
Charles Duncan, 2/18/98

Grand Jury

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CONDENSED TRANSCRIPT AND CONCORDANCE
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[1] UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA

[2]-----X

[3]In re: :
 [4] :
 [5]GRAND JURY PROCEEDINGS :
 [6] :
 [7]-----X

[8] Grand Jury Room No. 4
 [9] United States District Court
 [10] for the District of Columbia
 [11] 3rd & Constitution, N.W.
 [12] Washington, D.C. 20001
 [13] Wednesday, February 18, 1998

[14] The testimony of CHARLES ARTHUR DUNCAN was taken in
 [15] the presence of a full quorum of Grand Jury 97-2, impaneled
 [16] on September 19, 1997, commencing at 1:53 p.m., before:
 [17] SOLOMON WISENBERG
 [18] ROBERT BITTMAN
 [19] THOMAS BIENERT
 [20] JACKIE M. BENNETT, JR.
 [21] Associate Independent Counsel
 [22] Office of Independent Counsel
 [23] 1001 Pennsylvania Avenue, Northwest
 [24] Suite 490 North
 [25] Washington, D.C. 20004

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[1] Whereupon,
 [2] CHARLES ARTHUR DUNCAN
 [3] was called as a witness and, after having been duly sworn by
 [4] the Foreperson of the Grand Jury, was examined and testified
 [5] as follows:

[6] EXAMINATION
 [7] BY MR. BITTMAN:
 [8] Q Mr. Duncan, could you have a seat, please, and give
 [9] us your full name and address?
 [10] A It's Charles Arthur Duncan, [REDACTED]
 [11] [REDACTED]
 [12] MR. BITTMAN: I would just note for the record four
 [13] grand jurors have just re-entered the grand jury room.
 [14] And we now have a quorum, Madam Forelady?
 [15] THE FOREPERSON: Yes, we do.
 [16] MR. BITTMAN: And we did before their coming in?
 [17] THE FOREPERSON: We did before also.
 [18] BY MR. BITTMAN:
 [19] Q Mr. Duncan, do you understand as a witness before
 [20] this grand jury that you have certain rights and certain
 [21] obligations? You have the right to have an attorney present
 [22] outside the courtroom and consult with that attorney at
 [23] reasonable times. Do you understand that?
 [24] A I do.
 [25]

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[1] Q Do you have an attorney outside?
 [2] A I do.
 [3] Q And what is his or her name?
 [4] A Joseph Sellers.
 [5] Q How do you spell Mr. Seller's name?
 [6] A S-e-l-l-e-r-s.
 [7] Q You also have a right to remain silent if an answer
 [8] to a question I ask you may incriminate you. Do you
 [9] understand that?
 [10] A I do.
 [11] Q Your obligations are to tell the truth and if you
 [12] lie or intentionally mislead this grand jury about a material
 [13] matter, you may be prosecuted for that. Do you understand
 [14] that?
 [15] A I do.
 [16] Q Do you have any questions before we proceed?
 [17] A I'd like some water.
 [18] MR. WISENBERG: It might be a while.
 [19] THE WITNESS: Okay.
 [20] A JUROR: There are some cups up there.
 [21] BY MR. BITTMAN:
 [22] Q Where are you currently employed, Mr. Duncan?
 [23] A Department of State.
 [24] Q And how long have you been employed at the
 [25] Department of State?

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[1] A Since July of 1997.
 [2] Q Where were you employed prior to that?
 [3] A Department of Defense.
 [4] Q And what did you do with the Department of Defense
 [5] A I was a Special Assistant to the Secretary of
 [6] Defense and White House Liaison.
 [7] Q How long did you hold that position?
 [8] A Since October of 1993.
 [9] Q 10/93 through when?
 [10] A My employment ended in July of 1997. I was
 [11] detailed from Defense to State from March through July of
 [12] 1997.
 [13] Q Is that a political appointment?
 [14] A It is.
 [15] Q And what grade level were you?
 [16] A I'm an SES.
 [17] Q SES?
 [18] A Senior Executive Service.
 [19] Q What was your phone number while you were at the
 [20] Pentagon?
 [21] A [REDACTED]
 [22] Q Was that the same phone number that you had the
 [23] entire time at the Pentagon?
 [24] A Yes.
 [25] Q What is your home phone number?

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[1] A Currently?
 [2] Q Currently.
 [3] A It's [REDACTED]
 [4] Q How long has that been your home phone number?
 [5] A June of this year. Of 1997.
 [6] Q What was it before June of 1997?
 [7] A It was [REDACTED]
 [8] Q How long was it that last number?
 [9] A From September of '93 through June of '97.
 [10] Q Do you have a pager? Did you have a pager while
 [11] you were at the Department of Defense?
 [12] A Yes.
 [13] Q What was that number?
 [14] A It was an 800 pager. I don't recall all the
 [15] digits.
 [16] Q Tell us what you did as the liaison with the White
 [17] House.
 [18] A Well, my duties were varied. I primarily was
 [19] focused on participating in the placement of the non-career
 [20] positions that the department had.
 [21] Q Explain that.
 [22] A Well, in the Pentagon, there are three different
 [23] types of employment. There's the military, there's the
 [24] career civil service and there's the non-career. My office
 [25] participated in the appointment process for the non-career.

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[1] Q And how did you perform your duties?
 [2] A In many different ways. Often there was sort of a
 [3] fixed position such as an assistant secretary or deputy
 [4] assistant secretary. Others were more junior. They were in
 [5] the Army, the Navy, the Air Force, the Marines, Office of the
 [6] Secretary of Defense, throughout the population of the
 [7] department.
 [8] Q How big a staff did you have?
 [9] A Two.
 [10] Q And who were those people?
 [11] A I had an assistant whose name was Fred Haggard.
 [12] Q Who do you spell Fred's last name?
 [13] A H-a-g-g-a-r-d.
 [14] Q Okay. And who was your other?
 [15] A I had several secretaries while I was there for
 [16] various lengths of time. They were in the building before I
 [17] got there, career secretaries.
 [18] Q So it would be you, Fred Haggard and a secretary?
 [19] A And a secretary.
 [20] Q Did you ever have more than one secretary at the
 [21] same time?
 [22] A No.
 [23] Q Your duties as you've just described them seem to
 [24] me to have nothing to do with the White House. I mean, if
 [25] you were just filling spots -- you were employed by the

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[1] Department of Defense, is that correct?
 [2] A That's correct.
 [3] Q Your title also, though, included liaison with the
 [4] White House?
 [5] A That's correct.
 [6] Q Is that a separate job?
 [7] A No. Part of the process for filling positions is
 [8] to go to the Office of Presidential Personnel within the
 [9] White House and where they would give us recommendations,
 [10] resumes of qualified people to be considered for the
 [11] positions.
 [12] Q How frequently would you get names from the White
 [13] House?
 [14] A Daily.
 [15] Q How many, approximately, on a daily basis?
 [16] A It depended. Over the three years plus some months
 [17] I was there, it was obviously heavier in the beginning
 [18] because we were still staffing up for the first time in 1993
 [19] and 1994. There were days when I may get 20, 30, 40, other
 [20] days when I would get three.
 [21] Q Let me direct your attention, then, to the period
 [22] of early 1997. How many were you getting at that period of
 [23] time?
 [24] A Not very many. Maybe -- possibly ten a week.
 [25] Q And what was the normal procedure for hiring

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[1] A I can't characterize any of the appointments as
 [2] being normal. Every one of them was entirely different.
 [3] There is no easy answer for that question. They're all
 [4] entirely different.
 [5] Q Are there some things that must occur? I suppose
 [6] your being notified that there's a vacancy must always occur.
 [7] A Yes. But not always. That's why I said if I
 [8] trained them correctly they would notify me.
 [9] Q Must always a person, a candidate, for example,
 [10] submit a resume to you?
 [11] A Yes.
 [12] Q Must they fill out any other government form?
 [13] A They would have had -- at the time that SF-171s
 [14] were still used by the government, they would have had to
 [15] complete an SF-171.
 [16] Q Must there be an interview?
 [17] A Yes.
 [18] Q So there's always an interview, there's always at
 [19] least a resume and perhaps another SF-171 form?
 [20] A Mm-hmm.
 [21] Q Which is a standard government form?
 [22] A Mm-hmm.
 [23] Q And then there must be a vacancy?
 [24] A No, not necessarily.
 [25] Q Not necessarily? What percentage of the time are

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[1] someone at the Pentagon through the White House?
 [2] A Well, the procedure for hiring anybody for a
 [3] non-career position is that my office would be notified of a
 [4] vacancy and we would then go to the Office of Presidential
 [5] Personnel, describe to them the kind of position it was,
 [6] receive resumes from the White House.
 [7] I would sometimes interview the people, sometimes I
 [8] wouldn't interview the people, and then I would forward their
 [9] names on if I thought it was a good fit for the vacancy.
 [10] Q So let me get this straight. You would be notified
 [11] that there was a vacancy.
 [12] A Mm-hmm.
 [13] Q You would then go to the White House to see whether
 [14] they had a person that could fill that job.
 [15] A Mm-hmm.
 [16] Q Then the White House, if they had someone, would
 [17] send you a resume and you may or may not interview that
 [18] person. If you didn't interview them, I suppose someone else
 [19] would.
 [20] A That's correct.
 [21] Q Okay. What percentage of the time did you actually
 [22] interview the people?
 [23] A Fifty percent of the time.
 [24] Q Okay. And you said around early 1997 you were
 [25] getting about ten resumes per week. How many job openings

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[1] there not vacancies?
 [2] A There were occasions when I would interview
 [3] somebody on an informational basis who had expressed
 [4] interest in the department. The department had the ability
 [5] to hire X number of people, and I don't know what that
 [6] number is, but there are a certain number of non-career
 [7] positions that were available and distributed throughout
 [8] the department.
 [9] I would often interview somebody on an
 [10] informational basis and sort of store them away for when a
 [11] vacancy did occur, so I would have part of the process
 [12] completed.
 [13] Q Did the White House ever contact you and say
 [14] "We have this person who we would like to work at the
 [15] Pentagon" without being prompted by you that there's a
 [16] vacancy?
 [17] A Well, not exactly. I would get a call from
 [18] Presidential Personnel notifying me that they are going to
 [19] send me resumes of people because it was part of their job
 [20] to place people throughout the government, so they would call
 [21] me and say "We're sending you John Doe's resume, see if you
 [22] have anything for him."
 [23] Q How frequently would that happen?
 [24] A Quite often.
 [25] Q Who was your contact at Presidential Personnel?

