
 {4} BY MR. BITTMAN:
 {5} Q The pending question, Mr. Blumenthal, was about
 {6} talking points and whether the White House, whether you have
 {7} seen or heard whether the White House produced any talking
 {8} points relating or referring to the Monica Lewinsky matter.
 {9} A I don't recall having seen or heard that.
 {10} Q Have you seen or heard that the White House, anyone
 {11} in the White House, has produced any document that summarizes
 {12} the facts in the Monica Lewinsky -- the facts -- pardon me,
 {13} or the allegations in the Monica Lewinsky matter?
 {14} A Do you mean material facts?
 {15} Q Any facts. Or allegations. Information.
 {16} A I don't recall ever having seen such a document.
 {17} Q We have seen on the television that some talking
 {18} point type document that at least the news reporter indicated
 {19} had come from the White House.
 {20} A I haven't seen that.
 {21} Q You haven't seen that. Have you heard about the
 {22} White House disseminating to any news organization any type
 {23} of document like that, any talking points, factual summaries
 {24} or anything like that, to any member of the news media?
 {25} A Only from the -- it wouldn't be the White House, it

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{1} any member of the news media?
 {2} A Don't know. I don't know what happened after they
 {3} called the Democratic National Committee.
 {4} Q Did you discuss with any member of the news media
 {5} the contents, that is, the material that was in the talking
 {6} points, that you received from the Democratic National
 {7} Committee?
 {8} A Not per se.
 {9} Q What do you mean, "not per se"?
 {10} A I may have discussed published articles in the news
 {11} media generally.
 {12} Q Did the White House produce its own talking points
 {13} at any time about the Monica Lewinsky matter?
 {14} A How would you define talking points here?
 {15} Q Well, has anyone at the White House produced any
 {16} document that has any information relating or referring to
 {17} Monica Lewinsky? That you have seen or heard about.
 {18} A I think I'm going to consult counsel on that
 {19} because I'm confused.
 {20} Q Okay. Is it because of the question? Is there
 {21} anything I can do to clarify the question?
 {22} A Well, just the nature of document.
 {23} Q Okay. Any written item is what I mean by document,
 {24} really. Has anything been written down at the White House
 {25} that you've been told about or that you've seen that relates

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{1} would be the DNC. What I previously described to you from
 {2} the DNC.
 {3} Q Okay. Have you received any talking points from
 {4} any other person or entity besides the tape from the law
 {5} office of Williams & Connolly and the talking points from the
 {6} Democratic National Committee? That related or referred to
 {7} the Monica Lewinsky matter.
 {8} A And this is the attorneys or the DNC? Have I
 {9} received any documents other than this videotape and the
 {10} talking points from the DNC?
 {11} Q Correct.
 {12} A I have not received any other.
 {13} Q Has anyone at the White House received any other
 {14} talking points from any other source?
 {15} A I don't know.
 {16} Q Have you heard?
 {17} A No.
 {18} BY MR. WISENBERG:
 {19} Q Mr. Blumenthal, do you know if anyone at or acting
 {20} on behalf of the White House leaked to the press the story to
 {21} the effect that Monica Lewinsky had visited the White House
 {22} about 37 times after losing her job there?
 {23} A I know nothing about that.
 {24} Q Okay. You don't know if anybody at or acting on
 {25} behalf of the White House leaked that story?

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{1} or refers to Monica Lewinsky?
 {2} A I don't recall.
 {3} Q Getting back to the talking points, you know
 {4} there's a practice in the media field --
 {5} A Right.
 {6} Q You received talking points from the Democratic
 {7} National Committee. The White House, I suppose, has produced
 {8} talking points on other issues not related to Monica
 {9} Lewinsky, is that correct?
 {10} A That is correct.
 {11} Q Have they produced any such document that related
 {12} to the Monica Lewinsky matter that you have seen or heard
 {13} about?
 {14} A I'm going to consult counsel.
 {15} MR. BITTMAN: Please.
 {16} THE WITNESS: Thank you.
 {17} MR. BITTMAN: It's 11:58.
 {18} THE WITNESS: Thank you.
 {19} (The witness was excused to confer with counsel.)
 {20} MR. WISENBERG: The witness is reentering the grand
 {21} jury room.
 {22} MR. BITTMAN: It's 12:01.
 {23} THE WITNESS: Thank you.
 {24} MR. BITTMAN: Mr. Blumenthal still has no lunch.
 {25} THE WITNESS: No. Well, you've got to get the

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{1} A To my knowledge, no.
 {2} Q Are you aware of any information either personally
 {3} or just through hearsay, are you aware of any information
 {4} that the White House or people acting on behalf of the White
 {5} House has leaked to the press but accused the Office of
 {6} Independent Counsel of leaking to the press?
 {7} A Absolutely not.
 {8} MR. WISENBERG: That's all I've got.
 {9} BY MR. BITTMAN:
 {10} Q Let me ask you one other question. We talked
 {11} specifically about talking points and then summaries of facts
 {12} and I had started with the question, Mr. Blumenthal, about
 {13} whether you have seen any document in the White House, that
 {14} is, any piece of paper on which something is written, any
 {15} document that was created or believed to be created at the
 {16} White House that related to the Monica Lewinsky matter.
 {17} A I have not.
 {18} Q So as far as you know, no one in the White House
 {19} has written anything down relating to Monica Lewinsky.
 {20} A I don't know, but I have not seen it.
 {21} Q Have you heard about any such --
 {22} A No, I have not.
 {23} MR. BITTMAN: Okay. Why don't we excuse you for a
 {24} moment and then we'll take questions, we'll see if the grand
 {25} jurors have any other questions for you.

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[1] THE WITNESS: Okay. Good. Thank you very much.
 [2] MR. WISENBERG: And we'll come get you.
 [3] THE WITNESS: Okay.
 [4] MR. BITTMAN: And it's 12:06 right now.
 [5] THE WITNESS: Good. Thank you.
 [6] (Witness excused. Witness recalled.)
 [7] MR. WISENBERG: Let the record reflect the witness
 [8] is reentering the grand jury room.
 [9] MR. BITTMAN: It's 12:10.
 [10] Mr. Blumenthal, Mr. Barger here has a question from
 [11] the grand jurors.
 [12] THE DEPUTY FOREPERSON: Mr. Blumenthal, you're
 [13] still under oath.
 [14] THE WITNESS: Yes. Thank you.
 [15] BY MR. BARGER:
 [16] Q Mr. Blumenthal, after consulting with the grand
 [17] jury, one of the questions that we were requested to ask
 [18] basically concerned your earlier testimony to the effect that
 [19] the public has a right to know about the character of public
 [20] officials. Do you recall that?
 [21] A Yes.
 [22] Q Is that a fair characterization of what you said?
 [23] A Yes.
 [24] Q I take it that your belief in that would also
 [25] include the President, that the public has a right to know

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[1] about the character of the President as well.
 [2] A Absolutely.
 [3] Q All right. Can you tell us again -- again, I'll
 [4] ask you, can you tell us about your conversation with the
 [5] President concerning the topic of Monica Lewinsky?
 [6] A I've said everything I have to say on that. The
 [7] substance is covered by executive privilege.
 [8] MR. BARGER: That's all I have.
 [9] MR. BITTMAN: Mr. Blumenthal, you're excused.
 [10] Thank you for appearing.
 [11] THE WITNESS: Thank you all very much for taking
 [12] your time. I appreciate it. And thank you.
 [13] (The witness was excused.)
 [14] (Whereupon, at 12:11 p.m., the taking of testimony
 [15] in the presence of a full quorum of the Grand Jury was
 [16] concluded.)
 [17] *****
 [18]
 [19]
 [20]
 [21]
 [22]
 [23]
 [24]
 [25]

- 1 -

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 6/5/98

A conversation that occurred in the third floor hallway of the E. BARRETT PRETTYMAN U.S. Court House, 333 Constitution Avenue NW, Washington, D.C. 20001-2866 was witnessed by writer. The participants were SOLOMON L. WISENBERG, Deputy Independent Counsel; JACKIE M. BENNETT, Deputy Independent Counsel; WILLIAM A. MCDANIEL JR., attorney for SIDNEY BLUMENTHAL; and JO BENNETT MARSH, attorney for SIDNEY BLUMENTHAL. The conversation occurred at approximately 1:17pm prior to the appearance of BLUMENTHAL before Federal Grand Jury 97-2 in Grand Jury Room #3.

WISENBERG stated that he would ask BLUMENTHAL questions relating to about five topics that were not answered by BLUMENTHAL in his previous Grand Jury testimony. MCDANIEL said that he knew that Judge JOHNSON had ordered his client to answer questions in three areas, that he knew two of the areas, but did not know the third area of questioning. WISENBERG said that while he would not make available the questions in advance, most would be directed to the three areas ordered by Judge JOHNSON and that followup questions spawned by BLUMENTHAL's replies would also be asked. MCDANIEL said that BLUMENTHAL would answer the questions that Judge JOHNSON ordered but that he, MCDANIEL, expected that BLUMENTHAL could consult with him outside the Grand Jury room if he had any question about whether to answer specific questions.

Investigation on 06/04/98 at WASHINGTON, D.C. File # 29D OIC LR 35063

by  Date dictated 06/05/98



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- x
In re: :
GRAND JURY PROCEEDINGS :
----- x

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Thursday, June 4, 1998

The testimony of SIDNEY BLUMENTHAL was taken in the
presence of a full quorum of Grand Jury 97-2, impaneled on
September 19, 1997, commencing at 2:15 p.m., before:

SOLOMON WISENBERG
JACKIE M. BENNETT, JR.
Deputy Independent Counsel
MICHAEL TRAVERS
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, Northwest
Suite 490 North
Washington, D.C. 20004

1 The fellow you just saw who walked out and he'll be coming in
2 and out is Michael Travers of our office, who is an Associate
3 Independent Counsel. This is the grand jury reporter and the
4 members of the grand jury.
5 You were given certain information or advisories
6 about your rights and responsibilities as a grand jury
7 witness the last time you appeared. Do you recall those?
8 A I do.
9 Q All right. I'm going to briefly go over some of
10 them again. Of course, you've got your Fifth Amendment
11 privilege against self-incrimination. Are you aware of that?
12 A I am.
13 Q And you're familiar with that privilege.
14 A I am.
15 Q And you have the right to counsel, not to have
16 counsel present in the grand jury room with you, but
17 available outside for consultation. You understand that?
18 A I do.
19 Q And you've got counsel here with you today,
20 correct?
21 A I do.
22 Q And could you tell us who those folks are?
23 A My counsel is William McDaniel and Jo Marsh.
24 And I am also here with Cheryl Mills from the White House
25 legal counsel office.

PROCEEDINGS

1
2 Whereupon,
3 SIDNEY BLUMENTHAL
4 was called as a witness and, after having been duly sworn by
5 the Foreperson of the Grand Jury, was examined and testified
6 as follows:
7 EXAMINATION
8 BY MR. WISENBERG:
9 Q Would you state your name for the record, please?
10 A My name is Sidney Blumenthal. And, for the record,
11 I live at [REDACTED] It's near
12 Walter Reed and I've lived there for a couple of decades and
13 raised both my boys right there.
14 Q And you're the same Sidney Blumenthal who testified
15 in front of this grand jury a few months ago, is that
16 correct?
17 A That's correct.
18 Q And that's B-l-u-m-e-n-t-h-a-l, correct?
19 A Correct.
20 Q And first name S-i-d-n-e-y. Is that correct?
21 A Right. Yes.
22 Q We've met before. My name is Sol Wisenberg. I am
23 a Deputy Independent Counsel with the Office of Independent
24 Counsel. To my right is Jack Bennett, who is also a Deputy
25 Independent Counsel for the Office of Independent Counsel.

1 Q Okay. And she is fairly high up in the White House
2 Counsel's Office, correct?
3 A Well, I believe she's a deputy legal counsel.
4 Q Okay. And if you need to go out and consult with
5 your counsel or with Ms. Mills, feel free to do so as long as
6 it doesn't disrupt the grand jury process. So just let us
7 know and we'll let you go on out. Do you understand?
8 A I do. I appreciate that.
9 Q You understand you are testifying under oath and
10 subject to the penalties for perjury.
11 A Yes.
12 Q That means you can't intentionally and knowingly
13 make a false statement about a material fact. You understand
14 that?
15 A Yes.
16 Q You understand it's a federal crime to do that?
17 A Yes.
18 Q If there's any question that is inarticulately
19 asked, please ask us to rephrase and we'll be happy to
20 attempt to do so.
21 A I'll do that.
22 Q And do you have any questions about your rights and
23 responsibilities as a grand jury witness before we begin?
24 A You may proceed.
25 Q There's one thing I forgot to mention, which is

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1 there are various categories of witnesses who appear before a
 2 grand jury. The only formal categories recognized by the
 3 Department of Justice manual is target and subject. I'm
 4 giving you the informal definition.
 5 A target is somebody the prosecutor and/or the
 6 grand jury believe there is basically a likelihood that
 7 they could be prosecuted, a putative defendant. Do you
 8 understand that?
 9 A I do.
 10 Q And a subject would be anybody else, basically
 11 anybody with information within the purview of the grand
 12 jury's investigation. Do you understand that?
 13 A I do.
 14 Q Within that definitional structure, you are a
 15 subject. Do you understand that?
 16 A I do.
 17 Q And because that subject category is so broad, a
 18 more informal system has been developed among prosecutors and
 19 defense lawyers of target, subject, witness; target having
 20 the same definition, subject somebody who the grand jury has
 21 questions about their behavior but they're not at target
 22 status, and witness is somebody just who comes in and has
 23 information within the grand jury's purview. Do you
 24 understand that?
 25 A I do.

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1 Q Within that category, you are a witness. Do you
 2 understand that?
 3 A I do.
 4 Q All right. You understand that we can't make a
 5 promise that somebody who is a witness or a subject will
 6 never be a target. Do you understand that?
 7 A I do.
 8 Q It's just a way of telling you what your status is
 9 at this point in time. Do you understand that?
 10 A Yes.
 11 Q Now, any questions about your rights, ...
 12 responsibilities or status before we move on?
 13 A No.
 14 Q All right. When you were with us before, we had
 15 asked -- you had been talking about daily meetings that
 16 occurred at the White House that you were a part of that
 17 related to the Monica Lewinsky matter and you had said there
 18 were two a day, one at 8:30 a.m. and one at 6:45 p.m. And
 19 one of the questions that we asked you which you took the
 20 executive privilege on, which you had every right to do so,
 21 was what occurs at these 8:30 and 6:45 p.m., these daily
 22 meetings. So let me ask that question again.
 23 A Okay. I'm going to go consult with my attorney
 24 about that question.
 25 MR. WISENBERG: Sure.

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1 THE WITNESS: Thanks very much.
 2 MR. WISENBERG: What I would like you to do is when
 3 you come back, knock and then we will -- one of us will op
 4 the door for you.
 5 THE WITNESS: Good. Thank you.
 6 MR. WISENBERG: Okay. And let the record reflect
 7 that it is 2:21 p.m.
 8 (The witness was excused to confer with counsel.)
 9 MR. WISENBERG: Let the record reflect that the
 10 witness has reentered the grand jury room. It's 2:28 p.m.
 11 Madam Foreperson, we have a quorum still?
 12 THE FOREPERSON: Yes, we do.
 13 MR. WISENBERG: Any unauthorized persons present?
 14 THE FOREPERSON: There are none.
 15 MR. WISENBERG: Anything else you want to say?
 16 THE FOREPERSON: Mr. Blumenthal, you are still
 17 under oath.
 18 THE WITNESS: Yes. Thank you.
 19 BY MR. WISENBERG:
 20 Q And the question on the table was what occurs at
 21 these 8:30 and 6:45 p.m., these daily meetings?
 22 A Yes. I don't recall invoking executive privilege
 23 on that question and I wonder if you could read me your
 24 original question on that and my answer.
 25 Q Okay. Before I do that, let me ask you, right

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1 before you came in for the first time today to testify, we
 2 had a little conversation out in the hallway, that is to say
 3 myself, an FBI agent and your two attorneys. Is that
 4 correct?
 5 A Right.
 6 Q And I mentioned the general -- among other things,
 7 I mentioned the categories of questions or the types of
 8 questions that last time you were asked and took executive
 9 privilege on. Is that a fair characterization?
 10 A I wasn't present at those meetings that you had out
 11 there.
 12 Q No, no. I mean the meeting just right before you
 13 came in for the very first time, the one that you were
 14 present in when I was talking with your attorneys and first
 15 asked them about 6(e).
 16 A Right.
 17 Q And then they wanted to know what the questions
 18 were that you had been asked before.
 19 A Right.
 20 Q And I gave the general categories.
 21 A Yes.
 22 Q Do you recall that?
 23 A Yes, I do.
 24 Q Okay. Those being basically statements by or --
 25 I'm not quoting myself verbatim, but statements by or

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1 information from directly or indirectly the President and
 2 First Lady and what occurred at the daily meetings. Do you
 3 recall me saying that out in the hallway?
 4 A I recall you saying that you would ask that.
 5 Q Okay. Right. And at least there out in the
 6 hallway you didn't volunteer or say that you didn't think you
 7 had taken executive privilege on that. Is that a fair
 8 statement? I'm not saying you were required to, but you
 9 didn't volunteer that information.
 10 A I don't quite understand where this is going.
 11 Q Well, no. Just simply that when we had that little
 12 conversation out in the hallway and I mentioned the three
 13 areas where you had taken executive privilege at the grand
 14 jury last time, neither you nor your attorney said we don't
 15 think he took it on the daily meetings. Is that a fair
 16 characterization of what just occurred in the hallway?
 17 It doesn't mean I'm binding you, but is that what
 18 happened out in the hallway there?
 19 A I don't recall invoking executive privilege on
 20 this.
 21 Q Okay. Right. But my question was out in the
 22 hallway when I mentioned the three categories of questions
 23 that you had invoked it on last time, neither you nor either
 24 of your attorneys said that's not right, we don't think he
 25 invoked it on that.

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1 Is that a fair statement of what happened right
 2 before you first came into the grand jury here today?
 3 A I don't understand the relevance of that colloquy
 4 out in the hall in terms of these questions under oath.
 5 Q Are you refusing --
 6 A No, no. That may have to do with my lack of legal
 7 knowledge, but on this question asked under oath, I don't
 8 recall invoking executive privilege.
 9 Q No, I understand that and I'm not saying that
 10 anything you did or didn't do out in the hallway bound you.
 11 I'm just asking about what just happened in a conversation,
 12 you know, roughly five or ten minutes ago, and neither you
 13 nor either of your attorneys indicated that you didn't think
 14 you had invoked a privilege on that point. Is that a fair
 15 statement?
 16 A We've had our own discussions which are our own
 17 discussions involving lawyer-client privilege about this
 18 matter and in the discussion with you, you simply stated what
 19 you were going to ask. That's what I recall.
 20 Q You don't recall me saying -- after getting your
 21 attorneys to agree that my talking about what you testified
 22 to last time would not be 6(e), then telling your attorneys
 23 in your presence these are basically the questions that I
 24 asked that he invoked executive privilege on and then listing
 25 them by the categories I've just mentioned? You don't recall

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1 that happening ten, fifteen, five minutes ago?
 2 A I recall you saying these various areas.
 3 Q Okay. And neither you nor your attorneys said we
 4 think you're wrong, he didn't invoke executive privilege on
 5 the daily meetings.
 6 A Well, I don't -- I'm confused, so why don't I go
 7 out and discuss this with my attorney and then I can clarify
 8 it for you?
 9 Q Yes. While you're doing that, I'll discuss your
 10 request of us or of me about re-reading that portion of your
 11 transcript.
 12 A Sure.
 13 Q But the question is basically when I discussed that
 14 with you in the presence of your attorneys that neither you
 15 nor your attorneys indicated that any of the categories of
 16 questions were matters that you did not invoke executive
 17 privilege on. That's the only question I've got for you on
 18 that.
 19 A Okay. Good. Well, I'll get you an answer.
 20 MR. WISENBERG: And give us a knock.
 21 THE WITNESS: Good. I will.
 22 MR. WISENBERG: And we'll open up. Somebody will.
 23 THE WITNESS: Good. Thank you.
 24 MR. BENNETT: For the record, it's 2:35.
 25 (The witness was excused to confer with counsel.)

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1 MR. WISENBERG: Let the record reflect the witness
 2 has reentered the grand jury room. It's 2:40 p.m.
 3 Madam Foreperson, do we have a quorum?
 4 THE FOREPERSON: Yes, sir. We do.
 5 MR. WISENBERG: Are there any unauthorized persons
 6 in the grand jury room?
 7 THE FOREPERSON: No, sir. There are not.
 8 Mr. Blumenthal, you are still under oath.
 9 THE WITNESS: Thank you.
 10 MR. WISENBERG: Mr. Blumenthal, while you were
 11 gone, we got a hold of a sheet of paper and a pen so that if
 12 you would like to -- if any of this kind of need to consult
 13 with your attorneys comes up again and it would aid you, you
 14 could write down the questions.
 15 THE WITNESS: Well, I appreciate that.
 16 BY MR. WISENBERG:
 17 Q Let's go back to the question on the table. Are
 18 you prepared to answer that?
 19 A What occurred in the hallway is that my attorney
 20 said how are we supposed to know whether any given question
 21 was submitted to the court and you replied that's a good
 22 question. And everyone agreed that we would proceed question
 23 by question and that I would come out and speak to my
 24 attorneys about that.
 25 And so I simply say, again, that I would appreciate

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<p>1 it if you -- since I don't recall invoking executive 2 privilege on that issue, whether you would read the question 3 and my response from the original testimony. 4 Q And without waiving any of our rights, I'm prepared 5 to do that, but before I do that, I want to -- I need an 6 answer to my question and I'll rephrase it again for you, 7 which is out in the hallway discussion, and this is obviously 8 not verbatim -- 9 A Sure. 10 Q -- but among whatever else, what other things were 11 discussed, did I after getting an agreement that it wasn't 12 considered a 6(e) problem basically tell your attorneys in 13 your presence the areas in which you had invoked executive 14 privilege previously, those areas being information, 15 discussion, direct or indirect, with the President and First 16 Lady about Monica Lewinsky and what occurred at the daily 17 meetings at the White House and that neither you nor the two 18 attorneys said anything to indicate that you had not invoked 19 executive privilege in any of those categories? 20 A Well, I just replied that what my attorney had said 21 was that he had no way of knowing whether that was a 22 question. I didn't speak during this discussion, as you 23 recall. He said he had no way of knowing whether that was a 24 question that had been submitted to the court and decided by 25 the court and you said that was a good question.</p>	<p>1 THE FOREPERSON: No, there are no unauthorized 2 persons in the grand jury room. 3 Mr. Blumenthal, you are still under oath. 4 THE WITNESS: Thank you very much. Okay. 5 BY MR. WISENBERG: 6 Q Are you prepared to answer the question on the 7 table? 8 A What I would like to say is that I'm not trying to 9 hold anything up here at all and I would like to answer all 10 the questions that the judge has ruled I must answer. 11 The problem at the moment is that we don't know 12 what they are, so I would greatly appreciate it if you would 13 read the question that you submitted to the judge and she 14 ruled on. And if you don't want to do that, I suggest my 15 lawyers would like to take this matter up with the judge 16 and that in that case you can ask me about areas which I have 17 no doubts whatsoever that they were covered by the ruling 18 such as my conversations with the President and the First 19 Lady. 20 Q Well, before we get to that and whether or not I'm 21 going to honor that request, I think I mentioned to you that 22 without waiving any rights on our part that I'm going to -- I 23 will read you enough of your transcript to let you know 24 whether or not you invoked the privilege, my question to you 25 is -- and let me just also before I go back to that question</p>
<p>Page 14</p> <p>1 Q Right. But in addition to what you have just 2 said -- well, let me say that in addition to what you have 3 just said, did I make the statement as I've just indicated 4 and which apparently you have written down, and so that's the 5 question I want answered, did I list the three categories as 6 I've just restated as the ones where you declined to answer 7 based on executive privilege and then did you -- is it true 8 that nobody, neither you nor your two attorneys, said 9 anything to indicate that you had not? 10 It's just a relatively simple question, did that 11 happen or did it not happen? I don't know of anything that 12 would allow you not to answer it, but if you -- do you need 13 to talk to them about that? 14 A I think I do. I'll be happy to put your words to 15 them. And I'll be back very briefly. 16 MR. WISENBERG: Okay. 17 THE WITNESS: Thank you. 18 MR. WISENBERG: And it's 2:44, 16 'til three. 19 (The witness was excused to confer with counsel.) 20 MR. WISENBERG: All right. The witness has 21 reentered the grand jury room. It's 3:02 p.m. 22 Madam Foreperson, do we have a quorum? 23 THE FOREPERSON: Yes, we do have a quorum. 24 MR. WISENBERG: Are any unauthorized persons 25 present in the grand jury room?</p>	<p>Page 16</p> <p>1 state that this is not a proceeding -- let me inform you this 2 is not a proceeding in which we are only allowed to ask you 3 the matters that we asked you and you invoked executive 4 privilege on last time. 5 For instance, if I ask you a question that has 6 nothing to do directly with what I asked you last time and to 7 answer it on your part would not involve having to invoke any 8 privilege, you would have to answer that question. Do you 9 understand what I've just said to you? 10 A I understand perfectly. 11 Q So now my question to you is the hallway question, 12 the last question I asked you that caused you to go out and 13 talk with your attorneys the last time, are you prepared to 14 answer that question? 15 A The question about the hallway? 16 Q About the hallway conversation that I asked you and 17 that you wrote down. 18 A Yes, I'll answer that question. That question, the 19 answer is that my attorney said that he didn't know what 20 areas were covered by executive privilege. You said that was 21 a good question and you and he agreed that I would come out 22 on a question-by-question basis. That is how I recall that 23 conversation. 24 Q Okay. So you do not recall, then, that I 25 identified for you the categories that you invoked the</p>

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<p>1 executive privilege on generally, in effect, statements or 2 information directly or indirectly from the President and 3 First Lady and what discussions were had at the daily 4 meetings? That's the first part of my question. And, number 5 two, you do not recall or deny that in response to that 6 nobody said anything -- questioning whether or not you 7 invoked executive privilege. So it that you don't recall 8 that I made statements to that effect and that nobody 9 contracted them -- 10 A I -- 11 Q Let me finish. 12 A Yes. 13 Q Or that you deny that that happened? 14 A I don't recall. I'm not a lawyer, there was a lot 15 of legal talk. 16 Q Okay. So you don't recall that I asked what I've 17 just stated or that there was no response contradicting it. 18 I just want to make sure we have it right. 19 A I don't recall. 20 Q All right. Now, let me ask you -- let me without 21 waiving anything read to you from a portion of your 22 transcript, your transcript from your last grand jury 23 appearance on 2/26/98. I'm reading this in my ministerial 24 capacity. 25 The question is from Mr. Bittman: "Are there any</p>	<p>1 this. You recall when you appeared here the last time? Is 2 that correct? 3 A I recall appearing here last time. 4 Q Okay. You recall -- and not suggesting that there 5 was anything wrong with this, you recall that when you did so 6 you made several trips out to discuss our questions or to 7 discuss whatever with your attorneys? 8 A Correct. 9 Q When you did that, was one of your purposes when 10 you went out to create -- and, again, not suggesting that 11 there's in and of itself anything wrong with this, but was 12 one of the things you did when you went out so frequently to 13 create, as it were, a shadow transcript of the questions 14 being asked in the grand jury? 15 A I went out to seek the advice of my attorney. 16 Q Was one of your purposes, aside from what you 17 shared with your attorney, was one of your purposes to create 18 or help to create -- and, again, not suggesting there's 19 anything improper about this, a shadow transcript, if you 20 will, of what was going on, questions and answers in the 21 grand jury? 22 A I'm going to have to consult my attorney about that 23 question. 24 MR. WISENBERG: Okay. 25 THE WITNESS: Thank you.</p>
<p>Page 18</p> <p>1 meetings that you attend that are a subset of the people that 2 you just listed? That is, a smaller group." 3 "Answer: "There are no regular meetings." 4 "Question: No regular meetings? What occurs at 5 these 8:30 and 6:45 p.m., these daily meetings?" 6 "Answer: I can't discuss that." 7 "Question: Why can't you discuss it?" 8 "Answer: I've been advised by White House counsel 9 that that's covered." 10 "Question: Do you know by what it is covered, what 11 privilege?" 12 "Answer: Executive privilege." 13 "Question: Executive privilege. These twice 14 daily meetings at 8:30 and 6:45, would it be fair to 15 say that the content that is the subject matter of the 16 meetings exclusively relates or refers to the Monica Lewinsky 17 matter?" 18 "Answer: Yes." 19 So without waiving any of our rights, there is the 20 portion of the grand jury transcript where executive 21 privilege was invoked in order to -- which did not allow us 22 to go into what was discussed at those meetings other than 23 the general subject matter. 24 So before, then, I repeat the question that we 25 started with today when you first came in, let me ask you</p>	<p>Page 20</p> <p>1 MR. WISENBERG: Let the record reflect that it is 2 3:09 p.m. And if you would just knock before you reenter. 3 THE WITNESS: I will. 4 MR. WISENBERG: Knock and wait for me to open the 5 door. 6 THE WITNESS: Yes. 7 (The witness was excused to confer with counsel.) 8 MR. WISENBERG: Let the record reflect that it's 9 3:20 p.m. and the witness has reentered the grand jury room. 10 Madam Foreperson, do we have a quorum? 11 THE FOREPERSON: Yes, we do. 12 MR. WISENBERG: Are any unauthorized persons 13 present in the grand jury room? 14 THE FOREPERSON: No, there are not. 15 Mr. Blumenthal, you are still under oath. 16 THE WITNESS: Thank you. I understand. 17 MR. WISENBERG: Shall we have the answer to the 18 last question? 19 THE FOREPERSON: Yes, please. 20 BY MR. WISENBERG: 21 Q Are you prepared to answer my last question? 22 A If you could restate it, please? 23 Q Basically, is one of the things you were doing the 24 last time you were here at the grand jury, we talked about 25 how you went out very frequently for discussions with your</p>

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1 attorneys, but was one of your purposes in going out to
2 create a shadow transcript, alternate transcript, if you
3 will, of questions and answers, questions and/or answers, in
4 front of the grand jury?

5 A No. That was not my purpose. My purpose was to
6 seek the advice of counsel because I had to know when I could
7 invoke a privilege that was not a privilege that belonged to
8 me, it belongs to the President.

9 Q Then irrespective of your purpose, was one of the
10 effects of your going out so frequently that a shadow
11 transcript or partial shadow or alternate transcript was
12 created?

13 A I saw my lawyer take notes. You know, I'm prepared
14 to answer the question that the judge ruled on fully and I'd
15 like very much to do that.

16 Q Okay. But the question right now is -- and I
17 understand you're saying you saw your lawyer take notes, but
18 my question for you is was one of the effects -- you said it
19 wasn't your purpose, but was one of the effects, to your
20 knowledge, of going out so frequently that an alternate or
21 shadow transcript was created of questions and/or answers in
22 front of the grand jury?

23 A It may have been. I haven't seen it.

24 Q Have you heard it?

25 A No.

1 THE FOREPERSON: No, there are not.

2 Mr. Blumenthal, you are still under oath.

3 THE WITNESS: Yes. Thank you.

4 BY MR. WISENBERG:

5 Q Let's see. I think we had a question on the table.
6 Are you prepared to answer that?

7 A Yes, I'm prepared to answer a question that the
8 judge has ruled on.

9 Q Okay. But I think we had a question which was was
10 one of the effects of your going out so frequently last
11 time -- I think this is on the table -- was one of the
12 effects after having gone out so frequently last time that an
13 alternative --

14 A I've answered that question, I believe.

15 Q Okay. Which is? Well, we'll let the record stand
16 as it is. And let's get --

17 Did you want to say something, Mr. Bennett?

18 MR. BENNETT: I did want to say --

19 Mr. Blumenthal, during the discussion about what
20 was said in the hallway with Mr. Wisenberg, myself and your
21 attorneys, you seemed to have had the impression that we had
22 agreed that it would be appropriate for you to go out after
23 every question. We did not agree to that.

24 Our conversations with your attorneys were along
25 the lines that if you needed to talk to your attorney, yo'

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1 MR. WISENBERG: Is it time for our break?

2 THE FOREPERSON: Yes. It certainly is.

3 MR. WISENBERG: Okay. And when shall we regroup?

4 THE FOREPERSON: In ten minutes.

5 A JUROR: Was there something, Mr. Bennett, that
6 you were going to put on the record?

7 MR. BENNETT: I think we'll do that when we come
8 back.

9 A JUROR: I see.

10 MR. BENNETT: Thank you for the reminder.

11 THE FOREPERSON: Ten minutes.

12 MR. WISENBERG: Okay. And we will come get you at
13 about 3:33.

14 THE WITNESS: Thanks.

15 MR. WISENBERG: May the witness be excused?

16 THE FOREPERSON: Yes, he may be excused.

17 THE WITNESS: Thank you.

18 (Witness excused. Witness recalled.)

19 MR. WISENBERG: We've just returned from a break.

20 It's 3:37 p.m. Let the record reflect the witness has
21 reentered the grand jury room.

22 Madam Foreperson, do we have a quorum?

23 THE FOREPERSON: Yes, we do.

24 MR. WISENBERG: Are there any unauthorized persons
25 in the grand jury room?

1 could go out as necessary. So I wanted to correct that.

2 You seem to have suggested that we had acquiesced
3 in some arrangement whereby you would go out every time.
4 That is not our view and we did not enter that. I wanted to
5 state that for the record.

6 MR. WISENBERG: Let me just be explicit in that,
7 which is that irrespective of what you understood about any
8 hallway conversations, that the rule is, the rule we're
9 operating under is that you are free to consult with your
10 attorney to the extent that it doesn't disrupt the grand jury
11 process.

12 You should not interpret anything we say as
13 acquiescence in your going out after every question or saying
14 it's okay if you go out every question.

15 We're operating under the general rule that if you
16 need to consult with your attorneys you can so long as it
17 doesn't disrupt the grand jury process.

18 THE WITNESS: I intend to be as cooperative as I
19 can and I have no intention of disrupting the grand jury.

20 MR. WISENBERG: All right. Let's go back, then, to
21 the question I think I more or less started with today, which
22 was the daily meetings, 8:30 a.m. and 6:45 p.m., at least as
23 you described them as such on February 26, 1998.

24 BY MR. WISENBERG:

25 Q We know about the general subject matter, but tell

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1 us basically what occurs, what kinds of things, let's start
 2 with what kinds of things were discussed.
 3 A We discussed the policy, political, legal and media
 4 impact of the so-called scandals on the administration and
 5 how to deal with them in terms of the media.
 6 Q All right. The impact, did I understand you?
 7 A Yes.
 8 Q Now, you said of the scandals. Does that mean that
 9 sometimes things other than the Lewinsky matter are
 10 discussed?
 11 A Yes.
 12 Q And what are some of those things? What other
 13 scandals were discussed?
 14 A Well, the other matters that we have discussed have
 15 ranged from the Paula Jones trial to our China policy.
 16 Q Okay. Now, you gave a list last time of the people
 17 who tended to attend these meetings and looking through it, I
 18 notice that you had a group of people from the -- we'll get
 19 into their names later, but a group of people from the
 20 counsel's office, some folks who I guess you'd characterize
 21 it as -- you mentioned in the counsel's office Ms. Mills,
 22 Mr. Ruff, Mr. Lanny Breuer, Mr. Bruce Lindsey, Mr. Jim
 23 Kennedy would attend these meetings. Senior advisors would
 24 be another category. Let me just say that these categories
 25 is my phraseology.

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1 Senior advisors, you mentioned -- Mr. Lindsey could
 2 be that, too, Mr. Emanuel, Mr. Podesta, Mr. Begala, of course
 3 yourself. And then there's some press people. You mentioned
 4 Mike McCurry and Joe Lockhart. And you also mentioned
 5 somebody from Legislative Affairs, I think, named Don
 6 Goldberg.
 7 A Correct.
 8 Q But three main categories based on the names you
 9 gave last time: people from the counsel's office, senior
 10 advisors and press people. Is that a fair characterization
 11 of the people in attendance?
 12 A That's one way of arranging the categories.
 13 Q And is there -- is it fair to say that there is
 14 sharing of information among the people at the meetings?
 15 A There's sharing knowledge of the day's events and
 16 our views on them at these meetings.
 17 Q And how would you define or characterize "day's
 18 events"?
 19 A Whatever is in the media.
 20 Q Okay. All right. What else? Does it ever include
 21 things that aren't in the media?
 22 A Everything is responsive to what's in the media.
 23 Q Are the meetings as you described them in late
 24 February still going on?
 25 A Yes.

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1 Q Still twice a day at about 8:30 and 6:45?
 2 A Yes.
 3 Q Is the content -- and I'm going to confine
 4 this question to the Lewinsky matter, the Lewinsky
 5 investigation, is the content of witness or lawyer
 6 debriefing ever discussed? And I'll define that a
 7 little further. Any debriefing that anybody has had
 8 with a witness in the Lewinsky investigation or that
 9 witness' lawyer. Is any such briefing/debriefing and
 10 the content of any such briefing or debriefing ever
 11 discussed at these meetings?
 12 A Not to my knowledge.
 13 Q And that would mean it hasn't been discussed when
 14 you were there?
 15 A I haven't heard it. I would say no.
 16 Q All right. And no one who has been at such a
 17 meeting has said, "Gosh, Sidney, you really missed a great
 18 discussion and it was about the debriefing of Mr. X."
 19 A No. Never happened.
 20 Q All right. But I take it if there are newspaper
 21 articles, for example, about what a witness purportedly said,
 22 then that could very well be discussed.
 23 A Potentially.
 24 Q Do you recall that ever being discussed, a media --
 25 or something in the media, either newspaper or television or

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1 radio, a report about what a particular witness said, either
 2 to investigators or the grand jury, do you recall that ever
 3 being discussed?
 4 A Well, I recall, for example, when Vernon Jordan
 5 would come out of the grand jury, people would remark on his
 6 remarks outside.
 7 Q All right.
 8 A And what impact that may or may not have, for
 9 example.
 10 Q Okay. Now, as I understand it, from what you
 11 testified, it's media-generated discussions or discussions
 12 based on what's in the media.
 13 A Yes.
 14 Q Now, what do you mean by impact? You say we
 15 discuss the impact that has. Tell us what you mean by that.
 16 A Well, how the stories are playing out and whether
 17 they're positive or negative and how they impact on -- you
 18 know, characterizing the President or the administration.
 19 Q So would it be fair to say that part of the
 20 discussion has to do with how is this affecting how we're
 21 doing in the press?
 22 A Right.
 23 Q Okay. Now, is also part of the discussion -- you
 24 mentioned -- I think you mentioned legal and political. Is
 25 part of the discussion any legal impact of anything that's

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1 been reported in the media?

2 A Sure. We'll discuss legal issues as well.

3 Q Okay. And give us an example of that.

4 A For example, there was a discussion of Stuart
5 Taylor when he was approached by the Independent Council and
6 offered a job, which he turned down, and we would discuss
7 that.

8 Q Okay. Now, would you discuss what, if anything --
9 let's take the Taylor example, just as an example, you would
10 discuss what, if anything, you might want to do about that.

11 Would that be a fair statement?

12 A In that case, I don't think we discussed that at
13 all. But there might be, you know, other incidents that
14 arise.

15 Q Where you would discuss not only that this happened
16 today, but here's what we think we should do about it, either
17 in terms of press, let's say for one in terms of press
18 policy?

19 A In terms of press policy and what those who are
20 representing the administration or the administration's
21 position might say about it.

22 Q Okay. And what about -- again, when you say legal
23 impact, what would be an example of discussing the legal
24 impact? You've got folks from the counsel's office there,
25 what would be an example of discussing something's legal

1 for press purposes based upon what's in the media. Is that a
2 fair statement?

3 A Right.

4 Q Now, what other reason are the people from the
5 counsel's office there? Ms. Mills, Mr. Ruff, Lanny Breuer,
6 Bruce Lindsey, Jim Kennedy. You've said they explain legal
7 matters to the non-lawyers.

8 A Right.

9 Q And maybe sometimes to the lawyers, too, but what
10 other reasons are they there?

11 A. That's the reason they're there.

12 Q Okay. How often do you have that many there? You
13 mentioned Mills, Ruff, Breuer, Lindsey, Jim Kennedy.

14 A Often.

15 Q Okay. Have you ever discussed -- to your
16 knowledge, do you ever remember discussing Ashley Raines at
17 the meeting?

18 A No.

19 Q Bayani Nelvis? Do you remember any discussions
20 about Bayani Nelvis?

21 A Yes. I recall discussions about the Wall Street
22 Journal article about him.

23 Q Okay. And tell us about that.

24 A I didn't play much of a role in that. Jim Kennedy,
25 as I recall, mainly dealt with the Journal reporter. The

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1 impact?

2 A Well, for example, take today. I'm not at the
3 meeting, but I'm sure we'll have a meeting this evening about
4 the denial of cert today of the Independent Counsel in two
5 matters. And we will discuss exactly what McCurry might say
6 in his briefing or Lockhart and we'll discuss what questions
7 Jim Kennedy is getting from the press and we will discuss who
8 is going out on the talk shows and the news programs and what
9 they're saying. That's what we'll discuss.

10 Q Is one of the reasons that the people from the
11 counsel's office are there to educate the group about legal
12 consequences or legal understandings of events that have
13 happened?

14 A Right. The legal counsel represents the interests
15 of the President legally and there are many of us who are not
16 lawyers and so we're unfamiliar with all of the details of
17 the law.

18 Q Is it fair to say that the primary reason for these
19 meetings is to discuss press policy?

20 A Yes.

21 Q All right. Because you had earlier said it's media
22 generated, your agenda, you would say, is directed -- that
23 your agenda is kind of set by what's in the media.

24 A Mm-hmm.

25 Q As I understand it now, it's more or less planning

1 reporters would call principally Jim Kennedy and ask him
2 questions and Kennedy would raise the questions that were
3 being asked by the reporters who were doing the story, you
4 know, about -- you know, principally what they were going to
5 write and, you know, how we might deal with it and when to
6 anticipate a story. That's what we would discuss.

7 Q And I understand that Kennedy might have been the
8 main person on that, but what do you remember about the
9 discussion at the meeting? Now, what I'm focusing on is the
10 meetings. I understand they're about press policy, but what
11 do you remember the discussion being about Bayani Nelvis?

12 A Well, I just recall that his lawyer had denied
13 that -- and I could be getting this wrong because my memory
14 is often faulty about all these details, there's been so much
15 of it, his lawyer had denied that he had seen anything
16 untoward and that's what I recall. So the question was, you
17 know, that's a fact that ought to be called to people's
18 attention. That sort of thing.

19 Q Okay. There was some kind of a report in the
20 journal about what Mr. Nelvis was purportedly telling
21 somebody?

22 A Right.

23 Q And his lawyer had denied-it?

24 A Correct.

25 BY MR. BENNETT:

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<p>1 Q I thought it had to do with what he had purportedly 2 testified to in grand jury. 3 A It -- I'm unsure, but his lawyer had said something 4 about -- had characterized what he knew and it was -- his 5 lawyer seemed to say that there was nothing wrong that he had 6 witnessed. But that's the kind of material. 7 BY MR. WISENBERG: 8 Q Tell me about the role of the advisor types there 9 as I've described them, yourself, I think I mentioned, based 10 on what you mentioned last time, Mr. Emanuel, Mr. Podesta, 11 Mr. Begala and yourself. 12 A Well, Mr. Podesta is a lawyer. He teaches at 13 Georgetown. 14 Q But he's not in the counsel's office. 15 A He's not in the counsel's office. 16 Q He's Deputy Chief of Staff. 17 A But he also has a legal understanding, so he offers 18 some legal expertise as well. And Paul Begala, Rahm Emanuel, 19 myself, offer political and policy and media advice, as does 20 Mike McCurry and Joe Lockhart. 21 Q I want to just make sure I understand you 22 correctly. These White House counsel people have never 23 discussed in any way, shape or form other than if it's in a 24 newspaper report information obtained through a debriefing of 25 lawyers or witnesses.</p>	<p>1 question clearer -- you know, basically individuals on the 2 grand jury -- 3 A Oh, no. No. No. 4 Q Demographic makeup, anything like that. 5 A I don't recall that. 6 Q All right. Saying or hearing anything about it at 7 a meeting? 8 A No. 9 Q At one of these two meetings? 10 A No. 11 Q Daily meetings? 12 A No. 13 Q Don Goldberg, Legislative Affairs? 14 A Right. 15 Q Does his title explain his role? 16 A Yes. So it would be how is the House reacting, 17 what are the House members doing, what is this particular 18 House leader doing, what is Senator X interested in about 19 this, how are they responding. 20 Q There is no -- again, with these counsel's office 21 folks, there is no sharing of information -- well, you've 22 said they're not talking about debriefings. Is there any 23 sharing of information by them beyond discussing legal 24 matters, here's what happened today, here's what it means? 25 A You mean giving their legal assessment of the day's</p>
<p>1 A Correct. I have never heard it. 2 Q Okay. And no one has ever told you that it 3 happened either? 4 A And no one has ever told me. 5 Q Okay. Any discussion at the meeting about the 6 grand jury itself? Makeup, character of the grand jury, 7 anything like that? At any of these meetings. 8 A None that I've heard. 9 Q And did anybody tell you that that was discussed at 10 one of the meetings that you might have missed? 11 A No. I've discussed the grand jury with, you know, 12 people by saying -- people ask and the press ask me what is 13 it like and I'll describe it physically. 14 Q The experience of -- 15 A Yes, the experience of being in a grand jury. 16 Q All right. 17 A People are very interested. There have been a 18 number of articles about it. 19 Q All right. Let me be a little more specific, then, 20 which is was -- and you're not saying you've discussed it in 21 the meetings or just in general you've discussed it? 22 A In general. 23 Q All right. 24 A I've discussed it with reporters. 25 Q I was more interested in -- and I'll make my</p>	<p>1 events? That's what they do. 2 Q Okay. But there's no sharing of information by 3 them, factual information? I had a discrete category which 4 is debriefing of witnesses or lawyers. 5 A Do you mean something like, you know, something 6 that's sealed by the court? That kind of information? I 7 don't -- 8 Q No, just any kind of factual information. 9 A Well, whatever is public information, they'll 10 share. 11 Q All right. And give an example of that. 12 A Well, could be a letter that David Kendall has 13 written that's been released publicly. They'll share that. 14 Or any sort of brief that's public. 15 Q Okay. You mentioned when you were here last time, 16 you mentioned when you were here last time, we had some 17 questions and you had some answers about [REDACTED] and 18 [REDACTED], certain things in the public record that you were 19 aware and passed on. Has any of that been discussed at these 20 meetings? 21 A I don't recall it. I don't believe it was. 22 Q Okay. And, as I understand it, the media people 23 there, McCurry and Lockhart, would be in addition to carrying 24 out the orders or suggestions of others there, they also have 25 their own input about media?</p>

<p style="text-align: right;">Page 37</p> <p>1 A Everyone has their own input and their own 2 opinions.</p> <p>3 Q Let me preface my next series of questions about 4 these meetings by asking you -- by defining leak for you as I 5 want to use it here. I'm going to be talking about -- asking 6 a few questions about grand jury leaks.</p> <p>7 A Mm-hmm.</p> <p>8 Q And I think we might have partially gone through 9 this before, but the -- I think as you know, a witness who 10 appears in front of a grand jury is not bound by an oath of 11 secrecy. Do you understand that?</p> <p>12 A I understand that.</p> <p>13 Q So just as an example, you could go out and talk to 14 a reporter about your grand jury testimony and it could be 15 characterized as a leak but in no way unethical or improper. 16 Do you understand?</p> <p>17 A That's my understanding.</p> <p>18 Q Okay. So when I use the term leak, I'm going to 19 use it to be all encompassing. In other words, to include 20 that scenario but also depending on the question it could 21 include an improper leak, which would be like from a 22 prosecutor at a grand jury. Do you understand?</p> <p>23 A Mm-hmm.</p> <p>24 Q Okay. That's a yes?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 THE FOREPERSON: Mr. Blumenthal, you are still 2 under oath.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 BY MR. WISENBERG:</p> <p>5 Q Are you prepared to answer that last question?</p> <p>6 A Yes, if you could restate it for me, I would 7 appreciate it.</p> <p>8 Q I was afraid you'd ask me that. The question is at 9 the meetings that we've been discussing, has there ever been 10 a decision made to leak either grand jury testimony or the 11 substance of grand jury testimony of a witness or of what the 12 witness has told to OIC investigators?</p> <p>13 A There's never been a discussion of any witness 14 testimony in these meetings.</p> <p>15 Q Okay. How about what witnesses have told the OIC? 16 That is to say not testimony, but what they've told 17 investigators of the OIC?</p> <p>18 A There's been no discussion of that.</p> <p>19 Q Okay. And has there been no discussion of leaking 20 that information? That is to say, without going into -- as I 21 understand your answer, you're saying in effect we've never 22 had any substantive discussions of what witnesses have said, 23 but now I'm asking something slightly different.</p> <p>24 A If you're asking a procedural question, there's 25 never been a discussion about that.</p>
<p style="text-align: right;">Page 38</p> <p>1 Q Okay. Has there ever been a decision in one of 2 these meetings to leak anything? I'll start with that 3 general question.</p> <p>4 A I see. Well, let me, if I could, consult with my 5 lawyer about that question.</p> <p>6 Q Let me try to narrow it before we do that.</p> <p>7 A Yes, please. That would be helpful.</p> <p>8 Q Has there ever been a decision at one of these 9 meetings to -- and, again, not implying that in and of itself 10 there would be anything wrong about it, has there ever been a 11 decision at any one of these meetings to leak any information 12 that a witness told either the grand jury or OIC 13 investigators?</p> <p>14 A Okay. I will be back very promptly.</p> <p>15 MR. WISENBERG: Okay.</p> <p>16 THE WITNESS: All right. Thank you.</p> <p>17 MR. BENNETT: And it is 4:03 p.m.</p> <p>18 (The witness was excused to confer with counsel.)</p> <p>19 MR. WISENBERG: Let the record reflect the witness 20 has reentered the grand jury room.</p> <p>21 Madam Foreperson, do we have a quorum?</p> <p>22 THE FOREPERSON: Yes, we do.</p> <p>23 MR. WISENBERG: Any unauthorized people here?</p> <p>24 THE FOREPERSON: No, sir. There are not.</p> <p>25 MR. WISENBERG: It's 4:09 p.m.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q Okay. And while we're at it, while we're on 2 this general topic, I think last time when you were here 3 Mr. Bittman asked you whether or not there were ever 4 meetings that were a subset of this group and your answer 5 was that there were no regular meetings, so let me ask you, 6 are there other meetings from time to time, whether they're 7 regular or not, of a subset of the people in these larger 8 meetings.</p> <p>9 A There are no regular meetings at all. The people 10 work in the White House in a very small physical environment 11 and we see each other all day, so like everybody else who 12 works together, we'll discuss what's going on during the day, 13 but these aren't meetings. There are separate meetings on 14 China policy right now and those involve the National 15 Security Council, members of the National Security Council.</p> <p>16 Q We're not interested in that. I'm not interested 17 in that.</p> <p>18 A And I attend many of those meetings.</p> <p>19 Q So, for example, getting back to your last answer 20 before you went into the China business, there could be 21 informal meetings, hallway meetings, that kind of stuff that 22 go on?</p> <p>23 A Passing conversations.</p> <p>24 Q All right. Well, then let me go back and ask you 25 the question that I asked you before about the larger -- the</p>

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1 twice a day meetings and say have you ever been a party to or
 2 a listener to any conversation, whether it be firsthand or
 3 thirdhand, whatever, where the content of witness or lawyer
 4 debriefing as I've defined it was discussed?
 5 A No.
 6 Q Nobody has ever come to you and said, other than
 7 discussion of a newspaper article, no one has ever come to
 8 you and said "This is what X's lawyer said she told
 9 investigators or the grand jury"?
 10 A No. Never.
 11 Q Nothing like that at all?
 12 A Never.
 13 Q Okay. Other than these twice-a-day meetings you've
 14 discussed and the informal meetings among this advisory
 15 group, and I'm excluding right now the President and the
 16 First Lady, are there any other groups that discuss the
 17 Lewinsky matter? Any meetings where the Lewinsky matter is
 18 discussed?
 19 A No. As a subject? No.
 20 Q Does the First Lady ever attend these twice-a-day
 21 meetings?
 22 A Never.
 23 Q Does the President ever attend the twice-a-day
 24 meetings?
 25 A Never.

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1 Q Do you ever get information at the meeting about
 2 what the President or First Lady's wishes are? As an
 3 example, would somebody ever say "The President wants this
 4 done," "The First Lady wants this done"?
 5 A No. There's never any specific request that's ever
 6 been made brought up at these meetings involving the
 7 President and the First Lady.
 8 Q Okay. But that would be -- okay. A request.
 9 Because my example was they want this done.
 10 A No. Or an order.
 11 Q Okay. How about just a statement about what their
 12 position is on a particular matter at these two-a-days?
 13 A No. They don't -- their opinion on these questions
 14 of press management has never been raised in these meetings.
 15 Q Okay. How about not necessarily their opinions on
 16 press management but their opinions on anything that might
 17 impact the press management decisions that you're making at
 18 the meetings?
 19 A It's never been brought up. It's, as we say, below
 20 their pay grade.
 21 Q Okay. Retail rather than wholesale?
 22 A It's just -- they're not involved in that.
 23 Q You mentioned last time that attorneys for the
 24 president, and I'm not talking about White House counsel, I'm
 25 talking about either Mr. Kendall or Mr. Bennett or people

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1 associated with them in some fashion, and I'll throw in
 2 Mr. Kantor in that, too, that they are not there. They are
 3 not personally present at the meeting.
 4 A Right.
 5 Q Okay. And they're not there -- are they there --
 6 they're not on the other side of a door or around the hallway
 7 or anything like that.
 8 A No. No. And they're not on the phone, either.
 9 Q Okay. Not -- because there had been a question
 10 about conference call, they could be on the phone and not
 11 being involved in a conference call, but you're telling us
 12 they're not on the phone either at these meetings.
 13 A You mean at the regular 8:30 and 6:45?
 14 Q Right.
 15 A No.
 16 Q No, they are not at the meetings on the phone,
 17 correct? No, they are not on the phone? I just want to make
 18 it clear for the record.
 19 A They are not at the regular twice-a-day meetings.
 20 No, they are not.
 21 Q Has a memo sent in fall of '96, a memo from John
 22 Hilley to Evelyn Lieberman that concerns among other things
 23 Monica Lewinsky, has that ever been discussed either at these
 24 meetings or in any other meeting you've had with anybody?
 25 A No.

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1 Q Has the issue of WAVES records ever been discussed
 2 in your presence, either at the two main meetings or any
 3 other meetings, other than in the context of commenting on a
 4 news article that might involve WAVES records?
 5 A The press demanded of the administration the
 6 release of the WAVE records and the legal counsel office
 7 decided against it and we discussed only press strategy about
 8 that decision.
 9 Q Have you ever discussed -- there have been press
 10 reports about 37 -- allegedly 37 visits by Ms. Lewinsky to
 11 the White House since she left, the period after she left the
 12 White House. Was that ever discussed at these meetings or
 13 any other meetings?
 14 A No.
 15 Q Have you ever discussed with anybody a letter from
 16 ██████████ to Judge Starr?
 17 A No, I don't know who ██████████ is. Never heard
 18 of her and I've never heard that letter discussed.
 19 Q I want to go into a different category now and I
 20 want to talk about two topics that are related. The first
 21 has to do with -- I'm just going to set them out for you
 22 first.
 23 What information, directly or indirectly, you've
 24 received from the President relating or referring to Monica
 25 Lewinsky? And this has to do with categories last time that

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<p>1 we had the invocation of executive privilege on. 2 And then you were mentioning last time an 3 approximately 30-minute discussion you had with the President 4 regarding Ms. Lewinsky or the Lewinsky matter that you had 5 within a week of the story hitting The Post on Wednesday, 6 January 21st. And I want to ask you everything you remember 7 about that discussion with the President. 8 A Okay. I'd like to consult with my lawyer before I 9 answer that. 10 MR. WISENBERG: You bet. 11 THE WITNESS: Okay? 12 MR. WISENBERG: Yes. 13 MR. BENNETT: And it's 4:20 p.m. 14 THE WITNESS: I will be back promptly. 15 (The witness was excused to confer with counsel.) 16 MR. WISENBERG: Let the record reflect the witness 17 has reentered the grand jury room. It is 4:25 p.m. 18 Do we have a quorum, Madam Foreperson? 19 THE FOREPERSON: Yes, we do. 20 MR. WISENBERG: Any unauthorized people present? 21 THE FOREPERSON: No, sir. There are not. 22 Mr. Blumenthal, you are still under oath. 23 THE WITNESS: Yes. Thank you. 24 BY MR. WISENBERG: 25 Q Okay. Are you prepared to answer our question</p>	<p>1 as a personal liaison between the President and the Office of 2 the Prime Minister. And he was visiting the week following 3 the state of the union, so I had enormous responsibilities in 4 that period. 5 I was in my office and the President asked me to 6 come to the Oval Office. I was seeing him frequently in this 7 period about the state of the union and Blair's visit. So I 8 went up to the Oval Office and I began the discussion and I 9 said that I had received -- that I had spoken to the First 10 Lady that day in the afternoon about the story that had broke 11 in the morning and I related to the President my conversation 12 with the First Lady and the conversation went as follows: 13 The First Lady said that she was distressed that 14 the President was being attacked, in her view, for political 15 motives, for his ministry of a troubled person. She said 16 that the President ministers to troubled people all the time, 17 that he has ministered to -- and he does so out of religious 18 conviction and personal temperament. She said to me on that 19 occasion, "If you knew his mother, you would understand it." 20 As a matter of fact, I did know his mother and once 21 spent a whole day with her in Arkansas as a reporter and I do 22 understand it. She was a very open-hearted person. 23 And the First Lady said he had done this dozens if 24 not hundreds of times with people, the President came from a 25 broken home and this was very hard to prevent him from trying</p>
<p>1 that's on the table? 2 A I am. I wonder if you could just restate it, 3 please? 4 Q I probably can't restate it verbatim. 5 A That's quite all right. 6 Q But what we want to know initially is everything 7 you remember about this -- as I understand from your 8 testimony last time, it was approximately a 30-minute meeting 9 with the President within a week after the January 21st 10 Washington Post story which broke in the legitimate press the 11 Lewinsky story. 12 So our question is tell us everything you remember 13 about the circumstances and the content -- the circumstances 14 of the meeting and the content of the discussions in the 15 meeting. 16 A I'm happy to do so. I recall that it was January 17 21st, the day that the story broke. I recalled that more 18 precisely after you had asked me the initial question. It 19 was in the early evening. It was a week before the state of 20 the union address. 21 I was a principal writer of the state of the union 22 and was working on that at the same time that I was working 23 on the visit of British Prime Minister Tony Blair, for which 24 I had major responsibilities. He's an old friend of mine, I 25 introduced him to the President and the First Lady, and I act</p>	<p>1 to minister to these troubled people. 2 So I related that conversation to the President. 3 And I told him my opinion because it is my duty to offer him 4 candid and frank advice. And I said to him that I understand 5 that you feel this way, but -- 6 Q Feel what way? 7 A That you want to minister to troubled people, that 8 you feel compassionate, but that part of the problem with 9 troubled people is that they're very troubled and you were 10 able to do this before and I know you've done this since with 11 many people -- and I know of these incidents, I know of -- 12 and they're not done for publicity at all. 13 I know of a woman in Arkansas who claims he saved 14 her from suicide by helping her out. I said, "However, 15 you're president and these troubled people can just get you 16 in incredible messes and you just -- I know you don't want 17 to, but you have to cut yourself off from them." 18 And he said, "It's very difficult for me to do 19 that, given how I am. I want to help people." 20 I said the he really shouldn't -- "You really need 21 to not do that at this point, that you can't get near anybody 22 who is even remotely crazy. You're president." 23 He said to me that -- Dick Morris had called him. 24 Now, I know Dick Morris, the political consultant who had 25 helped the administration in the reelection campaign and I</p>

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<p>1 know Dick Morris very well, so the President and have I have 2 discussed Dick Morris in the past. 3 He said Dick Morris had called him that day and he 4 said that Dick had told him that Nixon -- he had read the 5 newspaper and he said, "You know, Nixon could have survived 6 Watergate if he had gone on television and given an address 7 and said everything he had done wrong and got it all out in 8 the beginning." 9 And I said to the President, "What have you done 10 wrong?" And he said, "Nothing. I haven't done anything 11 wrong." I said, "Well, then, that's one of the stupidest 12 ideas I've ever heard. Why would you do that if you've done 13 nothing wrong?" 14 And it was at that point that he gave his account 15 of what had happened to me and he said that Monica -- and it 16 came very fast. He said, "Monica Lewinsky came at me and 17 made a sexual demand on me." He rebuffed her. He said, 18 "I've gone down that road before, I've caused pain for a lot 19 of people and I'm not going to do that again." 20 She threatened him. She said that she would tell 21 people they'd had an affair, that she was known as the 22 stalker among her peers, and that she hated it and if she had 23 an affair or said she had an affair then she wouldn't be the 24 stalker any more. 25 And I repeated to the President that he really</p>	<p>1 A It is. 2 Q On that day? 3 A It is. 4 MR. WISENBERG: We obviously will have a lot of 5 follow-up questions based upon that. I'm going to ask you if 6 you'll step outside for just a moment or two so I can discuss 7 scheduling issues with the grand jury. 8 May the witness be excused? 9 THE FOREPERSON: Yes, he may. 10 MR. WISENBERG: I'll ask you to go back out where 11 your attorney is and we'll come get you. 12 THE WITNESS: Sure. Thank you. 13 THE FOREPERSON: Thank you. 14 (Witness excused. Witness recalled.) 15 MR. WISENBERG: Let the record reflect that witness 16 has reentered the grand jury room. 17 Madam Foreperson, do we still have a quorum? 18 THE FOREPERSON: Yes, sir. We do. 19 MR. WISENBERG: Any unauthorized people present in 20 the grand jury room? 21 THE FOREPERSON: There are none. 22 First Lady, you are still under oath. 23 THE WITNESS: Thank you. 24 BY MR. WISENBERG: 25 Q First Lady, I think you heard me mention to your</p>
<p>Page 50</p> <p>1 needed never to be near people who were troubled like this, 2 that it was just -- he needed not to be near troubled people 3 like this. And I said, "You need to find some sure footing 4 here, some solid ground." 5 And he said, "I feel like a character in a novel. 6 I feel like somebody who is surrounded by an oppressive 7 force that is creating a lie about me and I can't get 8 the truth out. I feel like the character in the novel 9 Darkness at Noon." 10 And I said to him, I said, "When this happened with 11 Monica Lewinsky, were you alone?" He said, "Well, I was 12 within eyesight or earshot of someone." 13 I said, "You know, there are press reports that you 14 made phone calls to her and that there's voice mail. Did you 15 make phone calls to her?" 16 He said that he remembered calling her when Betty 17 Currie's brother died and that he left a message on her voice 18 machine that Betty's brother had died and he said she was 19 close to Betty and had been very kind to Betty. And that's 20 what he recalled. 21 And then we went on into -- I said, "You need 22 to find some solid ground here," and then we went into a 23 discussion of the state of the union address. 24 Q Is that everything that you remember about that 25 conversation with the President?</p>	<p>Page 52</p> <p>1 attorney that we will be asking you back or more technically 2 requiring you to be back. 3 A Well, I'm happy to answer questions. 4 Q But I have a few questions on this topic, on what 5 you've just told us about the discussion. The first is did 6 the President say that part of his ministry -- did he tell 7 you that part of his ministry with Ms. Lewinsky in any way, 8 shape or form was in engaging in any kind of sexual activity 9 with her? 10 A He told me the opposite. He told me that she came 11 on to him and that he had told her he couldn't have sexual 12 relations with her and that she threatened him. That is what 13 he told me. 14 Q Which leads me to my next question. Did he 15 indicate when this come on was? 16 A No. I don't know when it would be and he didn't 17 mention any date. 18 Q All right. He didn't say anything that would lead 19 you to believe -- give you a rough idea of when this 20 occurred? 21 A No. I don't have any idea. 22 Q Okay. And you mentioned a conversation you had had 23 apparently earlier in the day with the First Lady that you 24 relayed to him. I take it he did nothing to deny the things 25 the First Lady had told you.</p>

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1 A No.

2 Q In other words, he didn't say anything like,
3 "What is she talking about, I minister to people? That's
4 ridiculous, I don't do that." He didn't deny the scenario
5 presented to you, the facts presented to you by the First
6 Lady. Is that correct?

7 A No. He --

8 Q No, he did not deny that?

9 A No, he did not deny that he often helps troubled
10 individuals.

11 Q And did the First Lady indicate to you in her
12 discussion how she had this information about Ms. Lewinsky
13 being someone the President ministered to? That is to say,
14 did she indicate in this conversation, we'll get into other
15 conversations the next time you're here, but in this
16 conversation did she indicate to you her source of
17 information? Whether she herself knew things about Monica
18 from over a time period or whether this had all come from the
19 President?

20 A She indicated to me no source whatsoever.

21 MR. WISENBERG: Okay. All right. If there are no
22 further questions, we will be -- either myself or Mr. Bennett
23 will be in contact with your attorneys about your next
24 appearance here and I hope it can be fairly soon so that we
25 can not lose the thread.

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1 May the witness be excused?

2 THE FOREPERSON: Yes, he may.

3 THE WITNESS: Thank you very much and I'll be
4 seeing you all soon.

5 THE FOREPERSON: Thank you.

6 THE WITNESS: All right. Have a good day.

7 THE FOREPERSON: Thank you.

8 (The witness was excused.)

9 (Whereupon, at 4:44 p.m., the taking of testimony
10 in the presence of a full quorum of the Grand Jury was
11 concluded.)

12 * * * * *

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 06/05/98

A conversation that occurred at approximately 2:00pm in the hallway adjacent to Grand Jury room number three, third floor, E. BARRETT PRETTYMAN U. S. Court House, 333 Constituion Avenue NW, Washington, D.C. 20001-2866 was witnessed by writer. The participants were SOLOMON L. WISENBERG, Deputy Independent Counsel; WILLIAM A. MCDANIEL JR., attorney for SIDNEY BLUMENTHAL; JO BENNETT MARSH, attorney for BLUMENTHAL; and SIDNEY BLUMENTHAL. The conversation occurred just prior to the commencement of the Grand Jury session.

WISENBERG stated that he was going to ask BLUMENTHAL to answer all questions that BLUMENTHAL had not answered in the previous grand jury inasmuch as JUDGE JOHNSON has ordered them answered. BLUMENTHAL started to respond and was immediately advised by MCDANIEL that he was not to answer as he, MCDANIEL, would respond. MCDANIEL said that he did not know what the questions were. WISENBERG said that he would tell MCDANIEL what areas were covered in the previous grand jury testimony of BLUMENTHAL but that it must be understood that this was not a violation of Rule 6E. MCDANIEL agreed that it was not.

WISENBERG said that the questions would be about direct statements the President made to BLUMENTHAL to include any other information BLUMENTHAL received indirectly from the President. The second area would be about any statements that HILLARY CLINTON made to BLUMENTHAL to include any other information BLUMENTHAL received indirectly from Mrs. CLINTON. The third area concerned the two daily meetings that occurred at the White House. MCDANIEL indicated that he understood and did not dispute the planned line of questioning. MARSH and BLUMENTHAL said nothing.

Investigation on 06/04/98 at WASHINGTON, D.C. File # 29D OIC LR 35063
 by [REDACTED] Date dictated 06/05/98

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X
IN RE: :
GRAND JURY PROCEEDINGS :
----- X

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Thursday, June 25, 1998

The testimony of SIDNEY BLUMENTHAL was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 1:41 p.m., before:

KARIN IMMERGUT
STEPHEN BINHAK
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

1 attorneys with you. Could you please state for the record
2 what their names are?
3 A I have my own attorney, William McDaniel, here, and
4 I have an attorney from the Office of the Legal Counsel from
5 the White House, Cheryl Mills.
6 Q And, as you know, if any question arises that you
7 wish to consult with your counsel on, that's fine as long as
8 it does not disrupt the grand jury process, and if you could
9 just tell me that you would like to go speak with your
10 counsel, we'll try to accommodate that.
11 A Thank you.
12 Q You also have a Fifth Amendment to refuse to answer
13 any question which, if answered truthfully, would tend to
14 incriminate you. Do you understand that right?
15 A I do.
16 Q Because you are before the grand jury, however, you
17 must testify truthfully in these proceedings, and if you do
18 not testify truthfully, you are subject to the penalty of
19 perjury.
20 A I understand.
21 Q Do you have any questions before we begin?
22 A No.
23 Q I'd like to start really where you left off in the
24 proceedings of June 4, 1998. You mentioned that you had had
25 a 30-minute discussion with the President concerning Monica

PROCEEDINGS

1 Whereupon,
2
3 SIDNEY BLUMENTHAL
4 was recalled as a witness and, having been first duly sworn
5 by the Foreperson of the Grand Jury, was examined and
6 testified further as follows:

EXAMINATION

BY MS. IMMERGUT:

9 Q Good afternoon, Mr. Blumenthal.
10 A Good afternoon to you, and everyone else.
11 Q Again, for the record, I'm Karin Immergut, and
12 seated with me is Stephen Binhak from the Office of the
13 Independent Counsel.
14 Could you please state and spell your full name for
15 the record?
16 A Yes. My name is Sidney Blumenthal. It's
17 S-i-d-n-e-y, first name, last name Blumenthal,
18 B-l-u-m-e-n-t-h-a-l. And I think, as you all know, I live at
19 [REDACTED]
20 Q And, Mr. Blumenthal, although I know you've been
21 here twice, I just want to quickly go over with you certain
22 rights that you have as a witness before this grand jury.
23 A Please.
24 Q As you know, you do have a right to have an
25 attorney present outside, and I did notice that you have two

1 Lewinsky. Do you recall that testimony?
2 A I do.
3 Q Specifically I'm interested in talking to you a
4 little bit about certain areas. You mentioned that during
5 that 30-minute talk the President said to you that, "Monica
6 made a sexual demand on me," and that he rebuffed her.
7 Do you recall that testimony?
8 A I do.
9 Q You also testified that you recounted to the
10 President statements that Hillary Rodham Clinton, the First
11 Lady, had made to you that the President was being attacked
12 for political motives for his ministry of a troubled person.
13 Do you recall that testimony?
14 A I do.
15 Q And is that rendition to the testimony I've recited
16 to you accurate, to the best of your knowledge?
17 A Well, I think that the First Lady recounted to me
18 that she was very distressed that the President was being
19 attacked, and she related to me that he was a very
20 compassionate person, and that he had expressed a very warm
21 interest in helping troubled people over the years, and she
22 had known of dozens, if not hundreds, of cases.
23 And that's -- that's about what I said.
24 Q And that's what you relayed to the President, that
25 you had had that conversation with the First Lady.

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1 A I believe I had said that, yes.
 2 Q Did the President tell you that he ministered, if
 3 you will, to Monica Lewinsky?
 4 A He said that -- he didn't use the word "minister."
 5 He said he had tried to help troubled people.
 6 Q And when he said that, did you understand him to be
 7 referring to Monica Lewinsky?
 8 A I understood that.
 9 Q And, specifically, in that conversation -- I'm
 10 directing you to the 30-minute conversation that you
 11 previously testified about -- is it fair to say the substance
 12 of that conversation was all about Monica Lewinsky?
 13 A It was not all about that at all. As I testified
 14 before, the time of this conversation was in the period
 15 leading up to the State of the Union address, and right
 16 before the visit of British Prime Minister Tony Blair, for
 17 which I had major responsibilities.
 18 Q Okay. And, actually, I don't mean to cut you off,
 19 but with respect to the issue -- in terms of speaking about
 20 women generally, he was speaking about Monica Lewinsky when
 21 you were talking about what had appeared in the news media;
 22 is that correct?
 23 A Well, we were speaking about that story that had
 24 appeared that morning.
 25 Q Okay.

Page 6

1 A Right. But we also discussed national security
 2 matters and the State of the Union address.
 3 Q That were wholly unrelated to anything regarding
 4 Lewinsky.
 5 A Correct.
 6 Q You just stated that the story had appeared that
 7 morning. Are you referring to January 21, 1998?
 8 A Yes, right.
 9 Q When you testified previously I believe you were
 10 not sure the exact date on which you had the 30-minute
 11 conversation.
 12 A The first time I testified I was unsure. I
 13 searched my memory. And the last time I testified I fixed it
 14 on that day.
 15 Q So the best of your recollection is, on the very
 16 day, January 21st --
 17 A Yes, yes.
 18 Q And I apologize. You do have to wait until I
 19 finish the question, and I'll have to wait until you finish -
 20 -
 21 A Excuse me.
 22 Q -- just so the reporter can get it down.
 23 Is there anything that you have looked at or anyone
 24 you've spoken to that has jogged your memory about when the
 25 conversation with the President occurred?

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1 A No. I simply went over my memory with my attorney.
 2 Q Okay. Other than with your attorney, have you
 3 spoken with anyone else about your grand jury testimony af
 4 either of the two times that you've testified before this
 5 grand jury?
 6 A I have not spoken with anybody about my grand jury
 7 testimony pertaining to the executive privilege issue or
 8 anything covered by it --
 9 Q So you've not --
 10 A -- besides my attorney and my wife.
 11 Q Okay. During the daily meetings that you
 12 previously testified about, the morning and evening meetings
 13 discussing media strategy, have you discussed what the
 14 President told you January 21, 1998?
 15 A No, I have not discussed it in any of those
 16 meetings.
 17 Q Going back now to your conversation of that date
 18 with the President, when the President told you that he -- or
 19 what word did he use when he was -- he didn't use
 20 "ministered." What word did he use with regard to what he
 21 was doing with Monica Lewinsky?
 22 A I can't recall exactly, but I think he said that --
 23 he used the word "troubled." "Help" is the verb, I believe.
 24 Q Okay. So that he was helping Monica Lewinsky.
 25 Did he state -- again referring to when she

Page 8

1 allegedly made a sexual advance to him, do you have any
 2 recollection from his statements about when that occurred?
 3 A No.
 4 Q Did he state whether or not anyone else was present
 5 during that sexual advance?
 6 A I testified previously that he had told me that
 7 someone was always within either, I guess, eyesight or
 8 earshot.
 9 Q And what did you understand him to mean by that?
 10 A That someone could hear him or see him.
 11 Q Now, when you had this conversation with the
 12 President on January 21, 1998, were you alone with him?
 13 A Yes.
 14 Q You mentioned previously that you were in the Oval
 15 Office with him.
 16 A Right.
 17 Q Was the door closed?
 18 A Yes.
 19 Q Was anybody within eyeshot, to your knowledge?
 20 A Yes.
 21 Q Who?
 22 A I believe Betty Currie was in the outer Oval.
 23 Q Was it otherwise -- but she wasn't in the room with
 24 you.
 25 A No.

Page 9	Page 11
<p>1 Q To your knowledge, was Betty Currie able to hear 2 the conversation?</p> <p>3 A I doubt it. I don't think so.</p> <p>4 Q Okay. So in that case nobody would have actually 5 been in earshot.</p> <p>6 A No, no one else would have -- would have heard it.</p> <p>7 Q Do you have any knowledge about whether there are 8 video cameras in the Oval Office?</p> <p>9 A I have no knowledge.</p> <p>10 Q What about in the study?</p> <p>11 A I have no knowledge.</p> <p>12 Q Has there ever been any discussion in your presence 13 of video cameras recording anything between the President and 14 Monica Lewinsky?</p> <p>15 A No, besides, you know, the CNN clip I've seen over 16 and over again on television.</p> <p>17 Q. But what about during the daily meetings, has 18 anyone discussed any videotape recordings of the President 19 meeting with Monica Lewinsky?</p> <p>20 A No.</p> <p>21 Q When the President told you that he was helping 22 Monica Lewinsky, did he describe how he was going about 23 helping her?</p> <p>24 A No.</p> <p>25 Q Did the President during that 30-minute</p>	<p>1 Q So your meeting with the President occurred after 2 his deposition in the Paula Jones matter.</p> <p>3 A Right.</p> <p>4 Q Did you have any conversations with him prior to 5 his January 17th deposition in the Paula Jones matter?</p> <p>6 A No.</p> <p>7 Q So no conversations about what he was going to 8 testify at his deposition.</p> <p>9 A No.</p> <p>10 Q What about during that press debriefing after the 11 deposition testimony, did he tell you what he had said during 12 the testimony about his relationship with Monica Lewinsky?</p> <p>13 A No.</p> <p>14 Q And I'm assuming -- well, did you ever ask him what 15 he had testified about?</p> <p>16 A No. It -- no.</p> <p>17 Q Did anyone -- you mentioned other people were 18 present during that conversation. Who else was present 19 during the debriefing?</p> <p>20 A It was not a debriefing, it was a pre-briefing. It 21 was -- we do this almost every day with the President. When 22 the President goes out to make an announcement or to sign a 23 bill, a number of us always meet with the President and 24 prepare him for possible questions from the press, and we 25 talk about what the events of the day might have been, and</p>
<p>1 conversation on January 21, 1998, describe how many times he 2 had tried to help her?</p> <p>3 A No.</p> <p>4 Q Did the President tell you whether he'd talked to 5 anybody else about Monica Lewinsky making a sexual advance 6 towards him?</p> <p>7 A No.</p> <p>8 Q There have been news reports stating that Monica 9 Lewinsky visited the President, or the White House 37 times. 10 Have you ever talked to the President about that?</p> <p>11 A No.</p> <p>12 Q Did the President ever tell you how many times 13 Monica Lewinsky has come to visit him in the Oval Office?</p> <p>14 A No.</p> <p>15 Q Did you ever ask him?</p> <p>16 A No.</p> <p>17 Q Did you ever talk to the President about his 18 deposition testimony in the Paula Jones case?</p> <p>19 A I talked to him, present with others, in a pre- 20 briefing, in which he was preparing to meet to have a press 21 conference before -- this was after the story appeared in The 22 Washington Post. It was leaked to The Post, and we don't 23 know how it was leaked to The Post. It appeared in The Post, 24 we didn't know if it's a true deposition, and we were 25 preparing the President for a press briefing.</p>	<p>1 different teams come in.</p> <p>2 So, for example, Sandy Berger, the National 3 Security Adviser, will come in to brief the President about 4 national security issues that might arise. Gene Sperling, 5 the head of the National Economic Council, will come in and 6 will discuss economic issues. Sometimes Secretary Rubin 7 comes.</p> <p>8 Q And in this case, I'm assuming that the --</p> <p>9 A And I would assume that -- I'm sure that 10 representatives of the Counsel's Office were present, because 11 when there are issues related to this they are present. So 12 it would have been Chuck Ruff and others, plus a small group 13 of senior advisers.</p> <p>14 I'm sure Rahm Emanuel was there, Paul Begala, 15 myself, McCurry was probably there, Mike McCurry, the press 16 secretary.</p> <p>17 Q Did anyone ask the President how he had testified 18 at his deposition about Monica Lewinsky?</p> <p>19 A No.</p> <p>20 Q Did the President tell anyone in your presence how 21 he had testified at his deposition about Monica Lewinsky?</p> <p>22 A No.</p> <p>23 Q And let me understand this. This was a pre- 24 briefing about an article that had come out talking about his 25 deposition during which he testified --</p>

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<p>1 A I can't remember the exact incident, but the 2 President was going to go out and say something, make some 3 sort of announcement. We always prepare the President, and 4 so the question was what issues will come up, and that day 5 that article had appeared in The Washington Post. So our job 6 is to prepare the President for his answers. 7 Q And with respect to -- when you say "that article," 8 just for the benefit of the grand jurors -- 9 A There was an article that appeared in The 10 Washington Post by Peter Baker, who's a reporter for The 11 Post, in which he reported that he had come into possession 12 of the President's deposition, and he related in great detail 13 what was in that deposition. 14 Q And do you recall whether the article stated 15 anything about what the President said about his relationship 16 with Monica Lewinsky during his deposition? 17 A As I recall, the article stated that he had denied 18 having a sexual relationship with her. 19 Q Did you actually participate in the pre-briefing of 20 the President that day? 21 A Sure. 22 Q Did you give the President any advice about what to 23 say about Monica Lewinsky or his testimony about Monica 24 Lewinsky? 25 A Mm-hmm.</p>	<p>1 met with Monica Lewinsky? 2 A No. 3 Q Did the President tell you whether he met with 4 Monica Lewinsky even after she had made a sexual advance? 5 A No, he didn't tell me anything. 6 Q Have you heard from anybody else how many times the 7 President met with Monica Lewinsky? 8 A No. 9 Q And when I ask how many times, have you ever heard 10 that he met with her -- not from news reports. Have you ever 11 heard from anyone else that he's met with her more than once 12 alone? 13 A I've never heard from anyone. 14 Q In your conversation with the President when he 15 stated that Monica Lewinsky threatened to disclose an affair, 16 or fabricate an affair in a public disclosure, did you 17 understand him to be saying that if the President didn't 18 concede or didn't agree to have some kind of sexual contact 19 with her, that she would report an affair? 20 A My understanding was that she demanded to have 21 sexual relations. He rejected her. And she said that -- 22 this is -- I recall him saying -- that, "They call me The 23 Stalker." That's what Lewinsky said. "And if I can say we 24 had an affair, then they won't call me that," something like 25 that.</p>
<p>Page 14</p> <p>1 Q And what advice did you give him? 2 A "I can't comment on that matter." That's what the 3 President says. "I've already spoken to that matter, and I 4 can't comment." 5 That's his answer on all of these questions. 6 Q Okay, I'm perhaps just confused. You instructed -- 7 what is it that you stated to him? 8 A That. That's what he always says in response to 9 these questions. That's what we always advise him. 10 Q Okay. So you advised him that he should say, "I 11 can't comment." 12 A Right. 13 Q But is it fair to say that you actually didn't ask 14 him about the truth was during any kind of pre-briefing? 15 A No. 16 Q Back for a moment to the issue of the sexual 17 advance as described to you by the President, you mentioned 18 at least that the President stated that he was alone at the 19 time with Monica Lewinsky; is that correct? 20 A Mm-hmm. 21 Q Did he explain to you what kind of sexual advance 22 she made? 23 A No. 24 Q Did the President tell you how many times -- and I 25 want to -- has the President ever told you how many times he</p>	<p>Page 16</p> <p>1 Q Now, you previously characterized Ms. Lewinsky's 2 comments to the President as a threat, if you will. 3 A Right, yeah, I would interpret - that's my 4 understanding. 5 Q So, according to the President, she wanted him to 6 have some sexual contact and threatened to expose an affair 7 if he didn't. 8 A Well, I don't know. I don't leap to that 9 conclusion. 10 Q Okay. 11 A I don't know. 12 Q How did you respond to the President when he 13 claimed that he had been threatened by Ms. Lewinsky? 14 A I don't recall exactly what I said to him. 15 Q Did the President make clear to you to whom Monica 16 Lewinsky was going to expose their affair? 17 A No. 18 Q Did the President ever tell you he reported Ms. 19 Lewinsky's threats to anyone? 20 A No. 21 Q In response to my question how you responded to the 22 President's story about a threat or discussion about a 23 threat from Ms. Lewinsky, you mentioned you didn't recall 24 specifically. Do you recall generally the nature of your 25 response to the President?</p>

Page 17

1 A It was generally sympathetic to the President. And
 2 I certainly believed his story. It was a very heartfelt
 3 story, he was pouring out his heart, and I believed him.
 4 Q When he was pouring out his heart, if you will, did
 5 he tell you that he had met with Monica Lewinsky several
 6 times before she'd made the sexual advance?
 7 A Never told me that.
 8 Q So did you have any idea from your discussion with
 9 him, which lasted -- well, part of that 30-minute period,
 10 that he had met her more than once, or been alone with her
 11 more than once?
 12 A I had no idea. No, he didn't tell me anything like
 13 that.
 14 Q Did you do anything to document the fact that the
 15 President reported a threat to you?
 16 A No.
 17 Q Did you alert anyone else in the White House that
 18 the President had, in fact, been threatened by Monica
 19 Lewinsky?
 20 A No.
 21 Q Is that consistent with White House policy, not to
 22 report threats on the President?
 23 A This wasn't a physical threat.
 24 Q Nevertheless, it would be quite damaging. Isn't
 25 that fair to say?

Page 18

1 A Well, let me consult my attorney, if you would. Do
 2 you mind if I go out?
 3 Q Okay.
 4 A Thanks.
 5 MS. IMMERGUT: And, for the record, the time is
 6 2:00 p.m.
 7 (The witness was excused to confer with counsel.)
 8 MS. IMMERGUT: Madam Foreperson, do we have a
 9 quorum
 10 THE FOREPERSON: Yes, we certainly do.
 11 MS. IMMERGUT: Any unauthorized persons present?
 12 THE FOREPERSON: There are none.
 13 Mr. Blumenthal --
 14 THE WITNESS: Yes.
 15 THE FOREPERSON: -- you are still under oath.
 16 THE WITNESS: Thank you.
 17 BY MS. IMMERGUT:
 18 Q Would you like me to repeat the last question?
 19 A If you would.
 20 Q Is it consistent with White House policy not to
 21 report threats to the President?
 22 A All I know about White House policy about threats
 23 is that if there's a physical threat, I would report it to
 24 the Secret Service. And beyond that, I don't know anything
 25 about that.

Page 19

1 Q How long have you been in the White House, sir?
 2 A Since August 11, 1997.
 3 Q With respect to threats that don't necessarily
 4 involve -- that involve damage to the President politically,
 5 is there any policy that you've become aware of, formal or
 6 informal, of reporting those threats to someone else?
 7 A Well, nothing like this. I know nothing about
 8 anything like this.
 9 Q And, I'm sorry, I've been reminded --
 10 A That's all right.
 11 Q I've been reminded to note for the record that you
 12 returned at 2:10.
 13 A Thank you.
 14 Q Just so I understand, because nothing quite like
 15 this has happened, that you're not aware of any informal or
 16 formal policy.
 17 A No, I never heard of anything like this.
 18 Q But were you surprised that somebody had made a --
 19 or that Monica Lewinsky had threatened the President in the
 20 way he described?
 21 A Mm-hmm.
 22 Q You have to --
 23 A Yes.
 24 Q Yes. And that, nevertheless, you didn't report it
 25 to anyone?

Page 20

1 A No.
 2 Q Did you -- and I don't mean to be repetitive, but
 3 did you report, for example, to Mike McCurry that there could
 4 be something coming down the pike that could be very
 5 damaging --
 6 A No.
 7 Q -- to the President? And, again, I have to ask you
 8 to just -- even if you know what the rest of my question
 9 is --
 10 A That's all right.
 11 Q -- you just have to wait for --
 12 A Sure, I will.
 13 Q On any other occasion has the President told you
 14 that a woman threatened to fabricate an affair with him?
 15 A No.
 16 Q So the instance, or the conversation with the
 17 President about Monica Lewinsky, that's the first time, ever,
 18 you've heard that a woman threatened to publicly allege an
 19 affair with the President.
 20 A Yes.
 21 Q Have you ever had a discussion with people in the
 22 White House or been present during any meetings where the
 23 allegation has come up that other women are fabricating an
 24 affair with the President?
 25 A We've discussed news stories that arose out of the

Page 21

1 Jones case, which was dismissed by the judge as having no
 2 basis, in which there were allegations made against the
 3 President, and these were stories that were in the press.
 4 Q And did you discuss those with the President?
 5 A No.
 6 Q So what forum did you discuss those news stories
 7 in?
 8 A In strategy meetings.
 9 Q And would that include the daily meetings, the
 10 morning and the evening meetings?
 11 A Yes.
 12 Q And who were the names of the women that you
 13 discussed in that context, that there had been news stories
 14 about and public allegations of an affair with the President?
 15 A As I recall, we discussed Paula Jones, Kathleen
 16 Willey, we've discussed [REDACTED]
 17 [REDACTED]
 18 [REDACTED] outrageous one.
 19 [REDACTED]
 20 [REDACTED]
 21 So -- there may have been others.
 22 Q Was that [REDACTED]
 23 A [REDACTED], yes.
 24 Q When you say that that was a complete and utter
 25 fraudulent allegation --

Page 22

1 A In my view, yes.
 2 Q -- is your opinion based on discussions with anyone
 3 about the basis for that allegation?
 4 A My opinion is based on the fact -- on published
 5 material. Namely, that the allegation was made by a person
 6 whose name I can't remember, who was a, as I recall, a
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 So that's -- you know, that's really
 12 unsubstantiated hearsay.
 13 Q Okay. So your opinion is based on the news stories
 14 that you've read.
 15 A Right.
 16 Q Did you confirm your opinion or discuss those
 17 allegations with the President?
 18 A No.
 19 Q Did you discuss them with the First Lady?
 20 A No.
 21 Q Did you discuss them at any of the daily meetings?
 22 A Yes.
 23 Q And when you say you discussed them, could you
 24 describe the nature of your discussion in this forum?
 25 A We discussed the press coverage.

Page 23

1 Q Did you discuss how to combat the press coverage?
 2 A Well, we discussed what the White House might say
 3 about this.
 4 Q And what did you --
 5 A Because we'd give responses.
 6 Q Okay. And did you provide any advice in that
 7 meeting about what the White House might say?
 8 A Well, I think there was general agreement among
 9 everyone that this was an outrageous allegation, and that we
 10 ought to say so.
 11 Q And what about -- was the President brought into
 12 any of those meetings?
 13 A No. He's never brought in.
 14 Q What about -- we've mentioned -- and that's [REDACTED]
 15 [REDACTED] what you've described. What about with regard to
 16 the others? Did you adopt the same policy or was there some
 17 different discussion about those other allegations made by
 18 the other women?
 19 A Well, many of these matters were handled by the
 20 President's attorney, Robert Bennett. So we would simply not
 21 handle them directly.
 22 Q The discussions were handled by him or --
 23 A Or just -- even the press response.
 24 Q Was there discussion about the fact that these
 25 women appeared on the Paula Jones case witness list?

Page 24

1 A Was there --
 2 Q Discussion about the fact that all of those women's
 3 names appeared on the Paula Jones witness list?
 4 A I don't recall that specifically, but I'm sure that
 5 we noted that they were on -- listed by Jones's attorneys.
 6 Q So you're aware that each of the names you've
 7 mentioned were, in fact, on the Paula Jones witness list.
 8 A Right.
 9 Q And you had discussions with some of the other
 10 representatives from the White House about that fact.
 11 A Right.
 12 Q And what was the nature of your discussion about
 13 the fact that they appeared on the witness list?
 14 A Nothing until there were press stories.
 15 Q Was there any discussion about contacting any of
 16 those women prior to their depositions?
 17 A No, no.
 18 Q And you, again, personally have not had a
 19 discussion with the President about any of the women you've
 20 mentioned; is that correct? Or have you?
 21 A I had a discussion with him about Kathleen Willey.
 22 Q And could you describe that discussion?
 23 A He told me that she had come to visit him, I
 24 believe -- I don't recall the date, but it was the day her
 25 husband killed himself. And he told me that she was very

Page 25	Page 27
<p>1 upset and shaky, and he tried to calm her down, that he 2 hugged her and asked her if she was all right, and that he 3 thought that he had made her feel more comfortable. 4 Q Did the President ever tell you that Kathleen 5 Willey made a sexual advance on him? 6 A No. 7 Q Did the President ever tell you that he'd had some 8 sort of contact with Kathleen Willey once her name appeared 9 on the Paula Jones witness list? 10 A No. 11 Q Has the President ever told you about any other 12 women making sexual advances on him that he rebuffed? 13 A No. 14 Q You've testified previously, again, about this 30- 15 minute conversation with the President, that during that he 16 told you that he had "done nothing wrong." Do you recall 17 that testimony that you gave? 18 A I don't recall it exactly -- 19 Q Okay. 20 A -- but that's -- that's my understanding. 21 Q Perhaps it will refresh your recollection if I 22 represent to you that it's on the heels of your discussion -- 23 or the President telling you that a Mr. Morris contacted 24 him -- 25 A Oh, I recall that, yes.</p>	<p>1 receiving oral sex from Monica Lewinsky? 2 A No. 3 Q Did the President say anything to you about 4 telephone calls with Monica Lewinsky? 5 A As I testified, he -- I had said to him that there 6 were reports of -- that his voice was on her voice mail, her 7 tape machine at home to take messages, message machine. 8 And he said to me that he could recall that after 9 Betty's brother died, he may have called Monica because 10 Monica had been very close to Betty, and Betty didn't have a 11 way of relating to her that her brother had died, so that he 12 had called and left a message that Betty's brother had died. 13 Q Did he suggest to you that that was the only call 14 that he had made to Monica Lewinsky? 15 A That's the only one he told me about. 16 Q Did you ask him if there were any more calls than 17 that? 18 A I said -- he said that's the only one he could 19 remember. 20 Q Have there been any strategy discussions which 21 talked about calls the President has made to Monica Lewinsky? 22 A No. 23 Q So at the daily meetings it's never been discussed 24 whether or not there were -- there's evidence of more calls 25 from the President to Monica Lewinsky.</p>
<p>Page 26</p> <p>1 Q -- about Nixon. 2 A That's right. 3 Q And is that a fair rendition of the President's -- 4 A Absolutely, yes. 5 Q And, again, I hate to stop you. 6 A Yes. 7 Q You have to wait until I finish the whole question. 8 A I'm sorry. 9 Q Is it a fair rendition that the President did say 10 to you that with regard to Monica Lewinsky, he had done 11 nothing wrong? 12 A Yes. 13 Q What did you understand the President to mean by he 14 had done nothing wrong? 15 A My understanding was that the accusations against 16 him which appeared in the press that day were false, that he 17 had not done anything wrong. 18 Q That he had not had any sort of sexual 19 relationship -- 20 A He had not had a sexual relationship with her, and 21 had not sought to obstruct justice or suborn perjury. 22 Q Did you specifically ask the President whether he 23 had received oral sex from Monica Lewinsky? 24 A No. 25 Q Did the President state anything to you about</p>	<p>Page 28</p> <p>1 A No, not to my knowledge. 2 Q And I actually want to ask you some additional 3 things about the calls in just a moment, but I did want to 4 ask you again -- back to the President's statement that he 5 had done nothing wrong. 6 When the Monica Lewinsky story was first reported 7 making the allegations of a sexual affair between the 8 President and Monica Lewinsky, why didn't the President just 9 come out and say he had done nothing wrong and that it wasn't 10 true? 11 A Well, let me consult White House legal counsel 12 standing outside, and I'll be right back. 13 Q Okay. And the time is now 2:21. 14 A Thank you. 15 (The witness was excused to confer with counsel.) 16 MS. IMMERGUT: If the record could reflect that the 17 time is now 2:35. 18 THE FOREPERSON: Mr. Blumenthal, you are still 19 under oath. 20 THE WITNESS: Thank you. 21 MS. IMMERGUT: And, Madam Foreperson, for the 22 record, do we have a quorum? 23 THE FOREPERSON: Yes, we do. 24 MS. IMMERGUT: Any unauthorized persons present? 25 THE FOREPERSON: Absolutely none.</p>

<p style="text-align: right;">Page 29</p> <p>1 BY MS. IMMERGUT:</p> <p>2 Q Mr. Blumenthal, do you remember the question?</p> <p>3 A I do. But why don't you restate it so everyone</p> <p>4 recalls it?</p> <p>5 Q Okay, thank you. I will do that.</p> <p>6 My question was, when the Monica Lewinsky story was</p> <p>7 first reported on January 21, 1998, in light of the</p> <p>8 President's statement that he had done nothing wrong, why</p> <p>9 didn't the President just come out and say that to the press?</p> <p>10 A The President did say that to the press. He has</p> <p>11 said that he had no sexual relationship with Monica Lewinsky,</p> <p>12 and that he never asked anybody to lie. And he has said</p> <p>13 that, on numerous occasions.</p> <p>14 Q All right. Do you recall a press conference with</p> <p>15 Mike McCurry in which he said that it's a complicated story,</p> <p>16 and the evidence will come out? Do you remember that?</p> <p>17 A Mm-hmm, yes, I do.</p> <p>18 Q Why didn't he just report that the President had</p> <p>19 done nothing wrong, and that he had been threatened by Monica</p> <p>20 Lewinsky?</p> <p>21 A I can't speak for Mike McCurry.</p> <p>22 Q Did you, as the President's close assistant, advise</p> <p>23 Mr. McCurry to come public with that story about the threat</p> <p>24 that Monica Lewinsky had made to the President?</p> <p>25 A I never told Mike McCurry what the President told</p>	<p style="text-align: right;">Page 31</p> <p>1 lawyer, my wife, and White House legal counsel.</p> <p>2 Q So you did White House legal counsel that the</p> <p>3 President had been threatened by Monica Lewinsky?</p> <p>4 A I told them the essence of that story, yes.</p> <p>5 Q I thought you previously testified --</p> <p>6 A Yes, I'd like to amend that.</p> <p>7 Q Okay. Who exactly did you report to?</p> <p>8 A I told one of the members of White House legal</p> <p>9 counsel.</p> <p>10 Q And who was that member?</p> <p>11 A Let me come right back.</p> <p>12 Q Is that you don't remember who it is?</p> <p>13 A No, I recall.</p> <p>14 Q Oh, and you just --</p> <p>15 A I just want to go speak to the White House legal</p> <p>16 counsel about this line of questioning.</p> <p>17 Q Okay. Well, I'll tell you what, let me -- can we</p> <p>18 hold that question and --</p> <p>19 A You want to give me some more questions?</p> <p>20 Q Yes. Well, actually, why don't I proceed through</p> <p>21 an additional question, and if Mr. Binhak could just make a</p> <p>22 note of that question --</p> <p>23 A Right.</p> <p>24 Q -- and we'll just go on with a couple of additional</p> <p>25 questions, if that's all right with you.</p>
<p style="text-align: right;">Page 30</p> <p>1 me. I assumed it was confidential conversation.</p> <p>2 Q Did you ever encourage the President to come out</p> <p>3 with that story in a press conference of his own?</p> <p>4 A No.</p> <p>5 Q Why not?</p> <p>6 A I believe the President has stated the essentials</p> <p>7 of the case in his statements about the fact that he's done</p> <p>8 nothing wrong.</p> <p>9 Q But is it fair to say you never told the President</p> <p>10 to say that Monica Lewinsky had threatened to fabricate an</p> <p>11 affair with him?</p> <p>12 A Could you restate that?</p> <p>13 Q Is it fair to say that you never told the President</p> <p>14 to publicly state that Monica Lewinsky had threatened to</p> <p>15 fabricate an affair with him?</p> <p>16 A We never had a subsequent conversation about this</p> <p>17 matter.</p> <p>18 Q So after that morning of the 21st of January, 1998,</p> <p>19 you never further discussed the threat made by Monica</p> <p>20 Lewinsky --</p> <p>21 A Correct.</p> <p>22 Q -- with the President.</p> <p>23 A Correct.</p> <p>24 Q And as you've testified, or anybody else.</p> <p>25 A Correct. Let me amend it to say that except for my</p>	<p style="text-align: right;">Page 32</p> <p>1 A Right, okay. If you'll remind me about that.</p> <p>2 Q I certainly will.</p> <p>3 Did the President explain to you what Monica</p> <p>4 Lewinsky's trouble was that he was helping?</p> <p>5 A No.</p> <p>6 Q And you never asked him?</p> <p>7 A No.</p> <p>8 Q Did anyone else, including the First Lady, tell you</p> <p>9 what Monica Lewinsky's trouble was that the President was</p> <p>10 ministering about?</p> <p>11 A No.</p> <p>12 Q You testified previously that the President told</p> <p>13 you during, again, that conversation of January 21st, "I've</p> <p>14 been down that road before, I've caused pain for a lot of</p> <p>15 people, and I'm not going to do that again."</p> <p>16 A Mm-hmm.</p> <p>17 Q What did you understand him to mean by, "I've been</p> <p>18 down that road before"?</p> <p>19 A I understood it to mean that he had had an</p> <p>20 adulterous relationship in the past, which is something he</p> <p>21 made very plain to the American people in his "60 Minutes"</p> <p>22 interview with the First Lady, which is how he introduced</p> <p>23 himself to the public in, I believe it was, January 1992.</p> <p>24 And it's been very well known. He ran and was elected with</p> <p>25 the public well aware of that.</p>

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1 Q Okay. So you didn't understand him to be referring
 2 -- and really I'm interested just in the Paula Jones witness
 3 list. Was he referring to those women making up stories
 4 about him, or that's not what you understood?
 5 A No, it's not what I understood at all.
 6 Q Okay. Did -- and I apologize if I'm being
 7 repetitive. Did the President say anything to you about
 8 anyone else that could have heard the sexual advance by
 9 Monica Lewinsky, in his view?
 10 A No.
 11 Q Did he tell you whether he'd reported it to
 12 anybody?
 13 A No.
 14 Q Did he tell you whether or not, or did you ask him
 15 whether he had reported it to the First Lady?
 16 A No.
 17 Q And I'm sorry, I made that a compound question.
 18 Did he tell you that he had reported it to the First Lady?
 19 A No.
 20 Q Did you ask him whether he had?
 21 A No.
 22 Q Did the President tell you where Monica Lewinsky
 23 had made that sexual advance toward him?
 24 A No.
 25 Q Did he specify whether it was in the Oval Office?

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1 A No.
 2 Q Did you ask him whether it occurred in the White
 3 House?
 4 A No, I didn't.
 5 Q Did you understand from his statements that it had,
 6 in fact, occurred in the White House?
 7 A I assumed that, but, ultimately, I don't know.
 8 Q Okay. Did he say whether or not Monica Lewinsky
 9 had made a sexual advance to him on more than one occasion?
 10 A No.
 11 Q Was it your understanding that it had been just one
 12 occasion, or could it have been more?
 13 A All I was told was what I've related.
 14 Q Okay. So just one time, as far as you understood.
 15 A Yes, that's all I understand.
 16 Q Based on your assumption that the sexual advance
 17 occurred in the White House, did you have any understanding,
 18 or did you discuss with the President how Monica Lewinsky got
 19 into the White House to be in a position to make the advance
 20 on the President?
 21 A Well, I don't know that she -- that they were in
 22 the White House, or if they were, where they were or what the
 23 circumstances were. I know nothing about it.
 24 Q Did you have any impression as to the timing of
 25 this sexual advance, be it in the near past or years before?

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1 A I have no idea. Don't know.
 2 Q I'd like to get back for a moment to the issue of
 3 the phone calls that you mentioned previously and that you
 4 testified about previously.
 5 You did testify before that the President told that
 6 he called Monica Lewinsky on at least one occasion when Betty
 7 Currie's brother died.
 8 A Right.
 9 Q And did he state whether or not that was before or
 10 after Monica Lewinsky threatened to expose an affair with the
 11 President?
 12 A I have no idea.
 13 Q Okay. Did it seem unusual to you that the
 14 President was essentially making a call on behalf of his
 15 secretary?
 16 A No, not at all, not at all. The President often
 17 calls people, and they're surprised. And he's very close to
 18 Betty, and they have a very warm relationship, and I
 19 understand that Monica was very kind to Betty and very close
 20 to her and -- so that doesn't strike me as unusual at all.
 21 Q And when you say the President often calls people
 22 and they're surprised, do you mean he calls them at home?
 23 A He has called people at home, yes.
 24 Q And are they people that he's friends with?
 25 A People he knows.

