M. Williams Statements
re: Foster

Screened By: NARA (RD-F) Date: 08-06-2018 DOCID: 70105258

MW

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F 126869

July 20. Home. HRC called. Stay put.
called Evelyn.

Bad tried to reach VF during day.
home. Unlike VF not to call back.
Beeper.

in reception area —
outside HRC office.
M Evelyn → she stayed
~~he~~ went to Bear, Pastor (?).
People milling. Sitting in his office.
MB handed statement. → Caputo.
Went back upstairs. 9:38 – 10 pm
worried about HRC schedule

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F 126870

Then went to MW ofc. back to ofc.
Walked back by. No notice of Counsel's ofc.

People around — maybe cleaning people. Not staff people.
Door open.
Light on. Went in.

Patsy at Vince's desk when MW entered
Eyes red / tears.

Patsy: If note, wld give Lisa comfort.
Looking at pix
Sitting on couch. Sobbing.

what Patsy doing → doesn't seem purposeful.

BN. Scratching back of head. in front of VF desk.
There about 5 minutes.
Got up. Walked out. Left Patsy in office.
Back to Gearan's office. Maybe Begala first then Gearan. Recall being on staircase w/ BN.

F 126871

F 126872

Evelyn took home.
Talked to HRC later. Trying to comfort.

20 → T
21 → W
22 → Th
23 → F
24 S
25 S
26 M
27 T

News account re search of VF office.

7/22 – get call from BN 3:30-4 late p.m.
I'm dispersing files in VF office.
Sending material to LBA
Giving material to other lawyers.
Come get papers belonging to HRC
Pres to get to personal lawyer.

Knew search was over.

Not huge emergency. ~~Last~~

Things all over office. Stacks. Drawers open.

Code Things pile collected

BN said — These are files.
Look around see if anything forgotten.

In mind → Chelsea. VF had Q re stocks left to Chelsea by Mr. Rodham. related to blind trust. In Feb heard [illegible] related to Pres. Did see something said re income

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fax: Picked up. Added to pile.
BN in. out to take call
MW in " " " few calls.

Called BBS Barnett in process.
Either before got to VF office or while there.

He said → when ready, send someone to pick up.

Late in day. Next day VF funeral.
Didn't want to hang around.
Called BBN Silvia → not going to send today.

Didn't review pile assembled by BN.

~~BN~~ s
When MW got to office, BN said talked to DOJ. Had impression DOJ said OK.

Called HRC - in Ark. Have files.
Not to Barnett. She said call Carolyn Huber. Locked closet. 3rd floor.

Called Carolyn - Said need to put stuff in closet

F 126873

Walked over to residence. Carolyn already on ground floor. Waiting to catch metro before dark.

Carolyn must have come with agents. Pushed things aside inside closet to make room for box.

Didn't think knew where closet was. Think Carolyn had to show where. MK got key.

B^2 on plane. Spoke. Nothing available.

26th Monday. Didn't think about files. ~~Don't~~ B^2 come to see HRC about something on 1/27 - Tuesday - MK Come to 2nd floor to see HRC and B^2.
What abt files. B^2 Got to get someone from office.

When office called → opened door. Taped box. Taped off. Didn't open. MK signed something.

Never heard about it.

F 126874
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By time knew about note, never saw. Knew mentions of 'Kaki' & renovations. related to press questions.

Absolutely sure did not know about note.

MW asked abt Renovations file → asked Bernie, if ~~Not~~ personal. BN said NO, that is a working file.

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F 126875

MW/2nd

Ronda Bruza

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F 126877

Foster Does — —
Didn't know if already in box
vague how it happened.

Called DRC — could have made
call from either pic. Remember
going back and forth from pics.

Destination was personal lawyer.
Their documents. Put in Residences.

Clothes — how more he could look in
clothes
OK if a Safe in area. Lock on door

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Just very recently looking. Not then.

Didn't even reject idea. Never even thought of keeping in own office, HRC, or even VF office.

OK if BN around to ask/refer to about waiting/clearing docs in VF office.

When she wasn't home, not comfortable leaving anything in residence. Needed to know where to put them when home empty.

X Met Huber at base of elevator. At time, wouldn't have known where 3rd floor closet was. So assume Huber went too.

Chelsea 3rd grade cards in closet. Insurance records. 15

Renovation. Couldn't take seriously like No public funds. Kaki had Secrets temperament. VF got overly serious. Well on way to being resolved at time of death.

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WJC & HRC want to decorate
Ashen trying to please
Decorator from Ark. w/ unlimited
budget

If cover one, need one or two
extras in case grape juice.

(by FBI)
interviewed about issue
b/c of note -- exchanged
mat'l w/ Newnick

*

F 126879

MW II
8/15

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*

7/22. In VF office. Looking around to see if add to file. BN in + out.
Can't remem wh found zerox box,
in box already, got " " elsewhere.
Box in VF office or reception area; not MW office.
Doesn't recall if MW or someone else asked TC to help. No recall him in VF office.

Called HAC to find out what to do w/ docs ~~[illegible]~~ where in world. Maryvc been in MW ~~[illegible]~~ office, taking calls from own office.
Going back + forth VF - MW office @ this time, Clive called HAC from MW office.
Why call HAC - their files; going to their hugs; should be in their hse.
Assumed MW resp for ultimately eventually getting to hugs.
Never [illegible]

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F 126881

F 126882

Were clothes from somewhere, MW's office? [Cld've been HRC's office?]
[Vague recoll] Am elev w/ TC + saying how nice wld look in journ.

Not aware any safe MW or HRC office.

Key credenza.

Office used as conf rm occ'ly by folks w/ small offices. Then not locked.

Never thot about putting in MW/HRC offices, 4 that pers'l so go to resid, 4 [Didnt even consider it. ye.]

Keep nothing value W.W. [BW had asked to take out. Wldnt've obj'd to things there.]

~~Doesnt~~ recall wh BW there when decided to move; not to wait for Darrell messages. No one asked about task moving docs. If undestd really impt files + moving impt, wld've stayed late.

Just that pers'l in nature.

Didnt know much... Not comfortable ever just leaving anything in resid anywhere. ~~all~~ Place wld be empty w/ funeral.

No recollection carrying box to MW/HRC office.

Sometimes clothes, furn, things delivered to MW who then takes over to resid.

No recoll. telling TC what was in box/why taking to.

F 126883

No recall of anyone saying take to resid so Pres/HRC did rev.
Dont remember anyone else in elev.

Met Carolyn in hall by elev up to resid. Said something about metro. Think she rode up elev w/ them; MW not sure knew where rm was then.
Now know " 3rd flr closet is,
Locked closet - always used as closet for [illegible] pers'l papers...
- Chelsea's old [illegible] cards, ins recs
Rm then had boxes [illegible]... Now shelves.

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notes/memos — SW more involved aft VF death.
MW involved bef.
[illegible] done worrying about - [illegible], no publicity, Kaki's decorator [illegible]. VF viewed [illegible] overly seriously.
Well on way to being resolved bef. 7/20.
Surfaced again b/c VF note.
[illegible] tire + B. + [illegible] - Gary - wanted to [illegible] ⇒ [illegible] 2.
+ [illegible] [illegible]. ⇒ [illegible].

ID'd memo file for SW. Said part of ongoing work in office.
VF widow shown her memos. docs. She had copies some docs.
Dont recall [illegible] [illegible], or giving SW file.

Dont recall disc'g file in VG office
of [illegible] note.
Talked lot w/ SN re issue. ~~[illegible]~~
Rev'd Docs w/ him. Udall gives some
docs

F 126884

OFFICE OF THE INDEPENDENT COUNSEL

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INTERVIEW OF: :
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MARGARET A. WILLIAMS :
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Washington, D.C.

Friday, October 28, 1994

Interview of:

MARGARET ANN WILLIAMS

a witness of lawful age, taken on behalf of the Office of Independent Counsel, pursuant to notice, before Amy K. Rose, Verbatim Reporter, at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Northwest, Suite 490 North, Washington, D.C. 20004, commencing at 11:05 a.m.

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Appearances:

On Behalf of Independent Counsel:

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On Behalf of Ms. Williams:

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C O N T E N T S

Examination By: PAGE

Independent Counsel 3

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PROCEEDINGS

Whereupon,

MARGARET ANN WILLIAMS

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

EXAMINATION

BY MR. STEIN:

Q Please state your name and spell your last name.

A Margaret Ann Williams. Williams, W-i-l-l-i-a-m-s.

Q For the record, Ms. Williams has been before the grand jury on two occasions. There are some remaining questions that we have for Ms. Williams, and she has agreed to come in here, be placed under oath and be asked these questions in a deposition format, and so we will proceed that way.

Ms. Williams, I want to direct your attention to July 22, 1993, which was two days after the death of Vincent Foster. Did you --

A Is that a Wednesday or Thursday?

Q That's a Thursday.

A Okay.

Q Were you aware that on that day a search was made of Vincent Foster's office, conducted by Bernard Nussbaum in the presence of the Park Police and others?

A Yes.

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Q Were you aware of that before it happened?

A Yes, I --

Q When did you first become aware that that was going to take place?

A I'm not certain, but it may have been either at a senior staff meeting or from the radio or from a newspaper. It seems to me that I have this sense that I was on my way to work and heard that a search was being conducted. That's -- like what I heard from it.

Q Do you remember any specific conversations that you had with anyone within the White House about the search, prior to the time that the search took place?

A I don't remember specific conversations, but it was certainly all abuzz. I'm sure I was -- I mean, I'm sure I was in conversations. I don't remember though.

Q Do you remember anything generally or specific about any conversations that you had about the search prior to the time that the search took place?

A There was general issues around executive privilege that were being discussed. I know that for a fact.

Q Did you participate in any discussions about executive privilege?

A I probably did, but everyone was talking about it. I don't remember a kind of a formal setting in which it was happening, but I do remember that there was discussion about

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it.

Q Do you recall anyone stating their view about how the search should be handled?

A I remember everyone stating their view.

Q Can you name any people that you recall stating a view and, if you can, state what their view was as to how the search should be handled?

A I'm sure Bernie had a view about it. I don't really recall exactly what it was. I don't even know if I had a view about it. But a lot of people -- there was a lot of discussion about it.

Q Just to make sure that I understand, other than your recollection that there was a lot of discussion about it, do you remember anything more specifically about any conversations that took place about the search, prior to the time that the search took place?

A I don't remember a specific conversation, but I have a feeling that either I was standing around in the conversation or sitting around in a conversation about it, but I remember executive privilege as being part of that discussion.

Q Did you state a view as to how the search should be conducted or state a view as to any aspect regarding the search?

A I may have.

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Q Do you recall what your view was?

A I may have. I don't -- I don't know if I knew exactly what the process was going to be, but since I'm always interested in process, I may have talked about what the process is.

Q But you don't recall what your opinion was as to how the search should be handled?

A I don't. I don't recall it as being something I was really focused on, but I generally have an opinion about everything, so --

Q Did you speak to the First Lady about any issue regarding the search prior to the time that the search took place?

A I don't remember speaking to her about it, although, like in the aftermath and since people have been discussing it, I may have discussed it with her, but I don't remember. I know that I was on the phone with her, back and forth, for any number of issues. One, she had an event on Thursday at the Children's Hospital. And so, I mean, I can't say specifically if we did, but I can't say specifically that we did not.

Q Do you recall any discussion with the First Lady about documents that may have been in Vince Foster's office?

A No. Uh-uh. Uh-uh.

Q And you don't recall specifically one way or

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another whether you discussed with the First Lady the process that would or could be followed in the search?

A Yeah. I don't remember a specific conversation. I'm hesitant to say there was no discussion, because it seems to me everybody was kind of discussing it. So I, you know, I don't remember specifically, but I know that I had talked to her back and forth on any number of issues, and we may have. I just don't think of it as uppermost on my mind.

Q Did Bernie Nussbaum or anyone else ask you to check anything out with the First Lady regarding the search?

A No. I don't think. No. I don't recall anybody asking me.

Q Did --

A I don't recall anybody asking me specifically.

MR. DENNIS: Mark, are you asking whether or not she was asked to consult with the First Lady about the search, prior to it taking place?

MR. STEIN: Yes, or any aspect of the search.

THE WITNESS: Yeah. I don't remember anyone specifically. Let me say, once again, I'm -- since I don't remember all of what happened, I'm trying to put my head in -- is what usually people might say to me.

People have always asked me from time to time what it is -- do I know if Hillary has a view on it. I don't know if they asked me that day. They could have. I don't -- I

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mean, it's -- but I don't remember it. I wasn't focused on it as an assignment for me. There was a, I won't say, casualness, but there just seemed to be a lot of informal discussion.

BY MR. STEIN:

Q Were you asked to do anything in preparation for the search that would be conducted in the office?

A No.

Q Did there come a time when you learned that the search had taken place?

A Yeah. But --

Q Do you have any specific recollection as to who you heard it from or what you heard?

A No. But I think that the newspaper had said or the radio had said that there was a certain time that it was taking place. So I kind of knew about a time that it was taking place.

Q Do you recall any conversations with anyone in the White House at which time you were informed of what had occurred during the search?

A What had occurred during the search?

Q Yes.

Q How the process went, anything that occurred during the search, were you told that by somebody within the White House?

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A I could have been or I -- yeah, I could have been. I don't know at what point I had, but I'm sure I -- I don't know if it happened that day or I knew later. I could have known.

Q But you don't remember anything specific about that?

A Yeah.

Q Do you recall sometime on July 22nd being asked to assist Bernie Nussbaum with something that he was doing in Vince Foster's office?

A That's Thursday?

Q Yes.

A Yeah. Mm-hmm.

Q Okay. Can you tell us approximately when on July 22nd, Thursday, that took place and what Bernie Nussbaum asked you to do?

A I was in my office, the Old Executive Office Building, and I got a call from Bernie saying that he was dispersing the files in Vince's office to lawyers. He was dividing up Vince's work or something, and that he had personal files and he wanted me to get them to Bob Barnett, the personal lawyer at Williams and Connolly.

Q Do you recall approximately what time that was that he called you?

A I want to say that it was late afternoon, 3:00 or

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4:00. It seems that it was late afternoon.

Q Did you have any knowledge at that point whether the search of the office had already taken place?

A I guess I did. I assume that it had taken place, because I thought it happened in the morning. That's the time I guess I assumed. I didn't have any like -- no one would call and report to me that the search was taking place. I wasn't in that kind of a loop.

Q Do you know if Bernie Nussbaum told you that at the time that he called you?

A No. I don't remember if he told me that.

Q Do you recall anything else that Mr. Nussbaum said to you at the time that he called and asked you to assist him with that, with transferring the documents?

A Well, at the point that he called, I just said I'll be over, you know, as soon as I can.

Q Did you have any understanding as to why Bernie Nussbaum was calling you?

A No. I mean, I -- the -- boy, this -- I'd be highly speculative. I mean, I don't know why Bernie would call me, but --

Q I realize that you can't get inside Bernie Nussbaum's head, but it would be helpful if you would give your best understanding as to why it would be you that he would call.

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A Well, I mean, he knew that I had a relationship with Bob Barnett as the personal lawyer.

Q I see. What do you mean, you had a relationship with Bob Barnett?

A Well, I can -- I can't describe the relationship, only in terms of kind of stuff that we would work on together. That would be probably personal -- to anybody else it might be personal, but then it would get public because they were the President.

For instance, in the archives at Wellesley -- they keep the best archives around, and they have like notes from teachers about Hillary, photographs, all kinds of stuff in there. And when she became First Lady, one of the things that we had to think about was, you know, people kind of coming and looking at the archives and swiping stuff. And I found out that there were archives at Wellesley because reporters were trying to get to them.

And so Bob Barnett and I went up to Wellesley and tried to work through a process by which people could look at the archives but they would be checked out and that they would be in some secure place, you know, stuff like that.

So it was -- so there were issues like that or there would be lots of letters asking Hillary if she wanted to write a book. I mean, you know, almost immediately, which was more personal than it was public, and it was something

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that was not necessarily something the White House counsel would deal with, but I would call Barnett and I would say, you know, can you deal with them or say no to them or whatever.

Q Did you deal with Bob Barnett on issues exclusively related to Mrs. Clinton, or did you also deal with him when personal matters came up with respect to the President?

A Well, I would say on, say, a personal/public matter would be like their income taxes.

Q Right.

A And there would be a lot of press inquiries about their income taxes, and I believe in the -- well, I guess the first taxable year, since Mrs. Clinton made most of the money, that -- and Bob Barnett had been the person who had, you know, figured out who their tax people should look at and, you know, I would say, well, who is going to be the spokesperson for both the President or is there going to be a release about this, you know.

So I just was trying to think of another personal -- or I might -- Bob Barnett might be the person I would check with on something that had to do with Chelsea, say, like when she went to Sidwell Friends. It's private property, but she's getting a lot of attention her first days there. So, you know, there are only so much that we could do as the Government or the Secret Service around issues of, you know,

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letting her have kind of a good first day at school.

But then I might go to Bob Barnett to find out if there would be any kind of personal remedies that might be available, that they might have as parents, you know. So it was, you know, kind of --

Q To your knowledge, was there any other White House staffer that also had extensive dealings with Bob Barnett?

A To my knowledge -- extensive?

Q Well, I guess what I'm trying to find out, and maybe this is a question that you can't answer, but a question we have is whether you have any understanding as to why Bernie Nussbaum or someone else from the counsel's office couldn't have handled this themselves rather than call you.

A Oh. I don't have a --

Q Do you have any understanding?

A Well, I don't have an understanding, but I do know that -- I mean, people -- I mean, I was the person who, when these little things would come up, would talk to Bob Barnett.

Q Had Bernie Nussbaum ever called you before to ask you to discuss something or provide something to Bob Barnett?

A You know, not that I can recall, And I can't be specific about this, but I could see an instance where I might call Bernie, thinking it was a public issue or something that counsel's office might want to do, and he might say, "You should probably talk to Bob Barnett about

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that." I mean, I could see that occurring. I can't remember specifically, but given the kinds of things we were dealing with when we first got there, I could see how that might happen.

Q Can you tell us what -- did you go over to the White House?

A Mm-hmm.

Q And, to the best of your recollection, approximately what time was it when you got there?

A I think I took a couple of phone calls after I talked to Bernie, so it wasn't like right away. So it was still around that 3:30, 4 o'clock, maybe, 4:30, something.

Q And can you describe what happened when you went to the counsel's office?

A Mm-hmm. Yeah. I walked in and there were stacks of files all over and all the drawers had been pulled out.

Q Was this in Vince Foster's office?

A In Vince's office, right.

Q All right.

A And Bernie said -- either he said, "Those are the files over there." I mean, he directed me to some group of files that he had gathered, but everything was in stacks. And I don't know if it -- I can't really remember if they were in a box or I got the box, but there was some designated group of files that he said are the ones that I was taking.

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Q All right. And what did you do after he pointed to the pile?

A I said, "Okay." And he said -- in addition to that he said, "You might want to eyeball the place or take a look around, because there might be something that I overlooked."

Q Now, what did you understand him to mean when he said something that he overlooked? Did you know what you were looking for?

A No. Uh-uh.

Q Did you know the category of document you were looking for?

A Yeah. Well, he had said personal files, so in my mind I had a couple of things. I mean, I'd be looking for something that would say "Chelsea." I'd be looking for something probably that said "Blind Trust," because that was what was kind of in play during that period.

But I think it was mostly a judgment call. He wasn't being specific and I took it to mean that -- I mean, it seemed like everything was out that could be out with all the files, so I didn't look at any files that were already out in groupings. I kind of did what I would say is like my hotel room check. I looked at the drawers, you know, that were open, to see if there was anything.

And there was one file drawer that was pulled out and there was a file that said, "Taxes" or "President

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Clinton's Taxes" or something about taxes. And I remember that I grabbed that file. I don't know if it was two or one or whatever, but I remember -- I do remember physically getting the file out of that drawer that I thought was --

Q Was that in a desk drawer or in a file cabinet?

A It seems to me it was in -- they don't really like have file cabinets in Vince's office. They're kind of like bureaus.

Q Next to the desk?

A Yeah. I think it was the one -- there seems -- there was -- it seems like there was a bureau on one side of Vince's desk, and on the other side of Vince's desk was a bureau that had bookshelves on top of it, I think, and then, you know, so there were drawers.

Q What did you do with the income tax files?

A I put it on the stack that Bernie had designated.

Q Did you find anything else to add to the stack?

A That's all I remember. I don't know if I picked up the file or if I asked him about the file. I asked about the renovation file. I asked Bernie about it, the house, the private quarters renovation file.

Q What did you ask him?

A I said, either, "Is that file in here with the personal ones?" or whatever.

Q And what did he say?

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A He said, "That belongs to the office, the counsel's office. That's something that we're working on." But I thought since it was, you know, in their house, but, you know -- so I was just trying to think of stuff that was happening.

Q Do you remember any other conversation that you had with Bernie Nussbaum during the process of trying to find additional files?

A During the process of -- I mean, I -- we were -- I don't know. He was kind of in the office and out of the office, and I got a couple of phone calls and went out of the office. My other office is right down the way, and I remember either Bernie's secretary coming in or Pam Barnett, who works for Hillary, coming in and saying I had a couple of calls or something. So I was in and out, but I don't think -- we probably -- I don't --

Q Was anyone else in Vince Foster's office during that period, other than you and Bernie Nussbaum?

A Vince's secretary, Deborah Gorham, was around.

Q Was she doing anything inside Vince Foster's office?

A I mean, she could have been. It just seemed like everything was out, and I don't know what -- you know, she was kind of coming in and coming out and picking up the phone.

Q Did you see if she took any files out of the

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office?

A No. I don't remember her taking files out of the office. I mean, I -- it didn't seem very systematic in there.

Q Were the piles only on his desk or were they on other places in the office?

A The files that -- that I was supposed to take, I believe they were on a coffee table, I think, in front of Vince's sofa. I don't remember them being on the desk. I kind of remember them being on that table.

Q How long did you look for additional files?

A Not long, just -- I mean, it was like a once-around the office. I mean, I just -- it's not a very big place. And most of it was like a visual, you know, check, and I saw a drawer out, and I went over and I looked in it.

Q Was it five minutes, ten minutes, longer than that? Do you have any idea?

A It didn't seem -- now it seems like a hundred hours. It didn't seem -- it wasn't a long thing, but the other thing I remember about that was that I was coming in and out of -- going into my office. I mean, I just remember kind of being in motion and trying to take care of other stuff.

Q In the process of trying to select documents that belonged in the pile that was going to be transferred out,

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did you speak with anyone about that, other than Bernie Nussbaum?

A No. No.

Q Did you speak to Mrs. Clinton about what documents belonged in that pile?

A No. Uh-uh.

Q Did you speak to Mrs. Clinton about the fact that there was going to be a pile of documents transferred to her personal attorney?

A Maybe after the fact, I did.

Q Do you recall speaking to her after the fact about it?

A Oh, yeah.

Q Do you remember when that occurred?

A Yeah. It was -- well, it was that same day and it was at the point that I called her to say, "Where do you want these put in the residence?"

Q All right. Let's get to that in a minute, then.

A Okay.

Q Did you look through the pile that was already there when you got there?

A No.

Q After you finished looking through the office, what did you do?

A Well, I don't know if I went into my office to take

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another phone call or what happened, but at some point the files got put in a box. And I don't know if I went to get a box to put them in a box. I don't know if there was a box beside the files ready for me to put it in or if what I did was to go and get a top to put on the box. It was like a Xerox box. But I did, you know, something and then sometime in there, I talked to Hillary and I also talked to somebody at Williams and Connolly.

Q All right. First of all, did you personally put the -- take the documents off the table and put them in the box?

A Well, that's what I don't -- I'm not clear about that. I mean, I could have. I don't know if I did that.

Q Did they fit in one Xerox box?

A Yeah. I think they did. Yeah, I think.

Q What did you talk to Mrs. Clinton about?

A Well, there were two calls. The first thing was -- let one just give you a little context. Vince's funeral was the following day, the Friday, I guess, and I was going to have to -- I was deciding whether or not to go to Vince's funeral. I didn't know if I could deal or take it. But I kind of in my mind made up that I was going to take it.

I also was kind of worn out by the day, and a couple of calls, and I thought, it's getting to be around 5 o'clock or so, I haven't called Williams and Connolly to say,

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"Come pick it up," but at the point that I call them to say pick it up, it'll be another 10 or 15 minutes before they come, and I just really want to go home.

So I called Williams and Connolly. Either I talked to Bob or I talked to Sylvia, his person. I don't remember which.

Q Sylvia?

A Sylvia who works for Bob Barnett.

Q As a secretary?

A Yes. So I may have just called and talked to Sylvia or I may have called and talked to Bob, but I called Williams and Connolly.

Q And what happened when you called Williams and Connolly?

A And I said, "It's getting late. I have these files, and, you know, I'm just going to put them up here. Don't come and get them. I'll send them -- I'll call you to come and get them later."

Q Later that day or --

A No. Just -- I just said "later", that it wasn't going to happen that evening.

Q In your mind "later" meant another day?

A Yeah. And I think something that I hadn't said earlier is that at some point I had called Bob Barnett's office to say, you know, "I'm going to send you the files,

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the personal files of the Clintons."

Q I see. So there were two calls that afternoon to Bob Barnett?

A Yeah. I had two -- yeah, because -- yeah.

Q Did Bob Barnett have any response when you said you were going to send him the personal files?

A I think he may have known already. I got a sense that he had talked -- that, excuse me, that he had talked to Bernie or somebody. I mean, this wasn't -- I mean, he didn't say, "What personal files?" I mean, this -- it just seemed like he knew what was in the works to me.

Q What happened after you spoke to Bob Barnett?

A Oh. Then after I talked to Bob Barnett, I had pretty much decided I was going to take them over to the residence. So then I thought I should call Hillary and find out where she would like them put in the residence.

Q Why did you decide to take them to the residence?

A You know, it wasn't a major decision on my part. The way I explained it to Ed, it's kind of like, in my own house where my personal files are, with my car insurance and my taxes, they're in a little silver box. I have no reason to put them there, because it's not necessarily safe or anything, but it just seems to me that since it's personal it goes in the silver box.

And I thought since it's personal and Bernie was

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moving the files, they should go to the house, and I didn't know where she would want them in the house. And I mean, the context for that is, it's -- I mean, it's not unusual for me to carry stuff from the office, stuff that comes from the office that's personal that should go to the residence.

Q Can you give us another example of that?

A Oh, God, there are lots of examples. You might get somebody -- Michael Jackson once sent this huge thing to Chelsea, but it came to the office. So part of the decision was, do we really want Michael Jackson sending Chelsea a huge thing? So should I just leave it here and write a note, or should I get it over to the house and actually give it to Chelsea, or should I just, you know, send it to the gift unit, you know?

So it was kind of -- it would be kind of a weird thing and I'd say, you know, "I got this thing from Michael Jackson, Hillary. Should I send it to Chelsea or should I just send it over to the gift unit. This is kind of a weird thing."

So -- or you would have lots -- in the beginning during this time, lots of -- oh, lots of people would send Hillary hats or designer things or a bag and they would come to the office. And, you know, so did she send off for this and want this and it should go to her house or is someone soliciting? Should it go to the gift unit, or -- you know,

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so it would just be kind of trying to figure out where stuff should end up.

Q Did -- I'm sorry.

A Go ahead.

Q Did anyone instruct you to take the documents to the residence?

A No. Uh-uh.

Q Did you consider putting the documents in either your office, the First Lady's office, or leaving them in the counsel's suite until they could be picked up by Williams and Connolly?

A No. I didn't. I just thought I was there to take them somewhere. It was going to be Williams and Connolly, and since they were personal and, you know, I had in some ways, I guess, screwed up, because I hadn't gotten them directly over to Williams and Connolly, I thought, I'll put them in the residence.

Q Was there a reason that you had to call the First Lady directly to ask her where in the residence you should put the documents?

A Well, because, one, I knew the President was going to be going to the funeral the next day, right. So there would be no one really kind of in the house, so, you know, I didn't know if I should just bring them up and put them in their small kitchen. Sometimes they leave things out in the

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dining area.

I mean, so -- and once again, in my head, I'm thinking personal files, I'm thinking their tax stuff, their -- you know, it's not just the kind of stuff like you would leave on the coffee table. So I said, you know, my mind was, "I'm going to take these to the residence, let me call Hillary and ask her where."

Q And you called her in Little Rock?

A Mm-hmm.

Q Where was she in Little Rock?

A I think she was at her mom's house.

Q And can you tell us to the best of your recollection what your conversation was with her at that time?

A Well, it was pretty quick. For some reason I just remember it being pretty quick and me saying something like, "I'm not going to get these over to Williams and Connolly" or "I have the personal files. Bernie gave me the personal files and I was supposed to get them over to Barnett. I'm probably not going to do that today. I'm going to take them to the residence. Where do you want them?" You know.

Q And what did she say?

A She said, "I think Carolyn has a closet up on the third floor that you could use to store them. You should call Carolyn."

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Q Who is Carolyn?

A Carolyn Huber.

Q And who is that?

A She kind of takes care of the President's, you know, personal things, like his insurance papers or, I guess, their credit card bills, you know, their personal stuff.

Q Did you have any other conversation with Mrs. Clinton at that time?

A No. That was it.

Q Did you speak to her again that day about the transfer of these papers?

A No. Uh-uh.

Q Did she ask you any questions about what was in the personal papers?

A No.

Q What did you do after you spoke to Mrs. Clinton?

A I called Carolyn.

Q And what happened?

A And told her I'd talked to Hillary, I guess, and she said to put them on the third floor, that she had a closet there that she stored stuff.

Q Did you know what closet she was talking about?

A Then I didn't.

Q Did you make any arrangements with Carolyn Huber during this conversation for the storage of the documents?

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A Yeah. I mean, she said something -- I don't know exactly how this went -- either that, you know, to bring them over and she would lock them up. And I always remember Carolyn saying that -- either to get them there soon or something, because she had to go catch the Metro and she didn't like to walk there when it was dark, but there was something like that. And I had said, "Well, I'll bring them over."

Q Was that your whole conversation with Carolyn Huber?

A Yeah. It wasn't a lot.

Q What did you do next?

A I don't know what I did next, because I don't know the sequence of all these things. Either they were in a box and I went to get a box top for it, or I went to get a box to put them in. I may have taken another call in my office.

Q But to this point the documents -- at the time that you spoke to Carolyn Huber, was the documents still in Vince Foster's office?

A Yeah. Mm-hmm. Mm-hmm. Yeah.

Q Go on, what happened next.

A Well, this is -- I mean, it is out of sequence. I don't -- I just remember making calls from Vince's phone. I mean, in my mind I just remember doing one after the other, calling Hillary. I mean, I kind of remember a sequence of

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three calls, you know: calling Bob Barnett or Sylvia, saying, "They are not coming"; calling Hillary saying, "I'm not sending them but I'm going to take them to the residence, where"; and then calling Carolyn Huber and saying -- I just remember some calls.

Q Did you get the sense from talking to Mrs. Clinton that she already was aware that there was going to be this transfer of personal legal documents to Williams and Connolly or were you informing her of that for the first time? Do you know?

A I don't know if she -- I mean, whatever it was, she seemed comfortable. I mean, it wasn't like she asked me any questions, I mean, but that's not to say that, you know, after I said Bernie asked me to come over and get the files and send them to Williams and Connolly, I mean, she could have just thought, okay, if Bernie says it. I mean, I didn't get any -- it was pretty nondescript.

Q After you made your series of phone calls, what did you do next?

A Like I said, I either boxed them or put a thing on them. Then for some reason, either I asked Deborah or I asked an intern in the office to help me carry them to the residence or carry the box to the residence or --

Q You don't remember if you asked Deborah Gorham or someone else?

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A Yeah. I don't know if I asked Deborah Gorham to get me somebody or if I saw the intern, that young guy there, and asked him myself.

Q Is the young guy you're thinking of Tom Castleton?

A Yeah.

Q And what happened after you asked either Deborah Gorham or Tom Castleton to help assist you with the movement of the box?

A Well, either this -- I'm not really clear about. A couple of things could have happened. Either I asked Tom Castleton to go get a box to put them in, either I asked him to go get a top to put them in -- put on it instead of me doing it, either I had the box already, you know, with the box and said, "Carry this." But, you know, some way he ended up going with me to the residence.

Q So he -- Tom Castleton carried the box?

A Mm-hmm.

Q And you went over with him to the residence?

A Mm-hmm.

Q Do you remember if you were carrying anything over to the residence at that time?

A I don't remember if I was carrying anything over to the residence at that time. But, you know, I will say honestly, I've been asked that question and people have suggested to me that I may have been carrying dresses over to

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the residence.

And, while I don't remember it, there is some logic to -- I mean, you know, I'm not like a weak girl. There's not -- like I couldn't carry a box of files over, normally. So having something else in my arms does not -- you know, could have been. I don't remember it specifically, but it could have been.

Q What happened when you and Tom Castleton got to the residence?

A Well, we walked in on the ground floor, as I recall. In my mind either -- I have this picture of Carolyn Huber on the ground floor with her handbag in her hand, being a little piqued because sundown is coming and she wants to get these boxes or she wants me -- she wanted me to hurry up and come.

Q Let me ask you a question about that. You said sundown was coming. This is July.

A Mm-hmm.

Q Does that help you recall approximately what time it was when you went over there with the files?

A Maybe it was like 5:00 or 5:30 or --

Q Because -- it's just an estimate, but I think sundown wouldn't be until after 8 o'clock.

A Yeah. Yeah. Well, I don't -- I don't remember it being that late. I really don't remember it in time being

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that late, but I do remember Carolyn not wanting to walk alone to the Metro in the dark, was her big deal.

Q All right. So what happened when you got there?

A Either she gave me the key and I went upstairs and opened the closet, although I don't believe that I knew where the closet was at that point in time. I mean, now, of course, I know where that closet is. But I'm not sure I knew where it was, so there's something that tells me that Carolyn met us on the ground floor. I just have this picture of her with her handbag. And we went up on the elevator to the third floor. Either I had the key or Carolyn came and undid the -- unlocked the door.

Q Can you describe exactly where the closet is?

A Yeah. When you walk off the elevator on the third floor, there is kind of a huge hall. And if you kind of go to your -- if you go to your right, there's one room and then if you kind of go to your left, but almost directly in front of the -- well, you come out of the elevator and you go to your left. You have to go to your left.

And right there you can see across a room and then it's kind of a small room. And during this period, they had lots of boxes and things up there, because they hadn't quite gone through everything, you know. There were lots of books and, you know -- because Carolyn was sorting through things and whatever. So you go into this room and then there's a

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little closet and --

Q Did you look inside the closet?

A Mm-hmm.

Q What did you see inside the closet?

A Other boxes.

Q Do you have any idea what else was being stored in there?

A I assumed or I heard someone say that it was -- or maybe I just know it now -- that Carolyn put like their, you know, insurance papers, I think, old stuff that belonged to Chelsea like maybe grade cards, but lots -- it seemed to me it was like a paper place.

Q And who actually physically placed the box inside the closet, do you recall?

A I'm pretty sure that Tom did. I mean, I can't imagine that we'd get the guy to carry the box and then not make him place it.

Q Do you know if he placed it front and center or somewhere else in the closet?

A Front and center. I think that there were -- now, I'm really not sure about this, but it seems to me we had to make some adjustment in the closet. Either we had to move a box that was there over, but there was some adjustment made.

Q Do you know if you or Carolyn Huber locked the door after the box was placed inside the closet?

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A I'm sure I -- I'm sure I locked it, because we had to unlock it, and I'm sure my natural inclination would be just to lock it back.

Q Do you have a specific recollection of that or are you just assuming that took place?

A I'm just assuming that it took place. I mean, that just -- I can't imagine if I -- if we unlocked it that I wouldn't lock it back.

Q Did you keep the key to the closet?

A Yeah.

Q Why?

A Carolyn handed it to me. She said, you know, "Here's the key to the closet." And I don't know if -- and I was just thinking about this -- I don't know if she gave me the key because she wasn't coming back right away from Arkansas, because she also was going to Arkansas for the funeral and she's from Arkansas, and if she was going to go for a while.

I don't remember that, but I know that I had the key and I remember I used to have a plastic key chain that I would keep on my wrist, and I remember putting that key on my key chain.

Q It was a single key?

A Yeah.

Q Did Carolyn Huber indicate to you or did you know

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whether it was a copy of Carolyn Huber's key or if it was her only key?

A I don't know.

Q Do you have any idea who else, other than yourself, had a key to that closet at that time?

A No.

Q Do you know if the President and/or the First Lady had a key to the closet?

A No.

Q Did you go back into that closet at any time the rest of that evening, July 22nd?

A No.

Q On July 22nd, did you have any conversations with anyone else, other than what you've told us, about this transference of the documents?

A No. Uh-uh.

Q July 23rd, the next day, I take it you went down to Little Rock for the funeral?

A Right. Mm-hmm.

Q Did there come a time when you spoke to Bob Barnett about the documents?

A I'm sure I did, I mean, because we -- we were waiting after the funeral in this airport coffee shop.

Q Bob Barnett was there, too?

A Mm-hmm.

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Q He went to the funeral?

A Yeah. Mm-hmm.

Q And do you remember a discussion that you had with him about the documents?

A Something about, you know, him getting the files when he got back or I -- I mean, I don't exactly know the conversation, it was -- whatever it was, it was probably offhand, because we weren't really having a huge conversation, but my feeling was, you know, I had talked to him the other day about delivering files to him, didn't get them there, because, you know, I kind of sloughed off a little bit.

And he was there and I probably just said, you know, "I'll get those files to you." And I'm sure Bob said, "Well, whenever you get them to us will be fine," or something.

Q Was this short conversation on Friday, July 23rd?

A The day of the funeral, yeah.

Q Did you have any conversations with anybody else that you can recall on Friday, July 23rd, about these documents?

A No.

Q And did you have -- when did you return to Washington?

A Late that night.

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Q Let's take it up until Monday, July 26th. At any time over that weekend did you talk to anyone about the documents?

A Uh-uh.

Q Do you have any knowledge of anyone going into that closet or looking at these documents up until July 26th?

A Monday or Tuesday.

Q Yes.

A Up through -- no, I don't. Uh-uh.

Q On July 26th -- when were the documents actually transferred to Williams and Connolly? Do you know if it was Monday, July 26th, or Tuesday, July 27th?

A I believe it was a Tuesday, July 27th. For some reason I think it's a Tuesday.

Q Up until the time that you actually transferred the documents to Williams and Connolly, did you go into the closet for any reason?

A No.

Q Do you have any knowledge of anyone going into the closet up until that time?

A No.

Q Did you have any further discussions with anyone about those documents prior to transferring them to Williams and Connolly, other than what you've already told us?

A The only other -- I mean, prior to transfer?

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Q Yes.

A I had a conversation about the transfer on Tuesday.

Q All right. Tell us about that.

A Bob Barnett was in the residence, seeing Hillary about something. I don't know what it was. And I came up to the residence, and Bob said, you know, "We ought to get those files over to Williams and Connolly," and so he said, "I'll call somebody right now." And then he called somebody from his office to come over and get them.

Q Why did you go to the residence at that time?

A Oh. I don't know.

Q An unrelated reason?

A Yeah. I don't know. I'm in and out of there. Yeah.

Q Up until the time that you, I guess, bumped into Bob Barnett in the residence, had you given any thought to the transfer of the documents that week?

A I think I had completely forgotten about them, quite frankly.

Q Was there a time that you returned a document or documents to the counsel's office or to Bernie Nussbaum, indicating that they didn't belong with the personal papers?

A I don't remember that, but I wouldn't have done that on my own, I think.

Q Do you remember somebody telling you to do that?

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A No. I'm just trying to think how I would decide that it wasn't -- shouldn't have been in -- I don't remember returning anything to Bernie. I do remember the discussion about a renovation file.

Q Now, you indicated that that occurred on July 22nd?

A Yeah. Right.

Q Was that renovation file already in the pile to be transferred or did you see the renovation file?

A No. I remember asking about it. I don't remember necessarily seeing it in the pile. I didn't look through the pile that was there. I mean, the only thing that I can remember, in terms of specifically, you know, a file that was marked, you know, that I would remember it, would be the one I picked up, the tax related file. I remember that they said "President," whatever. Everything else I didn't even pay any attention to.

Q You don't recall anything else about a document being returned to the counsel's office by you?

A I don't recall. A document?

Q Or a file.

A I don't recall.

Q Can you tell us how the transfer took place on July 27th?

A Bob Barnett called someone from his office, and I think that I probably called someone in my office to get his

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information so that he could get in, the security information, you know, all that kind of stuff. And the guy came over -- it seems like maybe 15 minutes or whatever later -- and I was still in the residence, on the second -- you know, I just, I guess, continued to visit with Bob Barnett.

And he came or I went to get him, took him up to the third floor. I still had the key on my wrist. I opened the door, said, "This is the box." He -- either he brought some tape with him -- maybe he must have brought some tape with him, because he taped the box shut.

Q Up until that time it had not been taped shut or -- in any way?

A No. Uh-uh. Uh-uh.

Q Was the box in the same spot as it was left?

A It appeared to be.

Q Did you notice anything different about the box when you went back into the closet?

A No.

Q At any time when you went back into the closet, did you take the lid off, prior to the time of being taped up?

A No. Uh-uh. I just kind of moved the box to the table and he taped it.

Q Do you remember who it was that came over to pick them up?

A He seemed to have red hair and a red mustache. He

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wasn't like a courier. He was like an adult person. I mean, he, you know -- I just remember he had a suit on and he --

Q Do you remember any discussions that you had with him at that time?

A No. Not about the box. I mean, he was pretty businesslike. I mean, he just came and taped it, and then he asked me to sign something, which I assumed was, you know, like a release that I had given them over to him.

Q Did you lock the closet back up after he took the box?

A Yeah. I can't imagine that I didn't lock it. I mean, it just would be my --

Q Did this person in the suit carry the box himself out of the residence?

A Mm-hmm. Yeah.

Q After the box was turned over to Williams and Connolly, did you ever at any time have any discussions with anyone about this transfer of the documents, other than your attorney?

A No. I mean, there was nothing else to say about it.

Q To this date have you ever had a discussion with Mrs. Clinton about the transfer of these documents?

A Yeah.

Q When did those discussions occur?

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A Probably when -- boy, it seems like a long time after. Probably when all this started up about the documents or the Whitewater documents having been in the number of documents that Kendall turned over in like December.

Q Did you know that there were Whitewater documents in that box at the time that you turned them over?

A No. Uh-uh.

Q What did you discuss with Mrs. Clinton at that time?

A Mostly our discussions around this have tended toward amazement that I carried a box of documents over, I put it in the closet, and this is a whole, big, huge scene.

Q Were you involved in formulating a response to the press at any time about what occurred in the transferring of the documents?

A Yeah. More of late, I guess.

Q There has been recently some criticism in the press about the fact that the White House had not disclosed that you were involved in transferring of the documents.

A Right.

Q Do you know if there were -- originally when the White House disclosed that this transfer had taken place, were you involved in any discussion in which it was discussed whether your name should be included in that?

A No, I wasn't.

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Q Do you have any reason to believe that your name was intentionally excluded from that when it was -- when the release was originally done?

A No. I just think that -- that I carried a box over and people only saw it. I mean, it just never came up, because it didn't seem to be significant.

Q Just a couple more questions. When you were in Vince Foster's office on July 22nd, did you happen to notice his briefcase?

A No. I mean, no. Uh-uh.

MR. STEIN: I just want to take a one-minute break so I can discuss this.

MR. DENNIS: Sure.

(An interruption to the proceedings.)

MR. DENNIS: Let me just preface -- say, in discussing this previously, not just today, I recalled that there was a matter that she related to me which I think she probably had just not recalled in conversations with Nussbaum when the files were being transferred, so I just wanted her to relate it to you.

MR. STEIN: I see. Please do that.

THE WITNESS: Actually, it comes on the -- it's sparked by the last thing you talked about, about whether or not I was -- the criticism about the movement of the documents. One of the things that I always -- when the

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criticism about the movement of the documents, not about me, but it was mostly that Bernie dispersed the files or something, that I never understood why Bernie just didn't say that the Justice Department had told him he could do it.

I never understood why we didn't respond to the criticism in that way, because I remember when I went to move the files, when Bernie had called me, not in that conversation, but over there, that Bernie had said, you know, that he had talked to the Justice Department about dispersing the files, and --

BY MR. STEIN:

Q Specifically about turning the files over to Williams and Connolly?

A No. Just generally dispersing them, you know, giving files back to the lawyers to go back to work on, giving the personal files, and I always do remember when the criticism of Bernie dispersing the files and people saying that he had secreted documents out, that I always thought he should just say, "The Justice Department told me to do it."

Q Did he tell you who in the Justice Department authorized that?

A No. He just said "the Justice Department."

Q Do you remember anything else about your discussion with Bernie Nussbaum, about that?

A Yeah, kind of a quip from Bernie.

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Q What did he say?

A He said, "Well, we should do it, because the Justice Department may change their mind," because --

Q Did you have any understanding of what he meant by that?

A Well, I think it was like kind of a broader context, that they tended to change their minds a lot, just in general, on everything. That was kind of the buzz.

Q Do you remember him saying anything else?

A No. That was --

Q Is there anything else that you wanted to add?

A No. I think that's all.

MR. DENNIS: I don't think so.

MR. STEIN: Thank you very much. We'll go off the record.

(Whereupon, at 12:10 p.m., the interview of MARGARET ANN WILLIAMS was concluded.)

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C E R T I F I C A T E

THE UNITED STATES OF AMERICA)
)
IN THE DISTRICT OF COLUMBIA)

I, Amy K. Rose, Notary Public, before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing pages was duly sworn by me; that the testimony of said witness was reported by me by stenomask and thereafter reduced to typewritten form; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.

Amy K. Rose

Amy K. Rose
Notary Public in and for the
District of Columbia

My commission expires:

October 31, 1998

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COMMITTEE CONFIDENTIAL
UNITED STATES SENATE
COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

* * *

IN RE: WHITEWATER
FRIDAY, JULY 7, 1995
DEPOSITION OF MARGARET ANN WILLIAMS
Washington, D. C.

Deposition of MARGARET ANN WILLIAMS, called for examination pursuant to notice of deposition, at 9:30 a.m. in Room 640-A of the Hart Senate Office Building before LORI J. SEGNERI, a Notary Public within and for the District of Columbia, when were present:

MICHAEL CHERTOFF, ESQ.
JAMES B. COMEY, ESQ.
Majority Counsel
RICHARD BEN-VENISTE, ESQ.
GLENN F. IVEY, ESQ.
Minority Counsel
United States Senate
Committee on Banking, Housing,
and Urban Affairs
534 Dirksen Building
Washington, D. C. 20510
On behalf of the Committee.

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(1) THOMAS B. GRIFFITH, ESQ.
(2) Deputy Legal Counsel
(3) United States Senate
(5) JOHN C. DODDS, ESQ.
(6) Morgan, Lewis & Bockius
(7) 2000 One Logan Square
(8) Philadelphia, Pennsylvania 19103-6993
(9) On behalf of the Deponent.
(11) ALSO PRESENT: NYANGEN-HONG HUANG
(12) VINCENZO DELEO

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(1) COMMITTEE CONFIDENTIAL
(3) CONTENTS
(5) WITNESS EXAMINATION
(7) Margaret Ann Williams
(9) by Mr. Chertoff 3
(11) by Mr. Ben-Veniste 193
(13) by Mr. Chertoff 198

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(1) PROCEEDINGS
(2) Whereupon,
(3) MARGARET A. WILLIAMS
(4) was called as a witness and, having first been duly
(5) sworn, was examined and testified as follows:
(6) EXAMINATION
(7) BY MR. CHERTOFF:
(8) **Q** Ms. Williams, before we begin I'm just
(9) going to give you some preliminary information about
(10) the nature of this proceeding. My name is Michael
(11) Chertoff; I'm the Majority counsel, special counsel
(12) in this proceeding. Richard Ben-Veniste is, I guess,
(13) the principal special counsel on the Minority side.
(14) I have with me Vincent DeLeo and James Comey, who are
(15) also working with me on this matter.
(16) This is a deposition conducted pursuant to
(17) Senate Resolution 120, which establishes a special
(18) committee to conduct an investigation involving
(19) Whitewater Development Corporation and certain other
(20) related matters pursuant to Section 1.B.1 of that
(21) resolution. It is authorized to conduct "an
(22) investigation and public hearings into whether or not

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(1) improper conduct occurred regarding the way in which
(2) White House officials handled documents in the office
(3) of Vincent Foster following his death." And that's
(4) the subject that's going to be the focus of today's
(5) deposition.
(6) Let me ask you how you learned about our
(7) request to have you testify at the deposition today.
(8) **A** You sent a letter to my counsel, I believe.
(9) **Q** And in connection with your coming to
(10) testify today, did you collect any documents to be
(11) furnished to us?
(12) **A** Yes, my lawyer did.
(13) MR. DODDS: Mr. Chertoff, maybe I can help
(14) on that point. We received through the Office of
(15) White House Counsel what we understood to be your
(16) request or the Committee's request for documents. I
(17) worked with members of Ms. Williams's staff to gather
(18) whatever records were called for. Those documents
(19) were furnished to the Office of White House Counsel
(20) and then, by an understanding that we had with them,
(21) and we thought they had with you, those documents
(22) were produced to the Office of White House Counsel.

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(1) And I worked with members of Ms. Williams's staff.
(2) BY MR. CHERTOFF:
(3) **Q** Are there any documents in your personal
(4) possession, diaries or notes or anything of that sort
(5) that you didn't furnish to the White House in
(6) response to this request for documents?
(7) **A** No.
(8) **Q** Let me –
(9) (Discussion off the record.)
(10) BY MR. CHERTOFF:
(11) **Q** All right. Let me advise you that this
(12) deposition is in anticipation of a public hearing to
(13) be held starting this month on, probably on July
(14) 18th, and there's a – I think a fair likelihood that
(15) you'll be asked to testify at the hearing.
(16) Now, during the course of the deposition,
(17) you'll be asked questions which you're obviously
(18) obliged to answer under oath. If you don't
(19) understand the question, please let me know, and I'll
(20) rephrase it. Likewise, please don't speculate or
(21) guess unless I ask you to speculate or guess.
(22) The stenographer is going to prepare a

Page 8
(1) record of questions and answers. That transcript is
(2) going to be kept committee confidential until the
(3) hearings. But I have to advise you that once the
(4) hearings begin, some or all of that transcript may
(5) become public. And probably in due course all of it
(6) will become public. Four days before the hearings
(7) are scheduled to begin, we will make a copy of the
(8) transcript available at the Senate for you to review
(9) and make corrections on it. But I have to tell you
(10) that if you make corrections that are other than
(11) ministerial or clerical corrections, those changes
(12) themselves could become the subject of further
(13) deposition.
(14) If you are called to testify as a witness,
(15) you will receive a copy of the deposition four days
(16) before the date you are due to appear on condition
(17) that you and your lawyer agree to keep that
(18) deposition confidential among yourselves and not to
(19) disseminate the contents of that deposition either
(20) orally or in writing.
(21) **A** Can I ask a question?
(22) **Q** Yeah.

Page 9
(1) **A** I get to look at the deposition four days
(2) before the hearings are to begin, not necessarily
(3) four days before I testify?
(4) **Q** Correct. And then you get a copy yourself
(5) to review and prepare four days in advance of your
(6) testimony if you're willing to abide by this
(7) confidentiality.
(8) Now, if you need a break during the course
(9) of this deposition, let us know, and we'll take a
(10) break. If counsel will just identify himself for the
(11) record?
(12) MR. DODDS: Sure. Jack Dodds, D-o-d-d-s,
(13) for Margaret Williams.
(14) BY MR. CHERTOFF:
(15) **Q** And I'm going to indicate to you that if
(16) you want to talk to counsel at some point, just
(17) indicate you want to do that, and we can either go
(18) off the record or you can go outside and consult.
(19) Now, there may be some objections to the form of
(20) questions. Let the objections get put on the record
(21) and then you can go ahead and answer the question.
(22) There may be some objections which a lawyer

Page 10
(1) indicates that he wants to instruct you not to answer
(2) the question. Please wait until we've fully
(3) addressed this on the record. And at the end of that
(4) you'll be told either to answer the question or not
(5) to answer the question. If you're instructed not to
(6) answer the question, let's say, by your lawyer, then
(7) we may put it to one side and proceed, or we may
(8) ultimately reserve the right to go to the chairman of
(9) the Committee and get a ruling about whether you
(10) should answer the question or not.
(11) Is there anything you need clarification
(12) on?
(13) **A** No.
(14) **Q** Ms. Williams, can you just give us your
(15) date of birth and Social Security number?
(16) **A** Date of birth [redacted] Social security
(17) number [redacted]
(18) **Q** Now, you currently work at the White House?

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FOIA(b)(7) - (C)

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(19) A Yes.
(20) Q And what's your position?
(21) A Assistant to the President and Chief of
(22) Staff to the First Lady.

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(1) Q And have you held that position since the
(2) beginning of 1993, January 20th?
(3) A Yes.
(4) Q You've previously testified before the
(5) Senate last summer in connection with a Banking
(6) Committee investigation looking into
(7) Whitewater-related matters; is that correct?
(8) A Yes.
(9) Q Let me ask you, since you received notice
(10) of this deposition, have you talked to anybody about
(11) that deposition except for your attorneys and members
(12) of your immediate family?
(13) MR. DODDS: Let me ask for a clarification,
(14) Mr. Chertoff. When you said talk to anybody about
(15) the deposition, you mean other than just the fact
(16) that she was going to be deposed?
(17) BY MR. CHERTOFF:
(18) Q Right, other than just the fact that you
(19) were going to be deposed?
(20) A No.
(21) Q Now, without telling me what you said on
(22) prior occasions, am I correct that on earlier

Page 12
(1) occasions you have been either interviewed by FBI
(2) agents or prosecutors or been asked to testify in
(3) proceedings, investigative proceedings?
(4) A Everybody.
(5) Q Again, putting to one side members of your
(6) immediate family and your attorneys, have you talked
(7) to anybody about the substance of those interviews or
(8) examinations?
(9) A In connection with Vince Foster or in
(10) connection with the RTC deposition?
(11) Q In connection with Vince Foster?
(12) A No. I mean -- only what's been -- whatever
(13) has been made public in the newspapers that had to do
(14) with anything that I said, I probably talked to
(15) someone.
(16) Q Can you tell us who you talked to?
(17) A No. I don't know. It could -- whatever
(18) was made public, I'm sure that I've been asked to
(19) comment on it.
(20) Q Well, putting aside a request to comment to
(21) the press, have you discussed the substance of what
(22) you testified about or were interviewed about on the

Page 13
(1) Vincent Foster matters with anybody in the White
(2) House?
(3) A White House counsel, I believe, last
(4) summer.
(5) Q And that was who?
(6) A Lloyd Cutler, Shane Sherbourne.
(7) MR. DODDS: It might help, Mr. Chertoff,
(8) let me just interrupt for a second. You're focusing
(9) now on her interviews and/or grand jury appearances
(10) with the Office of Independent Counsel.
(11) MR. CHERTOFF: Or with the Justice
(12) Department or with the FBI or any agency that's ever
(13) investigated this.
(14) MR. DODDS: Affiliated with that
(15) investigation, not any investigations that were done
(16) by the Treasury Department.
(17) BY MR. CHERTOFF:
(18) Q With respect to any investigation and any
(19) instance in which you have been asked to either give
(20) testimony or been interviewed by some law enforcement
(21) authority for whatever office it may be, have you,
(22) after that fact, had conversations about what you

Page 14
(1) testified about with anybody other than your lawyers
(2) or members of your immediate family? That's the
(3) question.
(4) A I was interviewed by White House counsel in
(5) the course of their own investigation, internal
(6) investigation about the RTC matter and also about the
(7) Vince Foster matter.
(8) Q And when did that interview take place?
(9) A Oh, I don't know. In July, maybe. Maybe.
(10) Q Was it before you testified at the hearings
(11) last year?
(12) A Yeah.
(13) Q And who conducted the interview?
(14) A I believe it was Shane Sherbourne, Sheila
(15) Cast.
(16) Q And was Mr. Cutler involved in that
(17) interview?
(18) A I think he may have sat in on it.
(19) Q Was there a stenographer present?
(20) A Not that I know.
(21) Q Was someone taking notes?
(22) A I imagine so. It wasn't up to me to.

Page 15
(1) Q Did you observe someone taking notes?
(2) A I was too busy talking. I can't imagine
(3) that they wouldn't, though.
(4) Q Was your lawyer present?
(5) MR. DODDS: I was present.
(6) THE WITNESS: You were present; that's
(7) right.
(8) BY MR. CHERTOFF:
(9) Q And was there anybody besides members of
(10) the White House counsel's office who were present?
(11) A No.
(12) Q Were you told what was going to be done
(13) with those, with that interview or that information
(14) that you were giving?
(15) A No.
(16) Q Were you told it was going to be kept
(17) confidential?
(18) A I assume so.
(19) Q In the course of the questioning, were you
(20) told what other witnesses had said to the people from
(21) the White House counsel's office?
(22) A No.

Page 16
(1) Q Have you seen a copy of any report or
(2) record of that interview?
(3) A No, I have not.
(4) Q Has anybody presented to you any portion of
(5) the record of that interview for you to correct or
(6) comment on?
(7) A No, they have not.
(8) Q Other than that interview by White House
(9) counsel, is there any other discussion you've had
(10) with anybody in the White House concerning matters
(11) you've testified about or been interviewed about by
(12) law enforcement?
(13) A No.
(14) Q You haven't had any personal conversations
(15) with anybody about it?
(16) A No. It was pretty clear that you can't
(17) talk to anybody in the White House except for
(18) counsel.
(19) Q Have you talked to Evelyn Lieberman about
(20) it?
(21) A No, not about the substance, but about the
(22) fact that I had it, obviously. And when I'm out of

Page 17
(1) the office, I have to make arrangements to be out.
(2) Q Has anybody talked to you about their
(3) deposition testimony related to Vincent Foster?
(4) A No.
(5) Q Has anybody told you that they were going
(6) to be deposed by the committee?
(7) A Yeah. I knew that Evelyn was going to be
(8) deposed.
(9) Q And how did you know that?
(10) A Because she told me.
(11) Q Did she tell you when she was going to be
(12) deposed?

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(13) **A** Yeah. I knew that -- she was out. She has
(14) a fairly visible job.
(15) **Q** Did she tell you or do you know whether she
(16) has previously been interviewed or given testimony
(17) regarding the Vincent Foster matter?
(18) **A** I can't imagine that she hasn't. I mean,
(19) there was a time when there was nothing but a spate
(20) of interviews going on. So I don't --
(21) **Q** You don't know or --
(22) **A** I don't know.

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(1) **Q** Has she talked to you about any interviews
(2) or depositions she's been subjected to related to the
(3) Vincent Foster matter?
(4) **A** She won't talk to me about that.
(5) **Q** I want to direct your attention to July
(6) 1993. At that point in time, you knew Vince Foster;
(7) correct?
(8) **A** That's correct.
(9) **Q** When did you first meet Mr. Foster?
(10) **A** I met him in Arkansas.
(11) **Q** When?
(12) **A** Either August or September of '92. Yeah.
(13) August or September.
(14) **Q** And how did you come to meet him?
(15) **A** The people that I lived with in Arkansas
(16) during the campaign knew Vince Foster, and I met him
(17) one day at a restaurant.
(18) **Q** Other than that meeting, did you have any
(19) other contact with him before January 20th, 1993?
(20) **A** No.
(21) **Q** After he became deputy White House counsel,
(22) did you have regular contact with Mr. Foster?

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(1) **A** Well, some months more than others. I
(2) mean, regular, yeah, fairly regular.
(3) **Q** On what kinds of issues?
(4) **A** When Mrs. Clinton became the head of the
(5) health care task force, we were immediately sued
(6) about the -- about how she would participate in
(7) meetings, and the White House counsel's office was
(8) very involved in that. And additionally, because
(9) substantively in health care we were working on
(10) issues that had to do with malpractice issues, the
(11) counsel's office was involved, Vince in particular.
(12) **Q** Any other subject you dealt with him on
(13) from the time he became deputy counsel?
(14) **A** Sure. A host of little things.
(15) **Q** Such as?
(16) **A** Well, I guess there would be two areas.
(17) Just as legal counsel, he was involved in the White
(18) House restoration, involved from afar and then closer
(19) the more interested he got. But then as kind of a
(20) friendly adviser, I spoke to him quite a lot.
(21) **Q** On what kinds of topics?
(22) **A** Well, when I first got to the White House

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(1) it seemed overwhelming in terms of the job and the
(2) responsibilities. And Vince was always encouraging,
(3) and always saying that, you know, trust your own
(4) judgment. I mean, he was, you know, very personally
(5) encouraging to me.
(6) **Q** Did you have contact with him concerning
(7) the personal financial affairs of the Clintons?
(8) **A** Only in one instance, and that was he had
(9) asked me a question about the trust fund, some stocks
(10) that had been given or left to Mrs. Clinton's
(11) daughter Chelsea by her grandfather, Mrs. Clinton's
(12) father. And he asked me to find out whether or not
(13) the stocks, I guess, that were in Hillary's name were
(14) meant for Chelsea or not. If so, they would have to
(15) amend the blind trust which he was working on.
(16) **Q** Why did he ask you that?
(17) **A** He thought that I would probably reach
(18) Hillary before he would.
(19) **Q** Did you -- were you aware that he was
(20) working on tax returns with the Clintons?
(21) **A** I don't know if I knew at the time or
(22) afterwards, but I figured that if he was working on

Page 21
(1) the blind trust it had to do with taxes and their
(2) finances.
(3) **Q** Did you know that he was working in
(4) connection with their finances on matters relating to
(5) Whitewater Development?
(6) **A** No.
(7) **Q** As of July, 1993 had you ever heard of
(8) Whitewater Development?
(9) **A** I don't know when I first heard about it.
(10) This is all probably after the fact because I've
(11) heard so much about it. I don't know when. I mean,
(12) I don't know when I heard about it first.
(13) **Q** Did you hear about it in the campaign in
(14) 1992?
(15) **A** No. I came to the campaign late. I came
(16) to the campaign the last two months of the campaign
(17) where I was actually involved. So prior to the -- so
(18) prior to that -- and it didn't come up while I was at
(19) the campaign.
(20) **Q** And after you came to the White House up to
(21) the period of July 20, 1993, had you had any
(22) discussions with anybody about Whitewater?

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(1) **A** No. Just wasn't on anybody's radar
(2) screen. Not mine, anyway, at the time.
(3) **Q** Have you ever heard anybody use that
(4) expression concerning Whitewater before that it
(5) wasn't on the radar screen?
(6) **A** Well, it's a fairly typical comment about
(7) any issue that, you know, we discover is a pressing
(8) issue and nobody has been thinking about it.
(9) **Q** Kind of a common term or colloquialism used
(10) around the White House?
(11) **A** Yeah, I mean, we might say, I mean, we had
(12) no idea when we first had an Affirmative action
(13) working group that we'd be dealing with that, so
(14) rigorously involved. It wasn't on anybody's radar
(15) screen.
(16) **Q** Directing your attention to July 20th, how
(17) did you first learn that Vincent Foster's body had
(18) been found?
(19) **A** Mrs. Clinton told me.
(20) **Q** And where was she?
(21) **A** She was in Arkansas at the time or just
(22) landing in Arkansas, landing in Arkansas.

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(1) **Q** She went out -- just to place it in time,
(2) that was a Tuesday, July 20th. Had she left from
(3) Washington for Arkansas on July 20th?
(4) **A** No. She -- Arkansas was the end of a leg
(5) of a really long trip. She had been in Hawaii, in
(6) California, and then to Arkansas, and then she would
(7) be headed back to Washington.
(8) **Q** Now was she in Arkansas to visit with her
(9) father?
(10) **A** No -- well, I'm sure that would be -- no.
(11) Her father was dead by that time. She was in
(12) Arkansas for -- we had an event at the Children's
(13) Hospital, and generally when she went to Arkansas she
(14) would have all of her checkups and everything because
(15) all of her doctors were there. And her mom was in
(16) Arkansas.
(17) **Q** She was going to visit with her mother?
(18) **A** Oh, yeah.
(19) **Q** Now what was her intended stay in Arkansas
(20) as of Tuesday, July 20th?
(21) **A** Her intended stay?
(22) **Q** Was she planning to stay the rest of the

Page 24
(1) week?
(2) **A** I don't know the rest of the week, but at
(3) least until -- at least until Thursday or Wednesday
(4) because we had an event on Tuesday; the event hadn't
(5) happened yet.
(6) **Q** And so after the event on Tuesday, the plan

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(7) was for her to stay in Arkansas on personal time, so
(8) to speak, from Thursday?
(9) **A** No. The event didn't happen on Tuesday.
(10) The event was happening on Thursday in that week. So
(11) we knew she would be coming to Arkansas on Tuesday to
(12) do whatever her personal appointments were,
(13) visiting. And while I don't remember exactly what
(14) time she would be returning back to Washington, it
(15) was that Thursday evening or Friday. I knew she
(16) would have to be there until Thursday.
(17) **Q** Because there was an event scheduled. And
(18) she was traveling with Lisa Caputo?
(19) **A** Uh-huh.
(20) **Q** And that was her press secretary?
(21) **A** That's correct.
(22) **Q** How did Mrs. Clinton reach you?

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(1) **A** By telephone.
(2) **Q** Did she call you directly at your
(3) apartment?
(4) **A** Uh-huh.
(5) **Q** And you were home?
(6) **A** Uh-huh.
(7) **Q** Do you remember when you left the White
(8) House that day?
(9) **A** I don't remember, but -- exactly, but
(10) earlier than usual because she was out of town.
(11) **Q** Did she page you first?
(12) **A** I don't know if she paged me first, or
(13) Signal called me.
(14) **Q** What's Signal?
(15) **A** Signal is the White House communication
(16) system that sends calls to various members of the
(17) staff. Come through their -- pages also come
(18) through, can come through Signal, too.
(19) **Q** Did she either through a pager or through
(20) Signal indicate she wanted you to call her?
(21) **A** No. There were two calls from her -- well,
(22) more than two calls, but there were two calls from

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(1) her when I came home. The first call she was on the
(2) plane and said that -- she must have called through
(3) Signal because I thought she said are you at home.
(4) And she said are you going to be there, and I said
(5) yes. And she said I will call you when I land.
(6) **Q** Did she tell you why she was calling?
(7) **A** No, she didn't.
(8) **Q** Did she tell you why she wasn't going to
(9) speak to you from the airplane?
(10) **A** No, but it's -- it's not uncommon for
(11) Hillary or her trip director, someone on the plane
(12) when she's traveling to call from the plane to say,
(13) you know, hang tough, we're going to talk to you when
(14) we hit the ground. One, because you generally get
(15) cut off in the plane that she's in. If it's not Air
(16) Force One, you're cut off. And secondly, you know,
(17) she might want to talk to you on a hard line so it's
(18) not -- and if she's traveling, because they don't
(19) know where she's going to be next, or where you're
(20) going to be next they try and arrange it.
(21) **Q** Now, after she landed, she called you?
(22) **A** Uh-huh.

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(1) **Q** And what did she say to you and what did
(2) you say to her?
(3) **A** She told me -- I remember the first thing
(4) she said to me; she said I want you to sit down. And
(5) I just thought that was bizarre. And then she told
(6) me that Vince was -- was dead, and I don't know if
(7) she told me if he killed himself or he was dead. I
(8) don't know what she told me past that.
(9) **Q** Did she tell you how she found out he was
(10) dead?
(11) **A** Huh-uh. No. I just remember her saying
(12) that.
(13) **Q** And what did you say?
(14) **A** I don't know if I said anything.
(15) **Q** And tell us what else she said to you?
(16) **A** I don't know if it was a second call or her
(17) first call anymore, but I know she said she didn't
(18) want me to be alone.
(19) **Q** So what happened?
(20) **A** We finished that call, and -- it seemed
(21) like as soon as I hung up my beeper was going off.
(22) **Q** And then what happened?

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(1) **A** Then I think I tried to call my mom.
(2) MR. DODDS: Do you want to take a break?
(3) THE WITNESS: And I called Evelyn, and I
(4) don't know if she had heard or not. And she says I'm
(5) coming to get you, and I said I have to go into the
(6) office; I'm going into the office.
(7) BY MR. CHERTOFF:
(8) **Q** And why did you want to go into the office?
(9) **A** Because I just knew everybody else would be
(10) there.
(11) **Q** So what happened next?
(12) **A** Evelyn came. She doesn't live that far
(13) from me. Got in the car, we came to the -- to the
(14) White House, to the west wing of the White House, and
(15) I feel like I set up my operations. We went into
(16) Hillary's office on the second floor. I stationed
(17) Evelyn at the receptionist's desk, to station. I'm
(18) sure I told her to try to find Lisa Caputo because I
(19) knew that we were -- I just figured there would be
(20) press or something.
(21) And then I went to the press office, to
(22) Mark Gearan's office. I feel like Gearan's name was

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(1) the last name I saw on my pager. But I just -- I
(2) knew that -- I knew there would be like a press
(3) statement and that people would mostly be there
(4) because that's where people generally gather if
(5) something was going on. I went down there -- and
(6) everyone just looked so sad and blown away.
(7) MR. CHERTOFF: Do you want to take a
(8) break?
(9) (Discussion off the record.)
(10) (Recess.)
(11) BY MR. CHERTOFF:
(12) **Q** Let me direct your attention back now.
(13) It's July 28th --
(14) MR. BEN-VENISTE: Can I make a suggestion?
(15) Obviously this remains a very emotional subject for
(16) you, Ms. Williams. I'm sure I speak for Mike in
(17) suggesting that if you would like to take more
(18) frequent breaks than are usual practice, please just
(19) let us know, and we will accommodate that.
(20) THE WITNESS: I appreciate that, but
(21) there's no way I want to prolong this. Let's just
(22) try to go. Let's go.

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(1) MR. CHERTOFF: Whenever you want a break,
(2) let us know.
(3) MR. DODDS: I think what everybody needs to
(4) understand -- and I'm sure you do at this point if
(5) you didn't before -- is Ms. Williams alluded earlier,
(6) she and Vince Foster were more than just co-workers.
(7) They had a personal friendship that was very
(8) important to her, and what she learned that night
(9) affected her on a human level. And that's what you
(10) see here today.
(11) MR. CHERTOFF: Sure. All right.
(12) BY MR. CHERTOFF:
(13) **Q** Well --
(14) **A** Okay. Let's go.
(15) **Q** Let me get your attention back to July 20.
(16) You arrived at the White House with Ms. Lieberman.
(17) You say you put her in the First Lady's office or in
(18) that suite?
(19) **A** Yes.
(20) **Q** For what purpose?
(21) **A** As I said before, I had a feeling I was
(22) setting up some kind of, you know, operation. I

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didn't know what needed to be done or what had to be done. When the -- Mrs. Clinton's father died earlier in the year, I had been at home and she had called me and I had come back in, not really knowing what I was going to do. But it ended up we had quite a lot to do in terms of scheduling and all kinds of things. I just thought I should be ready to roll.
Q And then you went down to the press office?
A Yes, I did.
Q And what happened in the press office?
A Well, basically people were milling around and talking and -- but there was a statement that was made. I don't know if it had been written already or they were making changes, but there was a draft and a statement in the works. I sat down for a few minutes because I really couldn't talk. And Howard Pastor -- I remember seeing him because he had on jeans. I had never seen him in jeans before. I realized that he was -- he had come -- he had come back, too. And he tried to say something to me; I don't remember what it was, something funny.
In any course, I took the statement at some

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point. I wasn't there very long. I took the statement and went back upstairs to Mrs. Clinton's office where everyone was sitting. And I don't know if I went to the Xerox room and Xeroxed a statement, but I feel like I had Evelyn call Lisa Caputo with a statement or at least read it although she may have been called already by Gearan's office. I'm not sure. But anyway, there was something that happened with the statement. I got the statement and came back up.
And then I don't quite know the sequence of the following things, but let me just tell you what I think happened. I know I went to my office, which is right next door to Mrs. Clinton's office. I think that I was there for the schedule because the schedule at that time used to come sliding in under the door, her schedule and the President's schedule. And everybody was trying hard, I think, to be official and be sad -- I mean, you felt like you had something to do, but.
So one of the things I was thinking was that -- I knew that Mrs. Clinton had the hospital

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event coming up, and I thought if we were going to have to kill that event that I should start now; I needed to see the schedule. As it turned out, it was on Thursday and not on Wednesday, but I know there was something about the schedule. And then I went into Vincent's office.
Q Now -- go ahead.
A And as I said, I don't know what the sequence was, but I went into Vincent's office. A light was on in his office. There's like a little lobby that was dark, but the light was on in Vincent's office.
Q You mean the reception area, the central reception/waiting area was dark, but his light was on?
A Yes. And I went into the office. And I remember when I had gotten off the elevator the first time to go into Mrs. Clinton's office, I remember deliberately not looking at the office, like turning my head and going straight into Mrs. Clinton's office. But somewhere in between my office, Evelyn's office, the light was on, and I went in. When I

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walked in the door, Patsy Thomasson was sitting at Vincent's desk. I went to sit on the corner of Vince's couch. And then at some point Bernie Nussbaum came in.
Q Where did he come in from?
A I don't know. The way Vince's office worked, on that couch where I was sitting, the way the room is configured architecturally, it's blocked off from the door. In fact, Vince and I used to sit there if we didn't want to be found because you could look in his office and never see him if he was there, if he was sitting there. So you can't see the doorway from where I was sitting, so I don't know where he came from. Anyway, he comes in and he paces around for awhile, and --
Q Then what happened?
A I sat there still, like, crying. Then I can't remember if Bernie Nussbaum left before me, or if I left before Bernie Nussbaum. I know we left -- Patsy Thomasson was still sitting at Vince's desk when I left, but I don't know what the sequence was with Nussbaum and myself. And I remember going back

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down to Gearan's office by way of the stairs, or at least heading in that direction. And I don't know what for at that point, to check back in or whatever. And then I'm sure there was -- there was not a lot to do, and I went home.
Q Did you go back up to get Ms. Lieberman?
A Oh, yeah.
Q After you were in Mr. Gearan's office the second time, did you go any place other than back up to Mrs. Clinton's suite?
A No, and I'm not sure -- I'm not sure if I was headed to Mark's office, Gearan's office for the second time and didn't go or actually went in again; because I don't, in my head, have an idea about going in there the second time. But I remember being in the stairwell with Bernie Nussbaum.
Q This would be after you left the office, after you left the White House counsel's office?
A I think that's the sequence. Like I said, I'm not sure, but I think that's the sequence in which I did it. And -- yes. That is the sequence in which I did it. I went -- because Bernie was in

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front of me in the stairwell. I remember having a picture of him in front of me.
Q And this is as you walked out of Vincent Foster's office?
A Yeah. There's an elevator, and then if you turn left here there's a stairwell. And you, you know, walk across the lobby and you can be in Gearan's office. But whatever I did, when I went into the -- whether I went into Gearan's office or if I turned around and went back and decided to go home, I'm not sure, but I know I had to collect Evelyn.
Q Now you say there was a second call, an additional call with Mrs. Clinton that night?
A Uh-huh.
Q When did that take place?
A I don't know the exact time, but I just know -- I know it was late because I was at home. And when I got home my phone was ringing off the hook. And I'm sure she called me because I think -- I always think of it this way: Like the first call when she called me to tell me about Vince's death was to comfort me, and the second call, I always think of

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it as a call where I was trying to comfort her. Because at that point she, you know, she said -- she had been away for awhile.
Q Away where?
A You know, Hawaii, California. And she said do you know anything about why Vince would do this? What's going on? You know, is there something you can tell me? What's happening? You know. And then she was trying to remember the last time she had spoken to him.
Q Anything else in that conversation?
A No. More of kind of trying to figure, you know, she kept saying did you have any idea, did you have any idea about this. And I didn't have any idea about it.
Q Going back over this, when Ms. Lieberman came to pick you up, and this was -- you had called Ms. Lieberman first?

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(19) **A** I think so.
(20) **Q** And did you ask her to come pick you up?
(21) **A** No. But I know her inclination would be to
(22) come pick me up, that she knew that I was -- one, she

Page 38
(1) knew I was close to Vince. She knew that I was
(2) upset. She knew that I would likely, you know, jump
(3) in my car and go somewhere. And I think her view was
(4) she couldn't stop me, but she could get me to wait
(5) for her.
(6) **Q** Did you, in this conversation with her,
(7) indicate you were you were thinking of going to the
(8) White House?
(9) **A** Oh, I may have.
(10) **Q** And did you tell her why you wanted to go
(11) to the White House?
(12) **A** No. I may have said -- I mean -- you know,
(13) I don't really remember the ins and outs of the
(14) conversation. I know I had a clear feeling I was
(15) going somewhere. I don't know where I was going.
(16) But deciding on going to the White House would make
(17) sense to me.
(18) **Q** And you think you made that decision before
(19) or during your call with Evelyn?
(20) **A** I don't know. I mean, I can't say when I
(21) did it.
(22) **Q** Did you call the White House first to see

Page 39
(1) who was there?
(2) **A** No.
(3) **Q** Did you have it in your mind at that time
(4) that you wanted to go look at the schedule?
(5) **A** I don't know what I had in my mind. But I,
(6) but I like to think that -- in some way I think that
(7) the precedent I had set earlier by going in when
(8) Hillary's father died, just in case -- even then I
(9) didn't go over, you know, to the house or hang around
(10) with the family; I went to the office because I
(11) thought something might happen here at the office
(12) that -- and I didn't know what to expect, but I
(13) thought I should be there. I think I just kind of
(14) had -- not knowing where to go, you know. I just
(15) went there.
(16) **Q** So you had no particular purpose in going
(17) there in mind?
(18) **A** I -- I don't believe that I was as
(19) purposeful as I like to think I would be. I would
(20) like to tell you that I thought immediately schedule,
(21) cancel, that. But I think my first response was an
(22) emotional one, and then I was trying to collect

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(1) myself because, you know, I still had a job of some
(2) sort, to do.
(3) **Q** And Ms. Lieberman said she would come by
(4) and get you?
(5) **A** Uh-huh.
(6) **Q** Do you remember, did she honk for you and
(7) you came downstairs?
(8) **A** I have a first floor apartment building. I
(9) don't remember her honking. I probably was just
(10) outside in front.
(11) **Q** And then she drove you to the White House?
(12) **A** Uh-huh.
(13) **Q** And that's about six blocks from where you
(14) lived or lived at the time?
(15) **A** Yeah.
(16) **Q** Did you talk -- did you tell her on the way
(17) over that you had spoken to Mrs. Clinton?
(18) **A** I may have told her that on the phone. I'm
(19) not sure.
(20) **Q** Now at that point in time, had you any
(21) question in your own mind about why Vincent Foster
(22) would have taken his life?

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(1) **A** Did I have any question?
(2) **Q** Yes. Were you asking yourself the question
(3) why did he take his life?
(4) **A** You know, I'm not -- I'm not sure when I
(5) knew that Vince had committed suicide, and I can't
(6) remember anything from the conversation I had with
(7) Mrs. Clinton. I've tried to remember whether or not
(8) she said Vince has killed himself or if I heard that
(9) even from Evelyn. Or that it was the news, or if,
(10) you know, people were talking about it already or
(11) someone else had called Evelyn to tell her, and I
(12) really don't know the moment at which I knew that. I
(13) don't know the moment at which I knew that.
(14) **Q** So your sense is when you first learned
(15) about the discovery of the body you didn't know if it
(16) was a suicide or something else?
(17) **A** I'm not -- I'm just not sure. I just
(18) remember Vince is dead. I'm not sure.
(19) **Q** Did Mrs. Clinton indicate to you in the
(20) first conversation or ask you about a suicide note
(21) whether there was any kind of suicide note?
(22) **A** I mean, I -- once she said Vince is dead --

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(1) I don't know if she said Vince is dead or Vince
(2) committed suicide; I'm not sure -- I don't even know
(3) how it ended. I don't know if I hung up on her. I
(4) don't know. There was not much else after that.
(5) **Q** Now, when you got to the White House you
(6) went up -- you took Ms. Lieberman up to the First
(7) Lady's suite?
(8) **A** Uh-huh.
(9) **Q** And where is her office normally?
(10) **A** Who?
(11) **Q** Ms. Lieberman's office?
(12) **A** In room 100.
(13) **Q** Is that in the west wing?
(14) **A** No. The Old Executive Office Building.
(15) **Q** And is that where your main office is?
(16) **A** At the time I spent a lot more -- now it
(17) is. During that time I spent a lot more time in my
(18) west wing office.
(19) **Q** And that was down the hall from the First
(20) Lady's office?
(21) **A** Yes.
(22) **Q** Which is the same floor as the White House

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(1) counsel's office?
(2) **A** Yes.
(3) **Q** And is there some reason you didn't bring
(4) Ms. Lieberman down with you to Mr. Gearan's office?
(5) **A** In my own view, I think that if anybody
(6) called in or whatever, that they would be calling in
(7) to Evelyn. I'm almost sure I asked her to call Lisa
(8) Caputo. I can't imagine that I didn't say try and
(9) get in touch with Lisa. I mean -- I don't remember
(10) saying exactly, but I can't -- I can't believe I
(11) didn't try and be in touch with Lisa. And that if
(12) Evelyn needed to get her, she needed to get there and
(13) that Lisa would need a place to call into.
(14) **Q** Who is Jeff Watson?
(15) **A** Jeff works in intergovernmental affairs, or
(16) did at the time, and he is a friend of mine.
(17) **Q** Is there a person by the name of Helen who
(18) you called that night?
(19) **A** I didn't call a Helen. But there's a --
(20) there's a person, Helen Dickey, who worked for
(21) Mrs. Clinton.
(22) **Q** And in what capacity did she work for

Page 44
(1) Mrs. Clinton?
(2) **A** She -- actually she stayed at the third
(3) floor of the residence in the beginning, and
(4) essentially she worked in the social office. But,
(5) you know, if you were looking for Chelsea or looking
(6) for Mrs. Clinton and the ushers didn't tell you, you
(7) know you could find Helen on the third floor.
(8) **Q** As of July 1993, where was Helen staying?
(9) Did she stay at the residence, or did she have her
(10) own place?
(11) **A** I think she was still at the residence --
(12) I'm not sure. I am pretty sure she was still at the

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(13) residence.
(14) **Q** Did she call you that night?
(15) **A** I don't know.
(16) **Q** Do you remember speaking to her that night?
(17) **A** I don't remember speaking to her.
(18) **Q** You say Ms. Lieberman lives not too far
(19) distant from where you lived in July of 1993?
(20) **A** Uh-huh.
(21) **Q** Can you give us a sense of how much time it
(22) was between the time you called Ms. Lieberman and the

Page 45
(1) time you got to the White House?
(2) **A** I don't know. I just -- I don't know.
(3) Quick. I would just say quick. I don't remember it
(4) being a long time.
(5) **Q** Would it be within half an hour?
(6) **A** I would think so. I mean, I can't
(7) imagine -- I can't imagine that Evelyn wouldn't jump
(8) in her car, and it's not like I had to get ready for
(9) anything.
(10) **Q** And you didn't go any place else on the way
(11) to the White House; you went directly from your house
(12) to the White House?
(13) **A** Yes.
(14) **Q** After you had left Ms. Lieberman in the
(15) First Lady's suite, you went down to Mr. Gearan's
(16) office?
(17) **A** Yes.
(18) **Q** And you spent how much time there,
(19) approximately?
(20) **A** I don't know. I really don't know. I
(21) always think of it as not long, but I just don't
(22) know.

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(1) **Q** You then took a copy of the press release
(2) and brought it back upstairs to the First Lady's
(3) suite, correct?
(4) **A** Uh-huh.
(5) **Q** And you made a copy of it?
(6) **A** I think I did.
(7) **Q** What did you do with the copies?
(8) **A** I don't know. I probably -- I mean,
(9) anything that's like that, I mean, my routine would
(10) be immediately to make a copy because I lay stuff
(11) down and then it's gone. So I'm sure I made a copy,
(12) especially if it was like a first draft or something,
(13) and people were going to work on it. And if I wanted
(14) to see how the changes were going or whatever. So
(15) routinely I make a copy of anything.
(16) **Q** This was an one- or two-page press release?
(17) **A** It wasn't a press release. It was just
(18) like a statement from the President and Mrs. Clinton,
(19) and it wasn't very long at all, as I remember. I
(20) don't even think it took up a whole sheet of paper.
(21) **Q** And you made one or two copies of it?
(22) **A** Uh-huh. I really think I did.

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(1) **Q** Did you communicate with Mrs. Clinton or
(2) Lisa Caputo about the substance of the statement?
(3) **A** I am not -- I know I didn't talk to
(4) Mrs. Clinton about the substance. I wouldn't. I
(5) mean, if it was a statement I would immediately talk
(6) to Lisa about it. That would be my practice. I
(7) don't remember exactly having a conversation with her
(8) or if Evelyn had a conversation with her about it.
(9) **Q** Do you recall Evelyn being on the
(10) telephone?
(11) **A** I don't know. I don't know.
(12) **Q** Did you deal with anybody in connection
(13) with making suggestions or reviewing this proposed
(14) statement?
(15) **A** Well, I think that I knew that my input was
(16) probably going to be limited. It wasn't the kind of
(17) thing that you had to have a lot of discussion
(18) about. But I think I remember that it was a draft,
(19) and they were going to have a final at some point.
(20) And I just knew that I would go back to Gearan or
(21) Gearan would talk to Lisa, or I don't know how it
(22) would all get arranged. But I just -- I just don't

Page 48
(1) remember having a huge conversation about the wording
(2) of the statement.
(3) **Q** Now at that point you saw a light coming
(4) from Vincent Foster's office?
(5) **A** I don't know at which point I saw it. I
(6) don't know the exact sequence.
(7) **Q** It was after your first visit to
(8) Mr. Gearan's office?
(9) **A** Yeah. I know that.
(10) **Q** And the outer reception area was dark?
(11) **A** Uh-huh.
(12) **Q** Was there any other interior office that
(13) was lit?
(14) **A** No there's only one other office in there,
(15) which is Bernie Nussbaum's office.
(16) **Q** And that was not lit?
(17) **A** It was not lit.
(18) **Q** Did you see cleaning people in the hall?
(19) **A** Yes, I did.
(20) **Q** And what were they doing?
(21) **A** Milling.
(22) **Q** Was there anybody else present besides the

Page 49
(1) cleaning people in the hall?
(2) **A** I'm sure that -- I'm sure. The guard who
(3) let us -- to get into Mrs. Clinton's office, we
(4) needed to have the door unlocked. And either the
(5) same guy who unlocked the guard -- unlocked the door
(6) was standing there. I remember seeing a guard and
(7) the cleaning people, you know, in the hall.
(8) **Q** So you were actually -- you actually went
(9) to get a guard to open up Mrs. Clinton's office?
(10) **A** When I first came -- when I walked into the
(11) door because I knew it would be locked.
(12) **Q** Where was that guard situated?
(13) **A** When you walk into the west wing there's
(14) a -- I mean, a desk right there on the ground floor,
(15) and her office is on the second floor. The guard is
(16) generally right there. And I'm sure I -- I said I
(17) need to get into Mrs. Clinton's office, you know,
(18) whatever. And either he came to open the door, or he
(19) couldn't leave his post and sent somebody else to
(20) open it. But the door got opened.
(21) **Q** You didn't have a key to Mrs. Clinton's
(22) office?

Page 50
(1) **A** No.
(2) **Q** Is Mrs. Clinton's office an alarmed office?
(3) **A** At that time I don't think it was. At that
(4) time I don't think it was. But it has been since,
(5) but at that time I don't remember it. But she had a
(6) key to -- I mean, there was a key to her office.
(7) There was a key to my office, but I never lock my
(8) door.
(9) **Q** Did your office interconnect with her
(10) suite?
(11) **A** No.
(12) **Q** Given that her office was locked, why did
(13) you choose to have Ms. Lieberman sit in her office
(14) rather than your office, which was unlocked?
(15) **A** Just because it's my practice to work out
(16) of that office. Generally when Mrs. Clinton is
(17) there, which is like every day at the beginning, I
(18) would kind of station myself in that vestibule even
(19) though my office is down the hall. And
(20) Mrs. Clinton's assistant, Pam, is there, who also
(21) helps me, and you know. It's usually -- I just work
(22) out of that office. I stand in that little

Page 51
(1) vestibule.
(2) **Q** So the uniformed officer took you up or
(3) rode up with you and opened up Mrs. Clinton's office?
(4) **A** For some reason I think we went up first
(5) and waited. Because I don't think he could leave his
(6) post downstairs because it's right at the door, and I

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think he may have said I'll call somebody, or he got somebody to hold his post and he came up. I don't know who opened the door, but I think he couldn't leave with us.
Q And the officer you saw, you think you saw with the cleaning people when you saw the light from Vincent Foster's office was the same officer who opened the door for you?
A I don't know. But he was somebody I had seen before.
Q And -- so they were standing outside the White House counsel's suite?
A Uh-huh.
Q The White House counsel's vestibule or reception area was dark?
A Uh-huh.

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Q Mr. Nussbaum's office was dark?
A Yeah.
Q There was a light that you could see emanating from where you knew Mr. Foster's office to be?
A Right.
Q You then went into the counsel suite?
A Right.
Q You walked into Mr. Foster's office and you saw Patsy Thomasson sitting behind the desk?
A Right.
Q What was she doing?
A She was crying. And she was lifting -- she lifted paper, and then she put them down.
Q Did she tell you what she was doing?
A She didn't tell me what she was doing, but, I mean, it makes sense to me now; it didn't then. But I remember her saying something like Lisa would be comforted if we could find the note or something. At the time I just kept thinking Lisa? Because the only Lisa I could think of was Lisa Caputo, but it was Lisa Foster. But I didn't -- at the time I just

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thought it was -- I couldn't figure out what she was talking about.
Q So you then sat down on the sofa?
A Uh-huh.
Q And how long was it before Mr. Nussbaum walked in?
A It seems pretty quick. I feel like I just -- I walked in, I saw Patsy. I immediately sat down and started weeping again, and Bernie came in and he just started to pace.
Q And what did he say?
A Nothing. He was scratching his head and shaking his head.
Q Did he say where he had come from?
A No.
Q When he came in, do -- did he turn on the light to the reception area?
A I don't know. I couldn't see, and when I went out, I don't remember.
Q You don't remember if it was lit or not?
A No, I can't remember if it was.
Q When you came out, do you remember whether

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Mr. Nussbaum's office was lit?
A No, I don't. No, I don't.
Q Did Ms. Thomasson tell you how she had gotten into Mr. Foster's office?
A No.
Q Mr. Nussbaum said nothing during the period of time he was pacing?
A He may have said something to me like don't cry or whatever, but I don't think he knew what to say.
Q And how long do you figure he spent there?
A It wasn't long because I didn't spend that long there. And like I said, I can't remember if he went first or if I went first. But like I said, I always have a snapshot of us in the stairwell together.
Q And your snapshot is of him ahead of you?
A Uh-huh.
Q And that snapshot in your mind occurs immediately after you leave the office?
A I don't have any timing on it. But when, you know, I have been asked this question quite a few

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times about the sequence of who left and whatever, and the closest I could ever get to it was seeing us together in the stairwell. So I assumed it was afterwards because that was the only time that I saw Bernie that night, was in the office when I went in there. And the only time I see him is in that stairwell.
Q And Ms. Thomasson remained behind?
A Uh-huh.
Q Is there anything else you remember Ms. Thomasson saying during the period of time you were in there?
A I mean, I don't remember anything that she said. I mean, I can't believe she didn't, you know, shake her head or say why or, you know, the usual stuff, but I don't remember it as a conversation. And that Lisa thing stands out because I kept thinking why is she talking about Lisa Caputo. I didn't understand what that meant. But I don't remember anything else.
Q Now, did you carry anything out of the White House counsel's suite?

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A No.
Q Did Mr. Nussbaum give you anything to carry?
A No.
Q Your recollection is that you then went down in the direction of Mr. Gearan's office, whether or not you actually went there; correct?
A Yes, that's correct.
Q And then shortly thereafter, you went back up to get Ms. Lieberman to go home?
A Right.
Q And how did you arrange to lock the First Lady's suite?
A Oh, I'm sure that we either phoned the guard or told them on the way out.
Q As you walked out --
A Well, I don't know if he was still there. I mean, he could have been there because I don't know how long he was milling about. I can't imagine that we wouldn't have said to him that we're leaving; lock up. I mean, there's just no way. One of us would have said it.

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Q And when you walk out of that suite, you would walk to the elevator to take you to the ground floor; correct? That takes you by the White House counsel's suite; correct?
A Right.
Q At that point when you left, was the light still on in Mr. Foster's office?
A I don't even know if I looked. I don't know.
Q Was Ms. Lieberman at some point in time in the White House counsel's suite?
A Not when I was there. I only saw her -- she was only at the desk.
Q And did Ms. Lieberman at some point introduce you to one of the uniformed guards?
A What do you mean "introduce" me?
Q Say to one of the guards, in substance, this is Maggie Williams, who works for the First Lady?
A No.
Q When you were on the stairwell with Mr. Nussbaum, did you have conversation with him?

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A No. I don't remember. Like I said, I just have this picture of us.
Q When you talked to the First Lady back, later that night when you were back at home, did you tell her you had been in Vincent Foster's office?
A No.
Q Did you tell her Patsy Thomasson was looking for a suicide note?
A No.
Q Did you discuss with her whether there was any kind of suicide note or writing that Vince Foster might have left?
A All I know is we talked about -- she wanted to know if I had any idea why Vince killed himself; did I know anything else. I didn't know anything else, and she kept asking me. I mean, that was what our conversation was about. And she may have said something about -- I know she said something about the last time she talked to him and not remembering -- she should have talked to him more or something. I don't know.
Q When, when Ms. Thomasson was at

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Mr. Foster's desk on July 20th in the evening, did she have a cell phone with her?
A I don't remember seeing a cell phone.
Q And when you got back, did you have a conversation -- when you got back home after being at the White House that evening, did you have a conversation with Susan Thomases?
A No. I don't remember -- I remember having a conversation with her the next day or something.
Q Did she page you that night?
A She could have.
Q Would you have returned her call?
A Yeah.
Q Would it help you to refresh your memory about paging you if I tell you I have the White House record that indicates either you received a message to please call Susan Thomases at 212-772-6019 at 12:15 a.m. in the morning?
A Yeah, I mean, she could have paged me. I didn't talk to her. A lot of people page me that I don't get back to, you know.
Q When did you get back to her?

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A Well, I probably -- I'm not the most careful person on these pages. I have a tendency to turn them off. I have a tendency to leave them in different places. Where my pager was that night, I know where it was when I -- the last time I remember my pager was seeing Gearan's name on it. I don't remember being paged by Susan, but, you know, it wouldn't surprise me to have been paged by Susan.
Q But your recollection of the next time you talked to her was that it was the next day?
A My recollection of talking to Susan that week was not over the phone. It was in person.
Q She came down?
A Yeah. I get my Wednesdays and Thursday of that week mixed up. But I'm sure I saw Susan that week. Either Wednesday or Thursday. I'm sure I saw her in person.
Q Did you have any -- you've described, actually, three conversations with Mrs. Clinton that night. A brief conversation in which she calls you from the airplane, an initial conversation where she tells you that Mrs. Foster -- Mr. Foster's body had

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been discovered or that he committed suicide, and then a conversation you had with her when you got back from the White House. Did you have any other conversations with her either that night or in the early hours of the next morning?
A I don't remember having any more conversations with her. I know I talked to her the next day. I can't believe it was early in the morning, though.
Q What was your conversation with her the next day?
A She wanted me to see Tipper Gore.
Q This was a call you placed to her or she placed to you?
A I don't remember, but I know there was -- at some point, Hillary wasn't there and I really do think it was the next day because I think I saw Tipper Gore the next day.
Q Was this call with Mrs. Clinton in the morning or the afternoon?
A I don't remember. I know it was that next day, though.

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Q But as of your last call with Mrs. Clinton the night of the 20th or the very early hours of the 21st, your testimony is you did not tell her that you had been at the White House?
A I didn't feel I had any reason to do it.
Q So you didn't tell her you had been there?
A Right.
Q You didn't tell her Patsy Thomasson was looking for a note?
A No.
Q Did you typically attend the senior staff meetings in the White House in the morning, the 8:00 meeting?
A Generally.
Q And that was generally presided over by Mr. McLarty?
A Yes.
Q Did you attend a meeting the day after Mr. Foster's body was found?
A I don't think I did because I spent the night at Evelyn's house that night. And I just remember getting up late. I don't think I went to

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that meeting.
Q I'm sorry. So you didn't go home that night?
A I did go home, but then I did end up at Evelyn's house that night.
Q I'm not going to ask you who it is, but did you go directly to Evelyn Lieberman's house, or did you go someplace else first?
A No, I went to my house.
Q And after your house, did you go directly to Evelyn Lieberman's house?
A Uh-huh.
Q Is it your testimony you saw no one else from the time -- let me withdraw the question. Evelyn Lieberman took you home?
A Uh-huh.
Q Did she leave you at home or did she stay with you?
A No. She left me at home; she stayed for a little while and then she left.
Q Did she come back to get you?
A No.

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Q Did you drive to -- drive to her house?
A No.
Q How did you get to her house?
A Ron Noble took me to her house.
Q So you did see someone else in between the time you came home and the time you went to Ms. Lieberman's house?
A Yes.
Q So the next morning you came in from Ms. Lieberman's house?
A That's correct.
Q Did there come a point in time in the morning when you saw Mr. Nussbaum?
MR. DODDS: In the morning?
MR. CHERTOFF: Of the 21st. That's the last day.
THE WITNESS: Yeah, probably.
BY MR. CHERTOFF:

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(19) **Q** Did you and Mr. Nussbaum go down and see
(20) some Park Police?
(21) **A** Me?
(22) **Q** Yes.

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(1) **A** Oh, no.
(2) **Q** You didn't see any Park Police on the 21st?
(3) **A** No.
(4) **Q** You didn't accompany Mr. Nussbaum down when
(5) he met with some Park Police who were waiting at the
(6) White House?
(7) **A** No.
(8) **Q** That didn't happen?
(9) **A** Did not happen.
(10) **Q** Did you have any conversations -- okay, at
(11) some point during the day of the 21st you had a
(12) conversation with Mrs. Clinton?
(13) **A** Yes.
(14) **Q** How many conversations did you have with
(15) her that day?
(16) **A** At least one for sure. At least -- that
(17) was Wednesday? At least one for sure, maybe two.
(18) One was the Tipper conversation.
(19) **Q** And tell us about that conversation.
(20) **A** I guess she had talked to Tipper Gore
(21) during the night, or whatever, and -- because Tipper
(22) Gore is involved in, like, mental health issues and

Page 66
(1) counseling. She wanted to make sure that people at
(2) the office got counseling. And she wanted Tipper to
(3) spend some time talking to me.
(4) **Q** And did you, in fact, go and talk to
(5) Mrs. Gore?
(6) **A** Yeah, for a couple minutes.
(7) **Q** In that conversation concerning Mrs. Gore,
(8) did you have any conversation, again, about why
(9) Mr. Foster would have taken his life?
(10) **A** Why he would have?
(11) **Q** Uh-huh.
(12) **A** I think we were trying to figure out why,
(13) but hers was the usual -- it was more like for me,
(14) about, you know, taking time, kind of your counseling
(15) rap. I mean, it was very -- I mean, it was, you
(16) know -- it was -- it was more emotional than taking
(17) time. And Hillary, I guess, had told her that I
(18) would probably take it badly because she knew that
(19) Vince and I were friends, and she wanted Mrs. Gore to
(20) spend some time with me.
(21) **Q** In this conversation, was there any
(22) speculation between the two of you about what caused

Page 67
(1) Mr. Foster to do this?
(2) **A** Huh-uh.
(3) **Q** Was there any discussion about whether
(4) there was a note or anything of that kind?
(5) **A** Huh-uh, no. It was mostly less -- as I
(6) remember, less centered on him and more centered just
(7) on me, and follow counseling and, you know.
(8) **Q** And you had a second conversation with
(9) Mrs. Clinton that day as well?
(10) **A** Well, I'm not sure if we had -- I know
(11) there were two topics I talked to her about. I know
(12) the Tipper thing was a big thing because she kept
(13) saying you have got to go see her. And the other
(14) thing was deciding what she was going to do on
(15) Thursday because we still had that event.
(16) **Q** And what was that discussion?
(17) **A** I thought she should cancel it, and she
(18) thought that she shouldn't. She thought that, you
(19) know, kind of like going forward would be not
(20) dishonoring Vince. She thought she should go. And
(21) since it was the Arkansas Children's Hospital and
(22) since I guess he had had some deal with it when he

Page 68
(1) was there, she was deciding to do it. And I was
(2) telling her that I thought she should cancel it, that
(3) she didn't need to do it.
(4) **Q** In that conversation was there any
(5) discussion about why Vincent Foster took his life?
(6) **A** No, I mean, no more than -- hell, you
(7) couldn't talk to one person that day and not have
(8) them say why did Vince kill himself.
(9) **Q** And so this came up in conversations with
(10) Mrs. Clinton, too?
(11) **A** I imagine it did. I don't remember the
(12) specifics, but it seemed nuts to me that it wouldn't
(13) have.
(14) **Q** In either of these conversations on the
(15) 21st, did she ask you whether a note had been found?
(16) **A** She did not ask me that.
(17) **Q** Do you remember anybody else in the White
(18) House during that day wondering whether a note had
(19) been found?
(20) **A** I don't remember that. I'm trying to think
(21) if that was the day the President talked to the whole
(22) staff, but I think it was the day right afterwards

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(1) that he talked to the whole staff. Now, I, of
(2) course, did go, but I know that he did, and I know
(3) that -- what I heard back -- and this may not say
(4) anything, but I'm just trying to put this together.
(5) I think that the President talked about not knowing
(6) the reason why, that we didn't know the reason why,
(7) and having to accept it or whatever.
(8) And so while there may have been talk about
(9) a note, it just seemed to me that the whole issue
(10) was -- I mean, apparently there hadn't been, or else
(11) I guess we would have heard about it. And then the
(12) President kind of capping it by saying, you know,
(13) there's -- we don't know why this happened, and some
(14) things we'll never know. I remember that that was
(15) part of his statement that day.
(16) **Q** Where was Mr. Pastor's office, by the way,
(17) in the west wing?
(18) **A** He is on the second floor, but across the
(19) hall, but not, you know, the offices aren't, like,
(20) directly across. He was, like, across the hall. You
(21) would have to walk past the elevator, the stairs and
(22) another office to get to his office.

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(1) **Q** He was on the same floor as your office and
(2) the First Lady's office?
(3) **A** Right.
(4) **Q** Do you remember seeing him on that floor
(5) during the night of the 20th?
(6) **A** No.
(7) **Q** But that's where his office was?
(8) **A** Uh-huh.
(9) **Q** Do you know Sylvia Mathews?
(10) **A** Uh-huh.
(11) **Q** Did you see her on the night of the 20th?
(12) **A** I don't remember seeing Sylvia.
(13) **Q** Do you know Craig Livingstone?
(14) **A** Yes.
(15) **Q** Did you see him on the morning of the 21st
(16) of July?
(17) **A** No. I rarely ever see him.
(18) **Q** Now, during the course of the 21st, at any
(19) point during that day -- again, just to center it,
(20) it's the Wednesday after the discovery of
(21) Mr. Foster's death -- did you learn that there were
(22) Park Police who were interested in looking at

Page 71
(1) documents in Mr. Foster's office on that day?
(2) **A** Uh-huh.
(3) **Q** How did you learn that?
(4) **A** For some reason I think I heard it on the
(5) radio because I was amazed that I heard it on the
(6) radio, and I wasn't even at work yet. And it said
(7) something about, I don't know if they said Park
(8) Police or investigators or something will be at the
(9) White House or whatever. I just remember -- there's
(10) something in my mind that makes me think I heard it
(11) on the radio because I couldn't believe that I wasn't
(12) even at work yet and I heard this on the radio.

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(13) **Q** And this is when you were coming in after
(14) the night, the long night before where Mr. Foster's
(15) death had been discovered?
(16) **A** Yeah, I don't know if it was on the car
(17) radio or the radio in Evelyn's house. But I just
(18) have -- or even on the television. But I have like
(19) an audio memory of hearing something about that.
(20) **Q** Did you have any conversations that day
(21) with anybody in the White House about that?
(22) **A** I'm sure everybody -- everybody was talking

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(1) about it. That was the general buzz that they were
(2) coming to look at Vincent's office, and everyone
(3) was -- it seems to me discussing all these privilege
(4) issues, you know.
(5) **Q** You heard discussion of privilege issues
(6) the 21st?
(7) **A** Yeah. Just about general, you know, that
(8) these people are coming to look, and does privilege
(9) have any role. I mean, it was just -- people were
(10) just talking.
(11) **Q** Which people?
(12) **A** God, everybody in our White House talks to
(13) each other, to --
(14) **Q** Were the press people talking about the
(15) privilege issues?
(16) **A** I don't know where I was exactly when I
(17) heard it. But if you know -- and I don't know if the
(18) press were talking about it.
(19) **Q** The press people, the communications
(20) people?
(21) **A** The press people were talking about it.
(22) The staff types.

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(1) **Q** The White House, were the staff people
(2) talking about it?
(3) **A** I think the staff people were just, in
(4) general, talking about it.
(5) **Q** Privilege issues?
(6) **A** I think so.
(7) **Q** And the communication staff people were
(8) talking about privilege issues?
(9) **A** I would say staff in general.
(10) **Q** Were the people from the White House
(11) counsel's office talking about it?
(12) **A** Oh, God, I imagine that they must have
(13) been.
(14) **Q** Did you talk to Mr. Nussbaum about it?
(15) **A** I don't remember having a conversation with
(16) him, but I could have. I mean, I just don't
(17) remember.
(18) **Q** Did you talk to Mr. Neuwirth about it?
(19) **A** I don't remember talking to Steve about it.
(20) **Q** Did you talk to Mrs. Clinton about the fact
(21) that there were investigators who were going to be
(22) looking into Mr. Foster's office?

