HAS THE DEPARTMENT OF JUSTICE GIVEN PREFERENTIAL TREATMENT TO THE PRESIDENT AND VICE PRESIDENT?

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

JULY 20, 2000

Serial No. 106–256

Printed for the use of the Committee on Government Reform

Available via the World Wide Web: http://www.gpo.gov/congress/house
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

74–429 DTP WASHINGTON : 2001

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: (202) 512–1800 Fax: (202) 512–2250
Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENT REFORM

DAN BURTON, Indiana, *Chairman*

BENJAMIN A. GILMAN, New York
CONSTANCE A. MORELLA, Maryland
CHRISTOPHER SHAYS, Connecticut
ILEANA ROS-LEHTINEN, Florida
JOHN M. MCHUGH, New York
STEPHEN HORN, California
JOHN L. MICA, Florida
THOMAS M. DAVIS, Virginia
DAVID M. MCINTOSH, Indiana
MARK E. SOUDER, Indiana
JOE SCARBOROUGH, Florida
STEVEN C. LATOURETTE, Ohio
MARSHALL "MARK" SANFORD, South Carolina
BOB BARR, Georgia
DAN MILLER, Florida
ASA HUTCHINSON, Arkansas
LEE TERRY, Nebraska
JUDY BIGGERT, Illinois
GREG WALDEN, Oregon
DOUG OSE, California
PAUL RYAN, Wisconsin
HELEN CHENOWETH-HAGE, Idaho
DAVID VITTER, Louisiana

HENRY A. WAXMAN, California
TOM LANTOS, California
ROBERT E. WISE, JR., West Virginia
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
PAUL E. KANJORSKI, Pennsylvania
PATSY T. MINK, Hawaii
CAROLYN B. MALONEY, New York
ELEANOR HOLMES NORTON, Washington, DC
CHAKA FATTAH, Pennsylvania
ELIJAH E. CUMMINGS, Maryland
DENNIS J. KUCINICH, Ohio
ROD R. BLAGOJEVICH, Illinois
DANNY K. DAVIS, Illinois
JOHN F. TIERNEY, Massachusetts
JIM TURNER, Texas
THOMAS H. ALLEN, Maine
HAROLD E. FORD, JR., Tennessee
JANICE D. SCHAKOWSKY, Illinois

BERNARD SANDERS, Vermont (Independent)

KEVIN BINGER, *Staff Director*
DANIEL R. MOLL, *Deputy Staff Director*
JAMES C. WILSON, *Chief Counsel*
ROBERT A. BRIGGS, *Clerk*
PHIL SCHILIRO, *Minority Staff Director*

CONTENTS

	Page
Hearing held on July 20, 2000	1
Statement of:	
Robinson, James K., Assistant Attorney General, Criminal Division, Department of Justice	27
Letters, statements, etc., submitted for the record by:	
Barr, Hon. Bob, a Representative in Congress from the State of Georgia, transcript of testimony of Al Gore, Jr	83
Burton, Hon. Dan, a Representative in Congress from the State of Indiana, prepared statement of	6
Chenoweth-Hage, Hon. Helen, a Representative in Congress from the State of Idaho, prepared statement of	331
Robinson, James K., Assistant Attorney General, Criminal Division, Department of Justice, prepared statement of	32
Shays, Hon. Christopher, a Representative in Congress from the State of Connecticut:	
Exhibits used in hearing	69
Letter from Janet Reno	304
Waxman, Hon. Henry A., a Representative in Congress from the State of California:	
Letter from Charles Ruff	18
Letter from Craig Gillen	14
Letter from James Cole	16
Letter from James McKay	12
Letter from Michael Zeldin	49
Prepared statement of	20

HAS THE DEPARTMENT OF JUSTICE GIVEN PREFERENTIAL TREATMENT TO THE PRESIDENT AND VICE PRESIDENT?

THURSDAY, JULY 20, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 1:10 p.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Waxman, Maloney, Cummings, Kucinich, Norton, Barr, Shays, Souder, Horn, Ose, Chenoweth-Hage, Morella, and LaTourette.

Staff present: Kevin Binger, staff director; Daniel R. Moll, deputy staff director; James Wilson, chief counsel; David A. Kass, deputy counsel and parliamentarian; M. Scott Billingsley and James J. Schumann, counsels; Robert A. Briggs, clerk; Robin Butler, office manager; Michael Canty, legislative assistant; Leneal Scott, computer systems manager; John Sare, staff assistant; Corinne Zaccagnini, systems administrator; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Kristin Amerling, minority deputy chief counsel; Paul Weinberger, minority counsel; Michael Yeager, minority senior oversight counsel; Ellen Rayner, minority chief clerk; Jean Gosa and Earley Green, minority assistant clerks; and Chris Traci, minority staff assistant.

Mr. BURTON. Good afternoon.

A quorum being present, the Committee on Government Reform will come to order.

I ask unanimous consent that all Members' and witnesses' opening statements be included in the record. Without objection, so ordered.

I ask unanimous consent that all articles, exhibits and extraneous or tabular material referred to be included in the record. Without objection, so ordered.

I ask unanimous consent that the FBI interview summary of Donald Fowler dated August 6, 1997 be included in the record. Without objection, so ordered.

I ask unanimous consent that questioning in this matter proceed under clause 2(j)(2) of House rule 11 and committee rule 14 which the chairman and ranking minority member allocate time to the members of the committee as they deem appropriate for extended

questioning, not to exceed 60 minutes equally divided between majority and minority. Without objection, so ordered.

I also ask unanimous consent that questioning in the matter under consideration proceed under clause 2(j)(2) of House rule 11 and committee rule 14 in which the chairman and ranking minority member allocate time to committee counsel as they deem appropriate for extended questioning not to exceed 60 minutes equally divided between the majority and minority. Without objection, so ordered.

Today, we are holding another in our series of hearings into the Justice Department's handling of the campaign fundraising investigation. We have a number of senior Justice Department officials here. We have Assistant Attorney General James Robinson, the head of the Criminal Division; we have his Deputy, Alan Gershel; we have the head of the Campaign Financing Task Force, Robert Conrad; and we have the Assistant Attorney General for Legislative Affairs, Robert Raben.

We have a lot of questions about what has been happening in this investigation. Before we get into that, I want to restate why we are concerned about this.

When the Attorney General decided she wasn't going to appoint an independent counsel, she testified before our committee. She promised that the Justice Department would leave no stone unturned. This is what she said, "In this particular campaign finance investigation, as in all others entrusted to the Justice Department, we are going to follow every lead wherever it goes." That is the standard I hold her to. So let us review what we have learned about this investigation.

In December 1996, at the very outset, Lee Radek, the head of the Public Integrity Section, had a meeting with two senior FBI officials. They testified that Mr. Radek said he was under a lot of pressure and the Attorney General's job might hang in the balance. Director Freeh was so concerned that he went to the Attorney General to talk about it. She apparently doesn't remember that meeting.

In the summer of 1997, the FBI learned that documents were being destroyed at Charlie Trie's house in Arkansas. Three FBI agents got on a plane to Little Rock to get a search warrant and seize the documents. They were called back by senior Justice Department officials. The search warrant didn't get served for another 3 months. When it finally was served, they found out that Charlie Trie's staff has been hiding and destroying documents during that period.

The President was interviewed twice by the task force in 1997 and 1998. He was never asked a single question, not one, about James Riady, John Huang, Johnny Chung, or any aspect of the foreign money scandal.

The Vice President was interviewed four times in 1997 and 1998. He was never asked a single question about the Hsi Lai Temple fundraiser. We found out about that because we subpoenaed the interview summaries. It wasn't until we made it public that the Justice Department got embarrassed and decided to go back and reinterview these people.

No fewer than seven senior Justice Department and FBI officials have asked the Attorney General to appoint an independent counsel or special counsel. She was told that she needed to do it under the mandatory section of the law by the Director of the FBI and the head of the task force, Mr. La Bella. She refused every time.

In his memo, Mr. La Bella said that the Department was going through contortions to avoid investigating senior White House officials. He said there was gamesmanship going on. He said they were starting with predetermined conclusions and reasoning backward to avoid appointing an independent counsel.

A year and a half ago, they reached a plea agreement with John Huang. They interviewed him for several days. He testified that James Riady organized an extensive scheme to funnel $700,000 or $800,000 in foreign money into Democratic campaigns in 1992. At least that is how much we know of. Yet James Riady has not yet been indicted.

What are we supposed to think about that kind of investigation? I know that Janet Reno likes to point to the fact that they have gotten a number of convictions. The vast majority have been low level conduits. I think the record clearly shows that this Justice Department has bent over backward to avoid investigating the President, the Vice President and other senior White House officials. Why else would they wait more than 3½ years to ask the Vice President one single question about the Hsi Lai Temple? That is why we needed an independent counsel in the first place.

So who is to blame for all this? The FBI? The Director of the FBI pushed harder than anybody to get an independent counsel. The FBI wanted to serve the search warrant on Charlie Trie's house and they got overruled. It was the FBI that did the right thing when they were told that Lee Radek said the Attorney General's job might hang in the balance. The prosecutors on the task force, Charles La Bella, pushed hard for an independent counsel. He lost a job as a U.S. attorney because of it. Robert Conrad, who is here with us today, has pushed for a special counsel to investigate the Vice President. I have met a few of the prosecutors from the task force. I think they are hardworking professionals who want to do the right thing. I think the blame rests squarely in the Attorney General's office because that is where the big decisions are made.

All of these things we talked about before. There are a number of new issues we are going to talk about today with our witnesses. I want to mention just a couple of them and then we will go into more detail during the questioning.

First, what happened with the transcript of the Vice President's interview bothers me a great deal. As I said, the Department was embarrassed because we revealed that the Vice President hadn't been asked any questions about the Hsi Lai Temple or foreign money.

The Justice Department went back and reinterviewed him in April. I issued a subpoena for the summary of the interview. I was told by the Attorney General that turning over that interview to us would jeopardize the investigation. It would show potential targets of ongoing investigations, what direction prosecutors were headed. Here is what she said: "The investigations would be seriously prej-

udiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained."

We did not contest that and we didn't get a copy. Little did I know that the Vice President already had a transcript or did get a transcript of the entire interview. When news reports came out that Mr. Conrad had asked for a special counsel, the Vice President decided to release it to the press.

There is a double standard here. The Justice Department tells us we can't have it, yet they give it to the Vice President. He is the target of the investigation. Why is it not OK for this committee to have it but it is OK for the Vice President who is under investigation? Did the Vice President's actions jeopardize the investigation? If the Vice President put his own political damage control ahead of the Justice Department's investigation, that is a pretty serious problem.

I also issued a subpoena for the Justice Department's summary of their April interview with the President. Again, I was told giving it to us would jeopardize their investigation. Does the President have a transcript of his interview like the Vice President? Is he going to release it at some time when it serves his purposes?

Second, we reviewed the document subpoenas that the Justice Department issued to the White House. There are some very important areas in which they didn't even bother to ask for documents and that is troublesome.

Third is the issue of the tape of the December 15, 1995 White House coffee. The President and the Vice President were in attendance. This was the coffee that Mr. Wiriadinata attended. He was the Indonesian gardener. He and his wife gave $455,000 to the DNC. During the coffee, he told the President that James Riady sent me. It is what happens next that is very interesting.

Mr. Wiriadinata moves away from the camera and you hear a voice in the background. It sounds very much like the Vice President. It sounds like he is saying, "We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes." That is very troublesome.

If it is the Vice President, why does he want Mr. Riady to see the issue ads? Mr. Riady lives in Indonesia. He was the person who was the originator of a lot of these illegal foreign contributions, the source of hundreds of thousands of dollars. Why does the Vice President want him to see these ads?

What is more troublesome is that I don't think the Justice Department has even looked into this. In five interviews with the Vice President, they didn't ask him a single question about it. I don't think they have even asked to see the original tape.

People might listen to the tape and disagree about what exactly he says. It is pretty clear to me but that is something the Justice Department needs to determine. That is something the Justice Department needs to ask the Vice President about.

There is one final thing that came up recently that provides a perfect example of what is wrong with the Justice Department's investigation. Mr. Conrad is the supervisor of the task force. He reports to Mr. Gershel. Mr. Gershel is responsible for overseeing all of their work, and that is a big job.

We have been told that this is the largest investigation the Justice Department has ever mounted. You can imagine my surprise when I read that Mr. Gershel was trying the James Bakaly case. He spent an entire week at that trial. I don't take any particular position on the Bakaly case but there are thousands of lawyers at the Justice Department. Why Mr. Gershel? Is he giving his full attention to the fundrasing investigation?

James Riady hasn't been indicated and it has been a year and a half. He funneled $700,000 or $800,000 in illegal contributions that we know about into the country. I don't think anyone has really analyzed those videotapes. The Vice President certainly hasn't been questioned about them. Whole categories of documents were never subpoenaed from the White House. The man who is supervising this massive undertaking is now out prosecuting Ken Starr's spokesman. Who is setting the priorities over at the Justice Department?

We have a lot of questions to ask and our witnesses are here and we appreciate that. We thank you for being here. I note that Mr. Robinson recently had some health problems and I am glad to see he is doing better and glad that you are here with us today.

Mr. ROBINSON. Thank you.

Mr. BURTON. I would be happy to yield to Mr. Waxman now for his opening statement.

[The prepared statement of Hon. Dan Burton follows:]

Opening Statement
Chairman Dan Burton
Committee on Government Reform
July 20, 2000

Today, we are holding another in our series of hearings into the Justice Department's handling of the campaign fundraising investigation. We have a number of senior Justice Department officials here.

- We have Assistant Attorney General James Robinson, the head of the Criminal Division.
- We have his Deputy, Alan Gershel.
- We have the head of the Campaign Fundraising Task Force, Robert Conrad.
- We have the Assistant Attorney General for Legislative Affairs, Robert Raben.

We have a lot of questions about what's been happening in this investigation. Before we get into that, I want to restate why we're so concerned about this.

Looking Back:

When the Attorney General decided she wasn't going to appoint an independent counsel, she testified before our Committee. She promised that the Justice Department would leave no stone unturned. This is what she said:

> *"In this particular campaign finance investigation, as in all others entrusted to the Department of Justice, we are going to follow every lead, wherever it goes."*
>
> That's the standard I hold her to. So, let's review what we've learned about this investigation:

- In December 1996, at the very outset, Lee Radek, the head of the Public Integrity Section, had a meeting with two senior FBI officials. They testified that Mr. Radek said he was under a lot of pressure, and the Attorney General's job might hang in the balance. Director Freeh was so concerned that he went to the Attorney General to talk about it. She apparently doesn't even remember the meeting.

- In the summer of 1997, the FBI learned that documents were being destroyed at Charlie Trie's house in Arkansas. Three FBI agents got on a plane to Little Rock to get a search warrant and seize the documents. They were called back by a senior Justice Department official. The search warrant didn't get served for another three months. When it did finally get served, they found out that Charlie Trie's staff had been hiding and destroying documents.

- The President was interviewed twice by the Task Force in 1997 and 1998. He was never asked a single question about James Riady, John Huang, Johnny Chung, or any aspect of the foreign money scandal.

- The Vice President was interviewed four times in 1997 and 1998. He was never asked a single question about the Hsi Lai Temple fundraiser.

We found out about that because we subpoenaed the interview summaries. It wasn't until we made it public that the Justice Department got embarrassed and decided to go back and re-interview them.

- No fewer than seven senior Justice Department and FBI officials have asked the Attorney General to appoint an independent counsel or a special counsel. She was told that she needed to do it under the mandatory section of the law by the Director of the FBI and the head of the Task Force, Mr. La Bella. She refused every time.

- In his memo, Mr. La Bella said that the Department was going through "contortions" to avoid investigating senior White House officials. He said there was "gamesmanship" going on. He said they were starting with predetermined conclusions and reasoning backwards to avoid appointing an independent counsel.

- A year-and-a-half ago, they reached a plea agreement with John Huang. They interviewed him for several days. He testified that James Riady organized an extensive scheme to funnel 7 or 8 hundred thousand dollars in foreign money into Democratic campaigns in 1992. And yet, James Riady hasn't been indicted.
  What are we supposed to think about that kind of investigation?

I know that Janet Reno likes to point to the fact that they've gotten a number of convictions. Well, the vast majority have been low-level conduits. I think that the record clearly shows that this Justice Department has bent over backwards to avoid investigating the President, the Vice President, and other senior officials. Why else would they wait more than three-and-a-half years to ask the Vice President a single question about the Hsi Lai Temple?

That's why we needed an independent counsel in the first place.

So who's to blame for all this?

The FBI? The Director of the FBI pushed harder than anybody to get an independent counsel. The FBI wanted to serve the search warrant on Charlie Trie's house, and they got overruled. It was the FBI that did the right thing when they were told that Lee Radek said the Attorney General's job might hang in the balance.

The prosecutors on the Task Force? Charles La Bella pushed hard for an independent counsel. He lost a job as a U.S. Attorney because of it. Robert Conrad has pushed for a special counsel to investigate the Vice President. I've met a few of the prosecutors on the Task Force. I think they're hard-working professionals who want to do the job right.

I think the blame rests squarely in the Attorney General's office. That's where the big decisions are made.

New Issues:

All of that we've talked about before. There are a number of new issues that we're going to talk about today with our witnesses. I want to mention a couple of them, and we'll go into more detail during the questioning.

First, what happened with the transcript of the Vice President's interview bothers me. As I said, the Department was embarrassed because we revealed that the Vice President hadn't been asked any questions about the Hsi Lai Temple or foreign money. The Justice Department went back and re-interviewed him in April. I issued a subpoena for the summary of the interview. I was told by the Attorney General that turning over that interview to us would jeopardize the investigation. It would show potential targets of ongoing investigations what direction prosecutors were headed. Here's what she said:

> *"The investigations would be seriously prejudiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained."*

I didn't contest that, and we didn't get a copy.

Little did I know that the Vice President had a transcript of the entire interview. When news reports came out that Mr. Conrad had asked for a special counsel, the Vice President decided to release it to the press.

There's a double standard here. The Justice Department tells us we can't have it, yet they give it to the Vice President -- and he's the target of the investigation. Why is it not OK for this Committee to have it, but it is OK for the Vice President? Did the Vice President's actions jeopardize the investigation? If the Vice President put his own political damage control ahead of the Justice Department's investigation, that's a pretty serious problem.

I also issued a subpoena for the Justice Department's summary of their April interview with the President. Again, I was told that giving it to us would jeopardize their investigation. Does the President have a transcript of his interview? Is he going to release it sometime when it serves his purposes?

Second, we've reviewed the document subpoenas that the Justice Department issued to the White House. There are some very important areas in which they didn't even bother to ask for documents. That's troublesome.

Third is the issue of the tape of the December 15, 1995, White House Coffee. The President and the Vice President were there. This was the coffee that Arief Wiriadinata attended. He was the Indonesian gardener. He and his wife gave $455,000 to the DNC. During the coffee, he told the President that "James Riady sent me." It's what happens next that's very interesting. Mr. Wiriadinata moves away from the camera. You hear a voice in the background. It sounds like the Vice President. It sounds like he's saying, *"we oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes."*

That's very troublesome. If it is the Vice President, why does he want Mr. Riady to see the issue ads? Mr. Riady lives in Indonesia. And he was the source of hundreds of thousands of dollars in illegal foreign contributions. Why does the Vice President want him to see those ads?

What's more troublesome is that I don't think the Justice Department has even looked into it. In five interviews with the Vice President, they didn't ask him a single question about it. I don't even think they've asked to see the original tape. Now, people might listen to the tape and disagree about exactly what he says. It's pretty clear to me, but that's something the Justice Department needs to determine. That's something the Justice Department needs to ask the Vice President about.

There's one final thing that came up recently that provides a perfect example of what is wrong with the Justice Department's investigation. Mr. Conrad is the supervisor of the Task Force. He reports to Mr. Gershel. Mr. Gershel is responsible for overseeing all of their work. That's a big job. We've been told that this is the largest investigation the Justice Department has ever mounted. So you can imagine my surprise when I read that Mr. Gershel was trying the Charles Bakaly case. He spent an entire week at that trial. Now, I don't take any particular position on the Bakaly case. But there are thousands of lawyers at the Justice Department. Why Mr. Gershel? Is he giving his full attention to the fundraising investigation?

James Riady hasn't been indicted, and it's been a year-and-a-half. He funneled seven or eight hundred thousand dollars in illegal contributions that we know of into the country. I don't think anyone's really analyzed these videotapes. The Vice President certainly hasn't been questioned about them. Whole categories of documents were never subpoenaed from the White House. And the man who is supervising this massive undertaking is out prosecuting Ken Starr's spokesman. Who's setting the priorities over there?

Well, we have a lot of questions to ask. Our witnesses are here. We thank them for being here. I note that Mr. Robinson has had some health problems recently. I hope you're doing better, Mr. Robinson, and I'm glad to see you up and around.

I'd now like to yield to Mr. Waxman for his opening statement.

Mr. WAXMAN. Thank you.

This hearing makes me think the Attorney General should revive an old Johnny Carson routine. She should take the letter Mr. Burton sent her this week about the campaign finance investigation, make a copy of it and file it away in a hermetically sealed jar. That way, she will always have it as an irreplaceable and pristine memento of political absurdity.

There is something exquisite in Mr. Burton lecturing the Attorney General on how to run a competent investigation. Three years ago, the chief counsel of this committee quit and told Mr. Burton that he had "been unable to implement the standards of professional conduct I have been accustomed to at the U.S. Attorney's Office."

Two years ago when the chairman released the doctored Webb Hubbell transcripts, one Republican investigator was quoted as saying, "I am ashamed to be a part of something that is so unprofessional." In the days after the Hubbell transcript debacle, Newt Gingrich, no shrinking violet when it came to investigations into Democrats, insisted that Mr. Burton's chief investigator be fired and told Mr. Burton he should be embarrassed.

In 4 years, the chairman has run through four chief counsels by my count, we have had at least three different chief investigators, at least three of his press secretaries have come and gone, and altogether nearly 70 people have left the committee staff. That is a remarkable record. It explains why the congressional expert Norman Ornstein said, "The Burton investigation is going to be remembered as a case study in how not to do a congressional investigation and as a prime example of investigation as farce."

Moreover, the Attorney General should be especially attentive to any letter from the chairman that purports to interpret words from tapes, as his most recent letter does.

Mr. Burton is convinced that Vice President Gore is saying on the tape, "We ought to, we ought to, we ought to show Mr. Riady the tapes, some of the ad tapes." Maybe it does, maybe it doesn't. Maybe the reference is to "Dottie" or "Lottie" or even "John Gotti." Who is to know?

This episode has made me think back to October 1997 when the White House released videos of the infamous coffees. Mr. Burton was sure that the videotapes had been altered to conceal incriminating information. In fact, he was so sure that they were altered that he told the country on Face the Nation that he was hiring lipreaders to get to the bottom of things. He did investigate this, as did others, but no one was able to find any incriminating statements.

Then in April 1998, Mr. Burton released the doctored Web Hubbell transcripts. Some reporters initially accepted his interpretations as fact but they weren't. The chairman or his staff had systematically changed words and left out passages to make the transcript seem incriminating. In one excerpt, for example, the chairman had Mr. Hubbell saying, "The Riady is just not easy to do business with me while I am here." In fact, Mr. Hubbell never mentioned Mr. Riady at all. He simply said, "The reality is that it is just not easy to do business with me while I am here." But if you are dead set on wanting to hear Riady at every possible oppor-

tunity, it is easy to mistake Riady for reality. This and other unfortunate distortions in the doctored transcript brought mounds of ridicule to this committee.

In one memorable Time Magazine piece, which I will make a part of the record, Calvin Trillin tried to capture how absurd this committee's allegations can be.

All of this would be comical if it did no harm to people's reputations but real harm is often done when the chairman wildly attacks the integrity of others, particularly the Vice President and the Attorney General. These groundless and offensive attacks don't reflect just excessive partisanship, they have moved far beyond that. They are reckless expressions of zealotry that take no account of the personal responsibility that each of us has to be accurate or factual in our comments.

In the Attorney General's case, Mr. Burton is increasingly shrill despite the fact that FBI Director Freeh and former Campaign Task Force Director Chuck La Bella have told him he is factually wrong in questioning the Attorney General's integrity.

The videotape the chairman has analyzed is a good example of misguided efforts. How did Mr. Burton and his staff find this? They must be spending thousands of hours and countless taxpayer dollars combing every videotape and every document this committee has ever received to find anything possible to embarrass the Vice President.

Now the chairman is upset that the Vice President received so-called special treatment by the task force and he points to the fact that the Vice President received a transcript of his deposition. That is one of the main reasons we are having this hearing.

I have tried to find out whether this is true. As usual in this committee, it turned out it is not true at all. The fact is that many other high-ranking officials, including several Republican officials, have been treated in the exact same manner. When Edwin Meese, the former Republican Attorney General was investigated by the independent counsel, he was given a transcript of his deposition. I have a letter from former Independent Counsel James McKay attesting to this and I want to include that in the record.

[The information referred to follows:]

James C. McKay
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2041

July 14, 2000

The Honorable Henry A. Waxman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6149

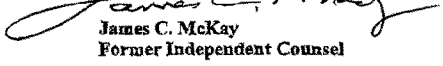
Dear Congressman Waxman:

In response to your letter of this date, in connection with the independent counsel's investigation of Edwin Meese, III, Attorney General of the United States, a deposition was taken of Mr. Meese on the issue of whether there had been a possible violation of the Foreign Corrupt Practices Act. Mr. Meese was represented by counsel at his deposition. Following the conclusion of Mr. Meese's testimony, a transcript of the deposition was provided to Mr. Meese and his counsel.

In addition, pursuant to an order issued by the Chief Judge of the United States District Court for the District of Columbia, the independent counsel also provided Mr. Meese with the transcripts of the grand jury testimony of Mr. Meese and Mrs. Meese prior to the issuance of the Report of the Independent Counsel pertaining to the investigation of Mr. Meese.

If you or your staff have any questions, please feel free to contact me.

Sincerely,



James C. McKay
Former Independent Counsel

Mr. WAXMAN. When George Schultz, the former Republican Secretary of State, was interviewed by the Iran Contra independent counsel, he was given a copy of a taped record of his session. I have a letter from former Deputy Independent Counsel Craig Gillen attesting to this and I am going to include that in the record.

[The information referred to follows:]

GILLEN CROMWELL WITHERS & BRANTLEY LLC

ATTORNEYS AT LAW

CRAIG A. GILLEN
DIRECT DIAL 404 842 9456
TELEPHONE 404 842 9700
TELECOPIER 404 842 9750

ONE SECURITIES CENTRE
SUITE 1050
3490 PIEDMONT ROAD, N.E.
ATLANTA, GEORGIA 30305

304 EAST BAY STREET
SAVANNAH, GEORGIA 31412
TELEPHONE 912 447 8400
TELECOPIER 912 447 8300

July 14, 2000

VIA U. S. Postal Service
and Facsimile

Congressman Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Congressman Waxman:

Please allow this letter to serve as my response to your July 14, 2000 correspondence. As I explained to your committee staff member in a telephone conversation today, as Deputy Independent Counsel for Iran/Contra I extended professional courtesies to a number of witnesses in our investigation.

On a number occasions we conducted sworn depositions in our offices in lieu of a formal grand jury appearance by the witness. In those cases, it is my recollection that I did not provide transcripts of those depositions to the subject of the examination. On one occasion our office interviewed former Secretary of State George Shultz in California. Prior to the commencement of that interview, we agreed with Mr. Shultz that the interview would be tape recorded and that we would provide him a copy of that tape recording. Subsequent to that recorded interview, it is my recollection that Mr. Shultz appeared twice in our office for depositions and that copies of the transcripts were not made available to him.

It is also my recollection that following former Defense Secretary Casper Weinberger's interview in our office, our office made available to Mr. Weinberger and his counsel a copy of the FBI form 302 Interview Memorandum for their review.

I remain,

Very truly yours,

Craig A. Gillen

CAG/nkc

Mr. WAXMAN. When the House Ethics Committee interviewed former Speaker Newt Gingrich as part of its investigation into his ethical lapses, the committee provided him access to the transcripts. I have a letter from James Cole, Special Counsel to the Ethics Committee investigation, attesting to this and I want to include that in the record.

[The information referred to follows:]

BRYAN CAVE LLP

700 THIRTEENTH STREET, N.W.
WASHINGTON, D.C. 20005-3960
(202) 508-6000
FACSIMILE: (202) 508-6200

ST. LOUIS, MISSOURI
NEW YORK, NEW YORK
KANSAS CITY, MISSOURI
OVERLAND PARK, KANSAS
PHOENIX, ARIZONA
LOS ANGELES, CALIFORNIA
SANTA MONICA, CALIFORNIA
IRVINE, CALIFORNIA

LONDON, ENGLAND
RIYADH, SAUDI ARABIA
KUWAIT CITY, KUWAIT
ABU DHABI, UNITED ARAB EMIRATES
DUBAI, UNITED ARAB EMIRATES
HONG KONG
ASSOCIATED OFFICE IN
SHANGHAI, PEOPLE'S REPUBLIC OF CHINA

JAMES M. COLE

DIRECT DIAL NUMBER
(202) 508-6091

INTERNET ADDRESS
JCOLE@BRYANCAVELLP.COM

July 19, 2000

The Honorable Henry A. Waxman
Ranking Minority Member
United States House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-143

Dear Mr. Waxman:

I have received your letter dated July 19, 2000, and have been authorized by the U.S. House Ethics Committee to answer the question you pose in that letter.

During the course of the House Ethics Committee's investigation of then-Speaker Newt Gingrich, I did interview him on two occasions and those interviews were transcribed. Mr. Gingrich subsequently appeared before the Investigative Subcommittee and was provided with copies of those two interview transcripts prior to that appearance.