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[1] were occurring in 1997?
 [2] A Very few.
 [3] Q Very few job openings. Let's direct your
 [4] attention, then, to like the first six months of 1997.
 [5] Approximately how many job openings would there have been,
 [6] if you can approximate?
 [7] A I really don't specifically recall. I was out of
 [8] the Pentagon in February of 1997 almost.
 [9] Q If I said 1997, I misspoke. I meant the first six
 [10] months of 1996.
 [11] A Well, there were still very few. I don't recall
 [12] how many specific vacancies would have occurred at any time.
 [13] I just -- I can't put a finger on the number.
 [14] Q How were you notified of the vacancies?
 [15] A Normally, the office that had the vacancy would, if
 [16] I trained them correctly, would tell me that they had this
 [17] position.
 [18] Q How long does the procedure on average last from
 [19] the time you were notified of a vacancy then you contact the
 [20] White House to say that there is a vacancy and the White
 [21] House then contacts you with some candidates and then you
 [22] interview them to when the person starts? That is, the whole
 [23] process from your being notified that there is a vacancy to
 [24] going through the whole White House thing to when the person
 [25] starts, what period of time does that normally take?

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[1] A There were many, many people.
 [2] Q Can you list them for us, please?
 [3] A I couldn't possibly mention them all.
 [4] Q Do you remember any of them?
 [5] A Well, there's the head of Presidential Personnel.
 [6] Q Okay. List everyone you remember.
 [7] A Bruce Lindsey was the first head of Presidential
 [8] Personnel. He was succeeded by Phil Lader.
 [9] Q Spell his last name, please.
 [10] A L-a-d-e-r. He was succeeded by Veronica Biggins.
 [11] Her last name is spelled B-i-g-g-i-n-s. And the last and
 [12] current is Bob Nash, N-a-s-h.
 [13] A Under them served a number of Deputy Directors of
 [14] Presidential Personnel.
 [15] Q Actually, if you could just list the people since
 [16] 1996 that you remember contacting there.
 [17] A I would say Bob Nash, Patsy Thomasson was the
 [18] Deputy Director of Presidential Personnel. Charles Duncan,
 [19] the same name as mine, is an Associate Director of
 [20] Presidential Personnel. And then just a host of other junior
 [21] assistants that would come and go and be detailed from other
 [22] departments in and out to fax things and answer phones and to
 [23] make phone calls.
 [24] Q Tell us when you first heard the name Monica
 [25] Lewinsky.

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1996. A I believe it was some time in the beginning of
 Q How did you first hear her name?
 A I received a call from somebody at Presidential
 Personnel, who I don't recall, who called me.
 Q And they said they had some --
 A A resume that they wanted to send over of -- named
 Monica Lewinsky, that they wanted me to take a look at her
 resume and see if I could find a fit for her.
 Q You don't remember who the person was?
 A I don't.
 Q Do you remember whether it was a male or female?
 A I don't.
 Q Are you confident that it was a person in
 Presidential Personnel?
 A Yes.
 Q And what did you do with that information? What
 happened after the phone call?
 A To the best of my recollection, I received a resume
 and evaluated her on paper against the positions that I had
 available at the time.
 Q This is obviously one of those cases where you did
 not call the White House with an opening.
 A Not necessarily. I very well -- or my assistant
 would have notified -- every Friday, we have to notify the

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A I don't recall specifically.
 Q What would be the qualification for someone who had
 held that position before?
 A It was somewhat secretarial, somewhat special
 assistant, somebody who would answer phones, probably
 schedule the Assistant Secretary, and also travel with the
 Secretary of Defense supporting the Assistant Secretary of
 Public Affairs.
 Q Did you consider Ms. Lewinsky for any other
 position?
 A I did not.
 Q So that was the -- and you knew about --
 A I'm sorry. I shouldn't say I did not. I don't
 remember at this time. I don't believe I considered her. I
 thought she was a good fit for that particular position when
 her resume came in and I had that vacancy. I may have sent
 her some place else, but I don't think I did.
 Q And then what did you do?
 A I sent her resume down to Public Affairs.
 Q To whom?
 A I believe I sent it to Cliff Bernath.
 Q Did you talk to Mr. Bernath prior to sending the
 resume?
 A I don't remember.
 Q Did you talk to anyone else in Public Affairs prior

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White House of our vacancies. I don't do that, my assistant
 does that. The White House would have known that there were
 vacancies in the building and it's updated every Friday.
 Q Would it be fair to say that there are always some
 vacancies in the Department of Defense?
 A Yes.
 Q So any time the White House initiates a contact
 with you, it's fair to say there's always some vacancies.
 A Yes.
 Q Okay. Did the person who call you from
 Presidential Personnel with Monica Lewinsky's name say
 whether it was for a specific position?
 A I don't recall.
 Q Ordinarily, would they do that?
 A Not necessarily.
 Q So they wouldn't call -- if they were calling and
 saying, "Bob Smith, I have this candidate Bob Smith, we know
 you have an opening for X position, we want you to consider
 Bob Smith for X position?"
 A It is possible that they would make a phone and try
 to put an exact person with an exact vacancy, yes.
 Q All right. So let's get back to Ms. Lewinsky.
 You get a copy of her resume. How ordinarily does the White
 House transmit the resume to you? Let me ask this, let me
 back up. Do you ordinarily get the resume from the White

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to send the resume?
 A I don't remember.
 Q Do you know Mr. Bernath on a first name basis?
 A Yes.
 Q Do you know Mr. Bacon, Ken Bacon, who was the he
 of Public Affairs at that time, do you know him on a first
 name basis?
 A I do.
 Q Okay. So you could have picked up the phone and
 called either one of them.
 A Yes.
 Q Would that have been normal? That is, you get this
 resume in, you know the position, and this position was to be
 an assistant to Mr. Bacon, is that correct?
 A That's correct.
 Q Say, "Ken, I have this candidate for you, let me
 tell you about her." Would that be ordinary?
 A Sure.
 Q Okay. You don't remember doing that in this case?
 A I don't remember doing it.
 Q So you think you send the resume on to Mr. Bernath.
 Then what happens, as far as you know?
 A By my sending it down, I'm asking them to consider
 the person. They should then call the person in for an
 interview.

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House or do you get it from the actual candidate?
 A Normally, it comes from the White House first.
 Q How do you ordinarily get the resume from the White
 House?
 A By Fax.
 Q Do you remember whether you got Ms. Lewinsky's
 resume by fax?
 A I don't recall.
 Q Okay. Nonetheless, you get her resume and then you
 evaluate it.
 A Yes.
 Q And tell us what was going through your mind as you
 were evaluating her resume.
 A She appeared on paper to be young enough and with
 sufficient experience to fill a vacancy we had in Public
 Affairs.
 Q Which position?
 A It was a Special Assistant to the Assistant
 Secretary for Public Affairs.
 Q Did that position exist prior to your receiving
 Ms. Lewinsky's resume?
 A It did.
 Q Was it open?
 A It was open.
 Q How long had it been open for?

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Q Do you send a cover memo or anything down?
 A Normally, I would.
 Q Do you know whether you did in this case?
 A I don't remember.
 Q Have you seen a memo, a cover memo, that you sent
 along with Ms. Lewinsky's resume?
 A I have not.
 Q So if you didn't send it, how would he know, in
 other words, that that's what position she was going to be
 considered for?
 A If I didn't send a memo, I would have called.
 Q Okay.
 A I wouldn't have just sent a resume with nothing
 attached to it.
 Q You either notified him in writing or by phone,
 orally that is, that she was to be considered for this
 opening, this position to be an assistant to Mr. Bacon.
 A (Nodding.)
 Q Okay. You send the resume down there --
 MR. WISENBERG: You didn't get an audible answer on
 that. You got a shake of the head.
 THE WITNESS: Yes.
 BY MR. BITTMAN:
 Q Then what do you hear next?
 A She was interviewed by someone in Public Affairs.

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[1] I'm not sure who it was. And they notified me that they
 [2] would like to offer her the position.
 [3] Q Did you interview Ms. Lewinsky at that time?
 [4] A I did not.
 [5] Q Did you ever interview Ms. Lewinsky?
 [6] A I did not.
 [7] Q Do you know whether anyone in Public Affairs ever
 [8] interviewed Ms. Lewinsky?
 [9] A Yes, they did.
 [10] Q Do you know who interviewed her?
 [11] A I do not know specifically who.
 [12] Q How long after you got Ms. Lewinsky's resume was
 [13] she interviewed at the Pentagon to the best of your memory?
 [14] A I don't remember.
 [15] Q Do you know whether more than one person
 [16] interviewed her?
 [17] A I don't know.
 [18] Q Do you remember that this moved fast or slow or in
 [19] an ordinary amount of time? That is the period between when
 [20] Ms. Lewinsky's resume was sent to you and when the Pentagon
 [21] offered her a position?
 [22] A It moved relatively quickly. It was relatively
 [23] effortless.
 [24] Q Had you talked to anyone else at the White House
 [25] between the first call you received from the White House and

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[1] the time that she was offered a position?
 [2] A About Lewinsky?
 [3] Q Yes.
 [4] A I don't remember.
 [5] Q Did you then extend the offer to Ms. Lewinsky or
 [6] would it have been people in Public Affairs to do it?
 [7] A I don't believe I extended the offer.
 [8] Q What happens in the normal case?
 [9] A There is no normal.
 [10] Q There is no normal?
 [11] A There is no normal.
 [12] Q There are only two options here.
 [13] A Either my office would have extended the offer or
 [14] the Office of Public Affairs would have extended the offer.
 [15] Q When you say there's no normal, does that mean --
 [16] obviously sometimes you extend and offer, sometimes the
 [17] office who's hiring extends an offer.
 [18] A Correct.
 [19] Q Does that mean about 50 percent of the time you
 [20] extend the offer and 50 percent of the time the hiring office
 [21] extends the offer?
 [22] A I wouldn't hazard to guess what percentage. I have
 [23] no idea.
 [24] Q Why sometimes do you extend the offer?
 [25] A No specific reason. Absolutely no specific reason.