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1 Q Did he ever characterize -- aside from the sexual
 2 advance purportedly made by Ms. Lewinsky, did he characterize
 3 his relationship with Ms. Lewinsky to you?
 4 A No, no. I've testified fully what I know.
 5 Q So in terms of friends, he didn't say, "She was a
 6 friend of mine," or anything to that effect.
 7 A No.
 8 Q Did he tell you that she had worked as an intern?
 9 A No. I knew that from the press reports.
 10 Q Okay. You previously testified that that's at
 11 least the only phone call that you were aware of, or the
 12 President and you spoke about to Monica Lewinsky.
 13 Did the President discuss with you any calls that
 14 Monica Lewinsky had made to him?
 15 A No.
 16 Q Did the President tell you where he made the call
 17 from when he called Monica Lewinsky at home?
 18 A No.
 19 Q Has there been any discussion that you participated
 20 in discussing a review of White House records to see whether
 21 there are calls from the White House to Monica Lewinsky?
 22 A I never participated in any such thing, and I know
 23 of no such thing.
 24 Q With respect to the phone call that you mentioned
 25 that was left on Monica's machine, did the President he left

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1 a voice mail message for Monica on her home machine?
 2 A He suggested that he had.
 3 Q Did he suggest that he stated the content of the
 4 message, that it was, in fact, that Betty Currie's brother
 5 had died?
 6 A Yes.
 7 Q I'd like to ask you now just about any gifts in
 8 association with the President and Monica Lewinsky.
 9 Have you ever had any discussions with anyone about
 10 the President providing gifts to Ms. Lewinsky?
 11 A No.
 12 Q Have you ever talked to Betty Currie about any
 13 gifts from the President to Ms. Lewinsky?
 14 A No.
 15 Q Have you ever talked to Betty Currie about any
 16 gifts from Monica Lewinsky to the President?
 17 A No.
 18 Q Have you talked to Hillary Rodham Clinton about any
 19 gifts between Monica Lewinsky and the President?
 20 A No. I've received gifts from the President, and
 21 I've given him gifts, but not about Monica Lewinsky.
 22 Q Okay. And the President didn't offer that
 23 information to you.
 24 A No.
 25 Q Have you spoken to anyone about or has this been

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1 discussed in any meetings, records of Monica Lewinsky's
 2 visits to the White House?
 3 A No, not that I have any knowledge of.
 4 Q How long have you known the President?
 5 A Ten years.
 6 Q And what would you describe your relationship to
 7 be, aside from, obviously, colleagues now in the White House?
 8 A I'm an assistant to the President, I'm a senior
 9 adviser to the President, and I knew him before as a -- I
 10 knew him as a journalist. I was a -- the grand jury may not
 11 be aware of my background.
 12 I was a journalist for 30 years, and I was a
 13 reporter at The Washington Post when I first met the
 14 President. I worked at The Post for four years. Some of you
 15 may or may not remember my bylines. I worked at The New
 16 Republic magazine, I worked at The New Yorker for four years
 17 as a staff writer. I've written a number of books, three of
 18 which were New York Times Notable Books of the Year. I've
 19 been a playwright, screen writer.
 20 So that's my background. And I first met the
 21 President at a Renaissance weekend, one of these sort of New
 22 Year's Eve weekend events in Hilton Head, South Carolina.
 23 Q And I don't mean to cut off that at all, but just
 24 for the purpose of time, is it fair to say that you were
 25 friends with the President or have been friends with him?

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1 A We've been very friendly.
 2 Q And are you social friends with him as well as work
 3 friends with him?
 4 A On rare occasions we get together, but I'm very
 5 friendly with the President.
 6 Q Okay. And how good do you think his memory is?
 7 A His memory? How good do I think his memory is?
 8 I'm going to consult my counsel on that, okay?
 9 Q Okay. Why don't we -- it is now 12 to 3:00 --
 10 MR. BINHAK: Why don't we take a ten-minute at the
 11 same time?
 12 MS. IMMERGUT: Great.
 13 THE WITNESS: Okay, great.
 14 MS. IMMERGUT: Thank you very much, sir.
 15 THE WITNESS: Okay.
 16 (A brief recess was taken.)
 17 (Witness excused. Witness recalled.)
 18 MS. IMMERGUT: Madam Foreperson, do we have a
 19 quorum
 20 THE FOREPERSON: Yes, we do.
 21 MS. IMMERGUT: And are there any unauthorized
 22 persons present?
 23 THE FOREPERSON: There are none.
 24 Mr. Blumenthal, you are still under oath.
 25 THE WITNESS: Thank you.

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1 MS. IMMERGUT: And just for the record, it is 3:05,
 2 and we've also taken a ten-minute break during this time
 3 period for the grand jury.
 4 BY MS. IMMERGUT:
 5 Q My last question, Mr. Blumenthal, was how good is
 6 the President's memory? Can you answer that question?
 7 A I can. It's good on many things and not so good on
 8 other things. He's President of the United States, and he
 9 has to deal with an enormous range of problems, and sometimes
 10 even on things he knows very well, he has to be reminded by
 11 his advisers. And on some small things that you would think
 12 you would know, like a lot of us, who are around the age of
 13 50, he's, you know, beginning to not remember everything.
 14 So, for example, I can tell you that in the last
 15 week he called me up because he could not remember his -- he
 16 does crossword puzzles, and he called me up and couldn't
 17 remember Porky Pig's wife's name for a crossword puzzle. I
 18 reminded him it was Petunia, which I remembered, and he said
 19 he should have remembered that.
 20 So that is a memory answer.
 21 Q With respect to his description of the conversation
 22 with Monica Lewinsky, was it quite detailed?
 23 A No. It was what I related.
 24 Q Did the President say anything to you about he
 25 didn't remember the details of what happened with him and

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1 Monica Lewinsky?
 2 A No.
 3 Q Did his memory appear to be vivid about --
 4 A I didn't press him, so I have no idea.
 5 Q I hate to admonish you again.
 6 A Yeah.
 7 Q Again, just for the record --
 8 A Excuse me.
 9 Q Even if you know what I'm going to say, just -- you
 10 have to wait till I finish.
 11 A Right.
 12 Q Did he ever mention -- you've mentioned you didn't
 13 press him, but did he ever say to you, "Boy, my memory's
 14 unclear about it," or something to that effect?
 15 A He -- what I have testified to is what I recall
 16 about that meeting.
 17 Q And did he appear to have a vivid recollection of
 18 what had happened?
 19 A He had -- I can't tell how vivid it was. It was
 20 his recollection and what he told me at the time, and we were
 21 dealing with other matters as well.
 22 Q How would you describe his demeanor when he was
 23 describing the incident with Monica Lewinsky making both a
 24 sexual advance towards him and then threatening him?
 25 A He was upset.

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1 Q I'd like to now get away from that conversation of
 2 January 21, 1998, and talk about any other conversations
 3 you've had with the President about Monica Lewinsky.
 4 Have you had any other face-to-face conversations
 5 with him about Monica Lewinsky?
 6 A No.
 7 Q Never.
 8 A Mm-hmm.
 9 Q I'm sorry, you have to say yes or no.
 10 A I've never had other conversations about material
 11 facts involving Monica Lewinsky, other than the one I've
 12 related.
 13 Q And when you say "material facts," are you
 14 distinguishing that from something else?
 15 A I'm distinguishing that from anything like a pre-
 16 brief meeting where we have to deal with responses to
 17 questions coming through the press.
 18 Q So there's been no other elaboration by the
 19 President of his relationship with Monica Lewinsky to you or
 20 in your presence?
 21 A Correct.
 22 Q Have you had any phone calls with the President
 23 about Monica Lewinsky?
 24 A No.
 25 Q And when I say that, I mean both before the

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1 January 21 news story broke or after.
 2 A No.
 3 Q So the President, even by telephone, has not given
 4 you any more detail about the Monica Lewinsky incident than
 5 you received on January 21st.
 6 A I've told you everything I know.
 7 Q Did you have any discussions with the President
 8 about Monica Lewinsky before January 21, 1998, of any kind at
 9 all about Monica Lewinsky?
 10 A No.
 11 Q So even the fact she was an intern, a friend,
 12 nothing.
 13 A I never knew her, never met her, had no idea of her
 14 existence.
 15 Q Before January 21, 1998, had you ever heard of
 16 Monica Lewinsky?
 17 A I read the Drudge Report a few days earlier where
 18 her name appeared, but that's it.
 19 Q When you read the Drudge Report, what did you do?
 20 A Nothing. I was in Chicago.
 21 Q Who alerted you to it?
 22 A I did. I was reading it.
 23 Q And did you alert anyone in the White House to the
 24 Drudge Report?
 25 A No. I was at my parents' house in Chicago for my

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1 young cousin's bar mitzvah, and I brought my computer, and I
 2 tapped in and, you know, just went through the news and saw
 3 that.
 4 I don't put much stock in the Drudge Report
 5 because, among other reasons, I'm suing him for defamation,
 6 which you may or may not be aware of, and I have a civil case
 7 against him. So I don't believe anything he writes.
 8 Q So is it fair to say you simply ignored the Drudge
 9 Report when you saw it before January 21, 1998?
 10 A Right. I was out of Washington, I was at a family
 11 religious event, and I ignored it.
 12 Q You didn't pick up the phone and call anybody about
 13 it.
 14 A No.
 15 Q Not White House counsel, nobody.
 16 A Nobody.
 17 Q Okay. What about when you -- when did you return
 18 to Washington in relation to January 21, 1998?
 19 A That Sunday night, I believe.
 20 Q And do you recall what date the 21st was? Was that
 21 a Tuesday?
 22 A A Wednesday, I believe.
 23 Q Okay.
 24 A I believe.
 25 Q So when you returned to Washington, did you alert

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1 anybody or have any discussion with anyone about what you'd
 2 seen in the Drudge Report?
 3 A I don't recall specifically. I don't recall. It
 4 certainly made no impression on me, if I did, but I don't
 5 recall one.
 6 Q And you're saying that that was the very first time
 7 you even heard the name, Monica Lewinsky?
 8 A Right.
 9 Q How would you describe your relationship with Betty
 10 Currie?
 11 A I would describe it as professional.
 12 Q How long have you known Ms. Currie?
 13 A I've known her only in the White House.
 14 Q Have you had any discussions with Betty Currie
 15 about her relationship with Monica Lewinsky?
 16 A No.
 17 Q Have you ever had any discussions with Betty Currie
 18 about Monica Lewinsky generally?
 19 A No.
 20 Q Have you had any discussions with Betty Currie
 21 about her grand jury testimony?
 22 A No.
 23 Q Based on your discussions with Ms. Currie, do you
 24 feel that she's competent at what she does?
 25 A In her job in the White House?

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1 Q Yes.
 2 A Yes.
 3 Q And what do you think of her memory?
 4 A I don't know her well enough to make a judgment
 5 about her memory.
 6 Q Okay. Did you ever discuss with the President --
 7 and I asked you some related questions before, but not this
 8 very question. Did you ever discuss with the President the
 9 fact that Monica Lewinsky appeared on the Paula Jones witness
 10 list?
 11 A No.
 12 Q Did the President ever mention to you that he had
 13 discussed Monica Lewinsky's testimony with her?
 14 A No, no.
 15 Q So there was absolutely no discussion about Monica
 16 Lewinsky in connection with the Paula Jones case. Is that
 17 fair to say?
 18 A Yes, that's fair.
 19 Q You're somehow -- I feel as though you think I've
 20 mischaracterized it a little bit.
 21 A State it again and I'll give you an answer.
 22 Q Was there any discussion with the President ever,
 23 or among others in your presence, about Monica Lewinsky
 24 appearing on the Paula Jones witness list?
 25 A No.

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1 Q Was there a discussion about what her testimony
 2 would be in the Paula Jones case?
 3 A No. I didn't know she existed.
 4 Q Although -- and I'm even saying after January 21.
 5 A About her testimony in the Paula Jones case?
 6 Q Right.
 7 A Was there any discussion with the President?
 8 Q Right.
 9 A No.
 10 Q And he never told you whether or not he had spoken
 11 to her about her testimony at any point.
 12 A No.
 13 Q Did the President ever tell you that he was trying
 14 to help Monica Lewinsky get a job?
 15 A No.
 16 Q Did anyone else tell you that people -- or
 17 representatives from the White House or friends of the
 18 President were trying to get Monica Lewinsky a job?
 19 A No.
 20 Q Have you ever heard that?
 21 A I've read it, and I've heard it after January 21st.
 22 Q After January 21st was there any discussion in your
 23 presence about the President trying to get Monica Lewinsky a
 24 job?
 25 A No.

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1 Q After January 21st did you hear anything about any
 2 associates of the President trying to help Monica Lewinsky
 3 get a job?
 4 A I certainly read about it in the press.
 5 Q What about discussions within the White House
 6 during either the daily meetings or anything like that?
 7 A I don't recall there being any substantive
 8 discussion at all about that.
 9 Q Okay. I want to switch gears here for a minute to
 10 your conversation with Hillary Rodham Clinton that you
 11 previously testified about during which she relayed to you --
 12 or she described to you that she was very concerned that the
 13 President now was getting smeared, if you will, for
 14 ministering to a troubled person.
 15 Is that sort of generally what the substance of
 16 your conversation with the First Lady was?
 17 A Yes, that conversation.
 18 Q And when did that conversation occur?
 19 A It would have occurred on the 21st.
 20 Q Before or after you spoke with the President?
 21 A Before.
 22 Q And based on your prior testimony, is it fair to
 23 say that the First Lady stated that the President -- used the
 24 term "ministering" in connection --
 25 A No, no. That's my word.

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1 Q Oh, okay. And do you remember what the First Lady
2 said about the President and Monica Lewinsky?
3 A We never discussed her in particular. We simply
4 discussed generally the fact that the President is a person
5 who cares about individuals and has devoted himself to caring
6 about people in trouble over the years, and she has known of
7 many, many, many cases.
8 Q I believe you testified previously that you had
9 approximately a 30-minute discussion with the First Lady in
10 her study. Do you recall that?
11 A I do.
12 Q And during that discussion certainly you did
13 discuss the issue of Monica Lewinsky and the news report,
14 presumably; is that correct?
15 A We discussed -- well, we -- let me consult with my
16 attorney and I'll be right back, if you don't mind.
17 Q Well, actually, is it that you don't recall what
18 the discussion was?
19 A No, I do, but I want to consult with my attorney.
20 Q Okay. For the record, it's 3:15. Thanks.
21 A Thank you. Okay. I'll be brief.
22 (The witness was excused to confer with counsel.)
23 MS. IMMERGUT: Madam Foreperson, do we have a
24 quorum
25 THE FOREPERSON: Yes, we do.

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1 MS. IMMERGUT: Any unauthorized persons present?
2 THE FOREPERSON: There are none.
3 Mr. Blumenthal, you're still under oath.
4 THE WITNESS: Thank you.
5 BY MS. IMMERGUT:
6 Q Sir, hopefully, you won't be -- I want to go back
7 to a question I forgot to ask you again before.
8 A Right.
9 Q Who was the person at the White House Counsel's
10 Office who you spoke with before we took the penultimate
11 break?
12 A That was Lanny Breuer, who is a member of the White
13 House Legal Counsel's staff.
14 Q So you reported -- and, again, we were talking
15 about the threat that Monica Lewinsky had made on the
16 President that you --
17 A I told him my story, mm-hmm.
18 Q Okay. And did you have any further discussion with
19 him about --
20 A No.
21 Q -- anything about that?
22 A No.
23 Q Did you see whether he took notes during that
24 discussion?
25 A Don't recall.

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1 Q Now, back to where we were before you consulted
2 with your attorney -- and I should mention, you came back in,
3 it would have been 3:20 for the record.
4 I was asking you about your conversation with
5 Hillary Rodham Clinton --
6 A Right.
7 Q -- that you stated that was on the same day as you
8 spoke to the President.
9 Just to be clear, what is it that Hillary Rodham
10 Clinton told you about the relationship between Monica
11 Lewinsky and the President?
12 A This is on the 21st of January, that conversation
13 you're asking about.
14 Q The approximate 30-minute conversation that you've
15 already testified about last time.
16 A Oh, that conversation? That conversation is --
17 which I testified to today is -- my understanding is that we
18 discussed the character of the President in his caring for
19 people, and how there had been a lot of people he's gone out
20 of his way to help, and that he was being unfairly accused
21 and falsely accused in this case.
22 And that's all the detail that we talked about.
23 Q Okay. And that was referring to the news report on
24 the 21st of January?
25 A Right.

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1 Q And perhaps I'm confused. When you testified on
2 June 4th before this grand jury, you testified about a
3 meeting with the First Lady in which she said that the
4 President was just ministering to a troubled person.
5 A Mm-hmm.
6 Q Is that the same conversation that you're now
7 referring to?
8 A That's the same -- that's the same conversation
9 that I believe you're asking me about.
10 Q Right. At this point I was trying to refer to that
11 conversation.
12 A Right.
13 Q So we're --
14 A We're on the same --
15 Q We're on the same page.
16 A Good.
17 Q At this point you've only talked about one
18 conversation with the First Lady.
19 A Right.
20 Q So now "ministering" to Monica Lewinsky was the
21 word you've now testified -- that's the word you imposed
22 on -- how you described --
23 A It's my word. Yeah, it's my word.
24 Q Did the First Lady state anything about what Ms.
25 Lewinsky's trouble was that the President was helping her

1 with?
 2 A No.
 3 Q Did the First Lady state anything about whether she
 4 had known about the President's helping or ministering, if
 5 you will, earlier than the news report?
 6 A No.
 7 Q Did she state anything to you, the First Lady, that
 8 is, about how many times the President had met with Ms.
 9 Lewinsky?
 10 A No.
 11 Q You testified previously that the First Lady told
 12 you that the President had ministered dozens, if not hundreds
 13 of times. Do you recall that conversation that you testified
 14 about?
 15 A That he helped a lot of people, yeah.
 16 Q Did she ever state to whom he had ministered or had
 17 helped?
 18 A Ordinary people, people to whom -- for whom there
 19 was no publicity. I know of cases myself of people who have
 20 been in trouble and who were --
 21 I was in the White House just -- actually, it was
 22 my wife's birthday in March, and there was someone from
 23 Arkansas there with the President. We were in the Diplomatic
 24 Reception Room, and they related that they had run into a
 25 woman from Little Rock who had kept his letters to her, and

1 she had been very suicidal, and regarded his letters and his
 2 care for her as having saved her life.
 3 Q What's that person's name?
 4 A ██████████ He's from Little Rock.
 5 Q Were there any other situations that you discussed
 6 with the First Lady where the President was ministering to
 7 somebody who then made a sexual advance on him?
 8 A I know of no such thing.
 9 Q Was there any discussion between you and the First
 10 Lady involving somebody the President had ministered to who
 11 then threatened to fabricate an affair against the President?
 12 A I don't know of any such incident.
 13 Q Did the First Lady tell you anything about the
 14 allegations of threats made by Monica Lewinsky about exposing
 15 an affair?
 16 A No.
 17 Q Did the First Lady suggest to you that she had
 18 talked to the President about the situation with Monica
 19 Lewinsky?
 20 A No, not directly.
 21 Q When you say not directly, what do you mean?
 22 A I just assumed that she had.
 23 Q And did you assume that based on things that she
 24 said?
 25 A No, I just assumed that she speaks to him.

1 Q But it wasn't -- she didn't say anything to the
 2 effect --
 3 A No.
 4 Q -- my husband said this?
 5 A No, there were no specifics.
 6 Q Did she say anything that she understood that
 7 Monica Lewinsky had indeed made a sexual advance on the
 8 President?
 9 A No.
 10 Q Did the First Lady tell you when she first found
 11 out that the President was helping or ministering to Monica
 12 Lewinsky?
 13 A No.
 14 Q You previously testified that this conversation
 15 lasted about 30 minutes. What is it that took the 30
 16 minutes?
 17 A We talk a long time, if 30 minutes is a long time,
 18 often.
 19 Q Okay. Did you talk about Monica Lewinsky during
 20 the entire 30 minutes or --
 21 A I don't recall. I'm sure we talked about other
 22 things. It was a very intense time leading up to the State
 23 of the Union and the -- as I said, the visit of Tony Blair,
 24 and we were doing a lot of work on a lot of issues. And
 25 she's involved in those, and I talk to her about the issue

1 that she's involved with.
 2 Q Could you describe what the First Lady's reaction
 3 to the news of this allegation of an affair between her
 4 husband and Monica Lewinsky was in her conversation with you?
 5 A As I think I've previously testified, she was
 6 distressed at the accusations.
 7 Q And the only thing she said about it was, he was
 8 ministering to a troubled person.
 9 A Her understanding -- my understanding of what she
 10 was saying was that.
 11 Q Anything else you can recall at all about what the
 12 First Lady told you during that one conversation about the
 13 President ministering to Monica Lewinsky?
 14 A No. It was -- no, that's it.
 15 Q Do you speak to the First Lady on a daily basis or
 16 not that much?
 17 A Almost daily.
 18 Q Did you ever mention anything to the First Lady
 19 about the Drudge Report?
 20 A No.
 21 Q You've testified that you've had numerous
 22 meetings -- and this was back in February of this year
 23 your first grand jury session -- you testified that you had
 24 numerous meetings with the First Lady since the story broke --
 25 -

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1 A Mm-hmm.
 2 Q -- on January 21st.
 3 Have you had discussions with her since January 21,
 4 1998, about the Monica Lewinsky matter?
 5 A I've had numerous discussions about the Lewinsky
 6 investigation.
 7 Q Could you describe the nature of your discussions
 8 with the First Lady about that?
 9 A Let me consult my attorney and I'll be right back.
 10 Q Okay. And I should say just to follow up --
 11 A Sure.
 12 Q -- I am going to ask really what you discussed
 13 during those conversations, how many there were.
 14 A Right, okay.
 15 Q All right? And the time is now 3:30.
 16 A Good.
 17 (The witness was excused to confer with counsel.)
 18 MS. IMMERGUT: Let the record reflect it is now
 19 3:35. And do we have a quorum?
 20 THE FOREPERSON: Yes, we do.
 21 MS. IMMERGUT: And are there any unauthorized
 22 persons present?
 23 THE FOREPERSON: There are none.
 24 And, Mr. Blumenthal, welcome back, and you are
 25 still under oath.

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1 THE WITNESS: Thank you.
 2 BY MS. IMMERGUT:
 3 Q Mr. Blumenthal, when you went out to speak with
 4 your attorney we were just talking about your discussions
 5 with the First Lady about Monica Lewinsky since the story
 6 broke, in addition to the one that you've already testified
 7 about.
 8 What was the substance of those discussions with
 9 respect to the Monica Lewinsky matter?
 10 A We discussed matters in the media about this
 11 general investigation and matter, and we have not discussed
 12 any material facts concerning Monica Lewinsky. And beyond
 13 that, those are confidential conversations.
 14 Q Did you discuss -- and when you say beyond that,
 15 they are confidential, are you referring to anything relating
 16 to the Monica Lewinsky matter?
 17 A I'm referring to any discussion involving the
 18 investigation is a confidential discussion. But we've never
 19 had a subsequent conversation about Monica Lewinsky than the
 20 one I've related to you.
 21 Q When you discussed matters in the media, could you
 22 describe what the nature of your discussion was?
 23 A We discuss what comes up that day.
 24 Q Did you discuss the accuracy of any of the reports
 25 in the media with regard to the President's relationship with

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1 Monica Lewinsky?
 2 A I'm going to consult my attorney on this one, okay?
 3 Q Okay.
 4 A And see where I can go on this.
 5 Q Let me -- and you know what? Let's -- why don't we
 6 hold on for a minute --
 7 A Okay.
 8 Q -- and I can move on to a different subject?
 9 A Sure, okay.
 10 Q And we can have you check and see if you could just
 11 make a note --
 12 A All right.
 13 Q -- so I remember to go back to that.
 14 A Yeah.
 15 Q Did you ever discuss the Paula Jones case with the
 16 First Lady?
 17 A I believe that's a confidential discussion.
 18 Q Confidential under what privilege?
 19 A Let me discuss with my attorney.
 20 Q Okay. And, actually, let me -- I want you to still
 21 have a seat and I'll get to that --
 22 A All right.
 23 Q -- and I'll just skip over that area as well.
 24 A All right. We'll add up a whole lot of questions
 25 if you'd like.

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1 Q Yes, if that's okay with you.
 2 A Go ahead.
 3 Q And I can remind you what they are before you go
 4 out and consult.
 5 A Right, good.
 6 Q I'd like to ask you, and I think you've addressed
 7 this in substance, but have you ever personally met Monica
 8 Lewinsky?
 9 A No.
 10 Q Okay. I think we're ready to have you go out and
 11 consult with your attorneys.
 12 A Why don't you remind me of the questions and I'll
 13 get them right.
 14 Q The questions -- really I'm interested in finding
 15 out about the subject matter of your discussions with the
 16 First Lady since the news story broke, and you've stated that
 17 some of those discussions were -- or some aspects of those
 18 discussions were confidential. So I need to understand
 19 whether you're invoking some sort of a privilege that makes
 20 them confidential.
 21 And then also whether or not you discussed the
 22 Paula Jones case with the First Lady. And, obviously, I'm
 23 going to be asking you about the substance of those
 24 discussions.
 25 A Okay.

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<p>1 Q Okay?</p> <p>2 A Good.</p> <p>3 MS. IMMERGUT: And the time is 20 to 4:00.</p> <p>4 (The witness was excused to confer with counsel.)</p> <p>5 MS. IMMERGUT: Do we have a quorum?</p> <p>6 THE FOREPERSON: Yes, we do. And there are no</p> <p>7 unauthorized people in the grand jury room.</p> <p>8 Mr. Blumenthal, you are still under oath.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 BY MS. IMMERGUT:</p> <p>11 Q Mr. Blumenthal, we were talking about your</p> <p>12 conversations with Hillary Rodham Clinton about the Lewinsky</p> <p>13 matter, and I understand that there are some areas that you</p> <p>14 want to assert a privilege about, and that's fine. And I</p> <p>15 just ask you to put that on the record if I get into an area</p> <p>16 that you think is privileged.</p> <p>17 A Mm-hmm.</p> <p>18 Q With respect to meetings with the First Lady since</p> <p>19 the news story broke, you've already testified about one that</p> <p>20 you said occurred on the date that the news story broke.</p> <p>21 A Right.</p> <p>22 Q Then you testified that you had other conversations</p> <p>23 with the First Lady --</p> <p>24 A Right.</p> <p>25 Q -- about Monica Lewinsky, as you've already</p>	<p>1 instructed on that.</p> <p>2 Q Okay. And, in particular, you're talking about</p> <p>3 dealing with new strategy --</p> <p>4 A Strategy, politics, media, public relations.</p> <p>5 Q Did you ever have a substantive discussion by</p> <p>6 telephone with the First Lady, either on the 21st of January,</p> <p>7 1998, or after, about Monica Lewinsky?</p> <p>8 A No, other than what I've testified today.</p> <p>9 Q So the only substantive discussion -- and I</p> <p>10 apologize if I'm just not getting it. The only substantive</p> <p>11 discussion occurred in person on January 21, 1998.</p> <p>12 A No, that would have been a telephone discussion.</p> <p>13 That was as close as we came to a substantive discussion of</p> <p>14 Monica Lewinsky, that discussion on the phone, before I met</p> <p>15 with the President, that discussion in the afternoon.</p> <p>16 Q Okay. And I apologize, I misunderstood. So the</p> <p>17 discussion that you had on the date that the news story</p> <p>18 broke --</p> <p>19 A Right.</p> <p>20 Q -- was by telephone.</p> <p>21 A Yes.</p> <p>22 Q Did you have any substantive discussion about the</p> <p>23 President helping a troubled person in person with the First</p> <p>24 Lady?</p> <p>25 A No.</p>
<p>1 testified.</p> <p>2 Are you talking about in-person conversations or</p> <p>3 telephone conversations or both?</p> <p>4 A Both.</p> <p>5 Q With respect to either telephone or in-person, what</p> <p>6 was the substance of your conversations with the First Lady</p> <p>7 about Monica Lewinsky?</p> <p>8 A We have never discussed the substance of the</p> <p>9 Lewinsky affair subsequent to the discussions that I relayed</p> <p>10 to you already, testified about already.</p> <p>11 And what we discussed were the political events as</p> <p>12 they arose in the media. We would discuss leaks, we would</p> <p>13 discuss tactics, we would discuss congressional reactions.</p> <p>14 Q Okay. Did you ever reiterate any conversation like</p> <p>15 the one you had on January 21st -- did you ever re-discuss,</p> <p>16 if you will, the President's claim that Monica had made a</p> <p>17 sexual advance on him that he'd rebuffed?</p> <p>18 A No, we never had a subsequent conversation.</p> <p>19 Q And, in fact, in that regard, you've never had a</p> <p>20 discussion with the First Lady about that at all; is that</p> <p>21 correct?</p> <p>22 A No. I have not had such a discussion.</p> <p>23 And I would like to say about the other matters,</p> <p>24 that I believe that those -- the details of those questions</p> <p>25 aren't covered by the judge's ruling, and I'd have to be</p>	<p>1 Q Did you ever discuss the Paula Jones case with Mrs.</p> <p>2 Clinton? And specifically I'm interested in what the</p> <p>3 President's testimony would be with regard to Monica</p> <p>4 Lewinsky.</p> <p>5 Q Mm-hmm. I discussed -- yes, I have discussed the</p> <p>6 Paula Jones case with the First Lady, and what I've discussed</p> <p>7 with her -- and I've never discussed with her the President's</p> <p>8 testimony in that case.</p> <p>9 What I have discussed with her are the politics,</p> <p>10 the media reactions, the role of the right wing in</p> <p>11 propagating this issue, and public relations.</p> <p>12 I've also discussed with her how she learned about</p> <p>13 the case. She told me that when she first heard about it,</p> <p>14 she had no memory whatsoever of Paula Jones, and she asked</p> <p>15 the President if he remembered who she was, and he said he</p> <p>16 couldn't, and neither of them had any idea or recollection of</p> <p>17 who she was. And she conveyed that to me.</p> <p>18 Q Okay. And back again just to Monica Lewinsky's</p> <p>19 role in the Paula Jones case as being called as a witness,</p> <p>20 any discussion with the First Lady about that?</p> <p>21 A No.</p> <p>22 Q Either by telephone or in person.</p> <p>23 A No.</p> <p>24 Q If I could just have a moment.</p> <p>25 A Sure.</p>

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<p>1 Q I am done with my questions, but I'd like to give 2 the grand jury an opportunity to speak to me about any 3 questions they wish me to ask. So if you wouldn't mind 4 stepping out for just a minute -- 5 A I'd be happy to. 6 Q -- and I'll come get you as soon as we're done. 7 A Sure. Good. Thank you. 8 (Witness excused. Witness recalled.) 9 MS. IMMERGUT: On the record, and it is now 4:15, 10 and we were just taking a break to get some questions from 11 the grand jury. Do we have a quorum, Madam Foreperson? 12 THE FOREPERSON: Yes, we do. 13 MS. IMMERGUT: Any unauthorized persons present? 14 THE FOREPERSON: There are none. 15 Mr. Blumenthal, you are still under oath. 16 THE WITNESS: Thank you. 17 BY MS. IMMERGUT: 18 Q And, Mr. Blumenthal, I want to pose you some grand 19 juror question. 20 A Sure. 21 Q First, has anyone else informed you that the 22 President has told them the same version, really, that he 23 told you about Monica making a sexual advance which he 24 rebuffed? 25 A Nobody's told me a story at all, and I have no</p>	<p>1 But we've never discussed this with the President 2 and the First Lady, to my knowledge. 3 Q Okay. 4 A I certainly have not. 5 Q Okay. And I believe that's it for our questions. 6 but -- oh, I'm sorry, is there a -- Mr. Binhak has a 7 question. 8 BY MR. BINHAK: 9 Q Mr. Blumenthal, you just said that you didn't know 10 why the President would confide this matter in you, correct? 11 A Right. 12 Q Does the President normally confide personal 13 matters in you, confide in you regarding personal matters? 14 A The President often asks me my opinion about many 15 things. He asks me -- I don't think there's ever been a 16 situation like this, but he did choose to tell me this. I 17 don't ultimately know why. He's the only one who can answer 18 that. 19 He does consult with me about very important 20 decisions that he makes, and last week he consulted with me 21 about who he should appoint as the new ambassador to the 22 United Nations. And we were alone in the Oval Office, and he 23 asked my opinion. 24 He often doesn't offer his own opinion. He wants a 25 very frank view from me. So this is -- this is not unusual</p>
<p>1 knowledge whatsoever from anybody of the President telling 2 them about -- 3 Q About that scene? 4 A -- about -- not only that scene, but anything to do 5 with his relationships with her. 6 Q Okay. Do you have any idea why he confided that in 7 you? 8 A No, I don't, ultimately. 9 Q Okay. The next question is, at the time that this 10 story broke in January of 1998, there were other news stories 11 that came out about sexual addiction during that time period. 12 Are you familiar with at least hearing about some of those 13 news stories? 14 A I'm familiar with them. 15 Q Did you prepare the President and/or First Lady for 16 responding to any questions that might arise because of the 17 nature of the Lewinsky case about sexual addiction? 18 A No, uh-uh. We never -- even in any sort of -- we 19 never expected the press to ask a question like that, and so 20 we've never prepared the President for a question like that. 21 I guess we would regard it as outrageous. 22 And we understand that, you know, there's a lot of 23 innuendo and gossip and talk, and there's a lot of 24 speculation, and there are people on TV saying whatever they 25 want to say.</p>	<p>1 for him to -- on matters of state to ask my opinion. 2 Q Do you consider this a matter of state? 3 A No. 4 Q Okay. So then my question is, does he confide in 5 you -- the question that you just responded to, or the 6 situation you just responded to the grand jury, I assume, who 7 to pick to be the ambassador to the United Nations, you would 8 consider that to be a matter of state, correct, sir? 9 A Right, yes. 10 Q All right. Now, you said this is not a matter of 11 state, this Monica Lewinsky story that he told you. Does he 12 normally confide in you on matters that are not matters of 13 state, that are personal matters to him? 14 A I don't think there's been anything like this 15 before, and I can't ultimately answer why he talked to me 16 about it. 17 Q Sir, that's not my question. I asked you if he 18 ever confides in you on personal matters that are not matters 19 of state. 20 A I don't think he often confides in -- I mean, I 21 think he will occasionally make remarks that are private 22 remarks to me about how he feels about things, and he's done 23 that often. But -- and to the extent that those -- I would 24 regard those as confidences.</p>

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1 [REDACTED]
 2 [REDACTED] And I
 3 would regard all of those as confidences.
 4 So he has confided in me about personal matters.
 5 MS. IMMERGUT: Anything else?
 6 MR. BINHAK: Not from me.
 7 THE FOREPERSON: Well, I just have a statement for
 8 you.
 9 THE WITNESS: Yes.
 10 THE FOREPERSON: The grand jurors, a few minutes
 11 ago while you were out consulting with your attorney, asked
 12 to deliberate for a few moments, without the attorney or the
 13 court reporter, because we had some serious concerns.
 14 The work that we are doing here is very serious,
 15 and the integrity to our work as representatives of people of
 16 the United States of America is very important to us.
 17 We are very concerned about the fact that during
 18 your last visit that an inaccurate representation of the
 19 events that happened were retold on the steps of the
 20 courthouse.
 21 We would hope that you will understand the
 22 seriousness of our work, and not in any way use it for any
 23 purpose other than the purpose that is intended, and that you
 24 would really represent us the way that events happened in
 25 this room.

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1 THE WITNESS: I appreciate your statement.
 2 THE FOREPERSON: Thank you.
 3 MS. IMMERGUT: Okay. Anything else?
 4 (No response.)
 5 MS. IMMERGUT: Thank you very much, sir.
 6 THE WITNESS: Thank you.
 7 MS. IMMERGUT: And you are excused, and although
 8 I'd like to say you will never need to come back, obviously,
 9 I can't guarantee that --
 10 THE WITNESS: Right.
 11 MS. IMMERGUT: -- should something come up. But at
 12 this point we have finished the session of grand jury with
 13 you.
 14 THE WITNESS: Good. Thank you very much. Good
 15 luck to you all.
 16 THE FOREPERSON: Thank you very much.
 17 (The witness was excused.)
 18 (Whereupon, at 4:28 p.m., the taking of the
 19 testimony in the presence of a full quorum of the Grand Jury
 20 was concluded.)
 21 * * * * *

<p style="text-align: center;">UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>----- X IN RE: : : : GRAND JURY PROCEEDINGS : : : ----- X</p> <p style="text-align: center;">Grand Jury Room No. 3 United States District Court for the District of Columbia 3rd & Constitution, N.W. Washington, D.C. 20001</p> <p style="text-align: center;">Thursday, August 13, 1998</p> <p>The testimony of WILLIAM CLARKE BORDLEY was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 11:24 a.m., before:</p> <p>EDWARD J. PAGE MARY ANNE WIRTH Associate Independent Counsel Office of Independent Counsel 1001 Pennsylvania Avenue, N.W. Suite 490 North Washington, D.C. 20004</p>	<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 WILLIAM CLARKE BORDLEY</p> <p>4 was called as a witness and, after having been first duly</p> <p>5 sworn by the Foreperson of the Grand Jury, was examined and</p> <p>6 testified as follows:</p> <p>7 EXAMINATION</p> <p>8 MR. PAGE: Madam Foreperson, we have a quorum and</p> <p>9 there are no unauthorized persons present, correct?</p> <p>10 THE FOREPERSON: That's correct.</p> <p>11 MR. PAGE: Thank you.</p> <p>12 BY MR. PAGE:</p> <p>13 Q Would you tell us your full name, please?</p> <p>14 A It's William Clarke Bordley.</p> <p>15 Q C-l-a-r-k?</p> <p>16 A E.</p> <p>17 Q With an E?</p> <p>18 A Yes.</p> <p>19 Q Bordley, B-o-r-d-l-e-y?</p> <p>20 A That's correct.</p> <p>21 Q Where do you work?</p> <p>22 A I'm with the United States Secret Service. I'm a</p> <p>23 special agent.</p> <p>24 Q All right. Before we get started with your</p> <p>25 questions, I introduced myself to you at the doorway.</p>
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<p style="text-align: center;">Page 2</p> <p style="text-align: center;">CONTENTS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">WITNESS:</td> <td style="width: 50%;"></td> <td style="width: 10%; text-align: right;">Page</td> </tr> <tr> <td>William Clarke Bordley</td> <td></td> <td style="text-align: right;">3</td> </tr> <tr> <td colspan="3">GRAND JURY EXHIBITS:</td> </tr> <tr> <td>No. MB-1</td> <td>Diagram of West Wing</td> <td style="text-align: right;">17</td> </tr> </table>	WITNESS:		Page	William Clarke Bordley		3	GRAND JURY EXHIBITS:			No. MB-1	Diagram of West Wing	17	<p style="text-align: right;">Page 4</p> <p>1 My name is Edward Page. I work for the Office of the</p> <p>2 Independent Counsel. It's my job to ask you some questions</p> <p>3 today on behalf of the grand jury. Some of the grand jurors</p> <p>4 may during the questioning or after have their own questions</p> <p>5 for you. Before we get started with your questions, I want</p> <p>6 to explain some things to you, so I would ask you to listen</p> <p>7 and answer the questions about these preliminary matters.</p> <p>8 Entering the room at the rear now is Mary Anne</p> <p>9 Wirth. I don't know if you have met her before, but she also</p> <p>10 works at the Office of the Independent Counsel and she is a</p> <p>11 lawyer there.</p> <p>12 To your left is the court reporter. I don't know</p> <p>13 whether you've ever testified before in a deposition or</p> <p>14 otherwise, but she's taking down everything that's said, both</p> <p>15 questions and answers, including what's going on now. Do you</p> <p>16 understand?</p> <p>17 A Sure.</p> <p>18 Q The federal grand jury that you're now sitting</p> <p>19 before is investigating certain crimes or alleged or</p> <p>20 potential crimes and those involve Monica Lewinsky and others</p> <p>21 and whether there was an attempt or effort made to suborn</p> <p>22 perjury, to obstruct justice and to commit what are called</p> <p>23 related crimes or offenses. Do you understand that?</p> <p>24 A Yes, sir.</p> <p>25 Q You have as a witness before the grand jury certain</p>
WITNESS:		Page											
William Clarke Bordley		3											
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No. MB-1	Diagram of West Wing	17											

Page 5

1 rights and responsibilities and I'd like to go over them with
 2 you at this time. Do you understand that?
 3 A Yes.
 4 Q The first is that you have a right which is called
 5 your Fifth Amendment right and that is that you can refuse to
 6 answer any question that's asked of you if a truthful answer
 7 would tend to incriminate you. Do you understand that?
 8 A Yes.
 9 Q Do you understand also that you are allowed a
 10 reasonable opportunity to step outside the grand jury room
 11 that we're now in to consult with a lawyer? Do you
 12 understand that?
 13 A Yes.
 14 Q Do you understand that -- apparently Matt Dates is
 15 outside from the Office of General Counsel, Secret Service,
 16 in order to provide you legal advice, should you desire?
 17 A Yes.
 18 Q Do you have any other attorneys that are here on
 19 your behalf?
 20 A Not at this time.
 21 Q I represent to you that there are two kinds of
 22 witnesses that appear before a federal grand jury. One is a
 23 target in the sense that the grand jury has substantial
 24 evidence linking that person to a crime and that the grand
 25 jury is intending on indicting or charging that person with a

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1 federal crime.
 2 The other classification of witness or witnesses to
 3 appear before a grand jury are called subjects and within
 4 that there are two classifications or types. One is a person
 5 whose conduct was within the scope of the grand jury's
 6 investigation because the grand jury thinks they may be
 7 involved in a crime and, on the other hand, at the other far
 8 end of the spectrum, there's a class of witnesses who are
 9 technically subjects but who are really just fact witnesses.
 10 For example, a bank teller who sees the bank robbed. Do you
 11 understand that?
 12 A Sure.
 13 Q I represent to you that you are a fact witness. In
 14 other words, that's the kind of subject you are. Do you
 15 understand?
 16 A Yes, I do.
 17 Q Do you understand further that under federal rules,
 18 the proceedings here, the matters that take place before the
 19 grand jury today during your appearance, are secret under
 20 law?
 21 A Yes, I do.
 22 Q Do you understand that they remain secret until a
 23 court order says that the prosecutor's office can share that
 24 information with somebody else like in a trial or a judge
 25 orders it to be disclosed in another situation?

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1 A Yes.
 2 Q Do you understand that?
 3 A Yes, I do.
 4 Q Absent a court order, however, Agent Bordley, the
 5 only person who can disclose what goes on here today, all
 6 right, is you. The prosecutors, the members of the grand
 7 jury, the foreperson, the deputy foreperson, the court
 8 reporter, none of those people can disclose what goes on here
 9 today. Do you understand?
 10 A Yes.
 11 Q Finally, the foreperson administered an oath to you
 12 when you started this, your appearance. Do you understand
 13 that by taking that oath you are obligated to tell the truth,
 14 you can't say "I forget" when you don't, you can't say "I
 15 remember" when you don't, things like that.
 16 A I understand.
 17 Q All right. You told us your name, you told us
 18 earlier that you work for the United States Secret Service
 19 and I believe you said at least by implication that you are
 20 a special agent, correct?
 21 A That is correct.
 22 Q How long have you worked with the Secret Service?
 23 A It will be eleven years in February.
 24 Q So is it fair to say that you started in February
 25 of '87?

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1 A Of '88.
 2 Q '88?
 3 A Yes.
 4 Q All right. And what kind of assignments, can you
 5 give us an idea, have you had since then?
 6 A Well, I started from -- in '88 to '93 an
 7 investigative position in the Los Angeles field office. I
 8 came back to Washington, D.C. in a headquarters assignment
 9 from 1993 to 1995 and I was assigned to the President's
 10 detail in May, on May 14, 1995. [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 Q When you were at headquarters, '93 to '95, did
 14 you have any opportunity to come over to the White House
 15 during that timeframe and engage in a protective function
 16 capacity?
 17 A Yes. You're really not assigned to the detail per
 18 se at that point in time, but you assist the detail when he
 19 goes in town, like to the Hilton or something like that.
 20 You're post standing or something like that.
 21 Q Were you ever posted during that timeframe, '93
 22 to '95, Agent Bordley, at the White House near the Oval
 23 Office?
 24 A From '93 to '95?
 25 Q Yes, sir.

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1 A No.
 2 Q No? All right. Is it safe to say that that
 3 posting or posting at the White House occurred only after
 4 May 14, 1995?
 5 A That's correct.
 6 Q All right. Tell us what you did, general overview,
 7 when you started with the -- we'll call it PPD for today's
 8 purposes.
 9 A Sounds familiar.
 10 Q You come on board 5/14/95, you're assigned to PPD
 11 and what are you doing?
 12 A I was assigned to the President's detail. I mean,
 13 one of his shifts. You travel the world with him. You go
 14 everywhere he goes, basically.
 15 Q All right. And do you guard him or protect the
 16 President while he's at the White House as well?
 17 A Yes.
 18 Q All right. Tell us about that. Do you have posts?
 19 A Yes, we do.
 20 Q What posts were you at, generally speaking.
 21 A I've been to all of them.
 22 Q [REDACTED]
 23 [REDACTED]
 24 A Yes.
 25 Q [REDACTED]

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1 [REDACTED]
 2 A That's correct.
 3 Q Do you know a person by the name of Monica
 4 Lewinsky?
 5 A Yes.
 6 Q All right. How do you know her?
 7 A I've come in contact with her when I was there at
 8 the White House and it didn't -- it didn't really ring a bell
 9 until subsequent news situations.
 10 Q All right. I represent to you that on January 21,
 11 1998, the Washington Post and other national newspapers broke
 12 a story involving Monica Lewinsky and her alleged
 13 relationship with President Clinton. Are you saying that
 14 some time after that date or on that date things clicked for
 15 you and you said, "I remember that woman"?
 16 A That's correct.
 17 Q All right. Tell us what you remember having had
 18 the benefit of that press or publicity in January and
 19 thereafter.
 20 A I'd seen her on like three occasions around the
 21 White House.
 22 Q All right. You said "like three occasions." Are
 23 you pretty sure it's three or is that an approximation?
 24 A That's an approximation. It might be four.
 25 Q Can you recall certain times or dates of the year

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1 that you saw her?
 2 A The first time it came to mind, it had to be in
 3 late '95 or '96.
 4 Q Late '95, early '96. Is that true?
 5 A Yes. It couldn't have been -- to backtrack on the
 6 history of when I was on the President's detail, it was May
 7 14th to March 17th, I think, and then I went over to the
 8 First Lady's detail. So you're talking within that 10-month
 9 period that I would have been more familiar with those posts
 10 that you're talking about.
 11 Q So 5/14/95 to 3/17/96, you're on PPD.
 12 A Assigned to the President's detail.
 13 Q All right. 3/18/96, you start heading up the First
 14 Lady's protective detail.
 15 A Well, not heading up. I'm not that important yet.
 16 Q I'm sorry.
 17 A Yes. And then I went over there. And that doesn't
 18 mean I didn't have occasional situations where I would be on
 19 those posts, but it wasn't with the regularity that the other
 20 one would be.
 21 Q All right. So this approximate 10-month span,
 22 then, you're saying is during which your first recollection
 23 of either meeting or encountering Monica Lewinsky, correct?
 24 A That's correct.
 25 Q And you're saying in late '95 or early '96 this

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1 occurred?
 2 A That's right.
 3 Q You're on PPD at the time?
 4 A Yes.
 5 Q I presume you're at the White House?
 6 A Yes.
 7 Q All right. Would you continue, please?
 8 A I believe it was a Saturday. I'm not sure on that.
 9 It was -- we had just come over from the residence to the
 10 oval.
 11 Q Tell us about that. Tell the grand jury what you
 12 mean by that, coming from the residence to the oval.
 13 A Well, we came from the residence where the
 14 President is -- you know, obviously spends the nights with
 15 his family and all that and then he walks over to the Oval
 16 Office. And, you know, that's what -- we come with him, we
 17 lead over there. And that's what I did on that day.
 18 Q All right. You and some others, correct?
 19 A [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 A JUROR: Agent Bordley, could you keep your voice
 25 up?

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1 THE WITNESS: [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 BY MR. PAGE:
 7 Q You said you -- and I may misquote you, so
 8 you're welcome to correct me, think or believe this was
 9 a Saturday?
 10 A I believe it was. The only thing I'm sure of,
 11 I think it was because we were dressed in running gear.
 12 We thought we were going running, but -- and I'm not
 13 100 percent sure of this, but they were contemplating going
 14 to Camp David later that afternoon on a vacation, so I'm
 15 thinking maybe this was a Thanksgiving or Christmas or
 16 something like that type thing because we were supposed to
 17 leave in like three or four hours to go to Camp David.
 18 Q And so you have a distinct memory about two things
 19 so far. One is that you were dressed in run gear --
 20 A Well, I'm pretty sure I was. This is over three
 21 years ago, but I think that's what we were planning to do.
 22 We were going to go for a run.
 23 Q That means guarding the President or protecting
 24 him --
 25 A: While he runs.

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1 Q -- as he runs?
 2 A Yes. That's correct.
 3 Q And, number two, I won't say it as strongly, you
 4 have a distinct memory about this, but you said that you
 5 think later that day they were -- that is, the President and
 6 First Lady, I presume -- were to leave and go to Camp David.
 7 A [REDACTED]
 8 Q [REDACTED]
 9 A Yes.
 10 Q And that you take to suggest that it could have
 11 been a holiday like Thanksgiving?
 12 A I believe. You know, like I say, it was either
 13 from November, you know, to like February, something like
 14 that. I forget the specific occasion, but for some reason I
 15 thought it was a holiday type thing.
 16 Q All right. All right. So you bring the President
 17 over and you said that you are, for lack of a better word,
 18 the primary agent on this process of bringing the President
 19 over to the Oval Office?
 20 A Yes.
 21 Q [REDACTED]
 22 [REDACTED]
 23 A That's right.
 24 Q And tell us what happens.
 25 A [REDACTED]

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1 [REDACTED]
 2 [REDACTED]
 3 Q This is the same day you met Monica Lewinsky?
 4 A Yes. That was, I'd say, about five minutes after I
 5 secured the front post there.
 6 Q Do you know who else you're working with that day?
 7 A No, I don't remember.
 8 Q Are you pals or acquainted with any of the
 9 uniformed division officers?
 10 A Well, yes. Yes, I am. I'm not sure who was there
 11 that day either.
 12 Q From that part or that part of the uniformed
 13 division.
 14 A Yes.
 15 Q Correct? All right. [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 A Yes. I believe that's the name of it.
 19 Q What happens?
 20 A She was there with another lady and there was --
 21 she didn't have a pass on, Ms. Lewinsky didn't, so --
 22 Q Can you speak up again?
 23 A I'm sorry. Ms. Lewinsky did not have a pass on and
 24 obviously in a position that close and, you know, we wanted
 25 to -- and I had never seen her before and we had no idea who

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1 this was, so I confronted her about not having any pass on
 2 her and she was with another lady that, you know, as I recall
 3 did have a pass or, you know, had a clearance there.
 4 Q Do you know who that other lady was?
 5 A No, I don't.
 6 Q Was it Betty Currie?
 7 A No, it was not.
 8 Q All right. Go ahead. Continue.
 9 A And, you know, I was just telling her, you know,
 10 she had to get, you know, some credentials to be where she
 11 was or something like that, but the other lady indicated that
 12 she could be there and that she was known. And that was it.
 13 Q Do you recognize the other lady even if you can't
 14 recall the other woman's name today?
 15 A Did I recognize -- could I -- no. I wouldn't. She
 16 was probably 30 to 35 years of age.
 17 Q Apparently you were willing to rely on her
 18 representation --
 19 A Well, she had --
 20 Q -- that Lewinsky could be there.
 21 A Well, she wouldn't have stayed there, you know, all
 22 that long. You know. I mean, sooner or later you've got to
 23 get it straightened out.
 24 Q Okay. All right. So Lewinsky -- from which
 25 direction does she approach with this woman?

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1 A I believe they came right through the Roosevelt
 2 Room, which is just adjacent. It's either -- they either
 3 came through the Roosevelt Room or the little area just to
 4 the right of it. They might have come that way.
 5 MR. PAGE: Agent Bordley, I want to show you what
 6 I'm going to mark and just have marked as Grand Jury Exhibit
 7 WB-1, all right? WB, your initials, and this is the first
 8 exhibit so we're calling it No. 1.
 9 (Grand Jury Exhibit No. WB-1 was
 10 marked for identification.)
 11 BY MR. PAGE:
 12 Q And I represent to you that it's a diagram of the
 13 first floor of the West Wing of the White House. And I want
 14 to ask you some questions with you having the benefit of the
 15 diagram, because I think it will help you explain your
 16 testimony to the grand jury, okay?
 17 A Okay.
 18 Q [REDACTED]
 19 questions.
 20 A Okay.
 21 Q Over here where I'm pointing, it's designated on
 22 [REDACTED]
 23 A That's correct.
 24 Q And your testimony is that you came from the
 25 residence down the colonnade here and then down to the Oval

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1 Office. And do you let the President in a door?
 2 A I lead. In that position, I led that day.
 3 Q [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 Q [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 A [REDACTED]
 10 Q [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 A That's right.
 14 Q [REDACTED]
 15 A [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 Q Well --
 19 A No, no, no. I'm sorry. You're right.
 20 Q Can you speak up?
 21 A [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 Q [REDACTED]
 25 [REDACTED]

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1 A [REDACTED]
 2 [REDACTED]
 3 Q [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 A That's correct.
 8 Q So you're guarding there and you say that you see
 9 Monica Lewinsky and another woman come, you think, through
 10 the Roosevelt Room?
 11 A Yes. Either through here or this little hallway
 12 here. I forget if they came directly from the Roosevelt or
 13 just the little hallway to the right.
 14 Q All right. [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 A That's correct.
 19 Q All right. Would you tell us -- you said that this
 20 takes place approximately five minutes after you step out,
 21 [REDACTED]
 22 A That's correct.
 23 Q And Monica Lewinsky and this woman approach from
 24 either of those two ways. And tell us then what takes place.
 25 You were in the middle of this conversation you had.

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1 A Yes. And the door over here on the study opens up,
 2 you know --
 3 Q You're pointing to the 9:00 door now?
 4 A Yes.
 5 Q How do you know that that door opens up?
 6 A Well, there's a little adjacent door, you know,
 7 over here.
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 A [REDACTED]
 16 [REDACTED]
 17 Q [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 A [REDACTED]
 21 Q [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED] Monica Lewinsky and her female companion

Page 21	Page 23
<p>1 are there in your presence, correct? 2 A Yes. 3 Q You're talking with both of them and you see a door 4 that we've just marked door into study open up? 5 A Yes. 6 Q Okay. Can you speak up, please? And would you 7 continue with what you saw that day? 8 A Then -- it was the President who opened the door 9 up. 10 Q That door that we've marked door into study? 11 A Yes. Yes. 12 Q It was President Clinton? 13 A That's correct. 14 Q And how near were you to him at the time, 15 approximately? 16 A Eight to ten feet. 17 Q All right. Can you please speak up a little 18 louder? 19 A Eight to ten feet. 20 Q And what goes on then? 21 A He let her into the room there. 22 Q How was it indicated or suggested that she should 23 go through that door as opposed to the 11:00 door on the Oval 24 Office? 25 A She was led that way.</p>	<p>1 A Just a wave in. 2 Q So you believe it was a wave in? 3 A Yes. 4 Q From the President. Was the President alone? 5 A Yes, as far as I knew. 6 Q And when you say as far as you knew, do you have 7 any reason to suspect that in the time period that passed 8 from when you cleared the Oval Office that anybody else had 9 gone in there with him? 10 A No. 11 Q [REDACTED] 12 [REDACTED] 13 A That's correct. 14 Q And only a brief few moments had passed, correct? 15 A That's correct. 16 Q When you cleared the room, was anybody in there? 17 A No. 18 Q When you clear the Oval Office, [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 A No. [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 Q [REDACTED]</p>
<p>1 Q Did he summon her with a hand? Did he talk? 2 A Yes. He let her know that he knew, you know, who 3 it was -- there was familiarity. Because I was still getting 4 into this credential thing, you know. 5 Q You were in the middle of -- 6 A I was, you know, I was -- she didn't have any 7 credentials there and I wasn't just going to take this other 8 person's assurances that this person -- because, you know, 9 you're right next to the door of the Oval Office. 10 Q All right. So Lewinsky didn't have any creds or 11 credentials; the woman is giving you assurances but you're 12 unwilling to rely on them exclusively because you've never 13 seen Lewinsky, correct? 14 A That's correct. 15 Q And in the middle of this, the President steps out 16 from that door we've indicated on [REDACTED] and tell us what takes 17 place. 18 A Well, that's the end of it. He let me know that -- 19 you know, it was okay. That was all -- that's all -- that's 20 all I needed to know. 21 Q Do you remember his words? 22 A There were no words. It was just a look, it's 23 okay. 24 Q All right. So it was a look. Do you recall any 25 gestures?</p>	<p>1 A [REDACTED] 2 Q Yes. 3 A Over in this area. 4 Q [REDACTED] 5 [REDACTED] 6 A No. No. 7 Q [REDACTED] 8 [REDACTED] 9 A [REDACTED] 10 [REDACTED] 11 Q All right. In any event, you're saying that on 12 this date, you cleared the Oval Office and that was the room 13 that cleared exclusively. 14 A That's correct. 15 Q All right. Does Lewinsky go in that door that 16 you've marked on [REDACTED] with the President? 17 A Yes. 18 Q Do you remain at the [REDACTED] 19 A Yes, I do. 20 Q What happens to Lewinsky's female companion? 21 A We had a brief conversation for, you know, maybe a 22 minute, minute and a half, and she left. 23 Q Do you recall which direction she went when she 24 left? 25 A I believe she came back the same way, back heading</p>

Page 25	Page 27
<p>1 north, just to the east of the Roosevelt Room.</p> <p>2 Q We've been talking about this for at least ten</p> <p>3 minutes now. Do you have any recollection now about who this</p> <p>4 other woman may have been?</p> <p>5 A No, I don't.</p> <p>6 Q Can you describe her better for us? Tall? Short?</p> <p>7 Glasses? No glasses? Dress?</p> <p>8 A I'd say five-seven, five-eight, kind of heavyset.</p> <p>9 Seemed to know Ms. Lewinsky from a couple of occasions. I</p> <p>10 mean, I didn't -- it happened, you know, real quick, just the</p> <p>11 two of them were there. It seemed like they knew one</p> <p>12 another.</p> <p>13 Q Now, you continue at [REDACTED], correct?</p> <p>14 A Yes.</p> <p>15 Q And approximately how long do you stay there?</p> <p>16 A For about 20 minutes.</p> <p>17 Q [REDACTED] where you got passed, correct?</p> <p>18 A Yes. Yes.</p> <p>19 Q [REDACTED] possible?</p> <p>20 A [REDACTED]</p> <p>21 Q [REDACTED]</p> <p>22 A [REDACTED]</p> <p>23 Q [REDACTED] While you're at your vantage point</p> <p>24 of [REDACTED]</p> <p>25 [REDACTED], do you see Monica Lewinsky and/or the President</p>	<p>1 A Yes.</p> <p>2 Q Is that accurate?</p> <p>3 A Yes.</p> <p>4 Q Where do you see her?</p> <p>5 A She exited. She left and I believe, but I'm not</p> <p>6 certain, that she left through the same door that she entered</p> <p>7 in and then walked past the front. She possibly could have</p> <p>8 left out of the front of the Oval Office, but I don't think</p> <p>9 so.</p> <p>10 Q When you say the front of the Oval Office, do you</p> <p>11 mean --</p> <p>12 A [REDACTED]</p> <p>13 Q -- [REDACTED]</p> <p>14 A Yes. [REDACTED] Yes. I believe it was through the</p> <p>15 other door.</p> <p>16 Q The same door that we've already marked on [REDACTED]</p> <p>17 that she went into when the President summoned her, correct?</p> <p>18 A That's correct.</p> <p>19 Q Did Lewinsky pass in front of you?</p> <p>20 A Yes. Upon departure.</p> <p>21 Q Did you have any conversation with her or</p> <p>22 acknowledge her?</p> <p>23 A Just a head gesture. That's it.</p> <p>24 Q You're taller than she is, correct?</p> <p>25 A That's right.</p>
<p>1 again?</p> <p>2 A I see at the [REDACTED] which is 20 minutes later, I</p> <p>3 saw her leave by herself. I did not see the President.</p> <p>4 Q All right. So even though -- well, let's back up.</p> <p>5 I had asked while you were at [REDACTED] before you [REDACTED]</p> <p>6 [REDACTED] whether you saw either Monica Lewinsky and/or the</p> <p>7 President and your answer is no?</p> <p>8 A Could you say that again?</p> <p>9 Q Before you [REDACTED]</p> <p>10 A That's correct.</p> <p>11 Q -- you didn't see Monica Lewinsky or the President</p> <p>12 again, correct?</p> <p>13 A That's correct.</p> <p>14 Q Is it fair to say, then, that they remained either</p> <p>15 in the Oval Office or the Oval Office complex on [REDACTED] during</p> <p>16 that period?</p> <p>17 A Yes, that's correct.</p> <p>18 Q [REDACTED]</p> <p>19 suggesting that the President moved out of those two areas</p> <p>20 I've just said?</p> <p>21 A No.</p> <p>22 Q So after your approximately 20 minutes at that</p> <p>23 location, [REDACTED]</p> <p>24 moment ago that that's when you, from that vantage point,</p> <p>25 next saw Monica Lewinsky.</p>	<p>1 Q How tall are you?</p> <p>2 A Six foot three.</p> <p>3 Q And were you about the same weight now then as you</p> <p>4 are now today?</p> <p>5 A Probably a little lighter.</p> <p>6 Q A little lighter now?</p> <p>7 A Then.</p> <p>8 Q Oh, then. Okay. Like the rest of us?</p> <p>9 A Yes.</p> <p>10 Q Can you give us an estimate of approximately how</p> <p>11 much you weighed back then?</p> <p>12 A About 220, 225.</p> <p>13 Q All right. And did you appear as you appear now,</p> <p>14 the same hairstyle, the same haircut, et cetera, et cetera?</p> <p>15 A That's correct.</p> <p>16 Q Would have been dressed then like you are today, in</p> <p>17 a suit?</p> <p>18 A I believe I was in running gear.</p> <p>19 Q Running gear. Sorry.</p> <p>20 A But I'm not sure.</p> <p>21 BY MS. WIRTH:</p> <p>22 Q Special Agent Bordley, I have a couple of questions</p> <p>23 for you. When Monica Lewinsky approached you at first, did</p> <p>24 she have anything with her that you remember?</p> <p>25 A Did she have anything with her?</p>

Page 29	Page 31
<p>1 Q Was she carrying anything or holding anything? 2 A I don't recall. 3 Q Did she ever say anything to you about why she was 4 there or what she was there for? 5 A She said she was there to see the President and her 6 friend acknowledge that she knew him. 7 Q And her friend acknowledged, excuse me, that Monica 8 Lewinsky knew the President? 9 A That the President knew who she was. 10 Q Okay. And when Monica Lewinsky left, when you saw 11 her leaving the Oval Office complex, did she have anything 12 with her then? 13 A She could have. I don't remember. 14 Q Was there anything different or unusual about her 15 appearance when she left? 16 A No. 17 Q To your estimation, how long would you say that 18 Monica Lewinsky was in the Oval Office complex? 19 A Well, it had to be under 40 minutes because the 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] so I'd say probably 30 to 35 minutes. 23 Q Okay. Did you ever hear any words exchanged 24 between Monica Lewinsky and the President? 25 A Just a hi, that type of thing. That was it.</p>	<p>1 and there are no unauthorized persons present, correct? 2 THE FOREPERSON: That is correct. 3 MR. PAGE: Thank you. 4 BY MR. PAGE: 5 Q Agent Bordley, what else do you know about this 6 first day that we've been talking about? 7 A That's basically about it. 8 Q When Monica Lewinsky passes by you, then, after 9 she's left the Oval Office complex area and the door you've 10 described before, you don't see her again that day? 11 A No. 12 Q Do you know whether you go to Camp David that day? 13 A I'm not sure if I did or not. I know I've been 14 there four or five times and I don't know if that was one of 15 the times I made it to Camp David. I'm not 100 percent sure 16 that's where they were leaving, but I think it was. I'm 17 fairly certain. 18 Q What would you need to look at to find out whether 19 you went to Camp David that day? 20 A I don't know how -- 21 Q Can you speak up, please? 22 A I don't know. 23 Q Do you keep a calendar, work records? 24 A Me, personally? I don't have a record of whether I 25 made that trip or not.</p>
<p>Page 30</p> <p>1 Q And when Monica Lewinsky left, did you see the 2 President at the time that she left? 3 A I don't believe I saw him on the departure. 4 Q Okay. And to your knowledge, he was still in the 5 suite, the Oval Office at that time? 6 A That's correct. 7 Q And during the time that Monica Lewinsky was in the 8 Oval Office suite with the President, did you ever see 9 anybody else go in there during that period of time that you 10 were watching? 11 A No. 12 THE FOREPERSON: Excuse me, Mr. Page. 13 MR. PAGE: Yes? 14 THE FOREPERSON: I think we ought to take a little 15 break now. 16 MR. PAGE: All right. 17 THE FOREPERSON: If we could get just a quick 18 ten-minute break and the witness can be excused for ten 19 minutes and we'll reconvene at ten after. 20 MR. PAGE: Thank you. You can step out. 21 THE WITNESS: Thank you. 22 (Witness excused. Witness recalled.) 23 THE FOREPERSON: Agent Bordley, I'd like to remind 24 you that you are still under oath. 25 MR. PAGE: And, Madam Foreperson, we are quorumed</p>	<p>Page 32</p> <p>1 Q Does Secret Service? 2 A I'm sure there's a record of, you know, obviously 3 his trips up there. Whether I'd be on that list or not, I'm 4 not sure. 5 BY MS. WIRTH: 6 Q I have a question. From the time that you brought 7 the President or escorted the President down to the Oval 8 Office that day to the time that you first saw Monica 9 Lewinsky, how much time would you say passed there? 10 A It was almost spontaneous. I mean, as soon as I 11 shut the door there. It happened real quick. 12 BY MR. PAGE: 13 Q So you don't know if you went to Camp David that 14 day, but it sounds like your recollection is that you may 15 have because you've been at least out there three or four 16 times, right? 17 A Correct. Correct. 18 Q You didn't go running that day with the President 19 or did you? 20 A No, we didn't go running that day. No. 21 Q Anything else about that day that you can enlighten 22 the grand jury about? 23 A No, that's it. 24 Q Now that we've talked about this for a good amount 25 of time, do you have any idea who else nearby was posted,</p>

Page 33	Page 35
<p>1 either in uniformed division or of the PPD?</p> <p>2 A I'm not sure. You know, it the position I was, it</p> <p>3 happened very quickly and we were just coming over from the</p> <p>4 residence at that point in time and, you know, I just -- it's</p> <p>5 not that strange of an occurrence to see, you know, personal</p> <p>6 friends or whatever going into the oval at the President's</p> <p>7 request, so, I mean, it wouldn't -- it's nothing that would</p> <p>8 set off bells and whistles with us.</p> <p>9 Q You said earlier in your testimony before the</p> <p>10 recess that on three or four occasions that you had, I</p> <p>11 believe, seen Monica Lewinsky. I want to talk with you now</p> <p>12 about the next one.</p> <p>13 A It had to be maybe -- maybe a month or so later and</p> <p>14 it was just -- you know, nowhere near -- I couldn't even</p> <p>15 remember exactly what rooms they were. They weren't around</p> <p>16 the Oval Office or -- I think it was in the West Wing, you</p> <p>17 know, maybe two or three times, nothing -- you know, I don't</p> <p>18 remember it being near the Oval Office.</p> <p>19 Q Is that for the remainder of the times that you saw</p> <p>20 her?</p> <p>21 A Yes. That's correct.</p> <p>22 Q So one time near the Oval Office, in fact, the Oval</p> <p>23 Office complex; two, three and perhaps four in other</p> <p>24 locations in the West Wing?</p> <p>25 A That's correct.</p>	<p>1 these times that you saw Monica Lewinsky?</p> <p>2 A No, I do not.</p> <p>3 BY MS. WIRTH:</p> <p>4 Q Was she speaking on any of those times? Do you</p> <p>5 remember anything that she said?</p> <p>6 A She was speaking to the person there, the other</p> <p>7 lady there. I don't remember anything from that</p> <p>8 conversation. Nothing directed, you know, really at me.</p> <p>9 Q Did she seem to recognize you?</p> <p>10 A No. No. I mean, she knew I was an agent because I</p> <p>11 asked her about her credentials.</p> <p>12 BY MR. PAGE:</p> <p>13 Q You're talking now about the first visit?</p> <p>14 A Oh, any time after that?</p> <p>15 MS. WIRTH: Yes.</p> <p>16 THE WITNESS: No, she wouldn't know me.</p> <p>17 BY MR. PAGE:</p> <p>18 Q So then -- you said, I believe, March 17th of '96,</p> <p>19 you go to the First Lady's --</p> <p>20 A Detail.</p> <p>21 Q -- detail.</p> <p>22 A Yes.</p> <p>23 Q And are you still in the West Wing at all or is it</p> <p>24 an entirely different assignment?</p> <p>25 A No, I mean, you're there at the White House and</p>
<p>Page 34</p> <p>1 Q And all after this first time that we've been</p> <p>2 talking about?</p> <p>3 A Yes. I mean, that's what got my -- you know,</p> <p>4 that's how I remembered it.</p> <p>5 Q Let's talk about those briefly. Can you break</p> <p>6 those down for us?</p> <p>7 A I really can't. The only thing I can tell you is</p> <p>8 that, you know, it wasn't over by the residence side. You</p> <p>9 know, it could have been over near -- I might have seen her</p> <p>10 over by East Exec there. You know, just seeing -- now that I</p> <p>11 had a concrete memory of this one occasion, you know, when I</p> <p>12 saw it, I correlated the two.</p> <p>13 Q Weekend, during the week? Do you know?</p> <p>14 A Couldn't even -- I want to say the weekends, but --</p> <p>15 I mean, it just seemed like it was a more relaxed period.</p> <p>16 You know, it seemed like I was always dressed down, you know,</p> <p>17 whether it would be golf gear or something like that. But I</p> <p>18 don't recall.</p> <p>19 Q So you don't recall visits or the times that you</p> <p>20 saw her, rather, two, three and perhaps four, whether it was</p> <p>21 a weekend or during the week?</p> <p>22 A That's correct.</p> <p>23 Q Is that accurate?</p> <p>24 A That's correct.</p> <p>25 Q Do you have any other specific recollections about</p>	<p>Page 36</p> <p>1 you're -- you know, we're always in the same rooms and stuff</p> <p>2 like that. We don't hold the exact same post, but the</p> <p>3 paperwork that we do -- and we're all throughout the White</p> <p>4 House, so, I mean, you're over there all the time.</p> <p>5 Q And do you see Monica Lewinsky after 3/17/96 while</p> <p>6 you're still assigned to the White House?</p> <p>7 A I may have, but I don't remember it.</p> <p>8 Q Are you saying, then, that the three or four</p> <p>9 occasions on which you saw Monica Lewinsky were before your</p> <p>10 transfer or may have been a couple after to the First Lady's</p> <p>11 detail?</p> <p>12 A I don't believe I saw her after I got down to the</p> <p>13 First Lady's detail. We traveled so much down there. I know</p> <p>14 the whole month of March and April of '96 I was in Africa. I</p> <p>15 don't know. She travels very extensively.</p> <p>16 Q Were you in Africa with the President during a</p> <p>17 trip?</p> <p>18 A I was with the First Lady. You're talking March of</p> <p>19 '96?</p> <p>20 Q Yes.</p> <p>21 A Yes. I was down there March and April, I think, of</p> <p>22 '96. She went on her own on that trip.</p> <p>23 Q Do you know Linda Tripp?</p> <p>24 A No.</p> <p>25 Q You know of her only through the media?</p>

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1 A That's correct.
 2 Q You never saw her in the White House?
 3 A I don't believe so.
 4 BY MS. WIRTH:
 5 Q This incident that you testified about today
 6 involving the time that you saw Monica Lewinsky go through
 7 the door into the oval complex, have you discussed it with
 8 anybody else at the Secret Service? Have you told anybody
 9 about it?
 10 A No.
 11 Q Fellow agents, friends, anything like that?
 12 A No.
 13 Q Do you know of any other Secret Service employees,
 14 either agents or uniformed officers, who have information
 15 about Monica Lewinsky?
 16 A No.
 17 BY MR. PAGE:
 18 Q On the day that you were transitioning the
 19 President from the residence to the Oval Office, do you know
 20 where the First Lady was?
 21 A I believe she was at the residence because I
 22 remember -- like I say, I'm about 99 percent sure of this, I
 23 remember all three of them getting on Marine 1 out on the
 24 south grounds.
 25 Q Is this after the events that we've spent a lot of

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1 time with discussing and using [REDACTED] to describe?
 2 A That's correct.
 3 Q So you think all three get on Marine 1, correct?
 4 A That's correct.
 5 Q Would you have been one to go to Camp David for
 6 that protective detail?
 7 A I don't know if my assignment that day was just a
 8 temporary shift there at the White House and not making the
 9 trip or whether I caravanned up or not. I know I wasn't
 10 involved on either Marine 1 or any of the other choppers that
 11 left. This is like three years ago.
 12 Q All right. So I want to take you back now to
 13 around the timeframe of January 21, 1998, this year, when the
 14 news story or stories begin to appear about the allegations
 15 surrounding Monica Lewinsky and the President. Where are you
 16 at the time?
 17 A Let's see. January of '98, this year?
 18 Q Yes, sir.
 19 A [REDACTED]
 20 Q And you're aware that this news is breaking at the
 21 time?
 22 A Yes. Wasn't it breaking before that, too, though?
 23 I don't know.
 24 Q It actually first appeared on the Internet, on the
 25 Drudge Report, at about 11 p.m. or so on January 18, 1998.

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1 A It just seems longer.
 2 Q All right. My question is when you first saw this
 3 appear, what was the first connection you made between what
 4 you had seen and what you had read?
 5 A Just from, you know, the photographs and seeing her
 6 on the news at the time.
 7 Q And when you see the connection, or make it, I
 8 should say, do you think exclusively about the events that
 9 we've been talking about today, this one, two, three and
 10 perhaps four occasions on which you've seen Monica Lewinsky?
 11 A Yes, that's correct.
 12 Q And is that the extent of your memory about Monica
 13 Lewinsky?
 14 A Yes, it is.
 15 A JUROR: [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 THE WITNESS: That's correct.
 20 A JUROR: Would you consider that area back there
 21 to be very private for the President's use?
 22 THE WITNESS: Yes. He's -- there's -- there's some
 23 adjoining rooms that come down there, his chief of staff and
 24 there's access to that, but it's not exclusive to him. I
 25 mean, there's -- there's some doors that adjoin it.

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1 A JUROR: How often or how common would it be for
 2 members of the President's plainclothes detail to be back in
 3 that area?
 4 THE WITNESS: You mean our Secret Service --
 5 A JUROR: Agents like yourself. Yes.
 6 THE WITNESS: [REDACTED]
 7 [REDACTED]
 8 A JUROR: What about outside of the study? Outside
 9 the windows of the study? How likely is it that somebody
 10 would be -- an agent, a presidential protective detail agent,
 11 to be outside the study area when he's in the study or in the
 12 dining area?
 13 THE WITNESS: [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]?
 21 A JUROR: Mm-hmm.
 22 A JUROR: Do you know Bayani Nelvis?
 23 THE WITNESS: What's that?
 24 A JUROR: Do you know Bayani Nelvis?
 25 THE WITNESS: Bayani Nelvis?

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1 A JUROR: Yes.
 2 THE WITNESS: No, sir. I don't.
 3 A JUROR: Several people call him Nel.
 4 THE WITNESS: Nel?
 5 A JUROR: Mm-hmm.
 6 THE WITNESS: Doesn't ring a bell. Might know the
 7 face, but the name doesn't ring a bell.
 8 A JUROR: He's one of the stewards that serve in
 9 the pantry?
 10 THE WITNESS: Oh, yes. Sure. I know him. I'm
 11 sorry. Yes. I might have him confused -- I get the two of
 12 them confused.
 13 A JUROR: There are two of them, yes.
 14 THE WITNESS: Yes.
 15 A JUROR: Do you know Mr. Nel? Do you know Nel?
 16 THE WITNESS: You know, I know them both very well
 17 and they have access to go wherever the President is and I
 18 can't distinguish between the two, but I know both of them.
 19 A JUROR: Has he ever had any conversations with
 20 you?
 21 THE WITNESS: Yes. I've spoken to both of them.
 22 Yes.
 23 A JUROR: Did he have any conversations with you
 24 about Monica Lewinsky?
 25 THE WITNESS: No.

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1 A JUROR: Special Agent, since the story broke,
 2 have you or any of your other agents had conversations about
 3 what you recalled about Monica?
 4 THE WITNESS: I haven't.
 5 A JUROR: Or have you overheard any conversations
 6 that would relate to Monica Lewinsky?
 7 THE WITNESS: No, nothing of any substance.
 8 Nothing.
 9 A JUROR: When you testified that you saw Monica
 10 leave that day, where were you posted then?
 11 THE WITNESS: [REDACTED]
 12 [REDACTED]
 13 A JUROR: Which one is that?
 14 THE WITNESS: You know, I used to know it. [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 BY MR. PAGE:
 20 Q [REDACTED]
 21 [REDACTED]
 22 A [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

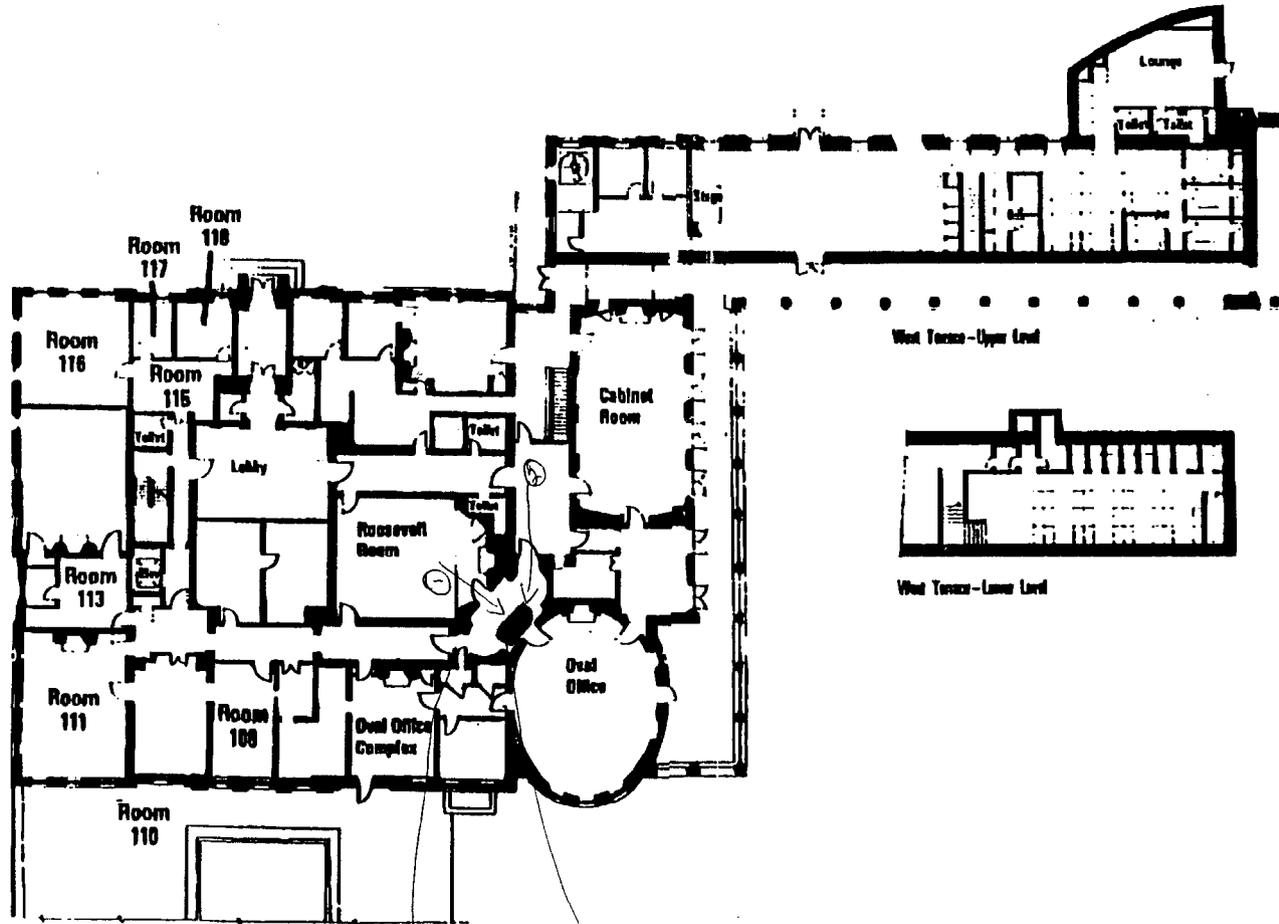
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1 A JUROR: You mentioned that you talked to the
 2 other woman that was with Monica about a minute and a half.
 3 Do you remember what you all discussed?
 4 THE WITNESS: Like I said, I just initially said,
 5 you know, who are you because that's the post and you're
 6 right there and it was being take care of and then all of a
 7 sudden the door opened. But I don't -- the point of my
 8 conversation with her was just who is this, what are you
 9 doing here.
 10 BY MR. PAGE:
 11 Q During your time that you were on the PPD for
 12 President Clinton before you were switched to the First Lady,
 13 was there idle chit-chat at all among -- that were you aware
 14 of between or among the UD officers and the special agents
 15 that were posted in or about the Oval Office regarding
 16 Lewinsky and/or the President?
 17 A I wasn't aware of it.
 18 MR. PAGE: All right. With the permission of the
 19 foreperson --
 20 THE FOREPERSON: You may be excused.
 21 THE WITNESS: Thank you.
 22 THE FOREPERSON: Thank you very much for your
 23 testimony.
 24 MS. WIRTH: Thank you.
 25 (The witness was excused.)

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1 (Whereupon, at 12:32 p.m., the taking of testimony
 2 in the presence of a full quorum of the Grand Jury was
 3 concluded.)
 4 * * * * *

First Floor



Door into
STUDY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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:
In re: :
:
GRAND JURY PROCEEDINGS :
:
----- x

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001
Thursday, April 2, 1998

The testimony of ERSKINE BOYCE BOWLES was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 10:02 a.m., before:

SOLOMON WISENBERG
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, Northwest
Suite 490 North
Washington, D.C. 20004

PROCEEDINGS

1 Whereupon,
2 ERSKINE BOYCE BOWLES
3 was called as a witness and, after being first duly sworn by
4 the Foreperson of the Grand Jury, was examined and testified
5 as follows:
6
7 EXAMINATION
8 BY MR. WISENBERG:
9 Q Good morning, Mr. Bowles.
10 A Good morning.
11 Q I understand you have a device that you would like
12 to inflate.
13 A Excuse me, please. (Inflating pillow). Thank you
14 very much.
15 Q Sure. Would you state your name for the record,
16 and spell your last name, please.
17 A Yeah. It's not easy. It's Erskine Boyce Bowles,
18 and it's B-o-w-l-e-s.
19 Q Boyce would be B-o-y-c-e?
20 A B-o-y-c-e.
21 Q And I understand that because of your back problem,
22 it's nice if you could break about every 45 minutes?
23 A Yeah, if I could just stand up and stretch, that
24 would be wonderful. Thank you.
25 Q The Grand Jury likes to sit for three hours without

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1 breaking, so it might not work.
2 All right. Can you tell us when you were born.
3 A Yes. August 8, 1945.
4 Q And before we start, I want to go over your rights
5 and responsibilities as a Grand Jury witness.
6 We're a federal Grand Jury -- I'm not, but the
7 grand jurors are.
8 My name is Sol Wisenberg. I'm a deputy independent
9 counsel with the independent counsel's office. We've met
10 before, have we not?
11 A Right.
12 Q And this is a Grand Jury court reporter, and these
13 are the grand jurors (indicating).
14 A (Nodding.)
15 Q This is a federal Grand Jury impaneled by the
16 United States District Court here -- the chief judge -- and
17 we're conducting an investigation of possible violations of
18 federal criminal law involving possible perjury, possible
19 obstruction of justice, and possible subornation of perjury.
20 Do you understand that?
21 A Yes.
22 Q And I'm going to read you from a portion of
23 the order from the United States Court of Appeals for the
24 District of Columbia Circuit, Special Division, authorizing
25 this phase of our investigation:

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<p>1 "The independent counsel shall have 2 jurisdiction and authority to investigate to the maximum 3 extent authorized by the Independent Counsel Reauthorization 4 Act of 1994 whether Monica Lewinsky or others suborned 5 perjury, obstructed justice, intimidated witnesses, or 6 otherwise violated federal law, other than a Class B or C 7 misdemeanor or infraction, in dealing with witnesses, 8 potential witnesses, attorneys, or others concerning 9 the civil case Jones v. Clinton." 10 Do you understand what I just read to you there? 11 A I think so. 12 Q Okay. Now, I'm going to tell you about your rights 13 and responsibilities, and if you would give us audible 14 responses, rather than a shaking of the head or "Uh-uh, 15 uh-uh," it will help. 16 A Okay. 17 Q You may refuse to answer any question, if a 18 truthful answer to the question would tend to incriminate 19 you -- do you understand that? 20 A Yes. 21 Q That's called a privilege against 22 self-incrimination. Anything that you do say may 23 be used against you by the Grand Jury or in a later 24 legal proceeding. Do you understand that? 25 A Yes.</p>	<p>1 you want. We're not recommending that you do that, one way 2 or the other. That's your choice. Do you understand that? 3 A Yes, I do. 4 Q Some of the exceptions are: We have agents who 5 work with us -- FBI agents. They're privy to what goes 6 on the Grand Jury. We can tell them what goes on in the 7 Grand Jury. But they, too, are bound by this oath of 8 secrecy. Do you understand that? 9 A Yes. 10 Q If ever a trial developed out of this 11 investigation, and you were a witness at trial and you said 12 something different than what you said here today, a lawyer 13 could get up and say, "Mr. Bowles, when you were in front of 14 the Grand Jury, you said something different than you're 15 saying today." That would be an example of where secrecy 16 could be breached. 17 A Yes. 18 Q Furthermore, for independent counsels -- 19 actually, for any investigation, including independent 20 counsels -- with a court order -- if an independent counsel, 21 or any prosecutor, goes to a judge and says, "We would like 22 to be able to release certain information," with a court 23 order it could be done. Do you understand that? 24 A Yes, sir. 25 Q Let's see. There are categories of witnesses who</p>
<p>Page 6</p> <p>1 Q With the exception of that -- the privilege against 2 self incrimination, or something like the attorney-client 3 privilege, or a marital privilege -- you understand you're 4 under an obligation to answer our questions and to tell 5 the truth? 6 A Yes. 7 Q You can't lie about an important matter. That's 8 perjury. Do you understand that? 9 A Yes. 10 Q If you have retained counsel, he or she cannot 11 come in here with you, but the grand jurors will permit you a 12 reasonable opportunity to step outside the Grand Jury room to 13 consult with counsel, if you so desire. 14 A Sure. Yes. 15 Q And you have counsel here today? 16 A Yes, I do. 17 Q And tell us who that is. 18 A His name is Earl Silbert. 19 Q With certain exceptions that are recognized in 20 statute and law, we are bound -- that is, myself, the grand 21 jurors, the court reporter -- by an oath of secrecy about 22 what goes on here today. Do you understand that? 23 A I do. 24 Q You are not so bound. You're free to talk to your 25 lawyer. You're free to hold a press conference -- whatever</p>	<p>Page 6</p> <p>1 appear before the Grand Jury. I'm going to read you the 2 definition from the United States Department of Justice 3 manual: 4 A target is defined as, quote, "a person as to whom 5 the prosecutor or the Grand Jury has substantial evidence 6 linking him or her to the commission of a crime and who, 7 in the judgment of the prosecutor, is a putative defendant." 8 Do you understand that definition? 9 A I don't know what the word "putative" means. 10 Q You know, we looked it up, and it means "assumed." 11 I mean, it means different things, but I think in this 12 context it would be "assumed." 13 So it would be: a person as to whom the prosecutor 14 or the Grand Jury has substantial evidence linking him or her 15 to the commission of a crime, and who in the judgment of the 16 prosecutor is an assumed or supposed defendant. 17 Do you understand that? 18 A Yes. 19 Q Okay. You are not a target. Do you understand 20 that? 21 A Yes. 22 Q A subject is defined as, quote, "a person 23 whose conduct is within the scope of the Grand Jury's 24 investigation," end quote. Do you understand that 25 definition?</p>

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1 A Yes.
 2 Q That's an extremely broad definition.
 3 A (Nodding.)
 4 Q You are a subject because you have -- your conduct
 5 is potentially within the scope of the investigation.
 6 There's no negative connotation from that. Do you
 7 understand that?
 8 A Good. Yes.
 9 Q Now, precisely because "subject" is such a broad
 10 definition, an informal system has developed of definitions
 11 -- witness, subject, target -- a target being just what I've
 12 already defined to you; a witness being someone who just
 13 comes forward and has knowledge and information that the
 14 Grand Jury is investigated (sic) in; and a subject is
 15 somewhere in between. A subject is not a target, but the
 16 Grand Jury has some concerns, and they want to question the
 17 person on.
 18 Do you understand that informal distinction?
 19 A I think so.
 20 Q You would be a witness within that informal
 21 distinction. Do you understand that?
 22 A Yes.
 23 Q Okay. We cannot promise anybody that they will
 24 always be a witness; that they could never be a subject or
 25 target, because it's an ongoing investigation. Do you

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1 understand that?
 2 A Yes, I do.
 3 Q All right. You are here pursuant to a subpoena
 4 today; is that correct?
 5 A Yes.
 6 Q Did the subpoena call for you to produce
 7 any documents?
 8 A Yes, I think so.
 9 Q I assume they've been produced, if there are any,
 10 by the White House?
 11 A Yes. To the best of my knowledge, I don't
 12 have any.
 13 Q You have no documents relating to the subject
 14 matter that we're investigating?
 15 A That's correct.
 16 Q If there any questions that are not framed in such
 17 a way that you understand them -- that are not crystal clear
 18 -- if you would let us know, and we will rephrase the
 19 question. How's that?
 20 A Thanks. Sure.
 21 Q All right. Is there anything about the rights and
 22 responsibilities I've explained to you that you'd like
 23 further clarification on before we get started?
 24 A No. I'm ready to go.
 25 Q Okay. Good. Tell us please, where you were

Page 11

1 born now.
 2 A Greensboro, North Carolina.
 3 Q And tell us what your current occupation is.
 4 A I am the chief of staff to the President.
 5 MR. WISENBERG: Yes, ma'am?
 6 A JUROR: Can you speak up a little please,
 7 Mr. Bowles?
 8 THE WITNESS: Oh, I'm sorry.
 9 BY MR. WISENBERG:
 10 Q Would you speak up a little bit?
 11 A I am chief of staff to the President.
 12 Q The acoustics are --
 13 A Yeah. I just -- I don't normally talk very loud,
 14 so I'll try to do better.
 15 A JUROR: Thank you.
 16 BY MR. WISENBERG:
 17 Q (Moving closer to witness.) I'm not trying to be
 18 fresh here; it's just I'm going to show you some documents,
 19 and this will be easier.
 20 A Should I -- should I speak this way or
 21 this way (indicating)?
 22 Q Project outward. You don't have to worry about
 23 me. I can hear you.
 24 A Okay.
 25 Q And that's allegedly a microphone in front of you.

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1 A Okay.
 2 Q How long have you been the chief of staff to
 3 the President?
 4 A Since January 20th of 1997.
 5 Q You replaced Leon Panetta?
 6 A Yes, I did.
 7 Q And tell us who are your deputies right now.
 8 A John Podesta and Sylvia Matthews.
 9 Q And there is traditionally, is there not, a
 10 kind of a dichotomy between the operational deputy and the
 11 political deputy?
 12 A I didn't quite do it the same way Leon did.
 13 And as example, John has some political responsibilities
 14 and some operational responsibilities. Sylvia has all --
 15 and he also has some policy responsibilities, because the
 16 National Security Council reports to him. Sylvia has all
 17 policy councils and outreach that reports to her.
 18 Q Okay. Outreach?
 19 A The intergovernmental affairs, the -- let's see --
 20 intergovernmental affairs, press office, communication office
 21 -- that kind of thing.
 22 Q Okay. Have they been your deputies the whole time
 23 you've been chief of staff?
 24 A Yes.
 25 Q Tell us about your previous positions in the

Page 1:	Page 15
<p>1 administration. And let me try to help out a little bit 2 and lead you here, just because I reviewed some previous 3 testimony of yours. 4 You were originally with the SBA; is that correct? 5 A That's correct. 6 Q Small Business Administration. And you were the 7 chief person there -- they call that the administrator? 8 A Yes. 9 Q And that was from, roughly, May 93 to 0 October 1st, '94? 1 A I think that's right. 2 Q Okay. You went from there to deputy chief of staff 3 under Leon Panetta; is that correct? 4 A That's correct. 5 Q And roughly -- or as we say in the prosecutor's 6 office, is on or about October 1, 1994 to on or about 7 December 22, '95? 8 A I think that's correct. 9 Q And then what did you do in the period between 0 December 22nd, 95 and your return to the White House as 1 chief of staff? 2 A I went home. I started a new business. 3 Q And home is - where is home? 4 A Charlotte, North Carolina. 5 Q Okay. And what's that business that you started?</p>	<p>1 A That's correct. 2 Q And Anthony was -- 3 A He had been a White House fellow, and I had met him 4 that way. 5 Q And a White House fellow is different than a 6 White House intern? 7 A Yes. 8 Q All right. Who replaced you as deputy chief 9 of staff? 0 A Evelyn Lieberman. 1 Q Under Panetta -- you were his first deputy, 2 operational, if you know? 3 A I don't think so. I think that Phil Leder 4 (phonetic) was there for a short period of time while Leon 5 was -- first came in. 6 Q Had he been under Mack McLarty and stayed 7 for a while? 8 A Yes. 9 Q Did you know Evelyn Lieberman before she 0 replaced you? 1 A Yes. 2 Q How closely did you work with her in the 3 White House when you were deputy? 4 A Evelyn ran the operations of the press office, and 5 so I would see her from time to time, but didn't have, you</p>
<p>Page 14</p> <p>1 A The name of it is Carousel Capital Corporation 2 It's a merchant banking company. 3 Q Can you briefly enlighten us on what a merchant 4 capital company is? 5 A A merchant banking company. A merchant banking 6 company -- we buy very small businesses, and we try to manage 7 them appropriately so they can grow into larger businesses, 8 and then we will either sell them or take them public. 9 Q Okay. When you were deputy chief of staff, can you 0 tell us who your deputies were. 1 A I didn't have a deputy. 2 Q All right. People who worked for you. When you 3 were deputy chief of staff, who would have reported to you? 4 A The people in management and administration; 5 Jodie Torkelson; Billy Webster, who headed up scheduling; 6 personnel, which was headed up by Bob Nash; and Oval Office 7 operations, which was headed up by Nancy Henreich. 8 Q Did you have any assistants? 9 A I did. 0 Q Would that be Pam Medieros -- 1 A Pam Medieros and Brian Bailey. 2 Q And a guy named Paul Anthony at some point? 3 A Yeah. 4 Q And I understand Medieros and Bailey had worked for 5 you in private industry?</p>	<p>Page 1.</p> <p>1 know, day-today contact with her. 2 Q Did you work with her in the transitional period 3 when she was taking over for you? 4 A I don't think they made the decision as to 5 who would take over from me until almost the day I left. 6 So it really wasn't much transition. I offered to -- I 7 talked to her, I think -- I think I talked to her and told 8 her what I did and how I did it and offered to be as helpful 9 as I could. 0 Q Before you were in the administration, you were an 1 investment banker? 2 A That's correct. 3 Q And started with what outfit? 4 A I started with a firm called Morgan & Stanley in 5 New York. I went from there to Interstate Securities in 6 Charlotte. And then I started a firm called Bowks, 7 Hollowell, Connor in, I think 1973, and stayed with 8 that until I took the job with the Clinton administration. 9 Q And that's an investment banking firm? 0 A Mm-hmm. 1 Q Which specializes in finding capital for business? 2 A That's correct. And in the merger and acquisition 3 business. 4 Q And you focused on what you'd call mid-range 5 companies as opposed to --</p>

Page 1	<p>1 A Big companies.</p> <p>2 Q Right. "Big companies" would go to someplace</p> <p>3 like Goldman Sachs?</p> <p>4 A That's correct.</p> <p>5 Q How long have you known President Clinton?</p> <p>6 A I believe I met the President -- I know when I met</p> <p>7 him. I met him when he came to North Carolina on the day of</p> <p>8 the election -- the day of our primary -- which, I think, was</p> <p>9 in -- does May of '92 sound right? I think that's right</p> <p>0 Whenever the election --</p> <p>1 Q I won't argue with you.</p> <p>2 A Whenever the election was. The election was in '91</p> <p>3 -- was it '92?</p> <p>4 Q '92 --</p> <p>5 A Yeah.</p> <p>6 Q -- would have been the first election</p> <p>7 A I met him in May of '92.</p> <p>8 Q All right. And what were the circumstances?</p> <p>9 A I had agreed to have a fundraiser for the</p> <p>0 President. A fundraiser was scheduled for the day of the</p> <p>1 primary. And he came there, and he came to my office, and I</p> <p>2 met him.</p> <p>3 Q Do you consider yourself a friend of the President?</p> <p>4 A Yes.</p> <p>5 Q A close friend of the President?</p>	Page 1	<p>1 Q What are your typical hours?</p> <p>2 A I generally arrive at about 7:00 in the morning,</p> <p>3 and I generally leave around 9:00 to -- somewhere between</p> <p>4 9:00 and 10:00 at night. My family is in North Carolina,</p> <p>5 so --</p> <p>6 Q How many people do you supervise as chief of staff?</p> <p>7 A Very few. I have a very different operation and</p> <p>8 mode of operation than Leon Panetta did -- who I know has</p> <p>9 been here before. Should I describe it?</p> <p>0 Q Sure.</p> <p>1 A Having worked -- Leon was, I think, a fabulous</p> <p>2 chief of staff and did an incredibly good job. But he had an</p> <p>3 enormous strength, too, and Leon did everything.</p> <p>4 You know, he brought all the operations into the</p> <p>5 chief of staff's office. And even the people that we talked</p> <p>6 about who reported to me? They really reported to Leon.</p> <p>7 Because that's the way he was -- he wanted to control</p> <p>8 what went on.</p> <p>9 And because of his enormous strength, he was</p> <p>0 able to be the OMB director, and he was able to also have</p> <p>1 Jodie Torkelson really report to him, and he was able to</p> <p>2 really be in charge of scheduling, and be in -- you know</p> <p>3 be the person -- a primary spokesman for the President.</p> <p>4 That's not my management style. It doesn't mean</p> <p>5 mine is better or worse than Leon's; it's just different.</p>
Page 18	<p>1 A I hope so.</p> <p>2 Q Can you tell us where you went to college.</p> <p>3 A I went to the University of North Carolina</p> <p>4 at Chapel Hill.</p> <p>5 Q Any postgrad work?</p> <p>6 A Yeah, I went to Columbia Graduate School of</p> <p>7 Business in New York.</p> <p>8 Q You got an MBA there?</p> <p>9 A Mm-hmm-yes. Excuse me.</p> <p>0 Q Can you tell us briefly what your duties are as</p> <p>1 chief of staff.</p> <p>2 A Yes. My job is to manage the business of the</p> <p>3 government. I spend my time trying to make sure that we have</p> <p>4 a budget that works that -- stuff that -- the information --</p> <p>5 the policies that go into the budget make sense; that -- that</p> <p>6 what we do on a day-to-day basis is in line with the vision</p> <p>7 that the President articulates.</p> <p>8 And so I manage the operations of the White House</p> <p>9 in the various government -- the various secretaries of</p> <p>0 each one of the government agencies reports through me</p> <p>1 to the President.</p> <p>2 Q Trying to see that the machine runs smoothly, so</p> <p>3 the President can get done what he wants done?</p> <p>4 A I try to solve as many of the problems as I</p> <p>5 possibly can, so they do not go to the Resident</p>	Page 20	<p>1 I believe in assigning people responsibility</p> <p>2 and then holding them accountable for the jobs that they</p> <p>3 are assigned.</p> <p>4 So really, the only two people who report to me are</p> <p>5 my two deputies, and the various division heads really do</p> <p>6 report to them.</p> <p>7 Now, I have a very small staff of Carol Parmelee</p> <p>8 and Jason Goldberg and Demond Martin, who help me do my task,</p> <p>9 but most of their functions are more in the process mode or</p> <p>0 clerical mode than it is in anything else.</p> <p>1 Q Carolyn Parmelee, did-you say?</p> <p>2 A Carol Parmelee.</p> <p>3 Q Carol --</p> <p>4 A Carol Parmelee.</p> <p>5 Q Jason Goldberg?</p> <p>6 A Jason Goldberg, and Demond Martin.</p> <p>7 Q How do you spell that?</p> <p>8 A And I can't spell Erskine. D-e-m-o-n-d</p> <p>9 M-a-r-t-i-n.</p> <p>0 Q And Parmelee would be, I guess, P-a-r-m-e--</p> <p>1 A -- m-e-l-e-e, I think, but that's -- I could</p> <p>2 be wrong.</p> <p>3 Q So it's fair to say you're more of a chain of</p> <p>4 command structure, hierarchical structure than Mr. Panetta?</p> <p>5 A Yeah, but -- but I really do -- I really do --</p>

<p style="text-align: right;">Page 21</p> <p>1 hold people, you know, accountable. I mean, I assign 2 responsibility, and people know what their job is, and 3 they're expected to do it 4 Q Let me show you something. 5 A Sure. 6 Q I'm going to show you what has been -- 7 A It's the same structure, by the way, I did at the 8 SBA or I did at any of the businesses I was in before. 9 Q You didn't change? 10 A No. 11 Q Your structure didn't change. 12 A No. 13 Q I'm going show you what's been marked as EB-1. 14 A Okay. 15 Q Grand Jury Exhibit EB-I. It purports to be a map 16 or a scheme of a portion of the West Wing -- I think the 17 first floor -- the floor where the Oval Office is. 18 A Okey-doke. 19 Q And I'm going to give you my red pen here, in case 20 you need to mark anything. 21 A Okay. 22 Q And you do not have to -- it's got some marking on 23 it, some previous marking on it, which we're going to use for 24 points of reference. 25 A All right.</p>	<p style="text-align: right;">Page 23</p> <p>1 that correct? 2 A That's correct. That's my old office. 3 Q Okay. So that's accurate? 4 A It is. 5 Q That's where you were when you were the 6 deputy, correct? 7 A That's correct. 8 Q Take a look at the area around the Oval Office. Do 9 you see the study there to the right? 10 A To -- 11 Q To the left. I'm sorry. 12 A Yeah, I do. 13 Q To the left. And to the left of the study is the 14 dining room? 15 A Correct. 16 Q Is that correct? 17 A Mm-hmm. 18 Q I assume this isn't done to scale, but is that 19 consistent with your understanding of the layout there? 20 A Yes, it is. 21 Q At various entryways -- at various doors -- 22 operating out of several rooms you'll see Os or Cs. Do you 23 see those? 24 A Yes, I do. 25 Q And those are meant to represent -- and obvious-</p>
<p style="text-align: right;">Page 22</p> <p>1 Q But just because you might be marking on here in 2 red doesn't mean you necessarily have to accept everything 3 that's been premarked on it 4 A That's okay. 5 Q Do you understand? 6 A Sure. 7 Q Your office would be in 111; is that correct? 8 A That is correct. 9 Q And Mr. Panetta was there before you, correct? 10 A That's correct. 11 Q Who would be right now in the room to the right of 12 108 that says "GS"? 13 A I think you've got a -- I think this is -- okay, I 14 understand now. That's where Rahm Emanuel is. 15 Q Okay. Do you know how you spell his first name? 16 A R-a-h-m, I think I'm not much of a speller. 17 Q Could you put right on front of the -- on top of 18 the "GS" or above the "GS," could you put an "RE" for us. 19 A Sure. (Witness complies.) 20 Q And George Stephanopoulos would have been there 21 before Rahm Emanuel; is that correct? 22 A That's correct. 23 Q You'll notice that underneath the lobby -- there's 24 an area kind of upper leftish, just called the "Lobby." And 25 underneath that, to the right, it says "DCOS EB-EL"; is</p>	<p style="text-align: right;">Page 24</p> <p>1 something like this has to be rough, but whether the doors or 2 typically closed or open. 3 A okay. 4 Q Let's take a look at the -- and I'm going to 5 refer to the Oval Office like it's a clock, if that's okay 6 with you. 7 A okay. 8 Q So let's look at the 1 o'clock door that 9 Betty Currie -- 10 A Mm-hmm. 11 Q -- leads into Betty Currie's area, which is called 12 "Reception Area 1" on the map. 13 A Right. 14 Q To your knowledge, is that a door that is 15 typically closed? 16 A It is typically closed, but it does have a peephole 17 in it. 18 Q Okay. Take a look at the 3 o'clock door. 19 A Mm-hmm. 20 Q Is that typically closed? 21 A I think that's always closed. Except the President 22 does open it sometimes on -- you know, on nice days. 23 Q Okay. 24 A But it's usually closed. 25 Q The 9 o'clock door leading to the hallway that</p>

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1 leads to the study -- is that typically closed or open?
 2 A I think the right word is typically closed, but it
 3 is open from time to time.
 4 Q Right. These are typical.
 5 A Yeah.
 6 Q And feel free to disagree with any of these.
 7 A I'm just saying --
 8 Q Right.
 9 A -- you know, it would be rare when the door
 10 leading to Betty Currie's office was open, but sometimes,
 11 this door here --
 12 Q To the study?
 13 A -- to the study is open.
 14 Q Okay. And then of the ones we've discussed so far,
 15 rarest of all to be opened would be that one at 3 o'clock?
 16 A That's correct.
 17 Q [REDACTED]
 18 [REDACTED]
 19 A [REDACTED]
 20 Q [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 A [REDACTED]
 24 [REDACTED]
 25 Q [REDACTED]

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1 work in the White House bring people through on tours.
 2 there's a lot of people.
 3 Q [REDACTED]
 4 [REDACTED]
 5 A Yes, I think so.
 6 Q Almost always closed when he is there?
 7 A Yes. I think -- I can't think of time it wasn't
 8 except to let people through
 9 Q If there's an event in the Roosevelt Room, per
 10 will sometimes be let through?
 11 A Yes.
 12 Q Is that when the President takes affirmative ac
 13 to let them through?
 14 A Yes, I think so.
 15 Q Now, the President -- you say you have left through
 16 the 11 o'clock door on occasion?
 17 A Yes, I have.
 18 Q And you've never seen anybody else leave -- is that
 19 other than the President -- through that door?
 20 A [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 Q [REDACTED]
 24 A [REDACTED]
 25 [REDACTED]

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1 A So I -- that was -- I was thinking that way. The
 2 one that you have at 11 o'clock?
 3 Q Yes?
 4 A To the best of my knowledge, it is always closed
 5 when the President is in the office, except when we're
 6 letting people come into the office from the Roosevelt Room.
 7 I sometimes go out that door, but I haven't seen anybody else
 8 go out that door.
 9 Q Okay.
 10 A It's not that people can't -- I just do it
 11 sometimes because it's quicker.
 12 But that door, when the President is not in, is
 13 frequently open, and open most of the time because we
 14 have people that -- the President likes people to come
 15 through the West Wing, and they come through and look into
 16 the Oval Office.
 17 Q Okay.
 18 A So it's open a lot.