If you need anymore information, please let me or the Ethics Committee know.

Sincerely,

James M. Cole

cc: Chairman Lamar Smith
Rep. Howard L. Berman

Mr. WAXMAN. Even this committee has followed the very procedures that Chairman Burton is complaining about. When this committee interviewed Charles Ruff, the former White House counsel earlier this year, Chairman Burton gave him a transcript of his interview. I have a letter from Mr. Ruff attesting to this and I want to include it in the record.

[The information referred to follows:]

FTR (Waxman)

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

WASHINGTON, DC
NEW YORK
LONDON
BRUSSELS
SAN FRANCISCO

CHARLES F.C. RUFF
TEL 202.662.5378
FAX 202.778.5378
CRUFF@COV.COM

July 19, 2000

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Bldg.
Washington, D.C. 20515-6143

Dear Congressman Waxman:

This is in response to your letter of July 13 concerning the interview conducted by staff of the Committee on Government Reform on April 6, 2000.

Your understanding that I consented voluntarily to that interview and to its recording and transcription is correct. The first pages of the transcript of the interview contain a description of the circumstances under which the interview was to be conducted. I was given a copy of the transcript to review and submitted a number of corrections, retaining a copy for my files. Nothing in the course of the interview -- or in any other discussion with Committee staff -- suggested that there were any constraints on my use of the transcript.

I trust that this is responsive to your inquiry, but if you have any further questions, do not hesitate to contact me.

Sincerely,

Charles Ruff

Charles F.C. Ruff

Mr. WAXMAN. I have more examples but I think my point is clear. Vice President Gore didn't receive special treatment at all.

I think what really upsets some people is that the Vice President released his transcript publicly. By putting out the facts, he made it impossible for his attackers to try him by innuendo. Attacks through innuendo have been the standard practice in this and too many other investigations.

The obvious plan, and I say obvious only in retrospect, was to have the news media in a frenzy for weeks speculating about what new incriminating evidence could be behind Mr. Conrad's recommendation, but the Vice President frustrated that plan the moment he released his transcript. That has made some of his political opponents very angry and resulted in the ludicrous hearing we are having today.

I ask consent that the documents referred to be part of my record if that hasn't already been covered by the unanimous consent of the chairman.

[The prepared statement of Hon. Henry A. Waxman follows:]

Statement of Representative Henry A. Waxman
July 20, 2000

This hearing makes me think that the Attorney General should revive an old Johnny Carson routine.

She should take the letter Mr. Burton sent her this week about the campaign finance investigation, make a copy of it, and file it away in a hermetically sealed jar. That way, she will always have it as an irreplaceable and pristine memento of political absurdity.

There is something exquisite in Mr. Burton lecturing the Attorney General on how to run a competent investigation.

Three years ago the Chief Counsel of this Committee quit and told Mr. Burton that he had "been unable to implement the standards of professional conduct I have been accustomed to at the U.S. Attorney's office."

Two years ago, when the Chairman released the doctored Webb Hubbell transcripts, one Republican investigator was quoted saying, "I'm ashamed to be part of something that's so unprofessional."

In the days after the Hubbell transcript debacle, Newt Gingrich, no shrinking violet when it came to investigations into Democrats, insisted that Mr. Burton's chief investigator be fired and told Mr. Burton he should be "embarrassed."

In four years, the Chairman has run through four Chief Counsels...by my count we've had at least three different chief investigators ... at least three of his press secretaries have come and gone...and altogether, nearly 70 people have left the Committee staff.

That's a remarkable record. It explains why the congressional expert Norman Ornstein said, "the Burton investigation is going to be remembered as a case study in how not to do a congressional investigation and as a prime example of investigation as farce."

Moreover, the Attorney General should be especially attentive to any letter from the Chairman that purports to interpret words from tapes, as his most recent letter does.

Mr. Burton is convinced that Vice President Gore is saying on the tape, "We ought to, we ought to, we ought to show Mr. Riady the tapes, some of the ad tapes."

Maybe it does. Or maybe the reference is to "Dottie" or "Lottie" or even "John Gotti" -- or who knows what.

This episode has made me think back to October 1997, when the White House released videos of the infamous coffees. Mr. Burton was sure that the video tapes had been altered to conceal incriminating information. In fact, he was so sure then that they were altered that he told the country on *Face the Nation* that he was hiring lip readers to get to the bottom of things. He did investigate this, as did others, but no one was able to find any incriminating statements.

Then, in April 1998, Mr. Burton released the doctored Webb Hubbell transcripts. Some reporters initially accepted his interpretations as fact. But they weren't. The Chairman or his staff had systematically changed words and left out passages to make the transcripts seem incriminating.

In one excerpt, for example, the Chairman had Mr. Hubbell saying "The Riady is just not easy to do business with me while I'm here." In fact, Mr. Hubbell never mentioned Mr. Riady at all. He simply said, "the <u>reality</u> is it's just not easy to do business with me while I'm here."

But if you're dead set on wanting to hear Riady at every possible opportunity, it's easy to mistake "Riady" for "reality."

This and other unfortunate distortions in the doctored transcript brought mounds of ridicule on this Committee. In one memorable Time Magazine piece, which I will make part of the record, Calvin Trillin tried to capture how absurd this Committee's allegations can be.

All of this would be comical if it did no harm to people's reputations. But real harm is often done when the Chairman wildly attacks the integrity of others, particularly the Vice President and the Attorney General.

These groundless and offensive attacks don't reflect just excessive partisanship–they have moved far beyond that. They are reckless expressions of zealotry that take no account of the personal responsibility each of us have to be accurate or factual in our comments.

In the Attorney General's case, Mr. Burton is increasingly shrill despite the fact that FBI Director Freeh and former Campaign Task Force Director Chuck LaBella have told him he's factually wrong in questioning the Attorney General's integrity.

The videotape that the Chairman has analyzed is a good example of misguided efforts. How did Mr. Burton and his staff find this? They must be spending thousands of hours -- and countless taxpayer dollars -- combing every videotape and every document this Committee has ever received to find anything possible to embarrass the Vice President.

Now the Chairman is upset that the Vice President received so-called special treatment by the Task Force, and he points to the fact that the Vice President received a transcript of his deposition. That's one of the main reasons we are having this hearing.

Well, I've tried to find out whether this is true. And as usual in this Committee, it turns out it's not true at all. The fact is, many other high-ranking officials -- including several Republican officials -- have been treated in exactly the same manner.

When Edwin Meese, the former Republican Attorney General, was investigated by an Independent Counsel, he was given a transcript of his deposition. I have a letter from former Independent Counsel James McKay attesting to this and want to include it in the record.

When George Shultz, the former Republican Secretary of State, was interviewed by the Iran/Contra Independent Counsel, he was given a copy of a taped record of his session. I have a letter from former Deputy Independent Counsel Craig Gillen attesting to this and want to include it in the record.

When the House Ethics Committee interviewed former Speaker Newt Gingrich as part of its investigation into his ethical lapses, the Committee provided him access to the transcripts. I have a letter from James Cole, special counsel to the Ethics Committee investigation, attesting to this and want to include it in the record.

Even this Committee has followed the very procedures that Chairman Burton is complaining about. When this Committee interviewed Charles Ruff, the former White House Counsel, earlier this year, Chairman Burton gave him a transcript of his interview. I have a letter from Mr. Ruff attesting to this and want to include it in the record.

I have more examples, but I think my point is clear: Vice President Gore didn't receive special treatment at all.

I think what really upsets some people is that the Vice President released his transcript publicly. By putting out the facts, he made it impossible for his attackers to try him by innuendo.

And attacks through innuendo have been the standard practice in this and too many investigations. The obvious plan–and I say obvious only in retrospect–was to have the news media in a frenzy for weeks speculating about what new incriminating evidence could be behind Mr. Conrad's recommendation.

But the Vice President frustrated that plan the moment he released his transcript.

And that has made some of his political opponents very angry and resulted in the ludicrous hearing we are having today.

###

Mr. BURTON. I appreciate the gentleman from California once again refreshing our memories about everything that has happened in the last 3½ years, although we don't quite agree with everything that was said.

Are there other Members who would like to make an opening statement?

[No response.]

Mr. BURTON. If not, would the gentlemen please rise so you can be sworn?

Do you swear to tell the whole truth and nothing but the truth, so help you God.

[Witnesses affirm.]

Mr. BURTON. Do any of you have opening statements you would like to make?

Mr. ROBINSON. I do, Mr. Chairman.

Mr. BURTON. Mr. Robinson.

STATEMENT OF JAMES K. ROBINSON, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE

Mr. ROBINSON. Mr. Chairman, ranking minority member and members of the committee, since neither I nor my Deputy, Mr. Gershel, nor Mr. Conrad, have previously appeared before this committee, although Mr. Raben has, I would like to take a moment to just tell you a bit about who we are and where we come from.

I have been the Assistant Attorney General for the Criminal Division since June 1998. I have been a lawyer for 32 years. Before my current position from 1993 to 1998, I was the dean and a professor of law at Wayne State University Law School in Detroit, MI. My principal area of academic interest in teaching and in writing is in the law of evidence. I continue to be a tenured professor at the law school on leave during my appointment to this position.

Prior to my appointment as Dean, I was a partner in the Detroit law firm of Honigan, Miller, Schwartz and Cohn where I chaired the litigation department and engaged in major complex litigation including white collar criminal defense work.

From 1990 to 1991, I was the president of the State Bar of Michigan and from 1977 through 1980, I was the U.S. attorney for the Eastern District of Michigan in Detroit.

Alan Gershel is a career Federal prosecutor. He has been a Deputy Assistant Attorney General since December 1999. In that capacity he has the responsibility within the Criminal Division for supervising the Campaign Financing Task Force, the Fraud Section and the Child Exploitation and Obscenity Section.

Before his current position, Mr. Gershel served since 1980 as an assistant U.S. attorney for the Eastern District of Michigan. Before coming to the Criminal Division at my request, he was the first assistant and the Chief of the Criminal Division in that office. For 20 years he has been a Federal prosecutor. He has supervised or personally prosecuted hundreds of Federal criminal cases including public corruption and white collar matters, as well as a wide range of other Federal criminal offenses.

He has a well-deserved reputation as an outstanding career Federal prosecutor. He is smart, aggressive, ethical and fair-minded.

Bob Conrad, the current chief of the Campaign Financing Task Force, like Mr. Gershel, is a career Federal prosecutor. Before being selected with my participation in December 1999 to head the Campaign Financing Task Force, Bob served for 8 years as the Criminal Chief in the U.S. Attorneys Office for the Western District of North Carolina where, like Mr. Gershel, he was responsible for supervising hundreds of prosecutions involving white collar crime, public corruption, narcotics trafficking, firearm violations and a wide variety of other Federal crimes. He has personally tried numerous cases ranging from bank robberies to capital litigation.

He has over 11 years of experience as a Federal prosecutor, he has proven himself to be a highly talented, tenacious person with tremendous personal and professional integrity.

Mr. Gershel and Mr. Conrad are both on detail to the Criminal Division from their respective U.S. Attorneys Offices. They and their families have made substantial personal sacrifices in order for them to come to Washington and assume their important responsibilities. I am personally grateful to them and I believe the American people should be as well for undertaking this valuable service to the country.

Mr. Chairman, in the letter you wrote to me requesting my appearance, you stated the purpose of today's hearing would be to answer the question of whether the President and the Vice President received special treatment from the Campaign Financing Task Force, from the Criminal Division, or from the Justice Department.

I have great respect for Congress' oversight responsibilities and welcome a healthy exchange of ideas with this committee about the Department's policies and priorities and accept any criticisms that might be made about our activities and take that into consideration.

However, it would be inconsistent with my ethical and professional responsibilities to comment publicly about specific aspects of any criminal investigation. As you know, the interviews of the President and the Vice President pertain to matters currently pending before the Department. Indeed, as a result of information improperly leaked, it has been widely reported in the press that the Attorney General is presently considering a recommendation that a Special Counsel be appointed to handle certain aspects of the Vice President's interview.

As is well known I am sure to members of this committee, the McDade Act, 28 U.S.C. Section 530(b) makes Federal prosecutors subject to State ethics rules governing the conduct of attorneys. I am bound by the requirements of the rules of professional conduct in Michigan and in the District of Columbia where I am admitted to practice law. These rules prevent me from discussing matters relating to pending criminal investigations.

I am also bound by similar provisions of the U.S. Attorneys Manual which provides, among other things, "Personnel of the Department of Justice shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress." These are legitimate constraints on Federal prosecutors for good and sufficient reasons and I would be in support of them even if they weren't required but they are.

As the Attorney General emphasized in declining to answer questions about this same matter during her testimony before the Senate Judiciary Committee last month, it is essential to the fairness and integrity of our criminal justice system that criminal investigations and prosecutions be handled in an appropriate way. It is my firm belief that prosecutors should be doing their talking about pending criminal cases only in court and only if charges are actually brought.

It would not be appropriate for me or my colleagues to make public statements that could potentially compromise or improperly influence the due administration of justice or unfairly prejudice the rights of individuals who may be witnesses, subjects or targets of our work.

If the Department were to provide congressional committees confidential information or engage in a dialog about active criminal investigations, it would place Congress in a position of appearing to exert pressure or attempting to influence the prosecution or declination of criminal cases. It could appear that Congress was seeking to direct particular tactical and strategic decisions such as the timing and sequence of witness interviews or the scope and nature of our questioning or generally attempting to influence the conduct and outcome of criminal investigations.

Such a practice would not only be inconsistent with the constitutionally based principle of separation of powers, it would also significantly damage law enforcement efforts and shape public confidence and judicial confidence in the fairness of the criminal justice system by creating a perception that investigative and prosecutorial decisions were being improperly influenced by political considerations rather than the merits of the case.

This is not to suggest that prosecutors should be immune from congressional oversight or not be accountable to the American people or not be subject to legitimate criticism by anyone who would see fit to make such criticism. However, I think there is a legitimate and major difference between appropriate congressional oversight and the disclosure by prosecutors bound by ethical rules of confidentiality with respect to confidential law enforcement information concerning pending matters.

The danger of congressional intrusion into pending matters is not just a theoretical problem, indeed we are facing an issue at the very moment created in connection with the Maria Hsia case as a result of the hearing that was held last month in connection with the Hsi Lai Temple matter. When Mr. Conrad was summoned to testify last month before Senator Specter's subcommittee, he was asked questions about pending matters and appropriately indicated it was inappropriate for him to make comments.

Notwithstanding the very limited nature of Mr. Conrad's testimony, Ms. Hsia's criminal defense lawyer not only attended a hearing, secured a transcript but has now filed a motion to dismiss the indictment in that case or alternatively to disqualify the Department of Justice because of congressional attempts to influence the Department's handling of the Hsia case.

Although we will not be able to discuss the specifics of pending matters, I am prepared, as are Mr. Gershel and Mr. Conrad. to discuss in general terms the tactical, ethical and legal considerations

that may influence prosecutorial decisions about the investigative phase of a criminal matter generally. I will try to provide the committee a brief overview of some of the investigative practices and issues that may help put the committee's concerns in context in connection with what I understand to be the chairman's interest and concerns.

Federal prosecutors have a wide variety of methods available for gathering relevant facts from witnesses during a criminal investigation. Most witnesses in a Federal criminal investigation are initially interviewed by FBI agents or by agents from another Federal law enforcement agency. These interviews are voluntary when they occur. No witness can be compelled to give an interview and of course, may refuse to do so relying on their constitutional rights to refuse to provide information that may tend to incriminate them.

Sometimes prosecutors will participate in investigative interviews, sometimes not. Where a witness is represented by counsel, the prosecutor typically will be involved. There are often privilege issues that may limit the areas of questioning or may result in an agreement between the prosecutor and the witness that certain statements of the witness will not be used against him. These are issues that the prosecutor and the witness' attorney typically seek to resolve through negotiation.

As I explained earlier in my statement, a prosector is prohibited not only by grand jury secrecy rules where they apply, but also by ethical and professional obligations from disclosing information about pending criminal investigations. Witnesses and their lawyers, however, are not bound by these rules of confidentiality. Indeed, witnesses subpoenaed even to testify before a Federal grand jury are free under rule 6(e) of the Rules of Federal Criminal Procedure if they choose to do so, to come right outside the grand jury room to the steps of the courthouse and hold a press conference to disclose every question asked and every answer given during their grand jury testimony.

Similarly, witnesses are free to tell the world they were interviewed by investigative agencies or by prosecutors, what they were asked and what they told. They also can pick up the phone and talk to other people about the substance of these interviews.

Although a prosecutor may prefer that a witness not disclose information about a pending case, the Government does not have any right to dictate who a witness can or cannot talk to. Witnesses do not belong to either side of a matter. As a matter of due process and prosecutorial ethics, the Government cannot threaten or intimidate a witness for the purpose of preventing a witness from talking to a subject or target of investigation or from exercising their first amendment rights. This does not mean that target subjects of an investigation may corruptly interfere with the Government's investigation.

With that in context and in light of the public disclosures that have already been made, I can say, without getting into the specific details of the discussions between counsel, the Vice President's interview on April 18 was a voluntary interview. The arrangements for that interview were worked out between counsel. Mr. Conrad, in consultation with Mr. Gershel, handled the negotiations on behalf of the Department.

The negotiated agreement met fully the needs of the prosecutors in the case. I am sure it also helped encourage the continuing cooperation of this witness. We agreed to proceed deposition-style and our treatment of the transcript was consistent with standard deposition practice with regard to both parties getting copies of the transcript.

As for the Vice President's decision to release the transcript, that was his choice and not ours. We would not have chosen to release it and we have not released the transcript. We had no legitimate basis for objecting to his decision to do so. The Justice Department has no authority to prevent a witness from making a public disclosure about his or her interview or even his or her grand jury testimony, nor would it be appropriate for us to criticize a witness for exercising the right to do so.

We cannot, as I said, even prevent a witness from disclosing what was asked and what was said to him or her in front of a Federal grand jury. For us to instruct a witness to remain silent would raise serious constitutional and ethical issues.

Within the constraints under which I operate with respect to the discussion of pending criminal matters, we would be happy to make every effort to answer the questions you have for us that we can appropriately answer.

[The prepared statement of Mr. Robinson follows:]

Department of Justice

STATEMENT

OF

JAMES K. ROBINSON
ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

THE CAMPAIGN FINANCING TASK FORCE

PRESENTED ON

JULY 20, 2000

Opening Statement by James K. Robinson
Assistant Attorney General, Criminal Division
Department of Justice

Before the Committee on Government Reform and Oversight
House of Representatives
July 20, 2000

Mr. Chairman, Mr. Ranking Minority Member, and other members of the Committee, I am Jim Robinson, the Assistant Attorney General for the Criminal Division of the Department of Justice. I am appearing today at your request, along with two other members of the Criminal Division, Alan Gershel, a Deputy Assistant Attorney General, and Robert Conrad, the Chief of the Campaign Financing Task Force. Also present today from the Department of Justice is Robert Raben, the Assistant Attorney General for Legislative Affairs. Since neither I, nor Mr. Gershel nor Mr. Conrad has appeared before you previously. I would like to take a moment to tell you a little bit about our backgrounds.

Personal Background. I have been the Assistant Attorney General for the Criminal Division since June 1998. I have been a lawyer for 32 years. Before my current position, from 1993 to 1998, I was Dean and Professor of Law at Wayne State University Law School in Detroit, Michigan. My principal area of academic teaching and writing has been the law of evidence. I continue to be a tenured law professor on leave during this appointment. Prior to my appointment as Dean, I was a partner with the law firm of Honigman, Miller, Schwartz and Cohn in Detroit, where I chaired the firm's litigation department. I concentrated my practice on complex litigation, including white collar criminal defense work. During 1990 and 1991, I served a term as President of the State Bar of Michigan. From 1977 through 1980, I was the United States Attorney for the Eastern District of Michigan.

Gershel's Background. Alan Gershel is a career federal prosecutor. He has been a Deputy Assistant Attorney General since December 1999. In that capacity, he has responsibility within the Criminal Division for supervising the Campaign Financing Task Force, the Fraud Section, and the Child Exploitation and Obscenity Section. Before his current position, Mr. Gershel served since 1980 as an Assistant United States Attorney in the Eastern District of Michigan. Prior to joining the Criminal Division, he was the First Assistant and the Criminal Chief in that office. In his 20 years as a federal prosecutor, Mr. Gershel has supervised or personally prosecuted hundreds of federal criminal cases, including public corruption and white collar matters, as well as a wide range of other federal offenses. He has a well deserved reputation as an outstanding federal prosecutor – smart, aggressive, hard working, ethical, and fair-minded.

Conrad's Background. Bob Conrad, the current Chief of the Campaign Financing Task Force, like Mr. Gershel, is a career federal prosecutor. Before being selected in December 1999 to head the Campaign Financing Task Force, he served for 8 years as the Criminal Chief in the

United States Attorney's Office in the Western District of North Carolina, where, like Mr. Gershel, he was responsible for supervising hundreds of prosecutions involving white collar crime, public corruption, narcotics trafficking, firearms violations and a wide variety of other types of federal crimes. He has personally tried numerous cases ranging from bank robberies to capital litigation. Mr. Conrad has over 11 years of experience as a federal prosecutor, and has proven himself to be highly talented and tenacious with tremendous personal and professional integrity.

Mr. Gershel and Mr. Conrad are both on detail to the Criminal Division from their respective U.S. Attorney's Offices. They and their families have made substantial personal sacrifices in order for them to come to Washington and assume their important responsibilities. I am personally very grateful – and I believe the American people should be grateful – for the valuable service they are providing to their country.

Inability to Comment on Pending Matters. Mr. Chairman, in your letter to me requesting my appearance you stated that the purpose of today's hearing would be to answer the question of whether the President and Vice President received special treatment from the Campaign Financing Task Force. I have great respect for Congress' oversight responsibilities and welcome a healthy exchange of ideas with this Committee about the Department's policies and priorities. However, it would be inconsistent with my ethical and professional responsibilities to comment publicly about specific aspects of any pending criminal matter. As you know, the interviews of the President and Vice President pertain to matters currently pending before the Department. Indeed, as the result of information improperly leaked it has been widely reported in the press that the Attorney General is presently considering a recommendation that a special counsel be appointed to handle certain aspects of the Vice President's interview.

As you know, the McDade Act, 28 U.S.C. § 530B, makes federal prosecutors subject to State ethics rules governing the conduct of attorneys. I am bound by the requirements of the Rules of Professional Conduct in Michigan and the District of Columbia, where I am admitted to practice law. These rules prevent me from discussing matters relating to pending criminal investigations. I am also bound by the similar provisions of the United States Attorney's Manual, which provides, among other things, that: "personnel of the Department of Justice shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress . . . ."

As the Attorney General emphasized in declining to answer questions about this same matter during her testimony before the Senate Judiciary Committee last month, it is essential to the fairness and integrity of our criminal justice system that criminal investigations and prosecutions be handled in the right way. It is my firm belief that prosecutors should do their talking about pending criminal cases only in court, and only if charges are actually brought. It would not be appropriate for me or my colleagues to make public statements that could potentially compromise or improperly influence the due administration of justice or unfairly prejudice the rights of individuals.

Problems Created by Congressional Intrusion into Pending Criminal Matters. If the Department were to provide congressional committees confidential information, or engage in a dialogue, about active criminal investigations it would place the Congress in a position of appearing to exert pressure or attempting to influence the prosecution or declination of criminal cases. It could appear that Congress was seeking to direct particular tactical and strategic decisions, such as the timing and sequence of witness interviews or the scope and nature of our questioning, or just generally attempting to influence the conduct and outcome of the criminal investigation. Such a practice would not only be inconsistent with the constitutionally based principle of separation of powers, it would also significantly damage law enforcement efforts and shake public and judicial confidence in the fairness of the criminal justice system by creating a perception that investigative and prosecutorial decisions were being improperly influenced by political considerations rather than the merits of the case.

This is not to suggest that prosecutors should be immune from congressional oversight or not be accountable to the American people. However, there is a difference between legitimate congressional oversight and the disclosure by prosecutors of confidential law enforcement information concerning pending matters.

The danger of congressional intrusion into pending cases is not just a theoretical problem. Indeed, we are facing an issue created by Congress right now in the Maria Hsia case, which is a pending case involving the Hsi Lai Temple event. When Mr. Conrad was summoned to testify last month before Senator Specter's Subcommittee, he was asked questions about pending matters. Ms. Hsia's criminal defense attorney attended the hearing. She has now filed a motion to dismiss the indictment or in the alternative to disqualify the Department of Justice because of congressional attempts to influence the Department's handling of the Hsia case.

Ability to talk in General Terms about Investigative Methods and Issues. Although we will not be able to discuss the specifics of pending matters, I am prepared, as are Mr. Gershel and Mr. Conrad, to discuss in general terms the tactical, ethical and legal considerations that may influence prosecutorial decisions about the investigative phase of a criminal matter. I will try to provide the Committee a brief overview of some of the investigative practices and issues that may help put the Committee's concerns in context.

Most Witnesses Are Interviewed. Federal prosecutors have a wide variety of methods available for gathering relevant facts from witnesses during a criminal investigation. Most witnesses in a federal criminal investigation are interviewed initially by FBI agents or by agents from another federal law enforcement agency. These interviews are voluntary. No witness can be compelled to give an interview, and, of course, may refuse to do so relying on their constitutional right to refuse to provide information that may tend to incriminate them. Sometimes prosecutors will participate in investigative interviews, sometimes not. Where a witness is represented by counsel, the prosecutor typically will be involved. There are often privilege issues that may limit the areas of questioning or may result in an agreement between the prosecutor and the witness that certain statements of the witness will not be used against him.

These are issues that the prosecutor and the witness' attorney typically seek to resolve through negotiation.

Witness Has the Right to Disclose the Interview. As I explained earlier in my statement, a prosecutor is prohibited, not only by grand jury secrecy rules, but also by ethical and professional obligations, from disclosing information about a pending criminal investigation. Witnesses and their lawyers, however, are not bound by these confidentiality rules. Indeed, witnesses subpoenaed to testify before a grand jury are free under Federal Criminal Rule of Procedure 6(e), if they choose to do so, to come out of the grand jury and hold a press conference on the steps of the courthouse and disclose every question asked and every answer provided during their grand jury testimony. Similarly, witnesses are free to tell the world that they were interviewed by the FBI or the prosecutor and what they told them, or they may pick up the phone and tell the target of the investigation about the substance of the interview. Although a prosecutor may prefer that a witness not disclose information about a pending case, the government does not have any right to dictate who a witness can or cannot talk to. Witnesses do not belong to either side in a case. As a matter of due process and prosecutorial ethics, the government cannot threaten or intimidate a witness for the purpose of preventing the witness from talking to a subject or target of an investigation or from exercising his First Amendment rights. This, of course, does not mean that targets or subjects of an investigation may corruptly interfere with the government's investigation.

Gore Interview. With that context, and in light of the public disclosures that have already been made, I can say, without getting into the specific discussions between counsel, that the Vice President's interview on April 18th was a voluntary interview. The arrangements for that interview were worked out between counsel. Mr. Conrad, in consultation with Mr. Gershel, handled the negotiations on behalf of the Department. The negotiated agreement met fully the needs of the prosecutors in the case. I am sure it also helped encourage the continuing cooperation of this witness. We agreed to proceed deposition style, and our treatment of the transcript was consistent with standard deposition practice.

As for the Vice President's decision to release of the transcript, that was his choice not ours. We would not have chosen to release it, and we have not done so, but we had no legitimate basis for objecting to his decision to do so. The Justice Department has no authority to prevent a witness from making a public disclosure about his or her interview. Nor is it appropriate for us to criticize a witness for exercising his right to do so. We cannot even prevent a witness from disclosing what was said before the Grand Jury. For us to instruct a witness to remain silent would raise serious constitutional and ethical issues.

Within the constraints under I which operate with respect to the discussion of pending criminal matters, I am happy at this point to attempt to answer your questions.

Mr. BURTON. Thank you, Mr. Robinson.

Do any other members of the panel want to make an opening statement?

[No response.]

Mr. BURTON. If not, we will now start the questioning and under the rules, there is 30 minutes allocated for each side. I will allocate the first 15 minutes of our side to Mr. Barr of Georgia. Mr. Barr.

Mr. BARR. Mr. Robinson, you say in the first paragraph on page 3 with regard to intrusion into pending matters, "might shape public and judicial confidence in the fairness of the criminal justice system by creating a perception that investigative and prosecutorial decisions were being improperly influenced by political considerations rather than the merits of the case." I don't think any of us could better express our concern. That is precisely our concern, that steps that normally should be taken and that prosecutors know ought to be taken and usually are taken, are not taken. For about 4 years now, we have been going around and around and around the same issue.

Initially with regard to the refusal of the Attorney General to seek the appointment of an independent counsel when the law, we believe and others in the Department of Justice and the FBI believe, that the law was pretty clear that the Attorney General was required to seek the appointment of an independent counsel.

When the law is very clear and yet the Department of Justice at the highest levels fails to take those steps that is even a reasonable non-lawyer reading of the statute seems to require that does shake public confidence that law enforcement is being applied fairly. That is precisely the problem.

In this case, the Department, as the chairman has indicated, has refused to turn over material to us and then the Vice President, and yes, you are technically correct, the Government cannot, under most circumstances, control what a witness who appears either before a grand jury or an investigative interview setting, does with that information, much as the Government might like to be able to control that.

I think some of the other members will go into this but it seems rather odd to us that the Department maintains, releasing the same transcript to the Congress that already has been released to the witness, for whatever reason, and that the witness has thereafter used it for political purposes, as I suppose is the prerogative of the Vice President to use a transcript for political purposes, by claiming to Congress to release this transcript to you, even though the witness already has it and is making it publicly available for political purposes, would somehow impede an investigation raises a question in our minds and in the minds of many members of the public. That is precisely the point that brings us today.

