

**STATEMENT OF DAVID SCHIPPERS, CHIEF INVESTIGATIVE
COUNSEL**

On October 5th, 1998, I came before this committee to advise you of the results of our analysis and review of the referral from the Office of the Independent Counsel. We concluded at that time that there existed substantial and credible evidence of several separate events directly involving the President that could constitute grounds for impeachment. At that time I specifically limited my review and report to evidence of possible felonies. In addition, I asserted that the report and analysis was merely a litany of crimes that might have been committed.

On October 7th, the House of Representatives passed Resolution 581 calling for an inquiry to determine whether the House should exercise its constitutional duty to impeach President William Jefferson Clinton. Thereafter, this committee heard testimony from several experts and other witnesses, including the Independent Counsel himself, Kenneth Starr.

Since that time my staff and I, as requested, have conducted ongoing investigations and inquiries. We have received and reviewed additional information and evidence from the Independent Counsel and have developed additional information from diverse other sources. Unfortunately, because of the extremely strict time limits placed upon us, a number of very promising leads had to be abandoned. We just ran out of time.

In addition, other allegations of possible serious wrongdoing cannot be presented publicly at this time by virtue of circumstance totally beyond our control. For example, we uncovered more incidents involving probable direct and deliberate obstructions of justice, witness tampering, perjury and abuse of power. We were, however, informed both by the Department of Justice and by the Office of the Independent Counsel that to bring forth publicly that evidence at this time would seriously compromise pending criminal investigations. Most of those investigations, I understand, are nearing completion. We have, accordingly, bowed to their suggestion.

If I may digress very briefly from my prepared text, I want to tell you, the members of the committee, that I have been privileged to work with some of the finest human beings that I have ever met in my life. The staff of the committee and my personal staff that's worked with me constitute some of the finest lawyers, the best investigators and just generally good people. They have worked till midnight, 1, 2 o'clock in the morning. They have worked through the weekends. They have done whatever had to be done. I owe them everything that you are going to hear today, and I really believe that they are entitled to the gratitude of this committee and the gratitude of the people of the United States.

Now I will go on.

Before I proceed, allow me to assert my profound and unqualified respect for the office of President of the United States. It represents to the American people and, actually, to the entire world the strength, the philosophy and, most of all, the honor and integrity that makes us a great Nation and an example for developing peoples. Because all eyes are focused upon that high office, the character and credibility of any temporary occupant is vital to the domestic and foreign welfare of the citizens. Consequently, serious breaches of integrity and duty, of necessity, adversely influence the reputation of the entire United States.

When I appeared in this committee room a little over 2 months ago, it was merely to analyze the referral and to report to you. Today, after our investigation, I have come to a point that, frankly, I prayed I would never reach. It is my sorrowful duty now to accuse President William Jefferson Clinton of obstruction of justice, false and deliberately misleading statements under oath, witness tampering, abuse of power, and false statements to and obstruction of the Congress of the United States in the course of this very impeachment inquiry. These are what Mr. Lowell referred to as the insignificant offenses of President Clinton.

Whether these charges are high crimes and misdemeanors and whether the President should be impeached or not is not for me to say or even to give an opinion. That is your decision. I am merely going to set forth the evidence and the testimony so that you can judge.

As I stated earlier, this is not about sex or private conduct. It is about multiple obstructions of justice; perjury; false and misleading statements; witness tampering; abuses of power, all committed or orchestrated by the President of the United States.

Before we get into the President's lies and obstructions, it is important to place the events in their proper context. We have acknowledged all along that if this were only about sex, then you would not be engaged in this debate. But the manner in which the Lewinsky relationship arose and continued is important. It is illustrative of the character of the President and of the decisions that he made.

Monica Lewinsky, a 22-year-old intern, was working at the White House during the government shutdown in 1995. Prior to their first intimate encounter, she had never even spoken to the President. Sometime on November 15th, 1995, Miss Lewinsky made an improper gesture to the President. What did he do in response? Did the President immediately confront her or report her to her supervisors, as you would expect? Did he make it clear that such conduct would not be tolerated in the White House? No. That would have been an appropriate reaction, but it is not the one the President chose. Instead, the President of the United States invited this unknown young intern into a private area off the Oval Office where he kissed her. He then invited her back later, and when she returned, the two engaged in the first of many acts of inappropriate conduct.

Thereafter, the two concocted a cover story. If Miss Lewinsky was seen, she was just bringing papers to the President. That story was totally false. The only papers she brought were personal mes-

sages having nothing to do with her duties or those of the President.

After Miss Lewinsky moved from the White House to the Pentagon, her frequent visits to the President were disguised as visits to Betty Currie. Now, those cover stories are important because they play a vital role in the later perjuries and obstructions.

Over the term of their relationship, the following significant matters occurred. Monica Lewinsky and the President were alone on at least 21 occasions. They had at least 11 personal sexual encounters, excluding phone sex; three in 1995, five in 1996, and at least three in 1997. They had at least 55 telephone conversations, some of which, at least 17, involved phone sex. The President gave Miss Lewinsky 24 presents, and Miss Lewinsky gave the President 40 presents.

Now, these are the essential facts which form the backdrop for all of the events which followed. During the fall of 1997, things were relatively quiet. Monica Lewinsky was working at the Pentagon and looking for a high-paying job in New York. The President's attempt to stall the Paula Jones case was still pending in the Supreme Court, and nobody seemed to care one way or another what the outcome would be. Then, in the first week of December, 1997, things began to unravel.

Now, I do not intend to discuss the sexual details of the President's encounters with Miss Lewinsky. However, I do not want to give this committee the impression that those encounters are irrelevant. In fact, they are highly relevant, because the President repeatedly lied about that sexual relationship in his deposition, before the grand jury, and in his responses to this committee's questions.

He has consistently maintained that Miss Lewinsky performed acts on him while he never touched her in a sexual manner. This characterization not only directly contradicts Miss Lewinsky's testimony, it also contradicts the sworn grand jury testimony of three of her friends and the statements by two professional counselors with whom she contemporaneously shared the details of that relationship.

While his treatment of Miss Lewinsky may be offensive, it is much more offensive for the President to expect this committee to believe that in 1996 and 1997, his intimate contact with her was so narrowly tailored that it conveniently escaped his strained interpretation of a definition of sexual relations which he did not even conceive until 1998.

A few words of caution, if I may. The evidence and testimony must be viewed as a whole. It cannot be compartmentalized. Please do not be cajoled into considering each event in isolation and then treating it separately. That is a tactic employed by defense lawyers in every conspiracy trial that I have ever seen. Remember, events and words that may seem innocent or even exculpatory in a vacuum may well take on a sinister or even criminal connotation when observed in the context of the whole plot.

For example, everyone agrees that Monica Lewinsky testified, no one ever told me to lie, no one ever promised me a job. When considered alone, as it has been consistently, this would seem excul-

patory. In the context of the other evidence, we see that this is, again, technically parsing words to give a misleading inference.

Of course no one said, Monica, go in there and lie. They didn't have to. Monica knew what was expected of her. Similarly, nobody promised her a job. But once she signed that false affidavit, she got one, didn't she?

Likewise, please don't permit the obfuscations and legalistic pyrotechnics of the President's defenders to distract you from the real issue here. A friend of mine flew bombers over Europe in the Second World War. And, yes, I'm old enough to have friends who flew bombers in the Second World War. He once told me that the planes would carry packages of lead-based tin foil strips. And when the planes flew into the perimeter of the enemy's radar coverage, the crews would release that tin foil. It was intended to confuse and distract the radar operators from the real target. Now, the treatment Monica Lewinsky received from the Independent Counsel, the motives of some of the witnesses and those who helped finance Paula Jones' case, that's tin foil.

The real issues are whether the President of the United States testified falsely under oath, whether he engaged in a continuing plot to obstruct justice, to hide evidence, to tamper with witnesses, and to abuse the power of his office in furtherance of that plot.

The ultimate issue is whether the President's course of conduct is such as to affect adversely the office of the Presidency by bringing scandal and disrespect upon it and also upon the administration of justice, and whether he has acted in a manner contrary to his trust as President and subversive to the rule of law and to constitutional government.

Finally, the truth is not decided by the number of scholars with different opinions, the outcome of polls or by the shifting winds of public opinion. Moreover, you often possess more information than is generally available to the public. As representatives of the citizens, you must honestly and thoroughly examine all the evidence, apply the applicable constitutional precepts and vote your conscience, independently and without fear or favor.

As Andrew Jackson said, one man with courage makes a majority.

The offense that formed the basis of these charges actually began in late 1995. They reached a critical stage in the winter of 1997 and the first month of 1998, and the final act in this sordid drama took place on August 17th, 1998, when the President of the United States appeared before a Federal grand jury, raised his right hand to God and swore to tell the truth.

Did he? We shall see.

This committee has been asked by the President's counsel to keep an open heart and mind and to focus on the record. I completely agree. So in the words of Al Smith, a good Democrat, let's look at the record.

On Friday, December 5, 1997, Monica Lewinsky asked Betty Currie if the President could see her the next day, Saturday, but Ms. Currie said that the President was scheduled to meet with his lawyers all day. Later that Friday, Miss Lewinsky spoke briefly to the President at a Christmas party. That evening, Paula Jones' attorneys faxed a list of potential witnesses to the President's attor-

ney. The list included the name of Monica Lewinsky; however, Ms. Lewinsky did not find out that her name was on the list until the President told her 10 days later on December 17th. That delay is significant.

After a conversation with Ms. Currie and after seeing the President at the Christmas party, Ms. Lewinsky drafted a letter to the President terminating their relationship. The next morning, Saturday, December 6th, Ms. Lewinsky went to the White House to deliver that letter and some gifts for the President. She intended to deliver them to Ms. Currie.

When she arrived at the White House, Ms. Lewinsky spoke to several Secret Service officers, and one of them told her that the President was not, as she thought, with his lawyers, but rather he was meeting with Eleanor Mondale.

Ms. Lewinsky left in a huff, called Ms. Currie from a pay phone, angrily exchanged words with her and went home. After that phone call, after that phone call, Ms. Currie told the Secret Service watch commander that the President was so upset about the disclosure of his meeting with Ms. Mondale that he wanted somebody fired.

At 12:05 p.m., records demonstrate that Ms. Currie paged Bruce Lindsey with a message, call Betty ASAP. Around that same time, according to Ms. Lewinsky, while she was back at her apartment, she and the President spoke on the telephone, and the President was very angry. He told Ms. Lewinsky that no one had ever treated him as poorly as she had.

The President acknowledged to the grand jury that he was upset about Ms. Lewinsky's behavior and considered it inappropriate.

Nevertheless, in a sudden change of mode, he invited her to visit him at the White House that afternoon. Monica arrived at the White House for the second time that day and was cleared to enter at about 12:52 p.m. Although, in her words, the President had been very angry with her during her recent telephone conversation, he was sweet and very affectionate during this visit. He also told her that he would talk to Vernon Jordan about getting her a job.

The President also suddenly changed his attitude toward the Secret Service. Ms. Currie informed some officers that if they kept quiet about the Lewinsky incident, there would be no disciplinary action sought. According to the Secret Service watch commander again, captain Jeffrey Purdie, the President personally told him, quote, "I hope you use your discretion," or, "I hope I can count on your discretion."

Deputy Chief Charles O'Malley, Captain Purdie's supervisor, testified that he knew of no other time in his 14 years of service at the White House where the President raised a performance issue with a member of the Secret Service Uniformed Division.

After his conversation with the President, Captain Purdie told a number of officers that they should not discuss the Lewinsky incident.

When the President was before the grand jury and questioned about his statement to the Secret Service regarding this incident, the President testified, I don't remember. "I don't remember what I said, and I don't remember to whom I said it." When confronted with Captain Purdie's testimony, the President again testified, "I

don't remember anything I said to him in that regard. I have no recollection of that whatever."

President Clinton testified before the grand jury that he learned that Ms. Lewinsky was on the Jones witness list that evening, that is, Saturday, December 6th, during a meeting that took place with his lawyers. He stood by this answer in the response to our request, or your request number 16, and the meeting occurred about 5 p.m. So that was true. It was after Ms. Lewinsky had left the White House.