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[1] Q Is it normal and customary at the Pentagon to check
 [2] references on resumes?
 [3] A Yes.
 [4] Q Who does that?
 [5] A It could be done by either my office or the office
 [6] doing the interviewing.
 [7] Q Did your office check any references with regard to
 [8] Ms. Lewinsky?
 [9] A To the best of my knowledge, no.
 [10] Q Do you know whether the hiring office, that is, the
 [11] Office of Public Affairs, checked any references with regard
 [12] to Ms. Lewinsky?
 [13] A I don't know.
 [14] Q Does the White House place any sort of priority
 [15] placement, this is a candidate we really want to place in the
 [16] Pentagon, versus someone who if you have a spot for him or
 [17] her, do what you can, but somebody, Joe Smith, we really want
 [18] him placed at the Pentagon, for whatever reason, we think
 [19] he'd be a real good fit at the Pentagon wherever you may be
 [20] able to fit him or her?
 [21] A On occasion, somebody will express an interest in
 [22] working at the Pentagon versus Energy or HHS or some place
 [23] else.
 [24] Q How do they communicate that to you?
 [25] A They could probably do it to Presidential Personnel,

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[1] who would communicate it to me. say "He wants a job at the
 [2] Pentagon, he's interested in defense issues."
 [3] Q Was there anything special about the White House
 [4] notifying you in the case of Ms. Lewinsky? Did they
 [5] indicate, for example, that she wanted to work at the
 [6] Pentagon?
 [7] A No.
 [8] Q Did they indicate why she was leaving the White
 [9] House?
 [10] A Yes.
 [11] Q Why?
 [12] A The person who called me told me she was hanging
 [13] around the Oval Office too much.
 [14] Q What else did the person say?
 [15] A Nothing.
 [16] Q What was your response or reaction to that?
 [17] A I instantly understood what they meant, that it
 [18] was -- having spent enough time in the West Wing, it's a very
 [19] small, confined space, and there is no space for extra people
 [20] anywhere around there. And I took it to mean that she was
 [21] just simply in the way.
 [22] Q Had anyone at the White House prior to that time
 [23] ever given any similar reason for that? That is, come to you
 [24] with a candidate and said this person is hanging around the
 [25] White House too much? Excuse me. Around the Oval Office too

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[1] much?
 [2] A No.
 [3] Q That was the first and only time that occurred?
 [4] A To the best of my recollection. Yes.
 [5] Q Was any other reason given why Ms. Lewinsky was
 [6] leaving the White House?
 [7] A No.
 [8] Q Did they indicate whether Ms. Lewinsky was leaving
 [9] the White House voluntarily or involuntarily?
 [10] A They did not.
 [11] Q Did they indicate whether she wanted to leave the
 [12] White House?
 [13] A They did not.
 [14] Q How long was this conversation with this person in
 [15] Presidential Personnel?
 [16] A Several minutes.
 [17] Q What else do you remember about the conversation?
 [18] A That they wanted to be helpful in finding her a
 [19] position outside of the White House because she was connected
 [20] to a finance person and they didn't want to offend that
 [21] person.
 [22] Q Did they give the name of the finance person?
 [23] A I don't believe so.
 [24] Q Does the name Walter Kaye ring a bell?
 [25] A Yes.

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[1] Q How does that name ring a bell?
 [2] A Only what I've read in the newspapers.
 [3] Q What have you read about Mr. Kaye?
 [4] A That he was the person who recommended her for the
 [5] internship.
 [6] Q Do you think Mr. Kaye's name may have been
 [7] mentioned by the person in Presidential Personnel?
 [8] A I don't remember.
 [9] Q What else do you remember from the conversation?
 [10] A That was it, as far as I know, as far as I can
 [11] recall.
 [12] Q So basically three things were mentioned. One was
 [13] that they wanted you to find a place for Ms. Lewinsky at the
 [14] Pentagon and that they were going to send over a resume; two,
 [15] that she was leaving the White House because she was hanging
 [16] around the Oval Office too much. Is that correct?
 [17] A Well, first off, they didn't want me to find a
 [18] place, they wanted me to try to place her at the Pentagon.
 [19] And your second question? I'm sorry?
 [20] Q Was that they said the reason she was leaving the
 [21] White House, because she was hanging around the Oval Office
 [22] too much.
 [23] A That's correct.
 [24] Q And then the third thing was that they relayed that
 [25] they really wanted her to get a job because she had some

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[1] association or affiliation with a businessman or -- I'm
 [2] sorry, I don't want to put words in your mouth. What were
 [3] the words you used?
 [4] A I don't recall exactly what they said, but I was
 [5] led to believe that she had some connections to an important
 [6] person, a finance person, who they wanted to -- they didn't
 [7] want to offend, so therefore they were trying to be helpful
 [8] in finding her something.
 [9] Q Did you understand this finance person to be a
 [10] contributor?
 [11] A I didn't question it, I didn't think about it.
 [12] They never indicated that to me, to the best of my knowledge.
 [13] BY MR. WISENBERG:
 [14] Q You said this was a relatively quick placement, as
 [15] far as your experience goes, is that correct?
 [16] A Yes.
 [17] Q Were you given in this conversation with the person
 [18] from Office of Presidential Personnel, were you given a
 [19] turnaround time, like a target date, like we want to do this
 [20] quickly?
 [21] A I don't remember.
 [22] Q Were you given any special instructions other than
 [23] what you've told us?
 [24] A To the best of my knowledge, I don't recall them
 [25] being any more specific than that.

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[1] Q Were you asked or told to place her? I take it
 [2] typically you're asked to do something like this, it's
 [3] understood that it's part of your job to get these people
 [4] placed, is that correct?
 [5] A That's correct.
 [6] Q Was there something about this that was out of the
 [7] ordinary in the sense that it was more directly telling than
 [8] asking, this has to be done?
 [9] A No.
 [10] Q When's the shortest time? You said there's no
 [11] normal time for placement, what's the shortest time you can
 [12] remember in which anyone in this type of position who you're
 [13] trying to place has been placed? Shortest turnaround time
 [14] you can remember.
 [15] A From the time I receive a resume?
 [16] Q Yes.
 [17] A Until the time they walk in the door and start
 [18] working?
 [19] Q Yes.
 [20] A Probably three weeks.
 [21] Q And do you recall how long Monica Lewinsky's
 [22] placement was?
 [23] A I don't.
 [24] Q You said you sent her name down to -- is it Public
 [25] Affairs?

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[1] A Yes.
 [2] Q And was she the only name you sent down for that
 [3] particular position?
 [4] A I don't recall, but I believe so.
 [5] Q How typical is it for you to only send one name
 [6] down to a particular office for an opening?
 [7] A It's not atypical for me to do that.
 [8] Q Okay. If you had to put a percentage on it, how
 [9] often do you do that?
 [10] A Perhaps 20 percent, 15 to 20 percent.
 [11] Q Was there any problem that you're aware of --
 [12] Mr. Bittman asked you about reference checks, is there any
 [13] problem that you recall, any issue that arose, as a result of
 [14] any reference check done on Ms. Lewinsky?
 [15] A None that I know of.
 [16] Q Did you ever talk to her previous supervisor, Tim
 [17] Keating, about her?
 [18] A I did not.
 [19] Q In this conversation with the person from Office of
 [20] Presidential Personnel, what if anything was said about a
 [21] personal relationship Ms. Lewinsky might have had with the
 [22] President?
 [23] A Nothing like that was ever mentioned.
 [24] Q Was anything like that ever mentioned to you by
 [25] anybody prior to the time period that this became a

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[1] nationwide issue that everybody in the country knows about?
 [2] A Never.
 [3] Q Was anything said to you in this conversation with
 [4] the person from Presidential Personnel about when, if ever,
 [5] she would be, Ms. Lewinsky would be, coming back to the White
 [6] House?
 [7] A No.
 [8] Q Was there any time limit put on how long she would
 [9] need to be at the Pentagon?
 [10] A No.
 [11] Q Was anything said to you during this conversation
 [12] about President Clinton's wishes or desires with respect to
 [13] the placement of Ms. Lewinsky?
 [14] A No. President Clinton was never mentioned in this
 [15] context.
 [16] Q You said that you thought -- when somebody said
 [17] this to you about she was hanging around the Oval Office too
 [18] much that you've been over to the West Wing, you know how
 [19] confined it is and you wouldn't want to have a person in the
 [20] way, something to that effect. Do you recall saying that a
 [21] few minutes ago?
 [22] A Yes.
 [23] Q What else did that say to you? Somebody calls you,
 [24] says, "We've got to place this person. We can't offend the
 [25] finance person. She's been hanging around the Oval Office

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[1] too much." What else does that say to you? You're in that
 [2] position, you're hearing that.
 [3] A Nothing.
 [4] Q Okay. Have you ever heard the term clutch?
 [5] A Yes.
 [6] Q All right. Did you think this person was a clutch?
 [7] A Possibly.
 [8] Q Can you tell us what a clutch is?
 [9] A A clutch is somebody who -- I believe it's a
 [10] political term, somebody who likes to be near somebody famous
 [11] or the principal.
 [12] Q Mr. Bittman might have asked you this, I don't
 [13] think he asked you precisely this way, was there ever any
 [14] other time when you were asked to place somebody who was
 [15] spending too much time around the Oval Office?
 [16] A I don't recall that. No.
 [17] MR. WISENBERG: I believe that's all I have.
 [18] BY MR. BIENERT:
 [19] Q If I understand it, it's your job to handle -- do
 [20] you do a lot of the hiring, then, for certain of the sectors
 [21] of the Pentagon?
 [22] A I don't do the hiring. I facilitate the hiring and
 [23] I refer candidates.
 [24] Q And you get more resumes sent to you than you hav
 [25] openings, correct?

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[1] A Yes.
 [2] Q So it's somewhat selective, correct?
 [3] A Yes.
 [4] Q And you're trying to get the best people you can,
 [5] correct?
 [6] A Correct.
 [7] Q And when you were told that the reason they wanted
 [8] to place this woman in the White House, Ms. Lewinsky, was
 [9] because she was hanging around the Oval Office too much, you
 [10] recognized that that was not a positive reason for wanting to
 [11] move her out of the White House, correct?
 [12] A Correct.
 [13] Q This was something that didn't reflect positively
 [14] on her ability as an employee, did it?
 [15] A No.
 [16] Q She was not the ideal candidate, based on what you
 [17] were told over the phone, was she?
 [18] A The negative characterization about her time at the
 [19] White House would not be a factor at an agency because it
 [20] wasn't the White House, it was a bigger department. If she
 [21] had a clutch problem or liking to be near the seat of power
 [22] problem, it wouldn't exist in the Pentagon which is a huge,
 [23] 26,000 person, 6.5 million square foot building.
 [24] Q Let me make sure I understand, sir. You've
 [25] acknowledged to us that you use some selectivity in whose

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[1] resumes you pass on, correct?
 [2] A Yes.
 [3] Q Because there are more people who want those jobs
 [4] than there are jobs available, right?
 [5] A That's correct.
 [6] Q Is it your testimony that being told that someone
 [7] was being moved out of the White House because of a problem
 [8] is not a negative factor that you would take into
 [9] consideration as to whether they should be hired in one of
 [10] your jobs?
 [11] A No.
 [12] Q Are you saying no, that's not your testimony or --
 [13] A That is my testimony. Yes.
 [14] Q It wouldn't factor at all.
 [15] MR. BENNETT: You have to answer audibly.
 [16] THE WITNESS: I'm sorry?
 [17] MR. BENNETT: You have to answer out loud.
 [18] THE WITNESS: Oh, yes.
 [19] BY MR. BIENERT:
 [20] Q Did you feel any pressure to try to find a job for
 [21] her?
 [22] A No more than I would feel for anybody else.
 [23] Q Anybody else applying from any setting or anybody
 [24] else --
 [25] A Anybody else --

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[1] Q Let me finish my question.
 [2] A Anybody else -- I'm sorry.
 [3] Q So it's clear on the record. Anybody else in any
 [4] setting sending you a resume or anybody else who is being
 [5] referred by someone at the White House tells you see if you
 [6] can find them a spot?
 [7] A I did not feel any more pressure coming from the
 [8] White House for this appointment than I have felt with many,
 [9] many other appointments.
 [10] BY MR. WISENBERG:
 [11] Q Did you ever talk to Marsha Scott about Monica
 [12] Lewinsky?
 [13] A I don't believe so.
 [14] Q Could she have been the person you spoke to, who
 [15] had this conversation with you?
 [16] A I don't recall who spoke to me.
 [17] Q It could have been anybody from the head of
 [18] Presidential Personnel, Mr. Nash --
 [19] A It was definitely not Mr. Nash. If it had been
 [20] Mr. Nash, I would have remembered it.
 [21] Q All right. Would you have remembered if it was
 [22] Patsy Thomasson?
 [23] A No, I wouldn't recall.
 [24] Q Okay. So it could have been Patsy Thomasson.
 [25] Could it have been Marsha Scott?

