

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription

~~06/04/98~~

FRANCIS CARTER, Attorney at Law, Washington, D.C., having been advised of the identity of the interviewing Agent and Office of the Independent Counsel (OIC) Attorneys, MICHAEL EMMICK and CRAIG LERNER, provided the following information with the assistance of his legal records, telephone logs and records provided to him by the OIC. CARTER was represented by Attorney CHARLES OGLETREE, Boston, Massachusetts.

Referring to telephone records pertaining to January 7, 1998, CARTER advised that he did not recall if he had a conversation with VERNON JORDAN in which he had advised JORDAN as to the status of MONICA LEWINSKY's affidavit. He advised that if JORDAN had asked him as to the status, that he would have informed him as to the progress, however he did not recall if the question had been asked by JORDAN.

CARTER was asked as to the promptness of MONICA LEWINSKY in keeping her appointment at his office on January 7, 1998 and if VERNON JORDAN's telephone call to CARTER's office pertained to LEWINSKY and the signing of her affidavit. CARTER advised that LEWINSKY was generally prompt in keeping her appointments at his office. He again advised that he did not recall if JORDAN had called to inquire about LEWINSKY's affidavit; however, he again advised that if JORDAN had asked as to the status, that he would have answered JORDAN's inquiry.

CARTER recalled that on January 7, 1998 that he arrived at his office at approximately 8:15 a.m. He did not recall if LEWINSKY called him; however, if she had called him and he spoke to her, it would have been after 8:30 a.m., inasmuch as prior to that time the answering machine handles incoming telephone calls. Again, CARTER advised that he did not know of any correlation or significance between LEWINSKY's appointment at his office and possible telephone calls to his office from LEWINSKY or VERNON JORDAN.

On January 7, 1998, after LEWINSKY signed her affidavit, CARTER asked her if she had her driver's license, to which she responded that she did. They then walked to a notary republic in a law firm on the same floor as CARTER's law firm.

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LEWINSKY used her driver's license as proof of identity and signed the affidavit in the presence of the notary. CARTER then advised LEWINSKY that she could call him at anytime if she had any questions concerning her affidavit. He furnished LEWINSKY with a copy of the affidavit, which she requested, and then he believed that she then traveled to New York upon departing his office.

CARTER decided that he would hold the affidavit for a few days before filing it with the court and sending it to interested parties. He did not recall calling VERNON JORDAN to advise him that the affidavit had been signed.

Concerning telephone logs from January 9, 1998, CARTER, was shown an entry that showed a telephone call from the residence of PETER STRAUSS. It was CARTER's assumption that this was a call from MONICA LEWINSKY. He advised that he was certain that he had never had a telephonic conversation with either PETER STRAUSS or MARCIA LEWIS.

CARTER recalled that MONICA LEWINSKY had advised him that she had obtained a job in New York. CARTER did not recall if she had advised him about the job telephonically or in person. He did not specifically recall the date that he was advised of her new job. When asked if he may have learned of her job on the afternoon of January 9, 1998, he referred to his pocket calendar and determined that on January 9, 1998 he was in court in the afternoon. CARTER therefore concluded that he had not been advised on the afternoon of January 9, 1998.

CARTER advised that he telephonically contacted DAVID PYKE, an attorney who is involved in the PAULA JONES lawsuit, to discuss LEWINSKY's testimony. PIKE advised him that some depositions had been canceled and suggested that CARTER discuss the matter with Judge WRIGHT.

With the assistance of telephone records, CARTER recalled that on January 12, 1998 he paged LEWINSKY at 11:18 a.m. and that she returned his page at 11:26 a.m. LEWINSKY wanted to know if he could do anything to prevent her from giving a deposition. CARTER explained that the plaintiffs had the right to depose her even though she had furnished a signed affidavit.

After consulting his billing and telephone records, CARTER advised that it possible that he may have had a telephonic conversation with LEWINSKY for which he failed to bill her. He explained that it is his practice to bill clients for telephone

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time; however, sometimes he fails to make a billing entry.

CARTER recalled that he had telephonic conversations with DAVID PYKE, who did not want CARTER to file a motion to quash LEWINSKY's deposition. PIKE again suggested that CARTER wait in filing his motion with Judge WRIGHT. DAVID PYKE suggested that CARTER could wait up until a day or two before the scheduled deposition. CARTER decided to allow Judge WRIGHT ample time to read his motion. He sent his motion to her via Federal Express with Saturday delivery.

CARTER recalled drafting a memo concerning two conversations with KATHY SEXTON, who works in ROBERT BENNETT's office. CARTER advised SEXTON he was going to file a motion to quash LEWINSKY's deposition. He faxed a copy of LEWINSKY's affidavit to SEXTON.

CARTER advised that on January 23, 1998 he contacted BARRY WARD in Little Rock, Arkansas. WARD furnished him with "John Doe Number 6" to be inserted in his motion to quash LEWINSKY's deposition. WARD instructed CARTER as to the procedures concerning the court system in Little Rock. WARD advised that CARTER did not have to use local counsel to present motions in Little Rock.

CARTER recalled that while drafting the motion to quash, LEWINSKY telephoned him and started discussing the sending of items to the White House. LEWINSKY advised that she was good friends with BETTY CURRIE, and that LEWINSKY had sent items to the White House through the use of a courier service. CARTER believed that LEWINSKY used SPEEDY MESSENGER SERVICE. LEWINSKY advised that she did this on four or five occasions from the Pentagon. She recalled sending BETTY CURRIE a birthday present and some information for CURRIE's mother concerning contract typing for the Department of Defense. When LEWINSKY hedged on the other items that she had sent to the White House by courier, CARTER explained that the courier service would keep records and that she should recall all instances that she sent items to the White House. CARTER advised that he started to type a memo concerning his conversation with LEWINSKY, and his instructions to her concerning the use of a courier service to send items to the White House. CARTER then decided not to type the memo and deleted his initial effort. CARTER attempted to impress upon on LEWINSKY that she needed to advise him of all items that LEWINSKY had sent to the White House via courier.

CARTER believed that the telephone calls that he had

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received from LEWINSKY were placed from either LEWINSKY's residence or from LEWINSKY's mother's residence. CARTER did not believe that she had ever called him from a cellular telephone or from her employment.

CARTER did not recall talking with VERNON JORDAN on January 15, 1998.

CARTER recalled that on January 19, 1998 he had lunch with VERNON JORDAN at the Park Hyatt, Washington, D.C. This was a prearranged lunch that CARTER had requested, for the purpose of attempting to obtain additional legal business through JORDAN contacts. After discussing potential clients, JORDAN asked CARTER if he had ever heard of the "Drudge Report." CARTER responded that he was not aware of the "Drudge Report." JORDAN then gave CARTER two sheets of paper containing the "Drudge Report." CARTER read the report, which stated in part, that MONICA LEWINSKY, a former White House intern, had a sexual relationship with President CLINTON.

Upon reading the "Drudge Report," CARTER advised that he did not believe it to be true. CARTER commented that he believed the report to be "[REDACTED]" He advised that although he took the copy of the "Drudge Report" back to his office, he threw it in the trash, inasmuch as he did not believe it to be true.

Upon returning to his office, CARTER paged MONICA LEWINSKY. CARTER explained that he paged her to his private office telephone number, [REDACTED]. CARTER explained that [REDACTED]

Shortly after paging LEWINSKY to [REDACTED] CARTER assumed it was LEWINSKY returning his page. Upon answering the telephone he was surprised to learn that the call was from NATE SPEIGHTS, a Washington, D.C. attorney with whom CARTER is acquainted. SPEIGHTS advised that he was with BILL GINSBERG, an attorney from California. SPEIGHTS handed the telephone to GINSBERG and GINSBERG informed CARTER that he, GINSBERG, is now representing MONICA LEWINSKY.

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CARTER advised that at this point he is confused. CARTER was of the belief that he had more than adequately represented LEWINSKY and did not know why he had been replaced.

CARTER then attempted to telephonically locate VERNON JORDAN. Upon contacting JORDAN, CARTER advised him that LEWINSKY had new legal representation. JORDAN commented that he was, "sorry that things did not work out." The telephone conversation was then terminated. Shortly thereafter, JORDAN called CARTER and asked, "Who replaced you?" and then asked if the new counsel was replacing CARTER or if it was additional counsel. CARTER advised JORDAN that he had been replaced.

CARTER advised that on January 19, 1998 he had a telephonic conversation with ROBERT BENNETT. BENNETT informed CARTER that there was, "something called the 'Drudge Report' concerning LEWINSKY," and suggested that CARTER read it and, "get out in front of it." At that time CARTER did not inform BENNETT that he had been replaced as counsel for LEWINSKY.

CARTER than advised that he received a facsimile from DONOVAN AND CAMPBELL LAW FIRM, which informed CARTER that LEWINSKY's deposition would be videotaped. CARTER attempted to contact NATE SPEIGHTS to inform him that the deposition would be videotaped. He had difficulty obtaining a current telephone number for SPEIGHTS, but evidentially got SPEIGHTS' answering machine.

CARTER advised that on January 20, 1998, he wrote a letter to NATE SPEIGHTS confirming that SPEIGHTS was LEWINSKY's attorney of record. CARTER reminded SPEIGHTS that he had previously filed a motion on LEWINSKY's behalf and that SPEIGHTS should attend to the motion.

That afternoon, CARTER advised that he received a fax from SPEIGHTS, advising that SPEIGHTS would send a messenger to CARTER's office to obtain LEWINSKY's records. CARTER replied via fax that he would not turn LEWINSKY's file over to a messenger, and that he would only give them to LEWINSKY or to SPEIGHTS in person.

On January 20, 1998 ROBERT BENNETT called CARTER and left a message on his answering machine. CARTER returned BENNETT's call and left a message on BENNETT's answering machine. CARTER then spoke with BENNETT, who stated that there were press calls that CARTER was no longer representing LEWINSKY.

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CARTER advised that he did not return the telephone calls of VERNON JORDAN or KATIE SEXTON, inasmuch as he was angry and believed that he needed a cooling off period.

CARTER recalled that on Tuesday, January 20, 1998 that he received press calls at his residence from the managing editor of the Washington Post, from the Los Angeles Times, and from ABC News. He did not make a comment to any of the press calls.

On January 21, 1998, BARRY WARD called CARTER at 10:55 a.m. and advised that Judge WRIGHT had not yet decided if CARTER was excused from the telephone conference call. CARTER was told he must remain available. At this time CARTER faxed a letter concerning this to SPEIGHTS.

At 3:18 p.m. CARTER received a call from PAUL ROSENZWEIG, OIC.

At 4:10 p.m. his office received a call from VERNON JORDAN. He did not return JORDAN's telephone call. At 4:41 p.m. CARTER received a telephone call from NATE SPEIGHTS. SPEIGHTS requested that they meet for breakfast, at which time CARTER could give LEWINSKY's file to SPEIGHTS.

At 6:09 p.m. CARTER received PAUL ROSENZWEIG's sky pager and pin number. Upon talking with ROSENZWEIG, he spoke with ROBERT BITTMAN, OIC. CARTER agreed to receive a subpoena via fax machine. CARTER advised that he was instructed by ROBERT BITTMAN that CARTER had been notified and he was to keep his original file concerning MONICA LEWINSKY.

Concerning his original file, NATE SPEIGHTS advised CARTER that he should, "claim all privilege and give them nothing."

CARTER believed that the last time that he spoke with VERNON JORDAN was either on January 19th or 20th, 1998. CARTER advised SPEIGHTS that CARTER had been advised that MONICA LEWINSKY had been named as a target of a criminal investigation and that SPEIGHTS should consider that fact in attempting to get her deposition quashed.

CARTER was advised by BARRY WARD that CARTER had been excused from the conference call concerning LEWINSKY's deposition. He called SPEIGHTS and advised him of the fact that he had been excused and stated, "I'm out, it's yours."

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On January 22, 1998 CARTER called WILLIAM HUNLEY and advised HUNLEY that CARTER did not believe, under the circumstances, that CARTER should have contact with VERNON JORDAN, whom HUNLEY was representing. HUNLEY advised CARTER that he believed JORDAN was attempting to contact CARTER to advise him that JORDAN was going to hold a press conference, at which time he would state that CARTER had represented MONICA LEWINSKY.

CARTER advised that he had not assisted MONICA LEWINSKY in preparing the "talking points" that LEWINSKY allegedly furnished LINDA TRIPP.

At the conclusion of the interview, FRANCIS CARTER furnished his original file to the OIC concerning MONICA LEWINSKY, in compliance with a grand jury subpoena.

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 06/10/98

FRANCIS D. CARTER, black, male, attorney, was interviewed at the Office of the Independent Counsel (OIC), 1001 Pennsylvania Avenue, Washington, DC, 20004. Present for the interview were Associate Independent Counsel (AIC) TOM BIENERT, AIC MIKE EMMICK, AIC CRAIG LERNER and CARTER's attorney, Professor CHARLES OGELTREE. Present for part of the interview was Deputy Independent Counsel (DIC) ROBERT BITTMAN, who advised CARTER at the outset of the interview that CARTER was considered by the OIC to be a witness in the matter investigated by the OIC. After being apprised of the official identity of the interviewers, CARTER provided the following information:

CARTER provided certain documents called for by a Federal Grand Jury Subpoena served on him by the OIC. CARTER had three categories of documents: a main file, containing documents pertaining to his representation of MONICA LEWINSKY; a chronology file, providing a detail of that representation; and a file of physical items LEWINSKY provided to CARTER in response to a subpoena in the PAULA JONES civil case.

CARTER advised the documents he was providing to the OIC represented the entirety of the items provided by LEWINSKY to CARTER. CARTER advised the book, Between Hope and History, by President William Clinton, was given to LEWINSKY by CLINTON. CARTER advised that CARTER, Professor OGELTREE, and JAMIE GARDNER, an associate of OGELTREE's, all handled the book.

CARTER advised that he knows NATE SPEIGHTS and SPEIGHTS's wife, GRACE. CARTER advised that he regards them as social acquaintances, but not close friends.

CARTER advised that on December 19, 1997, VERNON JORDAN called at approximately 5:03 p.m. and left a message for CARTER. The message stated that JORDAN wanted to meet with CARTER on the following Monday, December 22, 1997, at 11:00 a.m. When CARTER returned to his office on December 19th, he returned JORDAN's call and left a voice-mail at 5:30 p.m. saying he could meet with JORDAN on December 22nd.

Among the documents CARTER produced to the OIC were the telephone message slips pertaining to his representation of

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LEWINSKY. CARTER explained that there are two ways to leave messages in his office, one with a live person, who writes the message on NCR paper; and one with CARTER's answering service, which produces a computer printout of the message.

CARTER advised he has known VERNON JORDAN since the early 1990's, but does not "hang out" with him. CARTER has seen JORDAN at Bar Association functions, but has never been to JORDAN's home. CARTER and JORDAN do not call each other to "shoot the breeze." CARTER explained that when JORDAN called, it usually related to business. JORDAN has referred clients to CARTER in the past. CARTER advised he called JORDAN approximately six times a year.

CARTER advised that during the last couple of weeks in December of 1997, his schedule was light in terms of client traffic. JORDAN called the morning of December 22, 1997, and told CARTER he wanted to bring a client to CARTER's office.

Later that morning, JORDAN brought MONICA LEWINSKY to CARTER's office. CARTER advised that LEWINSKY sat on the couch while JORDAN and CARTER spoke in CARTER's office. JORDAN said that LEWINSKY had received a subpoena in the PAULA JONES case. JORDAN said that LEWINSKY had never been deposed before and that she was not only going to need a lawyer, she was going to need a "counselor."

CARTER asked JORDAN if JORDAN was asking for accommodations regarding costs, and JORDAN advised no, it was a straight referral. Before JORDAN left, CARTER asked JORDAN if they could have lunch together sometime. JORDAN asked CARTER if CARTER was working on MARTIN LUTHER KING Day. CARTER said he was and JORDAN said they should do it then.

JORDAN introduced LEWINSKY to CARTER, then left. CARTER advised that JORDAN did not give advice regarding filing pleadings or litigation. CARTER advised that JORDAN was a "schmoozer" and a "cruiser" and good at it. JORDAN did not know about litigation, according to CARTER.

CARTER advised that JORDAN had referred three or four clients to CARTER in the past. JORDAN had never before escorted a client to CARTER's office. CARTER usually met the clients at JORDAN's office.

CARTER advised that LEWINSKY said that she had been subpoenaed on December 19, 1997. LEWINSKY said she would be

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traveling between New York City and Washington, DC for the next several weeks. LEWINSKY said she would be in New York around the first of the year. CARTER then arranged a meeting after the first of the year.

During the December 22nd meeting, LEWINSKY advised that she knew the President, that she had seen him and that she worked in the White House, but she had no idea why she was being subpoenaed in the JONES case. CARTER told LEWINSKY that he would get in touch with BOB BENNETT, the President's attorney in the JONES matter, to find out what he knew about LEWINSKY.

CARTER advised that he discussed his retainer and the fee arrangement with LEWINSKY. CARTER described LEWINSKY as very affable and an easy conversationalist. LEWINSKY appeared to be nervous and she was unsure what was going to happen in the deposition or with the subpoena.

CARTER asked LEWINSKY specific questions regarding her relationship with the President, including if she had a sexual relationship with the President. LEWINSKY said she did not, but she was told she was photographed with the President more than any other intern.

LEWINSKY mentioned the government furlough and how she met BETTY CURRIE. CARTER did not know who BETTY CURRIE was until this meeting. LEWINSKY explained that she was a good friend of CURRIE's and that the two had met through WALTER KAYE.

LEWINSKY said that CURRIE referred her to VERNON JORDAN. LEWINSKY knew JORDAN's name, but CARTER does not know if LEWINSKY knew him before she was served the subpoena on December 19th. LEWINSKY did not mention anything about JORDAN helping LEWINSKY find a job.

LEWINSKY told CARTER details of her job at the White House. LEWINSKY explained that in the Office of Correspondence, she would prepare letters that were to be signed, either personally or by auto-pen, by the President. LEWINSKY explained that on Saturdays, she would personally deliver the letters to the President for his signature.

LEWINSKY said that she received no telephone calls from the President, either at her home or in her office. CARTER told LEWINSKY to look hard for any items that may be covered by the subpoena. LEWINSKY described some of the items she had that would be covered by the subpoena.

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LEWINSKY said that she learned that if you give the President a tie, he would wear it, have a photograph taken of him wearing it and send you the photograph. LEWINSKY advised she gave the President a tie after the government furlough. LEWINSKY mentioned that she also gave the President a tie and a t-shirt in August of 1996.

CARTER explained to LEWINSKY what he was going to do and he explained to her the steps involved in a civil case. CARTER told LEWINSKY he would draw up an affidavit, file a motion to quash the subpoena and explained how broad civil discovery was. CARTER told LEWINSKY he did not think he could get the subpoena quashed and it was likely she would be deposed. LEWINSKY was very concerned about being deposed.

LEWINSKY advised that she was only 24 years old, that she was looking for a job and this whole thing could ruin her. LEWINSKY wondered why the JONES' team wanted her deposed. LEWINSKY did not express any concerns about CARTER's fees.

It was clear to CARTER that LEWINSKY did not want the deposition to take place. LEWINSKY asked CARTER if the plaintiffs would have to pay for her transportation if she was in New York.

CARTER did not ask LEWINSKY about sexual harassment. CARTER was satisfied the questions he asked were answered. CARTER advised he did not probe LEWINSKY hard. CARTER advised the subject of e-mails never came up when CARTER was asking about documents covered by the JONES subpoena.

CARTER's impression of the JONES case on December 22nd was that it was about CLINTON asking JONES to do something of a sexual nature, after DANNY FERGUSON brought JONES to a Little Rock hotel Room. LEWINSKY thought the JONES case was looking for sensationalism and she thought the case was garbage. LEWINSKY did not mention anything about CLINTON settling the case.

CARTER advised he met with LEWINSKY on this occasion for about one hour and six minutes, without a break. CARTER told LEWINSKY he would call BENNETT and get back in touch with her. CARTER advised he did not form an opinion of LEWINSKY.

CARTER called BENNETT's office and spoke to BENNETT's associate, KATHRYN SEXTON. CARTER explained who he was and who he represented. CARTER made an appointment to meet with SEXTON and BENNETT on the following day, December 23, 1998, at 11:00

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a.m. at BENNETT's office.

CARTER advised he knew BENNETT from CARTER's tenure in the District Bail office, where CARTER worked during law school. BENNETT and CARTER both served on the State Committee of the American College of Trial Lawyers.

CARTER thinks he spoke with SEXTON earlier in the morning, prior to CARTER going to BENNETT's office. CARTER explained who he was and who he represented. BENNETT appeared not to know LEWINSKY's name and said the name had not come up before, but SEXTON immediately recognized the name from the witness list in the JONES case.

CARTER said he could not imagine LEWINSKY being the first person who was subpoenaed in this matter who did not want to appear. BENNETT and SEXTON expressed doubts about LEWINSKY being relevant to the JONES case. CARTER provided BENNETT and SEXTON with background as to what LEWINSKY did while employed at the White House. BENNETT asked CARTER how he thought LEWINSKY obtained the job in Legislative Affairs.

CARTER mentioned WALTER KAYE as being a possible reference for LEWINSKY. BENNETT mentioned that KAYE had called BENNETT to advise about the President's insurance coverage covering BENNETT's fees.

[CARTER advised the OIC that, in civil matters, "Jane Doe" was often used to maintain the witnesses confidentiality. Use of the pseudonym did not connote a sexual relationship.]

BENNETT explained that the witness list was protected by a confidentiality order and BENNETT could not divulge who he had deposed, or who he was going to depose. CARTER asked who he should call from the plaintiff's side and BENNETT gave the name DAVID PYKE. BENNETT and SEXTON also mentioned BARRY WARD, who was Judge WRIGHT's law clerk.

CARTER asked if BENNETT had done any research on quashing subpoenas and BENNETT advised he had. After the first of the year, BENNETT faxed to CARTER a memorandum regarding quashing subpoenas. CARTER advised he did not rely much on BENNETT's memorandum when filing his motion to quash.

CARTER advised that BENNETT did not mention a joint defense agreement, nor did he express an interest in interviewing LEWINSKY.

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CARTER called LEWINSKY and told her he had met with BENNETT. CARTER did not provide LEWINSKY details of the meeting.

On December 24, 1997, CARTER sent LEWINSKY an engagement letter at her New Hampshire Avenue address. CARTER signed the letter and mailed the letter. LEWINSKY did not sign the letter in CARTER's presence, but she sent a signed copy back to him. CARTER advised LEWINSKY's initial payment to CARTER was \$1,250. CARTER advised the second bill for LEWINSKY he sent to SPEIGHTS, but CARTER was never paid this amount.

CARTER advised he spoke to LEWINSKY on December 29, 1997, to keep her apprised of the status of the case. CARTER and LEWINSKY agreed to meet again on January 5, 1998, and CARTER reminded LEWINSKY to bring the documents she had to him. CARTER can not recall any more details of the conversation.

CARTER spoke to SEXTON on December 30, but cannot recall the details of the conversation.

CARTER advised that prior to his January 5, 1998, meeting with LEWINSKY, he had read an article in Legal Times about the JONES plaintiffs. CARTER advised it appeared they went overboard and were heavy-handed in dealing with witnesses.

CARTER advised he met with LEWINSKY on January 5, 1998 at his office. CARTER advised he went over his notes of their December 22, 1997 meeting.

LEWINSKY brought a book, several Christmas cards from CLINTON, several thank you letters and various photographs of CLINTON and LEWINSKY, most of which were taken at official White House functions. LEWINSKY mentioned that she had another photograph of CLINTON shaking her hand, in a frame at home, and CARTER told her not to worry about bringing it in for now.

On December 22, 1997, LEWINSKY had mentioned that she thought she had a photograph of CLINTON wearing a tie she gave him, but she did not bring it with her on January 5, 1998. LEWINSKY said that the photograph may be packed away in a box. CARTER told LEWINSKY to keep looking for the photograph and that he had to have everything responsive to the subpoena. CARTER does not recall if LEWINSKY asked about items she once had that were now in the possession of someone else.

At their meeting on January 5th, LEWINSKY asked CARTER to look into a couple of things. One of those things was LINDA

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TRIPP. LEWINSKY wanted to know when TRIPP was being deposed. LEWINSKY mentioned an August Newsweek article about TRIPP. (After meeting with LEWINSKY, CARTER called SEXTON, who faxed a copy of the article to CARTER.) LEWINSKY said that TRIPP had worked in the White House and was VINCE FOSTER's secretary, then she got transferred to the Department of Defense.

LEWINSKY explained TRIPP's relationship with KATHLEEN WILLEY and that WILLEY had named TRIPP as a person who could corroborate WILLEY's allegation. LEWINSKY advised LEWINSKY was friendly with LINDA TRIPP and the two had lunch together occasionally.

CARTER asked LEWINSKY if she ever talked to TRIPP about JONES or the President. LEWINSKY said she spent the night at TRIPP's house, but the two of them just talked about "girl talk." When LEWINSKY started to "double-talk" to CARTER, CARTER advised he gave her a speech about how people usually get in trouble in Washington, DC.

CARTER told LEWINSKY that people get in trouble more often for lying than for their actions. CARTER advised LEWINSKY that he needed to know before LEWINSKY's deposition what the facts were. LEWINSKY could recall no specific conversations she had with TRIPP. CARTER told LEWINSKY not to talk to anyone about anything, because he told her you never know what people's agendas were.

LEWINSKY asked CARTER if her family could attend her deposition.

LEWINSKY wanted CARTER to get a list of witnesses deposed, especially White House or government employees.

CARTER asked LEWINSKY how her job search was going and she mentioned she just had an interview she thought was a waste of time. LEWINSKY advised the people she interviewed with did not have a job to offer her. CARTER vaguely recalls LEWINSKY mentioning American Express.