According to Bruce Lindsey, at the meeting Bob Bennett had a copy of the Jones witness list that had been faxed to him the previous night. However, during his deposition the President testified that he had heard about the witness list before he saw it. In other words, if the President testified truthfully during the course of his deposition, then he knew about the witness list before the 5 p.m. meeting.

It is valid to infer that hearing Ms. Lewinsky's name on the witness list prompted the President's sudden and otherwise unexplained change from very angry to very affectionate. It is also reasonable to infer that it prompted him to give the unique instruction to a Secret Service watch commander to use discretion regarding Ms. Lewinsky's visit to the White House, which the watch commander interpreted as instructions to keep the matter under wraps.

Now, to go back a little, Monica Lewinsky had been looking for a good-paying and high-profile job in New York since the previous July. She wasn't having much success despite the President's promise to help. In early November, Betty Currie arranged a meeting with Vernon Jordan, who was supposed to help. On November 5th, Monica met for 20 minutes with Mr. Jordan. No action followed, no job interviews were arranged, and there were no further contacts with Mr. Jordan. It was obvious that he made no effort to find a job for Ms. Lewinsky. Indeed, it was so unimportant to him that he actually had no recollection of an early November meeting, and he testified that finding a job for Miss Lewinsky was really not a priority. Nothing happened throughout the month of November because Mr. Jordan was either gone or would not return Monica's calls.

During the December 6th meeting with the President, she mentioned that she had not been able to get in touch with Mr. Jordan and that it didn't seem that he had done anything to help her. The President responded by saying, oh, I'll take care of that. I will get on it, or something to that effect. There was obviously still no urgency to help Monica. Mr. Jordan met the President the next day, December 7th, but the meeting had nothing to do with Ms. Lewinsky.

The first activity calculated to help Monica actually procure employment took place on December 11th. Mr. Jordan met with Ms. Lewinsky and gave her a list of contact names. The two also discussed the President.

By the way, that meeting Mr. Jordan remembered.

Vernon Jordan immediately placed calls to two prospective employers. Later in the afternoon he even called the President to give him a report of his job search efforts. Clearly, Mr. Jordan and the

President were now very interested in helping Monica find a good job in New York.

But why the sudden interest? Why the total change in focus? Nobody but Betty Currie really cared about helping Ms. Lewinsky throughout November. Even after the President learned that her name was on the prospective witness list, it didn't really escalate into any great urgency. Did something happen to remove the job search from a low to a high priority on that day?

Oh, yes, something happened. On the morning of December 11th, 1997, Judge Susan Webber Wright ordered that Paula Jones was entitled to information regarding any State or Federal employee with whom the President had sexual relations or proposed or sought to have sexual relations. To keep Monica on the team was now of critical importance.

Remember, they already knew that she was on the witness list, although nobody had bothered to tell her yet. That was remedied on December 17th, 1997, between 2 and 2:30 in the morning. Monica Lewinsky's phone rang unexpectedly in the wee hours of that morning, and it was the President of the United States. The President said that he wanted to tell Ms. Lewinsky two things: One, that Betty Currie's brother had been killed in a car accident; and second, he said that, quote, he had some more bad news, closed quote; that he had seen the witness list for the Paula Jones case, and her name was on it. The President told Ms. Lewinsky that seeing her name on the list broke his heart. I imagine it did.

He then told her that if she were to be subpoenaed, she should contact Betty and let Betty know that she had received a subpoena. Ms. Lewinsky asked what she should do if she were subpoenaed? The President responded, well, maybe you can sign an affidavit.

Now, both parties knew that the affidavit would need to be false and misleading in order to accomplish the desired result.

Then the President had a very pointed suggestion for Monica Lewinsky, a suggestion that left little room for compromise. No, he did not say, go in and lie. What he did say is, you know, you can always say you were coming to see Betty or that you were bringing me papers.

Now, in order to understand the significance of that statement, it is necessary to remember the cover stories that the President and Lewinsky had previously structured in order to deceive those who protected and worked with the President. Ms. Lewinsky, if you will recall, testified that she would carry papers; that when she visited the President, when she saw him, she would say, oh, gee, here are your letters, wink, wink, wink; and he would answer, okay, that's good.

After Ms. Lewinsky left White House employment, she would return to the Oval Office under the guise of visiting Betty Currie, not the President who was the real person she was visiting.

Moreover, Monica promised him that she would always deny that sexual relationship and would always protect him, and the President would respond, that's good, or similar language of encouragement.

So when the President called Monica at 2 a.m. on December 17th to tell her she was on the witness list, he made sure to remind her of those prior cover stories. Ms. Lewinsky testified that when the

President brought up the misleading story, she understood that the two would continue their preexisting pattern of deception. It became clear that the President had no intention of making his sexual relationship with Monica Lewinsky public, and he would use lies, deceit and deception to ensure that the truth would never be known.

It is interesting to note that when the President was asked by the grand jury whether he remembered calling Monica Lewinsky at 2 p.m., he said, "No, sir, I don't but it would—it is quite possible that that happened."

And when he was asked whether he encouraged Monica Lewinsky to continue the cover stories of coming to see Betty or bringing the letters, he answered, "I don't remember exactly what I told her that night." That was the answer to a direct question: "I don't remember exactly what I told her that night."

Six days earlier, he had become aware that Paula Jones' lawyers were now able to inquire about other women. Monica could file a false affidavit, but it might not work. It was absolutely essential that both parties told the same story. The President knew that he would lie if asked about Ms. Lewinsky, and he wanted to make certain that she would lie also. Why else would the President of the United States call a 24-year-old woman at 2 in the morning?

But the President had an additional problem. It was not enough that he and Ms. Lewinsky simply deny the relationship. You see, the evidence was beginning to accumulate, and it was the evidence that was driving the President to reevaluate his defense.

By this time, the evidence was establishing, through records and through eyewitness accounts, that the President and Monica Lewinsky were indeed spending a significant amount of time together in the Oval Office complex. It was no longer expedient simply to refer to Ms. Lewinsky as a groupie, a stalker, a clutch or a homewrecker, as the White House first attempted to do. The unassailable facts were forcing the President to acknowledge the relationship, but at this point he still had the opportunity to establish a nonsexual explanation for their meetings.

You see, he still had that opportunity because his DNA hadn't yet turned up on Monica Lewinsky's blue dress. Therefore, the President needed Monica Lewinsky to go along with the cover story in order to provide an innocent, intimate-free explanation for their frequent meetings. And that innocent explanation came in the form of documents delivered and friendly chats with Monica—with Betty Currie.

It is also interesting to note that when the President was deposed on January 17th, 1998, he used the exact same cover stories that had been utilized by Ms. Lewinsky. In doing so, he stayed consistent with any future Lewinsky testimony while still maintaining his defense in the Jones case.

In the President's deposition, he was asked whether he was ever alone with Monica Lewinsky. He responded, and this is a quote, "I don't recall. She—it seems to me she brought things to me once or twice on the weekends. In that case, whatever time she would be in there, drop it off, exchange a few words and go. She was there," closed quote.

Additionally, you will notice that whenever questions were posed regarding Ms. Lewinsky's frequent visits to the Oval Office, the President never hesitated to bring Betty Currie's name into his answers. Quote, "And my recollection is that on a couple of occasions after [the pizza party meeting], she was there," there being in the Oval Office, "but my secretary, Betty Currie, was there with her.

"Question: When was the last time you spoke with Monica Lewinsky?"

Now, remember, this is January 17.

"Answer: I'm trying to remember. Probably sometime before Christmas. She came by to see Betty sometime before Christmas. And she was there talking to her, and I stuck my head out, said hello to her."

Now, I am going to ask you, please, to pay attention to the screens up here, and I would like you to listen to the President's deceptions for yourself.

[Videotape played.]

Life was so much simpler before they found that dress, wasn't it?

The President said Ms. Lewinsky's greatest fears were realized on December 19th, when Monica was subpoenaed to testify in a deposition to take place on January 23rd, 1998, in the Jones case.

Extremely distraught, she immediately called the President's best friend, Vernon Jordan. Now, you will recall that Ms. Lewinsky testified that the President had previously told her to call Betty Currie if she was subpoenaed. She called Mr. Jordan instead because Ms. Currie's brother had just recently died, and she didn't want to bother her with this.

Mr. Jordan invited Ms. Lewinsky to his office and she arrived shortly before 5 p.m., still extremely distraught. Sometime around this time, Jordan called the President and told him that Monica had been subpoenaed. Jordan called the President at about 5 p.m. on the 19th and told the President that Monica had been subpoenaed.

During the meeting, Ms. Lewinsky, which Jordan characterized as a disturbing meeting, she talked about her infatuation with the President. Mr. Jordan also decided that he would call a lawyer for her and get her someone to represent her. That evening, Mr. Jordan met with the President and relayed his conversation with Ms. Lewinsky. The details are extremely important because the President, in his deposition, didn't recall that meeting.

Mr. Jordan told the President again that Ms. Lewinsky had been subpoenaed—that is the second time he told the President—that he was concerned about her fascination with the President, and that Ms. Lewinsky had even asked Mr. Jordan if he thought the President would leave the First Lady after he left office. He also asked President Clinton if he had any sexual relations with Ms. Lewinsky.

Now, wouldn't a reasonable person conclude that this type of conversation would be locked in the President's memory?

The President was asked, "Question: Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in this case?"

"Answer: I don't think so.

“Question: Did you ever talk with Monica Lewinsky about the possibility that she might be asked to testify in the case?”

“Answer: Bruce Lindsey. I think Bruce Lindsey told me that she was. I think maybe that’s the first person told me she was. I want to be as accurate as I can.”

In the grand jury, the President first repeated his denial that Mr. Jordan told him about Ms. Lewinsky being subpoenaed. Then, when given more specific facts, he admitted that he knows now that he spoke with Jordan about the subpoena on the night of December 19th, but his memory was still not clear.

In an attempt to explain away his false deposition testimony, the President testified in the grand jury that he was trying to remember who told him first, but that was not the question. So his answer was, again, false and misleading.

When one considers the subject matter and the nature of the conversation between the President and Mr. Jordan, the suggestion that it would be forgotten defies common sense.

December 28th, 1997, is a crucial date. The evidence shows that the President made false and misleading statements to the Federal court, the Federal grand jury and to the Congress of the United States about the events that took place on that date. It also is critical evidence that he obstructed justice.

Now, the President testified that it was possible, that is his word, that he invited Ms. Lewinsky to the White House for this visit. He admitted that he probably gave Ms. Lewinsky the most gifts he had ever given her on that date and that he had given her gifts on other occasions. Among the many gifts the President gave Ms. Lewinsky on December 28th was a bear that he said was a symbol of strength.

The President forgot that he had given any gifts to Monica.

Watch this from the deposition.

[Videotape played.]

Now, as an attorney, the President knew that the law will not tolerate someone who says, I don’t recall, when the answer is unreasonable under the circumstances. He also knew that under the circumstances his answer in the deposition could not be believed. When asked in the grand jury why he was unable to remember, though he had given Ms. Lewinsky so many gifts only 2-1/2 weeks earlier, the President put forth a lame and obviously contrived explanation. Quote, “I think what I meant there was I don’t recall what they were, not that I don’t recall whether I had given them.”

The President adopted that same answer in his response number 42 to the committee’s request to admit or deny. He was not asked in the deposition to identify the gifts. He was simply asked, have you ever given gifts to Ms. Lewinsky?

The answer—the law does not allow a witness to insert an unstated premise or a mental reservation into a simple question so as to make his answer technically true, if factually false.

The essence of lying is in the deception, not in the words. The President’s answer was false. He knew it then. He knows it now. The evidence also proves that his explanation to the grand jury and to this committee is also false. The President would have us believe that he was able to analyze questions as they were being asked and pick up such things as verb tense in an attempt to make his

statements at least literally true, but when he is asked a simple straightforward question, suddenly he wants us to believe that he couldn't understand it.

