Thomases Statements re: Foster

Screened By: NARA (RD-F) Date: 08-06-2018 DOCID: 70105222

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INTERVIEW OF :
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SUSAN P. THOMASES :
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New York City, New York

Friday, September 9, 1994

Interview of

SUSAN P. THOMASES

a witness of lawful age, sworn by Amy K. Rose, Notary Public in and for the District of Columbia, taken before Amy K. Rose, Verbatim Reporter, at the New York Office of the Independent Counsel, 201 East 42nd Street, Suite 1900, New York, New York, commencing at 10:10 a.m.

APPEARANCES:

On Behalf of the Independent Counsel:

MARK STEIN, ESQ.
Associate Independent Counsel
1001 Pennsylvania Avenue, N.W.
Washington, D.C.

On Behalf of the Witness:

BENITO ROMANO, ESQ.
Willkie, Farr & Gallagher
One Citicorp Center
153 53rd Street
New York, New York 10022-4677

Also Present:

Bill Columbell, Federal Bureau of Investigation

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THOMASES EXHIBIT:

No. 1 - 7/23/93 Voucher for travel for Ms. Thomases	66

PROCEEDINGS

Whereupon,

SUSAN P. THOMASES

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR INDEPENDENT COUNSEL

BY MR. STEIN:

Q Could you please state your name, and spell your last name?

A Susan Patricia Thomases, T-h-o-m-a-s-e-s.

Q How are you currently employed?

A I am a partner at Willkie, Farr & Gallagher.

Q And how long have you been with Willkie, Farr & Gallagher?

A Consistently since 1979, except for the six months that I went to Little Rock in '92.

Q In '92?

A But I was still employed by Willkie, Farr when I went.

Q What were you doing in Little Rock during this six months in 1992?

A I did the schedule for the President, the Vice

President and their spouses.

Q During the campaign?

A Yes, and during the transition.

Q And how did you come to get that position?

A I'm a friend of the President's and the First Lady.

Q Can you describe the history of your relationship with the President and the First Lady?

A I met him in 1970 in Washington, D.C., when he was going from Arkansas to Yale Law School. We hit it off, and we stayed friends. While he was at Yale Law School, I was teaching in Connecticut College in New London, Connecticut, and I would be commuting from New York to New London, and I would often stop in New Haven.

There were other persons in his class who were my friends. Sometimes I would see him. Sometimes I would see them. He would come and visit me in New York during various holidays, and he and I stayed friends, and he introduced me to her. That's my recollection. Her recollection is that she and I were introduced by a friend of hers from Yale Law School, at Yale Law School.

Q Just so it's clear, when you're using "he," you're talking about the President, and when you're talking about

"she," you're talking about Mrs. Clinton?

A Yes.

Q Do you have an independent friendship, then, with Mrs. Clinton at this point?

A Yes. I did almost from the beginning.

Q How did it come about that you became the scheduler for the campaign?

A You mean why was I selected?

Q Were you solicited to do that, or did you call and say, "Could I be of help?"

A The short answer?

Q Okay.

A Short answer is that I'd done a lot of politics. I had told the President that I could not really get seriously involved in the campaign because I have a young son, and slowly but surely they sucked me in, and finally he asked me and my husband, more importantly my husband, if we would move to Little Rock so that I could do the scheduling because he wanted and needed me to do it. I'd, kind of, been doing it out of my house at night, and it was not satisfactory for anybody.

Q And so you moved to Little Rock for about six

months?

A Yes.

Q After your work on the campaign, did you obtain any position at the White House?

A No.

Q You did not have any official position at the White House; is that correct?

A No.

Q Would you say that you had any unofficial role or position at the White House after the Administration began?

A Well, I had some follow-up on the transition to do for a brief period, but, essentially, no.

Q You were active in the transition?

A Yes.

Q What was your role in the transition?

A I was the scheduler, but I was also in charge of certain logistical issues regarding the move to Washington.

Q Did you go to the White House at any time after the beginning of the Administration?

A Yes.

Q And on how many occasions?

A Regularly, usually once a week.

Q And for what purpose?

A Sometimes to visit, sometimes to help the people who were doing the schedule. The woman who took my job, I helped her, kind of, get oriented and work with the team that she had taken, many of whom were people who had worked for me.

Q Who was the woman that took your job?

A A woman named Marcia Hale.

Q And you would regularly meet with her when you would go down?

A I would regularly stop and see her. I would stop and see her, and I would stop and see a number of other people mostly to jolly them along.

Q Would you describe the visits as primarily social?

A Yes, almost exclusively social except when I was talking to Marcia Hale.

Q Was it a regular day of the week that you went down there?

A I regularly go to Washington on Wednesdays.

Q Was there another purpose that you were going to Washington?

A Oh, yes. I had gone to Washington on Wednesday for

years in my role as a lawyer for Willkie, Farr & Gallagher. Traditionally -- not that I don't ever go other days, but I traditionally try to organize it so that I go there on Wednesday so that I have -- people can make appointments with me, and I can tell people to make appointments with me. It's just been a regular part of my life.

Q And on those Wednesdays when you would go to the White House, would you generally go during the day or in the evening?

A It depends. I mean, the one change in my life was that I often either stayed over the night before or stayed over the night I was there to see the President and Hillary in the early stages. I didn't usually stay at the White House, but I usually stopped to see them.

Q Did you at times stay at the White House?

A On occasion, but I didn't want to, and I usually chose not to.

Q And on some occasions, you would stay over on a Tuesday night prior to your Wednesday meetings?

A Yes. More often I stayed over Wednesday night, but it wasn't regular.

Q Do you have a friendship with anybody else in the

Administration besides the President and the First Lady?

A Lots of people.

Q Can you name them?

A I'll tell you who I think are my friends.

Q Okay.

A Currently?

Q Let's say -- if you can do it, let's say as of July of 1993.

A Maggie Williams, Bernie Nussbaum. I've known John Podesta a long time. I think we would consider each other friends. I can't -- if you gave me a roster of who was there -- a lot of the younger people, Patti Solis, Lisa Caputo, Capricia Marshall.

Q Do you know Patsy Thomasson?

A I know who she is.

Q Would you consider her a friend?

A No.

Q How long have you known Maggie Williams?

A A number of years. I can tell you the context in which I knew her.

Q That would be helpful.

A Okay. I can't remember exactly. I'm on the board

of the Children's Defense Fund, and for years she worked with the Children's Defense Fund. So I knew her in that context. I also, kind of, knew her and knew about her in the years in which she was working for the Democratic Congressional Campaign Committee.

Q Would you see her when you would go to the White House on the Wednesdays?

A Usually.

Q Would you discuss any Administration official matters with her when you would go to see her?

A That's a hard question. You know, I don't know what you mean.

Q Well, would your discussions go beyond, "How are you doing? How are you feeling?"

A Yeah, sometimes.

Q Would you discuss the work that she was doing at the White House?

A Not regularly.

Q Do you remember any specific matters that you did discuss with Maggie Williams about the work she was doing at the White House?

A I discussed the First Lady's schedule. I would

discuss press ideas and press strategy with her.

Q Anything else that you can remember? Were you ever -- I'm sorry.

A Sometimes specific functions.

Q Were you ever given a White House staff pass?

A I had a staff pass from the transition.

Q And did you use that staff pass to go into the White House after the Administration took over?

A Yes.

Q How long did you keep the staff pass for?

A I can't recollect.

Q Do you still have it?

A No.

Q Can you approximate when you turned in your staff pass?

A I can't -- I mean -- I can attempt to recreate it, but I don't know specifically.

Q Do you know whether you had it in July 1993?

A No.

Q This pass that you had, did it have your photograph on it?

A Yes.

Q Do you remember the color of the pass?
A Blue.

Q After you turned in the staff pass, did you receive any other pass that you could use to get into the White House?
A No.

Q So, following the time that you turned in your staff pass, you came through as a visitor?
A I used my license.
Q Why was it that you turned in your staff pass?

A I just felt that it was appropriate. It expired once, and I renewed it. I don't -- okay. The next time I thought that it really wasn't appropriate, and I was into avoiding newspaper stories.

Q Were you concerned about the appearance of your having a staff pass?
A I just felt I didn't need it, that when I needed to get in someone could call and arrange for me to get in.

Q What was your reference to avoiding newspaper stories? What kind of newspaper stories were you trying to avoid?
A I had been the target of a number of unpleasant

newspaper stories early in the Administration and just chose to keep my head low.

Q Did you know Vincent Foster?

A Yes.

Q And how did you know him?

A I knew him through the President and Hillary.

Q Did you know him prior to the time that you spent six months in Arkansas in 1992?

A Yes.

Q How did you meet him? Can you put the context in which you meet him and the approximate time frame that you met him?

A I can't specifically recollect when I first met him, but I know I knew him in 1978. I knew when I can recollect specifically seeing him in '78 that I actually had met him before then, but I can't tell you exactly when.

Q Can you describe your relationship with Vincent Foster over the years?

A Friends. We were just friends.

Q How often would you speak or see him?

A It was sporadic and periodically. You know, he was Hillary's partner. He was a lawyer, very good lawyer.

Occasionally, he would come to New York because he had a lawsuit or some reason to be in New York. We would usually see each other on occasion. He even borrowed space from my law firm to do a deposition, or something like that. I went to Little Rock before '92 to visit. I would see him then.

Q Did you see him when you went to the White House during the first six months of 1993?

A Yes.

Q Did you know what legal matters he was working on for the President and the First Lady?

A Some.

Q And how did you know -- how did you have that information?

A Sometimes he would tell me. Sometimes Hillary would tell me.

Q What matters were you aware of that he was working on for the President and the First Lady?

A Their blind trust or what was to become their blind trust; her lawsuit, the lawsuit relating to -- meetings that she was holding with respect to health care. Those are the two things I can think of.

Q Were you aware that he had any involvement in any

way with the Whitewater properties?

A Yes.

Q What were you aware of?

A I was aware that he had some information on that.

Q Can you tell us with any more specificity what information he has and what role Vincent Foster was playing in connection with the Whitewater properties?

A I feel a little awkward about this.

MR. ROMANO: Is the question -- depending on what time we're talking about and how -- because I understood this to focus on the 20th and the 21st. I didn't think it would actually come up, but there may have been conversations between Susan and Hillary Clinton that -- at least there's a question as to whether she was performing her role as a lawyer in some of those conversations, and if that was the source of the information she had about --

MR. STEIN: I see.

MR. ROMANO: -- the nature of her work.

MR. STEIN: Well, is that the position that you're taking, is that she was serving as Clinton's lawyer?

THE WITNESS: No, Hillary Clinton's lawyer.

MR. STEIN: Hillary Clinton's lawyer?

THE WITNESS: I had a relationship with Hillary Clinton as a lawyer in relationship to what arose in the context of the campaign and continued for a period of time.

MR. ROMANO: I assumed myself that if this matter came up it would deferred until we can clear up -- I think it was necessarily the only time --

THE WITNESS: I will ask her. I didn't know that this was going to come up; otherwise, I would have talked to her about it.

MR. ROMANO: I didn't perceive this --

MR. STEIN: Well, the reason that we're going into this area is because we're trying to see whether any documents were removed from Vince Foster's office, and part of that inquiry is what documents were in Vince Foster's office to begin with, and that's why --

THE WITNESS: But I want to state for the record I went from my office to Radnor, Pennsylvania. I came back from Radnor, Pennsylvania, and went to my home.

MR. STEIN: We'll get to it.

THE WITNESS: No, no. No. And I was not anywhere near Vince Foster's office until long after he was dead and long after the incidents that have arisen. I didn't get

there until after noon on the following day.

MR. ROMANO: There may be a way around this. If the question is merely to identify the subject areas that she's aware of that Foster might have been working on, I guess that's okay, but any subsequent conversation about what was being done or what should be done or --

MR. STEIN: That was my question, actually.

THE WITNESS: Okay. Well, fine.

BY MR. STEIN:

Q Are you aware of what he was working on in connection with the Whitewater properties?

A Yes. I don't know what he was working on, but I do know that he was working on --

Q But do you have any idea what connection he was working on any matter in connection with the Whitewater properties?

MR. ROMANO: You mean what he was doing?

MR. STEIN: What he was doing.

THE WITNESS: I have no idea what he was doing.

BY MR. STEIN:

Q Did you ever have any discussions with Vince Foster that touched on the Whitewater properties?

A No, not to my recollection.

Q So the only information that you have is that Vince Foster had something to do with the Whitewater properties, but you know no more than that? Is that fair?

A Right. That's fair. I would like to characterize it as follows: I knew that he had some information. I had no idea that this was a current, continuing matter at the time of his death.

Q Did you know what information he had?

A No.

Q Well, it's just a little mysterious to me. Can you tell us what the context is that you learned that Vince Foster had some information in connection with Whitewater?

A Because Hillary had some information, which she turned over to him.

MR. ROMANO: You're not limiting it to information she has of the 20th, or do you mean your question to mean whenever she acquired --

MR. STEIN: Once we get that, we can try and narrow down when it happened.

BY MR. STEIN:

Q You know that Mrs. Clinton turned over certain

information to Vince Foster that dealt with Whitewater?

A I don't know for a certainty.

Q Why do you have a belief that that occurred?

A I just -- I don't know. I don't know why I have a belief. I just -- I just think that she did.

Q Do you have any recollection of how you acquired this belief?

A I don't -- I would have to think about it, I really would. Since I haven't spent any time thinking about this, I would have to -- and I'm not avoiding the question. I just would have to think about -- what I'm thinking back to is what happened in the transition in terms of various information that had been in the campaign and where it ended up. That's what I'm -- that's where my head is focused.

So I'm not avoiding the question. I'm just trying to recreate how we split up the information that had been part of the campaign records and where they went, and why is it that I feel that a certain slice of them were given to Vince. So I just -- that's -- I'm not avoiding the question. I'm just trying to recreate in my mind how it happened.

We had these Whitewater files in the campaign, as you know. A significant number of them went to Jim Lyons.

Certain of them stayed in the campaign for a period of time. When we were moving out of Little Rock and we were figuring out where everything went, I believe -- but I can't -- I'm trying to recreate in my mind how it happened -- a slice of it went to Vince.

So that's -- I mean, it wasn't as if, you know -- you know we were, like, dividing up everything. We're cleaning up. We're trying to get out of Little Rock.

Q You were involved in dividing up documents, then, and distributing them to various people?

A Yeah, and we were leaving stuff with the campaign. We were packing stuff up to stay with the campaign and put as part of the campaign thing. We were trying to clean that up. You can't just -- you can ask Sean, because he was there.

You can't just, kind of, walk out and leave this mess and hope that it's all going to stay there. We were trying to clean it up and put some stuff in order so that there would be a record of the campaign and that there would be a record of everything, and then there was certain stuff that was moving to Washington, and there was certain stuff that was being put in storage. So, in the dividing up of things.

Q Now, you mentioned that there was Whitewater files as part of the campaign files.

A Yes.

Q Can you estimate the volume of those files?

A No, I can't, because I don't know the volume that was given to Jim Lyons.

Q Do you know if the documents that were given to Jim Lyons were returned by Jim Lyons to the campaign?

A I have no idea.

Q Did you personally look through the Whitewater files? Were you involved in looking into that for the campaign?

A Yes.

MR. ROMANO: Looking into the files?

MR. STEIN: Into the files, yes.

BY MR. STEIN:

Q Leaving aside Vince Foster for the moment, can you tell us who else got some of those Whitewater files?

A No. I mean -- no. I can't tell you.

Q Do you remember giving the Whitewater files to anybody or directing anybody to turn over the Whitewater files to anyone?

A No.

Q Do you know who was responsible for distributing the Whitewater files to the appropriate place?

A I don't know who was really doing all of this. I just -- I don't know. I don't know. There were lots of different people who had pieces of the cleaning up of the files.

Q Can you name the other individuals who were responsible for cleaning up the files?

A There were the files that were under Betsey Wright's responsibility, and I'm sure that Betsey took care of them. I don't know what she did with them, but I assume that she took care of them, and I can't speculate what was in that collection, because I never knew what Betsey Wright filed, what files Betsey Wright had specifically.

With respect to the other files, the person who was largely -- had overall responsibility for it was David Watkins. To my knowledge, the person who had responsibility was David Watkins.

Q Did someone have primary responsibility for the Whitewater files?

A Not to my knowledge.

Q Do you know of any files that were at all related to Whitewater that were shredded or destroyed?

A No. Can I put this a little bit in context?

Q Sure.

A Whitewater now is a huge issue. Then Whitewater was not a huge issue, and I don't remember any discussion of shredding, doing -- I mean, it's almost ludicrous. They were not considered valuable things to be in and of themselves preserved. I don't mean that irreverently or anything. It was not like a huge thing.

So far as most people thought, it was something that was over, and the only thing that was left that I had some sense of responsibility for were the personal papers that related to that.

Q I'm sorry. What do you mean by you had responsibility for the personal papers?

A The duplicates of the accounting papers that we had gotten from Joe Lee and other people, and that -- there was a part of that, and that is what --

Q When you say you have responsibility for that, responsibility to do what with them?

A No, but when I -- when I had any involvement in

Whitewater.

Q But when you say you had responsibility, what did you do with these duplicate documents? What was your responsibility?

A I'd package them up and label them.

Q I see. Did you make an -- but did you also have responsibility to make an inquiry to find out what Whitewater was all about or learn about some aspect of Whitewater?

A Again, we are --

Q We're talking about during the campaign or the transition.

A In the campaign, yes.

Q And what was your responsibility? What did you do in the campaign in connection with Whitewater?

A Well, again, we're in this gray area.

Q I see. Did you represent either the President or the First Lady during the campaign?

A Yes.

Q And these were on Whitewater issues?

A Yes. Well -- yes. That's the context in which it arose.

Q I see. Let me just ask this: Is there something

that you know about the distribution of Whitewater documents that you can't tell us because of your representation of either the President or the First Lady?

A No.

MR. ROMANO: No.

THE WITNESS: Absolutely nothing.

MR. ROMANO: The hesitation in answering is only because your questions are broader than that. Your questions --

MR. STEIN: I understand the question is broader than that. I understand that.

THE WITNESS: I think so. That's why --

MR. STEIN: Yeah.

BY MR. STEIN:

Q Are you aware either generally or specifically what documents Vince Foster had in his office at the time of his death that related to Whitewater?

A No.

Q Not at all?

A No.

Q I assume if you can't answer because of a privilege issue you will say that rather than say --

MR. ROMANO: Yes.

THE WITNESS: No, no. That's why I'm answering the question. I would tell you.

BY MR. STEIN:

Q Did you know of any documents that Vince Foster had in his office at the time of his death which were considered by the President and the First Lady as particularly sensitive?

A Sensitive in what sense?

Q In any sense.

A Again, I'd like to, sort of, state for the record -- I mean, there's a sense of privacy that the First Lady has, and to that extent, there's -- her sense of, like, "This is mine. This is about me." I think that he had things that she felt were really only -- should only be her business. I mean, so -- which is different than the way you asked the question.

Q Okay. I --

A And so I --

Q -- have heard from other witnesses that the First Lady has a sensitivity about anything dealing with Chelsea, for example.

A Exactly.

Q Is that the kind of thing you're talking about?

A Yeah. Yeah, and about her mother and about her, you know, relationship with her family and about, you know -- and also her personal financial affairs.

Q Okay.

A And she's --

Q Let's just spend a moment on her personal financial affairs.

MR. ROMANO: Let me interrupt just to put enough gloss on this for a second. The question -- and I'll alert you to this area. We can resolve it at a subsequent time, and I'm certain there will be a resolution.

MR. STEIN: Sure.

MR. ROMANO: There may have been conversations between Susan and the First Lady of a -- regarding responses to official requests for access to those records well after the event, which, in the course of those conversations, which, for the moment, we have to -- some of them are clearly privileged, which would indicate to a lawyer the sensitivity of a client, to the client's legal interests.

So your question is broad enough to encompass those

kinds of conversations. I wanted to alert you to the fact that Susan can't give you a full answer.

MR. STEIN: Okay.

THE WITNESS: Until I go back and --

MR. ROMANO: Until we get further instruction from the client about those conversations.

MR. STEIN: I think we should address this after --

MR. ROMANO: Yeah. I assumed we would --

MR. STEIN: -- the deposition today, and I think it may be necessary to do this again, assuming that the client doesn't have a problem with these questions.

THE WITNESS: I mean, if I knew that you were going to be asking about this, I would have talked to her before.

MR. STEIN: Right. Frankly, we were unaware that you represented her in legal matters.

THE WITNESS: Okay.

MR. ROMANO: And I'm sorry. I assumed that you had been aware of it through just talking to other people.

MR. STEIN: That's fine. We can work it out.

THE WITNESS: Reading the newspaper.

MR. STEIN: I stopped doing that, actually.

THE WITNESS: No, the old newspaper stories, the

old newspaper stories. I'm just joking.

MR. ROMANO: There are clearly conversations or events that occurred on the 20th and 21st as to which there's no privilege, and those are easy to deal with. It's the broader questions really make us concerned. We don't want to in any way --

MR. STEIN: Okay.

MR. ROMANO: -- create the wrong impression with you.

MR. STEIN: I understand.

BY MR. STEIN:

Q Let's go to the events of the 20th and the 21st. When did you find out about Vince Foster's death?

A The night of the 20th.

Q And how did you find out?

A Hillary called me.

Q Do you remember what time it was?

A I don't know precisely what time it was, but I can recreate, you know, kind of using --

Q Well, can you give us your best estimate of what time it was?

A It was sometime around 9:30.

Q Do you know where Mrs. Clinton was at that time?
A I don't know where she was. I assumed that she was in Little Rock.
Q Why did you assume that?
A Because that's where she had been because of her father.
Q Are you certain that she had been there for a period of time, or did she just arrive in Little Rock that day? Do you recall?
A I don't recall.
Q And when you say "because of her father," you mean because of her father's illness?
A Uh-huh.
Q Where were you when you got the call?
A In my house.
Q And is that in New York?
A Yes. Do you want the address?
Q Can you just tell us the location?
A It's 929 Park Avenue.
Q And can you, to the best of your ability, summarize the conversation that you had with Mrs. Clinton at that time?
A Yeah. She called to tell me that Vince had killed

himself, and after I got over my total shock, we talked about Vince's children and Vince's wife, and we talked about -- you know, just talked about it as a tragedy, and she -- we talked about what we thought -- we talked about Laura, his daughter, and what adverse effect it was going to have on her, how it was such an unlikely thing for him to have done, given his religion and given his history as a father, I mean, just talked about -- I mean, just what a terrible tragedy it was.

Q Do you recall Mrs. Clinton saying anything about any conversations that she remembers having with Vince Foster, during that telephone conversation?

A No.

Q Do you recall Mrs. Clinton expressing any concern about any documents that may have been located in Vince Foster's office at that time?

A No. There was no discussion of documents and was not that kind of conversation.

Q Other than what I would --

A In spite of what you may think.

Q Other than what I would term as general grieving and discussing of who Vince Foster was, do you recall anything else that occurred during that conversation?

A No. I don't know that there was anything more.
Q Did she ask you if you were going to Washington?
A Yes, she did.
Q What did you say?
A I said yes, I would be going down the next day.
Q Were you planning on going down the next day anyway?
A Yeah. I had work to do. She asked me to please stop in at the White House. She asked me to try to make sure that I saw the President when I was there.
Q Did she ask you to go to Vince Foster's office?
A No.
Q Did she ask you to see anybody else when you went to the White House?
A Yes. She wanted to make sure that I saw Maggie, because she knew that Maggie would be very upset, and she also told me to be sure to talk to Bernie and, if I could, see Bernie as well.
Q Did Mrs. Clinton tell you when she last saw Vince Foster?
A No.
Q Did she say that she had already spoken to Maggie

Williams when she had spoke to you?

A No.

Q Did you have any idea whether or not she had already spoken to Maggie Williams?

A No.

Q You said that she wanted you to see Maggie Williams because she thought that Maggie would be upset?

A Yeah.

Q From that statement, did you have any understanding as to whether or not she had already spoken to Maggie Williams?

A No. I didn't know that she had spoken to -- I had no idea whether she'd spoken to Maggie Williams. I had no idea who she had spoken to specifically.

Q Did she tell you why she wanted you to stop in and see the President?

A Because she thought that he would be upset and -- you know. And she knew that I had seen Vince before he died.

Q How long did the conversation last?

A I don't -- I mean, anywhere from five to -- I don't know. I just don't know. I wasn't -- it was more than five minutes. I just don't know how long it went on.

Q Do you know where in Little Rock she was when she made the call?

A No.

Q But this was a call from her to you?

A Uh-huh.

Q What is the phone number at your -- is it an apartment?

A Uh-huh. She could have called me on either of two numbers. One is 772-6019, and one is 628-1086.

Q Is it clear in your mind that you got a phone call from her at one of those two numbers that evening?

A Yes.

Q Do you recall what you did after you spoke to Mrs. Clinton?

A Yeah. I talked to my husband.

Q Who was there with you?

A He was there with me. Absolutely.

Q Did you make any telephone calls?

A I've been trying to recollect this. I don't know specifically that I did.

Q Does anybody else live in your apartment other than you and your husband, or did they in July --

A My son.
Q -- of 1993?
A My son. My son.
MR. ROMANO: Too young to use the phone.
MR. STEIN: Well, he could use it.
BY MR. STEIN:
Q How old is your son?
A Well, he's now four and a half. Then, he was -- let's see. Let's figure back. That was July of '93. He was three and a half.
Q I have a three-and-a-half year old. So I can picture how that would work.
A I mean, the whole -- part of the reason that I came home was because I wanted to see my son, and I saw him, put him to bed, and I knew that I was going to be staying in Washington the next night. So I wanted to see him.
Q Did you go out again that evening?
A No.
Q And you don't recall whether you spoke to anyone else that evening?
A No.
Q Did you speak to anyone within the Administration

that evening?

A I have no certainty about speaking to anyone.

Q You may have?

A Yes, or not speaking to anyone.

Q Is it possible that you spoke to Maggie Williams that night?

A Yes.

Q Is it possible that you spoke to Bernie Nussbaum that night?

A That's the more probable one, because I don't -- I mean, I don't -- it's possible that I spoke to Maggie, but I don't recollect speaking to her at all, and I -- you know, and I think I might have recollected it.

Q Do you recall having any conversations with anyone that evening about steps that should be taken in connection with Vince Foster's office?

A No.

Q Is it possible that you did, or can you exclude that as a possibility?

A I, essentially, exclude it as a possibility. It was not -- I don't think -- I don't naturally think that way.

Q Did you go to Washington the next day?

A Yes.

Q Did you have appointments in Washington the next day?

A Yes. I had -- no appointments, but I had a project that I do on Wednesdays in Washington, and I had to go down there to do it, and I -- in fact, while I went to the White House, I also did that project.

Q What was the project?

A I do pretty much a weekly report or used to do a weekly report for a client of mine, and I work with the people in the Washington office, and we put together the report and get it out to the client.

MR. ROMANO: What do you mean by "the Washington office"?

THE WITNESS: Oh, Willkie, Farr & Gallagher. Willkie, Farr & Gallagher has an office in Washington, D.C.

BY MR. STEIN:

Q And you routinely would go to the Willkie, Farr & Gallagher office? Yes?

A Yes.

Q Did you do that on the 21st?

A Yes.

Q Is that the first place that you went when you got to Washington on the 21st?

A I can't recollect whether I went there first.

Q How is it that you recall that you did go to the Willkie, Farr & Gallagher Washington office?

A Because I worked on a report that was sent to the client that day at some point.

Q Do you recall -- did you go to the White House that day?

A Yes.

Q Do you recall what time you arrived at the White House?

A I don't know the time. I can just -- I can place it for you without putting a time on it.

Q That's fine.

A It was after the President, Mack, and Bernie had spoken to all the people at the White House.

Q Do you remember who you spoke to at the White House that afternoon?

A Some of the people.

Q Can you tell us who they were?

A I saw the President. I promised that I would see

him.

Q Well, let's take them one at a time, actually. Can you tell me what your conversation was with the President when you saw him that day at the White House?

A We talked about Vince. We each articulated -- we each spoke about how we had blown it by missing -- how could we have not known how troubled he was. The President told me the story about how he had called Vince and wanted him to come to this movie at the White House, and I told the President about my meeting with Vince the previous week and how badly I felt that I had not picked up the phone and called Sheila, Vince's sister, to tell her how troubled that I was about what I felt was Vince's mood.

Q Do you remember anything else about your conversation with the President?

A Yes. We talked about funeral arrangements. He said that if I wanted to fly down with them that he would make arrangements for that to happen. I told him it was unlikely that I would go, because I suffer from MS, and for me to stand in the heat, which I knew it would be -- it would just have killed me, and then I felt badly about it, but that I would, you know -- I was more interested in, kind of, go

home and thinking about it and writing letters to the people I knew that would be upset about it, you know.

Q Do you remember anything else about your conversation with the President?

A We talked about Hillary and what Hillary's response was and in total shock and how saddened she was.

Q Did you talk to the President at all about anything relating to documents that may have been in Vince Foster's office?

A No. It's not -- my tendency has always been never to talk to the President about that. It's just not anything that has ever been of terrible interest to him. It's not his thing.

Q Did you discuss with him at all anything to do with the investigation that was going on into his death?

A There was no sense at that time that there was an investigation.

Q You didn't have that sense?

A Yeah. I didn't have that sense.

Q You did not know at that time when you got to the White House that there was a Park Police investigation into his death?

A No.

Q So I take it from that that you didn't discuss the possibility of an investigation with the President?

A It just wasn't on my radar screen. See, I actually thought -- I mean, I now understand that I probably should have thought about all of this, but it wasn't my reaction to think about this. I just -- because I was sensitive to what Vince's mood had been. I just was -- but I was shocked that the mood had ended in suicide. I didn't see it as a crime or whatever, something that would warrant investigation. I saw it as a private matter.

Q When you say it was probably something that you should have thought about, I guess I'm still not clear as to what your role was at this time.

A Well, I should have assumed that if this was the government and he was a deputy counsel that there would be an investigation.

Q And then, would you have taken it upon yourself to get involved in assisting with that investigation in some way?

A No. No.

Q That was not your role?

A That was not my role.

Q Who else did you speak to at the White House that day?

A I went over and spoke to the people who worked for Hillary, some of the young people. I don't know for sure that I saw Maggie that day, but I know that I was looking for her.

Q Do you remember ever having any conversation with Maggie about Vince Foster's death?

A Yeah.

Q And do you have any idea when the first of those conversations occurred?

A Not with certainty.

Q Can you approximate?

A I can approximate that I talked to her that day, because I would have tracked her down.

Q Other than grieving with her or listening to her feelings, do you remember discussing anything else with her that was at all connected with Vince Foster's death?

A I asked her whether they had found a note.

Q Did you know that Maggie Williams had been in Vince Foster's office on the night of the 20th?

A I learned.
Q How did you learn of it?
A She told me, but I don't know that she told me that day.
Q Did she tell you soon after the death; that is, within a matter of days?
A Yeah.
Q Do you remember the context in which she told you?
A The context when she told me was that Patsy Thomasson was there.
Q This was a face-to-face conversation?
A No.
MR. ROMANO: You'd better explain. Try to explain.
THE WITNESS: What, that I might have talked to her --
MR. ROMANO: No. He thinks you mean that you talked to Patsy Thomasson face to face.
THE WITNESS: No.
MR. ROMANO: When you say "there," --
THE WITNESS: Oh.
BY MR. STEIN:
Q In other words -- well, why don't you tell me what

you mean.

A Maggie told me, when she told me that she was in the office, that Patsy Thomasson was there.

Q Okay.

A Now, whether -- I don't know whether I was seeing Maggie face to face when she told me or whether it was on the telephone.

Q Do you remember why it was that Maggie Williams told you that she and Patsy Thomasson were in Vince Foster's office?

A She never, I mean, told me why, specifically why she was there.

Q But what I'm trying to find out is what is the context in which she told you that? Do you know the reason why she told you that?

A I think -- I mean -- I think -- I mean, it constantly came up is that, as I said -- well, it came up with Patsy Thomasson -- she told me Patsy Thomasson was in the office, you know, and that's the context in which she told me.

Q Did she say anything else other than, "I was in the office, and Patsy Thomasson was in the office"?

A No. Yeah, well, she said that there was no -- she had not found a note.

Q Did you ask her whether she was in the office on the night of the 20th, or did she volunteer it?

A She volunteered it.

Q And did this come up in the course of a larger conversation that you were having with her?

A Yes, much larger conversation. It's like it was in the context of, "What did you do when you found out?"

Q I see. And in talking about what she did that --

A Yeah, how upset she was and --

Q -- night, she talked about going to Vince Foster's office?

A Yeah, and how upset she was and how she just couldn't -- I mean, she was really -- of everybody, she was the most, kind of, blown out by it. She had worked so closely with Vince in the weeks preceding his death.

She was really very, very torn and upset and very -- felt very -- like anyone does that's a very -- she just worked so closely with him that she just -- you know, when you work so closely with someone, and someone then -- I'm not -- I don't mean to speculate, but Maggie Williams is

one of the nicest, finest human beings I've ever known.

I mean, she's brilliant and talented and everything, but she's a very sensitive person. She's both -- I mean, one of the interesting things that has happened to me in this whole process, I don't know a lot of people that are genuinely religious. I just don't. I don't live in a world where there are a lot of people.

Maggie Williams is a truly religious person, and so is Hillary Clinton, and they are -- there's a sense of spiritual and emotional and moral responsibility that they have at times like this that are just -- it takes them in their heads to places that a person like myself, who tends to be a meat and potatoes person, just doesn't go.

So you just have to listen and absorb and just kind of be there and try to help them get through it. So we were mostly talking about -- and the Patsy Thomasson thing arose, and, like, "How dare she?" It was in the context of, "What the hell was she --" that it was an invasion of privacy, not --

Q I see.

A -- you know, of her trying to, kind of, be close to Vince and get in touch with --

Q You mean because Maggie felt that Patsy Thomasson didn't have the kind of relationship with Vince Foster that would allow her to go through his things?

A That's right.

Q Did she say what Patsy Thomasson was doing in the office?

A No.

Q Well, did she indicate that she was going through some of Vince Foster's property, things?

MR. ROMANO: Does she know.

BY MR. STEIN:

Q Did Maggie Williams say that Patsy Thomasson was going through some of Vince Foster's documents or his desk?

A No. She didn't discuss it in that context. It was not -- again, it was not in the context of saying, "Oh, she was going through his papers." It was not that context.

Q Did Maggie Williams say what Maggie Williams was doing inside Vince Foster's office that night?

A As I said, the only thing that she indicated was that she was wondering if there was a -- let me tell you --

Q I'm sorry. I cut off your sentence.

A Whether there was a note.

Q Did Maggie Williams tell you that she actually looked for a note inside the office?

A She didn't specifically tell me.

Q Did you believe that, based on your conversation with her? Is that what you took away from the conversation?

A Yes.

Q Did she tell you whether a note was found?

A She told me that she didn't find a note.

Q Did Maggie Williams tell you whether she saw anybody else inside Vince Foster's office that night?

A No. I mean, she told me -- the only person she told me was Patsy Thomasson.

Q Now, a few questions ago I cut you off. Did you still want to add anything?

A I was just trying to describe. I don't know -- have you ever been to that part of the White House?

Q Yes.

A So you know where her office, her West Wing office is and Vince's office?

Q Directly down the hallway.

A Yeah.

Q Do you know Evelyn Lieberman?

A Yeah.
Q I'm sorry?
A Yes.
Q Do you know if she was there that night --
A No.
Q -- at the White House?

MR. ROMANO: There at the White House, not Vince Foster's office.

THE WITNESS: No. I don't know whether she was at the White House. I have no idea whether she was at the White House.

MR. ROMANO: You answered "No" before he added the word "White House" --

THE WITNESS: Okay.

MR. ROMANO: -- and I wanted to make sure that the answer was still no.

THE WITNESS: It didn't matter.

MR. ROMANO: Okay.

THE WITNESS: I didn't even know if Evelyn was home. I have no idea where Evelyn Lieberman was.

BY MR. STEIN:

Q Did Maggie Williams tell you that anyone took

anything out of either Vince Foster's office or the counsel's suite that night, the night of the 20th?

A Maggie Williams told me nothing about any taking or any documents or any anything.

Q Did she tell you, conversely, that she did not take any documents out of Vince Foster's office that night?

A No. She didn't tell me either way.

Q Do you have any information that leads you to believe or know that documents were removed from Vince Foster's office on the night of the 20th by anyone?

A I have no information that any documents were removed by anyone.

Q Have you ever had any discussions with anyone within the Administration about the question of whether documents were removed from Vince Foster's office on the night of the 20th?

A Could you rephrase the question? I'm trying to figure out -- did I talk to anybody?

Q At any time within the Administration about the issue or the question of whether documents were removed from Vince Foster's office on the night of the 20th.

A Well, the issue has been widely discussed, and so I

have to say that to the extent that I've talked to people about the issue, I have talked to people about the issue.

Q Can you recall anyone that you did speak to about the issue within the Administration?

A When -- you know --

Q At any time.

A At any time. Yes. I mean, I've talked to Bernie.

Q What has Bernie Nussbaum told you about that?

A Bernie Nussbaum told me that he didn't take any papers.

Q Did he say anything else on that issue, that you can recall?

A (Shaking head)

Q Who else did you speak to about that issue?

A I have no specific recollection.

Q Did you ever talk to Mrs. Clinton about that issue?

A No.

Q Did you ever talk to the President about that issue?

A No.

Q When you spoke to Bernie Nussbaum, did your conversation include any discussion about what documents were

in Vince Foster's office at the time of his death?

MR. ROMANO: In the same conversation in which they discuss the issue of --

MR. STEIN: Let's start with that.

MR. ROMANO: -- removal of that?

MR. STEIN: Yes.

MR. ROMANO: So the -- you're asking about is the conversation which both the subject of what documents were in the office and the subject of the destruction or --

MR. STEIN: No, not the destruction.

MR. ROMANO: -- or an authorized removal of the documents?

BY MR. STEIN:

Q This is the reason for my question. If you were discussing the issue about whether documents were removed from the office on the night of the 20th, and Bernie Nussbaum said, "No documents. I didn't take any documents out" --

A It's a timing issue. It's a timing issue.

Q Well, let me just finish. It may be that in the course of that conversation there would have been a further discussion about what possible documents may have been in there in the first place. There may have been a discussion

about whether there were sensitive documents inside Vince Foster's office.

So what I want to know, first of all, is whether you had a discussion with Bernie Nussbaum during that conversation about what documents were in Vince Foster's office, and then, if you did not, whether you had a discussion with him at any other time about what documents were in Vince Foster's office?

A At that time I had --

Q Okay. Did you have a discussion with him at any time about what documents or categories of documents were in Vince Foster's office at the time of his death?

A Yes.

Q When did you have that conversation with Bernie Nussbaum?

A I don't know specifically but within two days of Vincent's death.

Q And was this conversation on the telephone or in person?

A On the telephone.

Q And can you tell us with as much precision as possible what took place during that conversation?

A Bernie told me that -- he's the one who told me about the investigation. He told me that there was going to be this investigation; that they, you know, were going to come and go through the papers; that he was going to do it, so that he was going to organize the papers so that they would know all the files there.

And then he was going to distribute the files after he told them, each file and category of file; that he was going to give some of the files to Jim Hamilton, Vince's family's personal files, and he was going to give some of the files to -- I don't know that he gave a person -- some of the files with the intention of maybe giving them to Bob Arnett and other files that were files that he was going to retain in his office because it was ongoing business of the counsel's office, and he told me about this scheme and how he was going to handle the search of Vince's office.

Q Did he ask for your advice?

A Not really. I mean, he mostly just talked about what his intention was.

Q Did he call you?

A Yes.

Q Do you know the purpose for his call?

A Bernie and I talked to each other almost every day for a while.

Q Was he looking for a reaction from you, do you know, as to whether this was good idea? Did you get that sense?

A That's a little extreme. He was bouncing it off -- he was bouncing it off me, knowing that if I thought it was a terrible idea, I would have screamed, "Bernie, that just is a bad idea."

Q Do you know if this conversation took place before the meeting in Vince Foster's office, when the Park Police and Justice Department and the FBI were present?

A It was before. I know that.

Q Did he tell you during that conversation that he was not going to allow the investigators to see the documents but that he was just generally going to describe the documents to them?

A It was not that -- with specificity, but he implied that he was not going to let them see all the documents, because he was going to give some of them to Jim Hamilton and set some of them aside for Bob Arnett.

Q Did you have any response when he said that?

A No.

Q Did you tell him that that was either a good idea or a bad idea?

A I don't remember.

Q Did he tell you why he was not going to let the investigators see the documents?

A No, not that I recollect.

Q During that conversation, did he express any concern about any specific document or category of documents that were in Vince Foster's office?

A Restate your question, because I want to make sure that I answer it properly.

Q What are you confused about?

A I'm confused about -- I mean, he was very sensitive to the fact that there were certain personal papers that Vince Foster might have had and that those papers properly should go to Lisa and possibly the children, and he was sensitive about that. He also was sensitive about the fact that Hillary's attorney should probably have some papers that were Hillary's.

Q Did he mention any of the papers with specificity, other than just discussing a general category of Hillary's

personal papers?

A He just talked about a general category of Hillary's personal papers.

Q At any time did he mention the Whitewater documents --

A No.

Q -- during this telephone conversation?

A No. There was nothing so specific.

Q Did you speak to Bernie Nussbaum once or more than once on this day that the search took place?

A I don't recollect.

Q Do you recall any --

A And I'm not sure -- you say on the day that the search took place. To this day, to this day I am not absolutely certain of the date on which this search took place.

Q I see.

A I was trying to recreate it. I mean, when we were talking, I was trying to recreate it. I'm not sure I can say with specificity which day the search took place.

Q But you know that you spoke to Bernie Nussbaum before the search took place?

A Yes. I know I talked to him before the search took place.

Q Okay. And do you also know that --

A He talked to me about it as a prospective system that he was going to use.

Q And you also know that this conversation occurred two days after Vince Foster's death?

A Within two days.

Q Within two days.

A It's within two days.

Q Okay.

A I mean, I don't -- just my sense is that it took place.

Q For your information, the search took place on the 22nd, just two days after the death. Did you have any conversations with Bernie Nussbaum about the search process after the search took place?

A Yeah.

Q Do you remember how soon after the search took place you had a conversation with Bernie Nussbaum about it?

A Within a week afterward when he told me that he thought it went well, and then, subsequent to that, I have

had a conversation with him in terms of the wisdom of the strategy he chose.

Q Starting with the conversation that took place within a week after the search, did he tell you during that conversation that anybody had objected to the procedure he employed?

A No. He didn't tell me that anyone objected -- he said that there was grumblings, but he didn't state it that there was any serious objection.

Q And now turning to the subsequent conversation, when he told you -- well, I guess you described it as how he believed -- why don't you tell me when this conversation took place and what it was about.

A I don't know when it took place, but I think, when you discuss the things that he did, he talked about whether or not -- things that he might have done differently, that he never thought of Vince Foster's office as a "crime scene," and that if he thought of it as a crime scene that he might have treated it as a crime scene.

Q And what did he say he would have done differently under those circumstances?

A He would have had the office sealed.

Q Did he at any point question the wisdom of the manner in which the search was conducted to you?

A No.

Q I want to go back to a couple of points that came up during the questioning. First of all, you referred to your last conversation with Vince Foster. Can you tell us when that occurred and what that was about and why you had certain concerns that emanated from that conversation?

A I think it occurred the Wednesday -- the 14th. He had asked to see me. He had asked to see me not at the White House, and the conversation was not a focused conversation. He was very emotional about a number of things, some of which were not at all relevant to his work.

Q Where did you meet with him?

A I met with him at the place that I stayed in Washington. He came to see me there.

Q And what did he say he was upset about?

A He felt that he did not -- the work-related thing he was upset about is he felt he did not have enough help to do -- to fulfill the responsibilities that he had, that he needed more lawyers, and he needed more help and that there were not enough lawyers working on this, and we talked about

that, whether that was a -- I mean, mostly I listened. This was mostly a listening exercise.

Q What about nonwork-related concerns?

A He talked about, you know, his family and how he was going to -- his financial situation and his house and whether he was going to be able to keep his house, which was very, very important to him, and we talked about that, about his financial situation.

Q Anything else --

A You know, whether he should have ever left Little Rock.

Q Anything else that you can recall that he cited as a source of concern or not having enough help in the White House, his financial situation and the question of whether he should have ever left Little Rock? Anything else that you can recall?

A No. I can tell you with certainty that no mention of Whitewater was in the conversation.

Q At any time during any conversation that you had with Vince Foster, did he ever express any concern about the issues relating to Whitewater?

A I need to rephrase the question for you.

Q Why don't you rephrase it in the course of your answer.

A Okay. It was only in the context of whether or not -- it was in the context of the sloppiness of the record-keeping in terms of how people had kept the records at McDougall.

Q When did you have that conversation with him?

A I don't remember specifically.

Q Do you remember if it was before or after the beginning of the Administration?

A I don't know for sure.

Q Do you know what records he was referring to?

A It may have been what he received from the campaign. I mean, it was -- but I don't know. I can't say with certainty.

Q But just so we're accurate, you have no idea, as you sit here today, what he received from the campaign?

A That's what I'm saying.

Q The discussions about the -- the concern that he expressed about the record-keeping in connection with Whitewater, that did not occur on the Wednesday before his death, did it?

A On the Wednesday before his death, we had no discussions about Whitewater. It was not even -- it was not even indirectly alluded to, and his concerns about what I needed more people to work on had nothing to do with Whitewater.

Q On the Wednesday conversation, did he ever express any concern that certain work that he was doing for the Clintons should more properly be handled by their personal attorneys?

A This was a discussion that he and I had had before.

Q What about on the Wednesday?

A I don't specifically recall.

Q During conversations that you had had with him at one time or another, what did he express as his view on that?

A I'm hesitating now not because I don't recollect. I don't know, on those conversations, which of us felt more strongly about that. So I have no idea whether I ever let him open his mouth on the subject.

Q I see. Did you share the same view?

A (Nodding).

Q And what was that view?

A It was that she should have -- they should hire a

personal attorney to do some of the business.

Q And were you referring to any specific matters?

A Not specifically but just in general.

Q And did you express the basis for that view to him?

A No, just because I feel that way.

Q And he --

A This was one of the differences between Washington and Arkansas, even though I don't really know much about Washington.

Q It was clear to you, though, that he shared that view, from things that he said?

A Well, he worried about that. I don't -- I think he shared -- saw that as a way, getting another lawyer to do some of the work and to remove it from his plate.

Q Another thing I want to go back to is the day of the 20th. We talked about how you got the news of Vince Foster's death. Do you recall what you were doing during that day before you got the news?

A Oh, yeah.

Q What were you doing?

A I went to Radnor, Pennsylvania. I met with my client and a consulting firm from Boston to review a study

that we were -- had been working on.

Q And who was the client?

A American Home Products. Well, it's Wyeth-Ayerst, a subsidiary of American Home Products.

Q And is there a particular individual that you met with on that day?

A The one who held the meeting was a guy named Robert Essner, and I was there with the general counsel of American Home Products, my former partner, Lou Hoynes, H-o-y-n-e-s.

Q Now, you produced to us today your itinerary, I believe it is, for July 20, 1993.

MR. ROMANO: Actually, it's a voucher. It's a travel voucher. It doesn't purport to be the entire itinerary for the day.

MR. STEIN: I see. It's a voucher. Can you mark this as Exhibit 1?

(Thomases Exhibit No. 1 was marked for identification.)

BY MR. STEIN:

Q I'm going to show you Exhibit 1, and can you state for the record what you believe that to be?

A It's a ticket or a -- I don't know if it's the

ticket, but it's the invoice or whatever it is reflecting the ticket that came with the ticket from American Home Products to me.

Q Now, this indicates that you went from New York to Philadelphia by Amtrak, leaving 12:00 noon and arriving at 1:11 p.m. Do you have a recollection as to whether that's actually the train that you took to go down there?

A Yes.

Q Is the reason why you know that to be the case that you took that same train that's on this voucher?

A I just know that I had to -- I had to get down there. I had to be there for a meeting, and that I took the train and they met me at the train. They sent a car to meet me, to pick me up to bring me to their office, and on my personal notes it said 11:30 to 9:30. 11:30 to 8:30 I was working on American Home Products.

Q And that is in the calendar that you produced previously?

A Yes.

Q It says on Exhibit 1 that you then return from Philadelphia, taking a 6:35 Amtrak train, returning to New York Penn Station at 8 o'clock p.m. Is that the train that

you took to return to New York?

A Yes.

Q And do you recall approximately what time you arrived at your apartment that evening?

A Approximately 8:30.

Q Moving to another area, do you, from time to time, watch movies with the President at the White House, the President and others?

A I have only -- to my recollection, I think I've only gone to one movie at the White House.

Q Okay. And what was that movie?

A I can't remember the name of it. I think it was called "Wolf."

Q Do you remember when that occurred?

A Sometime in the last six months.

Q Do you remember who else was there?

A I suffer from -- my memory is not always great. Lucy Fisher and her husband. Her husband was the guy who produced the movie, whose name I can never remember. Lucy is a friend of mine from Englewood, New Jersey. The President was there. Hillary was there. Marshall Cogan was there and his son. Marshall Cogan's son was there. Jack Nicholson was

there. I'm trying to think who else was there.

Q It sounds like a fun evening.

A It was a fun evening. It was a fun evening. Jack Nicholson and I had lots of laughs. He thinks the movie's wonderful, and since the movie was produced by one of my friends from my childhood, I smiled. Have you seen it?

Q I have not seen it, no.

A It's a guy's movie.

MR. COLUMBELL: It's hard to express an opinion when the producer's there.

THE WITNESS: That's right, and when the producer's wife is one of my oldest friends, and I'm very fond of Jack Nicholson, and he had worked very hard to get this movie produced for years, and so we all had to -- we all enjoyed it.

BY MR. STEIN:

Q Do you remember on that evening whether you stayed at the White House or whether you left that night?

A I think I -- I don't think I stayed at the White House. I don't recollect. I know that sounds obnoxious. I don't recollect.

MR. ROMANO: He doesn't think so. Just do your

best.

THE WITNESS: I don't recollect. I don't think -- I don't think I stayed there. In fact, I sort of recollect leaving because I -- actually, I know for sure now I left because I actually got a ride to where I was staying by Lucy and her husband.

BY MR. STEIN:

Q Do you recall leaving your bags or maybe something that you were carrying somewhere in the White House and then picking them up before you left?

A Yes. Absolutely. I left them at the -- I'm, like, having brain blank. The guy who is in charge of the White House is called the --

Q The usher's office?

A The usher's office. I was going to say Gary's office, but I couldn't. He has a title.

MR. STEIN: At this point I want to take just a couple of minutes' break so that we can talk outside.

(A brief recess was taken.)

BY MR. STEIN:

Q Just a few other areas I want to touch on. You said during your conversation, during a conversation that you

had with Maggie Williams, that she said that she went to Vince Foster's office to look at see if he left a note; is that correct?

A That's not how she described it to me, if I so characterized it. I felt that she -- she didn't say why. She never told me why she went to Vince Foster's office.

Q I see. You did say that during the conversation the question of whether a note was there was discussed; is that right?

A Yes.

Q Do you know if that's something she volunteered or a question you asked?

A I don't remember.

Q Do you know who Craig Livingstone is?

A Yes.

Q Have you met him?

A Yes.

Q Okay. In what context have you dealt with Craig Livingstone?

A Craig Livingstone -- in all the contexts or just recently?

Q All of them, if there are not too many.

A I don't remember the context in which I originally dealt with him, but I dealt with him when he was in charge of security for the Inaugural, and I dealt with him in the context of his having a role with respect to security passes for the White House.

Q And why were you talking to him about his role in connection with passes for the White House?

A Because he talked to me about -- I mean, I talked to him about -- he renewed my pass the first time, and I gave him my pass when I gave up my pass, which was before it expired, and he and Mack McLarty were the people who told me how I would then -- the procedure then for getting into the White House.

Q Other than the ones you've already described, are you aware of any official or unofficial role that Craig Livingstone plays in the White House?

A No.

Q Have you ever discussed Craig Livingstone with either the President or the First Lady?

A No, not to my -- no. I can't imagine.

Q Have you ever discussed Craig Livingstone with either Bernie Nussbaum or Maggie Williams?

A No.

Q Do you personally know any of the uniformed Secret Service officers in the White House?

A Do I personally know them?

Q Yes.

A I recognize --

MR. ROMANO: Did you say "uniformed"?

MR. STEIN: Uniformed, yes.

THE WITNESS: Oh, uniformed?

MR. STEIN: Yes.

THE WITNESS: No. Ones that wear --

MR. ROMANO: Uniformed, meaning --

THE WITNESS: No.

MR. ROMANO: -- not dressed like us.

THE WITNESS: Personally, no.

BY MR. STEIN:

Q Okay. Do you remember ever having a conversation about anything with any uniformed secret service officer?

A Not to my recollection, I mean, other than to ask them -- like, you know, when I go in there now, I have to ask them to call up somebody, you know.

Q Did you discuss with Bernie Nussbaum the issue

of -- withdrawn.

Do you have any information that a note was found by anyone on night of Vince Foster's death?

A No.

Q You are aware that a torn-up note was found approximately six days after Vince Foster's death; is that right? Are you aware of that?

A Yeah.

Q Okay. How did you find out that that torn-up note was found?

A I probably found out from CNN.

Q Did you ever talk to Bernie Nussbaum about the discovery of that note?

A Only in the context of his raising whether his decision to hold it had been a wise decision.

Q And when you say "decision to hold it," what do you mean?

A To show to the President and First Lady.

Q Prior to showing it to the Park Police?

A Yeah, but that's after, long after the fact, not at the time. I didn't have a discussion with him anywhere approximate to that.

Q Did you ever discuss with Bernie Nussbaum the issue of his having looked in Vince Foster's briefcase at the time of the search and not finding the torn-up note at that time?

A Could you --

Q Yeah. Let me rephrase it. Let me rephrase it. Factually, at the time of the July 22nd search, Vince Foster's briefcase was in his office, and Bernie Nussbaum looked in the briefcase and did not see the torn-up note at the bottom. First of all, are you aware of those facts as I've just stated them?

A Yes. I'm -- well, I'm aware that Bernie looked for a note, not specifically that he looked in his briefcase, that he looked for the note the night of Vince's death and didn't -- and said he didn't find one.

Q Okay. Have you discussed that with him, the fact of him looking for a note on the 22nd and not discovering this torn note that was not discovered until four days later?

A Not the way you ask -- in other words -- ask the question again.

Q Do you have any reason to believe that this torn note was found at any time earlier than what you have read about in the press?

A No.

Q Did you or your law firm ever take possession of any documents that you knew to be in Vince Foster's office after Vince Foster's death?

A No. Absolutely no.

Q Did Vince Foster prior to his death ever turn over any documents to you, that you can recall?

A No.

MR. STEIN: I've got no further questions at this time. There are certain issues that are left open that we can discuss at a later date. We can go off the record.

(Whereupon, at 11:50 a.m., the interview of SUSAN P. THOMASES was concluded.)

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C O M M I T T E E C O N F I D E N T I A L
UNITED STATES SENATE
COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS
* * *
IN RE: WHITEWATER
MONDAY, JULY 17, 1995
DEPOSITION OF SUSAN P. THOMASES
Washington, D. C.

Deposition of SUSAN P. THOMASES, called for examination pursuant to notice of deposition, at 1:10 p.m. in Room 640-A of the Hart Senate Office Building before JULIE BAKER, a Notary Public within and for the District of Columbia, when were present:

EVERETT C. JOHNSON, JR., ESQ.
Majority Counsel
RICHARD BEN-VENISTE, ESQ.
Chief Minority Counsel
LANCE COLE, ESQ.
Deputy Democratic Special Counsel
United States Senate
Committee on Banking, Housing,
and Urban Affairs
534 Dirksen Building
Washington, D. C. 20510
On behalf of the Committee.
BENITO ROMANO, ESQ.
SEAN MALONEY, ESQ.
Wilkie, Farr & Gallagher
One Citicorp Center
153 East 53rd Street
New York, New York 10022-4677
On behalf of the Deponent.

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(1) COMMITTEE CONFIDENTIAL
(3) CONTENTS
(5) WITNESS EXAMINATION
(7) Susan P. Thomases
(9) by Mr. Johnson 3
(11) by Mr. Ben-Veniste 123
(13) by Mr. Johnson 130

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(1) PROCEEDINGS
(2) Whereupon,
(3) SUSAN P. THOMASES
(4) was called as a witness and, having first been duly
(5) sworn, was examined and testified as follows:
(6) EXAMINATION
(7) BY MR. JOHNSON:
(8) **Q** Good afternoon, Ms. Thomases. Thank you
(9) for coming down to Washington to give testimony
(10) today. We've met very briefly off the record. Let
(11) me reintroduce myself again for the benefit of the
(12) record. My name is Everett Johnson and I'm one of
(13) the attorneys representing the Majority members of
(14) the Special Senate Committee to investigate the
(15) Whitewater and related matters.
(16) And what brings us here, Ms. Thomases, is
(17) Senate Resolution 120 which creates the committee and
(18) directs an investigation into certain topics related
(19) generally to what the topic at least has come to be
(20) known as Whitewater. Specifically today what we want
(21) to inquire about is the investigation into the death
(22) of Vincent Foster on or about July 20, 1993 and more

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(1) specifically we want to inquire into the handling of
(2) the documents in Mr. Foster's office at or around the
(3) time of his death. So the questions that I ask will
(4) relate more or less generally to that topic.
(5) Let me ask you just a couple of preliminary
(6) questions. I'm sure you've been in many
(7) depositions. Have you ever actually been deposed
(8) before?
(9) **A** Yes.
(10) **Q** For the benefit of our mutual memories,
(11) I'll remind us of some obvious facts. Let's try not
(12) to speak at the same time and I'm sure Julie would
(13) appreciate it if you try to answer verbally rather
(14) than with gestures or nods. If you wish to speak
(15) with your attorney at any time or if you'd like to
(16) take a break, Ms. Thomases, just say so and we'll do
(17) that at any time.
(18) **A** Thank you.
(19) **Q** I will try and be clear. I will sometimes
(20) fail, and I'll count on you to let me know if a
(21) question I've asked doesn't make any sense or doesn't
(22) mean anything to you and we'll just bring it around

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(1) to something that we can both understand.
(2) In preparing for your deposition testimony
(3) here today, Ms. Thomases, did you have an opportunity
(4) to confer with your counsel about the testimony?
(5) **A** Yes, I did.
(6) **Q** And other than attorneys representing you
(7) personally, was anyone else present in that meeting
(8) or meetings?
(9) **A** No, there was no one else present.
(10) **Q** Other than the meetings that you've had
(11) with counsel to discuss your deposition testimony,
(12) have you discussed it with anyone else?
(13) **A** Yes.
(14) **Q** With whom have you discussed it?
(15) **A** My husband.
(16) **Q** Other than your husband, have you discussed
(17) the testimony with anyone?
(18) **A** No.
(19) **Q** Could you take just a minute or two and
(20) perhaps commencing with your graduation from law
(21) school, inform us about your professional
(22) background.

Page 6
(1) **A** My professional background?
(2) **Q** Sure. I just want to get a little
(3) chronology, a little bio.
(4) **A** I graduated from law school. I went --
(5) after taking the Bar exam, I went to work in what was
(6) then Senator Bill Bradley's campaign for Senate and
(7) returned to Wilkie, Farr in February of 1979.
(8) **Q** Why do you say "returned"? Did you start
(9) work at Wilkie, Farr out of law school?
(10) **A** I was a summer associate there and I worked
(11) part-time there the last year of law school.
(12) **Q** Where did you go to law school?
(13) **A** Columbia.
(14) **Q** I think you said you returned, after
(15) working with Senator Bradley's office, you returned
(16) to Wilkie, Farr?
(17) **A** No, I worked with Senator Bradley as a
(18) candidate, not as a Senator.
(19) **Q** And then what year did you return to
(20) Wilkie, Farr?
(21) **A** In February of 1979.
(22) **Q** What was your job title at Wilkie, Farr at

Page 7
(1) that time?
(2) **A** Associate.
(3) **Q** Did you work in a particular discipline?
(4) **A** Yes.
(5) **Q** Which one?
(6) **A** Corporate.
(7) **Q** What's the next thing that happened in your
(8) professional career? For example, were you elected
(9) to the partnership of Wilkie, Farr?
(10) **A** I was elected to the partnership of Wilkie,
(11) Farr in June of 1982.
(12) **Q** Between returning in 1979 and your election
(13) to the partnership in 1982, I take it you worked
(14) continuously as an associate in those intervening
(15) years?
(16) **A** Yes.
(17) **Q** Since 1982 up to and including today, have
(18) you worked continuously and full-time as a partner of
(19) Wilkie, Farr?
(20) **A** Essentially, I took time off in 1992 to go
(21) to Little Rock, but I didn't give up my partnership
(22) to do that.

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(1) **Q** I'll ask you some specific questions about
(2) that time also. Mr. Ben-Veniste and I are very
(3) sympathetic to that, by the way.
(4) Excluding for the moment the time off that
(5) you took to spend in Little Rock in 1992, have you
(6) been otherwise engaged as a full-time attorney
(7) practicing with Wilkie, Farr?
(8) **A** Yes.
(9) **Q** And do you still continue to focus in the
(10) corporate area?
(11) **A** Yes.
(12) **Q** Notwithstanding your focus in the corporate
(13) area, do you consider yourself to have also
(14) litigation experience?
(15) **A** The only litigation experience that I've
(16) had is in the context of hostile takeovers,
(17) strategizing the hostile takeovers. I do not
(18) consider myself a litigator.
(19) **Q** You said a moment ago that you took some
(20) time off from your law practice in 1992 to go to
(21) Little Rock. Can you say more specifically what you
(22) did during that time?

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(1) **A** I was a scheduler. I was a director of
(2) scheduling.
(3) **Q** For --
(4) **A** For President Clinton, Vice President Gore
(5) and their spouses.
(6) **Q** In terms of the month, when in 1992 did you
(7) undertake that responsibility?
(8) **A** In July of 1992.

(9) **Q** Is there someone to whom you reported
(10) directly in your capacity as a scheduler other than
(11) Mr. and Mrs. Clinton, Mr. and Mrs. Gore?
(12) **A** No. I coordinated with lots of people, but
(13) I didn't report to anybody.
(14) **Q** And you were physically residing in Little
(15) Rock at that time; is that correct?
(16) **A** Yes.
(17) **Q** Did you travel with Mr. and Mrs. Clinton or
(18) Mr. and Mrs. Gore during the course of the
(19) presidential campaign in 1992?
(20) **A** I traveled on occasion with Mrs. Clinton,
(21) but before July of 1992, not while I was in charge of
(22) scheduling.

Page 10
(1) **Q** And how long did you have the
(2) responsibility for scheduling that you've just
(3) described?
(4) **A** I had the responsibility for scheduling
(5) through the inauguration, for directing it -- Vice
(6) President Gore had his own scheduler. Mrs. Gore had
(7) her own scheduler. Hillary Clinton had her own
(8) scheduler and the President had, even under him,
(9) there was another person. I was running the
(10) scheduling department, scheduling an advance
(11) department.
(12) **Q** Is it fair to say yours was sort of a
(13) supervisory and coordinating role?
(14) **A** Yes. Also a strategic one.
(15) **Q** I was just going to ask you about that.
(16) Generally -- I assume from your description this job
(17) requires more than filling out a calendar. What was
(18) your job?
(19) **A** What was my job?
(20) **Q** For example, you alluded to a "strategic"
(21) role. Can you tell us what that means?
(22) **A** Coming up with ideas, working with the

Page 11
(1) people who were working on the presentation of the
(2) ideas of the campaign, to identify events that would
(3) effectively present those issues.
(4) **Q** After Mr. Clinton's election and the
(5) general election in November of 1992, you continued
(6) as a scheduler for both Mr. and Mrs. Clinton and
(7) Mr. and Mrs. Gore; is that correct?
(8) **A** I continued as the director of scheduling
(9) in advance.
(10) **Q** Did you play any other role on what is
(11) sometimes referred to as the transition team?
(12) **A** I did whatever they asked me to do.
(13) **Q** Did you play any role, Ms. Thomases, in the
(14) selection of officials or employees who would later
(15) form the Clinton Administration?
(16) **A** No, I didn't select anybody.
(17) **Q** Whether or not you actually selected
(18) anyone, did you play any role? For example, did you
(19) consult with Mr. and Mrs. Clinton or Mr.
(20) and Mrs. Gore about people who might come to work in
(21) the Clinton Administration in Washington?
(22) **A** Yes.

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(1) **Q** Now, I think you mentioned a moment ago
(2) that you from time to time traveled with Mrs. Clinton
(3) during the presidential campaign, but I think you
(4) said it was before you took up residence in Little
(5) Rock; is that right?
(6) **A** Yes.
(7) **Q** How is it you came to travel with
(8) Mrs. Clinton during the campaign?
(9) **A** Mrs. Clinton asked me if I would come and
(10) travel with her on occasion, but it was very rare.
(11) **Q** Did you serve in some official or
(12) quasi-official capacity when you traveled with her?
(13) **A** No, I did not.
(14) **Q** It was more as a friend?
(15) **A** As a friend.
(16) **Q** How long have you known Mrs. Clinton?
(17) **A** I met -- the President introduced me to
(18) Mrs. Clinton in about 1974.
(19) **Q** Can you tell us a little bit about how you
(20) came to know Mr. Clinton and then Mrs. Clinton back
(21) at that time?
(22) **A** I met him here in Washington, D.C. in

Page 13
(1) August of 1970. We knew some people in common, and
(2) we met, and we kind of hit it off, and he was -- this
(3) is before he went to Yale Law School.
(4) **Q** Were you employed in August of 1970, or
(5) were you also a student?
(6) **A** No, I was employed.
(7) **Q** Tell us where you were employed, if you
(8) will.
(9) **A** Lots of different places. I was, in August
(10) of 1970, I was working as a part-time professor at
(11) Connecticut College in New London, Connecticut, and I
(12) was working as an almost full-time consultant for a
(13) small New York consulting firm.
(14) **Q** What sort of consulting firm?
(15) **A** Mostly health care.
(16) **Q** And you may have said that you met
(17) Mr. Clinton here. By "here," did you mean to refer
(18) to Washington, D.C.?
(19) **A** In Washington, D.C.
(20) **Q** What was the occasion of you being here and
(21) meeting Mr. Clinton?
(22) **A** We knew some people in common, and we

Page 14
(1) actually physically probably met on a street corner.
(2) **Q** And I think, Ms. Thomases, you were telling
(3) me -- I asked you how you came to know the
(4) President -- the now President or First Lady in 1974,
(5) and part of your response was that you met
(6) Mr. Clinton for the first time in 1970. Did you
(7) remain in contact with him between 1970 and 1974?
(8) **A** Yes, I did.
(9) **Q** How would you describe your relationship at
(10) that time?
(11) **A** Well, I was teaching at Connecticut College
(12) in New London, Connecticut and living mostly in New
(13) York City, and so I would drive back and forth. And
(14) I had a number of friends at Yale Law School at the
(15) time, so I would stop there and have dinner with him
(16) or any number of other people who were currently at
(17) Yale Law School.
(18) **Q** And how did you meet Mrs. Clinton?
(19) **A** He introduced me to Mrs. Clinton, or I
(20) think he introduced me to Mrs. Clinton. To the best
(21) of my recollection, he introduced me to Mrs. Clinton.
(22) **Q** You think that was in New Haven as well?

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(1) **A** No.
(2) **Q** Where was that?
(3) **A** In Arkansas.
(4) **Q** Can you tell us how that happened?
(5) **A** I was flying from one place to another, and
(6) I stopped in Arkansas and saw Bill Clinton, at which
(7) time he introduced me to Hillary. I knew who Hillary
(8) was, and she and I had lots of friends in common, but
(9) I had not yet actually met her, although she thinks
(10) we actually met.
(11) **Q** She recalls that you maybe met before that
(12) time. And for purposes of the next few questions, I
(13) don't mean to dwell on particular events, but I do
(14) want to get some context for what has been a long
(15) relationship, it seems, with the President and
(16) Mrs. Clinton. From sort of 1974, is it fair to say
(17) that you remained close friends with Mr.
(18) and Mrs. Clinton throughout?
(19) **A** Yes.
(20) **Q** How frequently would you have contact
(21) with -- perhaps we can divide it before the time of
(22) his inauguration in January of 1993. How frequent

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(1) was your contact with Mr. Clinton?
(2) **A** It just depends. When I was traveling,

still traveling for business, I would stop and see him or I would even go out of my way to see them in Arkansas, or they would come to Washington, and I would see them in Washington, or they would come to New York, and I would see them in New York. And in some years, I talked to him more frequently than I saw him. She, in recent years, traveled more than he did. She was in Washington and New York. She and I sat together on the board of the Children's Defense Fund.
Q When was that?
A Probably -- I think I went on the board in 1982. She was already on the board.
Q Did Mrs. Clinton play any role in your going on the board of the Children's Defense Fund?
A Yes.
Q Did she ask you to come on the board?
A No, she introduced me to Marian Wright Edelman, who asked me to go on the board.
Q After the President and Mrs. Clinton came

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to Washington in January of 1993, how would you describe your relationship with the President since that time?
A We're still friends. I would like to think so.
Q And the same would be true of your relationship with Mrs. Clinton?
A Yes.
Q Do you think of yourself as a close friend of Mrs. Clinton's?
A That's really her decision.
Q How do you think of it?
A I think of her as a close friend of mine.
Q And the same would be true of the President?
A Again, it would be his choice.
Q But you think of it that way?
A Yes.
Q Have you ever, as an attorney, represented either the President or Mrs. Clinton?
A Yes.
Q Now, there may be issues of privilege here,

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so let me go a little bit carefully through them. Just place in time, first of all, when you came to represent them as an attorney and if it's other than both of them, say which.
A Well, initially, it was not both of them.
Q Who did you represent initially?
A It was Mrs. Clinton.
Q Do you recall when?
A Initially?
Q Yes.
A I worked with her back in -- I can't remember the precise year right now, but it was on matters related to the Rose Law Firm.
Q She was a partner at the Rose Law Firm at that time?
A Yes.
Q Do you think this representation was before or after 1990?
A Before.
Q Just to get a ballpark, years before or decades before?
A I can't be precise. I cannot remember the

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precise time.
Q And I think you've described the subject of that representation as matters relating to the Rose Law Firm; is that correct?
A Yes.
Q Other than that subject, have you ever represented Mrs. Clinton in connection with any other matter?
A Yes.
Q Can you also place that in time for us?
A Starting in the late fall of 1991, she hired me.
Q In connection with what matter, if you can say?
A I can't say. It's a number of matters. I can't say.
Q Your understanding was that you were representing Mrs. Clinton personally?
A Yes.
Q And did you also understand that you were representing Mr. Clinton, or was the representation solely Mrs. Clinton?

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A It depends on the issue.
Q The ones you've just been describing in late fall of 1991, the topic of which you can't say?
A Some of them are for both of them.
Q And would the time frame be the same, late fall of 1991?
A Yeah.
Q So it's fair to say that sometime in late fall of 1991, you undertook the personal representation of both Bill and Hillary Clinton in connection with a number of matters?
A Well, it could have actually been early in 1992. I can't be precise about that.
Q With respect to these matters that you've been describing, can you tell us, generally speaking, whether we're speaking about a small number of matters, or did you have an ongoing attorney-client relationship with Mr. and Mrs. Clinton?
A I represented them on a number of small matters.
Q After the election of President and Mrs. Clinton, the general election in November of

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1992, have you had an occasion to represent as an attorney either of them since that time?
A I have continued some of the prior relationship, but I have had no new matter in which I have been engaged.
Q As we sit here today, do you still enjoy an attorney-client relationship with the President or Mrs. Clinton in connection with any matter?
A Yes.
Q Focusing now on the period of time prior to the general election in November of 1990 and your representation of either Mr. or Mrs. Clinton or both prior to that time, had you ever represented President or Mrs. Clinton in connection with the Whitewater Development Corporation?
A Yes.
Q Can you describe generally the nature of that representation?
A Could you ask me something more specific. I mean, I just --
Q You didn't represent them in litigation?
A No, I did not represent them in litigation.

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Q And so I guess what I'm asking is whether or not you gave -- without revealing the content of the advice, general business advice, tax advice, acquisition advice or some other kind of counseling?
MR. BEN-VENISTE: It would seem that areas of describing the advice might be considered privileged themselves. I take it that's why we've had a sort of pregnant pause here in the deposition. If there's some reason to pierce a privilege, I'm not aware of it, Kip. So I'm not quite sure where this is going.
MR. JOHNSON: Off the record.
(Discussion off the record.)
(The reporter read the record as requested.)
THE WITNESS: Yes, with respect to Whitewater Development Corporation, yes.
BY MR. JOHNSON:
Q The advice being the range of advice I just described?
A Yes.

(21) **Q** For purposes of the advice I was just
(22) describing, was it Mrs. Clinton or both the President

Page 23
(1) and Mrs. Clinton?
(2) **A** It was both, but the person I dealt with
(3) was Mrs. Clinton.
(4) **Q** You understood you were also representing
(5) the President?
(6) **A** Yes.
(7) **Q** Did you also advise the President or
(8) Mrs. Clinton or both on any matters relating in any
(9) way to Madison Guaranty?
(10) **A** To the extent that Madison Guaranty was
(11) tangential to Whitewater Development Corporation, I
(12) had conversations with them, but I had no
(13) representation of them with respect to the actual
(14) Madison Guaranty Bank and Trust or whatever.
(15) **Q** Let me ask the same question, perhaps
(16) eliciting the same answer with respect to Mr. and
(17) Mrs. McDougal. Did you represent them in connection
(18) with any matters relating to the McDougals?
(19) **A** No.
(20) **Q** Do you know Mr. and Mrs. McDougal?
(21) **A** I have met them.
(22) **Q** In connection with your representation of

Page 24
(1) the President and Mrs. Clinton, on the topic of
(2) Whitewater, did you participate on their behalf in
(3) any nonprivileged events, for example, but I don't
(4) mean to limit your answer. For example, did you
(5) participate in any negotiations on behalf of the
(6) Clintons?
(7) MR. ROMANO: Hold on.
(8) THE WITNESS: Negotiations with whom?
(9) BY MR. JOHNSON:
(10) **Q** Any that are not privileged but where you
(11) were representing them in connection with
(12) Whitewater.
(13) MR. ROMANO: Any that are not privileged –
(14) MR. JOHNSON: I'm just trying to parse it
(15) in a way –
(16) MR. ROMANO: Can we go off the record for a
(17) second.
(18) (Discussion off the record.)
(19) BY MR. JOHNSON:
(20) **Q** Let me strike that question because you've
(21) answered that there is no privilege.
(22) Ms. Thomases, what did you do in connection

Page 25
(1) with your representation of the Clintons in
(2) connection with the Whitewater Development
(3) Corporation?
(4) MR. BEN-VENISTE: Kip, I've got to object
(5) to that on the grounds that this phase of our
(6) hearings has to do with the handling of Mr. Foster's
(7) papers following his death in July of 1993. For us
(8) to get into Whitewater at this point in terms of what
(9) this witness did at that time regarding the
(10) Whitewater Development Company and her advice to the
(11) President and First Lady, while probably relevant to
(12) other areas of our inquiry, is not, in my view, at
(13) this point remotely connected to the area of the
(14) hearings which are going to start tomorrow.
(15) Now, I have an objection based on the fact
(16) that we haven't prepared to get into this area, and
(17) it has been something which has arisen before, and we
(18) have put our views on the record. Apparently,
(19) Mr. Chertoff and Mr. Romano have had a conversation
(20) that covered the same ground where Mr. Romano was
(21) told by Mr. Chertoff that you weren't going to get
(22) into this. I don't think it's appropriate at this

Page 26
(1) point. We've got a lot of things to do before
(2) tomorrow's hearing and to start getting into
(3) Whitewater with the very last witness being deposed
(4) before this hearing starts, I think, is
(5) inappropriate.
(6) If you can connect with the witness by
(7) asking if she's aware of any papers in Mr. Foster's
(8) office that related to this period in 1992 during the
(9) campaign, then I think we at least have some nexus
(10) that would warrant going into it.
(11) BY MR. JOHNSON:
(12) **Q** Maybe you could answer the question.
(13) MR. ROMANO: I don't think it can be
(14) answered. And I object in the form you've asked it
(15) because you've asked her to describe everything she
(16) has done in relation to the subject matter.
(17) MR. JOHNSON: I don't really mean to. I
(18) mean to ask generally what did you do, and I agree
(19) with Mr. Ben-Veniste this far. I am not here to
(20) inquire about the details of the transaction or the
(21) Clintons' involvement with the Whitewater Development
(22) Corporation. I do wish to inquire in the order I'd

Page 27
(1) like to do it about the knowledge of the
(2) participants, about Ms. Thomases's knowledge about
(3) Whitewater, about her knowledge of the world of
(4) documents that have to do with Whitewater, about her
(5) knowledge of what Mr. Foster might have known about
(6) those same documents or same information.
(7) I don't share Mr. Ben-Veniste's view that
(8) we have to prove that a document was in Mr. Foster's
(9) office before it becomes a relevant inquiry. In
(10) fact, it's entirely possible that people were
(11) concerned that documents were in Mr. Foster's office
(12) that were never there. To me that would be at the
(13) heart of what we're asking as well. I'm not trying
(14) to be deceitful about this. I'm trying to find out
(15) how everyone got involved in Whitewater.
(16) MR. ROMANO: Your hope may be to only get
(17) general information but, in fact, what it calls for
(18) is very specific information about everything
(19) Ms. Thomases did in connection with the subject
(20) matter. My conversation with Mr. Chertoff, it was my
(21) understanding that in connection with her discussing
(22) her knowledge about what was in Mr. Foster's office,

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(1) you may be permitted to inquire about the state of
(2) her knowledge regarding documents that may or may not
(3) have been in there. That seems to me a logical way
(4) to introduce the subject of Ms. Thomases's knowledge
(5) of the history of how these documents might have
(6) gotten there.
(7) The problem is your questions are broad and
(8) if I thought that was the subject that we would be
(9) covering, I would have rescheduled this to give us a
(10) little more time to prepare for it because I think
(11) Mr. Chertoff knows and you know that Ms. Thomases had
(12) a substantial degree of involvement with this subject
(13) in 1992.
(14) MR. JOHNSON: And I'm trying to establish
(15) that fact without necessarily establishing that she
(16) may or may not have done, I'm trying to establish
(17) that she had a substantial degree of involvement with
(18) respect to the Whitewater issue in the campaign of
(19) 1992, and although the lawyers keep saying that, I
(20) want Ms. Thomases to say that so we can move forward.
(21) MR. BEN-VENISTE: That's a declaratory
(22) statement –

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(1) MR. ROMANO: Would it serve your purpose to
(2) do it that way and at least it will fit somewhat
(3) within your chronology?
(4) MR. JOHNSON: I guess what's troubling with
(5) me, apart from the passage of time as we continue to
(6) discuss these things, is that perhaps I've
(7) misunderstood. I thought you invited me to say to
(8) her, when you said there have been no privileges
(9) asserted and she would testify on the topic of
(10) Whitewater, I thought you invited me to ask what she
(11) did in connection with Whitewater. Maybe you had
(12) something else in mind when you said that.
(13) MR. ROMANO: No, I was trying to avoid
(14) spending another hour circumnavigating the privilege,

(15) and I thought it would save time to let you know
(16) there's a waiver in this area so you wouldn't have to
(17) do that, not to inquire – because frankly I didn't
(18) think you would be inquiring about the details of her
(19) knowledge about Whitewater or what she did in
(20) connection with the subject matter.
(21) BY MR. JOHNSON:
(22) **Q** Let me try it a different way.

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(1) Ms. Thomases. I take it you were very involved in
(2) the Whitewater issue in the 1992 campaign; is that
(3) correct?
(4) **A** For a period of time.
(5) **Q** During what period of time?
(6) **A** In the first quarter of the year.
(7) **Q** The first quarter of 1992?
(8) **A** '92.
(9) **Q** Who else was involved, to your knowledge,
(10) with the Whitewater issue at that time?
(11) MR. ROMANO: For the campaign?
(12) THE WITNESS: For the campaign, a woman
(13) named Loretta Lynch.
(14) MR. ROMANO: I'm trying to parse through
(15) your questions.
(16) MR. JOHNSON: I didn't mean to limit the
(17) question. If it's useful to break it down in some
(18) way but please don't exclude things from the answer
(19) without at least agreeing on that.
(20) MR. ROMANO: That was for the campaign,
(21) question mark.
(22) MR. JOHNSON: No, not just for the

Page 31
(1) campaign.
(2) BY MR. JOHNSON:
(3) **Q** Who else, to your knowledge, was involved
(4) in Whitewater and if it's useful to break it into
(5) categories I'm happy to try. If it's a small number,
(6) I'd like to hear them all.
(7) **A** I will try, but I won't necessarily
(8) recollect all the people who were involved. That's
(9) my concern.
(10) MR. BEN-VENISTE: This is the problem of
(11) getting into the 1992 campaign as it involves
(12) Whitewater. I mean, what is the connection to the
(13) Foster papers, if I may ask at 10 minutes of 2:00 on
(14) the day before the hearings start?
(15) MR. JOHNSON: Oh, gosh, Richard, why are
(16) you doing this?
(17) MR. BEN-VENISTE: I'm doing it in the hope
(18) that we can get on to the relevant area. If we need
(19) to get a ruling from the Senators as to whether it's
(20) appropriate now to get into the 1992 campaign as it
(21) involves Whitewater, then we'll do that. In my view,
(22) we can cut through a lot of this to find out whether

Page 32
(1) Ms. Thomases has some knowledge of Mr. Foster's
(2) involvement with Whitewater and what documents, if
(3) any, he may have had in his office.
(4) MR. JOHNSON: It's entirely possible that
(5) she has knowledge directly about his involvement.
(6) It's entirely possible that she has knowledge of
(7) other people's involvement, who the Senators might
(8) want to ask about their knowledge of Mr. Foster's
(9) involvement. I don't think we're confined to asking
(10) Ms. Thomases ultimate questions. If I ask you did
(11) anything bad happen and you say no, we can all go
(12) home and everybody will be happy about it. I would
(13) like more detailed information. I don't think the
(14) question is unreasonably broad. I think the only
(15) thing that's taking time is the continued dialogue
(16) about it. If we can lay the foundation of knowledge,
(17) we can move beyond this, but I did want to hear it.
(18) MR. ROMANO: I know you want to hear it and
(19) had we been alerted to this, I'm certain we'd be
(20) prepared to discuss it in detail. My problem is when
(21) you do focus on the – this period of time, and I
(22) didn't really mean to limit it to the campaign, but I

Page 33
(1) also wanted to limit it to this period of time, that
(2) entire subject area we thought was one that wasn't
(3) going to be inquired into.
(4) I do think that if you focus on the two
(5) days that I thought we were going to talk about here,
(6) you may find, working backwards, that Ms. Thomases
(7) has some knowledge or some belief about what some of
(8) those documents, how they might have gotten there,
(9) but to work from it chronologically, unfortunately,
(10) unless you're going to be very focused on your
(11) questions, it's inevitably going to be putting her in
(12) a position of incomplete answers and that's my
(13) concern.
(14) MR. JOHNSON: I'm clear you've now said for
(15) the third time she has information to give with
(16) respect to the three days and let me try to get to
(17) it.
(18) BY MR. JOHNSON:
(19) **Q** Let me state for the record, Ms. Thomases,
(20) that I understand that in asking you these broad
(21) questions that you have not had an opportunity to
(22) prepare nor was it your or your counsel's intention

Page 34
(1) to testify about the details of the Whitewater
(2) transaction here today.
(3) My questions do attempt to identify the
(4) basis of knowledge of yourself and others. I don't
(5) want to be limited just to Mr. Foster. I understand
(6) that you may have better or different recollections
(7) when you've had an opportunity to prepare. I just
(8) want to have some basis for further questioning of,
(9) knowing what it is you happen to recall off the top
(10) of your head today. I will state for the record that
(11) you can't be impeached with this question if you have
(12) a different recollection in the future.
(13) But I just want to know, other than
(14) yourself, who was involved with Whitewater that you
(15) know of, and I'll take your counsel's suggestion. If
(16) it's limiting in some useful way to say in the
(17) campaign in 1992, tell me the names you recall.
(18) MR. BEN-VENISTE: And then you'll move into
(19) the relevant area?
(20) MR. JOHNSON: Richard, really, I'll go in
(21) the direction I believe the deposition ought to go.
(22) If counsel has a problem with it –

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(1) MR. BEN-VENISTE: Why don't we break? If
(2) you're going to ask what each of these individuals'
(3) knowledge was to the best of this witness's
(4) recollections about their involvement in Whitewater,
(5) then I am going to ask for a ruling.
(6) MR. JOHNSON: Do you want to break now or
(7) do you want her to answer the pending question?
(8) MR. BEN-VENISTE: If you will answer my
(9) question, if that's what you're going to get into, we
(10) might as well get a ruling.
(11) MR. JOHNSON: I'm very happy. Are you
(12) available into the evening and tomorrow because we
(13) can have a ruling on this, but I'm going to –
(14) Richard, for some reason for the first time in our
(15) depositions, you think you have a right to ask me
(16) questions about future questions. I intend to ask
(17) the questions that I believe are relevant. If at any
(18) time the witness chooses not to answer a question,
(19) she has that right. But I can't sit here and
(20) negotiate with the lawyers –
(21) THE WITNESS: Do you have any name you want
(22) me to specifically –

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(1) BY MR. JOHNSON:
(2) **Q** Vince Foster.
(3) MR. BEN-VENISTE: Good question.
(4) BY MR. JOHNSON:
(5) **Q** I'm going to ask anyone else, but if you
(6) want to do it name by name.
(7) **A** Will you repeat the question with respect
(8) tc Vince Foster?