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[1] A It's conceivable it could have been. I don't even
 [2] recall when Marsha Scott went to work in Presidential
 [3] Personnel, so I don't believe it could have been Marsha Scott
 [4] because I think she was working in another part of the
 [5] building.
 [6] Q The one person you can say for sure it wasn't from
 [7] Presidential Personnel is Bob Nash.
 [8] A That's correct.
 [9] MR. BITTMAN: Let me show you what's been marked as
 [10] CD-1, a grand jury exhibit. I believe it's three pages,
 [11] Bates stamp number 833-DC0002879 through 2881.
 [12] (Grand Jury Exhibit No. CD-1 was
 [13] marked for identification.)
 [14] BY MR. BITTMAN:
 [15] Q Would you please identify those, if you can?
 [16] A It's a Department of Defense -- it's a page from a
 [17] personnel file. Department of Defense, Office of the
 [18] Secretary of Defense, Assistant Secretary of Defense for
 [19] Public Affairs. It refers to a Schedule C position at a
 [20] grade GS-9, confidential assistant.
 [21] Q Is that a document that is used to tell you as head
 [22] of personnel at the Pentagon that a job opening exists?
 [23] A No.
 [24] Q What is it?
 [25] A This is a document that I believe is produced by

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[1] the hiring office as part of the process of bringing somebody
 [2] on and getting them through the personnel departments.
 [3] Q Explain that, please.
 [4] A I don't know all the steps that -- I will never
 [5] ling long enough to know all the steps that take place in
 [6] hiring somebody in this government. There are many, many
 [7] people on the civil service side that process -- once the
 [8] decision has been made to process a person, whether they're
 [9] non-career or career, this -- I know it can't be done without
 [10] certain forms being filled out.
 [11] This is a form that would have been produced by
 [12] Assistant Secretary Bacon's office to accompany other things
 [13] and trigger her process.
 [14] Q To be hired.
 [15] A To be hired.
 [16] Q Ms. Lewinsky.
 [17] A It doesn't say Ms. Lewinsky's name on it.
 [18] Q In fact, it doesn't have anybody's name on it.
 [19] A That's correct.
 [20] Q It just has a position.
 [21] A That's correct.
 [22] Q And then if you could look at the second two pages
 [23] of that, that is a description of the position for which Ms.
 [24] Lewinsky was ultimately hired, it appears. Is that what it
 [25] appears to you?

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[1] A I don't remember looking at hers. It's possible
 [2] that this is a position description for that position. But
 [3] this is a typical position description for a confidential
 [4] assistant.
 [5] Q What document would there be telling you that there
 [6] was an opening in Public Affairs?
 [7] A I would have received a position description such
 [8] as this, the second two pages.
 [9] Q The second two pages?
 [10] A Yes.
 [11] Q And that is not dated, I don't believe.
 [12] A It is not.
 [13] Q The first document --
 [14] is dated.
 [15] Q Is dated. And what's the date?
 [16] A April 12, 1996.
 [17] Q Would it be unusual for the date on the first
 [18] document, the first page of CD-1, to be the same day that
 [19] Ms. Lewinsky was hired?
 [20] A It's unlikely it would have been the day she's
 [21] hired. It more than likely would have been the day that the
 [22] process started to hire her.
 [23] Q Okay. That is the day she was recommended for
 [24] hiring?
 [25] A To the building, from the Assistant Secretary of

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[1] Defense to the civil service personnel process folks.
 [2] Q Have you talked to anyone in the last month about
 [3] the hiring of Ms. Lewinsky other than your attorney?
 [4] A Yes.
 [5] Q Who?
 [6] A My successor, Liz Bailey.
 [7] Q When was that discussion?
 [8] A I've had several discussions with her.
 [9] Q And tell us the contents of those discussions.
 [10] A I don't recall all of them. They were mostly my
 [11] amazement that all this was occurring with Monica Lewinsky.
 [12] Q This being what?
 [13] A The controversy that has exploded in the newspaper
 [14] in the month of January.
 [15] Q Did you talk to Ms. Bailey about how she came to be
 [16] hired at the Pentagon?
 [17] A Yes, I did.
 [18] Q What did you tell her?
 [19] A Exactly what I've told you, that it was a rather
 [20] unremarkable hiring, but that she had been referred over to
 [21] us as somebody who was hanging around the Oval Office too
 [22] much and they wanted to try to place her outside of the White
 [23] House.
 [24] Q And what was her reaction or response?
 [25] A I don't recall what her reaction was.

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[1] Q Did you talk to anyone else other than Ms. Bailey
[2] and your attorney?
[3] A I talked to Lanny Breuer in the White House
[4] Counsel's Office.
[5] Q When was that?
[6] A Some time late in January.
[7] Q How many times did you talk to Mr. Breuer?
[8] A Several times.
[9] Q How many?
[10] A Three, I believe.
[11] Q Were these in-person meetings or telephonically?
[12] A One was in person.
[13] Q And the other two?
[14] A On the telephone.
[15] Q Were they all in the same time period?
[16] A I'm sorry?
[17] Q You said you had three meetings beginning in late
[18] January. When were the other two meetings?
[19] A They all probably would have taken place over a
[20] ten-day period, the three contacts.
[21] Q Okay. And what did you tell Mr. Breuer?
[22] A My understanding is the Executive Branch has
[23] indicated that conversations are covered by executive
[24] privilege that I have with Mr. Breuer.
[25] Q So you're not going to tell us the conversations

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[1] you had with him?
[2] A That's correct.
[3] (Brief interruption to proceedings.)
[4] BY MR. BITTMAN:
[5] Q Anyone else besides -- and how long did you meet
[6] with Mr. Breuer?
[7] A Approximately ten minutes.
[8] Q And that was in the White House?
[9] A Yes.
[10] Q Okay. How long was your first telephone
[11] conversation with Mr. Breuer?
[12] A Approximately three minutes.
[13] Q How long was your second telephone conversation
[14] with Mr. Breuer?
[15] A About two or three minutes.
[16] Q Okay. The meeting and then the two phone calls,
[17] they were only about Monica Lewinsky and the hiring of Monica
[18] Lewinsky?
[19] A No, they were about the -- I called Lanny Breuer
[20] because I had been contacted by the Independent Counsel's
[21] office for an interview. And I contacted Bob Nash and told
[22] him that and he suggested that I inform Lanny Breuer that I
[23] had done that.
[24] Q Have you talked to anyone else besides Ms. Bailey,
[25] Mr. Breuer and now Mr. Nash about anything regarding Monica

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[1] Lewinsky in the last month? And your attorney.
[2] A Numerous people. Countless people.
[3] Q Countless people?
[4] A Countless.
[5] Q So you were willing to tell countless people, but
[6] you weren't ready to talk to an FBI agent?
[7] A I never said I wasn't willing to talk to an FBI
[8] agent.
[9] Q Okay. How many other people did you tell?
[10] A I don't recall.
[11] BY MR. BENNETT:
[12] Q Tell us some of the other people you might have
[13] spoken with.
[14] A Other people in the administration who knew that I
[15] was the White House liaison at the Department of Defense and
[16] who would call and ask me if I knew her.
[17] Q Name some of these people.
[18] A My assistant now, my current assistant now, Elena
[19] McCoy.
[20] Q Did you talk to anyone in the news media?
[21] A Yes.
[22] Q Who?
[23] A Gene Gibbons from Reuters.
[24] Q Anyone else?
[25] A No.

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[1] Q Did you talk to anyone else at the White House
[2] besides Mr. Breuer and Mr. Nash?
[3] A I don't believe I did.
[4] Q When you received the call from the White House
[5] Presidential Personnel, did the person who you spoke to
[6] mention anything about Ms. Lewinsky's performance at the
[7] White House? Job performance while she was employed at the
[8] White House?
[9] A They indicated to me that she performed her job
[10] well in Legislative Affairs.
[11] BY MR. BIENERT:
[12] Q At the time when she interviewed and then was hired
[13] by the Pentagon, was she still actually employed and working
[14] at the White House?
[15] A Yes.
[16] Q Are you familiar with what her job functions were
[17] in the job you employed her at at the Pentagon?
[18] A I am familiar with aspects of that job, but I'm not
[19] familiar with the entire job.
[20] Q Would there be any reason as part of her job duties
[21] at the Pentagon for Ms. Lewinsky to be visiting the White
[22] House?
[23] A It's possible.
[24] Q Well, given the fact that you were told at the get
[25] go that she had a problem with hanging around the Oval Office

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[1] too much, do you believe that Ms. Lewinsky would be a good
[2] candidate to be sending to the White House for Pentagon
[3] related duties?
[4] A It's not something that ever occurred to me.
[5] Q Why not?
[6] A It just simply never occurred to me. I was sending
[7] her down to Public Affairs for a position in Public Affairs.
[8] Q I'm sorry, tell me that again?
[9] A I sent her down to Public Affairs at the Pentagon
[10] for a position in Public Affairs. Whether or not that ever
[11] led to her ever going to the White House is not something I
[12] ever considered.
[13] Q Well, let me ask you. At the time that you sent
[14] her down to Public Affairs, you were aware that there was a
[15] problem with her spending more time around the Oval Office
[16] than she should, correct?
[17] A Yes.
[18] Q Did you pass that on to anyone who might be in the
[19] loop on hiring her?
[20] A I did not.
[21] Q Was there a reason why you did not?
[22] A I didn't feel it was relevant.
[23] Q Well, let me ask you, as you sit here now, do you
[24] believe that it might be relevant to a boss who is thinking
[25] about who to send to the White House for something whether or

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[1] not that person is being sent away from the White House for a
[2] problem, namely, hanging around the Oval Office too much?
[3] A So is your question -- what is your question again?
[4] Q My question to you, sir, is do you believe that it
[5] is relevant in determining which Pentagon employees should be
[6] sent to the White House potentially for job related functions
[7] if there is a certain employee who has been in essence kicked
[8] out of the White House for hanging around the Oval Office too
[9] much, do you view that as a relevant factor in determining
[10] whether to send an employee to the White House for Pentagon
[11] related duties?
[12] A I don't know. I can't assume why they would make a
[13] decision -- I never saw a connection with this position and
[14] going to the White House. It was not something that ever
[15] occurred to me.
[16] Q Okay. Let me get back to that. Is it accurate,
[17] sir, that the reason you never saw a connection between this
[18] position in Public Affairs and the White House is because
[19] then and now you cannot come up with any legitimate reason
[20] why someone working the Pentagon's Public Affairs section
[21] should have to go to the White House?
[22] A There is a tremendous amount of interaction between
[23] the White House Press Office and the Office of Public Affairs
[24] at the Department of State, Department of Defense and other
[25] departments to coordinate messages.