CARTER advised it was clear to him that LEWINSKY was serious about her career, but she did not put too much emphasis on it while talking to CARTER. CARTER advised he worked around LEWINSKY going to New York for job interviews. CARTER told LEWINSKY that the very last date he wanted to do her affidavit was one week before January 23, 1998, the scheduled date of LEWINSKY's deposition. CARTER advised he wanted to do the

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affidavit to get it out of the way.

CARTER advised LEWINSKY he would prepare a draft of the affidavit and she could come by and pick a copy up on January 6th. On January 6th, CARTER first attempted to contact the attorneys from DONOVAN/CAMPBELL. CARTER left a message for DAVID PYKE.

CARTER advised he prepared two LEWINSKY affidavits, one with her true name, the other with "Jane Doe" used instead. CARTER advised that was the only difference between the two affidavits.

On January 6th, CARTER received a message from LEWINSKY, indicating she would not be able to pick the affidavit up at 4:30 p.m., as previously planned. Although CARTER shows no record of it, he thinks LEWINSKY eventually did pick the affidavit up on January 6th.

On January 6th or 7th, JORDAN called CARTER. CARTER thinks the call was about their scheduled lunch appointment on January 19th. CARTER advised JORDAN would not have called specifically to small talk, although they could have exchanged small talk during the course of the conversation.

CARTER may have mentioned to JORDAN that he was trying to get LEWINSKY's subpoena quashed. CARTER may have told JORDAN about the affidavit, though he is not sure. CARTER is certain he advised BENNETT about the affidavit. CARTER advised he billed LEWINSKY for the time he spoke to JORDAN because they spoke about LEWINSKY. CARTER assured JORDAN he would do the best he could do, but CARTER did not think he was going to be able to do everything LEWINSKY wanted done, including getting the subpoena quashed.

CARTER advised that conversations with JORDAN at this time were of no moment to his client, in that they did not advance his client's case. CARTER advised he could not describe the telephone conversation with JORDAN as usual or unusual. CARTER advised he did not sense any urgency in JORDAN's voice when the two were talking. CARTER did not find it unusual that JORDAN would call CARTER from a railroad station.

CARTER advised that he would not have provided JORDAN with anything that would be considered covered by the attorney/client privilege. CARTER advised he did not seek out JORDAN to provide him information, but if JORDAN called, CARTER

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would have provided JORDAN information. CARTER advised he did not know what LEWINSKY had told JORDAN about CLINTON.

CARTER advised that JORDAN never mentioned speaking to CLINTON about LEWINSKY.

CARTER advised JORDAN was an attorney, but he was not co-counsel with CARTER. CARTER could have told JORDAN about the gist of the LEWINSKY affidavit. CARTER advised he had no information he considered of an "explosive" nature that would cause him to need to get the deposition canceled.

CARTER advised the only thing, other than LEWINSKY, that JORDAN would have been calling CARTER about would have been their scheduled lunch for January 19th. CARTER has no recollection of JORDAN calling CARTER multiple times in the same day about any of the clients JORDAN had referred to CARTER.

It did not strike CARTER as a big deal that JORDAN was calling multiple times in the same day. CARTER advised the conversations did not have to do with LEWINSKY picking up her affidavit. JORDAN did not call CARTER about LEWINSKY picking up her affidavit.

CARTER does not recall LEWINSKY saying she had spoken to anyone about her affidavit.

On January 7th, LEWINSKY called CARTER with a few suggested changes to the affidavit. CARTER advised that in the original affidavit, paragraph five stated that LEWINSKY's last day at the Department of Defense was December 24th, when in fact, her last day was December 26th.

Later that same day, LEWINSKY visited CARTER's office and advised she had a few more "nits and picks" with CARTER's draft. LEWINSKY asked CARTER about the "#" sign near the "Jane Doe" label and CARTER explained to her what it meant. Additionally, CARTER advised that the original paragraph six had details about LEWINSKY's work in the Office of Legislative Affairs. Specifically, that paragraph mentioned LEWINSKY taking letters to the President for his signature on Saturdays and, at times, the two may have been alone together. CARTER advised he took the paragraph out, so as to not alert the plaintiff that LEWINSKY and the President were sometimes alone.

CARTER advised he "messed" with paragraph eight, but never changed the first sentence or first part. The only parts

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that changed, according to CARTER, were descriptions of what LEWINSKY did at the Department of Defense. CARTER advised he asked LEWINSKY if the wording was correct and she said it was. CARTER advised that LEWINSKY never wanted to put more information in about anything.

CARTER advised that semantics were not involved when dealing with the term "sexual relationship." CARTER advised he did not draft paragraph eight to be cute. CARTER advised that in his mind, there is no difference between oral sex and sexual relationship. CARTER feels a broad definition should be applied to the term sexual relationship.

CARTER did not discuss with LEWINSKY what the JONES case was about. CARTER focused entirely on LEWINSKY's relationship with CLINTON. LEWINSKY did say CLINTON shook her hand and hugged her, but CARTER advised he did not regard this as a "sexual relationship."

LEWINSKY thought CLINTON was a handsome, good man, who was also a good President. CARTER advised that LEWINSKY may have been infatuated with CLINTON, but the term "crush" never entered CARTER's mind.

CARTER advised that in paragraph nine, LEWINSKY wanted the "disruption of her life" to be the first line. CARTER does not recall if LEWINSKY brought a copy of the January 6th draft with her on January 7th, but CARTER advised all drafts he had were destroyed after changes were made to the original.

On January 12th, CARTER called DAVID PYKE, with the law firm of DONOVAN & CAMPBELL, attempting to informally get the deposition canceled. PYKE did not provide any information regarding LEWINSKY.

On January 19th, CARTER received a call from SPEIGHTS and WILLIAM GINSBURG, advising CARTER was no longer representing LEWINSKY.

At approximately 12:30 p.m., this portion of the interview ended, with arrangements for CARTER to return to the OIC later the same afternoon. A separate FD-302 was prepared for that portion of the interview.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GRAND JURY PROCEEDINGS

Grand Jury Room No. 4
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Thursday, June 18, 1998

The testimony of FRANCIS D. CARTER was taken in the presence of a full quorum of Grand Jury 97-2, Impaneled on September 19, 1997, commencing at 9:55 a.m., before:

ROBERT BITTMAN
MICHAEL EMMICK
KARIN IMMERGUT
CRAIG LERNER
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

1 outside the grand jury room. Do you understand that right?

2 A I do.

3 Q Do you have counsel?

4 A I do. Mr. Ogletree is outside in the corridor.

5 Q All right. You understand that if you need to
6 speak with Mr. Ogletree, you can simply ask to stop the
7 proceedings temporarily, and you can step outside and speak
8 with him as you'd like.

9 A Yes, I do.

10 Q All right. Next I'd like to explain to you that
11 you are under oath. You've been placed under oath, and what
12 that means is that you must answer all the questions that we
13 put to you truthfully. If you do not answer those questions
14 truthfully, that is to say, if you were to lie, and you were
15 to know that it's a lie, and it were a material lie, that
16 would constitute perjury. Perjury is a felony punishable by
17 up to five years in prison.

18 Do you understand that?

19 A I do.

20 Q All right. Do you have any questions about those
21 rights or obligations as I've explained them to you?

22 A I do not.

23 Q All right. You are the attorney who represented
24 Monica Lewinsky for a time; is that right?

25 A Correct.

PROCEEDINGS

1 Whereupon,

2 FRANCIS D. CARTER

3 was called as a witness and, having been first duly sworn by
4 the Foreperson of the Grand Jury, was examined and testified
5 as follows:

6 EXAMINATION

7 BY MR. EMMICK:

8 Q Mr. Carter, I wonder if you would state your name
9 and spell it for the record.

10 A Sure. Francis D. Carter, C-a-r-t-e-r.

11 Q Mr. Carter, what I'd like to do first is to give
12 you the admonitions that we routinely give to all witnesses
13 who appear before the grand jury.

14 Let me start off with the Fifth Amendment
15 admonition. That is to say, you have a right under the Fifth
16 Amendment to refuse to answer any questions that may tend to
17 incriminate you. That is to say, if I ask you a question,
18 the answer tends to show that you've committed a crime or
19 links you to the commission of a crime, you have the right
20 under the Fifth Amendment to refuse to answer that question.

21 Do you understand that right?

22 A Yes.

23 Q Okay. You also have a right to have counsel
24 present, not here in the grand jury room with you, but

1 Q Now, I'm going to be asking you some questions
2 pertaining to communications that you had with Monica
3 Lewinsky, her to you and you to her.

4 Now, those are matters that would ordinarily be
5 covered by the attorney-client privilege. Under a ruling
6 that the chief judge of this court has made, that privilege
7 does not apply at this time. Do you understand that?

8 A I do.

9 Q All right. Do you have any questions about the
10 application of the privilege, anything like that at all?

11 A I do not.

12 Q You were interviewed approximately two weeks ago by
13 members of our office; is that right?

14 A Correct.

15 Q All right. I am not going to be asking you here
16 today all possible questions relating to your representation
17 of Monica Lewinsky. I am going to be asking you certain
18 questions, and I'll be asking you to answer and respond to
19 only those certain questions.

20 Before we start going through the different
21 meetings, telephone calls, communications that you had, what
22 I'd like to do is start off by bracketing some dates, that
23 is, by walking through the principal events and on what dates
24 they occurred so that we can then go back and go through in
25 detail those various events.

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1 What I have placed in front of you there is a
2 calendar, and we can walk along with that calendar -- I
3 believe the grand jurors also have calendars. I see the
4 grand jurors starting to pull out those calendars in order to
5 make notations. Let me explain what other items I have in
6 front of you here.

7 MR. EMMICK: All right. I was about to walk
8 through with Mr. Carter some of the various items that we've
9 placed in front of him.

10 BY MR. EMMICK:

11 Q But let me first ask, when we interviewed you a
12 couple of weeks ago, you provided us with materials that were
13 responsive to a subpoena that we had issued to you; is that
14 right?

15 A That's correct.

16 Q Now, let me ask you, did you comply with that
17 subpoena in full?

18 A Everything I had, correct.

19 Q Can you briefly describe for us what things you
20 provided to us on that day?

21 A I believe there were three categories of things I
22 provided you. I provided you those items that Ms. Lewinsky
23 gave me that could be responsive to the subpoena she received
24 in the Jones v. Clinton/Ferguson civil case.

25 I gave you the file that I had developed in the

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1 course of my representation.

2 And I think the third category were messages and
3 phone -- documentation of phone calls to me and photocopies
4 of calendars that I had.

5 Q Would that represent virtually your entire file on
6 the Monica Lewinsky matter?

7 A Yes.

8 Q All right. Then let me --

9 A Then I had during my representation, of course,
10 since that time, there's more papers, more things have come
11 along.

12 Q All right. Are any of those additional papers or
13 things responsive to the subpoena?

14 A No, they're in defense of myself and the attorney-
15 client privilege.

16 Q All right, fair enough.

17 What I'd like to then just explain to you is that
18 the various stacks of documents that you have in front of you
19 are, in fact, copies of the very documents you had provided
20 earlier to us. I think you'll recognize them. This one, for
21 example, says "Chron File," this one says "Expenses," this
22 says "Messages," this says "Calendars."

23 A Mm-hmm.

24 Q And these are matters from your own stationery and
25 the like. I provide them to you so that you can use them to

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1 refresh your recollection as you'd like.

2 A Okay.

3 Q In addition, if you need to, we have a set of pho.
4 records here that are from phone logs. We have shown these
5 to you in the course of our interview, and I may be making
6 reference to this, and if you need to take a look at portions
7 of this in order to refresh your recollection having to do
8 with my questions of you today, we can certainly show that to
9 you as well.

10 So those are the various materials that we have.

11 Just let me circle back and start off by bracketing some of
12 the dates, some of the events on certain dates.

13 What I'd like to do first is ask you, was it on
14 December 19th that Vernon Jordan first called you to arrange
15 a meeting?

16 A In connection with Ms. Lewinsky, yes.

17 Q All right. And was it on December 22nd that Vernon
18 Jordan brought Monica Lewinsky over to your offices and when
19 you met with Monica Lewinsky?

20 A That is correct, the first meeting with her.

21 Q The first meeting. Now, at the end of that meeting
22 you had discussed with Monica Lewinsky the fact that you
23 would try to get in contact with Mr. Bob Bennett of the
24 Skadden Arps firm; is that right?

25 A Correct.

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1 Q Now, the next day -- that would be December 23rd --
2 you had a meeting with Mr. Bennett and one of his associates,
3 correct?

4 A Correct.

5 Q All right. Then let me just turn to the next day,
6 which would be December 24th. That's the day on which you
7 drafted and sent to Monica the -- ~~let's refer to it as the~~
8 engagement letter reflecting your representation of her; is
9 that right?

10 A Correct.

11 Q And do you recall that it was on January 2nd when
12 you received that back from Monica, along with her check for
13 your representation of her?

14 A That may be correct, mm-hmm.

15 Q Now, on January 5th you had, I believe, a second
16 meeting with Monica Lewinsky; is that right?

17 A I did.

18 Q And it was on January 6th that you drafted the
19 affidavit for Monica Lewinsky's motion to quash the subpoena.

20 A Correct.

21 Q All right. And on January 7th, that's when you had
22 a third meeting with Monica Lewinsky to discuss that draft
23 affidavit; is that right?

24 A Correct.

25 Q Now, I believe it's on January 15th that you

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1 drafted the motion to quash the subpoena itself; is that
2 right?

3 A Correct.

4 Q And it was on January 16th -- that would be a
5 Friday -- that you mailed or FedEx'd, more accurately, that
6 motion to quash to the parties in the Paula Jones litigation
7 and the court, and I believe it's also true that you had
8 hand-delivered to Bob Bennett's office a copy.

9 A As well as my client.

10 Q As well as your client, good. And I believe it was
11 on the 17th that President Clinton was deposed. Is that
12 right, as far as you know?

13 A As far as the news accounts go, yes. I was not
14 there, yes.

15 Q All right. And on January 19th, that is, Martin
16 Luther King Day, you had a lunch with Vernon Jordan; is that
17 right?

18 A Correct.

19 Q And that was also the day when you heard from Nate
20 Speights and William Ginsburg that you were going to be
21 replaced as counsel; is that right?

22 A Correct.

23 Q And it was on January 21st, I believe, that you
24 received by fax a subpoena from our office; is that right?

25 A Correct.

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1 Q And that's the subpoena that you supplied -- well,
2 ultimately, that you supplied these documents in response to.

3 A Correct.

4 Q All right. Having set forth those big ticket
5 dates, let's go back to the first date, that is, December
6 19th, and let me ask you about the call that Vernon Jordan
7 placed to you to set up the meeting.

8 Can you describe how that occurred?

9 A I'm not quite sure what I was doing in the
10 afternoon, but I was not in the office when the call came in.
11 It was simply a message from Vernon saying, "Can I meet with
12 you on Monday, the 19th, at 11:00?"

13 I got back to the office after 5:00, sometime after
14 5:00, but before 6:00. I called his office, got a
15 receptionist and said, "Sure, it's fine. I'll see you
16 Monday."

17 Q So you didn't actually speak with Vernon Jordan
18 that day. You simply exchanged messages; is that right?

19 A Correct.

20 Q At the time did you know what the meeting was going
21 to be about?

22 A No.

23 Q Was there any mention in the course of those
24 messages about Monica Lewinsky?

25 A No.

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1 Q Did you even know that he was going to be bringing
2 you a client at all?

3 A No.

4 Q Can you tell us a little bit of background about
5 your relationship with Vernon Jordan? And then I'll ask you
6 about any prior referrals that he has made of clients to you.

7 First, your relationship to Mr. Jordan.

8 A Friends, legal associates. We are not neighbors or
9 anything like that, but we speak in passing, and he has
10 referred other clients to me in the past.

11 Q Can you tell us about how often he has referred
12 clients to you in the past?

13 A I think there are three other clients that he has
14 referred to me.

15 Q During what period of time would that be?

16 A It would have begun in the early '90s.

17 Q All right. Was Maggie Williams one of those
18 clients?

19 A She was.

20 Q Did you represent Maggie Williams?

21 A I had a -- no.

22 Q When was the meeting with Vernon Jordan scheduled
23 to take place?

24 A The phone call on the 19th said, "Can I see you on
25 Monday," which would have been the 22nd, and then I called

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1 back and said, "Sure, no problem."

2 Q And let's turn our attention then to the 22nd. Did
3 you have a meeting with Vernon Jordan?

4 A I did. He called earlier in the morning to confirm
5 the meeting. I said, "Fine." He said, "I'll see you in your
6 office about 11:00," and he appeared.

7 Q When he called you earlier in the morning, did he
8 indicate whether he was going to bring over a client, or did
9 he indicate any more specifics about what the meeting would
10 relate to?

11 A I don't believe so, but I'm not sure.

12 Q Do you remember the time of the meeting?

13 A It was supposed to be 11:00 on Monday.

14 Q He shows up with Monica. What happens?

15 A He shows up with Monica and -- my office is not
16 that large, maybe about 3,000 square feet or so, and they're
17 sitting in the little main reception area, and Vernon said,
18 "Can I talk to you?" And, "Fine." So I invited him back
19 into my office.

20 And he said, "The lady I have outside, Ms.
21 Lewinsky, has received a subpoena in a civil case. I want
22 you to talk to her about possibly representing her." Words
23 to this effect. I'm not giving you exact words. "She's
24 going to need not only a lawyer, but a counselor."
25 I took that to mean that she didn't know what the

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1 process was about. You're going to have to talk to her,
2 break it down to the specifics and sort of a hand-holding
3 through the process, get her through it. I said, "Yeah, no
4 problem."

5 I asked him if he was seeking an accommodation as
6 to fees, and he said, "No, this is a straight referral. You
7 make whatever financial arrangements you want with her.
8 That's between she and you." I said, "Okay, thanks."

9 And I took that opportunity to say, "Well, can we
10 do lunch sometime and talk about some things?" And he said,
11 "Sure."

12 One of the -- there are only two other attorneys in
13 my office, and one of them is a member of an organization
14 that was going to have a conference in New York City.
15 Because Vernon had suggested, "Why don't we meet on the
16 holiday, Martin Luther King's holiday, in January? Are you
17 going to be working that day?" I said, "Sure."

18 That was the weekend that this attorney in my
19 office had invited me to go to New York. Jesse Jackson was
20 having a conference to try to increase minority attorney
21 participation on Wall Street.

22 And I said, "Well, Vernon, is this worth me going?"
23 And he said, "If you know somebody, it would be worth
24 traveling to," but he didn't think the conference would
25 particularly result in business. So I said, "Well, fine, why

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1 don't we have lunch on the 19th?" And that was that.

2 Q What did he tell you about who Monica Lewinsky was?

3 A I'm not sure. He just said, you know, "Ms.
4 Lewinsky needs a lawyer and a counselor. She's been
5 subpoenaed." He did tell me she's been subpoenaed in the
6 Jones v. Clinton case.

7 Q And what was your reaction to that?

8 A I knew it was high profile, but I've been involved
9 in other high profile cases and wasn't particularly shocked
10 or worried about it, but it seemed pretty straightforward to
11 me, just representing a witness.

12 Q Did he indicate to you that she had worked in the
13 White House?

14 A He might have. He might have. I'm not sure, but
15 he might have.

16 Q Did he indicate to you how he had come to know Ms.
17 Lewinsky?

18 A No.

19 Q Did he indicate to you anything about any efforts
20 he had made to try to find Ms. Lewinsky a job?

21 A That was never mentioned at all, not by him or I.
22 Matter of fact, I never talked to Vernon at all about job
23 searches for Monica Lewinsky, ever, during the entire
24 representation.

25 Q So about how long was it that you spoke to

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1 Mr. Jordan without Ms. Lewinsky being there?

2 A It was brief, two, three minutes at most.

3 Q And at the conclusion of the meeting what happened

4 A Walked out of our office, Vernon introduced me to
5 her, I said, "See you later," and he went on out the door.

6 Q And how had you left things with Mr. Jordan? That
7 is, when were you going to get back to him? What was your
8 expectation and his expectation about the degree of further
9 communication you would have with him?

10 A My only expectation at that point was, I was going
11 to have lunch with him on the 19th of January. We never
12 broached it, he never said he was going to contact me again,
13 he never said, "I will get back to you." He just said,
14 "Here's Ms. Lewinsky. See you later." I said, "Thanks much,
15 Vernon. See you later."

16 Q And let's draw our attention to your meeting with
17 Ms. Lewinsky. Can you tell us first, what was her apparent
18 emotional state?

19 A Well, she was coherent, she was able to talk, she
20 was friendly. She's a very good conversationalist. It was
21 clear she was not crazy about the fact that she had been
22 subpoenaed, and particularly in relation to the Paula Jones
23 case. That developed later in our conversation.

24 But, I mean, I offered her a cup of coffee, she
25 accepted it. I mean, she didn't appear to be particular

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1 distraught or strung-out or any physical illness or anything
2 like that.

3 I mean, she clearly was a bit apprehensive as our
4 conversation went on, but physically there was nothing
5 different about her when I talked to her.

6 Q About how long did you meet with Ms. Lewinsky?

7 A Maybe about an hour, something like that.

8 Q As best you can, can you tell us what the two of
9 you talked about?

10 A Initially I went down and got some biographical
11 information, where are you living, telephone number, who are
12 you living with, date of birth, education, employment, where
13 are you employed, that type of thing.

14 And then we went through her prior employment
15 before the Department of Defense and back through the work
16 with the Office of Legislative Affairs and the internship at
17 the White House. And that was really the first employment I
18 focused on after college. She may have had, you know, a few
19 side jobs or part-time jobs.

20 And then she -- she had a copy -- she had the
21 subpoena that was given to her. I got a copy of it, gave her
22 back the original that she had. The subpoena had an
23 attachment, an exhibit -- I think it may have been Exhibit A,
24 Exhibit 1, or something like that -- and it explains the
25 different categories of documents they're looking for, and

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1 then it gives specific areas, paragraphs. I'm not sure how
 2 many. But each one demanded certain items from her to bring
 3 to the deposition on the 23rd of January.
 4 And having -- I did some -- in the previous
 5 conversations about her employment at the White House, I, you
 6 know, talked about who she knew, and who was her boss, and
 7 how long she was in the particular position, and what was her
 8 task, and what contact -- would that bring her into the
 9 President and Oval Office.
 10 And then we went to the subpoena and talked through
 11 each of the specific areas demanded of her. I read them, and
 12 I said, "Now, do you have anything responsive to that?" And
 13 if something came to mind right away, I made a note of it,
 14 and I said, "Okay, but you need to go and look to see if
 15 there are other things that you have."
 16 Q Now, as you were going through these preliminary
 17 discussions with Ms. Lewinsky, do you have any impression
 18 about why she has been subpoenaed?
 19 A Do I have an impression?
 20 Q Yes.
 21 A No.
 22 Q All right. Do you develop an impression as you're
 23 speaking with her about why she might be subpoenaed?
 24 A No.
 25 Q You were talking with her about items that might be

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1 called for by the subpoena.
 2 A Yes.
 3 Q And how did that conversation develop?
 4 A I read the different paragraphs from the subpoena
 5 out loud and asked her, did she have anything that was
 6 responsive to that. My handwritten notes of that meeting
 7 indicate some things. I wrote those down. And after each
 8 one I said, "Okay, but you need to keep looking and see if
 9 there are any other things that you might have." And we went
 10 through each of the categories.
 11 When we finished the meeting, I basically -- we
 12 talked about when we could next meet, and I asked about -- I
 13 asked her what were her plans over the Christmas period. Her
 14 mother was -- her mother had an apartment here in the
 15 District of Columbia, but also had an apartment in New York
 16 City.
 17 Monica knew she was going to be leaving the
 18 Department of Defense and knew she wanted a job in New York
 19 City, and she wanted to live in New York City. So it unclear
 20 at that time, when I was talking to her on the 22nd of
 21 December, when she might have interviews or with whom she
 22 might have interviews.
 23 So she thought that because she had come from a
 24 very intensive period of work at the White House and the
 25 Department of Defense, she was just going to take the period

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1 between Christmas and New Year's and have a good time. And I
 2 told her, "Enjoy yourself." And that thereafter she would
 3 start picking up intensively trying to get employment
 4 interviews.
 5 Q All right. You had mentioned earlier that you went
 6 over the subpoena categories with her, and she had some
 7 responses. Do you recall the things that she said in
 8 response to your questions about the categories, or would it
 9 help you remember to look at the notes from your --
 10 A The best would be for me to read my notes if they
 11 are here, the handwritten notes, which I don't -- it would be
 12 in the file, it would be near the back.
 13 Q Well, let's take a look.
 14 A (Examining.) I don't see them here. I'm sorry.
 15 That's the subpoena.
 16 This would be everything that's on the left side of
 17 the file. The notes and so forth are on the right side of
 18 the file, and I'm sorry I don't see those here.
 19 Q Well, apparently we don't have a copy of those.
 20 We'll try to get them and circle back to that subject then.
 21 What's your best recollection about what she said
 22 she had? Did she talk at all, for example, about any notes,
 23 any cards, any gifts, anything like that at all?
 24 A Well, what she told me was that she had -- she had
 25 some letters from the President. There was -- when she was

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1 an intern she had gotten -- she served two stints as an
 2 intern in the White House back-to-back, both six weeks long,
 3 and in the course of that she sort of got the interns
 4 together, and there was a poem or something that they got
 5 together and gave to the President for Bosses' Day.
 6 And the President had sent her a letter in
 7 response, basically saying, "Thanks very much for the poem.
 8 It was very thoughtful of you and the interns," dadadadadada.
 9 So she said, "I had that," which I think is in here.
 10 She said that she had some Christmas cards that she
 11 had received from the White House. I said, "Okay." She said
 12 that she had given -- she had become friends with Betty
 13 Currie, who was the President's secretary, and through
 14 conversations with Betty and other people she learned that if
 15 you gave the President a tie, he would wear it and take a
 16 picture, and, you know, you could get the picture from the
 17 White House photographer.
 18 And so she had given the President a tie and
 19 received a letter back from the President, saying, "Thank you
 20 very much for the tie. It was very thoughtful. Hillary and
 21 I thank you very much," words to that effect. It's here. So
 22 she said she had that.
 23 And then she said while she was at the Department
 24 of Defense, while on an away trip -- she worked for the
 25 Assistant Secretary for Public Affairs, I believe, Mr. Bacon,