(9) **Q** Sure. What involvement, if any, did
(10) Mr. Foster have with respect to the Whitewater issue
(11) in the 1992 campaign?
(12) **A** None that I recollect.
(13) **Q** What about Mr. Hubbell?
(14) **A** Mr. Hubbell -- I don't mean to hide behind
(15) my bad memory. I really mean this.
(16) **Q** That's why I tried to ask it generally.
(17) **A** But I mean, I can't --
(18) **Q** Ms. Thomases, in any way that's helpful to
(19) you, I just want to know the names that come to your
(20) mind in the 1992 campaign as having been involved in
(21) Whitewater. You've said already you didn't think
(22) Mr. Foster was.

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(1) MR. ROMANO: Can I make a suggestion?
(2) Would it help you at all if Susan, with all of the
(3) suggested language you provided us, the use to which
(4) this could be made, put a declarative statement on
(5) the record that succinctly summarizes her involvement
(6) in 1992, which I think would provide you the
(7) predicate that you're seeking and save the rest for
(8) later?
(9) MR. JOHNSON: I'd be so grateful. In fact,
(10) I'd be surprised if I didn't ask that question
(11) already.
(12) MR. ROMANO: Can we move on?
(13) THE WITNESS: You were asking me who --
(14) MR. ROMANO: You were struggling with
(15) privilege also.
(16) THE WITNESS: You were asking me who --
(17) BY MR. JOHNSON:
(18) **Q** Well, listen, it's not important --
(19) MR. ROMANO: That would provide the
(20) predicate for her knowledge and we can move on.
(21) MR. JOHNSON: I think that's right.
(22) THE WITNESS: I had a role in helping to

Page 38
(1) organize and get together the information on
(2) Whitewater, primarily in response to a press inquiry
(3) in which they wanted clarification of what the facts
(4) were, and in that context, during the campaign, I
(5) became involved.
(6) BY MR. JOHNSON:
(7) **Q** Who asked you to do that?
(8) **A** Mrs. Clinton asked me to get involved, and
(9) I'm hesitating only because I think that there was an
(10) inquiry from someone who was working in the campaign
(11) on the issue.
(12) **Q** Someone whose name you don't now recall?
(13) **A** Whose name I do not specifically recall.
(14) **Q** And when you said there was a press
(15) inquiry, are you referring to the Jeff Gerth inquiry
(16) from The New York Times or some other inquiry?
(17) **A** I believe it was the Jeff Gerth inquiry.
(18) **Q** And you and perhaps others --
(19) **A** Inquiries.
(20) **Q** And your role was to gather information to
(21) assist in the response to that inquiry? Have I said
(22) that fairly?

Page 39
(1) **A** Yes.
(2) **Q** And did that include the gathering of
(3) documents as well?
(4) **A** I would say to facilitate the gathering of
(5) documents. I didn't actually do much gathering of
(6) documents.
(7) **Q** And your best recollection is that
(8) Mr. Foster was not himself involved in this role that
(9) you have described to me?
(10) **A** To my best recollection, no.
(11) **Q** When did you first come to know Mr. Foster,
(12) if ever?
(13) **A** I met Mr. Foster sometime prior to 1978.
(14) **Q** How did you meet Mr. Foster?
(15) **A** I don't remember precisely.
(16) **Q** Was it in a professional capacity, or was
(17) it social?
(18) **A** It was in a political capacity initially --
(19) or social capacity.
(20) **Q** Do you think it was in connection with then
(21) Governor Clinton's election campaign or reelection
(22) campaigns or some other capacity?

Page 40
(1) **A** I believe it was in the events surrounding
(2) his life when he was living in Arkansas.
(3) **Q** Did you become personal friends with
(4) Mr. Foster in 1978?
(5) **A** I didn't become personal friends with him.
(6) It was the beginning of what became a personal
(7) friendship.
(8) **Q** At the time of Mr. Foster's death in July
(9) of 1993, you and Mr. Foster were personal friends at
(10) that time; is that correct?
(11) **A** I believe we were.
(12) **Q** And had you been personal friends for some
(13) period of time prior to that?
(14) **A** Yes.
(15) **Q** Some number of years, I take it?
(16) **A** Yes.
(17) **Q** Ms. Thomases -- strike that, Julie.
(18) Did you ever become aware of what, if any,
(19) role Mr. Foster has played in connection with
(20) Whitewater in his life?
(21) **A** Could you repeat that.
(22) **Q** Yes. Did you ever become aware of what, if

Page 41
(1) any, role Mr. Foster himself played in connection
(2) with Whitewater Development Corporation?
(3) **A** Could you be more specific, because I mean,
(4) I'm not playing games, but I want to know in what
(5) period of time.
(6) **Q** When did you first become aware that he had
(7) any role, if ever, in Whitewater?
(8) MR. BEN-VENISTE: By "in Whitewater," you
(9) mean in advising or performing any professional
(10) service in connection with the Whitewater
(11) investment?
(12) MR. JOHNSON: Well, I don't mean to be
(13) quite that precise. I'd be comfortable in excluding
(14) press reports or something.
(15) MR. ROMANO: Whitewater has come to mean so
(16) many vague things to so many people.
(17) BY MR. JOHNSON:
(18) **Q** For purposes of my questions, and I've
(19) lapsed into that generality as well, but typically,
(20) when I say "Whitewater Development Corporation," I'm
(21) referring specifically to the Whitewater Development
(22) Corporation and not to the generic Whitewater, which

Page 42
(1) has a broader umbrella.
(2) **A** Could I talk to him for a second?
(3) **Q** Sure.
(4) (Witness conferred with counsel.)
(5) THE WITNESS: To the extent that -- I'm
(6) trying to be cooperative. I'm not playing games with
(7) you. To the extent that Madison Guaranty and the
(8) things that had to do with Madison Guaranty and the
(9) news inquiries that were being made about it had
(10) something to do with Whitewater Development
(11) Corporation, I became aware. A conversation that I
(12) had with Bill Kennedy at the very beginning suggested
(13) that the Rose Law Firm had a legal involvement in
(14) this, which I had not been previously aware of and
(15) it's in that context that Vince Foster's name came up
(16) in relation to Whitewater.
(17) BY MR. JOHNSON:
(18) **Q** Your best recollection is Mr. Kennedy may
(19) have told you that Mr. Foster had --
(20) **A** Yes.
(21) **Q** And this would have been in connection with
(22) what you've described as your effort to assist in

Page 43
(1) responding to press inquiries; is that correct?
(2) **A** Yes.

(3) **Q** So sometime in 1992?
(4) **A** Yes.
(5) **Q** Now, Mr. Foster came to Washington after
(6) President Clinton's election and inauguration in
(7) January of 1993 to serve as the deputy White House
(8) counsel. Do you recall that?
(9) **A** Yes.
(10) **Q** Did you play any part in asking Mr. Foster
(11) to assume that job?
(12) **A** I played no part in asking Mr. Foster to
(13) assume that job.
(14) **Q** In that job, he continued to -- I'm
(15) suggesting to expedite, not to place testimony, so if
(16) you disagree with it, tell me I'm wrong -- he
(17) continued to work on some Whitewater-related matters
(18) on behalf of the administration after he assumed his
(19) job as deputy. Were you aware of that?
(20) MR. BEN-VENISTE: The problem with the
(21) question, again noting the pregnant pause --
(22) MR. ROMANO: We appreciate that to speed

Page 44
(1) this along.
(2) MR. BEN-VENISTE: -- is that there's a
(3) suggestion of continuation. It may have been an
(4) issue that was concluded and they may have picked
(5) that up again.
(6) MR. JOHNSON: That's a good point. I
(7) agree.
(8) BY MR. JOHNSON:
(9) **Q** Whether or not he continued anything, he
(10) was involved as deputy White House counsel in certain
(11) matters related to the Whitewater Development
(12) Corporation. Were you ever aware of that?
(13) **A** Yes, I was.
(14) **Q** How did you become aware of that?
(15) **A** I can't precisely recollect how I became
(16) aware of that. Whether it was Mr. Foster who told me
(17) or Bernie Nussbaum who told me, but I became aware.
(18) **Q** Did you yourself ever discuss Mr. Foster's
(19) involvement with Whitewater Development Corporation
(20) personally with Mr. Foster?
(21) **A** In a limited way, yes.
(22) **Q** What do you recall about those

Page 45
(1) conversations?
(2) **A** I don't know whether this is complete, but
(3) I remember them mostly in the context of preparing
(4) the Clintons' tax returns.
(5) **Q** Do you remember any more specifically what
(6) Mr. Foster may have said to you about that?
(7) **A** I don't remember at this time anything more
(8) specific.
(9) **Q** Do you remember anything you may have said
(10) to Mr. Foster about that?
(11) **A** Nothing that I can recall right now.
(12) **Q** To the best of your recollection, did
(13) Mr. Foster ever say or suggest to you that he feared
(14) an IRS audit if a loss was claimed in connection with
(15) Whitewater?
(16) **A** I don't remember him saying that
(17) specifically.
(18) **Q** Generally, did you and he ever discuss
(19) whether or not the Clintons could or should claim a
(20) tax loss on the Whitewater tax returns, claim a loss
(21) on the Whitewater tax returns?
(22) **A** It wasn't -- we didn't discuss it in quite

Page 46
(1) the way you're phrasing it.
(2) **Q** Just generally, what do you recall?
(3) **A** I recall --
(4) MR. ROMANO: Off the record for a second.
(5) (Discussion off the record.)
(6) (The reporter read the record as requested.)
(7) THE WITNESS: I don't think I can really
(8) recollect specifically the specifics of such a
(9) discussion, but I am willing to tell you what I
(10) generally recall in that area in an effort to
(11) facilitate us moving forward with this. Vince and I
(12) discussed the importance of clarifying what their tax
(13) obligations were and getting the taxes paid without
(14) reference to losses or not losses or any specifics of
(15) the --
(16) BY MR. JOHNSON:
(17) **Q** You just don't recall any discussions about
(18) losses?
(19) **A** Yes.
(20) **Q** Did Mr. Foster ever say or suggest to you
(21) that he was unable to document the Clintons' claim
(22) that they had lost money in Whitewater?

Page 47
(1) **A** He did not specifically do that, but we
(2) concluded on both of our experience with the
(3) documentation that there was lots of imperfect
(4) recordkeeping.
(5) **Q** As best you recall, your discussions were
(6) about the imperfections of the records and not the
(7) accuracy of the statements?
(8) **A** The quality of the records was a lot of our
(9) discussion.
(10) **Q** Did you and Mr. Foster ever discuss whether
(11) or not it was possible on the basis of the records --
(12) strike that, Julie.
(13) Did you and Mr. Foster ever discuss whether
(14) or not the Clintons could establish any basis for
(15) their investment in Whitewater?
(16) **A** When you say "basis" --
(17) **Q** Tax basis.
(18) **A** To the best of my recollection, I don't
(19) believe that we discussed it in the way that tax
(20) lawyers discuss basis.
(21) **Q** Do you recall it being discussed in any
(22) other way?

Page 48
(1) **A** We discussed his need to get good tax
(2) assistance and helping him with this and then to rely
(3) on their advice, whatever it was. I don't presume to
(4) be a tax expert, and I urged him not to either.
(5) **Q** Did you and Mr. Foster ever discuss the
(6) accuracy of public statements made by the Clintons or
(7) anyone else connected with the Clinton campaign that
(8) the Clintons had lost money in their Whitewater
(9) investment?
(10) **A** We discussed the issues as they had arisen
(11) in the context of the campaign.
(12) **Q** What do you recall about those discussions?
(13) **A** Almost nothing right now and not that I
(14) couldn't if I spent some time thinking about it, but
(15) I haven't thought about it.
(16) **Q** Did you and Mr. Foster ever discuss the
(17) potential of an IRS audit in connection with the
(18) Whitewater Development Corporation?
(19) **A** I don't believe so. I'm not saying that we
(20) didn't, but I have no recollection.
(21) **Q** Did you ever discuss that topic, the
(22) potential of an IRS audit with anyone other than

Page 49
(1) Mr. Foster relating to the tax returns that
(2) Mr. Foster was preparing?
(3) **A** I do not believe I did.
(4) **Q** Did you ever discuss it with Mrs. Clinton?
(5) **A** I do not believe I discussed it with
(6) Mrs. Clinton.
(7) **Q** What about with Mr. Nussbaum?
(8) **A** I don't think -- I don't recollect
(9) discussing that issue with Mr. Nussbaum.
(10) **Q** And I take it you also don't recall ever
(11) discussing that with the President?
(12) **A** I never discussed that, to my recollection,
(13) with the President.
(14) **Q** Now, Ms. Thomases, let me focus what
(15) counsel might suggest for the first time on some
(16) particular events that occurred. I realize there's
(17) some pain attendant to this, so let me assure you in
(18) advance, my questions are not inquiring of the
(19) emotional content of these events. And to the extent
(20) that conversations you may have had are purely

(21) emotional or grief as they surround Mr. Foster's
(22) death, don't feel as if you need to tell me about

Page 50
(1) those, but I do need to ask what other kinds of
(2) conversations may have occurred.
(3) Where were you on July 20, 1993?
(4) **A** You want the whole day?
(5) **Q** Well, where were you on the evening of July
(6) 20, 1993?
(7) **A** Starting at what time? I mean that as a
(8) serious --
(9) **Q** Were you at work on that day?
(10) **A** I was working. I was not in my New York
(11) office on that day.
(12) **Q** What city were you in?
(13) **A** I left New York and went to Pennsylvania
(14) that day.
(15) **Q** Where in Pennsylvania were you?
(16) **A** I had a series of business meetings in
(17) suburban Philadelphia.
(18) **Q** Did there come a time on the evening of
(19) July 20 or early morning hours of July 21st that you
(20) learned that Mr. Foster's body had been found?
(21) **A** I returned to New York the evening of the
(22) 20th, and I was at my home when I learned that

Page 51
(1) Mr. Foster's body had been found.
(2) **Q** Approximately what time did you learn that
(3) Mr. Foster's body had been found?
(4) **A** Sometime in the area of 9:30, 10:00.
(5) **Q** How did you learn that?
(6) **A** Hillary Clinton called me.
(7) **Q** What makes you think it was in the area of
(8) 9:30 or 10:00? How are you able to place the time?
(9) **A** I had arrived home from Philadelphia
(10) approximately -- I don't know for sure -- but
(11) approximately 8:30 and I hurried home so I could see
(12) my son before he went to bed, and he had just sort of
(13) gotten ready to go to sleep when Hillary Clinton
(14) called me.
(15) **Q** Did Mrs. Clinton call you on a regular
(16) telephone or on a cell phone -- I mean in your home?
(17) **A** In my house she called me on what I think
(18) is a regular telephone.
(19) **Q** She didn't call you on your cellular
(20) telephone?
(21) **A** On my cellular telephone? I don't know.
(22) I've had a cellular telephone in my life, but I don't

Page 52
(1) tend to use it around my house. In fact, I don't use
(2) it at all anymore.
(3) **Q** What do you recall about your conversation
(4) with Mrs. Clinton that evening?
(5) **A** It was sad. I expressed regret that I
(6) somehow -- because I used to talk to Vince fairly
(7) regularly, had not adequately picked up on the fact
(8) that he must have been in great distress.
(9) **Q** Do you recall anything else?
(10) **A** We talked about the kids.
(11) **Q** Mr. Foster's children?
(12) **A** Mr. Foster's children, and his wife and how
(13) painful it was then for them, but it would be for the
(14) rest of their lives.
(15) **Q** Anything else that you recall?
(16) **A** I mean, we talked about how her father was
(17) and how she was doing.
(18) **Q** Did you have any understanding in this
(19) telephone call where Mrs. Clinton was when she phoned
(20) you?
(21) **A** I believe that she was in Little Rock.
(22) **Q** What's the basis of that belief?

Page 53
(1) **A** Because she had been in Little Rock
(2) visiting with her father who had been very ill.
(3) **Q** Did Mrs. Clinton say how she had been
(4) informed of Mr. Foster's death?
(5) **A** I don't remember her telling me
(6) specifically how she heard it, except that she had
(7) received a phone call.
(8) **Q** Did she say from whom?
(9) **A** I don't specifically recall from whom she
(10) received a phone call.
(11) **Q** Did she indicate to you whether or not she
(12) had spoken to anyone else, other than obviously in
(13) the phone call that she received, prior to calling
(14) you?
(15) **A** She didn't tell me that she had had a
(16) conversation with anybody else. I'm not saying that
(17) she didn't have a conversation with anyone else. I
(18) just don't remember her telling me.
(19) **Q** Do you have an impression one way or the
(20) other about whether or not you were the first person
(21) she called?
(22) **A** I have no -- it didn't occur to me to ask

Page 54
(1) that question, and I don't know.
(2) **Q** Was there any discussion in that telephone
(3) conversation about whether or not the President had
(4) been informed of Mr. Foster's death?
(5) **A** I don't know. I don't remember whether we
(6) had that discussion. I remember my husband had been
(7) watching him on television that evening, and I don't
(8) know whether --
(9) **Q** By "him," you mean the President?
(10) **A** The President. I don't know.
(11) **Q** It might help us place in time a little bit
(12) the telephone. Was your husband still watching the
(13) television when you received the telephone call?
(14) **A** I don't specifically recollect that.
(15) **Q** Was there any discussion in that telephone
(16) call with Mrs. Clinton about whether or not a suicide
(17) note had been found?
(18) **A** To the best of my recollection, there was
(19) no discussion of a suicide note in that call.
(20) **Q** Was there any -- do you recall anything
(21) else about the telephone call?
(22) **A** I remember that Hillary Clinton asked me

Page 55
(1) that -- first of all, she asked me if I was going to
(2) Washington as I regularly did on Wednesdays, whether
(3) I was going to Washington the next day. And when I
(4) told her I expected to be going to Washington, but I
(5) first had to go to my office in the morning, she
(6) asked me if I would make a special effort to go to
(7) see the President and to see Maggie Williams just
(8) because of how much they cared about Vince Foster and
(9) how important it would be to them to see me and talk
(10) to me about his passing.
(11) **Q** Let me see if I've got this right.
(12) Mrs. Clinton asked you, while in Washington on
(13) Wednesday the 21st, to visit with the President and
(14) Ms. Williams; is that correct?
(15) **A** Yes.
(16) MR. BEN-VENISTE: Aside from the syntax,
(17) that's the substance. The question seemed to imply
(18) that the conversation occurred on Wednesday.
(19) BY MR. JOHNSON:
(20) **Q** On the evening of the 20th in the telephone
(21) call we've been describing, she asked you whether you
(22) were going to Washington the next day?

Page 56
(1) **A** Yes.
(2) **Q** And if so, would you please visit with the
(3) President and Mrs. Williams?
(4) **A** Yes.
(5) **Q** Did she say any more about why?
(6) **A** She just said how emotional they would be
(7) and would I please go and try to give them some
(8) solace and everything. It was mostly personal in
(9) flavor.
(10) **Q** Do you remember anything else about the
(11) telephone conversation?
(12) **A** Nothing -- I mean, nothing specific.
(13) **Q** I meant to include this in the broader,
(14) earlier question about the suicide note, but in the

(15) event that I didn't, let me ask it more
(16) specifically. Did you and Mrs. Clinton discuss
(17) whether or not a suicide note should be looked for?
(18) **A** I can't remember any – I cannot remember
(19) any discussion of a suicide note.
(20) **Q** In this telephone conversation with
(21) Mrs. Clinton on the evening of the 20th –
(22) **A** You know, I'm not saying that it didn't

Page 57
(1) take place, but I don't remember.
(2) **Q** You have no recollection today of it?
(3) **A** No.
(4) **Q** Do you remember at the conclusion of the
(5) conversation having an impression one way or another
(6) about whether a note had been found?
(7) **A** I have to tell you, I don't know that
(8) either of us felt that it was terribly – it was not
(9) the center of what we were thinking about or talking
(10) about.
(11) **Q** During the course of this conversation with
(12) Mrs. Clinton on the evening of the 20th, did you
(13) discuss with her at all the contents of Mr. Foster's
(14) office?
(15) **A** No, we did not, to the best of my
(16) recollection, discuss the contents of his office.
(17) **Q** Did you discuss with her whether or not it
(18) would be appropriate to seal or secure Mr. Foster's
(19) office in this telephone call?
(20) **A** We didn't have a conversation of sealing or
(21) doing anything to the office. Our conversation was
(22) mostly about emotions and personal matters and family

Page 58
(1) and religion and very personal things, not about –
(2) not lawyer things.
(3) **Q** All right. What's the next thing – strike
(4) that, Julie.
(5) Do you recall anything else other than the
(6) emotional sorts of things you've just described about
(7) your conversation with Mrs. Clinton at 9:30 or 10:00
(8) on the evening of the 20th that we haven't talked
(9) about?
(10) **A** No, I can't think of anything we didn't
(11) talk about.
(12) **Q** What's the next thing, Ms. Thomases, that
(13) you recall happening?
(14) **A** He's telling me I have to talk more loudly
(15) for you. I'll try.
(16) **Q** What's the next thing you recall happening
(17) on the evening of the 20th after your telephone call
(18) with Mrs. Clinton?
(19) **A** I remember talking to my husband.
(20) **Q** Anything else?
(21) **A** I don't know. I remember – I had some
(22) work that I had to finish that was due the next

Page 59
(1) morning, and I remember trying to figure out how I
(2) was going to get refocused on my work.
(3) **Q** Let me show you a document that's been
(4) marked as Z000655, which I will represent to you has
(5) been represented to us as the pager records of Maggie
(6) Williams. First question, Ms. Thomases, will be
(7) whether or not you've ever seen this document before?
(8) **A** No, I've never seen this document before.
(9) **Q** I'll try and read it –
(10) **A** I see only my name.
(11) **Q** I think what this document indicates –
(12) MR. ROMANO: What number is that?
(13) MR. JOHNSON: 000655. It indicates that
(14) Ms. Williams received a pager message at 12:15 a.m.,
(15) shortly after midnight in the early morning hours of
(16) July 21st to call Susan Thomases.
(17) BY MR. JOHNSON:
(18) **Q** Do you remember – does this refresh your
(19) recollection about whether you placed a call to
(20) Ms. Williams on the late evening of the 20th or early
(21) morning hours of the 21st?
(22) **A** It doesn't refresh my recollection but

Page 60
(1) given our relationship, it's totally plausible that I
(2) could have called her.
(3) **Q** Do you recognize the telephone number on
(4) this document as your own telephone number?
(5) **A** Yes.
(6) **Q** Is that your home telephone number?
(7) **A** That's one of my home telephone numbers.
(8) **Q** So you don't independently recall paging
(9) Ms. Williams, but it wouldn't surprise you if you
(10) did?
(11) **A** That's right.
(12) **Q** Did you speak with her?
(13) **A** I don't recollect speaking with her that
(14) night. That's not to say that she didn't call me
(15) back and I didn't speak to her, but I have no
(16) independent recollection of having spoken with her
(17) that night.
(18) **Q** Did you speak with anyone else that night?
(19) And by that "night," I don't mean to draw a bright
(20) line at midnight.
(21) **A** I appreciate that.
(22) MR. ROMANO: Before she went to sleep.

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(1) THE WITNESS: Or even after I went to
(2) sleep. I don't always get to sleep. I have no clear
(3) recollection or really any recollection of speaking
(4) to anyone other than my husband, but it's totally
(5) possible that I spoke to Maggie Williams or any
(6) number of other people that night. I just don't
(7) recollect.
(8) BY MR. JOHNSON:
(9) **Q** Other than the one telephone call with the
(10) First Lady that we've described, did you speak with
(11) the First Lady further on the evening of the 20th or
(12) early morning hours of the 21st?
(13) **A** I don't believe that I spoke with her early
(14) on the 21st.
(15) **Q** In the conversation with Mrs. Clinton that
(16) you have described, were you and she, to the best of
(17) your knowledge, the only ones on the telephone?
(18) **A** To the best of my knowledge, yes.
(19) **Q** And you didn't speak with anyone else
(20) during that same telephone call, for example, she
(21) didn't hand the phone to anyone else or anything like
(22) that?

Page 62
(1) **A** No.
(2) **Q** At some point, I take it you at least tried
(3) to go to sleep on that evening.
(4) **A** Uh-huh.
(5) **Q** What's the next thing you recall doing,
(6) Ms. Thomases?
(7) **A** I got up the next morning and I got ready
(8) to go to my office in New York.
(9) **Q** And then what happened?
(10) **A** I had some work to do, which is a very
(11) specific task to do that had a due date and had to
(12) get it done. And after that, I went to Washington.
(13) **Q** Do you recall what time of day that was?
(14) **A** I would say sometime after lunchtime.
(15) **Q** Before you left to go to Washington from
(16) New York, did you have any conversations with anyone
(17) relating to Mr. Foster or his death?
(18) **A** I don't specifically recollect any
(19) conversations that morning with anyone, but I could
(20) have had a conversation with anyone who might have
(21) called about it. I just – I was very, very busy
(22) with a work project.

Page 63
(1) **Q** As we sit here today, you don't have any
(2) recollections of telephone conversations on that
(3) topic?
(4) **A** No.
(5) **Q** And then sometime after lunch, you
(6) physically traveled to Washington?
(7) **A** Uh-huh.
(8) **Q** How did you travel?

(9) **A** By plane.
(10) **Q** What's the next thing that you recall --
(11) actually, Julie, strike that.
(12) We're referring now to Wednesday, July
(13) 21st; is that correct?
(14) **A** Yes.
(15) **Q** Let me show you documents that have been
(16) produced to us by the White House, and we've been
(17) informed that these are the telephone messages of
(18) Bernard Nussbaum. Counsel, let me just state what
(19) I'm hoping to refresh Ms. Thomases's recollection
(20) about. I have three documents numbered Z000879, 880
(21) and 881.
(22) The first one, Ms. Thomases, does not refer

Page 64
(1) to you, but it's dated July 21st at 11:00. It's a
(2) telephone message to Melanie from John Podesta. The
(3) next document is an undated -- apparently undated
(4) phone message and without a particular addressee, but
(5) it says "Susan Thomases on her way down," and then
(6) the one following that says "to Maggie, July 21,
(7) 11:15, Susan Spencer."
(8) The reason I did that was these were the
(9) order that these were produced to us and the first
(10) one is the 11:00 in the morning and the next one is
(11) 11:15 in the morning. Does that refresh your
(12) recollection about whether or not you placed any
(13) calls to Washington or to the White House to tell
(14) people that you were on your way down?
(15) **A** It doesn't refresh my recollection, but
(16) it's totally plausible that I made such calls or had
(17) my secretary make such calls.
(18) **Q** Okay. I think you told me you flew to
(19) Washington?
(20) **A** Yes.
(21) **Q** Do you recall what time of day you arrived
(22) in Washington on the 21st?

Page 65
(1) **A** Sometime in the afternoon.
(2) **Q** What did you do when you got to Washington?
(3) **A** I went immediately to the White House, to
(4) the best of my recollection. I went immediately to
(5) the White House.
(6) **Q** Did you travel alone?
(7) **A** Yes, to the best of my recollection, I
(8) traveled alone.
(9) **Q** What did you do when you got to the White
(10) House?
(11) **A** I got there and my intention was to try to
(12) see the President and Maggie, and hopefully to see
(13) Mack McLarty and Bernie Nussbaum because those were
(14) the people who I felt would be most emotionally
(15) involved in Vince's suicide so that's what I tried to
(16) do.
(17) **Q** How did you try and do that?
(18) **A** I went looking for them.
(19) **Q** Did you at the time, perhaps even today,
(20) did you have a White House pass?
(21) **A** At that time, I don't recollect whether I
(22) still had a White House pass at that time. I don't

Page 66
(1) recollect, but if I didn't, I would have called the
(2) First Lady's office, then asked someone there to come
(3) wave me in.
(4) **Q** And you said you went looking for them. Do
(5) you mean that literally, you walked into the west
(6) wing and looked for them?
(7) **A** Yes.
(8) **Q** Did you find any of them?
(9) **A** I don't specifically recollect whether I
(10) found them. I found -- people were milling around
(11) because they had come from this announcement -- group
(12) announcement that had been made by the President and
(13) Mack McLarty and Bernie about Vince Foster's suicide.
(14) **Q** Did you speak with the President sometime
(15) after your arrival in Washington on the 21st?
(16) **A** Not initially, but I eventually spoke to
(17) the President.
(18) **Q** What time of day do you recall speaking
(19) with the President?
(20) **A** Late in the afternoon.
(21) **Q** Of the 21st?
(22) **A** Of the 21st because I went back to my

Page 67
(1) office -- not back to. I went to my office because
(2) the reason I had come to Washington was to do some
(3) work. Funny -- so I actually went to my office to
(4) complete the work that I had come to do.
(5) **Q** You were at the White House for some period
(6) of time and then you left to go to your Washington
(7) office?
(8) **A** Uh-huh.
(9) **Q** How long were you at the White House the
(10) first time on the 21st?
(11) **A** I can't exactly remember.
(12) **Q** Did you actually see or speak with anyone
(13) about Mr. Foster's death while there the first time?
(14) **A** I can't specifically recollect, but I'm
(15) sure that every person I bumped into said something
(16) about Vince Foster's suicide.
(17) **Q** What about Ms. Williams, do you remember
(18) whether or not you spoke with Ms. Williams the first
(19) time you were there that day?
(20) **A** I don't know for sure whether I spoke to
(21) her at that time or later in the day.
(22) **Q** You are sure you spoke to her on that day,

Page 68
(1) you just can't say at what time?
(2) **A** I can't be sure, but I have a recollection
(3) of having spoken to her.
(4) **Q** Did you speak to Mr. McLarty?
(5) **A** I have a recollection of speaking to
(6) Mr. McLarty either that day or the day after.
(7) **Q** And what about Mr. Nussbaum?
(8) **A** The same.
(9) **Q** Either on the 21st or the 22nd?
(10) **A** Or the 22nd.
(11) **Q** Let me focus on your conversations with
(12) Mr. Nussbaum either on the 21st or 22nd of July
(13) 1993. On how many occasions did you speak with
(14) Mr. Nussbaum?
(15) **A** I have no idea how many.
(16) **Q** Do you know whether or not it was more than
(17) one time?
(18) **A** It could have been.
(19) **Q** What do you recall, if anything, about your
(20) conversations with Mr. Nussbaum?
(21) **A** Well, we talked about how sad it was and
(22) how -- I mean, I could go through the whole thing

Page 69
(1) about all the reasons why I felt I hadn't sort of --
(2) I should have, being the kind of person I believe
(3) myself to be, I should have noticed that Vince was in
(4) some pain. He felt the same way.
(5) **Q** I should have asked you, by the way, and I
(6) neglected to. Do you have any recollection of
(7) speaking with the First Lady on the 21st of July?
(8) **A** On the 21st?
(9) **Q** The day after Mr. Foster's death.
(10) **A** I have no specific recollection -- I have
(11) no specific recollection, but I have reason to
(12) believe that sometime late in that day before I went
(13) to bed, I tried to reach her. I don't know whether I
(14) was successful.
(15) **Q** I'm sorry. I just neglected to ask that
(16) before. I think what I was asking you about was what
(17) you remembered about your conversations with
(18) Mr. Nussbaum, either on the 21st or 22nd of July, and
(19) you were giving me your recollection as you were
(20) talking about your conversations about the reasons
(21) why Mr. Foster might have done what he did?
(22) **A** Yes.

Page 70
(1) **Q** Do you recall anything else?
(2) **A** When was this, on the 21st?

(3) **Q** In your conversations with Mr. Nussbaum
(4) either on the 21st or 22nd.
(5) **A** I don't have a perfect time sequence of all
(6) this. I mean, I'm trying to recollect it in terms of
(7) what I -- the things that I know I did those days,
(8) but I don't specifically remember -- I mean, I had a
(9) number of conversations with him in those two days,
(10) so if there's something --
(11) **Q** You do recall there was more than one
(12) conversation?
(13) **A** There was more than one conversation.
(14) **Q** Do you recall that those conversations took
(15) place on both the 21st and the 22nd, or are you
(16) unable to say for certain?
(17) **A** I can't say for certain, but it could have
(18) been. I could have talked to him on both days.
(19) **Q** In any of your conversations with
(20) Mr. Nussbaum on the 21st or 22nd, did you discuss
(21) Mr. Foster's office?
(22) **A** At some point. I just don't have a clear

Page 71
(1) sense of timing, as you obviously do.
(2) **Q** I actually don't.
(3) **A** I mean, I'm trying to recreate the days of
(4) the week and I know what else I had to do on the
(5) 22nd. I'm trying to think about whether or not I
(6) spoke to Bernie on the 22nd.
(7) **Q** I might be able to help a little bit.
(8) Don't let me mislead you. We have information that
(9) the contents of Mr. Foster's office were reviewed by
(10) Mr. Nussbaum in the presence of others in the early
(11) afternoon of the 22nd. So maybe I can focus the
(12) question a little more narrowly and be helpful.
(13) Prior to the early afternoon of the 22nd,
(14) did you have any conversations with Mr. Nussbaum
(15) about Mr. Foster's office?
(16) **A** I recall having a conversation with him
(17) prior to my going back to New York on the 22nd, which
(18) would have been after lunch.
(19) **Q** So is it your best guess it would have been
(20) sometime either on the 21st or the morning of the
(21) 22nd?
(22) **A** Yes.

Page 72
(1) **Q** What do you recall about that conversation?
(2) **A** With respect to documents?
(3) **Q** With respect to Mr. Foster's office.
(4) **A** Well, Bernie talked about how he was going
(5) to make sure that the privileged documents of the
(6) presidency were treated appropriately, that he was
(7) going to give all of Vince's personal papers to
(8) Lisa's lawyer and to the Foster estate lawyer, and
(9) that he was going to have David Kendall come take
(10) control of the personal papers of the President and
(11) Hillary Clinton.
(12) **Q** Do you recall anything else?
(13) **A** Essentially, no.
(14) **Q** Now, at the time you were speaking with
(15) Mr. Nussbaum, do you know whether or not he had
(16) already -- strike that, Julie.
(17) Did Mr. Nussbaum state to you whether or
(18) not he had ever been into Mr. Foster's office after
(19) Mr. Foster's death on the 20th during this
(20) conversation you've just been describing?
(21) **A** Mr. Nussbaum certainly implied that he had
(22) been in Mr. Foster's office.

Page 73
(1) **Q** Why do you say that?
(2) **A** That's the implication that he left.
(3) **Q** You don't remember any more specifically
(4) his words?
(5) **A** I don't remember anything more specifically
(6) than that.
(7) **Q** Can you state today what, if anything, he
(8) said that created the implication?
(9) **A** No. You know, so much press has been out
(10) there on all of this, it's very hard for me to
(11) separate it all out.
(12) **Q** But you do recall that you had the
(13) impression somehow that he had been in Mr. Foster's
(14) office?
(15) **A** Yes, at some point.
(16) **Q** Still focusing on periods of time after
(17) Mr. Foster's death but prior to your return to
(18) New York after lunch on the 22nd, had you had any
(19) conversations with Mrs. Clinton other than the one
(20) you described having taken place in your home on the
(21) evening of the 20th?
(22) **A** As I said --

Page 74
(1) MR. ROMANO: I'm sorry, did you finish your
(2) question?
(3) MR. JOHNSON: Yes.
(4) THE WITNESS: As I said, it is highly
(5) probable, although I can't specifically recall, that
(6) I called Mrs. Clinton when I got to where I was
(7) staying on the night of the 21st. As I said, I have
(8) no specific recollection, but it's what I would have
(9) done.
(10) BY MR. JOHNSON:
(11) **Q** You would be surprised to learn if you
(12) didn't do that?
(13) **A** If I didn't do that, I would be surprised.
(14) **Q** Do you recall anything at all about the
(15) conversation, if there was one?
(16) **A** No.
(17) **Q** You don't have an impression one way or the
(18) other of you saying something to her, her saying
(19) something to you?
(20) **A** No, I have no specific recollection. I
(21) think I probably just kind of reported how everybody
(22) was feeling.

Page 75
(1) **Q** You do recall having a conversation with
(2) Mr. Nussbaum sometime before returning to New York --
(3) sometime before you returned to New York on the early
(4) afternoon of the 22nd about the contents of
(5) Mr. Foster's office; is that correct? You described
(6) somewhat your recollections about that?
(7) **A** Yes.
(8) **Q** How did that come up?
(9) **A** I don't know. I mean, Bernie was in an
(10) emotional state, and he wanted to kind of do things
(11) the way he thought was considerate and responsible,
(12) but this was the first kind of real challenge he had
(13) in terms of his responsibility to protect the
(14) President's papers, and he was kind of articulating
(15) how he was going to parse everything out and get
(16) everything separated.
(17) **Q** Was this a conversation that you recall,
(18) even though I know you don't recall specifically
(19) when, was it in person or on the telephone?
(20) **A** I think it was on the telephone.
(21) **Q** Was anyone else on the telephone, to the
(22) best of your knowledge?

Page 76
(1) **A** To the best of my knowledge, there was no
(2) one else on the telephone.
(3) **Q** How close were you with Mr. Nussbaum
(4) personally prior to Mr. Foster's death?
(5) **A** I was a close professional colleague of his
(6) who grew very close to him in the context of his
(7) taking on the responsibilities of being the
(8) President's counsel and continue to be very close to
(9) him. I'm incredibly fond of him personally.
(10) **Q** After Mr. Nussbaum became the White House
(11) counsel in the winter of 1993, did he from time to
(12) time discuss with you his job and how he might carry
(13) out some responsibilities as White House counsel?
(14) **A** Some, but not -- I mean, he would bounce
(15) things off me on occasion.
(16) **Q** You described how Mr. Nussbaum had stated
(17) to you that he would treat the documents in
(18) Mr. Foster's office.
(19) **A** How he planned to.
(20) **Q** It's your clear impression that it had not

(21) occurred yet, that he was describing a future event?
(22) **A** Yes.

Page 77
(1) **Q** Do you recall whether or not he stated that
(2) anyone else would be present in Mr. Foster's office
(3) during his review of the contents?
(4) **A** Well, he said to me that there were some
(5) law enforcement people, the Park people would be
(6) there and some of the law enforcement people would be
(7) there, that Lisa Foster's lawyer was going to be
(8) there, that the Clintons' personal lawyer was going
(9) to be there and I don't know who else he said.
(10) **Q** By "the Clintons' personal lawyer," who did
(11) you understand Mr. Nussbaum to be referring to?
(12) **A** David Kendall.
(13) **Q** Did he state whether or not any
(14) representatives of the Department of Justice were
(15) going to be there?
(16) **A** I don't really recollect him specifically
(17) stating that.
(18) **Q** You do recollect, however, the Park Police
(19) being mentioned?
(20) **A** Yes.
(21) **Q** Did he mention the FBI specifically?
(22) **A** He stated other law enforcement people,

Page 78
(1) other than the Park Police, but I couldn't list them
(2) for you.
(3) **Q** Did you express any view about how
(4) Mr. Nussbaum or others should review the contents of
(5) Mr. Foster's office, the documents and other things?
(6) **A** Excuse me, could you just repeat the
(7) question?
(8) **Q** Sure. Referring now to the conversation
(9) with Mr. Nussbaum that we've been describing, did you
(10) express any view about how the contents of
(11) Mr. Foster's office should be reviewed?
(12) **A** I think that what I -- my recollection is
(13) that I just said that it sounded like he had thought
(14) it through pretty carefully and I wished him good
(15) luck.
(16) **Q** Why did you wish him good luck?
(17) **A** This is a very stressful event, and it was
(18) so close on the heels of it, and they had been
(19) working so closely together, that I just felt it
(20) would be very emotionally charged for him.
(21) **Q** Did Mr. Nussbaum state in this telephone
(22) conversation whether or not anyone had disagreed with

Page 79
(1) his approach to this?
(2) **A** He gave no indication that anyone had
(3) disagreed with his approach.
(4) **Q** Did he indicate one way or another whether
(5) anyone had disagreed with his approach? For example,
(6) did he say this is the way everyone thinks we should
(7) do it?
(8) **A** He gave me no other comments from any other
(9) person that I can recollect.
(10) **Q** Do you recall anything else about this
(11) conversation you've been describing with
(12) Mr. Nussbaum?
(13) **A** No.
(14) **Q** Now, you've said that it's possible you
(15) spoke with Mr. Nussbaum on a number of occasions on
(16) the 21st or 22nd, but I can't recall whether it was
(17) one or more than one; is that right?
(18) **A** Yes. At some point -- I remember at some
(19) point he and I had a discussion about going to
(20) Arkansas for the funeral, but I don't know which day
(21) or when.
(22) **Q** But this topic we've just been describing,

Page 80
(1) the review of the contents of Mr. Foster's office, on
(2) how many occasions did that topic come up?
(3) **A** It came up the time before the review and
(4) some days subsequent to the review he told me he felt
(5) that it had been done in an orderly fashion.
(6) **Q** Let me hold off on that conversation, and
(7) as you point out, rightly focus on prior to the
(8) review. Just that one time is all you discussed it
(9) with Mr. Nussbaum?
(10) **A** Yes.
(11) **Q** Do you recall anything else about that
(12) discussion with Mr. Nussbaum that we haven't talked
(13) about?
(14) **A** No.
(15) **Q** Did you ever discuss that topic -- the
(16) topic being the review of the contents of
(17) Mr. Foster's office with anyone else in the White
(18) House counsel's office prior to the review?
(19) **A** Not that I recollect.
(20) **Q** Did you discuss it -- and this question
(21) being the review of the contents of Mr. Foster's
(22) office -- with anyone else in the White House prior

Page 81
(1) to the review?
(2) **A** Not that I recollect.
(3) **Q** Did you discuss it with either the
(4) President or Mrs. Clinton?
(5) **A** I don't believe I discussed it -- I have no
(6) recollection of discussing it with either the
(7) President or Mrs. Clinton.
(8) **Q** And I take it you didn't discuss it with
(9) Ms. Williams?
(10) **A** I have no recollection of discussing it
(11) with Ms. Williams.
(12) **Q** Did you ever express -- and the words,
(13) don't let me imply artificial precision with the
(14) words I choose in this question -- did you ever
(15) discuss with Mr. Nussbaum the sentiment that it would
(16) be wrong or unwise to allow the Park Police or other
(17) investigators unlimited access to the contents of
(18) Mr. Foster's office?
(19) **A** I have no recollection of using that
(20) language, and I have no recollection of having that
(21) sentiment.
(22) **Q** In your conversation with Mr. Nussbaum, did

Page 82
(1) you ever say to him in words or substance why are you
(2) doing it this way, why don't you do it some other
(3) way?
(4) **A** No, I have no recollection of giving Bernie
(5) Nussbaum directions as to how to do it.
(6) **Q** He was asking your advice, though, wasn't
(7) he?
(8) **A** In a general way. It wasn't -- asking my
(9) advice in the rhetorical way, not in asking for my
(10) advice way. It's like this is what I'm going to do,
(11) what do you think of it. It was not asking my advice
(12) expecting some serious response.
(13) **Q** Did Mr. Nussbaum ask you to convey anything
(14) to the First Lady about the conversation that he had
(15) had with you?
(16) **A** About the documents?
(17) **Q** About the review of the office or the
(18) contents in Mr. Foster's office.
(19) **A** Not that I recollect. I mean, he asked me
(20) how Hillary was doing, but I don't remember him
(21) specifically asking me to talk to her about his
(22) office.

Page 83
(1) **Q** And whether or not he asked you to, did you
(2) discuss with Mrs. Clinton the contents of
(3) Mr. Foster's office or the review of those contents
(4) by Mr. Nussbaum or others?
(5) **A** I have no recollection of talking to
(6) Mrs. Clinton about the contents of Vince Foster's
(7) office.
(8) **Q** What about the manner of the review of the
(9) contents? Did you ever discuss that with her?
(10) **A** At some point, at some time over the last X
(11) number of months, I may have had sort of a general
(12) conversation about it. In the context of Bernie
(13) getting certain criticism for it, but in a time close
(14) tc the discussing of the office, I have no

(15) recollection of having a conversation with her about
(16) the actual sorting of documents and transferring
(17) documents or anything.
(18) **Q** And just so that the syntax, as
(19) Mr. Ben-Veniste points out, in my questions isn't
(20) confusing, let me try and be a little bit redundant
(21) about that.
(22) You've said that you don't have any

Page 84
(1) recollections of having any such conversations with
(2) Mrs. Clinton. Let me just try and probe that a
(3) little more. Is it you don't know one way or
(4) another, or your best recollection is you did not
(5) have such conversations.
(6) MR. ROMANO: The "such" refers to now?
(7) MR. JOHNSON: On the topic of Mr. –
(8) THE WITNESS: I'm just trying to –
(9) BY MR. JOHNSON:
(10) **Q** The "such" being what we've been talking
(11) about, Ms. Thomases, the content in Mr. Foster's
(12) office or the review of the contents by Mr. Nussbaum
(13) and others. You've testified that you don't recall,
(14) you have no recollection of conversations with
(15) Mrs. Clinton on that topic, other than it may have
(16) occurred in the last few months?
(17) **A** Or substantially subsequent to the actual
(18) distribution of the documents.
(19) **Q** And I'm just trying to be as clear as I can
(20) be by, what you mean by you don't have any
(21) recollection of that. Are you suggesting you don't
(22) know one way or the other whether you had such a

Page 85
(1) conversation or you're suggesting that you think
(2) those conversations did not occur?
(3) **A** I don't think – I don't recollect having
(4) such conversations, and I just don't recollect having
(5) those conversations.
(6) **Q** Is it possible that you did?
(7) **A** I mean, is it possible? Yes, it is
(8) possible. I just simply – the things, when I think
(9) back to that period of time, the things that I talked
(10) to her about, that was not about Vince Foster's
(11) suicide and the subsequent events, that's not
(12) anything that sort of comes out in my mind. That's
(13) not to say it could not have. I just have no
(14) recollection.
(15) **Q** In your more recent conversations or at
(16) least in the conversations that occurred
(17) substantially after the events that we've been
(18) describing, did Mrs. Clinton indicate to you that she
(19) believed that you and she had discussed it
(20) previously?
(21) **A** It never came up in our subsequent
(22) conversations.

Page 86
(1) **Q** The "it" being whether or not you had
(2) this –
(3) **A** Whether or not we had it. We have to have
(4) a little monitor here.
(5) **Q** We'll call it the indefinite antecedent
(6) monitor.
(7) **A** That's why we have litigators.
(8) **Q** Apparently not. Let me – Counsel, I'm
(9) going to read a couple of statements from depositions
(10) that we've taken in this case. My purpose being
(11) simply to aid, if it's possible, in refreshing your
(12) recollection.
(13) (Pause.)
(14) BY MR. JOHNSON:
(15) **Q** I'm referring to page – this is the
(16) deposition of Stephen Neuwirth, and it's commingled
(17) somewhat with other topics, but it starts on page
(18) 111, at least the part I propose to read, and
(19) Mr. Neuwirth is testifying about a conversation that
(20) Mr. Neuwirth had with Mr. Nussbaum.
(21) And I'll read you a little bit of this,
(22) Ms. Thomases, just to see whether or not it may

Page 87
(1) refresh any recollection that you have.
(2) "Question: What did Mr. Nussbaum tell you
(3) about the conversation that he had with Ms. Thomases?
(4) "Answer: Again, while I don't remember his
(5) exact words, in a very brief discussion, my
(6) understanding was that Mr. Nussbaum felt that
(7) Ms. Thomases and the First Lady may have been
(8) concerned about anyone having unfettered access to
(9) Mr. Foster's office.
(10) "Question: Did Mr. Nussbaum indicate to
(11) you that Ms. Thomases had spoken to the First Lady?
(12) "Answer: No.
(13) "Question: Did Mr. Nussbaum indicate to
(14) you the basis for the statement that Ms. Thomases and
(15) the First Lady had concerns about non-White House
(16) officials having unfettered access to Mr. Foster's
(17) office?
(18) "Answer: Again, I don't think I said that
(19) was a statement. That was my understanding of what
(20) Mr. Nussbaum was communicating. He did not say what
(21) the basis was."
(22) Obviously, this is a conversation in which

Page 88
(1) no one said you participated. It's a conversation
(2) between Mr. Neuwirth and Mr. Nussbaum.
(3) But having heard at least Mr. Neuwirth's
(4) recollections as I've read them to you, does that
(5) refresh your recollection about anything you may have
(6) said to Mr. Nussbaum in the conversation with him
(7) that you do recall?
(8) **A** It doesn't. It doesn't refresh my
(9) recollection.
(10) MR. JOHNSON: Why don't we take a
(11) five-minute break, and I have another document I want
(12) to retrieve.
(13) (Recess.)
(14) BY MR. JOHNSON:
(15) **Q** Ms. Thomases, let me also read other
(16) deposition testimony, which we have taken. This is
(17) from the deposition of Bernard Nussbaum taken in
(18) connection with this investigation. And again, my
(19) purpose here is just to read to you his recollections
(20) of conversations he may have had with you in an
(21) attempt to see whether or not that in some way
(22) refreshes or changes your recollection of those

Page 89
(1) conversations. Lance, I'm on page 138.
(2) "Question: During that period of time, did
(3) you have any telephone conversation with Susan
(4) Thomases?
(5) "Answer: I don't remember speaking with
(6) Susan Thomases on the 21st. Maybe I did. I just
(7) don't remember. I remember speaking with Susan
(8) Thomases on the 22nd.
(9) "Question: Was that conversation with her
(10) on the 22nd in person or by telephone?
(11) "Answer: By telephone.
(12) "Question: When the conversation on the
(13) 22nd took place, did you know where Ms. Thomases was?
(14) "Answer: No.
(15) "Question: Did you know that she was in
(16) Washington?
(17) "Answer: I don't remember. I really
(18) should say I don't remember. She may, in a
(19) conversation, say I'm calling you from Washington. I
(20) just don't remember.
(21) "Question: Did she call you or did you
(22) call her?

Page 90
(1) "Answer: My memory is she called me, but
(2) that doesn't mean that I didn't get a message from
(3) her and I called her back. My memory is she called
(4) me.
(5) "Question: What was the conversation on
(6) the 22nd with Susan Thomases?
(7) "Answer: The conversation on the 22nd that
(8) she asked me what was going on with respect to –

(9) what was going on with respect to the investigation
(10) or the examination, the examination of Mr. Foster's
(11) office. She had heard there were discussions in the
(12) White House with respect to this issue which there
(13) were on the 22nd, which you'll get to, I presume.
(14) Was everything okay? What was going on and I said
(15) I'm having discussions with people.
(16) "See, I remember this conversation before
(17) the search but it could have been after the search.
(18) That's one of my problems, but I remember saying
(19) Susan, I've been talking to people in the White
(20) House, how the search would be conducted. I will
(21) determine with them what the right procedure is and I
(22) followed it, depending on if that conversation took

Page 91
(1) place before or after the search."
(2) Just for completeness, I'll read it to
(3) you. Continuing Mr. Nussbaum's answer "we're going
(4) to follow the procedure that I think is right and
(5) that's the way -- that's what I'm going to do, and
(6) that's the kind of -- I think what I'm determining is
(7) the proper way to act with respect to this matter.
(8) "Question: How long was the conversation?
(9) "Answer: A few minutes. Not very long.
(10) "Question: Did she tell you how she had
(11) heard there were discussions concerning the manner in
(12) which the review would occur?
(13) "Answer: The search would occur?
(14) "Question: The search would occur.
(15) "Answer: No, she didn't say how. She just
(16) said she had heard.
(17) "Question: And what else did she say in
(18) the conversation?
(19) "Answer: That's all I remember, that she
(20) had heard there were discussions or that there
(21) were -- she might have even said disagreements, that
(22) she had heard that and what was going on.

Page 92
(1) "Question: Did you ask her where she heard
(2) that?
(3) "Answer: No, I didn't ask her where she
(4) heard that.
(5) "Question: Do you feel comfortable talking
(6) about this issue with her?
(7) "Answer: Yes.
(8) "Question: Did you feel it was her
(9) business?
(10) "Answer: Yes, she's a friend. She's a
(11) friend of mine. She's a friend of a lot of people in
(12) the White House, including the President and First
(13) Lady. She's an advisor. This was a decision that
(14) had to be made as to how the search was going to be
(15) conducted and I felt comfortable discussing it with
(16) her.
(17) "Question: Do you know whether anybody had
(18) asked her to give advice regarding how the search
(19) would be conducted?
(20) "Answer: I don't know anybody who gave her
(21) advice.
(22) "Question: Did you hear whether anybody

Page 93
(1) had asked her to give that kind of advice?
(2) "Answer: No.
(3) "Question: Did she mention the First Lady
(4) in the telephone call?
(5) "Answer: I don't recall her mentioning the
(6) First Lady in the telephone call.
(7) "Question: Did she say that the First Lady
(8) was concerned about giving the law enforcement people
(9) unfettered access to the documents?
(10) "Answer: No.
(11) "Question: Did she say that anybody was
(12) concerned about giving law enforcement people
(13) unfettered access to the documents?
(14) "Answer: She said people are concerned
(15) about whether I was using the correct procedure or
(16) whether the procedure was -- people were concerned or
(17) disagreeing, something like that, whether a correct
(18) procedure was being followed, whether I was using the
(19) correct procedure, whether it was proper to give
(20) people access to the office at all, something like
(21) that.
(22) "But I said Susan -- she wasn't in the

Page 94
(1) White House, at least I didn't know she was in the
(2) White House -- I said I'm having discussions with
(3) various people. As far as the White House is
(4) concerned, I will make a decision as to how this is
(5) going to be conducted. It's going to be done the
(6) right way. I will balance out the various
(7) interests. It's going to be done the way I think it
(8) should be done."
(9) I apologize for this.
(10) "Question: Did she say people were
(11) concerned about giving people unfettered access to
(12) the law enforcement people to the documents?
(13) "Mr. Pedowitz:" who's Mr. Nussbaum's
(14) attorney, "those words, Mr. Chertoff, in substance
(15) that they had that particular concern?
(16) "The Witness: No, no, it was not a concern
(17) about giving people access to documents. There was a
(18) sense of -- this notion of people's privacy shouldn't
(19) be invaded, that kind of sense, that people were
(20) concerned that any procedure that's followed is done
(21) with appropriate regard for people's privacy
(22) interest. There was no fear of documents or people

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(1) looking at any particular document, but there was
(2) that sense -- but in any event, I would deal with the
(3) issue and I told her I would deal with the issue and
(4) I would make a decision as to what to do."
(5) I'll represent to you that this goes on for
(6) some period of time and if it seems useful, I'll read
(7) more, but does this refresh your recollection in any
(8) way more than you've already testified about your
(9) conversations with Mr. Nussbaum?
(10) **A** No.
(11) **Q** Do you recall ever having heard --
(12) **A** Except I have to tell you, except I don't
(13) remember -- my recollection is not that there was any
(14) debate or concern or anything, but just that Bernie
(15) was kind of venting how he was going to do it in a
(16) way Bernie does.
(17) **Q** If I'm understanding Mr. Nussbaum's
(18) testimony correctly, it was at least his impression
(19) that you had heard from someone other than himself
(20) concerns about the search. Had you ever discussed
(21) the search with anyone or the review of the contents
(22) in Mr. Nussbaum's office with anyone prior to

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(1) discussing it with Mr. Nussbaum, and I said
(2) Mr. Nussbaum's office and I meant Mr. Foster's
(3) office.
(4) **A** I have no recollection of discussing a
(5) procedure for reviewing the documents in Vince
(6) Foster's office. I don't remember discussing it with
(7) anyone.
(8) **Q** Let's not focus generally on the procedure
(9) because that may be too limiting in my question. Had
(10) you discussed in any way with anyone prior to
(11) discussing it with Mr. Nussbaum any concerns at all
(12) about the contents or documents in Mr. Foster's
(13) office, including without limitation, any concerns
(14) about privacy for the Foster family or anything like
(15) that?
(16) **A** I don't really have a sense of that. I
(17) think there was a certain -- I don't remember having
(18) that discussion. I really was not talking to a lot
(19) of different people, so I don't know -- I don't know
(20) whether -- I don't believe that these concerns were
(21) really in my head. I mean, I think I was pleased to
(22) hear that Bernie was being so sensitive to the

Page 97
(1) privacy of the Foster family, but I don't recall --
(2) **Q** You don't recall expressing any concerns?

(3) **A** I don't recall expressing any concerns.
(4) **Q** And you don't recall anyone expressing any
(5) concerns to you?
(6) **A** No.
(7) **Q** Let me show you, Ms. Thomases, two
(8) documents bearing document production number 000647,
(9) the second document bearing document number 000938.
(10) The first document is what appears to be represented
(11) to us, a pager record from Bernard Nussbaum's pager,
(12) I believe, which indicates a telephone call from you
(13) at 8:01 in the morning of July 22nd, 1993. I state
(14) those things as not a fact, but that's what it
(15) appears to be.
(16) **A** Yes.
(17) **Q** Do you recall whether or not you had
(18) Mr. Nussbaum paged at approximately 8:00 in the
(19) morning on the 22nd?
(20) **A** I don't specifically remember it, but I
(21) don't know that I did not.
(22) **Q** It's possible you did?

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(1) **A** It's possible. I just can't seem to
(2) remember.
(3) **Q** Document number 938 appears to be a
(4) telephone message to Maggie, which I assume is Maggie
(5) Williams from July 22, 1993 at 9:00 a.m. It says
(6) "Susan Thomases call" --
(7) **A** Can I show this to my lawyer?
(8) **Q** Please. "Call when you get in the
(9) office." Have you ever seen that before?
(10) **A** No, I've never seen this before.
(11) **Q** Do you have any recollection today of
(12) calling Maggie Williams early in the morning of the
(13) 22nd of July in 1993?
(14) **A** I have no specific recollection of having
(15) called her, but it's totally possible that I did call
(16) her.
(17) **Q** Now, let me try and just make the record as
(18) clear as I can make it. You testified earlier, I
(19) think, that you had no recollection of speaking with
(20) Mrs. Clinton on the 21st; is that correct?
(21) **A** No. I said I have no specific
(22) recollection, but that I said that it is likely that

Page 99
(1) I would have called her or reached out to her and
(2) therefore, I think I probably would have tried to
(3) speak with her after I had been at the White House on
(4) the 21st. I mean, I just don't have any specific
(5) recollection of having reached her and having had
(6) that conversation.
(7) **Q** Is it your best guess that you at least
(8) would have tried to contact her?
(9) **A** Yes. It's my -- based on our relationship
(10) and everything, but not any particular memory.
(11) **Q** And I've read to you deposition transcripts
(12) deposition testimony from Messrs. Neuwirth and
(13) Nussbaum. My characterization is important. I'll
(14) try and be general, Mr. Nussbaum indicating that you
(15) expressed that people other than yourself were
(16) concerned about privacy interests and other things,
(17) and Mr. Neuwirth testifying that Mr. Nussbaum told
(18) him that you had said that the First Lady was
(19) concerned.
(20) Is it possible, Ms. Thomases, that you
(21) spoke with the First Lady on the evening of the 21st
(22) and conveyed concerns raised by the First Lady in

Page 100
(1) your conversations with Mr. Nussbaum on the 22nd?
(2) **A** I have no recollection of having done that
(3) because I have no recollection of a conversation that
(4) I had with her on the 21st, just my intuition that I
(5) would have reached out to her.
(6) **Q** And we've established, I think, fairly that
(7) you don't have any recollection of it. But my
(8) question is, is it possible that's what happened?
(9) **A** I just -- I'm not -- speculation is not my
(10) strength.
(11) **Q** Maybe I can get to the same result by
(12) stating the same question negatively. Are you
(13) prepared to swear today that that didn't happen?
(14) **A** I couldn't swear because I don't have a
(15) recollection that -- I mean, I would not be willing
(16) to swear for absolute -- for the reasons I've said to
(17) you and there is a high possibility in my mind that I
(18) reached out for her and a possibility that, in
(19) reaching out for her, I reached her.
(20) **Q** Just to be as clear as I can be, my
(21) question really wasn't intended to be limited to
(22) whether you actually spoke with her. But can you

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(1) swear you and Mrs. Clinton didn't discuss concerns
(2) that you or she may have had related to the review of
(3) Mr. Foster's office and that you didn't express those
(4) concerns to Mr. Nussbaum? Can you be certain that
(5) that didn't happen?
(6) MR. ROMANO: Both those things?
(7) MR. JOHNSON: Either of those things. I
(8) was hoping to group them together.
(9) THE WITNESS: Could you separate them
(10) again?
(11) MR. JOHNSON: Sure.
(12) BY MR. JOHNSON:
(13) **Q** Can you be certain under oath today that
(14) you did not discuss with Mrs. Clinton on the 21st of
(15) July '93 concerns that you or she may have had
(16) relating to the examination of the contents of
(17) Mr. Foster's office?
(18) **A** I can't swear unequivocally because I don't
(19) have any memory about any -- about the fact that I
(20) did have a conversation or what the conversation was
(21) about.
(22) **Q** And just let me ask the same question

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(1) because your counsel has asked me to break it up and
(2) I think it's right to do so. So I take it you also
(3) can't swear that you didn't convey those concerns in
(4) some way to Mr. Nussbaum on the morning of the 22nd
(5) in your conversation with him which you've described?
(6) **A** The same answer. I mean, I don't --
(7) MR. BEN-VENISTE: We get into litigation
(8) semantics, and I know you're not trying to do
(9) something untoward or something that's not been done
(10) with any other witness in this proceeding of which
(11) there have been about 60, that when a witness doesn't
(12) recall something, then to say do you swear that it
(13) didn't happen or can you unequivocally rule out or is
(14) it possible, all of these things that sort of don't
(15) advance the peanut very far when you're taking
(16) evidence. It just strikes me as unusual to begin
(17) this kind of a procedure here with this witness.
(18) MR. JOHNSON: Richard, I think there's
(19) something in what you say and the reason I read to
(20) you the deposition testimony of Mr. Neuwirth and
(21) Mr. Nussbaum, which was under oath, was to suggest to
(22) you that there's a basis in asking these questions,

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(1) and I just want to -- because I don't think there's
(2) anything remote in here -- I want to ask you as
(3) directly as I can whether you can say under oath that
(4) Mr. Nussbaum's recollection about his conversation
(5) with you is wrong.
(6) MR. BEN-VENISTE: Mr. Nussbaum's
(7) recollection -- hang on for a minute. Mr. Nussbaum's
(8) recollection, as I recall it, was that he did not
(9) believe that he mentioned anything about the First
(10) Lady in his conversations with Mr. Neuwirth nor did
(11) he believe that he had any conversation with
(12) Ms. Thomases about any conversation with the First
(13) Lady.
(14) MR. JOHNSON: I think that's absolutely
(15) right. I don't disagree with that. I didn't mean to
(16) imply that Mr. Nussbaum had testified that -- my
(17) point is -- I don't mean to bog us down in this.
(18) BY MR. JOHNSON:
(19) **Q** Mr. Nussbaum said in the conversation -- I
(20) thought we did this a minute ago -- in his testimony

(21) that you had expressed concerns based upon your
(22) conversations with others relating to privacy or

Page 104
(1) perhaps other things about the way the examination of
(2) the office might be conducted. And I guess my
(3) question is, can you say with certainty that
(4) Mr. Nussbaum is not correct?
(5) MR. ROMANO: I think we've been around this
(6) a couple times and you're now condensing what you
(7) read from several pages, and he expressed it in a
(8) variety of different ways. I don't know if he said
(9) concern or not since I don't have the transcript, but
(10) Ms. Thomases's testimony is that she does not recall
(11) a conversation. And given that answer, you can draw
(12) whatever conclusion you want about whether she could
(13) unequivocally dispute the accuracy of Mr. Nussbaum's
(14) testimony.
(15) If that isn't good enough, can we just go
(16) on to something else because I think the questioning
(17) at this point is improper. You're asking her to
(18) swear under oath that, that someone else's testimony,
(19) we don't have the full transcript, we don't know the
(20) full context and we're relying on your
(21) characterization of the testimony and you're asking
(22) the witness to swear under oath that it's wrong.

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(1) MR. JOHNSON: Actually, I'm asking the
(2) opposite.
(3) MR. ROMANO: You asked it both ways
(4) actually.
(5) BY MR. JOHNSON:
(6) **Q** All I'm asking you is whether or not you
(7) can say with certainty one way or the other that
(8) Mr. Nussbaum is wrong in his recollection, as you've
(9) heard them expressed to you. I'm not asking you to
(10) swear that he's wrong. I'm asking you to swear
(11) whether it's possible for you to know.
(12) MR. BEN-VENISTE: In this regard, Kip, can
(13) I make the observation and I know it wasn't
(14) intentional on your part, but your characterization
(15) of Bernie's testimony was that Ms. Thomases said that
(16) she was concerned about the process when, in fact, at
(17) page 142 of the transcript, the answer that Bernie
(18) gave was she said people are concerned about it. So
(19) the difference between whether Bernie remembered that
(20) Ms. Thomases said she was concerned or whether she
(21) said people are concerned or whether Mr. Neuwirth
(22) said that Bernie told him that when Susan Thomases

Page 106
(1) explained her call to him, that he drew some
(2) impression from it. We get really far down the
(3) road.
(4) It may well have been -- and I don't
(5) criticize you for this -- it may have been the
(6) fairest thing to do, to put on the record what these
(7) two individuals' testimony was to see whether that
(8) refreshes Ms. Thomases's recollection. Having done
(9) so and having received the answer, it seems to me
(10) that we've exhausted the issue.
(11) MR. JOHNSON: I guess I tend to agree with
(12) that.
(13) BY MR. JOHNSON:
(14) **Q** You were describing your conversation with
(15) Mr. Nussbaum on the morning of the 22nd before we
(16) started this and let me just say, I appreciate you
(17) saying so but to the extent it hasn't been clear, I
(18) haven't read deposition transcripts at this length in
(19) any other deposition and my point was simply, in the
(20) interest of fairness, not to attempt to characterize
(21) it because lawyers never characterize it exactly
(22) right or at least they never characterize it to the

Page 107
(1) satisfaction of others sitting around.
(2) So my effort, Ms. Thomases, was to tell you
(3) that we had been talking about conversations
(4) involving you with others and to share with you their
(5) recollections and their words of those conversations
(6) with an effort to refresh your recollection. I do
(7) agree --
(8) **A** I appreciate that.
(9) **Q** -- with counsel thus far. I think we've
(10) gone about as far as we can in doing that.
(11) What other conversations did you have on
(12) the morning of the 22nd with anyone at the White
(13) House before returning to New York?
(14) **A** I don't know all the conversations. I
(15) had -- I called people -- my tendency is I have no
(16) specific recollection, but I believe that I probably
(17) called the First Lady's office to find out kind of
(18) how they were doing in a family way because I had to
(19) get on and do my work and wasn't going to be able to
(20) talk to them again that day and I was going to go
(21) back to New York. So I have a recollection of having
(22) checked in in the First Lady's office, but that's the

Page 108
(1) only other conversation that I remember having that
(2) morning.
(3) **Q** Now, you mentioned when you arrived at the
(4) White House on the 21st that you tried to see four
(5) people, the President, Ms. Williams, Mr. McLarty and
(6) Mr. Nussbaum. And I think you said you did
(7) eventually see the President late in the afternoon on
(8) the 21st; is that correct?
(9) **A** Uh-huh.
(10) **Q** What do you recall about your conversations
(11) with the President?
(12) **A** It was a conversation based on friendship
(13) in terms of our shared kind of feelings that we could
(14) have done more if we had only known. It was that
(15) kind of conversation.
(16) **Q** To sort of use your words, which I think
(17) are accurate from an earlier answer, were there any
(18) conversations on more lawyerly topics?
(19) **A** There were no conversations on any lawyerly
(20) topics.
(21) **Q** You didn't discuss, for example,
(22) Mr. Foster's office or anything related to that?

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(1) **A** No. We discussed the President's
(2) conversations with Vince Foster and then the
(3) funeral -- the logistics of going to Little Rock for
(4) the funeral. Those tasks always fall to a scheduler
(5) so it's the conversations he's most comfortable
(6) having with me.
(7) **Q** Did you have any conversations with
(8) Ms. Williams either on the 21st or 22nd before you
(9) returned to New York?
(10) **A** I think I talked to Maggie on -- I
(11) recollect talking to Maggie on both dates, but I
(12) don't know what conversations I had on which date.
(13) **Q** Understanding that you won't be able to
(14) separate the order of them, what do you recall about
(15) your conversations with Ms. Williams?
(16) **A** My conversation with Ms. Williams was her
(17) first impression when she first learned that Vince
(18) had taken his life and what she had done. Unlike
(19) myself, Maggie Williams is a very religious person
(20) and so it was very beautiful to hear her view of
(21) things, so anyway, that's what we talked about.
(22) **Q** Did Ms. Williams, at any time on the 21st

Page 110
(1) or 22nd, tell you she had been in Mr. Foster's office
(2) on the evening of the 20th?
(3) **A** Yes, she told me she had been in
(4) Mr. Foster's office.
(5) **Q** As specifically as you can, tell us what
(6) you recall that Ms. Williams said.
(7) **A** Ms. Williams told me that she had gone to
(8) Vince Foster's office the night of the 20th. She
(9) didn't say what time she went. But she said she had
(10) gone to his office after she had learned that he had
(11) taken his life. And she told me that she had gone
(12) there and that she was surprised to find -- she
(13) expressed it as a surprise to find Patsy Thomasson in
(14) the office when she got there and she told me that

(15) Patsy had -- I don't know whether she said it this
(16) way, this is what makes it very hard because it's a
(17) hard thing to do. She didn't tell me whether Patsy
(18) had been there and said there was no note or she had
(19) said that there was no note, but it was in that
(20) context that she said to me that Vince had left no
(21) note.
(22) **Q** Let me just see if I understand the last

Page 111
(1) distinction that you made. You're not clear in your
(2) own memory today whether Ms. Williams told you
(3) independently that there was no note or whether she
(4) was relaying to you something that Ms. Thomasson had
(5) said?
(6) **A** That's right.
(7) **Q** But either way, it was clear that there had
(8) not been a note found, that was your impression?
(9) **A** That's right.
(10) **Q** Did Ms. Williams say why she went to
(11) Mr. Foster's office on that evening?
(12) **A** She didn't say specifically why. I mean,
(13) her office was down the hall from his office, and I
(14) think that during the preceding months she had spent
(15) many hours in Vince Foster's office talking to Vince,
(16) and I think it was not clear whether she went there
(17) for solace or to actually see something. I mean, it
(18) was one of those -- it was not clear why exactly she
(19) was drawn there.
(20) **Q** Did she indicate to you whether or not she
(21) conducted a review of the contents of Mr. Foster's
(22) office, whether she searched his office on the

Page 112
(1) evening of the 20th?
(2) **A** She didn't talk about that.
(3) **Q** She didn't indicate one way or the other?
(4) **A** She didn't indicate one way or the other.
(5) **Q** Did you have an impression based on your
(6) conversation with her one way or the other?
(7) **A** No, my conversation with her really had to
(8) do with emotional things and not really with
(9) substantive things in terms of --
(10) **Q** I take it, given your last answer, that you
(11) did not discuss with Ms. Williams whether or not she
(12) removed any documents from Mr. Foster's office?
(13) **A** I did not discuss that with her. It didn't
(14) occur to me at that time to have discussed that
(15) issue.
(16) **Q** As we sit here today, have you ever
(17) discussed that topic with her?
(18) **A** I can't say that I haven't discussed it
(19) with her because in the context of everything that's
(20) gone on subsequently, it's possible that I broached
(21) it with her and asked her how she was doing and
(22) everything, but I don't remember any specific

Page 113
(1) conversation directed at that. It's not the kind of
(2) thing that I would have necessarily asked Maggie.
(3) **Q** Why is that?
(4) **A** If Maggie wants to tell me something, she
(5) usually tells it.
(6) **Q** Just to be precise, you don't ever remember
(7) saying to Maggie, in words or substance, did you take
(8) anything out of Vince's office that evening?
(9) **A** No, I don't remember doing that in either
(10) words or substance. I have no recollection of doing
(11) that.
(12) **Q** Have you ever spoken with Ms. Thomasson
(13) about whether or not she was in Mr. Foster's office
(14) on the evening of the 20th?
(15) **A** I don't believe I've ever discussed it with
(16) Ms. Thomasson. I'm not saying that I didn't ever
(17) talk to her about it, but I have no recollection of
(18) having talked to her about it.
(19) **Q** And you've indicated that in your
(20) conversations with Mr. Nussbaum on the 21st or 22nd,
(21) that you had the impression that he had been in
(22) Mr. Foster's office; is that right?

Page 114
(1) **A** I learned it from Newsweek. I mean --
(2) **Q** You didn't learn it on the 21st or 22nd?
(3) **A** I don't remember learning it on the -- I
(4) don't remember learning it on the 21st or 22nd.
(5) **Q** And I think your earlier testimony was
(6) that --
(7) **A** No, no, on the 22nd I had an impression
(8) that he had been, yes. In the conversation I had
(9) with him on 22nd, I clearly had the impression that
(10) he had been in Vince Foster's office.
(11) **Q** I think you told me about that
(12) conversation, that it was just an impression, you
(13) don't recall anything specifically that Mr. Nussbaum
(14) may have said. Am I right about that?
(15) **A** Well, I remember -- I do remember what he
(16) said about how they planned to distribute the
(17) documents and go through them and give them to the
(18) appropriate parties and do what he felt was
(19) appropriate to protect the presidential prerogatives,
(20) et cetera.
(21) **Q** And I misspoke in my question. What do you
(22) base your impression on that he had been in

Page 115
(1) Mr. Foster's office?
(2) **A** My impression, and I have to say it's very
(3) hard because all of this is, as I say, mixed up with
(4) subsequent reporting, but my impression is that he
(5) told me that he had been there and as the decision
(6) was made to kind of seal the office and so that --
(7) which led me to believe he, in fact, had been there
(8) prior to the sealing of the office.
(9) **Q** What do you recall about your discussions
(10) with Mr. Nussbaum on the topic of sealing the office?
(11) **A** Nothing, just that they were doing it.
(12) **Q** Did he express to you why they were doing
(13) it?
(14) **A** No. Subsequently, he went on to say
(15) that -- at a later date, and I can't remember exactly
(16) when, was that had he known that Vince's office was
(17) considered a crime scene, he might have thought about
(18) the whole thing.
(19) **Q** Why don't you tell us, when did that
(20) conversation occur?
(21) **A** Oh, considerably after the whole incident
(22) was over.

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(1) **Q** Several months afterwards?
(2) **A** I can't remember specifically.
(3) **Q** Even though you can't remember the time,
(4) can you recall more specifically than you've already
(5) said what Mr. Nussbaum said in that conversation?
(6) **A** Just about what I've just told you.
(7) **Q** That had he known it would be considered a
(8) crime scene, he might have done what differently?
(9) **A** He might have arranged for different things
(10) in terms of -- done things differently at the
(11) beginning.
(12) **Q** Did Mr. Nussbaum ever describe to you --
(13) strike that, Julie.
(14) Have you ever had any conversations with
(15) Mr. Nussbaum regarding the Department of Justice's
(16) role in the review of the contents of Mr. Foster's
(17) office?
(18) **A** Not that I can recollect.
(19) MR. BEN-VENISTE: Can we go off the record
(20) for a second.
(21) (Discussion off the record.)
(22) BY MR. JOHNSON:

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(1) **Q** On the afternoon of the 22nd, Ms. Thomases,
(2) you returned to New York; is that correct?
(3) **A** Yes.
(4) **Q** Have we covered -- I don't mean this to be
(5) an estoppel-type question -- but as we sit here
(6) today, have we covered the events in which you
(7) participated in Washington on the 21st and 22nd
(8) relating to Mr. Foster's death?

(9) **A** I believe we have.
(10) **Q** When is the next time you recall speaking
(11) with the First Lady about Mr. Foster's death?
(12) **A** The conversations that I remember were
(13) clearly the conversations after the funeral.
(14) **Q** What did you discuss with her at that
(15) time? And in the interest of --
(16) **A** Brevity.
(17) **Q** -- brevity, obviously there was enormous
(18) pain and lots of discussions about that, you can
(19) exclude that from your conversation, and ordinary
(20) grief.
(21) **A** That's essentially what it was, ordinary
(22) grief and how regretful I was that I couldn't

Page 118
(1) physically be there.
(2) **Q** We have information on the afternoon of the
(3) 22nd, documents in Mr. Foster's office were placed in
(4) the White House residence. When did you first learn
(5) that, if, in fact, you know that as you sit here
(6) today?
(7) **A** I learned it from press reports.
(8) **Q** Would this have been sometime after those
(9) events; correct?
(10) **A** Yes.
(11) **Q** So you weren't consulted about that
(12) contemporaneously?
(13) **A** I was not consulted about that.
(14) **Q** Have you had any discussion with
(15) Ms. Williams relating to the document -- removing the
(16) documents from Mr. Foster's office on the 22nd and
(17) causing them to be transported to the White House
(18) residence?
(19) **A** I had no conversations with Maggie Williams
(20) about those documents.
(21) **Q** As you sit here today, you've never
(22) discussed that with her?

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(1) **A** Not that I recollect.
(2) **Q** Did you have any discussions with the
(3) President or the First Lady on that topic?
(4) **A** No, I haven't had any discussions with
(5) them, to my memory, on that topic.
(6) **Q** Excluding conversations you may have had
(7) with your family members and things that may have
(8) been precipitated by press events, have you had any
(9) conversations with anyone in the Clinton
(10) Administration on the topic of the transportation of
(11) documents from Mr. Foster's office to the White House
(12) residence on the 22nd of July?
(13) **A** I don't think I've had any. I mean, as I
(14) said, with respect to subsequent recent news events,
(15) I might have, but I don't have at any time near the
(16) actual events.
(17) **Q** Let me ask you about the discovery of
(18) Mr. Foster's handwritten note on the 26th of July.
(19) When did you learn about that?
(20) **A** Sometime around that time.
(21) **Q** Do you know how you learned about it?
(22) **A** The first person who told me about it was

Page 120
(1) Bernie Nussbaum.
(2) **Q** At the time that Mr. Nussbaum told you
(3) about that, do you know whether or not he had turned
(4) over the note to law enforcement authorities?
(5) **A** I don't know specifically whether he had
(6) turned it over to law enforcement authorities yet.
(7) **Q** What do you recollect about your
(8) conversation with Mr. Nussbaum concerning the note?
(9) **A** He told me that the note had been found.
(10) He told me that there was no factual surprises in the
(11) note. There's no information that gave any special
(12) clue to Vince Foster's emotional state, and he said
(13) that he wanted to show it to the President. I
(14) thought it was before turning it over to the press,
(15) to tell you the truth, not law enforcement people.
(16) **Q** Was it your impression, in your
(17) conversation with Mr. Nussbaum, that he had not yet
(18) shown the note to the President?
(19) **A** That was my distinct impression.
(20) **Q** Did you have any understanding of why
(21) Mr. Nussbaum was telling you about the contents of
(22) the note even before he told the President?