A number of us do not feel that these cases are being pursued and we have some questions about that. They are just questions about some of the evidence that we have reviewed that I believe is relevant here today.

The first and most troubling matter was the subject of the chairman's letter to the Attorney General dated July 18, 2000. As you know, the committee has obtained the original tape of the December 15, 1995 White House coffee. That coffee was attended by Mr.

Arief Wiriadinata, the Indonesian son-in-law of a co-founder of the Lippo group who worked in the United States as a gardener. Mr. Wiriadinata and his wife illegally gave $450,000 to the DNC, all of that money coming from his father-in-law.

Up until now that coffee is most famous for Mr. Wiriadinata's statement to President Clinton as the President was going around the room at this coffee being introduced to people that "James Riady sent me." That is not open to dispute. That is what he said to the President when he was introduced to the President, "James Riady sent me."

We spent a lot of time listening to this tape and I have listened to the tape a number of times. The Vice President attended that coffee. He is seen on the tape as he enters. As is the norm for these sorts of political gatherings, the President will come in, followed by perhaps some of his aides and scribes, and the Vice President happened to be there also. They will both make their way around the room introducing themselves and engaging in small talk with the people at the coffee or whatever event it is. That is standard operating procedure.

The Vice President attends the coffee. He comes in a bit behind the President and he can be seen coming into the room. It is on the Government's tape. He can also be heard on the audio portion of the tape. After the President is introduced to Mr. Wiriadinata, the relative of Mr. Riady by marriage and who tells the President, "James Riady sent me," very audibly, then the President proceeds on down and Mr. Wiriadinata is sort of standing there, very much out of place—and indeed, he is out of place. This was not a meeting of the Gardener's Association, this was a meeting of major donors to the President's and Vice President's campaign.

Mr. Wiriadinata was not a prominent business person as these others, or at least a major donor, and he doesn't appear to know anybody at this coffee, so he is sort of just standing there. You see him just standing there as the President moves on behind him and introduces himself and engages in small talk with other people.

About the time that it would be reasonable for the Vice President to come up to Mr. Wiriadinata—he is following the President—you see Mr. Wiriadinata turn and then talk with somebody. Granted that conversation takes place off-screen. We are not trying to manufacture evidence here, but it is very clear to those of us who have listened to the original of the tape, which I think you all have not, even though you have commented on it, it is very clear that what appears to be the voice of the Vice President of the United States saying to Mr. Wiriadinata, "We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes."

The concern that we have, and I will play this in a second, is that this evidence is not being followed up and that is the question we have. Let us roll the tape, please and we also have on the screen the specific language as you see Mr. Wiriadinata pulled off-screen and the conversation takes place.

[Videotape played.]

Mr. BARR. Would you replay that, please, and I will stop it at a couple of key points.

The President and Vice President are both clearly in the room. Does there seem to be any dispute about that? I am asking the wit-

nesses, does there seem to be any dispute the President and the Vice President are both in the room? Does that appear to be the case?

Mr. ROBINSON. I would say, Congressman Barr, this is what it is. I don't think it would be appropriate for us to make comments on anything that might be evidence but we are here and we are watching.

Mr. BARR. Is this evidence in the case or is the universe about which you are not commenting anything that might be evidence in the case?

Mr. ROBINSON. I assume that as a former U.S. attorney and a Federal prosecutor, you would agree with me that it would be inappropriate for a Federal prosecutor to be commenting on matters that under 3.6 or otherwise, might be the subject of our investigation. I certainly don't think it is appropriate.

Mr. BARR. Is this coffee the subject of your investigation?

Mr. ROBINSON. The Campaign Financing Task Force has a broad subject of its review. As you know, we have had a number of prosecutions including many prosecutions of individuals who have been donors to the campaign and it would be inappropriate for us to make comments, and particularly to comment on evidence.

Obviously we are happy to see what this is and receive anything we get from the committee and to evaluate it.

Mr. BARR. Is this the first time you have seen this tape?

Mr. ROBINSON. I think it would be inappropriate for me to comment as to what we have been looking at and I might also say, earlier you made the point that we all have commented on this tape and that is simply not the case. It wouldn't be appropriate for us to comment on the case. I think it would violate my ethical responsibilities as a prosecutor to do it. I think it would be inappropriate. We are happy to view this.

Mr. BARR. We are glad to perform the public service of showing you all evidence. Let us proceed then.

[Playing of tape.]

Mr. BARR. This is the Vice President of the United States, Mr. Al Gore. Proceed.

[Playing of tape.]

Mr. BARR. This is Mr. Arief Wiriadinata shaking hands with the President of the United States. Proceed.

[Playing of tape.]

Mr. BARR. Stop the tape. This is Mr. Wiriadinata telling the President, "Mr. James Riady sent me." Proceed.

[Playing of tape.]

Mr. BARR. Stop the tape. This is Mr. James Wiriadinata at the lefthand side of the tape. Proceed.

[Playing of tape.]

Mr. BARR. Stop the tape. This is Mr. Wiriadinata being drawn off the visual screen here, being spoken to by somebody who has pulled him aside. Proceed.

[Playing of tape.]

Mr. BARR. Stop the tape. With the interruptions, we missed the part. Go back to the part where the statement is, "we oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes," please.

[Playing of tape.]

Mr. BARR. Stop the tape. What we have here, we have gone through this a couple of times. It seems reasonable to deduce, even if one does not want to, that the President and the Vice President came into a room, Mr. Wiriadinata was there, he tells the President, Mr. James Riady sent me, he didn't whisper, he says it, it is audibly clear to ourselves and others that were in the room.

Very shortly behind the President comes the Vice President. I can't tell you for a certainty that it is the Vice President or one of his people that pulls Mr. Wiriadinata off screen. It seems reasonable that is what happens because the voice that we then hear talking to Mr. Wiriadinata saying, I think very clearly, "We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes," and then somebody else says something else regarding that, we can set it up or something. It seems to me at an absolute minimum, if the Department of Justice is interested in pursuing a full, fair, comprehensive and complete investigation of these matters, this tape ought to be analyzed and the Vice President ought to be questioned about it.

Mr. BURTON. The gentleman's time has elapsed, the 15 minutes, and we are going to go to Mr. Shays next.

Go ahead and continue.

Mr. BARR. The concern I have about the Department commenting on this tape arose in a CNN piece just yesterday entitled, "Justice Says White House Coffee Tape Unclear. Hearing scheduled Tuesday." I presume they meant Thursday. In that piece, a Justice Department source is quoted as saying that the tape, this tape is unclear because of poor audio. That is what I am talking about. The Department of Justice, if you believe CNN and I guess we are all free to believe or disbelieve them, is commenting on this tape.

Mr. ROBINSON. Can I say unequivocally, I haven't commented on this, I wouldn't comment on it. It would be inappropriate for anyone from the Justice Department to make a comment on this. I am quite confident that Mr. Gershel and Mr. Conrad haven't made any public comments or other comments about it. I don't think we ought to be making comments about it. It would be inappropriate.

Mr. BARR. I have absolutely no reason to believe that any of you all have, but it appears that somebody at the Department of Justice has.

Our concern here is, there seems to be a piece of evidence that very clearly raises substantial questions regarding what we have been led to believe is an investigation that we are told is being conducted very aggressively and comprehensively by the Department of Justice concerning the very issues raised in this tape and in the audio portion of the tape. That is that the Vice President's involvement in these issue ads, the problem with having foreign money, including from Mr. Riady, come in, and you have three key players right here in the same room, the President, Mr. Wiriadinata and the Vice President, engaging in conversations that by every appearance relate directly to these matters.

Yet, as far as we can tell, they have not been looked into. This is the original of the tape provided to us. It is a copy of the original. One presumes that no matter how good a quality a copy is, the

original is always at least marginally better. We think this ought to be looked into.

I ask again, is this tape, is this coffee, are these individuals, is this language, of interest to the Department of Justice?

Mr. ROBINSON. I cannot comment on the investigative matter but obviously we are here, we have heard it and we receive lots of information from Congress and other sources. Whenever we get information, we look at it carefully as a general proposition, but I can't comment on the specifics of our investigations. It would be inappropriate.

Mr. BARR. Will you commit to look at this as more than just a general proposition?

Mr. ROBINSON. I think it would be inappropriate for me to make a statement about how we are going to conduct an investigation but I think we are all here and we have seen this information. We take information that we get from Members of Congress seriously, obviously, and others as well. It wouldn't be appropriate, I think, for us to make any comments about how we are going to handle particular items of evidence.

Mr. BARR. We would urge you to. It seems to me this tape being not new, it has been around for a while, should have been looked at by now, and we would hope at this late stage, because apparently these investigations are continuing, that it be looked at and looked at very carefully in the full context of the allegations. We would appreciate that very much.

Thank you, Mr. Chairman.

Mr. BURTON. Unfortunately, gentlemen, we have a vote on the floor. I think we have two votes. Before we yield to Mr. Shays, we will come back as soon as we vote and we will stand in recess until the call of the gavel.

[Recess.]

Mr. BURTON. The committee will come to order.

I will now recognize for the remainder of my time, the gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman.

Mr. Robinson, Mr. Raben, Mr. Conrad and Mr. Gershel, good afternoon.

I have strong feelings like the ranking member of this committee but I come to a different conclusion. I think our committee work would have been done a long time ago if we had had the cooperation of the administration. I have a hard time with 120 witnesses not cooperating with House and Senate committees, with 79 taking their fifth amendment rights, 18 percent leaving the country, 23 foreign witnesses simply refusing to cooperate. I think we would have been done a long, long time ago and frankly I think probably the Justice Department might have had more success as well if they had had cooperation of witnesses.

I am interested in trying to learn more about two things, why it took almost 4 years to ask the Vice President about the Hsi Lai Temple fundraiser and why the Vice President was able to release his last interview transcript to the media, which I know you talked about a bit.

By now, it is well documented that the Hsi Lai Temple event was a fundraiser. Charlie Trie testified in March before this committee.

I asked the following. "The idea of this event was as a campaign fundraising event and you helped initiate it with the DNC. Isn't that correct?" Charlie Trie answered "Yes."

When John Huang testified before this committee in December 1999, I asked him, "Is it true that some people came to the event expecting they should make a contribution?" Mr. Huang answered, "Yes, yes." Then I said, "But in fact, it was a fundraising event, is that correct?" Mr. Huang answered, "There was money whether before or after being raised, yes."

We have a memo from John Huang to Kim Tilley, who was Vice President Gore's director of scheduling. The subject is "Fundraising lunch for Vice President Gore." The proposed location is the Hsi Lai Temple, Hacienda Heights, CA. The Secret Service knew it was a fundraiser and described the event as a fundraising luncheon.

The National Security Council expert 2 weeks before the event noted in e-mail that the head of the Hsi Lai Temple "would host a fundraising lunch for about 150 people in the VP's honor."

Then we also have money being returned by the Democratic National Committee and they list reasons for returning money—"unable to substantiate sources of funds." They returned one $5,000 on November 16 and this is the reason they returned it, "It was a Temple, you idiot." That is what they said. It makes you wonder how we would describe the Vice President.

The bottom line, Don Fowler, former chairman of the DNC, attended the event at the Hsi Lai Temple. Didn't he attend that event?

Mr. CONRAD. Congressman Shays, I feel like I am in the same awkward position of not wanting to comment on pending matters.

Mr. SHAYS. I am not talking about pending matters. I am just asking if he attended an event. Do you know if he did or not?

Mr. CONRAD. I think you are asking me to comment on things that have come before the task force.

Mr. SHAYS. I would like to read something from the task force interview of former DNC Chairman Fowler. "Fowler stated that he never discussed the temple event with Huang before it started. Fowler recalled that David Devkin, who was from East India, drove him to the Temple. Fowler and Devkin were discussing the fact that the fundraiser was at a temple. Devkin was telling Fowler that in the Buddhist religion, many things happen at a temple besides worship. Devkin said he did not think it was unusual they would be having a fundraiser at the temple."

Right after that, it says, "Fowler stated that he did not now that Maria Hsia, although he believes that she had visited his office on at least one occasion." Isn't it true that Maria Hsia was found guilty of illegal campaign contributions?

Mr. CONRAD. Yes, sir.

Mr. SHAYS. Mr. Conrad, the chairman of the DNC says that he did not talk to Huang and he did not know Maria Hsia but he knew beforehand that the temple event was a fundraiser. Do you know how Don Fowler knew the temple event was a fundraiser?

Mr. CONRAD. I don't think I would want to comment on that.

Mr. SHAYS. Based on this admission, did Chairman Fowler knowingly allow the DNC to hold a fundraiser at the temple?

Mr. CONRAD. Same thing. I don't feel I am in a position where I could comment on that.

Mr. SHAYS. Is there any evidence the DNC withheld any information about the temple event from the Vice President's office?

Mr. CONRAD. My answer would be the same, sir.

Mr. SHAYS. The evidence goes on and on about the Buddhist temple event being a fundraiser, so I guess one of the things I really want the Justice Department to tell me is, why did it take nearly 4 years to ask the Vice President a single question about the Hsi Lai Temple? Mr. Conrad, do you know why it took 4 years?

Mr. CONRAD. No, sir.

Mr. SHAYS. Mr. Gershel, do you know why it took nearly 4 years?

Mr. GERSHEL. No, sir.

Mr. SHAYS. Mr. Robinson, do you know why it took nearly 4 years?

Mr. ROBINSON. No.

Mr. SHAYS. Mr. Conrad, when John Huang testified before this committee, he was asked about the following statement made by Vice President Gore, "I did not know that the money was being contributed at the time. The people with me did not know. Obviously someone did not handle it right."

Huang said that the Vice President's statement was "not true." Huang said, "I believe that Fowler knows about that and also Mr. Strauss," and I think he is referring to David Strauss, "probably knew about that as well."

Has the contradiction between Mr. Huang and the Vice President served as the basis for your recommendation that a special counsel should be appointed to investigate the Vice President?

Mr. CONRAD. I don't think I can comment on that at this time.

Mr. SHAYS. Can you comment on whether you have recommended that a special counsel be appointed to investigate the Vice President?

Mr. CONRAD. I think the Attorney General has indicated that there is a recommendation on her desk from me and beyond that, I don't think I could comment.

Mr. SHAYS. Let us turn to a related matter, the subject of why Congress couldn't get copies of the President and Vice President's April 2000 interview transcripts while the Vice President could provide his transcript to the media.

Mr. Conrad, early this year in April, you interviewed the Vice President, correct?

Mr. CONRAD. Yes, sir.

Mr. SHAYS. Was the information in the Vice President's interview only related to your investigation of the Vice President's conduct?

Mr. CONRAD. I couldn't comment on pending matters, sir.

Mr. SHAYS. Are there questions that relate to your investigation of other individuals?

Mr. CONRAD. I think to comment on what particular questions——

Mr. SHAYS. Prior to this interview, the Vice President was interviewed four times. A transcript of these interviews was not prepared, correct?

Mr. CONRAD. My participation was in the interviews in April and transcripts were prepared of those interviews.

Mr. SHAYS. Do you know if transcripts were prepared for the President in any of the other interviews?

Mr. CONRAD. I don't believe there were.

Mr. SHAYS. Mr. Robinson, do you know if any were in any of the first four interviews?

Mr. ROBINSON. I think Mr. Conrad is right, most of those occurred before I arrived, but I think Mr. Conrad is correct.

Mr. SHAYS. Why was a transcript prepared for the fifth interview, the one taken in April of this year, and not for the first four?

Mr. CONRAD. I can't speak for the first four but I know with respect to the interviews in April, they were a product of negotiations between myself and counsel for the two witnesses. As a result of those negotiations, voluntary sworn testimony was taken under oath and transcribed.

Mr. SHAYS. So you had the ability to negotiate with the President about his fifth interview and you set certain criteria for that interview or he made certain requests, there was an agreement?

Mr. CONRAD. Counsel for the President, the Vice President and myself, yes, sir.

Mr. SHAYS. So you worked out an agreement where you would tape it and you would give him the interview. Why would you have given it to the Vice President?

Mr. CONRAD. The voluntary interviews of the Vice President and the President were taken deposition-style and as a result of the negotiations between counsel and myself, it was agreed that a transcript would be provided to myself and the counsel for the witnesses.

Mr. SHAYS. Did you agree the transcripts would be provided to anyone else?

Mr. CONRAD. No, sir.

Mr. SHAYS. What conditions did you set regarding the Vice President's possession of the transcript? For example, did you allow him to keep a copy of the transcript as long as he promised not to release the transcript to anyone else or to discuss the transcript with any others than his attorneys?

Mr. CONRAD. There were no conditions like that.

Mr. SHAYS. Did it ever occur to you that the release of the Vice President's transcripts might harm the Justice Department's investigation of campaign financing legalities?

Mr. CONRAD. Throughout the course of setting up the interviews and conducting the interviews and since then, I took steps I thought were in the best interest of the Campaign Financing Task Force investigation. The way the interviews were set up, I thought then and think now, they were in the best interest of the investigation.

Mr. SHAYS. Did you make it clear to the Vice President if he released these documents, it would be harmful to the investigation?

Mr. CONRAD. No, sir.

Mr. SHAYS. Did anyone at the Justice Department speak to the Vice President or his lawyers before he released the transcript of his April interview to the media?

Mr. CONRAD. That I would feel uncomfortable talking about.

Mr. SHAYS. Mr. Robinson.

Mr. ROBINSON. I think it wouldn't be appropriate to talk about the details except to suggest that there was a discussion of notifying us of the intention to release this transcript and there was no basis, as I indicated in my submitted testimony, for the Department to object to that.

Mr. SHAYS. That is interesting. You would certainly object if we released it and you sent a letter—excuse me, the Attorney General sent a letter and on page 2, she says, "The disclosure of the records of such recent interviews is of particular concern because revealing information, especially the questions posed in the interviews, could disclose significant aspects of our ongoing campaign finance investigation which includes multiple matters. No prosecutor would want other witnesses to have the benefit of these witness interviews. The investigations would be seriously prejudiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained."

Mr ROBINSON. We would not have released it, we didn't release it and if we had been asked by anybody, including the Vice President's counsel that the Department release it, we would not have done so.

Mr. SHAYS. But you wanted us to know it would be harmful and we couldn't have it but you didn't seem to want the Vice President to know if he released it, it would be harmful and I find that typical.

Mr. BURTON. Mr. Shays, your time has expired.

Mr. Waxman, you are recognized for 30 minutes.

Mr. WAXMAN. At the outset, let me indicate that I think Mr. Shays' characterization of the testimony by John Huang regarding the Hsi Lai Temple is different from the one I heard and I want to insert in the record the precise language from that hearing so it will be very evident to people as they look at the record of this hearing.

On to the questions before us today and the issue before us is whether the Attorney General, as the chairman has charged—and these are serious allegations which attack her integrity—whether she or others in the Department of Justice tried to block this investigation of the President and the Vice President.

Unlike the chairman, you have had an opportunity to observe the Attorney General firsthand. You have not always agreed with her decisions but you have been able to assess her integrity so what I want to do is ask you about the chairman's allegation.

Chairman Burton has recently asserted that "Janet Reno has been blatantly protecting the President, the Vice President and their Party from the outset of this scandal." He has also stated that, "Janet Reno has been running interference for the President."

FBI Director Freeh, however, has repeatedly testified before this committee that the Department's campaign investigation has been aggressive and thorough. On December 9, 1997, Mr. Freeh testified, "I can assure you, Mr. Chairman, that the FBI is not being impeded in any way in conducting our investigation. The task force was formed last December. Their marching orders are to go wherever the evidence leads them." That is from Director Freeh.

In testimony before this committee on August 4, 1998, Director Freeh and former campaign task force head Charles La Bella pro-

vided additional testimony on this issue. I asked whether either had been asked to pull a punch because of politics. Both answered no.

In that same hearing, I asked Director Freeh about the chairman's allegations. Our discussion went as follows:

Mr. WAXMAN. I want to ask one question. The chairman has made the statement that he thinks the Attorney General is covering up for the White House and the Democrats and that is why she is not cooperating. Do any of you believe that?

Mr. FREEH. No, I do not believe that at all.

That is from the transcript. Mr. Conrad, do you agree with Director Freeh's statement that the FBI and the Department of Justice have conducted a thorough investigation of the allegations of campaign finance violations?

Mr. CONRAD. Speaking for myself, I feel very comfortable saying that I have pursued the task force since January of this year in as aggressive a way as possible.

Mr. WAXMAN. That what?

Mr. CONRAD. That I have pursued the investigation in as aggressive a way as possible.

Mr. WAXMAN. What about you, Mr. Robinson or Mr. Gershel, do you agree that the Justice Department has conducted a thorough investigation of the allegations of campaign finance?

Mr. ROBINSON. I believe so. One of the reasons we picked Bob Conrad as a career prosector, one of the reasons I brought Alan Gershel, a 20-year prosecutor who I hired in 1980 when I was U.S. attorney down here, was to have aggressive prosecutors who would work with competent FBI agents in conducting these investigations and doing it thoroughly. That is our intention and continues to be our intention.

Mr. WAXMAN. Mr. Gershel.

Mr. GERSHEL. I would agree with that.

Mr. WAXMAN. Mr. Conrad, do you agree with the chairman's assertion that the Attorney General has been "blatantly protecting the President and the Vice President?"

Mr. CONRAD. Just speaking from personal experience, my experience has been that I have had a fair hearing from her on issues that I have brought before her and my expectation would be that I would have a fair hearing on any recommendations in the future.

Mr. WAXMAN. You have had a fair hearing from her?

Mr. CONRAD. Yes, sir.

Mr. WAXMAN. You expected to have a fair hearing from her?

Mr. CONRAD. Yes, sir.

Mr. WAXMAN. Therefore, that would be inconsistent with the idea that she is trying to have you conduct an unfair hearing in order to protect the President and the Vice President?

Mr. CONRAD. I am telling you what my experience has been and what I expect it to be, yes, sir.

Mr. WAXMAN. So as far as your experience is concerned, you have not seen any conduct on her part that would support the idea that she is trying to blatantly protect the President and Vice President?

Mr. CONRAD. No, sir.

Mr. WAXMAN. Mr. Robinson, is your view the same?

Mr. ROBINSON. It has been the same since I joined the Department in June 1998. I have been involved in this process since that

time. Among the first things that hit my desk when I took this job were these matters, particularly in the independent counsel area. I have found the Attorney General to be thoroughly interested in airing all of the ideas of those who advise her in making sure that all of the legal and factual issues are fully explored and ultimately under the Independent Counsel Act and now it is her responsibility. That is what she is charged with doing. I found her to be fair and open. At times she listens even more than I think most would to everybody's view. I see no indication whatsoever that she is trying to protect anyone other than to reach, as she sees it, the correct decision in the application of the facts to the law as she sees it.

Mr. WAXMAN. Mr. Gershel, what are you views on that?

Mr. GERSHEL. I have been here about 6 months now, the same time that Mr. Conrad got here, and I have had the experience on a fairly regular basis to meet with her, along with Mr. Conrad and Mr. Robinson and others where we discuss campaign finance investigations, the status of those investigations. My own experience is that she is interested, participates, at times will offer suggestions and generally wants us to do the right thing. I have never felt that we have been inhibited in our investigative efforts.

Mr. WAXMAN. One of the questions the majority is raising at this hearing is whether the arrangements concerning an interview Mr. Conrad conducted with the Vice President of the United States on April 18, 2000 demonstrate "preferential treatment" of the Vice President. As you know, this interview was transcribed, the Vice President had access to a copy of the transcript and the Vice President released the transcript publicly.

The chairman recently suggested wrongdoing on the part of the Department of Justice concerning this arrangement. Mr. Conrad, I would like to ask you a few questions about the transcribed interview of the Vice President that you conducted on April 18, 2000.

The chairman says giving the Vice President a transcript was special treatment but my understanding is that when former Independent Counsel James McKay took a deposition of former Attorney General Ed Meese, he gave him a copy of the transcript. Mr. Conrad, do you know whether that is correct?

Mr. CONRAD. I heard you mention that in your opening statement. I had knowledge of that beforehand.

Mr. WAXMAN. My understanding is as part of the Iran Contra independent counsel investigation, the independent counsel conducted a taperecorded interview of former Secretary of State, George Schultz, and gave him a copy of the tape. Do you know whether that is true?

Mr. CONRAD. My answer to all the examples that you pointed out in your opening statement would be the same. I don't have any prior knowledge.

Mr. WAXMAN. Just to mention the others so we can point them out—the independent counsel investigations on alleged mishandling of passport information, there it was the general practice to take the depositions of senior administration officials and provide them with full access to deposition transcripts.

Then I have a letter from former Independent Counsel Michael Zeldin, where he says he used this procedure to take depositions of two former Secretaries of State, James Baker and Lawrence

Eagleburger, former National Security Advisor, Brent Scrowcroft, and former CIA Director Gates. I would like to have those entered into the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

PRICEWATERHOUSECOOPERS

PricewaterhouseCoopers LLP
1900 K Street, N.W.
Washington DC 20006-1110
Telephone (202) 822 4000
Facsimile (202) 822 5800

July 18, 2000

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Representative Waxman:

I write in response to your July 13, 2000 inquiry regarding the taking of testimony of senior administration officials in the Independent Counsel investigation In Re: Janet Mullens. I first served as Deputy Independent Counsel and then Independent Counsel on this investigation.

It was the general practice of the office to take the deposition of senior administration officials in our offices and to provide them with full access to the deposition transcript. In the course of our inquiry, we deposed Secretaries Baker and Eagleburger, National Security Advisor Scowcroft and CIA Director Gates.

In deference to the President and Vice President, we conducted formal interviews at their offices. No court reporter was present during these interviews. Rather, the FBI agent assigned to the interview took notes. Counsel for the President and Vice President attended and took notes on behalf of their clients.

If I can be of further assistance, please advise.

Very Truly Yours,

Michael Zeldin

Mr. WAXMAN. These are just a few examples, Mr. Conrad. It appears you were not the first to use this procedure or to provide a transcript to a witness after an interview. Is that your understanding?

Mr. CONRAD. It appears to be that way, yes.

Mr. WAXMAN. You didn't know about the other examples. Did you feel you were doing something unprecedented?

Mr. CONRAD. I thought at the time and I still think today, that both as to the manner of the interviews and the form of the interviews, they were taken in the best interest of the investigation.

Mr. WAXMAN. Mr. Gershel, I understand you have experience in conducting criminal investigations prior to the campaign finance investigation. I would like to know whether you think you have used a procedure like the arrangement with the Vice President in past criminal investigations?

Mr. GERSHEL. On occasion, Congressman, I have done that. The circumstances of each case are different and sometimes it lends itself to that kind of format. I should also indicate that Mr. Conrad and I discussed, while this process was ongoing, the sort of ground rules for the interview and I fully agreed and supported Mr. Conrad's decision in that.

Mr. WAXMAN. So Mr. Conrad, you made a decision that you would interview the Vice President in a deposition format and provide him with a transcript? That was your understanding with the Vice President and his counsel and that is what you did?

Mr. CONRAD. Yes, sir.

Mr. WAXMAN. It sounds like there were sound prosecutorial reasons behind the type of arrangements you made with the Vice President regarding the April 18, 2000 interview and the arrangements do not reflect an effort to provide the Vice President with special treatment. Is that correct, Mr. Conrad?

Mr. CONRAD. From my perspective, that is absolutely correct.

Mr. WAXMAN. Janet Reno gets blamed for a lot of things. Did she have any personal involvement with that decision of yours on how to conduct the interview?

Mr. CONRAD. No, sir.

Mr. WAXMAN. I would like to turn to another allegation the majority is focusing on in this hearing. This week, the chairman wrote Attorney General Reno regarding a videotape of a coffee Vice President Gore attended on December 15, 1995. The Chairman believes this videotape contains "deeply troubling and significant information" and we had an opportunity to witness the videotape.

According to the chairman, on the videotape the Vice President says to Arief Wiriadinata, "We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes." The chairman is concerned that the Department of Justice was aware of this videotape, yet did not ask the Vice President about this alleged comment during the April interview with the Vice President.

In his letter, the chairman alleges that the Attorney General has "chosen to ignore this evidence" and states the Department's conduct regarding this evidence raises concern that your department has been sitting on important information in order to benefit the President and the Vice President." He further alleges that the At-

torney General gave the Vice President "preferential treatment by failing to ask necessary questions."

Mr. Conrad, you conducted the April 18, 2000 interview with the Vice President. Were you restrained by the Attorney General from pursuing the questions that you, in your best judgment, believed should have been asked at this interview?

Mr. CONRAD. No, sir.

Mr. WAXMAN. Did anyone at the Department of Justice restrain you from asking the questions that you, in your best judgment, believe should have been asked at this interview?

Mr. CONRAD. No, sir.

Mr. WAXMAN. As I said earlier today, the minority has watched the December 15, 1995 videotape and we listened to the enhanced audio tape and we listened to it today as well. I can't tell what the tape says. It doesn't sound to me like he is saying Riady but it is not clear what the Vice President says or whether he said Mr. Riady or John Gotti or whatever.

Mr. Conrad, why didn't you ask the Vice President about this videotape?

Mr. CONRAD. Congressman, I think it would be very inappropriate of me to talk about strategic decisions I made during the course of an ongoing investigation. I wouldn't be in a position to answer that question.

Mr. WAXMAN. I accept that.

Let me ask you this, if it is not inappropriate. Were you trying to give the Vice President preferential treatment?

Mr. CONRAD. No, sir.