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[1] Q Okay. Let me back up because I have to admit I'm
[2] thoroughly confused and I apologize if I'm the only one.
[3] Do you believe -- let's just start from scratch.
[4] Do you believe there is or is not a connection between the
[5] job that you sent Ms. Lewinsky down for, namely a job in
[6] Public Affairs at the Pentagon, and a potential to visit the
[7] White House?
[8] A I do not believe there is. No.
[9] Q And why do you believe there is no connection?
[10] A The position as it was described to me was a
[11] confidential assistant to the Assistant Secretary and some
[12] time traveler with the Secretary of Defense and there was
[13] never any mention of any interaction with the White House.
[14] Q So you wouldn't expect that in her position in the
[15] Pentagon she would have a reason to go to the White House.
[16] A That's correct.
[17] Q You indicated that you did not know the names of
[18] the persons who would have interviewed Ms. Lewinsky when you
[19] sent her down to Public Affairs at the Pentagon, but can you
[20] give us the names of the pool of people that you think might
[21] have interviewed her?
[22] A In Public Affairs?
[23] Q Or whoever it was that would have interviewed her
[24] for the Pentagon job.
[25] A It would have been Cliff Bernath.

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[1] the press have arisen anything about Ms. Lewinsky with Cliff
[2] Bernath?
[3] A I've had one phone conversation with Cliff.
[4] Q And what was said in that conversation?
[5] A He called me to let me know that he had given a
[6] background interview to The Washington Post and that my name
[7] came up in that interview.
[8] Q And how did he say your name came up in that
[9] interview?
[10] A In the context of being the White House liaison.
[11] Q Did he tell you anything else during that
[12] conversation relating to Ms. Lewinsky?
[13] A He recanted what he recalled -- well, he told me in
[14] very general terms what he had told the reporter about the
[15] hiring process.
[16] Q Okay. And was there anything that he told you in
[17] that conversation that is different than what you've told us
[18] that you knew based on your knowledge?
[19] A No.
[20] BY MR. WISENBERG:
[21] Q You said he recanted. Did you mean he recanted?
[22] A I'm sorry. He recanted.
[23] MR. WISENBERG: Sorry. Go ahead.
[24] BY MR. BIENERT:
[25] Q Is that correct? You did mean he recanted?

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[1] Q So am I accurate, then, you don't know for sure
[2] that he's the one who interviewed her, but you assume that
[3] would be the person?
[4] A I assume it was Cliff Bernath since he handled all
[5] personnel for the Office of Public Affairs.
[6] Q And you never had any discussions with Cliff
[7] Bernath about any of the information that you had gotten from
[8] the White House in relation to Ms. Lewinsky, correct?
[9] A That's correct.
[10] Q Now, when did you leave your position at the
[11] Pentagon?
[12] A I left the position in, I believe, late February or
[13] early March of 1997 on a detail to the Department of State.
[14] Q Prior to the time that you left the Pentagon, do
[15] you have any basis to have any knowledge as to whether Ms.
[16] Lewinsky was a good, not so good, or a terrific employee?
[17] A All the reports I got were very positive.
[18] Q And were they positive in these sense of kind of
[19] par for the course about someone working in that department
[20] or was there something about her reports that were even more
[21] glowing than you would normally expect to see?
[22] A Par for the course. It was a good fit. She was
[23] performing her duties well. It was all in all just a good
[24] appointment.
[25] Q Did you ever learn while you were still working at

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[1] A Yes.
[2] Q Is that a yes?
[3] A Yes.
[4] Q When you were in your position at the Pentagon, how
[5] often would you visit the White House?
[6] A Irregularly.
[7] Q Meaning what?
[8] A There was no set schedule, it would vary from week
[9] to week.
[10] Q Well, how long were you in the position at the
[11] Pentagon where you were liaison with the White House?
[12] A Approximately three and a half years.
[13] Q And during that three and a half year time, give us
[14] a ballpark figure of how many times you would personally go
[15] to the White House on business.
[16] A It would be a real wild guess. I mean, a
[17] completely wild guess. I would have gone there -- maybe as
[18] many as a hundred times.
[19] Q Was it part of your job function and your position
[20] at the Pentagon to actually go on a semi-regular basis and
[21] meet with people at the White House?
[22] A Yes.
[23] Q And was that because you had business related
[24] issues to discuss with persons at the White House?
[25] A That's correct.

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[1] the Pentagon or hear that Ms. Lewinsky might be looking for
[2] another job elsewhere?
[3] A No.
[4] Q Has there ever come a time, whether it's been
[5] through press or otherwise, that you obtained information
[6] indicating that she was at some point looking for another job
[7] outside the Pentagon?
[8] A Yes.
[9] Q And how did you learn that?
[10] A Only what's been reported in the press.
[11] Q Have you had any conversations with anyone since
[12] reading those reports in the press about Ms. Lewinsky's
[13] efforts to find a job outside of the Pentagon?
[14] A No.
[15] Q Based on your understanding of the persons in place
[16] in relation to Ms. Lewinsky in late 1997, who are the people
[17] or persons, who is the person or persons, if there are more
[18] than one, that if an outside employer was looking for
[19] references to hire Ms. Lewinsky you would expect them to
[20] contact?
[21] A The Office of Public Affairs.
[22] Q And who would be the person or persons there that
[23] you would expect --
[24] A Cliff Bernath.
[25] Q Have you discussed at all since the allegations in

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[1] Q And who would you meet with at the White House in
[2] your position at the Pentagon when you would go there?
[3] A It's conceivable that I would have met with any one
[4] of the offices within the White House, whether it was
[5] Presidential Personnel or Public Affairs or Public Liaison or
[6] Press Office.
[7] Q Did you ever meet with the President on any of
[8] those meetings when you would go to the White House?
[9] A On occasion.
[10] Q How many times in the three and a half years that
[11] you worked at the Pentagon as White House liaison did you
[12] meet with the President at the White House?
[13] A I never had a meeting with the President. I would
[14] be there at the White House and do things with the President.
[15] It wasn't for a meeting with the President.
[16] Q And when you say do things, what do you mean?
[17] A I also do advance for the President from time to
[18] time.
[19] Q Meaning?
[20] A I am responsible for the logistics of an event
[21] or -- I guess that's probably the easiest way to describe it.
[22] The person who is responsible for logistics of an event the
[23] President would participate in.
[24] Q And you wouldn't necessarily have to just sit in
[25] and discuss with the President the logistics of an event,

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[1] correct?
 [2] A Normally I would go over with the President the
 [3] logistics of an event just before he was to do it.
 [4] Q And who would usually be present when you would do
 [5] such a logistics of an event meeting with the President?
 [6] A Any number of people or we could be alone.
 [7] Q How many times have you been alone with the
 [8] President -
 [9] A Countless times.
 [10] Q Let me finish the question because it's easier
 [11] for -
 [12] A I'm sorry.
 [13] Q How many times during the three and a half years
 [14] that you were liaison at the Pentagon or liaison to the White
 [15] House from the Pentagon did you sit in alone with the
 [16] President, or stand, meet alone with the President?
 [17] A I don't remember.
 [18] Q Can you give us an estimate?
 [19] A I could not.
 [20] Q Well, is it more than ten?
 [21] A Yes.
 [22] Q More than a hundred?
 [23] A I doubt that it's more than a hundred.
 [24] MR. BIENERT: I think that's all I have, Sol.
 [25] A JUROR: You are familiar with the position that

[1] Everybody has to have a security clearance.
 [2] BY MR. BIENERT:
 [3] Q I just want to make sure I understand. She would
 [4] have interviewed for the Pentagon position with Cliff -
 [5] what's his name?
 [6] A Bernath.
 [7] Q Bernath. And that is to your knowledge a person
 [8] who interviewed her and made the decision to hire her,
 [9] correct?
 [10] A There may have been others, but he would have been
 [11] the chief person to interview.
 [12] Q And this was interviewing her for a spot where then
 [13] she was to work as an assistant for whom?
 [14] A For Ken Bacon, the Assistant Secretary.
 [15] Q And Ken Bacon, as you indicated, is a fairly high
 [16] ranking presidentially appointed official.
 [17] A Correct.
 [18] Q In the hiring at the Pentagon, I take it reading
 [19] between the lines, it's not usual for the presidential
 [20] appointee, in this case, Mr. Bacon, to interview a lower
 [21] level staff person like Ms. Lewinsky for the job. Is that
 [22] accurate?
 [23] A No. I believe he would have interviewed her as
 [24] well.
 [25] Q Okay. So that's what I'm getting at.

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[1] Bill Richardson's office was going to offer Monica Lewinsky
 [2] with the U.N.? Are you familiar with that at all?
 [3] THE WITNESS: I am not.
 [4] A JUROR: Just - I guess you can give me a good
 [5] guess. Would you consider it a promotion from her position
 [6] in the Pentagon in Public Affairs to the U.N. working in Bill
 [7] Richardson's office? Would you consider that a promotion?
 [8] THE WITNESS: I don't know. It would depend on
 [9] what the position was. It could be a lateral move. Both Ken
 [10] Bacon and Ambassador Richardson are presidential appointees
 [11] with Senate confirmation. Ambassador Richardson outranks Ken
 [12] Bacon because he's a cabinet member, so he's a higher ranking
 [13] individual. Yes.
 [14] A JUROR: So do you consider it a promotion because
 [15] of him being a cabinet member from the Public Affairs -
 [16] THE WITNESS: Yes, if she were to go work directly
 [17] for Ambassador Richardson, she would be reporting to a higher
 [18] ranking official.
 [19] A JUROR: Was her performance - or do you know if
 [20] her performance in the Pentagon was so stellar that it would
 [21] warrant or it would be logical or the next logical step for
 [22] her would be a promotion of this type?
 [23] THE WITNESS: I don't know the specifics of her
 [24] performance other than to know that they were happy with the
 [25] appointment.