Page 121
(1) **A** He may have been telling me afterwards, and
(2) I just didn't quite get it, but I can't tell you why.
(3) **Q** Did he state whether or not he had shown
(4) the note to the First Lady?
(5) **A** He did not specifically say.
(6) **Q** Did you have an impression one way or
(7) another based on what he said?
(8) **A** No, I didn't.
(9) **Q** Did you ever discuss Mr. Foster's note with
(10) the First Lady?
(11) **A** You know, I know this -- I've been
(12) searching and searching my mind on this. At some
(13) point in the context of all that has gone on, she and
(14) I may have discussed the contents of the note. I'm
(15) not saying that I haven't ever, but I don't really
(16) remember it as something that was happening in the
(17) time approximate to the finding of the note.
(18) **Q** You think it maybe occurred at some time
(19) but you don't recall it being near the time of the
(20) discovery?
(21) **A** Yes.
(22) **Q** Did Mr. Nussbaum indicate to you whether or

Page 122
(1) not there was anything embarrassing to the First
(2) Family or the White House in Mr. Foster's handwritten
(3) note?
(4) **A** In fact, he didn't tell me exactly what was
(5) in the note when he told me about the note, but he
(6) told me that it's all the kind of things that --
(7) there was no surprises.
(8) **Q** And I just wanted to be a little more
(9) specific in the question. Did you and he discuss
(10) whether or not there was anything embarrassing to the
(11) First Family or to the administration in Mr. Foster's
(12) note?
(13) **A** We didn't specifically discuss that, but
(14) his saying that there's no surprises implied to me --
(15) **Q** It's implicit?
(16) **A** Yes.
(17) **Q** Even though you didn't discuss it, at least
(18) you implied that to be the case?
(19) **A** Yes.
(20) MR. JOHNSON: Richard, I realize you need
(21) to go and I think I'm generally complete on this
(22) topic, although as we've discussed, I'll have some

Page 123
(1) more general questions of a wrap-up nature.
(2) MR. BEN-VENISTE: Are they the usual Kip
(3) Johnson wrap-up ones?
(4) MR. JOHNSON: The usual, which if
(5) Ms. Thomases knew --
(6) MR. BEN-VENISTE: Call upon the witness to
(7) do all the work.
(8) EXAMINATION
(9) MR. BEN-VENISTE:
(10) **Q** Ms. Thomases, my name is Richard
(11) Ben-Veniste, and I'm special counsel to the Minority
(12) of this committee. Let me just ask you a few
(13) questions regarding areas that Mr. Johnson covered,
(14) the first of which is your recollection of
(15) Mr. Nussbaum's statement about had he known that
(16) Mr. Foster's office would be considered a crime
(17) scene, he might have acted differently.
(18) Was that statement made in a joking or
(19) other manner?
(20) **A** It was far -- it was a statement that was
(21) made after he already left the White House.
(22) **Q** I know that you are not a trial lawyer or

Page 124
(1) much less a criminal lawyer, but did you have any
(2) reason to believe that Mr. Foster's office was

(3) considered by anybody as a crime scene?
(4) **A** No.
(5) **Q** So did you take his remark to mean that
(6) people were treating the issue as though Mr. Foster's
(7) office were a crime scene, but that was not really
(8) the case?
(9) **A** Exactly. He was --
(10) **Q** These things are not reflected on the
(11) record and sometimes warrant some clarifying.
(12) **A** Thank you for clarifying.
(13) **Q** With respect to conversations with
(14) Mr. Nussbaum on the 22nd of July prior to the time
(15) that you left to return to New York City, I'd like to
(16) focus on the process in the White House during those
(17) first six months or so of the administration in terms
(18) of whether issues were discussed by individuals in
(19) the west wing who did not necessarily have the
(20) responsibility for making decisions on those issues.
(21) Can you give us some idea of the process
(22) that went on in the west wing when an issue was

Page 125
(1) thrown on the table for discussion? And I'm going to
(2) ask you, then, about specifically with respect to an
(3) issue like the appearance of the Park Police at the
(4) White House.
(5) **A** While I was at the White House, almost at
(6) some time every Wednesday I was not there enough to
(7) know what you are describing.
(8) **Q** The notion that people might be considered
(9) or people might be discussing a particular issue,
(10) would that strike you as being inconsistent with your
(11) understanding of the way the Clinton Administration
(12) was operating at that point, that there were people
(13) who might be involved in discussing issues where
(14) they, in fact, were not the decisionmakers?
(15) **A** My opinion is that's how the press has
(16) characterized it, but I don't know whether that, in
(17) fact, is the way --
(18) **Q** Did Mr. Nussbaum tell you in your
(19) conversation with him on the 22nd what it was the
(20) police were actually searching for?
(21) **A** He did not.
(22) **Q** In view of your assessment of

Page 126
(1) Mr. Nussbaum's emotional reaction to Mr. Foster's
(2) death in those days immediately following the
(3) suicide, could you describe what your mental
(4) impression was of his state of mind at that point?
(5) **A** I'm not into -- it's just not my style to
(6) speculate on Bernie Nussbaum's state of mind.
(7) **Q** Did you get any impression? I'm not asking
(8) you to speculate.
(9) **A** I mean, he was sad. He was sad. He had
(10) not been Vince Foster's friend when he first came to
(11) work at the White House counsel's office, and he felt
(12) that they had become quite close, and so he felt a
(13) certain guilt that having worked so closely with him,
(14) that he had not noticed his state of mind, but that
(15) may be me just projecting on him.
(16) **Q** Was there a point where you looked back
(17) over your contact with Vincent Foster over the days
(18) and weeks immediately preceding his death and
(19) reviewed whether there were any statements that he
(20) made to you about matters that he was working on that
(21) you felt he took more seriously than they warranted?
(22) **A** I think he was -- the whole Washington

Page 127
(1) experience, physically moving here and everything was
(2) not what he had hoped it would be.
(3) **Q** Let me ask you specifically about the
(4) travel office investigation. Did Mr. Foster indicate
(5) to you in substance that he was troubled by the way
(6) that investigation had singled out people that he
(7) knew personally?
(8) **A** Yes, he had expressed to me on occasion
(9) that he was troubled by the travel office, not so
(10) much that it had singled out people who were close to
(11) him, but just that the whole thing was not -- had not
(12) been a happy experience.
(13) **Q** Did it seem to you that -- let me ask this
(14) question in a very neutral way. Did you form an
(15) impression about whether he was ascribing to the
(16) matters surrounding the travel office matter an
(17) importance beyond what you might have regarded as
(18) reasonable? Was he taking it too hard?
(19) **A** He saw it in the context of work, that it
(20) was going to mean a lot more work and that he didn't
(21) have the manpower and the resources to necessarily
(22) handle the amount of work that went with it. That is

Page 128
(1) the context in which he spoke about it, you know,
(2) that if, in fact, there were a Congressional
(3) investigation, that it would mean more work.
(4) **Q** Did Mr. Foster ever express to you any
(5) concern, personal concern about any aspect of what he
(6) was working on with respect to Whitewater in the
(7) weeks or months prior to his death?
(8) **A** You mean Whitewater, the transaction?
(9) **Q** Right, other than what you've testified to
(10) here today.
(11) **A** No.
(12) **Q** What I'm trying to get to is whether
(13) Mr. Foster said, in words or substance, this is
(14) horrible, this is terrible, I can't bear this, this
(15) is going to be so awful, did he say anything that
(16) would give you the impression that the Whitewater
(17) investment as it related to the tax returns or to the
(18) disclosure materials he might have been working on,
(19) was of grave concern?
(20) **A** He expressed no grave concern about it. It
(21) was not an issue that he identified as having --
(22) causing him concern, grave concern or anxiety or

Page 129
(1) whatever.
(2) **Q** When you described what Mr. Nussbaum said
(3) he intended to do vis-a-vis protecting the various
(4) interests involved in the documents in Mr. Foster's
(5) office, and how he might disburse those materials
(6) ultimately, you indicated that he had intended or he
(7) said he was intending to send the materials to
(8) Mr. Kendall.
(9) Now, I wonder whether you are telescoping
(10) information that you have later learned into that
(11) conversation on the 22nd because I'll tell you
(12) frankly that I've heard no one mention that
(13) Mr. Kendall was involved in representing the Clintons
(14) up to that point and the information that we have
(15) heard involved another partner at Williams &
(16) Connolly?
(17) **A** Well, I may have telescoped it. I'm not --
(18) I may, but it was Williams & Connolly. He may not
(19) have been the particular lawyer at Williams &
(20) Connolly, but I know he intended to transfer the
(21) documents to Williams & Connolly. So if I made a
(22) mistake, I correct it.

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(1) **Q** Do you have any knowledge from any source
(2) whatsoever that any note or other writing explaining
(3) his reasons for suicide was not turned over to law
(4) enforcement authorities?
(5) **A** I have no knowledge of any note, any
(6) writing that existed, that does exist currently that
(7) has not been handed over to law enforcement
(8) authorities.
(9) **Q** Do you have any knowledge from any source
(10) that materials from Mr. Foster's office were
(11) surreptitiously removed from that office?
(12) **A** No, I have no such knowledge.
(13) MR. BEN-VENISTE: I have nothing further at
(14) this time. Can we go off the record for a second.
(15) (Discussion off the record.)
(16) EXAMINATION
(17) BY MR. JOHNSON:
(18) **Q** Let me follow up, real quickly,
(19) Ms. Thomases, on something Mr. Ben-Veniste raised.
(20) In your conversation with Mr. Nussbaum, whether or

(21) not it was Mr. Kendall, you did discuss that some
(22) documents would be sent to Williams & Connolly; is

Page 131
(1) that correct?
(2) **A** That's what I believe I heard.
(3) **Q** And this was before the review of the
(4) documents that took place in Mr. Foster's office; is
(5) that correct?
(6) **A** Again, I may have telescoped my subsequent
(7) conversation with Bernard after the documents were
(8) looked at into that conversation before the documents
(9) were looked at.
(10) **Q** Focusing on the one that took place before,
(11) did Mr. Nussbaum indicate to you that there were
(12) going to be documents sent to the Clintons'
(13) attorneys?
(14) **A** Yes.
(15) **Q** Do you have any indication of how
(16) Mr. Nussbaum knew there would be documents in
(17) Mr. Foster's office that should be sent to the
(18) Clintons' personal attorneys?
(19) **A** I think that Mr. Nussbaum must have known,
(20) as I did, that Mr. Foster had been working on the
(21) Clintons' tax returns, which were documents that were
(22) the Clintons' documents.

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(1) **Q** Did you specifically discuss the tax
(2) returns or not in your conversation with
(3) Mr. Nussbaum?
(4) **A** No, we didn't specifically discuss the tax
(5) returns.
(6) **Q** With reference to the documents that would
(7) be sent to the Clintons' attorneys, did you
(8) specifically discuss any documents at all?
(9) **A** We did not – I did not specifically – I
(10) actually asked nothing. I was essentially listening
(11) to what Bernie was telling me.
(12) **Q** And your recollection is he described those
(13) as personal documents?
(14) **A** Personal documents of the President and
(15) Mrs. Clinton.
(16) **Q** And your impression was, based on prior
(17) knowledge, that that referred to at least the Clinton
(18) family tax returns; is that correct?
(19) **A** Yes.
(20) **Q** Did you have any other impression about
(21) what kinds of personal documents, meaning personal to
(22) the Clintons, might be contained in Mr. Foster's

Page 133
(1) office?
(2) **A** The blind trust, which I had previously had
(3) conversations with Mr. Foster about.
(4) **Q** Any other things that come to mind?
(5) **A** Nothing else comes to mind.
(6) **Q** Did Whitewater come to mind when
(7) Mr. Nussbaum indicated that he was sending documents
(8) to Williams & Connolly or that he intended to send
(9) documents to Williams & Connolly?
(10) **A** It didn't come to mind, but it's not –
(11) MR. ROMANO: Is the question whether they
(12) came to her mind then?
(13) MR. JOHNSON: Yes.
(14) MR. ROMANO: During the conversation?
(15) MR. JOHNSON: Yes.
(16) THE WITNESS: This did not come to my mind
(17) during the conversation.
(18) BY MR. JOHNSON:
(19) **Q** Did there come a time later in time when
(20) you learned that documents relating to Whitewater
(21) Development Corporation had been sent to Williams &
(22) Connolly?

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(1) **A** Repeat the question. I'm sorry. I had a
(2) listening lapse.
(3) **Q** That's okay. I think you just said that at
(4) the time of your conversation with Mr. Nussbaum, it
(5) didn't specifically come into your mind that
(6) Whitewater-related documents might be sent to
(7) Williams & Connolly. And now I mean to say, did
(8) there come a time later in time after that
(9) conversation with Mr. Nussbaum when you did learn
(10) that Whitewater-related documents had been sent to
(11) Williams & Connolly?
(12) **A** Yes, I did.
(13) **Q** How did you learn that?
(14) **A** I have no idea whether I learned it from
(15) the press or whether I learned it from any particular
(16) person.
(17) **Q** Is there anything that might help you
(18) refresh your recollection about that, or is it just
(19) very blurred?
(20) **A** I'm not saying that nothing could help
(21) refresh that recollection, but it's not clear in my
(22) mind when and how I learned it.

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(1) **Q** Did you and Mr. Nussbaum discuss why
(2) Mr. Nussbaum intended to send documents outside the
(3) Whitewater to Williams & Connolly in this initial
(4) conversation in which he indicated to you he intended
(5) to send documents –
(6) **A** Did we discuss it?
(7) **Q** Yes.
(8) **A** We did not discuss it. I mean, we did not
(9) have a conversation about that.
(10) **Q** Did you and Mr. Nussbaum discuss any time
(11) frame within which he intended to send documents or
(12) cause to be sent documents to Williams & Connolly?
(13) MR. ROMANO: Still on the 22nd?
(14) MR. JOHNSON: In the one conversation we've
(15) been referring to.
(16) THE WITNESS: No.
(17) BY MR. JOHNSON:
(18) **Q** You've indicated, I think, at various
(19) points in your testimony, Ms. Thomases, certain
(20) knowledge about documents in Mr. Foster's office and
(21) at the end of this I'm going to ask whether we've got
(22) it all. But you indicated that he would have

Page 136
(1) documents relating to the tax returns being prepared
(2) for the Whitewater Development Corporation?
(3) **A** No, that's not the tax returns I was
(4) talking about. The tax returns are the Clintons',
(5) not about the Whitewater.
(6) **Q** You're quite right. I misspoke. Any other
(7) documents relating to Whitewater that you were aware
(8) were in Mr. Foster's office as of July 20, 1993?
(9) **A** None that I specifically knew about. I'm
(10) not saying that there wasn't, but no –
(11) **Q** My question might have been bad. I'm not
(12) asking you to swear what was in there. I'm asking
(13) you to swear to what was in your mind at that time.
(14) Other than the Clintons' personal tax returns, you
(15) don't have any knowledge of there being any other
(16) Whitewater documents?
(17) **A** And the documents related thereto.
(18) **Q** In the days – I'm sorry, do you want to
(19) add something?
(20) **A** Can I talk to Benny for just a minute,
(21) please?
(22) **Q** Sure.

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(1) (Witness conferred with counsel.)
(2) (The reporter read the record as requested.)
(3) THE WITNESS: And I want to say that I
(4) don't have any specific knowledge, but based on my –
(5) I know that Vince Foster had been working on the
(6) winding up of the partnership relationship and it
(7) is – I would expect that those documents were, if
(8) not in his office, notes about them were in his
(9) office.
(10) BY MR. JOHNSON:
(11) **Q** Did you discuss that with anyone in the
(12) days – that belief with anyone in the days
(13) surrounding Mr. Foster's death?
(14) **A** I doubt it. I don't know for a fact that I

(15) didn't, but it was not -- it was not an issue that
(16) was front and center in my mind.
(17) **Q** Did you ever, Ms. Thomases, have any
(18) conversations with anyone in the days surrounding
(19) Mr. Foster's death about whether or not any
(20) information in Mr. Foster's office would prove to be
(21) politically embarrassing to the administration if it
(22) became public?

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(1) **A** You're asking if I had any discussions with
(2) anybody? I don't know that I -- I cannot
(3) specifically recollect having conversations with
(4) anyone about what the something in Vince Foster's
(5) office might be that would politically embarrass
(6) them. People have so much different perspective on
(7) what that consists of, so if you want to be specific.
(8) **Q** I'm intending to be general instead, not
(9) for any reason other than I just want to catch
(10) anything that might be in your mind. Did you ever
(11) have any conversations with anyone about -- a concern
(12) about anything in Mr. Foster's office becoming
(13) public, putting aside politically embarrassing or
(14) otherwise? Were there any discussions about people
(15) being generally concerned about the contents of his
(16) office becoming public?
(17) **A** First of all, I don't really -- I don't
(18) think that I've ever had in my memory, I don't think
(19) I've had conversations about any item in Vincent
(20) Foster's office that might have been politically
(21) embarrassing. I have no recollection of in that
(22) context but then again, it may be my view of what's

Page 139
(1) politically embarrassing.
(2) **Q** Could be, which was why I was trying to --
(3) **A** I think that's --
(4) **Q** I'm not trying to be cagey here. I'm
(5) wondering whether you discussed with anyone a concern
(6) that something in Mr. Foster's office might become
(7) public as a result of his suicide?
(8) **A** And there was such a limited number of
(9) things that I knew about that were in Vince Foster's
(10) office, that I can't generalize to larger issues of
(11) what might have been politically embarrassing. He
(12) obviously had lots of work that I knew nothing about,
(13) or I assume he had lots of work that I knew nothing
(14) about.
(15) **Q** Maybe it's just out of fatigue that I keep
(16) hearing something slightly different in the answer
(17) than what I'm intending to ask. Did you have any
(18) conversations with anyone in which concern was
(19) expressed about the contents of Mr. Foster's office
(20) at or around the time of his death, excluding the
(21) conversation you've described with Mr. Nussbaum?
(22) **A** No, I've had no conversations that I can

Page 140
(1) remember with anyone about the contents of Vince
(2) Foster's office around the time of his death.
(3) **Q** Did you yourself have any private concerns
(4) about the contents of the office becoming public,
(5) whether or not you discussed them with anyone?
(6) **A** No, I don't recollect, and I don't believe
(7) I had any private concerns about what would be
(8) embarrassing in Vince Foster's office.
(9) **Q** As we sit here today, Ms. Thomases --
(10) strike that, Julie. I'm sorry.
(11) Up to, and include now at this moment in
(12) time, have you had any conversations with the
(13) President or the First Lady about the contents of
(14) Mr. Foster's office or the review of the contents of
(15) Mr. Foster's office that we have not previously
(16) discussed in this deposition?
(17) **A** I don't recollect having a conversation
(18) with the President about the contents of Vince
(19) Foster's office at any time subsequent to that and
(20) with respect to my conversations with the First Lady
(21) on the subject. It was far after the event and was
(22) in most generalized terms about how the process, as

Page 141
(1) part of a whole process of what was going on, went.
(2) **Q** Did Mrs. Clinton ever indicate to you that
(3) she had directed Ms. Williams to place certain
(4) documents in the White House residence?
(5) **A** Mrs. Clinton never indicated to me that she
(6) had given such instructions.
(7) **Q** Did Ms. Williams ever indicate to you that
(8) Mrs. Clinton had given her such instructions?
(9) **A** No, Ms. Williams never indicated to me that
(10) she had received such instructions from
(11) Mrs. Clinton.
(12) **Q** Now, the First Lady gave a press briefing
(13) on April 22, 1994 in which she covered lots of
(14) topics.
(15) **A** When was this?
(16) **Q** April 22 of 1994. And in that press
(17) conference, the topic of Mr. Foster's death and the
(18) events surrounding his death came up. Have you ever
(19) had any conversations with the First Lady regarding
(20) statements she made in that press briefing?
(21) MR. COLE: Statements in general or
(22) statements relating to Mr. Foster?

Page 142
(1) MR. JOHNSON: Thank you. Statements
(2) related to the Foster investigation.
(3) THE WITNESS: I have no recollection of
(4) having a conversation with her specifically about
(5) comments that she made about Vince Foster in that
(6) press briefing, but I'll go look them up now.
(7) MR. JOHNSON: Ms. Thomases, thank you for
(8) your patience. Let me just generally -- this is not,
(9) as counsel will agree with me, we're not conducting a
(10) trial here and this is not a civil litigation. Our
(11) goal is to acquire any information that a witness
(12) believes is relevant and competent on the topic so I
(13) always conclude -- Mr. Ben-Veniste makes fun of this
(14) question -- I conclude in the following way.
(15) BY MR. JOHNSON:
(16) **Q** Our topic is the investigation into
(17) Mr. Foster's death and the handling of the documents
(18) of that death and as you sit here today, do you have
(19) any information to provide the committee on those
(20) topics that you and I have not discussed in the
(21) course of the deposition?
(22) **A** Counsel, do I have any? Not that I can

Page 143
(1) think of.
(2) **Q** To the best of your recollection, as you
(3) sit here today, we've covered the things that you
(4) know on this topic; is that correct?
(5) **A** Uh-huh, to the best that I can anticipate.
(6) MR. JOHNSON: Thank you very much for your
(7) patience. Lance, do you have anything further?
(8) MR. COLE: Nothing further. Thanks, Kip.
(9) MR. JOHNSON: Notwithstanding everything
(10) you read in the press, we are very concerned about
(11) the confidentiality of this proceeding, so we'd be
(12) grateful if you wouldn't discuss the deposition here
(13) today with anyone.
(14) THE WITNESS: That would be fine. I have
(15) no desire to discuss it with anyone, except my
(16) attorneys.
(17) MR. JOHNSON: Sure.
(18) (Whereupon, at 4:40 p.m., the deposition
(19) was concluded.)
(21) ----------
(22) SUSAN P. THOMASES

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'92 30:8
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In Re: Whitewater August 8, 1995 cr: 62165.0

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Hearing on
IMPROPER HANDLING OF DOCUMENTS
IN DEPUTY WHITE HOUSE COUNSEL
VINCENT FOSTER'S OFFICE
AFTER HIS DEATH
TUESDAY, AUGUST 8, 1995
United States Senate
Special Committee to
Investigate the Whitewater
Development Corporation and
Related Matters
Washington, D. C.
The committee met at 9:50 a.m. in Room 216 of the
Hart Senate Office Building, the Honorable Alfonse M.
D'Amato, chairman of the committee, presiding.

The Chairman. The Committee will come to order. I'd ask our witnesses if they would stand for the purposes of
taking the oath.
Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing
but the truth so help you God?
Ms. Thomases. I do.
Mr. Lindsey. I do.
SWORN TESTIMONY OF SUSAN P. THOMASES, ATTORNEY AT LAW;
BRUCE R. LINDSEY, FORMER ASSISTANT TO THE PRESIDENT, SENIOR
ADVISOR AND DIRECTOR OF PRESIDENTIAL PERSONNEL
The Chairman. Please be seated. I think both of you have counsel, and most have taken the opportunity of having
their counsel sit next to them, and if you want – no?
Mr. Lindsey. I'm fine.
Ms. Thomases. I'm fine.
The Chairman. I just wanted to advise you that if you do, why, that's fine. Before we start, Senator Bond, you'd
like to make an announcement?
Senator Bond. Thank you very much, Mr. Chairman. Last week we asked about the hard drive records which
would show during the period of July 1993, particularly
July 19, 20, 21 and 22, what happened to the indices that
Ms. Gorham kept on her computer. We have a letter dated
August 6th from Ms. Jane Sherburne, who I understand is

here with us today. Ms. Sherburne outlines those people
who would have information about the preparation and the
maintenance of the indices.
What I requested and what I would ask our counsel to
consider with White House counsel is can we find out from
the hard drive, can we get a computer expert who can pull
off for us the information as to what was on the hard
drives on July 19th, what happened to the index or indices
on the 20th, the 21st, the 22nd? The index of the – there
were two indices printed off on July 22, or at least there
was the heading on the copy, hard copy we received
indicating it was July 22. Ms. Gorham testified that
the – what appears to be the second one of the indices was
not kept in the same form that she kept it.
I wonder if counsel could work with the White House
and with whatever computer people are necessary to help

them determine when and how the indices were changed, and
if there's any indication by log-on or other identifiers who made the changes, when they were changed and what
changes were made.
The Chairman. I'm going to ask at our first recess – Senator Bond has raised this with me. We raised it last
week, that both counsels, Mr. Ben-Veniste and Mr. Chertoff,
meet with the White House representative because we have a
right, the Committee has a right to have this question

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dealt with. And I hope that we could get it satisfactorily
resolved. So I'm going to ask you again, both our
counsels, at the first break if they wouldn't meet with the
White House representative and see if we can work this
out.
There have been a number of things that we've been
able to work out, the question of bringing in interns: We
have agreed that we don't have to do that. People who
aren't available. Hopefully, we can continue to do this in
a cooperative way. But Senator Bond is right in that his
inquiry has not been satisfactorily answered, and I think
that's important that we get that information.
One other thing before we proceed. A number of my
colleagues – and I must say myself included – have been
concerned about what would appear to be a number of
inconsistencies in testimony from a number of witnesses, at
least six witnesses, and that of Maggie Williams. I had
just raised this concern to Senator Sarbanes. It has been
our intent not to bring witnesses back; I would like to
avoid that if possible.
However, having said that, we need to find a manner in
which to review these areas and to resolve, if we can,
sharp conflicts in some cases. And we know that some will
never be resolved; we understand that. But I am, I am
concerned myself. There appear to be a number of

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contradictions and questions that certainly need to be
answered.
Now, if we can do this – I don't know if we can do
this in a process by way of depositions. I understand that
she's now in China. Otherwise it was my intent to bring
her back Thursday. But if she is – is she out of town, do
we know, I'm asking the White House representative – do we
know if she's in China? Well, maybe – again, I'm going to
ask counsel to address this, and I'm going to review the
record this evening as it relates, as it relates to this
question.
Again, obviously, if she's out of the country, we're
not going to make that request, but this is something that
I believe has to be dealt with to resolve as many of these
possible conflicts or, at least as Mr. Ben-Veniste and I
have talked to the situation, if we can't get better
explanations, then some clarifications if that's possible.
So we'll – that is an open, an open question.
Senator Sarbanes. Mr. Chairman.
The Chairman. Senator Sarbanes.
Senator Sarbanes. Well, in light of that statement, I
think there's a necessity, then, to renew our approach to
the independent counsel. We've done this on more than one
occasion, and we've consistently – and unfortunately, in
my opinion – been rebuffed by the independent counsel. I

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say this with increasing concern because we had a session
with the independent counsel in which we agreed to stage
the hearings, and now I'm watching these hearings unfold in
the House, and my understanding from our session with the
independent counsel was that was matters that we were not
to get into.
The Chairman. That's one of the reasons we withheld.
The Senator is right.
Senator Sarbanes. At this point in time, you know, I
mean, I look at that and say whatever happened to that
conversation that we had with the independent counsel as to
how to proceed.
Now on the very point you've raised, we've asked, I
think, an extremely reasonable and legitimate request of

the independent counsel for the FBI interviews with Officer
O'Neill and for the – and with Maggie Williams, and the
lie detector test report from the independent counsel. And
I must say to you I have, I do not understand their
unwillingness to cooperate with this committee. And it
seems to me that we should – particularly in light of this
statement you've just made – go back at the independent
counsel. Again, we have –
The Chairman. Let me suggest this, if I might, in
answer to your concern. And it's a concern that I share.
Why don't we ask our counsels again – at the second break,

because they have enough work to do on the first break –
but on the second break see if we can't schedule a meeting
face to face with the independent counsel as we have in the
past. This way we'll sit down and we'll raise these
questions with him directly.
Senator Sarbanes. Fine.
The Chairman. So we ask both our counsels that, when
you get an opportunity, to see when and if some afternoon,
late afternoon if we can't get the counsel to come on
over. The sooner the better. Very good.
Mrs. Thomases, a statement that you'd like to read?
We'd be happy to receive it.
Ms. Thomases. Yes, Mr. Chairman.
Mr. Chairman and members of the special committee,
when I was first asked to appear at today's hearing, I did
not plan to make an opening statement, but as I considered
the events surrounding Vincent Foster's tragic death and
the questions committee counsel have pursued, I have come
to believe that it might be helpful to the special
committee if I try to place my actions during those days in
context.
As I'm sure is the case with many of you, community
service has always been an important part of my life. You
have chosen to serve our country in public office. But
ever since I finished college more than 30 years ago, I

have chosen to do what I can as I remain in private life.
As senators you know – you all know that during
campaigns one meets, works with, and develops deep
friendships with many people. I believe these
relationships are special because they are formed at an
extraordinary time in which people bond together as they
work toward a common goal. Of course, a few of those
friendships become deeper and longer lasting than others.
These friends are the ones with whom I have shared the ups
and downs of politics, the stresses of professional
careers, the joys and sadnesses of life, and the personal
growing up that we all have to work through. I am proud to
place the President and Hillary Clinton among those special
friends.
I have been a friend of the President for 25 years,
and I have known Mrs. Clinton for almost 20 years. We have
stayed at each other's homes, shared family joys and
sorrows, and have grown to see each other as the friends we
often turn to on a personal level.
In the summer of 1992, then-candidate Bill Clinton
asked me to move to Little Rock and become director of
scheduling and advance for the Clinton/Gore campaign. I
was there for six months. My husband Bill was generous and
supportive enough to relocate there with our 2-1/2-year-old
son, Tommy. In fact, Tommy became one of the rugrats of

the campaign headquarters. Even before the inauguration in
January of 1993, I had decided not to go in the
government. I knew only too well the sacrifices that
families of those in government must often make. I did not
want that for my family. Tommy was just three years old,
and I wanted to be with him as he grew up.
However, during the early months of the
administration, I tried to continue to be available for
support, personal cheerleading, and advice on scheduling
and similar matters. I also continued to make myself
available to provide references and career counseling to

[12] the many young people who had worked with me during the
[13] campaign.
[14] As part of those efforts, I spoke regularly to my
[15] friends in the White House. Maggie Williams, with whom I
[16] had worked since the early '80s on a variety of public
[17] interest projects, including the Children's Defense Fund:
[18] Bernie Nussbaum, a brilliant lawyer with whom I have shared
[19] common interests in both New York and Washington: and Vince
[20] Foster, who at the time of his death I had known almost as
[21] long as I have known Hillary Clinton. Vince, a gracious,
[22] meticulous, reserved lawyer with a deep respect for the law
[23] and abiding love for his family and his friends. I also
[24] spoke frequently with Mrs. Clinton, and less often with the
[25] President.

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[1] As Maggie Williams stated when she appeared before
[2] you, it is often my habit to make phone calls to these and
[3] other friends at all times of the day and night. I call
[4] more often to lend an ear than to give advice; to
[5] encourage, share ideas and simply hear how things are
[6] going. Until Maggie said it, I didn't know I was known as
[7] the midnight caller, but I sure won't argue with that
[8] title. Again, these are my friends, and they have been
[9] involved in an administration that means a great deal to
[10] all of us.
[11] In addition, for more than a decade, it has been my
[12] practice to come to Washington on Wednesdays for business,
[13] and sometimes I stay over. Since the Clinton
[14] Administration took office in 1993, I often visit my
[15] friends who are working in the government on Wednesdays,
[16] and if they are available and if I have time, I try to see
[17] them. This was the context in which I called and visited
[18] the White House on July 21st and 22nd o 993. This was
[19] something that I did all the time.
[20] The terrible difference on those days was that we had
[21] just had a death in what amounted to our family. From the
[22] Clintons on down there was grief, a feeling of
[23] helplessness, and a question as to whether any of us could
[24] have helped Vince. There is always great sadness when a
[25] friend dies, but the shocking circumstances of Vince's

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[1] death compounded it so many fold.
[2] Like members of a family, we reached out to each
[3] other, and everyone asked everyone else to check on how
[4] people were holding up, how they were doing. I recall
[5] doing that with Mrs. Clinton, the President, Maggie, Bernie
[6] and others during those terribly difficult days. By doing
[7] so, I also helped fill my own need to grieve Vince's
[8] death.
[9] Now I understand this committee is examining how the
[10] search or review of Vince's office was carried out and how
[11] the files in that office were handled. Committee counsel
[12] have asked me and questioned me at length about my
[13] recollection of my actions with respect to those issues
[14] from July 20th through 22nd, 1993. I have tried my best to
[15] remember whatever I can about any phone calls and visits
[16] during that period. I will do so again today.
[17] While my memory is not perfect – I just don't
[18] remember every person that I spoke to during those days.
[19] But I do know that I never, I say never, received from
[20] anyone or gave to anyone any instructions about how the
[21] review of Vince Foster's office was to be conducted or how
[22] files in Vince Foster's office were to be handled. I want
[23] to repeat that. I never received from anyone or gave to
[24] anyone any instructions about how the review of Vince
[25] Foster's office was to be conducted or how the files in

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[1] Vince's office were to be handled.
[2] Thank you for giving me your time and attention. I am
[3] ready to answer your questions.
[4] The Chairman. Thank you, Mrs. Thomases.
[5] Mr. Lindsey.
[6] Mr. Lindsey. Yes, Mr. Chairman, members of the
[7] Committee. My name is Bruce Lindsey. I am assistant to
[8] the President and have served as Deputy White House Counsel

since September of 1994. In July 1993 I was Assistant to the President, Senior Advisor and Director of Presidential Personnel. I was a personal friend of Vince Foster's. His death was a shock and a blow to me and to many others both inside and outside the White House who held him in high regard. The days following his death were difficult for all of us as we struggled to understand Vince's suicide. I spent much of my time consoling others and being consoled. I regret now that Vince's widow, Lisa, and her children are being forced to relive that painful week. As I testified at my deposition taken before this committee last month, I have absolutely no knowledge of any documents being removed from Vince Foster's office following his death and can offer no insight into that issue or into any of the other issues I understand the Committee is investigating. With the exception of one

meeting with the White House counsel and several others on July 22nd, 1993 to discuss what legal privileges applied to those documents, I neither engaged in nor was aware of discussions regarding the handling of documents in Vince's office. Nevertheless, I will be happy to answer any questions the Committee may have. Thank you.

The Chairman. Thank you very much.

Mr. Chertoff.

Mr. Chertoff. Thank you, Mr. Chairman.

Ms. Thomases, you are a practicing lawyer?

Ms. Thomases. Yes, I am.

Mr. Chertoff. Where do you practice?

Ms. Thomases. I practice in New York.

Mr. Chertoff. What firm?

Ms. Thomases. Wilkie, Farr & Gallagher.

Mr. Chertoff. Just to give us – I guess that makes you a New York lawyer; right?

Ms. Thomases. That makes me a New York lawyer.

Mr. Chertoff. Can you give us a sense of the size of the firm? Can you tell us how many lawyers are in the firm?

Ms. Thomases. The firm has approximately 360 lawyers.

Mr. Chertoff. Now, you also have a Washington office?

Ms. Thomases. Yes, we do.

Mr. Chertoff. And you practice out of that as well?

Ms. Thomases. I regularly come down here, usually once a week.

Mr. Chertoff. Mrs. Clinton is a lawyer as well, I take it?

Ms. Thomases. Yes.

Mr. Chertoff. During the course of your friendship with her, have you ever, when she was in private practice, worked on cases with her or handled matters with her firm?

Ms. Thomases. I have never worked on cases with her. At one point when she was trying to figure out how to separate her time from the time of the rest of the lawyers in her firm as a matter of protecting her relationship with her husband from the earnings of the firm, I consulted with them on that matter.

Mr. Chertoff. When you say "consulted with them," you mean consulted with the Rose Law Firm?

Ms. Thomases. I talked to some members of the Rose Law Firm about how the accounting records could be structured to segregate the moneys that were earned from government business in their firm from the rest of their revenues.

Mr. Chertoff. Now, you indicated in your opening statement that you had an ongoing function or advisory role at the White House after the inauguration in which you

would call up to give advice on career counseling or scheduling matters.

Ms. Thomases. Yes.

Mr. Chertoff. Does that still continue?

Ms. Thomases. On occasion, yes.

Mr. Chertoff. At any time did you either voluntarily place yourself under any restriction or did somebody place you under any restriction in terms of your ability to lobby the White House?

Ms. Thomases. I was placed under restriction at the time of the transition. All of us who were in the transition signed a transition document which I signed.

Mr. Chertoff. And how long did that restriction apply?

Ms. Thomases. It supposedly extended six months after the end of the transition, but I extended it for the whole year of 1993, personally.

Mr. Chertoff. So in 1993 you did no lobbying at the

White House?
Ms. Thomases. That's correct.
Mr. Chertoff. But that restriction is no longer in effect?
Ms. Thomases. That is correct.
Mr. Chertoff. Let me ask you, Ms. Thomases, during the campaign in 1992 you had a function regarding the issue

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of Whitewater Development Corporation & Associates: right?
Ms. Thomases. Yes, for a brief period of time.
Mr. Chertoff. Who asked you to assume that role?
Ms. Thomases. I think I – I think I was initially asked to do that by the then-campaign manager David Wilhelm.
Mr. Chertoff. And what was the assignment that you were asked to undertake?
Ms. Thomases. After discussing it with David and then with the Clintons, I was asked to help them, help them organize some of the documents about Whitewater for the purposes of responding to a press inquiry from The New York Times.
Mr. Chertoff. Now, that press inquiry was by a reporter named Jeff Gerth?
Ms. Thomases. Yes, it was.
Mr. Chertoff. It resulted in a series of articles in The Times in March of 1992?
Ms. Thomases. Only one article that I immediately recollect.
Mr. Chertoff. Did you ultimately talk to the press about that?
Ms. Thomases. I ultimately talked to Jeff Gerth about that.
Mr. Chertoff. And you did that after reviewing some

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documents?
Ms. Thomases. I reviewed the documents that I was able to gather in the period of time that Jeff Gerth had set as his deadline.
Mr. Chertoff. Where did you gather the documents?
Ms. Thomases. Mostly in Little Rock, and many of them had been gathered by other people working with the campaign.
Mr. Chertoff. Like who?
Ms. Thomases. Like a woman named Loretta Lynch, who was the sort of associate-type person who took on the responsibility of organizing the available documents.
Mr. Chertoff. Did you work with anybody else besides that on this Whitewater issue during the campaign?
Ms. Thomases. I worked with Jim Lyons, who took over the responsibility for the documents shortly after The New York Times article.
Mr. Chertoff. Did you work with Mr. Lindsey?
Ms. Thomases. No, I did not work with Mr. Lindsey. I don't know of any role that Mr. Lindsey had in that process.
Mr. Chertoff. Did you work with the First Lady?
Ms. Thomases. Yes, I did work with the First Lady.
Mr. Chertoff. Did you work with then-Governor Clinton?

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Ms. Thomases. Yes, I did work a little bit with then-Governor Clinton.
Mr. Chertoff. Mr. Lindsey, do you have a recollection of working or dealing with the Whitewater issue in the campaign?
Mr. Lindsey. No. On the campaign I was on the airplane traveling with the now-President, then-Governor of Arkansas. I was not at the headquarters.
Mr. Chertoff. You had nothing to do with Whitewater during the campaign?
Mr. Lindsey. Well, I would speak to the press when they would ask a question on the road, but I had nothing to do with the gathering of the documents.
Mr. Chertoff. Well, how did you – when you had to speak to the press, what was your basis of information in giving responses?
Mr. Lindsey. Usually, I would ask the President.
Mr. Chertoff. You'd get it directly from the President?
Mr. Lindsey. Usually or I might speak to someone in the press office in Little Rock.
Mr. Chertoff. Anybody in particular?
Mr. Lindsey. Not that I recall. I may have spoken to Dee Dee Myers, who was our press Secretary at that time on the road with us. You know, usually during this time, if

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there was a press inquiry, the President, then-Governor would respond to it directly.
Mr. Chertoff. When did you first become aware that Mr. Foster had had any function in terms of gathering documents or handling documents or anything to do with Whitewater?
Mr. Lindsey. Oh, I don't know if I know that he had any role in the gathering of documents. I believe I became aware sometime after his death that there had been a file in his office on Whitewater when there was a press

inquiry
[11] about it in November or December of 1993, I guess.
[12] Mr. Chertoff. Well, I want –
[13] Mr. Lindsey. I think that may have been the first I
[14] was aware of it.
[15] Mr. Chertoff. I want you to think very carefully to
[16] the period of the transition and tell us whether you recall
[17] knowing at the period of the transition that Mr. Foster had
[18] some involvement with Whitewater.
[19] Mr. Lindsey. Yeah, I know now that he had some
[20] involvement in the preparation of the documents
[21] transferring the Clintons's interest to the McDougals. I
[22] don't believe – I don't recall that I had that knowledge
[23] then.
[24] Mr. Chertoff. You did not have that knowledge during
[25] the transition?

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[1] Mr. Lindsey. I don't believe so.
[2] Mr. Chertoff. Are you confident of that?
[3] Mr. Lindsey. As confident as I can. I don't recall
[4] knowing that at that time.
[5] Mr. Chertoff. Did you have a conference call with
[6] Mr. Lyons and Mr. Foster and Mr. Tisdale and Mr. Hubbell in
[7] which the subject of Whitewater came up during the
[8] transition?
[9] Mr. Lindsey. Not that I recall.
[10] Mr. Chertoff. Can I put DKS 482 up on the Elmo?
[11] These are one of the notes that was in Vince Foster's
[12] handwriting in his office.
[13] Ms. Thomases. Excuse me. While you question
[14] Mr. Lindsey, can I take a break, please?
[15] Mr. Chertoff. Sure. Mr. Chairman?
[16] The Chairman. Absolutely.
[17] Mr. Chertoff. I'll take – I'm going to get back to
[18] Ms. Thomases in a moment, but let me do this and maybe we
[19] can take a break ourselves. Mr. Lindsey, I want you to
[20] look at DKS 482. That is Mr. Foster's handwriting;
[21] correct?
[22] Mr. Lindsey. Correct.
[23] Mr. Chertoff. I can tell you this was a document that
[24] was in one of the files that was removed from his office on
[25] July –

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[1] Mr. Lindsey. I say correct; I'm not sure I could
[2] identify his handwriting, but I will accept your word for
[3] it that this is his handwriting.
[4] Mr. Chertoff. If you don t recognize it, just tell us
[5] you don't recognize it.
[6] Mr. Lindsey. I don't know that I could say this is
[7] his handwriting.
[8] Mr. Chertoff. I can tell you it came out of his
[9] office on July 22nd and we have reclaimed it now from
[10] Mr. Kendall very recently. It says "Tuesday 11/24" at the
[11] top and it says "Lyons, Lindsey, Tisdale, Hubbell." Who is
[12] Tisdale?
[13] Mr. Lindsey. John Tisdale was an attorney at Wright,
[14] Lindsey & Jennings in Little Rock.
[15] Mr. Chertoff. Is he a former partner of yours?
[16] Mr. Lindsey. Yes, he is.
[17] Mr. Chertoff. Down under 4 it says "personal
[18] finances, Whitewater. Les Patton did original work." Who
[19] is Les Patton?
[20] Mr. Lindsey. Les Patton is a member of the firm of
[21] Patton, McCarthy who did the reconstruction that we did
[22] during the campaign which became what is referred to as the
[23] Lyons report.
[24] Mr. Chertoff. Does this recording, this memorandum or
[25] this note now refresh your recollection that, in fact, in

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[1] November of 1992 Mr. Foster and Mr. Lyons and you and
[2] Mr. Tisdale and Mr. Hubbell talked about Whitewater as one
[3] of the issues that had to be addressed?
[4] Mr. Lindsey. No.
[5] Mr. Chertoff. It doesn't refresh your memory?
[6] Mr. Lindsey. No.
[7] Mr. Chertoff. Are you in a position to tell us this
[8] didn't happen? This conversation didn't occur?
[9] Mr. Lindsey. The conversation could have occurred. I
[10] cannot relate what's at the top of the sheet to what's at
[11] the bottom of the sheet, that they were in the same
[12] conversation.
[13] Mr. Chertoff. We're kind of handicapped here because
[14] we've accepted the redactions that the portion of the page
[15] omitted is relating to other matters.
[16] Mr. Ben-Veniste. We can do better than that, Mr.
[17] Chertoff. We've reviewed those matters, and we can say
[18] they do not relate to Whitewater.
[19] Mr. Chertoff. Let me finish, Mr. Ben-Veniste. If I
[20] can get it out, I will. On the other hand –
[21] Senator Kerry. Well, Mr. Chairman?
[22] The Chairman. Yes.
[23] Senator Kerry. I don't think that should just be
[24] jumped over so easily.
[25] The Chairman. Why don't we let – if I can – Senator

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[1] Kerry, if I can let us –
[2] Senator Kerry. Mr. Chairman, do I not have a right to

make a statement?
The Chairman. If I might, let me ask that
Mr. Chertoff be permitted to complete his question. If we
find that it is not fair, I think you will find that the
Senator will attempt, and I look toward all of your counsel
to keep it within the bounds of being fair. We're not
going to permit trick questions, we're not going to – so
let's start it, let's listen and take it from there.
Mr. Chertoff.
Senator Kerry. Mr. Chairman, Barbara – Mr. Chairman,
again, I want to complete my statement.
The Chairman. Yes, go ahead.
Senator Kerry. The question on its face is unfair
because the question was posed in a way that suggested that
the redaction is somehow a mystery.
The Chairman. We're going to –
Senator Kerry. Mr. Chertoff knows he has already
reviewed that and he knows what's in there.
The Chairman. Senator, Senator. We're going to give
Mr. Chertoff an opportunity to put the question and to set
the record straight. We're not attempting to create an
illusion. That's not something that this hearing has been
about nor will it be about. So let's give him an

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opportunity, and you have fine counsel to see to it that we
stick to the issues, and we're going to do that.
There is no attempt to suggest that the redacted
materials – because we have worked out a system whereby
counsels have reviewed these materials: I think everybody
here knows that, and maybe others don't – and where the
redactions are continued it is because we have thought that
for – counsels mutually have agreed that they're not
relevant. So let us continue now.
Senator Kerry. May I ask a second question,
Mr. Chairman?
The Chairman. Certainly.
Senator Kerry. The second question is it's my
understanding that the scope of today's hearing is with
respect to the handling of the documents in Vince Foster's
office. These questions are way outside of that issue.
The Chairman. I don't believe so. I think that they
are relevant. It is not only as it relates to the
documents but the materials, obviously, in the documents.
There is some relevance, very real. This is not a court of
law. We're attempting to get the facts. So I'm not going
to straightjacket either counsel or the senators to that
kind of extent. It then becomes unreasonable.
Senator Boxer. Mr. Chairman, I have a question
unrelated to. It's pending, but it's just a matter of

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procedure. I have noted on several occasions where you,
Mr. Chairman, have interrupted our counsel, and none of us
stopped you at that point. You were making your point and
we respected it. Now, when someone attempts to interrupt
your counsel because we were troubled by it you are told
don't interrupt the counsel. So I think either we have a
rule that we –
The Chairman. I don't think I said that. I said that
I thought I counsel should be permitted to finish and
conclude his question. And by the same token I would
certainly look to protect the witnesses so that they are
treated fairly.
Senator Boxer. I appreciate that, but I'm just
suggesting to you –
The Chairman. And I'll do that. And I think I have
attempted, and I have allowed great leeway, and I will
continue to do that for both sides. I don't think that
Mr. Ben-Veniste has any quarrels with this. I hope not.
And I will continue to provide latitude. However, the
chair has to exercise some degree of control recognizing
that the individuals who are here are senators, have their
rights. They have to be protected. And attempting to keep
some form of decorum so that we can do the job. So it is
not with an intent to close anyone down, and this Senator
knows that that would be impossible. And I'm not going to

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attempt to do the im[illegible]e.
Senator Boxer. Mr. Ch[illegible]nan, it's fine. I'm just
making a point here that I share your view that counsel
should be able to question, et cetera. But on the other
hand, it should work both ways. I'm just making that
point.
The Chairman. I believe it has.
Senator Boxer. Well, I'll show you where it hasn't.

[9] but that's okay.
[10] The Chairman. Well, I'd be very interested in that.
[11] At another point in time, if you think that I have been too
[12] fast with the gavel in closing anyone down, you know, I'll
[13] try to do a better job if you think I can. Well, we'll try
[14] to do it if you can point to a better way.
[15] Let's return again, Mr. Chertoff. Why don't we start
[16] as it relates to this whole document.
[17] Mr. Chertoff. To get back to what I was trying to get
[18] at, and obviously I was unsuccessful in making myself
[19] clear. The portions that are redacted are not related to
[20] Whitewater, they're related to other transactions that were
[21] being dealt with during this period. And I'm not meaning
[22] to imply that Mr. Ben-Veniste and I didn't see them because
[23] we did see them. My point is that this – if you were to
[24] look at the entire document without the redaction, you
[25] would see it as a numerical list of items covered under

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[1] this heading, Tuesday 11/24, with the list of individuals
[2] who appear to be participating in a meeting.
[3] Now, my question to you is this, Mr. Lindsey: Does
[4] this refresh your memory that on November 24th, 1992 among
[5] other things, you discussed with Mr. Lyons and Mr. Tisdale
[6] and Mr. Hubbell and Mr. Foster winding up the Clintons's
[7] investment in Whitewater?
[8] Mr. Lindsey. No, sir it does not. If I was to
[9] speculate, I don't –
[10] Mr. Chertoff. Don't speculate.
[11] Mr. Lindsey. Well, if you look at the reference over
[12] on the side to John Ragovan and Cheryl Mills, my guess is
[13] that that was a conversation discussing the ethics pledge
[14] that the Clinton Administration made all of their employees
[15] sign and that we were having a discussion about that
[16] pledge. But that is – again, I do not remember the
[17] conversation, but the people who are listed, Web Hubbell,
[18] John Tisdale and others were involved in that as well, and
[19] that seems more reasonable to me than that it was a
[20] discussion of Whitewater.
[21] Mr. Chertoff. And Mr. Lyons was involved in that as
[22] well?
[23] Mr. Lindsey. Yes, he was. He was one of the counsels
[24] for the transition.
[25] Mr. Chertoff. You know, in fact, though, Mr. Lindsey

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[1] that Mr. Foster was, in fact, working on issues involving
[2] the Clinton's tax returns and his, and the Clintons's
[3] disclosure statements while he was in the White House;
[4] right?
[5] Mr. Lindsey. I know that now.
[6] Mr. Chertoff. And isn't it a fact that at a point in
[7] time Mr. Foster asked for a copy of what is called the
[8] longer Lyons report?
[9] Mr. Lindsey. I know that now.
[10] Mr. Chertoff. When did that get furnished to him?
[11] Mr. Lindsey. You'd have to ask Mr. Lyons. Mr. Lyons
[12] at some point after Vince's death indicated to me that he
[13] had provided a copy of the longer Lyons report to Vince.
[14] Mr. Chertoff. But is it your testimony that you had
[15] no inkling at the time that Mr. Foster was working on the
[16] President's disclosure forms and tax returns?
[17] Mr. Lindsey. No, I don't think that was my
[18] testimony.
[19] Mr. Chertoff. Tell us what it is.
[20] Mr. Lindsey. I had no – I do not believe I knew that
[21] he had asked for a copy of the Lyons report or the longer
[22] Lyons report. I'm not sure I had a specific memory that he
[23] was working on the tax returns or the financial disclosure,
[24] but if there was someone in the counsel's office working on
[25] it, I would have assumed it would have been – Vince would

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[1] have been one of them, yes.
[2] Mr. Chertoff. So you at least had kind of a general
[3] understanding that the issue of the disclosure forms were
[4] being worked on in the counsel's office?
[5] Mr. Lindsey. Again, I don't know if I was – I was
[6] more concerned about my own financial disclosure forms and
[7] filling them out than I was about theirs. So I'm not sure
[8] I ever focused on it or thought about it.
[9] Mr. Chertoff. You, in fact, at times, were involved
[10] in their disclosure forms; right?
[11] Mr. Lindsey. No, I don't believe so. I was involved
[12] at one time during the campaign when we amended one of the
[13] disclosure forms.
[14] Mr. Chertoff. When was that?
[15] Mr. Lindsey. Sometime in early 1992, either the First

Lady or the President realized that they had not listed several loans that they had received personally, that they were personally liable for during the 1990 campaign, and we amended the form to reflect those loans.
Mr. Chertoff. Wasn't one of those loans the Whitewater loan?
Mr. Lindsey. No, they were not. They were two loans from the Perry County Bank related to the 1990 election.
Mr. Chertoff. Mr. Lindsey, did you file an amendment to candidate Clinton's presidential candidate financial

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disclosure statement on April 6th, 1992 –
Mr. Lindsey. At some point –
Mr. Chertoff. Let me finish, Mr. Lindsey – which you personally signed the transmittal letter for and which listed a personal guarantee of Governor and Mrs. Clinton of Whitewater Development Company mortgage loan?
Mr. Lindsey. Again, I don't remember whether it was on the original form or the amended form. What I remember the purpose of amending the form, the purpose of amending the form was to list the two loans from the Perry County Bank in 1990.
Mr. Chertoff. Didn't you do that, that listing of the Perry County Bank loans in January of 1992?
Mr. Lindsey. Again, whether it was January or April, I have no memory.
Mr. Chertoff. I'd be happy to give it to you. I think we do. I ask first that we put up –
The Chairman. I'm going to ask if we can't get copies of the documents, please, to the witnesses.
Mr. Chertoff. I think we have copies.
Senator Sarbanes. Mr. Chairman.
The Chairman. Yes, Senator Sarbanes.
Senator Sarbanes. We've been quite forebearing here this morning. But I do want to raise this point. This set of hearings was to focus on the handling of documents in

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Foster's office. In fact, I note that counsel, in all of the depositions with the various people who were deposed, have stated to them in section 1.B.1 of Senate Resolution 120 there is an "authorization for an investigation into whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death. Do you understand that this particular provision will be the focus of your deposition today?"
And that was set out to each person who was deposed as sort of the ground rules of their deposition, and that, of course, is consistent, certainly, with my understanding, that that was the ground rules for this set of hearings.
Now, the scope of the Committee's inquiry, of course, is defined by our resolution from the Senate. We've had some objections raised here because, on occasion, I think members have gone outside of the resolution itself. In other instances I think questions have been raised that are within the resolution, but not within this set of hearings as I understand it. And, of course, that becomes relevant because, first of all, as I indicated earlier, there are conversations with the independent counsel.
And I realize there may be some impetus here, given the fact that on the House side they seem not to be observing these restraints that the independent counsel

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wanted observed, which we've tried to do – that's one of the reasons I agree with you we need to have a discussion with the independent counsel about this. But I think at this point, given what the focus of these hearings were to be, the nature of the preparation and the very statements made to the witnesses, we ought to try to keep our focus there.
And I have to say that, Mr. Chertoff, I think that the questions have moved further and further away from that.
The Chairman. Well, Senator, I understand your concern, but the fact is that some of the documents that Mr. Chertoff refers to are either public records and/or were found in Mr. Foster's – were documents that were at one time in Mr. Foster's office. We are attempting to get all of the facts so that we can fill out a picture as to what did or did not take place. That is our job. It is not to be accusatory. It is not to allege things that may

be sensational, but rather to explore, to get the facts and
to do it in a way that will be fair. And I intend to
follow a procedure that will do that.
But there is also something called fairness to the
Committee, the work of this committee, and to the American
people. And I do not believe that we are so circumscribed
that we cannot – and I don't intend to mean by this that
there has not been permitted, without objection, some

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leeway in these proceedings to try to get the facts and to
get the state of mind as it relates to what took place and
how it took place and in what connection.
I have often said that sometimes it may appear that
you have someone who is in a place or doing something that
he or she, under ordinary circumstances, might raise
questions, but give them the opportunity to explain and
they can blow away the clouds of suspicion and of doubt.
And that's what we're going to do here. And I am going to
permit counsel to pursue this line because I do not believe
it is so far out of the scope, and I think there are
logical connections. And we're going to proceed.
Now, we're not going to get into matters as it relates
to whether or not various things took place with loans or
with the Madison guarantee or those, the substance as it
relates to the –
Senator Sarbanes. Well, I'm ready to get into those
when the right time comes, but as I understand it –
The Chairman. No, no, I'm not attempting to say to
you, Senator.
Senator Sarbanes. These hearings we set out what they
were to be about, and I think we should stay on focus.
The Chairman. I think we will and I'm going to ask
Mr. Chertoff to resume his questions.
Mr. Lindsey, do you have a copy of the document?

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Mr. Lindsey. No, sir, I do not. I have a copy of the
January document, not an April document.
Mr. Chertoff. You have an April document, too. I'll
get to it in a second.
Mr. Lindsey. No, sir, I do not.
Mr. Chertoff. DKS 180?
Mr. Lindsey. No, sir, I was not.
Mr. Chertoff. We'll get you another copy, then. Take
a look at that. I want to take you through this for a
moment.
Senator Dodd. Mr. Chairman, could I enquire, was this
a document that was in Mr. Foster's papers?
Mr. Chertoff. DKS 180 was a document that was
originally in Mr. Foster's office and was removed and
ultimately made its way over to Williams & Connolly.
Senator Dodd. And how about the April 6, 1992 letter?
Mr. Chertoff. That s the April 6, 1992 letter. The
January 10th document is actually a public record, and I
bring it up only because Mr. Lindsey was asked questions
about this in his deposition, and I wanted to make sure we
had on hand material to refresh his memory.
Now, looking at the January 10th, 1992 document, am I
correct that it was in January 1992 that you added the two
Perry County loans?

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Mr. Lindsey. Yes, you are correct.
Mr. Chertoff. Now, on April 6th, 1992 you – and
that's DKS 180?
Mr. Lindsey. I now have a copy of that.
Mr. Chertoff. DKS 180, let's go down to the
signature. You personally signed the letter on April 6th
transmitting another amendment to this public financial
disclosure report that disclosed that "Governor and
Mrs. Clinton are personal guarantors of a mortgage loan to
Whitewater Development Company"; correct?
Mr. Lindsey. Apparently I did, yes.
Mr. Chertoff. And you notice there is a little fax
line at the top here? That's a fax line from Swidler &
Berlin dated April 7th, 1992?
Mr. Lindsey. I can't see the April. I see 7, 92.
Mr. Chertoff. And was Swidler & Berlin the firm that
was involved in counseling also on matters of election law?
Mr. Lindsey. I don't know if that was true or not.
Mr. Chertoff. You don't know –
Mr. Lindsey. Jim Hamilton is in that firm, but I
don't know if he was counseling on election law or not.
David Ifshin was the counsel to the campaign. Jim Hamilton
was a member of our lawyers' committee and could well have
been involved, but I don't have any direct knowledge that
he was involved.

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Mr. Chertoff. That's the same Jim Hamilton who is the

Foster family lawyer; correct?
Mr. Lindsey. Correct.
Mr. Chertoff. Now, do you know why this particular – and as I said, DKS 180 was actually in Mr. Foster's files.
Do you know why Mr. Foster would have carried forward this document a year later in his files in the White House and why he would have had them there in July of 1993?
Mr. Lindsey. No, sir, I do not.
Mr. Chertoff. Just to move it along a little further, the next one – I think that the next document we've got for you is – before we get to the next document, Mr. Lindsey, let me ask you, this April 6th, 1992 amendment, does this amendment disclosing the Whitewater mortgage loan guaranteed by the Clintons, does the timing of that have anything to do with the fact that Jeff Gerth had written articles in March of the same year?
Mr. Lindsey. Well, it could well have been that the – I don't know that. It could well have been that the article in March reminded the Clintons that they were guarantors on the Whitewater loan and decided they needed to amend their form to reflect that.
Mr. Chertoff. Ms. Thomases, do you have a recollection that in the wake of the Jeff Gerth articles in March there was an effort made to amend the disclosure form

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to disclose that personal guarantee?
Ms. Thomases. I had no knowledge of the disclosure forms.
Mr. Chertoff. You weren't involved in that?
Ms. Thomases. I was not in any way involved in the disclosure forms.
Mr. Chertoff. Do you know – well, you knew, Ms. Thomases, that Mr. Foster was, in fact, working on disclosure matters and tax matters for the Clintons and the White House; right?
Ms. Thomases. Yes, I did.
Mr. Chertoff. Did you ever talk to him about that?
Ms. Thomases. On one or two occasions he mentioned it to me.
Mr. Chertoff. How did it come up?
Ms. Thomases. It came up in his bemoaning how imperfect the records were.
Mr. Chertoff. When you say "imperfect the records," whose records?
Ms. Thomases. The records of the Clintons and the Clintons' accountant, how imperfect they were in terms of a clear understanding of how the transaction had, in fact, been – the records for the transaction had, in fact, been kept.
Mr. Chertoff. Did he tell you that he was having

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difficulty trying to figure out how to handle the taxes for 1992 because of the problems with the records?
Ms. Thomases. He did mention it. Mostly I advised him that what he should do is get a first-class tax lawyer to, in fact, go over it for him.
Mr. Chertoff. Did he tell you why he had in his files or why he was keeping in his files this copy of the Swidler & Berlin fax document relating the April 6th amendment?
Ms. Thomases. We never discussed anything that specific.
Mr. Chertoff. Now, I'd like to move a little further through Mr. Foster's file, the same file here. Actually, sequentially held in the file according to what was produced to us by Williams & Connolly. Right next to this document about amending the presidential disclosure form, it's DKS 178 and 179 if I could put those up?
Mr. Lindsey. I do not have those.
Mr. Chertoff. Let's make sure the witness has a copy, and let's put them up on the Elmo.
Now, this document is a financial statement to Perry County Bank, Perryville, Arkansas named Bill Clinton and Hillary Rodham Clinton, and it's dated May 21, 1990. And this was also in the file right up next to the –
Mr. Lindsey. I'm sorry, that was not what was handed to me.

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Mr. Chertoff. DKS 178 and 179?
Mr. Lindsey. I was handed 179 and I was handed a document that says "public financial disclosure," but it's a different form than the one you have.
Mr. Chertoff. You should have two pages. All right. You have both pages of that now, Mr. Lindsey?
Mr. Lindsey. I guess.
Mr. Chertoff. You have the financial statement to the Perry County Bank; right?
Mr. Lindsey. Yes.
Mr. Chertoff. And at the top of that – it's difficult to read in the Xeroxes; I can tell you I've read –
Senator Sarbanes. Mr. Chertoff, could I inquire – I want to be sure exactly what document we're

working off
of. Could I inquire as to exactly –
Mr. Chertoff. This is not a presidential disclosure
form. This is a bank application, financial statement to
the Perry County Bank. It's DKS 178 and 179.
Senator Kerry. Can we have it here, too?
Mr. Chertoff. I think we furnished a copy. And this,
of course – and this, of course, to be clear is a
document
that Mr. Ben-Veniste and I located when we went
through the
files in Mr. Kendall's office, maybe about a month
ago. It
seems like a year now, but I think it was only about a

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month ago.
Senator Sarbanes. So this is 179?
Mr. Chertoff. Yes. And then 178; I think the Bates
number is a little bit obscured.
Mr. Ben-Veniste. Maybe we need some time to get
these
documents copied.
Senator Kerry. Mr. Chairman, could we just have –
could we clarify once again this document, because I
–
The Chairman. This document was apparently one
that
Mr. Ben-Veniste and Mr. Chertoff were able to obtain
from
Mr. Kendall, came from the files that were turned over
that
went eventually from the White House to the office of
Williams & Connolly, Mr. Kendall, and then made
available
to us about a month ago.
Senator Kerry. Well, do I understand it's 179 and
178?
Mr. Chertoff. Yes, there are two pages. I believe
the 178 is cut off on the way the Xeroxing – the way
we
received the document.
The Chairman. Lower right-hand side, you see 178
and –
Senator Sarbanes. It's just the 1.
The Chairman. It's just the 1 and that's document
178. The Xerox did not totally –
Senator Sarbanes. They don't have the 78 on it.

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Mr. Chertoff. All right.
The Chairman. Mr. Chertoff.
Mr. Chertoff. Now, this is a document which, again,
if I can call your attention to the top, there's a fax line
that's a little difficult to see on probably the multiple
times we've copied this, but it indicates the legend
"Clinton for President" as the fax originator of this
document. You were involved in – and "Clinton for
President" was the title of the campaign organization;
correct?
Mr. Lindsey. Correct.
Mr. Chertoff. Have you seen this document before,
Mr. Lindsey?
Mr. Lindsey. Not that I recall.
Mr. Chertoff. Do you know how this document wound
up
or why Mr. Foster kept this document in his files?
Mr. Lindsey. No, sir, I do not.
Mr. Chertoff. What about you, Ms. Thomases, do you
know how this got into Mr. Foster's files?
Ms. Thomases. I've never seen this document
before,
and I have no idea how it got into Mr. Foster's files.
Mr. Chertoff. Do you know why he would have kept
this
next to the files he was keeping on the Presidential
disclosure statement regarding Whitewater?
Ms. Thomases. No, I have no idea.

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Mr. Chertoff. Now, I'd like you to look at the form
and maybe you can help us out a little here, Mr.
Lindsey.
This is, I gather – I take it you've seen forms like this?
Mr. Lindsey. Well, I may have seen this one, but I
don't recall.
Mr. Chertoff. You think – does this seem to you to
be one of the applications for one of the two Perry
County
Bank loans that was obtained in the 1990 campaign
and was
disclosed in 1992 in the January amendment?
Mr. Lindsey. It's hard to say. We had more than two
bank loans in the 1990 campaign, some of which
were paid
back. So it's hard for me to know which two were still
outstanding and are reflected on the financial
disclosure
statement. It could be, but it is around the date of
one
of the bank loans from the Perry County Bank during
the
1990 campaign.
Mr. Chertoff. You remember there being –
Senator Kerry. Mr. Chairman, could I just ask a
question, again for clarification?
The Chairman. Yes.
Senator Kerry. I'm not trying to slow the process
up. I just want to understand something.
The Chairman. Surely.
Senator Kerry. Were these documents the subject of
the deposition at all?

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Mr. Chertoff. I don't believe these documents were
raised in the deposition. These documents were,
however,
documents which were in Mr. Foster's office.
Senator Kerry. I understand that, but I'm trying to
just – I want to go through the process. Were these
documents available to counsel at the time of the
deposition?

Mr. Chertoff. I don't believe the documents – I didn't take Mr. Lindsey's deposition, but I don't believe this issue came up –

Senator Kerry. Could I ask our counsel – has he seen these?

Mr. Chertoff. Counsel have seen them because we both got them.

Mr. Ben-Veniste. We have seen them and we have argued about the relevance of the subject matter in terms of the detail that has gone into now of these hearings.

Senator Kerry. Were these documents available, Counsel, at the time the deposition of Mr. Lindsey took place?

Mr. Chertoff. I believe that they were available. I think most, both Mr. Ben-Veniste and I –

Senator Kerry. But they were not the subject then of that deposition.

Mr. Chertoff. These particular documents were not the

subject of that deposition.

Senator Kerry. If I could ask another question. I understand these were in the personal files that were sent to the personal lawyers; is that correct?

Mr. Chertoff. That is my understanding; that's what we've been told.

Senator Kerry. And these were turned over to the Committee on what basis?

Mr. Chertoff. These were the documents I think Mr. Ben-Veniste and I, after some toing and froing between the Committee and the lawyers, sat down with Mr. Kendall and reviewed, and then when we selected documents, these were in the group that were furnished to us.

The Chairman. I think there was a question as to whether or not these documents – some of these were redacted; is that not correct?

Mr. Ben-Veniste. We looked at –

Mr. Chertoff. These are not redacted.

Mr. Ben-Veniste. We went over to look at redacted documents to assure ourselves for the Committee that these redactions were appropriate. That is, that those redactions did not exclude from the documents Whitewater-related material. In fact, we assured ourselves, and the Chairman has made a statement, that there were no improper redactions. At the time we went

through the materials, we considered whether at that time there were other materials which might be relevant to other phases of our inquiry as we go through the different stages of these hearings. And we felt that it was appropriate at that time to identify those documents and request them.

But the issue as to whether they are appropriately gone into into depth with witnesses who haven't seen them and haven't been prepared to testify on the substance of these issues is, I think, a real issue.

Senator Kerry. That's part of the issue that I'm raising. That's sort of a first threshold. I think there are several questions raised which just concern me, Mr. Chairman. I want to know sort of where we are with respect to it. These are personal documents, and I wonder if there is any issue of privilege or any question as to whether or not these were meant, at this point, to be made public. Is there any issue as to that?

The Chairman. Let me say this: These documents were turned over by Mr. Kendall to the Committee. The Committee being represented by both our counsels. So I can't see how –

Senator Kerry. I'm just trying to understand. Because the first time – it's the first time I've seen them.

The Chairman. Again, they have been available to the

Committee, both counsels have had them for approximately a month.

Senator Kerry. I understand. But the issue, Mr. Chairman, is – I mean, how many pieces of paper do we have before the Committee?

The Chairman. Well, Senator.

Senator Kerry. And each of us, each of us are preparing for these hearings on the basis of what we believe the scope of the hearings to be. Now, I can understand where counsel is going. And where counsel is going –

The Chairman. Well, Mr. Lindsey has indicated that there are things that he has done, that he hasn't done as it relates to these papers and these documents that

were in
[15] Vince Foster's office. I think counsel is attempting to
[16] ascertain what he did, what he didn't do, what he knew
[17] about them, what the, what the, what the documents were
[18] about, why it may or may not have been appropriate to
[19] remove them, why there may – you know, why people may have
[20] been anxious to remove them –
[21] Senator Kerry. But Mr. –
[22] The Chairman. – and those are things that all come
[23] within the purview of this committee.
[24] Now, to suggest that the scope will be so limited as
[25] it relates to our job that we cannot look or inquire of

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[1] documents that are found as it relates to what their value
[2] may be in this whole, in this whole area, would be to tie
[3] our hands and make this absolutely impossible.
[4] Now, one of the things that Senator Sarbanes and I
[5] will do is attempt to get a clarification from the special
[6] counsel – because we are working under some limitations
[7] here – so that we can go forward in the way that will, I
[8] think, provide a fuller picture and give us an opportunity
[9] to do our job more thoroughly and comprehensively instead
[10] of taking bits and pieces as we're attempting to do.
[11] Because what we've been attempting to do is cooperate with
[12] the special counsel. It has impeded, to a certain extent,
[13] the ability of this committee to get the facts in an
[14] orderly way.
[15] So we're going to attempt to address that, but I am
[16] not going to, at this point in time, curtail Mr. Chertoff
[17] from pursuing this. There will come a point in time,
[18] undoubtedly, that we may reach an area that will go well
[19] beyond. But I think there are documents that were turned
[20] over to us that were in Mr. Foster's files that went to his
[21] lawyer, and he certainly has – as it relates to another
[22] document that talks and makes reference to Mr. Lindsey
[23] being at a particular place, particular time as it relates
[24] to Whitewater; he's trying to refresh his recollection: he
[25] may or may not remember, and he brings out these documents

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[1] to pursue that. It is absolutely within the bounds of this
[2] committee to do that, and I'm going to suggest that we move
[3] along because otherwise we'll be here until 12:00 tonight.
[4] Senator Sarbanes. Mr. Chairman, maybe Mr. Chertoff
[5] should self-curtail himself in this sense. The very ground
[6] rules that Mr. Chertoff and his associates laid down to
[7] people when they were deposed was that we would focus on
[8] paragraph 1.B.1 of the resolution. Now, we are now moving
[9] into other paragraphs of the resolution which no one, in a
[10] sense, prepared for and was – were not to be the focus of
[11] this set of hearings.
[12] Now, I'm not quite sure what's triggered all of this.
[13] I realize the House has gone off on a path that we thought
[14] was sort of precluded to us by the independent counsel, and
[15] that may now have caused some anxiety here about that
[16] situation since they seem to be getting into those areas.
[17] But that, that was not what we were going to do, and we had
[18] a pretty well-defined focus. And obviously at some stage
[19] of our hearings, we'll get into some of these other matters
[20] as well to the extent that they're covered by other
[21] paragraphs of our resolution.
[22] But I do think we're now moving outside of the ground
[23] rules for this set of hearings, and certainly outside of
[24] the very ground rules that counsel gave to people when they
[25] were deposed. In fact, Mr. Lindsey himself was told – he

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[1] said "they quoted the resolution generally and about"
[2] the – what we were to look into. And then went on – I
[3] mean, the broad that we were looked into, and then went on
[4] to tell Mr. Lindsey, now, in section 1.B.1 of Senate
[5] Resolution 120 there's an authorization for an
[6] investigation into "whether improper conduct occurred
[7] regarding the way in which White House officials handled
[8] documents in the office of White House Deputy Counsel
[9] Vincent Foster following his death. Do you understand that
[10] this particular provision will be the focus of your
[11] deposition today?" Mr. Lindsey said yes. And I think, in

terms of just the orderly procedure of this committee, that should remain our focus as it has been our focus. We'll complete this set of hearings, and then at a subsequent time we will schedule other aspects of the resolution.
The Chairman. Senator, we have had endless discussions about the relevance of the documents that were removed. It's always, it's always been the thrust, why were they removed, what was there, there was nothing there, et cetera. Now, these documents were documents that were removed, and there is a relevance. And the –
Senator Bond. These were removed by Ms. Williams and taken to the residence?
The Chairman. These are the documents that were removed from Ms. Williams, taken to the residence and

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eventually found their way –
Senator Bond. So these are precisely the subject matter that we are inquiring about today as to what went out of the office?
The Chairman. That is correct.
Senator Bond. Thank you for the clarification.
Senator Kerry. Well, Mr. Chairman. I have no problem with that part of it. That's not the issue here, and again, I want to come back to this. The question here is not whether these documents are relevant to the overall investigation. But I think what's happening here is you are trying to get these documents in at this point in time through a witness who, on the record of the deposition – I mean, these documents weren't important enough for you to ask him questions at the deposition.
If we're going to apply the Bob Packwood standard of hearings, we ought to ask ourselves why it's necessary.
This shows exactly why you have to have a hearing. So we come in afterwards with stuff we want to ask questions about. But the fact is this witness wasn't at any of those meetings. He's at one meeting. One meeting. He had nothing to do with the decision about the documents.
The Chairman. Senator, I –
Senator Kerry. No, wait a minute.
The Chairman. Senator, if I might, it's exactly that

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point. I don't know how many meetings, if any, he was at.
Senator Kerry. Yes, we do because we have his deposition, Senator.
The Chairman. You know something? You're testifying; you've read the deposition; counsel is going to review. If he says that he was at one meeting or two meetings, if there is a way in which to refresh his recollection, if indeed there are documents that cast a doubt as it relates to his testimony or impeaches his testimony, it is relevant. Now, I don't know. You say you know. I don't know. Certainly I don't think the other members of the Committee know. We're attempting to get the facts and put them on the record. I think that's a reasonable, fair way to do it.
Senator Kerry. That is absolutely reasonable. But the point, the point here is that these documents, these particular bank statement documents –
The Chairman. Yes?
Senator Kerry. – were not part – were, as he said earlier, these are not – number one, he –
The Chairman. Senator, are you attempting to say that we can't ask any witnesses anything outside of the depositions that they've given? Because I would suggest –
Senator Kerry. That's a good argument to go back and revi the resolution we just voted on the other day.

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The Chairman. I don't believe that we are so circumscribed that senators cannot ask questions of the witnesses or present to them materials that were not shown to them or presented or questions raised to them that were not [illegible] at the deposition.
Senator Kerry. Of course not, Senator.
The Chairman. That would so circumscribe us that no one could do anything. If we want to get the facts and get the information, now, obviously we've got to have the ability to go beyond what the scope of the depositions were.

[12] Senator Kerry. I couldn't agree with you more,
[13] Senator. I absolutely agree with that standard, and I hope
[14] we'll all apply it in the future. My only point is that
[15] this particular document, this particular document,
[16] according to his own testimony previously and according to
[17] his knowledge of what Vince Foster was working on or wasn't
[18] or had in his office, doesn't refresh him about anything.
[19] Moreover, it has nothing to do –
[20] The Chairman. Senator, I don't know because I haven't
[21] heard from the witness any explanations, really, or very,
[22] very limited as to them – how he knows about them, does he
[23] know about them, did he prepare them, what was – it seemed
[24] to me at one point he said he didn't prepare a certain
[25] document, and then when he was shown it – or he wasn't, he

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[1] wasn't aware of a report –
[2] Senator Kerry. Senator, even if he knew about them –
[3] The Chairman. And then there is a document which
[4] would seem to indicate that he had intimate knowledge and
[5] prepared it. Now, look, I don't know where this is going
[6] to go, but it seems to me that we have a right to get the
[7] information.
[8] Senator Kerry. The point, Senator, is all of this is
[9] relevant to the overall inquiry. I have no problem with
[10] that. I have no problem with any one of these documents
[11] being asked about. They ought to be. I want every
[12] question asked and every answer provided.
[13] The Chairman. Do you believe by our undertaking
[14] that –
[15] Senator Kerry. Do I just –
[16] The Chairman. – we are going to be infringing or
[17] impinging upon the special counsel's work?
[18] Senator Kerry. Could I once finish the point?
[19] Senator Faircloth. Well, how long is it going to
[20] take?
[21] Senator Kerry. The point is simply that this
[22] document, this document does not pertain to the issue of
[23] his part in the handling of documents. That's the point.
[24] He could have prepared this entire document. And this
[25] entire document could have been sitting in Vince Foster's

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[1] office for however long and been moved. It has nothing to
[2] do with this witness's testimony about the handling of the
[3] documents on the 20th and the 21st. That's the point.
[4] The Chairman. And the point that I'm going to make
[5] here is –
[6] Senator Kerry. So it's a backdoor way to get some
[7] documents in at a point in time that they have nothing to
[8] do with the question of the handling. And I think – you
[9] know, I just think it's – it's sort of a lame way to go
[10] about making things public.
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[1] Senator Murkowski. Mr. Chairman, since we are
[2] expressing what we are thinking, I think it is inappropriate
[3] for the Senator from Massachusetts, and as a Member of this
[4] Committee, to have reference to the Senator Packwood
[5] hearings in any comparison.
[6] I think it is totally inappropriate, and as a Member of
[7] this Committee I am very disappointed in the remarks by the
[8] Senator from Massachusetts.
[9] Senator Kerry. Well let me say to the Senator that
[10] offers a comparison–
[11] The Chairman. (Banging the gavel) All right–
[12] Senator Murkowski. It is totally inappropriate.
[13] Senator Kerry. Now look, I want to say to my friend
[14] from Alaska–
[15] The Chairman. Wait. Wait. Please.
[16] Senator, John, please–
[17] Senator Kerry. Senator, it has never been inappropriate
[18] in the United States Senate for a United States Senator to
[19] comment on something that we vote on in public which
[20] establishes a standard by which we will make judgments. And
[21] so I do not think it is inappropriate at all.

The Senator may not like to live with it, but it is not inappropriate.
Senator Murkowski. Well I will tell you what I have to live with, Senator–

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The Chairman. I am going to make a ruling at this point. The ruling–
Senator Murkowski. I think it is totally inappropriate, and I think the Senator from Massachusetts knows it.
The Chairman. Senator Murkowski, your position is in the record.
Senator Kerry, you have put forth why you are concerned about the introduction and the questioning of this document.
I believe that it goes to the question of knowledge, intent, and motive as it relates to the how and why of these documents and the manner in which they were handled.
Now I am going to permit Mr. Chertoff to continue.
Mr. Chertoff. Thank you, Mr. Chairman.
Senator Faircloth. I would hope he would continue uninterrupted so we could get on with it.
The Chairman. Well...
Mr. Chertoff. Thank you, Mr. Chairman.
Mr. Lindsey. Mr. Chertoff, let me just clarify one thing while that was going on–
The Chairman. Mr. Lindsey, move the microphone–don't be afraid of moving it up there.
Mr. Lindsey. I am not sure it is on.
My sense is that the May loans had been paid off before the 1992 Campaign, so it would not have been one of the two loans reflected in the January amendment to the financial

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disclosure form.
Mr. Chertoff. Well that is even more puzzling then, because as I said, just to make sure we understand exactly what the document is, this is actually a document which was in Mr. Foster's file which, by comparing with the various indices we have, was selected by Mr. Nussbaum and Ms. Williams to go up to the residence and ultimately made its way over to Williams & Connelly after several days.
So the question is why Mr. Foster kept this in connection with his work in 1993.
Mr. Lindsey. Mr. Chertoff, let me speculate on that, since all we are doing is speculating–
Mr. Chertoff. Let me ask the question, Mr. Lindsey.
Let me ask the question–
Mr. Lindsey. Let me say this–
Mr. Chertoff. Mr. Lindsey, let me ask a question first, okay?
Mr. Lindsey. All right.
Mr. Chertoff. Now I want to first of all ask you, I mean you have seen financial statements like this; right?
Mr. Lindsey. I don't know if I've seen this one, but I've seen financial statements.
Mr. Chertoff. If you could put the second page up, I just want to make sure you recognize the signature and read us the date here.

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It is signed by Mrs. Clinton?
Mr. Lindsey. Correct, on May 21, 1990.
Mr. Chertoff. And as with all bank applications, it is certified that the information inserted or incorporated herein has been carefully read and is true and correct; right?
Mr. Lindsey. Correct.
Mr. Chertoff. Now let's go back to the first page for a moment.
We had testimony from you a little earlier about the disclosure of the contingent liability of Whitewater in the 1992 financial disclosure statements.
Mr. Lindsey. By the way, I did not prepare that document.
Mr. Chertoff. Well you transmitted it.
Mr. Lindsey. I clearly signed the document.
Mr. Chertoff. Did you read it?
Mr. Lindsey. I probably read it at the time, yes.
Mr. Chertoff. I assume when you sent it in you believed it was true; right?
Mr. Lindsey. I was told it was true; yes.
Mr. Chertoff. And you believed it; right?
(Pause.)
Are you walking away–
Mr. Lindsey. Yes.

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Mr. Chertoff. –from it, or are you going to stand behind what you sent in on April 6th?
Mr. Lindsey. I was told that the Clintons had a–
Mr. Dodd. Mr. Chairman, this is really–
Mr. Lindsey. –were guarantors on a note from Madison–
Mr. Dodd. Could the witness please hold for a second?
You know, seriously, Mr. Chairman, I think we all understand here that this is about the handling of these documents as it relates to Vince Foster's suicide. There is an appropriate time to really go into all of these matters, and we will, and we should, but clearly here it seems, Mr.

Chairman, we are going beyond that scope.
Seriously, I think in fairness we did reach an agreement
here among ourselves. It has been done well. We have
worked well.
In the handling of the Foster papers, was this the kind
of document that the Park Police would have been interested
in looking at as it relates to suicide?
I mean, that is really what this is all about.
There is a lot of substantive materials that we can be
curious about, and as it relates to Whitewater we are going
to have to get to that; but as it relates to this particular
witness's involvement in the handling of those documents
around the dates of July 20th, the 21st, the 22nd, through
the 26th and 27th, I really do think it gets beyond the

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scope, Mr. Chairman.
The Chairman. Senator, I understand what you have said.
iI want to attempt to, and I am going to do this in a
manner in which people have an opportunity to make known
their objections.
Mr. Chertoff has two more questions with respect to this
document.
I am going to let him conclude that.
We will then receive that, plus Mr. Lindsey's testimony
for whatever it is worth and we will make an evaluation.
Mr. Chertoff?
Mr. Chertoff. Mr. Lindsey, let's get down to where it
says "contingent liabilities" on the bottom of the page, if
you can move the Elmo up.
There is a little line drawn next to it which I will
tell you is the way–it is off to the left of the document.
Someone has made a little bracket.
I will tell you this is the condition it was in at the
time we received it from Mr. Kendall.
Do you know, first of all Mr. Lindsey, why the
contingent liability of the Whitewater guarantee was not
disclosed on this financial statement submitted to Perry
County Bank, if you know?
Mr. Lindsey. I would assume, since they became aware or

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they remembered it was not on our first financial disclosure
in the Presidential Campaign, my guess is that the Clintons
at the time did not recall it.
After Jeff Gerth's article in March, they recalled it.
This document, as you can tell, was prepared two years
before then.
Mr. Chertoff. Do you know why they did not put it in
the document in 1990?
Mr. Lindsey. Well I assume they didn't recall at the
time, just like they didn't recall when we first did the
financial disclosure in the Presidential Campaign that they
didn't recall it, which is the reason why we had to do an
amendment.
Mr. Chertoff. Do you know–did you have any discussions
about this document after 1993, after January 20th, 1993,
this document that is up there, with anybody?
Mr. Lindsey. No, sir.
Mr. Chertoff. Now let me turn to you, Ms. Thomases.
Did you have conversations with Mr. Nussbaum on July
21st or July 22nd, 1993, after Mr. Foster's death?
Ms. Thomases. Yes, I had a conversation with Bernie
Nussbaum.
Mr. Chertoff. One? Or more than one?
Ms. Thomases. Only one I specifically recollect.
Mr. Chertoff. Were you trying to reach him that day?