Mr. WAXMAN. Beyond his specific allegations regarding the Department of Justice's investigation of the December 1995 videotape, the chairman has broadly stated that the Department campaign finance investigation has intentionally avoided asking the Vice President and the President important questions. In his July 18 letter to the Attorney General, Mr. Burton said, "There is no excuse for your waiting nearly 4 years to ask the President about foreign money or ask the Vice President about the Hsi Lai Temple."

I would like to ask this question of all the members of this panel. Do you have any reason to believe that the Attorney General tried to prevent the task force attorneys and FBI agents that conducted the interviews with the Vice President and the President from asking the questions which they believed in their best judgment should have been asked?

Mr. ROBINSON. I can say unequivocally that the Attorney General made no such effort to control the strategic judgment calls of prosecutors and investigators in connection with this matter at all.

Mr. CONRAD. I can only speak to my involvement in the April interviews and I was not impeded in any way from asking whatever questions I thought were relevant by the Attorney General.

Mr. GERSHEL. Congressman, I see no evidence of that whatsoever.

Mr. WAXMAN. Do you believe that in the interviews with the President and Vice President the Department of Justice prosecutors were free to ask the questions which in their best judgment they believed should have been asked?

Mr. CONRAD. Yes, sir.

Mr. WAXMAN. Do you agree with the chairman that the Department of Justice's interviews of the Vice President and President demonstrate there has been no thorough investigation of the President and Vice President?

Mr. CONRAD. I wouldn't want to agree or disagree. I know that my approach was to do the best job I could do under the circumstances I was in and for good or for ill, that is what I attempted to do.

Mr. WAXMAN. You have the reputation of being a thorough prosecutor, very professional. Do you feel that you have been doing a thorough job?

Mr. CONRAD. I believe I have done the best that I could, yes, sir.

Mr. WAXMAN. We have had a dispute as to whether there ought to have been an independent or special counsel. It is clear from documents provided to the committee there were vigorous arguments within the Department of Justice regarding whether to appoint an independent counsel. Mr. Freeh and Mr. Radek have testified that these arguments reflected good faith disagreement regarding the relevant legal standards.

Do you gentlemen agree that there is a dispute regarding the relevant legal standards?

Mr. ROBINSON. I think on this panel, I am probably the only one that can at least answer this question since June 1998 since the others came here after the Independent Counsel Act had expired.

Since I was involved at least since June 1998, and although I can tell you that I wasn't particularly happy with the notion that all these deliberative documents were released, I can tell you I think it wasn't helpful but nevertheless, I think the release of those documents make them fully available to anyone who wants to read them, to explore the depth of the kind of analysis that occurred, honest good faith differences of opinion between prosecutors and investigators who are not shy about expressing their views.

I think anybody who looks at the material there will see that a lot of thought went into the recommendations that were made by the FBI and by prosecutors on the task force, by people in the Justice Department, and there were disagreements and the Attorney General had to listen to this and look at it carefully and ultimately, under the statute that Congress passed, it gave her the responsibility of making these judgments. I think the record demonstrates that she worked very hard to come up with what she thought would be the best decision under the circumstances.

All the experience I have had since June 1998, convinces me that she was working strenuously to come up with what she thought was the appropriate application of that standard to the facts.

People can disagree but I don't think they should after looking at this material about her good faith effort to reach absolutely the correct view from her vantage point as the decisionmaker under the Independent Counsel Act. The Congress gave her that responsibility and I think she did it correctly.

Mr. WAXMAN. I appreciate that, Mr. Robinson. So your view is that it was a dispute, that it was a good faith disagreement regarding relevant legal standards and that went back and forth and she had to make the decision.

Mr. ROBINSON. As the record demonstrates, I had disputes myself between various people at various times, which are exhibited in memos that I wrote personally and memos that I approved personally. And I think that there was a lot of meetings, a lot of debate, a lot of discussion between all the parties involved. And just as the Supreme Court often reaches decisions on a five to four basis, ultimately the Attorney General has to make the call.

She couldn't make everybody happy, because there was disagreement and there were very interesting and difficult legal issues involved in each of these decisions.

Mr. WAXMAN. Mr. Gershel, I don't know how much you were around in those disputes. But from your knowledge and experience with this whole Campaign Finance Task Force, is this an area where there was a good faith disagreement regarding legal standards and the dispute on the question of independent counsel or special counsel was presented to the Attorney General on that basis?

Mr. GERSHEL. Congressman, as Mr. Robinson indicated, I was not here at that time. But in a broader sense, in my experience, it's certainly very common for prosecutors to engage in good faith discussions, disagreements, debates on the application of the law, the application of the facts, the appropriate way to charge or not charge a case. So it does not strike me as unusual at all.

Mr. WAXMAN. And Mr. Conrad, you're also relatively new to the Campaign Finance Task Force. But what's your view? Were the disagreements the result of good faith disagreements about the legal standard, as Mr. Radek and Mr. Freeh have testified?

Mr. CONRAD. I really am not in a position to comment at all on the independent counsel decisions. I wasn't part of them in any way and don't feel like I can comment on them.

Mr. WAXMAN. In the case of the Vice President, it appears that there was widespread agreement that no case should be brought against him. The dispute wasn't primarily about the facts, it was more of an academic dispute about who should be the decision-maker. For example, Charles La Bella, in a November 1997 memo to Mark Richard wrote, "Ten out of ten prosecutors would decide that no further investigation would be warranted." That's what he said.

In another memo to Mark Richard on November 30, 1997, Mr. La Bella wrote that, "On the whole, I find the Vice President to be credible and forthcoming." Similarly, Mr. Litt, another experienced prosecutor at the Justice Department, wrote to the Attorney General on November 22, 1998, "As a prosecutor, I would not bring this case."

Given these and other statements made by investigators about the Vice President's case, it seems to me that we're not talking about a disagreement regarding the facts. Rather, this was a dispute among lawyers and people of good faith as to whether the final decision not to bring a case should be made by the Attorney General or an independent counsel. Would you agree with that, Mr. Robinson?

Mr. ROBINSON. I agree, and I think one thing you have here that you don't ordinarily have on decisions by prosecutors is that under the Independent Counsel Act, in each instance, there is a notification filed with the court that described in detail the reasoning proc-

ess. And in addition to that now, we have all the underlying memos out there for anybody to examine. I'm sure there will be disagreements between people who examine them.

But I believe people of good faith who understand how this works will look at this and say they were honest disagreements between people trying to reach the correct decision. That certainly was my position when I tried to give my advice to the Attorney General and evaluate the kind of information that was coming to me to review carefully. I think it's the kind of process that Congress had in mind when it created the statute.

And so I think the record is there that we need not speculate about it, it's there for anyone to read. And those who haven't, I commend it to them, since it's out there. Although I do think it isn't helpful to the deliberative process to have these kinds of internal memos. I worry about, frankly, whether we're going to get the kind of candid memos that we'd like to have in decisionmaking.

Mr. WAXMAN. Thank you very much.

Mr. Conrad, earlier on the other side, you were asked, or they made the charge that they thought it was improper for the Vice President to release the transcript of his interview. And I just wanted to ask you some questions about whether the leak was improper. Your memo about the need for a special counsel was leaked to Senator Specter.

And I want to ask you about this. Were you concerned about that leak? After all, when you have leaks there are innuendo that's often attached to those who want to give a spin the way they may want to. Were you concerned about the leak about your memo about the need for a special counsel?

Mr. CONRAD. Yes.

Mr. WAXMAN. And are you investigating the leak?

Mr. CONRAD. I couldn't comment on that one way or another.

Mr. WAXMAN. Do you know how the leak occurred?

Mr. CONRAD. No.

Mr. WAXMAN. Do you know how many individuals had access to your memo?

Mr. CONRAD. Again, you're asking me questions about the internal deliberative process of the——

Mr. SHAYS. Could the gentleman get closer to the microphone, Mr. Chairman? I'm sorry, I don't mean to be rude, I just couldn't hear you.

Mr. CONRAD. You're asking me questions about the internal deliberative processes of the Department of Justice on pending matters, and I think it would be inappropriate to comment on those.

Mr. WAXMAN. I don't want to violate your professional views on this. But the fact of the matter was that Vice President Gore was hurt by the leak of your memo. It was used in a way to damage him politically. And that's why I'm asking these questions.

Have you had discussions within the Department of Justice, and I won't ask you what they are, but have you had discussions to prevent future leaks?

Mr. CONRAD. I think those questions are better, respectfully, they're probably better referred to Mr. Robinson.

Mr. WAXMAN. OK, Mr. Robinson.

Mr. ROBINSON. I have always been concerned about leaks. And those of us who come down to Washington from the provinces, as the three of us have, have been surprised by the amount of leaking that happens. When I was U.S. attorney, I didn't talk about pending matters. In this job, I don't talk about pending matters to the press. I think it's inappropriate. I think it violates prosecutors' professional responsibility.

I think when people who attempt to influence decisionmaking by prosecutors decide that they're going to leak information as a general proposition, it hurts law enforcement. It interferes with our investigative activities. It causes harm to people who may never be charged with a crime.

So it's a matter of great concern to me. And I think it's entirely inappropriate to have this occur. It should not happen. I make a point of not doing it. And if I find somebody who does it, I think it would be dealt with appropriately. I'm sure that that would be true of leaks by members of your staffs or by your committees.

It's not appropriate, it doesn't help the process. It gets in the way of your investigative activities, and it can harm people improperly and inappropriately. That's why I think we, the lawyers have these rules that say they're not supposed to talk about pending matters. I take it seriously and always have and continue to do it while I have this job.

Mr. WAXMAN. Mr. Conrad, my guess is you probably would rather not be here today.

Mr. CONRAD. Yes, sir.

Mr. WAXMAN. And you'd rather be doing your job of heading up this Campaign Finance Task Force, pursuing your case. Political charges have been made, they haven't been made about you, but they have been made about the Attorney General. And you're in charge of the task force. If there are problems in the task force doing its job, then they're your problems. And I guess the question I really want to have clear is whether you are in any way feeling impeded to pursue the most thorough, professional and aggressive investigation?

Mr. CONRAD. That was my expectation coming here, that I would do a thorough and aggressive investigation. And I'm pretty proud of the efforts of the line prosecutors that work with me and the agents who have worked on various matters. And I, just in June, for example, we obtained plea agreements from five different Campaign Finance Task Force defendants, and the agreement to cooperate from all five individuals. And that cooperation is being pursued. And that's indicative, I think, of the active nature of the task force.

Mr. ROBINSON. Mr. Waxman, can I say, you made a point that no, Mr. Conrad hadn't been accused of anything. And let me just say that there have been a few comments. And I want to make it quite clear that I think Bob Conrad is doing a fine job and it would be inappropriate to impugn his integrity or his intentions and any recommendations he's made. I've seen no indication that Bob Conrad is doing anything other than a first rate job at the task force.

Mr. WAXMAN. My question, Mr. Conrad, didn't go to his reputation. I accept the fact that he's got a very high reputation. My

question goes to the question of this task force investigation and whether it's being conducted in a thorough, professional, aggressive manner, whether by Mr. Conrad or those working for him. Mr. Conrad, do you feel that you're doing that kind of job or the people working for you are doing that kind of job?

Mr. CONRAD. I personally feel that way, yes, sir.

Mr. WAXMAN. And do you feel the Attorney General in any way is trying to stop you from doing your job?

Mr. CONRAD. No, sir.

Mr. WAXMAN. You know, I just want to say from my point of view, I want you to do that kind of job. I want you to do a fair job, an aggressive job, a thorough job. Follow the evidence wherever it may lead. What I don't want is this whole thing politicized, and it's inevitable, I suppose, in this election year that will continue to be the case. And certainly this hearing is a hearing I must tell you I would rather not be attending, either. Because I've never been through a more ludicrous hearing than this one where these charges are made about a tape. I could barely hear the witnesses, let alone what's being said on the tape.

And I don't know what difference it would make whatever that was said on the tape. If you're doing the job of looking at all the evidence and going after anybody who committed crimes, that's what we need from law enforcement, not innuendo from the people on this committee who have their own political agenda. I thought it was interesting——

Mr. BURTON. The gentleman's time has expired.

Mr. WAXMAN. Well, if I can just—I'll abide by the time.

Mr. BURTON. Thank you, Mr. Waxman.

Let me start off by saying that I'm glad that we have civility conferences that you attend, because I hate to think of how these meetings would be if you didn't go to those civility conferences.

Let me start off by saying, we had, and I don't want to impugn any of your integrity. I think you're all competent and honorable men. We had Mr. La Bella and Mr. Freeh and Mr. DeSarno before the committee, and they all said that Ms. Reno was doing a good job and wasn't partisan and didn't cause any problems. And then after 2½ to 3 years, I received the La Bella and Freeh memos. And I'd like to read to you just a little bit about what they said in private correspondence with the Attorney General.

Mr. La Bella, you cannot investigate in order to determine if there is information concerning a covered person. Rather, it seems that this information must just appear, out of the blue, I guess. La Bella memo, if these allegations involved anyone other than the President, the Vice President, senior White House or DNC and Clinton-Gore 1996 officials, an appropriate investigation would have commenced months ago without hesitation.

A La Bella memo, the debates appear to have been result oriented from the outset. In each case, the desired result was to keep the matter out of the reach of the Independent Counsel Act. A La Bella memo, the contortions that the Department has gone through to avoid investigating these allegations are apparent. The La Bella memo, one could argue that the Department's treatment of the common cause allegations has been marked by gamesmanship rather than an even-handed analysis of the issues.

The La Bella memo, in Loral, avoidance of an Independent Counsel Act was accomplished by constructing an investigation which ignored the President of the United States, the only real target of these allegations. A La Bella memo, it is time to approach these issues head on, rather than beginning with a desired result and then reasoning backward.

Steve Clark's memo, never did I dream that the task force efforts to air the issue would be met with so much behind the scenes maneuvering, personal animosity, distortions of fact and contortions of law.

This isn't me talking. I hope everybody in America will not listen to what I'm saying and read the La Bella and Freeh memos. Because evidently, what was said directly to the Attorney General through these memos was a little bit different than the appearance of comity that we saw before this committee.

Now, I'm not faulting Mr. La Bella or Mr. Freeh. I understand the position they were in. But when you read their memos, they're very clear that they were not happy. Mr. Freeh, from the Freeh memo, I have to get my glasses here, because this print's a little small, the DOJ attorneys have been extremely reluctant to venture into areas that might implicate covered persons. This reluctance has led to a flawed investigation in several ways. That's the head of the FBI.

Freeh memo, the chief campaign investigator, Director Freeh, has concluded that the investigation presents the Department with a political conflict of interest. Political conflict of interest.

Now, if you read the memos, which we could not get, we had to force it, after 2½ years, it's very clear that Mr. La Bella and Mr. Freeh felt this went way beyond just a difference of opinion.

Mr. ROBINSON. Would you like me to comment?

Mr. BURTON. You can comment in a minute.

Mr. ROBINSON. Oh, I'm sorry.

Mr. BURTON. In addition to that, Louis Freeh, Larry Parkinson, James DeSarno, Robert Litt, Charles La Bella, Robert Conrad and Judy Fagan said there should either be an independent counsel or a special prosecutor. It wasn't just me. It was seven or eight different people at the Justice Department.

Now, I understand the final decision rests with the Attorney General. But our argument has been, with all of these people making these recommendations, coupled with the Freeh and La Bella memos and the reasoning behind them, why in the world would she not appoint an independent counsel to investigate these things, rather than she and her department investigate her boss, the man who appointed her? That's the concern that we've had.

Now, Mr. Robinson, do you have a comment?

Mr. ROBINSON. Yes. I would only say this, Mr. Chairman, that I think that while, as I indicated, I have some concerns about the release of deliberative materials, I think the fact that it's all out there and being an old evidence teacher, I would refer you to the completeness doctrine. I think it is well for people to look at the Freeh and La Bella memos. But that isn't what they, they ought to not to stop looking at those memos. They ought to look at the entirety of what's out there, including the memos, including ones

that I wrote and others wrote on this very issue, as well as the final decisions in each of these instances that were filed.

Mr. BURTON. I have no problem with that. But the problem is Justice, even though we sent subpoenas to them, fought us for 2½ to 3 years. And only when we finally forced the issue, really forced it, did we get them. And they didn't want the public to know what was in those memos, because it gave a black eye to the Attorney General.

Now, you may disagree with that. That's why I ask the American people and anybody interested to read them themselves and make a decision.

Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman.

I have more questions, but I'll yield my 5 minutes to Mr. Horn so he can ask questions.

Mr. HORN. Thank you. I thank the gentleman from Connecticut.

I'm a historian by background. And let me start on this Independent Counsel Act.

Once it expired, Justice issued regulations allowing the Attorney General to appoint a special counsel in cases where criminal investigation of a person or matter is warranted, or to investigate or prosecute would present a conflict of interest for the Department or "other extraordinary circumstances." Justice Public Integrity section handled those matters. And they relate to the appointment of special counsels.

Yet when he testified before the committee on June 6, 2000, Chief of Public Integrity Section Lee Radek stated that there was no pending decisions on appointing special counsels in any campaign finance matter. However, by June 22, 2000, a number of newspapers reported that the head of the Campaign Financing Task Force, Mr. Conrad, had recommended that the Attorney General appoint a special counsel to investigate Vice President Gore.

Now, the committee also recommended that the Attorney General appoint a special counsel to investigate the White House e-mail matter. Again, the Attorney General declined.

So Mr. Robinson, I'm going to ask you this. Would you briefly the process for making a determination of whether the Attorney General should appoint a special counsel for a matter? What's that process?

Mr. ROBINSON. The regulations, as you've indicated, are new. And the process I think will evolve from the regulations, which are in the Code of Federal Regulations. The standards are set out there. We'll have the opportunity to address those standards. We're going to make it up the first time we're addressing this issue, and we're in the process of evaluating a variety of matters that I can't discuss in detail that will obviously do that.

Mr. HORN. Well, what's the role of the Public Integrity Section in that process?

Mr. ROBINSON. As a general proposition, the people in the Public Integrity Section, outstanding career prosecutors that have a lot of experience under the Independent Counsel Act over many, many years through Republican and Democratic administrations, have had a role with regard to the Independent Counsel Act, and obviously will have an advisory role, it seems to me appropriately, in

connection with the regulations. The regulations were in large part drafted with the assistance of the Public Integrity Section, with people who are used to this process and have applied it, I think, very carefully and even-handedly.

The way it would ordinarily work, and we're going to have to evolve the process, obviously, in connection with the new regulations, but I would think Public Integrity would have a role. But others in the, anybody within the Department——

Mr. HORN. How about the people at this table? Would all of you have a role in this?

Mr. ROBINSON. I would suspect that if it fell within the jurisdiction of the Criminal Division, particularly, that would be the case. As you know, there are other divisions of the Department that arguably have some criminal jurisdiction that could be implicated. I mean, if this were a criminal, if there were a criminal anti-trust or a criminal environmental matter or another matter, you would expect that components, the Tax Division, others might be involved.

I would think that the role of Public Integrity would be there as an advisor. But in each of these instances, and I think if you can look at the material that you have, other sections besides the Public Integrity Section have been consulted.

Mr. HORN. Well, I understand that, it's relevant to the type of jurisdiction. But Mr. Radek testified that there were no pending decisions on whether to appoint a special counsel for any matter related to campaign finance investigations. Would you agree with that statement or disagree with it?

Mr. ROBINSON. As of when he made it, I'm sure that it was correct, according to his likes.

Mr. HORN. That's June 6th. So nothing's doing, is what it sounds like.

Mr. ROBINSON. What it sounds to me like is that when Lee Radek testified, at that particular juncture, he answered correctly.

Mr. HORN. In other words, that there were no pending decisions? Are there any decisions since then or in process?

Mr. ROBINSON. There has been public information, leaked information, inappropriately leaked information, I think, with regard to a recommendation. And I think it would be inappropriate for any of us involved in that process to comment on that pending matter.

Mr. HORN. Well, let's go back to the White House e-mail matter, which we've all sat here for hours listening to that one. The committee had recommended, as we understand it, that a special counsel be appointed for the White House e-mail matter as early as March 2000. Did anyone at Justice take that request seriously?

Mr. ROBINSON. I think we always take requests like this from Congress seriously. And the answer would be yes. I would also say that whether, I think Mr. Radek, somebody indicated Mr. Radek's comment, I'm sure may or may not have, was his best recollection, whether it was literally true or not at that time.

Mr. BURTON. Excuse me, Mr. Horn. Mr. Shays' time has expired, and now you have your time.

Mr. HORN. Thank you, Mr. Chairman.

Attorney General Reno has not announced whether she intends to appoint a special counsel for the White House e-mail matter.

And were any of you involved in the decisionmaking process for the e-mail, for special counsel?

Mr. ROBINSON. It would be inappropriate to comment, except I would say this. We would be involved in any such recommendations.

Mr. HORN. You certainly would, as Assistant Attorney General.

Mr. ROBINSON. I certainly would be involved in that. The Public Integrity Section reports to me in the Criminal Division, as do about 15 other sections.

Mr. HORN. Has the decision yet been made to appoint that special counsel for e-mail? I realize the Attorney General is in and out of town. That's what Cabinet officers do. But what can you tell us? Is that underway?

Mr. ROBINSON. I think that any statement about that would have to be made by the Attorney General. Because she'd be the one to make the decision.

Mr. HORN. Did any of you see a conflict in Justice defending the White House in a lawsuit regarding e-mails while at the same time investigating the e-mail matter? And wouldn't that be like a law firm representing both the plaintiff and the defendant?

Mr. ROBINSON. I think it would be, I think it wouldn't be appropriate for me to comment. It is the case that the Civil Division is involved in litigation. And the Criminal Division is involved in other matters. And that happens with some frequency in the Government when the Justice Department has the responsibility in two separate areas. They report to two different Assistant Attorneys General.

Mr. HORN. Well, let me move to Mr. Conrad, since time is running here. During a July 13th press conference, Attorney General Reno stated she received a recommendation to name a special counsel to investigate Vice President Gore regarding the truthfulness of the statements he made about his 1996 fundraising activities. Mr. Conrad, did you make such a recommendation?

Mr. CONRAD. I think the Attorney General's public comments would be as far as anybody at this table could go with respect to discussing pending matters. And so I would agree with her public comment, yes, sir.

Mr. HORN. To whom, when you make that recommendation, to whom do you submit your recommendation for a special counsel? Does it go to the Deputy Attorney General or directly to the Attorney General, or through Assistant Attorney General Robinson? How does the system work?

Mr. CONRAD. I can tell you my chain of command is up through Deputy Assistant Attorney General Alan Gershel, Assistant Attorney General Jim Robinson and then to the Deputy and the Attorney General.

Mr. HORN. Is that always the process, or is it just on the political problems here, on the conflicts of interest?

Mr. CONRAD. On the significant matters that I've been involved with and where significant decisions need to be made, that is the process.

Mr. HORN. And I take it your recommendation was in writing?

Mr. CONRAD. Yes, sir.

Mr. HORN. It's easier to leak those, I believe. And to whom was that recommendation distributed? As we've learned in earlier cases, that all sorts of people that were political appointees, not necessarily you as the Assistant Attorney General, but special assistants and this and that were sort of, some of us felt, putting pressure on the Attorney General. So who all else is in that room?

Mr. CONRAD. I can tell you that any recommendation on a significant matter that I would have for the Attorney General would go up through Mr. Robinson.

Mr. HORN. So you haven't been in the office yet where they've got special assistants that might well have strictly a political, not a legal or Justice matter?

Mr. CONRAD. I'm sorry, I don't understand your question.

Mr. HORN. Well, it's a question of, you've written the recommendation. It's gone up through the Assistant Attorney General. It's gone to the Deputy Attorney General. And it could be sitting there. Is it in the Attorney General's office? And in some cases it's been shown that she brings in the person that writes the memo. And in others, we've learned that you have a whole bunch of people that aren't really in the hierarchy of the Department of Justice. They're special assistants, they're not people in line authority.

So I just wondered what your kind of treatment is getting, is that from the assistants or from the people in line authority?

Mr. CONRAD. I meet with the Attorney General personally on a weekly basis.

Mr. HORN. I see. So if she had any questions, you'd know all about it. Now, has that happened on recent recommendations by you?

Mr. CONRAD. With respect to any pending recommendations, I would feel uncomfortable, I would believe it to be inappropriate to discuss.

Mr. HORN. Well, I can understand that.

Mr. Robinson, have you acted on Mr. Conrad's recommendations that a special counsel be appointed? Is there a memo covering his memo, at a glance on her desk?

Mr. ROBINSON. I think it would be inappropriate, this is really a pending matter, and discussing where that is would not be appropriate, Mr. Horn.

Mr. HORN. Well, I can understand that, too. But it just seems to me, I would think the hierarchy usually, having been a captain assistant years ago, it goes up and people initial, etc.

Mr. ROBINSON. I will be in the process.

Mr. HORN. Yes.

Mr. ROBINSON. In any such process, I would be involved, and I would be making recommendations. But I wouldn't think it appropriate for me to comment on what those recommendations were or their form. Ultimately, this will be a decision by the Attorney General.

Mr. HORN. But we do know that she has the memo, and not the Deputy Attorney General, sitting on the Deputy Attorney General's desk.

Mr. ROBINSON. I don't know that you know that from us.

Mr. HORN. No.

Mr. SHAYS [presiding]. Thank you. I thank the gentleman, his time has expired. And we'll go with Mrs. Chenoweth-Hage, you have the floor for 5 minutes.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Chairman.

Mr. Conrad, you stated that you thought it was not unprecedented to transcribe meetings, such as the meeting you had with the Vice President, Al Gore. Do you feel that any of the information contained in those transcripts could have or did undermine your investigation?

Mr. CONRAD. I think my testimony was that I heard Mr. Waxman talk about other precedents that I had previously been unaware of. So I don't know whether I—I didn't intend to testify that there was precedent for the actions I took.

What I did testify to and what I believe today is that the way in which the Vice President's examination was set up, and the form that it occurred, was in the best interest of our task force investigation. And—I think I lost the train of your question in the midst of my answer. If you could ask me again.

Mrs. CHENOWETH-HAGE. Let me ask you another way. As a matter of policy there at the Department, is it usual to transcribe these kinds of interviews?

Mr. CONRAD. I think it's one of the investigative tools that you have at your disposal, and was chosen by me in this circumstance because I believed it to be the best thing.

Mrs. CHENOWETH-HAGE. I see. But can you say it doesn't happen in every case?

Mr. CONRAD. Oh, yes. Oftentimes witnesses are interviewed either in the grand jury, where grand jury rules apply, or interviewed by FBI agents, in which there is a summary of interview prepared. But there are myriad ways in which we go about gathering information, the sworn transcript form being one of those ways.

Mrs. CHENOWETH-HAGE. Could you explain to me why General Reno might assert that there was information in that particular interview, the third one, I believe, that could undermine your investigation and yet the transcript was released to the press? Just to remind you, Mr. Conrad, she made that assertion in a letter to Chairman Burton on May 3rd, and I think you have a copy of it.

Mr. CONRAD. I don't, I don't wish to engage in semantics with you. But the fact is, we never released anything. The deposition was done, the transcripts were prepared. We got one, the witness got one. That is what happens in a deposition context, and that's basically what was going on with the examination of the Vice President.

What the Vice President did with that transcript is his business, his decision, and we had no part in releasing anything that led to that situation.

Mrs. CHENOWETH-HAGE. Well, let me ask you this, do you feel that any of the information contained in those transcripts could have undermined your investigation?

Mr. CONRAD. I would think it would be inappropriate for me sitting here today with pending investigations ongoing to comment on the impact on those investigations. I think it would be entirely outside the scope of my ethical responsibilities.

Mrs. CHENOWETH-HAGE. Well, let me ask you on another subject. If the Vice President was called to the grand jury, then would there have been a transcript at that time, for the Vice President?

Mr. CONRAD. If any grand jury witness, the process would be that the witness appears before a grand jury, a transcript is most often prepared. But grand jury rules would apply to that transcript.

Mrs. CHENOWETH-HAGE. And is it usual, then, in every case, that the witness would have gotten a copy of the transcript?

Mr. CONRAD. No. If it were a grand jury witness, then grand jury rules would apply, and the witness might or might not get a copy of the transcript, depending on the stage of the judicial proceeding, orders of the court or other examples of getting a transcript. A witness could get a transcript, but they wouldn't normally do that until a certain stage in a judicial proceeding.

Mrs. CHENOWETH-HAGE. I just have one final question. Why didn't you call the Vice President in front of the grand jury then?

Mr. CONRAD. I think that question would call for a strategic response from me, and I think it's outside the purview of what I can talk about publicly in terms of ongoing pending matters.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Conrad.

Mr. SHAYS. The gentlelady's time has expired, and Mr. Waxman, you have, for your second round, you have time.

Mr. WAXMAN. Thank you very much, Mr. Chairman.

Before today's hearing, Chairman Burton has often used the Freeh and La Bella memos to try to illustrate his point, which I think is a political point. And that is that the investigation is not on the level. It's not a fair investigation.

Which means to me that, even though they said under oath that they were conducting their investigation without any interference and honestly, fairly, and freely, that they, you'd have to interpret what the chairman has said as that, even though they testified to that under oath, that wasn't really reflective of their real views. And I guess I, because of that, have to try to clearly get on the record a statement, your testimony. You've all answered this. You've all given answers to my questions about it.

So let me ask, so far as your personal knowledge, each of the three of you, the question of whether appointing an independent counsel is one that should be interpreted as a legal dispute between people with different points of view, or whether we should look at it as one of the Attorney General trying to protect the President or the Vice President? Mr. Robinson.

Mr. ROBINSON. Well, I can say that when I took this position, Chuck La Bella was still head of the task force, Jim DeSarno was still there. I worked with them. I think Chuck is an able, tough prosecutor. I think the agents that were assigned to the task force were good agents. I think they're still good agents, good prosecutors. I think they were working hard to investigate these cases thoroughly and appropriately.