Neither his answer in the deposition nor his attempted explanation is reasonable or true.

While we are on gifts, the President was asked in the deposition if Monica ever gave him gifts. He responded, "Once or twice."

Once again, watch the tape.

[Videotape played.]

That is also false testimony. He answered this question in response to the committee by saying that he receives numerous gifts, and he really didn't focus on the precise number. The law, again, does not support the President's position. An answer that baldly understates a numerical fact in response to a specific quantitative inquiry can be deemed technically true but actually false.

For example, a witness is testifying falsely if he says he went to the store five times when, in fact, he went 50 times. Of course, he also went five times, and that is literally true, but it is actually false. So, too, when the President answered, once or twice, in the face of the evidence that Ms. Lewinsky was always bringing gifts, 40 of them, he was lying.

On December 28th, one of the most blatant efforts to obstruct justice and conceal evidence occurred. Ms. Lewinsky testified that she discussed with the President the facts that she had been subpoenaed and that the subpoena called for her to produce the gifts. She recalled telling the President that the subpoena requested a hat pin, and that caused her concern. The President told her that it bothered him, too.

Ms. Lewinsky then suggested that she take the gifts somewhere or give them to someone, maybe to Betty. The President responded, "I don't know," or, let me think about it.

Later that day, Ms. Lewinsky got a call from Ms. Currie, who said, "I understand you have something to give me," or, "The President said you have something to give me."

Ms. Currie has an amazingly fuzzy memory about this incident, but says that the best that she can remember Ms. Lewinsky called her. There is key evidence that Ms. Currie's fuzzy recollection is wrong. Monica said that she thought Betty called from her cell phone.

Is that chart up?

Take a look at the record. Chart K, that is Betty Currie's cell phone record, and that telephone call at 3:21 on the afternoon of December 28th, 1997, is to Monica Lewinsky's home. Monica Lewinsky is now corroborated, and it proves conclusively that it was Ms. Currie who called Monica from her cell phone several hours after Monica had left the White House.

Why did Betty Currie pick up the gifts from Ms. Lewinsky? The facts speak for themselves. The President told her to. That conclusion is buttressed by Ms. Currie's actions. If it was Ms. Lewinsky that called her, did Currie ask, like anyone would, why in the world do you want to give me a box of gifts from the President?

Did she tell the President of this strange request? No. Ms. Currie's position was not to ask the reason why. She simply took the gifts and put them under her bed without asking a single question.

Another note about this: The President stated in his response to questions number 24 and 25 from this committee that he was not concerned about these gifts. In fact, he said he recalled telling Monica that if the Jones lawyers requested gifts, she should turn them over. The President testified that he is, quote, "not sure" if he knew the subpoena asked for gifts.

Why would Monica and the President discuss turning over gifts to the Jones lawyers if Ms. Lewinsky hadn't told the President that the subpoena called for gifts? On the other hand, if Mr.—if President Clinton knew the subpoena requested gifts, why would he give more gifts to Monica on December 28th? This does seem odd.

Ms. Lewinsky's testimony, though, provides the answer. She said that she never questioned "that we were ever going to do anything but keep this private." That meant to, and this is a quote, take "whatever appropriate steps needed to be taken" to keep it quiet.

The only inference is that the gifts, including the bear, symbolizing strength, were a tacit reminder to Ms. Lewinsky that they would deny that relationship even in the face of a Federal court subpoena.

Furthermore, the President at various times in his deposition seriously misrepresented the nature of his meeting with Ms. Lewinsky on December 28th. First he was asked, "Did she tell you she had been served with a subpoena in this case?" The President answered, flatly, "No. I don't know she had been."

He was also asked if he ever talked to Monica Lewinsky about the possibility of her testifying. His answer: "I'm not sure." He then added that he may have joked to her that the Jones lawyers might subpoena every woman he had ever spoken to, and that, quote, "I don't think we ever had more of a conversation than that about it."

Not only does Monica Lewinsky directly contradict this testimony, but the President himself also directly contradicted it when he testified before the grand jury.

Speaking of his December 28th meeting, he said that he, quote, "knew by then, of course, that she had gotten a subpoena" and that they had a, quote, "conversation about the possibility of her testifying."

Remember, he had this conversation about her testimony only 2-1/2 weeks before the deposition. Again, his version is not reasonable.

The President knew that Monica Lewinsky was going to make a false affidavit. He was so certain of the content that when Monica asked if he wanted to see it, he told her, no, he had seen 15 of them. He got his information in part from his attorneys and from discussions with Ms. Lewinsky and Vernon Jordan generally about the content of the affidavit. Besides, he had suggested the affidavit himself, remember, and he trusted Mr. Jordan to be certain the mission would be accomplished.

In the afternoon of January 5, Ms. Lewinsky met with her lawyer Mr. Carter. The purpose was to discuss the affidavit. The lawyer asked her some very hard questions about how she had gotten her job at the Pentagon. After the meeting, Monica called Betty and said that she wanted to speak to the President before she signed anything.

Lewinsky and the President met and discussed the issue of how she would answer under oath if asked about how she did get her job at the Pentagon. The President told her, quote, "Well, you could always say that the people in Legislative Affairs got it for you or helped you get it."

That, by the way, is another lie.

The President was also kept advised as to the contents of the affidavit by Vernon Jordan. On January 6th, Ms. Lewinsky picked up a draft of the affidavit from Mr. Carter's office. She delivered a copy to Mr. Jordan because she wanted Mr. Jordan to look at the affidavit, in the belief that if Vernon Jordan gave his imprimatur, the President would also approve of the language. Ms. Lewinsky and Mr. Jordan conferred about the contents and agreed to delete a paragraph inserted by Mr. Carter which Ms. Lewinsky felt might open a line of questions concerning whether she had actually been alone with the President.

Contrast this to the testimony of Mr. Jordan who said he had nothing to do with the details of the affidavit. He admits, though, that he spoke with the President after conferring with Ms. Lewinsky about the changes that had been made in that affidavit.

The next day, January 7th, Monica Lewinsky signed the false affidavit. She showed the executed copy to Mr. Jordan that same day. Why? So that Mr. Jordan could report to the President that the false affidavit had been signed, and another mission had been accomplished.

On January 8th, the next day, Ms. Lewinsky had an interview arranged by Mr. Jordan with MacAndrews & Forbes in Illinois—in New York. The interview went quite poorly, so Ms. Lewinsky was upset, called Mr. Jordan and told him. Vernon Jordan, who, by the way, had done nothing from early November to mid-December, then called the CEO of MacAndrews & Forbes, Mr. Perelman, to, quote, make things happen, if they could happen.

Mr. Jordan called Monica back and told her not to worry. That evening, Ms. Lewinsky was called by MacAndrews & Forbes and told that she would be given more interviews the next morning. Well, what do you know. The next morning, Monica received her reward for signing the false affidavit. After a series of new interviews with MacAndrews & Forbes personnel, she was informally offered a job. When Monica called Mr. Jordan to tell him, he passed the good news on to Betty Currie. Tell the President, mission accomplished.

Later, Mr. Jordan called the President and told him personally. After months of looking for a job, since July, according to the President's lawyers, Vernon Jordan just so happens to make the call to the CEO the day after the false affidavit was signed.

If you think it is mere coincidence, consider this. Mr. Perelman testified that Mr. Jordan had never called him before about a job recommendation. Jordan, on the other hand, said that he had called Mr. Perelman to recommend people for hiring. Who did he recommend? The former Mayor Dinkins of New York, a very talented attorney from Akin Gump, a Harvard business school graduate, and Monica Lewinsky. Even if Mr. Perelman's testimony was mistaken, Monica Lewinsky does not fit within the caliber of per-

sons that would merit Mr. Jordan's direct recommendation to a CEO of a Fortune 500 company.

Mr. Jordan was well aware that people with whom Ms. Lewinsky worked at the White House didn't like her and that she was very unhappy with her Pentagon job. Vernon Jordan was asked if at "any point during this process you wondered about her qualifications for employment?" He answered: "No, because that was not my judgment to make." Yet when he called Mr. Perelman the day after the signing of the false affidavit, he referred to Monica as a bright young girl who is "terrific." Mr. Jordan said that she had been hounding him for a job and voicing unrealistic expectations concerning positions and concerning salary. Moreover, she had narrated a very disturbing story about the President leaving the First Lady, and how the President wasn't spending enough time with her. Yet none of that gave Mr. Jordan pause in making the recommendation. Do people like Vernon Jordan go to the wall for marginal employees? They do not, unless there is a compelling reason. The compelling reason was that the President told him this was top priority, especially after Monica was subpoenaed.

Just how important was Monica Lewinsky's false affidavit to the President's deposition? Well, it enabled President Clinton, through his attorneys, to assert at his January 17, 1998 deposition that there is nothing, "there is absolutely no sex of any kind, shape or form with President Clinton." You will see this later.

When questioned by his own attorney in the deposition, the President stated specifically that the infamous paragraph 8 of Monica's affidavit, the infamous false paragraph, was, quote, "absolutely true," closed quote. The President later affirmed the truth of that statement when testifying before the grand jury.

Now I am going to read paragraph 8 of Ms. Lewinsky's affidavit. Here is what it says: "I have never had a sexual relationship with the President. He did not propose that we have a sexual relationship. He did not offer me employment or other benefits in exchange for a sexual relationship. He did not deny me employment or other benefits for rejecting a sexual relationship."

Recall that Monica Lewinsky reviewed the draft affidavit on January 6 and signed it on January 7 after deleting that reference to being alone with the President. She showed a copy of the signed affidavit to Vernon Jordan who called the President and told him.

Getting the affidavit signed, though, was only half the battle. To have its full effect, it had to be filed with the court and provided to the President's attorneys in time for his deposition that was scheduled for January 17. On January 14, the President's lawyers called Monica's lawyer and left a message, presumably to find out if he had filed the affidavit with the court. On January 15, the President's attorneys called her attorney twice; it is starting to get close. When they finally reached him, they requested a copy of the affidavit and asked him, "Are we still on time?" Ms. Lewinsky's lawyer faxed a copy on January 15. The President's counsel was aware of its contents, and as we will see a little later, used it powerfully in the deposition.

Monica's lawyer called the court in Arkansas twice on January 15 to be certain that the affidavit could be filed on Saturday, the 16th—the 17th, I am sorry. He completed the motion to quash

Monica's deposition in the early morning hours of January 16 and mailed it to the court with the false affidavit attached. It was sent for Saturday delivery. The President's lawyers called him again on the 16th telling him, quote, "You'll know what it's about," closed quote. Obviously, the President needed that affidavit to be filed with the court to support his plans to mislead Ms. Jones' attorneys in the deposition.

On January 15, Michael Isikoff of Newsweek called Betty Currie and asked her about Monica sending gifts to her by courier. Ms. Currie then called Monica and told her about it. The President was out of town, so Betty Currie called Monica back and asked for a ride to Mr. Jordan's office. When they got there, Mr. Jordan advised her to speak with Bruce Lindsey and Mike McCurry. Ms. Currie testified that she spoke immediately to Mr. Lindsey about Mr. Isikoff's call.

The President also provided false and misleading testimony in the grand jury when he was asked about Mr. Bennett's representation in the Jones deposition that the President is, quote, "fully aware," closed quote, that Lewinsky filed an affidavit saying that, quote, "There is absolutely no sex of any kind, in any manner shape or form with President Clinton."

President Clinton was asked about this representation made by his lawyer in his presence and whether he felt obligated to inform the Federal judge who was sitting there of the true facts. The President answered that he was, quote, "not even sure I paid much attention to what Mr. Bennett was saying." And when pressed further, he said he didn't believe he "even focused on what Mr. Bennett said in the exact words he did until I started reading this transcript carefully for this hearing. That moment," that moment being in the deposition, "the whole argument just passed me by."

This last statement by the President is critical. First, he had planned his answers to the grand jurors. Of course he did. He spent literally days with his attorney going over that deposition with a fine tooth comb and crafting answers in his own mind that wouldn't be too obviously false. Second, he knew that he could only avoid that admission that he allowed a false affidavit to be filed by convincing the grand jury that he hadn't been paying attention. Take a look at this tape that is coming up, and you will see what the President of the United States doesn't want the people of the United States ever to see. Watch.