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(1) **A** No, I don't remember talking to her about
(2) it.
(3) **Q** On either of the conversations that day?
(4) **A** No. Those were -- on Wednesday, those were
(5) the main topics I discussed. I don't remember
(6) talking -- it was peripheral to me. They were
(7) coming; they weren't coming. It was peripheral to
(8) me. I mean, you know, at this point looking in his
(9) office, all of that stuff was so irrelevant to me.
(10) And did I hear it -- I do remember -- I do remember
(11) hearing something about privilege, and only because
(12) this is a White House that takes on every
(13) philosophical discussion, and I mean philosophical
(14) discussion.
(15) I mean, you know how has this affected over
(16) time, da, da, da, da, that's just how it is. So it
(17) was not majorly relevant to me, and I heard it, but
(18) it was like peripheral to me. And I'm sure people
(19) were discussing it because people were always
(20) discussing it.
(21) **Q** In your conversations with Mrs. Clinton
(22) did this subject of privilege or the subject of

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(1) Mr. Foster's office come up on Wednesday July 21st?
(2) **A** I don't remember it coming up. But I
(3) don't -- I don't remember it coming up. If it came
(4) up, it wouldn't surprise me. But I don't remember it
(5) coming up.
(6) **Q** So you just don't remember one way or the
(7) other?
(8) **A** Yeah, I just don't.
(9) **Q** But your testimony is that on that
(10) Wednesday, as far as you were concerned, the issue of
(11) documents in the office was really irrelevant?
(12) **A** Yeah.
(13) **Q** It wasn't anything you were assigned to
(14) take care of?
(15) **A** Assigned to take care of?
(16) **Q** Right. You had no assignment to take care
(17) of or have any involvement, correct?
(18) **A** No. Yeah, I was not assigned to take care
(19) of it.
(20) **Q** It was not something you felt you had to
(21) look out for or was part of your responsibility on
(22) the 21st?

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(1) **A** On Wednesday, no.
(2) **Q** Did you know Bob Barnett?
(3) **A** Uh-huh.
(4) **Q** And he was an attorney who was a private
(5) attorney to the Clintons?
(6) **A** That's correct.
(7) **Q** How did you come to know him?
(8) **A** I knew him very early on in the
(9) administration. We started getting letters right
(10) away asking for Mrs. Clinton's participation in this
(11) book or that book or some other book. Not all of
(12) them had to do with, like, the White House, you know,
(13) the White House counsel. A lot of them were like
(14) personal, you know. Since you've been an advocate or
(15) whatever would you write the forward to whatever.
(16) And we really didn't have a way of evaluating these
(17) issues, and Bob Barnett, who does a lot of work in
(18) the book industry, does and said that he would do
(19) it. So I was always, you know, sending him or asking
(20) him questions, so that I had gotten to know him
(21) really well.
(22) **Q** And did he call you on the 21st?

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(1) **A** I didn't talk to him, but I know in the --
(2) I know I had a message slip.
(3) **Q** Did you, in fact, have a couple of message
(4) slips?
(5) **A** Yeah. Yeah.
(6) **Q** Did you respond to those messages at some
(7) point?
(8) **A** I would think that I would have called them
(9) back, yeah.
(10) **Q** What was your conversation with Mr.
(11) Barnett?
(12) **A** I'm sure that he was calling me about
(13) seeing how I was. I'm sure. Bob Barnett is, you
(14) know, injury illness, anything, he always calls.
(15) **Q** So you're telling us you don't recall
(16) anything particular about the conversation?
(17) **A** I'm sure he was just calling to see.
(18) **Q** Did Mr. Neuwirth leave a message with you
(19) on the 21st to call back to him?
(20) **A** I'm sure he could have.
(21) **Q** Do you remember anything about that?
(22) **A** Boy, during those days I was talking to

Page 78
(1) Steve almost every day.
(2) **Q** About what?
(3) **A** Well, we were involved in the FACA suit.
(4) Health care was going strong, and this stuff was
(5) totally rolling out, so I mean, I was talking to
(6) Steve a lot

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(7) Q Were you working on this lawsuit and this
(8) health care stuff on the 21st?
(9) A I don't know. I mean, I don't remember,
(10) but for Steve to call me is not, you know.
(11) Q Now, did Susan Thomases come down on that
(12) Wednesday and Thursday?
(13) A For some reason -- I don't know if it was
(14) Wednesday or if it was Thursday, but I remember
(15) seeing Susan one of those days.
(16) Q Where did you see her?
(17) A She came by the Old Executive Office
(18) Building to my office there. That's where I remember
(19) seeing her.
(20) Q And what happened?
(21) A She came. She gave me a hug. She talked
(22) about how terrible, terrible it was.

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(1) Q Anything else?
(2) A Yeah. She -- she -- Susan is an attorney.
(3) She was totally consumed by the fact that Vince's
(4) wife and children might not be taken care of. And
(5) she recalled to me a case where she had -- I mean, it
(6) wasn't funny, but the level of detail struck me as
(7) humorous -- a case where she had been involved, I
(8) think, in, actually in an autopsy or something more
(9) dramatic where they found out that a person who had
(10) killed himself had killed himself because of some
(11) kind of chemical depression or whatever. And they
(12) were able, with that evidence, to show that the
(13) suicide didn't justify the insurance company not
(14) giving the family something. And she went into a
(15) long, involved recitation of this case and how
(16) worried she was about Vince's family and the kids.
(17) Q Did she tell you why she had come down to
(18) Washington?
(19) A No. But -- I mean, it wouldn't be unusual
(20) for Susan to be in Washington.
(21) Q Did she have any other conversation with
(22) you during this period of time?

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(1) A No. That was the only -- that really was
(2) the only time I saw her that week. I don't even
(3) remember if she went to Vince's funeral, but I do
(4) remember seeing her Wednesday or Thursday.
(5) Q Now, still on the 21st, I want to keep your
(6) attention focused on that Wednesday. Is it your
(7) testimony that on that day, other than very
(8) peripheral conversation you recall among the staff
(9) about the investigators wanting to go into
(10) Mr. Foster's office, you had no particular
(11) conversation or responsibility regarding the issue of
(12) Mr. Foster's office?
(13) A No. I didn't see myself as having any
(14) particular responsibility.
(15) Q And you didn't have any discussions with
(16) anybody that were directed to the question of how to
(17) handle the documents in Mr. Foster's office?
(18) A As I said before, if I had, it was
(19) peripheral. I mean, I'm not -- I didn't have an
(20) opinion about almost everything, I'm sure. And if
(21) anyone asked me what my opinion was, I probably gave
(22) it to them. But I didn't see myself as having any

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(1) particular responsibility. It wasn't my deal.
(2) Q It you weren't dealing with Mr. Nussbaum on
(3) the issue?
(4) A Huh-uh -- sorry. No. Unless he was in --
(5) you know, if there was a staff meeting and someone
(6) had announced investigators were coming, if people
(7) were hanging around talking about it. I just don't
(8) remember having particular discussions.
(9) MR. CHERTOFF: Can we take a break?
(10) THE WITNESS: If you want. I don't care.
(11) MR. CHERTOFF: Why don't we take five
(12) minutes.
(13) THE WITNESS: Okay.
(14) (Recess.)
(15) BY MR. CHERTOFF:
(16) Q What was your opinion on July 21st about
(17) the Park Police inquiry?
(18) MR. DODDS: If you had one.
(19) THE WITNESS: "So what?" Let them come.
(20) I mean --
(21) BY MR. CHERTOFF:
(22) Q You had no objection to it?

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(1) A No.
(2) Q You thought it was a good idea, a bad idea?
(3) A I don't know. I didn't think about it that
(4) much because I didn't know that much about process
(5) for this kind of thing. And probably anybody could
(6) have told me anything in terms of process, and, and
(7) it was probably lazy of me not to think about it.
(8) But in the scheme of things I thought that was, like,
(9) the least important thing to worry about.
(10) I mean, the scheme of things. So I don't
(11) remember having a really strong feeling about it, but
(12) I didn't know process. So if someone told me that
(13) was the way it went, I probably would have said yes.
(14) If someone had told me that there has been no
(15) precedence in the history of mankind to do this, I
(16) would probably say why would we do it. I don't
(17) remember having a big feeling about it.
(18) Q In your conversation with Mr. Barnett on
(19) the 21st, did he indicate anything about the
(20) documents to you?
(21) A Huh-uh. I actually don't remember the
(22) conversation for one thing, period, happening, but I

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(1) also can't imagine that he would call and I wouldn't
(2) call him back. But I'm sure it was just, how are you
(3) doing.
(4) Q So you have no --
(5) A Huh-uh.
(6) Q It's not your testimony he raised the issue
(7) of the documents or anything like that?
(8) A Huh-uh. No. No.
(9) Q Did you -- Carolyn Huber worked for the
(10) First Lady in July 1993; correct?
(11) A Yes.
(12) Q And her position was what?
(13) A Well, she actually doesn't work for the
(14) First Lady. She actually works for the President's
(15) office in that she is -- she handles their -- I don't
(16) know, insurance, or their papers or residents,
(17) guests, things like that.
(18) Q And she had that job in July of '93?
(19) A Yes.
(20) Q Did you talk to her on Wednesday, July
(21) 21st?
(22) A No. No.

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(1) Q Did you try to reach her on Wednesday, July
(2) 21st?
(3) A Huh-uh. No.
(4) Q Did you ask anybody else to try to reach
(5) her?
(6) A No.
(7) Q Did you have any discussion with anybody
(8) about trying to reach her?
(9) A No.
(10) Q Going back, by the way, to the 20th, that
(11) evening when you were in Mr. Foster's office, that
(12) evening when his body was discovered, how long would
(13) you say you were actually in Mr. Foster's office?
(14) A I'm just not good on times. But it just
(15) didn't seem long to me because the feeling I had
(16) after being there seems, for a short while, was --
(17) there's nothing to be done here.
(18) Q Would you estimate it at 15 minutes?
(19) A I just -- I just don't know. And I tell
(20) you I was beaten up so badly in that last committee
(21) hearing about 10 minutes and 5 minutes and 8 minutes
(22) if I ever put minutes next to anything. I just don't

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know.
Q Did you walk out of -- did you carry anything out of the suite that night, the counsel's suite that night?
A No. No.
Q Were you carrying file folders around that night anywhere in the White House?
A No. The only thing -- as I said, the only thing -- and I thought about this -- that I can think of having would either have been a schedule or a statement in terms of paper. That's like the only paper I have any -- that I would touch or would have.
Q These were individual pieces of paper?
A Yeah. All the -- the schedule -- sometimes when she's out of town for a long period of time they have, you know, like the schedule for the whole week, so it's more than one. But the schedule comes in an envelope, in a big White House envelope, or it used to when it was, in fact, under the door. And I really thought about this; I just don't remember taking anything in or taking anything out of the office.

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And one reason is -- and this is fairly gross -- but one reason is I remember sobbing so much that I took my hand and I wiped my nose across, and I remember thinking this is really gross. And I remember that because I immediately thought about my mother. And, like, this whole night for me is lots of snapshots in trying to remember pictures since I can't remember all the sequence stuff, but I don't remember.
When I think about what I had that night, there are only two things I could have had: Statement, which was short, which would have been one piece of paper; or schedule.
Q Which would be maybe half a dozen pieces of paper?
A Could have been, yeah.
Q Let me take you now to July 22, which is the Thursday. Did you have any discussions with Mrs. Clinton on that day?
A I don't remember talking to her Thursday.
Q Now, let me first --
A Thursday the 22nd.

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Q Let me help you frame the next day, Friday was the funeral. You went --
A I went Friday.
Q You went with the President's plane; you came back that night?
A Yes, I did.
Q Coming back with you that night was the President and First Lady?
A Yes.
Q So now --
A I don't remember. You know, that's easily checked -- I don't remember.
Q So we have in any case, you do remember that Friday was the trip?
A Definitely.
Q And Thursday would be the day before?
A Uh-huh.
Q On the day before the trip to the funeral, you -- bearing that in mind, I will ask you again, did you have conversations with Mrs. Clinton?
A No. I don't think I had any conversations with her on Thursday because that was event day --

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MR. DODDS: I'm sorry, what day?
THE WITNESS: Event day.
MR. DODDS: I just didn't hear what you said.
THE WITNESS: It was the day I know she was doing the hospital event, and generally I wouldn't talk to her on an event day unless there was something going on wrong. I generally just talk to the staff.
BY MR. CHERTOFF:
Q Did you talk to anybody who was with Mrs. Clinton that day?
A I don't remember. I don't remember. I could have. Her trip director or Lisa, but I just don't remember.
Q Did you try to reach --
A Oh, I did talk to her Thursday.
Q To who?
A Mrs. Clinton. Oh, yeah. I talked to her that evening. Because I had talked to her either -- I'm trying to remember. I don't know if I called her and I was in Vince's office then or I was in my

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office or I was in the receptionist's office, but I did talk to her.
Q Let me go back a little bit and direct your attention to a period of time between noon and 1:00. Did you get paged to call the Rodham residence?
A I could have.
Q Do you know who Capricia is?
A Oh, yeah. Uh-huh.
Q Who is she?
A She is Mrs. Clinton's personal assistant. She does her files, travels with her, all this kind of stuff.
Q And there's a -- I'll represent to you that there's a record that you received a page to call Capricia at the Rodham residence at 12:47 p.m. on July 22. You returned that call, I take it?
A Probably.
Q I mean, whatever your practice with returning phone calls, is it fair to say that calls from the First Lady or the President you do return promptly?
A Yes, but it's not a practice of returning

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phone calls. It's a practice of having my pager and returning pager calls or not. If I have my pager, I will return anybody's call. If I don't have it with me, I don't get the page.
Q Did you call Capricia?
A I don't remember it, but if she paged me and I had my pager, I'm sure I called her.
Q Do you remember anything about a conversation with Capricia on that day?
A No, I don't remember.
Q Did you have a conversation in the early afternoon with Mrs. Clinton?
A No. I only remember that one in the evening having a conversation with her.
Q Did you set up an arrangement in the afternoon to talk to Mrs. Clinton later in the evening?
A No. No. No.
Q Directing your attention to the morning of the 22nd before lunchtime, did you have any conversations about Vincent Foster's office with anybody at the White House?

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A I don't think so. Is this before the investigators came?
Q Before the investigators -- well -- before the investigators entered Mr. Foster's office?
A Did they come on a Thursday or Wednesday?
Q It's a -- well --
A I'm just trying to --
Q Let me help you this way: I will represent to you there were investigators in the White House for both days, but if what you're asking me is the day in which they actually were in Mr. Foster's office, that was the Thursday.
A Okay.
Q So I'm going to ask you -- and it was approximately 1:00. I will ask you the period before that happened -- and I'm telling you this just to help you locate in your mind the timing -- whether or not before they were in the office you had conversations

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(19) with anybody in the White House concerning
(20) Mr. Foster's office?
(21) **A** No. I don't remember having any
(22) conversations.

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(1) **Q** Did you have conversations with
(2) Mr. Nussbaum about it?
(3) **A** I don't remember having a conversation.
(4) **Q** Do you have a conversation with either the
(5) President or the First Lady that morning about
(6) Mr. Foster's office?
(7) **A** No. I don't remember having a
(8) conversation.
(9) **Q** Did there come a time you were aware that
(10) there were investigators in Mr. Foster's office?
(11) **A** That's why I was asking. I mean, if it was
(12) after, I'm sure everybody knew about it. You know,
(13) either -- I mean -- I mean, when they got there did
(14) someone say, Maggie, they're here so that I would be
(15) put on notice? No.
(16) **Q** When did you first become aware that there
(17) were investigators in Mr. Foster's office?
(18) **A** Probably from the news or probably if it
(19) had been decided the previous day, I would have
(20) known.
(21) **Q** All right. Now focusing your attention on
(22) the period of time from, let's say, 1:00 in the

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(1) afternoon on the 22nd on, when is the first time you
(2) had a conversation with somebody or did something in
(3) connection with Mr. Foster's office?
(4) **A** It was a call from Bernie Nussbaum.
(5) **Q** And do you remember when you got that call?
(6) **A** Well, I want to think that it's like around
(7) 4:00, 4:30.
(8) **Q** And what did he --
(9) **A** He called me and said -- I was in room 100.
(10) **Q** Which is room 100?
(11) **A** The Old Executive Office Building. I was
(12) across the street. And he called me, and he said I
(13) have -- I have or -- I have their personal files or I
(14) have the Clinton's personal files; get them to Bob
(15) Barnett. Or will you get them -- but, you know, that
(16) was the gist of it. And I said okay. I'll be over
(17) in a little while.
(18) **Q** And so what did you do?
(19) **A** Probably took a few more phone calls, and
(20) then walked over to the office.
(21) **Q** And what happened?
(22) **A** I walked into the office and every drawer

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(1) was out, everything was, you know, all out.
(2) **Q** This is Mr. Foster's office?
(3) **A** In Mr. Foster's office.
(4) **Q** Who was there?
(5) **A** Bernie Nussbaum, and I'm almost sure that
(6) Vince's secretary was there.
(7) **Q** Deborah Gorham?
(8) **A** Yes, Debbie Gorham, right. And either --
(9) and I'm not sure about this -- either there were a
(10) stack of files on the coffee table in front of
(11) Vince's couch that were just in a stack that Bernie
(12) pointed to. I don't know if they were in a stack or
(13) in a box or if I got the box and put them in there,
(14) but there were some files that had been designated by
(15) Bernie as personal because he pointed them out to
(16) me. And then he said to me, this is, you know, these
(17) are the files to get to Barnett, and -- oh, before I
(18) left my -- before I left my office in room 100, I'm
(19) sure I called Barnett to tell him that I was going to
(20) get files.
(21) **Q** Did you reach Barnett?
(22) **A** I'm pretty sure I got Bob Barnett the first

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(1) time.
(2) **Q** And what did you tell him?
(3) **A** That I'm supposed to be sending the

(4) personal files of the Clintons to you, and he said,
(5) well, when you're ready, I'll send somebody over to
(6) get them. Then I went over to the office, saw the
(7) files, and I remember Bernie said to me look around.
(8) He said I think I've got everything, but you might
(9) recognize something that I don't recognize.
(10) And actually I was looking because I knew
(11) Vince was working on the blind trust. I was looking
(12) for something that said Chelsea or Rodham or
(13) something like that. And I located something that
(14) was in a file drawer. Oh, it was easy. I think it
(15) said "taxes" on it. And I put them --
(16) **Q** In the drawer?
(17) **A** Yeah, well, all the drawers were out. And
(18) huge stacks of files were sitting everywhere.
(19) **Q** But there were also files in the drawers
(20) still?
(21) **A** Not many. But this one was in the drawer
(22) because I looked around. It reminded me of the kind

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(1) of hotel check you do when you're ready to get out of
(2) there, you know, you're looking everywhere, and that
(3) was kind of what I was doing. And I looked around
(4) and I saw something that said taxes. And I just
(5) picked it up; I thought taxes sounded personal. And
(6) I just put it on the stack, if there was a stack, or
(7) I put it in the box if there was a box.
(8) **Q** Did you consult with Mr. Nussbaum about
(9) that?
(10) **A** No. I just put it on.
(11) **Q** Did you look at the tax returns?
(12) **A** Oh, no. It was just -- it seemed like it
(13) just had "taxes" written on it like the file part of
(14) it.
(15) **Q** How did you know it was the Clintons's
(16) taxes?
(17) **A** I didn't know; I just assumed.
(18) **Q** How do you know it wasn't Mr. Foster's
(19) taxes?
(20) **A** Oh, it could have very well been.
(21) **Q** You didn't want to check to see whether it
(22) was Mr. Foster's taxes or the Clintons's taxes before

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(1) you sent it over to the Clintons?
(2) **A** Well, I have to tell you, at the time I
(3) wasn't making a connection except with the Clintons
(4) in my head. And I figured that if Bernie asked me to
(5) check around to see if there was anything else that I
(6) might see that had to -- I just saw it, and I picked
(7) it up.
(8) **Q** Where was Mr. Nussbaum at that point?
(9) **A** I think he was in the, you know, standing,
(10) like, in the doorway or something.
(11) **Q** And did you say, Bernie, I found something
(12) marked "taxes"; what should I do with it?
(13) **A** I put it on the stack of files. I put it
(14) on the stack of files.
(15) **Q** And then what happened?
(16) **A** I may -- I remember having a discussion
(17) with him about the renovation files. And I said
(18) should I take the renovation files, and he said no,
(19) that has to do with the White House counsel's
(20) office. So I remember that was the only discussion,
(21) and then I remember either leaving to get a box or
(22) leaving because I took a few more calls. Either

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(1) the -- either Mrs. Clinton's secretary or Bernie's
(2) secretary or Vince's secretary heard that there were
(3) calls for me because the offices were next door. And
(4) I remember taking a bunch more calls before coming
(5) back into the room to actually pick them up.
(6) **Q** Now the taxes file, was that actually in a
(7) file drawer in Mr. Foster's desk?
(8) **A** It wasn't a desk. There was -- you see how
(9) you have the book shelves here and the last two
(10) shelves are drawers, so it's over off to the side.
(11) **Q** Was that particular drawer filled with
(12) [illegible]

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(13) **A** No. I don't remember. Everything pretty
(14) much was out, it seemed to me.
(15) **Q** Now, you came back from returning the phone
(16) calls, and you say you brought a box back also?
(17) **A** Well, I'm not clear about that. I don't
(18) know if the box was already there or if I went and
(19) brought a box to pack them in.
(20) **Q** And then what did you do?
(21) **A** Well, part of what I had done most of the
(22) day -- I mean, I was exhausted. I had been back and

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(1) forth on whether or not I would go to Vince's funeral
(2) because I just -- you know, I didn't think I was up
(3) to it or could do it. And I know that part of the
(4) calls I was taking could have been you should go, you
(5) should go, whatever.
(6) Anyway, I decided to go, and we were
(7) leaving the next morning at 7:00 or 7:30. I forget.
(8) I was really tired. By this time I really believe it
(9) was 5:30 or 6:00; in my own mind that's how I think
(10) of the time, 5:30 or 6:00, I mean, maybe even later,
(11) but I know I had fooled around on the phone between,
(12) you know, actually getting the files over to Bob
(13) Barnett. And I thought by the time Bob Barnett sends
(14) somebody over here and they get through clearance at
(15) the White House to come and take the boxes, I will be
(16) sitting around here, and I don't want to do that.
(17) So I know I called; I don't know if I got
(18) Bob Barnett -- I may have gotten Bob Barnett on the
(19) phone, or I got Sylvia, his person who works, the
(20) woman who works for Bob Barnett. In any event, I
(21) told him to forget about sending anybody, that I
(22) would just get them back when I got back from the

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(1) funeral.
(2) **Q** Did you explain why?
(3) **A** I don't know. I may have. I may have said
(4) something like it's getting too late and I've got to
(5) go. I don't remember exactly what I said. I'm sure
(6) they would probably want an explanation. So I said
(7) something like that. And then -- but then the files
(8) were, nevertheless, there.
(9) **Q** Where?
(10) **A** In Vince's office. And they weren't
(11) going --
(12) **Q** And Mr. Nussbaum was still waiting there?
(13) **A** No. I don't know where Bernie was right
(14) then.
(15) **Q** So there was no one in the office?
(16) **A** No, not when I went back into -- I mean,
(17) there were people in the reception area, everybody
(18) who was there, but I went in Vince's office to
(19) retrieve the files, and I guess I talked to Sylvia or
(20) Bob in that office.
(21) **Q** Which office?
(22) **A** In Vince's office. I may have made the

Page 101
(1) call from there. And then I thought what am I going
(2) to do with these files, and then I said, well, I'll
(3) put them in the residence.
(4) **Q** Now let me stop you. You made the call to
(5) Mr. Barnett's office either from your office in the
(6) west wing or from Vince Foster's office?
(7) **A** I think from Vincent Foster's office, and I
(8) could have made it from one of the secretarial desk.
(9) Or I could have made it from Pam's desk, but I have
(10) this feeling that I made the call right there.
(11) **Q** When you say "Pam's desk"?
(12) **A** I mean, that was in Mrs. Clinton's office.
(13) The offices line up 1, 2, 3, 4, and since I was going
(14) back between, I would have stopped wherever there was
(15) a phone.
(16) **Q** So it could have been your office, it could
(17) have been the outer office to Mrs. Clinton or --
(18) **A** I think it was Vince's office.
(19) **Q** So you come back in and the boxes are
(20) packed at that point and filled?
(21) **A** It doesn't seem to me they were even really

(22) filled. It seems like it was a box and it was, you

Page 102
(1) know, some files.
(2) **Q** One or two boxes?
(3) **A** One box. One box.
(4) **Q** Are you sure about that?
(5) **A** Well, I wasn't sure because I started
(6) reading newspaper accounts that said something about
(7) two boxes. So I have been trying to figure out this
(8) box thing. And the best way that I could do it was
(9) to -- to go back and take a picture at the end of it,
(10) instead of at the beginning of it.
(11) And the closet in the Clintons is very
(12) shallow, for one. It's as wide or the depth of that
(13) book case, and I got -- I always was trying to figure
(14) out if it was two boxes or one box because I got
(15) somebody to help me carry the box. But I realize I
(16) must have had other stuff that I had to take some
(17) place. So I'm now pretty clear it was one box, that
(18) there was just a box.
(19) **Q** So the box is in Mr. Foster's office and
(20) Mr. Nussbaum is not there?
(21) **A** Right. Not when I went back in, no.
(22) **Q** And you picked up the box?

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(1) **A** Either I packed files or I pick up a box
(2) that's packed. I just don't know what.
(3) **Q** And then what?
(4) **A** I have something else with me because I
(5) have to get somebody to help me.
(6) **Q** What else do you have with you?
(7) **A** I don't know. But there's something else
(8) with me. And I don't know for sure. It has, of
(9) course, been suggested to me by my counsel --
(10) MR. DODDS: Wait a minute. Hold on a
(11) second. Don't talk about anything that you and I
(12) have discussed.
(13) THE WITNESS: Okay. Sorry.
(14) MR. DODDS: Let me take a minute. Because
(15) I want to know what it was I suggested.
(16) (Discussion off the record.)
(17) THE WITNESS: All right. I had something
(18) else in mind.
(19) BY MR. CHERTOFF:
(20) **Q** All right. What did you do?
(21) **A** Get on the elevator -- oh, no, no, no, no.
(22) So, the boxes. These are the calls that I make. I

Page 104
(1) made a call to Sylvia. I made a call to Hillary --
(2) Sylvia in Mr. Barnett's office. I make a call to
(3) Hillary.
(4) **Q** And she's where?
(5) **A** In Arkansas.
(6) **Q** Where in Arkansas?
(7) **A** I don't know because I probably went
(8) through Signal, and they just found her.
(9) **Q** And what's your conversation with her?
(10) **A** I tell her that I was sending the boxes to
(11) Bob Barnett, but it's getting late, and I'm tired,
(12) and I'm going to take them to the residence; where
(13) should I put them.
(14) **Q** What did she say?
(15) **A** She says call Carolyn Huber.
(16) **Q** So what did you do?
(17) **A** I called Carolyn Huber.
(18) **Q** And then what happens?
(19) **A** I called Carolyn Huber --
(20) **Q** This is all from Vince Foster's office?
(21) **A** Well, I think so. I mean, I think so.
(22) **Q** But you were not using a cell phone for

Page 105
(1) this?
(2) **A** No.
(3) **Q** You were using a hard line?
(4) **A** Yeah.
(5) **Q** What happens next?
(6) **A** For [illegible] Carolyn Huber,

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and I don't know if Mrs. Clinton says call Carolyn Huber, there's a closet or whatever, or if she says call Carolyn Huber. But, you know, so I say I talked to Hillary and she wants the files and says that you'll know where to put them, put them in a closet or whatever. And I get an intern to help me with the files.
Q Who is that?
A He's not an intern now, I found out; Tom Castleton.
Q How did you arrange for that?
A It wasn't a big arrangement. I mean, he was just sitting at the desk and I probably said come help me do that.
Q So he came into Mr. Foster's office with you?

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A Uh-huh.
Q You both carried the files out?
A Well, I had something else, but he had the box.
Q Did you make a stop at your office on the way to the residence?
A Or in Hillary's office, I don't know. I don't know if I brought in what I had to Vince's office; I don't know.
Q What do you mean if you brought in what you had?
A Like I said, it wasn't just the box I was carrying over; I was carrying over something else. So I don't know if I had it in Vince's office or got it from some place else. I just don't know.
Q Okay. So you may have left Vince Foster's office, stopped to pick something up in your office and then gone to the residence?
A "May have" is correct. I mean, I would really be making it up if I tried to tell you specifically. I just don't know. But all those are possible.

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Q Do you have a sense -- this is another thing that you were going to take up to the residence?
A Yeah.
Q Whose instruction was that?
A Probably just something I knew. There were all kinds of things that go back and forth there.
Q Was it papers?
A No.
Q Was it a thing?
A Yeah. I think it was some things. There are all kinds of goofy things that come -- well, not necessarily goofy, but things that come to Mrs. Clinton's office in the west wing that don't necessarily belong there. They can be from fruit baskets that go to the gift unit to signed books from people to clothes that come in. So, I mean, you know, and if I see it and I'm going there, I would take it.
Q So with the files and Mr. Castleton and this other material, you then go over to the residence; correct?

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A Uh-huh.
Q And tell us what happened; tell us how you did that.
A Took the elevator and went to the ground floor of the residence. And Carolyn Huber was on the ground floor in front of the doorway that would go to the elevator that would take us to, ultimately, the closet. And she was waiting, and she was very impatient about it.
Q And what happened?
A We went up to the third floor, and Carolyn opened the closet.
Q What room was it?
A I don't know if it has a name. It's a room where -- at that time it was a room where they were -- they still weren't unpacked. It was a room that was still full of boxes and stacks of books and stuff because this is probably, you know, more of a personal floor than anything else, I guess. So the room is pretty much a mess and there was a small closet inside this room. And so Carolyn Huber opened the closet and it seems to me she had to make some

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kind of an arrangement because it was very small and there were other boxes in there. And the box was set there.
Q How did you know to put it in that closet?
A How did I know? I didn't know.
Q Who made the decision that it would be put in that closet?
A That's what I said. Carolyn Huber either, at the point in time -- like I said, I don't know whether Mrs. Clinton said to me put it in the closet on the third floor, talk to Carolyn or whether she said call Carolyn to see where to put it.
Q Was it your impression from either Mrs. Clinton or Carolyn that there had been some discussion between them about this?
A No. I mean -- Carolyn pretty much on my say so would, you know.
Q So when you called Carolyn, she didn't express surprise?
A Huh-uh. If I said Mrs. Clinton said to call you about it, she would pretty much do it.
Q I think I promised Mr. Ben-Veniste we would

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take our lunch break at noon, and this is actually a good time for me to pause. Okay?
(Whereupon, at 12:03 p.m., the deposition was recessed, to be reconvened at 1:15 p.m. this same day.)

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AFTERNOON SESSION (1:22 p.m.)
Whereupon,
MARGARET A. WILLIAMS
resumed the stand and, having been previously duly sworn, was examined and testified further as follows:
EXAMINATION (Continued)
BY MR. CHERTOFF:
Q Ms. Williams, I would like to direct your attention now back to July 22nd, again in the period of the afternoon about which you've testified in general terms.
A Thursday.
Q I'm sorry. Thursday. I apologize, Thursday afternoon, which was July 22nd, about which you testified in general terms. Before Mr. Nussbaum called you, had you received messages from Mr. Burton and Mr. Neuwirth?
A About?
Q If they had called?
A Oh, I don't remember.
Q I'm going to refresh your memory by showing you what's been marked as Z951, Bill Burton to

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Maggie, 7/22/93, 3:05. Do you know who AG is on the bottom, who would have signed that?
A Probably a volunteer.
Q And do you recognize the extension?
A Huh-uh.
Q Do you remember talking to a Burton on that day?
A I don't remember talking to him. But -- I mean, I know Bill Burton.
Q Did you know on that day, Thursday, July 22, Bill Burton had been present when Mr. Nussbaum reviewed Mr. Foster's documents in the presence of or in the vicinity of law enforcement officers?
A Yeah, I think I knew that.
Q Does it help you to remember that he called you that, that he wanted you to come over to Mr. Foster's office?

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(18) **A** At 3:05?
(19) **Q** Yes.
(20) **A** No.
(21) **Q** Did you talk to him after you got this
(22) message?

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(1) **A** I don't remember talking to him.
(2) **Q** Now, I'm going to show you what's been
(3) previously marked as Z953 and this is 7/22/93, 3:25,
(4) to Maggie from Steve Neuwirth at 2632. And that
(5) requested you call as well. Do you remember talking
(6) to Mr. Neuwirth?
(7) **A** I don't remember talking to him, but, I
(8) mean, I could have.
(9) **Q** Do you know if Mr. Neuwirth had been
(10) involved in the review procedure earlier in the
(11) afternoon in which law enforcement people were
(12) present while Mr. Nussbaum reviewed the files?
(13) **A** No.
(14) **Q** Do these two messages help to indicate to
(15) you that before Mr. Nussbaum called you, you had been
(16) called by two other people who were trying to track
(17) you down?
(18) MR. DODDS: I'm sorry. Could you repeat
(19) the question.
(20) (The reporter read the record as requested.)
(21) MR. DODDS: You were asking to conjecture
(22) about why these other people called her.

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(1) MR. CHERTOFF: I'm asking her to recall
(2) whether or not she knows people were trying to reach
(3) her with some degree of urgency that afternoon after
(4) 3:00.
(5) THE WITNESS: I don't know about the
(6) urgency part of it, but, I mean, when I come in and
(7) out of my office, I can have a stack of messages from
(8) this day this big and start going through them or not
(9) or be interrupted. So I mean, I don't have any
(10) argument that they were trying to reach me; it's
(11) clear; but I don't remember them calling me in
(12) conjunction with Bernie Nussbaum's call.
(13) BY MR. CHERTOFF:
(14) **Q** Now, Mr. Nussbaum, did you call him or did
(15) he call you?
(16) **A** Bernie called me.
(17) **Q** And he said to you that he wanted you to
(18) come to Mr. Foster's office?
(19) **A** Yeah, that he – I don't know if he said
(20) come to Mr. Foster's office. I know that he said I'm
(21) going to give you the personal files to give to Bob
(22) Barnett.

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(1) **Q** And you were in the Executive Office
(2) Building?
(3) **A** Yeah.
(4) **Q** Did you say what personal files?
(5) **A** No.
(6) **Q** Did you ask him what he was talking about?
(7) **A** Well, he said the Clintons's personal
(8) files.
(9) **Q** Did you ask him where those personal files
(10) were?
(11) **A** No, I didn't, but the "come and get," I
(12) knew he wasn't in my office, he was in his office.
(13) **Q** Did you wonder why there were personal
(14) Clinton files in Mr. Nussbaum's office?
(15) **A** I did not wonder at all.
(16) **Q** I want to try to get as full as possible a
(17) description of this conversation. Mr. Nussbaum calls
(18) you up and he says to you what?
(19) **A** I don't know every word he said to me. But
(20) as I understood it, Clintons's personal files; I want
(21) you to come get them and get them to Bob Barnett.
(22) **Q** Did you know where he was calling from?

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(1) **A** I assumed he was calling from his office.
(2) **Q** Did you know where the files were located?
(3) **A** I assume they would be, since he didn't say
(4) differently, in his office.
(5) **Q** In Mr. Nussbaum's office?
(6) **A** Well, yeah, in the office.
(7) **Q** Did you know why he wanted to have them
(8) moved to Mr. Barnett?
(9) **A** No.
(10) **Q** Did you ask him any questions about it?
(11) **A** No.
(12) **Q** Did you know what the nature of the
(13) personal files were?
(14) **A** No.
(15) **Q** Did you call Mr. Barnett?
(16) **A** Yes.
(17) **Q** What did you say to Mr. Barnett?
(18) **A** That I'm going to try and get the
(19) Clintons's personal files over to you.
(20) **Q** Did he say what personal files?
(21) **A** No, he did not.
(22) **Q** Did he express any surprise that there were

Page 117
(1) personal files that had to be received?
(2) **A** No, he didn't seem surprised.
(3) **Q** Did he indicate to you in his answer or did
(4) you get the impression from his answer that he would
(5) be expecting a call from you about the personal
(6) files?
(7) **A** I – I didn't have any – I mean, he didn't
(8) seem surprised. I don't know if he was expecting a
(9) call from me, but he didn't question me about it.
(10) **Q** Did you say you were going to send the
(11) files over or that he should send somebody to pick
(12) them up?
(13) **A** Well, I said I'm going to get them over to
(14) you, and that's when he said we'll send somebody to
(15) pick them up.
(16) **Q** Did he ask how many files there were?
(17) **A** No.
(18) **Q** Did he ask you whether he should send one
(19) person or two people or three people?
(20) **A** No, he didn't.
(21) **Q** Did he ask whether he should send a truck?
(22) **A** No. But I remember him saying – no. I

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(1) don't remember him saying that. I told him I was
(2) going to get the files over to him. And he said
(3) we'll send someone to get the files. I must have
(4) said I'll call you back when they're ready.
(5) **Q** Did you indicate a time frame within which
(6) they would have to be picked up?
(7) **A** No.
(8) **Q** Did you say to him they should be picked up
(9) today?
(10) **A** No, I didn't.
(11) **Q** Did you say they should be picked up this
(12) week?
(13) **A** No, I did not.
(14) **Q** Did you ask him to provide you with the
(15) date of birth and the Social Security number of the
(16) messengers so you could have that person cleared
(17) through the White House?
(18) **A** Not at that point.
(19) **Q** You then went over to Mr. Nussbaum's
(20) office?
(21) **A** Right.
(22) **Q** And that's in the west wing; right?

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(1) **A** Right.
(2) **Q** And when you went over there and you walked
(3) in, Mr. Nussbaum was in Mr. Foster's office; correct?
(4) **A** Yes.
(5) **Q** And Ms. Gorham was there; right?
(6) **A** Yes.
(7) **Q** And Mr. Nussbaum was in the process of
(8) looking at documents or he had completed looking at
(9) documents?
(10) **A** It seems to me he had completed; he wasn't
(11) looking at documents.

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(12) **Q** So he was standing there with documents
(13) that were piled up on the desk?
(14) **A** Well, there was -- there was some on a
(15) desk. There was some on the bureau. There were
(16) piles of folders.
(17) **Q** And there were also opened drawers?
(18) **A** Uh-huh.
(19) **Q** And in the open drawers there were some
(20) files; correct?
(21) **A** In the one that I went to, there was
(22) definitely files.

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(1) **Q** More than one file?
(2) **A** A few. But they weren't full. Everything
(3) seemed to have been -- I don't know if they were
(4) laying flat or standing up. But everything was out.
(5) **Q** Now, did Ms. Gorham actually come into the
(6) room, Mr. Foster's room, after you and Mr. Nussbaum
(7) were already there?
(8) **A** I don't know.
(9) **Q** So that's a possibility?
(10) **A** Yeah, I guess it is.
(11) **Q** And do you recall when she came in that you
(12) and Mr. Nussbaum were in the process of reviewing a
(13) file drawer in what you previously described as a
(14) file cabinet below the bookcases behind the desk in
(15) which there were personal documents?
(16) **A** Could you ask -- I'm sorry.
(17) MR. CHERTOFF: Can I get it repeated.
(18) (The reporter read the record as requested.)
(19) THE WITNESS: I wasn't reviewing files with
(20) Bernie.
(21) BY MR. CHERTOFF:
(22) **Q** Was he reviewing files in your presence?

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(1) **A** When I came in it seemed pretty much
(2) settled. Like I said, I can't recall if he had the
(3) files boxed that he pointed to or designated as the
(4) files that he wanted me to get to Barnett or whether
(5) or not they were just in a stack on the table. But
(6) it seemed like whatever he was doing, it was done. I
(7) mean, it wasn't going through anything.
(8) **Q** Did Mr. Nussbaum call in Ms. Gorham and ask
(9) her to help him compare the categories of certain
(10) files or the labels on certain files while he looked
(11) at the documents in the folders?
(12) **A** You have to ask me -- compare the
(13) categories?
(14) **Q** I withdraw the question, and I'll rephrase
(15) it this way: Did Mr. Nussbaum call in Ms. Gorham and
(16) ask for a listing of what was contained in the drawer
(17) which contained file folders of the President's
(18) personal and financial matters?
(19) **A** Oh, I don't -- I don't recall that. I
(20) mean, he may have had a conversation with her. I
(21) wasn't -- I just don't remember.
(22) **Q** So you don't remember one way or the other?

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(1) **A** Huh-uh.
(2) **Q** Do you remember her starting to read from
(3) the labels on top of the files to Mr. Nussbaum
(4) pertaining to the drawer containing the Clintons's
(5) financial records?
(6) **A** I don't remember any of that.
(7) **Q** Do you remember at that point Mr. Nussbaum
(8) saying to Ms. Gorham she could leave and that you two
(9) would handle this yourselves?
(10) **A** I don't remember that, but it's possible.
(11) I don't remember any kind of reading or process or
(12) anything like that. The most process there was was
(13) me taking a look around and pulling that file. There
(14) was no, you know, process or -- that was going on.
(15) **Q** Now, I want to be quite clear on this. Are
(16) you saying you don't remember whether Ms. Gorham came
(17) in and had this discussion with Mr. Nussbaum, or are
(18) you saying that didn't happen?
(19) **A** Well, I don't remember. I do not remember
(20) any big conversations going on between them. I do
(21) remember that, as I said before, that Debbie was in
(22) the office. But I do not remember anything involving

Page 123
(1) reading categories or if she was in the act of
(2) reading when I got there or anything like that.
(3) **Q** You don't remember one way or the other?
(4) **A** No.
(5) **Q** And do you remember seeing a file marked
(6) "Whitewater"?
(7) **A** No.
(8) **Q** Do you remember Mr. Nussbaum comparing the
(9) notations on top of the file folders with the
(10) contents of the files?
(11) **A** Mr. Nussbaum comparing the --
(12) **Q** The notations on the top of the file
(13) folders with the contents of the files.
(14) **A** No. I mean, I know you have to ask all
(15) these questions, but I can tell you that I don't
(16) remember any of this. This seems like too much
(17) detail for the point that I was there.
(18) **Q** And do you remember him looking at any
(19) documents in particular?
(20) **A** No.
(21) **Q** Now -- your testimony is that he tells you
(22) to take a look around and see if there are any more

Page 124
(1) personal documents?
(2) **A** Like he said something like eyeball and see
(3) if I may have I missed something. You might
(4) recognize something I didn't recognize right away.
(5) **Q** At that point in time you had no knowledge
(6) of what personal matters Mr. Foster was working on
(7) except for this trust issue; is that correct?
(8) **A** Yes, just the trust.
(9) **Q** Did you say to Mr. Nussbaum I don't really
(10) know what Mr. Foster is working on except for the
(11) trust issue?
(12) **A** No, I eyeballed.
(13) **Q** Where did you start to eyeball?
(14) **A** I looked around on the desk, and I looked
(15) at the open drawer. It wasn't fastidiously done.
(16) **Q** When you looked at the open drawer, did you
(17) look at all the different file folders in the open
(18) drawer?
(19) **A** There weren't that many, but I do remember
(20) seeing taxes and whether or not they were laying down
(21) or standing up, I don't know. But I remember seeing
(22) the word "taxes" on the tab. So they could have

Page 125
(1) been -- I mean, it was a cursory look.
(2) **Q** And you physically picked up that file?
(3) **A** Yes.
(4) **Q** And you put it on the pile of documents to
(5) go to the Clintons?
(6) **A** Either on the pile or the box.
(7) **Q** And you said to Mr. Nussbaum I'm pulling
(8) this marked "taxes"?
(9) **A** No, I did not say that.
(10) **Q** You didn't say anything to Mr. Nussbaum?
(11) **A** No, I just pulled it and put it on there.
(12) **Q** And did Mr. Nussbaum go over to it?
(13) **A** Not while I was there.
(14) **Q** To your knowledge, you didn't look at it?
(15) **A** To my knowledge, no.
(16) **Q** And you didn't look at the inside of it?
(17) **A** No.
(18) **Q** So, at that point in time you didn't know
(19) whether it was Mr. Foster's taxes or the Clintons's
(20) taxes?
(21) **A** Right. As I said before, I didn't know.
(22) **Q** And you would agree with me that there's no

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(1) particular reason to send Mr. Foster's taxes to the
(2) Clintons?
(3) **A** Oh, no. I would agree with you. But I
(4) would also say that if he said look around, and he
(5) had already seen the words Clinton's personal

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files," I just assume if I'm looking around I wouldn't be looking for Vince Foster's personal file. So I saw something marked taxes. Maybe it was sloppy thinking, but it didn't cross my mind once that was Vince's taxes.
Q How long did you spend in the room with Mr. Nussbaum while this procedure was going on?
A I don't know. It wasn't -- didn't seem to be all that long. It didn't seem all that long, and then I was in and out.
Q And was Mr. Nussbaum there the entire you were there, or did he leave at one point in time?
A Well, I went out to get some calls and then when I came back in, he wasn't there.
Q Was he in his own office?
A I don't know. He may have been. I didn't look in to see; I just went back into Vince's office.

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Q Was it your understanding that Mr. Nussbaum knew Mr. Barnett?
A I'm sorry?
Q Was it your understanding that Mr. Nussbaum knew Mr. Barnett?
A Uh-huh.
Q Did you ask Mr. Nussbaum why he didn't call Mr. Barnett to pick up the files?
A No, I didn't.
Q Did it occur to you to wonder why he didn't call up Mr. Barnett?
A No, I didn't. I just thought there must be a lot to be done, and Bernie is asking me to do something that's, you know, so minuscule, I mean, I don't know how many calls he has to make or what he was doing. I thought he was asking me to help out.
Q And during this process Ms. Gorham was in the suite; right?
A Yeah, I mean -- as -- now because that coffee table is in front of that couch, you can't really see. I don't know who was there the entire time or whatever. But I just -- when I would come

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out, I would see her.
Q And you know Mr. Castleton was around that afternoon?
A Uh-huh.
Q And you had to come over from the Executive Office Building to engage in this process?
A Right.
Q And you were busy that day; right?
A I'm busy every day.
Q But it was particularly busy because you were in the process of deciding whether you were going to go to Little Rock; right?
A Yes.
Q There were a lot of telephone calls and a lot of people who had to be put on the passenger list to go out with the President?
A Uh-huh.
Q You were involved in that process, too?
A Uh-huh.
Q You, in fact, had to leave Mr. Nussbaum's office at periods of time to return phone calls?
A Right.

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Q And you didn't say to Mr. Nussbaum could we have Ms. Gorham work out the arrangements or could we have Mr. Castleton work out the arrangements?
A No. What I thought was if Bernie wants me to do something, I'll do it. I figured it was -- no. This is -- this was not a period of structure and responsibility. Bernie was as freaked out by Vince dying as anybody. I mean, he was shaken up by it. And if Bernie had asked me to drop everything and come and wash down his walls, if I thought it would be helpful to him, I would have done it.
Q Did he seem freaked out to you on that afternoon?
A He didn't seem any more freaked out as usual, but I have to tell you my own intuition told me this was not a good day for Bernie Nussbaum.
Q Did you make a suggestion that perhaps the whole issue of reviewing the files ought to be deferred until the next week?
A No, that's far too rational for me to have done.
Q Now, after you go out and you return phone

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calls, you come back into the office and Mr. Nussbaum is not in that office; right?
A Yeah. I don't remember him being there. Or he was in and out. But I remember there was a time when I was in the office by myself.
Q And how long was that?
A Long enough either to put them in a box or to get a top for a box. I remember looking for a top. Because the Xerox room is not far from there. I remember looking for a top and not that long because the next thing was, to think about -- I made some calls there. I had to call Huber, Carolyn Huber. I had to call Sylvia in Bob Barnett's office.
Q What was the order in which you made the calls?
A Probably Sylvia first or Bob Barnett. Then Mrs. Clinton, then Carolyn Huber.
Q And when you called Sylvia in Mr. Barnett's office, is it your recollection that you talked to Sylvia or Bob Barnett?
A I don't remember which.
Q And you told them what?

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A Probably -- I probably said that they're not going to be ready. There's no way anybody can come pick it up, or I'm not going to wait for somebody to come.
Q They were packed and ready at that point; correct?
A Right. But you would have to get somebody cleared. They would have to come over. Who knows when they would actually get into the White House.
Q How long does it take to get someone cleared?
A It depends on who is at the gate and what gate. People have waited for very long times especially somebody who doesn't have an ID, the messengers especially get hassled more than others. So I just didn't want to be hanging around.
Q Well, did you ask Sylvia or Mr. Barnett whether Mr. Barnett himself could accompany someone over?
A No, I did not.
Q Did you suggest the possibility of Mr. Castleton taking the documents over to Williams

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and Connelly?
A I made no suggestions like that.
Q And did you have any discussion with Sylvia or Mr. Barnett about what the logistics could be for how quickly someone could come over?
A No. I simply said I'm not waiting around, or they're not going to be ready; I'm not waiting around for anybody. We'll have to do this another time.
Q And that was that?
A Uh-huh.
Q And then at that point you -- did you talk to Mr. Nussbaum?
A No, I did not.
Q You called Mrs. Clinton?
A Uh-huh.
Q And did you get through to her immediately?
A However long it takes Signal to figure out where they are. It didn't seem like forever, but they generally can get to them.
Q And what did you say to her?
A I said I was supposed to send the files to

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Barnett. I'm not going to get around to it; I'm just really exhausted; I don't want to wait around anymore. Something to that effect. I said I'm going to take them to the house; where do you want me to put them.
Q What did she say?
A She either said call Carolyn Huber or she said Carolyn has a closet she uses on the third floor for stuff; call Carolyn Huber. One or the other of those.
Q What was the whole conversation?
A Yeah, it was fairly quick.
Q Did she say what files?
A No.
Q You called -- it's important --
A I said -- I'm sure I mentioned personal. That's how I was calling them. I wasn't saying I'm sending files over, I was always referring to them as the personal files, your personal files.
Q Now you say "always referring to them as your personal files," on what other occasions did you talk to Mrs. Clinton using the term "your personal

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files"?
A Probably the day they picked them up.
Q The day who picked them up?
A Barnett's messenger, that following Tuesday.
Q And when you say you always refer to them as your personal files in talking to Mrs. Clinton?
A No. That's not what I said. I didn't say I always referred to them as her personal files when talking to Mrs. Clinton. What I was saying was I always -- to me, the files that I had anything to do with were personal files as against all others. And so in talking about files, I would always call them the personal files, whether it was to the Bob Barnett, the Clinton personal files, or other ones.
Q So you call Mrs. Clinton up and you say to her I'm not going to send your personal files over to Bob Barnett today, I will put them up in the residence?
A I said I'm going to put them in the residence.
Q Did she say what personal files?

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A No, she didn't.
Q Did she ask you where you were?
A What do you mean where I was?
Q Did she ask you where you were calling from?
A No. Why --
Q Did she ask what you were talking about in terms of sending files to Mr. Barnett?
A I guess when I said personal files to Bob Barnett -- then I told her I was going to put them in the residence because I wasn't getting them over to Bob Barnett.
Q That was all you said?
A Yeah. I may have asked her how her day went.
Q But concerning the files, all you said to her was that I'm not going to get your personal files over to Bob Barnett; I'm going to put them in the residence; correct?
A That's what I said.
Q She didn't ask you where the personal files were at the time; right?

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A I don't recall her saying anything like that.
Q She didn't ask you whether -- or you didn't tell her you were in Mr. Foster's office?
A Why would I?
Q I'm not asking you -- I just wonder, did you tell her you were in Mr. Foster's office?
A No.
Q No?
A I was moving boxes. Okay?
Q I have -- I'm trying to do this step by step, so I need to get an answer to the question. Did you tell her that you were in Mr. Foster's office?
A No.
Q Did you -- did she ask you why files were going to Mr. Barnett?
A No, she didn't.
Q Did she ask you what was in the files?
A No, she did not.
Q Did she express surprise about the fact that you were handling personal files?

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A No, she did not.
Q Did she -- do you think she had the impression that you were -- well, let me withdraw the question. You made it clear to her that you were not in the residence because you talked about moving files into the residence; correct?
A Well, I don't know if that made her -- I don't know if that made it clear to her. I don't know what she thought, what was clear to her.
Q But in any case, there's nothing in the conversation in which you indicated to her or she asked you where these files were as you were speaking to her; correct?
A Right.
Q And she didn't ask you what the files consisted of; correct?
A I'm going to try to make this point again, and then I'll continue with the questions. This was not a big deal. Okay? And I'm sorry that it's difficult for me to focus on these questions as a big significant deal because I could have called, I

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believe, Mrs. Clinton that day and said I'm moving three trucks into the residence. Okay? Because I'm not going to get them to Bob Barnett, and she would have said okay, fine, do it. Plus she would have no reason to think that anything that I was doing was so wild or incredible that I would have to have a major explanation. People were not focused on this. I wasn't focused. There was no reason to have a long conversation about it.
Q Why did you call her?
A Because I didn't want to leave the files just anywhere in the residence because I knew the President was leaving. And the words to me, "personal files" -- I knew if they were important enough to go to the law office and I wasn't going to get them there because I didn't feel like getting them there, that I wanted to put them somewhere. For the same reason I put my taxes in a little metal box in my house. I said to her these are her personal files; they're not going to the lawyer's office for whatever my reasons were. I'm going to take them to

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your house; nobody's going to be there, where do you want them put.
Q And she asked you no questions about what the files were, where you were, why they were going to Mr. Barnett or what they consisted of; correct?
A That's correct.
Q And she told you to call Carolyn Huber?
A Uh-huh.
Q And then you called Carolyn Huber. And that's when you made the arrangements to take the files out?
A That's correct.
Q Why didn't you leave the files in Mr. Foster's office?
A Because here I am, Bernie Nussbaum has called me to do a deed, to get these files to Bob Barnett. He is expecting that they will not be in

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(18) the office because he has asked me to do and believes
(19) I will get it done. So I know – I've got to bring
(20) this thing out to an end somewhere. Now, do I wish
(21) they went to Bob Barnett that day? God knows I do,
(22) but I didn't feel like it. And so I thought I'll put

Page 140
(1) them some place that's as good as going to a personal
(2) lawyer. Bernie can be satisfied that I've taken
(3) these files out and put them somewhere, and they're
(4) someplace where personal files ought to be.
(5) **Q** Now, why didn't you arrange for someone on
(6) Friday to get the files over to Mr. Barnett?
(7) **A** Well, I was leaving for a funeral, and –
(8) to Arkansas, and once I went home I did not think
(9) again about those files.
(10) **Q** But while you were there in the office, did
(11) you ask Mr. Castleton or Ms. Gorham to see to it that
(12) the files got to Mr. Barnett?
(13) **A** I'm a human failure; I didn't do it. I
(14) should have done it. I didn't do it.
(15) **Q** I'm not asking to you characterize
(16) yourself. I'm just asking you to tell us whether you
(17) did it or not.
(18) **A** I did not do it.
(19) **Q** Was Ms. Lieberman going to Little Rock?
(20) **A** No, she wasn't.
(21) **Q** Did you ask her to take care of it getting
(22) it over to Mr. Barnett?

Page 141
(1) **A** No, I did not. Bernie asked me to do it.
(2) **Q** And you took that to mean that if you
(3) couldn't personally deliver to Mr. Barnett, you would
(4) have to personally take it up to the residence?
(5) **A** No. That's what you take it to mean.
(6) **Q** Well, what did you take it to mean?
(7) **A** What I took it to mean was I should see it
(8) through.
(9) **Q** Your way of seeing it through was not to
(10) wait for Mr. Barnett to send – or to send someone
(11) with the documents to Mr. Barnett but to put it in
(12) the residence?
(13) MR. BEN-VENISTE: She's really testified
(14) about this several times. It's getting to the point
(15) where it's argumentive.
(16) MR. DODDS: I think what she's saying is –
(17) MR. CHERTOFF: Please –
(18) MR. DODDS: I'm entitled to ask questions
(19) to clarify the record.
(20) MR. CHERTOFF: At the end of the
(21) proceeding.
(22) MR. DODDS: I choose to do it now.

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(1) MR. CHERTOFF: Let me say something –
(2) MR. DODDS: Let me put what I have to say
(3) on the record and then you may say whatever you
(4) wish. I think what she's saying is that day, under
(5) the circumstances, it did not have the importance to
(6) her that it obviously has to everyone in this room
(7) today, and she did not parse through that analysis
(8) the way your questions imply. That's it.
(9) MR. CHERTOFF: What the witness's testimony
(10) is is going to be in the record.
(11) MR. DODDS: In response to leading
(12) questions, she's entitled to have the record clear.
(13) BY MR. CHERTOFF:
(14) **Q** Did you talk to Mr. Castleton about what
(15) you were doing when Mr. Castleton carried the
(16) documents up to the residence?
(17) **A** About what I was doing?
(18) **Q** Yes. Did you explain to him what was going
(19) on?
(20) **A** Other than we're taking these files to the
(21) residence?
(22) **Q** Yes.

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(1) **A** I'm sure I said that. He had to know where
(2) he was going.
(3) **Q** Did you tell him that the President or the
(4) First Lady had to review the contents of the boxes to
(5) determine what was in them?
(6) **A** Why would I tell an intern that?
(7) **Q** That's not an answer.
(8) **A** I'm sorry; no, I don't recall. I'm sorry,
(9) I do not recall that.
(10) **Q** I want to be clear. When you say you don't
(11) recall, you mean you don't recall one way or the
(12) other?
(13) **A** It's – I don't remember. I don't remember
(14) having a conversation with Tom Castleton other than,
(15) you know, we're going to the residence. He had to
(16) know where we were going. That was the amount of
(17) that conversation as far as I –
(18) **Q** As far as you can remember?
(19) **A** Yeah. As far as I can remember.
(20) **Q** Did you – in your conversation with
(21) Mrs. Clinton, did Mrs. Clinton indicate to you that
(22) she or the President wanted to review the contents of

Page 144
(1) the files?
(2) **A** No.
(3) **Q** No?
(4) **A** The conversation that I had with her was
(5) about putting the files some place.
(6) **Q** My question, though, to be clear, is did
(7) the First Lady tell you that she or the President
(8) wanted to personally review the contents of the
(9) files?
(10) **A** No, she did not.
(11) **Q** And that's a definite no. That's not an I
(12) don't remember?
(13) **A** I don't recall her saying that to me.
(14) **Q** Did you see Mr. Nussbaum later that day?
(15) **A** No. I think the next time I saw Bernie
(16) was – maybe I saw him at the funeral. I don't
(17) remember if I saw him at the funeral.
(18) **Q** Now, when you were in the office that
(19) Mr. Foster had occupied, did you see a briefcase?
(20) **A** No. No.
(21) **Q** Did Mr. Nussbaum say anything to you about
(22) a briefcase?

Page 145
(1) **A** No.
(2) **Q** Did he say anything to you about a torn-up
(3) note?
(4) **A** No.
(5) **Q** Did you see a torn-up note?
(6) **A** No.
(7) **Q** Did he indicate to you that he had found a
(8) torn-up note?
(9) **A** No.
(10) **Q** Did he piece together a torn-up note in
(11) your presence?
(12) **A** No.
(13) **Q** Did he tell you he had pieced together a
(14) torn-up note in your presence?
(15) **A** No.
(16) **Q** Did he give you a copy of what had been a
(17) torn-up note, a pieced-together, torn-up note?
(18) **A** No.
(19) **Q** Did he tell you any note or notes had been
(20) found in the briefcase?
(21) **A** No.
(22) **Q** You came back from Little Rock on Friday –

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(1) **A** Right.
(2) **Q** – night; correct?
(3) **A** Right.
(4) **Q** Were you in Washington, D.C. on Saturday
(5) and Sunday?
(6) **A** Yes.
(7) **Q** Did you have contact with the President or
(8) the First Lady on Saturday or Sunday?
(9) **A** No, I don't think so.
(10) **Q** No –
(11) **A** No, I don't think so.

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(12) Q No communication of any sort?
(13) A Not that I can recall. I don't recall.
(14) Q And when did you take the next step in
(15) terms of handling the documents which had been put in
(16) the residence in that closet?
(17) A When I saw Bob Barnett.
(18) Q Which was when?
(19) A Tuesday.
(20) Q Tuesday?
(21) A Tuesday.
(22) Q That would be the 27th of July?

Page 147
(1) A Okay. Yes.
(2) Q And how did you come to see Mr. Barnett?
(3) A He had come to see Mrs. Clinton.
(4) Q About what?
(5) A I don't know.
(6) Q He was in the residence?
(7) A Yeah, he was in the residence.
(8) Q And you were called?
(9) A No. I had come up to the residence for
(10) something else.
(11) Q And you bumped into him?
(12) A Yeah, I saw him. And he said you know
(13) what? It would make sense to get those documents
(14) over to the office.
(15) Q And so what did you do?
(16) A He called someone.
(17) Q Who was that?
(18) A I don't know his name, but –
(19) Q A messenger?
(20) A No. I think he was – I think he was an
(21) attorney.
(22) Q From Williams & Connolly. And he made that

Page 148
(1) call from the residence?
(2) A Yes.
(3) Q How long did it take this person to get
(4) cleared through?
(5) A Maybe a half hour or so.
(6) Q Did you wait there with Mr. Barnett while
(7) that happened?
(8) A Yeah. I may have – well, probably in and
(9) out. I may have gone to do something and come back
(10) in. They were having a conversation, Mrs. Clinton
(11) and Mr. Barnett. But I had the key.
(12) Q The key to the closet?
(13) A Right.
(14) Q So Mrs. Clinton and Mr. Barnett were
(15) waiting in the residence for about a half an hour
(16) while this person came from Williams & Connolly;
(17) right?
(18) A Yeah. I'd say it was about half an hour.
(19) Q And then this person came in; right?
(20) A Uh-huh.
(21) Q And then what happened?
(22) A I got on the elevator with him. I had

Page 149
(1) them – I called somebody to get him cleared. He
(2) came to the usher's office, which is where guests
(3) go. The ushers called up to the residence. I picked
(4) up the phone; they said the guy was there. I went
(5) and got him, took him up to the third floor, opened
(6) the closet and told them that was the box.
(7) Q And where was Mr. Barnett and the First
(8) Lady at this time?
(9) A They were still down on the second floor.
(10) Q And what happened after this person had
(11) retrieved the box?
(12) A I took him back down to the usher's office.
(13) Q Did you stop and see Mr. Barnett or
(14) Mrs. Clinton at that point?
(15) A No.
(16) Q And that whole operation of going up to
(17) pick up the box and have this person leave took about
(18) 15 minutes?
(19) A Yeah, if that.
(20) Q Did you then go back and talk to
(21) Mr. Barnett and Mrs. Clinton?
(22) A No. I just think I did whatever else I was

Page 150
(1) doing.
(2) Q You didn't arrange for Mr. Barnett to come
(3) over on that Tuesday; correct?
(4) A I may have cleared him through.
(5) Q You didn't ask him to come over?
(6) A Huh-uh.
(7) Q You didn't call him on the Monday, did you?
(8) A I may have talked to them on Monday. I
(9) don't remember it. But I don't remember calling him
(10) on Tuesday. But I may have cleared him in.
(11) Q Well, you had the box in the residence.
(12) Did you call on Monday morning to get the box picked
(13) up?
(14) A I didn't think about that box until I saw
(15) Bob Barnett.
(16) Q On Tuesday?
(17) A On Tuesday. Although I may have saw – I
(18) saw Bob Barnett at the funeral.
(19) Q On Friday?
(20) A Right.
(21) Q Did he raise with you the question of this
(22) box of documents?

Page 151
(1) A I know we said something about it. I know
(2) we did.
(3) Q At the funeral?
(4) A Yeah – well, actually I remember sitting
(5) with him in the airport.
(6) Q And what was the discussion?
(7) A Oh, I – I don't know what it was. Either
(8) I said, you know, I'll get that box to you, those
(9) documents over, and he said don't worry about it,
(10) when you do, you do, or something like that.
(11) Q Did he call you on Monday to ask you
(12) whether he could help you get the documents over?
(13) A No.
(14) Q Did he call you on Tuesday to ask whether
(15) he could help get the documents?
(16) A The only time we spoke about the documents
(17) again were when I saw him.
(18) Q On Tuesday?
(19) A Uh-huh.
(20) Q Where did you get the key to the closet?
(21) A I have it.
(22) Q That was a key that you had at all times?

Page 152
(1) A No. It was a key that Carolyn Huber had.
(2) Q So you went to Carolyn Huber to get it?
(3) A Right. Carolyn Huber had the key.
(4) Q So on Tuesday when this person was –
(5) A No. No. No. Carolyn Huber had the key on
(6) whatever day – what was that?
(7) Q Thursday?
(8) A Thursday. Carolyn Huber had the key and
(9) locked it, and she gave he me the key.
(10) Q And you held the key until the following
(11) Tuesday?
(12) A I put it on my key chain.
(13) Q What did you do with the key after the
(14) Williams & Connolly person had picked up the
(15) documents?
(16) A You know, I don't know. I don't know if I
(17) gave it back to Carolyn Huber. I could have left it
(18) in an envelope for her at the usher's office. But
(19) after that I did something with it.
(20) Q Why did you take it with you all the way
(21) out to Little Rock and hold it through Tuesday?
(22) A I just put it on my key chain. It was with

Page 153
(1) my house keys and all the rest of my keys.
(2) Q Why did you do that? Why didn't you just
(3) return it to Mrs. Huber on Thursday?
(4) A I don't know. I just – she handed me the
(5) key; I didn't want to lose it; I put it on my key

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(6) chain.
(7) **Q** And after the document box went out with
(8) the lawyer from Williams & Connolly, did you see that
(9) box or the documents in it again?
(10) **A** Huh-uh.
(11) **Q** Do you know a person named Michael Banner
(12) or Michael B.?
(13) **A** Huh-uh.
(14) **Q** That name doesn't ring a bell with you?
(15) **A** No.
(16) **Q** Did you have any conversations after
(17) Thursday, take it in segments. From the period – on
(18) Friday, when you were in Little Rock, you saw
(19) Mrs. Clinton?
(20) **A** I saw her, but I didn't get to talk to her.
(21) **Q** You didn't talk to her at all on Friday?
(22) **A** No.

Page 154
(1) **Q** What about on the flight back?
(2) **A** No.
(3) **Q** Didn't talk to her at all?
(4) **A** No.
(5) **Q** Did you talk to her over the weekend?
(6) **A** I don't recall talking to her over the
(7) weekend. I don't recall talking to her over the
(8) weekend, but it wouldn't be unusual for her to call
(9) me over the weekend.
(10) **Q** So it might have happened?
(11) **A** Yes, it could have happened.
(12) **Q** During the weekend, do you recall any
(13) conversation with her concerning the documents from
(14) Mr. Foster's office?
(15) **A** No.
(16) **Q** The following week, which is to say the
(17) week beginning July 26th, which includes the Tuesday
(18) in which the documents were picked up, did you have
(19) any conversation with Mrs. Clinton concerning the
(20) documents that you had removed from Mr. Foster's
(21) office?
(22) **A** The box of the personal files?

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(1) **Q** Yes.
(2) **A** No. Tuesday was – and that was really a
(3) conversation with Bob Barnett.
(4) **Q** And other than that, no conversation with
(5) Mrs. Clinton about it?
(6) **A** No.
(7) **Q** Did you have any conversation with
(8) Mrs. Clinton after Thursday – I'll withdraw the
(9) question.
(10) From the time you were in Mr. Foster's
(11) office on Thursday with Mr. Nussbaum through the
(12) following week, did you have any conversations with
(13) Mrs. Clinton concerning whether there was a suicide
(14) note or a writing of Mr. Foster that might have
(15) relevance to why he killed himself?
(16) **A** No, I did not.
(17) **Q** Were you around on Monday the 26th when a
(18) member of the White House counsel's office indicated
(19) that he had found a torn-up piece of paper in the
(20) briefcase?
(21) **A** No.
(22) **Q** Did there come a time when you learned

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(1) about a torn-up piece of paper being found?
(2) **A** Yes.
(3) **Q** When did you learn that?
(4) **A** I don't know exactly when, but – I don't
(5) know. I don't know if I learned it from the press –
(6) no, I must have learned it before because somebody
(7) from the press office called me to ask me who Kaki
(8) Hockersmith was. And that's when they told me that
(9) she was mentioned in a note or – they were calling
(10) it a writing found in Vince's office.
(11) **Q** Were you surprised that a writing had been
(12) found?
(13) **A** Yeah.
(14) **Q** Did you go and look for the writing? Did
(15) someone show you the writing?
(16) **A** No.
(17) **Q** Did you ask to see it?
(18) **A** No.
(19) **Q** Were you curious about what was in it?
(20) **A** Well, yeah.
(21) **Q** Why didn't you ask to see it?
(22) **A** Well, one, I didn't feel like I wanted to

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(1) see it, see it. And I figured sooner or later I
(2) would know. And sooner or later the whole note was
(3) printed.
(4) **Q** But until the note was printed you mean
(5) publicly?
(6) **A** Someone, really – I remember that someone
(7) called me asking about Kaki Hockersmith and the
(8) renovation. And I remember having a conversation
(9) about it because people wanted to know all about the
(10) renovation, and so I remember the note. I do
(11) remember the note being read; I don't know where.
(12) But there were people who wanted to know what, you
(13) know, what it was, because press people were calling
(14) or had the note and were going to release the note.
(15) **Q** So you recall having it read to you in some
(16) fashion?
(17) **A** I do.
(18) **Q** And then eventually seeing it in the press?
(19) **A** Yes. Did I see it in the press? Yeah.
(20) **Q** Did you discuss the finding of the note or
(21) the locating of the note with Mr. Nussbaum?
(22) **A** No, I didn't.

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(1) **Q** Did you discuss it with the First Lady?
(2) **A** I don't remember a specific conversation,
(3) but I'm sure I did.
(4) **Q** What do you remember about your discussions
(5) with the First Lady about the way the note was found?
(6) **A** I don't know if it was the way the note was
(7) found or what was in the note. I'm sure we talked
(8) about what was in the note.
(9) **Q** What did you talk about?
(10) **A** Oh, I don't know. I'm sure we talked
(11) about – I mean, in addition to the Kaki Hockersmith
(12) thing, at some point I know we must have talked about
(13) it. I just can't imagine we didn't say something
(14) about it.
(15) **Q** You can't remember what you talked about?
(16) **A** No. I'm sure that, like everybody else, we
(17) looked at every piece and tried to think what any of
(18) it had to do with. I don't remember it as a specific
(19) conversation, but I can't imagine that we didn't.
(20) **Q** Were you ever interviewed by Mr. Sloan of
(21) the White House counsel's office about the
(22) circumstances in which the documents were moved?

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(1) **A** I don't remember being interviewed by
(2) Sloan. I don't know if it was an interview. I
(3) remember Joel Klein or Neil Eggleston, maybe.
(4) **Q** When did they talk to you about it?
(5) **A** I couldn't tell you when. I don't know
(6) when it was.
(7) **Q** Was it after accounts appeared in the press
(8) about your having been involved in moving the
(9) documents?
(10) MR. DODDS: Let me just interrupt for a
(11) second. I'm not sure and it's not my privilege to
(12) assert, but I'm not sure that your questions aren't
(13) outside what at least I understand to be the White
(14) House's waiver of whatever privilege the White House
(15) has with respect to the matters that you're
(16) questioning about.
(17) MR. CHERTOFF: Well, I have been produced
(18) notes, which I will reference, which at least appear
(19) to be from – it's represented to us they come from
(20) Clifford Sloan's files. I can't indicate for sure
(21) that it's his notes that are for the record Z332 to
(22) 334, so I don't know if that helps. If there's

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(1) someone you can call.
(2) MR. DODDS: Did the notes purport to
(3) memorialize a conversation between Mr. Sloan and Ms.
(4) Williams?
(5) MR. CHERTOFF: I can't tell you. They
(6) appear to me to possibly do so, but I'm not sure.
(7) MR. DODDS: Can – and again, it's not my
(8) privilege, so I'm not trying to be obstructionist.
(9) I'm just trying to be careful.
(10) MR. CHERTOFF: I suggest to call.
(11) MR. DODDS: Do you want to do it right now,
(12) or can you table it and come back?
(13) MR. CHERTOFF: Why don't we table it, and
(14) we'll take a break. And I will make a note to go
(15) back to it.
(16) (Recess.)
(17) BY MR. CHERTOFF:
(18) **Q** I do want to go back, by the way, speaking
(19) about interviews with people in the White House, you
(20) testified that last summer you were interviewed by
(21) Ms. Sherbourne in connection with some kind of White
(22) House counsel internal review. What was your

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(1) understanding of the purpose of that interview?
(2) **A** Just that they were doing an internal
(3) investigation.
(4) **Q** With what purpose? Did you have an
(5) understanding of what the purpose of it was?
(6) **A** Just to know what the facts are, I guess.
(7) **Q** Did they indicate they were going to do
(8) anything as a consequence or at the conclusion of
(9) that investigation?
(10) **A** No.
(11) **Q** Were you involved in preparing the First
(12) Lady for her press conference on April 22nd, 1994 in
(13) which the subject of these documents came up?
(14) **A** Yeah, sure. I'm sure.
(15) **Q** And in preparation for that, did you go
(16) over with her questions and answers that might come
(17) up regarding the handling of the documents?
(18) **A** Not the handling of the documents.
(19) **Q** But about Whitewater?
(20) **A** Yeah. I did what I would normally do. I
(21) came up with every question I could think of,
(22) anything that had been asked in the press.

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(1) **Q** Did you prepare something in writing?
(2) **A** No, I didn't. I think – the only writing
(3) I think was, was – David Kendall prepared whatever
(4) writing there was. Can I say –
(5) MR. DODDS: Let's just –
(6) MR. CHERTOFF: Do you want to go off the
(7) record and talk.
(8) MR. DODDS: Yeah.
(9) MR. CHERTOFF: Go ahead.
(10) (Discussion off the record.)
(11) MR. DODDS: Let me –
(12) MR. CHERTOFF: Go ahead.
(13) MR. DODDS: Let me just, before Ms.
(14) Williams proceeds, I think we have the same concern
(15) about this area as with – as we have with respect to
(16) your questions about any interviews she may have had
(17) with Mr. Sloan. Again, it's not my privilege, I just
(18) want to be careful.
(19) MR. CHERTOFF: I don't see the privilege
(20) issue. Her conversations with the First Lady about a
(21) press conference? What's the privilege?
(22) MR. DODDS: Well, the point is I don't know

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(1) for sure. All I understand is that the White House
(2) has waived whatever privileges it has with respect to
(3) matters involving the handling of the Foster
(4) documents. I also understand that the White House
(5) has not waived privileges with respect to whatever it
(6) did to respond to the issues which arose from the
(7) handling of the Foster documents. What I would like
(8) is simply the opportunity, when I speak to Ms.
(9) Sherbourne about the other thing, to talk to her
(10) about this. I have no substantive concern about this
(11) at all.
(12) MR. CHERTOFF: Why don't we do this, then:
(13) Why don't we take a break. And, I mean, obviously,
(14) I'm interested in the matters we talked about before
(15) as well as the questioning of anything to do with
(16) press conferences and subsequent responses and things
(17) of that sort. And take an opportunity to consult and
(18) then we'll get back.
(19) MR. DODDS: Do you expect there to be any
(20) other issues that might give rise to the same kind of
(21) telephone call? Again, we have no substantive
(22) concern about it; I just want to make sure she is

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(1) adhering to whatever privileges the White House
(2) thinks it has.
(3) MR. CHERTOFF: I think there will be
(4) questions about conversations with Mr. Sloan or
(5) whoever else in the White House counsel's office
(6) contemporaneous with that, or as well as
(7) conversations concerning, with people in the White
(8) House concerning how press things were to be
(9) handled. That covers the waterfront.
(10) MR. DODDS: Why don't we take that break,
(11) then, and I'll talk with her. And we can probably
(12) clear it up.
(13) (Recess.)
(14) MR. DODDS: I have spoken to Ms. Sherbourne
(15) and I no longer a feel the need to interpose any
(16) objection to the questions along the lines that you
(17) were asking.
(18) BY MR. CHERTOFF:
(19) **Q** Well, let me, then, go back to the
(20) questions concerning the interview with Mr. Sloan or
(21) with people in the White House counsel staff. You
(22) said there was a period of time when you talked to

Page 165
(1) Mr. Klein and Mr. Eggleston?
(2) **A** I don't remember – I don't remember Cliff
(3) Sloan being in there, but I – for some reason I
(4) remember Joe Klein.
(5) **Q** And was this after there were press stories
(6) concerning your having removed documents up to the
(7) residence?
(8) **A** I don't know.
(9) **Q** Do you know what caused this interview with
(10) counsel to occur?
(11) **A** No, I don't. I'm lost on the dates of –
(12) because I don't remember the – when press stories
(13) started about it. I just don't know that period.
(14) **Q** Was it before the hearings last summer?
(15) **A** Oh, yeah. It seems like it was way before
(16) the hearings last summer.
(17) **Q** Was it around the time Mr. Fiske was
(18) appointed independent counsel?
(19) **A** Well, here's the thing there: Are so many
(20) different, I don't know, agencies or jursidictions
(21) who are starting to interview. And it seems to me
(22) that either I was scheduled for – and I don't know

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(1) if it was FBI or whoever it was interviewing – for
(2) an interview – and maybe Mr. Fiske got appointed in
(3) the middle of that which screwed up that interview.
(4) But I do remember there being something
(5) that I thought I was getting ready to go into. So I
(6) don't know if that was the same thing. But I was
(7) being interviewed by someone. I don't know – I
(8) don't know.
(9) **Q** In the interview with people from the White
(10) House counsel's office, did you indicate to them
(11) something about Carolyn Huber going home on that
(12) Thursday?
(13) MR. BEN-VENISTE: You're asking her –
(14) MR. CHERTOFF: Thursday, July 22nd.
(15) MR. BEN-VENISTE: Could you read back the
(16) question.
(17) (The reporter read the record as requested.)

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(18) THE WITNESS: I may have. I don't know
(19) who I was -- I could have. I told a lot of people
(20) about this. One of the reasons Carolyn was irritated
(21) was because she wanted to go home and she had to
(22) catch the Metro. And it was a big deal to her that I

Page 167
(1) was holding her up. So, you know, I could have
(2) talked about that.
(3) BY MR. CHERTOFF:
(4) Q And you told her when you called her that
(5) you wanted to put it up on the third floor in the
(6) closet?
(7) A Well, this goes back to the original issue
(8) I have with whether or not Mrs. Clinton said there's
(9) a closet, and maybe she told me the location, or
(10) whether or not I talked to Carolyn and Carolyn said I
(11) put things up in the closet.
(12) Q Now, did you indicate in your interview
(13) with Mr. Klein and anybody else who was present from
(14) the White House counsel's office at that time that
(15) you had called Mr. Barnett before the Tuesday that
(16) the boxes were removed?
(17) A Before the Tuesday --
(18) Q The boxes were removed. That's the 27th.
(19) A I don't know if I did or not. I wouldn't
(20) think so.
(21) Q Did you mention a legal intern by the name
(22) of Jonathan Copp?

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(1) A I don't know a Jonathan Copp.
(2) Q You don't know a Jonathan Copp?
(3) A Huh-uh.
(4) Q I'm going to show you what's been marked as
(5) Z337, which is a copy of something on a piece of
(6) White House note paper. It says "one half drawer VF
(7) files personal locked up, Maggie Williams" and
(8) there's another name that appears to be "Michael Ben
(9) or Bear or authorized for off. ref." Let me ask you
(10) if you have ever seen that before?
(11) A No.
(12) Q Were you interviewed by the FBI in
(13) connection with an investigation into the
(14) circumstances under which the torn-up Foster writing
(15) was found, an investigation which took place during
(16) the latter part of July and early part of August
(17) 1993?
(18) A I don't know. I was interviewed by -- I
(19) don't know.
(20) Q This would have been the first set of
(21) interviews by law enforcement which would have
(22) occurred within a month after Mr. Foster died.

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(1) A Okay.
(2) Q Do you remember being interviewed by the
(3) FBI?
(4) A I did. Yeah.
(5) Q Did they ask you questions about your
(6) knowledge of documents in the -- in Mr. Foster's
(7) office?
(8) A I don't know. This would have been the
(9) first interview I ever had.
(10) Q The first interview regarding Foster?
(11) A The first interview I ever had was about
(12) the night that Vince died.
(13) Q They didn't ask you any questions about
(14) anything other than that night?
(15) A No. Because I -- after that month, I
(16) didn't even think about the other -- moving the
(17) documents or taking the documents as being an issue
(18) or anything. But I know if this was the first
(19) interview, it was because I went into Vince Foster's
(20) office that night. And they asked about that night.
(21) Q Did Mrs. Clinton ever tell you at any time
(22) that she had seen the torn-up Foster writing before

Page 170
(1) Mr. Neuwirth indicated he had found it on Monday,
(2) July 26th?
(3) A No. You're asking did she say she had seen
(4) it?
(5) Q Did she ever tell you that she had saw the
(6) writing, the torn-up Foster writing, before the time
(7) Mr. Neuwirth said he found it on that Monday?
(8) A No.
(9) Q Did you ever have any information that she
(10) saw it over the weekend after the funeral?
(11) A After the funeral?
(12) Q Yeah. That torn-up writing?
(13) A No, huh-uh.
(14) Q When you were with Mr. Nussbaum in
(15) Mr. Foster's office in the afternoon of the 22nd of
(16) July, did Mr. Nussbaum indicate to you that he had
(17) been trying to reach Carolyn Huber?
(18) A No, he did not.
(19) Q Did he indicate to you that he knew that
(20) the documents were supposed to be put in the
(21) residence?
(22) A No, he did not.

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(1) Q Did he indicate to you that he wanted the
(2) documents put in the residence?
(3) A No, he did not.
(4) Q Did he indicate to you that he had talked
(5) to Mrs. Clinton about putting the documents in the
(6) residence?
(7) A No, he did not.
(8) Q Now, Carolyn Huber let you into the closet
(9) with a key; right?
(10) A Yes.
(11) Q And she locked the closet; right?
(12) A Yes. She locked it or I locked it.
(13) Q And then she walked out with you?
(14) A Uh-huh. I'm pretty sure she did.
(15) Q And it's your testimony that you took the
(16) key with you?
(17) A Yes.
(18) Q Was there another key?
(19) A I only knew about the key I had.
(20) Q So you don't know whether there was another
(21) key made?
(22) A No, I don't.

Page 172
(1) Q Did you ask her whether you could take the
(2) key?
(3) A I think she just gave it to me. I mean,
(4) I'm not sure that Carolyn -- I don't know if Carolyn
(5) thought that, you know, I needed to have the key for
(6) some reason or whatever; she just gave it to me. I
(7) hooked it on my thing, on my key chain.
(8) Q Well, there were other things in the
(9) closet; right?
(10) A Yeah, there were other things there.
(11) Q Other boxes?
(12) A Yeah.
(13) Q Was it your understanding those other boxes
(14) contained records?
(15) A I don't know.
(16) Q You wouldn't have walked off with the only
(17) key to the closet, would you?
(18) A I don't know how to answer that.
(19) Q Was it your understanding that you were
(20) walking off with the only key to the closet?
(21) A I was not thinking "only"; I just thought I
(22) have the key to the closet. I did not think this is

Page 173
(1) the only key; I did not think anything about the key.
(2) Q And do you know when you returned the key
(3) to Ms. Huber?
(4) A I don't know exactly, but it had to be
(5) after I went upstairs and unlocked the door.
(6) Q And was it on that day or was it sometime
(7) thereafter?
(8) A I don't know exactly. I think it was that
(9) day, but I don't know if I returned it to her, if I
(10) put it in an envelope and had it sent to her -- I
(11) didn't know

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(12) Q Did you have occasion to open the closet
(13) between Thursday and Tuesday?
(14) A No.
(15) Q Now, I believe we had some testimony
(16) earlier, before we broke, about your having
(17) participated in preparing Mrs. Clinton for a press
(18) conference that was to take place on April 22, 1994;
(19) correct?
(20) A Yes.
(21) Q And you said Mr. Kendall was there for that
(22) preparation as well?

Page 174
(1) A Yeah. But let me explain it. I think
(2) during this time -- can I say --
(3) (Discussion off the record.)
(4) THE WITNESS: Yes, he was there.
(5) BY MR. CHERTOFF:
(6) Q And who else was present for this
(7) preparation?
(8) A Well, most of the preparation was
(9) Mrs. Clinton herself. I'm trying to figure out a way
(10) to explain this because it was also during the time
(11) that she was also answering questions about
(12) commodities, which was the most recent deal that was
(13) going on. So it was probably depending on what it
(14) was. She was mostly trying to piece the stories
(15) together herself to know what happened.
(16) So I think the most time she spent was with
(17) Kendall. And then the -- the prep was -- I mean, not
(18) superficial, but fairly -- we didn't even know she
(19) was going to do a press conference, quite frankly.
(20) She decided that morning that she was going to do
(21) it. But she always knew she had to figure out the
(22) whole story and hear what it was, and then we had

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(1) commodities, which was the main thing. So I think
(2) John Podesta may have been there when she did
(3) something on commodities and then Kendall, and I know
(4) I sat in, and I know Lisa Caputo.
(5) Q So Lisa Caputo was there, you were there,
(6) and Kendall was there, and Mrs. Clinton was there?
(7) A Uh-huh.
(8) Q And this took place where?
(9) A Her office.
(10) Q In the west wing?
(11) A Her office in the west wing, or maybe it
(12) was a call to Kendall. I mean, like I said, her
(13) preparation with him was something -- we were more
(14) cosmetic on this, I mean, on this deal except for,
(15) you know, getting every single question to Kendall
(16) that was in the news.
(17) Q So you were working getting questions to
(18) Kendall and he prepared something in writing for her
(19) to work with as a kind of list of possible questions?
(20) A Yeah, I think they worked on it together.
(21) Q And that included possible questions and
(22) possible answers?

Page 176
(1) A Yeah.
(2) Q And some of that input came from you?
(3) A Yeah, I'm sure.
(4) Q And you saw the document?
(5) A Yeah.
(6) Q And was the document with you when you were
(7) in the preparation session with Mrs. Clinton?
(8) A I don't know. I mean, we're not talking
(9) about a specific preparation thing. Let me -- let me
(10) try and give some -- one, we know if we're ever going
(11) to do a press conference about this. But there were
(12) questions that kept going on, plus there was the
(13) independent counsel. So there was always an issue
(14) about whether or not she should go forward and have a
(15) whole press conference until the independent counsel
(16) was done.
(17) But her view was since she didn't know the
(18) whole Whitewater story and didn't know enough about
(19) the commodities that she should probably find out
(20) from Kendall what they were and just be prepared

(21) whenever a decision was made. So it wasn't as
(22) strategic as it might be if we were planning for a

Page 177
(1) press conference. The morning she decided to do
(2) it -- I mean, up until the night that she decided to
(3) do it we didn't know if she was going to do it, and
(4) then she decided and then there was one, you know,
(5) there was one that was serious, we knew it was
(6) happening that day.
(7) Q So there was preparation in a general sense
(8) before that day; right?
(9) A Yeah, just in a --
(10) Q Understanding that questions were coming
(11) up?
(12) A Right.
(13) Q In the course of that, you said she didn't
(14) know what the full Whitewater story was or what the
(15) commodities story was and she needed to find out from
(16) Kendall?
(17) A Uh-huh.
(18) Q And you provided certain facts or input to
(19) Kendall to help him prepare that?
(20) A Yeah. Mostly not facts, mostly questions.
(21) Mostly questions, you know, what was coming up.
(22) Although we had kind of more in-house on the

Page 178
(1) commodities stuff because that was a whole other
(2) thing that wasn't related to anything but was in the
(3) middle of it.
(4) Q When you say "in-house," what do you mean?
(5) A John Podesta was taking questions on
(6) commodities, which really wasn't a part of Whitewater
(7) but they got thrown into the same pot.
(8) Q Who was handling the issue of the Foster
(9) documents?
(10) A The issue of the Foster documents?
(11) Q Who was compiling questions on that issue,
(12) the Foster document handling?
(13) A How many questions were there?
(14) Q I'm afraid I can't answer the questions;
(15) you have to. You say people were preparing for
(16) possible questions regarding Whitewater --
(17) A Right.
(18) Q -- and other related things. Who was
(19) compiling or putting together a set of potential
(20) questions regarding the handling of Vincent Foster's
(21) documents?
(22) A I'm sure I had something to do with it.

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(1) Q And you worked with Mr. Kendall on that?
(2) A Yeah, I mean -- probably, yeah.
(3) Q And part of it what you were trying to do
(4) in the preparation sessions, including the session
(5) the day of the conference, was to make sure you all
(6) were in agreement as to what the facts were so the
(7) First Lady could answer questions?
(8) A Right. But as between the Foster
(9) documents, commodities trading and issues that were
(10) clearly Whitewater issues, about how they got
(11) involved in the investments, I don't remember the
(12) documents being a huge piece of this.
(13) Q This was documents prepared by Mr. Kendall?
(14) MR. DODDS: The documents? You meant --
(15) BY MR. CHERTOFF:
(16) Q Oh, I'm sorry; I'm sorry. I
(17) misunderstood. Okay. The issue of the documents you
(18) don't remember as being a large part of the
(19) preparation?
(20) A I'm sure. We would have been stupid to
(21) think there wasn't a question about the documents.
(22) But it wasn't a --

Page 180
(1) Q A big part of it?
(2) A No. Not in comparison to the commodities
(3) questions, which most of the press conference was
(4) about, and the next big part of it had to do with the
(5) investment and Whitewater

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(6) **Q** Mr. Kendall's document did have some
(7) potential questions and answers concerning the Foster
(8) documents?
(9) **A** I haven't seen that document in a long
(10) time. I don't know. It could. I mean, it wouldn't
(11) strike me as extraordinary.
(12) **Q** Did you talk to Mr. Kendall about your
(13) recollection of the events involving the documents?
(14) **A** No, I didn't.
(15) **Q** Did you talk to Mrs. Clinton about it?
(16) **A** No, I didn't talk to her about it. Because
(17) at that point nobody would talk to anybody about
(18) anything in the White House, almost. I mean, you
(19) know, having to do with personal stuff, so I didn't
(20) have a discussion with her.
(21) **Q** I'm not following. Nobody would talk to
(22) anybody in the White House about personal stuff?

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(1) **A** No one -- for instance, anything that
(2) concerned me, personally, with respect to this
(3) matter, you know, I would not share it with
(4) Mrs. Clinton. Mrs. Clinton wouldn't, you know, talk
(5) to me about it, either, because I was personally
(6) involved.
(7) **Q** Well, but how were you going to prepare her
(8) for answers to questions on the documents when those
(9) answers involved your personal activities?
(10) **A** Except for the fact that the only question
(11) that needed to be answered with respect to the
(12) documents, I think, in April, if I'm not wrong, is
(13) that where did the documents go.
(14) **Q** And did you discuss that with Mrs. Clinton
(15) in advance --
(16) **A** They went to the lawyer's office.
(17) **Q** And did you discuss that with Mrs. Clinton
(18) in advance of the press conference?
(19) **A** I don't remember what her answer was in the
(20) press conference, but it was that it went to her
(21) lawyer's office.
(22) **Q** Well, let me refresh your memory.

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(1) **A** Okay.
(2) **Q** At the press conference -- and I'm reading
(3) from Z107.
(4) "Question: And to follow, why did" -- this
(5) is dated April 22, 1994. "And to follow up, why did
(6) your chief of staff, Maggie Williams, why was she
(7) among those who removed these documents from his
(8) office?
(9) "Mrs. Clinton: I don't think that she did
(10) remove any documents. I think that what happened is
(11) that after Mr. Nussbaum reviewed the documents and
(12) after he did so, as I recall -- I was not here; I was
(13) in Arkansas -- but I believe that was done in the
(14) presence of officials from the Park Police and maybe
(15) some other agencies. Then Mr. Nussbaum distributed
(16) the files according to whom he thought should have
(17) them.
(18) "They were files related to ongoing work in
(19) the counsel's office that needed to be passed on to
(20) other lawyers, there were personal files of Vince's
(21) that needed to go to his family, and there were these
(22) personal files of ours that went to our lawyer."

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(1) Do you remember that question-and-answer?
(2) **A** Now that you read it, yeah.
(3) **Q** Now, isn't it a fact that you were among
(4) those who removed documents from Mr. Foster's office?
(5) **A** Well, I think one of the things that has
(6) gotten very confusing here is the press accounts and
(7) the press questions hit on two separate days. First
(8) was the night of Vince's death. The discussion was
(9) did you remove documents the night of Vince Foster's
(10) death. And the implication was during that time that
(11) those of us who had gone into Vince's office that
(12) night had gone through his things and taken files.
(13) That was one.
(14) The second issue, which came much later and
(15) I see as the breaking point, was after the files had
(16) been removed, after the files had been removed by
(17) Bernie Nussbaum and the officials. Taking documents
(18) from Vince Foster's office was not in issue. I mean,
(19) shouldn't have been an issue, wasn't an issue. The
(20) idea was did we take documents that night. That was
(21) all the discussion was.
(22) I even think the press themselves were

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(1) confused about what they were asking in terms of time
(2) frame. The next question was did you take any
(3) documents -- which is not how that question was
(4) asked -- did you take any documents after the
(5) agencies or whoever had reviewed the documents. So
(6) there were two, I mean -- you know, I think the
(7) question that she answered, I mean were there
(8) documents that were removed after they were reviewed
(9) by the agencies, yes. Did they go to the lawyer?
(10) Yes.
(11) **Q** But you removed them. You were among those
(12) who removed them afterwards; correct?
(13) **A** Yes, I did.
(14) **Q** And that's not in the answer, is it?
(15) **A** But it is also not in the answer --
(16) MR. DODDS: The answer is what it is.
(17) THE WITNESS: I mean, it is also not in
(18) the answer, I guess, the names of every single lawyer
(19) who got files that were distributed to them from
(20) Mr. Foster's other files. It is not there. I mean,
(21) why was that not there? I mean, the idea was did I
(22) take -- did I remove documents, no. I took a box of

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(1) documents at the instruction of Bernie Nussbaum. I
(2) took a box to get to the lawyers' office. I was
(3) under someone else's instruction who had the
(4) authority, it seemed to me, to remove documents.
(5) BY MR. CHERTOFF:
(6) **Q** But you didn't get them to the lawyer's
(7) office, did you?
(8) **A** That's correct. But I have explained to
(9) you why I did not.
(10) **Q** Now, when you heard this question -- you
(11) were present at the press conference?
(12) **A** Yes, I was.
(13) **Q** When you heard this question-and-answer,
(14) did you say to yourself there's a problem with that
(15) answer?
(16) **A** No, I didn't say there was a problem with
(17) that answer.
(18) **Q** Did you talk to Mrs. Clinton about it
(19) afterwards?
(20) **A** No, I didn't talk to her about it.
(21) **Q** Is there a doubted in your mind that, as of
(22) that date, April 22, 1994, is there a doubt in your

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(1) mind that Mrs. Clinton knew you were taking the
(2) documents, after Mr. Nussbaum completed his review,
(3) up to the residence?
(4) MR. DODDS: After Nussbaum's review?
(5) THE WITNESS: After Nussbaum's review?
(6) BY MR. CHERTOFF:
(7) **Q** You knew that Mrs. Clinton knew you had
(8) done that?
(9) **A** She was there when Barnett was in the
(10) residence with her, and he said get the documents out
(11) of the residence.
(12) **Q** And because you called her on the day in
(13) question; right, on July 22nd?
(14) **A** Yes.
(15) **Q** And you told her you were taking documents
(16) out of there?
(17) **A** Right.
(18) **Q** Did you understand that she had the
(19) impression you were taking documents from Vincent
(20) Foster's office on that day?
(21) **A** I understand the question; I do. I
(22) understand the question, but I maintain what is now

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important to everybody in this room and the press was not important to us. Did she remember that I told her on the 22nd that I was taking, I don't know if she remembered or not. If she didn't remember, she didn't remember. I can't imagine that she would remember or think that it was particularly relevant.
Q Well, if it wasn't relevant or important why did she answer questions about it?
A Because it was raised in the press, and everything that is raised in the press is not necessarily relevant, but sometimes you give an answer that you think answers the question.
Q Now, were you involved in preparation for a press briefing held by Dee Dee Myers on August 2nd of last year in which the subject of the documents came up?
A I don't know if I spoke with -- I don't think I spoke to -- I don't think I spoke to Dee Dee Myers. I think that if I talked to anybody, I talked to counsel's office. I don't think I talked to Dee Dee.
Q Did you directly or indirectly assist in

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preparing Ms. Meyers for giving information out concerning the handling of the documents on July 22nd?
MR. DODDS: Let me object to the question. I don't know what "indirectly" means.
MR. CHERTOFF: I mean either talking to her directly or communicating to her through somebody else.
MR. DODDS: Saying something to someone else with the intent that it be communicated to Dee Dee Myers?
MR. CHERTOFF: Yeah.
THE WITNESS: I don't remember being involved in briefing Dee Dee Myers.
BY MR. CHERTOFF:
Q I'm going to read you from -- a passage from this press briefing Z578.
"Question: Dee Dee, is the First Lady now prepared to revise the statements she made in her news conference on August 22nd that Maggie Williams did not remove any documents from Vince Foster's office but that, in fact, the documents were simply

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transferred to lawyers as Bernard Nussbaum had suggested it was appropriate? Apparently Mrs. Williams has made it plain that, in fact, the documents were in the residence, say, for five days and were taken there at Mrs. Clinton's directions by Ms. Williams. Is the First Lady now going to revise what she said?
"Ms. Meyers: I think that it is true that Maggie didn't remove any documents from Vince's office. They were removed by Bernie Nussbaum."
Do you remember this question and this answer?
A No, I don't.
Q Would you agree with me that that answer is not correct?
MR. BEN-VENISTE: Hang on. There's more to it.
MR. CHERTOFF: "Let me just make a couple of points. First of all, I think this is one area that is still under investigation by Mr. Fiske, so I think" --
MR. BEN-VENISTE: Are you reading now?

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Continuing --
BY MR. CHERTOFF:
Q Yeah, continuing the answer." So I think it would be inappropriate for me to say too much about it. You're free to call Lloyd Cutler if you want to discuss more details about this, but I do think that a portion of that leaked out. I don't know where it came from. So Maggie Williams and others at the White House staff have confirmed that, in fact, files were transferred from" --
And there's an interjection.
"Question: No, I'm" --
MR. BEN-VENISTE: It's in the memo.
BY MR. CHERTOFF:
Q It's in the memo. And Ms. Myers continues on, "I'm just pointing out the source of the story" -- this is a press person interjects, it's in the memo and then Ms. Meyers continues to say "no, I'm just pointing out the source of this story originally was something that leaked out from the ongoing investigation. And it has, I'm pointing out, in fact been confirmed by people at the White House

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that the files went from Mr. Nussbaum to Maggie for safekeeping over the weekend while Bob Barnett and others went to Little Rock for the funeral of Mr. Foster.
"The President and the First Lady did not look at those files. A messenger from Mr. Barnett's office, who was then acting as the President and First Lady's personal attorney, picked the files up on Monday and took them to Williams & Connolly."
That's the complete answer, and I want to direct your attention to this passage. "I think it is true that Maggie didn't remove any documents from Vince's office. They were removed by Bernie Nussbaum."
Would you agree with me that that is incorrect?
MR. DODDS: Would you let her look at the document? A long passage was read and I think it's gotten rather confusing.
THE WITNESS: I'm not confused.
MR. DODDS: I withdraw the objection.
THE WITNESS: The thing is there's no way

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that I will, like, respond to little bits and pieces. This was a press briefing. This was in front of the press where it seems to me that Dee Dee Myers outlined the full answer as full as she could give it, and I would not disagree with her full answer.
BY MR. CHERTOFF:
Q Is it true that you didn't remove any documents from Vince Foster's office?
A What is true is that after Mr. Nussbaum called me, after the appropriate authorities had reviewed the files, Mr. Nussbaum called me and asked me to take a box of designated files to the lawyers, which, as you know, I did not do but did put them in the residence. That's what is true.
Q At the time Mr. Nussbaum called you, did you know who had reviewed the files?
A Who had reviewed?
Q Yeah.
A Everyone knew the Park Police was going to review the files.
Q How did you know that?

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A Because on Wednesday, it had been on the radio that the Park Police had -- they were coming to review the files.
Q Did you know whether in fact the Park Police ever reviewed a single file when you went in there on Thursday?
A Well, you know, I didn't know, but I had something called simple faith in the integrity of Bernie Nussbaum. And I assumed that he would not ask me to come and take files out of there if he thought that the proper process hadn't been done before he called me. So I had faith that the White House counsel would not ask me to do something that wouldn't be right. And as I understood it, it was a review by the agency.
Q And then you went in and you picked up a file, what you described as a personal file and

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(18) you put it in the box or the pile to be taken up
(19) there; right?
(20) **A** Uh-huh. And that was your decision; right?
(21) **A** That was my decision.
(22) **Q** It was not Mr. Nussbaum's decision?

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(1) **A** That was not Mr. Nussbaum's decision to my
(2) knowledge. But, as I said, I had been in and out of
(3) the room on a number of occasions. It's -- I mean,
(4) this is a question for Bernie Nussbaum, but to my
(5) knowledge, he had not looked at them.
(6) **Q** This press conference on August 2nd occured
(7) after there were some newspaper stories indicating
(8) the fact that the files had not been directly
(9) transferred to the office of Williams & Connolly but
(10) had in fact been in the White House residence for
(11) several days. Do you recall that?
(12) **A** Could be.
(13) **Q** Do you remember those stories?
(14) **A** Yeah, I know there were stories, but I
(15) don't know the exact dates.
(16) **Q** At the time those stories came back, they
(17) were fairly prominently featured in the press?
(18) **A** It could have been.
(19) **Q** It was during the hearings last year in
(20) fact; right?
(21) **A** Yeah, could be. Yeah.
(22) **Q** Did anybody come to talk to you when those

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(1) stories appeared to find out -- anybody in the White
(2) House come to talk to you to find out if that was
(3) true?
(4) **A** I don't know if they came to me or at that
(5) point I was directing everybody to my lawyer.
(6) **Q** So even in terms of people within the White
(7) House who had questions about the movement of these
(8) documents, you didn't respond directly, you sent them
(9) to your personal lawyer?
(10) **A** If it had to do with press inquiries, if it
(11) had to do -- by that point I probably in August --
(12) was this before the hearings or during the hearing?
(13) **Q** It was really right at the end.
(14) **A** Right at the end of the hearings? By that
(15) point, if anybody wanted to talk about this, they had
(16) to talk to my lawyer.
(17) MR. CHERTOFF: Excuse me. Just a second.
(18) I have nothing further. Thanks.
(19) THE WITNESS: Okay.
(20) EXAMINATION
(21) BY MR. BEN-VENISTE:
(22) **Q** Very briefly, Ms. Williams, let me ask you

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(1) about the night of the 20th and the sequence of
(2) events as you recall them, who entered the west
(3) wing. And I'm not going to go through all those
(4) details again, I know Mr. Chertoff covered them at
(5) least once.
(6) But for clarification, at some point that
(7) evening, if I understand your testimony correctly,
(8) you were carrying in your possession Mrs. Clinton's
(9) schedule for some period of time that she had been
(10) traveling, either inclusive of the Hawaii trip or at
(11) least including the Little Rock schedule. And you
(12) also had a draft statement which was in process
(13) regarding Mr. Foster's death; is that correct?
(14) **A** Well, the one thing that I know for sure
(15) that I had in my hand at some point that evening was
(16) a statement. I know that for sure. I also know that
(17) since I had, in my hand, looking at the schedule in
(18) the way that it came, you know, underneath the door
(19) in the envelope, that it's possible that I had that.
(20) I'm not sure I had it in my hand.
(21) I'm really sure that I had the statement in
(22) my hand because it was handed to me. The schedule I

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(1) would have had to pick up off the floor. You know,
(2) it could be.
(3) **Q** Let me ask you whether you think it's
(4) possible that you carried the schedule either in the
(5) envelope in which it would normally be distributed,
(6) or apart from it, and the draft statement concerning
(7) Mr. Foster's death into the counsel's suite when you
(8) saw the light on in Mr. Foster's office?
(9) **A** Well, no, I just don't remember having
(10) anything with me there. Is it possible? After this,
(11) anything is possible, but yeah.
(12) **Q** Do you feel like you have a real clear
(13) recollection of everything that went on that evening?
(14) **A** No, I don't. Which is why I've been
(15) forcing myself to try and remember, especially on
(16) this what I had in my hand thing. And the schedule
(17) and the statement -- statement I know I had in my
(18) hand, the schedule, possible.
(19) **Q** So it's possible that these are things that
(20) you had carried in as you were walking through the
(21) hallway and had noticed the light on in Mr. Foster's
(22) office?

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(1) **A** I suppose it's possible.
(2) **Q** It wasn't that you had set out and were
(3) determined to go into that office, but rather you
(4) went in there when you noticed that a light was on;
(5) is that correct?
(6) **A** Right.
(7) **Q** And if you had those materials with you
(8) when you went into the office, does it then follow
(9) that it would be likely that you carried them out
(10) with you --
(11) **A** Yes, everything is possible, yes --
(12) **Q** -- when you went out. You would not rule
(13) that out as a possibility?
(14) **A** No.
(15) **Q** And with respect to the procedure by which
(16) you gained entrance to the office of the First Lady
(17) that evening, you indicated that you had announced at
(18) the guard's desk downstairs, the Secret Service
(19) uniformed employee, that you wished to gain entrance
(20) to that suite which was locked and for which you had
(21) no key?
(22) **A** Uh-huh. Yes. I'm sorry.

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(1) **Q** And your recollection is that the guard
(2) could not leave his post to grant you admittance into
(3) that office, but made some arrangement?
(4) **A** Yes.
(5) **Q** For the office to be opened?
(6) **A** Yes.
(7) **Q** And then you recall at some point the
(8) office was opened obviously because you recall going
(9) in?
(10) **A** Right.
(11) **Q** And the person who would have opened that
(12) office was a Secret Service uniformed employee --
(13) **A** Yes.
(14) **Q** -- correct? Do you recall specifically
(15) whether you were present at the moment that the
(16) Secret Service uniformed guard opened that door?
(17) **A** I think I was.
(18) **Q** Do you have a specific recollection of
(19) that?
(20) **A** I don't have a specific recollection.
(21) **Q** Is it possible that Ms. Lieberman was
(22) present when that occured and that she explained to

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(1) the Secret Service guard that you were the First
(2) Lady's chief of staff and that you would be entering
(3) that office?
(4) **A** I think that's possible. I mean, I think
(5) that's possible, but.
(6) MR. BEN-VENISTE: I have nothing further.
(7) MR. CHERTOFF: Just kind of these couple of
(8) points.
(9) EXAMINATION
(10) BY MR. CHERTOFF:
(11) **Q** Since anything is possible, literally, is

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(12) it your recollection when you went up with Ms.
(13) Lieberman that you left her alone to stand at the
(14) door while you went off to do something else?
(15) MR. BEN-VENISTE: At what point?
(16) BY MR. CHERTOFF:
(17) **Q** On July 20th when you first came up to the
(18) White House?
(19) **A** That I left her alone --
(20) **Q** Yeah?
(21) **A** -- to stand at the door.
(22) **Q** Waiting for the guard to open it.