<p style="text-align: right;">Page 21</p> <p>1 and while on a trip, she had gone to a PX in Bosnia and 2 bought him a T-shirt, and I think a tie also there, and had 3 given that to him when she had come back from her trip at 4 DOD, and he had sent her a card saying, "Thanks very much for 5 the T-shirt and tie from Bosnia. It was very thoughtful of 6 you," dadadadadada. 7 Q Fairly innocuous items from the President then. 8 A Clearly. I mean, you could not -- in my opinion, 9 you couldn't tell whether he signed the letter or whether it 10 was an autopen that he had a staff person sign for him. 11 Q And that's when you ultimately saw the letter -- 12 did you actually see any of these letters during this first 13 meeting? 14 A No, no. These are things -- I'm sort of 15 bootstrapping on what I know she did give me, for what I 16 believe is in my notes from December 22nd. Items were 17 eventually given to me on January 5th. 18 Q Let's just focus then on what she said about any 19 items she might have gotten from the President during that 20 meeting on the 22nd. 21 Did she say anything about the President having 22 given her any brooches? 23 A No. 24 Q Did she say anything about the President having 25 given her a hat pin?</p>	<p style="text-align: right;">Page 23</p> <p>1 whatever she had in response to the subpoena? 2 A Yes. 3 Q And what did you explain to her on that score? 4 A I told her she was under compulsion by the court to 5 produce this. If there were items, and if there was some 6 reason we could stop the production, we would. 7 My first reaction was to try to stop the deposition 8 altogether as far as she was concerned, and that that would 9 be my focus of my activities. But, quite frankly, the law in 10 the United States in the civil area is that basically you can 11 ask anybody anything about any item as long as you can have 12 just a tint of relevancy to whatever the civil suit is. 13 Q Let's stay focused a bit on the subpoena for the 14 items, and then we'll focus a bit more on the deposition. 15 With respect to the subpoena for the items, did you 16 explain to her that she was obligated to look for items that 17 were in her possession that might comply with the subpoena? 18 A Okay. The subpoena was for her deposition, and 19 attached to that was, "You will bring with you these items." 20 So I really -- they weren't two separate documents. It was 21 sort of folded together at the same time. 22 But, yes, I did tell her, "You've got to produce 23 these if you've got them. You need to go look for them." 24 Part of the discussion was, "Well, I'm packing up 25 things to move to New York." And my response was, "You have</p>
<p style="text-align: right;">Page 22</p> <p>1 A No. 2 Q Did she say anything about the President having 3 given her any clothing? 4 A No. 5 Q What about a gift of a book by the name of "Leaves 6 of Grass"? 7 A She did say that the President had given her a 8 book. It was not "Leaves of Grass." It was a book that he 9 had co-authored or had somebody ghost-write for him or -- 10 it's about him, about Bill Clinton. 11 Q Did she say anything during this meeting on the 12 22nd about having couriered any items to Betty Currie to be 13 passed along to the President? 14 A Not at that meeting. 15 Q Anything else you can remember about what she told 16 you about items that might be responsive to the subpoena? 17 A Well, it really was the first contact I had with 18 her. I wasn't going to bear down or press. It was more or 19 less a get-together kind of thing. And I said, "Okay. You 20 know, these are things that occur to you right away. You 21 need to go back and you need to look for items that respond 22 to every category." I didn't really press it, just sort of 23 left it at that. 24 Q Did you talk with her about the importance -- the 25 significance of a subpoena and the obligation to provide</p>	<p style="text-align: right;">Page 24</p> <p>1 to go through the boxes, you have to find them. You must 2 look for whatever you have that's responsive to the 3 subpoena." 4 Q Did you explain to her that she could not destroy 5 any items that would be responsive to the subpoena? 6 A I don't specifically recall telling her, "Don't 7 destroy anything." I just said, "If you have it, if it 8 exists, we must produce it." 9 Q Did you explain to her what the consequences might 10 be of her not producing something in response to the subpoena 11 that might later be found, for example? 12 A I'm not sure that -- my response in that area was 13 in this manner, and I'm not -- I don't believe it was on the 14 22nd. I believe it was on January 5th, when we talked a 15 little bit -- when she actually produced something and we 16 talked more in-depth. 17 And my advice to her was, "In Washington, D.C., 18 people get in more trouble trying to cover up or hide what it 19 is they might have previously done than any kind of 20 consequences of the original act. 21 "So let's not get into that, let's not do that. If 22 there's something here that you're apprehensive about, let's 23 deal with it. We can maybe focus it, we can maybe shape it 24 in a different way. But let's be responsive to what you're 25 asked here."</p>

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1 Q What was she primarily interested in accomplishing
2 through retaining you as her attorney?

3 A Well, she didn't want to be deposed. I mean, that
4 was quite clear. She thought that, number one, it would be
5 devastating to her, at 24 years of age and basically just
6 beginning her employment career, to be associated with the
7 Jones v. Clinton case.

8 She made no bones about saying she had no idea why
9 they wanted to depose her. She didn't know how they got her
10 name. She just didn't want to be associated with it in any
11 way, shape, or form, and couldn't I just let them understand
12 that? I said it wasn't quite that easy.

13 Q Did you discuss with her what your plan might be
14 for trying to avoid a deposition?

15 A Sure. What I suggested is that I would contact
16 Paula Jones's lawyers first, try to talk them down from the
17 position. I didn't think that was very likely, but if it was
18 required, I would try to do that.

19 And if they did not relent, then after that I would
20 try to file a motion and see if I could have the court
21 actually intervene to either, (a), quash the subpoena
22 altogether, or at least, (b), to limit the kinds of things
23 they could ask her or the kinds of areas they could examine
24 her on.

25 A Just so that we all are clear on what you're

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1 referring to, you mentioned a motion to quash. What is a
2 motion to quash?

3 A Basically having the court nullify the subpoena she
4 would have received, which would mean she would not be
5 deposed and would not have to appear.

6 Q Now, you were familiar to some extent, weren't you,
7 with the Paula Jones case?

8 A As much as appeared in the newspapers.

9 Q Did you have any discussions with Monica Lewinsky
10 about her relationship with the President?

11 A Only to the extent -- in relation to her
12 employment, what contact would that have brought her with the
13 Oval Office and the President, what kind of contact would she
14 have had with the President while being employed at the White
15 House, and asking her, "Why do they want to depose you?"

16 Q And what did she say about the contact that she
17 would have with the President?

18 A Well, she said that there were a number of
19 photographs of her that -- the President is followed around
20 all the time by a photographer, and every time he shakes
21 hands with somebody, a picture is taken; every time he is at
22 an event, a picture is taken.

23 And so she said that if she happened to be in the
24 area, she would go up and shake hands with him, "How are you,
25 Mr. President?" and a picture would be taken. So she said,

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1 you know, there were several different times. Sometimes she
2 would happen to be in the area, sometimes for work purposes
3 she would be in the area. But, you know, she would shake
4 hands with him, and there were a number of photographs of her
5 doing that, both at the White House and, not that many, but
6 some at the Department of Defenses with her present job.

7 As far as why she was subpoenaed, she said she had
8 no idea at all.

9 Q Did she mention to you at any time the
10 circumstances under which she left the White House?

11 A I'm not sure. I don't think I have anything on the
12 notes on that. She just said that she worked at the White
13 House for a while, and then this other job became available
14 at the Department of Defense, same type of area, because
15 primarily what she has done, both as an intern working at the
16 White House and as working at the Department of Defense, was
17 responding to correspondence, developing correspondence,
18 drafting correspondence for another person's signature.

19 And so a similar type job opened with an assistant
20 secretary at the Department of Defense, and she took that.

21 Q Did she say anything to you about the fact that she
22 had been regarded as a "stalker" of the President, that she
23 had been around --

24 A Nothing like that was ever intimated or said.

25 Q Any mention or intimation of her hanging around the

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1 Oval Office or President Clinton too much?

2 A No.

3 Q Did you ever ask her whether or not she'd had a
4 sexual relationship or sexual contact with President Clinton?

5 A Yes.

6 Q All right. What did she say?

7 A "No."

8 Q Did you ask her whether she'd had phone calls, for
9 example, from President Clinton?

10 A I recall specifically in -- I think specifically in
11 my notes I asked did the President ever come to her office,
12 and she did not recall if he ever came to her office.

13 I don't recall anything about phone calls, being
14 told, and I'm not sure if I asked.

15 Q Was there any discussion regarding deposition
16 costs?

17 A Well, she was subpoenaed while she was living here
18 in the District of Columbia, and she was hoping that she
19 would be employed and would be living full-time in New York
20 City, and she said, "You mean I've got to cover the cost of
21 coming down here for the deposition?" And I told her that if
22 she moved there, I would press Paula Jones's lawyer to cover
23 her transportation.

24 She had received a check, the standard witness fee,
25 with the normal local District of Columbia transportation

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1 costs, when she was subpoenaed.
2 Q As you were discussing with her the subject of the
3 subpoena calling for her to produce certain items, documents
4 and other items, did you have any discussion with her about
5 whether computer files or computer e-mails might be covered?

6 A At the time I talked to her on the 22nd, she had
7 already submitted her resignation at the Department of
8 Defense. I asked her was she taking things from her office,
9 files and that sort of stuff, and she said some, but not
10 much.

11 And I told her that it was -- that she would have
12 to respond -- anything that she had in the way of files and
13 that kind of thing that was responsive to the subpoena she
14 would have to give to Paula Jones's attorney.

15 I presumed, and did not ask her, about anything
16 that was developed at the Department of Defense, because I
17 presumed by the time she testified on the 23rd, she would no
18 longer be at the Department of Defense, and all that would
19 belong -- whatever she developed or wrote and left behind
20 belonged to the Department of Defense, and so would not be
21 responsive to the subpoena.

22 Q Was there any discussion about your planning to
23 speak with the President's attorneys?

24 A Yes. During the very first conversation -- I mean,
25 from reading the newspapers I knew that Bob Bennett

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1 represented the President, and I knew Bob Bennett, and I
2 actually tried to call Bob while she was there in my office.

3 He was not there, and I left a message, and I said
4 I would contact him further and see what information he could
5 give me about the Jones case, or try to get as much
6 intelligence as I could that would relate to Monica.

7 Q Is there anything unusual about your contacting one
8 of the parties to obtain that sort of information?

9 A Absolutely not. It's done all the time.

10 Q Whose idea was it for you to contact Mr. Bennett?

11 A Mine.

12 Q Your idea? Just one second.

13 A Sure.

14 Q Did she indicate to you when on the 19th she had
15 been served with the subpoena?

16 A No. She had just indicated -- on Monday, the 22nd,
17 she just indicated to me that she had received it on the
18 19th. I believe that's what my notes say.

19 MR. EMMICK: I'm going to turn some events that
20 happened after that first meeting. Are there any questions
21 that you have about the meeting itself?

22 THE FOREPERSON: I think now is a good time to take
23 a break between the subject matters so I don't disrupt
24 anything during the questioning. So I recommend that we take
25 a ten-minute break right now.

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1 MR. EMMICK: That's fine. Thank you.

2 (The witness was excused.)

3 (A brief recess was taken.)

4 MR. EMMICK: Are we back on the record?

5 THE FOREPERSON: We're back on the record.

6 MR. EMMICK: There's one brief matter that we
7 wanted to take up prior to bringing the witness back in,
8 Madam Foreperson. I think you suggested that you recognized
9 the attorney.

10 THE FOREPERSON: Yeah, I recognize Frank Carter's
11 attorney. Now I'm not certain whether I recognize him
12 because he lives in my area -- either he lives in the area
13 where I live in Southwest and I see him in the supermarket
14 all the time, or I've seen him at the Madison Hotel on
15 several occasions where I've recognized him.

16 I don't know him and it wouldn't have any effect on
17 how I feel about the testimony.

18 MR. EMMICK: All right. I can advise you -- and
19 I'll ask Mr. Carter to verify that -- but his name is Charles
20 Ogletree, and he's actually a professor at Harvard. And so I
21 believe, at least for the recent past, that's where he would
22 have been residing.

23 It may be, though, that you have seen him at the
24 Madison Hotel.

25 THE FOREPERSON: The Madison. That could be

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1 MR. EMMICK: I'll ask him to provide that
2 information because I can't be a witness, but --

3 THE FOREPERSON: Or if -- he may even be a member
4 of an organization that I was once a member of, the Coalition
5 of Black Meeting Planners. That may be it, too.

6 MR. EMMICK: The important question to ask is, can
7 you put aside whatever prior connection you would have had
8 with Mr. Ogletree?

9 THE FOREPERSON: Absolutely, absolutely.

10 MR. EMMICK: Any other questions before we ask the
11 witness to come back in?

12 (No response.)

13 MR. EMMICK: Seeing no questions, I'll get the
14 witness.

15 (The witness was recalled.)

16 THE FOREPERSON: Mr. Carter, you are still under
17 oath. Mr. Emmick, we have a quorum, and there are no
18 unauthorized people in the grand jury room.

19 MR. EMMICK: That sounds fine.

20 BY MR. EMMICK:

21 Q What I wanted to do first was ask one or two
22 questions about your attorney. Your attorney is Mr. Charles
23 Ogletree?

24 A Correct.

25 Q And he, I believe, now lives and works up in

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1 Massachusetts at Harvard.
 2 A He's a professor at Harvard.
 3 Q Professor at Harvard.
 4 A Harvard Law School, correct
 5 Q We have found notes, or at least the original of
 6 the documents that you provided to us. We had inadvertently
 7 not made copies of the file. So what I'm going to do, since
 8 we've been talking about notes that you have written, I want
 9 to show you the file itself and ask you to take a look at the
 10 notes and see if that helps refresh your recollection about
 11 your discussions with Monica about items in response to the
 12 subpoena.
 13 Keep in mind that that is the original set.
 14 A (Examining.) On December 22nd I took three pages
 15 of handwritten notes. The notes were taken by pen. There
 16 are some notations on these, primarily the second and third
 17 page, which overlap January 5th.
 18 What I did it on December 22nd was go through the
 19 subpoena and the certain areas, and I said, "Okay. As to
 20 this paragraph, Monica, do you have anything?" And if she
 21 noted it, I would write those down.
 22 When she came back to visit me for the second time
 23 on January the 5th, she brought the items, and what I would
 24 do is make some notations or ask some additional questions or
 25 write some other things along here. So --

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1 But primarily on December 22nd there were three
 2 pages of handwritten notes taken.
 3 Q So looking at those handwritten notes, does that
 4 refresh your recollection about what things you may have
 5 talked about?
 6 A Correct.
 7 Q Okay. Can you tell us what your recollection is
 8 having looked at those notes, or while you're looking at the
 9 notes.
 10 A Sure. This will just offer a little bit more
 11 detail from when we talked about it. She indicated she had
 12 -- again, I won't go through the biographical information. I
 13 don't think it's necessary.
 14 Q Right.
 15 A She received the subpoena on December 19th. She
 16 worked at the White House beginning in July of 1995. She did
 17 two terms, six weeks apiece, as an intern, primarily working
 18 in the Old Executive Office Building in Leon Panetta's office
 19 -- that would have been chief of staff -- doing
 20 correspondence.
 21 Normally only -- an intern only does one session,
 22 but she asked and received a second six-week session.
 23 There was -- during the time she was an intern, at
 24 one point the federal government went on furlough I
 25 remember Monica indicating to me that she volunteered to come

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1 in to answer the phones; and did so, on the furlough days.
 2 And it was appreciated -- or there was some thank you or
 3 something along those lines -- forgive me, if you'll give me
 4 a second.
 5 (Examining.) It was greatly appreciated that she
 6 had done that. I don't think there's any kind of
 7 documentation or thank you that was actually given to her.
 8 But she indicated that she had done that and volunteered to
 9 do that.
 10 Q As you look through those notes, let's focus more
 11 on the discussions about what items she might have that would
 12 be responsive to the subpoena and follow-up discussions.
 13 A All right. She indicated that she gave the
 14 President a tie in November of 1995, after the furlough. She
 15 indicated in August of 1996 she gave the President a tie and
 16 a T-shirt from Bosnia that she had bought in the region of
 17 the bases during a trip while she was working at the
 18 Department of Defense.
 19 She indicated there was a family picture from a
 20 radio address. The President has Saturday radio addresses,
 21 and selected people are invited in to sit in the audience to
 22 hear it, and on one occasion she arranged for her father,
 23 Bernard Lewinsky, who lives in California, her brother
 24 Michael, who is in college, and her stepmother, her father's
 25 current wife, to come and go to -- to sit through one of

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1 these radio addresses.
 2 At the end of the radio address the President goes
 3 around and sort of shakes hands with everybody in the
 4 audience, and there is actually a photograph of the President
 5 shaking hands with her brother Michael, with her stepmother
 6 and father in the background, and of Monica sort of
 7 introducing Michael. And she indicated she had that.
 8 That 40 others attended the radio address, it
 9 wasn't just for them alone, and that -- on January 5th she
 10 actually produced that photograph.
 11 She indicated that she had a picture of the
 12 President with the tie that she had given him. She indicated
 13 she had a picture of her at a radio address that she attended
 14 without her family. She said that there was -- that interns
 15 during one of her internships gave a birthday party for the
 16 President, and there's a photograph of the President with
 17 six, ten interns around him, with Monica being one of the
 18 interns, and she had that photograph.
 19 There was -- in December of 1995 there was a
 20 congressional party that she attended with a date. There's a
 21 photograph of her, the date, the President, and the First
 22 Lady.
 23 There was a Christmas party in 1996 taken in the
 24 White House. She indicated it was the Diplomatic Receiving
 25 Room. She had that

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1 There was a photo, and then there was a photo
 2 opportunity, as she called it. She was in the basement lobby
 3 of the West Wing of the White House with someone else, and
 4 the President happened to pass through, and when the
 5 President passed through, she went up and shook his hand and
 6 of course, got a picture taken. And she had that picture
 7 Those were the items that she had indicated that
 8 she had in response to the subpoena.
 9 Q All right.
 0 A Now, the way I left it with her, I said, "Okay,
 1 Monica, again, this is what you tell me now. You must go
 2 look for additional items. Don't be satisfied with just
 3 this. You must dig for other things and find other things
 4 that possibly are responsive to the subpoena."
 5 Q All right. Incidentally, did she indicate to you
 6 whether she had gone to work earlier that day and then had
 7 come to the meeting and then was going to go back to work, or
 8 did she come right from home, anything like that?
 9 A We didn't talk about that at all.
 0 Q All right. Now, you mentioned that you had made
 1 one call to Bob Bennett to try to contact him.
 2 A Correct
 3 Q Can you tell me what other efforts you made to
 4 contact Bob Bennett or his staff later that day?
 5 A An associate of Bob, a woman by the name of

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1 Katherine Sexton, S-&x-t-o-n, she and I traded phone calls
 2 back and forth on the afternoon of the 22nd. We finally
 3 spoke near the end of the day.
 4 I explained to her who I was, who I represented,
 5 why I was calling, and that I'd like to sit down and talk
 6 with them, and a meeting was arranged for the next day
 7 Q And that was consistent with what Monica wanted you
 8 to do?
 9 A Oh, yes. I told her I was going to do that, to
 0 find as much information as I could about the Jones case, and
 1 how possibly someone else might know that she fit into the
 2 scheme of things, or why plaintiff's counsel wanted to depose
 3 her.
 4 Q Now, when you spoke with Ms. Sexton I guess that
 5 would have been late on the 22nd, did she appear to know who
 6 Monica Lewinsky was?
 7 A At that time she didn't give an indication. She
 8 just said, you know -- I told her who I represented, and that
 9 she worked at the Department of Defense and had formerly
 0 worked at the White House, and she had been subpoenaed, and I
 1 I'd like to talk to them. And I don't think she indicated
 2 one way or another whether she knew or didn't know her.
 3 Q Did you schedule a meeting for the next day?
 4 A I did.
 5 Q Where was the meeting to be and at what time?

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1 A The meeting was to be at Bob Bennett's office,
 2 which is only one block from mine. I'm not sure. I think it
 3 was maybe in the morning, late morning sometime, I believe
 4 Q That's fine for our purposes.
 5 Do you remember any particular phone calls prior to
 6 the meeting with Bob Bennett?
 7 A I believe I -- because I spoke to Katie Sexton so
 8 late in the day on Monday, I believe it wasn't until Tuesday
 9 morning that I spoke with Monica and assured her that I had
 10 made contact and that I was going to meet with them, and I
 11 would get back in touch with her later on in the day to let
 12 her know the results of our meeting.
 13 Q Okay, good. Let's then turn our attention to the
 14 meeting itself. You went to Bennett's office?
 15 A I did.
 16 Q How long was the meeting?
 17 A An hour or so.
 18 Q Who was there with Mr. Bennett?
 19 A Katherine Sexton, the other attorney.
 20 Q And what was your purpose in going to the meeting?
 21 What were you trying to accomplish?
 22 A Intelligence, to get as much information as I
 23 possibly could about Paula Jones' case and how my client
 24 possibly fit into it.
 25 Q All right. Did you bring anything with you to the

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1 meeting?
 2 A I might have carried a briefcase, but I didn't take
 3 anything to give to them or anything like that
 4 Q You were rightly anticipating my question.
 5 What did you talk about with Bennett and Sexton?
 6 What did you say? What did they say?
 7 A Generally it was who my client was, what she had --
 8 her previous work in the White House, her current at the
 9 Department of Defense. She had been subpoenaed. She didn't
 0 know why she was subpoenaed. Was there any information they
 1 could provide about the case that could be helpful or could
 2 shed any light on why she'd been subpoenaed by plaintiff's
 3 counsel.
 4 Q And what did they say?
 5 A That they were under a confidentiality order and
 6 couldn't tell me too much of anything.
 7 What they did tell me was that Judge Susan Webber
 8 Wright was a very good judge, that -- because I had mentioned
 9 that I would probably -- I would eventually, if I was not
 0 successful in trying to talk plaintiff's counsel down from
 1 the deposition, I would probably be filing this motion to
 2 quash or something to try to stop the deposition.
 3 And I just got some intelligence about Judge Susan
 4 Webber Wright that said she was a very bright woman, she
 5 acted promptly on pleadings, that she considered legal

<p style="text-align: right;">Page 41</p> <p>1 arguments very well and decided them evenhandedly. 2 They gave me the name of her law clerk. I think 3 she had more than one, but the specific law clerk that was 4 actually honchoing the Paula Jones case, in case I needed to 5 speak with him at some point in time. 6 Q That person's name is Ward? 7 A Barry Ward, correct. 8 Q Tell us about discussions regarding the motion to 9 quash. 10 A Bob was not sure if her name had ever appeared on 11 the radar screen of the case at all. Katie Sexton I believe 12 said that, no, that was not correct, that in discovery -- or 13 early in discovery, both sides were asked to produce a 14 witness list, and basically both sides put the kitchen sink 15 in their witness lists. It was not going to be absolutely 16 everybody they were going to call, but they put in a whole 17 rash of names on both sides. 18 And after I had given Katie -- I believe after I 19 had given Katie the name of Monica Lewinsky, she had gone 20 back and found that Monica was on this expansive list of 21 witnesses that plaintiffs had exchanged with them some time 22 ago. 23 Q Now, whether Monica had been on the witness list or 24 not, was that something that Monica had mentioned to you the 25 day before?</p>	<p style="text-align: right;">Page 43</p> <p>1 on my research and my work for Monica. 2 So I said, "I'd be happy to receive anything you 3 have if you have it." They said, "Fine." 4 Q Anything unusual about that? 5 A No, no. 6 Q Okay. When did you expect them to provide you with 7 that? 8 A Well, again, we were coming up onto Christmas, and, 9 you know, the deposition wasn't until the 23rd of January. I 10 said, "Anytime after the first of the year would be fine." 11 You know, no need rushing it through the Christmas holidays. 12 Q Did they discuss with you any other planned 13 depositions, any other information that might be useful to 14 you? 15 A No. They weren't able to provide me any of that 16 information. 17 Q Because of the confidentiality order. 18 A Correct_ Not that I didn't ask They just 19 didn't -- they just were not able to provide it. 20 Q All right. How did the meeting end? What were you 21 supposed to do? What were they supposed to do? What were 22 the parties' respective expectations? 23 A Basically I just said, "Look, I'll keep in touch." 24 We talked a little bit about plaintiff's counsel-and they 25 suggested, "Well, of all plaintiffs counsel, there's a guy</p>
<p style="text-align: right;">Page 42</p> <p>1 A No. Monica had no idea why she was being 2 subpoenaed or deposed. 3 Q With respect to the motion to quash, did Bennett or 4 Sexton indicate whether others had filed motions to quash? 5 A They had. They said I would not be the first, and 6 that obviously I should get in touch with Barry Ward and -- 7 let me pause for a minute. 8 When you file a motion to quash for a witness you 9 don't use the witness's name. So if it was a male, it would 10 be John Doe, if it was a woman, use Jane Doe. So the 11 terminology they said was, there were other Jane Doe's who 12 had filed motions to quash. So I said, "Okay." 13 So if I would call Judge Wright's law clerk, he 14 would tell me which number I was, whether I was No. 2, 3, 4, 15 5, or 6, to have filed something like that, and in each 16 successive one it's a different number. So they said get in 17 touch with the law clerk for that information. 18 Q Was there any discussion about whether they might 19 be able to help you by providing any forms or anything 20 resembling what the other motions to quash had looked like? 21 A Well, seeing how they had been running with the 22 case for a longer time, I said, "Do you have any prior legal 23 research in the area of quashing the motion?" And Katie 24 Sexton said she thought she could get something together and 25 get it over to me. That would at least give me a jump-start</p>	<p style="text-align: right;">Page 44</p> <p>1 by the name of David Pyke, and he's fairly reasonable. Maybe 2 you ought to contact him." 3 And I told them I would try, as required by the 4 federal rules of civil procedure, to try to work this out 5 amicably before filing any kind of pleading, and, if not, I 6 would be filing a pleading reasonably in advance of the 23rd, 7 and I would just keep them advised of what I was going to do. 8 Q All right? After you got done with this meeting 9 did you call Monica or get in contact with Monica in order to 10 let her know what had happened? 11 A I did and -- I did call her and I did let her know. 12 Q Okay. Do you remember what you said? 13 A PrettymuchItriedto summarize the meeting, what 14 was said, what I intended to do, and what informationthey 15 could or could not provide me. and that things would continue 16 on. 17 You know, it was the 23rd of December, I said, "Go 18 off and enjoy Christmas. Call me after the first of the year 19 and well talk more seriously." 20 Q Nothing unusual then about that phone call? 21 A No. 22 MR. EMMICK: Any questions that any members of the 23 grand jury have about the meeting with Bob Bennett? 24 A JUROR: Yes. I wonderred did you take any notes 25 during that time when you had the meeting?</p>