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Ms. Thomases. Apparently.
Mr. Chertoff. Did you page him in the morning at around
8:00 o'clock?
Ms. Thomases. There is a record that I paged him.
While I do not recollect paging him, I know I wanted to talk
to him.
Mr. Chertoff. Where were you at the time?
Ms. Thomases. Where was I?
Mr. Chertoff. Yes.
Ms. Thomases. When I paged him?
Mr. Chertoff. Yes.
Ms. Thomases. I was at the place that I usually stay
when I come to Washington and stay overnight.
Mr. Chertoff. Where were you when you talked to him?
Ms. Thomases. I think I must have been in my office.
Mr. Chertoff. In Washington?
Ms. Thomases. In Washington.
Mr. Chertoff. Did you use a cell phone to talk to him?
Ms. Thomases. I don't believe I used the cell phone.
Mr. Chertoff. You used the regular land-line office phone?
Ms. Thomases. I think I–I used the land-line office phone.
Mr. Chertoff. Tell us what the conversation was

concerning the handling of a review of records in Mr.

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Foster's office.
Ms. Thomases. I was not looking for Bernie to talk–
Bernie Nussbaum, to talk about the review of documents in
Vince Foster's office.
I was really trying to reach him to talk about how he
was feeling and how he was doing.
I had known that he and Vince had grown to be very good
friends and that it was a very difficult thing for him to
have lost his trusted deputy at this particular time.
I was really calling to check in with my friend to see
how he was doing.
Mr. Chertoff. And what did he say about the documents?
Ms. Thomases. He obviously was very focused on the
documents at that time, where I was not, and he proceeded to
tell me not to worry, that he had a plan, that he was going
to take care of him.
He was kind of, as I said in my deposition, he was sort
of venting.
He seemed to have a very clear sense that he was on top
of it; he was going to handle it; he was going to give
Vince's documents to Lisa's lawyer, and that he was going to
give the Clintons' documents to the Clinton's lawyers, and
that he was going to protect all the Presidential papers.
Mr. Chertoff. Well what did you say?
Ms. Thomases. I said, sounds good to me.

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Mr. Chertoff. That's it?
Ms. Thomases. Essentially.
I mean, I told him, I said I felt bad that he was under
so much pressure; that I hoped to be able to talk to him
when he got back from the funeral.
We talked a little bit about why I didn't think that it
would be wise for me to go to the funeral, and I asked him
to convey my condolences to Lisa.
Mr. Chertoff. I want to get back to the documents, though.
He brought up the subject of the documents?
Ms. Thomases. Yes, he did.
Mr. Chertoff. Just spontaneously?
Ms. Thomases. Yeah.
Mr. Chertoff. Did you know where were documents that
were in the office that were personal to the Clintons'?
Ms. Thomases. I think I did.
Mr. Chertoff. And is that what he focused on?
Ms. Thomases. I didn't focus on anything.
Mr. Chertoff. No. Is that what "he" focused on?
Ms. Thomases. No. He was describing that he was going
to give Vince's personal papers to Lisa's lawyers, and the
lawyers for the Foster estate; that he was going to take the
Clintons' papers and transfer them to the Clintons' personal
lawyer; but that the bulk of the papers were going to be

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about work in the White House and that he was going to have
to reassign them.
Mr. Chertoff. Did he say he was going to take documents
up to the residence?
Ms. Thomases. He did not.
Mr. Chertoff. Now when he brought up the subject of the
documents, you have testified you were calling basically
just to express personal sympathy; right?
Ms. Thomases. That's right.
Mr. Chertoff. And when he brought up the documents, did
you say to him, in substance, Bernie, why don't you just put
the documents aside; I don't want to talk about the
documents?
Ms. Thomases. That was not the nature of my
relationship with Bernie.
Mr. Chertoff. So he got into the subject of the
documents, and you listened: right?
Ms. Thomases. That's right.
Mr. Chertoff. And did you indicate in any way
whatsoever any view about the course that he was preparing
to take?
Ms. Thomases. I indicated that it made sense to me. He
had clearly thought long and hard about it, and he seemed to
feel very sure of the course that he was taking. And I was
not predisposed to disagree with him.

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I don't know that–if I thought he was doing something
terrible, I might have raised an objection, but it all
sounded very well thought out to me.
Mr. Chertoff. Did he tell you that he had had previous
discussions with the Department of Justice about how the
Department of Justice wanted to do this?
Ms. Thomases. No, he did not.

[8] Mr. Chertoff. Did he tell you he talked to the Deputy
[9] Attorney General?
[10] Ms. Thomases. No, he did not.
[11] Mr. Chertoff. Did you say to him, in substance, that
[12] you did have–you did share his view that there should not
[13] be unfettered access to the documents by police?
[14] Ms. Thomases. I really did not hear the term
[15] "unfettered access" until–
[16] Mr. Chertoff. In substance?
[17] Ms. Thomases. –it wasn't–I don't know that he–his
[18] focus was that he was going to do it his way. That's what I
[19] remember from that conversation.
[20] Mr. Chertoff. Did you express in any way a view that in
[21] any way there should be a limitation placed upon the ability
[22] of law enforcement people to look at documents in the
[23] office?
[24] Ms. Thomases. No.
[25] Mr. Chertoff. You expressed no such opinion?

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[1] Ms. Thomases. No, I did not.
[2] Mr. Chertoff. Well, we have evidence in the record that
[3] Mr. Nussbaum expressed to Mr. Neuwirth that you had the view
[4] in substance–I am not saying it is a quote–that the police
[5] should not have unfettered access to the papers in Mr.
[6] Foster's office.
[7] Is it your testimony that you never expressed any view
[8] like that to Mr. Nussbaum?
[9] Ms. Thomases. Yes, it is.
[10] Mr. Chertoff. Did you talk to Hillary Clinton about the
[11] documents in Mr. Foster's office?
[12] Ms. Thomases. I don't remember ever having a
[13] conversation with Hillary Clinton during the period after
[14] Vince Foster's death about the documents in Vince Foster's
[15] office.
[16] Mr. Chertoff. And when you say during the period after
[17] Vince Foster's death, up to what point in time would that
[18] be?
[19] During the next two weeks?
[20] Ms. Thomases. I don't know. I mean, I haven't given a
[21] lot of thought to the period after the next two weeks, but I
[22] think it is at least two weeks.
[23] Mr. Chertoff. And during the two weeks after Mr.
[24] Foster's death, you had no conversation with Hillary Clinton
[25] concerning the documents in Vincent Foster's office?

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[1] Ms. Thomases. That's right.
[2] Mr. Chertoff. It's not a question of not remembering.
[3] You absolutely say you had no such conversation?
[4] Ms. Thomases. Well, to the extent that I remember, I
[5] did not have a conversation.
[6] Mr. Chertoff. And you are firm in that belief?
[7] Ms. Thomases. That's right.
[8] Mr. Chertoff. Let me ask you one last question.
[9] Do you have any knowledge of any document, or any note,
[10] or any part of a note that was ever discovered that had Mr.
[11] Foster's writing that was not turned over to law
[12] enforcement?
[13] Ms. Thomases. Could you repeat the question?
[14] Mr. Chertoff. Do you have any knowledge of any note or
[15] writing that ever existed in Mr. Foster's handwriting that
[16] was discovered by people in the White House and was not
[17] turned over to law enforcement? Something to do with–
[18] anything to do with his motivation about why he might have
[19] taken his life?
[20] Ms. Thomases. I have no knowledge of such a writing.
[21] Mr. Chertoff. Thank you, Mr. Chairman.
[22] The Chairman. Senator Sarbanes?
[23] Senator Sarbanes. Mr. Lindsey, when you were deposed,
[24] do you recall being told that the focus of the deposition
[25] was to be on the handling of documents in Foster's office?

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[1] Mr. Lindsey. Yes, sir.
[2] Senator Sarbanes. In advance of the deposition, did you
[3] have an understanding that was what the deposition would be
[4] about?
[5] Mr. Lindsey. Yes, sir.
[6] Senator Sarbanes. Did you therefore try to prepare
[7] yourself for the deposition in terms of refreshing your
[8] recollection and so forth?
[9] Mr. Lindsey. Well, I had such very limited involvement,
[10] but I did try to refresh my memory with respect to that:
[11] yes.
[12] Senator Sarbanes. Now I noticed when these various
[13] papers were being put before you that you were trying, I
[14] gather, to ascertain where they came from and what

they were
about. That had not been part of your deposition or a
matter that you had prepared for in a sense.
That might come later in these hearings, but as you
understood it was not going to be the subject of
these
hearings.
Is that correct?
Mr. Lindsey. That is correct; yes.
Senator Sarbanes. Did these matters arise during
your
deposition at the time?
Mr. Lindsey. They asked me during my deposition
whether
or not I was aware of an amendment to the financial

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disclosure report during the 1992 campaign. I
responded
that I was familiar with and remembered the
amendment with
respect to the Perry County Bank Loans.
When I responded in that way, they went on to
another
subject.
Mr. Chairman, I yield to Mr. Ben-Veniste. When Ms.
Thomases returns, I have a few questions of her.
The Chairman. Certainly.
Mr. Ben-Veniste. Mr. Lindsey, let me ask you, sir,
whether you had any participation in a meeting on
the 22nd
of July when there was a discussion of a procedure
to be
employed in terms of trying to accommodate the
Park Police
request for information from Mr. Foster's office?
Mr. Lindsey. Yes. I participated in one meeting of
that nature.
Mr. Ben-Veniste. And who do you recall was present?
Mr. Lindsey. I recall that Bernie Nussbaum was
present;
that Jack Quinn was there; that Bill Burton was there.
I
read Steve Neuwirth's testimony and he indicated he
was
there. I did not recall that, but he could well have
been.
Mr. Ben-Veniste. Now with respect to that meeting, is
it fair to say that at that point Mr. Nussbaum was
trying to
figure out a way to accommodate the request of the
Park
Police who are interested in looking for either a
suicide
note or some other writing that might reflect Mr.
Foster's

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mental state at the time of his death? Or perhaps any
information reflecting either financial distress or any
sort
of extortion threat?
Do you recall that?
Mr. Lindsey. Yes. How to accommodate that with the
need for protecting documents that could either be
covered
by one of several privileges–Executive Privilege,
attorney-
client privilege, and so forth.
Mr. Ben-Veniste. And did Mr. Nussbaum articulate
what
he hoped to accomplish in terms of balancing his
obligations
as against the limited requests that were being made
by the
police?
Mr. Lindsey. Again, I don't remember the specifics of
the conversations, but the purpose of the meeting
was to try
to balance their needs so that they could feel that
their
purpose was served and yet still protect the
privileges.
Mr. Ben-Veniste. Do you recall that Mr. Quinn took
the
position that at that point it would be inappropriate to
even permit the police to have access to Mr. Foster's
office?
Mr. Lindsey. Yes. I believe Jack took that position in
the meeting.
Mr. Ben-Veniste. Do you recall that Mr. Nussbaum
disagreed and thought that he would be able to
fashion some
sort of a compromise whereby the police could have
access to

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the office, and could be present while he, Mr.
Nussbaum,
went through the files?
Mr. Lindsey. Yes. At the conclusion of the meeting, I
think Bernie felt like he was going to try to see if he
could accommodate their need with our concern.
Mr. Ben-Veniste. And was that the last of the–the
first and the last of your involvement in the question
of
the papers in Mr. Foster's office?
Mr. Lindsey. Bill Burton, I believe, came back to me
after the meeting and indicated to me that he thought
it had
gone fine; that Bernie's procedures seemed to have
worked;
and that everyone seemed to be okay with the
procedure.
Mr. Ben-Veniste. And did there come a time when
you
learned that the police had reviewed all of the
materials
that they had identified as being of interest to them?
Mr. Lindsey. Yes, sir, I did learn that.
Mr. Ben-Veniste. Good morning, Ms. Thomases.

[18] Ms. Thomases. Good morning.
[19] Mr. Ben-Veniste. May I ask you how it was that you
[20] learned that Vince Foster has died?
[21] Ms. Thomases. I was home in my apartment in New York,
[22] and Hillary Clinton called me.
[23] Mr. Ben-Veniste. What do you recall about that
[24] conversation?
[25] Ms. Thomases. It was very sad. She told me that Vince

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[1] had taken his life. We went through a period of talking
[2] about how sad we felt. We then talked about how hard it was
[3] going to be, not only on his wife but on his three children.
[4] That is what we talked about.
[5] Mr. Ben-Veniste. In that conversation, did anything
[6] come up with respect to any contents of Vincent Foster's
[7] office? Any files?
[8] Ms. Thomases. Absolutely not. It was not that kind of
[9] a conversation.
[10] Mr. Ben-Veniste. Now in that conversation, I believe
[11] you have indicated that Mrs. Clinton knew of your practice
[12] to come to Washington on a regular basis on each Wednesday?
[13] Is that correct.
[14] Ms. Thomases. That's correct.
[15] In fact, she asked me specifically whether I was going
[16] to be going to Washington the next day, and I said to her I
[17] was not able to go early because I had some work that I had
[18] to complete with respect to my practice which required that
[19] I go to my New York office on Wednesday morning, but as soon
[20] as that task was completed that I would–it was my plan to
[21] go to Washington for some other business that I needed to do
[22] that day and that, yes, I would be in Washington.
[23] Mr. Ben-Veniste. And at approximately what time did you
[24] arrive in Washington?
[25] Ms. Thomases. Some time after two o'clock in the

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[1] afternoon.
[2] Mr. Ben-Veniste. So it is fair to say that there was
[3] nothing in the conversation between you and Mrs. Clinton
[4] that caused you to revise your plan to work in your office
[5] in New York, I take it, during the morning that Wednesday of
[6] July the 21st, and then come to Washington as you had
[7] planned to?
[8] Ms. Thomases. There was nothing in my conversation with
[9] Mrs. Clinton that suggested that I should, and I could not
[10] because I had an obligation in another area.
[11] Mr. Ben-Veniste. And what was the request that was made
[12] of you by Mrs. Clinton once you came to Washington in that
[13] initial conversation?
[14] Ms. Thomases. Hillary Clinton asked me to please–she
[15] said to me–she asked me if I had intended to go to the
[16] White House. I said I thought that I might stop by there
[17] and see how people were doing.
[18] She said, would you please find out when my husband, the
[19] President, is going to be there and please be sure to see
[20] him; and, also please be sure to talk to Maggie Williams to
[21] see if she were okay.
[22] Mr. Ben-Veniste. What did you do once you arrived in
[23] Washington?
[24] Ms. Thomases. Since I didn't have to be at my
[25] Washington office until close to four o'clock, I went

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[1] immediately to the White House to see if the President were
[2] available, which I didn't know, and to talk to Maggie.
[3] Mr. Ben-Veniste. And did you talk to the President?
[4] Ms. Thomases. I did not talk to the President at that
[5] time. I came back to the White House after I completed my
[6] work at my Washington office and saw him at that time.
[7] Mr. Ben-Veniste. Later on in the afternoon or early
[8] evening?
[9] Ms. Thomases. Yes, in the early evening.
[10] Mr. Ben-Veniste. What was the substance of that
[11] conversation?
[12] Ms. Thomases. It was more reviewing again our sense of
[13] helplessness and sadness that we had not been as sensitive
[14] as we might have been to what we then believed was a
[15] tremendous amount of pain that Vince must have been in.
[16] We talked about that. He was very specific about how he
[17] had had a conversation with Vince and had intended to have
[18] him at the White House, and we each talked about

opportunities in which we could have in fact perhaps, had we
known of the problem, done something.
Mr. Ben-Veniste. Did in this conversation you had with
President Clinton any question arise with respect to the
contents of Mr. Foster's office?
Ms. Thomases. None whatsoever.
Mr. Ben-Veniste. Who else did you see that day?

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Ms. Thomases. I saw numbers of people who were milling
around the White House sort of coming to terms with their
feelings about Vince's death.
It was sort of like being at a wake. I can't
specifically tell you who I saw and who I talked to. I did
not initially see Maggie when I first went to the White
House that day.
Mr. Ben-Veniste. Did you learn that President Clinton
had assembled the White House staff and spoken to them as a
group in terms of trying to console them in their grief?
Ms. Thomases. Yes. I had learned that. I in fact
regretted that I had arrived too late to be there to hear
his statement, and also to hear Mack speak, Mack McLarty
speak. I did regret that I was not there because it sounded
as if it was sort of a memorial meeting that gave some
solace.
Mr. Ben-Veniste. Did you understand that Mr. Nussbaum
also spoke at that meeting?
Ms. Thomases. So I was told.
Mr. Ben-Veniste. Now do you recall who else you saw
that day?
Ms. Thomases. I know that it is hard to imagine–I
think the only people that I specifically remember seeing,
because I was so focused on seeing the President. were I
stopped by and saw some of the young women who had worked

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for me during the campaign who I knew would have been rather
upset at the idea of a suicide.
I don't really remember specifically. I mean, for
example. I am sure I wanted to see Bruce but I actually do
not specifically remember seeing Bruce.
Mr. Ben-Veniste. Now let's go to the following day.
Did you have a conversation with Mr. Nussbaum on the morning
of the 22nd?
Ms. Thomases. Yes, I did.
Mr. Ben-Veniste. And that is a conversation that you
have described in some detail?
Ms. Thomases. Yes.
Mr. Ben-Veniste. Did there come a time when you had a
follow-up conversation with Mr. Nussbaum in terms of the
procedure that was employed for the review of the document?
Ms. Thomases. I think I spoke to him not necessarily
that day but at some subsequent time in which he told me
that he felt that it had gone pretty well, but I don't think
it was necessarily on that day.
Mr. Ben-Veniste. Now, Ms. Thomases, you were asked
about whether there was some other writing than the one that
we have all been talking about over these four weeks of
hearings that was found but never disclosed.
You have answered that question in the negative.
Let me ask you whether you have any knowledge from any

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source that any document or writing whatsoever from Mr.
Foster's office was either destroyed or obfuscated or hidden
in some way from the investigators?
Ms. Thomases. I have no knowledge of any document that
was hidden or not disclosed to the investigators.
Mr. Ben-Veniste. Mr. Lindsey, let me ask you the same
question, sir. Do you have any knowledge from any source as
to whether any document in Mr. Foster's office was
obliterated, destroyed, shredded, or otherwise made
unavailable to the police in connection with the request
that they had made?
Mr. Lindsey. No, sir, I do not.
Ms. Thomases. I would just like to say, I don't know
that everything was made available to them. I just don't
know that anything was destroyed or obliterated.
Mr. Ben-Veniste. Well that was my question–
Ms. Thomases. Yes.
Mr. Ben-Veniste. –Ms. Thomases, whether you have
knowledge–not direct knowledge; that was not the limitation
of my question, so that you understand it–whether you have
knowledge from any source, direct or indirect, as to whether

any material from Mr. Foster's office was in any way destroyed?
Ms. Thomases. I have no information.
The Chairman. Senator Sarbanes?

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Senator Sarbanes. I just wanted to follow up on something in your opening statement because I did not see it come out in the depositions.
You would come to Washington every Wednesday?
Is that correct?
Ms. Thomases. Pretty much every Wednesday.
It was an easier way for me to organize my life so that if people wanted to see me that they knew that the day they could see me in Washington was on a Wednesday.
Senator Sarbanes. And how long had you been following that practice?
Ms. Thomases. I started doing it shortly after 1982.
Senator Sarbanes. 1982?
Ms. Thomases. 1982.
Senator Sarbanes. So you would come down to your firm's Washington office every Wednesday, or more or less every Wednesday?
Ms. Thomases. Yes.
Senator Sarbanes. Now–so when you came on a Wednesday, which was the day after Vince Foster's death, that was a regular scheduled visit to Washington?
Ms. Thomases. Yes, it was.
I had some business to do that afternoon at my office, which is why I left the White House after originally coming, and went over to my office.

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Senator Sarbanes. Had you been programmed to come to Washington that Wednesday before Vince Foster's death?
Ms. Thomases. Yes, I had been.
I was supposed to be there Wednesday afternoon, and I ended up staying over.
I might have stayed over anyway because I had a noon meeting the next day in Washington on Thursday.
Senator Sarbanes. I see.
But when you found out about Vince Foster's death on Tuesday might, you were already scheduled to come to Washington on Wednesday, as part of your regular coming to Washington?
Ms. Thomases. Yes, Senator, I was.
Senator Sarbanes. All right, now, do I understand that on these visits to Washington, once the Clinton Administration took office, you would visit with your various friends on occasion in the Administration?
Ms. Thomases. Yes, I did.
Senator Sarbanes. And you would go around and see everybody?
Was that the idea, and touch base, as it were?
Ms. Thomases. I didn't see everybody–
Senator Sarbanes. Well, all right–
Ms. Thomases. –but I tried to touch base.
I primarily went to see people who–particularly the

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scheduling people–who continued to include me in their thinking about how best to complete the schedule.
Senator Sarbanes. So that was in a sense a carry-over from the work you did during the campaign?
Ms. Thomases. Yes, it was.
Senator Sarbanes. I yield the balance of my time to Senator Kerry.
Senator Kerry. Mr. Lindsey, if I could come back from that series of things, I just want to try to clarify with you if I can.
Did you have anything to do with the search of Vince Foster's office?
Mr. Lindsey. No, sir, other than I attended this one meeting.
Senator Kerry. Correct. But I want to go through this sequence here for a minute, if I can just ascertain your involvement with a precision that I think is not there at this point.
In the immediate–on the evening that you learned of his death you were at the house?
Mr. Lindsey. I was at the White House.
Senator Kerry. –at the White House.
And you had some conversation with the President, but you never went over into Vince Foster's office that evening?
Mr. Lindsey. That's correct.

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Senator Kerry. Did you have any contact with his office? Were you present in his office at any time the next day?
Mr. Lindsey. No, sir.
Senator Kerry. Were you present at any time in any of the discussions with Park Police?
Mr. Lindsey. No, sir.
Senator Kerry. Were you present at any time in any of the discussions with the Justice Department?

[10] Mr. Lindsey. No, sir.
[11] Senator Kerry. Were you present at any time on the
[12] second floor area on the 21st, the day after?
[13] Mr. Lindsey. Not that I recall
[14] Senator Kerry. Were you present with Maggie Williams or
[15] any of the other parties that were searching through files?
[16] Mr. Lindsey. No, sir.
[17] Senator Kerry. Were you part of the decision at all
[18] that had to do with the transfer of the box to the
[19] residence?
[20] Mr. Lindsey. No, sir.
[21] Senator Kerry. Did you have any knowledge of a box
[22] being transferred to the residence?
[23] Mr. Lindsey. No, sir: not at the time.
[24] Senator Kerry. Did you have any knowledge of anything
[25] at that time being put into the residence?

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[1] Mr. Lindsey. No, sir.
[2] Senator Kerry. Did you on the day after that, did you
[3] have any conversation with Bernie Nussbaum that day?
[4] Mr. Lindsey. Which day are we talking about?
[5] Senator Kerry. The 21st.
[6] Mr. Lindsey. Not that I recall–
[7] Senator Kerry. The day after–
[8] Mr. Lindsey. –probably, but I–well, I think after he
[9] spoke at this service we had at noon, I think I would have
[10] gone up to him and told him I appreciated his comments.
[11] Senator Kerry. But you have no recollection of any
[12] substantive conversation?
[13] Mr. Lindsey. No, sir.
[14] Senator Kerry. Did you have anything to do with–did
[15] you have any discussions with the Justice Department that
[16] day or the next day?
[17] Mr. Lindsey. No, sir.
[18] Senator Kerry. Were you–did you have any knowledge
[19] whatsoever of the specific documents that were in Vince
[20] Foster's office?
[21] Mr. Lindsey. No, sir.
[22] Senator Kerry. So your first contact–and I understand
[23] only contact–with the handling of the documents, which is
[24] the subject of today's hearing, was the one meeting that
[25] took place in the Chief of Staff's office?

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[1] Is that correct?
[2] Mr. Lindsey. That is correct.
[3] Senator Kerry. And present at that meeting were?
[4] Mr. Lindsey. Bernie Nussbaum, Jack Quinn, Bill Burton,
[5] myself: I now know Steve Neuwirth says he was there; I do
[6] not recall his being there.
[7] Senator Kerry. And how did you come to be at that
[8] meeting?
[9] Mr. Lindsey. I think Bernie asked me to join it.
[10] Senator Kerry. And the subject of that meeting was?
[11] Mr. Lindsey. How to accommodate the Park Police's
[12] desire to look for a suicide note with the various
[13] privileges that would exist with respect to the documents in
[14] Vince's office.
[15] Senator Kerry. Did you personally take part in that
[16] conversation?
[17] Mr. Lindsey. Yes. I think in the end I came out about
[18] where Bernie was, which was that we could probably set up
[19] some procedure by which he would describe the documents to
[20] them and indicate that they had nothing to do–they were not
[21] suicide notes; they did not go to Vince's state of mind. So
[22] I think I was–there were people who wanted to be more
[23] aggressive, if I can use that term, but I think I came out
[24] about where Bernie came out.
[25] Senator Kerry. When you say "more aggressive," can you

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[1] describe precisely what you mean by that?
[2] Mr. Lindsey. Well, I was asked whether–I think Jack
[3] Quinn's position was that we should not allow them into the
[4] room at that time.
[5] Senator Kerry. And the reason stated for that, do you
[6] recall?
[7] Mr. Lindsey. Again, there were documents that I was
[8] told that had all sorts of privileges: had executive
[9] privilege, attorney-client privilege, perhaps work product
[10] privilege; and that therefore until those issues could be
[11] resolved that others whose presence would violate those
[12] privileges should not be there.
[13] Senator Kerry. Did you accept at that time the
[14] legitimacy of those issues with respect to privilege?
[15] Mr. Lindsey. Oh, absolutely.
[16] Senator Kerry. On what basis?
[17] Mr. Lindsey. Well, one of the things–I am now in the
[18] Counsel's office–one of the things we deal with every day
[19] is how to accommodate various needs of Senate Committees.
[20] House Committees and others with the privileged nature of
[21] many of the documents that we have in our offices.

[22] Senator Kerry. Let me ask you directly, Mr. Lindsey.
[23] Was there any discussion there among those present about any
[24] issues of embarrassment or liability or questions that you
[25] somehow felt were of particular concern?

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[1] Mr. Lindsey. Absolutely not. It was simply a question
[2] of the legal principles involved.
[3] Senator Kerry. And how long did this discussion go on?
[4] Mr. Lindsey. I am guessing 35 to 40 minutes. It could
[5] have been longer than that, or shorter than that.
[6] Senator Kerry. Were you able to come to a conclusion
[7] among you as to how this review or investigation should be
[8] conducted?
[9] Mr. Lindsey. I think in the end Bernie, who was going
[10] to have to make the call, decided on a procedure that he
[11] thought would accommodate both the Park Police's need and
[12] the privilege issue.
[13] Senator Kerry. Was there any discussion at all of any
[14] documents having been moved anywhere at that point in time?
[15] Mr. Lindsey. No, sir.
[16] Senator Kerry. Did anybody know of any documents having
[17] been moved at that time?
[18] Mr. Lindsey. Not that I am aware of.
[19] Senator Kerry. Now was that your only contact with the
[20] entire question of the handling of documents?
[21] Mr. Lindsey. Other than Bill Burton reporting back to
[22] me after the procedure that he thought it had gone fine.
[23] Senator Kerry. Now the documents that you were shown
[24] here this morning, had you seen all of those documents
[25] previously?

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[1] Mr. Lindsey. No, sir. Some of them I maybe had never
[2] seen before.
[3] Senator Kerry. Had you ever seen the Perry Bank
[4] document before?
[5] Mr. Lindsey. It is possible that in May of 1990 when we
[6] filed it with the Perry County Bank that I saw it then, but
[7] I have not seen it since then.
[8] Senator Kerry. And your role within the Campaign with
[9] respect to the letter you wrote to the Federal Election
[10] Commission was what?
[11] Mr. Lindsey. I was originally the treasurer: later, the
[12] deputy treasurer of the 1992 Presidential Campaign.
[13] Senator Kerry. But in 1993, I believe it was, when you
[14] sent–or nineteen–yes, it is, 1992, April–
[15] Mr. Lindsey. I was campaign director on the campaign.
[16] But when we initially filed our papers with the Federal
[17] Election Commission, I was designated the treasurer of the
[18] committee.
[19] Later when Bob Farmer became the treasurer of the
[20] committee, I believe they designated me as a deputy
[21] treasurer.
[22] Senator Kerry. And that letter that you sent was a
[23] normal part of the campaign finance disclosure process?
[24] Mr. Lindsey. Yes. Again, I assume that someone, after
[25] the Jeff Gerth story, realized that there was this

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[1] contingent liability and felt like we needed to amend our
[2] form.
[3] Senator Kerry. Now is there anything unusual– you are
[4] now in the Counsel's office?
[5] Is that correct?
[6] Mr. Lindsey. Correct.
[7] Senator Kerry. With respect to campaign finance issues
[8] and disclosure, those are ongoing legal issues that involve
[9] the President of the United States and the public, do they
[10] not?
[11] Mr. Lindsey. Yes.
[12] Senator Kerry. Is it a normal course of business within
[13] the White House for the White House Counsel's office to be
[14] involved in campaign finance disclosure issues?
[15] Mr. Lindsey. Yes. There are many issues that involve
[16] the President both as a candidate and as the President, and
[17] therefore to that extent the White House Counsel's office
[18] will be invoked as well as outside counsel.
[19] Senator Kerry. Is there anything unusual about campaign
[20] finance documents or the underlying documents on which they
[21] might be based being part of the counsel's records?
[22] Mr. Lindsey. No, I would not think so. In addition, if
[23] you were in the process of preparing financial disclosure
[24] statements, my sense is you would want previous financial
[25] disclosure statements to review as part of that process.

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Senator Kerry. Now I take it that each of these documents which were part of the documents sent over to the Office of Personal Counsel, which is where these have purported to come from on the basis of counsel's statement. Each of the documents is a copy of a document that is on public record in some other public agency, or private institution. Is that correct? In other words, this letter to the FEC is on record with the FEC?

Mr. Lindsey. Yes, that's correct.

Senator Kerry. And the bank document is on record with the bank?

Mr. Lindsey. That would be correct, as well.

Senator Kerry. And the prior financial disclosure ethics form is on record in the public agency either in the Ethics or I suppose in the Campaign Finance?

Mr. Lindsey. Correct.

Senator Kerry. So none of these documents were sole documents that could somehow be scurried away into oblivion?

Mr. Lindsey. No, sir.

Senator Kerry. Now do we have time–Well, I will wait for my other round. I do have some questions for Ms. Thomases.

The Chairman. Senator, why don't you continue.

Senator Kerry. Senator. I would just like to say, to clarify the record on our earlier exchange, that, Mr. Chairman, I think you have done an outstanding job here. I want to say that publicly: that my objection previously is not based on any sense of unfairness. I think you have done a wonderful job of keeping an even keel here and of being extremely judicious in this process.

I also have some questions which I want to ask Ms. Thomases which I consider hard questions, but I am not trying to in any way not have something come before the Committee.

But I do think that these particular witnesses' connection to the actual handling of documents is so tangential that this particular document, which has an appropriate place in the proceedings, simply does not lend itself to the appropriate kind of further–

The Chairman. Examination?

Senator Kerry. –elucidation of fact from other people who may have handled it, who may know more about it, who have greater dealings with it.

The Chairman. All right.

Senator Kerry. So all I want to say is, Mr. Chairman, I think that you have–this Committee has been somewhat handicapped by the Special Counsel's structure. There is a

legitimate issue raised now with the House hearings, and I think you have done a very fair job of walking that line, too.

So I just want the record to reflect that my questions are based on how I think the Committee can best get at this with respect to–

The Chairman. And I appreciate those comments.

Senator Kerry. I do have questions for Ms. Thomases, but I think fairly the light is one and I do not want to go out of turn.

The Chairman. Let me ask, would the witnesses want to take a five-minute break?

Ms. Thomases. I am okay.

Mr. Lindsey. I would like to, as some point.

The Chairman. Ms. Thomases, are you–

Ms. Thomases. He would like to.

Mr. Lindsey. At some point.

The Chairman. Well, we can do it now, or we can turn to Senator Bond.

Why don't we do Senator Bond's questioning, and then we will take a five-minute break.

Senator Bond. Well, Mr. Chairman, I was going to start my questions for Ms. Thomases, so if Mr. Lindsey would like to take a break I can begin with the questions for Ms. Thomases.

The Chairman. Very good.

Senator, do you want to proceed?

Mr. Lindsey. Senator D'Amato, can I make one comment? This goes sort of to what Senator Kerry said. I had not seen these forms before. I am looking at the financial disclosure form.

There is, under "liabilities," at $50,000 liability, secured liability, under "notes payable to banks." It is possible that the liability that was disclosed in the report, the April report to the FEC, is contained within

that $50,000.
Again if I had had an opportunity to review these, I might be able to know that as a fact. But to leave the impression that it is not reflected on this at all based upon my testimony, having not have an opportunity to look at this document before, I think is misleading.
The Chairman. Okay. We will note that and we will even look into that.
Senator Bond?
Senator Bond. Thank you very much, Mr. Chairman. Good morning, Ms. Thomases. I know this has been a long morning, and we have gone around and around about a lot of things.
I would like just to go over fairly simply some of the things that you have already testified to to see if we can

clarify a number of things.
I am taking these questions essentially from your depositions. I understand that you considered and still consider Mrs. Clinton a close friend?
Ms. Thomases. Yes, I do.
Senator Bond. You were involved in Whitewater in the first quarter of the 1992 campaign in response to a press inquiry when Mrs. Clinton asked you to get involved?
Ms. Thomases. That is true.
The Chairman. You continued to represent the Clintons after the election with respect to Whitewater Development Corporation?
Ms. Thomases. I continued to be interested in it. I don't know that I "continued to have an active role in it because the primary role was turned over to Jim Lyons during the campaign.
Senator Bond. Thank you.
And in dealing with this, your primary contact was Mrs. Clinton rather than the President or the then-Governor? Is that correct?
Ms. Thomases. The then-Governor was primarily on the road and, while I talked to him about scheduling matters, when it came to talking about Whitewater I usually, if I talked to anyone, it was to Hillary Clinton.
Senator Bond. All right.

During the first part of 1993, you testified that in a limited way you discussed with Vince Foster Whitewater and the importance of clarifying what their tax obligations were.
Ms. Thomases. He talked to me about his desire to clarify what their tax obligations were, and I endorsed that approach and felt that he ought to get expert tax advice in order to do that.
Senator Bond. Did you have any other discussions about Whitewater with Mr. Foster in that time period that you recall?
Ms. Thomases. I can't recollect specifically, but I did–Yes. I talked to him about the importance of–his sense of importance of figuring out how to dispose of the assets. But that was sort of in December of '92, and not in '93.
Senator Bond. You talked with Mr. Foster fairly regularly, though?
Ms. Thomases. Yes.
Senator Bond. Now you stated you did not give any directions to Mr. Nussbaum about the handling of the document, but you did have a number of conversations with Mr. Nussbaum on July 21st or 22nd about Vince Foster's office?
Ms. Thomases. I don't remember having "a number" of

conversations with him. I really remember only one conversation on the 22nd.
I may, as I said, I may have had a subsequent conversation with him after the 22nd.
Senator Bond. From your deposition, page 70, the question was in your conversation with Mr. Nussbaum either on the 21st or the 22nd. You said you didn't have a perfect time sequence, and you said you mean I had a number of conversations with him in those two days. That was the deposition.
Ms. Thomases. I remember a conversation before he handled the documents, and I remember a second conversation when he told me it was completed and that he had been satisfied with how it went.
I cannot tell you for sure that that second conversation also took place on the 22nd.
Senator Bond. You have described discussing with

Bernie
[18] Nussbaum having David Kendall come take control of the
[19] personal papers of the Clintons?
[20] Ms. Thomases. I corrected that in my deposition. I
[21] must have telescoped in my deposition. I went on at the
[22] later time to say that I do not think David Kendall was yet
[23] involved, and that it was just someone from Williams &
[24] Connelly.
[25] Senator Bond. You stated that Bernie Nussbaum indicated

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[1] to you that he had a responsibility to protect the
[2] President's papers?
[3] Ms. Thomases. Yes.
[4] Senator Sarbanes. Senator Bond, could you tell us what
[5] pages you are working from on the deposition?
[6] Senator Bond. Page 75. That question was from page 75.
[7] The previous question was from pages 72.
[8] The next question is from page 80. In come days
[9] subsequent to the review, Mr. Nussbaum told you that the
[10] review had been done in an orderly fashion?
[11] Is that correct?
[12] Ms. Thomases. That's correct.
[13] Senator Bond. On page 95 you said that Mr. Nussbaum was
[14] venting how he was going to do it. That is your
[15] characterization of Mr. Nussbaum's style of conversation?
[16] Ms. Thomases. Bernie and I have had a long-time
[17] relationship, and, yes, he was going on at a pretty intense,
[18] fast rate when he was talking to me.
[19] Senator Bond. I have had occasion briefly, upon
[20] occasion, to meet Mr. Nussbaum and I think the
[21] characterization may be an appropriate one.
[22] You talked on page 109, you said you talked to Maggie.
[23] You recall talking to Maggie on both dates, referring to the
[24] 21st and the 22nd.
[25] Ms. Thomases. That is correct.

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[1] Senator Bond. Now Ms. Thomases, I am going to ask that
[2] they put up on these magic machines here the documents that
[3] you furnished us.
[4] First let's start out with ST-00-0001. These are time
[5] records from I guess your New York law office?
[6] The first one is "0001." It should be the very first
[7] page.
[8] Is that from your New York office?
[9] Ms. Thomases. Apparently it is.
[10] Senator Bond. The first call identified on the left-
[11] hand side, 8:51, says on July 22 there was a call at, as I
[12] interpret military time, to be 5:23 in the afternoon. Do
[13] you see that call?
[14] Ms. Thomases. Yes, I do.
[15] Senator Bond. Is that a call–do you have independent
[16] know that that is a call that you made?
[17] Ms. Thomases. I remember talking to Maggie. I can't
[18] remember whether this was one of the specific calls I
[19] recollect.
[20] Senator Bond. But let me ask you about that number,
[21] 2668, the first one. I believe that was–was that Mr.
[22] Lindsey's number?
[23] Ms. Thomases. That's Mr. Lindsey's number.
[24] Senator Bond. And the third–that was at 5:23. The
[25] third line down, the one that begins 8:58, is 5:13 and that

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[1] was to 6256.
[2] Ms. Thomases. Yes, that was.
[3] Senator Bond. And that would have been to Maggie
[4] williams.
[5] Ms. Thomases. That would have been–no, it may have
[6] been to Maggie Williams. It was to the First Lady's Old
[7] Executive Office Building Office. That was the general
[8] office, and so far as I know still the general office number
[9] to that office.
[10] Senator Bond. Was there anybody else in that office to
[11] whom you would have spoken nine minutes and 30 seconds?
[12] Ms. Thomases. It is unlikely that there is anyone else
[13] I would have spoken to for that period of time, which is why
[14] I am willing to accept your characterization of it.
[15] Senator Bond. Well we are trying to do the best we can.
[16] I have had a similar experience of trying to reconstruct
[17] things, and I appreciate your making that effort.
[18] The next page, 0002, shows a call on July 22 at what
[19] would be 7:12 in the evening to 501-664-3192. Could you
[20] tell us what–Do you recall that residence number?
[21] Ms. Thomases. I believe that is the residence number of
[22] Ms. Rodham.
[23] Senator Bond. In Arkansas?
[24] Ms. Thomases. In Arkansas.
[25] Senator Bond. The next page, 0003, this was from the

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[1] Washington office of Wilke, Farr & Gallagher, and it

shows
[2] the unredacted portion. It shows five calls, all 11:00 a.m.
[3] The first three of them were to the 6266 number; and the
[4] fourth one is the 6797, and so is the 5th one.
[5] Would those have been your calls? And do you know to
[6] whose offices those would have been?
[7] Ms. Thomases. The 6266 office is the same–is the First
[8] Lady's old EOB office.
[9] Senator Bond. And the 6797, is that the Chief of Staff,
[10] Mr. McLarty's, office?
[11] Ms. Thomases. Yes, that is the chief of staff, Mr.
[12] McLarty's office.
[13] Senator Bond. Having looked at those calls, does that
[14] reflect your–help you recall to mind the people to whom you
[15] might have spoken on those occasions?
[16] Ms. Thomases. Well, I believe I talked to Maggie
[17] Williams the morning of the 22nd. I do not think I ever
[18] reached Mack McLarty on the phone, although I think this
[19] call to his office was part of my continuing effort maybe to
[20] speak to him.
[21] Senator Bond. And the final page of those documents,
[22] which I believe 0006, shows–or another Washington station
[23] report from Laurie O'neill station. That was submitted to
[24] us by you.
[25] It shows that on July 22 at 10:40 a.m. in the morning.

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[1] there was also a call to 6797. Is that a call that you
[2] would have made?
[3] Ms. Thomases. Not from Laurie O'neill's stations. She
[4] is my Washington Secretary.
[5] Senator Bond. Well is it possible that she placed the
[6] call for you?
[7] Ms. Thomases. That is possible.
[8] Senator Bond. I mean, Ms. O'neill would not be calling
[9] Mr. McLarty on her own, would she? She wouldn't be calling
[10] up and chatting with him?
[11] Ms. Thomases. If there was a message to be delivered,
[12] she might.d
[13] Senator Bond. So it went from your secretary to Mr.
[14] McLarty's office.
[15] I am going to ask that we put up a chart that I think
[16] shows in summary these calls. I believe we have gone
[17] through those. It shows Ms. Thomases that there is a page
[18] to Mr. Nussbaum at 8:01. You have previously described the
[19] message slip to Ms. Williams.
[20] Then from the period 10:48 through the period 11:54, you
[21] spent most of that time, it appears, a very large part of
[22] that time, in calls to the chief of staff's office, or the
[23] office of the chief of staff of the First Lady.
[24] Is that correct?
[25] Ms. Thomases. Well when I called Maggie Williams

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[1] through the 6266 number, which is not her direct line, and
[2] when I would call the chief of staff at his number, I would
[3] not necessarily reach them immediately.
[4] Now sometimes they were on the phone; sometimes I would
[5] hope when I recall Mack McLarty's number.
[6] I never actually remember speaking with Mack McLarty at
[7] his number during that period.
[8] With respect to Maggie, I do remember having two
[9] substantial conversations with Maggie on the 21st and the
[10] 22nd, but I also–but I used to call her, or usually called
[11] her on her direct line. The 6266 is not her direct line.
[12] I might have been trying to reach some of the other
[13] people, whether successfully or unsuccessfully, at that
[14] 6266–through that 6266 number.
[15] Senator Bond. Now, Ms. Thomases, the reason that these
[16] are of interest from other testimony wee have heard is that
[17] Mr. Nussbaum either reached an agreement or had an
[18] understanding with Mr. Heymann and the Department of Justice
[19] how the files were going to be handled in Mr. Foster's
[20] office.
[21] Then when the team from the Department of Justice
[22] arrived about ten o'clock on the morning of that day–
[23] The Chairman. Senator, let me–I mean, we are well over
[24] the time. I think you are going to need some more time to
[25] develop this. So rather than curtailing you or trying to

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[1] put it in, let go to Senator Sarbanes and then we will come
[2] back with you.
[3] Senator Sarbanes. Senator Dodd?
[4] Senator Dodd. Thank you, Mr. Chairman.
[5] Let me, if I can, first of all as I understand it, Mr.
[6] Lindsey, your only involvement here with these

papers
[7] involved the meeting that you attended on the morning, I
[8] gather, of the 22nd?
[9] Mr. Lindsey. That is correct.
[10] Senator Dodd. Is that correct?
[11] Mr. Lindsey. (Nods in the affirmative.)
[12] Senator Dodd. And who was that that meeting? It was
[13] yourself–
[14] Mr. Lindsey. Bernie Nussbaum, Jack Quinn, Bill Burton,
[15] and Steve Neuwirth indicates he was there although I did not
[16] recall that.
[17] Senator Dodd. And the meeting, to your recollection,
[18] occurred maybe around 40, 45 minutes, maybe a little longer,
[19] I think I heard you state?
[20] Mr. Lindsey. It could be shorter, it could be longer.
[21] It is somewhere in the 30 to 45 minute range, yes.
[22] Senator Dodd. And the subject of that meeting was
[23] fundamentally to talk about how the search of Vince Foster's
[24] office would be handled?
[25] Mr. Lindsey. With respect to the Park Police, yes.

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[1] Senator Dodd. And that was really the sum and substance
[2] of that meeting?
[3] Mr. Lindsey. Yes.
[4] Senator Dodd. Do you recall–and I realize we are going
[5] back here now quite some time, but do you recall
[6] interruptions of that meeting, telephone calls, people being
[7] asked to step out of the room, and so forth?
[8] Mr. Lindsey. I don't recall the meeting well. In my
[9] deposition someone indicated that, could it have been that
[10] at some point the meeting got moved from the Chief of
[11] Staff's office to the Vice President's office, which is
[12] right next door to it, and that triggered a recollection
[13] that that may have occurred.
[14] So, yes, this was not a–this was a meeting that people
[15] were in and out of, up and down, taking other calls, dealing
[16] with other matters, as well. So I don't–it was not that we
[17] were sitting around a table or something. We were just–I
[18] was primarily using Mack's office just because it was right
[19] there on the first floor near where we all were.
[20] Senator Dodd. Ms. Thomases, the reason why–and again
[21] looking at the call list in that time, this was roughly the
[22] time that meeting occurred?
[23] Is that right, Mr. Lindsey?
[24] What time did the meeting occur? Do you recall?
[25] Mr. Lindsey. My sense was somewhere in the 10:00 to

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[1] 12:00 o'clock range.
[2] Senator Dodd. Well the implication here, Ms. Thomases,
[3] as you can see what is trying to be developed, is that while
[4] this meeting is going on there appear to be several calls
[5] that are made to the Chief of Staff of the First Lady, and
[6] then to Mr. McLarty's office.
[7] Now Mr. Burton the other day was not clear, as I recall
[8] his testimony, in recalling–he remembered talking to you
[9] about arrangements to go to a funeral, and he could not
[10] recall whether or not it was the President's mother or in
[11] face Vince Foster's funeral.
[12] Do you recall talking to Mr. Burton about arrangements
[13] and whether it was manifest to be on the flight with the
[14] First Family or not?
[15] Do you have any recollection of that?
[16] Ms. Thomases. I don't–
[17] Senator Dodd. And could that have occurred in this
[18] particular–what I am getting at is obviously whether or not
[19] that would have been the subject of at least two of those
[20] calls.
[21] Ms. Thomases. I don't remember specifically talking to
[22] Bill Burton about this, but it is highly likely. When I had
[23] talked to the President on the evening of the 21st, he had
[24] been kind enough to offer me the opportunity to fly on his
[25] plane when he went to Little Rock for Vince Foster's

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[1] funeral and I thought long and hard about that.
[2] I was very fond of Vince, and I am a strong believer in
[3] going to the funerals of people I care a lot about.
[4] However, for me to stand in the heat, which I knew was what
[5] there was in Arkansas, in the summer was summer that would
[6] not have been something that was good for my health. So I
[7] went back and forth and back and forth.

I am sure I probably told Bill Burton or Mack or Bruce when I called him the next day to tell the President that I had considered it but would not be accepting his generous offer of a seat on his plane.

Senator Dodd. I don't want to get into a lengthy discussion of this, but could you just describe what sort of health problems you would have that would relate to that?

Ms. Thomases. I have MS, and MS is a disease that is aggravated by intense heat, which is what the Arkansas sun is.

Senator Dodd. So it is possible that on that morning those two calls, the 6797 calls, in fact could have related to that particular subject matter, in light of your conversation with the President the evening before?

Ms. Thomases. One of the things. But as I said earlier, my primary goal probably was to reach out and speak to Mack and find out how he was doing.

Senator Dodd. Well let me ask you very directly. At

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any point that morning did you make any phone calls to try and interrupt the meeting that was occurring, or to get a message into this meeting with Mr. McLarty and others to influence the outcome in some way of how these papers were going to be handled?

Ms. Thomases. I had no idea that such a meeting was occurring, so no, I did not call. For whatever other reason I called, I did not call to interrupt or reach anybody in a meeting that I didn't know even existed.

Senator Dodd. And other than the conversation you had on the 21st, and I am speaking about conversations here on the 22nd, one of the times there shows a call at 11:37.

Again I realize we are going back two years ago now in talking about 11:37 and 11:36.

As I said, I do not know many of us on this side of the table who could tell you who they talked to yesterday at what time, but nonetheless the records are here. There is an 11-minute time.

Now that number is to the main line, is it not? It is not uncommon for you to be placed on hold? It is a main line going in.

Do you recall specifically some lengthy conversation with Maggie Williams that morning about matters relating to Vince Foster's papers?

Ms. Thomases. I don't–I have to tell you, I had no

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conversation with Maggie Williams about Vince Foster's papers. I can imagine myself talking to Maggie at length.

Maggie was very upset by Vince's death, and I thought of her often on the 22nd.

I could have called and talked to her. I could have called and talked to Evelyn to find out how she was doing.

Any of those things could have caused me to call that 6266 number. But I wasn't calling Maggie Williams about any papers.

Senator Dodd. Now you had a conversation with Mr. Nussbaum regarding the handling of the papers. That conversation occurred as a result of Mr. Nussbaum's call–him raising the subject with you?

Is that what your testimony was earlier?

Ms. Thomases. Yes. I don't know with certainty. There is clearly a record that I paged Bernie on the morning of the 22nd, and I am sure that that is correct. I talked to him sometime that morning, but I can't remember exactly what time. I just, you know, I just don't know when he in fact–so I have to assume that he called me back and responded to my page.

Senator Dodd. Had you talked to him on the 21st?

Ms. Thomases. If I bumped into him, maybe, but I didn't have a memorable conversation with him on the 21st.

Senator Dodd. This would have been, to your

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recollection, the first real conversation you would have had about Vince's death?

Ms. Thomases. Yes.

Senator Dodd. Was that the subject primarily of the conversation in your recollection?

Ms. Thomases. That certainly was the beginning of the conversation. It was certainly what I focused on in the conversation.

Senator Dodd. And it was your recollection further

that
[10] the subject matter of how the papers would be handled, or
[11] the search conducted was a matter that Bernie raised with
[12] you?
[13] Ms. Thomases. Yes.
[14] Senator Dodd. And is it further your testimony that he
[15] described the options to you? Do you recall that? Or did
[16] he describe the decision that he had made as to how the
[17] search would be conducted?
[18] Do you remember that?
[19] Ms. Thomases. He told me he had made a decision and
[20] that he was in charge, and that he was going to do it, and
[21] that he had taken great care into thinking through how it
[22] was going to be divided up; and that other people were going
[23] to be there, and the proper documents were going to be given
[24] to the proper person.
[25] It wasn't exactly a "discussion."

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[1] Senator Dodd. I think we can appreciate that, having
[2] already had Bernie before us, that once he makes up his
[3] mind...
[4] Let me ask you, Mr. Lindsey. I believe Mr. Ben-Veniste
[5] asked this of Ms. Thomases, but let me ask it of you as
[6] well. That is regarding the papers of Vince Foster, whether
[7] or not you in any way concealed or destroyed any documents,
[8] or in any way interrupted or interfered with the law
[9] enforcement officials conducting a proper investigation of
[10] Vince Foster's death?
[11] Did you engage in any activities that could impinge upon
[12] the ability to properly handle that matter?
[13] Mr. Lindsey. No, sir, I did not.
[14] Senator Dodd. Mr. Chairman, I see the yellow light on.
[15] I will stop.
[16] The Chairman. Do you have anything further?
[17] Senator Dodd. That is fine for right now.
[18] The Chairman. Senator Bond.
[19] Senator Bond. Thank you very much, Mr. Chairman.
[20] I would like to pick up, Ms. Thomases, where we were.
[21] You stated you had two substantial conversations with
[22] Ms. Williams on the days in question. Can you tell us what
[23] those "substantial conversations" were about?
[24] Ms. Thomases. I don't remember the specifics of either
[25] of those conversations, to tell you the truth. I remember

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[1] talking to Maggie–I remember listening to Maggie. It was
[2] personally a very sad and troubling experience for her. She
[3] was personally fond of Vince. Maggie is a very religious
[4] person in a way that has always been inspiring to me.
[5] She talked about those kinds of feelings.
[6] Senator Bond. But are you saying, but not about matters
[7] involving files, or lawyers, or documents, or
[8] investigations?
[9] Ms. Thomases. Not about matters involving files, or
[10] lawyers, or any investigation. It was not what was on
[11] either of our minds when we talked that day.
[12] Senator Bond. Those conversations were only about
[13] personal feelings and emotions and religious issues?
[14] Ms. Thomases. The conversations on the 21st and the
[15] 22nd? Well, the conversation on the 21st was about
[16] emotions, but she did mention in that initial conversation I
[17] had with her, as I recollect it, that she had gone into
[18] Vince's office and had found–had seen, not found but seen
[19] Patsy Thomasson there, and Patsy was there to look for a
[20] note.
[21] Senator Bond. All right. Thank you.
[22] Ms. Thomases. She did mention that to me.
[23] Senator Bond. All right. Now the reason we've asked
[24] the questions, and if you can still find that list of calls
[25] and put it up on the Elmo, the reason that time period is

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[1] important, as I started to say, we thought or understood
[2] from Mr. Heymann that he thought he had an agreement with
[3] Mr. Nussbaum on the afternoon of July 21.
[4] At approximately 10:25, according to Mr. Heymann's
[5] testimony, he calls back to Mr. Nussbaum after the
[6] representatives of the Department of Justice have informed
[7] him that he no longer is going to have–they are not going
[8] to have access to the documents as initially discussed.
[9] Mr. Heymann calls Mr. Nussbaum to obtain an explanation
[10] why Mr. Nussbaum backed out, and according to Mr. Heymann

Mr. Nussbaum tells him at the time I have to talk to some people. Now we have, at 10:25, Mr. Heymann says I have to talk to some people. Your telephone calls to the Chief of Staff's office, the Chief of Staff of the First Lady's office, go on from 10:48 to 11:54. During that time, we have from other testimony heard that Mr. Nussbaum, Mr. Burton, Mr. and Neuwirth met in Mr. McLarty's office. Mr. McLarty was not present, but Mr. Lindsey and Mr. Quinn were present for a portion of the discussion. So you would have, if you reached somebody in the Chief of Staff's office, according to the other testimony, it would have to be Mr. Nussbaum, Mr. Burton, Mr. Neuwirth, or possibly Mr. Lindsey or Mr. Quinn.

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Given that limited scope, does that refresh your recollection as to whom you might have spoken during that time?

Ms. Thomases. It does not refresh my recollection. Often when I call Mack McLarty's office I talk to none of those people, or no one in the office, I talk to Patty Gheneen (phonetic), his secretary, who usually answered the phone.

Senator Bond. You talked with the Chief of Staff's office from 10:48 to 10:51, from 11:11 to 11:14 a.m., and another 11:16 to 11:17. Was that–those were three calls in the space of a little over a half an hour, just about a half an hour, to the Chief of Staff's office.

Were you seeking information?

Ms. Thomases. I was trying to reach Mack. I think that I called repeatedly in hopes that I would reach him. There was no one else–I didn't know about anybody else being in his office.

Senator Bond. In the latter part of the afternoon, I believe by the 5:13 telephone calls you had returned to your New York office?

Ms. Thomases. Yes.

Senator Bond. And you called Maggie Williams' office, and then Mr. Lindsey. Did you learn at that time that Mr. Nussbaum had implemented his procedure with respect to

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review of the documents?

Ms. Thomases. I did not learn that from either Maggie Williams or from Bruce Lindsey's office.

Senator Bond. Did you know that at the time of 5:00 o'clock on the afternoon of the 22nd?

Ms. Thomases. I do not recollect knowing it at that time. I remember learning it from Bernie, and I didn't speak to Bernie in that period.

Senator Bond. So you would not have learned it until later?

Ms. Thomases. I think I would not have learned it until later.

Senator Bond. And you did not know that when you made the 7:12 call to the Rodham/Arkansas residence?

Ms. Thomases. I don't think I knew it, unless I talked to Bernie. I mean, I may have–I mean, unless Bernie called me, I was out of my office in New York shortly after. In fact, looking at these, I realize I was probably late for a 5:30 meeting that I had that day in New York, which is why I hurried back to the city after my lunch in Washington that day, because I had a 5:30 meeting on another matter.

Senator Bond. In any of the conversations with Mr. Nussbaum about protecting the files and the records, did you discuss what he was to protect them from?

Ms. Thomases. Well he talked to me about Executive

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Privilege and client relations and other things, but it was that kind of conversation.

Senator Bond. Did he tell you that the people who were inquiring were the Park Police, and FBI, and the Department of Justice?

Ms. Thomases. He never mentioned to me the Department of Justice. He mentioned the Park Police, and he told me the FBI was going to be there. And I think if you look at my deposition, I did not recollect his talking about the Justice Department.

Senator Bond. As a lawyer, you did not discuss with him the scope of the privilege as to what should be privileged.

what could be kept from the FBI or the Park Police?
Ms. Thomases. No, I did not discuss the scope of the
privilege. I would not have necessarily discussed the scope
of the privilege with him, assuming that he had lots of
people there who had more knowledge and more experience in
this subject.
Senator Bond. Let me jump back in time. You have just
discussed knowing that Vince Foster had been working on the
Whitewater matter and other matters for the Clintons. You
talked with him frequently. You talked with Mrs. Clinton
frequently.
Did Mrs. Clinton know that Vince Foster was working on
these matters, Whitewater, the tax obligations, and other

things?
Ms. Thomases. I don't know if Mrs. Clinton knew that
Vince Foster was working on them. I was not the conduit
between Vince Foster and Hillary Rodham Clinton.
Senator Bond. But you did discuss these matters with
both of them, I assume?
Ms. Thomases. Subsequent to the campaign, I didn't
discuss these matters very often with Hillary Clinton.
Senator Bond. So you don't know whether she knew
whether Mr. Foster was working on that, picking up on the
Whitewater matters that you had handled, or any of the other
matters?
You do not know whether she had any knowledge of
Mr. Foster's involvement?
Ms. Thomases. I don't know what her knowledge was.
Senator Bond. At the time of his death, had
Mrs. Clinton discussed with you any of the handling–at the
time of his death–the handling of any documents in
Mr. Foster's office?
Ms. Thomases. At the time of his death, she did not
discuss with me the handling of any documents in Vince
Foster's office.
Senator Bond. Did you volunteer to her any information
on taking care of matters for Mr. Foster or handling
Mr. Foster's file, or seeing that confidential information

was protected?
Ms. Thomases. No, I didn't. And the truth is, Senator,
I would have never felt it was appropriate to discuss those
issues with her at that time.
Senator Bond. Thank you very much, Ms. Thomases.
Thank you, Mr. Chairman.
Senator Shelby. Mr. President–I mean, Mr. Chairman.
Excuse me, I think I am on the Floor.
The Chairman. Senator Shelby.
Senator Shelby. I was about to promote you to presiding
officer of the Senate, which you are, Mr. Chairman. I know
it is not my time to question, but it seems to me, Mr.
Chairman, that a lot of things go back to Maggie Williams,
just calling here and there.
As we go through witness after witness, it goes back to
the central figure of Maggie Williams. Is it possible to
reconsider bringing her back as a witness, Mr. Chairman?
The Chairman. Senator–
Senator Sarbanes. We had that discussion.
The Chairman. –you were not–the Senator wasn't
here–you weren't here before. I have indicated that it was
something of a concern that was raised by a number of
members, and I am going to look at that because there are
some statements from other witnesses. I am going to ask
both counsel to look and see if we can have an expedited

procedure to see how we can accomplish that, or how we can
get additional information.
There is a very real question as to where she is at the
present time. She may be in China at the present time, but
we are going to look at that. It is something that is of
concern to me. So we will look at that and come to a
determination later on.
Senator Shelby. Thank you.
The Chairman. Senator Sarbanes.
Senator Sarbanes. I yield to Senator Kerry.
I would just make this observation to Senator Shelby
that in the course of the discussion we had earlier on that
matter, I don't think–
Senator Shelby. I was not here. I have been working on
tomorrow's Whitewater.
Senator Sarbanes. We also are going to revisit with the
Independent Counsel his heretofore unwillingness to provide
us with material which I think would be very helpful.

and I
[19] am very frank to say I have difficulty understanding why we
[20] cannot get that cooperation.
[21] Senator Shelby. You have difficulty? I misunderstood,
[22] Senator Sarbanes? You had difficulty with what?
[23] The Chairman. Understanding–
[24] Senator Sarbanes. Understanding why we cannot get that
[25] cooperation from the Independent Counsel.

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[1] The Chairman. One of the things–while I see more of
[2] our members here on this side, that we are going to pursue
[3] both Mr. Chertoff and Ben-Veniste are making contact with
[4] Mr. Starr for the purposes of arranging, or his office
[5] arranging a meeting that we can pursue and get additional, I
[6] think additional insights as to why it is that certain
[7] information that we have requested, materials, have not been
[8] made available; and also to look into other matters so that
[9] we can begin to move this in a more expeditious manner and
[10] cover other areas.
[11] But we are going to do that together, and counsel are
[12] going to reach out today.
[13] Senator Sarbanes?
[14] Senator Sarbanes. Senator Kerry?
[15] Senator Kerry. Thank you, Mr. Chairman.
[16] Ms. Thomases, what I would like to do, if I may, is try
[17] to paint a little bit of the picture that is being painted
[18] here by others, and by the record, and see if you can help
[19] us to understand the framework of it a little bit.
[20] We have a search that took place at 1:15 in the
[21] afternoon, from 1:15 to 1:49. That is on the 22nd. On the
[22] 21st, you visited the President in the afternoon, and you
[23] had some conversations that were part of the sort of initial
[24] contacts to the White House immediately upon learning of
[25] Mr. Foster's death.

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[1] I would like to just begin sort of with the picture on
[2] the 22nd, and then ask you a couple of questions about it,
[3] if I can.
[4] On the morning of the 22nd, there is an initial paging
[5] from you at 8:01 in the morning to Mr. Nussbaum. Then at
[6] 9:00 o'clock there is a phone message left for Maggie
[7] williams from you.
[8] Then there are some other meetings that take place in
[9] the White House. We don't know the precise time, but Mr.
[10] Quinn was approached by Mack McLarty regarding the
[11] procedures on the search and referred to Mr. Nussbaum.
[12] At 9:45 on the morning, you have got a phone message for
[13] Bill Burton from Mack McLarty relative to the Jack Quinn
[14] conversation.
[15] Then you have a discussion. We don't know the precise
[16] time, but you have a discussion with Mr. Nussbaum in which,
[17] according to both you and him, there's some discussion of
[18] the procedures relative to the search. He is discussing it,
[19] obviously. He is churning about it.
[20] At 10:00 a.m. he meets with the Department of Justice
[21] attorneys, Mr. Margolis and Mr. Adams. So there is a
[22] discussion there.
[23] At 10:30 Margolis and Adams call Mr. Heymann over at the
[24] Justice Department and tell them of their view of the plan
[25] for the search. Mr. Heymann leaves a message for Mr. Sloan

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[1] at that point.
[2] We don't know precisely at what time, but there's some
[3] more conversation going on in the White House between Sloan
[4] and Heymann, and they have a conversation then.
[5] At 10:30, Mr. Heymann is having a discussion with
[6] Mr. Nussbaum and someone, according to handwritten notes
[7] that we have over here is him stating to Nussbaum that
[8] Nussbaum is 'messing it up', and Heymann is going to call
[9] Margolis and Adams back to DOJ.
[10] Now you are not party to any of this. This is just
[11] going on. But this is part of the mosaic within which
[12] obviously questions are being asked.
[13] Now at a subsequent point that morning, Margolis and
[14] Adams are asked to go to the West Wing of the lobby and
[15] wait. They wait for an hour and a half for someone to come
[16] down.
[17] Now later in the morning, Mr. Neuwirth says that

there
is a meeting in McLarty's office. Mr. Lindsey and others
have all testified to that meeting. We knew a meeting went
on to discuss procedures.
Then there is the appearance, somewhere in the middle of
all this, of a series of your phone calls. You have a 10:45
a.m. phone call according to the Laurie O'neill station that
lasts for 3 minutes. That does not mean that anybody got
connected. You could have been put on hold the whole time.

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We don't know.
You then have an 11:04 a.m., call. Again this is–the
first call was to the Office of the Chief of Staff of the
President. The second call at 11:04 is to the Office of the
Chief of Staff of the First Lady. That is a six-minute
call. Presumption, somebody talked to somebody, but again I
don't know if you hold for six minutes or not.
Then at 11:11 a.m., seven minutes later, you called the
Chief of Staff of the President again. That is a three-
minute connection. Again, we don't know if you talked to
anybody. It certainly was not a long conversation.
Five minutes later there is a one-minute connection,
again to the Office of the Chief of Staff of the President.
Then at 11:37 a.m., there is an 11-minute conversation
between yourself and you have sort of acknowledged the
possibility that that could have been with Maggie Williams
at that point in time.
The call was placed to her office.
At 11:50 a.m. there is a four-minute connection between
you and somebody in the Chief of Staff to the First Lady
again.
Now those are the record of sort of these phone calls.
Whether they are all connected or not, we don't know, and we
certainly want to try to push your recollection today to see
if you can remember whether or not.

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But the picture is that in the midst of these
discussions and meetings, et cetera, there are these
connections, or at least–excuse me. Let me strike
that–these phone calls.
Then we go to Mr. Nussbaum's deposition. I want to read
to you from page 90 of his deposition. He was asked the
question:
"Q What was the conversation on the 22nd with Susan
Thomases?"
And his answer:
"A The conversation on the 22nd: That she asked me
what was going on with respect to what was going on with
respect to the investigation or the examination, the
examination of Mr. Foster's office. She had heard there
were discussions in the White House with respect to this
issue, which there were, on the 22nd, which you'll get to I
presume.
"Was everything okay? What was going on? And I said,
I'm having some discussions with people."
Do you remember that that way?
Ms. Thomases. Not really that way. I mean, I remember
asking Bernie a variation of how are you doing. I don't
remember raising with him the issue of any investigation,
because I really didn't know about any investigation until
Bernie raised it.

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Senator Kerry. But can you see how–can you help us to
understand the sequence of time here, and the series of
phone calls in the context of this?
Do you understand at least why a legitimate question is
asked?
Ms. Thomases. I see why people can be asking questions,
but I have to tell you that I was not asking questions as a
part of this. I was really just trying to reach out to
Bernie and go on about my own business.
I mean, I was not–I had no particular role or interest
in this process.
Senator Kerry. Well on page 93, a couple of pages later, Ms. Thomases, he is asked the question–
Ms. Thomases. Ninety-three in what?
Senator Kerry. Excuse me, page 93 of Mr. Nussbaum's
deposition.
Ms. Thomases. I don't have it.

[18] Senator Kerry. Not yours.
[19] Ms. Thomases. I don't have it.
[20] Senator Kerry. Let me just share it with you.
[21] Ms. Thomases. It may have been shared with me at some
[22] point.
[23] Senator Kerry. If I don't, someone else will. I just
[24] want to ask this, if I can.
[25] Did she say that anybody was concerned about giving law

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[1] enforcement people unfettered access to the documents? That
[2] was the question asked to Mr. Nussbaum by counsel.
[3] Mr. Nussbaum's answer was: "She said people are
[4] concerned about whether I was using the correct procedure or
[5] whether the procedure was–people were concerned or
[6] disagreeing, something like that–whether a correct
[7] procedure was being followed, whether I was using the
[8] correct procedure, whether it was proper to give people
[9] access to the office at all, something like that."
[10] Do you recall expressing to Mr. Nussbaum either a
[11] generic or a specific kind of concern of some sort?
[12] Ms. Thomases. I had no concern.
[13] Senator Kerry. But had you head of other people? Had
[14] you heard of this discussion, or of any sort of issue within
[15] the White House?
[16] Ms. Thomases. I had not heard about any issue in the
[17] White House at the time that I first talked to Bernie.
[18] Senator Kerry. Did you raise with him at all the
[19] question of whether or not–I mean, did you express to him
[20] in any of the previous conversations–I take it you talked
[21] to Maggie Williams previously, and you had previously had
[22] some conversation regarding this?
[23] Is that fair, or not?
[24] Ms. Thomases. I don't think I had a conversation with
[25] Maggie Williams about any documents.

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[1] Senator Kerry. So is Bernie–did you have a subsequent
[2] conversation with Bernie or somebody that would have placed
[3] this in a time sequence that is different?
[4] Did you have any conversation regarding issues of the
[5] access to the office, or the nature of the search
[6] proceeding?
[7] Ms. Thomases. No. The only person I had that
[8] conversation with was Bernie, and he was feeling very
[9] intense, and I have no recollection of any conversations I
[10] had with anyone else at the White House about documents
[11] except for, as I stated earlier today, my brief interchange
[12] with Maggie which I think was the night before about the
[13] fact that she had seen Patsy Thomasson in Vince's office,
[14] and Patsy had not found any what could be called a "suicide
[15] note."
[16] Senator Kerry. Well did you in your conversation with
[17] Mr. Nussbaum simply listen to him? Or did you express some
[18] views or observations at all about the search process?
[19] Ms. Thomases. I expressed no observations. I just sort
[20] of said, it sounds good to me, which it did. You know, it
[21] sounded like he in fact had thought it through very, very
[22] carefully, which was his way.
[23] Senator Kerry. So his memory as to the question of your
[24] asking him what was going on with respect to it, or your
[25] expression of concern about people using the correct

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[1] procedure, his memory as to that is either incorrect or
[2] simply wrong?
[3] Ms. Thomases. Let me tell you, I don't want to
[4] speculate about that because it is not–I don't know for
[5] sure. You know, I could have said to Bernie, in addition to
[6] "how're you doing?", you know, when he seemed upset, "are
[7] you concerned?" I mean, I don't know that, but I did not
[8] have any concern when I talked to him expect how he was
[9] doing, how he was feeling.
[10] Senator Kerry. My time is up, so I yield.
[11] The Chairman. Senator Faircloth.
[12] Senator Faircloth. Thank you, Ms. Thomasson–Thomases.
[13] I would like to follow up on Mr. Chertoff's [questions].
[14] the ones that he asked you just as you were ending. You
[15] said while you were in Washington on the night of the–when
[16] you were in Washington on the night of the 21st, did

you
stay at the White House?
Ms. Thomases. No, I did not stay at the White House.
Senator Faircloth. You were not there? All right.
Humph! This is–I read this, and this is statements from
White House people, because it is so contradictory to the
way you express yourself now as your role.
I want to read you what some people at the White House
were saying before you about you before you became "little
lost lamb" in your conversations.

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Ms. Thomases, you are here today because of your
involvement in the events today surrounding the handling of
the papers at the White House.
Now here are some passages that people from the White
House said about you.
James Carvel says: "Thomases has the juice," a
reference to her bond with Bill and Hillary, "especially
with Hillary."
Another, "It's not that she has the juice; she is the
juice. She is the juicer."
(Laughter.)
Senator Faircloth. Finally, the article says, "She's
Hillary's blunt instrument of enforcement."
Now this was written almost two years ago, knowing the
perception, the reality that people believe you spoke for
the First Lady.
And then we go back to the cause to Bernie Nussbaum and
many, many–I mean, call, call, call, call, call, call,
call, call–and you were discussing the weather? His
general feelings? Politeness? Niceness? And all of a
sudden you spill the juice, according to you. You no longer
have it? Is that right?
Ms. Thomases. Senator, the press you are referring to I
think really refers to things that happened during the
campaign.

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Senator Faircloth. Let me go on to something else.
But you talked to him on the morning of the 22nd?
Ms. Thomases. Yes, I did.
Senator Faircloth. Did you discuss the impending review
of documents in Foster's office?
Ms. Thomases. He discussed the impending view.
Senator Faircloth. And you just said politely, "sounds
good to me, Bernie. I don't really have many strong
opinions; I never have had; and if you think it's good, I
think it's wonderful?"
Ms. Thomases. I have strong opinions, Senator–
Senator Faircloth. Well why didn't you express them?
Ms. Thomases. –about–
Senator Faircloth. -You always have before.
Ms. Thomases. Senator, I have strong feelings, but I
didn't have strong feelings about this subject.
Senator Faircloth. Did he tell you he was going to sort
the documents into several categories?
Ms. Thomases. Yes, he did.
Senator Faircloth. What did you say to that?
Wonderful?
Ms. Thomases. I don't know that I commented on it.
Senator Faircloth. Didn't he tell you–Did Mr. Nussbaum
tell you who else would be part of the search, like law
enforcement officers?

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Ms. Thomases. He told me law enforcement–what I
remember is that he told me law enforcement officers and
Park Police, and that there was going to be a representative
for Lisa Foster, and a representative from the Williams &
Connelly law firm.
Senator Faircloth. You wished him good luck with the
search?
Ms. Thomases. Yes, I did.
Senator Faircloth. And asked him how the first lady was
doing?
Ms. Thomases. I did not ask him how the First Lady was
doing.
Senator Faircloth. Okay.
But with your reputation as an outspoken strong lady,
you expect this committee to believe you just sat there and
listened to Mr. Nussbaum; that you did not offer your
opinion or relay the First Lady's opinion on the search of
Vince Foster's office in any way?
Is that right?
Ms. Thomases. That's right. I didn't know the First
Lady's opinion.
Senator Faircloth. All right. You called Maggie
Williams at 12:15 on the night after Mr. Foster's death.
She had already had three calls from the First Lady. I
think you had already talked to the First Lady that night.

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What did you talk to Maggie Williams about?
Ms. Thomases. I didn't reach Maggie Williams that first
night.

Senator Faircloth. You couldn't get her. What did you want to talk to her about?
Ms. Thomases. I wanted to find out how she was doing and how she was feeling. She and Vince had become very close, and I was as her friend, I was concerned that she would be upset.
Senator Faircloth. Maggie Williams testified that Hillary Clinton called her three times, including a call prior to Maggie Williams going to the White House, and a call immediately after Maggie Williams returns from the White House.
As you know, a Secret Service agent has testified he saw Maggie Williams removing documents from Mr. Foster's office that night.
Ms. Thomases, did Hillary Clinton every discuss Maggie Williams, or documents, or removing them, or in any way discuss Maggie Williams, documents, sending Maggie Williams to the White House that night, or what she talked to Maggie Williams about in those three straight calls–in any way, now? Did you ever discuss with the First Lady why she spent three calls on probably the most traumatic day of her life to one woman, Maggie Williams?

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The Secret Service has testified that they saw Maggie Williams bring in a stack of documents out of the office.
Has the First Lady ever discussed that with you in any way?
Ms. Thomases. The First Lady has never discussed that with me in anyway. The First Lady never discussed any documents with me on the night of Vince Foster's death, or in the days immediately thereafter.
Senator Faircloth. Did you discuss your appearance here today with Hillary Clinton?
Ms. Thomases. I did not discuss my opinion–my appearance here today with Hillary Clinton.
Senator Faircloth. Ms. Thomases, with respect to your relationship with the Clinton's, would you tell me when was the first time you represented the Clintons either together or separately in your capacity as an attorney?
Ms. Thomases. The first time I had any professional dealings, when they had asked for my advice, was when Hillary Clinton worked at the Rose Law Firm.
Senator Faircloth. Would you tell us what matters you discussed with the Clintons? What was the advice? What did you need their advice on, what it was?
Ms. Thomases. As I said earlier today, sir, I gave Hillary Clinton and some of the other people at the Rose Law Firm some accounting advice as to how they could set up

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their books so that the time of those revenues from those persons who were working on state business could be segregated so that Hillary Clinton's earnings would in no way reflect the earnings of the firm on their state business.
Senator Faircloth. How long have you represented the Clintons on Whitewater?
Ms. Thomases. Since the first quarter of 1992.
Senator Faircloth. Were you paid?
Ms. Thomases. No, I was not paid.
Senator Faircloth. What were your duties in representing the Clintons as an attorney on Whitewater issues?
Senator Dodd. Mr. Chairman, again I question the scope of the area here, it seems to me. How does this relate to the handling of the document?
The Chairman. Well, I think it goes to the entire–
Senator Faircloth. Well, Mr. Chairman–
The Chairman. Yes.
Senator Faircloth. If that doesn't relate to the documents, we are talking about Whitewater documents. If we can't ask her what she–when she represented the Clintons–
Senator Dodd. What does how much she got paid have to do with the–
Senator Faircloth. Well that gets right back to how

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intensive her work was on the documents.
The Chairman. Senator, I am going to let Senator Faircloth continue.
Senator Faircloth. So what were your duties in representing the Whitewater–as their attorney on the

issues
of Whitewater, what did you do? If you don't mind, be
pretty specific.
Ms. Thomases. My initial duty was to help to gather the
relevant documents on Whitewater to prepare myself for
discussing the transaction with a reporter who was doing a
news story on the transaction.
Senator Faircloth. So you just prepared for that.
Mr. Lindsey–
Mr. Lindsey. Yes, sir.
Senator Faircloth. David Watkins testified last week
that Federal Judge Richard Arnold called him to recommend
Patsy Thomasson who worked for Dan Lassiter, a convicted
cocaine dealer, and she worked for him for 10 years, for a
job in the White House.
Mr. Watkins hen testified that he called you to get your
approval in hiring her as his deputy. He also stated that
you might have raised the question of hiring her with the
President.
Did you discuss Ms. Thomasson's hiring with President
Clinton?

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Mr. Lindsey. I don't recall.
Senator Faircloth. You don't recall?
Mr. Lindsey. I don't recall.
Senator Faircloth. Do you know who might recall, if you
don't?
Mr. Lindsey. Senator, at this point I was Director of
Presidential Personnel. I discussed a lot of hirings of a
lot of people with the President.
I don't recall discussing Patsy Thomasson's hiring with
him. I don't remember–I don't have a direct memory of
learning it from David Watkins. But if he said I did, that
he told me, then I assume he did. So I just don't recall.
Senator Faircloth. Well, it would seem terribly strange
to me that they would bring into the White House a lady who
spent 10 years with a man who was a notorious and convicted
drug dealer, who had his power of attorney–if she had been
from New York and worked for a convicted drug dealer for 10
years and had his power of attorney–if she had been from
New York and worked for a convicted drug dealer for 10
years and had his power of attorney, would you have just blatantly
hired her with never asking a question.
Because, I mean, is that the type of people you were
looking for?
Senator Kerry. Mr. Chairman, the Senate once had a
series of hearings where the question was asked:

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Are you now are have you ever been a
member of a certain Party?
Guilt by association was something that our Founding Fathers
tried to do away with with the Constitution and the Rights
that we give people.
We have been through this now with most witnesses. I
thought Mack McLarty gave a very eloquent statement about
Patsy Thomasson's qualifications and how she got hired.
I think to keep coming back at it with this unfortunate,
tragic drug dealer association, people are not accountable
for every person they come across in their life. If so,
some of us as Members of the Senate might not be so happy.
The Chairman. I can attest to that, Senator.
(Laughter.)
The Chairman. Having said that, and I understand how
that can play out and work out, I think we have to be
sensitive, obviously. But I do think that when the Senator
raises the question, given the fact that there was almost a
one-year delay, quite a period of time, and as a matter of
fact I raised the issue, oh, several years ago I think, a
year, a year-and-a-half ago, as it relates to that, the
clearance question with Ms. Thomasson directly when I was a
member of the Subcommittee on Treasury-Postal, it is
troubling as it relates to why that was held up.
Was it just paperwork? Or–it certainly raises

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questions. I think the Senator has raised it before and he
goes back to it because he obviously feels very strongly
that there is a very real question as it relates to her
being placed in this position, and then of course her not
having the security, et cetera.

So I think it goes to that, and he is attempting to find out how she got hired and how she did come into this position, and Mr. Lindsey was the Director of Personnel.

I am going to say to my friend and colleague, I think you have made the point. I don't know if–he is not going to give you more than he has, as a practical matter. He is going to say that she did get hired, and he is going to say that he did not, as he has testified, he did not speak to the President in regard to this.

But there is no doubt that Patsy Thomasson was well known, having been I think–and this was in the record–the former director–

Mr. Lindsey. Executive Director of the Democratic Party.

The Chairman. Of the Democratic Party. So let–

Senator Faircloth. Well, let me ask–Mr. Chairman–

Senator Dodd. Mr. Chairman, can I also point out, in fairness to Pat Thomasson, that she had not even applied for a clearance. The suggestion has been sort of lingering around that there was some holdup on her security clearance.

In fact, as I recall earlier evidence, there was no application that had been made at all.

So the notion that somehow this was being held up–

The Chairman. I think one of the things we should do for the record–

Senator Dodd. Let me, just in fairness to her, because this is a–

The Chairman. Let me ask–

Senator Faircloth. Well, we'll call her back if you want to and let her explain it again.

Mr. Chairman, let me ask questions.

The Chairman. All right. Conclude.

Senator Faircloth. Do you know Judge Arnold?

Senator Sarbanes. Mr. Chairman, on this question of calling people back–

The Chairman. Okay, look. Let us proceed. Let the Senator finish his line of questioning and then–go ahead, Senator.

Senator Faircloth. Do you know Judge Arnold?

Mr. Lindsey. Yes, I do.

Senator Faircloth. Is he a close friend of the President's?

Mr. Lindsey. Yes.

Senator Faircloth. Were you called by Judge Arnold about Ms. Thomasson?

Mr. Lindsey. I don't believe so.

Senator Faircloth. Wait a minute, now, you don't believe so?

Mr. Lindsey. Again, I have no recollection, no knowledge, no remembrance of Judge Arnold ever calling me about Patsy Thomasson.

Senator Faircloth. Did you know if Judge Arnold called anyone else other than Watkins about Patsy Thomasson?

Mr. Lindsey. I didn't know he called David Watkins until David Watkins testified to that before this Committee.

Senator Faircloth. All right, Mr. Chairman, my time is up.

The Chairman. Thank you, Senator.

We could take another round. I would prefer to do that because we are just going to, otherwise, be here later.

Then we will break after the next Senator goes, and then we will come back at five after 2:00. So why don't we keep it going, because otherwise we are just going to be here later this afternoon.

Senator Sarbanes. I yield to Senator Murray.

