

IN THE SENATE OF THE UNITED STATES
Sitting as a Court of Impeachment

In Re)
)
Impeachment of)
President William Jefferson Clinton)

TRIAL MEMORANDUM OF THE
UNITED STATES HOUSE OF REPRESENTATIVES

Now comes the United States House of Representatives, by and through its duly authorized Managers, and respectfully submits to the United States Senate its Brief in connection with the Impeachment Trial of William Jefferson Clinton, President of the United States.

SUMMARY

The President is charged in two Articles with: 1) Perjury and false and misleading testimony and statements under oath before a federal grand jury (Article I), and 2) engaging in a course of conduct or scheme to delay and obstruct justice (Article II).

The evidence contained in the record, when viewed as a unified whole, overwhelmingly supports both charges.

Perjury and False Statements Under Oath

President Clinton deliberately and willfully testified

falsely under oath when he appeared before a federal grand jury on August 17, 1998. Although what follows is not exhaustive, some of the more overt examples will serve to illustrate.

- At the very outset, the President read a prepared statement, which itself contained totally false assertions and other clearly misleading information.
- The President relied on his statement nineteen times in his testimony when questioned about his relationship with Ms. Lewinsky.
- President Clinton falsely testified that he was not paying attention when his lawyer employed Ms. Lewinsky's false affidavit at the Jones deposition.
- He falsely claimed that his actions with Ms. Lewinsky did not fall within the definition of "sexual relations" that was given at his deposition.
- He falsely testified that he answered questions truthfully at his deposition concerning, among other subjects, whether he had been alone with Ms. Lewinsky.
- He falsely testified that he instructed Ms. Lewinsky to turn over the gifts if she were subpoenaed.
- He falsely denied trying to influence Ms. Currie after his deposition.

- He falsely testified that he was truthful to his aides when he gave accounts of his relationship, which accounts were subsequently disseminated to the media and the grand jury.

Obstruction of Justice

The President engaged in an ongoing scheme to obstruct both the Jones civil case and the grand jury. Further, he undertook a continuing and concerted plan to tamper with witnesses and prospective witnesses for the purpose of causing those witnesses to provide false and misleading testimony. Examples abound:

- The President and Ms. Lewinsky concocted a cover story to conceal their relationship, and the President suggested that she employ that story if subpoenaed in the Jones case.
- The President suggested that Ms. Lewinsky provide an affidavit to avoid testifying in the Jones case, when he knew that the affidavit would need to be false to accomplish its purpose.
- The President knowingly and willfully allowed his attorney to file Ms. Lewinsky's false affidavit and to use it for the purpose of obstructing justice in the Jones case.

- The President suggested to Ms. Lewinsky that she provide a false account of how she received her job at the Pentagon.
- The President attempted to influence the expected testimony of his secretary, Ms. Currie, by providing her with a false account of his meetings with Ms. Lewinsky.
- The President provided several of his top aides with elaborate lies about his relationship with Ms. Lewinsky, so that those aides would convey the false information to the public and to the grand jury. When he did this, he knew that those aides would likely be called to testify, while he was declining several invitations to testify. By this action, he obstructed and delayed the operation of the grand jury.
- The President conspired with Ms. Lewinsky and Ms. Currie to conceal evidence that he had been subpoenaed in the Jones case, and thereby delayed and obstructed justice.
- The President and his representatives orchestrated a campaign to discredit Ms. Lewinsky in order to affect adversely her credibility as a witness, and thereby

attempted to obstruct justice both in the Jones case and the grand jury.

- The President lied repeatedly under oath in his deposition in the Jones case, and thereby obstructed justice in that case.
- The President's lies and misleading statements under oath at the grand jury were calculated to, and did obstruct, delay and prevent the due administration of justice by that body.
- The President employed the power of his office to procure a job for Ms. Lewinsky after she signed the false affidavit by causing his friend to exert extraordinary efforts for that purpose.

The foregoing are merely accusations of an ongoing pattern of obstruction of justice, and witness tampering extending over a period of several months, and having the effect of seriously compromising the integrity of the entire judicial system.

The effect of the President's misconduct has been devastating in several respects.

- 1) He violated repeatedly his oath to "preserve, protect and defend the Constitution of the United States."
- 2) He ignored his constitutional duty as chief law

enforcement officer to "take care that the laws be faithfully executed."

3) He deliberately and unlawfully obstructed Paula Jones's rights as a citizen to due process and the equal protection of the laws, though he had sworn to protect those rights.

4) By his pattern of lies under oath, misleading statements and deceit, he has seriously undermined the integrity and credibility of the Office of President and thereby the honor and integrity of the United States.

5) His pattern of perjuries, obstruction of justice, and witness tampering has affected the truth seeking process which is the foundation of our legal system.

6) By mounting an assault in the truth seeking process, he has attacked the entire Judicial Branch of government.

The Articles of Impeachment that the House has preferred state offenses that warrant, if proved, the conviction and removal from office of President William Jefferson Clinton. The Articles charge that the President has committed perjury before a federal grand jury and that he obstructed justice in a federal civil rights action. The Senate's own precedents establish beyond doubt that perjury warrants conviction and removal. During the 1980s, the Senate convicted and removed three federal judges for

committing perjury. Obstruction of justice undermines the judicial system in the same fashion that perjury does, and it also warrants conviction and removal.

Under our Constitution, judges are impeached under the same standard as Presidents -- treason, bribery, or other high crimes and misdemeanors. Thus, these judicial impeachments for perjury set the standard here. Finally, the Senate's own precedents further establish that the President's crimes need not arise directly out of his official duties. Two of the three judges removed in the 1980s were removed for perjury that had nothing to do with their official duties.

INTRODUCTION

This Brief is intended solely to advise the Senate generally of the evidence that the Managers intend to produce, if permitted, and of the applicable legal principles. It is not intended to discuss exhaustively all of the evidence, nor does it necessarily include each and every witness and document that the Managers would produce in the course of the trial. This Brief, then, is merely an outline for the use of the Senate in reviewing and assessing the evidence as it is set forth at trial - it is not, and is not intended to be a substitute for a trial at which all of the relevant facts will be developed.

H. RES. 611, 105th Cong. 2nd Sess. (1998).

The House Impeachment Resolution charges the President with high crimes and misdemeanors in two Articles. Article One alleges that President Clinton "willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice" in that he willfully provided perjurious, false and misleading testimony to a federal grand jury on August 17, 1998. Article Two asserts that the President "has prevented, obstructed, and impeded the administration of justice and engaged in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a federal civil rights action brought against him." Both Articles are now before the Senate of the United States for trial as provided by the Constitution of the United States.

The Office of President represents to the American people and to the world, the strength, the philosophy and most of all, the honor and integrity that makes us a great nation and an example for the world. Because all eyes are focused upon that high office, the character and credibility of any temporary occupant of the Oval Office 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 United States.

This case is not about sex or private conduct. It is about multiple obstructions of justice, perjury, false and misleading statements, and witness tampering - all committed or orchestrated by the President of the United States.

Before addressing the President's lies and obstruction, it is important to place the events in the proper context. If this were only about private sex we would not now be before the Senate. But the manner in which the Lewinsky relationship arose and continued is important because it is illustrative of the character of the President and the decisions he made.

BACKGROUND

Monica Lewinsky, a 22 year old intern, (ML 8/6/98 GJ, p. 8; H.Doc. 105-311, p. 728) was working at the White House during the government shutdown in 1995. (ML 8/6/98 GJ, p. 10; H.Doc. 105-311, p. 730) Prior to their first intimate encounter, she had never even spoken with the President. Sometime on November 15, 1995, Ms. Lewinsky and President Clinton flirted with each other. (Id.) The President of the United States of America then 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 contact. (ML 8/6/98 GJ, p. 12; H.Doc. 105-311, p. 732)

Thereafter, the two concocted a cover story. If Ms. Lewinsky were seen, she was bringing papers to the President. That story was totally false. (ML 8/6/98 GJ, p. 54; H.Doc. 105-311, p. 774; 8/26/98 Dep., p. 34; H.Doc. 105-311, p. 1314) The only papers she brought were personal messages having nothing to do with her duties or those of the President. (ML 8/6/98 GJ, pgs. 54-55; H.Doc. 105-311, pp 774-775) After Ms. Lewinsky moved from the White House to the Pentagon, her frequent visits to the President were disguised as visits to Betty Currie. (Id.) Those cover stories are important, because they play a vital role in the later perjuries and obstructions.