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1 THE WITNESS: I did not. It was more for
 2 intelligence, you know, try to pump them for information.
 3 They were able to give me very little. So I didn't take any
 4 notes.
 5 MS. IMMERGUT: I have one question.
 6 MR. EMMICK: Yes.
 7 Ms. IMMERGUT: Sir, was there any suggestion at
 8 that first meeting that Mr. Bennett or Ms. Sexton would
 9 review your motion to quash before filing or the affidavit
 0 associated with it?
 1 THE WITNESS: They didn't suggest it, and I
 2 certainly did not offer it.
 3 MR. LERNER: Did they suggest, in addition to
 4 having a sort of sample motion to quash, that they also had a
 5 sample affidavit that you might take a look at?
 6 THE WITNESS: I don't believe so. I mean, my focus
 7 was on the research. This ought to get me jump-started on
 8 the library work that I had to do, and that was the focus. I
 9 don't think so.
 0 BY MR. EMMICK:
 1 Q Did you expect that when they provided you with
 2 whatever research they might have, that they would also
 3 provide you with some sample affidavits? Was that your
 4 expectation?
 5 A I didn't have an expectation. If it came, fine,

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1 but I didn't have an expect&ion. What I was focusing on was
 2 the legal research, as I said. I figured everything else I
 3 could fill in.
 4 Because if you do an affidavit, it's going to be
 5 tailored to Monica, and what Monica knew and what Monica saw
 6 and what Monica did And so anybody else's affidavit will
 7 only give you the form. That is, it would start up at the
 8 top and it went to the bottom, and it would have a notary's
 9 jurat on it for her to sign, and I knew how to do that. The
 0 facts in the middle are all what Monica would give me.
 1 Q Would you clarify -- you made a reference to the
 2 word "jurat." What is a "jurat"?
 3 A I'm sorry. When you have something notarized,
 4 there's a little paragraph above your signature that
 5 basically says that, "The person who has signed this above
 6 appeared in front of me, and under oath has sworn that this
 7 is their document, that it's true to the best of their
 8 information and belief," and then a notary public signs it
 9 and puts their seal on it.
 0 And that's -- that little paragraph and the seal
 1 and the signing by the notary is called the "jurat."
 2 Q All right. So you called Monica and advised her
 3 about the meeting with Mr. Bennett.
 4 Let's turn our attention then to December 24th. I
 5 believe you mentioned earlier that that was the day on which

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1 you drafted the retention letter. the engagement letter, you
 2 might say.
 3 A Correct.
 4 Q And you sent a cover letter with that engagement
 5 letter to Monica.
 6 A Correct.
 7 Q Anything unusual about that?
 8 A No. It's standard procedure. In fact, the rules
 9 of professional responsibility in the District of Columbia
 0 require you to have a written agreement with every client
 1 that you work for.
 2 Q What were the financial arrangements that you'd
 3 agreed upon for the representation?
 4 A (Examining.) I believe I charged her \$250 an hour
 5 for work on her behalf, \$75 an hour for any work performed by
 6 a paralegal, or by the firm, and I asked for a retainer fee
 7 of \$2,500.
 8 Q And did she ask that that be reduced?
 9 A Yeah. In a subsequent phone conversation I think
 0 -- I think it was between Christmas and New Year's -- she
 1 called and said, "Look, Mr. Carter, I'm leaving my job at the
 2 Department of Defense, and I'm looking for employment. I'm a
 3 little short right now. Is it okay if I just send you
 4 \$1,250?"
 5 Here's a young woman who has a mother who has an

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1 apartment at The Watergate and also on Fifth Avenue in New
 2 York City. I said, "Sure." I didn't think money was going
 3 to be a problem. So I said, "It's no problem. You can send
 4 me \$1,250 now and we'll catch up later."
 5 Q Let me then simply represent to you that some of
 6 the messages reflect calls on the 29th of December. Is that
 7 consistent with what you're talking about?
 8 A I had told her to call after Christmas, and we
 9 would definitely fix a day when we would sit down and talk
 0 next. And I believe both the conversation about the retainer
 1 fee and fixing the next day, which would have been -- next
 2 day for us to meet, which would have been January 5th,
 3 occurred, if not on the 29th, around there, but I think it
 4 was on the 29th.
 5 Q All right. Let me direct your attention then to
 6 the 30th of December. I represent to you that there are some
 7 records in the various messages and phone logs that we have
 8 to some discussion with Katie Sexton. There's a message that
 9 says, "Regarding the meeting last week," and then there's a
 0 phone call between the two of you. Do you remember what that
 1 was about?
 2 A The best I recall, Katie sort of said, "Look, I'm
 3 sorry I haven't gotten the legal research to you" And I
 4 said, "Look, it's Christmas time, like I said. Anytime after
 5 the first of the year is fine. Don't worry about it." And

Page 4.5)

1 there might have been some other pleasantries, but if **there** .
 2 **was** any substance, that's about the only substance **that** I can
 3 recall we would have talked about.
 4 Q **All** right, Let's jump forward then to January 5th
 5 **We** did mention earlier that **that was the day you had planned**
 6 to meet with Monica. Do you remember the time when **you**
 7 planned to meet with her?
 8 A No, but I can check my calendar and tell **you**, but I
 9 don't **recall**.
 10 Q **Well**, let me just represent **to** you that I believe
 11 your calendar says --
 12 A In the morning?
 13 Q -- 3:00.
 14 A **Oh, 3:00?**
 15 Q **Is** that consistent with your recollection?
 16 A **Sure, mm-hmm.**
 17 Q All right. If you need to check, feel free to
 18 check.
 19 A That's okay.
 20 Q Do you remember about how long this meeting **was?**
 21 A Again, about an hour.
 22 Q Just the two of you?
 23 A Yes.
 24 Q And what was the purpose of this meeting?
 25 A **This was the day** she was supposed to bring whatever

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1 **she** had that was responsive to **the** subpoena to me, and for us
 2 **to** talk a little bit more, get a few more details and more
 3 information **about her** work, **who her supervisors were** and that
 4 kind of thing at the White House.
 5 Q Now, among the **materials that** you provided us when
 6 **we interviewed you I believe it was on June 4th was a package**
 7 **of materials that you'd gotten from Monica. Do you remember**
 8 that?
 9 A **Correct.**
 10 Q All right. Are those all **the** items that Monica
 11 **gave you?**
 12 A Yes.
 13 Q **Can you** describe for us what those items were?
 14 A Sure. Neartheendof-orattheendofmy
 15 representation I did an inventory of **the** materials to give to
 16 Nate Speights just so we both had a record of what **I was**
 17 giving him and what Monica had provided me.
 18 **There's** a book, **the** title of **which** is "Between Hope
 19 and History," that she received from that. You **have** the
 20 original book. There is no inscription, no writing, **no**
 21 **nothing on the inside of that.**
 22 Q Now, that's a book written by president Clinton?
 23 A **Correct.**
 24 Q And is that the same book that she had referred to
 25 **in the first meeting?**

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1 A **Correct.** There were three Christmas cards. One is
 2 -- **these** are -- it appears **to** be the standard **White House**
 3 Christmas card, or the official white **House Christmas card**
 4 for each particular year. One **was** for Christmas 1995. It
 5 was in an envelope that appeared to have handwritten on the
 6 outside -- it's addressed to the client, the Legislative
 7 Affairs, East Wing, First Floor on the outside of the
 8 envelope, and on the inside the Christmas card is signed by
 9 the President and the First Lady and looks to be **autopen** to
 10 me. I'm not sure, but it -- that's why I think --
 11 Q Can you tell us what "autopen" is?
 12 A I'm sorry. The President signs so many things, or
 13 has to sign so many things, he signs his signature, and then
 14 it is replicated on a machine. **And so a staff person** who
 15 wants to have some **correspondence**, once it's been **approved** by
 16 the appropriate supervisor, the staff person takes the
 17 letter, puts it in the machine, and the machine signs the
 18 President's name to it.
 19 Q So that it looks like a personal signature.
 20 A Absolutely, absolutely. .
 21 Q What other gifts did she give **to you?**
 22 A **There** was the **official** White House Christmas card
 23 for 1996, again signed by the President and the **First** Lady,
 24 and then the official **Christmas card for 1997**; again signed
 25 by the President and the First Lady. The latter two, I

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1 believe, did not have envelopes for them.
 2 **There** was a November 13, 1995, letter **to** my client
 3 from the President. It's about a matted poem that was given
 4 him for National Bosses' Day, words to the effect that, "I
 5 appreciate the **hard** work done by you and the other interns
 6 who signed the poem," and it's signed by the president and
 7 it's on White House stationery. Again, whether it's his
 8 signature or done **by machine**, I'm not **sure**.
 9 A September **4, 1996**, letter to the **client** from the
 10 President, It's regarding the T-shirt and the tie for his
 11 birthday. It's signed by the President, and it has
 12 additional writing **which** leads me to believe **that perhaps**
 13 the President, in fact, did sign it, because it says, "The
 14 tie is really beautiful," has his signature, "**Bill Clinton**,"
 15 and then it has these words in pen, "The tie is really
 16 beautiful." And it's on White House stationery.
 17 There's a color photo of White House interns on **the**
 18 South Lawn of the White House. It's **like a gazillion** of
 19 **them**. It's on the steps in the first floor portico of the
 20 **back of the White House, and the President is on the ground**
 21 floor in the middle. And it's clearly an official
 22 photograph, and on the bottom of it are printed -- **printed**
 23 but in kind of script words to the effect of, "With
 24 appreciation" -- or, "To **Monica** with appreciation," or
 25 **something** like that, and, "Bill Clinton." **Whether he** signed

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<p>1 it or whether it was autopen -- done by machine, I'm not 2 sure.</p> <p>3 There's a color photograph of the President shaking 4 hands with Dr. Lewinsky, her father. This is the radio 5 address that I said they went to. Dr. Lewinsky's present 6 wife, the client -- Monica's back is to the camera -- and 7 Monica's brother, Michael.</p> <p>8 There's a color photograph of the client with a 9 date in formal wear. It's a formal function at the White 0 House during the Christmas period. You can see Christmas 1 decorations in the background. The photograph is primarily 2 the President, the First Lady, Monica, and her date.</p> <p>3 There's a color photograph of my client shaking 4 hands with the President at a White House press Christmas 5 party in business attire, not formal attire, and there are 6 other people in the background. It's unclear who they are.</p> <p>7 There's a color photograph of my client shaking 8 hands with the President in the -- this is the West Wing 9 lobby, where she happened to be when the President is passing 0 through, and he stops and takes a photograph and keeps on 1 moving. There are other people in the background. She 2 didn't know who those people were.</p> <p>3 There's a color photograph of the client with about 4 eight other White House interns. It's like in an office, and 5 the President is standing in front of a mantel, and he's got</p>	<p>1 of the President with the tie she had given him. And she had 2 indicated she had a photograph of herself shaking hands with 3 the President at a radio address at which her family did not 4 attend.</p> <p>5 And I asked her about these two, and she said, 6 well, she hadn't been able to find them, but things are in 7 boxes, and in anticipation of her move things had been moved 8 around. and she wasn't sure.</p> <p>9 I said, "Well, you've got to go get them. You've 0 got to go through the boxes and you've got to find these 1 things. And we still have time, so keep looking."</p> <p>2 Q Did she ask you any questions about what about 3 items that were in the possession of other people?</p> <p>4 A It's not clear if she did ask that, but if she did, 5 what I would have told her is, "The subpoena is for you. And 6 so unless you have it, unless it is in your possession, 7 unless it belongs to you, you don't have to produce it.</p> <p>8 For example, any work you would have done at the 9 Department of defense. and left at the Department of Defense 0 belongs to them."</p> <p>1 Q Right.</p> <p>2 A "And so you are not required to produce that. If 3 plaintiff's want it, they have to go to the Department of 4 Defense. But if you have it and it is yours, then that's 5 what we have to produce."</p>
<p>Page 54</p> <p>1 these interns on either side of him, and Monica said that's 2 when they threw a birthday party for him when they were 3 interns.</p> <p>4 There was one other photograph that she had in a 5 frame, a frame that had like a paper sealed back to it, and 6 it was a color photograph of her shaking hands with the 7 President. She said this was a ceremony at the Department of 8 Defense. It was taken from her back, so you could not see 9 her face, but you could clearly see the President reaching 0 over and shaking her hands. That was the angle from her 1 back.</p> <p>2 She had that in a frame, and she said, "Look, I put 3 this in a frame. Do I really have to take it out of here and 4 give it to the people? And seeing how this was early on in 5 her representation, I said, "Well, why don't we wait? Let me 6 see if I can talk these guys down from it. You might have to 7 give that to them, but let's not take it out of the frame 8 right now." And I gave it back to her.</p> <p>9 Q Did you ask her if she had any other items?</p> <p>0 A Sure. I asked -- I went through the notes because 1 there were other things she had indicated on December 22nd 2 that she had that she had not produced.</p> <p>3 Q Like what?</p> <p>4 A Just a minute. (Examining.) In our conversation 5 on December 22nd, she had indicated that she had a photograph</p>	<p>Page 50</p> <p>1 Q Did she have any questions about, for example, 2 items that she might have provided to her mother that were in 3 a sense her items, but they're really in the possession of 4 her mother?</p> <p>5 A She never asked anything like that, and we never 6 talked about anything like that.</p> <p>7 Q What else, if you can recall, did you talk about 8 with regard to the items to be produced? At this time, for 9 example, did you talk about what might happen if she didn't 0 produce any items?</p> <p>1 A Well, what I just -- the only thing I can recall 2 telling her, I said, "Look, Monica, if there's a photograph, 3 then you've got to know you don't have the only copy. If 4 it's an official White House photograph, the White House has 5 it and who knows how many other people have it? So it 6 doesn't -- I mean, we've got to produce it. If you've got 7 it, then we've got to produce it. Because it will be found, 8 it will be discovered, and so let's not get into that 9 problem."</p> <p>0 Q Right.</p> <p>1 A "Give it to me, and we'll give it over to them."</p> <p>2 Q And did you explain what "that problem" would be? 3 Did you explain that it might be contempt? Did you explain 4 it would be illegal? Did you explain it would be improper, 5 or you'd get in trouble, anything like that?</p>

Page

1 A Well, I talked in terms of a lot more confusion, they could seek sanctions from the court if it was late discovered, and she may be asked questions during the deposition. And if she got in the deposition and said, "No, I never had a picture of the President in a tie I gave him," when there's documentation of it, then that's lying under oath.

2 Q Okay. Did you have any discussions with her having to do with Linda Tripp?

3 A Yeah. January 5th was the first time I ever heard the name, Linda Tripp.

4 Q How did that come up?

5 A There were three things that Monica asked me during the conversation. The first was, "Could I find out who in the White House had already been deposed or were about to be deposed by plaintiff's lawyers in the Paula Jones case, or who, in the government, the federal government, had been deposed or were about to be deposed by Paula Jones?"

6 Q Did she say why she wanted to know that?

7 A No.

8 Q Did she suggest any names of people who might be in that category?

9 A No. I just presumed she wanted to know if there were any other people in her office that might have talked to plaintiffs. That is my assumption. I didn't follow it up,

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1 but it seemed logical for somebody to try to find out if anybody else from my old office was being subpoenaed and deposed.

2 Q Did you think there was anything unusual about that question?

3 A No, not at all.

4 Q All right. What else?

5 A The other -- the other question was Linda Tripp, and she wanted to know is Linda Tripp to be deposed, and, in so, what's the timing of it?

6 So I said, "Okay. You want to let me know who Linda Tripp is?" And she said -- and, again, I'm going from my handwritten notes of the January 5th conversation. She said that Linda Tripp was a former secretary for Vince Foster in the White House, and then had worked at the Department of Defense where she did

7 And then she said the whole -- the notoriety about Linda Tripp was that she had a relationship with a woman by the name of Kathleen Willey. I said, "Okay, who's Kathleen Willey?" Which I now know after the fact, but at the time I didn't know. She said, "Kathleen Willey was a volunteer" -- she believed was a volunteer in the White House, and she had made allegations against the President, and Kathleen Willey had named Linda Tripp as a person who could corroborate Kathleen Willey's allegations against the President.

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1 And she said, "Didn't you see this article that was in Newsweek in August?" And I said, "No, I didn't see it, or if I did see it, I didn't pay attention to it. But I will get it and look at it."

2 And we talked a bit about -- let me -- the third category was, she wanted to know if any members of her family could attend the deposition, and I said, "Well, you know, that may or may not be a good idea. We need to talk about that a little later."

3 The reason it was not a good idea was, generally at a deposition, the lawyer asking the question would say, "Ms. Lewinsky, who has come with you today? Who is that person with you? Why are they here? Why have you asked them to come here? What do they know about what you're here to testify about?" And I said, "You are then extending their questions into members of your family, when it should not be . . ."

4 And she said, "Well, what about if -- just if my mother comes as sort of a moral support for me?" I said, "Well, that still doesn't -- that still wouldn't stop plaintiff's counsel in the Paula Jones case from asking those kinds of questions, and you don't want those kinds of questions to be asked. You don't want them to be snooping around in that area, because that exposes somebody else in your family to problems, perhaps potential problems, and

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1 possibly being deposed, if nothing else to say, I know nothing. "

2 Now, back to Linda Tripp. I said, "Well, you know, why do you want to know these things about Linda Tripp?" "Well, you know, it's a woman that I met at DOD.

3 "Did you know her at the White House?" "No, I didn't know her at the White House. I've met her since I've been at the Department of Defense and have discovered she wasn't at the White House some of the same time I was there.

4 "What's your relationship with this woman?" "Well, we're friends. We talk" "What do you mean, you're friends? What do you mean, you talk?" "Well, you know, sometimes we have lunch together. One night I spent over her house together."

5 "Okay. What did you talk about?" "Well, just girl things." "All right. What kind of girl things?"

6 And then Monica got very, very vague about that. And I said, "Well" -- and this is the second meeting I had with Monica. And so I said, well, you know, I'm going to press some, but I'm not really going to give the full throttle here.

7 I said, "Look., Monica, we can talk about that later, but what you have to understand is, you don't know other people's agendas. This Paula Jones case is high profile. You have no idea what people think one way or

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1 another on this case. And so you just cannot talk with
 2 anybody about anything that you may have to testify about on
 3 this, nothing -- not even casual conversation, not even off-
 4 the-cuff conversation.

5 "Because, one, you don't know what their intentions
 6 are, and, number two, they could be subpoenaed, and they
 7 could testify on what you said."

8 And I said, you know, "I don't want to drive a
 9 wedge between you and your mother, but you need to be ever
 0 carefully about talking to your mother. You can't talk to
 1 anybody." Ironically, but I said, "The only person you don't
 2 have to worry about is me because I don't have to testify
 3 about anything you tell me."

4 (Laughter.)

5 But it was to be -- you know, Monica is 24 years
 6 old. She's a very personable woman. She's a very easy
 7 conversationalist. She's a somewhat outgoing individual.

8 And I just wanted to make sure she understood.

9 And it's clear she had -- I mean, I do both civil
 0 and criminal work, and I'm sure she's had no situation where
 1 she had to think about criminal laws or criminal
 2 entanglements or something. So this is standard to me, that
 3 you tell a witness, "Don't talk to anybody. You have no idea
 4 how this may come back to hurt you."

5 Q Right.

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1 A So, I mean, that was sort of a monologue I had with
 2 her about Linda Tripp.

3 Q Now, you had mentioned earlier that you had a later
 4 conversation with Monica about how people get in trouble so
 5 of in D.C.-related investigations.

6 A Mm-hmm.

7 Q Was this the conversation?

8 A No.

9 Q Okay.

0 A This was -- the conversation about covering up and
 1 how you get in more trouble covering up or --

2 Q Right.

3 A -- was more in line with the first meeting --

4 Q I see.

5 A -- about producing documents and giving everything
 6 that you've got that's responsive to the subpoena

7 Q Well, I wanted to expand on that then, because I
 8 think we may have passed over it a bit too much.

9 What did that conversation entail?

0 A Well, I had a client who said she knew nothing and
 1 that she did nothing, and the more I probed, the more I came
 2 up a blank. But caution tells me that what you have to tell
 3 somebody is, you know, You need to let me know what you know
 4 about the incident. You need to let me know what's
 5 responsive to this. It may not be as bad as you think.

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1 "You know, lawyers are trained to style things, to
 2 put them in a certain light, to make them seem perhaps not as
 3 bad as a person may think they are. And so, you know, talk
 4 to me about it. You know, let's work on it, if it's
 5 something that's out there.

6 But it was coming back, "No, no, there's nothing
 7 there."

8 So I just had to tell her, I thought caution -- and
 9 she's not the only one. I tell everybody this.

10 Q Right.

11 A "Don't try to bury something that can later on be
 12 exposed because you can get in more trouble trying to hide
 13 what it is you did than any kind of penalty you could receive
 14 for what original action you took."

15 Q I see. And that's a conversation you think
 16 happened in that first meeting on the 22nd rather than the
 17 meeting on the 5th, or do you recall?

18 A I'm not sure whether it's the 22nd or the 5th.
 19 But, you know, it's -- there are more people that are
 20 convicted in the District of Columbia on false statements
 21 than -- that is, more people in non-violent crime areas --

22 Q Right.

23 A -- than anything else.

24 Q And you explained that to her.

25 A I did.

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1 Q Was it your plan to try to find out whether Linda
 2 Tripp had been subpoenaed and when her deposition was
 3 scheduled?

4 A It was my intention.

5 Q And how were you going to do that?

6 A I was going to call Katherine Sexton in Bob
 7 Bennett's office, which I did..

8 Q Before we get to that, let me just ask, did she
 9 mention anything about her job search?

0 A Near the end of the conversation there were two
 1 kind of marching orders I gave her. One was, "You've got to
 2 go back and you have to keep digging, you have to keep
 3 finding, you have to go through boxes. Whether it's in New
 4 York, whether it's in Washington, wherever it may be, you've
 5 got to -- whatever that is responsive to the subpoena, we've
 6 got to get it together and give it to them and gather it.

7 "I don't want to give to them till the day of the
 8 deposition, but you need to provide it to me so that we can
 9 have it, and I hold them in my office."

0 The other was basically letting her know how I was
 1 going to proceed, and what I was going to do is call
 2 plaintiff's counsel again -- reemphasized what I told her the
 3 first time, really -- that I was going to call plaintiffs
 4 counsel, try to get them to relent. If I couldn't get them
 5 to relent, then we would be filing a motion to try to get her

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1 out of this deposition situation.

2 But as a part of that, I think -- I thought I

3 needed to develop an affidavit recounting what she said to

4 me. That is, she knows nothing, did nothing, and has no

5 information that would be of any relevancy to the plaintiff

6 in the Paula Jones case.

7 So we talked about timing, when she could do that.

8 It's not clear to me now when she said she was going to New

9 York, but it was quite evident that she was interviewing in

0 New York, that they would start -- they were going to start

1 coming up, if they hadn't already come up.

2 On the 5th she told me -- let me back up a minute.

3 On the 5th she told me she had a job interview, but it was a

4 waste of time, that she had gone to the interview, and when

5 she got to the end of it the person said they didn't have a

6 job.

7 I said, "Well, you know, look on it as an

8 experience. You know, you've interviewed, and maybe the next

9 time when you interview with somebody that does have a job,

0 you'll have gone through this, the questioning and all that."

1 so, I mean --

2 Q Did she indicate with whom she had interviewed

3 where it didn't turn out so well?

4 A No, no. She didn't indicate and I didn't ask.

5 Q Okay. I think when we conducted the interview, you

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1 said you had a vague recollection of possibly having

2 something to do with American Express. Does that ring a bell

3 at all? And if it doesn't --

4 A It is as much -- and that is as much -- it's a

5 vague recollection. I'm not sure whether it was that I knew

6 it at the time or that I now know it after everything else

7 has come out. But I didn't press on who she was being

8 interviewed, and she never volunteered who the employers were

9 she was looking at.

0 What she did say is she was always looking in the

1 same kind of area, public affairs, public relations, media

2 relations, that kind of thing.

3 Q And, again, did she let you know that these were

4 interviews that had been arranged through Vernon Jordan?

5 A She never mentioned it and Vernon never mentioned

6 it to me.

7 Q Now, how were you going to acquire the information

8 that you needed to prepare the affidavit?

9 A I had already talked to her twice, and she had

0 provided me with what I thought was sufficient detail to do

1 it.

2 Q Okay. And what was the plan -- the timing of your

3 drafting the affidavit, your speaking with plaintiffs

4 counsel, and your possibly filing a necessary motion to

5 quash?

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1 A What I told her was that -- that now, after the

2 5th, and I felt I had sufficient details and information from

3 her about her job and what she did and how she did the job at

4 the White House, as well as what she did at the Department of

5 Defense, that I would contact plaintiffs counsel, but at

6 some point we would have to draw up this affidavit.

7 Then the question came up of when she would be in

8 D.C., and she wasn't sure, and so forth And so I said,

9 "Well, okay, let's do it now, and I'll hold it, and whenever

10 I speak to plaintiff's counsel or whenever I get to that

11 point, that I will have it. Let's do it now, and that way

12 don't have to worry about whether you're here or calling you

13 back from New York when you're on some business interview or

14 something."