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1 Q [REDACTED]
 2 A Right. Yeah. Or a, you know -- yes.
 3 Q [REDACTED]
 4 [REDACTED]
 5 A [REDACTED]
 6 [REDACTED]
 7 Q [REDACTED]
 8 [REDACTED]
 9 A Mm-hmm.
 10 Q [REDACTED]
 11 A Yes, it does.
 12 Q When you come to see the President -- and if
 13 seems tedious, it's going to be -- it will probably res
 14 in 20 questions later that aren't asked -- that are on
 15 my outline.
 16 A It does. But I'll answer them.
 17 Q When you want to go see the President, how
 18 do you do it?

1 [REDACTED].

2 Q Okay.

3 A Or I'll go in through the door you have there. I

4 can't remember going through the door from Rahm's area, but I

5 probably have.

6 Q Okay.

7 A I don't think I've -- I have occasionally on the

8 weekends -- more than -- well, on the weekends, when Betty is

9 not there or Nancy is not there -- when nobody is out there,

10 and the President is working, I'll sometimes go through the

11 11 o'clock door.

12 And I have walked in the 3 o'clock door many

13 times, you know, when the President and I are coming from

14 somewhere else.

15 Q I want to get one clarification. You said if you

16 [REDACTED]

17 mentioned the little door we have them -- are you talking

18 the one through Rahm Emanuel's office?

19 A No, no. I was talking about -- I said I --

20 Q Or the one from "Walkway 1"? You mentioned --

21 A I think I -- I can't remember using the one from

22 Rahm Emanuel's office, but I probably have.

23 Q Okay. Then there's a pantry door, I think

24 you said.

25 A The pantry door I've used, you know, frequently

1 covering for them, then I'll go through this 11 o'clock door

2 here and then walk into the study. I mean, I always do that.

3 Q Okay:

4 A' And -- and I probably -- probably -- if

5 the stewards are there, and I know he's around in the

6 Oval Office, and I ask one of them -- or if he were in the

7 study, I would just walk through the stewards' door. So I'm

8 sure I've done that, too.

9 Q Okay. Have you ever had a situation where you're

10 looking for him -- you walk into the Oval Office, you're

11 looking for him, and he's not there. What would you do if

12 that's ever happened?

13 You assume he's in the study, you go to this door,

14 that door is either open or closed. Would you ever just walk

15 into the study without talking to anybody, I guess is

16 my question?

17 A Yes.

18 Q Okay. And how often do you think you've done that?

19 A Sol, I'd really be -- I know I'm not supposed to

20 guess, and I just don't know. But I --

21 Q That's okay. If you tell us you're guessing, it's

22 okay. We understand it's just an estimate.

23 A But I've done it, you know, some. I really don't

24 know. I mean, oftentimes, you know, I'll go in unannounced

25 through Betty's door, you know, on the normal business day

1 because it's -- you know, it's easier to get in and out, and

2 I don't -- the one -- the one that you have -- the main door

3 into the dining room --

4 Q Right under the number "1" for --?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 A Yes.

11 Q What about when he's in the Oval Office -- as far

12 as you know, is in the oval Office area?

13 A I would almost always go, you know, ninety -- I

14 don't want to give a percent because I don't know the -- but

15 most of the time through Betty's office.

16 Q If he was in the Oval Office, or in the study --

17 which presumably you wouldn't necessarily know before you

18 came in.

19 A Right.

20 Q But if he was in the Oval Office or the study, you

21 would not ever go through this hallway that leads into the

22 study -- like through the pantry door, for instance, and

23 then through that hallway?

24 A "Ever" is not the right word. If it's on the

25 weekend and Betty or Nancy aren't there, or somebody is not

1 and he won't be there, and he'll be back either in his

2 bathroom, or he'll be in the study, or sometimes in the

3 dining room. And I'll just walk in there and look for him.

4 Q Okay.

5 A And when I get, you know, to the study, I'll say

6 say, "Mr. President?" Sometimes he's sleeping in that

7 rocking chair back there.

8 Q Okay. So you have the right to do that? No one

9 has told you you can't do that, correct?

10 A I do it. I don't know if I have the right to do

11 it, but I do it.

12 Q Do you announce yourself or anything, or knock, or

13 just walk in?

14 A Well, I try to be -- you know, the one thing I've

15 always remembered is that I work for him, and he is the

16 President of the United States.

17 And so I try to show the utmost respect. So I

18 wouldn't just barge in. I mean, I would say -- knock on the

19 door and say, "Mr. President," you know, "I'm here. Can you

20 hear me?" And he doesn't answer me all the time, you know.

21 And I keep walking and, "Mr. President?" And then I go in

22 his room.

23 Q Okay. You say you knock on the door. Would that

24 be the study door, or the door from the Oval Office into that

25 little hallway that leads to the study?

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1 A Well, there's not a -- I don't think I've **eyer** seen
 2 **this door that you have from the Oval -- from the dining room**
 3 **to the study closed. I don't remember** seeing that **closed.**
 4 Q Okay.
 5 A But I could be just not **remembering correctly.** I
 6 **mean,** it could be closed right now, and I'm just not
 7 **remembering** it right.
 8 Q **Mm-hmm.**
 9 A But I'm -- **when** I'm talking to you, I'm talking to
 0 you about coming **from** the Oval Office into **the** study.
 1 Q Okay.
 2 A **When I go from the pantry area into the study,**
 3 **I don't think I -- there's anything to knock on. But I would**
 4 announce myself. I'd say, "Mr. President, it's --"
 5 You know, "It's me."
 6 Q **At the study door?**
 7 A **Usually, I think, yeah.**
 8 Q Okay. And **you're** saying sometimes, **even** if you
 9 don't hear from him, you'll go in?
 0 A **Yes.**
 1 Q To the study?
 2 A **Yes.**
 3 Q Okay. What would you consider -- based on **your**
 4 **time in the White House as deputy and as chief, what is the**
 5 **most private room in the White House, in terms of giving the**

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1 Resident his privacy?
 2 A **The** study.
 3 Q Okay. And do you try to keep, as chief of **staff,**
 4 **this whole area -- let's talk about the Oval Office, the**
 5 **study, the bathroom, and the dining room. Is --**
 6 A **I guess I should have said the bathroom is the most**
 7 **private room.**
 8 Q **I guess -- yeah, that would make sense.**
 9 **If you look at the rooms I've described -- the**
 0 **Oval Office, study, bathroom, hallway there, interior**
 1 **hallway, and dining room -- would it be fair to say that that**
 2 **cluster of rooms is the cluster that is the most private --**
 3 **outside of the residence, you know -- in the White House?**
 4 A It's hard to say **the Oval Office is real private**
 5 **because, you know, there -- again, you know, it's got a**
 6 peephole into it, and you -- and it's all glass. But **the**
 7 **other two areas certainly are.**
 8 Q Okay.
 9 A **Does that make sense to you?**
 0 Q **Sure. When Betty Currie is there, or**
 1 **somebody else subbing for her, when you go to see the**
 2 **President -- and if you need to distinguish between daytime**
 3 **and nighttime or weekday and weekend -- do you typically have**
 4 her announce you?
 5 A **Again, I try -- you know, you can get in any kind**

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1 of job **too** informal, I think. And I have enormous **respect**
 2 for **the** presidency, **because I never dreamed I would be here.**
 3 And so I -- and plus, I have a great **respect** for --
 4 I think you have to **show people you** work for -- I think you
 5 **have** to show **people that are both below** you and **above** you the
 6 right kind of respect, if you want to get something **done** and
 7 have a good workplace.
 8 **So** I always ask **Betty** if it's okay if I go in. And
 9 if **Betty's** not there, I'll ask Nancy.
 10 Now, I don't have to do that. And I could walk
 11 **in.** Sometimes, if it's a real emergency, I might do that.
 12 But generally, I would ask Betty or Nancy if it's okay
 13 **if I go in.**
 14 Q **You don't wait for them to announce you; they just**
 15 **will tell you whether** or not it's okay.
 16 A Yeah. And they may say, "He's on **the phone,**" you
 17 **know, "but you can go ahead." Or you know -- or you know --**
 18 **you know, "He's got somebody in there, but you can go ahead."**
 19 Q Okay. Again, and if **nobody** is there, you'll
 20 **just -- I take it, on weekdays, somebody is almost always**
 21 **there** at one of these two desks -- Nancy's or Betty's?
 22 A **There sure should be, yeah.**
 23 Q Okay. **If the President is there** on a weekday
 24 and nobody is there, someone is maybe in trouble with
 25 Erskine Bowles?

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1 A **If the President is there, yeah.**
 2 Q Okay.
 3 A Yeah. **But if the President is not there, then**
 4 **frequently there's not somebody** there.
 5 Q **Right. Okay. So what about at nights? In other**
 6 words, **as long as the President is there, there should be**
 7 **somebody out there, even at night; is that correct?**
 8 A **Should be, yeah.**
 9 Q **How about on the --**
 10 A I don't **think -- I don't think that's 100 percent**
 11 **the case because the -- this President works, you know, all**
 12 **the time. And he -- he'll stay over there sometimes really**
 13 **late and sometimes -- I think sometimes, you know, we might**
 14 **get, you know, Betty and them to leave.**
 15 Q Okay.
 16 A **But I think most of the time -- I'd say the vast**
 17 majority -- **somebody is there.** Maybe close to 100 percent.
 18 Q **And weekends -- what is your policy on the**
 19 **weekends? Do you like to have somebody out there on the**
 20 **weekends, too?**
 21 A **If he thinks he needs it. And most of the time,**
 22 **there is somebody there on the weekends. Sometimes, there**
 23 **hasn't been.**
 24 Q **All right. Is it true that -- if you know -- that**
 25 **when Mr. Panetta came on to be chief of staff, he kind of**

<p style="text-align: right;">Page 37</p> <p>1 tightened up the procedures as to who could be in the 2 West Wing and who could get access to the Oval Office 3 area, as opposed to his predecessor? 4 A I think it's fair to say that Leon and I tightened 5 up everything. 6 Q Okay. And why was that? 7 A Because it was too loose and too informal and 8 nonproductive. And the President would get information out 9 of context. 10 It's hard to make a good decision and use your time 11 efficiently and effectively, if you're getting information 12 from different sources at different times. 13 But if you can bring the same group of people 14 together and have information come at one time, then the 15 President can make a decision in context, and you can make a 16 better decision in less time. 17 And so we spent a lot of time trying to make 18 sure that, a) we controlled the access of the people 19 to the Oval Office; and b) that the President got 20 information correctly. 21 Q All right. And are those related -- those two 22 ideas related? 23 A That's the way I think of it. I think of it in the 24 context of getting things done. 25 Q Okay.</p>	<p style="text-align: right;">Page 39</p> <p>1 enough flexibility built in, so that you can adjust to it. 2 And that gave him time to do that. 3 So that was -- that was what we tried to do. 4 Q When is his think time? 5 A It varies each day. But sometimes it's in the 6 morning, sometimes it's in the afternoon. Sometimes k uses 7 it to play golf. sometimes k has friends in. Sometimes k 8 just works, studies, does paperwork. Sometimes k reads 9 books. Sometimes he'll bring a thinker in, or some smart 10 person, you know. 11 Q Does he try to have a rest time around the 12 lunch hour? 13 A I don't think so. I mean, I don't -- I -- maybe he 14 does. I mean, I've worked there for a long time. I didn't 15 -- if he does, I don't know about it 16 Q Before Mr. Panetta came, was there -- you said 17 there were too many people, in terms of decisionmakers, with 18 kind of unrestricted access to the President 19 A I would call them nondecisionmakers. 20 Q Okay. Kibitzers? 21 A Yeah. 22 Q The -- 23 A I found out, in the political world, people think 24 when they get together and just the shoot the breeze for 25 about an hour, they've worked. And I think -- that's not</p>
<p style="text-align: right;">Page 38</p> <p>1 A But that doesn't mean the President can't have 2 -- couldn't have as many personal visitors as he wanted to 3 have whenever k wanted, or couldn't -- you know, k could 4 certainly do that. But those people didn't have to be 5 cleared, to the best of my knowledge, through Leon. 6 Q I guess if you have too many -- I don't want to put 7 words in your mouth, but if you've got too many advisors 8 thinking they can waltz in and bend the President's ear, 9 you've got an inefficient way of decisionmaking. 10 A Yeah. I'm talking about people who are there 11 to make a decision. If the President wants to have some 12 friend of his come in -- what we did is we reorganized the 13 President's -- I think I told you this- reorganized the 14 President's time schedule, so that he had -- so he could be 15 more productive and more efficient and, hopefully, make 16 better decisions, because he'd get his information better. 17 So we cut out a lot of things he was doing and set 18 up a better process. And by doing such, we were able to free 19 up about three to four hours every day where the President 20 could think and reflect and react to a very changing world. 21 And before that, everything had just -- you know, 22 k didn't have any time to think. And you can't make good 23 decisions, if you don't plan ahead, and you -- you know, 24 in an environment like this world, you know, if -- if 25 something is going to occur in Bosnia, you have to have</p>	<p style="text-align: right;">Page 40</p> <p>1 exactly what I was used to. 2 Q Was there also -- was Mr. Panetta's feeling, or 3 your feeling that was that too informal in the way people 4 could come in spatially and talk to the President. In other 5 words, that not enough people were going the right way 6 through Betty Currie's door? 7 A That I don't -- I never heard that. 8 Q Okay. Was there a problem that you're aware of -- 9 for instance, if you'll look at your map, were there a lot of 10 people going in through the door -- either the pantry door 11 you mentioned or the door between Stephanopoulos' office and 12 the dining room -- kind of back-dooring the President? 13 A There may have been before I got there. I never 14 heard that complaint 15 Q Itakeityou don't like it when people -- you 16 would not like it if you found out that people -- including 17 senior decisionmakers who work for you -- just trotted 18 through either the pantry or the area between now Emanuel's 19 and the dining room and just got to the President that way? 20 A We don't have a problem now, and so I haven't had 21 to make an issue of it whatsoever. 22 I would guess that Rahm Emanuel would go through 23 that door sometimes, but I bet it would be very, very 24 rarely. I'm not worried if Rahm goes in to see the President 25 at any time. He doesn't have to check with me. I'm not --</p>

<p style="text-align: right;">Page 41</p> <p>1 neither one of my deputies have to check with me. 2 If the President wants to see Paul Begala or 3 somebody like that, they don't have to check with me -- 4 or McCurry. 5 I just -- we don't have a problem now. We have 6 fixed that problem, and people now know how they're supposed 7 to operate, and they -- I don't believe we have a problem. 8 Q All right. <i>You</i> don't have a problem with certain 9 senior people seeing the President without your permission? 10 A Right. 11 Q Would you have a problem if you found out that 12 they were regularly going through this back way, I guess is 13 my question? 14 a Well, that's kind of hypothetical question. If -- 15 if I thought it was a problem, you know, I dum well would 16 address it, for sure. 17 Q Was it ever a problem, as far as you know? 18 A I honestly don't know, because it wasn't a problem 19 while I was the deputy chief of staff, or it's certainly no t 20 a problem now. 21 FOREPERSON: Excuse me, Sol, it's 45 minutes. 22 MR. WISENBERG: It's 45 <i>minutes</i>? Okay. I know 23 that the grand jurors will have probably a lot of questions 24 about the map, but we'll do that after. 25 THE WITNESS: Okay. If I can just run to the</p>	<p style="text-align: right;">Page 4:</p> <p>1 somewhere that you were legendary for your kind of attention 2 to time and motion of the President -- to every little bit of 3 his schedule. 4 Did you by to study that or work on that as part 5 of your efforts to make him more efficient? 6 A Things are never either as great or as bad as 7 they're reported, I've learned, and I got a lot more credi 8 for that than I deserve. 9 And it has become legend, but it's -- the 10 fact is that Billy Webster, who headed the scheduling office, 11 and I worked on that together. We did spend a lot time at 12 it, and I did think the President could spend his time 13 more wisely. 14 And we did try to -- to construct a time and motion 15 study -- which you would do in the business world -- and see 16 if we couldn't enable him to get more done and still have 17 that time to think and reflect and react. 18 Q How often are you typically there as chief of staff 19 on weekends? 20 A It varies. My son has been in the hospital, so 21 I've been with him for the last six weeks. But that's an 22 abnormal time. I would be there most weekends. 23 Q Working in the White House? 24 A I wouldn't go there if I didn't have to work, I 25 promise you.</p>
<p style="text-align: right;">Page 42</p> <p>1 bathroom and stretch, that would be great. 2 FOREPERSON: We're going to take a break, is what I 3 was telling him. 4 MR. WISENBERG: This is an official break 5 THE WITNESS: Oh, thank you. 6 MR. WISENBERG: How much time? 7 FOREPERSON: Fifteen minutes. 8 MR. WISENBERG: Okay. A 15-minute break, and we'll 9 come get you. 10 THE WITNESS: Okay. Thank you very much. 11 MR. WISENBERG: Thank you. 12 (A break was taken from 10:47 a.m. until 13 11:07 a.m.) 14 • ** 15 MR. WISENBERG: Let the record reflect that the 16 witness has reentered the Grand Jury room. 17 Madame Foreperson, dowe have a quorum? 18 FOREPERSON: Yes, we do. 19 MR. WISENBERG: Are there any unauthorized people 20 in the Grand Jury room? 21 FOREPERSON: No, there are not. Mr. Bowles, you 22 are still under oath. 23 THE WITNESS: Thank you, ma'am. 24 BY MR. WISENBERG: 25 Q When you came on as deputy, Mr. Bowles, I read</p>	<p style="text-align: right;">Page 44</p> <p>1 Q What do you know about the White House 2 intern program? 3 A I think I know a reasonable amount about it. 4 Q Okay. I take it, you're not responsible for 5 hiring interns? 6 A No. But I have -- I have hired interns. 7 Q Okay. 8 A I mean, I've made recommendations as interns have 9 been hired. 10 Q All right. The person who is responsible for 11 hiring the interns is the head of that office, correct? 12 A I think so, yeah. 13 Q Overall responsibility would be the head of that 14 office. Other people can have input into the hirings, would 15 be a fair statement? 16 A <i>You know, I really just don't know. My -- I</i> 17 think that Ginny Apuzzo, who's head of the Office of 18 Management and Budget (sic), has a lot of control ova it. 19 <i>She reports to John Podesta</i>. 20 Q Okay. 21 A But how much he gets involved in it, and how much 22 she does, versus how much the person who runs the intern 23 program, I just don't know. 24 Q Okay. You've ma& recommendations. Have your 25 recommendations been hired?</p>

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<p>1 A All but one.</p> <p>2 Q Is it fair to say it helps to have some kind of a</p> <p>3 -- and not in any way suggesting there's anything wrong with</p> <p>4 this -- helps to have some pull to be able to get to be</p> <p>5 an intern?</p> <p>6 A I agree with you there's nothing wrong with it.</p> <p>7 And yes, it does.</p> <p>8 Q If you know, what happens to most of them when</p> <p>9 they leave?</p> <p>10 A Some get jobs in the White House, some go back to</p> <p>11 college, some get jobs in other parts of the government, some</p> <p>12 just go back to work. I guess it's a variety of things the</p> <p>13 kids do.</p> <p>14 Q Have you ever had any role in evaluating an intern?</p> <p>15 A Sure.</p> <p>16 Q All right. Tell us about that.</p> <p>17 A We don't have a normal evaluation process like you</p> <p>18 would in a business, where you would evaluate an employee.</p> <p>19 I'm sure all of you all who work outside the home have</p> <p>20 been through that process in a business where you --</p> <p>21 you get evaluated. We don't do that with the interns,</p> <p>22 I don't think.</p> <p>23 But I have been asked my opinion about various</p> <p>24 people who worked for me, you know, as an intern, who would</p> <p>25 go on to work somewhere else. And I have asked people about</p>	<p>1 have different requirements. And also, you know, if somebody</p> <p>2 is a really close friend of somebody else's, they got a</p> <p>3 chance to get a job -- just like in the real world.</p> <p>4 So it's <i>not just the best</i> and the brightest.</p> <p>5 JURORS: (Laughing.)</p> <p>6 BY MR. WISENBERG:</p> <p>7 Q Let the record reflect audible laughter by certain</p> <p>8 of the grand jurors.</p> <p>9 If there was a person who, as an intern, who had</p> <p>10 kind of warning signs had come up. Not merely that they</p> <p>11 weren't great workers, but there had been warning signs about</p> <p>12 them -- problem signs as a worker. I take it that would not</p> <p>13 be a person who you would want to go directly on to a paid</p> <p>14 job on the White House staff?</p> <p>15 A I would say generally that would be correct, sure.</p> <p>16 Q Now, how many interns are there at any given time,</p> <p>17 if you know?</p> <p>18 A I believe there are 250 at a time, I think. But</p> <p>19 that may be a wrong number. But that's what I've heard.</p> <p>20 Q Do you make an effort to try and keep them out of</p> <p>21 the -- let's talk first of all, in terms of job assignments</p> <p>22 -- to keep them out of the West Wing area. In other words,</p> <p>23 not to have, of the 250, like 50 of them who are working in</p> <p>24 the West Wing?</p> <p>25 A Well, not very many people, period, can work in the</p>
<p>Page 46</p> <p>1 their opinion of interns who I've hired come in to work in my</p> <p>2 office. And so I think that would be how I'd answer that.</p> <p>3 Q How typical is it for interns to go right</p> <p>4 into a paid job directly at the White House, right</p> <p>5 from their internship?</p> <p>6 A I can't tell you how typical it is. I can tell you</p> <p>7 it does happen.</p> <p>8 Q I was just reminded, over the break, some of the</p> <p>9 grand jurors asked if you could speak up as best as you can.</p> <p>10 A I'm sorry. Excuse me.</p> <p>11 Q We know it's not --</p> <p>12 A Is it harder back there, or over here (indicating)</p> <p>13 -- or everywhere?</p> <p>14 JURORS: (Nodding.)</p> <p>15 THE WITNESS: I'm sorry.</p> <p>16 BY MR. WISENBERG:</p> <p>17 Q From what you told us earlier in answer in my</p> <p>18 previous questions, you would like the -- in terms of a</p> <p>19 criterion for such immediate advancement, them having done a</p> <p>20 good job as an intern is important.</p> <p>21 A I would think so, yes.</p> <p>22 Q You wouldn't want a lollygagger as an intern to go</p> <p>23 right into a paid position, I take it?</p> <p>24 A Well, you know -- you know, if someone was a -- if</p> <p>25 someone had great people skills and wasn't, you know -- jobs</p>	<p>Page 48</p> <p>1 West Wing. Those offices are like gold. As a manager, it's</p> <p>2 the worst thing in the world you can have because all of the</p> <p>3 managers are over in the West Wing, and all the people who</p> <p>4 actually do the real work are over in the Old Executive</p> <p>5 Office Building.</p> <p>6 So it doesn't work very well from a management</p> <p>7 viewpoint, but that's what everybody wants, is to have an</p> <p>8 office in the, quote, "White House."</p> <p>9 And since those spaces are so prized, very few</p> <p>10 interns actually get a chance to work in the White House.</p> <p>11 But some do.</p> <p>12 Q And the ones that don't work in the West Wing, as I</p> <p>13 understand it, don't get automatic access to the West Wing.</p> <p>14 They don't have a blue pass, correct?</p> <p>15 A It depends on what your function is. Some --</p> <p>16 I think some of the interns who work for me would have a</p> <p>17 blue pass, if they had to come over frequently. I think i</p> <p>18 -- I think it depends on how frequently you come to the</p> <p>19 White House -- what the nature of your job is.</p> <p>20 Q Okay. If you've got reason as part of your job to</p> <p>21 be coming there, you might get a blue pass?</p> <p>22 A I think if you had reason, you would get one.</p> <p>23 Q Do interns ever get fired, as far as you know?</p> <p>24 A I don't know of an intern who's been fired.</p> <p>25 Q Have you ever caused an intern -- I'm sorry. You</p>

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<p>1 look like you hadn't finish your answer.</p> <p>2 A No, I -- well, I'm just trying -- I'm trying to be</p> <p>3 accurate. And I just -- I can't -- I'm sure it's accurate to</p> <p>4 say I can't think of one who's been fired.</p> <p>5 Q Have you been responsible for getting one</p> <p>6 transferred from wherever they were to somewhere else,</p> <p>7 while they were an intern?</p> <p>8 A Yes.</p> <p>9 Q Okay. Tell us about that. Why? And you don't</p> <p>10 have to tell us who, unless it's Monica Lewinsky.</p> <p>11 A It's not</p> <p>12 Q Okay.</p> <p>13 A That's easy.</p> <p>14 Q But why?</p> <p>15 A Oh, lots of reasons. There was a young</p> <p>16 intern -- there was a young intern who was working in the</p> <p>17 Vice President's office who had gotten -- who was highly</p> <p>18 thoughtof. I -- I didn't have any -- at that point in time,</p> <p>19 I thought the White House was too white.</p> <p>20 And so I asked this intern to come work for me.</p> <p>21 And he has. And he, in fact, has lived at my house for a</p> <p>22 while because he didn't have the money to stay in Washington</p> <p>23 and do it.</p> <p>24 There was a young intern from --</p> <p>25 Q Let me hold on for a second. So this would be an</p>	<p>1 Q Other than that, you can't recall somebody being --</p> <p>2 other than what you've described, which would be kind of a</p> <p>3 competence problem -- taking any steps to say, "I don't like</p> <p>4 this person. They're acting inappropriately. Get rid of</p> <p>5 them. Move them somewhere else."</p> <p>6 A No.</p> <p>7 Q Do you know Monica Lewinsky?</p> <p>8 A I want to answer this correctly. I have read that</p> <p>9 Ms. Lewinsky worked in Leon's office, okay?</p> <p>10 Q (Nodding.)</p> <p>11 A And therefore, I know I must have seen her, okay?</p> <p>12 And -- but I do -- have no recollection of her at all.</p> <p>13 Q Okay.</p> <p>14 A Zero.</p> <p>15 Q So I guess that means -- my next question was going</p> <p>16 to be when and how you met her.</p> <p>17 A I -- I --</p> <p>18 Q But as far as you know, you haven't -- you might</p> <p>19 have, but you don't know.</p> <p>20 A Yeah. I am positive, you know, if she worked at</p> <p>21 that desk I'm told she worked at in Leon's office, and my</p> <p>22 office was -- Leon's office was here and mine was here, and I</p> <p>23 -- I think she worked in one of these desks here during the</p> <p>24 government shutdown (indicating)?</p> <p>25 Q Right.</p>
<p>Page 50</p> <p>1 instance where an intern -- the Vice President has an office</p> <p>2 in the White House and in the OEOB?</p> <p>3 A Mm-hmm. This intern Worked in the OEOB. I</p> <p>4 hadn't --</p> <p>5 Q Okay.</p> <p>6 A I hadn't met him, but I was looking for somebody to</p> <p>7 come in and take this particular job.</p> <p>8 Q okay. So this is an instance of somebody who's</p> <p>9 getting a transfer that's like a promotion, correct?</p> <p>10 A Oh, yeah. I mean, going from a nonpaying to a</p> <p>11 paying job, that's -- that's always a promotion.</p> <p>12 Q Okay. Is there any instance where you were</p> <p>13 responsible in any way -- directly or indirectly -- for a</p> <p>14 transfer that would be considered getting a person out of</p> <p>15 somewhere definitely that wouldn't a promotion -- either a</p> <p>16 demotion or this person is doing something wrong in their</p> <p>17 area. I'm talking about interns.</p> <p>18 A Who was an intern?</p> <p>19 Q Yeah.</p> <p>20 A I -- no, I can't think -- well, you know, I'm -- I</p> <p>21 would bet that when I was deputy chief of staff, you know,</p> <p>22 that there would be some interns who didn't perform very well</p> <p>23 who I would tell Pam Medieros or Brian Bailey, you know,</p> <p>24 "God, can't we get someone else who can really do this</p> <p>25 job?" So maybe I did. Okay.</p>	<p>Page 52</p> <p>1 A I had to pass by her, I mean, so -- and I --</p> <p>2 and I always try to talk to people, so I'm sure I</p> <p>3 introduced myself.</p> <p>4 Q Now, just for the record, I want to make sure we</p> <p>5 identify -- one of the reasons we have this map is so that --</p> <p>6 A Right.</p> <p>7 Q -- when people read a "this" and "that," if they</p> <p>8 ever read our record, then they'll know what we're talking</p> <p>9 about. And you're talking about -- when you say "my office"</p> <p>10 and "Leon's office," this is --</p> <p>11 A I'm sorry. My -- my office -- my old office, where</p> <p>12 it says, "DCOS EB-EL" --</p> <p>13 Q Right. Leon --</p> <p>14 A -- I'd walk out of there. And the walkway, I'd</p> <p>15 take what would be for me a right -- it's a left as I</p> <p>16 look at it. Walk down to Room 11 -- excuse me, in the</p> <p>17 reception area --</p> <p>18 Q Right.</p> <p>19 A she was -- which is "Reception hNo.2" --</p> <p>20 Q Okay.</p> <p>21 A She evidently was in there.</p> <p>22 Q All right.</p> <p>23 A And then I'd go into Leon's office.</p> <p>24 Q You've been told that, or you read that or</p> <p>25 something like that?</p>

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1 A Yeah.

2 Q That she was in the area?

3 A Yes.

4 Q Do you know if you've been told whether she was

5 there permanently, or just in the shutdown?

6 A I haven't been told anything -- I have only read.

7 And I read it in the newspaper.

8 Q Okay. What you've got in front you is

9 some original photos, so that you can see better,

10 but we're not going to mark those, for chain of

11 custody purposes.

12 A Okay.

13 Q But I've got copies right next to them, and the

14 Grand Jury has copies of most of them. So if I did this

15 right, the real photos are going to match the copies.

16 Just for record purposes, you'll see the copies are

17 marked starting with EB-6, okay?

18 A Okay.

19 Q And we can ignore -- well, let me just ask you

20 this: Do you recognize the person on EB-6 -- the female who

21 is on the far right of that photo?

22 A Yeah. But if you read the paper, yeah. I mean --

23 Q That was a stupid question.

24 A Right.

25 Q Yeah. You recognize her.

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1 A Right.

2 Q And I see there's general agreement with that

3 proposition.

4 A Right.

5 Q You have seen her picture a lot on TV.

6 A Yes.

7 Q When you saw her, did you say to yourself, "I

8 remember seeing that person or meeting that person" -- not by

9 the name Monica Lewinsky?

10 A No.

11 Q Okay. All rightie. Let's take a look at EB-7.

12 A Can I bring them --

13 Q Yeah. Oh, yes. Yeah. Bring them as close as you

14 want. And I think I can operate from my copies.

15 Tak a look at EB-7.

16 A Yes, sir.

17 Q And we have reason to believe that this is -- as a

18 matter of fact, let me just snatch that from you. As you can

19 tell, on the originals, you've got a date on the back, and

20 that says 17 November 95; is that correct?

21 A Mm-hmm. That's right before I -- right before I

22 left, right.

23 Q You said you left about December 22nd, correct?

24 A Mm-hmm.

25 Q There were two furloughs, were there not -- two

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1 shutdowns during that time period -- do you recall?

2 A Yes. I mean, we were -- I might have said there

3 were more, but I think there were some that just lasted over

4 the weekend.

5 Q Okay. Were you there for both of them?

6 A Yeah, I think so.

7 Q Okay.

8 A If they -- if they occurred before December 22nd,

9 the answer is yes.

10 Q Okay. EB-7, which is there -- are you in

11 that picture?

12 A Sure.

13 Q Okay. You're on the right. And some of

14 these things are just memory -- we're going to go

15 through these fairly quickly. They're memory --

16 potential memory-jogging events.

17 A Ms. Lewinsky is seated at the desk there. That's

18 not a -- you can't tell that that easily.

19 Again, do you have any memory of -- does

20 that refresh your recollection of whether or not you might

21 have run into her, seen her during the furlough period, or

22 shutdown period?

23 A No, but I think that's where Harold -- one of

24 Harold Ickes' people used to sit, instead of Leon's.

25 Q Okay. And of course, nonessential employees were

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1 not there during the shutdown.

2 A Right. Right.

3 Q And interns were used; is that correct?

4 A That's correct.

5 MR. WISENBERG: 'Yes, ma'am?

6 A JUROR: We're having a problem with

7 Monica Lewinsky. Is this supposed to be her in

8 this dark shadow?

9 JURORS: Yes. Yes.

10 A JUROR: You really can't see it.

11 BY MR. WISENBERG:

12 Q Right. The --

13 A You can't see it in the regular picture, either.

14 Q Yeah. It's not a frontal photo in the original.

15 And these originals are up here, and the grand jurors are

16 free to come up and look at them on any break.

17 Let's take a look at EB-8.

18 A Mm-hmm.

19 Q You're in that picture also on the right, with the

20 President and George Stephanopoulos, and --

21 A Gene Sperling.

22 Q That's Gene Sperling who's kind of --

23 A Talking.

24 Q -- leaning against the desk with a paper under

25 his arm?

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<p>1 A Yeah, he's one of our primary budget guys. 2 Q Okay. And then over on the left -- 3 A This -- that's -- he works in -- it was Leon's 4 press guy, Barry Toiv. 5 Q Okay. 6 A And that must be Monica. 7 Q You can't see it very well in the copies, but 8 there's an arm shooting up. It's very lightly copied. For 9 those of you who have copies, right next to Ms. Lewinsky is 0 an arm. It looks like somebody is trying to -- 1 A Change the channel. 2 Q Change the channel. 3 A Or turn the volume up. 4 Q And again, this brings back no memories of 5 Ms. Lewinsky -- nothing remarkable -- 6 A No. 7 Q -- about her? She just happen to be in a picture 8 with you; is that fair? 9 A Yeah. 0 Q Okay. Take a look at the next one. That's EB-9. 1 You're not in this picture. That's the President posing with 2 Ms. Lewinsky. Do you have any recollection of that -- of 3 witnessing that event? 4 A No. 5 Q Okay. I don't know why you would. EB-10 is almost</p>	<p>1 A I don't know what he's looking at 2 Q Okay. This doesn't bring back any memories to you? 3 A No. 4 Q All right_ EB-12? 5 A Right 6 Q A similar shot. Ms. Lewinsky appears to be reading 7 from something. 8 A Mm-hmm. 9 Q And the President and Mr. -- Toiv? 0 A Barry Toiv, right 1 Q -- are perhaps looking in her direction? 2 A I don't know who this other person is. 3 Q There's a unidentified female, FNU LNU -- first 4 name unknown, last name unknown? 5 A I don't know who it -- is that somebody works at 6 the White House? 7 Q No, FNU stands for "first name unknown," and -- 8 A Oh, oh 9 Q -- and LNU is "last name unknown." It's a law 0 enforcement -- it's cop talk. You don't know the person? 1 A I don't recognize him. I might know him if I saw 2 him from the front. 3 Q Okay. I think it's a she, and we've seen here in a 4 previous photo, but from the back also. 5 A Okay.</p>
<p>Page 58</p> <p>1 identical. I don't think the grand jurors have this. And I 2 take it you have no recollection of that? 3 A No, I don't 4 Q Who is the person in the back? 5 A That's Barry Toiv, who is now in the -- the deputy 6 press secretary, who was Leon Panetta's press person when he 7 was there. 8 Q Okay. Let's take a look at EB-11. 9 A Mm-hmm. 0 Q Again, you're not in that picture; is that correct? 1 A That's correct. 2 Q If we take a look at the back, it's the same time 3 frame -- same day, 17 November 1995; is that correct? 4 A Yes. 5 Q And I take it, there are thousands of these, 6 probably hundreds of thousands taken throughout a President's 7 term, correct? 8 A Yes. The photographers follow the President 9 everywhere. They take -- I mean, I'd hate to tell you how 0 many pictures, but they just take, you know, really -- you 1 know, whatever number I use would be an underestimate, rather 2 than an overestimate. 3 Q This is a picture of the President and 4 Ms. Lewinsky. He appears to be looking at her in 5 this shot; is that correct?</p>	<p>Page 60</p> <p>1 Q Let's take a look at EB-13. 2 A Mm-hmm. 3 Q You're back in that one; is that correct? 4 A That's me. 5 Q Some people are watching -- appear to be watching 6 television; is that correct? 7 A Yeah, and eating pizza 8 Q All right. The President is eating pizza. 9 Everyone else appears to be looking at the screen; is 0 that correct? 1 A That's correct. 2 Q Do you have any recollection of the eating pizza 3 during that period? 4 A I'm sure we did, because the mess was closed and we 5 had to order in, and so we probably did. 6 Q All right. The last, but not least, another 7 TV/pizza shot. Again, that's you? 8 A Mm-hmm. Sperling, Harold Ickes, the President, and 9 it looks like the same shot of Ms. Lewinsky. 0 Q Okay. And that's a person we hadn't identified 1 that's in -- or maybe you did, and I just wasn't listening. 2 In both 13 and 14, the person who's -- 3 A It's Harold Ickes. I can tell because he's bald 4 like I am in the back. 5 Q Okay. And that's Mr. Ickes. None of these serve a</p>

<p style="text-align: right;">Page 61</p> <p>1 memory-jogging function for you; is that correct -- with 2 regard to Ms. Lewinsky? 3 A No. But I absolutely promise you you can show me a 4 picture of whoever the intern that was covering for me was, 5 and I wouldn't -- I probably wouldn't recognize that, either. 6 Q Okay. You don't remember anything about -- let's 7 talk about the person in the picture who I've identified as 8 Monica Lewinsky. You don't remember anything special about 9 her interaction with the President? 0 A No. 1 Q You don't remember if anybody said-- and these 2 questions are meant to be very broad, in the sense that -- 3 feel free at any time you need to to -- if you need to take a 4 break, if you need to just stand up and walk around -- 5 A I'm fine. 6 Q You don't remember anybody saying anything about 7 the interaction of either Ms. Lewinsky -- this person in the 8 picture, or any kind of intern or low-level staffer-- you 9 don't remember hearing any scuttlebutt about interaction 0 between the President and somebody like that during the 1 furlough period? 2 A No. 3 Q Okay. No, you do not remember? 4 A No, I do not remember. 5 Q Okay.</p>	<p style="text-align: right;">Page 63</p> <p>1 A No. 2 Q Did you know who her connection was that helped get 3 her an intern job? 4 A I've read that in the paper. 5 Q Again, don't care about that. 6 A No. 7 Q Unless you read in the paper that it was 8 Walter Kaye and you remembered, "Oh, yeah, Walter Kaye 9 called me about her," or something like that. 10 A Right. No. 11 Q Okay. I take it, you didn't know where her work 12 station was? 13 A No. 14 Q I take it, you can't recall how often you saw her 15 when she was an intern? 16 A No, I cannot 17 Q Do you know anything about her change from being an 18 intern to going to Office of Legislative Affairs? 19 A No. 20 Q You know nothing whatsoever about her tenure in the 21 Office of Legislative Affairs? 22 A (No response.) 23 Q I'm not suggesting that you might 24 A Yes. But -- but I learned it when I was 25 chief of staff.</p>
<p style="text-align: right;">Page 62</p> <p>1 A It's not I don't remember. I just -- I didn't 2 hear it. 3 Q Right. You didn't see it, you didn't hear it 4 firsthand, secondhand, any hand? 5 A I didn't see it, hear it, or think it. 6 Q Okay. Do you know anything about who hired 7 Monica Lewinsky to be an intern? 8 A I've read some stuff now in the paper, you know. 9 Q Okay. Unless I specifically indicate, you know, 0 that I want you to say something based on what you've read, 1 you can assume that any of my questions don't include what 2 you've read in the paper. 3 A Okay. I just don't want to make the mistake of not 4 telling the absolute -- 5 Q No, no, I understand that. And that's why I'll 5 make it -- I'll try to make it easier for you by saying I'm 7 not interested in what you read in the papers -- 8 A Okay. 9 Q -- unless something you read in the paper or saw in 20 the paper triggered an independent earlier memory. 1 A Okay. 2 Q So aside from what you've heard or read in the 3 press, do you know who hired Lewinsky? 4 A No. 5 Q Did you have anything to do with hiring her?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q Okay. Let's talk about that. Let's break it down. 2 And again, we don't care about what's in the newspapers, 3 except for the qualifications I've told you about earlier. 4 A Okay. 5 Q Our best knowledge -- our investigators have 6 determined as best they can right now that she started 7 working in legislative affairs about November the 26th, so 8 it's like right before you've left, you know -- less than a 9 month before you leave; is that correct? 10 A Mm-hmm. 11 Q You have to answer "Yes" or No." 12 A Yes. I'm sorry. 13 Q That's okay. That's all right So 14 contemporaneously, you knew nothing of her job in 15 legislative affairs? 16 A No, I did not. 17 Q Since then, you have learned, through your chief of 18 staff position, that she worked in legislative affairs; is 19 that correct? 20 A That's correct. 21 Q Have you heard anything about what happened to 21 her in legislative affairs? That is to say -- again, I 23 don't care about the press -- you know, why she got 24 transferred out of legislative affairs, who got her 25 the job in legislative affairs.</p>

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<p>1 A Two different questions. 2 Q Yeah. 3 A I do not know who got her the job in 4 legislative affairs. I heard why she got transferred 5 out of legislative affairs. 6 Q Okay. And what is it that you heard? 7 A I heard that she hung around the Oval Office 8 too much. 9 Q And who told you that, if you can recall? 0 A The President. 1 Q Now, did he indicate that he was the one 2 that had -- 3 A JUROR: Who told you that? 4 A JUROR: we didn't hear that 5 THE WITNESS: The President. 6 BY MR. WISENBERG: 7 Q Okay. Did he indicate that he was the one who had 8 her moved because she was hanging around too much? 9 A He did not. He -- 0 Q Okay. Go ahead. I'm sorry. 1 A He told me Evelyn Lieberman did. 2 Q Okay. And do you remember when k told you this? 3 A Yes. 4 Q Okay. Can you tell us about that. 5 A It was in the late summer or early fall</p>	<p>1 was Monica Lewinsky -- who used to work at the White House; 2 that Evelyn -- Evelyn Lieberman, he said "Evelyn" -- thought 3 she hung around tk Oval Office too much and transferred he 4 to the Pentagon. 5 He told me that she was -- I thought he said 6 "related to," but k may have said "referred by" -- a good 7 friend and supporter of his; that he -- she was a friend c 8 Betty's; that she was unhappy where she was working and 9 wanted to come back and work at the OEOB; and could we 10 take a look And I said, "Sure." 11 Q Okay. Did he say who the supporter was? 12 A He did not, to the best of my knowledge. 13 Q Did k say anything other than Evelyn had her moved 14 out because she was bang@ around tk Oval Office too much? 15 A He did -- he did not, to the best of my knowledge. 16 Q Did he indicate that he thought it was unfair 17 that Evelyn had moved her out? Or an overreaction tha 18 Evelyn Lieberman had had her moved out? 19 A I don't think so. 20 Q Did he specifically tell you, "I don't want her 21 back in the White House," itself, or was it just that he 22 said, "Let's see if we can get her into OEOB"? 23 A I don't remember him telling me he didn't want her 24 in the White House. 25 Q But you do remember that he specifically said,</p>
<p>Page 66</p> <p>1 of last year. 2 Q All right. 3 A In 1997. 4 Q In 1997. Okay. Prior to that time, had you ever 5 heard the name Monica Lewinsky? 6 A Not -- oh, I'm -- I'm sure I had, because she 7 worked in Leon's office when I was there as deputy chief of 8 staff. So I probably heard her name, but I didn't have any 9 recall of it. 0 Q Okay. No particular matter of substance 1 involving Monica Lewinsky until late summer-early fall 2 of 1997, correct? 3 A That's correct. 4 Q All right. Just tell us about that. It takes me out 5 of the natural progression of my outline. 6 A I'm sorry. 7 Q But nevertheless, tell us about that. Why don't 8 you tell us about that now -- everything you remember 9 about this. 0 A About the -- 1 Q This conversation with the President in late summer 2 and fall of 97 -- and with anybody else. 3 A It was very short. It was just the President and I 4 in the oval Office. 5 He told me that there was a young woman -- her name</p>	<p>Page 68</p> <p>1 "Let's see if we can get her into OEOB"? 2 A Yeah, I do. Yes. 3 Q Okay. Getting rid of somebody who was hanging 4 around the Oval Office too much -- that wouldn't strike you 5 as anything wrong with that, correct? 6 A No. It happens from time to time. And this 7 happens -- you know, it doesn't happen frequently, but it 8 happens from time to time. We had a really -- somebody I 9 thought was a really fine woman who evidently got transferred 10 out not, you know, six months or so ago. 11 Q For that reason? 12 A Yeah. And it's -- she's a wonderful person. I 13 mean -- but she's just -- you know, the people evidently must 14 have thought she was hanging around the Oval Office too much. 15 Q Okay. And I don't want to know what her name is, 16 unless she has anything to do with our case. As far as you 17 know, does she have anything to do with -- 18 A No. 19 Q -- Monica Lewinsky or Kathleen Willey or the 20 Paula Jones case? 21 A No. 22 Q Okay. Did the President say, if you can recall -- 23 you mentioned that she was either related or close with a 24 supporter of his; is that correct? 25 A I said I thought he said "related to." He may have</p>

<p style="text-align: right;">Page 69</p> <p>1 said "referred by." I don't -- I don't know.</p> <p>2 Q Okay. And friends with Betty?</p> <p>3 A Right.</p> <p>4 Q And that she's friends with Betty. Did he indicate</p> <p>5 to you in any way that he's making this request for Betty?</p> <p>6 In other words, Betty wants this done or the friend wants</p> <p>7 this done. Or was just in passing mentioning, "She's friends</p> <p>8 with Betty. She's referred by this supporter. See if you</p> <p>9 can get her into OEOB." Do you understand the distinction</p> <p>10 I'm making?</p> <p>11 A Yeah, He didn't say -- but he didn't -- I mean, I</p> <p>12 want to make sure I say -- not use your words, but use -- I</p> <p>13 think, the best as I recall -- because I've thought about</p> <p>14 this a lot.</p> <p>15 I mean, I think what he said is she had been</p> <p>16 transferred to the -- to the Pentagon because Evelyn thought</p> <p>17 she hung around the Oval Office too much. But she was</p> <p>18 unhappy there and wanted to come back and work in the OEOB,</p> <p>19 and could we take a look, you know. And I think that was</p> <p>20 it I don't think he said anything else.</p> <p>21 Q Okay. All right.</p> <p>22 A He may have, but that's all I remember.</p> <p>23 Q Okay. And if I ask you a general question and then</p> <p>24 ask you some more specific, it's not because we don't believe</p> <p>25 you. It's because sometimes when you ask a witness more</p>	<p style="text-align: right;">Page 71</p> <p>1 that he made this request to me after the meeting.</p> <p>2 Q Okay. It was one request, in other words?</p> <p>3 A I believe so.</p> <p>4 Q Do you recall anything about that meeting?</p> <p>5 A No. I have lots of different meetings with the</p> <p>6 President every day. If -- if I knew what the subject of the</p> <p>7 the meeting was or what the day was, I could probably recall</p> <p>8 a lot about meeting.</p> <p>9 I just -- just you know, not knowing what the</p> <p>10 subject is -- whether it was on the budget or whether it was</p> <p>11 on something else -- you know, Mideast policy or something --</p> <p>12 I could recall a lot about it. But I -- I just don't -- you</p> <p>13 know, since I have so many different meetings, and this was</p> <p>14 just is a one off request --</p> <p>15 Q Sure. Do you remember whether it was a morning,</p> <p>16 afternoon, evening meeting?</p> <p>17 A I really don't.</p> <p>18 Q Anything about the request that struck you</p> <p>19 as unusual?</p> <p>20 A No, because he has made similar requests</p> <p>21 in the past.</p> <p>22 Q About people who are unhappy where they are and</p> <p>23 want to be transferred?</p> <p>24 A Or people who, you know, he's interested in, you</p> <p>25 know, who want to go work somewhere else or come work</p>
<p style="text-align: right;">Page 71</p> <p>1 specific things, it will jog a memory. That's all.</p> <p>2 A Yeah I'm -- I've only heard this woman's name a</p> <p>3 couple times, and I -- and I want to be sure --</p> <p>4 Q Yeah.</p> <p>5 A I don't want to, you know, say anything wrong.</p> <p>6 Q Do you recall whether or not he told you that he</p> <p>7 thought -- well, let me try to be careful here.</p> <p>8 Do you recall whether or not, in this conversation,</p> <p>9 the President said that Ms. Lewinsky thought it had been</p> <p>10 unfair how she had been moved out the White House?</p> <p>11 A I really don't remember anything other than what I</p> <p>12 have told you.</p> <p>13 Q What you've said. Okay. What did you do to</p> <p>14 effectuate the President's desires?</p> <p>15 A The President's only desire he told me was could we</p> <p>16 take a look. And I did what I do -- have done other times</p> <p>17 when the President has asked me to do similar things and what</p> <p>18 I do with every personnel thing: I handled it in a very</p> <p>19 routine manner. I went and told John Podesta -- who's my</p> <p>20 deputy who handles that -- exactly what I was told, to the</p> <p>21 best of my knowledge, and that was it.</p> <p>22 Q Okay. Was this an one-item request, or was this</p> <p>23 part of several things on a particular day the President was</p> <p>24 asking you to do?</p> <p>25 A I believe this was after a meeting, and I stated</p>	<p style="text-align: right;">Page 71</p> <p>1 at the White House.</p> <p>2 Q But in terms of what you've reported what you</p> <p>3 remember, this didn't alarm you, concern you, or anything?</p> <p>4 A No, not even a little bit.</p> <p>5 Q Okay. The fact that it was somebody who Evelyn</p> <p>6 thought was hanging around too much, and he wants to bring</p> <p>7 them back, at least a little closer -- the President, that is</p> <p>8 -- that didn't bother you. I'm not suggesting you should</p> <p>9 be. I just wondered --</p> <p>10 A No, no, and I'm not suggesting I am, either.</p> <p>11 Q Yeah.</p> <p>12 A No. As I -- it didn't. I mean, it really didn't,</p> <p>13 you know. If I had -- and I don't remember doing it -- I</p> <p>14 would have thought this was a -- you know, the niece or</p> <p>15 a relative of a real good friend, and maybe that person</p> <p>16 was upset. But I -- I don't remember stopping and thinking</p> <p>17 of that.</p> <p>18 Q Sum. I don't have a watch, so anyone who wants to</p> <p>19 stop me can stop me whenever they want -- whenever the time</p> <p>20 is appropriate.</p> <p>21 Do you remember if you took any notes about this?</p> <p>22 A I don't think I did.</p> <p>23 Q If you had, presumably, they would have been found</p> <p>24 in response to our subpoena --</p> <p>25 A Absolutely.</p>

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<p>1 Q -- and turned over to us? 2 A Yes. 3 Q And you wouldn't have those; somebody eke at the 4 White House have those notes -- is that correct? 5 A Yeah I don't have them. 6 Q If they even exist. 7 A And I don't think I had them, yeah. 8 Q Is there any document you're aware of that could 9 help pinpoint when this discussion was? 10 A If I had it, or if I knew, I would absolutely 11 tell you-- 12 Q Okay. Just -- the best you can do is 13 late summer-early fall? 14 A Right. 15 Q All right. You took it to Podesta. And what did 16 he do? 17 A I don't know. 18 Q All right. You never got any feedback from him? 19 A No. But I -- but I don't normally ask for feedback 20 on anything like that. I just -- on all -- whether it's 21 coming from a Senator or a Congressman or the President or 22 from somebody making a request, I just pass it off, and it's 23 not my responsibility. 24 Q And this wouldn't be one of the kind of requests 25 that you talked about earlier that you would expect it to be</p>	<p>1 request, but really, don't work too hard on this, or anything 2 like that? 3 A I didn't pick up any signals. If he didn't want me 4 to do it, I would have never told Podesta, you know. I just 5 passed it along to him, like I would in the ordinary course. 6 Q Okay. 7 A Which I have done many times in the past. 8 Q The -- 9 A It would be unusual if I did anything else. 10 Q Okay. Let's go back for a minute. Your answer was 11 you had no contemporaneous information about how Ms. Lewinsky 12 purchased her job in legislative affairs, correct? 13 A I have none, and had none, and I don't 14 still have any. 15 Q Now, how we got into this area was, I had asked you 16 about what you knew how she got transferred from legislative 17 affairs to the Pentagon. 18 Did you hear anything from anybody else, other than 19 the President, about how and why she got transferred -- 20 again, excluding the newspapers? 21 A No. 22 Q Did you know anything at the time or hear anything 23 about her work habits when she was in legislative affairs? 24 A No. 25 Q And have heard nothing since that time, other than</p>
<p>1 accomplished and you to hear about it? 2 A Well, I -- you know, I said expect it to be 3 accomplished, but I don't have to get a report back, 4 you know -- 5 Q Okay. Right. 6 A -- you know, on whatever the assignment is. 7 If it's, you know -- when Sheila Jackson Lee called me 8 the other day and said she wanted to go on the Africa trip, 9 and Sylvia Matthews was in charge of that, you know. I told 10 that to Sylvia, but I didn't expect Sylvia to get back and 11 tell me that Sheila Jackson Lee actually got to go on the 12 Africa trip. 13 Q Yeah. I meant the question to be inclusive. You 14 didn't expect it to be something that you wanted accomplished 15 and got a report on it. 16 I take it, there are some things you do want 17 report back on, but this wasn't important enough to get a 18 report back. 19 A I wanted John to look into. If it made sense, he 20 could he do it; if it didn't make sense, he didn't have to 21 do it. 22 Q I might have asked this in a slightly different 23 way: You didn't perceive that you were getting any kind of 24 secret message or implicit message from the President that he 25 didn't really want you to do this; he was kind of making the</p>	<p>1 the media? 2 A Correct. 3 Q Give me just a moment here. Your answers are 4 causing about 80 questions not to be asked. So this is -- 5 A You can ask me any questions. 6 Q No, no. I'm just -- there are a lot of particular 7 ones that don't need to be asked anymore. 8 Who would be the person who -- obviously, 9 Evelyn Lieberman would have been deputy chief of staff when 10 she made that determination to move Monica Lewinsky. would 11 that be atypical for somebody in that position to take the 12 determination to move somebody out? 13 A Every -- every manager handles the job a little bit 14 differently. Again, I know all of the grand jurors who -- 15 who have worked outside the home know that, you know, that 16 you can have a manager in the same function, and they're 17 going to handle the job differently than the manager who had 18 that same job before. They're not going to do things just 19 the same. 20 I'm not surprised that Evelyn would do something 21 like this. I'm not sure I would have done in the same way, 22 just like I don't manage in the same way Leon does, but we 23 have the same exact job. 24 Q You say you're not sure you would have done it the 25 same way. Does that mean just in terms of who would have</p>

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1 made **the** decision, or whether or not you would have taken as
 2 **drastic a step?**
 3 **A** Well, I don't know if it even was a **drastic step.**
 4 **You know,** transferring to **the Pentagon** is not **the** end of the
 5 world, I don't believe. **There might be** a lot of **people** that
 6 would like to be transferred to Pentagon today.
 7 **so again, I -- you know, I didn't --** what is
 8 your question?
 9 **Q** That's **something** that's **often** asked.
 0 **A** **No, I just want to make sure I understand.**
 1 **Q** Okay. I didn't mean to imply that that was a
 2 **drastic action. I guess what I was inquiring was, it might**
 3 **have been done organizationally a different way. If you were**
 4 **there, you might not have been the person to make a decision**
 5 **like that Is that all you're saying?**
 6 **A** **Right.**
 7 **Q** Okay. You've never discussed this with
 8 Evelyn Lieberman? Obviously, you didn't at the time,
 9 but you've never discussed it since then with her, is
 0 that correct?
 1 **A** That's **correct.**
 2 **Q** **Other than** the discussion you have mentioned,
 3 **have you ever had a discussion with the President about**
 4 **Monica Lewinsky -- any other conversations?**
 5 **A** **Yes.**

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1 **Q** Okay. Tell us about those.
 2 **A** Okay. **There have been two, other than the one I**
 3 **just mentioned.**
 4 **Q** Okay.
 5 **A** **One was in January of this year -- sometime between**
 6 **the 4th and the 20th. And I can't tell you any more closely**
 7 **because I don't know. But I came back from vacation on the**
 8 **4th, and the 20th is when I first heard about this stuff.**
 9 **I was in the Oval Office with the President. He**
 0 **asked me if I remembered Monica Lewinsky and said she was a**
 1 **young woman who used to work in leg. affairs -- which I**
 2 **didn't know before.**
 3 Used to work in leg. affairs, who Evelyn had
 4 transferred to the Pentagon because she hung around the
 5 Oval Office too much -- or because **she** thought she hung
 6 around the Oval Office too much.
 7 **And that she had found a job in the -- the private**
 8 **sector, and that she had listed John Hilley as a reference,**
 9 **and could we see if he could recommend her, if asked**
 0 I said **back to him,** you know, "I'm **sure** John would
 1 **recommend her, but it will be based on, you know, whatever**
 2 **her job performance was."** And he said, "Fine."
 3 **And I went and handed that to John Podesta, as I**
 4 **normally would do, and I don't know what happened after that.**
 5 **Q** Okay. John Podesta never gave you any feedback

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1 **on** that?
 2 **A** I don't know if John -- I don't know anything about
 3 what **John** did **on** that, no.
 4 **Q** Okay.
 5 **A** But -- but again, that's not unusual. It would **be**
 6 **unusual if he did.**
 7 **Q** Do you remember if -- and again, this is an example
 8 **where you've given an answer, but I'm going to ask a more**
 9 **specific question.**
 0 **Do you recall John Podesta or anyone else coming**
 1 **back to you and saying, "Hilley will do it, but he says she**
 2 **really didn't perform very well?"**
 3 **A** No.
 4 **Q** And that's **something,** being so recent, you would
 5 **probably remember if he had said to you?**
 6 **A** **Yeah.**
 7 **Q** If he found that out, would you have wanted him to
 8 **do tell you -- Podesta -- if he found something like that**
 9 **out? He goes to Hilley, Hilley says, "I'll do it, but by the**
 0 **way, she didn't perform well?**
 1 **A** No. I'd want him to handle it, you know, and not
 2 -- and for Hillary not to write the recommendation, or not
 3 give a **recommendation.**
 4 You know, that's -- you know, it's like -- I'll
 5 give you an example. **I was asked by a father who's a good**

Page b.

1 **friend of mine to -- to recommend his son for a job at the**
 2 **Department of Justice, working for, I think, the deputy**
 3 **solicitor general -- I forget his name.**
 4 **And I called him I up, and I said, "Look, I know**
 5 **this kid. He's a great kid." You know, "I like his father**
 6 **a lot. And, you know, I know you're looking at him for this**
 7 **job, and I just wanted you to know that I think highly**
 8 **of him."**
 9 **And he said, "Erskine, does that mean you want**
 0 **me to hire him?" I said, "Absolutely not. What it means**
 1 **is, I want you to know he's a good kid, and I want you to**
 2 **hire the best person for the job, period. And if this guy**
 3 **is not it --"**
 4 **He said, "Well, would you tell me if you really**
 5 **wanted me to hire him?" I said -- I said, "No. What I would**
 6 **tell you is, hire the best person, but I want you to know**
 7 **that is somebody that I -- you know, I like."**
 8 **But that's just the way I am. I mean, I believe**
 9 **there's -- I think you know this -- a right way and wrong**
 0 **way. And I wouldn't -- I would never ask somebody to make a**
 1 **recommendation they didn't feel comfortable with.**
 2 **Q** Okay.
 3 **A** All right? And John **Hilley** would tell you that.
 4 **Q** **And I take it, not only did Podesta not get back**
 5 **to you with any information like I've described, but nobody**

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1 else did either?
 2 A No.
 3 Q Okay. Was this request that the President made
 4 of you, telling you that this person had listed Hilley,
 5 reminding you of the Evelyn story, seeing if Hilley could
 6 write her a recommendation -- was this an unusual type
 7 request from the President?
 8 A No, it wasn't. He's asked me to recommend other
 9 people in the past -- which I've been happy to either do when
 0 it was -- when I knew them personally or to handle in the
 1 appropriate way.
 2 Q Okay. But here's a situation where k's not asking
 3 you to recommend. You've got a person who, in every job
 4 she's had at tk White House or Pentagon, is a relatively
 5 low-level person, and k's asking you to have this fellow
 6 make tk recommendation.
 7 Is there any -- given tk incredibly high level
 8 you're at -- you're tk -- basically, you're the chief of
 9 staff to the President of the United States. And so --
 0 A Its not as high as you might think.
 1 Q We're not there. You are.
 2 A Right.
 3 Q Is this something for this President, in his
 4 relationship with you, that's at all out of the ordinary?
 5 A It's really not, you know. If he -- you know, if

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1 he thinks something of somebody or -- you know, I've seen him
 2 do, you know, so many extraordinary things like this that
 3 it's not unusual for him. It might be unusual for other
 4 people you know, but not for this guy.
 5 I mean, he -- he really goes out -- he cares just
 6 as much about the people that are here (indicating), as he
 7 does -- as a matter of fact, he cares more about the people
 8 there (indicating).
 9 And, you know, again, if I had thought anything --
 0 and I don't remember thinking this -- but, you know, I would
 1 have thought that maybe one of his friends -- you know, this
 2 good buddy of his was mad because his daughter got treated
 3 badly or his relative got treated badly at the White House
 4 and wanted make sure that they got a recommendation, based on
 5 their work performance, and not on hanging around the Oval
 6 Office.
 7 But I don't remember thinking that.
 8 Q Other than --
 9 A I hadn't stopped -- tried to stop to think about.
 0 I just processed it. I handed it off.
 1 Q Sure. One of many things given to you in the day
 2 to do?
 3 A By a million different people. Not -- that's an
 4 exaggeration -- by lots of different people.
 5 Q Now, did he say anything other than private

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1 sector? Did he mention where -- the city or --
 2 A He did not
 3 Q Didn't mention who might be helping her?
 4 A He did not.
 5 Q Okay. You said there were two other conversations.
 6 A Yes.
 7 Q A Can you tell us the second one.
 8 A Oh, the second -- and that's -- these are the
 9 only ones -- was the day that the -- this whole thing broke
 0 in the newspaper.
 1 Q Okay. The Washington Post story?
 2 A The Washington Post story. See, that was the 21st;
 3 is that right?
 4 Q Yes.
 5 A And I meet with the President with my two deputies
 6 each morning at approximately 9 o'clock. And we update him
 7 on what's going on in the world since he went to bed, and
 8 what we plan to do that day and what we see coming up
 9 in the future.
 0 And as you can imagine, this was an extraordinarily
 1 busy time because we had the state of the union coming up, we
 2 had the budget coming up, we had Arafat. I think that was
 3 the day he was coming in -- or it may have been Netanyahu.
 4 But one of tk two were coming in that day.
 5 And this was tk day this huge story breaks.

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1 And the three of us walked in together -- Sylvia Matthews,
 2 John Podesta, and me -- into tk Oval Office, and tk
 3 President was standing behind his desk.
 4 Q About what time of day is this?
 5 A This is approximately 9:00 in the morning, or
 6 something -- you know, in that area.
 7 And he looked up at us and he said the same thing
 8 he said to the American people. He said, "I want you to
 9 know I did not have sexual relationships with this woman
 10 Monica Lewinsky. I did not ask anybody to lie. And when the
 11 facts come out, you'll understand"
 12 Q All right. What else did k say?
 13 A That was you all. I made a response, but he --
 14 Q Okay. And what was your response?
 15 A I said, "Mr. President, I don't know what the facts
 16 are. I don't know if they're good, bad, or indifferent. But
 17 whatever they are, you ought to get them out, and you ought
 18 to get them out right now."
 19 Q Okay. What did k say?
 20 A I don't think k made any response, but k didn't
 21 disagree with me.
 22 Q And you're remembering as best you can his
 23 exact words?
 24 A As best I can recall. I can't promise you that any
 25 of the things I've told you are exact words. They're all to

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<p>1 the best of my recollection.</p> <p>2 Q Sure. Okay. Have you been pretty much -- I know</p> <p>3 00 some other things you've been -- I know, for instance, on</p> <p>4 Whitewater/Madison Guaranty-related topics, you have tried to</p> <p>5 insulate the people dealing with that issue from the people</p> <p>6 dealing with the &y-today business of how the country gets</p> <p>7 run; is that a fair statement?</p> <p>8 A That's 100 percent correct.</p> <p>9 Q Has there been an effort to do that with</p> <p>0 this also?</p> <p>1 A Absdlutely. Otherwise, you could not do the</p> <p>2 work of the people, if you let this creep throughout the</p> <p>3 White House. It would be horrible.</p> <p>4 Q Okay. And does that mean that you are pretty much</p> <p>5 out of the loop on this, in terms of decisionmaking about how</p> <p>6 to respond to what we'll call the Lewinsky crisis?</p> <p>7 A That's correct.</p> <p>8 Q For instance, you don't engage in discussions with</p> <p>9 Robert Bennett about this?</p> <p>0 A No, I do not.</p> <p>1 Q You don't engage in discussions with David Kendall</p> <p>2 about this?</p> <p>3 A No, I do not.</p> <p>4 Q Do you engage in discussions with people like</p> <p>5 Rahm Emanuel, Harold Ickes, Mickey Kantor, Paul Begala,</p>	<p>1 leak any information within the White House about any aspects</p> <p>2 of the crisis?</p> <p>3 A Not once -- ever.</p> <p>4 Q Okay. Your advice to the President -- "Whatever</p> <p>5 the facts are, you need to get them out and get them out</p> <p>6 right now" -- in your opinion, has your advice been followed?</p> <p>7 A In my opinion, the President had followed the</p> <p>8 advice of his counsel, which is probably better advice than</p> <p>9 what I gave him.</p> <p>10 Q Okay. His counsel being Kendall or Bennett --</p> <p>11 or both?</p> <p>12 A Whoever -- whichever one of those is handling this.</p> <p>13 Q Okay. All right. But it isn't the advice you</p> <p>14 gave. Whether your advice is right or wrong, it hasn't been</p> <p>15 the advice you gave; is that correct?</p> <p>16 A It was not the advice I gave.</p> <p>17 Q Did you ever talk to Marsha Scott about</p> <p>18 Monica Lewinsky?</p> <p>19 A I don't think so.</p> <p>20 Q okay. Do you know that Monica Lewinsky was talking</p> <p>21 to Marsha Scott, roughly from May to September of '97, about</p> <p>22 whether or not she could be brought back into the -- "she,"</p> <p>23 being Monica -- could be brought back into the White House</p> <p>24 or the OEOB?</p> <p>5 A When?</p>
<p>Page 86</p> <p>1 James Carville about this?</p> <p>2 A None of the outsiders. The people inside the</p> <p>3 White House -- I mean, sometimes when in the morning I pick</p> <p>4 up the paper and I read something and, you know, I guess</p> <p>5 just like everybody else, you say -- sometimes it's true and</p> <p>6 sometimes it's not but, you know, you read it and you say,</p> <p>7 "Good God."</p> <p>8 And, you know, I'll say that and -- you know, and</p> <p>9 we'll shoot the breeze about it for a minute, but besides</p> <p>3 that, no -- just the stuff you read in the paper.</p> <p>1 Q You are not a decisionmaker in any way about the</p> <p>2 political or legal response to the Monica Lewinsky crisis?</p> <p>3 A No. I believe that the right way for a White House</p> <p>4 to respond to something -- some extraneous event is to</p> <p>5 isolate it</p> <p>6 In the -- in this case, since this is before the</p> <p>7 independent counsel, to isolate it in the legal department.</p> <p>3 and to only have those people that have to respond to</p> <p>9 questions from the press interact with those people, and the</p> <p>9 legal people can make the decision as to what to tell them.</p> <p>1 The rest of us ought to stay out of it and stay</p> <p>2 focussed on education, the environment, you know, and trying</p> <p>3 create some jobs.</p> <p>4 Q Im not saying that there would necessarily be</p> <p>5 anything wrong with this, but have you author&i anybody to</p>	<p>Page 87</p> <p>1 Q From roughly --</p> <p>2 A No. The answer is no.</p> <p>3 Q Okay.</p> <p>4 A But she said she was talking to her when through</p> <p>5 when -- just out of interest?</p> <p>6 Q Let me just ask you it this way: Do you have any</p> <p>7 knowledge of Monica Lewinsky talking to Marsha Scott on and</p> <p>8 off between May and September of '97 about getting back into</p> <p>9 the White House or OEOB?</p> <p>10 A No.</p> <p>11 Q And again, I'll ask you, as best you can, to try to</p> <p>12 speak up.</p> <p>13 A No.</p> <p>14 Q Our investigators have received information to this</p> <p>15 effect, and I thought it was interesting, given that you were</p> <p>16 operating on one track, even though it was briefly, and all</p> <p>17 you did was talk to Mr. Podesta. You have no memory of</p> <p>18 knowing anything that Marsha Scott was doing?</p> <p>19 A No. I mean, but Marsha, you know, has her own</p> <p>20 direct line to the President, so --</p> <p>21 Q Okay. Did Betty Currie ever ask you to call</p> <p>22 Marsha Scott on Ms. Lewinsky's behalf?</p> <p>23 A Not to the best of my knowledge, no.</p> <p>24 Q I know you don't know that Marsha Scott was talking</p> <p>25 to her --</p>

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1 A Right.
 2 Q -- but do you know if anybody else was talking to
 3 Ms. Lewinsky in that general time frame -- let's say spring
 4 through fall of '97 -- about getting a job in the White House
 5 or the OEOB?
 6 A No.
 7 Q Do you know if anybody was talking to her in that
 8 time frame about getting a job in the private sector?
 9 A No. I mean, I know what I read in the paper, but
 10 that's all.
 11 Q Again, we don't care about that --
 12 A Okay.
 13 Q -- unless we otherwise indicate.
 14 I take it from your previous answers, you never
 15 in any way helped Monica Lewinsky get into the White House.
 16 I'm not talking about for a job, but simply access to the
 17 White House at any time after she was at the Pentagon?
 18 A I did not.
 19 Q What do you know of your own personal knowledge
 20 about any romantic, physical, or sexual activity of any kind
 21 between Ms. Lewinsky and the President?
 22 A I know nothing about that.
 23 Q What you heard from any source -- other than the
 24 press -- about any romantic, physical, or sexual activity
 25 between Monica Lewinsky and the President?

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1 A Other than the press, I know nothing.
 2 Q Okay. Nobody --
 3 A Other than what the President told me --
 4 Q Right.
 5 A -- which I reported to you all earlier.
 6 Q Okay. George Stephanopoulos hasn't called you up
 7 and said, "It really happened"?
 8 A I haven't talked to George in, you know --
 9 Q Okay. I mean, that would just be an example.
 10 Nobody has come up to you in the hallway and said, "Look,
 11 this probably happened," or "It did happen," or anything
 12 like that?
 13 A I honestly don't think anybody -- you know, I don't
 14 know anybody at the White House that knows anything about the
 15 substance of this.
 16 Q Okay. Have you seen anything or heard anything
 17 from any source which, based on your full knowledge, has
 18 caused you to think -- and here I'll include -- I'll include
 19 the press, among other things.
 20 Have you seen anything or heard anything from any
 21 source which, based on your full knowledge, has caused you
 22 think there may have been romantic, physical, or sexual
 23 activity between Ms. Lewinsky and the President?
 24 A Will you ask me the question again?
 25 Q You bet. Have you seen anything or heard anything

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1 from any source which, based on your full knowledge --
 2 everything you do -- has caused you think there may have been
 3 romantic, physical, or sexual activity between Ms. Lewinsky
 4 and the President?
 5 A And here, you include the press?
 6 Q Yeah.
 7 A All right. Let me say what I think. All I can
 8 tell you is: This guy who I've worked for looked me in the
 9 eye and said he did not have sexual relationships with her.
 10 And if I didn't believe him, I couldn't stay. So
 11 I believe him. And therefore, I do not believe this type of
 12 innuendos I've read in the press, and I definitely don't want
 13 to believe them.
 14 Q Okay. The reason I included the press was I
 15 mentioned earlier about how you can read something in the
 16 press that will trigger a memory. And so my point was --
 17 A I have no -- zero, nothing.
 18 Q Okay. Other than what you've told us so far -- I'm
 19 going to ask a hindsight question.
 20 Given what you've heard about the allegations now,
 21 is there any event you originally did not think significant
 22 that you now think is significant -- other than what you've
 23 already told us?
 24 A No. I told you -- I told you about two routine
 25 things that I handled, and that's all I know about this.

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1 Q You never had any direct discussions with
 2 Monica Lewinsky at any time about her leaving the
 3 White House?
 4 A No.
 5 Q Far as you know, you've never seen any gifts from
 6 Monica Lewinsky to the President?
 7 A I have not.
 8 Q Okay. Do you ever recall seeing Monica Lewinsky
 9 with the President?
 10 A Well, I've seen these pictures, but other
 11 than that, no. And I saw the film on TV that shows
 12 her in a crowd.
 13 Q Okay.
 14 A But that's all I've seen.
 15 Q But there's absolutely no memory -- and even
 16 this you don't really remember; you've just been shown
 17 the pictures.
 18 A Right.
 19 Q So she was not a person you were conscious of --
 20 A Yeah, you could have --
 21 Q -- when she was working there?
 22 A You could have substituted any of the grand jurors
 23 in that picture, and I would have had the same memory.
 24 Q Okay. Do you know Linda Tripp?
 25 A No.

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<p>1 Q Can you tell us about, in general, your 2 relationship with Vernon Jordan. 3 A Vernon Jordan is a good friend of mine. 4 Q You've known him for a while? 5 A I've known him since I went to work at the 6 White House. 7 Q '92? Or actually, '93. 8 A I've known of him for a long time, yes, sir. He's 9 been a real hero of mine. 10 Q How often do you talk with him, typically? 11 A Oh, gosh, before this came up, a couple times 12 a week. 13 Q Okay. And since this came up? 14 A I think once. 15 Q Okay. What type of things do you typically 16 talk about? 17 A Everything under the moon. I mean -- I mean, 18 Vernon is terrific, and he -- you know, everything from 19 foreign policy to jokes to golf to -- I mean, everything, to 20 -- you know, to stories about his days in the movement. I 21 mean, Vernon is terrific. 22 MR. WISENBERG: Have we been 45 minutes? Do you 23 need to take a little -- 24 JURORS: Longer. 25 MR. WISENBERG: Pardon?</p>	<p>1 is that correct? 2 DEPUTY FOREPERSON: That is correct. 3 MR. WISENBERG: There are no unauthorized persons 4 in the Grand Jury room? 5 DEPUTY FOREPERSON: There are none. 6 MR. WISENBERG: 7 DEPUTY FOREPERSON: Mr. Bowles, I need to remind 8 you you're still under oath. 9 THE WITNESS: Yes, ma'am. 10 MR. WISENBERG: Okay. I've been informed by the 11 grand jurors that we're going to try to work through -- take 12 a later lunch than usual, so that we can get you on your way. 13 THE WITNESS: Thank you very much. If you can't, 14 I understand. 15 A JUROR: Oh, we will. 16 BY MR. WISENBERG: 17 Q We were starting to talk about Vernon Jordan, 18 correct. 19 A Yes, sir. 20 Q Before I do that, let me ask you a question about 21 what I'm going to call the appearance issue. 22 A Okay. 23 Q During the time you've been chief of staff and 24 also when you were deputy -- and this applies to all those 25 situations -- given some of the issues that came out about</p>
<p style="text-align: right;">Page 94</p> <p>1 JURORS: Longer. 2 THE WITNESS: We have. 3 MR. WISENBERG: Okay. Shall we take a mini-break? 4 FOREPERSON: Mm-hmm. 5 MR. WISENBERG: Okay. What is it? How do you 6 define a mini-break? 7 A JUROR: Seven minutes. 8 MR. WISENBERG: Seven -- we're going to take a 9 seven-minute mini-break. 10 FOREPERSON: Wait a minute. Wait. Hold it. That 11 didn't come out of my mouth. 12 MR. WISENBERG: Oh, oh. Sorry. I apologize. I 13 forgot the chain of command. 14 FOREPERSON: A mini-break is 10 minutes. 15 MR. WISENBERG: Okay. We're going to take -- and 16 that's JUST -- Grand Jury standard time -- which means that 17 10 minutes isn't always 10 minutes, so we'll come get you. 18 THE WITNESS: Okay. I'll be out here. 19 MR. WISENBERG: All right. Thank you. 20 (A break was taken from 12:15 p.m. until 21 12:26 p.m.) 22 * * * 23 MR. WISENBERG: Let the record reflect 24 that the witness had reentered the Grand Jury room. I 25 understand from the deputy foreperson that we have a quorum;</p>	<p style="text-align: right;">Page 96</p> <p>1 President Clinton as early as the '92 campaign -- the 2 Gennifer Flowers-type issues -- did you all make an extra 3 effort, because of the appearances question in regard to 4 those types of issues, to not have him in situations -- 5 either around the White House or when he traveled -- where 6 people could engage in rumor-mongering? 7 A You know, actually, I read that in a 8 National Journal article that Leon said that. And I 9 don't remember making a specific effort to make sure that 10 he wouldn't -- that he wouldn't be alone with a female or 11 -- I mean, I'd heard the rumors from -- you know, the 12 Gennifer Flowers rumors, and those kind of things -- but 13 it did not occur to me, nor did I believe that the President 14 was having any kind of sexual relationships with anyone 15 outside his wife. 16 Q Right. But on this issue of whether or not you 17 believed it -- because others might. This idea of appearance 18 issue -- did that inform any or your judgments about 19 scheduling and traveling and things like that? 20 A What we did is we always had, you know, one of the 21 deputy chiefs of staff travel with the President wherever 22 he went. And I was in charge of all of the foreign trip 23 and Harold Ickes was in charge of all the domestic trips. 24 And on the foreign trips, you know, sometimes 25 Mrs. Clinton went, and sometimes she didn't go. But I didn't</p>

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<p>1 go out of my way to make sure that he was excluded from 2 having anybody with him at any time -- ever.</p> <p>3 Q But do you know if that's one of the reasons that a 4 deputy in the Panetta regime always went with him on a flight 5 -- again, to avoid even the appearance. I'm not saying that 6 you thought there was --</p> <p>7 A I know --</p> <p>8 Q Yeah.</p> <p>9 A I know what you're saying. That's not why a deputy 10 went -- at least, not my knowledge. I went because I ran 11 that darn trip, you know. I made sure he was on time, that 12 people did their job, that they did what they were supposed 13 to do, that the President -- you know, who doesn't move at 14 the right pace, or doesn't move at the assigned pace a lot 15 of times -- you know, did what he was supposed to do, when he 16 was supposed to do it. So no, I did not.</p> <p>17 Q Okay. Have you ever discussed Monica Lewinsky with 18 Vernon Jordan?</p> <p>19 A No.</p> <p>20 Q Either before or after this --</p> <p>21 A No.</p> <p>22 Q -- has become a big news issue?</p> <p>23 A No.</p> <p>24 Q Okay. Is there any particular reason for that?</p> <p>25 Did you all make a conscious decision not to talk about it</p>	<p>1 Q And we didn't mean to make light of it. It just 2 that --</p> <p>3 A I know.</p> <p>4 Q -- even despite your best efforts, you're here.</p> <p>5 A I know. Here I am.</p> <p>6 Q The --</p> <p>7 A And I'll get a zillion questions when I walk out.</p> <p>8 Q Did you ever talk with Vernon Jordan about the 9 Paula Jones case -- Jones versus Clinton?</p> <p>10 A I don't know. It's possible. You know, because 11 Vernon talks about everything, and he -- you know, I'm sure 12 we've talked about it in passing, but never anything of 13 substance. Because I don't think Vernon knows anything 14 of substance about it, nor do I.</p> <p>15 Q Do you know whether he ever recommended to you that 16 the President should settle the Paula Jones case?</p> <p>17 A He may have. I mean, people have opinions 18 on whether he should settle or not settle, you know -- 19 throughout the White House, his friends, you know. I mean, 20 everybody had an opinion on that.</p> <p>21 Q Did Mr. Jordan ever talk to you, seeking to get 22 your help in getting a job for somebody that, in retrospect, 23 you think you might have been Monica Lewinsky? Like, "I've 24 got this young lady that's really terrific."</p> <p>25 A No.</p>
<p>1 after it became an issue?</p> <p>2 A I made a conscious decision not to talk to anybody 3 after this became an issue.</p> <p>4 Q Other than the fact that you might not have wanted 5 to take another trip to the Grand Jury. What would be 6 the reason --</p> <p>7 A That was reason enough for me.</p> <p>8 JURORS: (Laughing.)</p> <p>9 THE WITNESS: You all laugh but, you know, I had to 10 tell my mom I was coming here, I had to tell my children. 11 You know -- you know, kids don't -- they don't know the 12 difference between a witness and some -- they don't get it, 13 you know.</p> <p>14 They think their daddy's a good person and then -- 15 but yet they think good people -- I told you this before, you 16 know. And it's really, really hard. You know, my mom -- my 17 mom really doesn't know what's going on. She doesn't get it.</p> <p>18 BY MR. WISENBERG:</p> <p>19 Q As a matter of fact, I think your attorney told 20 me once before that you initially thought -- not for this 21 appearance -- but that you initially thought when you got 22 a subpoena, it meant you were going to be indicted.</p> <p>23 A I did. You know, I didn't know the difference. 24 I'd never, you know, been involved in any kind of stuff 25 like this.</p>	<p>1 Q Okay. And of course, he never asked you --</p> <p>2 A No.</p> <p>3 Q -- to help Monica Lewinsky in getting a job, 4 correct?</p> <p>5 A No.</p> <p>6 Q All right. Are you aware of anybody's efforts -- 7 again, outside of the media -- anybody's efforts for her 8 regarding a job -- well, let's start with that -- a job?</p> <p>9 A Outside of the media?</p> <p>10 Q And what you've told us today about the 11 President, yeah.</p> <p>12 A No.</p> <p>13 Q Okay.</p> <p>14 A Only what I've read in the paper.</p> <p>15 Q How about -- again, aside from the media -- aware 16 of anybody's efforts to help her get a lawyer?</p> <p>17 A No.</p> <p>18 Q Okay. And again, aside from what you've told 19 us about the President and John Hilley, are you aware of 20 anybody's efforts on her behalf regarding recommendations?</p> <p>21 A No.</p> <p>22 Q Have you watched any movies with the President in 23 recent months -- let's say recent, going back to October?</p> <p>24 A I think so. I mean I've watched -- my wife and 25 I watched a movie with him with just the three of us one</p>

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1 night. I went out to Camp David with my wife, and we
2 watched a movie with him.
3 Q Is that the one you're talking about, in last few
4 months, or was there one in the White House you watched?
5 A I watched one in the White House and one at -- at
6 Camp David.
7 Q Okay. I don't care about Camp David, but -- well,
8 I mean I do, but --
9 A But you asked me if I'd watched any movies with
10 him. I'm just trying --
11 Q No, no. Right. No, I'm not -- I'm not -- I'm not
12 criticizing you. I'm saying you don't have to us about the
13 Camp David one.
14 A Okay.
15 Q But I'm interested in the White House. Do you
16 remember the name of the movie?
17 A I don't remember the name, but I can tell me you
18 what it was about. It was awful. It was about this guy who
19 turns into the devil or something like that. He -- or --
20 Q Oh, a law film? There was a movie with Pacino
21 recently about -- The Devil's Own, or something?
22 A JUROR: The Devil's Advocate?
23 THE WITNESS: I don't -- something like that, yeah.
24 It could have been.

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1 BY MR. WISENBERG:
2 Q Okay. It didn't make a huge impression on you?
3 A No.
4 Q Can you tell us, roughly, when you watched it?
5 A I really -- I don't -- I don't know.
6 Q Do you know if you were invited to come, or was it
7 something you watched, like, at the end of a workday? You're
8 already working, and you go and watched it?
9 A I think I've always been invited to go.
10 Q Okay. I want to ask you a question or two about
11 Kathleen Willey. Do you know her?
12 A No.
13 Q Okay. There have been reports that in late
14 November of 1993, there was some kind of an -- and I
15 understand you were at SBA.
16 A (Nodding.)
17 Q That there was some kind of an incident with
18 Ms. Willey and the President in the Oval Office area, and
19 that she was seen to exit the Oval Office area. And there
20 have been different reports about what she looked like when
21 she left. Do you think you witnessed that?
22 A I know I didn't.
23 Q Okay. Well, the reason I asked is -- okay. I
24 know you weren't there, but didn't the President make SBA
25 administrator a cabinet-level position when you took over?

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1 A Not until after I left -- because of the great job
2 I did there.
3 Q Okay. It's just that we have reason to believe
4 there was a cabinet meeting about to start that day, and
5 that's why I asked.
6 A No.
7 Q You've got some stuff in front of you. Let me get
8 it out for you.
9 I'm going to refer you to EB-2 through 5. And this
10 is from a period when you were at SBA, so I'm not so
11 much focussing on the dates. I'd like you just to
12 take a quick look. They're redacted, so we don't
13 have the full documents.
14 A Okay.
15 Q But these appear to be memoranda from
16 Nancy Hernreich to the President on a daily basis. EB-2 says
17 "Calls Today"; EB-3, "Miscellaneous Vacation Items"; EB-4,
18 "Miscellaneous Items"; EB-5, "Today."
19 These particular ones relate to Ms. Willey. I
20 don't want to ask you about Ms. Willey. What I want to ask
21 you is: Are you familiar -- is this a memorandum form that
22 is still used by Ms. Hernreich?
23 A I don't know.
24 Q Okay. Because she's got certain interaction with
25 the President that you don't have anything to do with?

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1 A That's correct.
2 Q And why is that?
3 A Well, she's worked for him for 20-some -- is that
4 right, 20 some years? I mean, a long time.
5 She really has control of what he does during his
6 off period -- you know, during his down time. And she has a
7 -- you know, she has a -- just like Carol Parmelee does with
8 me -- you know, has a really close working relationship.
9 Q All right. So you don't control that as part of
10 your chief of staff job?
11 A No, but I -- it's -- it's layers down. You know,
12 it's just -- again, I don't -- that's not way I manage.
13 Q Okay.
14 A I've got enough things to look after --
15 Q Right.
16 A -- without trying to do somebody else's job.
17 Q The --
18 A Now, if he complained about it, then I'd,
19 you know --
20 Q Okay. All right. Whether he complained or not,
21 if you saw something that bothered you about something
22 Nancy Hernreich was doing, you wouldn't hesitate to talk
23 to talk the President about it or to talk to Nancy; is
24 that correct?
25 A No, I'd probably talk to -- again, you can easily

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<p>1 disempower people, if you do their jobs. And I'd probably 2 talk to the person she reports to and get her to go talk to 3 him -- her -- about it, is the way I would probably handle 4 it, instead of going up to the President and getting him all 5 involved in something stupid like that.</p> <p>6 Q Okay. Bruce Lindsey?</p> <p>7 A Mm-hmm?</p> <p>8 Q You know him?</p> <p>9 A Yes, I do.</p> <p>10 Q Have you talked with him about Monica Lewinsky?</p> <p>11 A No.</p> <p>12 Q Are you familiar with his role as a conduit between 13 the President on the one hand and the private attorneys -- 14 Kendall and Bennett -- on the other?</p> <p>15 A No.</p> <p>16 Q Okay.</p> <p>17 A And I only stopped to think because I -- you know, 18 I wanted to make sure I answered it accurately.</p> <p>19 Q Okay. In other words, are you aware that 20 that might be one of his many roles -- is to act as 21 his go-between?</p> <p>22 A It could be. But Bruce is in the counsel's 23 office. Bruce -- you know, Bruce does that stuff. You know, 24 I don't want to know about any of this stuff. I want to stay 25 focussed on the -- which my job is to run the White House,</p>	<p>1 Okay. Let me just say that investigators have 2 found that there were many phone conversations between 3 yourself and Vernon Jordan. We don't know what was in those 4 conversations, but we can pinpoint days that they occurred 5 and how long they were.</p> <p>6 But you're telling us absolutely that none of those 7 would have covered Monica Lewinsky?</p> <p>8 A None of them did cover Monica Lewinsky.</p> <p>9 Q Okay. And you don't remember talking with him 10 about the Paula Jones case, either?</p> <p>11 A No. I think what I said is it's very possible we 12 did, you know, but I don't remember of any kind of substance, 13 you know, of any nature.</p> <p>14 Q Okay.</p> <p>15 A I don't really know much about it, other than what 16 you all know from watching it on TV.</p> <p>17 Q Okay. I do want to ask you about some 18 specific dates.</p> <p>19 A Okay.</p> <p>20 Q Do you recall when the president -- I think his 21 name is Zedillo, and I think he's the president of Mexico?</p> <p>22 A He is.</p> <p>23 Q -- visited in November of 1997?</p> <p>24 A I do.</p> <p>25 Q Okay. Was there any kind of a state dinner held in</p>
<p>Page 106</p> <p>1 you know, not to get involved in these extraneous matters.</p> <p>2 Q All right. And he's another long-time confidante 3 of the President from Arkansas days, correct?</p> <p>4 A Mm-hmm.</p> <p>5 Q You've got to say "Yes" or "No."</p> <p>6 A Yes. Sorry.</p> <p>7 Q Okay. I know I've asked this before. This is a 8 memory-jogging question: Did Marsha Scott ever give you 9 kind of a warning, that you can recall -- kind of a heads up, 10 "You might be hearing from this Monica Lewinsky person"? 11 Something along the lines of, "I've told her she can't 12 have a job, and she can't go back here, and that if 13 she has a complaint, she should go to you."</p> <p>14 Do you remember or recall getting any kind of a 15 heads up from Marsha Scott about Monica Lewinsky?</p> <p>16 A Marsha has given me stuff like that on other 17 people, and I've always just passed it on to Podesta. But I 18 don't remember her doing on -- on the person.</p> <p>19 Q And you certainly don't remember Monica coming to 20 you and complaining about anything?</p> <p>21 A I don't think I've ever met Monica Lewinsky -- 22 well, I have met her (indicating) --</p> <p>23 Q Okay.</p> <p>24 A -- but I don't have any recall of it.</p> <p>25 Q I can't even read my own writing here.</p>	<p>Page 108</p> <p>1 his honor, or any kind of a function held in honor of him?</p> <p>2 A I don't believe there was a state dinner.</p> <p>3 I believe he had a private dinner with the president 4 up -- I'm just going from recall -- a private dinner 5 with the president up in -- up in his quarters with just 6 Sandy Berger, who's the national security advisor, and a 7 couple of other people.</p> <p>8 Q Okay.</p> <p>9 A But I don't think there was a state dinner. There 10 may have been, but I don't recall.</p> <p>11 Q All right. The --</p> <p>12 A Was there?</p> <p>13 Q I don't know.</p> <p>14 A Okay.</p> <p>15 Q Let me ask you: Would you have been a part of 16 anything with President Zedillo? Any of the event, dinners 17 -- anything?</p> <p>18 A I could have been, you know. I know I was going to 19 go to the private dinner up in the Oval Office, and I got 20 pulled off to do something else. I mean, not in the Oval 21 Office, up in the --</p> <p>22 Q In the residence.</p> <p>23 A In the residence. And I don't think I made it to 24 the bilats either, so I --</p> <p>25 Q The what?</p>

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1 A The bilats. It's like slang, sorry. The
2 bilaterals, where the President and head of state of another
3 country have discussions about the issues. I remember -- I
4 prepared for them, but I don't think I actually got to them.

5 Q Our investigators have reason to believe -- and
6 there's nothing sinister about this at all -- that the
7 President was in the Oval Office area between 6 and 7 p.m.
8 on the night of the Zedillo visit.

9 Best of your recollection, were you around the
10 White House during this time period?

11 A Yes.

12 Q Okay. Do you remember where you were?

13 A No.

14 Q Okay.

15 A But if I had a calendar -- one of my calendars, I
16 could probably figure it out relatively -- you know, with
17 some kind of --

18 Q Okay. Oh, you mean a calendar from us, or your
19 own calendar?

20 A No, from one of my own. You know, if I looked at
21 one of my own, you know, I could probably figure out, you
22 know, what I was doing.

23 Q Because I've got one with my checkbook, but that
24 wouldn't help you, I guess.

25 A I don't know if --

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1 Q And I know my checkbook wouldn't help you.

2 A Since I'm only working for \$1 a year, you know,
3 it might.

4 Q We have an indication that Mr. Jordan called you
5 that evening at 6:26 p.m. The phone call lasted four minutes
6 and six seconds -- the night of the Zedillo visit. Do you
7 have any recollection of what he called you about?

8 A No, I do not. I'm sorry.

9 Q Okay. And we believe that the -- again, when I say
10 "we," I'm talking about investigators assigned to this case
11 -- that the President moved to something called the state
12 floor dining room at 5:26 p.m. that evening.

13 Can you tell us what the state floor dining room
14 is, if you know?

15 A Sure. There are -- it's really great. I mean, it
16 really -- you know, for somebody from -- I mean, it still --
17 it's a thrill to me. But there is a dining room that's on
18 the main floor of the -- of the White House -- of the big
19 White House.

20 Q Okay.

21 A And it's for principal --

22 Q Some of the grand jurors have asked if you could
23 speak up just a little.

24 A Oh, I'm sorry. It's the principal -- I'm sorry.

25 It's the principal dining room on the main floor in the big

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1 -- in the White House -- I mean, the residence. And that's
2 the state dining room. It's -- it's beautiful.

3 Q Okay. Could that have been where some function wa
4 held with Zedillo?

5 A That could be where they had that private dinner.

6 Q Okay.

7 A I just -- I don't know, because I don't -- I don't
8 believe I went.

9 Q All right. We have an indication that Ms. Lewinsky
10 entered the White House at 6:20 p.m. that night and was
11 escorted to the study by Ms. Currie. I take it you have
12 no knowledge of that?

13 A Zero.

14 Q We have indication that the President himself moved
15 to the Oval Office at about 6:35 p.m. that night. You have
16 no independent recollection of that -- or do you?

17 A I have none, zero, nothing.

18 Q No, I mean just the idea of the -- do you remember
19 if you talked to the President that night in the Oval Office
20 -- the night of the Zedillo visit?

21 A I -- I -- I -- I very well could have, you know.

22 Q Okay.

23 A There was no reason I didn't.

24 Q And some indication that the President met with
25 Ms. Lewinsky for about 60 seconds at about 6:40 p.m. that

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1 night in the study. I take it you have no knowledge of that?

2 A No.

3 Q Okay. Other than what you've told us, what do you
4 remember about that Zedillo visit?

5 A I don't think anything.

6 Q Okay. You were at the White House that night. Do
7 you remember how many people were around in connection with
8 that dinner?

9 A Well, it was --

10 Q You said it was fairly small, I think.

11 A I think that dinner was just one or two people. I
12 think it -- on each side. And I -- again, it was -- I was
13 going to go to that dinner and didn't. And I don't remember
14 why I didn't.

15 Q So it's not like there was a huge formal reception
16 for him that night at the White House?

17 A No, this was not a state -- it wasn't a state --
18 as best I recall -- now, I'd have to check, okay, but as best
19 I recall, it wasn't a big state dinner. It wasn't fancy. It
20 was just -- if I'm thinking of the right visit, it was just,
21 I think, maybe two or three on the American and two or three
22 on the Mexican side -- I think. --

23 Q I take it that it's possible for somebody to be in
24 the Oval Office or the Oval Office study with the President
25 without your knowledge?

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<p>1 A Yes.</p> <p>2 Q Alone in either area without your knowledge?</p> <p>3 A Yes.</p> <p>4 Q Okay. That would not surprise you?</p> <p>5 A No.</p> <p>6 Q Okay.</p> <p>7 A And I think it probably happens every day.</p> <p>8 Q You say you've done time and motion studies. Let</p> <p>9 me ask you this: Do you think it's possible for a person to</p> <p>10 regularly come to the Oval Office or Oval Office study, meet</p> <p>11 alone with the President without somebody knowing it? Let's</p> <p>12 confine it to someone who doesn't work in the White House</p> <p>13 and doesn't have a blue pass -- a blue card, is that it</p> <p>14 -- a blue pass?</p> <p>15 A Blue pass.</p> <p>16 Q And, obviously, I'm not talking about the</p> <p>17 President.</p> <p>18 A A meeting in the Oval Office or the Oval Office</p> <p>19 study, and nobody know it?</p> <p>20 Q Oval Office or Oval Office study and have nobody</p> <p>21 know about it.</p> <p>22 A Hard to imagine.</p> <p>23 Q At a minimum, somebody is going to have to both</p> <p>24 wave them in and then escort them in; is that correct?</p> <p>25 A Somebody has to call in and, you know, get</p>	<p>1 and work, and I know there are times there when there's not</p> <p>2 anybody there.</p> <p>3 But, you know, that's because, you know, he's a</p> <p>4 real -- you know, he's much better at night than he is in</p> <p>5 the morning. And so I'm sure there are plenty of times at</p> <p>6 night that he's here and nobody else is here, and I'm not</p> <p>7 here. I can't work the hours he does. I try, but I can't.</p> <p>8 Q Okay. Do you know when Nancy Hensreich typically</p> <p>9 leaves at night?</p> <p>10 A I don't know, but it's late. She stays -- she</p> <p>11 works long hours.</p> <p>12 Q And how about Betty Currie?</p> <p>13 A She also works long hours.</p> <p>14 Q Okay. And again --</p> <p>15 A But I would guess both of them are out -- try to</p> <p>16 get out around 8:00.</p> <p>17 Q Okay. But at least one of them will typically stay</p> <p>18 there until he leaves -- at least, the first time he leaves</p> <p>19 for the night?</p> <p>20 A I don't know. You'd have to -- again, I mean, I</p> <p>21 don't watch this, and so I don't -- I don't know. I just --</p> <p>22 going on my own personal observation. And my observation is</p> <p>23 that most of the time when I'm there, one of them is there.</p> <p>24 Q Okay. Fair enough.</p> <p>25 A We don't have a rule on that.</p>
<p style="text-align: right;">Page 114</p> <p>1 them in -- to come in, okay. So they -- you have to do</p> <p>2 that. Somebody has to do that. And I think even for</p> <p>3 the President.</p> <p>4 And then, most people go in past Betty's office,</p> <p>5 and she's generally there on -- at least on weekdays. And</p> <p>6 you can go in other ways, but that would -- that's much more</p> <p>7 infrequent, that people do that.</p> <p>8 Q I believe I heard you to say earlier that on</p> <p>9 weeknights, somebody is usually out there, and you want</p> <p>10 somebody to be out there, as long as the President is there.</p> <p>11 When I say "out there," I mean in that Betty Currie area.</p> <p>12 A Mm-hmm. I --</p> <p>13 Q -- and/or the -- let's even broaden it --</p> <p>14 Betty Currie and/or Nancy Hensreich area. Is that a</p> <p>15 fair statement?</p> <p>16 A Yeah. People could come in without Nancy</p> <p>17 seeing them, because Nancy's door is sometimes shut, and</p> <p>18 she sits over here (indicating), and doesn't see everything</p> <p>19 that goes on.</p> <p>20 Q Okay. So you want somebody -- as long as the</p> <p>21 President is there on a weeknight -- unless there's something</p> <p>22 really unusual, and he's there until 2 a.m., let's say, you</p> <p>23 want somebody out there in that Betty Currie area.</p> <p>24 A I'd like somebody. But -- but the President</p> <p>25 will often go over to the White House and then come back</p>	<p style="text-align: right;">Page 116</p> <p>1 Q You've said you never talked with Mr. Jordan about</p> <p>2 Monica Lewinsky. Is there any conversation you've had with</p> <p>3 him in recent months that strikes you as a little unusual --</p> <p>4 urgent, in light of -- well, not in light of anything, but</p> <p>5 strikes you, where he called you and he was urgently trying</p> <p>6 to get somebody, or his behavior seemed out the ordinary?</p> <p>7 A No. Vernon is always collected and calm.</p> <p>8 Q Do you recall an incident on or about</p> <p>9 December 19th, where he asked to meet or did meet with</p> <p>10 the President alone up in the residence after a dinner --</p> <p>11 after some kind of an official dinner? Do you have any</p> <p>12 recollection or remembrance of that?</p> <p>13 A Was I there.</p> <p>14 Q Just do you remember it. I don't know if you</p> <p>15 were there.</p> <p>16 A I don't think I -- no, I don't have any knowledge</p> <p>17 of it.</p> <p>18 Q Okay. Do you have any idea when he's calling you</p> <p>19 where he's calling you from?</p> <p>20 A Who -- Vernon?</p> <p>21 Q Vernon.</p> <p>22 A He sometimes tells me, you know. You know, he's in</p> <p>23 New York -- he travels. He's on about a -- he's on lots of</p> <p>24 corporate boards, and so he's -- and I mean, he calls me from</p> <p>25 foreign countries, you know. He's moving around.</p>

1 Q I want to talk to you briefly, I hope, about the
2 day of the deposition in the Jones versus Clinton case. Did
3 you go with President Clinton to that deposition?
4 A No, I did not.
5 Q All right. Did you have a discussion with him or
6 with anybody with him during the course of the deposition,
7 before he got back? Were you in communication with him?
8 A I talked to the President himself before he went,
9 and I talked to him after he came back.
10 Q Okay. Tell us about those discussions.
11 A Very short. He said -- I'm just trying to remember
12 which crisis it was. I think it was dealing with the foreign
13 debt, with the -- what was going on in Indonesia and Thailand
14 and South Korea.
15 And he had called me and said he wanted to meet on
16 that when he got back before he went that morning. I said,
17 "Fine." And I said, "Do you want me to get Gene Sperling
18 and" -- he's left now, but the guy that handled international
19 economic finance -- "available to get a report for you?" He
20 said, "Yes." I said, "We'll all be there when you get back."
21 And when he got back, I went in to see him. I gave
22 him a short report on -- I asked him how it went. He said,
23 "Fine." And I gave him a short report on what was happening
24 in South Korea, I believe. And I said, "Do you want Gene and
25 Dan" -- Dan is the guy's name -- "to come in?" And he said,

1 "No, that's fine." And I turned around and left.
2 Q Any discussion with him at all about what went on
3 at the deposition?
4 A No.
5 Q Any discussion with Bruce Lindsey or anybody else
6 about what went on at the deposition?
7 A No.
8 Q Any discussion with Vernon Jordan about what went
9 on at the deposition?
10 A No.
11 Q How did the President seem? That is, did he seem
12 to be concerned when he came back from the deposition?
13 A He seemed upbeat to me.
14 Q Okay. Do you recall seeing Betty Currie the next
15 day at the White House -- which would have been a Sunday?
16 A I don't think I was there that Sunday.
17 Q The --
18 A I might have been, but I don't recall.
19 Q Did you notice any unusual activity around
20 the White House on the 19th, which would have been
21 Dr. King's birthday?
22 A No.
23 Q You mentioned the story breaking Wednesday in the
24 -- well, you mentioned the 21st, which I'll tell was a
25 Wednesday -- in The Washington Post.