[1] A And he more likely did. I don't know that for a
 [2] fact.
 [3] Q Well, other than Mr. Bernath, is there anybody else
 [4] that you are assuming did interview her?
 [5] A I'm assuming Ken Bacon interviewed her as well.
 [6] Q Anyone else that you would have assumed to have
 [7] interviewed her?
 [8] A I don't know. It's a huge department. I don't
 [9] want to make any more assumptions than Cliff because he was
 [10] the operations person in personnel matters and Ken Bacon
 [11] because she would have reported directly to him.
 [12] BY MR. WISENBERG:
 [13] Q It's Bernath, right?
 [14] A Bernath.
 [15] Q B-e-r-n-a-t-h, right?
 [16] A That's correct.
 [17] MR. WISENBERG: Go ahead.
 [18] BY MR. BIENERT:
 [19] Q And then other than the many times that you have
 [20] dealt with logistical preparations for something with the
 [21] President, have there been any other reasons in your job
 [22] function for you to meet with the President?
 [23] A No.
 [24] A JUROR: One more question. Was that a usual
 [25] thing, for an intern to go over into the Pentagon kind of

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[1] A JUROR: They meaning who?
 [2] THE WITNESS: The Office of Public Affairs.
 [3] I never hear about - you never hear about the people who
 [4] everybody's happy. You only hear about the problems.
 [5] BY MR. WISENBERG:
 [6] Q And she wasn't a problem that you heard about?
 [7] A She wasn't a problem at all.
 [8] A JUROR: All right. Thank you.
 [9] MR. WISENBERG: Yes? Go ahead.
 [10] A JUROR: Does Monica Lewinsky still work at the
 [11] Pentagon or was she fired or did she resign or what happened?
 [12] THE WITNESS: I only know what I learn in the press
 [13] and it says that she resigned in December.
 [14] A JUROR: Is it part of the normal practice when
 [15] employees or prospective employees are interviewed for
 [16] possible appointments like this for any kind of written
 [17] record to be made of the interview? You know, an interview
 [18] report or some other form of -
 [19] THE WITNESS: No.
 [20] A JUROR: You know, in my casual knowledge of
 [21] working at the Pentagon, a highly secure position - was that
 [22] considered a highly secret position or was it just open?
 [23] THE WITNESS: I believe it required a top secret
 [24] security clearance, but that's very, very common within the
 [25] department. The janitors have to have security clearances.

[1] setting? Was that a usual kind of thing?
 [2] THE WITNESS: When she came to the Pentagon, she
 [3] was not an intern. She was a paid staff - in a paid staff
 [4] position in Legislative Affairs.
 [5] BY MR. WISENBERG:
 [6] Q How common is it, if you know, for any White House
 [7] intern to go directly into a staff position, either at the
 [8] White House or in the OEOB or in the Executive Branch?
 [9] A I don't know.
 [10] Q Did the President ever discuss, ever, Monica
 [11] Lewinsky with you?
 [12] A No.
 [13] Q You mentioned that you had talked to one individual
 [14] in the press since this thing has become public?
 [15] A Yes.
 [16] Q Did anybody instruct you to do that or suggest that
 [17] you do that?
 [18] A Yes.
 [19] Q Who was that?
 [20] A Joe Lockhart.
 [21] Q All right. And tell us who Joe Lockhart is.
 [22] A I believe he is the Deputy Press Secretary at the
 [23] White House.
 [24] Q All right. And what did Mr. Lockhart - recount
 [25] the conversation between yourself and Mr. Lockhart about this

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[1] matter.
 [2] A I had been receiving a degree of calls from various
 [3] members of the press and I declined to speak to any of them.
 [4] Gene Gibbons was one of the more aggressive ones calling me,
 [5] I think six or seven times in one day. Occasionally, I would
 [6] call Joe Lockhart and let him know that so and so was
 [7] calling, just so that they would know that they're calling
 [8] me. I'm not quite sure why I told him, but I've known Joe
 [9] for 17 years.
 [10] Gene Gibbons had called me several times, I believe
 [11] about six times on one particular day. I refused to take all
 [12] of his calls. And then Joe Lockhart called me and said that
 [13] he didn't see the harm in talking to this particular
 [14] reporter, he just needed clarification on the process of
 [15] hiring somebody.
 [16] MR. WISENBERG: I hate to say -- I do have only
 [17] about seven or eight questions, but you all know what that
 [18] can mean. Do we want to -- I notice some restlessness.
 [19] Would we like to take our break at this point in time?
 [20] THE FOREPERSON: Yes. I think we'd better.
 [21] MR. WISENBERG: Okay. We'll take a ten-minute
 [22] break?
 [23] THE FOREPERSON: Mm-hmm.
 [24] MR. WISENBERG: Okay. We will not have very much
 [25] more after that, but we're going to take a ten-minute break.

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[1] May the witness be excused?
 [2] THE FOREPERSON: Yes, he may.
 [3] MR. WISENBERG: We'll come get you.
 [4] (Witness excused. Witness recalled.)
 [5] BY MR. WISENBERG:
 [6] Q You are the same Mr. Duncan who's been testifying
 [7] here this afternoon?
 [8] A Yes, I am.
 [9] Q You mentioned an assistant of yourself or somebody
 [10] else named Melissa and we didn't get her last name and we
 [11] need it for the record.
 [12] A My assistant currently? Elena McCoy.
 [13] Q Melina?
 [14] A Elena, E-l-e-n-a, McCoy.
 [15] Q All right. We were talking about -- I understand
 [16] you're going out of town for two weeks at 6:30, is that
 [17] correct?
 [18] A THAT's correct.
 [19] Q Where were we? We were talking about Mr. Lockhart
 [20] who you say you've known for 17 years.
 [21] A Yes. I think I overstated that. I met him in
 [22] 1983.
 [23] Q Okay. Fifteen years.
 [24] A Fifteen years.
 [25] Q He authorized you or suggested that you talk to

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[1] this aggressive reporter, is that correct?
 [2] A Yes.
 [3] Q And what did he tell you tell this reporter?
 [4] A He didn't tell me to tell him, he just said,
 [5] "I think you can feel comfortable talking to him."
 [6] Q All right. And what was your general understanding
 [7] about -- I think you mentioned something before we broke
 [8] about taking him through the process or something like that.
 [9] What was it that you felt authorized to tell this reporter
 [10] about based on your conversation with Mr. Lockhart?
 [11] A That in my opinion, hiring Monica Lewinsky was a
 [12] completely unremarkable task, effort, motion. It was just
 [13] another one like all the others.
 [14] Q The process of it?
 [15] A The process of it.
 [16] Q Okay. And is that essentially what you conveyed to
 [17] this reporter?
 [18] A Yes.
 [19] Q Has there ever been any other occasions when Mr.
 [20] Lockhart authorized you to give background information or any
 [21] kind of information to the press?
 [22] A No.
 [23] Q Is that something you typically interface with him
 [24] about?
 [25] A I'm usually not called by the press.

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[1] Q Okay. Does that mean -- so you typically don't
 [2] interface with Lockhart about that.
 [3] A That's correct.
 [4] Q But you understood that he would be a person to
 [5] talk to about that.
 [6] A Yes.
 [7] Q Is he considered McCurry's second in command?
 [8] A Yes.
 [9] Q Did he say anything to you about what the White
 [10] House strategy was, press strategy was, on the Monica
 [11] Lewinsky story?
 [12] A He did not.
 [13] Q You mentioned that it was totally unremarkable, the
 [14] process, but as you've already mentioned to us today, at
 [15] least in one respect it was unusual in that you don't recall
 [16] any other instance when somebody referred -- when the White
 [17] House referred somebody to you who they said had been hanging
 [18] around the West Wing too much. Is that correct?
 [19] A Correct.
 [20] Q How many -- this fellow she went to work with,
 [21] Bacon is his name?
 [22] A Yes.
 [23] Q What is his official title?
 [24] A Assistant Secretary of Defense for Public Affairs.
 [25] Q And it's Thomas?

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[1] A Ken.
 [2] Q Ken. I'm sorry. Ken Bacon. How many Assistant
 [3] Secretaries of Defense are there?
 [4] A I believe there are 12.
 [5] Q And you talked about the Office of Public Affairs
 [6] being happy, based on what you knew, being happy with the
 [7] performance of Ms. Lewinsky. You said it was a good fit as
 [8] far as you knew, is that correct?
 [9] A Yes.
 [10] Q And I believe that you said typically you only hear
 [11] about the unsuccessful cases, is that correct?
 [12] A Correct.
 [13] Q And I think you said you didn't hear anything
 [14] unsuccessful about Monica Lewinsky, correct?
 [15] A That's correct.
 [16] Q Who would you have typically heard that from? In
 [17] her case, if she was a disaster or if she was a problem,
 [18] would you have expected to hear about that from Mr. Bernath
 [19] more than anybody else?
 [20] A Yes.
 [21] Q Other than what you've talked about with
 [22] Mr. Lockhart, since the Monica Lewinsky story has become an
 [23] issue, has anyone implicitly or explicitly tried to get you
 [24] to say anything about Monica Lewinsky?
 [25] A No.

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[1] Q No one ever told you when they referred her to you
 [2] that she was in any way a security risk?
 [3] A No.
 [4] Q Obviously that would set off incredible alarm
 [5] bells, correct?
 [6] A That's true.
 [7] Q No one ever mentioned that she was a stalker to
 [8] you, is that correct?
 [9] A That's correct.
 [10] Q You've mentioned that you've talked to many, many
 [11] people about this. You've told us the people in the White
 [12] House you talked to and you've talked about this reporter.
 [13] Who else can you remember talking to about Monica Lewinsky
 [14] since she became a public person?
 [15] A As I said, I have more than likely talked to just
 [16] countless people who knew I worked at the Pentagon, friends
 [17] of mine who would have said, "Did you know her?" And I said,
 [18] "Yeah, I knew her. I helped hire her." It was just sort of
 [19] in gossip context.
 [20] Q These are like friends of yours outside of the
 [21] Pentagon?
 [22] A Outside government, outside the Pentagon.
 [23] Q Okay. And I take it you haven't told them anything
 [24] substantively about the affair that you haven't told us
 [25] today.