[Videotape played.]

Do you think for one moment, after watching that tape, that the President wasn't paying attention? They were talking about Monica Lewinsky, at the time the most dangerous person in the President's life. If the false affidavit worked, he was home free, because they wouldn't be permitted to question him about her. Can anyone rationally argue that the President wasn't vitally interested in what Mr. Bennett was saying? Nonetheless, when he was asked in the grand jury whether Mr. Bennett's statement was false, he still was unable to tell the truth, even before a Federal grand jury. He answered with a now famous sentence: "It depends on what the meaning of 'is' is."

That single declaration, members of the committee, reveals more about the character of the President than perhaps anything else in

the record. It points out his attitude and his conscious indifference and complete disregard for the concept of the truth. He picks out a single word and he weaves from it a deceitful answer. "Is" doesn't mean "was" or "will be," so I can answer no. He also invents convoluted definitions of words or phrases in his own crafty mind. Of course he will never seek to clarify a question because that may trap him into a straight answer.

Can you imagine dealing with such a person in any important matter? You would never know his secret mental reservations or the unspoken redefinition of words. And even if you thought you had solved the enigma, it wouldn't matter; he would just change the meaning to suit his purpose.

But the President reinforced Monica's lie. Mr. Bennett read to him the paragraph, paragraph 8, in the affidavit where she denied a sexual relationship, not sexual relations, sexual relationship, with the President. Watch.

[Videotape played.]

"That is absolutely true." And at the time the President knew that it was absolutely false.

When asked about this in the grand jury and when questioned about it by this committee, the President said that if Ms. Lewinsky believed it to be true, then it was a true statement.

Well, let's see: First of all, Monica admitted to the grand jury that the paragraph was false. Second, the President wasn't asked about Ms. Lewinsky's belief. He was asked quite clearly and directly by his own lawyer whether the statement was true. His answer was unequivocally, yes. Even by the President's own tortured reading of the definition of sexual relations, that statement is false. To use the President's own definition, Monica Lewinsky touched, quote, "one of the enumerated body parts," closed quote. Therefore, she had sexual relations with him even as he defined it.

Lastly, the President wants us to believe that according to his reading of the deposition definition, he did not have sexual relations with Ms. Lewinsky. That definition was an afterthought, conceived while preparing for his grand jury testimony. His explanation to the grand jury then was also false and misleading.

The President does not explain his denial of an affair or of a sexual affair. He can't. Neither can he avoid his unequivocal denial in the answers to the interrogatories in the Jones case. These interrogatories were answered before any narrowed definition of sexual relations had been developed. But here, listen for yourself.

[Videotape played.]

By the time the President concluded his deposition, he knew that someone was talking, and he knew that the only person who could be talking was Ms. Lewinsky herself. The cover story that he and Monica had created and that he used liberally himself during the deposition was now in real jeopardy. It became imperative that he not only contact Ms. Lewinsky, but that he obtain corroboration from his trusted secretary, Betty Currie. So at about 7 p.m. on the night of the deposition, the President called Ms. Currie and asked that she come in the following day, which was a Sunday. Ms. Currie could not recall the President ever before calling her that late at home on a Saturday night. Sometime in the early morning hours of January 18, by the way, the President learned of the

Drudge report concerning Ms. Lewinsky that had been released earlier that day.

As those charts indicate over there, between 11:49 and 2:55 p.m., there were three phone calls between Mr. Jordan and the President. At about 5 p.m., Ms. Currie met with the President. The President said that he had just been deposed and that the attorneys asked several questions about Monica Lewinsky. That, incidentally, was a direct violation of Judge Wright's order prohibiting discussions about the deposition testimony. The President then made a series of statements to Ms. Currie:

I was never really alone with Monica, right?

You were always there when Monica was there, right?

Monica came on to me and I never touched her, right?

You could see and hear everything, right?

She wanted to have sex with me and I can't do that.

During Betty Currie's grand jury testimony, she was asked whether she believed that the President wanted her to agree with that statement.

Question: Would it be fair to say, then, based on the way he stated the five points and the demeanor that he was using at the time that he stated it to you, that he wished you to agree with that statement?

Answer: I can't speak for him but—

Question: How did you take it? Because you told us at these meetings in the last several days that that is how you took it.

Answer: (Nodding.) Witness is nodding.

Question: And you're nodding your head "yes"; is that correct?

Answer: That's correct.

Question: Okay, with regard to the statement that the President made to you, quote, "You remember I was never really alone with Monica, right?" was that also a statement that, as far as you took, that he wished you to agree with that?

Answer: Correct.

When the President testified in the grand jury, he was questioned about his intentions when he made those five statements. The President stated:

"I thought we were going to be deluged by press comments and I was trying to refresh my memory about what the facts were. And what I wanted to establish was that Betty was there at all other times in the complex and I wanted to know what Betty's memory was about what she heard, what she could hear. And what I did not know was—I did not know that, and I was trying to figure out in a hurry because I knew something was up. So I was not trying to get Betty Currie to say something that was untruthful. I was trying to get as much information as quickly as I could."

Though Ms. Currie would later intimate that she did not necessarily feel pressured by the President, she did state that she felt the President was seeking her agreement or disagreement with those statements.

Logic tells us that the President's plea that he was just trying to refresh his memory is contrived and false again.

First, consider the President's options after he left his deposition. He could abide by Judge Wright's order to remain silent and not divulge any details of his deposition. He could choose to defy Judge

Wright's orders, call Betty on the phone and ask her an open-ended question; for example, what do you remember about Monica Lewinsky and so on and so forth. Or he could call Ms. Currie, arrange a Sunday afternoon meeting at a time when the fewest distractions exist and the White House staff is at a minimum. The President chose the third option.

He made sure that this was a face-to-face meeting, not an impersonal telephone call. He made sure that no one else was present when he spoke to her. He made sure that he had the meeting in his office, an area where he was comfortable and could utilize its power and its prestige to influence future testimony.

Once the controls were established, the President made short, clear, understandable, declarative statements telling Ms. Currie what her testimony was to be. He wasn't interested in what she knew. Why? He didn't want to be contradicted by his personal secretary. And the only way to ensure that was by telling her what to say, not asking her what she remembered. And you certainly don't make declarative statements to someone regarding factual scenarios of which the listener was totally unaware.

Betty Currie could not possibly have any personal knowledge of the facts the President was asking about. How could she know if they were never alone? If they were, Ms. Currie wasn't there, right? So, too, how would she know that the President never touched Monica? No, this wasn't any attempt by the President to refresh anybody's recollection. It was witness tampering, pure and simple.

The President essentially admitted to making those statements when he knew that they were not true. Consequently, he had painted himself kind of into a legal corner. Understanding the seriousness of the President coaching Ms. Currie, his attorneys have argued that those statements to her could not constitute obstruction because she had not been subpoenaed and the President didn't know she was a potential witness at the time. This argument is refuted both by law and facts.

The United States Court of Appeals rejected that very argument and stated: "A person may be convicted of obstructing justice if he urges or persuades a prospective witness to give false testimony. Neither must the target be scheduled to testify at the time of the offense, nor must he or she actually ever give testimony at a later time."

As discussed, the President and Ms. Lewinsky concocted that cover story that brought Ms. Currie into the fray. She was there as a corroborating witness for the President. True to the scheme, the President, as previously noted, invoked Ms. Currie's name frequently as a witness who could corroborate his false and misleading testimony about the Lewinsky affair in the deposition. For example, during that deposition, when asked whether he was alone with Ms. Lewinsky, the President said that he was not alone with her or that Betty Currie was there with Monica. When asked about the last time he saw Ms. Lewinsky, which was December 28, he falsely testified that he only recalled that she was there to see Betty. He also told the Jones lawyers to "ask Betty" whether Lewinsky was alone with him or with Betty in the White House between the hours of midnight and 6 a.m. Asked whether Ms.

Lewinsky sent packages to him, he stated that Betty handled packages for him. Asked whether he may have assisted in any way with Ms. Lewinsky's job search, he stated that he thought Betty suggested Vernon Jordan talk to Ms. Lewinsky, and that Monica asked Betty to ask someone to talk to Ambassador Richardson about a job at the U.N.

Of course Ms. Currie was a prospective witness, and the President clearly wanted her to be deposed as a witness. His "ask Betty," constantly "ask Betty," clearly demonstrates that he wanted them to bring her in. Now, the President claims that he called Ms. Currie into work on a Sunday night only to find out what she knew. But the President knew the truth about the relationship with Ms. Lewinsky, and if he had told the truth during his deposition the day before, he would have no reason to worry about what Ms. Currie knew. More important, the President's demeanor, Ms. Currie's reaction to his demeanor and the suggested lies clearly prove that the President was not merely interviewing Ms. Currie. Rather, he was looking for corroboration for his false cover-up, and that is why he coached her.

Very soon after his Sunday meeting with Ms. Currie at 5:12 p.m., the flurry of telephone calls began, looking for Monica. Between 5:12 and 8:28, Ms. Currie paged Monica four times. "Kay" is a reference to a code name that Ms. Lewinsky and Ms. Currie had created when contacting one another. At 11:02, the President called Ms. Currie at home to ask if she had reached Lewinsky.

On the following morning, January 19, Currie continued to work diligently on behalf of the President. Between 7:02 and 8:41 a.m., she paged Ms. Lewinsky another five times. After the 8:41 page, Betty called the President at 8:43 and said that she had been unable to reach Monica. One minute later, she again pages Monica. This time Ms. Currie's page stated, quote, "family emergency." Apparently, in an attempt to alarm Monica into calling back, they put that code in there. That may have even been the President's idea, since Betty had just spoken with him. The President was obviously quite concerned because he called Betty Currie only 6 minutes later, at 8:50. Immediately thereafter, at 8:51, Currie tries a different tack, sending the message, "Good news." Another one of the President's ideas, no doubt. If bad news doesn't get her to call, maybe good news will. Ms. Currie said that she was trying to encourage Ms. Lewinsky to call, but there was no sense of "urgency." Ms. Currie's recollection of why she was calling was again amazingly fuzzy. She said at one point that she believed the President asked her to call Ms. Lewinsky and she thought she was calling just to tell her that her name had come up in the deposition. Monica Lewinsky had been subpoenaed, and everybody knew it. Of course her name came up in the deposition. There was obviously another and a much more important reason the President needed to get in touch with her.

At 8:56 a.m., the President telephoned Vernon Jordan, who then joined in the search. Over a course of 24 minutes, from 10:29 to 10:53 a.m., Mr. Jordan called the White House three times, paged Ms. Lewinsky, and called Ms. Lewinsky's attorney Frank Carter. Between 10:53 a.m. and 4:54 p.m., there are continued calls be-

tween Mr. Jordan, Ms. Lewinsky's attorney and several individuals at the White House.

Later that afternoon, things really went downhill for the President. At 4:54 p.m., Mr. Jordan called Mr. Carter and Carter relayed the information that he had been told he no longer represented Ms. Lewinsky. Mr. Jordan then made feverish attempts to reach the President, or someone at the White House, to tell them the bad news, as represented by the six calls between 4:58 and 5:22 p.m. Vernon Jordan said that he tried to relay this information to the White House because, quote, "The President asked me to get Monica Lewinsky a job." She had a job.

And he thought it was, quote, "information they ought to have." So do I.

Mr. Jordan then called Mr. Carter back at 5:14 p.m. to, quote, "go over" what they had already talked about. Mr. Jordan finally reached the President at 5:56 and told him that Mr. Carter had been fired.

Now, why all this activity? It shows how important it was for the President of the United States to find Monica Lewinsky to learn to whom she was talking. Betty Currie was in charge of contacting Monica. The President had just completed a deposition in which he had provided false and misleading testimony about his relationship. She was a co-conspirator, she being Monica Lewinsky, in hiding this relationship from the Jones attorneys, and he was losing control over her. She was slipping away. The President never again got complete control over Monica Lewinsky, and that is why we are here today.