1 A Mm-hmm.
2 Q Did you know anything about this story before it
3 hit the papers that morning?
4 A Yes.
5 Q All right. Tell us about that -- how you found
6 out, what were the circumstances.
7 A On the day before.
8 Q Okay.
9 A I think it was late the day before. This won't
10 take long.
11 Q No, no. I'm not trying to hurry you. I just don't
12 have a watch today. My watch broke.
13 A The day before, John Podesta came into my office
14 and said, "You're not going to believe this." And I said,
15 "Try me." And he said, "John Harris, who is -- works for
16 The Washington Post, is going to run a story tomorrow which
17 says the President has had a year-long affair with an intern,
18 and the case had been assigned to Ken Starr."
19 I said, "You are kidding." And he said, "No." And
20 he said, "And the intern's name was Monica Lewinsky." And I
21 said, "Oh, God." And, you know -- and I thought, "Here we go
22 again." And that's about it.
23 Q I take it that at that point in time, when you
24 heard the name Monica Lewinsky, you knew the name?
25 A Absolutely.

1 Q Okay. Did you and Mr. Podesta -- since
2 you had gone to Mr. Podesta, I think, on both things
3 -- the first request had to do in, I think you said late
4 summer-early fall, with helping her get a OEOB job. And the
5 second one had to do with --
6 A Which I don't think she got, by the way.
7 Q I think we can take judicial notice of that. And
8 the second being the Hilley recommendation.
9 A Mm-hmm.
10 Q Did you talk with Podesta about the fact that,
11 you know, you both know who this person is because you've
12 interfaced with him about it?
13 A No. John -- I said, "Oh, God." You know, I
14 said, "Well, John, I didn't do a damn thing wrong." And
15 he said, "Erskine, we better not to talk about it." And he
16 was right.
17 Q Okay. And you probably didn't take notes, either.
18 A Of that?
19 Q Right.
20 A No.
21 Q Okay. You have a couple of calls on the day of the
22 deposition. There's a seven-minute call from Mr. Jordan
23 to you --
24 A Mm-hmm.
25 Q -- at 12:14 p.m. Do you recall what that

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<p>1 was about?</p> <p>2 A We -- the Jordans and my wife and I and the</p> <p>3 President and his wife were supposed to go to -- and the</p> <p>4 First Lady's chief of staff and her husband -- to the</p> <p>5 Kennedy Center that night. And I would assume it was</p> <p>6 about that, and where we might go for dinner afterwards.</p> <p>7 Q Did you end up going on that?</p> <p>8 A I did, yes. And my wife did -- my wife and I did.</p> <p>9 Q But not the President?</p> <p>10 A The President didn't go.</p> <p>11 Q And not Vernon Jordan?</p> <p>12 A Vernon and Anne -- his wife -- went, and also the</p> <p>13 First Lady's chief of staff and her husband.</p> <p>14 Q And who is the First Lady's chief of staff?</p> <p>15 A Melanne Vermeer.</p> <p>16 Q By the way, who is Capricia Marshall?</p> <p>17 A Capricia Marshall is now the social secretary.</p> <p>18 Q How long has she been the social secretary?</p> <p>19 A A couple of months. She -- she's a lawyer by</p> <p>20 training, and she helped the Clintons -- she worked for</p> <p>21 Mrs. Clinton before that.</p> <p>22 Q Okay.</p> <p>23 A [REDACTED]</p> <p>24 Q All right. So I think Mr. Jordan's wife is a</p> <p>25 volunteer in the social office, or an employee?</p>	<p>1 one minute.</p> <p>2 A Yeah, I --</p> <p>3 Q Could that have been the same topic?</p> <p>4 A Yeah, I'm -- I'm sure -- I talked to him and I</p> <p>5 talked to Vernon both that night about whether or not, you</p> <p>6 know, he was going to go, not go, you know. I think he</p> <p>7 changed his mind a bunch of times.</p> <p>8 Q Did you know about the Drudge Report? I know,</p> <p>9 presumably, you've read about it since then. But you've</p> <p>10 indicated to us you knew the day before The Post report, that</p> <p>11 Podesta came and told you. Did you know anything about the</p> <p>12 Drudge Report at that time?</p> <p>13 A I don't think so, no.</p> <p>14 Q Okay. And basically, Mr. Podesta and you stopped</p> <p>15 talking about the whole thing fairly quickly?</p> <p>16 A You bet.</p> <p>17 Q Okay. Mr. Jordan called you on the 19th --</p> <p>18 Dr. King's birthday -- in the morning, at about 1 a.m.</p> <p>19 A In -- 1 a.m. in the morning?</p> <p>20 Q No, sorry. 10:44 a.m., for one minute. Okay.</p> <p>21 Talked to you for one minute. Sorry.</p> <p>22 And we have indications that he was calling a lot</p> <p>23 of people at the White House on that morning and that both he</p> <p>24 and Ms. Currie were attempting to page Monica Lewinsky.</p> <p>25 I take it, you had no discussion with him</p>
<p style="text-align: right;">Page 122</p> <p>1 A I think she's a volunteer.</p> <p>2 Q Okay. So she would work for Capricia Marshall now?</p> <p>3 A As a volunteer.</p> <p>4 Q Okay. Were you given any reason why the</p> <p>5 President and the First Lady weren't going to be able</p> <p>6 to make it that night?</p> <p>7 A Yeah, I talked to the President that night. He</p> <p>8 called me. And he said he just really didn't feel up to it</p> <p>9 -- I think he said that -- and Mrs. Clinton didn't want to</p> <p>10 go; just wanted to watch a movie together.</p> <p>11 Q Okay.</p> <p>12 A I think he asked me, you know, did I think he</p> <p>13 should go, so people would know they were okay together. And</p> <p>14 I said, "Look, you ought to do what makes you happy. You</p> <p>15 know, whatever is best for you." And --</p> <p>16 Q I don't mean to be embarrassing, but why would that</p> <p>17 be a particular concern at that point in time?</p> <p>18 A Well, the Kennedy Center -- you know, the President</p> <p>19 has got a big box there, and that was the day of the -- of</p> <p>20 the Paula Jones thing. And, you know, if the President and</p> <p>21 First Lady didn't go out, maybe somebody would think they'd</p> <p>22 had a fight or something.</p> <p>23 Q Oh, okay. There's also an indication that he</p> <p>24 called at least your number -- the call is so short, he</p> <p>25 might not have spoken to you -- at 5:17 p.m. that night for</p>	<p style="text-align: right;">Page 124</p> <p>1 about that?</p> <p>2 A Absolutely not.</p> <p>3 Q I take it, you didn't know this paging activity was</p> <p>4 going on?</p> <p>5 A No, I do not. I didn't know Vernon could page.</p> <p>6 Q The --</p> <p>7 A Vernon used the White House to page?</p> <p>8 Q No, I don't know what he used, but just our</p> <p>9 investigators have some indication that he was paging -- he</p> <p>10 and Ms. Currie were paging Ms. Lewinsky.</p> <p>11 A Hmm.</p> <p>12 Q Or beeping, as opposed to paging over a</p> <p>13 loudspeaker, you know.</p> <p>14 A She has a -- she has a White House beeper?</p> <p>15 Q I don't know if she's got a White House beeper, but</p> <p>16 just paging in some form -- paging or attempting to beep.</p> <p>17 And that's not a very technical word, "beeping." Sorry</p> <p>18 about that?</p> <p>19 A No, but if she has a White House beeper, she</p> <p>20 shouldn't have one.</p> <p>21 Q She shouldn't have a White House pager. No, I'm</p> <p>22 not representing to you that she did. My point is -- my</p> <p>23 question to you is: You had and have no knowledge of</p> <p>24 that, correct?</p> <p>25 A Absolutely not.</p>

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1 Q If that was happening. Okay.
 2 I'm going to ask you to step outside for just a few
 3 minutes. I think we're about done.
 4 A Okay.
 5 Q And we're going to see if there are any remaining
 6 questions by the grand jurors for you.
 7 A Okay. Thank you.
 8 Q And we will come get you in just a few minutes. It
 9 shouldn't be long at all.
 10 A So I will be coming back in?
 11 Q Yes, but only briefly.
 12 A Okay. Thank you.
 13 (The witness was excused and recalled.)
 14 * * *
 15 MR. WISENBERG: All right. Let the record reflect
 16 that the witness has reentered the Grand Jury room.
 17 Madame Deputy Foreperson, I understand that we have
 18 a quorum and that there are no unauthorized persons in the
 19 Grand Jury room.
 20 DEPUTY FOREPERSON: That is correct. Mr. Bowles,
 21 you are still under oath.
 22 THE WITNESS: Yes, ma'am.
 23 BY MR. WISENBERG:
 24 Q Mr. Bowles, we are done for the day with you,
 25 and as far as I know -- and I hope -- done for all time.

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1 I think I mentioned to you out in the hall, in the
 2 presence of [REDACTED] that if something new comes up, or
 3 if it turns out there's something we should have asked you
 4 and we didn't, barring some really unusual circumstances, we
 5 will try to resolve it through either an agent interview with
 6 you or a question to you from me through your attorney.
 7 A I'll cooperate every way.
 8 Q We very much appreciate your being here. We
 9 understand you're in physical pain, your son has been sick,
 10 and it's been a real burden.
 11 And we appreciate your sacrifice in coming here,
 12 and we wouldn't have called you here, if we didn't think you
 13 had testimony that was relevant to our investigation.
 14 A I'm glad to give it, and I thank you for what
 15 you're doing.
 16 Q And let me say one other thing, which is:
 17 Sometimes people come to the Grand Jury, and despite
 18 the fact that they're here several hours and they're
 19 asked comprehensive questions, it's just human nature that
 20 they'll come out and be driving down the street and remember
 21 something and say, "Oh, my gosh. Here's something. I can't
 22 believe I forgot to tell them that."
 23 There's nothing wrong with that, of course. If
 24 that happens, we would appreciate it if you'd let your
 25 attorney know and that he would let me know.

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1 A Absolutely.
 2 MR. WISENBERG: And before we excuse the witness,
 3 are there any final questions?
 4 (No response.)
 5 MR. WISENBERG: May the witness be excused?
 6 DEPUTY FOREPERSON: Yes.
 7 THE WITNESS: Thank you very much.
 8 JURORS: Thank you.
 9 THE WITNESS: Have you nice day, if you can.
 10 A JUROR: You, too.
 11 (The witness was excused.)
 12 (Whereupon, at 1:12 p.m., the taking of the
 13 testimony in the presence of a full quorum of the Grand Jury
 14 was concluded.)
 15 * * * * *

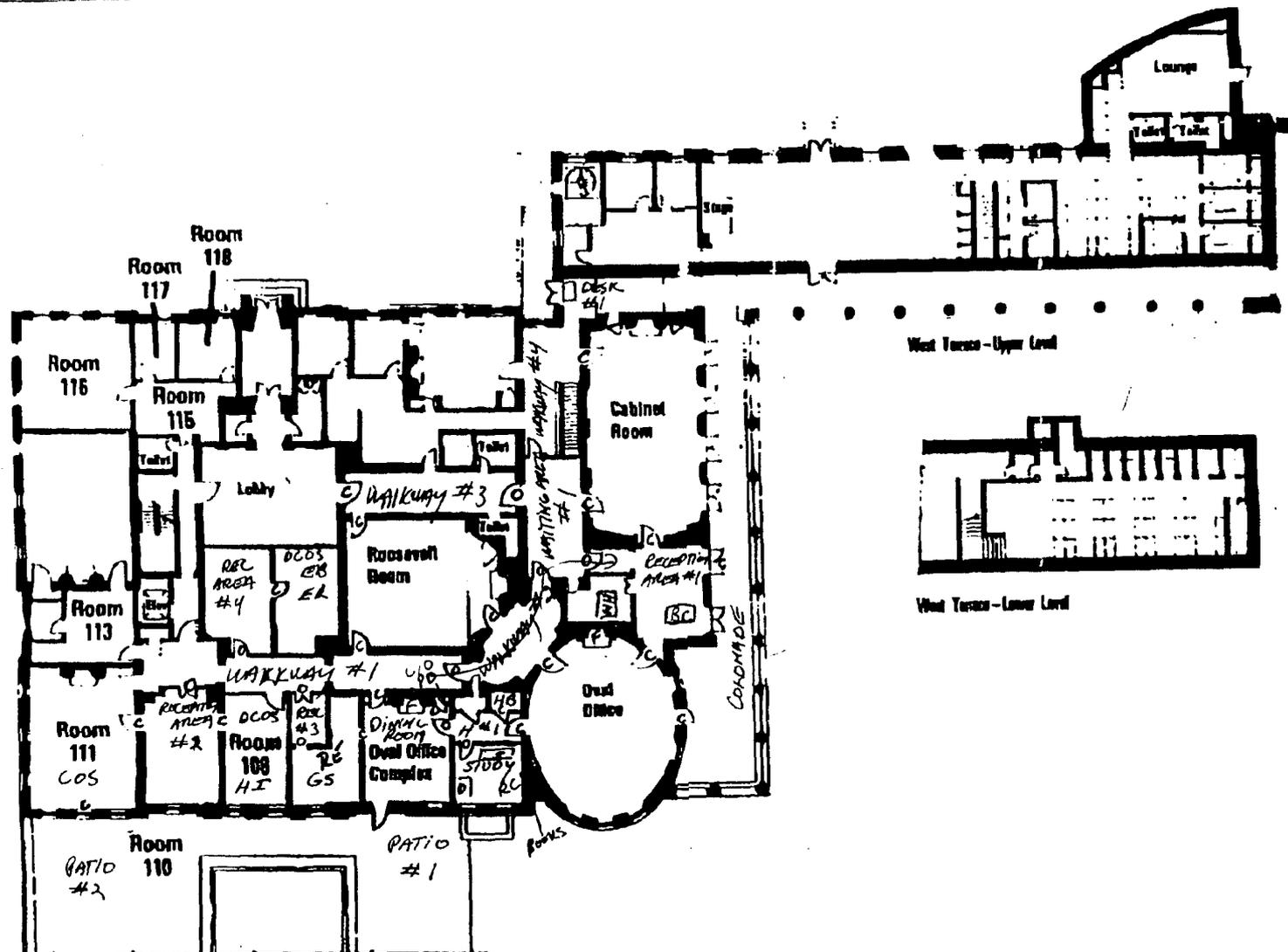
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CERTIFICATE OF REPORTER

I, Elizabeth J. Walker, the reporter for the
 United States Attorney's Office, do hereby certify that the
 witness(es) whose testimony appears in the foregoing pages
 was first duly sworn by the foreperson or the deputy
 foreperson of the Grand Jury when there was a full quorum of
 the Grand Jury present; that the testimony of said
 witness(es) was taken by me by stenotype and, thereafter,
 reduced to typewritten form; and that the transcript is a
 true record of the testimony given by said witness(es).

 Elizabeth J. Walker
 Official Reporter

First Floor



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M E M O R A N D U M

To: THE PRESIDENT
From: Nancy Hernreich
Date: May 26, 1993
Re: CALLS TODAY

1089-DC-00000280

Other calls

K. Willey

REDACTED
0 003959

M E M O R A N D U M

To: THE PRESIDENT
From: Nancy Hernreich
Date: August 10, 1993
Re: MISC. VACATION ITEMS

Kathleen and Edward Willey have a place at Lionshead which is right near one of the ski lifts in town. Their number is 303-476-6531.

REDACTED

1089-DC-00000281



0 003960

M E M O R A N D U M

To: THE PRESIDENT
From: Nancy Hernreich
Date: April 27, 1993
Re: MISC ITEMS

Kathleen Wiley called today to thank us for getting her a volunteer spot in the Social Office where she is helping Ann Stock work on Christmas.

1089-DC-00000279

REDACTED

1 1089-DC-00000279 003958



M E M O R A N D U M

To: THE PRESIDENT
From: Nancy Hernreich
Date: December 1, 1993
Re: Today

CALLS

Kathleen Willey- she called this morning and said you could call her anytime.

1089-DC-00000282

REDACTED

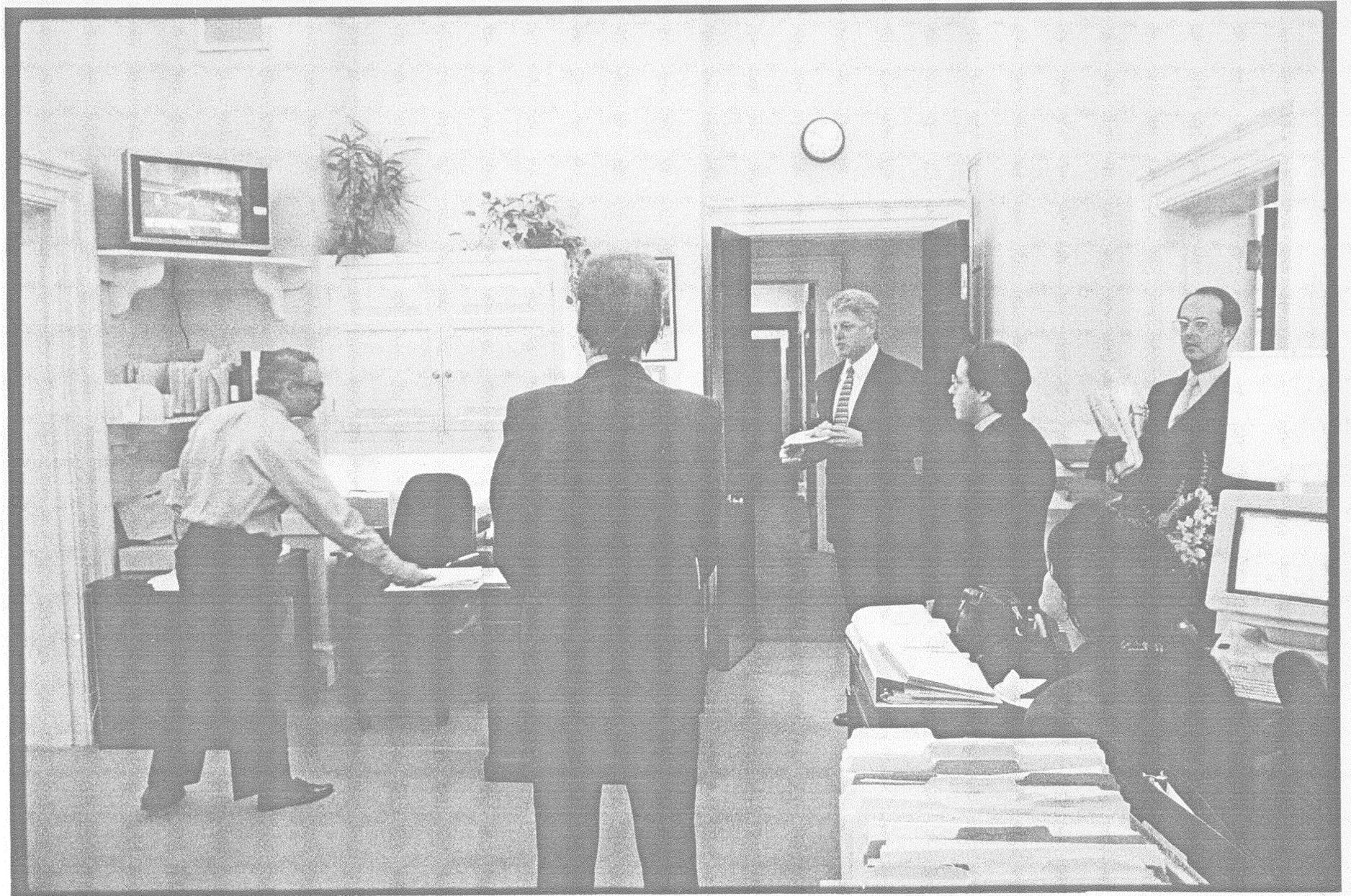
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GRAND JURY
EXHIBIT
4 cc
PENGAD-Byonne, M. J.

V006-DC-00001839

HB 2846



V006-DC-00003737

HB 004652



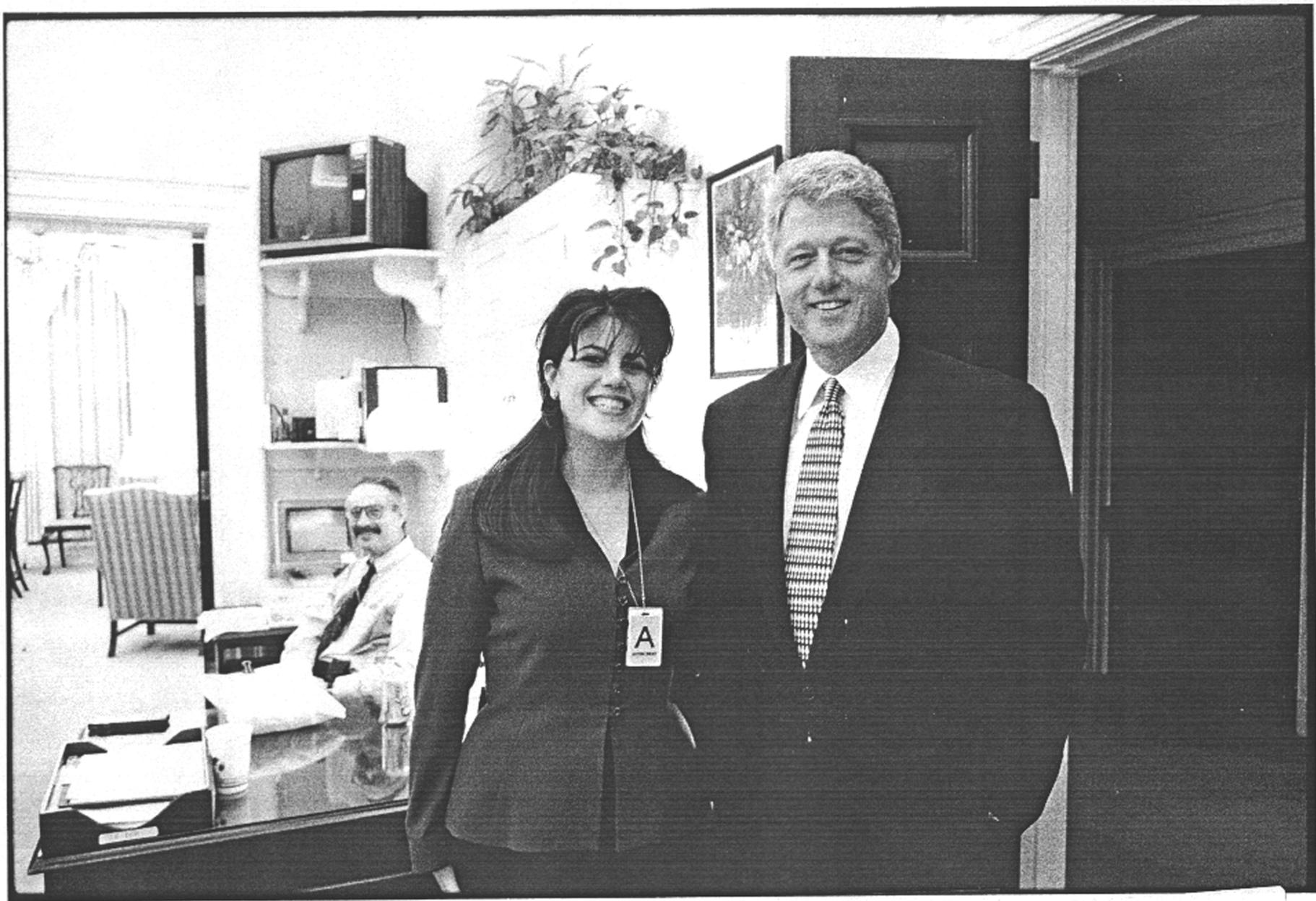
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HB 004655



V006-DC-00003741

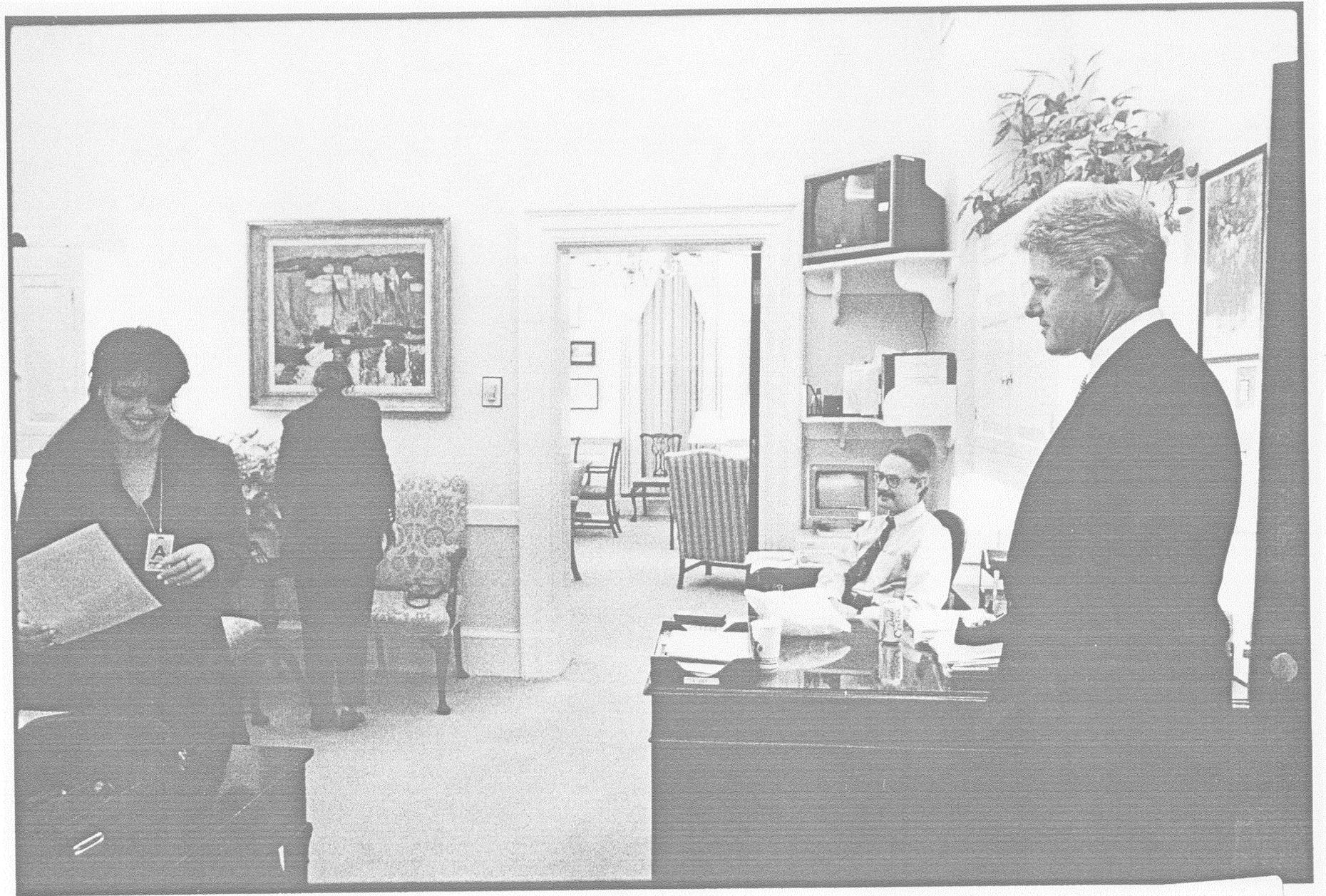
HB 004656



260

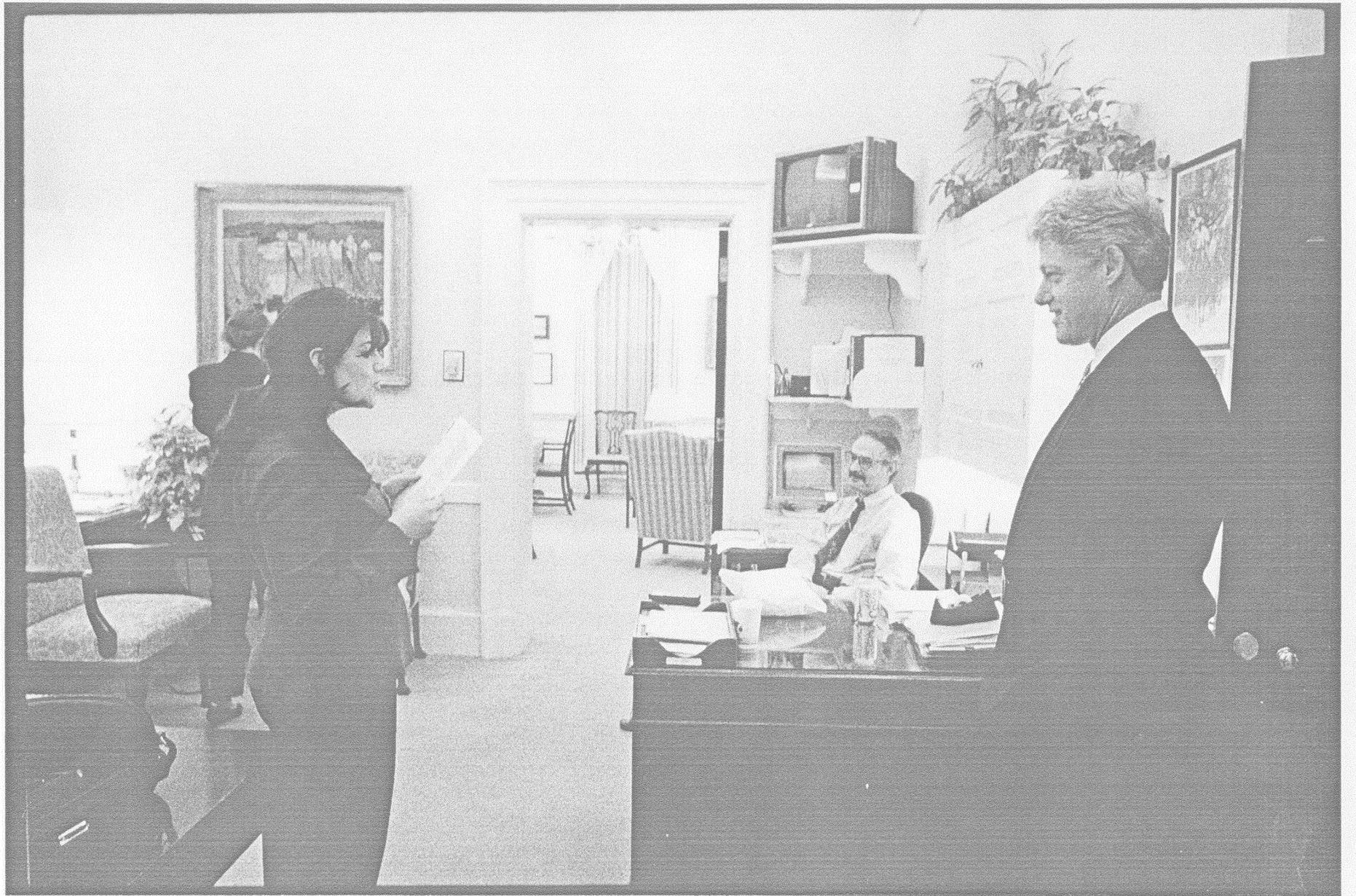
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HB 004657



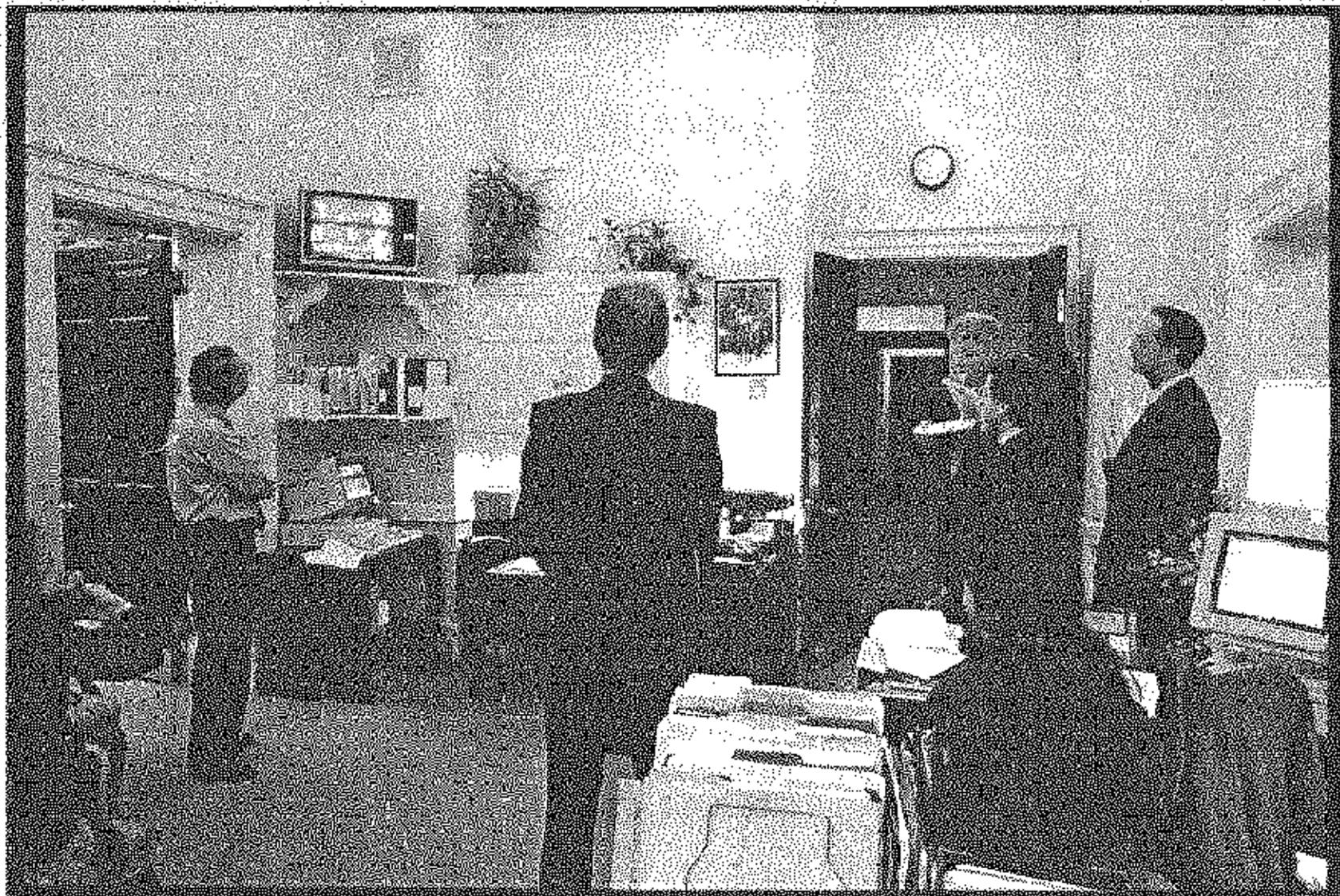
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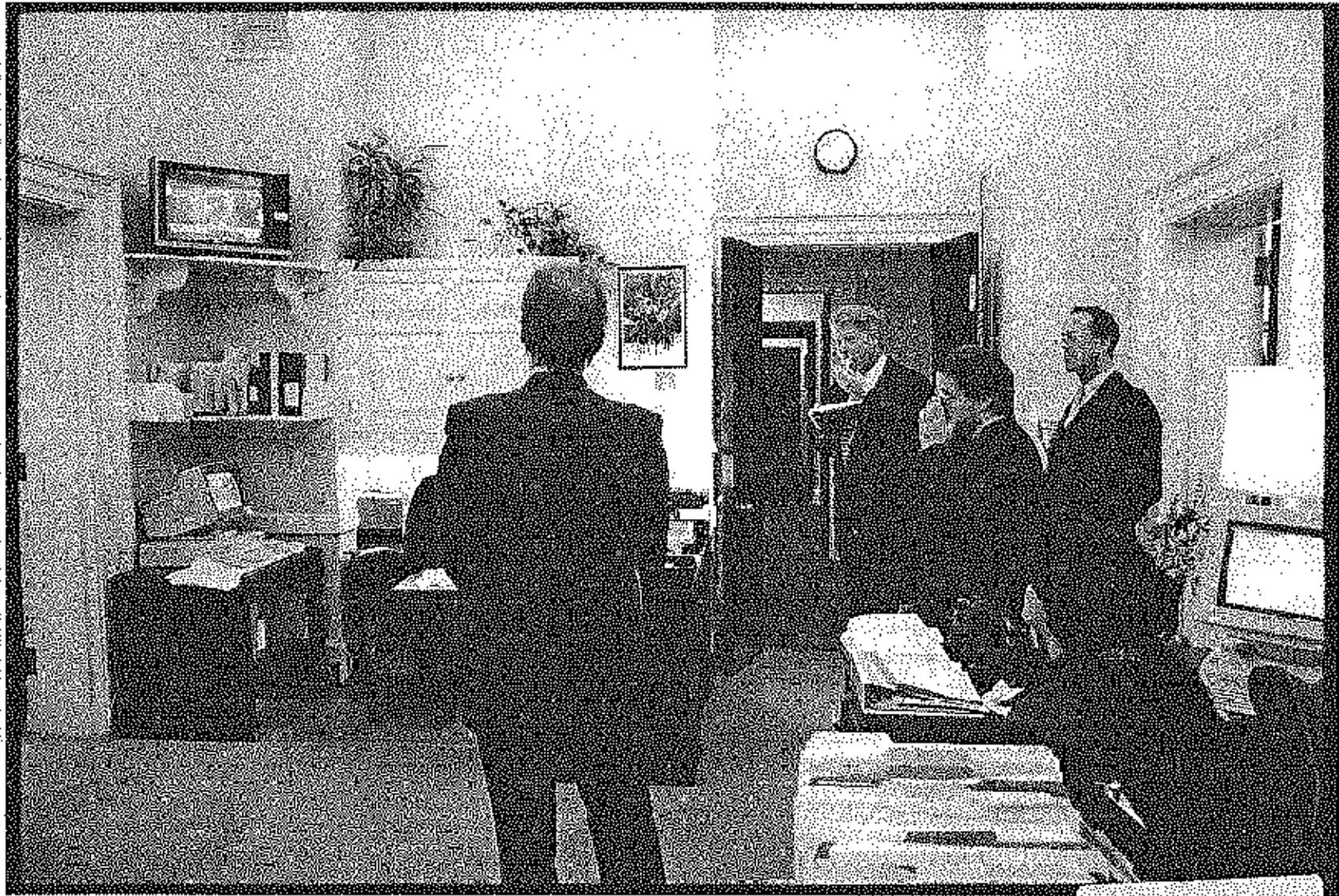
HB 004658



V006-DC-00003744

HB 004659





UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GRAND JURY PROCEEDINGS

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Tuesday, August 4, 1998

The testimony of LANNY ARTHUR BREUER was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 12:01 p.m., before:

- JACKIE M. BENNETT, JR.
Deputy Independent Counsel
- MARY ANNE WIRTH
- EDWARD J. PAGE
- JAY APPERSON
- BRETT KAVANAUGH
- JOSEPH DITKOFF
- Associate Independent Counsel
- Office of Independent Counsel
- 1001 Pennsylvania Avenue, N.W.
- Suite 490 North
- Washington, D.C. 20004

1 A I understand that.

2 Q You have a right to be represented by counsel.

3 Do you have counsel with you today?

4 A I have a counsel outside. I do.

5 Q And who is that, for the record?

6 A My former partner, Mark Lynch.

7 Q At the firm?

8 A The firm of Covington & Burling.

9 Q All right. If you need to consult with your

10 attorney at any time, just make that known and we'll permit

11 you the opportunity to do that.

12 A I will do that, Mr. Bennett. And I understand my

13 status is that of a witness.

14 Q That's correct. You met Mr. Apperson a few moments

15 ago?

16 A I did.

17 MR. BENNETT: Mr. Apperson will begin the

18 questioning.

19 THE WITNESS: Thank you.

20 MR. APPERSON: And, Mr. Breuer, you asked if you

21 could have some water here and I told you you could, so if

22 you need that, we'll take a break.

23 THE WITNESS: Whenever. That would be great.

24 MR. APPERSON: So just --

25 THE FOREPERSON: Well, I can get you some water.

PROCEEDINGS

1 Whereupon,

2

3 LANNY ARTHUR BREUER

4 was called as a witness and, after having been first duly

5 sworn by the Foreperson of the Grand Jury, was examined and

6 testified as follows:

EXAMINATION

BY MR. BENNETT:

9 Q Good afternoon, sir.

10 A Good afternoon.

11 Q Would you state your full name and spell your last

12 name for the court reporter, please?

13 A My name is Lanny Arthur Breuer, B-r-e-u-e-r.

14 Q Mr. Breuer, you are appearing today pursuant to a

15 subpoena. Is that correct?

16 A That is correct, Mr. Bennett.

17 Q All right. Before we begin, I'd like to briefly

18 advise you of your rights. You have a right to refuse

19 to answer any question the truthful answer to which

20 might tend to incriminate you personally. Do you understand

21 that?

22 A I do.

23 Q If you do choose to answer questions, your answers

24 might be used against you in any future proceeding. Do you

25 understand that?

1 THE WITNESS: Oh, thank you very much. I

2 appreciate that.

3 (Pause.)

4 MR. APPERSON: Okay. While they're doing that,

5 we'll go ahead and start.

6 THE WITNESS: Okay. That's fine.

7 BY MR. APPERSON:

8 Q Tell us, please, your position at the White House.

9 A I am the special counsel to the President.

10 Q Okay. And how long have you occupied that

11 position?

12 A Since mid February of 1997.

13 Q Okay. And what are your duties in that capacity,

14 please?

15 A I report to Charles Ruff, the counsel to the

16 President, and to at times the deputy counsels to the

17 President. And I'm involved, for the most part, in the

18 investigations involving the President. Much of my time has

19 been spent in the past on the campaign finance investigation

20 that was conducted by the Department of Justice and by

21 various committees on the Hill.

22 I've been involved in various aspects relating to a

23 number of the Independent Counsel investigations currently

24 that the administration faces. And my responsibilities can

25 encompass everything from subpoena compliance -- I have a

Page 5

Page 7

1 number of lawyers who work with me so we try to comply with
2 the subpoenas through documents.

3 Obviously, White House employees often come to me
4 or the lawyers who work for me seeking advice. A typical
5 scenario might be if such a witness has been contacted by an
6 agent or a congressional investigator and they may ask me for
7 advice. And also the various legal issues that we confront
8 in these investigations. I try to handle and work with
9 Mr. Ruff and others. And I give advice to a number of the
10 advisors, legal advice to a number of the advisors at the
11 White House.

12 Q All right. If I can direct your attention first
13 to approximately the end of January, early February of
14 this year, do you recall receiving a call from Mr. Peter
15 McGrath?

16 A I recall receiving a call from a Mr. McGrath
17 who was in New England. I believe his name was Peter,
18 but I certainly remember getting a call from a Mr. McGrath.
19 Yes.

20 Q Okay. And what is your best recollection on when
21 you received that telephone call?

22 A I would say probably late January, maybe early
23 February.

24 Q Okay. You don't recall any more specifically than
25 that?

1 What I don't remember, Mr. Apperson, is whether we
2 traded calls, Mr. McGrath and I, but at some point he and I
3 spoke. And I didn't know him. And, if you want, I'll tell
4 you the best I can --

5 Q That would be fine.

6 A What I remember of the conversation, what seemed a
7 little odd to me was that Mr. McGrath said something to the
8 effect that -- he had referred to, I think it was his
9 brother, as "my guy."

10 He said, "My guy has been contacted, my guy may
11 have information that -- " I think he suggested was
12 consistent -- I think he used a summary like "consistent with
13 information from a Mr. Bayani Nelvis," who is a steward at
14 the White House.

15 I think Mr. McGrath said to me, you know, "My
16 guy is loyal," or something like that and that, you know,
17 depending on what he was asked, he would -- he might answer
18 in a manner that was consistent with what Mr. Nelvis had
19 said. But we didn't talk a lot about it at that point, I
20 believe, and this may help in the timing, I believe there
21 were already press accounts about Bayani Nelvis' testimony,
22 about what the press reported he had seen.

23 And then Mr. McGrath said, "You guys," and I
24 assumed that meant us at the White House or the lawyers,
25 "Do you take care of the payment of lawyers?" Or, "Can

Page 6

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1 A I don't. I know that at one point I executed a
2 document and it may be in there, I haven't reviewed it
3 particularly recently.

4 Q If that helps to review -- my recollection is that
5 it was not referenced in there, but feel free to refer to
6 that.

7 A Okay. Well, it may not have been because I don't
8 think I thought of that as a privileged communication, so it
9 may not be in there. I think late January or early February.

10 Q All right. Do you maintain telephone logs for
11 incoming calls?

12 A I do not. No.

13 Q Do you maintain a calendar to note incoming calls
14 or by any mechanism other than a telephone log?

15 A No, I do not. I don't maintain a telephone log at
16 all.

17 Q Okay. Did you speak to Mr. McGrath after you
18 received his telephone call?

19 A I did. I mean, I think what happened was
20 Mr. McGrath, as I recall reached out, I think, to
21 Bruce Lindsey and perhaps, I'm not certain, to another
22 member of the counsel's office, but to Mr. Lindsey and
23 I was asked, either by Mr. Lindsey or by Ms. Mills, to
24 return Mr. McGrath's phone call, who I didn't know. So
25 I did do that.

1 you take care of us?" Or something to that effect.

2 And I said, "No, I'm not sure what you're referring
3 to, unless you're referring to the Justice Department
4 program," and there's a program at the Justice Department
5 that if you fit under right criteria and you're a government
6 employee and you need counsel, your counsel can get
7 compensated at the rate of \$99 an hour. And I clearly
8 referenced that obliquely. And then I just sort of thought
9 that was a strange comment from him.

10 He may have said, but I'm not positive,
11 Mr. Apperson, that he was also -- he thought that there were
12 reporters or reporters who would pay who might be interested
13 in his -- as he would say, "my guy's" but I took it to be his
14 brother's story.

15 And that is, right now, the best I recall about
16 that conversation, which I think probably lasted roughly five
17 minutes or so.

18 Q I appreciate that. Let me back you up.

19 A Sure.

20 Q As I understand it, your recollection is that you
21 first heard of a Mr. McGrath having made a phone call to
22 either Mr. Lindsey or to Ms. Mills in the counsel's office.

23 A Yes. I'm fairly certain the call was to
24 Mr. Lindsey and I believe Mr. Lindsey asked me to return the
25 call, but it may have been Ms. Mills who asked me to return

Page 9	Page 11
<p>1 the call, but I think the original call, as best I remember. 2 I may be wrong, was to Mr. Lindsey. 3 Q Okay. Regardless of whether you spoke to 4 Mr. Lindsey or Ms. Mills -- 5 A Right. 6 Q -- and their asking you to return the call, what 7 did they tell you as to who Mr. McGrath was and who he 8 represented or his connection with what he later described as 9 this guy or his guy? 10 A I'm not sure. They may -- and I just -- they may 11 have said he represents a former steward or military guy at 12 the White House. I just -- they may very well have said 13 that. I just don't recall definitively. 14 Q Did you understand when you returned the phone call 15 that the Mr. McGrath who was calling was functioning in a 16 legal representation capacity for another person? 17 A Yes. I clearly was under the impression I was 18 calling a lawyer on behalf of someone else. That's right. 19 Q Okay. And at that time, you understood that the 20 someone else was -- was what? What was your understanding? 21 A I'm not sure. It's been a while ago. I don't 22 remember if at that point I understood that I was calling 23 someone who was representing a steward or former steward or a 24 military aide or a former military aide. But at some point, 25 I learned -- I think I learned that he was representing his</p>	<p>1 return -- I chose not to return any of his calls after that 2 one conversation we had. 3 Q Okay. Are you aware of who else he attempted to 4 call at the White House after that? 5 A He may -- again, and I just can't -- I'm not. I 6 think he may have tried to contact Mr. Lindsey or Ms. Mills, 7 but I'm certainly not certain of that. He may not have. 8 Q Okay. Before you return to the original phone call 9 when you had the conversation and your discussions with 10 either Mr. Lindsey or Ms. Mills, did either of them express 11 to you any sort of concern with respect to this person or the 12 conversation that they had with this person before asking you 13 to return the telephone call? 14 A I want to answer your question. What I want to 15 avoid, as you know, at some point today, there are certain 16 communications over which there will be a claim of privilege 17 and now you're asking me about a conversation with counsel, 18 so I don't want to be in a position of inadvertently waiving 19 anything. 20 Q Well, if you need to -- let's at least identify 21 what the conversation is and -- 22 A I may have had -- 23 Q I'm sorry. Let me finish -- 24 A I will. 25 Q -- because the court reporter can't get both of us.</p>
<p>Page 10</p> <p>1 brother, who had worked at the White House. I think I 2 learned that during the conversation. There is a chance that 3 I had been told that before, but I don't think so. 4 Q Okay. And in your conversation with Mr. McGrath 5 on the telephone, was it clear to you or did you have an 6 understanding that his brother had been contacted with 7 respect to the Independent Counsel's investigation? 8 A It's the only conversation I had that I didn't -- 9 in the entire time I've been here, that it just seemed 10 somewhat strange to me. I wasn't quite sure why I was being 11 contacted. I didn't like the reference to "my guy has a 12 mixed memory" or whatever he said to that effect. 13 I wasn't quite sure -- I left the conversation, 14 in all candor, what I was thinking was that there was someone 15 during the first days of the Monica Lewinsky situation who 16 might frankly be interested in selling his story. 17 I quite frankly didn't have a particularly good 18 feel about the communication and the next day or a day later 19 I had heard that Mr. McGrath was saying that the White House 20 had reached out to him, I think I had heard that he had said 21 a Mr. Brower had reached out to him. And so I didn't quite 22 have -- I guess what I'm saying is a very strong view was to 23 why Mr. McGrath had called. 24 And indeed he called me back a couple of times or 25 other people at the White House and I, frankly, chose not to</p>	<p>Page 12</p> <p>1 Let's go ahead and at least identify the 2 conversations and then you can assert -- 3 A Right. 4 Q -- you know, what you need to for the record. 5 A I will. I don't think I need to on this one. 6 I do believe that at some point I had a conversation with 7 my colleagues in which I stated that I had sort of an 8 uncomfortable feeling about my conversation with Mr. McGrath. 9 And Mr. Lindsey may or Ms. Mills -- Mr. Lindsey, actually, I 10 don't think Ms. Mills, but Mr. Lindsey may have suggested 11 that the conversation seemed odd. 12 What I don't remember -- I don't believe 13 Mr. Lindsey spoke to Mr. McGrath directly, but I may be wrong 14 about that. And that's the extent of my conversation. 15 Q All right. That clearly references a conversation 16 you had with Mr. Lindsey -- 17 A After. 18 Q -- after the conversation. 19 A Yes. Right. 20 Q Do you recall any conversation with either of them 21 before you had the conversation with Mr. McGrath? 22 A Yes, the conversation where I was asked to return 23 the call. 24 Q Okay. And that's what I'm inquiring about, were 25 there any --</p>

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<p>1 A Yes. I don't --</p> <p>2 Q I'm sorry. Let me finish. Was there any</p> <p>3 conversation beyond a simple. "Lanny, I received a call from</p> <p>4 Mr. McGrath, would you return the call and see what he</p> <p>5 wants?"</p> <p>6 A I don't remember any. I mean, to the best of my</p> <p>7 recollection, no. To the best of my recollection, in</p> <p>8 substance, that would have been the call, "Can you return</p> <p>9 this fellow's call?"</p> <p>10 Q Okay. Did you have the post-conversation</p> <p>11 discussions with Mr. Lindsey or Ms. Mills -- are those the</p> <p>12 only two that you likely have discussed this with?</p> <p>13 A And I probably would have said the same to Chuck</p> <p>14 Ruff, just because it seemed -- what he said to me seemed a</p> <p>15 little unusual. And knowing my practice, I usually speak</p> <p>16 with Chuck about a lot of matters, I probably would have just</p> <p>17 mentioned that to Chuck as well.</p> <p>18 Q Okay. How do you normally receive a phone message</p> <p>19 such as this, that someone is asking you to return the call?</p> <p>20 Is that on a little yellow slip in the office or is it sent</p> <p>21 by an e-mail communication?</p> <p>22 A No. Here, I believe I was handed either a pink</p> <p>23 slip or a yellow slip that Mr. Lindsey's assistant or</p> <p>24 secretary would have taken and I would have kept it, returned</p> <p>25 the call and then tossed it.</p>	<p>1 trying to sell his story."</p> <p>2 Q And do you remember who you talked to about that?</p> <p>3 A I remember that -- I don't, but I would surmise it</p> <p>4 would have been some combination of Ms. Mills, Mr. Lindsey</p> <p>5 and Chuck Ruff.</p> <p>6 I can't tell you, Mr. Apperson, if it was all</p> <p>7 three, but those would have been the people with whom I would</p> <p>8 have made that comment.</p> <p>9 Q Okay. Do you remember if during any of the</p> <p>10 discussions that you had about your conversation with</p> <p>11 Mr. McGrath on this incident that you just described whether</p> <p>12 or not any of the persons with whom you spoke made notes</p> <p>13 during your conversation?</p> <p>14 A I'm confident they did not.</p> <p>15 Q Was anyone else present during your conversation</p> <p>16 with Mr. McGrath, your telephone call, in your office?</p> <p>17 A No. I was in my office, at my desk. No, no one</p> <p>18 else would have been present.</p> <p>19 Q Okay. Let me direct your attention, please, to</p> <p>20 January 21, 1998, a Wednesday. Do you recall the news</p> <p>21 article in the Washington Post about the Monica Lewinsky</p> <p>22 matter that broke on that date? Is that a recollection to</p> <p>23 you?</p> <p>24 A Yes. I mean, I don't remember the words of the</p> <p>25 article, but I do remember -- I believe that was the first</p>
<p>Page 14</p> <p>1 Q Okay. It's your practice to dispose of those type</p> <p>2 of messages, phone messages, after you make the call?</p> <p>3 A Yes. Right. I don't really have a practice; I</p> <p>4 don't do it all that often; but, yes. I mean, here I was</p> <p>5 given a slip from Mr. Lindsey, returned the call and then</p> <p>6 I'm quite confident I just tossed it.</p> <p>7 Q Okay. And was that single discussion you had with</p> <p>8 Mr. McGrath -- you indicated you did not return several of</p> <p>9 his telephone calls. Was there ever a time thereafter when</p> <p>10 you again spoke with him?</p> <p>11 A I don't believe so. I don't believe so.</p> <p>12 Q Okay.</p> <p>13 A And, again, I want to be clear. I don't remember</p> <p>14 if he called me once or a couple of times, but I do remember</p> <p>15 him calling me again after the time he and I spoke.</p> <p>16 Q Okay. Other than the one conversation that</p> <p>17 you recall after your conversation with Mr. McGrath with</p> <p>18 Mr. Lindsey or Ms. Mills where you expressed the concern</p> <p>19 about the telephone call, did you have subsequent</p> <p>20 conversations with either of them about Mr. McGrath or his</p> <p>21 brother?</p> <p>22 A I think later on we learned or heard a rumor that</p> <p>23 Mr. McGrath was trying to sell his story to a tabloid</p> <p>24 magazine. And I may very well at that point mentioned that,</p> <p>25 "Look at this, the fellow who I spoke to or his client is</p>	<p>Page 16</p> <p>1 day that it hit the newspaper and then it was a big story.</p> <p>2 Q Okay. That's what I wanted to focus your attention</p> <p>3 on.</p> <p>4 A Yes. Okay.</p> <p>5 Q During that time period, first, do you know Sidney</p> <p>6 Blumenthal?</p> <p>7 A I do know Sidney Blumenthal.</p> <p>8 Q And he works at the White House. Is that correct?</p> <p>9 A That is correct.</p> <p>10 Q And what's his position there?</p> <p>11 A He is a senior advisor to the President. I'm not</p> <p>12 sure of Sidney's exact title. It may be counsellor to the</p> <p>13 President, but he's one of the President's senior advisors.</p> <p>14 Q Okay. What do you understand that he does at the</p> <p>15 White House in that capacity?</p> <p>16 A He advises the President, I think, on a whole host</p> <p>17 of issues; many of which, frankly, I don't deal with Sidney</p> <p>18 on. I think he deals a fair bit with issues dealing with</p> <p>19 England. I somehow remember he had a lot to do with Prime</p> <p>20 Minister Blair's visit here.</p> <p>21 He deals with a lot of communications and message</p> <p>22 related issues, but I just don't work with him on those</p> <p>23 issues, so I don't feel qualified to talk about sort of his</p> <p>24 portfolio.</p> <p>25 Q Okay. Is it fair to say -- I notice you shrugged</p>

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<p>1 your shoulder when you began, before answering that question.</p> <p>2 Is it fair to say that his duties are kind of fluid in what</p> <p>3 he works on, his portfolio changes from time to time?</p> <p>4 A I don't know if that's fair to say. I mean, I</p> <p>5 would probably shrug my shoulders at what Gene Sperling,</p> <p>6 who is the head of the NEC, does. if you were to ask me</p> <p>7 about it.</p> <p>8 I mean, I know people's titles, but it's often hard</p> <p>9 at the White House to know actually what people do. I mean,</p> <p>10 I sort of spend my time on the investigations, candidly, so</p> <p>11 many other people can handle other issues. So it has nothing</p> <p>12 to do with whether it's fluid or not, I just simply am not</p> <p>13 that familiar with what Sidney does day to day.</p> <p>14 Q Okay. Do you understand his duties, however, to be</p> <p>15 fluid in nature?</p> <p>16 A I don't have an understanding that they're fluid or</p> <p>17 not fluid, candidly. I mean, I know he works sort of in the</p> <p>18 overall communications message area, but I couldn't do a lot</p> <p>19 better than that in describing them.</p> <p>20 Q Okay. What do you understand his relationship to</p> <p>21 be with the President?</p> <p>22 A He's a senior advisor to the President.</p> <p>23 Q Does his relationship extend beyond that of a</p> <p>24 senior advisor to the President?</p> <p>25 A You know, I don't know if I feel equipped to answer</p>	<p>1 meets with him, but Sidney has never shared with me that he</p> <p>2 is particularly -- he's never defined his relationship with</p> <p>3 the President to me.</p> <p>4 Q All right. What do you understand of</p> <p>5 Mr. Blumenthal's relationship with the First Lady?</p> <p>6 A Again, my understanding, which is somewhat</p> <p>7 indirect, is that he does have a relationship with the First</p> <p>8 Lady and that they're friendly. Again, I don't know if</p> <p>9 they're personal friends or the extent of it, but as far as I</p> <p>10 know, they have a relationship. Again, I've never personally</p> <p>11 witnessed it.</p> <p>12 Q All right. Do you recall -- and, again, I'll go</p> <p>13 back to the time period we identified when the Washington</p> <p>14 Post article appeared, January 1, 1998, do you recall</p> <p>15 Mr. Blumenthal on or about that date revealing to you a</p> <p>16 conversation that he had had with the President regarding</p> <p>17 Monica Lewinsky?</p> <p>18 A Whatever -- I'm aware of the conversation you're</p> <p>19 referencing. The first part is it certainly wasn't on or</p> <p>20 about the day of the 21st of January. It certainly was not</p> <p>21 that. But as to the second part of that, I think that I</p> <p>22 cannot answer that question under a claim of executive</p> <p>23 privilege and governmental attorney-client privilege.</p> <p>24 Q Okay. Let me back up and we'll get back to that.</p> <p>25 A Okay.</p>
<p>1 that. I don't know. I am not particularly close to Sidney</p> <p>2 in the sense other than dealing with him professionally.</p> <p>3 My sense is he has the confidence of the President,</p> <p>4 but I've certainly not been around when they've been together</p> <p>5 speaking other than in big groups, so I don't really feel I'm</p> <p>6 able to elaborate on that.</p> <p>7 Q Okay. Do you understand he's a personal friend of</p> <p>8 the President, in addition to his position at the White</p> <p>9 House?</p> <p>10 A I have an understanding that Sidney did have a</p> <p>11 relationship with the President of some sort, or at least the</p> <p>12 President knew of Sidney before, but I don't know if they're</p> <p>13 personal friends.</p> <p>14 Q Okay. And what is the basis of that understanding?</p> <p>15 A A Washington Post article that I read about the</p> <p>16 time that Sidney was joining the administration. There was a</p> <p>17 profile of him and I read it and in that Washington Post</p> <p>18 article it was referenced that as a journalist, Blumenthal</p> <p>19 had been a supporter of the President and the administration</p> <p>20 and that was actually my -- that's what I base that on.</p> <p>21 Q Okay. Is it based on anything that Mr. Blumenthal</p> <p>22 has ever said to you or said in your presence with respect to</p> <p>23 his relationship with the President?</p> <p>24 A No. I mean, I do understand that he has a</p> <p>25 relationship with the President and, as a senior advisor, he</p>	<p>1 Q You said it was certainly not on or about January</p> <p>2 21st. When do you recall the conversation?</p> <p>3 A Well, it was a very -- it was certainly a very</p> <p>4 brief conversation. Very brief. And so to define it, in</p> <p>5 case we have to go in front of another court, I would say</p> <p>6 that my entire conversation with Mr. Blumenthal was probably</p> <p>7 on this matter no more than three minutes.</p> <p>8 Mr. Apperson, it's hard for me to tell you exactly,</p> <p>9 but it was -- it was probably -- you probably could help me</p> <p>10 if you would tell me when Mr. Blumenthal testified here.</p> <p>11 That would probably be a marker. It was before then, but I</p> <p>12 don't think it was that much before then. And that would be</p> <p>13 helpful to me in trying to figure out when I remember the</p> <p>14 conversation.</p> <p>15 Q So your best recollection is it was somewhat -- it</p> <p>16 was before and somewhat close in time to his first appearance</p> <p>17 before the grand jury?</p> <p>18 A I probably should say I could be wildly off on my</p> <p>19 estimates, and so I don't purport to know exactly, but my --</p> <p>20 as I'm sitting here today, I would say maybe a couple of</p> <p>21 weeks, a week before Mr. Blumenthal came in front of the</p> <p>22 grand jury, whenever that was.</p> <p>23 Q Let me attempt to do this.</p> <p>24 A Sure.</p> <p>25 Q You have brought with you a letter from your</p>

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<p>1 attorney that was sent to the Independent Counsel's office 2 dated March 9th and an attached statement that you had 3 prepared dated March 9, 1998. Is that correct? 4 A That's right. This was my attempt back in March to 5 provide to you those conversations at the time that I had had 6 that we felt were potentially subject to privilege. 7 Q Okay. And let me in an attempt to try to get the 8 time period, to see if this helps -- 9 A Right. 10 Q If it doesn't, it doesn't. 11 A I don't think -- to short circuit it, I'm confident 12 I had my conversation with Mr. Blumenthal after I wrote this 13 document, so if that's where you're going, I'm quite 14 confident of that. 15 Q Okay. But let me -- 16 MR. BENNETT: That tells us that it would have been 17 after March 9th. 18 THE WITNESS: That's exactly right, Mr. Bennett. 19 It certainly was after March 9th. 20 MR. BENNETT: Okay. 21 BY MR. APPERSON: 22 Q Does that help in establishing how -- with that as 23 a guidepost, do you have a sense of how long after March 9th? 24 A Again, I could be wildly off, but, you know, 25 sitting here now, I would say within a couple of weeks of</p>	<p>1 A Again, I won't give you the substance of it because 2 I believe the conversation is privileged both on the basis of 3 executive privilege and attorney-client privilege. It would 4 probably, you know, have been related to this general matter 5 you're investigating, maybe something that had been, you 6 know, something from a news account. 7 Again, I -- what I feel more comfortable telling 8 you, Mr. Apperson, is I would suspect that I talked about 9 something else with him. I don't have a vivid memory of what 10 else that is. I do remember the conversation, though, that 11 you're referencing. 12 Q All right. At this point, without revealing what 13 the conversation was, it had to do with -- he recounted for 14 you, correct, a conversation which he had had, which he 15 informed you that he had had with the President, is that 16 correct? 17 A I, again, don't want to go into the substance of 18 it, but I think it's safe to say that I had assumed that in 19 your question and, yes, that would be my best recollection. 20 I don't feel comfortable saying much more about it at this 21 point. 22 Q Okay. The information he provided when you had 23 your conversation, was that the first you ever heard of that 24 account, that story or however you want to characterize it? 25 What he told you, was that the first time you ever heard that</p>
<p>1 Mr. Blumenthal testifying and, again, if you asked me when, 2 knowing I could be wildly off, if you said to give my best 3 guess, I'd say maybe he said this to me in early May. 4 Q Okay. 5 A And, again, Mr. Apperson, I want to be clear here, 6 I could be pretty far off on that time. 7 Q I appreciate that. What were the circumstances of 8 your having this conversation with Mr. Blumenthal? Where did 9 it take place? 10 A As I recall, it occurred in Mr. Blumenthal's 11 office. I had come by, which I don't do that often with 12 Mr. Blumenthal, but I had come by, I think in part just to 13 see how he was doing, which is frankly something I sometimes 14 do, just on an emotional level, to see how people are holding 15 up. And it was when I was in there in his office that we 16 would have had the conversation that you're referencing. 17 Q Okay. Did you talk about anything else other than 18 this? And I mean after -- if you had gone by his office to 19 ask how he was holding up, presumably you asked that and -- 20 A Right. I probably asked that. 21 Q Was anything else discussed other than responding 22 to "How are you holding up" and then moving on to this topic? 23 A Probably. Probably something else would have been 24 discussed. 25 Q Do you recall what that was?</p>	<p>1 from anybody? 2 A Yes. 3 Q All right. What did Mr. Blumenthal say was the 4 purpose of telling you this? 5 A I don't believe he did, but in general I believe 6 people give me information when they do because they see me 7 as a lawyer in the counsel's office who is involved in this 8 matter, a lawyer who tries to share information with 9 Mr. Ruff, and I think he understood, as do many, that there's 10 at least a potential of impeachment proceedings being brought 11 in this matter, that your office may provide a report to the 12 Congress, and that as White House counsel one of our 13 responsibilities is to represent and advise the President in 14 his official capacity and that providing whatever sketchy 15 level of facts he did would help enable me and my colleagues 16 to advise the President. That would be my understanding of 17 why he and others speak to me. 18 Q All right. Was your understanding based on 19 anything that he told you at the time? 20 A Mr. Apperson, I've been there since the beginning. 21 I think it's fair to say, and I think anyone in my position 22 knows, that at some point you get known in the White House, 23 when people come and speak with me and choose to speak to me 24 as opposed to a non-lawyer, that's why they're doing it, but 25 they don't necessarily begin every conversation by saying,</p>

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1 "Lanny, can I come in here now? I'm telling you this
 2 because -- " but that is my understanding.
 3 Q Okay. Well, you've certainly had conversations in
 4 the White House where persons have begun a conversation as
 5 "I'm telling you something because -- " correct?
 6 A More often than not, people come in and say,
 7 "I have -- " a typical conversation, someone will come in
 8 and say, "Lanny, I've been contacted by someone, an agent
 9 or the press or someone else, you know, what are my rights,
 10 what can I do, here was my involvement."
 11 They don't necessarily say, "Lanny, I'm coming to
 12 you because you're the special counsel to the President," but
 13 it's clear to me they're seeking my advice.
 14 Q Okay. Let me go back to the original question.
 15 A Sure.
 16 Q When you had the discussion with Mr. Blumenthal on
 17 that occasion when he related the conversation, and without
 18 saying what the conversation was, did he tell you tell you
 19 why he was relating that conversation to you?
 20 A I don't recall if in that conversation he said
 21 "I'm either seeking legal advice or imparting information."
 22 or "Lanny, you know, you may want to know this information."
 23 I candidly don't remember. Or if I said something like -- I
 24 don't remember.
 25 Q Okay. Do you recall if he said, "Lanny, I'm

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1 concerned about something and I want to pass it on to you?"
 2 A I think I had an understanding in general and I am
 3 not comfortable going into any further of the conversation
 4 between Mr. Blumenthal and me.
 5 Again, I had the understanding, whether it was
 6 explicit or implicit, when Mr. Blumenthal was speaking to me
 7 he was doing so because of my position. Mr. Blumenthal and I
 8 are not friends. I would not be someone he would naturally
 9 speak to.
 10 Indeed, as you know, I don't know a lot about his
 11 other responsibilities and so he and I don't sort of chat
 12 daily about other issues other than this particular issue, so
 13 I think he did it based on my position.
 14 Q All right. Though, again, just to clarify, he
 15 provided this information to you when you did an informal
 16 drop by to say, "How are you doing," or "How are you holding
 17 up."
 18 A Right. I don't accept the characterization of just
 19 an informal -- well, certainly, it was informal, but, you
 20 know, as any lawyer in an institution does, occasionally you
 21 go by and you visit with people, you see them or they grab
 22 you in the hall. I don't sort of set up meetings with
 23 people. So I'm not sure I agree with the characterization of
 24 informal.
 25 Q Okay. How then would you characterize it?

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1 A I would simply characterize it as I came by and
 2 visited with Mr. Blumenthal for a couple of moments and I
 3 don't recall if it was impromptu or if he had said, which he
 4 may at times, and other people, "When you have a chance, can
 5 you come by?"
 6 I don't remember why I did it, but I would have
 7 come by and would have done it candidly in conjunction with
 8 my responsibilities.
 9 MR. APPERSON: Okay. I think we're at the point
 10 the grand jury needs to break for lunch, as is our practice
 11 here, as I understand it. And so we would appreciate your
 12 patience as we take a lunch break and then we'll return.
 13 THE WITNESS: At what time?
 14 THE FOREPERSON: We will return at 1:35.
 15 THE WITNESS: Okay. Thank you.
 16 THE FOREPERSON: You're welcome.
 17 MR. APPERSON: Thank you.
 18 THE WITNESS: Thank you, Mr. Apperson.
 19 (Whereupon, at 12:35 p.m., a luncheon recess was
 20 taken.)
 21 * * * * *

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1 AFTERNOON SESSION
 2 (1:41 p.m.)
 3 Whereupon,
 4 LANNY ARTHUR BREUER
 5 was recalled as a witness and, after having been previously
 6 duly sworn by the Foreperson of the Grand Jury, was examined
 7 and testified further as follows:
 8 EXAMINATION (RESUMED)
 9 THE FOREPERSON: Welcome back, Mr. Breuer.
 10 I'd like to remind you that you are still under oath.
 11 THE WITNESS: Thank you.
 12 MR. APPERSON: And we have a quorum?
 13 THE FOREPERSON: Yes, we do.
 14 MR. APPERSON: And there are no unauthorized
 15 persons present?
 16 THE FOREPERSON: There are none.
 17 BY MR. APPERSON:
 18 Q Mr. Breuer, let me pick back up on our discussion
 19 of the conversation that you had with Mr. Blumenthal. Did he
 20 tell you when he had had the conversation with the President
 21 that he related to you?
 22 A I think that that would reveal the substance of my
 23 conversation with Mr. Blumenthal, so I believe that that
 24 information is protected by the attorney-client privilege and
 25 executive privilege.

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<p>1 Q So you're asserting the privileges even with 2 respect to when Mr. Blumenthal had the discussion with the 3 President?</p> <p>4 A Well, what I'm trying to do, frankly, is assert it 5 over the conversation because I don't want to provide 6 information and then have an argument that I have waived the 7 substance of it, so I'm trying to caveat the entire 8 conversation and it seems to me, unless I'm wrong, I should 9 tell you the best I can when I had the conversation, the 10 length of when I had the conversation, the location of where 11 I had the conversation, who was present at the conversation, 12 but at that point, I think I probably ought not, unless I get 13 more direction, ought not to provide any of the substance of 14 what Mr. Blumenthal said because as a matter of law I don't 15 want to waive the contents of that. I hope you understand.</p> <p>16 Q I understand your position. What did you do as a 17 result of your conversation with Mr. Blumenthal?</p> <p>18 A I don't believe I did anything as a result of my 19 conversation with Mr. Blumenthal.</p> <p>20 Q Okay. Did you have discussions with anyone else 21 after that conversation where you relayed any portion of that 22 conversation to another person?</p> <p>23 A I believe I would have had a conversation 24 referencing my conversation with Mr. Blumenthal, a brief 25 conversation with Mr. Ruff.</p>	<p>1 A I don't recall doing that. I don't recall that.</p> <p>2 Q Okay. Did you make any efforts to -- again, the 3 conversation with Mr. Blumenthal concerned a conversation he 4 had had with the President and including, I'm assuming, 5 information the President told him, correct?</p> <p>6 A Other than saying that Mr. Blumenthal in our 7 conversation would have related a conversation or a part of a 8 conversation, I don't want to go more into the substance than 9 that.</p> <p>10 Q All right. Did you make any effort to verify the 11 information that Mr. Blumenthal provided you?</p> <p>12 A No, I did not.</p> <p>13 Q You did not ask the President whether in fact what 14 Mr. Blumenthal said he said was in fact what he said?</p> <p>15 A I did not ask the President.</p> <p>16 Q Did Mr. Blumenthal on that occasion or any other 17 occasion relate to you a conversation he had had with the 18 First Lady with respect to Monica Lewinsky?</p> <p>19 A I do not believe he did. He may have said that he 20 had had such a conversation, though I'm not even certain of 21 that, but I have no recollection of him telling me the 22 substance of that conversation.</p> <p>23 Q Okay. Is your recollection of his referencing that 24 during the same conversation that we've been talking about, 25 the three-minute conversation?</p>
<p>Page 30</p> <p>1 Q Okay. And how long after your conversation with 2 Mr. Blumenthal do you recall having such a conversation with 3 Mr. Ruff?</p> <p>4 A Oh, that same day, maybe -- my best estimate, it 5 would have been a window of approximately two hours. And, 6 again, that's a very rough estimate, Mr. Apperson.</p> <p>7 Q As far as the time, that day?</p> <p>8 A Yes. As far as the time. I thought your question 9 was when did I speak to Mr. Ruff and my memory would be it 10 was within a couple of hours of the time I spoke with 11 Mr. Blumenthal.</p> <p>12 Q Okay. So clearly that day, at some point.</p> <p>13 A I don't want to say "clearly." My memory today 14 would be that, yes, I believe it was that same day. To the 15 best of my memory.</p> <p>16 Q All right. First of all, was anyone else present 17 when Mr. Blumenthal related this conversation with the 18 President to you?</p> <p>19 A No.</p> <p>20 Q When you had the subsequent conversation with 21 Mr. Ruff, was anyone else present when you relayed this?</p> <p>22 A No. No.</p> <p>23 Q All right. Other than Mr. Ruff, do you recall 24 having conveyed any portion of your conversation with 25 Mr. Blumenthal to anyone else?</p>	<p>Page 32</p> <p>1 A I'm not even sure he did do it. And, no, I don't 2 have a memory that it was in the same conversation.</p> <p>3 Q Now, with respect to the assertion of privilege on 4 this conversation, has the President directed you to assert 5 executive privilege with respect to this conversation?</p> <p>6 A I have received authority from Mr. Ruff to assert 7 executive privilege over this conversation or over such 8 conversations.</p> <p>9 Q All right. When you say you received authority 10 from Mr. Ruff, do you understand -- what is your 11 understanding with respect to the President's having 12 instructed Mr. Ruff to instruct you?</p> <p>13 A Well, my understanding is that the President of the 14 United States has authorized Mr. Ruff to assert executive 15 privilege and then Mr. Ruff instructs me depending on the 16 application and the specifics of conversations whether or not 17 to assert that privilege. But my conversation was with 18 Mr. Ruff.</p> <p>19 Q All right. You're familiar, are you not, with the 20 previous assertion of executive privilege by Mr. Lindsey in 21 connection with this grand jury investigation?</p> <p>22 A I'm somewhat familiar with that.</p> <p>23 Q Okay. You're aware, are you not, that the 24 President determined not to proceed with the invocation of 25 executive privilege with respect to Mr. Lindsey in recent</p>

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<p>1 litigation?</p> <p>2 A I'm aware that we made a determination not to</p> <p>3 appeal a decision by the district court with respect to</p> <p>4 executive privilege.</p> <p>5 Q Had you appealed that, this issue would have been</p> <p>6 previously litigated and disposed of by now, correct?</p> <p>7 A Mr. Apperson, I don't -- maybe I'm incorrect but I</p> <p>8 don't think in the grand jury we ought to be arguing a point</p> <p>9 of law. I think that that's probably more germane for the</p> <p>10 chief judge and so I don't feel equipped nor do I think this</p> <p>11 is the proper forum for us to be arguing law. And I'm</p> <p>12 actually not -- I'm not sure that that's correct.</p> <p>13 Q Tell me your views of why you don't think it's</p> <p>14 correct.</p> <p>15 A I just don't think it's appropriate for me here to</p> <p>16 argue the law. I think what is appropriate is as a</p> <p>17 stakeholder, it is the President's privilege, of course.</p> <p>18 If I'm instructed by the counsel to the President</p> <p>19 to assert privilege over a communication that I was a part</p> <p>20 of, it's obviously my duty to do that. And I think to the</p> <p>21 same degree that you have argued that I am not a party of the</p> <p>22 Lindsey matter and I come before you now, this is the first</p> <p>23 time you've asked me about this conversation, and I think I'm</p> <p>24 duty bound to follow through on the directions I've received</p> <p>25 from the counsel to the President.</p>	<p>1 Q Okay. So let me get back to my question. Are you</p> <p>2 familiar with Mr. McCurry's statement to the press that the</p> <p>3 President has instructed Mr. Kendall to work with Mr. Starr's</p> <p>4 office in assuring that the grand jury gets the information</p> <p>5 it needs?</p> <p>6 A I am, Mr. Apperson. I'm familiar with the respect</p> <p>7 that the President is making the extraordinary step of making</p> <p>8 himself available to this grand jury and I'm sure you can ask</p> <p>9 the President of the United States if you choose to about his</p> <p>10 conversation with Mr. Blumenthal. And, indeed, I suspect</p> <p>11 that you can ask or could have asked Mr. Blumenthal about</p> <p>12 that very same conversation.</p> <p>13 So the mere fact that we are crafting some role</p> <p>14 for lawyers to give advice and to try to protect that I</p> <p>15 don't believe is inconsistent with any proclamations that</p> <p>16 Mr. McCurry has made. Indeed, I think that the President</p> <p>17 making himself available to your office speaks volumes about</p> <p>18 the fact that he in fact is doing exactly what Mr. McCurry</p> <p>19 stated he would do.</p> <p>20 Q So it's your understanding that Mr. McCurry's</p> <p>21 statement is limited to the President's willingness to</p> <p>22 testify before the grand jury and nothing further?</p> <p>23 A No, I don't think that's accurate. Indeed, I</p> <p>24 believe that even prior to coming to there grand jury today</p> <p>25 we informed you that I was prepared to speak about a whole</p>
<p>1 Q Okay. You're familiar, are you not, with</p> <p>2 Mr. McCurry's statements to the press at a recent press</p> <p>3 conference wherein he indicated the President had instructed</p> <p>4 Mr. Kendall to work with Mr. Starr's office to assure that</p> <p>5 the grand jury gets the information it needs?</p> <p>6 A I am familiar with that. I'm also familiar,</p> <p>7 Mr. Apperson, that in the decision that you just prevailed in</p> <p>8 with Judge Randolph that Judge Randolph has now given</p> <p>9 direction as to the circuit court's position as to what we</p> <p>10 should do, the attorneys should do, in the event that we</p> <p>11 believe at the White House that we have communications that</p> <p>12 are rightfully subject to privilege, given that we do have a</p> <p>13 constitutional obligation to advise the President in his</p> <p>14 official capacity.</p> <p>15 It's my understanding and, again, I don't profess</p> <p>16 to be expert in this, that Judge Randolph has directed us</p> <p>17 that in the event that we have such a concern that the proper</p> <p>18 vehicle for that is executive privilege. What I am</p> <p>19 attempting to do here is to follow Judge Randolph's direction</p> <p>20 in the decision and that's what I am doing.</p> <p>21 Q Okay. You work for the President, not Judge</p> <p>22 Randolph, correct?</p> <p>23 A Is that a real question?</p> <p>24 Q Yes, sir.</p> <p>25 A I do not work for Judge Randolph. That is correct.</p>	<p>1 host of communications that I think we rightfully could claim</p> <p>2 were privileged. I think we're doing that.</p> <p>3 In fact, most of this document contains</p> <p>4 communications that we previously claimed were privileged</p> <p>5 that I am now prepared to tell this grand jury about. But</p> <p>6 there must be, in my view, since you're asking my opinion, at</p> <p>7 least a narrow group of conversations that in these</p> <p>8 remarkable times a lawyer can have, a White House lawyer can</p> <p>9 have, either with the President or the most senior staff.</p> <p>10 And it's an attempt to both cooperate with this office as</p> <p>11 much as we can, your office, but also craft the most narrow</p> <p>12 area where we can at least continue to advise the President</p> <p>13 and his advisors, that we're seeking to do.</p> <p>14 So, frankly, Mr. Apperson, I do think we're trying</p> <p>15 to be as cooperative as we can without completely abandoning</p> <p>16 what I think are our very important responsibilities.</p> <p>17 BY MR. BENNETT:</p> <p>18 Q Mr. Breuer, Mr. Apperson asked you about whether</p> <p>19 you were aware that the White House had decided to drop</p> <p>20 executive privilege claims in earlier litigation. Is that</p> <p>21 correct?</p> <p>22 A He asked me -- that's correct, Mr. Bennett. In the</p> <p>23 Bruce Lindsey litigation, a decision was made not to appeal</p> <p>24 the executive privilege decision of Judge Johnson.</p> <p>25 Q All right. And when was that decision made in</p>

<p style="text-align: right;">Page 37</p> <p>1 connection -- where was it in the litigation when that 2 decision was made?</p> <p>3 A I believe -- you probably know the answer better 4 than I, but I believe it was after Judge Johnson made her 5 decision. After Judge Johnson made her decision. After 6 Judge Johnson had made her decision, but prior to the time 7 that, obviously, we had to file briefs in the Court of 8 Appeals. That's the best of my memory.</p> <p>9 Q All right. And is it not correct that that issue 10 was dropped on appeal at the same time consideration was 11 being given whether to expedite the matter to the Supreme 12 Court and effectively skip the Court of Appeals as a panel 13 which would consider this?</p> <p>14 A Well, I don't think we ever anticipated skipping 15 the Court of Appeals. I think -- I think you all filed a 16 petition for certiorari before judgment, so it was our view, 17 and I speak generally, our view that we thought that the 18 Court of Appeals should address all the issues.</p> <p>19 So I'm not familiar when you made your decision. 20 but obviously at the same time you were making your decision 21 about skipping the Court of Appeals, we obviously were making 22 decisions as well.</p> <p>23 Q Were you aware that the effect of dropping 24 the executive privilege claim that you were asserting in 25 the litigation would have the additional benefit from</p>	<p style="text-align: right;">Page 39</p> <p>1 Ruff, the lawyer with whom I work. I think I try to deal 2 with my adversaries and my colleagues in a good faith manner. 3 I believe I have so here.</p> <p>4 I do think, Mr. Bennett, that as opposed to sort of 5 challenging that that there is a very real issue. I think 6 Judge Randolph in his decision claimed that executive 7 privilege is now the proper vehicle.</p> <p>8 Obviously, at the time you made your decision to 9 move for certiorari before judgment and we made our decision 10 not to pursue executive privilege in the context of Bruce 11 Lindsey, prior to that none of us had the benefit -- at least 12 we in our decision, obviously, did not have the benefit, nor 13 did you at the time, of Judge Randolph's decision.</p> <p>14 I think Judge Randolph says that there is an area 15 out there for us to explore. I think that the counsel to the 16 President has decided that that's a very important thing to 17 do so that we can have direction. So, frankly, that future 18 presidents and future counsels to the President will know 19 exactly what they are and not permitted to do.</p> <p>20 And I assure you that, you know, this is a very 21 good faith attempt and at the right moment, obviously, you 22 will make your arguments and we will make our arguments in 23 front of the chief judge.</p> <p>24 Q Well, you're not suggesting that you were totally 25 bereft of judicial authority on the question of executive</p>
<p style="text-align: right;">Page 38</p> <p>1 your perspective, if you will, of making it less likely 2 that the Supreme Court would accept the matter expedited 3 treatment?</p> <p>4 A I'm not sure I was aware of that. I also want to 5 be very careful that you're not asking me about internal 6 lawyer discussions within the White House about our strategy, 7 about our appellate strategy or our appeals. I mean, to the 8 degree I or my colleagues discussed this would be discussions 9 among lawyers and, frankly, Mr. Bennett, I'm not sure it 10 would be factually relevant to this grand jury. It's the 11 discussion of lawyers.</p> <p>12 Q I'm not really asking about your strategy. What 13 I'm really asking about is your good faith, the good faith of 14 you and your colleagues, in pursuing a matter, asserting 15 privileges through the district court and at such time as we 16 were in a posture where the matter could be taken straight to 17 the Supreme Court, you and your colleagues chose to drop one 18 of those claims, the very matter that you're now reasserting.</p> <p>19 A I'm --</p> <p>20 Q So this is really designed to assess your good 21 faith because I think that's something the court would want 22 to know about.</p> <p>23 A Well, I'm happy to address it. I'd like to say, 24 given that you've raised that, that I'm very proud of my 25 reputation and my good faith and I'm very proud of Chuck</p>	<p style="text-align: right;">Page 40</p> <p>1 privilege. You've got the Nixon case and In Re Sealed Case, 2 and the commentary by Judge Randolph expanded on that, 3 correct?</p> <p>4 A Mr. Bennett, I mean, I don't -- this is your grand 5 jury, not mine. I mean, I was a prosecutor, too, and I never 6 argued legal issues in front of a grand jury. There are 7 opinions, there are many opinions, frankly, that asserted 8 that there is a governmental attorney-client privilege.</p> <p>9 All I can tell you sincerely is that I believe, 10 Mr. Ruff believes, and there are many who believe, both in 11 the public sector and within the White House, that there must 12 be an area when your office is going to provide a report to 13 the Congress, a report that can be used for potential 14 impeachment proceedings, that the President of the United 15 States, like anyone else, is entitled to advice and that that 16 advice in an impeachment proceeding which is an official 17 proceeding ought to come from his official lawyers; that we 18 must do that, that we have a responsibility to do that. And 19 in attempting to do that, we are trying to carve out an area 20 where we can provide that kind of advice to the President.</p> <p>21 I don't think anyone objectively can say that I 22 don't come here today willing to tell you about conversations 23 that lawyers typically never talk about, but we are 24 attempting to figure out an area where we can protect and the 25 conversation Mr. Apperson asked me about is such a one and I</p>

<p style="text-align: right;">Page 41</p> <p>1 I am claiming the privilege on behalf of the President in good 2 faith.</p> <p>3 Q What I'm asking you, sir, is why did your office 4 opt to assert the privilege, drop it when the effect of 5 leaving it as an active matter would permit expedited 6 treatment by the Supreme Court, the ruling on the remaining 7 part of that, that is, the attorney-client privilege, led to 8 a judicial ruling, and now you come back in and assert 9 executive privilege again?</p> <p>10 A Without characterizing -- again, with my 11 understanding that I don't think that this is the proper 12 forum for this inquiry and without in any way purporting 13 that my answer should replace the briefing that I think 14 is the proper means by which you should make your 15 arguments and we should make our arguments, I would suggest 16 that the most salient difference is that Judge Randolph has 17 explicitly stated in his opinion that -- we thought 18 attorney-client privilege, and continue to believe, is the 19 right -- that attorney-client privilege exists in this 20 setting.</p> <p>21 Judge Randolph has suggested, it seems to me, if 22 I have read the opinion correctly, that attorney-client 23 privilege for these very conversations is not necessarily -- 24 or is not the correct privilege, but rather it is executive 25 privilege.</p>	<p style="text-align: right;">Page 43</p> <p>1 general description is correct. Yes.</p> <p>2 Q All right. And at the time when you filed the 3 statement, you were then asserting the privilege similar to 4 what you're doing today in the grand jury, correct?</p> <p>5 A Well, I think at that time, and I still believe, 6 candidly, these conversations are subject to privilege, we 7 have just decided, I think, with respect to some of these, in 8 a gesture to show our willingness to provide information that 9 I was discussing, but, yes.</p> <p>10 The idea here was for me to provide to you all the 11 conversations at that time that I could remember in a good 12 faith attempt so that we would realize that we had a legal 13 issue at stake, but that factually you sort of had -- sort of 14 an outline of the kinds of communications that I had had.</p> <p>15 Q Okay. I appreciate that. And let me just confirm 16 on the record, have you confirm on the record, you informed 17 me before coming in here and your attorney, I don't know if 18 he had told me or you did directly --</p> <p>19 A I think we both did.</p> <p>20 Q Okay. But essentially with respect to those 21 conversations, that is, conversations with attorneys for the 22 witnesses as you set out in this document, that despite the 23 previous assertion of privilege, you were no longer asserting 24 the privilege with respect to those conversations and that 25 you would be prepared to answer questions with respect to</p>
<p style="text-align: right;">Page 42</p> <p>1 I come to you today knowing full well that the 2 President of the United States is going to testify before 3 you; that we have made the senior advisors to the President 4 available to you; and that I as a lawyer and my colleagues 5 are trying to craft that very narrow area. And so with 6 respect to these areas, it seems to me, given Judge 7 Randolph's decision, the appropriate response for us is to 8 assert executive privilege and, as I think the opinion of the 9 court yesterday suggested, attorney-client as well.</p> <p>10 BY MR. APPERSON:</p> <p>11 Q Let me follow up. We made reference earlier in 12 your testimony to the March 9, 1998 statement and you 13 characterized that previously as a written attempt to set 14 forth conversations and contacts that you had had with a 15 number of persons about which you were at that time asserting 16 executive privilege and attorney-client privilege and other 17 privileges as set out in that document, correct?</p> <p>18 A Yes. Essentially, that's correct.</p> <p>19 Q All right. And many of those, a number of those 20 conversations or contacts over which you were then asserting 21 privilege concerned contacts you had with attorneys for 22 witnesses who had been called or appeared before the grand 23 jury in this investigation, correct?</p> <p>24 A Yes. Or else witnesses who may have been contacted 25 and interviewed or just witnesses in general. But your</p>	<p style="text-align: right;">Page 44</p> <p>1 them, correct?</p> <p>2 A Right. That's correct. I told you that if you 3 were to ask me questions about these conversations today, in 4 an effort to move this forward, I would answer those 5 questions.</p> <p>6 Q Okay. So clearly the ability to not assert a 7 privilege is a discretionary one with the President with 8 respect to all the conversations that you set out in this 9 document and, indeed, the conversation that we talked about 10 today, correct?</p> <p>11 A Yes. I think what we've attempted to do is to 12 provide you as much information as we can without totally 13 destroying any role for White House counsel.</p> <p>14 In doing that, we've made a determination that we 15 would provide conversations that I or other lawyers may 16 have had with lawyers for third parties, but that the 17 most core thing a lawyer can do is to help advise the 18 people who work at the institution that he represents, and 19 so that I would not disclose today conversations I had 20 with White House employees, conversations that I had with my 21 colleagues in the counsel's office or conversations with the 22 President of the United States, but if you take those away, I 23 was prepared to answer any questions you had about any other 24 conversations.</p> <p>25 And so that is the goal and why I and my lawyer</p>

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<p>1 made that representation to you prior to my walking into the 2 grand jury today.</p> <p>3 MR. APPERSON: Okay.</p> <p>4 MR. KAVANAUGH: Could I clarify one point?</p> <p>5 THE WITNESS: Sure.</p> <p>6 BY MR. KAVANAUGH:</p> <p>7 Q The President's private lawyers, where do they fit 8 in?</p> <p>9 A I will not -- conversations that I had with the 10 President's personal lawyers, I will claim privilege over.</p> <p>11 Q Both privileges?</p> <p>12 A Both privileges.</p> <p>13 BY MR. APPERSON:</p> <p>14 Q You're aware, Mr. Breuer, of previous presidents 15 not asserting executive privilege though they may have done 16 so?</p> <p>17 A I am not a presidential historian. I think there's 18 been a lot of, frankly, misrepresentation, not necessarily 19 intentionally, about what other presidents have done. Some 20 presidents have provided materials, others haven't.</p> <p>21 In many contexts, not to be self-serving, this 22 administration has provided records to your office, 23 Mr. Apperson, and to others that I'm not aware any 24 administration ever provided to any other prosecutors 25 before.</p>	<p>1 in some cases that did occur.</p> <p>2 I'm aware also, Mr. Apperson, that in the Bush 3 administration the counsel to President Bush decided not to 4 turn over diaries that President Bush had.</p> <p>5 So it's not so clear to me, the answer to your 6 question.</p> <p>7 Q All right. Let's move on. Are you aware of 8 efforts by the White House counsel's office to meet, talk and 9 debrief witnesses after their testimony before the grand jury 10 in this investigation?</p> <p>11 A I'm aware that, for instance, in my case, that 12 though I have rarely done it in the last months, very rarely, 13 that I have spoken, for instance, in my case, to a number of 14 lawyers, the vast majority of which, virtually all of which, 15 are incorporated in this document you've had since March, 16 where for the most part if I were to generalize I've had what 17 I'd call fairly brief discussions with the lawyers about what 18 their clients either said in the grand jury or their client's 19 involvement in the grand jury. So I actually don't want to 20 subscribe to the term "debrief."</p> <p>21 I was in private practice and there if one is a 22 lawyer in private practice often you really take very 23 detailed notes or really ask many, many questions of another 24 lawyer, as you may know. Certainly I have not done that. I 25 have clearly talked with lawyers but I haven't extensively</p>
<p>Page 46</p> <p>1 So I want to be clear that when you ask me that 2 question there isn't some sort of suggestion that we are 3 taking an unreasonable position. I actually believe we've 4 provided a remarkable amount of information to you.</p> <p>5 Q Well, what I'm trying to -- I was following up, 6 frankly, on your statement that you're attempting not to -- 7 by the invocation of the privilege, you are attempting not to 8 destroy any role of the counsel's office and its relationship 9 to the President and what I wanted to ask you about is are 10 you aware of previous times by this president or other 11 presidents when in fact a privilege might have been asserted, 12 in fact, could properly have been asserted, and yet was not. 13 And that did not destroy the relationship with counsel.</p> <p>14 A You know, I'm not -- I mean, I know in the Nixon 15 era that the Watergate prosecutor did not ask any questions 16 of the lawyers, as far as I know. And, again, I don't 17 profess to be a historian and I'm not quite sure that this, 18 again, an appropriate discussion for the grand jury, but you 19 can ask what you want.</p> <p>20 I think that under, for instance, in the Nixon era, 21 that the Watergate prosecutor did not ask questions of the 22 lawyers and the White House counsel, did not call them in, 23 did not try to get the privileged communications. In fact, 24 I'm fairly confident of that given from what I have read and 25 from some of my conversations. And I'm aware that probably</p>	<p>Page 47</p> <p>1 debriefed.</p> <p>2 And I'm not aware -- I'm aware of other lawyers who 3 have talked to people, but candidly I'm not aware of the 4 extent to which their conversations have gone with those 5 lawyers.</p> <p>6 Q Okay. I had asked you about witnesses, though I 7 appreciate your --</p> <p>8 A Oh, I'm sorry. I apologize.</p> <p>9 Q That's all right. I appreciate your -- I'll get 10 you back to it. It's all right.</p> <p>11 A All right.</p> <p>12 Q I appreciate your answer with respect to lawyers. 13 Let's stick to that for a minute.</p> <p>14 A Okay.</p> <p>15 Q What has been the practice of persons in the White 16 House counsel's office in contacting lawyers or talking with 17 lawyers who represent witnesses in this investigation, the 18 grand jury investigation?</p> <p>19 A I wouldn't say there was a practice. Can I speak 20 about me since I know about me the best?</p> <p>21 Q Well, let's start with that. That's fine.</p> <p>22 A Because that is really what -- I mean, what I have 23 done is a combination of things. More often than not, what 24 would happen is I will get a phone call from a lawyer saying 25 "I represent Ms. Jones or Mr. Smith, a White House person."</p>

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<p>1 That's one scenario.</p> <p>2 And "Ms. Jones or Mr. Smith has been contacted by</p> <p>3 the Office of the Independent Counsel, is testifying or has</p> <p>4 testified already," that would be one scenario.</p> <p>5 Another scenario could be that Ms. Smith or</p> <p>6 Mr. Jones came to me and said, "Lanny, I've been contacted or</p> <p>7 an FBI agent called me, you know, what are my rights, can you</p> <p>8 help me find a lawyer, do I need a lawyer," some scenario</p> <p>9 like that.</p> <p>10 And then either I would make a call to a lawyer or</p> <p>11 I would somehow help that person find a lawyer and then more</p> <p>12 often than not that lawyer would naturally give me a call and</p> <p>13 then we would have a comparable conversation to the first one</p> <p>14 I had.</p> <p>15 On rare occasions, but I can't exclude it, I would</p> <p>16 see on CNN or learn that a witness has testified or is about</p> <p>17 to testify and if it's a White House person, I might call up</p> <p>18 that person and discuss things with them.</p> <p>19 Again, it would be more often than not, pretty</p> <p>20 brief, and more often than not it would be talking generally,</p> <p>21 sort of -- maybe an outline of what the person -- whatever</p> <p>22 the person knows about this matter. It would be rare, if</p> <p>23 ever, that I've had, you know, sort of a full debriefing.</p> <p>24 That's my experience, with candidly the proviso</p> <p>25 that I think is very important, that since I provided this</p>	<p>1 come to you and say "I need a lawyer, can you help me get a</p> <p>2 lawyer." Were there ever times when you approached persons</p> <p>3 in the White House and said, "I think you need a lawyer." or</p> <p>4 something to the effect that "If you need a lawyer, come see</p> <p>5 me"?</p> <p>6 A First of all, I think that would be entirely</p> <p>7 appropriate. I want to begin. I don't remember such times.</p> <p>8 I'm not saying it didn't happen, but sitting here -- if you</p> <p>9 want, I can try to look through this document. I don't think</p> <p>10 that occurred.</p> <p>11 I guess the only thing I did do, and it's reflected</p> <p>12 here, is early on, without giving you the substance, I was</p> <p>13 asked by the head of the Legislative Affairs office where</p> <p>14 Ms. Lewinsky worked that the young people in that office were</p> <p>15 very upset and nervous and were being called by the press and</p> <p>16 others and I was asked by the head of the legislative office</p> <p>17 if I could come and speak for a couple of minutes to her</p> <p>18 office. And early on, maybe in late January, I did that.</p> <p>19 I spoke to those people, it was at the request of</p> <p>20 the head of the Legislative Affairs office, but it wasn't as</p> <p>21 if those individual members of the Legislative Affairs office</p> <p>22 had contacted me first. I essentially went there and spoke</p> <p>23 to them, sort of in a large group. And I think that that's</p> <p>24 actually maybe referenced here, though.</p> <p>25 Q Okay. I won't hold you to that.</p>
<p>Page 50</p> <p>1 document to you and I assumed that one day I would be here,</p> <p>2 I've done far less of that. I've done it very rarely.</p> <p>3 So I'd say since the beginning of March, I</p> <p>4 personally have had very few such conversations.</p> <p>5 Q All right. And that's based on a conscious</p> <p>6 decision not to do it? Is that correct?</p> <p>7 A Yes. It's based on what I think is a very</p> <p>8 unfortunate turn of events because what it has done is it has</p> <p>9 provided me -- it has been very difficult for me to advise</p> <p>10 people at the White House for whom, as I hope you can</p> <p>11 imagine, being contacted by an agent or coming to the grand</p> <p>12 jury can be a very traumatic experience.</p> <p>13 It has sort of handicapped my ability in the first</p> <p>14 instance to talk to them because I have thought that I might</p> <p>15 have to tell them whatever I told these people and usually --</p> <p>16 that I would have to relay that to you and I think most</p> <p>17 people want to have a privileged communication with a lawyer,</p> <p>18 and so it has been a somewhat conscious decision.</p> <p>19 And also, candidly, events have so in this case</p> <p>20 gotten -- well, I won't say out of hand, there would be no</p> <p>21 way that one person could keep a handle on it and the news</p> <p>22 was so way ahead that if I just watch CNN or read the</p> <p>23 newspapers I was able to follow it well enough.</p> <p>24 Q Okay. Let me ask you about -- you mentioned that</p> <p>25 there would be times when persons in the White House would</p>	<p>Page 52</p> <p>1 A Okay.</p> <p>2 Q But you're asserting the privilege with respect to</p> <p>3 what you told that group of employees?</p> <p>4 A I am. I am. Because of the category it falls</p> <p>5 into. Again, that would be -- I would have provided to those</p> <p>6 people legal advice and so I would make a claim of executive</p> <p>7 privilege and attorney-client privilege as to the</p> <p>8 conversation I had with the members of the Legislative</p> <p>9 Affairs office.</p> <p>10 Q All right. The persons that would come to you in</p> <p>11 the instance that you first described, where they would come</p> <p>12 to you and say, "Lanny, I need a lawyer, can you help me or</p> <p>13 refer me to somebody," in that context, what would you</p> <p>14 normally do?</p> <p>15 A Well, without telling you the substance, I would do</p> <p>16 a combination of probably telling people what are their</p> <p>17 rights under such a circumstance.</p> <p>18 Q I don't mean to cut you off, but, I'm sorry, when</p> <p>19 you say you would tell them their rights, I thought -- I was</p> <p>20 asking you about the circumstance where they would come to</p> <p>21 you and say, "Lanny, I need a lawyer, can you help me get</p> <p>22 one."</p> <p>23 A Well, I mean, your scenario, I mean, more often</p> <p>24 than not, someone might say, "I need a lawyer, can you help</p> <p>25 me get one; do I need a lawyer; can you, Lanny, represent</p>

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1 me." I mean, there's sort of -- most people have sort
 2 of amalgam, a combination of questions in that situation.
 3 You know, a young person might come and say,
 4 "I've been contacted," "My mother has recommended this
 5 lawyer, do you know this lawyer?" Or, "Lanny, can you
 6 represent me in this situation?" Or, you know, "Should
 7 I get a lawyer?" Any combination of those kinds of
 8 questions.
 9 Q Okay. In those circumstances, when persons would
 10 ask you, "Can you represent me," what do you tell them?
 11 A I say that I think I -- well, in the generic,
 12 without revealing -- well, in general, my view of this is,
 13 without talking about any particular conversation, is that I
 14 think -- and I think I've said this to your office, I think I
 15 ought to be able to help them and I think I ought to
 16 represent them, because I don't think people in the White
 17 House should have to incur the expense or the trauma of
 18 getting their own lawyers.
 19 I probably say that I wish I could represent them
 20 in this capacity, but that your office has taken a position
 21 that the White House counsel's office can't represent them in
 22 these matters and so as a practical matter I cannot represent
 23 them. And I -- in their individual capacity.
 24 BY MR. KAVANAUGH:
 25 Q Even if you were a corporate counsel, you couldn't

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1 represent the corporation in their individual capacity, isn't
 2 that right?
 3 A No, but in many corporate settings what I would be
 4 able to do if I were the in-house counsel is represent them
 5 as a member of the corporation if I didn't think that they
 6 had a conflicting interest, I could represent them in an
 7 initial series of interviews and often in corporate
 8 investigations by prosecutors corporate counsel is able to
 9 represent the employees because many prosecutors' offices, I
 10 think, recognize that it is an extraordinary burden on
 11 calling on people to hire their own lawyers.
 12 So even though I wouldn't necessarily represent
 13 them in their individual capacity, but mere witnesses I might
 14 be able to do that. At least as a practical matter --
 15 Q Of course, in that situation, the individual has no
 16 control over the assertion of privilege, right? So the
 17 information is given without an assurance of confidentiality,
 18 the same as here, isn't that right?
 19 A But it's also true that in many of those
 20 situations, the vast majority of those, prosecutors won't
 21 push the issue, will understand the reality of it and so
 22 won't -- in the same way that most prosecutors wouldn't ask
 23 the kinds of questions you're asking of me, they wouldn't ask
 24 those kinds of questions, so as a practical matter it works
 25 out.