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(1) **A** Yeah, that's possible.
(2) **Q** Does that seem likely to you?
(3) **A** Well, I don't remember, like I said, I
(4) don't remember the sequence of going into my office,
(5) if I headed there to get the schedule first or
(6) whatever. But I would trust Evelyn to be there to
(7) see that the door got opened.
(8) **Q** Well, you notified someone at the guard
(9) desk that you needed to have the door opened; is that
(10) right?
(11) **A** Uh-huh.
(12) **Q** And you went up with Ms. Lieberman; right?
(13) At some point a guard comes to open the door; right?
(14) **A** Right.
(15) **Q** Do you remember the guard opening up the
(16) door?
(17) **A** I don't have a specific recollection of it.
(18) **Q** Do you remember going off someplace else
(19) while Ms. Lieberman stood there?
(20) **A** I don't have a recollection of that,
(21) either.
(22) **Q** When you had the schedule in your hand, was

Page 202
(1) that before or after you had gone down to Mr. Gearan
(2) to get the press release?
(3) **A** I don't really know.
(4) **Q** Was it part of the same trip?
(5) **A** I don't really know.
(6) **Q** The schedule you say was perhaps at most
(7) half a dozen pages?
(8) **A** No, I did not say that. What I said was in
(9) response to a question, was how many pages it could
(10) be possibly, would it be bigger than a breadbasket,
(11) and I had said that when they're long trips, often
(12) they will put all the days together in one packet.
(13) **Q** I'm sorry. How long was this trip?
(14) **A** Oh, it was pretty long. It was -- we still
(15) had the Arkansas leg, and the end of the California
(16) leg.
(17) **Q** So how many days was that?
(18) **A** I don't know exactly how long the Arkansas
(19) leg was for, past Thursday, I don't know, but it was
(20) at least two more days left.
(21) **Q** So what is your estimate of the number of
(22) pages in the schedule at that point?

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(1) **A** I don't have a good estimate.
(2) **Q** Would it be more than 10?
(3) **A** I don't have a good estimate, because the
(4) schedule also has lots of other information. It's
(5) not just the information about, you know, on my
(6) schedule, the information is not just she's going to
(7) be in at 8:30. It could have the list of people who
(8) are going to be at the Arkansas hospital event. It
(9) could have, depending on if there are prepared
(10) remarks or not, it could have the remarks there if it
(11) didn't get to her in time. I just don't remember
(12) enough to tell you exactly.
(13) **Q** Now, you say you picked it up off the
(14) floor?
(15) **A** Uh-huh.
(16) **Q** Why did you pick it up off the floor?
(17) **A** Because normally it's delivered because the
(18) doors are shut and someone pushes it underneath.
(19) That's how it is being done then, now they fax it.
(20) It's in an envelope and push it underneath the door.
(21) **Q** On this occasion the schedule you picked up
(22) on the floor of your office had been pushed under the

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(1) door?
(2) **A** As I said before, I am not clear that I
(3) actually picked up the schedule and now I have the
(4) schedule on my mind. I could have picked it up. I
(5) can't be certain, but it is possible that, you know,
(6) I knew where the schedule was going to be, underneath
(7) my door in an envelope, so.
(8) **Q** Was the schedule so heavy you had to carry
(9) it with two hands?
(10) **A** No.
(11) **Q** Was the press release or press release and
(12) copies so heavy on that day you had to carry it with
(13) two hands?
(14) **A** Oh, no. As I said before, the press
(15) release was very short.
(16) MR. CHERTOFF: Nothing more. Thanks a
(17) lot. Let me say -- nothing more.
(18) (Whereupon, at 3:40 p.m., the deposition
(19) was concluded.)
(21) ---
(22) MARGARET A. WILLIAMS

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In Re: Whitewater July 26, 1995 CR: 62055.0

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Hearing on
IMPROPER HANDLING OF DOCUMENTS
IN DEPUTY WHITE HOUSE COUNSEL
VINCENT FOSTER'S OFFICE
AFTER HIS DEATH
WEDNESDAY, JULY 26, 1995
United States Senate
Special Committee to
Investigate the Whitewater
Development Corporation and
Related Matters
Washington, D. C.

The committee met at 9:45 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. We delayed a few minutes because we do have a statement which we touched on yesterday, both Senator Sarbanes and myself, which has been agreed to and really – and we'll pass out a copy of it, but let me – this has to do with the 40 pages or so approximately of redacted materials which have been mentioned. And you would note that on some sides there was written Whitewater, and then there might be a page that was redacted, and you might have another mention of Whitewater and others – some notes, and so the question was whether or not the materials that were redacted were relevant or not.

Senator Sarbanes and I agreed that we would have both counsels, Mr. Ben-Veniste and Mr. Chertoff, meet with the White House counsel, Mr. Kendall. Mr. Kendall agreed – I want you to know he agreed to permit both counsels to make an inspection of the documents in question for the purposes of ascertaining whether or not those materials were relevant. And I have to say that they came to an agreement.

The counsel asked for the relevant materials and they have been made available to us. So first of all, both counsels got the – received all of the material, and both of them agreed as it related to the relevancy. And we have been provided many of those pages which have deemed to be

relevant, have been provided, and let me give you that statement.

On Monday – that's what took place, and then I'll give you the lawyers' talk. It's been reduced to this. On Monday, special counsel for both the majority and minority of the committee reached agreement with personal lawyers for the President and First Lady and were allowed full access to review the documents from Vincent Foster's office with those lawyers which have previously been redacted or withheld in response to this committee's document request.

No mention of Whitewater had been redacted. In other words, where it had Whitewater, there was no

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redact that. The lawyers for the President and First Lady agreed to furnish the committee with the additional material deemed relevant by one or both counsel. We believe that the private lawyers made the original redactions in good faith, and indeed we had an opportunity to review all of the materials that were redacted, and those that were deemed to be relevant, as I've indicated, have been made available. So they will be available to this committee. And I want to thank both of our counsels and Senator Sarbanes for having achieved this methodology of getting the information that we think is important.

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Senator Sarbanes. Mr. Chairman, I'd like to say that first of all, I want to commend counsel, Mr. Chertoff and Mr. Ben-Veniste. for the very constructive way they were able to interact with Mr. Kendall, who's the personal lawyer for President and Mrs. Clinton. As I understand it, our counsel, counsel for the Special Committee, did obtain full access to the documents they requested to review on Monday. As you note, we believe that the original redactions were made in good faith. No mention of Whitewater had been redacted, and I gather after further discussion amongst counsel and the personal lawyer for President and Mrs. Clinton it was agreed, in an effort at continued cooperation, that additional material – some additional material would be also provided to the committee. So I think this is a very positive and constructive outcome, and I want to commend our counsel, both Mr. Chertoff and Mr. Ben-Veniste. for working this matter out in what I think is a very constructive and satisfactory way.

The Chairman. Our first panel is Henry P. O'Neill, United States Secret Service, Department of Secret Service. Mr. O'Neill, would you stand to be sworn in.

(Witness sworn.)

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The Chairman. Mr. O'Neill, if you have a prepared statement or you have any remarks at this time that you would like to make, we would be interested in receiving it. If not, we would proceed with the examination.

SWORN TESTIMONY OF HENRY P. O'NEILL, UNITED STATES SECRET SERVICE.

Mr. O'Neill. Well, I would like to introduce myself to the panel.

The Chairman. Certainly.

Mr. O'Neill. My name is Officer Henry Peter O'Neill, Jr., and I work for the United States Secret Service Uniformed Division, and I have for the last 18-1/2 years.

The Chairman. Mr. O'Neill, you are assigned to the White House?

Mr. O'Neill. That's correct, sir.

The Chairman. How long have you been assigned to the White House?

Mr. O'Neill. Since May of 1977.

The Chairman. That's quite a period of time. And you're still at the White House?

Mr. O'Neill. I am, sir.

The Chairman. Thank you. Mr. O'Neill, I'm going to ask Mr. Chertoff to undertake some questions with you.

Mr. Chertoff.

Mr. Chertoff. Good morning, Officer O'Neill.

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Mr. O'Neill. Good morning, sir.

Mr. Chertoff. Can you tell us in 1993 what your assignment was at the White House?

Mr. O'Neill. In 1993?

Mr. Chertoff. Right.

Mr. O'Neill. In 1993, I was assigned to the White House branch and assigned to the midnight tour of duty. It begins at 2230 hours and ends at 0700 hours for that particular year I primarily escorted the GSA cleaning people in the west wing, along with other responsibilities of a response officer, and that's it.

Mr. Chertoff. I guess you've been in and around the White House for well over a decade?

Mr. O'Neill. Yes, that's true.

Mr. Chertoff. I take it you're very familiar with the layout of the White House?

Mr. O'Neill. I would hope so.

Mr. Chertoff. I'm going to ask to put up a little map we have of the interior of the White House, and I think maybe you can give us a little bit of a tour of a couple of the locations. And you'll see it on your screen in front of you. This is going to be the second floor, and just to be sure we're oriented in the correct manner, the bottom part to the left is the White House counsel's suite. So orienting from that direction, we have Mr. Foster's

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office – Mr. Nussbaum's office and the reception area.

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Are you familiar with the layout of that suite of offices, the White House counsel's suite?
Mr. O'Neill. As it looks, I am familiar with that, yes.
Mr. Chertoff. And I understand this is not a precise drawing, but is it roughly accurate?
Mr. O'Neill. It is roughly accurate, yes. The elevators are where the stairs should be, it looks like.
Mr. Chertoff. I apologize. We did learn we had reversed the elevator and the stairs. Go ahead.
Mr. O'Neill. The office itself looks correct.
Mr. Chertoff. If you were to walk along moving – if you were to exit from the suite and turn right going down the hall, what offices would you encounter?
Mr. O'Neill. The particular offices to the right, as I would exit the suite?
Mr. Chertoff. Yes.
Mr. O'Neill. You would have to continue down the hallway, and you would enter into a larger suite, and part of the domestic affairs office to the President is housed in that area. The first office that you would reach on the right-hand side once you walked into the larger suite, in 1993 was Maggie Williams's office.
Mr. Chertoff. Now, I want you to focus your attention

on the office that's directly to the right of the White House counsel's suite before you get to the domestic policy area and Maggie Williams's suite. Am I correct that in 1993 those two offices there were the First Lady's offices or her suite of offices?
Mr. O'Neill. That's correct.
Mr. Chertoff. Can we just go to the first floor schematic again? We're oriented in the same way as we were in the prior one, but we're on the first floor. Are we correct that the chief of staff's suite is in that corner down the hall from the Oval Office?
Mr. O'Neill. That's correct.
Mr. Chertoff. Would that be directly below where the White House counsel's suite is?
Mr. O'Neill. Yes, it is.
Mr. Chertoff. Thank you for the map.
Officer O'Neill, I'd like to take you back to July 20, 1993, which is the day in which it was learned that Mr. Foster had been discovered at Fort Marcy Park. Were you on duty that night?
Mr. O'Neill. Yes, I was.
Mr. Chertoff. And were you, as part of your responsibilities that night, supposed to escort the cleaning personnel around the west wing to collect both the trash and the burn bags?

Mr. O'Neill. I was to escort the ladies in certain areas, yes, of the west wing.
Mr. Chertoff. Can you move the mike a little closer?
Mr. O'Neill. Sure.
Mr. Chertoff. In terms of the way that the –
The Chairman. You can move that whole thing. Don't be afraid to pick it up.
Mr. O'Neill. Okay.
The Chairman. That's it.
Mr. Chertoff. In terms of the way the regular trash was picked up – I'm not talking about the burn bags now; the regular trash – what was the general procedure you followed or the cleaning people followed in handling that regular trash at that time?
Mr. O'Neill. I'm sorry, you're going to have to repeat that.
Mr. Chertoff. I know this is an unaccustomed experience with you testifying before the Senate. Let's take it slowly. In terms of the regular trash, not the burn bags, what was the procedure that the cleaning people would follow in collecting the regular trash?
Mr. O'Neill. Well, when they entered into an office, they would just give it to their trash cans and pick the plastic liners out. And they collect all the liners and then tie them and take them out into the hallway and put

them in a larger bag, as far as I know.
Mr. Chertoff. In terms of the burn bags, who had responsibility at that time for emptying the burn bags?
Mr. O'Neill. I had the responsibility to do that.
Mr. Chertoff. You would do that personally?
Mr. O'Neill. That's correct.
Mr. Chertoff. Now, on July 20th – and we have to fix the time, it would be at 2242, which I guess is 10:42 in the evening in civilian time – do you recall entering the White House counsel's suite with two cleaning people?
Mr. O'Neill. I do recall, yes.
Mr. Chertoff. And who opened the suite at that time?
Mr. O'Neill. I opened the door.
Mr. Chertoff. And who arranged to have the alarm secured or turned off?
Mr. O'Neill. I did, sir.
Mr. Chertoff. How did you do that?
Mr. O'Neill. Well, initially, when I unlock the door, I first make a radio transmission to the uniformed division [illegible] acknowledge it, and I unlock

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the door, and I walk in. I flip the light switch on in the reception area. Then I walk to the right into Mr. Foster's – at that time, the deputy counsel's office, and behind the doorway there's an alarm switch, and you just flip the switch into access or open.

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Mr. Chertoff. Am I correct that the normal way in which you set the alarm or unset the alarm is to flip that switch, and then either by radio or by telephone communicate with the command center to let them know who's entering or who's leaving?

Mr. O'Neill. That's correct.

Mr. Chertoff. Now, tell us what happened on that night immediately after you had opened the suite and let the cleaning personnel in.

Mr. O'Neill. Immediately, as I said, put the lights on and then walked into the deputy counsel's office, and I flipped the switch, and I turned the lights on in the office. Then I walked into the chief counsel's office and I put the lights on. And I walked over to his desk, and I walked behind it and looked into the burn bag, and I looked at his desk. Then I walked out of that office back into the reception area or the secretary's area. And I was standing there.

Mr. Chertoff. And then what happened?

Mr. O'Neill. I was just standing, as I said before, talking to the cleaning women, and I recognized Mr. Nussbaum as I turned to the right. He walked into his office, and just about the same time I noticed other figures walk in behind him and I heard women's voices. And so I directed the cleaning ladies to exit the suite, and I

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also left the suite, too.

Mr. Chertoff. Why did you do that?

Mr. O'Neill. It's our practice that when the staff goes into their office to work, which is what I was thinking they were there. I directed the staff outside or the cleaning crew outside. It's just a practice that we do.

Mr. Chertoff. Just keeping your attention focused on that initial period of time, do you recall whether there were one or two people who went in with Mr. Nussbaum?

Mr. O'Neill. At this time, I can only say that I know that one person went in behind.

Mr. Chertoff. You're not sure if it was one or two?

Mr. O'Neill. Not exactly sure at this time.

Mr. Chertoff. Were you able to see the people at that point in time who were accompanying Mr. Nussbaum?

Mr. O'Neill. Yes, sir.

Mr. Chertoff. Did you hear their voices, one or more voices?

Mr. O'Neill. I did.

Mr. Chertoff. Were they male or female voices?

Mr. O'Neill. Female.

Mr. Chertoff. During the period of time before Mr. Nussbaum entered, had you an opportunity to go into Mr. Foster's office and look at his burn bag?

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Mr. O'Neill. No, sir, I didn't.

Mr. Chertoff. Do you know whether at that time Mr. Foster customarily kept a burn bag in his personal office?

Mr. O'Neill. I know for a long period of time it was a custom for a burn bag to be in the deputy counsel's office, and I cannot recall whether or not Mr. Foster had a burn bag in his office.

Mr. Chertoff. But you know you didn't check it that night?

Mr. O'Neill. That's correct.

Mr. Chertoff. Did you check the burn bags in the outer office that night before Mr. Nussbaum came in?

Mr. O'Neill. As far as I recall, I did, yes.

Mr. Chertoff. Do you remember whether you removed anything from those?

Mr. O'Neill. If there was anything in them, I would have taken it, yes.

Mr. Chertoff. Now, in terms of the trash removal, do you know whether the cleaning people were able to remove the trash from Mr. Foster's personal office that night before you escorted them out?

Mr. O'Neill. I don't recall the cleaning ladies entering that office that night.

Mr. Chertoff. Do you recall the cleaning ladies

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emptying the trash from the outer office?

Mr. O'Neill. I do recall that they were collecting the trash, yes.

Mr. Chertoff. After you had escorted the cleaning personnel out of the office, you left yourself; correct?

Mr. O'Neill. That's correct.

Mr. Chertoff. And where did you go?

Mr. O'Neill. I walked directly away from the counsel's office, down the hallway, and I walked into another office around the corner to the left.

Mr. Chertoff. Whose office was that?

Mr. O'Neill. It was the offices of the chief

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legislature division.
Mr. Chertoff. Did you see anybody there?
Mr. O'Neill. No one.
Mr. Chertoff. Did you encounter anybody at this period of time in the hallway?
Mr. O'Neill. Yes. When I came back around the corner from that office or that suite of offices, I encountered Howard Pastor.
Mr. Chertoff. Who is Howard Pastor?
Mr. O'Neill. He is – he was the chief legislative affairs officer for the President.
Mr. Chertoff. What did you say to him and what did he say to you?

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Mr. O'Neill. Well, actually, we looked at each other, and as far as I recall, we said hello to each other. And I looked at him, and he looked like he was upset to me. His head was down as he stood in the hallway. He wasn't standing – talking to anyone. He was just standing by himself. I asked him if there was anything wrong, and he mentioned to me, he said yes, a terrible thing has happened, and he said that Vince – he quoted – I'm quoting him – he said Vince Foster had killed himself, and I said I'm shocked. I was sorry to hear that sad news.
Mr. Chertoff. What did you do then?
Mr. O'Neill. I just walked on past him, and I walked toward the chief counsel's suite again, and I spoke to a woman who was standing outside. She was standing outside the suite, and she had actually just walked out.
Mr. Chertoff. Standing outside of which suite?
Mr. O'Neill. The chief counsel's suite of offices.
Mr. Chertoff. That's the White House counsel's?
Mr. O'Neill. Yes.
Mr. Chertoff. Do you know who that woman was?
Mr. O'Neill. At that time, I did not know who she was.
Mr. Chertoff. Have you later learned who she was?
Mr. O'Neill. Yes, I have.
Mr. Chertoff. Who is that woman?

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Mr. O'Neill. Her name is Evelyn Lieberman.
Mr. Chertoff. When you saw her coming out of the suite and in the vicinity of the suite, did you have a conversation with her?
Mr. O'Neill. We did have a conversation.
Mr. Chertoff. Tell us about that.
Mr. O'Neill. We looked at each other and she spoke to me. As far as I can recall, she asked me about locking up the office, and I said I would take care of it. That was the extent of the conversation.
Mr. Chertoff. Where did you go?
Mr. O'Neill. I intended to go downstairs to the ground floor. I went on the elevator, and she came on the elevator, and we went down there together, and we spoke a little bit on the elevator. She asked me my name, and I remember her – she introduced herself to me.
Mr. Chertoff. And then what happened?
Mr. O'Neill. We got off on the ground floor in the west basement, and there's a post officer sitting there. She went directly to him and spoke to him, and I overheard her say about locking up the office. And I used the telephone; I called my lieutenant to inform him the information I've just learned from Mr. Pastor. And I finished the phone call with him, and I stood there and I spoke with the officer on post. His name was James Shea,

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and he mentioned about the request by Ms. Lieberman, and I said I was aware of the request, and that I was going to take care of that.
Mr. Chertoff. And when you say the request, you mean the request to lock up the office eventually?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. Now, did there come a point after that conversation that you went back up to the White House counsel's suite?
Mr. O'Neill. Yes, there was.
Mr. Chertoff. And tell us about that.
Mr. O'Neill. Well, first, I took a little time before I went back up there.
Mr. Chertoff. What did you do?
Mr. O'Neill. I spoke with Officer Shea for a few moments. Then I went to the ground floor, spoke with Officer Debellis at the Oval Office and informed him of the information that I had learned about Mr. Foster. And I just remembered that there was White House staff in and around the chief of staff's office, Mr. McLarty. A few more moments had passed by, and I returned to the second floor. And I reentered the counsel's suite, and I walked directly into the deputy counsel's office, who was Mr. Foster at the time, and I stopped in the doorway, immediately walking into the office because as I looked to

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the left, there was a woman sitting at the desk.
Mr. Chertoff. What was she doing?
Mr. O'Neill. She was looking down, just as I am here, looking down. And she looked as if she was reading something.
Mr. Chertoff. And what did you do?
Mr. O'Neill. I immediately backed out of the office.
Mr. Chertoff. What was the reason you went up to the White House counsel's suite at that point?
Mr. O'Neill. I went back there to lock the room.
Mr. Chertoff. Did you recognize the woman sitting behind Mr. Foster's desk?
Mr. O'Neill. No, I did not.
Mr. Chertoff. Did you later learn who she was?
Mr. O'Neill. Yes, I did.
Mr. Chertoff. And do you now know her identity?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. What is her identity?
Mr. O'Neill. Her name is Patsy Thomasson.
Mr. Chertoff. Did Ms. Thomasson look up when you came to the door?
Mr. O'Neill. No, she didn't.
Mr. Chertoff. What did you do after you saw her in Mr. Foster's office? Where did you go?
Mr. O'Neill. I went out again into the hallway, and

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the first thing that I was thinking about was letting the cleaning people know that they wouldn't be going back into the office. That was a responsibility that I felt I had to do, and I located the lady that was actually in charge of cleaning the office and told her.
Mr. Chertoff. And then what happened?
Mr. O'Neill. I was down on the first floor again, and I was in the lobby. This is where I first encountered Sylvia Mathews, just a greeting, and some time did go by before I returned for the third time to the office, the chief counsel's office.
Mr. Chertoff. Why did you go back?
Mr. O'Neill. To lock it up.
Mr. Chertoff. What did you see when you arrived back at the White House counsel's suite?
Mr. O'Neill. Well, I just remember – as best as I can recall, I was standing in the hallway, and it's not the hallway directly that leads past the elevator on that one diagram: it's the hallway that leads east on the second floor.
Mr. Chertoff. Is that the hallway that leads towards Maggie Williams's office?
Mr. O'Neill. That's correct.
Mr. Chertoff. Would it help you if we put the diagram up?

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Mr. O'Neill. Yeah, it could. It wouldn't help me, but it may help you.
(Laughter.)
Mr. Chertoff. Let's put it back up. I need all the help I can get. You're telling us you were in the hallway that would be between the left and the right-hand lower portion of the diagram?
Senator Faircloth. Mr. Chairman, would it help us all if somebody wrote on that piece of paper where Maggie Williams's office is?
Mr. Chertoff. That's not a bad idea. Maybe we can get our operator to – why don't we do that after the witness is done.
Senator Faircloth. I don't go to the White House very often.
Mr. O'Neill. There's a pointer on there – if you go to the right more, next office. That's it.
Mr. Chertoff. That's Maggie Williams's office?
Mr. O'Neill. Leave that there, and I'll go down the hallway now, and I'll point out where I was. Out of the office. That's in the office. Okay, there in the hallway, right there, that's exactly where I was standing.
Mr. Chertoff. Great. Terrific. Tell us what happened.
Mr. O'Neill. I saw Evelyn Lieberman walk out of the

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counsel's suite. She stood in front of the doorway and I looked at her, and, again, it was mentioned about locking the office. And then a few seconds after I saw her come out, Mr. Nussbaum walked out behind her and walked through the hallway, toward the stairs, past the elevator, and within a few more seconds, I saw Maggie Williams walk out of the suite and turn to the right in the direction that I was standing.
Mr. Chertoff. Did she walk right by you?
Mr. O'Neill. Yes, she did.
Mr. Chertoff. And was she carrying anything?
Mr. O'Neill. Yes, she was.
Mr. Chertoff. What was she carrying?
Mr. O'Neill. She was carrying what I would describe, in her arms and hands, as folders. She had them down in front of her as she walked down to her – in the direction of where I was standing.
Mr. Chertoff. And where did she go?
Mr. O'Neill. She walked past me, and she continued on down the hallway. It's only about 20 feet at the most.

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[21] And she started to enter her office, and she had to brace
[22] the folders in her arm on a cabinet, and then she entered
[23] the office and came out within a few more seconds and
[24] locked the door.
[25] Mr. Chertoff. Locked the door to her office?

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[1] Mr. O'Neill. That's correct.
[2] Mr. Chertoff. And then what happened?
[3] Mr. O'Neill. She walked again toward me down the
[4] hallway toward Evelyn Lieberman, and I went in right behind
[5] her after she walked past me and locked the office, locked
[6] the suite of offices up. We rode the elevator down to the
[7] first floor, and they got off and went to the chief of
[8] staff's office.
[9] Mr. Chertoff. Now, I just want to take it step by
[10] step at the end here. After Maggie Williams had dropped
[11] off whatever she was carrying in her office, she came back
[12] by you and met Evelyn Lieberman and they went off to the
[13] elevator and you went and locked the door?
[14] Mr. O'Neill. It happened all basically at the same
[15] time, sir. I'm very fast at locking up the office, and by
[16] the time I had completed locking the office, the elevator,
[17] they were on there, and I just got on and went down.
[18] Mr. Chertoff. Did you have any conversation with
[19] Ms. Williams or Ms. Lieberman at this point where they were
[20] coming out of the suite and then ultimately going to the
[21] elevator?
[22] Mr. O'Neill. Well, when Maggie Williams did walk out
[23] of the office and walk in my direction, Ms. Lieberman said
[24] that's Maggie Williams; she's the First Lady's chief of
[25] staff. And I just said I know, and I looked at her and she

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[1] looked at me, and she smiled and walked past me.
[2] Mr. Chertoff. Keeping your attention on this
[3] particular couple of moments, Mr. Nussbaum came out of the
[4] White House counsel's suite before Ms. Williams did:
[5] correct?
[6] Mr. O'Neill. That's correct.
[7] Mr. Chertoff. And in what direction did he go off?
[8] Mr. O'Neill. I went away from the – he went to the
[9] north hallway down the stairs.
[10] Mr. Chertoff. And you were the one who actually
[11] locked up the suite?
[12] Mr. O'Neill. Yes, that's correct.
[13] Mr. Chertoff. Which you had promised to do when
[14] Ms. Lieberman had asked you earlier that evening; right?
[15] Mr. O'Neill. That's correct.
[16] Mr. Chertoff. And for the record, we have on Z598 a
[17] record at 2341, which is 11:41 in the evening civilian
[18] time, that you had locked it up and contacted the control
[19] center indicating you were locking it up for the night.
[20] Mr. O'Neill. At 11:41 hours, yes, sir.
[21] Mr. Chertoff. Now, after that event, did you – did
[22] there come a time when you had some discussion with Sylvia
[23] Mathews concerning a burn bag?
[24] Mr. O'Neill. Yes – yes, sir.
[25] Mr. Chertoff. Tell us about that.

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[1] Mr. O'Neill. I was directed to respond to the chief
[2] of staff's office, Mr. McLarty's office, with the burn
[3] bag. This was – I was directed by the control center.
[4] uniformed division control center people that evidently
[5] received a phone call. They directed me to the chief
[6] counsel's – or chief of staff, his office.
[7] Mr. Chertoff. And that's on the first floor?
[8] Mr. O'Neill. That's on the first floor.
[9] Mr. Chertoff. And you brought a burn bag with you?
[10] Mr. O'Neill. Yes, sir.
[11] Mr. Chertoff. Now, is that what has been described as
[12] a commingled burn bag, meaning a burn bag that has within
[13] it collections from a number of individual offices?
[14] Mr. O'Neill. That's correct.
[15] Mr. Chertoff. And they were all in one single large
[16] bag?
[17] Mr. O'Neill. Yes, sir.
[18] Mr. Chertoff. What did you do with it?
[19] Mr. O'Neill. I just handed it to her.
[20] Mr. Chertoff. And what happened?
[21] Mr. O'Neill. She took it inside the office. I
[22] continued on my way.
[23] Mr. Chertoff. Did you see it again or have any
[24] further discussion about it?
[25] Mr. O'Neill. I was called a short time later, and I

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[1] went and retrieved the bag for Sylvia Mathews in
[2] Mr. McLarty's office.
[3] Mr. Chertoff. Were you given any instructions about
[4] what to do with the bag at that point?
[5] Mr. O'Neill. No, sir.
[6] Mr. Chertoff. What did you do with it?
[7] Mr. O'Neill. I did what I normally do with it,
[8] continued on if I needed to go collect some other burn and
[9] I take it and secure it in another area.
[10] Mr. Chertoff. As far as you know, it was disposed of
[11] in the normal manner?
[12] Mr. O'Neill. That's correct.

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Mr. Chertoff. I want to go back to the period of time that you were in the White House counsel's suite and I just want to direct you to the issue of burn bag material in that suite. Am I correct that you were the person who was authorized to clean out the burn bag material in the west wing?
Mr. O'Neill. That's correct.
Mr. Chertoff. It was not the cleaning people?
Mr. O'Neill. Not at all.
Mr. Chertoff. And when you were in the suite earlier that evening before Mr. Nussbaum first came in, you indicated you had looked into Mr. Nussbaum's burn bag?
Mr. O'Neill. That's correct.

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Mr. Chertoff. And then you indicated Mr. Nussbaum came in and you left with the cleaning people?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. During that period of time, did you remove any burn bag material from Mr. Foster's office or from the outer office in the White House counsel's suite?
Mr. O'Neill. I think I stated that I did not go into Mr. Foster's office, and that if there were or was any burn material in the bags in the secretary – or as you have it on your diagram, reception area, if there was burn material, I would have collected it.
Mr. Chertoff. Is your recollection, though, that at the point at which you brought the burn bag back to Ms. Mathews, that you had not, in fact, had any burn material that you had removed from the White House counsel's suite that night?
Mr. O'Neill. I cannot recall if I did collect the burn material from the secretary's area. If there had been, and I had time to collect it, I would have.
Mr. Chertoff. Mr. O'Neill, is there anything else that you can recall about the events of that period of time between a quarter of 10:00 and a quarter to 11:00 relating to people coming in or out of the White House counsel's suite apart from what you've told us?
Mr. O'Neill. No, sir, not at all.

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Mr. Chertoff. Am I correct that you have no difficulty in your own mind telling the difference between the White House counsel's suite and the First Lady's suite?
Mr. O'Neill. I have absolutely no problem with that, determining which office is which.
Mr. Chertoff. And if you would agree with the record of the White House security control center that it was you personally who both opened the suite that night and, perhaps more important, that it was you personally who locked the suite that night?
Mr. O'Neill. That's correct.
Mr. Chertoff. I have no further questions, Mr. Chairman.
The Chairman. Senator Sarbanes.
Senator Sarbanes. Mr. Ben-Veniste.
Mr. Ben-Veniste. Thank you, Senator Sarbanes, and good morning, Officer O'Neill.
Mr. O'Neill. Good morning, sir.
Mr. Ben-Veniste. You have worked for the uniformed Secret Service for approximately 18 years, sir?
Mr. O'Neill. That's correct, sir.
Mr. Ben-Veniste. And during that time, could you give us briefly the different positions that you've held and the promotions you've received?
Mr. O'Neill. The particular positions I've held, I've

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been a uniformed officer. During the time I've worked at the White House, I've had many responsibilities, many jobs, just in the lineup officers. I was a tour officer for several years. I've just worked many important events that is the normal course of any day.
Mr. Ben-Veniste. Have you been a supervisor at any point? Have you received any promotions?
Mr. O'Neill. No, sir.
Mr. Ben-Veniste. And, basically, you have performed the same functions that you have described here this morning over that 18-year period?
Mr. O'Neill. Not the – not working in the west wing for 18 years, no, sir.
Mr. Ben-Veniste. So you moved to the west wing when?
Mr. O'Neill. Well, you move in and out of the different positions. It depends on the manpower. It depends on your seniority.
Mr. Ben-Veniste. In 1993, how long had you been assigned to the west wing?
Mr. O'Neill. I had been assigned there for three years.
Mr. Ben-Veniste. And you had basically been performing the functions of escorting the GSA cleaning crew into secure offices for that three-year period since 1990?
Mr. O'Neill. That's correct.

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Mr. Ben-Veniste. Now, Officer O'Neill, did you make any notes or reports of the events that you've testified about here this morning?

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[4] Mr. O'Neill. Would you repeat the question, sir?
[5] Mr. Ben-Veniste. Did you make any notes or reports of
[6] the events which you have testified that you witnessed here
[7] this morning?
[8] Mr. O'Neill. No, I did not.
[9] Mr. Ben-Veniste. And when was the very first time
[10] that you recounted to any person, a supervisor, anyone from
[11] the Secret Service, anyone from the FBI, any of the things
[12] that you have testified about here this morning?
[13] Mr. O'Neill. It was nine months later, in April of
[14] 1994 to the FBI.
[15] Mr. Ben-Veniste. And what was the occasion for your
[16] having been interviewed by the FBI in April of 1994?
[17] Mr. O'Neill. I was directed by a supervisor to
[18] respond to the Office of the Independent Counsel.
[19] Mr. Ben-Veniste. And which Independent Counsel was
[20] that at the time, do you remember?
[21] Mr. O'Neill. Independent Counsel – Mr. Fiske, I
[22] think.
[23] Mr. Ben-Veniste. Do you recall the names of the
[24] individuals who interviewed you?
[25] Mr. O'Neill. No, sir.

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[1] Mr. Ben-Veniste. But they were FBI agents?
[2] Mr. O'Neill. Correct.
[3] Mr. Ben-Veniste. Assigned to Mr. Fiske?
[4] Mr. O'Neill. That's correct.
[5] Mr. Ben-Veniste. And did they take notes?
[6] Mr. O'Neill. Yes, they did.
[7] Mr. Ben-Veniste. Now, you may be aware that the
[8] Independent Counsel has declined our request to produce the
[9] notes of your interviews by the FBI, but at some point we
[10] will be receiving them. Those will undoubtedly be made
[11] part of the record. Let me ask you at this time whether in
[12] your April 1994 interview by the FBI agents working under
[13] the supervision of Robert Fiske you told the story that you
[14] told here this morning?
[15] Mr. O'Neill. That's absolutely correct.
[16] Mr. Ben-Veniste. Exactly as you told it here this
[17] morning, sir?
[18] Mr. O'Neill. I think it may be a little clearer.
[19] Mr. Ben-Veniste. It might have been even clearer
[20] then?
[21] Mr. O'Neill. Well, I've gone over this quite a bit in
[22] my mind.
[23] Mr. Ben-Veniste. Now, I'm asking you in April of 1994
[24] whether you provided the details that you have testified to
[25] here this morning to the FBI?

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[1] Mr. O'Neill. Yes, sir, that's correct.
[2] Mr. Ben-Veniste. There came a time when you were
[3] reinterviewed by the FBI; isn't that so?
[4] Mr. O'Neill. Yes, it is.
[5] Mr. Ben-Veniste. And when was that?
[6] Mr. O'Neill. It was shortly after that. I don't know
[7] exactly what day it was. It was shortly thereafter, maybe
[8] two weeks.
[9] Mr. Ben-Veniste. Two weeks thereafter?
[10] Mr. O'Neill. Yes, sir.
[11] Mr. Ben-Veniste. And were you interviewed again?
[12] Mr. O'Neill. I certainly was, yes.
[13] Mr. Ben-Veniste. And when was that, sir?
[14] Mr. O'Neill. It was probably – maybe a few weeks
[15] later. I don't recall this, sir, how long in between. I
[16] just know that it was several times.
[17] Mr. Ben-Veniste. So a few weeks after – so you're
[18] now into May or June, perhaps, of 1994. That was the third
[19] time you were interviewed?
[20] Mr. O'Neill. Yes, sir.
[21] Mr. Ben-Veniste. And you told the story exactly as
[22] you have told it here this morning again?
[23] Mr. O'Neill. I don't know how else to tell it, sir.
[24] Mr. Ben-Veniste. We don't have access to those notes
[25] at this point, so I'm asking –

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[1] Mr. O'Neill. I told it the same way as I told it
[2] today.
[3] Mr. Ben-Veniste. There was nothing different between
[4] the first time you told it, the second time you told it and
[5] the third time you told it?
[6] Mr. O'Neill. Only that I didn't realize the names of
[7] the people.
[8] Mr. Ben-Veniste. You didn't know the names of the
[9] people?
[10] Mr. O'Neill. I didn't know – originally Patsy
[11] Thomasson or Evelyn Lieberman. I did know Maggie Williams
[12] and I knew Mr. Nussbaum.
[13] Mr. Ben-Veniste. Other than that, you told the same
[14] story exactly the same the three times?
[15] Mr. O'Neill. Correct.
[16] Mr. Ben-Veniste. And when was the next time you were
[17] interviewed by the FBI?
[18] Mr. O'Neill. I think I finished up the testimony in
[19] September.
[20] Mr. Ben-Veniste. September of what year, sir?
[21] Mr. O'Neill. 1994.
[22] Mr. Ben-Veniste. You testified, you say?
[23] Mr. O'Neill. My deposition was completed, and I went
[24] [illegible] with a lawyer and Agent Bill

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[25] Colombell of the FBI.

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[1] Mr. Ben-Veniste. You say your deposition was
[2] completed. Who took a deposition of you in September of
[3] 1994?
[4] Mr. O'Neill. As far as I know, it was a compilation
[5] of all the interviews that I had given.
[6] Mr. Ben-Veniste. A compilation?
[7] Mr. O'Neill. Yes, sir.
[8] Mr. Ben-Veniste. And that was in a sworn statement
[9] with a stenographer?
[10] Mr. O'Neill. No, that was not the case, no.
[11] Mr. Ben-Veniste. What do you mean by –
[12] Mr. O'Neill. It was an interview that I completed.
[13] They actually wrote everything down and I read it.
[14] Mr. Ben-Veniste. You used the term, a "deposition."
[15] Mr. O'Neill. I thought it was a deposition.
[16] Mr. Ben-Veniste. So you gave a statement which was
[17] transcribed?
[18] Mr. O'Neill. Yes, it was.
[19] Mr. Ben-Veniste. And you read it?
[20] Mr. O'Neill. Yes, it was.
[21] Mr. Ben-Veniste. Were you allowed to read it?
[22] Mr. O'Neill. Yes, I was.
[23] Mr. Ben-Veniste. And make any corrections?
[24] Mr. O'Neill. No, sir.
[25] Mr. Ben-Veniste. Just to read it?

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[1] Mr. O'Neill. That's correct.
[2] Mr. Ben-Veniste. Were there corrections you wanted to
[3] make?
[4] Mr. O'Neill. No.
[5] Mr. Ben-Veniste. So that was the fourth time, to your
[6] recollection?
[7] Mr. O'Neill. I think – approximately, yes.
[8] Mr. Ben-Veniste. You say it was a compilation, sir.
[9] What was there to compile if you had told the same exact
[10] story three times previously?
[11] Mr. O'Neill. It was the fact that I might have
[12] remembered something a little clearer after I had been
[13] interviewed the first time.
[14] Mr. Ben-Veniste. What was the thing that you
[15] remembered a little bit clearer?
[16] Mr. O'Neill. I found out the names of the people by
[17] looking at photographs.
[18] Mr. Ben-Veniste. Anything else that you remembered a
[19] little bit clearer?
[20] Mr. O'Neill. No, there isn't.
[21] Mr. Ben-Veniste. So it was the same exact story for
[22] the fourth time with the addition of the names of certain
[23] of the people: correct?
[24] Mr. O'Neill. That's correct.
[25] Mr. Ben-Veniste. Were you interviewed again by the

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[1] FBI?
[2] Mr. O'Neill. Not that I recall.
[3] Mr. Ben-Veniste. Have you given this story to the
[4] Independent Counsel on some other occasion after September
[5] of '94?
[6] Mr. O'Neill. No, sir.
[7] Mr. Ben-Veniste. You're sure about that?
[8] Mr. O'Neill. The Independent Counsel – this
[9] Independent Counsel?
[10] Mr. Ben-Veniste. Any Independent Counsel. We now
[11] have four times that you have given this story. Would it
[12] help your recollection if I were to suggest to you that in
[13] your deposition you thought you had given the story five
[14] times to FBI agents?
[15] Mr. O'Neill. Well, I didn't keep count of it. Every
[16] time I was called, I responded. And every time I
[17] responded, I gave the same story.
[18] Mr. Ben-Veniste. So it may have been another time,
[19] but you're not remembering right here that you gave the
[20] same story?
[21] Mr. O'Neill. There may have been.
[22] Mr. Ben-Veniste. And did you testify on any occasion?
[23] Mr. O'Neill. No, sir.

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[24] Mr. O'Neill. Yes, sir.
[25] Mr. Ben-Veniste. What is the difference between the

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[1] uniformed Secret Service and the Secret Service agent?
[2] Mr. O'Neill. There's an agent sitting right beside
[3] me. Maybe he could describe that to you, sir. His name is
[4] Tim Foley.
[5] Mr. Ben-Veniste. Good morning, Mr. Foley, but today
[6] it's your turn to testify, Mr. O'Neill.
[7] Mr. O'Neill. There's not much difference.
[8] Mr. Ben-Veniste. Not much difference?
[9] Mr. O'Neill. Not to me there isn't.
[10] Mr. Ben-Veniste. Are the functions any different?
[11] Mr. O'Neill. Of course they have the field offices
[12] throughout the country where they work, forgery, and many
[13] varied administrative and investigative cases.
[14] Mr. Ben-Veniste. They are distinct branches. One day
[15] you're not a Secret Service agent and the other day you're
[16] a uniformed officer: correct?
[17] Mr. O'Neill. No, sir.
[18] Mr. Ben-Veniste. Am I correct that they are distinct?
[19] Mr. O'Neill. I think they are distinct.
[20] Mr. Ben-Veniste. Training is different, their
[21] functions are different?
[22] Mr. O'Neill. Yes, sir.
[23] Mr. Ben-Veniste. Okay. Now, let me go to July the
[24] 20th. 1993 with you. What time did you arrive at work that
[25] day?

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[1] Mr. O'Neill. At approximately – July 20th?
[2] Mr. Ben-Veniste. Yes, sir.
[3] Mr. O'Neill. Approximately 6:00 p.m.
[4] Mr. Ben-Veniste. 6:00 p.m. Was that a normal time
[5] for you to arrive on your shift?
[6] Mr. O'Neill. It was not exactly normal. It was
[7] early. It was early.
[8] Mr. Ben-Veniste. It was early?
[9] Mr. O'Neill. Yes.
[10] Mr. Ben-Veniste. And why were you there early that
[11] day?
[12] Mr. O'Neill. I was working overtime.
[13] Mr. Ben-Veniste. Someone told you to come in and work
[14] overtime?
[15] Mr. O'Neill. It was voluntary.
[16] Mr. Ben-Veniste. You just showed up?
[17] Mr. O'Neill. No. It was a voluntary request. If
[18] anyone wanted to come in early, they could.
[19] Mr. Ben-Veniste. So you came in early. How long had
[20] you been coming in early on your shift in July before the
[21] 20th?
[22] Mr. O'Neill. Not that often. Occasionally.
[23] Mr. Ben-Veniste. A few times?

[24] Mr. O'Neill. I'd have to look at maybe a calendar or
[25] go back and find –

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[1] Mr. Ben-Veniste. As a matter of fact, the first time
[2] you gave your version of events in April of 1994, did you
[3] remember that you had worked an extra shift?
[4] Mr. O'Neill. Came in early that time?
[5] Mr. Ben-Veniste. Yes.
[6] Mr. O'Neill. No, I didn't.
[7] Mr. Ben-Veniste. And so when you told your version of
[8] the events in April of '94, it was inaccurate to the extent
[9] that you hadn't remembered that you came in early. How
[10] early did you come in that day?
[11] Mr. O'Neill. Four hours earlier.
[12] Mr. Ben-Veniste. Four hours. You were off in the
[13] first time you explained when you came in that day;
[14] correct?
[15] Mr. O'Neill. You're going to have to repeat your
[16] question.
[17] Mr. Ben-Veniste. When you explained to the FBI in
[18] April of 1994 what time you started your shift, you were
[19] four hours off; is that right?
[20] Mr. O'Neill. Well, I don't recall saying that I was
[21] four hours off to anyone.
[22] Mr. Ben-Veniste. I didn't say you would have said you
[23] were four hours off. I am suggesting to you that you
[24] didn't recall at that time that you had come in four hours
[25] early, and therefore, in your report about what happened

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[1] that evening, you were four hours off as to when you
[2] started?
[3] Mr. O'Neill. Still don't recall saying that to
[4] anyone.
[5] Mr. Ben-Veniste. When did you learn that you had
[6] worked the extra four hours? When did it occur to you in
[7] telling anyone about the events of that evening that you
[8] had worked the extra four hours?
[9] Mr. O'Neill. I think during the subsequent
[10] interviews.
[11] Mr. Ben-Veniste. Somewhere along interviews two,
[12] three, four, five?
[13] Mr. O'Neill. No. I think it was the next one or
[14] perhaps the next one.
[15] Mr. Ben-Veniste. Either interview two or three, you
[16] remembered that fact?
[17] Mr. O'Neill. It wasn't so much that I remembered it.
[18] It was that –
[19] Mr. Ben-Veniste. That somebody put a record in front
[20] of you and said hey, you worked overtime that day.
[21] You

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reported four hours earlier; correct?
Mr. O'Neill. That was only because I felt I didn't
know – when I called the lieutenant and notified him of
the information that Mr. Pastor – about Mr. Foster that I
had learned from Mr. Pastor, the information that I did not

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know of his death. When the lieutenant spoke to me on the
telephone, he said he was already aware of it, and
therefore, I realized that it had been passed along at roll
call –
Mr. Ben-Veniste. I'm only asking you, Officer –
Mr. O'Neill. I'm only telling you what I feel like is important.
Mr. Ben-Veniste. But I'm only asking you –
The Chairman. Richard, this is not a
cross-examination, so let's let him finish his answer, okay, and then –
Mr. Ben-Veniste. Most respectfully, Mr. Chairman, it is a very important issue.
The Chairman. It is important and I will give you – Richard, it's important. I will give you great latitude, but let's let him finish his question and if you need clarification, you can go back to it.
Mr. Ben-Veniste. Thank you, Mr. Chairman.
You may answer about Mr. Pastor.
Mr. O'Neill. I'm finished with that answer, sir.
Mr. Ben-Veniste. The point of my question was whether
someone provided you with a record that showed you that you
had come in four hours earlier that day?
Mr. O'Neill. I can't recall that.
Mr. Ben-Veniste. How did you remember that you had

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come in four hours earlier?
Mr. O'Neill. I checked on it myself.
Mr. Ben-Veniste. So you looked at a record?
Mr. O'Neill. Yes, sir.
Mr. Ben-Veniste. How many days had you been working
extra shifts prior to the 20th?
Mr. O'Neill. I've been working overtime for – many times over the course of my career.
Mr. Ben-Veniste. Now, what I'm trying to focus on, and I think you touched on it in your deposition, if you
recall, how many days prior to the 20th you had been coming
in four hours earlier?
Mr. O'Neill. Maybe once or twice that week, sir.
Mr. Ben-Veniste. Well, "that week" – the 20th was what day of the week, if you remember?
Mr. O'Neill. I don't recall.
Mr. Ben-Veniste. When does your week start or did you
have a day off?
Mr. O'Neill. You're talking over two years ago. I don't recall this information.
Mr. Ben-Veniste. I understand. It is a long time ago. It would be hard to remember those kind of details.
Mr. O'Neill. That particular detail, yes.
Mr. Ben-Veniste. So you may have been working a couple of days before the 20th on this extra shift, coming

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in four hours earlier; is that –
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. With respect to that four hours, what did you do on the 20th in the four hours from 6:30
until your normal start time of 10:30?
Mr. O'Neill. I think I worked either in the mansion or on the north grounds.
Mr. Ben-Veniste. In – either you worked inside or outside?
Mr. O'Neill. I can't recall that either.
Mr. Ben-Veniste. You have no recollection of what you
did specifically during that four-hour period?
Mr. O'Neill. No, sir.
Mr. Ben-Veniste. The fact is that you didn't remember what time you saw Mr. Pastor that evening, when you say you
saw him at about 11:00, without being able to look at the
electronic records of when the White House counsel's office
was open that evening; is that correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. So when you testified that you saw Howard Pastor, you are operating within a one-hour period
that you know the White House counsel's office was open,
and taking that information, you're trying to break it down
into what happened during that hour. Is that fair to say?
Mr. O'Neill. It's fair to say, yes, sir.

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Mr. Ben-Veniste. So you had to account for one hour somehow; correct?
Mr. O'Neill. I had to account –
Mr. Ben-Veniste. In other words, in terms of your recollection, you had to figure out what happened during
that hour, and you've apportioned events that occurred
during that hour according to the time records that suggest
that the office was open for one hour?

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Mr. O'Neill. Yes, sir.
Mr. Ben-Veniste. Now, you indicated that the first time you saw Mr. Nussbaum that evening was some point after you had opened the office to let the cleaners in; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Now, what time did the cleaners normally go in that office?
Mr. O'Neill. Whenever the officer opens the door, unlocks the door for them.
Mr. Ben-Veniste. Was there not a routine,
Mr. O'Neill?
Mr. O'Neill. Yes, sir, there is a routine.
Mr. Ben-Veniste. And what did that routine call for?
Mr. O'Neill. Once the roll call was completed, the officer responded to the second floor. That was the first alarmed room that was opened for the cleaning crew.
Mr. Ben-Veniste. So every evening the White House

counsel's office would be the first office for the cleaning crew; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And what was the second office opened every evening, according to that routine?
Would someone be kind enough to put the second floor west wing chart up on our screen. Thank you.
My question is, Officer O'Neill, what was the second secured office, according to your routine, that was cleaned on the second floor of the west wing of the White House?
Mr. O'Neill. There was a room to the right. You have your dot. Do you want to use your dot?
Mr. Ben-Veniste. It's not my dot, but if there's someone there with a dot, perhaps that dot could be – it's the committee's dot?
Mr. O'Neill. Right there. Exactly there. That's the room.
Mr. Ben-Veniste. Whose room was that?
Mr. O'Neill. That's the Clinton office, the reception office.
Mr. Ben-Veniste. That was the reception area of Mrs. Clinton's office?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. So when you first saw Mr. Nussbaum enter the office, you believe you saw a woman follow him

in?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. When you saw Mr. Nussbaum enter the counsel's suite, was he [illegible]

who followed him?
Mr. O'Neill. He went into his office, inside.
Mr. Ben-Veniste. He went into his own office, according to your testimony?
Mr. O'Neill. Yes, sir, his own office.
Mr. Ben-Veniste. And he was followed by a second person whom you believe to have been a woman?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Did you see that person at the time?
Mr. O'Neill. I saw a woman. I saw a figure of a person.
Mr. Ben-Veniste. A figure of a person?
Mr. O'Neill. That's true.
Mr. Ben-Veniste. And where were you standing at the time you saw Mr. Nussbaum enter his office?
Mr. O'Neill. Standing inside the secretary's area.
Mr. Ben-Veniste. So where about in the secretary's area? Do we have that? Where about?
Mr. O'Neill. Right about there.
Mr. Ben-Veniste. Right about there. So Mr. Nussbaum would have had to come, essentially, right past you to walk

into his office?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And so would the woman who was following him?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. But you only saw – what?
Mr. O'Neill. I saw Mr. Nussbaum enter his office and then I saw what I have described as figures, figures – I
said figures enter his office behind him.
Mr. Ben-Veniste. Figures?
Mr. O'Neill. That's what I said. I may have – in my original testimony, which I don't have a copy of –
Mr. Ben-Veniste. Which original testimony?
Mr. O'Neill. To the FBI. The first time that I was interviewed, I may have recalled that I said women.
Mr. Ben-Veniste. Women?
Mr. O'Neill. Yes, sir.
Mr. Ben-Veniste. And now upon reflection, you think figures is the more accurate way to describe what you saw?
Mr. O'Neill. It's difficult, sir. It's difficult for me to remember. It's difficult for me to remember.
Mr. Ben-Veniste. Okay. I accept that.
But you're sure it's plural?
Mr. O'Neill. Yes.
Mr. Ben-Veniste. You saw Mr. Nussbaum and two figures

enter Mr. Nussbaum's office: correct?
Mr. O'Neill. As best I can recall, it's either one or two.
Mr. Ben-Veniste. Either one or two additional figures?

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Mr. O'Neill. Yes.
Mr. Ben-Veniste. Where were the GSA cleaners at that
time?
Mr. O'Neill. The GSA cleaning women – one was
further to the back of the room, right there and the other
was moving in and around the door. I don't know exactly
where the other one was.
Mr. Ben-Veniste. The door to the counsel's suite?
Mr. O'Neill. Yes.
Mr. Ben-Veniste. So Mr. Nussbaum and one or two
figures would have had to essentially brush right past?
Mr. O'Neill. Exactly.
Mr. Ben-Veniste. The second of the cleaners –
Mr. O'Neill. As far as I can recall, yes.
Mr. Ben-Veniste. And is it your recollection that the
cleaners started in the reception area that evening?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And that they never went into
Mr. Foster's office?
Mr. O'Neill. That's my recollection, sir.

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Mr. Ben-Veniste. You recognize now, do you not, that
the cleaners testified that not only did they go into
Mr. Foster's office. but that they had removed the trash
from Mr. Foster's office?
Mr. O'Neill. I never spoke to them.
Mr. Ben-Veniste. Let me see whether this would
refresh your recollection, sir. And I'm referring to the
testimony taken of Terry Lynnette Cobey on July 14, 1995 by
this committee at page 27, Mr. Chertoff.
"Question: Do you know whether there was a lock on
Mr. Foster's office?
"Answer: No. The door was open because I went in
there and I pulled the trash."
Does that refresh your recollection?
Mr. O'Neill. Would you please repeat that to me? I
had to confer with my counsel.
Mr. Ben-Veniste. The GSA cleaner testified that on
the 20th of July, Mr. Foster's office was not locked, and
that the door was open. She went in there and pulled the
trash from the office. Does that refresh your recollection
that maybe you have got things mixed up?
Mr. O'Neill. No. sir.
Mr. Ben-Veniste. The testimony which we have received
here is that Mr. Foster's trash was retrieved from a larger
receptacle of trash on the evening of July the 20th. so

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clearly the trash was collected. Does that refresh your
recollection as to whether the cleaners had been in
Mr. Foster's office and not where you have remembered them
to be in your testimony this morning?
Mr. O'Neill. No, it does not.
Mr. Ben-Veniste. All right. Let's proceed. At the
point that Mr. Nussbaum went into his office, you retreated
from the suite?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. You asked the GSA cleaning people to
follow you; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And you never went back into that
suite to perform any other function that evening; that's
correct?
Mr. O'Neill. That's incorrect.
Mr. Ben-Veniste. Other than to lock the door?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Okay. But you say that you looked
in and dumped Mr. Nussbaum's burn bag; is that correct?
Mr. O'Neill. That's not correct.
Mr. Ben-Veniste. Did you?
Mr. O'Neill. No, I didn't.
Mr. Ben-Veniste. You did not look at Mr. Nussbaum's
burn bag. You did not say that in response to

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Mr. Chertoff's question just 15 minutes ago?
Mr. O'Neill. I said I looked at the burn bag. I did
not say I dumped the burn bag.
Mr. Ben-Veniste. When did you look at the burn bag?
Mr. O'Neill. When I walked into his office.
Mr. Ben-Veniste. So you walked into his office and
without – strike that.
You walked into his office; you looked in the burn
bag. Was there material in the burn bag?
Mr. O'Neill. I don't recall if there was or not.
Mr. Ben-Veniste. If there was, you would have dumped
it?
Mr. O'Neill. Yes.
Mr. Ben-Veniste. And that would have happened before
the cleaners – strike that.
That would have happened before Mr. Nussbaum arrived
in the office?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. But you say you didn't look in
Mr. Foster's office for his burn bag?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And why was that?
Mr. O'Neill. It's just the way I did it.

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[24] Mr. Ben-Veniste. But you're certain of that?
[25] Mr. O'Neill. As far as I can recall, that's the way I

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[1] did it, yes.
[2] Mr. Ben-Veniste. Did you have a normal procedure
[3] where you would look at Mr. Nussbaum's burn bag first and
[4] then you would look at Mr. Foster's?
[5] Mr. O'Neill. That's correct.
[6] Mr. Ben-Veniste. And then you would look at the
[7] reception area?
[8] Mr. O'Neill. Yes, sir.
[9] Mr. Ben-Veniste. I see that my light is on.
[10] The Chairman. If you have – Richard, if you have
[11] another area – have you finished that? Senator Grams.
[12] Senator Grams. Thank you very much, Mr. Chairman and
[13] Mr. O'Neill. Good morning. I have some good news: I'm
[14] not an attorney. But I'll try to do the best that I can.
[15] I'd like to go back – and I know you've already
[16] testified on this, but I just want to clarify some of the
[17] movements by some of the people, including yourself, that
[18] night. And I'd like to really begin about the time you
[19] returned back to the White House counsel's suite and you
[20] walked in and you saw who you now have identified as Patsy
[21] Thomasson sitting behind Vince Foster's desk, looking down,
[22] apparently reading something, according to your testimony;
[23] is that correct?
[24] Mr. O'Neill. Yes, sir.
[25] Senator Grams. You had gone back up to the office for

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[1] what purpose, just again to check whether it was ready to
[2] be locked? You had mentioned that you felt it should be
[3] locked and the cleaning people should not be allowed back
[4] in; is that correct?
[5] Mr. O'Neill. Yes, sir.
[6] Senator Grams. And as you walked in, you noticed her
[7] reading and you just backed out again and left the suite?
[8] Mr. O'Neill. Yes, that's correct.
[9] Senator Grams. From that point on, did you return to
[10] the ground floor from that point? I know I'm confusing you
[11] because I'm picking this up in midstream.
[12] Mr. O'Neill. I may have, yes.
[13] Senator Grams. What I was wondering is did you see
[14] Ms. Thomasson again?
[15] Mr. O'Neill. Yes, I did.
[16] Senator Grams. Where was she standing the next time
[17] you saw her or you remember seeing her?
[18] Mr. O'Neill. She was standing in the doorway on the
[19] ground floor of Mr. Watkins's office.
[20] Senator Grams. She had now left the White House
[21] counsel's suite, and the next time you saw her she was down
[22] on the first floor in Mr. Watkins's office doorway?
[23] Mr. O'Neill. That's correct.
[24] Senator Grams. About what time was that? Do you
[25] remember how much time had elapsed from the time you left

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[1] the White House counsel's suite and saw her reading and you
[2] must have done some other duties or chores and then ran
[3] into her again?
[4] Mr. O'Neill. It was just after I had locked the
[5] counsel's office on the second floor. I had come down on
[6] the elevator, and I was standing with the other officer on
[7] the post when I saw her.
[8] Senator Grams. When you returned upstairs and saw
[9] Evelyn Lieberman standing in the doorway of the White House
[10] counsel's suite, what did you do next? And you had
[11] mentioned when you saw her, she had appeared to be coming
[12] out of the office and positioning herself in the doorway?
[13] Mr. O'Neill. That's correct.
[14] Senator Grams. Would that be like she was going to be
[15] standing there as a sentry, so to speak, as she made that
[16] motion or movement to stop there?
[17] Mr. O'Neill. I have no idea, sir. I just saw her
[18] standing there.
[19] Senator Grams. What was she doing, just standing
[20] there?
[21] Mr. O'Neill. That's all. She was walking out. She
[22] was walking out of the office.
[23] Senator Grams. And she talked back into the office as
[24] somebody was still in the office, that you recall?
[25] Mr. O'Neill. I cannot recall, sir.

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[1] Senator Grams. Did you speak with her at that time
[2] again?
[3] Mr. O'Neill. May have made eye contact or –
[4] Senator Grams. But you're sure it was Evelyn
[5] Lieberman?
[6] Mr. O'Neill. Yes, sir, I am.
[7] Senator Grams. And this is the same woman you had
[8] seen on the elevator with earlier that night, minutes

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before?
Mr. O'Neill. Yes, that's the same woman.
Senator Grams. You couldn't have confused her with anybody else? I ask you this because you know
Ms. Lieberman denies that this incident happened, but you
recall that very distinctly because you had just ridden in
the elevator with her. You were sure of who this woman
was?
Mr. O'Neill. Well, if she denies it, I don't know what to say.
Senator Grams. Did you see Mr. Nussbaum leave the White House counsel's suite?
Mr. O'Neill. Yes, I did.
Senator Grams. Had Ms. Lieberman left at that time?
Mr. O'Neill. No, she was standing right outside the door in the hallway.
Senator Grams. So you saw Mr. Nussbaum leave before

Ms. Lieberman left? He left, and she was still there?
Mr. O'Neill. Yes, sir.
Senator Grams. And it was at that time that Maggie Williams then came out of the office?
Mr. O'Neill. That's correct.
Senator Grams. And she had in her hand a stack of which you have testified as it looked like files?
Mr. O'Neill. That's true.
Senator Grams. And something that took both hands to
hold, so, I mean, it was a stack? Not just one or two pieces of paper, but actually a stack of some files?
Mr. O'Neill. Yes, it was.
Senator Grams. And you're sure it was Maggie Williams; you knew who she was before she was introduced to
you.
Mr. O'Neill. Yes, I did.
Senator Grams. And she walked down to her office. You even testified that she had to kind of brace the files
up against – what she had in her hand up against something
as she opened the door?
Mr. O'Neill. Yes, sir.
Senator Grams. She went into her office, came back a
few seconds later, and then locked the office before she
left? And then came back past you in the hallway?
Mr. O'Neill. As best I can recall, that's what

happened.
Senator Grams. Did you notice what the files said, by the way?
Mr. O'Neill. I have no idea at all. I have no idea what they were.
Senator Grams. And then – I ask you this because, I mean, you've been around the White House for many years;
you've been in the west wing; you knew the routine; you
knew the people there. This was an unusual happening and
something that you recollect very clearly?
Mr. O'Neill. I would say only because of the fact that the deputy counsel – the events surrounding the deputy counsel's death that I remember this.
Senator Grams. Could you have been confused in any
way about what office she walked into or took those files
to?
Mr. O'Neill. No, sir.
Senator Grams. So she took the files into her office. Was she holding anything when she came out?
Mr. O'Neill. Not that I recall – not that she had in her arms, at least.
Senator Grams. You're aware now that Ms. Williams claims she never took anything out of the White House
counsel's office?
Mr. O'Neill. I'm aware of that, yes.

Senator Grams. Again, I want to go back to just clarify who asked you to lock up. Again, who asked you?
And it appears to me through your testimony this morning
that the request was made at least twice and by the same
person; is that correct?
Mr. O'Neill. Yes.
Senator Grams. Ms. Lieberman?
Mr. O'Neill. Yes.
Senator Grams. Is that the person who asked?
Mr. O'Neill. That's correct.
Senator Grams. Did you see Ms. Williams and Ms. Lieberman leave the second floor of the west wing?
Mr. O'Neill. Yes, I did.
Senator Grams. And then you locked up the White House
counsel's suite after that?
Mr. O'Neill. That's correct.
Senator Grams. You alarmed the suite; you were the one responsible for that. I'd like to put up the records again to verify, if I could, just the records in that
2242 – which again is 10:42 in the evening – according to
the record, it was you, Officer O'Neill, who took off the
alarm in order to allow the cleaning people in. That was
the reason that the alarm was disarmed at that time;

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is
[24] that correct? Just a routine evening of cleaning people
[25] coming in?

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[1] Mr. O'Neill. Yes, sir, that's correct.
[2] Senator Grams. And how long were you in that office
[3] before Mr. Nussbaum came in? Just a few minutes?
[4] Mr. O'Neill. Yes, sir, just a matter of moments.
[5] Senator Grams. And according to your testimony, it
[6] appeared they came in as a group, I would say, because you
[7] noticed him and at least a figure or two passed by with him
[8] and into his office; is that correct?
[9] Mr. O'Neill. I can only recall seeing him very
[10] clearly walk into his office and seeing figures move in
[11] behind him because I turned away and I only saw them with
[12] my peripheral vision.
[13] Senator Grams. But they all went into his office –
[14] Mr. O'Neill. That's correct.
[15] Senator Grams. – first of all. And at that time,
[16] then, what you thought was correct procedure, you asked the
[17] cleaning people to leave, to give them privacy as they had
[18] returned to work?
[19] Mr. O'Neill. Yes, sir.
[20] Senator Grams. All this happened about an hour later,
[21] 59 minutes later. As you testified, you sealed the
[22] office – or set the alarm and walked out?
[23] Mr. O'Neill. Yes, sir.
[24] Senator Grams. And I just want to say this because
[25] there's testimony that Patsy Thomasson says it was Bernie

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[1] Nussbaum. Ms. Williams doesn't recall. Bernie Nussbaum
[2] says it was Bernie Nussbaum, but you have testified and the
[3] records show that it was actually you, Officer O'Neill, who
[4] secured the office that night?
[5] Mr. O'Neill. Right.
[6] Senator Grams. So if there's any confusion or
[7] recollection, you don't believe it's on your part?
[8] Mr. O'Neill. Not with who locked up the office at
[9] that time. There was no one in the office when I locked
[10] it.
[11] Senator Grams. But Mr. Nussbaum had left previous and
[12] had left the two ladies behind?
[13] Mr. O'Neill. That's correct.
[14] Senator Grams. So it was Ms. Williams, the last
[15] person you saw exit the White House counsel's suite that
[16] night?
[17] Mr. O'Neill. Yes, sir.
[18] Senator Grams. Just a couple quick other questions.
[19] How long do you think it was that the individual or
[20] individuals were in the White House counsel's suite that
[21] night from the time Mr. Nussbaum first entered the
[22] office – which was shortly after it was open at 10:41, so
[23] he could have been there at quarter to 11:00, 10:45?
[24] Mr. O'Neill. That's correct.
[25] Senator Grams. So you assumed they had been in there

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[1] at least, I would say, 55 minutes before Ms. Williams, who
[2] was the last to exit, and you immediately secured the
[3] alarm, which was at that time 11:42. So if somebody was in
[4] there, it was for about an hour that they occupied the
[5] office?
[6] Mr. O'Neill. I would just characterize it as I opened
[7] it at 10:40 and locked it up at 11:40. Those are
[8] approximate times, and I saw who went in, and I saw who
[9] came out. That's all I know.
[10] Senator Grams. But Mr. Nussbaum came in shortly after
[11] you opened up, and you locked it up right after you saw
[12] Ms. Williams leave? And they requested you lock the suite,
[13] and you did?
[14] Mr. O'Neill. That's correct.
[15] Senator Grams. So that's about an hour time. Just –
[16] and you're aware you're the only one who's testified you
[17] opened and closed it again, and you're aware of that?
[18] Mr. O'Neill. No, sir.
[19] Senator Grams. Because you don't know what the other
[20] testimony has been. But one other question. I want to
[21] take you downstairs quickly. When you saw – you gave the
[22] burn bag, you said, to Sylvia Mathews, who was in the chief
[23] of staff's office at the time. Did she request you to
[24] bring the burn bag to her?
[25] Mr. O'Neill. She didn't request. It was made by the

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[1] control center.
[2] Senator Grams. To bring the burn bag to the chief of
[3] staff's office and give it to Ms. Mathews?
[4] Mr. O'Neill. It was – my direction was to take the
[5] burn bag to the chief of staff's office.
[6] Senator Grams. And then how long before you returned

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to retrieve the burn bag?
Mr. O'Neill. I can't recall. It wasn't that long.
It was maybe within a half hour or so.
Senator Grams. Do you know if anybody else was in the
chief of staff's office with Ms. Mathews, anybody else have
the opportunity to go through that burn bag?
Mr. O'Neill. I could not say for sure, sir.
Senator Grams. You know you delivered it to her and
you came back and retrieved it, but you don't know who had
the opportunity to be in the chief of staff's office and,
along with at least Ms. Mathews, to go through the contents
of the burn bag?
Mr. O'Neill. Would you please repeat your question?
Senator Grams. What I'm saying is you brought the
burn bag, by request of the control center, to the chief of
staff's office. You handed it to Sylvia Mathews?
Mr. O'Neill. Yes.
Senator Grams. And then you left. You came back,
retrieved the bag, again from Sylvia Mathews, but you have

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no idea who else was in the office, who else may have had
an opportunity to go through the burn bag. Was it just
Ms. Mathews, or were there other people in the –
Mr. O'Neill. No, I wouldn't know. I wouldn't really
know who else was in there with that bag. I wouldn't know.
Senator Grams. But there could have been others in
the room that examined the contents?
Mr. O'Neill. I would think there were other people
there, yes.
Senator Grams. Thank you, Mr. O'Neill. I don't have
any other questions.
The Chairman. Senator Sarbanes.
Senator Sarbanes. Senator Kerry.
The Chairman. Mr. Ben-Veniste.
Mr. Ben-Veniste. Thank you, Senator. Officer
O'Neill, where I left off, you had ordered the GSA cleaners
to leave Mr. Nussbaum's suite of offices. And you
testified, I believe, that you went down the hallway
following that. Do you recall that?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And what was your purpose in going
down the hallway?
Mr. O'Neill. My purpose was to continue on my
Mr. Ben-Veniste. Can we have the chart put back up
again so that we can all follow along? Now, you indicated

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that your regular schedule, your routine was then to clean
the next office from the White House counsel's office – I
mean, accompany the people who were going to clean the
office next to the White House counsel, and that would have
been in the office of the First Lady. If we could have a
dot appear?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. I could get used to this dot.
The Chairman. I like the dots.
Mr. Ben-Veniste. However, you testified in response
to Mr. Chertoff's question on the evening of the 20th you
departed from your routine, and you went to the office of
the chief of the legislative division. Why did you do
that?
Mr. O'Neill. That's just the course that I took, sir.
Mr. Ben-Veniste. You just remembered that that
evening you felt like departing from routine; there wasn't
any reason for it?
Mr. O'Neill. Not that I could recall.
Mr. Ben-Veniste. Do you recall whether there was
someone sitting in the office of the First Lady at the time
that you left Mr. Nussbaum's suite of offices on the 20th,
and that is the reason why you did not enter that office?
Mr. O'Neill. I can only say that I don't recall if
there was someone sitting in that office at that time.

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Mr. Ben-Veniste. You have absolutely no recollection?
Mr. O'Neill. Not at this time, I do not have any
recollection.
Mr. Ben-Veniste. But under your normal routine, you
would have gone with the cleaners to the First Lady's
office to empty the trash, have them clean the office,
et cetera; correct?
Mr. O'Neill. That is correct.
Mr. Ben-Veniste. Now, when you first testified about
the introduction by Evelyn Lieberman of Margaret Williams,
you didn't say that she was introduced as the chief of
staff to the First Lady, did you?
Mr. O'Neill. I didn't say that? Is that what you're
saying?
Mr. Ben-Veniste. Do you recall?
Mr. O'Neill. I remember her saying that she was an
assistant to the First Lady.
Mr. Ben-Veniste. Did you testify that Evelyn Williams
introduced – Evelyn Lieberman introduced Margaret Williams
to you as a secretary to the First Lady the first time

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you
[21] testified about this, at least before the Senate?
[22] Mr. O'Neill. No, I don't recall that. I may have
[23] said secretary.
[24] Mr. Ben-Veniste. That would be at page 172 of Officer
[25] O'Neill's deposition. See if this helps your

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[1] recollection.
[2] "Question: She said that, that's Maggie Williams, the
[3] First Lady's secretary?
[4] "Answer: Right."
[5] Well, since your deposition, you have learned that
[6] Margaret Williams is the chief of staff to the First
Lady,
[7] so you have incorporated that information into the
[8] testimony you gave this morning, that Maggie
Williams was
[9] introduced to you by Evelyn Lieberman as the chief
of staff
[10] to the First Lady; correct?
[11] Mr. O'Neill. She referred to her as an assistant to
[12] the First Lady. I remember that when she first said
who
[13] she was.
[14] Mr. Ben-Veniste. So that when you testified today
[15] that she introduced her as chief of staff, that isn't
[16] really what she said that night, is it, as far as what you
[17] recall?
[18] Mr. O'Neill. It's close to it as –
[19] Mr. Ben-Veniste. When you testified?
[20] Mr. O'Neill. It's close to.
[21] Mr. Ben-Veniste. Close to?
[22] Mr. O'Neill. Yes, sir.
[23] Mr. Ben-Veniste. But amended by information that
you
[24] have received since you first explained this event;
[25] correct?

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[1] Mr. O'Neill. No, it's just amended that that's her
[2] title.
[3] Mr. Ben-Veniste. Now, you saw Mr. Pastor in the
[4] hallway; correct?
[5] Mr. O'Neill. Correct.
[6] Mr. Ben-Veniste. And what happened to cleaning the
[7] office of the chief of the legislative director? Did you
[8] go there, clean it and then see Mr. Pastor, or did you
[9] abandon the idea to go to the chief of the legislative
[10] director after you changed your routine and did not
seek to
[11] clean the office of the First Lady?
[12] Mr. O'Neill. I didn't clean anyone's office.
[13] Mr. Ben-Veniste. I understand that. Accompany the
[14] cleaners.
[15] Mr. O'Neill. I don't have to accompany them in that
[16] area.
[17] Mr. Ben-Veniste. I'm sorry; I don't understand your
[18] answer. You're saying that the cleaners went off to
[19] another location without you?
[20] Mr. O'Neill. That is probably the case, yes.
[21] Mr. Ben-Veniste. Do you remember?
[22] Mr. O'Neill. Once they exited Mr. Nussbaum's office,
[23] I have no real reason to be with them at that time until
we
[24] go into another secure room.
[25] Mr. Ben-Veniste. Like the First Lady's room next

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[1] door?
[2] Mr. O'Neill. That would be correct.
[3] Mr. Ben-Veniste. You simply have no recollection of
[4] what happened with respect to the cleaners next.
Isn't
[5] that so?
[6] Mr. O'Neill. No, I don't have any recollection of
[7] that.
[8] Mr. Ben-Veniste. Now, you say that after you spoke
to
[9] Mr. Pastor, Evelyn Lieberman said to you as you met
her in
[10] the hallway that she would like you to arrange for
locking
[11] the office; correct?
[12] Mr. O'Neill. That's correct.
[13] Mr. Ben-Veniste. Did she tell you which office she
[14] was referring to, to the best of your recollection?
[15] Mr. O'Neill. Would you repeat the question, sir?
[16] Mr. Ben-Veniste. Did she tell you what office she was
[17] referring to when she said that she wanted
assistance in
[18] locking an office?
[19] Mr. O'Neill. To the best of my recollection, she just
[20] said lock the office.
[21] Mr. Ben-Veniste. And you made the assumption
without
[22] her saying so that she was referring to the White
House
[23] counsel's office?
[24] Mr. O'Neill. That's correct.
[25] Mr. Ben-Veniste. You've testified that you did not

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[1] know that Evelyn Lieberman had been sitting at the
[2] reception area in the First Lady's office; correct?
[3] Mr. O'Neill. I testified that I didn't know if Evelyn
[4] Lieberman was sitting at the desk in the First Lady's
[5] reception area?
[6] Mr. Ben-Veniste. Yes. Did you see her sitting there?
[7] Mr. O'Neill. Not that I recall.
[8] Mr. Ben-Veniste. Okay. So you don't know whether
she
[9] was referring to locking the First Lady's office as
[10] compared with the counsel's office. Is that so?
[11] Mr. O'Neill. No, sir. I know where she was talking
[12] about.
[13] Mr. Ben-Veniste. She was talking about locking an
[14] office that, to the best of your knowledge, had
[15] Mr. Nussbaum, who was resident in that office, and
two
[16] other people in it; correct?
[17] Mr. O'Neill. That is correct.

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Mr. Ben-Veniste. She wasn't suggesting that you lock them in at that point, was she?
Mr. O'Neill. I doubt it.
Mr. Ben-Veniste. You doubt it. It wouldn't make any sense. So according to your interpretation of what she said to you, rather than locking the First Lady's office, she was talking about locking an office where there were people still meeting; correct?

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Mr. O'Neill. She asked me to lock the office.
Mr. Ben-Veniste. Let me go to the question of Patsy Thomasson. You said at some point you returned to the counsel's office and you saw Patsy Thomasson sitting at Mr. Foster's desk looking down; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Where were you standing? If we could call upon the mover of the dot.
Mr. O'Neill. Up a little bit, a little more. Right there.
Mr. Ben-Veniste. You had walked in – you had walked to the entranceway of Mr. Foster's office at that point?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Now, was the door all the way open, partially open or mostly closed?
Mr. O'Neill. To that office?
Mr. Ben-Veniste. To Mr. Foster's office.
Mr. O'Neill. It was all the way open.
Mr. Ben-Veniste. And you looked at Mr. Foster's desk, which is apparently – which is approximately where the end of the line connecting the name Vincent Foster is; correct?
Mr. O'Neill. That's correct. Correct.
Mr. Ben-Veniste. If someone was sitting on the sofa, which is against the other wall, would you necessarily have seen that person?

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Mr. O'Neill. Which wall are you talking about?
Mr. Ben-Veniste. The wall to the right. Isn't that where the sofa is in Mr. Foster's office, if you recall?
Mr. O'Neill. If I recall, I believe that I would have recognized it if someone were sitting there.
Mr. Ben-Veniste. Do you recall that there was a sofa against that wall?
Mr. O'Neill. At some point in time, they'd move the furniture around on occasion.
Mr. Ben-Veniste. In July of 1993, was there a sofa against that wall?
Mr. O'Neill. I can't recall.
Mr. Ben-Veniste. And at your point of view, you saw Ms. Thomasson, whom you didn't know at the time, at the desk, and you quickly withdrew; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And as soon as you saw her, you withdrew; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. And why was that?
Mr. O'Neill. Because I thought it was Mr. Foster's wife.
Mr. Ben-Veniste. At the time that you saw her, you were under the impression that, given the information you had received from Mr. Pastor, that it was possible that

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this could have been Mr. Foster's wife, and you quickly withdrew because you did not want to intrude on her?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. I see my time is up.
The Chairman. Mr. Chertoff.
Mr. Chertoff. I'm just going to take a minute, Mr. Chairman. I want to focus your attention on the questions Mr. Ben-Veniste asked you just a moment or so ago about locking up the office and the request to you by Evelyn Lieberman to lock up the office.
Now, when you were up at the White House counsel's office on the third time, standing in the hallway to the right of the office, right there, you indicated you saw Mr. Nussbaum walk out of the office; correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. And you saw Ms. Lieberman out in front of the office; correct?
Mr. O'Neill. She was the first one out of the office at that time.
Mr. Chertoff. Then came Mr. Nussbaum?
Mr. O'Neill. That's correct.
Mr. Chertoff. And he walked away?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. And then Maggie Williams came out?
Mr. O'Neill. That's correct.

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Mr. Chertoff. And she – then Ms. Lieberman asked you after they were all out to lock the office door; correct?
Mr. O'Neill. No, she didn't really ask me then. She may have asked me. She may have said it again, to lock the office, but I was – my intention was – that – was to lock the office, yes.
Mr. Chertoff. And to lock the office after you had seen Ms. Lieberman out, Mr. Nussbaum leave, and finally Ms. Williams come out?
Mr. O'Neill. That's correct.
Mr. Chertoff. And at that point, the office was

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empty?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. Now, one last question. When you locked up the office to the White House counsel's suite at the request of Ms. Lieberman after they had left and headed to the elevator, there wasn't anybody else in view that could have come and locked that office up besides you; correct?
Mr. O'Neill. No, sir.
Mr. Chertoff. Because Mr. Nussbaum had gone?
Mr. O'Neill. That's correct.
Mr. Chertoff. Okay.
The Chairman. Senator Shelby.
Senator Shelby. Thank you. Thank you, Mr. Chairman.

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Mr. O'Neill, in your deposition, I believe dated June the 23rd, 1995, the one I'm referring to, among other things, I believe the question was "go ahead. You went back up to the counsel's office and you said 'they were,' and I interrupted you." This is your answer: "Well, I just remember being in the hallway, and I was talking to – I never went back into the suite, and I noticed Ms. Lieberman standing there.
"Question: Standing where?
"Answer: Standing right outside the doors of the chief counsel's office, and I think she was talking, and they was talking back into the office. She went back and walked into the office. I didn't see her again, and then she came back out, and right after I saw Mr. Nussbaum come out. And he walked away, and he walked down the steps as far as I remember, and then I saw Maggie Williams come out, and both women were standing there."
Do you remember this? "And then I saw Maggie Williams come out and both women were standing there. And Ms. Lieberman mentioned to me that she wanted the room locked, same thing counsel – I said okay. Then she said this is Maggie Williams. She was walking by me at that moment with – I mean, she was just walking by me. She was carrying something.
"Question: Who was carrying something?"

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Your answer: "Mrs. Williams."
"Question: What was she carrying?
"Answer: I just remember she was carrying files, and that's how I described it, folders on top of each other.
"Question: Could you – approximately what was the volume of folders that she was carrying? Was it sort of a big pile or a little pile?
"Answer:" – your answer – "it was more than a little. It wasn't an enormous amount, but it was more than a little.
"Question: Was she carrying it in one hand or two?
"Answer: She was carrying it in two hands as if there was some weight to it."
My question to you, sir, were they files like this, if you'll recall? Was she carrying it with both hands like there was some weight to it?
Mr. O'Neill. That's correct.
Senator Shelby. That's your judgment?
Mr. O'Neill. That's my judgment.
Senator Shelby. And would it be more than this? Heavier? I mean, you know –
Mr. O'Neill. It may have been a little bit more.
Senator Shelby. A little more?
Mr. O'Neill. Somewhere in that – right about there.
Senator Shelby. Somewhere about this size. And was

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she carrying it with both hands, as you said?
Mr. O'Neill. Yes. I recall that she was carrying it with both hands.
Senator Shelby. Now, you know – well, strike that. Did you know Maggie Williams by name before this time?
Mr. O'Neill. Yes, I did.
Senator Shelby. And you knew where her office was. did you?
Mr. O'Neill. I did.
Senator Shelby. And you had been seeing her since she came to work in January there in the White House?
Mr. O'Neill. I had seen her on occasion in the west wing.
Senator Shelby. During your duties as a –
Mr. O'Neill. Yes, sir.
Senator Shelby. – as a Secret Service agent?
Mr. O'Neill. Secret Service officer.
Senator Shelby. Officer.
Mr. O'Neill. Yes, sir.
Senator Shelby. If Mrs. Williams says – and this is her testimony – "I took nothing from Vince's office. I didn't go into Foster's office with anything in mind concerning any documents that might be in his office. I did not look at, inspect or remove any documents." she's mistaken, is she not, from what you saw?

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Mr. O'Neill. I think I heard you say she didn't take

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[3] Senator Shelby. That's what she's saying; she
[4] didn't. Yet you just testified that you saw her take
[5] documents at least the size of these, holding them with
[6] both hands, out of the office into her office; is that
[7] correct?
[8] Mr. O'Neill. I testified that I saw her walk out of
[9] the chief counsel's suite.
[10] Senator Shelby. With what?
[11] Mr. O'Neill. With what I would consider folders in
[12] her arms.
[13] Senator Shelby. About the size of these?
[14] Mr. O'Neill. That was it.
[15] Senator Shelby. Thank you.
[16] The Chairman. Mr. Chertoff.
[17] Mr. Chertoff. Let me go back a little bit, officer.
[18] You know, Mr. Ben-Veniste described a number of occasions
[19] you've either given interviews to the FBI, and I believe
[20] one occasion you indicated you reviewed certain matters
[21] that had been transcribed, and he described it as telling
[22] your story.
[23] Did you regard your responses to questions by the
[24] agents and your interviews as telling a story or simply
[25] responding to questions?

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[1] Mr. O'Neill. I guess a little bit of both, sir.
[2] Mr. Chertoff. And you were telling what you
[3] remembered?
[4] Mr. O'Neill. Yes, sir.
[5] Mr. Chertoff. Now, you still work at the White House?
[6] Mr. O'Neill. Pardon me?
[7] Mr. Chertoff. You still work at the White House?
[8] Mr. O'Neill. Yes, I do.
[9] Mr. Chertoff. And I imagine that there have been
[10] times since you were first interviewed about the events of
[11] this night that you have wondered whether you would have
[12] been better off if you had had a lapse of memory about
[13] these events. Is that probably something that's crossed
[14] your mind?
[15] Mr. O'Neill. Not until right now, sir.
[16] Mr. Chertoff. It's fair to say that this process of
[17] being interviewed and testifying is not a pleasant
[18] experience?
[19] Mr. O'Neill. No.
[20] Mr. Chertoff. You weren't looking for the opportunity
[21] to be here today instead of being at home watching it or
[22] watching something more interesting on television, were
[23] you?
[24] Mr. O'Neill. Yes, sir.
[25] Mr. Chertoff. But nevertheless, you told each of the

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[1] agencies or prosecutors or lawyers or investigative bodies
[2] that asked you questions, you told them what you
[3] remembered; right?
[4] Mr. O'Neill. Yes, sir.
[5] Mr. Chertoff. Now, let me ask you something about
[6] memory in general about this night. You've indicated to us
[7] that you don't necessarily have in your memory the specific
[8] times that everything happened. Is it fair to say that you
[9] do have a good memory of the sequence of events, to use a
[10] term a witness used yesterday?
[11] Mr. O'Neill. To the best of my knowledge, I have a
[12] pretty good idea of it.
[13] Mr. Chertoff. You may not know exactly what time, but
[14] you know the order in which it occurred; right?
[15] Mr. O'Neill. To the best of my ability, I knew – the
[16] testimony I've given is as accurate as I know.
[17] Mr. Chertoff. And Mr. Ben-Veniste asked you questions
[18] about when you started your shift that day and where you
[19] were at 6:00, and I guess we could ask you questions about
[20] what you had for breakfast that morning and whether there
[21] was traffic on the way to the White House. That's not –
[22] your understanding is that kind of information was not
[23] important to the investigators who were asking you
[24] questions; right?
[25] Mr. O'Neill. That's correct.

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[1] Mr. Chertoff. You understood they were focused on the
[2] period of time in the White House during the hour or two
[3] that we've been asking most of the questions about?
[4] Mr. O'Neill. Yes, sir.
[5] Mr. Chertoff. Let me finally just ask you a question
[6] about the trash. Mr. Ben-Veniste read you testimony from
[7] another witness – and I'm sure you haven't seen that
[8] testimony before – from one of the cleaning crew
[9] indicating that she had removed the clear plastic bag of
[10] trash from Mr. Foster's office, and I believe your
[11] testimony is you don't remember that the cleaning lady went
[12] into the office; is that correct?
[13] Mr. O'Neill. Yes, sir.
[14] Mr. Chertoff. You did not, I take it, follow the

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cleaning ladies around all over the place within the suite?
Mr. O'Neill. No, sir.
Mr. Chertoff. Is it fair to say you didn't see her go in the office; right?
Mr. O'Neill. It's fair to say that.
Mr. Chertoff. But you're not in a position to tell us whether she went in at a point that you didn't see; she could have gone in and you may not have seen her?
Mr. O'Neill. That's true.
Mr. Chertoff. On the other hand, when you're testifying about what you observed with respect to Patsy

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Thomasson, what you observed in terms of Bernie Nussbaum, what you observed and saw with Maggie Williams, those are things you saw with your own eyes?
Mr. O'Neill. Yes, that's correct.
Mr. Chertoff. And in those instances, your memory is based upon your direct personal observations of the events?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. Thank you, Mr. Chairman.

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The Chairman. Senator Sarbanes?
Senator Dodd. Mr. Chairman, I'm going to yield time to my colleague, Senator Kerry.
Senator Kerry. Thank you, Senator Dodd.
Mr. O'Neill, following up on the questions, if I may, of Mr. Chertoff on memory and observation, as an officer of the law and as a person responsible for security, you re trained to be observant, are you not?
Mr. O'Neill. Yes, sir.
Senator Kerry. And in effect, the goings on in and out are your business, are they not?
Mr. O'Neill. I would think so, yes.
Senator Kerry. But it's a matter of memory

of that evening is really not that clear, isn't it, in many regards?
Mr. O'Neill. Sure.
Senator Kerry. You never told anyone in the Secret Service of the specific observations about Ms. Williams and Mr. Nussbaum that you've related in your depositions and to the committee, did you?
Mr. O'Neill. No, sir.
Senator Kerry. And you never said anything to any friends, did you?
Mr. O'Neill. No, I didn't.
Senator Kerry. You never said anything about it to

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your wife?
Mr. O'Neill. No, I didn't.
Senator Kerry. Never remarked on having made any of these observations?
Mr. O'Neill. Not at all.
Senator Kerry. It wasn't until after things had been written in the newspapers and you'd read about them that, in effect, you were finally deposed and made a record of what you had observed that evening; is that correct?
Mr. O'Neill. Not that I recall, sir.
Senator Kerry. Well, you didn't –
Mr. O'Neill. I understand there was a Whitewater panel supposedly coming in the summer. I may have read that, but I had never read anything about anyone taking any files out of any office.
Senator Kerry. And the first time that you actually made a written record of this was in April of 1994 when you were first deposed?
Mr. O'Neill. That's true.
Senator Kerry. Now, your testimony here today – can we have that west wing? I just want to try to clarify something if we can and come back to the – Mr. O'Neill, I just want to be clear in my own mind of the flow of people and where you were standing here. At the time that you say Ms. Williams came out of the office allegedly carrying

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something, you were standing where – where would you put the yellow dot?
Mr. O'Neill. A little more to the right, a little more –
Senator Kerry. You were standing where?
Mr. O'Neill. A little more to the right, Senator.
Right there, sir.
Senator Kerry. That's where you were standing when

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she came out?
Mr. O'Neill. Yes, it is.
Senator Kerry. According to your earlier testimony you were in the doorway, weren't you? Didn't you say you were standing in the doorway? In the doorway of the counsel's office?
Mr. O'Neill. Earlier I testified that I was standing in the doorway when Maggie Williams exited the counsel's suite?
Senator Kerry. Yeah, out in the hallway.
Mr. O'Neill. Before I locked the door?
Senator Kerry. Correct.
Mr. O'Neill. No, sir.
Senator Kerry. So your testimony is you were standing down the hallway some distance?
Mr. O'Neill. Yes, it is.
Senator Kerry. Who did you see come out?

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Mr. O'Neill. I saw whom I believe to be Evelyn Lieberman and Mr. Nussbaum and then Maggie Williams.
Senator Kerry. And Maggie Williams came towards you, then; is that correct?
Mr. O'Neill. That's correct.
Senator Kerry. Passing whose office as she came by you, anybody's?
Mr. O'Neill. She passed the office that is right next to the chief counsel's office, First Lady's office.
Senator Kerry. So she passed that office?
Mr. O'Neill. Yes, sir.
Senator Kerry. Did she go in there?
Mr. O'Neill. No, she didn't.
Senator Kerry. And you say she was carrying something. Now, just with respect to your memory on that, going back to your earlier testimony – and again I'm just trying to be clear on all this – you were asked the question in deposition, how carefully did you look at what Ms. Williams was carrying, and you said not very carefully. What do you mean by careful? Do you remember that?
Mr. O'Neill. No, I didn't look at it that carefully. I didn't inspect it. I just saw her walk out with her hands in front of her underneath some folders. As she walked toward me, the other woman pointed out who she was

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to me. She said her name. I looked at her; she looked at me; she smiled, and she continued on past me.
Senator Kerry. But now you've just used the word folders again. In point of fact, you're not certain that it was folders, are you?
Mr. O'Neill. Yes, I am.
Senator Kerry. Well, do you recall testifying in deposition when you were asked, you glanced at what you were carrying? And you said "exactly. In fact, she may even have been carrying a box. I can't remember."
Mr. O'Neill. That's true. I said there may have been a box on top.
Senator Kerry. Did you say I can't remember?
Mr. O'Neill. Well, it was 4-1/2 hours after I had been sitting there testifying, sir. I was a little bit weary.
Senator Kerry. Well, if you couldn't remember then, how can you remember today, two years later?
Mr. O'Neill. Well, I know I can remember. I said that I saw her carrying these things in her arms.
Senator Kerry. Didn't you say I can't remember?
Mr. O'Neill. Can't remember whether or not she had a box on top.
Senator Kerry. Well, isn't that pretty important, whether it was a box or folders?

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Mr. O'Neill. Sure it is.
Senator Kerry. Do you remember saying "I remember that she was carrying something in front of her"?
Mr. O'Neill. That's correct.
Senator Kerry. But "something" is not a folder, is it?
Mr. O'Neill. I earlier – my earlier testimony is that it –
Senator Kerry. Answer my question, officer. Is something a folder?
Mr. O'Neill. To me something was a folder at that time, yes.
Senator Kerry. Well, it was also a box, maybe, wasn't it?
Mr. O'Neill. On top of what I described as folders.
Senator Kerry. Well, you said "I can't remember if there was a box on top of them. I can't remember that."
Do you remember saying that three times in one paragraph?
"I can't remember that. I can't remember if there was a box. I can't remember that." Is that your testimony?
Mr. O'Neill. I can recall what I can recall, sir, and I can – I'm telling you at this time what I can recall at this time.
Senator Kerry. Well, I want to try to figure out what you can recall and what you recalled back then. I mean,

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your testimony – is that accurate, that you said you can't remember?
Mr. O'Neill. I can't remember if I saw a box on top

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of what I thought she was carrying in front of her, which I would describe as folders. That is what I testified to all along.
Senator Kerry. Well, I want to be fair here. You said, "I said files originally; I said three to 5 inches and it seemed – I mean, I know it was a bundle. I told you that. It was something like that, of weight. That's basically how I would like to continue to state it. I don't want to try to dream up a box."
Mr. O'Neill. That's true, I did say –
Senator Kerry. So in effect you were really struggling to remember?
Mr. O'Neill. That's exactly right.
Senator Kerry. So there is, in fact, a state of uncertainty about what you specifically saw, because even you don't remember precisely what it was?
Mr. O'Neill. Well, I can go back to that night. I remember quite a few things, and I can remember what I testified to as this woman walking out the door with what I described in her arms as folders, and perhaps more. It is difficult to remember. It's difficult to describe it and remember it. I saw her clearly, but I couldn't say what

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color these folders were. I just realized that there was something that she was carrying out of the office when I gave my testimony.
Senator Kerry. Do you remember in answer to a question – you were asked where did a conversation take place, and you said "I don't remember." This is a conversation with either of the cleaning women on the second floor. And you said you didn't remember it. But then you said "I think I spoke with them," and you were asked "do you think you spoke with the cleaning woman at the time?"
"One of them at least."
"Which one?"
"Probably Diane."
Then you went on, but you didn't recall a conversation. Do you remember that series of questions?
Mr. O'Neill. I remember that series of questions.
Senator Kerry. And then you said "I assume it was outside the White House counsel's office suite or in the vicinity. I may have went to look for her in another office. I can't remember."
So your memory was somewhere [illegible]

conversation with the cleaning women, is unclear; is that true?
Mr. O'Neill. Yes, sir.

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Senator Kerry. And subsequent to that, counsel asked you "so it was definitely somewhere other than in the White House counsel's office," and you said "right."
"What do you remember about that conversation" was the question to you, and you said "I need to be hypnotized. I can't remember." Do you remember saying that?
Mr. O'Neill. I think so.
Senator Kerry. So, I mean, are we sort of sitting here trying to make judgments about this? As I went through your deposition, there are a lot of "I can't remembers," a lot of "I don't recalls." And my question to you is, I mean, do you still feel like you need to be hypnotized to remember this correctly?
Mr. O'Neill. If this is the last time, no, I don't think I do.
Senator Kerry. What do you mean if this is the last time?
Mr. O'Neill. Well, I just don't want to go through testifying about this anymore.
Senator Kerry. Do you recall counsel a little while ago asked you about what happened to the cleaners during a period of time, and you said you have no recollection of what happened, that she had moved away or something; is that right? Do you remember testifying about that?

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Mr. O'Neill. Yes, sir.
Senator Kerry. Wasn't it your job to keep track of where the cleaners were? Wasn't that specifically what you were there to do?
Mr. O'Neill. No, sir. Inside counsel's –
Senator Kerry. They were allowed to go in, clean and rum imagine through papers? Wasn't the whole purpose of your being there to watch them, see what they did or didn't do?
Mr. O'Neill. You're talking about in the counsel's office?
Senator Kerry. In the counsel's office.
Mr. O'Neill. I had contact with them all the time.
Senator Kerry. Well, in answer to counsel a little while ago you said you lost track of where they were.
Mr. O'Neill. I never said lost track.
Senator Kerry. But you didn't know where they were?

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Mr. O'Neill. I never said I didn't know where they were.
Senator Kerry. I think we can go back in the record.
Mr. O'Neill. Go ahead and go back.
The Chairman. Senator Faircloth.
Senator Faircloth. Thank you, Mr. Chairman.
Mr. O'Neill, I will be brief. What I'm going to attempt to do is in case anybody following this has not

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been able to understand it – and if they have understood it they might be better than we are – but very quickly, Maggie Williams – this is sworn testimony – said that the First Lady called her from the airplane, I assume Air Force 1, and told her to wait where she was, that she would call her again when she landed. Then, according to Maggie Williams, when she landed, the First Lady called her again and informed Maggie Williams of Vincent Foster's death.
Now, what else was said we don't know. Now, we come to – here is Maggie Williams, and I read verbatim her statement: "I don't really" – of the conversation with the First Lady: "I don't really remember the ins and outs of the conversation.
I know I had clear feelings I was going somewhere. I don't know where I was going, but decided on going to the White House would make sense to me. I went to the office because I thought something might happen here at the office and that – and that – and I didn't know what to expect but I just thought I should go there. I think I just kind of had – not knowing where to go, you know. I just went there."
Now, let me ask you something. How wide is that hall we've been marching up and down for two hours?
Mr. O'Neill. It's not very wide, sir.
Senator Faircloth. 5 feet wide?

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Mr. O'Neill. Maybe 5 feet. Maybe 5.
Senator Faircloth. You're a pretty big man. Now, a lady coming by you with a stack of papers that high (indicating) would be kind of hard to miss, wouldn't it?
Mr. O'Neill. Yes, it would, I think.
Senator Faircloth. Here is where we are. The First Lady called Maggie Williams twice: once from the airplane and then on the ground. I read you what Maggie Williams said about the conversation. You saw Maggie Williams coming out of the counsel's office with a stack of papers roughly 5 inches high, folders. She went to her office, put them in her office and locked the door.
Mr. O'Neill. That's correct.
Senator Faircloth. Now, anybody can draw their own conclusions as to what happened. I thank you.
The Chairman. Mr. Chertoff.
Mr. Chertoff. Officer O'Neill, I want to clarify just a couple of things that have come up. I think Senator Kerry asked you about some testimony you had given a couple of minutes ago when I asked you whether you had watched the cleaning ladies every minute that they were in the White House counsel's suite, and I believe your answer was that one of the ladies may have gone into Mr. Foster's office to remove the trash and you didn't see it; correct?
Mr. O'Neill. That is correct, sir.

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Mr. Chertoff. That's not to say you lost track of where they were; correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. You knew they were in the White House counsel's suite; correct?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. Now, a lot has been made about the fact that you indicated some uncertainty about whether there was a box on top of the folders. Are you in any doubt about the fact that Maggie Williams was carrying folders as she walked out of the White House counsel's office and walked right next to you, past you and walked into her own office?
Mr. O'Neill. I'm not in any doubt about it, sir.
Mr. Chertoff. Where you are hesitant is only with respect to whether there was a box of some kind, a file fo[illegible]er box, that she wa[illegible]rrying as well; right?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. And where you're not sure, you tell us you're not sure; right?
Mr. O'Neill. I would – yes, sir, I would.
Mr. Chertoff. You're not playing games with us. You're not going to tell us you're certain about something if you're not; right?
Mr. O'Neill. No, sir.

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[25] Mr. Chertoff. Also it's been developed at some length

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[1] that there are a number of details about that evening,
[2] ranging from exactly what you did when you first arrived at
[3] 6:00 to where you spoke to the cleaning ladies later that
[4] night, to which you answered "I can't remember."
[5] Again, if you are capable of remembering something,
[6] you tell us?
[7] Mr. O'Neill. Yes, sir.
[8] Mr. Chertoff. If you don't remember something, you
[9] tell us that too?
[10] Mr. O'Neill. Yes, sir.
[11] Mr. Chertoff. Have you ever testified in court in
[12] cases?
[13] Mr. O'Neill. Yes, I have.
[14] Mr. Chertoff. And you've certainly – in talking to
[15] other members of the Secret Service, I'm sure you've
[16] discussed with them over the years their experiences
[17] testifying in court?
[18] Mr. O'Neill. Yes, sir.
[19] Mr. Chertoff. And I take it that you have learned
[20] over your years of either testifying or from talking to
[21] others that it's very common for people to remember things
[22] that are important about something and not remember details
[23] that are unimportant?
[24] Mr. O'Neill. I would agree with that.
[25] Mr. Chertoff. It seems to me, correct me if I'm

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[1] wrong, that what you're trying to do when you're testifying
[2] here is give us or describe to us the image you have in
[3] your mind, in your mind's eye, so to speak, of what
[4] happened on that evening up in the White House counsel's –
[5] on the second floor of the west wing of the White House; is
[6] that correct?
[7] Mr. O'Neill. That's correct.
[8] Mr. Chertoff. And you're certainly not aware of any
[9] theory in which the fact that – or any – let me put the
[10] question this way.
[11] I mean, you certainly wouldn't have the opinion that
[12] when someone says I can't remember, it means that
[13] they're – somehow it discredits their testimony? You
[14] would agree with me that when people say I can't remember,
[15] it does not necessarily discredit their testimony?
[16] Mr. O'Neill. I would hope not.
[17] Mr. Chertoff. In fact, would it surprise you to learn
[18] that during the course of hearings both this year and last
[19] year, many, many people have said I can't remember many,
[20] many times about many, many things?
[21] Mr. O'Neill. Yes, sir.
[22] Mr. Chertoff. I have nothing further.
[23] The Chairman. Senator Sarbanes.
[24] Senator Sarbanes. Senator Boxer.
[25] Senator Boxer. Thank you very much, Senator Sarbanes,

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[1] Mr. Chairman.
[2] Officer O'Neill, I know it is hard to be asked all
[3] these questions over and over again, but people's
[4] reputations are at stake. You're aware of that, are you
[5] not?
[6] Mr. O'Neill. Yes, sir.
[7] Senator Boxer. So many people are hanging on your
[8] words because their reputations are at stake in the
[9] accuracy of your words and your recollections. This isn't
[10] just a hearing about an issue that doesn't impact people
[11] directly. You understand that?
[12] Mr. O'Neill. Yes, ma'am, I do.
[13] Senator Boxer. Now, Officer, you have said that you
[14] saw Maggie Williams carry papers out of Vince Foster's
[15] office on the night of the suicide, yes, and we've talked
[16] about that many – for many hours now?
[17] Mr. O'Neill. To the best of my recollection, that's
[18] what I recall.
[19] Senator Boxer. To the best of your recollection,
[20] that's what you recall. Now, do you know that you are the
[21] only one who has testified to this and there may even be
[22] some polygraph tests that are talked about later about this
[23] issue? Are you aware of that?
[24] Mr. O'Neill. Yes, ma'am.
[25] Senator Boxer. Now, Senator Shelby held up a folder

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[1] like this, Senator Faircloth did as well, and you said this
[2] is what I'm talking about; is that right?
[3] Mr. O'Neill. I can just describe it as folders.
[4] Senator Boxer. All right. You describe it as
[5] folders. Now, I'm going to talk more about that because we
[6] have to hang on your words and your recollections.
[7] Mr. O'Neill. Yes, ma'am.
[8] Senator Boxer. Both the large picture, as majority
[9] counsel has talked about, and details of that night,
[10] because you never did write about what you saw that
[11] night –
[12] Mr. O'Neill. That's true.
[13] Senator Boxer. – is that correct?
[14] Mr. O'Neill. That's correct.
[15] Senator Boxer. You never filed any report that
[16] someone was carrying boxes or files or folders; is

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that
[17] correct?
[18] Mr. O'Neill. That is correct.
[19] Senator Boxer. And the first time you talked about it
[20] was nine months after the event took place; is that
[21] correct?
[22] Mr. O'Neill. That's correct.
[23] Senator Boxer. Okay. Now, when Senator Shelby and
[24] Senator Faircloth held that up and you nodded, I decided to
[25] look back at the deposition you gave this committee, and I

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[1] would ask if counsel is interested in looking at pages 80
[2] to 81 of the deposition to this committee, in which you
[3] testify, in essence, that Maggie Williams was carrying
[4] files and then, in expanding on that, you said folders on
[5] top of each other. Do you recall saying that?
[6] Mr. O'Neill. In the deposition that I gave to –
[7] today or before?
[8] Senator Boxer. To this committee, page 80 to 81. I
[9] can give you the date if my counsel will – June 23, 1995,
[10] page 80 to 81. It's been made available to you.
[11] Mr. O'Neill. To the best of my recollection, that's
[12] what I recall.
[13] Senator Boxer. Okay. Then on page 175 to 176 in your
[14] deposition of June 23, 1995 you said the following, that
[15] Maggie Williams may have been carrying a box, possibly on
[16] top of folders. Do you recall saying that?
[17] Mr. O'Neill. Yes, I do.
[18] Senator Boxer. Do you recall saying it may have been
[19] a small hatbox?
[20] Mr. O'Neill. I described it as being the shape of a
[21] small hatbox, yes, lightweight.
[22] Senator Boxer. I'm sorry?
[23] Mr. O'Neill. Lightweight-type hatbox.
[24] Senator Boxer. Lightweight hatbox. Is a hatbox
[25] round?