Senator Murray. Mr. Chairman, I appreciate that. I did want to ask Ms. Thomasson some questions, and she has taken a break. What would be your pleasure on that?

The Chairman. Pardon me? Did you want to wait for Ms. Thomasson?

Well, we could hold for a minute. I see, Senator, you have been very patient, but Senator Simon, if you have any questions that you would like to direct to Mr. Lindsey?

Senator Simon. Let me first, Mr. Chairman, if I may, comment about Senator Faircloth just mentioned bringing somebody back, and Senator Shelby, earlier mentioned bringing Maggie Williams back.

The Chairman. Well in fairness, now, I have to say that I have raised that. A number of Senators have raised it.

There are some, I think, contradictions when asked if counsel can find an expedited manner in which to deal with this, but it is a very real question.

Senator Simon. Let me just make this point: If there is substantial reason for doing so, I am not opposed

to it–
[16] The Chairman. Certainly.
[17] Senator Simon. –but I have to add, in the case of
[18] Maggie Williams, for example, she has testified she owes
[19] $142,000 now in lawyers' fees.
[20] We are making a huge imposition on a lot of people here.
[21] She is not a person of wealth. If there is substantial
[22] reason, fine. If there is not, I think we ought to be
[23] sensitive about that.
[24] Senator Sarbanes. I say to the Senator, when we worked
[25] out the procedures for these hearings amongst counsel and

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[1] amongst ourselves, it was with the understanding that we
[2] would not keep calling people back.
[3] The Chairman. And it is my intent to keep to that,
[4] Senator Sarbanes. But there may come occasions, and we will
[5] review the record–
[6] Senator Sarbanes. Mr. Chairman, I just put this as an
[7] aside, I know they had a big hearing over in the House
[8] yesterday and they got a lot of coverage, and I hope it
[9] would not drive Members over on this side to feel that
[10] somehow we have to bring everybody back in order to get back
[11] in the same coverage league.
[12] The Chairman. I don't think so–
[13] Senator Sarbanes. I perceive her today this kind of
[14] impetus somehow that is coming from somewhere, and I have
[15] been searching in my own mind the cause of it, and I cannot
[16] find any but what I have just stated and I hope that is not
[17] the case.
[18] The Chairman. I do not believe that is the case. I
[19] think–
[20] Senator Faircloth. Mr. Chairman–
[21] The Chairman. We will look at the record. Let counsel
[22] look at the record, because I think that there are six to
[23] seven witnesses who have given statements that at least give
[24] a different point of view. That is being charitable. In
[25] some cases, they are outright contradictory.

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[1] So let's look at that.
[2] But I think it is a legitimate request, and we will
[3] review it.
[4] Senator Faircloth. Well Mr. Chairman–
[5] The Chairman. Yes?
[6] Senator Faircloth. There has been at least eight or ten
[7] totally contradictory testimony to Maggie Williams. So do
[8] we just let it float out that she didn't tell us that these
[9] other 8 or 10 who have contradicted her are lying, or she
[10] was? Or do we just kind of let it float?
[11] Or would we be better off to expand our witness list
[12] into some people that might have more knowledge?
[13] Senator Simon. Mr. Chairman?
[14] Senator Sarbanes. Mr. Chairman, that is very unfair.
[15] Witnesses can have differing recollections. That does not
[16] lead to the conclusion that one or the other is lying. It
[17] is terribly unfair, I think, to characterize a conflict in
[18] testimony or a difference in recollection in that manner.
[19] Senator Simon. Well if I may just–
[20] Senator Faircloth. Mr. Chairman–
[21] The Chairman. I believe that I
[22] Senator Dodd. She is the only witness that took two lie
[23] detector tests.
[24] The Chairman. I believe that if you–
[25] Senator Dodd. Maybe every witness ought to take a lie

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[1] detector test.
[2] The Chairman. I believe if you examine what my
[3] statement was, it is that there are a number of statements
[4] that are at variance and that give different recollections,
[5] and I would hope that our counsels would review the record
[6] and we will make a determination as to whether or not this
[7] is necessary.
[8] Senator Simon. Mr. Chairman, if I may just add before I
[9] yield to my colleague from Washington here–
[10] The Chairman. Senator Simon.
[11] Senator Simon. –we are asking people what happened at
[12] 11:42 a.m. on July 22nd–
[13] Senator Sarbanes. 1993, 1993.
[14] Senator Simon. –Yes, of 1993–that there will be some
[15] contradiction is just normal.
[16] Now if you and the two counsels review it and you find
[17] really substantial contradiction where they, reasonably
[18] someone is not telling us the truth, that is one thing. But
[19] for people to have differing recollections of what happened
[20] is perfectly normal.
[21] The Chairman. Senator Simon, you make a good point and

[22] we will look at it with a view toward just that kind of
[23] consideration. That will be the measure by which we examine
[24] this.
[25] I am going to ask counsel–we have looked at this, but I

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[1] have to tell you I think we owe it to ourselves to review
[2] that, and to Maggie Williams, and we will do that.
[3] Senator Faircloth. Mr. Chairman, may I–
[4] Senator Sarbanes. Mr. Chairman, I also want to note
[5] that there are some witnesses who in effect sustain the
[6] recollection of Maggie Williams. Others differed with it.
[7] But yet we also have people who have come here before us who
[8] have sustained it.
[9] I do not quite know where this impetus to just redo the
[10] hearings all over again comes from, except maybe the fact
[11] that we are now in apparently a competitive situation with
[12] the House.
[13] The Chairman. I am going to recognize the Senator, and
[14] then we will go to Senator Murray and give her her full ten
[15] minutes.
[16] Yes.
[17] Senator Faircloth. My–
[18] The Chairman. Excuse me. Take the clock off, and when
[19] Senator Murray starts, she gets her full ten minutes,
[20] please.
[21] The Chairman. Yes, sir.
[22] Senator Faircloth. Senator Simon, we talk about
[23] different recollections, but if you had three telephone
[24] calls–
[25] The Chairman. Senator Faircloth, do me a favor. I

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[1] really do not want to have our Senators addressing each
[2] other.
[3] Senator Faircloth. Oh, I am sorry.
[4] The Chairman. So if you have an observation–
[5] Senator Faircloth. I would like to make an observation.
[6] The Chairman. Okay.
[7] Senator Faircloth. I cannot imagine three telephone
[8] calls from the First Lady in one evening, and having no
[9] recollection of what they were about.
[10] Now we have been told–I have been told that the phone
[11] calls from the airplanes that carry the President and the
[12] First Lady are taped, are recorded. Now we hear that from
[13] the Air Force.
[14] Now is it possible that if that be true, that they would
[15] like to make a copy of these records available to us, the
[16] White House would, when Ms. Clinton was called on the plane,
[17] who called, and why?
[18] I do not know this. We were called by several people
[19] from the Air Force saying any time the President or Mrs.
[20] Clinton are on a plane, that these calls are recorded.
[21] Senator Kerry. Mr. Chairman?
[22] The Chairman. Yes, Senator Kerry. I don't know this to
[23] be the case–
[24] Senator Faircloth. I don't, either. Let's find out.
[25] The Chairman. Okay–

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[1] Senator Kerry. Mr. Chairman, I understand–I just
[2] wanted to say I understand that–I don't know if that is
[3] true on Air Force One, but the First Lady was not on Air
[4] Force One. She was on one of the smaller planes.
[5] Senator Faircloth. Any plane that the President–this
[6] is what we were told–
[7] The Chairman. Let me make a request. Let me make a
[8] request of our counsel–
[9] Senator Sarbanes. Who told you that?
[10] The Chairman. Can I make a request–
[11] Senator Sarbanes. Who told you that?
[12] The Chairman. Now, look–
[13] Senator Sarbanes. Elvis?
[14] (Laughter.)
[15] The Chairman. –that's exactly why–
[16] Senator Faircloth. The Colonel.
[17] (Laughter.)
[18] The Chairman. That's exactly why I asked Senator
[19] Faircloth not to engage Senator Simon directly, because we
[20] are going to get this–this is just the beginning and we
[21] have a long way to go.
[22] Senator Dodd. We are almost through, Mr. Chairman. We
[23] have one more day here.
[24] The Chairman. So, look. Let me say this to you. We
[25] will ask Counsel to raise the question as it relates to

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[1] whether or not there are records which are routinely kept as
[2] it relates to conversations that are made. I can't believe
[3] that to be the case.
[4] I cannot believe it to be the case, but if indeed that
[5] is the case that the conversations are recorded, number one.

then if that is the case we will decide what to do thereafter. So we will ask counsel to ascertain from the White House if that is the case.

Senator Faircloth. And if it is not recorded, the records of the calls.

The Chairman. Now if I might, if I might, Senator Murray, you have been very patient.

Senator Murray. Thank you, Mr. Chairman.

We have been going through day by day for the past three weeks the minutia of many, many conversations that occurred within a very short time frame.

I wanted you, Ms. Thomases, to take us back for a minute to two years ago to the overall feeling that occurred.

I have never had anybody close to me commit suicide. I would like you to describe for us just generally looking back the aura of those three days, how it felt, and what people were thinking.

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Ms. Thomases. Thank you, Senator Murray.

As I said in my opening statement, it was a very difficult time for me personally. I had known Vince a long time, almost as long as I'd known Hillary. And I – and for Maggie Williams it was particularly devastating because she had worked with him on a regular basis, and they had developed a very strong bond. And so that was very troubling, which was something that the First Lady, in her own grief, recognized and asked me to please be sure to spend some time giving Maggie some solace, and kind of touching base with her to see how she was doing.

And for myself I did that. I talked to Maggie. I talked to other people in the White House even while I had to get on with what, in my life, was a very, very busy period having nothing to do with the White House and having nothing to do with Vince Foster's death. So I thank you for asking.

Senator Murray. Did you at any time think that you were going to have to remember every single thing you did in those three days and recount it two years later?

Ms. Thomases. I never thought that I would have to remember everything and have to recount it, and since I'm at the age in my life when I have to remember things, I like to write them down, it would have been nice to have some notice so that I, in fact, could have made more

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meaningful notes of what happened at that time if I was going to have to recall it.

Senator Murray. We've focused a lot on a lot of conversations and three-minute holds on telephones and whatever else had occurred. Obviously a lot of people were talking to a lot of people, as I would assume would happen in a case where there's a lot of grief involved and you just want to reach out and touch someone real.

Do you think that we should think it's out of the ordinary for you or anyone to talk with people numerous times at a time when you're grieving?

Ms. Thomases. No, thank you. That's why in my opening statement I said that we were all sort of calling each other and touching base and see how everyone was doing, and as I said today, it explains in part why I put three calls into Mack McLarty's office even though I, in fact, never got to speak with him because I wanted Mack to know that I was thinking of him. And I would have liked to have talked to Mack during those first days because I know that the loss of Vince, who was both his close friend and his lawyer, was particularly difficult for Mack among us.

Senator Murray. So, in essence, you were reaching out to people out of compassion?

Ms. Thomases. Out of compassion and also out of my own need to touch base and be in touch with people who

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know, knew and cared and appreciated my grief.

Senator Murray. You did talk to a number of people. You knew them all well: Maggie Williams, Bernie Nussbaum, the President and the First Lady. These were all people who were close to you, friends, people that you would reach out to when something like this occurred?

[7] Ms. Thomases. Yes, Senator, they were those kinds of
[8] friends.
[9] Senator Murray. When you talked to Maggie Williams,
[10] she told you that she was in Vince Foster's office on the
[11] night of the 20th. Did she tell you what she was trying to
[12] do, or was that the focus of the conversation?
[13] Ms. Thomases. She didn't tell me how she happened to
[14] have been there except she talked about her particular
[15] affection for the couch. I mean, it's funny how it sticks
[16] in my mind, the couch that was in Vince Foster's office and
[17] how much time she had spent on that particular couch.
[18] And then she said that Patsy Thomasson – and I have
[19] to say Thomasson very deliberately because my name, which
[20] is Thomases, in the course of these hearings has been
[21] repeatedly mixed up with Thomasson – Patsy Thomasson had
[22] been in the office and that she was surprised that she was
[23] there when she went to the office. And that Patsy had been
[24] looking for a note but had found no note, which was the
[25] only time in that period that I remember anybody talking

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[1] about a note.
[2] Senator Murray. So you distinctly remember a couch,
[3] and that, frankly, doesn't surprise me. In times of
[4] grieving it's the things like that that reach out and touch
[5] you. You don't remember any calls before or discussions of
[6] destroying documents or finding documents at all at that
[7] time?
[8] Ms. Thomases. I remember no discussions about
[9] documents with either Mrs. Clinton or Maggie Williams. The
[10] only person who discussed documents with me during that
[11] period was Bernie Nussbaum.
[12] Senator Murray. And Bernie Nussbaum, what was his
[13] state of mind when you talked with him?
[14] Ms. Thomases. He was revved up. He obviously was
[15] very involved in what he was doing. He initially, when I
[16] asked him how he was doing, how he was feeling, he talked
[17] about Vince and the last time he had seen Vince and relayed
[18] that story to me and then moved very quickly into telling
[19] me don't worry; I'm in charge; you know I've got this whole
[20] thing under control. So that's how he was. He was very
[21] intense, which is understandable, by the way. I felt that
[22] it was quite understandable.
[23] Senator Murray. Because he was so closely involved?
[24] Ms. Thomases. Because he was closely involved with
[25] Vince. He had become very personally fond of Vince, and

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[1] obviously it seemed to me he felt under some pressure at
[2] that time.
[3] Senator Murray. Do you feel that he was coming from a
[4] focus on trying to deal with the tragic scene, or was he
[5] coming from a focus on destroying documents or removing or
[6] hiding sensitive documents?
[7] Ms. Thomases. I had no sense of him trying to destroy
[8] or remove anything. I just had a sense of his trying to
[9] order everything and to divide the documents appropriately
[10] and make sure that the right documents were protected and
[11] that the right documents that were private documents
[12] reached the right people.
[13] Senator Murray. You know the President and the First
[14] Lady as well very well?
[15] Ms. Thomases. Yes, I do.
[16] Senator Murray. And what was their state of mind when
[17] they first discussed this with you?
[18] Ms. Thomases. As I said in my opening statement,
[19] neither the President nor the First Lady mentioned anything
[20] about documents in my conversations with them during the
[21] period from the 20th to the 22nd.
[22] Senator Murray. Would you say their focus was on
[23] caring for people around them at that time, or was their
[24] focus on worrying about what was in someone's office?
[25] Ms. Thomases. It was not about worrying what was in

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[1] someone's office, and it was caring about the people around
[2] them, but also actually experiencing some grief

themselves.
Senator Murray. Thank you. I'll yield to counsel.
Mr. Ben-Veniste. Thank you, Senator Murray.
Ms. Thomases. Thank you, Senator.
Mr. Ben-Veniste. Mr. Chairman, I would like to take a brief opportunity at this time because I've been sitting here and listening carefully to the testimony over these four weeks that we've had these hearings. The suggestion is made today that Ms. Williams had three conversations with the First Lady on the night of the 20th and couldn't remember anything about them.
Well, I sat through testimony where Ms. Williams described those conversations in detail, as she did in her deposition at page 24 and page 25, Mr. Chairman. She said those conversations were, first, a call from an airplane where the First Lady advised her that she was going to land soon and wanted her to be available.
She then called back from Little Rock, at which point according to Ms. Williams's testimony at page 24 of her deposition. She said "The first call was on the plane. It must have come through Signal because I thought she said you're at home, and she said are you going to be there."
and so forth. And then in that conversation after she landed she said "I want you to sit down," and Ms. Williams

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testified "I thought that was bizarre. And then she told me that Vince was dead. And I don't know if she told me if he killed himself or he was dead. I don't know what she told me past that."
So this was the subject of not only deposition testimony but testimony here before us. I would also like to talk about the fact that we had an agreement that witnesses would not be recalled and that, in connection with scheduling Ms. Williams's testimony here before us, in all fairness to Ms. Williams, she had a long-standing trip planned to go to China. And I recall distinctly that we tried our best to accommodate her. We couldn't exactly, but that was well-known, and the suggestion that now we should call her back as though she's around the corner strikes me as not exactly fair.
With respect to Ms. Thomasson, I sat here and listened to the testimony, Mr. Chairman, that the delay in her White House pass was due to the fact that the paperwork was delayed, that there was no substantive concern with respect to her employment or any other factor that held up her clearance. And I would like to comment because it was an important factor in my growing up – although I was only a child at the time that the hearings that Senator Kerry alluded to took place – but they made a strong impression on me, as I'm sure they did to most people.

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The Chairman. Counselor, I really believe now that you're approaching the bounds that, you know, take us – I have attempted and do to give everybody an opportunity to recognize their position, their right to raise objections, their right to make their observations. I think I've attempted, and even Senator Kerry has indicated, to the best of my ability to protect witnesses and some cases even to explain background because it may be that they're unaware of the testimony of others. I've done that without regard to who they are or what their testimony may be. I don't believe that it is fair to this committee in its efforts to attempt to bring up those kinds of images.
That's wrong. So I just, I just make that observation.
Mr. Ben-Veniste. Mr. Chairman, perhaps this is my time, if you will permit me to do so, to make this observation with respect to Ms. Thomasson, who has been, I think, unfairly branded with some type of guilt by association because her employer was convicted of a crime that one suggests she had any involvement in. And perhaps we ought to just sit back and remind ourselves once again of Vincent Foster's last line, that ruining people is considered sport in Washington. And we ought to take a deep breath and try to keep that in mind.

[24] The Chairman. I think that's an important
[25] observation, and I think we should all understand that and

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[1] attempt to apply that. We're going to take a break until a
[2] quarter after 2:00. Having said that, I'm going to put two
[3] brief questions to the witness.
[4] Mrs. Thomases, did there come a time on the 22nd –
[5] I'm looking at the time sheet that you have seen; I don't
[6] know if you have a copy in front of you, which is a summary
[7] of some of the calls that were made that you spoke to
[8] Maggie Thomases – Maggie Williams, that you recall. I see
[9] it's 513 to 522. I think you have a recollection of having
[10] talked to her at that point in time?
[11] Ms. Thomases. This document refreshes my
[12] recollection.
[13] The Chairman. And so that was a completed call; you
[14] did have a conversation of some sort with her?
[15] Ms. Thomases. Yes, I did.
[16] The Chairman. Okay. Now, what was that conversation,
[17] if you can recall? The nature of it?
[18] Ms. Thomases. I don't remember everything in that
[19] conversation, but I believe that one of the things I told
[20] her at that time was that I had concluded that it would not
[21] be wise for me, for physical reasons, to go – come back to
[22] Washington to go to Little Rock with the President and the
[23] people from the White House the next day for Vince Foster's
[24] funeral.
[25] The Chairman. Okay. Did – did Maggie Williams tell

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[1] you at that time that she and – what was her name –
[2] Mrs. Huber, do you know Mrs. Huber?
[3] Ms. Thomases. I know who she is, yes.
[4] The Chairman. That she and Mrs. Huber had locked away
[5] documents that had been taken from Mr. Foster's office in
[6] the – and locked in the White House – in the closet in
[7] the White House residence?
[8] Ms. Thomases. No, she did not mention that to me at
[9] that time.
[10] The Chairman. She made no reference about that?
[11] Ms. Thomases. She made no reference to that.
[12] The Chairman. Okay. There is another call that I'm
[13] going to bring up later. But I want to thank both the
[14] witnesses, and we'll come back at 2:15.
[15] Senator Sarbanes. Mr. Chairman, could I be clear –
[16] Ms. Thomases, could I just be clear on one point? That
[17] conversation you say was, as you recall, was your telling
[18] Maggie you would not be able to go to Little Rock because
[19] you evaluated that your physical condition would preclude
[20] doing that; is that correct?
[21] Ms. Thomases. Yes, I'll tell you – if you want to
[22] know the details, I will share them with you. I had walked
[23] from my office to a meeting that I had that afternoon that
[24] was three blocks from my office. It had been exceedingly
[25] hot and I had not felt great when I got there. And so when

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[1] I got out of that meeting I ordered – I wanted to make
[2] sure that I had an air conditioned cab. And so on my way
[3] home I thought about this and, as much as I wanted to be at
[4] Vince's funeral because I believe in the going to funerals,
[5] I just felt that I would, it would be just signing up for
[6] sickness and that it would be just not a sensible, prudent
[7] thing for me to do.
[8] Senator Sarbanes. Thank you very much.
[9] The Chairman. Thank you. We stand in recess until
[10] 2:15.
[11] (Whereupon, at 1:20 p.m., the hearing was recessed, to
[12] be reconvened at 2:15 p.m. this same day.)
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[1] AFTERNOON SESSION (2:30 p.m.)
[2] The Chairman. I want to apologize to the witnesses.
[3] We're going to start in several minutes. Senator Bennett
[4] is just finishing up something, but he will be here with
[5] us. He's actually in the back and will be with us
[6] momentarily, and then we'll start.
[7] I will indicate that Ms. Sherburne, the witness's

special counsel, has advised the Committee that Maggie
Williams arrived back in the United States this morning and
that the White House – there was a question as it relates
to any taping or any recordings, that the White House does
not have any records of telephone calls from the First Lady's plane on July 20th, 1993 including tape recordings
of calls. So they do not have any record, and they don't
have any tapes. That was the question that was raised.
And again, as I indicated, counsel will be discussing the
question of reviewing some of the testimony that has been
given that might give different accounts as it relates to
Maggie Williams.
(Pause.)
The Chairman. The Committee will come to order. We
thank the witnesses.
Senator Bennett.
Senator Bennett. Thank you, Mr. Chairman. I
appreciate your indulgence. I had to take care of another

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assignment.
Ms. Thomases, I can't begin to approach the Senator
from North Carolina in drama, but I do want to start out
with a recognition of the fact that you are, indeed, a very
powerful person regardless of what title you may have. I
don't know whether you describe it as "juice," as he did.
but I don't know very many people in this administration –
or any administration of my memory – who have the ability
to drop in the White House pretty much at their
convenience, spend a couple of hours going through the
halls and offices and have a conversation with the
President of the United States that is unscheduled in
advance. It takes someone of tremendous stature to be able
to do that, and you've testified here that you did that,
and I congratulate you on your amassing that much
influence.
It does, however, raise the question that I think the
Senator from Massachusetts was pursuing, about what it is
you may have said in these various phone calls and these
conversations. I've taken notes. You've said I had no
concern; I had not heard of any issue in the White House.
You've said over and over again your main message in all of
these conversations was how are you doing?
Given the nature of the power that you have, the
question inevitably comes up shouldn't that statement

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really have been what are you doing rather than how are you
doing.
Now, let me take you through some statements that have
been made about you in depositions of other witnesses here
to come back to that point.
First Bernie Nussbaum. This is on page 141 of his
deposition. It's just a few sentences. Speaking of you,
he says – and I quote – "yes, she's a friend. She's a
friend of mine. She's a friend of a lot of people in the
White House, including the President and the First Lady.
She's an adviser. This was a decision that had to be made
as to how the search was going to be conducted, and I felt
comfortable discussing it with her."
Now, he later says on page 142 of his deposition "she
said people are concerned about whether I was using the
correct procedure or whether the procedure was – people
were concerned or disagreeing, something like that, whether
correct procedure was being followed, whether I was using
the correct procedure, whether it was proper to give people
access to the office at all, something like that."
So he does not remember this as a how-are-you-doing
kind of conversation. He remembers that you told him that
some people were concerned about his procedure.
Then Mr. Neuwirth, on page 112 of his deposition,
said – referring to a conversation with Mr. Nussbaum –

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"again, while I don't remember his exact words, in a brief
discussion my understanding was that Mr. Nussbaum felt that
Ms. Thomases and the First Lady may have been concerned

about anyone having unfettered access to Mr. Foster's
office."
And then the final one – and we can discuss it –
back to Mr. Nussbaum again, commenting on Mr. Neuwirth's
testimony that I've just read where Mr. Neuwirth quotes
Mr. Nussbaum as quoting you as saying that you and the
First Lady had concern about unfettered access.
Mr. Nussbaum says "I don't have any memory of Susan
Thomases mentioning the First Lady to me in this
conversation. I do remember her saying what I said, that
people were concerned. Now, is it possible that I
extrapolated after that conversation and said something to
Neuwirth along those lines? I guess it's possible that I
did that."
So Mr. Nussbaum is holding out the possibility that he
did, in fact, mention the First Lady in his conversation
with you to Mr. Neuwirth, but that, as he thinks it through
in his mind, you just said people were concerned.
Now, Ms. Thomases, can you help us out on all of
this? Who are the people that were concerned that caused
you to make these comments to Mr. Nussbaum?
Ms. Thomases. I don't remember making that comment to

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Mr. Nussbaum. I truly do not remember.
Senator Bennett. You agree that –
Ms. Thomases. And I have no idea which people might
have been concerned based on who I spoke to those days.
Senator Bennett. Did you have any concern about
unfettered access?
Ms. Thomases. I had no concern about unfettered
access.
Senator Bennett. Did you ever use that phrase to
Mr. Nussbaum?
Ms. Thomases. No. I never heard that phrase until
this hearing started.
Senator Bennett. Did –
Ms. Thomases. And Mr. Nussbaum's testimony was read
to me during my deposition.
Senator Bennett. Do you have any idea where the
notion of concern about unfettered access would have come
from in the minds of either Mr. Nussbaum or Mr. Neuwirth if
it didn't come from you?
Ms. Thomases. I have no idea. I'm sorry, Senator, I
just have no idea.
Senator Bennett. Is there anyone else who could have
communicated that concern on behalf of the First Lady other
than you?
Ms. Thomases. I have no idea. I don't know who else

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they were talking to.
Senator Bennett. Going back to my opening comment,
search your memory and see if you can find in all of these
how-are-you-doing kinds of conversations any step over – I
won't say "cross the line" because that implies there is
something wrong here, and I don't think there would have
been anything wrong with it – but any movement into the
persona that you're so famous for, that has earned you the
right to do what I've described, go into the White House
and have those kinds of conversations.
I don't think you have that kind of access to the
White House because they want you to be their therapist and
ask them how they're doing from time to time. I think you
have that access because you do ask pointed questions.
In any of these conversations did you get into that
area and express your views on any of these matters?
Ms. Thomases. Senator, I don't believe I did so, and
it is very unlikely that I would have challenged Bernie
Nussbaum on an issue of how to conduct an investigation.
Bernie Nussbaum was a very respected lawyer in New York who
was quite well-known for his investigative skills. He was
a lawyer and a star in the practice of law in New York long
before I ever went to law school. I went to law school in
my 30s, and Bernie was a well established, quite famous
lawyer by the time I got out of law school. And it simply

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would not have occurred to me to challenge Bernie Nussbaum
on what he thought was an appropriate way to conduct an
investigation.

Senator Bennett. You're very convincing. Your history shows that you are not afraid to challenge – Ms. Thomases. That's absolutely true – Senator Bennett. And did you challenge anybody else, if not Mr. Nussbaum? The list of conversations that Senator Bond and others have gone through is quite extensive. Can you think of any conversations you had with somebody other than Mr. Nussbaum where you expressed an opinion about how things were being done? Ms. Thomases. As I said earlier to the other senators, I don't believe I discussed documents with anybody other than Mr. Nussbaum. Senator Bennett. Not necessarily documents, how things were being done; how the procedure was going. In your conversations with Maggie Williams, did you express an opinion? Ms. Thomases. I don't think that it would be the type of thing that I would discuss with Maggie Williams, partly because Maggie Williams was not a lawyer and was not into documents and procedures. Senator Bennett. Well, there were a lot of folks who weren't lawyers who ultimately ended up involved in this,

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as we've discovered. In your conversations with the First Lady, did you ever discuss any of the procedures or any of the sense of how it was going during this period? Ms. Thomases. I – as I said in my opening statement, the First Lady and I never discussed documents or the search of Vince Foster's office. Senator Bennett. All right. Did you discuss the general tenor of the way the whole thing was moving forward? Ms. Thomases. With the First Lady? Senator Bennett. Yes. Ms. Thomases. No. Senator Bennett. I see. Well, thank you very much, Mr. Chairman. The Chairman. Senator Sarbanes. Senator Sarbanes. Senator Simons, ! you finish your round before – Senator Simon. No, I did not. I just took a minute to discuss bringing back other witnesses. Senator Sarbanes. That's what I thought. Mr. Chairman, I yield to Senator Simon. Senator Simon. Thank you, Senator Sarbanes. Ms. Thomases, Jim Carville was quoted earlier as saying you are a blunt instrument of enforcement for – was he talking

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about the Administration or was he talking about when you were on the staff of the campaign? Ms. Thomases. I think he was talking about when I ran the schedule. I was a very tough taskmaster. Senator Simon. And scheduling is a tough job. Since the administration is in power, have – and you have been, it has been mentioned by Senator Bennett and others, in touch with the President and the First Lady, has this been as a legal adviser or as a friend? Ms. Thomases. As a friend and occasionally as a political adviser. Senator Simon. And can you think of any occasion – by way of background, it strikes me if Hillary Clinton wanted to communicate something to Bernie Nussbaum, it was a very strange way of doing it to talk to you and ask you to communicate it to Bernie Nussbaum. Hillary Clinton has not been – does not strike me as a person who would be reluctant to get on the phone herself and call the legal counsel or anyone else. Can you think of any other case, health care, any issue where Hillary Clinton said to you can you call Bernie Nussbaum and communicate this? Ms. Thomases. I don't know that she – she has never asked me to communicate anything with Bernie Nussbaum, but I do know that she did not ask me to communicate about Vince's office or Vince's files to Bernie Nussbaum. And

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Hillary – you are quite right, Senator, that Hillary Clinton certainly knows how to express her own views directly to Bernie Nussbaum or almost anybody else she wants to conv , her views to. Senator Simon. Is it safe to say it would be out of character for her to communicate to you by phone, asking you to communicate to the White House counsel? Ms. Thomases. I would say except when she would be very rushed and she was in a hurry or she was rushing

someplace. Sometimes she used to, in the course of the campaign, ask me to deliver a message, but they usually were not substantial messages. They were just messages.

Senator Simon. And this was not an occasion that you recall where she was rushed in that way?

Ms. Thomases. On the contrary, she was at her mother's home in Little Rock thinking about the loss of her friend and essentially waiting for her husband and her other friends to arrive to attend Vince's funeral.

Senator Simon. Mr. Lindsey, the one brush you have with this whole question of documents is the meeting on the 22nd?

Mr. Lindsey. That is correct.

Senator Simon. Do you remember Bernie Nussbaum at any point in that meeting saying the President or Hillary Clinton or anyone else thinks we ought to conceal something

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or, you know – obviously there are legitimate concerns about executive privilege and personal papers of Vince Foster as well as personal income tax records of the President and so forth, but any suggestion of anything untoward should take place?

Mr. Lindsey. No, sir, not at all. It was simply an attempt to try to balance the competing interests between the Park Police, who had a legitimate interest, to know whether there was any document in there that reflected on Vince's state of mind and the legitimate interests of the office of the presidency in documents that are either covered by executive privilege or attorney-client privilege or perhaps work product. And it was, it was a theoretical discussion as much as anything about how do we accommodate these competing interests.

Senator Simon. And do you remember the question of Whitewater coming up at all?

Mr. Lindsey. No, sir, not at all.

Senator Simon. And is it safe to say that here you have some competing interests, federal agencies, conscientious people who believe they should – you know, Department of Justice, Park Police, White House counsel, others, who believe they have a responsibility, and what you have to do is to draw that line, and that's what that meeting was all about?

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Mr. Lindsey. Yes, sir. And I didn't hear all of Jack Quinn's testimony, but I believe he testified there were people who believed that there should be less access than Bernie – Bernie's position was or my position. So Bernie did not have the extreme view, if you will, in that meeting. His was one that we need to accommodate these competing interests in a way that protects the privilege but allows the Park Police and the others to have access to what they need for the purposes they need it.

Senator Simon. And in this whole process did you see anything that Bernie Nussbaum did that was either unethical or illegal?

Mr. Lindsey. No, sir.

Senator Simon. I have no further questions. I yield the balance of my time to Mr. Ben-Veniste.

Senator Sarbanes. Why don't we go back to your side.

The Chairman. Okay. Mr. Chertoff.

Mr. Chertoff. Thank you, Mr. Chairman.

Ms. Thomases, when did you first learn and how did you first learn that a writing had been discovered in Mr. Foster's handwriting?

Ms. Thomases. I can't recollect exactly which day. Sometime after the funeral, and I first learned it from Bernie Nussbaum.

Mr. Chertoff. Now, the funeral occurred on Friday the

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23rd?

Ms. Thomases. Yes.

Mr. Chertoff. So it was sometime after Friday the 23rd?

Ms. Thomases. Yes.

Mr. Chertoff. Was it on Saturday the 24th?

Ms. Thomases. I doubt it.

Mr. Chertoff. You have a recollection?

Ms. Thomases. I have no specific recollection, but I go away on the weekends, and that – it would be a hard job for anyone to find me at that time. I didn't use to give out my weekend number.

Mr. Chertoff. Were you there Saturday and Sunday?

Ms. Thomases. Yes, I was.

Mr. Chertoff. You got back Sunday night?
Ms. Thomases. Probably on Monday morning.
Mr. Chertoff. Did you hear on Monday morning?
Ms. Thomases. I don't remember whether I heard Monday
morning.
Mr. Chertoff. Did you hear before you read about it
in the newspaper?
Ms. Thomases. Yes, I heard before I read about it in
the newspaper.
Mr. Chertoff. And how did Mr. Nussbaum communicate
this to you?

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Ms. Thomases. He told me he had found, they had found
a torn-up writing by Vince Foster, and that the President
hadn't seen it yet.
Mr. Chertoff. So he told you before he notified the
President of the United States?
Ms. Thomases. I guess so.
Mr. Chertoff. Well, you just testified that he told
you they had found a writing and that they hadn't yet shown
the President; right?
Ms. Thomases. That's right.
Mr. Chertoff. Did he tell you whether they had shown
Mrs. Foster yet?
Ms. Thomases. No.
Mr. Chertoff. Did –
Ms. Thomases. He made no mention of Mrs. Foster.
Mr. Chertoff. One way or the other?
Ms. Thomases. Yes.
Mr. Chertoff. Do you remember the time of day it was?
Ms. Thomases. I have no recollection of what time of
day it was.
Mr. Chertoff. Were you in your office or at home?
Ms. Thomases. I have no recollection of as to exactly
where I was.
Mr. Chertoff. I assume it was a telephone call?
Ms. Thomases. Yes.

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Mr. Chertoff. Why did he call you up and tell you
this?
Ms. Thomases. I may have been calling him in order to
find out how the funeral went, and again, how things were
going.
Mr. Chertoff. Well, let's look at this for a moment.
The funeral occurred on Friday the 23rd; right? Correct?
Ms. Thomases. Yes.
Mr. Chertoff. You're away on Saturday and Sunday?
Ms. Thomases. Yes.
Mr. Chertoff. Now, Monday you're back at work?
Ms. Thomases. Yes.
Mr. Chertoff. Does it seem to you that if you were
going to call to find out how the funeral went you would
have called on Monday?
Ms. Thomases. Yes.
Mr. Chertoff. So does that help you fix that it was
on Monday that Mr. Nussbaum told you about the writing
being discovered?
Ms. Thomases. I don't know with certainty that he
told me on Monday.
Mr. Chertoff. Did he tell you that he had already
notified the First Lady about the note being discovered?
Ms. Thomases. He didn't mention anything to me about
the First Lady when he first told me.

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Mr. Chertoff. So you don't know whether that's before
or after the First Lady learned about it?
Ms. Thomases. That's right.
Mr. Chertoff. And your recollection, you think, is
that you made the call and he mentioned it to you?
Ms. Thomases. That's right.
Mr. Chertoff. Well, tell us – was he reporting this
to you in some way?
Ms. Thomases. No, I think he was just mentioning it
to me.
Mr. Chertoff. Well, did he just say by the way, we
found a writing, or was there something more?
Ms. Thomases. I can't remember his exact words.
Mr. Chertoff. Give us the substance.
Ms. Thomases. The substance is that a writing had
been found and that he was going to wait until the
President got back to show it to the President.
Mr. Chertoff. Well, that helps us place the time a
little bit more, because the President actually was
traveling on Monday but returned on Monday night. Does
that help us confirm further that this conversation
occurred on Monday?
Ms. Thomases. Arguably, yes.
Mr. Chertoff. Now, in this conversation on Monday
when he said he found the note and he was waiting for the

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President to get back, what did you say to him?
Ms. Thomases. I have to tell you I didn't want to
know very much about any note from Vince Foster because it
did very little to help us understand what –
The Chairman. Could you repeat that again?
Ms. Thomases. I said I initially had very little
interest in what Vince Foster had written because hearing
what he wrote wouldn't do anything to bring him back.
Mr. Chertoff. Is that what you said to Mr. Nussbaum?

Ms. Thomases. I don't know what I said to
Mr. Nussbaum.
Mr. Chertoff. Did Mr. Nussbaum tell you anything more
about it?
Ms. Thomases. Nothing that I can remember.
Mr. Chertoff. Did he tell you that there were no
factual surprises in the note?
Ms. Thomases. Something like that.
Mr. Chertoff. Did he tell you that there's no
information that gave any special clue to Vince Foster's
emotional state?
Ms. Thomases. I don't remember those precise words,
but he may have said something like that.
Mr. Chertoff. Well, let's go to page 120 of your
deposition, line 7.
"Question: –"

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The Chairman. Wait.
Mr. Chertoff. Do you have your deposition? Okay.
We'll get to page 120. Line 7.
"Question: What do you recollect about your
conversation with Mr. Nussbaum concerning the note?
"Answer: He told me that the note had been found. He
told me that there was no factual surprises in the note,
there was no information that gave any special clue to
Vince Foster's emotional state, and he said that he wanted
to show it to the President. I thought it was before
turning it over to the press, to tell you the truth, not
law enforcement people."
Does that refresh your memory of your deposition of
July 17th of this year as to what your conversation was?
Ms. Thomases. Yes, it does.
Mr. Chertoff. So is it fair to say now that you
actually did get into some discussion of the content of the
note; right?
Ms. Thomases. I obviously remembered it at that time.
Mr. Chertoff. Could you pull the mike a bit closer?
Ms. Thomases. Sorry. Obviously, I remembered it at
that time.
Mr. Chertoff. On July 17th?
Ms. Thomases. On July 17th.
Mr. Chertoff. About two weeks ago?

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Ms. Thomases. Yes.
Mr. Chertoff. Was he conveying this information to
you because he wanted to run it by you in much the same way
that you indicated to Senator Bennett that he was running
his procedure for doing the office search on the 22nd?
Ms. Thomases. I don't know if that's why he was doing
it. It may be because he knew I cared a lot about Vince.
Mr. Chertoff. So is your recollection now that in the
conversation about the note you did not indicate that you
didn't want to hear about it?
Ms. Thomases. I probably indicated hesitance that was
not reflected in the answer that I gave on the 17th.
Mr. Chertoff. I'm sorry. Is there something – I
didn't understand your last answer.
Ms. Thomases. I said I don't think that this answer
reflects the hesitance that I felt at the time.
Mr. Chertoff. Does it express what the conversation
was, your answer on the 17th of July?
Ms. Thomases. Yes, it does.
Mr. Chertoff. Did you indicate on this occasion, on
this occasion you were talking to Mr. Nussbaum, that you
thought the way he was going to handle it sounded okay to
you?
Ms. Thomases. Since that was my usual way of talking
to Bernie, I could have said that to him.

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Mr. Chertoff. And that's the same essential turn of
phrase you used on the 22nd when you talked to Bernie about
the way he was going to handle the office; right?
Ms. Thomases. That was certainly the way I thought he
was going to handle the office.
Mr. Chertoff. So your recollection is that with
respect to both his telling you about the discovery of the
note on Monday the 26th and with respect to his telling you
what he was going to do to the office on the 22nd,
essentially both conversations involved him giving you his
view, and you said that sounds okay to me. Is that
basically right?
Ms. Thomases. Basically.
Mr. Chertoff. Mr. Lindsey, in late 1993 and early
1994 was there a group of individuals at the White House
who had the assignment of dealing with Whitewater type
issues?
Mr. Lindsey. Yes.
Mr. Chertoff. You have to pull the mike –
Mr. Lindsey. Yes.
Mr. Chertoff. Was Mr. Podesta part of that?

[22] Mr. Lindsey. Yes, he was.
[23] Mr. Chertoff. Was Mr. Eggleston part of that?
[24] Mr. Lindsey. Yes, he was.
[25] Mr. Chertoff. Did you know Mr. Podesta and

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[1] Mr. Eggleston had a conversation with Mr. Tom Castleton
[2] about his moving a box of documents up to the residence
[3] sometime – that this conversation took place sometime in
[4] the spring of 1994?
[5] Mr. Lindsey. No, I did not.
[6] Mr. Chertoff. You were not aware of any – were you
[7] aware of the fact that in the spring of 1994 Mr. Castleton
[8] had been called by the press concerning his movement of a
[9] box of documents from Vincent Foster's office?
[10] Mr. Lindsey. No.
[11] Mr. Chertoff. I also want to move back, Ms. Thomases.
[12] to you with respect to the issue of your recollection about
[13] whether you had conversations with Mrs. Clinton about
[14] concerns over handling the documents in Mr. Foster's office
[15] and whether you related those concerns to Mr. Nussbaum.
[16] Now, am I correct that here now in this room you are
[17] absolutely telling us that never happened?
[18] Ms. Thomases. You have to repeat it because I didn't
[19] quite follow what you were saying.
[20] Mr. Chertoff. I'll take it slow. Is it – is it
[21] is it not correct that you had a conversation with
[22] Mrs. Clinton during the period of July 21 to July 22nd in
[23] which she expressed concerns about the way in which the
[24] documents in Mr. Foster's office was being handled?
[25] Ms. Thomases. She never talked about documents in any

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[1] of the conversations with her that I had during that
[2] period.
[3] Mr. Chertoff. Did she talk about the office?
[4] Ms. Thomases. She did not discuss the office.
[5] Mr. Chertoff. And you are absolutely firm that
[6] didn't happen?
[7] Ms. Thomases. I'm absolutely firm that had she
[8] discussed documents with me at this time, I would have
[9] noticed it. It would have been a memorable thing for her
[10] to have mentioned because we were talking about emotions,
[11] children, religion, feelings, friendship; and had she
[12] brought up documents, it would have been so distinct I
[13] believe I would have remembered it.
[14] Mr. Chertoff. And what about conveying concerns about
[15] the documents or the office to Mr. Nussbaum on the 22nd,
[16] did that happen or didn't it happen?
[17] Ms. Thomases. My conveying that to Bernie –
[18] Mr. Chertoff. Yes?
[19] Ms. Thomases. No, I don't believe that I conveyed
[20] that to Bernie Nussbaum.
[21] Mr. Chertoff. Again, I have to go back to your
[22] deposition. I'm at page 99. And it seemed to me you were
[23] a little less definite then. I just want to make sure
[24] whether you are now definite or – you are definite and
[25] this has gotten firmer or not. Line 20.

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[1] "Question: Is it possible, Ms. Thomases, that you
[2] spoke with the First Lady on the evening of the 21st and
[3] conveyed concerns raised by the First Lady in your
[4] conversations with Mr. Nussbaum on the 22nd?
[5] "Answer: I have no recollection of having done that
[6] because I have no recollection of a conversation that I had
[7] with her on the 21st, just my intuition that I would have
[8] reached out to her."
[9] Now, in that answer you indicate you just don't recall
[10] a conversation on the 21st or you don't recall the
[11] substance of it. Is that now changing a little bit? You
[12] recall the conversation?
[13] Ms. Thomases. No. I don't think that I had a
[14] conversation with her on the 21st. I do recollect that I
[15] would have, when I got back to my hotel, maybe, perhaps
[16] reached out to her, but I don't remember having – I still
[17] don't remember having reached her, and I don't remember
[18] having had a conversation with her on the 21st.
[19] Mr. Chertoff. Now, going down to line 11:
[20] "Question: Maybe I can get to this same result by
[21] stating the same question negatively. Are you prepared to
[22] swear today that that didn't happen?
[23] "Answer: I couldn't swear because I don't have a
[24] recollection that – I mean, I would not be willing to
[25] swear for absolute for the reasons I've said to you. And

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[1] there is a high possibility in my mind that I reached out
[2] for her and a possibility that, in reaching out for her, I
[3] reached her."
[4] And then now let's go down to page 101, line 13.
[5] "Question: Can you be certain, under oath today,

that
you did not discuss with Mrs. Clinton on the 21st of July
'93 concerns that you or she may have had relating to the
examination of Mr. Foster's office?
"Answer: I can't swear unequivocally because I don't have memory about any, about the fact that I did have a
conversation or what the conversation was about."
Now, I just want to make sure I understand what the position is here. Is it as it was on the 17th, that you
"can't swear unequivocally because I don't have a memory
about" a conversation or that you can tell us now, unequivocally, that you did not have a conversation with
Mrs. Clinton during these two days about documents or
Mr. Foster's office?
Ms. Thomases. It's both. I do not remember having a conversation with Mrs. Clinton on the 21st. I still have this sense that I would have reached out for her, but I have no memory if I reached her; I have no memory of having
reached her or having had that conversation. But as I just
said earlier, I do believe that my conversations with her
during these days were about loss of a friend, emotions,

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worrying about Maggie, thinking about how her husband felt,
talking about what was going to happen and if she had
brought up anything to do with searching a document or
anything lawyerly about documents or anything I – it would
have been so out of the mood of the time that I would recollect it, but I can't, you know –
Mr. Chertoff. Did you talk to Maggie Williams on the 22nd?
Ms. Thomases. Yes, I did talk to Maggie Williams both
on the – I think I spoke to her both on the 21st and the
22nd.
Mr. Chertoff. I want to focus on the 22nd now. Where was that conversation?
Ms. Thomases. I was at my office.
Mr. Chertoff. In New York?
Ms. Thomases. No, in Washington.
Mr. Chertoff. You called her by phone?
Ms. Thomases. Yes.
Mr. Chertoff. About when during the day?
Ms. Thomases. I have no idea.
Mr. Chertoff. It was certainly in the morning because you went back to New York in the afternoon?
Ms. Thomases. And I had a meeting that was to have started at noon that day.
Mr. Chertoff. Did you see her in person on the 22nd?

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Ms. Thomases. I know she recollects seeing me in person, but I don't recollect seeing her in person.
Mr. Chertoff. How do you know that?
Ms. Thomases. How do I know that?
Mr. Chertoff. Yes, how do you know what she recollects?
Ms. Thomases. I was told that her testimony suggested
that she remembered talking to me.
Mr. Chertoff. I see. So someone's told you about her testimony?
Ms. Thomases. Yes.
Mr. Chertoff. In advance of your coming here?
Ms. Thomases. Yes.
Mr. Chertoff. But you don't remember seeing her in person?
Ms. Thomases. I don't remember seeing her in person.
Mr. Chertoff. Whether you saw her in person or not, what was the conversation with Maggie Williams about on the
22nd? I know you've given us the 21st already. What was
it about on the 22nd?
Ms. Thomases. I talked to her about how she was holding up. I talked to her about going to the funeral. I
talked to her about how I was holding up. I talked to her
about how much work I had and how pressured I was feeling
at the time.

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Mr. Chertoff. Anything else?
Ms. Thomases. I don't remember anything else more specific than that.
Mr. Chertoff. Did you talk to her about insurance?
Ms. Thomases. I don't specifically remember talking to her about insurance, but it's quite possible that I did.
Mr. Chertoff. Well, how is it possible that you talked to her about insurance in the middle of these discussions about these emotional things?
Ms. Thomases. Because the last time someone who I cared a lot about took his own life, there were incredible
complications about insurance.
Mr. Chertoff. Did you talk to Ms. Williams about this?
Ms. Thomases. I don't remember talking to her about it, but given the –
The Chairman. She has some recollection – let me just help you here. She has some recollection about you

speaking about insurance. This is just to be helpful. And about calling into mind that there was a person who you are aware of and there was some extraordinary circumstances and that possibly you should be mindful of this. I'm going to ask now that we – because I know Senator Sarbanes's light's been on and he's been quite generous in allowing us to pursue this – we turn to Senator Sarbanes before we

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continue the questioning on this side.
Senator Sarbanes.
Senator Sarbanes. Thank you very much, Mr. Chairman.
I'll yield to Senator Dodd in a moment here, but I just want to – Ms. Thomases, do you recall when you went back up to New York on the – you came down on Wednesday the 21st?
Ms. Thomases. Yes.
Senator Sarbanes. And you went back to New York on the 22nd?
Ms. Thomases. On the 22nd.
Senator Sarbanes. And you recall about when you went back to New York?
Ms. Thomases. It was probably either on the 3:00 or 3:30 flight.
Senator Sarbanes. Now, you said you had a 4:00 meeting down here?
Ms. Thomases. No, I had a noon meeting down here and a 5:30 meeting in New York.
Senator Sarbanes. On the 22nd?
Ms. Thomases. On the 22nd.
Senator Sarbanes. Okay.
Senator Sarbanes. Senator Dodd.
Senator Dodd. Thank you, Mr. Chairman. You both have been very, very patient here today. A long day.

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And I should say, Mr. Chairman, too, I know both of these witnesses. I know Ms. Thomases, and I have listened to some people trying to characterize her with different language here. She's a very, very competent attorney, and there are many of us who have had reason to work with her in the past on a number of issues.
And I have found her to be tremendously forthcoming,
straightforward; very direct – which is refreshing, I might add, in this business regardless of which side we're on on issues. We don't always get direct, candid answers from people. Never been in my employ, we've never worked together in that sense, but that's not a bad reputation as far as I'm concerned. I wish we had a few more people in this town, frankly, who came here from time to time with that kind of advice.
I wanted to raise, Mr. Chairman, I gather it has been in the past, but so much has been made of this note, and maybe the one person who can shed a lot of light on it is Mrs. Foster and both in her, I gather, in this 302 document that the FBI prepared, Mrs. Foster stated that she believed that the original note was probably written by her husband on or about July 11th or sometime between the 4th of July and July 11th.
And she goes into some reasons why she believes that's probably the case. The Park Police, in their

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investigation, also talked to Mrs. Foster and included that kind of information in their report. And I presume that those documents have been made part of the Committee hearing record, and if they haven't been, then I'd ask consent that they be included because I think it's important that, that there was some evidence bearing on the origins of that note from a person who would have more than just a passing familiarity with a history of it. And I think that ought to be included. Much has been made of it, obviously, over the last number of weeks.
And again, to state what I think all of us have concluded, that, in fact, there's nothing in that note that is embarrassing to the White House, which is important, I think. If we didn't have the note or if the words were blurred on it and it were unclear what was there, I could see where the speculation of what might have been said there would pique interest. But since we have the

note.
[18] We know what it says, and, in fact, the only indictments in
[19] that note are people outside of the White House.
[20] So it seems to me with the benefit of that evidence, a
[21] tremendous amount of time has been spent on this particular
[22] document. And I can't discern any possible reason if
[23] someone were to want to hide this note or conceal it, what
[24] the rationale would be from anyone inside the White House
[25] wanting to do it since nothing Mr. Foster said in that note

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[1] does anything but, in fact, compliment the White House and
[2] vindicate it, in his view, from any actions of wrongdoing.
[3] I think it's important to make that point over and
[4] over again. If we didn't have the note, if we couldn't
[5] read the note. I could see where the speculation might come
[6] from. Since we have the note, we know what it says, we
[7] have a pretty good idea when it was written and why it was
[8] written, it seems to me just dwelling on this note is –
[9] again, it may have some value to some, but it's –
[10] mystifies me as to why there is a continuing interest when
[11] we know that much about it, it seems to me.
[12] So Mr. Chairman, I really don't have any additional
[13] questions. I just want to thank both of our witnesses for
[14] their candor and their help in this regard, and I'll be
[15] glad to yield whatever time I have to you Mr. Chairman or
[16] to Mr. Ben-Veniste.
[17] Ms. Thomases. Thank you, Senator.
[18] Mr. Ben-Veniste. Following up on Senator Dodd's
[19] comments, Mr. Chairman. One thing that came out yesterday
[20] that I don't think was clear in the record was the question
[21] of whether there would be an investigation of the contents
[22] of the note. And as I recall, the issue of the reference
[23] in the note as to whether the FBI lied – I guess the
[24] context of that was in connection with the travel office
[25] investigation, although that was not explicitly stated.

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[1] My recollection is that that was, in fact, pursued
[2] along with the investigation of the discovery of the note
[3] by the FBI and through the office of professional
[4] responsibility at the Department of Justice. And I think
[5] that simply ought to be added to complete the loop with
[6] respect to the issue raised, I guess, by Mr. Gergen
[7] yesterday about whether there was something in the note
[8] that would spur further investigation. And that, in fact,
[9] happened, and that investigation was undertaken and
[10] concluded.
[11] The Chairman. I've been just going over this with
[12] counsel. To the best of your recollection, Mrs. Thomases,
[13] during this period of time, the 20th, you learned about
[14] Bernie's or you learned about – you didn't learn from
[15] Bernie. Let me start again.
[16] On or about the 20th you learned about Vince Foster's
[17] death. You're in New York?
[18] Ms. Thomases. Yes.
[19] The Chairman. As best as you can fix, about what
[20] time? Was it a phone call?
[21] Ms. Thomases. It was a phone call.
[22] The Chairman. You're in your home?
[23] Ms. Thomases. I was in my home.
[24] The Chairman. And who informs you?
[25] Ms. Thomases. Hillary Clinton.

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[1] The Chairman. The First Lady called you?
[2] Ms. Thomases. The First Lady called me at home.
[3] The Chairman. And about what time was that?
[4] Ms. Thomases. It was after 9:30 in the evening. I
[5] can't tell you precisely what time.
[6] The Chairman. So approximately 9:30?
[7] Ms. Thomases. I can't pinpoint it that –
[8] The Chairman. Okay. But you know it was sometime
[9] from 9:30 –
[10] Ms. Thomases. I had been out all day that day, and I
[11] arrived home sometime on or about 8:30, and I put my son to
[12] bed, and it was after I had put him to bed that the phone
[13] rang.
[14] The Chairman. And the First Lady, what did she say to
[15] you? She said Vince Foster, Vince is –
[16] Ms. Thomases. She told me that she had some very sad
[17] news for me, that Vince had taken his own life. And I tell
[18] you quite frankly, Senator, that was to me the most
[19] shocking news since it seemed the most unlikely thing for
[20] Vince to have done.
[21] The Chairman. Sure. Now, you didn't have occasion to
[22] speak to the First Lady again that evening, did you?
[23] Ms. Thomases. No, I didn't.
[24] The Chairman. Okay. But you did make a phone call?
[25] Ms. Thomases. I had some work to do. I probably

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spent a little bit of time after I pulled myself – after I talked to my husband and pulled myself together, I probably reached out for Maggie.

The Chairman. So you, there came a time after the First Lady called you that you called Maggie Williams?

Ms. Thomases. That I reached out for Maggie Williams.

The Chairman. Well, you called her on the phone?

Ms. Thomases. Right.

The Chairman. Do you recall where you called her?

Ms. Thomases. I probably called Signal to find her.

The Chairman. CECO?

Ms. Thomases. Signal.

The Chairman. Oh, Signal. Is that the White House switchboard?

Ms. Thomases. Well, whatever it is, it's the system in the White House that knows how to reach people when they are not readily available.

The Chairman. Okay. And you spoke to Maggie Williams?

Ms. Thomases. I did not speak to Maggie Williams that night.

The Chairman. You did not?

Ms. Thomases. Or early that morning.

The Chairman. Okay. Now, there comes a time when you then went to Washington?

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Ms. Thomases. Yes.

The Chairman. Do you remember what plane you took?

Ms. Thomases. I have no idea –

The Chairman. Do you remember what time –

Ms. Thomases. – which of the shuttles. It was sometime after noon on that day.

The Chairman. So it was in the afternoon?

Ms. Thomases. It was in the afternoon. I had work to do in the morning; I had some documents to get out, and I couldn't really leave town until they were completed.

The Chairman. So that takes us to the 21st?

Ms. Thomases. Yes.

The Chairman. And did you, would that be a Wednesday? Is that the Wednesday?

Ms. Thomases. That's a Wednesday.

The Chairman. And it just so happens that that is generally a day that you come, you do come to Washington?

Ms. Thomases. That's right.

The Chairman. One day a week, it's generally Wednesday, so it was just by that circumstances that you were going to come down in any event?

Ms. Thomases. That's correct. And I had something I had to do that afternoon and had to be at my office that afternoon.

The Chairman. Now, you come down on the 21st. Did you have occasion, then, to go to the White House?

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Ms. Thomases. As I said earlier, when I first arrived, I –

The Chairman. I have to tell you I don't know how you can recall these dates because I can't recall sometimes what you, the sequence of dates. So I'm just trying to get it straight. So –

Ms. Thomases. I have refreshed my recollection by looking at my time records. It is not as if it's been all sitting up here in my brain.

The Chairman. I understand. So you're on the 21st, you're here, you come in the afternoon. Best of your recollection, what then takes place? Is there a time that you go to the White House?

Ms. Thomases. I went to the White House – I stopped at the White House before I went to my office because I wanted to arrange to see the President, and I thought that the best way to do it was to actually go to the White House and find out what his schedule was and, therefore, the best time that he might be free to see me.

The Chairman. Did you have occasion to see or speak to Mr. Quinn?

Ms. Thomases. Do I regularly have occasion to?

The Chairman. No, no, during this period of time on the 21st?

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Ms. Thomases. I don't believe – I have no clear recollection of seeing or speaking to Mr. Quinn.

The Chairman. You have no recollection of him indicating to you that he disagrees with the methodology which has been suggested to review these documents?

Ms. Thomases. I don't remember talking to him about the issue of these documents at all.

The Chairman. So you don't know whether or not it could have been Mr. Quinn who had suggested that he was not in step or did not agree with Bernie in terms of the procedure, the initial procedure which had been suggested and that Mr. Heymann thought was agreed to, the process by which they would review documents? You aren t

aware that
there was this difference or at least a difference of
opinion as to how these documents should be handled?
Ms. Thomases. I don't believe I discussed it with
Mr. Quinn.
The Chairman. I'm only –
Ms. Thomases. And it was not –
The Chairman. Yes, go ahead.
Ms. Thomases. I'm sorry to interrupt you.
The Chairman. No, no, please.
Ms. Thomases. It was not in my ordinary course of
behavior to talk to Mr. Quinn about such things.
The Chairman. Okay. Mr. Chertoff. Senator, do you

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have any questions?
Senator Faircloth. I had a question or two.
The Chairman. Go ahead. I'll yield the rest of my
time to you.
Senator Faircloth. More observation, maybe, than
question. But Ms. Thomases, you made 17 calls in two days
to the White House. 17 calls in probably the busiest day
it's had in a long time. And practically all of them were
made before 1:00, before the investigators, the officials
were to go into the office of Vince Foster.
Now, follow my way of thinking here. Practically all
these calls were made before 1:00. Then after 1:00 you
made two – one to Maggie Williams, one to Bruce Lindsey –
and then at 7:00 that evening, you made one to Little Rock,
I assume to Mrs. Clinton.
Now, you are asking us as a committee to believe that
17 calls in two days involved airy persiflage, children,
health. Particularly the concentration of them before the
1:00 entry into the office now here you are, brilliant,
smart, New York-Washington lawyer with a reputation hard
hitting, tough, quick, exacting, move-on type of person.
Here today you tell us you had 17 calls you –
Senator Dodd. Could my colleague hold up just on that
17 number. I'm trying to count here quickly.
Senator Faircloth. Don't count, 15, whatever –

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Senator Dodd. Wait a minute. We're talking about
witnesses being accurate. Let senators be accurate in
their questions, too.
Senator Faircloth. I'm talking about 17 calls in two
days.
Senator Dodd. I'm counting them, and I have a –
Senator Faircloth. One, two, three, four, five, six,
seven, eight, nine, 10, 11, 12, 13, 14, 15, 16, 17.
Senator Dodd. Well, maybe we are looking at
different –
Senator Faircloth. They just teach different in
Connecticut.
The Chairman. I think – look, look –
Senator Faircloth. That's beside the point.
The Chairman. Please. Let us at least agree that
there were at least a dozen phone calls over this period of
time. And let – let the Senator – you proceed, then: go
ahead.
Senator Faircloth. But these many calls that
transpired, the series, the sequence of them from – all of
them before the 1:00, most of them before 1:00, then the
two after, and then the one that evening to Mrs. Clinton.
Everything about that would lead this committee, this side
of this committee to believe that you were directing how
this be handled at the White House, the flurry of calls

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before 1:00 and then the calls after the 1:00. The
officials went into the office after 1:00, that you then
reported how it had been handled and then later to
Mrs. Clinton later that evening. That would certainly be
the conclusion we would draw.
But yet you say, hard hitting, tough, brilliant lawyer
spends two days and a lot of telephone calls talking about
babies, just nice, sweet, airy, persiflage conversation on
the most traumatic day the White House ever had. Now that
might be true, but I find it hard to believe. Let me ask
you another question.
Senator Sarbanes. Time is up, Mr. Chairman.
The Chairman. I'm going to give him another question,
because there was an interruption in the clock and we have
agreed we're going to keep the clock running.
Senator Dodd. Can't she respond to that, though?
The Chairman. If she wants to respond, yes.
Senator Faircloth. Yes, I'd like a response.
The Chairman. Ms. Thomases, would you care to
respond?
Ms. Thomases. I can only tell you what I remember,
sir, and I remember what I remember, and I do not remember
talking about documents or review of Vince Foster's office

with anybody except for Bernie Nussbaum.
Senator Faircloth. Well, let me ask you another

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question. Now, you've been asked about documents that were
destroyed, shredded, altered, burned or whatever. But I
want to ask you if you know – and this is a very important
question. Do you know of any Whitewater documents that the
Clintons have that have never been released and kept
secret, documents that might have been removed on Tuesday
night immediately after the knowledge of Mr. Foster's death
became?
Do you know where any documents were taken from
Mr. Foster's office regarding Whitewater that the Clintons
have not made public or turned over to this committee? Do
you know of any documents, anywhere, not shredded, not
destroyed, that have not been made available to this
committee regarding Whitewater? This is a very important
question.
Ms. Thomases. Could you just, the scope of the
question is a little bit hard to take. My first reaction
is to answer no. But I didn't hear the scope of the
question, so since I'm under oath I want to make sure that
I've heard the entire scope of the question.
Senator Faircloth. I'll give you the question again.
Do you know of any Whitewater documents that the Clintons
have never released, as their attorney, kept in secret? Do
you know whether any documents taken from Mr. Foster's
office regarding Whitewater that the Clintons have not made

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public or turned over to this committee?
Ms. Thomases. The answer to that question – it's a
little bit garbled, your question, Senator, but I think the
answer to the – my answer to that question is no.
Senator Faircloth. You know of no documents –
Ms. Thomases. I know of no documents that the – that
I know that the Clintons had that they have not turned over
to this committee.
The Chairman. In regard to Whitewater?
Ms. Thomases. In regard to Whitewater.
The Chairman. And there was a further – and that
came from Vince Foster's office?
Ms. Thomases. That came from Vince Foster's office.
Senator Faircloth. There is no possibility that
Maggie Williams took out a stack of documents as a Secret
Service man said he saw her taking out and that they were
not turned over to this committee that you know of?
Ms. Thomases. That I know of.
Senator Faircloth. All right. Thank you.
The Chairman. Okay. Senator Sarbanes.
Senator Sarbanes. Mr. Chairman, I must say that I
think we've just witnessed some berating of this witness.
Let me say Senator Faircloth made a big to-do about these
phone calls, including one he said was made to Hillary
Clinton on the night of the 22nd. The logs we have showed

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that that call was to the Rodham residence and it lasted a
minute.
Now, I don't know whether you ever even reached
Hillary Clinton, but given the nature of the way you like
to make lots of phone calls and talk to people, and that
was a pattern that was established, I gather, well before
these events occurred, I would take it that you probably
didn't reach anyone and have any sort of substantive
conversation.
Ms. Thomases. I agree, Senator. I do not believe I
reached Hillary Clinton the night of the 22nd.
Senator Sarbanes. And also we have other calls,
similar, very short calls to the chief of staff's office.
As I understand it, a number of them were made to McLarty's
office, whom you were trying to reach, but as I understand
it you don't think you reached him on the 22nd and talked
to Mack McLarty?
Ms. Thomases. I say to you I don't believe that I
talked to Mack McLarty and reached him. I kept calling
back because I wanted to reach him, but I was never
successful.
Senator Sarbanes. Well I think it's important,
Mr. Chairman, to get that on the record. I was struck by,
in the deposition that was taken of Mrs. Thomases, how the
nature of the pressing of her. I mean, she would say, she

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would say, well, I don't remember – I have no recollection of a – of that sort of conversation, and then she'd be asked "well, are you prepared to swear today that it didn't happen?" And she says "well, I couldn't swear because I don't have a recollection. I mean, I would not be willing to swear for absolute for the reasons I've said to you. There's a high possibility in my mind that I reached out for her and a possibility that I reached her."

And then that, that was repeated, you know. "Will you swear unequivocally," when she would say, well, I don't remember having that conversation. And, in fact, at one point it prompted Mr. Ben-Veniste to say – this is during the deposition – "we get into litigation semantics, and I know you're not trying to do something untoward or something that's not been done with any other witness in this proceeding – of which there have been about 60 – that when a witness doesn't recall something then to say do you swear that it didn't happen, or can you unequivocally rule it out, or is it possible." And then he went on to observe "this strikes me as unusual in this kind of procedure."

I mean, it's very important to get out of you your best recollection of things. I think as Senator Simon noted, we're talking about events that happened more than two years ago, and we're trying to pinpoint them right to

the minute. We have some records here that serve our purpose in trying to do that, but I think we ought to try to keep this record clear. And as I go through the phone records and the length of them, a number of the phone calls were very short in length and would lead me to think that you were trying to reach somebody unsuccessfully?

Ms. Thomases. Yes, Senator.

Senator Sarbanes. The calls that had some length to them, you have testified here today about those calls. And I just think that the record ought to be made clear on that in that regard.

Senator Dodd. My colleague and I have just been counting up. I count three calls of less than a minute duration. Five calls where messages are left entirely. Some it looks like with a note of a phone call and a message, so you kind of get double counting in a sense.

Again, as we've all heard here – no one debates this point – a highly traumatic occurrence where someone who was well-known by Ms. Thomases has taken his own life and close to the very people with whom the individual had been close to. To find that there were seven or eight calls in two days when you weed out the messages, the voice mails, and the obvious calls where it appears as though the 54 seconds, or less than that, where you can't assume there was much of a conversation, you are down to about 8 calls

in two days.

And that's the point I was trying to make.

Mr. Chairman: I wasn't trying to be testy about it. But seems when you say 17 calls, then all of a sudden that conjures up in everyone's mind one image. If you look through carefully here, as I think we've got an obligation to do, and say how many were messages left and were not connected: how many apparently were conversations. And given who the people are, given the circumstances of it, as I look at it, it's, you know, looks fairly normal to me. Maybe other people it's not, but to me fairly standard practice between people during a time like this. So I appreciate my colleague yielding on the point.

Senator Sarbanes. Well, I think it's important. For instance, you were asked today what time did Mrs. Clinton call you on the night of Vince Foster's death to tell you.

And you said as best you could recollect, it was 9:30 or later. I just don't want you to get caught out. I assume if someone then said well, Mrs. Clinton didn't find out about it until 20 minutes of 10:00, and you said that you heard from her at 9:30. Now, how could you have heard from her before she found it out? I guess your response

is.
[23] well, I guess I said 9:30, but it could have been somewhat
[24] later than 9:30. Would that be correct?
[25] Ms. Thomases. That would absolutely be correct. As I

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[1] said, I had come home. I had put my son to bed; he usually
[2] goes to bed then, and it was sometime after that. Thank
[3] you, Senator.
[4] Senator Dodd. Thank you, Mr. Chairman, by the way.
[5] That clarity on the point that was asked and the question
[6] of Ms. Thomases about any other documents, I think you
[7] framed that question – you helped, I think, very much in
[8] framing that question very well.
[9] Senator Sarbanes. We want to find out what happened,
[10] but this is – ought not to become some sort of trick
[11] exercise.
[12] The Chairman. That's why I attempted to clarify as
[13] the Senator – I didn't want you to be in a situation where
[14] it was a partial, but – let me, if I might, just touch on
[15] the calls that you had with Mrs. Clinton. After, sometime
[16] after 9:30 on the 20th you got a call from Mrs. Clinton,
[17] and she indicated to you the death of Vince Foster.
[18] Thereafter, when was the next time that you recall having
[19] called Mrs. Clinton or having gotten a call from her?
[20] Ms. Thomases. I think I spoke to her briefly on the
[21] 22nd.
[22] The Chairman. On the 22nd?
[23] Ms. Thomases. On the 22nd.
[24] The Chairman. Do you have any idea what time that
[25] was? Would that be the call of 7:12 or 7:13, the call to

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[1] the Rodham Arkansas residence? Would that refresh your
[2] recollection?
[3] Ms. Thomases. No, I don't think that was the call,
[4] Senator. I think I spoke to her earlier in the day that
[5] day, but I can't tell you exactly when I spoke to her. I
[6] just have a – I just have a recollection that I spoke to
[7] her, and if you want, I can tell you what I recollect
[8] speaking to her about.
[9] The Chairman. Yeah, I'd appreciate that.
[10] Ms. Thomases. I spoke to her about, as I had spoke to
[11] Maggie and I was looking for Bruce to talk to him, about
[12] the likelihood that I would not end upcoming to a funeral,
[13] and I think I – she and I talked about it.
[14] The Chairman. One last question, do you recall any
[15] other, subsequent phone calls that you initiated to her or
[16] that the First Lady initiated to you after that call on the
[17] 22nd?
[18] Ms. Thomases. No, I don't think I spoke to her –
[19] The Chairman. Obviously, I'm talking about that
[20] period.
[21] Ms. Thomases. After that call, I really don't think I
[22] spoke to her until the following week.
[23] The Chairman. Fine. I have no further questions
[24] Senator Faircloth.
[25] Senator Faircloth. Very brief question.

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[1] Ms. Thomases, and I realize that some of the calls
[2] were very brief, and they could have been leaving
[3] messages. I agree. We do not have a record of calls, and
[4] they have not been made available to us, returned to you
[5] from the White House. It was – in the role you played and
[6] the image you held among White House employees, were your
[7] calls normally returned or were they pretty much thrown in
[8] a velvet wastepaper basket and you never heard back?
[9] Ms. Thomases. Sometimes they were returned and
[10] sometimes they were not returned, and I tried not to take
[11] offense since people had many other things to do.
[12] Senator Faircloth. But generally you got your calls
[13] returned when you called the White House, didn't you?
[14] Ms. Thomases. It depended who I was calling and how
[15] much they wanted to talk to me.
[16] Senator Faircloth. All right. I understand
[17] directness. Mr. Chairman.
[18] The Chairman. Yes?
[19] Senator Faircloth. My staff has spoken to a former
[20] director of the White House military office, and he says
[21] that all phone calls from the ground to an airplane in the
[22] special air wing or from an airplane to the ground is
[23] documented and recorded. All telephone calls are channeled
[24] through Andrews Air Force Base.
[25] Mr. Chairman, I would like to request that you today

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[1] ask, in writing, from the Secretary of Air Force and more
[2] specifically the commanding officer of the air wing at
[3] Andrews Air Force Base for all documents and tape
[4] recordings that is not – and tape recordings. This is not
[5] under the White House control, and the Air Force

would have
it.
The Chairman. I'm going to ask counsel in an
interest – in the interest of attempting to pin down more
clearly when the call came up because I have to tell you
I'm – there's a little inconsistency. I'm not going to
speak to it now unless my colleagues want me to – and I
don't think they want me to speak at all at this point in
time, as the hour grows later.
Senator Dodd. Mr. Chairman, that would be one hell of
a set of hearings if that were the case.
(Laughter.)
The Chairman. I'm going to ask that our counsel
review the request and see if we can't get a log of the
calls and ascertain if the tape messages are made. We made
an initial inquiry of the White House, but we'll see what
that situation is. So I'm going to ask both
Mr. Ben-Veniste and Mr. Chertoff to review that and make
that request.
Senator Faircloth. Well, this is what we've been
told –

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The Chairman. Let's ascertain whether or not – what
the facts are. I don't know if it is. I'm going to ask
counsel to do that –
Senator Sarbanes. Mr. Chairman, I would suggest that
Mr. Faircloth make that colonel who is the source of his
information available to counsel to discuss this matter.
The Chairman. Well, okay, we'll see if the –
Senator Sarbanes. I think that would be helpful.
Senator Faircloth. I'm sure he would be. I haven't
asked him, but I would – I feel certain he would be.
Senator Sarbanes. Fine, fine.
Senator Faircloth. No reason to hide, the information
is either available or it isn't available, and I sure don't
know. I haven't been in the White House yet.
The Chairman. Let's ascertain whether that
information is available. Mr. Chertoff, do you want to –
unless you want to go here or –
Senator Sarbanes. Why don't you finish your round and
then we'll finish up.
Mr. Chertoff. I want to go now back to the 22nd, some
of the questions Senator Bennett pursued with you. We
have – we have, I think, with the help of your deposition,
we've, I think, talked a little bit about your discussion
with Mr. Nussbaum on the 26th when the note was brought to
your attention. But I want to go back to the 22nd, the

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discussion with Mr. Nussbaum then, in which you've
indicated that your response was, you know, go ahead and do
it like you are doing it; it sounds okay to me, in
substance. It seems to me the critical inconsistency here
relates to how this subject came up.
And correct me if I'm wrong, Ms. Thomases, but my
understanding is that your testimony is that on the 22nd
when you talked to Mr. Nussbaum, your reason for talking to
him was exclusively matters of sentiment or personal
feeling, and he was the one who raised the subject with you
about Mr. Foster's office and the documents. Is that your
testimony?
Ms. Thomases. That is my testimony.
Mr. Chertoff. I got to go back to Mr. Nussbaum's
testimony because, as we go to page 138 – 139 of the
testimony, starting at line 3, Mr. Nussbaum is asked:
"Question: What was the conversation on the 22nd with
Susan Thomases?
"Answer: The conversation on the 22nd was that she
asked me what was going on with respect to – what was
going on with respect to the investigation or the
examination, the examination of Mr. Foster's office. She
had heard there were discussions in the White House with
respect to this issue, which there were on the 22nd, which
you'll get to, I presume. Was everything okay, what was

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going on, and I said I am having discussions with people."
And then we go down – that was page 139. And then we
go down further and at line –
Ms. Thomases. Excuse me, is this my deposition?
Mr. Chertoff. No, no, this is Mr. Nussbaum's. I'm
giving you Mr. Nussbaum's recollection. And the point is
that Mr. Nussbaum recalls that you brought the subject up.
And then it gets more specific. Page 6 – page 140, line
6.

"Question: How long was the conversation?
"Answer: A few minutes, not very long.
"Question: Did she tell you how she had heard there were discussions concerning the matter in which the review would occur?
"Answer: The search would occur.
"Question: The search would occur?
"Answer: No, she didn't say how, she just said she had heard." And then we –
The Chairman. That's why, by the way, I raised the question maybe you heard from Mr. Quinn. That's why I tried to –
Mr. Chertoff. And we're not, you know – we go on to page 142.
"Question: Did she say that anybody was concerned about giving law enforcement people unfettered access to

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the documents?
"Answer: She said people are concerned about whether I was using the correct procedure or whether the procedure was – people were concerned or disagreeing, something like that. Whether a correct procedure was being followed, whether I was using correct procedure, whether it was proper to give people access to the office at all. Something like that.
"But I said Susan – she wasn't in the White House; at least I didn't know she was in the White House – I said I'm having discussions with various people. As far as the White House is concerned, I will make a decision as to how this is going to be conducted. It's going to be done the right way. It will balance out the various interests. It's going to be done the way I think it should be done."
Now, that leads me to two questions. Mr. Nussbaum seems unequivocal that you raised the question with him, that you were the one who indicated an awareness that people were concerned. And I want to be quite clear: I want to give you the opportunity right here. Your recollection is not so: is that right?
Ms. Thomases. My recollection is not so.
Mr. Chertoff. His recollection is that you said people are concerned; people are disagreeing, and that you said that to him. Is your recollection that that's so or

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not so?
Ms. Thomases. I don't recollect saying that people were concerned to him, nor do I recollect talking to people who had expressed to me any concern.
Mr. Chertoff. And up to this point in time, the universe of people you had spoken to included the President; right?
Ms. Thomases. Yes.
Mr. Chertoff. The First Lady?
Ms. Thomases. Right.
Mr. Chertoff. Mr. McLarty?
Ms. Thomases. No, I didn't talk to Mack.
Mr. Chertoff. You haven't spoken to Mr. McLarty?
Ms. Thomases. I haven't spoken to Mr. McLarty.
Mr. Chertoff. Had you spoken to Maggie Williams?
Ms. Thomases. I had talked to Maggie Williams.
Mr. Chertoff. Anyone else in the White House?
Ms. Thomases. I may have talked to a number of the younger people in the White House.
Mr. Chertoff. It seems unlikely the younger people's concerns would be figuring into this. So when we talk about the universe of people, people whose opinions might be expected to carry weight with Mr. Nussbaum, is it fair to say the three people you had talked to before you talked to Mr. Nussbaum were the President, the First Lady and

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Maggie Williams; right?
Ms. Thomases. Yes.
Mr. Chertoff. Finally, let me turn to later in the day on the 22nd. We have a sequence of calls, a call from 5:13 to 5:22 p.m. to Maggie Williams, then a three-minute call to Bruce Lindsey. Why did you call Mr. Lindsey?
Ms. Thomases. I don't think I – I probably called Mr. Lindsey because when I found out, when I made the judgment that I couldn't go to Little Rock, the most certain way to get that information communicated to the President was to tell Bruce Lindsey.
Mr. Chertoff. Now, when you spoke to Ms. Williams in this time period, around 5:13 in the afternoon, did she tell you that either she was in the process of moving documents to the residence or that she had just completed the process of moving them to the residence?
Ms. Thomases. She didn't say anything about it.
Mr. Chertoff. Did she say she had just spent a period of time sitting with Bernie Nussbaum or being with Bernie Nussbaum in Vince Foster's office going through

documents
and selecting documents to go to the residence?
Ms. Thomases. No.
Mr. Chertoff. She didn't say anything about what her
activities were?
Ms. Thomases. No.

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Mr. Chertoff. Did she tell you she had just spoken to
the First Lady?
Ms. Thomases. I don't recollect her telling me that
she had spoken to the First Lady. And, in fact, you
know,
I don't, I don't remember that conversation being as
long
as my time records indicate the conversation was. So
I may
not – I may have talked to the office that time, but I
may
not have talked to her all that time.
Mr. Chertoff. Well, this is a nine-minute call;
right?
Ms. Thomases. Yeah.
Mr. Chertoff. Who in the office did you talk to for
nine minutes if not her?
Ms. Thomases. I could have talked to Evelyn, you
know, waiting to talk to her, or, you know, I could
have
been looking for her and not reached her. They may
have
said she was out of the office and coming back. I do
not
remember that conversation being a long
conversation.
Mr. Chertoff. Do you remember having a
conversation
with her at that time of day?
Ms. Thomases. I don't remember for sure, but I
suspect that I did because she was one of the
people that I
wanted to tell that I would not be going to Little Rock.
Mr. Chertoff. And she didn't indicate to you in this
conversation – or for that matter in any other

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conversation on that day – that she'd been through
the
process of going into Mr. Foster's files looking for
documents that belonged to the Clintons with Mr.
Nussbaum?
That didn't come up?
Ms. Thomases. That didn't come up.
Mr. Chertoff. And did you talk to the First Lady
later that night?
Ms. Thomases. I don't think I did.
Senator Sarbanes. This one-minute call to the
Rodham
residence, was that to leave a message for her to get
back
to you?
Ms. Thomases. Probably. I don't know for sure.
Mr. Chertoff. You don't know whether she did or not?
Ms. Thomases. I don't know that she did or not.
Mr. Chertoff. At some point afterwards, she obviously
did speak to you; right?
Ms. Thomases. As I said, I don't remember speaking
to
her after that day until after she had come back to
Washington.
Mr. Chertoff. And did she ever mention to you
anything about the movement of documents into the
residence
from Mr. Foster's office?
Ms. Thomases. No. I didn't know about the moving of
documents out of Mr. Foster's office into the
residence.
That's something I only learned from press
statements.

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Mr. Chertoff. Let me ask you one last question. You
indicated earlier that you have done some work,
some
representation work for the Clintons in connection
with
Whitewater. Have you done any of that work since
July of
1993?
Ms. Thomases. No, I have not.
Mr. Chertoff. When is the last time you did that
work?
Ms. Thomases. Most of that work was done in the
first
quarter of 1992, as I told you.
Mr. Chertoff. In the campaign?
Ms. Thomases. In the campaign.
Mr. Chertoff. And then who did you turn it over to?
Ms. Thomases. To Jim – Jim Lyons.
Mr. Chertoff. And is it your testimony that after
that, you had no more involvement in counseling
them
legally or politically about Whitewater?
Ms. Thomases. I counseled them politically, but I –
I counseled them politically, and I gave them on
occasion
my best legal judgment.
Mr. Chertoff. How long has that counseling process
continued up to the present day? Is it still going on
now?
Ms. Thomases. I would suspect – I mean, I – to the
extent that they have asked, I have offered my
opinion.
Mr. Chertoff. Even up to this day?

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Ms. Thomases. Even – I would offer my opinion. I
cannot remember the last time I talked to them about
it.
Mr. Chertoff. Thank you, Mr. Chairman.
The Chairman. Senator Sarbanes.
Senator Sarbanes. Senator Moseley-Braun.
Senator Moseley-Braun. Thank you very much.

Senator
[7] Sarbanes. I, like my other colleagues, have followed the
[8] questioning, and I believe this witness has been questioned
[9] on all of the relevant issues touching on her involvement
[10] in this, and so I have no further questions at this time.
[11] Senator Sarbanes. I would say question and
[12] requestioned, but.
[13] Mr. Ben-Veniste. I have nothing further, thank you.
[14] The Chairman. We have nothing further. I want to
[15] thank both of the witnesses for their cooperation and their
[16] appearances here today. We stand in recess until tomorrow
[17] at 9:30.
[18] (Whereupon, at 3:50 p.m., the hearing was adjourned,
[19] to reconvene at 9:30 a.m. on Wednesday, August 9, 1995.)
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Look-See Concordance Report

UNIQUE WORDS: **2,529**
TOTAL OCCURRENCES: **14,728**
NOISE WORDS: **391**
TOTAL WORDS IN FILE: **45,042**

SINGLE FILE CONCORDANCE

CASE SENSITIVE

NOISE WORD LIST(S): **NOISE.NOI**

INCLUDES ALL TEXT OCCURRENCES

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(1) Hearing on
(2) IMPROPER HANDLING OF DOCUMENTS
(3) IN DEPUTY WHITE HOUSE COUNSEL
(4) VINCENT FOSTER'S OFFICE
(5) AFTER HIS DEATH
(6) THURSDAY, NOVEMBER 2, 1995
(7) United States Senate
(8) Special Committee to
(9) Investigate the Whitewater
(10) Development Corporation and
(11) Related Matters
(12) Washington, D. C.
(13) The committee met at 9:30 a.m. in Room 216 of the Hart Senate
(14) Office Building, the Honorable Alfonse M. D'Amato, chairman of the
(15) committee, presiding.