The disagreement was over the Independent Counsel Act. And there were disagreements and they're all out there for anyone to read. And I think they're reasonable, good faith, hard fought disagreements. There are some adjectives in some of the memos that I'm sure might not have been said if they thought it was going to

be published on the front page of the New York Times, some tough language. But lawyers get tough with each other.

We had spirited discussions, good faith discussions.

Mr. WAXMAN. Mr. Gershel.

Mr. GERSHEL. Mr. Waxman, I got here after the statute expired, and also, I have no prior experience with the independent counsel statute.

But as I indicated earlier, these kinds of exchanges are quite normal. What did surprise me was that in fact so much was written about this, so many memos, so many people were able to express their opinions and discuss the issue. And that was more than I had seen in my experience.

Mr. WAXMAN. And Mr. Conrad, let me ask you the same question, but let me ask it also in a different way. Because I want you to pursue an honest, thorough, aggressive investigation. I think that's what the American people want you to do. That's your job.

And I want to know whether you feel that the Attorney General, as she listens to the legal dispute over the independent counsel, whether one should or shouldn't be appointed, and regarding your contacts with her, do you in any way feel you're being interfered with or being kept from doing a professional, competent investigation?

Mr. CONRAD. It's a frustrating situation being here. You have a disagreement with Chairman Burton, and I don't have a bone to pick with you, nor do I have a bone to pick with——

Mr. WAXMAN. Nor do I have with you.

Mr. CONRAD [continuing]. Chairman Burton. But you're asking me to agree or disagree with the chairman's view of things or you, your view of things.

Mr. WAXMAN. No, no. I'm asking you, from your personal knowledge and experience, as the head of this task force, if this is not an honest, on-the-level task force, doing an aggressive, thorough job, that means you're not doing that job, or you're being kept from doing that job. Are you doing that kind of job? Or are you being kept from doing that kind of job?

Mr. CONRAD. I think the matters that have come within my purview in the 7-months that I've been on the task force, that I have looked at things aggressively with other line assistants and other agents and I've pursued those things. And I don't feel that I've been impeded in any way.

Mr. WAXMAN. Now, you've said that under oath. Would you say something privately than what you've said here in your testimony here today? Is this your view? Privately and publicly and under oath, under penalty of perjury?

Mr. CONRAD. That is my view.

Mr. WAXMAN. I don't have much time left. I was going to ask if there's anything else you wanted to add. Anything else, Mr. Conrad, you want to say about all this.

Mr. CONRAD. No, sir.

Mr. WAXMAN. I wish you can get back to work as fast as possible. Thank you.

Mr. SHAYS. This time, Mr. LaTourette, you have the floor for 5 minutes.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Part of the discussion on the independent counsel, it's not only what Mr. Waxman was talking about, and that is, is the Attorney General interfering, but what we were always told on the committee is that in some instances, we don't need an independent counsel because the task force can take care of it in-house.

And I want to ask a series of questions about some people that have come before the committee, and like Mr. Barr, I served as a State prosecutor before this service. And some of the things that we've received back from the White House have caused me to have some questions that I'd like to ask you.

A few weeks ago, we sent a subpoena down to the White House, and asked them for all the subpoenas and documents, document requests that they had received from the Justice Department relative to the task force's work. The subpoenas that we received back, at least what we've reviewed so far, indicate that Maria Hsia, who was involved with the Hsi Lai Temple, was never the subject of a subpoena request of the White House. And I guess in turn, I'd ask you, Mr. Robinson, you, Mr. Conrad, and you, Mr. Gershel, are you aware of a subpoena to the White House for documents in their possession relating to Maria Hsia that we haven't received?

Mr. ROBINSON. Well, I would say two things. No. 1, I'm not sure what you would or would not have received. I'm sure that you're also aware that it wouldn't be appropriate for us to comment on any grand jury subpoenas one way or the other. I think 6(e) is pretty clear, and I certainly wouldn't venture into violating that rule or commenting on a pending matter. It wouldn't be appropriate.

Mr. LATOURETTE. Well, let me ask you this. Is there any subpoena that you're aware of that the task force has sent to the White House relative to Maria Hsia that you could talk about?

Mr. ROBINSON. No. I'm not, I think it wouldn't be appropriate for us to comment on subpoenas to anyone. And I think the rules would be violated if we were to do that.

Mr. LATOURETTE. Maria Hsia has been prosecuted by the Justice Department, though, hasn't she?

Mr. ROBINSON. Absolutely. And convicted. And is awaiting sentencing at the moment. And as I indicated in my statement, as a result of Mr. Conrad's testimony about a month ago, we have a motion to dismiss the indictment, based upon things that were said, even though I think Mr. Conrad was quite right in not answering questions about the details of the investigation.

Mr. LATOURETTE. Let me ask you this. Based upon your experience, and Mr. Conrad and Mr. Gershel, you jump in, too, do you think that it is plausible that you could have conducted a prosecution of Maria Hsia without knowing or subpoenaing documents from the White House relative to what contact they had had with her?

Mr. ROBINSON. Well, I wouldn't comment on the subpoenas, except to say that we obviously conducted a successful prosecution, since we obtained a conviction.

Mr. LATOURETTE. Well, here's what troubles me. And if we could put on the screen exhibits 2 and 3. These are documents that you used, or the Department used, during the prosecution of Maria Hsia. As I look at the stamps, it doesn't show that you got those documents from the White House, even though they appear to be

memos written to people within, in one instance, the Office of the Vice President. Matter of fact, they both appear to be.

But you got those from the Senate committee, Senator Thompson's committee. And I'm just wondering why it is that, why it is that you used documents that you received from a Senate committee and not documents that were received from the White House? And I continue to be troubled as to how you could conduct a prosecution, I understand you did and I understand you got a conviction. But in the realm of, is this an effective investigation in terms of following down all leads, I guess I'm at a loss as to why you used Senate documents and not documents that you used from the White House, unless you never sent the White House a subpoena.

Mr. ROBINSON. I think I've already indicated it wouldn't be appropriate for us to comment on grand jury subpoenas, and we just couldn't do it. I accept your statement, but I'm not at liberty to respond. I'd leave it to whether Bob or Alan want to jump in.

Mr. LATOURETTE. All right, well, let me move on to a couple of other people then. Again, in documents that we received from the White House in response to a subpoena, we also have asked about fellows named Ernie Green and Mark Middleton. And at least I can tell you that this committee subpoenaed the White House for documents relative to Ernie Green in 1997, over 3 years ago. And if I remember right, in March 1999, the committee made a referral to the Department of Justice on Ernie Green on a purported charge of perjury.

Now, the records that we got from the White House do show that the Justice Department issued a subpoena to the White House for Mr. Green in March 2000, a year after the referral was made. Is it an appropriate question to ask you why the task force waited for a full year before acting on information that was sort of gift wrapped and handed over from the committee?

Mr. ROBINSON. It might be appropriate for you to ask the question, but it would be inappropriate for me to answer it.

Mr. LATOURETTE. I see my time's expired, and I'll come back to this another time.

Mr. SHAYS. I thank the gentleman.

Mr. Barr, you are finishing this last round. You have 5 minutes.

Mr. BARR. Thank you.

Mr. Conrad, I know you're familiar with the transcript that we've all been talking about here today, of your April 18, 2000 interview with the Vice President. That's certainly an accurate statement, isn't it, that you're familiar with it?

Mr. CONRAD. Yes, sir.

Mr. BARR. I and a number of others have gone through it also, and while there is discussion of White House coffees, it's really not pursued in any length. There's just some passing reference to it, a discussion of how many Mr. Gore may or may not have gone to. But there was no discussion at all of the particular coffee in December 1995, the December 15, 1995, the tape of which we saw earlier.

That is correct, isn't it? I'm not asking you to comment on any pending investigation. I'm just saying, in this document, which is already public, there's no discussion of that particular coffee, is there?

Mr. CONRAD. Congressman Barr, you are asking me questions, you are asking me questions about a pending matter. And that document does speak for itself. The questions are either in there or not in there.

Mr. BARR. Let me be more specific. Is there a discussion in this document of how many coffees Albert Gore attended? The answer is yes to that. I mean, is that correct? You conducted the interview?

Mr. CONRAD. I did. And that is correct, yes.

Mr. BARR. OK. Is there any discussion in here of a particular coffee on December 15, 1995? And I'm just talking about this document, which is already public.

Mr. CONRAD. Right. I think that document speaks for itself. And I'm not trying to engage in verbal games in any way with you. But you are, you're asking me——

Mr. BARR. I think that you all are. I really do.

Mr. CONRAD. You're asking me about a pending matter.

Mr. BARR. All I'm trying to—what we're left with here, and this is why it makes it so difficult and so easy for Mr. Waxman to claim that we're badgering witnesses, because you won't answer questions. That's why. I'm not asking you to analyze something that may be evidence in the case. I'm not asking you to comment on other evidence. I'm asking you about a public document.

The fact of the matter is, since you won't answer any questions about it, and I think you are hiding behind a technicality, I think you all are using it as a shield to avoid having it made apparent that you all haven't gone into something that on its face is, very clear evidence that the Vice President, in December 1995, just a few days after showing these ad tapes, paid for by heavy hitters, contributors, goes to a White House coffee, sees that Mr. Wiriadinata is there, who identifies himself to the President, who is just a few paces ahead of the Vice President, as somebody who James Riady sent, and then we hear the Vice President's voice say to that person, we ought to have Mr. Riady see some of those ad tapes.

Now, you all can sit there like see no evil, hear no evil, speak no evil, with your hands over your ears and your hands over your eyes, and your mouths glued shut. But the fact of the matter is, that is evidence. That is evidence that the Vice President knew that those ads were being paid for by foreign money. That is evidence that the President knew there was a connection between those ads and Mr. Riady.

And yet to get you all to admit that might be relevant, you won't even admit that. I mean, this is what we don't understand.

Mr. CONRAD. I'm sorry you feel like I'm hiding behind a technicality. But from my perspective, sitting here, that technicality is my bar license. And I think there are ethical responsibilities, as a prosector, that I know you are aware of and abided by when you were a prosecutor. And I honestly believe that those restrictions prevent me from answering your question.

Mr. BARR. Well, and then, but it just goes on and on. And I asked earlier about this CNN story, that had a Justice Department source quoting, saying the tape is unclear. Well, what tape was this Justice Department source listening to? Now we go back to the

tape here, and I asked Mr. Robinson if he understood what was on the tape. Gee, I don't know, I can't say.

You are hiding behind it. I mean, to sit here, it just stretches credibility to say, you're sitting here and we play a tape, and you won't even tell us whether you hear what's on the tape because it might be evidence. Yes, it might be evidence. We want it to be evidence in this case. It isn't so far because you all haven't done anything with it.

You had a perfect opportunity, interviewing the Vice President, to ask him about a piece of very relevant evidence, and you all chose not to. We'd like to know why, but you all won't tell us. That's why it's very frustrating. We cannot properly conduct the oversight responsibility that you all pay lip service to, because we can't even find out answers to basic common sense questions about whether or not you hear what's on a tape.

Mr. CONRAD. I know it's frustrating for you. It's frustrating for me as well. Because when you ask me to comment, you're asking for my mental processes, my analysis of things that involve ongoing, pending matters. And you're asking me to comment in a way that I think is outside——

Mr. BARR. But you won't even acknowledge whether something is on the record or off the record, when the document is right here and it's clear that it's not. I just think that you're taking it to extremes that rule was unintended to be taken to.

Mr. SHAYS. The gentleman's time has expired.

This is now my time. But before we start the clock, I'd ask unanimous consent that a set of exhibits to be used in today's hearings be included in the record. And without objection, so ordered.

[The information referred to follows:]

HEARING
EXHIBITS

MEMORANDUM FOR KIM TILLEY

FR: John Huang
RE: Fundraising lunch for Vice President Gore 6/29/96 in Southern California
DT: April 11, 1996

****

Per our discussion this morning, I have furnished the following information to you regarding the above proposed event.

1. Proposed location:
   Hsi Lai Temple
   Hacienda Heights, California

This temple was established by Venerable Master Hsing Yun during 1980's with many structures including Large dinning facility. You know we have together arranged Master Hsing Yun to visit the Vice President Gore in the White House in March of this year. To show his appreciation and friendship to Vice President Gore, Master Hsing Yun would like to host this upcoming Vice Presidential event in L.A

2. Event participants will be around 150 people.

3. Hsi Shi Lai Temple has hosted other political events before (for Congressmen Howard Berman, Bruce Morrison and Lee Hamilton recently).

4. Since I have tried and have been unable to connect with you in the last two weeks, (including a fax from L.A.), Richard Sullivan, David Strauss and I had a conference call on this event last week.

5. I hope this above information is sufficient. Please let me know if I can provide any further information. I certainly would appreciate to know the answer asap if we can proceed on this matter. If so, in what parameters can we do, or not do.

PS. During last meeting between Master and Vice President Gore, Master extended an invitation to VP Gore to visit Hsi Lai Temple. Vice President Gore also expressed his willingness to do so in a future date.

[redacted]

Exhibit
17-163

To: Tyler S. Beardsley/OVP
cc: Kimberly H Tilley/OVP, Lisa A. Berg/OVP
Subject: California/Hsi Lai Temple Location

As we discussed today, I am trying to get an answer from Bill Wise on the Hsi Lai Temple location. THis was an issues that Kim asked me to raise with NSA on Thursday of last week, which I did with Bill. We are trying to find out if there are any problems/ramifications with the use of the Hsa Lai Temple for the VP's DNC Lunch while in LA. Please let me know. Thanks!!!!!

LIMITED COMMITTEE ACCESS

EXHIBIT
2

EXHIBIT
GOVERNMENT
4

Exhibit
17-113

MEMORANDUM FOR KIM TILLEY

FR: John Huang
RE: Fundraising lunch for Vice President Gore 6/29/96 in Southern California
DT: April 11, 1996

Per our discussion this morning, I have furnished the following information to you regarding the above proposed event.

1. Proposed location:
   Hsi Lai Temple
   Hacienda Heights, California

This temple was established by Venerable Master Hsing Yun during 1980's with many structures including Large dinning facility. You know we have together arranged Master Hsing Yun to visit the Vice President Gore in the White House in March of this year. To show his appreciation and friendship to Vice President Gore, Master Hsing Yun would like to host this upcoming Vice Presidential event in L.A.

2. Event participants will be around 150 people.

3. Hsi Shi Lai Temple has hosted other political events before (for Congressmen Howard Berman, Bruce Morrison and Lee Hamilton recently)

4. Since I have tried and have been unable to connect with you in the last two weeks, (including a fax from L.A.), Richard Sullivan, David Strauss and I had a conference call on this event last week.

5. I hope this above information is sufficient. Please let me know if I can provide any further information. I certainly would appreciate to know the answer asap if we can proceed on this matter. If so, in what parameters can we do, or not do.

PS: During last meeting between Master and Vice President Gore, Master extended an invitation to VP Gore to visit Hsi Lai Temple. Vice President Gore also expressed his willingness to do so in a future date.

DEPOSITION EXHIBIT
Tilley 25

EXHIBIT
3

EXHIBIT 4

JUNE (DATES RECEIVED)

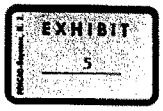
PRINCIPAL	EVENT/SOURCE	DATE	PRO. REVENUE	PRO. FED.	PRO. CORP.	PRO. NET	IN HAND	FED. IN	PRO. COST	ACTUAL COST	VARIANCE
POTUS	DC Dinner (DBC)	3-Jun	$500,000	$200,000	$200,000	$100,000	$404,000		$5,000	tbd	tbd
POTUS	DC Dinner (Greek)	3-Jun	$500,000	$100,000	$300,000	$100,000	$450,000		$5,000	$99	tbd
POTUS	Coffee (Patricof)	3-Jun	$400,000	$40,000	$200,000	$160,000	$0		n/a	n/a	$0
POTUS	DC Dinner (Big Donor)	4-Jun	$500,000	$100,000	$300,000	$100,000	$141,874		$5,000	tbd	tbd
POTUS	Coffee	6-Jun	$400,000	$40,000	$200,000	$160,000	$0		n/a	n/a	$0
POTUS	Las Vegas	9-Jun	$400,000	$120,000	$200,000	$80,000	$0		$40,000	tbd	tbd
POTUS	San Francisco	9-Jun	$750,000	$225,000	$375,000	$150,000	$0		$75,000	$3,000	tbd
POTUS	Los Angeles Dinner	10-Jun	$1,200,000	$360,000	$600,000	$240,000	$0		$120,000	$2,077	tbd
POTUS	Los Angeles Sax	10-Jun	$200,000	$200,000	$0	$0	$0		$20,000	$24,185	tbd
POTUS	DC Dinner (Boston)	14-Jun	$500,000	$150,000	$250,000	$100,000	$50,000		$5,000	tbd	tbd
POTUS	DC Dinner (Big Donor)	14-Jun	$500,000	$100,000	$300,000	$100,000	$0		$5,000	tbd	tbd
POTUS	Coffee	17-Jun	$400,000	$40,000	$200,000	$160,000	$0		n/a	n/a	$0
POTUS	DC Dinner (Jewish)	17-Jun	$750,000	$225,000	$375,000	$150,000	$0		$75,000	tbd	tbd
POTUS	Coffee (Kanchanalack)	18-Jun	$400,000	$40,000	$200,000	$160,000	$0		n/a	n/a	$0
POTUS	NY Conference Call	20-Jun	$100,000	$40,000	$40,000	$20,000	$0		n/a	$0	tbd
POTUS	Coffee (servicing)	20-Jun	n/a				$0		n/a	$0	n/a
POTUS	Houston Gala	21-Jun	$1,300,000	$390,000	$650,000	$260,000	$0		$130,000	$2,947	tbd
POTUS	Houston Sax	21-Jun	$100,000	$100,000	$0	$0	$0		$10,000	tbd	tbd
POTUS	Cleveland	22-Jun	$500,000	$150,000	$250,000	$100,000	$0		$50,000	tbd	tbd
POTUS	NYC Dinner	24-Jun	$3,000,000	$1,200,000	$1,200,000	$600,000	$0		$300,000	$10,000	tbd
POTUS	Coffee (Middleton)	26-Jun	$400,000	$40,000	$200,000	$160,000	$0		n/a	n/a	$0
VPOTUS	Jackson, MS	3-Jun	$250,000	$50,000	$150,000	$50,000	$175,000		$25,000	tbd	tbd
VPOTUS	Philadelphia Dinner	17-Jun	$250,000	$75,000	$125,000	$50,000	$0		$25,000	tbd	tbd
VPOTUS	Coffee (servicing)	19-Jun	n/a				n/a		n/a	n/a	$0
FLOTUS	Detroit Dinner	10-Jun	$150,000	$150,000	$0	$0	$0		$50,000	$288	tbd
FLOTUS	Cincinnati Lunch	12-Jun	$200,000	$160,000	$0	$40,000	$0		$25,000	tbd	tbd
FLOTUS	Boston	20-Jun	$200,000	$200,000	$0	$0	$0		$50,000	$1,330	tbd
FLOTUS	Seattle	26-Jun	$200,000	$140,000	$20,000	$40,000	$0		$50,000	tbd	tbd
CABINET	Spoleto	8-Jun	$50,000	$40,000	$0	$10,000	$0		$10,000	tbd	
							proceeds from past events		$50,000		
	Event Total		*$14,100,000*	*$4,673,000*	*$6,333,000*	*$3,090,000*	*$1,170,874*	*$0*	*$1,090,000*	*$43,927*	*$0*
	Direct Mail/Marketing		*$2,100,000*								
	TOTAL		*$16,200,000*								

CBRD-1E
Req. 2/-

Office of the Attorney General
Washington, D. C. 20530

May 3, 2000

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515



Dear Mr. Chairman:

This responds to your subpoena, received on April 25, 2000, seeking Department records relating to the interviews of the President and Vice President taken about two weeks ago by representatives of the Department's Campaign Financing Task Force.

The Department has previously provided the Committee with the summaries of the interviews of the President and the Vice President from past years that were part of closed investigations. The interviews of the President and the Vice President that the Task Force conducted two weeks ago were part of its ongoing investigations. Based on the Department's longstanding policy of declining to provide congressional committees with access to open law enforcement files, we must decline to provide the requested material. The Department's policy is based on our firm belief that the Department's ability to discharge its responsibilities for the fair administration of justice would be compromised by the disclosure to Congress of open investigative files. We have long believed that both the integrity of the criminal justice process and the Government's ability to prevail in particular prosecutions would be threatened by acceding to congressional requests of this kind. Almost sixty years ago Attorney General Robert H. Jackson informed Congress that:

> It is the position of the Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest . . . .

40 Op. Att'y. Gen. 45, 46 (1941). Moreover, Attorney General Jackson's position was not new. His letter cited prior Attorney

General letters taking the same position dating back to the beginning of the century (id. at 47-48).

The disclosure of the records of such recent interviews is of particular concern because revealing information, especially the questions posed in the interviews, could disclose significant aspects of our ongoing campaign finance investigations which include multiple matters. No prosecutor would want other witnesses to have the benefit of these witness interviews. The investigations would be seriously prejudiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained. As Attorney General Jackson observed:

> Disclosure of the [law enforcement] reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or a prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Atty. Gen. at 46.

The rationale for the Department's open law enforcement files policy is set forth in a published opinion of the Office of Legal Counsel issued by Charles J. Cooper, OLC's Assistant Attorney General during part of the Reagan Administration. See Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76-77 (1986). In addition to addressing the concerns discussed above, Mr. Cooper noted in his opinion that providing a congressional committee with confidential information about active criminal investigations would place the Congress in a position to exert pressure or attempt to influence the prosecution of criminal cases. 10 Op. O.L.C. at 76. Congress could second-guess tactical and strategic decisions, challenge witness interview schedules and the scope and nature of our questioning of witnesses, and generally attempt to influence the conduct and outcome of the criminal investigation. Such a practice would significantly damage law enforcement efforts and shake public and judicial confidence in the criminal justice system. Decisions about the course of a criminal investigation must be made without reference to political considerations. As one Justice Department official noted thirty years ago,

> Over a number of years, a number of reasons have been advanced for the traditional refusal of the Executive to supply Congress with information from open

> investigative files. Most important, the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation.

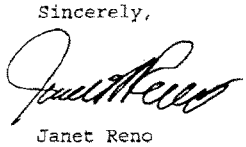
Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Submission of Open CID Investigation Files 2 (Dec. 19, 1969). In addition, the reputation of individuals mentioned in this kind of document could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution.

The Committee's request for the records of the interviews of the President and Vice President taken two weeks ago in connection with our ongoing investigations is clearly distinguishable from the Committee's prior request for the records of the interviews of the President and Vice President taken in past years. The Department was able to accommodate the prior request because at that time the investigations of which those interviews were a part had been closed and we identified no potential harm to any ongoing investigations from the disclosure of the records. As discussed above, significant harm to ongoing investigations would result from the disclosure of the records of the recent interviews.

In summary, the Department must decline to provide the requested documents relating to the recent interviews of the President and Vice President. Public and judicial confidence in the criminal justice process would be undermined by the congressional intrusion into ongoing criminal investigations that congressional access to this investigative information pursuant to the Committee's subpoena would represent. Moreover, disclosure at this juncture of the aspects of the open investigations that is revealed by the investigators' questioning at these interviews would unquestionably risk compromise to the pending investigations and possible future prosecutions. I respectfully request that you withdraw the Committee's subpoena

in order to protect our law enforcement interests. As always, I would be happy to discuss this matter with you further if that would be helpful.

Sincerely,



Janet Reno

cc: The Honorable Henry Waxman
Ranking Minority Member

GAO Results - CFTF Organization Chart, as of December 31, 1999

Department of Justice Management and Oversight Structure for the Campaign Finance Task Force - December 31, 1999

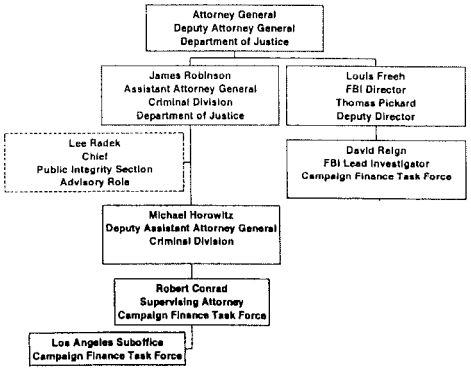


EXHIBIT 6

DEMOCRATIC NATIONAL COMMITTEE

Christopher J. Dodd
General Chair

June 1, 1995

Mr. Mark Nichols
Financial Officer
Cabazon Band of Mission
84245 Induo Springs Drive
Induo, CA 92203

Dear Mark,

It was great talking with you today. Thank you for considering becoming a Managing Trustee and making a contribution of $100,000 to the Democratic National Committee over the next year. With your first installment of $25,000 to the DNC, you can attend a small breakfast with the President on June 7th or 21st.

I look forward to working with you. Feel free to contact me at (202) 863-8121 at any time with your questions. Thank you in advance for your support. With best regards,

Sincerely,

Donald L. Fowler
National Chairman

EXHIBIT
7

Democratic Party Headquarters • 430 South Capitol Street, S.E. • Washington, D.C. 20003
202.863.8000 • FAX: 202.863.8174

Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible

NEAL & HARWELL, PLC
LAW OFFICES
2000 FIRST UNION TOWER
150 FOURTH AVENUE, NORTH
NASHVILLE, TENNESSEE 37219-2498
TELEPHONE
(615) 244-1713
TELECOPIER
(615) 726-0573

JAMES F. NEAL
AUBREY B. HARWELL, JR.
JON D. ROSS
JAMES F. SANDERS
THOMAS H. DUNDON
RONALD G. HARRIS
ALBERT F. MOORE
PHILIP N. ELBERT
JAMES G. THOMAS
WILLIAM T. RAMSEY
JAMES R. KELLEY
MARC T. McNAMEE
GEORGE K. CATE, III
PHILIP D. IRWIN

A. SCOTT ROSS
AUBREY B. HARWELL, III
W. DAVID BRIDGERS
JOHN M. PRICE
KENDRA E. SANSON
MARK P. CHALOS
DONNA L. DELONG
OF COUNSEL
DELTA ANNE DAVIS
KENNETH M. JACKSON
GERALD D. NEENAN
RONALD G. TURNER

April 20, 2000

Robert J. Conrad, Jr., Chief
Campaign Finance Task Force
United States Department of Justice
5432 Bond Building
1400 New York Avenue, N.W.
Washington, DC 20530

Re: Vice President Al Gore

Dear Bob:

The Vice President advises me that he understood your questions about Coffees to concern the Coffees hosted by the President in the White House, and his answers were in response to such Coffees. In any event, he asked me to review the records and to advise you as to what the records reflect. Before doing so, I must tell you that I did not consider such Coffees to be on your list of subjects and, therefore, did not ask the Vice President to reflect upon these or review records in advance of his interview.

As best as we can determine from the Vice President's schedules, he was designated to attend four White House Coffees. The Vice President hosted approximately twenty-one Coffees in the Old Executive Office Building. He did not understand your question to include OEOB Coffees.

The Vice President asked that you consider this a clarification of his testimony and make this part of the record.

Sincerely,

Jim Neal

James F. Neal

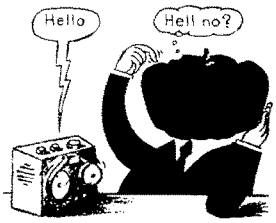
JFN/cmh

CALVIN TRILLIN

The Trouble with Transcripts

IF WEBSTER HUBBELL HAD REALLY SAID, AS DAN BURTON'S creative transcript had it, "The Riady is just not easy to do business with me while I'm here," what language was he supposed to be speaking? Did people on the staff of Burton's Government Reform and Oversight Committee actually take that to be an English sentence? Do they talk that way themselves? Outside of chairman Burton's earshot, do they say things like "The Burton are just too much of loony to conduct this investigation"?

Or did chairman Burton think that whenever White House people discuss that golden Asian connection to the Clinton-Gore campaign, they lapse into Pidgin English, reminiscent of the language that G.I.s in Korea employed to palaver with shoeshine boys and barmaids? Maybe committee investigators were told to keep their eyes out for a tape on which Bruce Lindsey says to Maria Hsia, a fund raiser prosecutors considered generous to a fault, "Listen, missy, you tell Charlie Trie boss needs money chop-chop."



What Hubbell did say on the telephone from prison, it turns out, was, "The reality is, it's just not easy to do business with me while I'm here." That is an innocuous enough statement, although perhaps overmodest, since, according to the newest indictment, the sort of consulting that brought Hubbell hundreds of thousands of dollars in fees from friends of the White House involved so little actual work it could have been done easily from the isolation hole on Devil's Island.

Hubbell knew that conversations on the prison phone would be recorded, but that doesn't mean he knew they would be made public. If he had, he would have presumably studded his conversations with rude jokes about Kenneth Starr and how simple it had been to hoodwink the independent counsel's office on a plea-bargain agreement. He certainly didn't know they would be made public as edited by Burton's chief investigator, David N. Bossie, who presumably picked up his notion of fair play partly from his old colleague Floyd Brown, the creator of the Willie Horton campaign commercial.

All this, of course, revived talk about Burton's idiosyncratic investigatory techniques, the most famous example being his assumption that by shooting at pumpkins in his backyard, he could prove that Vincent Foster was murdered. (Burton did not anticipate that the pumpkin-range episode would make him look ridiculous, some students of his behavior believe, because he failed to realize that in humans other than himself what's inside the head bears no resemblance whatsoever to what's inside a pumpkin.)