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1 But you're absolutely right, the holder of the
 2 privilege ultimately in that setting, again, is the
 3 corporation or the control group of the corporation.
 4 But much of this is done, as you may know, based on
 5 a practicality of how you put things. And one of the things
 6 I try to do in my job, candidly, is try to at least give some
 7 people some level of comfort, given that for most people
 8 being contacted or being a subject or being involved in this
 9 kind of an investigation is very new and intimidating.
 10 BY MR. APPERSON:
 11 Q Those persons who sought a referral a lawyer or
 12 obtaining a lawyer, what would be your practice with respect
 13 to contacting a lawyer or identifying a lawyer? You tell me
 14 what you normally do.
 15 A In general, what I do, I was just thinking, I want
 16 to make sure I'm not inadvertently waiving anything. In
 17 general, what I will do is a combination.
 18 Again, Mr. Apperson, it takes every form. It takes
 19 every form from someone will come to me with a list of
 20 lawyers, maybe I've heard of one, maybe I haven't.
 21 Maybe I'll -- or a person will have no lawyer and
 22 it may be either I'll call a lawyer to see if they're
 23 interested. I mean, in a case as high profile as this,
 24 something that often happens is lawyers will call up and will
 25 say to me or other of my colleagues, "You know, if you need"

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1 help, please feel free to give me a call. I'd like to get
 2 involved."
 3 Frankly, they might say something like that. They
 4 might say, candidly, that they think what your office is
 5 doing is dreadful and they want to help as much as they can
 6 and can they represent someone and to keep them in mind.
 7 And I sort of in the back of my mind know a number
 8 of the lawyers in Washington who are involved in these kinds
 9 of matters. I had done some of this work when I was at my
 10 prior law firm. And so I do a combination of calling them up
 11 and seeing if -- calling the lawyers up and seeing if they
 12 would be interested in representing a White House person.
 13 Q Okay. You maintain a list of the lawyers that
 14 would call you and say "Get me on the list," or "Keep me in
 15 mind"?
 16 A No, I don't keep a list. I do have -- I mean, what
 17 I do keep usually so that I don't look silly is sort of a
 18 list of some -- I handle a lot of investigations. I handle
 19 the congressional investigations, I handle a number of the
 20 other independent counsels, and so what I often do is I will
 21 know or will write down a lawyer and maybe have his or her
 22 client's name next to it. If that made any sense.
 23 Does that make sense? Do you understand what I'm
 24 saying? I have like a piece of paper, but it wouldn't just
 25 be this case, it would be, you know, John Smith and it will

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1 say, you know, Jane Doe represents him. Something like that.

2 Q Okay. I guess I'm asking about before you even got

3 to the assignment or the matching up of the client to the

4 lawyer.

5 A No, I don't have an existing list of lawyers that I

6 choose from. I don't have that.

7 Q All right. But is it fair to say that the lawyers

8 who have called you, as you indicated, and said what this

9 office is doing is horrendous and if I can represent

10 someone --

11 A That's -- I'm not saying --

12 Q I understand.

13 A Okay.

14 Q Okay. Are those among those persons that you would

15 call when a witness said, "I need a lawyer"?

16 A Right. If you were in private practice and you

17 called me and said you would like to represent someone next

18 time and I had some sense that this is the kind -- either --

19 you're a capable lawyer, I would remember that, and that if

20 someone in three weeks or six weeks came by and said, "Can

21 you recommend a lawyer?" and I had a sense that you had the

22 right sensitivity, that you could handle this and you weren't

23 maybe just a tax lawyer and had no sense of how to handle

24 this case, I would probably call you up and say, "Jay, you

25 know, Mary Smith has just asked -- has been contacted, would

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1 you consider speaking with her?"

2 If you said yes, I would probably then call Mary

3 Smith, I'd say to Mary Smith that Jay Apperson is interested

4 in representing people, you may want to give Jay Apperson a

5 phone call and more likely than not she would call you or you

6 would call her. And that's basically how it's done.

7 Q All right. You're aware the D.C. Bar has a lawyer

8 referral service, correct?

9 A I am very vaguely aware of that. I have never used

10 it.

11 Q Okay.

12 A I'm not sure I know anyone who has ever used it in

13 any of the work I've done since coming to Washington in 1989,

14 but you may be right that they have one.

15 Q I'm sorry, what bars are you a member of?

16 A New York and Washington. I don't know, but I don't

17 think very many lawyers practically, day to day, when they're

18 asked for recommendations, use the D.C. Bar referral service,

19 but I could be wrong.

20 Q Do you know Ashley Raines?

21 A I do know Ashley Raines.

22 Q Okay. Who is Ashley Raines?

23 A She is a young woman in the White House, I believe

24 she now works in the Office of Administration.

25 Q And do you know Wendy White?

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1 A I do know Wendy White.

2 Q Okay. Who is Wendy White?

3 A She is a former colleague of mine, actually.

4 When I first joined the White House counsel's office, she

5 was a member of the counsel's office. She's now a lawyer

6 at a Washington, D.C. law firm and represents Ashley Raines.

7 Q Okay. Do you know how Ms. White came to represent

8 Ms. Raines?

9 A I do know the answer to that.

10 Q Can you tell us how that came about?

11 A Well, I don't believe I can because I think to do

12 that would force me to reveal a conversation that I've had

13 with Ms. Raines. Since Ms. Raines is a White House employee

14 and I would have had a conversation with her in my capacity

15 as special counsel, I think my discussion with Ms. Raines

16 would be protected, given that she was seeking advice, it

17 would be protected by both the attorney-client privilege and

18 executive privilege.

19 Q Okay. Let's at least identify, if we can, the

20 conversation to which you're referring.

21 A Right. Well, I assume -- I'm sorry --

22 Q With respect to your discussion with Ms. Raines of

23 legal representation, when did you have such conversation?

24 Or first have such conversation, if there are a number?

25 A Right. I think that -- I probably, just so we can

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1 define them, had two or three conversations with Ms. Raines

2 in the late part of January, some time after -- I remember it

3 as being fairly early on after this case became public, so

4 maybe the week after the 21st, which I think was the day that

5 this matter became public. So still in January, late

6 January.

7 Q Okay. And what were the circumstances of your

8 having the conversation at that time with her?

9 A Well, I had -- I -- well, what I will tell you

10 is -- when you say "circumstances," I will tell you sort of

11 where I was and how long to define it, but I won't go into

12 the substance, of course.

13 I had either one or two phone conversations with

14 Ms. Raines initially.

15 Q Let me stop you. I'm sorry.

16 A Sure.

17 Q Did she call you or did you call her?

18 A I called her. I called her. I was given a

19 request -- she called the counsel's office, as I remember,

20 for advice.

21 Q Do you know who in the counsel's office she called?

22 A I don't know. I don't know if it was Ms. Mills, it

23 may have been.

24 Q All right, sir.

25 A It may have been Ms. Mills. I think I was asked

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<p>1 to call her back. I called her, it was in the evening. 2 I spoke to her, I think, twice that evening. The first 3 conversation -- these are very rough estimates. I think two 4 times, maybe only once, Mr. Apperson. And I don't know if 5 it's in there. 6 Q And "there," you're talking about the statement we 7 were referring to before. 8 A Yes. Do you have it here? Because that would be 9 helpful, if you could tell me the page you're on. If it's 10 here. 11 Q Which do you want, the Ashley Raines or -- 12 A Yes. The one that -- well, you're asking me about 13 Ashley Raines. 14 Q Page 8. 15 A Yes. This is -- I think I'm right. That's -- 16 that's -- okay. So I -- I think I had two brief 17 conversations with Ms. Raines on a particular evening. 18 I don't think they lasted particularly long, maybe ten 19 minutes and five minutes. Those are rough estimates. And 20 then I believe -- and she and I were the only ones on the 21 conversation. And then I believe the next day she came to my 22 office. 23 I think the next day she came to my office and I 24 think we had one subsequent -- we had a conversation in my 25 office, also maybe ten or fifteen minutes. I don't want to</p>	<p>1 Ms. White had informed me that she had already met with Ms. 2 Raines. 3 And then, Mr. Apperson. I think I may have had a 4 couple of conversations with Ms. White and they all meld 5 together, so I could try to give you the substance, but what 6 I can't do particularly well is tell you what Ms. White would 7 have told me on any particular day. And if I could ask you 8 to tell me what page you're looking at? 9 Q I'm sorry. Yes. Page 13. 10 A Okay. Thanks. Right. Okay. I don't remember all 11 of these different conversations, but I think in general I 12 can remember what Ms. White has told me, without telling 13 which order of the conversation it occurred, if that makes 14 sense. 15 Q Yes, sir. 16 A Do you want me to try to do that? 17 Q If you would. 18 A Okay. I recall Ms. White telling me that 19 Ms. Raines and she had met; that Ashley Raines, who I didn't 20 know, and Monica Lewinsky had been friendly; that at the time 21 that Monica Lewinsky was here, here meaning at the White 22 House, they had, you know, been friendly and maybe had 23 exchanged e-mails and that their relationship had continued. 24 And by that point, there had been a lot of news 25 articles. I think Ms. White told me that Ms. Raines had been</p>
<p>Page 62</p> <p>1 just read what this says, but that would be my rough 2 estimate. 3 Q Okay. 4 A Which I think is about what I would have said in 5 March. 6 Q All right. Did you thereafter -- after your first 7 conversation -- let me ask this. Thereafter, did you have a 8 conversation with Wendy White concerning Ms. Raines? 9 A I certainly didn't have a conversation -- I 10 certainly would not have had a conversation with Ms. White 11 about this matter until after Ms. Raines came to my office. 12 So not after the phone conversations. 13 The first conversation I would have had with 14 Ms. White, and I don't really remember when that was. I don't 15 think it was that day, in a couple of days, I think it was 16 after Ms. Raines came to my office. 17 Q Okay. And what's your best recollection of how 18 soon after she came to your office, Ms. Raines, did you have 19 the conversation with Ms. White? 20 A A couple of days later. 21 Q All right, sir. And what was your conversation 22 with Ms. White? 23 A Ms. White -- and that's the kind of conversation I 24 will disclose. Ms. White, I think, told me that Ms. Raines 25 had gotten her name from someone; that I believe by that time</p>	<p>Page 64</p> <p>1 in -- that what Ms. Raines -- I'm trying to think of how she 2 said it because she didn't say it directly, but she said 3 something to the effect that I understood to mean that Monica 4 Lewinsky had told Ashley Raines that Monica Lewinsky had had 5 a relationship with the President, but I think the way she 6 said it was more like what she'll say is consistent with what 7 you've read in the newspaper about the relationship, that she 8 had heard from Monica -- what she heard from Monica was 9 consistent with what you've read in the newspaper. 10 Q Okay. Let me ask you this. All of your 11 conversations with Ms. White were telephone conversations? 12 A Yes. They were all telephone conversations. 13 Q All right. Did she call you or did you call her? 14 Ms. White. On these occasions. 15 A I don't remember. I suspect a combination of the 16 two. I'm often not at my desk, so I may have called her, she 17 may have called me and I may have called her back. I'm sure 18 I would have called her at least in some of them, I suspect 19 she would have called me. I think we're talking about four 20 calls, about, three or four calls total. And I think 21 probably I made a couple and she made a couple. 22 Q Okay. You indicated -- 23 A Again, to the best of my memory. 24 Q Okay. You indicated that during at least one of 25 the conversations and it sounds as though it was likely the</p>

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1 first conversation that she mentioned to you, Ms. White
 2 mentioned to you, that someone had given her name to
 3 Ms. Raines.
 4 A Yes.
 5 Q Right? Did you give her name to Ms. Raines?
 6 A Well, I can't -- I mean, only by indirection, I
 7 can't -- oh, did I give Wendy White -- I did not give Wendy
 8 White Ms. Raines' name. I did not do that. I can tell you
 9 by my conversation with Wendy White, I did not give Wendy
 10 White Ashley Raines' name.
 11 Q Okay. I guess I'm asking you if you gave
 12 Ms. Raines Wendy White's --
 13 A Right. And I guess I can't answer that, given that
 14 I'm trying to preserve the substance of conversation, so I
 15 think you might make a natural conclusion of that, but I
 16 really, truly believe that I'm going to try as best I can to
 17 preserve the communications I have with White House employees
 18 and over the substance of them assert the attorney-client
 19 privilege and executive privilege. I don't think I can
 20 answer that specific question.
 21 Q Did Ms. White indicate to you in your first
 22 telephone call who had given Ms. Raines Ms. White's name?
 23 A I don't remember that she did.
 24 Q Was Wendy White on your list of persons who had
 25 called and asked to be considered for referrals?

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1 A I don't have a list of those people. I just sort
 2 of remember. The only list I have is once Ashley Raines is
 3 represented by Wendy White. I might have on a piece of paper
 4 so that I remember when I get phone calls Wendy White and
 5 Ashley's name is next to it, but I don't have a list of
 6 people who have called me.
 7 Wendy White had, though, I should say, represented
 8 people in other investigations involving the White House. I
 9 think she represented people, for instance, in the campaign
 10 finance inquiry, so it didn't surprise me that Wendy White
 11 would be one of those people in Washington who would be
 12 willing to represent somebody in this investigation.
 13 Q All right. The conversations that you had with
 14 Ms. White as you've outlined here, is that information that
 15 you had asked her to provide you?
 16 A You know, it's -- again, these are conversations.
 17 You know, I -- they would have been a combination of me sort
 18 of asking and Wendy White offering. I mean, I think in most
 19 contexts, lawyers will often call whether it's the corporate
 20 counsel, in this case the White House counsel, when they have
 21 someone who works at the White House or someone who is
 22 related in some way to the people at the White House, to say,
 23 "Look, my client and I met and, you know, here's what he or
 24 she has to say about this matter."
 25 And I don't remember if I asked -- I may very well

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1 have, or if Wendy White just in the conversation said.
 2 "Here's the story."
 3 Again, she said relatively little. I want to be
 4 clear about that. She did not give me a full debriefing. I
 5 think I've already -- when I described to you what she said,
 6 that's sort of my most salient memory of it.
 7 Q Okay. Why did she provide this information to you?
 8 A I don't know why she provided it to me, other than
 9 I think she thought that given that I was one of the lawyers
 10 working on this matter, given that on the first or second day
 11 the articles were already saying that this was a possible
 12 issue for impeachment, given that most lawyers in town assume
 13 that in a matter like that that the White House counsel has a
 14 role, and that obviously one of the ways you advise your
 15 client is by having facts, I can only conclude that that
 16 would be the reason, or one of the major reasons, she would
 17 provide me with that information.
 18 Q Okay. Did you disabuse her of any of that?
 19 A Well, first of all --
 20 Q Her assumptions --
 21 A First of all, she and I never had this
 22 conversation. You've asked me to go into her mind, which I
 23 can't, so we didn't have this conversation. I'm surmising
 24 based on your question. Not only would I not disabuse her of
 25 it, it's the view I hold today.

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1 Q Did you ever thereafter talk to Ms. Raines
 2 directly?
 3 A No, other than to say hello. I think her office is
 4 in the Old Executive Office Building near mine and I've said
 5 hello, but I never had a substantive conversation with her
 6 again.
 7 Q Okay. Did you seek to do so at any time?
 8 A No.
 9 Q Are you aware of whether anyone in the White House
 10 counsel's office sought to do so?
 11 A I'm unaware of that.
 12 Q After your conversations with Ms. White where she
 13 provided the information as you've testified, did you
 14 thereafter pass on that information to anyone else in the
 15 White House, including persons in the White House counsel's
 16 office?
 17 A I am not at liberty, I don't think, to tell you
 18 about conversations that I've had with other members.
 19 Q Okay. We'll get there, but let me just establish
 20 if there is such a conversation --
 21 A About this issue --
 22 Q -- and you can, you know, put on the record for
 23 your purposes what privilege you want to assert over it. And
 24 I'm asking you now --
 25 A Right. I'm just trying to make sure I'm not

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<p>1 waiving by even answering that question. I'm just trying 2 to -- 3 Q Okay. While you're thinking of doing that, I would 4 respectfully suggest that's the only way we can have a record 5 that allows the judge to deal with this in any proper 6 fashion. 7 A Can I just take one moment and step outside? 8 MR. APPERSON: Surely. 9 THE WITNESS: It will take literally one minute. 10 MR. APPERSON: Surely. 11 THE WITNESS: I just want to -- 12 THE FOREPERSON: Actually, why don't we incorporate 13 this into a 15-minute break, returning at ten minutes before 14 three. 15 THE WITNESS: Okay. 16 (Witness excused. Witness recalled.) 17 THE FOREPERSON: Mr. Breuer, I'd like to remind you 18 that you are still under oath. 19 THE WITNESS: I remember. Thank you. 20 MR. BENNETT: We have a quorum and there are no 21 unauthorized persons present? 22 THE FOREPERSON: That is correct. 23 BY MR. KAVANAUGH: 24 Q Mr. Breuer, as you know, we are conducting a 25 factual investigation and one of the roles you performed in</p>	<p>1 I was in the room with Bruce Lindsey, and I'm 2 referring to the document I've prepared because, candidly, I 3 think my memory back in March is probably a little bit better 4 than my memory today. I believe Paul Begala, Mike McCurry, 5 Sidney Blumenthal, Mark Neshus, and Rahm Emanuel, I think 6 attended. And Ann Lewis attended that particular meeting. 7 So it would have been a meeting with lawyers and the most 8 senior advisors to the President in the Oval Office. 9 I suspect, though I don't know, that some of those 10 senior advisors have testified and could have testified about 11 the substance of this meeting and presumably you're going to 12 call the President of the United States and he, too, can, but 13 I will assert executive privilege and attorney-client 14 privilege over the substance of the meeting from my 15 perspective and to the degree -- well, I'm going to do that. 16 With respect to that communication. 17 Q When was your next communication with the 18 President? 19 A Approximately -- well, I have the order -- I may 20 have the order of which went first but I can probably 21 remember -- 22 Q Just for the record, that's because the order on 23 your document is out of order? 24 A Right. And I'm not quite sure why anymore. That's 25 right. I did have a very brief discussion with the President</p>
<p>Page 70</p> <p>1 the White House was to gather facts about events that we are 2 investigating. As you know, if you have knowledge of facts, 3 of involvement or knowledge of witnesses to this 4 investigation, that, of course, could be critical to this 5 investigation. 6 And so I'm going to ask you, with that in mind, 7 I'm going to ask you a few questions about your conversations 8 with possible witnesses in this investigation about the 9 events we're investigating. 10 I want to begin by asking about your conversations 11 with people about the nature of the relationship between 12 President Clinton and Monica Lewinsky. 13 Have you ever discussed that relationship with the 14 President? 15 A I have had perhaps four to six conversations with 16 the President of the United States about what I'll call in 17 general the issue of Monica Lewinsky since January 21, 1998. 18 Approximately that number of communications. 19 Q Can you tell us the circumstances of those 20 conversations? 21 A I can. I remember -- I had one conversation with 22 the President with a group of people with me in the Oval 23 Office on or about January 31st or February 1st. It was a 24 meeting in anticipation of the President meeting with Prime 25 Minister Blair of England.</p>	<p>Page 72</p> <p>1 of the United States on the evening after the state of the 2 union address. The President addressed the nation on the 3 state of the union soon after this event. The document 4 reflects January 27th and I have no reason to think that's 5 the wrong date. 6 And after his address to the nation, I saw him up 7 in his residence where there was sort of party in his honor. 8 And at some point in that evening, I spoke to him for maybe 9 two or three minutes. 10 Q What did he say during that conversation? 11 A I won't reveal that on the basis that I'm the 12 special counsel to the President and he would speak to me in 13 my capacity as counsel and I'll assert both the 14 attorney-client privilege and executive privilege over the 15 substance of that two or three-minute conversation between me 16 and the President. 17 Q And that communication was in furtherance of your 18 official duties at the White House? 19 A It would be. It would have been in connection 20 with my official duties at the White House, in that, 21 Mr. Kavanaugh, the President of the United States has no 22 independent relationship with me other than as the special 23 counsel at the White House. 24 Q When was your next communication with the President 25 about the Lewinsky matter?</p>

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<p>1 A Immediately prior to the time, I think, that the 2 President had a press conference with Prime Minister Blair, 3 I and other members of the counsel's office joined the 4 President in the cabinet room, where a number of his 5 advisors, I think, were present and obviously the part of the 6 meeting that I attended would have been with respect to 7 issues that could arise with respect to this event and 8 obviously we were aware that your office was investigating 9 the President with respect to the Monica Lewinsky affair, we 10 knew that there was already talk of impeachment proceedings, 11 obviously one of the factors in impeachment proceedings is 12 public opinion, the merits, and we were speaking to the 13 President about what were the questions, what issues might 14 arise, given the frenzied nature of the press inquiries at 15 that point.</p> <p>16 And it would have been in that capacity that I and 17 Chuck Ruff, the counsel to the President, and I believe 18 Cheryl Mills would have met with the President at that time.</p> <p>19 Q What did the President say during that meeting 20 about the nature of his relationship with Monica Lewinsky, if 21 anything?</p> <p>22 A I am -- and I'm glad you said "if anything," but 23 I'm not going to answer the substance of that communication 24 between the President and the counsel's office based on the 25 attorney-client privilege and executive privilege.</p>	<p>1 A I am not going to answer the substance of anything 2 that was discussed in that conversation which was -- the 3 point of which was to give the President advice as to whether 4 or not he should assert executive privilege and what his 5 determination would be on that. I'm going to claim 6 executive privilege and attorney-client privilege as to the 7 substance of that discussion with the President.</p> <p>8 Q As to the -- moving back to the January 27th 9 communication in the residence, did you repeat the substance 10 of your conversation with the President to anyone else?</p> <p>11 A I did not.</p> <p>12 Q As to the January 31 or February 1 meeting in the 13 Oval Office, did you repeat the substance of that 14 conversation to anyone else, to your knowledge?</p> <p>15 A I did not. To the best of my recollection, which 16 is -- I should say for all of these answers, to the best of 17 my recollection, I did not.</p> <p>18 Q And each of these communications that you've 19 described were part of your official functions at the White 20 House? Is that correct?</p> <p>21 A That's correct. They all -- I mean, I was in each 22 of those settings because I'm the special counsel to the 23 President. I would not have been in any of those meetings 24 nor would I have had any conversations with the President nor 25 had I ever met the President prior to the time that I became</p>
<p>Page 74</p> <p>1 Again, our goal is to carve out what we can so we 2 can provide counsel to the President, given the possibility 3 of impeachment hearings and given that the President of the 4 United States will make himself available, you've called 5 senior advisors already, it seems there are other ways that 6 if you need to you can find out this information, but through 7 me at this point, I won't provide that information and will 8 claim executive privilege and attorney-client privilege.</p> <p>9 Q As to that meeting, did you repeat the substance of 10 the conversation to anyone else?</p> <p>11 A I did not.</p> <p>12 Q When was your next communication with the President 13 about the Lewinsky matter?</p> <p>14 A We met in the residence, "we" being Chuck Ruff, 15 Cheryl Mills, Bruce Lindsey and Neil Eggleston, who is the 16 lawyer who is representing the Office of the President in the 17 privilege litigation that we have had with your office. And 18 that was in the residence of the President on February 18, 19 1998. And that -- the general issue there was whether or not 20 we should assert executive privilege and whether the 21 President of the United States would authorize us to assert 22 executive privilege. And that was a discussion only among 23 lawyers and the President.</p> <p>24 Q In that conversation, what did the President say 25 about the nature of his relationship with Monica Lewinsky?</p>	<p>Page 76</p> <p>1 special counsel.</p> <p>2 Q As to all four of those communications, you're 3 claiming executive privilege and attorney-client privilege? 4 Is that correct?</p> <p>5 A That's correct, Mr. Kavanaugh.</p> <p>6 Q And have you had any communications with the 7 President since then in which the nature of the relationship 8 with Monica Lewinsky might have been discussed?</p> <p>9 A Well, just so the record is clear, I am at 10 least -- so that I'm not parsing it, I am assuming you're 11 talking about the Lewinsky matter in general, without any 12 understanding that any relationship would have been 13 discussed, but obviously there are many manifestations given 14 the level of press and congressional and interest by you.</p> <p>15 I've had -- I've probably -- one or -- probably one 16 other conversation in which -- I think one other, I may have 17 forgotten. I believe only one other conversation dealing 18 with the Monica Lewinsky affair.</p> <p>19 Q When was that?</p> <p>20 A I don't know exactly. I think it was probably -- 21 and this is a very rough estimate. I think it was probably 22 late May, early June.</p> <p>23 Q Who else was present for that conversation?</p> <p>24 A The President and I, Paul Begala, I think Doug 25 Sosnik. I believe that's everyone who was present.</p>

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1 Q And what was the purpose of that meeting?

2 A It was for me to speak with the President briefly

3 about the matter, in part given that the President was going

4 to be going to a public event later that day and for me to

5 sort of apprise him of what new issues had arisen in the

6 public or had arisen that he might be confronted in one way

7 or another with.

8 Q What public event?

9 A I don't remember. The President has public events

10 every single day and, candidly --

11 Q Okay. It sounded like there was some kind of

12 specific one you had in mind.

13 A No. I mean, it would have been whatever event was

14 occurring later that day or the next day.

15 Q And what developments were you describing to the

16 President?

17 A I don't -- well, I mean, I can't answer that

18 because that would reveal the substance of my communication

19 with the President and I would assert attorney-client

20 privilege and principally executive privilege on that

21 communication as I believe the Court of Appeals has directed.

22 Q And to sum up, has the President ever described the

23 nature of his relationship with Monica Lewinsky to you?

24 A And I guess to sum up, not to be flip, but just so

25 it's clear, whether he has or he hasn't, I will not reveal

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1 the substance of my communications with the President of the

2 United States, in that any conversation I had with the

3 President was in my capacity as special counsel and I believe

4 I have an ethical and legal duty not to disclose those

5 communications in light of the impending impeachment

6 proceedings that are possibly going to occur and will claim

7 executive privilege and attorney-client privilege over those

8 communications.

9 Q Has your office made a determination whether you

10 would represent the President in impeachment proceedings?

11 A I won't reveal what deliberations we have or

12 haven't made in the eventuality that that would occur.

13 Q What is your understanding of whether your

14 conversations with the President would be privileged in

15 congressional proceedings?

16 A I think for me to reveal that would be to reveal my

17 attorney-client work product and I don't think that it would

18 be appropriate for me to disclose in the grand jury the legal

19 conclusions that I and my colleagues may or may not have

20 drawn with respect to that. I think that's an issue of law,

21 not an issue of fact.

22 I don't think this would be the proper forum to

23 discuss that, so I would claim executive privilege,

24 attorney-client privilege and, indeed, with respect to this

25 question, attorney work product.

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1 Q As a general matter, in preparing for what you

2 might say today, is there any communication that would be

3 attorney-client privileged but not executive privileged?

4 A Well, as of today, as I go to you, and, again, it's

5 a vacuum, so I think the best way for us and, as you know,

6 from what I said to you outside, I would welcome the

7 opportunity to answer as many questions as I can of you today

8 and then again if you would like tomorrow so we can bring

9 this to closure and I can tell you everything I can. I think

10 that based on the decision of the Court of Appeals, any

11 communication that I would have thought protected previously

12 by attorney-client privilege that the appropriate privilege

13 to claim is executive privilege and so I'm doing that.

14 I think based on the rulings of yesterday by the

15 court in sort of directing the procedure that we should

16 follow today, I also am claiming attorney-client privilege as

17 to those. So that's a long winded answer saying I think in

18 the abstract I'm claiming both as to communications.

19 Q Have you ever discussed with Mr. Kendall the

20 relationship between the President and Monica Lewinsky?

21 A Without saying whether I have or not, I am not

22 going to reveal my communications with Mr. Kendall based on

23 executive privilege and attorney-client privilege.

24 Q And for the record, my understanding, and you can

25 correct me if I'm wrong, is that you talk with Mr. Kendall on

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1 a regular basis.

2 A Yes. I do. Again, when I say "I," it's typically

3 in a larger group of lawyers, but in helping to assist the

4 President in this affair and to represent him in his official

5 capacity, there are communications between Mr. Kendall and

6 Ms. Seligman, who is a colleague of Mr. Kendall's, and

7 members of the counsel's office.

8 Q Now, are those communications in your official

9 capacity at the White House?

10 A They are. I wouldn't be a part of them if I were

11 not the special counsel to the President and I'm exclusively

12 a part of it in my official capacity.

13 Q Have you ever discussed with Ms. Seligman, who is

14 another of the President's private lawyers, the relationship

15 between the President and Monica Lewinsky?

16 A Without saying whether I have or not, I believe

17 that that communication is privileged based on executive

18 privilege and attorney-client privilege and particularly in

19 light of the fact that the President of the United States is

20 making himself available, which I think is fairly

21 extraordinary, and this senior advisors have been made

22 available, I think there are many ways for you to determine

23 what relationship, if any, the President had with

24 Ms. Lewinsky without intruding on what I would think is the

25 most sacrosanct and important conversations which are those

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<p>1 among the President's lawyers in anticipation of possible 2 impeachment proceedings.</p> <p>3 Q Just to follow up on that, hypothetically if a 4 witness testified one way in the grand jury and told you, 5 described the facts to you another way, would you admit that 6 that's relevant information to the grand jury?</p> <p>7 A I am unaware of any -- yes. I am unaware -- well, 8 let me back up for a minute. I am unaware of any wrongdoing. 9 I don't want to answer a hypothetical question about what 10 would or would not be relevant.</p> <p>11 I think given the extent of the communications I'm 12 willing to testify about, I think it's a little ironic that 13 we're spending more of our session today talking about the 14 conversations I'm not willing to tell you about as opposed 15 to the fact that I'm willing to tell you about all the 16 conversations here and, as you know, what I would like to 17 do is make the record clear that there are many things 18 I've done, the majority of which I'm more than willing to 19 tell you about and would like to tell you about and I 20 would wish that we don't spend the whole day talking about 21 the few things I'm not willing to tell you about based on 22 privilege.</p> <p>23 Again, I'd like to tell you what I can and the we 24 can see how narrow the few conversations are that I won't 25 tell you about based on privilege.</p>	<p>1 investigation you've ever heard of or been involved in?</p> <p>2 A Well, that's a very different issue, Mr. Kavanaugh.</p> <p>3 Q Yes or no would be --</p> <p>4 A Well, I can't answer it -- I'm happy to answer 5 it -- first of all, if we're going to answer, for the benefit 6 of the grand jurors, issues of law which, again, I have 7 never, candidly, been a part of in any grand jury that I've 8 been in --</p> <p>9 Q Just -- when you're giving speeches, I want to 10 challenge some of the legal conclusions that you're making 11 because I don't think your experience is consistent with the 12 legal conclusions that you're making.</p> <p>13 A Well, I am --</p> <p>14 Q And I want to question that.</p> <p>15 A Well, to the degree I'm giving speeches, I 16 apologize; but to the degree you're asking me about these 17 legal issues, at least -- and obviously you're able to frame 18 the questions to build the record you want, obviously I can't 19 ask you questions.</p> <p>20 The only ability that I have to create the record 21 here that I would like so that a judge or someone can see our 22 point of view is for me obviously not only to answer your 23 question but to try to put it in context. I think you know 24 that.</p> <p>25 Q I understand. I understand. But I'm just trying</p>
<p style="text-align: right;">Page 82</p> <p>1 Q In your experience as a prosecutor, if you were 2 investigating a conversation that two people had that was 3 relevant, would you accept one person's version of the 4 conversation without questioning the other?</p> <p>5 A I have never in my experience as a prosecutor -- 6 I'd like to think I was a fairly thorough prosecutor. I 7 never in my experience as a prosecutor ever asked a lawyer, 8 either an official lawyer or personal lawyer, to reveal their 9 communications with their client. Never. I never asked 10 about that at all.</p> <p>11 Q The question was whether if two people were 12 involved in a conversation and one of them testified to it, 13 would it be relevant to question the other person?</p> <p>14 A Right. And if their senior advisors or 15 non-lawyers, I would say, even though I think you could claim 16 privilege, the answer is there were many cases I had where 17 presumably the witnesses or targets of my investigations may 18 have said things to their lawyers.</p> <p>19 I never once -- and I don't pretend to have had a 20 case like this case which is, obviously, an unprecedented 21 case given the media attention, I never once asked a lawyer 22 to reveal a communication that he or she had with his or her 23 client, whether or not I thought that that communication 24 might be relevant. And I certainly never --</p> <p>25 Q Did a corporation ever waive privilege in any</p>	<p style="text-align: right;">Page 84</p> <p>1 to question your experience. Why don't we move back to the 2 facts.</p> <p>3 Have you ever discussed, again, with Mr. Kantor the 4 relationship between the President and Monica Lewinsky?</p> <p>5 A Without disclosing whether I have or not, the 6 conversations that I have had with Mr. Kantor, who is one of 7 the personal lawyers of the President, I believe are 8 privileged and my communications with Mr. Kantor I believe 9 are protected by executive privilege and by attorney-client 10 privilege.</p> <p>11 Q Have you ever discussed with Mr. Ruff the nature of 12 the relationship between the President and Monica Lewinsky?</p> <p>13 A Without disclosing whether I have or not, obviously 14 I have discussed the Monica Lewinsky affair with Mr. Ruff in 15 its broadest context, but I won't disclose my communications 16 with Mr. Ruff about that based on executive privilege and 17 attorney-client privilege.</p> <p>18 Q Have you discussed with Cheryl Mills the nature of 19 the relationship between the President and Monica Lewinsky?</p> <p>20 A And with respect, again, with Ms. Mills, without 21 stating whether I have or not, obviously in the broadest 22 way of talking about Monica Lewinsky, we've been present 23 at the same meetings, I won't disclose my communications 24 with Ms. Mills as well based on executive privilege and 25 attorney-client privilege.</p>

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1 Q Maybe I can short circuit your answers with a few
2 of the remaining people on the list but --

3 A And I'm happy to give you the category of the
4 people that I'm asserting the privilege over because I think
5 you know it, and basically --

6 Q Okay. Let me go through specifics.

7 A Sure. Okay.

8 Q And then we'll summarize with categories. With
9 Bruce Lindsey?

10 A Same thing. Bruce Lindsey's the deputy counsel and
11 to the degree such conversations occurred -- and, again, a
12 lot of this is a very abstract discussion in the way we're
13 doing it, but I would not disclose communications that I've
14 had with Bruce Lindsey about the Monica Lewinsky affair --
15 and by "affair" I mean that --

16 Q Have you had such communications with Bruce
17 Lindsey?

18 A Well, he has obviously participated in those
19 conference calls and matters like that, so obviously this
20 matter has arisen. With respect to this matter, I would
21 assert executive privilege and attorney-client privilege.
22 And I know I'm being a little nervous here but when I refer
23 to "the Monica Lewinsky affair," what I really mean is
24 "Monica Lewinsky matter." I just want to be clear in my use
25 of the word.

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1 Q Have you ever communicated with Betty Currie about
2 her role or knowledge of the Monica Lewinsky matter?

3 A I have not.

4 Q Have you ever communicated with her personal
5 attorney?

6 A I have.

7 Q Can you tell us about those conversations?

8 A I think there's been one conversation. I think
9 early on, Larry Wechsler, and I'm fairly confident it will be
10 in this document, came to the White House and met with Cheryl
11 Mills, Chuck Ruff and me. I don't recall Bruce Lindsey being
12 there.

13 It's somewhere in here, I can't find it. You may
14 want to direct me to it.

15 MR. BENNETT: Page 11.

16 THE WITNESS: Thank you. Thanks, Mr. Bennett.

17 Right. And he described, as best as I recall, that
18 Betty Currie remembered -- obviously remembered knowing
19 Monica Lewinsky; that she remembered that after the
20 President's deposition that the President had contacted her;
21 had asked her to come in; had made certain -- and he wasn't
22 very specific, as I remember, made certain conclusory
23 statements, the President had, to Betty Currie, questions,
24 what I would call almost leading questions where you almost
25 are expecting a yes or a no answer.

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1 I don't know if I've read -- one of the real
2 problems I now have. Mr. Kavanaugh, is that it's a little
3 hard for me now to separate what I've read in the newspapers
4 from my conversation that Larry Wechsler had.

5 He may have said at the time or I may have since
6 read it that the President had said something to Betty Currie
7 such as, you know, "When Monica was here, you were with us,"
8 or "We weren't alone," or something to that effect. And,
9 again, I think he said it, but I'm really genuinely not
10 positive whether he said that or whether I read it.

11 That Betty Currie, to whatever those questions
12 were, the few, said yes, agreed with the President, but then
13 Wechsler offered that -- but that Betty was not -- even
14 though she said yes, she really remembered it differently.

15 BY MR. KAVANAUGH:

16 Q Did Wechsler say what Betty Currie had said about
17 how she understood -- what she understood to be the
18 President's intent?

19 A No, he did not. As far as I recall, he did not say
20 and she understood the President's intent to be such, as best
21 I can remember.

22 Q Did Wechsler say what Betty Currie's reaction to
23 this conversation had been?

24 A Again, it's hard to remember. I don't -- he may
25 have said, and I want to stress may, that she was -- that it

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1 was a stressful conversation for her.

2 Q Why was it stressful?

3 A I think it was stressful. I mean, he didn't say,
4 so I would be guessing. I took it -- and, again, I'm very
5 nervous about my answers because it's very hard for me to
6 divorce what I've read, because there's been so much written,
7 from what he said.

8 I took it that -- I remember leaving with the clear
9 impression that Wechsler believed that Betty Currie agreed
10 with certain statements and voiced agreement, but was
11 thinking that the answers really were different than what she
12 was saying.

13 Q Did Wechsler say why she had voiced agreement?

14 A I don't recall him saying that. No.

15 Q Did Wechsler say whether Mrs. Currie had talked to
16 the President again after that about those questions and
17 answers?

18 A I don't remember. I don't believe he did, at least
19 not -- I mean, I don't believe he did. At least while I was
20 there and I think I was there the whole time he was there.

21 Q Did you communicate the substance of this meeting
22 with Mr. Wechsler to anyone else?

23 A No, I did not.

24 BY MR. BENNETT:

25 Q You've indicated at page 11 of your statement that

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1 you believe the meeting occurred, this meeting involving
 2 Larry Wechsler, Cheryl Mills, Chuck Ruff and yourself, during
 3 the last week of January or the first week of February and
 4 lasted about 20 minutes. Is that correct?
 5 A That is correct.
 6 Q Is that simply your best recollection? Is there
 7 any other way to pinpoint that day?
 8 A There isn't from me. I mean, as you know, one way
 9 you could do it conceivably is you could arguably get the
 10 WAVE records and figure out when Larry Wechsler came and that
 11 would be the best way to determine it.
 12 This would have been -- when I did this exercise in
 13 early March, I think I based it on my best memory. I
 14 certainly did not go back to WAVE records or anything like
 15 that. That would probably be the best way to know if I have
 16 the right date or not.
 17 Q You indicated that it's harder for you to
 18 distinguish now between what you recall and what you've since
 19 read.
 20 A Right.
 21 Q Do you recall whether at the time you had the
 22 meeting with Mr. Wechsler that you're referring to in
 23 paragraph I on page 11 whether Betty Currie had already
 24 appeared before the grand jury at that time or not?
 25 A I don't. You know, I don't. I was about to say I

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1 don't think so, but I'm not -- I simply have lost track of
 2 when witnesses first started appearing before you. I'm
 3 not -- I still don't think she appeared before your grand
 4 jury, but I'm not certain of that.
 5 Q So that if we had a date and suggested to you that
 6 her first appearance would have been in the last week of
 7 January, that would tell you that rather than early February,
 8 it would have been in the last week of January, if that were
 9 correct?
 10 A If it were correct, but I'm not -- I would say to
 11 you that the very best way to do it is to find out when Larry
 12 Wechsler was here because I genuinely -- though I -- for some
 13 reason, I did say, you know, I'm slightly -- I slightly
 14 believe it was before she testified. I'm genuinely not sure
 15 of it.
 16 And so I don't feel comfortable -- unlike when we
 17 talked about Blumenthal earlier, knowing when Betty Currie
 18 testified isn't doing a lot for helping me figure out if it
 19 was the last week of January or the first week of February,
 20 or even if those two weeks might be a little off.
 21 Q All right. Do you recall there being a period of
 22 time in which Mrs. Currie was away from her job at the White
 23 House?
 24 A I had heard that. I don't have a lot of day-to-day
 25 contact with Betty Currie, so I do remember hearing that, but

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1 I would not have noticed that because I'm not around the Oval
 2 Office that much except when I'm meeting with the President,
 3 so I remember hearing that she had been away, but I
 4 personally didn't -- I didn't have a personal knowledge of
 5 that. And I don't know -- I don't know if my meeting was
 6 before or after she was away.
 7 Q So if this meeting occurred while she was away, you
 8 have no present recollection of that?
 9 A Not only do I not have a present recollection, but
 10 I'm not sure I would have known that, because I'm not sure I
 11 was aware that she was present. I remember hearing or
 12 news -- we were getting press requests, is Betty Currie away,
 13 and I think at some point I learned, though to this day I'm
 14 not positive of it, that there was a period of time she was
 15 away.
 16 In other words, it could be, though I doubt it,
 17 that she was away during that time and came in. But she
 18 wasn't in that meeting, frankly, as I think of it, so I don't
 19 even know if she was at work that day.
 20 BY MR. KAVANAUGH:
 21 Q Did Mr. Wechsler discuss gifts that had been
 22 exchanged between the President and Monica Lewinsky?
 23 A Briefly. Briefly. He said, as I recall, and,
 24 again, it's getting very hard to divorce what I've read in
 25 the press from what he said, that Lewinsky had given certain

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1 gifts to Betty Currie.
 2 Q That's all he said?
 3 A I'm sure he said more.
 4 Q Do you remember anything else he said?
 5 A I don't, actually. I mean, I don't. I mean, I --
 6 I don't know if he said which gifts.
 7 Q Did you ask how this had come about?
 8 A I didn't ask any questions, I don't think. I just
 9 listened, frankly. I don't remember a lot of questions being
 10 asked at all. I certainly didn't ask how this had come
 11 about. I was just listening to what Wechsler had to say.
 12 Q Just on a legal position and maybe your answer will
 13 be that this is a legal argument, but why with Mr. Wechsler
 14 do you testify as to what you told you and not with Mr.
 15 Kendall?
 16 A Because -- well, it is a legal issue. I mean, it
 17 is a legal issue, so I don't -- I want to let, obviously,
 18 Mr. Eggleston make the legal argument. I think the reality
 19 is that in the climate we're in, what I said earlier is
 20 really true. We're trying to carve out what we can to
 21 preserve some ability for the White House counsel to have
 22 privileged communications with the President and those
 23 closest with the President like his counsel in anticipation
 24 of impeachment proceedings and for the future.
 25 On the other hand, we're very sensitive that this

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1 is an investigation that is trying to get to the bottom of
2 various matters and in one of the very difficult choices that
3 was made, we're providing you this information.

4 Q Does Mrs. Currie know that you're testifying as to
5 what her lawyer told you?

6 A I have no idea. I mean, I -- my conversation has
7 been -- I have not spoken to Ms. Currie about this matter at
8 all substantively and I have no idea whether she's aware of
9 it. If she is, it's not through me.

10 Q Is it your policy to check with the witnesses
11 before you disclose the communications that you've received
12 from their lawyers?

13 A Well, it depends. I have never before disclosed
14 such communications. We have not been a part of the joint
15 defense agreement with any of the lawyers for any of the
16 parties.

17 Q So you don't check. I guess. Is that the answer?

18 A I haven't today. That's correct.

19 Q In general, have you checked?

20 A I haven't ever before confronted a situation by any
21 prosecutor or any office that has asked me to do what I'm
22 doing right now, so I don't have a policy.

23 Q Do you check with witnesses before disclosing their
24 communications? Does your office check with witnesses before
25 disclosing their communications?

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1 A Again, I'm not sure I have ever had to do this --
2 well --

3 Q The question is does your office check.

4 A Well, if we've ever done it before, we would not
5 have checked because --

6 Q Well, the White House has done it dozens of times
7 over the last couple years with lawyers testifying as to what
8 witnesses told them and my question is --

9 A I don't think we have -- I don't think there is an
10 absolute policy.

11 Q Okay. Have you communicated with Mr. Jordan,
12 Vernon Jordan, about the relationship between the President
13 and Monica Lewinsky?

14 A No, I have not.

15 Q Have you communicated with his private lawyers?

16 A I have spoken with his private lawyers a couple of
17 times.

18 Q Have they told you -- well, why don't you describe
19 those conversations first.

20 A They have been very brief. I've talked to Bill
21 Hundley early on a couple of times. To the best of my
22 recollection --

23 Q Page 10, I believe.

24 A Yes. I mean, this sort of corroborates that. I
25 mean, I had two, I guess, very brief discussions, as best I

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1 can remember, from Bill Hundley. And I think Hundley
2 essentially would have told me something like when his client
3 was testifying before the grand jury. He may have said son
4 summary comment like, you know -- he may have -- I mean,
5 again, it's hard to divorce what he told me and what I read.

6 He may have said something to the effect that what
7 Vernon Jordan did was nothing more than -- for Monica
8 Lewinsky in helping her find a job was no more than what
9 Vernon does for a lot of people. But I don't remember really
10 anything other than maybe a comment like that about Vernon
11 Jordan's knowledge or participation in any of this.

12 Q Did he call you in both instances?

13 A I think it probably was a combination of him
14 calling me and me calling him back. I think I may have
15 called him back and forth. I think it was more, candidly,
16 Hundley thinking that I or someone in the White House
17 should know that his client was going to testify in the
18 grand jury.

19 Q Have you communicated with Mr. Bennett, Bob
20 Bennett, about the Lewinsky matter?

21 A Bob Bennett participates in some of those calls, so
22 yes, I have.

23 Q And has he described to you the nature of the
24 relationship between the President and Monica Lewinsky?

25 A And given Bob Bennett's position as personal

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1 counsel to the lawyer, I'm trying to narrow it but still
2 preserve something, I would claim executive privilege and
3 attorney-client privilege as to conversations with Bob
4 Bennett.

5 Q Have you communicated with Mrs. Clinton about this
6 matter at all?

7 A Never.

8 Q Never have at all about anything or just about this
9 matter?

10 A I've never spoken to Mrs. Clinton about anything
11 related to the Monica Lewinsky affair.

12 Q With respect to the questions I asked you about the
13 people you've dealt with, the people who I listed, does the
14 same answer apply with respect to the subject matter of the
15 gifts that might have been exchanged between the President
16 and Monica Lewinsky?

17 A If anything with respect to gifts had come up at
18 all, I mean, I guess -- my answer is I won't reveal the
19 substance of those conversations, regardless of whether gifts
20 were or were not discussed.

21 Q So beyond describing it as the Lewinsky matter,
22 you're not going to parse out whether gifts were raised in a
23 particular conversation?

24 A If you're asking me about conversations that I've
25 had with the President, with the President's personal

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1 lawyers, with members of the counsel's office, or the most
 2 senior advisors, I won't parse out the substance of those
 3 communications.
 4 Q Just to, for the record, ask a further question,
 5 have you talked to the group of people I have previously
 6 listed about the President's conversation with Mrs. Currie on
 7 January 18th? Just for the record, you described the
 8 conversation you had with Mr. Wechsler. I'm talking about
 9 the other people.
 10 A Yes. I did not discuss -- when Chuck Ruff, Cheryl
 11 Mills and I heard what Larry Wechsler had to say, I have
 12 never shared that with anyone.
 13 Q Have you ever discussed the subject matter of the
 14 President's conversation with Mrs. Currie on January 18th
 15 with the President?
 16 A I'm sorry, can you repeat that?
 17 Q Have you discussed the substance of the President's
 18 conversation with Mrs. Currie on January 18th with anyone?
 19 With the President.
 20 A The one thing I should say, without going into the
 21 substance, I may have mentioned this issue to either Chuck
 22 Ruff or one of my colleagues, Cheryl Mills, either Chuck Ruff
 23 or Cheryl Mills. I may have done that. I'm really not sure.
 24 I can't exclude that possibility. I'm not really remembering
 25 it, but that may have come up in a conversation over the last

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1 six months.
 2 Q Have you discussed the circumstances of
 3 Ms. Lewinsky's affidavit with Mr. Bennett?
 4 A Can I take literally one minute? I will run in and
 5 run out so no one has to -- let me just check something.
 6 (The witness was excused to confer with counsel.)
 7 MR. BENNETT: We're back on the record and we have
 8 no unauthorized persons present.
 9 THE FOREPERSON: Yes.
 10 MR. BENNETT: And we have a quorum.
 11 THE FOREPERSON: And we have a quorum.
 12 Mr. Breuer, you are still under oath.
 13 THE WITNESS: Okay. Thank you.
 14 Can you repeat your last question, Mr. Kavanaugh?
 15 I think it was about -- was it Bob Bennett and the talking
 16 points? Is that --
 17 MR. KAVANAUGH: Ms. Lewinsky's affidavit.
 18 THE WITNESS: Okay. I do not -- I want the record
 19 to be as clear as we can and I'm not trying to waive anything
 20 and it's very difficult here trying to figure out what I can
 21 say and cannot say.
 22 Virtually all of the conversations that I have had,
 23 whether it's with personal counsel or the Office of the
 24 President counsel, have been more either legal strategy or
 25 sort of talking more strategic issues and they have actually

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1 been relatively little factually based.
 2 I can't exclude over six months having -- I don't
 3 remember speaking with Bob Bennett about the Lewinsky
 4 affidavit. I don't remember doing that. I can't exclude it.
 5 I want to be clear and I don't want to waive conversations by
 6 saying it.
 7 Similarly, even previously when you asked me about
 8 the gifts, I mean, most of the conversations I have are not
 9 that fact-based. I'm not saying I didn't, but I don't have
 10 any clear recollections of that. So to the degree you're
 11 sort of trolling, and I don't mean that in a pejorative sense
 12 for really a lot of factual issues here, I don't think it's
 13 going to be so fact-based, if that's of any help to you.
 14 BY MR. KAVANAUGH:
 15 Q Just so you understand where we're coming from,
 16 we're conducting a factual investigation.
 17 A I understand.
 18 Q And obviously what would be most relevant are the
 19 factual nuggets that you may have gathered from witnesses or
 20 their attorneys.
 21 A I guess what I'm saying is you'd be shocked at how
 22 little factual information I truly have. I guess that's what
 23 I'm trying to convey.
 24 Q Well, that's helpful to know and, in fact, if
 25 that's true, then perhaps the privilege assertions are

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1 unnecessary.
 2 A But that's exactly why we have to at least be able
 3 to talk some -- I have to have some ability to talk to
 4 Mr. Ruff and others strategically about things and that's why
 5 I think we're trying to give you lots of ways of figuring out
 6 the facts from lots of different witnesses.
 7 Q Just to continue, the strategy is interesting but
 8 not what this grand jury is particularly focused on. We are
 9 focused on trying to get to the facts from people like
 10 yourself and other lawyers who may have gathered facts and
 11 you never know who might have a critical conversation with a
 12 key witness.
 13 A I guess I'm trying to represent to you in good
 14 faith that the overwhelming majority of the communications
 15 I'm talking to you about that I don't want to discuss are not
 16 factually based or have very little in the way of facts and
 17 are over issues like strategy that you say the grand jury is
 18 less interested in.
 19 Q Have you ever discussed the President's deposition,
 20 his civil deposition in the Jones case, with the President?
 21 A Never.
 22 Q Have you discussed that deposition with
 23 Mr. Bennett?
 24 A Well, first, I should say I had absolutely nothing
 25 to do with the Paula Jones case at all until January 21, when

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1 the Lewinsky matter occurred. I may have had -- I don't
2 remember.

3 I may have had brief conversations with Bob Bennett
4 on some level about the deposition after the Lewinsky matter
5 occurred, talking a little bit about it, but I'm not certain
6 of that. I can't exclude that possibility.

7 Q What did he say about it?

8 A I have no -- I don't have a distinct memory of such
9 conversations. I'm just not comfortable excluding that
10 possibility. If it occurred it would have been very minor,
11 very brief conversations. And, candidly, fairly superficial.

12 Q Did he ever discuss with you that something said in
13 the deposition in the Jones case was troubling to him or
14 bothersome to him?

15 A I don't want to waive anything here, but I'm not
16 aware of anything like that, of Bob ever saying anything like
17 that to me.

18 Q Have you discussed with the President's personal
19 attorneys, meaning Mr. Kendall, Ms. Seligman, Mr. Bennett or
20 any of his associates or partners --

21 A Or Mickey Kantor.

22 Q -- or Mickey Kantor how Ms. Lewinsky came to
23 receive or search for jobs at Revlon?

24 A Without waiving anything, I have no memory of that
25 at all, other than maybe when it was in the press, in the

1 argument.

2 Q You understand, and I gather Mr. Ruff understands,
3 that the assertion of privilege can prevent the disclosure of
4 exculpatory information as well as inculpatory information.
5 Is that correct?

6 A I understand that any privilege can prevent some
7 relevant information to an inquiry from going forward. Here
8 I think because -- in virtually every setting, I think there
9 are both for you alternate means of getting it and by
10 providing you that information it corrodes the ability of
11 lawyers to talk with the President and help represent him in
12 his official capacity. We have to draw some line and that's
13 what I'm trying to do.

14 Q You said earlier that you wanted to summarize the
15 categories for which you would assert privilege today. Maybe
16 it would be helpful if you did that.

17 A Although I've already probably answered more than I
18 want to on some of these, I basically said that I would
19 testify to all of my involvement here, my role as special
20 counsel in this matter, but I would not testify as to
21 conversations with the President of the United States,
22 conversations with the personal attorneys for the President
23 of the United States, conversations with my colleagues in the
24 counsel's office of the President, conversations with senior
25 advisors.

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1 public press, somebody may have commented on the article. I
2 remember no substantive discussion dealing with that issue.

3 Q Did any of those persons ever indicate what the
4 President's knowledge of Ms. Lewinsky's job search was?

5 A I know it won't do me any good, I see we're
6 breaking at 4:15, it was my hope that we could tell Judge
7 Johnson that I was prepared to answer a lot of your questions
8 about the issues I was, but I see we're going to spend all
9 day talking about the few categories of questions that I
10 won't answer.

11 Your question was about the job search generally.
12 I'm really getting nervous by you going through this litany,
13 you will sort of by negative inference sort of get into the
14 entire substance of our conversations. I'm not sure how to
15 both suggest to you that a lot of these things haven't
16 occurred without giving you the full substance of what I'm
17 trying to protect.

18 So without -- so we don't have too many negative
19 fragments here, I'm going to not answer any more about the
20 job search or about the conversations in general so we can
21 preserve it and claim executive privilege and attorney-client
22 privilege, but I would ask you to understand, not to put any
23 undue importance about that with respect to this particular
24 question but just as you and I are sitting here trying to
25 protect the record so that I'm not waiving this entire

1 I think that's all the categories that I suggested
2 prior. I think that that summarizes it. And, again, I would
3 welcome the opportunity so we could move this forward if
4 there are other questions you have other than building a
5 record on privilege. I'm happy to address them if you want.

6 Q Your conversations with White House employees, what
7 is the position on that?

8 A Oh, that's another one. That's exactly right.
9 For instance, Ashley Raines, which you asked me about before.
10 On a White House employee seeking advice, I have made a claim
11 of privilege with respect to that. That's exactly right.
12 Thank you.

13 BY MR. APPERSON:

14 Q May I follow up just very briefly on your
15 suggestion to counsel that your frustration at being asked
16 about the privileged matters which you are not prepared to
17 testify about, to the exclusion of getting to those areas
18 where you are prepared to testify? Do you recall your
19 testimony?

20 A I do.

21 Q You recognize, don't you, the awkward nature of
22 inquiring about an event? For example, we went through
23 before the break the sequence of events regarding Ashley
24 Raines and her attorney, Ms. White, and it makes it
25 difficult, you recognize, do you not, for you to be able to

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1 provide essentially half that story that you're willing to
 2 provide and yet not provide the other half of the story, and
 3 so it takes it out of sequence, both for the grand jurors and
 4 for us? Do you recognize the awkward nature of that?
 5 A I recognize that I've provided you now with what
 6 Ashley Raines' lawyer told me. I recognize that you have an
 7 opportunity to call Ashley Raines. I recognize that you
 8 issue subpoenas to the White House all the time and I am
 9 responsible with other members of the counsel's office to
 10 provide this grand jury that information.
 11 You look to me to be a lawyer when you want that
 12 information and I try as best as I can to provide all the
 13 documents and materials to you.
 14 I recognize that and I'm attempting to give you
 15 information, but I wish you would try to recognize that there
 16 is something left to the counsel's office where we're trying
 17 to perform our duty and so instead of just simply saying,
 18 "Lanny Breuer, give us all the documents you have, talk to
 19 people at the White House and come on in and tell us every
 20 fact about everything you know, whether it's a lot or a
 21 little, even if there are other ways to get that
 22 information," I wish you could try to also appreciate the
 23 quandary that I'm in.
 24 I think on some level you know I'm very sincerely
 25 sort of trying to deal with -- we're trying to deal with

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1 that. And a little bit of this, I think, has become -- since
 2 you've asked my opinion here in this exercise as we sort of
 3 eat up time --
 4 Q I've asked you if you recognized the awkward --
 5 A I --
 6 Q Excuse me. I'm sorry.
 7 A I apologize.
 8 Q I've asked you and I'm happy for you to say what
 9 you've said --
 10 A I apologize.
 11 Q I think you've said it a number of times and I
 12 think the grand jurors understand and appreciate your
 13 position, as do we, but my question really is do you
 14 appreciate, do you recognize the awkward nature of taking
 15 testimony when you are only willing to provide essentially
 16 little snippets of events and not willing to provide other
 17 snippets of events of which you are aware of?
 18 A You know, I just don't accept that
 19 characterization. I think my conversation with Ashley
 20 Raines, and this document reflects it was very short, we're
 21 talking a period of minutes, I think you could probably from
 22 your own experience make a determination deep down about
 23 how remarkably valuable to your investigation my brief
 24 conversation with a young woman who works in the White House,
 25 how really valuable that would be for a few minutes and weigh

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1 that against what it does to the institution of the counsel's
 2 office by forcing me to disclose it.
 3 It's purely an institutional concern. I don't
 4 believe I'm giving you snippets. I don't believe that the
 5 information that I'm not giving you is going to really make a
 6 material difference to your investigation and I think I'm
 7 simply in a good faith manner, as the counsel's office,
 8 attempting to bridge our obligations and needs with yours.
 9 Q And so I assume the answer is no to my question.
 10 A Right. The answer is no.
 11 BY MR. KAVANAUGH:
 12 Q You're aware, are you, that Ms. Sherburne who
 13 preceded you as special counsel provided notes of her
 14 interviews with dozens of White House witnesses to the grand
 15 jury? Are you aware of that?
 16 A I hold all of you in deep regard. I really think
 17 that this inquiry in front of this grand jury is remarkably a
 18 absurd, that we are having an inquiry over what my
 19 predecessors have done in a prior investigation. I'm aware
 20 that there is a lot of litigation about what to turn over or
 21 not to turn over.
 22 We have -- in prior instances, certain information
 23 was turned over. That's correct. Other information wasn't
 24 and I'm also aware that Ms. Sherburne was strongly against
 25 doing that. I think you are as well.

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1 Q Just on the characterization of absurd, we just
 2 asked you questions that could be remarkably helpful --
 3 A I don't mean that --
 4 Q -- to the people in the room, which is did you
 5 discuss with the President the nature of his relationship
 6 with Monica Lewinsky and if you answer that question, maybe
 7 we wouldn't need to ask all these other questions.
 8 A But presumably --
 9 Q But you won't answer that question, so for you to
 10 characterize this as absurd is somewhat unfair.
 11 A I apologize.
 12 Q So I'll state that for the record.
 13 A It's warm and I'm getting tired. I did not mean to
 14 be rude by calling it absurd. I don't believe, Mr.
 15 Kavanaugh, that you would particularly want people to know
 16 about the communications you and Mr. Bennett have in your
 17 office.
 18 I think you would find it difficult if people are
 19 trying to get that information from you. All I'm simply
 20 trying to do is to identify certain narrow communications
 21 that I think are privileged and, moreover, I'm aware that you
 22 will have an opportunity in less than two weeks to inquire of
 23 the President of the United States. You could call 40 or 50
 24 or 60 witnesses to attest to this, I'm simply saying with
 25 respect to the lawyers in this matter, that you ought to at

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1 least acknowledge that there is a narrow area that you should
2 not inquire into.

3 BY MR. APPERSON:

4 Q To your knowledge, who asked for the meeting with
5 Mr. Wechsler in Ms. Mills' office?

6 A I don't know the answer to that. I did not. I was
7 told that Larry Wechsler was at Cheryl Mills' office, would I
8 like to come over. So I don't know how that meeting was set
9 up. I had nothing to do with setting it up.

10 MR. BENNETT: I think we should -- we had a break
11 planned for now and I think we're going to --

12 THE FOREPERSON: Well, I think if we could excuse
13 you for a minute, because the grand jurors may have some
14 questions.

15 MR. BENNETT: Okay.

16 (Witness excused. Witness recalled.)

17 MR. BENNETT: We're back on the record. We still
18 have a quorum, the witness is still under oath and there are
19 no unauthorized persons present.

20 THE FOREPERSON: That is correct.

21 BY MR. BENNETT:

22 Q Mr. Breuer, we had one question from a grand juror
23 about who is that you regard in your capacity as counsel at
24 the White House, who do you regard your client to be?

25 A The President in his official capacity and the

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1 Office of the President.

2 MR. BENNETT: I think that's all we have at this
3 time. We'll meet you outside.

4 THE WITNESS: Okay. Thank you.

5 MR. BENNETT: Thank you.

6 THE FOREPERSON: Thank you.

7 (The witness was excused.)

8 (Whereupon, at 4:05 p.m., the taking of testimony
9 in the presence of a full quorum of the Grand Jury was
10 concluded.)

11 * * * * *

Gary Byrne, 3/13/98

OIC Deposition

Page 2 to Page

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

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[1] OFFICE OF THE INDEPENDENT COUNSEL
 [2]-----X
 [3]
 [4] DEPOSITION OF : Friday, March 13, 1998
 [5]
 [6] GARY J. BYRNE : Washington, D. C.
 [7]
 [8]-----X
 [9] Deposition of
 [10] : GARY J. BYRNE
 [11] before the Independent Counsel, held in the Conference Room
 [12] of the Office of the Independent Counsel, in Suite 400-North,
 [13] 1001 Pennsylvania Avenue, N. W., Washington, D. C. 20004,
 [14] beginning at 3:27 p.m., when were present:
 [15] For the Independent Counsel:
 [16]
 [17] ROBERT J. BITTMAN, ESQUIRE
 [18] Deputy Independent Counsel
 [19] Court Reporter: Elizabeth A. Eastman
 [20]
 [21]
 [22]
 [23]
 [24]
 [25]

Page 5

[1] A I wrote down the significant dates of my postings.
 [2] When I first got to the White House, I was assigned
 [3] to what we call the rotation, which is, all of the rookie
 [4] officers, you rotate around the different posts outside the
 [5] White House. When I say outside, I mean along the fence
 [6] line, and some posts that go on and near the mansion area.
 [7] Then probably in like 1993 I requested training to
 [8] be trained to work in the West Wing, and I was trained to
 [9] work at post E6 and I was assigned there approximately June
 [10] of 1994. I don't have a hard date on that.
 [11] Then I stayed assigned to the E6 post, or Oval
 [12] Office post, for approximately a year and a half. Then in
 [13] January or February of 1996 I was assigned to the Special
 [14] Operations Section, which is the tour section. We do the
 [15] tours for the First Family and everybody that comes to the
 [16] White House. We also have some other functions.
 [17] Then as of February of 1997, I've been assigned to
 [18] the Rowley Training Center in Beltsville, Maryland, the
 [19] Secret Service Training Center.
 [20] Q How do you spell that?
 [21] A Well, it's called the JJRTC. It's James J. Rowley
 [22] Training Center.
 [23] Q Do you know how you spell Rowley?
 [24] A I believe R-O, R-O-L-W-E-S, I think it is.
 [25] Q Really?

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[1] PROCEEDINGS
 [2] WHEREUPON
 [3] GARY J. BYRNE
 [4] having been called for examination by the Office of the
 [5] Independent Counsel, and having been first duly sworn by the
 [6] notary, was examined and testified as follows:
 [7] EXAMINATION BY COUNSEL FOR THE INDEPENDENT COUNSEL
 [8] BY MR. BITTMAN:
 [9] Q Would you state your name for the record, please?
 [10] A I am Gary James Byrne.
 [11] Q By whom are you employed, Mr. Byrne?
 [12] A I am employed by the United States Secret Service
 [13] Uniformed Division.
 [14] Q How long have you been so employed?
 [15] A Approximately seven years. I was sworn in on March
 [16] 25th, 1991.
 [17] Q Let me first advise you of certain things as we
 [18] proceed here. We are deposing you in lieu of a grand jury
 [19] appearance. Yet, this proceeding will be made available to
 [20] the grand jury. So, it is being conducted under the Federal
 [21] Rules of Criminal Procedure.
 [22] Do you understand that?
 [23] A Yes.
 [24] Q You have a right to have attorneys present with you
 [25] outside of this room, and I understand that you do. I

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[1] A Yeah.
 [2] Q At a break, if you could write that down, see if
 [3] you could get the spelling for us, because we want to be as
 [4] correct as possible.
 [5] A Okay.
 [6] Q Let me go back to 1993. Were you finished?
 [7] A Yeah, that's it.
 [8] Q So, you train people now?
 [9] A No. Actually, I'm on the security detail at the
 [10] Training Center, actually the physical security of the
 [11] Training Center itself.
 [12] Q You said in 1993 you requested training to be an
 [13] officer in the West Wing?
 [14] A Right.
 [15] Q Is there a special training that goes on for the
 [16] officers who are going to be in the West Wing?
 [17] A Specialized as far as, basically what they do is
 [18] there are certain guidelines they give you to read up on. I
 [19] believe there's like a small amount of printed information.
 [20] Then basically for at least a week, and it might have been
 [21] more than a week, I don't recall the time, it was at least a
 [22] week where you did an OJT type of thing, where you trained
 [23] with each post, an officer at each post in the West Wing and
 [24] learned how to do all their jobs, what it was that they did.
 [25] Q OJT, what does that stand for?

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[1] counted four? Or at least four?
 [2] A Three or four, yeah.
 [3] Q Three or four attorneys. At any time you wish,
 [4] Officer Byrne, to consult with those attorneys, please let us
 [5] know and we will adjourn the proceedings temporarily and you
 [6] can go speak to them.
 [7] A Thank you.
 [8] Q You're welcome. You also understand that you have
 [9] an obligation to tell the truth here today?
 [10] A Yes, sir.
 [11] Q And that if you do not tell the truth, if you lie,
 [12] or if you mislead me, or if you answer a question such as "I
 [13] don't remember", or "I don't recall", when you actually do
 [14] recall, that you may be prosecuted for perjury?
 [15] A Yes. I understand that.
 [16] Q Okay. So, you joined the Secret Service Uniformed
 [17] Division in 1991.
 [18] A Yes, sir.
 [19] Q Can you go through your career and tell me where
 [20] you've been assigned since 1991?
 [21] A Yes, sir. I left training and was assigned to the
 [22] White House Division. I was at the White House my whole
 [23] career up until February. If you will allow me, I have a
 [24] piece of paper?
 [25] Q Please, go right ahead.

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[1] A On-the-job training. I'm sorry.
 [2] Q That's okay.
 [3] A Or, kind of learn by fire, so to speak.
 [4] Q Right. And you said you were on [redacted] What is it
 [5] called?
 [6] A The Oval Office post, [redacted]
 [7] Q The [redacted] post, which is the one right off of the Oval
 [8] Office?
 [9] A It is right outside the Oval Office at a large door
 [10] that opens into the hallway. That's the post itself.
 [11] Q Did you have a normal schedule?
 [12] A Yes, a rotating schedule. I was assigned to B
 [13] shift. Actually, it would be easier if I explained to you
 [14] how it worked.
 [15] Q Please.
 [16] A Okay. There's three shifts. "A" shift is
 [17] permanently nights.
 [18] Q And night means?
 [19] A It would be 10:30 at night to 6:00 the next
 [20] morning, or 6:30 the next morning.
 [21] Q Okay.
 [22] A And then B and C shifts rotated days and
 [23] afternoons. And the day shift would be 6:30 to 2:30, and the
 [24] afternoon shift would be 2:30 to 10:30. So, you would work a
 [25] week of day work, take your two days off, and then a week of

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afternoon shift, then your two days off, and then back to day work.

Q What is the difference between B and C? They just interchange each other?

A That's all. It just gives you a chance to rotate days and afternoon. And apparently it gives the Uniformed Division flexibility with the manpower.

Q And you were on B shift?

A I believe I was, yes.

Q For a year and a half?

A Yes.

Q Approximately a year and half?

A Yeah, almost just about a year and a half, probably a little bit more, but not quite.

Q And Special Operations for a little over a year?

A Right.

Q January of '96 through --

A To February.

Q To February '97?

A Uh-huh.

Q So, for about a year you've been in the training facility?

A Correct.

Q Do you know Monica Lewinsky?

A Yes, I do.

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Q How do you know her?

A She was an intern at the White House.

Q Were you friends with her?

A No, I was not.

Q Did you know that at some point after her internship, that she became a full-time paid employee at the White House?

A Would it be possible if I could consult with counsel before I answer that one?

Q Yes. If you wish, Officer Byrne, if you want to take notes as to the questions, I encourage you to do that. You don't have to.

A I'll tell you what. If you could just repeat the question to me, I'll be fine with the first one.

Q I think the last question was if you knew that she changed from being an intern to a full-time paid employee.

A Okay.

Q Let's take a break. It's 3:46.

A Okay. I'll be right back.

(Whereupon, the deposition was recessed from 3:46 p.m. until 3:50 p.m.)

MR. BITTMAN: We are back on the record. It's 3:50.

BY MR. BITTMAN:

Q The question, Officer Byrne, was whether you knew

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that Ms. Lewinsky had moved from being an intern to being a full-time paid White House employee.

A The answer is yes, sir, I did know.

Q How did you know that?

A In two ways. The first way was, I believe, another White House employee told me. And it could have been a number of young women that worked in the West Wing. I don't remember exactly who told me, to be honest with you. It could have been one of two people.

And I also found out because just after she, you know, became a hard pass employee, I saw her, you know, in the hallway and I challenged her. You know, I asked her, you know, could I help her, what was she doing. And she had, you know, a hard blue pass on, which, you know, is a definite sign that somebody is an employee or at least, you know, supposed to be there.

Q So, you noticed the change in her credentials, so to speak?

A Exactly. Exactly.

Q The credentials that she held as an intern, would that have allowed her access to the Oval Office area?

A Only if she was working in that area. Only if she was working in that area.

Q Was she working in that area as an intern?

A Yes. I believe she was assigned to the Chief of

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Staff's office. Mr. Panetta's office.

Q And you were there then? You were on E6 at that time?

A Yes, sir.

Q Okay. The pass that she got after that, did that allow her unfettered access to the Oval Office area?

A Unfettered as far as -- well, unfettered is probably the wrong word. She had access, but it's still kind of you have to have a need to be there.

Q Explain that to me.

A Okay. For instance, I don't remember when I found this out, it could have been when I found out she was a permanent employee that she worked in the East Wing. Well, if she works in the East Wing, she generally would not have -- you know, her business, her office is in the East Wing. I mean, she would have access obviously. But she's not -- her office isn't over there.

Q You said she would obviously have access, meaning she had a pass that would allow her lawfully to go into the West Wing. Is that what you mean?

A Correct.

Q But then you said that she wouldn't have unfettered access, right?

A Unfettered as far as, I mean, there's certain places she still can't go. For instance, a White House pass

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does not give you authorization to go up on the private living quarters of the mansion, that type of thing.

Q What about to the area of the Oval Office?

A Yeah. Generally speaking, she would have access.

Q Does the Secret Service screen the people, even though they have quote/unquote lawful access and they have a pass that will get you to the Oval Office area, do they sort of ask people questions, you know, I know you are allowed to be here, but why are you here?

A Uh-huh. Yes, we do. There are certain people that you know belong there. And you will see people that have a pass that you don't recognize. My job, one of my jobs there, and any officer assigned there, is just to kind of make sure that people that are over there are supposed to be over there.

Q Other than the people I see on television, I know that they work there, such as George Stephanopoulos --

A Right.

Q -- worked there.

A Right.

Q He gets in.

A You would stop and ask them.

Q You would?

A Yeah. And after awhile, there are certain people would pass by a couple times an hour because they are

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delivering stuff, and you would know them on sight. And if there was somebody you didn't recognize, sure, you would challenge them.

Q Do you know exactly when you went into the Special Operations Section?

A May I look at this?

Q Please.

A I went into the Special Operations Section or tour section in January or February of 1996, somewhere in there. It was definitely the winter.

Q Where were you posted when you were in the Special Operations Section?

A All over. Can I explain a little bit what we do?

Q Please.

A Okay. The Special Operations Section does the tours. I could be assigned at the gate on any given day, or I could be inside actually being a talker, which in the morning we have Congressional tours for two hours, and we actually take groups of 70 people through the White House and talk to them, you know, tell them the history of the White House.

I could be assigned to any of those places, anywhere in the mansion, on the ground floor or the State floor, as far as the mansion goes.

Q It sounds like a fun job, just being a talker?

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A It was. Yes, it was. It was a good job. And, of course, you know, our job is always security. But, you know, your job was to give the tours and to help secure the mansion while these basically strangers are in there.

Q What type of relationship did you have with Ms. Lewinsky?

A I think I need to consult my counsel before I answer that.

Q Okay. For the record, it's 3:55.

A Thank you.

Q Go ahead, Officer.

(Whereupon, the deposition was recessed from 3:55 p.m. until 4:07 p.m.)

MR. BITTMAN: We are back on the record at 4:07.

BY MR. BITTMAN:

Q Officer Byrne, the last question I asked was for you to describe your relationship with Ms. Lewinsky.

A On the advice of my counsel, and without revealing any privileged information, basically my relationship with her was professional. I knew her just from my duties in the West Wing and in the Uniformed Division. In other words, I never socialized with her.

Q Did you ever see her outside the White House?

A Yes. I believe I had seen her like, for instance, if I exited the White House complex to go eat, to go get some

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Q In early 1996, Ms. Lewinsky was removed from the White House and she went to the Pentagon. Tell us what you know about her being removed from the employment of the White House.

A That will be another question I will need to consult with counsel on.

Q Have you ever told anyone why you believed Ms. Lewinsky was removed from the White House employment?

A I'm sorry. That will be another question I will need to consult with my attorney on before I answer. Could you repeat it to me again, please?

Q Absolutely.

A Thank you.

Q Have you ever told anyone why you think Ms. Lewinsky was removed from the White House?

A Okay.

Q Why don't we take a break there.

A Okay.

(Whereupon, the deposition was recessed from 4:12 p.m. until 4:37 p.m.)

MR. BITTMAN: It is 4:37 and we are back on the record.

BY MR. BITTMAN:

Q I had three questions for you, Officer. The first one had three parts. I will go over them separately now.

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lunch, I do remember seeing her at least once, like coming out of a coffee shop or something, from a distance. Not even close enough to, you know, acknowledge that I saw her. But, yes, I had physically seen her, you know.

Q Did you ever talk to her outside the White House?

A No. Not -- no, not that I can remember. I'm sorry, with the exception -- well, no. No, that was inside the White House. No, I've never talked to her outside the White House.

Q Have you ever observed Ms. Lewinsky in the area of the Oval Office?

A Yes, sir, I have.

Q How many times?

A There would really be no way to count that. I worked there for like a year and a half. Numerous times. Just to give you an example, I mean, how many times do you see the person that, you know, refills the copier, you know what I mean? Like I'm posted there. She's either working in that area or has, comes over to that area for business or whatever reason. Quite often.

Q Would it be fair to say then, in terms of using the copier example, that you may have seen Ms. Lewinsky almost on a daily basis?

A It's, for certain periods of times, I mean, when I was assigned to the Oval Office, the E6 post, yes, especially

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Have you ever seen Monica Lewinsky enter the Oval Office?

A On the advice of my counsel, and without revealing any privileged information, I do have some information for you as far as that goes. And once again, this is not privileged information.

Yes, there was an instance that I can tell you about. Just give me a minute.

When I was working at the Oval Office post, post E6, there was a time when Ms. Lewinsky, Monica, came down the hallway from the Chief of Staff's end of the hallway, which would have been from the west. She came towards my post. She was with somebody else, and I don't remember who that was. But she was with another person who, when they saw me and I started towards them to kind of challenge them, you know, what can I do for you, what are you doing here, Monica, that type of thing, the person said, that's okay, we are going to see Nancy Herrreich, who works for the President. I believe her title is like Oval Office Manager and Personal Scheduler to the President. I'm sure you've heard her name before.

As we were standing there, you know, and I was -- or basically I think I told them to go ahead and pass, you know, go ahead. Nancy Herrreich came out of her office, said it was all right, you know, said something to me, and they

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when she was -- I shouldn't say especially. When she was an intern during the government shutdown, I saw her quite often. She was one of those employees that they brought in to work in Mr. Panetta's office.

I don't know if it really matters to you, but just for the record, I believe it was Mr. Panetta, his assistant, Jennifer, and Monica in there, is the best of my recollection. And, of course, I saw her a lot. Yes.

Q Jennifer Palmieri?

A That sounds like her. I don't remember exactly what her last name was, but I think that was it. She was, I believe she worked for Mr. Panetta when he was a Congressman.

Q Have you ever seen Ms. Lewinsky in the Oval Office, or enter the Oval Office?

A Sir, before I answer that, I'll have to consult with my counsel.

Q Why don't you hold off on that for right now.

A Okay.

Q Write down the question.

A Okay.

Q The question will be whether you have seen Ms. Lewinsky enter the Oval Office, in the Oval Office, or exit the Oval Office. We are just going to sort of consolidate the questions, so that you can go out and ask a bunch.

A Right.

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went into the office. They were in there a short period of time.

And this, I'm sorry, you said the Oval Office. And the reason I'm telling you this is because their office is right next to the Oval Office. So, I'm just considering that that's what you meant also. I'm sorry. I kind of assumed.

Q That's okay.

A I'm not talking about the physical Oval Office. I'm talking about the secretary and assistant's office, right next to it. Have you seen a diagram? Okay.

So, they go into Nancy and Betty Currie's office. A short period of time later they come out, Monica and this person, I don't remember who it was, Nancy Herrreich, and also Betty Currie. And as they are walking off, Monica turns to them, to Nancy and Betty, and says something to the effect, I'm sorry that it happened, it won't happen again. Something to that effect.

Q Do you know whether this was when she was an intern, or was this when she was a hard pass holder?

A You know, I don't remember. But if you give me a minute, let me try and put it together, like the time of the year, or something.

Yeah, I don't remember.

Q Do you know if the other person was Jocelyn Jolley?

A Let me describe to you who I think that is. Is she

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... a black woman, heavysset? I mean, have you seen her physically?
 Q Yes.
 A Yeah, no. That wasn't her. This woman I remember being a white woman, you know, probably around 30. I mean, I can think of five or six people who it could have been. I don't know the names, but I can think of, you know, a couple people that it could have been. I don't remember if it was them, maybe people that fit that blind description.
 Q Is that the only time, Officer, that you saw Ms. Lewinsky enter the Oval Office area?
 A I'm sorry. Just give me a minute to clarify a couple of things. Let's see.
 Are you -- can I clarify something? Are you talking about the actual Oval Office and the secretary's office, or just anywhere in that hallway area?
 Q Well, let's make it easy for you first. Have you ever seen her enter the Oval Office itself?
 A On the advice of my counsel, I'll have to assert the privilege, the protective function privilege. I won't be able to go any further with that.
 With the exception that the next time I leave the room, I'm going to check on something and I may have, I may actually have something else I can add to that.
 Q Okay.

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A Okay?
 Q Go ahead and write it down.
 A Okay.
 Q Have you ever seen Monica Lewinsky in the Oval Office? This is a little different, because I asked you about whether you saw her enter.
 A Uh-huh.
 Q This question goes to whether you've ever seen her in the Oval Office.
 A I'll have to assert the protective function privilege to that question, and I apologize.
 Q I understand. Thank you, Officer. Have you ever told anyone about any observations that you made, Officer, while you were on the E6 post about Monica Lewinsky and the President?
 A Could you repeat that, please?
 Q Yes.
 A Thanks.
 Q Have you ever told anyone about observations, things that you saw or heard while you were on the E6 post, about Monica Lewinsky?
 A On the advice of my counsel, and without revealing any privileged information, I can talk about that a little bit.
 Yes. There were -- for instance, if I'm posted at

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the Oval Office, and when I get pushed, there's certain information that you need to pass on to the employee that is, you know, taking your post. And there were times when -- and with my partner who I worked with. I'm sorry. Did I mention that when I worked this post you work in two-man teams?
 Q No.
 A I apologize. You worked in two-man teams, an hour on and an hour off. So, I'd stand for an hour. I'd be pushed off by the other officer and then, you know, I'd come back in an hour.
 Q Did you have the same partner?
 A Ninety-nine percent of the time, yes.
 Q Who was that?
 A His name was Officer Dan Ordakowski.
 Q Ordakowski. O-R-D-A-K-O-W-S-K-I?
 A I believe so. I'm a bad speller. That's not a compliment to my English teacher.
 Q Okay. So, you were telling me about observations that you made while you were on duty that you may have told other people?
 A Correct. Things to the effect that, you know, I actually saw, you know, had a run-in with Monica. In other words, her trying to come into that area when she wasn't supposed to.
 Let me give you an example. And, of course, this

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s without revealing any privileged information. There were times when she was an intern that, you know, she wasn't -- she would try to come into this hallway when she wasn't supposed to. And I would pass that on to the other officer.
 Q What would you do?
 A Just remind her and, you know, tell her to go to the other, you know, go through the Roosevelt Room, or go back the other way.
 Q When you say she was trying to get in the Oval Office area -- I'm sorry?
 A Well, just that hallway. Do you have a diagram?
 Q I do, actually.
 A Would it be all right if I --
 Q Sure.
 A It would probably make it easier.
 Q I have written on this one, but that's okay. I have only written three things on it. We will mark it.
 A Is it all right if I stand?
 Q Yes. Let me get it marked first.
 A Okay.
 (Deposition Exhibit Byrne No. 1 was marked for identification.)
 BY MR. BITTMAN:
 Q This has three original blue writings. This exhibit is marked as Byrne No. 1 dated 3-13-98.

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A Okay.
 Q Use this red pen if you are going to write on it.
 A That would be great.
 Q As you've noticed, I've already handwritten in E8 and Walkway #1. That's the E8 post, right?
 A Right. That's correct.
 Q E6 post is Walkway #2?
 A Uh-huh.
 Q Then we have E10 up here at Desk #1?
 A Right.
 Q Why don't you tell me what you were talking about.
 A Okay.
 Q Using the identifications that are already handwritten in there.
 A Okay. Coming down Walkway #1 --
 Q From the Chief of Staff's Office?
 A From the Chief of Staff's Office, which would be coming from the west direction heading east, I would be posted at the E6 post. One thing you need to understand is, you know, you are posted at E6, but you can move around a little bit. You are responsible for all that area.
 But, anyway, she would -- you know, if I would see her coming, I'd come down and say, you know, what are you coming this way for, you know, that type of thing. And, you know, tell her to go back the other way. Or, you know, it's

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possible that she actually had a legitimate reason to go there, you know, I'm going to deliver this to Betty or Nancy.
 Okay.
 But if she said she was going over to the, you know, east side or to the mansion, there's no reason for her to go this way. She can go out and come around. That's what they are supposed to do. You only use this hallway when it's absolutely necessary.
 Q Okay.
 A And then I would pass this information on, you know, to the other officer. It could have been Monica. It could have been, you know, anybody that wasn't supposed to be there.
 Q But they weren't there, right?
 A I'm sorry. I missed the point.
 Q You said you would pass along the information. What type of information would you pass on?
 A I'd say, hey, you know, Monica came by, tried to come down the hallway, you know, try to make it a point to keep Monica and the other people that are just hall surfers or, you know, out of the way.
 Q Let's talk about other observations. Without telling me what they were, I'm going to ask you about your observations, other things that you have observed while you were on this post.

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[1] A Uh-huh.
 [2] Q Have you told other people about the other things
 [3] that you've seen?
 [4] A What other things in particular?
 [5] Q That relate to Monica Lewinsky, about what she did,
 [6] where she was, or why she was there?
 [7] A It's entirely possible. Why she was -- yeah, it's
 [8] entirely possible. I'm sorry. Are you saying other than
 [9] Secret Service people? Or other than post information?
 [10] Q Well, the first question was to anyone. We can
 [11] break it down, if you want.
 [12] A Yeah.
 [13] Q Let's talk about that. Let's talk about the
 [14] division. I'm talking about observations that you made about
 [15] why Monica Lewinsky may have been there, when she was there,
 [16] why she was there, and what she was doing.
 [17] A Okay.
 [18] Q Have you talked to other Secret Service officers
 [19] about that?
 [20] A It's possible. You know, people that were not
 [21] permanently assigned to the post, the next shift coming on,
 [22] yes, that type of thing. And it's possible that I had
 [23] mentioned it to an agent from time to time. But not in any
 [24] kind of, you know, gossip sense. Just, you know, information
 [25] as far as controlling traffic in this area.

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[1] Q Okay. What about people not in the Secret Service?
 [2] A Without revealing any privileged information, yes,
 [3] I had a conversation with Evelyn Lieberman, who was, I
 [4] believe she was already appointed Deputy Chief of Staff. If
 [5] not, she was in her previous position.
 [6] And she made a comment, Evelyn Lieberman made a
 [7] comment to me one time complaining about the amount of
 [8] interns, interns and/or lower-level people, employees, in the
 [9] hallway. There was a term that we used called "hall
 [10] surfing", where these people might, you know, kind of stand
 [11] around in the hallway to wait and see the President come by,
 [12] you know, that kind of thing. I mean, they generally had to
 [13] -- you know, they were working in that area, but, you know.
 [14] So, anyway, Evelyn Lieberman came to me one time
 [15] while I was posted at E6 and said, you know, you're not doing
 [16] your job; all these interns -- I'll use the term "intern". I
 [17] believe that's, you know, what we said -- are in the hallway
 [18] and, you know, I had known Evelyn. So, I knew that, you
 [19] know, if she barked at me, I would usually bark back at her.
 [20] I knew her well enough.
 [21] And I said, well, who the, who the -- pardon me --
 [22] who the hell do you think is giving the authorization to be
 [23] here. You're letting them in. You know, you are the ones
 [24] that make them interns, not me. You don't want them here,
 [25] then get them out. I can only do so much. And she turned

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[1] around and she said, well, when you're right, you're right.
 [2] And, you know, I believe she went down and
 [3] reprimanded a couple of these interns. A couple of them, I
 [4] don't know if they actually, you know, disappeared, as far as
 [5] I don't know if they were moved. Or they probably went back
 [6] to doing what they really were supposed to be doing.
 [7] And I believe something was said to Monica. And I
 [8] say that because, I believe that because the next time I saw
 [9] her she acted like a little gunshy from me, intimidated,
 [10] which is okay.
 [11] Q Did Ms. Lieberman say she would say something to
 [12] the interns, or you just believe she did?
 [13] A No, she walked down the hallway. You can hear her.
 [14] She's got a booming voice. She was reprimanding somebody. I
 [15] just assumed that it was over that.
 [16] Q Now, you said you think Monica Lewinsky may have
 [17] been reprimanded, but you don't know?
 [18] A No, that's correct. That's correct.
 [19] Q Did you ever know anyone else to talk to Monica
 [20] Lewinsky about going down the hall, other than you, because
 [21] you said you did?
 [22] A Yes. I don't know for a fact, but I would assume
 [23] the other officers, you know, in that post may have said
 [24] something to her.
 [25] Q All right. Other questions we had for you were

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[1] about why Ms. Lewinsky was being removed from the White
 [2] House. Tell me everything you know about why Ms. Lewinsky
 [3] was removed from the White House.
 [4] A Okay. Just give me a minute to get my thoughts
 [5] together, please.
 [6] And, of course, without revealing any privileged
 [7] information, I don't know -- I was never told by any of her
 [8] supervisors why she was transferred. You know, I never heard
 [9] from anybody exactly why she was transferred.
 [10] I do know that she was abruptly transferred.
 [11] Okay. I have something else to add that I think is
 [12] relevant. Like I said, I don't know why she was transferred.
 [13] I do know that she was abruptly transferred. I had two
 [14] conversations with two White House employees at different
 [15] times and I think I should relay these to you, and I think
 [16] they are -- well, I think I should relay them to you. And,
 [17] of course, this is without revealing any privileged
 [18] information.
 [19] Mr. Stephanopoulos had an assistant, Laura Capps.
 [20] Did I already mention her? Did we talk about her?
 [21] Q No.
 [22] A Laura Capps.
 [23] Q Capps is C-A-P-P-S?
 [24] A Yes, correct. A couple days, I believe it was a
 [25] couple days after Monica was transferred, I stopped by George

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[1] Stephanopoulos' office to say hi to Laura. This is a person
 [2] that I had done, you know, become friends with when I worked
 [3] over there, you know, as far as work goes. And there was
 [4] certain things that she did -- we had a pretty good working
 [5] rapport. There were certain things that she did to help me
 [6] do my job, as far as -- and excuse me for getting off the
 [7] track here, but I just wanted to kind of box what our
 [8] relationship is. Is that all right?
 [9] Q Absolutely.
 [10] A Okay. There was a door that led from -- this door
 [11] that led from George Stephanopoulos' office.
 [12] Q It's identified as?
 [13] A As, thank you, C. I believe that is?
 [14] Q Well, G5 is the room.
 [15] A Thank you.
 [16] Q And C actually indicates that it is normally
 [17] closed. That is, the door between --
 [18] A That's correct.
 [19] Q -- E5 and the dining room.
 [20] A Correct. I agree with that. So, from time to
 [21] time, George Stephanopoulos would be giving an interview with
 [22] reporters in his office. So, I had a little deal with Laura
 [23] where she would let me know, because, you know, George's
 [24] schedule is different from the President's. She would let me
 [25] know that there was a reporter in there.

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[1] I would, in turn, pick up the phone out here
 [2] somewhere, or go in person and walk into Nancy Hemreich and
 [3] Betty Currie's office and tell them, you know, whether the
 [4] President was in the area or not. You know, just so you
 [5] know, George is doing an interview with somebody, just so the
 [6] President didn't walk in there when he was with a reporter
 [7] and, you know, be surprised.
 [8] You know, maybe he is going to walk in and say
 [9] something to George and he doesn't realize -- because the
 [10] offices are small, but they're angled. And he would actually
 [11] be able to walk in and not see the reporter where he would be
 [12] sitting. Okay.
 [13] Once I've explained that, now tell me what I was
 [14] supposed to be telling you.
 [15] Q You are supposed to be telling me about this
 [16] conversation that you had with --
 [17] A Laura. Thank you.
 [18] Q -- Laura Capps a couple days after Monica was
 [19] transferred.
 [20] A Right. Thank you. I walked up to, standing in her
 [21] doorway. She was sitting at her desk, Laura was. I said,
 [22] hey, how are you. And she said, did you hear that Monica got
 [23] transferred. And I said, well, yeah, and she started to
 [24] relay something, tell me something, and I cut her off, and
 [25] then said, you know, it was nice seeing you, and I walked out

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[1] of the room, you know, walked out of the doorway and left.
 [2] Q What did she start to say?
 [3] A I don't know. Anything else -- I don't know what
 [4] she was going to say. But any other information, I'll have
 [5] to assert the privilege on that. I'm sorry.
 [6] Q Let me just get this straight. She asked you, did
 [7] you hear that Monica got transferred.
 [8] A Right. I think she actually might have said like
 [9] to the Department of Defense, or something to that effect.
 [10] Q And then you responded, yes.
 [11] A Yeah. I said, I heard that she was transferred.
 [12] And she started to say something else and, you know, I just
 [13] said, well, you know, I'll talk to you later. I kind of cut
 [14] her off and I left the hallway.
 [15] Q Why did you cut her off?
 [16] A I won't be able to answer any more. I'll have to
 [17] assert the privilege on that.
 [18] Q Okay. There was another conversation that you
 [19] wanted to tell us about?
 [20] A Yes, sir. It was sometime after -- oh, wait a
 [21] minute. Okay. Just for point of reference, this
 [22] conversation with Laura Capps, I was on the tour section at
 [23] the time. Okay?
 [24] So, now, it's sometime after that. I'm still on
 [25] the tour section, but I believe I was just about to be

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[1] transferred, you know, to get transferred out to the Training
 [2] Center.
 [3] Q Okay. So, going by your chronology, this is in
 [4] early '97 or late 1996?
 [5] A Late 1996 sounds about right. I remember being
 [6] cold and, you know, having a big overcoat, long johns on, and
 [7] that kind of thing.
 [8] Q Okay.
 [9] A I'm in the East Wing. I'm in the area of a post
 [10] called [REDACTED]. It's right by the [REDACTED]. I
 [11] believe tours are coming in and I run into a White House
 [12] employee. His name is Tim Keating.
 [13] Now, one thing I want to make clear is at this
 [14] time, when this incident took place, I didn't realize that
 [15] Tim was somehow involved in Monica Lewinsky's chain of
 [16] command, as far as her employment in the East Wing. I found
 [17] this out, I realized this later on reading an article, I
 [18] believe once this story, you know, became daily reading.
 [19] But, anyway. So, I see Tim Keating and he says --
 [20] I don't know how we got on the conversation of Monica. I
 [21] don't really remember, to be honest with you. Excuse me. Of
 [22] course, I'm being honest with you, but I don't really
 [23] remember. But it got on the subject of Monica.
 [24] And he turned to me and said, you knew, you knew,
 [25] why didn't you come to me, you knew something, or something

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[1] to that effect. And I said, I don't know what you're talking
 [2] about, Tim, and it was good seeing you. You know, we joked
 [3] around about -- we used to play the lottery. I think we
 [4] joked around about playing the lottery. We used to play a
 [5] lottery pool together. And then I walked on.
 [6] And then later on, I learned that, that this woman
 [7] that you mentioned earlier, that I described as a heavysset
 [8] black woman?
 [9] Q Jocelyn Jolley.
 [10] A Was, I guess, Monica's immediate supervisor and
 [11] then she worked for Tim. I think that's the way it was.
 [12] That's the way I thought it was. That's the way I think it
 [13] is now, I should say.
 [14] And that was the two conversations that I can relay
 [15] to you without revealing any privileged information.
 [16] Q What was Mr. Keating referring to, when he said you
 [17] knew something? What was it that he believed you knew?
 [18] A I don't know what he was assuming. Anything
 [19] further than that, I'll have to assert the protective
 [20] privilege.
 [21] Q Well, do you think you know what he was referring
 [22] to?
 [23] A I'm sorry. I'll have to assert the privilege on
 [24] that.
 [25] At this time, I would like to go out and consult

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[1] with my counsel. And could we reiterate what the question
 [2] was? I had written down Monica Lewinsky and the Oval Office.
 [3] I believe the question was, had I ever seen her standing in
 [4] the Oval Office?
 [5] Q Yes, that was one of them.
 [6] A Okay.
 [7] Q Then one of the questions that I still haven't
 [8] asked you about was did you tell anyone about your
 [9] observations of Monica and the West Wing. You've already
 [10] discussed some of those today so far.
 [11] Ask them if you can answer what you thought Mr.
 [12] Keating was referring to.
 [13] Also, while you are there, I am going to ask you
 [14] about Glen Maes and Bayani Nelvis, what you know about that.
 [15] A I'm sorry. The other one, not about the stewards,
 [16] but the other one was?
 [17] Q Well, I asked you a question, why did you cut Laura
 [18] Capps off.
 [19] A Right.
 [20] Q And you asserted privilege on that.
 [21] A Right. And I'm sure I'll have to keep doing that,
 [22] but I will bring it back up to them.
 [23] And what's the question about Nelvis and Glen?
 [24] Q I'm just going to ask you some general questions
 [25] about them. Do you want to cover that now?

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[1] A No. You know, only because I think I've written
 [2] too much information.
 [3] Q Okay.
 [4] (Whereupon, the deposition was recessed from 5:06 p.m.
 [5] until 5:27 p.m.)
 [6] BY MR. BITTMAN:
 [7] Q Officer Byrne, we have questions pending.
 [8] A If you could just ask me?
 [9] Q Why don't you go over your list?
 [10] A What do you mean?
 [11] Q You had a list of questions.
 [12] A Right. Yeah, I was just hoping that you would ask
 [13] me the questions that I had the answers for.
 [14] Q What was Tim Keating referring to when he said, why
 [15] didn't you come to me, you knew something?
 [16] A Bear with me.
 [17] I'm sorry. To any more information about that, I'm
 [18] going to have to assert the privilege, the protective
 [19] function privilege.
 [20] Q In your conversation with Laura Capps a few days
 [21] after Ms. Lewinsky's transfer, why did you cut her off?
 [22] A Without revealing any privileged information,
 [23] basically I cut her off because I was uncomfortable with
 [24] discussing, standing in the hallway discussing anything,
 [25] having that discussion with her.

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[1] Q Why?
 [2] A I'm sorry. For any further information, I'll have
 [3] to assert the privilege, protective function privilege.
 [4] Q Tell us about your relationship with Bayani Nelvis.
 [5] A Nelvis is the Navy steward who was assigned to the
 [6] pantry at the Oval Office. Our relationship was a real good
 [7] working, you know, friendship, or friendship as far as work.
 [8] We never met outside of work. But, great man. Great Navy
 [9] man.
 [10] When I say a working relationship, I mean, as far
 [11] as -- have you ever met Mr. Nelvis? He was a pretty short
 [12] man. A lot of the dishes and stuff that he needs to support
 [13] the President are really high up on shelves. You know, I'm a
 [14] tall guy. You know, as long as it didn't take away from what
 [15] I was doing, or I was standing right there, posted right
 [16] there, I would help him get dishes down.
 [17] In the same sort of reciprocation that was familiar
 [18] with myself and a lot of employees there, if I ever had
 [19] family come in, to give them a tour of the Oval Office in the
 [20] evenings when they allowed passholders to have tours, he
 [21] would give me these Presidential M&Ms. I'm sure you are
 [22] familiar with them, a little box with the Presidential seal
 [23] on them. And we had a great working relationship. He's a
 [24] great man.
 [25] (Off the record.)

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[1] BY MR. BITTMAN:
 [2] Q Did you ever talk to Mr. Nelvis about Monica
 [3] Lewinsky?
 [4] A On the advice of counsel, and without revealing any
 [5] privileged information, yes, we did discuss her. One time I
 [6] think of that I can tell you when we did, you know, we did
 [7] discuss her.
 [8] She, I believe, after awhile kind of befriended him
 [9] a little bit, which then kind of added to the nuisance of her
 [10] coming into my working area around the Oval Office. But,
 [11] yeah, I think we discussed her from time to time.
 [12] Q What did you discuss with Mr. Nelvis?
 [13] A I don't remember everything we discussed, but there
 [14] is something I think that is significant, if you just give me
 [15] a minute to make sure I've got my facts straight.
 [16] I don't remember the timeframe, other than I was
 [17] working at the Oval Office. I believe it was the day work
 [18] shift. I believe Monica Lewinsky was a permanent employee in
 [19] the East Wing because she came from that direction and I
 [20] remember her having a pass.
 [21] She came into the, you know, towards the Oval
 [22] Office, past the secretary, Betty Currie and Nancy
 [23] Hemreich's office, which I believe you have marked as Area
 [24] #1.
 [25] Q Okay.

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[1] A Okay? She walked past that and towards the E6
 [2] door. Then you have the hallway marked Hallway 2 there. And
 [3] I saw her and I challenged her. And, just for the sake of
 [4] clarification, challenge is the word we used. Basically I
 [5] said, you know, what are you doing, can I help you, that kind
 [6] of thing.
 [7] And she said, I want to talk to Nelvis. So, under
 [8] those -- you know, I said, okay, and Nelvis had stepped out
 [9] of the pantry. I believe he might have been actually
 [10] standing in the hallway by his pantry. I was kind of angled,
 [11] so I didn't see directly.
 [12] Anyway, you know, he walked over to her. They
 [13] started talking. And I stood there for a couple of minutes
 [14] and then, you know, looking down this end of the hallway and
 [15] then I walked back to the other side of my post.
 [16] So, as I walked back over, Nelvis made a joke.
 [17] They were talking about something and as I walked up, Nelvis
 [18] said, if you're not -- something to the effect, if you're not
 [19] careful, you'll end up like Paula Jones. And she laughed.
 [20] And I remember I don't think I laughed. I think I felt a
 [21] little uncomfortable. And she said, I'm smarter than that,
 [22] something to that effect.
 [23] And that's -- in that incident, that's the most I
 [24] can remember. I mean, that's the way I remember it.
 [25] Q Did you ask Mr. Nelvis about that afterwards?

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[1] A No. Didn't discuss it with him. At least to the
 [2] best of my recollection, I didn't. You know, I think I
 [3] walked, you know, away from him. She walked away. And that
 [4] was that.
 [5] Q What else do you remember about your discussions
 [6] with Mr. Nelvis about Ms. Lewinsky?
 [7] A I don't remember anything that stands out, sir. I
 [8] mean, I don't remember anything that really stands out. It's
 [9] not like we discussed her a lot that I can recall. Nothing
 [10] really comes to mind, anything that's significant, I mean,
 [11] that I can even think of. Just give me a minute to get my
 [12] thoughts together here.
 [13] It's entirely possible that we discussed when she
 [14] was transferred, abruptly transferred, or transferred to the
 [15] Department of Defense, we may have discussed that. I don't
 [16] remember doing it, but it sounds like something, you know, to
 [17] be honest with you, it sounds like something, you know, he
 [18] would have said, hey, did you hear, or vice versa. I would
 [19] have said, hey, you know, I hear, you know, Monica now works
 [20] for the Department of Defense.
 [21] Q This comment that Mr. Nelvis made, if you're not
 [22] careful you'll end up like Paula Jones?
 [23] A Yes. That was the statement.
 [24] Q Was that to Ms. Lewinsky or was it to you?
 [25] A I believe it was to Ms. Lewinsky.

