

Memorandum

Office of the Independent Counsel

To: Judge Starr
All Attorneys

Date: 8/15/98

From: Brett M. Kavanaugh *BK*

Subject: Slack for the President?

After reflecting this evening, I am strongly opposed to giving the President any "break" in the questioning regarding the details of the Lewinsky relationship -- unless before his questioning on Monday, he either (i) resigns or (ii) confesses perjury and issues a public apology to you. I have tried hard to bend over backwards and to be fair to him and to think of all reasonable defenses to his pattern of behavior. In the end, I am convinced that there really are none. The idea of going easy on him at the questioning is thus abhorrent to me.

What has especially convinced me of the appropriateness of obtaining his "full and complete" testimony regarding the precise details of the relationship are the sheer number of his wrongful acts. The President has disgraced his Office, the legal system, and the American people by having sex with a 22-year-old intern and turning her life into a shambles -- callous and disgusting behavior that has somehow gotten lost in the shuffle. He has committed perjury (at least) in the Jones case. He has turned the Secret Service upside down. He has required the urgent attention of the courts and the Supreme Court for frivolous privilege claims -- all to cover up his oral sex from an intern. He has lied to his aides. He has lied to the American people. He has tried to disgrace you and this Office with a sustained propaganda campaign that would make Nixon blush.

He should be forced to account for all of that and to defend his actions. It may not be our job to impose sanctions on him, but it is our job to make his pattern of revolting behavior clear -- piece by painful piece -- on Monday. I am mindful of the need for respect for the Office of the President. But in my view, given what we know, the interests of the Office of the President would be best served by our gathering the full facts regarding the actions of this President so that the Congress can decide whether the interests of the Presidency would be best served by having a new President. More to the point: Aren't we failing to fulfill our duty to the American people if we willingly "conspire" with the President in an effort to conceal the true nature of his acts?

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In light of all of that, I suggest at least some questions along the following lines (I leave

the best phrasing to others).

Did you tell Monica Lewinsky that she should deny the nature of the relationship that you and she had?

If Monica Lewinsky says that you agreed to lie about your relationship with her, would she be lying?

Would Monica Lewinsky be lying if she said that you told her after her name appeared on the witness list: "You could always say you were coming to see Betty or that you were bringing me letters"?

If Monica Lewinsky says that you inserted a cigar into her vagina while you were in the Oval Office area, would she be lying?

If Monica Lewinsky says that you had phone sex with her on approximately 15 occasions, would she be lying?

If Monica Lewinsky says that on several occasions in the Oval Office area, you used your fingers to stimulate her vagina and bring her to orgasm, would she be lying?

If Monica Lewinsky says that she gave you oral sex on nine occasions in the Oval Office area, would she be lying?

If Monica Lewinsky says that you ejaculated into her mouth on two occasions in the Oval Office area, would she be lying?

If Monica Lewinsky says that on several occasions you had her give her oral sex, made her stop, and then ejaculated into the sink in the bathroom off the Oval Office, would she be lying?

If Monica Lewinsky says that you masturbated into a trashcan in your secretary's office, would she be lying?