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[1] A No.
 [2] Q Meaning, no, you have not told them --
 [3] A No, I have not told them. You are correct.
 [4] Q Okay. Are you expecting to be debriefed by anybody
 [5] other than your attorney? I don't care about hearing about
 [6] him. Are you expecting to be debriefed by anybody about your
 [7] grand jury testimony?
 [8] A No, I am not.
 [9] Q All right. Who is paying for your attorney?
 [10] A My attorney is performing the services on a pro
 [11] bono basis.
 [12] Q Who, if anybody, steered you or directed you to
 [13] this attorney?
 [14] A A friend.
 [15] Q All right. Was that a White House official?
 [16] A No.
 [17] Q Okay. Tell us who that friend is.
 [18] A Paul Miller.
 [19] Q All right. And what does he do?
 [20] A He's a commissioner of the EEOC.
 [21] Q And did he tell you he was recommending this person
 [22] based upon anybody else's recommendation? That is to say Mr.
 [23] Miller.
 [24] A No.
 [25] Q A grand juror asked you this question, let me ask

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[1] it again. Is it normal for the Pentagon to hire somebody
 [2] straight out of an internship?
 [3] I understand that she was not technically an intern
 [4] any more, Ms. Lewinsky, but based on your experience, is it
 [5] normal for the Pentagon to hire somebody directly from a
 [6] White House internship?
 [7] A As I stated before, there is no normal. Every
 [8] single personnel action has its own characteristics. In the
 [9] three and a half years I was there, I don't recall hiring any
 [10] interns but I was referred some interns for positions over
 [11] that time.
 [12] Q Okay. So you don't recall ever hiring someone
 [13] directly from an internship.
 [14] A I don't believe so.
 [15] Q And you were referred some.
 [16] A Yes.
 [17] Q Would that be closer to ten or a hundred?
 [18] A Closer to ten.
 [19] Q Based on any conversations with Mr. Lockhart or
 [20] anybody else, do you expect to be speaking with Mr. Lockhart
 [21] about your grand jury testimony?
 [22] A I do not.
 [23] Q Have you had any conversation with him about the
 [24] Monica Lewinsky matter other than this series of
 [25] conversations you've told us about where you're informing him

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[1] that a reporter wants to talk to you and finally he says
 [2] okay, you can talk to that reporter?
 [3] A No.
 [4] MR. WISENBERG: I think that's all I've got except
 [5] for a final kind of admonition.
 [6] BY MR. BIENERT:
 [7] Q On the conversation with Mr. Lockhart when he
 [8] indicated you could talk to the reporter, did you guys have
 [9] any discussion about what the reporter wanted, what you were
 [10] going to tell the reporter?
 [11] A Yes. He said, "I think he just wants to understand
 [12] what the hiring process is like over there."
 [13] Q This is what Mr. Lockhart said to you?
 [14] A Yes.
 [15] Q And did you either at that time or any prior time
 [16] tell Mr. Lockhart or anyone else who could have told him what
 [17] the hiring process was in her case?
 [18] A I didn't. No.
 [19] Q Do you know one way or the other whether he knew
 [20] what the actual hiring process?
 [21] A No, I don't.
 [22] BY MR. WISENBERG:
 [23] Q Would you have talked to this reporter without the
 [24] okay of Mr. Lockhart?
 [25] A No.

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BY MR. BIENERT:
 [1] Q You indicated that when friends ask you if you knew
 [2] Monica Lewinsky you say yes, how well did you know her? As I
 [3] understand it so far, you were part of the hiring process,
 [4] but you didn't physically interview her or you don't recall.
 [5] Did you deal with her at all once she was working there?
 [6] A I would see her when I would see Ken Bacon.
 [7] Q And what would she be doing?
 [8] A Her desk was immediately outside of the door to his
 [9] office.
 [10] Q So she would actually sit in on the meetings?
 [11] A No, I would be on a sofa waiting to see him and she
 [12] would be sitting at her desk.
 [13] Q And other than that type of interaction with her,
 [14] did you have any other interaction with her?
 [15] A No.
 [16] Q Why didn't you hire any of the ten interns or so
 [17] that were referred to you?
 [18] A I didn't hire hundreds and hundreds of people that
 [19] were sent to me. Hundreds. They just -- they weren't a fit.
 [20] They weren't -- they just -- the position -- either they
 [21] didn't fit the position or the position didn't fit them,
 [22] there wasn't a vacancy. Any number of reasons.
 [23] Q Would one of the reasons why it might be difficult
 [24] for you to hire an intern be because many interns don't have
 [25]

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[1] that much work experience?
 [2] A Yes.
 [3] Q At the time when you were there, were there jobs at
 [4] the Pentagon that you believe would have been a good fit for
 [5] an intern?
 [6] A Yes.
 [7] Q And so, as I understand it, then, you're saying
 [8] just the timing wasn't such that they lined up at the right
 [9] time.
 [10] A That's correct.
 [11] Q Was the job that Monica Lewinsky wound up getting
 [12] the type of job that you believe might be an appropriate fit
 [13] for an intern?
 [14] A No.
 [15] Q Why not?
 [16] A You needed somewhat more experience than intern
 [17] would have.
 [18] Q How much more experience?
 [19] A One of the qualities they were looking for was
 [20] somebody who could download things from the Internet, needs
 [21] to understand the Internet, to have pleasant office skills,
 [22] telephone skills, because of their front office proximity, so
 [23] you need somebody a little bit older than an intern would be.
 [24] Q And so these are the type of skills that at least
 [25] in your experience you would generally expect to take some

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[1] time in the proper working environment to develop before you
 [2] could go into the kind of job that Ms. Lewinsky got.
 [3] A Yes.
 [4] Q So would the amount of experience that someone has
 [5] in the proper environment, dealing in people skills, dealing
 [6] with important people on the phone and in person, be an
 [7] important factor into whether someone should get the type of
 [8] job that Ms. Lewinsky got?
 [9] A Not so much the amount of their experience, but
 [10] just their own ability to fulfill these needs.
 [11] Q You had determined before anyone even interviewed
 [12] Ms. Lewinsky that you would send her down to the Public
 [13] Affairs section where this type of job was open, correct?
 [14] A Yes.
 [15] Q What was it about the conversation that you had
 [16] with someone at the White House and/or her resume that made
 [17] you believe that she would be appropriate for that type of
 [18] job?
 [19] A To the best of my recollection, she was just
 [20] characterized as just being, you know, young, bright, sharp,
 [21] with energy and that was good enough for me.
 [22] Q Characterized in that way by whom?
 [23] A Somebody at Presidential Personnel.
 [24] Q This would have been the one conversation you had
 [25] that also involved the discussion about hanging around the

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[1] Oval Office?
 [2] A Yes.
 [3] BY MR. WISENBERG:
 [4] Q Was it ever told to you by the person in
 [5] Presidential Personnel who had made the decision to move
 [6] Monica out of the White House?
 [7] A No.
 [8] Q All right. Marsha Scott, you indicated you know
 [9] something about her, correct?
 [10] A I know Marsha.
 [11] Q Okay. Based on your experience and knowing Marsha
 [12] Scott, if Marsha Scott, whether or not she was in
 [13] Presidential Personnel at the time, if there is a distinction
 [14] I want to know about it, but was Marsha Scott the kind of
 [15] person -- let me start over.
 [16] If Marsha Scott didn't want somebody working in the
 [17] West Wing, would she be in a good position to stop them from
 [18] working in the West Wing?
 [19] And if you need to distinguish between the time
 [20] she was in Presidential Personnel and not, you can. I'm
 [21] talking about in terms of clout, based upon your experience
 [22] interfacing with the White House.
 [23] A I don't think so.
 [24] Q You don't think so?
 [25] A No.

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[1] Q All right. Any particular reason you say that?
 [2] A I would only think the Chief of Staff would have
 [3] that kind of clout.
 [4] Q Okay. Let me ask the same question about Patsy
 [5] Thomasson. Based on your knowledge and experience with Patsy
 [6] Thomasson, what you know about her, what you've heard, if she
 [7] didn't want somebody working in the West Wing, and I'm not
 [8] necessarily talking about moving somebody out who's in the
 [9] West Wing, I'm talking about also the question of somebody
 [10] wanting to get into the West Wing, would Patsy Thomasson have
 [11] the kind of clout that she'd be able to help stop that from
 [12] happening, if she didn't want somebody working in the West
 [13] Wing?
 [14] A I'm sorry. I'm not sure I understand. Are you
 [15] asking would Patsy have the ability to stop something,
 [16] somebody coming from the outside coming into the West Wing or
 [17] somebody -- I'm not clear on the question. I'm sorry.
 [18] Q I'll start over. Would Patsy Thomasson, would a
 [19] person like Patsy Thomasson, if an individual wanted to go to
 [20] work permanently in the West Wing and Patsy Thomasson was
 [21] against it, would that be a hurdle? Let's ask it that way.
 [22] Would that be a significant hurdle for the person wanting to
 [23] work there?
 [24] A I don't think so. Patsy Thomasson has nothing to
 [25] do with anybody who works in the White House.

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[1] Q All right. And let me ask you --
 [2] A I'm sorry, anybody who works in the West Wing.
 [3] Q All right. And I'm not just asking this in the
 [4] present, I'm asking it during any time that you've -- any
 [5] time during this administration that you're aware of, okay?
 [6] A Mm-hmm.
 [7] Q You understand that's what I'm asking?
 [8] A Mm-hmm.
 [9] Q Is that a yes?
 [10] A Yes. I'm sorry.
 [11] Q Now, same question as to Marsha Scott. A person
 [12] from the outside either in another Executive Branch agency or
 [13] from the private sector wants to go to work in the West Wing,
 [14] Marsha Scott is against it, is that going to be a significant
 [15] hurdle for that person?
 [16] A No, I would not say it was a significant hurdle.
 [17] Q Same question as to Bob Nash.
 [18] A Yes.
 [19] Q All right. He's higher up, he was head of
 [20] Presidential Personnel.
 [21] A Yes.
 [22] Q Okay. You've talked about your friends who you've
 [23] casually spoken to about Monica Lewinsky. You've told us
 [24] everybody at the White House. How about people within the
 [25] government? Who are some of the people you've spoken to in

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[1] government about Monica Lewinsky since this became an issue?
 [2] A Jamie Rubin.
 [3] Q Okay. Who is that?
 [4] A He's the Assistant Secretary for Public Affairs for
 [5] the Department of State.
 [6] Q And what was the nature of that conversation?
 [7] A I informed him that I was the White House liaison
 [8] at the Department of Defense when she was hired and I did
 [9] that as an employee of the Department of State in the event
 [10] that Jamie got a question, because he does a daily briefing.
 [11] I didn't want him to be caught off-guard and not know about
 [12] me.
 [13] Q Sure. Who else?
 [14] A Jim Foley, who is the Principal Deputy Assistant
 [15] Secretary of State for Public Affairs, for the same reason.
 [16] Q All right. Same reason as Rubin.
 [17] A That's correct.
 [18] Q And those were just each conversation where you
 [19] were informing these people.
 [20] A Yes.
 [21] Q They didn't instruct you -- did they instruct you
 [22] to say or not say anything?
 [23] A No.
 [24] Q Who else?
 [25] A Jim Thessin.

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[1] Q How do you spell that last name?
 [2] A T-h-e-s-s-i-n.
 [3] Q Okay.
 [4] A He is -- I'm not sure of his exact title. He's
 [5] part of the legal counsel's office in the Department of
 [6] State.
 [7] Q And same reason?
 [8] A I informed him as a State Department employee that
 [9] I had been contacted by the Office of the Independent
 [10] Counsel.
 [11] Q Okay. And what else, what other -- is that the
 [12] entire nature of your discussion with him?
 [13] A Yes.
 [14] Q Who else?
 [15] A Bill Burns. He's the Executive Secretary of the
 [16] Department of State.
 [17] Q And what was the nature of that conversation?
 [18] A The exact same, just to inform him because Bill was
 [19] the person tasked within the department to respond to
 [20] Ambassador Richardson's involvement with the job offer.
 [21] Q Okay. The same reason that you told Rubin and
 [22] Foley.
 [23] A Yes.
 [24] Q Okay. Who else?
 [25] A I don't believe there's anybody else.