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[1] The Chairman. I don't believe – would you restate
[2] that again? I don't think you said lightweight hatbox but
[3] like a hatbox, lightweight. Is that –
[4] Mr. O'Neill. That's correct.
[5] The Chairman. I don't mean to put words in your mouth
[6] but –
[7] Senator Boxer. I'm sorry? Say it –
[8] The Chairman. Why don't you ask the question.
[9] Senator Boxer. Mr. Chairman –
[10] Senator Sarbanes. I understood, Officer –
[11] Senator Boxer. – I'm trying to continue, if I
[12] might.
[13] Senator Sarbanes. Officer O'Neill, I understood you
[14] to say a lightweight hatbox; is that correct? Just now
[15] when you responded. I mean, it's no – we just want to be
[16] clear on that.
[17] The Chairman. I did not understand that and that's
[18] why I thought we needed a point of clarification. Would
[19] you describe the box?
[20] Senator Boxer. Mr. Chairman, if you don't mind, if I
[21] might continue, and I'd be happy to yield – if a Senator
[22] would ask me to yield without losing my time, I'd be happy
[23] to yield.
[24] The Chairman. Certainly you will not lose your time.
[25] Mine was only for the point of clarification because I

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[1] think there was a question as it relates to the description
[2] of the box.
[3] So for the purposes of clarification, would you
[4] describe the box?
[5] Senator Kerry. Can we have the stenographer read it
[6] back?
[7] Senator Boxer. I was going to suggest that,
[8] Mr. Chairman. If we could have the stenographer read back
[9] Mr. O'Neill's comments, let's find out what he said instead
[10] of trying to remember ourselves.
[11] Senator Kerry. Can we have the stenographer read it
[12] back, Mr. Chairman, please?
[13] The Chairman. I have no problem with having the
[14] stenographer read it back, but I'm going to ask again,
[15] then, if Mr. O'Neill would give a description of the box.
[16] I think that would be more appropriate –
[17] Senator Kerry. Could we first have her read it back
[18] and then he can describe what she says he said.
[19] The Chairman. Okay. And then would you respond as it
[20] relates to how would you describe the box.
[21] Mr. O'Neill. You want me to describe it now, sir?
[22] The Chairman. Well, let's – the reporter is –
[23] Senator Kerry. The reporter's going to read it back.
[24] The Chairman. – going to attempt to give us what she
[25] has down on the record, and then I'd ask, for purposes of

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[1] clarification – I'd also ask that the clock stop so that
[2] the – and put back whatever time that we've taken so that
[3] when we do start, the Senator hasn't lost any time.
[4] Senator Boxer. Thank you very much, Mr. Chairman.
[5] The Chairman. Series – start with a series of

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questions from Senator Boxer.
Senator Sarbanes. Mr. Chairman, could we move the microphone over – I think right from the –
The Chairman. If you could take that microphone –
Senator Kerry. Just hand it to her. There's one behind her.
The Chairman. We're going to do it. Take it easy now. Just calm down.
(The reporter read the record as requested.)
The Chairman. I think – and if you read the deposition – and then I'm going to ask for clarification – his deposition says "like a hatbox," and he goes on, comma, "a small hatbox." You know, you said "like a hatbox" in his deposition, "a small hatbox." So he said "it is like a hatbox, a small hatbox." That is it.
Mr. O'Neill, if you would like to clarify that any more, I would like to hear you, and let's go back to Senator Boxer.
Senator Sarbanes. I think he is adding here today,

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Mr. Chairman, a lightweight hatbox after a small hatbox.
Senator Kerry. After a small, lightweight hatbox.
The Chairman. But "it is like a hatbox," he describes it, comma, "a small" – I think we can begin to split hairs ad infinitum, but why don't we continue –
Senator Kerry. We're splitting ounces and pounds.
The Chairman. That's right. Let's put the time back on, and – Senator Boxer.
Senator Boxer. Thank you for your clarification, Mr. Chairman.
So on page 80, 81 you said Williams was carrying files and then you said folders on top of each other, you said yes. Then on page 175, 176, Williams may have been carrying a box, possibly on top of the folders, and you said yeah, you remembered saying that. And then you said a small hatbox – and I won't get into lightweight, heavyweight – but the bottom line is like a hatbox. Was it round? A hatbox is round. Or was it a square hatbox?
Mr. O'Neill. Rectangular. I described – I would describe it as rectangular.
Senator Boxer. A rectangular, lightweight hatbox.
Mr. O'Neill. Let's just strike the hatbox.
Senator Boxer. Let's strike –
(Laughter.)
The Chairman. Well, let's –

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Senator Kerry. Are you a member of the Senate, by any chance?
Senator Boxer. Mr. Chairman, the reason that I'm taking this time, if it isn't obvious to anyone, it's because of a very serious matter that concerns this committee: The recollection of the only witness that says he saw Maggie Williams carrying papers out of an office.
We're going to spend time on this. We're going to talk about polygraph tests. We're going to talk about what Mr. O'Neill saw. And I have to say it's extremely confusing to me, and if I'm someone who is hanging on his every word, I'm worried.
Now, I'm not done with what you said on page 175 and 176. After you said a small hatbox, now you said just strike it, so I assume when you gave the deposition, you didn't mean to say that or you said it without thinking about it. I'll accept that. You're correcting your deposition. Then you say "I don't know." You say "I don't know." Then you say "I don't want to dream up a box. It's getting confusing. I can't remember."
Do you remember saying that on page 175, 176 of your deposition?
Mr. O'Neill. Yes, I do.
Senator Boxer. Okay. So it's getting confusing and you can't remember, and you remember saying that. And I

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think it's very important for this committee to understand that you stand by that. We went from files to folders on top of each other; to she may have been carrying a box, possibly on top of folders; small hatbox; now strike that; I don't want to dream up a box; it's getting confusing and I can't remember. And the witness has stipulated he remembers saying all those things.
Now, tell me, Mr. O'Neill – Officer O'Neill, as you saw Ms. Williams walking down past you, did she try to hide either the folders or the hatbox or the papers? Did she try to hide it from you?
Mr. O'Neill. No, she didn't.
Senator Boxer. Now, I want to get to your introduction to Maggie Williams – and, again, I'm going to look at your deposition. In your deposition, you said that

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Ms. Lieberman – and I'm looking at page 172 – said, and
I'm quoting, asked you, after you're asked – I'm going to
just read a little part of this: "You testified earlier
that when Maggie Williams came out of the White House
counsel's office suite Ms. Lieberman introduced
Ms. Williams to you?
"Answer: Yes.
"Can you tell us exactly how that happened, what
exactly happened?
"Answer: She walked out with her arms down in front

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of her with the files and everything like that. The lady
that was standing by the door opened her mouth and said
that's Maggie Williams, the First Lady's secretary."
Do you remember saying that in your deposition,
"that's Maggie Williams, the First Lady's secretary"? She
just gave that information?
Mr. O'Neill. Yes, ma'am. She did.
Senator Boxer. Okay. Well, I want to ask you
common-sense-wise, would somebody say to you, walking down
the hall, "that's Maggie Williams, the First Lady's
secretary," or would it be, you would say good evening and
how are you this evening and she would say I want you to
meet Maggie – what sounds like the more normal course of
conversation? Well, let's not –
Mr. O'Neill. I can repeat what I remember.
Senator Boxer. All right. Well, that's what I want
to get to and then I'll stop, Mr. Chairman, with your
graciousness. I'm almost through here.
The Chairman. All right.
Mr. O'Neill. I remember the woman I know to be
Ms. Lieberman standing right outside the chief counsel's
suite. And the –
Senator Boxer. Have you since learned that
Ms. Lieberman was working for Maggie Williams?
Mr. O'Neill. I'm sorry, I was trying to complete the

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question that you asked me.
Senator Boxer. Go ahead.
The Chairman. Go ahead, continue.
Senator Boxer. I'm sorry, I'm just running out of
time and I was rushing. I'm sorry.
The Chairman. I'm going to let you continue, so
don't –
Senator Boxer. Thank you. Thank you.
The Chairman. Go ahead. Mr. O'Neill, you were –
Mr. O'Neill. Do you want me to continue with that –
answering the question?
The Chairman. If your response is –
Mr. O'Neill. She –
The Chairman. Go ahead.
Mr. O'Neill. I have no comment now. Thank you.
Senator Boxer. Okay. The question is, did you know
at that time that Ms. Lieberman worked for Maggie Williams?
Mr. O'Neill. No, I did not.
Senator Boxer. Do you think that the chief of staff
to the First Lady is a secretary?
Mr. O'Neill. No, I do not.
Senator Boxer. Let me rephrase that.
Mr. O'Neill. No, I do not.
Senator Boxer. Do you think that a woman who works
for the chief of staff for the First Lady would refer to

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her boss as the First Lady's secretary?
Mr. O'Neill. At the time I was confused.
Senator Boxer. You were confused?
Mr. O'Neill. Yes, ma'am.
Senator Boxer. At the time you were confused or are
you confused now?
Mr. O'Neill. At the time I testified that – on lines
12 and 13 she said all that, "that's Maggie Williams, the
First Lady's secretary."
Senator Boxer. And you were confused when you said
that?
Mr. O'Neill. I was confused that I may not
recollected exactly what was told to me or mentioned when
Maggie Williams came out of the office by the woman
standing there.
Senator Boxer. Thank you very much, Mr. Chairman.
The Chairman. Well, let me ask you this. Did
Ms. Lieberman introduce Maggie Williams to you and identify
her as Maggie Williams?
Mr. O'Neill. Yes.
The Chairman. You recall that? Do you recall?
Mr. O'Neill. Yes, I do.
The Chairman. Is your confusion with respect to the
title that she may have given her as chief of staff or
first assistant or assistant or secretary? Is that the

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confusion?
Mr. O'Neill. Yes, sir.
The Chairman. So the confusion lies, at that point in
time, with respect to your recollection when you gave this
deposition . it relates to the title of Ms. Williams. Is
that what you're testifying to?
Mr. O'Neill. Yes, it is.
The Chairman. Okay. I'm just attempting to get a
little clarification as to what that confusion might be.
Senator Bond.
Senator Bond. Thank you very much, Mr. Chairman.
And, Officer O'Neill, there are days like this when I wish

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I hadn't gone to law school and I am sure that you probably, as had been indicated earlier, wish you had not been on duty that night. There have been statements made about what's obvious to everyone, and I think it is quite obvious to all of us here that confusion is the enemy of truth and if we can sow enough confusion, perhaps we can take the attention off of what you actually recall.

Now, I dare say that none of us here on this panel could give testimony over – about conversations held several years ago and repeat verbatim everything that was said and make sure that we had it the same way every time, but you are a professional in the Secret Service, uniformed

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Secret Service; is that correct?

Mr. O'Neill. That's correct.

Senator Bond. And in your job, you realize that on occasions, you have a responsibility to the Service and to the government to testify to the very best of your ability as to what you remember?

Mr. O'Neill. Yes, it is.

Senator Bond. And do you have any motive or any reason to fabricate any testimony or to make up something that did not actually happen?

Mr. O'Neill. No, sir, I don't.

Senator Bond. Well, Officer O'Neill, I would say that in this instance when we talk about conflicting testimony, there are possibly other motives that others have, but that's not your problem to worry about. I want to go back over a few questions. The rule in the Senate is not has every question been asked, but has everybody asked the question.

You have testified that as you were standing in the hallway, a woman known to you and identified – or identified to you as Maggie Williams came out of the counsel's office with something in her hands; is that correct?

Mr. O'Neill. Yes, it is.

Senator Bond. And could you show us the size of what

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she was carrying? Can you show us how she was carrying this, just with your hands, how she was holding it?

Mr. O'Neill. Holding it out in front of her (indicating).

Senator Bond. And to the best of your recollection now, what was "it"?

Mr. O'Neill. To the best of my recollection, I saw her carrying folders in her hands at the bottom of her arms, extended in front of her.

Senator Bond. And about how thick was the stack of folders or whatever she was carrying?

Mr. O'Neill. To the best of my recollection, it was with some weight, 3 to 5 inches.

Senator Bond. And she went down the hall to her office; is that correct?

Mr. O'Neill. That's correct.

Senator Bond. You indicated they must have been heavy, because what did she do when she got to the end of the hall?

Mr. O'Neill. She had to brace them on a file or a cabinet that was next to the door.

Senator Bond. Could you show us just what kind of action you recall she took with those items in her hands?

Mr. O'Neill. I can't recall that, sir.

Senator Bond. But she did brace them?

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Mr. O'Neill. Yes, sir.

Senator Bond. Did she unlock the door?

Mr. O'Neill. As far as I recall, she opened the door. I cannot – I'm not exactly sure if it was locked at this time.

Senator Bond. She opened the door and went in with what she was carrying in her hands?

Mr. O'Neill. That's what I recall.

Senator Bond. She was in there a very short time?

Mr. O'Neill. That's correct.

Senator Bond. And then she reemerged?

Mr. O'Neill. Yes, yes, sir.

Senator Bond. Now, I don't recall having heard this question today, but just to be clear, did she have those items in her hand when she came out?

Mr. O'Neill. No, sir.

Senator Bond. It is, therefore, safe to assume that whatever she was carrying was left somewhere behind that door which she entered and from which she reemerged?

Mr. O'Neill. She didn't come out with anything in her hands, sir.

Senator Bond. I think we can draw the conclusion that – we will draw the conclusion that she left whatever she had in her hands in that office. She then locked the door?

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Mr. O'Neill. She did, as far as I can recall.

Senator Bond. There has been a lengthy series of questions related to specific statements and specific

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titles used during that evening. You have indicated that some of the discussions, some of the oral discussions at times may have been confusing in terms of the titles, such as secretary to the First Lady; that's correct?
Mr. O'Neill. Yes, that's correct.
Senator Bond. Is there any confusion or any hesitancy that you have about the actions that you witnessed that we just discussed?
Mr. O'Neill. No, sir.
Senator Bond. You have told us, and as I read your deposition, you told the attorneys at the – during the deposition the same thing.
Now, the question has been asked about whether you made any record of this contemporaneously, at the same time you observed it. Your job does not require you to – or demand of you that you make written records of what you see on your rounds, does it?
Mr. O'Neill. In some cases, yes, sir.
Senator Bond. What would you normally record? What things would you make a written record of?
Mr. O'Neill. Well, if we were involved in an arrest at the White House.

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Senator Bond. An arrest. You would make a written record of an arrest?
Mr. O'Neill. That's correct.
Senator Bond. Do you normally make written records of White House staff as you observe them in the hallways?
Mr. O'Neill. No, sir.
Senator Bond. Do you normally – do you from time to time see White House staff members carrying items in the hallway?
Mr. O'Neill. Of course, yes.
Senator Bond. You do not make a written record of those observations on a routine basis, do you?
Mr. O'Neill. That's correct.
Senator Bond. Did anyone suggest to you at the time that you should make a written record of what you saw on the night of Vince Foster's unfortunate suicide?
Mr. O'Neill. No, no one did.
Senator Bond. So there is no reason – no practice which was violated by your failing to make a record on that evening, was there?
Mr. O'Neill. No, sir.
Senator Bond. But there did come a time later on when you were asked what happened and what you saw; is that correct?
Mr. O'Neill. That's correct.

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Senator Bond. And you have testified under oath here and many other places to the actions that we have just discussed, and there is no question in your mind that that is what happened?
Mr. O'Neill. That's correct, sir.
Senator Bond. Thank you, Officer O'Neill, and I wish you well.
Mr. O'Neill. Thank you.
The Chairman. Senator Sarbanes?
Senator Sarbanes. I yield to Senator Moseley-Braun.
Senator Moseley-Braun. Thank you very much, Mr. Chairman.
Officer O'Neill, I know this is difficult and you're probably nervous. This is kind of a tough grilling for you, but you can imagine what it's like for us. We have to talk to everybody.
I want to talk to you about that night because obviously you and all the other witnesses in this hearing are being called upon to remember something that happened in a fairly short space of time –
Mr. O'Neill. That's true.
Senator Moseley-Braun. – at a time right after the news of Mr. Foster's suicide. And I gather from the testimony that all of this transpired at about – transpired between about 10:40 and 11:40 at night, that

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night?
Mr. O'Neill. That's correct.
Senator Moseley-Braun. You testified also that you knew Ms. Lieberman or you had occasion – you had met her before?
Mr. O'Neill. Would you repeat the question?
Senator Moseley-Braun. Ms. Lieberman, you knew her from before?
Mr. O'Neill. No, I did not.
Senator Moseley-Braun. But you testified that you had talked to her before you met Ms. Williams officially; is that correct?
Mr. O'Neill. Just earlier in that hour.
Mr. O'Neill. Okay. And earlier, in one of the depositions at least, you mentioned that you had a recollection that Ms. Lieberman was wearing a dress.

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a
summer dress.
Mr. O'Neill. I stated – when I was asked about
clothing, I think I recalled a lightweight – light-colored
dress or – like a pantsuit to me. This isn't specific
information. I mean – here we go. Yes, ma'am, I
testified to that.
Senator Moseley-Braun. Okay. And on another
occasion
you testified that she had on shorts?
Mr. O'Neill. No, I did not.

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Senator Moseley-Braun. Well, according to the –
Mr. O'Neill. I think I said that about Ms. Williams.
Senator Moseley-Braun. According to the information
that we have – all right. Now, in terms of your
meeting
Ms. Williams, do you remember what she was
wearing?
Mr. O'Neill. I can really just sit here and say I
don't recall what she was wearing, no.
Senator Moseley-Braun. Was she the only black
woman
there at the time?
Mr. O'Neill. As far as I recall, yes.
Senator Moseley-Braun. And when you met her,
which
was within an hour or so of her learning of Vince
Foster's
death, did she look upset to you?
Mr. O'Neill. Did who look upset to me?
Senator Moseley-Braun. Ms. Williams. Did she look
upset to you?
Mr. O'Neill. At the point that I saw her, I didn't –
nothing registered to me that she was upset at that
point.
Senator Moseley-Braun. Did she look like she had
been
crying or her makeup was smeared or did her face
look like
she was distraught?
Mr. O'Neill. Not that I recall.
Senator Moseley-Braun. You mentioned in your
testimony a few minutes ago that when she was
introduced to
you, she smiled at you.

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Mr. O'Neill. That's correct.
Senator Moseley-Braun. Did you think that it was
unusual that she would smile at you, you know, in
light of
the – everybody moving around and following the
news of
this death?
Mr. O'Neill. She didn't give me a great big smile.
She just gave me a glancing smile.
Senator Moseley-Braun. Did you speak to her at that
point?
Mr. O'Neill. I think I said hello.
Senator Moseley-Braun. Did you say anything else to
her?
Mr. O'Neill. No.
Senator Moseley-Braun. Did she say anything else to
you?
Mr. O'Neill. No, she didn't.
Senator Moseley-Braun. And so this exchange
between – it was just a matter of your saying hello
and
she didn't say anything back, and then she walked
on down
the hall.
Mr. O'Neill. Yes, ma'am.
Senator Moseley-Braun. Where did Ms. Lieberman
go?
Mr. O'Neill. She was standing in the same place.
Senator Moseley-Braun. You testified at the time that
you just glanced – you just glanced at her as she
moved

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past you and that you didn't notice that there was
anything
at all unusual in her demeanor toward you.
Mr. O'Neill. Ms. Williams?
Senator Moseley-Braun. Ms. Williams.
Mr. O'Neill. That's correct.
Senator Moseley-Braun. And that you did not think
that there was anything suspicious about the way
that she
acted.
Mr. O'Neill. Not at all.
Senator Moseley-Braun. Do you remember the first
time
that you realized that there might have been
something
important in your exchange at that moment, in that
fleeting
moment?
Mr. O'Neill. No, I'm sorry. I cannot remember that.
Senator Moseley-Braun. In your testimony, you said
that it was only later that you realized that – after
some
considerable amount of time passed, that you read
an
account about documents?
Mr. O'Neill. That's correct. I can remember
testifying to that.
Senator Moseley-Braun. So what you've – what all
this has been about, really, is your reconstructing in
your
mind what it was that you saw: is that correct?
Mr. O'Neill. That's correct.
Senator Moseley-Braun. All right. Mr. Chairman, I'm

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going to defer the rest of my time. I know we've got –
I'd like to give the rest of my time to the counsel.
The Chairman. Richard?
Mr. Ben-Veniste. Thank you, Mr. Chairman.
Thank you, Senator Moseley-Braun.

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Is there something called an incident report?
Mr. O'Neill. Yes, sir.
Mr. Ben-Veniste. You did not fill out an incident report for that evening?
Mr. O'Neill. No, sir.
Mr. Ben-Veniste. And you were asked as to whether anyone suggested that you fill out a report; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. But no one could have suggested that you fill out a report for the simple reason that you didn't tell anyone what you claimed to have seen on that night; isn't that so?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Now, you testified that you never recall having read anything about anyone removing files from the White House counsel's office in the newspaper, do you recall that, just a little while ago here today?
Mr. O'Neill. Yes, I do.
Mr. Ben-Veniste. But you know that's not true?
Mr. O'Neill. I did read something about it, yes.

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Mr. Ben-Veniste. And indeed, the fact is you read a newspaper article in July of 1994; isn't that so?
Mr. O'Neill. I – July of 1994?
Mr. Ben-Veniste. Yes, sir.
Mr. O'Neill. Are we talking about a year and five months after or a year and four months after – July of '94, you're talking about a year later?
Mr. Ben-Veniste. Yes, sir.
Mr. O'Neill. I may have.
Mr. Ben-Veniste. Don't you recall testifying that you read in the newspaper about whether anything had been removed from Mr. Foster's office?
Mr. O'Neill. I may have read that.
Mr. Ben-Veniste. You said that you read a story in The Washington Times and possibly The Washington Post.
Mr. O'Neill. If it's in the testimony, yes, sir.
Mr. Ben-Veniste. Well, do you recall it, that you did, in fact –
Mr. O'Neill. I've read a lot of newspapers in the last two years.
Mr. Ben-Veniste. Do you recall that you had, in fact, read a story in The Washington Times that purported to report on documents being removed from Mr. Foster's office?
Mr. O'Neill. Purporting that documents had been removed from Mr. Foster's office?

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Mr. Ben-Veniste. Right.
Mr. O'Neill. I read a newspaper one year later and I stated that in testimony?
Mr. Ben-Veniste. Yes.
Mr. O'Neill. I would agree to that.
Mr. Ben-Veniste. Okay. And that's at page 106. "I read about documents being taken from the counsel's office. In fact, I think by Maggie Williams, in fact." Is that, in fact, your testimony at page 106?
Mr. O'Neill. Is this my testimony?
Mr. Ben-Veniste. Do you remember giving a deposition on –
Mr. O'Neill. Yes, sir.
Mr. Ben-Veniste. – June 23, 1995?
Mr. O'Neill. Yes, I do.
Mr. Ben-Veniste. Do you recall giving the testimony I just indicated you gave? At page 106, line 9, 10 and 11.
Mr. O'Neill. I gave this testimony.
Mr. Ben-Veniste. So, in fact, you referred to a newspaper article that claimed, according to The Washington Times of July 2, 1994, and I'm quoting, "at least three White House officials went into Mr. Foster's office less than three hours after his body was found at Fort Marcy Park overlooking the Potomac in suburban Virginia and took documents about Whitewater Development Corporation."

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Now, after you read that article, you were interviewed by the Independent Counsel; is that correct?
Mr. O'Neill. The first time I was interviewed by the Independent Counsel was the fourth month of 1994.
Mr. Ben-Veniste. That was the first time. And then you were reinterviewed and reinterviewed and reinterviewed; correct?
Mr. O'Neill. I was subsequently interviewed, yes.
Mr. Ben-Veniste. Was that at their suggestion or your suggestion on any of the subsequent occasions?
Mr. O'Neill. Their suggestion.
Mr. Ben-Veniste. Now, I want to just cover one more point. I see that my time has run out.
The Chairman. Go ahead.
Mr. Ben-Veniste. With respect to the three individuals who were in the office of White House counsel on July 20 when you recall first seeing Mr. Nussbaum that evening, you say you saw Mr. Nussbaum and then the shapes or silhouettes of two other people who you could not identify. Now, that was at what time?
Mr. O'Neill. That was, I would say, approximately 10 minutes – five to 10 minutes after I opened the suite.
Mr. Ben-Veniste. So that would have been at what

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time, sir?
Mr. O'Neill. That would have been approximately – if

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it were five minutes, it would have been approximately
11:47 and if it would have been 10 minutes, it would have
been at 11:52.
The Chairman. I think you mean 10.
Mr. O'Neill. 10.
The Chairman. So on or about 10:45?
Mr. O'Neill. That's correct.
The Chairman. So it would be between 10:50 and
10:55.
Mr. Ben-Veniste. Thank you, Mr. Chairman.
Do you accept that?
Mr. O'Neill. Yes, sir, I do.
Mr. Ben-Veniste. Because the electronic records show
that the office was opened at 10:42.
Mr. O'Neill. Yes, that's true. I would have said
2242.
Mr. Ben-Veniste. Okay. So that at about 2247 –
between 2247 and 2252 is when you saw Mr. Nussbaum enter
the office? You're quite sure about that?
Mr. O'Neill. During that 10 minutes?
Mr. Ben-Veniste. Yes.
Mr. O'Neill. Yes, I'm quite sure.
Mr. Ben-Veniste. Now, isn't it a fact that you have
testified under oath that you saw Patsy Thomasson on the
first floor of the White House at 2248?

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Mr. O'Neill. No, sir. Patsy Thomasson?
Mr. Ben-Veniste. Now, it wouldn't have been possible
for you to have been in two places at the same time, would
it? You couldn't have been on the first floor and the
second floor at 2248, could you?
Mr. O'Neill. Not that I know of.
Mr. Ben-Veniste. And I call your attention to page
112 of your sworn deposition, and the question is "and I
guess my question is, does the reference in this log
refresh your recollection at all about what time you may
have seen her standing down there," referring to Patsy
Thomasson. "My question is, does this refresh your
recollection, help you place in time when you may have seen
Ms. Thomasson standing at Mr. Watkins's door."
And you answer: "Yes, right around 2248."
"Question: In laymen's terms, that would be 10:48 in
the evening?
"Answer: I think it would be a little later than
that.
"Well, this would indicate what time she opened the
door?"
Your answer: "Uh-huh."
Mr. O'Neill. Sir, I think that is referring to a log
that stated what time that office was opened.
Mr. Ben-Veniste. And when you saw that log presented

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to you and the question was suggested to you that seeing
that record may have helped you refresh your recollection
about when you saw her, you said yeah, right around 2248 is
when you saw her. You know that can't be right.
Mr. O'Neill. No, sir, I – I know that I didn't open
that office up. I opened up the chief counsel's office.
Mr. Ben-Veniste. I will pursue this when I get some
more time, Mr. Chairman. Thank you.
The Chairman. Mr. Chertoff.
Mr. Chertoff. I think I'll pursue it now. You had
started to mention the fact that you were presented with a
document or a log, and there was a lawyer who was trying to
refresh your memory. This is at the deposition.
Mr. O'Neill. Would you please repeat the question, sir?
Mr. Chertoff. Do you have the deposition with you?
Mr. O'Neill. Yes, we have one copy of it.
Mr. Chertoff. Could we get another copy to the
witness? I think in fairness the witness ought to be armed
with the same things we're armed with.
Senator Sarbanes. I think his counsel has been
supplying it to him, as I understand.
The Chairman. Let's let him have a copy and his
counsel have a copy. If we could bring it over there.
Hello? Michael, why don't you give him an opportunity so

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both of them have a copy. Go ahead.
Mr. Chertoff. If you want to get yourself over to
page –
The Chairman. Counsel has requested to our counsel a
five-minute break, so I guess you have to go to the
library. We have that from time to time. So we're going
to take a five-minute break.
(Recess.)
The Chairman. Counselor, do you have a copy of the
deposition that you can provide Mr. O'Neill? What page?
Mr. Chertoff. I think we're going to start at page
112. Just before we start, take a minute to get yourself
set up to page 112 and maybe take a look at it, actually,
if we could just give the witness a moment to take a

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look
at 112 and then I'll start. And 113.
(Pause.)
You've read those?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. One of the things that's very important in terms of the proceedings – and I know Senator Boxer talked about the importance of reputations, and I also think everyone will agree it's important to be fair to the witness because you're coming here because we've requested you to come here, so I want to be fair to you and I want to make sure we have an accurate rendition of what your

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earlier testimony was. Now, I believe before we broke, Mr. Ben-Veniste characterized your earlier testimony in the deposition as having been that you saw Patsy Thomasson down at Mr. Watkins's office right around 2248. I want to go back and actually put this thing in context.
Having read the deposition, you will agree with me that the lawyer taking the deposition first showed you a copy of a log that recorded Patsy Thomasson's entry into Mr. Watkins's office at 2248; correct?
Mr. O'Neill. Correct.
Mr. Chertoff. And then the lawyer asked you whether that would help refresh your memory about the period of time in which you saw Patsy Thomasson yourself: correct?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. And then as we go to page 112, we begin at line 15 with the question "and I guess my question is does reference to this log refresh your recollection at all about what time you may have seen her standing down there?"
My question is does this refresh your recollection at all or help you place in time what time of evening you may have seen Ms. Thomasson standing in Mr. Watkins's door.
And then – you have in front of you this log, this page? And you say "yeah, right, around 2248": correct?
Mr. O'Neill. That's correct.

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Mr. Chertoff. And you're looking at the log that says 2248 and records Patsy Thomasson's entry; correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. And then the question becomes "in lay terms, that would be 10:48 in the evening?" And you answer "I think it was a little later than that"; correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. And then the question goes on "well, all this would indicate is that she opened the door at that time," and you go, "uh-huh." Correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. And when you were having a reference to "this," what you're saying is that the log itself, this page you're being shown, indicates 2248 as the time that Ms. Thomasson first opened the door; correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. And then the question is "and your recollection is you saw her standing there sometime after that time in the evening," and you go "uh-huh, yes, sir."
Correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. So your testimony was not that you saw Patsy Thomasson at 2248 but that you saw her after 2248?
Mr. O'Neill. That's correct.
Mr. Chertoff. And you didn't have the benefit of

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having Ms. Thomasson's testimony here yesterday where she indicated she came to the White House around 10:48 or 10:49, then went up to the counsel's office and then came back down again at approximately 11:30. You didn't know that at the time you testified in the deposition; right?
Mr. O'Neill. No, sir.
Mr. Chertoff. And of course, when you saw Ms. Thomasson at the door of Mr. Watkins's office, you didn't know whether she was going there the first time or that she was there the second time; right?
Mr. O'Neill. Correct.
Mr. Chertoff. But what you did know was you saw her down there after she had been in Mr. Foster's office; correct?
Mr. O'Neill. That's correct.
Mr. Chertoff. And would it surprise you to learn that her testimony yesterday, as well, confirmed the fact that she was in Mr. Foster's office and then she later went down to Mr. Watkins's office?

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[20] Mr. O'Neill. Did you say would it surprise me?
[21] Mr. Chertoff. Yeah. She's consistent with you.
[22] Mr. O'Neill. Oh. Well, that wouldn't surprise me,
[23] then.
[24] Mr. Chertoff. Now, let me move forward to another
[25] area we've talked about in the deposition. Mr. Ben-Veniste

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[1] read you a portion, a portion of your deposition testimony,
[2] I believe at page 106, concerning the fact that at a point
[3] in time much later than the events on July 20, you read
[4] newspaper articles that had to do with – something to do
[5] about documents being taken from the counsel's office. And
[6] then he made reference to a Washington Times article.
[7] I don't want there to be a misimpression or a
[8] suggestion here that you somehow read something in the
[9] newspaper and then went in to tell the FBI or the
[10] Independent Counsel something based on the newspaper, so I
[11] want to clarify this. And I want to go back to your
[12] deposition at page 186 and 187. Actually, 185, 186 and
[13] 187. And take a moment and read, if you don't mind, just
[14] 185, 186 and 187 to yourself.
[15] (Witness reviewed the document.)
[16] Senator Sarbanes. Could I ask counsel, is this the
[17] part of the deposition that begins about how many times he
[18] was interviewed by the FBI, five times and so forth?
[19] Mr. Chertoff. Yes. Actually it begins at line 21
[20] with the question "do you know how it is that you came to
[21] be interviewed by the FBI in April of 1994" and –
[22] Senator Sarbanes. That was the first time he was
[23] interviewed.
[24] Mr. Chertoff. Right, that's the first time. And then
[25] it ends on –

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[1] The Chairman. Let me ask you something –
[2] Senator Sarbanes. All right. I have it. I have it.
[3] The Chairman. In April of 1994, the first time you
[4] were interviewed by the FBI, had you read any recollections
[5] or any newspaper accounts of this, people being in the
[6] office of the special counsel? Were there any that you had
[7] read at that time?
[8] Mr. O'Neill. No, sir, not that I recall.
[9] The Chairman. Indeed, the article which I think has
[10] been mentioned was April, May, June, July, three months
[11] after you were interviewed by the FBI, there appeared
[12] something with respect to people possibly being in the
[13] special counsel's office. Is that not correct?
[14] Mr. O'Neill. Yes, sir, that's correct.
[15] The Chairman. In other words, there wasn't anything
[16] in the paper that you saw or observed until after you had
[17] given at least your first of a number of interviews with
[18] the FBI; is that correct?
[19] Mr. O'Neill. Yes, sir, that's correct.
[20] The Chairman. Okay. Mr. Chertoff?
[21] Mr. Chertoff. And as a matter of fact – and I'm
[22] going to go right to page 185 of the deposition – the
[23] question was asked of you "do you know how it is that you
[24] came to be interviewed by the FBI in April of 1994," and
[25] you answered "as a result of being on duty that evening and

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[1] being one of the officers that had contact with
[2] Mr. Foster's office, as far as I know."
[3] That was your testimony in the deposition; right?
[4] Mr. O'Neill. Yes, sir.
[5] Mr. Chertoff. You didn't volunteer and come running
[6] to give information, did you?
[7] Mr. O'Neill. No, I didn't.
[8] Mr. Chertoff. They asked you to come in; right?
[9] Mr. O'Neill. That's correct.
[10] Mr. Chertoff. And that's because you were on the duty
[11] roster as having been on duty and having opened and closed
[12] the door that night; right?
[13] Mr. O'Neill. Yes, sir.
[14] Mr. Chertoff. And then to read from the portion of
[15] the deposition at page 187 to 188 about the newspaper
[16] articles, you testified in your deposition, which is part
[17] of the same deposition Mr. Ben-Veniste was using:
[18] "Question: When was it that you first read any
[19] newspaper articles relating to the issue of whether anyone
[20] had removed materials from the White House counsel's office
[21] suite on the night of Mr. Foster's death?
[22] "Answer: I can't recall exactly, but I think it was
[23] July.
[24] "Question: Of what year?
[25] "Answer: '94.

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[1] "Question: So it was after the time that you were
[2] first interviewed by the FBI.
[3] "Answer: Yes, it was."
[4] So you gave the FBI your information about the events

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of this night at their request and before you had read anything about it in the newspaper; is that correct?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. And that was your testimony in the deposition in the last month as well; correct?
Mr. O'Neill. Yes, sir.
Mr. Chertoff. I have nothing further. Thank you, Mr. Chairman.
Senator Sarbanes. Senator Simon.
Senator Simon. Thank you, Senator Sarbanes and Mr. Chairman. First of all, Mr. O'Neill, you have our sympathy. To try and recall in great detail what happened two years ago, it would not be easy for any of us, and that there are some inconsistencies or you can't remember every detail, we certainly understand.
Mr. O'Neill. That's correct. Thank you.
Senator Simon. You testified that when you were in the reception area for the – of the chief counsel, you saw the door open to Mr. Foster's suite and you saw the door open all the way. As an experienced and professional police officer, if people were doing something they were

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trying to hide, is it likely that they would have the door open all the way or would they have the door closed or partially closed or something like that?
Mr. O'Neill. I would imagine they would have the door partially closed.
Senator Simon. All right. And in response to a question from Senator Boxer, you mentioned when you saw Ms. Williams going down the hall, she was not trying to hide the folders that she was carrying, or whatever she was carrying.
Mr. O'Neill. That's correct.
Senator Simon. Now, in response to a question from Senator Shelby, you say you saw Ms. Williams come out of the chief counsel's suite. You did not see Ms. Williams carry anything out of Mr. Foster's office; is that correct?
Mr. O'Neill. That is correct.
Senator Simon. So that it is possible that Ms. Williams, who has sworn that she took nothing out of Mr. Foster's suite and has passed a lie detector test on that, it is possible that she left Mr. Foster's suite and picked up something either in Mr. Nussbaum's suite or in the reception area that was marked for the First Lady, maybe for the next trip the First Lady was going to be taking, some background information or something like that. Is that possible?

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Mr. O'Neill. Yes, sir.
Senator Simon. I have no further questions here. I would like to yield my time to Mr. Ben-Veniste.
Mr. Ben-Veniste. Thank you, Senator Simon.
Officer O'Neill, when you were questioned at deposition in connection with preparation for this hearing on the 23rd of June, I believe you answered about your regular habits of reading newspapers. And I take it on your job you have some dead time and you have occasion to read newspapers fairly frequently. Is that so?
Mr. O'Neill. That's true.
Mr. Ben-Veniste. And you indicated that you regularly read The Washington Times and The Washington Post and USA Today; correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Now, the question was put as to whether there was anything you read in the newspaper prior to the first time you gave a statement to the FBI, which we have established, although we haven't seen it, as being April of 1994; is that correct?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. Now, on December 20, 1993, there was an article in The Washington Times of which I have a printout which leads with this paragraph: "White House officials removed records of business deals between

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President Clinton, his wife and an Arkansas partnership known as Whitewater Development Corporation from the office of Vincent Foster during two searches after the deputy Presidential counsel's suicide, The Washington Times has learned."
Now, that's three months prior to the time that you gave your first statement; wouldn't that be the case?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. On the occasion that you first saw Maggie Williams on July 20, it is your distinct recollection that she did not appear to have been crying.

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[12] Is that your testimony?
[13] Mr. O'Neill. That's my testimony, yes.
[14] Mr. Ben-Veniste. Now, is it possible, Officer
[15] O'Neill, that you may be telescoping events, that you may
[16] have recollected certain things which occurred on the night
[17] of the 20th when Mr. Foster died and recollected other
[18] events on other occasions that you were present at in the
[19] White House so that your recollection of the 20th might
[20] conceivably be colored by things that you saw occurring
[21] later on?
[22] Mr. O'Neill. With regards to anything specific?
[23] Mr. Ben-Veniste. With regards to the question of
[24] Ms. Williams carrying material in her arms.
[25] Mr. O'Neill. I would have to disagree with that,

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[1] sir.
[2] Mr. Ben-Veniste. You don't believe that you are
[3] telescoping other events into one night?
[4] Mr. O'Neill. No, sir.
[5] Mr. Ben-Veniste. Did the Independent Counsel or the
[6] FBI ever suggest to you that you may have mixed up the
[7] dates?
[8] Mr. O'Neill. Not that I recall.
[9] Mr. Ben-Veniste. Did they ever suggest that you had
[10] telescoped?
[11] Mr. O'Neill. No, they haven't.
[12] Mr. Ben-Veniste. Now, you have testified here today
[13] that you have given your rendition of these events prior to
[14] your deposition on five occasions; correct?
[15] Mr. O'Neill. Yes, sir.
[16] Mr. Ben-Veniste. But at your deposition, you
[17] recollected that you'd been through it 10 times.
[18] Mr. O'Neill. Seemed that way, I guess, because it was
[19] 4-1/2 hours later after I had began talking, so I guess I
[20] compounded it.
[21] Mr. Ben-Veniste. When you testified about the burn
[22] bags that evening, on the issue of the burn bags, do you
[23] recall what time it was that you became involved in
[24] anything to do with collecting burn bag materials?
[25] Mr. O'Neill. That particular evening?

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[1] Mr. Ben-Veniste. Yes.
[2] Mr. O'Neill. Not exactly, sir. No. I can't recall.
[3] Mr. Ben-Veniste. Were you aware of being involved in
[4] any way in reviewing materials which had already been
[5] collected from offices?
[6] Mr. O'Neill. No. Oh – giving it to Sylvia Mathews,
[7] you mean?
[8] Mr. Ben-Veniste. Yes. Let me help you on this.
[9] Isn't it a fact that at some time later in the evening or
[10] early morning of the 21st you were asked to bring the
[11] collective and commingled burn bag materials to the chief
[12] of staff's office?
[13] Mr. O'Neill. That's correct.
[14] Mr. Ben-Veniste. Does that help your recollection?
[15] Mr. O'Neill. That's correct.
[16] Mr. Ben-Veniste. Okay. And at that time did you wait
[17] outside?
[18] Mr. O'Neill. No, sir.
[19] Mr. Ben-Veniste. You were summoned back later:
[20] correct?
[21] Mr. O'Neill. That's correct.
[22] Mr. Ben-Veniste. To take the materials away?
[23] Mr. O'Neill. That's correct.
[24] Mr. Ben-Veniste. Did you remember at the time that
[25] you first gave your rendition of these events mentioning

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[1] that Sylvia Mathews was the person who had gone through the
[2] materials?
[3] Mr. O'Neill. I do remember that, yes.
[4] Mr. Ben-Veniste. Did you remember that because you
[5] knew Sylvia Mathews and you knew that it was she who had
[6] gone through it, or did you look at some other records that
[7] someone had showed you to help with your recollection?
[8] Mr. O'Neill. I think you'll have to repeat your
[9] question.
[10] Mr. Ben-Veniste. Were you shown photographs? Were
[11] you shown electronic records that showed that Ms. Mathews
[12] was in the White House that evening?
[13] Mr. O'Neill. I remember the woman that I gave the bag
[14] to and then I was shown photographs in my prior interviews,
[15] and I identified her.
[16] Mr. Ben-Veniste. You identified her from photographs?
[17] Mr. O'Neill. Yes.
[18] Mr. Ben-Veniste. Okay. And as far as electronic
[19] information and documents that were shown to you, you were
[20] shown documents that reflected her presence that evening,
[21] were you not?
[22] Mr. O'Neill. No, sir, not that I recall.
[23] Mr. Ben-Veniste. I have nothing further of this
[24] witness.
[25] The Chairman. We have no further – Senator Grams?

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We have no further questions. Senator Sarbanes?
Senator Sarbanes. Senator Dodd? Senator Boxer?
Senator Boxer. Mr. Chairman, I would just like to ask one question, if I might, if it's okay.
The Chairman. Certainly.
Senator Boxer. And I'll tell you why. As I've gone through the depositions, there are eight examples where,
Officer O'Neill, you have contradicted yourself. These range from who you saw where, what, what time and the
rest. Without going into that, to spare the committee the
time, I have an important question. Did you have an opportunity to go through your depositions to make any
corrections to them? Did the committee send you your
depositions? Did you have a chance to go through those and
make any corrections to them?
Mr. O'Neill. I've looked through the testimony, yes, since I've given it.
Senator Boxer. And outside of the part about the hatbox, you stick with your depositions?
Mr. O'Neill. I stick with my testimony and depositions, yes.
Senator Boxer. Well, then, Mr. Chairman, what I would
like to do – with the committee's permission so as not to
waste the time of the committee – is to write a list of these contradictions, and they're clearly contradictions,

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and cite the pages and put them into the record at this
time so I don't have to go through them one by one, if
that's agreeable to the committee.
The Chairman. Certainly. The depositions are in the record, but if the Senator would like to make observations
as it relates to those areas that may be inconsistent,
that's certainly appropriate.
Senator Boxer. Yes.
The Chairman. And we will take those.
Senator Boxer. Thank you very much, Mr. Chairman.
I'll do that.
The Chairman. Senator Dodd?
Senator Dodd. Mr. Chairman, I apologize. I said I have no questions.
This may have been asked, Mr. O'Neill, and I'll try and get this done quickly. You've been very patient here
this morning, and we appreciate it.
As I understand it, in addition to seeing Maggie Williams, you saw Ms. Lieberman; you talked to her that
evening?
Mr. O'Neill. That's correct.
Senator Dodd. And you saw Mr. Nussbaum?
Mr. O'Neill. Yes, sir.
Senator Dodd. And you saw Ms. Patsy Thomasson as
well?

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Mr. O'Neill. Yes, sir.
Senator Dodd. And is it your testimony that in the case of those three individuals, that they had nothing in
their hands; they were carrying nothing?
Mr. O'Neill. At what time, sir?
Senator Dodd. At roughly the time period we're talking about here in which you observed these people
leaving the counsel's office.
Mr. O'Neill. I have testified that I observed Maggie Williams carrying folders, sir.
Senator Dodd. I understand that. I listened to that. I was curious about Mr. Nussbaum, Ms. Thomasson and
Ms. Lieberman. Were they carrying things?
Mr. O'Neill. No, sir, I don't recall Mr. Nussbaum having anything in his hands, and I don't recall seeing
Ms. Lieberman with any in her – anything in her hands,
either.
Senator Dodd. Are you absolutely certain of that?
Mr. O'Neill. Yes, sir.
Senator Dodd. That they had nothing in their hands?
Mr. O'Neill. Yes, sir, I am.
Senator Dodd. And the first time you offered any testimony on this was in April of 1994?
Mr. O'Neill. That's correct, sir.
Senator Dodd. And you had not really discussed this

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that evening with anyone prior to that time?
Mr. O'Neill. No, I have not.
Senator Dodd. So in April of 1994, which is roughly what, nine or 10 months –
Mr. O'Neill. It was about nine months.
Senator Dodd. You were recalling events that occurred
in that window of time on that night of July 20, 1993?
Mr. O'Neill. Yes, sir. It was about just as hard as it is right now.
Senator Dodd. Well, no, I appreciate it because I find myself – I try to recall what I did yesterday and –
Mr. O'Neill. I can't recall that.
Senator Dodd. And last week. You know what I'm saying? This isn't a memory game, but it's just the normal
course of events.
Where do you work in the White House now?
Mr. O'Neill. I work anywhere I'm scheduled to work, sir.

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Senator Dodd. Like where were you last week, last Thursday?
Mr. O'Neill. Yesterday. I was in 1800 G Street working with the legal counsel.
Senator Dodd. The last day you were at the White House on duty.
Mr. O'Neill. I think I was assigned to the west wing,

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sir.
Senator Dodd. Can you remember who you saw and what they were carrying, not carrying, and so forth if we had to go back, say, a week ago today?
Mr. O'Neill. If I had to go back a week ago today?
Senator Dodd. Yes.
Mr. O'Neill. No, sir, I couldn't.
Senator Dodd. You understand my point. I mean, I don't think that's a failing; I think that's human nature. So when you start to talk about remembering on April of '94, to go back nine or 10 months earlier and recall, well, admittedly a relatively brief period of time something happens, you understand our difficulty on that point?
Mr. O'Neill. Sure, I understand.
Senator Dodd. Thank you very much. Thank you, Mr. Chairman.
Senator Sarbanes. Yield to Richard to question.
Mr. Ben-Veniste. Just one question to follow along with Senator Dodd. And not to get into all of the different versions of this, but if you have in front of you your deposition, I would ask you to – transcript, I would ask you to take a look at the bottom of page 132 and on to 133, where you say:
"Question: At the time" – this is the questioning

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from the majority counsel, as were the prior questions I made reference to – "Question: I apologize again if you've already answered these questions, but I just need to ask them. At the time that Mr. Nussbaum entered the office, sometime around 10:45 or a little bit later that night, did you see anyone else enter the office at the same time Mr. Nussbaum entered?
"Answer: No."
Now, that obviously is different from your present recollection. Is that so?
Mr. O'Neill. That's correct.
Mr. Ben-Veniste. I will not go further.
The Chairman. Mr. Chertoff.
Mr. Chertoff. I'm going to have to go further, Mr. Chairman.
The Chairman. That's all right. Let's go.
Mr. Chertoff. I'm going to ask you to read the next question and answer so we get the full picture here.
Mr. O'Neill. The next question?
Mr. Chertoff. Yeah, the next two questions and answers.
"Question: All you saw was Mr. Nussbaum coming in and going back into his personal office; is that correct?
"Answer: That's correct.
"Question: Now, before the time Mr. Nussbaum actually

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got into his own personal office, were you aware that anyone else was with him? Did you hear these women's voices that you testified about earlier, or was that only after Mr. Nussbaum was in his own office?
"Answer: It was after he was in his office.
"Question: How long after Mr. Nussbaum got into his own office did you first hear these women's voices?
"Answer: Within seconds."
That's the full testimony; correct?
Mr. O'Neill. That's correct, sir.
Senator Sarbanes. Well, Officer O'Neill, I understood you earlier today to say that you saw Mr. Nussbaum come in and you saw figures with him, right behind him; is that correct?
Mr. O'Neill. I did say that they went in behind him, yes.
The Chairman. Point of clarification.
Senator Sarbanes. When you say –
The Chairman. If I might.
Senator Sarbanes. Yeah, I think we need to –
The Chairman. Just for clarification, when we talk about your observation of Mr. Nussbaum and the figures that were following, and you believe they were women, you're talking about them entering into the suite; is that right?
Mr. O'Neill. To the best of my recollection, Senator,

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I saw Mr. Nussbaum walk into his office.
The Chairman. Right.
Mr. O'Neill. There was a little bit of pause, or a few seconds maybe, and behind him some figures went in, also.
The Chairman. Into the suite and then into his office?
Mr. O'Neill. Yes, sir. Yes, sir.
The Chairman. Okay. Excuse me, Paul.
Senator Sarbanes. Mr. Chairman, I think we're finished with our questions. Are you finished with yours?

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[12] The Chairman. We are finished. Senator Grams, do you
[13] have any?
[14] Senator Grams. No.
[15] Senator Sarbanes. Mr. Chairman, before we break,
[16] then, and I don't have a question to put to Mr. O'Neill,
[17] but I do want to make this point. Counsel together on the
[18] 11th of July wrote to Mr. Starr to ask for the FBI reports
[19] and the FBI interview notes with respect to Officer O'Neill
[20] and Ms. Williams.
[21] Now, we've heard testimony today that Officer O'Neill
[22] was interviewed by the FBI of – well, we're not quite
[23] clear, either four or five times, four or five times.
[24] There's a discrepancy in some of the depositions.
[25] The Chairman. I think four times plus ours would be

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[1] the fifth.
[2] Senator Sarbanes. The grand jury appearance, and
[3] actually in one of his depositions he said he was
[4] interviewed five times by the FBI. And today I think he
[5] had some difficulty recollecting, but it's clear it's at
[6] least four, maybe five.
[7] On the 18th, we joined together in emphasizing that
[8] request. Now, the Independent Counsel has turned that
[9] down, but I frankly think we should renew the request to
[10] the Independent Counsel for those reports. We've had – if
[11] their concern was, in a sense, confidentiality, a lot of
[12] that has been laid out here today in the course of this
[13] hearing from Officer O'Neill. And it seems to me, at least
[14] just speaking for myself, that it's – I think it's clear
[15] that it would be helpful if we could have access to those
[16] successive interviews and the notes and reports with
[17] respect to them.
[18] The Chairman. We'll renew that request. We'll ask
[19] counsel to join in a request of the full committee once
[20] again as it relates to both those interviews and to the
[21] other matter that we have asked with respect to Ms. Maggie
[22] Williams.
[23] Senator Sarbanes. Very good.
[24] The Chairman. I want to thank Mr. O'Neill and your
[25] counsel for being here. I know this isn't easy, I know

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[1] it's tough, and we certainly appreciate your cooperation.
[2] Mr. O'Neill. Thank you, sir.
[3] Senator Sarbanes. Now, Mr. Chairman, I take it we're
[4] going to break and renew right after the vote. Is that –
[5] The Chairman. My intention –
[6] Senator Sarbanes. I would like to do that.
[7] The Chairman. I understand. And – here is my
[8] intention. My intention is to swear in the witnesses, see
[9] if they have any statements to make, get their statements
[10] and then see how much time, if any, we have before the
[11] vote. I think I at least want to get that going because I
[12] know that's going to save us time tomorrow. So why don't
[13] we call –
[14] Senator Sarbanes. Later this afternoon, isn't it?
[15] Are we going to come back afterwards? I thought we were
[16] going to resume after the vote.
[17] The Chairman. Let's see how much we can get in here.
[18] If we want to resume, you're talking about coming back
[19] about 3:00 or so. At 1:50 we have four possible votes, so
[20] that's at 2:00, four votes is going to bring us to at
[21] least – why don't we swear the witnesses in first and then
[22] we'll look at it. We'll call our second panel. Margaret
[23] Williams and Evelyn Lieberman.
[24]
[25]

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[1] Can I ask the two witnesses to stand and take the
[2] oath.
[3] (Witnesses sworn.)
[4] The Chairman. Thank you.
[5] Ms. Williams, do you have a statement that you'd like
[6] to give to the committee at this time?
[7] Ms. Williams. Yes, Mr. Chairman, I do.
[8] The Chairman. We'd be pleased to receive it.
[9] Senator Sarbanes. Ms. Williams, I think it would be
[10] helpful – you can pull that right to you and speak right
[11] into it. I think it would be helpful to us.
[12] Ms. Williams. Okay.
[13] Senator Sarbanes. That's much better.
[14] SWORN TESTIMONY OF MAGGIE WILLIAMS, ASSISTANT TO THE
[15] PRESIDENT AND CHIEF OF STAFF TO THE FIRST LADY
[16] Ms. Williams. I'm Maggie Williams. I'm assistant to
[17] the President and chief of staff to the First Lady.
[18] Mr. Chair[illegible] members of the committee, Vince Foster
[19] was more than just a coworker at the White House. Vince
[20] Foster was a friend who embodied unpretentious good
[21] judgment, keen insight and a mature perspective that many
[22] of us relied upon, particularly in difficult times. Vince

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[23] Foster was greatly admired at the White House for his quiet
[24] confidence, his humble manner and his habit of not speaking
[25] out unless he had something to say.

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[1] Vince was a source of great personal support for me.
[2] I recall that he often told me to trust my own instincts
[3] and to be guided by common sense. He assured me by relying
[4] on common sense, I would look like a genius. Vince would
[5] chide me for being pessimistic, and his own sense of
[6] optimism gave me the encouragement to face the day-to-day
[7] pressures that were inherent in our work.
[8] When I received a call from the First Lady at my
[9] apartment on the evening of July 20, 1993 telling me that
[10] Vince Foster had died, I was deeply shaken. As I
[11] considered his death over the days that followed, I
[12] realized that before he died, Vince looked tired and
[13] overworked. I also knew that he missed spending time with
[14] his family, but I did not think, not in a million years,
[15] that Vince was so distraught that he would take his own
[16] life. To this day, I cannot reconcile myself to his
[17] death.
[18] The evening of his death I went to the White House
[19] with Mrs. Evelyn Lieberman, my assistant. I was unable to
[20] think of anything else to do. I wanted to be available. I
[21] wanted to be around as I had been the night Mrs. Clinton's
[22] father had died.
[23] Although I do not remember everything I did at the
[24] White House that evening, I do recall asking Evelyn
[25] Lieberman, my assistant, to remain in the foyer of

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[1] Mrs. Clinton's office to take or make calls; spending a
[2] short time in Mark Gearan's office, the director of
[3] communications, and reviewing a press statement, perhaps
[4] even making copies of it; going to my office on the second
[5] floor to look for a copy of the schedule; and then
[6] returning to Mrs. Clinton's office.
[7] At some point that evening, I noticed a light was on
[8] in Vince Foster's office. All evening, I had been avoiding
[9] looking in the direction of Vince's office as I entered and
[10] left the First Lady's suite. But in a strange way, when I
[11] saw the light on in his office, I had this hope, albeit
[12] irrational, that I would walk in and I would find Vince
[13] Foster there and we would have a chat sitting on his
couch,
[14] as we had done so many times before.
[15] When I walked into his office, I found Patsy Thomasson
[16] sitting behind Vince's desk looking, as I later learned,
[17] possibly for a suicide note. I began to cry. I sat on
[18] Vince's couch, and I cried the whole time. Bernie Nussbaum
[19] at one point came in and wandered around the office. He
[20] seemed at a loss for what he should do. I was in Vince's
[21] office for a very brief time. Bernie and I left at
[22] approximately the same time.
[23] I took nothing from Vince's office. I didn't go into
[24] Foster's office with anything in mind concerning any
[25] documents that might be in his office. I did not look at,

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[1] inspect or remove any documents. At no time was I
[2] instructed by anyone nor was there any suggestion from
[3] anyone that I go into Vince's office on the evening of July
[4] 20th. I disturbed nothing while I was there.
[5] Two days later, on the afternoon of Thursday, July 22,
[6] the day before Vince Foster's funeral in Little Rock,
[7] Arkansas, I received a call from Bernie Nussbaum asking me
[8] to come to Vince's office and to take care of having the
[9] personal files of the President and Mrs. Clinton delivered
[10] to their personal lawyer, who was Bob Barnett of Williams &
[11] Connolly at the time. I met Bernie Nussbaum in Vince's
[12] office and collected the files under Bernie's supervision.
[13] Because it was late in the day and I was getting up
[14] early the next morning to fly to Little Rock for the
[15] funeral, and mostly just because I was tired and exhausted
[16] and I wanted to go home, I decided to wait until the
[17] funeral – until after the funeral to transfer the
[18] documents to Mr. Barnett. After speaking with the First
[19] Lady, I arranged for the files to be temporarily kept in a
[20] locked closet in the White House residence.
[21] I gave the files to a messenger from Williams &
[22] Connolly the following week. To my knowledge, the files
[23] that I collected and delivered to Mr. Barnett were personal
[24] files of the Clintons.
[25] Nothing I observed in the handling of these files

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suggested to me that they were being handled improperly. Everything I saw on the evening Vince died mirrored in many ways my personal experience with the death of friends and family: the gathering, the grieving, the comforting and the wondering whether anything you could have done was left undone, if anything you could have said was left unsaid. How could you make Vince come alive again. That evening was not about documents. I hope you will believe this when I say it: I finally resolved in my own mind that I'm actually happy to be here today because I am hoping that my testimony will be helpful in putting to rest any suggestion that my response or the response of anyone else in the White House to Vince Foster's death was to engage in improper conduct. Thank you very much.

The Chairman. Thank you very much, Ms. Williams. Ms. Lieberman, do you have a statement you'd like to make?

SWORN TESTIMONY OF EVELYN S. LIEBERMAN, DEPUTY ASSISTANT TO THE PRESIDENT AND THE DEPUTY PRESS SECRETARY FOR OPERATIONS AT THE WHITE HOUSE.

Ms. Lieberman. Yes, sir. Mr. Chairman, and members of the committee, my name is Evelyn Simonowitz Lieberman. I'm from Long Beach, New York, and I have lived in Washington since 1971. I am deputy assistant to the President and the deputy press secretary for operations at

the White House. I report to Mike McCurry, the White House press secretary. Prior to joining the press office in October 1994, I was assistant to Maggie Williams, Mrs. Clinton's chief of staff. Before joining the administration in January 1993, I served for 4-1/2 years as press secretary to Senator Joseph Biden of Delaware, then chairman of the Senate Judiciary Committee. During the time I worked for Senator Biden, I helped set up many committee hearings. As a staff person, I understood and understand today the seriousness of such an undertaking and how important it is to find the truth. And I hope that we're looking for the truth now. I will answer any questions you may have. Thank you.

The Chairman. Thank you very much. Now, it is now 1:21, and we have four roll call votes –

Senator Sarbanes. Apparently three, Mr. Chairman.

The Chairman. All right, three roll call votes.

Senator Sarbanes. We can come back sooner.

The Chairman. Set at, starting at 1:50. At the suggestion of counsel for both sides and the Ranking Member, it would seem to me appropriate to take a break, because we're going to be leaving in any event at 1:50, and try to get back here as soon as the last vote concludes, hopefully at quarter to 3:00. And this way we can get as much testimony as possible between now and when we

adjourn. I don't know whether we're going to be able to complete the session with our two witnesses, but I'd like to get as much as possible done today. I want to thank you for being here. I'm going to say we're going to take a recess, and we will reconvene at 2:45.

(Whereupon, at 1:22 p.m., the hearing was recessed, to be reconvened at 2:45 p.m. this same day.)

AFTERNOON SESSION (2:57 p.m.)

The Chairman. We apologize. We started a little bit late because the vote did not go off at 1:50 the way they had announced, but we are here and I'd like to see if

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we
[5] can't get as much of the questions asked as we possibly
[6] can, and it's my intention to push as far as we can. If it
[7] becomes obvious that we will not end by about a quarter
[8] after 4:00, then I'll make a determination just how long
[9] we're going to go.
[10] Mr. Dennis. Mr. Chairman, if I might address the
[11] committee. I'm Edward Dennis. I'm counsel for Margaret
[12] Williams.
[13] The Chairman. Ed, how are you? Why don't you take a
[14] chair here.
[15] Mr. Dennis. That's not necessary, Mr. Chairman. I
[16] wanted to address you briefly, and I realize it's not
[17] customary for counsel to address the committee.
[18] The Chairman. Why don't you sit down and do exactly
[19] that, Ed.
[20] Mr. Dennis. The opportunity –
[21] The Chairman. You have the opportunity. Take that
[22] microphone in front of you.
[23] Mr. Dennis. Thank you very much. I thought it might
[24] be helpful before the testimony begins to submit to the
[25] committee a number of documents that had been made a part

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[1] of the record, and we've made copies so that each member of
[2] the committee can have a copy of an affidavit that I have
[3] prepared and sworn to in connection with a polygraph
[4] examination – to be more precise, two polygraph
[5] examinations which my client, Margaret Williams has taken,
[6] and I'd like to make that a part of the record.
[7] It basically sets forth my certification that she's
[8] passed these polygraph examinations according to the
[9] polygraphers that conducted them. There's also a copy of a
[10] report from a Mr. William Anderson, who conducted one of
[11] the polygraphs as a private polygrapher.
[12] Mr. Chertoff and I had agreed that this report,
[13] although it could be read into the record at Mr. Anderson's
[14] deposition, which was held on Monday, that I would not
[15] make – did not want to have the report itself made a part
[16] of the record. However, we do intend to release this
[17] publicly, and I did not want to withhold from this
[18] committee any document that was going to be released
[19] publicly and so I'd like to make that a formal part of this
[20] record for the committee's consideration, along with a
[21] short biography of Mr. Anderson, if you feel that that
[22] would be helpful.
[23] The Chairman. We'll receive all of those things.
[24] Mr. Dennis. Thank you very much, Mr. Chairman.
[25] Mr. Chertoff. Thank you, Mr. Chairman.

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[1] The Chairman. Ed, have you given copies to our
[2] people? Do we have those documents, do you know?
[3] Mr. Dennis. I'm sorry, I do have copies with me.
[4] Should I approach the –
[5] The Chairman. Why don't we get somebody who will come
[6] on over and make them available and they'll distribute them
[7] to the committee. We thank you.
[8] Mr. Dennis. Thank you very much, Mr. Chairman.
[9] The Chairman. Mr. Chertoff.
[10] Mr. Chertoff. Ms. Williams, good afternoon.
[11] Ms. Lieberman, good afternoon. Thank you for appearing.
[12] We understand that you had to delay a trip in order to
[13] appear, and we appreciate that. We also appreciate that
[14] the events of particularly the 20th were difficult and we
[15] don't want to revive those unpleasant and difficult
[16] memories.
[17] We want to focus as much as possible on the essential
[18] parts of what we're looking at for the committee. We do
[19] have your statement which sets forth in a couple of
[20] paragraphs the events of the 20th.
[21] I want to ask you briefly with respect to that. Your
[22] recollection of your period of time in Mr. Foster's office
[23] is that you were seated on the couch, that when you
[24] arrived, Ms. Thomasson was already there behind the desk;
[25] correct?

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[1] Ms. Williams. That is my recollection.
[2] Mr. Chertoff. And then after you arrived and sat down
[3] on the couch, Mr. Nussbaum came in?
[4] Ms. Williams. Yes.
[5] Mr. Chertoff. Correct?
[6] Ms. Williams. That's my recollection.
[7] Mr. Chertoff. And then you recall leaving with
[8] Mr. Nussbaum, although you don't remember whether you
[9] walked out first or Mr. Nussbaum walked out first?

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Ms. Williams. Yes. I don't recall which of us left the room first, but I think that we left fairly close to each other in time.
Mr. Chertoff. In fact, you have an image in your mind, I take it, of Mr. Nussbaum ahead of you on the staircase going down from the second floor?
Ms. Williams. Right, that's correct.
Mr. Chertoff. And your recollection is that Patsy Thomasson was then left alone, remaining in Mr. Foster's office?
Ms. Williams. That's correct.
Mr. Chertoff. I will also ask you because it was obviously presented by the last witness, did you remove anything from Mr. Foster's office on the 20th?
Ms. Williams. No, sir, I did not.
Mr. Chertoff. Did anybody give you anything on the

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20th to remove?
Ms. Williams. No, sir, they did not.
Mr. Chertoff. Now, let me move your attention to the 22nd of July, that's the Thursday. And on that Thursday you were at the White House; correct?
Ms. Williams. Right.
Mr. Chertoff. Was there a period of time that you were – were you in your office at the Old Executive Office Building during the afternoon?
Ms. Williams. Yes, sir, I was.
Mr. Chertoff. Were you aware that at some point in the early afternoon there was some kind of a review of documents that took place in Mr. Foster's office in which Mr. Nussbaum and members of the White House counsel's office were present and in which certain representatives of law enforcement were present?
Ms. Williams. I don't know at what time I had that knowledge. It seems to me that there were at least two days when the officials were coming to review the contents of Vince's office, Wednesday and Thursday, but I believe it's Thursday that they actually did the review so –
Mr. Chertoff. You were not present in the office for the review?
Ms. Williams. No, no, sir.
Mr. Chertoff. So you don't have any firsthand

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observations of what occurred during that review early in the afternoon on the 22nd?
Ms. Williams. No, I do not.
Mr. Chertoff. Were you present for any of the discussions among members of the White House counsel's staff before that review took place about the manner in which it would be conducted?
Ms. Williams. As I've said in my deposition, it is my recollection that there was a lot of discussion in the White House generally about how the review might take place. It is possible that I was in a conversation, but peripherally, as I would recall it.
Mr. Chertoff. Do you remember anything about those conversations?
Ms. Williams. Generally, I think there was an issue of whether or not anyone could come into Mr. Foster's office and simply start looking at his documents, if there was some issue that had to do with executive privilege or some process by which the officials who were interested in looking at the documents in the White House might accommodate each other. That seemed to be the general thrust of the discussion.
Mr. Chertoff. Do you remember whether there were discussions about any prior arrangements with the Justice Department on how that review would be handled early in the

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afternoon on the 22nd?
Ms. Williams. No, sir, I do not.
Mr. Chertoff. Do you remember the participants in the discussions?
Ms. Williams. No. It seemed to me there was quite a bit of chatter. I don't recall specific discussions, but my sense is that there were discussions. It may be more informal than formal, as I recall.
Mr. Chertoff. Now, in the afternoon of that Thursday, were you involved in preparing with others for a trip that was to take place to Little Rock the following morning?
Ms. Williams. Yes, I was somewhat involved.
Mr. Chertoff. Where were you during the afternoon of the 22nd from about 3:00 until about 5:00? Let's start at 3:00. Where were you around 3:00?
Ms. Williams. I don't know. I think I was in my office, in room 100.
Mr. Chertoff. And that's in which building?
Ms. Williams. That's in the Old Executive Office Building.
Mr. Chertoff. Did you receive a message shortly after 3:00 that Bill Burton from the chief of staff's office was trying to reach you?

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[24] Ms. Williams. Well, I don't recall receiving a
[25] message, but in terms of the documents which were sent to

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[1] the committee, I know that my staff looked and saw a
[2] message from Mr. Burton, so I don't recall speaking to him,
[3] but there was a message.
[4] Mr. Chertoff. So you don't remember the message, but
[5] you've simply seen a document now that records the message?
[6] Ms. Williams. That's correct.
[7] Mr. Chertoff. And about 20 minutes later, did
[8] Mr. Neuwirth from the White House counsel's office give you
[9] a call?
[10] Ms. Williams. According to the documents that I sent
[11] to the committee, there's an indication there was a call
[12] from Mr. Neuwirth.
[13] Mr. Chertoff. And again, that's on a message pad?
[14] Ms. Williams. Pardon? I'm sorry?
[15] Mr. Chertoff. That's on a message pad?
[16] Ms. Williams. Yes.
[17] Mr. Chertoff. And you don't remember this yourself?
[18] Ms. Williams. No, only since I've – only since we've
[19] looked, produced it and I've since seen it in the course of
[20] my deposition with the Senate.
[21] Mr. Chertoff. Do you know whether Mr. Burton and
[22] Mr. Neuwirth were in the room in which the document review
[23] by Mr. Nussbaum in the presence of law enforcement officers
[24] was taking place?
[25] Ms. Williams. I do not know that. I do not know

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[1] that. I recall that one of them may have been in the room,
[2] but I don't have any firsthand knowledge of it.
[3] Mr. Chertoff. Now, after the message at 3:05 and the
[4] message at 3:25, did there come a point in time that you
[5] actually talked to Bernie Nussbaum?
[6] Ms. Williams. Yes, sir.
[7] Mr. Chertoff. And how did that come about?
[8] Ms. Williams. Mr. Nussbaum called me in my office.
[9] He said that he was – as I understand it, let me give you
[10] the gist of the conversation – that he was distributing
[11] the documents from Vince's office, and he asked me if I
[12] would be responsible for getting the personal documents of
[13] the President and Mrs. Clinton, which he was compiling, as
[14] I understood it, and get them to their personal lawyer, who
[15] was at the time Bob Barnett of Williams & Connolly.
[16] Mr. Chertoff. Now, in this conversation that
[17] Mr. Nussbaum had with you, did he tell you whether he had
[18] just completed a session in which he went through the
[19] documents, and there were law enforcement officials
[20] present?
[21] Ms. Williams. No, I don't recall him saying that to
[22] me.
[23] Mr. Chertoff. You remember him specifically telling
[24] you, though, that he had in mind a particular lawyer to
[25] which the documents were going to go?

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[1] Ms. Williams. Oh, yes. I'm pretty certain he said to
[2] get them over to the Clintons' personal lawyer. I don't
[3] know if he told me the name or if I just knew that that
[4] would be Bob Barnett.
[5] Mr. Chertoff. He didn't indicate to you that he had
[6] any uncertainty about which lawyer the documents would be
[7] given to?
[8] Ms. Williams. He didn't indicate, as I recall, any
[9] certainty or uncertainty. What I believe he said to me was
[10] would you get these over to the personal lawyer of the
[11] Clintons, who I believed, and I was right, was Bob Barnett
[12] of Williams & Connolly.
[13] Mr. Chertoff. He didn't tell you which lawyer was
[14] going to be the one getting them?
[15] Ms. Williams. I don't recall that he did, no.
[16] Mr. Chertoff. Do you know whether in this period of
[17] time the Clintons used other lawyers for various of their
[18] personal matters?
[19] Ms. Williams. The only other person that I could
[20] think of would be – it seems to me with the filing of the
[21] Clintons' tax returns, they used a different – a tax
[22] specialist.
[23] Mr. Chertoff. Was that a Mr. Berman?
[24] Ms. Williams. Berman, no.
[25] Mr. Chertoff. Did they use a Mr. Lyons?

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[1] Ms. Williams. No.
[2] Mr. Chertoff. But you remember there was a separate
[3] tax specialist lawyer that they used?
[4] Ms. Williams. Separate in the sense that this was a
[5] person who dealt with the taxes, but as I understood it, it
[6] was through the firm of Williams & Connolly. But on the
[7] issue of taxes, because the President and the First Lady
[8] make a formal accounting at tax time, they had moved

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beyond, I guess, general assistance at Williams & Connolly,
and sought a specialist in the area of tax.
Mr. Chertoff. Did you indicate to Mr. Nussbaum in the phone conversation that you understood that Mr. Barnett –
he wanted Mr. Barnett to get the documents?
Ms. Williams. I'm sorry, could you repeat that?
Mr. Chertoff. In your phone conversation with Mr. Nussbaum, did you tell him or did you confirm with him
that Mr. Barnett was the one who was supposed to receive
the documents?
Ms. Williams. No, I don't have any recollection that I specifically confirmed that with him.
Mr. Chertoff. And you don't recall that he told you the lawyer to send them to?
Ms. Williams. No, sir, I do not.
Mr. Chertoff. But you in your own mind knew who the lawyer was who they should go to?

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Ms. Williams. I had a pretty good sense.
Mr. Chertoff. From where?
Ms. Williams. From working every day at the White House and knowing Bob Barnett and having had other contact
with Bob Barnett.
Mr. Chertoff. Had Mr. Barnett previously told you he was expecting to get personal documents from the Clintons
that were in Mr. Foster's office?
Ms. Williams. No, he had not. No, he had not.
Mr. Chertoff. And before this phone call from Mr. Nussbaum, had you had any conversation with either the
President or the First Lady about how their personal documents should be handled?
Ms. Williams. No, I had not.
Mr. Chertoff. Now, after you got the call from Mr. Nussbaum, did you go over to the White House counsel's
office?
Ms. Williams. Not immediately, but sometime shortly after.
Mr. Chertoff. And when you went in to Mr. Foster's office, what did you see?
Ms. Williams. Everything was pulled out, and there were stacks of files and documents everywhere.
Mr. Chertoff. And what happened?
Ms. Williams. Mr. Nussbaum was there and he directed

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me to either a stack of files that were sitting on the coffee table or he directed me to a box in which there were
files. I can't remember which, but files either in a box or on a coffee table, he pointed them out to me as the
personal files that I was to collect and get to Bob Barnett.
Mr. Chertoff. And so you just picked up the files and packed them up in a box?
Ms. Williams. Well, as I said before, I'm not clear whether or not they were in a box when I was there, that he
had them already arranged in a box or whether or not they
were sitting in a stack, and I, in fact, got a box to put them in, but there were files that were clearly designated
by Mr. Nussbaum as the files for transferring to the personal lawyer.
Mr. Chertoff. So Mr. Nussbaum had already made the selection of the files before you got there?
Ms. Williams. That's my understanding, yes.
Mr. Chertoff. And what you did was either take the pile or take the box and arrange to have them removed?
Ms. Williams. Yes. Of course, not immediately.
Mr. Chertoff. So you didn't do any selection of files yourself?
Ms. Williams. No, I did have an occasion to do one selection of a file. Mr. Nussbaum had said to me when

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designating the files, these are the files to be taken. You might want to eyeball the room or take a quick look
around to see if there's something that I've missed.
Mr. Chertoff. Let me make sure I understand this. You're telling us that Mr. Nussbaum called you in at the
point at which the files he had designated a set of files,
but then he asked you to look around the room and see if
there was anything he had missed?
Ms. Williams. He asked me to take a look around – to eyeball – the remaining files to see if there were any
that should be included.
Mr. Chertoff. And what does that mean, "eyeball"?
Ms. Williams. Well, the way I've tried to describe it is it's like the check when you're leaving a hotel.
Mr. Chertoff. You open drawers?
Ms. Williams. You open drawers, although in this case
every drawer was open, it seems to me. You just look around to see if you've left anything, if anything catches
your eye.
Mr. Chertoff. And did you eyeball the room?
Ms. Williams. It was not as complete as one might want, but I did take a look around. I mean, clearly.
Bernie Nussbaum had put files together. I didn't think it
was incumbent upon me to do a huge search, but I did look

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[25] because he asked me to, and I pulled out – I saw a file

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[1] that said "taxes" on it.
[2] Mr. Chertoff. Where did you see that file?
[3] Ms. Williams. Behind Vince's desk, there's a
[4] bookshelf credenza-like file. A file was pulled out, and I
[5] don't remember if the files were standing up or if they
[6] were laying down, but I saw on the tab "taxes," and I don't
[7] know if that was a whole label on it, but I know that "tax"
[8] was a part of it.
[9] Mr. Chertoff. So this file marked "taxes" was part of
[10] a group of files, either in a drawer or stacked up on a
[11] table?
[12] Ms. Williams. No.
[13] Mr. Chertoff. Was it sitting by itself?
[14] Ms. Williams. No, no, no. We're not talking about a
[15] table.
[16] Mr. Chertoff. Credenza, I'm sorry.
[17] Ms. Williams. In the credenza, which is a file
[18] drawer, there was either the – they were either laying
[19] down flat where you could see the tabs sideways or they
[20] were laying – or they were standing up where you could see
[21] the tabs.
[22] Mr. Chertoff. So you reviewed the tabs of the files?
[23] Ms. Williams. I took a look, yeah.
[24] Mr. Chertoff. And you saw one marked "taxes"?
[25] Ms. Williams. Uh-huh.

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[1] Mr. Chertoff. What did you do?
[2] Ms. Williams. I picked it up and I put it on the
[3] table that had the other files that Mr. Nussbaum had
[4] directed me to take.
[5] Mr. Chertoff. How many other files were there in that
[6] area where you found the file marked "taxes"?
[7] Ms. Williams. Oh, I don't remember. Maybe a few. I
[8] don't really remember. I just remember the word jumping
[9] out.
[10] Mr. Chertoff. Do you remember the any of the names on
[11] any of the other files?
[12] Ms. Williams. No.
[13] Mr. Chertoff. Do you remember anything else about the
[14] other files?
[15] Ms. Williams. No, because I think in my head, as the
[16] files had been described to me by Mr. Nussbaum, they were
[17] personal files, and so I was trying to make a connection in
[18] my cursory look around about what would be considered a
[19] personal file. And [illegible] head, I thought, okay, maybe a
[20] personal file would be something that had Chelsea Clinton's
[21] name on it, personal file to me meant taxes. So I
[22] connected with that file.
[23] Mr. Chertoff. Now, this file marked "taxes," was that
[24] with a group of other personal files, or was it
[25] intermingled with files that you believe to be official

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[1] files as well?
[2] Ms. Williams. I don't know if I had any beliefs about
[3] the files. In my mind, there was a stack of files that
[4] Bernie had designated as personal files, which were on the
[5] coffee table, either in a stack or in a box. I can't
[6] remember which. And then there was the period in which I
[7] took a look around the room at Mr. Nussbaum's instruction
[8] and my eye caught a file that said "taxes."
[9] Now, it could have been other personal files. I don't
[10] know that, but I wasn't making an overall judgment.
[11] Nothing clicked with me in terms of there being in that
[12] stack other personal files. I selected the one I thought
[13] was most in the category of personal file.
[14] Mr. Chertoff. Kind of like Jeopardy. So you reached
[15] over and you pulled out this file marked "taxes"?
[16] Ms. Williams. Yes, I did.
[17] Mr. Chertoff. Did you open it?
[18] Ms. Williams. No, I didn't.
[19] Mr. Chertoff. You just went over and put it with the
[20] files to go with the residence?
[21] Ms. Williams. Yes, I did.
[22] Mr. Chertoff. And from the outside of the file, from
[23] what you saw, you had no way of telling whether this was a
[24] file about the Clintons' taxes or a file about Mr. Foster's
[25] taxes, did you?

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[1] Ms. Williams. No, I did not.
[2] Mr. Chertoff. Did you ask Mr. Nussbaum, is this a
[3] file I ought to take?
[4] Ms. Williams. No, I did not.
[5] Mr. Chertoff. Did you ask anybody else in the White
[6] House counsel's office if this is a file you ought to take?
[7] Ms. Williams. No, I did not.
[8] Mr. Chertoff. Was there a period of time when you
[9] were in the office there with Mr. Nussbaum that you and he
[10] actually sat down and went through a drawer of files which
[11] were personal files to the Clintons?
[12] Ms. Williams. No, there was not at that time.
[13] Mr. Chertoff. That didn't happen?
[14] Ms. Williams. No, it did not.

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[15] Mr. Chertoff. Did it happen in there when you were in
[16] there with Mr. Nussbaum when Deborah Gorham, Mr. Nussbaum's
[17] secretary, walked into the office?
[18] Ms. Williams. Debbie was in and out of the office,
[19] yes.
[20] Mr. Chertoff. Was there a point in time she offered
[21] to help Mr. Nussbaum go through an index or a list of the
[22] personal files?
[23] Ms. Williams. Not while I was there, not that I
[24] recall, no.
[25] Mr. Chertoff. That did not happen when you were

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[1] there?
[2] Ms. Williams. No, I don't recall that happening.
[3] Mr. Chertoff. Did you or Mr. Nussbaum ask Ms. Gorham
[4] to come in and make any kind of a list or record of the
[5] files that were being removed or packed up to be removed
[6] from Mr. Foster's office and taken up to the residence?
[7] Ms. Williams. No. Bernie called me in my office. I
[8] went over to Vince Foster's office. He designated a group
[9] of files that were personal. They were on the table. They
[10] were either in a stack or in a box. He asked me to take a
[11] look around to see if he had left anything out. My eye
[12] connected with a file marked "taxes." I picked it up and I
[13] put it on the stack.
[14] Mr. Chertoff. And that's the only file you selected
[15] when you eyeballed the room?
[16] Ms. Williams. Yes.
[17] Mr. Chertoff. And where was Nussbaum at this time?
[18] Ms. Williams. Either he was in the room, in the
[19] doorway, or taking a call in his office.
[20] Mr. Chertoff. But he was certainly in the vicinity?
[21] Ms. Williams. Yes, he was.
[22] Mr. Chertoff. You arranged to have somebody come and
[23] help you take those files up to the residence?
[24] Ms. Williams. It wasn't much of an arrangement. I
[25] called out to someone who was sitting in the foyer of the

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[1] counsel's suite, a young guy that I thought was an intern,
[2] and said could you help me take these.
[3] Mr. Chertoff. Was that Tom Castleton?
[4] Ms. Williams. Yes, it was.
[5] Mr. Chertoff. And did you pack those up in a box with
[6] him and give it to him to take out?
[7] Ms. Williams. Well, as I said before, I don't recall
[8] if they were already in a box, but if they weren't in a
[9] box, I know I put them in a box in order to carry them
[10] because I do remember looking for a top. I remember going
[11] into the copying room and looking for a top for a Xerox
[12] box.
[13] Mr. Chertoff. And then Mr. Castleton was the one who
[14] physically picked up the box and took it out of
[15] Mr. Foster's office?
[16] Ms. Williams. Yes.
[17] Mr. Chertoff. And you went with him?
[18] Ms. Williams. Yes, I did.
[19] Mr. Chertoff. On your way up to the residence, did
[20] you stop anywhere?
[21] Ms. Williams. On my way up to the residence, did I
[22] stop anywhere?
[23] Mr. Chertoff. Let me be clearer. Between the time
[24] you and Mr. Castleton walked out of Vincent Foster's office
[25] with the box, until you left – until you got up to the

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[1] residence, did you stop and enter any other rooms?
[2] Ms. Williams. Well, I don't necessarily recall
[3] stopping. But in thinking about this, I know that I
[4] stopped to pick up something, which I now believe were
[5] dresses or something, in Mrs. Clinton's office.
[6] Mr. Chertoff. You remember stopping in Mrs. Clinton's
[7] office?
[8] Ms. Williams. Yes, I do.
[9] Mr. Chertoff. Now you remember what you picked up
[10] were dresses?
[11] Ms. Williams. Well, I think that's what I had in my
[12] hand.
[13] Mr. Chertoff. Is that a memory that you have recently
[14] come to?
[15] Ms. Williams. No, in my deposition, when I started –
[16] when you asked me this question before, and I started to
[17] tell you that, at that moment, I was advised by my lawyer
[18] that I didn't have to say exactly what the materials were.
[19] Mr. Chertoff. Now, before you left Mr. Foster's
[20] office with Mr. Castleton, did you have any telephone
[21] conversations about the documents in Mr. Foster's office?
[22] Ms. Williams. Yes, I did.
[23] Mr. Chertoff. And tell us who you called.
[24] Ms. Williams. I called Mrs. Clinton – well, I had
[25] three calls. I called Bob Barnett's office. I don't know

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[1] if I spoke to Bob Barnett or if I spoke to the person who
[2] works with him in his office. I called Mrs. Clinton, who
[3] was in Arkansas, and then I called Carolyn Huber, an
[4] assistant to the President who was working in the

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White
House.
Mr. Chertoff. Now, you called Mr. Barnett's office to indicate that you were not going to be bringing the documents over?
Ms. Williams. Well, it wasn't a matter of bringing the documents over, quite frankly, it was a matter of someone coming to pick the documents up. When I had talked to Mr. Barnett after speaking to Mr. Nussbaum, I had indicated that I was going to send some files over as soon as they got together, and he said that he would send someone to get them.
And although I don't remember this exactly, the logic of it – of the phone call suggests to me that he said he would send someone over to pick them up.
Mr. Chertoff. So then, again, you called him up after you'd gone through this procedure in Mr. Foster's office to tell him not to send someone?
Ms. Williams. Well, I wouldn't necessarily describe it as a procedure, but what happened was I took several calls in my own office in the west wing. I don't know if I took them in the vestibule of Mrs. Clinton's office,

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because the person who takes her calls sometimes takes calls from me, but I know I had several telephone calls back and forth, people calling me saying to pick up the phone.
So the day started getting a little later. I knew that I was going to Little Rock, or I had finally made a determination that I was going to go to Vince's funeral the next day. And, quite frankly, I was tired. And when I thought about the time it would take – if anyone has tried to get into the White House complex, the time it would take, both to get a messenger, clear them in and actually have them get in and collect the box, I decided I could be at home in that time, and I decided at that point that the sending and the waiting for someone to pick up the documents would have to wait until later. And then my next decision was so what am I going to do with them.
Mr. Chertoff. So then you called Mr. Barnett and told him not to send someone over that day?
Ms. Williams. Yeah. If it was Mr. Barnett, someone in his office, but I figured that part of the

Mr. Chertoff. Then you made a call to the First Lady?
Ms. Williams. Yes.
Mr. Chertoff. Tell us where did you reach her.
Ms. Williams. Well, I went through Signal, so wherever they reached her. She was in Arkansas, but they

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reached her.
Mr. Chertoff. And what did you tell her in that phone call?
Ms. Williams. I told her that there were personal files that weren't going to get to the lawyer because I was just tired, and I was going to put them in the White House, in the residence, and where did she want them.
Mr. Chertoff. Well, give us the entire conversation.
Ms. Williams. Well, I couldn't give you the entire – I mean, that's what you remember. It was a very short conversation. I know I had three points that I wanted to make. I was tired, the files weren't going, I was going to put them in the residence, where did she want them – four points.
Mr. Chertoff. You're on the phone with Mrs. Clinton, and you say to her there are personal files that are supposed to go to Mr. Barnett, but I'm not going to send them over. Is that your testimony?
Ms. Williams. You're forgetting a part of it, which is –
Mr. Chertoff. Give us the whole.
Ms. Williams. I'm tired. It wasn't an act of defiance. It was I'm tired. I'm not going to wait around for this. I'm going to put them in the residence, where would you like them?

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Mr. Chertoff. I'm sorry, maybe I'm missing something. Had there been an earlier call with Mrs. Clinton where you had had a discussion with her about the fact that these files were going to be moved out of Mr. Foster's office?
Ms. Williams. No. I didn't have – I didn't have an earlier conversation with her about them.
Mr. Chertoff. So this is the first conversation you're having with her about documents in Vincent Foster's office; right?
Ms. Williams. Yes, that's correct.
Mr. Chertoff. And you pick up the phone and after saying hello and whatever preliminary things are said, you said I'm tired, I'm not going to move the files, we're not going to wait around for the files to be picked up?

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Ms. Williams. Well, I'm sure that I said that there were files – there were files going to the personal lawyer. I'm not getting files over to Barnett. I'm going to – I'm too tired to deal with this. I'm going to put them in the residence, where do you want them.
Mr. Chertoff. Did she ask you what files you were talking about?
Ms. Williams. No, she did not.
Mr. Chertoff. Did she ask you where you were?
Ms. Williams. No, she did not.

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Mr. Chertoff. Did she ask you how many files?
Ms. Williams. No, but let me suggest to you that I could have told Mrs. Clinton that I was going to put 44 elephants in the White House the day after Vince died and she probably would have said okay.
Mr. Chertoff. You're not suggesting that you just would pick up the phone and call Mrs. Clinton and say I'm going to put 44 elephants in the office, are you?
Ms. Williams. No, but I'm suggesting to you that one, when you have the kind of emotionally charged atmosphere that we had at the White House the day after Vince died,
and two –
Mr. Chertoff. Two days after?
Ms. Williams. Two days – how soon should we be over our grief, one day, two days?
Mr. Chertoff. That's very understandable.
Ms. Williams. And I guess my question is, given the emotional state on that day and given that you were leaving early the next morning for Little Rock, what was the rush about moving the documents out of Mr. Foster's office?
Ms. Williams. Well, apparently – I don't know what the rush was or if there was a rush. What I know is that Mr. Nussbaum asked me to come and pick up files. Apparently I wasn't rushed to get them to the personal lawyer because they didn't get there, but since Bernie

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Nussbaum had asked me to take care of the personal files, I felt as if I needed to place them someplace.
Mr. Chertoff. Why didn't you tell Mr. Nussbaum you were tired, you wanted to leave – they were packed up, you wanted to leave them in the office and have them removed at a later time?
Ms. Williams. Well, I don't know why I didn't tell him that that day. I chose another course of action.
Mr. Chertoff. Did you see or speak to Susan Thomases that day?
Ms. Williams. Either Wednesday or Thursday.
Mr. Chertoff. She actually came to your office?
Ms. Williams. Yes.
Mr. Chertoff. Was the office in the west wing or the office in the Executive Office Building?
Ms. Williams. In the Executive Office Building.
Mr. Chertoff. And is it – does it refresh your recollection if I suggest to you that it's – probably Thursday is the day?
Ms. Williams. It could be Thursday.
Mr. Chertoff. Do you remember approximately when during the day it was?
Ms. Williams. I don't know. For some reason, I want to think midmorning. I'm not sure.
Mr. Chertoff. And what did you talk to her about when

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she came to visit you?
Ms. Williams. Mostly Susan was talking.
Mr. Chertoff. About what?
Ms. Williams. She was concerned about whether or not Vince's family would get any insurance money if it were a suicide, and she proceeded to give me a fairly long story about either a client or someone else she knew who had discovered that a person who had committed suicide, in fact, had some kind of chemical imbalance and in the end, with that discovery, the family – the insurance company was responsive to the family.
Mr. Chertoff. Did she talk to you about anything else besides that?
Ms. Williams. No, she went on about that.
Mr. Chertoff. Did you speak to her at any other time on that day?
Ms. Williams. No, no, just when she came in my office that day is what I remember.
Mr. Chertoff. That's the only time you spoke to her that day?
Ms. Williams. What I remember is when she came into my office.
Mr. Chertoff. Is that the only time you spoke to her that day?
Ms. Williams. What I remember is when she came into

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my office.
Mr. Chertoff. And you don't remember any other conversations?
Ms. Williams. What I remember is when she came

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into
my office at that time.
Mr. Chertoff. Ms. Lieberman, not to leave you out –
and this is my last question because I see my time has run
out. On Thursday the 22nd of July 1993, did you have any
conversations with Susan Thomases?
Ms. Lieberman. I don't remember. I wouldn't remember.
Mr. Chertoff. You have no recollection?
Ms. Lieberman. No, none.
Mr. Chertoff. Thank you, Mr. Chairman.
The Chairman. Senator Sarbanes.
Senator Sarbanes. Mr. Ben-Veniste.
Mr. Ben-Veniste. Thank you, Senator Sarbanes.
Ms. Williams, good afternoon, and, Ms. Lieberman, good
afternoon. I'd like to go to the 20th of July, which is
where we spent a lot of time this morning and tried to
elicit your recollections of the events on the evening of
July the 20th, if I might, at this point, rather than jump
ahead to the 22nd.
On the 20th, Ms. Williams, how did you learn that
Vince Foster was dead?

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Ms. Williams. Mrs. Clinton called me.
Mr. Ben-Veniste. And what do you recall about that conversation?
Ms. Williams. Well, I had two calls from
Mrs. Clinton. First call was to find out where I was, and
she wanted me to stay there because she was going to be
calling when she landed, I believe, so she could get to a
ground phone, which is – didn't strike me as atypical
because we do that lots of times because we're either cut
off from the airplane or if you want to have a whole
conversation, that you try and arrange to have a conversation.
Mr. Ben-Veniste. So you received word that
Mrs. Clinton wished to speak with you, she phoned you from
an airplane and said she would be landing shortly?
Ms. Williams. That's correct.
Mr. Ben-Veniste. And then what happened?
Ms. Williams. Then, I don't know how much time there
was between that call and the next call, but it seems like
a short period of time. Then she said – then she called
again, and I remember the first thing she said was either
sit down or are you sitting down, which struck me as very
strange, and then she said – well, the only words I
remember that she said is that Vince is dead. Vince Foster
is dead.

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Mr. Ben-Veniste. And what did you say?
Ms. Williams. I don't think I said anything. I don't think I could speak.
Mr. Ben-Veniste. And what happened next?
Ms. Williams. No recess, okay. Just keep at this.
Mr. Ben-Veniste. Take your time.
Ms. Williams. I couldn't believe he was dead.
Mr. Ben-Veniste. Did there come a time shortly thereafter when you spoke with Mrs. Lieberman?
Ms. Williams. Almost immediately. I don't know when I hung up with Mrs. Clinton, but almost immediately I called Evelyn, and I don't know if I told her or if she had
already heard. And I probably said something hysterical,
like I've got to go somewhere, I've got to do something,
I'm leaving, I'm going to the White House or whatever. And
she said stay there, I'm coming to get you.
Mr. Ben-Veniste. Mrs. Lieberman, perhaps you could pick up the narrative at this point, if you would. Do you
recall receiving the phone call Ms. Williams has just alluded to?
Ms. Lieberman. Yes.
Mr. Ben-Veniste. And at that time, what was your position?
Ms. Lieberman. I was Maggie's assistant.
Mr. Ben-Veniste. Were you close friends as well?

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Ms. Lieberman. Yes.
Mr. Ben-Veniste. And what do you recall about the conversation?
Ms. Lieberman. Maggie called-and she said either
Vince was dead or Vince committed suicide. She was very
upset, very upset, and I just said stay there, I'm coming
to get you, and I put down the phone. I mean, it was very
brief.
Mr. Ben-Veniste. What did you then do?
Ms. Lieberman. I put on my shoes and I got in the car, and I went to get her.
Mr. Ben-Veniste. Do you recall how you were dressed?
Ms. Lieberman. If it was late at night, and I was
home, I'm sure I had on my uniform: a T-shirt and a pair of
shorts.
Mr. Ben-Veniste. It was July, and it was Washington, D.C.?
Ms. Lieberman. Yes.

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[19] Mr. Ben-Veniste. And what occurred next?
[20] Ms. Lieberman. I went to get Maggie, and she was very
[21] upset, and we drove over to the White House.
[22] Mr. Ben-Veniste. Did you know of the relationship
[23] Ms. Williams had with Vincent Foster?
[24] Ms. Lieberman. Yes.
[25] Mr. Ben-Veniste. And could you describe from your own

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[1] vantage point what that relationship was?
[2] Ms. Lieberman. Well, in addition to being colleagues,
[3] Maggie really respected him professionally. They were very
[4] good friends, and Maggie does not make close friends
[5] easily. She liked him very much, and they just had a very
[6] nice friendly and professional relationship. And she
[7] trusted him very much.
[8] Ms. Williams. I do make friends easily.
[9] (Laughter.)
[10] Ms. Lieberman. Close friends, close friends.
[11] Mr. Ben-Veniste. Mrs. Lieberman, what do you recall
[12] about what happened once you went to Ms. Williams's home?
[13] Ms. Lieberman. I can't remember if I went in to get
[14] her or I sounded the horn or if she was waiting outside. I
[15] don't remember. I just know she got into the car, and she
[16] was crying, pretty hysterical.
[17] Mr. Ben-Veniste. What did the two of you discuss in
[18] terms of what you would do or where you would go?
[19] Ms. Lieberman. I'm not sure we really had a
[20] discussion. I probably just said let's go to the White
[21] House, or I don't even know if we had that discussion. We
[22] just drove and went.
[23] Mr. Ben-Veniste. Why was it clear to you that that
[24] was the place to go?
[25] Ms. Lieberman. I guess – where else do you go? I

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[1] guess there s no real decision being made. Somebody had
[2] died. It was horrible. I guess we wanted to see if we
[3] were needed. I didn't know what else to do, and we just
[4] drove over there. I don't think there was much talk of
[5] where should we go and what should we do.
[6] Mr. Ben-Veniste. And you then arrived at the White
[7] House?
[8] Ms. Lieberman. Yes.
[9] Mr. Ben-Veniste. Ms. Williams?
[10] Ms. Williams. Well, I was just remembering that as
[11] soon as I hung up with Evelyn or Mrs. Clinton, it seemed to
[12] me that my beeper started going off, and I do remember
[13] seeing Gearan, call Gearan – I do remember Gearan's name
[14] on my beeper, I believe.
[15] Mr. Ben-Veniste. This would have been Mark Gearan
[16] from the communications office?
[17] Ms. Williams. Yes.
[18] Mr. Ben-Veniste. And did you see Mr. Gearan when you
[19] arrived at the White House?
[20] Ms. Williams. Yes, at some point during the evening,
[21] I did see him.
[22] Mr. Ben-Veniste. Could you describe the scene as you
[23] arrived at the White House that evening?
[24] Ms. Williams. Let's see – we went over to the west
[25] wing to the entrance, and whatever guard was sitting there,

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[1] we asked him to unlock Mrs. Clinton's door to her office.
[2] Mr. Ben-Veniste. Could we put the chart of the west
[3] wing up on the screen, please. And if the magical dot
[4] could appear, I would ask you to indicate where
[5] Mrs. Clinton's office was.
[6] Ms. Williams. Me?
[7] Mr. Ben-Veniste. Yes. Is the dot –
[8] Ms. Williams. On this diagram?
[9] Mr. Ben-Veniste. Yes.
[10] Ms. Williams. Okay. I guess where it is right now.
[11] Mr. Ben-Veniste. Okay.
[12] Mr. Ben-Veniste. And you asked the guard to unlock
[13] that door. Is that what your recollection is?
[14] Ms. Williams. Right. And when you think of
[15] Mrs. Clinton s office, there's a very small foyer and
[16] there's her office proper, and so we were asking to unlock
[17] the front door.
[18] Mr. Ben-Veniste. Majority counsel has indicated that
[19] there may be inaccuracies in this schematic, so don't take
[20] this as being a scale model or –
[21] The Chairman. The elevator and stairs are reversed.
[22] Mr. Ben-Veniste. And if the photographer wouldn't
[23] mind moving slightly. Thank you.
[24] Did you have a key to that office?
[25] Ms. Williams. No, I do not.

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[1] Mr. Ben-Veniste. Do you remember the name of the
[2] guard who opened that office?
[3] Ms. Williams. No, not at all.
[4] Mr. Ben-Veniste. After that office was opened, then
[5] what happened?
[6] Ms. Williams. I think I called myself – first you
[7] should know my habit. During that period of time, I had an
[8] office that's next door to Mrs. Clinton's office. And my
[9] habit when Mrs. Clinton was in her office was to more or
[10] less be in the foyer of her office, using the phone.

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[11] People would be coming in and out, so even though I had an
[12] office right next door, my habit was to be in that foyer.
[13] I think that I thought that there would be a reason to
[14] have someone sitting there. I thought there would be calls
[15] coming in – calls to make or calls coming in, and so I
[16] asked Evelyn to sit there in the foyer.
[17] Then I left there, and I went down to Mark Gearan's
[18] office, which is on the first floor of the White House. I
[19] went into his office. A lot of people from the White House
[20] seemed to be gathered there. I sat down. I didn't have
[21] much conversation with anyone. I spoke briefly, I think,
[22] with Howard Pastor. And then Mark Gearan gave me a draft
[23] of the statement that the President and Mrs. Clinton were
[24] planning to release with respect to Mr. Foster's death.
[25] Mr. Ben-Veniste. And then what did you do?

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[1] Ms. Williams. Then I went back upstairs. I had the
[2] statement in my hand. As I recall – I don't know if I
[3] gave a statement to Evelyn. I think that I went into the
[4] copying room to copy it. I went into my office at some
[5] point.
[6] Mr. Ben-Veniste. And that is two doors down from the
[7] dot?
[8] Ms. Williams. Okay. All right. There are three dots
[9] now.
[10] Mr. Ben-Veniste. Now there are two?
[11] Ms. Williams. Okay. All right. So you're leaving
[12] the dots in.
[13] Mr. Ben-Veniste. Yes. That's your office and the
[14] first dot reflects where you recollect Mrs. Lieberman was
[15] sitting?
[16] Ms. Williams. Right.
[17] Mr. Ben-Veniste. Does that comport with your
[18] recollection, Mrs. Lieberman?
[19] Ms. Lieberman. Right.
[20] Mr. Ben-Veniste. I'm sorry, I couldn't hear you.
[21] Ms. Lieberman. Yes.
[22] Mr. Ben-Veniste. Thank you. Ms. Williams, will you
[23] continue, please.
[24] Ms. Williams. It's my sense that I was going back and
[25] forth between being totally hysterical about what had

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[1] happened and trying to get a handle on the kinds of things
[2] we might have to do with respect to Mrs. Clinton and the
[3] aftermath of Vince's death.
[4] For instance, in my mind somewhere, I understood that
[5] Mrs. Clinton had an event – at the time I thought it was
[6] Wednesday – that was going to be the day after Vince's
[7] death, and so I wanted to get ahold of the schedule.
[8] During this period, they would slip a copy of
[9] Mrs. Clinton's schedule and the President's schedule
[10] underneath the door in an envelope, and I believe that I
[11] went to my office looking for the schedule. I thought to
[12] make myself useful, if we needed to cancel an event on
[13] Wednesday, I could get the ball rolling in that regard.
[14] Mr. Ben-Veniste. So you had a copy of the draft
[15] statement that was being worked on in connection with the
[16] White House announcement of Mr. Foster's death?
[17] Ms. Williams. Uh-huh.
[18] Mr. Ben-Veniste. Or comment upon the announcement of
[19] Mr. Foster's death, and a Manila envelope that contained
[20] the First Lady's schedule; is that correct?
[21] Ms. Williams. That's what I believe.
[22] Mr. Ben-Veniste. Okay. Now, did there come a time
[23] when you entered the counsel's office?
[24] Ms. Williams. Yes.
[25] Mr. Ben-Veniste. And would you tell us the

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[1] circumstances of that?
[2] Ms. Williams. Well, as I said in my statement, when I
[3] got off the elevator first coming on to the second floor, I
[4] couldn't look in the direction of the counsel's office. I
[5] just looked away. At some point – and I don't necessarily
[6] remember the sequence of my movements in the copying room,
[7] into the foyer of Mrs. Clinton's office, but at some point,
[8] it seems to me as I was walking toward the elevator or
[9] coming out of my office, I was passing the counsel's
[10] office.
[11] I looked, and there was a light coming out of Vince's
[12] office. The office has two offices and a foyer and Vince's
[13] office is kind of in a corner, and so there was a light
[14] that seemed to come from Vince's office.
[15] Mr. Ben-Veniste. And what did you do, Ms. Williams?
[16] Ms. Williams. I walked into Vince's office.
[17] Mr. Ben-Veniste. And who, if anyone, was there at
[18] that time?
[19] Ms. Williams. Patsy Thomasson was sitting at Vince's
[20] desk.
[21] Mr. Ben-Veniste. Did you speak with her?
[22] Ms. Williams. Well, I remember that she had tears
[23] streaming down her face, and I remember what she

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said to me
exactly. She was sitting at the desk. She had lifted up
one or two pieces of paper – I don't know exactly what she

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lifted up on the desk – but I remember her saying we could
give – and I'm not sure these are her exact words, but
something to the effect that we could give Lisa some
comfort if there was a note or if there was a note, we
could give Lisa some comfort.
Mr. Ben-Veniste. Did she indicate that she was looking for a note?
Ms. Williams. No. I mean, that was the first time I had heard anyone talk about a note that I can recall. And
it stuck out in my mind because at first, I couldn't figure
out what Lisa she was talking about because I have a press
secretary whose name is Lisa Caputo and she was in
Arkansas, and I didn't hear the relevance. Later, I, of
course, figured out it was Lisa Foster, Vince's wife, that
she was referring to.
Mr. Ben-Veniste. Is it fair to say that you were not thinking all that straight at that point, that evening?
Ms. Williams. It wasn't one of my more lucid times.
Mr. Ben-Veniste. Now, did you see Mr. Nussbaum at some point?
Ms. Williams. Yes. Bernie walked into the office while I was in there.
Mr. Ben-Veniste. And could you describe
Mr. Nussbaum's demeanor at that point?
Ms. Williams. He was pacing and scratching the back

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of his head and trying to think of something to say to
either of us.
Mr. Ben-Veniste. And what were you doing?
Ms. Williams. I was sitting on the couch in the corner, weeping.
Mr. Ben-Veniste. And about how long did you stay in Mr. Foster's office?
Ms. Williams. I don't think that I was there for a very long time. I really just don't remember how long, but
I think of it as briefly.
Mr. Ben-Veniste. And what do you recall about the circumstances of leaving the office?
Ms. Williams. As I said earlier, I can't recall who left first, if Bernie left first or I left first. I
concluded because – I have a snapshot of myself standing
behind Bernie in the well of the staircase, so I think that
he left before me, but not much before.
Mr. Ben-Veniste. When you left the office,
Ms. Williams, again, did you take any material of
Mr. Foster's from that office?
Ms. Williams. No, I did not.
Mr. Ben-Veniste. Did anyone ask you to take any material, files, folders, boxes, any materials from that office that night?
Ms. Williams. No.

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Mr. Ben-Veniste. Did you see either Mr. Nussbaum or
Ms. Thomasson or anyone else take any material from
Mr. Foster's office and leave with it?
Ms. Williams. No, I did not.
Mr. Ben-Veniste. Did there come a time when you were
asked to give testimony about this subject matter before
the Independent Counsel and the grand jury?
Ms. Williams. There came a lot of times when I was asked to give testimony about this matter.
Mr. Ben-Veniste. Now, Mr. Chairman, I wonder whether
it wouldn't be out of order to request that perhaps
Mr. Dennis enlighten us on one or two things contained in
his affidavit.
The Chairman. I have no objection.
Mr. Ben-Veniste. Mr. Dennis, you have represented
Ms. Williams in connection with the inquiries made of her,
both of this committee and, I take it, in connection with
the Independent Counsel investigation, is that correct,
sir?
Mr. Dennis. That's correct, Mr. Ben-Veniste.
Mr. Ben-Veniste. You are someone who is well known to
me, but I wonder whether you would be kind enough to
provide this committee with your background. I know you as
someone who had held federal office, high federal office,
both in the Justice Department and the United States

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Attorney's Office for Philadelphia. But could you
elaborate on that, please.
Mr. Dennis. Certainly. I was formerly the Assistant Attorney General for the criminal division in the Bush Administration under Attorney General Dick Thornburgh.
Mr. Ben-Veniste. And what years were those, sir?
Mr. Dennis. 1988 to 1990. From 1983 to 1985, I was United States Attorney for the Eastern District of Pennsylvania in Philadelphia. From 1980 to 1983, I was
chief of the narcotic and dangerous drug section for the

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criminal division in Washington, D.C. under Philip Heymann. And from 1975 to 1980, I was an Assistant United States Attorney in the Eastern District of Pennsylvania.