ENCOUNTERS

Over the term of their relationship the following significant matters occurred:

1. Monica Lewinsky and the President were alone on at least twenty-one occasions;
2. They had at least eleven personal sexual encounters, excluding phone sex:

Three in 1995

Five in 1996 and

Three in 1997;

3. They had at least 55 telephone conversations, at least seventeen of which involved phone sex;

4. The President gave Ms. Lewinsky twenty presents; and,

5. Ms. Lewinsky gave the President forty presents. (O.I.C. Referral, App., Tab E; H.Doc. 105-311, pgs. 104-111)

These are the essential facts which form the backdrop for all of the events that followed.

The sexual details of the President's encounters with Ms. Lewinsky, though relevant, need not be detailed either in this document or through witness testimony. It is necessary, though, briefly to outline that evidence, because it will demonstrate that the President repeatedly lied about that sexual relationship in his deposition, before the grand jury, and in his responses to the Judiciary Committee's questions. He has consistently maintained that Ms. Lewinsky merely performed acts on him, while he never touched her in a sexual manner. This characterization not only directly contradicts Ms. Lewinsky's testimony, but 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 her

relationship. (O.I.C. Referral, H.Doc. 105-310, pgs. 138-140)

While his treatment of Ms. Lewinsky was offensive, it is much more offensive for the President to expect the Senate to believe that in 1995, 1996, and 1997, his intimate contact with Ms. Lewinsky was so limited that it did not fall within his narrow interpretation of a definition of "sexual relations". As later demonstrated, he did not even conceive his interpretation until 1998, while preparing for his grand jury appearance.

HOW TO VIEW THE EVIDENCE

We respectfully submit that the evidence and testimony must be viewed as a whole; it cannot be compartmentalized. It is essential to avoid considering each event in isolation, and then treating it separately. 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; nobody ever promised me a job." (ML 8/20/98 GJ, p. 105; H.Doc. 105-311, p. 1161)

When considered alone this would seem exculpatory. However, in the context of the other evidence, another picture emerges. Of course no one said, "Now, Monica, you go in there and lie." They didn't have to. Ms. Lewinsky knew what was expected of her.

Similarly, nobody promised her a job, but once she signed the false affidavit, she got one.

THE ISSUE

The ultimate issue is whether the President's course of conduct is such as to affect adversely the Office of the President 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 Constitutional government.

THE BEGINNING

The events that form 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. The event culminated 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, the whole truth, and nothing but the truth.

December 5-6, 1997

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. (ML 8/6/98 GJ, pgs. 107-108; H.Doc. 105-311,

pgs. 827-828) Later that Friday, Ms. Lewinsky spoke briefly to the President at a Christmas party. (ML 7/31/98 Int., p. 1; H.Doc. 105-311, p. 1451; ML 8/6/98 GJ, p. 108; H.Doc. 105-311, p. 828)

THE WITNESS LIST IS RECEIVED

That evening, Paula Jones's attorneys faxed a list of potential witnesses to the President's attorneys. (849-DC-00000128; 849-DC-00000121-37; Referral, H.Doc. 105-311, p. 88) The list included Monica Lewinsky. However, Ms. Lewinsky did not find out that her name was on the list until the President told her ten days later, on December 17. (ML 8/6/98 GJ, pgs. 121-123; H.Doc. 105-311, pgs. 841-843) That delay is significant.

MS. LEWINSKY'S FIRST VISIT

After her conversation with Ms. Currie and seeing the President at the Christmas party, Ms. Lewinsky drafted a letter to the President terminating their relationship. (ML-55-DC-0177; ML 7/31/98 Int., p. 2; H.Doc. 105-311, p. 1452) The next morning, Saturday, December 6, Ms. Lewinsky went to the White House to deliver the letter and some gifts for the President to Ms. Currie. (ML 8/6/98 GJ, pgs. 108-109; H.Doc. 105-311, pgs. 828-829) 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 with his lawyers, as she thought, but rather, he was meeting with Eleanor Mondale. (ML 8/6/98 GJ, p. 111; H.Doc 105-311, p. 831; Mondale 7/16/98 Int., p. 1; H.Doc 105-316, pgs. 2907-2908; H.Doc. 105-311, p. 2654) Ms. Lewinsky called Ms. Currie from a pay phone, angrily exchanged words with her, and went home. (ML 8/6/98 GJ, pgs. 112-13; H.Doc. 105-311, pgs. 832-833; Currie 1/27/98 GJ, p. 37; H.Doc. 105-316, p. 553) 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. (Purdie 7/23/98 GJ, pgs. 13, 18-19; H.Doc. 105-316, pgs. 3356-3357)

THE TELEPHONE CONVERSATIONS

At 12:05 p.m., records demonstrate that Ms. Currie paged Bruce Lindsey with the message: "Call Betty ASAP." (964-DC-00000862; H.Doc. 105-311, p. 2722) Around that same time, according to Ms. Lewinsky, while she was back at her apartment, Ms. Lewinsky and the President spoke by phone. The President was very angry; he told Ms. Lewinsky that no one had ever treated him as poorly as she had. (ML 8/6/98 GJ, pgs. 113-14; H.Doc 105-311, pgs. 833-834) The President acknowledged to the grand jury that he was upset about Ms. Lewinsky's behavior and considered it

inappropriate. (WJC 8/17/98 GJ, p. 85; H.Doc. 105-311, p. 537)
Nevertheless, in a sudden change of mood, he invited her to visit
him at the White House that afternoon. (ML 8/6/98 GJ, p. 114;
H.Doc. 105-311, p. 834)

MS. LEWINSKY'S SECOND VISIT

Monica Lewinsky arrived at the White House for the second
time that day and was cleared to enter at 12:52 p.m. (WAVES: 827-
DC-00000018) Although, in Ms. Lewinsky's words, the President
was "very angry" with her during their recent telephone
conversation, he was "sweet" and "very affectionate" during this
visit. (ML 8/6/98 GJ, pgs. 113-15; H.Doc. 105-311, pgs. 833-835)
He also told her that he would talk to Vernon Jordan about her
job situation. (ML 8/6/98 GJ, pgs. 115-16; H.Doc. 105-311, pgs.
835-836)

THE DISCUSSIONS WITH THE SECRET SERVICE

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. (Williams 7/23/98 GJ, pgs. 25, 27-28; H.Doc.
105-316, p. 4539; Chinery 7/23/98 GJ, p. 22-23; H.Doc. 105-316,
p. 456) According to the Secret Service watch commander, Captain
Jeffrey Purdie, the President personally told him, "I hope you

use your discretion" or "I hope I can count on your discretion."
(Purdie 7/23/98 GJ, p. 32; H.Doc. 105-316, p. 3360; Purdie
7/17/98 GJ, p. 3; H.Doc. 105-316, p. 3353) Deputy Chief Charles
O'Malley, Captain Purdie's supervisor, testified that he knew of
no other time in his fourteen years of service at the White House
where the President raised a performance issue with a member of
the Secret Service uniformed division. (O'Malley 9/8/98 Dep.,
pgs. 40-41; H.Doc. 105-316, pgs. 3168-3171) After his
conversation with the President, Captain Purdie told a number of
officers that they should not discuss the Lewinsky incident.
(Porter 8/13/98 GJ, p. 12; H.Doc. 105-316, p. 3343; Niedzwiecki
7/30/98 GJ, pgs. 30-31; H.Doc. 105-316, p. 3114)

When the President was before the grand jury and questioned
about his statements to the Secret Service regarding this
incident, the President testified, "I don't remember what I said
and I don't remember to whom I said it." (WJC 8/17/98 GJ, p. 86;
H.Doc. 105-311, p. 534) When confronted with Captain Purdie's
testimony, the President testified, "I don't remember anything I
said to him in that regard. I have no recollection of that
whatever." (WJC 8/17/98 GJ, p. 91; H.Doc. 105-311 p. 543)