On August 17, the last act of this tragedy took place. After six scorned invitations, the President of the United States appeared before a grand jury of his fellow citizens and took an oath to tell the truth. We all now know what happened after that. The President equivocated, engaged in legalistic fencing, but he also lied. During the course of this presentation, I discuss several of those lies specifically. Actually the entire performance, and it was a performance, was calculated to mislead and to deceive the grand jury and eventually the American people. The tone was set at the very beginning. You recall Judge Starr testified that in a grand jury, a witness can either tell the truth, lie or assert his privilege against self-incrimination. President Clinton was given a fourth choice. The President was permitted to read a statement. There it is, over there on the chart.

Even that statement is false in many particulars. President Clinton claims that he engaged in wrong conduct with Ms. Lewinsky, quote, "on certain occasions in early 1996 and once in 1997," closed quote. Notice he didn't mention 1995. There was a reason. On the three occasions in 1995, Monica was a 21-year-old intern. As for being on "certain occasions," the President was alone with Monica more than 21 times at least. The President also told the jurors in that statement that he, quote, "also had occasional telephone conversations with Ms. Lewinsky that included sexual banter," closed quote. Now, "occasional" sounds like once every 3 or 4 months, doesn't it? Actually the two had at least 55 phone conversations, many in the middle of the night. And in 17 of those calls, Monica and the President of the United States engaged in phone sex. Now,

I am not going to go into any details, but if what happened on those phone calls is banter, then Buckingham Palace is a cabin.

Here we are again with the President carefully crafting his statements to give the appearance of being candid when actually his intent was exactly the opposite. In addition, throughout the testimony, whenever the President was asked a specific question that could not be answered directly without either admitting the truth or giving an easily provable false answer, he said, "I rely on my statement." Nineteen times he relied on his statement, his false and misleading statement; nineteen times, then, he repeated those lies. Let's just watch one of them.

[Videotape played.]

When Judge Starr was testifying here before you, he made reference to six occasions on which, faced with a choice, the President chose deception. Make it seven.

In an effort to avoid unnecessary work and to bring this inquiry to an expeditious end, this committee submitted to the President 81 requests to admit or deny specific facts relevant to the investigation. Although for the most part the questions could have been answered with a simple admit or deny, the President elected to follow the pattern of selective memory, reference to other testimony, blatant untruths, artful distortions, outright lies and half-truths, the blackest lie of all. When he did answer, he engaged in legalistic hair-splitting in an obvious attempt to skirt the whole truth and to deceive this committee.

Thus, on at least 23 questions, the President professed a lack of memory. This from a man who is renowned for his remarkable memory, for his amazing ability to recall details.

In at least 15 answers, the President merely referred to "White House records." He also referred to his own prior testimony and to that of others. He answered several of the requests by merely stating the same deceptive answers that he gave to the grand jury. We have pointed out several of those false statements in this summation already.

The answers are a gratuitous insult to your intelligence and to your common sense. The President then has lied under oath in a civil deposition, lied under oath in a criminal grand jury. He lied to the people, he lied to his Cabinet. He lied to his top aides. And now he has lied under oath to the Congress of the United States. There is no one left to lie to.

In addition, the half-truths, legalistic parsings, evasive and misleading answers, were obviously calculated to obstruct the efforts of this committee. They have had the effect of seriously hampering the committee's ability to inquire and to ascertain the truth. The President has, therefore, added obstruction of an inquiry and an investigation before the legislative branch to his obstructions of justice before the judicial branch of our constitutional system of government.

Now, let's talk a little about abuse of power. As soon as Paula Jones filed her lawsuit, President Clinton, rather than confront the charges, tried to get it dismissed.

To do so, he used the power and dignity of the office of the President in an attempt to deny Ms. Jones her day in court. Remember,

this was a private suit against the President in his private capacity.

He argued that as President, he is immune from a lawsuit during his tenure in office; that is, that the President as President is immune from the civil law of the land. As I recall, a similar position was taken by King John just before that gathering at Runnymede where he was forced to sign the Magna Carta.

More interesting is the rationale given by the President for his immunity, and I am quoting from one of his documents: "The broad public and constitutional interests that would be placed at risk by litigating such claims against an incumbent President far outweigh the asserted private interests of a plaintiff who seeks civil damages for an alleged past injury."

There you have it. Sorry, Ms. Jones. Because William Jefferson Clinton occupies the office of President, your lawsuit against him, not as President, but personally, must be set aside. The President's lawyers are referring to the most basic civil rights of an American citizen to due process of law and to the equal protection of the laws, those same rights that President Clinton had taken an oath to preserve and protect. Or is it that some people are more equal than others?

Here is a clear example of the President abusing the power and majesty of his office to obtain a purely personal advantage over Ms. Jones and to avoid having to pay money damages.

The case was actually stalled for several years until the Supreme Court ruled. If there is one statement that might qualify as the model of President Clinton, it is that contained in one of the briefs filed on behalf of him. Quote: "In a very real and significant way, the objectives of William J. Clinton, the person, and his administration, are one and the same."

But the President was just getting started. He employed the power and prestige of his office and of his Cabinet officers to mislead and to lie to the American people about the Jones case and the Monica Lewinsky matter. But even more, throughout the grand jury investigation and other investigations, the President has tried to extend the relatively narrow bounds of presidential privilege to unlimited if not bizarre lengths. One witness, Bruce Lindsey, asserted executive privilege before the grand jury even after that claim had been dropped by the President. I guess he didn't get the message.

The whole plan was to delay, obstruct, and detour the investigations; not to protect the presidency, but to protect the President personally. It is bad enough that the office was abused for that purpose, but the infinite harm done to the presidency by those frivolous and dilatory tactics is irreparable. With a single exception, every claim of immunity and every privilege has been rejected outright by the courts. Future presidents will be forced to operate within those strictures because one person assumed that the office put him above the law.

Furthermore, the power and prestige of the office of President was marshaled to destroy the character and the reputation of Monica Lewinsky, a young woman who had been ill-used by the President. As soon as her name surfaced, the campaign began to muzzle any possible testimony and to attack the credibility of wit-

nesses in a concerted effort to insulate the President from the lawsuit of a single female citizen of Arkansas. It almost worked.

When the President testified at his deposition that he had no sexual relations, no sexual affairs or the like with Monica Lewinsky, he felt secure. Monica, the only other witness, was already in the bag. She'd furnished the false affidavit also denying everything. Later when he realized from the Dredge Report that there were taped conversations between Ms. Lewinsky and Linda Tripp, he had to come up with a new story, and he did. In addition, he recounted that story to White House aides to pass it on to the grand jury.

On Wednesday, January 21, 1998, The Washington Post published a story entitled, "Clinton Accused of Urging Aide to Lie; Starr Probes Whether President Told Woman to Deny Alleged Affair to Jones Lawyers." The White House learned the substance of the story on the evening of the 20th. After the President learned of the existence of that story, he made a series of telephone calls.

At 12:08 a.m. he called his attorney, Mr. Bennett, and they had a conversation. The next morning, Mr. Bennett was quoted in The Washington Post stating: "The President adamantly denies he ever had a relationship," not relation, relationship, "with Ms. Lewinsky and she has confirmed the truth of that." He added, "This story seems ridiculous and I frankly smell a rat."

He was right.

After that conversation, the President had a half-hour conversation with White House counsel, Bruce Lindsey. At 1:16 a.m. the President called Betty Currie and spoke to her for 20 minutes. He then called Bruce Lindsey again. At 6:30 a.m., the President called Vernon Jordan. He wasn't sleeping too well, apparently. After that, the President again conversed with Bruce Lindsey.

This flurry of activity was a prelude to the stories which the President would soon inflict upon top White House aides and his advisors. On the morning of January 21, the President met with Chief of Staff Erskine Bowles and his two deputies, John Podesta and Sylvia Matthews. Erskine Bowles recalled entering the President's office at 9 a.m. that morning. He then recounts the President's immediate words as he and two others entered the Oval Office: "And he looked up at us and he said the same thing he said to the American people. He said, 'I want you to know, I did not have sexual relationships with this woman, Monica Lewinsky. I did not ask anybody to lie, and when the facts come out, you'll understand.'"

After the President made that blanket denial, Mr. Bowles responded: "I said, 'Mr. President, I don't know what the facts are. I don't know if they are good, bad or indifferent. But whatever they are, you ought to get them out and you ought to get them out right now.'"

When counsel asked whether the President responded to Bowles' suggestions that he tell the truth, Bowles responded, "I don't think he made any response, but he didn't disagree with me."

Deputy Chief John Podesta also recalled a meeting with the President on the morning of January 21st. He testified before the grand jury as to what occurred in the Oval Office: "And we started off meeting—we didn't—I don't think we said anything. And I

think the President directed this specifically to Mr. Bowles. He said, 'Erskine, I want you to know that this story is not true.'

"Question: What else did he say?"

"Answer: He said that—that he had not had a sexual relationship with her and that he never asked anybody to lie."

Two days later on January 23rd, Mr. Podesta had another discussion with the President: "I asked him how he was doing and he said he was working on his draft and he said to me that he never had sex with her, and that—and that he never asked, you know, he repeated the denial. But he was extremely explicit in saying he never had sex with her."

Then Podesta testified as follows: "Question: Okay. Not explicit in that sense, that he got more specific than sex, than the word 'sex.'"

"Answer: Yes, he was more specific than that.

"Question: Okay, share that with us.

"Answer: Well, I think he said, he said that—there was some spate of, you know, what sex acts were counted, and he said he had never had sex with her in any way whatsoever.

"Question: Okay.

"Answer: That they had not had oral sex."

Later in the day on January 21st, the President called Sidney Blumenthal to his office. It is interesting to note how the President's lies become more elaborate and pronounced when he has time to concoct his newest line of defense. Remember that when the President spoke to Mr. Bowles and Mr. Podesta he simply denied the story. But by the time he spoke to Mr. Blumenthal, the President had added three new angles: One, he now portrays Monica Lewinsky as the aggressor; two, he launched an attack on her reputation by portraying her as a stalker; and three, he presents himself as an innocent victim being attacked by the forces of evil.

Note well this recollection by Mr. Blumenthal in his June 4th, 1998, grand jury testimony: "And it was at this point that he gave his account of what had happened to me and he said that Monica—and it came very fast, he said, 'Monica Lewinsky came at me and made a sexual demand on me.' He rebuffed her. He said, 'I've gone down that road before, I've caused pain for a lot of people and I'm not going to do that again.

"She threatened him. She said that she would tell people that they'd had an affair, that she was known as the stalker among her peers and that she hated it and if she had an affair or said she had an affair, then she wouldn't be the stalker anymore." This is the President speaking.

And then consider what he told Mr. Blumenthal moments later.

"And he said, 'I feel like a character in a novel. I feel like somebody who is surrounded by an oppressive force that is creating a lie about me and I can't get the truth out. I feel like the character in the novel "Darkness at Noon."' And I said to him, 'When this happened with Monica Lewinsky, were you alone?' And he said, 'Well, I was within eyesight or earshot of someone.'"

At one point Mr. Blumenthal was asked by the grand jury to describe the President's manner and demeanor during the exchange:

"Question: In response to my question how you responded to the President's story about a threat or discussion about a threat from Mrs. Lewinsky, you mentioned you didn't recall specifically. Do you recall generally the nature of your response to the President?"

"Answer: It was generally sympathetic to the President, and I certainly believed his story." Listen to this. "It was a very heartfelt story. He was pouring out his heart, and I believed him."

When Betty Currie testified before the grand jury, she couldn't recall whether she had a second one-on-one discussion with the President on January 20th or Wednesday January 21st. She did state that on one of those days, the President summoned her back into his office. At that time he recapped their now famous Sunday afternoon post-deposition discussion in the Oval Office. I think you all remember that meeting.

That is when the President made a series of those statements to Ms. Currie, some of which Ms. Currie could not have possibly known. Monica came on to me and stuff like that.