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(1) P R O C E E D I N G S
(2) Chairman D'Amato. We have reconvened the Special
(3) Committee today in order to recall two witnesses, Hillary
(4) Rodham Clinton's Chief of Staff, Maggie Williams, and Susan
(5) Thomases.
(6) The reason we are holding this hearing today and
(7) bringing you both back before the Committee is, frankly,
(8) one that I find very distressing. It is because the
(9) Committee did not receive certain critical information that
(10) we had requested regarding telephone calls from July 20
(11) through July 22, 1993, the two days after White House
(12) Deputy Counsel Vince Foster committed suicide.
(13) Particularly important and requested by this Committee
(14) on June 30 were calls to and from the Rodham residence in
(15) Arkansas where Hillary Rodham Clinton was staying between
(16) July 21 and 22, 1993.
(17) These dates are important because, as testimony before
(18) this Committee has revealed, it was sometime before 10:00
(19) a.m. on July 22, 1993 that White House Counsel Bernard
(20) Nussbaum reneged on the agreement he had made the evening
(21) before with the Department of Justice to allow prosecutors
(22) to review the documents in Mr. Foster's office.
(23) The Committee sought, during hearings two months ago,
(24) to find out who or what influenced Bernard Nussbaum to
(25) break his commitment to allow Justice Department to review

Page 4
(1) the documents in Vince Foster's office.
(2) What we have now discovered, weeks after our summer
(3) hearings and only after the threat of a subpoena, is that
(4) there were more phone calls in the early morning hours of
(5) July 22 than we knew, which suggests that these phone calls
(6) were the precise reason Bernie Nussbaum changed his mind.
(7) There is a phone call between Maggie Williams and the
(8) First Lady at 6:44 a.m., Little Rock time on July 22,
(9) lasting seven minutes. Then at 6:57 a.m., Little Rock
(10) time, Hillary Clinton places a call to Mrs. Thomases. Then
(11) Mrs. Thomases places a call to Mr. Nussbaum's pager.
(12) These phone records suggest a clear route of
(13) influence, yet for some reason, neither the Clinton White
(14) House nor Maggie Williams, the First Lady's Chief of Staff,
(15) nor Ms. Thomases remembered these calls, and these records
(16) were only belatedly furnished to the Committee after you
(17) had testified. As a consequence, this Committee reached a
(18) unanimous decision to recall you.
(19) The information that is coming out now is disturbing
(20) and simply fuels suspicions. At this point I will swear in
(21) the witnesses and ask them to stand, take the oath of
(22) office.
(23) Whereupon,
(24) MARGARET WILLIAMS, CHIEF OF STAFF TO THE FIRST LADY, AND
(25) SUSAN THOMASES, ATTORNEY AT LAW

Page 5
(1) were called as witnesses and, having first been duly sworn,
(2) were examined and testified as follows:
(3) Chairman D'Amato. We are going to proceed, as we have
(4) in the past, with the openings on each side confined to a
(5) half hour. I'm going to ask that we attempt to ask our
(6) questions in a manner which will reduce the amount of time
(7) necessary, and to an extent, some latitude extended on both
(8) sides in doing so. We are out to get the facts and that's
(9) what we seek to do here.
(10) Senator Sarbanes.
(11) Senator Sarbanes. Mr. Chairman, I just want to make a
(12) short statement, because my perception with respect to the
(13) furnishing of these records differs somewhat.
(14) A general request was made to these witnesses and to
(15) which they responded. It was then towards the end of our
(16) hearings that counsel raised with us the need for them to
(17) get their own telephone records from the telephone company,
(18) which of course these witnesses did not have. And all of
(19) the witnesses responded to that and voluntarily requested
(20) those records of the phone company, and they were provided
(21) to the Committee.
(22) Now, I think there's a gap here between the general
(23) request back in June and the more specific request that was
(24) made in August, to which we did receive a direct response
(25) with the cooperation of the witnesses. We had joined, of

Page 6
(1) course, with you in seeking those records, and then also
(2) went to counsel for the witnesses and urged them to provide
(3) the records, and they did do so voluntarily, although in
(4) Ms. Williams's case, it was necessary to use a subpoena
(5) because of the rules of the phone company, which would not
(6) respond voluntarily to the request because the records were
(7) dated.
(8) I might note that Ms. Rodham, whose records were
(9) obtained, was not even included in the June request. So
(10) that was a new starter, as it were, on the 9th of August.
(11) And I just think it's important to place that on the
(12) record.
(13) Chairman D'Amato. At this point, I will turn to
(14) Senator Mack.
(15) Senator Mack. Thank you, Mr. Chairman.
(16) We're here because serious criticisms have been raised
(17) by high ranking Justice Department officials about the
(18) handling of documents in Vince Foster's office. We keep
(19) coming back to this, because until now, it was unclear why
(20) Mr. Nussbaum reneged on his agreement with the Justice
(21) Department.
(22) From the newly produced phone records, we now have
(23) further evidence to suggest that Ms. Clinton was deeply
(24) involved in deciding how the documents would be handled.
(25) Here is why I think that. Again, we now have five new

Page 7
(1) phone calls. One that I will specifically mention at this
(2) point which was early in the morning on the 22nd from
(3) Ms. Williams to the First Lady.
(4) Now, the reason that that's significant is because
(5) that's the day, that's the morning before a meeting took
(6) place to determine how the documents in Foster's office
(7) would be handled that, frankly, in my opinion, relates to
(8) the testimony of Steve Neuwirth, the associate White House
(9) counsel, under oath, who indicated that the First Lady and
(10) Susan Thomases telling Nussbaum about their concerns about
(11) unfettered access to those documents, along with Tom
(12) Castleton's testimony under oath about the First Lady's
(13) wanting to review the documents taken out of Foster's
(14) office, and testimony by Nussbaum that one file was
(15) returned to the counsel's office, thereby suggesting that
(16) the files were in fact reviewed by the Clintons.
(17) Ms. Williams, you have always said that you were
(18) unaware of any involvement that the First Lady may have had
(19) in the decision about how to search the office. In fact, I
(20) believe it's fair to say that you were rather indignant
(21) about that during the July hearings, suggesting that the
(22) Committee had drawn the wrong conclusions.
(23) Since that time, I frankly have reexamined those phone
(24) records and looked carefully at the new calls. I have to
(25) tell you, I really have more questions today than I did

Page 8
(1) then.
(2) So let me frame the discussion here with your previous
(3) statements to the Committee. Basically in your deposition
(4) and before this Committee, you indicated that you did not
(5) speak to Susan Thomases over the phone during those crucial

(6) days.
(7) Ms. Williams. Can I see –
(8) Senator Mack. I'll give you an opportunity –
(9) Ms. Williams. Can I see my deposition that you're
(10) reading from? That's what I would like to see.
(11) Senator Mack. It's on page 58 of your deposition.
(12) Ms. Williams. Do you have copies of it?
(13) Senator Mack. Again, I'll frame this for you, as I
(14) recall it, Ms. Williams.
(15) As I recall it, you basically have taken the position
(16) that you did not talk to Ms. Thomases on the phone during
(17) those days and that you had one contact, which you believe
(18) was in person.
(19) Now again, having used that as a background, we are
(20) now aware that in fact that there was a phone conversation
(21) between you and Mrs. Thomases on the morning of July 21.
(22) What we had in the past was a page to you at 12:15, and
(23) when we had discussions with you during the hearing, we had
(24) no phone records to indicate that you had called back. And
(25) again, you have indicated that there were no phone calls

Page 9
(1) between you and Mrs. Thomases, but now we have this new
(2) phone record which indicates that you called her back at
(3) 1:14, and that the two of you spoke for 14 minutes.
(4) Now, Mr. Chairman, if this were the only omitted call,
(5) I doubt that this Committee would have requested that
(6) Ms. Williams and Ms. Thomases be brought back, but the fact
(7) is that there are four additional phone calls that we
(8) didn't know about.
(9) Now, have you had a chance to take a look at the
(10) deposition?
(11) Ms. Williams. Well, there's some parts that – this
(12) is excerpted, so I need to get –
(13) Senator Mack. Let me ask you this: Do you disagree
(14) generally with the characterization that I have made with
(15) respect to your testimony?
(16) Ms. Williams. Well, I need to help you a little bit
(17) here, because what I said in my deposition and what I said
(18) during the testimony is this – and I would like to read it
(19) to you so that we are working from the same base of factual
(20) material. If the Committee will just bear with me.
(21) Senator Faircloth. Would the witness speak into the
(22) microphone.
(23) Ms. Williams. I'm sorry. I said I think it's
(24) important that we start from the same base of factual
(25) material, so if the Committee will bear with me for a

Page 10
(1) moment, I would like to return to my testimony and read
(2) that part that's relevant to this in particular. One
(3) second.
(4) Senator Mack. Ms. Williams, I think it would be
(5) helpful if you were to read from your deposition on pages
(6) 57 and 58 with regard to this.
(7) Ms. Williams. I see that, but in addition to that, I
(8) do have testimony, and this looks fairly excerpted.
(9) Senator Mack. The deposition is? Maybe we could get
(10) someone else to read into the record, then –
(11) Chairman D'Amato. Let me state –
(12) Ms. Williams. Mr. Chairman, I'm very happy to have
(13) anybody who wants to read into the record my deposition,
(14) but I first am going to find what I said in my testimony,
(15) so you will have to bear with me until I get it.
(16) (Pause.)
(17) If Mr. Chertoff will help me, I'm looking specifically
(18) for our exchange about whether or not I had conversations
(19) with Susan Thomases. It's in my testimony. And if you
(20) will lend me a hand, I will find it.
(21) Senator Mack. If I can just, and then you all can
(22) continue your discussion, but at least what I have from the
(23) deposition, page 58, Williams, "my recollection of talking
(24) to Susan that week was not over the phone and –
(25) Chairman D'Amato. Ms. Williams? Let me ask you to do

Page 11
(1) this, please. The Senator is referring you to your
(2) deposition. We will come back to your testimony, but as it
(3) regards your deposition, would you – which you have, a
(4) copy of which was placed in front of you.
(5) Page 57?
(6) Senator Mack. Yes, 57.
(7) Chairman D'Amato. Would you look at that, please?
(8) Senator Sarbanes. Mr. Chairman, I think the witness's
(9) testimony before the Committee elaborated upon and
(10) clarified her deposition. She ought to be allowed to bring
(11) that in simultaneously or contemporaneously with the
(12) deposition.
(13) Chairman D'Amato. That's exactly what I believe
(14) should be the case, and so let's go, please, to the
(15) deposition, and then we will return to the testimony
(16) because we want to get the facts.
(17) But I am not going to permit the witness to determine
(18) what order we will look at these, but we will look at them
(19) contemporaneous so that we will have the whole of it.
(20) Ms. Williams. Mr. Chairman, I have to find it first,
(21) so that we can be contemporaneous.
(22) Chairman D'Amato. I'll ask the aide, would you please
(23) point out to Mrs. Williams –
(24) Ms. Williams. I know what I'm looking for
(25) specifically. I really don't mean to raise a problem with

Page 12
(1) this, but I think we should be starting from the same set
(2) of facts.
(3) Chairman D'Amato. We will take a recess, establish
(4) the page of testimony. But I am going to assure the
(5) witness that we're going to return to Senator Mack's
(6) question with some specificity as to page 58. And this
(7) Committee will not permit the witness to dictate to the
(8) Committee what we're going to examine and in what order
(9) we're going to examine it, because we will examine with
(10) specificity page 58. The Senate has a right to put forth a
(11) question.
(12) We want candor and we want to give the witness all of
(13) the opportunity that the witness deserves to put the
(14) testimony that was given to this Committee, as well as
(15) those statements in depositions that were taken, in their
(16) proper perspective. So I assure you we will do that.
(17) We will take a five-minute break for the purposes of
(18) establishing with specificity where your testimony began
(19) before this Committee, to point that out. And also we will
(20) return to the Senator so that he can pose those questions
(21) and we will do it in the order that the Senator requests.
(22) However, we will give to the witness an opportunity to
(23) reflect on the fullness as it relates to the testimony that
(24) she gave here also. That is what the Chair would deem to
(25) be proper and the proper methodology to proceed, so we're

Page 13
(1) going to take a five-minute break.
(2) Senator Mack. Mr. Chairman, let me just add what
(3) might help. Again, deposition page 58, deposition page 76
(4) and from – I believe these are transcripts from the
(5) hearing, pages 186 and 187.
(6) Ms. Williams. Thanks.
(7) (Recess.)
(8) Chairman D'Amato. As it relates to the deposition, I
(9) would like to give your client the opportunity to review
(10) pages 57, 58 and 76. That's for the deposition.
(11) Okay. Counsel and Ms. Williams have indicated that
(12) they are prepared, and so I would now ask the Senator to
(13) resume his questions.
(14) Senator Mack was asking you, Mrs. Williams, to look at
(15) your depositions, pages 57, 58, which you have in front of
(16) you.
(17) Senator Mack.
(18) Senator Mack. Yeah. Again, I will just kind of
(19) restate and then give you an opportunity to respond.
(20) Basically, it was my impression from testimony before the
(21) Committee and in your deposition that you do not recall
(22) having a phone conversation during that week with
(23) Ms. Thomases, but you recall one conversation with her
(24) which took place in person. That's kind of the basis that
(25) I'm coming from.

Page 14
(1) Ms. Williams. The way that you phrased it this time,
(2) and I'm really not trying to be difficult, but you said it
(3) right this time. What I recall. What I remember.
(4) Senator Mack. Why don't you read into the record then
(5) once again what you think –

(6) Ms. Williams. You said with such certainty that I
(7) said I didn't remember what I said, and this is what I
(8) recall.
(9) In addition to saying that throughout my testimony and
(10) throughout my deposition, I said, throughout my deposition
(11) and throughout my testimony, I said it is what I recall,
(12) but I talked to Susan Thomases all the time. And so while
(13) I did not recall every conversation I had, I told you what
(14) I remember and what I remember is what I remember. And
(15) that was the question at that point in time.
(16) Senator Mack. Do you remember, now that we have this
(17) information, about your returning a call to Ms. Thomases on
(18) July 21? Does that now ring a bell with you at all?
(19) Ms. Williams. Well, I don't argue the accuracy of the
(20) phone records, and if I called her back at
(21) 1:00-whatever-it-was in the morning after she had paged me,
(22) I mean I don't argue with the accuracy of that. I –
(23) Senator Mack. In the deposition, again on page 57,
(24) referring to this same conversation we're talking about
(25) where Ms. Thomases paged you, in your deposition you stated

Page 15
(1) "yeah, I mean she could have paged me. I didn't talk to
(2) her."
(3) There was not anything about "I don't remember talking
(4) to her, I don't recollect." You said "I didn't talk to
(5) her."
(6) Ms. Williams. Page 57.
(7) "Question: And when you got back, did you have a
(8) conversation, when you got back home after being at the
(9) White House that evening, did you have a conversation with
(10) Susan Thomases?
(11) "Answer: No, I don't remember. I remember having a
(12) conversation with her the next day or something.
(13) "Question: Did she page you that night?
(14) "Answer: She could have.
(15) "Question: Would you have returned her call?
(16) "Answer: Yeah.
(17) "Question: Would it help to refresh your memory about
(18) paging you if I tell you I have a White House record that
(19) indicates you received a message to please call Thomases at
(20) 12:15 in the morning?
(21) "Answer: Yes."
(22) I mean, she could have paged me. You did refresh my
(23) recollection by saying that in fact she had. I don't argue
(24) with the accuracy of these kinds of records. I said a lot
(25) of people page me. I don't get back to, you know –

Page 16
(1) Senator Mack. But you skipped a line there, the part
(2) that I'm getting at, which is that you stated "I didn't
(3) talk to her."
(4) Ms. Williams. Well, what about the lines – no, no.
(5) Senator Mack. Is that in there or have I misspoken?
(6) Ms. Williams. Can I tell you?
(7) Senator Mack. No. Have I misspoken?
(8) Ms. Williams. You have not misspoken, but what you
(9) have done is simply to disregard everything else that was
(10) said in an effort to make a very small and narrow point.
(11) If you look at my entire deposition –
(12) Chairman D'Amato. Mrs. Williams, please, Maggie
(13) Williams, please, the Senator did not do that. And I have
(14) to tell you, I'm reading this and he is quite correct, you
(15) just skipped a sentence, and the sentence is the question
(16) that he asked you.
(17) Did you or did you not indicate in your deposition
(18) with clarity that you did not talk to her?
(19) Ms. Williams. And did I or did I not represent in my
(20) deposition at the very beginning of page 57, saying "I
(21) don't remember. I remember having a conversation with her
(22) the next day or something."
(23) Clearly in this section of this discussion, I
(24) indicated that I had no recollection.
(25) Senator Mack. Ms. Williams, I don't disagree that you

Page 17
(1) said that. All I'm saying is that you went on further in
(2) that statement, to be fairly specific, though, about that
(3) one particular phone call, making a statement "I didn't
(4) talk to her."
(5) Now, listen –
(6) Ms. Williams. I'm not going to argue with you. I
(7) think this is exactly what I said.
(8) Senator Mack. I beg your pardon?
(9) Ms. Williams. I said I'm not going to argue with
(10) you.
(11) Chairman D'Amato. I have to tell you, the record is
(12) in front of you, and –
(13) Ms. Williams. Chairman D'Amato, it's finished, it's
(14) fine.
(15) Chairman D'Amato. Pardon me?
(16) Ms. Williams. It's fine. We can move on to the rest
(17) of Mr. Mack's question.
(18) Senator Mack. Mr. Chairman, I must say, I don't like
(19) to do this, either. I mean, this is not fun. I don't
(20) think that anybody up here enjoys this process. We would
(21) just as soon it did not happen, but there are
(22) responsibilities that I think that come with being a member
(23) of this Committee in the Senate and pursuing this
(24) investigation. I am just trying to do what I think is my
(25) job, and I think let's both of us try to do that.

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(1) I'm now going to go further into the phone calls on
(2) the 22nd of July. This was the 21st that we were referring
(3) to, because there are new calls on this date as well. And
(4) I'm going to try to tie these in with the old calls that we
(5) have, in order to kind of frame some context.
(6) And again, I'm going to make another statement, and
(7) maybe we will have to get into another discussion about
(8) either what I implied or what you said, but it is my
(9) impression that you have indicated to us before that you
(10) remember speaking to the First Lady twice on the 21st and
(11) one time in the evening of July 22. Is that a fair
(12) representation?
(13) Ms. Williams. That is what I recall. The question
(14) was when do you recall speaking to her, and I said when I
(15) recalled speaking to her.
(16) Senator Mack. When was that?
(17) Ms. Williams. I spoke to her on the – I spoke to her
(18) on the 20th twice, maybe it was the morning of the 21st.
(19) It was late in the evening. The first call where she told
(20) me that Mr. Foster was dead, which was around 9:00 or
(21) 10:00, I believe. And then I said that I also spoken with
(22) Mrs. Clinton much later that night so it could have been
(23) early morning. I think the phone records are consistent
(24) with that.
(25) Senator Mack. Tell me that again because I think

Page 19
(1) that's important. You think you spoke with her when?
(2) Ms. Williams. The 20th was Tuesday, the evening that
(3) Vince was killed or died, and then I said I spoke with
(4) Mrs. Clinton again that evening.
(5) Senator Mack. Now, that evening, tie that down for me
(6) a little bit more.
(7) Ms. Williams. Well, I said I recall that as the
(8) evening of the 20th, late on the evening of the 20th. The
(9) phone records suggest that in fact I guess I talked to her
(10) early Wednesday morning, 12:56 a.m., which I considered
(11) late in the evening on the 20th.
(12) Senator Mack. Well, we may get into those phone calls
(13) a little later. What I'm referring to is the morning of
(14) the 22nd.
(15) Ms. Williams. The morning of the 22nd?
(16) Senator Mack. Right. The new records that we have
(17) indicated that you placed a call to Mrs. Clinton on –
(18) Ms. Williams. I called the Rodham residence at 7:44
(19) a.m. on the 21st.
(20) Senator Mack. Which is 6:44 Arkansas time?
(21) Ms. Williams. Yes.
(22) Senator Mack. Is it kind of common for you to call
(23) the residence that early in the morning?
(24) Ms. Williams. Well, when she's not in Arkansas, I do
(25) speak to her very early in the morning before she starts

Page 20
(1) her day. She had an event that day at 10:00 so it would
(2) not be unusual for me to call early.
(3) I don't even know if I spoke to her. In fact, at 7:44
(4) a.m., since it was the Rodham residence, there were other
(5) people there so I don't know if I spoke, in fact, to her,

(6) but I did call.
(7) Senator Mack. Which is a call at the time of the
(8) hearing you did not remember making?
(9) Ms. Williams. No, I didn't remember it.
(10) Senator Mack. Now, after that phone call to whoever
(11) you may have spoken to, it is interesting.
(12) This is other new information we had with respect to
(13) phone calls is that six minutes later, the First Lady then
(14) called Ms. Thomases.
(15) And what is again – I think, why it's significant to
(16) me is there was a sense on your part last time is we were
(17) kind of really chasing something that wasn't there. And I
(18) was trying to tie in that the First Lady may have had some
(19) kind of connection to the decision that Bernie Nussbaum had
(20) made. We knew that Ms. Thomases with paged Bernie
Nussbaum
(21) at 8:01 on that morning, but we didn't have any information
(22) for that.
(23) Now what we have are two phone calls, one that goes
(24) from you to the Rodham residence, and I will say from my
(25) perspective, I believe that that was a call that you had

Page 21
(1) with the First Lady, who after your call, then called
(2) Ms. Thomases. And when Ms. Thomases hung up the phone
one
(3) minute later, she paged Bernie Nussbaum.
(4) But you don't recall anything about the conversation
(5) that you had with the residence that morning? You don't
(6) know who it was to, you don't know what it was about?
(7) Ms. Williams. If I was calling the residence, it is
(8) likely that I was trying to reach Mrs. Clinton. If it was
(9) 6:44 in Arkansas, there's a possibility that she was not
(10) up. I don't remember who I talked to, but I don't find it
(11) unusual that the Chief of Staff to the First Lady might
(12) want to call her early in the morning for a number of
(13) reasons. One she had an event that day; two, one of her
(14) good friends had just died and I was concerned about her.
(15) I knew I only had so much time to catch her before she
(16) started her day.
(17) Senator Mack. Yeah, but it seems to me –
(18) Ms. Williams. I don't find it unusual –
(19) Senator Mack. It seems to me that was a very unusual
(20) situation. It's not something that happens every day, that
(21) a dear friend has died. It would seem to me that you would
(22) remember that call to the First Lady, at least as to
(23) whether you got it or whether you didn't.
(24) Ms. Williams. What I thought were significant calls,
(25) the calls that I remember, I told you about, and actually

Page 22
(1) for the most part, the calls that I remember are pretty
(2) much consistent with the phone record.
(3) Did I remember every single call? No, I did not. Do
(4) I believe that the record is accurate in reflecting other
(5) calls that I made? I do.
(6) But I would challenge each of you to remember every
(7) single call you make every single day.
(8) Senator Mack. I think that's a valid point, I mean I
(9) really do. But let me suggest, the difference about what
(10) is going on here is that – this is not me saying to you
(11) off the top of my head, what about some phone calls July
(12) 22.
(13) You have spent, I would assume, a considerable amount
(14) of time on going through records to determine in fact what
(15) calls were made and what calls weren't made, so this is –
(16) Ms. Williams. Well, the amount of time that I spent,
(17) I got the records at the same time that you got the records
(18) of my personal phone calls. The record, as I said, is
(19) fairly consistent with most of all the calls I made, save
(20) two or three that the record adds to.
(21) I don't dispute for a moment that I made those calls.
(22) Senator Mack. But you don't remember anything about
(23) that phone call?
(24) Ms. Williams. No, I don't. I make quite a few phone
(25) calls during the day, and I talk to the First Lady quite a

Page 23
(1) bit. I don't remember every phone call I have with her.
(2) Senator Mack. All right, very good. Let me move on,
(3) then, to calls between 10:00 a.m. and 12:00 p.m. on July
(4) 22.
(5) There were a series of phone calls from Susan Thomases
(6) to a number of individuals. There were – the calls that
(7) I'm referring to are the calls that came into the – into
(8) your office. And back during the hearing, you pretty much
(9) indicated to us that, without further documentation, I mean
(10) anybody could have been on the phone to Susan Thomases.
(11) That wasn't you.
(12) We now have a letter from the White House that
(13) indicates that no one else who would have normally been in
(14) that suite of offices remembers talking to Susan Thomases
(15) as well. It just seems strange to me that all of these
(16) phone calls – again, 9:00, there was a call from Thomases
(17) to you or to that number, to that number, message for you
(18) to call. At 10:48, Thomases calls Chief of Staff McLarty's
(19) office. 11:04, Thomases calls Williams's office again,
(20) spoke to someone in the office for six minutes.
(21) Then Thomases calls the Chief of Staff McLarty's
(22) office and spoke with someone there for three minutes. And
(23) then back to McLarty's office again. And then calls your
(24) office again, spoke with some person for 11 minutes. And
(25) then called again at 11:50 and spoke with somebody else for

Page 24
(1) four minutes.
(2) In other words, in a 46-minute period, Ms. Thomases
(3) seems to be talking to some phantom. I mean, there's
(4) nobody that the White House could identify that remembers
(5) speaking to Ms. Thomases. And then somebody that you have
(6) indicated that you talk to all the time – now when all of
(7) these calls were coming into – you apparently never got
(8) back to her, never had those conversations, don't recall
(9) it.
(10) There's no recollection on your part of speaking to
(11) somebody you spoke to all the time. That's my kind of
(12) impression of this series of calls. Any comment? You just
(13) don't remember those calls?
(14) Ms. Williams. I was under oath the last time I was
(15) here. I'm still under oath. And I don't remember those
(16) calls, although I will say that, and this is simply
(17) speculation on my part, having looked at the records now
(18) since I have them, first of all, the 9:00 a.m. call from
(19) Susan was not a call. She left a message.
(20) Senator Mack. I think I said that, yeah.
(21) Ms. Williams. "Call when you get to the office."
(22) After looking at my records and my schedule, trying very
(23) hard to help you make some sense of these calls – and let
(24) me just throw this out. It looks as if I was at home from
(25) at least that whole morning until at least 12:55, where I

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(1) had another call.
(2) My records show that I called Arkansas, returning a
(3) page from Mrs. Clinton's personal assistant, which was at
(4) 12:47. The page was at 12:57. I returned the call from
(5) home at 12:55. Susan Thomases calls at 9:00 a.m. and
(6) leaves a message, "call when you get into the office."
(7) And then, by looking at my own schedule, I see that at
(8) 1:30 is my first afternoon meeting so I don't have a
(9) specific reason to be in the office before 1:30.
(10) So I mean I'm not – I mean I just throw it out as I
(11) try and think through these things, but it strikes me that
(12) on the morning of the 22nd, given both the phone records,
(13) the phone messages and my own home phone records, would
(14) show that I returned a call to Little Rock at 12:55. I
(15) assume that I was home.
(16) Senator Mack. So your testimony today basically is
(17) that what you're adding for us, because I don't believe I
(18) picked this up from the last hearing, that you really
(19) weren't at the White House, then, that morning? You were
(20) at home that morning? And when –
(21) Ms. Williams. I'm sorry, go ahead.
(22) Senator Mack. Again, I don't know that it means
(23) anything significantly, but it is kind of the first time
(24) that I would have thought that you were not in the White
(25) House when these discussions were taking place. I would

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(1) assume that your phone records, which I guess we only have
(2) a portion of because those phone records would relate to
(3) specific phone calls to the First Lady. But I would assume

(4) then, your phone records probably would indicate that you
(5) made other phone calls from your residence that morning
(6) between the time that you placed the call to the First Lady
(7) and the 12:00-something call that you referred to a minute
(8) ago.
(9) Ms. Williams. Could be. Could be. As I said, I
(10) don't add it to my testimony because I don't really know.
(11) But as I look at the phone records, I think that it's,
(12) you know, interesting to note, in terms of the calls that
(13) you suggest were coming to me directly from Susan
(14) Thomases –
(15) Senator Bennett. Would the Senator yield quickly?
(16) Senator Mack. Sure.
(17) Senator Bennett. I assume there are White House logs
(18) that could be consulted to determine whether she was or was
(19) not at the White House if that's an important issue. You
(20) don't have to depend upon anybody's memory on that. White
(21) House guards check people in and out all the time.
(22) Chairman D'Amato. I'll ask our counsels to ascertain
(23) from the White House logs any time or any indication –
(24) Senator Mack. If I could – because again you've
(25) touched on these calls, because this is another area of

Page 27
(1) discussion, that you received a page from the First Lady's
(2) assistant, I guess, from Arkansas. And again, my
(3) recollection is that you didn't recall returning that
(4) call.
(5) But now we do have the record that indicates that, in
(6) fact, you did return the call to the residence. And I
(7) believe, again, from what you said a moment ago, that call
(8) was made from your residence.
(9) Is it normal practice that when you are engaged in
(10) activities, I guess, that would be related to the White
(11) House, that you would make a call on your personal number
(12) or your credit card as opposed to billing that call to the
(13) White House?
(14) Ms. Williams. It just depends. I would assume that
(15) the White House owes me hundreds of dollars on calls I have
(16) made on my own line because I picked it up.
(17) Senator Boxer. Do we have any way we're running these
(18) hearings? Do we have a certain time frame per Senator? If
(19) so, could you inform us as to what it is?
(20) Chairman D'Amato. Each side opening gets a half
(21) hour. You will get the next half hour.
(22) Senator Boxer. 30 minutes a side?
(23) Chairman D'Amato. Right.
(24) Senator Sarbanes. That's the opening round. Then we
(25) go to 10 minutes, but the opening round, which past

Page 28
(1) practice was usually to yield it to counsel, but Senator
(2) D'Amato yielded it to Senator Mack and he's using the first
(3) 30 minutes. And after the expiration of that, the time
(4) will come over to this side.
(5) It's a little later than one would expect because we
(6) took a recess, I say to the Senator, I think before you
(7) came, there was a recess.
(8) Chairman D'Amato. That's right. And I've asked
(9) whenever inquiries such as this have been indicated, that
(10) they stop the clock, and when the witness asks for some
(11) time to review the minutes, stop the clock. That will
(12) apply to both sides.
(13) Senator Boxer. Thanks very much.
(14) Senator Mack. Last question I would ask with respect
(15) to that phone call, do you remember anything about what
(16) that phone call was about?
(17) Ms. Williams. No, I don't.
(18) Senator Mack. Late afternoon on the 22nd, you called
(19) the First Lady? I think that's the call that you have
(20) testified to.
(21) Ms. Williams. That's correct.
(22) Senator Mack. Let me just ask one more question
(23) before I kind of sum up my thoughts on this.
(24) Are there any other phone calls that you think you
(25) ought to be aware of, again having gone through this the

Page 29
(1) second time and with the new information, that you want to
(2) tell us about, that -- as far as you're concerned, no other
(3) phone calls?
(4) Ms. Williams. Well, I mean I don't have any other
(5) records except the same records that you have. And the
(6) calls that I remember I've testified to.
(7) Senator Mack. Mr. Chairman, I know that this
(8) Committee has tried not to draw conclusions before we've
(9) heard all the evidence. But frankly, I think – at least I
(10) have formed an opinion about all this phone traffic between
(11) Ms. Williams, Ms. Thomases and the First Lady, and I would
(12) just like to give a summary of that opinion now.
(13) In the last round of hearings, I was troubled by
(14) Ms. Williams's acquisition that the Committee was being too
(15) conspiratorial. I thought carefully about what she said to
(16) make sure I wasn't reading too much into all this. But now
(17) we get these new calls after the last set of hearings
(18) concluded, and I feel very confident that this Committee
(19) has something to be concerned about.
(20) We know Steve Neuwirth testified under oath that
(21) Bernie Nussbaum told him Susan Thomases and Hillary Clinton
(22) had concerns about unfettered access by law enforcement to
(23) Vince Foster's office. We now know that there was, in
(24) fact, a phone call that went from Maggie Williams to the
(25) residence. I happen to believe that the First Lady was in

Page 30
(1) that conversation.
(2) Immediately following that conversation, the First
(3) Lady calls Susan Thomases, and one minute after that call
(4) is completed, a call goes into Bernie Nussbaum.
(5) We know that Tom Castleton testified under oath that
(6) Ms. Williams told him the documents were being taken to the
(7) residence so that the First Lady could review them.
(8) Ms. Williams earlier said she remembered, again, only
(9) one conversation with the First Lady on July 22 and that
(10) was in the evening. In reality, there were 10 total
(11) attempted phone calls between Ms. Williams and
(12) Ms. Thomases, and seven total attempted calls between
(13) Ms. Williams and the First Lady. That's a total of 17
(14) total calls between the three of them in less than 48
(15) hours.
(16) Of those 17 I have counted 13 connections, six with
(17) the First Lady, seven with Susan Thomases.
(18) What I see is a day that began and ended with Maggie
(19) Williams, Susan Thomases and Hillary Clinton conversing.
(20) Ms. Williams started the day at 6:44 a.m. Arkansas time
(21) with discussions that something needed to be done to keep
(22) law enforcement out of Foster's office. She ended the day
(23) with a conversation with Ms. Thomases, and a conversation
(24) with Hillary Clinton to let them know, mission
(25) accomplished.

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(1) Senator Simon. Would my colleague yield?
(2) Chairman D'Amato. Senator Sarbanes?
(3) Senator Sarbanes. I yield to Senator Simon, sure.
(4) Senator Simon. I was going to ask my colleague from
(5) Florida whether the statement he just read was prepared
(6) before we heard the witness's. And if so, I'm not sure
(7) what the purpose of this hearing is here.
(8) Senator Mack. I must say to my colleague that nothing
(9) that was said this morning was a surprise. And what I have
(10) just indicated, I feel, is pretty accurate.
(11) Thank you, Mr. Chairman.
(12) Senator Simon. I thank my colleague for yielding.
(13) Senator Sarbanes. I yield to Mr. Ben-Veniste.
(14) Mr. Ben-Veniste. Thank you, Senator Sarbanes.
(15) I guess I would like to start by refocusing on August
(16) 10, 1995 when this issue came up, of home telephone
(17) records, before this Committee and address, if I can, in my
(18) questions to Ms. Williams and Ms. Thomases, the issue of
(19) whether information was withheld by witnesses, which was
(20) the first allegation raised last week leading to the
(21) calling of this hearing.
(22) And I would call the Committee's attention to page 162
(23) of the transcript of our hearing on August 10. And just to
(24) put it in context, we were discussing with Mr. Nussbaum the
(25) question of the Presidential Records Act. And I made the

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(1) comment "Mr. Chairman, I believe we've gone right for the
(2) capillary here," and Chairman D'Amato says "now we've found
(3) the capillary. I'm going to say it's my intention to have

(4) subpoenas issued. I would hope that the Ranking Member
(5) could find his way clear to join me with this so we don't
(6) have to seek a vote of the Committee for the telephone logs
(7) at the telephone company for the Rodham residence in Little
(8) Rock, Mrs. Williams's residence, and for Mrs. Thomases for
(9) the dates in question."
(10) And then there is more discussion of that, and picking
(11) up from page 166, where Senator Sarbanes had spoken and
(12) said "on the telephone records, as I understand it, all the
(13) parties are voluntarily prepared to provide us this
(14) information. And it seems to me, as we have done
(15) heretofore, we ought to proceed on that basis. If, in
(16) fact, there proves to be a problem, I think we can examine
(17) the question of issuing subpoenas. But where you have
(18) people that are in effect saying we are willing to work
(19) with you and cooperate with you and get these records, I
(20) think we should follow that path. And then if for some
(21) reason, and I have no reason to expect a problem, but if
(22) for some reason a problem arises, then we could address the
(23) question of issuing the subpoena."
(24) So let me pick up from that point, and then first deal
(25) with the Rodham records of Mrs. Clinton's mother's home in

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(1) Little Rock. And that was addressed, I believe,
(2) immediately, Mr. Chairman, by Mr. Kendall, who did not wait
(3) for a request to come from this Committee, but who
(4) initiated correspondence to this Committee on August 9,
(5) 1995, right to Senator D'Amato and Senator Sarbanes.
(6) "I understand that the Special Committee has an
(7) interest in obtaining from the telephone company certain
(8) telephone records for the residence of Mrs. Hugh Rodham in
(9) Little Rock, Arkansas. Mrs. Rodham is prepared to seek
(10) those records voluntarily for you in response to any
(11) reasonable request. I would respectfully ask that the
(12) Special Committee provide me with more precise information
(13) concerning the records it wishes to review."
(14) And then at the request of Mrs. Rodham, those records
(15) were provided to us.
(16) With respect to the records requested of
(17) Mrs. Thomases, we made the request of Mrs. Thomases's
(18) attorney on August 9 and the response was received by
(19) telefax on the very same day. "Dear Gentlemen, we are in
(20) receipt of your written request, faxed to our offices late
(21) this afternoon, requesting the home telephone records of
(22) Susan P. Thomases. As she has previously done with respect
(23) to the Special Committee's request of July 11, 1995,
(24) Mrs. Thomases will provide the Special Committee records of
(25) all relevant telephone calls as reflected in her

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(1) residential telephone records. Because Ms. Thomases does
(2) not retain such information, we have requested today that
(3) the telephone company provide us with the relevant records
(4) for this period, and we have been assured that the records
(5) will be transmitted to us promptly."
(6) Ms. Thomases, is that your recollection of what
(7) transpired with respect to home telephone records that you
(8) did not have in your possession as of August 9, 1995?
(9) Ms. Thomases. Yes.
(10) Mr. Ben-Veniste. Were you able to secure records
(11) requested by this Committee and produce them voluntarily?
(12) Ms. Thomases. Yes, I was able to secure records with
(13) respect to the House we rent in Rhode Island, but our New
(14) York City residence, the NYNEX there does not keep the
(15) records, and did not have the records. But you got the
(16) records with respect to the available records from our
(17) house in Rhode Island, which is where I go on the
(18) weekends.
(19) I have a short opening statement that I would like to
(20) deliver at some time, if the Chairman would let me do
(21) that.
(22) Mr. Ben-Veniste. I would certainly let you do that.
(23) Mr. Chairman? Would that be appropriate?
(24) Chairman D'Amato. Certainly.
(25) Ms. Thomases. Mr. Chairman and members of the special

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(1) committee, I hope that appearing before you today will be
(2) helpful in clarifying questions some members have about
(3) events surrounding Vince Foster's tragic death.
(4) My recollection of those events, and my overall memory
(5) of what happened at that time remain essentially the same
(6) as when I appeared before you last August.
(7) During those sad and emotional days, I remember being
(8) quite busy with work in New York and Washington, but at the
(9) same time trying to visit or talk with those in the White
(10) House whom I knew would be deeply affected by Vince's
(11) death.
(12) As I stated in August, in particular I never received
(13) from anyone or gave to anyone any instructions about how
(14) the review of Vince Foster's office was to be conducted or
(15) how the files in Vince Foster's office were to be handled.
(16) As I also noted in August, I know that others recall
(17) some of these event differently, and because my
(18) recollections have not changed, I cannot necessarily
(19) resolve these differences.
(20) It does seem to me, from testimony before this
(21) Committee, that in recalling various events, other
(22) witnesses' memories, like mine, seem to have been very
(23) strongly influenced by whatever concerns were foremost in
(24) their minds at the time.
(25) Considered in that light, perhaps these differences

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(1) are more understandable.
(2) Thank you, I will try to respond to your questions.
(3) Mr. Ben-Veniste. Thank you, Ms. Thomases. Let me ask
(4) you to respond to the correspondence which we just
(5) reviewed.
(6) Did you withhold from this Committee any information
(7) requested by this Committee that you had in your
(8) possession?
(9) Ms. Thomases. No.
(10) Mr. Ben-Veniste. Good morning, Ms. Williams.
(11) Ms. Williams. Hi.
(12) Mr. Ben-Veniste. Let me ask you whether you recall
(13) the circumstances wherein home telephone records were
(14) requested of you.
(15) Did you keep your home telephone long distance records
(16) for 1993 when you were requested in 1995 to produce such
(17) records?
(18) Ms. Williams. No, I did not.
(19) Mr. Ben-Veniste. There was a request made of you to
(20) see whether you could produce them voluntarily by
(21) requesting them from your telephone company; is that
(22) correct?
(23) Ms. Williams. That is correct.
(24) Mr. Ben-Veniste. Did you ask Mr. Dennis, your
(25) attorney, to assist you in that project?

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(1) Ms. Williams. Yes, I did.
(2) Mr. Ben-Veniste. And Mr. Chairman, with your
(3) permission, Mr. Dennis, could we inquire of you for just a
(4) moment.
(5) Mr. Dennis. Yes.
(6) Mr. Ben-Veniste. Good morning, sir. Whether, in
(7) fact, you made an effort to obtain the requested records
(8) from Ms. Williams's telephone company?
(9) Mr. Dennis. Yes, I did. I had discussions with the
(10) Committee staff and by letter of August 11, 1995 to
(11) Mr. Ben-Veniste and Mr. Cole, I confirmed our commitment to
(12) seek the telephone told records of Ms. Williams home
(13) telephone in Washington, D.C. We prepared a letter for
(14) Ms. Williams to send to the telephone company, and that was
(15) sent on August 12th, 1995, requesting those records.
(16) There is subsequent correspondence with regard to the
(17) responses that we got from the telephone company, which
(18) were somewhat confused in that we were advised that the
(19) records for that period, the period of time which we
(20) requested, which was July 20th, 21st, 22nd and 26th of 1993
(21) were not available because the records were not kept
(22) further back than 18 months.
(23) However, we did not rely upon that and sent the letter
(24) asking that a search be made and that confirmation of
(25) either the existence or nonexistence of the records be

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(1) determined.
(2) In September, we were advised that, in fact, the
(3) records did exist. Those records were made available to

(4) us, and we did provide them by letter to the Committee.
(5) Mr. Ben-Veniste. Thank you, Mr. Dennis.
(6) Mr. Dennis. You are welcome.
(7) Mr. Ben-Veniste. In sum, Ms. Williams, I would like
(8) to ask you the same question I asked of Ms. Thomases, and
(9) that is whether, at the time you were requested to provide
(10) information to this Committee regarding your telephone
(11) records, you withheld any information that you had in your
(12) possession.
(13) Ms. Williams. No, I did not.
(14) Mr. Ben-Veniste. Let me turn to the question earlier
(15) addressed to you by Senator Mack with respect to the
(16) telephone call which is reflected on your home telephone
(17) records at 1:10 a.m. on the 21st of July.
(18) The records reflect a 14-minute telephone conversation
(19) between you and Mrs. Thomases at her number in New York.
(20) Having received the additional information related to
(21) that telephone record, does it refresh your recollection as
(22) to whether you had any conversation with Ms. Thomases about
(23) any materials which may have been in Mr. Foster's office?
(24) Ms. Williams. No, it does not.
(25) Mr. Ben-Veniste. Can you say whether that subject

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(1) came up in that telephone conversation in the early morning
(2) hours following the day of Mr. Foster's suicide?
(3) Ms. Williams. No. I do not believe that it did.
(4) This would have been the first time, I guess, I had talked
(5) to Susan after Vince's death.
(6) Mr. Ben-Veniste. May I suggest, if you have before
(7) you your transcript of your testimony before this Committee
(8) that we go back, at page 231. It actually begins on page
(9) 230 where Senator Mack was questioning you. Let me, to
(10) save time, direct your attention.
(11) Ms. Williams. Sorry, it is not in this.
(12) Mr. Ben-Veniste. Let me save time by reading into the
(13) record after Senator Mack goes through certain of the
(14) telephone calls reflected in the records which were
(15) available.
(16) It says at line 18, "and finally you testified that
(17) you spoke to the First Lady sometime during the 21st but
(18) you say at no time did the subject of Mr. Foster's files or
(19) his office come up."
(20) Now, I realize that contacts between you and
(21) Ms. Thomases and the First Lady were probably more in the
(22) nature of condolence calls at that point. No one disputes
(23) that. On the basis of everything that has been collected
(24) and reprocessed and reviewed by you, do you, on the basis
(25) of what you have seen, recollect that anything relating to

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(1) the contents of Mr. Foster's office came up in the
(2) telephone conversation?
(3) And since Ms. Williams has provided an answer to that,
(4) I would like to direct that question now to Ms. Thomases.
(5) Ms. Thomases. Could you repeat the question? Since
(6) you were talking to her, I wasn't paying the same kind of
(7) attention.
(8) Mr. Ben-Veniste. Do you recall now, on the basis of
(9) the additional phone records that reflect a likely
(10) telephone conversation between you and Ms. Williams in the
(11) early morning hours following Mr. Foster's death, whether
(12) the subject of the contents of Mr. Foster's office came
(13) up?
(14) Ms. Thomases. Well, I don't remember that specific
(15) conversation, but I do remember my first conversation with
(16) Maggie after the death, so it is not that specific
(17) conversation. But I remember and I testified before about
(18) that first conversation, that it was a very emotional
(19) conversation having to do with Vince and all those
(20) relationships.
(21) And the only thing that came up about Vince Foster's
(22) office was the fact that she had gone in there, was her
(23) feeling about the couch in that office which she had a lot
(24) of memories attached. And she also mentioned in that first
(25) conversation that Patsy Thomasson had been in the office

Page 41
(1) when she had gone in that office that evening.
(2) Mr. Ben-Veniste. Did she mention to you why she was
(3) in the office, referring to Patsy Thomasson?
(4) Ms. Thomases. No. She just said that she had been
(5) drawn to the office and she mentioned that Patsy was in the
(6) office, looking for a note but had found none. But I
(7) testified to the nature of that conversation before,
(8) although I had not remembered it took place at 1:15 in the
(9) morning.
(10) Mr. Ben-Veniste. Now, Ms. Williams, I believe that
(11) the additional information relating to your home telephone
(12) records of long distance calls on the 22nd of July have
(13) indeed provided you with the ability to refresh your
(14) recollection about whether you were, in fact, even in the
(15) office on the morning of the 22nd.
(16) If I understand your testimony here this morning, the
(17) fact that a telephone call is reflected, placed by you to
(18) the Rodham residence from your home at 12:55 that afternoon
(19) suggests to you that you were not in your office to receive
(20) any of the calls that were listed and were directed to you,
(21) perhaps, but about which you had no recollection; is that
(22) correct?
(23) Ms. Williams. That's correct, and let me emphasize
(24) the word "suggests" to me since I do not know factually
(25) that that is so.

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(1) Mr. Ben-Veniste. I appreciate that.
(2) Now, going to the larger question about which our
(3) Senate Resolution asks us to inquire. With respect to the
(4) additional records that have been provided through the
(5) telephone company, making those records available to all of
(6) us, can you tell us whether your recollection is refreshed,
(7) Ms. Williams, about whether any direction was transmitted
(8) by you, directly or indirectly, to Mr. Nussbaum about how
(9) he should decide what standard to apply in connection with
(10) the Park Police review of the contents of Mr. Foster's
(11) office?
(12) Ms. Williams. No. The things that I recall in that
(13) conversation that I had, I have testified to earlier.
(14) Those were the things that were suggested to me. I don't
(15) recall more than that.
(16) Mr. Ben-Veniste. Let me ask the same question of you,
(17) Ms. Thomases. Again, whether on the basis of all of the
(18) information that has been collected now with respect to
(19) your telephone records, Ms. Rodham's telephone records,
(20) Ms. Williams's telephone records, is your recollection in
(21) any way refreshed or affected in connection with the
(22) question of whether you passed information to Mr. Nussbaum,
(23) either directly or indirectly, with respect to what
(24) standard he should apply in connection with the Park Police
(25) request to review information in Mr. Foster's office?

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(1) Ms. Thomases. No. I didn't pass anything to
(2) Mr. Nussbaum about that. But there is one thing I would
(3) like to say.
(4) Chairman D'Amato, I originally brought up the fact
(5) that Mrs. Clinton had called me the morning of the 22nd in
(6) an interchange with you during my testimony. It is on page
(7) 205 of my testimony. Because I brought up the fact of that
(8) call to you before you got the records from -- I didn't
(9) know the exact time, but I brought that fact up when I
(10) testified before you in August starting on page 205.
(11) I made it clear to you at the time that nothing in
(12) that conversation, even though I didn't remember all the
(13) details, the tone of that conversation had nothing to do
(14) with documents.
(15) Mr. Ben-Veniste. Do you want to read that portion,
(16) Ms. Thomases?
(17) Ms. Thomases. You want me to read what he said or
(18) what I said?
(19) Mr. Ben-Veniste. Both. Not everyone in the room has
(20) a copy of this transcript, obviously.
(21) Ms. Thomases. This is Chairman D'Amato saying "do you
(22) have any idea what time that was? Would that be the call
(23) of 7:12 or 7:13, the call to the Rodham Arkansas
(24) residence? Would that refresh your recollection?"
(25) Chairman D'Amato. We are talking about 7:12, 7:13 in

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(1) the evening?
(2) Ms. Thomases. I went on to say "no, I don't think
(3) that was the call, Senator. I think I spoke to her earlier

(4) in the day that day, but I can't tell you exactly when I
(5) spoke to her. I just have a recollection that I spoke to
(6) her, and if you want, I can tell you what I recollect
(7) speaking to her about."
(8) And you said "yes, I appreciate it."
(9) And I said "I spoke to her about, as I had spoken to
(10) Maggie, I was looking for Bruce to talk to him about the
(11) likelihood that I would not end up coming to the funeral,
(12) and I think she and I talked about it."
(13) And that was the gist of my conversation with her that
(14) morning. And I have no recollection of the details, but I,
(15) in response to what she asked me, probably told her about
(16) my conversation with her husband the night before.
(17) Mr. Ben-Veniste. Thank you, Ms. Thomases.
(18) Senator Sarbanes. I yield to Senator Dodd. I think
(19) we have some time.
(20) Senator Dodd. I briefly thank my colleagues.
(21) To put this in perspective, there may be someone who
(22) is not aware of what the testimony was in August or what
(23) has gone on over here, the number of weeks and days that we
(24) have been involved in these hearings, but something to keep
(25) in mind, I think, as we look at all of this.

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(1) I have been involved over the years -- I was on the
(2) Committee that reinvestigated the assassinations of
(3) President Kennedy and Martin Luther King and went through a
(4) rash -- in fact, I still get letters and calls about
(5) various theories that people -- it has become a cottage
(6) industry, as many people know in this country and
(7) elsewhere, and that there is a temptation, clearly, if one
(8) can, to string a number of pieces of circumstantial
(9) evidence together to create the illusions of things going
(10) on.
(11) I think it is important for us to remember here we are
(12) talking today about two or three phone conversations, as I
(13) understand it. I think it is appropriate we do so, that we
(14) go back and review the record. I certainly commend the
(15) Chairman for wanting to make sure we cover all the areas.
(16) I think it is important that be done.
(17) I think it is also important we keep in mind, as I
(18) went back over the records here, we are talking about the
(19) Chief of Staff of the First Lady. We are talking about
(20) someone who is one of the closest friends of the First
(21) Lady. We are talking about a set of circumstances in which
(22) a person who is close, not just a staff member, but someone
(23) who is particularly close to the two witnesses before us,
(24) dies in a tragic death. People who talk to each other all
(25) the time are in the midst of all of this. So I hope my

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(1) colleagues will keep that in mind.
(2) We are talking about recollections of conversations.
(3) Even today it is more than two years old. Some of these
(4) conversations are a couple of minutes long. Some are 10
(5) minutes long. The one clearly the Committee is focusing on
(6) is the 14-minute conversation.
(7) It is the first conversation between these two people
(8) who have just lost a mutual friend. Frankly, a
(9) conversation I might have thought might have been an hour
(10) and a half long at that particular moment. But nonetheless
(11) a 14-minute conversation where a third person -- imagine
(12) any of us on this Committee with our friends, someone who
(13) had died, apparently a suicide, and the two of us are going
(14) to be talking about it.
(15) Are we going to be talking about files and documents
(16) the first conversation we ever have with each other when
(17) someone has just died? Just common sense would say to me
(18) this isn't how normal people function when something like
(19) that happens.
(20) I think it is appropriate we look at all of this, but
(21) I also hope that common sense will rule here. And while we
(22) can string particular pieces of information together, that
(23) we also step back and take a look and say who are these
(24) people, how often do they talk with each other, what are
(25) the events which would promote a conversation at this

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(1) particular point, what was the likely substance of that
(2) conversation, particularly a first conversation that the
(3) people had with each other.
(4) Again, Mr. Chairman, as I say, people might just be
(5) looking at this for the first time, and we can inflate --
(6) and I'm not suggesting that's the case -- but inflate
(7) particular sets of incidences here.
(8) Here we have witnesses, and including the
(9) administration which has been extremely forthcoming,
(10) literally, and all the evidence supports that. No evidence
(11) at all of trying to hide or conceal information, or make it
(12) difficult for the Committee to get to that. The Chairman
(13) has a job to do and it is not easy to make sure we move
(14) this along, and it happens quickly and so forth. I respect
(15) the motivations the Chairman has to move this process
(16) along.
(17) Also, I think the Chairman has recognized this, we
(18) have had remarkable cooperation from people. And to ask
(19) them to recall with the kind of clarity that, as I have
(20) said many times, I am confident none of us could do with
(21) events that transpired that long ago, and to assume that
(22) their conversations, given the circumstances that promoted
(23) a good part of these conversations, would be riveted on
(24) something totally afield from the major event, the tragic
(25) event of someone's death, I just think defies logic.

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(1) Whatever else is going on, it isn't logical to me that
(2) that's what would happen.
(3) I don't really have any particular questions,
(4) Mr. Chairman. I have listened with care to the questions
(5) that have been raised and the responses given. And I am
(6) satisfied here that, on the basis of this, there is no
(7) evidence that I see that there is some conspiracy here to
(8) conceal information. That's not a prepared statement.
(9) That's just a conclusion. I am willing to listen to more
(10) questions today and more responses, and I can be persuaded
(11) otherwise, I suppose, if I hear something else.
(12) But up to this juncture, I see it basically as I have
(13) stated it here, and would hope that we could maybe move on
(14) at some point here to the other subject matters which are
(15) going to take some time on this Committee and move beyond
(16) this particular point.
(17) I thank you, Mr. Chairman.
(18) Chairman D'Amato. Senator Sarbanes, I think you have
(19) several minutes left. How many minutes left? Two
(20) minutes.
(21) Senator Sarbanes. I will just make this observation
(22) that, in the examination of this matter last summer, we
(23) listened to 32 witnesses. We took over 60 depositions. We
(24) had 13 days of hearings. I don't think anything shown by
(25) the records is inconsistent with the testimony that we

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(1) received last summer.
(2) Now, we have a difficult question and people say,
(3) well, they don't remember, they don't recollect. They are
(4) being asked about telephone calls that occurred more that
(5) two years previously. Maybe a phenomenal memory that could
(6) recall all of the phone calls.
(7) And in fact, as we explore this thing, we find that
(8) although Mrs. Thomases, for example, couldn't pinpoint the
(9) exact time of the phone call, she, last summer responding
(10) before the records were ever obtained and reviewed, said,
(11) well -- in response to the Chairman, said well, no, I think
(12) that phone call was earlier on that day. Of course, it
(13) turns out there was a phone call earlier in that day.
(14) As we sort of try to grasp this thing, I think we have
(15) to keep that in mind and try constantly to put it in the
(16) context of the responses that we receive.
(17) Chairman D'Amato. I'm going to go to Senator
(18) Bennett.
(19) I think, Mr. Chertoff, you have two minutes.
(20) Mr. Chertoff. Ms. Thomases, I just want to clarify a
(21) couple of things. Mr. Ben-Veniste had gone at great length
(22) in repeating testimony or colloquy that occurred in August
(23) about a request for records of phone conversations. I have
(24) right in front of me a letter to Jane Sherburne, the White
(25) House Special Counsel -- who I see sitting in the

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(1) audience -- dated June 30th, which was before the hearings
(2) began, which specifically asked for records of telephone
(3) conversations between 5:00 p.m. July 20th and 5:00 p.m.

(4) July 22nd from or to Hillary Rodham Clinton, and which
(5) specifically requested records of telephone conversations
(6) from or to the personal residences of Margaret Williams. I
(7) know these were not directed to you, Ms. Thomases.
(8) But I guess my question -- maybe this ought to be to
(9) Ms. Williams. Didn't Ms. Sherburne contact you or
(10) communicate to you after June 30th that the Committee was
(11) specifically asking for these records?
(12) Ms. Williams. I don't remember. She may have talked
(13) to my personal lawyer about it -- she may have spoken with
(14) my lawyer about it. I may have seen it. I guess I never
(15) thought that -- the personal records of my home just never
(16) came to mind.
(17) Mr. Chertoff. So the record is clear, this request
(18) did not come in the middle of the hearings for the first
(19) time. The request was specifically made on June 30th and
(20) directed to the White House.
(21) The second quick thing I would just like to cover in
(22) the remaining minute before Senator Bennett begins is your
(23) testimony during the hearing over the summer,
(24) Ms. Thomases.
(25) Are you telling us that your reference to a

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(1) conversation on the 22nd where you talked to Ms. Clinton
(2) about the likelihood you were not going to come to the
(3) funeral, are you telling us that's the call that occurred
(4) before 7:00 in the morning Arkansas time when Mrs. Clinton
(5) called you?
(6) Ms. Thomases. I said that I think would be -- because
(7) I had made up my mind over the night that I wasn't going to
(8) go and that it was likely that I told her in the morning.
(9) Mr. Chertoff. Didn't you testify at the hearings over
(10) the summer that you didn't make up your mind until the next
(11) day?
(12) Ms. Thomases. No. That was the 22nd.
(13) Mr. Chertoff. Didn't you testify at the hearings that
(14) it wasn't until the day of the 22nd that you made up your
(15) mind you weren't going to go to the funeral?
(16) Ms. Thomases. I don't remember. I probably discussed
(17) the problem with her because I was very sensitive to it.
(18) Mr. Chertoff. Did you discuss it with her in a call
(19) that took less than three minutes?
(20) Ms. Thomases. I might have.
(21) Mr. Chertoff. Did you then immediately hang up the
(22) phone and pick up the phone to call Bernie Nussbaum?
(23) Ms. Thomases. I know you think there is a
(24) relationship between those two calls.
(25) Mr. Chertoff. It is pretty obvious.

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(1) Ms. Thomases. I know you think so. I wanted to get
(2) in touch with Bernie because I was going into my office and
(3) going into a meeting. I hadn't talked to Bernie yet. You
(4) have to put it into this context.
(5) I don't remember making that call, but I want to put
(6) it in a context where I think it was. I had not yet talked
(7) to Bernie who was my very close friend. His deputy, Vince
(8) Foster, had shot himself. I wanted to know how Bernie was
(9) doing because he had been working with Vince day in and day
(10) out and he had been feeling very good about how things were
(11) going and then his deputy goes out and kills himself.
(12) I was worried about my friend Bernie, and I was just
(13) about to go into a very, very busy day in my work, and I
(14) wanted to make sure that I got to talk to Bernie that day
(15) since I had not been lucky enough to speak to him the day
(16) before.
(17) Mr. Chertoff. I think Senator Bennett has some
(18) questions.
(19) Senator Bennett. Thank you.
(20) First let me make a general observation about memory,
(21) and I agree absolutely that memory can play tricks and that
(22) phone calls can go out of memory very quickly. If you were
(23) to ask me about phone calls I had a week ago, I probably
(24) couldn't remember having those phone conversations.
(25) That having been said, if you were to ask me about

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(1) phone calls around a particularly strong emotional event in
(2) my life, I can remember those phone calls exactly. For
(3) example, when my father died, not an unexpected event and
(4) not an unhappy event, he was 95, he was old and sick, we
(5) were glad to see him released.
(6) Nonetheless, the loss of one's father is an emotional
(7) event. I remember who called. I remember when Al Gore
(8) called, the Vice President of the United States took the
(9) time to call me. I remember the call. I remember what he
(10) said, because it was associated with the intensity of that
(11) moment. I remember when Strom Thurmond called who served
(12) with him in the Senate and we talked about that. I
(13) remember those calls even though they were years ago.
(14) I find it a little hard to accept the idea that calls
(15) surrounding this strong an emotional occurrence can
(16) disappear as easily as calls that relate to normal business
(17) activities. This is just a comment that I make in response
(18) to the comment that my colleagues have made about memory.
(19) Now, Ms. Thomases, when you were here before, you and
(20) I had an exchange, and I expressed some bemusement, I
(21) suppose would be the proper word, at the difference between
(22) the Susan Thomases presented here and the Susan Thomases
(23) described to us elsewhere. And just to review that, you
(24) recall the comment that was made in the article about you
(25) where they said she has the juice and then someone else

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(1) commented, no, she is the juice.
(2) I pointed out that you have access to the White House
(3) that is unparalleled. Bob Dole and Newt Gingrich have to
(4) make an appointment to see the President of the United
(5) States. You can drop in without an appointment and get
(6) into the Oval Office to see him.
(7) You have access that folks in Gucci Gulch would give
(8) millions of dollars to have and probably would get millions
(9) of dollars if they did.
(10) You are tough, you are smart, you are aggressive, you
(11) are occasionally abrasive. You are clearly one who takes
(12) charge, challenges anybody and frankly at a time of crisis
(13) you would be the go-to guy, if we were to use basketball
(14) terms, when we are down to the last tick on the clock in
(15) the buzzer, get the ball into Susan Thomases's hands for a
(16) cut-the-nonsense operator who will get the job done.
(17) Now, in your testimony, all of the conversations that
(18) you remember were a very different Susan Thomases. You
(19) were reaching out to people. You were trying to help them
(20) with their grief. No one ever raised any problem where the
(21) go-to guy has to be put in motion. No one ever suggested
(22) that there was any difficulty that we have to have Susan
(23) Thomases, who can keep her head in the midst of this kind
(24) of problem when other people perhaps can't. We have a
(25) problem, if we want the problem solved, get Susan Thomases

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(1) on the phone to solve it.
(2) I find a disconnect between the Susan Thomases that I
(3) described and that I think is accurate and the person who
(4) is spending all of her time in all of these conversations
(5) simply making people feel good and helping them through
(6) their grief.
(7) To me, that is the significance of this series of
(8) phone calls that Senator Mack was talking about, that
(9) Maggie Williams calls Little Rock, talks to the First Lady
(10) for some seven minutes, gets her up, her testimony here
(11) this morning, she doesn't even remember talking to the
(12) First Lady because she thought the First Lady might not
(13) even be up. That's what she told Senator Mack.
(14) Ms. Williams. That's not what I said.
(15) Senator Bennett. Let's assume, and I do, that she
(16) talked to Hillary Clinton. Immediately after that
(17) conversation, Hillary Clinton calls you, there is a short
(18) conversation, the kind of conversation that frankly would
(19) fit the picture of the go-to guy, here is a problem, take
(20) care of it, Susan, thank you very much. Immediately upon
(21) hanging up, the page goes to Bernie Nussbaum.
(22) Now, I agree with the Senator from Connecticut we
(23) shouldn't try to turn this into a JFK cottage industry
(24) conspiracy circumstance, but won't you agree with me that
(25) that sequence and your pattern of activity on behalf of the

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(1) Clintons over a long period of time, taking care of tough
(2) problems, would make it credible that, if there were a
(3) problem, that would be the phone call that would say get

(4) Susan Thomases in gear, short, three minutes, here we go,
(5) and surrounding the emotion of the event, isn't it logical
(6) to assume that your memory would be a little sharper?
(7) I'm not saying that it is not, but I'm asking you,
(8) don't you agree that the appearance of this lends
(9) credibility at least to the kinds of questions we are
(10) asking?
(11) Ms. Thomases. Senator, I really -- I was in a
(12) different place. First of all, I spoke to the First Lady
(13) after Vince Foster died. She was the one who called me to
(14) tell me of Vince's death. So, she and I did have a very
(15) intense emotional conversation, which I remember with the
(16) kind of clarity that you are describing.
(17) I also remember my first conversation with Maggie. I
(18) didn't remember the timing of when it happened, but I
(19) remembered the conversation.
(20) The first time I heard about the documents and the
(21) activities surrounding Vince Foster's office was when I
(22) talked to Bernie Nussbaum some time on the 22nd. I did
(23) not --
(24) Senator Bennett. If I may, because the time is gone,
(25) could you focus in the response on that three-minute

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(1) conversation and tell us exactly what your memory is of
(2) that conversation? Did she, in fact, call you and then you
(3) took that three minutes solely to tell her you weren't
(4) coming to the funeral?
(5) Ms. Thomases. No. She called me. I don't remember
(6) the details of the conversation. But since I had seen her
(7) husband the day before and I have to speculate that she
(8) asked me how I found him, what I talked to him about and
(9) asked me if I were coming with him to the funeral, which
(10) was his intent that I fly with them to the Little Rock the
(11) following day. And it was at that point that I believed
(12) that I first raised with her the possibility that I didn't
(13) feel well enough to go to Little Rock, and I told her that
(14) I would get back to someone before the end of the day and
(15) confirm that decision.
(16) Senator Bennett. So I'm absolutely sure, and I
(17) apologize, Mr. Chairman, but I thought I heard from your
(18) comment you are speculating that that's what the
(19) conversation was?
(20) Ms. Thomases. That's exactly what I am saying. I
(21) have no recollection of the specifics of the conversation,
(22) except that I think that it was about my decisionmaking
(23) process. Because I had --
(24) Senator Bennett. You have no recollection as to why
(25) you immediately paged Bernie Nussbaum after the hanging up

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(1) from that?
(2) Ms. Thomases. No. I think I told you already, I told
(3) Mr. Chertoff that I think I reached out to him because I
(4) hadn't spoken to him. I was about to leave where I was
(5) staying to go to my office, and I knew that I was going to
(6) have a long morning of conference calls so that I would not
(7) be available to have a conversation with Bernie. And I
(8) went to -- I also knew that I had an important luncheon
(9) meeting that day. I also knew that I had to be back in
(10) New York for a 5:30 meeting that afternoon.
(11) I was under a lot of pressure from work --
(12) Senator Bennett. It is my understanding that when you
(13) made the page to Bernie Nussbaum, you left the hotel number
(14) as the return number?
(15) Ms. Thomases. That's right.
(16) Senator Bennett. You described now the reason you
(17) paged that early is you had to leave the hotel for a very
(18) busy day. Those two don't connect up.
(19) Ms. Thomases. If I paged him at 8:00 in the morning
(20) and knew I was going to be in my hotel at 9:00, if he
(21) called back between 8:00 and 9:00, he could have actually
(22) called me back, calculating how long it takes for me to get
(23) from my hotel to my office, he would have had to call me
(24) back within the next half hour or 45 minutes.
(25) Senator Bennett. My time is up, Mr. Chairman.

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(1) Chairman D'Amato. Senator Sarbanes. Let me suggest,
(2) initially counsels had indicated that the witnesses might
(3) need some time.
(4) We are going to ask the witnesses, would it be
(5) appropriate to take a five-minute break?
(6) Ms. Thomases. I would appreciate it.
(7) Chairman D'Amato. We will take a five-minute break.
(8) (Recess.)
(9) Chairman D'Amato. At this time, the Chair recognizes
(10) Senator Sarbanes with the allocation of the 10 minutes.
(11) Senator Sarbanes. I yield to Senator Moseley-Braun.
(12) Senator Moseley-Braun. Thank you very much,
(13) Mr. Chairman. I have been following this rerun here and
(14) trying to keep up with what is being said and what is being
(15) implied.
(16) I guess the first thing that strikes me is with regard
(17) to the conversations that occurred between the 21st and the
(18) 22nd of July of 1993, there is some suggestion that the
(19) First Lady would have called Ms. Thomases in order to relay
(20) a message to Mr. Nussbaum. And I am reminded and I would
(21) like to refer to and ask Ms. Thomases specifically a
(22) question.
(23) In his testimony, Mr. Nussbaum responded to Senator
(24) Boxer who asked the question, this is kind of cute
(25) actually, "do you ever take instructions from Susan

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(1) Thomases?" I wish I could remember Bernie's face or
(2) remember Mr. Nussbaum's face when that question was asked,
(3) but I don't have that recollection. I want to ask you your
(4) recollection.
(5) His response was "no."
(6) "Do you ever take instructions from Susan Thomases?
(7) "Mr. Nussbaum, "no."
(8) "Senator Boxer: If Mrs. Clinton wanted to tell you
(9) something, would she go through an intermediary?
(10) "Mr. Nussbaum: Not likely."
(11) Then he goes on and says he could talk to her,
(12) et cetera. All of this is in the official record.
(13) Ms. Thomases, I guess my question to you is kind of
(14) the converse of that. Had the First Lady ever -- did you
(15) act as an intermediary with Mr. Nussbaum?
(16) Ms. Thomases. I didn't. I didn't in this case, and I
(17) don't often do it.
(18) Senator Moseley-Braun. Do you agree with his
(19) recollection or his assertion that he and the First Lady
(20) have a relationship and they are very candid and talk to
(21) each other directly?
(22) Ms. Thomases. Yes. They did and they still do.
(23) Senator Moseley-Braun. I thought it was kind of
(24) important to put that into the record to refresh
(25) everybody's recollection that Mr. Nussbaum spoke to this

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(1) issue, and he categorically denied that he needed an
(2) intermediary. I take from your response that you deny that
(3) he needed an intermediary as well.
(4) The second thing is we have gone through all this
(5) about getting these records and reviewing and going over
(6) and asking even further questions about records that we
(7) had. And again, the implication that a phone call was made
(8) to Ms. Williams, and Ms. Williams then called the First
(9) Lady, and the First Lady then called you, and then you
(10) called Mr. Nussbaum, and this gets to be a convoluted set
(11) of stuff, that I suppose next we will have you phoning the
(12) Pope or something.
(13) But I just want to ask kind of a conclusory,
(14) bottom-line question, which is, in view of the records and
(15) in view of the questions that have been asked of you today,
(16) do you recall talking to the First Lady about the search of
(17) Vince Foster's office?
(18) Ms. Thomases. I said in my first statement and I
(19) repeat it today, which is basically this, I never received
(20) from anyone, nor did I give to anyone any instructions
(21) involving the contents of Vince Foster's office, period.
(22) Senator Moseley-Braun. Okay. And I'm going to ask
(23) the question another way. Do you remember having a
(24) conversation about the documents in Vince Foster's office?
(25) Ms. Thomases. Ever?

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(1) Senator Moseley-Braun. No. I mean in connection with
(2) these phone conversations of the 22nd.
(3) Ms. Thomases. Absolutely not.

(4) Senator Moseley-Braun. In connection with --
(5) Ms. Thomases. Except with Bernie.
(6) Senator Moseley-Braun. Except with Bernie, which you
(7) have testified to that already.
(8) Ms. Thomases. Yes.
(9) Senator Moseley-Braun. With regard to these
(10) conversations which I just described, do you have a
(11) recollection, do you recall talking with the First Lady
(12) about Whitewater, in connection with the death of Vince
(13) Foster?
(14) Ms. Thomases. I have said before and I say again that
(15) Whitewater was not on my mind at that time, and I don't
(16) know what was on the First Lady's mind. But she never
(17) raised anything about Whitewater with me that I can
(18) recollect.
(19) Senator Moseley-Braun. And you never raised anything
(20) with her?
(21) Ms. Thomases. No. It was not on my radar screen, to
(22) my recollection, at that time.
(23) Senator Moseley-Braun. Okay. I think it is important
(24) also to clarify with Ms. Williams since you are here again
(25) for the same thing, I want to ask you the exact same

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(1) questions in the exact same order again with regard to the
(2) conversations of the 22nd, the 21st and 22nd.
(3) Do you recall talking with the First Lady about the
(4) search of Vince Foster's office?
(5) Ms. Williams. No, I do not, although I did indicate
(6) in my previous testimony that I spoke with the First Lady
(7) about moving documents into the residence late in the
(8) afternoon of the 22nd.
(9) Senator Moseley-Braun. All right. Do you recall
(10) talking with the First Lady about Whitewater in connection
(11) with Vince Foster's death?
(12) Ms. Williams. No, not at all.
(13) Senator Moseley-Braun. Mr. Chairman, to you and
(14) Senator Sarbanes, again, I think there is nothing there
(15) from what I can see. We have gone over this ground. We
(16) have plowed it, we have replowed it and there just doesn't
(17) seem to be any crop there to harvest.
(18) I just think, frankly, that we are calling these
(19) witnesses back to go over the same ground that we have been
(20) over before after a person who has given their answers,
(21) these women have given their answers time and time again
(22) under oath to this Committee. I really think we are
(23) bordering on cruel and unusual punishment to keep calling
(24) them back to ask the same questions and ask the same
(25) answers.

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(1) Not only cruel and unusual punishment to them,
(2) Mr. Chairman, may I submit, to the members of this
(3) Committee as well. That is another issue we can discuss.
(4) I have no further questions.
(5) Thank you, Senator.
(6) Chairman D'Amato. Thank you, Senator.
(7) Senator Sarbanes. I would like to make an observation
(8) about the reference Mr. Chertoff made to the letter that
(9) was sent to Jane Sherburne where they requested additional
(10) records from the White House and former, present or former
(11) White House personnel. And then it says "all records of
(12) telephone conversations from or to the personal residences
(13) of Bernie Nussbaum, Margaret Williams and Patsy
(14) Thomasson."
(15) It is my understanding that these people did not have
(16) those telephone records in their possession at that time;
(17) is that correct? Did you have telephone records in your
(18) possession at that time?
(19) Ms. Williams. No, I did not.
(20) Senator Sarbanes. Now, later it occurred to counsel
(21) here and it was discussed amongst us at the conclusion of
(22) the hearings that we ought to go to the phone company for
(23) records. I think there is a gap here in the request, I
(24) have to say to you, in terms of that you could have been
(25) forthcoming to this request and not have taken the step of

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(1) going to the phone company to seek records which the
(2) committee subsequently requested.
(3) The Committee did not specifically develop that in its
(4) initial request. We subsequently developed it, made the
(5) request and received voluntary compliance on everyone's
(6) part to provide those phone records.
(7) We have the phone records, and on the basis of those
(8) phone records, the additional phone records, these
(9) questions are now being put here this morning.
(10) In fact, Mrs. Rodham, there was no request, initial
(11) request, I don't think, for the phone records from her home
(12) or any way to suggest that those ought to be obtained.
(13) That, of course, was also covered on the request that the
(14) Committee made on August 9th which both sides joined in
(15) putting forward.
(16) So, I think it is important to understand that. We
(17) may have been deficient in not making it very clear we
(18) wanted people to go to the phone companies in order to get
(19) records.
(20) Once we made that clear, people voluntarily cooperated
(21) and we did, in the end, obtain all of these records.
(22) Now, I want to put a question to you, Mrs. Thomases.
(23) You had not talked to Bernie Nussbaum prior to placing
(24) that call for him on the morning of the 22nd when you tried
(25) to reach him; is that correct?

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(1) Ms. Thomases. I may have seen him when I was rushing
(2) through the White House the day before, but I don't
(3) remember having a conversation with him. We are friends
(4) and I wanted to have a conversation, one on one, with him.
(5) Senator Sarbanes. You were making the call in order
(6) to, in effect, console or talk with Bernie in the face of
(7) the suicide of his deputy counsel; is that correct?
(8) Ms. Thomases. Yes.
(9) Senator Sarbanes. Well, I have to say, Mr. Chairman,
(10) no matter which sequence these calls were made, someone
(11) conceivably on the Committee could be trying to find some
(12) plot or conspiracy.
(13) It is also a reasonable hypothesis that these were two
(14) totally independent calls. Then you say one was made right
(15) after the other. Of course, one could have been made right
(16) before the other. I take it Susan Thomases was making
(17) these calls before she went into the office and started a
(18) day of work.
(19) So, you can have all kinds of speculations, but there
(20) is some perfectly innocent views of this situation as well
(21) as a conspiratorial or a plotting view, and I think we need
(22) to keep that in mind.
(23) Senator Dodd. Would my colleague yield for one
(24) moment?
(25) Senator Sarbanes. Certainly.

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(1) Senator Dodd. I wasn't going to say anything about
(2) this, because the witness didn't respond to it, and I think
(3) I know why, I want to respond a bit.
(4) I let this Committee know in the past. I know Susan
(5) Thomases. I have known her a long time. My colleagues
(6) know that. We have never worked together in any
(7) professional capacity, any campaigns or anything else. We
(8) just know each other.
(9) My colleague from Utah raised the issue of how someone
(10) who has the reputation of being a good, strong person who
(11) could also be a person who might care about somebody else.
(12) I know a lot of people I serve with who I would call tough
(13) people, strong people, get-the-job-done kind of people who
(14) also can be tremendously compassionate when crises arise
(15) and tragedies occur.
(16) It is not inconsistent for someone who is a strong
(17) individual to also be a compassionate individual.
(18) The fact that the witness didn't respond to the
(19) question, because I think it is rather awkward and
(20) difficult, the implication -- I know he didn't mean it
(21) necessarily -- that if you are a strong individual you
(22) can't care about something that happens to other people.
(23) If I didn't know the witness, I might just let it
(24) pass. But I happen to know this person very, very well,
(25) and I know her to be a person who cares deeply about other

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(1) people.
(2) Ms. Thomases. Thank you, Senator.
(3) Senator Dodd. I didn't want the moment to pass. I

(4) wasn't going to say anything. But in fairness to her, it
(5) ought to be made clear that what I think may be a little
(6) more descriptive in terms of how tough she is, but
(7) nonetheless, I would argue with that characterization as
(8) well, but that is not my point.
(9) My point is that people can be strong individuals and
(10) also very caring individuals, and this witness happens to
(11) be one of those people.
(12) Chairman D'Amato. I would like to make the
(13) observation, if I might, as my friend and colleague,
(14) Senator Sarbanes, points out, the fact that conclusions
(15) have been made as it relates to the series of phone calls
(16) that started at an unusually early hour and that went from
(17) the First Lady's Chief of Staff to the First Lady, from the
(18) First Lady's home to Mr. Thomases, from Mrs. Thomases to
(19) Bernie Nussbaum's pager, and recognizing that she said she
(20) had a long, tough day, therefore wanted to reach out, had
(21) conferences scheduled, that the linchpin of those who I
(22) believe are coming to some conclusion that may or may not
(23) be the case, but seems to me is rather relevant is that
(24) there has been testimony here in which Mr. Neuwirth – and
(25) we are not talking about just anybody, we are not talking

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(1) about a young man who was called upon to carry some records
(2) upstairs. We are talking about the assistant to the White
(3) House counsel – he says, in essence, his testimony was
(4) very clear, that Bernie was told – and I am paraphrasing
(5) and I will ask later on that the direct testimony be read
(6) into the record, I will read it into the record – Bernie
(7) was told that Mrs. Clinton was disturbed about the manner
(8) in which the investigation was taking place. I will read
(9) it, in fairness.
(10) "What I said was that my understanding was that
(11) Mr. Nussbaum had understood that Mrs. Thomases and the
(12) First Lady were concerned about the prospect of unfettered
(13) access and I don't know what the basis was for that
(14) concern."
(15) We didn't just drag this out. This is page 72 of
(16) Mr. Neuwirth's testimony.
(17) Mr. Nussbaum had understood obviously. Mr. Nussbaum
(18) let Mr. Neuwirth know that, that Mrs. Thomases and the
(19) First Lady were concerned about the prospects of unfettered
(20) access. So we don't come – and that's why it is that when
(21) we get this information about these phone calls and the
(22) chain of events that then follows which leads up to a
(23) rather dramatic confrontation between the White House and
(24) the Justice Department, to the extent that you have the
(25) number one person at Justice Department calling Bernie at

Page 70
(1) night saying to him – talking about the Deputy Attorney
(2) General – saying Bernie, are you hiding something.
(3) Now, you know, it is not illogical, and if you want to
(4) say it is just happenstance and circumstance that these
(5) were the series of calls that took place and then a series
(6) of calls on Bernie Nussbaum's pager – 9:00, Susan
(7) Thomases, to Susan. 8:45, Susan Thomases, three minutes.
(8) 11:04, Susan Thomases, six minutes. 11:11 Susan, McLarty,
(9) 11:37.
(10) What happened to these conference calls? You are
(11) going to be involved in these conferences you said before.
(12) I have to tell you it is difficult, it is difficult to
(13) believe that all of these calls now were as the result of
(14) touching, feeling, holding, which I understand compassion,
(15) believe me I do, but that's why, when we come to this, we
(16) raise these questions. I'm going to get into that. I'm
(17) saying these are the questions that rise in my mind.
(18) Senator Faircloth.
(19) Senator Bennett. Mr. Chairman, may I make a quick
(20) statement?
(21) Chairman D'Amato. I'll give her an opportunity. She
(22) can respond to it.
(23) Senator Bennett. I thank my colleague from
(24) Connecticut for making the point that he made, and I
(25) apologize for any inference that I may have made in my

Page 71
(1) characterization of Susan Thomases, whom I do not know
(2) except by her press clippings.
(3) Senator Dodd. One should not be known by that alone.
(4) Senator Bennett. That is a very, very appropriate
(5) point. I still intend to pursue some of these things
(6) vigorously, but I appreciate my colleague from Connecticut
(7) catching that nuance and I thank him for it. And for any
(8) distress that I may have left with the witness, I
(9) apologize.
(10) Chairman D'Amato. Senator Faircloth.
(11) Senator Faircloth. Ms. Thomases, I lightly touched,
(12) before when you were here, on what Senator Bennett went
(13) into today, your juice and the spilling thereof. So I
(14) would like to ask some questions and I would like, if I
(15) may, very quick answers because he has me on a clock and
(16) not an hourglass.
(17) You remembered the call from the First Lady on the
(18) night. And then the following morning, at 1:10 that
(19) morning, Maggie Williams called you. You don't remember
(20) that conversation? You talked to her for 14 minutes.
(21) You're telling us you don't remember what that call was
(22) about?
(23) Ms. Thomases. I said that I remember the substance of
(24) my first conversation with Maggie Williams after Vince
(25) Foster's death. I do not specifically remember that it

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(1) took place at 1:00 in the morning.
(2) Senator Faircloth. You get a lot of calls at 1:00 in
(3) the morning?
(4) Ms. Thomases. Senator – Maggie – yes, I do. Ask my
(5) husband.
(6) Senator Faircloth. All right. If I need you, I'll
(7) call you at 1:00 in the morning.
(8) Ms. Thomases. Feel free.
(9) Senator Faircloth. I just learned in the last 24
(10) hours that you were in the White House on July 27. Put the
(11) screen up. Now, Mr. Barnett, the Clinton's private
(12) attorney, was also there at the same time. Did you see
(13) Mr. Barnett while you were there?
(14) Ms. Thomases. I have no specific recollection of
(15) being at the White House on the 27th. Looking at these
(16) records, it looks like I was.
(17) Senator Faircloth. You were there for six hours.
(18) Ms. Thomases. Senator, I don't know exactly how long
(19) I was there. And given what happened on the 21st, when it
(20) also had a record of my being there for six or seven hours
(21) and I know for sure that I was actually at my Washington
(22) office for a significant part of that day, I don't know
(23) that I was there the full time, because sometimes I come
(24) and leave and come back.
(25) Senator Faircloth. According to this, they say

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(1) entering and exiting and that means kind of coming and
(2) going, doesn't it? Do you think the Secret Service people
(3) had – the clock wasn't right? You were there six hours
(4) according to them.
(5) Ms. Thomases. I don't know that, but I don't remember
(6) having spent a full day like that at the White House.
(7) Senator Faircloth. Did you see Mr. Barnett there?
(8) Ms. Thomases. I don't remember that day
(9) particularly.
(10) Senator Faircloth. Were you in the residence while
(11) you were there?
(12) Ms. Thomases. I don't remember that day in
(13) particular. I haven't thought about it. This is the first
(14) time this day has been raised with me.
(15) Senator Faircloth. Do you know a person – do you
(16) know Diane Blair?
(17) Ms. Thomases. Yes, I know Diane Blair.
(18) Senator Faircloth. Well, I was going to ask you if
(19) she was there, but if you don't know if you were there, I
(20) guess you don't know if she was there.
(21) But I'll ask the question anyway. Do you remember
(22) seeing her there that morning?
(23) Ms. Thomases. I don't remember the day of the 27th.
(24) And whether Diane Blair was there.
(25) Senator Faircloth. But you spent six hours there,

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(1) according to the Secret Service, and have absolutely no
(2) recollection of it; is that right?