THE PRESIDENT'S KNOWLEDGE OF THE WITNESS LIST

President Clinton testified before the grand jury that he

learned that Ms. Lewinsky was on the Jones witness list that evening, Saturday, December 6, during a meeting with his lawyers. (WJC 8/17/98 GJ, p. 83-84; H.Doc. 105-311, p. 535-536) He stood by this answer in response to Request Number 16 submitted by the Judiciary Committee. (Exhibit 18) The meeting occurred around 5 p.m., after Ms. Lewinsky had left the White House. (WAVES: 1407-DC-00000005; Lindsey 3/12/98 GJ, pgs. 64-66; H.Doc. 105-316, pgs. 2418-19) According to Bruce Lindsey, at the meeting, Bob Bennett had a copy of the Jones witness list faxed to Mr. Bennett the previous night. (Lindsey 3/12/98 GJ, pgs. 65-67; H.Doc. 105-316, p. 2419) (Exhibit 15)

However, during his deposition, the President testified that he had heard about the witness list before he saw it. (WJC 1/17/98 Dep., p. 70) In other words, if the President testified truthfully in 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 a witness list prompted the President's sudden and otherwise unexplained change from "very angry" to "very affectionate" that Saturday afternoon. 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 an instruction to refrain from discussing the incident. (Purdie 7/17/98 GJ, pgs. 20-21; H.Doc. 105-316, pgs. 3351-3352; Purdie 7/23/98 GJ, pgs. 32-33; H.Doc. 105-315, pgs. 3360-3361)

THE JOB SEARCH FOR MS. LEWINSKY

Monica Lewinsky had been looking for a good paying and high profile job in New York since the previous July. She was not 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. (BC 5/6/98 GJ, p. 176; H.Doc. 105-316, p. 592)

On November 5, Ms. Lewinsky met for twenty minutes with Mr. Jordan. (ML 8/6/98 GJ, p. 104; H.Doc. 105-311, p. 824) 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 "had no recollection of an early November meeting" (VJ 3/3/98 GJ, p. 50; H.Doc. 105-316, p. 1799) and that finding a job for Ms. Lewinsky was not a priority (VJ 5/5/98 GJ, p. 76; H.Doc. 105-316, p. 1804) (Chart R) Nothing happened throughout the month of November, because Mr. Jordan was either gone or would not return Monica's calls. (ML 8/6/98 GJ, p.

105-106; H.Doc. 105-311, pgs. 825-826)

During the December 6 meeting with the President, she mentioned that she had not been able to get in touch with Mr. Jordan and that it did not seem he had done anything to help her. The President responded by stating, "Oh, I'll talk to him. I'll get on it," or something to that effect. (ML 8/6/98 GJ, pgs. 115-116; H.Doc. 105-311, p. 836) There was obviously still no urgency to help Ms. Lewinsky. Mr. Jordan met the President the next day, December 7, but the meeting was unrelated to Ms. Lewinsky. (VJ 5/5/98 GJ, pgs. 83, 116; H.Doc. 105-316, pgs. 1805, 1810)

THE DECEMBER 11, 1997 ACTIVITY

The first activity calculated to help Ms. Lewinsky actually procure employment took place on December 11. Mr. Jordan met with Ms. Lewinsky and gave her a list of contact names. The two also discussed the President. (ML 8/6/98 GJ, pgs. 119, 120; H.Doc. 105-311, pgs. 839-840) That meeting Mr. Jordan remembered. (VJ 3/5/98 GJ, p. 41; H.Doc. 105-316, p. 1798) Vernon Jordan immediately placed calls to two prospective employers. (VJ 3/3/98 GJ, pgs. 54, 62-63; H.Doc. 105-316, pgs. 1800-1802) Later in the afternoon, he even called the President to give him a report on his job search efforts. (VJ 3/3/98 GJ, pgs. 64-66;

H.Doc. 105-316, p. 1802) Clearly, Mr. Jordan and the President were now very interested in helping Monica find a good job in New York. (VJ 5/5/98 GJ, p. 95; H.Doc. 105-316, p. 1807)

SIGNIFICANCE OF DECEMBER 11, 1997

This sudden interest was inspired by a court order entered on December 11, 1997. On that date, 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, proposed sexual relations, or sought to have sexual relations.

The President knew that it would be politically and legally expedient to maintain an amicable relationship with Monica Lewinsky. And the President knew that that relationship would be fostered by finding Ms. Lewinsky a job. This was accomplished through enlisting the help of Vernon Jordan.

December 17, 1997
MS. LEWINSKY LEARNS OF WITNESS LIST

On December 17, 1997, between 2:00 and 2:30 in the morning, Monica Lewinsky's phone rang unexpectedly. It was the President of the United States. The President said that he wanted to tell Ms. Lewinsky two things: one was that Betty Currie's brother had

been killed in a car accident; secondly, the President said that he "had some more bad news," that he had seen the witness list for the Paula Jones case and her name was on it. (ML 8/6/98 GJ, p. 123; H.Doc. 105-311, p. 843) The President told Ms. Lewinsky that seeing her name on the list "broke his heart." He then told her that "if [she] were to be subpoenaed, [she] should contact Betty and let Betty know that [she] had received the subpoena." (Id.) Ms. Lewinsky asked what she should do if subpoenaed. The President responded: "Well, maybe you can sign an affidavit." (Id.) Both parties knew that the Affidavit would need to be false and misleading to accomplish the desired result.

THE PRESIDENT'S "SUGGESTION"

Then, the President had a very pointed suggestion for Monica Lewinsky, a suggestion that left little room for compromise. He did not specifically tell her to lie. What he did say is "you know, you can always say you were coming to see Betty or that you were bringing me letters." (ML 8/6/98 GJ, p. 123; H.Doc. 105-311, p. 843)

In order to understand the significance of this statement, it is necessary to recall the "cover stories" that the President and Ms. Lewinsky had previously structured in order to deceive those who protected and worked with the President.

Ms. Lewinsky said she would carry papers 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.'" (ML 8/6/98 GJ, p. 54; H.Doc. 105-311, p. 774) After Ms. Lewinsky left White House employment, she would return to the Oval Office under the guise of visiting Betty Currie, not the President. (ML 8/6/98 GJ, p. 55; H.Doc. 105-311, p. 775)

Moreover, Ms. Lewinsky promised the President that she would always deny the sexual relationship and always protect him. The President would respond "that's good" or similar language of encouragement. (ML 8/20/98 GJ, p. 22; H.Doc. 105-311, p. 1078)

So, when the President called Ms. Lewinsky at 2:00 a.m. on December 17 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 stories, she understood that the two would continue their pre-existing pattern of deception.

THE PRESIDENT'S INTENTION

It became clear that the President had no intention of making his sexual relationship with Monica Lewinsky a public affair. And he would use lies, deceit, and deception to ensure that the truth would not be known.

It is interesting to note that when the grand jury asked the President whether he remembered calling Monica Lewinsky at 2:00 a.m., he responded: "No sir, I don't. But it would ... it is quite possible that that happened. . ." (WJC 8/17/98 GJ, p. 115; H.Doc. 105-311, p. 567)

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." (WJC 8/17/98 GJ, p. 117; H.Doc. 105-311, p. 565)

Six days earlier, he had become aware that Paula Jones' lawyers were now able to inquire about other women. Ms. Lewinsky could file a false affidavit, but it might not work. It was absolutely essential that both parties told the same story. He knew that he would lie if asked about Ms. Lewinsky, and he wanted to make certain that she would lie also. That is why the President of the United States called a twenty-four year old woman at 2:00 in the morning.

THE EVIDENCE MOUNTS

But the President had an additional problem. It was not enough that he (and Ms. Lewinsky) simply deny the relationship. The evidence was beginning to accumulate. Because of the

emerging evidence, the President found it necessary to re-evaluate his defense. By this time, the evidence was establishing, through records and eyewitness accounts, that the President and Monica Lewinsky were 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", "stalker", "clutch", or "home wrecker" as the White House first attempted to do. The unassailable facts were forcing the President to acknowledge some type of relationship. But at this point, he still had the opportunity to establish a non-sexual explanation for their meetings, since his DNA had not yet been identified on Monica Lewinsky's blue dress.

NEED FOR THE COVER STORY

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 "document deliveries" and "friendly chats with Betty Currie."

Significantly, when the President was deposed on January 17, 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 lawsuit.