Mr. Ben-Veniste. So it would be fair to say that you have had a wide range of prosecutorial experience culminating in, essentially, the highest position in the Justice Department regarding the criminal division, chief of the criminal division?

Mr. Dennis. That's correct, regarding federal prosecution.

Mr. Ben-Veniste. Now, according to your affidavit, there came a point when you were advised that someone not described further had indicated that Ms. Williams had been seen removing files on the evening of July 20th. Is that a

fair summary of what you were told?

Mr. Dennis. Yes, that was the thrust of the representation being made to me by Mr. Mark Stein of the Office of Independent Counsel.

Mr. Ben-Veniste. And at that point, according to your affidavit. I take it, you suggested in view of this situation that Ms. Williams might consider taking a polygraph examination, a lie detector test?

Mr. Dennis. Yes, I recommended to her that she submit herself to a polygraph test.

Mr. Ben-Veniste. And in connection with your extensive experience as a federal prosecutor and a high official of the Justice Department, did you from time to time have use of polygraph examiners?

Mr. Dennis. Yes, quite extensively, particularly in the investigation involving leaks in the Bill Gray case. I think, was probably the most extensive use of polygraphs that I was engaged in when I was in the United States Department of Justice.

Mr. Ben-Veniste. Did you – without further waiving any attorney-client privilege, I take it, it was your suggestion that Ms. Williams submit herself voluntarily to a polygraph examination?

Mr. Dennis. That's correct.

Mr. Ben-Veniste. And who did you select in terms of

the person to perform that examination?

Mr. Dennis. Mr. William Anderson, who was formerly for 27 years a special agent of the Federal Bureau of Investigation specializing in polygraphs, and for the past 15 years or so had conducted polygraphs as a private polygrapher as a part of his private investigation business, as well as in connection, I suppose, with – as an adjunct to his position as a professor at Westchester State University in criminology.

Mr. Ben-Veniste. Did you select him both on the basis of his substantial FBI experience, both as a polygrapher and a teacher of other FBI polygraphers as well as your personal knowledge of his expertise?

Mr. Dennis. I chose him on the basis of his reputation. I'm not sure whether he was a formal instructor of polygraphy within the FBI but his reputation was that – he had an excellent reputation as a polygrapher.

Mr. Ben-Veniste. And Ms. Williams then took the examination?

Mr. Dennis. Yes, she did.

Mr. Ben-Veniste. Were you furnished with a copy of the examination?

Mr. Dennis. I was furnished with a copy after he advised me of the results orally. He provided me with a

written confirmation of that.

Mr. Ben-Veniste. And you have distributed copies of that?

Mr. Dennis. Yes, I have. It's a letter – the report is a letter dated August 1, 1994.

Mr. Ben-Veniste. And what were the questions put to Ms. Williams?

Mr. Dennis. The precise questions as reported to me by Mr. Anderson were, "did you remove any documents from Foster's office that night?" Her response was no. The second question was "to your personal knowledge, did anyone remove documents from Foster's office that night?" Her answer was no. The third question was "did you discuss removing any documents excepting a suicide note from Foster's office that night?" Her response was no. The fourth question was "were you aware that night of others discussing document removal, excepting a suicide note?" Her response was no. The fifth question was "do you now know of anyone removing documents from Foster's office that

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night?" Her response was no. And the last question was
"excepting a suicide note, do you now know of any discussion by anyone about the removal of documents from
Foster's office that night?" And her response to that question was also no.
Mr. Ben-Veniste. Now, those were the questions and

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the responses. What did the expert provide you in his report in terms of his opinion as to Ms. Williams's truthfulness in giving those answers?
Mr. Dennis. The final paragraph of the letter gives his opinion – of the report. It says "in this comparison" – meaning comparison of control questions with
issue questions, which are the questions I read – "it was seen that Williams's recorded emotional responses to
controls was equal to or greater than her responses to
issue questions. Based on this comparison, it is my opinion Williams was not deceptive (was truthful) when she
answered these questions above as she did."
Mr. Ben-Veniste. Did you approach the Independent Counsel's office with the suggestion that the Independent
Counsel select any polygrapher of their choosing and that
Ms. Williams would submit to a polygraph test administered
under the supervision of the Independent Counsel?
Mr. Dennis. Yes, I did.
Mr. Ben-Veniste. And approximately when did that occur?
Mr. Dennis. The date of the polygraph was September
the 16th, 1994. I don't recall precisely when I approached
the Office of Independent Counsel, but I would say it was
probably about two weeks prior to that.
Mr. Ben-Veniste. And can you tell us, if you know,

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the name and the agency of the polygrapher who the Independent Counsel selected?
Mr. Dennis. I don't remember the agent's name, although it may be in my notes, but I know he was a polygrapher with the FBI.
Mr. Ben-Veniste. So the Independent Counsel also relied on the FBI in terms of training and indeed a current
FBI polygrapher to administer the test to Ms. Williams?
Mr. Dennis. That's correct.
Mr. Ben-Veniste. And were you advised, Mr. Dennis, of
the result of that polygraph examination independently
selected and administered by the Independent Counsel?
Mr. Dennis. Yes, I accompanied Ms. Williams to the examination. I was not present during the examination
itself. After the examination, the polygrapher did share
with me, in the presence of the case agent, his conclusion
that she was not deceptive in her responses. That she, in
essence, had not removed any documents from Mr. Foster's
office that night.
Mr. Ben-Veniste. I see that my time is up,
Mr. Chairman. Thank you very much.
Thank you, Mr. Dennis.

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The Chairman. Mr. Chertoff?
Mr. Chertoff. Mr. Dennis, just to make full disclosure here, we were colleagues together at the Justice
Department for a period of time when I was U.S. Attorney in
New Jersey.
Mr. Dennis. Yes.
Mr. Chertoff. I just want to ask you a couple of questions about this polygrapher, these polygraph tests.
In your experience, of course, polygraphy tests are not
admissible in court.
Mr. Dennis. That's correct.
Mr. Chertoff. Now, in this particular case, you did not initially go to the independent counsel and suggest a
polygraphy test; correct?
Mr. Dennis. I had Ms. Williams submit to Mr. Anderson's polygraph test before I went to the office
of independent counsel.
Mr. Chertoff. So before you decided whether you were
going to go to the office of independent counsel and have
him set up a polygraphy test with an FBI agent, you first
had Ms. Williams have her own test with a private polygrapher?
Mr. Dennis. That's correct. But I might add,
Mr. Chertoff, I never had any doubts that she would pass
either or both polygraphs.

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Mr. Chertoff. But you wanted to go through a dry run first?
Mr. Dennis. I wanted to have Mrs. – I wanted to have Ms. Williams submit to a polygraph in part because – a private polygraph because I wanted to make sure that there was not going to be a problem based on her emotional state. I wanted to make sure that we could formulate questions which would present – give her a fair opportunity to be judged by a polygraph test. So in part my consultation with Mr. Anderson, aside from just having him conduct the test, was after going through the details of the circumstances of this event, the details of what I was told by the office of independent counsel to ask his advice as to whether or not he thought that a test would be revealing or valid. He advised me that it would be. We submitted to the test.
Ms. Williams. I wanted to say something –
Mr. Chertoff. Sure.
Ms. Williams. – on this dry run business. First of all, no one told me it was a dry run. I thought it was the polygraph test, and in the discussion I had with Mr. Anderson, the polygrapher, who essentially tried to talk me out of taking it because he said if you are not telling the truth, we will discover you, and he spent a lot of time suggesting that I might want to think very

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seriously before doing this.
So whether or not Mr. Dennis thought of it as a dry run. I thought of it as a real polygraph test, and that is the way in which I conducted myself.
Mr. Chertoff. Well, just to be clear on this, and I guess I put it to either Mr. Dennis or Ms. Williams, you understood, Ms. Williams, that the polygrapher, Mr. Anderson, was one retained by your attorney; right?
Ms. Williams. Right. And I trusted that my attorney would retain the very best polygrapher and someone who would weigh in conservatively. I trusted that my attorney would get someone who would give me a real polygraph test or else what good would it do?
Mr. Chertoff. Well, you understood, then, that after that polygraph test was taken, that test would then be submitted to your attorney; right?
Ms. Williams. Yes, I understood that.
Mr. Chertoff. Now, Mr. Dennis, am I correct that there was no – you didn't have an arrangement with the independent counsel that you were going to submit the result of that private polygraph test no matter how it came out; right?
Mr. Dennis. No, that was not the circumstance, although I did advise the polygrapher – the FBI polygrapher at the time that had been retained by the

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office of independent counsel – before he subjected Ms. Williams to the test that she had been polygraphed previously. And I told him specifically that I wanted him to know that in the event that he thought it might affect the validity of his test. He said that it did not. I also offered him to see the results of the test. He said he did not want to do that and so the test proceeded.
So that's the only conversation that I had with the office of independent counsel about the earlier examination.
Mr. Chertoff. And that conversation occurred after you had gotten the results of the private polygraphy test, and you then made a decision to have – or you consulted with Ms. Williams and decided to have her volunteer to take a test with the independent counsel?
Mr. Dennis. I don't want to give you the wrong impression. There are two things here. First of all, I told Ms. Williams with regard to why a polygraph would be advisable that it was my belief that this was an issue about her reputation more than anything else, that hearings were inevitable, that it was – it seemed impossible to me to resolve this conflict in the statements between she and this unknown person, a person unknown to me, and that I thought that we needed to have polygraph results as at least a way of resolving that issue. So to her the polygraph, however it came out, could be the subject of an

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inquiry at the hearing.
It was not my intention – and she certainly understood that if she took a polygraph and did not

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pass
[4] the polygraph, she could be asked about that in the
[5] hearing, and she would have to respond with regard to that.
[6] Now, with regard to my own –
[7] Mr. Chertoff. Excuse me, Mr. Dennis, but you did know
[8] if she took the test and the result was unfavorable that
[9] she could not be asked with it in – about it in a federal
[10] proceeding involving the grand jury?
[11] Mr. Dennis. I'm not so sure she could not be asked
[12] about it. I mean, it's not – I don't know whether the
[13] attorney-client privilege would apply to whether she had
[14] taken a polygraph or not. But even if that were the case,
[15] clearly in a setting such as this asserting the
[16] attorney-client privilege about a matter of that importance
[17] would have been impractical, and she understood that she
[18] would have to answer questions about the polygraph, even if
[19] privately given.
[20] Mr. Chertoff. Finally let me ask you this, just to be
[21] clear. The only questions on which you volunteered
[22] Ms. Williams to be polygraphed were the questions that are
[23] set forth in your affidavit, which you've submitted,
[24] relating to whether there was a removal of documents from
[25] the office of Vincent Foster on July 20; right?

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[1] Mr. Dennis. No, that's not true. The polygraph was
[2] to be conducted on the issue around which there was –
[3] there was a dispute in testimony, and that was the subject
[4] of the removal of documents on the 20th. There was never
[5] any discussion with the office of independent counsel or
[6] requests from them that she be polygraphed with regard to
[7] any other subject.
[8] So it never came up; it wasn't a matter that I took
[9] the position necessarily that she could not be polygraphed
[10] on other subjects, although I must say that if that had
[11] come up, it would have required a showing to me that a
[12] polygraph would be really helpful. In this situation, I
[13] thought it would be, and other situations were not raised
[14] by independent counsel.
[15] Mr. Chertoff. I'm sorry, Mr. Dennis, one thing I
[16] wasn't – did the independent counsel ask you to have a
[17] polygraph conducted?
[18] Mr. Dennis. No.
[19] Mr. Chertoff. You made the decision?
[20] Mr. Dennis. I made the offer and they accepted.
[21] Mr. Chertoff. And you made the offer after having, in
[22] your own mind, concluded it would be useful on the topic of
[23] removal of documents?
[24] Mr. Dennis. Yes, both to the office of independent
[25] counsel, because, as I put it to Mr. Stein, I said do you

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[1] think it would be helpful to have the results of a
[2] polygraph to assist you in resolving any questions you have
[3] in your mind about credibility, who is more accurate or who
[4] is telling the truth with regard to the document removal
[5] issue, and he said yes, and I made the offer.
[6] Mr. Chertoff. And you made the offer after you had
[7] done the private polygraph test?
[8] Mr. Dennis. That's correct.
[9] Mr. Chertoff. And you did not make such an offer with
[10] respect to any of the other issues about which she
[11] testified?
[12] Mr. Dennis. That wasn't even a topic of discussion
[13] between Mr. Stein and I, so we didn't negotiate it out. It
[14] just never came up.
[15] Mr. Chertoff. Thank you.
[16] The Chairman. Senator Mack, would you want to forgo
[17] this about a minute and then start new?
[18] Senator Mack. Yes.
[19] The Chairman. Senator Sarbanes?
[20] Senator Dodd. Thank you, Mr. Chairman. Welcome both
[21] you, Ms. Williams, and you, Ms. Lieberman. Let me, if I
[22] can, focus if I might on the – first of all, let me –
[23] Mr. Dennis, just out of curiosity, you've had quite a bit
[24] of experience listening to Mr. Ben-Veniste talk about your
[25] years as an assistant U.S. Attorney and then with the

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[1] Justice Department and as a U.S. Attorney. How often would
[2] you guess, in a ballpark figure, have you been involved in
[3] polygraphs?
[4] Mr. Dennis. Oh, well, in terms of investigations in
[5] which polygraphs were used, I would say – oh, gee, you
[6] know, 10 or 11 times. That's about all.
[7] Senator Dodd. And your knowledge and experience
[8] today, given the sophistication, how reliable and

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useful do
you find polygraphs?
Mr. Dennis. Well, I think it depends upon the
setting. I think as an investigative tool that they are
useful. In a situation in which more reliable forms of
evidence will just not – is not available and will not
get
you where you want to go, I think it gives you an
indication. It's not admissible in a court of law. I
agree with that, and I'm not – and I'm not submitting
this
polygraph as conclusive evidence, but I think it gives
an
indication where you really have no other way of
getting at
the truth.
Senator Dodd. Do we use them or have they been
used
in the highest level of national security matters, to
your
knowledge?
Mr. Dennis. No question. Certainly in our national
security agencies, in the FBI, in the investigating
divisions in our military, they are used extensively.
They

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are used extensively in investigations, whether they
be
criminal investigations or administrative
investigations.
They are certainly used for security investigations.
and
it's my understanding that they can be the basis for a
discharge under certain circumstances. They are
used for
screening individuals who might be being
considered for
security clearances.
So they do have a wide acceptance in many contexts
in
which they are the – there the results can have a very
serious and significant impact on the individual to
whom
they are given, administered.
Senator Dodd. Thus the wide extensive use would
indicate the high degree of reliability people place on
the
results?
Mr. Dennis. Yes, that's true.
Senator Dodd. And just to review here the bidding.
there were two polygraphs given of Ms. Williams, and
in
both cases, regarding the contradictory testimony.
Ms. Williams was found to be truthful in her
statements.
Is that the case?
Mr. Dennis. That's correct.
Senator Dodd. Let me if I can, Ms. Williams, turn to
July 20, and again I realize this is painful to even talk

about this and even recall conversations, but I would
like
to just, to – in the conversation that you had – as I

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gather, you had two conversations with Mrs. Clinton:
one
from the plane that just wasn't clear, breaking up,
whatever; said you'd get a call when she landed on
the
ground. Was that how –
Ms. Williams. Right, that's correct.
Senator Dodd. And Mrs. Clinton was going to
Arkansas;
this was a planned trip to Arkansas?
Ms. Williams. Yes, it was.
Senator Dodd. Do you recall what the reason for that
trip was?
Ms. Williams. I do recall one of the events, Arkansas
Children's Hospital event, which she was doing. But
as I
understand it, as I recall, she had been –
Senator Dodd. From where was she coming?
Ms. Williams. She was coming from California, and it
had been a fairly long trip.
Senator Dodd. Would this have been a
long-scheduled
planned visit to go to Arkansas?
Ms. Williams. Oh, yes, yes.
Senator Dodd. So when you talked with her on the
20th, when you had the conversation finally, however
brief
the conversation, but the conversation in which she
informed you of Mr. Foster's death, at any point in
that
conversation did Mrs. Clinton refer to any files that
she
was interested in having you look at or retrieve?

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Ms. Williams. No, I don't recall her –
Senator Dodd. Did she make any requests of you to
deal with any files at all in that conversation on the
20th?
Ms. Williams. No. She did not.
Senator Dodd. There were no instructions that you
were given to handle certain files or to remove certain
files or to in some way protect certain files in that
conversation?
Ms. Williams. I believe the intent of her call was to
tell me that Vince Foster was dead. Past that, as I
said
before, I don't remember anything else in the
conversation. But given the tenor of the conversation.
I
can't imagine that anything else was said other than
that.
Senator Dodd. Now, did you have a conversation
with
Mrs. Clinton on the 21st of July, do you recall?
Ms. Williams. On the Wednesday, the day after?

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[18] Senator Dodd. I'm presuming so, yes, that Wednesday,
[19] the 20th.
[20] Ms. Williams. Yeah, yes. Yes, I did have a
[21] conversation with her on the 21st. I also had a
[22] conversation with her very late in the evening on the,
[23] Tuesday the 20th.
[24] Senator Dodd. Again, any conversations about any
[25] files in that conversation?

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[1] Ms. Williams. No.
[2] Senator Dodd. And on the 21st, any conversation about
[3] any files on that date?
[4] Ms. Williams. No. On the 21st she apparently had
[5] talked to Tipper Gore at some point, and she had encouraged
[6] me to go and spend some time talking to Tipper Gore
[7] because, I guess, of her experience in terms of mental
[8] health issues. And the one instruction that she did give
[9] me – or the suggestion was to somehow work out with Tipper
[10] a way so that people in the office who needed counseling
[11] could get counseling.
[12] Senator Dodd. Now, let me quickly jump, if I can, to
[13] the 22nd. On July 22nd, you had a conversation with
[14] Mr. Nussbaum about what to do with the Clinton personal
[15] files that were in Vincent Foster's office; is that
[16] correct?
[17] Ms. Williams. That's correct.
[18] Senator Dodd. And you went – can you share with us
[19] again the substance of that conversation?
[20] Ms. Williams. Mr. Nussbaum asked me to get personal
[21] files that he had gathered from Vince Foster's office over
[22] to the – over to Bob Barnett, the Clintons' personal
[23] lawyers.
[24] Senator Dodd. And other than the one file that had
[25] the label "taxes" on it, you were not involved in the

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[1] accumulating of those files; they had already been pulled
[2] together by Mr. Nussbaum or someone else? Did you know
[3] whether or not Mr. Nussbaum did it or someone else?
[4] Ms. Williams. I assumed he did.
[5] Senator Dodd. Yeah. Can you give us some idea of
[6] what would be generally in the personal files, what sort of
[7] information would be generally – I don't mean in detail.
[8] Obviously they're personal, the Clintons' personal
[9] property, but just give us – you said something earlier
[10] about their daughter, might be a file there, some idea of
[11] what we're talking about.
[12] Ms. Williams. The reason why I had thought of their
[13] daughter was because, as I remember, Vince was working on
[14] the issue of the blind trust for the Clintons, and he
[15] had – before he died, had a question about certain assets
[16] that he believed to be a gift from Chelsea's grandfather to
[17] her.
[18] So in my mind, I had kind of a general view of what
[19] personal would be, taxes, anything that would have
[20] Chelsea's name on it. I didn't know the full range of
[21] categories.
[22] Senator Dodd. At any point in your conversation with
[23] Nussbaum or at any point that day, was there any indication
[24] from Mr. Nussbaum that those files included anything but
[25] personal files? Very specifically, did the words

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[1] Whitewater, travel office specifically come up where you
[2] were instructed by Mr. Nussbaum to include those files or
[3] move those files? Did those words or that discussion at
[4] any point occur in your conversation with Mr. Nussbaum
[5] regarding the handling of these personal papers?
[6] Ms. Williams. No, it did not. Neither the word
[7] "Whitewater" or "travel office files."
[8] I do recall, however, that I, I think I asked
[9] Mr. Nussbaum – because the only other thing that was, I
[10] guess, quasi-personal that I knew that Vince was working on
[11] was the renovations in the White House – and I believe
[12] that I asked him specifically about that file, and he had
[13] said it was an office file and not a personal one. That's
[14] all I remember in terms of conversation.
[15] Senator Dodd. Now, wh ou talked to Mrs. Clinton on
[16] the 22nd of July, you ca er or she called – you
[17] called her; is that correct?
[18] Ms. Williams. Thursday, yes.
[19] Senator Dodd. And that was – the principal reason
[20] for making that call was to determine what should be done
[21] with the files? Did I hear you correctly on that?
[22] Ms. Williams. Well, the principal reason was – I
[23] mean, I had determined that I was going to take the

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files
[24] to the residence if they weren't going to the personal
[25] lawyer. I made that determination. But as with anything

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[1] else, I wanted to know exactly where she wanted them. I
[2] mean, there certainly had been other times when I had taken
[3] things to the residence and she might say, "well, that
[4] should go in the living room" or, you know, "leave that in
[5] the dining room area or maybe in my study."
[6] So I wanted to know. And I also wanted to –
[7] definitely wanted to know where they are going because I
[8] know in my own house – I don't know what good it does, but
[9] for my tax forms and personal things, I have a little
[10] silver tin box, and that is where I would want them to go.
[11] If I could think of one place in the residence that I would
[12] want them to go, it would be in that little tin box. So I
[13] figured these are personal papers: I'm not just going to
[14] leave them in the kitchen. Where do you want me to put
[15] them?
[16] Senator Dodd. Yeah. At any point between the evening
[17] of July 20 and this conversation on July 22, had you had
[18] any conversations with Mrs. Clinton about files at all?
[19] Ms. Williams. No.
[20] Senator Dodd. So this is the first conversation about
[21] these files in that time frame we're talking about?
[22] Senator Dodd. Right.
[23] Senator Dodd. And at any point in that conversation
[24] did Mrs. Clinton give you any specific instructions that
[25] went beyond what to do with the personal files?

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[1] Specifically, anything regarding Whitewater, travel office,
[2] anything that did not fall under the context of personal
[3] files?
[4] Ms. Williams. No, she did not.
[5] Senator Dodd. The red light is on, Mr. Chairman.
[6] I'll –
[7] The Chairman. If you have anything further –
[8] Senator Dodd. No. I'll turn it over.
[9] The Chairman. Senator Mack.
[10] Senator Mack. I thank you, Mr. Chairman.
[11] Ms. Williams, in 1979 I had a younger brother at the
[12] age of 35 die from melanoma, and I can remember years after
[13] that when I would talk about that experience I had
[14] experiences just like you had earlier today, so I
[15] understand the grief that you feel when those conversations
[16] come back. Most of my comments today will be not focused
[17] on that but on two days later.
[18] But you know the saying, there are two sides to every
[19] story. Well, I think that is very true with respect to two
[20] aspects of your testimony. Looking over your deposition, I
[21] was particularly interested in your actions and the actions
[22] of Susan Thomases on July 22, that is, two days after
[23] Mr. Foster's death.
[24] Here is what I'm thinking. You've testified under
[25] oath in your deposition that you had no direct involvement

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[1] whatsoever in any aspect of deciding what to do with the
[2] documents in Vince Foster's office. You have testified
[3] that the subject of the search and the various privilege
[4] issues was being widely discussed among White House staff
[5] on the morning of the 22nd, but you have stated very
[6] clearly that you never talked to Mr. Nussbaum, the First
[7] Lady, Susan Thomases, Steve Neuwirth or anyone else at any
[8] time that day about what to do with those documents.
[9] Ms. Williams. Well –
[10] Senator Mack. In your – all right.
[11] Ms. Williams. What I said was, and I think my
[12] deposition reflects this, is that there were discussions,
[13] general discussions in the White House, and although I
[14] could not remember specifically being involved in them
[15] because I don't recall them as formal discussions, that
[16] people were discussing them. Whether Mr. Nussbaum was
[17] involved in a general discussion or Mr. Neuwirth, I do not
[18] recall specifically. I've also indicated in my deposition
[19] if someone during that time or on that morning had come up
[20] to me and said "what do you think about this," since I
[21] generally have an opinion about most things, I would not
[22] have been surprised in the least, so –
[23] Senator Mack. Very good. In your words, it was a
[24] peripheral or irrelevant issue. You have told us that what
[25] little you did with the documents was the result of one

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phone call you received from Mr. Nussbaum late in the
afternoon on the 22nd. According to you, Mr. Nussbaum
called, asked that you come and pick up the documents in
Mr. Foster's office and then asked you to deliver them to
Mr. Barnett, the Clintons' personal lawyer.
You did what Mr. Nussbaum asked, which only took a
short time, but then were tired and just didn't want to
wait for the courier for Mr. Barnett's firm to be cleared
through security, so you decided to store the files in the
residence as an afterthought.
Ms. Williams. Well, yes, as an afterthought, and also
I wanted to – I mean, it's not as clear cut as I didn't
want to wait for the courier. There were a lot of factors
involved. First of all, I was tired. We had had two
exhausting days.
Secondly, what I thought would really be a short task,
quite frankly, of getting them over became a long task
because, as my mother might say, I dawdled, but in fact I
was taking phone calls and I was distracted by those
calls.
So there were a number of factors, including the fact
that at that time to get into the White House complex, to
clear somebody in, was not necessarily a very easy task.
So it was a combination of a number of factors.
Senator Mack. Very good. I must say that your

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account of what happened makes very little sense, however,
when you look at other people's testimony, as well as phone
records we obtained from the White House and Susan
Thomases's law firm. I would just like to go through a few
things, and at the end I will ask you to help us understand
how there could be so many contradictions between your
testimony, the testimony of others, and the facts
established by these phone records.
Just so we have some idea of where I'm going, I think
I'd like to tell you what I believe. First, I think both
you and Susan Thomases had some involvement in
Mr. Nussbaum's decision to prohibit Justice Department
attorneys from conducting the initial review of the
documents in Mr. Foster's office; and second, I think the
First Lady and Susan Thomases had some involvement in the
decision to move the files from Mr. Foster's office to the
residence.
And here is why I believe this. First, I would like
to put up a chronology outlining the events of July 21 and
22, put them up on the screen so you can follow along with
me. The chronology shows that Susan Thomases, the First
Lady's good friend, called you nine times, Mr. Nussbaum
once, and the chief of staff's office three times between
12:15 a.m. on the night of Mr. Foster's death and 5:30 p.m.
July 22, just before Mr. Foster's files were transferred to

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the residence.
Senator Sarbanes. Mr. Chairman, could I ask whose
chronology this is, just so we know?
The Chairman. The Senator makes an inquiry of the
chronology, and I believe it is a chronology – well, I'm
going to ask Senator Mack.
Senator Mack. If we've got copies, why don't we take
them down. It's a chronology of phone calls on the 21st
and 22nd.
Senator Sarbanes. Who made the chronology is the
question?
Senator Mack. We put that together based on phone
records.
The Chairman. Staff put this together on the basis of
the telephone logs, and if – are those logs available?
Senator Mack. Yes, they are.
The Chairman. They are available. We will make them
available. What the Senator has done, obviously, is
summarized them, but they are available. I think both
staffs have them, and the records are there. So in other
words, you took them from the documents that have been
submitted to the committee and you have made a summary of
those individual calls. Would that be correct?
Senator Mack. That's correct.
The Chairman. Proceed.

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Senator Sarbanes. I think that's understandable. I
think – I do think we ought to be furnished these things
before they are put up on the screen so we know –
The Chairman. I agree.
Senator Sarbanes. – they're a work product of the

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[6] Senator, I gather.
[7] The Chairman. They are a summary, I imagine, of the
[8] work product and of facts and material that have
been
[9] submitted to the committee.
[10] Let me suggest, does everyone have one now? I'd
like
[11] to have one. And could we get one down to Mr.
Dennis?
[12] Mr. Dennis. That would be helpful, thank you.
[13] Senator Boxer. Mr. Chairman, would you yield for just
[14] a quick question?
[15] The Chairman. An inquiry, yes.
[16] Senator Boxer. May I ask Senator Mack, is this every
[17] single call that came into Ms. Williams's office in that
[18] almost two-day period? Is that what this is?
[19] The Chairman. I think the Senator is going through
[20] this.
[21] Senator Boxer. I just asked him a question. Is
[22] this – is this just the ones you picked out?
[23] The Chairman. We're not going to permit – for
[24] purposes of clarification, I'm going to ask the Senator
to
[25] indicate what, and he will attempt to do this, what this

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[1] embodies, so let's get to him, give him the
opportunity to
[2] explain what it embodies. And I wish we'd give back
to the
[3] Senator the time that we have spent on this little
[4] exchange, so Senator Mack.
[5] Senator Mack. Well, maybe it might be helpful, then,
[6] to just – maybe I should just kind of summarize what
this
[7] is. On July 21, 1993, at 12:15 a.m., Thomases paged
Maggie
[8] Williams. At approximately 11:00 to 11:15, Thomases
calls
[9] Maggie Williams and left message on her way. At
11:06,
[10] Thomas –
[11] Senator Boxer. Mr. Chairman, if I might, I've asked a
[12] question and the Senator isn't answering it. Are
these
[13] selected calls you want us to look at, or is this the
[14] entire roster of all the calls Ms. Williams got?
[15] The Chairman. These are selective calls –
[16] Senator Boxer. Thank you.
[17] The Chairman. – between Mrs. Thomases and the
office
[18] of Maggie Williams.
[19] Senator Boxer. Thank you very much.
[20] The Chairman. Senator, let us continue. By the way,
[21] why don't we start from the beginning, and you might
want
[22] to set the stage for what these are. Are these – say it
[23] in your own words as opposed to coming from me
because I
[24] surmised from what you attempted to say what it is

[25] Senator Mack. Frankly, there's a very long list of

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[1] phone calls here that are from Susan Thomases to
the – to
[2] Mr. Nussbaum, to Maggie Williams and to the chief of
[3] staff's office. I believe nine times to Ms. – let me just
[4] take a look here. Nine times to Ms. Williams, three to
the
[5] chief of staff's office. And all of these phone calls are
[6] around the time – let me back up.
[7] Several of these calls were on the 21st. The majority
[8] of these calls are on the 22nd. A number of these
calls
[9] are around the time in which there was a meeting
taking
[10] place in the chief of staff's office with Bernie
[11] Nussbaum – that is, a discussion that is taking place
[12] about what to do with the files. What I am proposing
to
[13] show here – at least to make the case that Patsy
[14] Thomasson – Susan Thomasson was deeply
involved in trying
[15] to affect the outcome of the review of documents that
took
[16] place later on the day of the 22nd.
[17] The Chairman. Now –
[18] Senator Sarbanes. Now, if the Senator would yield for
[19] a question, are you defining a call as a page
message or a
[20] message slip when you leave a message and call? I
take it
[21] by what you've said you're counting that as a call; is
that
[22] correct?
[23] Senator Mack. I think again if I could be allowed to
[24] continue, you're going to find this out as I go through
[25] it.

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[1] Senator Sarbanes. Well, okay. Fine.
[2] The Chairman. I think in fairness the Senator should
[3] now – we've got what he's attempting to do. Senator,
[4] would you start, then.
[5] Senator Mack. Well, as I indicated, the chronology
[6] shows that Susan Thomases, the First Lady's good
friend,
[7] called you nine times, Mr. Nussbaum once, and the
chief of
[8] staff's office three times between 12:15 a.m. on the
night
[9] of Mr. Foster's death and 5:30 p.m. July 22, just
before
[10] Mr. Foster's files were transferred to the residence.
That
[11] is a total of 13 times in just over a day and a half. On
[12] top of that, Ms. Thomases visited you in person once
during
[13] that time.
[14] Now, on July 21, Susan Thomases paged you at
[15] 12:15

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a.m. She then called you at 11:06 a.m., and you spoke for almost four minutes. Then she called you again at 4:30 p.m. and you spoke again for almost four minutes. And finally you testified that you spoke to the First Lady sometime during the 21st, but you say at no time did the subject of Mr. Foster's files or his office come up. Now, I realize that contacts between you and Ms. Thomases and the First Lady were probably more in the nature of condolence calls at that point. No one disputes that. What I have a problem with is what happened on July

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22, the next day. On July 22, we know that Susan Thomases paged Bernie Nussbaum at 8:01 a.m. Sometime thereafter, he called her back, and according to what he told Steve Neuwirth, Ms. Thomases told him that she and the First Lady were concerned about "unfettered access" to Foster's office by investigators. Susan Thomases then called you and left a message at 9:00 a.m..

At 10:48 a.m., Thomases called the office of the President's chief of staff, Mr. McLarty, and talks for seven minutes. It was then 10:55 a.m. Nine minutes later she calls you. This is 11:04 a.m., and this time you connected and talked for six minutes. Now it's 11:10. One minute later, at 11:11, Thomases calls Mr. McLarty's office once again and talks for three minutes. That puts the time at 11:14 a.m. Two minutes later, she called Mr. McLarty's office again. Now 11:16. 20 minutes later at 11:37, she called you again and speaks for 11 minutes. It is now 11:48 a.m. Two minutes later, at 11:50, Susan Thomases called you again and you speak for four minutes.

Now, I believe earlier in the questions, with respect to the counsel's asking you about contacts with Susan Thomases, you have said over and over again that you recall one meeting and no other contacts, is the way I understood it. Would you want to clarify that?

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Ms. Williams. Sure, I'd be happy to. First of all, as I look at Mrs. Thomases's record, I see that she's called 456-6266, which is the First Lady's office, which is the general office number. Do you have – because I have not seen them; we turned over everything that I had – do you have message slips for each of these calls asking for me? Or are we simply going by the Susan Thomases records?

My direct number – if Susan – excuse me. Pardon me. Could I continue? Excuse me. If Susan Thomases wanted to call me on any – and reach me, and I'm just going to look through here. I do see that she called 456-7194, which is my direct line, which is also on Evelyn Lieberman's phone and also additionally on another phone in my office which is my direct line, so if she wanted to reach me, that would be the most direct way to do it.

With respect to Susan Thomases paging me in the – I guess at midnight, I remember – I remember from the message slips which we turned over to you that there is something that says that she paged me, but anyone who would have the time or the interest in Susan Thomases's calling habits would know that if you got a call from Susan, it was generally at midnight. In our office, she is known as the midnight caller because that's when she has all of her ideas, whether they are on speeches or on scheduling

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events. Secondly, while Susan Thomases is a good friend of the First Lady, I have known Susan independently longer than I have known Hillary Clinton, almost, I guess, 13 – maybe going on 14 years now. She knew how close I was to Vince. and I am sure that she, knowing Susan, was insistent about running me down until she had me on the phone. So while, you know, I submit to you that the call 7194, which is my direct line, either I picked it up or Evelyn picked it up; I'll bite. I picked it up if it was 7194 and I was at my desk. But unless you can show

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me the
[12] message pads that say 6266 and have my name on every one of
[13] them or if these were just tries or other people in the
[14] office that she might know that she was trying to talk
[15] to – I mean, it is very possible in looking for me. Susan
[16] talked to everybody in that entire office.
[17] And while I cannot speak to how her calls to Mack
[18] McLarty or Bernie Nussbaum fit in, I would encourage you
[19] not to be so certain that there is something sinister going
[20] on here. I would encourage you. You don't believe it; you
[21] weren't there. I'm sorry you don't believe it. It would
[22] make life a lot easier if you did, but everything that
[23] happened was not some big plot.
[24] As I look back on it, now I wish there really was,
[25] because then it would be worth being here, but this is – I

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[1] mean these calls, this list, does not – I mean does not
[2] suggest to me what it apparently suggests to you.
[3] Senator Mack. Ms. Williams, let me tell you why there
[4] is the focus on this. It's because you have told us that
[5] there was no contact with Susan Thomases, other than that
[6] meeting.
[7] Ms. Williams. That is not what I told you. I said to
[8] my recollection, what I remember, that is what – what I
[9] said in my deposition and today, the only thing I remember
[10] was Susan Thomases coming to my office, and I believe that
[11] your counsel asked me that question three or four times,
[12] and each time I said what I remember.
[13] Now, if Susan called me, if I talked to her that
[14] day – do I say it is impossible? Do I say it is unlikely,
[15] given that Susan and I speak on the phone a lot, even prior
[16] to this thing? Well, it's possible, but I am saying that I
[17] am still not convinced that there is a plot going on here
[18] simply because you have all these calls to me from her, and
[19] also the fact that I don't even know if these calls were
[20] even directed toward me.
[21] Senator Mack. Well, I'll ask you again, are you
[22] saying to the committee, then, that you don't remember any
[23] contact with –
[24] Ms. Williams. I do not – as I said to the committee,
[25] what I remember distinctly is seeing Susan Thomases. She

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[1] came in my office. I remember that distinctly. That is
[2] what I recall.
[3] Senator Kerry. Could I just ask a question of my
[4] friend? I know the red light –
[5] The Chairman. You mean of the witness?
[6] Senator Kerry. No, of –
[7] The Chairman. No, I'm not going to permit that. I
[8] give great latitude. The red light is on. I know Senator
[9] Mack has other questions, but I will take it back to this
[10] side. The Senator can ask questions, but we're not going
[11] to be examining each other. That's inappropriate, and I
[12] don't want us to deteriorate into that kind of situation.
[13] We give great breadth.
[14] Senator Kerry. Well, the Senator is making a
[15] presumption –
[16] The Chairman. Let me say this to you. It is your
[17] turn. We're going to turn it to Senator Sarbanes. You can
[18] recognize, Senator Sarbanes, if it is Senator Kerry's
[19] turn.
[20] Senator Mack. Can I just finish?
[21] The Chairman. Do you have a moment or two?
[22] Senator Mack. I'm just going to read one question out
[23] of the deposition.
[24] The Chairman. We'll give you that latitude.
[25] Senator Mack. The question out of the deposition –

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[1] The Chairman. I want to give you the page.
[2] Mr. Dennis. We have the deposition.
[3] The Chairman. Do you have the page?
[4] Senator Mack. Page 77 and 78. And again the question
[5] is put during the deposition, "did she have any other
[6] conversations with you during this period of time.
[7] "Answer: No." Then there's a qualifier. "That was
[8] the only – that really was the only time I saw her that
[9] week. I don't even remember if she went to Vince's
[10] funeral, but I do remember seeing her Wednesday or
[11] Thursday."
[12] Again, the question is did she have any other
[13] conversations with you during this period of time. The
[14] answer is no.
[15] Ms. Williams. The question is in the context of "did
[16] she tell you why she had come down to Washington."
[17] question.
[18] "Answer: No, but I mean it wouldn't be unusual for
[19] Susan to be in Washington.
[20] "Question: Did she have any conversation with you
[21] during this period of time, the period that Susan
[22] supposedly would be in Washington?
[23] "Answer: No, that was the only – that really was the
[24] only time I saw her that week. I don't even remember if

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she went to Vince's funeral, but I do remember seeing her

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Wednesday or Thursday."
The Chairman. Senator Sarbanes?
Senator Sarbanes. Senator Kerry?
Senator Kerry. First, let me say to the Chairman that I'm sorry that he feels that a simple inquiry of fact automatically degenerates somehow. I simply wanted to ask whether the record showed from my friend from Florida that this call specifically connected to Ms. Williams.
Now, it seems to me that's a very legitimate issue. Looking at the pages here of phone records, I notice that there were a lot of calls because you have huge redacted areas of phone calls and then these few connections. But looking at it, I only see one telephone number connection.
Let me ask you, Ms. Williams, what is your phone number, direct line?
Ms. Williams. 617 –
Senator Kerry. Maybe you don't want to give that out on national TV. But at any rate, 6266 is not your direct line; is that correct?
Ms. Williams. That's correct.
Senator Kerry. Well, let me just say that I only see one direct line connection. Now, obviously, if Ms. Thomases had Maggie Williams's direct line, I would assume if she was trying to get her, she would have called it a number of times.

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If she was leaving messages, we don't even know if these connected to her. I don't want to spend my time on that and get lost in it, but I think we ought to be factual in what we're presenting. It's just interesting that in these pages, most of the telephone numbers have nothing to do with this, and they're all redacted.
Here is a whole page of phone numbers entirely redacted, second page, entirely redacted, so obviously there were a lot of phone calls being made, most of which have nothing to do with this.
Leaving that aside, let me ask you, if I may, Ms. Williams, you have not been asked under oath here today with respect to the taking-out of documents out of the office, notwithstanding the polygraph test. And the polygraph test, there are two of them, and I think the record should accurately simply reflect that whatever the rationale, whatever the capacity to have had a test perhaps expose that there was a problem in the taking of the test, the bottom line remains that you passed both tests. Is that fair?
Ms. Williams. That's fair.
Senator Kerry. And one was delivered independently by the independent counsel with a choice of independent counsel's polygraph expert; is that correct?
Ms. Williams. That's correct.

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Senator Kerry. Now, I want to ask you, with respect to taking something out of Mr. Foster's office on the night of the 20th – Mr. O'Neill sat here this morning. Did you hear his testimony?
Ms. Williams. Parts of it.
Senator Kerry. And you are aware that he is suggesting that he saw you carrying something; is that correct?
Ms. Williams. Yes, I am.
Senator Kerry. Let me ask you, based precisely on his testimony, did you carry out folders from Vince Foster's office on the night of the 20th?
Ms. Williams. No, I did not.
Senator Kerry. Did you carry out something like folders on the night of the 20th from Vince Foster's office?
Ms. Williams. No, I do not recall carrying out folders.
Senator Kerry. Did you carry out a box on top of folders from Vince Foster's office on the 20th?
Ms. Williams. No, I did not.
Senator Kerry. Did you carry out something like a small hatbox on the night of the 20th from Vince Foster's office?
Ms. Williams. No, I did not.

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Senator Kerry. Did you carry out three to 5 inches of files from Vince Foster's office on the night of the 20th?
Ms. Williams. No, I did not.
Senator Kerry. Did you carry out something "like a bundle" from Mr. Foster's office on the night of the 20th?
Ms. Williams. No, I did not.
Senator Kerry. Did you carry out a small, lightweight hatbox from Mr. Foster's office on the night of the

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20th?
[9] Ms. Williams. No, I did not.
[10] Senator Kerry. Did you carry out something that was
[11] of some weight on the night of the 20th from Vince Foster's
[12] office?
[13] Ms. Williams. Other than myself, no.
[14] Senator Kerry. Did you carry out a box from Vince
[15] Foster's office on the night of the 20th?
[16] Ms. Williams. On the night of the 20th, no, I did
[17] not.
[18] Senator Kerry. Did you carry out a cardboard box used
[19] for files from Vince Foster's office on the night of the
[20] 20th?
[21] Ms. Williams. No, I did not.
[22] Senator Kerry. Well, I would like the record – did
[23] you carry anything at all out of Vince Foster's office the
[24] night of the 20th?
[25] Ms. Williams. No, I did not.

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[1] Senator Kerry. I would like the record to reflect
[2] that every single one of those descriptions is straight out
[3] of Mr. O'Neill's deposition.
[4] Now, Ms. Foster – excuse me, Ms. Williams, there are
[5] obviously some very legitimate questions here, and I think
[6] you can understand that. While we may not be able to
[7] determine what happened as a matter of fact in the
[8] carrying-out or not because there's conflict, there is a
[9] test of common sense that we have to try to apply, and I'm
[10] sure you're more than sensitive to that.
[11] That test of common sense, frankly, raises legitimate
[12] questions on a number of different issues. And I would ask
[13] you, first of all, the White House is a secure place. You
[14] yourself had a reservation about wanting to stay around
[15] because somebody would have to go through security to get
[16] into the White House.
[17] It's very hard for the average person looking at this
[18] not to question why, since it is such a secure place where
[19] people can't just walk in and take things, where there is
[20] the highest security in the land to protect the President
[21] of the United States, there's a common sense question of
[22] why it is that you could not simply have left a sealed box
[23] for Mr. Barnett to pick up on his own, or a common sense
[24] question of why anything had to be moved from an office
[25] that could have been and was, in fact, requested to be

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[1] secured by the police and was effectively secured with only
[2] legitimate people being able to enter it.
[3] Help us, if you will, to understand that test of
[4] common sense about why these documents had to be moved
[5] somewhere.
[6] Ms. Williams. I can't speak with respect to why they
[7] had to be distributed, since I was moving files or moving a
[8] box at the instruction of Mr. Nussbaum.
[9] I will say certainly, in retrospect, that the idea of
[10] simply leaving the box there with Mr. Barnett's name on it
[11] should have crossed my mind, but part of what I thought I
[12] was doing, I thought I was doing something personal for
[13] Bernie Nussbaum.
[14] I knew that the days that followed Vince's death were
[15] as difficult for him as they were for any of us, and while
[16] I didn't know necessarily what his reasons were for
[17] disbursing the files at that particular point in time, I
[18] had no reason to not trust Bernie and not trust that he had
[19] a good reason for doing so.
[20] Senator Kerry. Well, let me, if I can, just follow up
[21] on that again with sort of a test of common sense. For all
[22] of us listening to this and trying to pick it apart in a
[23] fair-minded, open way, Bernie Nussbaum requested you to
[24] deliver them to Mr. Barnett. So if you were doing
[25] something personal for Mr. Nussbaum, it's hard, again

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[1] against this test of common sense, to understand why you
[2] wouldn't have guaranteed that delivery. Where is this
[3] interruption that occurs that they are delivered
[4] elsewhere?
[5] Ms. Williams. Well, I don't have a rational answer
[6] for it. I just know how I was feeling, and I knew the one
[7] thing that I was going to do, since Bernie had given this
[8] to me to do, was if I didn't get them to Bob Barnett, for
[9] all of the kind of personal and perhaps selfish reasons of
[10] time and my own exhaustion, that I would do what I
[11] considered the next best thing: I would take care of the

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files in a way that delivered them to a place of safekeeping. In retrospect, it – well, God knows, in retrospect it wasn't the best decision I've ever made in my life, but that is what happened. And I understand your difficulty in terms of the common sense test. But, you know, everyone doesn't operate all the time with common sense, and that was one of the times when I was lacking and would have loved to have done just that. But in my mind, my putting them in the residence for a place of safekeeping both satisfied Bernie's request that they go to a place of safekeeping and accommodated my own interest, which at that time was to leave the White House immediately.

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Senator Sarbanes. Mr. Chairman –
Senator Kerry. I see the light is on, but how do you reconcile this notion that the files were meant to go there? There had been no conversation with Mrs. Clinton about files, but then when you have a discussion with her that evening on the phone, you raise this issue almost as if there was knowledge of it, or that there was some direction to be given by her as to where they would go. Why would you not lock them in the counsel's office? Why would you not lock them in your office? Why would you not – and why would that subject come up, I guess?
Ms. Williams. Why would which subject come up? I'm sorry.
Senator Kerry. As to where to put the files in the residence.
Ms. Williams. Well, going back once again, once I had made a decision that I was going to put the files someplace for safekeeping and I had decided that it would be the residence, then the next thing I wanted to do was to find out exactly where I should put them in the residence, which is why I called Mrs. Clinton. And this would not be different from my habit of taking this box or this thing or this other thing to the residence from one of the west wing offices and asking her where do you want me to put it?
Senator Kerry. And the reason for that is that you

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thought that it was strictly personal to the Clintons themselves?
Ms. Williams. Well, the reason for that was I was drawing on my own experience as someone who has personal files. And I would want them in a special place, and I assumed that she would, too.
Senator Kerry. Fair answer, and I appreciate it. Thank you.
Senator Sarbanes. Mr. Chairman, I know we have a vote. Could I clarify just one thing factually before we break because I'm concerned about it?
The Chairman. Certainly.
Senator Sarbanes. The telephone number 456-6266, which appears on Susan Thomases's telephone records, is not your personal phone or your direct line. That's the line into the office; is that right?
Ms. Williams. Into the whole office.
Senator Sarbanes. Into the entire office.
Ms. Williams. Right.
Senator Sarbanes. Well, Mr. Chairman, I just want to make this observation. In setting out his relevant contacts, chronology, Senator Mack, with respect to calls that were made to the general telephone office of chief of staff McLarty's office, said Thomases called chief of staff McLarty's office, spoke with someone for three minutes.

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With respect to phone calls that were made to the general phone number in the chief of staff office to the First Lady, he doesn't say that, he says Thomases called Maggie Williams and spoke for 11 minutes.
Now, we don't know whether that's the case or not. There's a –
The Chairman. In other words, Senator raises the question as to whether or not the call that came into the chief of staff's office for the First Lady, whether the call was taken by Maggie Williams or someone else.
Senator Sarbanes. What I'm really –
Senator Kerry. Or whether she was put on hold for four minutes.
Senator Sarbanes. What I'm really raising is when a call was made to McLarty's office, the general number, he said spoke to someone. When the call was made to the general office in this number, the assumption is made that

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[18] they spoke to Maggie Williams, and that's two different
[19] assumptions.
[20] The Chairman. I think it's fair to say that was an
[21] assumption. We are going to go down and vote. We'll come
[22] back and look into that, give the Senator an opportunity or
[23] see if that point has to be more fully developed. We're
[24] going to take a recess for 10 minutes, and then we'll come
[25] back and see if we can't complete this. If we possibly

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[1] can, it would be my intent to do that. Stand in recess.
[2] (Recess.)
[3] The Chairman. Mr. Chertoff.
[4] Mr. Chertoff. Thank you, Mr. Chairman. Getting back
[5] to the question of the telephone calls, I just want to make
[6] sure, Ms. Williams, that I understand that you agree that
[7] the number 456-6266 was your number in the west wing?
[8] Ms. Williams. No, it's not in the west wing.
[9] Mr. Chertoff. I'm sorry, where is it?
[10] Ms. Williams. It is not. It's in room 100.
[11] Mr. Chertoff. The Executive Office Building?
[12] Ms. Williams. Yes, sir.
[13] Mr. Chertoff. That is your number?
[14] Ms. Williams. No, it was the number for the First
[15] Lady's office. Any calls that come in for the deputy – my
[16] deputy, the deputy policy person, interns. It's the
[17] general number.
[18] Mr. Chertoff. Can you be reached at that number?
[19] Ms. Williams. I can be reached at that number
[20] sometimes.
[21] Mr. Chertoff. I have a problem here, then.
[22] Mr. Chairman. And I guess I have to bring it to your
[23] attention. We had asked the White House – and I see
[24] there's a representative of the White House sitting in the
[25] audience – we had asked the White House to give us a

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[1] directory indicating the various individuals who were
[2] attached to various phone numbers.
[3] I have it in my hand – and in my hand I also have the
[4] facsimile record indicating it was faxed to us on July 18.
[5] 1995, 12:12 a.m., 456-2883 as the fax sending number,
[6] indicating that the White House had provided us with an
[7] official record listing the people to whom various
[8] telephone numbers pertained, and I think it was on that
[9] that Senator Mack relied. And in looking at that
[10] document, it indicates as the people or the offices for –
[11] The Chairman. Why don't we do this: Can we put that
[12] document – I think everyone has this document, but if we
[13] can put it up – do we have copies of this? Can we get
[14] some copies made?
[15] Mr. Chertoff. I know we all have received this at a
[16] point in time. You will see that there are two names
[17] listed by the number 456-6266. First there is a general
[18] number for the chief of staff to the First Lady, that's
[19] you; right?
[20] Ms. Williams. Yes.
[21] Mr. Chertoff. And then we have Margaret Williams,
[22] 456-6266, and we have Evelyn Lieberman, 456-6266. Now,
[23] Ms. Lieberman, I had asked you earlier whether on July 22
[24] you had received any calls from Susan Thomases, and your
[25] answer to that was you didn't recall getting any.

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[1] Ms. Lieberman. That's correct.
[2] Mr. Chertoff. So by process of elimination, the only
[3] other name which the White House furnished us with in the
[4] last month has been the name that is attached to this
[5] number as 456-6266.
[6] Ms. Lieberman. The fact that I said I didn't remember
[7] doesn't necessarily mean that I didn't speak to Susan. And
[8] the point that I wanted to make before –
[9] The Chairman. Let me ask you this: Do you have any
[10] specific recollection of having received phone calls during
[11] this period of time from Susan Thomases?
[12] Ms. Lieberman. No, I do not. I do not have any
[13] specific recollections of having phone calls from anybody
[14] during those days, but I would like to make just one point
[15] that I wanted to make before. Very often, if people wanted
[16] to talk to Maggie – sometimes Susan – I would speak to
[17] them. I very often would just intercept calls for Maggie
[18] if she were elsewhere, so it's very possible that some of
[19] these calls could have been taken by me.
[20] The Chairman. But you don't recall it?
[21] Ms. Lieberman. No, I don't, no. It would not have
[22] been unusual for me to speak to Susan, so it wouldn't be
[23] anything that I would remember specifically.
[24] The Chairman. But you do not – again, I don't mean
[25] to beat a dead horse, I think you've answered that you

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don't recall having any conversations with Susan Thomases.
Ms. Lieberman. Yes, sir, that's correct, but it would not have been unusual for me to have spoken to her.
The Chairman. We understand that.
Mr. Chertoff. But let me pursue this for a moment,
Ms. Lieberman. If you took a call from Susan Thomases for
Ms. Williams, you would leave a message; right?
Ms. Lieberman. No, not necessarily.
Mr. Chertoff. You would tell Ms. Williams?
Ms. Lieberman. Sometimes.
Mr. Chertoff. So in other words, you would orally convey the content of the call to Ms. Williams?
Ms. Lieberman. Sometimes. For example, I wouldn't have told Maggie if – which was not unusual – if Susan
would have called during that period and said how is Maggie
doing, I'm worried about her. So I wouldn't necessarily
have said to Maggie, Susan called, she's worried about
you.
Mr. Chertoff. Well, the 22nd of July was the day in
which you testified, Ms. Williams, that Susan Thomases
showed up at your office in the Executive Office Building
and discussed insurance matters with you. Remember that?
Ms. Williams. Yes.
Mr. Chertoff. And is it your recollection,
Ms. Lieberman, that there were four or five additional

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occasions on that day in which Susan Thomases called you to
find out how Maggie Williams was doing?
Ms. Lieberman. No, it is not my recollection, but we could have had phone conversations and she could have had
phone conversations with other people in the office. 6266
is the general number of the First Lady's office, which we've –
The Chairman. How many other people are there in this
office?
Ms. Lieberman. In this particular suite?
The Chairman. Yes.
Ms. Lieberman. I'm counting down the suite. It could have been any of a number of volunteers who sit in the
front and answer the phone, let's say 10.
The Chairman. Mrs. Lieberman.
Ms. Lieberman. Yes, sir.
The Chairman. I don't mean to – I have to tell you that it is difficult under these very trying
circumstances,
given the tragedy and the death and the upset, to believe
that Mrs. Thomases would be speaking for three minutes and
48 seconds at one call and I think seven minutes and six
minutes, 11 minutes, to a volunteer.
Ms. Lieberman. I agree.
The Chairman. So let's – and certainly if it was
something of some urgency and you don't recall getting one

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of those phone calls, there would have been a message of
some kind that would have been conveyed to Maggie Williams
by one of these people.
So now when we look at the –
Ms. Lieberman. Mr. Chairman, may I just clarify one thing. There are 10 staff people who have access to that
telephone, irrespective of the volunteers.
The Chairman. You're not suggesting that Susan Thomases spoke to these people regularly, are you?
Ms. Lieberman. Oh, yes.
The Chairman. That she spoke to all of these people?
Ms. Lieberman. No, no, no, but regular contact with about three or four of us, yes.
The Chairman. Yourself?
Ms. Lieberman. Yes.
The Chairman. Maggie Williams?
Ms. Lieberman. Yes.
The Chairman. Who else?
Ms. Lieberman. Melanne Verveer, who was Ms. Clinton's
deputy chief of staff. Lisa Caputo –
The Chairman. Was he there on this particular occasion?
Ms. Lieberman. Who, Melanne? She. I don't remember.
The Chairman. I'm just – I understand that I'm

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trying to help.
The Chairman. That's why Senator Mack – I want you to know that I was not aware of these calls or this
breakdown, and it is very powerful. When we get from the
White House an indication that the telephone numbers
requested and that's why you see two names that appear for
456-6266 was Margaret Williams and you, Ms. Lieberman –
Mrs. Lieberman, that's why the Senator after you testified,
both in your depositions and today, that you didn't
receive – or you have no recollection receiving any of
these calls – by the way, anyone could miss a call.

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I am not suggesting that if one call or maybe two, that you wouldn't have any recollection, but given the frequency of these calls over that period of time, it seems to me that this is – that is a matter of some concern. Now, let me tell you why. We do have testimony from others, and indeed from Maggie Williams, that indicates that contemporaneously with this there were discussions as it relates to the treatment of the papers in Vince Foster's office. And so this was going on. And while we have Ms. Thomases who calls at 12:15 and then calls again and says I'm coming down the next morning – I mean, this would appear to be a matter of some urgency. And given – no?

Ms. Lieberman. Not if you –

The Chairman. You don't think she thought this was

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some urgency if you look at the nature of these calls, huh?

Ms. Lieberman. If you would look at the pattern of phone calls or pages from any other particular period of time, you might find the same pattern. Susan calls late at night. She often comes down to Washington.

The Chairman. I'm not just speaking about the one call, but in any event, it certainly raises questions with me, I have to share that with you. I was not aware of the frequency of these calls during this very short period of time and the manner in which they come in to the various people, and to your office, at the very least, and then to Bernie Nussbaum and to the chief of staff, all while the whole subject matter of the papers – and given Ms. Thomases heretofore work and advice. I believe there's been testimony as it relates to the Whitewater matter, certainly during the campaign and even at some point in time thereafter, that she had been working with this. So at least in giving advice, how to handle this matter. So that's why it raises some questions, but the little red light has gone on. I'm going to – Senator Sarbanes?

Senator Sarbanes. Thank you very much.

Senator Kerry. I think she started to answer a couple of times and got cut off.

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The Chairman. Ms. Lieberman, if you wanted to make any kind of reply, please go ahead.

Ms. Lieberman. I think the point that I was trying to make – thank you – is that Susan called very frequently. She often calls late at night. That's when she has – as Maggie said, that's when she has ideas and that's when she has time. I'm sorry I don't have some home phone tapes where you can hear late night messages from her. But the other point that I would like to make with reference to why I didn't specifically recall, and still do not, having spoken to Susan that day, is although Vince's death was obviously a horrific thing, I was not friends with him, I did not know him well, I hardly knew him at all. His relationship was with Maggie. My concern was with Maggie's well-being and how Maggie was doing, so the events of the next two days would not have had the same significance for me as they would for other people who were directly involved with Vince. So I guess the other point that I would like to make is that it would not be unusual for Susan, A, to call a number of times and to talk to me for a couple of minutes about how is Maggie doing, is she going to the funeral, what's going on. So that's why it's not unusual for me and that's why I wouldn't remember having spoken specifically to Susan.

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The Chairman. Senator Sarbanes?

Senator Sarbanes. Could we have that table that Mr. Chertoff was using just before we changed over? And while it's being –

The Chairman. You mean up on the –

Senator Sarbanes. Up on the screen. And while it's being put up, Ms. Lieberman, is it fair to say that Susan Thomases calls all the time?

Ms. Lieberman. Yes, sir.

Senator Sarbanes. Now, I just want to point out one thing here, because I think, you know, it's an interesting line of questioning, but I am concerned about the double treatment in the relevant contacts chronology that was laid before us earlier, and then Mr. Chertoff sought to explain

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it away by going to these numbers that were given there for
Ms. Williams, as I understand it.
Exactly the same numbers are given for Mr. McLarty.
Not the same telephone number, but the same identical
numbers up where you see McLarty. And on McLarty, where
you have 456-6797 and 456-6797, which is the general number
into that office, as I understand. It's like 456-6266 –
Ms. Lieberman. That's correct.
Senator Sarbanes. – is the general number into
Margaret Williams's office. Now, with the McLarty calls,
the chronology says "Thomases called chief of staff

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McLarty's office, spoke with someone for seven minutes
(Susan Thomases's phone records)."
Now, when calls are made to the chief of staff of the
First Lady, we don't say that they called the chief of
staff's office and spoke to someone for a certain number of
minutes. We say Thomases called Maggie Williams. Now, she
may or may not have spoken to Maggie Williams, I don't
know. Maggie Williams says she doesn't recollect, but what
my concern is the divergent treatment in the relevant
contacts chronology of these phone calls.
The Chairman. Well, if Senator wants a response.
Senator Sarbanes. Sure, I'd like to straighten it out.
The Chairman. Mr. Chertoff.
Mr. Chertoff. I want to first of all – I don't want
to put myself into Senator Mack's mind because I didn't
prepare this. I think the point I was trying to make was
simply this: In the current state of the record, I cannot
tell you whether the call to the three people listed in the
chief of staff's office went to any one of those three.
What we do have on the current state of the record is
testimony by Ms. Lieberman that she did not recall any
calls that day from –
Ms. Lieberman. And I explained why, Mr. Chertoff.
Mr. Chertoff. I understand that. I'm just trying to

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address the issue of disparate treatment. What we do have
here is we had testimony a little earlier when I was
originally asking questions in which Ms. Lieberman
indicated she didn't recall getting any calls from Susan
Thomases. By process of elimination, that simply leaves
one name. I think that – I can't speak for Senator Mack.
For myself, I would be delighted –
Ms. Lieberman. Mr. Chertoff, may I respond to you?
Mr. Chertoff. Excuse me. I would be delighted if we
could in the course of the hearings pare down the list of
names under chief of staff to President –
Senator Sarbanes. I think it leaves –
The Chairman. I am willing to bring in all of the
other people who may have been working on those days, and
if we're going to persist in this, I'm going to ask that we
bring them all in, take depositions or put them on, but
take depositions to ascertain how many of them spoke, if
any of them, to Susan Thomases. There's a way to resolve it.
Senator Sarbanes. Are you going to bring all of
McLarty's people in?
The Chairman. No, because we understand – if you
want to, because he has not indicated – Senator Mack did
not indicate that a call went to McLarty. He said to the
chief of staff's office. I think we've explained that in

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good faith, given this information from the White House
with the two names on, by process of what would be
elimination with one person indicating that they did not
receive or recall receiving any calls, there being
approximately almost a dozen, 10 or 11 calls, that
therefore a reasonable person might come to the conclusion
with just that information that it was troubling to them
how it was that these many phone calls during this short
period of time would not be remembered, and particularly
from Susan Thomases. Susan Thomases is not just anybody.
She doesn't call on a whim, she doesn't call on – she
calls on important matters. She's a thoughtful, powerful
person, a good friend of the First Lady, influential –
Senator Sarbanes. Let me recapture my time and ask
Ms. Lieberman –
The Chairman. If I might, I'll start the time right
from the beginning for the Senator and you have a right to
reclaim all of it. But I think by way of response, you
asked for a response to that, and I've attempted to do
that.

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[21] If necessary, I think our counsels can work it out if
[22] the committee wants to and if we can't stipulate, to
[23] examining – bringing in the other people who work there
[24] and examining by way of deposition as to whether or not
[25] they received phone calls from Susan Thomases during this

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[1] period of time. And so I'll leave that as a possible
[2] consideration for the committee staff to undertake during
[3] the next week.
[4] Senator Sarbanes. Mr. Chairman, let me just make this
[5] observation and then – the only number – the only name
[6] listed for the 6797 is Mack McLarty. On the chronology for
[7] McLarty –
[8] The Chairman. There's Mr. Burton's name, Mr. Neel's
[9] name –
[10] Senator Sarbanes. And the others had Ms. Williams and
[11] Ms. Lieberman. Now, up there when they made a call, they
[12] didn't assume it went to McLarty, that's the only point I'm
[13] making.
[14] The Chairman. I understand.
[15] Senator Sarbanes. Ms. Lieberman, would you respond to
[16] the observation about Susan Thomases's phone calls that the
[17] Chairman was making?
[18] Ms. Lieberman. Yes, sir. With all due respect to
[19] Susan's importance, and I like her very much, and no, she
[20] may not call on whim, but her calls are not infrequent, and
[21] receiving a call from her and speaking to her would not
[22] necessarily be a noteworthy or memorable event.
[23] Senator Sarbanes. Thank you very much. Senator
[24] Kerry, did you want to – John?
[25] Senator Kerry. Oh, well, I just thought the record

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[1] ought to also reflect, I believe – because we stand
[2] corrected now as to the other telephone numbers and their
[3] generality, so I think it would be helpful if the Chairman
[4] simply said that nobody ought to draw any conclusions yet
[5] from this chronology.
[6] The Chairman. No, the Senator is absolutely correct.
[7] We should not, but I think that's what Senator Mack was
[8] raising, and I think –
[9] Senator Kerry. It's a legitimate question.
[10] The Chairman. Sure, yes.
[11] Senator Kerry. But I think the Senator did more
[12] than – he, in fact, read –
[13] The Chairman. I don't draw any conclusions –
[14] Senator Kerry. He had a script and, in fact, it was
[15] interesting because he was reading about how he found her
[16] explanation inconsistent and he was reading from the script
[17] how he found it inconsistent when he hadn't even heard her
[18] answer yet, but nevertheless he read the prescripted
[19] inconsistency.
[20] So I think there was sort of this purposeful effort to
[21] try to leave an impression of – well, precisely the
[22] impression we've been discussing, so I think we ought to
[23] agree that until we know where the phone calls went and who
[24] they went to, that it's inappropriate.
[25] The Chairman. Well, again, I am willing to – I think

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[1] given – and I don't want to replow this over and over, but
[2] given the information that the White House provided us with
[3] two names, one telephone number, it was reasonable with one
[4] of the people saying they do not have any recollection to
[5] raise the question whether or not these 11 phone calls or
[6] 10 phone calls did go to the chief of staff of the First
[7] Lady, and I think – you know, that's very reasonable.
[8] Now, I don't know if we want to examine – and again,
[9] I think it's very reasonable to assume that some of these
[10] calls may not have connected, but that when you do get
[11] calls that go on for a period of time, it's reasonable to
[12] assume that a connection and a conversation – I mean,
[13] Ms. Thomas is not a person who is inconsequential. This
[14] is – I mean, so we're not talking about just some person
[15] who just makes phone calls in –
[16] Senator Kerry. Let me say to the Senator I completely
[17] agree with him –
[18] Senator Sarbanes. She's a New York neighbor of
[19] Senator D'Amato.
[20] The Chairman. I have to say that.
[21] Senator Sarbanes. There's no inconsequential
[22] New Yorker, that's for sure.
[23] (Laughter.)
[24] Senator Kerry. I just wanted to say that in fairness,
[25] I'm not trying to leave the impression either that there

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[1] weren't connections, that there weren't conversations or
[2] that Susan Thomases obviously isn't a player and somebody
[3] important, but I just felt that Senator Mack was drawing
[4] conclusions that reached beyond what's appropriate.
[5] The Chairman. Senator Mack.
[6] Senator Mack. I'll just make one additional comment
[7] and hope that this won't go on much longer. One of the
[8] calls that I referred to was on July 22, that was Susan
[9] Thomases's call, a page to Bernie Nussbaum. Bernie
[10] Nussbaum returned that call sometime thereafter. He called
[11] her back, and according to what he told Steve Neuwirth,
[12] Ms. Thomases told him that she and the First Lady were
[13] concerned about unfettered access to Foster's office by
[14] investigators. All I'm saying is I think that lays the
[15] basis for saying that these were more than just casual
[16] phone calls that were coming in as Susan Thomases normally
[17] does. I'm just saying that with that as background, I
[18] think that there are serious questions about these phone
[19] calls.
[20] The Chairman. Let me ask you, because I do have other
[21] Senators who have indicated that they want to continue and
[22] the hour is at quarter to 6:00. I don't know if we can get
[23] them here at this time. That's the problem. Let me say
[24] this to you: If we were to attempt to limit further
[25] questioning to an hour, could you be available tomorrow?

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[1] Ms. Williams. Mr. Chairman.
[2] The Chairman. Yes.
[3] Ms. Williams. You know, with all due respect, I would
[4] like to go home and get a good night's sleep tonight. I'm
[5] happy – you know, what can I say, I'm not coming back?
[6] I'll be back tomorrow if you say I've got to be back
[7] tomorrow, but my preference is to stay and try and get
[8] through this. I would love to try and get through it.
[9] The Chairman. Let me do this –
[10] Ms. Williams. I would also like to go to work.
[11] The Chairman. I'm going to recess tomorrow and I'm
[12] going to have counsel review this matter and see if we
[13] can't avoid the necessity of bringing you back
[14] tomorrow. I
[14] have to check because there are a number – we are –
[15] Senator Kerry. Mr. Chairman, can I say, you know, we
[16] were originally going to go until 1:00 and do a panel a day
[17] and then we agreed to change, and I think that's a good
[18] idea. I agree with the Chairman completely in trying to
[19] move through this. But, you know, it's only quarter of
[20] 6:00. We're going to be here in the Senate for the next
[21] hours.
[22] I think it's only fair to complete our task. The
[23] witness is here and ready. I think it's very unfair to
[24] sort of drag this on and out, with the exception of
[25] something that you might need to check with counsel in

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[1] order to get further elucidation, but the fact that a
[2] Senator doesn't want to be here now to question is
[3] inappropriate to prolong this, and I think we ought to –
[4] The Chairman. I'm going to suggest that we recess,
[5] with a view towards seeing if we can't resolve this without
[6] the necessity of bringing Ms. Williams back. I mean, if I
[7] have my druthers, unless there are Senators who feel that
[8] there are very important issues –
[9] Senator Kerry. Mr. Chairman, I think again we should
[10] limit that. Senators may come back here. For whatever
[11] reason they're not here today –
[12] The Chairman. Let me say this to you –
[13] Senator Kerry. I think it should be limited to the
[14] area of –
[15] The Chairman. We'll continue and see how much we can
[16] get done at this point in time, all right?
[17] Ms. Lieberman. Thank you, Senator.
[18] The Chairman. I want to try to resolve this. If we
[19] can complete it, I would like to do that.
[20] Senator Sarbanes. Mr. Chairman, could staff contact
[21] the absent Senators and tell them we're trying to conclude
[22] this matter and if they have questions, they ought to
[23] come? I mean, we're still in session, we're voting, so
[24] they –
[25] The Chairman. Senator Bond, are you ready?

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[1] Senator Bond. Well, I'm ready if you are – if you're
[2] not going on that side.
[3] The Chairman. Yeah.
[4] Senator Bond. First I would ask if my colleague from
[5] Florida is finished with his questions.
[6] Senator Mack. Yes. I've got others and I'll

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go into them later.
Senator Bond. Ms. Williams, I want to move back to the night of the 20th, just the comings and goings, because we do have a number of conflicts. We understand it was very – it was a very emotional night, and I just want to find out who was where. I just want to know the movements.
First there's some uncertainty about who was in the office first. You may have heard Secret Service Officer O'Neill testify that he opened the office at 10:42 and that Patsy Thomasson came in with Bernie Nussbaum, then you testified that Patsy Thomasson was there, so on the basis of your testimony and Ms. Thomasson's and O'Neill's, we have that straight. Mr. Nussbaum had the story confused on that one. The majority seems to be that Ms. Thomasson was there when you arrived.
The second area of confusion was who was left alone in Mr. Foster's office. Mr. O'Neill – Secret Service Officer O'Neill said Ms. Thomasson was sitting alone at the desk.

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You also said that Ms. Thomasson was alone in Foster's office; is that correct?
Ms. Williams. That's correct.
Senator Bond. Again, Mr. Nussbaum said that you and Ms. Thomasson were already there when he got there, but it appears that your accounts are – we're on track so far.
The area of greatest confusion is who was last to leave the office and who locked up. Mr. Nussbaum testifies that you all left Mr. Foster's office together.
Ms. Thomasson testifies that you left and then she and Mr. Nussbaum left, and you testified that you and Bernie Nussbaum left Ms. Thomasson sitting at the desk. Is that your testimony, that you left Ms. Thomasson sitting at the desk?
Ms. Williams. My testimony was that Ms. Thomasson was sitting at the desk. My testimony was that I was not clear if Bernie Nussbaum left before me or after me, but the best of my recollection is seeing us both in the stairwell with Bernie, it seemed, ahead of me. I remember kind of looking at his bald spot.
Senator Bond. That is noticeable, I agree with you.
Ms. Williams. And I kind of remember that, and so, you know, as close as I can get it is he left first and me shortly after, and him in front of me.
Senator Bond. Now, you had gone to the White House to

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pick up the press schedule. That was the first thing in terms of your action that night, you went to see what the – I mean, the daily schedule, the schedule for the next day; is that correct?
Ms. Williams. No, I had been less purposeful than that. I had gone to the White House. When I got to the White House, I did try and give myself something to do. I was there – when Mrs. Clinton's father had died earlier in April of that year, she had called me to tell me of her father's death and I had returned to the White House, not with much of a mission, but wanting to be available and when I got there, there was something for me to do. So I didn't go with a mission, but the schedule, as well as looking at the press statement, were both things that occurred to me should happen since I was there.
Senator Bond. And the schedule, you say in your deposition, was slipped under the door?
Ms. Williams. The schedules at that point were not being faxed, and generally what would happen is that the schedule would be slipped under the door and in an envelope.
Senator Bond. It's just a one- or two-page thing slipped under the door. I think those were the good old days before we had faxes. Schedules were a lot more to the point then when you didn't have faxes, but they just

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slipped it under the door.
Ms. Williams. Slipped it under the door.
Senator Bond. And that's what you had, that's what you were carrying around that night?
Ms. Williams. Well, I don't know at what point I was carrying it, but I do know that – going to my office, thinking that – in order to look for the schedule, that it would be there. So I really can't tell you how long I was carrying it, if and when, but that's something that

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sticks
out in my mind.
Senator Bond. All right. But it's certainly not something that you would have to take two hands to carry?
Ms. Williams. No, sir.
Senator Bond. Now, you worked directly for Mrs. Clinton, the First Lady, as chief of staff?
Ms. Williams. Yes, sir.
Senator Bond. Not for Mr. Nussbaum. I'm having a little trouble just with some – with the common sense, as one of my colleagues on the other side expressed it. Mr. Nussbaum is the counsel. He wants to take care of some records in the office of his deceased deputy counsel. He wants to gather them up. He calls the First Lady's chief of staff and asks her to do it rather than getting somebody in his office to do that? Maybe you can clarify that for me.

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Ms. Williams. Well, I will certainly be speculating since Mr. Nussbaum made the call. I can tell you what I was thinking when I responded to the call. I consider Bernie Nussbaum a friend and a colleague, and it struck me, quite frankly, that if Bernie wanted me to do something, that this was a responsibility that I could take care of for him. I wanted to do it – he could have suggested almost anything and I would have done it that day.
Senator Bond. But he wasn't in the habit of giving you orders, was he?
Ms. Williams. I don't consider it an order. I considered it him asking me if I would get the personal files over to the personal lawyer.
Senator Bond. I know Mr. Nussbaum has been characterized as an aggressive New York lawyer, but I can't – I have trouble seeing even an aggressive New York lawyer calling up the First Lady's chief of staff to help clean out the office of the deputy counsel, and then I –
Ms. Williams. Well, Senator – Senator Bond, I think that – as I said, I will not speculate as to why it is that Bernie called me, but I will tell you, I wasn't struck dumb by someone saying during this time – I guess I didn't see it as a big distribution of files as much as I thought as, you know, we've got to get back on track, we've got to start work, do this for me. That's how I read it. Maybe I

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was incorrect. That's how I read it. Blame it on the Midwest.
Senator Bond. Well, back on the west bank of the Mississippi, I'd have to say that dog doesn't hunt, but that's – I mean, it just – it doesn't square with the way I – you would expect things normally to happen. And let me just –
Ms. Williams. The way you would expect things to happen?
Senator Bond. That the counsel has to take care of a problem in the office of his deputy counsel, so he calls the First Lady's chief of staff?
Ms. Williams. He called Maggie Williams. Bernie Nussbaum called Maggie Williams, his friend, Vince's friend, his colleague. That's who he called.
Senator Bond. One more problem I've got, and maybe you can help me solve this, you gathered all the materials together. This was when he told you to gather them together?
Ms. Williams. No, he did not tell me to gather materials together.
Senator Bond. But you were asked to get the materials to the counsel?
Ms. Williams. Personal lawyer, that's correct.
Senator Bond. Now, by the time you finished with that

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task, you were tired and did not want to wait for the courier from the law firm?
Ms. Williams. No. As I said before, there were a number of things. It was not simply that I didn't want to wait for the courier. I had also been interrupted a number of times by phone calls back and forth. The day was getting later and growing longer for me. I decided at some point that I was not going to stay later to wait for a courier to be cleared in to pick up the boxes, so it was a number of factors.
Senator Bond. Okay. The thing that troubles me and the thing that I have trouble understanding, this was an office, we've heard testimony by the uniformed Secret Service officer that is locked, monitored by the Secret Service. You had – it took some time – there were interruptions to get the materials together.
Now, if you did not want to wait for a courier that [illegible] these things I would say could be

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done.
[19] Number one, you could have taken them around the corner to
[20] your office, which is very nearby. That would have
[21] involved moving them, it would have taken them out of a
[22] secure area, or number two, you could leave them in the
[23] office which had been and was to be secured, which is the
[24] least effort and the least time-consuming, or you could
[25] summon an intern or a courier within the White House, call

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[1] Mrs. Clinton, find out where to put them in the residence,
[2] make arrangements to cart them all the way up to the
[3] residence, which is obviously much farther away than your
[4] office, and it's far more difficult than leaving them in
[5] the office which was secured and monitored by the Secret
[6] Service.
[7] Now, I have some common sense problems with why you
[8] chose the most difficult and least secure method of
[9] handling those.
[10] Ms. Williams. Senator Bond, as I said in my response
[11] to Senator Kerry, perhaps I could have selected your option
[12] A or your option B. I selected option C. I think that my
[13] reasoning, though perhaps faulty in retrospect, was at the
[14] time that – I was looking for both a way to accommodate
[15] Bernie Nussbaum's asking me to take the files, the personal
[16] files, and put them away, and to accommodate my wanting to
[17] leave there.
[18] So I thought if I cannot get them to the personal
[19] lawyer, files that were headed to the personal lawyer, that
[20] did not get there because of my own selfish reasons, but if
[21] they weren't going there, I thought where else could I put
[22] them that would safeguard them, perhaps give Bernie peace
[23] of mind, gave me peace of mind and I thought they're
[24] personal files, I'll put them in the residence.
[25] Senator Bond. Thank you, Mrs. Williams. Some of us

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[1] draw different conclusions from that.
[2] Ms. Williams. Sure.
[3] Senator Bond. Mr. Chairman.
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[1] The Chairman. Senator Sarbanes, do you have any?
[2] Senator Sarbanes. Mr. Chairman, I think we'll yield
[3] to Senator Moseley-Braun. I think she has a couple of
[4] questions.
[5] Senator Moseley-Braun. Thank you very much,
[6] Mr. Chairman. First to Ms. Lieberman, I want to establish
[7] a few, what seem to be outstanding facts in all of this.
[8] On the night of the 20th, number one, you were not wearing
[9] a dress?
[10] Ms. Lieberman. Me?
[11] Senator Moseley-Braun. Yes, on the night of the 20th?
[12] Ms. Lieberman. No, I was not wearing a dress. That I
[13] can say with certainty, especially if I was home.
[14] Senator Moseley-Braun. Number two, you did not
[15] introduce Ms. Williams to Officer O'Neill?
[16] Ms. Lieberman. No, I don't think I did.
[17] Senator Moseley-Braun. And you did not see
[18] Ms. Williams carrying files or file folders or boxes?
[19] Ms. Lieberman. That's correct.
[20] Senator Moseley-Braun. And you took her home; you
[21] left again?
[22] Ms. Lieberman. Yes.
[23] Senator Moseley-Braun. I wanted to establish those
[24] things. With all of this conversation about what happened
[25] that evening, it's possible things kind of get lost in the

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[1] shuffle, and I wanted to clarify that with you.
[2] Now, Ms. Williams, you testified that you're easy to
[3] make friends, to make friends?
[4] Ms. Williams. Close, I said.
[5] Senator Moseley-Braun. And I, for one, can testify to
[6] that. You've been nice to me ever

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since
I've met you and I feel like we got to be friends right away, particularly, Mr. Chairman, after I met Ms. Williams's mother, who told me how she was praying on the situation, and I believed her when she said that. And so I just wanted to ask you, Ms. Williams, how many hours have you spent with this whole thing? How many hours have you spent in questioning? Can you – just an estimate?
Ms. Williams. I cannot tell you how many hours, both in these depositions, grand juries, investigations, private consults with my lawyer, trying to stay awake and figure out all this, which is why I wanted to get through it tonight. It's been too long.
Senator Moseley-Braun. How much money have you had to spend on this?
Ms. Williams. I have bills upward of $140,000.
Senator Moseley-Braun. And as long as you're in the government, you can't raise money to pay those bills off because you're prohibited?

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Ms. Williams. No, not right now.
Senator Moseley-Braun. So this has been really hard on you, and I didn't mean to reduce you back to this point. I know that you've really been through the mill with this. But just as a final point – and I know it's a point that you've made time and time again, but I think it's important to kind of nail these things down for the record.
With regard to this situation, it's your belief, your firm belief, that you did nothing wrong. That's one question. The second question is that you took part in nothing, in no conspiracy with regard to any part of anything having to do with Vince Foster's death or the contents of his office?
Ms. Williams. I did nothing wrong.
Senator Moseley-Braun. Thank you. I have no further questions.
The Chairman. Thank you, Senator. Senator Grams.
Senator Grams. Thank you very much, Mr. Chairman, and I also have just a few questions, and I'd like to ask them very quickly. But Mrs. Williams, there are a lot of contradictions in the testimony among the people who were in the office and in stark contrast to what Mr. O'Neill testified as far as who was in the office and who wasn t. And I think – I'd just like to ask you how you can

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reconcile some of these issues because they do leave a lot of doubt in our minds as to who was there and when. What time did you arrive? You said you came into the White House counsel's suite with Mr. Nussbaum; is that correct?
Ms. Williams. No.
Senator Grams. I've been in and out of the hearing all day, so I apologize.
Ms. Williams. No, that's okay. No, what I said was I went into Vince Foster's office. Patsy Thomasson was there, and later Mr. Nussbaum arrived shortly afterwards.
Senator Grams. As you know, Mr. O'Neill said he thought when Mr. Nussbaum arrived, shortly after he opened the suite that two other figures came through. So basically we're all arriving about the same time. But you say you were already there when Mr. Nussbaum arrived?
Ms. Williams. That's what I recall.
Senator Grams. How long were you in the office, then? You were there ahead of Mr. Nussbaum, and you must have come in shortly after the office was open because, again, Mr. O'Neill's testimony says within a few minutes after he opened the office, Mr. Nussbaum walked by him. You're saying you were already there. So how long do you estimate that you spent in Vince Foster's office that night?

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Ms. Williams. I really don't know in terms of minutes. I only think about it – I only think about it in terms of it being a brief time. I really don't know.
Senator Grams. You claim that you and Bernie Nussbaum then left together and Patsy Thomasson remained behind?
Ms. Williams. Well, Patsy Thomasson was still there, as I recall. I believe that, as I said to Senator Bond and Senator Mack, that my recollection was that Mr. Nussbaum left first and then I left shortly after that.
Senator Grams. Mrs. Lieberman, do you remember talking at all with Officer O'Neill that night?
Ms. Lieberman. No, sir, I don't.
Senator Grams. He remembers at least two distinct conversations: in fact, riding in the elevator with you remembers coming back up and said I recognized

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her again
because I talked to her five minutes before. Why would he
have any reason to tell a story different than what you're
telling?
Ms. Lieberman. I said I don't recall talking to him.
What I did say is it was possible he was the person who
came up and opened Mrs. Clinton's suite, and under those
circumstances, I would have spoken to him.
Senator Grams. He said he remembers you standing in
the doorway talking to someone back in the White House
counsel's suite, talked to you, and, in fact, you

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introduced Maggie Williams to him as Hillary Clinton's
chief of staff.
Senator Sarbanes. No, no, that's not what he said.
Ms. Lieberman. I don't recall being in the counsel's
suite.
Senator Kerry. I think, Mr. Chairman –
Senator Sarbanes. He said he was Hillary Clinton's
secretary.
Senator Kerry. Secretary.
The Chairman. Yes. I think there was some confusion,
but – at one point secretary, and he said he might not be
sure because there was a confusing point when I asked him
were you confused as to the title? Could it have been
chief of staff, assistant or secretary? He said yes, but
in the deposition, he says secretary. But I think he then
indicated thereafter when that question was raised that it
could have been any one of the three, and there was some
confusion.
Continue, Senator.
Ms. Lieberman. I know what he said. I can't
understand – I don't remember under what circumstances I
might have introduced Officer O'Neill to Maggie, and I
certainly wouldn't have said that she was Mrs. Clinton's
secretary. And I understand that there is confusion in his
recollection, but I don't understand the circumstances

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under which I would have done that.
Senator Grams. And just one final question.
Ms. Williams. Again, the question has been asked

over and
over, did you take anything from Vince Foster's office?
Ms. Williams. No, sir.
Senator Grams. Did you take anything from the White
House counsel's suite that evening?
Ms. Williams. No, sir.
Senator Grams. You did not walk by Officer O'Neill to
your office, go into your office with something in your
hands and then come back out? In other words, you're
saying that that never happened, you never left the White
House counsel's suite, went to your office before leaving
the second floor –
Ms. Williams. Well, I think you need to go back and
maybe we should have the stenographer read the question
because I think there are two things going on here.
Senator Grams. I'm talking just – he's saying these
are the last things that happened at 11:42 when he reached
in and reset the alarm and locked the office. This was the
last thing he said that happened.
Ms. Williams. Can I have the stenographer because I'm
not catching the question specifically because I think
you're asking two questions. One question I could be
absolutely sure of, if the question is did I take anything

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out of the White House counsel – White House counsel's
suite; I did not.
Did I take anything – excuse me, sir. Did I take
anything out of Vince Foster's office proper? The answer
is I did not. Now, if the other part of your question goes
to whether or not there could have been a time when Officer
O'Neill saw me with something in my hand going into my
office, as I've indicated already, I know that night pretty
much with some certainty that I had two things in my hand
in that period.
I had the statement and maybe copies of the statement,
and at one point, I had the schedule which did come from
under my office door. I mean, I'd have to open the office
to pull out the schedule. That is so, but those two things
did not come from the White House counsel's suite

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or Vince
[16] Foster's office.
[17] Senator Grams. So you did not leave the office or the
[18] White House counsel's suite –
[19] Ms. Williams. I did not leave the White House
[20] counsel's suite.
[21] Senator Grams. – and walk to your office and leave?
[22] Ms. Williams. As I said in my deposition and also in
[23] my statement, I'm not clear about the sequence in
hich
[24] things happened that evening. I'm not clear when I
went to
[25] my office for the schedule. I don't know the point that
I

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[1] went into Vince's office, if it was before or after. I
[2] know that these things happened. I do not remember
the
[3] sequence.
[4] Senator Grams. I don't have any other questions.
[5] The Chairman. Mr. Chertoff –
[6] Senator Sarbanes. You still have some time.
[7] The Chairman. Mr. Chertoff.
[8] Mr. Chertoff. Back to the 22nd – and let me say
[9] first, Ms. Williams, I understand the hour is late. I
[10] understand you want to finish, you want to continue
to go
[11] forward, but I also know from experience witnesses
get
[12] tired, and I certainly don't want to have a situation in
[13] which any questions I ask, you feel you're not able to
[14] think about because you're getting tired. If you want
to
[15] take a break or something, please let us know. Okay?
[16] Ms. Williams. I appreciate that. Thank you.
[17] Mr. Chertoff. Now, we have had some testimony,
some
[18] indication in the past that one of the main concerns
that
[19] Mr. Nussbaum had in terms of allowing the police
and the
[20] FBI into Mr. Foster's office was a concern about
[21] attorney-client privilege, and particularly the personal
[22] attorney-client privilege the Clintons might have for
their
[23] personal documents.
[24] And if I'm not mistaken, you testified you yourself
[25] were aware of conversations on the 22nd about
whether

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[1] letting the agents in to look at documents would
somehow
[2] break the attorney-client privilege the Clintons might
have
[3] in the documents.
[4] Ms. Williams. Can I go back to that for a second
[5] because I'm not – not being a lawyer, I'm not clear
[6] whether or not attorney-client privilege in terms of
[7] personal matters, is the same as executive privilege
having
[8] to do with public matters.
[9] Mr. Chertoff. You know, that's a very good question,
[10] and I think it's one we've asked and we're probably
going
[11] to ask later. There may be a difference.
[12] Ms. Williams. Because in my deposition and also in
[13] our earlier discussion about this, the thing that I knew
[14] about that I heard about was executive privilege.
[15] Mr. Chertoff. That's an important point. I can tell
[16] you that there has been testimony in the depositions
[17] suggesting attorney-client privilege was also a
concern,
[18] and particularly with respect to the personal
documents
[19] that the Clintons had. When Mr. Nussbaum brought
you in
[20] and asked you to look – eyeball the suite for
documents,
[21] did he suggest to you that he had any concern that
your
[22] looking at documents that were attorney-client
documents
[23] involving the Clintons' personal files might somehow
be a
[24] breach of the attorney-client privilege?
[25] Ms. Williams. No, he didn't.

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[1] Mr. Chertoff. So he didn't have any concern that he
[2] expressed to you that letting you look at documents
that
[3] were personal documents of the Clintons might in
some sense
[4] be a waiver of the attorney-client privilege?
[5] Ms. Williams. No, he did not express that to me.
[6] Mr. Chertoff. Now, also, did I understand you to say
[7] when you had Mr. Castleton and you went with him
up to the
[8] residence, you made a stop at the First Lady's office?
[9] Ms. Williams. I think I did, yes.
[10] Mr. Chertoff. And that was to get some dresses?
[11] Ms. Williams. I think I did, yes.
[12] Mr. Chertoff. What prompted you to do that?
[13] Ms. Williams. Oh, could have been when I passed by
[14] her office or took a call in the office that her assistant
[15] Pam might have said to me, could you take some
stuff over
[16] to the residence, where are you headed, which was
not in
[17] the – at that time where things were supposed to go
was
[18] not necessarily clear. And so from time to time, you
know,
[19] I would be asked well, can you take this back to room
100;
[20] are you going to go over to the residence any time
soon;
[21] can you drop this off, so it was probably something
like

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that. I don't have an exact recollection of that, but it happened so frequently, that I'm sure that that's probably what happened.
Mr. Chertoff. But you had just left the White House

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counsel's office with Mr. Castleton, who was carrying a box; right?
Ms. Williams. Just left? In the context of just –
Mr. Chertoff. I want to set the stage, if I can have a moment to do. Your testimony was that you left – you and Mr. Castleton left the White House counsel's office with Mr. Castleton carrying the documents that were the personal documents collected from Vincent Foster's office; right?
Ms. Williams. Yes.
Mr. Chertoff. And you said you then stopped at the First Lady's office to pick up some dresses?
Ms. Williams. I think I did, yes. I believe I had to stop to get them.
Mr. Chertoff. And that was something that you – you're not telling us that you just happened to walk by the First Lady's office on the way to the residence and someone said here are some dresses, take them up?
Ms. Williams. No, but as I indicated earlier, I had been back and forth out of Vincent Foster's office going to, as I indicated, to my office to take calls or, as my deposition says, stopping in right next door to take calls because Pam also picks up on my office line there. And in the course of that – and this is totally reconstructed because I don't know, so I'm trying to give

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you a sense of my habit so you could see what would be possible – but if I had stopped and taken a call, if I had done this or that, Pam would know that at some point during the day I might be going to the residence. If it was – you know, she just asked me if you're going to the residence, take it, probably.
Mr. Chertoff. So in all this period of time, you were in Mr. Foster's office. You've decided not to have the Williams & Connolly people send over a courier to pick up the documents. You decide instead to take them up to the residence. You recall that at some point there was a request to take dresses up, and you go [illegible] and you make a stop and pick the dresses up; is that correct?
Ms. Williams. That's the best I can reconstruct it.
Mr. Chertoff. Thank you. I'm done with time.
Senator Sarbanes. Mr. Chairman, I'm going to yield to Richard Ben-Veniste for a couple of questions. I note that Senator Faircloth is here, and I understand you were waiting for him to have his turn. So we'll not use anywhere near the time, just get in a couple of questions and we'll flip it back over so Senator Faircloth can go ahead with his turn, and hopefully, we'll be moving this thing towards a conclusion.
Mr. Ben-Veniste. Thank you, Senator. I just wanted to clarify the actual testimony, since we've had all these

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different versions of it from Mr. O'Neill, and then get your comment on it. And this is at page 172. And the question was can you tell us exactly – let me move back up.
"Question: You testified earlier that when Maggie Williams came out of the White House counsel's office suite, Ms. Lieberman introduced Ms. Williams to you?
"Answer: Yes.
"Question: Can you tell us exactly how that happened? What exactly happened?
"Answer: She walked out with her arms down in front of her with the files and everything like that. The lady that was standing by the door opened her mouth and said that's Maggie Williams, the First Lady's secretary.
"Question: She said all that, that's Maggie Williams, the First Lady's secretary?
"Answer: Right."
Now, Ms. Lieberman, do you recall any such interchange?
Ms. Lieberman. No, sir.
Mr. Ben-Veniste. Ms. Williams?
Ms. Williams. No. No, I do not.
Mr. Ben-Veniste. Now, with respect to the question of seeking the uniformed Secret Service office's assistance that evening, I believe you have testified, Ms. Lieberman,

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that you sought the assistance of the uniformed service initially to get into the First Lady's office?
Ms. Lieberman. That's correct.
Mr. Ben-Veniste. Is that correct?
Ms. Lieberman. Yes.
Mr. Ben-Veniste. So you did not have a key?
Ms. Lieberman. That's correct.

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[8] Mr. Ben-Veniste. And someone from the uniformed
[9] service, upon your request, came up and unlocked the door
[10] to the First Lady's suite?
[11] Ms. Lieberman. Correct.
[12] Mr. Ben-Veniste. Now, what happened when you left
[13] that evening? How, if at all, did you arrange for the door
[14] to be locked?
[15] Ms. Lieberman. I don't remember. I may have called
[16] and said to the operator please connect me with the Secret
[17] Service; we're leaving, or I may have seen an officer. I
[18] think I called. I don't remember.
[19] Mr. Ben-Veniste. Either – whether it was by
[20] telephone or in person, you made a request of the uniformed
[21] Secret Service division to send someone to come up and lock
[22] the door to the First Lady's suite?
[23] Ms. Lieberman. That's correct.
[24] Mr. Ben-Veniste. I have nothing further.
[25] The Chairman. Ms. Williams, I think we have two more

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[1] Senators who want to pose some questions, and I do want to
[2] attempt to get this through, so we'll see if we can do it.
[3] We have a vote, and I think it will come up at 6:30, so if
[4] we're lucky, we will be able to do that.
[5] I just want to tell you, we do recognize the trauma
[6] that you've been through, this whole situation, having to
[7] testify, not only today but all the things that you've been
[8] through, so we're going to attempt to do that, to the best
[9] of our ability.
[10] Ms. Williams. Thank you.
[11] The Chairman. Senator Faircloth.
[12] Senator Faircloth. Thank you, Mr. Williams.
[13] Ms. Williams, you testified that you received what – I'm
[14] not trying to get into the details. We have ground this
[15] pretty close fine to minutia. I want to get the overall
[16] picture of what happened here and how you're telling it
[17] happened and what I think happened. You're telling that
[18] you received a phone call from Hillary Clinton sometime
[19] before 9:30 when she was airborne on her way to Arkansas on
[20] July the 20th?
[21] Ms. Williams. That's correct. I don't know the time
[22] exactly.
[23] Senator Faircloth. But you – before 9:30 you
[24] received a call from her on the airplane?
[25] Ms. Williams. Yes.

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[1] Senator Faircloth. You said the call was brief and
[2] that she would call you back in a few minutes when she was
[3] on the ground?
[4] Ms. Williams. Yes, sir.
[5] Senator Faircloth. Now, of course, we know that an
[6] airborne telephone call could be intercepted, so the
[7] logical reason for calling you back on the ground would be
[8] so the call could not be intercepted or monitored. Is that
[9] not right?
[10] Ms. Williams. That is a reason.
[11] Senator Faircloth. That's what?
[12] Ms. Williams. It is a reason.
[13] Senator Faircloth. Yeah, that's the reason. Now, you
[14] say she called you back at home, sometime after 9:30 she
[15] called you at your house; is that right?
[16] Ms. Williams. I don't know the time, but yes, I was
[17] called at home through Signal.
[18] Senator Faircloth. About what time, 10:00?
[19] Ms. Williams. I don't know what time.
[20] Senator Faircloth. You say you don't remember what
[21] she told you other than to tell you that Vince Foster was
[22] dead?
[23] Ms. Williams. I don't remember past that anything.
[24] Senator Faircloth. You don't remember anything?
[25] Ms. Williams. No, I don't.

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[1] Senator Faircloth. You mean you get two calls from
[2] the First Lady of the United States within an hour, hour
[3] and a half, and you don't remember?
[4] Ms. Williams. I remember the first call, which I've
[5] talked about.
[6] Senator Faircloth. That she said she'll call you
[7] back?
[8] Ms. Williams. Right.
[9] Senator Faircloth. Let me tell you what you said
[10] after you got the second call. This is what you said, and
[11] I'm reading you right straight quote.
[12] Ms. Williams. Could you give me the page of my
[13] deposition?
[14] Senator Faircloth. Yes. It was 36, 37.
[15] The Chairman. Senator, just hold just for a second so
[16] she gets it. Okay.
[17] Senator Faircloth. You got it?
[18] Ms. Williams. Yes, sir.
[19] Senator Faircloth. "I don't really remember the ins
[20] and outs of the conversation." Now, this is a call from
[21] the First Lady of the United States. You don't really
[22] remember the ins and outs. "I know I had clear

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feelings.
[23] I was going somewhere. I don't know where I was going, but
[24] decided going to the White House would make sense to me."
[25] Don't know where I'm going but going to the White House

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[1] would make sense. "I went to the office because I thought
[2] that something might happen here at that office. I didn't
[3] know what to expect, but I thought I should be there. I
[4] think I just kind of had – not knowing where to go, you
[5] know, I just went there."
[6] Senator Sarbanes. Would the Senator yield.
[7] Senator Faircloth. But in reality –
[8] Senator Sarbanes. Would the Senator yield for a
[9] question? You're reading from pages 36 and 37 of her
[10] deposition?
[11] Senator Faircloth. Yes.
[12] Senator Sarbanes. And this is supposedly a
[13] conversation she had with the First Lady?
[14] Senator Faircloth. No, this is a conversation she
[15] had – testimony she gave to the counsel, Independent
[16] Counsel.
[17] Senator Sarbanes. About what, about her conversation
[18] with whom?
[19] Senator Faircloth. That's what she said she couldn't
[20] remember. This was her conversation with the First Lady.
[21] Senator Sarbanes. No, no. That's the question I was
[22] asking. As I read the deposition, this is her conversation
[23] with Ms. Lieberman. That's the point I'm putting to the
[24] Senator.
[25] Senator Faircloth. Senator Sarbanes, would you let me

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[1] finish where I'm headed and then we'll see?
[2] Senator Sarbanes. I don't think we ought to have a
[3] question and answer quoted for them when the question is
[4] "did you, in this conversation with her, indicate you were
[5] thinking of going to the White House," and that's the
[6] conversation with Lieberman, and you're quoting from that.
[7] What did you think made that decision before, during your
[8] call – this is pages 36 and 37.
[9] Senator Faircloth. This was her conversation with
[10] Lieberman.
[11] The Chairman. Senator, there is a question because in
[12] the depositions there are questions raised with respect to
[13] the two phone calls. One phone call is as it relates to
[14] Ms. Lieberman, and the other as it relates to the First
[15] Lady. I'm going to suggest that our counsel take a look at
[16] this because I think that you're quoting from the
[17] conversation that took place with Ms. Lieberman.
[18] Senator Faircloth. I am, I am.
[19] The Chairman. Okay, good.
[20] Senator Faircloth. No question.
[21] The Chairman. This is a conversation, and he
[22] recognizes it –
[23] Senator Faircloth. With Ms. Lieberman.
[24] The Chairman. – that Ms. Williams had with
[25] Ms. Lieberman.

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[1] Senator Faircloth. We had the two conversations with
[2] Mrs. Clinton, one on the plane, one off the plane.
[3] The Chairman. Correct.
[4] Senator Faircloth. Now she has called Ms. Lieberman.
[5] The Chairman. Correct.
[6] Senator Faircloth. You called Ms. Lieberman –
[7] The Chairman. So we have the stage set, there are two
[8] conversations –
[9] Senator Faircloth. You called Ms. Lieberman to come
[10] get you.
[11] Senator Sarbanes. I think it was stated –
[12] Senator Faircloth. And Ms. Lieberman said she didn't
[13] know whether she met you down on the corner or at the door,
[14] but you-all get in the car together.
[15] Senator Kerry. Mr. Chairman, I'm having trouble. I
[16] want to follow it precisely, and I don't want to interrupt
[17] the Senator, but this is page 36 and 37; is that correct?
[18] Senator Faircloth. 36, 37.
[19] Senator Kerry. Page 37 has nothing to do with the
[20] conversation whatsoever. It just asks her what she had in
[21] her mind, and everything that you read I understand is her
[22] explanation of what she had in her mind, not a
[23] conversation.
[24] The Chairman. That's correct, and the Senator is
[25] reading the deposition, and there was a very valid question

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[1] as to whose conversation and the state of mind that
[2] Ms. Williams had as it relates to those conversations.
[3] Now, we're on page 36, 37. We're talking about the
[4] conversations after he spoke to the First Lady on two
[5] occasions, the one being the brief call to Ms. Williams

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saying I'll call back, and she got a second one, and now
the Senator is taking the deposition from that point.
So if he characterizes it as a conversation or a state
of mind, the fact is it is in the deposition and we'll
follow it. Now, I want to give him back – that sets the
stage for it. We can all agree to that. Senator, please
proceed.
Senator Faircloth. You called Ms. Lieberman – I
assume this is your state of mind. You called
Ms. Lieberman and she came after you; is that right?
Ms. Williams. Yes, sir.
Senator Faircloth. You-all went to the White House?
Ms. Williams. Yes, sir.
Senator Faircloth. All right. Now, Officer O'Neill
testified – you can't remember what your conversation with
Mrs. Clinton was, but Officer O'Neill testified in a hall
about 5 feet wide that he saw you coming out of Vince
Foster's office with a stack of folders, and we've
demonstrated it numerous times here today, but about 5
inches high. Now, Officer O'Neill has been there for 18

years, I believe. Are you saying he didn't see you?
Ms. Williams. No, I'm saying that I did not carry
files from Vince Foster's office.
Senator Faircloth. I'm sorry?
Ms. Williams. I am saying I did not carry files from
Vince Foster's office.
Senator Faircloth. Where did you get the files that
Officer O'Neill said you had in your hands?
Ms. Williams. I didn't have files in my hand.
Senator Faircloth. Officer O'Neill, in a hall 5 feet
wide, was grossly mistaken and didn't see and know and
understand?
Ms. Williams. I did not have any files in my hand
which I carried out of Vince Foster's office.
Senator Faircloth. Did you see Officer O'Neill that
night?
Ms. Williams. No, I don't recall seeing Officer
O'Neill.
Senator Faircloth. You didn't even see him?
Ms. Williams. This is the first time I actually –
this is the first time I saw him today, on television. I
don't remember seeing him.
Senator Faircloth. Well, he said you had the files in
your hand that night. My time is up, Mr. Chairman.
The Chairman. Senator, are there any questions on

this side.
Senator Dodd. Can I quickly, Mr. Chairman – just out
of curiosity, Ms. Williams, what is your official title at
the White House?
Ms. Williams. Assistant to the President and chief of
staff to the First Lady.
Senator Dodd. May I get some idea of how many times
on an average day you may talk to the First Lady of the
United States?
Ms. Williams. For sure, at least once a day,
sometimes more.
Senator Dodd. But certainly on a daily basis?
Ms. Williams. Yes, we try to.
Senator Dodd. So the notion that you might get a
couple of calls, particularly on the night where a close
personal friend of the First Family's, some very close
personal friends of yours, has just died is not necessarily
extraordinary, and two calls from the First Lady is not an
extraordinary event in your day?
Ms. Williams. No, but these calls were tough calls.
Senator Dodd. My point is here the suggestion was
made that one might not remember two calls from the First
Lady of the United States.
Ms. Williams. I understand.
Senator Dodd. Certainly the average person in this

country gets two calls from the First Lady of the United
States, we'd remember that, but you get two and three calls
every day from the First Lady?
Ms. Williams. Yes, absolutely.
Senator Dodd. That's all.
The Chairman. Mr. Chertoff.
Mr. Chertoff. Thank you, Mr. Chairman. I'm going to
get back to the 22nd of July again, although a comment you
just made a moment ago raised a question in my mind. You
indicated the first time you've ever seen Officer O'Neill
was today?
Ms. Williams. Yeah, I don't remember him. In fact, I
said to someone today I thought that a different person was
Officer O'Neill, was the officer. I never knew his name
until – as we got closer to the Senate deposition, but I
thought it was a completely different person.
Mr. Chertoff. Now, let's get to the 22nd. Did you
know at the time that Mr. Nussbaum called you in that he
had indicated to one of his assistants, Mr. Neuwirth, that
Mr. Neuwirth should do an inventory of the official files
on Monday?
Ms. Williams. No, no. I think I heard about that
after the fact.