(3) Ms. Thomases. I don't have any specific recollection
(4) of it, no.
(5) Senator Faircloth. How someone can spend six hours at
(6) the White House and have no recollection of it is beyond
(7) me, especially someone with your reputation for brightness
(8) and sharpness and remembering.
(9) Let me ask you another question. When did you first
(10) see Vince Foster's suicide note?
(11) Ms. Thomases. I never saw Vince Foster's suicide
(12) note.
(13) Senator Faircloth. Have you ever talked with
(14) Mrs. Clinton about Vince Foster's involvement with the
(15) travel office firing?
(16) Ms. Thomases. Have I ever talked to –
(17) Senator Faircloth. Ms. Clinton. Did you discuss the
(18) firing, the problems thereof and this man, Harry
(19) Thomasson? Did you ever discuss that with Ms. Clinton?
(20) Now, Harry Thomasson, Ms. Clinton or the whole
(21) Travelgate thing, did you discuss that with them?
(22) Senator Sarbanes. Mr. Chairman, Travelgate is not
(23) part of our charge. In fact, the House is looking into
(24) Travelgate.
(25) Chairman D'Amato. Well, I understand it's not part of

Page 75
(1) our charge, but I'm going to give the Senator the latitude
(2) to pose that question. And given the fact that Foster's
(3) note – Vince Foster's note did relate or at least referred
(4) to it, I'll allow it for limited purposes.
(5) Go ahead, Senator.
(6) Ms. Thomases. Could you restate the question,
(7) please?
(8) Senator Faircloth. Have you ever or did you discuss
(9) with Ms. Clinton the travel office firing, her role in the
(10) travel office firing and Vince Foster? Was there any
(11) discussion with you in that?
(12) Ms. Thomases. Can you give some time frame around
(13) that?
(14) Senator Faircloth. At any time.
(15) Ms. Thomases. I may have discussed it with her, but I
(16) don't remember how proximate that was to Vince Foster's
(17) death.
(18) Senator Faircloth. Do you remember any discussion
(19) with Harry Thomasson in connection with the firing?
(20) Ms. Thomases. I may have heard –
(21) Senator Sarbanes. This is really –
(22) Senator Dodd. We're getting beyond here. I
(23) understand the point of –
(24) Senator Faircloth. Let me go on.
(25) Senator Dodd. There has to be some connection made.

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(1) What's the nexus here?
(2) Chairman D'Amato. Sure. Let's give the Senator an
(3) opportunity to continue.
(4) Go ahead, Senator.
(5) Senator Faircloth. It's very difficult to make
(6) connection, Senator, when somebody spends six hours at the
(7) White House and does not remember it or have any
(8) recollection of it.
(9) Senator Dodd. Those are two different issues.
(10) Chairman D'Amato. I think the Senator is raising the
(11) point, did that come up.
(12) Senator Faircloth. I'll move to Maggie Williams.
(13) Ms. Williams, you received a called from Ms. Clinton
(14) at 10:13 on the evening of July 20; is that right?
(15) Ms. Williams. I don't know the exact time, but that
(16) sounds about right.
(17) Senator Faircloth. Yet before that, you spoke with
(18) someone in Arkansas for 26 minutes. Would you tell me who
(19) that was?
(20) Ms. Williams. My friend.
(21) Senator Faircloth. Well?
(22) Ms. Williams. What I don't want is for my friend to
(23) have every press person in America calling them now because
(24) it is a personal friend of mine, people that I lived with
(25) during the campaign. And suffice it to say that we talk

Page 77
(1) often and we talked that night.
(2) Senator Faircloth. Did you know that Mr. Foster was
(3) dead at that time?
(4) Ms. Williams. No, I did not.
(5) Senator Faircloth. Ms. Williams, records show that
(6) the alarm went off – I mean, in other words, it was cut
(7) off – in Vince Foster's office at 10:42 p.m. on the night
(8) of Mr. Foster's death and you weren't there. Follow me?
(9) You talked with the First Lady for 16 minutes at 10:13, at
(10) 10:13 you talked to the First Lady for 16 minutes. You
(11) hung up at 10:29.
(12) Now, the alarm was switched off in Foster's office at
(13) 10:42, so that means that within 10 to 15 minutes, you hung
(14) up from the First Lady and cut the alarm off in Vince
(15) Foster's office.
(16) Now, is it still your story before this Committee that
(17) the First Lady did not instruct you, never suggested that
(18) you go to the White House and to Vince Foster's office and
(19) get documents out that you were seen leaving with by the
(20) uniformed Secret Service people?
(21) Ms. Williams. Could you repeat the question?
(22) Senator Faircloth. Did the First Lady not tell you to
(23) go to the White House and Vince Foster's office?
(24) Ms. Williams. I mean about the whole timing.
(25) Chairman D'Amato. I think the Senator said that

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(1) starting at –
(2) Senator Sarbanes. Let Senator Faircloth state it.
(3) Senator Faircloth. You talked to First Lady for 16
(4) minutes at 10:13. You hung up at 10:29. Now, you had the
(5) alarm cut off in Vince Foster's office at 10:42, which gave
(6) you roughly 13 minutes to go from hanging up from the First
(7) Lady –
(8) Ms. Williams. At my house.
(9) Senator Faircloth. At your house, to get to the White
(10) House and in Vince Foster's office. Now, are you
(11) contending that the First Lady did not instruct you in that
(12) 16-minute conversation to get to the White House and to get
(13) into Vince Foster's office?
(14) Senator Sarbanes. What's the basis for the assertion
(15) that Ms. Williams turned off the alarm at 10:42?
(16) Senator Faircloth. Sergeant O'Neill saw the alarm cut
(17) off, but it's on – saw Maggie Williams in the office at
(18) that time.
(19) Senator Sarbanes. No, no, no, that's not –
(20) Senator Faircloth. Yes, he did.
(21) Chairman D'Amato. First of all, I think the question
(22) is –
(23) Senator Faircloth. Cut the alarm off and Maggie
(24) Williams was there shortly thereafter, so we're talking
(25) about a time lag of 15 minutes, 16 minutes. Now, this is

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(1) the testimony of the Secret Service agent. The alarm was
(2) cut off and she was there.
(3) Chairman D'Amato. At or about that time, there was
(4) testimony that Maggie Williams was in the office.
(5) Ms. Williams, would you respond to the question, which
(6) really boiled down to did the First Lady instruct you to go
(7) to the office? Because if you ended a conversation at
(8) 10:29 and you're there at approximately 10:42 or
(9) thereabouts, that's the question, again. Call to you from
(10) the First Lady. Your then appearing at the office on or
(11) about 10:42.
(12) His question is, did the First Lady instruct you to do
(13) that?
(14) Ms. Williams. As I testified before, no.
(15) Senator Faircloth. She did not instruct you to.
(16) Well, why did you decide in the short span of about 15
(17) minutes, and don't – did you have any particular reason
(18) why you went to the White House and Vince Foster's office?
(19) Ms. Williams. If you will review my transcript from
(20) the last testimony, what I said was I knew that I was going
(21) to go somewhere and I decided to go to the White House.
(22) Other people were gathering at the White House, too.
(23) Senator Faircloth. Were the other people in Vince
(24) Foster's office? You got there pretty quick, too, to Vince
(25) Foster's office. You didn't just go to the White House.

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(1) You went to Vince Foster's office.
(2) Ms. Williams. The first place I went upon arrival to

(3) Vince Foster's office was Mark Gearan's office, as I
(4) testified before.
(5) Senator Faircloth. You returned to your house after
(6) you left the White House and Vince Foster's office, all of
(7) this within an hour and 30 minutes here, you called the
(8) First Lady, you talked to her. You went straight to the
(9) White House. You were in Vince Foster's office, you were
(10) seen, by the Secret Service people, removing documents.
(11) Then you went back home, and at 1:00 in the morning,
(12) roughly 12:56, almost midnight in Arkansas, you again
(13) called the First Lady.
(14) Ms. Williams. Yes.
(15) Senator Faircloth. What did you call to tell her?
(16) Ms. Williams. I called to talk to her about Vince's
(17) death. He was our friend.
(18) Senator Faircloth. You didn't call to say I've been
(19) in Vince Foster's office and I've got the documents,
(20) they're safe, I moved them put them over in my office? You
(21) didn't tell her anything like that, and you can go to bed
(22) and sleep well tonight because I got them? Did you tell
(23) her that?
(24) Ms. Williams. No, I did not.
(25) Senator Faircloth. Nothing related to that?

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(1) Ms. Williams. No, I did not.
(2) Senator Faircloth. Mr. Chairman, let me ask one more
(3) question. I see the clock.
(4) Chairman D'Amato. Go ahead.
(5) Senator Faircloth. We have danced through this -- one
(6) question here and I'll find it.
(7) This is the question to both of you, Ms. Williams or
(8) Ms. Thomases. On the night of the 20th, the third call
(9) that Ms. Clinton made after she called you was to a number,
(10) a Washington area code, 202-628-7087, and she talked to
(11) this number for 10 minutes. The number is now disconnected
(12) and no one seems to know who it belongs to.
(13) Do you-all know who this number belongs to or who the
(14) call could have been to?
(15) Ms. Williams. No.
(16) Senator Faircloth. Mr. Chairman, we have been going
(17) at this now for some time, and not to oversimplify it, but
(18) a lot of it has been dancing through the daisies. We ask
(19) questions -- six hours -- to a very erudite lawyer does not
(20) remember she was in the White House. Ms. Williams
(21) remembers no telephone calls.
(22) The answer to this thing, the answer to the problem
(23) here, and we need to quit dancing, is to call the First
(24) Lady. We should invite her to come with the hope that her
(25) memory is better than Ms. Thomases's or Ms. Williams's.

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(1) And I would have to assume it is. It would be hard for it
(2) to be worse. And I think we need to invite her to come,
(3) and if she will not come, we need to subpoena the First
(4) Lady and clear this up once and for all. Stop the dancing
(5) through the daisies and get on with the investigation.
(6) Chairman D'Amato. I appreciate the Senator's
(7) frustration and to a certain extent I too, and I think a
(8) number of the Committee members on both sides for various
(9) reasons, share our frustration as it relates to the
(10) telephone number that the Senator puts forth,
(11) 202-628-7087. Apparently that's a number that switches
(12) calls to other numbers.
(13) We have not been able, and this is frustrating, to
(14) ascertain where that call went to, who it went to, but that
(15) would have been about an hour after Maggie Williams had
(16) completed her conversation, her initial conversation with
(17) the First Lady.
(18) So we have had some very frustrating times in terms of
(19) getting the records, for better or for worse, whether for
(20) cooperation, lack of cooperation, the fact that we didn't
(21) issue subpoenas initially. I think that probably was our
(22) own shortcoming because we did not want to create an
(23) appearance that we didn't think that the people in the
(24) White House and others were cooperating, and so we ran into
(25) this unfortunate situation.

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(1) I will entertain your proposal as it relates to the
(2) First Lady. We will take that under advisement.
(3) Senator Bennett. Mr. Chairman, could I ask, on this
(4) phone number, which I haven't heard of before, do we know
(5) who made the call to the number?
(6) Chairman D'Amato. No, we don't.
(7) Senator Faircloth. The First Lady made the --
(8) Mr. Chertoff. Mr. Chairman, the number comes from the
(9) records of the Rodham residence, is what we're told by the
(10) phone company. And someone from the staff called the phone
(11) company, this is a number that, first of all, is no longer
(12) in operation, it's disconnected.
(13) At the time we are talking about, the number was not a
(14) number that ends in a residence or office. It deflects the
(15) caller, bounces the call to another number, and evidently
(16) the phone company tells us that there's no way of
(17) determining from this number who the ultimate recipient of
(18) the call is.
(19) Senator Bennett. So we don't know who initiated it;
(20) we just know it came from the Rodham residence?
(21) Mr. Chertoff. And we don't know who it went to.
(22) Senator Bennett. We don't know who it went to.
(23) Mr. Chertoff. All we know is it went to a phone
(24) number and all that phone number does is it bounces the
(25) call to another phone number, but it's impossible for the

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(1) phone company to tell us, so they represent to us, who that
(2) secondary phone number is.
(3) Senator Bennett. So it's an electronic answering
(4) service kind of thing?
(5) Mr. Chertoff. Not even an answering service. It's an
(6) electronic service that takes a call and bounces it to
(7) another number so that you can't tell from the record of
(8) the caller who the recipient of the call is.
(9) Senator Bennett. Call forwarding, something like
(10) that?
(11) Mr. Chertoff. Something like that.
(12) Senator Faircloth. Mr. Chairman, brief word. I hope
(13) you will take into consideration, and I hope the First
(14) Lady, without having to be subpoenaed, will view and review
(15) what we're doing here and see the problems we are having
(16) and would want to come down and explain very clearly and
(17) very succinctly what happened, what went on and clear the
(18) entire matter up once and for all. And I would hope she
(19) would come at our invitation and not require a subpoena.
(20) Senator Sarbanes. Mr. Chairman?
(21) Chairman D'Amato. Senator Sarbanes.
(22) Senator Sarbanes. From almost the very first day we
(23) began, Senator Faircloth has been calling for bringing the
(24) First Lady in. I can't imagine anything that would more
(25) politicize these hearings. There's really no basis to

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(1) bring her here. And his request, I must observe, was made
(2) before we began collecting any testimony or virtually
(3) before we began collecting any testimony. And it's been
(4) renewed, renewed from time to time.
(5) And I know he very much wants to have a political
(6) circus here, but I think the Committee ought to work very
(7) hard to avoid that and conduct a proper and thorough and
(8) fair inquiry with some sense of standards and some
(9) responsibility.
(10) And I just want to make that point.
(11) Senator Faircloth. May I reply to the Senator from
(12) Maryland? From the very first, you are right, the first
(13) day of testimony, it was obvious that we were going to get
(14) convoluted answers and not answers. And every hearing
(15) every day since the first day has further confirmed my
(16) conviction that if we were going to get at the truth and
(17) get at the answers, we needed the First Lady.
(18) And if anybody can think of any reason why she should
(19) not come down here and give us straightforward testimony,
(20) I'm not aware of it.
(21) Senator Sarbanes. Well, the first day we had the
(22) three Park Police, not highly relevant to the point you're
(23) raising, and right from then you started this call for the
(24) First Lady. So you're --
(25) Senator Faircloth. I didn't start on the first day.

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(1) The first time that we had the White House staff testify
(2) was when I called for the First Lady, not the Park Police.

(3) Senator Sarbanes. Your objective has been clear right
(4) from the beginning, and I think it's an effort to
(5) politicize the whole inquiry.
(6) Chairman D'Amato. I think that Senator Faircloth has
(7) made known his view. He has been of a belief that the
(8) testimony of some of the witnesses does not -- has not come
(9) forth with the candor that we might expect. I am
(10) paraphrasing.
(11) No one can speak for Senator Faircloth. I don't
(12) attempt to do that. And he does believe and he has made
(13) known early on that he thought that the First Lady might
(14) clear this up.
(15) As the Chair has indicated in the past, it is not my
(16) inclination or my desire to go forth in the manner unless
(17) there is absolutely clear and convincing facts that
(18) necessitate calling of the First Lady. I think he has
(19) modified his request, he's put out.
(20) So to call an observation that he believes that she
(21) could clarify these matters, but again, my inclination has
(22) been from the beginning that I do not want to lead us down
(23) a road that would be anything other than gathering the
(24) facts in a manner consistent with the charge to this
(25) Committee from the Senate.

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(1) And we're going to proceed, as painful as it may be at
(2) times, and it is, and I recognize that, to the members of
(3) the Committee as well, and maybe to the general public and
(4) certainly to some of the witnesses, we have an obligation
(5) and we're going to fulfill that obligation.
(6) Yes, Senator?
(7) Senator Faircloth. Mr. Chairman, this would not be
(8) unprecedented. When Senator Sarbanes was on the House
(9) Judiciary Committee, did not President Ford testify before
(10) that Committee?
(11) Senator Sarbanes. President Ford testified as to the
(12) basis of giving the pardon to Richard Nixon.
(13) Senator Faircloth. He testified.
(14) Senator Sarbanes. At his request.
(15) Senator Faircloth. All right. Well, we want
(16) Mrs. Clinton at our request.
(17) Senator Sarbanes. Well, that's a very different
(18) thing.
(19) Chairman D'Amato. Senator Sarbanes. It's your time.
(20) Senator Sarbanes. Senator Dodd? Carol?
(21) Mr. Chairman, I don't have any questions.
(22) Chairman D'Amato. Let me -- I just have -- Senator
(23) Bennett, do you have any?
(24) Senator Bennett. Thank you, Mr. Chairman.
(25) I would like to, if I could, just pursue what we were

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(1) talking about before with Ms. Thomases.
(2) You testified, and I can understand you had a busy day
(3) that day, scheduled in New York. Tragedy hits us, does not
(4) accommodate previous schedules, and you have a schedule
(5) that you have to keep, however much you might like to stop
(6) everything else and focus on it. You have clients in your
(7) New York office and you have, as I recall, a trip already
(8) set to Washington for that afternoon.
(9) So against that backdrop of a busy legal schedule from
(10) a busy lawyer, you have the call from Mrs. Clinton at
(11) 7:57. That takes three minutes. That takes us to 8:00.
(12) At 8:01 you page Bernie Nussbaum, leave the hotel number,
(13) you said you figured you would be there for another half
(14) hour to 45 minutes and if he calls back in that time -- at
(15) 9:00 you call Maggie Williams and leave a message for her.
(16) Was that from the hotel or from your office or do you
(17) recall?
(18) Ms. Thomases. I don't recall. I don't recall.
(19) Senator Bennett. Do we have anything that would
(20) indicate one way or the other where that was from? Not
(21) that it's particularly relevant, but I just want the record
(22) to be complete as we go through this process.
(23) All right. At 10:48, you put in a call to Mack
(24) McLarty. Presumably you did not talk to him on that
(25) occasion.

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(1) Ms. Thomases. I don't believe I talked to him at all
(2) on the 22nd, although the phone records show that I tried
(3) repeatedly to reach him.
(4) Senator Bennett. Yeah. The phone connection was for
(5) three minutes, so you talked to somebody for three minutes,
(6) maybe telling them you wanted to talk to Mack and why was
(7) it and maybe some expressions of grief and so on in that
(8) three-minute period.
(9) Ms. Thomases. And also to find out when he would
(10) likely be back.
(11) Senator Bennett. Okay. So you talked to Mack McLarty
(12) at 10:48 for three minutes or talked to his office rather
(13) for three minutes. I'm assuming these calls were all made
(14) from your New York office?
(15) Ms. Thomases. No, they were made from my Washington
(16) office. I was in Washington on the 22nd.
(17) Senator Bennett. Oh. I thought you --
(18) Ms. Thomases. On the 21st I was in New York. On the
(19) 22nd I was in Washington.
(20) Senator Bennett. Oh, these are all Washington?
(21) Ms. Thomases. Yes.
(22) Senator Bennett. So the hotel was in Washington?
(23) Ms. Thomases. Washington.
(24) Senator Bennett. I'm sorry. I'm glad to get that
(25) straightened out. I had assumed it was in New York.

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(1) Ms. Thomases. In New York, I live in my own home.
(2) Senator Bennett. Okay, fine. Thank you, I appreciate
(3) that.
(4) So now we come to the 11:00 hour. At 11:04, you
(5) talked to Maggie Williams for six minutes.
(6) Ms. Thomases. I testified before that I talked to
(7) Maggie Williams's office, and I said at that time while I
(8) remember talking to Maggie, while I thought I remembered
(9) talking to Maggie that day, I didn't necessarily talk to
(10) her because usually I don't call Maggie at that number.
(11) That is the First Lady's central number, and when I
(12) used to call Maggie, I would call her on her direct line.
(13) It is not her direct line.
(14) Senator Bennett. So you think this six-minute
(15) conversation was with a member of her staff?
(16) Ms. Thomases. Yes, or I may have asked them to
(17) transfer me to someone else in that office.
(18) Senator Bennett. I see. But that was the White
(19) House.
(20) Ms. Thomases. Yes.
(21) Senator Bennett. And presumably Maggie Williams is at
(22) home, because her earlier call to Little Rock was from
(23) home, and her later call that comes during the lunch hour
(24) to Little Rock was from her home.
(25) Ms. Thomases. I just learned that sitting here today,

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(1) sir.
(2) Ms. Williams. Can I just --
(3) Chairman D'Amato. I might make an observation to the
(4) Senator. That is not necessarily the case. If you're --
(5) we're going to check out the records as it relates to
(6) time.
(7) The reason I say that is it very well could have been
(8) a credit card call to Little Rock with the call being
(9) billed to the personal residence. And I think that's an
(10) open question so --
(11) Senator Bennett. Ms. Williams was about to respond.
(12) Is that indeed the case? Was it a credit card call?
(13) Ms. Williams. No. I just wanted to interject here,
(14) given how things are, that that was pure speculation. I
(15) would not hazard to say I was absolutely, positively in my
(16) house.
(17) I said, looking at my schedule and looking at the fact
(18) that there were several calls later from my house, that it
(19) appears to me I was at home. But I want to be very clear
(20) before we start using this as a fact.
(21) Senator Bennett. Okay, okay, I appreciate that and
(22) accept that correction.
(23) These calls are bracketed by your early morning call
(24) to Ms. Clinton, Mrs. Clinton -- I'm picking it up from my
(25) colleague here -- Mrs. Clinton in Little Rock.

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(1) Ms. Williams. That's right.
(2) Senator Bennett. And then your lunch hour call to

(3) Mrs. Clinton, also from your home.
(4) Ms. Williams. Exactly, right.
(5) Senator Bennett. So if you were in your office, you
(6) went back home for lunch.
(7) Ms. Williams. Right.
(8) Senator Bennett. Okay. All right. So Ms. Thomases,
(9) 11:04, you talked to someone in Maggie Williams's office in
(10) the White House for six minutes, which takes us to 11:00.
(11) At 11:11, you call Mr. McLarty's office. Do you
(12) recall whether you got him or not?
(13) Ms. Thomases. As I said before, I do not believe, and
(14) I went over in my August testimony, I don't believe I
(15) actually reached Mack that day.
(16) Senator Bennett. Okay. So you call him at 11:11.
(17) That phone call lasts three minutes, which takes us to
(18) 11:14. At 11:16, you called Mack McLarty's office again.
(19) Do you have any recollection as to why you had to call
(20) back, that there was something that you had forgotten in
(21) the first conversation with his staff that you needed to
(22) call back virtually two minutes after you had hung up?
(23) Ms. Thomases. I have no recollection of what happened
(24) in those conversations. Maybe his secretary -- and this is
(25) totally speculation -- perhaps his secretary told me that

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(1) he was going to be back in a minute so I called back, but I
(2) don't remember ever speaking to him that day.
(3) Senator Bennett. Okay. So that takes us to 11:17.
(4) 11:37, 20 minutes now has elapsed.
(5) You now call Maggie Williams again at the White House,
(6) talk for nine minutes. Do you have any recollection of
(7) that phone call?
(8) Ms. Thomases. I don't specifically recollect that
(9) phone call. In spending some time pressing myself to
(10) recollect when I spoke to Maggie on the 22nd, my clearest
(11) memory is speaking to her at the end of my day when I was
(12) in New York, and between arriving in New York and going to
(13) a late afternoon meeting in New York.
(14) So it's that call that sort of sticks in my mind,
(15) that's a likely time that I spoke to Maggie that day.
(16) Senator Bennett. Okay. Well, again, this is in the
(17) White House, not at her home. So you've had one
(18) conversation with Maggie Williams's office for six minutes,
(19) then two quick conversations with Mack McLarty's office
(20) immediately following that conversation with Maggie
(21) Williams's office.
(22) There's a 20-minute interval and then nine minutes
(23) with Maggie Williams's office in the White House. You hang
(24) up at 11:46, and then at 11:50, four minutes later, you
(25) call back to Maggie Williams's office for another four

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(1) minutes.
(2) And then in the lunch hour, there is a call from
(3) Maggie Williams's residence to Little Rock that presumably
(4) did not make a connection because it only lasted for a
(5) minute. And then a call from the White House switchboard,
(6) we don't know who, to Little Rock that lasted longer, at
(7) 1:25.
(8) Now, it may be that none of these is connected, may be
(9) that there's coincidence, but I must come back to my
(10) observation before, there is a pattern here that looks like
(11) the go-to guy is taking care of business, and a series of
(12) calls are made to key players.
(13) If the key player isn't in, then the other player --
(14) if you want to construct this, it certainly fits the
(15) pattern -- the other player is notified, placed the call
(16) here, wasn't in. Another conversation takes place, call
(17) back, long conversations, not leave a message.
(18) These are not consoling conversations because that's
(19) already taken place. They're too short for that. The
(20) pattern of this series of phone calls is the pattern of
(21) somebody who has a problem to solve and people to report to
(22) or people to stimulate.
(23) Do you not agree that that pattern could well be
(24) interpreted that way? And if you have a different
(25) interpretation, I'd love to hear it.

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(1) Ms. Thomases. As I said when I testified in August, I
(2) was reaching out for Mack and I was anxious to speak to him
(3) because he had a very special relationship with Vince, and
(4) I wanted to talk to him. And unfortunately I do not
(5) believe that I was able, nor can I remember, that I was
(6) able to reach him that day.
(7) As I have also testified previously, you could call --
(8) first of all, it wasn't Maggie Williams's office that you
(9) were calling when you called that number. You were calling
(10) the First Lady's Executive Office Building number. And
(11) there are a lot of places that you could be connected when
(12) you call that number. It was often the most convenient
(13) place to call to reach other people who worked on the First
(14) Lady's staff, not --
(15) Chairman D'Amato. Like who? Please, Mrs. Thomases,
(16) because it disturbs me. Tell me, like who? Like who? I
(17) mean you make -- I look at this record and I have tell you
(18) something, my gosh, Susan Thomases, you leave a message for
(19) Maggie Williams at 9:00. Susan Thomases, 11:04, Maggie
(20) Williams, there's a connection, six minutes, 11:37.
(21) We're not talking about a long period of time. Within
(22) a half hour, another call to the executive office, to the
(23) executive office of the First Lady. Nine minutes.
(24) Now, who was the mystical person that you were talking
(25) to if you didn't talk to Ms. Williams?

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(1) And then within 15 minutes, another phone call to the
(2) executive office of the First Lady. The First Lady is not
(3) there. Four minutes. And then thereafter -- now, look, it
(4) is not reasonable, it is not creditable to suggest to this
(5) Committee that you just called people to be
(6) touchy-feely-nicey and to hold their hands. You people
(7) don't make phone calls like that with rapidity. When you
(8) suggested you called Mack McLarty at 10:48, spoke to
(9) somebody there for three minutes, and thereafter in
(10) between, a phone call to the First Lady's executive office,
(11) you then made another phone call for one minute.
(12) If you were wondering why the Senator has difficulty
(13) understanding this and that you made no connection,
(14) et cetera, you are the very busy person who said you had
(15) conference calls to make all day, and that's why you
(16) initiated that call so early in the morning to Bernard
(17) Nussbaum. When did you have time to make these conference
(18) calls? If I see 10:48, 11:04, 11:15, 11:16, 11:37, 11:50,
(19) those are calls we know you made in addition to anything
(20) else. It seemed to me that you were concerned with
(21) something at the White House, and pretty desperately
(22) reaching out.
(23) Now, I have to tell you, it is distressing to this
(24) Senator to hear someone like yourself, given such an
(25) intellectual, legal capacity, to be counselor not only to

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(1) the First Lady and others, to come before this Committee
(2) and to suggest well, you know, that was the White House
(3) switchboard or the First Lady's office. And I really don't
(4) know if I spoke to Ms. Williams or not.
(5) I mean, it's not credible. Then to suggest well, I
(6) know I spoke to her once. It does not ring true, I'm sorry
(7) to say.
(8) Ms. Thomases. Can I respond?
(9) Chairman D'Amato. Yes, certainly.
(10) Senator Sarbanes. Mr. Chairman, I think the first
(11) thing I'll do with my time is give Mrs. Thomases the
(12) opportunity to respond to this barrage that's been thrown
(13) at her over the last few minutes.
(14) Chairman D'Amato. Fine.
(15) Senator Kerry. I'm not sure it should have to be off
(16) your time, Senator.
(17) Chairman D'Amato. It doesn't have to be, of course
(18) not.
(19) Senator Kerry. She should respond.
(20) Ms. Thomases. Thank you, Senator Sarbanes.
(21) Mr. Chairman, I had a very tight schedule that day,
(22) and I had approximately, and I say approximately, an hour
(23) to make the calls I wanted to make in between meetings. I
(24) had meetings in the morning and I had a luncheon meeting
(25) that I had to go to. And then I had to fly directly back

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to New York so that I could be there for a late afternoon meeting. So if I made a lot of calls in that hour, it was because that was the hour I had to make calls. And I can't tell you exactly who I reached. I was just trying to touch base with all of the people who worked for the First Lady who I had known, some of whom –

Chairman D'Amato. I ask who all the people are, and when that was done at the previous hearing, you weren't able to tell us.

Ms. Thomases. Well, some of whom I subsequently learned were not in Washington that day and I probably learned that on that day. That doesn't mean I didn't try to reach them.

Chairman D'Amato. If I told you that we have a letter from the White House which indicates, and I'll give it to you, that nobody from the White House staff, First Lady's staff, recalls speaking to you; in other words it wasn't a question that some intern – because there was a suggestion that maybe an intern or someone else, in your previous testimony, may have spoken to you. I mean here you are, in the press of the day, here you are with an incredible time schedule, and yet these phone calls are being made, and obviously you've spoken to

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someone. You can't tell us that you spoke to someone for nine minutes when it was directed to the First Lady's office. If it wasn't Ms. Williams, who was it that you were speaking to? And on a day so tremendously pressed. And then within 13 minutes, again, you again speak to that office, again for four minutes. It defies credibility. It's not there. It's not there. If you want to respond.

Ms. Thomases. Mr. Chairman, also you should know that you could have called that number and been put on hold and spent your time waiting for someone to pick up.

Chairman D'Amato. Oh, Mrs. Thomases, to suggest to this Committee that you were on hold for nine minutes and that you would have done that, somebody so busy that you would have then called back again after calling other offices, I mean it's not credible. I have to suggest that. And it's distressing to this Senator.

Senator Sarbanes?

Senator Sarbanes. Senator Kerry?

Ms. Thomases. Senator? Senator?

Senator Sarbanes. If you want to develop it, Mrs. Thomases, go ahead.

Ms. Thomases. Senator, if you have called the White

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House and you are not a Senator, you have probably spent a considerable time on hold. They now have improved the system so that you can go into various voice mails, but in those days you sat on hold and it was not a totally inconvenient thing to be doing because you actually got to get some work done while you were waiting on hold for people to call.

Chairman D'Amato. Ms. Thomases, you're the person that could walk into the White House at any point in time, and I defy – I don't think there are many senators who have the access and have enjoyed the access that you've had at the White House.

And I think it's almost disingenuous for you to suggest to this Committee that you were waiting on hold for all of these phone calls. We're not talking about one, two, three, four, five, six. We're talking just in this one time frame from 9:00 a.m. to 11:50, one, two, three, four, five, six, seven phone calls.

I just don't believe that that is a response that is one that we can accept.

Senator Sarbanes. Senator Kerry?

Senator Kerry. I yield to Mr. Ben-Veniste.

Mr. Ben-Veniste. Mr. Chairman, I would like to try to clarify the record that was developed over this past summer's hearings with respect to the question of the

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disarming of the alarm in the White House counsel's suite that included Vince Foster's office. My recollection is a very distinct one that may differ with Senator Faircloth's recollection, with all due respect, Senator, that at the time when anyone entered that White House counsel's office on the evening of the 20th, one thing is clear, and that is that there was a cleaning crew that was in the office, the door was open, the alarm was disarmed.

And even Officer O'Neill, who would appreciate the promotion to sergeant, would also testify and did testify that the cleaning crew was in there. His job was to follow the cleaning crew around, and he did so that evening. The cleaning crew was in there and the alarm was disabled because the office was being cleaned at the time in question.

So I hope that adds something to the body of information that we have developed over those four weeks.

Chairman D'Amato. I believe we have one round, I'm going to yield two minutes to Senator Faircloth.

Senator Kerry. Mr. Chairman?

Chairman D'Amato. Sure, Senator Kerry, continue.

Senator Kerry. I was following some of the proceedings earlier, but I just wanted to ascertain from my own record here, the series of calls that you say you made

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between about 10:48 and I guess 11:50, that's the period of time you say that you had open for the series of calls; is that correct?

Ms. Thomases. Yes, that's correct.

Senator Kerry. Do you recall the purpose of the use of that time? Do you know what you were setting out to do at that point in time when you said I've got try to fit these calls into that period? Do you know what was on your mind then?

Ms. Thomases. These were people who I felt I wanted to touch base with before I went back to New York, and it was the only block of time I had to do that. And they were people who I had not spoken to since they had learned that Vince Foster had died, who I thought I wanted to know how they were doing.

Senator Kerry. So this was a series of different people.

Ms. Thomases. Yes.

Senator Kerry. You remember that specifically?

Ms. Thomases. No, I don't remember that specifically. I just know what my style is in terms of reaching out, and most of them, I am sure, were the various younger people who worked with us in Little Rock, who I wanted to make sure that they were okay.

Senator Kerry. Well, were these younger people

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working in the Chief of Staff's office and the First Lady's office?

Ms. Thomases. No, many of them were working, if not directly in the First Lady's office, in that area there, in the Old Executive Office Building, where the easiest way to reach them has often been by calling the First Lady's office and getting your call transferred.

Senator Kerry. Well, by saying that, are you also saying, then, that those calls were specifically not to Maggie Williams and not to Mack McLarty and not to the First Lady?

Ms. Thomases. No, the calls to Mack McLarty's office were clearly intended to reach Mack McLarty. The calls to the 6266 number, that was not the most direct way to reach Maggie Williams. And when I wanted to reach Maggie Williams, I tended to call her on her direct line, which was not 6266.

Senator Kerry. So those calls would have been the calls to the First Lady's office, that's the number used, the generic number; correct, to the First Lady's office?

Ms. Thomases. Yes. That is sort of the kind of central number of the First Lady's office. That office is not where the First Lady sits.

Senator Kerry. Those were the calls then you're saying that took place for six minutes at 11:04 and for –

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excuse me, for 11 minutes at 11:47 and four minutes at 11:50; is that correct?
Ms. Thomases. I said I have no specific recollection of who I spoke to. I could have spoken to some of the young people and I also could have been on hold. I just know that that was time I spent making calls before I had to go to a lunch meeting.
Senator Kerry. And you have no memory at all of who you might have spoken to for 11 minutes that morning?
Ms. Thomases. No, I don't.
Senator Kerry. Now, within the span of, I guess, about 12 minutes you had another four-minute call. You have no memory of what prompted you to call back 12 minutes later?
Ms. Thomases. No. As I said, I don't know that I was calling to speak to anyone. I wasn't calling necessarily to speak to any particular person. I may have called back in attempt to reach some other person, because, as I said, that was a convenient number to use.
And I'm not saying that I didn't speak to Maggie Williams. I could have spoken to her, but I have -- my first recollection is that I had a conversation with her, I --
Senator Kerry. I think your testimony was previously that you believe you did speak to her.

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Ms. Thomases. Yeah, but I think that the conversation that I thought I had with her may in fact have taken place, you know, at 1:00 in the morning and not, you know, at some other time. But I don't know exactly when I spoke to her on the 22nd, although I do remember having a conversation with her that day.
Senator Kerry. Thank you, Mr. Chairman.
Chairman D'Amato. Senator Sarbanes? You still have some other time. Okay.
Senator Faircloth?
Senator Faircloth. Mr. Chairman, I have just a few quick thoughts and opinions. I don't have any questions. I'm worn out with those. This testimony and this hearing and the testimony we've had today, in my opinion, is an insult to the Committee, just the discrepancies, the things we hear, that Ms. Thomases is on hold for nine minutes, and the unbelievable things we have had to hear here today is an insult to the Committee.
And no question, it has been enormously humiliating and embarrassing to Ms. Thomases and Ms. Williams to have to go through it and put it together and tell it to us and try to make cases on things that are obviously not reasonable.
But I think more importantly what we're dealing with here is somewhat of an effrontery to the American people

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who are watching this to see how we drift and how the Committee is being danced around, a Senate Committee. And we're not reaching to the facts and we're not getting to them, and that concerns me more than anything we've had or seen here today.
I thank you.
Chairman D'Amato. I thank the Senator.
Ms. Thomases. Can I respond to that even though it wasn't a question?
Chairman D'Amato. Yes, you can. Yes, you can.
Ms. Thomases. Senator Faircloth, I have spent a considerable amount of time over the last few months --
Ms. Williams. He's walking out.
Senator Sarbanes. Go ahead and make your statement even though he walked out -- speaking about an effrontery, there we have it -- but I think you ought to have the time to make your statement even though he stalked out of the room, which is a common --
Chairman D'Amato. I wouldn't characterize that as stalking out of the room.
Senator Faircloth. I did not realize you responded. I'm sorry.
Senator Bennett. I will say in the Senator's defense, he has -- he is hard of hearing so --
Senator Faircloth. Go ahead, I'm sorry. I pulled my

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plug out.
Chairman D'Amato. We need a little humor at this point in time.
Senator Faircloth. Tell it. I'm here to listen.
Chairman D'Amato. Mrs. Thomases, please.
Ms. Thomases. I have spent considerable amount of time over the last few months trying to recreate what I did in those hours after I learned of Vince Foster's death. I have not been able to recreate every minute of it, the minutiae. I have told you very openly about the emotions. I have told you who I have reached out to speak to. I have focused on the people whose conversations clearly made a lasting impression on me because the intensity of their feelings about Vince Foster matched the intensities of my feelings. But I also talked to dozens of people who did not share my long relationship with Vince Foster, but felt the need to be comforted and who wanted to touch base with someone. And I felt the desire to reach out to them because they were young people. And they had worked with me and I felt that they deserved that kind of recognition and that kind of respect.
I cannot recreate their names and I cannot recollect the specific conversations, but that was my nature, to devote some of my time to reaching out to all the people who I thought cared and would appreciate my talking to

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them.
Senator Faircloth. Ms. Thomases, I do not believe nor do I believe the American people that have watched these hearings believe that this absolute plethora of repeated telephone calls from you to Ms. Williams to Ms. Clinton, back and forth, were all touchy-feely, love in bloom, sympathetic telephone calls.
Now, I don't believe that's true. I don't believe that's what the calls were about, and I don't believe the American people believe that.
I thank you.
Chairman D'Amato. Mr. Chertoff?
Mr. Chertoff. Thank you, Mr. Chairman.
Ms. Williams, I just heard something this morning which I don't think we had heard from you before. Is it your testimony that you were not at the White House on July 22 until after 1:00 in the afternoon?
Ms. Williams. What I said during my testimony today and repeatedly during the day, you asked me if I had reviewed the records. I have reviewed them carefully. And in an effort to try and piece together where the calls came from and what they did, one of the things that I looked at was the call list, I looked at my schedule, I looked at the note from Susan Thomases.
And I, albeit speculation, suggested to you, and I've

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said this over and over again, knowing that in the end, it would end up being my testimony, what I said to you was this. I said I had a call from -- I have seen the records now, and there is a call from me to Mrs. Clinton that takes place early in the morning. I believe it's 7:44 Washington time.
Then I said having seen the materials, that there was a note from Susan Thomas which said call me when you get in. Then I looked further at the records, and I saw that there were two calls that came from my home to Little Rock. I said at least one call from my home to Little Rock. And I looked at my schedule and I saw that the first thing I had on my schedule was a 1:30 p.m. meeting.
So what I said, trying to help the Committee understand what my day had looked like and where those calls perhaps had fit in, I suggested that perhaps I wasn't even there that morning, given all of the different pieces of papers and now phone records that are now available to me, as well as to you.
Mr. Chertoff. Didn't you tell us in the summer,
Ms. Williams, that in fact you were around on the periphery of the discussions at the White House that took place that morning with Mr. Quinn and others in Mr. McLarty's office about whether or under what conditions there ought to be a search of Mr. Foster's office?

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Ms. Williams. You need to be clear about what "periphery" means. I was never in a meeting with Mr. Nussbaum or Mr. Quinn about documents. What I suggested to you was there was discussion around the White House in the halls about the documents.
Mr. Chertoff. That was on the morning of the 22nd?
Ms. Williams. Yes.
Mr. Chertoff. So you were in the halls of the White House on the morning of the 22nd; right?
Ms. Williams. Right.
Mr. Chertoff. Did you go back home to make a telephone call to Little Rock?
Ms. Williams. Mr. Chertoff, as I have said to you earlier, I have not said to you that I was at home. I have suggested to you that perhaps I was, looking at everything. I don't know. I don't recall it. So as I understood it, the way it was left was that you were going to check the log to see if I came in or if I didn't come in, so you check the log, see whether or not I came in or I didn't come in –
Chairman D'Amato. Ms. Williams, I have to interrupt, and Counsel, too. If we look at your testimony and we hear what you said previously and today and reconfirm in substance what you said, you were in the White House during the morning of the 22nd. You said you were at the

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periphery, and we understand that that does not mean that you were in meetings, but in the hallway, in discussions, et cetera. Your previous testimony indicates that. Now there comes a question as it relates to a call that was made in the early afternoon. What is the exact time?
Mr. Chertoff. About 12:57.
Chairman D'Amato. At 12:57. That call having been charged to your home. The question, then, is an open question as to whether or not you went back to your home and made the call from your home, or whether it could have been a credit card call to your home. That's an open question as to whether or not you left to do that, but it has been, you're not saying that you weren't in the White House that morning.
Ms. Williams. And I'm also not saying I – you know, it's very difficult –
Chairman D'Amato. You're not sure whether you made that phone call from your home; is that correct? That's understandable. I'm not – the 12:57 –
Ms. Williams. I thought it was understandable.
Chairman D'Amato. Okay. But I think it's important to clarify it.
Ms. Williams. I guess I don't understand. What is the specific point?

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Mr. Chertoff. The specific question is this. Did you leave the White House around the middle of the day to go home to make your telephone call to Little Rock, or did you choose to take your personal credit card, phone card, and put the call to Little Rock on the phone card? And if either of those situations is true, is there a particular reason you wanted to place that call, not using a White House telephone which might have a record of the call? That's the question. I guess you don't have an answer.
Ms. Williams. No, I would not look for one.
Mr. Chertoff. Let me ask you, on the 22nd which begins with you getting the three-minute call from the First Lady from Little Rock, just to be clear, is it your testimony that the sequence of calls you made in approximately one hour starting at 10:48 in the morning to about 11:50 in the morning, several of which were to the office of the First Lady, is it your testimony those calls were not made looking for Maggie Williams?
Ms. Thomases. I said I may have looked for Maggie Williams but that is not the way I usually would have reached out to Maggie Williams because when I want to talk to Maggie, I used to call her on her direct line.
Mr. Chertoff. Did you know that we got letters from the White House -- at the last hearing this issue came up

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about who may have actually taken the call, and we asked the White House to solicit all the interns and volunteers, both on the permanent staff at that time and those who were there in a volunteer capacity, to see if anybody recalled on that day talking to you, and not a one had that recollection. Would you agree with me that for an intern to be working at the White House to get a nine-minute call from you on that day, it probably would be something that that intern would remember; right?
Ms. Thomases. I am telling you it is unlikely that I spent nine minutes talking to an intern.
Mr. Chertoff. Since the permanent staff members in the office at that time have indicated none of them have a recollection of talking to you on that day, can you give us an insight as to who you were trying to reach in Maggie Williams's office and who you connected with for a nine-minute phone call?
Ms. Thomases. I can't specifically tell you who I was trying to reach, and I'm a little reluctant to name all the people who can be reached through that phone line because it is not pleasant for people to have this Committee reaching down to them, but I will give you a list off this public record.
Mr. Chertoff. In fairness, we got it from the White

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House. The White House gave us a list.
Ms. Thomases. No, the list you got was probably of the interns.
Mr. Chertoff. It was also of the permanent staff.
Ms. Thomases. I would like to see that list.
Mr. Chertoff. We will be very happy to furnish that list.
Ms. Thomases. I'm serious, and I will try to supplement it.
Mr. Chertoff. One last question.
Ms. Thomases. You can call that number and then get transferred to another number within that suite. It's the way I often contact people because I do not recollect or keep a record of all the people who work for the First Lady. So if I want to reach them, the easiest way to call them is that main number.
Mr. Chertoff. Let me direct your attention now to something Senator Faircloth raised, which is Tuesday, on July 27, and on that day, record shows you were at the White House for six hours, starting about 2:50 in the afternoon and leaving around 8:20. Were you aware that that was the day that Mr. Barnett from Williams & Connolly came to the residence to remove the Foster records from the residence and take them to the law firm?

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Ms. Thomases. I was not aware of that.
Mr. Chertoff. Did you know that Mr. Barnett arrived 10 minutes after you did?
Ms. Thomases. I was not aware of that.
Mr. Chertoff. Did you see Mr. Barnett there?
Ms. Thomases. I don't remember the first time I saw Mr. Barnett after Vince's death.
Mr. Chertoff. That was the same afternoon that ultimately ended around 7:00 in the evening with the Attorney General and the Deputy Attorney General first being told about the torn-up pieces of paper in Vincent Foster's briefcase. Let me step back. The day before, the Monday, you were called by Bernie Nussbaum and told about the fact that there was paper with writing found in Mr. Foster's briefcase; correct?
Ms. Thomases. Yes.
Mr. Chertoff. When you came to the White House the next day, did you have any conversation with anybody during that six hours about that torn-up paper in the briefcase?
Ms. Thomases. No, I do not recollect having such a conversation.
Mr. Chertoff. You don't recollect it?
Ms. Thomases. I mean, this is the first day I have known about the idea that I was in Washington on the 27th. It's not my usual date to have come to Washington.

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(1) Mr. Chertoff. That's right. Wednesday is your usual
(2) day?
(3) Ms. Thomases. Yes.
(4) Mr. Chertoff. The 27th was a Tuesday?
(5) Ms. Thomases. That's right.
(6) Mr. Chertoff. The day before you had gotten a call
(7) from Mr. Nussbaum, even before the President knew you were
(8) told by Mr. Nussbaum that there was a note with writing in
(9) the Foster briefcase; correct?
(10) Ms. Thomases. Yes.
(11) Mr. Chertoff. Did that cause you to come down the
(12) next day?
(13) Ms. Thomases. I don't think so, because I can tell
(14) you two things about my schedule that week. I had my first
(15) very important meeting with a prospective client the next
(16) day in New York, which is why I wasn't going to be coming
(17) to Washington on that Wednesday.
(18) Mr. Chertoff. Well, the next day was Tuesday.
(19) Ms. Thomases. No, the next day – I mean the 28th,
(20) the 28th of July I had my first meeting with a prospective
(21) client, and I had to be in New York, and I was not going to
(22) be coming to Washington that Wednesday.
(23) Mr. Chertoff. So why did you decide to come down that
(24) Tuesday?
(25) Ms. Thomases. I haven't looked at my records to know

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(1) that.
(2) Mr. Chertoff. It had nothing to do with the fact that
(3) the day before, you had been told the note had been found
(4) or the writing had been found in Mr. Foster's briefcase?
(5) Ms. Thomases. I do not remember that as a triggering
(6) event. There was nothing in that note, as described to me
(7) by Bernie, that would have caused me to feel the need to
(8) come to Washington.
(9) Mr. Chertoff. Well, did Mr. Nussbaum tell you that
(10) there was some debate going on in the White House about
(11) when and whether the Attorney General and the investigators
(12) ought to be shown the note?
(13) Ms. Thomases. He did not tell me about a debate.
(14) Mr. Chertoff. You understood when you were told by
(15) Mr. Nussbaum that the note had been found that the Attorney
(16) General hadn't been told yet; right?
(17) Ms. Thomases. I don't know –
(18) Mr. Chertoff. Well, you'd been told the President
(19) hadn't been told?
(20) Ms. Thomases. Yes.
(21) Mr. Chertoff. Did that seem unusual to you that you
(22) were told about the note before the President?
(23) Ms. Thomases. The President wasn't in town.
(24) Mr. Chertoff. You weren't in town, either. You were
(25) in New York.

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(1) Ms. Thomases. Maybe he hadn't reached the President,
(2) but I think he told me because he knew that I was very
(3) close to Vince, and I was very close to both the President
(4) and the First Lady.
(5) Mr. Chertoff. Did you know that you actually got the
(6) word before Mr. Foster's wife got the word?
(7) Ms. Thomases. No, I didn't know that.
(8) Mr. Chertoff. Did Mr. Nussbaum ever explain to you
(9) why he felt it was more important to get the word to you
(10) before the word was actually gotten to Mr. Foster's wife?
(11) Ms. Thomases. We never discussed it.
(12) Mr. Chertoff. And the next thing, when you came down,
(13) you were there for six hours; right?
(14) Ms. Thomases. I don't know that I was at the White
(15) House for six hours, because as with the previous week, you
(16) can stop by there, leave there and come back so they
(17) record – I don't know how their system works.
(18) Mr. Chertoff. You think the record is wrong?
(19) Ms. Thomases. I don't know that the record is clear,
(20) because when I had come on the 21st – I will give you this
(21) example – I had come directly to the White House from the
(22) airport. I then left to go to my office to do work for a
(23) number of hours and then came back in the evening to see
(24) the President.
(25) But the records of the White House showed me having

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(1) arrived at whatever time it had me arrive and staying until
(2) I finally left that evening, as if I had been there the
(3) whole time on the 21st, when I know and everybody else
(4) knows that I, in fact, was at my office for a significant
(5) number of hours in the middle of the afternoon, because
(6) that's why I was coming down to Washington.
(7) Mr. Chertoff. Do you have an arrangement with the
(8) White House in which you are able to come and go, enter and
(9) exit, without the normal recording system picking it up?
(10) Ms. Thomases. I have no idea. I'm telling you, I
(11) have no idea. I obey all of the rules that they have, but
(12) maybe their rules don't always work. I'm telling you, I
(13) mean, I come and go, as everybody does, through the
(14) entrances, and in those days I had a pass and so I would
(15) have had to flash my pass to get in and out.
(16) Mr. Chertoff. Ms. Thomases, let's assume that
(17) sometimes the record doesn't catch every entry and exit.
(18) Would you agree with me that if it says you entered and
(19) exited at least that that happened; right?
(20) Ms. Thomases. Oh, yes, that's what I'm saying. It is
(21) probable that I entered the time it says I entered and it
(22) is probable that my last exit was the time it says I
(23) exited, but I don't think that you can be certain, nor
(24) would I say I could be certain, that I was there all the
(25) hours in between.

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(1) Mr. Chertoff. And your quibble with us is whether you
(2) were in and out during that six-hour period or whether you
(3) were there continuously; right?
(4) Ms. Thomases. That's right.
(5) Mr. Chertoff. Now, during that period of time,
(6) however many minutes or hours you spent in there,
(7) Mr. Nussbaum, who had called you the day before about the
(8) note, never had a discussion with you about the note?
(9) Ms. Thomases. I have not looked at my record for the
(10) days. I have not looked at any of my notes for the days.
(11) This is the first time I've thought about it. I'm willing
(12) to look at it, but I'm not –
(13) Chairman D'Amato. Counselor, are you suggesting to
(14) this Committee that something of such a magnitude with
(15) respect to the note that people were looking – the suicide
(16) note, that you wouldn't recall whether you had a
(17) conversation with Mr. Nussbaum in regard to that on the
(18) very day that it was turned over to the Attorney General,
(19) on the very day after the day that he had informed you of
(20) that, and on the very day that the President and others
(21) were to be informed, that you didn't discuss this and you
(22) wouldn't remember, that you would have to refresh your
(23) recollection by going to your notes to remember something
(24) like that?
(25) Ms. Thomases. Mr. Chairman, can I tell you

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(1) something? And I said this in my original – either my
(2) deposition or in my original testimony. When Bernie told
(3) me about the note, he said to me a couple of things that I
(4) remember very clearly. One is that there were no surprises
(5) in it, that there was nothing in it that we had not heard
(6) before in terms of Vince's state of mind, and so I was not
(7) as interested in the contents of this note as some other
(8) people might have been.
(9) Mr. Chertoff. Did you have a conversation with
(10) Mr. Nussbaum when you were there during that six hours
(11) between your first entry and your last exit about how to
(12) handle and whether to disseminate the contents of that note
(13) to the Attorney General or to someone from the Park
(14) Police?
(15) Ms. Thomases. I don't have any recollection of
(16) talking to Bernie about how to handle that note.
(17) Mr. Chertoff. I have nothing further, Mr. Chairman.
(18) Chairman D'Amato. Senator Sarbanes?
(19) Senator Sarbanes. Mr. Chairman, first of all, I want
(20) to quibble with Mr. Chertoff's use of the word "quibble"
(21) when we were addressing the point of how long Ms. Thomases
(22) was in the White House.
(23) Now, they have a record that shows her going in at
(24) 2:50 and leaving at 8:20. Mrs. Thomases makes the point
(25) that on an earlier date, a similar record assumed that she

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was there from the time she was shown entering until she was exiting, and she knows, I take it, that that was not the case.
Now, she hasn't had a chance, I take it, to check her records on this day, but to sit here and constantly assert that she was there for a full six hours, when in fact she may have gone in, left, later come back and then left and what's reflected is the initial entry and the final departure is more than a quibble. So I just want to be very clear about that. And she said that on another occasion, she was shown in there for a very lengthy period of time and she knows that was not the case.
Now, secondly, Mrs. Thomases, let me ask you, you called this number, 456-6266, on occasion in order to be transferred to other people that were working in the Executive Office Building; is that right?
Ms. Thomases. Yes.
Senator Sarbanes. Now, on this day, the letter from the White House says that they spoke with the volunteers who work in that suite of offices, a number of elderly volunteers, none had a specific recollection of speaking to Mrs. Thomases on the days in question.
It then goes on to say "I understand that in seeking the above information from the White House, the Committee hopes to determine with whom Mrs. Thomases spoke when she

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called 456-6266 as reflected in the telephone records she produced to the Committee. In that regard, I note that on any particular call, Mrs. Thomases could have called into 456-6266 and have been transferred to a different number, and then spoken to someone in the White House other than those people we have questioned."
In fact, you may have spoken to someone in the whole White House complex other than people in the office of the First Lady; isn't that correct?
Ms. Thomases. That is correct.
Senator Sarbanes. So you would use this number as a reference point, you would call in and say can you connect me with Jane Doe, who works somewhere in the complex, and then they would connect you off to Jane Doe; is that correct?
Ms. Thomases. That's correct.
Senator Sarbanes. Had you done that on prior occasions?
Ms. Thomases. Yes, I have done that. And I actually continue to do that on occasions, Senator.
Senator Sarbanes. So it was something you had done previously in order to try to reach people that you were trying to reach; is that correct, who were working somewhere in the White House complex?
Ms. Thomases. Yes, Senator, that is correct. Thank

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you for the clarification.
Chairman D'Amato. I'm about to wrap this up. If counsel on either side has no further testimony, I will say – I will state – and I speak just for myself – that given Mr. Neuwirth's testimony, and that was that it was his understanding that Mr. Nussbaum felt that Mrs. Thomases and the First Lady may have been concerned about anyone having unfettered access to Mr. Foster's office, and I'm reading from his deposition, page 112.
Given the record of phone calls that started at a quarter to 7:00, 6:44 in the morning, 7:44 eastern time, 6:44 to Arkansas, from Arkansas back to Mrs. Thomases, from Mrs. Thomases to Bernie Nussbaum at 8:01; given, Mrs. Thomases, your contention of a very, very busy day and that's the reason you started, and I can believe certainly you have a busy day and you start trying to reach people who are essential; given that if we go from the period of 10:48 to 11:50, within a period of one hour, we have six phone calls to the White House, to Mr. McLarty's office, to the executive offices of the First Lady. And then we have total conversations of nine, 12, 13, 22 – of 26 minutes, either conversations we are given to believe that, within that period of time, for 26 minutes you either reached nobody or reached Mr. – you don't remember reaching Mr. McLarty, or possibly once that you spoke to Maggie

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Williams, but you don't recall what you spoke to, and that you either got no one or were placed on hold, I have to tell you it is beyond belief.
When we couple that again with Mr. Neuwirth's testimony or his deposition and then we couple that with the fact of the conversations and the reaching-out that you did have with Mr. Nussbaum, I just have to suggest to you to come before the Committee and to put forth this contention that you were trying to reach and hold the hands or console interns as possibly a reason for calls –
Ms. Thomases. I didn't say "interns." You said that interns answered the phone and that that's who they checked with as to whether I had talked to interns.
Chairman D'Amato. Well, and given the fact that no one who has testified that we've called for, have you been able to supply us with the names of people who you did speak to specifically, you are this busy person telling us that you were trying to maximize on your time.
And given the manner in which the occurrence of these calls, it is not credible. And I have to suggest to you that's why it is that members of the Committee then call for the production of the First Lady.
I have to tell you, I'm deeply distressed. I think that your answers have not been responsive to this Committee. The failure to recollect, the failure to

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recollect in terms of whether or not you did or did not specifically address the question of the note on the 27th, highly – I mean in spending a six-hour period of time, whether you spent the full six hours, certainly at the very least you were in there for a considerable period of time, even if you left and came back.
During the very time when the note was released, your having knowledge of the note prior to the Attorney General, prior to the President, that is something that – again, any one of these incidents, any two of these incidents, I think we understand, a call, an initial call, but not followed by a series of repeated calls.
That stretches the imagination, so I just have to tell you, that's why it is that some of the members, some of my colleagues, Senator Mack, Senator Faircloth, Senator Bennett, have a difficult time in accepting the explanations that have been put forth.
I don't believe it does any good to continue on, but I have to share with you at least my feeling, and I understand their discomfort as it relates to the Committee not being able to go forward in the manner where we can say that we have the facts, because I think the facts have been obfuscated.
And you're very capable, very capable. People call upon you from all over for advice, for counsel. And I

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think that we have now seen how it is that you can give advice and counsel, given the manner in which you have been able to very successfully make it appear, and I don't think successfully, in the manner you have attempted to make it appear that these were just a series of calls and just a reaching out on your part of people to be consoling to them in their hour of need.
These calls in the manner in which they are sequenced, and this is just the tip of the iceberg, suggests something far different than that. That's my view of it, and I just say it's mine, I don't suggest it's the Committee's. I certainly know, because Committee members have expressed here today and have expressed, I think, throughout a fact – the fact that they are not satisfied with the answers as being forthcoming and being responsive, truly responsive.
Yes, Senator.
Senator Sarbanes. Well, Mr. Chairman, I just want to make sure I clarify some things while Ms. Thomases is still at the table.
You made three phone calls that morning to the Chief of Staff's office for three minutes, three minutes and one minute. I take it it's your testimony you were trying to reach Mack McLarty?
Ms. Thomases. Yes, I was.

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(1) Senator Sarbanes. That that was the purpose of those
(2) calls; and unsuccessfully, I gather?
(3) Ms. Thomases. Unsuccessfully.
(4) Senator Sarbanes. Okay. You also then made calls to
(5) this general number in the First Lady's office, the central
(6) number, I take it. I take it it's your testimony, usually
(7) when you try to reach Maggie Williams, you would call her
(8) specific number, which was different from the general
(9) number; is that correct?
(10) Ms. Thomases. That's correct.
(11) Senator Sarbanes. Now, you would call this general
(12) number in order, then, to be connected with people working
(13) in the White House complex but perhaps not in the First
(14) Lady's office; is that correct?
(15) Ms. Thomases. That's correct. Some of them may have
(16) been working in the First Lady's complex and some of them
(17) may have been working just in the White House complex.
(18) Senator Sarbanes. And is it your recollection that
(19) that morning you were trying to reach some of those
(20) people? Is that what you're telling --
(21) Ms. Thomases. Yes, my recollection is I was using
(22) this block of time to reach as many of these people as I
(23) could reasonably reach in the small bit of time that I had
(24) that day.
(25) Senator Sarbanes. Now, let me ask you about these

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(1) records. You say on the 21st you saw a record of you
(2) entering and leaving the White House at certain times and
(3) that that was not correct?
(4) Ms. Thomases. I was told of it. I was told when I
(5) either testified last time or when I gave my deposition,
(6) that I was seen -- that the record showed that I entered
(7) the White House at 2:00, whatever time it was, and that I
(8) left the White House at 8:00 or whatever time I left the
(9) White House on the 21st, as if I had been there for the
(10) entire time. And I know I was not there the entire time.
(11) Senator Sarbanes. All right. So in other words, what
(12) the White House records showed is a time when you entered
(13) and a time when you exited.
(14) Ms. Thomases. That's right.
(15) Senator Sarbanes. But you may have left and
(16) re-entered in between, in fact that's your recollection?
(17) Ms. Thomases. That's correct.
(18) Senator Sarbanes. Okay. Thank you, Mr. Chairman.
(19) Chairman D'Amato. I don't believe we have any other
(20) remarks or any other questions. I want to thank the
(21) witnesses for their appearance today. This Committee
(22) stands in --
(23) Senator Sarbanes. Mr. Chairman, when will we meet
(24) next week?
(25) Chairman D'Amato. It's our intention to meet at

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(1) 10:00, Tuesday morning.
(2) We stand in recess until 10:00 Tuesday morning.
(3) (Whereupon, at 1:32 p.m., the hearing was recessed, to
(4) reconvene at 10:00 a.m., on Tuesday, November 7, 1995.)

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Hearing on
IMPROPER HANDLING OF DOCUMENTS
IN DEPUTY WHITE HOUSE COUNSEL
VINCENT FOSTER'S OFFICE
AFTER HIS DEATH
MONDAY, DECEMBER 18, 1995
United States Senate
Special Committee to
Investigate the Whitewater
Development Corporation and
Related Matters
Washington, D. C.

The committee met at 1:15 p.m. in Room 216 of the Hart Senate Office Building, the Honorable Alfonse M. D'Amato, chairman of the committee, presiding.

The Chairman. The Committee will come to order.

We're going to start at this point. I will withhold a number of issues regarding the outstanding subpoena to Mr. Kennedy, and I'm going to withhold any comments on that until Senator Sarbanes, who is on his way here, has come from another meeting, will be here shortly. But for the purposes of moving this, we'll start now.

I'll ask Ms. Thomases, would you rise just for the purpose of taking the oath.

Ms. Thomases, if you have a statement for the record, we would be pleased to receive it at this time.

SWORN TESTIMONY OF SUSAN P. THOMASES, ESQUIRE

Ms. Thomases. Mr. Chairman and members of the Special Committee –

The Chairman. May I ask, Ms. Thomases, if you might, you want to bring that microphone in. It moves. Right from the base. Yes that's it, that's it.

Ms. Thomases. Okay.

The Chairman. Senator Sarbanes is here, but we'll take your testimony before we, as I indicated, then deal with the question of subpoenas.

Ms. Thomases. Mr. Chairman and Members of the Special Committee, first let me thank you for rescheduling my appearance today to accommodate my business travel last week.

Taking into account my interview with Committee counsel, this is my fourth appearance before this Committee. I have testified that I neither received from anyone nor gave anyone any instructions with respect to the handling of the documents in Vince Foster's office.

I repeat that today.

I can also tell you that I had no knowledge that a box of documents from Vince Foster's office ever went to the White House residence.

I know no one even talked to me about it before it happened, and I certainly never saw or handled the box of documents.

My testimony before this Committee has been very publicly criticized and I believe unfairly. But I know I have told the truth.

Thank you.

Now I'm ready to answer your questions.

The Chairman. Thank you.

We're going to suspend on that line just for a moment, as I had indicated prior, we were waiting for Senator Sarbanes who's coming from another meeting, to

address the
[22] issue regarding the subpoena of William Kennedy.
[23] The Committee served a subpoena on Mr. Kennedy's
[24] attorney, Paul Castellito, on December 8th. Later, Mr.
[25] Castellito asserted that he was not authorized to accept

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[1] service on behalf of Mr. Kennedy.
[2] This Committee has rejected this claim. That service of
[3] the first subpoena was entirely proper.
[4] I believe that Mr. Kennedy and his lawyers have engaged
[5] in unfortunate delay tactics with this Committee.
[6] But to avoid any question, the Committee voted a new
[7] subpoena to Mr. Kennedy on Friday, December 15th. That
[8] afternoon, the U.S. Marshal Service personally served Mr.
[9] Kennedy in Little Rock.
[10] About an hour ago, the Committee received a letter from
[11] Mr. Castellito saying that Mr. Kennedy is refusing to comply
[12] with this new subpoena on the same grounds that he had
[13] previously asserted, the attorney-client privilege and the
[14] work product doctrine.
[15] The Chair has previously overruled these objections and
[16] now does so again. The reason set forth in my statement of
[17] December 14th is applicable also.
[18] Mr. Kennedy is hereby ordered and directed to comply
[19] with the Committee's subpoena by 3:00 p.m. today. So while
[20] this may seem technical in nature, it is something that we
[21] must do, and that is to deal with the question of whether or
[22] not there has been effective service.
[23] Now let me, at this time, indicate that there has been a
[24] great deal of speculation at the White House. Counsel has
[25] reached out to this Committee and/or to the Chairman with

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[1] respect to the possibility of working out an arrangement
[2] whereby the notes would be produced.
[3] This Committee is determined to get these notes because
[4] we are entitled to them. The American people are entitled
[5] to know the truth and the facts. That is our job.
[6] We have offered what we have to date in order to
[7] alleviate any questions about whether or not we were going
[8] beyond the scope. And I think we have done that for a
[9] period of weeks now. That is still out there.
[10] Now let me say that it would appear to me, and this is
[11] my observation, that instead of making statements to the
[12] media and working at spin control, that the Counsel's office
[13] would be far better advised to speak to both the majority
[14] and the minority counsel on any proposals that they have to
[15] date.
[16] And as of several minutes ago, when I spoke to Mr. Ben-
[17] Veniste and when I spoke to Mr. Chertoff, we have not
[18] received any proposals from the Administration, from the
[19] White House Counsel, as it relates to any further proffer or
[20] offer.
[21] If they do have one, as it relates to a manner by which
[22] to produce these documents, and understand we want the
[23] notes, and we're entitled to the notes, then I think they
[24] should spend less time spinning to the press about the
[25] possibilities and more time in terms of making these

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[1] documents available.
[2] We have laid out on the table an agreement that I
[3] believe protects their interests, but under no circumstances
[4] are we going to engage in this bargaining in the media.
[5] Imagine my surprise when I am told by various people in
[6] the media, by the way, Senator, the White House is
[7] considering or has put out, or would like to make a
[8] suggestion to x, y, and z, in this case, a suggestion to the
[9] special counsel, Mr. Starr.
[10] Let me say this to you. The White House has been
[11] dealing with Mr. Starr. They can put that offer. We have
[12] no objection to them putting any offer they have to Mr.
[13] Starr. Whatever they do with Mr. Starr, that is their
[14] business. It is not the concern of this Committee.
[15] And the fact of the matter is, any offer that they have
[16] to make to Mr. Starr, they should make to him directly.
[17] Any offer they have to make to us, they should make to
[18] us. And they should make it to us first, instead of going
[19] out and having people spin this to the media.
[20] Again, I believe they should spend more time in working
[21] to produce the notes that we're entitled to and that the
[22] American people are, and less time in spinning to the media.
[23] And again when I called staff over the weekend,
[24] Saturday, when I first heard of this, and then Sunday and as
[25] recently as several minutes ago, we have not had any

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communique from the White House Counsel's office.
Now again, if they want a particular action from Mr. Starr, and if they're requesting that, then they should speak to him. And they should raise whatever subject they want with him. I think that's the appropriate way in which to handle it.
So we are no less determined to get the truth. And again, the President has indicated that he did not see why he would raise the issue of privilege, and for it to come forth at this time and in this manner seems to me to be inconsistent with his previous statements.
And I would wish that he would keep his word. And that word is to be cooperative and to produce those documents.
So that's where we stand at this time.
And I know my colleague, Senator Sarbanes, will want to make some comment with respect to this, or might wish to make some comment with respect to this.
Senator Sarbanes?
Senator Sarbanes. Mr. Chairman, I'll be very brief.
I watched you do an interview with Wolf Blitzer over the weekend on CNN, and it seemed to me that the course you suggested there offered a chance of being a very positive and constructive course.
And as I understood it, it would have been to have contacted Mr. Starr to indicate that the Committee would not

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treat the furnishing of these notes as a general waiver of the attorney-client relationship, and that Mr. Starr should take the same posture since he's also seeking the notes.
In fact, I think you said you certainly would urge him to go along with this. And it seems to me there might be considerable profit for the Committee and for the Senate in fact for moving the inquiry along if we got in touch with Mr. Starr and indicated that.
So that if we have both the Committee and the Independent Counsel agreeing that the furnishing of the notes does not constitute a general waiver of the lawyer/client relationship, it seems to me we've probably have pretty well settled this thing, or we certainly have made a huge advance.
That would just be my own perception of it.
So it seems to me that we ought to consider that kind of communication with the office of the Independent Counsel. I think there's, I mean, I thought that that interview you had, that you were offering some ways through the maze, and it seemed to me we ought to, the Committee ought to pick up on those with respect to the Independent Counsel. And I would hope we could do that.
The Chairman. Let me say, without going into an extended thing, discussion on this issue, and it is an important issue, I have now seen what is a pattern that

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comes from the White House. I think it is absolutely unacceptable for them to be putting out proposals or statements that would indicate that bona fide proposals have been put forth to us, when indeed they have not.
That's just wrong.
And for a professional staff and lawyers from the White House Counsel's Office to be engaged in this is absolutely unacceptable.
Now to date, they have not called, not been in touch with our staff, with this Senator, and I can give them an easy phone number, they can track me down at any time to advance this. That's just not right.
Now I assumed, when I was being interviewed, that they had put this in a manner of a proposal. Imagine when Wolf Blitzer tells me and others, well, Senator, we understand, you know, that they are putting this forth and indeed they have not.
I operate on good faith, and indeed there has not been a proposal that's come forth. No one has contacted Mr. Chertoff. And to the best of my knowledge, I do not believe – I asked Mr. Ben-Veniste a few moments ago if he's had any contact.
And so for us to be responding to what is essentially press releases put out without anybody's telling the press who it is who's made this statement. I don't know whether

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Ms. Sherburne made the statement or anybody else, but obviously somebody from the White House. I wouldn't believe that credible reporters would be saying this if it didn't come from some responsible authority. It seems to me that we are being trivialized, and it's wrong. It is absolutely wrong.
And I have to tell you, I don't know what to believe.

I
[8] hear the President says he wants to tell the truth, he wants
[9] to cooperate, he's not going to raise privilege, then they
[10] raise privilege.
[11] We hear that they want to settle this, get us the notes
[12] on some reasonable conditions, and yet they don't come forth
[13] and do that.
[14] And that leads me to believe that we're being trifled
[15] with and this is nothing more than public relations.
[16] Senator Sarbanes. Well, Mr. Chairman, when we, wouldn't
[17] it serve a constructive purpose if we contacted Starr and
[18] see whether he's amenable to these conditions? That would
[19] be a way of apparently I guess breaking whatever logjam
[20] exists.
[21] It seems to me it would represent a constructive effort
[22] on the part of the Committee and may end up producing a very
[23] positive result.
[24] The Chairman. It would seem to me that, at the very
[25] least, there should be an official communique from the White

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[1] House that this is their proposal. We haven't had any, have
[2] not had any.
[3] Ms. Sherburne is watching this right now, as well as 25
[4] other people over at the White House. If they have a
[5] proposal, put it on the table. Let's stop playing games.
[6] Let's stop – I mean, this Committee learns things after
[7] they first give them requests that we make for documents,
[8] they give to the media first and then give it to the
[9] Committee.
[10] Now that's wrong. And this is the same kind of thing.
[11] I don't know whether they have a bona fide proposal. If
[12] they have a proposal, put it out, give it to us, and then
[13] we'll consider it.
[14] Senator Sarbanes. Well, we might be able to find the
[15] answer ourselves.
[16] As I understand the White House position is they are
[17] willing to make the notes available but they wanted to be
[18] protected against the general waiver of the lawyer/client
[19] privilege.
[20] They have sought that from the Committee, and I think
[21] the Committee has offered it in a couple of conditions that
[22] were in the Sherburne letter.
[23] The Chairman. That's right.
[24] Senator Sarbanes. Then the problem remains, how do you
[25] get protection from a general waiver with respect to others,

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[1] and I guess in particular the Independent Counsel, since he
[2] apparently has also put forth a subpoena to get these notes.
[3] And if we can figure out an answer to that, it seems to
[4] me we can resolve this matter and move this process forward.
[5] The Chairman. Let me say that we have reached out to
[6] Ms. Sherburne specifically as it relates to this issue.
[7] Saturday afternoon, Ms. Sherburne's office was called
[8] specifically to ascertain if they had anything to do on this
[9] proposal, and she failed to get back to us. I don't see her
[10] here today.
[11] Now, if there is a question that they have, they should
[12] certainly raise it with the Special Counsel. There's
[13] nothing precluding them from doing that.
[14] By the way, I have no objection, I have absolutely no
[15] objection to them seeking that.
[16] Now failing to do this, and I have to think this is just
[17] a new way of stalling for time, we will take this matter to
[18] the floor Wednesday.
[19] Senator Sarbanes. Well, Mr. Chairman, could I observe
[20] on the time issue, and I think it's important to establish
[21] this, if this matter goes to court, it's going to take
[22] months to resolve the issue. I don't think anyone contests
[23] that.
[24] If we can find a way of resolving it now, we'll have the
[25] notes, you know, in days or immediately. And it seems to

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[1] me, I don't see any reason why Mr. Starr and the Office of
[2] the Independent Counsel shouldn't agree to the same sort of
[3] perception that the Committee has about the furnishing of
[4] these notes in terms of not constituting a general waiver.
[5] And if we can work out that position out of Starr, we
[6] may really advance this process. So instead of delay, it in
[7] fact will significantly expedite matters.
[8] Because if we have to vote a resolution and the counsel

has to go to court, etcetera, etcetera, etcetera, you're talking about an extended period. I don't want that, and I know you don't want that.

And it seems to me there's an opportunity here to really cut through all of this and move this matter forward. And that's what I would encourage the Chairman to do.

I mean, you know, maybe we should put together the answer, so to speak. And if we can do that, it seems to me we've done a pretty constructive piece of work.

Watching that interview you did with Blitzer yesterday I guess led me to think down this path, and I thought the suggestions you were making there were pretty constructive and a way to move this thing along.

I mean, as I understand the White House position, they'll make the notes available but they want to be protected against an assertion that they've made a general waiver of the lawyer/client privilege.

I don't know anyone on this Committee, thus far at least, who has denied the lawyer/client privilege. In fact, some members including members on the other side have actually affirmatively conceded it. And it seems to me if we can figure out a way to do that, then the Committee's done a good piece of work.

And that may be the constructive role that we're in a position to play.

The Chairman. Senator Sarbanes, the Chairman has no objection to asking the Special Counsel to consider this request, no problem at all. And I would ask him to consider this request, and advise him that we would be willing and we are willing to proceed along this line. That's a determination that he has to make. I have no problem with asking him.

Where I do have a problem is at this point in time, never even having, after the spin doctors at the White House, and that is a characterization that I make because I believe it's wrong, it is not dealing in good faith with this Committee when it puts out these little tidbits to the media and has not yet, at this time, made that request to us in any way.

Now if they were to make that request to us, I indicated, and I reiterate, I have no difficulty in advising the Special Counsel that this Committee is willing to accept

this proffer and that we would ask him to consider the same.

I have no ability to require him obviously.

And the thing that strikes me again, and I say I think it's rather disingenuous insincere on the part of the White House, is have they reached out to Special Counsel, are they inserting us in something where Special Counsel has already made a determination?

I don't know.

Have they entered into negotiations with the Special Counsel with respect to that?

So I have no difficulty, if they ask, and they say, as a condition, we would like the Special Counsel's cooperation, that we have written to the Special Counsel, that we have requested this of the Special Counsel. But I think to put this out in a manner that leaves people in a position where they can interpret any series of things is not the correct way to do it.

And hopefully by the time we end, maybe they'll come forth with a written proposal or call and say we are prepared or are now preparing a proposal to you that outlines basically that which we've given to some of the media.

But with no one to be held accountable to it, and there is no one, we can't say Ms. Sherburne said this. I doubt if people in the media are going to tell us who at the White

House put this proposal forth. We don't know if it's bona fide.

If it's bona fide, then come forth; don't leave it out there.

So we are committed to working in a reasonable way to get the notes because we are entitled to them.

And so I don't think it pays to belabor it anymore, but that's where we're at, and I think maybe essentially we're saying the same thing.

Senator Sarbanes. Well, I'd just close with this observation. I think there may be an opportunity for the Committee to find an answer to this.

Now I know that, I mean, I don't – I don't know the inner workings at the White House on this issue, but the Committee, the Committee –

The Chairman. I mean we're responding to something that has not been put forth except by way of the media where someone in the White House, obviously with some authority

[19] because they contacted a responsible source in the media, a
[20] White House correspondent, as a matter of fact, Wolf
[21] Blitzer, who represents CNN and is their White House
[22] correspondent, it seems to me that they would have – this
[23] is Saturday, Sunday, Monday, in the three days intervening,
[24] made that same contact with us and indicated that this was
[25] their condition or this is their proposal.

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[1] Senator Sarbanes. Well, why don't we find the answer.
[2] The Chairman. Well, I'm asking to the White House, I'm
[3] saying to the White House and/or their representatives,
[4] they've got some people over here, do you have an offer to
[5] put forth to this Committee? If you do, put it forth.
[6] Senator Sarbanes. But the Committee could well say to
[7] the White House, look these are the undertakings we're
[8] prepared to make. We've talked to the Independent Counsel
[9] and the Independent Counsel is prepared to make these
[10] undertakings, and therefore we think that the concerns that
[11] you've raised have been answered.
[12] The Chairman. Yes, well.
[13] Senator Sarbanes. There are court cases where they went
[14] to court and the court threw it right back to the Congress
[15] and said you ought to make an extra effort to try to work
[16] this thing out.
[17] The Chairman. Here's my question. How can we negotiate
[18] for the White House? If it is advising the Special Counsel,
[19] I have no problem in terms of doing that.
[20] If it's formally doing so by communication, by the
[21] ranking member and the chairman, as it relates to what the
[22] status is, and asking for a speedy answer, I have no problem
[23] with doing that.
[24] But by gosh, I think at the very least, and I don't
[25] think I'm standing on formality by saying, we are entitled

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[1] from the White House to know exactly what it is.
[2] I don't want to be responding to a media inquiry and
[3] undertaking a course of action based upon an unnamed person
[4] from the White House saying, by the way, if they were able
[5] to convey this message to Judge Starr.
[6] Now what happens if Judge Starr says no? Do they then
[7] say, no, we're not going to go forward? Nobody's asked
[8] that.
[9] So the point is we're entitled to those notes. The
[10] President has said he's not going to raise the issue of
[11] privilege. That's exactly what's taking place.
[12] We are willing to go as far as this Committee can but I
[13] can't say that we can guarantee the actions of others.
[14] Senator Sarbanes. Well, I'm not suggesting we guarantee
[15] it. I can't imagine why Judge Starr would say no. It seems
[16] to me the conditions are eminently reasonable. And in fact
[17] this Committee has indicated as much.
[18] And if we establish that posture in terms of what our
[19] own position is, and if we are able to ascertain from Judge
[20] Starr that that's his position, it seems to me we've pretty
[21] well solved this matter.
[22] The Chairman. Well, Judge Starr is in a position, and I
[23] am certain because I understand they've had people here, and
[24] I wouldn't be a bit surprised if they're watching it to know
[25] that we are willing to yield and to concede, and indeed have

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[1] offered several weeks ago exactly this point.
[2] This Committee has never held out that there should be a
[3] general waiver, never done that. But we do contend we are
[4] entitled to the minutes.
[5] Let's proceed.
[6] Ms. Thomases, Mr. Chertoff?
[7] Mr. Chertoff. Thank you, Mr. Chairman.
[8] Ms. Thomases, good afternoon.
[9] Do you have a copy of your letter or your counsel's
[10] letter of December 11th, 1995?
[11] Ms. Thomases. No, I don't.
[12] Mr. Chertoff. It's in the folder in front of you, I
[13] think.
[14] (Pause.)
[15] I'd like you to turn to page two of that because I want
[16] to correct something on this.
[17] Did you see this letter before it went out?
[18] Ms. Thomases. I don't believe I did.
[19] Mr. Chertoff. On page two, I want to read to you from
[20] the second paragraph. It says, we note that to the extent
[21] these records shed any light on the specific matters under
[22] investigation, they appear to support Ms. Thomases' previous
[23] testimony that the White House visitors records may not be
[24] accurate. For example, Ms. Thomases' telephone

records show
[25] a credit card call from Washington National Airport on

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[1] July 27, 1993, at 8:44 p.m. while the White House Visitors
[2] records purport to reflect Ms. Thomases departing the White
[3] House complex at 9:11 p.m.
[4] Where did you get the idea that the White House records
[5] show that you left the residence on July 27th at 9:11 p.m.
[6] Ms. Thomases. That was what – as I said, I was not
[7] part of the drafting of this letter so –
[8] Mr. Chertoff. So you don't know?
[9] Ms. Thomases. – could I consult my counsel, please?
[10] Mr. Chertoff. Okay, sure, if you want to.
[11] (Discussion off the record.)
[12] Ms. Thomases. It was my lawyer's information.
[13] Mr. Chertoff. I want to correct the record on this
[14] because if your counsel takes a look at the entry and exit
[15] logs, I think he's mixed up the days.
[16] The entry and exit log on the 27th of July shows that
[17] you entered at 2:50 p.m. in the afternoon and you departed
[18] at 8:20 in the evening, which in fact conforms exactly to
[19] the notion of your having gone to Washington National
[20] Airport about 24 minutes later to make a credit card call.
[21] So there is in fact, contrary to this letter, nothing
[22] that's inconsistent with the White House entry and exit
[23] records.
[24] And I take it you have no information to the contrary,
[25] is that correct?