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[1] Q She was in close proximity to Nelvis?
 [2] A We were standing probably within three feet of each
 [3] other.
 [4] Q The three of you?
 [5] A Yes, maybe even closer. It's a very small narrow
 [6] hallway. I believe I recall, you know, the best of my
 [7] recollection, he was standing in the doorway of the pantry.
 [8] She was standing in the hallway. And I was standing, it
 [9] would be like east of them, just a couple feet. Very close.
 [10] You know, within normal talking, you know, when you are
 [11] standing in front of somebody.
 [12] Q And he said, you'll end up like Paula Jones? Or he
 [13] said, you'll end up like Jennifer Flowers?
 [14] A No. He said, you'll -- I'm sorry to be laughing,
 [15] but I keep picturing his accent, hearing his accent. Yeah,
 [16] he said Paula Jones, you could end up like Paula Jones, or
 [17] you'll end up like Paula Jones. Something to that effect.
 [18] Q And Monica Lewinsky's response?
 [19] Excuse me. Let's go off the record.
 [20] (Off the record.)
 [21] MR. BITTMAN: Pardon me. We are back on the
 [22] record.
 [23] BY MR. BITTMAN:
 [24] Q Did Mr. Nelvis ever indicate to you whether he had
 [25] seen Ms. Lewinsky in the area of the Oval Office?

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[1] A Well, I answered the -- but your question about
 [2] where we were standing is what I would say was in the area of
 [3] the Oval Office, outside in the hallway.
 [4] Q Other than this incident?
 [5] A I believe I'll have to assert the privilege at this
 [6] time, the protective function privilege. But I will break
 [7] the question down and go out and consult counsel the next
 [8] time I go out to consult counsel. Could you just tell me the
 [9] question again?
 [10] Q Yes. Other than the incident you just described,
 [11] has Mr. Nelvis ever communicated to you that Monica Lewinsky
 [12] was in the Oval Office area?
 [13] A And just to clarify, once again, are we talking
 [14] about inside the Oval Office itself, or just in the area?
 [15] Q I've asked you both questions.
 [16] A Okay. So, do both.
 [17] Q Yes.
 [18] A Thank you.
 [19] Q Another followup question, did Mr. Nelvis ever
 [20] communicate to you whether he had knowledge of any
 [21] relationship between the President and Ms. Lewinsky?
 [22] A I'm sorry. I have to use the privilege, the
 [23] protective function privilege, but I will write that question
 [24] down. And it was, did Nelvis have any knowledge, or ever
 [25] tell me of any knowledge of a relationship between the

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[1] President and Monica? Is that correct?
 [2] Q Yes. Tell me about Glen Maes and whether you hav
 [3] ever talked to Mr. Maes about Monica Lewinsky.
 [4] A Glen Maes, as you probably already know, is a Navy
 [5] steward, one of the few that's actually not a Filipino. Glen
 [6] is mostly Indian. Great guy. I have a great rapport with
 [7] him, similar to Nelvis.
 [8] And to the best of my recollection, I don't know if
 [9] I've ever discussed Monica with Glen. I'm sure I probably
 [10] did. You know, like about maybe her being -- in case I
 [11] haven't made it clear, I considered her a nuisance, to be
 [12] honest with you.
 [13] I actually referred to, used to refer to her as
 [14] "the stalker", you know, as a joke between people I worked
 [15] with and myself. I thought she was a nuisance.
 [16] I don't really ever remember discussing her with
 [17] Glen Maes. If I do before this interview is over, I
 [18] certainly will come back to it.
 [19] Q Okay. You used the term "the stalker".
 [20] A Yeah. Could I clarify that a little bit?
 [21] Q Yes.
 [22] A I realize that's a strong term. I don't say it
 [23] means stalker as in the way of, you know, any kind of
 [24] violence towards anybody at the White House or the President
 [25] himself. But as far as, I kind of, I kind of classified

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Monica as a cross between stalker and a 15-year-old chasing a rock star. You know, I always thought she was where she shouldn't be, and always thought she went out of her way to put herself in the area where the President might walk by or something.

These were my observations.

Q Would it be fair to say that you did not consider Ms. Lewinsky a threat to the President?

A Absolutely not. No physical threat. No. If I did, I would have gone right to the SAC of PPD.

Q Who?

A The Special Agent in Charge of the Presidential Protection Division, or, you know, if I thought there was something, I would have gone up the chain of command.

Q What were the other terms you heard Monica Lewinsky referred to?

A I can't ever say that I ever heard her referred to as anything else. But I can say that people that -- I mentioned earlier that sometimes other people were in the hallways and we referred to them as hall surfers, rug rats. I mean, these are people that are generally younger than I am, you know, quite a bit younger. I'm 35. You know, some of these are teenagers and maybe a little bit older. So, I referred to them as rug rats, hall surfers.

I never, I don't recall anybody calling Monica

A I don't, I don't remember actually complaining to her, but I believe I made a comment about it one way, about Monica, to Evelyn, her passing in the hallway. Maybe as a joke, like something about the -- I think Evelyn might have said to me one day something about the hallway being clear, you know, making like a jest. And then I said, yeah, something to the effect that your girl Monica is not here, something to that effect.

I remember joking with Evelyn about something like that, and I believe that's it.

Q Specifically, did you go to Evelyn Lieberman shortly before Ms. Lewinsky was transferred to the Pentagon in an attempt to complain about Ms. Lewinsky being in the area of the Oval Office?

A Yes, I did. I'm sorry, I did. I believe I did. I don't remember the timeframe. Like I can't guarantee you that it was just before she was transferred. But I did go into Evelyn's office. And I'm not sure why the reason I went in there, if it was something else, but I do remember talking to her about Monica being in the hallway.

And I don't remember if there was another incident that triggered that. In other words, like I had another confrontation with her, where she wasn't supposed to be. I don't remember what triggered it, but I do remember having a conversation with Evelyn Lieberman in her -- maybe not in her

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anything other than Monica. You know, I think I'm kind of the one who used to call her the stalker. So.

Q And you referred to her as the stalker to other people, I guess?

A A little bit. You know, I was careful who I said it to. I mean, she's still a White House employee. I said it to probably the people I worked with. I don't recall saying it to like anybody on the staff, to be honest with you. It's possible, but I doubt it.

Q Did you ever talk to Ms. Betty Currie about Monica Lewinsky?

A I'm sure I did, yes. But nothing like of significance. Could you just give me a minute to think about that?

That's a question I'd like to consult with counsel before I answer, but I'm sure I'll be able to answer it. I feel like I am, but I think there's something I need to clarify first.

Q Why don't we hold off on that one, too.

A Okay.

Q Evelyn Lieberman. Have you talked to Evelyn Lieberman about Monica Lewinsky?

A Other than what I've already testified to?

Q I don't know that you testified much about Evelyn Lieberman.

exact office, but in her little office area.

Q Which office is that on the map?

A Okay, sir. Excuse me. That would be in the area of -- you have R-E-C. What does that stand for? Reception Area #4 I think that is. Reception Area #4 which is right next to the Deputy Chief of Staff's Office.

Q Right.

A It would have been in that area, standing right probably right in Area #4.

Q I think actually the office to the right of that, Deputy Chief of Staff --

A That was Evelyn's office at one time.

Q That was Evelyn Lieberman's office?

A Right, exactly.

Q So, you went into that office?

A You had to go through Area #4 to get into Evelyn's office. This door was -- although Mr. Lindsey had it put in, right after he did, he put like a table in front of it and it was useless. It was locked.

Q Okay. Let me see if I can specifically refresh your recollection.

A Sure.

Q You went in to complain to Ms. Lieberman about Ms. Lewinsky. She was not in. She called you at home and asked you to come in.

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A Yeah. I mentioned earlier --

Q It's been a long afternoon. I know that.

A Oh, yeah. I'm sure it has been. It's been a long couple of weeks for you, or months.

Q Yes, pardon me. You did refer to one conversation, a general conversation.

A Right.

Q About hall surfers in general.

A Right.

Q And you did not indicate that Monica Lewinsky's name ever came up.

A Uh-huh.

Q Is that correct?

A That's correct. But any conversations that I ever had with Evelyn about Monica probably would have been that. If I didn't make that clear, I'm sorry. But I believe I did mention her by name, or one of us did. I get the, I get, I remember getting the feeling that that's who I was talking about, you know. I mean, she might have been complaining about other people in the hallway, but I was complaining about Monica Lewinsky.

Q Did you complain to her about Monica Lewinsky by name?

A Evelyn?

Q Yes.

A Okay.

Q You came in the next day, talked to Ms. Lieberman about it. Shortly thereafter Ms. Lewinsky was fired.

A I was never called by Evelyn Lieberman at home.

Q But I do think I can shed a little light on that information that you just relayed to me.

I don't remember who it was that I said it to.

Q What did you say, first of all? I'm sorry.

A I'm thinking, as we are going along here. That's okay. I did say to somebody that I went to Evelyn about Monica. I'm not sure about the timeframe. And I forget who the person was. I'm not sure if it's the person where you got this information. I really, I don't know. I could think of a couple people.

But, anyway, I may have told -- no. See, I'm trying to think of the conversation. I remember standing outside on West Executive Avenue.

Sir, before I finish answering that question, I think I should probably consult with counsel, but I think I can clear that up a little bit for you.

Q Okay. So, we want to talk about that conversation with Evelyn Lieberman.

A Uh-huh.

Q We want to talk about your conversation or conversations with Mrs. Currie. We also want to talk about

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1 your conversations with Nel, over Nel seeing Ms. Lewinsky in
 2 the area of the Oval Office, in the Oval Office, or actually
 3 in the study or the other areas. Then whether Nel ever
 4 talked to you about his knowledge of a relationship between
 5 the President and Ms. Lewinsky.
 6 Do you have plans for tonight or tomorrow night?
 7 I'm just kidding.
 8 A Hey, look. I'll tell you like I told my counsel.
 9 I'm at your disposal.
 10 Q Thank you. I know that you have a job to do
 11 A What Nel may have told me about Monica. Is that
 12 correct?
 13 Q Yes. In particular, about any relationship that
 14 she had with the President.
 15 A Okay.
 16 Q His knowledge of any relationship. What Monica may
 17 have told him, et cetera.
 18 A Uh-huh. And also we want to talk about did I talk
 19 to Betty Currie about Monica Lewinsky.
 20 Q Right.
 21 A And I said that I probably could tell you that, and
 22 because -- okay. Right. And about Evelyn Lieberman, and did
 23 I ever tell Evelyn -- did I ever have a conversation with
 24 Evelyn shortly before Monica was transferred, and did Evelyn
 25 call me at home. Okay.

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1 (Whereupon, the deposition was recessed from 6:05 p.m.
 2 until 6:32 p.m.)
 3 BY MR. BITTMAN:
 4 Q What were the questions?
 5 A Okay.
 6 Q And, more importantly, what are the answers?
 7 A Okay. Can we start with the last thing you asked
 8 me?
 9 Q Yes. Go ahead.
 10 A I believe you asked me about a supposed
 11 conversation with Evelyn Lieberman, did she call me at home.
 12 Q Yes.
 13 A Okay. This is what happened. At some time after I
 14 was, while I was in the tour section, I was crossing West
 15 Executive Avenue from the Old Executive Office Building
 16 towards the White House, towards the West Wing. Somebody
 17 came up to me, and I can't recall if it was -- I believed at
 18 first it was an officer, I'm not really sure.
 19 But somebody came up to me and was badgering me
 20 about Monica Lewinsky, and was badgering me about privileged
 21 information that I've already asserted the privilege on.
 22 I turned to them and basically I turned to them and
 23 I said, and I believe the discussion was about, I'm assuming
 24 with your question, that it was about her being transferred.
 25 And I said, well -- they said, well, why was she transferred,

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1 or something to that effect. And I said, well, I talked to
 2 Evelyn. She called me at home and I had her transferred,
 3 something to that effect.
 4 I told them that. That is true, something to that
 5 effect. But that is not -- that never happened. I never, I
 6 never -- Evelyn Lieberman never called me at home. And I
 7 never went to Evelyn Lieberman about getting Monica
 8 transferred. I did go to Evelyn Lieberman about Monica being
 9 a nuisance in the hallway when I was assigned to E6.
 10 I blew the -- I said that to that person to blow
 11 them off because, like I said, I was in the tour section and
 12 I was probably in the middle of some function and I was in a
 13 hurry, and I was uncomfortable about discussing those things,
 14 you know, my workings when I worked at the Oval Office.
 15 I apologize for that. That did happen, but, I
 16 mean, the person -- I did say that to somebody. But I'm not
 17 -- excuse me. Evelyn Lieberman never called me at home and I
 18 never discussed Monica with Evelyn as far as, you know,
 19 asking her to be transferred. I mean, I'm just an officer.
 20 You understand that obviously.
 21 But I did say to that person that I talked to
 22 Evelyn Lieberman. It wasn't true. I just said it to blow
 23 them off.
 24 Q Who was this person that you talked to?
 25 A For the life of me, I can't remember. You know,

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1 when you -- I didn't remember this incident until you asked
 2 me that question. From the time I left here until the time I
 3 was discussing it with counsel, I believed it was a Uniformed
 4 Division officer, but I'm not really sure now.
 5 Q Why would you not tell that person the truth?
 6 A Well, probably it was none of their business what
 7 happened there anyway. I'm sure it wasn't because they
 8 didn't work there, and because I wanted to just finish the
 9 conversation and get over with it, you know, get on with
 10 whatever I was doing that day. To the best of my
 11 recollection, that's the way I remember it, you know. Like I
 12 said, I did say it. It wasn't true.
 13 Q Do you remember telling this person that you
 14 believed Monica was transferred out of her job because of
 15 what you told Evelyn Lieberman?
 16 A No. No, I don't remember ever saying that.
 17 Q Does that sound familiar to you, that that is
 18 something you would have said?
 19 A It's possible but, like I said, I didn't remember
 20 the whole incident, and probably because -- well, I don't
 21 know why I didn't remember it. But I didn't remember the
 22 whole incident until you asked me the question. So, I don't
 23 really know how to answer that, other than I don't remember
 24 saying it.
 25 Q If you remember more of any of these conversations,

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1 I'm going to ask you to contact me.
 2 A I certainly will, obviously. Please let me
 3 apologize for -- I mean, I realize telling that person that
 4 and it not being true, you know, isn't breaking the law. But
 5 in this situation, I feel very bad about it and I apologize
 6 for the confusion.
 7 Q Do you know Sandy Verna?
 8 A Oh, sure.
 9 Q Do you think it was Sandy Verna who you told this
 10 to?
 11 A It's possible.
 12 Q What about Bob Almsy?
 13 A Bob Almsy? Possible.
 14 Q What about Lew Fox?
 15 A You know, I don't -- Lew Fox was a very senior
 16 officer. I don't recall -- you know, we were friendly, but
 17 we weren't -- I don't think I would have had that kind of
 18 conversation with Lew. Like I don't think -- I remember this
 19 person kind of following me across West Executive. That's
 20 not Lew Fox. I would say that no, it probably wasn't Lew
 21 Fox. It could have been Sandy Verna. I'm not really sure.
 22 Q Okay. Tell us now about the conversation that you
 23 did have with Evelyn Lieberman in her office.
 24 A Yes.
 25 Q When was this approximately?

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1 A It would have been when I was still working the
 2 station at the Oval Office.
 3 Q Okay.
 4 A And I don't -- I believe I've discussed this a
 5 little bit. But I don't recall what brought me down to
 6 Evelyn's office, you know, what the incident was. Obviously
 7 it must have been something with Monica Lewinsky.
 8 I walked down to the office. And, as I said
 9 before, I believe either Evelyn was standing in the Area #4
 10 right outside her actual office, or when she heard me walk in
 11 and say something, you know, hello to somebody, she came out.
 12 But the conversation took place in Area #4 and I complained
 13 about Monica coming over and being a nuisance in the -- you
 14 know, to me, on my post. That's all. That's all I remember
 15 about the conversation. It was a very short one.
 16 Q How short?
 17 A Probably a couple of words, you know, hey, you
 18 know, I'm having a problem with Monica again, something to
 19 that effect. She's over here again, or she did this, or
 20 whatever. And then she probably acknowledged me somehow and
 21 then I turned around and walked out.
 22 Q Now tell me about your conversation with Betty
 23 Currie about Monica.
 24 A Thank you for reminding me. On the advice of
 25 counsel, and without revealing any privileged information,

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[1] while I was working at the Oval Office post, Monica came over
[2] to deliver something, actually had a reason to be there, was
[3] delivering something to Betty Currie, which is probably why I
[4] remember this.

[5] She walked into the office and I was still standing
[6] outside the post. And after a couple of minutes, and I don't
[7] remember if I assumed that Monica had already left, but
[8] anyway I walked into Betty's office. So, I walked into
[9] Betty's office. And then Monica was still standing there.
[10] She was leaving and she walked out.

[11] And I remember saying something to Betty. I'm not
[12] sure exactly what I said, but it was probably something, it
[13] was a joke, like along the lines, well, it's about time she
[14] came over here with actually something to do or, you know,
[15] she dropped something off, or something to that effect.

[16] But it was no in-depth conversation. It was very
[17] short. And, you know, I needed to get back out to my post.
[18] So.

[19] Q Do you remember what, if anything, Ms. Currie said?

[20] A No. I remember she was smiling and laughing.
[21] That's about it.

[22] Q We also asked you about Nel and your conversation
[23] with Nel about Ms. Lewinsky coming over to the Oval Office
[24] area.

[25] A Right. Of course, I've already discussed her, as

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[1] because she was going to give it out. The President didn't
[2] want it, or wanted one or two bottles. And I opened it up
[3] with, you know, a pair of pliers or something. And she said
[4] that for me to take two bottles. And I said, well, I don't
[5] think that's appropriate. And she said, you know, the
[6] President said to make sure that you got two bottles or you
[7] got your choice or something like that. And I took them and
[8] I believe I gave one to somebody else in the Uniformed
[9] Division. I don't remember what happened to the other one.

[10] But, anyway, I just thought I would mention that.
[11] Q You were noticeably empty-handed today. I didn't
[12] see you bring any gifts for us.

[13] A Yeah. You know, I used to have a connection to get
[14] you M&Ms, but I think that's kind of dried up these days.
[15] Okay.

[16] Q Well, let me clarify that and sort of divide the
[17] question up.

[18] A Sure.

[19] Q Did Mr. Nelvis ever tell you that he was aware of
[20] any gifts that the President had given Ms. Lewinsky?

[21] A I don't see a difference in the questions. Could
[22] you ask that again?

[23] Q I'm splitting it up.

[24] A Okay. Go ahead.

[25] Q Rather than an exchange of gifts, I am specifically

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[1] far as Monica coming over the Oval Office when Nel was there,
[2] and I told you about the joke about Paula Jones.

[3] And, to answer your question, on the advice of
[4] counsel, and without revealing any privileged information,
[5] the answer to that is no. Other than that, no other
[6] conversation that I recall.

[7] Q Has Nel ever talked to you, communicated to you
[8] that he was aware of any relationship between the President
[9] and Monica, other than the one Paula Jones incident that
[10] you've described?

[11] A Sir, I'll have to assert the protective privilege.
[12] I can't respond to that question.

[13] Q Did Mr. Nelvis ever communicate to you whether he
[14] had any knowledge of Ms. Lewinsky being in the study area of
[15] the Oval Office?

[16] A I'm sorry. I'll have to assert the protective
[17] privilege. I can't respond to that.

[18] Q Did Mr. Nelvis ever indicate to you whether he was
[19] aware of any gifts that were exchanged between the President
[20] and Ms. Lewinsky?

[21] A Would you ask that again?

[22] Q Yes. Did Mr. Nelvis ever communicate to you in any
[23] way that he, Mr. Nelvis, was aware of any gifts that may have
[24] been exchanged between the President and Ms. Lewinsky?

[25] A My response is, on the advice of counsel, and

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[1] saying if the President gave gifts to Ms. Lewinsky, and then
[2] whether he was aware of any gifts from Ms. Lewinsky to the
[3] President.

[4] A On the advice of my counsel, and without revealing
[5] any privileged information, the answer to that is no. I
[6] don't know anything about it.

[7] Q So, as far as you know, Mr. Nelvis never said
[8] anything about Monica gave a gift to the President, or the
[9] President gave something to Monica, or anything like that?

[10] A No. To the best of my recollection, no.

[11] Q Okay. Were you ever in a position to see whether
[12] Ms. Lewinsky was in the Oval Office alone with the President?

[13] A I'll have to invoke the protective privilege with
[14] that question.

[15] Q Did you know whether Ms. Lewinsky was ever alone
[16] with the President in the study?

[17] A I'm sorry. Could you repeat that? Did I see him
[18] where?

[19] Q Were you ever aware that the President and Ms.
[20] Lewinsky were alone in the study?

[21] A I'm sorry. I'll have to assert the protective
[22] privilege, protective function privilege.

[23] Q Were you ever aware whether the President and Ms.
[24] Lewinsky were alone in the Oval Office?

[25] A I'm sorry. I'll have to assert the protective

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[1] without revealing any privileged information, no. I recall
[2] no conversation like that.

[3] Could I ask a question?

[4] Q Sure.

[5] A You mean like a gift that the President would
[6] actually give to her?

[7] Q Yes.

[8] A Like hand to her?

[9] Q Yes.

[10] A Okay. I'll have to go with my answer, which I'll
[11] repeat, on the advice of my counsel, and without revealing
[12] any privileged information, the answer to that is no. I know
[13] -- I never had any conversations that I can remember with
[14] Nelvis about that.

[15] The reason I asked that is, you know, when I worked
[16] there, I mean, I got gifts. I was given like a hat and a
[17] T-shirt and stuff by the -- that were given to the President,
[18] but the secretary gave them to me. He didn't want them.

[19] I just thought I'd like to point out that, you know,
[20] gift-giving in that area is not too unusual. You know, I got
[21] given a T-shirt, a hat. Some guy from California one time, a
[22] supporter of the President's, gave him two cases of wine.
[23] Betty asked me to come in and open the wine.

[24] I think I had been relieved and before I walked out
[25] she asked me to come in and, you know, open this case of wine

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[1] privilege again.

[2] Q Do you have any other questions there that you wish
[3] to answer that you did not answer earlier?

[4] A If you could give me a minute, I believe there was
[5] something I wanted to expand on.

[6] Do you have any notes on something I was going to
[7] answer and I didn't yet, that I was going to come back to?

[8] Q I do not.

[9] A Okay. If you just give me a second to read over
[10] this, my chicken scratch.

[11] Oh, when I came back in I answered a question about
[12] did Nelvis ever tell me about Monica Lewinsky in or around
[13] the Oval Office. Can you tell me how I answered that?

[14] Q Yes. You asserted privilege over that.

[15] A Didn't I say on the advice of counsel, and without
[16] revealing any privileged information, the answer was no?

[17] Q I don't believe so. I'll ask the question again
[18] though, so we can clarify it.

[19] A Uh-huh.

[20] Q Did Mr. Nelvis ever communicate to you that Ms.
[21] Lewinsky was in the area of the Oval Office other than the
[22] one incident that you already described about Paula Jones?

[23] A Okay. I think I do remember now. I did say that.

[24] I did say that other than the Paula Jones incident, on the
[25] advice of my counsel, and without revealing any privileged

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information, the answer to that is no, I don't recall any actual conversation.
 But to sit here and to tell you that he never mentioned her, that Nelvis never mentioned Monica while I was working at any other time, I mean, it's probably not possible. I mean, I'm sure he commented about her. That's what I wanted to expand on.
 I'm sure he commented about her and maybe vice-versa. Nothing in particular I remember, that I can, you know, recall, other than probably, you know, a joke about her being a nuisance or something like that.
 I can tell you I don't remember ever bringing up that incident with the joke about Paula Jones. But I don't, you know, to say that I've never discussed Monica with Nelvis, or Nelvis has never discussed Monica or ever -- you know, about walking by that area, you know, I say I don't really recall it, but I can't say it never happened.
 Q Do you still then wish to assert privilege over --
 A See, I don't remember -- could you ask the question again? Obviously I'm a little confused here.
 Q Okay. I asked you a question about whether Mr. Nelvis ever communicated to you that he was aware of a relationship between the President and Ms. Lewinsky.
 A Oh, Well, no. For that question I will assert the privilege, and that is the correct answer to that. And I

other questions for me?
 A Not at this time.
 MR. BITTMAN: We are off the record.
 (Discussion off the record.)
 BY MR. BITTMAN:
 Q Officer Byrne?
 A A minute ago I made a joke about being taped. You hadn't asked this question, but I feel like I need to say this.
 I don't know why you never brought it up, but I'd like to bring up the subject of -- I can't remember her name right now. The person who supposedly taped Ms. Lewinsky. Her name is?
 Q Linda Tripp.
 A Linda Tripp. I knew who she was at the White House, but I didn't know her name at the time. I had seen her around. She did have access to the West Wing.
 I had at that point never knew that they were even acquaintances, Monica and Linda Tripp.
 I realize you never asked me that, but I just felt like it was something that should be on the record. I was shocked when I saw the -- not shocked, but I think a little surprised, when I saw the fact that they were close enough where they talked so much allegedly about these things and that she taped it. I knew she was an employee.

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apologize for the confusion.
 Q A related question is, did Mr. Nelvis ever communicate to you that he was aware that Ms. Lewinsky had been in the study area of the Oval Office?
 A I'm sorry, I'll have to assert the protective privilege again with that question.
 Q Anything else, Officer Byrne, that you want to clarify?
 A No. I think I've done enough damage. No, I'm just kidding. No, I believe I'm squared away.
 But, as you said before, and just to acknowledge that again, if anything comes to mind I'll contact my counsel.
 Q I would appreciate that.
 A Certainly.
 Q I think that would be helpful to us.
 A Well, it's the right thing to do. I'd also like to point out I realize that, you know, this is a little uncomfortable with all these privileges and rules and regulations. But, you know, I am a sworn police officer and I'm being as honest as I possibly can.
 Q Well, I appreciate your saying that, because you are a law enforcement officer. And we appreciate your honesty here today.
 A Thank you. And, once again, I'd like to apologize

I remember Linda Tripp just because I remember her being a smoker and she used to hang outside the West Wing, the basin area, smoking outside. I just wanted that on the record.
 Q Okay. Anything else?
 A No, I promise.
 Q That's okay.
 (Whereupon, at 6:58 p.m., the deposition was concluded.)

 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC
 I, Elizabeth A. Eastman, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me electronically and thereafter reduced to typewriting by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.
 NOTARY PUBLIC FOR THE
 DISTRICT OF COLUMBIA
 My Commission Expires:

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for the confusion about the last question and the story with Evelyn Lieberman.
 Q No problem. I'm glad you clarified it. By the way, can you comment about the map and its accuracy?
 A Yeah. Just give me a minute to look over that.
 Everything, of course, without revealing any privileged information, that looks right. I mentioned earlier that some of the maps I'd seen in the newspaper articles and stuff left doors out and that kind of stuff.
 That looks correct to me as far as without revealing any privileged information.
 Vice President. Did you ever wonder why the Vice President's office is smaller than the National Security Advisor?
 Q Room 113 is the Vice President's Office?
 A I believe it is, yeah. Yeah, it is.
 Q It's pretty darned small.
 A Yeah.
 Q Smaller than the Chief of Staff's office.
 A There was an add-on. I mean, it was like an afterthought. The place wasn't originally designed like that when they did the final construction. I forget what Administration they started like really bringing the Vice President into the loop, so to speak.
 Q Well, thank you, Officer Byrne. Do you have any

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription _____

05/11/98

GARY J. BYRNE, Officer, United States Secret Service (USSS), Uniformed Division (UD), date of birth [REDACTED], was interviewed at the Office of the Independent Counsel (OIC), 1001 Pennsylvania Avenue, NW, Washington, D.C. 20004. Present for the interview were Associate Independent Counsel (AIC) MICHAEL TRAVERS and AIC MARY ANNE WIRTH and Department of Justice (DOJ) attorneys GARY GRINDLER and JONATHAN SCHWARTZ. BYRNE was interviewed under the terms of an agreement reached between the OIC and the DOJ. BYRNE had previously been deposed by the OIC on March 13, 1998. After being apprised of the identities of the interviewers, BYRNE provided the following:

From June of 1994 through February of 1996, BYRNE was assigned to the E-6 post of the West Wing of the White House. The E-6 post is located in the corridor adjacent to the Oval Office.

About two years ago, while at his post, BYRNE noticed MONICA LEWINSKY walking down the [REDACTED]. BYRNE stopped LEWINSKY and asked her what she was doing. At this time, BAYANI NELVIS, White House steward, came out of the Oval Office pantry. LEWINSKY and NELVIS spoke. NELVIS made a joke comparing LEWINSKY to PAULA JONES. LEWINSKY replied that she was smarter than PAULA JONES. Both NELVIS and LEWINSKY laughed. BYRNE had moved away, as the reference to PAULA JONES had made him feel uncomfortable. BYRNE advised that he felt that LEWINSKY was a nuisance, conniving, and did not like or trust her. LEWINSKY was often around the Oval Office without a purpose. LEWINSKY tried to portray herself as being a friend of the President. LEWINSKY did this by befriending BETTY CURRIE, NANCY HERNREICH and NELVIS.

BYRNE stated that LEWINSKY befriended NELVIS during the government shutdown in November of 1995. LEWINSKY would stop by to say hello to NELVIS, and BYRNE would try make LEWINSKY feel uncomfortable. On one occasion, LEWINSKY came down the E-6 corridor from the Chief of Staff's Office and walked into the pantry to see NELVIS. NELVIS had stepped into the adjacent ~~dining room and LEWINSKY followed him in there. BYRNE approached~~

Investigation on 05/06/98 at WASHINGTON D.C. File # 29D-OIC-LR-35063
 by SA [REDACTED] Date dictated 05/11/98

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Continuation of OIC-302 of GARY J. BYRNE, On 05/06/98, Page 2

LEWINSKY at that time and asked her to leave the dining room as she did not belong there. BYRNE may have grabbed her by the elbow. BYRNE told LEWINSKY not to come back, and LEWINSKY either agreed or did not say anything. BYRNE recalled that at some point, with NELVIS present, BYRNE told LEWINSKY that she could not hang around the Oval Office. NELVIS either agreed or said nothing.

BYRNE advised that he saw NELVIS give LEWINSKY some Presidential M&Ms and perhaps some other trinkets. BYRNE cannot recall LEWINSKY giving NELVIS any gifts.

BYRNE stated that NELVIS never told him that NELVIS had seen LEWINSKY alone with the President. NELVIS never told BYRNE anything concerning the President and LEWINSKY exchanging gifts. BYRNE advised that NELVIS never told BYRNE anything concerning finding lipstick or stained tissues in the Oval Office study.

BYRNE stated that at some point, around the time when LEWINSKY was an intern, Deputy Chief of Staff EVELYN LIEBERMAN complained to BYRNE about interns hanging around the Oval Office area. BYRNE told LIEBERMAN that he was not letting the interns into that area. BYRNE also complained to LIEBERMAN specifically about LEWINSKY being a problem, and that she was often around the Oval Office without a purpose. BYRNE told LIEBERMAN this because she was the "den mother type" who would discipline people. BYRNE did not know of any after hour access that LEWINSKY may have had to the Oval Office. However, BYRNE did hear other uniformed officers mention LEWINSKY visiting the Oval Office after hours.

BYRNE recalled an incident in which LEWINSKY, while she was still an intern, passed BYRNE at the [REDACTED] post. BYRNE asked her what she was doing there. LEWINSKY replied that she was going to see NANCY HERNREICH. HERNREICH came out of her office at that time. HERNREICH and LEWINSKY went into HERNREICH's office. BYRNE overheard LEWINSKY saying, "I'm sorry that happened, and it won't happen again."

BYRNE advised that, while at the [REDACTED] post at about 8:00 a.m. to 9:00 a.m., BYRNE heard LEWINSKY's voice. BYRNE saw LEWINSKY talking to the uniformed officer at the [REDACTED] post. BYRNE believed that the officer may have been LEROY SYNDER. LEWINSKY then walked in the opposite direction of the [REDACTED] post. BYRNE believed that LEWINSKY was a paid White House employee at the time, although he could not recall the date.

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Continuation of OIC-302 of GARY J. BYRNE . On 05/06/98 , Page 3

Shortly after LEWINSKY transferred to the Pentagon, BYRNE had a conversation with LAURA CAPPS. CAPPS asked BYRNE if he had heard about LEWINSKY. BYRNE replied, "yes" and walked away, as he did not want to carry on the conversation.

Around this same time frame, BYRNE was approached by TIM KEATING, while BYRNE was working in the East Wing of the White House at the [REDACTED] post. KEATING was "pretty upset," and grabbed BYRNE by the elbow. KEATING said, "You knew what was going on over there with LEWINSKY, and you didn't tell me? Now my butt's in a ringer." BYRNE told KEATING that it was, "none of your business, don't touch me," and "Should we be talking about this in the hallway?" BYRNE and KEATING had been fairly friendly previous to this encounter.

After LEWINSKY left the White House, BYRNE stated that while he was on duty he saw LEWINSKY standing in line at the East Gate to enter the White House. The occasion was a White House Christmas reception. BYRNE approached LEWINSKY and told her that she was not supposed to be there. LEWINSKY told BYRNE that she was on the guest list. BYRNE replied, "Oh ya?" in a cynical manner. BYRNE checked the guest list and LEWINSKY was on the list as a guest. BYRNE did not recall who she was with. BYRNE checked both names off and allowed them to enter. BYRNE advised that a short time later KIM WIDDESS came up to BYRNE in a "huff." WIDDESS told BYRNE that he had "screwed up" and let LEWINSKY into the reception. BYRNE replied that LEWINSKY had been on the guest list and WIDDESS had approved the list. BYRNE advised that WIDDESS was clearly upset that LEWINSKY had gained entrance. BYRNE could not remember the date of the reception. BYRNE stated that it was after LEWINSKY left the White House, and that it was probably 1996, as BYRNE did not work the Christmas functions in 1997. BYRNE believed that the reception was for the Department of Defense or the Department of Defense Press Corps.

BYRNE stated that after LEWINSKY left the employ of the White House, BYRNE saw her at a function on the South Lawn of the White House. BYRNE saw LEWINSKY being escorted by USSS Officer BRYANT WITHROW. Another uniformed officer (perhaps BOB MARSHALL) told BYRNE that he could not believe that WITHROW would let LEWINSKY in. BYRNE advised that LEWINSKY moved up to the gold rope area, which is near the speaker's podium.

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Continuation of OIC-302 of GARY J. BYRNE . On 05/06/98 , Page 4

BYRNE advised that he had heard a rumor that the President had been seen by a staff employee in the West Wing movie theater, with a woman other than the First Lady in a compromising position. BYRNE believed that the woman mentioned was ELEANOR MONDALE. BYRNE heard this rumor in a group of USSS officers late at night.

BYRNE heard a rumor that LEWINSKY showed up at the Northwest gate of the White House one night. LEWINSKY told the guard on duty that she had an appointment to see either the President or BETTY CURRIE. According to the story, the President then called Sergeant TOM OWENS and told him that he wanted LEWINSKY allowed in. LEWINSKY was then allowed in. BYRNE did not recall the gate officer's name, but the officer was a rookie.

BYRNE advised that on several occasions he and USSS Officer JOHN MUSKETT have mentioned LEWINSKY. At some point, MUSKETT asked BYRNE advice about the [REDACTED] post that MUSKETT was new to. BYRNE told MUSKETT that the access list to the Oval Office included NANCY HERNREICH, BETTY CURRIE, the First Family, and others. BYRNE believes he may have used LEWINSKY as someone who was not on the list. BYRNE was not sure if MUSKETT asked him if LEWINSKY was on the list. BYRNE stated that he and MUSKETT discussed this in a White House break room, and that it was not long before LEWINSKY was transferred to the Pentagon.

BYRNE stated that about one week prior to this interview MUSKETT called him at home. MUSKETT told BYRNE that he was to be interviewed by the OIC and that his father would represent him. a v H

Gary Byrne, 6/25/98

Deposition

Page 2 to Page 2

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

OFFICE OF THE INDEPENDENT COUNSEL
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Washington, DC 20004
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[1] OFFICE OF THE INDEPENDENT COUNSEL
 [2] -----X
 [3] DEPOSITION OF : Thursday, June 25, 1998
 [4] :
 [5] GARY J. BYRNE : Washington, D. C.
 [6] :
 [7] -----X
 [8] Videotaped deposition of
 [9] GARY J. BYRNE
 [10] before the Independent Counsel, held in the Conference Room
 [11] of the Office of the Independent Counsel, Suite 490, 1001
 [12] Pennsylvania Avenue, N.W., Washington, D. C. 20004,
 [13] beginning at 2:37 p.m., when were present:
 [14] For the Independent Counsel:
 [15] :
 [16] MARY ANNE WIRTH, ESQUIRE
 [17] Associate Independent Counsel
 [18] MICHAEL EMMICK, ESQUIRE
 [19] Associate Independent Counsel
 [20] EDWARD J. PAGE, ESQUIRE
 [21] Associate Independent Counsel
 [22] Videographer: Craig W. Murphy
 [23] Court Reporter: Elizabeth A. Eastman
 [24]
 [25]

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[1] A I do.
 [2] Q You do have an obligation to tell the truth. You
 [3] may be prosecuted for perjury if you lie, if you are
 [4] misleading, or if you answer "I don't know" or "I don't
 [5] remember", if, in fact, you do know or you do remember. Do
 [6] you understand that?
 [7] A I do.
 [8] Q Do you understand all these rights that I've
 [9] explained to you?
 [10] A I do.
 [11] Q In addition, we've agreed with the Department of
 [12] Justice that we will not pose any questions to you that seek
 [13] information regarding protective techniques or procedures of
 [14] the Secret Service, including security technologies,
 [15] armaments or devices within or around the White House
 [16] complex. Do you understand that?
 [17] A I do.
 [18] Q If any questions that we ask you today call for any
 [19] of that information, please let us know.
 [20] A I will.
 [21] Q In addition, we understand that there are certain
 [22] privileged matters and privileged information to which you
 [23] will not be testifying today, and we will attempt to frame
 [24] our questions in such a way as to obtain nonprivileged
 [25] information.

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[1] PROCEEDINGS
 [2] VIDEOGRAPHER: My name is Craig W. Murphy and I am
 [3] employed by Deposition Services, Incorporated.
 [4] The date today is June 25, 1998 and the time is
 [5] approximately 2:37 p.m. This deposition is being held at
 [6] 1001 Pennsylvania Avenue, N.W., Suite 490, Washington, D. C.
 [7] The name of the witness is Gary Byrne. This
 [8] deposition of Mr. Byrne is being taken In Re Grand Jury
 [9] Investigation conducted by the Office of the Independent
 [10] Counsel.
 [11] At this time, the attorneys will identify
 [12] themselves, please.
 [13] MS. WIRTH: Mary Anne Wirth, Associate Independent
 [14] Counsel.
 [15] MR. EMMICK: My name is Mike Emmick, E-M-M-I-C-K.
 [16] I am an Associate Independent Counsel as well.
 [17] VIDEOGRAPHER: At this time, the court reporter,
 [18] will identify herself and swear in the witness, please.
 [19] COURT REPORTER: My name is Elizabeth Eastman.
 [20] WHEREUPON,
 [21] GARY J. BYRNE
 [22] having been called for examination by the Office of the
 [23] Independent Counsel, and having been first duly sworn, was
 [24] examined and testified as follows:
 [25]

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[1] However, I or Mr. Emmick may ask you questions that
 [2] call for privileged information. If that happens, you can
 [3] either assert the privilege or step outside the room and
 [4] consult with your lawyers about that.
 [5] A Okay.
 [6] Q Okay?
 [7] A Yes, ma'am.
 [8] Q Now, you've been deposed before in this matter, is
 [9] that correct?
 [10] A Yes, I have.
 [11] Q Just some general questions for this record. How
 [12] long have you been employed with the Secret Service?
 [13] A A little over seven years. I was sworn in on March
 [14] 25th, 1991.
 [15] Q You are a uniformed officer, is that correct?
 [16] A Yes, ma'am, that's correct.
 [17] Q What have been your duties with the Secret Service
 [18] during the Clinton Administration?
 [19] A During the Clinton Administration I was assigned --
 [20] my first post was assigned in the West Wing outside the Oval
 [21] Office. The Secret Service calls this post [REDACTED]
 [22] Q Can you explain what your job is at that location?
 [23] A My job outside the Oval Office was basically to
 [24] control access to the President's office when he was there,
 [25] when he was not there. My job was also to make sure that

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[1] EXAMINATION BY COUNSEL FOR THE INDEPENDENT COUNSEL
 [2] BY MS. WIRTH:
 [3] Q Can you tell us your name and spell your last name,
 [4] please?
 [5] A I am Gary James Byrne, B-Y-R-N-E.
 [6] Q I am going to first advise you of some of your
 [7] rights. You are being deposed today in lieu of a grand jury
 [8] appearance. Do you understand that?
 [9] A Yes, I do.
 [10] Q This proceeding will be made available to the grand
 [11] jury, and it is being conducted under the Federal Rules of
 [12] Criminal Procedure. You have the right to have your
 [13] attorneys present outside the room. And, in fact, you have
 [14] two attorneys present outside the room, is that right?
 [15] A That is correct.
 [16] Q And they are Anne Weismann and Dave Anderson from
 [17] the Department of Justice, is that right?
 [18] A Correct.
 [19] Q If you wish to meet with any of them or confer with
 [20] them at any time during the questions today, you can ask to
 [21] have a break to do so. Do you understand that?
 [22] A I do.
 [23] Q You have the right not to answer any questions the
 [24] truthful answer to which would incriminate you. Do you
 [25] understand that?

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[1] everybody that came by was either a passholder, an authorized
 [2] appointment or guest.
 [3] Q When the President is not in the Oval Office, where
 [4] do you stand on your post at [REDACTED]
 [5] A Directly in front of the [REDACTED] door, which is in the
 [6] hallway. I've described this before and actually used a
 [7] diagram, and I'll be glad to do it again.
 [8] Q Okay.
 [9] (Discussion off the record.)
 [10] (Deposition Exhibit Byrne #1
 [11] was marked for identification.)
 [12] THE WITNESS: The best way to describe where this
 [13] door is it is directly across from the Roosevelt Room.
 [14] BY MS. WIRTH:
 [15] Q We will mark this with an exhibit sticker. It will
 [16] be Exhibit Byrne #1. I'll give you this green pen. First,
 [17] of all, could you put your initials down there on the bottom
 [18] and today's date, which is June 25, 1998.
 [19] Do you recognize this as a diagram --
 [20] A Yes, I do.
 [21] Q -- of the West Wing of the White House?
 [22] A This is the West Wing, correct.
 [23] Q Could you indicate with the letter and number [REDACTED]
 [24] where you stand when the President is not in the Oval Office?
 [25] A Okay. This is the [REDACTED] door. The post, just for

Page 8

[1] record purposes, the officer here, his post responsibilities
 [2] are from the back of the Cabinet Room to the back of the
 [3] dining room, which is right here.
 [4] Q Can you write DR where the dining room is?
 [5] A Certainly.
 [6] Q Now, when the President is in the Oval Office,
 [7] where is the [redacted] post?
 [8] A The [redacted] post still ranges from the [redacted]
 [9] -- I'm sorry, I think I have made a mistake. This is the
 [10] dining room right here, and this is now Rahm Emanuel's
 [11] office.
 [12] Q Why don't you cross that out.
 [13] A I'll scratch that out and I'll initial it, if
 [14] that's okay.
 [15] Q That's good. Can you mark an S for study, by the
 [16] way?
 [17] A Certainly.
 [18] Q And that is the President's study off the Oval
 [19] Office?
 [20] A Correct. And the bathroom.
 [21] Q BR for bathroom?
 [22] A Right.
 [23] Q If the Oval Office is a clock, if you leave through
 [24] the 9 o'clock door, you've indicated a room to the right of
 [25] the door as you enter that passageway out of that door,

Page 11

[1] Q Okay.
 [2] (Discussion off the record.)
 [3] BY MR. EMMICK:
 [4] Q Can I ask a followup question? With respect to the
 [5] doors on either side of the pantry, are they usually locked
 [6] or unlocked?
 [7] A They [redacted]
 [8] [redacted]
 [9] [redacted]
 [10] [redacted]
 [11] [redacted]
 [12] [redacted]
 [13] Q [redacted]
 [14] A [redacted]
 [15] Q [redacted]
 [16] A [redacted]
 [17] Q [redacted]
 [18] A [redacted]
 [19] BY MS. WIRTH:
 [20] Q And when you say the outer one, you mean the door
 [21] that leads into the hallway?
 [22] A Correct. Yes, ma'am.
 [23] BY MR. EMMICK:
 [24] Q If I could ask a followup on that again?
 [25]

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[1] correct?
 [2] A Correct.
 [3] Q I think the question was, where is the [redacted] post
 [4] when the President is in the office?
 [5] A Generally, what will happen is the officer will
 [6] [redacted]
 [7] May I mark this again?
 [8] Q Yes.
 [9] A Let me get this right. [redacted] is approximately right
 [10] here. And right across from the [redacted]
 [11] [redacted]. And the officer's basic job is to
 [12] [redacted]
 [13] [redacted]
 [14] Q [redacted]
 [15] [redacted]
 [16] A Correct.
 [17] Q Okay. On this diagram, while you are there, can
 [18] you take a look and see whether you can point out where the
 [19] pantry is?
 [20] A Certainly. This is the pantry right here.
 [21] Q Can you draw an arrow and mark it P where the
 [22] pantry is?
 [23] A Uh-huh.
 [24] Q Is there a doorway leading from that hallway marked
 [25] [redacted] into the pantry?

Page 12

[1] A Sure.
 [2] Q What about the other door? Is it generally closed?
 [3] A [redacted]
 [4] [redacted]
 [5] [redacted] they back up to each
 [6] [redacted]. So, that door, the door that leads from the dining
 [7] room into the hallway near the President's study, there's a
 [8] door here. [redacted]
 [9] [redacted]
 [10] On the bottom of the pantry door, the inner pantry
 [11] door -- is it okay to identify it like that?
 [12] Q Sure.
 [13] A The inner pantry, I believe we had a couple
 [14] [redacted] made up and, you know, [redacted]
 [15] [redacted] The
 [16] steward will close it because he'll be in there preparing
 [17] food for the President, so that there's not any noise or
 [18] anything.
 [19] Q I see.
 [20] A It is opened and closed daily, to answer your
 [21] question.
 [22] Q How long have those [redacted] been around?
 [23] A You know, I'm not really sure. I know that Nelvis
 [24] had them, a couple of them made up by the White House
 [25] [redacted] and they put, you know, Presidential seals on them.

Page 10

[1] A I'm sorry. I don't understand.
 [2] Q Is there a doorway, in reality, that leads from
 [3] this hallway marked [redacted] into the pantry?
 [4] A Yes. There's two doors. I was just going to say
 [5] that.
 [6] Q And one of those --
 [7] A There's a door here and then there's a door that
 [8] goes from the pantry into the President's dining room.
 [9] Q And the doorway that leads from that hallway [redacted]
 [10] not marked on this diagram, correct?
 [11] A No, it's not. It's just a black line.
 [12] Q But in reality there is a door there?
 [13] A Yes, ma'am, there is.
 [14] Q Okay. So, there are two doors, one leading into
 [15] the pantry --
 [16] A Yes.
 [17] Q -- from the [redacted] hallway and one leading out of the
 [18] pantry --
 [19] A Probably less than four feet apart.
 [20] Q Okay. And leading from the pantry into the dining
 [21] room?
 [22] A Correct.
 [23] Q So the pantry, in fact, could be used as a
 [24] passageway from the dining room into the [redacted] hallway?
 [25] A Certainly.

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[1] They're probably 10 years old or so.
 [2] Q And, again, the purpose is to make sure that the
 [3] [redacted] so --
 [4] A Right.
 [5] Q [redacted]
 [6] [redacted]
 [7] [redacted]
 [8] [redacted]
 [9] [redacted]
 [10] Q Just a final followup then.
 [11] A Sure.
 [12] Q [redacted]
 [13] [redacted]
 [14] [redacted]
 [15] [redacted]
 [16] A Certainly.
 [17] Q So it's like a small hallway?
 [18] A Well, it's not a hallway. It's just walking from
 [19] the pantry into the dining room. And then you could turn
 [20] left and you'd be -- I mean, as soon as you turn left, you'd
 [21] be standing in the hallway right in front of the President's
 [22] door to his study.
 [23] Q I see. All right.
 [24] BY MS. WIRTH:
 [25] Q So, it could be used as a passageway?

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[1] A Oh, certainly. I mean, it is by the stewards and
 [2] by us. Sure.
 [3] Q Now, you said earlier that during the Clinton
 [4] Administration you've been posted at [REDACTED]
 [5] A That was my first position with the Clinton
 [6] Administration, with the exception of when they first got
 [7] there I worked the rotation, the outer security posts, and I
 [8] worked at the Oval Office part-time. And then after I left
 [9] the Oval Office, I was assigned to the tour section, also
 [10] known as Special Operations Section. And I worked there for
 [11] a year until I left for the Training Center.
 [12] Q When did you go to the tour section?
 [13] A I believe it would have been -- I don't have those
 [14] dates with me. I know I've given testimony on this before.
 [15] So, I'm not --
 [16] Q Generally?
 [17] A It would have been, I think it would have been in
 [18] the winter of '96.
 [19] Q How long have you been at training?
 [20] A It was a year this past February.
 [21] Q So, from the winter of '96, going back, for how
 [22] long did you have the [REDACTED] post?
 [23] A Approximately a year and six months.
 [24] Q So, through all of '95.
 [25] A Correct.

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[1] Q Some of '94?
 [2] A I haven't looked at the date in so long.
 [3] Q But all of '95?
 [4] A Yes, I believe that's correct.
 [5] Q And part of '96?
 [6] A Yes.
 [7] Q When did you leave in '96? When you say the winter
 [8] of '96, do you have a rough idea when?
 [9] A It would have been around January.
 [10] Q When you worked the [REDACTED] post, what shift did you
 [11] work?
 [12] A I rotated. We call it two tricks. The daywork
 [13] shift is 6:30 to 2:30. I work a week of daywork shift and
 [14] then take my two days, which for me were Saturday and Sunday.
 [15] Then I come back to work on the afternoon shift, five days of
 [16] that, and then the two days off.
 [17] Q Just for the record, I did -- I mean, there's a lot
 [18] of times I worked straight through. You know, there's a lot
 [19] of overtime involved in this job. So.
 [20] Q And the day shift is from when to when?
 [21] A The day shift is 6:30 to 2:30; afternoon shift is
 [22] 2:30 to 10:30. And midnight shift, which is a permanent
 [23] fixed shift, they do not rotate, is 10:30 to 6:30.
 [24] Q When you worked in the tour section, where is that
 [25] located?

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[1] A The office for Special Operations, or tour section,
 [2] is in the basement of the East Wing.
 [3] Q And that was your point of operation from there?
 [4] A Yes, ma'am, when in the tour section.
 [5] Q Now, you testified previously that you knew Monica
 [6] Lewinsky, correct?
 [7] A That's correct.
 [8] Q And you knew that she was an intern in the White
 [9] House, you told us previously?
 [10] A That is correct.
 [11] Q And you knew, you told us previously, that at some
 [12] point she moved from being an intern to being a full-time
 [13] paid employee at the White House, is that correct?
 [14] A I'm sorry. Ask that one more time?
 [15] Q Sure. You testified previously that she moved from
 [16] being an intern to a paid employee at some point in the White
 [17] House?
 [18] A Okay. Yeah. I don't know, I can't testify
 [19] honestly, you know, if she was actually being paid or what.
 [20] But I know her position was an intern, and then she had the
 [21] blue pass, a permanent. I'm assuming, yes, she was being
 [22] paid.
 [23] Q Okay. So, based on the pass that she wore, you
 [24] knew that she was a full-time employee?
 [25] A Correct.

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[1] Q At the White House at some point?
 [2] A Yes, ma'am.
 [3] Q Okay. And you've also testified that you had seen
 [4] Monica Lewinsky in the area of the Oval Office at some time.
 [5] correct?
 [6] A First, without revealing any privileged information
 [7] and on the advice of my counsel, the answer is yes, I have
 [8] seen her in the area.
 [9] Q Okay. Now, I'm going to call your attention to the
 [10] period of time of the government shutdown. Do you remember
 [11] that?
 [12] A Certainly.
 [13] Q And do you remember roughly when that was?
 [14] A No, because there was actually two, if I'm not
 [15] mistaken.
 [16] Q Okay.
 [17] A I remember it was cold. That's all I can remember.
 [18] It was the winter.
 [19] Q Okay.
 [20] A The reason I remember that is because there were
 [21] pictures of House Speaker Gingrich with the Santa Claus hat
 [22] on, and they called him The Grinch Who Stole Christmas.
 [23] That's the only reason I remember it was during the Christmas
 [24] shutdown.
 [25] Q Okay.

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[1] A He's not going to hear this, right?
 [2] Q Do you recall any encounters with Monica Lewinsky
 [3] during that shutdown?
 [4] A Before I answer that question, I wonder if I could
 [5] step out and speak with my counsel?
 [6] Q Yes.
 [7] (Whereupon, the deposition was recessed from
 [8] 2:52:49 p.m. until 2:54:59 p.m.)
 [9] THE WITNESS: If you ask me that one more time, I
 [10] will fulfil your wishes.
 [11] BY MS. WIRTH:
 [12] Q The question was, do you recall any encounters with
 [13] Monica Lewinsky during the shutdown?
 [14] A Yes, I do. Of course, without revealing any
 [15] privileged information, during the shutdown -- let me see the
 [16] best way to describe this. You have to excuse me for kind of
 [17] lengthening this.
 [18] It was during the shutdown and the staff, Mr.
 [19] Panetta, the Chief of Staff, was allowed to bring in
 [20] Jennifer, his assistant, and one intern, and they chose
 [21] Monica.
 [22] Q Jennifer Palmieri was his assistant?
 [23] A I believe that was her last name. Yes, that's her.
 [24] And Monica had had -- as I mentioned before, I had had
 [25] encounters with her before trying to gain access to the area

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[1] around the President's office.
 [2] So, I saw her coming down the hallway and she had
 [3] some kind of papers in her hand. And I stopped her in the
 [4] area of the [REDACTED] post. And I said, Monica, you know, where
 [5] are you going. And she said, well, I have to go deliver
 [6] these papers, and I don't remember where she said, because
 [7] the truth was, I didn't care. I knew she was doing something
 [8] she, in my opinion, she wasn't supposed to, and I'll explain
 [9] how I know that. She's supposed to use the outer hallway.
 [10] And so then she said, well, I have to go to the bathroom too.
 [11] And I said, well, then, you need to go the other way also, or
 [12] anyway.
 [13] And so basically what I let her do is go through
 [14] the side Roosevelt Room door, cut across to where the
 [15] bathroom was, and that's the last I saw of her, I mean,
 [16] through that incident.
 [17] Q When you said you saw her coming down the hallway
 [18] where was she coming from and what direction going to?
 [19] A I believe she was coming out of the Chief of
 [20] Staff's office, that area, which would be the same area as
 [21] the Vice President's Office, and she would be traveling
 [22] towards me in an easterly direction from the west.
 [23] Q So, she's coming from the direction of room 111-on
 [24] this diagram?
 [25] A Correct.

Page 20

[1] Q And did she have papers with her?
 [2] A I believe she had something in her hand, yeah. I
 [3] couldn't tell you what it was.
 [4] Q Do you remember what time of day it was?
 [5] A No, I don't. I can give you an educated guess and
 [6] say it was daywork, but to be honest with you I'm not sure.
 [7] You are talking about quite a long time ago.
 [8] Q And daywork is the 6:30 a.m. shift?
 [9] A Right. Correct. I'm sorry. I think it was the
 [10] afternoon shift. It was the afternoon shift. As a matter of
 [11] fact, it could have been actually dark when this took place.
 [12] So, it was probably after five or 6 o'clock.
 [13] Q Why do you think that?
 [14] A I just remember it being dark in the hallways.
 [15] There's no sunlight anywhere. I know that sounds silly
 [16] because there are not many windows, but I think I went on
 [17] break right after that. I'm, I'm almost certain it was dark.
 [18] Q Do you remember what Monica was wearing?
 [19] A No, I don't.
 [20] Q When you first asked her, where are you going, what
 [21] was the first response she gave you?
 [22] A She said, I believe she said, I have to deliver
 [23] this to somebody. And basically I just put my hand up and
 [24] said, Monica, you know, something to the effect, it doesn't
 [25] make any difference, go around the other way. And she did.

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[1] Q And when did she say she had to go to the bathroom,
 [2] too?
 [3] A Right about the same time. It was a very quick
 [4] conversation.
 [5] Q So, you directed her through the Roosevelt Room?
 [6] A Right.
 [7] Q Which leads towards the bathroom, does it?
 [8] A Well, it will go -- she went all the way across the
 [9] Roosevelt Room to this hallway that leads from the lobby. If
 [10] you walk from the lobby all the way down it would lead to the
 [11] Cabinet Room, right here. And the bathroom, the mens' and
 [12] ladies' room are in that hallway.
 [13] Q Okay.
 [14] A This is the press lobby area, press lobby staff,
 [15] like Mike McCurry's office.
 [16] Q And did she go in that direction?
 [17] A She did. As a matter of fact, I watched her go
 [18] through the other door just to make sure she didn't
 [19] doubleback. I mean, and, you know, not just because it was
 [20] Monica; just because that's the way I do things. I just made
 [21] sure that, you know, she was out of there, and that was that.
 [22] Q Without revealing any privileged information, do
 [23] you know where the President was at that time?
 [24] A I believe if I answered that question I would be
 [25] revealing privileged information. Yes, I do know where he

Page 22

[1] was. I believe if I tell you, though, I would be revealing
 [2] privileged information.
 [3] Q All right. Did you ever say anything to her like,
 [4] which story is it, or which story are you telling me? Did
 [5] you have a view that she was telling you different stories
 [6] just to get somewhere?
 [7] A Certainly.
 [8] Q What do you remember about that?
 [9] A I just, I always felt like Monica was kind of a
 [10] manipulator and I've said this before and I'll say it again.
 [11] I believe she was a manipulator and that she would say what
 [12] she had to get what she wanted, as far as into this
 [13] hallway where she wanted to go. I thought she felt -- I
 [14] always thought she felt like even though she was an intern,
 [15] or regardless of her job at the time, you know, anytime she
 [16] worked there, that she thought she should have a status of
 [17] like the Secretary of State.
 [18] She's just one of those people who was really
 [19] overwhelmed by where it was she worked and thought she was
 [20] somebody special, and she wasn't. Not to me.
 [21] Q Prior to this day when this incident happened, did
 [22] you have some course of dealing with her that led you to
 [23] believe that she was trying to go somewhere where she
 [24] shouldn't?
 [25] A Certainly.

Page 23

[1] Q And what was that course of dealing, if you can
 [2] tell us without revealing privileged information?
 [3] A Certainly, I can, without revealing any privileged
 [4] information. There were numerous times, and I can't remember
 [5] each one individually. But there were numerous times where I
 [6] had stopped her before.
 [7] And I had discussed this with the other officers
 [8] that worked these posts. I had told them that I felt that we
 [9] should keep an eye on her and watch her, because she, in my
 [10] opinion, she kept going to places that she wasn't supposed to
 [11] be and she always had some kind of story, one way or the
 [12] other.
 [13] Q And you say you had stopped her before. Was it
 [14] always or usually in this particular hallway where the
 [15] post is, or other places as well?
 [16] A Well, it could have been coming from the other
 [17] direction, too.
 [18] Q When you say the other direction, what do you mean?
 [19] A Which would have been in this area, and her coming
 [20] from the area of the press lobby, Cabinet Room area.
 [21] Q Why don't you just write in --
 [22] A Certainly.
 [23] Q -- Press Lobby, or PL maybe up there, whatever you
 [24] think works.
 [25] A Okay. This is actually --

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[1] Q Why don't you write Press?
 [2] A Yeah. P-R-E -- I'm sorry.
 [3] Q That's all right.
 [4] A I'm a little nervous here. Okay. Now, this would
 [5] be --
 [6] Q Just for the record, you've written Press, and
 [7] you've crossed out a previous writing which is not spelled
 [8] correctly?
 [9] A Right, incorrect.
 [10] Q Do you want to initial that?
 [11] A Certainly.
 [12] Q Where you've marked Press, that's the press room?
 [13] A Press lobby.
 [14] Q Press Lobby.
 [15] A And, yes, she could certainly have been coming from
 [16] that area on her way back from an errand. And the interns
 [17] were taught that when they came this way, as soon as they got
 [18] to this hallway, they were supposed to go up this hallway
 [19] toward the lobby. This was not where they were supposed to
 [20] be unless they were actually delivering stuff to the Oval
 [21] Office secretary or assistants.
 [22] Q And the direction you just indicated was a hallway
 [23] to the top of the Roosevelt Room on this diagram, leading
 [24] into the Lobby to the left of the Roosevelt Room on this
 [25] diagram, correct?

Page 25

[1] A Correct. The hallway leads from the area of the
 [2] mens' and ladies' room all the way back to the west lobby.
 [3] BY MR. EMMICK:
 [4] Q I do have a couple questions. One was, when Ms.
 [5] Wirth asked you whether or not you made any comment along the
 [6] lines of, you are giving me two stories, you started talking
 [7] about your impressions of Monica as being manipulative. But
 [8] I wasn't sure I understood what you had said to Monica about
 [9] the two stories.
 [10] A Basically -- I don't remember exactly what I said,
 [11] but it was either, it was something to the effect of, I don't
 [12] want to hear it. You know, I mean, not rudely, but, you
 [13] know, it doesn't make any difference to me; you know, there's
 [14] no reason for you to come this way.
 [15] Q I see.
 [16] A That's basically -- I don't know exactly what it
 [17] was I said to her. You know, it could have been something a
 [18] little more smart-alecky. You know, we kind of had a -- you
 [19] know, I can't speak for her side of our working relationship,
 [20] but, you know, from my side, it was basically an irritant.
 [21] And it wasn't just because she was Monica. It was quite a
 [22] few of the interns. But she stuck out.
 [23] She was the one who just never seemed to understand
 [24] and just thought that -- I just got the impression she didn't
 [25] respect what the Secret Service did and, and wasn't concerned

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[1] with our concerns of, you know, of course, the President's
 [2] security and his privacy, which is one and the same
 [3] sometimes.
 [4] Q When she told you that she had some papers that she
 [5] needed to have signed -- am I stating that right?
 [6] A She did not say signed. She just said, I believe
 [7] she said something to deliver.
 [8] Q Something to deliver?
 [9] A Correct.
 [10] Q Where did you understand her to mean, deliver to?
 [11] A I don't know, and it didn't make any difference,
 [12] because even if it was the President's secretary's office,
 [13] she still should have gone around.
 [14] Q Okay.
 [15] A There was nothing in between where I was, other
 [16] than the President at the time.
 [17] Q Where do you think she wanted to go?
 [18] A I don't know.
 [19] Q Do you have any impression at all about where she
 [20] wanted to go?
 [21] A I certainly don't.
 [22] Q Based on these other conversations that you had
 [23] with her where she seemed to be wanting to go somewhere where
 [24] you thought she shouldn't be, can you tell where she wanted
 [25] to go?

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[1] A I felt like what she was trying to do, when she was
 [2] trying to gain access to this area -- and I hope I'm
 [3] answering this the way you want it -- was that she was trying
 [4] to, I felt like she was trying to ensure a, maybe a
 [5] happenstance or chance meeting with the President when he
 [6] would be moving. That was my impression.
 [7] Q When you indicated that she felt, or she expressed
 [8] sort of a feeling that she was entitled to be there -- am I
 [9] stating that correctly?
 [10] A She tried -- yes. And I felt like she tried to
 [11] project the, the, the air that, that she was always doing
 [12] something important, you know, which, you know, grated me the
 [13] wrong way.
 [14] Q Did she ever say anything along the lines that
 [15] she's entitled to be there?
 [16] A Yes. She did, I'm sure. I don't remember an exact
 [17] incident but I do remember kind of reading her the Riot Act,
 [18] so to speak, what her responsibilities were and what mine
 [19] were, and how they clashed, and who was going to win.
 [20] Q Did she ever say that she had been asked to bring
 [21] things there, either by the President or by Betty or by
 [22] someone else?
 [23] A Could you restate that?
 [24] Q Sure. Did she ever say that she had been asked to
 [25] bring papers there, or had been asked to go to the Oval

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[1] Office area, by the President, by Betty, by Nancy Hemreich,
 [2] someone in authority?
 [3] A I don't feel I can comment on anything about the
 [4] President without revealing any privileged information. But,
 [5] yes, I do remember one time when she was, another incident
 [6] where she -- that I have discussed before -- where she was
 [7] coming down the hallway and she wasn't actually delivering
 [8] anything, but she was going to meet with Nancy Hemreich in
 [9] Nancy's office.
 [10] Q I was trying not to ask of things about the
 [11] President that you had seen. I was trying to ask --
 [12] A Correct.
 [13] Q -- what she had said to you --
 [14] A Right.
 [15] Q -- about whether the President had invited her or
 [16] suggested she could be there.
 [17] A Okay.
 [18] Q Do you understand what I mean?
 [19] A Yes, I do now. I do understand what you are
 [20] saying.
 [21] I think it's best that I err on the side of the
 [22] privilege and you are welcome, you know, I won't answer that
 [23] any more, but you are welcome to re-ask it in any other way.
 [24] I mean, I'll be glad to try to keep answering these
 [25] questions. I just don't think I can comment on her possibly

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[1] delivering anything to, for the President.
 [2] Q I'm not actually asking anything about actual
 [3] deliveries. I'm asking whether she said that she felt she
 [4] had authority, if you will, to walk in that direction based
 [5] on something that the President or someone else had told her.
 [6] A Right. To the best of my recollection, no. I have
 [7] never had that conversation with her. And, of course, that
 [8] is without revealing any privileged information.
 [9] Q Yes. I understand. One final thing. You
 [10] mentioned that you had told others about your concerns about
 [11] Monica.
 [12] A Uh-huh.
 [13] Q What I'd like to try to get a little clearer on is
 [14] why you felt it was necessary to tell others, what others you
 [15] would have told.
 [16] A Sure. Certainly.
 [17] Q And how you would have characterized it.
 [18] A It was one of our jobs, as an officer working
 [19] there, to pass this information, significant information on
 [20] to the officers that relieve you, and even to the agents that
 [21] work the posts, the area, when the President's there.
 [22] If you are having a problem with somebody, you want
 [23] everybody to know about it, so they can kind of fight the
 [24] same battle you are. You don't want, you don't particularly
 [25] want them, you know, allowing her to do something when you

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[1] are telling her not to.
 [2] And I don't know how much you've interviewed the
 [3] other people that I worked with, but, you know, the truth is
 [4] that I kind of had a joking reputation that, you know, that I
 [5] was a little stern on everybody, and I was. But I used to go
 [6] out of my way to remind everybody, you know, not just Monica
 [7] -- Monica in particular at times -- but also everybody, the
 [8] interns, you know.
 [9] It's no big deal to ask these people -- there were
 [10] other staff people who used to walk around without their
 [11] passes on. And there was only one level of people that were
 [12] allowed to walk around without their passes on, and that was
 [13] at a request by Mr. Panetta, and it was at Mr. Panetta's
 [14] level, and obviously the Vice President, the President and
 [15] the Presidential family.
 [16] And there were people who tried to, you know, kind
 [17] of convey that privilege to themselves. People, for, let's
 [18] say, at George Stephanopoulos' level, or even below that.
 [19] And, you know, it was like a status thing, I don't need to
 [20] wear my pass. Well, you know, I used to go out of my way and
 [21] I'd try to get everybody else to go out of their way to, you
 [22] know, crack down on that.
 [23] Q So, those would be among the reasons you would
 [24] convey your concerns to others. Other than the officers who
 [25] may have followed you and took over your post --

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[1] A Certainly.
 [2] Q -- or agents, what other people would you have
 [3] mentioned your concerns to?
 [4] A That would be about it. I mean, I had, I believe
 [5] I've discussed this before, but I had mentioned my concerns
 [6] about interns in general and Monica to Evelyn Lieberman, who
 [7] at that time was the Deputy Chief of Staff.
 [8] Q Did you mention it to your supervisor, for example?
 [9] A Yes. I, I -- you know, I may have, but it's
 [10] possible that I didn't because there's quite a few things
 [11] that we -- it's not that we left them out of the loop. But
 [12] if it was anything of significance, we went to them about it.
 [13] But stuff like that, this is stuff that happens every single
 [14] day, every hour.
 [15] You're not going to beat your supervisors to death
 [16] over this. If you do, they're going to wonder why you're
 [17] there in the first place. You know, I mean, you're there to
 [18] do a job and to take at least some of the headaches and
 [19] responsibility.
 [20] Q In the same way that you have described letting
 [21] your successor officer or agents know about concerns that you
 [22] had, did others convey to you --
 [23] A Certainly.
 [24] Q -- concerns that they had about Monica?
 [25] A Certainly.

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[1] Q What were the nature of those concerns?
 [2] A Basically the same type of things. I discussed it,
 [3] I can remember discussing it with Officer Sandy Verna; my
 [4] partner, who was Dan Ordakowski. We discussed it from time
 [5] to time. And, you know, we discussed other employees,
 [6] believe me, that, you know, different things. And some of
 [7] them not so much security concerns. We discuss a lot of
 [8] things. I mean, we're no different than anybody else. You
 [9] know, we probably made little jokes about people from time to
 [10] time.
 [11] Q Having in mind that it sounds like several people,
 [12] either at the uniform or the PPD level, had this concern in
 [13] mind, was it anything that the supervisors ever discussed
 [14] with you as a group?
 [15] A Not to my recollection, nothing formal. I do know
 [16] there was never any paperwork generated, you know,
 [17] complaining about her or anybody else. We did things
 [18] verbally pretty much.
 [19] Q Why are you so sure that there wasn't paperwork
 [20] generated?
 [21] A Because I'm lazy and that means that I would have
 [22] had to generate --
 [23] Q Oh, you mean by you?
 [24] A Yeah, by me, right, by me.
 [25] Q Sure.

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[1] A I prefer the voice.
 [2] MR. EMMICK: That's all I had.
 [3] BY MS. WIRTH:
 [4] Q Did Monica have any reaction when you redirected
 [5] her to that different path?
 [6] A Yes. She was, acted a little intimidated, you
 [7] know, a little befuddled -- I can't think of the right word.
 [8] But, you know, yes, she was a little intimidated and she
 [9] turned and did as I asked. I mean, I physically blocked her.
 [10] So.
 [11] Q Okay. When you say physically blocked her, you
 [12] mean blocked the hallway?
 [13] A I stood in her way, yes.
 [14] Q I'm going to change the subject for a moment. Do
 [15] you know Bayani Nelvis?
 [16] A Yes, I do.
 [17] Q What is his job?
 [18] A Just for the record, I call him Nelvis. Is it all
 [19] right if I continue?
 [20] Q You can call him that, fine, sure.
 [21] A Nelvis was a Chief, is a Chief Master Sergeant in
 [22] the U.S. Navy. He's assigned to the Navy Mess at the White
 [23] House and his job is to be the steward for the President.
 [24] And basically it's to take care of all the President's whims,
 [25] as far as food, service, and some of the President's senior

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[1] guests, like Heads of State and stuff.
 [2] Q How long did you know him?
 [3] A I guess I've known Nelvis approximately four, five
 [4] years. I don't know how well I knew him before I started
 [5] working there, probably not very well. But from the time I
 [6] started working at the Oval Office, I got to know him very
 [7] well. We worked hand-in-hand, night-and-day, you know. Very
 [8] nice man.
 [9] Q And is part of the reason for that the fact that
 [10] the [redacted] post is very near his pantry?
 [11] A The [redacted] and [redacted], yes.
 [12] Q And [redacted]?
 [13] A Yes. And we had a good, you know, the Secret
 [14] Service and the people, the military people, we have a good
 [15] working relationship, and we seem to go out of each other's,
 [16] out of our ways to take care of each other, and they did that
 [17] also for us.
 [18] Q Okay.
 [19] A It wasn't -- I'm sorry. Go ahead.
 [20] Q No, go ahead.
 [21] A It wasn't uncommon for the steward, if they realize
 [22] that you were working over or hadn't got a chance to eat,
 [23] that they would do something for you. So. As far as food
 [24] went.
 [25] Q And Nelvis has done that for you?

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[1] A Oh, absolutely.
 [2] Q Okay.
 [3] A I gained 15 pounds. Sorry. Go ahead.
 [4] Q Can you describe the nature of your relationship
 [5] with him, in terms of how friendly now close? Did you ever
 [6] socialize with him, that sort of thing?
 [7] A Never socialized off the job, but then again I
 [8] rarely socialize with anybody from the job, even people on
 [9] the Secret Service, very rarely. The one, the few people
 [10] that I did socialize with, one of them has actually
 [11] transferred to Nashville.
 [12] We were very good friends at work. We had, you
 [13] know, we talked to each other about different things, the
 [14] same things that you talk about with your friends at work I
 [15] would say, you know, to kind of generalize it. Great working
 [16] relationship, you know. He called me by my last name, Byrne,
 [17] and I just called him, like everybody usually called him,
 [18] Nel.
 [19] We had worked together, you know, it seems like in
 [20] my mind almost every day, you know, night and day. So.
 [21] Q Do you know Glen Maes?
 [22] A Certainly.
 [23] Q And he's also another one of the President's
 [24] stewards?
 [25] A Right. Senior Master Chief, the last I heard,

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[1] trying to get promoted to Master Chief. Or, excuse me,
 [2] Senior Chief trying to get promoted to Master Chief. Same
 [3] type of relationship.
 [4] Although I'd have to say that Glen and I probably
 [5] weren't as close as Nel and I, just probably because a lot of
 [6] the down time that Nelvis had, when he wasn't actually doing
 [7] anything, we would actually, you know, talk from time to
 [8] time, where Glen had hobbies and stuff. He drew while he was
 [9] there. And if he wasn't serving the President he did other
 [10] things way -- I shouldn't say way out of the scope of his
 [11] job. He did whatever was asked of him.
 [12] I remember him wrapping gifts for the President
 [13] would be giving to people on holidays and stuff, because his
 [14] staff didn't have time to do it, or they asked Glen to do it
 [15] and he would do it. You know, they had -- so, I was probably
 [16] closer with Nelvis.
 [17] Q When you say Glen wants to get a promotion, is this
 [18] something recent, or --
 [19] A Oh, no. This is just his career. It's just, you
 [20] know, time for him to try to get promoted.
 [21] Q All right. Now, do you know whether Monica
 [22] Lewinsky had a relationship with Nelvis?
 [23] A Yes, I believe they were friends. I know they were
 [24] friends.
 [25] Q How do you know that?

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[1] A Of course, without revealing any privileged
 [2] information, I have seen them talking to each other. And I
 [3] have to say I felt like that she -- this is another instance
 [4] where I felt like she tried to make a friendship with Nelvis
 [5] because of where it was he worked, and his proximity, the
 [6] pantry to the Oval Office.
 [7] Q When did you notice that she began a friendship
 [8] with him?
 [9] A You know, I really can't answer that question
 [10] exactly. I would say probably about the time she became a
 [11] full-time employee in the East Wing. I think that's pretty
 [12] accurate, actually.
 [13] Q By the way, let me go back for a moment.
 [14] A Yes, ma'am.
 [15] Q That incident that you just discussed a few moments
 [16] ago about running into her in the [redacted] hallway and asking her
 [17] questions and redirecting her, was she an intern at that
 [18] point or a full-time employee?
 [19] A Yes, she was. That would have been during the
 [20] shutdown because that's -- when you asked me that, that was
 [21] the question.
 [22] Q But you noticed, you said, her relationship with
 [23] Nel when she was already a full-time employee?
 [24] A Yeah. I mean, to me, it's like when she started
 [25] becoming more friendly with him.

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[1] Q Did you ever see Monica with Nel in his company,
 [2] together with him?
 [3] A At work. I mean, yeah, in that area, certainly.
 [4] Q Do you recall specific instances when you did see
 [5] them together?
 [6] A Yes. Just give me a minute to make sure I'm on the
 [7] right track here, as far as the privilege goes.
 [8] I believe I've already talked about this incident
 [9] and I'll reiterate it.
 [10] Q Okay. Before you get started, is this the incident
 [11] where Nelvis says something to Monica about the --
 [12] A About the joke?
 [13] Q -- Paula Jones case?
 [14] A Correct. Yes, that's the only thing I --
 [15] Q And you've testified at your deposition about that
 [16] previously?
 [17] A I'm not sure if it was the deposition or the
 [18] interview, but I have testified, yes, ma'am.
 [19] Q Other than that time when you saw Monica and Nel
 [20] together and you heard the comment about Paula Jones, have
 [21] you ever seen Monica and Nel together?
 [22] A Yes, I have. You know, I'm sure I've seen them
 [23] together again in the hallway. I mean, nothing monumental
 [24] other than, you know, her passing by on business that she
 [25] should have been there for, and her stopping and saying hi to

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[1] him and then proceeding on, that type of thing. Nothing --
 [2] Q Do you have any memory of ever seeing Monica go
 [3] into the pantry?
 [4] A Without revealing any privileged information, yes,
 [5] I do. As a matter of fact, I actually verbally asked her to
 [6] step out and she did. And I told her, I remember saying to
 [7] her, you know, you're not even supposed to be in there. And
 [8] she tried to make it look like Nel had invited her in there.
 [9] Q Start from the beginning on that incident. What
 [10] did you first see?
 [11] A She was already, she must have come from -- I'm
 [12] assuming she came from the area of the Chief of Staff's
 [13] office.
 [14] Q When you first saw her, was she in the hallway or
 [15] in the pantry?
 [16] A She was standing in between, she was standing in
 [17] the doorway of the outer pantry door. And then she started
 [18] to proceed -- as I walked towards her, she started to proceed
 [19] into the pantry towards the dining room, and I verbally
 [20] called her back and she came out. And then that was that, as
 [21] far as I remember.
 [22] Q Did she make it through the inner pantry door by
 [23] the time you caught her, if you remember?
 [24] A I don't recall. I mean, no, she didn't. It's
 [25] possible that maybe one of her feet -- you know, this is a

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[1] small room.
 [2] Q Okay.
 [3] A It's possible that one of her feet -- but I can say
 [4] that I don't feel she got as far as -- I know she didn't get
 [5] as far as like the table, you know. No, I don't believe she
 [6] entered the room.
 [7] Q The room, being the dining room?
 [8] A The dining room, correct.
 [9] Q Where was Nel when she did this?
 [10] A In the dining room. He was doing something like
 [11] folding towels, putting candy away, something to that effect.
 [12] Q So, she was standing at the outer doorway to the
 [13] pantry and looking in. Could she see Nel in the dining room?
 [14] A Certainly. Yes, ma'am.
 [15] Q Do you know if she was speaking to him at that
 [16] time?
 [17] A Do I know she was? Yes, I do. I feel that she
 [18] was. I don't know what they were saying, but I feel that he
 [19] was speaking out to her or, you know, vice versa.
 [20] Q Do you remember anything about what they were
 [21] saying?
 [22] A No, ma'am, I don't.
 [23] Q When she walked into the pantry, do you know
 [24] whether she had already seen you?
 [25] A I don't believe -- I believe she probably did and

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[1] was -- I didn't see her when she first came down the hallway.
 [2] So, if she saw me, she probably tried to, you know, say hi as
 [3] quick as she could. I'm just --
 [4] Q But you don't know?
 [5] A No, I don't know.
 [6] Q Okay. But at some point she moved into the pantry?
 [7] A Yes, the pantry.
 [8] Q And you followed her?
 [9] A Yeah. Walked up to the door, said, Monica, you
 [10] know you're not supposed to be in here, come on out. I may
 [11] have grabbed her by the elbow. I say grabbed, you know,
 [12] guided her by the elbow. I don't remember if I did. But
 [13] that was something I was, had done to many people, you know.
 [14] Q Do you know whether Nel saw that, saw you do that?
 [15] A You know, I don't know. It's possible his back was
 [16] to us.
 [17] Q Did he ever discuss this incident with you?
 [18] A You know, I'm recalling something that I hadn't
 [19] remembered previously. Just give me a minute here to make
 [20] sure that we're not in a privileged area.
 [21] Yes, I believe I actually said something to Nelvis
 [22] about it making me nervous when people did that, and he
 [23] agreeing with me. And then that was that.
 [24] Q When did you have that conversation with him?
 [25] A I believe after she walked away. I said, Nel, I'm

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[1] a little -- something to the effect that, Nel, I'm a little
 [2] uneasy when people are in the pantry, you know, how do you
 [3] feel about that. Basically, I was trying to get across my
 [4] point that I didn't like it, but I didn't want to step on
 [5] Nel's feet either. He's a very senior Navy person. I
 [6] respect his judgment. If it had been anybody else but
 [7] Monica, I probably wouldn't have brought it up this way.
 [8] But, anyway, he, basically I remember him agreeing
 [9] with me and something to -- I think he might have actually
 [10] said -- no, I'm certain he said something to the effect of,
 [11] you know, she knows she's not supposed to be in here, or
 [12] something like that. And I said, okay, you know. It's over.
 [13] Q Did Monica have any response to you when you took
 [14] her by the elbow and guided her out or --
 [15] A No.
 [16] Q -- asked her to leave?
 [17] A No, no.
 [18] Q Do you remember what time of day this was that that
 [19] happened?
 [20] A No, ma'am, I don't.
 [21] Q Do you know whether she was an intern or an
 [22] employee at that time?
 [23] A She would have had to have been an employee.
 [24] Q Why do you say that?
 [25] A Because I think I would have probably freaked out a

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[1] little bit more if she was an intern in there.
 [2] Q Okay. So, this was after the incident that you
 [3] discussed previously in the hallway?
 [4] A Right, during the shutdown. Right. It would have
 [5] had to have been after that.
 [6] Can I add something?
 [7] Q Sure.
 [8] A Another reason I think that it was after she was a
 [9] permanent employee was because for her to do, that would have
 [10] been like furthering their friendship or whatever, their
 [11] contact with each other, you know, to be that brave, even for
 [12] her to be that brave to step into the pantry. So, it would
 [13] have been after when she, you know, became an East Wing
 [14] employee.
 [15] Q Do you have any knowledge as to whether Nel knew
 [16] that she was in the pantry?
 [17] A No. Like I can't remember if his back was turned
 [18] or not.
 [19] Q So you don't know if he was looking at her when she
 [20] was standing in the pantry?
 [21] A No, I don't.
 [22] Q And when you went in to get her out of there, did
 [23] you look at Nel at all, yourself?
 [24] A I believe I remember seeing his backside or his
 [25] side, you know. And I didn't actually have to -- you know,

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1 like I said, we're talking about a small room. All I had to
 2 do was reach and use my voice, you know, verbally bring her
 3 out, and that was it.
 4 Q And to the best of your memory, she never made it
 5 into the dining room?
 6 A To the best of my recollection, no.
 7 BY MR. EMMICK:
 8 Q I have a few questions that are on subjects that
 9 were covered over the last five or 10 minutes.
 10 A Could I go back for a second?
 11 Q Yes, absolutely.
 12 A To the best of my recollection, she didn't get any
 13 further than possibly one leg into the dining room. She did
 14 not, she did not step into the room.
 15 Q Just rather than saving them up until the very end,
 16 I'll just ask a couple of followup questions here. You had
 17 mentioned that you thought that the friendship between Monica
 18 and Nel might have been intentional or manipulative, in a
 19 manner of speaking, that she was trying to curry his
 20 friendship in order to --
 21 A Yes, I did feel that way and I still do.
 22 Q Did you ever express that to Nel?
 23 A I don't think so. I don't recall it. I mean, I
 24 had a job to do there, but I also tried to mind my own
 25 business, too, I mean, a little bit.

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1 Q Did you ever express it to anyone else?
 2 A I don't recall, but this is something that I, I
 3 could have possibly talked to Sandy Verna about, Officer
 4 Sandy Verna. I don't recall any incident actually, but it's
 5 possible this is something I would discuss with Sandy.
 6 Q Right. Did you ever think that Nel was interested
 7 in Monica in any way other than just as a passing friend or a
 8 good friend?
 9 A Certainly not. I mean, may I stretch that out a
 10 little bit, talk about that?
 11 Q Sure, absolutely.
 12 A Are you talking about any kind of physical
 13 relationship?
 14 A Physical or romantic?
 15 A No, no. None to my knowledge. No.
 16 Q We had started talking about Nel and conversations
 17 between you and Nel about Monica, or possibly when Monica was
 18 there.
 19 MR. EMMICK: We haven't talked at all about Glen
 20 Maes, or at least while I've been here. Do you want to talk
 21 about Glen Maes afterwards, or can I just pop in a question
 22 here?
 23 MS. WIRTH: You can do it now. That's fine.
 24 BY MR. EMMICK:
 25 Q What about conversations with Glen Maes, even

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1 though you were perhaps less good friends with Mr. Maes than
 2 with Bayani?
 3 A I, I don't recall ever discussing her with Glen.
 4 We just talked about other things. I don't ever remember
 5 discussing her, Monica, with Glen. To the best of my
 6 recollection, I don't.
 7 Q You had mentioned that you saw and overheard Monica
 8 and Nel having a discussion and there was a Paula Jones-
 9 related comment that was made.
 10 A Yes.
 11 Q I'm sure this is something that has been gone over
 12 before, and I apologize if I'm --
 13 A No, no, that's fine.
 14 Q -- going over the same area. But, as I try to
 15 envision this in my mind, I'm unclear about sort of the tone
 16 of the voice. Were they trying to be restrained about what
 17 they were saying, because I'm not sure that's a topic --
 18 BY MS. WIRTH:
 19 Q Why don't you tell the story?
 20 A Yeah, I think it would probably define it better.
 21 BY MR. EMMICK:
 22 Q Yes, please.
 23 A I was stationed outside the Oval Office at post
 24 I believe it was day work. Monica came down the hallway.
 25 She said, I'm -- I saw her and she said, I just want to, I'm

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1 on my way to the Chief of Staff's Office to pick something
 2 up, I just wanted to say hi to Nel, something to that effect.
 3 And I said, okay.
 4 And the way she said it made me feel like I had
 5 just bullied her to death, which I had, I'm sure. And I
 6 said, all right, you know, he's standing right there in the
 7 hallway, what's the harm.
 8 So, they started talking standing in the hallway.
 9 And he said, I don't know, I wasn't really listening too much
 10 to what they were saying. I was closer to the door. And
 11 then like a certain period of time went by, maybe it was a
 12 minute, maybe it was two minutes. But then I felt, well,
 13 okay, it's time for her to push on. So, I started kind of
 14 walking towards them knowing that she would, you know, leave
 15 So, I started walking towards her and Nel said, if
 16 you're not, something to the effect, if you're not careful,
 17 you're going to end up like Paula Jones. And her reply was
 18 something to the effect, I don't remember the actual words,
 19 but it was something to the effect that she was smarter than
 20 that, or -- and they laughed. Nelvis laughed. And I felt
 21 very uncomfortable about it and I just said, well, see you
 22 later, something to that effect, and she walked down the
 23 hallway. And that was the end of the incident.
 24 Q How loudly were they speaking?
 25 A We always kept hushed tones in the hallway, just

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1 because even though it's the office of the President and
 2 everything, it's an old building. It's not, you know -- I
 3 mean, you could raise your voice and people could hear you.
 4 I have been scolded by the staff about my laughing. So, just
 5 to give you an idea, you know.
 6 Q And could you tell whether they realized you were
 7 within earshot?
 8 A Oh, certainly. Certainly. I had walked up to
 9 them. I was closer to them than --
 10 THE WITNESS: I'm sorry. I don't remember your
 11 name.
 12 MS. WIRTH: Mary Anne.
 13 THE WITNESS: Mary Anne. I was probably as close
 14 to them as I am to Mary Anne, maybe even closer.
 15 BY MR. EMMICK:
 16 Q Three, four, five feet, something like that?
 17 A Within four feet certainly.
 18 Q And did they look at you as that conversation took
 19 place?
 20 A Well, she was standing kind of sideways and Nelvis
 21 was standing kind of sideways. They were kind of facing each
 22 other and their sides were to me. But I'm certain that they
 23 knew I was there. I mean, I know I'm certain Nelvis did.
 24 They knew I was there.
 25 Q What did you think they were talking about?

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1 A I have no idea. I mean, hold up. Let me stop
 2 there for a second.
 3 I don't know what they were talking about. I know
 4 what the, I know what the insinuation was.
 5 Q What was the insinuation?
 6 A Well, the insinuation was, was the joke about Paula
 7 Jones who had accused former Governor Clinton of making a
 8 pass at her, I guess, would be the nicest way to put it, when
 9 he was Governor. And other than that, I don't -- I mean, I
 10 know what the innuendo was. Anything other than that I can't
 11 comment on for reasons of privilege.
 12 Q Because if you were to explain what your impression
 13 was, that would reveal privileged materials? Is that --
 14 A I believe --
 15 Q I'm not trying to --
 16 A No, no.
 17 Q -- penetrate the privilege. I'm trying to --
 18 A No, I believe that is true. I believe if I do
 19 expand on that any more, I believe I will be revealing
 20 privileged information.
 21 Q Okay. I'm not trying to trick you or anything.
 22 A No, no, I understand.
 23 Q But I'm trying in my mind, it sounds to me like
 24 what you are saying is you have an impression. It's
 25 partially based on that comment and partially based on some

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1 other things that may be privileged. Is that --
 2 A You know what? I may be going down the wrong road
 3 here.
 4 Q Okay.
 5 A If I could go ahead and exit for a minute and
 6 clarify this?
 7 Q Sure, sure.
 8 A Because I could be asserting this incorrectly, the
 9 privilege, and I want to make sure that I'm not.
 10 Q Exactly right.
 11 (Whereupon, the deposition was recessed from
 12 3:30:40 p.m. until 3:41:55 p.m.)
 13 BY MR. EMMICK:
 14 Q I believe the question that I had asked, or at
 15 least the area that I was getting into was an area of what
 16 did you understand Monica and Nel to be talking about when
 17 they had this discussion, and what was your reaction to it.
 18 I thought you said something along the lines of what you
 19 thought their insinuation was. And it was at about that
 20 point that you asked to speak with your attorneys.
 21 Can you now answer that question?
 22 A Okay. Without revealing any privileged
 23 information, and on the advice of my attorneys, I believe, as
 24 I have stated before, that I thought they were drawing a
 25 parallel between -- I feel that they were drawing a parallel

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1 A No, not that I -- no. I don't really know how to
 2 answer that. I can't think of anything other than, you know,
 3 they were both acquainted with me. And that was my post. I
 4 mean, if they didn't want me to hear something, they either,
 5 one, shouldn't say it; or, two, they should walk away from
 6 where I am.
 7 Q Is it possible that they were acquainted with you
 8 in a way that would be consistent with that sort of Paula
 9 Jones joking?
 10 A I'm sorry. Ask me that again.
 11 Q Yes. Is it possible that they were acquainted with
 12 you in a way that would be consistent with that sort of Paula
 13 Jones joking? That is, it wouldn't be revealing anything
 14 extra to you because they knew that you had seen some things
 15 and you wouldn't be shocked by what they were talking about
 16 as a result?
 17 A No. I really can't answer that. I don't know what
 18 they knew or what they thought I knew, or what they thought
 19 -- you know, I don't know exactly what they thought. I don't
 20 know what they assumed.
 21 BY MS. WIRTH:
 22 Q I may have asked this already and if I have I
 23 apologize. But have you ever seen Nel and Monica together in
 24 the pantry?
 25 A Other than that incident that I described to you, I

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1 between what had happened with, what had allegedly happened
 2 between then-Governor Clinton and Paula Jones, and were
 3 implying something to the order that -- something similar
 4 between Monica and President Clinton.
 5 Q Did that cause you some additional concern?
 6 A Uncomfortableness, yeah, sure. Whether they were
 7 joking or not, it made me uncomfortable in that, you know, I
 8 didn't think it was appropriate.
 9 Q Did you express that concern to anyone like your
 10 superiors or --
 11 A No, no. No, it wasn't anything, no. I just, you
 12 know, it made me uncomfortable and that was the end of it.
 13 BY MS. WIRTH:
 14 Q Did you ever talk to Nel about it?
 15 A No, I believe I didn't.
 16 Q Did you ever hear Nel and Monica discuss the Paula
 17 Jones case?
 18 A No. That is the only time where I heard them
 19 mention it at all, was that incident.
 20 Q Did you ever hear Nel discuss the Paula Jones case
 21 with anybody, including you?
 22 A Was it even out then? No, I don't recall it,
 23 recall discussing it with him. If it was the topic of the
 24 day, it's possible but I don't recall it. I mean, I did a
 25 lot of reading and so did Nelvis.

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1 don't recall anything.
 2 Q Okay. Have you ever seen Nel and Monica together
 3 in the dining room?
 4 A To the best of my recollection, no. I don't recall
 5 her being in the dining room.
 6 Q Okay. Other than the incidents that you've just
 7 described, you know, with her trying to pass through the
 8 pantry to the dining room and Nel and Monica joking about
 9 Paula Jones, have you ever seen them together on any other
 10 occasion in the vicinity of the Oval Office, including the
 11 whole complex, the study, the dining room, et cetera?
 12 A Nothing that stands out. I mean, you know, she
 13 worked there so much and spent so much of her time walking
 14 around there, whether she was supposed to be or not, and he
 15 was always there and I was there a lot. I mean, I'm sure
 16 there were many times, you know, that they were either
 17 passing, hi or goodbye, or whatever. I mean, how many times
 18 do you walk by the young lady at the desk? You know, I mean,
 19 I really don't know how to answer that. It's possible, sure.
 20 Q But you don't have any positive recollection of
 21 anytime seeing them together in any of those places?
 22 A No, other than what I've talked about.
 23 Q Okay. The time when she tried to pass through the
 24 pantry to the dining room, do you remember saying anything to
 25 her like not to come back, don't come back here?

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1 Q And this conversation between Nel and Monica, where
 2 the name Paula Jones came up, where were they standing when
 3 that took place?
 4 A They were standing between the door and --
 5 well, they were standing outside the pantry door.
 6 Q The outer pantry door?
 7 A Right, the outer pantry door in the hallway,
 8 approximately two feet closer to the door.
 9 BY MR. EMMICK:
 10 Q I'm trying to think about why they wouldn't be more
 11 restrained broaching that subject with each other if you're
 12 so close to them.
 13 A Probably for the same reason nobody else seemed to
 14 ever stop what they're saying. I mean, we're the Secret
 15 Service. We're there all the time. I mean, we have, we're
 16 sort of like the doorknobs. I mean, I know that's kind of a
 17 little hard to fathom, but I mean people have had incredible
 18 personal conversations in front of me. I mean, other than
 19 the President obviously I'm speaking of, like staff people,
 20 people that are, appointments that are -- I don't know. It
 21 cracks me up some of the things they say sometimes. People
 22 just don't seem to really watch what they say.
 23 Q All right. Now, that's a more general explanation.
 24 A Okay.
 25 Q Is there anything specific to you?

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1 A I don't recall it. I don't recall it, but it would
 2 not have been out of character, for me anyway.
 3 Q Do you ever remember --
 4 A I'm sorry. Can I stop you?
 5 Q Yes.
 6 A I'm assuming that -- you know, obviously you don't
 7 have to answer this or, you know, do anything you want. I'm
 8 assuming that somebody else has told you something or there's
 9 another story. And I'm thinking I did say that to her. And
 10 so give me a minute to try to recall my thoughts there.
 11 There's two instances. The one I told you about in
 12 the pantry where she started to step in and I stopped her.
 13 And then I believe there was -- I believe you are correct. I
 14 believe there was an incident where she made it all the way
 15 into the pantry, and I don't remember the circumstances.
 16 The best I can remember is I may have been coming
 17 back, like from break. And as I walked by -- no, I was on
 18 post. And I walked up to look in there because the door was
 19 open and she was standing, I believe, in the dining room.
 20 And I did, I was very cross with her. She came out and she
 21 turned, she turned back towards the Chief of Staff's office.
 22 And, of course, what I've told you doesn't reveal
 23 any privileged information. And I apologize. Like I'm
 24 trying to cooperate as best I can, but, you know, it's just
 25 so hard. This is so long ago and there's so many incidents.

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[1] You know, I worked there for awhile and it was a long time
 [2] ago.
 [3] But I do remember that now.
 [4] Q Just for the record, I don't want to mislead you in
 [5] any way.
 [6] A No, and I don't believe you are.
 [7] Q Okay. And I haven't made any representations that
 [8] anybody else has said anything and --
 [9] A No.
 [10] Q -- I wouldn't do that.
 [11] A No. It's just that, you know, as I've discussed
 [12] before with other people, you know, with the people involved
 [13] in this and the attorneys, there are going to be things that
 [14] you remind me of. I mean, you know, we're talking about a
 [15] lot of stuff from quite awhile ago.
 [16] And, yes, I believe -- I know for a fact that that
 [17] did happen.
 [18] Q All right. Start from the beginning. What do you
 [19] remember you saw?
 [20] A So, I remember walking down the hallway right
 [21] outside the pantry. I looked in there and she was standing
 [22] in there.
 [23] Q In there, being where?
 [24] A In the dining room.
 [25] Q And this is a separate occasion from when you saw

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[1] her try to pass --
 [2] A Yes, ma'am.
 [3] Q -- through the pantry?
 [4] A Yes, ma'am, I believe it is a separate occasion.
 [5] Q All right. And was Nelvis around?
 [6] A Yeah. He was in there and I'm certain he was in
 [7] there, but I don't remember actually seeing him. You know,
 [8] he could have been further in the room, like to the right.
 [9] And I just, I remember snapping. I don't remember if I
 [10] actually touched her. But I snapped verbally at her and she
 [11] came out of there. And I said something to the effect that
 [12] you know you're not supposed to be in there, and I kind of --
 [13] I'm sure I read her the Riot Act. I don't remember exactly
 [14] what I said, but I remember being very cross.
 [15] Q Why do you think Nelvis was in there?
 [16] A Doing his job.
 [17] Q But if you didn't see him, why do you think he was
 [18] there?
 [19] A Oh.
 [20] Q Or did you see him?
 [21] A No, I don't remember seeing him.
 [22] Q Did you walk into the dining room?
 [23] A No.
 [24] Q You said you snapped verbally at her. Was that
 [25] from the pantry?

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[1] A No. I walked into the pantry and was standing in
 [2] the pantry/dining room doorway. I guess physically I was
 [3] standing in the dining room, but like right inside the
 [4] doorway, so to speak.
 [5] Q Could you see the whole dining room from there?
 [6] A Yeah, you could. But like I don't recall seeing
 [7] Nelvis. I'm sure he was in there.
 [8] Q What was she doing in there, if you remember?
 [9] A Just standing there. They were discussing
 [10] something and he was standing in front of the large kind of
 [11] the chest of drawers. I forget what the word is, but it's a
 [12] piece of furniture that's between the door and the window on
 [13] the outer side. And once again he was probably stacking
 [14] either towels or candy, M&Ms.
 [15] If you'll allow me to make an assumption, I just
 [16] assume that he was in there; she walked by and saw him and
 [17] walked in.
 [18] Q But you don't know?
 [19] A No, I don't know. That's true. I don't know.
 [20] Q Were they speaking? Do you have a memory of that?
 [21] A Yeah, I don't know what. I mean, I'm sure as she
 [22] realized I was coming in there, you know, the conversation
 [23] was over.
 [24] Q Do you remember what you said to her?
 [25] A You know you're not supposed to be in here. Get

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[1] out.
 [2] Q And what did she say?
 [3] A I don't remember what she said. It didn't make any
 [4] difference. She was on her way out.
 [5] Q Did Nelvis say anything?
 [6] A I can't say that he apologized, but I think he kind
 [7] of explained to me what happened, you know. And that was
 [8] that, and I didn't make a big deal about it. I mean, you
 [9] know, just for -- if I can clarify? You know, he, that is
 [10] this area. She shouldn't have been in there, but there's no
 [11] doubt in my mind that, you know, he was watching her. There
 [12] was nothing -- I don't even know how long she was in there.
 [13] She couldn't have been -- it probably wasn't too long. It
 [14] couldn't have been too long because, you know, I was only
 [15] probably away from that door long enough to walk another four
 [16] feet and turn around and start to walk back.
 [17] Q Do you have any idea where she came from?
 [18] A She would have had to come from the Chief of Staff
 [19] side of it, because she would have had to come by me
 [20] otherwise, because I was closer to the secretary's office
 [21] side. So, she either came through the Roosevelt Room, or she
 [22] came down from the area of the Chief of Staff's office.
 [23] Q Without revealing any privileged information, do
 [24] you have any knowledge as to where the President was that
 [25] day?

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[1] A Without revealing any privileged information, I
 [2] can't tell you because I don't know where he was. But I can
 [3] tell you that he was not there. He was not in the Oval
 [4] Office area. If he had been in there, I just -- because I
 [5] remember there were certain things that happened when he's
 [6] there and when he's not there that I can't, should not go
 [7] into. But I'm certain that he was not there.
 [8] Q Was she an intern or an employee at that time?
 [9] A She would have had to -- in my opinion, I believe
 [10] she was an employee, yes. I do believe she was an employee.
 [11] Q And why do you think that?
 [12] A Because she had, I think I remember seeing her blue
 [13] pass. She would have had to have been a blue passholder. If
 [14] she was an intern and was in there, I'd have yanked the pass
 [15] off her and drove her out to the gate. As God is my witness,
 [16] I would have. You know, I mean, not physically, I mean, I'd
 [17] have walked her out the gate, and I'd have made whoever was
 [18] responsible for her to come get her.
 [19] Q Okay. Do you remember what time of day this was?
 [20] A Day work. Probably -- I don't know what time of
 [21] day it was, but I believe it was day work.
 [22] Q You said that Nelvis explained to you what
 [23] happened. Do you have any memory of that conversation?
 [24] A No, I don't.
 [25] Q Go ahead. I'm sorry.

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[1] A It wasn't important to me what he said. I knew
 [2] that she had walked in there when he was in there. I mean, I
 [3] felt that that's what happened. I mean, this is a guy that
 [4] doesn't -- I mean, he knows what he's doing. He knows who's
 [5] supposed to be where.
 [6] Q Do you have a memory that Nelvis did give you some
 [7] explanation for it?
 [8] A Yes, I do. Yes. I mean, he was a little hard to
 [9] understand from time to time, so I didn't -- you know. Have
 [10] you talked to him before? You know he has a pretty strong
 [11] accent.
 [12] Q Did she have any reaction when you sent her out?
 [13] A Yeah.
 [14] Q What did she do?
 [15] A She, you know, was upset, mad, upset, and she left.
 [16] And that was the last I heard of it, and that was the last
 [17] that I remember anything about it.
 [18] BY MR. EMMICK:
 [19] Q You say she was mad, upset. Did she say anything?
 [20] Did she offer an explanation?
 [21] A I don't remember her saying anything. And, you
 [22] know, and, you know, regardless of what she had to say, I
 [23] really didn't care. It didn't make any difference. She's
 [24] not, she's not supposed to be there.
 [25] Q Did she have anything in her hands?

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[1] A Not that I recall. No, sir.
 [2] Q Can you place this incident in time, either by
 [3] reference to the other incidents or --
 [4] A After the first incident.
 [5] BY MS. WIRTH:
 [6] Q After the incident when she tried to go through the
 [7] pantry to the dining room?
 [8] A Correct.
 [9] Q So, she made it this time?
 [10] A Yeah.
 [11] Q At any time when you discussed her with Nel, did
 [12] Nel ever like defend her actions or say, you know --
 [13] A (Witness shook his head indicating a negative
 [14] response.)
 [15] Q No?
 [16] A Not to my knowledge.
 [17] Q Now, aside from the three incidents that you told
 [18] us about: the time when the Paula Jones remark was made, the
 [19] time when she was trying to pass through the pantry to the
 [20] dining room, and the third time you actually saw her in the
 [21] dining room --
 [22] A Correct.
 [23] Q -- aside from those three instances, have you ever
 [24] seen her in the area of the Oval complex, without revealing
 [25] privileged information?