When he spoke to her on January 20th and 21st, he spoke in the same tone and the same demeanor that he'd used on Sunday afternoon. Ms. Currie stated that the President may have mentioned that she might be asked about Monica Lewinsky.

It is abundantly clear that the President's assertions to staff were designed for dissemination to the American people. But it is equally important to understand that the President intended his aides to relate that false story to investigators and grand jurors alike. We know that this is true for the following reasons: The special division had recently appointed the Office of Independent Counsel to investigate the Monica Lewinsky matter. The President realized that the Jones attorneys and investigators were investigating this matter. The Washington Post journalists and investigators were exposing the details of the Lewinsky affair, and the investigation relating to perjury charges based on presidential activities in the Oval Office would certainly lead to interviews and possible testimony on the part of West Wing employees and high-level staffers.

Because the President knew he wasn't going to appear before the grand jury, his version of the events could be supplied by those staffers to whom he was telling these lies. The President actually acknowledged that he knew his aides might be called before the grand jury. In addition, Mr. Podesta testified that he knew he was likely to be a witness in the ongoing grand jury criminal investigation. He said he was "sensitive about not exchanging information because I knew I was a potential witness."

He also recalled that the President volunteered to provide information about Ms. Lewinsky to him, even though Mr. Podesta had not asked for those details. In other words, the President's lies and deceptions to his White House aides, coupled with his steadfast refusal to accept an invitation to testify, had the effect of presenting a totally false account of the events to the investigators and to the grand jurors.

The President's aides believed the President when he told them his contrived account. The aides' eventual testimony provided the President's calculated falsehoods to the grand jury which, in turn, gave the jurors a totally inaccurate and misleading set of facts upon which to base any decisions.

President Clinton also implemented a win at any cost strategy. We know this because of testimony presented by Dick Morris to the Federal grand jury. Mr. Morris, a former presidential advisor, testified that on January 21st he met President Clinton and they discussed the turbulent events that were occurring that day. The President again denied the accusation against him, and after further discussion, they decided to take an overnight poll to determine if the American people would forgive the President for adultery, perjury and obstruction of justice. When Mr. Morris obtained the results he called the President.

This is Mr. Morris talking:

"And I said, 'They're just too shocked by this. It's just too new. It's too raw.' And I said, 'And the problem is they're willing to forgive you for adultery, but not for perjury or obstruction of justice or the various other things.'"

Morris recalls the following exchange:

"And I said, 'They're just not ready for it,' meaning the voters. 'And the President said, 'Well, we just have to win, then.'" The President, of course, can't recall this statement.

Worst of all, in order to win, it was necessary to convince the public and hopefully those grand jurors who read the newspapers that Monica Lewinsky was unworthy of belief. If the account given by Monica to Linda Tripp was believed, then there would emerge a tawdry affair in or near the Oval Office. Moreover, the President's own perjury and that of Monica Lewinsky would surface. How do you do this? Congressman Graham showed you. You employ the full power and credibility of the White House and the press corps of the White House to destroy the witness.

Thus on January 19th:

"Inside the White House, the debate goes on about the best way to destroy 'that woman,' as President Bill Clinton called Monica Lewinsky. Should they paint her as a friendly fantasist or a malicious stalker?"

Again: "That poor child has serious emotional problems," Representative Charles Rangel, Democrat of New York, said Tuesday night before the State of the Union. Quote, "She's fantasizing. And I haven't heard that she played with a full deck in her other experiences."

Listen to Gene Lyons, an Arkansas columnist, on January 30:

"But it's also very easy to make a mirror's eye view of this thing, look at this thing from a completely different direction and take the same evidence and posit a totally innocent relationship in which the President was, in a sense, the victim of someone rather like the woman who followed David Letterman around."

From another "source" on February 1st:

"Monica had become known at the White House, says one source, as 'the stalker.'"

And on February 4th:

"The media have reported that sources describe Lewinsky as 'infatuated' with the President, 'star struck' and even 'a stalker.'"

Here is the worst:

"One White House aide called reporters"—called reporters—"to offer information about Monica Lewinsky's past, her weight problems, and what the aide said was her nickname, 'The Stalker.'"

"Junior staff members, speaking on the condition that they not be identified, said she was known as a flirt, wore her skirts too short, and was 'A little bit weird.'"

"Little by little, ever since allegations"—this is all part of this same article—"ever since allegations of an affair between the U.S. President, Bill Clinton, and Lewinsky surfaced 10 days ago, White House sources have waged a behind-the-scenes campaign to portray her as an untrustworthy climber obsessed with the President."

"Just hours after the story broke, one White House source made unsolicited calls offering that Lewinsky was the 'troubled' product of divorced parents and may have been following the footsteps of her mother, who wrote a tell-all book."

"One story"—still, we are still in this same article—"one story had Lewinsky following former Clinton aide George Stephanopoulos to Starbucks. After observing what kind of coffee he ordered, she showed up the next day at his secretary's desk with a cup of the same coffee to 'surprise him.'"

The President was given every opportunity to present to this committee witnesses. Did you see one human being come in to corroborate these filthy stories?

Sound familiar? It ought to, because that is the same tactics that were used to destroy Paula Jones. The difference is that these rumors were emanating from the White House, the bastion of the free world, and to protect one man from being forced to answer for his conduct in the highest office in the United States.

Now, let's turn to President Clinton's grand jury appearance. On August 16th, the President's personal attorney, David Kendall, provided the following statement:

"There is apparently an enormous amount of groundless speculation about the President's testimony tomorrow. The truth is the truth. Period. And that's how the President will testify."

On August 17th the President testified. He admitted to the grand jury that, after the allegations were publicly reported, that he made misleading statements to particular aides whom he knew were likely to be called to testify before the grand jury.

Question: "Do you deny" or "Do you recall denying any sexual relationship with Monica Lewinsky to the following people: Harry Thomasson, Erskine Bowles, Harold Ickes, Mr. Podesta, Mr. Blumenthal, Mr. Jordan, Ms. Betty Currie? Do you recall denying any sexual relationship with Monica Lewinsky to those individuals?"

Here is the President's straightforward answer:

"I recall telling a number of those people that I didn't have, either I didn't have an affair with Monica Lewinsky or didn't have sex with her. And I believe, sir, that you'll have to ask them what they thought. But I was using those terms in the normal way people use them. You'll have to ask them what they thought I was saying."

Question: "If they testified that you denied sexual relations with Monica Lewinsky, or if they told us that you denied that, do you have any reason to doubt them, in the days after the story broke; do you have any reason to doubt them?"

Answer—for once—"No."

The President then was specifically asked whether he knew that his aides were likely to be called before the grand jury.

Question: "It may have been misleading, sir, and you knew though, after January 21st when the Post article broke and said that Judge Starr was looking into this, you knew that they might be witnesses. You knew that they might be called into a grand jury, didn't you?"

Yes or no?

Mr. Clinton: "That's right. I think I was quite careful what I said after that. I may have said something to all the people to that effect, but I'll also—whenever anybody asked me any details, I said, look, I don't want you to be a witness or I turn you into a witness or give you information that would get you in trouble. I just wouldn't talk. I, by and large, didn't talk to people about it."

Question: "If all these people—let's leave Mrs. Currie for a minute. Vernon Jordan"—and then they name all the people—"after the story broke, after Judge Starr's involvement was known...have said that you denied sexual relationship with them. Are you denying that?"

Answer: "No."

Which is it? He didn't talk to anybody, but if they come in and say he did talk to somebody, they're not lying?

Question: "And you've told us that you"—

Mr. Clinton: "I'm just telling you what I meant by it. I told you what I meant by it when they started this deposition."

Question: "You've told us now"—he refers to deposition, by the way, when he's talking about the grand jury testimony—"You've told us now that you were being careful, but that it might have been misleading. Is that correct?"

Answer: "It might have been... So what I was trying to do was to give them something they could—that would be true, even if misleading in the context of this deposition, and keep them out of trouble, and let's deal—and deal with what I thought was the almost ludicrous suggestion that I had urged someone to lie or tried to suborn perjury, in other words."

As the President testified before the grand jury, he maintained that he was being truthful with his aides.

Watch the screen, again.

[Video tape played.]

He stated that when he spoke to his aides, he was very careful with his wording. The President stated he wanted his statement regarding "sexual relations" to be literally true because he was only referring to intercourse.

However, recall that John Podesta said that the President denied sex "in any way whatsoever," including oral.

The President told Mr. Podesta, Mr. Bowles, Ms. Williams, and Harold Ickes that he did not have a "sexual relationship" with that woman.

And also take note of this fact: Seven days after the President's grand jury appearance, the White House issued a document entitled "Talking Points, January 24, 1998." They're up there on that chart. This "Talking Points" document outlined proposed questions that the President may be asked in the press conference. It also outlined suggested answers to those questions. The "Talking

Points" purport to state the President's view of sexual relations and his view of the relationship with Ms. Lewinsky. The talking points are as follows:

Question: "What acts does the President believe constitute a sexual relationship?"

Answer: "I can't believe we're on national television discussing this. I'm not about to engage in an 'act-by-act' discussion of what constitutes a sexual relationship."

"Well, for example, Ms. Lewinsky is on tape indicating that the President does not believe oral sex is adultery. Would oral sex, to the President, constitute a sexual relationship?"

Answer: "Of course it would."

Based upon this foregoing material, the President's own talking points refute his "literal truth" argument.

I would like to take a few moments to address some of the matters that have been put before you by the President's defenders over the past few days. Ever since this inquiry began, we have heard the complaint that no factual witnesses were being called by the majority. Actually, there are many factual witnesses: Monica Lewinsky, Vernon Jordan, Betty Currie, Sidney Blumenthal, Erskine Bowles, John Podesta, all of whom have testified one or more times under oath—under oath, either in a formal deposition or before a grand jury.

With minimal exceptions, I've avoided reference to interviews and the like. Interviewees are not under oath and usually the report doesn't reflect the exact words of the witness. I note, though, that the President did rely on unsworn testimony and unsworn interviews and produced no factual witnesses whatsoever.

Now, some Members have suggested that none of these witnesses have been subjected to cross-examination. Well, the answer to that is twofold.

First, this is not, as some seem to believe, a trial. It is in the nature of an inquest. Any witnesses whose testimony is referred to in this proceeding will be subjected to full cross-examination if a trial results in the Senate. That is the time to cross-examine and test credibility. As it stands, all of the factual witnesses upon whose testimony I have relied are uncontradicted and amply corroborated.

Second, if any Member or the President's counsel had specific questions for any of these witnesses that I just named, he or she was free to bring them before the committee and to ask them to testify in this proceeding.

Although the President's lawyers admit that his actions in the Jones case and in the Lewinsky matter were immoral, and I think they used the term "maddening" acts, they argue that they don't rise to the level of criminal activity and certainly not to the level of impeachable offenses.

They produced another gaggle of witnesses to testify that this really is not so bad, it's only lying about sex; that only private conduct is involved and really the Congress should just close up the book, slap the President on the hand, and, well, just kind of get on with politics as usual. Some even suggested that a prosecutor wouldn't even consider an indictment based upon the evidence available here. Well, that remains to be seen.

I doubt if any of those experts have read all the evidence that I have read, and we know that the prosecutors are in possession of that evidence and perhaps much more. Whether to indict is their decision. And whether the offenses of President Clinton are criminally chargeable is of no moment whatever. This is not a criminal trial, nor is it a criminal inquiry. It is a fundamental precept that an impeachable offense need not be a criminal act.

Concerning the perjury issue, it is noteworthy that the President's argument is focused on only one aspect of his testimony, that regarding whether he had sexual relations. He glosses over or ignores the perjury claims premised on his denial of being alone with Ms. Lewinsky, his denial of any involvement in obtaining a job for her in his January 17th deposition, his falsely minimizing the number of occasions on which he had encounters with Ms. Lewinsky and his lies regarding the gifts to and from her.

They also argue that because the President believed that he was telling the truth and there is no proof that he didn't so believe, then he cannot be guilty of perjury. Now that is a good one. That is a good one. That totally misstates the law of perjury. They assert that under the law, the subjective belief of the defendant is what counts. In fact, however, the question in perjury is judged by an objective standard as to what is reasonable under the circumstances, not the nebulous subjective standard advanced by the President's counsel.