By last week Webster Hubbell—a man who admits to having stolen from the law partners and clients who put their trust in him—was beginning to look like a victim, and Dan Burton had tossed David Bossie, his pet viper, overboard in an effort to save himself. Newt Gingrich, trying to figure out how the campaign-finance investigation could be done anywhere other than Burton's committee, may have been wondering if declaring the subject within the purview of, say, the Agriculture subcommittee on livestock, dairy and poultry would be seen as too much of a stretch. The Clinton are just not easy to be caught by a pumpkin head. ■

BRIEFING

UNENDANGERED LIST

Thanks to successful protection, the Interior Department is proposing to "delist or downlist" some two dozen species on the Endangered and Threatened Species List, including, clockwise, the bald eagle, gray wolf, brown pelican and Aleutian Canada goose. So will the list get shorter? Don't bet on it. Our breakdown of the list:

Year list was established: 1966
Size of current list: 1,135 species (466 animals and 669 plants)
Place with most species on list: Hawaii (298)
Place with fewest species on list: Washington, D.C. (3)
Oldest candidates for delisting or downlisting: bald eagle, gray wolf, Aleutian Canada goose, Columbian white-tailed deer, Hawaiian hawk and Pahrump poolfish, all listed since March 1967
Youngest candidate: Virginia roundleaf birch, listed since Nov. 1994
Candidates' average time on list: 19 years
Troubled species waiting to get on list: more than 100
Usual waiting time: up to a year
Rate of growth of list: about 85 species a year
Newest member on list: Preble's meadow jumping mouse, to be announced by the department this week

Mr. BARR. Mr. Chairman, could I ask unanimous consent to include the transcript to which we've been referring, that is, the testimony of Vice President Albert Gore, Jr., Tuesday, April 18, 2000, conducted by Mr. Conrad and others, be included in the record?

Mr. SHAYS. If it's not included, it should be. And without objection, so ordered.

[The information referred to follows:]

1
2
3 ----------x
TESTIMONY OF : Tuesday, April 18, 2000
4 VICE PRESIDENT ALBERT GORE, JR. : Washington, D. C.
5 ----------x
6
7 Testimony of
8 VICE PRESIDENT ALBERT GORE, JR.
9 held at the Vice President's Residence, Washington, D.C.,
10 beginning at 1:12 p.m., when were present:
11 FOR THE CAMPAIGN FINANCING TASK FORCE:
12 ROBERT J. CONRAD, JR., ESQUIRE
Chief, Campaign Financing Task Force
13 Criminal Division
U.S. Department of Justice
14 BART W. BOODEE, SUPERVISORY SPECIAL AGENT
15 Federal Bureau of Investigation
16 GREGORY TIMBERLAKE, SPECIAL AGENT
Federal Bureau of Investigation
17 FOR THE VICE PRESIDENT:
18 JAMES F. NEAL, ESQUIRE
19 NEAL & HARWELL, PLC
2000 First Union Tower
20 150 Fourth Avenue, North
Nashville, Tennessee 37219
21 ELIZABETH M. BROWN, ESQUIRE
22 Counsel to the Vice President
Office of the Vice President
23 Washington, D.C. 20501
24
Court Reporter: Elizabeth A. Eastman
25

E X H I B I T S

EXHIBIT NUMBER	MARKED FOR IDENTIFI
Government Exhibit C	pre-marked
Government Exhibit D	pre-marked
Government Exhibit E	pre-marked
Government Exhibit F	pre-marked
Government Exhibit G	pre-marked
Government Exhibit I	pre-marked
Government Exhibit J	pre-marked
Government Exhibit K	pre-marked
Government Exhibit L	pre-marked
Government Exhibit MC	pre-marked
Government Exhibit N	pre-marked
Government Exhibit O	pre-marked
Government Exhibit P	pre-marked
Government Exhibit Q	pre-marked
Government Exhibit R	pre-marked
Government Exhibit S	pre-marked
Government Exhibit U	pre-marked
Government Exhibit V	pre-marked
Government Exhibit W	pre-marked
Government Exhibit X	pre-marked
Government Exhibit YZ	pre-marked
Government Exhibit GG(a)(b)(c)(d)	pre-marked
Government Exhibit HH	pre-marked
VPOTUS Exhibit No. 1	43
VPOTUS Exhibit No. 2	73
VPOTUS Exhibit No. 3	74

FOLMAFED ® FENGADY • 1-800 631-6989

1 PROCEEDINGS

2 WHEREUPON,

3 VICE PRESIDENT ALBERT GORE, JR.

4 having been first duly sworn by the notary, was examined and

5 testified as follows:

6 EXAMINATION BY COUNSEL FOR THE CAMPAIGN FINANCING TASK FORCE

7 BY MR. CONRAD:

8 Q Mr. Vice President, for the record, would you just

9 state your full name?

10 A Albert Arnold Gore, Jr.

11 Q For the record, I am Bob Conrad. I am the Chief of

12 the Campaign Financing Task Force with the Department of

13 Justice. With me here today is Supervisory Special Agent

14 Bart Boodee and Special Agent Greg Timberlake.

15 We are here today to ask you questions in the area

16 of the Campaign Financing Task Force investigation. We will

17 put questions to you and ask for your truthful and complete

18 answers.

19 I have great respect for your office and for your

20 time, and so I appreciate you making time for us today.

21 If I could ask you to just briefly describe your

22 political history, the positions you've been elected to and

23 the years that you occupied offices?

24 A I've been Vice President for seven years and two

25 months and 28 days. Before that, I was a member of the

1 United States Senate for eight years and 18 days. Before
2 that, I was a member of the House of Representatives for
3 eight years. Before that, I was a newspaper reporter.
4 Q Thank you. I'm going to ask you a series of
5 questions about various individuals and events that have
6 occurred in approximately the last 12 years.
7 The first person I would like to ask you about is
8 Maria Hsia. The first thing I would like to ask you about
9 Maria Hsia is how long have you known her?
10 A I've known her since January of 1989. I know from
11 refreshing my recollection that I apparently met her prior to
12 that time, but I have no independent recollection of that.
13 If I did meet her prior to that time, it was just a brief
14 hello-how-are-you.
15 But, in January of 1989, she was part of a group
16 that hosted me and my foreign policy staffer and my
17 administrative assistant in the United States Senate on a
18 trip to and from Taiwan.
19 Q Let me ask you first, describe her English-speaking
20 abilities, Ms. Hsia. Was she proficient in English?
21 A Yes. I believe her to be quite proficient in
22 English, although with an accent on some words and maybe a
23 shortage of the full range of vocabulary that a native
24 English-speaker might have, but otherwise proficient.
25 Q But over the years she has not had problems

FOTOMED PHONO - 1-800-631-6989

1 understanding you?

2 A No.

3 Q And you haven't had problems understanding her?

4 A No. Again, some expressions might sound a little

5 clipped as if English came to her as a second language. But,

6 no, she communicates.

7 Q Has she, over the years, performed translating

8 services for you with respect to non English-speaking people?

9 A I don't recall her doing that, no. Now, I can't

10 say for sure that on that trip to Taiwan that there wasn't

11 somebody that spoke in Chinese and she translated. I can't

12 remember. Nor can I remember if she ever translated for

13 Hsing Yun, the head of the --

14 Q The Master?

15 A Yes. Maybe she did. Maybe she did. Maybe she did

16 that at the Hsi Lai Temple. I can't recall. But it's quite

17 possible that she did.

18 Q It would come as a surprise to you if, today, you

19 were told she had at one time or another expressed difficulty

20 understanding the English language?

21 A Yes. At least, it would come as a surprise to me

22 to hear that she didn't understand what I was saying to her,

23 because she always seemed to understand what I said to her.

24 But I can't speak with regard to others.

25 Q You mentioned a trip that you took to Taiwan with

1 her and others in 1989. If I could direct your attention
2 prior to that time, did she host any fundraisers for you
3 prior to that trip?
4 A No.
5 Q Would you tell me how that trip came about?
6 A Nor -- when you say prior to that trip, just in
7 case the implication in the phrasing of that question is that
8 that trip was a fundraiser, that trip was not -- it was not a
9 fundraiser. At least I didn't know it. If it was, I didn't
10 know that it was.
11 Q Actually, there was no implication at all.
12 A Okay.
13 Q I was trying to get my chronology together.
14 A I just wanted to be sure.
15 Q Prior to the trip there, she did not host any
16 fundraisers for you?
17 A No.
18 Q How did that trip come about?
19 A My administrative assistant, Peter Knight, called
20 me during my family Christmas vacation, either in late
21 December of 1988 or early January 1989, and informed me that
22 there was, in his view, a great opportunity for me to form a
23 strong relationship with an influential group of Asian
24 Americans who wanted to become active in politics.
25 Peter Knight, as my administrative assistant, was

be

7

1 also a political activist in my behalf and met with people
2 who were politically important for one reason or another on
3 my behalf.
4 In any case, the Democratic Senate Campaign
5 Committee, according to what Peter Knight told me, had
6 arranged a trip to Taiwan and I don't know if -- I believe
7 that he told me in this first communication that there were
8 other cities involved also. I later, either then or later
9 found out that they were Hong Kong and Jakarta. I believe
10 I'm correct on that. And that a number of Democratic
11 Senators had given the impression somehow that they were
12 going on this trip, and yet all of them had cancelled their
13 participation in the trip.
14 This led to what he characterized as an opportunity
15 for the following reasons: This group of Asian Americans,
16 anxious to become involved in politics, were all angry at the
17 DSCC and were, as a result of that anger, proposing not only
18 to cancel any plans they might have to raise money for the
19 Democratic Senate candidates, but instead to actually start
20 raising money for the Republican committee that was the
21 Democratic committee's counterpart.
22 That meant that, in Peter's mind, I had a chance to
23 do a big favor for the Democratic Senate Campaign Committee
24 and, at the same time, by helping these individuals save face
25 in not having to cancel this trip they had laboriously

FOTHEFED © PENCHAD - 1-800-631-6989

be

1 prepared, including with contacts in the places they were
2 going to visit, cause them to feel very warmly toward me
3 because I pulled their irons out of the fire.
4 I said to Peter that I would consider it, but that
5 I had other plans in January. I was going to the Amazon Rain
6 Forest, and I can't remember what else, but I could not do
7 the whole trip. If I could fill this hole in their plans and
8 help them save face and bail out the DSCC by going just to
9 Taiwan, then, yes, I would consider it. I had never been
10 there. I thought it would be an interesting trip. And so I
11 was willing to go through all the travel necessary for a
12 short stay there, because I felt like I could hit several
13 birds with one stone.
14 Now, I know from refreshing my recollection that
15 Peter apparently knew about this prior to the telephone call
16 over the Christmas vacation. To my knowledge and memory, he
17 did not talk to me about it before that telephone call when I
18 was in my kitchen at my farm in Carthage, Tennessee. And,
19 again, that was either in late December or early January.
20 Q So, after the conversation with Peter Knight, did
21 you have any contact with any of the people who were
22 sponsoring the trip?
23 A I don't think I did until I met, until I met them.
24 I think I met them either at the airport or on the plane.
25 Q What did you know about the Pacific Leadership

1 Council at that time?

2 A Nothing.

3 Q Did you know that this influential group of Asian

4 Americans who wanted to become active in politics were

5 formally associated as the Pacific Leadership Council?

6 A I don't think I knew that. Now, if they gave me a

7 list of the people on the trip, which identified them as

8 members of that group, then perhaps I would have seen the

9 name. But the name meant nothing to me.

10 My impression was that they were Asian Americans,

11 anxious to get involved for the first time in politics, and

12 wanted to help out the DSCC.

13 Q Did Peter Knight mention any specific names to you

14 when he told you about this trip?

15 A If he did, they wouldn't have had any meaning for

16 me. My memory is that he did not. No, I don't think that he

17 did.

18 At some point, either just prior to the trip or on

19 the first leg of the trip, I believe that I was handed a

20 piece of paper that had the names of my traveling companions

21 and the itinerary.

22 Q So, as I understand it, your motivation for going

23 on the trip was both to do a favor for the DSCC and to

24 cultivate a relationship with a group of people that you were

25 going overseas with?

FONUTED © PENGAD • 1-800-631-6989

be

1 A That's correct.

2 Q Was there any other motivation for it?

3 A Just that I had never been to Taiwan, and I

4 wouldn't have gone under those circumstances and for such a

5 short -- you know, the long walk for a short drink of water.

6 I would have done it in a different way. But that was an

7 extra, small factor in going.

8 Q What did you do on the trip?

9 A Went to the Nationalist Chinese Museum. I met with

10 President Li. I do not know if my foreign policy advisor,

11 Leon Fuerth, set that up or if my traveling companions were

12 able to set that up. I just don't know.

13 What else? Toured the city of Taipei. I attempted

14 to make some business contacts on behalf of my home state of

15 Tennessee to -- I mean, one of the standard purposes for such

16 a trip these days is to try to get somebody to put a factory

17 in your home state and create some jobs. I believe that I

18 made some efforts of that sort.

19 We took a side trip to Kaohsiung, the second city.

20 And if you're getting to that in your next questions, I'll

21 hold off on that.

22 I'm trying to think what else.

23 Q Did you visit the Fo Kuang Shan Temple?

24 A Yes. That was in Kaohsiung. We flew down to the

25 second city of Taiwan principally for that reason.

FOIA FILE © PENGAD • 1-800-631-6989

1 Q Did you meet the Master Hsing Yun at that time?
2 A I did.
3 Q Describe what you recall about your conversations
4 with him.
5 A I was quite favorably impressed by him. He
6 described the work of the Temple. He placed a lot of
7 emphasis on the work they did in reaching out to the poor and
8 disadvantaged in the surrounding area where the thing was
9 located.
10 He was very proud of an exhibit that they had that
11 depicted different religious stories in Buddhism in a kind of
12 a diorama-type way, life-size sculpted figures. I don't know
13 what they were made out of, but it was this sort of tableaus,
14 one after the other.
15 The most significant part of it was the
16 conversation with him, which was mainly about, as I recall it
17 anyway, theological issues. Having been a student at the
18 Graduate School of Religion at Vanderbilt, I was asking him a
19 lot of questions about aspects of his faith that I knew
20 nothing about. And it was quite an interesting conversation
21 and made an impression on me.
22 I had a very positive impression of him as a
23 person, and I felt that his underlying basic motivations were
24 very positive and impressive. He seemed like a pastor would
25 -- I mean, a good pastor would be in my faith tradition, and

FORMTEC ® PENGAD - 1-800-631-6989

be

12

1 seemed to have a genuine, a quite genuine feeling of
2 compassion for the people that they were reaching out to,
3 feeding, clothing, et cetera.
4 Q Was there discussion about the Hsi Lai Temple in
5 the United States or his faith's presence in the United
6 States?
7 A Yes. Yes, he told me toward, I think it was toward
8 the end of the conversations that he had constructed the
9 largest Buddhist temple in North America, and that it was in
10 Los Angeles, and that he would love for me to visit there
11 sometime. And I said, well, if I ever have the opportunity,
12 perhaps I can. And that was the extent of it.
13 Q Was there any conversation with him or any of the
14 other people that you met over there, including political
15 figures or businessmen, concerning fund-raising?
16 A No. No.
17 Q Was there any discussion with the Master about
18 participation of any devotees of the Temple with any
19 political activity in the United States?
20 A No.
21 Q What was your understanding of the financial
22 sponsorship of the trip to Taiwan? Who was paying for it?
23 A I thought that the group was, the group of
24 traveling companions were paying for it, and I believe they
25 were. We asked -- well, I don't know. I don't know. But I

FOURATED @ PENGAD • 1-800-631-6989

1 believe that they were paying for it.

2 We asked, we formally requested that the Senate,

3 the U.S. Senate Ethics Committee review the financing of the

4 trip in advance of the trip ever being taken. And I was told

5 that it had been reviewed by the Ethics Committee and that

6 everything was on the up-and-up. It was only after that --

7 Q That you agreed to go?

8 A That I agreed to go, yes.

9 Q Did you have any knowledge at that time that the

10 Temple was funding the trip?

11 A I don't believe I did. I don't believe I did.

12 Q Apparently part of the group that you were with was

13 continuing on from Taiwan, as you said, to Hong Kong --

14 A Yes.

15 Q -- and Jakarta. Do you know who the financial

16 sponsorship came from for that part of the trip?

17 A No, I did not know. But I did know the name Riady,

18 because I believe that his name was on one of the manifests

19 or list of people on the trip that I received either

20 immediately before the trip or during the first leg of the

21 trip. And then he did -- then he never showed up. And I

22 remember being told at one point, probably by Maria Hsia but

23 I don't know for sure which one of them told me, that Mr.

24 Riady was not going to be able to accompany us. And it was

25 of no importance to me. I didn't know him and didn't know

be

1 why he wasn't there, still don't.

2 But I believe that -- I don't know if they asked me

3 to reconsider going on to Jakarta. I don't think so, because

4 it was clear in my mind that they were very pleased that I

5 could make the one stop, and that they didn't reopen the

6 question of going on. But it was my impression -- and I'm

7 sure it was because they told me -- that they were going to

8 be seeing him in Jakarta, maybe Hong Kong also, I just don't

9 know.

10 But, no, I did not know -- to answer your question

11 specifically, I did not know who would finance the part of

12 the trip that I was not on.

13 Q Was that the first time you had heard the name

14 Riady?

15 A To my knowledge it was, yes.

16 Q And was that James Riady?

17 A I believe it was, yes. I would have recognized --

18 the other name would have stuck out.

19 Q Mochtar?

20 A Yes.

21 Q As being more unusual than James?

22 A Well, I think I would have remembered that name. I

23 think it was James Riady. But I'm not sure. Riady is

24 unusual enough.

25 Q Now, during the trip out there and the time in

FORMATED @ PENGARD - 1 800 631 6989

be

1 Taiwan, did you have an opportunity to engage Maria Hsia in
2 much conversation?
3 A Yes.
4 Q What kind of things did you talk about?
5 A Oh, Taiwan, Chinese culture, city of Taipei.
6 Q What did you learn about her motivations and
7 aspirations in terms of being involved in this group and
8 taking this trip?
9 A I don't know if I learned this during the trip or
10 afterwards. But I came to understand that one of the issues
11 that she was very interested in was immigration. Her
12 husband, I guess they've been divorced since then --
13 Q Would that be Howard Hom?
14 A Yes. I believe that he was on the trip also. I
15 think it was later on that I came to understand that the
16 immigration issues were ones that she was most interested in.
17 But I don't -- I really do not remember talking with her
18 about those issues on this trip. I can't say that we didn't,
19 but I don't remember it.
20 Q And then apparently you left the group and they
21 went on to Hong Kong and Jakarta?
22 A I am assuming that they went on to where they say
23 they were going on. I have no independent verification of
24 that. But I traveled back with Leon Fuerth and Peter Knight
25 to the United States.

FORMATED © FENOMD - 1-800-631-6989

be

16

Q I'm going to --

A There was a California elected official named Leo McCarthy --

Q Who was on the trip?

A -- who was on the trip as well. And I think that he went on with them. But I'm not sure of that either.

Q We have prepared a book of some exhibits, which we tendered to your attorney prior to our meeting today. I wanted to go through a couple of the exhibits. In true government fashion, they are not the most polished of exhibits, but they are marked by numbers, and I hope the numbers correspond with the numbers in my book.

A Okay.

Q Let me turn your attention to Exhibit C.

A All right.

Q And ask you if you would read the Bates stamp number at the bottom of the exhibit, so that I can make sure that --

A A0435-0474-04-26, and the rest of it is faded out.

Q Does it appear to be a letter dated November 22, 1988 by Maria Hsia?

A Yes.

Q If I can ask you to just take a moment to read that letter?

A Yes.

be

17

Q And I'll ask you if you are familiar with its contents.

MR. NEAL: Excuse me just a moment. Will these be made exhibits to the deposition?

MR. CONRAD: Yes.

MR. NEAL: Because I was going to point out that this is attention to Peter Knight.

MR. CONRAD: We will make the exhibits a part of the deposition.

THE WITNESS: Her proficiency in English is not as good as I remember it.

BY MR. CONRAD:

Q Fair enough. Have you seen this letter before?

A Not until my counsel showed it to me yesterday in preparation for this meeting.

Q Okay. Would your conversation with Peter Knight have occurred after this letter, do you think?

A Yes, I'm pretty sure it did.

Q And did he tell you, in that conversation telling you about the trip, that the expenses would "be distributed by a cultural organization in Taiwan, a cultural organization in Indonesia and all the individual members"?

A You're talking about the conversation over the Christmas vacation?

Q Yes, the one in which you told me that Peter Knight

FORMFEED ® PENGAD • 1-800-631-6989

be

1 informed you about --

2 A Yes.

3 Q -- this opportunity?

4 A I don't know. I do know that both he and I wanted

5 to make sure that the financing was reviewed by the Senate

6 Ethics Committee. I believe we've got a written and signed

7 opinion on it. That would have diminished any motive I had

8 to inquire into the details of it. I assumed that the

9 individuals organizing the trip were paying for it.

10 But if he had told me that the cultural

11 organization was -- I guess "distributed" means participating

12 in the expenses -- if he told me that, I have no memory of

13 it. He could well have, but I don't remember it.

14 Q The letter is addressed to you, but lists

15 "Attention: Peter Knight".

16 A Right.

17 Q Apparently you have no recollection of actually

18 having read the letter prior to your --

19 A This is not the kind of --

20 Q -- preparation for today?

21 A -- letter that I would read.

22 Q Okay. The letter states, "The purpose of this trip

23 is planned for recruiting more D.S.C.C. members in the

24 future". Was that communicated to you at the time of the

25 trip?

A In rough outline, not with such precision. But clearly, one of the principal purposes of the trip was to cultivate support for the DSCC. I mean, that's why I made the trip, I mean, one of the principal reasons why I made the trip.

Q There's a reference in the letter to an occasion where Ms. Hsia met you at Mrs. Harriman's house. Is that event familiar in your mind today?

A No, it's not. I referred to it obliquely in an earlier response. By way of explanation, "Mrs. Harriman" refers to Mrs. Pamela Harriman, now deceased, who during these years ran an organization called Democrats for the '80s out of her house in Georgetown, former Ambassador Averell Harriman's house. And I guess he was still alive at this time.

She had a regular series of large gatherings to build support for recapturing Democratic control of the House and Senate. And a typical event at her home would have perhaps 100 people, half a dozen elected officials, maybe some dignitaries of some other kind, former Cabinet members or something. And guests would sit for a policy exchange of views between a couple of people, and then go out to a tent and have dinner.

It would be my customary practice, if I was one of the people attending such a meeting, and I attended several,

1 to briefly say hello to as many of the people there as
2 possible. And I am assuming from this letter that I met her
3 on one such occasion. But I have no independent memory of
4 it.
5 Q She also says that if you joined the trip she would
6 persuade "all my colleagues in the future to play a"
7 leadership "role in your future presidential race."
8 A Actually, you're buffing up her English a little
9 bit. Persuade "all my colleagues in the future to play a
10 leader role in your future presidential race."
11 Q Did you have conversations with her on the trip
12 along those lines?
13 A No, I don't remember any such conversations. But,
14 remember that in the year 1988 I had just completed a
15 presidential race and it was a cross between courtesy and
16 flattery to speak of a possible future race.
17 Q Let me turn your attention to Exhibit I, which is a
18 document with Bates stamp number A0435-0474-04-2580, is it
19 not?
20 A Yes.
21 Q I would ask you to take a moment to look at that
22 document and tell me whether you recognize this.
23 A Only from my counsel showing it to me yesterday in
24 preparation for this session. It appears to be a machine
25 rendition of my signature, and that would imply that I did

FONUFED PENGAD - 1-800-631-6989

be

21

1 not see it when I am supposed to have signed it.

2 Q It refers to being at least drafted on the plane on

3 your return trip from Taiwan, does it not?

4 A Yes, you are receiving the impression this letter

5 is intended to convey.

6 Q Does it express the thoughts that you held at the

7 time that it was composed?

8 A Well, let me read it more carefully to ascertain

9 that.

10 In the first paragraph, no, I was actually glad I

11 was not with them on the rest of the voyage.

12 Q Having been to Jakarta, I would share your

13 sentiments.

14 A The statement that the "meetings with the

15 government and business leaders were fascinating" appears to

16 be an overstatement, as does the description of the visit to

17 the Fo Kuang Shan facility as being "almost overwhelming",

18 although I was quite impressed with what I saw there.

19 Let's see, "enduring friendships". I would never

20 have let a letter get out with this misspelling. I'm a

21 stickler to a fault on such things, "generousity", the

22 misspelling of that word.

23 Let's see. The statement that it was "the most

24 enjoyable trip I have ever taken" is an overstatement.

25 But all of the overstatements that I've noted are

FORMFED © FENOLIO - 1 800 631 1969

be

1 within the customary bounds of this particular form of
2 communication.
3 Q After that trip, did Ms. Hsia host any fundraisers
4 for you in the balance of that year?
5 A Yes.
6 Q What do you recall?
7 A I recall a fundraiser for my Senate reelection
8 committee in Los Angeles at the home of one of the other
9 traveling companions.
10 Q Would that have been Ms. Tina Bow?
11 A Yes.
12 Q Was that the next opportunity that you had to met
13 Maria Hsia?
14 A I believe it was.
15 Q Do you recall today how much money that fundraiser
16 made for you?
17 A My memory is that it was something like $20,000. I
18 remember thinking at the time that it was a little out of
19 keeping with the high expectations I had for this dynamic new
20 group chomping at the bit to be active participants in the
21 political process, but I was grateful nonetheless, although I
22 recounted the many hours on the airplane to and from Los
23 Angeles, and couldn't help but add in the many hours to and
24 from Taiwan.
25 Q Let me turn your attention to Exhibit E, with Bates

1 stamp number A0435-0474-04-2262. It bears the date of March
2 20, 1989.
3 A All right.
4 Q I'll ask you if you have had a chance to look at
5 this document prior to this examination?
6 A Again, my counsel showed it to me yesterday. I do
7 not believe that I saw it prior to that time.
8 Q It references a proposed fundraiser, or a lunch
9 with Senator Al Gore, fund-raising at the Sostanza Restaurant
10 on April 30th of 1989. Do you recall that event?
11 A No, I certainly don't. Let me give you a little
12 background. On April 3rd, 1989, my son was seriously injured
13 and I spent the following month in the critical care unit and
14 then his hospital room at Johns Hopkins Hospital. I can
15 speculate on this, if you wish me to, but I have no memory of
16 the event.
17 Q Is your speculation that you think that it was
18 either rescheduled or cancelled?
19 A That's my speculation.
20 Q In the next month, did you attend a fundraiser in
21 California put on by Maria Hsia?
22 A Yes.
23 Q If I could turn your attention to Exhibit F?
24 MR. NEAL: Could you just give a brief description
25 of it for us?

FORMTED © PENGAD - 1-800-631-6989

be

24

1 MR. CONRAD: Yes.

2 MR. NEAL: The May 23, '89 letter?

3 MR. CONRAD: Yes.

4 BY MR. CONRAD:

5 Q The last four Bates stamp numbers would be 1975.

6 Do you have that letter in front of you?

7 A I do.

8 Q Would you describe that letter for me?

9 A It appears to be a letter from me to Maria Hsia

10 briefly thanking her for a contribution to my Senate

11 reelection campaign in 1990. It appears that it is signed

12 neither by me nor by the individual who frequently signed my

13 name to such letters.

14 The letterhead is not official, but campaign

15 letterhead. So, this would have been handled not out of my

16 Senate office, but out of the campaign operation. And 18

17 months before the election, that would have been a small

18 operation. So, I don't know who wrote this or signed it.

19 Q Would it have been following the fundraiser that

20 Ms. Hsia would have hosted for you?

21 A I don't know. I speculate that it was. What was

22 the date of the fundraiser?

23 Q Well, I believe it was May 21st.

24 A Yes. It would almost certainly be one of a stack

25 of routine thank-you letters going to every person who was on

FORMTED © FENCLO - 1-800-631-6989

be

1 the list. It does not bear any particular thanks for her
2 role, above and beyond the mere contribution for the work
3 that I knew that she did in asking her friend to have it at
4 her house and inviting people and so forth.
5 But this is a routine thank-you that I'm almost
6 certain went to every person who contributed.
7 Q On May 25th, she wrote you a letter, which is
8 Government's Exhibit G in that book. I'll ask you to take a
9 look at that. The last four Bates stamp numbers on that
10 letter are 1974.
11 A Yes.
12 Q It's a letter from Maria Hsia to The Honorable Al
13 Gore. Are you familiar with that letter?
14 A No, I'm not, other than, as with the previous
15 letters, from the opportunity that my counsel gave me to look
16 at it yesterday.
17 Q She indicates in there, "I would also like to see
18 you become one of the senators closest to the Asian Pacific
19 community. But for that to occur, we need time and a special
20 committment (sic) from each other."
21 Do you have any present sense or understanding of
22 what she meant by that?
23 A No, I don't. I can speculate, if you wish me to.
24 Q Well, based upon your relationship with her and
25 things that were going on at that time, if you have an

FORWARD ® PENGAD • 1-800-631-6989

be

1 understanding of what she meant, that would be fine.

2 A Well, I don't know what that phrase means. But I

3 do know that it's common for a group like this to want to

4 have conversations every so often, so they can convey their

5 opinions. And I assume that what she meant was a commitment

6 of a regular amount of time to share thoughts and whatnot.

7 Q You mentioned earlier that she had a particular

8 interest in immigration. Did she, back in 1989, have

9 occasion to discuss with you immigration-related legislation?

10 A I don't -- I don't specifically recall that. But I

11 do know, as I mentioned earlier, that at some point it

12 certainly became clear to me that that was an issue that was

13 important to her. And many families, according to her, were

14 experiencing distress because relatives couldn't join their

15 loved ones in this country, and that was the nature of the

16 face she put on that issue.