15 Q All right. When were you planning to file the

16 affidavit again?

17 A Well; I was --

18 Q File a motion, I guess, is more accurate.

19 A Yeah. I was trying to run it back from the day I

20 was due -- she was due to be deposed on the 23rd of January,,

21 and I wanted to get it to the court in Arkansas in sufficient

22 time that they could look at it, plaintiffs could respond,

23 and we could have a determination before the 23rd.

24 And so I thought the tail end of the week before,

25 somewhere in there, I would try to actually ship it off to

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1 the federal court in Arkansas.

2 Q The tail end of that week would then be January

3 15th or 16th?

4 A Correct.

5 Q And what was the plan about when she would pick up

6 a copy of the draft affidavit?

7 A What I told her was, I drafted up either the tail

8 end of that day or the morning of the next day, and she could

9 pick it up on the 6th, and we made an appointment for her to

10 come in on the 7th to work with the affidavit, to modify it

11 and finalize it.

12 Q So she was going to come in sometime on the 6th, I

13 guess presumably in the afternoon, to pick up a copy so that

14 she could have a chance to review it and then come in the

15 next day and sort of got down to brass tacks.

16 A Correct.

17 Q All right.

18 MR. EMMICK: Are there any other questions that

19 anyone has about this particular meeting?

20 (No response.)

21 BY MR. EMMICK:

22 Q All right, seeing no other questions, you had

23 mentioned earlier that she then asked you to try to track

24 down this Linda Tripp Newsweek article. Did you try to do

25 that?

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1 A I did.

2 Q How did you try to track that down?

3 A Well, I called Katie Sexton to get information on

4 the other two categories that Monica had asked me about, one,

5 about family attendance, to see if other witnesses had other

6 people. I didn't think it was a particularly good idea, but

7 no harm in asking.

8 And best memory was, Katie said she didn't think

9 anybody else had brought friends or family or an audience to

0 any of the depositions they had had previously.

1 And the other thing was to ask about any White

2 House or government employees who had been deposed, and Katie

3 said she was not at liberty to provide me that information

4 under a confidentiality order.

5 So I then tried to bluff her, and I said, "Well,

6 I'll just have somebody go into the federal courthouse and

7 look at the court jacket to see if there's information about

8 who's been deposed," knowing full well that you don't file

9 that information with the court, which is exactly what Katie

0 told me. "Well, you don't file that with the court and it's

1 not going to be there." The weakest response I could come up

2 with to try to flush the information out from her, so I said,

3 "Fine, thanks."

4 So near the end of the conversation I said, I said,

5 "Well, you know, I'm also looking for this article about

1 at I think it's -- Rader Campbell is the name of the firm in

2 Dallas, Texas, that were plaintiff's counsel.

3 I called, left a message with the lady. My mem

4 is that she said he was going to be in depositions all d

5 he's out of the office. And I told the woman who I was, wh

6 I represented, that she had received a subpoena, that she wa

7 due to be deposed on January 23rd. and could he please cal

8 me, and left a message.

9 Q Did he call you back that day?

10 A He did not return the call, no.

11 Q I'm going to advise you that there is an indicat

12 among our records that you called Pyke at about 10:42. It's

13 actually in your records. Does that square with your

14 recollection?

15 A That's about correct, yeah.

16 Q All right. There is also a message of a call from

17 Vernon Jordan, indicating that he was calling you from the

18 train station in New York, and he was going to call you bac

19 when he got into D.C. Now, that's a call that was at 10:41

20 in the morning.

21 When you got that message, what did you think

22 was calling about?

23 A Didn't know.

24 Q Okay. Did it strike you as unusual that he woul

25 feel a need to call you from the train station and say th

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1 Linda Tripp that came out in Newsweek in August. I don't

2 know the exact date, but do you know about such an article?"

3 And Katie said, yeah, she knew about it, and they had a copy

4 of it, and she'd be happy to fax me a copy. I said, "Thank

5 you."

6 Q Did she fax a copy?

7 A She did.

8 Q Did you take a look at it?

9 A I did. It's included in the file there.

10 MR. EMMICK: Timing-wise, you indicated you wanted

11 to take a break?

12 THE FOREPERSON: Yeah, I need to meet someone. I

13 need to take a break right at noon.

14 MR. EMMICK: Right at noon, all right. Then

15 let's -- let's continue to go forward then.

16 BY MR. EMMICK:

17 Q Let's turn our attention to the 6th.

18 A Mm-hmm.

19 Q Now, on the 6th I think you had said that you were

20 going to be drafting up the affidavit.

21 A Correct.

1 be was going to call you when he got back into D.C.?

2 A No. Vernon's on the move all the time, and it's

3 probably just where he found himself at that moment and

4 decided to make the call. So, I mean, I didn't place any --

5 any significance to the fact that he was calling from a train

6 station, or that he was calling me from out of town.

7 Q Did you think the call related to Monica Lewinsky?

8 A Well, there are only two things that he and I

9 affirmatively would talk about, and one would be Monica, and

10 the other would be our luncheon engagement on the 19th,

11 whether he could still do it.

12 Q So he wouldn't have been calling just to say hell

13 and make small talk.

14 A No, but when Vernon calls you, he does make a lot

15 of small talk.

16 Q There are other reasons for the call, you think.

17 A Oh, sure. Oh, yeah. That wouldn't be the

18 intention of the call.

19 Q Right. All right. After you left a message wit

20 Mr. Pyke, did you try to get hold of Monica, if you remember?

21 A I think -- and, you know, I called her and said,

<p style="text-align: right;">Page 75</p> <p>1 She and I stayed in pretty reasonable contact through this 2 time, and I usually let her know what I did on a, you know, 3 periodic basis. And so if I did speak to her that day, I 4 would have told her that I tried to contact Pyke, and where 5 he was, and that I, you know -- I believe the same day, on 6 the 5th, I received a copy of the Newsweek article from Katie 7 Sexton. So I would have said I had it, I read it, I now know 8 what it says, or something to that effect.</p> <p>9 Q There's a record of a message that you left for 10 Monica at 11:32, simply saying, "Please call Frank Carter," 1 and leaving your number. That sounds consistent with what 2 you just said.</p> <p>3 A Mm-hmm.</p> <p>4 Q There's also a message at 1:20 from Monica to you, 5 indicating that she would not be back until 4:30, but would 6 like to come see you first thing in the morning.</p> <p>7 What would that relate to? How would you interpret 8 that?</p> <p>9 A The way we left it on the 5th was that I would 10 draft the affidavit on the 6th, that she was to pick it up at 1 some point mid-day, afternoon on the 6th to review it, so 2 that when she came into the office on the 7th, we could 3 intelligently talk about what we're going to do and how we're 4 going to do it.</p> <p>5 Q So when you got this message from her indicating</p>	<p style="text-align: right;">Page 76</p> <p>1 reflecting a call at 3:26, and that's a -- excuse me. It's 2 not a message, it's actually a telephone record, indicating 3 that you spoke for six minutes and 42 seconds.</p> <p>4 Then there are two calls, one at 4:32 in the 5 afternoon, one at 4:34, and those calls are for one minute 6 and two-and-a-half minutes.</p> <p>7 What was Vernon Jordan calling about?</p> <p>8 A I'm not really sure. I don't have any 9 documentation of it. Conversations with Vernon usuall 10 started out and rambled all around about different thing 1 that are happening in the news, that are not happening in the 2 news, what he's doing, what he's not doing.</p> <p>3 If he had asked questions about, "How's it going?" 4 What are you -- how's Monica coming along," I would have 5 provided him that information and wouldn't have thought twice 6 about it.</p> <p>7 Q Did it seem unusual for him to be calling this 8 much? I think you had said earlier that you didn't 9 necessarily expect that he would be calling you at all after 10 be first introduced you to Monica. It was just a referral.</p> <p>1 A Right. It's true. I didn't expect him to be 2 calling me again, other than having to do without meeting on 3 the 19th. But I didn't attach any significance to his calls.</p> <p>4 THE FOREPERSON: Excuse me. We need to take that 5 break now.</p>
<p style="text-align: right;">Page 74</p> <p>1 that she wouldn't be back until 4:30, did you think to 2 yourself that she wasn't going to show up or that perhaps 3 that she was going to show up later than she had otherwise 4 planned? Did you know?</p> <p>5 A I didn't know. I just sort of took the message at 6 face value.</p> <p>7 Q There's a message from you to Monica Lewinsky at 8 3:14, saying, "Frank Carter called," at a certain number, and 9 the message is, "I'll see you tomorrow morning in my office." 10 My question to you is, were you trying to convey 1 the idea that she didn't need to come by and pick up the 2 affidavit, or were you just confirming the meeting for the 3 7th?</p> <p>4 A My best recollection is, there was no urgency on 5 doing this affidavit, definitely had to be done on the 7th. 6 I wasn't going to use it right away, and if circumstances 7 worked out that she couldn't get to me, fine, you know, I 8 mean, we'd do it another day.</p> <p>9 But it was basically, "If you can't pick it up the 10 6th, that's fine. Come on by on the 7th, and we'll sit down 1 and we'll read through it. Our meeting will be a little bit 2 longer." But, I mean, it wasn't any great urgency on my part 3 anyway.</p> <p>4 Q During that afternoon it appears that there are 5 three calls from Vernon Jordan to you. There's a message</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. EMMICK: All right. Let's take -- how long a 2 break?</p> <p>3 THE FOREPERSON: Ten minutes.</p> <p>4 MR. EMMICK: Ten minutes, all right. 5 (A brief recess was taken.) 6 (Witness excused. Witness recalled.)</p> <p>7 THE FOREPERSON: Mr. Carter, you are still under 8 oath.</p> <p>9 THE WITNESS: Yes, ma'am.</p> <p>10 THE FOREPERSON: Mr. Emmick, we have a quorum, and 1 there are no unauthorized people in the grand jury room.</p> <p>2 MR. EMMICK: Sounds like we're ready to go.</p> <p>3 THE FOREPERSON: There you go.</p> <p>4 BY MR. EMMICK: 5 Q All right. Let's talk a little bit about the calls 6 that Vernon Jordan made to you and what subjects might have 7 come up.</p> <p>8 I think you started talking about the fact that if 9 he had asked certain kinds of questions, you would have given 10 him, you know, the answers to those questions.</p> <p>1 I guess what I want to ask then is, in general, did 2 you let Vernon Jordan know, either during these conversations 3 or earlier, about your general strategy, that is, to try to 4 quash the subpoena and make sure that she isn't deposed.</p> <p>5 A Yes.</p>

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1 Q Okay. And could you tell us how **you** described that
2 to him, whether it was -- what the plan was, did you talk to
3 him about the timing, anything like that at **all**?

4 A I would have told him that, "This is how I think
5 I'm going to proceed. I'm going to try to contact
6 plaintiff's counsel, see if I can **talk** them down. I don't
7 **think** that's going to happen. Some letters will probably go
8 back and forth to each other. I'm going to be filing a
9 motion with the court if that **fails** in trying to **quash** this."

10 However, civil discovery is about as wide as an
11 18-wheeler, and **almost** anything can get through it, and I
12 didn't think I was going to have a lot of success in getting
13 her deposition stopped. Maybe I could limit it somewhat.
14 And that's how I'm going to proceed.

15 And any litigation I put in would be in sufficient
16 tune so the judge -- federal judge in Arkansas **could** rule on
17 it before the 23rd.

18 Q I guess implicit in an effort like that would be a
19 statement by you that, "It doesn't seem like she knows
20 anything that would be pertinent to the case."

21 Did you have a discussion like that with him, that,
22 "She says she doesn't have any sexual relationship with **the**
23 **President**, she hasn't had any contact with the Resident
24 that's **significant**," anything like that?

25 A I'm not sure.

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1 Q Okay.

2 A I'm not **sure**.

3 Q Would he have asked, or did he ask?

4 A I don't recall Vernon ever asking me the substance
5 of what Monica told me, or **trying** to talk about **the substance**
6 of what Monica told me. He clearly never talked to me about
7 how I should proceed or what I should do.

8 Q Is it fair to say that it would have been implicit
9 in your efforts to try to get the deposition quashed that you
10 would have to take the position that she didn't have **anything**
11 relevant to say?

12 A Correct.

13 Q All right. So in a manner of speaking, is it fair
14 to say that you wouldn't have **regarded** it **as necessary** to say
15 that to Vernon?

16 A I wouldn't feel that I would have had to, or that I
17 should say that to him, and I didn't.

18 Q **All** right. Then let's turn to the actual drafting
19 of the affidavit itself.

20 You mentioned earlier that you were planning to
21 **draft** it either late on the 5th or early on **the 6th**. What do
22 you remember about when you drafted it?

23 A I think I banged it out on the morning of the **6th**.

24 Q Did it take very long?

25 A **You know**, maybe less than an hour, I think.

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1 Q You billed six-tenths of an hour in connection with
2 the drafting of the affidavit. so that's consistent with what
3 you recall. Now, six-tenths, by some, at **least**, might be
4 regarded as a relatively short period of time. What's your
5 take on that?

6 A I took as much **time** as was necessary.

7 Q Okay, okay. Is it because you were working on what
8 you regarded as a draft rather than final? Did you regard it
9 as a rough draft?

10 A It wasn't very long. I mean, **it** was -- it wasn't
11 two full pages. And so, **first**, it was just trying to **decide**
12 what should go in. **Then** it was trying to determine how to
13 **artfully** say what I wanted to say, with the objective as
14 **trying** to give the **clear** message that this woman knows
15 nothing and should not be deposed.

16 Q You had mentioned earlier that you were **expecting**
17 to get from Katie Sexton what I would refer to as a "go-by,"
18 I mean, something like, you know, some research that they had
19 provided.

20 A **Right**.

21 Q And if an affidavit had been attached or a form
22 affidavit or another affidavit that had been used in another
23 motion to quash, you know, you might be able to look at that
24 as **well**.

25 Had you obtained anything like that from them b

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1 this time?

2 A I believe -- I believe I obtained it on the **6th**.

3 Q And that would have been then before or after you
4 had actually drafted the affidavit?

5 A Well, what I was receiving from Katie Sexton **was**
6 focused, in my **mind**, anyway, on the legal **research aspects**,
7 and that I hadn't started yet

8 Q I guess I'm **thinking** to myself if they had provided
9 you **with** the legal research before you had drafted the
10 **affidavit**, and it just so happened that **they** attached to
11 **their research a form affidavit or one that had been used in**
12 the past, that might have been of some use to you --

13 A Oh, clearly.

14 Q -- whether you were expecting it or not

15 A Clearly it would have been of use to me.

16 Q **Do you know whether that was the timing of things,**
17 **where** they provided you **the information before you drafted**
18 **it, or did they provide it afterwards?**

19 A I'm not sure. I know that day I received it.

20 Whether I received it before I drafted the affidavit or
21 after, I'm not sure.

22 Q Then let's turn to whether Monica, in fact, **picke**
23 **up** the affidavit.

24 A I believe she did. This is **somewhat** unclear to me.
25 Only -- it's **unclear** to me **because** I **can't** remember exactly

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1 how it occurred. I do know from my records I had this call
 2 on the 6th saying, "I'm not able to get there this
 3 afternoon," or words to that effect_"
 4 I checked my records, and I did not messenger
 5 anything to her. I know I didn't carry anything to her.
 6 know I didn't have anybody else -- either deliver it to
 7 somebody **else** or have somebody else carry it to her.
 8 So I think that **later** that day **she** did pick it up,
 9 because we did have a conversation reasonably early on the
 10 7th before she came in about **the** affidavit. So I **know** she
 11 had it, she had **read** it, and she had **some** minor adjustment to
 12 make to it.
 13 **Q** So she must have picked it up.
 14 **A** Yes, I believe -- I believe, you know, she came by
 15 and got **it**. It was in an envelope, it was at the front desk
 16 in my office and available.
 17 **Q** With regard to the question whether you got the
 18 materials from Katie Sexton before or after the **affidavit**
 19 I'm not sure that this will completely help you, but I'll
 20 **tell** you that you billed three-tenths of an hour for a
 21 telephone call with Ms. Sexton on that day. It doesn't
 22 indicate **the time**. And that you billed four-tenths of an
 23 hour for reviewing the material that she had provided.
 24 Now, again, that doesn't say definitively when **you**
 25 got it --

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1 **A** Mm-hmm.
 2 **Q** -- but it's all the information that at least is in
 3 the billing records in that regard.
 4 **A** **Right**.
 5 **Q** Does that help you think about when it was likely
 6 to have happened?
 7 **A** No. If it had arrived before I drafted the
 8 affidavit, I would have looked at it and seen if it was any
 9 benefit to me and would have used whatever was there.
 10 **Q** Right_ When you provided the affidavit to **Monic**
 11 **Lewinsky**, did you expect her to show it to anybody else?
 12 **A** No.
 13 **Q** Did you tell her that she shouldn't show it to
 14 anybody else?
 15 **A** No.
 16 **Q** Why not? Didn't it matter to you?
 17 **A** **Quite** frankly, it didn't occur to me, particularly
 18 after the monologue I gave **her** on not **talking** about things
 19 that are related to this case, and I was hoping that that had
 20 sunk in.
 21 **Q** Would it surprise you if you were to learn that she
 22 did talk with others about the affidavit?
 23 **A** Then or now?
 24 **Q** **Then**.
 25 **A** **I didn't know then**, and it never occurred to me.

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1 She never -- you know, we never talked about that kind of
 2 thing.
 3 **Q** When you spoke with Vernon Jordan a **couple** times
 4 that day, did you get the impression that Vernon **expected** to
 5 be looking at **the** affidavit?
 6 **A** No.
 7 **Q** Would it surprise you to **learn** that Vernon at **some**
 8 point did look at **the** affidavit before she signed it?
 9 **A** Would it surprise me?
 10 **Q** **Yes**.
 11 **A** I don't know if I would be surprised. I -- it was
 12 not something I -- it was not something I would have
 13 expected. It was not something I advised or directed **Monica**
 14 to do.
 15 **Q** In fact, you advised her against talking with
 16 anyone.
 17 **A** Absolutely. But if it was something Monica **wanted**
 18 to do, that's Monica's choice. In my years of representing
 19 clients, **they** don't always follow their lawyer's advice.
 20 **Q** Right. Well, let me ask it in a hypothetical way.
 21 If **she** had asked you, "Can I show this to **Vernon**," what would
 22 have been your advice?
 23 **A** I would have suggested that she not show it to
 24 anybody.
 25 Here is -- the problem, of course, is that I sort

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1 of see Vernon as being in sort of a gray area. Vernon
 2 doesn't represent her in this litigation, but Vernon is a
 3 lawyer. I **presume** that if Vernon has brought her **to** me, that
 4 **he has her best interests at heart, and that -- I don't know**
 5 if Monica felt comfortable doing this, but if Monica **felt**
 6 comfortable letting Vernon **see** it, it **would** not have
 7 **disturbed me as much as if she showed it to third parties or**
 8 **third persons**.
 9 **Q** **Right**.
 10 **MR. EMMICK: All right, then. Any other questions**
 11 **that anyone** has as to the 6th of January?
 12 **THE FOREPERSON:** No. But given that **the** next
 13 subject matter is going to take longer than five minutes --
 14 **MR. EMMICK:** It will.
 15 **THE FOREPERSON:** -- I recommend that we **break** for
 16 lunch now and return at **1:30**.
 17 **MR. EMMICK:** That's fine. Is that fine with you?
 18 **THE WITNESS:** Sure.
 19 **MR. EMMICK:** Okay. See you then.
 20 **THE FOREPERSON:** Thank you.
 21 **MR. EMMICK:** Thank you
 22 **(The witness was excused.)**
 23 **(Whereupon, at 12:26 p.m., a luncheon recess was**
 24 **taken.**
 25 * . * * *

<p style="text-align: right;">Page 89</p> <p>1 Q Were you at all concerned about the fact that what 2 you told to Vernon might be relayed to the President? 3 A It didn't strike me at the time. I was talking to 4 the President's lawyers. The president's lawyers knew what 5 was going to do. And so I -- if I would have consciously 6 thought in terms of the President, then I would have thought 7 in terms of Bob Bennett and Katie Sexton, not really Vernon. 8 Q Right. 9 A But it just didn't -- 0 Q Did you say anything different to Vernon than you 1 did to Bennett and Sexton? 2 A No. 3 Q Did it occur to you at all that when Vernon 4 referred Monica Lewinsky to you as a client, that there might 5 be a reason for the referral to you, that is, that he had a 6 conflict of interest or something? Why did you think he 7 didn't take the representation to his firm? 8 A Vernon doesn't do litigation. 9 Q Right, but he's got a big firm, many of whom do. 0 A Right. I guess the smart aleck answer is you don't 1 look a gift horse in the mouth. 2 Vernon has referred other clients to me. I don't 3 then say, "Well, Vernon, why don't you give it to somebody 4 else in your own firm?" 5 Q Right.</p>	<p style="text-align: right;">Page 90</p> <p>1 would stand to reason that Vernon would have somebody in his 2 firm represent them. But Monica was, at least at that time, 3 a small fish. 4 Q All right. Let's turn our attention then to 5 January 7th. Let's start with the fact that -- I believe you 6 mentioned in our interview that you had a telephone call from 7 Vernon Jordan before your meeting with Monica that day. 8 A Right. 9 Q What was that telephone call about? 0 A I don't remember the call. I mean, if he called me 1 and he asked a question, I would have answered it. I 2 didn't -- I had -- I wasn't seeking information from Vernon, 3 so it's not calling -- it's not a response to a call I made. 4 Q Right. 5 A So, I mean, if -- I don't recall what -- I mean, it 6 could be, "Is the 19th still on? Are we still going to do 7 it?" It could be confirming that lunch. It could have been 8 about Monica," and if he did, I would have answered the 9 questions, whatever he wanted, to know. 0 Q I guess what we're really trying to figure out here 1 is what significance there is to the fact that you had not -- 2 at the time Monica was referred to by Mr. Jordan, you didn't 3 expect him to call, and here, right at the time when the 4 affidavit is being drafted up, you have three conversations 5 with Mr. Jordan on the 6th and then early on the 7th you have</p>
<p style="text-align: right;">Page 90</p> <p>1 A "If you offer me the business, I'm going to accept 2 it, and thank you very much, Vernon." Then I'll do well. 3 Q Right. 4 A And, you know, your own ego tells us that you hope 5 it's given to you because you're a good lawyer, you've got a 6 good reputation and that's why he's given it to you 7 Q Right. 8 A But, I mean, I didn't quiz him on why it didn't go 9 to anybody else. 0 Q Well, did it occur to you that one of the reasons 1 might be that his firm was conflicted out, that perhaps they 2 represented someone that precluded them from representing Ms. 3 Lewinsky? 4 A That could have happened, but I -- you know, I 5 didn't ask. 6 Q Didn't have any reason to think that, in 7 particular? 8 A No. It could also be, quite frankly, that -- you 9 have to understand -- and, again, you have to forget a lot of 0 what we already know. 1 Q Right. 2 A In the spectrum of things, Monica Lewinsky was a 3 small witness. 4 Q Right. 5 A I suppose if a major player came through, then it</p>	<p style="text-align: right;">Page 92</p> <p>1 another conversation, and their lengths are about seven 2 minutes, one minute, two-and-a-half minutes, and three-and-a- 3 half minutes. 4 And I think we pointed out during the interview as 5 well as you billed for two-tenths of an hour in connection 6 with at least one or a combination -- 7 A Twelve minutes. 8 Q Yes. So I guess I'm just trying to get a sense of 9 how usual or unusual it would have been for you to have four 0 phone calls from Vernon Jordan inessentially a three or four 1 business hour period of time. 2 A It would have been unusual? 3 Q Yes. 4 A I mean, he would not have -- there's not that 5 frequency of contact with him on previous occasions. 6 Q Right. So to that extent, it would have been 7 unusual. 8 A Correct. 9 Q Did it strike you as unusual at the time to get, 0 you know, four calls of at least up to moderate duration from 1 him? Did it strike you, "Gosh, why is he so interested in 2 this?" 3 A At the time it was of no moment to me. I mean, 4 with hindsight and a lot of other things that have happened, 5 you can try to put some mason to it, but at the time there</p>