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[1] A Without revealing any privileged information, I
 [2] can't answer that any better than that.
 [3] Q Okay. Have you ever seen her together with Nel
 [4] anywhere else, other than the three instances you've given
 [5] us?
 [6] A To the best of my recollection, no. No.
 [7] Q Did you ever see Nel give anything to Monica,
 [8] gifts?
 [9] A Certainly.
 [10] Q What have you seen?
 [11] A M&Ms, candy.
 [12] Q Those are Presidential M&Ms?
 [13] A Right. Right. They're made by M&M. They have the
 [14] little Presidential seal on them. People would like gouge
 [15] your eyes out for them. It's hilarious. They taste just
 [16] like the other M&Ms. It was very common for the stewards to
 [17] give them to people.
 [18] Q All right.
 [19] A They gave them to us, the Secret Service people.
 [20] He gave them to Monica. I've seen him give them to a lot of
 [21] people.
 [22] Q Okay.
 [23] A Very generous people.
 [24] Q Have you actually seen him hand her these things,
 [25] or how do you know that he gave her these things? Or did he

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[1] tell you?
 [2] A I believe -- I think I saw him give her -- yes.
 [3] She stopped by one time. She had some friends or family
 [4] coming in. She was going to do a West Wing tour one evening.
 [5] It could have been that evening that she stopped by, and he
 [6] gave her, you know, like a, some M&Ms. It could have been as
 [7] many as 10 boxes. I think he normally handed me 10. You
 [8] know, if I said I needed four, he gave me 10.
 [9] Q Was this after she left the White House or was she
 [10] still in the White House?
 [11] A No, no. This would have been when she was a blue
 [12] card passholder.
 [13] Q So, this was another time that you did see them
 [14] together then?
 [15] A Yeah. You're right. It is. Yeah.
 [16] Q That was an evening tour, you said?
 [17] A Well, right. She would have been -- right. West
 [18] Wing tours were at night between eight and 10, unless it was
 [19] a --
 [20] Q So, this incident happened in the evening?
 [21] A No. I believe this incident happened in the
 [22] daytime, and she was preparing --
 [23] Q She came by during the day?
 [24] A Right.
 [25] Q Do you remember anything that was said between them

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[1] on that occasion?
 [2] A No.
 [3] Q Do you have any knowledge of Nelvis giving her
 [4] anything on any other occasion other than that incident with
 [5] the M&Ms?
 [6] A No, not that I can recall.
 [7] Q Did Nelvis ever tell you that he had given her
 [8] anything?
 [9] A I'm a little confused with that because I've read
 [10] stuff in the paper and I don't know -- I think maybe he gave
 [11] her something for Christmas. I'm sorry, she gave him
 [12] something for one of the Christmases I was there. But, you
 [13] know, I've read a lot of stuff and seen a lot of stuff. I'm
 [14] not sure if I'm confusing anything. But there could have
 [15] been an exchange of a tie. But I don't know for certain.
 [16] Q The question was, and we'll get to that in a
 [17] moment, but the --
 [18] A I'm sorry.
 [19] Q -- question was whether he gave her anything else
 [20] besides the M&Ms that you know about?
 [21] A Not to my knowledge, no.
 [22] Q Are there glasses with a Presidential seal on them?
 [23] A There's Presidential china and glasses, crystal
 [24] that's assigned to that -- I mean, they're not gifts.
 [25] Q Do you have any knowledge as to whether he ever

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[1] gave any of the glasses with the Presidential seal on them?
 [2] A No, I -- no, I don't have any knowledge, and I
 [3] highly doubt it, just because there's such an accountable,
 [4] expensive item. But, anyway, no, I don't.
 [5] Q Now, those are like Presidential trinkets that
 [6] we're talking about, those M&Ms?
 [7] A The M&Ms are.
 [8] Q Yes.
 [9] A Correct.
 [10] Q Do you know of any personal gifts exchanged between
 [11] Monica and Nel, you know, where she would go out and buy him
 [12] something or he would go out and buy her something? Of your
 [13] own personal knowledge, not anything that you've read in the
 [14] press?
 [15] A No, not of my own personal knowledge. I can't
 [16] recall. But it was not uncommon for people to exchange gifts
 [17] around Christmas. I, you know, received a hat from Betty
 [18] Curme one Christmas. I gave cards to the people, you know.
 [19] So. But other than that, no, I don't have any knowledge.
 [20] Q Do you know whether Monica ever gave any gifts to
 [21] the President?
 [22] A Personal knowledge? I'd have to say I don't recall
 [23] anything, no, not to my knowledge.
 [24] Q Have you heard anything from others, aside from the
 [25] press?

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[1] A From others? Oh. No. Aside from the press, no.
 [2] Q Okay. Go ahead.
 [3] A You guys are killing me. It's possible. I think I
 [4] remember a conversation with Sandy Verna, and I think she
 [5] might have -- she told me something about Monica either
 [6] trying to or giving a gift to the President. I don't know
 [7] how she, I don't know how she gave it to him, like it was
 [8] through Betty, or whatever.
 [9] Q Did she tell you what it was?
 [10] A No. I don't believe she did.
 [11] BY MR. EMMICK:
 [12] Q I wanted to ask --
 [13] A But I keep -- excuse me -- I keep going back to
 [14] ties. I'm sorry. Go ahead.
 [15] Q Did you ever have any conversations with Nel where
 [16] Nel described Monica asking for information about President
 [17] Clinton or President Clinton's whereabouts?
 [18] A With Nelvis? Monica asking Nelvis about the
 [19] President's whereabouts?
 [20] Q Yes.
 [21] A I don't, I don't recall any actual incident. No.
 [22] But it was not uncommon for people to ask those questions.
 [23] Q To Nel?
 [24] A To Nel, to me, to anybody. His schedule is
 [25] considered public, much to the Secret Service's unhappiness.

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Something else we're outruled on. People ask those questions. As long as it was something was on the schedule, I'd tell them where he was if they were, if I recognize them, who they were. I mean, they could just go get his schedule and look. But if it was somebody important, I would tell them. If she asked me, I probably would tell her just because she probably had a schedule sitting on her desk. So.

Q Did he ever comment on the --

A Nelvis? Is that Nelvis?

Q Yes. Did Nel ever comment on the frequency of calls from Monica?

A Oh, I don't know anything about phone calls. I was just assuming -- I'm sorry. I assumed you meant personal, like walk up and say, hey.

Q No, I meant phone calls.

A Oh, I'm sorry. No, I don't know anything about him ever calling her.

BY MS. WIRTH:

Q Do you know of any phone calls that Monica made to Nelvis?

A To Nelvis? No. I mean, I saw him taking many phone calls, but I never once remember him saying that was Monica.

Q Is there a phone in the pantry?

A Certainly. I've actually answered it myself. If

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they're not there, I'll answer it, you know, Steward, Officer Byrne. And it's usually somebody downstairs in the main kitchen, or maybe like a wife or a child of Glen's or something.

Q And you never heard Monica on that phone?

A No, I have not.

Q Did Nelvis ever tell you that Monica called him anywhere, at home or at work?

A I don't recall any conversation like that.

BY MR. EMMICK:

Q There's one area that I'd like to get into a bit. You made an allusion to Nel and the accent that he has.

A Yeah. He's Filipino.

Q He's Filipino. Can you tell us whether you can communicate with him?

A Yeah.

Q Easily?

A Yeah. It took a little getting used to, just because -- I mean, I don't really think I have a hearing loss or anything, but it seems like it's hard. He's a smaller person. Compared to me, I think I'm like a foot taller. And sometimes I had to ask him to repeat himself.

But, I mean, I just got to the point where I generally knew what he wanted. You know, if he came out and I knew he was getting stuff ready and he looked panicked, I

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knew he wanted me to open the top shelf and get the stuff he can't reach, you know, glasses and stuff. And I would do it if it didn't, it didn't keep me from doing my security things.

Q Did he appear to understand you, but have difficulty on occasion communicating back to you?

A Sometimes.

Q I see.

A Minor things. Yeah, I would say that that's true.

Q So, perhaps your impression is he had a better ability to understand what others were saying, and perhaps --

A Than to communicate.

Q -- a little trouble communicating?

A Right. But I think part of the problem was that the other Filipinos there, they used to talk Filipino all the time. So, you know, I think he had, he spoke probably as much Filipino as he did English.

BY MS. WIRTH:

Q Do you have any recollection of any occasion on which Nelvis didn't understand what you said to him because of the language difficulty?

A No. No, I don't recall any like, you know, miscommunications or anything like that.

Q Do you recall any occasions -- go ahead.

A Can I go back to that, about the miscommunications?

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Q Yes.

A I asked him what kind of car he drove one time and he was trying to tell me he drove a Volvo. It took me five minutes to figure what it was. I couldn't, I never heard of a car name of Bobbo [phonetically]. So, I mean, it took me awhile. You know, that's the common type of things that I would mistake.

Q But that was an example where you had difficulty understanding his speech pattern?

A Right, his speech.

Q But he understood you?

A He appeared to, unless he was just trying to be polite.

Q And you can't think of any occasions when he couldn't understand what you said to him?

A No. I don't recall anything like that.

Q Do you ever recall any occasions when Nel ever asked you if Monica had been around the Oval Office?

A Yeah, the incident where she came to pick up the M&Ms. I think he left. He probably went down to get them or go do something, came back, and I remember him asking me, has she been by to pick them up.

Now, I could be confusing this with something Glen asked me to do or something. But one of two things happened. Either, one, she came up and he went into the area where he

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kept them and got them; or, two, he put them on the counter and then when she came up, he happened to still be there. He put them on the counter and she came --

Q In the pantry?

A Right.

Q Dining room?

A No, in the hallway. There's a shelf right across from the pantry. He put them, he could have put them there which him and Glen did commonly. And then if the person came up, they'd say, hey, Gary, you know, I have to go downstairs; would you give that to so-and-so.

But she did come up. He was there. And then he gave her the M&Ms. That's one time that I can recall, you know, very vividly him saying, if she shows up, or did she show up while I was gone, and she hadn't. And then soon after that, I guess she came up and he gave her the M&Ms.

Q Do you remember any other occasions when he asked about, you know, whether she had been around, around the West Wing, around the Oval Office, if she'd been there?

A I don't -- I'm sorry.

Q No, go ahead.

A I don't recall anything.

Q All right. Did Nelvis ever talk to you at all about any relationship between Monica and the President?

A I believe I really can't even acknowledge that

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without revealing any privileged information.

MS. WIRTH: Can we take a break and we'll step outside for a minute.

(Whereupon, the deposition was recessed from 4:08:24 p.m. until 4:15:40 p.m.)

BY MS. WIRTH:

Q I think the question was, did Bayani Nelvis ever tell you anything about a relationship between Monica Lewinsky and the President.

A Of course, without revealing any privileged information, and on the advice of my counsel, I will, you know, answer that question. And I don't have any firsthand recollection of any -- I mean, I don't have any recollection of any defined conversation.

But to be totally honest, I'd have to say that I had the impression, I have the impression and had then, that there was some kind of friendship mentoring, whatever, between Monica and the President.

Q Did you have this impression from Nelvis or from other sources?

A From, from, partially from Nelvis, I'd say. I mean, like I say, we're talking about three years ago, you know, at least two years ago. Two, three. Three years ago. It's hard to remember all, you know, those defining details.

But, yes, I had the impression that there was some

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1 kind of, you know, between her constant badgering of us, you
 2 know, or her constant trying to get to, you know, the area of
 3 the President, and other things that I've discussed before in
 4 this format with the Independent Counsel's office -- I'd say
 5 that either, like I said before, I believe she was either
 6 trying to give the impression they had some kind of
 7 friendship or mentoring or whatever, or they did. And I
 8 believe I got part of that impression from Nelvis.
 9 Q Do you remember anything that Nelvis said that led
 10 you to believe that, that there was some kind of relationship
 11 between the President and Monica of a mentoring nature? I
 12 think that's how you've described it, right?
 13 A Yeah, I mean, to the best of my knowledge. I mean,
 14 I have no knowledge of anything else.
 15 BY MR. EMMICK:
 16 Q You mean anything else that Nel said, or any
 17 information from another source?
 18 A I have no --
 19 Q Or about a different sort of a relationship?
 20 A Yeah, let me make sure I get this correct.
 21 Without revealing any privileged information, and
 22 on the advice of my counsel, I have no firsthand knowledge of
 23 any kind of relationship or contact between Monica and the
 24 President other than what I've just discussed, a mentoring or
 25 whatever.

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1 Office. And then there was --
 2 BY MS. WIRTH:
 3 Q Can I interrupt you for a moment?
 4 A Yes.
 5 Q What about a person trying to get in to see the
 6 President would lead you to believe that there was any kind
 7 of a relationship --
 8 A Because she was --
 9 -- between them?
 10 A Well, she, in my impression, she was trying to gain
 11 access to the President. Why, I don't know.
 12 Q Yes, but why does that make you think there was a
 13 relationship?
 14 A Well, just knowing somebody is a relationship. I
 15 mean, you and I have a, you know, a working relationship as
 16 far as this goes.
 17 Q But just because she's trying to go in to see him,
 18 how does that lead you to believe that she even knew him?
 19 A She was, in my opinion, she was trying to get to
 20 know him.
 21 Q Okay.
 22 A She was trying to make contact for one reason or
 23 another with the President.
 24 Q But people can be pests and hangers-on, clutches --
 25 you've heard the word "clutch"?

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1 BY MS. WIRTH:
 2 Q Let's take it a few steps back. Do you ever
 3 remember Nelvis talking to you about Monica and the President
 4 and any connection between them, any kind of attraction or
 5 relationship? Did Nelvis ever say anything to you like
 6 Monica's friends with the President, or I saw Monica and the
 7 President together, or anything like that?
 8 A Without revealing any privileged information, no, I
 9 don't recall anything like that. I mean, other than what
 10 I've discussed before about, you know, when she would come to
 11 talk to Nelvis. I don't know what it was they were
 12 discussing. I mean, you know, they could have been
 13 discussing the President. I don't know that.
 14 Q Going back a moment to what you said before about
 15 the mentoring relationship, you said that you based your
 16 conclusion on the fact that Monica would pester you, I think
 17 was your word, you know, for information about --
 18 A Well, she --
 19 Q Let me finish -- about where the President was,
 20 right?
 21 A Right.
 22 Q And that was part of what you based your conclusion
 23 on, correct?
 24 A Correct.
 25 Q And you said you also based your conclusion on a

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1 A Sure. Sure. But I still consider that some type
 2 of relationship, some type of knowing of the other person.
 3 Q But what about that behavior would lead you to even
 4 conclude that it was a mentoring relationship?
 5 A Just for the lack of -- I mean, that's just the
 6 term. I mean, what else? I don't know. He's a, he's an
 7 older man, older than she is and she's, was in her early
 8 twenties. That's just what I would consider that type of,
 9 you know.
 10 Q But the term "mentor" generally includes concepts
 11 like advisor, counselor --
 12 A Yeah.
 13 Q -- an older person giving guidance --
 14 A Yeah.
 15 Q -- to a younger person. Do you --
 16 A Just a term that I used.
 17 Q Do you have any reason to believe that any of those
 18 things happened between the President and Monica?
 19 A No, I have no knowledge of it.
 20 BY MR. EMMICK:
 21 Q It almost sounds like what you're saying is that
 22 you were under the impression that there was a relationship,
 23 and perhaps that she was pursuing a relationship in the broad
 24 sense, and you couldn't -- and you don't have any basis for
 25 thinking it was anything else. So, as a fallback, you are

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1 sense that you got from Nelvis that that was what he thought
 2 the relationship was?
 3 A Right.
 4 Q That it was a mentoring relationship?
 5 A Correct.
 6 Q Can you remember anything that Nelvis said to you
 7 that led you to conclude that the relationship between the
 8 President and Monica was a mentoring relationship?
 9 A No, nothing defining. Nothing -- I don't recall
 10 anything.
 11 BY MR. EMMICK:
 12 Q I know this is a hard area to get into, because
 13 we're talking about some impression that you have that seem
 14 to have contributing factors, some of which may be
 15 privileged. So, don't get me wrong about this. But I'm not
 16 clear what even you meant when you said that you are unaware
 17 of anything except a friendship mentoring relationship. I'm
 18 just not even sure what you mean by that. I mean, let me go
 19 back.
 20 What makes you think there was a friendship
 21 mentoring relationship?
 22 A Well, I can't tell you -- I mean, I really can't
 23 recall -- well, okay. Back then, just because they, she, you
 24 know, tried so hard, you know, to be in that area. And then
 25 there was the incident where -- in the area of the Oval

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1 thinking friendship or mentoring?
 2 A Right. I -- yeah, I don't, I don't have any -- you
 3 know, of course, without revealing any privileged
 4 information, as I stated before, I just felt like she was
 5 trying to make contact with him and continued to, to foster
 6 some type of a relationship.
 7 Q If there were a relationship, wouldn't you think
 8 that you would hear something from the President? And maybe
 9 I'm not --
 10 A He doesn't check his schedule with me. I mean, I'm
 11 not trying to be funny, but, you know, no. Certainly not.
 12 Q Okay.
 13 A -- I mean, I didn't -- you know, he had people come
 14 and visit him from Arkansas that he's known for 30 years and,
 15 you know, if it's not on the schedule, they just come up and,
 16 you know, so-and-so's coming in, and that's that.
 17 Q When you said a friendship mentoring relationship,
 18 did you mean to exclude a romantic or physical relationship?
 19 A Correct. I have no firsthand knowledge of anything
 20 like that.
 21 Q It sounds like you also have no firsthand knowledge
 22 of any sort of a relationship, including a friendship
 23 mentoring relationship.
 24 A I'd have to say that's correct. But I felt that
 25 she pursued him like she did to try to pursue some type of

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[1] friendship with him. That's my opinion. I have -- I don't
 [2] have anything to tell you that she ever did.
 [3] Q Let me follow up on that with the fact that if you
 [4] are under the impression that she's pursuing a friendship-
 [5] type relationship with him --
 [6] A Uh-huh.
 [7] Q -- and you had no reason to think that there was
 [8] anything more, like a romantic relationship or --
 [9] A Right.
 [10] Q -- a physical relationship --
 [11] A Right.
 [12] Q -- in my mind. I think back to the Paula Jones
 [13] comment. And that makes me think, gosh, that might be
 [14] something --
 [15] A Right.
 [16] Q -- that might suggest a bit more --
 [17] A I agree.
 [18] Q -- than a friendship mentoring relationship. How
 [19] do you square that --
 [20] A I agree.
 [21] Q -- within --
 [22] A I can't square it other than, I mean, you know,
 [23] other than -- I don't know how to square it. I mean, I see
 [24] what you're saying.
 [25] Q Yes.

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[1] A And, and when that incident happened with her and
 [2] Nelvis and myself, and they made the joke about the Paula
 [3] Jones thing, I have to admit that I, you know, I drew a
 [4] conclusion similar to what everybody else would, why, why he
 [5] made that joke to her or about her. But, that was, that was
 [6] that. I mean, I don't know anything other than that.
 [7] Q All right.
 [8] A Let me clarify that. You know, making that
 [9] statement, without revealing any privileged information, I
 [10] don't have any firsthand knowledge. And as far as privileged
 [11] information goes, I don't believe I can answer it any more
 [12] than that.
 [13] Q Fair enough.
 [14] BY MS. WIRTH:
 [15] Q I want you to think about times that you've talked
 [16] to Bayani Nelvis about Monica. You've already told us some
 [17] things, you know, where you would have a conversation with
 [18] him about the fact that she shouldn't be in there, meaning
 [19] the dining room or the pantry or whatever. Aside from those
 [20] conversations and the time that Nel says, has she been by,
 [21] you know, asking about did she come by to pick up her M&Ms,
 [22] do you remember any other conversations that you had with Nel
 [23] about Monica? Did he ever talk to you about her? Did he
 [24] ever say, she's my friend?
 [25] A No.

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[1] Q You already told us that Nelvis never told you that
 [2] she --
 [3] A Right.
 [4] Q -- that Monica called him, correct?
 [5] A Yeah. I have no knowledge of him ever, of her ever
 [6] calling him.
 [7] Q Did Nelvis ever tell you that he socialized with
 [8] Monica outside the White House? Did he ever tell you that he
 [9] met her for dinner or drinks, or anything like that?
 [10] A I think -- it's possible he discussed with me that
 [11] he was going to try, that they were going to try to get
 [12] together at Christmas. She wanted -- for some reason, I
 [13] don't remember any details about it, but that rings a bell,
 [14] Monica and Nelvis, the holidays.
 [15] But I don't remember him telling me that it had
 [16] happened, or whatever. I don't recall anything about a
 [17] dinner. But.
 [18] Q What Christmas would that be, if that was
 [19] Christmas? Would it be '96? In '97 you weren't working
 [20] there any longer.
 [21] A Right. I'd have to say my best guess would have
 [22] been '96, because, you know, you figure it's further on when
 [23] we're there and the relationship is further. So, I would say
 [24] that's correct.
 [25] Q Do you remember any other times when he discussed

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[1] Monica with you, Nelvis?
 [2] A No. Something -- I have kind of a statement I want
 [3] to make and, and it's going to kind of contradict something
 [4] I've already said, but it is the truth. It's something that
 [5] I felt then and I feel now. And I can't -- well, let me tell
 [6] you what it is first.
 [7] I got the impression from Nelvis that he thought
 [8] there was some kind of possible physical relationship between
 [9] Monica and the President. I don't, he, I don't, can't define
 [10] that better than that. But I felt at that time, and I do
 [11] now, that he felt there was -- maybe it wasn't even a
 [12] physical relationship, but there was something that he was
 [13] unhappy about. He didn't discuss it with me in any kind of
 [14] depth. But I got the impression he was unhappy about
 [15] something and it had to do with her, with Monica and with the
 [16] President.
 [17] And then, you know, when I went out of the room, I
 [18] discussed this with my counsel because I wanted to make sure
 [19] that I, I wasn't stepping on the privilege. But I did have
 [20] that feeling and I do now.
 [21] Q Okay. And that would be --
 [22] A I apologize for the confusion, but it's just so
 [23] hard to define these things.
 [24] Q And that would be an impression that you got from
 [25] Nelvis, that it would be something beyond the mentoring

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[1] relationship that you discussed awhile ago?
 [2] A I guess it would have had to have been, I mean.
 [3] Q And do you remember anything that Nelvis did or
 [4] said or anything about his demeanor that led you to think
 [5] that he thought that Monica and the President had something
 [6] more than a mentoring relationship?
 [7] A Yeah. There's -- I need to step out and make sure
 [8] I can talk about this incident.
 [9] Q Okay.
 [10] A I actually think I've discussed it before, but I'm
 [11] not sure. So, just give me a quick second.
 [12] (Whereupon, the deposition was recessed from
 [13] 4:28:53 p.m. until 4:29:57 p.m.)
 [14] THE WITNESS: Okay. Please ask me the question
 [15] again.
 [16] BY MS. WIRTH:
 [17] Q I think you said that Nelvis left you with the
 [18] impression that he thought that there was something maybe
 [19] physical between Monica and the President, but certainly
 [20] something more than a mentoring relationship. Correct?
 [21] A Right.
 [22] Q Okay.
 [23] A And I thought I had discussed this before either in
 [24] my first deposition or in my interview, but I'll go ahead and
 [25] relay the incident to you.

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[1] Nelvis was in the dining room/study area, cleaning
 [2] up. The President had just left the area. And, of course,
 [3] I'm not revealing any privileged information. When I say
 [4] just left the area, you know, within the last 10-15 minutes.
 [5] This is --
 [6] Q When you say the area, you mean the Oval Office
 [7] area?
 [8] A Right. And this is Nelvis -- if I'm not mistaken,
 [9] I'm sure I'm not mistaken, it was Nelvis' first chance to
 [10] clean up. And --
 [11] Q Where was he?
 [12] A Nelvis?
 [13] Q Yes.
 [14] A He had walked into the study and he was picking up
 [15] a couple glasses. And he had either picked up, he either
 [16] had tissues or a towel, I don't remember which. And he said
 [17] something that he was tired of cleaning up this crap and this
 [18] wasn't right, or something to that effect. And I don't
 [19] remember if he said it to me -- he must have said it to me
 [20] because I don't remember seeing it, but I got the impression
 [21] that there was lipstick on these towels.
 [22] And I believe they were towels because he said
 [23] something about putting them in the wash. And I said, well,
 [24] Nel, who's going to see that. And he said, yeah, you're
 [25] right. And I said, maybe it's just best that, you know, you

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[1] get rid of it or whatever.
 [2] He had a plastic bag in his hand and I think it was
 [3] like out of the trash can. And then once again this is one
 [4] of these uncomfortable things. I mean now, of course, and at
 [5] the time. I, you know, basically we left it at that and I
 [6] turned around and walked out.
 [7] I remember seeing the towels, but I don't remember
 [8] seeing what was -- you know, if there was actually lipstick
 [9] on them. And -- but that was the impression that I got.
 [10] And, of course, you know, I'm not sure who -- it
 [11] could have been the First Lady's. I have no idea. So
 [12] Q Do you have any knowledge or information as to
 [13] whether Monica had been around that day?
 [14] A No, I do not.
 [15] Q You said that Nel went into the study and was
 [16] picking up glasses. And then you said something about --
 [17] A I believe a couple of soda cans, maybe, like a Coke
 [18] can or something.
 [19] Q Were you watching him do that?
 [20] A Not watching him, but I think we --
 [21] Q Where were you?
 [22] A Standing in the pantry, in the doorway. The pantry
 [23] door was open to the hallway and I think I was, we were
 [24] actually like talking, you know, like --
 [25] Q And the study door was open then?

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[1] A Sure.
 [2] Q Could you see Nel?
 [3] A From the back, you know. On an angle you can see a
 [4] little bit in there.
 [5] Q Okay. And you could hear him cleaning up?
 [6] A Yeah. I had -- yes. Correct.
 [7] Q How do you know that he was picking up glasses and
 [8] soda cans and things like that?
 [9] A Well, because I saw him come in the pantry carrying
 [10] them. I'm -- he was in the study. I saw him come into the
 [11] pantry with glasses.
 [12] Q Okay. And soda cans?
 [13] A Yeah, I believe at least one, Coke can.
 [14] Q All right.
 [15] A Diet Coke.
 [16] Q Okay. And did he do that and then go back into the
 [17] study for more things?
 [18] A No. I believe that the thing of him having those
 [19] towels and complaining was first.
 [20] Q Okay. That happened before the glasses?
 [21] A Yeah, I believe he did that first and then went
 [22] back to the glasses.
 [23] Q So, the first time that you saw him come out of the
 [24] study, what did he have in his hands?
 [25] A A plastic bag, and it looks like a towel or two,

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[1] small hand towels, white, terry-cloth.
 [2] Q When you say a plastic bag --
 [3] A Like a trash bag out of a can, the kind that they
 [4] put in the cans in the Oval Office, in the dining room, in
 [5] the study.
 [6] Q Is there a wastepaper basket in the study like
 [7] that, or a trash can?
 [8] A Certainly.
 [9] Q And the practice is to put a plastic bag into the
 [10] can and then --
 [11] A Right.
 [12] Q -- remove it with whatever garbage is in it?
 [13] A Right. Just for the record, the changing of the
 [14] trash, you know, when it needed to be done during the day Nel
 [15] did it. But the GSA cleaning crew came in at night. And
 [16] they would take five or six bags, fold it, unused, and dump
 [17] them in the bottom of the can. So, if we needed to dump it
 [18] during the day, there was another one in there.
 [19] Q Okay. So, you saw him come out of the study. He
 [20] had a plastic bag in one hand. How big are those bags, by
 [21] the way?
 [22] A They're small. They're, you know, maybe this high,
 [23] like for the small bathroom-type trash can.
 [24] BY MR. EMMICK:
 [25] Q Eighteen inches high, a foot high, something like

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[1] that?
 [2] A They are -- 18 inches is a good guess.
 [3] BY MS. WIRTH:
 [4] Q And are they clear or opaque?
 [5] A They're semi-clear.
 [6] Q Could you see what was inside the bag?
 [7] A Really, I'm not sure anything was in the bag, you
 [8] know. No, I couldn't. I couldn't see what was in the bag.
 [9] It was -- he had it small in his hand.
 [10] Q Did he have it crumpled up in his hand like from
 [11] the top?
 [12] A Yeah. It's possible that the bag was actually the
 [13] replacement bag. But he had the towels in his hands also.
 [14] Q Why would he be coming out with a replacement bag
 [15] A Maybe to yell at me. I don't know. I don't know.
 [16] I'm just --
 [17] Q You know, when you take a garbage bag out, it may
 [18] be folded or something.
 [19] A Right.
 [20] Q Was this thing opened up?
 [21] A It was, it was, he was holding it in his hand more
 [22] like this, elongated, if I remember correctly. And he had
 [23] the towels in his hand.
 [24] Q Could you tell whether there was anything in the
 [25] plastic bag?

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[1] A No, I could not. Not -- I don't recall.
 [2] Q All right. And he had, you said, towels in his
 [3] hand. Were they tissues or towels, or you --
 [4] A No. Terry-cloth.
 [5] Q Was there more than one?
 [6] A It's hard for me to remember. I know there was
 [7] one.
 [8] Q Are they white?
 [9] A Yes.
 [10] Q Could you tell whether there was any stains on
 [11] them?
 [12] A No, I couldn't. I don't recall.
 [13] Q What did he say?
 [14] A He said I'm tired of cleaning up this -- either
 [15] this crap or this ~~shit~~, something to that effect.
 [16] Q Did anything --
 [17] A I'm sorry.
 [18] Q Yes.
 [19] A I'm tired of having to clean up this crap, or this
 [20] something, you know, to that effect.
 [21] Q Is there anything that led you to believe what he
 [22] meant by that? Or did you ever -- go ahead.
 [23] A Well, of course, without revealing any privileged
 [24] information, my own conclusion is that he felt that whoever
 [25] was there, there was -- I got the impression that there was

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[1] some kind of possible physical contact between them and the
 [2] President, and he was tired of kind of cleaning up after
 [3] that. He, he didn't feel that it was, it was right.
 [4] A And I'm not -- he never voiced to me why he didn't
 [5] think it was right.
 [6] Q Did he say that that's not right?
 [7] A I don't recall him using those words, but that's
 [8] the impression I got.
 [9] Q Did he tell you that those towels were stained?
 [10] A No. He just said something about lipstick.
 [11] Q Okay. Do you remember what he said?
 [12] A Something about lipstick. He was mumbling
 [13] something and the clear, the thing I could hear clearly was
 [14] lipstick.
 [15] Q Okay. And --
 [16] A And I just assumed that, that it was on these
 [17] towels.
 [18] Q But you didn't see it?
 [19] A No, I did not.
 [20] Q And you don't know if it was more than one towel?
 [21] A No, I don't.
 [22] Q It may have been just one?
 [23] A Correct.
 [24] Q You said it was a terry-cloth towel?
 [25] A Yes.

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[1] Q Could you tell how big it was?
 [2] A Well, we had, he had a drawer full of these, and
 [3] they were like --
 [4] Q Where?
 [5] A In the, in the, in the dining room there was a
 [6] drawer that had hand towels and face towels. And this was a
 [7] face towel, you know.
 [8] Q Are you talking about bigger than a wash cloth, or
 [9] the size of a wash cloth?
 [10] A Bigger than a wash cloth. A face towel, you'd dry
 [11] your face off with, you know.
 [12] Q And they are kept in the dining room?
 [13] A Correct.
 [14] Q And are they also kept in the President's bathroom?
 [15] A Yeah, there's two on the rack, right, with wash
 [16] clothes.
 [17] Q And are any kept in the study?
 [18] A Not to my knowledge.
 [19] Q Could you tell whether this towel was of the type
 [20] that was kept in the dining room or in the bathroom?
 [21] A Yes, I believe it was. Absolutely. I mean, I
 [22] don't have any other reason, any reason to believe anything
 [23] other than that. That's where the towels that Nelvis and the
 [24] Navy stock for the President.
 [25] Q So, he had a trash bag and he had the towel or

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[1] towels.
 [2] A Right.
 [3] Q And he said something to you, like you said, about
 [4] being tired of cleaning up this --
 [5] A Stuff, crap. Right.
 [6] Q -- stuff, or whatever word he used. And then he
 [7] mentioned lipstick?
 [8] A Right.
 [9] Q Did he mention lipstick in a way that led you to
 [10] believe that the towel had a lipstick stain on it?
 [11] A Yes. I did assume that.
 [12] Q But you don't remember the direct words?
 [13] A No.
 [14] Q And did he ask you for any advice as to what he
 [15] should do with the stuff?
 [16] A No. I think I volunteered.
 [17] Q What did you say?
 [18] A I think I -- I know I told him to, to get rid of
 [19] it; in other words, to throw it out. And just for the record
 [20] I would like to state that I had no idea that, you know, I
 [21] never considered this to even be possibly remotely considered
 [22] any kind of evidence. So. That was just trash, as far as I
 [23] was concerned.
 [24] But my fear was that regardless of whose -- if
 [25] there was lipstick on there, regardless of whose it was, that

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[1] when the people that did the laundry saw it, you know, I just
 [2] didn't want to give anybody any more fuel for any more rumors
 [3] about the President.
 [4] Q So, when --
 [5] A Or about anybody.
 [6] Q When you suggested to Nelvis that he throw the
 [7] towel away, what did Nelvis say?
 [8] A I don't remember. I just remember him kind of
 [9] walking away, and that was it. I don't know what he did with
 [10] them. That was the end of the thing. It was, once again,
 [11] something that, you know, unpleasant and we just didn't
 [12] really discuss it.
 [13] BY MR. EMMICK:
 [14] Q Did he indicate agreement or assent or --
 [15] A No, just an acknowledgement that he heard what I
 [16] heard -- heard what I said.
 [17] Q Right.
 [18] BY MS. WIRTH:
 [19] Q When he said, I'm tired of cleaning up this, I
 [20] think the word you used was -- correct?
 [21] A He either said -- or crap, yeah.
 [22] Q Crap, whatever.
 [23] A Yeah.
 [24] Q Did you have the impression that this sort of thing
 [25] had happened before?

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[1] A From the way he said it, yes. Yes, I did.
 [2] Q Had he ever discussed it with you before?
 [3] A Not that I recall.
 [4] Q Did he ever discuss it with you again?
 [5] A Not that I recall. No, certainly not.
 [6] Q Have you ever discussed that incident where --
 [7] walked out of the room with the towels since that day, or
 [8] after that moment when he walked out with the towels?
 [9] A I believe this is -- not with Nelvis. I believe
 [10] this is something I discussed with Sandy Verna.
 [11] Q Do you remember when?
 [12] A After the incident, you know, a couple days, a day,
 [13] whenever I saw her next and we had a chance to pass on
 [14] significant things that happened.
 [15] Q What did you tell her?
 [16] A Just the incident that -- I believe I went into it
 [17] even more vaguely than I remember now. I mean, I said that
 [18] you know, Nel found some towels in there, I think they had
 [19] lipstick on them and, you know, that -- and she said, I don't
 [20] remember exactly what she said, but I think I told her that
 [21] -- I think I told her that I told him to get rid of them, to
 [22] throw them out.
 [23] Q Do you know whether Betty Currie was around at that
 [24] time?
 [25] A No, I don't know. I mean, I assume she was if, you

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[1] know, she was working there. It seemed like a regular day in
 [2] my mind.
 [3] Q That was the next question I had. Do you remember
 [4] what time of day this was or what --
 [5] A I believe it was during day work.
 [6] Q Do you know what day of the week it was?
 [7] A No, I have no idea.
 [8] Q Do you remember what time of year?
 [9] A No, I don't.
 [10] Q Did anything further happen when Nelvis -- he took
 [11] the towel. Where did he take it, into the pantry or
 [12] somewhere else?
 [13] A I don't know. He kind of walked away, you know.
 [14] walked back out, walked up and down the hallway a couple of
 [15] times.
 [16] Q Did he ever talk to you about this again? Did he
 [17] ever tell you, I threw it away, or --
 [18] A No.
 [19] Q No?
 [20] A No, I don't have any confirmation that -- you know,
 [21] he never confirmed it.
 [22] Q What was his demeanor like when he walked out of
 [23] the room, out of the study?
 [24] A I'd have to say he was a little irritated.
 [25] Q Do you know whether he ever told any other Secret

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[1] Service employees about this?
 [2] A No, I don't know.
 [3] Q Do you know whether he's ever told any Secret
 [4] Service employees about any other occasion on which he
 [5] recovered such material?
 [6] A It's possible that he discussed it with Sandy, but
 [7] I don't know.
 [8] Q When you say it's possible, is that because --
 [9] A Because we -- I kind of feel like we kind of had
 [10] similar relationships.
 [11] Q But you don't know?
 [12] A No, I don't know.
 [13] Q She's never told you?
 [14] A She, she discussed something with me, and I'm not
 [15] sure if it is that incident or another one, where there was
 [16] something with lipstick on it. You know, just in passing.
 [17] In other words, like she's pushing me off post and she said
 [18] something about it, and I just blew it off, and said, yeah,
 [19] whatever, and left.
 [20] I don't remember the exact incident, but I remember
 [21] -- I know that we, I know that we both -- I feel that we both
 [22] knew something about this.
 [23] Q Did Sandy ever say anything to you about Monica in
 [24] connection with that incident -- excuse me, in connection
 [25] with lipstick-stained anything, or anything else? Did she

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ever talk to you about Monica?
 A Yeah, we did talk about Monica, but I can't remember connecting those two, discussing those two things together. But we did discuss Monica.
 Q Do you remember anything that Sandy said about Monica?
 A Other than that she thought she was friendly, you know. She kind of liked her, you know, as far as working on the job went. She thought, Sandy thought I was too hard on her. Everybody did.
 BY MR. EMMICK.
 Q I actually wanted to go back to what started our discussion here about this.
 A Yeah, what was that?
 Q About the lipstick incident, for lack of a better word. What started that was a question about Monica. So, in [REDACTED] answered in response to a Monica-related question with the lipstick incident.
 A Right.
 Q [REDACTED] mind?
 A It didn't at that time. I did not connect the lipstick with Monica.

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Q At all?
 A No.
 Q Did you connect it with anyone?
 A Without revealing any privileged information, on the advice of my counsel, yes, I did.
 Q You connected it with someone, but you didn't connect it with Monica?
 A Correct.
 Q Did you connect it with a woman?
 A Yes.
 Q Can you tell me whether it's a White House employee?
 A It is.
 Q Well, I'll just ask the straightforward question. Who was it you connected it with?
 A I connected it with the West Wing receptionist at that time. Her name is [REDACTED].
 Q What made you connect it with [REDACTED]?
 A Anything further than that, I'd be revealing, possibly revealing privileged information, and I'll have to assert the privilege there.
 Q Had you seen [REDACTED] in the vicinity at about that time?
 A Without revealing any privileged information, no, I don't recall that.

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Q Is there anything that Nel said that led you to think it was Debbi Schiff who had been in there?
 A Without revealing any privileged information, no, sir, not to the best of my recollection.
 BY MS. WIRTH:
 Q And Nel never mentioned the name of any woman when he came out of the room with this stuff?
 A No, not to the best of my recollection.
 Q Did you ever pass this along to the person who relieved you, or your partner at that time?
 A I don't recall doing it, but I'm sure I did. I mean, that was the standard thing.
 Q Do you remember who your partner --
 A I'm sorry. If not right then, then certainly within a day.
 Q Do you remember who your partner was that day?
 A No, I don't. But more than likely it would have been Dan Ordakowski. That was my partner. And I do feel like this was during a weekday. So, it would have probably been Dan. That's a possibility.
 Q At the time that this happened, do you know whether Monica was still working at the White House or not?
 A Oh, yes. I, I believe she was a -- I'm sorry. At what time?
 Q When this incident happened with the stained towel,

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do you know if Monica was still an employee at --
 A Yes.
 Q -- the White House?
 A She would have been a blue passholder, to the best of my recollection, working in the East Wing.
 Q Other than Sandy Verna, have you discussed this with anybody else at the Secret Service at any time, except for lawyers?
 A I don't recall. But, you know, there are people that work -- like for instance, if I was sick or Dan was sick or somebody was sick you have a fill-in. It's possible I could have passed that on to them. Any of these things. You know, just so they kind of knew what was going on.
 Q But you don't remember?
 A No, I don't. I mean, I can't tell you. I couldn't even tell you when I -- no.
 Q Do you know if Monica Lewinsky had any relationship with Betty Currie, to your knowledge?
 A A friendship. And, once again, I felt like -- I really sound critical of this woman, but I really felt like that was another friendship that she cultivated for her access towards the President.
 Q Did you ever see the two of them together, Betty and Monica?
 A Yes, in Betty's office.

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Q Did you ever overhear any conversations between the two of them?
 A Nothing of any significance. Usually when I walked in the room, it was like the last laugh and she left, you know.
 Q Did Betty ever talk to you about Monica?
 A Yeah. Like, for instance, Monica goes into Betty's office. You know, she's in there for a couple of minutes and I'll walk in and get a piece of candy, and Monica will leave. And I can remember like I think I used to refer to her to Betty as your buddy, you know. In making light -- although I don't ever recall discussing this with Betty, but making light of the fact, to myself, that I felt that Monica was trying to befriend her because, to make access with the President, you know, get access with the President.
 Q Now, there came a time when Monica left her employment at the White House, correct?
 A Right.
 Q Do you know whether after that time that she left the White House whether she maintained a relationship with Betty Currie?
 A Yes, I do know that she did.
 Q How do you know that?
 A Well, mostly from the press accounts.
 Q Aside from press accounts? Only your own personal

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knowledge.
 A Okay. Okay. Give me a minute here.
 I do know from my own personal accounts. I mean, in other words, from officers, when I was in Tours, officers working the entry control posts, talking about Monica having an appointment, having an appointment with Betty. I don't remember when, who, why, where. But I do know being told at one point or another.
 And I could have, it's possible there are actually -- you know, more than once been told that, you know, your friend Monica, or that girl Monica, was in. You know, and they would say that, your friend, you know, to kind of jokingly bust my -- pull my chain, you know, because they knew I had had, you know, conflict with her.
 Q Do you remember the names of any of those people who said that?
 A No, I mean.
 Q Do you know if Monica maintained a relationship with Nel after she left the White House?
 A No, I don't. No, I don't because basically, you know, when I stopped working there I rarely saw Nel. I stopped by once in a while, you know.
 Q Did you personally ever see Monica in the White House after she left employment there?
 A Yes, and I've discussed this before, but I'll be

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[1] glad to do it again.
 [2] Q Okay. Before we do that, are you familiar with the
 [3] Secret Service post [redacted]
 [4] A Certainly. Yes, ma'am.
 [5] Q Do you want to mark that on the map, where [redacted] is?
 [6] A Yes, ma'am.
 [7] Q Okay.
 [8] A Just for the record, if these lines here and here
 [9] are saying that there's doors or passages, you know, like a
 [10] door, they are not. It's clean all the way down to these
 [11] doors.
 [12] Q And you've marked a point on the map that is [redacted]
 [13] [redacted] ?
 [14] A Right. It would be the [redacted]
 [15] [redacted] and these are outer doors to go outside.
 [16] Q Okay.
 [17] A And this is the front of the [redacted] Okay?
 [18] Q Yes. Now, did you ever see Monica Lewinsky in the
 [19] vicinity of the [redacted] post?
 [20] A Yes.
 [21] Q Where were you standing at the time?
 [22] A In the area of [redacted]
 [23] Q Do you --
 [24] A Do you want me to go into the story, or?
 [25] Q Yes, but I want you to show us first where you were

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[1] This is the west colonnade. And if this map
 [2] continued, right here would be where the Palm Room is and
 [3] then after that you would be entering into the White House.
 [4] Q Do you want to write West Colonnade and Palm Room
 [5] for us?
 [6] A Okay. And do you want me to draw the parameter
 [7] or --
 [8] Q Yes, you could.
 [9] A Okay. And let's see. There would have been a door
 [10] here. And the door into the Mansion is up at this end, and
 [11] there's another set of doors here.
 [12] Q Just write Palm Room in there.
 [13] A Right.
 [14] Q And maybe an arrow with Residence over here?
 [15] A Okay.
 [16] Q You put WH?
 [17] A White House.
 [18] Q White House?
 [19] A Yeah. What do you want? Do you want Residence?
 [20] Q Perhaps.
 [21] A Well, let's see. To be accurate, it would be like
 [22] ground floor. How about --
 [23] Q Mansion?
 [24] A -- if I put Ground Floor of the White House?
 [25] Q Okay. Sure.

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[1] standing.
 [2] A Sure. Right here at [redacted]
 [3] Q Okay. And for the record, you are noting the post
 [4] that is --
 [5] A The Oval Office door --
 [6] Q -- at the [redacted] to the Oval Office, if
 [7] the Oval Office would be a clock, right?
 [8] A Right. Directly across from the [redacted]
 [9] Q And from that perspective, you can see [redacted]
 [10] A Straight on through, as long as this door is open,
 [11] which obviously it was.
 [12] Q Okay. And "this door" is the door east of the
 [13] stairway?
 [14] A East door, right. We would close this because the
 [15] press corps could walk, was allowed to walk from their press
 [16] lobby into Mike McCurry's office. And if this door was
 [17] closed, you know, it cut them off from visual access or
 [18] actual access to the President.
 [19] Q Okay. Now, tell us about the incident.
 [20] A So, I'm standing at my post at [redacted] It's early in
 [21] the morning before the President comes over.
 [22] Q Is Monica employed at the White House at this time?
 [23] A She is. She's working in the East Wing and, of
 [24] course, this is without revealing any privileged information
 [25] and I've already discussed this story with my counsel.

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[1] A White House.
 [2] Q So, anyway, you hear her first and then you see
 [3] Monica?
 [4] A Correct.
 [5] Q Up at [redacted] post?
 [6] A Uh-huh.
 [7] Q Do you remember who was on duty at the [redacted] post?
 [8] A You know, I don't. I do remember, I've thought
 [9] about this a lot recently. I do remember the officer that
 [10] was normally assigned there, his name is Officer Leroy Snyder
 [11] and he's a black officer. I do remember, I think the officer
 [12] that was standing there was black, but I didn't look long
 [13] enough to really tell who it was. It could have been Leroy,
 [14] I don't know. It could have been one of his reliefs.
 [15] Q Do you remember what time of day this was?
 [16] A It was in the morning. It would have had to have
 [17] been, you know, probably before 9 o'clock. He came over
 [18] between eight and nine.
 [19] Q So, the President, when you say coming over, he is
 [20] going to work?
 [21] A Correct.
 [22] Q Okay.
 [23] A Yes. So, I hear a radio transmission that the
 [24] President is in route, so which means the elevator has been
 [25] called up to the Residence.

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[1] Q All right.
 [2] A And I believe I've actually talked about part of it
 [3] before. So, anyway, I'm standing here. I hear her voice
 [4] over here. Now, it's not as far as it looks.
 [5] Q When you say you hear her voice "over here", for
 [6] the record you are pointing to [redacted]
 [7] A She's at [redacted], talking to the officer. I'm at [redacted]
 [8] Q Do you see her or just hear her?
 [9] A I hear her first.
 [10] Q And you recognize her voice?
 [11] A Right. And I step out into the hallway, you know,
 [12] a little bit more here, and I walk down towards this door,
 [13] and I see her standing there. And, you know, I probably at
 [14] least waved or something, made some kind of acknowledgement.
 [15] And just not too long after that I heard -- let me make sure
 [16] I've got this right. Okay. None of this privileged.
 [17] I heard the radio transmission that the President
 [18] was leaving the private living quarters in the White House
 [19] and coming down. Now, this is a procedure done the same way
 [20] every day.
 [21] Q Okay. And for the record, on the map, where would
 [22] the private living quarters be?
 [23] A It would be off this map. This is the west
 [24] colonnade. And -- why does this look backwards? Hmm. No,
 [25] that's correct.

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[1] Q And the officer at the [redacted] post would also have a
 [2] radio?
 [3] A Right.
 [4] Q All the uniformed officers have --
 [5] A Now, his radio is open. In other words, when that
 [6] transmission was made, she heard it. My radio was on an ear
 [7] piece, the surveillance kit you see the, you know, Secret
 [8] Service Agents --
 [9] Q Is that because you are more proximate to the Oval
 [10] Office and --
 [11] A Exactly.
 [12] Q -- it's supposed to be quiet?
 [13] A Exactly. It's a --
 [14] Q Okay. But the person posted at the [redacted] post has a
 [15] radio open so that others can hear it?
 [16] A Well, no. No, not so others can hear it. But
 [17] because he's not so close to the President, he can get away
 [18] without wearing it. These things create a lot of ear
 [19] infections. We take them out whenever we can, and he had his
 [20] out.
 [21] Q Okay. But others are able to hear? That's what I
 [22] meant to say.
 [23] A Yeah. It's the officer's job to keep the volume
 [24] down when you keep it in your ear, sure. But it is possible
 [25] for other people to hear the transmission.

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Q Okay.
 A So, the -- I hear the transmission that the President is in route. So, it's time for me to go to work. So, I start walking back this way. I have to come through this door. And just before I walk away, like he says to her, this officer says something to the effect, you know, he's on his way over, or something.
 And the transmission was repeated again because the first time the transmission came from the officer at the post outside the elevators. It's called -- it's on the ground floor. It's called [REDACTED]. And he gave it the first time. And then when the President came off the elevator and headed down the colonnade, he gave a second, President en route, West Colonnade.
 So, the second transmission, you know, Leroy said -- I keep saying Leroy. I'm not sure that it was him.
 Q The officer at the [REDACTED] post?
 A The officer at [REDACTED] said something to the effect that she, that the President was on his way over.
 Q That's after the second transmission?
 A Right. I believe so. It was either just after the first one or before the second one. And then Monica made a beeline down the colonnade. As I walked away, I saw her walking down, you know, like leaving his -- which I'm only looking at a space as wide as, you know, a double doorway.

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And she started down that way.
 Q "Down that way", being towards the West Colonnade?
 A Towards the direction that the President was coming from, right. And then I came back in, went into the Oval, took down the rope that was here.
 Q "Here" being the [REDACTED] door?
 A At the [REDACTED] door, jumped across the Presidential Seal, walked over to this outer door, unlatched the door.
 Q That's the door at --
 A That is the --
 Q [REDACTED] ?
 A Right. We call it the [REDACTED].
 Q And that's where the President enters when he enters the Oval Office?
 A Correct.
 Q Okay. Now, when you saw Monica head in this direction away from the [REDACTED] post towards the West Colonnade, where were you standing?
 (Whereupon, the deposition was recessed from 4:59:15 p.m. until 5:00:49 p.m. for a videotape change.)
 BY MS. WIRTH:
 Q I think what I was about to ask you was that when you saw Monica move towards the West Colonnade from the [REDACTED] post, where were you standing?
 A Right about this door. That would be --

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Q And this door is --
 A That would be the door that is parallel to Betty Currie's office door.
 Q Okay. And you could see from there?
 A Yeah.
 Q And had she been standing -- is there a desk at [REDACTED] ?
 A I'm sorry.
 Q No?
 A I'm sorry. I made a mistake. I must have walked a little bit further down, and I must have been standing right at this door, because I couldn't have seen -- yeah, I must have been standing by this door.
 Q And that's the door to the east of the staircase?
 A Yeah, because I was probably walking over to close it because I knew he'd be getting ready to come over. And the fact that I knew she was there was another reason to close it.
 Q Is that door normally kept closed when the President comes to work?
 A When he's -- that's right. That's the procedure.
 Q Okay. So, you walked over to that door to shut it, and at that time, you --
 A Yeah.
 Q -- saw her move away from the desk toward the

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colonnade?
 A Right. Right. And then I dashed back over here to do my other stuff.
 Q And do you have any idea whether she ever encountered the President that day?
 A I have no idea. That was the last time I saw her.
 Q Do you have any idea of how long it took the President to get to the Oval Office that day?
 A No. You know, a matter of minutes. I mean, you know, less -- I mean, you're not walking a great distance. No, I don't know, but it's not talking about a long period of time.
 Q And she was employed at the White House at that time?
 A Yes, in the East Wing. I think it was, what, legal counsel or something, legal legislation, something, yeah.
 Q Did you ever hear anything that she said to the person at the [REDACTED] post?
 A No. They were just kind of happy and joking.
 Q Did you ever talk to the [REDACTED] post person about it?
 A No, not that I recall. No.
 Q All right. Now, I'm going to turn to the time period after Monica left the White House.
 A Okay.
 Q After she no longer worked there.

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A Yes, ma'am.
 Q I asked you earlier if you had ever seen her back at the White House after she left.
 A Uh-huh.
 Q And I'm going to call your attention to Christmas time --
 A Right.
 Q -- in 1996, if that's correct. Do you remember any time when you saw Monica at --
 A Right. It was --
 Q -- a social event?
 A And as far as the time goes, that was the best of my recollection, and I've checked. I've tried to recall as best I could, but I believe that was the correct time, around that time, and it was around Christmas, and I was in the tour section. And it was an evening function, a holiday function. And this was either a function for the Department of Defense, or the Department of Defense press corps.
 And it was the Christmas reception, to the best of my recollection, which is basically kind of a little get-together for different groups of people, you know; the Secret Service has one, the Uniformed Division has one. And it doesn't necessarily mean that anybody from the First Family will be there, but, you know, these people are allowed in the White House to take pictures of the Christmas decorations.

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Anyway, I was working the entry control point at the East Visitor's Gate, which is right outside the metal detector security room. We had people lined up in rows. They would walk up. They would show us an ID, a driver's license, a government ID. We would check their name off on the list.
 I saw Monica in line. And as soon as I saw her, I made some comment about, you know, what are you doing here, you know you're not supposed to be here, or something to that effect.
 Q Is this the first time you had ever seen her since she left the White House?
 A I honestly don't recall, but it's the one that sticks out in my mind.
 Q All right.
 A So, I said to her, you know, you're not supposed to be here. She --
 Q Why did you say she wasn't supposed to be here?
 A Because she had been transferred away from the White House for some reason, and I just had the feeling that, you know, she wasn't -- the fact that she wasn't a passholder any more, and the fact that -- I guess the reason I said, another reason I said it was because of, you know, just our relationship, adverse relationship.
 Q Did you feel that she had left under unfavorable

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circumstances, left the White House?
 A Without revealing any privileged information, yes, I do believe that she did, and I can't comment any further than that. But, yes. The way she was transferred, from what I heard was it was like almost overnight. So.
 So, she or the guest, the person she was with, it was a man. I don't remember who it was. I remember he was about five-foot-five, dark hair in, you know, an evening suit type.
 Q Do you remember what she was wearing?
 A No, I don't. Dark, for some reason I think. I think she wore a lot of dark clothes. But, anyway, he handed me both their IDs. And as he was handing me the IDs, I realized that I had probably been a little harsh with what I said to her, especially -- I was a little embarrassed. I probably embarrassed her in front of this guy. You know, as far as I know, this could have been her boyfriend or something.
 So, as I was looking for his name and her name, you know, I, I didn't actually apologize, but I made light of the situation, and I felt like I had put them both at ease, and I felt like I was probably going to get through the night without having to write myself up, you know, write something.
 So.
 And, the truth is I really didn't care because it

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was her, and I'm sure nobody that I worked with, knowing, you know, our history, would even care. But, anyway, she still was a guest of the President's. She was on the guest list. She was a guest of the function of the President's, and I was a little bit out of line. So, anyway, I let them in. And they were both on the list. I checked them off. They go into the security room.
 You know, five to 15 minutes later roughly, somewhere in that neighborhood, a White House employee, her name was [REDACTED] and I believe she worked for the Social Office at the time. I don't believe she's employed there any more, although I still think she works at the White House. She came walking down, her and this assistant, and I don't remember the assistant's name, but she was a short girl with dark hair.
 And she said, you guys screwed up, you let Monica in. And I started laughing. And I walked away from the gate what I was doing. Somebody covered me. There was quite a few of us out there. And I walked in. And I believe the person standing there with me was Uniformed Division Sergeant Henry Sargent. I'm not certain, but I'm pretty sure it was him. And she starts, you guys -- she wasn't even -- Kim might have pointed at me and said, you let her in, or something to that effect.
 And I said, I didn't let her in, you let her in.

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She goes, what do you mean by that? And I flipped through the thing. I found Monica's name on it with her escort, and then I flipped back to the front page where Kim had signed off on it. And I said, you okayed it, you let them in, not me.
 BY MR. EMMICK:
 Q Was she serious, or --
 A Yes, yes. She was aggravated.
 Q She wasn't joking?
 A [REDACTED]
 BY MS. WIRTH:
 Q What was her position?
 A She was --
 Q Was she with the Social Office?
 A Social Office or Visitor's Office. Social Office, social functions. I don't know if she was the head of it, but was pretty high up.
 Q Had you ever had any kind of conversation with her about Monica in the past?
 A With Monica? No.
 Q About Monica?

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A Oh, about Monica? No.
 Q Do you have any idea why she said what she said about Monica?
 A Well, my, my -- the conclusion I draw at that time and now is that she either knew that Monica had been transferred or knew why, or thought she knew why or something, and thought that she was not supposed to be there. Well, somebody put her on that list and that was that.
 BY MR. EMMICK:
 Q It sounds like she also thought that you should know why.
 A It's possible she thought that I should know why. I don't know.
 Q And that would be an inference to draw from, you screwed up?
 A Oh, yeah. Well, she would always blame us, no matter what it was, to be honest with you.
 BY MS. WIRTH:
 Q Was the President at this event?
 A I don't know. I honestly -- I, I -- without revealing any privileged information, I couldn't tell you.
 You know, I'm out at the gate. I have no idea.
 Q And this took place at what gate?
 A This was at the East Visitor's Gate. It's the same gate that we bring the tours in. It's on the east side,

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between the Treasury and the White House.
 Q Do you remember any other functions that Monica came to after she left the White House? Is there anything at the South Lawn?
 A Yeah. Yeah, there's an incident -- and, you know, I don't know which came first, this one that I just talked about or the one I'm about to talk about.
 Q The South Lawn incident was at a different time of the year?
 A No, it was still cool. It was in the daytime, early morning. It was during the Congressional tours, which are generally from approximately 7:30 to 9 o'clock. And there was a function going on on the south grounds, some kind of arrival.
 Q Seven-thirty in the morning?
 A Yeah. Yeah. So, when you volunteer for one of those, don't -- you know, go to the public tours later.
 So, anyway, the thing was that this function was taking place at the same time. And, once again, the White House staff insisted that we could not cancel Congressional tours. Basically we wanted to cancel Congressional tours because it just strains our manpower too much to do two things at one time. But, once again, we lost.
 And so I'm working in the East Wing. You don't have a copy of the East Wing. But, anyway, I'm working in

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the East Wing. I'm inside near the doors that lead out into the First Lady's Rose Garden, also known as Jacqueline Kennedy Garden.
 We have stopped the tour line outside the gate. We're bringing the guests in from the other direction at the same gate. And the end of the Congressional tour line is right on the colonnade, and I'm standing here making sure these people don't intermingle, and that the guests get out on the south grounds.
 And somebody walks up, I don't remember who the officer was, but he says something to the effect of, I can't believe he let her in, or whatever. And I look up and here comes Lieutenant Brian Withrow with Monica. And they walked up. And he either said -- Lieutenant Withrow either said to another officer, and I'm not sure exactly who it was, take her out to -- escort her out to the gold rope area, or I'll take her out to the gold rope area, something to that effect.
 Q Who said this?
 A Lieutenant Withrow. And then, and then they started heading towards the door to go out to the south grounds towards the gold rope area, and that was the last I remember.
 Q Did you notice whether Lieutenant Withrow was talking to Monica? Were they being friendly?
 A They were standing like elbow to elbow.

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[1] Q Were they standing or walking?
 [2] A They were standing elbow to elbow. Well, walking,
 [3] you know, elbow to elbow. I don't remember, you know.
 [4] Q Do you know of any relationship between Monica and
 [5] Lieutenant Withrow, any friendship or anything like that?
 [6] A Friendship. I'm, I'm, I'm assuming they knew each
 [7] other.
 [8] Q Do you know of any though, any relationship between
 [9] them?
 [10] A No. I mean, other than he probably knew her like
 [11] anybody else that worked there. I mean, he was the tour
 [12] lieutenant. He knew everybody. He tried to know everybody.
 [13] It was his job basically to, you know, between the officers
 [14] that worked in the tour section and the staff, keep us from
 [15] going to blows as usually is -- I mean, he was like the
 [16] peacemaker.
 [17] Q He was personally escorting her that day, didn't
 [18] he?
 [19] A Yes, that's what it was, it looked like to me.
 [20] Q Why would he do that?
 [21] A Because they were friends, I guess. I mean --
 [22] Q Did his demeanor seem like he was happy to see her
 [23] or glad to be with her, or --
 [24] A Seemed normal to me.
 [25] Q -- anything else? Just normal?

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[1] A Yeah.
 [2] Q And did you overhear any conversation between them
 [3] at all?
 [4] A No, I don't recall him saying anything to her.
 [5] Just him speaking to the officer and/or me, you know. We
 [6] were standing in the same area.
 [7] Q And he said something about taking her to the gold
 [8] rope area?
 [9] A Right.
 [10] Q And just for the record, that's an area that is
 [11] close to where the President is going to be?
 [12] A It would be the closest proximity to the President.
 [13] This would be an area that he, if he wanted to mingle with
 [14] the crowd he could.
 [15] Q Okay.
 [16] A Generally. There's exceptions to that, like if the
 [17] podium's higher. But that's generally what it is.
 [18] Q And this was an event the President was to be at?
 [19] A Yes.
 [20] Q And he took her, went with her to the direction of
 [21] the gold rope area?
 [22] A He took her out those doors to the south grounds.
 [23] That's the last I saw of them.
 [24] Q And you don't know what happened after that?
 [25] A No, ma'am.

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[1] Q Do you know what the event was that day?
 [2] A No, I don't.
 [3] Q Other than those two incidents, did you ever see
 [4] Monica again at the White House after she left her employment
 [5] there? Other than the South Lawn and the Christmas party?
 [6] A To the best of my recollection, no.
 [7] Q Did you ever hear from anybody else at the White
 [8] House, Secret Service or not Secret Service, that Monica came
 [9] back to the White House after --
 [10] A Sure.
 [11] Q -- she left her employment there?
 [12] A From time to time I did hear.
 [13] Q What did you hear?
 [14] A Just that, you know, that somebody had seen her.
 [15] You know, she had an appointment or something. And, you
 [16] know, knowing what I, knowing what I've heard in the press,
 [17] you know, I'm not confusing those things. I know that people
 [18] had said to me, you know -- because people who knew me and
 [19] knew my conflict with her, got great joy out of, you know,
 [20] pulling my chain about it. So, whenever they saw or heard
 [21] that she was there, they would say, hey, you know, your buddy
 [22] was there, or something to that effect, you know. So.
 [23] Q Do you remember an incident that happened at the
 [24] Northwest Gate involving Monica?
 [25] A I do know of an incident at the Northwest Gate. I

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[1] do not -- I was not there. This is hearsay. I was told by
 [2] another officer.
 [3] Q Is this an incident that involved Sergeant Owens?
 [4] A That's -- that would be two instances.
 [5] Q Let's talk about the one involving Sergeant Owens
 [6] first.
 [7] A Right. I heard, I had heard. I knew --
 [8] Q This is Tom Owens?
 [9] A Right, Sergeant Tom Owens. The rumor I heard, you
 [10] know, version, story, whatever you want to call it, was that
 [11] he was working in the Control Center in the Old EOB one
 [12] night, and that there was a phone call that he took, that it
 [13] was from the President, and that it was the President
 [14] requesting that we expedite or we ensure the access of Monica
 [15] coming into the -- you know, she didn't have an appointment
 [16] or whatever, and the officers were holding her up at one of
 [17] the gates. I don't know which gate. You know, it's possible
 [18] it was the Northwest Gate. It's very possible, but I don't
 [19] know.
 [20] But, anyway, that the President asked Tom to
 [21] expedite, you know, or to get it done.
 [22] Q To get Monica in?
 [23] A Right.
 [24] Q Who did you hear this from?
 [25] A You know, I don't remember. I do remember that it

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[1] was, I was out at the Training Center when I first got there,
 [2] but, I mean, it could have been in the gym. I don't recall,
 [3] to be honest with you.
 [4] Q Do you know who the guard on duty was at the gate,
 [5] who --
 [6] A No. No.
 [7] Q -- encountered her?
 [8] A Right. No, I don't know because, you know, I had
 [9] been separated from the officers, the rotation for awhile,
 [10] being on tours and, you know, usually it's the junior
 [11] officers. I don't know, you know.
 [12] Q Where would Sergeant Owens be stationed in relatio
 [13] to --
 [14] A It would have been -- oh.
 [15] Q I'm sorry -- in relation to the gate?
 [16] A It would have been in the Control Center, in the
 [17] Old Executive Office Building is the way I remember hearing
 [18] the story. And that would have been like at least two, I
 [19] think it's approximately two floors below ground.
 [20] BY MR. EMMICK:
 [21] Q What does expedite mean?
 [22] A For us, it's to get it done now.
 [23] Q Does that mean that -- let me go back. Wouldn't
 [24] the ordinary procedure be to have one of the White House
 [25] employees send an e-mail that would virtually instantaneously

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[1] go to you?
 [2] A You're not talking about a White House employee.
 [3] You're talking about the President. He doesn't -- he just
 [4] picks up the phone if he wants something done.
 [5] Q Well, I guess what I'm trying to get at is --
 [6] A Had somebody --
 [7] Q Yes. Had somebody called earlier? Had somebody --
 [8] A Apparently not, because she would have been in the
 [9] computer.
 [10] Q I see. Was there a computer entry made, as far as
 [11] you know --
 [12] A No, I have no idea.
 [13] Q -- from this story?
 [14] A I have no idea of knowing it.
 [15] Q Does expedite mean to you, do it and don't worry
 [16] about the usual procedures?
 [17] A As far as -- as long as you're not risking -- you
 [18] know, for instance, they knew who she was.
 [19] Q Right.
 [20] A She went through a metal detector. Her bag was
 [21] searched. And then she was -- you know, after that, I don't
 [22] know what happened, to be honest with you. But I know that
 [23] you don't -- no, you don't throw the protection of the
 [24] President out the window because, you know, he calls on the
 [25] phone, regardless of what it is he says. You don't do that.

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[1] Q You would interpret it more as minimal procedures,
 [2] safety-oriented procedures, but other --
 [3] A Basically they let her in.
 [4] Q -- bureaucratic procedures, no?
 [5] A They let her in without the computer telling them
 [6] to.
 [7] Q When do you think this was?
 [8] A I don't know. I have no idea. You know, I paid so
 [9] little attention to it. You know, at this point, whenever I
 [10] heard any of these stories or rumors, I tried to get the hell
 [11] out of the room. I was just so fed up with the, the, the
 [12] things that -- the White House had aggravated me. I was
 [13] tired and I needed to get away from it. And I still do.
 [14] Q Did the President often call in order to ask that
 [15] someone would be let in on an expedited basis?
 [16] A Not to my knowledge.
 [17] Q Did he ever call and let someone in, or ask that
 [18] someone be let in on an --
 [19] A That's the only --
 [20] Q -- expedited basis?
 [21] A That's the only time I know him using the phone,
 [22] calling us for, to gain access. I mean, I know he's used the
 [23] phone to call us for other things, the whereabouts of
 [24] somebody in the First Family, that kind of thing.
 [25] Q All right.

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[1] BY MS. WIRTH:
 [2] Q While we're talking about things that you've heard
 [3] from other people, have you heard any talk or rumors about
 [4] the movie theater incident, a movie theater incident, an
 [5] incident that happened in the movie theater?
 [6] A Just give me a minute to make sure I get my facts
 [7] straight here.
 [8] Okay. Yes. Without revealing any privileged
 [9] information, and on the advice of my counsel, I do know two
 [10] versions of a supposed incident at the movie theater, and
 [11] I'll be glad -- you know, I will tell you both.
 [12] Q Okay.
 [13] A One version is that the President's in the movie
 [14] theater, and supposedly the allegation was that he was caught
 [15] in a compromising position with a, with somebody other than
 [16] the First Lady. Now --
 [17] Q In that rumor, was the person named that he was
 [18] caught in a compromising position with?
 [19] A No. I've been through this before in my own mind
 [20] and with my counsel trying to clarify this. I don't remember
 [21] that. But I do remember drawing a conclusion in my mind
 [22] that, that it was -- who I thought this person was.
 [23] Q Was it based on anything, or just a guess?
 [24] A It was based on other, other innuendoes and
 [25] accusations and, you know, little tidbit rumors, that kind of

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[1] stuff.
 [2] Q And who was that person?
 [3] A The person's name, it was a woman named Eleanor
 [4] Mondale. I believe I've actually talked about part, at least
 [5] part of this before, because at one time part of this was
 [6] considered privileged. So. Okay. Anyway.
 [7] Q So, when you heard this rumor, was the name Eleanor
 [8] Mondale used, or did you just --
 [9] A I don't remember if it was used, but I remember
 [10] drawing the conclusion that's who we were talking about. I
 [11] don't remember them saying that was her, but I remember, I
 [12] remember thinking it was her.
 [13] Q Did you hear this from more than one person, or
 [14] just the one, if you know?
 [15] A It was a group of people standing around and it was
 [16] two different times that I heard it. And the one group was a
 [17] group, I know it was, it was at least partial, part of the
 [18] group was from the ERT group.
 [19] BY MR. EMMICK:
 [20] Q The what?
 [21] A The Uniformed Division Emergency Response Team, it
 [22] stands for, the ERT. I don't remember who was standing
 [23] there. It was dark in the hallway. You know, we had the
 [24] lights turned down. You know, I don't mean dark-dark, but, I
 [25] mean, you know, dim. And, like I said, this is one of those

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[1] things where I, you know -- but I don't recall exactly who
 [2] was there. But I know some of them were ERT.
 [3] BY MS. WIRTH:
 [4] Q Some of them were what?
 [5] A Were ERT, because of their uniforms.
 [6] Q Do you remember the names of the ERT --
 [7] A No, I don't.
 [8] Q What kind of uniforms do they wear?
 [9] A They're black fatigues. We call them BDUs. They
 [10] wear external kind of a gun belt, web belt, similar -- it
 [11] looks like black combat gear. And they also carry a
 [12] different weapon, an additional weapon.
 [13] Q What is the second version?
 [14] A The second version is that -- I'm sorry. I haven't
 [15] really finished with the first version.
 [16] Q Go ahead.
 [17] A The first version was that either somebody from ERT
 [18] or a Secret Service Agent walked in in the movie theater,
 [19] and then the other version is basically the same
 [20] thing, but it was a White House staff person, like the
 [21] electrician or the plumber.
 [22] Q I see.
 [23] A They came through one of the doors.
 [24] Q And was Eleanor Mondale's name associated with that
 [25] rumor?

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[1] A I don't recall that name being associated with both
 [2] of the rumors. But I do remember associating it with at
 [3] least one of the stories.
 [4] Q Was any name associated with the second rumor?
 [5] A No.
 [6] Q Why would -- go ahead.
 [7] A To be honest with you, I just assumed they were the
 [8] same stories. I don't -- I can't confirm that, but.
 [9] Q You said that under one version an ERT person --
 [10] A Correct.
 [11] Q -- was where?
 [12] A In the West Wing -- in the East Wing near the
 [13] eastern-most side of the movie theater, which is almost
 [14] directly across from the doors that lead out into the First
 [15] Lady's Garden. The reason they're there is because that's
 [16] their access at night to the south grounds in case of a -- in
 [17] case they have to go out there. They sit by those doors.
 [18] Q ERT people do?
 [19] A Correct. And it's right at the edge of that side
 [20] of the movie theater.
 [21] Q And the rumor was that an ERT person had seen this,
 [22] or was on duty at the time, or what?
 [23] A Apparently had, you know, the ERT person had either
 [24] walked in himself or the Agent walked in and they were both
 [25] standing there, something in that, you know.

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[1] Q But the ERT person on duty there, would that be
 [2] part of his or her duty to check the theater out, or no?
 [3] A It can be. Sure, I mean, he can go anywhere. I
 [4] mean, any Uniformed Division Officer can go anywhere he sees
 [5] fit for security reasons.
 [6] BY MR. EMMICK:
 [7] Q You said either the ERT person or an Agent. It
 [8] sounds to me like they go together, you mean?
 [9] A No, no. I mean, I don't remember it being
 [10] clarified as either one or the other, but I remember it could
 [11] have been either of them.
 [12] Q I see. So, it wasn't like it was two people. It
 [13] was one person.
 [14] A Right.
 [15] Q But you don't know if it was an ERT or --
 [16] A Right.
 [17] Q -- an Agent?
 [18] A Right. But that's not to say that what you just
 [19] said is impossible. They could have both walked in there at
 [20] the same time.
 [21] Q I see.
 [22] A We work very closely together.
 [23] Q In connection with that story, was the story that
 [24] the President and whoever he was with realized it or didn't
 [25] realize it?

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[1] A Don't have any idea.
 [2] MR. EMMICK: Let's just take a short break.
 [3] (Whereupon, the deposition was recessed from
 [4] 5:23:43 p.m. until 5:32:19 p.m.)
 [5] BY MR. EMMICK:
 [6] Q I wanted to ask a couple followup questions.
 [7] A Yes, sir.
 [8] Q First, as to the lipstick incident, or the occasion
 [9] that you were talking to Nel and he was making some
 [10] references to lipstick, were you the only one there from the
 [11] Secret Service?
 [12] A Yeah.
 [13] Q So, it's not the case that an agent by the name of
 [14] Chinery was there?
 [15] A Well, he's an officer.
 [16] Q Okay. An officer by the name of Chinery was there?
 [17] A No. But it's possible that he heard the story from
 [18] me or somebody else.
 [19] Q Right. But he wasn't there to make personal
 [20] observations of --
 [21] A Not to -- no.
 [22] Q -- that same kind?
 [23] A Not at that time.
 [24] Q All right. It was just you?
 [25] A Yeah.

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[1] So, apparently the officer at the post said this
 [2] loud enough where she could hear it. And apparently Monica
 [3] got kind of irate about it and she picked up a phone, either
 [4] the phone in there or the phone outside the post, which is an
 [5] indoor, you know, a house phone, and called, they presumed,
 [6] the President.
 [7] Which, in itself, is kind of significant because --
 [8] I'm speculating now, but I speculate that she did not have
 [9] phone privileges. In other words, she was not on the list to
 [10] make a phone call connected by the operator. So, the only
 [11] way she could have made contact with him was through the drop
 [12] line, which was --
 [13] BY MR. EMMICK:
 [14] Q What do you mean, the drop line?
 [15] A The drop line is a phone in the Oval Office behind
 [16] his desk. It's just a black phone. It's the only phone --
 [17] Q It's a what phone?
 [18] A Just a black phone, you know, black?
 [19] Q Okay.
 [20] A Color, like the old-time phone. I think it was
 [21] actually rotary dial. Anyway. And it was the only phone
 [22] that actually rang in the Oval Office. None of the other
 [23] phones rang.
 [24] BY MS. WIRTH:
 [25] Q And where would she make this call from?

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[1] Q And Nel?
 [2] A Correct.
 [3] Q [REDACTED]
 [4] [REDACTED]
 [5] [REDACTED]
 [6] [REDACTED]
 [7] A [REDACTED]
 [8] Q [REDACTED]
 [9] [REDACTED]
 [10] [REDACTED]
 [11] A [REDACTED]
 [12] Q [REDACTED]
 [13] [REDACTED]
 [14] [REDACTED]
 [15] [REDACTED]
 [16] [REDACTED]
 [17] [REDACTED]
 [18] [REDACTED]
 [19] [REDACTED]
 [20] Q [REDACTED]
 [21] [REDACTED]
 [22] A [REDACTED]
 [23] [REDACTED]
 [24] [REDACTED]
 [25] Q [REDACTED]

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[1] A From the Northwest Gate.
 [2] BY MR. EMMICK:
 [3] Q What's the number for the drop line?
 [4] A I can't tell you that. I don't actually remember
 [5] it. But it's -- I can't, I won't discuss that, because it's
 [6] the President's private line. I'm not sure what it is now
 [7] any more, but I did know it at one time.
 [8] BY MS. WIRTH:
 [9] Q Can I ask you something?
 [10] A Sure.
 [11] Q Do you have any knowledge as to whether someone
 [12] dialed that number for her or whether she dialed it herself?
 [13] A No, nobody would know that. I mean, no, I don't
 [14] know. But your run of the mill officer does not know it.
 [15] The only reason --
 [16] Q Excuse me?
 [17] A Your run of the mill officer, your run of the mill
 [18] agent doesn't know it. The only reason I knew it was because
 [19] when I worked at the Oval Office there was a time when the
 [20] White House operator was trying to get ahold of the
 [21] President. She couldn't. She called me at my post. You
 [22] know, I verified it was her.
 [23] I went in to pass the message on to the President.
 [24] He was on another line. That black phone rung. I picked it
 [25] up to answer it for the President while he was on the other

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[1] BY MS. WIRTH:
 [2] Q You mentioned that there was another Northwest Gate
 [3] incident aside from the one that we talked about with respect
 [4] to Sergeant Owens.
 [5] A Correct.
 [6] Q That you had some information on?
 [7] A Yeah.
 [8] Q What do you know about that?
 [9] A It was an incident with -- it had to do with
 [10] Officer Brent Chinery and whoever worked at the Northwest
 [11] Gate. And I don't know the whole story because when he was
 [12] telling me, I realized we were making a mistake discussing it
 [13] and I had him cut, you know, we stopped. And that was that.
 [14] But basically I know that there was an incident
 [15] where Monica came to the Northwest Gate, and I believe this
 [16] was around this past Christmas. Supposedly she had an
 [17] appointment with Betty Currie. The officers at the gate
 [18] called Betty, why I don't know -- oh, to make sure, I guess
 [19] to make sure that, you know, they were ready for her to come
 [20] in or whatever. And Betty told them to wait because the
 [21] President was in the Oval Office with somebody else.
 [22] I believe, I don't know how they knew -- or I
 [23] believe Betty told them that -- either Betty told them or it
 [24] was on the schedule, but for whatever reason they knew, and
 [25] it was related to me that it was Eleanor Mondale.

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[1] line and I saw the phone number and it just occurred to me to
 [2] remember. It was a five-digit number and I wrote it down in
 [3] my little book which I don't even have that any more, a
 [4] little book I kept notes in. I threw it out when I cleaned
 [5] out my locker to move to Beltsville, to transfer to
 [6] Beltsville.
 [7] It was just a five-digit. You know, it was a
 [8] regular phone number, but you only had to dial the last five
 [9] digits inside the White House.
 [10] BY MR. EMMICK:
 [11] Q Was it generally known as the drop line?
 [12] A We in the Secret Service, in the military, any line
 [13] like that we call a drop line.
 [14] Q Like what?
 [15] A Like, for instance, if you pick it up, if they
 [16] contact, it would keep ringing. It keeps ringing until you
 [17] pick it up.
 [18] Q I see.
 [19] BY MS. WIRTH:
 [20] Q Do you still know the number?
 [21] A No, I don't. No. There was a seven in it in the
 [22] beginning. That was it.
 [23] Q And you said the average officer would not know
 [24] that number?
 [25] A No. Certainly not.

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[1] Q So, the inference that you are drawing is that she
[2] must have known that?
[3] A Yes. As inflammatory as that sounds. I mean,
[4] that's my conclusion. I mean, unless she called Betty and,
[5] you know, or, you know, somehow somebody else put her
[6] through, I don't -- knowing what I know, how the system
[7] works, I, I find it doubtful.
[8] Q But you heard she used the drop phone?
[9] A Yes, I believe, yeah.
[10] Q Okay.
[11] A Well, let me put it this way. They believe that
[12] that's how this call went through.
[13] Q They, who?
[14] A They, the officers there and the people who
[15] personally who told me the story.
[16] Q Did anyone overhear her conversation?
[17] A That, I don't know.
[18] Q Okay.
[19] BY MR. EMMICK:
[20] Q I want to go back to this concept of phone
[21] privileges. How do you know who has phone privileges? How
[22] do you get phone privileges?
[23] A Well, to be honest with you, I don't know. But I
[24] can tell you a little bit what I do know.
[25] Q Okay.

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[1] A And, of course, this is without revealing any
[2] privileged information. For instance, the people that could
[3] pick up the phone and have the operator connect them to the
[4] President would be like the Chief of Staff, the Vice
[5] President, the First Family, Nancy. And now -- I'm pretty
[6] sure that Nancy Herreich controls this access, through the
[7] President, of course. But she's the West Wing Oval Office
[8] Manager. So
[9] BY MS. WIRTH:
[10] Q Returning to that incident, the rumor that you
[11] heard was that Monica made a phone call and spoke directly to
[12] the President?
[13] A That's, that's the impression that they had.
[14] Q Did you hear anything further after that?
[15] A He was highly irate that -- he was upset. The
[16] President was upset that she knew, that Monica knew that he
[17] was supposedly with another guest or person. And he --
[18] Q I'm going to ask you to stop at this point and
[19] maybe ask you to step outside. Have you discussed this
[20] incident with your attorneys?
[21] A Yes.
[22] Q You have?
[23] A Yes.
[24] Q Have they discussed privileges with you on this
[25] one?

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[1] A Yes. That's probably about as far as I could go.
[2] But, yeah, I don't -- we did discuss this this morning.
[3] Q Okay.
[4] A And that was what I could, they decided I could
[5] talk about.
[6] Q All right.
[7] A The reason being is it's secondhand. And I'm, and
[8] I'm not sure where, we are not sure where it originated from.
[9] Q Okay.
[10] A That was the thing.
[11] Q Aside from any privileged information, do you know
[12] anything else about this incident, about what happened after
[13] this?
[14] A I, I, I do know that it probably -- like they had
[15] to contact the sergeant who was in charge of the West Wing
[16] and he was involved in it. And I believe that he involved
[17] the watch commander, and that's about all I know. At that
[18] point we realized that we probably should stop talking about
[19] it, and we did.
[20] BY MR. EMMICK:
[21] Q I don't understand that: we realized that we should
[22] stop talking about it.
[23] A Because this took place not too long ago, in the
[24] last couple months. And this person and I were walking back
[25] from the Justice Department and we were overworked,

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[1] overstressed, and we started babbling. And we weren't
[2] discussing testimony. We were discussing that incident. I
[3] mean, this was, he was, we were not discussing testimony. We
[4] were discussing, you know, what involved us in this.
[5] BY MS. WIRTH:
[6] Q And that's when you heard about it?
[7] A Right. That is when I heard about it.
[8] BY MR. EMMICK:
[9] Q I see. And that relates to when you started
[10] talking about this incident and you made a reference to, I
[11] may have made a mistake in discussing it?
[12] A Yeah, we shouldn't --
[13] Q I was just going to go back to what you meant by
[14] that.
[15] A I mean, we shouldn't have discussed it. We should
[16] have caught ourselves, but we were tired and wound up and,
[17] you know, we made a mistake.
[18] Q I see. Who was this?
[19] A Is it important that I -- I hate to disclose his
[20] name in -- I mean, is it that important to you?
[21] Q Yes.
[22] A I mean, I mean, I know for a fact that you've
[23] already talked to him about it. I mean, is it that important
[24] to drag this in? I mean, you know, we made a mistake and I
[25] prompted it on to him. I don't want to -- you know, but we

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[1] do know it's -- I do realize it's clear that you do need to
[2] know this.
[3] Q Yes. It would be irresponsible not to ask that
[4] question.
[5] A Okay. It was Officer Brent Chinery.
[6] Q Chinery, okay.
[7] A And, you know, I'd just like to clarify that, you
[8] know, I kind of -- I won't say I badgered it out of him but,
[9] you know, I was the one that asked him and, you know, before
[10] I really, you know, before we caught ourselves, you know, he
[11] told me that. So.
[12] BY MS. WIRTH:
[13] Q Have you ever discussed Monica Lewinsky with
[14] Officer Muskett, John Muskett?
[15] A I think I need to step outside before I answer
[16] that.
[17] (Whereupon, the deposition was recessed from
[18] 5:43:29 p.m. until 5:47:02 p.m.)
[19] BY MS. WIRTH:
[20] Q I think the question was whether you've ever
[21] discussed Monica Lewinsky with John Muskett, Officer John
[22] Muskett?
[23] A Without revealing any privileged information, on
[24] the advice of my counsel, the answer to that is yes.
[25] Q What can you tell us about those conversations?

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[1] A Really not much. The stuff that is being
[2] considered privileged -- the stuff that is not considered
[3] being privileged would just be the fact that I think he, when
[4] I first started working in the tour section, he had asked me
[5] about her. I know I discussed her with him, but I don't
[6] remember the substance of it.
[7] Q Did you ever discuss her with him in connection
[8] with the access list?
[9] A I'll have to assert the privilege there.
[10] MS. WIRTH: Can we take a break?
[11] (Whereupon, the deposition was recessed from
[12] 5:48:00 p.m. until 5:49:52 p.m.)
[13] BY MS. WIRTH:
[14] Q The question that I had on the table was whether
[15] you had ever discussed Monica Lewinsky with John Muskett in
[16] connection with the access list, and you stepped outside to
[17] consult with your lawyer. Have you done so?
[18] A Without revealing any privileged information, yes,
[19] I have discussed. When I was working tours, Officer Muskett
[20] came to me. I believe it was on a Saturday afternoon, just
[21] about as we were getting ready to go home, because he was
[22] working -- our days off were Sunday/Monday. He was working
[23] Sunday and his post was going to be the Oval Office. He had
[24] never worked there before. He knew that I was stationed
[25] there and he asked me to kind of brief him on the procedures.

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1 And I discussed the access list.
 2 Q What is the access list?
 3 A It's a list generated by the staff, by Nancy
 4 Herreich. And it's, it's kind of twofold. It tells the
 5 officer there who has access to the Oval Office when the
 6 President is in there. For instance, during some kind of
 7 national security thing, the President's in the Oval Office
 8 and the Vice President wants to go in there. And I know to
 9 most people this sounds crazy. You would think you would
 10 just let him in, but that's not necessarily true.
 11 But to tell you how serious the list is, the First
 12 Lady and the First Family's on the list. are the first names,
 13 and the Vice President. Then the Chief of Staff. I might
 14 not have the order exact, other than the First Family is
 15 first on the list. Chief of Staff.
 16 Now, the National Security Advisor at that time was
 17 Tony Lake. He wasn't on the list initially.
 18 BY MR. EMMICK:
 19 Q Is it a physical list, a typed-out list?
 20 A It's a piece of paper from the Office of the
 21 President, something to that effect. It has Nancy
 22 Herreich's name on it. She generates the names. She signs
 23 it. She puts her name on the bottom and she signs it. And
 24 then she makes copies of it. She sends a copy to the Deputy
 25 Chief of the White House Branch, and then we make multiple

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1 copies and put them on the post.
 2 BY MS. WIRTH:
 3 Q And are those basically people who can walk in
 4 unstopped into the Oval Office?
 5 A Under the right circumstances. Normal day-to-day
 6 stuff, they go through Betty Currie's office and Nancy's
 7 office. Saturdays, Sundays, when the staff isn't there but
 8 the President is, these are the people you can use as a
 9 guideline. This list you can use as a guideline to let
 10 people in.
 11 (At 5:54 p.m., Mr. Page entered
 12 the deposition room.)
 13 (Discussion of the record.)
 14 BY MS. WIRTH:
 15 Q So, on days when Betty Currie and Nancy Herreich
 16 aren't there --
 17 A Right, or any other --
 18 Q -- these people can walk in without being stopped?
 19 A Well, the procedure would be that you, you know,
 20 they would come up and they would say, you know, I'm going, I
 21 need to see the President. And so just wait a second, you
 22 know. For instance, if I knew he was on the phone, I'd tell
 23 him to wait.
 24 You knock on the door, open the door, Mr.
 25 President, you know, X, W and Z are here. Fine, let them in.

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1 You know, you give him the opportunity to say no. He could
 2 be on the phone, you know. He could be wiping his nose, that
 3 kind of thing. Try to give him as much privacy as possible.
 4 That's what the list was for.
 5 Also, they kind -- the staff started using this
 6 list as to let people, which was new for us -- it was tough
 7 for us, for the Secret Service, especially the Uniformed
 8 Division to get used to, was they allowed certain people to
 9 do tours inside the Oval Office, like when they weren't
 10 there.
 11 For instance, the Chief of Staff could come and
 12 take people in the Oval Office, in the immediate Oval Office
 13 itself and do a tour of guests that he wanted. You know, we
 14 kind of escorted it, so to speak, but that's what this list
 15 was also used for.
 16 Q Did Monica's name come up in connection with your
 17 discussion of the access list with Muskett?
 18 A Yeah. I believe I used her as an example, that she
 19 was, she, she frequented the office like to see Betty Currie
 20 but she was not on the access list, that type of thing. I
 21 probably also used Anthony Lake as an example.
 22 BY MR. EMMICK:
 23 Q Was that to imply that the access that Anthony Lake
 24 would have would be somewhat comparable to the access that
 25 Monica Lewinsky would have?

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A Oh, she wishes
 Q Right.
 A She wished. No. It would have been that just
 because, just because you hear people say, you know -- my
 point I guess was, you know, just because you hear that she's
 over there a lot doesn't mean that she has access.
 Q Right.
 A It just means that she's a damned busybody, or
 whatever. And I was just trying to impress upon him, you
 know, how important it was to use this list as a guide. It
 wasn't carved in stone. I mean, you could flex on it, you
 know.
 For instance, I have let people that weren't on the
 list in without even telling the President they were coming
 in, because it was like during some kind of national security
 thing and a general showed up late for a meeting. I knew he
 was supposed to be there. I just opened the door and let the
 man in. And it was, you know, I knew it was fine.
 Q Are there different levels of access? Are there
 like three people that would have top access?
 A There wasn't originally. There wasn't originally,
 but then there was a time when that was kind of like that, I
 believe. Like Debbi Schiff was on the list at first and then
 Nancy took her off. And then she was kind of on there for
 tours, but for no other reason.

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1 Q So, Debbi Schiff was on the access list?
 2 A Right. Well, see, when they first got there, you
 3 know, in the first administration, she did a lot -- and she
 4 still did. You know, I do know she's been, she's moved to
 5 the State Department. But, you know, she did a lot of work,
 6 backup work for Betty and Nancy. I mean, she helped them out
 7 a lot and, you know, she was on that list.
 8 BY MS. WIRTH:
 9 Q Was Betty Currie on the list?
 10 A Oh, certainly. She's one of the --
 11 Q And Nancy Herreich?
 12 A Right. They were on there also. And the reason
 13 they are being -- I think I remember actually discussing them
 14 with Nancy, her saying that she didn't need to be on there,
 15 and I reminding her that everybody that worked that post,
 16 wasn't me, that they didn't know her as well as I do and that
 17 she could be challenged. And, you know, she's not the one
 18 that you want to have to challenge. So.
 19 BY MR. EMMICK:
 20 Q Who?
 21 A Nancy. She's a nice person, don't get me wrong.
 22 But, you know, if she didn't know you and you challenged her
 23 access to her office, you know, it made her -- she didn't
 24 like it. So. You know, she was a busy person. She didn't
 25 want to be held up about Mickey Mouse stuff, which she

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1 considered Mickey Mouse.
 2 Q I have a question whether, in addition to there
 3 being an access list, was there a no-access list? People who
 4 in particular should not be permitted into the area?
 5 A Not written down. Oh, in the area? Well, anybody
 6 that wasn't -- I mean, there were -- anybody that wasn't a
 7 permanent passholder, anybody that wasn't -- just because you
 8 had a White House -- and this was a little problem with the
 9 Secret Service and especially the Uniformed Division. We
 10 wanted the people that worked in the West Wing to have a
 11 special pass, other than the regular blue White House. We
 12 wanted them to put something on their pass, but we could
 13 never get them to do it, you know, just to make it easier for
 14 us to identify who was supposed to be in the West Wing or
 15 not.
 16 You could be assigned to the East Wing with the
 17 same pass that I have, working outside the Oval, you know,
 18 working as a secretary.
 19 Q When I initially asked the question, you started to
 20 say not that's written down.
 21 A Right.
 22 Q What did you have in mind? What were you about to
 23 say?
 24 A In other words, there were, there were -- you know,
 25 I mean, there were groups of people. Not groups, but, I

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mean, I could think of people offhand that you would try to steer out of there when you saw them because you just -- first of all, for me personally, I'm saying, you know, I recognized, you know, I knew this person has a White House pass but really works over in the Old EOB, or is a hall-surfer, you know, so to speak. You know, works in the press lobby but they've got no business being over here.

Q Would Monica have been such a person?

A Certainly. Top of the list.

BY MS. WIRTH:

Q Do you know --

A For me.

Q -- when you had this conversation with Muskett, was Monica employed at the White House at that time?

A Yes, I believe she was.

Q I want to ask you some questions going back to the towels that we talked about earlier, the lipstick-stained towel or towels.

A Uh-huh.

Q You said that hand towels are kept in the President's bathroom and also in the dining room. Is that right?

A You're correct, in a like chest of drawers in the dining room.

Q Are they kept in the study as well, or --

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Q Do you know for sure there are tissues in the study?

A Yes. There are tissues in the study.

Q And when you say you are not sure, you are not sure about the type?

A I'm not sure about the type, yes. That's correct.

Q What about the color of the tissues?

A Generally I believe they're all white.

BY MR. PAGE:

Q When a box of tissues is empty and discarded, where do I go to get more tissues?

A You don't. Nelvis does.

Q Where did Nelvis get them?

A Nelvis kept them -- he may have actually had a small supply, like an extra box somewhere. They were so limited for space. If he kept one or two boxes, he might have kept them in the hallway on a shelf in this area, in the drawer, I mean in a drawer. Or he would just have somebody bring them up from the supply, from the stewards' supply.

Q You know, that's about as -- I really can't give you a defined answer on that. But I think I remember seeing a drawer open one time and there being an extra box in there.

Q It's also possible he actually stored extra boxes in a drawer in the dining, in the dining room, like he did towels.

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A No.

Q -- you would have to bring them in there from somewhere else?

A No. Actually you did ask me that before. And, to the best of my recollection, no. I mean, if they were in there, they were laying on top of the desk or something.

Q Now, where in the Oval complex are tissues kept?

A There was a box of tissues in the dining room.

Q There was a box of tissues in the study and there was one in the Oval Office, at least I know there was one in Betty's office and one in Nancy's.

Q What about the bathroom, the President's bathroom?

A Yes, also, along --

Q And the pantry?

A -- with toilet paper. I think we just used paper towels in the pantry. I don't remember seeing one in there.

Q And you did say in the study as well?

A Yes.

Q And in the Oval Office itself?

A Yes, I believe there was. I'm trying to -- if you just give me a minute. Yeah. It was on, it would have been on the back table behind the President's desk.

Q Is there a trash can in the pantry that you know of?

A No. It's outside the pantry. It's built into a

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BY MS. WIRTH:

Q Now, with respect to garbage, waste, and so on, things that are thrown away from the Oval complex, if Nelvis had followed your suggestion and thrown away that towel, what happens to the garbage? Do you know?

A Well, as long as it's just garbage and not classified material, it just goes into the trash can. It's picked up by the GSA cleaning staff. The woman that used to -- well, in the daytime -- I don't know who cleaned it up at night, the staff that came in, but in the daytime, when the woman named Mary would come through and pick up at least once during the day, usually in the morning and in the afternoon.

Q She was very good about emptying the trash can in the hallway, trash can and stuff in offices, that kind of stuff.

Q And when Nelvis --

A But not the -- excuse me. As far as the Oval Office went, that was Nelvis' job during the day if it needed to be emptied.

Q And where would he put the trash after he cleaned it up, if you know?

A Yeah, I do know. I mean, I remember seeing a lot of trash, not just trash but also, you know, garbage, as far as orange peels, food stuff. It would go in that trash can that I mentioned right here by E-8.

Q That's where it's stored until GSA comes to pick it

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cabinet. It looks like a, it looks like a cabinet and you just flip it up and it's trash. And it was just down from the pantry, just before the door, the side door that led into the Roosevelt Room. It was right here, the trash can.

Q So, it's in the E-8 hallway?

A Right. Exactly.

Q Do you know what kind of tissues are kept in the Oval complex, by brand name? Do you happen to know?

A I believe they're Scott tissues.

Q They're Scott?

A Yeah, Scotty, Scott. The -- I don't remember exactly in which room, but I do know in some of the rooms they were the small, more square boxes and not the long ones. You know, the tall ones.

Q You mean, the tall --

A Right.

Q -- small, square boxes?

A Exactly.

Q Like the kind that you would see in a bedroom or something?

A Exactly.

Q And those are kept where?

A Well, I think there was one like that in the dining room. And I'm not sure about the study. It's possible. I mean, the only room I can remember --

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up?

A Well, yeah, but sometimes it would be so stinky that he would have it emptied.

Q Okay. And where would it go then?

A The stewards, if they were emptying it, would take it down and put it in the dumpster somewhere. I think the dumpster is over in the Old EOB, north moat.

Q And then GSA disposes of it?

A Right.

Q Do you know what they do with it? Is it --

A It's picked up.

Q -- burned?

A Oh, you know, I don't know. The only thing I know that's burned is classified, the burn bag.

BY MR. EMMICK:

Q I did want to try to clarify one area, and I'll tell you what the actually two areas are, and then you can help clarify. I'll even tell you what I think I recall your saying and then you can tell me if I'm right or not.

A Uh-huh.

Q I wanted to ask you to clarify the occasions when you actually saw Monica in the dining room and the occasions when you saw Monica in the pantry.

A Uh-huh.

Q And I'll tell you what my impression is, but you'll

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[1] understand I was a little confused because it sounded like
 [2] one time she was there and partway in the dining, and one
 [3] time she was in the dining room, but --
 [4] A That's correct.
 [5] Q -- you couldn't tell whether she had gone through
 [6] the pantry because you weren't sure how she got there. But,
 [7] let me tell you, I had the impression that she was in the
 [8] pantry when she made, when the Paula Jones discussion
 [9] occurred with Nel. Is that right?
 [10] A No. She was in, they were in the hallway outside
 [11] the pantry.
 [12] Q They were in the hallway? Okay.
 [13] A Right.
 [14] Q Was she in the pantry the time that you grabbed her
 [15] elbow?
 [16] A That I think I grabbed her elbow.
 [17] Q That you think you --
 [18] A I used a verbal command and I possibly grabbed her
 [19] elbow. Yes, she was standing in the pantry, close to the
 [20] other side of the pantry near the dining room.
 [21] Q Okay. And that's the occasion that I had in my
 [22] mind as possibly her being actually in the dining room.
 [23] A I had mentioned that it's possible she could have
 [24] had one foot in the dining room, but that was as far as she
 [25] went.

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[1] Q And on that occasion, where was Nel?
 [2] A In the dining room. On what occasion?
 [3] Q When the elbow occasion, the halfway in, halfway
 [4] out --
 [5] A In the dining room.
 [6] Q Could you see him there in the dining room?
 [7] A Yeah. Yeah. He was, like I said, I believe he was
 [8] working putting supplies away or something, across the room
 [9] on that day, in that chest of drawer type thing -- credenza.
 [10] That's the name.
 [11] BY MS. WIRTH:
 [12] Q Did you make eye contact with Nelvis at all?
 [13] A I don't recall, you know.
 [14] Q You said earlier that you thought you saw the back
 [15] of his head at that point?
 [16] A Yeah. I mean, he was probably like storing stuff,
 [17] turned around, that type of thing.
 [18] Q Did you ever see his face at that point?
 [19] A Not until the end when she was walking out, because
 [20] he was walking towards me, her and me, you know, crossing the
 [21] room coming towards --
 [22] Q And is that an occasion on which you spoke to
 [23] Nelvis about her presence there, or was that --
 [24] A No, that would have been the next time that I said
 [25] something to him.

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[1] Q The other time, okay.
 [2] A Right.
 [3] Q Do you have any idea whether Nelvis knew that
 [4] Monica was in the pantry on that occasion when you went in
 [5] and may --
 [6] A I have no --
 [7] Q -- have taken her out by the elbow?
 [8] A I have no idea of knowing, but I would think he
 [9] would know that she was standing there because they were
 [10] talking, I would assume they were talking to each other.
 [11] Q Did you hear talking?
 [12] A Yeah, I heard her saying something to him.
 [13] BY MR. EMMICK:
 [14] Q And there wasn't anybody else in there that she
 [15] would have been talking to?
 [16] A No. There was nobody else in there.
 [17] Q Did you have any impression how long she had been
 [18] there?
 [19] A Yeah, like a real short period of time, because I
 [20] had only turned my back, you know, as long as it took to walk
 [21] down to just past the E-6 door and turn around and walk back,
 [22] and she had come up that quick.
 [23] Q And that would have been somewhere in the
 [24] neighborhood of, what, 30 to 60 seconds?
 [25] A Less than a minute.

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[1] Q Less than a minute?
 [2] A A minute to less than a minute, yeah.
 [3] Q And then the other occasion that I thought I had
 [4] recalled was that you looked through the pantry outside and
 [5] inside doors and saw her there in the dining room?
 [6] A Heard her voice as I was walking up, saw her in
 [7] there, got upset, you know, mad, you know, what are you doing
 [8] in there, get out of there. And as I was saying, like I
 [9] recall thinking, well, I don't, you know, want to embarrass
 [10] Nel.
 [11] Q Right.
 [12] A Because I'm sure that she kind of walked in there
 [13] without -- you know, I'm sure she didn't ask to walk in there
 [14] because he never would have said yes. She just kind of -- it
 [15] was open, she saw him in there and, once again, you know, I
 [16] could have been on either end of the hallway, you know.
 [17] Well, yeah, because I'm not sure, I don't remember where I
 [18] was at the time this happened, like if I was on the west or
 [19] east side of the E-6 door, you know what I mean, or the E-8
 [20] door. Or, I'm sorry, the pantry door.
 [21] So, I'm not sure what direction she came from.
 [22] But, you know, as I walked up towards the open door, I could
 [23] see the outer, the inner door was open and then I heard her
 [24] voice and, you know, first thought in my mind was what in the
 [25] heck is she doing in there.