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[24] Mr. Chertoff. Did Mr. Nussbaum indicate to you there
[25] was any particular urgency about getting the files out of

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[1] Vincent Foster's office that related to the Clintons'
[2] personal documents –
[3] Ms. Williams. Urgency of getting the personal –
[4] Mr. Chertoff. – documents out?
[5] Ms. Williams. No, not urgency in getting personal
[6] documents out.
[7] Mr. Chertoff. Did he indicate to you that he had any
[8] concern that if the documents were not removed from Vincent
[9] Foster's office on the 22nd, if that was not completed on
[10] the 22nd, there might be further issues about the desire of
[11] law enforcement people to get back into the office?
[12] Ms. Williams. No, no, not at all.
[13] Mr. Chertoff. Now, I want to make sure I'm correct on
[14] this because I think an important issue here that we've
[15] been dealing with, and I think Senator Kerry raised also,
[16] was the question of how it is that the documents wind up in
[17] the residence. And I take it you are, if nothing else,
[18] very firm in the recollection that when Mr. Nussbaum called
[19] you, he indicated to you that the documents were to go to
[20] the Clintons' lawyers; right?
[21] Ms. Williams. Right, because I called the personal
[22] lawyer, in fact.
[23] Mr. Chertoff. And that it was your decision on the
[24] spot, so to speak, or during the course of your being in
[25] Mr. Foster's office, it was your decision to send them to

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[1] the residence; right?
[2] Ms. Williams. Yes, sir.
[3] Mr. Chertoff. And that when you called the First
[4] Lady, you simply told her that there are personal files I'm
[5] moving to the residence; right?
[6] Ms. Williams. Well, I don't know exactly. I said
[7] something like that. I indicated that the files that were
[8] going to Barnett. I wasn't going to get them to Barnett. I
[9] decided to put them in the residence, and where did she
[10] want them to go.
[11] Mr. Chertoff. And you didn't tell her where you were;
[12] right?
[13] Ms. Williams. You mean in terms of the office?
[14] Mr. Chertoff. Yes. You didn't tell her you were in
[15] Mr. Foster's office?
[16] Ms. Williams. No. I did not.
[17] Mr. Chertoff. You didn't tell her what personal files
[18] you were talking about?
[19] Ms. Williams. No, I didn't. I just called them
[20] personal files.
[21] Mr. Chertoff. And she didn't ask you what files are
[22] you talking about?
[23] Ms. Williams. No. I said personal files.
[24] Mr. Chertoff. And then you said – you didn't say how
[25] much there was?

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[1] Ms. Williams. Pardon?
[2] Mr. Chertoff. You didn't say how much material there
[3] was?
[4] Ms. Williams. No. Essentially what I said was I'm
[5] not going to get the files to Barnett. I know I expressed
[6] to her that I was tired and I wanted to go home and told
[7] her that I was going to take them to the White House – to
[8] the residence, and I asked her where she want them put.
[9] Mr. Chertoff. And that's all?
[10] Ms. Williams. That's the gist of the conversation
[11] that I remember.
[12] Mr. Chertoff. And this, of course, occurred after
[13] Mr. Nussbaum brought you in to take files that he had
[14] already sorted through; right?
[15] Ms. Williams. Yes, sir.
[16] Mr. Chertoff. And you just simply made an eyeball
[17] kind of survey of the office; right?
[18] Ms. Williams. Yes, sir.
[19] Mr. Chertoff. And picked out the taxes file?
[20] Ms. Williams. Yes.
[21] Mr. Chertoff. Let me read you from Mr. Nussbaum's
[22] deposition because obviously the other person who was part
[23] of the conversation that brought you over was
[24] Mr. Nussbaum. I'm going at page 238, the very bottom of
[25] the page. 21 – actually, let me go to the top of 238 –

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[1] actually 237, line 21.
[2] "Then what did you do?
[3] "Answer: Then together Maggie and I started looking
[4] to try to select, making sure we took Clinton personal
[5] files rather than any other files."
[6] Does that fit with your recollection?
[7] Ms. Williams. No, my recollection is just as I've
[8] expressed it.
[9] Mr. Chertoff. "And where did you look?"
[10] Ms. Williams. I'm sorry?
[11] Mr. Chertoff. I'm continuing to read.
[12] "And where did you look?"
[13] And this is Mr. Nussbaum's answer: "Primarily in the
[14] credenza. I don't think we looked very many other places
[15] if we looked in another place at all. We looked in the

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credenza, primarily. We identified together files which appeared to be and which were Clinton personal files – investments, taxes and the like – and they were put into a box. I don't remember who put them into the box, and they were taken out of the office." Does that fit with your recollection?

Ms. Williams. My recollection that I picked up a tax file and put it either in a box or on a table of files that had already been collected and designated as personal files is correct.

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Mr. Chertoff. But the business about looking through the credenza together, that doesn't fit with your recollection?

Ms. Williams. As I said before, the tax file was in the credenza. I don't remember looking through it together with Mr. Nussbaum.

Mr. Chertoff. I'm continuing to read.

"Who took them out?

"Answer: I don't remember who took them out. I remember just – I don't remember. It could be Tom Castleton. I have some recollection of – he's the kid who worked in our office – calling somebody to help Maggie take them. I didn't carry them out, and I don't think Maggie herself carried them out although it's possible she did carry some of them out."

Now, that is basically consistent with your recollection; right?

Ms. Williams. Yes.

Mr. Chertoff. "Question: What was your understanding of where they were going?

"Answer: I'm trying to think what I knew at that time. Obviously, I presumed they were going to the residence, and I think Maggie and I probably discussed that. That's the most likely, send them to the residence and talk to the Clintons, and they will be sent from the

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residence on to their personal attorneys.

"Question: What was the discussion about putting them in the residence?

"Answer: Simply take the files, give them to the Clintons, which means give them to the Clintons in their residence. The Clintons weren't there. Hillary wasn't there.

"The President was there."

"Answer: The President was there."

Now, how does that square with your recollection?

Ms. Williams. That's Bernie Nussbaum's deposition, and I've given you what I recall.

Mr. Chertoff. And it's still your recollection that it was Mr. Nussbaum who indicated to you that the decision had been made to have the stuff sent to the lawyers?

Ms. Williams. Yes.

Mr. Chertoff. Now, you remember Tom Castleton?

Ms. Williams. Uh-huh.

Mr. Chertoff. Young man?

Ms. Williams. Yes.

Mr. Chertoff. Do you know how he came to work in the White House?

Ms. Williams. No.

Mr. Chertoff. You know he had some kind of internship or similar position at the White House counsel's office?

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Ms. Williams. I thought he was an intern, yes.

Mr. Chertoff. And he was someone who was regularly around?

Ms. Williams. I may have seen him a few times. He was in the office. He looked young. He looked strong.

Mr. Chertoff. And he was the fellow that helped you take the box and the papers up to the residence; right?

Ms. Williams. Yes, sir.

Mr. Chertoff. Did you tell him that the reason the documents had to go to the residence was so the President or the First Lady could review their contents?

Ms. Williams. No, I do not recall saying that to Tom Castleton.

Mr. Chertoff. When you say you don't recall it, are you telling us affirmatively that you did not say it, or are you just saying you don't have a recollection one way or the other?

Ms. Williams. Well, I would like to say affirmatively I did not say it because I can't imagine why I would have that discussion with an intern about the files going to the President and the First Lady. I know that I told him we were going to the residence because I figured he needed to know where he was going, but I can't imagine that I said more than that. So I do not recall having that discussion with him.

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Mr. Chertoff. Well, I'm asking you now, are you now reasoning this as a matter of logic, saying that there's

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no
reason you would have talked to him about it, or are you
telling us from your memory of that incident – and we've
had a long day today on memories and people get confused,
and you're entitled to be confused –
Ms. Williams. Here's what I'm doing. I'm telling you
two things. The first thing is I'm telling you I don't
recall having that conversation. The second thing, which
perhaps I should not do, but I was trying to – I mean,
part of why I don't recall having that conversation is it
seems totally out of character for me to discuss anything
having to do with the First Lady and the President with
one, an intern who I did not know very well. It just seems
out of character for me to have said that, so I do not
recollect it. And secondly, although not an answer to your
question, is, you know, my giving you some information
about myself, which is it is highly unlikely I would have
this kind of discussion with an intern.
Mr. Chertoff. Well, let me read you what this intern
testified to in his deposition at page 139, starting at
line 7:
"And what did she tell you?
"Answer: She told me that we were taking the boxes
into the residence."

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That part you agree with?
Ms. Williams. Yes.
Mr. Chertoff. "And did she say where in the
residence?
"Answer: No.
"Question: Did she say why you were taking them?
"Answer: Yes.
"Question: What was her statement?
"Answer: She said that the President or the First
Lady had to review the contents of the boxes to determine
what was in them."
You disagree with that?
Ms. Williams. Yes. I do.
Mr. Chertoff. And you also do not agree with
Mr. Nussbaum's testimony that, in his discussions with you,
he indicated that the documents were to go to the residence
and the Clintons would be there, and they would make a
decision where they would go? You disagree with that?
Ms. Williams. No. that's not what I recall.
Mr. Chertoff. You disagree with both of those?
Ms. Williams. That is not what I recall.
Mr. Chertoff. I'm finished. Thank you,
Mr. Chairman.
Senator Kerry. Can I ask, Mr. Chairman, what time of
day – on the 22nd, that was what day of the week, do you

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recall?
Ms. Williams. Thursday.
Senator Kerry. So it was a full working day at the
White House?
Ms. Williams. Yes.
Senator Kerry. – except under difficult
circumstances because of the funeral; correct?
Ms. Williams. Yes.
Senator Kerry. Were people around, generally?
Ms. Williams. Yes, it was a full workday.
Senator Kerry. And what time of the afternoon was it
that you took these – that you went into Mr. Nussbaum's
office to collect the files?
Ms. Williams. I think it was late afternoon. I don't
know exactly the time, but late afternoon.
Senator Kerry. Would somewhere in the vicinity of
3:00 sound correct to you?
Ms. Williams. I don't know. Probably from the time
Bernie called me, from the time I got over there, maybe it
was 3:30, 4:00. The reason I think it was late afternoon
is because the person who was going to open the closet for
me, Carolyn Huber, she was a little put out with me because
it was late, and I believe she said something like I have
to get to the Metro before dark or I have to get someplace
before it gets late.

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Senator Kerry. On the other hand – now, when you
went into Mr. Nussbaum's office, the files were collected
and put in a box at that point in time?
Ms. Williams. No. As I said before, when I went into
Mr. Foster's office, there were stacks of files all over
the place.
Senator Kerry. Were other people around at that time?
Ms. Williams. The only person I remember actually
being in and out of Vince's office was Debbie Gorham,
Vince's secretary. But in the foyer of the White House
counsel's suite, there were other people.
Senator Kerry. And were other people – the
secretaries were there: correct, in the foyer?
Ms. Williams. Yes.
Senator Kerry. And other offices were open on that

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floor at that time?
Ms. Williams. Oh, yes.
Senator Kerry. And other people were working on the floor at that time?
Ms. Williams. Oh, yes. It was a full workday.
Senator Kerry. And when you picked up – excuse me.
You decided you needed somebody just to carry these;
correct?
Ms. Williams. Right. Like – right, that's true.
Senator Kerry. You didn't select somebody close to

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the campaign, did you?
Ms. Williams. No, I just –
Senator Kerry. Did you select somebody that you trusted to keep a secret?
Ms. Williams. I looked around for someone who looked
like an intern. Sorry. I mean, I was –
Senator Kerry. You just grabbed somebody who could
carry a box?
Ms. Williams. Yeah.
Senator Kerry. Correct?
Ms. Williams. Yes.
Senator Kerry. Did you ask that person just to pick up the box and carry it?
Ms. Williams. Yeah – I don't know how I said it, but yeah.
Senator Kerry. Did you walk right out of the door with the box?
Ms. Williams. I'm not sure if I stopped to pick up these dresses first or we went right out to the elevator.
but we left Vince's office.
Senator Kerry. Was the box covered or opened?
Ms. Williams. Covered.
Senator Kerry. And it was clearly one of those file cabinet-type cardboard –
Ms. Williams. It was like a Xerox box, where Xerox

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paper would come in.
Senator Kerry. And it was full of files?
Ms. Williams. I don't think it was full. It wasn't full of files.
Senator Kerry. Now, you walked with this box from there to the residence; is that correct?
Ms. Williams. Yes, sir.
Senator Kerry. In the afternoon, late afternoon?
Ms. Williams. Yes, sir.
Senator Kerry. Were people around you when you did
that?
Ms. Williams. Oh, yes, sir.
Senator Kerry. White House again – you have to pass by the press office, didn't you, to go to the residence?
Ms. Williams. Yes.
Senator Kerry. And you had to pass through the main lobby reception area, did you not?
Ms. Williams. Yes.
Senator Kerry. And from there, you did past another room with more offices and around the corner to the press
office?
Ms. Williams. Right.
Senator Kerry. And through an open hallway?
Ms. Williams. Then more offices.
Senator Kerry. Aren't there Secret Service agents

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posted visibly in that hallway out there?
Ms. Williams. The entire route.
Senator Kerry. The entire route?
Ms. Williams. Past the Rose Garden and –
Senator Kerry. And people can't exactly go into the President's residence, can they, without passing by some
guards?
Ms. Williams. No, not at all.
Senator Kerry. Did you pass by those guards?
Ms. Williams. Oh yes.
Senator Kerry. With this box?
Ms. Williams. Yes.
Senator Kerry. And with an intern carrying it?
Ms. Williams. Yes.
Senator Kerry. Was the box draped in any black cloak?
Ms. Williams. No.
Senator Kerry. Was the box hidden in any way?
Ms. Williams. No.
Senator Kerry. Did you tell the intern to be careful that nobody saw him?
Ms. Williams. No, I did not.
Senator Kerry. Were there any secretive maneuvers that you engaged in?
Ms. Williams. No, I did not.
Senator Kerry. Did you get right into the elevator or

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did you walk up the stairs to the residence?
Ms. Williams. Oh, I'm sure I took the elevator.
Senator Kerry. And where did you meet Ms. Huber?
Ms. Williams. She was actually on the ground floor.
Senator Kerry. Did she meet you in the residence or downstairs?
Ms. Williams. She was downstairs, right below the residence.
Senator Kerry. Did you know where you were going to
put this box prior to seeing her?
Ms. Williams. When I had talked to – I had also talked to Carolyn Huber. When I talked to Mrs. Clinton and
said where do you want them put, she said to me call Carolyn Huber; I believe she has a closet that she puts
stuff in, or call Carolyn Huber and Carolyn decided where

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they were going to go. But it was clearly call Carolyn Huber.
Senator Kerry. So the bottom line is there wasn't some great midnight cloak and dagger effort to scurry a series of files into the residence?
Ms. Williams. No, there was not.
Senator Kerry. And countless people – in fact, the White House released the information with respect to this, did they not, that the files were placed up in the residence?

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Ms. Williams. Yes.
Senator Kerry. So this wasn't – well, strike that. Now, having said that and gone through those series of questions, Ms. Williams, I still want to come back to that good ol' average American common sense test here that remains. It's clear that the documents sort of went over there some very open and nonclandestine fashion. I think people are still struggling a little bit with the question of sort of how. Now, I suppose if these are personal documents that belong to the President and the First Lady, it's perfectly legitimate that they would go over there and be there, but there seems to be sort of a difference between how Mr. Nussbaum remembers where they were to go and your memory of that. And I just wonder if there's any way you can help us sort through those discrepancies within these testimonies.
Ms. Williams. Well, I'm just telling you pretty much what I remember. I've never discussed this with Mr. Nussbaum, and hearing the deposition – hearing the deposition read and Mr. Nussbaum believing he made the decision about putting them in the residence actually made me feel great because I thought, you know, well, maybe I did tell him that they were going to the residence. So I can't clear up the discrepancy. I just remember what I remember.

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Senator Sarbanes. That's it.
The Chairman. First of all, Ms. Williams and Ms. Lieberman, I want to thank you both for being with us. Much of the questioning, I think, was very detailed. We recognize it's not always easy to attempt to reconstruct something. I think one of the Senators indicated they had trouble recalling what took place yesterday. I fall in that category.
So I share that with you, let alone to go back and then to have been examined repeatedly. That doesn't make the process any easier. As a matter of fact, I remember one time I lost a whole year in my memory bank as it related to a very significant event, and I was so certain – it may have been two years. I was so certain that I had learned some information at a particular time. I was positive, and boy, was I surprised when I started checking the newspaper clips and I couldn't find this incident that I recalled so vividly in my own mind on that particular occasion. And lo and behold, someone pointed out to me that, indeed, it was a year before, and I was shocked and paralyzed because that did not jibe with how my recollection of the matter was.
So some of these things absolutely are understandable. Total recall is not available. There are some questions that remain. We will have other witnesses.

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I think that you-all have testified to the best of your ability. I want to thank you for your appearance. I'm glad that we were able to finish this up this evening so that we don't continue this. And we stand in recess until tomorrow at 9:30.
Ms. Williams. Thank you, Senator.
Senator Sarbanes. Mr. Chairman, the panel will be –
The Chairman. I think the counsel is still working it out, but Spafford – Mr. Spafford will be first, Spafford. S-p-a-f-f-o-r-d, because he has a problem with time, and that's a consideration, so we're going to move him up first.
Senator Sarbanes. Then we'll do the other panel afterwards.
The Chairman. And then we'll do the other panel, and it will be my hope that we can finish it hopefully earlier, sooner than this evening.
(Whereupon, at 6:50 p.m., the hearing was adjourned, to reconvene at 9:30 a.m. on Thursday, July 27.

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Look-See Concordance Report

UNIQUE WORDS: **2,758**
TOTAL OCCURRENCES: **20,755**
NOISE WORDS: **391**
TOTAL WORDS IN FILE: **63,135**

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

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(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

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(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 by each side limited to 1
(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

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(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) to and before this Committee you indicated that you did not
(5) speak to Susan Thomases over the phone during those crucial

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(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 –

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(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.

Page 18
(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. [illegible] Washington Rodham residence, there were other
(5) people there so I don't know if I spoke, in fact, to her,

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(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

Page 25
(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

Page 26
(1) assume that your phone records, which I guess we only have
(2) a portion of because these phone records would relate to
(3) specific phone calls to the First Lady. But I would assume

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(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
( ) and the 12:00-something call that you referred to a minute
( ) ago.
( ) 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

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(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

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(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

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(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

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(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

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(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

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us, and we did provide them by letter to the Committee.

Mr. Ben-Veniste. Thank you, Mr. Dennis.

Mr. Dennis. You are welcome.

Mr. Ben-Veniste. In sum, Ms. Williams, I would like to ask you the same question I asked of Ms. Thomases, and that is whether, at the time you were requested to provide information to this Committee regarding your telephone records, you withheld any information that you had in your possession.

Ms. Williams. No, I did not.

Mr. Ben-Veniste. Let me turn to the question earlier addressed to you by Senator Mack with respect to the telephone call which is reflected on your home telephone records at 1:10 a.m. on the 21st of July. The records reflect a 14-minute telephone conversation between you and Mrs. Thomases at her number in New York. Having received the additional information related to that telephone record, does it refresh your recollection as to whether you had any conversation with Ms. Thomases about any materials which may have been in Mr. Foster's office?

Ms. Williams. No, it does not.

Mr. Ben-Veniste. Can you say whether that subject

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came up in that telephone conversation in the early morning hours following the day of Mr. Foster's suicide?

Ms. Williams. No. I do not believe that it did. This would have been the first time, I guess, I had talked to Susan after Vince's death.

Mr. Ben-Veniste. May I suggest, if you have before you your transcript of your testimony before this Committee that we go back, at page 231. It actually begins on page 230 where Senator Mack was questioning you. Let me, to save time, direct your attention.

Ms. Williams. Sorry, it is not in this.

Mr. Ben-Veniste. Let me save time by reading into the record after Senator Mack goes through certain of the telephone calls reflected in the records which were available. It says at line 18, "and finally you testified that you spoke to the First Lady sometime during the 21st but you say at no time did the subject of Mr. Foster's files or his office come up." Now, I realize that contacts between you and Ms. Thomases and the First Lady were probably more in the nature of condolence calls at that point. No one disputes that. On the basis of everything that has been collected and reprocessed and reviewed by you, do you, on the basis of what you have seen, recollect that anything relating to

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the contents of Mr. Foster's office came up in the telephone conversation? And since Ms. Williams has provided an answer to that, I would like to direct that question now to Ms. Thomases.

Ms. Thomases. Could you repeat the question? Since you were talking to her, I wasn't paying the same kind of attention.

Mr. Ben-Veniste. Do you recall now, on the basis of the additional phone records that reflect a likely telephone conversation between you and Ms. Williams in the early morning hours following Mr. Foster's death, whether the subject of the contents of Mr. Foster's office came up?

Ms. Thomases. Well, I don't remember that specific conversation, but I do remember my first conversation with Maggie after the death, so it is not that specific conversation. But I remember and I testified before about that first conversation, that it was a very emotional conversation having to do with Vince and all those relationships. And the only thing that came up about Vince Foster's office was the fact that she had gone in there, was her feeling about the couch in that office which she had a lot of memories attached. And she also mentioned in that first conversation that Patsy Thomasson had been in the office

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when she had gone in that office that evening.

Mr. Ben-Veniste. Did she mention to you why she was in the office, referring to Patsy Thomasson?

Ms. Thomases. No. She just said that she had been drawn to the office and she mentioned that Patsy was in the office, looking for a note but had found none. But I testified to the nature of that conversation before, although I had not remembered it took place at 1:15 in the morning.

Mr. Ben-Veniste. Now, Ms. Williams, I believe that the additional information relating to your home telephone records of long distance calls on the 22nd of July have indeed provided you with the ability to refresh your recollection about whether you were, in fact, even in the office on the morning of the 22nd. If I understand your testimony here this morning, the fact that a telephone call is reflected, placed by you to the Rodham residence from your home at 12:55 that afternoon suggests to you that you were not in your office to receive any of the calls that were listed and were directed to you, perhaps, but about which you had no recollection; is that correct?

Ms. Williams. That's correct, and let me emphasize the word "suggests" to me since I do not know factually that that is so.

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Mr. Ben-Veniste. I appreciate that. Now, going to the larger question about which our Senate Resolution asks us to inquire. With respect to the additional records that have been provided through the telephone company, making those records available to all of us, can you tell us whether your recollection is refreshed, Ms. Williams, about whether any direction was transmitted by you, directly or indirectly, to Mr. Nussbaum about how he should decide what standard to apply in connection with the Park Police review of the contents of Mr. Foster's office?

Ms. Williams. No. The things that I recall in that conversation that I had, I have testified to earlier. Those were the things that were suggested to me. I don't recall more than that.

Mr. Ben-Veniste. Let me ask the same question of you, Ms. Thomases. Again, whether on the basis of all of the information that has been collected now with respect to your telephone records, Ms. Rodham's telephone records, Ms. Williams's telephone records, is your recollection in any way refreshed or affected in connection with the question of whether you passed information to Mr. Nussbaum, either directly or indirectly, with respect to what standard he should apply in connection with the Park Police request to review information in Mr. Foster's office?

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Ms. Thomases. No. I didn't pass anything to Mr. Nussbaum about that. But there is one thing I would like to say. Chairman D'Amato, I originally brought up the fact that Mrs. Clinton had called me the morning of the 22nd in an interchange with you during my testimony. It is on page 205 of my testimony. Because I brought up the fact of that call to you before you got the records from -- I didn't know the exact time, but I brought that fact up when I testified before you in August starting on page 205. I made it clear to you at the time that nothing in that conversation, even though I didn't remember all the details, the tone of that conversation had nothing to do with documents.

Mr. Ben-Veniste. Do you want to read that portion, Ms. Thomases?

Ms. Thomases. You want me to read what he said or what I said?

Mr. Ben-Veniste. Both. Not everyone in the room has a copy of this transcript, obviously.

Ms. Thomases. This is Chairman D'Amato saying "do you have any idea what time that was? Would that be the call of 7:12 or 7:13, the call to the Rodham Arkansas residence? Would that refresh your recollection?"

Chairman D'Amato. We are talking about 7:12, 7:13 in

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the evening?

Ms. Thomases. I went on to say "no, I don't think that was the call, Senator. I think I spoke to her earlier

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(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 in light of the creation 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.

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(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. 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 possible that, if there were a
(3) problem, that would be the phone call that would say get

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(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.

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(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

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(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

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(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

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(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?

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(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

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(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

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(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.

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(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. Yes, sir.
(2) Senator Bennett. And then your lunch hour call to

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(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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(1) Ms. Williams. You need to be clear about what
(2) "periphery" means. I was never in a meeting with
(3) Mr. Nussbaum or Mr. Quinn about documents. What I
(4) suggested to you was there was discussion around the White
(5) House in the halls about the documents.
(6) Mr. Chertoff. That was on the morning of the 22nd?
(7) Ms. Williams. Yes.
(8) Mr. Chertoff. So you were in the halls of the White
(9) House on the morning of the 22nd; right?
(10) Ms. Williams. Right.
(11) Mr. Chertoff. Did you go back home to make a
(12) telephone call to Little Rock?
(13) Ms. Williams. Mr. Chertoff, as I have said to you
(14) earlier, I have not said to you that I was at home. I have
(15) suggested to you that perhaps I was, looking at
(16) everything. I don't know. I don't recall it.
(17) So as I understood it, the way it was left was that
(18) you were going to check the log to see if I came in or if I
(19) didn't come in, so you check the log, see whether or not I
(20) came in or I didn't come in --
(21) Chairman D'Amato. Ms. Williams, I have to interrupt,
(22) and Counsel, too. If we look at your testimony and we hear
(23) what you said previously and today and reconfirm in
(24) substance what you said, you were in the White House during
(25) the morning of the 22nd. You said you were at the

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(1) periphery, and we understand that that does not mean that
(2) you were in meetings, but in the hallway, in discussions,
(3) et cetera. Your previous testimony indicates that.
(4) Now there comes a question as it relates to a call
(5) that was made in the early afternoon. What is the exact
(6) time?
(7) Mr. Chertoff. About 12:57.
(8) Chairman D'Amato. At 12:57. That call having been
(9) charged to your home. The question, then, is an open
(10) question as to whether or not you went back to your home
(11) and made the call from your home, or whether it could have
(12) been a credit card call to your home. That's an open
(13) question as to whether or not you left to do that, but it
(14) has been, you're not saying that you weren't in the White
(15) House that morning.
(16) Ms. Williams. And I'm also not saying I -- you know,
(17) it's very difficult --
(18) Chairman D'Amato. You're not sure whether you made
(19) that phone call from your home; is that correct? That's
(20) understandable. I'm not -- the 12:57 --
(21) Ms. Williams. I thought it was understandable.
(22) Chairman D'Amato. Okay. But I think it's important
(23) to clarify it.
(24) Ms. Williams. I guess I don't understand. What is
(25) the specific point?

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(1) Mr. Chertoff. The specific question is this. Did you
(2) leave the White House around the middle of the day to go
(3) home to make your telephone call to Little Rock, or did you
(4) choose to take your personal credit card, phone card, and
(5) put the call to Little Rock on the phone card?
(6) And if either of those situations is true, is there a
(7) particular reason you wanted to place that call, not using
(8) a White House telephone which might have a record of the
(9) call? That's the question. I guess you don't have an
(10) answer.
(11) Ms. Williams. No, I would not look for one.
(12) Mr. Chertoff. Let me ask you, on the 22nd which
(13) begins with you getting the three-minute call from the
(14) First Lady from Little Rock, just to be clear, is it your
(15) testimony that the sequence of calls you made in
(16) approximately one hour starting at 10:48 in the morning to
(17) about 11:50 in the morning, several of which were to the
(18) office of the First Lady, is it your testimony those calls
(19) were not made looking for Maggie Williams?
(20) Ms. Thomases. I said I may have looked for Maggie
(21) Williams but that is not the way I usually would have
(22) reached out to Maggie Williams because when I want to talk
(23) to Maggie, I used to call her on her direct line.
(24) Mr. Chertoff. Did you know that we got letters from
(25) the White House -- at the last hearing this issue came up

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(1) about who may have actually taken the call, and we asked
(2) the White House to solicit all the interns and volunteers,
(3) both on the permanent staff at that time and those who were
(4) there in a volunteer capacity, to see if anybody recalled
(5) on that day talking to you, and not a one had that
(6) recollection.
(7) Would you agree with me that for an intern to be
(8) working at the White House to get a nine-minute call from
(9) you on that day, it probably would be something that that
(10) intern would remember; right?
(11) Ms. Thomases. I am telling you it is unlikely that I
(12) spent nine minutes talking to an intern.
(13) Mr. Chertoff. Since the permanent staff members in
(14) the office at that time have indicated none of them have a
(15) recollection of talking to you on that day, can you give us
(16) an insight as to who you were trying to reach in Maggie
(17) Williams's office and who you connected with for a
(18) nine-minute phone call?
(19) Ms. Thomases. I can't specifically tell you who I was
(20) trying to reach, and I'm a little reluctant to name all the
(21) people who can be reached through that phone line because
(22) it is not pleasant for people to have this Committee
(23) reaching down to them, but I will give you a list off this
(24) public record.
(25) Mr. Chertoff. In fairness, we got it from the White

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(1) House. The White House gave us a list.
(2) Ms. Thomases. No, the list you got was probably of
(3) the interns.
(4) Mr. Chertoff. It was also of the permanent staff.
(5) Ms. Thomases. I would like to see that list.
(6) Mr. Chertoff. We will be very happy to furnish that
(7) list.
(8) Ms. Thomases. I'm serious, and I will try to
(9) supplement it.
(10) Mr. Chertoff. One last question.
(11) Ms. Thomases. You can call that number and then get
(12) transferred to another number within that suite. It's the
(13) way I often contact people because I do not recollect or
(14) keep a record of all the people who work for the First
(15) Lady. So if I want to reach them, the easiest way to call
(16) them is that main number.
(17) Mr. Chertoff. Let me direct your attention now to
(18) something Senator Faircloth raised, which is Tuesday, on
(19) July 27, and on that day, record shows you were at the
(20) White House for six hours, starting about 2:50 in the
(21) afternoon and leaving around 8:20.
(22) Were you aware that that was the day that Mr. Barnett
(23) from Williams & Connolly came to the residence to remove
(24) the Foster records from the residence and take them to the
(25) law firm?

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(1) Ms. Thomases. I was not aware of that.
(2) Mr. Chertoff. Did you know that Mr. Barnett arrived
(3) 10 minutes after you did?
(4) Ms. Thomases. I was not aware of that.
(5) Mr. Chertoff. Did you see Mr. Barnett there?
(6) Ms. Thomases. I don't remember the first time I saw
(7) Mr. Barnett after Vince's death.
(8) Mr. Chertoff. That was the same afternoon that
(9) ultimately ended around 7:00 in the evening with the
(10) Attorney General and the Deputy Attorney General first
(11) being told about the torn-up pieces of paper in Vincent
(12) Foster's briefcase. Let me step back.
(13) The day before, the Monday, you were called by Bernie
(14) Nussbaum and told about the fact that there was paper with
(15) writing found in Mr. Foster's briefcase; correct?
(16) Ms. Thomases. Yes.
(17) Mr. Chertoff. When you came to the White House the
(18) next day, did you have any conversation with anybody during
(19) that six hours about that torn-up paper in the briefcase?
(20) Ms. Thomases. No, I do not recollect having such a
(21) conversation.
(22) Mr. Chertoff. You don't recollect it?
(23) Ms. Thomases. I mean, this is the first day I have
(24) known about the idea that I was in Washington on the 27th.
(25) 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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(1) Hearing on
(2) IMPROPER HANDLING OF DOCUMENTS
(3) IN DEPUTY WHITE HOUSE COUNSEL
(4) VINCENT FOSTER'S OFFICE
(5) AFTER HIS DEATH
(6) MONDAY, DECEMBER 11, 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 11:15 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. The Committee will come to order.
(3) I'll ask our witnesses to please stand for the
(4) purposes of the oath.
(5) SWORN TESTIMONY OF MARGARET WILLIAMS, ASSISTANT TO THE
(6) PRESIDENT AND CHIEF OF STAFF TO THE FIRST LADY; ROBERT
(7) BARNETT, PARTNER, WILLIAMS & CONNOLLY; INGRAM BARLOW,
(8) COMPTROLLER, WILLIAMS & CONNOLLY; AND DIANE BLAIR, TEACHER,
(9) UNIVERSITY OF ARKANSAS
(10) Chairman D'Amato. Thank you. Mr. Barlow,
(11) Mr. Barnett, Ms. Williams, Ms. Blair. Start with you, if
(12) you have any statement that you'd like to make, we'd be
(13) pleased to take it.
(14) Mr. Barlow. I don't have any statement, Senator.
(15) Chairman D'Amato. Mr. Barnett?
(16) Mr. Barnett. Thank you, Mr. Chairman. I have no
(17) opening statement.
(18) Chairman D'Amato. Ms. Williams?
(19) Ms. Williams. I have no statement.
(20) Chairman D'Amato. Ms. Blair?
(21) Ms. Blair. I have no statement.
(22) Chairman D'Amato. Mr. Chertoff.
(23) Mr. Chertoff. Thank you, Mr. Chairman.
(24) Ms. Williams, I want to direct your attention back to
(25) that period of time between July 20th and July 27th, 1993,

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(1) which was the period, the week following Vincent Foster's
(2) death. And just to put you in perspective and refresh your
(3) recollection, we've had your testimony previously about the
(4) events of the evening of Mr. Foster's death, including your
(5) appearance at Mr. Foster's office in the White House.
(6) We've had testimony about the following day, the
(7) 21st. We've had testimony about the 22nd, which was the
(8) Thursday in which Mr. Foster's office was searched first by
(9) Mr. Nussbaum in the presence of law enforcement officials
(10) and then later by you and Mr. Nussbaum separately.
(11) And then we've carried over into the following week,
(12) including Monday the 26th, which is the date in which it
(13) was reported that the torn-up pieces of paper had been
(14) found in Mr. Foster's briefcase, and then the 27th, which
(15) is the day on which you testified in our previous hearings
(16) that the documents which you had taken up to the residence,
(17) the Foster documents, were taken up to the residence on
(18) Thursday the 22nd, were finally picked up by Williams &
(19) Connolly.
(20) Ms. Williams. That's 7/20 -- that's the --
(21) Mr. Chertoff. The 27th, the Tuesday. They were in
(22) the residence for five days.
(23) Let me ask you first of all, Ms. Williams, whether
(24) during that weekend you had occasion to be at the White
(25) House.

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(1) Ms. Williams. During the weekend of the --
(2) Mr. Chertoff. 24th and 25th, the intervening weekend
(3) between the time you took the documents up to the residence
(4) on Thursday and the time you picked up the documents or the
(5) documents were picked up the following Tuesday.
(6) Ms. Williams. Well, I have no recollection. As I
(7) said in my deposition, I did not think that I had been at
(8) the White House. I did not recall going to the White
(9) House. However, I have seen the entry log since that time
(10) and they show that on Sunday, the 25th, I was in the
(11) residence for a short period of time. I don't recall how
(12) long.
(13) Mr. Chertoff. 14 minutes?
(14) Ms. Williams. Pardon? I'm sorry.
(15) Mr. Chertoff. 14 minutes, does that refresh your
(16) memory?
(17) Ms. Williams. Uh-huh.
(18) Mr. Chertoff. According to the entry log, you were in
(19) the residence at the White House between 2:36 in the
(20) afternoon, leaving at 2:50 in the afternoon. What were you
(21) doing in the residence for 14 minutes on that Sunday?
(22) Ms. Williams. I don't recall what I was doing, but
(23) because I am often at the residence and often on the White
(24) House complex during the weekend, Saturday and Sunday, I
(25) don't recall, but it doesn't strike me as highly unusual.

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(1) As I said in my deposition, I did not recall being there.
(2) I don't think that I was there, but it doesn't strike me as
(3) extraordinary that I was there.
(4) Mr. Chertoff. Well, it's the only period of time that
(5) weekend that you were in the residence. Can you tell us
(6) what errand you had that took 14 minutes to complete?
(7) Ms. Williams. I do not know what I was doing. I
(8) could have been picking something up. I could have been
(9) dropping something off. I don't know what I was doing.
(10) Mr. Chertoff. Well, that's the question. Is there
(11) something you recall picking up or dropping off during that
(12) 14 minutes?
(13) Ms. Williams. No. As I said, it would not be
(14) extraordinary for me to come into the White House or into
(15) the residence during the weekend, something I had
(16) forgotten, I don't know, but it would not be
(17) extraordinary. I'm in and out of there quite a bit.
(18) Mr. Chertoff. Did you see Mrs. Clinton?
(19) Ms. Williams. I don't recall seeing her, but it
(20) wouldn't have been extraordinary for me to have seen her.
(21) Mr. Chertoff. It wouldn't have been extraordinary for
(22) you to have seen her on that Sunday. Is that your
(23) testimony?
(24) Ms. Williams. My testimony is that I don't recall
(25) seeing her, but it would not have been extraordinary.

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(1) Mr. Chertoff. Well, your testimony over the summer,
(2) and I'm reading from page 144 of your deposition, was, at
(3) line 7, "did you have contact with the President or the
(4) First Lady on Saturday or Sunday?"
(5) "Answer: No, I don't think so.
(6) "Question: No?
(7) "Answer: No, I don't think so.
(8) "Question: No communication of any sort?
(9) "Answer: Not that I can recall. I don't recall."
(10) Are you now altering that to tell us that it's
(11) possible that you had contact with her during that
(12) 14-minute period on that Sunday?
(13) Ms. Williams. I don't believe that there's any
(14) alteration in my testimony. I don't recall. What I said
(15) is that it would not have been extraordinary to have seen
(16) her.
(17) Mr. Chertoff. Now, on the following Tuesday, you
(18) encountered Mr. Barnett in the residence; correct?
(19) Ms. Williams. That's correct.
(20) Mr. Chertoff. Where was Mr. Barnett?
(21) Ms. Williams. Somewhere on the second floor of the
(22) residence, as I recall.
(23) Mr. Chertoff. And what kind of -- describe what kind
(24) of premise this is on the second floor of the residence?
(25) Ms. Williams. The Lincoln bedroom, the Queen's

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(1) bedroom, a greeting hall and then a sitting room, family
(2) sitting room and a kitchen.
(3) Mr. Chertoff. And Mr. Barnett was talking with

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(4) Mrs. Clinton?
(5) Ms. Williams. That's what I recall.
(6) Mr. Chertoff. Were they seated or standing?
(7) Ms. Williams. I don't recall.
(8) Mr. Chertoff. And you happened to walk by and run
(9) into them?
(10) Ms. Williams. Well, I was in and out of the residence
(11) as the logs recall. I was there earlier in the morning in
(12) the afternoon.
(13) And one of the things that might be useful, if I could
(14) take a moment, Mr. Chairman, is to describe a little bit
(15) about what goes on in the residence and what a big place it
(16) is. It is both the home of the First Family. At the same
(17) time, it is also used as quarters for entertaining. It is
(18) also used for some meetings that are official, I suppose.
(19) And there are a number of guest rooms on the third floor.
(20) So it would not be extraordinary for me to come to the
(21) house, not see Mrs. Clinton, go about my business in the
(22) residence, talking to other people who might be there for
(23) some other reasons and not see Mrs. Clinton. On the other
(24) hand, you know, it's perfectly -- since it is her home,
(25) that she might be walking around or sitting, as I was

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(1) coming through.
(2) Mr. Chertoff. Well, let's not focus on what is or
(3) isn't extraordinary. Let's focus on Tuesday the 27th.
(4) Your testimony is you are in the residence for some purpose
(5) unrelated to the documents; is that correct?
(6) Ms. Williams. My testimony is that I was in and out
(7) of the residence all day that day.
(8) Mr. Chertoff. You have to listen to the question and
(9) you have to answer the question I ask, not the one you want
(10) me to ask but the one I am asking.
(11) Were you in the residence when you ran into
(12) Mr. Barnett for anything related to the documents?
(13) Ms. Williams. To my knowledge, no.
(14) Mr. Chertoff. You were there for something else?
(15) Ms. Williams. I don't recall what, but I was in and
(16) out, as I said before. I was in and out of the residence
(17) most of the day on Tuesday doing a number of things.
(18) Mr. Chertoff. I'm going to stop you, Ms. Williams.
(19) You have to answer the question I ask you. Were you in the
(20) residence at the time you bumped into Mr. Barnett for
(21) something else other than the documents?
(22) Ms. Williams. The first part of that question was I
(23) was in the residence when I saw Mr. Barnett, correct. I
(24) have answered that.
(25) Mr. Chertoff. You were there for something else

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(1) besides the documents?
(2) Ms. Williams. I don't recall what I was there for. I
(3) was in and out of the residence all day.
(4) Mr. Chertoff. I'm going to ask that we put the
(5) deposition from July 7, 1995 on the videotape at page 145,
(6) and I think you have a copy that's been furnished to you.
(7) Chairman D'Amato. Page 145.
(8) Mr. Chertoff. Do you have a copy in front of you? I
(9) believe it is July 7, 1995.
(10) "Mr. Chertoff. How did you come to see Mr. Barnett?
(11) "Answer: He had come to see Mrs. Clinton.
(12) "Question: About what?
(13) "Answer: I don't know.
(14) "Question: He was in the residence.
(15) "Answer: Yeah, he was in the residence.
(16) "Question: And you were called?
(17) "Answer: No. I had come up to the residence for
(18) something else.
(19) "Question: And you bumped into him?
(20) "Answer: Yeah, I saw him. And he said, you know
(21) what? It would make sense to get those documents over to
(22) the office."
(23) Is that correct?
(24) Ms. Williams. That's correct. That's my deposition.
(25) Mr. Chertoff. Mr. Barnett, why did you go to the

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(1) residence on the 27th?
(2) Mr. Barnett. Mr. Chertoff, on the 27th I went
(3) Chairman D'Amato. Mr. Barnett, pull the microphone up
(4) closer to you.
(5) Mr. Barnett. Sorry, Mr. Chairman. Is that better?
(6) Chairman D'Amato. Yes, it is.
(7) Mr. Barnett. I'm sorry. Mr. Chertoff, my best
(8) recollection is that I went over to the residence on the
(9) 27th to pick up the documents.
(10) Mr. Chertoff. So you went over for the specific
(11) purpose of picking up the documents?
(12) Mr. Barnett. That is my best recollection.
(13) Mr. Chertoff. Who did you arrange to do that with?
(14) Mr. Barnett. I spoke with Ms. Williams about picking
(15) up the documents. Who made the exact entry permission, I
(16) can't be sure, Mr. Chertoff. I think it was Capricia
(17) Marshall, but I'm not sure.
(18) Mr. Chertoff. You spoke to Ms. Williams before you
(19) came over?
(20) Mr. Barnett. At some point during that period of time
(21) of days, I did speak with her, yes.
(22) Mr. Chertoff. Before you came over?
(23) Mr. Barnett. Yes.
(24) Mr. Chertoff. And you made an arrangement with her to
(25) meet her in order to pick up the documents?

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(1) Mr. Barnett. That is my best recollection.
(2) Mr. Chertoff. Ms. Williams, is that what happened?
(3) Ms. Williams. That's not my best recollection.
(4) Mr. Chertoff. Now, when you came -- Mr. Barnett, when
(5) you came into the White House and whoever let you in,
(6) whoever admitted you, where did you go?
(7) Mr. Barnett. I first went up to, I believe,
(8) Mr. Chertoff, the second floor, and I waited for a period
(9) of time, and then I went to the third floor, and we carried
(10) out the transfer of documents.
(11) Mr. Chertoff. Let's take it step by step,
(12) Mr. Barnett. Why did you go to the second floor?
(13) Mr. Barnett. That's where I was escorted and told to
(14) wait is my best recollection.
(15) Mr. Chertoff. Who were you waiting for?
(16) Mr. Barnett. I was waiting for Maggie Williams.
(17) Mr. Chertoff. In fact, you met -- Ms. Williams came
(18) up and met you there?
(19) Mr. Barnett. That's my best recollection.
(20) Mr. Chertoff. Did you speak to the First Lady during
(21) the period of time you were waiting?
(22) Mr. Barnett. I have absolutely no recollection of
(23) seeing the First Lady or speaking with the First Lady on
(24) that day. I cannot rule it out. It's 2-1/2 years later,
(25) but I have no recollection of seeing her on that day,

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(1) Mr. Chertoff.
(2) Mr. Chertoff. Ms. Williams, do you remember
(3) specifically seeing Mr. Barnett with the First Lady when
(4) you bumped into them?
(5) Ms. Williams. "Bumped" is not my word, but I remember
(6) seeing Mr. Barnett with the First Lady. That's my
(7) recollection.
(8) Mr. Chertoff. And the First Lady was there when
(9) Mr. Barnett said let's go get the documents?
(10) Ms. Williams. I believe that's so.
(11) Mr. Chertoff. And Mr. Barnett, your recollection is
(12) you don't have any such recollection?
(13) Mr. Barnett. That's my best recollection,
(14) Mr. Chertoff.
(15) Mr. Chertoff. Now, Mr. Barnett, you then went up to
(16) the third floor with Ms. Williams?
(17) Mr. Barnett. Correct.
(18) Mr. Chertoff. And where did Ms. Williams take you?
(19) Mr. Barnett. We went to a room on the third floor.
(20) It's a hard to define the location. It was on the -- as I
(21) remember, the front side. If you come off the elevator,
(22) you turn left. It's sort of right straight ahead. If you
(23) had a map, I could probably point it out to you. It is in
(24) that area of the third floor.
(25) Mr. Chertoff. And it was just you and Ms. Williams

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(1) and nobody else?
(2) Mr. Barnett. That is correct.
(3) Mr. Chertoff. What did you do then?

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(4) Mr. Barnett. We went to that room. My recollection
(5) is, as we sit here 2-1/2 years later, that this was the
(6) first time that I had seen Ms. Williams since the funeral.
(7) And I believe that we spent some time talking about
(8) Mr. Foster, about the Foster family, those kind of
(9) discussions. That's again, my best recollection.
(10) We then went to a closet in that room. Ms. Williams
(11) either had or secured a key. We opened the closet and in
(12) the closet was a box with the files in it.
(13) Mr. Chertoff. And you pulled the box out?
(14) Mr. Barnett. My recollection is that I either -- the
(15) box was on the floor. I either sat down on a chair and
(16) looked at the box in that way or I picked up the box and I
(17) put the box on a desk, table, whatever you might call it,
(18) and looked at them in that way. I just don't really recall
(19) specifically.
(20) Mr. Chertoff. The box was unsealed; correct?
(21) Mr. Barnett. The box was unsealed, correct.
(22) Mr. Chertoff. Was there any kind of index or any kind
(23) of an inventory with the box?
(24) Mr. Barnett. There was not.
(25) Mr. Chertoff. And Ms. Williams was with you while you

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(1) removed the box?
(2) Mr. Barnett. Yes.
(3) Mr. Chertoff. She was with you while you opened the
(4) box.
(5) Mr. Barnett. Yes.
(6) Mr. Chertoff. And you started to go through the
(7) files?
(8) Mr. Barnett. I would not say "go through the files."
(9) Let me describe exactly what I did because it's caused some
(10) misunderstanding, so let me be accurate and answer it
(11) myself.
(12) I opened the box. In the box were two dozen, maybe
(13) more files. Most of them, but not all of them were
(14) labeled. I went through the labels. The unlabeled files,
(15) as I recall, I took out and looked at to see what they
(16) were. I may have also taken out one or more of the labeled
(17) files to look at them briefly as to what they were. But
(18) let me be clear. Everything that was in the box when I
(19) received it was back in the box when I taped it up.
(20) Mr. Chertoff. So everything that was in the box that
(21) you found in the box when you opened it, you put back in
(22) the box when you taped it?
(23) Mr. Barnett. Absolutely.
(24) Mr. Chertoff. Did you make an inventory or record of
(25) any kind of what was in the box?

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(1) Mr. Barnett. Later.
(2) Mr. Chertoff. Not on the spot.
(3) Mr. Barnett. Not on the spot.
(4) Mr. Chertoff. Ms. Williams was present in the room
(5) with you as you went through this procedure of reviewing
(6) the files.
(7) Mr. Barnett. I can't say, Mr. Chertoff. She was
(8) there the whole time. She was certainly there part of the
(9) time, but I can't honestly say she didn't go about doing
(10) other business or something. I really don't recall.
(11) Mr. Chertoff. How long did it take you to go through
(12) these records?
(13) Mr. Barnett. At that time on that day?
(14) Mr. Chertoff. Right.
(15) Mr. Barnett. I would say I spent maybe five or 10
(16) minutes undergoing that process I just described to you,
(17) but that's an estimate.
(18) Mr. Chertoff. Now, during that period of time, did
(19) you run across a file that you gave to Ms. Williams and
(20) suggested maybe it ought to remain at the White House
(21) rather than being taken over to Williams & Connolly because
(22) it really related to official business?
(23) Mr. Barnett. At that time, I don't recall that, no.
(24) Can you be more specific?
(25) Mr. Chertoff. Was there a file relating to the

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(1) residence or improvements at the residence or at the White
(2) House that you identified as being more appropriately held
(3) at the White House rather than removed at that time?
(4) Mr. Barnett. I don't remember that, no. I don't
(5) remember that. I have a vague recollection now that you
(6) mention it of at some later date talking with someone in
(7) the White House counsel's office. It may have been Stephen
(8) Neuwirth, but I certainly am not sure of that about such a
(9) file and what was in it, but I don't, Mr. Chertoff, recall
(10) that discussion being -- having taken place on the 27th,
(11) no.
(12) Mr. Chertoff. When do you recall that discussion
(13) having taken place?
(14) Mr. Barnett. Sometime later, within a -- days or
(15) weeks after, but it's only a vague recollection.
(16) Mr. Chertoff. Now, when you were -- I want to put a
(17) time frame on this. You come up to the second floor. How
(18) long are you waiting for Ms. Williams?
(19) Mr. Barnett. I would estimate, Mr. Chertoff, that I
(20) was waiting maybe 20, 25 minutes. That would be my best
(21) estimate, but I cannot be totally sure of that.
(22) Mr. Chertoff. Let me try to help you out. You are
(23) admitted to the second floor according to entry records at
(24) 3:03 p.m. Ms. Williams comes at 3:20 p.m. That's
(25) approximately 17 minutes.

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(1) Mr. Barnett. That could be right. May I say
(2) something about those logs, please --
(3) Mr. Chertoff. Sure.
(4) Mr. Barnett. -- for a moment? I'm familiar with
(5) those logs obviously, you've given me a copy. It is my
(6) recollection, as I sit here today, that I was there about
(7) 35, 40 minutes, maybe 45 minutes. I was very surprised
(8) when those logs reflected that I was there 90 minutes. I
(9) have no basis to impeach those logs. I don't know who
(10) keeps them. I don't know if they're contemporaneous. I
(11) don't know if they're computer-generated. I have no idea.
(12) But as I sit here today, and as I sat there wherever
(13) it was in my office when I first learned about these logs,
(14) I thought that was much longer than I was there, I must
(15) tell you.
(16) Mr. Chertoff. Let's try to go through it. Around
(17) 3:20, Ms. Williams comes up and you go up with her on the
(18) third floor and then you spend some time talking about
(19) Mr. Foster; correct?
(20) Mr. Barnett. That's my recollection.
(21) Mr. Chertoff. And that's why you're standing around
(22) here on your way getting to the area where the records are
(23) held?
(24) Mr. Barnett. No, we may have done that actually in
(25) the room.

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(1) Mr. Chertoff. How long is that? 10 or 15 minutes
(2) perhaps?
(3) Mr. Barnett. Perhaps. Perhaps a little longer.
(4) Mr. Chertoff. You're estimating maybe 10 minutes,
(5) maybe 15 minutes for purposes of reviewing the records.
(6) Mr. Barnett. Yes, approximately.
(7) Mr. Chertoff. That would take us up to sometime
(8) before 4:00; right?
(9) Mr. Barnett. Oh, Mr. Chertoff, I can't remember if it
(10) was 4:00. You're talking about 2-1/2 years ago.
(11) Mr. Chertoff. I'm just doing the math --
(12) Mr. Barnett. Do the math, but don't put times on it,
(13) please.
(14) Mr. Chertoff. As soon as you tape up the box, where
(15) did you get the tape --
(16) Mr. Barnett. Wait. You've got to slow down.
(17) Mr. Chertoff. Where did you get the tape?
(18) Mr. Barnett. I looked through the files, as I've
(19) described. I then said to Ms. Williams that I wanted to
(20) tape the box. She had to find some tape. I don't recall
(21) it being right there. I recall in my mind her having to go
(22) somewhere and get it, not a long period of time, but some
(23) period of time. I then taped the box, closed securely.
(24) Mr. Chertoff. Then what did you do?
(25) Mr. Barnett. Then we had to make arrangements to have

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(1) the box picked up. It was, as I remember, an extremely hot
(2) day. I was not interested in carrying that box out of the
(3) White House, much less the three blocks to my office. So I

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called over to my office. I believe I called twice and talked -- I don't remember if during the first call I talked to Mr. Barlow, I think I did. Mr. Barlow, who's seated to my right, Mr. Barlow is the head of our accounting department, a 20-year military veteran, a very trusted senior employee of our law firm, and I asked him -- I can't remember in the first instance, but ultimately, I got to him to make arrangements to pick up the box. Then that conversation took place.
My best recollection is then there was a second conversation a little while later where we went through the mechanism of birth date, Social Security number, what gate are you coming to, how are you going to get cleared in, where does he report, who does he see, that whole suggestion.
Mr. Chertoff. Who did you have this second discussion with?
Mr. Barnett. Mr. Barlow.
Mr. Chertoff. And you're dealing with someone on the White House side in terms of getting Mr. Barlow admitted?
Mr. Barnett. I believe at that point, again, my best recollection at that point, Ms. Williams made the

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arrangements internally through the clearance office or whatever it's called to have Mr. Barlow accessed and that involved -- or she called someone to do it. I don't really remember exactly, but that process happened and that took a few minutes.
Mr. Chertoff. And you're relating the information about Mr. Barlow's background to Ms. Williams so she can coordinate on the internal side?
Mr. Barnett. Not about his background. About his Social Security number and birth date. No, I didn't give her a biography.
Mr. Chertoff. You need to get someone cleared through. You're supplying the information to Ms. Williams.
Mr. Barnett. That's my recollection.
Mr. Chertoff. And then what happens?
Mr. Barnett. I believe we talked a little more --
Mr. Chertoff. Where were you at this point?
Mr. Barnett. Still in the same place. And then at some point thereafter I left and I believe I went over to the West Wing.
Mr. Chertoff. Now, you left before you saw Mr. Barlow?
Mr. Barnett. Mr. Barlow and I never crossed paths.
Mr. Chertoff. And what was the way you left it? Who was Mr. Barlow supposed to see in the White House in order

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to pick up the box?
Mr. Barnett. I don't remember, Mr. Chertoff. I think I arranged to have him coordinate through Ms. Williams to pick up the box, but in terms of the actual identity of the person he was supposed to see, I don't remember.
Mr. Chertoff. So you left it to Ms. Williams to maintain custody of the box and get it over to Mr. Barlow?
Mr. Barnett. Correct.
Mr. Chertoff. And then you went over to the West Wing?
Mr. Barnett. Correct.
Mr. Chertoff. To see who?
Mr. Barnett. I've obviously tried to remember this. I had several ongoing matters that I was handling for the President and the First Lady, and I could have gone over there to talk with any one of a number of people about this. My best recollection, however, is that I went over there because I hadn't seen some of the people who worked most closely with Mr. Foster since his death. And my best recollection, Mr. Chertoff, is that I wanted to go over and see how some of them were. I believe I saw some of the secretaries over there. I may have seen some of the people in the counsel's office. I remember being over in that area there where the counsel's office is. But I don't have any specific recollection of which

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individuals I saw.
Mr. Chertoff. Did you see Mr. Nussbaum?
Mr. Barnett. I don't remember seeing Mr. Nussbaum

that day, but I can't rule it out.
Mr. Chertoff. Did anybody mention to you that pieces of paper had been found the day -- that had allegedly been found the day before in Mr. Foster's briefcase?
Mr. Barnett. No.
Mr. Chertoff. That subject never came up?
Mr. Barnett. Not to my recollection.
Mr. Chertoff. With any of the people you spoke to in the Counsel office?
Mr. Barnett. Not to my recollection.
Mr. Chertoff. I want to go back to your recollection of that day because when you testified here on July 7th, you had a very specific recollection of what happened. This wasn't an "I don't recall" or even a one-word answer. You gave us a lengthy narrative and I'd like to put it back up on the board. It's page 145. Again, July 7, 1995. We're going to pick up where we left off. Do you have it?
Ms. Williams. I can see it.
Mr. Chertoff. "And what did you do?
"Answer: He called someone" -- that's Mr. Barnett.
"Question: Who was that?
"Answer: I don't know his name but --

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"Question: A messenger?
"Answer: No. I think he was -- I think he was an attorney.
"Question: From Williams & Connolly and he made that call from the residence?
"Answer: Yes.
"Question: How long did it take this person to get cleared through?
"Answer: Maybe a half hour or so.
"Question: Did you wait there with Mr. Barnett while that happened?
"Answer: Yeah. I may have -- well, probably in and out. I may have gone to do something and come in. They were having a conversation. Mrs. Clinton and Mr. Barnett, but I had the key."
Is that still true, Ms. Williams?
Ms. Williams. That's my recollection.
Mr. Chertoff. "The key to the closet?
"Answer: Right.
"Question: So Mrs. Clinton and Mr. Barnett were waiting in the residence for about half an hour while this person came from Williams & Connolly; right?
"Answer: Yeah. I'd say it was about half an hour.
"Question: And then this person came in; right?
"Answer: Uh-huh.

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"Question: And then what happened?
"Answer: I got on the elevator with him. I had them -- I called somebody to get him cleared. He came to the usher's office which is where guests go. The ushers called up to the residence. I picked up the phone. They said the guy was there. I went and got him, took him up to the third floor, opened the closet and told them that was the box.
"Question: And where was Mr. Barnett and the First Lady at this time?
"Answer: They were still down on the second floor.
"Question: And what happened after this person had retrieved the box?
"Answer: I took him back down to the usher's office.
"Question: Did you stop and see Mr. Barnett or Mrs. Clinton at that point?
"Answer: No.
"Question: And that whole operation of going up to pick up the box and have this person leave took about 15 minutes?
"Answer: Yeah, if that." And then --
"Question: Did you then go back and talk to Mr. Barnett and Mrs. Clinton?
"Answer: No, I just think I did whatever else I was doing.

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"Question: You didn't arrange for Mr. Barnett to come over on that Tuesday; correct?
"Answer: I may have cleared him through.

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(4) "Question: You didn't ask him to come over?
(5) "Answer: Huh-uh."
(6) Now, Ms. Williams, is it your testimony still -- is it
(7) your testimony still that you were not with Mr. Barnett at
( ) the time that you looked through the box?
( ) Ms. Williams. I don't have a recollection of that at
(10) the time that he looked through the box.
(11) Mr. Chertoff. You were not with -- was Mr. Barnett
(12) with you on the third floor with the box as he has
(13) testified or were you up there on the third floor with the
(14) box for the first time with the messenger as you have
(15) testified?
(16) Ms. Williams. As I have testified, what I recall,
(17) what my recollection is, that when I was on the third
(18) floor, the first time I was with the messenger. That's my
(19) recollection. That's what I remember.
(20) Mr. Chertoff. And your testimony is that you went and
(21) got the messenger, took him to the third floor, opened the
(22) closet and told them that was the box. That's your
(23) testimony; correct?
(24) Ms. Williams. That's the best of my recollection.
(25) Mr. Chertoff. Now, Mr. Barlow, when you got to the

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(1) White House, and you did go to the White House; right?
(2) Mr. Barlow. Yes, sir.
(3) Mr. Chertoff. And where were you met by Ms. Williams?
(4) Mr. Barlow. As I recall, on the third floor.
(5) Mr. Chertoff. You were directed to go to the third
(6) floor?
(7) Mr. Barlow. I was put on the elevator with an escort.
(8) Mr. Chertoff. And an escort was a Secret Service
(9) officer?
(10) Mr. Barlow. No, it was a lady who met me over in the
(11) Old Executive Office Building and they escorted me over.
(12) Mr. Chertoff. What was her name?
(13) Mr. Barnett. I don't recall.
(14) Mr. Chertoff. Was it Carolyn Huber?
(15) Mr. Barlow. I don't recall.
(16) Mr. Chertoff. And when you got to the third floor,
(17) how did you get to where Ms. Williams was?
(18) Mr. Barlow. She was waiting for me when the elevator
(19) opened.
(20) Mr. Chertoff. And she took you into a room?
(21) Mr. Barlow. First, she took me on a tour.
(22) Mr. Chertoff. After the tour, she took you to a room?
(23) Mr. Barlow. Right.
(24) Mr. Chertoff. Is that right?
(25) Mr. Barlow. That's correct.

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(1) Mr. Chertoff. Actually, it must have been a pretty
(2) short tour because you were apparently in that area only
(3) about four minutes. Where was the box?
(4) Mr. Barlow. The box was locked in the closet in a
(5) small room off the elevator.
(6) Mr. Chertoff. So when you got into the room, the box
(7) was in the closet?
(8) Mr. Barlow. That's right.
(9) Mr. Chertoff. And she opened the closet?
(10) Mr. Barlow. That's right.
(11) Mr. Chertoff. And what was the condition of the box?
(12) Was it taped or was it untaped?
(13) Mr. Barlow. It was sealed up in packing tape.
(14) Mr. Chertoff. Ms. Williams, did you -- Mr. Barnett,
(15) let me ask you, when you left the box, had you taken it off
(16) the desk and put it in the closet?
(17) Mr. Barnett. That's my recollection, or it stayed in
(18) the closet. I told you, I couldn't remember if I moved it
(19) or looked at it there, but it was certainly in the closet
(20) when I left.
(21) Mr. Chertoff. But you had taped it up?
(22) Mr. Barnett. I had taped it up.
(23) Mr. Chertoff. And Mr. Barlow, your recollection is it
(24) was taped when you got there?
(25) Mr. Barlow. It was taped.

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(1) Mr. Chertoff. And Ms. Williams met you on the third
(2) floor?
(3) Mr. Barlow. That's correct.

(4) Mr. Chertoff. Let me ask you this, Mr. Barnett.
(5) Other than receiving -- you understood that the box you
(6) were receiving on this occasion were Vincent Foster files;
(7) is that correct?
(8) Mr. Barnett. That is not correct.
(9) Mr. Chertoff. You knew they came from Mr. Foster's
(10) office?
(11) Mr. Barnett. Mr. Chertoff, you're making assumptions
(12) in your question that are unwarranted.
(13) Mr. Chertoff. What was your understanding?
(14) Mr. Barnett. I was asked to take over a variety of
(15) personal legal matters for the President and the First
(16) Lady. I had been doing some, and I was asked to do more.
(17) I came over to secure files relevant to carrying out that
(18) work. I was not knowledgeable about where they came from,
(19) how they got there or specifically what they were. It was
(20) certainly my understanding that not all of these but some
(21) of these were from Mr. Foster's office, but I was not on
(22) notice, if you will, that they were from Mr. Foster's
(23) office or where they were from. I was simply on notice
(24) that they were the files relevant to the work I was being
(25) asked to carry out.

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(1) Mr. Chertoff. Well, there were files there that were
(2) related to Whitewater. Was it your understanding that --
(3) Mr. Barnett. No, Mr. Chertoff. There was one file
(4) that had a label on it that said Whitewater.
(5) Mr. Chertoff. And there were other files there that
(6) dealt with tax issues that mentioned Whitewater; is that
(7) correct?
(8) Mr. Barnett. That is correct.
(9) Mr. Chertoff. Is it your testimony that when you
(10) picked up the box it was not your understanding that there
(11) were Vincent Foster -- that these were files that had come
(12) from Vincent Foster's --
(13) Mr. Barnett. You're not listening to my answer. It
(14) was certainly my understanding that some of those files
(15) came from Vincent Foster's office, but it was not my
(16) understanding that all those files came from Vincent
(17) Foster's office.
(18) Mr. Chertoff. So you had the belief that some of the
(19) files may have come from elsewhere?
(20) Mr. Barnett. I didn't really know. I just knew that
(21) I was being asked to carry out some legal tasks and that
(22) these were the files that were relevant to those tasks.
(23) Mr. Chertoff. Other than this occasion, was there any
(24) occasion before or afterward that your law firm received
(25) files that you were told or was indicated to you came from

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(1) the late Vincent Foster's files?
(2) Mr. Barnett. During the course of my involvement with
(3) these matters, before Mr. Kendall took over from my law
(4) firm, there was one other occasion that I can recall, and
(5) it occurred on that very day. And I'd be happy to describe
(6) it if you'd like.
(7) Mr. Chertoff. When you say "that very day," you mean
(8) July 27th?
(9) Mr. Barnett. 1993, correct.
(10) Mr. Chertoff. The same day you picked up the box?
(11) Mr. Barnett. Correct.
(12) Mr. Chertoff. Tell us about that.
(13) Mr. Barnett. When I was over in the West Wing, one of
(14) the secretaries -- I don't really remember which one --
(15) gave me a file, it was bright green, told me that it was a
(16) file -- I believe she described it as intransit or in the
(17) process or being processed, some words to that effect, at
(18) the time of Mr. Foster's death. That file was given to me
(19) with the individual saying to me that she understood that I
(20) would be handling those personal legal matters that
(21) Mr. Foster had been involved in and that that file would
(22) properly therefore be transferred to me.
(23) Mr. Chertoff. What was in this intransit file?
(24) Mr. Barnett. My best recollection what was in that
(25) file were some amendments to either/or the blind trust or

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(1) the financial disclosure forms or both. My understanding
(2) is that some -- I believe $100 denomination bonds belonging
(3) to the Clintons' daughter had been found and that there was

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(4) a need therefore to amend certain disclosure blind trust as
(5) a result. They had not been prepared by me. My
(6) recollection is they had been prepared by Mr. Brant Buck of
(7) the Rose Law Firm, and they were sent up. They had, as I
(8) remember tab -- sign here tabs -- I'm sure you're familiar
(9) with those -- and there were some backup materials related
(10) to that. But you've seen the files, so you know what's in
(11) it.
(12) Mr. Chertoff. Did your firm receive other than that
(13) one additional file any other documents that you understood
(14) to be coming from the late Vincent Foster's files?
(15) Mr. Barnett. During the time I was involved, I recall
(16) no such transfer of files.
(17) Mr. Chertoff. When did you stop being involved?
(18) Mr. Barnett. I stopped being involved in the fall of
(19) 1993.
(20) Mr. Chertoff. To your knowledge, even after you've
(21) been involved, from any other source, do you know whether
(22) Mr. Kendall received files from Vincent Foster's office
(23) relating to Madison Guaranty?
(24) Mr. Barnett. Mr. Chertoff, I have no idea. You have
(25) to address that question to others. I wasn't involved and

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(1) therefore I didn't know.
(2) Mr. Chertoff. Well, I'd like to just close this up.
(3) I'd like to put up and give to you a letter we have dated
(4) November 22, 1993 where Mr. Kendall from your firm who's
(5) sitting behind you, we're going to put it up on the Elmo
(6) and hand it out, transmits to the Rose Law Firm three file
(7) folders labeled "Madison Guaranty Limited Partnership,"
(8) "Madison Guaranty net worth preferred stock offering" and
(9) "Madison Guaranty preferred stock offering corporate,
(10) which were among the late Vincent Foster's files. They
(11) appear to be files of Rose Law Firm documents. I thought
(12) it most appropriate to transmit them to you for retention
(13) and storage."
(14) I want to ask you two questions, Mr. Barnett. How is
(15) it that Mr. Foster was keeping in his possession files
(16) relating to Madison Guaranty which was not a matter, to my
(17) understanding, was an ongoing issue that your firm or he
(18) was working on with respect to the Clintons?
(19) Mr. Barnett. Mr. Chertoff, I'm afraid that question
(20) is best addressed to Mr. Foster, and he is not here to
(21) answer it. I don't have an answer.
(22) Mr. Chertoff. You don't know how it is he had those
(23) files?
(24) Mr. Barnett. I have no -- let me finish -- I have no
(25) knowledge of if or how he had those files.

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(1) Mr. Chertoff. How did those files, which were among
(2) the late Vincent Foster's files, get into the possession of
(3) your law firm?
(4) Mr. Barnett. They did not come to the possession of
(5) my law firm while I was involved in these matters, so
(6) you'll have to ask others that question because I don't
(7) have an answer.
(8) Mr. Chertoff. I see Mr. Kendall is behind you. He's
(9) the signatory of the letter. I know you're an agent for
(10) the firm. I don't know whether Mr. Kendall can enlighten
(11) us on this.
(12) Chairman D'Amato. Well, we'll take up the question
(13) whether or not Mr. Kendall --
(14) Mr. Chertoff. You don't know about this?
(15) Mr. Barnett. What's "this"?
(16) Mr. Chertoff. You don't know about these Madison
(17) files that were contained among the late Vincent Foster's
(18) files and transmitted on November 27?
(19) Mr. Barnett. I am familiar with the fact that these
(20) files were transferred to the Rose Law Firm.
(21) Mr. Chertoff. How are you familiar with that?
(22) Mr. Barnett. From hearing it at around the firm but I
(23) was not personally involved, so I don't really have
(24) personal knowledge of it. But I am familiar with the fact
(25) that files were transferred back to the Rose Law Firm.

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(1) Mr. Chertoff. I was almost led astray here because
(2) we're not in court, so the rules about hearsay and personal
(3) knowledge don't apply.
(4) Mr. Barnett. I understand that, but I'm also trying
(5) to be accurate and to tell you that I was not involved in
(6) the receipt of those files --
(7) Chairman D'Amato. Let me ask a question. Did there
(8) come a time, Mr. Barnett, that you became aware of the
(9) transfer of these files, the files in question as outlined
(10) in this letter?
(11) Mr. Barnett. I believe, Mr. Chairman, there came a
(12) time when I was familiar with the fact that Mr. Kendall
(13) transmitted those files to the Rose Law Firm, yes.
(14) Chairman D'Amato. When was that? Was it before the
(15) transfer?
(16) Mr. Barnett. It probably was right around this date,
(17) Mr. Chairman. I don't remember specifically.
(18) Chairman D'Amato. In other words, you were made aware
(19) of the fact prior to this transmittal letter that these
(20) files were transferred?
(21) Mr. Barnett. No, I'm not sure that it was prior,
(22) Mr. Chairman. I'm honestly not. It may have been after
(23) the fact. I remember hearing this -- I remember hearing
(24) this incident, but I don't have any specific recollection
(25) of it.

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(1) Chairman D'Amato. Mr. Chertoff, are you about to wrap
(2) it up?
(3) Mr. Chertoff. Yes. I was going to ask Mr. Barnett,
(4) from what you heard, where did these files come from? How
(5) did they come to your law firm?
(6) Mr. Barnett. My best recollection is that they came
(7) to our law firm from Mr. Hubbell, but I could be mistaken
(8) on that. That's my best recollection.
(9) Mr. Chertoff. Do you know how it is Mr. Hubbell would
(10) have had a set of Madison folders that were in the late
(11) Vincent Foster's files?
(12) Mr. Barnett. No.
(13) Mr. Chertoff. I think my time is up, Mr. Chairman.
(14) Chairman D'Amato. Okay. Senator Sarbanes.
(15) Senator Sarbanes. I yield to Mr. Ben-Veniste.
(16) Chairman D'Amato. Mr. Ben-Veniste.
(17) Mr. Ben-Veniste. Ms. Williams, let me ask you this:
(18) Is it correct that you discussed with Mr. Barnett at some
(19) point prior to the 27th the fact that there were files that
(20) you wanted to get over to him?
(21) Ms. Williams. Yes, that's correct.
(22) Mr. Ben-Veniste. And to put into context
(23) Mr. Chertoff's questions about the conversations on the
(24) 27th themselves, I believe you had testified that the
(25) subject came up while you were having a conversation with

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(1) Mr. Barnett in the airport, either going to or coming back
(2) from Little Rock in connection with the funeral?
(3) Ms. Williams. I remember having -- I believe I had a
(4) conversation with Mr. Barnett in the airport. I think it
(5) was after the funeral where -- I don't have an absolutely
(6) specific recollection at this moment, but I believe that we
(7) talked about getting the files to his office at some point.
(8) Mr. Ben-Veniste. And that would have been on the 24th
(9) of July?
(10) Ms. Williams. If that was Friday, yeah, the 24th.
(11) Mr. Ben-Veniste. Let's talk for a moment about,
(12) Mr. Barnett, the interesting subject of taping the box and
(13) transmitting it through -- with the help of Mr. Barlow back
(14) to your law firm. Is it correct that, to your knowledge,
(15) everything that was in the box when you looked at it went
(16) over to your law firm?
(17) Mr. Barnett. Are you talking to me, Mr. Ben-Veniste?
(18) Mr. Ben-Veniste. Yes, I am.
(19) Mr. Barnett. I'm sorry. I put everything that I saw
(20) in the box back in the box. I taped the box and when it
(21) was delivered to my possession at the law firm, it was
(22) still taped.
(23) Mr. Ben-Veniste. So as far as you were concerned,
(24) despite all these electronic records or other records of
(25) who went where, at what time, you went over there to get a

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(1) box, you saw the box, you looked in the box, you taped the
(2) box and you transmitted it back to your law firm?
(3) Mr. Barnett. That is correct.

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(4) Mr. Ben-Veniste. Now, is it also correct, to your
(5) knowledge, because I know – let's clear this up – at some
(6) point, you determined that you would not continue on or
(7) could not continue on in the representation for personal
(8) reasons; is that correct?
(9) Mr. Barnett. That is correct.
(10) Mr. Ben-Veniste. And Mr. Kendall took over?
(11) Mr. Barnett. Yes, I should explain lest it sound like
(12) something nefarious. My wife was assigned to a position
(13) where she would be covering the White House, and I wished
(14) to avoid any appearance of conflict. Let me stress there
(15) would have been no conflict. I do not discuss client
(16) matters with her, and she sure doesn't check her stories
(17) with me, but we did not want any appearance and therefore,
(18) we thought it best that although my law firm would continue
(19) the representation, I would not personally do so as to
(20) these matters.
(21) Mr. Ben-Veniste. And your –
(22) Mr. Barnett. As to these matters.
(23) Mr. Ben-Veniste. Your wife is a network journalist?
(24) Mr. Barnett. That is correct, as to these matters.
(25) Mr. Ben-Veniste. And to avoid the appearance of any

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(1) conflict or possible conflict of interest, you thought it
(2) best to step aside?
(3) Mr. Barnett. I thought it best not to handle these
(4) matters for the President or the First Lady because of the
(5) potential for an appearance of conflict.
(6) Mr. Ben-Veniste. With respect to this green file that
(7) you've mentioned, would it be fair to say that what
(8) occurred was that somebody handed you a file that was
(9) en route to be either signed by Mr. and Mrs. Clinton and
(10) that had to do with personal estate planning matters?
(11) Mr. Barnett. I don't think it was estate planning
(12) matters. I believe it was an amendment to either a
(13) disclosure or a blind trust or both. It was that form, but
(14) otherwise, your question is accurate.
(15) Mr. Ben-Veniste. And nothing inappropriate with your
(16) taking charge of that matter at the point that you received
(17) the material?
(18) Mr. Barnett. Inappropriate? Tell me more.
(19) Mr. Ben-Veniste. Was there anything inappropriate, in
(20) your view, with your taking charge of that?
(21) Mr. Barnett. No. I thought that it was within the
(22) jurisdiction that I was assuming and indeed, back at my
(23) office, I placed that green file in the box, so it could
(24) continue in a safekeeping mode.
(25) Mr. Ben-Veniste. And of course, this committee,

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(1) Mr. Chertoff and I have reviewed that file?
(2) Mr. Barnett. You have reviewed, my understanding is
(3) from Mr. Kendall, that file and all the files in the box as
(4) appropriate despite –
(5) Mr. Ben-Veniste. There's nothing nefarious, no
(6) smoking gun in that file, we reviewed it?
(7) Mr. Barnett. In the green file?
(8) Mr. Ben-Veniste. Yes.
(9) Mr. Barnett. Hardly. If I had been, I dare say you
(10) would have pointed it out.
(11) Mr. Ben-Veniste. In connection with the other
(12) materials that were transmitted by you, taped up, sent over
(13) to your law firm, this committee, indeed, Mr. Chertoff and
(14) I have had the opportunity to review those materials.
(15) Mr. Barnett. That is my understanding.
(16) Mr. Ben-Veniste. Now, Ms. Blair, no one has sought to
(17) ask you any questions. You have been requested to come
(18) here. I don't know whether anyone communicated that fact
(19) to you, but the request has gone over the airwaves and here
(20) you are. So let me ask you whether you have any knowledge
(21) at all of any of the things that have been discussed this
(22) morning?
(23) Ms. Blair. No, sir.
(24) Mr. Ben-Veniste. You happened to be in Washington and
(25) a guest at the residence on the evening of the 27th; is

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(1) that correct, Ms. Blair?
(2) Ms. Blair. That is correct.
(3) Mr. Ben-Veniste. We have had no opportunity to take
(4) your deposition or do any preparation for this, and you and
(5) I have not spoken before; is that correct?
(6) Ms. Blair. That is correct.
(7) Mr. Ben-Veniste. You were in Washington on other
(8) business?
(9) Ms. Blair. Yes, sir. I was – I had been nominated
(10) by the President for the board of the Corporation for
(11) Public Broadcasting. As you know, it is customary to make
(12) courtesy calls on members of the Senate committee that will
(13) be holding the confirmation hearing. So some weeks
(14) previously, I had set up a series of appointments with
(15) those Senators who were interested in a courtesy call. I
(16) had appointments that day with Senator Stephens and with
(17) Senator Conrad Burns and I was a guest at the residence.
(18) But I had – it was pure happenstance that I happened to be
(19) in Washington.
(20) Mr. Ben-Veniste. What is your background?
(21) Ms. Blair. I'm a teacher of political science at the
(22) University of Arkansas.
(23) Mr. Ben-Veniste. You're a university teacher?
(24) Ms. Blair. That's right.
(25) Mr. Ben-Veniste. And you were appointed to the board?

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(1) Ms. Blair. Correct.
(2) Mr. Ben-Veniste. And the records diligently kept by
(3) the security people at the White House reflect that you
(4) entered the third floor where I presume you were staying in
(5) a guest room at some point after 4:00 on the 27th. Did you
(6) happen to see Mr. Barnett looking through a box of
(7) documents?
(8) Ms. Blair. No, sir, I did not.
(9) Mr. Ben-Veniste. Or Ms. Williams talking to
(10) Mr. Barnett or any other such thing?
(11) Ms. Blair. No, sir. I don't have any recollection of
(12) seeing any of these people. Certainly I saw no boxes, no
(13) documents.
(14) Mr. Ben-Veniste. I have no further questions. We'll
(15) yield back our time, Mr. Chairman.
(16) Chairman D'Amato. Senator Faircloth.
(17) Senator Faircloth. Thank you, Mr. Chairman.
(18) Ms. Williams, just to refresh, and we can go back in this
(19) deposition as far as you want, but we'll pick up on the
(20) question "and how did you come to see Mr. Barnett?" Before
(21) that, we discussed it was Tuesday and the 27th of July.
(22) But the question we need to start with you is "and how
(23) did you come to see Mr. Barnett?" You said "he had come to
(24) see Mrs. Clinton.
(25) "Question: About what?

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(1) "Answer: I don't know" was your answer.
(2) "Question: He was in the residence?
(3) "Answer: Yeah, he was in the residence.
(4) "Question: And you were called?
(5) "Answer: No. I had come up to the residence for
(6) something else.
(7) "Question: And you bumped into him?
(8) "Answer: Yeah, I saw him. And he said, you know
(9) what? It would make sense to get those documents over to
(10) the office."
(11) The question was he had come to see Mrs. Clinton was
(12) your direct statement. Now, Ms. Williams, the real
(13) question is this. The White House says, according to The
(14) Washington Post and others, that Mrs. Clinton did not see
(15) Mr. Barnett, never examined the contents of the documents
(16) and Mr. Barnett said he was at the White House specifically
(17) to meet with you.
(18) Now, what I would like to know, if it would be
(19) possible to get it in these hearings, who is telling the
(20) truth, you or Mrs. Clinton? Who was in the White House
(21) residency that day to meet Mr. Barnett? Was it you or was
(22) it Mrs. Clinton? Would you just give me a yes or no, just
(23) a brief answer?
(24) Ms. Williams. Mr. Chairman, I believe I can give my
(25) answer in whatever way I want to or am I – or do I just

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(1) have to say yes or no?
(2) Chairman D'Amato. Please.
(3) Senator Faircloth. Go ahead and answer.

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(4) Chairman D'Amato. You can answer. Go ahead.
(5) Ms. Williams. Thank you. First of all, as I said, it
(6) is my recollection, because I had come to the residence 20
(7) minutes after Mr. Barnett was there, that I saw -- it is my
(8) recollection that I saw Mrs. Clinton chatting with
(9) Mr. Barnett. That's my recollection.
(10) Senator Faircloth. She says that she didn't see him,
(11) but you say she did.
(12) Ms. Williams. Well, it was two years ago. I am in
(13) and out of that residence nearly every day for something or
(14) the other. Sometimes I see Mrs. Clinton. Sometimes I do
(15) not. So it is a case of our recollections.
(16) Senator Faircloth. The White House says that
(17) Mrs. Clinton did not review the contents of the documents.
(18) Mr. Barnett says that only two of you reviewed the
(19) documents. According to your story, you, Hillary Clinton,
(20) and Bob Barnett were all there waiting for the courier to
(21) arrive and get the documents. This would sort of suggest
(22) that all three of you did review again -- if you were in a
(23) room with Mr. Bob Barnett, Hillary Clinton and yourself and
(24) you're telling me you can't remember that?
(25) Ms. Williams. Senator Faircloth, with all due

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(1) respect, let me remind you that I'm Mrs. Clinton's chief of
(2) staff. I probably see her more hours of the day than any
(3) other person besides the President, her husband and
(4) Chelsea, their daughter. I see her constantly. So while I
(5) do understand that for many Americans, the idea that seeing
(6) Mrs. Clinton would be an extraordinary experience, for me,
(7) it was a part of my job and I do not remember every single
(8) time I have seen her.
(9) Senator Faircloth. How about Mr. Barnett, is seeing
(10) him a regular part of your job?
(11) Ms. Williams. I have seen Mr. Barnett on a number of
(12) occasions. Mr. Barnett and I are friends. We're social
(13) friends. We see each other at dinner. We see each other
(14) at lunch. I see Mr. Barnett quite a bit.
(15) Senator Faircloth. Ms. Williams, according to your
(16) story on this Tuesday, July the 27th, it took a courier 30
(17) minutes to get to the White House and get clearance to come
(18) up to the residence, not a place visited by many people.
(19) Yet, in your deposition, you said the reason you didn't get
(20) the documents to Mr. Barnett on Thursday, July the 22nd,
(21) was that it was late. By this time, I believe it was 5:50
(22) or 6:00 and you were tired. For that reason, you put them
(23) in the residence.
(24) Senator Sarbanes. What page and date are we at?
(25) Senator Faircloth. That would be page 97.

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(1) Senator Sarbanes. What date?
(2) Senator Faircloth. July the 7th.
(3) Senator Sarbanes. Thank you.
(4) Senator Faircloth. We have records that suggest you
(5) didn't take the documents over to the second floor until
(6) 7:30 that night. In other words, you said you were too
(7) tired at 5:50 or 6:00, but you didn't take them up until
(8) 7:30. It seems -- it would just seem practical if the
(9) courier could get there in 30 minutes and get the records
(10) from the second floor, they surely could have gotten the
(11) documents from your office and up in that length of time.
(12) But my question is this: Given the above, is it still
(13) your story that it was your idea to put the documents in
(14) the residence that day because it was late, and you were
(15) tired, and it was going to take a courier a long time, or
(16) is it the truth that Mrs. Clinton's desire that they be
(17) moved to the White House so she could review them before
(18) they went to Bob Barnett?
(19) Ms. Williams. My recollection is that it was my idea
(20) to move the documents to the residence. I was tired that
(21) evening. The next day was Mr. Foster's funeral. I do not
(22) know what happened to me between the time I got documents
(23) over to the second floor. I think that many of us would
(24) agree that the best laid plans are not often the ones that
(25) are carried out. I don't know what happened. I could have

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(1) been stopped in my office by something. I could have had
(2) another emergency to come up. I could have been on the
(3) phone. You know, I make no apologies, but as I recall, I
(4) was very tired, and I did not want to wait, and it was
(5) because of that that I put into play moving the documents
(6) to the residence that evening.
(7) Senator Faircloth. All right. You have also
(8) suggested that that same day, because calls were made
(9) shortly before 1:00 p.m. from your house to the First Lady,
(10) that maybe you didn't come into work until late Friday,
(11) later that day because your first appointment was in the
(12) afternoon, that you maybe came in late and the reason you
(13) were making the calls at 1:00 from your house.
(14) Now, the next thing is there are records suggesting
(15) that you came in at 8:00 that morning. So if you came in
(16) at 1:00, why were you so tired at 5:50? When did you come
(17) to work that day?
(18) Ms. Williams. I don't recall what time I came to work
(19) that day. I live very close to the White House. It was
(20) two years ago. It's not unusual for me to go back home
(21) during the day to go pick up my cleaning, to go throw
(22) clothes in the washer, to do any number of things that I
(23) don't have a chance to do because I work very early hours
(24) and I also work very late hours.
(25) Senator Faircloth. You made the phone calls from your

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(1) home to the First Lady because you were at home?
(2) Ms. Williams. Uh-huh.
(3) Senator Faircloth. And if that was the case, you
(4) couldn't have been too tired later that afternoon because
(5) then you didn't get back to work until after 1:00 p.m. And
(6) so you purposely took the documents to the residence, not
(7) because you were too tired to wait for a courier.
(8) Mr. Barnett.
(9) Mr. Barnett. Yes, Senator.
(10) Senator Faircloth. David Kendall's letter to the
(11) committee states that the first time you discussed these
(12) files with Mrs. Clinton was on August the 6th?
(13) Mr. Barnett. Correct.
(14) Senator Faircloth. What happened on this day to make
(15) your recollection so precise that it was the nature of your
(16) discussion with Mrs. Clinton, and what was the nature of
(17) your discussion with Mrs. Clinton?
(18) Mr. Barnett. Before I answer that, may I correct
(19) three errors in one of the questions that you proposed to
(20) Ms. Williams, please?
(21) Senator Faircloth. Yes.
(22) Mr. Barnett. I see that we sometimes have to --
(23) Chairman D'Amato. Mr. Barnett, you can answer the
(24) question.
(25) Mr. Barnett. Thank you, Senator. In your first

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(1) question, Senator, to Ms. Williams, you read a portion of a
(2) quotation that I think you said was from The Washington
(3) Post in turn quoting Mr. Kendall's letter. Please note
(4) that the full letter, in fairness, does say and my
(5) testimony was earlier in answer to Mr. Chertoff, he cannot
(6) rule out that possibility. It is my best recollection that
(7) I did not see Mrs. Clinton on that day, but I cannot 2-1/2
(8) years later rule out that possibility. So I want to repeat
(9) that.
(10) Second, there was some suggestion -- and I think this
(11) was probably unintentional, but I think the record has to
(12) be clear. There was some suggestion, maybe it was
(13) inadvertent, that Mrs. Clinton was somehow there at the
(14) time I was undergoing these events that Mr. Chertoff asked
(15) me about, looking at the box and all. She was not there.
(16) I want that to be very clear.
(17) Third, there seemed to be some suggestion -- and again
(18) it may have been inadvertent -- that Ms. Williams was doing
(19) the review or participating in the review of those files,
(20) as brief as it was. I want to again make the record clear
(21) it was my review. So please allow me to make those
(22) corrections.
(23) Now, let me answer your question, if I may, if you
(24) would like me to.
(25) Senator Faircloth. Go ahead and answer the question.

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(1) How do you know it was August the 6th? What happened?
(2) Mr. Barnett. Let me go back and explain. I took
(3) over these matters following the death of Mr. Foster and

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(4) the funeral of Mr. Foster. I was being asked as an
(5) attorney who takes his responsibilities very seriously to
(6) undertake matters for some individuals who were current
(7) clients of mine, friends of mine and who also happened to
(8) be the President of the United States and the First Lady.
(9) I took that very seriously.
(10) So upon getting back to my office, I reviewed those
(11) files, page by page, read every file, indexed every page
(12) and kept them in a completely secure environment throughout
(13) the whole time. I also listed off for myself not only the
(14) matters that were reflected in the files, but also matters
(15) that I either was doing at that time or I knew might need
(16) to be done, and I had a meeting with Mrs. Clinton on August
(17) 6th to review what I'll call all pending matters. I know
(18) that took place that day because it's on my calendar.
(19) Senator Faircloth. It was on your calendar. Okay.
(20) Mr. Chairman, this is the third time that we've had
(21) Ms. Williams before us. And each time, it has been my view
(22) that she has not told us the truth or her memory has been
(23) selectively weak. Now, she's the chief of staff to the
(24) First Lady and assistant to the President. And I simply
(25) don't think that anyone that holds these positions should

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(1) come before a Senate committee and in my opinion, lie to us
(2) and simply go on as if nothing had happened. I personally
(3) think that Ms. Williams should resign from the White House
(4) and it is somewhat of an effrontery to the Committee that
(5) she does not.
(6) Mr. Altman and Ms. Hanson resigned for misleading this
(7) committee, and I think Ms. Williams should do the same
(8) thing. And I still bring back – we keep crossing back
(9) what Ms. Williams said and what Mrs. Clinton said in the
(10) telephone calls from the plane and everywhere, I think when
(11) we get to the bottom of this, we will get that when
(12) Mrs. Clinton appears before us.
(13) Chairman D'Amato. Senator, thank you. Senator
(14) Sarbanes.
(15) Senator Dodd. Mr. Chairman, just on that point, first
(16) of all, with all due respect to my colleague from North
(17) Carolina, we're talking about events here that go back
(18) several years. I've made this point earlier to my
(19) colleagues, and I think many of them agree and accept this,
(20) to expect the kind of detailed recall – I think
(21) Ms. Williams made the point, and I think all of us can
(22) appreciate this, that she is not a tourist at the White
(23) House. She is the closest person that works with the First
(24) Lady and sees her all the time. And to expect anyone to go
(25) back that amount of time, knowing full well that each and

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(1) every one of us here on this Committee, having been asked
(2) in the past by others to describe where we were even a week
(3) or two or three ago and whom we met and exactly what we
(4) said, I think can appreciate how difficult that can be.
(5) Now, it's one thing to disagree with what Ms. Williams
(6) has said, but to call her a liar I think is wrong. That's
(7) just wrong. We shouldn't be engaging in that. She's given
(8) her testimony. She's a sworn witness. She has given us
(9) her best recollection. Members certainly have the right to
(10) disagree with her recollection or believe that such but to
(11) call people a liar I don't think really helps in the
(12) conduct of the Committee's business.
(13) Ms. Williams. Senator Dodd –
(14) Senator Dodd. It just seems to me, Mr. Chairman, I
(15) hope we kind of stay away from that. We've been trying to
(16) do that here, and calling for people's resignations is a
(17) good way of getting a headline, but this Committee has
(18) serious work to do. We've asked these people to come
(19) before us. Ms. Williams has testified on three occasions
(20) now going back over this ground and again, I don't know of
(21) a single member of Congress who could recall with any
(22) clarity events that go back even weeks ago, let alone years
(23) ago, and so I would hope that we could stay away from that
(24) kind of personal invective. It doesn't serve us well as a
(25) committee.

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(1) Ms. Williams. Senator Dodd, I appreciate you saying
(2) that. Senator Faircloth, Chairman D'Amato, I do not intend
(3) I serve at the pleasure of the President. I do not intend
(4) to resign until I am ready to resign. And so further
(5) discussion of this really, in my opinion, serves no real
(6) purpose.
(7) Senator Faircloth. Mr. Chairman –
(8) Chairman D'Amato. Senator.
(9) Senator Faircloth. – we've sat here and listened to
(10) this vague –
(11) Chairman D'Amato. Let me say this, Senator. This is
(12) Senator Sarbanes's time and I will give you an opportunity
(13) when we come back unless the Senator wants to yield and
(14) certainly we'll hold and credit his time, take the clock
(15) off, if you do.
(16) Senator Faircloth. I just wanted to reply to Senator
(17) Dodd very briefly.
(18) Senator Sarbanes. Certainly.
(19) This won't be off our time?
(20) Chairman D'Amato. No.
(21) Senator Faircloth. We sat here for three sessions
(22) with Ms. Williams and listened to this convoluted,
(23) inaccurate, floating testimony. Now, Ms. Williams, as we
(24) have said, is an assistant to the President. She's
(25) administrative assistant to the First Lady –

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(1) Ms. Williams. I'm chief of staff to the First Lady.
(2) Senator Faircloth. Chief of staff, whatever. But it
(3) is time that a person holding that position should give
(4) direct, clean and clear testimony to this Committee and not
(5) this drifting, floating, convoluted stuff that we've been
(6) putting up with for three sessions. And if that doesn't
(7) lead you to the conclusions that I have drawn about
(8) Ms. Williams's testimony, I don't know what it would take
(9) to lead you to that conclusion.
(10) Senator Dodd. I can just say to my colleague, I think
(11) my colleague drew his conclusions before this Committee
(12) hearing even got underway, with all due respect. Members
(13) do that. That's their right to do that. I don't challenge
(14) that, but my colleague from North Carolina from the very
(15) beginning has held a point of view about all of this.
(16) That's his right to do that. But I don't think attacking
(17) witnesses, labeling them liars and so forth really is what
(18) we ought to be about here.
(19) We've got a job to try and find out what happened.
(20) The Congress has asked us to do it, an overwhelming vote by
(21) our members and we ought to go about the business of doing
(22) that and our witnesses, I think, have done the best they
(23) can. Again, my colleague, some of whom here will believe
(24) they haven't done the best they can and I presume those
(25) views will be reflected in a committee report along the way

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(1) but I don't think we do ourselves or this institution or
(2) this process any good by maligning witnesses. We can
(3) disagree with them, draw whatever conclusions we may, but I
(4) would just, again, repeat what I said a moment ago, I would
(5) hope that we stay away from that kind of talk. It doesn't
(6) do ourselves, the institution, this Committee any good at
(7) all, in my view, and so again, certainly it's not going to
(8) be unique for members to draw conclusions before a
(9) committee hearing begins about what they want to get out of
(10) it and certainly our colleague from North Carolina won't be
(11) the first person to do that nor is he the only person on
(12) that side of the aisle ever to have done it. I've seen it
(13) over the years.
(14) But again, my hope would be that we bring our
(15) witnesses in, ask them the questions. They're sworn
(16) witnesses. They know full well when they're testifying,
(17) having raised their right hand, that they have an
(18) obligation to fulfill here. But again, I don't think it's
(19) extraordinary at all for someone to not recall in vivid
(20) detail events that transpired several years ago in the
(21) midst of a very emotional event, a person who was very
(22) close to many of the people who have been before us who
(23) took his own life and events immediately surrounding that
(24) particular event, it seems to me it would – a normal
(25) person, I think, would anticipate the reactions we've heard

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(1) here, not to recall with the kind of detail that I've
(2) heard, given the [illegible] emotional content of such an
(3) event.

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(4) Again, Mr. Chairman, I want to make the case here, I
(5) would hope we can stay away from that kind of language, ask
(6) the questions and move along here. And I'll yield back my
(7) time to Senator Simon.
(8) Senator Simon. Mr. President, Mr. Chairman, I've
(9) mentioned this before. One of the things that has changed
(10) in this body in my 21 years here is we have become
(11) excessively partisan, and we're going out after every
(12) little minute thing that someone on the other side has
(13) made. I frankly feel uneasy with some of the Newt Gingrich
(14) attacks on the other side of this body. Do I differ with
(15) Newt Gingrich on a lot of things? Absolutely. But we have
(16) to use some civility around here, and I think this
(17) Committee is going after -- Ms. Williams, you testified, I
(18) asked you the question how much you had in legal fees the
(19) first time you testified. This is the third time, and at
(20) that point you said $141,000. I don't know where she gets
(21) that kind of money. And that she should be --
(22) inconsistency, I say to my friend from North Carolina about
(23) something that happened 2-1/2 years ago. If you start
(24) questioning me about what happened three weeks ago, where I
(25) was for dinner three weeks ago, I don't have the foggiest

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(1) idea where I was for dinner three weeks ago, what time it
(2) started and so forth.
(3) So far, this Committee -- and I don't mean this
(4) disrespectfully to you, Mr. Chairman -- but I think we've
(5) dug more dry holes than a bankrupt oil company. And we
(6) keep going until finally we're going to find someone who
(7) somewhere violated some technicality in the law. We ought
(8) to stop this on both sides of the aisle. Our business is
(9) lawmaking for the country, determining national policy.
(10) My staff just handed me a Newsweek story where there's
(11) a story about your -- Ms. Williams, your evasions and
(12) inconsistencies. Of course there are inconsistencies. Of
(13) course she can't remember everything. And then it quotes a
(14) staff member, "we're going to crush her," says one
(15) committee staffer. We have more important business than
(16) crushing a staff member around here. And it doesn't
(17) reflect favorably on us when we do that kind of thing. I
(18) hope, whatever we're going to do in this Committee, I hope
(19) we get on with it, get it over with, and then start talking
(20) about what we do in this nation that we ought to be
(21) spending our time on.
(22) And again, I don't mean that disrespectfully to you,
(23) Mr. Chairman, or my colleague from North Carolina, but I
(24) feel very uneasy about what we're doing here. Thank you.
(25) Chairman D'Amato. Senator, I'm only going to take

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(1) this opportunity to say that I feel very uncomfortable at
(2) times, and that is not due to the fact of any animus that I
(3) have. Indeed, I have great sympathy for many of the people
(4) who are called before this Committee personally, great
(5) sympathy.
(6) But I have to make this observation that I do believe
(7) that there has been, that there has been -- and if one
(8) looks at the record carefully -- one can detect a clear
(9) pattern of faulty recollection that goes beyond that which
(10) the Senator has quite properly alluded to, that which no
(11) ordinary person could be expected to recall two nights ago,
(12) last week, where did you have dinner, who did you have it
(13) with. I mean, it's ridiculous.
(14) It's just -- but I tell you that when we look
(15) carefully as it relates to activities, conscious
(16) activities, et cetera, when people are given the
(17) opportunity to refresh their recollection or memorandums --
(18) I mean, when a person has a memorandum and can't recall
the
(19) events and there's testimony from other people that
(20) comports with the memorandum that that person took
(21) himself -- the diary or notes that he took and a feigning,
(22) I would have to suggest at that point it is disingenuous
(23) and not correct or to think -- or to come up with a
(24) conclusion that this is a deliberate kind of situation.
(25) You see, there has been a pattern.

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(1) Do I have empathy for the individuals themselves, yes,
(2) I do. Do I expect them to have total recall on all events,
(3) no, I don't. But it is that which has created a feeling
(4) among many on the Committee that the witnesses or a number
(5) of them have not been forthcoming, particularly, again when
(6) you measure that again -- and I've had them turn off the
(7) clock because I know you still have some time --
(8) particularly when you measure it against a very clear
(9) testimony by the Justice Department people.
(10) I give you an example and then stack it up against
(11) some of the others who have no recall, who don't recall at
(12) all the events that they are quoted as having done or
(13) undertaken, significant events, significant. I have -- for
(14) somebody to suggest, for example, let me tell you that they
(15) did not -- or they do not recall something so important as
(16) saying there are pieces of paper in a brief bag and the
(17) brief bag belonging to Vincent Foster and a young attorney
(18) there, an attorney for Mr. Foster recalls vividly and you
(19) bolster that with testimony from the secretaries, and then
(20) you look at the fact that when, again, when the chief
(21) counsel found that out, he grilled her.
(22) It doesn't square up and I'd have to tell you I'd ask
(23) any member of that panel if they would not have looked into
(24) that brief bag after that had been brought to their
(25) attention, and that's why I have to tell you, when I hear

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(1) some of this testimony given where there is corroboration
(2) given, and not an incidental issue. Let me tell you
(3) whether or not Maggie Williams saw Mr. Barnett at a
(4) particular time and particular place, we understand that
(5) you can't have total recall on this thing, but there are
(6) other episodes, et cetera, that this Senator has a
(7) difficult time in accepting in terms of saying I don't
(8) recall, I don't recall.
(9) See, if it was once or incidental, I would subscribe
(10) to my friends' conclusions and say come on, again, no one
(11) could be held to those kinds of standards, but it's the
(12) pattern that I suggest that bothers and troubles some of
(13) us.
(14) Senator Simon. Would my colleague yield for a
(15) question?
(16) Chairman D'Amato. Certainly.
(17) Senator Simon. Do you think it's proper for a staff
(18) member to say, if that staff member is quoted accurately by
(19) Newsweek, saying "we're going to crush her"?
(20) Senator Faircloth. No, we don't.
(21) Senator Mack. Nobody does.
(22) Chairman D'Amato. No, I don't think that's proper.
(23) That anyone is going to say they're going to crush
(24) anybody. I know it's horrible, it's wrong. There was a
(25) staffer who engaged in that and made that kind of thing and

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(1) I would think anyone in the media should be careful about
(2) the kinds of conclusions, particularly if a person isn't
(3) willing to loan his or her name to an article and wants
(4) anonymity, the media should reject it. They should be very
(5) skeptical about any conclusions that comes from my staffer
(6) on any side where they want to hide behind the anonymity
(7) which is generally granted to them at their request, so I
(8) concur with my friend and colleague.
(9) Chairman D'Amato. Senator Sarbanes.
(10) Senator Sarbanes. I have a couple of observations.
(11) First of all, the meeting that's been asked about here, the
(12) date was July 27, 1993, the testimony and depositions that
(13) Ms. Williams was being put through the first was taken on
(14) July 7, 1995, almost two years, just shy of three weeks,
(15) from when the event about which they're being asked.
(16) Now, you know, I invite anyone to search their own
(17) mind as to how accurately they could remember going back
(18) over that period of time. Mr. Barnett himself here today
(19) has said well, to the best of his recollection, this is
(20) what occurred, but he cannot preclude some other
(21) possibility. I mean, I think that's a straightforward
(22) answer. I don't know what members meant. Do you want him
(23) to recollect something he can't really recollect?
(24) On the other hand, his recollection is not so clear
(25) that he can altogether preclude things from it and I think

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(1) it's given us a -- I'm again about what Senator Dodd
(2) said at one of these hearings. If the witness says he

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(3) can't recollect, then the witness is dissembling and being
(4) disingenuous -- I think this is the way you put it.
(5) If two witnesses have differing recollections, then
(6) one must be lying and if two witnesses have the same
(7) recollection, then there's a plot to tell the same story.
(8) And that seems to be the framework in which these responses
(9) are received, so I think we have to be very careful in
(10) terms of casting aspersions. We can work through these
(11) things, and we'll have to evaluate the testimony as it's
(12) given to us by the witnesses. I see our time has expired.
(13) Chairman D'Amato. Okay. Before I turn to Senator
(14) Mack, I would say that -- and I will ask Mr. Chertoff to
(15) make -- this is the first time I have seen this letter from
(16) David Kendall to Jerry C. Jones, Esquire, Rose Law Firm.
(17) "It was good to talk to you. I'm enclosing herewith three
(18) file folders labeled" --
(19) Senator Dodd. Can we have a copy of this -- I'm
(20) sorry, we have one.
(21) Chairman D'Amato. This is "A3530.1 Madison Guaranty
(22) partnership application/brokerage activities," "A3530.2,
(23) Madison Guaranty -- net worth -- (1985) preferred stock
(24) offering," and "A3530.3 Madison Guaranty preferred stock
(25) offerings (corporate)," which were among the late Vincent

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(1) Foster's files.
(2) They appear to me to be files of Rose Law Firm
(3) documents, I have to underscore something and if I'm wrong,
(4) I'm going to ask Mr. Chertoff to speak to it or amplify on
(5) it. These files directly go to the question and issue as
(6) it relates to criminal referrals or a criminal referral as
(7) it related to Madison Guaranty and obviously, the question
(8) occurs given now that we have learned that there was a
(9) gathering of information purportedly so that press
(10) inquiries could be answered as it related to the criminal
(11) referral.
(12) What were they doing with Mr. Foster, and how is it
(13) that they came into the possession of Williams & Connolly?
(14) If they were not in the box, Mr. Barnett -- and you
(15) indicated that they were not -- is that true?
(16) Mr. Barnett. That is correct.
(17) Chairman D'Amato. Then how did they get there? Were
(18) they removed from Mr. Foster's office? That's the question
(19) we have to ask. I'm not asking you. You told me they
(20) weren't in the box. I accept your explanation. Did they
(21) float there? Who gave them to Mr. Kendall? How did they
(22) get there? Do you understand why we begin to talk about
(23) whether or not files were removed, whether all the files
(24) were turned over to you, whether or not when we hear from a
(25) White House aide who says I was told by Mrs. Williams that

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(1) the First Lady wanted to review these? You think he made
(2) that up? Are we supposed to reject his direct testimony
(3) when he recalls that that's what he was told?
(4) How did these files get there? That's a legitimate
(5) question by this Committee and it goes right to the issue
(6) as it relates to the concern that obviously Susan Thomases
(7) explained to Mr. Nussbaum and that's why that investigation
(8) was changed. And it would appear reasonable people can
(9) conclude so that the Justice Department did not go through
(10) and did not index and did not see all of those files.
(11) Now, that's why people are concerned. It's not some
(12) kind of -- and this is the first time I've seen this
(13) today. I ask counsel, when did you know about this? And
(14) he said to me what, last week sometime?
(15) Mr. Chertoff. Yes, Mr. Chairman. This was supplied
(16) to us in the Rose Law Firm production and I guess the one
(17) observation I would make, and I think in fairness to you,
(18) Mr. Barnett, so you understand why this is important,
(19) people ask the question, well, what was there in Vincent
(20) Foster's files that one would have wanted to conceal from,
(21) let's say, Mr. Margolis? Mr. Margolis is going to come
(22) in. He's going to look at the files here. He thinks he's
(23) got an agreement to look at the files. It's then reversed
(24) the next morning by Mr. Nussbaum after the sequence of
(25) phone calls. So naturally, you wonder what could be in

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(1) Vincent Foster's files that might be a problem.
(2) We've talked about the notes, about the tax problem.
(3) I know you worked on that. There's the Travelgate
(4) notebook, now here is, in Vincent Foster's files evidently
(5) based on the letter, three files that indicate a
(6) substantial amount of work done by the Rose Law Firm and we
(7) know from the bills that Mrs. Clinton was involved in
(8) this. At least she appears on all the bills relating to a
(9) bank which Mr. Margolis knew was the subject of a criminal
(10) referral, because not two months before, Mr. Margolis had
(11) actually been briefed on the original Madison referral.
(12) Now, Mr. Margolis, when he came up here last summer
(13) didn't know, as I didn't know and as far as I know, anyone
(14) else here knew, that Vincent Foster had in his files
(15) something relating to Madison Guaranty and that the Rose
(16) Law Firm had done work on Madison Guaranty. But knowing
(17) David Margolis, I have to believe if he had gone through
(18) the files even as he intended to do in the original
(19) agreement, looking at the file folders and he was trying to
(20) figure out why could Vincent Foster have taken his own life
(21) and he had seen Madison Guaranty and then he would have
(22) said to himself my God, six weeks ago I saw a criminal
(23) referral which I got briefed on relating to Madison
(24) Guaranty in which the President is mentioned as a witness,
(25) that might have rung a few bells.