The President's subjective belief is not sufficient. He admits that he is an attorney and at the time of his deposition was represented by Mr. Bennett as well as Mr. Ruff. The President had an independent duty to review the definition of "sexual relations" and to determine whether, in fact, his conduct fell within that definition. He cannot rely on his attorney, who was not in possession of all the facts, to divorce himself from a determination of whether he told the truth. He cannot rely on what his attorney thinks any more than he could rely on what Monica Lewinsky thought when he, the President, is the only person who knows the relevant facts and is able to determine whether his conduct fell within that definition. In other words, there must be a reasonable basis for the President's subjective belief. There was no reasonable basis.

Similarly, the argument that there is "no proof" that the President didn't believe that he was telling the truth as to whether he engaged in sexual relations under the Jones definition ignores the record. The proof that the President's subjective belief is contradicted by the evidence is overwhelming, and it has been addressed in detail. For the President now to advance the assertion that he had a subjective belief that his conduct did not constitute "sexual relations" continues that same subterfuge and obstruction begun in the Jones case, continued in the grand jury, and now presented here before the Congress.

Another argument propounded by those who oppose impeachment is that the President's lies were not material to the Jones case. How many times have we heard that? That is to say, the Lewinsky information was private and irrelevant. That argument was disposed of by Judge Susan Webber Wright in her order of December 11, 1997. She said:

"The Court finds, therefore, that the plaintiff is entitled to information regarding any individuals with whom the President had sexual relations or proposed or sought to have sexual relations and who were during the relevant time frame...State or Federal employees. Plaintiff is also entitled to information regarding every person whom the President asked, during the relevant time frame, to arrange a private meeting between himself and any female."

More than a month before the President's deposition and six days before the President suggested that Monica Lewinsky could sign a phony affidavit to avoid testifying, the judge had clearly concluded that the subject matter was neither private nor irrelevant. So much for the materiality issue.

If the President's testimony concerning Monica Lewinsky was not material, the judge—who, by the way, was sitting there while the deposition was being taken—would never have allowed it.

Judge Wright's order is not the only decision on the materiality question. A recently unsealed opinion from the United States Court of Appeals for the District of Columbia Circuit conclusively decided the issue and right on point.

In the opinion, filed under seal on May 26th, 1998, the court addressed Ms. Lewinsky's argument that she could not have committed perjury or obstruction of justice because her false affidavit did not involve facts material to the Jones case. In a three to zero decision, the Court of Appeals rejected that argument.

The Court examined whether the misrepresentation or concealment was predictably capable of affecting, that is, had a natural tendency to affect, the official decision. Here is what the judges unanimously concluded:

There can be no doubt that Lewinsky's statements in her affidavit were—in the words of *Kungys versus United States*—predictably capable of affecting this decision. She executed and filed her affidavit for this very purpose.

Of course, if Ms. Lewinsky's relationship with President Clinton was a material issue when she signed her affidavit, it certainly was a material issue when the President testified at a deposition. And just as those lies could support perjury and obstruction of justice against Ms. Lewinsky, they support perjury and obstruction of justice against the President. Both Ms. Lewinsky and the President are subject to the same criminal code.

However, even if the three judges on the D.C. Court of Appeals were wrong and if, for some hypothetical reason, the President's relationship was not material in the Jones case, there can be no doubt in the President's or anyone else's mind that the relationship was absolutely material when he lied to the grand jury and when he lied to this committee.

Perhaps the most strident complaint from the President's supporters is what they perceive as the fundamental unfairness of this process. They have, however, been hard-pressed to point with any degree of specificity to any unfair actions.

With reference to the Office of the Independent Counsel, did they treat the President unfairly? They invited him to testify before the grand jury on six occasions before they issued a subpoena. Even then, they withdrew the subpoena and allowed Mr. Clinton the dignity of appearing voluntarily.

During his grand jury testimony, which, by the way, was given in the White House and not the district court, the President was permitted to have his lawyers present at all times. The prosecutors allowed him to read a statement into the record and to rely on that statement in lieu of an answer some 19 times. Finally, the time allotted for questioning the President was limited. Not one of these courtesies is afforded to any other witness before a grand jury.

How about in his dealings with the committee? Has the President been treated fairly? He has been treated with extraordinary courtesy and fairness. Examples abound.

The Rodino Watergate format was adopted, giving the White House the privilege of responding to evidence received and testimony adduced; suggesting additional testimony or other evidence to make a complete record; attending all executive or open hearings at which witnesses are called; and questioning witnesses before the committee.

The President's counsel was permitted to cross-examine Judge Starr for a full hour. I only got 45 minutes.

A complete hearing was held in part because of a White House request concerning standards for impeachment.

The President's counsel was allowed access to the secure room over in the Ford Building so it could assist him in preparing his defense.

The committee afforded the President 30 hours, or the equivalent of 4 full days, if he needed it, to present witnesses or other defense evidence.

The staff met with White House counsel to try working out a method of cooperation.

And the Chairman repeatedly asked the White House to submit any exculpatory evidence.

Despite all of these efforts, the Chairman continues to suffer from accusations of unfairness. What more do they want?

On the other hand, how fair have the President and his supporters been?

Was it fair to procure and produce false affidavits from prospective witnesses in the Jones case and thus subject those witnesses to prosecution for perjury? How about employing every conceivable means, including perjury and obstruction, to defeat the legal rights of a woman who claimed she had been wronged? How fair was it to stand by and allow his friends to attack that woman's character with remarks like, drag a \$10 bill through a trailer camp and you never know what will turn up?

Was it fair to Monica Lewinsky to construct an elaborate lie that made it appear that she was a predator who threatened to lie about a sexual encounter if the President didn't succumb to her advances? By the way, if the dress had not turned up, that story would have been President Clinton's defense today. The stage had already been set, the scenery was in place, and the actors had been given their lines.

Was it fair for the President to coach Betty Currie, knowing that she would likely testify under oath and expose herself to possible criminal charges? And how about the constant trashing of anyone who had the courage to criticize or to refuse to go along with the game plan? Is it fair to make misstatements about the Independent

Counsel's Referral and then use those misstatements as the basis to attack Judge Starr's credibility?

As to the last, my staff and I have had the unenviable task of reviewing the President's latest Submission consisting of almost 200 pages. For the most part, there was nothing new. It had all been presented to you in one form or another by the experts brought in by the Minority and the President, which, by the way, far outnumbered those produced by the Republican Majority. Most of the arguments have been dealt with in my presentation already, but a few points might be highlighted.

In paragraph 2 of the Preface the statement is made: "He," referring to the President, "did not want anyone to know about his personal wrongdoing." That personal wrongdoing includes perjury, obstruction and the like. Of course he didn't want anybody to know, and he lied and had others lie to conceal it.

The introduction contains this statement: "He repeatedly has acknowledged that what he did was wrong, he has apologized, and he has sought forgiveness." We all know that he has only admitted what he couldn't deny, and he has continued to play games about the rest.

Stripped to its basic elements, the President's Submission merely states:

That the President lied. That it was okay to lie because it was nobody's business but his own; that his conduct isn't a high crime or misdemeanor; that he would never be convicted of perjury or obstruction in a court of law; that the Jones suit was bogus, therefore, his testimony didn't matter.

By the way, do you settle bogus suits for \$700,000 after you won?

Judge Starr was a prosecutor most foul; Judge Starr purposely failed to include relevant exculpatory evidence; and, finally, impeachment is such a big step that the committee shouldn't put the country through it.

By the way, who is putting the country through this? The President, by his actions.

The Submission is the ultimate use of the "legal technicality concept."

We have heard all of this before. This Submission is a last-ditch effort of a President caught in his own legacy of lies, scandal and abuse of the highest office in the land. The American people deserve better. They do not deserve legal hair-splitting, prevarication and dissembling.

Most disturbing to me was the series of misrepresentations regarding the Referral from Mr. Starr and the material produced to support it. Let me give you just a few salient examples:

Regarding the President's and Ms. Lewinsky's testimony, the Submission omits a key passage of a quotation. They say: For example, the President answered yes to the question, quote, your testimony is that it was possible, then, that you were alone with her? This is the defense. He answered yes.

Now, listen to the full testimony:

Question: So I understand, your testimony is that it was possible, then, that you were alone with her, but you have no specific recollection of that ever happening?

Answer: Yes, that is correct. It's possible that she, in, while she was working there, brought something to me and that at the time she brought it to me, she was the only one there. That is possible.

Not quite the same. The President testified that, despite the theoretical possibility that he was alone with Ms. Lewinsky, he had no recollection of it and even that possibility was limited to while she was working at the White House and when she was delivering papers. Same old cover story.

Given that the President and Ms. Lewinsky had been alone less than 3 weeks earlier as well as numerous other times over the span of two-and-a-half years, there is reason to doubt the truthfulness of his answer.

Again, the President was asked in the deposition: Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in this case?

According to the White House, when the President responded negatively, "I don't think so," he meant something other than the words he uttered.

From the Submission: Plainly, the President was not testifying that no one other than his attorneys had told him that Ms. Lewinsky had been subpoenaed. Now they are trying to tell you that "no" means "yes." Can't go much further.

The White House Submission notes that Ms. Lewinsky stated that no one asked her to lie. The Referral makes this very point. I think that aspect has been covered thoroughly.

Concerning evidence regarding the transfer of gifts, the White House contends that the Referral omits a fundamental and important fact that it was Ms. Lewinsky who, in her December 28th conversation with the President, first mentioned Ms. Currie as a possible holder of the gifts. In fact, the Referral twice quotes Ms. Lewinsky's testimony that she asked the President if, quote, I should put the gifts outside my house somewhere or give them to someone, maybe Betty.

Another one. The White House Submission contends that a wealth of information contradicts the allegation that the President obstructed justice with regard to gifts he had given Ms. Lewinsky. As the most dramatic contradiction highlighted as the epigraph to the section, the Submission juxtaposes the Independent Counsel's statement that, quote, the President and Ms. Lewinsky met and discussed what should be done with the gifts subpoenaed from her, and Ms. Lewinsky's statement in the grand jury that he really didn't—he really didn't discuss it. In truth, he really didn't discuss it.

He really didn't discuss it came in answer to—in response to a second, more specific question after Ms. Lewinsky had spent several hundred words recounting her conversation with the President about the gifts. The White House quotation is so brazenly misleading that I'm going to quote the full excerpt:

Juror: Retell for me the conversation you had with the President about the gifts.

The Witness (Ms. Lewinsky): Okay. It was December 28th and I was there to get my Christmas gifts from him. And we spent maybe about 5 minutes or so, not very long, talking about the case. And I said to him, "Well, do you think—"

What I mentioned, I said to him that it had really alarmed me about the hat pin being in the subpoena, and I think he said something like, "Oh," you know, "that sort of bothered me, too." You know, "That bothers me." Something like that.

And at one point I said, "Well, do you think I should—" I don't think I said "get rid of." I think I said, "But do you think I should put away or maybe give to Betty or give to someone the gifts?"

And he—I don't remember his response. I think it was something like, "I don't know," or "Hmm," or—there really was no response.

I know that I didn't leave the White House with any notion of what I should do with them, that I should do anything different than if they were sitting in my house. And then later I got a call from Betty.

Juror: Now, did you bring up Betty's name or did the President bring up Betty's name?

The Witness: I think I brought it up. The President wouldn't have brought up Betty's name because he really didn't—he didn't discuss it. So either I brought up Betty's name, which I think is probably what happened, because I remember not being too, too shocked when Betty called.

As an omission characterized as very cautious, insidious, extraordinary and wholly unfair—there is that word again—the Submission charges that the Referral never attempted to rebut Ms. Currie's assertion that Ms. Lewinsky wanted to get rid of the gifts because, in Ms. Currie's words, "people were asking questions about the stuff he had gotten." In fact, the Referral outlines Ms. Currie's understanding of these questions and points out the contradictory evidence.