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[1] Q Do you remember what she was saying, or --
 [2] A No, no. It seemed, you know, jovial. I mean, I
 [3] don't remember anything.
 [4] Q Just talking to Nel about something?
 [5] A Yeah. Yeah. I don't remember what. It's not that
 [6] I don't remember. I don't think I really could hear because
 [7] I was, you know, trying to control my temper. And, you know,
 [8] I said, what are you doing here, get out, you know you're not
 [9] supposed to be in here.
 [10] And as I was saying that, I recall thinking, you
 [11] know, I don't want to be too harsh because I don't want to
 [12] make it any worse on Nel, because I realized that he knew
 [13] she's not supposed to be in there. He don't want her in
 [14] there but he doesn't want, then again, want to be, you know,
 [15] the bully, so to speak.
 [16] Q As you spoke to her, did she turn her head to face
 [17] you rather than to face Nel?
 [18] A I really don't recall. I think she was kind of
 [19] standing sideways.
 [20] Q When you said that, did Nel say anything?
 [21] A No, not that I recall.
 [22] Q And was it after you spirited her out that you had
 [23] the conversation with Nel?
 [24] A Yeah. Yes. I said something to the fact that
 [25] she's not supposed to be in here or whatever, and he

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[1] acknowledged it, and that was that. Like, you know, I didn't
 [2] want to -- like I said, he's a nice guy, very senior guy in
 [3] the Navy, and I don't want to embarrass him.
 [4] Q Was there any discussion about whether this
 [5] incident might be written up in some way?
 [6] A No.
 [7] Q And it wasn't discussed because it was obvious that
 [8] it wouldn't be written up?
 [9] A Well, it wasn't a security breach. I mean, she was
 [10] a passholder, you know. We knew who she was. She could have
 [11] been any other intern. She could have been, you know, any
 [12] employee. They're not supposed to be in there.
 [13] Q Did Nel exhibit some embarrassment or --
 [14] A A little uncomfortableness, I feel, yeah.
 [15] MR. EMMICK: That's all.
 [16] BY MR. PAGE:
 [17] Q I have a hypothetical for you.
 [18] A Okay.
 [19] Q If Nelvis is still working at the White House, are
 [20] there any Secret Service policies or directives that would
 [21] discourage him from sharing with people outside the White
 [22] House the whereabouts of the President?
 [23] A Hypothetically? Certainly. It's just common
 [24] sense. It's -- in the Navy, in the military they call it
 [25] operational and communications security. He would, he would

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[1] -- yeah. Hypothetically. Yeah, there are guidelines in the
 [2] military and I assume that the Navy people there apply those
 [3] to the -- I'm assuming they apply those to their job there.
 [4] And it's a general common knowledge in the Secret
 [5] Service, and if we're doing it I'm sure the military is, that
 [6] you don't discuss those things.
 [7] Can I give you an example?
 [8] Q Yes.
 [9] A You're on a, you're on a detail. You're in Ohio
 [10] somewhere. And somebody calls you on a cell phone and wants
 [11] to know he's left. You don't acknowledge, you don't tell
 [12] them on a cell phone. Anybody can monitor a cell phone. If
 [13] it's not a secured transmission, you don't tell them where
 [14] the President's location is.
 [15] BY MR. EMMICK:
 [16] Q Just as a matter of clarification, you earlier had
 [17] mentioned the fact that the President's schedule was widely
 [18] disseminated.
 [19] A That's right.
 [20] Q That might be something dealt with differently?
 [21] A That's right. But the fact that schedule is
 [22] disseminated does not -- you know, let's say it says he's
 [23] going to leave this function at 1600. Well, he might be
 [24] leaving a little bit earlier, a little bit late. We don't --
 [25] you know, if you're on a cell phone, you're giving a defining

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[1] time and you're giving somebody the ideal -- if somebody's --
 [2] the theory is -- well, I don't know how much of this I can
 [3] talk about.
 [4] Well, the theory is that you're just giving too
 [5] much of a defined time line.
 [6] Q But you would feel comfortable telling someone
 [7] about the President's schedule because everybody has access
 [8] to the schedule, but you wouldn't feel comfortable --
 [9] A Within reason.
 [10] Q But you wouldn't feel comfortable giving more
 [11] detail about --
 [12] A Exactly.
 [13] Q -- his actual whereabouts, or --
 [14] A Exactly.
 [15] Q -- actual times when he comes --
 [16] A Exactly, unless they were Secret Service personnel,
 [17] or military personnel that I knew needed to know, you know,
 [18] which happens on details.
 [19] Q Okay.
 [20] BY MR. PAGE:
 [21] Q Does the Secret Service take steps to educate
 [22] workers in the White House, whether military, their own
 [23] personnel, or White House staff, to educate them about this?
 [24] A That's a question I can't really answer, because
 [25] I'm not sure. That would be a question for somebody higher

Page 0

[1] than me, the Deputy Chief of the White House, or the Chief.
 [2] I'm not really sure, to be honest with you.
 [3] (Discussion off the record.)
 [4] MR. EMMICK: This concludes the deposition.
 [5] (Whereupon, at 6:14:11 p.m., the proceedings were
 [6] concluded.)
 [7] *****
 [8] CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC
 [9] I, Elizabeth A. Eastman, the officer before whom
 [10] the foregoing deposition was taken, do hereby certify that
 [11] the witness whose testimony appears in the foregoing
 [12] deposition was duly sworn by me; that the testimony of said
 [13] witness was taken by me electronically and thereafter reduced
 [14] to typewriting by me; that said deposition is a true record
 [15] of the testimony given by said witness; that I am neither
 [16] counsel for, related to, nor employed by any of the parties
 [17] to the action in which this deposition was taken; and,
 [18] further, that I am not a relative or employee of any attorney
 [19] or counsel employed by the parties hereto, nor financially or
 [20] otherwise interested in the outcome of the action.
 [21]
 [22] NOTARY PUBLIC FOR THE
 [23] DISTRICT OF COLUMBIA
 [24] My Commission Expires:
 [25] July 31, 2000

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X
 IN RE: :
 :
 GRAND JURY PROCEEDINGS :
 :
 :
 ----- X

Grand Jury Room No. 3
 United States District Court
 for the District of Columbia
 3rd & Constitution, N.W.
 Washington, D.C. 20001

Thursday, July 16, 1998

The testimony of GARY BYRNE was taken in the presence of a full quorum of Grand Jury 97-2, impaneled on September 19, 1997, commencing at 10:07 a.m., before:

JACKIE M. BENNETT, JR.
 SOLOMON WISENBERG
 Deputy Associate Independent Counsel
 TIMOTHY SUSANIN
 MARY ANNE WIRTH
 EDWARD PAGE
 Associate Independent Counsel
 RONALD MANN
 Attorney for OIC
 Office of Independent Counsel
 1001 Pennsylvania Avenue, N.W.
 Suite 490 North
 Washington, D.C. 20004

Diversified Reporting Services, Inc.
 1025 VERMONT AVENUE, N.W. SUITE 1250
 WASHINGTON, D.C. 20005
 (202) 296-2929

P R O C E E D I N G S

1
2 Whereupon,

3 GARY BYRNE

4 was called as a witness and, after having been first duly
5 sworn by the Foreperson of the Grand Jury, was examined and
6 testified as follows:

7 EXAMINATION

8 BY MS. WIRTH:

9 Q Good morning, Officer Byrne.

10 A Good morning.

11 Q Do you understand that you are under oath and you
12 have an obligation to tell the truth?

13 A I do.

14 Q And you are a member of the uniformed division of
15 the Secret Service. Is that correct?

16 A Yes, ma'am.

17 Q And you have worked in the White House from
18 approximately June of '94 to February of '96. Is that
19 correct?

20 A That's correct.

21 Q In the West Wing. Is that correct?

22 A Not the whole time.

23 Q Okay. In the corridor?

24 A I'm sorry, did you say '94 to '96?

25 Q That's right.

1 A That is correct.

2 Q Can you tell the grand jury whether you've ever
3 seen Monica Lewinsky together with the President?

4 (Interruption to the proceedings.)

5 MR. BENNETT: You need to stop.

6 (Pause while counsel confer.)

7 MS. WIRTH: We have to cease at this point.

8 THE WITNESS: May I exit?

9 MS. WIRTH: Yes.

10 THE WITNESS: Thank you.

11 (The witness was excused.)

12 (Whereupon, at 10:11 a.m., the taking of testimony
13 in the presence of a full quorum of the Grand Jury was
14 concluded.)

15

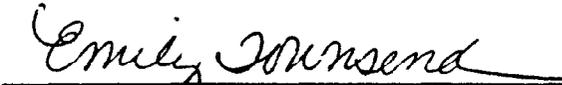
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CERTIFICATE OF REPORTER

I, Stacey B. Griffin, the reporter for the United States Attorney's Office, do hereby certify that the witness whose testimony appears in the foregoing pages was first duly sworn by the foreperson or the deputy foreperson of the grand jury when there was a full quorum of the grand jury present; that the testimony of said witness was taken by me and, thereafter, reduced to typewritten form; and that the transcript is a true record of the testimony given by said witness.



Stacey B. Griffin
Official Reporter



Emily Townsend
Transcriber

Diversified Reporting Services, Inc.
1025 VERMONT AVENUE, N.W. SUITE 1250
WASHINGTON, D.C. 20005
(202) 296-2929

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE:

GRAND JURY PROCEEDINGS

Grand Jury Room No. 2 United States District Court for the District of Columbia 3rd & Constitution, N.W. Washington, D.C. 20001

Friday, July 17, 1998

The testimony of GARY JAMES BYRNE was taken in the presence of a full quorum of Grand Jury 97-4, impaneled on December 5, 1997, commencing at 3:41 p.m., before:

- ROBERT J. BITTMAN SOLOMON WISENBERG JACKIE M. BENNETT, JR. Deputy Associate Independent Counsel TIMOTHY SUSANIN MARY ANNE WIRTH EDWARD J. PAGE Associate Independent Counsel Office of Independent Counsel 1001 Pennsylvania Avenue, N.W. Suite 490 North Washington, D.C. 20004

1 MS. WIRTH: Sure. Sure. I'm sorry. Excuse me. 2 BY MS. WIRTH: 3 Q Your name is? 4 A I am Gary James Byrne. 5 A JUROR: Byrne? 6 THE WITNESS: Byrne, B-y-r-n-e. 7 A JUROR: Protective division? 8 THE WITNESS: United States Secret Service 9 uniformed division, uniformed officer. 10 BY MS. WIRTH: 11 Q Okay. And, for the record, you've been with the 12 Secret Service since March of '91? Is that right? 13 A Yes, ma'am. 14 Q And you are a uniformed officer? 15 A Correct. 16 Q With the uniformed division? 17 A Correct. 18 Q And you were stationed in the West Wing of the 19 White House from approximately June of '94 until February of 20 '96. Is that right? 21 A Approximately. Yes, ma'am. 22 Q And for that period of time, you've generally held 23 the post which is the corridor 24 Is that right? 25 A Yes, ma'am. That was my assigned post.

PROCEEDINGS

1 Whereupon, 2 GARY JAMES BYRNE 3 was called as a witness and, after having been first duly 4 sworn by the Foreperson of the Grand Jury, was examined and 5 testified as follows: 6 EXAMINATION 7 BY MS. WIRTH: 8 Q Good afternoon, Officer Byrne. I'm Mary Anne 9 Wirth. We've met before. Is that right? 10 A Yes, ma'am. 11 Q And, in fact, you've been deposed on two occasions 12 at the Office of the Independent Counsel in connection with 13 our investigation. Is that right? 14 A Yes, ma'am. 15 Q And on both of those occasions, you were asked 16 certain questions and in response to certain questions 17 you asserted a protective function privilege. Is that 18 correct? 19 A Yes, ma'am. 20 Q Okay. I am going to ask you some questions today 21 directed towards the information with regard to which you 22 asserted the privilege. 23 MR. SUSANIN: Excuse me, Ms. Wirth, for 24 interrupting. Could we get a name for the grand jurors? 25

1 Q Okay. During the time that you worked in the 2 White House, did you ever see Monica Lewinsky with the 3 President? 4 A Yes, I did. 5 Q Can you tell the grand jury about that? 6 A Yes. This would have been something that I 7 previously invoked the privilege on. 8 It was a weekend, I believe it was a Saturday, and 9 I believe I was working the day work shift and the President 10 was in the Oval Office. The secretarial staff was not there. 11 He was basically by himself in the office. He was by himself 12 in the office. 13 And I was posted outside in the hallway, along with 14 a couple of the President's detail agents. And I'm not sure 15 of the time of the day it was, but it was on a day work 16 shift. 17 And this person that I knew as Monica came up and 18 she had a stack of papers and she walked up the hallway and 19 this is somebody I've had many occasions to run into and wh 20 had kind of an adverse relationship. 21 And as soon as she saw me, she got a little 22 flustered. I asked her why she was here. She's generally 23 not supposed to be in this area of the West Wing. 24 Is it all right to speak to you or should I speak 25 this way?

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1 MR. BITTMAN: Whatever you feel comfortable with.
 2 THE WITNESS: Okay. Okay. I'm sorry.
 3 A JUROR: Just be loud enough.
 4 THE WITNESS: Okay. And this is somebody I had
 5 run-ins with being in places that I felt that she wasn't
 6 supposed to be.
 7 So she came up with a stack of papers and she said
 8 she had to deliver it to the President, which is unusual.
 9 It's very unusual. Anything delivered to the President, when
 10 the staff is not there, is usually delivered by the military
 11 aide.
 12 So I said to her, "Monica, you know that you're not
 13 supposed to deliver stuff to the President." And she just
 14 turned around and pretty much walked away. She walked back
 15 towards one of the hallways and then disappeared. And she
 16 couldn't have been gone, you know, more than 10 minutes,
 17 maybe 15, but not very long.
 18 She came back into my sight and she sat down in
 19 the Roosevelt Room, which is across from the Oval Office,
 20 and just about then the Oval Office door opened and the
 21 President said, "Have you seen an intern?"
 22 He turned to me and said, "Have you seen an intern
 23 looking for me?"
 24 And I said, "No." And it hadn't occurred to me,
 25 you know, what was about to transpire. And I said, "No,

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1 sir." And then I said, "Well, wait a minute. Yeah. There
 2 was one."
 3 And he said, "When she comes back, let me know."
 4 So he went back in and closed the door. I looked
 5 in the Roosevelt Room, she was still sitting there, so I
 6 said, "Monica," you know, "the President said he was looking
 7 for you." Something to that effect.
 8 And I walked back over to the door and knocked on
 9 the door, I opened it up, I said, "Mr. President, that person
 10 is here, the intern." And he actually referred to her as an
 11 intern. I believe at the time she was actually a passholder.
 12 I'm not sure, but I believe that's true.
 13 She entered the room. He, you know, said "Thank
 14 you" or whatever. I closed the door. I had to like kind of
 15 step into the room, pulled the door closed. And they were in
 16 there for at least an hour.
 17 We push off -- excuse me. At least 15 to -- I'll
 18 say 15 to 25 minutes. We push off every hour. We work --
 19 two people work the post and then get pushed off.
 20 Now, I don't remember if I was pushed off by my
 21 relief guy or it was the end of the shift and I went home,
 22 but I know that they were in there by themselves for
 23 approximately 15 to 25 minutes.
 24 BY MS. WIRTH:
 25 Q When you say "in there," what room were they in?

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1 A They were in the Oval Office.
 2 Q Okay. And you were stationed where at that time?
 3 A Post [REDACTED]
 4 Q Okay. And that's the [REDACTED]
 5 [REDACTED]?
 6 A Right. Right. [REDACTED] [REDACTED]
 7 [REDACTED] I was walking back and forth, posted between
 8 [REDACTED] there.
 9 there.
 10 Q Okay. Do you remember the names of the agents who
 11 were on duty that day?
 12 A No, I don't. The only person that I thought that
 13 I remembered was -- that I thought could have been there,
 14 I'm not certain, but I think Bob Ferguson could have been
 15 there.
 16 Q Okay. Do you remember who replaced you when you
 17 left?
 18 A No, I don't. It was a Saturday. It probably
 19 wasn't the regular person I worked with. He didn't work a
 20 lot of overtime.
 21 Q And do you remember when this was?
 22 A No, ma'am. I don't. I believe it was probably
 23 during the warm weather. I think I remember being in a
 24 short-sleeved shirt.
 25 Q And you think that Monica Lewinsky was an employe

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1 of the White House at that time?
 2 A I'm certain she was. Yeah. Because if she hadn't
 3 had the blue White House pass, I would have been a little
 4 more upset or concerned than what I was. She was unescorted.
 5 She had to have a blue White House pass, so she was an
 6 employee.
 7 Q Did you hear the President say anything to Monica?
 8 A Other than -- I'm sure he said hello, but I don't
 9 recall.
 10 Q Did you hear any conversation between them or any
 11 sounds at all?
 12 A No.
 13 Q Did you ever hear from anybody else what transpired
 14 after you left?
 15 A No.
 16 BY MR. BITTMAN:
 17 Q But they were still in the Oval Office when you
 18 left.
 19 A They were in that suite.
 20 Q They were in the suite.
 21 A Right. They could have --
 22 Q Do you know whether they -- could they have been in
 23 the study?
 24 A Certainly.
 25 Q Would you know it if they were in the study?

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Page 11

1 A I could have known. Like I could have went back
2 just to check to see if he was on the phone or something,
3 but I didn't know. I don't remember knowing. I just -- to
4 be honest with you, I just assumed they were in the Oval
5 Office.

6 Q So you know that they entered the Oval Office suite
7 and then they were in there alone for at least 15 to 25
8 minutes.

9 A Yes.

10 Q And then you went off duty --

11 A Or got rotated off. Yes.

12 Q You got rotated, but they were there when you left,
13 so they could have been in there a lot longer, you don't
14 know.

15 A Certainly.

16 Q You were not there.

17 A That's correct, sir.

18 BY MR. WISENBERG:

19 Q How do you know they were alone?

20 A It's my job to know who's in there. It's my job to
21 know that the President's in there and that he's in there by
22 himself.

23 I can't go into all the details for security
24 reasons, but I'm telling you, in my best judgment, just as
25 you could tell everybody that's in this room and you know

1 A Other than asking me had I seen an intern, no.

2 He's never used her name, as far as I can remember.

3 Q Do you know of any other Secret Service employees
4 who have ever seen the President with Monica Lewinsky besides
5 yourself?

6 A I am not sure. I am not sure. I know that one of
7 my co-workers was involved in an incident involving Monica
8 and the President, but I'm not sure what he saw.

9 Q Who was that?

10 A That would be Officer John Muskett.

11 Q Okay. When you testified during, I believe, your
12 first deposition, you were asked some questions about whether
13 Bayani Nelvis, who for the record is one of the President's
14 stewards, correct?

15 A Mm-hmm.

16 Q Whether he had ever said anything to you that led
17 you to believe that there was a relationship between the
18 President and Monica Lewinsky.

19 A Yes.

20 Q And you asserted a privilege at one time on that.

21 A Right.

22 Q Is there any information beyond what you have
23 already testified to in your deposition --

24 A Yes, I believe there is, if you'd just give me a
25 minute --

Page 10

Page 12

1 nobody's behind that blackboard, I'm telling you nobody else
2 was in that room. That's my job to know.

3 BY MS. WIRTH:

4 Q The door that the President opened when he spoke to
5 you, was that the door that leads into the little hallway
6 outside the study?

7 A Right. It would be the door directly across from
8 the Roosevelt Room. It's actually a very large door, larger
9 than the one he's standing in front of, wide.

10 Q Other than this occasion, were there any other
11 occasions on which you saw the President with Monica
12 Lewinsky?

13 A No. Other than that videotape on T.V., I don't
14 recall ever seeing them together. It's possible that she'd
15 kind of surf the hallway. That's a term that we use for
16 interns and people when they try to, you know, get in the
17 area where the President is, we call them hall surfers.

18 She may have walked by when he was coming back in
19 the hallway or something. I don't recall any major incident,
20 but it's possible. I just don't recall any actual time.

21 Q Other than any personal attorneys of the President,
22 have you overheard the President speak about Monica Lewinsky
23 to anyone?

24 A No, I have not.

25 Q Has he ever spoken to about Monica Lewinsky?

1 Q Sure.

2 A You don't happen to have what I said, do you?

3 Q I have copies of your depositions, yes. What are
4 you referring to specifically?

5 A Well, just kind of jog my memory. I mean, this is
6 a lot of information, it's been a couple of years, so -- any
7 conversation with Nelvis?

8 Q Well, you testified, I believe, about an incident
9 involving stained tissues, correct?

10 A Correct.

11 A JUROR: Could you speak up? I can't hear you.

12 JURORS: We can't hear.

13 MS. WIRTH: I'm sorry.

14 BY MS. WIRTH:

15 Q You testified, I'm sorry, about an incident
16 involving stained tissues. Is that correct?

17 A Correct. Correct.

18 Q And you testified about a few incidents where
19 Monica went into the pantry or Monica went into the dining
20 room.

21 A Right.

22 Q And you talked to Nelvis about that.

23 A Right.

24 Q Were there any other conversations you had with
25 Bayani Nelvis about Monica Lewinsky that led you to

Page 13

1 believe that there was a relationship between her and the
 2 President?
 3 A Yes. Not so much a conversation, but he made some
 4 statements that led me to believe that he was -- he had high
 5 anxiety, he was upset about the fact that apparently they had
 6 some kind of relationship. He made a comment to me one time,
 7 not so much to me, but in general. Well, I guess I was the
 8 only one there, so it was to me. That he was tired of
 9 cleaning up his mess or their mess, I believe it bothered him
 10 highly, that he felt that there was some kind of relationship
 11 and it bothered him very much.
 12 Q And that conversation that you had with Mr. Nelvis,
 13 was it clear to you that that referred to Monica Lewinsky?
 14 A At that time, I do believe he was referring to
 15 Monica Lewinsky. Yes.
 16 Q Okay. At your second deposition, you made a
 17 statement that you thought the stained tissue incident may
 18 have referred to [REDACTED]
 19 A Correct.
 20 Q Could you explain that?
 21 A Yes. There had been rumors from the very beginning
 22 when President Clinton was first elected president in 1992
 23 that he had had some kind of relationship with [REDACTED]
 24 [REDACTED] and she had later -- he employed her at the White
 25 House. She worked in the West Wing reception. Her name was

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1 [REDACTED] And rumors kind of went around from time to
 2 time about her. And I also saw a couple of things that led
 3 me to believe that they could be true.
 4 Just keep going here?
 5 Q Well, the question that I have is when you
 6 testified about the stained tissue incident.
 7 A Right. I said I thought it was --
 8 Q And the discussions that you had with Bayani Nelvis
 9 about that.
 10 A Right.
 11 Q At the time that you had that discussion, did
 12 Bayani Nelvis mention Monica Lewinsky? And I believe you
 13 just told us yes.
 14 A Yes.
 15 Q So why did you testify that you thought that that
 16 incident related to [REDACTED]
 17 A Because I felt that the rumors about them having
 18 some kind of physical relationship were true and I just
 19 associated the tissues with [REDACTED]
 20 Q But Nelvis told you that the incident related to
 21 Monica Lewinsky?
 22 A I'm not sure we're talking about the same incident.
 23 Q Did he talk to you about stained tissues on more
 24 than one occasion?
 25 A It's possible. Yes.

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1 A JUROR: Excuse me.
 2 A JUROR: I can't bear.
 3 A JUROR: Could we get both of you to speak up?
 4 Speak up because the jurors are having a problem hearing.
 5 THE WITNESS: Sure.
 6 MS. WIRTH: I'm sorry.
 7 A JUROR: But I think mostly the attorney.
 8 A JUROR: It sounded like she said Elvis, so I'm
 9 saying where did Elvis come from.
 10 THE WITNESS: I swear I never saw Elvis.
 11 BY MS. WIRTH:
 12 Q Did Bayani Nelvis speak to you about stained
 13 tissues on more than one occasion?
 14 A I don't remember separate occasions, but it's
 15 possible because the incident where he had -- where I said he
 16 had those tissues and he had a plastic bag in his hand, that
 17 was -- that was the time that I associated it with [REDACTED]
 18 [REDACTED]
 19 There was another time when he was cleaning up and
 20 picking stuff up, you know, dishes and stuff, that he made a
 21 comment about he was tired of cleaning up after them and then
 22 I just assumed it was Monica.
 23 Q Okay. And on that occasion, what kinds of things
 24 was he cleaning up?
 25 A When I thought he was talking about Monica?

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1 Q Monica.
 2 A I don't remember seeing any tissues or anything
 3 like that but, you know, glasses, like drink glasses.
 4 BY MR. BITTMAN:
 5 Q You testified one time about a conversation you had
 6 with Laura Capps?
 7 A Correct.
 8 Q Tell us about that. Tell the grand jurors about
 9 that conversation.
 10 A I stopped over to the West Wing. I transferred
 11 from the West Wing to the tour section. I walked over to the
 12 West Wing one day to see some of my old friends that worked
 13 there and I stopped in to see Laura Capps. She worked -- she
 14 was the assistant to George Stephanopoulos at the time. His
 15 office was right next to the President's suite. It would
 16 have been right next to the dining room.
 17 And I stopped in to say hi to her and the first
 18 thing she said was, "Hey, did you hear about Monica?"
 19 And I said, "Yes."
 20 And she started to describe something and I stopped
 21 her. I knew -- I had an idea what it was she was going to
 22 say, I didn't want to discuss it, and I just said, "It was
 23 nice seeing you," and I walked down the hallway. Is this
 24 what we're talking about?
 25 Q Yes. What did you think she was going to discuss?

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Page 19

1 A She was going to discuss the reason Monica had been
2 abruptly transferred that previous weekend.
3 Q Why was Monica abruptly transferred?
4 A Why I believe she was? I don't know why exactly,
5 but this is -- can I start from the beginning of this with
6 John Muskett?
7 Q Sure.
8 A Okay. Then that's the best way chronologically.
9 I believe it was Easter weekend, somewhere a time around
10 there. It was on a Saturday. Officer John Muskett came to
11 me and said, "Look, I'm working overtime this weekend, I'm
12 working your old post. Give me some pointers how you worked
13 it, tell me about this access list." You know. So I talked
14 to him the best I could.
15 To try to make a long story short, I came back to
16 work on Tuesday, I'm off Sunday, Monday, Tuesday. When I saw
17 John he was very upset. He was very hostile towards me. He
18 asked me why I didn't warn him, why I didn't tell him what
19 was going on and I really didn't understand what he meant,
20 but then he explained to me an incident that had happened
21 involving the President and Monica and the President's Deputy
22 Chief of Staff was involved and his name was Harold Ickes.
23 Apparently what happened was Monica was in the Oval
24 Office suite with the President. The phone on John's post
25 outside rang and it was the White House operator and it was

1 Ickes went in there and found Monica face down in the
2 President's lap. That's what I remember him telling me.
3 At that point, I was -- you know, highly energized
4 myself. I didn't want to discuss it any more. We were
5 standing in a place where I was afraid people would overhear
6 us.
7 I said, "John, I don't want to hear any more. You
8 know, we'll have to talk some other time." And I walked.
9 BY MS. WIRTH:
10 Q And Monica was still employed at the White House at
11 that time?
12 A When the incident happened, yes. And then the --
13 by that Monday, she was an employee of the Department of
14 Defense.
15 A JUROR: Could we get some dates?
16 THE WITNESS: I don't have them.
17 BY MS. WIRTH:
18 Q Said Easter. Do you remember what year?
19 A Do you remember --
20 BY MR. BITTMAN:
21 Q Was this the year she was transferred?
22 A Correct.
23 Q Does April '96 sound right?
24 A Yes, it does. Now, as far as the actual date,
25 I'm saying it's around Easter. I'm sure Mr. Muskett would be

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Page 20

1 common when the staff wasn't there the White House operator,
2 if she could not get a hold of the President, she would call
3 us on the post and ask us to make contact with him.
4 So John got a call from the White House operator.
5 He did not feel comfortable going into the Oval Office like
6 I would have, thank God I wasn't there, he went down the
7 hallway. He knew Harold Ickes was in his office.
8 Now, this is -- I'm relaying to you what John told
9 me and I don't remember a lot of it, but this is the thrust
10 of it.
11 He went down the hallway, he made contact with
12 Harold Ickes. Harold Ickes came back down the hallway to
13 pass the message to the President that there was a phone
14 call. They apparently go into the dining room -- I mean
15 into the suite either through the dining room door or the
16 pantry door towards the study.
17 I don't remember what John told me he saw, but the
18 thrust of this whole story is that apparently they caught --
19 Harold Ickes or John or both of them caught the President and
20 Monica in some kind of compromising position.
21 Q What did Mr. Muskett tell you?
22 A The basic thrust is -- and I apologize --
23 Q I want it as best as you can recall.
24 A Yes. I'm going to -- it's just a little crude to
25 say it this way and I apologize, but basically he said that

1 able to give you a better date. I would think so, anyway.
2 BY MR. WISENBERG:
3 Q One of the things -- I believe one of the things
4 that you took a privilege on was whether or not Bayani
5 Nelvis, the steward, had said anything to you about the
6 President and Monica in the study. Do you recall anything
7 along those lines? Other than what you've testified about.
8 A No. I don't recall anything -- oh, wait a minute.
9 That's not true. Please give me a minute to -- I've been
10 trying to invoke this privilege for so long -- Nelvis --
11 Nelvis and Monica -- no, I don't believe I have any further
12 information.
13 MR. BITTMAN: Officer Byrne, we're going to excuse
14 you for right now.
15 THE WITNESS: Sure.
16 MR. WISENBERG: Just for a moment.
17 THE WITNESS: Okay.
18 (The witness was excused.)
19 (Whereupon, at 4:02 p.m., the taking of testimony
20 in the presence of a full quorum of the Grand Jury was
21 concluded.)

* * * * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GRAND JURY PROCEEDINGS

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Thursday, July 30, 1998

The testimony of GARY JAMES BYRNE was taken in the
presence of a full quorum of Grand Jury 97-2, impaneled on
September 19, 1997, commencing at 3:39 p.m., before:

EDWARD J. PAGE
MARY ANNE WIRTH
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

PROCEEDINGS

1 Whereupon,
2
3 GARY JAMES BYRNE
4 was called as a witness and, after having been first duly
5 sworn by the Foreperson of the Grand Jury, was examined and
6 testified as follows:

EXAMINATION

BY MS. WIRTH:

9 Q Officer Byrne, you testified before another grand
10 jury on July 17, 1998, which was a Friday. Do you remember
11 that?

12 A Yes, ma'am.

13 Q And do you remember -- excuse me one minute.

14 (Pause.)

15 MS. WIRTH: At this time, Mr. Page, who is with me
16 and a member of our office, will advise you of your rights.

BY MR. PAGE:

18 Q From your earlier appearance, you understand that
19 you are currently in front of a federal grand jury, correct?

20 A Yes, sir. I do.

21 Q And you understand further that the court reporter
22 immediately to your left is taking down everything that I say
23 and you say and the questions and answers, correct?

24 A Yes, sir.

25 Q I want to tell you a couple of things before we get

C O N T E N T S

WITNESS: Page

Gary James Byrne 3

GRAND JURY EXHIBITS:

No. GB-1A Map of West Wing 12

1 into specifically what your rights are here today.
2 First of all, I represent to you that the grand
3 jury is conducting an investigation of possible violations
4 of federal criminal laws involving whether Monica Lewinsky
5 or others suborned perjury, obstructed justice, intimidated
6 witnesses or otherwise violated federal law, other than a
7 Class B or C misdemeanor or infraction, in dealing with
8 witnesses, potential witnesses, attorneys or others
9 concerning the civil case Jones v. Clinton. Do you
10 understand what this grand jury is investigating?

11 A Yes, I do.

12 Q Do you understand that you have certain rights and
13 one of them is that you have the Fifth Amendment right which
14 is the right to refuse to answer one or more of any questions
15 that are put to you if a truthful answer to the question
16 would tend to incriminate you?

17 A I do understand that.

18 Q All right. Do you understand further that anything
19 you do say may be used against you by the grand jury or in a
20 subsequent legal proceeding?

21 A I do understand that.

22 Q Do you understand that if you have a lawyer, the
23 grand jury will permit you a reasonable opportunity to step
24 outside the grand jury room and to consult with that lawyer
25 or lawyers if you should so desire?

Page 5	Page 7
<p>1 A Yes.</p> <p>2 Q Do you have a lawyer?</p> <p>3 A No.</p> <p>4 Q Is anybody outside representing you in any</p> <p>5 capacity?</p> <p>6 A Yes.</p> <p>7 Q And who is that?</p> <p>8 A Yes. That would be Mark Halbun is his name. He's</p> <p>9 a friend of mine. I've been consulting with his law firm.</p> <p>10 Q Mark Halpern?</p> <p>11 A Halbun.</p> <p>12 Q Would you spell that for the court reporter?</p> <p>13 A I believe it's spelled H-a-l-b-u-n.</p> <p>14 Q H-a-l-b-u-n, Halbun?</p> <p>15 A Correct.</p> <p>16 Q All right.</p> <p>17 A I've been consulting with him since the very</p> <p>18 beginning. And, just for the record, nobody's ever asked me</p> <p>19 that before and I've never actually divulged that to the</p> <p>20 Secret Service or anybody, I've just consulted with him as</p> <p>21 far as procedure and that type of stuff.</p> <p>22 BY MS. WIRTH:</p> <p>23 Q But he's not here today?</p> <p>24 A No. And never has been. Just basically consulting</p> <p>25 on procedure and, you know, basically he's watching out to</p>	<p>1 Q All right. Do you know Mary Anne Wirth?</p> <p>2 A I do.</p> <p>3 MR. PAGE: She's going to ask your questions.</p> <p>4 THE WITNESS: All right.</p> <p>5 BY MS. WIRTH:</p> <p>6 Q Officer Byrne, as I stated a moment ago or asked</p> <p>7 you a moment ago, you did testify before the grand jury,</p> <p>8 another grand jury on July 17th, 1998, which is a week ago</p> <p>9 last Friday.</p> <p>10 A Yes, ma'am.</p> <p>11 Q And you also appeared very briefly before this</p> <p>12 grand jury prior to that when you were asked a question --</p> <p>13 A Right. Yes. Right out of a John Grisham book.</p> <p>14 Q All right. So anyway, we are going to first go</p> <p>15 over with you some of the things that you told the other</p> <p>16 grand jury.</p> <p>17 A Certainly.</p> <p>18 Q And then explore a few other areas. Okay.</p> <p>19 First question is during the time that you worked at the</p> <p>20 White House, did you ever see Monica Lewinsky with the</p> <p>21 President?</p> <p>22 A Yes.</p> <p>23 Q Can you tell this grand jury about that?</p> <p>24 A Yes. This incident took place on a weekend. I</p> <p>25 believe it was a Saturday. The significant thing about that</p>
<p>Page 6</p> <p>1 make sure that I'm kind of protected and still go along with</p> <p>2 the program that the Secret Service and Justice Department</p> <p>3 had set up before.</p> <p>4 BY MR. PAGE:</p> <p>5 Q Do you understand that within the definition of the</p> <p>6 United States Attorney's manual there are two kinds of</p> <p>7 witnesses that appear before the grand jury? One is a target</p> <p>8 and one is a subject and I represent to you today that you</p> <p>9 are a subject in the broadest sense in that you are a fact</p> <p>10 witness, someone with relevant information or who may have</p> <p>11 relevant information, not in the sense that the grand jury is</p> <p>12 specifically looking at your conduct and whether or not it</p> <p>13 violated any laws. Do you understand that?</p> <p>14 A I do. And thank you.</p> <p>15 Q Do you understand that you have an obligation to</p> <p>16 tell the truth here today and that if your testimony is false</p> <p>17 and then it's proven to be such that you could be prosecuted</p> <p>18 for perjury and/or obstruction of justice?</p> <p>19 A I do understand that.</p> <p>20 Q And do you understand further that by taking the</p> <p>21 oath that the foreperson administered that you may not</p> <p>22 mislead the grand jury with your answers and that, further,</p> <p>23 that you cannot claim that you don't remember something if</p> <p>24 that's not accurate?</p> <p>25 A I do understand that.</p>	<p>Page 8</p> <p>1 is on this Saturday, normally, like most Saturdays, the staff</p> <p>2 is not generally there. The President's secretaries, that</p> <p>3 type of stuff, those type of people.</p> <p>4 Posted at my post outside the Oval Office,</p> <p>5 sometimes when the staff's not there, I kind of assume</p> <p>6 certain things to do for the President. For instance, if</p> <p>7 somebody showed up with information for the President, I</p> <p>8 would -- you know, they'd say, "Well, this needs to go to</p> <p>9 the President," I would ask them to wait outside, I would</p> <p>10 knock on the door, enter the Oval Office and tell the</p> <p>11 President what was going on and if he wanted the information</p> <p>12 or wanted to talk to this person, he would then usually tell</p> <p>13 me to let them in. Or sometimes he would walk out and talk</p> <p>14 to them.</p> <p>15 On this day that we're talking about with Monica</p> <p>16 Lewinsky, on this Saturday, I was standing post. There were</p> <p>17 a couple of agents from the President's detail there, of</p> <p>18 course, as there always is. And I saw her come down the</p> <p>19 hallway.</p> <p>20 Now, I don't know how clear I made this before, but</p> <p>21 Monica Lewinsky is somebody that I had quite a few run-in'</p> <p>22 with. She was always, in my opinion, where she wasn't</p> <p>23 supposed to be and she was always trying to do something to</p> <p>24 help her gain access to the area of the Oval Office when she</p> <p>25 shouldn't have been.</p>

1 So she showed up and she said she had to deliver a
 2 stack of papers to the President. And I immediately thought
 3 this was ridiculous because stuff delivered to the President
 4 on the weekends would generally go to the military aide, who
 5 would then bring it to the Oval Office. Or, in this
 6 instance, if she actually had something, in my opinion, to
 7 deliver to the President, I would have had the military aide
 8 come up and take it from her.

9 Well, when I challenged her, she said, "Okay," or
 10 something to that effect, and she just left the area and she
 11 walked away from the Oval Office in the direction of east and
 12 then turned left and went up towards the West Wing reception
 13 area.

14 A short time later, the Oval Office door opened up
 15 and the President came out and said to me and the agent
 16 standing there, but I felt like he was talking to me, you
 17 know, he said, "Have you seen an intern looking for me?" And
 18 I was kind of caught back. I thought, "Oh, great. I just
 19 sent her away." And he said she was supposed to deliver some
 20 information to him.

21 Honestly, I thought it was kind of odd. I mean,
 22 why would somebody of this level be delivering information to
 23 the President? It's not normal. But, you know, it's not my
 24 job to run the West Wing for the staff. So I said that I --
 25 I think I either said, "I haven't seen her," or "If I see

1 the agent and I made some kind of acknowledgment that it was
 2 kind of odd that -- just thought it was odd that she was
 3 there like that.

4 Q You said she was there from 15 to 25 minutes.
 5 At that point, did she emerge or did you leave or what
 6 happened?

7 A I believe I left. I don't recall the fine details
 8 of the end. I could have, one, been pushed off the post to
 9 go home or, two, been pushed off the post for a break. I
 10 don't recall exactly what happened, but I do recall being
 11 there from approximately 15 to 25 minutes. I believe what
 12 happened was that, to the best of my recollection, that it
 13 was the end of my shift.

14 Q What is your best memory of when this happened?

15 A I'd have to say -- I remember it being sunny, I was
 16 in a short-sleeved shirt. It could have been spring or
 17 summer. I really have no recollection of time, you know.
 18 Standing in those hallways and trying to remember back, it's
 19 hard to remember the time of the year.

20 Q Do you know whether she was an employee at the
 21 White House at that time?

22 A She was a hard blue passholder assigned to the East
 23 Wing. The reason I remember this is if she had come up and
 24 had an intern pass, I would have freaked out because she
 25 wasn't escorted. And I can't tell you that I actually

1 her, I'll let you know."

2 And as soon as he closed the door, I looked in, you
 3 know, into the Roosevelt Room to try to find her, thinking,
 4 "Oh, boy, you know, I sent her away."

5 So she showed up like right away. She was either
 6 sitting in the Roosevelt Room or standing outside the office
 7 at the end of the Roosevelt Room by the lobby. So I said,
 8 "Monica, the President said he wanted to see you," or
 9 something to that effect. I acknowledged the fact that he
 10 wanted to see her.

11 So I told her to have a seat and I knew he had been
 12 on the phone so I went back and knocked on the door, I opened
 13 the door and I said to him, "Sir, your intern is here," or
 14 something to that effect.

15 And he walked to the Oval Office door, in other
 16 words, from inside the Oval Office to the door, the hallway
 17 where I'm standing, and she came from the Roosevelt Room and
 18 walked up and they, you know, said, "Hi, how are you?"

19 And he kind of nodded and they walked in and I
 20 stepped in and grabbed the doorknob of the door and pulled it
 21 closed. And to the best of my recollection, they were in
 22 there from approximately 15 to 25 minutes.

23 Q And what happened then with respect to you?

24 A I stood post there and, you know, kept doing what I
 25 was supposed to be doing. I'm sure I made some kind of --

1 remember her having her pass on, but I'm sure she was a
 2 passholder. I'm sure she was working for Legislative Affairs
 3 at that time.

4 Q Okay. Do you remember what time of day this was?

5 A Between eleven and one. That's my best guess.

6 Q a.m. to one p.m.?

7 A Yes. Right. I was working the day work shift
 8 which for us is called B section and it's from 6:30 in the
 9 morning to 2:30 in the afternoon.

10 MS. WIRTH: Okay. I've already marked as
 11 Grand Jury Exhibit GB-1A this map which I'm about to approach
 12 you with and I marked it that way because I'm not sure if we
 13 have a previous exhibit with you, so we've marked this one
 14 GB-1A for Gary Byrne.

(Grand Jury Exhibit No. GB-1A was
 marked for identification.)

BY MS. WIRTH:

18 Q This is what purports to be a map of the West Wing?

19 A Correct.

20 Q Okay. What was your post called that day?

21 A It's called post [redacted] and also [redacted]

22 Q Okay. So can you mark on the diagram where [redacted] is
 23 and where [redacted] is, if there's a difference?

24 A Certainly. Certainly.

25 Q Okay. [redacted] you've marked [redacted]

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1 [REDACTED]
 2 [REDACTED]
 3 A Correct. It would be directly [REDACTED]
 4 [REDACTED]
 5 Q And exactly across the way from [REDACTED]
 6 [REDACTED]
 7 A Correct.
 8 Q And, for the record, you're marking the [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 A Correct.
 12 Q Okay.
 13 A And that would be across from [REDACTED]
 14 [REDACTED]
 15 Q Okay. And when the President is in the Oval
 16 Office, you are posted at the [REDACTED] post, correct?
 17 A Right. And patrol from the [REDACTED]
 18 [REDACTED]. That's all our
 19 responsibility, actually, to the back [REDACTED]
 20 Q Do you have any recollection of the agent who was
 21 present that day?
 22 A No. I thought -- I believe -- the only
 23 recollection I have is Agent Bob Ferguson who I know had been
 24 here. That's the only person I can recall that could have
 25 possibly been there. I don't remember exactly, but that

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1 rings a bell, to be honest with you. So that's the best I
 2 could recall.
 3 Q Okay.
 4 A Could I make a comment, though?
 5 Q Yes.
 6 A Discussing these posts, the reason I didn't ask to
 7 go outside to consult with the Secret Service lawyers is
 8 because we've already talked about this and I'm just assuming
 9 I can do it again.
 10 Q You're talking about the map?
 11 A Yes. Putting the posts down on the map. We've
 12 already done that.
 13 Q You're always free to leave if you want to talk
 14 about that. If you've already discussed it with them --
 15 A Yes.
 16 Q -- then I assume that you're okay with that?
 17 A Yes. Yes.
 18 Q But if at any time you wish to leave and consult
 19 with them, that would be fine.
 20 A Yes. We've discussed this before another time, so
 21 I just wanted to mention that that's --
 22 Q All right.
 23 A Okay.
 24 Q Now, when you first saw Monica that day -- you
 25 don't have to make any marks on the diagram but you can keep

Page 15

1 the pen for the moment.
 2 A Okay.
 3 Q Where was she when you first saw her coming?
 4 A She walked down this hallway. This would be from
 5 the area of the press lobby. And what I'm about to say isn't
 6 really an assumption. She would have had to come down this
 7 colonnade, these doors are locked, and then turned here,
 8 walked past this set of steps, and I saw her when she just
 9 about came right through this doorway.
 10 Q Okay. Why don't you mark that with a little line
 11 with your blue pen.
 12 A Certainly.
 13 Q As much as you can say you saw yourself. Okay.
 14 You saw all that yourself?
 15 A Oh, no. No. I'm sorry.
 16 Q What part did you see for yourself?
 17 A From right about here.
 18 Q Okay. And you're marking a point with line at what
 19 appears to be that staircase?
 20 A Staircase. Correct.
 21 Q Okay. So that's the moment from which you first
 22 noticed her. And perhaps if you could mark with an arrow the
 23 direction in which she was going. Okay. And you're drawing
 24 a line here that's approaching -- is in between the cabinet
 25 room and --

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1 A The hallway.
 2 Q -- the hallway and getting near the Roosevelt Room.
 3 A Correct.
 4 Q All right. And did she have anything with her that
 5 day?
 6 A She did. She had a stack of papers with her.
 7 And when she said that she was delivering these to the
 8 President, I kind of scoffed at her and I just flipped
 9 through the papers.
 10 I didn't really look at them because as I was
 11 doing it, I was thinking, "If this really is for him, I
 12 shouldn't be looking at them anyway," but I just flipped
 13 through them and part of it was the daily schedule that's
 14 published for the President and it's actually kind of a
 15 public schedule. And, you know, so I just kind of rolled my
 16 eyes.
 17 Q So this looked like fake stuff to you, then?
 18 A Well, I couldn't say it was fake and I don't know
 19 if he really wanted it, but to be honest with you, I had my
 20 doubts because it was just her -- because it was her
 21 delivering it and I had had my problems with her before.
 22 Q Okay.
 23 A And, you know, I had problems with her telling the
 24 truth to me before.
 25 Q So what did you say to her when she said, "I have

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<p>1 to deliver these to the President?"</p> <p>2 A I said something to the effect of, "Monica, you</p> <p>3 know, you don't deliver stuff directly to the President.</p> <p>4 That's ridiculous. That's up to the mil aide to do it on the</p> <p>5 weekends."</p> <p>6 Q The military aide?</p> <p>7 A Yes. The military aide. And at that point, I</p> <p>8 don't remember exactly what was said, but basically she</p> <p>9 pretty much turned around and left.</p> <p>10 Q Which way did she go when she left?</p> <p>11 A She went back down the hallway and then turned in</p> <p>12 this direction up towards the West Wing lobby.</p> <p>13 Q Okay. I'm going to give you another color pen.</p> <p>14 A Okay.</p> <p>15 Q Okay. This time we're going to use a red pen. You</p> <p>16 had used a blue one, correct?</p> <p>17 A Correct.</p> <p>18 Q Now we're going to use a red one.</p> <p>19 A All right.</p> <p>20 Q To mark her path when she leaves you after you tell</p> <p>21 her she cannot go in.</p> <p>22 A Correct. We were standing about here.</p> <p>23 Q You can begin there. And you're marking a point</p> <p>24 with an X at the E-6 post, that's where she turned and walked</p> <p>25 away.</p>	<p>1 Q Were you still standing at the E-6 post when you</p> <p>2 saw that?</p> <p>3 A Right. Standing right here through this open door.</p> <p>4 Q Okay. So you could see through the open door into</p> <p>5 the Roosevelt Room and through the opposite open door that</p> <p>6 she had passed towards the west lobby.</p> <p>7 A Correct.</p> <p>8 Q Did she ever return to the Roosevelt Room?</p> <p>9 A Yes, she did, just before she entered into the oval</p> <p>10 later on.</p> <p>11 Q Okay. Did she return to the Roosevelt Room before</p> <p>12 you saw the President or after?</p> <p>13 A It would have been after because when she came</p> <p>14 back, she kind of wandered back towards my area, and I told</p> <p>15 her to sit in the Roosevelt Room, you know, that the</p> <p>16 President did want to see her, and asked her to sit in the</p> <p>17 Roosevelt Room until I could contact him. I thought he was</p> <p>18 on the telephone.</p> <p>19 Q Okay. I'm going to read you your testimony from</p> <p>20 July 17th, okay?</p> <p>21 A Mm-hmm.</p> <p>22 MS. WIRTH: I'll begin at the beginning. You said,</p> <p>23 "Okay. And this is somebody I had run-ins with being in</p> <p>24 places that I felt that she wasn't supposed to be.</p> <p>25 "So she came up with a stack of papers and she</p>
<p>1 A Correct.</p> <p>2 Q And you're drawing a line that goes -- makes a left</p> <p>3 going above the Roosevelt Room, right?</p> <p>4 A Right. And goes down the hallway towards the west</p> <p>5 lobby.</p> <p>6 Q Okay.</p> <p>7 A And, of course, I would have lost sight of her</p> <p>8 there, but if I'm not mistaken, I saw her when she walked</p> <p>9 past this door also, you know what I'm saying? This door was</p> <p>10 open.</p> <p>11 Q Okay. And you've marked a door --</p> <p>12 A Another door to the Roosevelt Room.</p> <p>13 Q Right. The door to the Roosevelt Room leading into</p> <p>14 a lobby.</p> <p>15 A Correct.</p> <p>16 Q Is that the west lobby?</p> <p>17 A Right.</p> <p>18 Q Perhaps you could put west above lobby.</p> <p>19 A Sure.</p> <p>20 Q All right. Now, do you know if she proceeded into</p> <p>21 the west lobby?</p> <p>22 A Yes. She would have had to, because, like I said,</p> <p>23 I saw her walk past this door. These doors are right next to</p> <p>24 each other. But once she passed through that door, I had no</p> <p>25 idea what she --</p>	<p>1 said she had to deliver it to the President, which is</p> <p>2 unusual. It's very unusual. Anything delivered to the</p> <p>3 President, when the staff is not there, is usually delivered</p> <p>4 by the military aide.</p> <p>5 "So I said to her, 'Monica, you know that you're</p> <p>6 not supposed to deliver stuff to the President.' And she</p> <p>7 just turned around and pretty much walked away. She walked</p> <p>8 back towards one of the hallways and then disappeared. And</p> <p>9 then she couldn't have been gone, you know, more than 10,</p> <p>10 maybe 15, but not very long.</p> <p>11 "She came back into my sight and she sat down in</p> <p>12 the Roosevelt Room, which is across from the Oval Office,</p> <p>13 and just about then the Oval Office door opened and the</p> <p>14 President said, 'Have you seen an intern?'"</p> <p>15 THE WITNESS: Right.</p> <p>16 BY MS. WIRTH:</p> <p>17 Q Now, you just testified that you saw the President</p> <p>18 first and then she returned to the Roosevelt Room, but am I</p> <p>19 correct that on July 17th you testified that she came and sat</p> <p>20 in the Roosevelt Room first and then you saw the President?</p> <p>21 Which is it?</p> <p>22 A Actually, the way I recall it is I asked her to sit</p> <p>23 there after he had come out and said he was looking for her.</p> <p>24 Q Okay. Give us your best recollection today.</p> <p>25 A Okay. The way it happened, and I see the conflict,</p>

Page 21	Page 23
<p>1 the way it happened is she showed up first, said she had to 2 deliver something to the President. And I scoffed at her and 3 told her she couldn't deliver stuff, she wasn't supposed to. 4 and she disappeared. 5 Then the President comes out and says he was 6 looking for an intern delivering stuff. He went back into 7 the office, she showed up not too long afterwards and I was 8 actually kind of looking for her. I kind of looked in the 9 Roosevelt Room and I walked down as far as my post would 10 allow me, and she showed up and I asked her just to sit in 11 the Roosevelt Room. 12 I don't remember if she actually walked in the 13 Roosevelt Room first and I just told her have a seat or if 14 she was in the hallway and I told her to go into the 15 Roosevelt Room. But I told her to take a seat in the 16 Roosevelt Room. 17 Q Why did you do that? 18 A Because -- just so she would sit still and I knew 19 where she was and I was going to walk back over and knock on 20 the Oval Office door and tell the President that she was 21 here. 22 Q And you did that. 23 A And that's exactly what I did. Yes, ma'am. 24 Q What did the -- 25 A JUROR: Question.</p>	<p>1 hallway that leads from E-6, the post -- basically -- 2 A Right outside Betty Currie's office. 3 Q Right. But you said that she walked past that 4 area, she did not stop to use those phones, did she? When 5 she walked away from you? 6 A No, I didn't see -- no, she did not. 7 Q Where is the third phone that you mentioned? 8 A There are telephones in the west lobby. They're 9 all in the west lobby, just about every corner. 10 Q And that is the direction in which she walked. 11 A Correct. 12 Q Okay. Why don't you -- 13 A Certainly. I put them right around -- 14 Q As many Ps as you can remember. We'll start with 15 P-3. 16 A Okay. 17 A JUROR: Is that where the E-4 station is? 18 THE WITNESS: Yes, ma'am. It is. 19 A JUROR: Okay. 20 THE WITNESS: And then, of course, there's one on 21 the desk. 22 BY MS. WIRTH: 23 Q Okay. So basically what you're saying is that when 24 she walked away from you, she walked past where you've marked 25 P-1 and P-2.</p>
<p>Page 22</p> <p>1 MS. WIRTH: I'm sorry. 2 THE WITNESS: Yes, ma'am? 3 A JUROR: Excuse me. I have a question. Where 4 is the closest internal house phone where you can call 5 inter-department or interoffice? 6 THE WITNESS: Right on my post. For me? 7 A JUROR: For -- no. 8 THE WITNESS: For her? 9 A JUROR: From the hallway in front of the cabinet 10 room into the lobby of E-4. 11 THE WITNESS: Okay. Right here, ma'am, there's a 12 small couch and there's a phone right here, a house phone. 13 There's a house phone -- when I say "house phone," that's a 14 phone that she could use. 15 A JUROR: Right. 16 THE WITNESS: And there's also a phone across from 17 that that she can use and then out in the lobby there's a 18 phone that she can use. 19 BY MS. WIRTH: 20 Q Now, the first two phones that you mentioned, and 21 you why don't you put a P for each phone that you mentioned. 22 A Certainly. 23 Q P-1, P-2, P-3, et cetera, okay? 24 A Mm-hmm. 25 Q You're marking one phone P-1 -- okay -- in this</p>	<p>Page 24</p> <p>1 A Mm-hmm. 2 Q And you did not see her use those phones. 3 A No, she didn't. 4 Q But then she walked in a direction above the 5 Roosevelt Room, through a door leading to the west lobby and 6 there were four available phones in there for her to use. 7 A Yes. At least three or four phones. Correct. 8 Q And, as far as you know, did she use one? 9 A I don't know. 10 MS. WIRTH: Okay. I'm just going to show this to 11 the grand jury. 12 (Pause.) 13 MS. WIRTH: Okay. Officer -- 14 THE WITNESS: Ma'am, could I add something to that? 15 MS. WIRTH: Yes. Yes, you can. 16 THE WITNESS: I do recall that after this incident 17 took place some time while I was standing out there, it did 18 occur to me that she must have used the phone. Like I said, 19 I didn't see her use one, but I just felt it was so 20 coincidental that all of a sudden the President pops out and 21 says he's looking for somebody after I just say -- somehow I 22 assumed that there was some kind of contact made. I did then 23 and I believe it today. 24 BY MS. WIRTH: 25 Q Now, how long after you lost sight of Monica did</p>

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<p>1 the President come out of the Oval Office?</p> <p>2 A You know, I really don't recall but it was a short</p> <p>3 period of time, five to ten minutes, you know. I don't</p> <p>4 recall exactly what I've said before, but it was not a long</p> <p>5 period of time.</p> <p>6 Q And when he came out, what did he say?</p> <p>7 A He came out and said, "Have you all seen an intern</p> <p>8 looking for me to deliver some stuff?" Something to that</p> <p>9 effect. And I said, "Oops."</p> <p>10 Q Okay. And what did you say to him?</p> <p>11 A I said -- I either said, "Yes, sir, I have," or</p> <p>12 I said -- I can't remember if I said, "No, I haven't, but</p> <p>13 I'll let you know," or "Yes, I have." I don't recall.</p> <p>14 Because I was a little flustered that I had just turned away</p> <p>15 somebody that he was looking for.</p> <p>16 Q Did you realize right away that it was Monica that</p> <p>17 he meant?</p> <p>18 A I just assumed it was. Sure. I mean, nobody else</p> <p>19 had been down there that day, there was no staff members on</p> <p>20 duty that I knew of.</p> <p>21 MS. WIRTH: Okay. I'm going to read to you from</p> <p>22 your testimony from July 17th.</p> <p>23 THE WITNESS: Yes, ma'am.</p> <p>24 MS. WIRTH: And ask you a couple of questions about</p> <p>25 this.</p>	<p>1 delivery person. But the point was that I felt that that's</p> <p>2 who he was looking for and I expedited trying to, you know,</p> <p>3 get a hold of her and she showed up.</p> <p>4 Q Okay. So you don't recall whether you told him yes</p> <p>5 or no, that she had been there.</p> <p>6 A If I had said that before, I probably did at that</p> <p>7 time, but I don't really recall right now to be honest with</p> <p>8 you.</p> <p>9 Q All right. Well, this is just a little over a week</p> <p>10 ago.</p> <p>11 A Oh, was it?</p> <p>12 Q Well, this is your testimony from July 17th.</p> <p>13 A Oh, I'm sorry. I really don't know how to rectify</p> <p>14 that. To the best of my recollection --</p> <p>15 Q Well, why don't we take it nice and slow?</p> <p>16 A Sure.</p> <p>17 Q Just tell me today, what your best memory is of</p> <p>18 what happened.</p> <p>19 A Okay. The best of my recollection is that when he</p> <p>20 came out and he asked me, the President asked me had I seen</p> <p>21 an intern that was supposed to be delivering some stuff to</p> <p>22 him, the best of my recollection now, I'd have to say I said,</p> <p>23 "No, I haven't, but as soon as she shows up, I'll let you</p> <p>24 know." Something to that effect.</p> <p>25 Q Okay. And then as soon as he closed the door, I</p>
<p>1 THE WITNESS: Sure.</p> <p>2 MS. WIRTH: Okay. You said, "She came back into my</p> <p>3 sight and she sat down in the Roosevelt Room, which is across</p> <p>4 from the Oval Office, and just about then the Oval Office</p> <p>5 door opened and the President said, 'Have you seen an</p> <p>6 intern?'"</p> <p>7 BY MS. WIRTH:</p> <p>8 Q Now, you just told us a moment ago that that was</p> <p>9 not correct, that the President came out and then she came</p> <p>10 back to the Roosevelt Room.</p> <p>11 A Correct.</p> <p>12 Q Then you said, "He turned to me and said, 'Have you</p> <p>13 seen an intern looking for me?'"</p> <p>14 "And I said, 'No.' And it hadn't occurred to me,</p> <p>15 you know, what was about to transpire. And I said, 'No,</p> <p>16 sir.' And then I said, 'Well, wait a minute. Yeah. There</p> <p>17 was one.'</p> <p>18 "And he said, 'When she comes back, let me know.'</p> <p>19 "So he went back in and closed the door." And then</p> <p>20 you continued.</p> <p>21 That's a little different than what you said today?</p> <p>22 A Yes, it is a little different. It is a little</p> <p>23 different. I'm not sure if I actually told him there was</p> <p>24 looking for him, that Monica had been there, or that I was a</p> <p>25 little worried about telling him I just sent away his</p>	<p>1 take it --</p> <p>2 A Right. I looked at the agent and I go, "Well, I</p> <p>3 guess that --" Well, I remember thinking to myself, "Well,</p> <p>4 I guess that's who we're talking about."</p> <p>5 And then, you know, like I walked down the hallway</p> <p>6 a little bit, I looked around for her, I walked back. I</p> <p>7 don't remember if I saw her in this hallway or the Roosevelt</p> <p>8 Room area, but then I said, "Monica, please come in and have</p> <p>9 a seat."</p> <p>10 Q Okay. So did you ever -- okay. So you did see her</p> <p>11 and then you told her to sit down in the Roosevelt Room.</p> <p>12 A Correct.</p> <p>13 Q Okay.</p> <p>14 A What I don't remember exactly is was she standing</p> <p>15 in the Roosevelt Room, was she standing in this hallway.</p> <p>16 Q And when you say "this hallway," you're talking</p> <p>17 about the hallway on top of the Roosevelt Room?</p> <p>18 A Correct.</p> <p>19 Q Which is where her path was that leads to the</p> <p>20 lobby.</p> <p>21 A Correct.</p> <p>22 Q Okay. All right. So you did ask her to sit down</p> <p>23 in the Roosevelt Room and then you went back to the door of</p> <p>24 the Oval Office. And, by the way, we've been talking about</p> <p>25 the 11:00 door?</p>

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<p>1 A Correct.</p> <p>2 Q And that's the door the President came out of and</p> <p>3 spoke to you?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And that's the door you returned to when you</p> <p>6 knocked on it?</p> <p>7 A That's correct.</p> <p>8 Q And did he respond?</p> <p>9 A Yes.</p> <p>10 Q What did he say?</p> <p>11 A Well, I opened -- the way it works is you knock</p> <p>12 twice really hard, you wait for a minute, you open the door.</p> <p>13 And I said, "Mr. President," I don't know if I said "Monica"</p> <p>14 or "your intern". I probably said, "Your intern is here,"</p> <p>15 something to that effect.</p> <p>16 Q And where was the President when you said that?</p> <p>17 A I believe he was standing in the room. It looked</p> <p>18 like he had been sitting on the desk on the telephone.</p> <p>19 Sitting on the front of his desk on the telephone. Because</p> <p>20 he was kind of -- when I opened the door, he was kind of</p> <p>21 making his way towards me and it looked like to me -- I just</p> <p>22 heard him hang up the phone.</p> <p>23 Q Okay. And did he respond when you said that?</p> <p>24 A Yes. He said, "Okay. Thank you." And he came</p> <p>25 towards the door. She came out of the Roosevelt Room. You</p>	<p>1 Q Was Betty Currie working that day?</p> <p>2 A No, she was not.</p> <p>3 Q Was Nancy Hemreich working that day?</p> <p>4 A She was not. That office was secured.</p> <p>5 Q Were either of the President's naval stewards,</p> <p>6 Bayani Nelvis or Glen Maes working that day?</p> <p>7 A I don't recall. Normally the way that worked is if</p> <p>8 he came in like that on the spur of the moment, we would call</p> <p>9 the stewards or the steward would check in periodically,</p> <p>10 calling us at the post, and I don't recall if they were there</p> <p>11 or if they had called.</p> <p>12 Q Now, when you say when he comes in on the spur of</p> <p>13 the moment, you're referring to the President?</p> <p>14 A Yes. I'm referring to the President, spur of the</p> <p>15 moment being late at night, normally, or on the weekends when</p> <p>16 there's no schedule.</p> <p>17 Q And this was a spur of the moment --</p> <p>18 A This was on a Saturday when he wasn't scheduled to</p> <p>19 be there, so his support staff was not there.</p> <p>20 Q Do you remember how long he was in the Oval Office</p> <p>21 before you first saw Monica?</p> <p>22 A I don't remember exactly, but I can tell you</p> <p>23 safely, I'd say at least an hour. You know.</p> <p>24 Q All right. And you said that it was --</p> <p>25 approximately how long were you on this post after you shut</p>
<p style="text-align: right;">Page 30</p> <p>1 know, they said hello, whatever, something to each other,</p> <p>2 some kind of acknowledgment. She had this paper she was</p> <p>3 holding like this --</p> <p>4 Q And you've got your hands folded across your chest,</p> <p>5 for the record?</p> <p>6 A Yes. Yes. She was holding similar to this. And I</p> <p>7 stepped -- I think behind the President, pushed the door all</p> <p>8 the way open, allowed them both access and then closed the</p> <p>9 door.</p> <p>10 Q Did the President step out of the Oval Office to</p> <p>11 greet her?</p> <p>12 A If he did, it wasn't more than a foot. They stayed</p> <p>13 right in the threshold area.</p> <p>14 Q And who shut the door?</p> <p>15 A I did.</p> <p>16 Q And that was the 11:00 door?</p> <p>17 A Correct.</p> <p>18 Q When you looked inside the Oval Office and you saw</p> <p>19 the President, did you see anybody else in there?</p> <p>20 A No. There was not anybody else in there.</p> <p>21 Q To your knowledge that day, was anybody else in the</p> <p>22 Oval Office besides the President?</p> <p>23 A Not while I was there and not at that time. I</p> <p>24 don't recall anybody else -- I'm sorry. I don't recall</p> <p>25 anybody else being in there that day.</p>	<p style="text-align: right;">Page 32</p> <p>1 the door and the President and Monica were inside the Oval</p> <p>2 Office?</p> <p>3 A Approximately 15 to 25 minutes, to the best of my</p> <p>4 recollection.</p> <p>5 Q And during that time, did you ever see anybody</p> <p>6 enter or exit the Oval Office?</p> <p>7 A No.</p> <p>8 Q And what is the best of your memory of what</p> <p>9 happened 15 to 25 minutes later with respect to you?</p> <p>10 A The best of my recollection is that I got pushed</p> <p>11 off post, either on break or to go home.</p> <p>12 Q Did you ever see Monica Lewinsky again that day?</p> <p>13 A Not that I recall.</p> <p>14 Q Did you ever see the President again that day?</p> <p>15 A Not that I recall. No, ma'am.</p> <p>16 MS. WIRTH: Okay.</p> <p>17 A JUROR: I have a question. If the President does</p> <p>18 come, you said he was unscheduled to be there? So if he</p> <p>19 comes in unscheduled and he wants something to eat or drink,</p> <p>20 does he get it himself or --</p> <p>21 THE WITNESS: Sometimes he would or he would ar'</p> <p>22 for the steward. For instance, there were times when he</p> <p>23 said something about tea or coffee and I would actually turn</p> <p>24 the pot on or turn the coffee maker on for him. The stewards</p> <p>25 set it up so all you have to do is turn a switch on. But</p>

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<p>1 generally if he wanted something to eat and they weren't 2 there right away, I would pick up the phone and call the 3 ushers office in the mansion and have them come take care of 4 his needs until the steward showed up. 5 A JUROR: Okay. So are you saying a steward is on 6 call? Is that what you're saying? 7 THE WITNESS: Yes. Yes. The stewards are on call. 8 Anybody that works around the President is kind of on call 24 9 hours a day, to be honest with you. But, yes, the stewards 10 are. And generally speaking, if they weren't there on a 11 Saturday or Sunday and they knew he was there, they were on 12 their way in. One of them -- either Glen or Nelvis were on 13 their way in or waiting to be called. 14 A JUROR: Those house phones, anyone who is in 15 there can just pick it up and talk directly to the President? 16 THE WITNESS: No. 17 A JUROR: They have to go through the operator? 18 THE WITNESS: No, ma'am. Very few people have 19 direct phone access to the President. That list is -- that 20 permission is granted by Nancy Herreich, to the best of my 21 knowledge. If you were to pick up a house phone and request 22 to talk to the President, we'd probably be walking you out 23 the door. 24 A JUROR: But if you know the extension? 25 THE WITNESS: There's only one phone that you can</p>	<p>1 THE WITNESS: I feel that she did. I mean, I don't 2 know that she did, but it was so coincidental that he comes 3 out like that. 4 A JUROR: Is that line that you're talking about a 5 WHCA line? 6 THE WITNESS: Well, they're all -- the drop line? 7 A JUROR: Yes. 8 THE WITNESS: Yes. When you pick it up, as soon as 9 you pick this line up, this drop line, the voice on the other 10 side says, "Yes, Mr. President?" And then -- you know -- 11 so -- When you pick up the other phone, you just get the 12 White House operator, depending on which line that you push. 13 Yes, ma'am? 14 A JUROR: You said you had problem with Monica 15 Lewinsky not telling the truth. 16 THE WITNESS: Yes. 17 A JUROR: And doing things she shouldn't do. Could 18 you give some examples? 19 THE WITNESS: Absolutely. From the time that she 20 was an intern, from the time that Monica Lewinsky was an 21 intern, I felt like she was trying to gain access to either 22 the President himself or that area. 23 I often referred to her as the stalker, not in a 24 vicious way to harm the President, but I kind of -- I always 25 thought she was like a cross between a 15-year-old chasing a</p>
<p>1 dial directly into the office that rings into the office. To 2 call the President, it rings into the secretary's office or 3 Nancy Herreich -- Betty Currie's office or Nancy Herreich's 4 office. It does not ring directly -- the normal phones don't 5 ring directly to the President. They'll flash, but they 6 don't ring. 7 There's one phone that rings and it's called a drop 8 line and it sits behind his desk. That number is not 9 published to anybody and very few people have it. It's a 10 military phone. 11 A JUROR: So how would she have contacted him? 12 THE WITNESS: I don't know if I've actually 13 commented on this before. The best of my knowledge would be 14 that she had this five-digit number to call that drop line. 15 Unless she had -- unless she was on the phone list to be able 16 to call the White House operator and ask for phone access to 17 the President. If she did call him, it would have been one 18 of those two ways, because I don't know of any other way. 19 I mean, I'm not going to sit here and tell you I 20 know everything about that, but I know that place pretty 21 well, I've worked there for a long time, and it was my job to 22 know these things and I feel like I know enough about it to 23 say that. 24 A JUROR: So you do agree that she did contact him 25 because there was no --</p>	<p>1 rock star and a stalker, you know? 2 If she was not a White House employee, as many 3 places as she showed up, she'd have been on our watch list. 4 I mean, that's -- I've been on this job seven years and I can 5 promise you, if she showed up at that many places and she was 6 not an employee, that we'd be looking out for her. 7 Just like when the President first came in, he used 8 to jog outside the complex just arbitrarily and the same 9 couple of people started showing up, as soon as they came up 10 the second time, they got interviewed. You know. That's the 11 way it kind of works. 12 I had run-ins with her when she was an intern being 13 in places she wasn't -- trying to come down this hallway that 14 I work in which didn't -- not everybody had access to. They 15 wanted us to limit the access to the President and his senior 16 staff. If you were an intern or junior employee or even 17 somebody that was a senior government employee but if you had 18 no business there, you shouldn't be coming down the hallway. 19 There was plenty of other ways to get around to the other 20 side. And I had problems with her coming and doing those 21 kind of things. 22 I also had problems with her -- I'd say, for 23 instance, there was an incident during the government 24 shutdown. She was working as an intern for the Chief of 25 Staff, Leon Panetta. And she came down the hallway and the</p>

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<p>1 President was in the Oval Office at the time and I stopped 2 her and I said, "Go around the other way." 3 And she said, "I have to deliver these papers." 4 And I said, "Well, go around the other way." 5 And then she said, "I have to go to the bathroom. 6 too." 7 And I said, "Go around the other way." 8 And before she could say the third thing, I just 9 kind of physically pushed her through the doorway, the side 10 doorway, into the Roosevelt Room. 11 I mean, I didn't -- you know, I didn't grab her 12 and jack her up, but I said, you know, "Just go this way, 13 Monica." And she walked away and that was it. So that's 14 the kind of stuff I'm talking about. 15 A JUROR: Officer, would you say that you probably 16 gave Monica the hardest time because you played by the rules? 17 THE WITNESS: Yes. I don't want to sound like I'm 18 wearing like a badge of honor, but, yes. I never tried to 19 befriend her. I know some people did because some of the 20 officers did and that's fine. I'm not saying that's wrong and 21 it's not wrong, but, yes, I did. I always felt like she 22 wasn't telling me the truth and I can't tell you why. I just 23 felt like that. 24 Yes, sir? 25 A JUROR: Do you know Evelyn Lieberman?</p>	<p>1 And I said, "Well, you know, no kidding. Who gives 2 them the authorization? You do. You get rid of them. I'm 3 tired of fighting with it. You know, I do the best I can." 4 So she did. And there was, you know, a lot less interns the 5 next day or shortly after that. 6 And then when -- it kind of became clear to me 7 that I felt Monica was becoming a problem, a problem other 8 than me, I can't tell you that -- I have to tell you that 9 at first, I did not think there was any kind of real 10 relationship between her and the President, I just thought it 11 was Monica trying to portray that to gain access. 12 And then I have to admit that after this incident 13 where the President came out looking for her, I pretty much 14 stopped giving her a hard time because I just felt like she 15 was a wanted guest. 16 And then Evelyn Lieberman -- some point while I was 17 still working at the Oval Office, I went to her and 18 complained directly about Monica. 19 Now, there's been all kinds of stories about this 20 in the press and they're generally on the right track, but 21 the truth is I never went in to her and asked for a meeting, 22 I never generated any paperwork, I never wrote a memo on 23 this. I'm a very lazy person. If I can walk down the 24 hallway, I'll do it. And that's what I did. 25 I went in and I complained about her. It wasn't a</p>
<p>1 THE WITNESS: I certainly do. 2 A JUROR: Could you tell me anything about -- 3 THE WITNESS: Yes. I should probably talk about 4 Evelyn from when I first met her. 5 MS. WIRTH: Go ahead. 6 THE WITNESS: She was hired -- I don't know why she 7 was hired, but I first met her, she was working in the upper 8 press office. And the rumor was that she was brought in 9 there to clean up some of the mess in there. They had all 10 these young people and young employees in there and basically 11 it was a mess. They were too busy trying to do other things 12 beside the President's and the government's work. And this 13 is my opinion. 14 And she came in there and she straightened it out. 15 She got rid of some of the interns in there and she kind of 16 lowered the boom on them, which was what Evelyn's specialty 17 was, in my opinion. I liked her a lot. I thought she was -- 18 you know, no messing around. A dog was a dog and that was 19 that. 20 And so eventually she was promoted to the Deputy 21 Chief of Staff. She was the first woman Deputy Chief of 22 Staff and it was kind of neat to see that happen. Anyway, 23 she as Deputy Chief of Staff one day came out when I was 24 standing my post and kind of berated me about all these 25 interns in the hallway.</p>	<p>1 long meeting and it wasn't a big deal, but I did go in there 2 and say, "Look. This person's a problem." 3 Now, there was a point not too long after that when 4 I was thinking to myself that I would go back and I would 5 tell her a little bit more why I was concerned, but then I 6 got to the point where I was conflicted, is this any of my 7 business, am I stepping on -- you know, I have to admit to 8 you that where I worked was a cushy post. 9 I had weekends off, I had three years on the job. 10 My wife liked it, it was good for all of us, I didn't want to 11 get fired because I stuck my nose where it didn't belong. So 12 I contemplated going to her again and I thought it was best 13 that I didn't. 14 And then -- I don't know how long it was, you know, 15 after that that I eventually was transferred, I transferred 16 to the tour section, and it wasn't my problem any more. So I 17 thought. 18 A JUROR: You made a statement just now, you said 19 other things, you know, the young people were doing other 20 things. Like what? 21 THE WITNESS: For instance, you have to understand 22 that the White House is kind of a working museum. I mean, 23 this building is, you know, over 200 years old, part of it. 24 They were walking around with Cokes, spilling them on the 25 carpet.</p>

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1 I mean, they pay a fortune for this stuff in there,
 2 these pieces of furniture that they would put their feet up
 3 on sometimes.
 4 I mean, this is something that's 180 years old, you
 5 know? It's been there since -- some of it, the Pembroke
 6 chairs in the Oval Office were brought in by President
 7 Truman. Some of the other furniture there has been -- you
 8 know, they just didn't treat the place with a lot of respect.
 9 And it used to grate us a lot.
 10 It made us unhappy and we used to complain about
 11 it, you know. That's one of the things I was talking about.
 12 A JUROR: So then also it's safe to say that you
 13 didn't like Monica?
 14 THE WITNESS: Yeah. You know, I didn't know her
 15 outside of work, but, yeah, as an employee I thought she was
 16 a waste of time, to be honest with you. I don't know what
 17 she did when she was working, but I didn't see her and a lot
 18 of other people, I didn't see why they were there.
 19 A JUROR: More importantly, when Monica saw you on
 20 her way to the Oval Office, do you think her alarm system
 21 went off?
 22 THE WITNESS: Oh, yeah. She saw me -- she saw me
 23 and she was intimidated.
 24 A JUROR: Okay.
 25 THE WITNESS: But, you know, that's my job, to

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1 intimidate people like that. I'll be as nice as I can, but
 2 let them know that -- you know -- yeah, I think she knew that
 3 she was -- that there was a problem. Sure.
 4 A JUROR: Did you get any problems from giving
 5 Monica a hard time in your job?
 6 THE WITNESS: No. Not that I recall. No. And
 7 even if I had, I mean, it's kind of like -- we kind of wear
 8 that as a little, you know, a little badge, you know, that
 9 you got in trouble -- or you got reprimanded for, you know,
 10 stopping somebody or doing your job. No, I don't recall ever
 11 being said anything.
 12 MS. WIRTH: There's some questions over there.
 13 THE WITNESS: Yes?
 14 A JUROR: Mr. Byrne, do you recall how long after
 15 you talked to Ms. Lieberman that Monica left to go to the
 16 Pentagon?
 17 THE WITNESS: To?
 18 A JUROR: Was transferred from the White House to
 19 the Pentagon.
 20 THE WITNESS: To the Department of Defense?
 21 A JUROR: To the Pentagon.
 22 THE WITNESS: It was a good period of time because
 23 I actually had transferred from the West Wing to the tour
 24 section and then there was -- Monica was transferred right
 25 after there was an incident involving -- that I talked about

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1 before with Mr. Muskett. So -- the timeframe I don't recall
 2 exactly. No.
 3 A JUROR: I had the same question.
 4 MS. WIRTH: Oh, you did? Okay. All right. Okay.
 5 BY MS. WIRTH:
 6 Q Why don't you tell the grand jury about what you
 7 know about the incident with Officer Muskett?
 8 A Certainly. Could you just give me a minute?
 9 There's something I wanted to mention and I've lost my train
 10 of thought. Hopefully it will come back to me.
 11 The incident with John Muskett, I believe it took
 12 place the weekend of Easter Sunday. I'm not certain of that,
 13 but I believe it was. I was working tours that day.
 14 John Muskett and I worked tours together, and I was
 15 working tours that day and towards the end of the day, John
 16 came up to me and said, "Hey, I'm working your old post this
 17 weekend." He was working overtime and he was working my old
 18 post and he wanted me to tell him some of the procedures.
 19 Q And your old post would be [REDACTED]
 20 A Correct. The West Wing [REDACTED]
 21 [REDACTED]
 22 Q Are you friends with John Muskett?
 23 A Yes, I was then. I wasn't always, but I was by
 24 that time and I am now. Sure. We're co-workers. We didn't
 25 get along at first but, you know, we worked that out

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1 eventually. But, anyway, so he said that he was working that
 2 post and would I talk to him about this access list and the
 3 way the procedures worked there.
 4 So I said of course, you know, and I talked to him
 5 about it and I told him how the access list works and
 6 basically his job was to make sure that unwanted people
 7 didn't -- you know, weren't hanging around, that weren't
 8 supposed to be there and, you know, like people that -- we
 9 called them hall surfers or whatever or cling-ons, and I
 10 explained to him how the procedures worked.
 11 And I also explained to him, which was kind of
 12 important because it happened, from time to time, and it
 13 seemed to happen quite often to me, was if the President was
 14 in the Oval Office and there was no staff there, then the
 15 White House operator, as I said before, his phones don't ring
 16 directly. So when the staff's not there and they try to ring
 17 him, it rings to the secretary's voice mail. You understand?
 18 So if she had to get in contact with him and he
 19 wouldn't pick up the phone, she would call the officer at the
 20 post and ask them to pass a message on to the President.
 21 And I explained this to him and the procedure was
 22 that if the phone rang and the operator said "This is the
 23 White House operator," then you would get the operator's
 24 number, for instance, if the operator was 26, you would hang
 25 the phone up, you would call back the White House switchboard

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1 number, the same operator would pick the phone up -- and the
2 reason you did that was to make sure nobody was playing a
3 joke on you, which we've been known to do.

4 So then you would say, you know, "What is the
5 message for the President?" And then they would tell you,
6 you know, whatever the message was. You would knock on the
7 door and let the President know there was a phone call or
8 whatever the message was.

9 So I explained this to John, how it works, and I
10 also talked to him about the list. And he asked me a couple
11 of other questions. I don't recall exactly what they were,
12 but they had to do with procedures and stuff.

13 I don't recall if he ever asked me about Monica. I
14 don't know if I've ever talked about that before. I don't
15 recall if we ever discussed her or not. But, anyway, my days
16 off were Sunday and Monday. I came back to work on Tuesday.
17 John Muskett comes back to work on Tuesday and he was very
18 upset.

19 He was upset at me, he was upset about something
20 that happened. And he was cussing and, you know, accusing me
21 of doing something wrong.

22 And so anyway, we went to a little kind of private
23 area -- well, we were standing in the hallway and he started
24 telling me what had happened and what had happened was he
25 said that there had been a phone call for the President and

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1 that the White House operator called him on this phone and
2 the best of my recollection, he took the message and he did
3 not want to go into the office himself because apparently he
4 knew the President was not in there by himself. He was
5 apparently in there with Monica Lewinsky.

6 Mr. Muskett walked down the hallway in the westerly
7 direction to Harold Ickes' office. He was then Deputy Chief
8 of Staff also. There are two positions there, Deputy Chief
9 of Staff. He knew that Harold Ickes was in his office. He
10 went and told Mr. Ickes that the President had a phone call
11 and would he pass the message on.

12 Now, I don't know exactly how it happened. I don't
13 remember if John told me any details, but they both made
14 their way -- Mr. Ickes and John Muskett made their way back
15 down the hallway.

16 They entered the Oval Office suite either through
17 the dining room door or the pantry door, I'm not sure which
18 one, and apparently when they got in there, I don't know what
19 John saw, I don't know what they actually saw, but what he
20 told -- what I remember him telling me was that basically,
21 and the ladies will have to excuse me for this, this is
22 kind of rude, but basically what they -- what he told me
23 was that apparently they found or somebody found Monica
24 face down in the President's lap. That's the way it was
25 described to me.

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1 Whether John saw this, whether Ickes saw this and
2 yelled it, I don't know. I don't know exactly what he saw
3 and I don't know who saw it, between Ickes and Muskett. I
4 don't know if John followed him in the office or not, but
5 that was the thrust of the thing. And I was so freaked out
6 about it.

7 And, you know, I guess he had the impression that
8 maybe this had happened before, happened to me, and that I
9 hadn't warned him. And to my knowledge, that had never -- it
10 never happened to me.

11 Q When did you have this conversation with Officer
12 Muskett in relation to that Easter Sunday, if you remember?

13 A It would have been Tuesday, to the best of my
14 recollection.

15 Q The following Tuesday?

16 A Because it would have been the first day I would
17 have come back to work. With the exception if I was
18 scheduled to work overtime on Monday. I don't remember.

19 Q Okay. And so, for the record, we're talking about
20 a conversation that happened about two and a half years ago,
21 correct?

22 A Correct.

23 Q Okay.

24 A Yes. It was a while ago.

25 Q All right. And have you had more than one

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1 conversation with Officer Muskett about that Easter Sunday?

2 A We might have talked about it after that, but I
3 don't recall because it wasn't as significant as that, you
4 know, where he was so upset.

5 I do know that as people started to hear about it,
6 and I don't know if they heard about it, you know, from the
7 agent side or the uniformed division side or whatever, but
8 people all of a sudden thought it was me because somebody
9 came up to me and asked me, "I heard you found Monica,"
10 you know, and they kind of described it and I just ignored
11 it and walked away from it and said I didn't know anything
12 about it.

13 So that was my biggest fear at the time, was that
14 this was attributed to me, that I was the one there. I mean,
15 not that it made any difference because, you know, in my
16 wildest dreams I never thought I'd be here. So --

17 Q How certain are you that Officer Muskett told you
18 that following Tuesday or whatever day it was right after
19 Easter Sunday that someone had seen Monica in the position
20 that you mentioned?

21 A That's how I remember him telling me. I'm certain
22 of it.

23 Q Have you ever asked John Muskett whether that's
24 what he said to you?

25 A No, I have not. I have not.

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1 Q And the way you just recounted it, you said that
 2 you don't recall whether it was John Muskett or Harold Ickes
 3 or someone else who had seen what you just described Monica's
 4 position to be, correct?
 5 A Right. The best of my recollection, it would have
 6 had to have been either Muskett or Ickes.
 7 Q And your only source on this is this conversation
 8 from two and a half years ago with John Muskett?
 9 A That's correct.
 10 Q Have you heard gossip about this incident since
 11 then from any people in the Secret Service? You said a
 12 moment ago you've heard some gossip --
 13 A Yes. Yes, I'm sure I have.
 14 Q Can I finish?
 15 A Oh, yeah.
 16 Q I'm sorry --
 17 A That's all right.
 18 Q It's just that I want to get this question out.
 19 That you've heard some gossip that this whole incident was
 20 somehow attributed to you, that you were the one who saw
 21 this, correct?
 22 A Correct. Correct.
 23 Q So it's been the subject of some gossip?
 24 A Certainly.
 25 Q Is it possible that some of this gossip has been

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1 incorporated by you into the original story that you heard
 2 from John Muskett?
 3 A I would say it's possible, but, like I said, I
 4 don't really recall it that way. I guess it is possible.
 5 Sure. You're talking, like you said, two and a half, almost
 6 three years. But to the best of my recollection, that's the
 7 way I remember it.
 8 Q Okay.
 9 A And it's not something I ever thought that I needed
 10 to go back and talk to him about. I didn't want to -- you
 11 know, I didn't even want to know what I knew about it, to be
 12 honest with you.
 13 MS. WIRTH: Does anyone have questions right now
 14 that they'd like to ask about any of this?
 15 (No response.)
 16 MS. WIRTH: Could you step out?
 17 THE WITNESS: Certainly. I'm going to grab a drink
 18 of water, if that's all right.
 19 MS. WIRTH: Sure.
 20 (Witness excused. Witness recalled.)
 21 THE FOREPERSON: Officer Byrne, I'd like to let you
 22 know that you're excused for today.
 23 THE WITNESS: Okay.
 24 THE FOREPERSON: But we still haven't finished with
 25 everything that we need to do.

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1 THE WITNESS: I understand. Could I just make a
 2 real quick statement?
 3 THE FOREPERSON: Sure.
 4 THE WITNESS: There's other things that we could
 5 claim privilege on that I'm not sure if we discussed and I
 6 just want it on the record that I think, you know, there is
 7 other things, information that I have, that I guess, you
 8 know, to be completely honest and divulge all of it, but you
 9 should know, I just wanted that said.
 10 MS. WIRTH: Okay. We'll bring you back, Officer.
 11 THE WITNESS: Okay.
 12 MS. WIRTH: Thank you.
 13 THE WITNESS: Thank you.
 14 THE FOREPERSON: Thank you.
 15 (The witness was excused.)
 16 (Whereupon, at 4:34 p.m., the taking of testimony
 17 in the presence of a full quorum of the Grand Jury was
 18 concluded.)
 19 * * * * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X
IN RE: :
: :
GRAND JURY PROCEEDINGS :
: :
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GRAND JURY PROCEEDINGS

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Thursday, August 13, 1998

The testimony of GARY BYRNE was taken in the
presence of a full quorum of Grand Jury 97-2, impaneled on
September 19, 1997, commencing at 10:14 a.m., before:

MARY ANN WIRTH
EDWARD PAGE
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

1 What were you referring to when you said that?
2 A I was referring to an incident that we were
3 claiming privilege on that involved a White House employee,
4 [REDACTED]
5 Q Oh, okay.
6 A I'm not sure if I talked about it under oath with
7 you all or not.
8 Q And does that incident have anything to do with
9 Monica Lewinsky at all?
10 A No, it does not. So -- but it was something that
11 we're claiming privilege on because it involved the
12 President.
13 Q Okay. What I'm going to do now is ask you some
14 questions about matters on which you took the privilege
15 previously --
16 A Certainly.
17 Q -- during one of your earlier depositions just to
18 make sure that we have covered all the matters that you've
19 taken a privilege on. So just bear with me for a moment.
20 A Yes, ma'am.
21 Q You were deposed on June 25, 1998. That was a
22 videotape deposition. Do you remember that?
23 A I certainly do, three hours, 37 minutes, 15
24 seconds.
25 Q Seriously?

PROCEEDINGS

1 Whereupon,
2
3 GARY BYRNE
4 was recalled as a witness and, having been first duly sworn
5 by the Foreperson of the Grand Jury, was examined and
6 testified further as follows:
7 EXAMINATION
8 BY MS. WIRTH:
9 Q Now, Officer Byrne, do you remember your rights and
10 responsibilities as a grand jury witness that have been
11 explained to you on your prior visits here?
12 A Yes, ma'am.
13 Q Okay. And you understand that you've taken an oath
14 to tell the truth today?
15 A Yes, ma'am.
16 Q Okay. The last time you were here, which was on
17 Thursday, July 30, 1998 -- this is the last time you were in
18 the grand jury room -- you said as you were leaving that,
19 "There are other things that we could claim privilege on that
20 I'm not sure if we discussed, and I just want it on the
21 record that I think you know there is other things,
22 information that I have that I guess you know to be
23 completely honest and divulge all of it. But you should know
24 I just wanted that said."
25 And I said, "Okay. We'll bring you back, Officer."

1 A I timed it.
2 Q Okay. You were asked a question by me. This is
3 the question and the answer that you gave.
4 The question was, "Do you recall any encounters
5 with Monica Lewinsky during the shutdown?"
6 And the answer was, "Yes, I do. Of course, without
7 revealing any privileged information during the shutdown, let
8 me see the best way to describe this. You have to excuse me
9 for kind of lengthening this.
10 "It was during the shutdown, and the staff, Mr.
11 Panetta, the chief of staff, was allowed to bring in
12 Jennifer, her assistant, and one intern, and they chose
13 Monica," et cetera.
14 Can you tell the grand jury what was privileged
15 about that encounter?
16 A The encounter was that Monica came down the
17 hallway, and what made it privileged was that the President
18 was in the Oval Office at the time, or what we were claiming
19 privilege was the President was in the Oval Office at the
20 time.
21 Monica came down the hallway from the chief of
22 staff's office, and I confronted her outside P [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 I stopped her there, I asked her where she was

Page 5	Page 7
<p>1 going, I told her she needed to use the other hallway. She 2 said that she was going to deliver some papers to somewhere, 3 and then I said, "Well, you can go around the other way." 4 Then she said she needed to use the restroom, and I told her 5 she still should go around the other way. 6 The point was that she was trying, in my mind, to 7 get access to walk past the hallway where -- the Oval Office 8 where the President was. I made her go through the Roosevelt 9 Room. 10 Originally, when the Service started this 11 privilege, they were calling that privileged because he was 12 in the Oval Office. I just wanted to make sure that it was - 13 - 14 Q Okay. All right. Now, I'm going to call your 15 attention to a conversation you had with Tim Keating after 16 Monica Lewinsky was transferred out of the White House. 17 A Yes. 18 Q And you asserted a protective function privilege 19 with respect to that -- 20 A Correct. 21 Q -- in your first deposition in March of '98. And I 22 wondered if you could tell us -- actually, first, I'm going 23 to read to you what your testimony was back then. Okay. 24 This is your testimony. 25 "I'm in the East Wing. I'm in the area of a post</p>	<p>1 "Answer: Yes. Excuse me. The answer was I guess 2 Monica's immediate supervisor, and then she worked for Tim. 3 I think that's the way it was. That's the way I thought it 4 was. That's the way I think it is now, I should say. 5 "And that was the two conversations I can relate to 6 you without revealing any privileged information. 7 "Question: What was Mr. Keating referring to when 8 he said you knew something? What was it that he believed you 9 knew? 10 "Answer: I don't know what he was assuming. 11 Anything further than that I'll have to assert the protective 12 function -- the protective privilege. 13 "Question: Well, do you think you know what he was 14 referring to? 15 "Answer: I'm sorry. I'll have to assert the 16 privilege on that." 17 And then you ask to go outside and consult with 18 your lawyer. 19 What were you referring to there? 20 A Tim Keating seemed upset. He believed that 21 whatever the incident was that got Monica transferred, he 22 believed I knew about it. And I took this to assume that 23 this was the incident that I had been told about from John 24 Muskett. 25 And he -- at that time I'm not sure Tim Keating</p>
<p>Page 6</p> <p>1 called G-4. It's right by the East Wing entrance door as I 2 believe tours were coming in, and I'd run into a White House 3 employee. His name is Tim Keating. 4 "Now, one thing I want to make clear is at this 5 time, when this incident took place, I didn't realize that 6 Tim was somehow involved in Monica Lewinsky's chain of 7 command as far as her employment in the East Wing. I found 8 this out. I realized this later on reading an article, I 9 believe, once the story, you know, became daily reading. 10 "But, anyway, so I see Tim Keating, and he says -- 11 I don't know how we got on the conversation of Monica. I 12 don't really remember, to be honest with you. Excuse me, of 13 course, I'm being honest with you, but I don't really 14 remember. But it got on the subject of Monica. 15 "And he turned to me and he said, 'You know, you 16 knew. Why didn't you come to me? You knew something,' or 17 something to that effect. And I said, 'I don't know what 18 you're talking about, Tim. And it was good seeing you.' You 19 know we joked around about -- we used to play the lottery. I 20 think we joked around about playing the lottery. We used to 21 play a lottery pool together. And then I walked on. 22 "And then later on I learned that this woman that 23 you mentioned earlier, that I described as a heavyset black 24 woman -- 25 "Question: Jocelyn Jolley?</p>	<p>Page 8</p> <p>1 thought that I was the officer on duty or the fact that I 2 knew that he -- somehow he thought I knew that Monica 3 Lewinsky and the President had been found, you know, by 4 themselves in a room. And that's what he was -- I got the 5 impression he was kind of accusing me of it, like I should 6 have come to him because apparently he thought I knew that he 7 was Monica's supervisor, that I should have given him some 8 kind of warning. 9 Q Okay. When he said you knew something, did you 10 ever ask him what it was he thought you knew? 11 A No. I just assumed that that's what he was talking 12 about. I felt that that's what he was -- you know, he was 13 kind of agitated, and I felt that's what he was talking 14 about. 15 Q Do you have any reason to believe, other than what 16 he said there, that Mr. Keating knew about the John Muskett 17 incident? 18 A I'm sorry, I don't -- I'm not really sure what you 19 mean. 20 Q Okay. Do you have any reason to believe, outside 21 of what Mr. Keating was saying to you here when he said you 22 knew something, you knew something -- 23 A Mm-hmm. 24 Q -- do you have any reason to believe, other than 25 that remark, that Mr. Keating knew something about what</p>

1 happened between John Muskett and Monica Lewinsky?
 2 A No, I don't have any reason to believe that.
 3 Q Okay. Just bear with me for a moment.
 4 You've testified previously about, I believe, a
 5 couple of incidents involving Nelvis. One -- and correct me
 6 if I'm getting any of this wrong -- one involved an incident
 7 involving stained tissues --
 8 A Mm-hmm.
 9 Q -- where Nelvis made some remark to you. And I'm
 10 going to ask you about that in a minute.
 11 And another I believe you testified previously
 12 involved an incident where Nelvis was cleaning up other
 13 matters, like glasses or soda cans or whatever, things like
 14 that, and he made another remark to you.
 15 Were those two separate incidents?
 16 A To the best of my recollection, yes.
 17 Q Okay. And which occurred first?
 18 A I believe the incident where the towels or tissues
 19 had lipstick on them was first.
 20 Q Okay. And I believe you previously testified that
 21 you associated that incident with Debi Schiff.
 22 A I did.
 23 Q Okay. Was there any particular reason why you did?
 24 A Well, yes. One of the incidents we were claiming
 25 privilege on before was a time where I was standing post, and

1 regarding the stained tissue, when did that occur, if you
 2 know, in relation to the incident you've just described with
 3 Debi Schiff?
 4 A That would have been first. The incident where I
 5 saw Debi in the study with the President would have been
 6 first.
 7 Q I understand that. But do you know how long after
 8 the stained tissue incident?
 9 A No, I really don't.
 10 Q You don't have any memory of that?
 11 A No.
 12 Q And that's the sole reason why you associated with
 13 stain incident with Debi Schiff in your mind.
 14 A In my mind.
 15 Q But Nelvis never made any remark about Debi Schiff
 16 at all, did he?
 17 A Not that I recall, no.
 18 Q And then I believe you also testified that there
 19 was another incident where Nelvis was cleaning up glasses, et
 20 cetera. Tell us -- that happened after the stained tissue
 21 incident?
 22 A Yes.
 23 Q And what types of things was Nelvis cleaning up
 24 that day?
 25 A He was -- I was sitting in the pantry, actually in

1 Debi Schiff came into the hallway from the cabinet room near
 2 post [redacted]. She looked at me, I looked at her, she went like
 3 this (indicating), you know, put her hands over her lips,
 4 like "Ssh," and she entered the President's dining area
 5 through the pantry. The door was open. She entered it
 6 through there.
 7 As far as security concerns, there wasn't really
 8 any. She was a passholder, you know, she kind of had
 9 unfettered access. And she went in to -- you know, to the --
 10 into the pantry, into the dining room area.
 11 A short period of time went by, and as I walked by,
 12 walking my post area, I could see that the -- obviously, the
 13 outer door of the pantry was open, the inner door of the
 14 pantry was open. So I stepped in to pull the inner door
 15 closed, and as I stepped in to pull the inner pantry door
 16 closed, the door that led to the hallway from the dining room
 17 to the study area was open, and I could see Debi was standing
 18 in the study. The President was sitting in a chair, and Debi
 19 was standing behind him, like -- like she was massaging his
 20 shoulders.
 21 I closed the door and turned around, you know, and
 22 walked out.
 23 Q All right.
 24 A This is why I put those two -- that occurred to me.
 25 Q And the incident that happened with Nelvis

1 the dining room, and he was walking around the dining room
 2 picking up things. He walked into the study and picked up
 3 two glasses. I believe it was just two glasses. I don't
 4 believe there were any soda cans with them, the best of my
 5 recollection.
 6 Anyway, he picked these glasses up, and he made
 7 some comment about, "I'm tired of cleaning up after them," or
 8 "after him." And I don't remember exactly what it was that
 9 he said, that Nelvis said, but it was something to lead me to
 10 believe that he wasn't talking about the glasses. It was
 11 like whatever was on them. Like there was lipstick on the
 12 glasses, that type of thing.
 13 I don't remember exactly what was said, but it was
 14 something that was going to lead me to believe that he was
 15 tired of cleaning up, you know, after these supposed times he
 16 was with women or whatever.
 17 Q Okay. Where was Nelvis cleaning up these things,
 18 what room?
 19 A The two glasses I remember him bringing out of the
 20 study.
 21 Q Okay. And did you see lipstick on them?
 22 A No.
 23 Q Did Nelvis make any remark that indicated there was
 24 lipstick on them?
 25 A He said something to that effect. I don't remember

1 exactly what it was. Something -- I know -- he said
 2 something to the effect that he -- that there was something
 3 on the glasses, or that he was tired of cleaning up stuff
 4 with lipstick on.
 5 Q Was Monica's name ever mentioned in connection with
 6 this?
 7 A No. No, ma'am, not -- no, ma'am.
 8 Q Did you associate it with Monica in your mind?
 9 A No, I didn't. I didn't really associate it with
 10 anybody. I just felt like he was having a bad day.
 11 Q Okay. I'm going to read to you from your testimony
 12 of Friday, July 17, 1997, before the grand jury. This was
 13 the first time you testified fully before the grand jury, and
 14 I think it was the other grand jury down the hall. Do you
 15 remember that?
 16 A Yes, I do. I was testifying without the privilege.
 17 Q Right. And this is the question that I asked you
 18 and the answer that you gave.
 19 "Did Bayani Nelvis speak to you about stained
 20 tissues on more than one occasion?
 21 "Answer: I don't remember separate occasions, but
 22 it's possible, because the incident where he had -- where I
 23 said he had those tissues and he had a plastic bag in his
 24 hand, that was -- that was the time that I associated it with
 25 Debi Schiff.

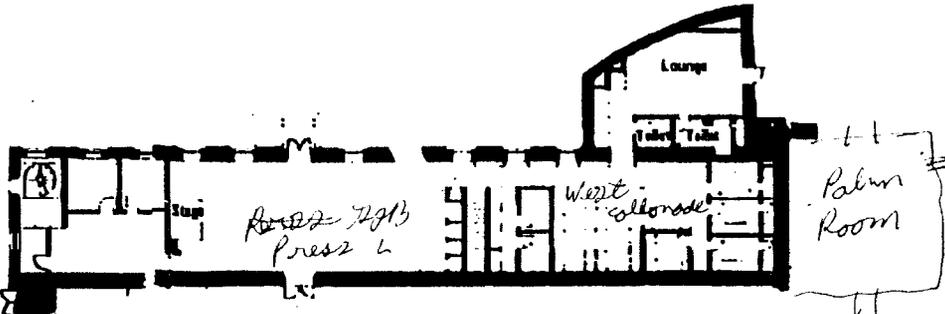
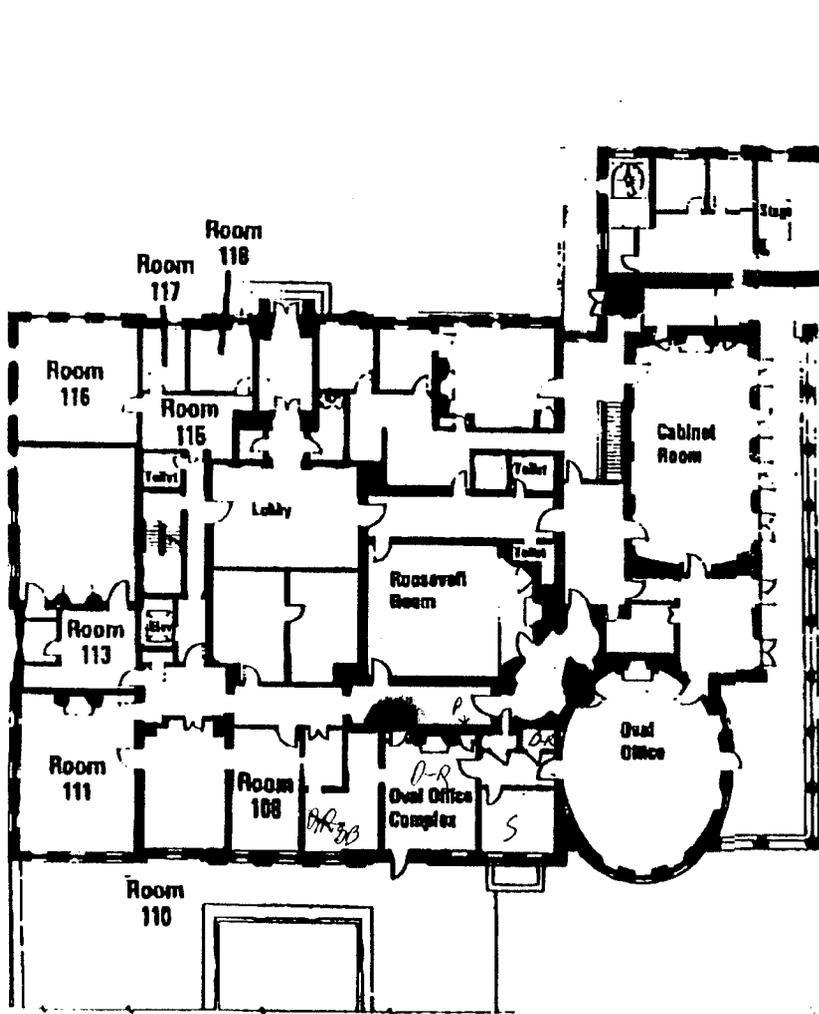
1 with Monica.
 2 A No, I don't.
 3 Q And, in fact, you testified today that you did not
 4 associate it with Monica; is that right?
 5 A Right.
 6 Q We're going to ask you to step out for a minute,
 7 okay?
 8 A Sure.
 9 (Witness excused. Witness recalled.)
 10 THE FOREPERSON: Officer Byrne, I'd like to remind
 11 you that you're still under oath.
 12 THE WITNESS: Thank you, ma'am.
 13 BY MS. WIRTH:
 14 Q Officer, one grand juror has a question for you,
 15 and that is, is there anything that you haven't told us that
 16 you would like to tell us, meaning the grand jury?
 17 A (No response.)
 18 Q You don't have to answer yes. The question is, is
 19 there anything I think that you haven't covered in all the
 20 times you've testified?
 21 A I'm trying to think of --
 22 Q Fine, fine, okay.
 23 A I feel like I have covered everything possible, but
 24 it never fails that once I leave here, I think of something.
 25 I think I -- I think I've covered everything I

1 "There was another time where he was cleaning up
 2 and picking stuff up, you know, dishes and stuff, and he made
 3 a comment about he was tired of cleaning up after them. And
 4 then I just assumed it was Monica."
 5 Now, you just testified today that you thought it
 6 was not -- that you did not make any assumption that it was
 7 Monica.
 8 A Right.
 9 Q Do you have an explanation for that?
 10 A Bad memory. I have to go on record and say that my
 11 first statement that you just read to me is correct.
 12 Q So now you're testifying that you did associate the
 13 glasses and dishes incident with Monica.
 14 A Yes.
 15 Q Can you tell us why?
 16 A Why I made the mistake now?
 17 Q No. Why you associated it with Monica.
 18 A I don't recall at this time why did I associate it
 19 with her, but I did say that, and I do remember thinking it
 20 at that time. But, yes, I did associate it with her.
 21 I don't know if I saw her that day. I don't know -
 22 - I know I didn't see her that day there, but I don't know
 23 what led me to believe that, but I did believe that at that
 24 time, yes.
 25 Q Okay. So you have no idea why you associated it

1 could --
 2 Q Okay.
 3 A I hope, anyway.
 4 Q All right, thank you. With the forelady's
 5 permission, you are excused.
 6 THE FOREPERSON: You are excused.
 7 THE WITNESS: Okay. Thank you.
 8 MS. WIRTH: Thank you.
 9 THE WITNESS: Good luck, everybody.
 10 (The witness was excused.)
 11 (Whereupon, at 10:34 a.m., the taking of the
 12 testimony in the presence of a full quorum of the Grand Jury
 13 was concluded.)

First Floor

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Ground FL
↓
W-4

West Terrace - Upper Level



West Terrace - Lower Level

DEPOSITION
EXHIBIT
BYLINE # 1
6/25/98 EE

7/13
6-25-98