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(1) So that naturally causes us to ask the question since
(2) on the face of the letter these are Vincent Foster files --
(3) Chairman D'Amato. And by the way, I believe what you
(4) said, Mr. Barnett. I know that you did not put those files
(5) in that box.
(6) Mr. Barnett. I appreciate that, Mr. Chairman. May I
(7) respond to Mr. Chertoff, because he's made a statement --
(8) Chairman D'Amato. Let him finish. Then he'll give
(9) you every opportunity.
(10) Mr. Barnett. I appreciate you stating that because I
(11) want that to be very clear.
(12) Chairman D'Amato. No, for the record because Senator
(13) Dodd is absolutely right. We have to be careful about what
(14) activity we may or -- may be attributed to a witness who I
(15) have no doubt as a distinguished member of the Bar,
(16) conscientious, when you said to this Committee that these
(17) are the files that I catalogued and put in, that were put
(18) in and I thereafter catalogued, et cetera, I have no doubt
(19) about that, but that then raises this point.
(20) Mr. Barnett. May I respond because you've said
(21) something pretty important?
(22) Chairman D'Amato. Let him finish and then you can
(23) respond, have all the time you want.
(24) Mr. Chertoff. I want to echo with the Chairman
(25) because I know you have a fine reputation. We've even

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(1) dealt briefly with each other in a past life.
(2) Mr. Barnett. Yes, we did.
(3) Mr. Chertoff. And both you and all your partners have
(4) a superb reputation.
(5) Mr. Barnett. Thank you.
(6) Mr. Chertoff. It's quite important when you get the
(7) box, it's open, and you accounted for what happens with the
(8) content of the box from that moment on, you look at it, you
(9) seal it up and it's returned to your office in a sealed
(10) condition and you inventory it there.
(11) The problem we have is it leaves at 7:30 at night on
(12) July 22, four hours after Ms. Williams and Mr. Nussbaum sit
(13) down to do their own review of the documents in
(14) Mr. Foster's office. Four hours later, it winds up going
(15) up to the residence with Mr. Castleton, with -- whom
(16) Ms. Williams has described over the summer being an intern
(17) who she wouldn't talk to, but Mr. Castleton swears under
(18) oath that he was told by Ms. Williams that the First Lady
(19) wants to review the documents. They then sit in the closet
(20) until Tuesday when you finally come aboard to pick up the
(21) documents and you retrieve them open. So we have to -- so
(22) there's an unaccounted for period of time here and these
(23) files are the kinds of things that cause people to ask
(24) people what happened in that unaccounted for period.
(25) I'm sorry. I know you wanted to respond.

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(1) Mr. Barnett. I appreciate it. May I say, first of
(2) all, I appreciate from both the Chairman and you,

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(3) Mr. Chertoff, your kind words. I'm grateful. Let me say
(4) something about perceptions first. A lot of people who
(5) watch these hearings follow very closely who called who and
(6) which document was there. But there's also a segment who
(7) probably thinks that you think I killed Vince Foster.
(8) There's probably a segment who thinks you think I am Vince
(9) Foster and there's probably a segment who thinks I'm
(10) Senator Alfonse D'Amato because perceptions get all messed
(11) up in these things.
(12) Senator Mack. I don't think people can go quite that
(13) far.
(14) Mr. Barnett. So I appreciate you clearing that up
(15) because I take this very seriously. Three points. First,
(16) I can't offer any further information about the letter that
(17) the Senator mentioned. I was not involved at the time.
(18) Second, I cannot offer any further information about what
(19) happened before I got the documents, but may I say for the
(20) record, under oath, neither the President nor the First
(21) Lady nor Margaret Williams nor Susan Thomases nor Socks the
(22) cat instructed me to do anything improper with those
(23) documents, and if they had, they would have received a
(24) response from me that neither they nor I would have
(25) forgotten. That's not how I practice law, and that's not

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(1) how I live my life.
(2) Let me be clear. Nothing improper was requested and
(3) nothing improper was done as it relates to this lawyer. I
(4) want to be very clear on that.
(5) Chairman D'Amato. Mr. Barnett, I appreciate your
(6) setting the record straight in that way, and I think it's
(7) important to note that at no time has this Committee,
(8) certainly not intentionally, ever intended to convey that
(9) you were asked to do anything improper.
(10) Mr. Barnett. Thank you.
(11) Chairman D'Amato. As a matter of fact, we've gone out
(12) of our way –
(13) Mr. Barnett. Yes, you have.
(14) Chairman D'Amato. – to suggest that there was a
(15) doubt as to your testimony. There are conflicting areas.
(16) There are some very troublesome, which we have outlined to
(17) you and if you were here and if you were one counsel to
(18) either side, it would be troubling to you. And it is very
(19) troubling to the Senator as it related to the methodology
(20) of that investigation. You weren't involved in that?
(21) Mr. Barnett. Yes. Senator –
(22) Chairman D'Amato. As to how those documents were
(23) handled. It was very troubling to the Deputy Attorney
(24) General, Mr. Heymann, very troubling – it was very
(25) troubling to Mr. Margolis. It was very troubling to the

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(1) Justice Department professional staff, very troubling, and
(2) they warned and indicated that this would create trouble.
(3) And indeed, we now find out that somehow documents
(4) that should have been in that box and you have testified
(5) that they weren't, and I believe you. And how do those
(6) documents get to Williams & Connolly, and how did those
(7) documents – and again, here it says "I'm enclosing here
(8) with the file folders labeled," and it goes through the
(9) Madison things which were among the late Vincent Foster's
(10) files.
(11) That's a very troubling problem, given all of the
(12) circumstances how the Justice Department was effectively
(13) precluded from undertaking its review of the files in Vince
(14) Foster's possession. That is a smoking gun. That does
(15) lead many to say that look, we haven't been leveled with.
(16) There were files that were removed, and we know that people
(17) who were in that office who were not Justice Department,
(18) people who had access repeatedly, who were in that office,
(19) who were in that office after there was requests made to
(20) seal the office.
(21) If you look at the very start of the investigation to
(22) what we have now and we find this series of events, how did
(23) the files get out of the office? So we're very concerned,
(24) very troubled by that. I just make that comment. It does
(25) not reflect upon you, and indeed, it would seem to me that

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(1) you'd want to use the best and the brightest and the people
(2) of the greatest integrity and give them the files at a
(3) certain point after those files had been cleansed, looked
(4) at, reviewed, so that they would have the benefit of your
(5) reputation. And indeed, you could say, just as you did, if
(6) anybody suggested anything tawdry, wrong, out of line, I
(7) would have told them where to go and I believe that.
(8) Mr. Barnett. Mr. Chairman, thank you for those
(9) words. May I make a brief context point because I think
(10) sometimes it gets lost.
(11) Chairman D'Amato. A lot of things get lost.
(12) Mr. Barnett. They do. If you bear with me, I promise
(13) to be brief.
(14) Chairman D'Amato. No, go ahead.
(15) Mr. Barnett. I don't think it's unimportant. On July
(16) 20, 1993, a lot of us lost a good friend. Vincent Foster
(17) was a man I respected, worked with, admired, saw socially.
(18) I was not as close to him as many of the people who have
(19) come before your committee, but I took that loss very
(20) hard. All of us did. We were worried about what
(21) happened. We were worried about his wife, a dear person.
(22) We were worried about his children, and we were worried
(23) about each other. And so maybe some of the people who
come
(24) before you who talk about some of the things that happened
(25) following Vince's sad and untimely death were operating at

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(1) that time in an atmosphere of grief.
(2) I don't know if you or Mr. Chertoff or others here
(3) have had the sad experience of losing a dear friend or
(4) family member. I hope you never have. I hope you never
(5) will, but this was a terrible tragedy, and it probably
(6) meant that things were done under the auspices of sadness
(7) and grief that, as we look back 2-1/2 years now, it's hard
(8) to reconstruct.
(9) I must say, and I hope she doesn't fault me for this,
(10) but on the plane going to the funeral – the President
(11) invited me to come on the plane to go to the funeral – I
(12) tried to talk to Maggie Williams. Maggie Williams was
(13) crying the entire flight. I could not talk to her. And
(14) she was desperately, desperately hurt by this, as much as
(15) anyone, more than most.
(16) And so I have great understanding why she wouldn't
(17) 2-1/2 years later remember every little thing, and I think
(18) you do too, Mr. Chairman, but I want to put this in
(19) context. I want us all to remember that we were operating
(20) in the context of a real tragedy, and I think everyone up
(21) there would admit that. Thank you for your indulgence.
(22) Chairman D'Amato. Thank you, Mr. Barnett.
(23) Senator Mack.

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(1) Senator Mack. Thank you, Mr. Chairman.
(2) I think the place where I will start is, I guess,
(3) responding to some strong feelings that were expressed in
(4) different ways here this morning. As opposed to using my
(5) words or Senator Faircloth's words or Senator Dodd's words
(6) or Senator Simon's words, the reason that there is such
(7) frustration is because there is – there are a series of
(8) inconsistencies in the testimony, and I guess, again not
(9) being an attorney, I don't have to deal with these kind of
(10) clashes all the time – so I'm observing as we go through
(11) this process – but there are – there are what some would
(12) refer to as being impartial observers to this.
(13) And I must admit up front that I don't usually quote
(14) The New York Times or The Washington Post, but The New
York
(15) Times in their editorial, I believe on the 6th of December,
(16) "the hearings have also" – and again I'm quoting from
(17) it. "The hearings have also reaffirmed that Hillary Rodham
(18) Clinton's associates seem incapable of producing candid
(19) answers to the questions following the Foster suicide and
(20) the handling of the Whitewater documents in his office."
(21) Again, that's not me saying that. The White House –
(22) excuse me, The Washington Post has an editorial, I think
(23) the following day, "discrepancies in the individual
(24) recollections of Ms. Clinton's close friend Susan Thomases;
(25) the First Lady's chief of staff, Maggie Williams; and the

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(1) former White House counsel Bernie Nussbaum have only added
(2) to the growing confusion. The impression has been left,

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(3) rightly or wrongly, that the Clinton White House is hiding
(4) something."
(5) And I guess that's what keeps driving us to keep
(6) pursuing these questions.
(7) One of the new bits of information that we got
(8) actually ended up bringing you here today, Mr. Barnett,
(9) which I'm sure you wish you were not here, but the fact is
(10) you are. And it has to do with at least what appear to be
(11) discrepancies about why you came to the White House or
(12) actually who asked you to come to the White House and what
(13) connection Maggie Williams may have had with that.
(14) Now, if you take that incident by itself, someone
(15) might say well, you know, you guys are really nitpicking up
(16) there. But what's happened is that over a series of both
(17) depositions and testimony before the Committee, we find
(18) conflicting information with respect to the handling of the
(19) documents.
(20) Now, I must say to my friend, Senator Dodd, that I am
(21) drawing on an impression here. I get the feeling that
(22) Ms. Williams, from the beginning of this, has tried to send
(23) the message that I really, I really don't have anything to
(24) do with those files, I mean that was somebody else's -- I
(25) mean I'm not involved in that.

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(1) But then we have these kind of -- Sergeant O'Neill
(2) testifies that he saw her leave Vince Foster's office with
(3) files in her hand. There is discrepancy between Bernie
(4) Nussbaum's testimony and Ms. Williams's with respect to her
(5) involvement in the office prior to these files being taken
(6) to the residence. Tom Castleton, who by the way I
(7) understand is a Harvard graduate and is on the staff of the
(8) White House, not some flunky, I guess, that might be easy
(9) to brush off --
(10) Ms. Williams. Excuse me. I'm a graduate of Trinity
(11) College, and I'm also a graduate of the Annenberg School at
(12) the University of Pennsylvania, since we're doing school
(13) checks.
(14) Senator Mack. Very good, thank you.
(15) Tom Castleton, as I indicated a minute ago, said that
(16) Maggie Williams basically said to him that the reason these
(17) files are going to the White House is for the review of the
(18) Clintons; again, conflicting testimony. And now we have
(19) this situation today where we have this difference with
(20) respect to your involvement, so it would be helpful to me
(21) if you could -- again, the impression is created that it
(22) was just kind of by accident that Ms. Williams bumped into
(23) you at the White House residence.
(24) Now again, I'd like to hear from you and how --
(25) Mr. Barnett. Sure, I appreciate that. I think, in

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(1) good faith, you are giving me a chance to answer the
(2) discrepancy, and I'd be pleased to.
(3) Let me say first that the quotes you read were not
(4) addressing me. I want that record to be clear.
(5) Second, with respect --
(6) Senator Mack. I think that goes without saying but I
(7) appreciate that.
(8) Mr. Barnett. Thank you. With respect to the
(9) discrepancies, quote unquote, I cannot rule out, I said
(10) that I think three times, the possibility that I saw
(11) Mrs. Clinton that day. It is not my recollection, as we
(12) sit here today, that I saw her that day.
(13) Let me tell you why I think that --
(14) Senator Mack. I'm not really so much interested in
(15) that one as to what kind of initiated your being there, who
(16) you were waiting to see, why you think that you were there
(17) that day --
(18) Mr. Barnett. Yes, and I've testified to that.
(19) Senator Mack. I know, but --
(20) Mr. Barnett. I've testified to that completely.
(21) Senator Sarbanes. Why don't you address -- Senator
(22) Mack said there was a discrepancy about why you went to the
(23) White House.
(24) Senator Mack. Senator Sarbanes, I wonder if I could
(25) just continue with my questions.

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(1) Chairman D'Amato. Senator Mack.
(2) Mr. Barnett. Let me answer if I may. I'd be happy to
(3) go over what I said before, believe me. I think you were
(4) out of the room at the time, and I'd be happy to go over
(5) that --
(6) Senator Mack. No, I was here.
(7) Mr. Barnett. Let me address what seems to be the
(8) thrust of your question which is the meeting with
(9) Mrs. Clinton, that the discrepancy exists, as to whether
(10) there was one. I don't believe there was one.
(11) Let me tell you why. I think I'm a pretty careful
(12) lawyer. Number one, there is no recordation on my calendar
(13) of such a meeting. And I would record such a meeting.
(14) Other than in the movie --
(15) Senator Mack. I'm not asking you about that. I'm
(16) asking you about how you came to the White House that day,
(17) who you were waiting for in order to pick up those files.
(18) Mr. Barnett. Sure. I came to the White House, as
(19) I've testified to, that day to pick up these files, and I
(20) met -- I waited for a while --
(21) Senator Mack. And why did you come? Who asked you to
(22) come?
(23) Mr. Barnett. My best recollection is that I came,
(24) having made an appointment through Ms. Williams, to pick up
(25) the files. That's my best recollection.

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(1) Senator Mack. When you got there you had to wait, I
(2) think --
(3) Mr. Barnett. Had to wait for a period of time.
(4) Senator Mack. -- about 15 minutes.
(5) Mr. Barnett. Or more. And then we went up to the
(6) third floor --
(7) Senator Mack. Yeah, but who were you waiting for?
(8) Mr. Barnett. I was waiting for Ms. Williams. And
(9) then I went up to the third floor and we carried out the
(10) responsibilities which I described earlier, which
(11) included --
(12) Senator Mack. Was Ms. Williams with you?
(13) Mr. Barnett. She was with me. And we carried out --
(14) I carried out the looking at the box which I described
(15) earlier, and I'd be happy to go over again. You have to
(16) understand --
(17) Senator Mack. That's not necessary again. What I'm
(18) interested in here is really Ms. Williams's involvement
(19) from your perspective.
(20) Mr. Barnett. At what specific time? I'd be happy to
(21) answer.
(22) Senator Mack. The area we were just covering.
(23) Mr. Barnett. In the room, in the third floor room?
(24) Senator Mack. Again, you've already stated that you
(25) believe you came there, your best recollection is that was

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(1) as a result of a conversation with Ms. Williams.
(2) Mr. Barnett. Yes.
(3) Senator Mack. You were waiting in the residence of
(4) the White House until Ms. Williams got there?
(5) Mr. Barnett. That's my recollection.
(6) Senator Mack. The two of you then went together up to
(7) the third floor?
(8) Mr. Barnett. That's my recollection.
(9) Senator Mack. Went into a room where the box of files
(10) was located?
(11) Mr. Barnett. In a locked closet.
(12) Senator Mack. And Ms. Williams was with you at least
(13) part of the time?
(14) Mr. Barnett. That is correct.
(15) Senator Mack. Okay.
(16) Mr. Barnett. But --
(17) Chairman D'Amato. And didn't she even, at some point
(18) in time when you made a cursory review, you then decided to
(19) tape the box; is that correct?
(20) Mr. Barnett. Correct, Senator.
(21) Chairman D'Amato. And the best of your recollection,
(22) Ms. Williams went and got the tape, it took a little time,
(23) and got the tape and brought it back because you didn't
(24) have it there, you said that with some specificity; is that
(25) true?

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(1) Mr. Barnett. That's my recollection.
(2) Chairman D'Amato. And she brought back the tape?

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(3) Mr. Barnett. Yes.
(4) Chairman D'Amato. And you taped the box?
(5) Mr. Barnett. Yes.
(6) Senator Mack. And then the point I'd like to make --
(7) Senator Mack. Let me -- may I respond?
(8) Chairman D'Amato. No, no, no. There is a reason for
(9) this, Mr. Barnett, and we'll give you every opportunity to
(10) expand, but let the Senator continue and he'll tell you the
(11) reason. Go ahead.
(12) Senator Mack. Well, the last point that I would make
(13) is then you left, and I assume you left that box in charge
(14) of Ms. Williams?
(15) Mr. Barnett. That is correct.
(16) Senator Mack. And from your testimony or from others,
(17) that Ms. Williams then turned that box over to Mr. Barlow
(18) after what sounded like a pretty quick tour around the
(19) third floor of the White House. And again, my point is all
(20) through the depositions in these hearings, Ms. Williams I
(21) think has gone over and over again to make the point that
(22) she really didn't have anything to do with these files.
(23) And our conclusion, frankly, from what we've been
(24) observing -- and now this is just one more disagreement or
(25) inconsistency in the testimony -- is that, in fact, she's

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(1) been quite active in this.
(2) And that's the only point that I'm trying to make. I
(3) think that what you have had to say about what you recall,
(4) what you recollect is making the point in a whole series of
(5) inconsistencies over the last several months.
(6) Ms. Williams. Mr. Chairman, I have a question --
(7) Chairman D'Amato. I'll let you ask the question, but
(8) Mr. Barnett, let me further amplify, and it is this kind of
(9) inconsistency that would make Ms. Williams merely almost a
(10) casual observer or incidental facilitator that differs
(11) dramatically from what you have testified to and the manner
(12) in which she has allowed this Committee to believe that she
(13) was almost incidental to this, and that's what troubles
(14) this Committee.
(15) And to be quite candid with you, I don't really
(16) believe it calls for a response on your part, but
(17) Ms. Williams, you to want say something, go ahead.
(18) Ms. Williams. Yes, I just have a question. What you
(19) said was a dramatic involvement, and then earlier,
(20) Senator --
(21) Chairman D'Amato. Very dramatic, yes, Ms. Williams.
(22) From the night of the death, yes, from the night of the
(23) death, from your testimony that at one point -- and I'm
(24) paraphrasing it -- the reason you went to Vince Foster's
(25) office, and I remember this, is because I looked down and I

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(1) saw a light, and I was hoping somehow he would be there.
(2) Now, look, I have to tell you, you get a phone call
(3) from the First Lady, you don't go to Vince Foster's home to
(4) comfort or anything else. You are there within a matter of
(5) minutes after hanging up in Vince Foster's office, and it
(6) would appear to -- any reasonable person would believe,
(7) given the conduct and given the testimony -- to look
(8) through the files or look for something in Vince Foster's
(9) office. That's my impression.
(10) Ms. Williams. Senator --
(11) Chairman D'Amato. I don't characterize your testimony
(12) in any way, but I have to tell you, if you think that
(13) you've convinced the Committee and maybe others that that
(14) was the reason, you just had to do something, you had to do
(15) something. But I can't really accept that you didn't go
(16) deliberately and set out deliberately to go to Vince
(17) Foster's office.
(18) Ms. Williams. Senator D'Amato and this Committee,
(19) first of all, I would like to say I have not set out to
(20) convince this Committee of anything. I have set out to
(21) give my best recollection of matters that happened over
(22) 2-1/2 years ago. If you are not convinced, and you suggest
(23) to me that there have been deliberate things that have been
(24) done to conspire and cover up, perhaps it is not what a
(25) reasonable man would think but perhaps it is what you-all

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(1) would think.
(2) Let me say to you that I work for the President, I
(3) work for Mrs. Clinton, but before I ever came into their
(4) employ, I had standards and I had principals about
(5) truth-telling, and none of which this Committee, now or
(6) after this, is really going to change.
(7) If you do not believe me, you do not believe me. I
(8) was there, I have tried to recall what I've tried to
(9) recall. I have come here, no one has pushed me to come
(10) here. I have tried to be helpful in every way. That is
(11) all I have to say.
(12) But my standards and my principals and my standards
(13) for truth-telling have nothing to do with the President or
(14) Mrs. Clinton or this Committee.
(15) Senator Dodd. Mr. Barnett, you wanted to respond.
(16) Mr. Barnett. Yes. I wanted to respond to Senator
(17) Mack because -- I respect that the Chairman didn't feel
(18) that it called for a response. But I really think it did,
(19) because I think it is a bit, I'm sure, unintentional, the
(20) mischaracterization of what I said.
(21) I certainly did not say that during that period of
(22) time that I was conducting that brief review of the box --
(23) and I'll be happy to explain why I was doing that, if you'd
(24) like to know -- but when I was doing that, Ms. Williams was
(25) there and we may have spoken, but she took no documents --

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(1) Senator Mack. No, I understand that.
(2) Mr. Barnett. -- she changed no documents. She made
(3) no suggestion to that effect.
(4) Senator Mack. Mr. Barnett, that was not the point I
(5) was making either.
(6) Well, you know Mr. Chairman, I resent the fact that
(7) Ms. Williams would lean over to Mr. Barnett and say they
(8) don't care. All I'm trying to do, look, I have a
(9) responsibility as a member of the Senate to try to pursue
(10) things. If anybody thinks that it is fun to be in this
(11) role, I would tell them that they are absolutely wrong. I
(12) do not enjoy this. This is not something I came here to
(13) the Senate to do, but I feel I do have a responsibility.
(14) There have been serious questions raised. I've quoted
(15) The Washington Post and The New York Times from their
(16) perspective. All I'm trying to do is to try to do my job,
(17) find out the truth. And so I do resent a statement that
(18) says they don't care.
(19) Ms. Williams. Then why don't you let him finish
(20) talking?
(21) Chairman D'Amato. Now, Ms. Williams, I think that
(22) Mr. Barnett does not need legal counsel from you --
(23) Ms. Williams. -- I'm not being his legal counsel.
(24) Chairman D'Amato. I think it might be the other way
(25) around. So when we address questions, if you feel that you

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(1) want to give an answer, fine, but I don't think you have to
(2) advise Mr. Barnett.
(3) And I have to tell you that among all of the
(4) witnesses -- and this is my observation -- in terms of
(5) matching up with other people have indicated, what the
(6) records indicated and what you failed to recollect, it
(7) would seem to this Senator that you have deliberately
(8) decided not to recollect.
(9) It is absolutely inconceivable to me that that young
(10) White House man, that aide who still works at the White
(11) House, made up the story about you telling him to carry up
(12) the boxes there and that Mrs. Clinton said that she wanted
(13) to go through the files. I then come back to the question
(14) of how did files that were in Mr. Foster's possession and
(15) labeled Vince Foster's possession, then get out of that
(16) box, if indeed all of the files that you testified that you
(17) and Mr. Nussbaum took were put into that box and carried
(18) upstairs. And that no one thereafter looked at those or
(19) took files out.
(20) And so -- and we can go through this again and again,
(21) phone calls that you make at 6:45 in the morning. You'd
(22) have us believe that that's a casual phone call to the
(23) First Lady as chief of staff. 6:45 in her time. And the
(24) series of calls that flow thereafter.
(25) So we want to talk about truthfulness, don't give me a

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(1) degree as to what school you went to as a pedigree for
(2) truthfulness. It doesn't ring -- it doesn't ring true.

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(3) Senator Sarbanes.
(4) Senator Mack. Mr. Chairman, I think that there were a
(5) few minutes left before we got into –
(6) Chairman D'Amato. There were. If you want to pursue
(7) your line, five minutes, and then we'll go –
(8) Senator Mack. I hope it won't take that long, but
(9) this goes to another area that Ms. Williams and I discussed
(10) back in November. And it had to do with a phone call that
(11) you made in response to a page, I think, that occurred at
(12) 12:47. Your first recollection was that you weren't quite
(13) sure whether you had your page, then documents indicated
(14) that there was a call from your – either from your
(15) residence or from your personal calling card, I think some
(16) eight or 10 minutes later, back to the residence in
(17) Arkansas.
(18) And as I was pursuing that question, I think was for
(19) the first time that you indicated that maybe you weren't in
(20) the White House that day until I think you mentioned there
(21) was a 1:30 meeting. It was the first appointment of the
(22) day. And it was kind of a way of saying well, I wasn't
(23) there and the reason that I made the call at home was I may
(24) not have come in until about 1:30. That was the impression
(25) I got.

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(1) Ms. Williams. No, sir. If you recall the way in
(2) which I answered the question, we were going through the
(3) calls and we were also going through the times and we were
(4) also going through the places. And because I had looked at
(5) the call sheet at the same time that I guess many of you
(6) had, I was trying to figure out where the call had been
(7) made from since it was my home.
(8) And as I said repeatedly during that Committee
(9) hearing, "I don't know for sure, I'm just trying to figure
(10) out if this makes any sense. Seems to me I had an
(11) appointment at 1:30. I made this call from home. Maybe I
(12) was at home." And then I said "please do not take this as
(13) part of my testimony because I don't know. I'm just trying
(14) to figure out, like you, at what point I made this call
(15) from home, and if I did, what time did I get there."
(16) That is the context in which I said that. So it was
(17) not an indication on my part, and in fact, in the
(18) deposition several times I was asked by Mr. Chertoff, is
(19) that your testimony and I said no, I'm just trying to
(20) figure this out.
(21) Senator Mack. Well, let's see, have we gotten
(22) anywhere as a result of having time to review various
(23) documents and so forth? You still have –
(24) Ms. Williams. I can't figure it out.
(25) Senator Mack. – again, you started that day with a

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(1) phone call to Arkansas to the Clinton residence, 7:44. I
(2) think there now are documents indicating that you came to
(3) the White House at 8:01 –
(4) Ms. Williams. Could be.
(5) Senator Mack. – which would imply, I guess, that you
(6) were at the White House for some period of time but you are
(7) still saying you may have gone home.
(8) Ms. Williams. It's possible, yes.
(9) Senator Mack. Would you have gone home just for that
(10) one phone call? The reason I am saying it that way is
(11) because, again, the phone records show that you did make
(12) the phone call at 7:44 and there was another phone call at
(13) 12:57 or something like that.
(14) Ms. Williams. No, I would have – if I was at work I
(15) would have made the call at work. If I was at home and
(16) made a call I would have made it at home. I would not have
(17) gone home to have made it.
(18) Senator Mack. But you just don't recall that at all?
(19) Ms. Williams. Two years from now what I did about a
(20) phone call on a matter that I did not perceive as
(21) necessarily significant, I don't recall it.
(22) Senator Mack. Mr. Chairman, I think everybody
(23) understands the difficulty of trying to recall things over
(24) a long period of time, but I think everybody also needs to
(25) understand the amount of time that witnesses, and I assume

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(1) their legal counsel since they're being compensated for it
(2) spend a tremendous amount of time going over data,
(3) material, background information to try to bring memories
(4) to focus.
(5) So while I can understand, and I suspect everybody
(6) listening to this knows you cannot recall every detail of
(7) something that happened two years or 2-1/2 years ago, the
(8) reality is there is plenty of information to help people
(9) recall the events that took place.
(10) Thank you, Mr. Chairman.
(11) Chairman D'Amato. Senator Sarbanes.
(12) Senator Sarbanes. Mr. Barnett, I was struck by when
(13) you were being questioned about these files by Chairman
(14) D'Amato and Mr. Chertoff, you said well, you didn't know
(15) where they came from, and then you said well, maybe they
(16) came from Web Hubbell –
(17) Mr. Barnett. No, no, different point, Senator. No,
(18) we're talking about different things there. Should I
(19) clarify?
(20) Senator Sarbanes. I am talking about the Kendall
(21) letter, about the three files that he was returning to the
(22) Rose Law Firm.
(23) Mr. Barnett. Yes, correct. That is my testimony, but
(24) the other statement that you repeated back was relating to
(25) the files in the box.

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(1) Senator Sarbanes. No, no, not the files in the box.
(2) I'm talking about these three files that have been focused
(3) on here in this letter.
(4) Now, that struck a memory, and we went back. Hubbell
(5) in his deposition told us that they had, during the
(6) campaign, files had been assembled to respond to campaign
(7) questions. Those are the so-called Betsy Wright files.
(8) And they were then delivered to Hubbell. He brought them
(9) to Washington and had them in his basement. And then he
(10) delivered them to Mr. Kendall.
(11) In fact he was asked, "you testified that at some
(12) point the files were moved from your home in Little Rock to
(13) Mr. Kendall's office here in Washington?
(14) "Answer: They first went to my home here in
(15) Washington.
(16) "Question: Okay.
(17) "Answer: And then they went to Mr. Kendall and
(18) Mr. Kendall picked them up."
(19) So they were transmitted over to Mr. Kendall. These
(20) are the files that had been accumulated during the
(21) campaign.
(22) Now, Mr. Chairman, you alluded earlier to the fact
(23) that Mr. Kendall is here sitting behind Mr. Barnett –
(24) Chairman D'Amato. If you think I'm going to get into
(25) the question of lawyer confidentiality and privilege now

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(1) without – after we already have this going, without
(2) sitting down with both counsels to review what we might or
(3) might not – even Alfonse will not tread –
(4) Senator Sarbanes. I don't see an attorney-client
(5) privilege involved here. And since Mr. Kendall is here,
(6) maybe he can give us a quick answer to the question that's
(7) been raised.
(8) Chairman D'Amato. If you have no objection and if
(9) Mr. Kendall has no objection at this point in time, I have
(10) not reviewed or looked at that, I don't see a problem and
(11) he is standing.
(12) Mr. Kendall, do you want to try to answer that if you
(13) can.
(14) Mr. Kendall. Mr. Chairman, I would. Thank you,
(15) Mr. Chairman, Senator Sarbanes.
(16) I don't think there is any mystery here and I don't
(17) think there is anything that gets us into any matters of
(18) attorney-client privilege. I did receive files from
(19) Mr. Hubbell in November of 1993. I was attempting to
(20) collect relevant documents from a great variety of
(21) sources. I got files from Mr. Hubbell.
(22) The three files in question here have been produced
(23) some time ago to the Committee. The Committee has had an
(24) opportunity to review them, because, Senator, I kept copies
(25) of the files that I sent back to the Rose Law Firm.

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(1) The reason I sent them back to the Rose Law Firm was
(2) it appeared to me, and Mr. Hubbell confirmed, that they

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(3) were original Rose Law Firm files. So I thought the proper
(4) home for them was back at the Rose Law Firm. I believe my
(5) cover letter refers to them retaining and securing them.
(6) It's been a long time since I've seen the letter. Before I
(7) sent them back to the Rose Law Firm I indexed them, made a
(8) careful copy for my own files, and then I sent them back to
(9) the managing partner.
(10) Now, everything I know about those three files really
(11) came from Mr. Hubbell, and it was my understanding that
(12) Mr. Foster had, I think during the campaign, taken custody
(13) of those Rose Law Firm files in order to answer questions
(14) which might have arisen during the campaign.
(15) But when they came to me in November of 1993, they did
(16) appear to me, as I said, originals of the law firm files,
(17) so I sent them back to the Rose Law Firm.
(18) Senator Sarbanes. When you use the phrase which were
(19) among the late Vincent Foster's files, with respect to
(20) these three files, the line of questioning here this
(21) morning has been on the premise that these were files in
(22) Foster's office.
(23) Now, what I'm trying to explore here is whether these
(24) were files that had been Foster's files at the firm or had
(25) been collected by him in the course of the campaign and

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(1) were then part of this box that was furnished to you from
(2) the campaign which you were sending back. Do you know the
(3) answer to that question?
(4) Mr. Kendall. Well, to the best of my knowledge,
(5) Senator, they were his files in his custody. I don't know
(6) if they were his own files that he had kept at the Rose Law
(7) Firm. And at the end of the campaign, they had gone to
(8) either Ms. Wright or Mr. Hubbell. To my knowledge, they
(9) never went to the White House in any way, shape or form.
(10) Senator Sarbanes. So these files, to your
(11) understanding, came from the files Betsy Wright had, that
(12) were then turned over to Hubbell, which Hubbell turned over
(13) to you; is that correct?
(14) Mr. Kendall. That's my understanding.
(15) Senator Sarbanes. Fine.
(16) Mr. Ben-Veniste. And finally with respect to that
(17) then, is it your testimony that, to the best of your
(18) knowledge, these files were never in Mr. Foster's
(19) possession during the period of time he served as deputy
(20) White House counsel?
(21) Mr. Kendall. That would be my testimony.
(22) Mr. Ben-Veniste. And any inference that these were
(23) files that were somehow secretly removed from Mr. Foster's
(24) office and not transmitted over to Williams & Connolly with
(25) the Barnett files would be then a totally inappropriate

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(1) conclusion?
(2) Mr. Kendall. Correct.
(3) Chairman D'Amato. Mr. Chertoff.
(4) Mr. Chertoff. Mr. Kendall, since you've now -- you've
(5) elected to answer some questions --
(6) Mr. Kendall. Volunteering is always a dangerous
(7) thing, Mr. Chertoff, but I think it's important to clarify
(8) that there is really no mystery here.
(9) Mr. Chertoff. Let's ascertain your basis of knowledge
(10) here. You received a large quantity of files from
(11) Mr. Hubbell in November?
(12) Mr. Kendall. That's correct.
(13) Mr. Chertoff. That's on November 17th?
(14) Mr. Kendall. I don't know the exact date. He had
(15) lunch with me on a Wednesday or a Thursday and brought a
(16) few files; and then I went out in the law firm van on a
(17) Saturday and got more files.
(18) Mr. Chertoff. Okay. Was Mr. Barnett with you at that
(19) lunch --
(20) Mr. Kendall. He was not.
(21) Mr. Chertoff. -- because we have a copy of
(22) Mr. Hubbell's calendar that indicates "Wednesday, November
(23) 17th at 12:15, Bob Barnett and David Kendall."
(24) Mr. Kendall. My best recollection is that Jim Fuller
(25) of my law firm was with me.

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(1) Mr. Chertoff. All right. Now, what were the small
(2) number of files he handed you on the spot?
(3) Mr. Kendall. I can't remember.
(4) Mr. Chertoff. And then there was a large volume of
(5) files afterwards?
(6) Mr. Kendall. That's correct.
(7) Mr. Chertoff. Now, could the small volume of files he
(8) handed you have been Madison Guaranty files?
(9) Mr. Kendall. It's possible.
(10) Mr. Chertoff. And your knowledge of where those
(11) Madison Guaranty's -- Madison Guaranty files came from and
(12) the various routes that they took to get to you is totally
(13) based on what Mr. Hubbell told you on November -- that
(14) November day you met with him?
(15) Mr. Kendall. That's correct.
(16) Mr. Chertoff. And what Mr. Hubbell told you is that
(17) this was a set of files that he had been carrying around
(18) with him, left over from the campaign?
(19) Mr. Kendall. Well, I think, again, my impression is
(20) he had gotten files from different places, but certainly he
(21) had campaign files from Betsy Wright.
(22) Mr. Chertoff. So he had a campaign file but he also
(23) had files he'd accumulated from different places?
(24) Mr. Kendall. I think that's correct.
(25) Mr. Chertoff. And he didn't elaborate -- let me

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(1) withdraw the question.
(2) He didn't give you a document or a record indicating
(3) from where he had gotten all the files he'd accumulated?
(4) Mr. Kendall. That's correct.
(5) Mr. Chertoff. Thank you, Mr. Chairman.
(6) Chairman D'Amato. Senator Bennett.
(7) Senator Bennett. Thank you, Mr. Chairman.
(8) Senator Sarbanes. Mr. Chairman, if our time is not
(9) up, I'd like to ask Mr. Barnett a couple more questions.
(10) Chairman D'Amato. We're going to finish this.
(11) Senator Bennett. I'll be happy to yield to Senator
(12) Sarbanes.
(13) Mr. Kendall. Mr. Chairman, could I trade places with
(14) my partner again? I feel much more comfortable behind him
(15) than in front of him.
(16) Chairman D'Amato. Yes, absolutely, Mr. Kendall.
(17) Senator, why don't we let Senator Bennett finish his
(18) line and then we'll go to you for your full 10 minutes.
(19) Senator Bennett. Mr. Chairman, I had come here to
(20) pursue what appears to be inconsistencies in recollections
(21) and versions. I've decided not to do that because just
(22) about everybody else has done that, and I don't think I'll
(23) get any more nourishment than anyone else has out of the
(24) exercise.
(25) But I have a comment I'd like to make, and then if the

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(1) witnesses might want to comment on it, that's fine. If
(2) they don't, that's also fine. Like Senator Mack, I'm not a
(3) lawyer so I don't proceed in the let's question this, let's
(4) question that, and then let's put the two together and see
(5) if they match, and if they don't, let's get all excited
(6) sort of game that I guess they teach you in law school in
(7) the first year.
(8) But I remember the old Sherlock Holmes story about the
(9) dog that didn't bark and the whole case turned on the fact
(10) that the dog didn't bark, and when Sherlock Holmes raised
(11) the issue about what about the dog, he was told by the
(12) investigator don't worry about the dog, he didn't bark.
(13) And Holmes said yeah, but he should have barked, and that
(14) was the Arthur Conan Doyle solution to that one.
(15) I've listened to all of this, and follow it through
(16) now, we start off the night of Vince Foster's death.
(17) Maggie Williams is in the office -- and her story to me is
(18) perfectly plausible -- weeping, distraught at the loss of a
(19) close friend.
(20) But then a uniformed Secret Service officer says she
(21) took files from the office and she says no, she didn't.
(22) And the files, you know all of the details, where they end
(23) up, they end up in the residence, but she says Mrs. Clinton
(24) never looked at them. And now her only function is to
(25) deliver them to a lawyer who takes them away because he's

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(1) the lawyer for the Clintons on a personal basis.
(2) And I ask myself why didn't Mrs. Clinton look at the

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(3) files. What were they doing in the residence if they were
(4) not there for her convenience to look at the files. If I
(5) had been Mrs. Clinton in this circumstance, and someone who
(6) had been handling my personal affairs had shot himself, I
(7) would want my chief of staff to go look for things that
(8) would apply to me personally. And I'd want them in my
(9) personal possession, and I'd want to take the time to go
(10) through them because I'd want to be refreshed on exactly
(11) what he was doing.
(12) And I see nothing wrong with Mrs. Clinton looking at
(13) the files. I see nothing wrong with Mrs. Clinton telling
(14) her chief of staff I want to look at that. But that's the
(15) dog that didn't bark. Mrs. Clinton, no, she had nothing to
(16) do with these files, no, I didn't take any files anyplace.
(17) They were strictly in the residence for safekeeping. To
(18) me, that is the most difficult thing to swallow about all
(19) this.
(20) If the purpose of the files, of hanging on to the
(21) files was to turn them over to Mrs. Clinton's personal
(22) attorney for his review and control at an appropriate time,
(23) they don't have to be carried to the residence so that his
(24) personal -- her personal attorney can come get them. They
(25) can be stored in a closet in the office of the counsel to

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(1) the President. They can be handed over to the Secret
(2) Service. We have no interest in these files, they're going
(3) to be picked up by Mrs. Clinton's personal lawyer, you
(4) secure them.
(5) Nobody from Mrs. Clinton's staff has to be involved at
(6) all if the sole purpose is to just keep them safe until
(7) Mr. Barnett can come tape them up, and then carry them out
(8) of the White House, or because it's a hot day, get somebody
(9) with a little less seniority to carry them out of the White
(10) House. I understand that process.
(11) So my observation, having gone through all of this and
(12) again today, really has nothing to do with the
(13) contradictions between Mr. O'Neill and Ms. Williams,
(14) whether Mr. Barnett saw Mrs. Clinton or didn't see
(15) Mrs. Clinton or who was where or who went up on the
(16) elevator and who came down on the elevator and the logs
(17) back and forth.
(18) That's probably a fun thing to pursue, but my
(19) question, sitting through this whole thing, is why didn't
(20) Mrs. Clinton want to see the files, why wasn't it perfectly
(21) appropriate for her to see the files? What were they doing
(22) in the residence if she wasn't going to see the files?
(23) Which leads me to the suspicion that maybe indeed
(24) there is something going on here that does smack of some
(25) kind of a coverup.

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(1) If anybody wants to respond, I'll be happy to -- but
(2) Mr. Chairman, that's where I come out after listening to
(3) all of this.
(4) Mr. Barnett, would you respond, as lawyer to the
(5) Clintons, is that a logical thing for me to say?
(6) Mr. Barnett. I'd be happy to respond in a couple
(7) ways, Senator Bennett. I appreciate your question and your
(8) statement. And I certainly, while I may not agree with the
(9) conclusion, I certainly understand where you are coming
(10) from.
(11) Let me say a couple things. First of all, I want to
(12) be clear that I cannot account for anything that you're
(13) talking about that happened before I took --
(14) Senator Bennett. I understand that. Isn't it logical
(15) that she would want to look at the files?
(16) Mr. Barnett. My late senior partner, Edward Bennett
(17) Williams, used to talk about looking at things through
(18) clean transparent windows, and looking at things through
(19) unwashed windows. Let me explain what I mean.
(20) Senator Bennett. I know exactly what you mean. I've
(21) written a book about it. Call it the belief window.
(22) Mr. Barnett. But you could look -- let's say,
(23) hypothetically, Mrs. Clinton did do what you hypothesized.
(24) Well, then there would be some -- not you obviously,
(25) because you've stated your position clearly -- who would

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(1) say gee, she shouldn't have looked at those, she tampered
(2) with them, I wonder if she took anything out of them, did
(3) she change them, what did she do with them.
(4) So it's kind of a you can't win situation. It's a
(5) gotcha situation. If you didn't look at them, you are
(6) criticized. If you did look at them, you're criticized.
(7) I'm giving you an honest answer. You asked me to
(8) reflect on your statement.
(9) So I completely understand what you are saying, but I
(10) also understand fully that -- it sounds a little immodest
(11) to say -- but I think she reposed confidence in me. She
(12) reposed confidence certainly in her chief of staff and dear
(13) friend, Ms. Williams.
(14) And I think she was suffering great grief, and I think
(15) probably what happened -- I don't know this -- is that she
(16) said we don't want any balls dropped that are ongoing with
(17) respect to Mr. Foster's responsibilities, let Barnett take
(18) this over and get the job done, he needs the files to do
(19) it, so please let him have the files.
(20) That's what I think happened, but, again, I cannot
(21) speak to things that are not in my personal knowledge.
(22) Senator Bennett. I understand that. If you are
(23) caught in that trap, I just quote from our dear friend Alan
(24) Simpson who is going to leave this place poorer for his
(25) having left, when he quotes his father, who served with my

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(1) father and with Senator Dodd's father, who said if you are
(2) damned if you do and you are damned if you don't, then do.
(3) And I think, in that circumstance again, I can only
(4) put myself in --
(5) Senator Dodd. I'd say to my colleague that was
(6) probably true 25 or 30 years ago, but today it's if you do
(7) or you don't, don't, I mean is what we've come to, because
(8) as I think counsel pointed out here, I'm sure all of us
(9) have situations where we've looked at facts that have been
(10) presented by our staffs, you can do this and you can do
(11) that. It's perfectly all right if you do it, but let me
(12) tell you what the perception will be, Senator, if you go to
(13) that event or if you go to that particular place.
(14) So we sit there and say yeah, I know it's perfectly
(15) all right for me to be there but the perception of me being
(16) there is going to be such that it's not worth the grief of
(17) going through it. So in a sense, given the choice, the
(18) better choice to make is the one that was made: Don't let
(19) me get near this stuff, because someone's going to then ask
(20) me what I did with them and I'm cooked at that point.
(21) Because no matter what I say, the perception is going to be
(22) I've monkeyed around with this.
(23) Mr. Barnett. But Senator Bennett, I do want to say
(24) again -- because I don't know if you were in the room --
(25) on no occasion, no occasion did Mrs. Clinton suggest,

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(1) instruct or any other way indicate that anything improper
(2) should be done with the files or anything involving the
(3) matters that the files dealt with. And nothing was done.
(4) That I can testify to from personal knowledge as to my
(5) role here. So I want to state that for you.
(6) Senator Bennett. And my only concern, Mr. Chairman --
(7) concern is not the right word. My hesitation about
(8) accepting all of that at face value --
(9) Chairman D'Amato. It's not criminal.
(10) Senator Bennett. -- is the way the files were
(11) handled. The way the files were handled leads you to
(12) believe that there was an attempt made to create a
(13) circumstance where the files could have been reviewed and
(14) then to deny that that circumstance was created.
(15) And if -- from a PR background, because I used to be a
(16) PR man rather than a legal background, my advice would be
(17) yes, we looked at the files, you are darn right we did. We
(18) wanted to know what was in it and we sent spent a couple
(19) hours going over it and we didn't find anything wrong. At
(20) which point we said seal them up and send them to
(21) Mr. Barnett, who can handle them from now on.
(22) And I would find that credible, and furthermore,
(23) perfectly logical and defensible, but then I'm not a
(24) lawyer.
(25) Thank you, Mr. Chairman.

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(1) Chairman D'Amato. You see, and I thank the Senator.
(2) I think it is good sometimes not to have that plain

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(3) down-home practicality.
(4) It even goes further because you have to understand
(5) when we get information that indicates, even from
(6) Mr. Nussbaum's own testimony, and not even taking it
(7) literally, and from aides that indicate that people at the
(8) White House and the First Lady are concerned about the
(9) manner in which unfettered access will be given.
(10) And then the changing of the agreement, and then the
(11) collecting of the materials thereafter, it seems to almost
(12) treat it in a cavalier manner thereafter and say just send
(13) it to the lawyers, doesn't square with the first efforts to
(14) secure it, to see that Justice Department people don't look
(15) at it.
(16) And I to have say that Senator Bennett is absolutely
(17) right. Given that it would seem that you darn well want
(18) to, whoever it is, review those files. Absolutely. And if
(19) you said I reviewed them, what's anybody going to say?
(20) Senator Sarbanes. You'd be skinning her alive if she
(21) reviewed them.
(22) Chairman D'Amato. All I would say to, Senator
(23) Sarbanes, I would say to this to you, it is not credible to
(24) believe that people just willy-nilly turn these over -- I
(25) usually don't say willy-nilly -- but turned them over as

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(1) has been described by Mr. Barnett and did not review the
(2) contents of the files.
(3) Senator Sarbanes. We'll have to sort that out, but it
(4) defies common understanding to sit here and assert that if
(5) the testimony was that they went through these files that
(6) you wouldn't be skinning them alive over going through the
(7) files.
(8) Chairman D'Amato. I think they did, but they did it
(9) in a manner --
(10) Senator Sarbanes. It's clearly a situation in which
(11) either way you are going to attack them because the purpose
(12) is to make the attack.
(13) Chairman D'Amato. Senator Bennett.
(14) Senator Bennett. Just to nail it down -- the red
(15) light is on -- but just to nail it down, for me the most
(16) difficult things to reconcile with the version of events
(17) that we're being given here are: Mr. O'Neill's testimony
(18) that the First Lady's chief of staff took files -- to me a
(19) logical thing for her to do under the scenario I've
(20) described -- he says she took files, she says she
(21) absolutely did not. And the second thing is that the files
(22) ended up in the residence. You don't store files in the
(23) residence. It doesn't seem to me that you are having
(24) safekeeping to give to the President's personal lawyer.
(25) There are lots of other places that to me make more sense.

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(1) Those are the two points that I have the most
(2) difficulty with, saying that the Secret Service man was
(3) wrong when he saw Ms. Williams carry these files out, and
(4) then the files end up in the residence and they're there
(5) for X number of days.
(6) The most logical thing for me is if we're going to
(7) save them for the personal lawyer, you leave them where
(8) they are and you let the Secret Service secure them. And
(9) if in fact people are saying to the First Lady, don't go
(10) near those files, first thing I would advise her, well, for
(11) heaven's sake, don't bring them to the residence if she's
(12) not going to go anywhere near them. Keep them where the
(13) paper trail of who has custody from them is very clear.
(14) Don't store them in a closet on the third floor. Those are
(15) the two areas that I have.
(16) Mr. Dennis. Mr. Chairman.
(17) Chairman D'Amato. Senator Sarbanes.
(18) Mr. Dennis. I'm sorry to impose. I wanted the record
(19) to reflect the previous testimony of the two polygraphs
(20) concerning the issue of the records at the White House and
(21) Foster's office, that she passed both of those polygraphs.
(22) And I believe that's a part of this record that has not
(23) been disputed.
(24) Chairman D'Amato. Mr. Dennis, it is so noted.
(25) Mr. Sarbanes.

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(1) Senator Sarbanes. Mr. Chairman, I might just follow
(2) that up that we know that Mr. O'Neill, this officer

(3) testified or was interviewed by the independent counsel
(4) five times, I believe, and of course we tried to get, which
(5) is -- so there was constantly being interviewed. And we
(6) tried to get from the independent counsel those interviews
(7) and were denied those interviews, which I think would have
(8) been very helpful in indicating to us the nature of
(9) O'Neill's remembrances, particularly since apparently they
(10) brought him back almost half a dozen times in order to
(11) question him further.
(12) Senator Dodd?
(13) Senator Dodd. No --
(14) Senator Sarbanes. Mr. Chairman, do you intend to
(15) break for lunch or try to finish up?
(16) Chairman D'Amato. No, I think we'd like to finish up
(17) if we can. It's within our grasp. If you have no
(18) questions, we'll go to Senator Grams.
(19) Senator Dodd. I'm fine, Mr. Chairman.
(20) Chairman D'Amato. Senator Grams?
(21) Senator Grams. Thank you very much, Mr. Chairman. I
(22) just have a couple brief questions that I'd like to go
(23) through again.
(24) This goes back to the morning of the July 22nd and
(25) this was a very important morning for a number of people.

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(1) If you follow -- and I'd like to have put up on the Elmo --
(2) the review of documents dealing with some of the phone
(3) conversations, the phone calls that were made, messages
(4) that were left, pages that were done involving just a few
(5) people, and that was Mrs. Williams, the First Lady in
(6) Arkansas, Susan Thomases in New York and Bernie Nussbaum
(7) back in Washington, D.C.
(8) Now, Ms. Williams, according to the phone records that
(9) have been obtained by this Committee, on July 22nd, you
(10) called -- and this is from your home I would assume -- the
(11) Rodham residence in Little Rock from 7:44 to 7:51 in the
(12) morning. Who did you speak with that morning? Was that
(13) Mrs. Clinton?
(14) Ms. Williams. I don't recall. I probably was trying
(15) to reach her. I don't recall if I got her.
(16) Senator Grams. It was a seven-minute conversation.
(17) You don't know who you talked to or what you talked about?
(18) Ms. Williams. No, I don't recall. As I said it's not
(19) an office, it's actually a residence, it's her mother's
(20) residence --
(21) Senator Grams. That's right. I know that.
(22) Ms. Williams. -- and if she were up, I'm sure I
(23) wanted to talk to her. If she were not, then I would have
(24) talked to Mrs. Rodham, I would have talked to Chelsea, I
(25) would have talked to pretty much whoever answered the

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(1) phone.
(2) Senator Grams. According to the White House entry
(3) records, then you did then enter the White House about
(4) 8:10; this is about 19 minutes later. How long does it
(5) take you normally to go from your home to the White House?
(6) Ms. Williams. I don't know. Maybe 15 minutes,
(7) depending on traffic, time of day.
(8) Senator Grams. So basically right after you hung up,
(9) according to the records, you probably left and went to
(10) your office?
(11) Ms. Williams. That's possible.
(12) Senator Grams. Now in between that time there was a
(13) call from the Rodham residence to Susan Thomases, and that
(14) was from 7:57, six minutes after the phone call ended in
(15) Little Rock, to 8:00. Immediately thereafter, Ms. Thomases
(16) paged Mr. Nussbaum at 8:01.
(17) Now, is there any connection that you can think of
(18) between these calls, that you happened to place a call to
(19) the Rodham residence, the Rodham residence, a call to Susan
(20) Thomases in New York, Susan Thomases immediately calls
back
(21) and pages Mr. Nussbaum? Any kind of connection there that
(22) you don't think was important that triggered or was this
(23) all coincidence?
(24) Ms. Williams. I don't know --
(25) Senator Grams. You started the ball rolling, I

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(1) assume, at 7:44 is what Bill saying.

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(2) Ms. Williams. Well, at 7:44 I called Mrs. Clinton.
(3) Senator Grams. That's right.
(4) Ms. Williams. It wouldn't be unusual for me to call
(5) Mrs. Clinton early in the morning.
(6) Senator Grams. But something in that conversation
(7) prompted her to call Susan Thomases, Susan Thomases to call
(8) Bernie Nussbaum.
(9) Ms. Williams. I don't know that. There is nothing
(10) that I can recall.
(11) Senator Grams. At 8:25 a.m., Ms. Thomases then called
(12) the Rodham residence again for four minutes, and at 9:00
(13) a.m., Ms. Thomases then left a message for you at your
(14) office. Now, that seems to be an extraordinary amount of
(15) activity for a manner of 75 minutes. A reasonable person
(16) could or would draw a conclusion that the calls were
(17) connected.
(18) What was the reason or the contents for these calls?
(19) Again I'm asking you directly.
(20) Ms. Williams. I only know about my call at 7:44 in
(21) the morning to Mrs. Clinton. I was probably trying to
(22) reach her. I more than likely was concerned about her and
(23) I probably wanted to reach her before she started her day
(24) because I believe that day she had some events, or at least
(25) one event, so I wanted to talk to her.

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(1) Senator Grams. So in other words, her call
(2) immediately after or from the Rodham residence to Susan
(3) Thomases, from Susan Thomases to Bernie Nussbaum, and
then
(4) again, four minutes, that Mrs. Thomases then called the
(5) Rodham residence herself for four minutes, and she again
(6) left a message for you at your office, somehow none of
(7) these are connected? Nobody should draw a connection that
(8) there was any kind of conversation, questioning or
(9) inquiries going on among this very local group, that had
(10) anything that wasn't important, that would not shake your
(11) memory?
(12) Ms. Williams. Well, as I said before, I can tell you
(13) about the call I made. That's really the only call I know
(14) about, the call I made.
(15) Senator Grams. According to the records again, you
(16) were paged at your home at 12:47 p.m. from the Rodham
(17) residence, which you returned at 12:55 p.m. In between
(18) that time, as you know, Bernie Nussbaum reneged on his
(19) agreement to allow career prosecutors access from having
(20) access to Foster's office. Mr. Nussbaum again told
(21) Mr. Neuwirth about the concerns of the First Lady and
(22) Mrs. Thomases about law enforcement officers having
(23) unfettered access to Foster's office. And Mrs. Thomases
(24) made six more calls to Mack McLarty and you over a span of
(25) one hour.

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(1) Now, this seems to make the connection, and again the
(2) content of the calls that go back to beginning at 7:44 in
(3) the morning. Now somehow that you have no recollection of
(4) what those calls were, you had no reason to believe that
(5) they concerned the files or anybody going through Vince
(6) Foster's office, nothing of this happened to connect, even
(7) though we have the testimony about the concerns of the
(8) First Lady and Ms. Thomases, two of the important people in
(9) this loop, about law enforcement officers having unfettered
(10) access. You seem to be at the center of a lot of these
(11) calls and the activity.
(12) Ms. Williams. I know about the call I made at 7:44,
(13) and I've told you about what I think that call was about.
(14) Senator Grams. Do you remember why you went home in
(15) the middle of the day on the 22nd? Now it's hard to
(16) believe that laundry would be more important than being in
(17) the office that day or making these calls. The laundry
(18) apparently wasn't important the night before, and I can see
(19) maybe that being done and I know you do work long hours
and
(20) that maybe sometimes you would have to do this, but it just
(21) seems implausible on this day that you would pick to go
(22) home and go do laundry.
(23) Ms. Williams. I don't know if you were here for my
(24) testimony.
(25) Senator Grams. You said maybe you threw in some

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(1) laundry or something.
(2) Ms. Williams. No, my testimony was about it was about
(3) whether or not it was extraordinary that I would be home in
(4) the middle of the day.
(5) Senator Grams. I'm talking about this day in
(6) particular.
(7) Ms. Williams. This day in particular was not the
(8) focus of the earlier question. This day in particular I do
(9) not know why I went home.
(10) Senator Grams. Officer Henry O'Neill testified that
(11) he saw you take files out of Foster's office on the night
(12) of the 20th and he saw you put them in your office. Did
(13) you take these files home with you on the day of the 22nd,
(14) or any time, take any of these files home with you?
(15) Ms. Williams. No, I did not.
(16) Senator Grams. You must have then returned to the
(17) White House by that afternoon because you spoke to
(18) Ms. Thomases -- now again I'm on the 22nd. You had these
(19) conversations early in the morning before you left home.
(20) You went to work, had pages, conversations, you went home
(21) over the noon hour. Now you're back at the office because
(22) you spoke to Ms. Thomases from 3:08 to 3:18; is that
(23) correct?
(24) Ms. Williams. If that's what the record says.
(25) Senator Grams. Again you have no idea why you talked

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(1) to her that day?
(2) Ms. Williams. I can't remember what the conversation
(3) was.
(4) Senator Grams. You and Mr. Nussbaum conducted a
(5) second search from 3:30 to 4:30 that afternoon; is that
(6) correct?
(7) Ms. Williams. I didn't conduct a search --
(8) Senator Grams. Were you with Mr. Nussbaum in
(9) Mr. Foster's office that afternoon?
(10) Ms. Williams. At one point I was, yes.
(11) Senator Grams. You then called Mrs. Clinton that
(12) afternoon and then you took the files to the residence
(13) sometime, I guess now it was 7:30 rather than between 4:30
(14) and 5:30?
(15) Ms. Williams. I don't recall.
(16) Senator Grams. Again, this is a chain of events, of
(17) files reviews, calls, again leading to conclusions people
(18) could draw, that all of this circled around these files. I
(19) don't know what was really in the files, I've never been
(20) able to see a list of the contents. I don't know what was
(21) the criteria for things that were put into a box that was
(22) to be taken to the residence.
(23) Was there a criteria that you can remember or think
(24) about? Was there some kind of commonality between or
(25) interest? Were they all personal files of the Clintons,

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(1) were they all dealing with Whitewater, did they all deal
(2) with some other materials?
(3) What was the criteria you used or was used that you
(4) know about in the afternoon to compile this box of files,
(5) that evidently was so big Mr. Barnett did not want to carry
(6) them? It seems like a lot of files.
(7) Ms. Williams. I don't remember that it was one box of
(8) files as I recall. I don't know if it was full. And the
(9) only criteria I know about is that they were personal files
(10) of the Clintons.
(11) Senator Grams. So that was the criteria evidently?
(12) Ms. Williams. Right. That's the only one I know of.
(13) Senator Grams. So after you did talk to Mrs. Clinton
(14) that afternoon, Mrs. Thomases then called you, and
(15) according to the phone records, the call was from 5:13 to
(16) 5:22. Did you receive any instructions from Ms. Thomases
(17) at 3:08 to conduct the second review with Mr. Nussbaum and
(18) then to contact Mrs. Clinton about what to do with the
(19) Foster files and she was checking back with you on this?
(20) Ms. Williams. No, I generally don't receive
(21) instructions from Mrs. Thomases.
(22) Senator Grams. Well, what was the phone call about,
(23) do you remember, at 3:08?
(24) Ms. Williams. I don't know if it was the day before
(25) the funeral. Was Vince's funeral the 20 -- oh, it could

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C O N T E N T S

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Page 2
(1) Hearing on
(2) IMPROPER HANDLING OF DOCUMENTS
(3) IN DEPUTY WHITE HOUSE COUNSEL
(4) VINCENT FOSTER'S OFFICE
(5) AFTER HIS DEATH
(6) MONDAY, DECEMBER 11, 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 11:15 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. The Committee will come to order.
(3) I'll ask our witnesses to please stand for the
(4) purposes of the oath.
(5) SWORN TESTIMONY OF MARGARET WILLIAMS, ASSISTANT TO THE
(6) PRESIDENT AND CHIEF OF STAFF TO THE FIRST LADY; ROBERT
(7) BARNETT, PARTNER, WILLIAMS & CONNOLLY; INGRAM BARLOW,
(8) COMPTROLLER, WILLIAMS & CONNOLLY; AND DIANE BLAIR, TEACHER,
(9) UNIVERSITY OF ARKANSAS
(10) Chairman D'Amato. Thank you. Mr. Barlow,
(11) Mr. Barnett, Ms. Williams, Ms. Blair. Start with you, if
(12) you have any statement that you'd like to make, we'd be
(13) pleased to take it.
(14) Mr. Barlow. I don't have any statement, Senator.
(15) Chairman D'Amato. Mr. Barnett?
(16) Mr. Barnett. Thank you, Mr. Chairman. I have no
(17) opening statement.
(18) Chairman D'Amato. Ms. Williams?
(19) Ms. Williams. I have no statement.
(20) Chairman D'Amato. Ms. Blair?
(21) Ms. Blair. I have no statement.
(22) Chairman D'Amato. Mr. Chertoff.
(23) Mr. Chertoff. Thank you, Mr. Chairman.
(24) Ms. Williams, I want to direct your attention back to
(25) that period of time between July 20th and July 27th, 1993,

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(1) which was the period, the week following Vincent Foster's
(2) death. And just to put you in perspective and refresh your
(3) recollection, we've had your testimony previously about the
(4) events of the evening of Mr. Foster's death, including your
(5) appearance at Mr. Foster's office in the White House.
(6) We've had testimony about the following day, the
(7) 21st. We've had testimony about the 22nd, which was the
(8) Thursday in which Mr. Foster's office was searched first by
(9) Mr. Nussbaum in the presence of law enforcement officials
(10) and then later by you and Mr. Nussbaum separately.
(11) And then we've carried over into the following week,
(12) including Monday the 26th, which is the date in which it
(13) was reported that the torn-up pieces of paper had been
(14) found in Mr. Foster's briefcase, and then the 27th, which
(15) is the day on which you testified in our previous hearings
(16) that the documents which you had taken up to the residence,
(17) the Foster documents, were taken up to the residence on
(18) Thursday the 22nd, were finally picked up by Williams &
(19) Connolly.
(20) Ms. Williams. That's 7/20 -- that's the --
(21) Mr. Chertoff. The 27th, the Tuesday. They were in
(22) the residence for five days.
(23) Let me ask you first of all, Ms. Williams, whether
(24) during that weekend you had occasion to be at the White
(25) House.

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(1) Ms. Williams. During the weekend of the --
(2) Mr. Chertoff. 24th and 25th, the intervening weekend.
(3) between the time you took the documents up to the residence
(4) on Thursday and the time you picked up the documents or the
(5) documents were picked up the following Tuesday.
(6) Ms. Williams. Well, I have no recollection. As I
(7) said in my deposition, I did not think that I had been at
(8) the White House. I did not recall going to the White
(9) House. However, I have seen the entry log since that time
(10) and they show that on Sunday, the 25th, I was in the
(11) residence for a short period of time. I don't recall how
(12) long.
(13) Mr. Chertoff. 14 minutes?
(14) Ms. Williams. Pardon? I'm sorry.
(15) Mr. Chertoff. 14 minutes, does that refresh your
(16) memory?
(17) Ms. Williams. Uh-huh.
(18) Mr. Chertoff. According to the entry log, you were in
(19) the residence at the White House between 2:36 in the
(20) afternoon, leaving at 2:50 in the afternoon. What were you
(21) doing in the residence for 14 minutes on that Sunday?
(22) Ms. Williams. I don't recall what I was doing, but
(23) because I am often at the residence and often on the White
(24) House complex during the weekend, Saturday and Sunday, I
(25) don't recall, but it doesn't strike me as highly unusual.

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(1) As I said in my deposition, I did not recall being there.
(2) I don't think that I was there, but it doesn't strike me as
(3) extraordinary that I was there.
(4) Mr. Chertoff. Well, it's the only period of time that
(5) weekend that you were in the residence. Can you tell us
(6) what errand you had that took 14 minutes to complete?
(7) Ms. Williams. I do not know what I was doing. I
(8) could have been picking something up. I could have been
(9) dropping something off. I don't know what I was doing.
(10) Mr. Chertoff. Well, that's the question. Is there
(11) something you recall picking up or dropping off during that
(12) 14 minutes?
(13) Ms. Williams. No. As I said, it would not be
(14) extraordinary for me to come into the White House or into
(15) the residence during the weekend, something I had
(16) forgotten, I don't know, but it would not be
(17) extraordinary. I'm in and out of there quite a bit.
(18) Mr. Chertoff. Did you see Mrs. Clinton?
(19) Ms. Williams. I don't recall seeing her, but it
(20) wouldn't have been extraordinary for me to have seen her.
(21) Mr. Chertoff. It wouldn't have been extraordinary for
(22) you to have seen her on that Sunday. Is that your
(23) testimony?
(24) Ms. Williams. My testimony is that I don't recall
(25) seeing her, but it would not have been extraordinary.

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(1) Mr. Chertoff. Well, your testimony over the summer,
(2) and I'm reading from page 144 of your deposition, was, at
(3) line 7, "did you have contact with the President or the
(4) First Lady on Saturday or Sunday?"
(5) "Answer: No, I don't think so.
(6) "Question: No?
(7) "Answer: No, I don't think so.
(8) "Question: No communication of any sort?
(9) "Answer: Not that I can recall. I don't recall."
(10) Are you now altering that to tell us that it's
(11) possible that you had contact with her during that
(12) 14-minute period on that Sunday?
(13) Ms. Williams. I don't believe that there's any
(14) alteration in my testimony. I don't recall. What I said
(15) is that it would not have been extraordinary to have seen
(16) her.
(17) Mr. Chertoff. Now, on the following Tuesday, you
(18) encountered Mr. Barnett in the residence; correct?
(19) Ms. Williams. That's correct.
(20) Mr. Chertoff. Where was Mr. Barnett?
(21) Ms. Williams. Somewhere on the second floor of the
(22) residence, as I recall.
(23) Mr. Chertoff. And what kind of -- describe what kind
(24) of premise this is on the second floor of the residence?
(25) Ms. Williams. The Lincoln bedroom, the Queen's

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(1) bedroom, a greeting hall and then a sitting room, family
(2) sitting room and a sitting room.
(3) Mr. Chertoff. And Mr. Barnett was talking with

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(4) Mrs. Clinton?
(5) Ms. Williams. That's what I recall.
(6) Mr. Chertoff. Were they seated or standing?
(7) Ms. Williams. I don't recall.
(8) Mr. Chertoff. And you happened to walk by and run
(9) into them?
(10) Ms. Williams. Well, I was in and out of the residence
(11) as the logs recall. I was there earlier in the morning in
(12) the afternoon.
(13) And one of the things that might be useful, if I could
(14) take a moment, Mr. Chairman, is to describe a little bit
(15) about what goes on in the residence and what a big place it
(16) is. It is both the home of the First Family. At the same
(17) time, it is also used as quarters for entertaining. It is
(18) also used for some meetings that are official, I suppose.
(19) And there are a number of guest rooms on the third floor.
(20) So it would not be extraordinary for me to come to the
(21) house, not see Mrs. Clinton, go about my business in the
(22) residence, talking to other people who might be there for
(23) some other reasons and not see Mrs. Clinton. On the other
(24) hand, you know, it's perfectly – since it is her home,
(25) that she might be walking around or sitting, as I was

Page 9
(1) coming through.
(2) Mr. Chertoff. Well, let's not focus on what is or
(3) isn't extraordinary. Let's focus on Tuesday the 27th.
(4) Your testimony is you are in the residence for some purpose
(5) unrelated to the documents; is that correct?
(6) Ms. Williams. My testimony is that I was in and out
(7) of the residence all day that day.
(8) Mr. Chertoff. You have to listen to the question and
(9) you have to answer the question I ask, not the one you want
(10) me to ask but the one I am asking.
(11) Were you in the residence when you ran into
(12) Mr. Barnett for anything related to the documents?
(13) Ms. Williams. To my knowledge, no.
(14) Mr. Chertoff. You were there for something else?
(15) Ms. Williams. I don't recall what, but I was in and
(16) out, as I said before. I was in and out of the residence
(17) most of the day on Tuesday doing a number of things.
(18) Mr. Chertoff. I'm going to stop you, Ms. Williams.
(19) You have to answer the question I ask you. Were you in the
(20) residence at the time you bumped into Mr. Barnett for
(21) something else other than the documents?
(22) Ms. Williams. The first part of that question was I
(23) was in the residence when I saw Mr. Barnett, correct. I
(24) have answered that.
(25) Mr. Chertoff. You were there for something else

Page 10
(1) besides the documents?
(2) Ms. Williams. I don't recall what I was there for. I
(3) was in and out of the residence all day.
(4) Mr. Chertoff. I'm going to ask that we put the
(5) deposition from July 7, 1995 on the videotape at page 145,
(6) and I think you have a copy that's been furnished to you.
(7) Chairman D'Amato. Page 145.
(8) Mr. Chertoff. Do you have a copy in front of you? I
(9) believe it is July 7, 1995.
(10) "Mr. Chertoff. How did you come to see Mr. Barnett?
(11) "Answer: He had come to see Mrs. Clinton.
(12) "Question: About what?
(13) "Answer: I don't know.
(14) "Question: He was in the residence.
(15) "Answer: Yeah, he was in the residence.
(16) "Question: And you were called?
(17) "Answer: No. I had come up to the residence for
(18) something else.
(19) "Question: And you bumped into him?
(20) "Answer: Yeah, I saw him. And he said, you know
(21) what? It would make sense to get those documents over to
(22) the office."
(23) Is that correct?
(24) Ms. Williams. That's correct. That's my deposition.
(25) Mr. Chertoff. Mr. Barnett, why did you go to the

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(1) residence on the 27th?
(2) Mr. Barnett. Mr. Chertoff, [illegible]
(3) Chairman D'Amato. Mr. Barnett, pull the microphone up
(4) closer to you.
(5) Mr. Barnett. Sorry, Mr. Chairman. Is that better?
(6) Chairman D'Amato. Yes, it is.
(7) Mr. Barnett. I'm sorry. Mr. Chertoff, my best
(8) recollection is that I went over to the residence on the
(9) 27th to pick up the documents.
(10) Mr. Chertoff. So you went over for the specific
(11) purpose of picking up the documents?
(12) Mr. Barnett. That is my best recollection.
(13) Mr. Chertoff. Who did you arrange to do that with?
(14) Mr. Barnett. I spoke with Ms. Williams about picking
(15) up the documents. Who made the exact entry permission, I
(16) can't be sure, Mr. Chertoff. I think it was Capricia
(17) Marshall, but I'm not sure.
(18) Mr. Chertoff. You spoke to Ms. Williams before you
(19) came over?
(20) Mr. Barnett. At some point during that period of time
(21) of days, I did speak with her, yes.
(22) Mr. Chertoff. Before you came over?
(23) Mr. Barnett. Yes.
(24) Mr. Chertoff. And you made an arrangement with her to
(25) meet her in order to pick up the documents?

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(1) Mr. Barnett. That is my best recollection.
(2) Mr. Chertoff. Ms. Williams, is that what happened?
(3) Ms. Williams. That's not my best recollection.
(4) Mr. Chertoff. Now, when you came – Mr. Barnett, when
(5) you came into the White House and whoever let you in,
(6) whoever admitted you, where did you go?
(7) Mr. Barnett. I first went up to, I believe,
(8) Mr. Chertoff, the second floor, and I waited for a period
(9) of time, and then I went to the third floor, and we carried
(10) out the transfer of documents.
(11) Mr. Chertoff. Let's take it step by step,
(12) Mr. Barnett. Why did you go to the second floor?
(13) Mr. Barnett. That's where I was escorted and told to
(14) wait is my best recollection.
(15) Mr. Chertoff. Who were you waiting for?
(16) Mr. Barnett. I was waiting for Maggie Williams.
(17) Mr. Chertoff. In fact, you met – Ms. Williams came
(18) up and met you there?
(19) Mr. Barnett. That's my best recollection.
(20) Mr. Chertoff. Did you speak to the First Lady during
(21) the period of time you were waiting?
(22) Mr. Barnett. I have absolutely no recollection of
(23) seeing the First Lady or speaking with the First Lady on
(24) that day. I cannot rule it out. It's 2-1/2 years later,
(25) but I have no recollection of seeing her on that day,

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(1) Mr. Chertoff.
(2) Mr. Chertoff. Ms. Williams, do you remember
(3) specifically seeing Mr. Barnett with the First Lady when
(4) you bumped into them?
(5) Ms. Williams. "Bumped" is not my word, but I remember
(6) seeing Mr. Barnett with the First Lady. That's my
(7) recollection.
(8) Mr. Chertoff. And the First Lady was there when
(9) Mr. Barnett said let's go get the documents?
(10) Ms. Williams. I believe that's so.
(11) Mr. Chertoff. And Mr. Barnett, your recollection is
(12) you don't have any such recollection?
(13) Mr. Barnett. That's my best recollection,
(14) Mr. Chertoff.
(15) Mr. Chertoff. Now, Mr. Barnett, you then went up to
(16) the third floor with Ms. Williams?
(17) Mr. Barnett. Correct.
(18) Mr. Chertoff. And where did Ms. Williams take you?
(19) Mr. Barnett. We went to a room on the third floor.
(20) It's a hard to define the location. It was on the – as I
(21) remember, the front side. If you come off the elevator,
(22) you turn left. It's sort of right straight ahead. If you
(23) had a map, I could probably point it out to you. It is in
(24) that area of the third floor.
(25) Mr. Chertoff. And it was just you and Ms. Williams

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(1) and nobody else?
(2) Mr. Barnett. [illegible]
(3) Mr. Chertoff. What did you do then?

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(4) Mr. Barnett. We went to that room. My recollection
(5) is, as we sit here 2-1/2 years later, that this was the
(6) first time that I had seen Ms. Williams since the funeral.
(7) And I believe that we spent some time talking about
(8) Mr. Foster, about the Foster family, those kind of
(9) discussions. That's again, my best recollection.
(10) We then went to a closet in that room. Ms. Williams
(11) either had or secured a key. We opened the closet and in
(12) the closet was a box with the files in it.
(13) Mr. Chertoff. And you pulled the box out?
(14) Mr. Barnett. My recollection is that I either -- the
(15) box was on the floor. I either sat down on a chair and
(16) looked at the box in that way or I picked up the box and I
(17) put the box on a desk, table, whatever you might call it,
(18) and looked at them in that way. I just don't really recall
(19) specifically.
(20) Mr. Chertoff. The box was unsealed; correct?
(21) Mr. Barnett. The box was unsealed, correct.
(22) Mr. Chertoff. Was there any kind of index or any kind
(23) of an inventory with the box?
(24) Mr. Barnett. There was not.
(25) Mr. Chertoff. And Ms. Williams was with you while you

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(1) removed the box?
(2) Mr. Barnett. Yes.
(3) Mr. Chertoff. She was with you while you opened the
(4) box.
(5) Mr. Barnett. Yes.
(6) Mr. Chertoff. And you started to go through the
(7) files?
(8) Mr. Barnett. I would not say "go through the files."
(9) Let me describe exactly what I did because it's caused some
(10) misunderstanding, so let me be accurate and answer it
(11) myself.
(12) I opened the box. In the box were two dozen, maybe
(13) more files. Most of them, but not all of them were
(14) labeled. I went through the labels. The unlabeled files,
(15) as I recall, I took out and looked at to see what they
(16) were. I may have also taken out one or more of the labeled
(17) files to look at them briefly as to what they were. But
(18) let me be clear. Everything that was in the box when I
(19) received it was back in the box when I taped it up.
(20) Mr. Chertoff. So everything that was in the box that
(21) you found in the box when you opened it, you put back in
(22) the box when you taped it?
(23) Mr. Barnett. Absolutely.
(24) Mr. Chertoff. Did you make an inventory or record of
(25) any kind of what was in the box?

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(1) Mr. Barnett. Later.
(2) Mr. Chertoff. Not on the spot.
(3) Mr. Barnett. Not on the spot.
(4) Mr. Chertoff. Ms. Williams was present in the room
(5) with you as you went through this procedure of reviewing
(6) the files.
(7) Mr. Barnett. I can't say, Mr. Chertoff. She was
(8) there the whole time. She was certainly there part of the
(9) time, but I can't honestly say she didn't go about doing
(10) other business or something. I really don't recall.
(11) Mr. Chertoff. How long did it take you to go through
(12) these records?
(13) Mr. Barnett. At that time on that day?
(14) Mr. Chertoff. Right.
(15) Mr. Barnett. I would say I spent maybe five or 10
(16) minutes undergoing that process I just described to you,
(17) but that's an estimate.
(18) Mr. Chertoff. Now, during that period of time, did
(19) you run across a file that you gave to Ms. Williams and
(20) suggested maybe it ought to remain at the White House
(21) rather than being taken over to Williams & Connolly because
(22) it really related to official business?
(23) Mr. Barnett. At that time, I don't recall that, no.
(24) Can you be more specific?
(25) Mr. Chertoff. Was there a file relating to the

Page 17
(1) residence or improvements at the residence or at the White
(2) House that you identified as though it should remain
(3) at the White House rather than removed at that time?
(4) Mr. Barnett. I don't remember that, no. I don't
(5) remember that. I have a vague recollection now that you
(6) mention it of at some later date talking with someone in
(7) the White House counsel's office. It may have been Stephen
(8) Neuwirth, but I certainly am not sure of that about such a
(9) file and what was in it, but I don't, Mr. Chertoff, recall
(10) that discussion being -- having taken place on the 27th,
(11) no.
(12) Mr. Chertoff. When do you recall that discussion
(13) having taken place?
(14) Mr. Barnett. Sometime later, within a -- days or
(15) weeks after, but it's only a vague recollection.
(16) Mr. Chertoff. Now, when you were -- I want to put a
(17) time frame on this. You come up to the second floor. How
(18) long are you waiting for Ms. Williams?
(19) Mr. Barnett. I would estimate, Mr. Chertoff, that I
(20) was waiting maybe 20, 25 minutes. That would be my best
(21) estimate, but I cannot be totally sure of that.
(22) Mr. Chertoff. Let me try to help you out. You are
(23) admitted to the second floor according to entry records at
(24) 3:03 p.m. Ms. Williams comes at 3:20 p.m. That's
(25) approximately 17 minutes.

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(1) Mr. Barnett. That could be right. May I say
(2) something about those logs, please --
(3) Mr. Chertoff. Sure.
(4) Mr. Barnett. -- for a moment? I'm familiar with
(5) those logs obviously, you've given me a copy. It is my
(6) recollection, as I sit here today, that I was there about
(7) 35, 40 minutes, maybe 45 minutes. I was very surprised
(8) when those logs reflected that I was there 90 minutes. I
(9) have no basis to impeach those logs. I don't know who
(10) keeps them. I don't know if they're contemporaneous. I
(11) don't know if they're computer-generated. I have no idea.
(12) But as I sit here today, and as I sat there wherever
(13) it was in my office when I first learned about these logs,
(14) I thought that was much longer than I was there, I must
(15) tell you.
(16) Mr. Chertoff. Let's try to go through it. Around
(17) 3:20, Ms. Williams comes up and you go up with her on the
(18) third floor and then you spend some time talking about
(19) Mr. Foster; correct?
(20) Mr. Barnett. That's my recollection.
(21) Mr. Chertoff. And that's why you're standing around
(22) here on your way getting to the area where the records are
(23) held?
(24) Mr. Barnett. No, we may have done that actually in
(25) the room.

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(1) Mr. Chertoff. How long is that? 10 or 15 minutes
(2) perhaps?
(3) Mr. Barnett. Perhaps. Perhaps a little longer.
(4) Mr. Chertoff. You're estimating maybe 10 minutes,
(5) maybe 15 minutes for purposes of reviewing the records.
(6) Mr. Barnett. Yes, approximately.
(7) Mr. Chertoff. That would take us up to sometime
(8) before 4:00; right?
(9) Mr. Barnett. Oh, Mr. Chertoff, I can't remember if it
(10) was 4:00. You're talking about 2-1/2 years ago.
(11) Mr. Chertoff. I'm just doing the math --
(12) Mr. Barnett. Do the math, but don't put times on it,
(13) please.
(14) Mr. Chertoff. As soon as you tape up the box, where
(15) did you get the tape --
(16) Mr. Barnett. Wait. You've got to slow down.
(17) Mr. Chertoff. Where did you get the tape?
(18) Mr. Barnett. I looked through the files, as I've
(19) described. I then said to Ms. Williams that I wanted to
(20) tape the box. She had to find some tape. I don't recall
(21) it being right there. I recall in my mind her having to go
(22) somewhere and get it, not a long period of time, but some
(23) period of time. I then taped the box, closed securely.
(24) Mr. Chertoff. Then what did you do?
(25) Mr. Barnett. Then we had to make arrangements to have

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(1) the box picked up. It was, as I remember, an extremely hot
(2) day. I was not interested in carrying that box out of the
(3) White House, much less the three blocks to my office. So I

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called over to my office. I believe I called twice and talked -- I don't remember if during the first call I talked to Mr. Barlow, I think I did. Mr. Barlow, who's seated to my right, Mr. Barlow is the head of our accounting department, a 20-year military veteran, a very trusted senior employee of our law firm, and I asked him -- I can't remember in the first instance, but ultimately, I got to him to make arrangements to pick up the box. Then that conversation took place.
My best recollection is then there was a second conversation a little while later where we went through the mechanism of birth date, Social Security number, what gate are you coming to, how are you going to get cleared in, where does he report, who does he see, that whole suggestion.
Mr. Chertoff. Who did you have this second discussion with?
Mr. Barnett. Mr. Barlow.
Mr. Chertoff. And you're dealing with someone on the White House side in terms of getting Mr. Barlow admitted?
Mr. Barnett. I believe at that point, again, my best recollection at that point, Ms. Williams made the

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arrangements internally through the clearance office or whatever it's called to have Mr. Barlow accessed and that involved -- or she called someone to do it. I don't really remember exactly, but that process happened and that took a few minutes.
Mr. Chertoff. And you're relating the information about Mr. Barlow's background to Ms. Williams so she can coordinate on the internal side?
Mr. Barnett. Not about his background. About his Social Security number and birth date. No, I didn't give her a biography.
Mr. Chertoff. You need to get someone cleared through. You're supplying the information to Ms. Williams.
Mr. Barnett. That's my recollection.
Mr. Chertoff. And then what happens?
Mr. Barnett. I believe we talked a little more --
Mr. Chertoff. Where were you at this point?
Mr. Barnett. Still in the same place. And then at some point thereafter I left and I believe I went over to the West Wing.
Mr. Chertoff. Now, you left before you saw Mr. Barlow?
Mr. Barnett. Mr. Barlow and I never crossed paths.
Mr. Chertoff. And what was the way you left it? Who was Mr. Barlow supposed to see in the White House in order

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to pick up the box?
Mr. Barnett. I don't remember, Mr. Chertoff. I think I arranged to have him coordinate through Ms. Williams to pick up the box, but in terms of the actual identity of the person he was supposed to see, I don't remember.
Mr. Chertoff. So you left it to Ms. Williams to maintain custody of the box and get it over to Mr. Barlow?
Mr. Barnett. Correct.
Mr. Chertoff. And then you went over to the West Wing?
Mr. Barnett. Correct.
Mr. Chertoff. To see who?
Mr. Barnett. I've obviously tried to remember this. I had several ongoing matters that I was handling for the President and the First Lady, and I could have gone over there to talk with any one of a number of people about this. My best recollection, however, is that I went over there because I hadn't seen some of the people who worked most closely with Mr. Foster since his death. And my best recollection, Mr. Chertoff, is that I wanted to go over and see how some of them were. I believe I saw some of the secretaries over there. I may have seen some of the people in the counsel's office. I remember being over in that area there where the counsel's office is. But I don't have any specific recollection of which

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individuals I saw.
Mr. Chertoff. Did you see Mr. Nussbaum?
Mr. Barnett. I don't remember seeing Mr. Nussbaum that day, but I can't rule it out.
Mr. Chertoff. Did anybody mention to you that pieces of paper had been found the day -- that had allegedly been found the day before in Mr. Foster's briefcase?
Mr. Barnett. No.
Mr. Chertoff. That subject never came up?
Mr. Barnett. Not to my recollection.
Mr. Chertoff. With any of the people you spoke to in the Counsel office?
Mr. Barnett. Not to my recollection.
Mr. Chertoff. I want to go back to your recollection of that day because when you testified here on July 7th, you had a very specific recollection of what happened. This wasn't an "I don't recall" or even a one-word answer. You gave us a lengthy narrative and I'd like to put it back up on the board. It's page 145. Again, July 7, 1995. We're going to pick up where we left off. Do you have it?
Ms. Williams. I can see it.
Mr. Chertoff. "And what did you do?
"Answer: He called someone" -- that's Mr. Barnett.
"Question: Who was that?
"Answer: I don't know his name but --

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"Question: A messenger?
"Answer: No. I think he was -- I think he was an attorney.
"Question: From Williams & Connolly and he made that call from the residence?
"Answer: Yes.
"Question: How long did it take this person to get cleared through?
"Answer: Maybe a half hour or so.
"Question: Did you wait there with Mr. Barnett while that happened?
"Answer: Yeah. I may have -- well, probably in and out. I may have gone to do something and come in. They were having a conversation. Mrs. Clinton and Mr. Barnett, but I had the key."
Is that still true, Ms. Williams?
Ms. Williams. That's my recollection.
Mr. Chertoff. "The key to the closet?
"Answer: Right.
"Question: So Mrs. Clinton and Mr. Barnett were waiting in the residence for about half an hour while this person came from Williams & Connolly; right?
"Answer: Yeah. I'd say it was about half an hour.
"Question: And then this person came in; right?
"Answer: Uh-huh.

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"Question: And then what happened?
"Answer: I got on the elevator with him. I had them -- I called somebody to get him cleared. He came to the usher's office which is where guests go. The ushers called up to the residence. I picked up the phone. They said the guy was there. I went and got him, took him up to the third floor, opened the closet and told them that was the box.
"Question: And where was Mr. Barnett and the First Lady at this time?
"Answer: They were still down on the second floor.
"Question: And what happened after this person had retrieved the box?
"Answer: I took him back down to the usher's office.
"Question: Did you stop and see Mr. Barnett or Mrs. Clinton at that point?
"Answer: No.
"Question: And that whole operation of going up to pick up the box and have this person leave took about 15 minutes?
"Answer: Yeah, if that." And then --
"Question: Did you then go back and talk to Mr. Barnett and Mrs. Clinton?
"Answer: No, I just think I did whatever else I was doing.

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"Question: You didn't arrange for Mr. Barnett to come over on that Tuesday; correct?
"Answer: I may have cleared him through.

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(4) "Question: You didn't ask him to come over?
(5) "Answer: Huh-uh."
(6) Now, Ms. Williams, is it your testimony still -- is it
(7) your testimony still that you were not with Mr. Barnett at
(8) the time that you looked through the box?
(9) Ms. Williams. I don't have a recollection of that at
(10) the time that he looked through the box.
(11) Mr. Chertoff. You were not with -- was Mr. Barnett
(12) with you on the third floor with the box as he has
(13) testified or were you up there on the third floor with the
(14) box for the first time with the messenger as you have
(15) testified?
(16) Ms. Williams. As I have testified, what I recall,
(17) what my recollection is, that when I was on the third
(18) floor, the first time I was with the messenger. That's my
(19) recollection. That's what I remember.
(20) Mr. Chertoff. And your testimony is that you went and
(21) got the messenger, took him to the third floor, opened the
(22) closet and told them that was the box. That's your
(23) testimony; correct?
(24) Ms. Williams. That's the best of my recollection.
(25) Mr. Chertoff. Now, Mr. Barlow, when you got to the

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(1) White House, and you did go to the White House; right?
(2) Mr. Barlow. Yes, sir.
(3) Mr. Chertoff. And where were you met by Ms. Williams?
(4) Mr. Barlow. As I recall, on the third floor.
(5) Mr. Chertoff. You were directed to go to the third
(6) floor?
(7) Mr. Barlow. I was put on the elevator with an escort.
(8) Mr. Chertoff. And an escort was a Secret Service
(9) officer?
(10) Mr. Barlow. No, it was a lady who met me over in the
(11) Old Executive Office Building and they escorted me over.
(12) Mr. Chertoff. What was her name?
(13) Mr. Barnett. I don't recall.
(14) Mr. Chertoff. Was it Carolyn Huber?
(15) Mr. Barlow. I don't recall.
(16) Mr. Chertoff. And when you got to the third floor,
(17) how did you get to where Ms. Williams was?
(18) Mr. Barlow. She was waiting for me when the elevator
(19) opened.
(20) Mr. Chertoff. And she took you into a room?
(21) Mr. Barlow. First, she took me on a tour.
(22) Mr. Chertoff. After the tour, she took you to a room?
(23) Mr. Barlow. Right.
(24) Mr. Chertoff. Is that right?
(25) Mr. Barlow. That's correct.

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(1) Mr. Chertoff. Actually, it must have been a pretty
(2) short tour because you were apparently in that area only
(3) about four minutes. Where was the box?
(4) Mr. Barlow. The box was locked in the closet in a
(5) small room off the elevator.
(6) Mr. Chertoff. So when you got into the room, the box
(7) was in the closet?
(8) Mr. Barlow. That's right.
(9) Mr. Chertoff. And she opened the closet?
(10) Mr. Barlow. That's right.
(11) Mr. Chertoff. And what was the condition of the box?
(12) Was it taped or was it untaped?
(13) Mr. Barlow. It was sealed up in packing tape.
(14) Mr. Chertoff. Ms. Williams, did you -- Mr. Barnett,
(15) let me ask you, when you left the box, had you taken it off
(16) the desk and put it in the closet?
(17) Mr. Barnett. That's my recollection, or it stayed in
(18) the closet. I told you, I couldn't remember if I moved it
(19) or looked at it there, but it was certainly in the closet
(20) when I left.
(21) Mr. Chertoff. But you had taped it up?
(22) Mr. Barnett. I had taped it up.
(23) Mr. Chertoff. And Mr. Barlow, your recollection is it
(24) was taped when you got there?
(25) Mr. Barlow. It was taped.

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(1) Mr. Chertoff. And Ms. Williams met you on the third
(2) floor?
(3) Mr. Barlow. That's correct.
(4) Mr. Chertoff. Let me ask you this, Mr. Barnett.
(5) Other than receiving -- you understood that the box you
(6) were receiving on this occasion were Vincent Foster files;
(7) is that correct?
(8) Mr. Barnett. That is not correct.
(9) Mr. Chertoff. You knew they came from Mr. Foster's
(10) office?
(11) Mr. Barnett. Mr. Chertoff, you're making assumptions
(12) in your question that are unwarranted.
(13) Mr. Chertoff. What was your understanding?
(14) Mr. Barnett. I was asked to take over a variety of
(15) personal legal matters for the President and the First
(16) Lady. I had been doing some, and I was asked to do more.
(17) I came over to secure files relevant to carrying out that
(18) work. I was not knowledgeable about where they came from,
(19) how they got there or specifically what they were. It was
(20) certainly my understanding that not all of these but some
(21) of these were from Mr. Foster's office, but I was not on
(22) notice, if you will, that they were from Mr. Foster's
(23) office or where they were from. I was simply on notice
(24) that they were the files relevant to the work I was being
(25) asked to carry out.

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(1) Mr. Chertoff. Well, there were files there that were
(2) related to Whitewater. Was it your understanding that --
(3) Mr. Barnett. No, Mr. Chertoff. There was one file
(4) that had a label on it that said Whitewater.
(5) Mr. Chertoff. And there were other files there that
(6) dealt with tax issues that mentioned Whitewater; is that
(7) correct?
(8) Mr. Barnett. That is correct.
(9) Mr. Chertoff. Is it your testimony that when you
(10) picked up the box it was not your understanding that there
(11) were Vincent Foster -- that these were files that had come
(12) from Vincent Foster's --
(13) Mr. Barnett. You're not listening to my answer. It
(14) was certainly my understanding that some of those files
(15) came from Vincent Foster's office, but it was not my
(16) understanding that all those files came from Vincent
(17) Foster's office.
(18) Mr. Chertoff. So you had the belief that some of the
(19) files may have come from elsewhere?
(20) Mr. Barnett. I didn't really know. I just knew that
(21) I was being asked to carry out some legal tasks and that
(22) these were the files that were relevant to those tasks.
(23) Mr. Chertoff. Other than this occasion, was there any
(24) occasion before or afterward that your law firm received
(25) files that you were told or was indicated to you came from

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(1) the late Vincent Foster's files?
(2) Mr. Barnett. During the course of my involvement with
(3) these matters, before Mr. Kendall took over from my law
(4) firm, there was one other occasion that I can recall, and
(5) it occurred on that very day. And I'd be happy to describe
(6) it if you'd like.
(7) Mr. Chertoff. When you say "that very day," you mean
(8) July 27th?
(9) Mr. Barnett. 1993, correct.
(10) Mr. Chertoff. The same day you picked up the box?
(11) Mr. Barnett. Correct.
(12) Mr. Chertoff. Tell us about that.
(13) Mr. Barnett. When I was over in the West Wing, one of
(14) the secretaries -- I don't really remember which one --
(15) gave me a file, it was bright green, told me that it was a
(16) file -- I believe she described it as intransit or in the
(17) process or being processed, some words to that effect, at
(18) the time of Mr. Foster's death. That file was given to me
(19) with the individual saying to me that she understood that I
(20) would be handling those personal legal matters that
(21) Mr. Foster had been involved in and that that file would
(22) properly therefore be transferred to me.
(23) Mr. Chertoff. What was in this intransit file?
(24) Mr. Barnett. My best recollection what was in that
(25) file were some amendments to either/or the blind trust or

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(1) the financial disclosure forms or both. My understanding
(2) [illegible] $100,000 denomination bonds belonging
(3) to the Clintons' daughter had been found and that there was

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(4) a need therefore to amend certain disclosure blind trust as
(5) a result. They had not been prepared by me. My
(6) recollection is they had been prepared by Mr. Brant Buck of
(7) the Rose Law Firm, and they were sent up. They had, as I
(8) remember tab – sign here tabs – I'm sure you're familiar
(9) with those – and there were some backup materials related
(10) to that. But you've seen the files, so you know what's in
(11) it.
(12) Mr. Chertoff. Did your firm receive other than that
(13) one additional file any other documents that you understood
(14) to be coming from the late Vincent Foster's files?
(15) Mr. Barnett. During the time I was involved, I recall
(16) no such transfer of files.
(17) Mr. Chertoff. When did you stop being involved?
(18) Mr. Barnett. I stopped being involved in the fall of
(19) 1993.
(20) Mr. Chertoff. To your knowledge, even after you've
(21) been involved, from any other source, do you know whether
(22) Mr. Kendall received files from Vincent Foster's office
(23) relating to Madison Guaranty?
(24) Mr. Barnett. Mr. Chertoff, I have no idea. You have
(25) to address that question to others. I wasn't involved and

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(1) therefore I didn't know.
(2) Mr. Chertoff. Well, I'd like to just close this up.
(3) I'd like to put up and give to you a letter we have dated
(4) November 22, 1993 where Mr. Kendall from your firm who's
(5) sitting behind you, we're going to put it up on the Elmo
(6) and hand it out, transmits to the Rose Law Firm three file
(7) folders labeled "Madison Guaranty Limited Partnership,"
(8) "Madison Guaranty net worth preferred stock offering" and
(9) "Madison Guaranty preferred stock offering corporate,
(10) which were among the late Vincent Foster's files. They
(11) appear to be files of Rose Law Firm documents. I thought
(12) it most appropriate to transmit them to you for retention
(13) and storage."
(14) I want to ask you two questions, Mr. Barnett. How is
(15) it that Mr. Foster was keeping in his possession files
(16) relating to Madison Guaranty which was not a matter, to my
(17) understanding, was an ongoing issue that your firm or he
(18) was working on with respect to the Clintons?
(19) Mr. Barnett. Mr. Chertoff, I'm afraid that question
(20) is best addressed to Mr. Foster, and he is not here to
(21) answer it. I don't have an answer.
(22) Mr. Chertoff. You don't know how it is he had those
(23) files?
(24) Mr. Barnett. I have no – let me finish – I have no
(25) knowledge of if or how he had those files.

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(1) Mr. Chertoff. How did those files, which were among
(2) the late Vincent Foster's files, get into the possession of
(3) your law firm?
(4) Mr. Barnett. They did not come to the possession of
(5) my law firm while I was involved in these matters, so
(6) you'll have to ask others that question because I don't
(7) have an answer.
(8) Mr. Chertoff. I see Mr. Kendall is behind you. He's
(9) the signatory of the letter. I know you're an agent for
(10) the firm. I don't know whether Mr. Kendall can enlighten
(11) us on this.
(12) Chairman D'Amato. Well, we'll take up the question
(13) whether or not Mr. Kendall –
(14) Mr. Chertoff. You don't know about this?
(15) Mr. Barnett. What's "this"?
(16) Mr. Chertoff. You don't know about these Madison
(17) files that were contained among the late Vincent Foster's
(18) files and transmitted on November 27?
(19) Mr. Barnett. I am familiar with the fact that these
(20) files were transferred to the Rose Law Firm.
(21) Mr. Chertoff. How are you familiar with that?
(22) Mr. Barnett. From hearing it at around the firm but I
(23) was not personally involved, so I don't really have
(24) personal knowledge of it. But I am familiar with the fact
(25) that files were transferred back to the Rose Law Firm.

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(1) Mr. Chertoff. I was almost led astray here because
(2) we're not in court, so the rules about hearsay and personal
(3) knowledge don't apply.
(4) Mr. Barnett. I understand that, but I'm also trying
(5) to be accurate and to tell you that I was not involved in
(6) the receipt of those files –
(7) Chairman D'Amato. Let me ask a question. Did there
(8) come a time, Mr. Barnett, that you became aware of the
(9) transfer of these files, the files in question as outlined
(10) in this letter?
(11) Mr. Barnett. I believe, Mr. Chairman, there came a
(12) time when I was familiar with the fact that Mr. Kendall
(13) transmitted those files to the Rose Law Firm, yes.
(14) Chairman D'Amato. When was that? Was it before the
(15) transfer?
(16) Mr. Barnett. It probably was right around this date,
(17) Mr. Chairman. I don't remember specifically.
(18) Chairman D'Amato. In other words, you were made aware
(19) of the fact prior to this transmittal letter that these
(20) files were transferred?
(21) Mr. Barnett. No, I'm not sure that it was prior,
(22) Mr. Chairman. I'm honestly not. It may have been after
(23) the fact. I remember hearing this – I remember hearing
(24) this incident, but I don't have any specific recollection
(25) of it.

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(1) Chairman D'Amato. Mr. Chertoff, are you about to wrap
(2) it up?
(3) Mr. Chertoff. Yes. I was going to ask Mr. Barnett,
(4) from what you heard, where did these files come from? How
(5) did they come to your law firm?
(6) Mr. Barnett. My best recollection is that they came
(7) to our law firm from Mr. Hubbell, but I could be mistaken
(8) on that. That's my best recollection.
(9) Mr. Chertoff. Do you know how it is Mr. Hubbell would
(10) have had a set of Madison folders that were in the late
(11) Vincent Foster's files?
(12) Mr. Barnett. No.
(13) Mr. Chertoff. I think my time is up, Mr. Chairman.
(14) Chairman D'Amato. Okay. Senator Sarbanes.
(15) Senator Sarbanes. I yield to Mr. Ben-Veniste.
(16) Chairman D'Amato. Mr. Ben-Veniste.
(17) Mr. Ben-Veniste. Ms. Williams, let me ask you this:
(18) Is it correct that you discussed with Mr. Barnett at some
(19) point prior to the 27th the fact that there were files that
(20) you wanted to get over to him?
(21) Ms. Williams. Yes, that's correct.
(22) Mr. Ben-Veniste. And to put into context
(23) Mr. Chertoff's questions about the conversations on the
(24) 27th themselves, I believe you had testified that the
(25) subject came up while you were having a conversation with

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(1) Mr. Barnett in the airport, either going to or coming back
(2) from Little Rock in connection with the funeral?
(3) Ms. Williams. I remember having – I believe I had a
(4) conversation with Mr. Barnett in the airport. I think it
(5) was after the funeral where – I don't have an absolutely
(6) specific recollection at this moment, but I believe that we
(7) talked about getting the files to his office at some point.
(8) Mr. Ben-Veniste. And that would have been on the 24th
(9) of July?
(10) Ms. Williams. If that was Friday, yeah, the 24th.
(11) Mr. Ben-Veniste. Let's talk for a moment about,
(12) Mr. Barnett, the interesting subject of taping the box and
(13) transmitting it through – with the help of Mr. Barlow back
(14) to your law firm. Is it correct that, to your knowledge,
(15) everything that was in the box when you looked at it went
(16) over to your law firm?
(17) Mr. Barnett. Are you talking to me, Mr. Ben-Veniste?
(18) Mr. Ben-Veniste. Yes, I am.
(19) Mr. Barnett. I'm sorry. I put everything that I saw
(20) in the box back in the box. I taped the box and when it
(21) was delivered to my possession at the law firm, it was
(22) still taped.
(23) Mr. Ben-Veniste. So as far as you were concerned,
(24) despite all these electronic records or other records of
(25) who went where, at what time, you went over there to get a

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(1) box, you saw the box, you looked in the box, you taped the
(2) box, you sent it back to your law firm?
(3) Mr. Barnett. That is correct.

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(4) Mr. Ben-Veniste. Now, is it also correct, to your
(5) knowledge, because I know -- let's clear this up -- at some
(6) point, you determined that you would not continue on or
(7) could not continue on in the representation for personal
(8) reasons; is that correct?
(9) Mr. Barnett. That is correct.
(10) Mr. Ben-Veniste. And Mr. Kendall took over?
(11) Mr. Barnett. Yes, I should explain lest it sound like
(12) something nefarious. My wife was assigned to a position
(13) where she would be covering the White House, and I wished
(14) to avoid any appearance of conflict. Let me stress there
(15) would have been no conflict. I do not discuss client
(16) matters with her, and she sure doesn't check her stories
(17) with me, but we did not want any appearance and therefore,
(18) we thought it best that although my law firm would continue
(19) the representation, I would not personally do so as to
(20) these matters.
(21) Mr. Ben-Veniste. And your --
(22) Mr. Barnett. As to these matters.
(23) Mr. Ben-Veniste. Your wife is a network journalist?
(24) Mr. Barnett. That is correct, as to these matters.
(25) Mr. Ben-Veniste. And to avoid the appearance of any

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(1) conflict or possible conflict of interest, you thought it
(2) best to step aside?
(3) Mr. Barnett. I thought it best not to handle these
(4) matters for the President or the First Lady because of the
(5) potential for an appearance of conflict.
(6) Mr. Ben-Veniste. With respect to this green file that
(7) you've mentioned, would it be fair to say that what
(8) occurred was that somebody handed you a file that was
(9) en route to be either signed by Mr. and Mrs. Clinton and
(10) that had to do with personal estate planning matters?
(11) Mr. Barnett. I don't think it was estate planning
(12) matters. I believe it was an amendment to either a
(13) disclosure or a blind trust or both. It was that form, but
(14) otherwise, your question is accurate.
(15) Mr. Ben-Veniste. And nothing inappropriate with your
(16) taking charge of that matter at the point that you received
(17) the material?
(18) Mr. Barnett. Inappropriate? Tell me more.
(19) Mr. Ben-Veniste. Was there anything inappropriate, in
(20) your view, with your taking charge of that?
(21) Mr. Barnett. No. I thought that it was within the
(22) jurisdiction that I was assuming and indeed, back at my
(23) office, I placed that green file in the box, so it could
(24) continue in a safekeeping mode.
(25) Mr. Ben-Veniste. And of course, this committee,

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(1) Mr. Chertoff and I have reviewed that file?
(2) Mr. Barnett. You have reviewed, my understanding is
(3) from Mr. Kendall, that file and all the files in the box as
(4) appropriate despite --
(5) Mr. Ben-Veniste. There's nothing nefarious, no
(6) smoking gun in that file, we reviewed it?
(7) Mr. Barnett. In the green file?
(8) Mr. Ben-Veniste. Yes.
(9) Mr. Barnett. Hardly. If I had been, I dare say you
(10) would have pointed it out.
(11) Mr. Ben-Veniste. In connection with the other
(12) materials that were transmitted by you, taped up, sent over
(13) to your law firm, this committee, indeed, Mr. Chertoff and
(14) I have had the opportunity to review those materials.
(15) Mr. Barnett. That is my understanding.
(16) Mr. Ben-Veniste. Now, Ms. Blair, no one has sought to
(17) ask you any questions. You have been requested to come
(18) here. I don't know whether anyone communicated that fact
(19) to you, but the request has gone over the airwaves and here
(20) you are. So let me ask you whether you have any knowledge
(21) at all of any of the things that have been discussed this
(22) morning?
(23) Ms. Blair. No, sir.
(24) Mr. Ben-Veniste. You happened to be in Washington and
(25) a guest at the residence on the evening of the 27th; is

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(1) that correct, Ms. Blair?
(2) Ms. Blair. That is correct.
(3) Mr. Ben-Veniste. We have had no opportunity to take
(4) your deposition or do any preparation for this, and you and
(5) I have not spoken before; is that correct?
(6) Ms. Blair. That is correct.
(7) Mr. Ben-Veniste. You were in Washington on other
(8) business?
(9) Ms. Blair. Yes, sir. I was -- I had been nominated
(10) by the President for the board of the Corporation for
(11) Public Broadcasting. As you know, it is customary to make
(12) courtesy calls on members of the Senate committee that will
(13) be holding the confirmation hearing. So some weeks
(14) previously, I had set up a series of appointments with
(15) those Senators who were interested in a courtesy call. I
(16) had appointments that day with Senator Stephens and with
(17) Senator Conrad Burns and I was a guest at the residence.
(18) But I had -- it was pure happenstance that I happened to be
(19) in Washington.
(20) Mr. Ben-Veniste. What is your background?
(21) Ms. Blair. I'm a teacher of political science at the
(22) University of Arkansas.
(23) Mr. Ben-Veniste. You're a university teacher?
(24) Ms. Blair. That's right.
(25) Mr. Ben-Veniste. And you were appointed to the board?