In the President's deposition, he was asked whether he was ever alone with Monica Lewinsky. He responded: "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." (WJC 1/17/98 Dep., p. 52-53)

Additionally, when questions were posed regarding Ms. Lewinsky's frequent visits to the Oval Office, the President did not hesitate to mention Betty Currie in his answers, for example:

And my recollection is that on a couple of occasions after [the pizza party meeting], she was there [in the oval office] but my secretary, Betty Currie, was there with her. (WJC 1/17/98 Dep., p. 58)

Q. When was the last time you spoke with Monica Lewinsky?

A. 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. (WJC 1/17/98 Dep., p. 68)

December 19, 1997
MS. LEWINSKY IS SUBPOENAED

On December 19, 1997, Ms. Lewinsky was subpoenaed to testify in a deposition scheduled for January 23, 1998 in the Jones case. (ML 8/6/98 GJ, p. 128; H.Doc. 105-311, p.

848) (Charts F and G) Extremely distraught, she immediately called the President's closest friend, Vernon Jordan. As noted Ms. Lewinsky testified that the President previously told her to call Betty Currie if she was subpoenaed. She called Mr. Jordan instead because Ms. Currie's brother recently died and she did not want to bother her. (ML 8/6/98 GJ, pgs. 128-129; H.Doc. 105-311, pgs. 848, 849)

VERNON JORDAN'S ROLE

Mr. Jordan invited Ms. Lewinsky to his office and she arrived shortly before 5 p.m., still extremely distraught. Around this time, Mr. Jordan called the President and told him Ms. Lewinsky had been subpoenaed. (VJ 5/5/98 GJ, p. 145; H.Doc. 105-316, p. 1815) (Exhibit 1) During the meeting with Ms. Lewinsky, which Mr. Jordan characterized as "disturbing" (VJ 3/3/98 GJ, p. 100; H.Doc. 105-316, p. 1716), she talked about her infatuation with the President. (VJ 3/3/98 GJ, p. 150; H.Doc. 105-316, p. 1724) Mr. Jordan decided that he would call a lawyer for her. (VJ 3/3/98 GJ, p. 161; H.Doc. 105-316, p. 1726)

MR. JORDAN INFORMS THE PRESIDENT

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, did not

recall that meeting. Mr. Jordan told the President again that Ms. Lewinsky had been subpoenaed, that he was concerned about her fascination with the President, and that Ms. Lewinsky had asked Mr. Jordan if he thought the President would leave the First Lady. He also asked the President if he had sexual relations with Ms. Lewinsky. (VJ 3/3/98 GJ, p. 169; H.Doc 105-3316, p. 1727) The President was asked at his deposition:

Q. Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in this case?

A. I don't think so.

Q. Did you ever talk with Monica Lewinsky about the possibility that she might be asked to testify in this case?

A. 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.

(WJC 1/17/98 Dep., pgs. 68-69)

In the grand jury, the President first repeated his denial that Mr. Jordan told him Ms. Lewinsky had been subpoenaed. (WJC 8/17/98 GJ, p. 39; H.Doc. 105-311, p. 491) Then, when given more specific facts, he admitted that he "knows now" that he spoke with Mr. Jordan about the subpoena on the night of December 19,

but his "memory is not clear...." (WJC 8/17/98 GJ, pgs. 41-42; H.Doc. 105-311, p. 493-494) 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. (WJC 8/17/98 GJ, p. 41; H.Doc. 105-311, pgs. 492-493) But that was not the question. So his answer was false and misleading. When one considers the nature of the conversation between the President and Mr. Jordan, the suggestion that it would be forgotten defies common sense.

December 28, 1997

December 28, 1997 is a crucial date, because the evidence shows that the President made false and misleading statements to the federal court, the federal grand jury and the Congress of the United States about the events on that date. (Chart J) It is also a date on which he obstructed justice.

THE PRESIDENT'S ACCOUNT

The President testified that it was "possible" that he invited Ms. Lewinsky to the White House for this visit. (WJC 8/17/98 GJ, p. 33; H.Doc. 105-311, p. 485) He admitted that he "probably" gave Ms. Lewinsky the most gifts he had ever given her on that date, (WJC 8/17/98 GJ, p. 35; H.Doc. 105-311, p. 487) and that he had given her gifts on other occasions. (WJC 8/6/98 GJ,

p. 35) (Chart D) Among the many gifts the President gave Ms. Lewinsky on December 28 was a bear that he said was a symbol of strength. (ML 8/6/98 GJ, p. 176; H.Doc. 105-311, p. 896) Yet only two-and-a-half weeks later, the President forgot that he had given any gifts to Ms. Lewinsky.

As an attorney, the President knew that the law will not tolerate someone who says "I don't recall" when that answer is unreasonable under the circumstances. He also knew that, under those circumstances, his answer in the deposition could not be believed. When asked in the grand jury why he was unable to remember, even though he had given Ms. Lewinsky so many gifts only two-and-a-half weeks before the deposition, the President put forth an obviously contrived explanation.

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.

(WJC 8/17/98 GJ, p. 51; H.Doc. 105-311, p. 503)

RESPONSE TO COMMITTEE REQUESTS

The President adopted that same answer in Response No. 42 to the House Judiciary Committee's Requests For Admission. (Exhibit 18) He was not asked in the deposition to identify the gifts. He was simply asked, "Have you ever" given gifts to Ms. Lewinsky. The law does not allow a witness to insert unstated premises or

mental reservations into the question to make his answer technically true, if factually false. The essence of lying is in deception, not in words.

The President's answer was false. The evidence also proves that his explanation to the grand jury and to the 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 was asked a simple, straightforward question, he did not understand it. Neither his answer in the deposition nor his attempted explanation is reasonable or true.

TESTIMONY CONCERNING GIFTS

The President was asked in the deposition if Monica Lewinsky ever gave him gifts. He responded, "once or twice." (WJC 1/17/98 Dep., p. 77) This is also false testimony calculated to obstruct justice. He answered this question in his Response to the House Judiciary Committee by saying that he receives numerous gifts, and he did not focus on the precise number. (Exhibit 18) 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 had gone fifty, even though technically he had also gone five times. So too, when the President answered once or twice in the face of evidence that Ms. Lewinsky was frequently bringing gifts, he was lying. (Chart C)

CONCEALMENT OF GIFTS

On December 28, one of the most blatant efforts to obstruct justice and conceal evidence occurred. Ms. Lewinsky testified that she discussed with the President the fact that she had been subpoenaed and that the subpoena called for her to produce gifts. She recalled telling the President that the subpoena requested a hat pin, and that caused her concern. (ML 8/6/98 GJ, pgs. 151-152; H.Doc. 105-311, pgs. 871-872) The President told her that it "bothered" him, too. (ML 8/20/98 GJ, p. 66; H.Doc. 105-311, p. 1122) Ms. Lewinsky then suggested that she take the gifts somewhere, or give them to someone, maybe to Betty. The President answered: "I don't know" or "Let me think about that." (ML 8/6/98 GJ, pgs. 152-153; H.Doc. 105-311, pgs. 872-873) (Chart L) 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." (ML 8/6/98 GJ, pgs. 154-155; H.Doc. 105-311, pgs. 874-875) Ms. Currie has a fuzzy memory about this incident, but says that "the best she can remember," Ms Lewinsky called her. (Currie 5/6/98 GJ, p. 105; H.Doc. 105-316, p. 581)

THE CELL PHONE RECORD

There is key evidence that Ms. Currie's fuzzy recollection is wrong. Ms. Lewinsky said that she thought Ms. Currie called from her cell phone. (ML 8/6/98 GJ, pgs. 154-155) (Chart K, Exhibit 2) Ms. Currie's cell phone record corroborates Ms. Lewinsky and proves conclusively that Ms. Currie called Monica from her cell phone several hours after she had left the White House. Moreover, Ms. Currie herself later testified that Ms. Lewinsky's memory may be better than hers on this point. (BC 5/6/98 GJ, p. 126; H.Doc. 105-316, p. 584) The facts prove that the President directed Ms. Currie to pick up the gifts.