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[1] Q All right. And Burns didn't say anything to you
 [2] about this? You just informed him?
 [3] A Yes. That's correct.
 [4] MR. WISENBERG: All right. I think that's all that
 [5] I have.
 [6] BY MR. BIENERT:
 [7] Q When you said that you have no intention or plan to
 [8] talk with anyone other than your attorney about your
 [9] appearance here today, do you have any understanding as to
 [10] whether or not your attorney has any understanding about
 [11] whether he can or won't or will or whatever talk to other
 [12] attorneys or any other persons about what you tell him about
 [13] your testimony?
 [14] A My understanding is my attorney can talk to other
 [15] attorneys.
 [16] Q Right. And your attorney can and so can you. My
 [17] question to you, though, is do you know whether or not it is
 [18] your attorney's intention to talk with any other attorneys or
 [19] persons about your testimony?
 [20] A I believe he intends to talk to Lanny Breuer at the
 [21] White House.
 [22] BY MR. WISENBERG:
 [23] Q Do you know of anybody else he plans to talk to?
 [24] A No.
 [25] Q Are you part of a joint defense agreement?

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[1] A No.
 [2] BY MR. BIENERT:
 [3] Q Do you have any understanding of why your attorney
 [4] would talk to Lanny Breuer at the White House about what you
 [5] tell us here today?
 [6] A I'm sorry, maybe I should make it more clear. I'm
 [7] not -- I'm not sure what he intends to talk to Lanny Breuer
 [8] about. I know he intends to talk to Lanny Breuer.
 [9] Q You have indicated you speak to Lanny Breuer on
 [10] occasion, correct?
 [11] A I have spoken with him on three occasions.
 [12] Q Has Mr. Breuer -- it's a male, correct?
 [13] A Yes.
 [14] Q Has Mr. Breuer indicated to you or has your
 [15] attorney indicated to you that any impetus for your attorneys
 [16] talking to Lanny Breuer at the White House about your
 [17] testimony would have come from Lanny Breuer and someone at
 [18] the White House?
 [19] A No.
 [20] Q Well, where does it come from, to your knowledge?
 [21] A I'm sorry. Maybe I didn't understand the question.
 [22] Q Let me back up. As I understand it, the attorney
 [23] that you have was recommended to you by a friend who does not
 [24] work at the White House.
 [25] A Right.

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[1] Q So what is your understanding of what would prompt
 [2] your attorney to then talk to someone at the White House
 [3] about your testimony?
 [4] A Lanny Breuer, I informed Lanny Breuer who my
 [5] attorney was and I know they have had conversations.
 [6] Q Lanny Breuer and your attorney?
 [7] A Yes. Prior to today.
 [8] Q And conversations meaning since your attorney has
 [9] been representing you.
 [10] A Correct.
 [11] Q And so presumably conversations dealing with that
 [12] attorney's representation of you.
 [13] A I believe it was so my attorney could get up to
 [14] speed on issues of executive privilege because this is his --
 [15] he has not been representing anybody in any of these matters
 [16] and he needed to get up to speed on the uniqueness of
 [17] executive privilege and other areas.
 [18] Q So is it your understanding that there is an
 [19] understanding in place between your attorney and Lanny Breuer
 [20] to have ongoing discussions about any information that you
 [21] may present as part of the Office of the Independent
 [22] Counsel's investigation?
 [23] A I don't know of an agreement. No.
 [24] Q I didn't say the word agreement. I said do you
 [25] have an understanding that they intend to talk?

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[1] A Yes.
 [2] BY MR. WISENBERG:
 [3] Q So based upon what you know about this matter, at
 [4] least one person in the White House Counsel's Office, Lanny
 [5] Breuer, was aware of potential executive privilege issues
 [6] arising out of your testimony. Is that correct?
 [7] A No. I think my attorney just simply needed to get
 [8] up to speed on the broad issue of executive privilege in the
 [9] event -- my attorney didn't know who I was, what I had done,
 [10] what my involvement was, so he was just doing it as an
 [11] educational tool, I think.
 [12] MR. WISENBERG: Are there any other questions?
 [13] (No response.)
 [14] BY MR. WISENBERG:
 [15] Q Then I need to inform you, Mr. Duncan, that several
 [16] times, oftentimes, witnesses will come before a grand jury
 [17] and even if they're questioned for as long a period of time
 [18] as you've been questioned, they'll be walking down the street
 [19] or driving in their car or passing along the way and they'll
 [20] remember something that is inconsistent with something they
 [21] said at the grand jury or just was responsive to a question
 [22] and they say "Why didn't I think of that?"
 [23] My request to you is if something like that
 [24] happens, please have your attorney get in touch with one of
 [25] us at Office of Independent Counsel and let us know if you

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[1] remember anything that is different than what you've
 [2] testified here today. Is that all right?
 [3] A Yes.
 [4] MR. WISENBERG: And if there are no other matters,
 [5] may the witness be excused?
 [6] THE FOREPERSON: Yes, he may.
 [7] MR. WISENBERG: Thank you very much.
 [8] (The witness was excused.)
 [9] (Whereupon, at 3:40 p.m., the taking of testimony
 [10] in the presence of a full quorum of the Grand Jury was
 [11] concluded.)
 [12] *****
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POSITION DESCRIPTION (Please Read Instructions on the Back)								1. Agency Position No.		
2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> New <input type="checkbox"/> Reestablishment <input checked="" type="checkbox"/> Other		3. Service <input checked="" type="checkbox"/> Hdqtrs. <input type="checkbox"/> Field		4. Employing Office Location Washington, DC		5. Duty Station Arlington, VA		6. OPM Certification No.		
Explanation (Show any positions replaced) In lieu of #08874010 Schedule C Position				7. Fair Labor Standards Act. <input type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input type="checkbox"/> Yes <input type="checkbox"/> No		
				10. Position Status <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Excepted (Specify in Remarks) SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		12. Sensitivity 1-Non-Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 3-Critical Sensitive <input checked="" type="checkbox"/> 4-Special Sensitive <input type="checkbox"/>		13. Competitive Level Code
15. Classified/Graded by		Official Title of Position				Pay Plan	Occupational Code	Grade	Initials	Date
a. U.S. Office of Personnel Management										
b. Department, Agency or Establishment		Confidential Assistant				GS	0301	09		
c. Second Level Review										
d. First Level Review										
e. Recommended by Supervisor or Issuing Office		Confidential Assistant				GS	0301	09		
16. Organizational Title of Position (if different from official title)						17. Name of Employee (if vacant, specify)				
18. Department, Agency, or Establishment DEPARTMENT OF DEFENSE						c. Third Subdivision				
a. First Subdivision OFFICE OF THE SECRETARY OF DEFENSE						d. Fourth Subdivision				
b. Second Subdivision ASD (PUBLIC AFFAIRS)						e. Fifth Subdivision				
19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.						Signature of Employee (optional)				
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the						knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.				
a. Typed Name and Title of Immediate Supervisor Kenneth H. Bacon Assistant Secretary of Defense for Public Affairs						b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)				
Signature <i>Kenneth H. Bacon</i>			Date 4/12/96			Signature			Date	
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.						22. Position Classification Standards Used in Classifying/Grading Position				
Typed Name and Title of Official Taking Action						Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.				
Signature			Date							
23. Position Review		Initials	Date	Initials	Date	Initials	Date	Initials	Date	
a. Employee (optional)										
b. Supervisor										
c. Classifier										
24. Remarks										
833-DC-00002879										
25. Description of Major Duties and Responsibilities (See Attached)										

**Confidential Assistant to the Assistant Secretary
of Defense for Public Affairs (GS-301-09)**

INTRODUCTION

This position is located in the Office of the Assistant Secretary of Defense for Public Affairs. The Assistant Secretary of Defense for Public Affairs (ASD(PA)) is the principal staff assistant and advisor to the Secretary of Defense on all DoD public affairs programs and activities and on the internal information and related activities of the American Forces Information Service. He is responsible for establishing and implementing policies and systems necessary for the effective and economical performance of DoD public affairs and internal information programs, including those of the military departments.

The incumbent of this Schedule C position will have access to highly confidential, sensitive and frequently politically controversial information and must be a person in whom the ASD(PA) has complete trust and confidence. This close relationship is that of a confidential nature required for Schedule C exception.

DUTIES

833-DC-00002880

As Confidential Assistant, the incumbent provides secretarial and administrative support directly to the ASD(PA) in key areas of his ongoing official and administrative responsibilities.

On behalf of the ASD(PA), maintains contact at primary management levels within the DoD on personal and special taskings. This includes contacts with the office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Secretariats of the military departments, defense agencies and similar DoD components. In addition, incumbent may represent the ASD(PA) in personal and confidential contacts with members of Congress and civilian industry executives.

Travels with the ASD(PA) and Secretary of Defense, providing secretarial and administrative support to the ASD and other members of the Secretary's traveling group, as required.

Participates in all ASD(PA) staff meetings and directors' meetings.

Conducts fact-finding research and summarizes and arranges the data in formats preferred by the ASD(PA). When background material is

necessary, the incumbent researches, collects, and assembles sufficient amounts and variety of materials to assure that the ASD(PA) has sufficient and pertinent background on which to base decisions on the most highly sensitive and controversial issues.

Conducts special confidential assignments and projects which are of considerable personal interest to the ASD(PA) and which often involve sensitive issues.

Coordinates the ASD(PA)'s appointment calendar, continually making necessary adjustments as more urgent or important matters arise. Independently makes commitments for the ASD(PA). Works directly with the Immediate Office of the Secretary of Defense and the White House in coordinating schedules and other activities of the ASD(PA).

Responds to high-level and often confidential matters as well as written and telephonic inquiries pertaining to invitations, engagements, personal information and other related information pertaining to the ASD(PA). The incumbent must make quick and accurate assessments of what information in what quantity can be given to what individuals or organizations.

SUPERVISORY CONTROLS

The incumbent operates in a close personal and confidential working relationship with the Assistant Secretary of Defense for Public Affairs. Overall assignments and guidance are typically developed in conversation between the incumbent and the ASD(PA), with the incumbent exercising personal discretion and judgment in the performance of assigned and assumed responsibilities.

KNOWLEDGE AND ABILITIES REQUIRED

833-DC-00002881

Responsibilities of this position involve administrative and coordinative matters at the highest levels of the DoD. Therefore, the incumbent must have the ability to perceive and reflect the ASD(PA)'s personal and official policies and wishes in contacts throughout DoD, and with congressional and civilian business and industry leaders. Incumbent must have a thorough understanding of the Assistant Secretary's areas of operation and responsibility and DoD organizations and key personnel. Must have knowledge of duties, priorities, commitments, policies, and goals of the OASD(PA). Must have basic secretarial and administrative knowledge and experience.