<p style="text-align: right;">Page 93</p> <p>1 was no significance whatsoever to it. 2 Q In view of the fact that you did bill the 12 3 minutes, I guess it is -- 4 A Mm-hmm. 5 Q -- and in view of the fact that you have mentioned 6 earlier that there are really only two potential subjects, 7 one of which is the lunch that is about almost two weeks in 8 the future and Monica Lewinsky, I take it it's fair to say 9 that the likelihood is that these four calls probably related 10 to Monica Lewinsky? 11 A It's likely, yeah. 12 Q Yes. But you just don't have any recollection -- 13 A I don't, no. 14 Q Okay. 15 A And, again, if he had asked about Monica, I would 16 have told him -- 17 Q Right. 18 A -- and would not have thought anything of it. 19 Q Did it appear to you that he was trying to monitor 20 the progress of your representation of her? 21 A It didn't occur to me. It may appear that way in 22 hindsight, and it may have be-en that way, but, I mean, at the 23 time, no, it didn't -- it didn't appear that he was doing 24 that. 25 Q Was he -- do you have a recollection that he was</p>	<p style="text-align: right;">Page 95</p> <p>1 In the original affidavit I put down December 24th, 2 which was what she told me at our first meeting on Decembe- 3 22nd, that that would be her last day. 4 When she looked at that, she said, "You really have 5 to put down the 26th, because that was my official last day. 6 When President Clinton declared the 24th a federal holiday 7 for federal employees, I pushed my resignation date back to 8 take advantage of the pay for that day." 9 So I said, "Fine." So I changed it to December 10 26th. 11 We might have talked about some other wording and 12 so forth on some of these things, and I just sort of said, 13 "Well, look, why don't we sit down, you and I, and well go 14 through it paragraph by paragraph when you're down here." 15 So, I mean, that's basically the phone call. 16 Q And it was a brief phone call, I take it. 17 A Yes, yes. 18 Q Did she affirmatively indicate that she also had 19 some other suggestions, and then you said, "Well, let's just 20 wait?" 21 A Yes. 22 Q I see, all right. Now, as I understand it, when 23 you do a redraft, the former draft is deleted. 24 A From my computer, that is correct. 25 Q That's what I mean.</p>
<p style="text-align: right;">Page 94</p> <p>1 asking the same questions over and over again, or did he 2 appear to be asking new questions with each succeeding call? 3 A Well, if I could remember what we talked about to 4 answer that -- and so I can't recall tell you that_ 5 Q And I don't mean to be difficult about it, but it 6 does occur to me that at least if he had been asking the same 7 questions time and time again, you might have remembered, 8 "Gosh, why is he asking these things, because I've said it 9 once before?" 10 A Right. I don't remember repeating myself. 11 Q Right, that's a little what I'm thinking about. 12 A So I guess is the -- yeah. 13 Q All right. You had a meeting scheduled for that 14 morning at 10:00 with Monica Lewinsky to discuss the 15 affidavit. 16 A Correct. 17 Q You had that earlier call from Vernon Jordan. 18 A Mm-hmm. 19 Q And I think you had mentioned earlier that you also 20 had a pre-meeting call from Monica. 21 A Correct. 22 Q Tell us what that was about. 23 A Your indulgence for a minute. (Examining.) In 24 paragraph 5 I indicated that she maintains a job at the 25 Department of Defense.</p>	<p style="text-align: right;">Page 96</p> <p>1 A Mm-hmm. 2 Q Yes. What I'm showing you now is something that I 3 just showed you a minute ago, but it's a draft of the 4 affidavit of Jane Doe, No. blank, with some handwriting on 5 it, and let's just put this in front of you. 6 A Mm-hmm. 7 Q And you'll see that there are some handwritten at 8 least proposed or considered changes, including the change 9 from the 24th to the 26th -- 10 A Correct. 11 Q -- a few other changes. What I'd like you to do is 12 try to walk through the indicated or considered changes here 13 and tell us what that means to you about what you and Monica 14 talked about during your meeting with her on the morning of 15 the 7th. 16 A Okay. First of all, you'll notice in the original, 17 the very original affidavit, as well as the one that she 18 formally signed in front of a notary, that it just has the 19 affidavit of Jane Doe and it has the tic-tac-toe, the pounds 20 on it, whatever, and it doesn't have a number next to it. 21 That's because I told Monica that I'd have to call 22 the judge's law clerk to find out which number Jane Doe she 23 would be, so I would fill that in later. 24 And so that, and I believe also in the first 25 paragraph, next to the pound sign, "Jane Doe," no number, is</p>

<p style="text-align: right;">Page 97</p> <p>1 blank. So you'll find later on that the one that's actually 2 filed with the court, I have written in by hand the number 3 "6." So this is the one that we were working on, and that's 4 why there's that blank.</p> <p>5 I also noticed after I drafted it up that in the 6 first sentence there was a typo. I had put "24 year old" to 7 "24 years," plural, and I made that correction myself.</p> <p>8 The corrections on this document that's styled 9 "Draft," in paragraph 5, the sentence reads, "In April 1996 I 10 accepted a job as a" -- and then there's an interdelination 11 of a word that I can't quite -- it's handwritten. It's 12 something "assistant." Maybe it's "correspondence," or -- I 13 mean, I'm not sure.</p> <p>14 Q Something like that.</p> <p>15 Q "Correspondence Assistant to the Assistant 16 Secretary of Public Affairs of the U.S. Department of 17 Defense."</p> <p>18 Q Now, was that change something that she did suggest 19 to you and that you then rejected, or was that change 20 something, since it's also lined through, that she decided 21 not to suggest to you? Do you remember?</p> <p>22 A I don't remember. If she had -- if she had made 23 that kind of recommendation, I would have said, "Well, you 24 don't want to be that descriptive. You're a special 25 assistant or just assistant, as opposed to limiting what it</p>	<p style="text-align: right;">Page 98</p> <p>1 and so forth, and if she had proposed it, I would have told 2 her, "That's more detail than I would like to put in here."</p> <p>3 Q I see, all right. Then let's look at paragraph 6, 4 because paragraph 6 has in its original form as the last part 5 of the sentence, "and would not have been a private meeting, 6 that is, not behind closed doors." And that's a reference to 7 the sorts of meetings that she might have had with the 8 President.</p> <p>9 A Right.</p> <p>10 Q Now, that portion is crossed out, and then there's 11 a question mark next to it. What does that mean to you?</p> <p>12 A Did we talk about this? Yes. What that cross-out 13 with the question mark is, I'm not sure.</p> <p>14 This paragraph was modified when we sat down in my 15 office. After writing this, I gave it to her, and then I re- 16 thought it, because -- let me pause here and go back.</p> <p>17 In the original conversation with Monica about what 18 she did in the Office of Legislative Affairs when she was 19 employed, not her internship, but when she was employed, she 20 said that in response to congressional legislation, or they 21 would find out that a congressman had some event, a birth, a 22 marriage, a death or something in his life, she and others 23 like her would draft up a letter, give it to a supervisor, 24 they would e&t it up, it would be put in final form.</p> <p>25 The normal course of events, or the daily course o</p>
<p style="text-align: right;">Page 98</p> <p>1 is you do for the assistant secretary."</p> <p>2 Q Now, do you have a copy of the actual affidavit, 3 just to make sure that that --</p> <p>4 A I do.</p> <p>5 Q --just to make sum that that didn't make its way 6 into the file.</p> <p>7 A Here it is, yes. I'm sorry. It did not make it 8 into the -- the one that she finally signed</p> <p>9 Q All right. And you don't recall whether she 10 actually proposed it or was just, you know, brainstorming as 11 she wrote something and then crossed it out.</p> <p>12 A I don't recall. I mean, there were some things 13 about her job at Defense that we talked about, and that 14 clearly could have been one of them.</p> <p>15 Q I see, all right. There is handwriting to the left 16 of paragraph 5 that looks like it says, "Having just" -- 17 possibly, "graduated from college" --</p> <p>18 A Lewis & Clark College --</p> <p>19 Q -- "Lewis & Clark College" --</p> <p>20 A -- in Portland, Oregon.</p> <p>21 Q -- "in Portland, Oregon."</p> <p>22 A Mm-hmm.</p> <p>23 Q Is that something that she proposed when she talked 24 with you on the 7th?</p> <p>25 A Again, she could have. We talked about her work</p>	<p style="text-align: right;">Page 100</p> <p>1 events was that the supervisor would either, (a), take it to 2 the Oval Office to be signed, or, (b), take it over to the 3 Old Executive Office for signing by machine, the autopen.</p> <p>4 But she did say that on occasions, on Saturdays, 5 the same level of staffing was not there, and there were 6 Saturdays where she would actually take the document to the 7 oval Office to be signed.</p> <p>8 I asked her how often that occurred. She said not 9 often, and we sort of left it at that.</p> <p>10 So in the original, affidavit, I addressed that, 11 that, "There are occasions, on weekends when staffing's not 12 up, or words to that effect, that I would take the 13 correspondence to the President himself to be signed."</p> <p>14 Upon reflection, and before the meeting on the 7th 15 it was my opinion that I did not want to give Paula Jones's 16 attorney any kind of hint of a one-on-one meeting. What I 17 told Monica was. "If they ask you about it, you will tell 18 them about it. But I'm not putting it in the affidavit. I 19 am not going to give them that lead to go after in the 20 affidavit</p> <p>21 "Because my objective is to have you not be 22 deposed, and if I put something in the affidavit which 23 indicates that you and the President do have meetings one-on- 24 one, that's going to mean you will be deposed. Because that 25 gives plaintiffs counsel a reason to ask questions of you."</p>

<p style="text-align: right;">Page 101</p> <p>1 So we talked about that now. We didn't talk about: 2 that on the telephone, is my memory. We talked about that in 3 the office. 4 The first two meetings, on December 22nd and 5 January 5th, were in my conference room, where we had a table 6 and we could spread out and look at things and that kind of 7 -- whatever she might have given me. 8 On this occasion she came into my office, and I 9 have a machine on my desk. So when she came in. I closed the 10 door, we talked about it, and we went through about four or 11 five drafts. We would talk about something, I would knock 12 out some language, print it out, bring it back, give it to 13 her, she and I would look at it, we would accept it or reject 14 it. If we rejected it, I'd work on some new language, kick 15 out a new copy. 16 And that was done for at least three different 17 parts of this original draft affidavit. 18 Q All right. Then let's turn to the next apparent 19 change on this draft. One of the things that seems to have 20 been done is, there's -- on page 2, three lines from the top, 21 the sentence reads: "The occasions that I saw the President, 22 with crowds of other people, after I left my employment at 23 the White House in April related to official receptions." 24 Then it goes on. And there's an underlining around "with 25 crowds of other people."</p>	<p style="text-align: right;">Page 103</p> <p>1 President?" 2 A I did, but in relation to her employment while she 3 was at the White House. 4 Q Did you ever ask her, "Were you ever alone with the 5 President after you left the White House?" 6 Q No, because she told me, "My contact with the 7 President was at formal receptions" -- 8 Q Right. 9 A -- "functions where other people were present." 10 Q And that means that she didn't have -- 11 A She didn't, absolutely. 12 Q So what you were trying to convey there was that 13 after she left the White House, she wasn't alone with the 14 President. Rather, there were other people around because 15 they were official functions of that type. 16 A My understanding was, her contact with the 17 president when she was at the Department of Defense were at 18 these formal functions. 19 Q Right. I guess what I'm asking is, were you trying 20 to convey the idea that she was not ever alone with the 21 President, because the only times that she was with the 22 President were these official DOD functions? 23 A That's the inference, correct. 24 Q And that's based on what she told you. 25 A Correct.</p>
<p style="text-align: right;">Page 102</p> <p>1 Do you know what that's about? 2 A The second area that we talked about on this 3 affidavit was this second half, so to speak of paragraph 8, 4 and that had to do with what contacts she had with the 5 President once she left employment at the White House and was 6 at the Department of Defense. 7 And this really was language -- the language that 8 we ended up with was, "The occasions that I saw the President 9 after I left my employment at the White House in April 1996 10 were official receptions, formal functions, or events related 11 to the U.S. Department of Defense where I was working at the 12 time. There were other people present on those occasions." 13 I don't think there was any substantive change 14 between whatever was conveyed here in the second half of this 15 paragraph and what we eventually came to. It was more style 16 changes and the way it sounded or the way it was presented. 17 But the message that was given, I believe, is the same. 18 Q Were you under the impression that she did not have 19 any meetings with the President after she left the White 20 House where the two of them were alone? 21 A My understanding of the conversations were that the 22 times that she saw the president were at official functions 23 and receptions and gatherings in relation to the Department 24 of Defense. 25 Q Did you ever ask her, "Were you ever alone with the</p>	<p style="text-align: right;">Page 104</p> <p>1 Q All right. There is also -- at the end of this 2 passage there is an addition that says, "There were other 3 people present on all these occasions." And that looks like 4 that was added into the final. 5 A Correct. 6 Q All right. Finally, there's paragraph 9, which is 7 the paragraph that appears to have some similarities to the 8 materials that have been provided by Skadden Arps. There's 9 reference to the plaintiffs off to the side here. Can you 10 talk about whatever changes were discussed about paragraph 9? 11 A My memory of the only change in paragraph 9 was 12 humorous. In order to justify why it shouldn't be the 13 deposition, the original affidavit says, "Requiring my 14 deposition in this matter would cause an unwarranted attorney's 15 fees and costs, disruption to my life, especially since I was 16 looking for employment, and constitute an invasion of my 17 right to privacy." 18 When I sat down with Monica, she said, "Can we 19 change the order of those things?" I said, "What do you want 20 first?" She said, "How about the disruption to my life?" 21 And I said, "Well, Monica, you're not interested in paying 22 your lawyer's fees and how that's going to actually" -- which 23 is obviously -- I mean, it's obviously written from my point 24 of view, and not hers, on that angle. And we rotated that, 25 and that was no problem.</p>

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1 Q All right. Let me then circle back to paragraph 8.
 2 because you had described paragraph 8 as having two hats.
 3 A Mm-hmm.
 4 Q One hat that says that she had no sexual
 5 relationship with the President, and the other half that
 6 related to whether or not, after she left the White House
 7 she'd had meetings with the President --
 8 A Yes.
 9 Q -- and basically **whether** she was alone or not.
 0 A Correct.
 1 Q So let's look at the first half of that, and the
 2 sexual relationship half. **What** sort of discussions did you
 3 have with Monica on that topic on the **7th**?
 4 A I asked her if it correctly described her
 5 situation, and she said yes. I asked her if she would change
 6 the wording in any way, and she said no.
 7 Q And let's go back in time just a bit to focus
 8 exactly on what she had said earlier that made you think that
 9 was the right thing to write.
 0 A As of December **22nd**, she said she had no sexual
 1 relationship **with** the President. And I said, "You didn't get
 2 your job this way?" "No."
 3 She had told me she originally got her job when her
 4 resume was presented by a family friend, a gentleman by the
 5 name of Walter Kaye. And **then once** she -- that's **how she** got

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1 her internship. And then she basically sort of did the most
 2 she could in the job, as well as whatever assistance she
 3 could get from Walter Kaye, to get a permanent job **at the**
 4 White House Office of Legislative Affairs.
 5 Q **When she** said words, in effect, that she didn't
 6 have any sexual relationship **with** the President, did you **ask**
 7 **any questions to make sure that there wasn't some sort of**
 8 **semantic misunderstanding?** Did you ask, "**Well, you know, did**
 9 **he ever ask you out on a date? Did he ever kiss you? Did he**
 0 **ever fondle you?**" Did you explore what "sexual relationship"
 1 might mean **or not** mean with **her**?
 2 A **No, I didn't.**
 3 Q Okay.
 4 A I felt it was pretty explicit.
 5 Q How do you mean? Spell that out.
 6 A By saying "sexual relationship," I thought that
 7 that was explicit. It said what it meant.
 8 Q Since you're the one who wrote it, let me ask what
 9 you had in mind in some regards that may be a bit graphic,
 0 but I feel obligated to ask. Did you think the phrase,
 1 "sexual relationship," would include oral sex?
 2 A **Yes.**
 3 Q So, in your mind, if the President and Monica
 4 **Lewinsky** had had oral sex, **that** would be inconsistent with
 5 this sentence.

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1 A In my way of thinking, the way this was **drafted**,
 2 that's correct.
 3 Q All right. Did you have any discussions **with**
 4 Monica about other **touchings** of the President, for example,
 5 hugs or friendly kisses, anything like that?
 6 A Well, I can recall she said, you know, "He will hug
 7 people or is always shaking hands **with** people, but he does
 8 that with **everybody.**"
 9 Q And you would not have **regarded** that **to be within**
 0 the concept of a sexual relationship.
 1 A No.
 2 Q All right. After you were satisfied with the
 3 affidavit, what did you do with it then?
 4 A As I say, we went -through about four or-five
 5 versions until we got to this. I asked her to read it over
 6 very-carefully. "Are you sure? Are there any **other** words
 7 you want **to** change? Is there anything you want to add
 8 anything you want to subtract?"
 9 We talked a bit more about this weekend contact
 0 with the President when she worked at the Office of
 1 Legislative Affairs. And I said, "Well, you know, Monica,
 2 we're not putting everything in that you do at the White
 3 House, and if **tky** ask you that question if you are deposed,
 4 you will give the **correct answer**, and **you will** tell them **what**
 5 you did and **when** you did it and how you did it. But I'm no

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1 going to put it in **the** affidavit.
 2 "But is there any other words you want to use or
 3 anything like that? **Are** you comfortable with the way I
 4 **phrased** things and the way I've said things?" And she said,
 5 "**Yes.**"
 6 So I don't have a notary on my **office**, but on the
 7 same floor **right** next door **another** law **firm** does. We walked
 8 next door. **They-have** two, actually. **The** receptionist was
 9 not there, who is a notary. So they called the **office**
 0 manager, and Ms. Grimes -- I told Monica, "Bring your
 1 driver's **license** with you so you can **identify** yourself **to** the
 2 notary."
 3 We stood there at the lobby of their office, **Monica**
 4 signed it in front of the notary, showed her driver's
 5 **license, and she signed it and sealed it right there, and she**
 6 was kind enough not even to charge me for it.
 7 Q Were you **there** when **Monica** was sworn by **the notary**?
 8 A Without a **question, yes, I was right there when --**
 9 Q After it was **notarized**, what then happened?
 0 A I thanked Kathy. We went back to my office. I
 1 made a copy of this affidavit for Monica because **she** had
 2 asked for it and put it in an envelope and gave it to **her** and
 3 said, "Thank you much I still intend to hold onto this
 4 until after I talk to plaintiffs **lawyers**. I'm not going to
 5 use it. But keep in touch. Good **luck** on your job **search**."

<p style="text-align: right;">Page 109</p> <p>1 Just let me know whether you're here or in New York or 2 whatever." 3 Q So the way things were left in terms of who would 4 contact who and what the next steps were were what? 5 A I'm not really sure. She knew the processes that I 6 was going to go through, and she had felt free in the past to 7 contact me, and I just -- you know, my position always is, 8 "Call me anytime if you've got a question or you want to know 9 something, and I'll give you the answer." 10 Q All right, 11 MR. EMMICK: Are there any other questions that 12 anyone has about this third meeting between Mr. Carter and 13 Monica Lewinsky? 14 MR. LERNER: Did Monica indicate why she wanted a 15 copy of the affidavit? 16 THE WITNESS: No. But, you know, my process is, 17 any client that wants anything that I draft up for them, even 18 a court pleading, if they want a copy, no problem. I'll give 19 it to them. 20 BY MR. EMMICK: 21 Q Are you sure that she asked or whether you just 22 gave it to her as a matter of routine? 23 A I'm not sure. 24 Q Are you sure there was only one copy? 25 A I'm absolutely sure there was only one copy.</p>	<p style="text-align: right;">Page 111</p> <p>1 of things that they could ask her questions on. 2 Q Did you talk with her at all about sort of the 3 typical rules of depositions, that -- don't speculate, don't 4 guess, if you really don't remember, don't over-try to 5 remember, but if you do remember, you can't say that you 6 don't remember, things like that? I mean, did you run 7 through any rules like that? 8 A I might have briefly talked about that. In my mind 9 what I was saving this for was the week before the 10 deposition. That is, right after the 19th I was going to 11 meet with her every day of that week, right up until the time 12 she was deposed, to take her through that, to ask her as many 13 questions as I possibly could, to try to guess the kinds of 14 questions that plaintiff would ask so I could hear the 15 answers for the first time. 16 I told her, you know, the fundamentals. You don't 17 want to try to reach too far. If they ask your name, you 18 don't want to give them your name and address and Social 19 Security number. You answer the question asked. And if you 20 have any doubts, you have any questions, you could pause, we 21 can talk, we can even step out of the room for a moment if 22 you want to and come back in there. 23 But I'd be there and basically try to see that 24 plaintiff's counsel would not abuse her verbally in any way 25 during the deposition.</p>
<p style="text-align: right;">Page 110</p> <p>1 Q Let me ask a slightly more general question that 2 may relate to any of the three meetings you had with Monica. 3 A Okay. 4 Q You had mentioned that Vernon Jordan said that 5 wasn't all that familiar with the civil practice, with 6 litigation generally, that you'd have to be a bit of a 7 counselor. 8 Did you ever describe what a deposition was like to 9 her? 10 A Yes. On -- it was the 22nd, I sort of went through 11 a deposition, blow-by-blow, absolutely. What occurs, how 12 does it happen, what kind of questions they can ask, how 13 broad they can be. what areas they can delve into, literally 14 the procedure as it happens, and that I would be there all 15 the time. 16 That I would not be able to -- there are very few 17 occasions that you can block a question. There are some 18 privileged items, but they're few and far between and 19 primarily that plaintiff's counsel can ask all types of 20 questions. 21 There are some questions that I may object to, but 22 she still may have to answer. I could move later on to 23 strike, but there are very few questions that they can ask 24 that she would not have to answer in a deposition. The range 25 of things they could -- basically that it was a broad range</p>	<p style="text-align: right;">Page 112</p> <p>1 Q So not a full-blown deposition prep session -- 2 A correct. 3 Q -- but a sort of a glimpse. 4 A Correct. 5 Q All right. 6 MR. EMMICK: Any questions about that? 7 (No response.) 8 BY MR. EMMICK: 9 Q Did Monica ask you if you had shown or discussed 10 the affidavit with either Vernon Jordan or Bennett before she 11 signed it? 12 A I'm not sure. I'm not sure. 13 Q In a slightly different kind of a question, did she 14 say anything about whether they had approval it, or approval 15 of it? 16 A I don't recall her saying that. Now, Monica never 17 intimated to me that she ever -- or ever said to me that she 18 ever had my contact with Bob Bennett. She knew Vernon 19 Jordan, she didn't mind speaking to Vernon Jordan 20 Q But she knew that you had had some contact with 21 Bennett, so she might have asked you, "Does Bennett think 22 this is fine?" 23 A I don't recall her asking that, but if she had 24 asked me, I would have said, "They don't know about it. They 25 haven't seen it."</p>

<p style="text-align: right;">Page 113</p> <p>1 Bob Bennett did not see this until -- I believe Bob 2 Bennett did not see this until the 15th of January when I 3 sent him a copy, which was the same day I was drafting the 4 motion. 5 Q And did Monica say anything to you about whether 6 she had talked to anybody else about the affidavit? 7 A No. 8 Q Either Vernon or her mother or anything like that? 9 Q No. 10 Q Did she ever say anything to you about any 11 discussions about the overall litigation strategy that you 12 had adopted, whether she had talked to Vernon about that., 13 about the motion to quash, even if not about the affidavit 14 itself? 15 A I don't ever recall -- again, what I was doing was 16 reporting to Monica what I was doing, with whom, and where. 17 made sure she knew the contact I had with Bob Bennett's 18 office, the things I had received from them, what I was going 19 to do. 20 If Vernon had called, I would have told Monica, you 21 know, "I spoke to Vernon." But, I mean, I disclosed to 22 Monica what I was doing and with whom throughout the process. 23 Q Okay. 24 MS. IMMERGUT: I have one follow-up. 25 MR. EMMICK: Sure.</p>	<p style="text-align: right;">Page 11:</p> <p>1 I would contact her before you made any use of this affidavit 2 that she had signed? 3 THE WITNESS: I guess the best way to answer that 4 is, I told Monica how I was going to use it, and I was 5 talking to Monica pretty much on a regular basis so she would 6 know- she would know when I would use it. 7 MR. LERNER: Okay. 8 BY MR. EMMICK: 9 Q You had mentioned earlier that you were obliged to 10 take Steps to try to resolve this informally by speaking with 11 Mr. Pyke or the Rader Campbell firm generally. 12 A Mm-hmm. 13 Q Did you do that after obtaining the affidavit? 14 A Yeah. You recall on the 6th I called Pyke, and he 15 didn't respond. 16 Q Yes. 17 A You're then caught into a guessing psychological 18 game. I want to get my client out from underneath this 19 deposition, and I don't want to appear too anxious. I've got 20 to wait a little while. I don't know how long I can wait 21 So I basically sat on it, I think, until -- the 22 calendar. (Examining.) I think it was the 12th. 23 Q I can tell you that there is an indication of a 24 call on the 9th, which would have been the Friday before the 25 weekend. The 12th would be a Monday. There's also an</p>
<p style="text-align: right;">Page 114</p> <p>1 MS. IMMERGUT: You mentioned that Monica had shown 2 Bob Bennett the affidavit. 3 THE WITNESS: That I know of. 4 MS. IMMERGUT: That you know of. What about Vernon 5 Jordan? Was there any discussion about her showing the 6 affidavit to Vernon Jordan, or did you show the affidavit to 7 Vernon Jordan before she signed it? 8 MS. IMMERGUT: All right. 9 THE WITNESS: I did not. The only person I ever 10 gave a copy of it to was Monica Lewinsky. I don't -- I don't 11 recall her saying that or -- but I know I didn't. 12 MR. LERNER: I believe you said earlier that you 13 had no immediate plans to use the affidavit on January 7th; 14 is that tight? 15 THE WITNESS: Not at that point, that is correct. 16 MR. LERNER: And the reason that you wanted to get 17 it done on the 7th was because Monica was going back to New 18 York; is that correct? 19 THE WITNESS: Monica was -- she was unclear when 20 she would be bouncing back and forth to New York for these 21 job interviews. So in order to get it and have it, that's 22 when I did it at this point. But I made it clear I was not 23 going to use it until I actually spoke to plaintiffs 24 counsel. 25 MR. LERNER: So did you indicate to her that you</p>	<p style="text-align: right;">Page 114</p> <p>1 indication of a call on the 12th, so -- 2 A I remember the call on Monday, the 12th. I'm no 3 sure that I recall anything on Friday, the 9th. 4 Q All right. 5 A It may be, and if there is a -- you know, a record 6 of me calling him, that's fine. But I remember calling on 7 Monday, the 12th. I was now getting -- the window of my 8 opportunity was now collapsing. 9 Monica was to be deposed on the 23rd. I was going 10 to take action. It was clear I was going to take action by 11 the end of this week now, either the 15th or 16th. So now 12 the time for me to act is closing down on me. 13 Pyke hasn't called me back, so on the 12th I call, 14 I believe, in the morning, speak to the receptionist. He's 15 not there, he's out of the office, he's doing this. 16 So I get a bit of an attitude, saying, you know, "A 17 little -- the courtesy of a reply call would do. It's his 18 subpoena, it's my client_ I want to talk to him about it. 19 He can take five minutes to call me," dadadadadadada. 20 Q There is a record of a call from you to Mr. Pyke a 21 10:00 for 1.1 minutes. Is that consistent with your 22 recollection? 23 A Yes, correct. 24 Q About when then did you draft and send that letter 25 to Mr. Pyke?</p>

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1 A He called me back. He called me back on the 12th.
 2 We have a phone conversation. I introduce myself, who I am,
 3 and, as I said in my previous message, "I represent Monica
 4 Lewinsky, who's been subpoenaed for a deposition on the 23rd.
 5 I would like to talk to you about her deposition." And he
 6 was very pleasant, "Okay."
 7 "Could you tell me, Mr. Pyke, what you want to talk
 8 to her about?" "Bill Clinton."
 9 "Could you be a little bit more specific?" "No."
 0 "Is there an area you could tell me about?" "No."
 1 "As you know, she formerly worked at the White
 2 House. Does this have to do with her job there?" "I can't
 3 tell you."
 4 I said, "Well, you know, I'm trying to have a
 5 conversation, and I'm not getting much from you. I mean, I'm
 6 trying to find out why it is you want to talk to this woman
 7 and what information that she has that's relevant."
 8 And he was very nice and said, "Well, I just can't
 9 tell you right now. I'm very sorry I can't provide you with
 0 more information."
 1 I said, "Well, what I was really looking for is to
 2 see if you guys would do some homework, because I think, you
 3 know, she doesn't know anything. She's not a part of any of
 4 this, from the information I have available to me. And if
 5 you would call off the deposition."