MS. CURRIE'S LATER ACTIONS

That conclusion is buttressed by Ms. Currie's actions. If Ms. Lewinsky had placed the call requesting a gift exchange, Ms. Currie would logically ask the reason for such a transfer. Ms. Lewinsky was giving her a box of gifts from the President yet she did not tell the President of this strange request. She simply

took the gifts and placed them under her bed without asking a single question. (BC 1/27/98 GJ, pgs. 57-58; H.Doc. 105-316, p. 557; BC 5/6/98 GJ, pgs. 105-108, 114; H.Doc. 105-316, pgs. 581-582)

The President stated in his Response to questions No. 24 and 25 from the House Committee that he was not concerned about the gifts. (Exhibit 18) In fact, he said that he recalled telling Monica that if the Jones lawyers request gifts, she should turn them over. The President testified that he is "not sure" if he knew the subpoena asked for gifts. (WJC 8/17/98 GJ, pgs. 42-43; H.Doc. 105-311, pgs. 494-495) Would Monica Lewinsky and the President discuss turning over gifts to the Jones lawyers if Ms. Lewinsky had not told him that the subpoena asked for gifts? On the other hand, if he knew the subpoena requested gifts, why would he give Ms. Lewinsky more gifts on December 28? Ms. Lewinsky's testimony reveals the answer. She said that she never questioned "that we were ever going to do anything but keep this private" and that meant to take "whatever appropriate steps needed to be taken" to keep it quiet. (ML 8/6/98 GJ, pgs. 166; H.Doc. 1055-311, p. 886) The only logical inference is that the gifts -- including the bear symbolizing strength -- were a tacit reminder to Ms. Lewinsky that they would deny the relationship --

even in the face of a federal subpoena.

THE PRESIDENT'S DEPOSITION TESTIMONY

Furthermore, the President, at various times in his deposition, seriously misrepresented the nature of his meeting with Ms. Lewinsky on December 28 in order to obstruct the administration of justice. 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 if she had been." (WJC 1/17/98 Dep., p. 68)

He was also asked if he "ever talked to Monica Lewinsky about the possibility of her testifying." "I'm not sure....," he said. He then added that he may have joked to her that the Jones lawyers might subpoena every woman he has ever spoken to, and that "I don't think we ever had more of a conversation than that about it...." (WJC 1/17/98 Dep., p. 70) Not only does Monica Lewinsky directly contradict this testimony, but the President also directly contradicted himself before the grand jury. Speaking of his December 28, 1997 meeting, he said that he "knew by then, of course, that she had gotten a subpoena" and that they had a "conversation about the possibility of her testifying." (WJC 8/17/98 Dep., pgs. 35-36) Remember, he had this conversation about her testimony only two-and-a-half weeks before

his deposition. Again, his version is not reasonable.

January 5 - 9, 1998

MS. LEWINSKY SIGNS THE AFFIDAVIT AND GETS A JOB

The President knew that Monica Lewinsky was going to execute a false Affidavit. He was so certain of the content that when she asked if he wanted to see it, he told her no, that he had seen fifteen of them. (ML 8/2/98 Int., p. 3; H.Doc. 105-311, p. 1489) He got his information from discussions with Ms. Lewinsky and Vernon Jordan generally about the content of the Affidavit. Moreover, the President had suggested the Affidavit himself and he trusted Mr. Jordan to be certain the mission was accomplished.

ADDITIONAL PRESIDENTIAL ADVICE

In the afternoon of January 5, 1998, Ms. Lewinsky met with her lawyer, Mr. Carter, to discuss the Affidavit. (ML 8/6/98 GJ, p. 192; H.Doc. 105-311, p. 912) Her lawyer asked her some hard questions about how she got her job. (ML 8/6/98 GJ, p.195; H.Doc. 105-311, p. 915) After the meeting, she called Betty Currie and said that she wanted to speak to the President before she signed anything. (ML 8/6/98 GJ, p.195; H.Doc. 105-311, p. 915) Ms. Lewinsky and the President discussed the issue of how she would

answer under oath if asked about how she got her job at the Pentagon. (ML 8/6/98 GJ, p. 197; H.Doc. 105-311, p. 917) The President told her: "Well, you could always say that the people in Legislative Affairs got it for you or helped you get it." (ML 8/6/98 GJ, p.197; H.Doc. 105-311, p. 917) That, too, is false and misleading.

VERNON JORDAN'S NEW ROLE

The President was also kept advised as to the contents of the Affidavit by Vernon Jordan. (VJ 5/5/98 GJ, p. 224; H.Doc. 105-316, p. 1828) On January 6, 1998, Ms. Lewinsky picked up a draft of the Affidavit from Mr. Carter's office. (ML 8/6/98 GJ, p. 199; H.Doc. 105-311, p. 919) She delivered a copy to Mr. Jordan's office, (ML 8/6/98 GJ, p. 200; H.Doc. 105-311, p. 920) 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. (ML 8/6/98 GJ, pgs. 194-195; H.Doc. 105-311, pgs. 914, 915) (Chart M) Ms. Lewinsky and Mr. Jordan conferred about the contents and agreed to delete a paragraph inserted by Mr. Carter which might open a line of questions concerning whether she had been alone with the President. (ML 8/6/98 GJ, p. 200; H.Doc. 105-311, p. 920) (Exhibit 3) Mr. Jordan maintained that he had nothing to do with the details of the Affidavit. (VJ

3/5/98 GJ, p. 12; H.Doc. 105-316, p. 1735) He admits, though, that he spoke with the President after conferring with Ms. Lewinsky about the changes made to her Affidavit. (VJ 5/5/98 GJ, p. 218; H.Doc. 105-316, p. 1827)

MS. LEWINSKY SIGNS THE FALSE AFFIDAVIT

The next day, January 7, Monica Lewinsky signed the false Affidavit. (ML 8/6/98 GJ, pgs. 204-205; H.Doc. 105-311, pgs. 924-925) (Chart N; Exhibit 12) She showed the executed copy to Mr. Jordan that same day. (VJ 5/5/98 GJ, p. 222; H.Doc. 105-316, p. 1828) (Exhibit 4) Mr. Jordan, in turn, notified the President that she signed an affidavit denying a sexual relationship. (VJ 3/5/98 GJ, p. 26; H.Doc. 105-316, p. 1739)

MS. LEWINSKY GETS THE JOB

On January 8, 1998, Mr. Jordan arranged an interview for Ms. Lewinsky with MacAndrews and Forbes in New York. (ML 8/6/98 GJ, p. 206; H.Doc. 105-311, p. 926) The interview went poorly, so Ms. Lewinsky called Mr. Jordan and informed him. (ML 8/6/98 GJ, p. 206; H.Doc. 105-311, p. 926) Mr. Jordan, who had done nothing to assist Ms. Lewinsky's job search from early November to mid December, then called MacAndrews and Forbes CEO, Ron Perelman, to "make things happen, if they could happen." (VJ

5/5/98 GJ, p. 231; H.Doc. 105-316, p. 1829) Mr. Jordan called Ms. Lewinsky back and told her not to worry. (ML 8/6/98 GJ, pgs. 208-209; H.Doc. 105-311, pgs. 928-929) That evening, Ms. Lewinsky was called by MacAndrews and Forbes and told that she would be given more interviews the next morning. (ML 8/6/98 GJ, p. 209; H.Doc. 105-311, p. 929)

After a series of interviews with MacAndrews and Forbes personnel, she was informally offered a job. (ML 8/6/98 GJ, p. 210; H.Doc. 105-311, p. 930) When Ms. Lewinsky called Mr. Jordan to tell him, he passed the good news on to Betty Currie stating, "Mission Accomplished." (VJ 5/28/98 GJ, p. 39; H.Doc. 105-316, p. 1898). Later, Mr. Jordan called the President and told him personally. (VJ 5/28/98 GJ, p. 41; H.Doc. 105-316, p. 1899) (Chart P)

THE REASON FOR MR. JORDAN'S UNIQUE BEHAVIOR

After Ms. Lewinsky had spent months looking for a job -- since July according to the President's lawyers -- Vernon Jordan made the critical call to a CEO the day after the false Affidavit was signed. Mr. Perelman testified that Mr. Jordan had never called him before about a job recommendation. (Perelman 4/23/98 Dep., p.11; H.Doc. 105-316, p. 3281) Mr. Jordan, on the other hand, said that he called Mr. Perelman to recommend for hiring:

1) former Mayor Dinkins of New York; 2) a very talented attorney from Akin Gump; 3) a Harvard business school graduate; and 4) Monica Lewinsky. (VJ 3/5/98 GJ, p. 58-59; H.Doc. 105-316, p. 1747) Even if Mr. Perelman's testimony is mistaken, Ms. Lewinsky's qualifications do not compare to those of the individuals previously recommended by Mr. Jordan.