The White House alleges that "no mention is made in the Referral of the fact that the OIC and the grand jurors regarded as 'odd' that there was a gift-giving on the same day." In fact, the Referral not only acknowledges this apparent anomaly but uses exactly the same term: "When Ms. Lewinsky was asked whether she thought it odd for the President to give her gifts under the circumstances, she testified that she didn't think of it at the time, but she did note some hesitancy on the President's part."

According to the White House, the Referral omits important testimony from Ms. Currie to the effect that Ms. Lewinsky asked her to pick up the box of gifts. In fact, the Referral includes Ms. Lewinsky's recollection three times.

The White House contends that the Referral inaccurately indicates that Ms. Currie said that the gift transfer occurred on December 28th. In fact, the Referral says that "Ms. Currie stated, at various times, that the transfer occurred some time in late December or early January."

I could go on. I have pages here of things that happened, and I'm not going to take your time to go through each one of these obvious misstatements.

I will, however, say that the same effort was made this morning. You were allowed to listen to a taped conversation between Ms. Tripp and Ms. Lewinsky. The conversation was as follows:

Ms. Tripp: Hmm, he knows you are going to lie? You've told him, haven't you?

Lewinsky answer: No.

A great deal was made about that answer. There is Monica Lewinsky saying the President said no.

Listen to the rest of it.

Ms. Tripp: Who, me?

Ms. Lewinsky: No, me.

Ms. Tripp: Oh.

Ms. Lewinsky: Whatever my "quote, unquote" truth is.

Ms. Tripp: Hmm, he knows you're going to lie. You've told him, haven't you?

Ms. Lewinsky: No.

Ms. Tripp: I thought that night when he called that you established that much.

Ms. Lewinsky: Well, I mean, I don't know.

Ms. Tripp: Oh, Jesus, does he think you're going to tell the truth?

Answer: No.

What do they think we are? Do they think we don't read what they give us? Do they think we don't listen to what we hear in this room? The Submission has cited wrong testimony. They have cited wrong propositions of law. They have cited experts who say exactly the opposite of what they say they say. Does it ever stop? This again proves the arrogance of the White House and its total disdain for the intellect of the American people.

Some of the experts that have testified have questioned whether the President's deportment affects his office, the government of the United States or the dignity and honor of the country. Let's take just a couple of minutes to cover that issue.

Our Founders decided in the Constitutional Convention that one of the duties imposed on the President is to take care that the laws are faithfully executed. Furthermore, he is required to take an oath to preserve, protect and defend the Constitution of the United States. Twice this President stood on the steps of the Capitol, raised his right hand to God and repeated that oath.

Now, the fifth amendment to the Constitution provides that no person shall be deprived of life, liberty or property without due process of law.

The seventh ensures that in civil suits, the trial—the right to trial by jury shall be preserved.

Finally, the 14th guarantees due process of law and the equal protection of the laws.

Shall we examine the concepts of due process, equal protection and the right to trial by jury as practiced by the President to determine whether he's kept its oath to preserve and protect?

Paula Jones, as I have said, is an American citizen, just a single American citizen who felt she'd suffered a legal wrong. Our founders decided in the Constitutional Convention that one of the duties imposed upon the President is to "take care that the laws are faithfully executed." Furthermore, he is required to take an oath to "Preserve, protect and defend the Constitution of the United States." Twice this President stood on the steps of the Capitol, raised his right hand to God and repeated that oath.

Now, The Fifth Amendment to the Constitution provides that no person shall "be deprived of life, liberty or property without due process of law."

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Finally, the Fourteenth Amendment guarantees due process of law and the equal protection of the laws.

Shall we examine the concepts of due process, equal protection and the right to trial by jury as practiced by the President to determine whether he has kept his oath to preserve and protect?

Paula Jones, as I have said, is an American citizen, just a single American citizen who felt that she had suffered a legal wrong. More important, that legal wrong was based on the Constitution. She claimed essentially that she was subjected to sexual harassment which, in turn, constitutes discrimination on the basis of gender. The case wasn't brought against just any citizen, though, it was brought against the President of the United States, who was under a legal and moral obligation to preserve and protect Ms. Jones' rights. It is a relatively simple matter to mouth high-minded platitudes and to prosecute vigorously rights violated by others. It is, however, a test of courage, honor and integrity to enforce those rights against yourself. The President failed that test.

As a citizen Ms. Jones enjoyed an absolute constitutional right to petition the judicial branch of government to redress her wrong by filing a lawsuit in the United States District Court. That she did. At this point she became entitled to a trial by jury, if she chose. Due process of law, and equal protection of the laws, no matter who the defendant happened to be. Due process, though, contemplates the right to a full and fair trial, which, in turn, means the right to call and question witnesses, to cross-examine adverse witnesses, and to have her case decided by an unbiased and fully informed jury. What did she actually get? None of the above.

On May 27th, the United States Supreme Court ruled in a nine-to-nothing decision that like every other citizen, Paula Jones has a right to an orderly disposition of her claims. In accordance with that decision, Judge Susan Webber Wright ruled on December 11th that she was entitled to information regarding those employees. Six days after this ruling, the President filed an answer to Ms. Jones' amended complaint. Here's the answer. "President Clinton denies that he engaged in any improper conduct with respect to plaintiff or any other woman."

Ms. Jones' right to call and depose witnesses was thwarted by perjurious and misleading affidavits and motions. Her right to elicit testimony from adverse witnesses was compromised by perjury and false and misleading statements under oath, and as a result, had a jury tried that case, it would have been deprived of critical information.

That result is bad enough in itself, but it reaches constitutional proportions when denial of civil rights is directed by the President of the United States who twice took an oath to preserve, protect and defend those very rights. I think we already know by now what the "sanctity of an oath" means to this President.

Moreover, the President is a spokesman for the government of the people of the United States concerning both domestic and foreign matters. His honesty and integrity, therefore, directly influence the credibility of this country. When, as here, that spokesman is guilty of a continuing pattern of lies, misleading statements and

deceits over a long period of time, the believability of any of his pronouncements is seriously called into question. Indeed, how can anyone in or out of our country any longer believe anything he says, and what does that do to the confidence and the honor and integrity of the United States?

I am going to give you a few short quotations. Quote: "The President must be permitted to respond to allegations not only to defend his personal integrity, but the integrity of the office of the presidency itself."

"The President, for all practical purposes, affords the only means through which we can act as a Nation."

And finally, "A President needs to maintain prestige as an element of presidential influence in order to carry out his duties effectively. In particular, a President must inspire confidence in his integrity, compassion, competency and capacity to take charge in any conceivable situation. Indeed, it is scarcely possible to govern well in the absence of such confidence."

Now, I am not quoting from some law book or from an esoteric treatise on government. These quotations are taken directly from the pleadings and briefs filed in the Jones case on behalf of William Jefferson Clinton.

Make no mistake, the conduct of the President is inextricably bound to the welfare of the people of the United States. Not only does it affect economic and national defense, but more directly, it affects the moral and law-abiding fiber of the commonwealth without which no Nation can survive. When, as here, that conduct involves a pattern that I have demonstrated, the resulting damage to the honor and respect due to the United States is of necessity devastating.

Again, there is no such thing as nonserious perjury, nonserious lying under oath. Every time a witness lies, that witness chips a stone from the foundation of our entire legal system. Likewise, every act of obstruction of justice, of witness tampering, or of perjury, adversely affects the judicial branch of government like a pebble tossed into a lake. You may not notice the effect at once, but you can be certain that the tranquility of that lake has been disturbed. And if enough pebbles are thrown into the water, the lake itself may disappear. So too with the truth-seeking process of the courts. Every unanswered and unpunished assault upon it has its lasting effects, and given enough of them, the system itself will implode.

That is why those 2 women who testified before you had been indicted, convicted and punished severely for false statements under oath in a civil case. And that is why only a few days ago a Federal grand jury in Chicago, from whence came Mr. Sullivan, yesterday indicted 4 former college football players because they had given false testimony under oath in a grand jury. Nobody suggested that they shouldn't be charged because their motives may have been to protect their careers, and nobody has suggested that the perjury was not serious because it involved only lies about sports. Lies are lies are lies.

Apart from all else, the President's illegal actions constitute an attack upon and utter disregard for the truth and for the rule of law. Much worse, they manifest an arrogant disdain not only for

the rights of his fellow citizens, but also for the functions and the integrity of the other two coequal branches of our constitutional system. One of the witnesses that appeared before you earlier likened the Government of the United States to a three-legged stool. The analysis is apt, because the entire structure of our government rests upon the three equal supports: legislative, judicial and executive. Remove one of those supports and the State will totter. Remove two, and the structure will either collapse altogether, or will rest upon a single branch of government. There is another name for that: Tyranny.

The President mounted a direct assault upon the truth-seeking process, which is the very essence and foundation of the judicial branch. Not content with that, though, Mr. Clinton renewed his lies, half-truths and obstruction to this Congress when he filed his answers to simple requests to admit or deny. In doing so, he also demonstrated his lack of respect for the constitutional functioning of the legislative branch.

Actions do not lose their public character merely because they may not directly affect the domestic and foreign functioning of the executive branch. Their significance must be examined for the effect on the functioning of the entire system of government. Viewed in that manner, the President's actions were both public and were extremely destructive.

Today, our country is really at a crossroad at which two branches, or two paths branch off. One leads to the principles that are once familiar and immortal that are contained in our Declaration of Independence and the Constitution. These are the principles that for over 200 years have so affected our actions as to earn the admiration of the world and to gain for the United States the moral leadership among nations. There was a time not so very long ago when a policy decision by the President of the United States was saluted as "the most unsordid act in the history of mankind."

The other path leads to expediency, temerity, self-interest, cynicism, and a disdain for the welfare of others and the common good. That road will inevitably end in inequity, dishonor, and abandonment of the high principles that we as a people rely upon for our safety and happiness. There is no third road.

This is a defining moment both for the presidency and especially for the *members of this committee*.

For the presidency as an institution, because if you don't impeach as a consequence of the conduct that I have just portrayed, then no House of Representatives will ever be able to impeach again. The bar will be so high that only a convicted felon or a traitor will need to be concerned.

Remember, experts came up before you and pointed to the fact that the House refused to impeach President Nixon for lying on an income tax return. Can you imagine a future President faced with possible impeachment pointing to the perjuries, lies, obstructions, tamperings and abuses of power by the current occupant of the office as not rising to the level of high crimes and misdemeanors? If this isn't enough, what is? How far can the standard be lowered without completely compromising the credibility of the office for all time?

It is likewise a defining moment for you, the Members of this Judiciary Committee.

The roster of this committee over the years has contained the names of great Americans: Peter Rodino, Emmanuel Celler, Tom Railsbach, Bill McCulloch and Barbara Jordan.

These walls are infused with the honor and integrity that has always prevailed in this chamber. Now it is your turn to add to or subtract from that honor and integrity.

You have heard the evidence. You have read the law. You have listened to the experts, and you have heard all of the arguments.

What I say here will be forgotten in a few days, but what you do here will be incised in the history of the United States for all time to come. Unborn generations, assuming those generations are still free and are still permitted to read true history, will learn of these proceedings and will most certainly judge this committee's actions. What will be their verdict? Will it be that you rose above party and faction and reestablished justice, decency, honor and truth as the standard by which even the highest office in the land must be evaluated? Or will it be that you announce that there is no abiding standard, and that public officials are answerable only to politics, polls, and propaganda? God forbid that that will be your legacy.

The choice is yours.

On Tuesday, one of the witnesses referred to our country as the Ship of State. The allusion is to the poem, "The Building of the Ship" by Longfellow. Permit me to quote a short stanza which refers to that.

Sail on, O Ship of State! Sail on, O Union, strong and great! Humanity with all its fears, With all the hopes of future years, is hanging breathless on thy fate!

How sublime, poignant and uplifting; yet how profound and sobering are those words at this moment in history. You are now confronted with a monumental responsibility of deciding whether William Jefferson Clinton is fit to remain at the helm of that ship of state.

Thank you, Mr. Chairman.