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1 He said, "Well, there have been a couple of
 2 depositions that we've called off, but we've only done it the
 3 day before the deposition was due, and I can't tell you right
 4 now if we would even do that with your client."
 5 In retrospect, I think it was a lulling
 6 conversation, to go slow, not take action or do anything.
 7 And so I just -- I received that information.
 8 So, basically, at the end of that conversation I
 9 said, "Look, Mr. Pyke. I'm going to send you a letter to
 0 sort of memorialize this conversation. I want to send you
 1 something. I think you -- I asked you to go back and re-
 2 think your position on this woman, because, quite frankly,
 3 being hooked into this case at all is very devastating to
 4 her. She's young, 24 years old, she's just starting on a
 5 career," dadadadadada.
 6 He said -- and he was very pleasant. He said,
 7 "Fine, you know, no problem. I'll think about it"
 8 And I said, "Look, I really, you know -- because if
 9 I don't hear from you before the end of the week, then I
 0 think I have to file something with the federal court in
 1 Arkansas."
 2 And he said, "Oh, well, you don't really have to do
 3 that. You know, Judge Webber Wright is very good about this.
 4 You could file the day before, because she usually handles
 5 this by telephone conversations."

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1 And, again, quite frankly, in my opinion, what he
 2 wanted was to lull me into inaction.
 3 So I hung up the conversation, banged out a letter
 4 to her, about a page-and-a-half or so, attached the affidavit
 5 to it, and sent it by Federal Express to Dallas, Texas.
 6 Q The records that we have reflect that 10:00 call
 7 from you to Mr. Pyke. They also reflect a call from you to
 8 Monica at 11:18, actually a page, saying, "Please call Frank
 9 Carter." And then they reflect a call from Monica back to
 0 you at 11:26 for five minutes.
 1 What would you have been talking with Monica about?
 2 A What I did.
 3 Q Okay.
 4 A I would have -- Monica was very anxious, "What did
 5 they say? Are they going to pull back? Are they going to
 6 change their mind? What are they going to do?"
 7 Time was, of course, getting short now, and so I
 8 was keeping her advised of my actions in the case.
 9 Q Did you ask her for her permission to send the
 0 affidavit to Mr. Pyke?
 1 A No, because we had talked about it before --
 2 Q I see.
 3 A -- and she knew that was the course of action I was
 4 going to take.
 5 Q I see. All right. Did she seem especially anxio-

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1 or disappointed at the fact that the deposition appeared to
 2 be going forward?
 3 A Well, she definitely did not want the deposition to
 4 take place. She couldn't understand how my just telling them
 5 she had no information or knowledge that was relevant at all
 6 that wouldn't just make them go away. And I basically told
 7 her that probably just saying that would not do it
 8 Q So you sent the letter, including the affidavit,
 9 off to Mr. Pyke.
 0 A Correct.
 1 Q Let's turn our attention to the 14th.
 2 MR. LERNER: In that conversation on the 12th with
 3 Monica, do you recall her ever mentioning that she'd gotten a
 4 job or success in the job hunt, anything like that? Is it
 5 possible that she'd made some reference to that, either in
 6 that phone conversation or maybe a later one?
 7 THE WITNESS: At some point in time she did tell me
 8 that she had -- she had received a job offer in New York, and
 9 that she would probably be starting the first of the
 0 succeeding month, I believe was the starting point. I'm not
 1 sure about that, but I think it was starting maybe in
 2 February. When she told me that I'm not sure.
 3 That, to me, at that point was a personal matter, a
 4 side conversation, something I wouldn't mind having with a
 5 client, but was not on track with what I was doing on the

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1 legal matter.
 2 BY MR. EMMICK:
 3 Q Did it have any impact on what you were doing as a
 4 legal matter?
 5 A It meant whether she was going to be in D.C. or New
 6 York, as far as I was concerned.
 7 Q Okay.
 8 THE FOREPERSON: Mr. Emmick?
 9 MR. EMMICK: Yes.
 10 THE FOREPERSON: I think it's time for the grand
 11 jury to have a break.
 12 MR. EMMICK: All right.
 13 THE FOREPERSON: A ten-minute one.
 14 MR. EMMICK: A ten-minute break. It's 10 till now?
 15 THE FOREPERSON: Yes.
 16 MR. EMMICK: Let's start up again at 3:00.
 17 (A brief recess was taken.)
 18 (Witness excused. Witness recalled.)
 19 THE FOREPERSON: Mr. Carter, you are still under
 20 oath. Mr. Emmick, we have a quorum, and there are no
 21 unauthorized people in the grand jury room.
 22 MR. EMMICK: Thank you.
 23 BY MR. EMMICK:
 24 Q We were turning our attention to January 14th, and
 25 what I wanted to do was ask you about two things, one, a

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1 conversation with Monica Lewinsky that you had probably at
 2 around 2:00, or at least there is a message from Monica to
 3 you at 2:05 and then there's a reference. to your having
 4 billed for a telephone call to Monica, two-tenths of an hour.
 5 What was that about, that you can recall?
 6 A Probably just reporting on where I was. No, I
 7 hadn't heard from them yet. Yes, my intention was to develop
 8 the motion and pleadings the next day. Just sort of an
 9 update on where I was and what had happened thus far.
 10 Q Later that evening, that is, around 7:45, there is
 11 a message from Ms. Sexton to you. It just says, "Please
 12 call." Do you know what that was about, or even if you got
 13 it at that time?
 14 A I don't think so. I don't think I got the message.
 15 I don't know what the call was about.
 16 Q All right. Then let's turn our attention to the
 17 15th. That, I think, in our earlier discussions we had
 18 identified as the day when you drafted up the overall motion.
 19 Let me mention the fact that from the night before,
 20 you had that 7:45 message from Ms. Sexton. You also have a
 21 message at 9:17 in the morning of the 15th from Ms. Sexton.
 22 You have another message at 12:59 from Ms. Sexton. And then
 23 you have a bill for two-tenths of an hour related to a phone
 24 call with Ms. Sexton.
 25 So sort of clumping those together, what were you

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1 talking with the Bennett firm and with Ms. Sexton about?
 2 A I had previously given them a time table likewise
 3 on filing, and while I don't recall the exact language, my
 4 guess is that she was calling up to -- "Are you still on
 5 time? Are you still going to file the motion?"
 6 I believe on this day she asked could she have a
 7 copy of the affidavit. And I said, "Well, Katie, you're
 8 going to get it tomorrow because I'm filing it, and it's
 9 going to be attached as an exhibit to the motion."
 10 She said, "Well, but you've already provided it to
 11 the other side, so can I get a copy," words to that effect.
 12 I said, "I have no problem." And so I faxed it to her.
 13 Q Okay. And that would have been on the 15th.
 14 A Correct, mm-hmm.
 15 Q Let me then jump to an identification of one other
 16 person that it appears you've called. There's a call
 17 indicated to Barry Ward at about 10:00 and then another call
 18 at about 12:19 to Barry Ward.
 19 What would your calls to Barry Ward be about?
 20 A Again, in preparation for filing, what I did was
 21 first call Directory Assistance in Arkansas and get the
 22 telephone number for the federal court in Little Rock. I
 23 spoke to -- I again spoke to somebody in the clerk's office,
 24 I found out the street address for the courthouse, which
 25 would be necessary for a FedEx package that I was going to

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1 send the next day.
 2 I also found out what's the room number of the
 3 chambers for Judge Susan Webber Wright and got the telephone
 4 number for her chambers from the person in the clerk's
 5 office.
 6 I then called Mr. Ward, who had been identified to
 7 me by Bob Bennett as the law clerk for Judge Susan Webber
 8 Wright who was handling the Paula Jones case. I believe when
 9 I spoke to him he was on another line. He had actually
 10 answered the phone, but was on another line. I gave him my
 11 name, telephone number, asked him to call me back
 12 The second call, all I can think of is he called me
 13 and missed, and then I called him and left a message and he
 14 must have called me back. When he did call, I introduced
 15 myself, who I was.
 16 I had made one other telephone call. There was a
 17 gentleman by the name of Blake Hendrix, who's an attorney in
 18 Little Rock, who I had met at a previous conference. I
 19 didn't know if I needed a lawyer in Little Rock to help sign
 20 the pleadings or to get me into federal court. I am not a
 21 member of that federal court, but a member of the federal
 22 court here. I called him. He was in court. Left a message
 23 for him.
 24 But I talked to Barry Ward, told him who I was,
 25 what I was going to do. He told me that Monica Lewinsky

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1 would be Jane Doe No. 6, so I should put that on my
2 pleadings. I told him what I was going to do, and that I
3 intended to send it by Federal Express on Friday. Would he
4 be **in chambers on Saturday, or would somebody be** in chambers
5 on Saturday to receive a Saturday delivery? He said that was
6 correct.

7 I believe he suggested that I send it directly to
8 chambers, and not to the clerk's office. He told me how many
9 copies to send. I asked if I needed local counsel. He said,
10 no, that Judge Webber Wright had for other people allowed
11 lawyers from other jurisdictions just to file for these
12 deposition witnesses without actually being a member of the
13 federal court there. I thanked him and told him to expect a
14 package from me on Saturday.

15 Q All right. At 12:09 there's a call indicated to
16 Mr. Pyke for 4.7 minutes, billed for two-tenths of an hour.
17 What would that have been about?

18 A It was a follow-up. Pyke had not called me, so I
19 called him. It was the end of the week. Again, it was, "I'm
20 still waiting to hear from you."

21 It was more stalling. "I -- you know, I can't tell
22 you right now. I can't provide you any information. Like I
23 said before, if we pulled back from the deposition, it
24 wouldn't happen until the day before.. Why don't you wait?
25 You don't need to file anything now."

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1 And I just basically told him, I said, "Well, are
2 you going to pull back?" "I can't tell you that." "Are you
3 reconsidering it?" "I can't tell you that," words to that
4 effect.

5 And so I told him I would be filing it and putting
6 it into him FedEx. Would somebody be there on Saturday in
7 his office? He said yes. And I said, "You should expect a
8 FedEx delivery from me on Saturday."

9 Q Your billing records indicate that you did about
10 three-and-a-half hours of research and you spent about 5.9
11 hours actually working on the motion itself. In addition,
12 there are a couple calls to Monica indicated.

13 A Mm-hmm.

14 Q Can you tell us first what the calls to Monica
15 would have been about?

16 A Again, it was an update on where I was and what I
17 was going to do. I think I had come back from the library at
18 that point.

19 The research that I'd received from Bob Bennett's
20 office was from federal courts all around the country. The
21 Arkansas federal court is in the 8th Federal Circuit, which
22 actually is from -- cuts down the middle of the country.
23 It's from Minnesota all the way down to Arkansas and below.

24 And so I thought it was -- because Arkansas was in
25 the 8th Circuit, that it would be more appropriate, or that

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1 it would be more persuasive if I had cases from that federal
2 circuit in my pleading. And all of these cases that were
3 from Maine and California and so forth were fine. they were
4 good law, but they weren't from that circuit, and more
5 persuasive would be from a judge in that circuit. So that's
6 what I went off to the library to do, to find as many cases
7 as I could find from the 8th Circuit.

8 When I came back from that research, again, you
9 know, Monica and I talked about it a little bit, and I told
10 her what I was doing, and why I had gone to the library, and
11 what I needed this for, and so forth. And somehow the
12 conversation arose -- and I'm sorry I can't tell you how --
13 about deliveries, and I can't tell you how the context came
14 up. But, in any event, I learned that Monica had sent things
15 to the White House.

16 So this was on the eve of filing the motion, and I
17 had been talking to this woman about things in relation to
18 this case since the 22nd. It's almost -- wait a minute. Why
19 is this the first time hearing about that?

20 It turns out she had sent several packages to Betty
21 Cunie in the White House. So I said, "All right." So I
22 asked her about that. "What was that about, Monica? What
23 were you sending to Betty Currie? What kind of things did
24 you send to her? How often did you send? How many times did
25 you send?"

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1 It turns out they all came from her office at the
2 Pentagon. One -- she was only able to identify two. One was
3 a book, a present to Betty Cunie, and another one -- she
4 said that Betty Currie's mother had been living with Betty's
5 sister. When the sister died, the mother needed to find some
6 employment or something along those lines, and she did
7 typing. So Monica had gone around and talked to people at
8 DOD on how you could do contract typing for the Department of
9 Defense, and got that information and got some papers
10 together, put it together and sent it to Betty Cunie.

11 So those were two of the --

12 Q And how many did she say there were?

13 A She identified -- she thought there were as many as
14 five. So I said, "Well, what about the other three?" "I
15 don't remember what it was. I don't remember what was in
16 there. I don't remember when I did it" "Well" --

17 Q Did she say whether any of those items were
18 intended to go to President Clinton?

19 A She always said that these were to go to Betty
20 Currie.

21 Q And Betty Currie alone.

22 A She always said these items went to Betty Currie.
23 I didn't go beyond that. I didn't ask her was it for
24 somebody else, was it intended for anybody else. She always
25 said it was for Betty Cunie, and I took it at face value,

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<p style="text-align: right;">Page 125</p> <p>1 Q You didn't go beyond that because you thought she 2 meant only for Betty Currie.</p> <p>3 A Correct, particularly when she had told me, either 4 on the first or the second meeting, that she had become 5 friends with Betty Cunie, had sort of talked to her and 6 spoke to her periodically.</p> <p>7 Q Did she say anything about why she felt a need to 8 have these deliveries made to Betty if they're such good 9 friends?</p> <p>10 A When I asked her why she was making deliveries, it 11 soon became clear to me from talking to her that she used 12 this courier service -- I want to say Speedy; I'm not sure 13 that's right -- but it's Speedy Courier Service for a lot of 14 different things.</p> <p>15 I mean, she would call a store and ask them, "Do 16 you have x, y, z article," give them her chargecard account 17 number, tell them to charge it to her account_ and then would 18 call the courier service to pick it up and bring it to her 19 home.</p> <p>20 So as she described it, she used them quite often 21 for a number of different things. So, I mean, it's not 22 something in my experience, but it didn't sound out of the 23 realm of possibility.</p> <p>24 Q Did it make you feel uncomfortable with this 25 subject coming up at the last minute?</p>	<p style="text-align: right;">Pye 131</p> <p>1 how often it went to the White House, what kind of things she 2 had sent to the White House, that kind of thing, what courier 3 service she used, that kind of thing.</p> <p>4 Q I guess in my mind those are things that you could 5 have just written down on a note, or you could have kept in 6 your head, or you could have made modifications to the 7 affidavit if you thought it was necessary, and then had her 8 come back and re-notarize it.</p> <p>9 Why did you feel the need to do a memo on it? Were 0 you trying to protect yourself in some way?</p> <p>1 A No, I was at the machine.</p> <p>2 Q Right.</p> <p>3 A And so instead of stopping what I was doing and 4 going to a piece of paper, it was just as easy to come out of 5 that window into another window, have a blank screen, start 6 typing whatever I was talking to her about, and so I could 7 kick out a document when I got through.</p> <p>8 Q Why didn't you just print it out and stick it in 9 your file?</p> <p>0 A Because, again, it seemed like a dead end. She 1 said it was nothing to it, there was nothing there, it only 2 went to Betty Cunie. She gave me two -- the two examples 3 she gave me, to my mind, were completely innocuous and 4 probably nothing to be followed up-on.</p> <p>5 This also would have been something that I could</p>
<p style="text-align: right;">Page 130</p> <p>1 A Well, it was not only uncomfortable, but I clearly 2 told her, "You have to understand that these are things 3 that -- particularly if you launched them from the Department 4 of Defense to the White House, there are God knows how many 5 different people who could see them, and so somebody must 6 know about them. And that would mean that the courier 7 service would have a record of this, and that plaintiffs 8 counsel could go after it"</p> <p>9 That seemed to upset her. It didn't seem to 10 connect that anybody would ever go after a courier service or 11 their records.</p> <p>12 Q Did you try to document this conversation with her 13 about these couriers?</p> <p>14 A At the time we had this conversation I was actually 15 sitting at the machine, composing the memo, the legal memo 16 that I was going to do for the court.</p> <p>17 When she started the conversation I came out of 18 that document and started making some notes on it, because I 19 thought it was going to be something of significance. But by 20 the time I got through talking to Monica, it appeared it 21 wasn't of significance, and so I deleted the memo and went 22 back to my research memo.</p> <p>23 Q what was the thrust of the memo going to be?</p> <p>24 A It was to document any information she had given me 25 about the courier. It was going to the White House, it was</p>	<p style="text-align: right;">Page 13:</p> <p>1 have given to an investigator or paralegal and say, "Look, 2 get in touch with this Speedy Courier Service. See if they 3 have this information, tell them we represent Monica 4 Lewinsky, and try to get on top of that before the 23rd."</p> <p>5 Because her answers were so benign, I said it's no 6 something worth following, and so I just didn't keep it.</p> <p>7 Q I think you mentioned earlier that you faxed to Ms. 8 Sexton a copy of the affidavit. Did you fax a copy of the 9 whole motion at the time, or was it just the affidavit?</p> <p>10 A It was not -- I had not done it. She just asked 11 for the affidavit, and that's all she received, were tk two 12 pages or so, three pages.</p> <p>13 Q Did she say why she was interested in the 14 affidavit?</p> <p>15 A No. She just said, "You've given it to the other 16 side, and can we get a copy?" And seeing how she was going 17 to get a copy the very next day, it didn't seem to be any 18 unusual request.</p> <p>19 Q Did you have Monica's authorization to give that to 20 the Bennett attorneys?</p> <p>21 A I didn't ask, and because I assumed they were going 22 to get it the very next day in the pleading that was going to 23 go to the court, I didn't think I needed to ask.</p> <p>24 Q When did she know that you had faxed this to 25 Bennett? Did you mention it to her that day?</p>

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1 A To Monica? Who, to Monica now?

2 Q Yes, I'm sorry.

3 A I suppose in one of these conversations I had. As

4 I said, if she called me and she asked what I had done, I

5 would say, "Okay, this is what I've done thus far,"

6 dadadadadada, So I would have told her.

7 Q Did she ask what use the President might be able to

8 make of the affidavit?

9 A I don't recall telling her, but I don't recall

10 either her asking me those kind of things.

11 Q Did it occur to you what use the President might be

12 able to make of the affidavit?

13 A No, because he was going to have it the next day,

14 and he could use it for any, I suppose, legal purpose that

15 was possible.

16 My understanding is my motion was going to be filed

17 under seal, and I presumed, as attorneys, they understood

18 that documents under seal should not be publicly exposed.

19 And so that's -- I didn't think that they would publicly

20 expose the affidavit. I didn't think --

21 Q You were surprised that they did.

22 A I never knew that they did.

23 Q All right.

24 A Still don't know that they did.

25 Q Do you think that their getting the affidavit from

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1 you independent of the motion was a way for them to be able

2 to use it? Because then the affidavit would not be under

3 seal.

4 A I didn't think of it in those terms. Is that

5 correct? Yes, that is correct. But then, of course,

6 plaintiff's counsel had it, too, and they didn't get it under

7 seal either.

8 Q Right.

9 A So they were not -- under that theory, they were

10 not under the compulsion not to make it public either.

11 Q How long did you continue to work on the motion to

12 quash? When did you get done with it?

13 A Actually, I had -- I belong to this organization

14 called an End of Court which meets once a month or eight

15 months a year. We meet for dinner, and then there's a

16 program put on. It's kind of a continuing educational kind

17 of program.

18 And so I had an End of Court meeting, I had to be

19 at dinner about 6:30. I left the office -- drafted what I

20 could, left the office, went to dinner and the meeting, and

21 then came back and finished it. And I guess by the time I

22 got through typing up the FedEx envelopes and so on, it might

23 have been about 2:00 in the morning.

24 Q When did you send it out?

Page

1 messengered to Monica and to Bob Bennett and were sent

2 FedEx to Judge Webber Wright in Arkansas, David Pyke

3 Dallas, Texas, and to Danny Ferguson's lawyer, who was

4 co-defendant of the President in the civil case, and I

5 lawyer is in --

6 Q Bristow.

7 A Bristow, yeah, in Bristow. Bristol, Bristow.

8 Q One of the records in your file indicates that it

9 was 9:19 in the morning that the motion was messengered

10 Monica and to Bennett's firm.

11 In addition, there's a message from Ms. Sexton

12 11:30, saying, "Please call. You will know what about

13 What was she calling about since she had, I guess

14 just -- I presume, shortly before gotten the motion?

15 A I presume the motion, but I didn't talk to her.

16 Q You didn't talk to her.

17 A No.

18 Q All right. Did you return the call?

19 A Not that day.

20 Q All right. The 16th would have been a Friday. The

21 filing then would have been either on Saturday or -- I guess

22 Monday would have been what?

23 A It would have been --

24 Q It would have been MLK Day, so it would be either

25 Saturday or Monday?

Page

1 A It was Saturday, it was for Saturday delivery to

2 the judge's chambers. And it was -- according to Barry W

3 the law clerk, it should go directly to chambers. He didn't

4 want it moving around. He would make sure that it stayed

5 controlled.

6 MR. EMMICK: Any other questions about the 15th or

7 the 16th?

8 (No response.)

9 BY MR. EMMICK:

10 Q All right. Then let's turn our attention to the

11 19th, MLK Day. You had lunch with Vernon Jordan that day?

12 A I did, mm-hmm.

13 Q I can tell you that there are a couple of messages

14 indicating calls from Vernon Jordan to you, one at 10:30,

15 at 10:53, and one at 11:01. The one at 11:01 at least says,

16 "Reminder - lunch at 12:30. Call and confirm."

17 Do you have any special recollection about the

18 content of any of those calls?

19 A Didn't talk to him. My son had an indoor soccer

20 game that morning, and I went to that, and left the soccer

21 game and went to the lunch.

22 Q Okay. When did the lunch start?

23 A I think it was 12:30, if memory serves me.

24 Q How long did the lunch last?

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1 Q Just the two of you?
 2 A **Correct.**
 3 Q What **did the** two of you discuss?
 4 A A whole range of things, because I said Vernon is a
 5 very easy conversationalist.
 6 We had lunch at the Park Hyatt, which is 24th and
 7 M, I believe. When we arrived 24th Street was blocked off.
 8 M is **one-way** going towards **Georgetown**. The block in front of
 9 the hotel was blocked off because they were filming a movie
 0 closer to Rock Creek Park, **further** away from M Street. And
 1 so we talked about that.
 2 He had difficulty getting down the street. Of
 3 **course** he did anyway. I had taken a cab to the luncheon.
 4 But he had difficulty getting to the hotel, to park and so
 5 forth.
 6 We talked about how he had actually started a
 7 second career, that he had had two cameo appearances in two
 8 movies not too long ago, and what they were, and his
 9 experience with movies and filming and directors, and all
 0 that.
 1 Q Let me ask a more specific question just so we can
 2 move things more quickly.
 3 A As I told you, it was a long conversation.
 4 Q A long conversation. We don't need to go **through**
 5 all of it.

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1 A **All right.**
 2 Q You had asked for the lunch meeting, and you had
 3 done so **because** you wanted to **talk** with him about business-
 4 getting possibilities.
 5 A **Correct.**
 6 Q If you'd briefly describe what sort of business-
 7 getting possibilities you had in mind.
 8 A **There** were **two** specific **references**. **There had been**
 9 an article in a local **legal** weekly newspaper called The **Legal**
 0 Times that **a gentleman** whose name escapes me at the **moment**,
 1 but he **is** a black partner at a **local** law **firm** called Shaw
 2 **Pittman, Potts, & Trowbridge**, he had **been** hired by Texaco
 3 after a sex **discrimination** suit **settlement**, and he had said
 4 he **had** been hired by Texaco to **increase** the participation of
 5 minority attorneys in **the** work that Texaco gives out to
 6 **firms**.
 7 So I asked Vernon, "Should I **call him**? Do you know
 8 him? How should I approach him? Is it worth me following
 9 that up?" And he basically said, you know -- be asked me if
 0 I **knew** him and **that** -- be said it was worth a telephone call
 1 and probably a lunch **and try to sell my firm and that kind of**
 2 thing.
 3 The other thing was, he had **from** time to time
 4 **referred a case to me**. I **knew** Vernon **sat on some boards**. I
 5 had no idea at that point on how many different boards of

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1 trustees. He sat on boards of directors. So I said you
 2 know, "It would be really nice if I could get sort of **my nose**
 3 in under the tent some of **these** corporations. They **give you**
 4 know, hundreds of thousands of dollars **to** larger **firms** and
 5 if I could just get some of **the** business, not all of **it**, it
 6 would be helpful to get **a** steady stream of **business** from
 7 that."
 8 And he said, "Well, draft up a letter and **get your**
 9 **firm's** resume, and send it to me, and I'll ship it **off** to a
 0 couple of general counsels on there."
 1 Q Let me ask about this business-getting hope. I
 2 guess you might say.
 3 Vernon Jordan was a guy who could refer **to** you a
 4 lot of business. **So, in** general **terms**, it's **good to** stay on
 5 **the** good side of **somebody** who can send a lot of business **your**
 6 way,- Did that influence you at all in what you were **willing**
 7 to tell Vernon Jordan about **the** Monica **Lewinsky** **strategies**?
 8 A Did it influence me? I'm groping on how to answer
 9 your question. There have been other occasions, in **addition**
 0 to clients being referred to me; that Vernon has **initiated**
 1 lunches with lawyers to introduce me at **firms**, to say, "This
 2 is Frank Carter. He knows how to do litigation. He's **a** good
 3 person. Why don't you refer some business to him?"
 4 So he had-done in **the past**. **And I didn't equate**
 5 the two. I didn't think that one would get business for se.