Vernon Jordan was well aware that people with whom Ms. Lewinsky worked at the White House did not like her (VJ 3/3/98 GJ, pgs. 43, 59) and that she did not like her Pentagon job. (VJ 3/3/98 GJ, pgs. 43-44; H.Doc. 105-316, pgs 1706, 1707) Mr. 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." (VJ 3/3/98 GJ, p. 44; H.Doc. 105-316, p. 1707) Yet, when he called Mr. Perelman the day after she signed the Affidavit, he referred to Ms. Lewinsky as a bright young girl who is "terrific." (Perelman 4/23/98 Dep., p. 10; H.Doc. 105-316, p. 3281) Mr. Jordan testified that she had been pressing him for a job and voicing unrealistic expectations concerning positions and salary. (VJ 3/5/98 GJ, pgs. 37-38; H.Doc. 105-316, p. 1742) Moreover, she narrated a disturbing story about the President leaving the First Lady, and how the President was not spending enough time with her. Yet, none of that gave Mr. Jordan pause in making the

recommendation, especially after Monica was subpoenaed. (VJ 3/3/98 GJ, pgs. 156-157; H.Doc. 105-316, p. 1725)

THE IMPORTANCE OF THE FALSE AFFIDAVIT

Monica Lewinsky's false Affidavit enabled the President, through his attorneys, to assert at his January 17, 1998 deposition " . . . there is absolutely no sex of any kind in any manner, shape or form with President Clinton" (WJC, 1/17/98 Dep., p. 54) When questioned by his own attorney in the deposition, the President stated specifically that paragraph 8 of Ms. Lewinsky's Affidavit was "absolutely true." (WJC, 1/17/98 Dep., p. 204) The President later affirmed the truth of that statement when testifying before the grand jury. (WJC, 8/17/98 GJ, p. 20-21; H.Doc. 105-311, pg. 473) Paragraph 8 of Ms. Lewinsky's Affidavit states:

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.

Significantly, Ms. Lewinsky reviewed the draft Affidavit on January 6, and signed it on January 7 after deleting a 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 that she had signed it. (VJ, 3/5/98 GJ, pgs. 24-26; H.Doc. 105-316, pgs. 1728, 1739; VJ, 5/5/98 GJ, p. 222; H.Doc. 105-316, p. 1828)

THE RUSH TO FILE THE AFFIDAVIT

For the affidavit to work for the President in precluding questions by the Jones attorneys concerning Ms. Lewinsky, it had to be filed with the Court and provided to the President's attorneys in time for his deposition on January 17. On January 14, the President's lawyers called Ms. Lewinsky's lawyer and left a message, presumably to find out if he had filed the Affidavit with the Court. (Carter 6/18/98 GJ, p. 123; H.Doc. 105-316, p. 423) (Chart O) On January 15, the President's attorneys called her attorney twice. When they finally reached him, they requested a copy of the Affidavit and asked him, "Are we still on time?" (Carter 6/18/98 GJ, p. 123; H.Doc. 105-216, p. 423) Ms. Lewinsky's lawyer faxed a copy on the 15th. (Carter 6/18/98 GJ, p. 123; H.Doc. 105-316, p. 423) The President's counsel was aware of its contents and used it powerfully in the deposition.

Ms. Lewinsky's lawyer called the court in Arkansas twice on January 15 to ensure that the Affidavit could be filed on Saturday, January 17. (Carter 6/18/98 GJ, pgs. 124-125; H.Doc.

105-316, pgs. 423-424) (Exhibit 5) He finished the Motion to Quash Ms. Lewinsky's deposition in the early morning hours of January 16 and mailed it to the Court with the false Affidavit attached, for Saturday delivery. (Carter 6/18/98 GJ, p. 134; H.Doc. 105-316, p. 426) The President's lawyers left him another message on January 16, saying, "You'll know what it's about." (Carter 6/18/98 GJ, p. 135; H.Doc. 105-316, p. 426) Obviously, the President needed that Affidavit to be filed with the Court to support his plans to mislead Ms. Jones' attorneys in the deposition, and thereby obstruct justice.

THE NEWSWEEK INQUIRY

On January 15, Michael Isikoff of Newsweek called Betty Currie and asked her about Ms. Lewinsky sending gifts to her by courier. (BC 5/6/98 GJ, p. 123; H.Doc. 105-316, p. 584; ML 8/6/98 GJ, p. 228; H.Doc. 105-311, p. 948) Ms. Currie then called Ms. Lewinsky and told her about it. (ML 8/6/98 GJ, p. 228-229; H.Doc. 105-311, pgs. 948-949) The President was out of town, so later, Betty Currie called Ms. Lewinsky back, and asked for a ride to Mr. Jordan's office. (ML 8/6/98 GJ, p. 229; H.Doc. 105-311, p. 949; Currie 5/6/98 GJ, p. 130-131; H.Doc. 105-316, p. 585) Mr. Jordan advised her to speak with Bruce Lindsey and Mike McCurry. (VJ 3/5/98 GJ, p. 71) Ms. Currie testified that she spoke

immediately to Mr. Lindsey about Isikoff's call. (BC 5/6/98 GJ, p. 127; H.Doc. 105-316, p. 584)

JANUARY 17, 1998
DEPOSITION AFTERMATH

By the time the President concluded his deposition on January 17, he knew that someone was talking about his relationship with Ms. Lewinsky. He also knew that the only person who had personal knowledge was Ms. Lewinsky herself. The cover stories that he and Ms. Lewinsky created, and that he used himself during the deposition, were now in jeopardy. It became imperative that he not only contact Ms. Lewinsky, but that he obtain corroboration of his account of the relationship from his trusted secretary, Ms. Currie. At around 7 p.m. on the night of the deposition, the President called Ms. Currie and asked that she come in the following day, Sunday. (BC 7/22/98 GJ, p. 154-155; H.Doc. 105-316, p. 701) (Exhibit 6) Ms. Currie could not recall the President ever before calling her that late at home on a Saturday night. (BC 1/27/98 GJ, p. 69; H.Doc. 105-316, p. 559) (Chart S) Sometime in the early morning hours of January 18, 1998, the President learned of a news report concerning Ms. Lewinsky released earlier that day. (WJC 8/17/98 GJ, p. 142-143; H.Doc. 105-311, pgs. 594-595) (Exhibit 14)

THE TAMPERING WITH THE WITNESS, BETTY CURRIE

As the charts indicate, between 11:49 a.m. and 2:55 p.m., there were three phone calls between Mr. Jordan and the President. (Exhibit 7) At about 5 p.m., Ms. Currie met with the President. (BC 1/27/98 GJ, p. 67; H.Doc. 105-316, p. 558) He told her that he had just been deposed and that the attorneys asked several questions about Monica Lewinsky. (BC 1/27/98 GJ, p. 69-70; H.Doc. 105-316, p. 559) He then made a series of statements to Ms. Currie: (Chart T)

- (1) I was never really alone with Monica, right?
- (2) You were always there when Monica was there, right?
- (3) Monica came on to me, and I never touched her, right?
- (4) You could see and hear everything, right?
- (5) *She* wanted to have sex with me, and I cannot do that.

(BC 1/27/98 GJ, pgs. 70-75; H.Doc. 105-316, pgs. 559-560; BC 7/22/98 GJ, pgs. 6-7; H.Doc. 105-316, p. 664)

During Betty Currie's grand jury testimony, she was asked whether she believed that the President wished her to agree with the statements:

Q. Would it be fair to say, then - based on the way he stated [these 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?

A. I can't speak for him, but -

Q. How did you take it? Because you told us at these [previous] meetings in the last several days that that is how you took it.

A. (Nodding)

Q. And you're nodding you head, "yes", is that correct?

A. That's correct.

Q. Okay, with regard to the statement that the President made to you, "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?

A. Correct.

(BC 1/27/98 GJ, p. 74; H.Doc. 105-316, 559)

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. (BC 7/22/98 GJ, p. 27;

WAS THIS OBSTRUCTION OF JUSTICE?

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

The United States Court of Appeals rejected this 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 give testimony at a later time."

United States v. Shannon, 836 F.2d 1125, 1128 (8th Cir. 1988) (citing, e.g., United States v. Friedland, 660 F.2d 919, 931 (3rd Cir. 1981)).