17 Q Let me turn your attention to Exhibit D, which

18 bears the last four Bates stamp numbers 1931. It's a letter

19 on Maria Hsia's stationery addressed to Leon Fuerth, Office

20 of Senator Gore. It's dated December 19, 1989. I'll ask you

21 if you're familiar with that letter?

22 A To my knowledge, the first time I saw this letter

23 was when Mr. Neal showed it to me yesterday.

24 Q It refers apparently to some matter that your

25 office referred to her, in terms of assistance in immigration

1 matters, does it not?

2 A Yes.

3 Q Do you ..ve any independent recollection of that

4 matter or that letter, other than having reviewed it --

5 A No.

6 Q -- recently?

7 A No.

8 Q Did Ms. Hsia indicate to you in 1989, other than in

9 this letter, that she hoped that you would investigate

10 charges of misconduct at AIT, American Institute in Taiwan?

11 A I have no memory of that.

12 Q Do you know why you would have, or your office

13 would have made a referral of this matter to Ms. Hsia?

14 A No. No, I don't. But I'm sure that -- well, I

15 mean, you know, Leon Fuerth may.

16 Q Who is Leon Fuerth?

17 A He's my foreign policy -- at this point, he was my

18 principal foreign policy advisor. He is the same thing

19 today, with a different title. He's my National Security

20 Advisor, with offices in the Old Executive Office Building.

21 He traveled with me to Taiwan. And, again, I can speculate

22 about this, if you wish, and you can take it for what it's

23 worth.

24 Senators and congressmen get a large number of

25 constituent work requests, often from other states and --

1 although it's somewhat unusual to get them from other states,
2 having run for President the year before that and reached out
3 to a lot of people, I received my share of it, maybe more.
4 Representing Tennessee, we had some immigration caseload, but
5 not much, and that related to Asian Americans was quite
6 small.
7 It may be that whoever got this constituent case
8 letter referred it to Leon, and that Leon, because he knew
9 from the trip that Maria Hsia was involved with such issues,
10 reached out to her to see if she could offer some advice on
11 how to solve this person's problem.
12 And I apologize for giving you what is only
13 speculation, but it might in future inquiries help you save
14 some time possibly.
15 Q You don't have any firsthand recollection of
16 directing Leon to do that or being involved --
17 A No.
18 Q -- in that process at all?
19 A No.
20 Q The year '89 began with your trip with Maria Hsia
21 and others to Taiwan, and at least on December 19th your
22 office is referring an immigration matter to her. You've
23 mentioned a fundraiser that she hosted for you in May of that
24 year. Did you have any other contact with her, to your
25 recollection?

1 A Not to my knowledge.

2 Q Let me turn your attention to document J, which

3 bear the last fou Bates stamp numbers 1977.

4 A Yes.

5 Q Do you recognize that document?

6 A Yes, and that is my signature and that is my P.S.

7 Q It's a letter dated October 2, 1990 on Al Gore U.S.

8 Senate stationery. What do you recall about this letter?

9 A Well, I don't recall anything about it other than

10 the refreshed recollection, as I look at it, that it appears

11 to be a routine thank-you letter on the month before the

12 election, to which I've added an extra P.S., because the

13 names were familiar to me, and you try to personalize these

14 things. And beyond that, it has no special significance.

15 Q Apparently Howard Hom and Maria Hsia had made a

16 generous contribution to your 1990 campaign.

17 A Right.

18 Q Is that correct?

19 A Well, "generous" would be $2,000, possibly $4,000.

20 I don't think they contributed that much. But in the context

21 of a Senate race, the maximum that can be contributed is

22 $1,000 per person, which can apply both to the primary and

23 the general. And I don't remember if they contributed 1,000,

24 2,000, 3,000, or 4,000.

25 Q And the handwritten note, "I cannot thank you

1 enough. You two are great friends. See you soon."
2 A Yes.
3 Q And that's in your writing?
4 A Yes, it is.
5 Q What contact did you have with Howard Hom and Maria
6 Hsia in the calendar year 1990, to your present day
7 recollection?
8 A I don't remember any. Again, let me say in the
9 same way that I characterized the letter that somebody typed
10 for me as if it took place on the airplane flying back, that
11 this is the kind of routine overstatement that is quite
12 common, both in P.S.'s to letters of this sort, and in
13 captions on pictures, et cetera. You're a great friend,
14 thank you; you two are great friends, thank you; see you
15 soon. It's a typical expression from me in a context like
16 this.
17 So, you shouldn't read -- I'd caution you not to
18 read into it that this is evidence of a high frequency of
19 contact during this calendar year. I may have seen them
20 during the calendar year. Typically I would see him without
21 her, but I'm not even sure that I saw her at all during the
22 calendar year. I just don't know.
23 Q So, when you refer to them as great friends, you
24 don't necessarily mean that?
25 A I mean to use the phrase in the same way that I use

it with a lot of people who have contributed to the campaign and have manifested a generous friendship in that way. So, I do mean it, but I don't mean it in the way that you and I would use the phrase with a lifelong friend that you met in college or something.

Q Let me turn your attention to Exhibit K, which bears the last four Bates stamp numbers 1982, and it's dated December 15, 1990, and ask you if you are familiar with that document?

A Only from being shown it yesterday. That does appears to be -- well, I don't know if that's my signature. I think it is. I think that's my signature.

Q What is your understanding of that letter?

A Well, my assumption here -- well, let me make it more than that. It was a common practice for me in the aftermath of a campaign to go back and thank everybody who had contributed to the campaign or played some role in the campaign. And in order to avoid missing somebody, I accepted the risk of duplicative thank-yous. Some people who showed up on the list would have already received thank-yous, some of them would not. And the easiest thing to do was just to sign them all.

The same thing happens with Christmas cards. I'm embarrassed to tell you that some people have received as many as 12 different copies of my Christmas card each year.

1 The staff hears about this on a regular -- every January
2 after my wife and I hear about it from puzzled friends.
3 Q So, my understanding of this letter is that it is
4 in the wake of a successful reelection campaign to
5 contributors to that campaign, and your indication of a more
6 personal wish that, "Tipper and I wish you and your family a
7 joyous holiday season", is what went out to all your
8 contributors at this time?
9 A I believe that this reflects the combination of
10 some procrastination after the election and some sense of an
11 onrushing holiday.
12 Q A combination of the two?
13 A Yes. And that in order to make the lateness of the
14 routine thank-you less noticeable, it was combined with this
15 expression of holiday greetings.
16 Q Do you have any other recollection --
17 A Now, I don't know that for sure. The person who
18 prepared the letter might. But I'm assuming that, and I
19 think it's a safe assumption. Go ahead.
20 Q 1989 and 1990, other than documents that refresh
21 your recollection as to events that occurred in that time
22 period, do you have any other independent recollection of
23 meeting or phone conversations with Maria Hsia?
24 A No.
25 Q Between the time period 1990 and 1995, how would

1 you summarize your relationship with Maria Hsia?
2 A Dormant.
3 Q When was the next opportunity that you had to meet
4 or be with Maria Hsia?
5 A I don't know. I don't know. My impression was
6 that she kind of fell off the radar screen for quite a while.
7 I don't know if she was involved in the '92 campaign. There
8 may be some documents that can refresh my recollection on
9 that. But my overall impression is that she kind of fell off
10 the radar screen until sometime in '95.
11 Q Were you involved in sponsoring any type of
12 immigration legislation in that time period? Well, I guess
13 before 1992?
14 A I may have. I may have. I don't know.
15 Q Do you have any recollection of working with Maria
16 Hsia or having conversation with her about immigration
17 legislation?
18 A I have a recollection of seeing some document in
19 preparation for some previous testimony that made reference
20 to some piece of legislation. But my memory of it is coming
21 from being shown something last year or the year before. I
22 don't have an independent recollection of it.
23 Q Do you have a recollection of a fund-raising event
24 that you and President Clinton attended in September of 1995
25 at the Century Plaza Hotel in California?

1 A I believe I do. We have been to a lot of fund-
2 raising events and I think that I do.
3 Q This would have been one hosted by Tom Hanks, if
4 that helps?
5 A No, I don't -- was he the emcee?
6 Q I think he might have been.
7 A Well, actually, I've been to several with him.
8 Q Okay. Let me turn your attention to Exhibit L.
9 A But -- okay. I'm not trying to be difficult, but I
10 really --
11 Q No, I understand. This has a Bates stamp number at
12 the bottom DNC 3321656.
13 MR. NEAL: Is that a several-page exhibit?
14 MR. CONRAD: Yes.
15 MR. NEAL: Thank you.
16 BY MR. CONRAD:
17 Q Does that help at all?
18 A Oh, this is for the event? Well, Jim Neal showed
19 me this yesterday and I believe that I -- this says Southern
20 California. Yes, yes, okay, fine. Yes. Well, no, I was
21 thinking of a different one a moment ago. Of course, Century
22 Plaza is in Los Angeles.
23 Yes, I think I remember this event.
24 MR. NEAL: Actually, it's Century City, isn't it?
25 MR. TIMBERLAKE: Yes, Century City.

1 BY MR. CONRAD:

2 Q Do you recall seeing Maria Hsia there?

3 A No, but I may well have. If she was there, I'm

4 sure that I saw her.

5 Q You don't have any independent recollection of any

6 conversation with her on that subject?

7 A Not at that event, but it could well be that that

8 was the time when I remember her kind of resurfacing and once

9 again being interested in supporting Democratic candidates.

10 And it may well have been at this event, but I can't say for

11 sure. Was she at this event?

12 Q I believe she was. What do you remember about the

13 whole resurfacing of Maria Hsia in political activities?

14 What's your recollection of that?

15 A Nothing specific, other than the fact that I had

16 spent all that time on the trip to Taiwan with her and then

17 saw her, you know, once or twice or thereabouts. She did

18 that one event in Los Angeles at Tina Bow's house and that

19 was basically it. And if I saw her to have a brief hello-

20 how-are-you at some other event after that, I don't recall

21 it. I'm not saying that I didn't.

22 But to have her back at an event where Clinton's at

23 the top of the ticket, we're running for reelection, all of a

24 sudden here's this person that I knew from six years earlier,

25 it made an impression on me that, you know, where've you

1 been, nice to see you, glad that you're here, thank you for
2 your help. That's the extent of it.
3 Q What was your involvement with the Asian Pacific
4 Leadership Council in that six-year time period?
5 A To my knowledge, zero.
6 Q Did you have any contact with James Riady during
7 that time period?
8 A To my knowledge, no.
9 Q How about John Huang?
10 A Now, John Huang was a member of the Administration
11 and he had been on the trip and -- he had been on the trip in
12 1989. And I cannot remember when I saw him again. But I
13 think it was under circumstances where it seemed as if he
14 knew the President, or had met the President, gotten to know
15 the President independently from his relationship with me.
16 But I can't remember when that was.
17 Q Was the first time that you met John Huang on the
18 trip to --
19 A Yes.
20 Q -- Taiwan in 1989?
21 A Yes.
22 Q Between --
23 A And his wife, Jane, was there also.
24 Q Did you spend much time with John Huang on that
25 trip?

be

37

A Yes.

Q What types of things did you discuss?

A Same, I mean, the group went out to dinner. The group went sightseeing. The group went to Kaohsiung.

Q What was your understanding of John Huang's employment at that time?

A I didn't know what his employment was or, at least if he told me, it did not make an impression on me.

MR. NEAL: At the time of the trip?

BY MR. CONRAD:

Q Yes, in 1989. Did you know where he lived in 1989?

A No, I didn't.

Q Between 1989 and 1992, did you have any involvement with John Huang?

A Not to my knowledge.

Q In terms of the election cycle in 1992, what involvement did you have with John Huang?

A I don't know. I don't know. I don't remember any. But I said, in response to an earlier question about Maria Hsia, if she was involved in the '92 campaign, I don't recall it. I would give the same answer with respect to John Huang. He could have been. If you showed me, you know, some list where he was an attendee at an event or something that I was at, it wouldn't shock me. But I have no independent recollection of that whatsoever.

FORWARD ® REPORTING 1-800-631-6989

be

1 Q Do you have any recollection of any conversations
2 with John Huang in the 1992 election cycle about fund-
3 raising?
4 A No.
5 Q Between 1992 and, let's say, this Century Plaza
6 Hotel fundraiser in September of '95, did you have any
7 conversation with John Huang?
8 A Not to my knowledge.
9 Q Did you have any role in John Huang's employment
10 with the Department of Commerce?
11 A No, with one exception. President Clinton -- no.
12 I'm thinking of something else. No, I had no role in that,
13 to my knowledge.
14 Q You were about to tell me --
15 A I was about to say that at a later time, at a later
16 time when he became involved in raising funds for the
17 campaign, there was an occasion where President Clinton said
18 in an aside, you don't have a problem with John Huang coming
19 to help with campaign fund-raising, do you; and I said, no.
20 MR. NEAL: When you're talking about a campaign,
21 just for clarity, were you talking about the '95 or --
22 THE WITNESS: No.
23 MR. NEAL: -- '96 campaign?
24 THE WITNESS: I believe so, yes.
25 BY MR. CONRAD:

FORM FED ® FEDERAL - 1-800-631-6989

be

1 Q Are you talking about the move from --
2 A The DNC.
3 Q -- th Department of Commerce to the --
4 A With the DNC.
5 Q -- DNC? We'll get to that a little bit later. In
6 any event, with Maria Hsia and the Century Plaza Hotel, I
7 guess your testimony is you had no knowledge of any illegal
8 contributions that Ms. Hsia --
9 A Of course not.
10 Q -- solicited for that --
11 A Of course not.
12 Q -- event? And do you recall meeting any nuns from
13 the Hsi Lai Temple at that event?
14 A No.
15 Q Do you recall the Hay Adams fund-raising dinner
16 that occurred on the 19th followed by a breakfast on the 20th
17 in the campaign of 1996?
18 A I don't recall the dinner. I don't think I was at
19 the dinner. My recollection of the breakfast was refreshed
20 yesterday by a document that also made reference to the
21 dinner. I do recall the breakfast independent of the
22 document after my recollection was refreshed. And I'm happy
23 to tell you about it.
24 Q Yes, what do you recall about your participation in
25 that event?

FOTM FED ● PENGAD • 1 800 631 6989

be

40

A I recall a lengthy briefing memo. I remember walking into a room with a table about half again as large as this one, or half again as long as this one anyway, and every seat filled; a breakfast; brief remarks; and then a Q and A series of exchanges where I responded to various issues that were raised by people at the table.

Q What do you recall about being briefed for that breakfast meeting?

A I remember there was a long briefing paper. My recollection of that was refreshed by looking at it yesterday. And that did refresh a specific recollection of thinking at the time, this is a lot, this is a lot to absorb, more than normal, for an event like this. They had quite a number of issues that they wanted to discuss, including immigration law. And I can't remember who briefed me for it.

Q Did you have any conversations with John Huang in preparation for that breakfast?

A I don't know. I don't think so. I don't have a memory of it. Was he with the campaign -- with the DNC then?

Q This would have been February of '96 and he would have been with the DNC at that time.

A Could well be. It could well be.

Q Other than that one conversation with President Clinton, what --

A But typically -- let me just add, if I could.

FOTOLEID PENGAD - 1-800-631-6989

be

41

1 Typically I would be coming from some other location or some
2 other event and walking in, having read the briefing paper on
3 the way. And it wouldn't be unusual for me to be running a
4 little bit late and walk right into the event. But I'm not
5 saying that he didn't brief me. I just don't remember it.
6 Q The Hay Adams event was a little different than
7 other events, wasn't it? Wasn't it focused on the Asian
8 American community?
9 A Yes, but that's not -- it's not unusual to have
10 events focused on a specific community. There are, for
11 example, events with Jewish Americans, where a specific
12 agenda is included in the briefing paper; events with
13 Hispanic Americans; et cetera, et cetera.
14 Q Were you, in preparation for this event, briefed on
15 the Asian Pacific Leadership Council and their participation
16 in it?
17 A Not to my knowledge.
18 Q Was your expertise or past relationship with that
19 group drawn on in any way in preparation for that?
20 A No, that group didn't, wouldn't have rung a bell
21 with me. The presence of Maria Hsia, John Huang, Jane Huang,
22 and any others who had been on the 1989 trip with me would
23 have rung a bell, but not the Pacific Leadership Council.
24 Even if I saw that name way back when, it did not make an
25 impression on me.

be

1 Q Who did you see that you recognized at that
2 breakfast?
3 A May I refresh my recollection --
4 Q Sure.
5 A -- with the list of people who were there?
6 MR. NEAL: For the record, we've handed the Vice
7 President a multi-page document.
8 MS. BROWN: His briefing.
9 THE WITNESS: I'm sorry. I'm having trouble
10 finding the people.
11 MR. NEAL: Go to the back.
12 THE WITNESS: Right. Okay. Maria, Pauline
13 Kanchanalak. I believe that's it.
14 MR. NEAL: And John Huang?
15 THE WITNESS: And John Huang, but he's not on this
16 list here. I don't know if he was there or not.
17 BY MR. CONRAD:
18 Q Mr. Vice President, just for the record, would you
19 read into the record the document you're referring to, to --
20 A Yes.
21 Q -- refresh your recollection?
22 A It's entitled, it has the notation EOP 008510. It
23 is on Democratic National Committee stationery, and it is
24 entitled Briefing for the Vice President of the United States
25 Al Gore, Jr.

FOIA FED @ PENGAD - 1-800-631-6989

be

1 MR. CONRAD: For the record, if we could make that
2 a part of the deposition as well?
3 MR. NEAL: Sure, what number.
4 MR. CONRAD: Let's make it VPOTUS No. 1.
5 (VPOTUS Exhibit No. 1 was
6 marked for identification.)
7 BY MR. CONRAD:
8 Q What is your recollection of any conversation you
9 had with Ms. Maria Hsia at that event?
10 A I have none.
11 Q Do you recall her being seated at your table?
12 A No, I don't, but I would have been glad to see her
13 and would have said, hello, how are you. But I don't have
14 any specific recollection of it.
15 Q Do you have any knowledge that Maria Hsia had
16 solicited illegal contributions in connection with that
17 event?
18 A No, of course not. No, I don't.
19 Q Did you know that the price for attending that
20 event was $12,500 per person?
21 A No.
22 Q I want to --
23 A Although that's noted on the list. That $12,500
24 per person is noted in the briefing paper. So, I assume that
25 I had access to this briefing paper prior to the event, and I

FORM FED © PENGAD • 1-800-631-6989

be

1 assume that I read it.

2 Q Let me turn your attention to what has been marked

3 as Government Exhibit O, which has Bates stamp number, last

4 four digits, 2045, a multiple-page exhibit. The first page

5 is blank and it says, Redacted.

6 A Right.

7 Q I'll ask you to take a look at that exhibit dated

8 February --

9 MR. NEAL: We're having a hard time finding it

10 here.

11 THE WITNESS: Can we take a short break?

12 (Whereupon, the proceedings were recessed from 2:32 p.m.

13 until 2:40 p.m.)

14 BY MR. CONRAD:

15 Q Before the break, we had been talking about an

16 exhibit dated February 26, 1996, bearing the last four Bates

17 stamp numbers 2045, a multiple-page exhibit which ends at

18 2052.

19 Mr. Vice President, are you familiar with that?

20 A Now, which letter is this?

21 Q This is the redacted Memorandum for the Vice

22 President.

23 A Yes. Yes, I have it.

24 Q Dated February 26, 1996.

25 A It's the same one. I was looking at the wrong

FORMATO ® PENGAD - 1-800-631-6989

1 number. I've got it.

2 Q What is this document? Much of it is redacted.

3 A This appears to be one of a voluminous series of

4 documents that were prepared by the President's political

5 team, I believe headed by Harold Ickes, and with copies sent

6 to a variety of people.

7 I routinely turned this over to -- let's see. This

8 says --

9 Q This is dated February 26, 1996. Are we looking at

10 the same document?

11 A Well, I was looking at this (indicating). This

12 look like David Strauss' stuff.

13 Q Let me go ahead and --

14 A Could they have been sending me a copy of David

15 Strauss' --

16 Q Are you looking at 2045?

17 A Yes.

18 Q And it's from Ron Klain and --

19 A Yes, I just noticed that.

20 Q -- David Strauss.

21 A Yes, I don't know. This must have been their

22 summary of the DNC and reelect budgets, as it says.

23 Q And it's a memorandum for the Vice President, and

24 that would be you?

25 A That would be me.

FORM-FEED ® REPORTING • 1.800.631.6985

be

1 Q Let me turn your attention to 2051, which is headed
2 at the top, "II. DNC Budget". First of all, if I could ask
3 you, what is the purpose of this memorandum?
4 A I assume that it is to acquaint me with the DNC
5 budget.
6 Q In February of '96, were you having regular
7 meetings concerning the DNC and the reelection effort and the
8 need for campaign contributions?
9 A Yes. We were having regular meetings that covered
10 a variety of subjects, those included among them.
11 Q And would this have been a memorandum summarizing
12 one of those meetings?
13 A I don't know.
14 Q Well, turning your attention to 2051 --
15 A It could have been summarizing it, or preparing for
16 it.
17 Q II. DNC Budget begins, "We seem to be in essential
18 agreement on this -- and in agreement that the fundraising
19 task is huge."
20 Would that have been a summary of an agreement that
21 came out of a meeting, or not?
22 MR. NEAL: I would like to state at this point --
23 I'm not trying to shut you off. But the Vice President did
24 testify about this, referred to it as some sort of pep
25 meeting, and says that he doesn't even believe he was there

PENGAD © PENGAD • 1 800 631 6989

1 at this meeting.

2 Is it fair that I show him a copy --

3 MR. CONRAD: If you want to refresh his

4 recollection with a 302, that would be fine with me.

5 MR. NEAL: Yes.

6 THE WITNESS: Okay.

7 MR. NEAL: Just to shorten, I think it's that

8 paragraph there (indicating).

9 THE WITNESS: Well, this has the title on it, which

10 the redacted version doesn't. So, that helps me.

11 MR. NEAL: Starting there.

12 THE WITNESS: Yes, "Weekly meeting with the

13 President".

14 Okay. My recollection having been refreshed, this

15 appears to be a briefing memo in preparation for a meeting

16 with the President to talk about the political budget. I've

17 previously said that I don't remember a meeting of this kind

18 on February 28th, when this is said to have taken place, and

19 that I do not think that I went to it, either because it was

20 cancelled or I was called out of town. But --

21 BY MR. CONRAD:

22 Q For the record, if you would identify the document

23 you're using to refresh your recollection?

24 A This is what you all referred to as the 302. This

25 is FD-302, Federal Bureau of Investigation, date of

FORMATED © PENGAD · 1-800-631-6989

1 transcription November 13, 1997.

2 Q Thank you.

3 A And down at the bottom, it has FBI-TRIE154.

4 THE WITNESS: Is that what you are pointing to?

5 MR. NEAL: No.

6 THE WITNESS: I'm sorry. Date dictated, November

7 11th, '97.

8 BY MR. CONRAD:

9 Q Now, if I could turn your attention to 2051 of the

10 Exhibit labeled O --

11 A Right.

12 Q -- which is headed DNC Budget. "We seem to be in

13 essential agreement on this -- and in agreement that the

14 fundraising task is huge."

15 Do you know what that refers to?

16 A No. I don't. The part before that is redacted out.

17 I can speculate, if you wish me to.

18 Q Well, go ahead.

19 A It appears to be a statement that all the parties

20 involved had reached agreement on the range, on the relative

21 size of the DNC budget, because in the next paragraph it

22 speaks of specific subcategories of the budget being pared

23 back. Then the next one is fully-funded, et cetera.

24 And I am assuming from this that what Mr. Klain is

25 saying is that whatever disagreements that existed prior to

FORMATED @ PENGAD • 1-800-631-6989

1 the time he prepared this about the size of the overall
2 budget and the various subcategories had been essentially
3 resolved.
4 Q And in that same section of the memorandum, it
5 refers to the bottom line being a budget of 108 million, is
6 that correct?
7 A That's what it says here.
8 Q If I could turn your attention to 2052, under the
9 heading "Fundraising: This is the big question -- can we
10 raise $108 million (or more, if generic DNC media is desired
11 in the fall)?"
12 What is your recollection of the meaning of that
13 entry?
14 A Just what it says.
15 MR. NEAL: What is your recollection?
16 THE WITNESS: Oh, I don't have an independent
17 recollection of it.
18 BY MR. CONRAD:
19 Q If I could ask you to read several lines down,
20 beginning with the sentence, "From a current schedule of
21 events, Fowler thinks we" -- if you read that section, all
22 the way through to where it says, "coffees, etc.", if you
23 could read that into record, then I would like to ask you a
24 couple of questions about it.
25 A You want me to read it out loud into the record?

FOLMFED @ PENGAD • 1-800-631-6989

1 A Yes.

2 Q "From a current schedule of events, Fowler thinks
3 we can raise $92 million (Rosen thinks we can raise $80
4 million.) I did three events this week which were projected
5 to raise $650,000, and, under rigorous accounting, actually
6 raised $800,000. For the month, Tipper and I were supposed
7 to do $1.1 million, and it looks like we will be closer to
8 $1.3 million.

9 "So we can raise the money -- BUT ONLY IF -- the
10 President and I actually do the events, the calls, the
11 coffees, etc."

12 Q Okay, that's where I wanted you to read to. Now,
13 that sounds like you are speaking in that section of this
14 memorandum. That sounds like first-person information.

15 A This -- I previously said that I believe that these
16 were talking points prepared by Ron Klain, because the format
17 is characteristic of his approach. And when I previously was
18 asked about this, I advised that my memory had been refreshed
19 by recent newspaper accounts confirming that this was
20 evidently prepared by Ron Klain.

21 I have no recollection of the meeting and I've
22 never been scheduled to make a formal presentation at such a
23 meeting.

24 I can speculate, as I did previously, that there
25 was a continuing clash of viewpoints between different

FOLWFED © PENGAD - 1-800-631-6989

1 advisors to the President about whether or not it was
2 feasible to raise a large sum of money for the DNC during
3 this period of time. A I I was generally of the view that if
4 we worked hard enough we could do it. And the talking points
5 would have been, I speculate, would have been prepared to
6 assist me in making that case.
7 Q And so this memorandum would have been prepared by
8 someone other than you?
9 A Correct. This was not prepared by me.
10 Q But it would contain views that you held at the
11 time?
12 A Well, it would have, it would have contained
13 recommendations by someone else as to what I could say in
14 order to support his understanding of my views.
15 Q The notion that, so we could "raise the money but
16 only if the President and I actually do the events, the
17 calls, the coffees, etc.", would that have been a view held
18 by you at that time?
19 A The general view that if we were willing to work
20 hard enough we could raise more money than Harold Ickes
21 thought we could, was a general view that I held, yes.
22 Q And how did the events, the calls, and the coffees
23 factor into that ability to raise more money?
24 A Well, this was not prepared by me. This was
25 prepared by, apparently by Ron Klain. But, among the

FLOYD FEID PENGAD • 1-800-631-6989

be

1 activities that were intended to help raise the funds were
2 telephone calls to potential donors to ask if they would
3 contribute to the DNC.
4 And the coffees were in a somewhat different
5 category, and I don't -- that was not an activity that I -- I
6 may have attended one. I don't know what the record
7 reflects. But that was somewhat different and not -- that
8 was -- I didn't lump them together this way.
9 Q What was the purpose of the coffees?
10 A Well, they were for the President to meet with
11 people who were interested in supporting his policies and his
12 politics. But that was more or less on his side of the house
13 and I'm not the best source of information about that.
14 Q In terms of a fund-raising tool, what was the
15 purpose of the coffees?
16 A I don't know. They were on his side of the house.
17 And I will give you my understanding of what I thought they
18 were. I thought they were events that allowed the President
19 to spend time with influential people who wanted to talk
20 about policy, who would at some later time possibly be asked
21 to financially support the DNC. It was certainly not my
22 understanding that they were fund-raising events.
23 Q Did you have any understanding, or do you have any
24 understanding that there was a price tag associated with the
25 coffees?

FORMATED @ PENGAD • 1-800-631-6989

A No, I do not and did not.

Q With respect to raising the $108 million, did you have discussions with anybody concerning the role coffees would play in raising that type of money?

A Well, let me define the term "raising", if I could, because if you mean by it, would they be events at which money was raised, the answer is no.

But it is, it was then and has for a long time been common practice to have meetings with people who are interested in various subjects, spend time with them, cultivate the relationship, show them the respect that the time signifies, and then, on the basis of the relationship that is built up then and in other ways, ask them to support the DNC, or, if you're in the Senate or the House, your campaign fund.

But often it is assumed that you're going to have a hard time asking somebody to be a contributor if you have never met the person, spent time with the person, or had an opportunity to hear the person's views.

The coffees, as I understood them, were opportunities for the President to reach out to a larger number of people, spend time with them, hear their views, respond to questions, et cetera, and in that way build more relationships, some of which later on would be the basis for campaign solicitations from the DNC.

FORM FEO © FENCAD • 1-800-631-6989

Q When I use the term "coffee", in terms of raising the amount necessary for the DNC to succeed, I don't mean it in terms of money being contributed at the event. I mean it in terms of the coffee being a tool by which those funds are raised.

A Well, it's the same definitional. I mean, they are, they were what they were. They were sessions for the exchange of ideas, during which, it was my understanding, that the President would cultivate a closer relationship with the individuals who were there. It was contemplated at the time when they were set up that some or many of those who participated in those sessions would later on be likely to be asked to contribute; but that this was a part of relationship-building, and the relationship-building, in turn, had an impact on the likelihood that they would become donors later on.

Q Did you have any conversation with the President about the income-generating function of the coffee?