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1 I mean, he had already given me business, so I didn't **think**
 2 by giving him greater details that I would get **greater**
 3 opportunities, so to speak.
 4 Q Did you think it would help to explain more and
 5 possibly not help to not disclose anything?
 6 A I think Vernon didn't know litigation, and if **he**
 7 was asking me **questions**, in my **mind**, it **could be** as **much from**
 8 an ignorance of **what** a litigator would do in that **situation**,
 9 as much as wanting to know what I was doing.
 10 Q Did you think it would help you get business **if you**
 11 had responded **to** any of his inquiries by saying, "None of
 12 your business?"
 13 A No. From my contact **with** Vernon, I don't think **k**
 14 would have taken offense at it. Because he **never asked**. Has
 15 Monica said this? Has Monica said that? Is **she** telling you
 16 **this**?"
 17 I mean, he never **pressed** for conversations or
 18 things that Monica provided me. He never -- he **never**
 19 approached any of those kind of things.
 20 So by asking me, "What are you going to do, and
 21 what process are you going to follow," as I said, I didn't
 22 think anything of it.
 23 Q You had discussions about business-getting
 24 possibilities at some point toward-the end of the lunch Did
 25 **the** subject of the Drudge Report come up?

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1 A Yes.

2 Q Tell us about that. **First**, how it came up, and

3 then how the conversation progressed.

4 A As I recall, Vernon said, "How's your client

5 doing?" I said, you know, "She's about to be deposed. She

6 doesn't like it. I'm going to do what I can. I'm going to

7 spend the bulk of this week, or every day this week trying to

8 prepare her for the deposition.

9 "I still haven't heard from Judge Wright. I will

10 probably -- there will probably be a conference call, kind of

11 argument and decision on the motion that I filed. You know,

12 she's not crazy about it happening, but she seems to be doing

13 okay."

14 So he asked me had I ever seen the Drudge **Repor**

15 I had no idea what **the** Drudge Report **was**. So **he** took out **two**

16 sheets of paper out of his pocket and handed it to me, and I

17 read them. The **first** sheet, it clearly was something **that**

18 was printed out on a computer. To me, that's what it

19 appeared to be, or by a printer attached to a computer.

20 And the first page -- I guess you can best describe

21 it as it looked like a muckraking kind of thing. It **didn't**

22 appear to be any reputable news article whatsoever. It

23 talked about that this reporter at Newsweek had had a story

24 spiked that would say that the President had had sexual

25 relations **with** an intern, he had been unfairly treated, and

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1 he had the same kind of problems when he was at The

2 Washington Post, and this was a continuation of the same

3 behavior, dadadadadadada.

4 And it was not -- I mean, it didn't appear to be

5 reporting to me.

6 The second page, "And here is this person's

7 resume." And it **wasn't** a resume. You know, it didn't have

8 what you would think a resumewould have, **such as** address,

9 date of birth, place of birth, college or anything. All it

10 had was her three jobs connected with the administration,

11 **that she was an intern from this date to that date, that she**

12 worked for the Office of Legislative Affairs, and that she

13 worked for DOD.

14 And so, to me, it didn't appear to be a resume.

15 That's what I recall the two were -- the two pages had

16 Q And what did you and Vernon Jordan talk about **with**

17 **respect to** the Drudge Report., reactions to it, plans? What

18 **are** you going to do about it? Is it true? Is it not true?

19 A Well, you **know**, I said something like, "How the

20 hell did they get this?" or, "Where is this coming from?"

21 And his response basically was, "You need to talk to your

22 client about that." So I said, "Fine," I would.

23 And I said, you know, I felt sorry that my client's

24 name was out there in the public. It had not gone out yet,

25 and I knew that meant that she would have to go under the

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1 media scrutiny, that reporters would be hounding her, and so

2 forth, and I **really** felt sorry that that would happen. But !

3 still felt that this was a piece of garbage, quite frankly

4 Q Any other **aspect** of the **discussion** with **Mr. Jordan**

5 about the Drudge Report that **you** can recall?

6 A **No**.

7 Q Did you take the Drudge **Report with** you?

8 A I did.

9 Q And where did you go?

10 A Back to my office.

11 Q What did you do **there**?

12 A Monica, **from** the very first time I spoke to her,

13 had given me a telephone number for her home on -- the

14 apartment on **New Hampshire Avenue, The Watergate**, as well as

15 New York, but she had always indicated that she gave me a

16 text m&age pager, which basically is, you call into an 800

17 number, and there's a live **human** being that takes the call

18 and will write down the text of the message, and then that's

19 sent along as a page.

20 She always indicated this was the best way to get

21 in touch with her. She would always have that. And

22 generally when I **called** that, she pretty promptly got back to

23 **me**.

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Within a short amount of time, I **received** a call

13 back from a lawyer I knew here in D.C. by the name of

14 Nathaniel **Speights**.

15 Q What did Mr. Speights have to say?

16 A Well, obviously, it pricked **my interest**, and I

17 called the back **line, and Nate doesn't have the back line**.

18 Only my -- **generally**, only my family and very close friends

19 have it. **So** I'm **wondering** why is Nate **calling** me and how

20 **does** Nate get my back line.

21 It was, "Hi, how are you? How are you doing,

22 Frank? Hold **on** a minute. I've got a **lawyer** for you **to talk**

23 **to.**" "Okay."

24 William Ginsburg gets on the phone. So Ginsburg

25 gets on and tells me that he's been retained by -- he's a

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1 lawyer in Los Angeles. He's been retained by Dr. Lewinsky,
 2 he's been a long family friend, he's known Monica since she
 3 was a child. Dr. Lewinsky wants him to come to this
 4 situation and represent Monica.
 5 So he had a copy of my motion. He thought it was a
 6 very well-written piece of argument, very well done, but he
 7 is going to come in and now take over representing Monica,
 8 and he has asked Nate Speights to be sort of his local
 9 counsel to help him. And did I need to speak to Monica?
 10 She's light there with him.
 11 I said, "No. I'll -- you know, I'll accept your
 12 word, your representation that that's the case. That's
 13 fine."
 14 So then he put Nate back on the phone. I said,
 15 "Nate, we really need to talk. Probably tomorrow. This
 16 woman's being deposed on Friday. You need to come and get --
 17 I don't have a large file. You need to come get the file.
 18 She has always given me some things that may or may not be
 19 responsive to the subpoena. You need to come pick those up.
 20 And, you know, I'll be able to fill you in on what I've done
 21 and where we are at this point
 22 "And, oh, by the way, Nate, your client's name is
 23 out in the public."
 24 So he said -- so then, to me, it was quite curious,
 25 but he didn't follow that. He said, "Okay. I'll talk to you

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1 tomorrow."
 2 I didn't press it. "Okay, fine."
 3 Q All right_ Did the conversation then end?
 4 A Yes.
 5 Q There are a lot of calls back and forth between you
 6 and Nate Speights and a lot of people thereafter. Let me
 7 focus on just a few of those.
 8 First, did you contact Vernon Jordan --
 9 A I did.
 10 Q -- to let him know about-the substitution?
 11 A I did.
 12 Q What did you tell him?
 13 A Told him I'd just been notified that Monica had a
 14 new lawyer, who the lawyers were, and that they'll be
 15 representing her now.
 16 He said, "Sorry it didn't work out. You know, I
 17 think she would have been better off with you, but -- talk to
 18 you later."
 19 Q Did he exhibit any particular surprise or concern?
 20 A No.
 21 Q Short call then.
 22 A Yes.
 23 Q Sometime later did he call you back to ask more
 24 questions about the substitution and about Bill Ginsburg?
 25 A The same day, not too long thereafter, he called

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1 back and said, "Who are those lawyers again?" And I told
 2 him. "A guy named Bill Ginsburg, who I don't know. He's from
 3 Los Angeles, and I just talked to him. And Nate Speights."
 4 And I knew Nate, knew who he was, explained a
 5 little bit about his background and my contact with him and
 6 then what I thought of Nate as a lawyer.
 7 He said, "Well, maybe they'll keep you on." I
 8 said, "It's not likely. If he's got Nate, he doesn't need
 9 me, and I think I'm out."
 10 He said, "All right. Well, again, sorry it didn't
 11 work out." And that was the end of that conversation.
 12 Q Did he say why he had a strong enough interest in
 13 Ginsburg and Speights to call you back and ask these follow-
 14 up questions?
 15 A No.
 16 Q Did it strike you as odd?
 17 A It probably struck me he didn't hear me the first
 18 time I said it. He just said, "Well, no, wait a minute. Who
 19 did he say?" And, you know, that's how I picked up the
 20 conversation.
 21 Q The phone records reflect a call at 4:53 from
 22 Vernon to your home for basically a portion of a minute then
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]

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1 Do you have any recollection about why there was a
 2 four-minute call and then there was a follow-up eight-minute
 3 call?
 4 A The four-minute call was the first call --
 5 Q Okay.
 6 A -- with me telling him. And the second one was him
 7 calling back and wanting to know more information about these
 8 two lawyers, and who were they, and why are they in the case
 9 Q Did you ask him, "Why are you so interested?"
 10 A No. Personally, at this point I was pissed.
 11 Q All right. What did you do with the Drudge Report?
 12 A Threw it away. It was tantamount to an article
 13 from The Enquirer as far as I was concerned.
 14 Q All right. You're angry. What are you angry at?
 15 A I'm not sure. I mean, I had spent a lot of time,
 16 tried to position Monica's situation so she had at least a
 17 legitimate -- if not a legitimate, at least a facially valid
 18 argument.
 19 It is extremely, extremely difficult to stop a
 20 deposition in a civil case. I mean, the rules are just so
 21 wide open that to try to even position your client so that
 22 you have an argument to make, to get some kind of sympathy
 23 out of the judge -- and in Monica's situation it's part
 24 sympathy for a young woman being dragged into a national
 25 splash case, as well as whatever legal arguments I could put

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1 together for her.
 2 And I just thought that I had spent a lot of time
 3 and worked fairly well to put her in a position -- to have
 4 somebody else pick it up after you've done all the work and
 5 do the argument. It's not very satisfying.
 6 Q When Speights and Ginsburg called you, did they say
 7 anything about the fact that the Office of Independent
 8 Counsel was involved_ that we had tried to talk to her on
 9 Friday night?
 10 A Not a word.
 11 Q Did you have any conversations that day with Bob
 12 Bennett or Katie Sexton?
 13 A Yes. When I had gotten back to the office I
 14 checked the messages. Our answering service sends the
 15 messages to us over the fax machine, types them out with the
 16 date and the time, who it's from, the telephone number and
 17 any short message they give us.
 18 And there had been a message that day, I believe,
 19 from -- I believe it's that day from Bob Bennett.
 20 And so after all this is done and I was just sort
 21 of around the office puttering around, I said, well, let me
 22 call Bob. I called his office. He was not there, but his
 23 office patched me into him wherever he may be, probably at
 24 home.
 25 And Bob said, "Well, Frank, your client's name is

Page

1 I could not either because his phone was on answering serv
 2 Q All right. Im prepared to turn to the next day
 3 the 20th.
 4 MR. EMMICK: Does anyone have any more questio
 5 the 19th? Yes, ma'am?
 6 A JUROR: Did you ever find out how they got
 7 private line, the other number?
 8 THE WITNESS: When I paged Monica, that was
 9 number, and Monica was in their office at the time.
 10 A JUROR: Uh-huh.
 11 THE WITNESS: And they returned the call for h
 12 BY MR. EMMICK:
 13 Q And that's why you thought it was actually Monica
 14 I assume, returning your call.
 15 A Oh, yes, that's what I thought. That's who I
 16 expected to call me.
 17 A JUROR: Okay. Were you ever paid for the w
 18 that you did?
 19 THE WITNESS: Well, I got the original \$1,250. Was
 20 the full balance paid? Still has not been. But a final
 21 has been sent to Mr. Speights.
 22 A JUROR: What is the final bill?
 23 THE WITNESS: It's -- the balance? It's in the
 24 records here. It's not a whole lot, I don't think.
 25 (Examining.) \$4,278 is the balance.

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3 out in the public." And he asked me had I ever heard of a
 4 Drudge Report and told me it was out in this Drudge Report,
 5 and that it was not very well thought of, but it's out there.
 6 And he said, "You might think about countering this
 7 because the media may start to pick up on it. And you do
 8 have the affidavit of your client. You know, I don't know
 9 what you want to do with the affidavit or any of her
 10 positions, but you might want to think about it."
 11 I said, "Well, you know, Bob, I really need to talk
 12 to my client about that before I take any kind of action, but
 13 thanks for letting me know," and hung up.
 14 I did not let him know that I had the conversation
 15 with Speights because I wanted to talk to Speights and say,
 16 "Hey, this had happened. Bennett has asked me about it You
 17 need to get in touch with Bennett. You need to handle
 18 Bennett because you're now the lawyer."
 19 But I couldn't reach Speights. He had his phone on
 20 answering service.
 21 There was another reason also. At the same day,
 22 while Im waiting, two things came in from Pyke's office in
 23 Dallas. One was that the deposition was going to be
 24 videotaped, and the second thing was more or less the formal
 25 notice of the deposition, with a copy of the subpoena that

Page

1 BY MR. EMMICK:
 2 Q Let me then, unless there are any other question
 3 about the 19th, I was going to ask you a couple questions
 4 about the 20th, because there are -- just as there were
 5 several calls from Vernon on the 19th, there are then
 6 couple of calls from Vernon Jordan on the 20th
 7 A Right.
 8 Q There's a call at 12:01, where he calls you on th
 9 31 number, speaks for two minutes and 48 seconds. Then
 10 there's a very brief call, only six-tenths of a second --
 11 six seconds, sorry. And then there is a message at 12
 12 from Vernon Jordan, and the message says, "Very importan
 13 Please call."
 14 What do those series of calls and messages mea
 15 A I don't remember talking to Vernon after the 19
 16 Q When you get a message from Vernon Jordan saying
 17 "Very important. Please call," why did you feel like
 18 shouldn't return that call?
 19 A At that point I was trying to -- I mean, Monica was
 20 a very nice woman, but she wasn't my only client. I was
 21 you know, I was now trying to turn my attention to other
 22 clients who needed me or things that were coming up, and
 23 presumed Vernon wanted to talk to me about Monica Lewinsky,

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1 I hadn't had a chance to send him a draft letter to
 2 send to any of these corporate general counsels, and as far
 3 as I was concerned, Monica Lewinsky was on the back burner
 4 And I was going to get to him, I wasn't ignoring
 5 him, but I didn't return the telephone call.
 6 Q Did you eventually let Mr. Bennett know about the
 7 fact that you'd been substituted out?
 8 A Yeah, on the 20th he had called -- I think either
 9 Katie had called me later on the 19th after my conversation
 0 with Bob Bennett, or they had called -- they may have also
 1 called me earlier on the morning of the 20th.
 2 So I called back, and when I did the two of them
 3 were in Bob Bennett's office, and Bob just said, "Look,
 4 Frank, we're hearing some vibrations on the street that you
 5 are no longer Monica's lawyer." And I said, "Yeah, that's
 6 right."
 7 And I had told Nate to get in touch with him.
 8 Q Right.
 9 A But, you know, he asked the question, I gave him
 0 the answer. I said, "That's right. I've been replaced.
 1 I've been replaced by Nate Speights, a local attorney," and I
 2 explained who he was and what I knew about him. "And there's
 3 a lawyer from Los Angeles by the name of Ginsburg, who's also
 4 on there."
 5 They asked should they get in touch with them. and

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1 I said, "If I were you, I certainly would, to find out, you
 2 know, what's going on. I think they'll talk to you. I mean,
 3 they have no reason not to," or words to that effect.
 4 MR. EMMICK: Any questions with respect to the
 5 20th?
 6 (No response.)
 7 MR. EMMICK: I'm ready to move on to the 21st
 8 myself.
 9 BY MR. EMMICK:
 0 Q On the morning of the 21st the records reflect a
 1 call -- or actually a message from Bennett at 8:25 in the
 2 morning for you, saying, "Please call - urgent." Do you know
 3 what that was about? Or do you know whether you returned
 4 that call?
 5 A If I'm not mistaken, all hell broke loose on the
 6 night of the 20th. I'm at home at about 8:00 and I receive
 7 three calls. I got a call from the managing editor of The
 8 Washington Post, I got a call from a reporter from The Los
 9 Angeles Times, a guy by the name of Ron Ostrow, who I had
 0 talked to before about some other things, and I had a call
 1 from some guy from ABC News, Velasco, I think his name was.
 2 All of them said the same thing. "We've got this
 3 story that the President of the United States was having an
 4 affair with an intern, and you represented her, and Vernon
 5 Jordan brought her to you," dadadadadadadada. "Do you have

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1 any comment?"
 2 After you catch your breath, you say, "No, I have
 3 no comment at all."
 4 "Well, can you help me on any of these aspects?"
 5 "No, there's nothing I can tell you at all."
 6 So it hit the newspapers on the morning of the
 7 21st, and I'm not sure -- I'm not sure I talked to Bob. I
 8 might have, but I'm not sure. I know at that point, because
 9 of the deluge of telephone conversations from the media, we
 0 basically threw the phones full-time to answering service.
 1 God bless their hearts. They were able to keep up
 2 with it. But it was basically to screen the calls that were
 3 coming in.
 4 Q Later that night you were called by the Office of
 5 Independent Counsel -- or later that afternoon, I think,
 6 perhaps more accurately.
 7 A I finally got him at about 6:00 or so, Mr.
 8 Rosenzweig.
 9 Q Okay.
 0 A We traded calls back and forth.
 1 Q You traded calls. Eventually you were faxed a
 2 subpoena from our office?
 3 A Correct.
 4 Q And it is that subpoena that eventually, over the
 5 process of a few months, resulted in your production of the

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1 documents we talked about at the beginning of this grand jury
 2 appearance.
 3 A Correct.
 4 Q Have you been in contact with Vernon Jordan since
 5 that time, the 19th, 20th, 21st?
 6 A Not directly.
 7 Q Okay. When you say, "not directly," that makes me
 8 ask, indirectly?
 9 A Yes.
 0 Q All right.
 1 A Vernon called on the 20th, and I think he might
 2 have called me on the 21st. And by the time of the 21st, the
 3 phone calls from the media are just flooding in. They're
 4 coming in from every corner of the country, from every
 5 newspaper you can ever think of, including The National
 6 Enquirer. And there was at least one call again from Vernon,
 7 I think, on the 21st.
 8 By now, having read The Post that morning, it said
 9 that Vernon was being represented by Bill Hundley. Well, I
 0 had met Bill Hundley, I knew Bill Hundley.
 1 So I called Bill in the afternoon of, I think,
 2 the -- I think it's the 21st. I think it was the afternoon
 3 of the 21st I called Bill -- I believe that's it -- and I
 4 said -- when we finally talked, he got back to me, I said,
 5 "Look. Bill. Vernon's been trying to reach me since our

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1 lunch." I said, "The Post says that the Office of
2 Independent Counsel is now interested in this situation.
3 This was before I talked to Rosenzweig.

4 I said, you know, "I've represented too many
5 clients, that I know everyone's going to want to know what we
6 said, when we said it, and how we said it, and I just don't
7 think it's a good idea for us to talk. Please tell the guy
8 I'm not trying to ignore him, I'm not getting kinky on him, I
9 just don't think he and I should talk."

0 And he said, "Fine, Frank. I don't know what he
1 wanted to tell you, but I think he wanted to let you know
2 that he was having a press conference this afternoon, and
3 that he was going to say that he had referred Monica Lewinsk
4 to you, and he wanted to make sure you understood that before
5 the press conference."

6 So I thanked Bill, I said, "Thanks very much for
7 the heads-up. I appreciate that." And I was trying to get
8 in touch with Charles Ogletree, who I knew, and I don't think
9 I had reached him yet. And I said, "Look, I'm trying to
0 reach Tree. If he's able to represent me, I'll have Tree get
1 in touch with you, and you guys can talk. And it's best that
2 Vernon and I be out of the loop."

3 He agreed. That afternoon Vernon did have his
4 press conference. He did mention that he did, what, two
5 things for Monica Lewinsky. One, find her a lawyer; and,

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1 two, refer her for a job.

2 So that increased the deluge of the press calls.
3 They were beginning to camp outside of my office.

4 Q That concludes the questions that I had.

5 MR. EMMICK: Any questions? Immediately perhaps
6 what we can do is ask you to step outside for just a few
7 minutes, and we'll canvass the grand jurors.

8 THE WITNESS: Okay.

9 (Witness excused. Witness recalled.)

3 THE FOREPERSON: Mr. Carter, you're still under
1 oath.

2 MR. EMMICK: And we have a quorum and no
3 unauthorized persons present.

4 THE FOREPERSON: You're absolutely correct.

5 BY MR. EMMICK:

6 Q One question that we still have is an apparent
7 discrepancy, if you will, between your impression of Vernon
8 Jordan's relationship with Monica at the beginning, that is,
9 just a referral, makes the referral, don't expect any follow-
0 up phone calls, and then what appears to be, you know, in the
1 neighborhood of ten or more phone calls between you and
2 Vernon and reflecting a somewhat different relationship
3 between Vernon and Monica.

4 Did your impression of their relationship change
5 over time as a result of the many phone conversations that

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1 you had with Vernon about the case?

2 A Let me go back to what I think -- and perhaps I can
3 correct this.

4 What Vernon said to me was, "This is a" -- with
5 regard to finances, "This is a straight referral. You make
6 whatever financial arrangements with this woman that you
7 desire. That's your business."

8 I knew Vernon was a great poobah with the
9 Democratic Party. He moves with the movers and shakers. And
0 this woman had worked in the White House. I've been around
1 Washington long enough to know that you better have some
2 connections with the party in power to get a job in the White
3 House.

4 I inferred that this -- that the Democratic Party
5 or someone affiliated with that had contacted Vernon and say,
6 "This woman needs a lawyer. Can you get her one?"

7 Now, that's how I inferred the relationship was with
8 Monica Lewinsky and Vernon Jordan. And I knew of nothing
9 else other than that. That was -- that was my thought
0 processes on the relationship in the beginning.

1 It never changed throughout. I had no reason to
2 believe that there was any kind of different relationship
3 between the two of them, other than Vernon is in and out of
4 the White House. I mean, I've talked to Vernon a number of
5 times. He goes to the White House. He has carte blanche to

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1 come in and out.

2 He knew Betty Currie. He knows Betty Currie. She
3 was friends with Betty Currie. He knows the President. He
4 knows other people in the Democratic Party.

5 I didn't quiz Monica on how many people in the
6 Democratic Party she knew, but she had already told me that
7 she knew somebody by the name of Walter Kaye that got her
8 resume to be reviewed. So she must have somebody with an
9 entree with democratic ties. So that's how I sort of pulled
10 that together.

11 Q Right. Although initially you expected no calls,
12 and at the end of the day -- at the end of the month or so of
13 representation you had gotten somewhere between 10 and 15
14 calls.

15 Did you find that to be a reason to think there
16 might be more to this than you originally thought?

17 A The reason I didn't expect any phone calls was
18 because I just -- I didn't presume that that would be the
19 case. That had never been the case before when Vernon
20 referred someone to me.

21 But this was not your garden variety case. It was
22 an extremely high profile case, and I presumed his interest
23 was in the high profile case.

24 Q In the other referrals Vernon had made to you, did
25 he drive any of those clients to your offices in or to

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1 make the introduction in connection with the referral?
 2 **A** No.
 3 **MR. EMMICK:** Any other questions?
 4 **A JUROR:** How would you describe **your** relationship
 5 with Vernon Jordan? Did you -- **before even he** introducai you
 6 to Monica, was **there** a lot of camaraderie? You know, did you
 7 think of him as someone like a mentor or --
 8 **THE WITNESS:** Yeah; more the latter. I mean, we're
 9 not drinking buddies. We don't belong **to** the same clubs.
 0 But Vernon, by referring cases to me, I think he believe,
 1 that I **will** handle them well, I will give them good legal
 2 services and provide them with, you know, high quality
 3 **services.**
 4 But he has also done things, at least to me, in the
 5 past to say, "Well, okay. You've got a small little
 6 operation here. What can I do? Can I throw some business
 7 your way? Are **there** things I can help you along the way?"
 8 And that's fine, sure.
 9 I mean, he didn't -- there are some things he's
 0 done in the past that he didn't have to do, other than the
 1 fact that he wanted to help me. And I benefitted from those
 2 and I appreciated those.
 3 **MR. EMMICK:** Yes, ma'am?
 4 **A JUROR:** **After all you've been through, how** are
 5 you still feeling about Vernon?

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1 **THE WITNESS:** This situation didn't become ugly
 2 because of Vernon.
 3 **MR. EMMICK:** Other questions?
 4 (No response.)
 5 **MR. EMMICK:** All right. Well **call** it a day.
 6 **THE WITNESS:** **Thank you.**
 7 **MR. EMMICK:** Thank you.
 8 **THE WITNESS:** That's call back or that's the end?
 9 **MR. EMMICK:** **That** will be end, unless we give you
 0 a--
 1 **THE WITNESS:** I like to hear that. Thank you **very**
 2 much.
 3 **MR. EMMICK:** Okay. Thank you, sir.
 4 (The witness was excused.)
 5 (Whereupon, at **4:08** pm., the taking of the
 6 testimony in the presence of a full **quorum** of the Grand Jury
 7 **was** concluded.)
 8 * * * * *
 9