Of course Ms. Currie was a prospective witness, and the President clearly wanted her to be deposed to corroborate him, as his testimony demonstrates. 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 his relationship with Ms. Lewinsky, and if he had told the truth during his deposition the day before, then he would have no reason to worry about what Ms. Currie knew. More importantly, the President's demeanor, Ms. Currie's reaction to his demeanor, and the blatant lies that he suggested 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.

JANUARY 18
THE SEARCH FOR MS. LEWINSKY

Very soon after his Sunday meeting with Ms. Currie, at 5:12 p.m., the flurry of telephone calls in search of Monica Lewinsky began. (Chart S) Between 5:12 p.m. and 8:28 p.m., Ms. Currie paged Ms. Lewinsky four times. "Kay" is a reference to a code name Ms. Lewinsky and Ms. Currie agreed to when contacting one another. (ML 8/6/98 GJ, p. 216; H.Doc., 105-311, pg. 936) At 11:02 p.m., the President called Ms. Currie at home to ask if she had reached Lewinsky. (BC 7/22/98 GJ, p. 160; H.Doc. 105-316, p. 702)

JANUARY 19
THE SEARCH CONTINUES

The following morning, January 19, Ms. Currie continued to work diligently on behalf of the President. Between 7:02 a.m. and 8:41 a.m., she paged Ms. Lewinsky another five times. (Chart S) (Exhibit 8) After the 8:41 page, Ms. Currie called the President at 8:43 a.m. and said that she was unable to reach Ms. Lewinsky. (BC 7/22/98 GJ, pgs. 161-162; H.Doc. 105-316, p. 703) One minute later, at 8:44 a.m., she again paged Ms. Lewinsky. This time Ms. Currie's page stated "Family Emergency," apparently in an attempt to alarm Ms. Lewinsky into calling back. That may have been the President's idea, since Ms. Currie had just spoken with him. The President was obviously quite concerned because he called Betty Currie only six minutes later, at 8:50 a.m. Immediately thereafter, at 8:51 a.m., Ms. Currie tried a different tact, sending the message: "Good news." Again, perhaps at the President's suggestion. If bad news does not get her to call, try good news. Ms. Currie said that she was trying to encourage Ms. Lewinsky to call, but there was no sense of "urgency." (BC 7/22/98 GJ, p. 165; H.Doc. 105-316, p. 704) Ms. Currie's recollection of why she was calling was again fuzzy. She said at one point that she believes the President asked her

to call Ms. Lewinsky, and she thought she was calling just to tell her that her name came up in the deposition. (BC 7/22/98 GJ, p. 162; H.Doc. 105-316, p. 703) Monica Lewinsky had been subpoenaed; of course her name came up in the deposition. There was obviously another and more important reason the President needed to get in touch with her.

MR. JORDAN AND MS. LEWINSKY'S LAWYERS JOIN THE SEARCH

At 8:56 a.m., the President telephoned Vernon Jordan, who then joined in the activity. Over a course of twenty-four 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 between Mr. Jordan, Ms. Lewinsky's attorney and individuals at the White House.

MS. LEWINSKY REPLACES HER LAWYER

Later that afternoon, at 4:54 p.m., Mr. Jordan called Mr. Carter. Mr. Carter relayed that he had been told he no longer represented Ms. Lewinsky. (VJ 3/5/98 GJ, p. 141; H.Doc. 105-316, p. 1771) 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 p.m. and 5:22 p.m. Vernon Jordan said that he tried to relay this information

to the White House because "[t]he President asked me to get Monica Lewinsky a job," and he thought it was "information that they ought to have." (VJ 6/9/98 GJ, pgs. 45-46; H.Doc. 105-316, p. 1968) (Chart Q) Mr. Jordan then called Mr. Carter back at 5:14 p.m. to go over what they had already talked about. (VJ 3/5/98 GJ, p. 146; H.Doc. 105-316, p. 1772) Mr. Jordan finally reached the President at 5:56 p.m. and told him that Mr. Carter had been fired. (VJ 6/9/98 GJ, p. 54; H.Doc. 105-316, p. 1970)

THE REASON FOR THE URGENT SEARCH

This activity 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 Ms. Lewinsky. The President had just completed a deposition in which he provided false and misleading testimony about his relationship with Ms. Lewinsky. She was a co-conspirator in hiding this relationship from the Jones attorneys, and he was losing control over her. The President never got complete control over her again.

ARTICLE I FALSE AND MISLEADING STATEMENTS TO THE GRAND JURY

Article I addresses the President's perjurious, false, and misleading testimony to the grand jury. Four categories of false

grand jury testimony are listed in the Article. Some salient examples of false statements are described below. When judging the statements made and the answers given, it is vital to recall that the President spent literally days preparing his testimony with his lawyer. He and his attorney were fully aware that the testimony would center around his relationship with Ms. Lewinsky and his deposition testimony in the Jones case.

GRAND JURY TESTIMONY

On August 17, after six invitations, the President of the United States appeared before a grand jury of his fellow citizens and took an oath to tell the complete truth. The President proceeded to equivocate and engage in legalistic fencing; he also lied. The entire testimony was calculated to mislead and deceive the grand jury and to obstruct its process, and eventually to deceive the American people. He set the tone at the very beginning. In the grand jury a witness can tell the truth, lie or assert his privileges against self incrimination. (Chart Y) President Clinton was given a fourth choice. The President was permitted to read a statement. (Chart Z; WJC 8/17/98 GJ, pgs. 8-9)

THE PRESIDENT'S PREPARED STATEMENT

That statement itself is demonstrably false in many

particulars. President Clinton claims that he engaged in inappropriate conduct with Ms. Lewinsky "on certain occasions in early 1996 and once in 1997." Notice he did not mention 1995. There was a reason. On three "occasions" in 1995, Ms. Lewinsky said she engaged in sexual contact with the President. Ms. Lewinsky was a twenty-one year old intern at the time.

The President unlawfully attempted to conceal his three visits alone with Ms. Lewinsky in 1995 during which they engaged in sexual conduct. (ML 8/6/98 GJ, pgs. 27-28; H.Doc. 105-311, pgs. 747-748; ML 8/6/98 GJ, Ex. 7; H.Doc. 105-311, p. 1251; Chart A) Under Judge Wright's ruling, this evidence was relevant and material to Paula Jones' sexual harassment claims. (Order, Judge Susan Webber Wright, December 11, 1997, p. 3)

The President specifically and unequivocally states, "[The encounters] did not constitute sexual relations as I understood that term to be defined at my January 17, 1998 deposition." That assertion is patently false. It is directly contradicted by the corroborated testimony of Monica Lewinsky. (See eg: ML 8/20/98 GJ, pgs. 31-32; H.Doc. 311, p. 1174; ML 8/26/98 Dep., p. 25, 30; H.Doc. 311, pgs. 1357, 1358)

Evidence indicates that the President and Ms. Lewinsky engaged in "sexual relations" as the President understood the

term to be defined at his deposition and as any reasonable person would have understood the term to have been defined.

Contrary to his statement under oath, the President's conduct during the 1995 visits and numerous additional visits did constitute "sexual relations" as he understood the term to be defined at his deposition. Before the grand jury, the President admitted that directly touching or kissing another person's breast, or directly touching another person's genitalia with the intent to arouse, would be "sexual relations" as the term was defined. (WJC 8/17/98 GJ, pgs. 94-95; H.Doc 105-311, pgs. 546-547) However, the President maintained that he did not engage in such conduct. (Id.) These statements are contradicted by Ms. Lewinsky's testimony and the testimony of numerous individuals with whom she contemporaneously shared the details of her encounters with the President. Moreover, the theory that Ms. Lewinsky repeated and unilaterally performed acts on the President while he tailored his conduct to fit a contorted definition of "sexual relations" which he had not contemplated at the time of the acts, defies common sense.