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[1] Ms. Thomases. I have no information to the contrary.
[2] Mr. Chertoff. No let me direct your attention to the
[3] 26th of –
[4] Senator Sarbanes. Does her attorney have any
[5] information to the contrary since it's his letter?
[6] The Chairman. Mr. Romano, Senator Sarbanes raises the
[7] question, do you have any information to the contrary?
[8] Mr. Romano. No, not personally. I'm looking at a
[9] different document.
[10] The Chairman. Yes. It's obvious that what you did is
[11] confuse the – okay, so as long as that's conceded.
[12] Mr. Chertoff. So now we'll rehabilitate the White House
[13] recordkeeping then.
[14] Now let me direct your attention to July 26th which was
[15] a Monday.
[16] Ms. Thomases. Excuse me, sir. That may be true but we
[17] were told also, and maybe you could clarify it for me, that
[18] the White House records show me leaving the White House at
[19] 4:30 on the 27th.
[20] Mr. Chertoff. No, I think actually what it shows, Ms.
[21] Thomases, is that you left from the second floor at 4:30,
[22] and then you were back up on the second floor at 8:19, so
[23] again that's internally consistent. And we'll put those up
[24] in a moment.
[25] But let me take you back to the day before. That's

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[1] Monday, July 26th, which is, to put it in context, as you
[2] previously testified, the day in which you learned from Mr.
[3] Nussbaum by way of telephone when you were in New York, that
[4] approximately 27 pieces of paper, yellow pieces of paper had
[5] been found in Mr. Foster's briefcase.
[6] You recall that day, am I correct?
[7] Ms. Thomases. I have a call the 26th of July.
[8] Mr. Chertoff. Okay, you remember being told that by Mr.
[9] Nussbaum?
[10] Ms. Thomases. I don't know that I was told of the
[11] number of pieces of paper.
[12] Mr. Chertoff. You remember being told that there was a
[13] writing of Mr. Foster that had been discovered?
[14] Ms. Thomases. Yes.
[15] Mr. Chertoff. Now on that day, did you also get a call
[16] from Mr. Barnett?
[17] Ms. Thomases. I don't remember getting a call from Mr.
[18] Barnett.
[19] Mr. Chertoff. Have you had an opportunity to examine
[20] some records which you furnished to us that indicated you
[21] received a message in your New York office from Mr. Barnett?
[22] Ms. Thomases. Yes.
[23] Mr. Chertoff. That's ST125. We'll put it up on the
[24] board.
[25] Now you don't remember this phone call?

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[1] Ms. Thomases. No.
[2] Mr. Chertoff. Did you know that Mr. Barnett was the
[3] Clintons personal lawyer at this point in time?
[4] Ms. Thomases. He was their personal lawyer on some
[5] subjects.
[6] Mr. Chertoff. Would it refresh your memory if I were to
[7] tell you that on the following day, Mr. Barnett appeared at
[8] the White House to pick up a box of documents, at least some

of which came from Mr. Foster's office the previous week?

Ms. Thomases. Could you repeat the question?

Mr. Chertoff. Would it refresh your memory about this telephone call on Monday from Mr. Barnett, this message on Monday from Mr. Barnett, if I told you that the following day, Mr. Barnett was at the White House, pursuant to an arrangement that he'd made with Maggie Williams, to pick up a box of documents that had been taken from Mr. Foster's office?

Ms. Thomases. No.

Mr. Chertoff. Did you speak to Mr. Barnett on the 26th?

Ms. Thomases. I don't believe I did.

Mr. Chertoff. Did you return his phone call?

Ms. Thomases. I don't believe I did because – I don't believe I did.

Mr. Chertoff. Did you make plans on the 26th to go down and visit anybody in the White House on the next day, the

Tuesday?

Ms. Thomases. On the 26th?

Mr. Chertoff. Yes.

Ms. Thomases. I made plans to be in Washington on the 26th but not necessarily to go to the White House.

Mr. Chertoff. Now you say you made plans on the 26th to go down to the White House the next day, the 27th?

Ms. Thomases. No, to go to Washington the next day.

Mr. Chertoff. I'm sorry, to go to Washington the next day.

Now you testified, last time you were here, that your normal day for going to Washington was a Wednesday, correct?

Ms. Thomases. Yes.

Mr. Chertoff. And you also testified that on this particular week, you had an important client meeting on Wednesday, you couldn't go down on Wednesday?

Ms. Thomases. Yes.

Mr. Chertoff. What was the reason you decided to go down on Tuesday?

Ms. Thomases. Because there were some things that I could have gotten done on Tuesday.

Mr. Chertoff. When you say things, are you talking about matters in your law practice?

Ms. Thomases. Matters in my law practice.

Mr. Chertoff. Not to do with the White House?

Ms. Thomases. Not to do with the White House.

Mr. Chertoff. Did you attempt on the 26th, Monday the 26th of July, to get in touch with Mrs. Clinton's schedulers in order to set up an appointment to see her the next day when you were in Washington?

Ms. Thomases. I don't specifically recollect contacting Mrs. Clinton's scheduler.

Mr. Chertoff. Let me direct you to your telephone records that were provided to us with your letter or your counsel's letter of December 6th, and the last page, it's a bill for cellular one and I want to direct you. I think you have a copy in front of you if you want to look for it.

Just for the record, to clarify for the Committee, these are records we have received since your last appearance here in November.

It's got a fax line at the bottom 12/6/95 8:09 p.m.

Do you have that?

Ms. Thomases. Just a minute.

(Pause.)

Mr. Romano. Can you refer us to a page?

Mr. Chertoff. It's the last page, Mr. Romano, of the package that came with your letter of December 6th. It's got cellular one at the top. And you didn't put a Bates stamp on it, but it does have a fax line at the bottom, 12/06/95 8:09 p.m.

It's page eight of the fax.

(Pause.)

It seems to be ST120. I guess I didn't see it on mine.

Ms. Thomases. I called, yes, there's a call that I made to Patty Solis' office.

Mr. Chertoff. Patty Solis is the scheduler for the First Lady?

Ms. Thomases. Yes.

Mr. Chertoff. You made that call at 5:24?

Ms. Thomases. Apparently.

Mr. Chertoff. What was the purpose of the call?

Ms. Thomases. I don't remember.

Mr. Chertoff. Is that the person you call when you want to make an appointment to see the First Lady?

Ms. Thomases. I call her about scheduling matters, and sometimes about when I want to see the First Lady.

Mr. Chertoff. Well, what scheduling matters do you call Ms. Solis about other than the First Lady's?

Ms. Thomases. I call her about the First Lady's scheduling matters but not always just about seeing the First lady.

Mr. Chertoff. Well, what other kinds of things do you call her about?
Ms. Thomases. Just to talk about general scheduling issues for the First Lady.

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Mr. Chertoff. You mean the First Lady's schedule, not your schedule?
Ms. Thomases. The First Lady's schedule.
Mr. Chertoff. She is the First Lady's scheduler?
Ms. Thomases. Yes, she is.
Mr. Chertoff. And just to be clear about this, when you call her, you call her about questions or matters relating to the First Lady's schedule, is that correct?
Ms. Thomases. Yes.
Mr. Chertoff. Now did you call her on this Monday in order to set up an appointment to see the First Lady?
Ms. Thomases. Not that I remember.
Mr. Chertoff. It's your testimony then that this call, as of this call, you did not have a plan to see the First Lady the next day, Tuesday, when you were in Washington?
Ms. Thomases. As of this call, I did not have such a plan, or I don't remember having such a plan.
Mr. Chertoff. You don't remember having such a plan?
Ms. Thomases. I don't remember having such a plan.
Mr. Chertoff. Do you remember having some other reason to call Ms. Solis?
Ms. Thomases. I call Ms. Solis regularly.
Mr. Chertoff. On this day, did you have some other reason? This is again the week after Vincent Foster's death. Did you have some other reason to call Ms. Solis

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apart from trying to set up an appointment to see the First Lady?
Ms. Thomases. As I told you, I don't remember why I called Ms. Solis that day.
Mr. Chertoff. Now if you work down two calls to call number 7, there's a call to the White House scheduling office. Why did you call the White House scheduling office?
Ms. Thomases. That may have been just to speak to my friend who, at that time, was the White House scheduler.
Mr. Chertoff. Who would that be?
Ms. Thomases. Ricki Sideman.
Mr. Chertoff. Did Ricki Sideman call you back?
Ms. Thomases. I don't remember.
Mr. Chertoff. I believe you have phone records in your possession that would indicate that she did call you back.
Would you like to refresh your memory about that?
Either she initiated the sequence of calls or she responded to the sequence of calls. Why don't you take a look at that?
I don't have a copy of it. I believe you have a copy in your unredacted version of some of the bills.
(Pause.)
Ms. Thomases. My phone log shows a call from Ricki Sideman.
Mr. Chertoff. Was that a call that you made, was made

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in response or after your phone call, or was it made before your phone call?
Ms. Thomases. I have no idea.
Mr. Chertoff. Was Ms. Sideman involved at this point in time in dealing with Whitewater issues?
Ms. Thomases. No, not that I know of.
Mr. Chertoff. Did there come a time that she became involved in dealing with Whitewater issues?
Ms. Thomases. I don't know.
Mr. Chertoff. You don't know?
Ms. Thomases. No.
Mr. Chertoff. Did you also speak on that day to Mr. Berman, Michael Berman?
Ms. Thomases. I don't remember speaking to him, but I speak to Michael Berman all the time.
Mr. Chertoff. Did you get a call from him on that day?
Ms. Thomases. I don't remember getting a call from him.
Mr. Chertoff. Would you like to check your phone records for that day?
(Pause.)
Ms. Thomases. I see a call, his name listed on my phone log.
Mr. Chertoff. Did you actually speak to him on that day?
Ms. Thomases. I don't know if I spoke to him on that

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day.
Mr. Chertoff. And so I take it you're going to tell us you don't remember if you spoke to him, what you talked about?
Ms. Thomases. No.
Mr. Chertoff. All right. So as of the close of that day, Monday, the 26th, you will agree with me that you

did
[8] know that a writing in the hand of Vincent Foster had been
[9] found because you'd been told that by Mr. Nussbaum, correct?
[10] Ms. Thomases. Yes.
[11] Mr. Chertoff. Your testimony is that by the close of
[12] that day, you intended to go to Washington the next day,
[13] Tuesday, the 27th, correct?
[14] Ms. Thomases. I presume so.
[15] Mr. Chertoff. You presume so?
[16] Ms. Thomases. Yes.
[17] Mr. Chertoff. Is it your testimony that you didn't have
[18] a firm plan at that point to go the next day to Washington?
[19] Ms. Thomases. I don't know that I had a firm plan to go
[20] to Washington the next day.
[21] Mr. Chertoff. And it's your testimony that you had no
[22] prearrangement as of that Monday to see the First Lady?
[23] Ms. Thomases. I don't remember.
[24] Mr. Chertoff. So your testimony is you don't know
[25] whether you called Ms. Solis in order to set up an

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[1] appointment with the First Lady?
[2] Ms. Thomases. Correct.
[3] Mr. Chertoff. You might have, you might not have?
[4] Ms. Thomases. No. I apparently called Ms. Solis from
[5] the records, but I have no idea what I discussed with her.
[6] Mr. Chertoff. So you might have discussed an
[7] appointment with the First Lady but you might not have?
[8] Ms. Thomases. That's correct.
[9] Mr. Chertoff. And if you did, you don't remember why
[10] you did?
[11] Ms. Thomases. Exactly.
[12] Mr. Chertoff. Well now the following morning, you began
[13] in New York, correct?
[14] Ms. Thomases. I woke up in New York.
[15] Mr. Chertoff. And when did you come down to Washington?
[16] Ms. Thomases. I have no idea precisely.
[17] Mr. Chertoff. Was it in the morning?
[18] Ms. Thomases. I don't remember precisely.
[19] Mr. Chertoff. Did you check your diary, your daily
[20] diary, your calendar, before you came here, to refresh your
[21] memory about?
[22] Ms. Thomases. Yes.
[23] Mr. Chertoff. And what did that indicate to you about
[24] when you may have let New York?
[25] Ms. Thomases. I don't know precisely when I left New

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[1] York.
[2] Mr. Chertoff. Was it in the morning?
[3] Ms. Thomases. I believe it was in the morning.
[4] Mr. Chertoff. Did you stop at the office?
[5] Ms. Thomases. I don't remember.
[6] Mr. Chertoff. Did you have any appointments scheduled
[7] in your calendar or diary for the 27th?
[8] Ms. Thomases. I had some – I don't remember whether I
[9] had anything scheduled for that date particularly.
[10] Mr. Chertoff. I beg your pardon?
[11] Ms. Thomases. I mentally remember that I had a task I
[12] wanted to complete in anticipation for my Wednesday meeting.
[13] Mr. Chertoff. Was that a task you were going to
[14] complete in New York?
[15] Ms. Thomases. In part in New York, and part in
[16] Washington.
[17] Mr. Chertoff. And without telling, I don't want to
[18] know, you know, the nature of the client, but can you
[19] generically describe what that task was? Was it a meeting,
[20] was it research, was it telephone calls?
[21] Ms. Thomases. It was clarifying an issue.
[22] Mr. Chertoff. Involving legal research?
[23] Ms. Thomases. A little bit but mostly phone calls.
[24] Mr. Chertoff. Was there some particular reason you were
[25] planning to go to Washington to make phone calls on Tuesday

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[1] to clarify this matter?
[2] Ms. Thomases. The phone calls could have been made from
[3] either place, although the information that I kept I tended
[4] to keep in Washington, and would have had to have it faxed
[5] up to me in New York.
[6] Mr. Chertoff. So what you're telling us is that as of
[7] the beginning or as of the end of the day on Monday, to the
[8] best of your recollection, you didn't have a compelling
[9] reason to go down to Washington the next day?
[10] Ms. Thomases. That's right.
[11] Mr. Chertoff. And you don't remember having an
[12] appointment with the First Lady?
[13] Ms. Thomases. That's right.
[14] Mr. Chertoff. Now did you get a call or a message from
[15] the First Lady the following morning indicating that Hillary
[16] Clinton wants to see you today?
[17] Ms. Thomases. What, on the 27th?
[18] Mr. Chertoff. The 27th, Tuesday.
[19] (Pause.)
[20] We put it up on the bulletin board. It's ST126.
[21] This is a copy of your standard message log, am I

correct?
Ms. Thomases. Yes.
Mr. Chertoff. Is it kept by your assistant in your new York office?

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Ms. Thomases. Yes, it is.
Mr. Chertoff. And this is headed July 27th, is that correct?
Ms. Thomases. Yes.
Mr. Chertoff. Now it indicates here a P. Solis, HRC wants to see you today. And there's a little check mark after that. What does that denote?
Ms. Thomases. That denotes that I got the message and the call was returned.
Mr. Chertoff. Okay, tell us about why Mrs. Clinton reached out for you –
Let me withdraw the question.
We've been told by your lawyer this is the second call in the day's sheets, so it must have been an early call, a comparatively early call. But they tell us that they can't tell us exactly when the call came in.
You spoke to Mrs. Clinton?
Ms. Thomases. I don't remember speaking to Mrs. Clinton at any time on the 27th. It's, I just don't remember.
Mr. Chertoff. Did you return the call?
Ms. Thomases. I don't remember. I returned the call.
Obviously the call was returned to Patty Solis. It could have been returned by me, or it could have been returned by my assistant.
Mr. Chertoff. Now this record is one that's maintained

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by your assistant and the secretary of your firm, right?
Ms. Thomases. Yes.
Mr. Chertoff. And it's her regular practice to make a record like this during the course of her duties, right?
Ms. Thomases. That's right.
Mr. Chertoff. And in fact I take it it's an important part of her responsibility to keep an accurate track, correct?
Ms. Thomases. Correct.
Mr. Chertoff. And as we move along the record, just to be clear, where it says Patty Solis, under name, that is the name of the person who called your secretary, right?
Ms. Thomases. Yes.
Mr. Chertoff. And then there's a space for a number, which is left blank, right?
Ms. Thomases. Sometimes it's filled, and in this case it's left blank.
Mr. Chertoff. Okay, because you knew how to reach Patty Solis, right?
Ms. Thomases. Yes.
Mr. Chertoff. Now read where it says "nature of call."
Ms. Thomases. I see the message.
Mr. Chertoff. Can you read it to us?
Ms. Thomases. HRC wants to see you today.
Mr. Chertoff. And then it's check marked to indicate

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that you returned the call?
Ms. Thomases. Or that the call was returned on my behalf.
Mr. Chertoff. Now let's be clear on this. As of the time you got this call, you were in New York, right?
Ms. Thomases. I don't know.
Mr. Chertoff. Well, you think you were in Washington when this call came in?
Ms. Thomases. I could have been en route.
Mr. Chertoff. In any case, the call came into your New York office, right?
Ms. Thomases. Correct.
Mr. Chertoff. And your testimony is that you had not made a prearranged agreement to meet the First Lady on the 27th, right?
Ms. Thomases. I don't recollect making such a prearrangement.
Mr. Chertoff. So we can conclude from that that the First Lady was reaching to you in New York.
Let me withdraw the question and ask you this.
You don't routinely keep the First Lady aware of your personal schedule, do you?
Ms. Thomases. I sometimes tell her what I'm going to do.
Mr. Chertoff. But you don't –

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Ms. Thomases. But I don't routinely keep her aware of my personal schedule.
Mr. Chertoff. Certainly as it relates to your private law practice, right?
Ms. Thomases. Correct.
Mr. Chertoff. So that from the standpoint of this record, what this record tells us, I'm going to tell you where we're coming from on this, this record tells us that the First Lady puts a call into you in New York without any, to your knowledge, basis to believe you're coming down to Washington during that day, and she actually asks you specifically to come down in order to see her, which suggests that this is something that's pretty important to her.
Ms. Thomases. Could you repeat the question?

Mr. Chertoff. I'm setting up a context here for the next question.
This call comes to you in the New York office. You've given us no reason to assume the First Lady knows you're coming down to Washington. and in fact, the fact that the call is placed to New York suggests the First Lady believes she's reaching you in New York.
Now she calls you in New York or she has her scheduler call you in New York and asks you to come down to see her on that very day, which suggests a certain degree of urgency or

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importance because people usually don't call people in other cities and ask them to drop everything and come on down.
My question to you is. bearing that in mind and bearing in mind that this call was returned, what did the First Lady want to see you about?
Ms. Thomases. I have no idea.
Mr. Chertoff. Did you see her?
Ms. Thomases. I honestly do not remember seeing her.
Mr. Chertoff. Now when you came down to Washington, we have your phone records, which you've supplied us for this. There's a sequence of phone calls.
First you made a call to Mark Geren which is around 11:33. He is the, he was the head of communications at that time for the White House?
Ms. Thomases. I don't know what his title was at – I do not know what his title was at that time.
Mr. Chertoff. Did you know what he did, what his job was?
Ms. Thomases. I don't know what his job was at that time.
Mr. Chertoff. Well, what's his – why did you call him?
Ms. Thomases. I don't know that I called him in his job title. I may have called him just to touch base with him.
Mr. Chertoff. About what?
Ms. Thomases. I don't know why I called him.

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Mr. Chertoff. Are you telling us you don't know in 1993 what Mark Geren's job at the White House was?
Ms. Thomases. Do you?
Mr. Chertoff. Yes, he was the Director of Communications.
Ms. Thomases. In 1993?
Mr. Chertoff. Well, what was he?
Ms. Thomases. I don't know.
Mr. Chertoff. You don't know.
Ms. Thomases. That's why I'm asking you.
Mr. Chertoff. So you're telling us you don't know what his job at the White House was?
Ms. Thomases. In specifically 1993, no, I can't recollect that.
Mr. Chertoff. Okay, then you called main White House number at 12:20 and 12:35. Do you know why you made those calls?
Ms. Thomases. Excuse me?
Mr. Chertoff. You called the main number at the White House. That's 456-1414, at 12:20 and at 12:35.
Why did you make those phone calls?
Ms. Thomases. I don't know.
Mr. Chertoff. Then you called Mr. McLarty's office, and you have a 9.5 minute phone call with that office.
Did you talk to Mr. McLarty?

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Ms. Thomases. I don't know whether I did.
Mr. Chertoff. Do you know who you called?
Ms. Thomases. I have no – I presume I called Mr. McLarty, but I have no idea.
Mr. Chertoff. Do you know why you called him?
Ms. Thomases. I have no recollection.
Mr. Chertoff. Then you call back at 1:00 o'clock, and you have a 1.5 minute call with the same number.
Do you know what that's about?
Ms. Thomases. No.
Mr. Chertoff. Now then you come to the White House and according to the records we have, you arrived there at around 3:00 o'clock.
Do you remember coming to the White House?
Ms. Thomases. No.
Mr. Chertoff. You come up to the second floor of the residence, remember that?
Ms. Thomases. No.
Mr. Chertoff. I'm going to put this up here. It's the next one, the next document. Right up there it says – you have a copy in front of you – it says July 27, 1993, up to the second floor 3:08 p.m., down at 4:31 p.m.
And then up to the second floor at 8:19 p.m. and we've previously established that you leave the White House at

[25] approximately 8:20 p.m.

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[1] What were you doing up on the second floor for an hour
[2] and a half?
[3] Ms. Thomases. I don't remember.
[4] Mr. Chertoff. So this is within a week after Vincent
[5] Foster dies. You get a call from the First Lady that
[6] morning saying, a call to you in New York, not to your
[7] Washington office, to your New York office, that says the
[8] First Lady wants to see you today.
[9] You get on a plane, you come down. Maybe you were on a
[10] plane on your way down, and in fact you show up at the White
[11] House and you spend an hour and a half at the residence.
[12] Did you see the First Lady?
[13] Ms. Thomases. I don't really remember seeing the First
[14] Lady that day.
[15] Mr. Chertoff. Did you see her that week?
[16] Ms. Thomases. I don't remember seeing her that week.
[17] Mr. Chertoff. Did you – I'm sorry, I don't mean to cut
[18] you off.
[19] Ms. Thomases. I would have liked to have seen her, but
[20] I don't have any recollection of having seen her.
[21] Mr. Chertoff. Did you have a discussion with her about
[22] insurance matters concerning the Foster family?
[23] Ms. Thomases. I know at some point I did. I just don't
[24] remember specifically having that conversation with her that
[25] day.

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[1] Mr. Chertoff. Do you have any recollection that she
[2] summoned you down from New York in order to have a
[3] discussion about the Foster insurance situation?
[4] Ms. Thomases. I have to tell you that I disagree with
[5] your characterization of Mrs. Clinton's summoning me down.
[6] Mr. Chertoff. I'm sorry. But she asked you to come
[7] down?
[8] Ms. Thomases. I don't recollect her asking me to come
[9] down.
[10] Mr. Chertoff. You had not seen, you had been down at
[11] the White House the week before, correct?
[12] Ms. Thomases. Correct.
[13] Mr. Chertoff. You had not seen Mrs. Clinton there
[14] because she was in Little Rock, right?
[15] Ms. Thomases. Correct.
[16] Mr. Chertoff. You did not go to the funeral, correct?
[17] Ms. Thomases. Yes.
[18] Mr. Chertoff. So that this would have been the first
[19] occasion you saw Mrs. Clinton since her friend passed away.
[20] Is it your testimony you don't recall that?
[21] Ms. Thomases. I don't recall it. I know it's not
[22] credible to you, but I truly don't –
[23] The Chairman. Well, when was the first time, Ms.
[24] Thomases, that you saw the First Lady? Now you had the
[25] shared grief, the shared loss. We hear you testifying how

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[1] you reached out to people to see how they were doing.
[2] You come down, obviously the day before you speak to her
[3] scheduler, you don't recall that.
[4] But the notes indicate that, notes that we didn't get
[5] before, and the records do. The records that we get for the
[6] first time now indicate that the scheduler reached out to
[7] you and very clearly says that Mrs. Clinton would like to
[8] see you.
[9] You're in the White House on the second floor for an
[10] hour and a half and you're telling this Committee that you
[11] don't recall whether or not you met the First Lady?
[12] When is the first time you recall meeting the First Lady
[13] after the death of Vince Foster? When?
[14] Ms. Thomases. I can't tell you the precise date.
[15] Mr. Chertoff. What did you talk about?
[16] Senator Bennett. Mr. Chairman, if you can't tell us the
[17] precise day, and I can understand that, can you tell us the
[18] circumstances?
[19] Was it in the White House?
[20] Was it in New York, or where did you have your first
[21] conversation with the First Lady after Vince Foster's death?
[22] (Pause.)
[23] Ms. Thomases. I think that my first conversation with
[24] her after the death was the conversation that I had on the
[25] 20th the week before. You mean my first conversation with

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[1] her in her physical presence?
[2] Senator Bennett. Yes.
[3] The Chairman. That's what we're asking.
[4] Ms. Thomases. I can't precisely remember.
[5] Mr. Chertoff. Let me ask you. You made a point of
[6] saying in your opening statement that you did not instruct
[7] anybody to do anything with respect to the documents.
[8] I want to ask you now, Ms. Thomases, to strike the word

[9] "instruction." Did you discuss with anybody at the White
[10] House in any way, shape, or form, the handling of Vincent
[11] Foster's documents, that is to say, the documents that were
[12] in Vincent Foster's office at the time of his death?
[13] Ms. Thomases. You know I had a conversation with Bernie
[14] Nussbaum about how he was going to handle the documents. I
[15] discussed that with him. He told me how he was going to do
[16] it the week before. That is the sole discussion I remember
[17] having on that subject.
[18] Mr. Chertoff. Did you have a discussion with the First
[19] Lady about that subject?
[20] Ms. Thomases. I do not ever remember discussing the
[21] documents with the First Lady.
[22] Mr. Chertoff. When you say you don't remember, are you
[23] unprepared to simply tell us you never had a discussion like
[24] that?
[25] Ms. Thomases. I'm saying that at the time proximate to

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[1] Vince Foster's death I do not believe I had a conversation
[2] with Hillary Clinton about any documents.
[3] Mr. Chertoff. You say at the time proximate to his
[4] death.
[5] Did you have a conversation with her at any time about
[6] the handling of the documents ever?
[7] Ms. Thomases. I might have in some subsequent times but
[8] I do not believe that I ever discussed them with her at that
[9] time, or anyone proximate to that time.
[10] Mr. Chertoff. What was the discussion that you had with
[11] her at some other time about the documents?
[12] Ms. Thomases. It probably was in the context of these
[13] hearings.
[14] Mr. Chertoff. You mean you've discussed it with her
[15] since the hearings have begun?
[16] Ms. Thomases. No. But you know, just when it was
[17] raised that I was coming down.
[18] Mr. Chertoff. So you talked to her personally about
[19] your coming down to the hearings?
[20] Ms. Thomases. This was way back when, before the first
[21] hearing.
[22] Mr. Chertoff. Back in the summer?
[23] Ms. Thomases. Yes.
[24] Mr. Chertoff. What was the discussion?
[25] Ms. Thomases. Just that I was going to have to come

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[1] down, and that I didn't think that I had very much
[2] interesting to tell you, that you were still going to ask me
[3] the questions because you felt the need to ask me the
[4] questions.
[5] Mr. Chertoff. Did you have a discussion with Mrs.
[6] Clinton before you came down to the first set of hearings
[7] about the telephone calls you two had had between each other
[8] during the days after Mr. Foster's death?
[9] Ms. Thomases. No, we did not discuss that.
[10] Mr. Chertoff. Did you make an effort to refresh
[11] recollection about that?
[12] Ms. Thomases. No, I did not.
[13] Mr. Chertoff. There came a point in time when you were
[14] asked to produce records concerning calls. Did you ask her
[15] whether she had any records that might help you to put
[16] together the sequence of calls on the days that we've been
[17] looking at?
[18] Ms. Thomases. No, I did not.
[19] Mr. Chertoff. One of the points that we're struggling
[20] with here, Ms. Thomases, is the whole question of documents,
[21] trying to find documents. An issue has arisen about certain
[22] documents that involve not Whitewater specifically but the
[23] Madison Guaranty Bank and the work that was done by the Rose
[24] Law Firm at the Madison Guaranty Bank.
[25] You had worked on that issue during the course of the

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[1] campaign, is that correct?
[2] Ms. Thomases. For a brief period.
[3] Mr. Chertoff. You were aware of the fact that there was
[4] a point in time in 1992 during the campaign that there were
[5] questions being raised about the amount of work and the type
[6] of work that Mrs. Clinton had done on behalf of Madison
[7] Guaranty, correct?
[8] Ms. Thomases. Yes.
[9] Mr. Chertoff. You understood that in connection with
[10] that, it would be of great interest and importance to know,
[11] to look at her time records, her time sheets, and her bills,
[12] correct?
[13] Ms. Thomases. Could you repeat that question?

Mr. Chertoff. You knew that in connection with determining the type of work and the amount of work she had done for Madison, it would be very important to have access to Mrs. Clinton's time records and her bills as they related to the Madison work, correct?

Ms. Thomases. I wouldn't quite characterize it that way.

Mr. Chertoff. Would you agree that it would be relevant to have the bills and to have the time records in order to ascertain what work Mrs. Clinton had done for Madison?

Ms. Thomases. Yes.

Mr. Chertoff. And that was an issue in the campaign,

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right?

Ms. Thomases. I wouldn't describe it as an issue in the campaign.

Mr. Chertoff. You were asked questions about it by a reporter, right?

Ms. Thomases. Yes, a reporter asked me a question about it.

Mr. Chertoff. And you responded, right?

Ms. Thomases. I don't know whether I specifically responded. I know that the question was asked.

Mr. Chertoff. You called Mr. Hubbell to ask him for information about the records of Mrs. Clinton's work on the Madison matter when she was at Rose?

Ms. Thomases. Yes.

Mr. Chertoff. Did Mr. Hubbell tell you that he had access to her time sheets?

Ms. Thomases. I don't remember that he precisely told me that.

Mr. Chertoff. Did you ever see her time sheets?

Ms. Thomases. No.

Mr. Chertoff. Did you ever see her bills?

Ms. Thomases. No.

Mr. Chertoff. I have provided you with one sheet of your notes furnished to us, ST32, which is part of your package, which relates to a telephone call you had with Webb Hubbell on 2/24/92.

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The reason I'm asking you this is that we have looked high and low, we've subpoenaed from the Rose Law Firm and from the RTC all billing records, and we've gotten very, very few billing records and we have very, very few time sheets. And we don't have any time sheets for Mrs. Clinton, so they seem to have disappeared.

We're going to try to find out when the last time is that somebody knew where these things were.

This ST32, is this your handwriting?

Ms. Thomases. Yes, it is.

Mr. Chertoff. Do you see the entry 2/24/ TC with Webb Hubbell? Is that your handwriting?

Ms. Thomases. Yes.

Mr. Chertoff. Is that a record of a telephone call you had with Webb Hubbell on or about that date to get some information about the Rose Law Firm work for Madison?

Ms. Thomases. Yes, it is. I mean, I don't know that it was just about the work for Madison.

Mr. Chertoff. But that was included, right?

Ms. Thomases. Yes.

Mr. Chertoff. Now I want you to read down. First it has Arabic numeral 1, preferred stock offering 4/85. That refers to the attempt that the Madison Guaranty Bank was making to try to get authorization from Beverly, Bass &

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Shaffer, to make their preferred stock offering in April of 1985, correct?

Ms. Thomases. Would you repeat that?

Mr. Chertoff. That refers to the effort Madison was making to try to get authority to issue preferred stock from Beverly, Bass & Shaffer in the Spring of 1985, correct?

Ms. Thomases. Yes.

Mr. Chertoff. You knew there was a question about Mrs. Clinton's involvement in that effort to get approval for the preferred stock offering, correct?

Ms. Thomases. I know that a reporter had a question.

Mr. Chertoff. The next item is broker dealer summer 1985, correct?

That's what the next entry is, right?

Ms. Thomases. Which entry?

Mr. Chertoff. Where it says, 2. Broker dealers summer 1985. You see broker dealer summer of 1985? There's a little Arabic numeral 2 with a circle in your handwriting.

Ms. Thomases. I don't see it on this particular page.

(Pause.)

Ms. Thomases. Okay.

Mr. Chertoff. That is your handwriting, right?

Ms. Thomases. Yes.

Mr. Chertoff. That relates to an effort made to get permission for a subsidiary of Madison to act as a broker

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dealer on this offering, correct?

Ms. Thomases. I don't know that for sure.

Mr. Chertoff. You wrote this, though?
Ms. Thomases. I did.
Mr. Chertoff. It continues on. Massey, and Massey was an associate then in 1984, or 1985, was a new associate at the firm, correct?
Ms. Thomases. I didn't know him to be a new associate. I knew him to be an associate.
Mr. Chertoff. It said Massey had relationship with Latham and H.C. That would be Hillary Clinton, correct?
Ms. Thomases. Yes.
Mr. Chertoff. Had relationship with McDougal, correct?
Ms. Thomases. Yes, that's what I wrote.
Mr. Chertoff. This is what Hubbell's telling you?
Ms. Thomases. Yes.
Mr. Chertoff. It goes on. Rick will say he had relationship with Latham and had a lot to do with getting the client in. She did all the billing. HC had numerous conferences with Latham, Massey and McDougal on both transactions.
This is what Hubbell was telling you, is that right?
Ms. Thomases. Yes.
Mr. Chertoff. Now over to the left, there's a little notation that talks about time records. What does that say

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there? Acc. to time records?
Ms. Thomases. This is my notation for according to time records.
Mr. Chertoff. So what Hubbell was telling you was based on the actual time records that he told you he had in his possession?
Ms. Thomases. He did not specifically tell me that.
Mr. Chertoff. How did you know to say according to time records?
Ms. Thomases. Because he said according to time records.
Mr. Chertoff. So Hubbell said to you in this call, on February '92, and you understand this is of critical importance because those time records are not around anymore: at least they haven't been produced to us?
Ms. Thomases. You might also note that it has nothing to do with Vince Foster's death.
Mr. Chertoff. What it has to do with is where are these time records.
The Chairman. Do you believe you're scoring points?
Ms. Thomases. No.
The Chairman. Because I tell you you're not.
Mr. Chertoff. If you'll confine yourself to answering the questions here.
Your notes indicate that what Hubbell was telling you

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about Hillary Clinton having numerous conferences, that's your words, right, numerous conferences?
Ms. Thomases. It was his words.
Mr. Chertoff. His words that you're recording?
Ms. Thomases. That's right.
Mr. Chertoff. And you certainly have no reason to be inaccurate in your copying down what Hubbell is telling you, right?
Ms. Thomases. I copied what he told me.
Mr. Chertoff. And what Hubbell tells you is, according to the time records, which we don't seem to be able to get our hands on, but apparently he had in February of '92, H.C., Hillary Clinton, had numerous conferences with Latham, Massey and McDougal on both transactions.
Do you remember this conversation?
Ms. Thomases. Do I specifically remember it? No. All I have of it is notes.
Mr. Chertoff. Do you have reason to doubt the accuracy of your notes as recording what Mr. Hubbell told you?
Ms. Thomases. No.
Mr. Chertoff. So I must ask you now, do you know whatever happened to the time records that Mr. Hubbell was relying upon when he spoke to you in February of '92?
Ms. Thomases. I never saw them. I never got any precise information from them.

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Mr. Chertoff. Did you ever hear what happened to them?
Ms. Thomases. I never heard what happened to them.
Mr. Chertoff. Mr. Chairman, I see I've run out of time.
The Chairman. Senator Sarbanes?
If I might, I've just given the Chairman a copy of a communique that I received about two minutes ago. And it is directed to the Senate Select Committee on Whitewater and Related Matters. Please hand-deliver to Chairman D'Amato and Senator Sarbanes.
Independent Counsel, Kenneth W. Starr, issued the following statement today from his office. This is faxed at 14:02. As I said, I received it two or three minutes ago.
The Senate Special Committee through Chairman D'Amato

has inquired in public session today whether the Office of Independent Counsel would consider an apparent proposal by the White House to resolve issue with respect to the production of certain notes from a November 5th, 1993 meeting. That meeting took place at the law offices of the private attorneys for the President and Mrs. Clinton.

As of 2:00 p.m. today, neither the White House nor private counsel to the Clintons has contacted this office with respect to any possible resolution of this matter.

And as of 2:15, neither has the White House or Special Counsel contacted this Committee in relationship to the supposed proposition that has been put forth and generated

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to the press.

Again, I would ask the White House counsel: if they do have a proposal, that they go forward, as they have suggested to some of the media that they do. We stand ready to entertain it.

Senator Sarbanes. Mr. Chairman, the only point I was making is, I thought the committee ought to contact the independent counsel. We ought to be able to come up with something.

The Chairman. Well, Senator, without their being a proffer of some kind in writing that we have received, how do we do that?

So it seems to me that it is disingenuous to be putting out these offers to the media, as opposed to coming to the committee and saying, look; yes, we're ready to sign off, if you're able, or if you would at least convey this request to special counsel.

Again, I'll relay the request to special counsel. I think we've done it, so it's out there. If they're serious, let them go forward on it.

I guess we'll take a brief respite.

Senator Sarbanes. I want to reemphasize a point. It seems to me the Committee could undertake to try to find a resolution of this matter. I know you indicated the difficulties of communicating through the media, and I agree

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with that. But it seems to me the Committee could talk to the independent counsel about this. We might find a resolution.

The Chairman. If indeed the White House is putting this forth seriously, and it's a genuine offer to help produce these notes, then I wish they would do it. And then we would be in a position to act on that.

What I'm saying is, to date, I've had to rely on third parties, and I don't even know who at the White House did or did not make this possible offer through the media. I think again that's a highly unusual way to do things; to go to the media to suggest a possible compromise to this Committee – one which, by the way, we've signed off on as it relates to this Committee.

I have no problem in stipulating that we certainly wouldn't constitute this as a general waiver. So really I think now it's up to them.

Senator Sarbanes. If the Committee were then to ascertain from the independent counsel that they would sign off on those conditions, as well, then I think we would have changed the whole posture of this matter, and would be I think in a position to have a resolution of it. That's the only point I'm making.

And it seems to me the Committee can play, as it were, a constructive role in resolving this matter.

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The Chairman. We look to be constructive. But our resolve to go forward, certainly tempered with a bona fide proffer putting forth the notes – that's what I think the Committee's interested in. So really, the ball is in their court.

Senator Dodd. Mr. Chairman, I'm curious. I appreciate we can go back and forth on this. I'm just wondering if it might not be advisable just to see, from your standpoint, maybe with Senator Sarbanes, whether a simple phone call sometimes can resolve these matters, instead of going back and forth.

The Chairman. Chris – excuse me, Senator Dodd – I'm going to ask at some point if both our counsel, majority and minority counsel, will get on the phone, call the White House, and say, "Do you really have something? And if you do, why don't you give it to us? Put something down on paper, and we'll pursue it."

Senator Dodd. What about a call just to Starr?

The Chairman. I think we run into a very real

problem
[20] without knowing, without having the indication what the
[21] White House is really proposing to this Committee, let alone
[22] to Starr.
[23] I think we have to start off at the starting point. The
[24] starting point is, what kind of offer are you making to the
[25] Committee? I heard it from the media, but it has not been

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[1] communicated to this Committee yet. That's the troubling
[2] point.
[3] Number two: if it is merely that the Committee would
[4] make this recommendation, I'd be happy to make the
[5] recommendation. I'd be happy to do it. I've said that.
[6] But, by gosh, we've got to have it. I would feel like I
[7] don't believe we are capable of going forward without there
[8] being something that the White House has given to us by way
[9] of how to produce these notes, how we can break that
[10] stalemate.
[11] So, I'm waiting for them. And I'm sure they know this;
[12] they're monitoring this. Maybe we'll send a letter to them
[13] and invite them to give us a written proposal. I'm not
[14] standing on ceremony. And I'll ask counsel together to
[15] draft a note of inquiry.
[16] But I think it's highly unusual for us to go forward to
[17] another agency, let alone an independent counsel, to put
[18] ourselves in a position of bargaining for the White House,
[19] without there even being any kind of proffer or
[20] authorization. That's my point.
[21] Senator Sarbanes. I would be bargaining for ourselves,
[22] as I perceive it. We would in effect be playing a role as a
[23] Committee to try to resolve this matter.
[24] Senator Dodd. That's the point, Mr. Chairman. I
[25] wouldn't ever expect – that would be foolish for us to be

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[1] negotiating for the White House. We've got our own
[2] legitimate interests here, and one of the complaints we're
[3] getting from the Executive Branch is that we can't have this
[4] because of the implications.
[5] It seems to me we can answer that. Maybe we're in the
[6] best position to get an answer to that question.
[7] The Chairman. Let me say this to you.
[8] I'm going to ask that our deputy counsels, Mr. Giuffra
[9] and Wayne, if they would – and I don't mean to be speaking
[10] for the minority – but let's suggest that they get on the
[11] phone, call the White House and see if they do have a
[12] proposal along the lines of that which was outlined to the
[13] media. Then I would feel comfortable in moving forward.
[14] Senator Dodd. I apologize. The witness is back.
[15] I was just going to mention this Wall Street Journal
[16] report today. I found to be tremendously encouraging – and
[17] I'm sure to all of the Committee – this Pillsbury, Madison
[18] and Sutro report on the RTC was, I think, very very helpful.
[19] I don't know if this article has been included in the
[20] record or not. But the headline, "Whitewater Report for RTC
[21] Discloses No Basis for Agency to Sue Clintons," is I think
[22] extremely worthwhile. The Clintons shouldn't be sued by the
[23] Resolution Trust Corporation over Whitewater Development and
[24] the related failure of Madison Guaranty, and goes on to
[25] suggest that they ought to terminate their Whitewater

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[1] investigation.
[2] Did you have a discussion of that this morning?
[3] The Chairman. We have not. Certainly, that will be put
[4] in the record, and obviously the report will be made part of
[5] the record.
[6] (COMMITTEE INSERT.)
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[1] Senator Dodd. Thank you, Mr. Chairman.
[2] The Chairman. Senator Sarbanes.
[3] Senator Sarbanes. I yield to Mr. Ben-Veniste, Mr.
[4] Chairman.
[5] Mr. Ben-Veniste. Ms. Thomases, in view of the fact that
[6] we have had produced more detail regarding your activities
[7] on the 26th and 27th by way of these phone records, and logs
[8] of entry and exit from the White House, is your recollection

refreshed in any respect on the issue of whether on the 27th of July, you had any conversation with Mrs. Clinton or anyone else about the files which had been in Vincent Foster's office, and which were removed from Mr. Foster's office and placed in the residence on their way to Williams & Connolly?

Ms. Thomases. I have no recollection of ever having discussed that box of documents with Mrs. Clinton.

Mr. Ben-Veniste. Put aside the box of documents per se.

Does any of the additional material in any way refresh your recollection as to whether you had any discussion about the documents which had been in Mr. Foster's office?

Ms. Thomases. As I said earlier today, I don't think that I ever discussed documents with Hillary Clinton in any time proximate to Vince Foster's death, and for at least more than a year after that.

Mr. Ben-Veniste. And about that, your recollection is clear?

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Ms. Thomases. About that, my recollection is clear.

Mr. Ben-Veniste. Mr. Chertoff asked you some questions relating to a telephone conversation you had with Mr. Hubbell back in February 1992, as reflected by notes which you have produced to this Committee, correct?

Ms. Thomases. Yes.

Mr. Ben-Veniste. In fairness to you, it should be said that we have not taken your deposition with respect to this subject matter area, have we?

Ms. Thomases. That's correct.

Mr. Ben-Veniste. And today, to my knowledge, is the first time that you have been questioned about either these notes or that subject matter?

Ms. Thomases. Yes.

Mr. Ben-Veniste. Can you tell us whether, in advance of coming to testify today, you received any notice that you would be questioned about this subject matter?

Ms. Thomases. No, I received no such notice. I personally received no such notice.

Mr. Ben-Veniste. Did you nevertheless prepare yourself to respond to questions about this subject matter today?

Ms. Thomases. No, I didn't prepare myself to respond to this subject matter.

Mr. Ben-Veniste. I have nothing further. We would

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yield our time back.

The Chairman. Thank you.

Mr. Chertoff.

Mr. Chertoff. Ms. Thomases, we're going to come back to the issue of the bills, but I want to focus briefly on the issue of the 22nd.

Senator Bennett. Mr. Chairman, before we leave the bills –

The Chairman. Certainly. Senator Bennett.

Senator Bennett. Ms. Thomases, you may or may not have followed Mr. Webb Hubbell's testimony when he was here. He brought – or there was brought, more accurately – with him a series of summaries of the billing of the Rose Law Firm on these various matters. And Mrs. Clinton has sworn in an affidavit that she had little or nothing to do with legal matters dealing with Madison Guaranty.

The summary of the billing that was here would belie that statement. From the billing pattern, it was clear to me as a layman that the beginning of the matters were all handled by Mr. Massey under Mrs. Clinton's supervision, because the bulk of the billings were in his name. She would occasionally drop in on the billing summary for a little bit of billing. Then there was a relatively dramatic shift, and his name virtually disappeared from the billing records, and it became all HRC all the way through, and she

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ran up the bills in a fairly substantial fashion.

As I pointed out to Mr. Hubbell, I'm not a lawyer, so I've never made out a billing sheet. But I've paid a lot of lawyers' bills, and I've learned to read them. And it was fairly clear to me that the principle lawyer handling this matter was Mrs. Clinton, which is in direct opposition to her sworn statement in this area.

Mr. Hubbell said to me, and I'm paraphrasing, "Well, I'm sorry I'm not articulate enough to get you to understand what these billing sheets really are saying. They're not really saying what you think they are saying." And the strong implication that I took from that exchange was that if we could get to the actual records, we could clear up this discrepancy.

Now, Mr. Chertoff pointed out to Mr. Hubbell that on their face, the records were saying one of two things. Number one, either my interpretation was correct, and Mrs. Clinton was the primary lawyer handling this; or number

two.
[19] that some kind of a sweetheart deal had been worked out with
[20] Madison whereby Mrs. Clinton would be compensated for more
[21] than her usual hourly rate for the amount of time she spent
[22] on this matter, that would therefore allow her billings to
[23] go way up, even though she didn't spend that much time
[24] there.
[25] Mr. Hubbell insisted that the second explanation was

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[1] clearly not true; that Mrs. Clinton never was involved in
[2] any inflation of her billing rate on this or any other
[3] matter. Which leaves us with the first interpretation,
[4] which I find very clear, subject to contradiction by billing
[5] sheets.
[6] That's why Mr. Chertoff, on behalf of the Committee, is
[7] trying to find the actual time records. And that's why
[8] we're having this discussion.
[9] Now, you're a lawyer. You fill out time sheets. You're
[10] a close friend of Mrs. Clinton. If you were confronted –
[11] and if you wish, we can give you the exact sheets; I'm sure
[12] we can pull them out, but – with this pattern, whereby the
[13] name that appears for the first five or six months is
[14] primarily Mr. Massey, with an occasional reference from Mrs.
[15] Clinton, and then for the next five months Mr. Massey
[16] disappears and overwhelmingly it's Mrs. Clinton's name that
[17] appears there, and it's in Mrs. Clinton's name that the
[18] bills are submitted, could you give me any scenario that
[19] does not conform with my assumption, which says that she
[20] became the lead attorney on this issue – and indeed, was
[21] guiding it all the way through?
[22] Ms. Thomases. What's the question?
[23] Senator Bennett. I realize it's difficult, because
[24] you're not a member of the firm. And if you say, "No, I
[25] can't," why that's fine. But, you are a lawyer. You do

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[1] handle billing sheets.
[2] The question is this. Am I reasonably correct in
[3] assuming from the pattern of billing that was outlined in
[4] that summary that Mrs. Clinton was the lead attorney on this
[5] issue?
[6] Ms. Thomases. I haven't seen the billing sheets, and I
[7] would not want to jump to that conclusion.
[8] Senator Bennett. I don't know that we need to pursue
[9] it, but that's why I'm following Mr. Chertoff's questions in
[10] this area with such interest.
[11] Mr. Chairman, I remain unsatisfied on this point. And
[12] it may well be, if those billing records have disappeared,
[13] that I'll remain unsatisfied forever.
[14] Thank you. I apologize for the interruption.
[15] The Chairman. That's quite all right.
[16] Mr. Chertoff.
[17] Mr. Chertoff. Thank you, Mr. Chairman.
[18] Just to focus on this billing issue for a moment, Ms.
[19] Thomases, you understood at the time of the campaign that
[20] the significance of the issue being raised by the reporter
[21] was whether, in fact, Mrs. Clinton was doing a significant
[22] amount of work on a sensitive regulatory matter on behalf of
[23] the bank with respect to an official that had been appointed
[24] by her husband, who was then the governor. Correct?
[25] Ms. Thomases. Yes.

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[1] Mr. Chertoff. She had taken the position publicly that
[2] she had deliberately taken herself out of doing any
[3] regulatory work that would cause her to interact with her
[4] husband's appointees, correct?
[5] Ms. Thomases. I think she attempted to do that.
[6] Mr. Chertoff. That's what she said she had done, right?
[7] Ms. Thomases. That's right.
[8] Mr. Chertoff. Obviously, if it were to be demonstrated
[9] that she was in fact interceding on behalf of a client with
[10] a regulator appointed by Governor Clinton, that would have
[11] – shall we say – been at odds with the position she was
[12] taking publicly, to say the least. Correct?
[13] Ms. Thomases. I don't think I'm prepared to comment on
[14] that.
[15] Mr. Chertoff. This is exactly the issue you were asked
[16] to look into in the spring of 1992, which led to your
[17] conversation with Mr. Hubbell. Correct?
[18] Ms. Thomases. Yes, except I never got the facts. If
[19] you look at the same page that you showed me, I never got
[20] the answer to the question of how many hours Mr. Massey had
[21] versus how many hours Hillary Clinton had.
[22] Mr. Chertoff. Why couldn't you get the answer to that
[23] question?
[24] Ms. Thomases. No one ever gave me the records in order
[25] to do that.

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[1] Mr. Chertoff. So we now have this recap of fees which
[2] actually indicates, as Senator Bennett said, that there

was
actually a quite substantial amount of time billed overall
to Madison matters.
But let me get back to the earlier part here, where Mr.
Hubbell is talking to you about information that he is
learning according to the time records. That's your note,
according to the time records, which you've acknowledged to
us is what Hubbell told you, correct?
Ms. Thomases. Correct.
Mr. Chertoff. He indicates that Hillary Clinton had
numerous conferences with Latham, Massey and McDougall on
both transactions. She reviewed some documents. She had
one TC – that's a telephone call, right? – in 4/85, at the
beginning of the deal, with Bev.
Those are your notes of what Mr. Hubbell told you. Is
that correct?
Ms. Thomases. Yes.
Mr. Chertoff. You understood at the time that if her
billing records contained this information, it would
undercut the position being publicly taken by Mrs. Clinton
that she, in fact, had not done any work on this deal at
all. Is that correct?
Ms. Thomases. Yes, but I never saw the billing records.
Mr. Chertoff. So you had Hubbell tell you about these

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numerous conferences, and that you have in your notes,
right?
Ms. Thomases. Yes. I have in my notes – I have what
you see in front of you.
Mr. Chertoff. You will agree with me that Hubbell told
you that he was giving you this information based on time
records that he had, but you were not shown.
Ms. Thomases. I wasn't with him. We were on the phone.
Mr. Chertoff. He was telling you about time records.
You didn't get to see them.
Ms. Thomases. Correct.
Mr. Chertoff. And you will agree with me that time
records showing numerous conferences on these transactions
would be at odds with statements by Mrs. Clinton to the
effect that she did no work on this matter, or very little
work on this matter. Correct?
Ms. Thomases. Without seeing the time records, I
wouldn't move to that conclusion.
Mr. Chertoff. You would agree that "numerous
conferences" is inconsistent with "I did nothing" or "I had
nothing to do with the transaction," right?
Ms. Thomases. As I said, I have not seen the time
records.
Mr. Chertoff. Did you ever ask to see the time records?
Ms. Thomases. No.

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Mr. Chertoff. Why not?
Ms. Thomases. I asked for the hours. The number that
you see at the bottom is precisely what I asked for.
Mr. Chertoff. Did Mr. Hubbell not get back to you on
that?
Ms. Thomases. Apparently not, because I'm sure that I
would have inserted them, because that was my habit when I
asked questions and taking notes. And if I had ever gotten
the answer, I would have gone back and inserted them.
Mr. Chertoff. Did you know that Madison files, original
Madison files, were removed from the Rose Law Firm at the
time the Clintons were packing to leave Little Rock to go to
Washington?
Ms. Thomases. No, I did not know that.
Mr. Chertoff. Do you know of any reason why the files
would be removed?
Ms. Thomases. I have no idea.
Mr. Chertoff. In April 1993, were you involved at all
in any work being done at the White House in connection with
Rose billings?
Ms. Thomases. No, I did not.
Mr. Chertoff. Were you aware of such work?
Ms. Thomases. No.
Mr. Chertoff. I see I'm out of time again, Mr. Chairman.

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The Chairman. Let me ask, if I might.
If you look to that next to the last – would you put up
– look to the next to the last groupings. I see one
grouping, two, three, starting with "Rose Firm."
Ms. Thomases. Yes, I see it.
The Chairman. What's that next word?
Ms. Thomases. "Prohibited."
The Chairman. "From" – could you read that?
Ms. Thomases. "Seeing."
The Chairman. "Examiner's report"?
Ms. Thomases. Yes.
The Chairman. What was that about?
Ms. Thomases. I'm not sure.
The Chairman. Do you have the rest of that? "Rose..."

– what is that? "Called?"
Ms. Thomases. No, "relied."
The Chairman. Would you read it?
Ms. Thomases. "Rose relied on certified audit report."
The Chairman. Would you know what report that was?
Ms. Thomases. Not specifically.
The Chairman. Would you –
Mr. Chertoff. Was that the Frost report?
Ms. Thomases. I have no idea.
Mr. Chertoff. Was it a fact that one of the issues you were concerned about was whether there was a conflict of

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interest when the Rose Law Firm allowed itself to be retained by the RTC to sue Frost, when in fact they might be relying on the Frost report to explain why it is they didn't know about some of the problems at Madison when they were trying to get the stock issued?
Ms. Thomases. I was not aware of that issue.
The Chairman. Would you read the rest?
Ms. Thomases. "RTC paid Rose Law Firm $240.000 in 1991."
The Chairman. Go ahead.
Mr. Chertoff. Isn't that about the very billing conflict of interest issue with the RTC I just asked you about?
Ms. Thomases. That was what Hubbell told me.
Mr. Chertoff. But you were asking about it because you understood that one of the issues that had arisen out of this whole question of representation of Madison was not only was there a problem, or were there issues involved with the original representation, but that when Rose got hired by the RTC to sue Frost, that was a separate new conflict of interest.
You understood that was an issue?
Ms. Thomases. I was not aware of those issues.
The Chairman. Would you continue to read that?
In other words, RTC paid Rose Law Firm $240,000 in 1991.

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"But..." – would you continue from there? "But..." –
Ms. Thomases. "...HC was billing partner, and attended conferences. He..." – and I think the "he" refers to Massey – "...he has a major role, blank hours..." – I never got the number to fill in that blank – "...versus HC's blank hours."
The Chairman. So back then, you were concerned with how much work and how much time Mrs. Clinton put in as it relates to billing Madison. Is that correct?
Ms. Thomases. I wouldn't necessarily use the word "concerned." I was trying to determine it.
The Chairman. If you don't say "concerned, you were trying to determine," what are we talking about? You spent an awful lot of time in this memo as it relates to the conversation, as it relates to what work she did, that she had numerous conferences. And then it comes down to the question of how many hours she put in there.
Now, when we look for the billing hours, we can't find them. Do you understand why the Committee would be interested?
Ms. Thomases. I can understand why you say you're interested. But I, as I showed you, I never found the answer to that question, either.
The Chairman. To the hours, sure. But the question is, and when counsel raised it to you before, he said, you know,

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isn't it a fact that this is in response to the questions that the media had raised, and that Mrs. Clinton said she did little if any work on these matters.
Isn't that correct? That's what she claimed.
Ms. Thomases. Yes.
The Chairman. Okay.
So that therefore, if indeed as the notes suggest, absent the hours, that as they suggest, where Mr. Hubbell said that she attended numerous conferences – and indeed the records, which you have not seen – demonstrates that she was, during a period of time, the main biller; this would then bring into conflict that statement which Mrs. Clinton had made. And that was an area of concern, wasn't it?
Was that an area of concern?
Ms. Thomases. What's the question?
The Chairman. I asked, was it an area of concern that you would try to ascertain whether or not, indeed, Mrs. Clinton had done substantial work on these matters, as opposed to the statements that were made that she did little, if any, on these matters relating to Madison?
Ms. Thomases. I was looking for facts. I was not making conclusions.
The Chairman. But that was a matter of concern, wasn't it?

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Ms. Thomases. That was a matter this reporter was interested in, yes.
The Chairman. Who was interested in?

Ms. Thomases. The reporter.
The Chairman. And you were interested in. It was a
matter of concern.
Ms. Thomases. I wouldn't necessarily characterize it
that way.
The Chairman. You certainly spent a good deal of time
on this matter, didn't you?
Ms. Thomases. No. The truth is I did not.
The Chairman. It was inconsequential?
Ms. Thomases. I spent a maximum of two weeks' time to
put together this information.
The Chairman. Wouldn't that be considered, two weeks, a
matter of concern?
Ms. Thomases. That wasn't the only thing I did for –
The Chairman. I don't mean to be splitting hairs. But
if you say you spent two weeks on this, it would seem to me
that that would be a matter of some very real concern.
Now, I've provided the emphasis. I have no further
questions.
Senator Sarbanes?
(No response.)
The Chairman. Mr. Chertoff?

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Mr. Chertoff. Thank you, Mr. Chairman.
This is going to be important, because we're going to no
doubt have Mr. Hubbell back. These notes were your
contemporaneous notes from your telephone call with Mr.
Hubbell. Is that correct?
Ms. Thomases. Yes.
Mr. Chertoff. You took them down as accurately as you
possibly could. Correct?
Ms. Thomases. Correct.
Mr. Chertoff. The references to "Bev" in the notes, by
the way, are Beverly Bassett-Schaeffer?
Ms. Thomases. Yes.
Mr. Chertoff. Did you ever speak to Beverly Bassett-
Schaeffer about her dealing with Madison or the preferred
stock issuance?
Ms. Thomases. I don't believe so.
Mr. Chertoff. Did you talk to her during the campaign
about it?
Ms. Thomases. I don't think I did.
Mr. Chertoff. Did you have occasion to inquire during
the course of the campaign, or afterwards, how it is that
the Rose Law Firm came to be retained by Madison Guaranty?
Ms. Thomases. No.
Mr. Chertoff. No?
Ms. Thomases. No.

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Mr. Chertoff. Did you ever learn how they came to be
retained by Madison Guaranty – that is to say, the Rose Law
Firm?
Ms. Thomases. I was told at the time that I recorded
these notes that Latham, with Massey, had brought the client
to the firm.
Mr. Chertoff. When Mr. Hubbell says here, "Massey had
relationship with Latham, and HC had relationship with
McDougall," wasn't he in fact telling you that part of what
moved this relationship forward with this retainer was the
fact that Hillary Clinton had a relationship with Mr.
McDougall?
Ms. Thomases. That's what Webb Hubbell said.
Mr. Chertoff. Did you learn when it is, in fact, that
the Madison Guaranty Bank in fact retained the Rose Law
Firm?
Ms. Thomases. I don't know.
Mr. Chertoff. Was it well in advance of April 1985 when
they actually – the firm actually began performing
services?
Ms. Thomases. I don't know.
Mr. Chertoff. I want to read you a portion of Mrs.
Clinton's affidavit that was filed in 1994 on the 16th day
of September before the FDIC Office of Inspector General.
And in particular – we'll give you a copy of that.

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Again, I want to make sure. You had expressed some
uncertainty as to whether this was a matter of concern to
you during the campaign.
Senator Sarbanes. What page, Michael?
Mr. Chertoff. This is page 5. And the question is,
"Describe your involvement with Rose's representation of
Madison before the Arkansas Securities Department, including
but not limited to details of work you performed in 1985 for
Madison regarding obtaining approval from the ASD to issue
preferred stock."
(Pause.)
Ms. Thomases. Excuse me. Where are we reading from?
Mr. Chertoff. We may have given you the wrong document.
Excuse me; we'll get it to you.

(Pause.)
I apologize. We've got the wrong document in front of you.
While we wait, let me turn back to the phone records. I want to be quite clear.
On the 27th of July 1993 – and, Ms. Thomases, we're waiting to get you the correct document. Let me bring you back to the phone calls. I think it probably would be useful if you gave me your attention on this.
On the 27th of July, as of that point in time, you had not, before that date – you had not seen Mrs. Clinton in

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person after Mr. Foster's death. Is that correct?
Ms. Thomases. Yes.
Mr. Chertoff. As of that date, you had learned that there was a writing of Vincent Foster that appeared to have some relevance to why he might have taken his life, correct?
Ms. Thomases. I learned that on the 26th.
Mr. Chertoff. So you knew it on the 27th?
Ms. Thomases. Yes.
Mr. Chertoff. And you would agree with me that if you saw the First Lady on the 27th, the first time you saw her after the death, and after you learned of the writing, you would likely have discussed that with her. Is that correct?
Ms. Thomases. Not necessarily.
Mr. Chertoff. So it's your recollection that you may have talked to the First Lady for the first time after the death, and not raised the issue of this writing?
Ms. Thomases. As I said to you, I don't recollect actually seeing her on that date.
Mr. Chertoff. What about afterwards? At any time after you learned there was a writing in Vincent Foster's own handwriting that appeared to be relevant to why he took his life, did you discuss it with Mrs. Clinton?
Ms. Thomases. I don't know that Hillary Clinton and I have ever discussed that writing.
Mr. Chertoff. In all the going back and forth we've

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heard about with comforting interns and talking to people who were volunteers working in Maggie Williams' office, and being concerned about all these issues, is it your testimony that you don't think you've ever discussed with Mrs. Clinton the writing which appears to be the closest evidence we have of what was in Vincent Foster's state of mind at the time he took his life?
Ms. Thomases. I don't believe I've ever really discussed it with her.
The Chairman. Mrs. Thomases, this is what troubles, I think, some of us.
Given your close relationship with the First Lady, given the fact that in a number of instances she has relied upon you, given the fact that you are a key advisor, acknowledged – let's not split hairs about whether you're the juice, or – you, acknowledged, are a key advisor.
Given the fact that, right after the death of Vince Foster, there's a number of communications between yourself, between the First Lady, between Maggie Williams – without even going into the nature of those conversations, given the fact that on the 26th for the first time, they find this note that everybody's looking for; they're looking for some reason, and it is brought forward. You have a number of conversations with people at the White House. You have a scheduler who the following day says – well, that you have

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a conversation with on the 26th, but on the following day, you don't recall what the conversation was about.
But on the following day, there is a record in your office that indicates that the First Lady wants to see you. And we find you on that day when she wants to see you in the White House. We find you upstairs for almost an hour and a half in the residence. Mrs. Clinton is there.
Do you think it's credible or believable to think that you didn't even see the First Lady, after you hadn't seen her after this tragedy of events? Now, do you believe that?
Ms. Thomases. I believe it's possible.
The Chairman. Would you believe someone who were to tell you the same thing? Would you really? Would you accept that as being credible?
Ms. Thomases. Are you asking a question?
The Chairman. Yes.
Ms. Thomases. Do you want me to answer?
The Chairman. Yes.
Ms. Thomases. I don't remember seeing Hillary Clinton. But I think, given the facts, I probably did see her. But I honestly don't remember, and I have tried and tried and

tried to create a recollection.
The Chairman. You were upstairs in the residence for an
hour and a half. Mrs. Clinton is there. Why wouldn't you see her?

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Mrs. Clinton's secretary reaches out, her scheduler, and says that she wants to see you. Do you understand why it's
so difficult, and not credible, to believe that you didn't see her?
And the fact that you say that you don't recall – this is a rather significant time. It's a significant time in the discovery of a note. It's a significant time in the fact that two dear friends who've shared and grieved, as you
did with Mrs. Clinton, met for the first time. And you wouldn't recall? That's the problem we have.
Ms. Thomases. Senator, I have tried to always tell you
things that I do recall.
The Chairman. Okay.
Ms. Thomases. And it would have been convenient for me
to recall that. But I do not recall it.
The Chairman. Does Ms. Thomases have that document now,
Senator Sarbanes?
Senator Sarbanes. I believe she does.
The Chairman. Go ahead.
Mr. Chertoff. Before we get to that document, though,
still on the issue of this day of the 27th.
You get a message which you acknowledge – your checkoff
indicates – was returned from Ms. Solis, indicating the First Lady wants to see you. Now, did you call her back using your cell phone? Did she call you using your cell

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phone as the place to which she put the call?
Ms. Thomases. I don't remember having had interaction
with Patty Solis. The records show that either myself or my
secretary spoke to her.
Mr. Chertoff. Now, let me take you back even a few days
earlier, to the 22nd. We have previously established that you received a call from the First Lady shortly before 8:00
o'clock your time, our time in Washington, on that day;
which was the day in which Bernie Nussbaum told the Department of Justice they would not be allowed to look at
the documents. That was about a four-minute telephone call.
Since your last testimony, we have received additional
phone records, which indicate that you put a return call back to the First Lady at approximately 8:25 a.m., after you
had made at least an effort to reach Mr. Nussbaum at 8:01.
Now, does that refresh your memory about your conversations
with the First Lady that morning?
Ms. Thomases. I told you originally that I remember having a conversation with the First Lady. I only remember
having one contact with her that morning, and I don't know
that – the record shows that I called her, and I may have called her in response to a call that she put in to me that I did not specifically receive.
Mr. Chertoff. Well, the first call, the one that went in to you, we've established previously was a three or four-

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minute telephone call, and this was in to your hotel.
Do you have any doubt in your mind now that you actually
talked to her at that period of time?
Ms. Thomases. I don't doubt that I talked to her that
morning. But I have a doubt about responding to her call to
me. I believe I called her, probably called her back.
Mr. Chertoff. She calls you. You have a three-minute
conversation.
Ms. Thomases. She has a three-minute conversation with
the hotel. It's not a hotel. It's a bed and breakfast.
Mr. Chertoff. And it's got maybe less than a dozen rooms, would you agree?
Ms. Thomases. Yes.
Mr. Chertoff. And you believe that she spent three minutes on the phone with the hotel clerk?
Ms. Thomases. I don't know who she spent time, or
whether she talked to them, or whether it took the hotel clerk that long to find out that I wasn't perhaps available.
The Chairman. Let me ask you, Mrs. Thomases.
Where were you when you called Bernie Nussbaum?
Ms. Thomases. In my room.
The Chairman. Well, one minute after Mrs. Clinton calls
your room, one minute after that three minute conversation
is called, is recorded, it's recorded that you called Bernie Nussbaum.

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Are you saying now that you were in your room, you didn't receive the call, the hotel operator did, and exactly a minute later, you reached out and called Mr. Nussbaum?
Ms. Thomases. I'm telling you that I remember one

call
with Mrs. Clinton.
The Chairman. No, you were going further.
You were saying – you were suggesting to this Committee
that the telephone call was received by the hotel. You said
just now that you were in your room. You said that you called Mr. Nussbaum.
Let me suggest to you that any reasonable interpretation
– any reasonable interpretation, when you look at the records – 7:55, 7:57 to 8:00 a.m., the Rodham residence, call from the Rodham residence to Susan Thomases' hotel.
One minute thereafter, Susan Thomases' call to Bernie Nussbaum on his pager.
Now let me ask you something. If you said that you were
in your hotel room, and you called Bernie Nussbaum from
there, are you suggesting that the minute before, or three
minutes before, that the hotel had received the call, you didn't get the call, but you just – right after you hung up, or right after someone hung up on Mrs. Clinton – called
Bernie Nussbaum?
That's not believable. It's not credible. And for a distinguished person like yourself, an attorney, to come in

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here and suggest it, it even adds more to the incredulity of it. It's just not right.
You don't want to really say that, do you? Do you want
to stick to that?
Ms. Thomases. Yes.
Mr. Chertoff. Now then, in the afternoon, at 3:08 – and let's go to the second one of these – we received your
supplemental records we received since your last appearance,
we uncovered a new phone call that's at 3:08 to Ms. Williams' office.
Now, that call lasted ten minutes. Did you talk to Ms.
Williams during this period of time?
Ms. Thomases. I think it's possible that I did talk to her at that time.
Mr. Chertoff. And this occurred after Ms. Williams – rather, after the Department of Justice officials had been ushered out of Mr. Foster's office, and shortly before Ms. Williams began the process of going through documents with
Mr. Nussbaum.
Did you discuss with Ms. Williams – not instruct – did
you discuss with Ms. Williams in this call anything about Mr. Foster's documents?
Ms. Thomases. During this period of time, I never discussed documents with Maggie Williams.
Mr. Chertoff. What was this all about?

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Ms. Thomases. Maggie Williams was incredibly upset that
day. She cried through most of our phone conversations,
both of them that I had with her that day.
Mr. Chertoff. Did she indicate to you she was about to
go over and spend a considerable amount of time going through Mr. Foster's records?
Ms. Thomases. She didn't tell me that.
Mr. Chertoff. Now, I see you have the affidavit, which
I referred to earlier, in front of you. Page 5, I'm going to read the question again.
"Describe your involvement with Rose's representation of Madison before the Arkansas Securities Department, including
but not limited to details of the work you performed in 1985
for Madison regarding obtaining approval from the ASD to
issue preferred stock."
Now, I want to read to you from the first paragraph here.
"In the spring of 1985, Madison Guaranty Savings and Loan
Association engaged the Rose Law Firm to represent it in an
attempt to secure permission for the S&L to issue preferred
stock and market it through a wholly-owned brokerage firm.
While I was the billing partner on this matter, the great bulk of the work was done by Mr. Richard Massey, who was
then an associate at Rose and whose specialty was securities
law."

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Now, did you know at that point in time, by the way, that Mr. Massey had just passed the bar in 1984?
Ms. Thomases. Did I know that?
Mr. Chertoff. Yes.
Ms. Thomases. No.
Mr. Chertoff. Do you know it now?
Ms. Thomases. You just told me.
Mr. Chertoff. That's your only basis for knowing about
that?
Ms. Thomases. Yes.
Mr. Chertoff. It goes on to say, "I was not involved in
the day-to-day work on the project. My knowledge of the events concerning this representation, as set forth in this

answer, has been largely derived from a review of the relevant documents rather than my contemporaneous involvement in the representation, since Mr. Massey primarily handled the matter."

Now, I want to go back to your notes, and I want to ask you whether you would agree with me that that is difficult to square with what Mr. Hubbell told you, that "...HC had numerous conferences with Latham, Massey and McDougall on both transactions. She reviewed some documents. She had one telephone call in 4/85, at the beginning of the deal, with Bev..." – meaning Beverly Bassett-Schaeffer.

Can you square those two?

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Ms. Thomases. Can I read the rest of this?

Mr. Chertoff. Read the rest of what?

Ms. Thomases. This answer.

Mr. Chertoff. The affidavit?

Ms. Thomases. Yes.

Mr. Chertoff. Well, certainly.

But I want to just ask you with respect to this statement: "I was not involved in the day-to-day work on the project. My knowledge is derived from a review of the documents, rather than my contemporaneous involvement in the representation, since Mr. Massey primarily handled the matter."

Can you square that with what Mr. Hubbell told you, based on the time records, that Hillary Clinton "...had numerous conferences with Latham, Massey and McDougall on both transactions. She reviewed some documents. She had one telephone call in 4/85, at the beginning of the deal, with Bev."

Can you square those two?

Ms. Thomases. This rendition of what her involvement was was the same she told me in 1992. At the time that Webb Hubbell gave me his rendition –

Mr. Chertoff. Okay. You say "this rendition." You mean what's in the affidavit?

Ms. Thomases. Yes. What's in the affidavit was what I

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was told in 1992 by Hillary Clinton about her involvement and Mr. Massey's involvement in this project. And I never received or saw the time records that you are referring to, and therefore I was not in a position to disagree with her statement.

Mr. Chertoff. But Mr. Hubbell told you he had seen those records.

Ms. Thomases. Yes.

Mr. Chertoff. Now, did Mrs. Clinton herself tell you that she had introduced Mr. McDougall to Rick Massey at a meeting with Mr. Latham?

Ms. Thomases. No. She told me that it was the Latham-Massey relationship that cemented the client relationship with the firm.

Mr. Chertoff. Which had cemented it?

Ms. Thomases. Well, you know, created the relationship.

Mr. Chertoff. Did she tell you that she had nothing to do with bringing the matter in?

Ms. Thomases. I don't know. As I said, I haven't seen all of my notes. But I know there are other notes that I took in conversations with her at the same time that I took Mr. Hubbell's notes. And those notes, as I recollect them, sound very much like this affidavit.

Mr. Chertoff. Let me – I think we may have another page of notes to show you, which we're going to give to you

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right now, and we'll hand out. I'm going to give you the Bates number for the record. I think it's ST 29 or 30 – I'm sorry. ST 39.

Mr. Chertoff. Now, this is a page of notes. It says at the top – there's some phone numbers which are whited out, and it says, "Gurth." I gather Gurth was the reporter, Jeff Gurth?

Ms. Thomases. Yes.

Mr. Chertoff. It says here, "Q for HC." Questions for Hillary Clinton: is that correct?

Ms. Thomases. Yes.

Mr. Chertoff. Now, did Mr. Gurth give you questions, or did you, based on your conversations with Mr. Gurth, develop your own questions that you then put to Mrs. Clinton in this portion of your notes?

Ms. Thomases. Jeff Gurth gave me the questions.

Mr. Chertoff. And then you read them to Mrs. Clinton?

Ms. Thomases. Yes.

Mr. Chertoff. Now, it says here, "Question number one. Did you ever talk directly with McDougall?" That's McD – I gather it's McDougall, right?

Ms. Thomases. Yes.

Mr. Chertoff. "...re Madison S&L, and Rose Firm, and state security commission?" And then it says underneath, "Preferred stock brokerage sub." Again, "preferred stock"

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refers to the issuing of the preferred stock, yes?

Ms. Thomases. I don't know of the issuing. It refers to the subject of preferred stock.

Mr. Chertoff. And the "brokerage sub" referred to the desire of Madison to set up a subsidiary that could actually be the broker-dealer of the stock, right?

Ms. Thomases. Yes.

Mr. Chertoff. Now, to the right, you have the two lines written, "And introduced J. McD to Rick Massey with John..." and you have "Leather."

Is this what Mrs. Clinton told you the answer was?

Ms. Thomases. I don't know.

Mr. Chertoff. When you say "John Leather," do you really mean to say "...to John Latham?"

Ms. Thomases. Latham.

Mr. Chertoff. Where did you get the idea that Mrs. Clinton introduced Mr. McDougall to Rick Massey with John Latham?

Ms. Thomases. This is what I wrote down. I don't know.

Mr. Chertoff. But it says at the top, "Questions for HC." And these were questions Mr. Gurth had given you to ask Mrs. Clinton.

Is it your testimony that this answer did not come from Mrs. Clinton?

Ms. Thomases. It may have come from Mrs. Clinton.

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Mr. Chertoff. You don't remember?

Ms. Thomases. I don't remember, and I didn't specifically mark it with HC.

Mr. Chertoff. Was there anyone else you would have asked about that?

Ms. Thomases. I don't think so.

Mr. Chertoff. I think my time has run well over, Mr. Chairman.

The Chairman. Senator Sarbanes.

(No response.)

The Chairman. We have no further questions.

We want to thank the witness for being with us today. I want to thank my colleagues. Hopefully, we can produce some answer. We've called – I mention this to Senator Dodd – we called the White House counsel's office, both Jane Sherburne and Mr. Quinn. We're in the process of sending a memo basically which asks them if they have anything new to indicate to us. Possibly we'll get a response from them.

Senator Dodd. Mr. Chairman, I appreciate that. Can you give us some sense – we've completed this phase. Obviously, the subpoena issue hangs out there. But beyond that, we've completed now this third phase?

The Chairman. I don't believe that's the case. But I'll ask counsel to sit down and to outline what aspects, and where we should be going. And I would hope they could

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do that, because the clock is running; and attempt to set up an agenda for us to move on.

Senator Dodd. As I understand, there'll be no more hearings on subject matter aside from the subpoena issue between now and after we come back after the 1st.

The Chairman. I am going to keep that open, number one – for two reasons. Number one, if we're here, I'd like to do as much as we possibly can to move this forward.

Secondly, as we develop additional information, it seems to me we should move it as quickly as possible. But I will say it would appear that as it relates to this aspect, we will call Mr. Hubbell back, for example. But I think we're fairly well concluded on this aspect.

That doesn't mean that we may not bring a witness in who could contribute to our further understanding. I have to tell you I have some very real concern as to how we're going to attempt to finish this, all of our inquiry, given the time constraints that we're operating under, and given some of the requests to postpone our activities.

That's why I'm reluctant to say that we will not go forward, because there is that element of the clock. So I do want to keep things going, but I'm going to ask if counsel could see if they can't look at the areas that we know we'll have to go through, and see what kind of time schedule we will be undertaking them in.

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Senator Sarbanes. Mr. Chairman, I'd like to point out that if Senator Dole stays with the schedule he's outlined for the first couple of months of the new year, that it would give this Committee the opportunity to move in a very concentrated way, uninterrupted by votes on the floor of the Senate, or uninterrupted I think by other significant business.

I understand counsel are in the process now of taking depositions relating to the so-called Arkansas phase, the third and last phase of our inquiry, if I'm correct.

The Chairman. I think that is the case.

Senator Dodd. So, aside from the handling of the

Foster
papers, the handling of the RTC criminal referrals, those are one and two. And I understand that the Chairman feels
that basically, we're pretty much wrapped up.
The Chairman. I think it's fair to say.
Mrs. Thomases, thank you for coming. You don't have to
stay any longer.
Ms. Thomases. Thank you very much. Have a nice
holiday.
(Witness excused.)
The Chairman. I think it's safe to conclude that we have dealt with the bulk of those matters. And other than witnesses that may come in that we find are necessary to
supplement, we're going to then move ahead in the third

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phase. And when we will begin that is something that again
is up in the air.
I think, notwithstanding that we might be out, that the
Committee might do best to come in some time earlier in January than our other colleagues might be required to. In
other words, our other colleagues might not come in till late January. I think we might come in ten days earlier.
Senator Dodd. I also made reference to the Pillsbury
Madison report that they, I gather, spent two years and almost $4 million on that report on the criminal referrals. I would hope we'd make that a part of the Committee record.
It seems to me it's a very important element.
The Chairman. It will be made part of the record.
(COMMITTEE INSERT.)

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Senator Dodd. It already goes to the heart of number two of
our work here, on the handling of the RTC criminal referrals. And so, I think that's an important one. And then I would hope we might have some opportunity – and
again on the Arkansas issues, it's not going to stun my Chairman here by raising the issue of how far back we go as
a matter of legitimate inquiry of a Congressional committee,
a Federal Congressional committee, examining the issues of
what happens prior to the Administration coming to office.
I think there may be some ties there. But obviously, if
we're going back, when we start setting precedents like that, I get worried about where we'll be going. I know that
may be on his mind, too.
But at some point, I would like to have a discussion about what would be the parameters of that, what the legislative purpose might be. Again, you always have to have a legislative purpose, so we can at least get some sort
of a sense of what sort of road map we'll be following when
we look at that issue.
I just raise that with you here now. And hopefully, we
can discuss that.
The Chairman. Let me, not for the purposes of extending
our dialogue on this, try to put a little more clarification.
I just want to note that there obviously is a question

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of the bills and the billing that we have not been able to resolve to our satisfaction. So we will be looking into that. We will be speaking to Mr. Hubbell with respect to that, I think we've indicated.
But I think the bulk of our inquiry, I think it is safe to say, as it relates to this, has been taken, and we'll move forward on it.
Senator Dodd. I didn't mean there wasn't a legitimate
inquiry for the independent counsel. I guess my question is
whether or not, from a Congressional standpoint, what's our
legislative purpose in looking at that?
But again, I just raise that as an issue that ought to get handled. For precedent purposes, I can – if we get Bob
Dole as President, I can see someone using the precedent and
suggesting we go back and look at Kansas activities of 40
years ago.
Not that there are any Kansas activities.
(Laughter.)
Senator Dodd. That I know of.
(Pause.)
The Chairman. I've just been informed, and I share this
with my colleagues, that the White House is in the process

of putting forth a new proposal as it relates to the Kennedy notes. I'm not going to attempt to characterize that which Mr. Giuffra gave me.

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I think essentially it goes over the point of attempting to work, I think they said cooperatively with them in attempting to get the special counsel to concede, I guess, the point that my friend and colleague has raised, and my friend Senator Sarbanes has raised, as it relates to the issue of privilege.

But they will be faxing us this. I wish again they had given this to us earlier, and I make this point. We are determined, the Chairman is determined, to press ahead with this matter. We are always open, though, to receiving whatever offer that might lead to us getting these notes without the necessity of going to the floor and/or into the courts. That's a continuing proffer that we have laid out there.

So any time, if we can settle that matter, fine. But we'll continue to move ahead, because I have to say that I think that's the only thing that producing these offers. We'll take it from there. And as soon as I guess we'll receive that communique jointly and together.

We stand in recess subject to the call of the Chair.

(Whereupon, at 3:20 p.m., the hearing was recessed, subject to the call of the Chair.)

Look-See
Concordance Report

UNIQUE WORDS: 565
TOTAL OCCURRENCES: 1,322
NOISE WORDS: 385
TOTAL WORDS IN FILE: 20,059

SINGLE FILE CONCORDANCE

CASE SENSITIVE

NOISE WORD LIST(S): NOISE.NOI

INCLUDES ONLY TEXT OF:
QUESTIONS
ANSWERS
COLLOQUY
PARENTHETICALS
EXHIBITS

DATES ON

IGNORES PURE NUMBERS

POSSESSIVE FORMS OFF

MAXIMUM TRACKED OCCURRENCE THRESHOLD: 50

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