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(1) Ms. Blair. Correct.
(2) Mr. Ben-Veniste. And the records diligently kept by
(3) the security people at the White House reflect that you
(4) entered the third floor where I presume you were staying in
(5) a guest room at some point after 4:00 on the 27th. Did you
(6) happen to see Mr. Barnett looking through a box of
(7) documents?
(8) Ms. Blair. No, sir, I did not.
(9) Mr. Ben-Veniste. Or Ms. Williams talking to
(10) Mr. Barnett or any other such thing?
(11) Ms. Blair. No, sir. I don't have any recollection of
(12) seeing any of these people. Certainly I saw no boxes, no
(13) documents.
(14) Mr. Ben-Veniste. I have no further questions. We'll
(15) yield back our time, Mr. Chairman.
(16) Chairman D'Amato. Senator Faircloth.
(17) Senator Faircloth. Thank you, Mr. Chairman.
(18) Ms. Williams, just to refresh, and we can go back in this
(19) deposition as far as you want, but we'll pick up on the
(20) question "and how did you come to see Mr. Barnett?" Before
(21) that, we discussed it was Tuesday and the 27th of July.
(22) But the question we need to start with you is "and how
(23) did you come to see Mr. Barnett?" You said "he had come to
(24) see Mrs. Clinton.
(25) "Question: About what?

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(1) "Answer: I don't know" was your answer.
(2) "Question: He was in the residence?
(3) "Answer: Yeah, he was in the residence.
(4) "Question: And you were called?
(5) "Answer: No. I had come up to the residence for
(6) something else.
(7) "Question: And you bumped into him?
(8) "Answer: Yeah, I saw him. And he said, you know
(9) what? It would make sense to get those documents over to
(10) the office."
(11) The question was he had come to see Mrs. Clinton was
(12) your direct statement. Now, Ms. Williams, the real
(13) question is this. The White House says, according to The
(14) Washington Post and others, that Mrs. Clinton did not see
(15) Mr. Barnett, never examined the contents of the documents
(16) and Mr. Barnett said he was at the White House specifically
(17) to meet with you.
(18) Now, what I would like to know, if it would be
(19) possible to get it in these hearings, who is telling the
(20) truth, you or Mrs. Clinton? Who was in the White House
(21) residency that day to meet Mr. Barnett? Was it you or was
(22) it Mrs. Clinton? Would you just give me a yes or no, just
(23) a brief answer?
(24) Ms. Williams. Mr. Chairman, I believe I can give my
(25) answer in whatever way I want to or am I -- or do I just

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(1) have to say yes or no?
(2) Chairman D'Amato. No, no.
(3) Senator Faircloth. Go ahead and answer.

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(4) Chairman D'Amato. You can answer. Go ahead.
(5) Ms. Williams. Thank you. First of all, as I said, it
(6) is my recollection, because I had come to the residence 20
(7) minutes after Mr. Barnett was there, that I saw -- it is my
(8) recollection that I saw Mrs. Clinton chatting with
(9) Mr. Barnett. That's my recollection.
(10) Senator Faircloth. She says that she didn't see him,
(11) but you say she did.
(12) Ms. Williams. Well, it was two years ago. I am in
(13) and out of that residence nearly every day for something or
(14) the other. Sometimes I see Mrs. Clinton. Sometimes I do
(15) not. So it is a case of our recollections.
(16) Senator Faircloth. The White House says that
(17) Mrs. Clinton did not review the contents of the documents.
(18) Mr. Barnett says that only two of you reviewed the
(19) documents. According to your story, you, Hillary Clinton,
(20) and Bob Barnett were all there waiting for the courier to
(21) arrive and get the documents. This would sort of suggest
(22) that all three of you did review again -- if you were in a
(23) room with Mr. Bob Barnett, Hillary Clinton and yourself and
(24) you're telling me you can't remember that?
(25) Ms. Williams. Senator Faircloth, with all due

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(1) respect, let me remind you that I'm Mrs. Clinton's chief of
(2) staff. I probably see her more hours of the day than any
(3) other person besides the President, her husband and
(4) Chelsea, their daughter. I see her constantly. So while I
(5) do understand that for many Americans, the idea that seeing
(6) Mrs. Clinton would be an extraordinary experience, for me,
(7) it was a part of my job and I do not remember every single
(8) time I have seen her.
(9) Senator Faircloth. How about Mr. Barnett, is seeing
(10) him a regular part of your job?
(11) Ms. Williams. I have seen Mr. Barnett on a number of
(12) occasions. Mr. Barnett and I are friends. We're social
(13) friends. We see each other at dinner. We see each other
(14) at lunch. I see Mr. Barnett quite a bit.
(15) Senator Faircloth. Ms. Williams, according to your
(16) story on this Tuesday, July the 27th, it took a courier 30
(17) minutes to get to the White House and get clearance to come
(18) up to the residence, not a place visited by many people.
(19) Yet, in your deposition, you said the reason you didn't get
(20) the documents to Mr. Barnett on Thursday, July the 22nd,
(21) was that it was late. By this time, I believe it was 5:50
(22) or 6:00 and you were tired. For that reason, you put them
(23) in the residence.
(24) Senator Sarbanes. What page and date are we at?
(25) Senator Faircloth. That would be page 97.

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(1) Senator Sarbanes. What date?
(2) Senator Faircloth. July the 7th.
(3) Senator Sarbanes. Thank you.
(4) Senator Faircloth. We have records that suggest you
(5) didn't take the documents over to the second floor until
(6) 7:30 that night. In other words, you said you were too
(7) tired at 5:50 or 6:00, but you didn't take them up until
(8) 7:30. It seems -- it would just seem practical if the
(9) courier could get there in 30 minutes and get the records
(10) from the second floor, they surely could have gotten the
(11) documents from your office and up in that length of time.
(12) But my question is this: Given the above, is it still
(13) your story that it was your idea to put the documents in
(14) the residence that day because it was late, and you were
(15) tired, and it was going to take a courier a long time, or
(16) is it the truth that Mrs. Clinton's desire that they be
(17) moved to the White House so she could review them before
(18) they went to Bob Barnett?
(19) Ms. Williams. My recollection is that it was my idea
(20) to move the documents to the residence. I was tired that
(21) evening. The next day was Mr. Foster's funeral. I do not
(22) know what happened to me between the time I got documents
(23) over to the second floor. I think that many of us would
(24) agree that the best laid plans are not often the ones that
(25) are carried out. I don't know what happened. I could have

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(1) been stopped in my office by something. I could have had
(2) another emergency to come up. It could have been on the
(3) phone. You know, I make no apologies, but as I recall, I
(4) was very tired, and I did not want to wait, and it was
(5) because of that that I put into play moving the documents
(6) to the residence that evening.
(7) Senator Faircloth. All right. You have also
(8) suggested that that same day, because calls were made
(9) shortly before 1:00 p.m. from your house to the First Lady,
(10) that maybe you didn't come into work until late Friday,
(11) later that day because your first appointment was in the
(12) afternoon, that you maybe came in late and the reason you
(13) were making the calls at 1:00 from your house.
(14) Now, the next thing is there are records suggesting
(15) that you came in at 8:00 that morning. So if you came in
(16) at 1:00, why were you so tired at 5:50? When did you come
(17) to work that day?
(18) Ms. Williams. I don't recall what time I came to work
(19) that day. I live very close to the White House. It was
(20) two years ago. It's not unusual for me to go back home
(21) during the day to go pick up my cleaning, to go throw
(22) clothes in the washer, to do any number of things that I
(23) don't have a chance to do because I work very early hours
(24) and I also work very late hours.
(25) Senator Faircloth. You made the phone calls from your

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(1) home to the First Lady because you were at home?
(2) Ms. Williams. Uh-huh.
(3) Senator Faircloth. And if that was the case, you
(4) couldn't have been too tired later that afternoon because
(5) then you didn't get back to work until after 1:00 p.m. And
(6) so you purposely took the documents to the residence, not
(7) because you were too tired to wait for a courier.
(8) Mr. Barnett.
(9) Mr. Barnett. Yes, Senator.
(10) Senator Faircloth. David Kendall's letter to the
(11) committee states that the first time you discussed these
(12) files with Mrs. Clinton was on August the 6th?
(13) Mr. Barnett. Correct.
(14) Senator Faircloth. What happened on this day to make
(15) your recollection so precise that it was the nature of your
(16) discussion with Mrs. Clinton, and what was the nature of
(17) your discussion with Mrs. Clinton?
(18) Mr. Barnett. Before I answer that, may I correct
(19) three errors in one of the questions that you proposed to
(20) Ms. Williams, please?
(21) Senator Faircloth. Yes.
(22) Mr. Barnett. I see that we sometimes have to --
(23) Chairman D'Amato. Mr. Barnett, you can answer the
(24) question.
(25) Mr. Barnett. Thank you, Senator. In your first

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(1) question, Senator, to Ms. Williams, you read a portion of a
(2) quotation that I think you said was from The Washington
(3) Post in turn quoting Mr. Kendall's letter. Please note
(4) that the full letter, in fairness, does say and my
(5) testimony was earlier in answer to Mr. Chertoff, he cannot
(6) rule out that possibility. It is my best recollection that
(7) I did not see Mrs. Clinton on that day, but I cannot 2-1/2
(8) years later rule out that possibility. So I want to repeat
(9) that.
(10) Second, there was some suggestion -- and I think this
(11) was probably unintentional, but I think the record has to
(12) be clear. There was some suggestion, maybe it was
(13) inadvertent, that Mrs. Clinton was somehow there at the
(14) time I was undergoing these events that Mr. Chertoff asked
(15) me about, looking at the box and all. She was not there.
(16) I want that to be very clear.
(17) Third, there seemed to be some suggestion -- and again
(18) it may have been inadvertent -- that Ms. Williams was doing
(19) the review or participating in the review of those files,
(20) as brief as it was. I want to again make the record clear
(21) it was my review. So please allow me to make those
(22) corrections.
(23) Now, let me answer your question, if I may, if you
(24) would like me to.
(25) Senator Faircloth. Go ahead and answer the question.

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(1) How do you know it was August the 6th? What happened?
(2) Mr. Barnett. I'd be happy to explain. I took
(3) over these matters following the death of Mr. Foster and

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(4) the funeral of Mr. Foster. I was being asked as an
(5) attorney who takes his responsibilities very seriously to
(6) undertake matters for some individuals who were current
(7) clients of mine, friends of mine and who also happened to
(8) be the President of the United States and the First Lady.
(9) I took that very seriously.
(10) So upon getting back to my office, I reviewed those
(11) files, page by page, read every file, indexed every page
(12) and kept them in a completely secure environment throughout
(13) the whole time. I also listed off for myself not only the
(14) matters that were reflected in the files, but also matters
(15) that I either was doing at that time or I knew might need
(16) to be done, and I had a meeting with Mrs. Clinton on August
(17) 6th to review what I'll call all pending matters. I know
(18) that took place that day because it's on my calendar.
(19) Senator Faircloth. It was on your calendar. Okay.
(20) Mr. Chairman, this is the third time that we've had
(21) Ms. Williams before us. And each time, it has been my view
(22) that she has not told us the truth or her memory has been
(23) selectively weak. Now, she's the chief of staff to the
(24) First Lady and assistant to the President. And I simply
(25) don't think that anyone that holds these positions should

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(1) come before a Senate committee and in my opinion, lie to us
(2) and simply go on as if nothing had happened. I personally
(3) think that Ms. Williams should resign from the White House
(4) and it is somewhat of an effrontery to the Committee that
(5) she does not.
(6) Mr. Altman and Ms. Hanson resigned for misleading this
(7) committee, and I think Ms. Williams should do the same
(8) thing. And I still bring back – we keep crossing back
(9) what Ms. Williams said and what Mrs. Clinton said in the
(10) telephone calls from the plane and everywhere, I think when
(11) we get to the bottom of this, we will get that when
(12) Mrs. Clinton appears before us.
(13) Chairman D'Amato. Senator, thank you. Senator
(14) Sarbanes.
(15) Senator Dodd. Mr. Chairman, just on that point, first
(16) of all, with all due respect to my colleague from North
(17) Carolina, we're talking about events here that go back
(18) several years. I've made this point earlier to my
(19) colleagues, and I think many of them agree and accept this,
(20) to expect the kind of detailed recall – I think
(21) Ms. Williams made the point, and I think all of us can
(22) appreciate this, that she is not a tourist at the White
(23) House. She is the closest person that works with the First
(24) Lady and sees her all the time. And to expect anyone to go
(25) back that amount of time, knowing full well that each and

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(1) every one of us here on this Committee, having been asked
(2) in the past by others to describe where we were even a week
(3) or two or three ago and whom we met and exactly what we
(4) said, I think can appreciate how difficult that can be.
(5) Now, it's one thing to disagree with what Ms. Williams
(6) has said, but to call her a liar I think is wrong. That's
(7) just wrong. We shouldn't be engaging in that. She's given
(8) her testimony. She's a sworn witness. She has given us
(9) her best recollection. Members certainly have the right to
(10) disagree with her recollection or believe that such but to
(11) call people a liar I don't think really helps in the
(12) conduct of the Committee's business.
(13) Ms. Williams. Senator Dodd –
(14) Senator Dodd. It just seems to me, Mr. Chairman, I
(15) hope we kind of stay away from that. We've been trying to
(16) do that here, and calling for people's resignations is a
(17) good way of getting a headline, but this Committee has
(18) serious work to do. We've asked these people to come
(19) before us. Ms. Williams has testified on three occasions
(20) now going back over this ground and again, I don't know of
(21) a single member of Congress who could recall with any
(22) clarity events that go back even weeks ago, let alone years
(23) ago, and so I would hope that we could stay away from that
(24) kind of personal invective. It doesn't serve us well as a
(25) committee.

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(1) Ms. Williams. Senator Dodd, I appreciate you saying
(2) that. Senator Faircloth, Chairman D'Amato, this Committee
(3) I serve at the pleasure of the President. I do not intend
(4) to resign until I am ready to resign. And so further
(5) discussion of this really, in my opinion, serves no real
(6) purpose.
(7) Senator Faircloth. Mr. Chairman –
(8) Chairman D'Amato. Senator.
(9) Senator Faircloth. – we've sat here and listened to
(10) this vague –
(11) Chairman D'Amato. Let me say this, Senator. This is
(12) Senator Sarbanes's time and I will give you an opportunity
(13) when we come back unless the Senator wants to yield and
(14) certainly we'll hold and credit his time, take the clock
(15) off, if you do.
(16) Senator Faircloth. I just wanted to reply to Senator
(17) Dodd very briefly.
(18) Senator Sarbanes. Certainly.
(19) This won't be off our time?
(20) Chairman D'Amato. No.
(21) Senator Faircloth. We sat here for three sessions
(22) with Ms. Williams and listened to this convoluted,
(23) inaccurate, floating testimony. Now, Ms. Williams, as we
(24) have said, is an assistant to the President. She's
(25) administrative assistant to the First Lady –

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(1) Ms. Williams. I'm chief of staff to the First Lady.
(2) Senator Faircloth. Chief of staff, whatever. But it
(3) is time that a person holding that position should give
(4) direct, clean and clear testimony to this Committee and not
(5) this drifting, floating, convoluted stuff that we've been
(6) putting up with for three sessions. And if that doesn't
(7) lead you to the conclusions that I have drawn about
(8) Ms. Williams's testimony, I don't know what it would take
(9) to lead you to that conclusion.
(10) Senator Dodd. I can just say to my colleague, I think
(11) my colleague drew his conclusions before this Committee
(12) hearing even got underway, with all due respect. Members
(13) do that. That's their right to do that. I don't challenge
(14) that, but my colleague from North Carolina from the very
(15) beginning has held a point of view about all of this.
(16) That's his right to do that. But I don't think attacking
(17) witnesses, labeling them liars and so forth really is what
(18) we ought to be about here.
(19) We've got a job to try and find out what happened.
(20) The Congress has asked us to do it, an overwhelming vote by
(21) our members and we ought to go about the business of doing
(22) that and our witnesses, I think, have done the best they
(23) can. Again, my colleague, some of whom here will believe
(24) they haven't done the best they can and I presume those
(25) views will be reflected in a committee report along the way

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(1) but I don't think we do ourselves or this institution or
(2) this process any good by maligning witnesses. We can
(3) disagree with them, draw whatever conclusions we may, but I
(4) would just, again, repeat what I said a moment ago, I would
(5) hope that we stay away from that kind of talk. It doesn't
(6) do ourselves, the institution, this Committee any good at
(7) all, in my view, and so again, certainly it's not going to
(8) be unique for members to draw conclusions before a
(9) committee hearing begins about what they want to get out of
(10) it and certainly our colleague from North Carolina won't be
(11) the first person to do that nor is he the only person on
(12) that side of the aisle ever to have done it. I've seen it
(13) over the years.
(14) But again, my hope would be that we bring our
(15) witnesses in, ask them the questions. They're sworn
(16) witnesses. They know full well when they're testifying,
(17) having raised their right hand, that they have an
(18) obligation to fulfill here. But again, I don't think it's
(19) extraordinary at all for someone to not recall in vivid
(20) detail events that transpired several years ago in the
(21) midst of a very emotional event, a person who was very
(22) close to many of the people who have been before us who
(23) took his own life and events immediately surrounding that
(24) particular event, it seems to me it would – a normal
(25) person, I think, would anticipate the reactions we've heard

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(1) here, not to recall with the kind of detail that I've
(2) suggested. Because of the emotional content of such an
(3) event.

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(4) Again, Mr. Chairman, I want to make the case here, I
(5) would hope we can stay away from that kind of language, ask
(6) the questions and move along here. And I'll yield back my
(7) time to Senator Simon.
(8) Senator Simon. Mr. President, Mr. Chairman, I've
(9) mentioned this before. One of the things that has changed
(10) in this body in my 21 years here is we have become
(11) excessively partisan, and we're going out after every
(12) little minute thing that someone on the other side has
(13) made. I frankly feel uneasy with some of the Newt Gingrich
(14) attacks on the other side of this body. Do I differ with
(15) Newt Gingrich on a lot of things? Absolutely. But we have
(16) to use some civility around here, and I think this
(17) Committee is going after -- Ms. Williams, you testified, I
(18) asked you the question how much you had in legal fees the
(19) first time you testified. This is the third time, and at
(20) that point you said $141,000. I don't know where she gets
(21) that kind of money. And that she should be --
(22) inconsistency, I say to my friend from North Carolina about
(23) something that happened 2-1/2 years ago. If you start
(24) questioning me about what happened three weeks ago, where I
(25) was for dinner three weeks ago, I don't have the foggiest

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(1) idea where I was for dinner three weeks ago, what time it
(2) started and so forth.
(3) So far, this Committee -- and I don't mean this
(4) disrespectfully to you, Mr. Chairman -- but I think we've
(5) dug more dry holes than a bankrupt oil company. And we
(6) keep going until finally we're going to find someone who
(7) somewhere violated some technicality in the law. We ought
(8) to stop this on both sides of the aisle. Our business is
(9) lawmaking for the country, determining national policy.
(10) My staff just handed me a Newsweek story where there's
(11) a story about your -- Ms. Williams, your evasions and
(12) inconsistencies. Of course there are inconsistencies. Of
(13) course she can't remember everything. And then it quotes a
(14) staff member, "we're going to crush her," says one
(15) committee staffer. We have more important business than
(16) crushing a staff member around here. And it doesn't
(17) reflect favorably on us when we do that kind of thing. I
(18) hope, whatever we're going to do in this Committee, I hope
(19) we get on with it, get it over with, and then start talking
(20) about what we do in this nation that we ought to be
(21) spending our time on.
(22) And again, I don't mean that disrespectfully to you,
(23) Mr. Chairman, or my colleague from North Carolina, but I
(24) feel very uneasy about what we're doing here. Thank you.
(25) Chairman D'Amato. Senator, I'm only going to take

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(1) this opportunity to say that I feel very uncomfortable at
(2) times, and that is not due to the fact of any animus that I
(3) have. Indeed, I have great sympathy for many of the people
(4) who are called before this Committee personally, great
(5) sympathy.
(6) But I have to make this observation that I do believe
(7) that there has been, that there has been -- and if one
(8) looks at the record carefully -- one can detect a clear
(9) pattern of faulty recollection that goes beyond that which
(10) the Senator has quite properly alluded to, that which no
(11) ordinary person could be expected to recall two nights ago,
(12) last week, where did you have dinner, who did you have it
(13) with. I mean, it's ridiculous.
(14) It's just -- but I tell you that when we look
(15) carefully as it relates to activities, conscious
(16) activities, et cetera, when people are given the
(17) opportunity to refresh their recollection or memorandums --
(18) I mean, when a person has a memorandum and can't recall
the
(19) events and there's testimony from other people that
(20) comports with the memorandum that that person took
(21) himself -- the diary or notes that he took and a feigning,
(22) I would have to suggest at that point it is disingenuous
(23) and not correct or to think -- or to come up with a
(24) conclusion that this is a deliberate kind of situation.
(25) You see, there has been a pattern.

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(1) Do I have empathy for the individuals themselves, yes,
(2) I do. Do I expect them to have total recall on all events,
(3) no, I don't. But it is that which has created a feeling
(4) among many on the Committee that the witnesses or a number
(5) of them have not been forthcoming, particularly, again when
(6) you measure that again -- and I've had them turn off the
(7) clock because I know you still have some time --
(8) particularly when you measure it against a very clear
(9) testimony by the Justice Department people.
(10) I give you an example and then stack it up against
(11) some of the others who have no recall, who don't recall at
(12) all the events that they are quoted as having done or
(13) undertaken, significant events, significant. I have -- for
(14) somebody to suggest, for example, let me tell you that they
(15) did not -- or they do not recall something so important as
(16) saying there are pieces of paper in a brief bag and the
(17) brief bag belonging to Vincent Foster and a young attorney
(18) there, an attorney for Mr. Foster recalls vividly and you
(19) bolster that with testimony from the secretaries, and then
(20) you look at the fact that when, again, when the chief
(21) counsel found that out, he grilled her.
(22) It doesn't square up and I'd have to tell you I'd ask
(23) any member of that panel if they would not have looked into
(24) that brief bag after that had been brought to their
(25) attention, and that's why I have to tell you, when I hear

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(1) some of this testimony given where there is corroboration
(2) given, and not an incidental issue. Let me tell you
(3) whether or not Maggie Williams saw Mr. Barnett at a
(4) particular time and particular place, we understand that
(5) you can't have total recall on this thing, but there are
(6) other episodes, et cetera, that this Senator has a
(7) difficult time in accepting in terms of saying I don't
(8) recall, I don't recall.
(9) See, if it was once or incidental, I would subscribe
(10) to my friends' conclusions and say come on, again, no one
(11) could be held to those kinds of standards, but it's the
(12) pattern that I suggest that bothers and troubles some of
(13) us.
(14) Senator Simon. Would my colleague yield for a
(15) question?
(16) Chairman D'Amato. Certainly.
(17) Senator Simon. Do you think it's proper for a staff
(18) member to say, if that staff member is quoted accurately by
(19) Newsweek, saying "we're going to crush her"?
(20) Senator Faircloth. No, we don't.
(21) Senator Mack. Nobody does.
(22) Chairman D'Amato. No, I don't think that's proper.
(23) That anyone is going to say they're going to crush
(24) anybody. I know it's horrible, it's wrong. There was a
(25) staffer who engaged in that and made that kind of thing and

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(1) I would think anyone in the media should be careful about
(2) the kinds of conclusions, particularly if a person isn't
(3) willing to loan his or her name to an article and wants
(4) anonymity, the media should reject it. They should be very
(5) skeptical about any conclusions that comes from my staffer
(6) on any side where they want to hide behind the anonymity
(7) which is generally granted to them at their request, so I
(8) concur with my friend and colleague.
(9) Chairman D'Amato. Senator Sarbanes.
(10) Senator Sarbanes. I have a couple of observations.
(11) First of all, the meeting that's been asked about here, the
(12) date was July 27, 1993, the testimony and depositions that
(13) Ms. Williams was being put through the first was taken on
(14) July 7, 1995, almost two years, just shy of three weeks,
(15) from when the event about which they're being asked.
(16) Now, you know, I invite anyone to search their own
(17) mind as to how accurately they could remember going back
(18) over that period of time. Mr. Barnett himself here today
(19) has said well, to the best of his recollection, this is
(20) what occurred, but he cannot preclude some other
(21) possibility. I mean, I think that's a straightforward
(22) answer. I don't know what members meant. Do you want him
(23) to recollect something he can't really recollect?
(24) On the other hand, his recollection is not so clear
(25) that he can altogether preclude things from it and I think

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(1) it's [illegible] about what Senator Dodd
(2) said at one of these hearings. If the witness says he

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(3) can't recollect, then the witness is dissembling and being
(4) disingenuous -- I think this is the way you put it.
(5) If two witnesses have differing recollections, then
(6) one must be lying and if two witnesses have the same
(7) recollection, then there's a plot to tell the same story.
(8) And that seems to be the framework in which these responses
(9) are received, so I think we have to be very careful in
(10) terms of casting aspersions. We can work through these
(11) things, and we'll have to evaluate the testimony as it's
(12) given to us by the witnesses. I see our time has expired.
(13) Chairman D'Amato. Okay. Before I turn to Senator
(14) Mack, I would say that -- and I will ask Mr. Chertoff to
(15) make -- this is the first time I have seen this letter from
(16) David Kendall to Jerry C. Jones, Esquire, Rose Law Firm.
(17) "It was good to talk to you. I'm enclosing herewith three
(18) file folders labeled" --
(19) Senator Dodd. Can we have a copy of this -- I'm
(20) sorry, we have one.
(21) Chairman D'Amato. This is "A3530.1 Madison Guaranty
(22) partnership application/brokerage activities," "A3530.2,
(23) Madison Guaranty -- net worth -- (1985) preferred stock
(24) offering," and "A3530.3 Madison Guaranty preferred stock
(25) offerings (corporate)," which were among the late Vincent

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(1) Foster's files.
(2) They appear to me to be files of Rose Law Firm
(3) documents, I have to underscore something and if I'm wrong,
(4) I'm going to ask Mr. Chertoff to speak to it or amplify on
(5) it. These files directly go to the question and issue as
(6) it relates to criminal referrals or a criminal referral as
(7) it related to Madison Guaranty and obviously, the question
(8) occurs given now that we have learned that there was a
(9) gathering of information purportedly so that press
(10) inquiries could be answered as it related to the criminal
(11) referral.
(12) What were they doing with Mr. Foster, and how is it
(13) that they came into the possession of Williams & Connolly?
(14) If they were not in the box, Mr. Barnett -- and you
(15) indicated that they were not -- is that true?
(16) Mr. Barnett. That is correct.
(17) Chairman D'Amato. Then how did they get there? Were
(18) they removed from Mr. Foster's office? That's the question
(19) we have to ask. I'm not asking you. You told me they
(20) weren't in the box. I accept your explanation. Did they
(21) float there? Who gave them to Mr. Kendall? How did they
(22) get there? Do you understand why we begin to talk about
(23) whether or not files were removed, whether all the files
(24) were turned over to you, whether or not when we hear from a
(25) White House aide who says I was told by Mrs. Williams that

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(1) the First Lady wanted to review these? You think he made
(2) that up? Are we supposed to reject his direct testimony
(3) when he recalls that that's what he was told?
(4) How did these files get there? That's a legitimate
(5) question by this Committee and it goes right to the issue
(6) as it relates to the concern that obviously Susan Thomases
(7) explained to Mr. Nussbaum and that's why that investigation
(8) was changed. And it would appear reasonable people can
(9) conclude so that the Justice Department did not go through
(10) and did not index and did not see all of those files.
(11) Now, that's why people are concerned. It's not some
(12) kind of -- and this is the first time I've seen this
(13) today. I ask counsel, when did you know about this? And
(14) he said to me what, last week sometime?
(15) Mr. Chertoff. Yes, Mr. Chairman. This was supplied
(16) to us in the Rose Law Firm production and I guess the one
(17) observation I would make, and I think in fairness to you,
(18) Mr. Barnett, so you understand why this is important,
(19) people ask the question, well, what was there in Vincent
(20) Foster's files that one would have wanted to conceal from,
(21) let's say, Mr. Margolis? Mr. Margolis is going to come
(22) in. He's going to look at the files here. He thinks he's
(23) got an agreement to look at the files. It's then reversed
(24) the next morning by Mr. Nussbaum after the sequence of
(25) phone calls. So naturally, you wonder what could be in

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(1) Vincent Foster's files that might be a problem.
(2) We've talked about the notes, about the tax problem.
(3) I know you worked on that. There's the Travelgate
(4) notebook, now here is, in Vincent Foster's files evidently
(5) based on the letter, three files that indicate a
(6) substantial amount of work done by the Rose Law Firm and we
(7) know from the bills that Mrs. Clinton was involved in
(8) this. At least she appears on all the bills relating to a
(9) bank which Mr. Margolis knew was the subject of a criminal
(10) referral, because not two months before, Mr. Margolis had
(11) actually been briefed on the original Madison referral.
(12) Now, Mr. Margolis, when he came up here last summer
(13) didn't know, as I didn't know and as far as I know, anyone
(14) else here knew, that Vincent Foster had in his files
(15) something relating to Madison Guaranty and that the Rose
(16) Law Firm had done work on Madison Guaranty. But knowing
(17) David Margolis, I have to believe if he had gone through
(18) the files even as he intended to do in the original
(19) agreement, looking at the file folders and he was trying to
(20) figure out why could Vincent Foster have taken his own life
(21) and he had seen Madison Guaranty and then he would have
(22) said to himself my God, six weeks ago I saw a criminal
(23) referral which I got briefed on relating to Madison
(24) Guaranty in which the President is mentioned as a witness,
(25) that might have rung a few bells.

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(1) So that naturally causes us to ask the question since
(2) on the face of the letter these are Vincent Foster files --
(3) Chairman D'Amato. And by the way, I believe what you
(4) said, Mr. Barnett. I know that you did not put those files
(5) in that box.
(6) Mr. Barnett. I appreciate that, Mr. Chairman. May I
(7) respond to Mr. Chertoff, because he's made a statement --
(8) Chairman D'Amato. Let him finish. Then he'll give
(9) you every opportunity.
(10) Mr. Barnett. I appreciate you stating that because I
(11) want that to be very clear.
(12) Chairman D'Amato. No, for the record because Senator
(13) Dodd is absolutely right. We have to be careful about what
(14) activity we may or -- may be attributed to a witness who I
(15) have no doubt as a distinguished member of the Bar,
(16) conscientious, when you said to this Committee that these
(17) are the files that I catalogued and put in, that were put
(18) in and I thereafter catalogued, et cetera, I have no doubt
(19) about that, but that then raises this point.
(20) Mr. Barnett. May I respond because you've said
(21) something pretty important?
(22) Chairman D'Amato. Let him finish and then you can
(23) respond, have all the time you want.
(24) Mr. Chertoff. I want to echo with the Chairman
(25) because I know you have a fine reputation. We've even

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(1) dealt briefly with each other in a past life.
(2) Mr. Barnett. Yes, we did.
(3) Mr. Chertoff. And both you and all your partners have
(4) a superb reputation.
(5) Mr. Barnett. Thank you.
(6) Mr. Chertoff. It's quite important when you get the
(7) box, it's open, and you accounted for what happens with the
(8) content of the box from that moment on, you look at it, you
(9) seal it up and it's returned to your office in a sealed
(10) condition and you inventory it there.
(11) The problem we have is it leaves at 7:30 at night on
(12) July 22, four hours after Ms. Williams and Mr. Nussbaum sit
(13) down to do their own review of the documents in
(14) Mr. Foster's office. Four hours later, it winds up going
(15) up to the residence with Mr. Castleton, with -- whom
(16) Ms. Williams has described over the summer being an intern
(17) who she wouldn't talk to, but Mr. Castleton swears under
(18) oath that he was told by Ms. Williams that the First Lady
(19) wants to review the documents. They then sit in the closet
(20) until Tuesday when you finally come aboard to pick up the
(21) documents and you retrieve them open. So we have to -- so
(22) there's an unaccounted for period of time here and these
(23) files are the kinds of things that cause people to ask
(24) people what happened in that unaccounted for period.
(25) I'm sorry. I know you wanted to respond.

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(1) Mr. Barnett. I appreciate that. May I say, first of
(2) all, I appreciate from both the Chairman and you,

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(3) Mr. Chertoff, your kind words. I'm grateful. Let me say
(4) something about perceptions first. A lot of people who
(5) watch these hearings follow very closely who called who and
(6) which document was there. But there's also a segment who
(7) probably thinks that you think I killed Vince Foster.
(8) There's probably a segment who thinks you think I am Vince
(9) Foster and there's probably a segment who thinks I'm
(10) Senator Alfonse D'Amato because perceptions get all messed
(11) up in these things.
(12) Senator Mack. I don't think people can go quite that
(13) far.
(14) Mr. Barnett. So I appreciate you clearing that up
(15) because I take this very seriously. Three points. First,
(16) I can't offer any further information about the letter that
(17) the Senator mentioned. I was not involved at the time.
(18) Second, I cannot offer any further information about what
(19) happened before I got the documents, but may I say for the
(20) record, under oath, neither the President nor the First
(21) Lady nor Margaret Williams nor Susan Thomases nor Socks the
(22) cat instructed me to do anything improper with those
(23) documents, and if they had, they would have received a
(24) response from me that neither they nor I would have
(25) forgotten. That's not how I practice law, and that's not

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(1) how I live my life.
(2) Let me be clear. Nothing improper was requested and
(3) nothing improper was done as it relates to this lawyer. I
(4) want to be very clear on that.
(5) Chairman D'Amato. Mr. Barnett, I appreciate your
(6) setting the record straight in that way, and I think it's
(7) important to note that at no time has this Committee,
(8) certainly not intentionally, ever intended to convey that
(9) you were asked to do anything improper.
(10) Mr. Barnett. Thank you.
(11) Chairman D'Amato. As a matter of fact, we've gone out
(12) of our way --
(13) Mr. Barnett. Yes, you have.
(14) Chairman D'Amato. -- to suggest that there was a
(15) doubt as to your testimony. There are conflicting areas.
(16) There are some very troublesome, which we have outlined to
(17) you and if you were here and if you were one counsel to
(18) either side, it would be troubling to you. And it is very
(19) troubling to the Senator as it related to the methodology
(20) of that investigation. You weren't involved in that?
(21) Mr. Barnett. Yes. Senator --
(22) Chairman D'Amato. As to how those documents were
(23) handled. It was very troubling to the Deputy Attorney
(24) General, Mr. Heymann, very troubling -- it was very
(25) troubling to Mr. Margolis. It was very troubling to the

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(1) Justice Department professional staff, very troubling, and
(2) they warned and indicated that this would create trouble.
(3) And indeed, we now find out that somehow documents
(4) that should have been in that box and you have testified
(5) that they weren't, and I believe you. And how do those
(6) documents get to Williams & Connolly, and how did those
(7) documents -- and again, here it says "I'm enclosing here
(8) with the file folders labeled," and it goes through the
(9) Madison things which were among the late Vincent Foster's
(10) files.
(11) That's a very troubling problem, given all of the
(12) circumstances how the Justice Department was effectively
(13) precluded from undertaking its review of the files in Vince
(14) Foster's possession. That is a smoking gun. That does
(15) lead many to say that look, we haven't been leveled with.
(16) There were files that were removed, and we know that people
(17) who were in that office who were not Justice Department,
(18) people who had access repeatedly, who were in that office,
(19) who were in that office after there was requests made to
(20) seal the office.
(21) If you look at the very start of the investigation to
(22) what we have now and we find this series of events, how did
(23) the files get out of the office? So we're very concerned,
(24) very troubled by that. I just make that comment. It does
(25) not reflect upon you, and indeed, it would seem to me that

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(1) you'd want to use the best and the brightest and the people
(2) of the greatest integrity and give them the files at a
(3) certain point after those files had been cleansed, looked
(4) at, reviewed, so that they would have the benefit of your
(5) reputation. And indeed, you could say, just as you did, if
(6) anybody suggested anything tawdry, wrong, out of line, I
(7) would have told them where to go and I believe that.
(8) Mr. Barnett. Mr. Chairman, thank you for those
(9) words. May I make a brief context point because I think
(10) sometimes it gets lost.
(11) Chairman D'Amato. A lot of things get lost.
(12) Mr. Barnett. They do. If you bear with me, I promise
(13) to be brief.
(14) Chairman D'Amato. No, go ahead.
(15) Mr. Barnett. I don't think it's unimportant. On July
(16) 20, 1993, a lot of us lost a good friend. Vincent Foster
(17) was a man I respected, worked with, admired, saw socially.
(18) I was not as close to him as many of the people who have
(19) come before your committee, but I took that loss very
(20) hard. All of us did. We were worried about what
(21) happened. We were worried about his wife, a dear person.
(22) We were worried about his children, and we were worried
(23) about each other. And so maybe some of the people who
come
(24) before you who talk about some of the things that happened
(25) following Vince's sad and untimely death were operating at

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(1) that time in an atmosphere of grief.
(2) I don't know if you or Mr. Chertoff or others here
(3) have had the sad experience of losing a dear friend or
(4) family member. I hope you never have. I hope you never
(5) will, but this was a terrible tragedy, and it probably
(6) meant that things were done under the auspices of sadness
(7) and grief that, as we look back 2-1/2 years now, it's hard
(8) to reconstruct.
(9) I must say, and I hope she doesn't fault me for this,
(10) but on the plane going to the funeral -- the President
(11) invited me to come on the plane to go to the funeral -- I
(12) tried to talk to Maggie Williams. Maggie Williams was
(13) crying the entire flight. I could not talk to her. And
(14) she was desperately, desperately hurt by this, as much as
(15) anyone, more than most.
(16) And so I have great understanding why she wouldn't
(17) 2-1/2 years later remember every little thing, and I think
(18) you do too, Mr. Chairman, but I want to put this in
(19) context. I want us all to remember that we were operating
(20) in the context of a real tragedy, and I think everyone up
(21) there would admit that. Thank you for your indulgence.
(22) Chairman D'Amato. Thank you, Mr. Barnett.
(23) Senator Mack.

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(1) Senator Mack. Thank you, Mr. Chairman.
(2) I think the place where I will start is, I guess,
(3) responding to some strong feelings that were expressed in
(4) different ways here this morning. As opposed to using my
(5) words or Senator Faircloth's words or Senator Dodd's words
(6) or Senator Simon's words, the reason that there is such
(7) frustration is because there is -- there are a series of
(8) inconsistencies in the testimony, and I guess, again not
(9) being an attorney, I don't have to deal with these kind of
(10) clashes all the time -- so I'm observing as we go through
(11) this process -- but there are -- there are what some would
(12) refer to as being impartial observers to this.
(13) And I must admit up front that I don't usually quote
(14) The New York Times or The Washington Post, but The New
York
(15) Times in their editorial, I believe on the 6th of December,
(16) "the hearings have also" -- and again I'm quoting from
(17) it. "The hearings have also reaffirmed that Hillary Rodham
(18) Clinton's associates seem incapable of producing candid
(19) answers to the questions following the Foster suicide and
(20) the handling of the Whitewater documents in his office."
(21) Again, that's not me saying that. The White House --
(22) excuse me, The Washington Post has an editorial, I think
(23) the following day, "discrepancies in the individual
(24) recollections of Ms. Clinton's close friend Susan Thomases;
(25) the First Lady's chief of staff, Maggie Williams; and the

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(1) former White House Counsel Jane Nussbaum have only added
(2) to the growing confusion. The impression has been left,

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(3) rightly or wrongly, that the Clinton White House is hiding
(4) something."
(5) And I guess that's what keeps driving us to keep
(6) pursuing these questions.
(7) One of the new bits of information that we got
(8) actually ended up bringing you here today, Mr. Barnett,
(9) which I'm sure you wish you were not here, but the fact is
(10) you are. And it has to do with at least what appear to be
(11) discrepancies about why you came to the White House or
(12) actually who asked you to come to the White House and what
(13) connection Maggie Williams may have had with that.
(14) Now, if you take that incident by itself, someone
(15) might say well, you know, you guys are really nitpicking up
(16) there. But what's happened is that over a series of both
(17) depositions and testimony before the Committee, we find
(18) conflicting information with respect to the handling of the
(19) documents.
(20) Now, I must say to my friend, Senator Dodd, that I am
(21) drawing on an impression here. I get the feeling that
(22) Ms. Williams, from the beginning of this, has tried to send
(23) the message that I really, I really don't have anything to
(24) do with those files, I mean that was somebody else's -- I
(25) mean I'm not involved in that.

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(1) But then we have these kind of -- Sergeant O'Neill
(2) testifies that he saw her leave Vince Foster's office with
(3) files in her hand. There is discrepancy between Bernie
(4) Nussbaum's testimony and Ms. Williams's with respect to her
(5) involvement in the office prior to these files being taken
(6) to the residence. Tom Castleton, who by the way I
(7) understand is a Harvard graduate and is on the staff of the
(8) White House, not some flunky, I guess, that might be easy
(9) to brush off --
(10) Ms. Williams. Excuse me. I'm a graduate of Trinity
(11) College, and I'm also a graduate of the Annenberg School at
(12) the University of Pennsylvania, since we're doing school
(13) checks.
(14) Senator Mack. Very good, thank you.
(15) Tom Castleton, as I indicated a minute ago, said that
(16) Maggie Williams basically said to him that the reason these
(17) files are going to the White House is for the review of the
(18) Clintons; again, conflicting testimony. And now we have
(19) this situation today where we have this difference with
(20) respect to your involvement, so it would be helpful to me
(21) if you could -- again, the impression is created that it
(22) was just kind of by accident that Ms. Williams bumped into
(23) you at the White House residence.
(24) Now again, I'd like to hear from you and how --
(25) Mr. Barnett. Sure, I appreciate that. I think, in

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(1) good faith, you are giving me a chance to answer the
(2) discrepancy, and I'd be pleased to.
(3) Let me say first that the quotes you read were not
(4) addressing me. I want that record to be clear.
(5) Second, with respect --
(6) Senator Mack. I think that goes without saying but I
(7) appreciate that.
(8) Mr. Barnett. Thank you. With respect to the
(9) discrepancies, quote unquote, I cannot rule out, I said
(10) that I think three times, the possibility that I saw
(11) Mrs. Clinton that day. It is not my recollection, as we
(12) sit here today, that I saw her that day.
(13) Let me tell you why I think that --
(14) Senator Mack. I'm not really so much interested in
(15) that one as to what kind of initiated your being there, who
(16) you were waiting to see, why you think that you were there
(17) that day --
(18) Mr. Barnett. Yes, and I've testified to that.
(19) Senator Mack. I know, but --
(20) Mr. Barnett. I've testified to that completely.
(21) Senator Sarbanes. Why don't you address -- Senator
(22) Mack said there was a discrepancy about why you went to the
(23) White House.
(24) Senator Mack. Senator Sarbanes, I wonder if I could
(25) just continue with my questions.

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(1) Chairman D'Amato. Senator Mack.
(2) Mr. Barnett. Let me answer if I may. I'd be happy to
(3) go over what I said before, believe me. I think you were
(4) out of the room at the time, and I'd be happy to go over
(5) that --
(6) Senator Mack. No, I was here.
(7) Mr. Barnett. Let me address what seems to be the
(8) thrust of your question which is the meeting with
(9) Mrs. Clinton, that the discrepancy exists, as to whether
(10) there was one. I don't believe there was one.
(11) Let me tell you why. I think I'm a pretty careful
(12) lawyer. Number one, there is no recordation on my calendar
(13) of such a meeting. And I would record such a meeting.
(14) Other than in the movie --
(15) Senator Mack. I'm not asking you about that. I'm
(16) asking you about how you came to the White House that day,
(17) who you were waiting for in order to pick up those files.
(18) Mr. Barnett. Sure. I came to the White House, as
(19) I've testified to, that day to pick up these files, and I
(20) met -- I waited for a while --
(21) Senator Mack. And why did you come? Who asked you to
(22) come?
(23) Mr. Barnett. My best recollection is that I came,
(24) having made an appointment through Ms. Williams, to pick up
(25) the files. That's my best recollection.

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(1) Senator Mack. When you got there you had to wait, I
(2) think --
(3) Mr. Barnett. Had to wait for a period of time.
(4) Senator Mack. -- about 15 minutes.
(5) Mr. Barnett. Or more. And then we went up to the
(6) third floor --
(7) Senator Mack. Yeah, but who were you waiting for?
(8) Mr. Barnett. I was waiting for Ms. Williams. And
(9) then I went up to the third floor and we carried out the
(10) responsibilities which I described earlier, which
(11) included --
(12) Senator Mack. Was Ms. Williams with you?
(13) Mr. Barnett. She was with me. And we carried out --
(14) I carried out the looking at the box which I described
(15) earlier, and I'd be happy to go over again. You have to
(16) understand --
(17) Senator Mack. That's not necessary again. What I'm
(18) interested in here is really Ms. Williams's involvement
(19) from your perspective.
(20) Mr. Barnett. At what specific time? I'd be happy to
(21) answer.
(22) Senator Mack. The area we were just covering.
(23) Mr. Barnett. In the room, in the third floor room?
(24) Senator Mack. Again, you've already stated that you
(25) believe you came there, your best recollection is that was

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(1) as a result of a conversation with Ms. Williams.
(2) Mr. Barnett. Yes.
(3) Senator Mack. You were waiting in the residence of
(4) the White House until Ms. Williams got there?
(5) Mr. Barnett. That's my recollection.
(6) Senator Mack. The two of you then went together up to
(7) the third floor?
(8) Mr. Barnett. That's my recollection.
(9) Senator Mack. Went into a room where the box of files
(10) was located?
(11) Mr. Barnett. In a locked closet.
(12) Senator Mack. And Ms. Williams was with you at least
(13) part of the time?
(14) Mr. Barnett. That is correct.
(15) Senator Mack. Okay.
(16) Mr. Barnett. But --
(17) Chairman D'Amato. And didn't she even, at some point
(18) in time when you made a cursory review, you then decided to
(19) tape the box; is that correct?
(20) Mr. Barnett. Correct, Senator.
(21) Chairman D'Amato. And the best of your recollection,
(22) Ms. Williams went and got the tape, it took a little time,
(23) and got the tape and brought it back because you didn't
(24) have it there, you said that with some specificity; is that
(25) true?

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(1) Mr. Barnett. That's my recollection.
(2) Chairman D'Amato. And she brought back the tape?

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(3) Mr. Barnett. Yes.
(4) Chairman D'Amato. And you taped the box?
(5) Mr. Barnett. Yes.
(6) Senator Mack. And then the point I'd like to make --
(7) Senator Mack. Let me -- may I respond?
(8) Chairman D'Amato. No, no, no. There is a reason for
(9) this, Mr. Barnett, and we'll give you every opportunity to
(10) expand, but let the Senator continue and he'll tell you the
(11) reason. Go ahead.
(12) Senator Mack. Well, the last point that I would make
(13) is then you left, and I assume you left that box in charge
(14) of Ms. Williams?
(15) Mr. Barnett. That is correct.
(16) Senator Mack. And from your testimony or from others,
(17) that Ms. Williams then turned that box over to Mr. Barlow
(18) after what sounded like a pretty quick tour around the
(19) third floor of the White House. And again, my point is all
(20) through the depositions in these hearings, Ms. Williams I
(21) think has gone over and over again to make the point that
(22) she really didn't have anything to do with these files.
(23) And our conclusion, frankly, from what we've been
(24) observing -- and now this is just one more disagreement or
(25) inconsistency in the testimony -- is that, in fact, she's

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(1) been quite active in this.
(2) And that's the only point that I'm trying to make. I
(3) think that what you have had to say about what you recall,
(4) what you recollect is making the point in a whole series of
(5) inconsistencies over the last several months.
(6) Ms. Williams. Mr. Chairman, I have a question --
(7) Chairman D'Amato. I'll let you ask the question, but
(8) Mr. Barnett, let me further amplify, and it is this kind of
(9) inconsistency that would make Ms. Williams merely almost a
(10) casual observer or incidental facilitator that differs
(11) dramatically from what you have testified to and the manner
(12) in which she has allowed this Committee to believe that she
(13) was almost incidental to this, and that's what troubles
(14) this Committee.
(15) And to be quite candid with you, I don't really
(16) believe it calls for a response on your part, but
(17) Ms. Williams, you to want say something, go ahead.
(18) Ms. Williams. Yes, I just have a question. What you
(19) said was a dramatic involvement, and then earlier,
(20) Senator --
(21) Chairman D'Amato. Very dramatic, yes, Ms. Williams.
(22) From the night of the death, yes, from the night of the
(23) death, from your testimony that at one point -- and I'm
(24) paraphrasing it -- the reason you went to Vince Foster's
(25) office, and I remember this, is because I looked down and I

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(1) saw a light, and I was hoping somehow he would be there.
(2) Now, look, I have to tell you, you get a phone call
(3) from the First Lady, you don't go to Vince Foster's home to
(4) comfort or anything else. You are there within a matter of
(5) minutes after hanging up in Vince Foster's office, and it
(6) would appear to -- any reasonable person would believe,
(7) given the conduct and given the testimony -- to look
(8) through the files or look for something in Vince Foster's
(9) office. That's my impression.
(10) Ms. Williams. Senator --
(11) Chairman D'Amato. I don't characterize your testimony
(12) in any way, but I have to tell you, if you think that
(13) you've convinced the Committee and maybe others that that
(14) was the reason, you just had to do something, you had to do
(15) something. But I can't really accept that you didn't go
(16) deliberately and set out deliberately to go to Vince
(17) Foster's office.
(18) Ms. Williams. Senator D'Amato and this Committee,
(19) first of all, I would like to say I have not set out to
(20) convince this Committee of anything. I have set out to
(21) give my best recollection of matters that happened over
(22) 2-1/2 years ago. If you are not convinced, and you suggest
(23) to me that there have been deliberate things that have been
(24) done to conspire and cover up, perhaps it is not what a
(25) reasonable man would think but perhaps it is what you-all

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(1) would think.
(2) Let me say to you that I work for the President, I
(3) work for Mrs. Clinton, but before I ever came into their
(4) employ, I had standards and I had principals about
(5) truth-telling, and none of which this Committee, now or
(6) after this, is really going to change.
(7) If you do not believe me, you do not believe me. I
(8) was there, I have tried to recall what I've tried to
(9) recall. I have come here, no one has pushed me to come
(10) here. I have tried to be helpful in every way. That is
(11) all I have to say.
(12) But my standards and my principals and my standards
(13) for truth-telling have nothing to do with the President or
(14) Mrs. Clinton or this Committee.
(15) Senator Dodd. Mr. Barnett, you wanted to respond.
(16) Mr. Barnett. Yes. I wanted to respond to Senator
(17) Mack because -- I respect that the Chairman didn't feel
(18) that it called for a response. But I really think it did,
(19) because I think it is a bit, I'm sure, unintentional, the
(20) mischaracterization of what I said.
(21) I certainly did not say that during that period of
(22) time that I was conducting that brief review of the box --
(23) and I'll be happy to explain why I was doing that, if you'd
(24) like to know -- but when I was doing that, Ms. Williams was
(25) there and we may have spoken, but she took no documents --

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(1) Senator Mack. No, I understand that.
(2) Mr. Barnett. -- she changed no documents. She made
(3) no suggestion to that effect.
(4) Senator Mack. Mr. Barnett, that was not the point I
(5) was making either.
(6) Well, you know Mr. Chairman, I resent the fact that
(7) Ms. Williams would lean over to Mr. Barnett and say they
(8) don't care. All I'm trying to do, look, I have a
(9) responsibility as a member of the Senate to try to pursue
(10) things. If anybody thinks that it is fun to be in this
(11) role, I would tell them that they are absolutely wrong. I
(12) do not enjoy this. This is not something I came here to
(13) the Senate to do, but I feel I do have a responsibility.
(14) There have been serious questions raised. I've quoted
(15) The Washington Post and The New York Times from their
(16) perspective. All I'm trying to do is to try to do my job,
(17) find out the truth. And so I do resent a statement that
(18) says they don't care.
(19) Ms. Williams. Then why don't you let him finish
(20) talking?
(21) Chairman D'Amato. Now, Ms. Williams, I think that
(22) Mr. Barnett does not need legal counsel from you --
(23) Ms. Williams. -- I'm not being his legal counsel.
(24) Chairman D'Amato. I think it might be the other way
(25) around. So when we address questions, if you feel that you

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(1) want to give an answer, fine, but I don't think you have to
(2) advise Mr. Barnett.
(3) And I have to tell you that among all of the
(4) witnesses -- and this is my observation -- in terms of
(5) matching up with other people have indicated, what the
(6) records indicated and what you failed to recollect, it
(7) would seem to this Senator that you have deliberately
(8) decided not to recollect.
(9) It is absolutely inconceivable to me that that young
(10) White House man, that aide who still works at the White
(11) House, made up the story about you telling him to carry up
(12) the boxes there and that Mrs. Clinton said that she wanted
(13) to go through the files. I then come back to the question
(14) of how did files that were in Mr. Foster's possession and
(15) labeled Vince Foster's possession, then get out of that
(16) box, if indeed all of the files that you testified that you
(17) and Mr. Nussbaum took were put into that box and carried
(18) upstairs. And that no one thereafter looked at those or
(19) took files out.
(20) And so -- and we can go through this again and again,
(21) phone calls that you make at 6:45 in the morning. You'd
(22) have us believe that that's a casual phone call to the
(23) First Lady as chief of staff. 6:45 in her time. And the
(24) series of calls that flow thereafter.
(25) So we want to talk about truthfulness, don't give me a

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(1) degree as to what school you went to as a pedigree for
(2) truthfulness. It doesn't ring -- it doesn't ring true.

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(3) Senator Sarbanes.
(4) Senator Mack. Mr. Chairman, I think that there were a
(5) few minutes left before we got into --
(6) Chairman D'Amato. There were. If you want to pursue
(7) your line, five minutes, and then we'll go --
(8) Senator Mack. I hope it won't take that long, but
(9) this goes to another area that Ms. Williams and I discussed
(10) back in November. And it had to do with a phone call that
(11) you made in response to a page, I think, that occurred at
(12) 12:47. Your first recollection was that you weren't quite
(13) sure whether you had your page, then documents indicated
(14) that there was a call from your -- either from your
(15) residence or from your personal calling card, I think some
(16) eight or 10 minutes later, back to the residence in
(17) Arkansas.
(18) And as I was pursuing that question, I think was for
(19) the first time that you indicated that maybe you weren't in
(20) the White House that day until I think you mentioned there
(21) was a 1:30 meeting. It was the first appointment of the
(22) day. And it was kind of a way of saying well, I wasn't
(23) there and the reason that I made the call at home was I may
(24) not have come in until about 1:30. That was the impression
(25) I got.

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(1) Ms. Williams. No, sir. If you recall the way in
(2) which I answered the question, we were going through the
(3) calls and we were also going through the times and we were
(4) also going through the places. And because I had looked at
(5) the call sheet at the same time that I guess many of you
(6) had, I was trying to figure out where the call had been
(7) made from since it was my home.
(8) And as I said repeatedly during that Committee
(9) hearing, "I don't know for sure, I'm just trying to figure
(10) out if this makes any sense. Seems to me I had an
(11) appointment at 1:30. I made this call from home. Maybe I
(12) was at home." And then I said "please do not take this as
(13) part of my testimony because I don't know. I'm just trying
(14) to figure out, like you, at what point I made this call
(15) from home, and if I did, what time did I get there."
(16) That is the context in which I said that. So it was
(17) not an indication on my part, and in fact, in the
(18) deposition several times I was asked by Mr. Chertoff, is
(19) that your testimony and I said no, I'm just trying to
(20) figure this out.
(21) Senator Mack. Well, let's see, have we gotten
(22) anywhere as a result of having time to review various
(23) documents and so forth? You still have --
(24) Ms. Williams. I can't figure it out.
(25) Senator Mack. -- again, you started that day with a

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(1) phone call to Arkansas to the Clinton residence, 7:44. I
(2) think there now are documents indicating that you came to
(3) the White House at 8:01 --
(4) Ms. Williams. Could be.
(5) Senator Mack. -- which would imply, I guess, that you
(6) were at the White House for some period of time but you are
(7) still saying you may have gone home.
(8) Ms. Williams. It's possible, yes.
(9) Senator Mack. Would you have gone home just for that
(10) one phone call? The reason I am saying it that way is
(11) because, again, the phone records show that you did make
(12) the phone call at 7:44 and there was another phone call at
(13) 12:57 or something like that.
(14) Ms. Williams. No, I would have -- if I was at work I
(15) would have made the call at work. If I was at home and
(16) made a call I would have made it at home. I would not have
(17) gone home to have made it.
(18) Senator Mack. But you just don't recall that at all?
(19) Ms. Williams. Two years from now what I did about a
(20) phone call on a matter that I did not perceive as
(21) necessarily significant, I don't recall it.
(22) Senator Mack. Mr. Chairman, I think everybody
(23) understands the difficulty of trying to recall things over
(24) a long period of time, but I think everybody also needs to
(25) understand the amount of time that witnesses, and I assume

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(1) their legal counsel since they're being compensated for it
(2) spend a tremendous amount of time going over data,
(3) material, background information to try to bring memories
(4) to focus.
(5) So while I can understand, and I suspect everybody
(6) listening to this knows you cannot recall every detail of
(7) something that happened two years or 2-1/2 years ago, the
(8) reality is there is plenty of information to help people
(9) recall the events that took place.
(10) Thank you, Mr. Chairman.
(11) Chairman D'Amato. Senator Sarbanes.
(12) Senator Sarbanes. Mr. Barnett, I was struck by when
(13) you were being questioned about these files by Chairman
(14) D'Amato and Mr. Chertoff, you said well, you didn't know
(15) where they came from, and then you said well, maybe they
(16) came from Web Hubbell --
(17) Mr. Barnett. No, no, different point, Senator. No,
(18) we're talking about different things there. Should I
(19) clarify?
(20) Senator Sarbanes. I am talking about the Kendall
(21) letter, about the three files that he was returning to the
(22) Rose Law Firm.
(23) Mr. Barnett. Yes, correct. That is my testimony, but
(24) the other statement that you repeated back was relating to
(25) the files in the box.

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(1) Senator Sarbanes. No, no, not the files in the box.
(2) I'm talking about these three files that have been focused
(3) on here in this letter.
(4) Now, that struck a memory, and we went back. Hubbell
(5) in his deposition told us that they had, during the
(6) campaign, files had been assembled to respond to campaign
(7) questions. Those are the so-called Betsy Wright files.
(8) And they were then delivered to Hubbell. He brought them
(9) to Washington and had them in his basement. And then he
(10) delivered them to Mr. Kendall.
(11) In fact he was asked, "you testified that at some
(12) point the files were moved from your home in Little Rock to
(13) Mr. Kendall's office here in Washington?
(14) "Answer: They first went to my home here in
(15) Washington.
(16) "Question: Okay.
(17) "Answer: And then they went to Mr. Kendall and
(18) Mr. Kendall picked them up."
(19) So they were transmitted over to Mr. Kendall. These
(20) are the files that had been accumulated during the
(21) campaign.
(22) Now, Mr. Chairman, you alluded earlier to the fact
(23) that Mr. Kendall is here sitting behind Mr. Barnett --
(24) Chairman D'Amato. If you think I'm going to get into
(25) the question of lawyer confidentiality and privilege now

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(1) without -- after we already have this going, without
(2) sitting down with both counsels to review what we might or
(3) might not -- even Alfonse will not tread --
(4) Senator Sarbanes. I don't see an attorney-client
(5) privilege involved here. And since Mr. Kendall is here,
(6) maybe he can give us a quick answer to the question that's
(7) been raised.
(8) Chairman D'Amato. If you have no objection and if
(9) Mr. Kendall has no objection at this point in time, I have
(10) not reviewed or looked at that, I don't see a problem and
(11) he is standing.
(12) Mr. Kendall, do you want to try to answer that if you
(13) can.
(14) Mr. Kendall. Mr. Chairman, I would. Thank you,
(15) Mr. Chairman, Senator Sarbanes.
(16) I don't think there is any mystery here and I don't
(17) think there is anything that gets us into any matters of
(18) attorney-client privilege. I did receive files from
(19) Mr. Hubbell in November of 1993. I was attempting to
(20) collect relevant documents from a great variety of
(21) sources. I got files from Mr. Hubbell.
(22) The three files in question here have been produced
(23) some time ago to the Committee. The Committee has had an
(24) opportunity to review them, because, Senator, I kept copies
(25) of the files that I sent back to the Rose Law Firm.

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(1) The response when I got them back to the Rose Law Firm was
(2) it appeared to me, and Mr. Hubbell confirmed, that they

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were original Rose Law Firm files. So I thought the proper home for them was back at the Rose Law Firm. I believe my cover letter refers to them retaining and securing them. It's been a long time since I've seen the letter. Before I sent them back to the Rose Law Firm I indexed them, made a careful copy for my own files, and then I sent them back to the managing partner.
Now, everything I know about those three files really came from Mr. Hubbell, and it was my understanding that Mr. Foster had, I think during the campaign, taken custody of those Rose Law Firm files in order to answer questions which might have arisen during the campaign.
But when they came to me in November of 1993, they did appear to me, as I said, originals of the law firm files, so I sent them back to the Rose Law Firm.
Senator Sarbanes. When you use the phrase which were among the late Vincent Foster's files, with respect to these three files, the line of questioning here this morning has been on the premise that these were files in Foster's office.
Now, what I'm trying to explore here is whether these were files that had been Foster's files at the firm or had been collected by him in the course of the campaign and

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were then part of this box that was furnished to you from the campaign which you were sending back. Do you know the answer to that question?
Mr. Kendall. Well, to the best of my knowledge, Senator, they were his files in his custody. I don't know if they were his own files that he had kept at the Rose Law Firm. And at the end of the campaign, they had gone to either Ms. Wright or Mr. Hubbell. To my knowledge, they never went to the White House in any way, shape or form.
Senator Sarbanes. So these files, to your understanding, came from the files Betsy Wright had, that were then turned over to Hubbell, which Hubbell turned over to you; is that correct?
Mr. Kendall. That's my understanding.
Senator Sarbanes. Fine.
Mr. Ben-Veniste. And finally with respect to that then, is it your testimony that, to the best of your knowledge, these files were never in Mr. Foster's possession during the period of time he served as deputy White House counsel?
Mr. Kendall. That would be my testimony.
Mr. Ben-Veniste. And any inference that these were files that were somehow secretly removed from Mr. Foster's office and not transmitted over to Williams & Connolly with the Barnett files would be then a totally inappropriate

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conclusion?
Mr. Kendall. Correct.
Chairman D'Amato. Mr. Chertoff.
Mr. Chertoff. Mr. Kendall, since you've now -- you've elected to answer some questions --
Mr. Kendall. Volunteering is always a dangerous thing, Mr. Chertoff, but I think it's important to clarify that there is really no mystery here.
Mr. Chertoff. Let's ascertain your basis of knowledge here. You received a large quantity of files from Mr. Hubbell in November?
Mr. Kendall. That's correct.
Mr. Chertoff. That's on November 17th?
Mr. Kendall. I don't know the exact date. He had lunch with me on a Wednesday or a Thursday and brought a few files; and then I went out in the law firm van on a Saturday and got more files.
Mr. Chertoff. Okay. Was Mr. Barnett with you at that lunch --
Mr. Kendall. He was not.
Mr. Chertoff. -- because we have a copy of Mr. Hubbell's calendar that indicates "Wednesday, November 17th at 12:15, Bob Barnett and David Kendall."
Mr. Kendall. My best recollection is that Jim Fuller of my law firm was with me.

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Mr. Chertoff. All right. Now, what were the small number of files he handed you on the spot?
Mr. Kendall. I can't remember.
Mr. Chertoff. And then there was a large volume of files afterwards?
Mr. Kendall. That's correct.
Mr. Chertoff. Now, could the small volume of files he handed you have been Madison Guaranty files?
Mr. Kendall. It's possible.
Mr. Chertoff. And your knowledge of where those Madison Guaranty's -- Madison Guaranty files came from and the various routes that they took to get to you is totally based on what Mr. Hubbell told you on November -- that November day you met with him?
Mr. Kendall. That's correct.
Mr. Chertoff. And what Mr. Hubbell told you is that this was a set of files that he had been carrying around with him, left over from the campaign?
Mr. Kendall. Well, I think, again, my impression is he had gotten files from different places, but certainly he had campaign files from Betsy Wright.
Mr. Chertoff. So he had a campaign file but he also had files he'd accumulated from different places?
Mr. Kendall. I think that's correct.
Mr. Chertoff. And he didn't elaborate -- let me

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withdraw the question.
He didn't give you a document or a record indicating from where he had gotten all the files he'd accumulated?
Mr. Kendall. That's correct.
Mr. Chertoff. Thank you, Mr. Chairman.
Chairman D'Amato. Senator Bennett.
Senator Bennett. Thank you, Mr. Chairman.
Senator Sarbanes. Mr. Chairman, if our time is not up, I'd like to ask Mr. Barnett a couple more questions.
Chairman D'Amato. We're going to finish this.
Senator Bennett. I'll be happy to yield to Senator Sarbanes.
Mr. Kendall. Mr. Chairman, could I trade places with my partner again? I feel much more comfortable behind him than in front of him.
Chairman D'Amato. Yes, absolutely, Mr. Kendall. Senator, why don't we let Senator Bennett finish his line and then we'll go to you for your full 10 minutes.
Senator Bennett. Mr. Chairman, I had come here to pursue what appears to be inconsistencies in recollections and versions. I've decided not to do that because just about everybody else has done that, and I don't think I'll get any more nourishment than anyone else has out of the exercise.
But I have a comment I'd like to make, and then if the

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witnesses might want to comment on it, that's fine. If they don't, that's also fine. Like Senator Mack, I'm not a lawyer so I don't proceed in the let's question this, let's question that, and then let's put the two together and see if they match, and if they don't, let's get all excited sort of game that I guess they teach you in law school in the first year.
But I remember the old Sherlock Holmes story about the dog that didn't bark and the whole case turned on the fact that the dog didn't bark, and when Sherlock Holmes raised the issue about what about the dog, he was told by the investigator don't worry about the dog, he didn't bark. And Holmes said yeah, but he should have barked, and that was the Arthur Conan Doyle solution to that one.
I've listened to all of this, and follow it through now, we start off the night of Vince Foster's death. Maggie Williams is in the office -- and her story to me is perfectly plausible -- weeping, distraught at the loss of a close friend.
But then a uniformed Secret Service officer says she took files from the office and she says no, she didn't. And the files, you know all of the details, where they end up, they end up in the residence, but she says Mrs. Clinton never looked at them. And now her only function is to deliver them to a lawyer who takes them away because he's

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the lawyer for the Clintons on a personal basis.
And I ask myself why didn't Mrs. Clinton look at the

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files. What were they doing in the residence if they were not there for her convenience to look at the files. If I had been Mrs. Clinton in this circumstance, and someone who had been handling my personal affairs had shot himself, I would want my chief of staff to go look for things that would apply to me personally. And I'd want them in my personal possession, and I'd want to take the time to go through them because I'd want to be refreshed on exactly what he was doing.
And I see nothing wrong with Mrs. Clinton looking at the files. I see nothing wrong with Mrs. Clinton telling her chief of staff I want to look at that. But that's the dog that didn't bark. Mrs. Clinton, no, she had nothing to do with these files, no, I didn't take any files anyplace. They were strictly in the residence for safekeeping. To me, that is the most difficult thing to swallow about all this.
If the purpose of the files, of hanging on to the files was to turn them over to Mrs. Clinton's personal attorney for his review and control at an appropriate time, they don't have to be carried to the residence so that his personal -- her personal attorney can come get them. They can be stored in a closet in the office of the counsel to

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the President. They can be handed over to the Secret Service. We have no interest in these files, they're going to be picked up by Mrs. Clinton's personal lawyer, you secure them.
Nobody from Mrs. Clinton's staff has to be involved at all if the sole purpose is to just keep them safe until Mr. Barnett can come tape them up, and then carry them out of the White House, or because it's a hot day, get somebody with a little less seniority to carry them out of the White House. I understand that process.
So my observation, having gone through all of this and again today, really has nothing to do with the contradictions between Mr. O'Neill and Ms. Williams, whether Mr. Barnett saw Mrs. Clinton or didn't see Mrs. Clinton or who was where or who went up on the elevator and who came down on the elevator and the logs back and forth.
That's probably a fun thing to pursue, but my question, sitting through this whole thing, is why didn't Mrs. Clinton want to see the files, why wasn't it perfectly appropriate for her to see the files? What were they doing in the residence if she wasn't going to see the files? Which leads me to the suspicion that maybe indeed there is something going on here that does smack of some kind of a coverup.

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If anybody wants to respond, I'll be happy to -- but Mr. Chairman, that's where I come out after listening to all of this.
Mr. Barnett, would you respond, as lawyer to the Clintons, is that a logical thing for me to say?
Mr. Barnett. I'd be happy to respond in a couple ways, Senator Bennett. I appreciate your question and your statement. And I certainly, while I may not agree with the conclusion, I certainly understand where you are coming from.
Let me say a couple things. First of all, I want to be clear that I cannot account for anything that you're talking about that happened before I took --
Senator Bennett. I understand that. Isn't it logical that she would want to look at the files?
Mr. Barnett. My late senior partner, Edward Bennett Williams, used to talk about looking at things through clean transparent windows, and looking at things through unwashed windows. Let me explain what I mean.
Senator Bennett. I know exactly what you mean. I've written a book about it. Call it the belief window.
Mr. Barnett. But you could look -- let's say, hypothetically, Mrs. Clinton did do what you hypothesized. Well, then there would be some -- not you obviously, because you've stated your position clearly -- who would

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say gee, she shouldn't have looked at those, she tampered with them, I wonder if she took anything out of them, did

she change them, what did she do with them.
So it's kind of a you can't win situation. It's a gotcha situation. If you didn't look at them, you are criticized. If you did look at them, you're criticized.
I'm giving you an honest answer. You asked me to reflect on your statement.
So I completely understand what you are saying, but I also understand fully that -- it sounds a little immodest to say -- but I think she reposed confidence in me. She reposed confidence certainly in her chief of staff and dear friend, Ms. Williams.
And I think she was suffering great grief, and I think probably what happened -- I don't know this -- is that she said we don't want any balls dropped that are ongoing with respect to Mr. Foster's responsibilities, let Barnett take this over and get the job done, he needs the files to do it, so please let him have the files.
That's what I think happened, but, again, I cannot speak to things that are not in my personal knowledge.
Senator Bennett. I understand that. If you are caught in that trap, I just quote from our dear friend Alan Simpson who is going to leave this place poorer for his having left, when he quotes his father, who served with my

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father and with Senator Dodd's father, who said if you are damned if you do and you are damned if you don't, then do.
And I think, in that circumstance again, I can only put myself in --
Senator Dodd. I'd say to my colleague that was probably true 25 or 30 years ago, but today it's if you do or you don't, don't, I mean is what we've come to, because as I think counsel pointed out here, I'm sure all of us have situations where we've looked at facts that have been presented by our staffs, you can do this and you can do that. It's perfectly all right if you do it, but let me tell you what the perception will be, Senator, if you go to that event or if you go to that particular place.
So we sit there and say yeah, I know it's perfectly all right for me to be there but the perception of me being there is going to be such that it's not worth the grief of going through it. So in a sense, given the choice, the better choice to make is the one that was made: Don't let me get near this stuff, because someone's going to then ask me what I did with them and I'm cooked at that point. Because no matter what I say, the perception is going to be I've monkeyed around with this.
Mr. Barnett. But Senator Bennett, I do want to say again -- because I don't know if you were in the room -- on no occasion, no occasion did Mrs. Clinton suggest,

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instruct or any other way indicate that anything improper should be done with the files or anything involving the matters that the files dealt with. And nothing was done. That I can testify to from personal knowledge as to my role here. So I want to state that for you.
Senator Bennett. And my only concern, Mr. Chairman -- concern is not the right word. My hesitation about accepting all of that at face value --
Chairman D'Amato. It's not criminal.
Senator Bennett. -- is the way the files were handled. The way the files were handled leads you to believe that there was an attempt made to create a circumstance where the files could have been reviewed and then to deny that that circumstance was created.
And if -- from a PR background, because I used to be a PR man rather than a legal background, my advice would be yes, we looked at the files, you are darn right we did. We wanted to know what was in it and we sent spent a couple hours going over it and we didn't find anything wrong. At which point we said seal them up and send them to Mr. Barnett, who can handle them from now on.
And I would find that credible, and furthermore, perfectly logical and defensible, but then I'm not a lawyer.
Thank you, Mr. Chairman.

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Chairman D'Amato. You see, and I thank the Senator.
I think it is good sometimes not to have that plain

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(3) down-home practicality.
(4) It even goes further because you have to understand
(5) when we get information that indicates, even from
(6) Mr. Nussbaum's own testimony, and not even taking it
(7) literally, and from aides that indicate that people at the
(8) White House and the First Lady are concerned about the
(9) manner in which unfettered access will be given.
(10) And then the changing of the agreement, and then the
(11) collecting of the materials thereafter, it seems to almost
(12) treat it in a cavalier manner thereafter and say just send
(13) it to the lawyers, doesn't square with the first efforts to
(14) secure it, to see that Justice Department people don't look
(15) at it.
(16) And I to have say that Senator Bennett is absolutely
(17) right. Given that it would seem that you darn well want
(18) to, whoever it is, review those files. Absolutely. And if
(19) you said I reviewed them, what's anybody going to say?
(20) Senator Sarbanes. You'd be skinning her alive if she
(21) reviewed them.
(22) Chairman D'Amato. All I would say to, Senator
(23) Sarbanes, I would say to this to you, it is not credible to
(24) believe that people just willy-nilly turn these over -- I
(25) usually don't say willy-nilly -- but turned them over as

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(1) has been described by Mr. Barnett and did not review the
(2) contents of the files.
(3) Senator Sarbanes. We'll have to sort that out, but it
(4) defies common understanding to sit here and assert that if
(5) the testimony was that they went through these files that
(6) you wouldn't be skinning them alive over going through the
(7) files.
(8) Chairman D'Amato. I think they did, but they did it
(9) in a manner --
(10) Senator Sarbanes. It's clearly a situation in which
(11) either way you are going to attack them because the purpose
(12) is to make the attack.
(13) Chairman D'Amato. Senator Bennett.
(14) Senator Bennett. Just to nail it down -- the red
(15) light is on -- but just to nail it down, for me the most
(16) difficult things to reconcile with the version of events
(17) that we're being given here are: Mr. O'Neill's testimony
(18) that the First Lady's chief of staff took files -- to me a
(19) logical thing for her to do under the scenario I've
(20) described -- he says she took files, she says she
(21) absolutely did not. And the second thing is that the files
(22) ended up in the residence. You don't store files in the
(23) residence. It doesn't seem to me that you are having
(24) safekeeping to give to the President's personal lawyer.
(25) There are lots of other places that to me make more sense.

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(1) Those are the two points that I have the most
(2) difficulty with, saying that the Secret Service man was
(3) wrong when he saw Ms. Williams carry these files out, and
(4) then the files end up in the residence and they're there
(5) for X number of days.
(6) The most logical thing for me is if we're going to
(7) save them for the personal lawyer, you leave them where
(8) they are and you let the Secret Service secure them. And
(9) if in fact people are saying to the First Lady, don't go
(10) near those files, first thing I would advise her, well, for
(11) heaven's sake, don't bring them to the residence if she's
(12) not going to go anywhere near them. Keep them where the
(13) paper trail of who has custody from them is very clear.
(14) Don't store them in a closet on the third floor. Those are
(15) the two areas that I have.
(16) Mr. Dennis. Mr. Chairman.
(17) Chairman D'Amato. Senator Sarbanes.
(18) Mr. Dennis. I'm sorry to impose. I wanted the record
(19) to reflect the previous testimony of the two polygraphs
(20) concerning the issue of the records at the White House and
(21) Foster's office, that she passed both of those polygraphs.
(22) And I believe that's a part of this record that has not
(23) been disputed.
(24) Chairman D'Amato. Mr. Dennis, it is so noted.
(25) Mr. Sarbanes.

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(1) Senator Sarbanes. Mr. Chairman, I might just follow
(2) that up that we know that Mr. O'Neill, this officer
(3) testified or was interviewed by the independent counsel
(4) five times, I believe, and of course we tried to get, which
(5) is -- so there was constantly being interviewed. And we
(6) tried to get from the independent counsel those interviews
(7) and were denied those interviews, which I think would have
(8) been very helpful in indicating to us the nature of
(9) O'Neill's remembrances, particularly since apparently they
(10) brought him back almost half a dozen times in order to
(11) question him further.
(12) Senator Dodd?
(13) Senator Dodd. No --
(14) Senator Sarbanes. Mr. Chairman, do you intend to
(15) break for lunch or try to finish up?
(16) Chairman D'Amato. No, I think we'd like to finish up
(17) if we can. It's within our grasp. If you have no
(18) questions, we'll go to Senator Grams.
(19) Senator Dodd. I'm fine, Mr. Chairman.
(20) Chairman D'Amato. Senator Grams?
(21) Senator Grams. Thank you very much, Mr. Chairman. I
(22) just have a couple brief questions that I'd like to go
(23) through again.
(24) This goes back to the morning of the July 22nd and
(25) this was a very important morning for a number of people.

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(1) If you follow -- and I'd like to have put up on the Elmo --
(2) the review of documents dealing with some of the phone
(3) conversations, the phone calls that were made, messages
(4) that were left, pages that were done involving just a few
(5) people, and that was Mrs. Williams, the First Lady in
(6) Arkansas, Susan Thomases in New York and Bernie Nussbaum
(7) back in Washington, D.C.
(8) Now, Ms. Williams, according to the phone records that
(9) have been obtained by this Committee, on July 22nd, you
(10) called -- and this is from your home I would assume -- the
(11) Rodham residence in Little Rock from 7:44 to 7:51 in the
(12) morning. Who did you speak with that morning? Was that
(13) Mrs. Clinton?
(14) Ms. Williams. I don't recall. I probably was trying
(15) to reach her. I don't recall if I got her.
(16) Senator Grams. It was a seven-minute conversation.
(17) You don't know who you talked to or what you talked about?
(18) Ms. Williams. No, I don't recall. As I said it's not
(19) an office, it's actually a residence, it's her mother's
(20) residence --
(21) Senator Grams. That's right. I know that.
(22) Ms. Williams. -- and if she were up, I'm sure I
(23) wanted to talk to her. If she were not, then I would have
(24) talked to Mrs. Rodham, I would have talked to Chelsea, I
(25) would have talked to pretty much whoever answered the

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(1) phone.
(2) Senator Grams. According to the White House entry
(3) records, then you did then enter the White House about
(4) 8:10; this is about 19 minutes later. How long does it
(5) take you normally to go from your home to the White House?
(6) Ms. Williams. I don't know. Maybe 15 minutes,
(7) depending on traffic, time of day.
(8) Senator Grams. So basically right after you hung up,
(9) according to the records, you probably left and went to
(10) your office?
(11) Ms. Williams. That's possible.
(12) Senator Grams. Now in between that time there was a
(13) call from the Rodham residence to Susan Thomases, and that
(14) was from 7:57, six minutes after the phone call ended in
(15) Little Rock, to 8:00. Immediately thereafter, Ms. Thomases
(16) paged Mr. Nussbaum at 8:01.
(17) Now, is there any connection that you can think of
(18) between these calls, that you happened to place a call to
(19) the Rodham residence, the Rodham residence, a call to Susan
(20) Thomases in New York, Susan Thomases immediately calls
back
(21) and pages Mr. Nussbaum? Any kind of connection there that
(22) you don't think was important that triggered or was this
(23) all coincidence?
(24) Ms. Williams. I don't know --
(25) Senator Grams. You started the ball rolling, I

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(1) assume, at 7:44 is what I'm saying.

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(2) Ms. Williams. Well, at 7:44 I called Mrs. Clinton.
(3) Senator Grams. That's right.
(4) Ms. Williams. It wouldn't be unusual for me to call
(5) Mrs. Clinton early in the morning.
(6) Senator Grams. But something in that conversation
(7) prompted her to call Susan Thomases, Susan Thomases to call
(8) Bernie Nussbaum.
(9) Ms. Williams. I don't know that. There is nothing
(10) that I can recall.
(11) Senator Grams. At 8:25 a.m., Ms. Thomases then called
(12) the Rodham residence again for four minutes, and at 9:00
(13) a.m., Ms. Thomases then left a message for you at your
(14) office. Now, that seems to be an extraordinary amount of
(15) activity for a manner of 75 minutes. A reasonable person
(16) could or would draw a conclusion that the calls were
(17) connected.
(18) What was the reason or the contents for these calls?
(19) Again I'm asking you directly.
(20) Ms. Williams. I only know about my call at 7:44 in
(21) the morning to Mrs. Clinton. I was probably trying to
(22) reach her. I more than likely was concerned about her and
(23) I probably wanted to reach her before she started her day
(24) because I believe that day she had some events, or at least
(25) one event, so I wanted to talk to her.

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(1) Senator Grams. So in other words, her call
(2) immediately after or from the Rodham residence to Susan
(3) Thomases, from Susan Thomases to Bernie Nussbaum, and
then
(4) again, four minutes, that Mrs. Thomases then called the
(5) Rodham residence herself for four minutes, and she again
(6) left a message for you at your office, somehow none of
(7) these are connected? Nobody should draw a connection that
(8) there was any kind of conversation, questioning or
(9) inquiries going on among this very local group, that had
(10) anything that wasn't important, that would not shake your
(11) memory?
(12) Ms. Williams. Well, as I said before, I can tell you
(13) about the call I made. That's really the only call I know
(14) about, the call I made.
(15) Senator Grams. According to the records again, you
(16) were paged at your home at 12:47 p.m. from the Rodham
(17) residence, which you returned at 12:55 p.m. In between
(18) that time, as you know, Bernie Nussbaum reneged on his
(19) agreement to allow career prosecutors access from having
(20) access to Foster's office. Mr. Nussbaum again told
(21) Mr. Neuwirth about the concerns of the First Lady and
(22) Mrs. Thomases about law enforcement officers having
(23) unfettered access to Foster's office. And Mrs. Thomases
(24) made six more calls to Mack McLarty and you over a span of
(25) one hour.

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(1) Now, this seems to make the connection, and again the
(2) content of the calls that go back to beginning at 7:44 in
(3) the morning. Now somehow that you have no recollection of
(4) what those calls were, you had no reason to believe that
(5) they concerned the files or anybody going through Vince
(6) Foster's office, nothing of this happened to connect, even
(7) though we have the testimony about the concerns of the
(8) First Lady and Ms. Thomases, two of the important people in
(9) this loop, about law enforcement officers having unfettered
(10) access. You seem to be at the center of a lot of these
(11) calls and the activity.
(12) Ms. Williams. I know about the call I made at 7:44,
(13) and I've told you about what I think that call was about.
(14) Senator Grams. Do you remember why you went home in
(15) the middle of the day on the 22nd? Now it's hard to
(16) believe that laundry would be more important than being in
(17) the office that day or making these calls. The laundry
(18) apparently wasn't important the night before, and I can see
(19) maybe that being done and I know you do work long hours
and
(20) that maybe sometimes you would have to do this, but it just
(21) seems implausible on this day that you would pick to go
(22) home and go do laundry.
(23) Ms. Williams. I don't know if you were here for my
(24) testimony.
(25) Senator Grams. You said maybe you threw in some

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(1) laundry or something.
(2) Ms. Williams. No, my testimony was about it was about
(3) whether or not it was extraordinary that I would be home in
(4) the middle of the day.
(5) Senator Grams. I'm talking about this day in
(6) particular.
(7) Ms. Williams. This day in particular was not the
(8) focus of the earlier question. This day in particular I do
(9) not know why I went home.
(10) Senator Grams. Officer Henry O'Neill testified that
(11) he saw you take files out of Foster's office on the night
(12) of the 20th and he saw you put them in your office. Did
(13) you take these files home with you on the day of the 22nd,
(14) or any time, take any of these files home with you?
(15) Ms. Williams. No, I did not.
(16) Senator Grams. You must have then returned to the
(17) White House by that afternoon because you spoke to
(18) Ms. Thomases -- now again I'm on the 22nd. You had these
(19) conversations early in the morning before you left home.
(20) You went to work, had pages, conversations, you went home
(21) over the noon hour. Now you're back at the office because
(22) you spoke to Ms. Thomases from 3:08 to 3:18; is that
(23) correct?
(24) Ms. Williams. If that's what the record says.
(25) Senator Grams. Again you have no idea why you talked

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(1) to her that day?
(2) Ms. Williams. I can't remember what the conversation
(3) was.
(4) Senator Grams. You and Mr. Nussbaum conducted a
(5) second search from 3:30 to 4:30 that afternoon; is that
(6) correct?
(7) Ms. Williams. I didn't conduct a search --
(8) Senator Grams. Were you with Mr. Nussbaum in
(9) Mr. Foster's office that afternoon?
(10) Ms. Williams. At one point I was, yes.
(11) Senator Grams. You then called Mrs. Clinton that
(12) afternoon and then you took the files to the residence
(13) sometime, I guess now it was 7:30 rather than between 4:30
(14) and 5:30?
(15) Ms. Williams. I don't recall.
(16) Senator Grams. Again, this is a chain of events, of
(17) files reviews, calls, again leading to conclusions people
(18) could draw, that all of this circled around these files. I
(19) don't know what was really in the files, I've never been
(20) able to see a list of the contents. I don't know what was
(21) the criteria for things that were put into a box that was
(22) to be taken to the residence.
(23) Was there a criteria that you can remember or think
(24) about? Was there some kind of commonality between or
(25) interest? Were they all personal files of the Clintons,

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(1) were they all dealing with Whitewater, did they all deal
(2) with some other materials?
(3) What was the criteria you used or was used that you
(4) know about in the afternoon to compile this box of files,
(5) that evidently was so big Mr. Barnett did not want to carry
(6) them? It seems like a lot of files.
(7) Ms. Williams. I don't remember that it was one box of
(8) files as I recall. I don't know if it was full. And the
(9) only criteria I know about is that they were personal files
(10) of the Clintons.
(11) Senator Grams. So that was the criteria evidently?
(12) Ms. Williams. Right. That's the only one I know of.
(13) Senator Grams. So after you did talk to Mrs. Clinton
(14) that afternoon, Mrs. Thomases then called you, and
(15) according to the phone records, the call was from 5:13 to
(16) 5:22. Did you receive any instructions from Ms. Thomases
(17) at 3:08 to conduct the second review with Mr. Nussbaum and
(18) then to contact Mrs. Clinton about what to do with the
(19) Foster files and she was checking back with you on this?
(20) Ms. Williams. No, I generally don't receive
(21) instructions from Mrs. Thomases.
(22) Senator Grams. Well, what was the phone call about,
(23) do you remember, at 3:08?
(24) Ms. Williams. I don't know if it was the day before
(25) the funeral. It was Vince's funeral the 20 -- oh, it could

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have been, I think I remember Susan testifying it could have been that she was saying she wasn't going to Vince's funeral.
Senator Grams. Well, the reason I've been asking you these questions about your whereabouts and your phone calls is because the evidence shows that I believe you were very instrumental to the events that transpired, beginning with your first phone call at 7:44 in the morning to the last phone call later in that afternoon from Mrs. Thomases at 5:13 to 5:22.
In addition to being the chief of staff to the First Lady, you were in the center of this loop of conversations that went on that day, yet the only answers that we've been able to hear from you today and in previous hearings is that you don't recollect very significant events that transpired.
I remember I had a brother-in-law that died in 1970. I can remember those phone calls yet today. I can remember the first time I saw my sister after his death and when we talked. There are a lot of things that heighten your concerns or your awareness or your memory, but to have all of this just completely conveniently forgotten or don't recall or don't remember, but yet the phone records indicate a very significant pattern and concentration of events and criteria and focus --

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Ms. Williams. I had a father who died and to this day I don't know how I got from my room in college to the plane. It was also exam time and people tell me now that I negotiated with all of my teachers for getting my exams put on different dates.
Not to belittle your experience in the least, but there are other people who have experiences, and if I did not remember, I did not remember. I am not going to make it up because it doesn't fit what you'd think. What I recall is what I recall.
Senator Grams. Well, I can understand that there are times of grief, but during this time of grief, dealing with the death of Mr. Foster, there seemed to be some very significant events that took place, business and activities were conducted and calls were made, reports were done, inquiries were made. And I just still find it hard to believe that neither you or Ms. Thomases or anybody else connected within this loop, Mr. Nussbaum or others, can give significant answers except I don't know, I don't recall, I can't remember. And I think this is what's led to a lot of the anxiety of this Committee.
Ms. Williams. But these events weren't significant to us. They are significant to you in this context. During the course of this day, I mean this is the day after somebody we know just shot himself in the head.

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I mean, if I got one call from Susan, I got 20 from four other friends.
Senator Grams. It doesn't show up here, but what I'm saying is this makes a pretty closed loop of individuals calling, specific things being done, and that's why I think there's been a lot of doubt and confusion raised.
Mr. Chairman, I have no more questions.
Chairman D'Amato. Senator Sarbanes.
Senator Sarbanes. Ms. Williams, I want to be clear on one point because I don't want to leave any inferences or implications on the record. Senator Grams asked you, he says O'Neill said you took files out of the office. Did you take any of those files home with you, when you went home that day? And you said no, you did not.
But you challenge even the basic premise of that question, do you not, namely O'Neill's testimony that you took files out of the office? And at least I want to go back at that point because what's happened here is, you've had a line of questioning and you answered the question, but you may have left an implication which they later are going to come back and haunt you with, which was well, what she said was she didn't take any of the files home with her when she went that day, but she didn't challenge the assertion that she took files out of the office according to O'Neill.

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Now what about that basic question? As I understand, it's your position you did not take any files out of the office; is that correct?
Ms. Williams. Right. It's not only my position, it's also the result of two lie detector tests.
Senator Sarbanes. And so obviously you didn't take any of the files home with you that day because you never took any files out of the office to begin with; is that correct?
Ms. Williams. That's correct.
Senator Sarbanes. Mr. Ben-Veniste.
Mr. Ben-Veniste. If I may, Senator Sarbanes, to try to close the loop on the issue raised by Mr. Kendall's letter of November 22nd, 1993, that's been alluded to here today with respect to the three files that were transmitted by him to the Rose Law Firm on that date, I would like to say, Mr. Chairman, that we have here those three files. We've had those three files for more than two months. We've reviewed those files which came from the Rose Law Firm, together with Mr. Kendall's cover letter, and they are about 350 pages, more or less, of documents. There's no smoking gun in these documents, there's nothing incriminatory in the least in these documents, to the best of my knowledge. But since that issue has surfaced here with the implication that somehow files from

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Mr. Foster's office were secreted and later transmitted to the Rose Law Firm, we have all of those documents, Mr. Chairman, and we've had them for more than two months.
Chairman D'Amato. Mr. Chertoff.
Mr. Chertoff. Thank you, Mr. Chairman.
I just want to observe, I know Mr. Ben-Veniste helpfully described these three files as containing 350 pages of documents which actually are copies of work that the Rose Law Firm did on Madison matters involving the raising of capital for Madison, a bank which, as we know from the examination reports, was engaged in corrupt and fraudulent transactions, some of which went to the whole issue of whether it was a solvent bank.
And I understand, Mr. Kendall, you don't know the providence, you don't know where all these documents were. You got them from Mr. Hubbell in November.
But to the eye of Mr. Margolis, if documents had been -- if those documents had been in Mr. Foster's office, they might not have been a smoking gun, but maybe a kind --
Mr. Ben-Veniste. But they were not in Mr. Foster's office.
Chairman D'Amato. You don't know that.
Mr. Ben-Veniste, on your time if you want to make an assertion and say that you know with definiteness that these documents were not there, or that Mr. Barnett

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testified to that, then you can do it. And then we'll have a proper discourse back and forth.
Don't interrupt counsel, number one, when he's making a point, a point certainly that I would say we don't know. But it raises a very real question as to whether or not they were, how did Mr. Hubbell come into these, Mr. Barnett testified he could not say, as it relates to these documents, that the source of these documents, and we understand the testimony that indeed Mr. Hubbell was the repository of certain documents during the campaign.
Mr. Barnett is not in the position -- at least that was the testimony -- to testify that these three were. So if we want to review again with Mr. Hubbell, and bring him back, we'll bring him back, and we'll ask him more questions. We're going to ask him more questions again anyway.
Go ahead, Mr. Chertoff.
Mr. Chertoff. Now let me address with you, Ms. Williams, an issue that was raised by Senator Bennett, which really is the whole question of an argument that we have heard made on every occasion we've been here addressing this issue. And it's really a common sense argument.
Everybody can understand that at a time of grief people don't want to be bothered with documents. That's

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not the uppermost thing on your mind. What you care about
is people. All that makes perfect sense.
And yet here we are, we're on the 22nd of July, we're
on Thursday, the afternoon before you're about to go to a
funeral. It's 3:30 in the afternoon. You are called over
to Mr. Nussbaum's office, they've just ushered the law
enforcement people out. They've left. You are there.
Your testimony was you go through, you pick up a tax file,
you put it in a pile to go to the residence.
And your testimony is you are exhausted at this
point. You are so tired and so unfocused on this and so
preoccupied with the fact that you have to get up the next
morning to go to this funeral you don't even want to wait
for the amount of time it's going to take to get Mr. Barlow
or whomever from Mr. Barnett's office to come over to the
White House.
That all makes perfect sense. And a normal,
reasonable person examining that with common sense would
then come to the conclusion that you would tidy up the
documents, lock the office to Mr. Foster's room and then
leave.
And in fact, your testimony was over the summer that
you wanted to get out of there by about 5:30 or 6:00, so
rather than wait around another half an hour -- and we've
established now that Mr. Barlow took about a half an hour

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to get into the residence -- you just up and took them up
to the residence and left.
But the problem is now we have records which we did
not have over the summer that show you didn't leave at
5:30. You didn't leave at 6:30. You didn't leave at
7:30. At 7:25 in the evening, four hours after you began
the exercise of going through the documents, you went with
Mr. Castleton and took them upstairs. And it is
unbelievable that a person who is pleading exhaustion and
the desire to go home after having spent an hour with these
documents from 3:30 do 4:30 is then going to wait three
hours to take them up to the residence.
And the question is this: Why didn't you call for the
messenger at 5:30? Why didn't you call for the messenger
at 6:30? Why did you stay there until 7:30 and then take
the documents to the residence?
Ms. Williams. First of all, when I'd been asked about
what the times were, I gave you what I thought the times
were. I was exhausted. I took them there. I mean
regardless of what the time -- maybe I am wrong about the
times. But the fact remains that I was still exhausted,
and I didn't want to wait.
Now I don't know everything that I did in between
times. I don't know if it's ever happened to anyone there
that you start off thinking I'm going to be at this place

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at 5:30 and maybe two hours later you end up there because
of everything that happens along the way. I know that
would seem implausible that that would happen, that
something else might come up.
As you know, we were working on the manifest for the
funeral. There were a lot of other arrangements that were
going on that I was involved in. You know, I was tired, I
put them up there.
Mr. Chertoff. You can't have it both ways.
Ms. Williams. I'm not trying to have it both ways.
Mr. Chertoff. You can't both be tired and you want
to -- you don't want to wait around and then wait around
for three hours.
Ms. Williams. I think that happens most days with
most people who work.
Mr. Chertoff. Now, let me ask you something else.
Does the number 202-628-7087 mean anything to you?
Ms. Williams. No.
Mr. Chertoff. You don't know of any auxiliary line or
special line that you used to bypass the White House
switchboard when it's busy to make a call in?
Ms. Williams. No.
Mr. Chertoff. Ms. Blair, let me ask you. I want to
direct your attention to this period on the 27th of July.
You indicated you were in Washington because you were

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nominated to the Corporation for Public Broadcasting?
Ms. Blair. Excuse me. You said the 22nd?
Mr. Chertoff. 27th. You were in Washington because
you were nominated to the board of the Corporation for
Public Broadcasting?
Ms. Blair. Yes, sir.
Mr. Chertoff. You were staying at the White House?
Ms. Blair. Yes, sir.
Mr. Chertoff. Was that a frequent occurrence?
Ms. Blair. Fairly frequent, yes, sir.
Mr. Chertoff. So in 1993, were you and\or your
husband, on a fairly regular basis, guests at the White
House overnight?
Ms. Blair. I was, sir.
Mr. Chertoff. Was your husband also?
Ms. Blair. No, sir.
Mr. Chertoff. Your husband is James Blair?
Ms. Blair. That's correct.
Mr. Chertoff. He's the general counsel for Tysons.
Ms. Blair. Yes, sir.
Mr. Chertoff. He's done legal work from time to time
for the Clintons?
Ms. Blair. That is correct.
Mr. Chertoff. Has he done legal work on Whitewater?
Ms. Blair. I don't -- I'm not comfortable answering

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that because I don't know what constitutes his business
and --
Mr. Chertoff. That's fine. I don't.
Senator Sarbanes. What are we going to do to
Ms. Blair afterwards on the --
Chairman D'Amato. We accept the fact that she's not
sure and she's not -- she just doesn't know. Go ahead.
Mr. Chertoff. Now, do you know Ms. Thomases?
Ms. Blair. Yes, sir.
Mr. Chertoff. Did you see Ms. Thomases on the 27th?
Ms. Blair. I don't -- I don't remember if I saw her
on the 27th. I know I saw her sometime during that week.
Mr. Chertoff. Do you remember where you saw her?
Ms. Blair. In the White House.
Mr. Chertoff. In the residence?
Ms. Blair. Yes, sir.
Mr. Chertoff. On the second floor?
Ms. Blair. I believe it was on the second floor.
Mr. Chertoff. Was it in the presence of
Mrs. Clinton?
Ms. Blair. My recollection is that one evening,
Ms. Thomases was there with Mrs. Clinton, and I was present
also.
Mr. Chertoff. We're going to have Mrs. Thomases
back. My recollection is that your testimony was that

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week, which is the week you said you saw her, she was there
on Tuesday. So -- and that's the 27th of July, and we have
records of her on the premises. Does that help narrow to
you the fact that you would have seen her on the 27th?
Ms. Blair. It wouldn't in the sense, sir, that I was
there throughout that week, so that --
Mr. Chertoff. But it was clearly that week that you
saw her?
Ms. Blair. I think I saw her during that week, yes,
sir.
Mr. Chertoff. So that if we can establish from her
that the only day she was there that week was Tuesday, you
are comfortable with that?
Ms. Blair. Yes, that would be fine.
Mr. Chertoff. Now, did you see Mr. Barnett?
Ms. Blair. I don't recall seeing Mr. Barnett.
Mr. Chertoff. Did you see Ms. Williams?
Ms. Blair. If I were coming and going at the White
House, as I was that week, probably sometime during that
week I might have seen Mrs. Williams coming and going, but
I don't -- again, let me say, as I answered earlier, sir, I
never saw boxes, documents, files, I never heard any
discussions about any of those things.
Mr. Chertoff. I'm not asking whether you saw boxes.
I just want to ascertain, did you see Ms. Williams in the

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presence of Ms. Thomases?
Ms. Blair. Not that I recall.
Mr. Chertoff. Mr. Barnett, do you remember seeing
Ms. Thomases when you were at the residence?
Mr. Barnett. On what date?
Mr. Chertoff. On the 27th.
Mr. Barnett. No, I have no recollection of seeing
Ms. Thomases when I was there on the 27th.
Mr. Chertoff. Ms. Williams, did you see Ms. Thomases
on the 27th?
Ms. Williams. I saw her one day in my office, maybe
that was the preceding week.
Mr. Chertoff. That was your testimony over the
summer; that was the preceding week.
Ms. Williams. Right.
Mr. Chertoff. Did you see her in the residence on the
27th?
Ms. Williams. Oh, no, I don't recall seeing her.
Mr. Chertoff. Let me ask you this, Ms. Williams. I'm
going to conclude with this. Ms. Thomases told us she did
not go to the funeral over the weekend. We have had a lot
of testimony, most recently in response to Senator Grams's
questions, that during the 22nd, which was the Thursday
before you left for the funeral, there's a lot of telephone
contact, Ms. Thomases is trying to reach you, and this is

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about issues of personal concern and comfort. You don't
see Ms. Thomases on the weekend because she's not in
Washington; correct? Right?
Ms. Williams. No.
Mr. Chertoff. I beg your pardon?
Ms. Williams. No, I don't see her on the weekend.
Mr. Chertoff. She comes down finally on Tuesday, and
this is the first day after the funeral. She has come to
Washington. She is in the residence. You were in the
residence. We have now heard limitless testimony about how
she was concerned about your feelings and you were
concerned about her feelings and this is why we're having
all these telephone calls. And here it is the day after
the funeral, you're both in the residence at the same time
for an overlapping hour, hour and a quarter, and you and
Ms. Thomases never managed to even exchange a word of
comfort during that period?
Ms. Williams. I don't recall seeing Susan in the
residence, but please keep in mind the residence is a big
place. I could not see Diane Blair. I could go into the
residence and spend two hours there and never see
Mrs. Clinton either. So I don't remember seeing Susan that
day. I don't recall seeing her that day.
Mr. Chertoff. And she didn't seek you out and you
didn't seek her out on that day. She didn't say I'm coming

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down; I'm going to be at the residence, let's get together
and talk and see how you're feeling after the funeral?
Ms. Williams. I don't remember. She may have.
Mr. Chertoff. Thank you, Mr. Chairman.
Chairman D'Amato. Senator Grams? Senator Sarbanes?
Senator Sarbanes. I just have two questions.
Mrs. Williams, the funeral was on Friday, June 23rd?
Ms. Williams. Yes, I think –
Senator Sarbanes. I'm sorry –
Ms. Williams. – July 23rd.
Senator Sarbanes. Friday, July 23rd.
Ms. Williams. Uh-huh.
Senator Sarbanes. And this date you're being asked
about was four days later; right, on Tuesday July 27th?
Ms. Williams. That's correct.
Senator Sarbanes. Okay. Thank you.
Mr. Ben-Veniste. If I may just to put into context
again the testimony that we have received on the issue of
these three files. Mr. Hubbell testified on July the 14th
in deposition before our Committee, reflecting the fact
that he had these files in his possession, that he
transferred them to Williams & Connolly. Mr. Hubbell was
here on December 1st. We had the files in our possession
as of October 2nd. He was not shown these files or asked
about these files with any specificity during his

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appearance here before this Committee.
So yes, the only testimony on this point as far as
where these files came from and how they came over to
Williams & Connolly was from Mr. Hubbell. But I would
suggest that he was here and available before us and
available for examination on this point, and he wasn't
examined on this point. So the notion of floating this
issue out as though it's something new today I think does
not put the events in the proper context, and just in terms
of regular investigatory procedure.
Mr. Chertoff. Mr. Chairman, if I could just observe
to Mr. Ben-Veniste the letter –
Chairman D'Amato. No, no.
Mr. Chertoff. – makes no mention.
Chairman D'Amato. I'd like you to observe to me or to
the Committee.
Mr. Chertoff. I'm sorry, let me observe in response
to what Mr. Ben-Veniste said. The letter on its face makes
no mention of Mr. Hubbell. The letter on its face makes
mention only to the late Vince Foster's files. Unless we
were soothsayers I don't think we could have divined –
well, maybe we could have suspected, but we certainly
couldn't have known that it was Mr. Hubbell who was
responsible for transmitting a file that, on the face of
the letter, is described as one of the files of the late

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Vincent Foster.
But rest assured, now that we've learned from
Mr. Kendall that this file was part of a group of files
that Mr. Hubbell collected in a variety of places including
from the campaign, and presumably presented Mr. Kendall
with the notion that these were part of the late Vincent
Foster's files, that the next point of inquiry is
Mr. Hubbell to see whether he can remember where these
files came from and why they would have been part of
Mr. Foster's files, when, I might observe, Mr. Foster
doesn't appear on the bill as the attorney handling the
matter.
Mr. Ben-Veniste. Well, if I may continue
uninterrupted for just a moment, if one looks at the
Williams & Connolly transmittal letter which describes with
great specificity what the files were that were being
transmitted, and then one looks at the letter from the Rose
Law Firm dated October 2nd from their attorney, and looks
at the material, it's quite clear that these files match
up, that these are clearly the files. You don't need to be
a rocket scientist to figure that out.
And then the issue is whether we pursued the testimony
that we had received from Mr. Hubbell that says that the
collected files were turned over to him, he testified about
that back in July. He was here before us on December 2nd.

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He was asked some general questions about the subject of
transmittal of files, but not asked specific questions
about these files. And that's the only point I wish to
make.
Chairman D'Amato. Senator Sarbanes?
Senator Sarbanes. No further questions.
Chairman D'Amato. I want to thank the witnesses for
their testimony. Mr. Barnett, I want to thank you for your
candor, and I want to – hopefully we will not have to
bring these witnesses back again, but we thank you for your
corporation, all of you.
We stand in recess until Wednesday at 10:30 when
Mr. Burton and Matthews will be called.
There has been a problem as it relates to
Mrs. Thomases in terms of her scheduling. We've had some
representations that she would appear first on one day and
for whatever reason that day did not appear to be one that
could meet her needs or the Committee's, and thereafter she
went out of town. We were led to believe that initially
she would be back on Wednesday. It would appear now that
she's going to be coming in Wednesday from Brazil.
And so consequently – pardon me – so consequently we
have asked that we put her over to Thursday – or excuse
me, instead of Thursday, there was the question of trying
to get her in Thursday, and if she is just coming in

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(1) Thursday and that simply is not going to work, so we're
(2) going to put that matter over until Monday when
(3) Mrs. Thomases will come in. And I would suggest inasmuch
( ) as there may be only one other witness that we do that at
( ) Monday at 1:00.
(6) And if there's any change, it would seem to me maybe
(7) we'd make it earlier, but so as to provide her with an
(8) opportunity to get here, and recognizing the weather is
(9) getting such that we want as many members who do want to
be
(10) here, facilitate and give them an opportunity. I'd suggest
(11) that we hold that at Monday at 1:00, so that's the
(12) tentative schedule.
(13) We stand in recess until Wednesday at 10:30.
(14) (Whereupon, at 2:02 p.m., the hearing was adjourned.)

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