Moreover, the President had not even formed the contorted interpretation of "sexual relations" which he asserted in the grand jury until after his deposition had concluded. This is

demonstrated by the substantial evidence revealing the President's state of mind during his deposition testimony. First, the President continuously denied at his deposition any fact that would cause the Jones lawyers to believe that he and Ms. Lewinsky had any type of improper relationship, including a denial that they had a sexual affair, (WJC 1/17/98 Dep., p. 78) not recalling if they were ever alone, (WJC 1/17/98 Dep., pgs. 52-53, 59) and not recalling whether Ms. Lewinsky had ever given him gifts. (WJC 1/17/98 Dep., pg. 75) Second, the President testified that Ms. Lewinsky's affidavit denying a sexual relationship was "absolutely true" when, even by his current reading of the definition, it is absolutely false. (WJC 1/17/98 Dep., p. 204) Third, the White House produced a document entitled "January 24, 1998 Talking Points," stating flatly that the President's definition of "sexual relations" included oral sex. (Chart W) Fourth, the President made statements to staff members soon after the deposition, saying that he did not have sexual relations, including oral sex, with Mr. Lewinsky, (Podesta 6/16/98 GJ, pg. 92; H.Doc. 105-316, p. 3311) and that she threatened to tell people she and the President had an affair when he rebuffed her sexual advances. (Blumenthal 6/4/98 GJ, p. 59; H.Doc. 105-316, p. 185) Fifth, President Clinton's Answer

filed in Federal District Court in response to Paula Jones' First Amended Complaint states unequivocally that "President Clinton denies that he engaged in any improper conduct with respect to plaintiff or any other woman." (Answer of Defendant William Jefferson Clinton, December 17, 1997, p. 8, para. 39) Sixth, in President Clinton's sworn Answers to Interrogatories Numbers 10 and 11, as amended, he flatly denied that he had sexual relations with any federal employee. The President filed this Answer prior to his deposition. Finally, as described below, the President sat silently while his attorney, referring to Ms. Lewinsky's affidavit, represented to the court that there was no sex of any kind or in any manner between the President and Ms. Lewinsky. (WJC 1/17/98 Dep., pg. 54)

This circumstantial evidence reveals the President's state of mind at the time of the deposition: his concern was not in technically or legally accurate answers, but in categorically denying anything improper. His grand jury testimony about his state of mind during the deposition is false.

REASONS FOR THE FALSE TESTIMONY

The President did not lie to the grand jury to protect himself from embarrassment, as he could no longer deny the affair. Before his grand jury testimony, the President's semen

had been identified by laboratory test on Ms. Lewinsky's dress, and during his testimony, he admitted an "inappropriate intimate relationship" with Ms. Lewinsky, In fact, when he testified before the grand jury, he was only hours away from admitting the affair on national television. Embarrassment was inevitable. But, if he truthfully admitted the details of his encounters with Ms. Lewinsky to the grand jury, he would be acknowledging that he lied under oath during his deposition when he claimed that he did not engage in sexual relations with Ms. Lewinsky. (WJC 1/17/98 Dep., pgs. 78, 109, 204) Instead, he chose to lie, not to protect his family or the dignity of his office, but to protect himself from criminal liability for his perjury in the Jones case.

ADDITIONAL FALSITY IN THE PREPARED STATEMENT

The President's statement continued, "I regret that what began as a friendship came to include this conduct[.]" (WJC 8/17/98 GJ, p. 9; H.Doc. 105-311, p. 461) The truth is much more troubling. As Ms. Lewinsky testified, her relationship with the President began with flirting, including Ms. Lewinsky showing the President her underwear. (ML 7/30/98 Int., p. 5; H.Doc. 105-311, p. 1431) As Ms. Lewinsky candidly admitted, she was surprised that the President remembered her name after their first two

sexual encounters. (ML 8/26/98 Dep., p. 25; H.Doc. 105-311, p. 1295)

REASON FOR THE FALSITY

The President's prepared statement, fraught with untruths, was not an answer the President delivered extemporaneously to a particular question. It was carefully drafted testimony which the President read and relied upon throughout his deposition. The President attempted to use the statement to foreclose questioning on an incriminating topic on nineteen separate occasions. Yet, this prepared testimony, which along with other testimony provides the basis for Article I, Item 1, actually contradicts his sworn deposition testimony.

CONTRARY DEPOSITION TESTIMONY

In this statement, the President admits that he and Ms. Lewinsky were alone on a number of occasions. He refused to make this admission in his deposition in the Jones case. During the deposition, the following exchange occurred:

Q Mr. President, before the break, we were talking about Monica Lewinsky. At any time were you and Monica Lewinsky together alone in the Oval Office?

A I don't recall, but as I said, when she worked in the legislative affairs office, they always had somebody

there on the weekends. I typically work some on the weekends. Sometimes they'd bring me things on the weekends. 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 if off, exchange a few words and go, she was there. I don't have any specific recollections of what the issues were, what was going on, but when the Congress is there, we're working all the time, and typically I would do some work on One of the days of the weekends in the afternoon.

Q 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?

A Yes, that's 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 person there. That's possible.

(WJC 1/17/98 Dep., pgs. 52-53)

After telling this verbose lie under oath, the President was given an opportunity to correct himself. This exchange followed:

Q At any time have you and Monica Lewinsky ever been alone together in any room in the White House?

A I think I testified to that earlier. I think that there is a, it is - I have no specific recollection, but it seems to me that she was on duty on a couple of occasions working for

the legislative affairs office and brought me some things to sign, something on the weekend. That's - I have a general memory of that.

Q Do you remember anything that was said in any of those meetings?

A No. You know, we just had conversation, I don't remember.

(WJC 1/17/98 Dep., pgs. 52-53)

Before the grand jury, the President maintained that he testified truthfully at his deposition, a lie which provides, in part, the basis for Article I, Item 2. He stated, "My goal in this deposition was to be truthful, but not particularly helpful ... I was determined to walk through the mind field of this deposition without violating the law, and I believe I did." (WJC 8/17/98 GJ, p. 80; H.Doc. 105-311, p. 532) But contrary to his deposition testimony, he certainly was alone with Ms. Lewinsky when she was not delivering papers, as the President conceded in his prepared grand jury statement.

In other words, the President's assertion before the grand jury that he was alone with Ms. Lewinsky, but that he testified truthfully in his deposition, is inconsistent. Yet, to this day, both the President and his attorneys have insisted that he did not lie at his deposition and that he did not lie when he swore

under oath that he did not lie at his deposition.

In addition to his lie about not recalling being alone with Ms. Lewinsky, the President told numerous other lies at his deposition. All of those lies are incorporated in Article I, Item 2.

TESTIMONY CONCERNING THE FALSE AFFIDAVIT

Article I, Item 3 charges the President with providing perjurious, false and misleading testimony before a federal grand jury concerning false and misleading statements his attorney Robert Bennett made to Judge Wright at the President's deposition. In one statement, while objecting to questions regarding Ms. Lewinsky, Mr. Bennett misled the Court, perhaps knowingly, stating, "Counsel [for Ms. Jones] is fully aware that Ms. Lewinsky has filed, has an affidavit which they are in possession of saying that there is absolutely no sex of any kind in any manner, shape or form, with President Clinton[.]" (WJC 1/17/98 Dep., pgs. 53-54) When Judge Wright interrupted Mr. Bennett and expressed her concern that he might be coaching the President, Mr. Bennett responded, "In preparation of the witness for this deposition, the witness is fully aware of Ms. Lewinsky's affidavit, so I have not told him a single thing he doesn't know[.]" (WJC 1/17/98 Dep., p. 54) (Emphasis added)

When asked before the grand jury about his statement to Judge Wright, the President testified, "I'm not even sure I paid attention to what he was saying." (WJC 8/17/98 GJ, p. 24; H.Doc. 105-3131, p. 476) He added, "I didn't pay much attention to this conversation, which is why, when you started asking be about this, I asked to see the deposition." (WJC 8/17/98 GJ, p. 24;; H.Doc. 105-311, p. 477) Finally, "I don't believe I ever 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, the whole argument just passed my by." (WJC 8/17/98 GJ, p. 29; H.Doc. 105-311, p. 481)

This grand jury testimony defies common sense. During his deposition testimony, the President admittedly misled Ms. Jones' attorneys about his affair with Ms. Lewinsky, which continued while Ms. Jones' lawsuit was pending, because he did not want the truth to be known. Of course, when Ms. Lewinsky's name is mentioned during the deposition, particularly in connection with sex, the President is going to listen. Any doubts as to whether he listened to Mr. Bennett's representations are eliminated by watching the videotape of the President's deposition. The videotape shows the President looking directly at Mr. Bennett, paying close attention to his argument to Judge Wright.