A No, not per se. Just in the way that I have described it to you previously. I attended meetings where the assumption was that the relationships built at these coffees would be such that some of those who attended would be more likely to be receptive at a later time, if they were solicited by the DNC.

Q Are you familiar with Senator Thompson's committee

1 investigation into alleged campaign finance abuses?

2 A I've seen the news reports about it. I have not

3 read the transcript of the committee report.

4 Q Are you aware that they concluded that between

5 November of '95 and August of '96, there were 103 White House

6 coffees?

7 A I'm not familiar with their conclusion.

8 Q And that within a month of the coffees, over $7.7

9 million were contributed to the DNC. Are you familiar with

10 that conclusion?

11 A No, I'm not.

12 Q Would it strike you as consistent with the theory

13 of the coffee as being a fund-raising tool, as opposed to, I

14 think what you were describing it as, as a donor-maintenance

15 type event?

16 A Well, I never heard them described as fund-raising

17 tools. Again, I've described what I felt that their role

18 was. And as to whether I agree or disagree with somebody

19 else's label being placed on it, I hesitate to wordsmith it.

20 I would not call them fund-raising tools.

21 Q Have you had a conversation with anybody about the

22 cost to attend a White House coffee?

23 A No. No, I -- it is not my -- it is my certain

24 belief that I never heard anyone say that a particular amount

25 of money was attached to attendance -- a particular amount of

1 money that would later be anticipated to be raised by the DNC
2 was attached to attendance at these events. I never heard
3 anything remotely similar to that, and I would be very
4 surprised if any such reference was made.
5 Q You are not familiar with the cost of $50,000 being
6 the --
7 A No.
8 Q -- cost to attend the fundraiser?
9 A Absolutely -- a coffee?
10 Q A coffee?
11 A Absolutely not. Absolutely not. And it is my
12 belief that that would have been considered wildly
13 inappropriate, if not worse, by those who talked about those
14 coffees. They were not considered in that, in that way.
15 Now, there was, as I've said before, an
16 anticipation that the relationships built during these
17 sessions might make some of those people more conducive to
18 making financial contributions when they were solicited at a
19 later time.
20 But I would be shocked if, if any of my colleagues
21 who participated in the meetings I was at, or any other
22 meetings at the White House that I was not at, thought of
23 those coffees in that way.
24 Q What was your understanding as to how people were
25 selected to attend the coffees?

FORM TEC ® PENGAD • 1-800-631-6989

A I did not participate in selecting the people. I don't know.

Q Did you ever have any conversation with someone at the DNC as to the criterion for selecting --

A No, I did not.

Q -- attendees? Did you have any conversation to that effect with anybody within the White House?

A No, I did not.

Q This talking point that says, "So we can raise" --

A Now, hold on. I don't think that I did. But in scanning my memory, it's possible that somebody may have said, so-and so is coming to an event and the President might have said, well, if he's coming, then make sure that so-and-so who has a you know, represents a different part of the community, is also there, or we'll get, you know, we'll incur some political disadvantage for that reason.

I may have heard, I may have been in the room when a conversation like that took place. I have no specific memory of it. But --

Q If a conversation like that took place, who would have been parties to that conversation?

A Gee, this is really speculative, but the President and Harold Ickes and, and others in the room. I mean, that's -- but that's very speculative.

Q This talking point, "So we can raise the money --

FORMATTED © HENGAD • 1-800-631-6989

be

1 BUT ONLY IF -- the President and I actually do the events,
2 the calls, the coffees, etc.", do you have a recollection of
3 making that, or expressing that idea to anyone?
4 A No, not that specific thought. The general thought
5 about if we, if we will take the time to get out there and do
6 the hard work that is necessary, then we can be successful in
7 this, I have expressed that general thought, yes.
8 Q I understand that general thought, and that's very
9 different than the particulars in this talking point. What
10 I'm --
11 A Yes.
12 Q -- trying to understand is whether you are the
13 source for those talking points or not?
14 A No, I'm not the source of these talking points.
15 Q And would you have expressed the particulars
16 contained in the talking point to anyone else, to your
17 knowledge?
18 A No. I don't think I was at the meeting that those
19 proposed talking points were prepared for.
20 Q Whether you were at that meeting or not, you're not
21 aware that you had any conversation with Ron Klain or David
22 Strauss with respect to the particulars of the talking
23 points, that is, the coffees, the events?
24 A No. No, I don't. I already told you that I've
25 expressed the general point that I was engaged in a debate

FORMTEC ® PENGAD • 1-800-631-6989

1 along with others about whether or not it was feasible to
2 undertake to raise a DNC budget of the size that would be,
3 that was contemplated. And I was of the general view that it
4 was possible, but that it would require a lot of work. And I
5 expressed that view on more than one occasion.
6 Q I think you had indicated --
7 A I never, I never expressed the view that the
8 coffees were a fund-raising tool.
9 Q In your opinion, there simply was no quid pro quo
10 of attendance at a coffee, payment to follow?
11 A That is absolutely my impression. The connection
12 that I described earlier --
13 MR. NEAL: Excuse me. Let me --
14 MR. CONRAD: Let the witness answer the question.
15 MR. NEAL: Okay.
16 BY MR. CONRAD:
17 Q Go ahead.
18 A If you want me to repeat my earlier answer, I will.
19 But that's been done.
20 Q You had indicated earlier that you may have
21 attended one coffee. What were you talking about?
22 A I was really talking about a session in which I was
23 prepared for one of the previous interview that you all
24 conducted -- not you, but others conducted. And I was, I was
25 vaguely remembering that during one of those preparation

FORMATED @ FENOLIO • 1.800.631.6988

1 sessions I was told that, although it was not my practice to
2 go to any of these coffees, there may have been one that I
3 attended briefly, perhaps because some of the invitees were
4 known to me and wanted to say hello to me.
5 Q And who were those invitees?
6 A I don't know. I'm sorry, I don't know.
7 Q There's an interesting book about your life on the
8 bookshelves these days called "Inventing Al Gore", by an
9 author named Bill Turque. Are you familiar with that work?
10 A I haven't read it, but I'm certainly familiar with
11 it.
12 Q In that book, that author indicates that you hosted
13 23 White House coffees and joined the President at eight
14 others. Would that be an accurate statement?
15 A I don't know.
16 Q But certainly more than one?
17 A I wouldn't necessarily take him as a, as a --
18 Q No, and I'm --
19 A -- source.
20 Q I'm not taking him as a source. What I'm saying
21 is, would that perhaps refresh your recollection as to the
22 number of coffees --
23 A That seems --
24 Q -- you attended?
25 A That seems inaccurate to me. Far from the only

FORM FED ® PENGAD • 1-800-631-6989

1 inaccurate thing that has been quoted to me from that
2 particular book. But, yes, that seems, that seems inaccurate
3 to me.
4 Q He refers to you as earning the reputation as
5 solicitor-in-chief. Have you ever heard that title before?
6 A I heard that title for the first time in a
7 newspaper article by Bob Woodward, and it struck me as quite
8 odd when he put that in the newspaper article, because I had
9 never heard it prior to that time. I believe it to be
10 completely unfair and inaccurate.
11 Q Do you believe it to be related in any way to the
12 White House coffees?
13 A Oh, I know it's completely unrelated to the White
14 House coffees. In fact, the article that I referred to --
15 you can find it for yourself -- was an article about the
16 telephone calls, and that's what, that's what led Mr.
17 Woodward to coin the phrase. I think that he alleged that
18 someone else used the phrase in conversation with him, but I
19 had never heard it before and the only time I've heard it
20 since was either in direct or indirect reference to him using
21 it, although it was often -- well, anyway.
22 Q Let me ask --
23 A When they write something, it becomes kind of
24 conventional wisdom sometimes.
25 Q Let me ask you about a statistic. I know you don't

FORMATED @ PENGAD • 1-800-631-6989

1 take the Thompson report as Gospel. But in the Thompson
2 report
3 A Are you talking about the Republican report or the
4 Minority report?
5 Q Well, my guess is it's in the Majority report.
6 A Okay.
7 Q It's page 41 of the report. So, that's more than
8 likely the Majority report. It says, between November of '95
9 and August of '96, the White House hosted 103 coffees, taking
10 in $26.4 million, of which $7.7 million occurred within one
11 month of the coffee; that 60 of these coffees were DNC-
12 sponsored.
13 Would you have reason to dispute those findings?
14 A I would neither have reason -- I don't have reason
15 to accept the findings. It is a highly-partisan document, as
16 noted in the Minority report. But I have not reviewed it.
17 Q Sitting here today, you don't have a concrete
18 recollection of your attendance at any particular coffee, is
19 that --
20 A No.
21 Q -- correct?
22 A No, I don't. This was on the President's side of
23 things. That's my memory and impression.
24 Q Let me turn your attention to the meeting that you
25 had with the Master Hsing Yun in the White House on March

FORMATED @ PENGAD • 1-800-631-6989

1 15th of 1996.
2 A Yes.
3 Q What is your recollection of how it came to be that
4 that meeting took place?
5 A Someone told me -- and I don't know if it was a
6 verbal communication, a telephone communication, or a letter
7 -- but someone informed me that he was coming to Washington,
8 D.C. and would like very much to have the honor of a visit.
9 And I remembered my visit with him in Taiwan and I agreed to
10 spend a few minutes with him and to receive him.
11 Q Do you recall setting up that meeting in a
12 telephone conversation between yourself and Maria Hsia?
13 A I don't believe that's how that took place. I
14 don't believe that's how it took place. I believe that
15 someone else informed me of it.
16 But I do remember a telephone call with Maria Hsia.
17 I called her prior to finalizing the meeting because I was
18 advised by Leon Fuerth that, notwithstanding my desire to say
19 hello to this fellow and just do honor to the fact that he
20 had received me in his home in his home base in Taiwan, that
21 the Taiwanese elections were approaching, and that he was
22 evidently associated with some minor candidate in the race.
23 And that there was some risk of embarrassment if I
24 inadvertently gave some publicity to one of the candidates in
25 an election in Taiwan, just before the voting.

FOLMAFED © FERNAND - 1 800 631 9989

Q And that was the reason for the call to Maria Hsia?

A That is correct. I called her and I said, Maria, Hsing Yun is coming and I'd love to say hello to him and meet him, but I do not want to make a misstep here and create some press story in Taiwan, and I need your personal assurance that this is not any part of his reason for coming, and that it is not going to be used in that fashion in the elections. And she was emphatic in saying, oh, no, that's, I can absolutely assure you that that will not, will not happen.

After that telephone call -- and that was the first time I had talked to her in quite a long time. But I naturally thought of her because she was the one that was more or less in charge of that trip to Taiwan that I was on. And after that telephone call, I told Leon Fuerth that I felt certain that this was okay, wasn't going to be politically embarrassing in Taiwan; so, let's go ahead.

Q Were you aware, prior to the meeting, that Maria Hsia had written Leon Fuerth about setting up the meeting?

A That may have been the way that I found out about it. That may have been the way that I found out about it. I said earlier, I don't know if it was verbal, telephonic, or by letter. But by some way, shape, or form, I found out he was coming, and probably Leon told me.

Q Let me show you a document marked MC, Government's MC, the last four Bates stamp numbers 1095. It's a letter

FORM FED ® PENGAD • 1-800-631-6989

1 from Maria Hsia to --

2 A Do I have that?

3 Q You should.

4 A MC?

5 Q March 22, 1996.

6 MR. TIMBERLAKE: Between M and N.

7 THE WITNESS: Between what?

8 MR. TIMBERLAKE: M and N.

9 THE WITNESS: Oh, yes, yes, yes. "You still look

10 prosperous". He's lost weight since then.

11 MR. NEAL: Do we have that?

12 THE WITNESS: Here, I'll show you mine. Yes, I saw

13 this letter yesterday when my counsel showed it to me. I did

14 not see it prior to that.

15 BY MR. CONRAD:

16 Q In the letter, Ms. Hsia says to Leon, that he,

17 referring to Master Hsing Yun, "could be very helpful for

18 Vice President Gore's re-election."

19 Do you recall whether or not you had any

20 conversation with Mr. Fuerth about that sentiment?

21 A No, I don't, but that would not refer to fund-

22 raising. That would refer to his --

23 Q I really --

24 A Pardon me?

25 Q I really don't know what it would refer to. I was

FOTUFED © PENGAD • 1-800-631-6989

1 asking you whether he had expressed that sentiment --
2 A No.
3 Q -- to you at all? Okay. Did the meeting take
4 place?
5 A Yes.
6 Q Who was at the meeting?
7 A I believe the two of us, Leon Fuerth, Maria Hsia.
8 I believe John Huang was there. I don't know who else.
9 Q Why was John Huang there?
10 A He -- well, I assumed that he was there because he
11 was one of the people who accompanied me to the -- on the
12 first visit, along with Maria Hsia. And that since he was in
13 the, in Washington that, that it was natural for him to be
14 there.
15 Q What was discussed at the meeting between yourself
16 and Master Hsing Yun?
17 A It was a renewal of the acquaintance, welcome to
18 the United States. I was returning his hospitality to me.
19 And the meeting was honorific in that sense. Toward the end
20 of the meeting, he asked if I would visit the Hsi Lai Temple
21 in Los Angeles. And I said, well, you know, this year I'm
22 going to be in Los Angeles several times, and on one of those
23 trips maybe I could come by.
24 Q Anything else that you remember about the
25 conversation between yourself and the Master?

ACCURATE ● PENGAD ● 1-800-631-6989

A No. No.

Q Well, let me turn your attention to the Hsi Lai Temple.

A All right.

Q Before I do, I wanted to read you a couple of comments that you have made publicly with respect to that event.

On October 22nd of 1996, you told NPR's Nina Totenberg that you thought that event was a "community outreach". Then on January 14th of 1997, you told NBC's Katie Couric that you did not know it was a fundraiser, but "I knew it was a political event and I knew that finance people were going to be present".

Having said those two fairly different things, knowing that you're under oath today, can you tell me what you knew about the Hsi Lai Temple event and when you knew it?

A Yes, I'll be glad to. At the time I went there, I felt that it was a visit that was arranged pursuant to the desire I had expressed in the meeting with Hsing Yun to visit his Temple. I knew that the individuals who were his followers included Maria Hsia and John Huang. I felt that this visit was something they would be very pleased with because it showed honor to their community and to their place of worship, and that it was a source of community pride to them.

FOSTER ® PEROZO - 1-800-631-1999

1 I knew when I arrived that the community was
2 expressing exactly that pride with, for example, a marching
3 band on the steps of the Temple from a local school. I met
4 elected officials, including officials from the other
5 political party, Republicans. I met neighborhood leaders
6 from the surrounding neighborhood, including those who were
7 beneficiaries of the charitable contributions and charitable
8 work performed by the Temple.
9 That rang true to me because I had seen the work
10 they had done, that they did on a regular basis, in the place
11 that I had visited in Taiwan.
12 There was no solicitation of money. I did not see
13 any money or checks change hands. I never heard it
14 discussed. Nor do I believe it took place, incidentally.
15 Perhaps you know that some money changed hands there. But to
16 this day, I don't think any did.
17 In any case, the members of their faith community
18 were all out on the steps of the inner courtyard, and it was
19 a celebratory event that, to me, expressed the tremendous
20 pride they felt in having a high-ranking official, a sitting
21 Vice President of the United States, for the first time come
22 to honor their community with a visit. It was as if -- the
23 impression they gave me was that they felt that they were
24 thereby arriving at a new plateau of acceptance in the larger
25 community of Los Angeles.

FORM FEO © PENGAD • 1-800-631-6989

1 We had a lunch. I made a speech. Bob Matsui, who
2 is a close friend of mine, a congressman from California, who
3 also played a role with the DNC finance operation, was also
4 present. And he suggested to me -- I asked him for advice
5 about my remarks. And he said that, he said the, something
6 to the effect that this community wants to know that it's
7 accepted in the United States. And I gave a speech that
8 never mentioned anything to do with fund-raising or finance,
9 because I did not understand it to be a fund-raising event.
10 And then, and then I left.
11 And subsequent disclosures in the press and
12 subsequent production of memoranda that I never saw at the
13 time showed that -- showed what they showed. And the very
14 fact, for me, the very fact that the members of a finance-
15 related event were present at the event was the only
16 connection that I had to the possibility that it was finance-
17 related.
18 But I did not know that it was a fundraiser. And I
19 do not to this day know that it was a fundraiser.
20 Q What do you mean by "finance-related event"?
21 A There were people, there were people associated
22 with the DNC finance operation who were present at the event,
23 and that, much like the original trip to Taiwan, there was an
24 implicit assumption that the time spent, the honors shown,
25 the communication that took place, all would create a warmer,

FORM FED ® PENGAD • 1-800-631-6989

1 friendlier relationship, a sense of closeness that would
2 greatly enhance the likelihood that later on some of those
3 who were present to see this visit would be more likely to
4 say, I want to be a part of what this person is doing
5 politically and I want to support the DNC.
6 Q What finance people did you see there that would
7 have been what you referred to as your only connection to the
8 fact that it was a finance-related event?
9 A Well, Bob Matsui I mentioned. And if you can show
10 me the list of people who were there, it might refresh my
11 recollection.
12 Q When you refer to finance people who were there, do
13 you have any independent recollection of who those people
14 would have been?
15 A The DNC people who were there, I think Don Fowler
16 was there, I can't recall.
17 Q When you told Katie Couric that you did not know it
18 was a fundraiser but you knew it was a political event, what
19 did you mean by the term "political event"?
20 A It was an outreach to a politically active
21 community in a political campaign year.
22 MR. NEAL: Do you want me to show him the --
23 MR. CONRAD: No, I'll show it to him in a little
24 bit.
25 MR. NEAL: The briefing?

FORMATED PENGAD 1-800-631-6989

MR. CONRAD: Pardon me?

MR. NEAL: The briefing with the members attached?

THE WITNESS: No, he wants to wait on that.

MR. CONRAD: Let's just wait on that.

BY MR. CONRAD:

Q When you told her that you knew that there were finance people who were going to be present, did you mean that you knew ahead of time that DNC people were going to be present?

A Well, let me think.

MR. NEAL: Bob, isn't this a little bit -- isn't it better -- well, can we go off the record a minute?

MR. CONRAD: Sure.

(Discussion off the record.)

BY MR. CONRAD:

Q I'm trying to figure out whether prior to arriving -- you've just testified that when you arrived, you noticed some finance people there, and that was your only connection to the fact that it might have been a finance-related event. Is that a fair characterization of your testimony today?

A I looked at a briefing paper immediately prior to going into the event. It was not the major event of the day. I gave a speech to ten or 15,000 people at the National Cable Television Association.

If you look at my schedule for the days preceding

FORMTEC ® PENGAD • 1-800-631-6989

1 that day and the days following that day, it may give you
2 some indication of what it was like to go from one event to
3 the other, day after day after day, and to rely on a daily
4 notebook full of briefing papers to inform you of what's
5 next.
6 Typically, the day was so cram-packed that I did
7 not have a chance at the beginning of the day to read
8 completely through the briefing memos for every event. And
9 after I caught my breath from making this speech, which was
10 with slides and multi-media and one of the largest audiences
11 I've ever addressed, after I caught my breath in the car I
12 flipped, took out my notebook and flipped to the next event,
13 and my immediate impression was, good, they finally, they
14 were able to work out this visit to the Hsi Lai Temple; this
15 ought to be interesting. Little did I know.
16 Then when I got there, there was a big brass -- we
17 drove right up to the steps and there was a local high school
18 marching band on the steps. But my impression and the
19 knowledge that I had in my head when I went into that would
20 have been shaped by the briefing paper that was in my
21 notebook that I looked at just prior to the time when I went
22 in.
23 Now, when I answered questions to the news media
24 after the -- I mean, I gave my first recollections of what
25 was going through my mind at the time. And then the

FORWARD ® PENGAD • 1-800-631-6989

1 Republican National Committee puts out this, that, and the
2 other, and different documents get out into the news media,
3 it becomes obvious to one and all that somebody knew that
4 there were DNC finance people related, involved in this
5 event.
6 And I can't remember the exact questions that each
7 news interviewer asked me, but I'm happy to be accountable to
8 you for each one of them, if you want me to go back and look
9 at exactly what was going on in my mind when I did the
10 television show or the radio show or the newspaper interview.
11 Q The question I think that I asked, and I think
12 you've answered it is, when did you learn that DNC people
13 were going to be at this event?
14 A I don't know. If you want me to refresh my
15 recollection by looking at the memo, I've told you that that
16 would have shaped my state of mind at the time I went into
17 the event. It may have been reflected in that memorandum.
18 Q Please go ahead and refresh your recollection by
19 reading the briefing paper.
20 MR. NEAL: Do you want to mark it?
21 MR. CONRAD: Yes. For the record, let's mark the
22 302 that the Vice President used to refresh his recollection
23 earlier as VPOTUS 2.
24 (VPOTUS Exhibit No. 2 was
25 marked for identification.)

1 MR. CONRAD: Let's go ahead and mark this exhibit
2 as VPOTUS No. 3.
3 (VPOTUS Exhibit No. 3 was
4 marked for identification.)
5 (Discussion off the record.)
6 THE WITNESS: Yes. Here is, right at the -- near
7 the top of the briefing, it says, "Meeting requested by the
8 Democratic National Committee. Briefing prepared by Richard
9 Sullivan, John Huang and Maura McManimon, with DNC Finance."
10 So, that would have told me that this was finance-related.
11 But it is not -- you said, you expressed the
12 opinion earlier that community outreach and finance-related
13 are two very different things. That is your opinion. That
14 is not necessarily a fact.
15 BY MR. CONRAD:
16 Q When you use the word "finance-related", what are
17 you referring to?
18 A The finance wing of the DNC had prepared the
19 briefing. So, it was obviously related to the kinds of
20 outreach efforts that were, what I thought were relationship-
21 building and outreach to this particular community.
22 Now, again, you've said they are different things.
23 Let me tell you why I don't think they are different things.
24 If you are reaching out to a community that wants to be more
25 involved in the political process, and one of the results of

FORMATED © PENGAD • 1-800-631-6989

1 that outreach is going to be that they are going to be more
2 likely to join the DNC Finance Council or make contributions
3 at a later time to the Democratic National Committee, then it
4 is both community outreach and finance-related, and that's
5 what I thought this event was.
6 And, in fact, again, maybe you have evidence that,
7 that money was given at the event. To this day, I don't know
8 that it was. Was it?
9 Q When you use the term "finance-related", are you
10 using it in a synonymous sense with fund-raising?
11 A No.
12 Q Or not?
13 A No.
14 Q Would seeing the DNC on this briefing paper, DNC
15 Finance, a briefing paper by Richard Sullivan, John Huang and
16 Maura McManimon, with DNC Finance, would that have triggered
17 in your mind the fact that this was a fund-raising event?
18 A No. No.
19 Q Even though the DNC is responsible for raising
20 funds --
21 A Correct. It was extremely common to have events
22 with people who don't feel like they have a relationship with
23 me or with the President or with the Democratic National
24 Committee, and you develop the relationship. You spend the
25 time with them. You talk with them, give them a chance to

FOWLER PERCAD • 1-800-111-4958

1 express their views. And then later on you go back to them,
2 sometimes you go back to them and you say, look, I would like
3 you to contribute money to the, to the campaign or to the
4 DNC.
5 I mean, it's the most common thing in the world.
6 It happens all the time.
7 Q Is it your testimony today that the first time you
8 were aware of the DNC's involvement in this event was reading
9 the briefing paper on the way --
10 A Oh, I don't know about that. I don't know about
11 that. I did not testify to that.
12 Q Okay. What --
13 A I don't know about that. But when I first met
14 these people in the first place it was, it was because of an
15 outreach, a community outreach effort by the DSCC that was
16 also finance-related, but it wasn't a fundraiser when I went
17 to, on that trip. It was an outreach to that community, with
18 an expectation that there would be a greater likelihood at
19 some future time that these individuals would get involved in
20 financially supporting the DSCC or my campaigns in the
21 future. And I thought it was the same sort of thing here.
22 Q When was the first time that you learned that the
23 DNC had a role in putting this --
24 A I don't know.
25 Q -- event together?

FORMATED @ PENGAD • 1-800-631-6989

1 A I don't know. John Huang was involved with the DNC
2 at the time that he attended my meeting in the White House.
3 But it was not my impression at all that, that he was there
4 in that capacity.
5 But it could well be that in the aftermath of that
6 event, somebody said to me, John Huang called and said that
7 you had indicated that you wanted to go by and visit this Hsi
8 Lai Temple. But I don't know specifically whether or not I
9 had knowledge that the DNC was involved in organizing it
10 before I read this memo.
11 I believe that the first time I knew that the DNC
12 was involved in organizing this event was when I read this
13 memo. That's what I -- that's my recollection.
14 MR. NEAL: When he is referring to "this memo",
15 could the record reflect he is referring to -- what is the
16 exhibit number now?
17 THE WITNESS: VPOTUS No. 3, the memo that was in my
18 briefing book that I looked at just prior to the event. I
19 thought that I was going to a visit with this community as a
20 result of my accepting the invitation of this fellow when he
21 was in my office in the White House, which followed upon the
22 invitation that he had first extended to me years earlier in
23 Taiwan.
24 BY MR. CONRAD:
25 Q In the meeting in the White House on the 15th of

FORMATED @ PENGAD • 1-800-631-6989

1 March when he invited you to the Temple, you had indicated
2 that you would be in LA in the upcoming months?
3 A I said, I said that I would be in Los Angeles
4 numerous times because it was an election year.
5 Q And what would be your purpose for being in Los
6 Angeles?
7 A Because I -- well, a variety of purposes. But I
8 knew that I would be there a number of times because I was
9 running for reelection as Vice President. But it was typical
10 for me to do a number of different things when I went to a
11 city. The initial purpose for scheduling a visit to a city
12 would, in an election year, would usually be something to do
13 with the election.
14 But there were other reasons that would lead to it
15 also. For example, the major event on that trip was a speech
16 to the National Cable Television Association that had, I
17 don't know the exact number, but I think it was ten or 15,000
18 people. I think I mentioned that earlier. And if you've
19 ever spoken to ten to 15,000 people, you know that you kind
20 of get prepared for something like that.
21 Q Mary McGrory calls you the best-briefed man in
22 Washington. Did you have conversations with any of your
23 staff concerning this event prior to leaving to attend the
24 event?
25 A I don't recall any.

FORMATED @ PENGAD • 1-800-631-6989

1 Q When is the first time you recall any communication
2 to you concerning attending an event at the Hsi Lai Temple on
3 April 29th?
4 A Could you repeat that question?
5 Q Sure. Maybe I can phrase it in a better way. When
6 do you first recall having any conversation to do with
7 attending the Temple on April 29th, with anyone on your staff
8 or anyone else? When is --
9 A When Hsing Yun was there in my White House office.
10 Q Okay. When is the next time you had a conversation
11 with any person concerning going to the Temple?
12 A I don't know. I don't know.
13 Q Do you recall having any conversations with anybody
14 about attending on that --
15 A I sure as hell don't recall having -- I sure as
16 hell did not have any conversations with anyone saying, this
17 is a fund-raising event. As to whether or not I had any
18 followup conversations that said, were we able to set up this
19 event or not, I don't think I did. But I may have. The
20 reason I don't think I did is because I recall the feeling I
21 had, when I looked at the briefing book, and saw, oh, great,
22 I'm going to be able to go see this, this Temple.
23 Q From March 15th --
24 A Now, you have to understand this. With so many
25 events every day, day after day, you may think that when a

FOWLER REPORTING • 1-800-631-6989

1 schedule is put together it's like you would do yours, or
2 that I would do mine in a non-election year where, you know,
3 you consider each thing and weigh it and balance it out
4 against all the other things and so forth. With the torrent
5 of events coming one right after the other, it was very
6 common to trigger the initial impulse and then it's massaged
7 and looked at and talked about and fit in with all the other
8 thousand moving pieces and it shows up on the schedule and I
9 pick it up. I pick up my schedule for that day and when I
10 get to it, there it is, and it's either a pleasant surprise
11 or an unpleasant surprise.
12 Q Between March 15th and April 29th, did you have a
13 conversation with anyone concerning the fund-raising nature
14 of your trip to the Temple?
15 A No.
16 Q Even though in February, February 26th, there are
17 talking points that talk about how you'll have to lose
18 considerable time to the campaign trail to do all of this
19 fund-raising, in your mind the trip to the Temple is not a
20 fund-raising event?
21 A I don't know what you're referring to.
22 Q What I was referring to, and I forget what exhibit
23 number it is, but it's the Klain memorandum, the talking
24 points that you've reviewed before.
25 A Did that refer to the Hsi Lai Temple?

FORM FED ® PENGAD • 1-800-631-6989

1 Q No, it didn't, but it referred to the talking point
2 of having to lose considerable time to the campaign trail to
3 do all the fund-raising.
4 A That doesn't refer to this.
5 Q In late February --
6 A Let me just say that the, the memo that you're
7 talking about was describing -- what it described most to me
8 was my role in making telephone calls, which would mean that
9 I would not be out on the campaign trail. It didn't refer to
10 doing fund-raising events on the campaign trail.
11 Q Actually, it --
12 A It referred to doing fund-raising events that were
13 not on the campaign trail.
14 Q I'm not trying to quibble with you, but actually
15 the talking point included events, calls, and coffees as a
16 way of raising $108 million that the DNC estimated it needed
17 to accomplish its goals, late February. And then --
18 A Well, it wasn't my memo. So, I don't --
19 Q Then two months later, there is a DNC-sponsored
20 event at the Temple. And in your mind there is no connection
21 between that and the fund-raising nature of the event. Is
22 that correct? I mean, it never triggered in your mind the
23 fact that there may be fund-raising issues here?
24 A I'm not quite sure I follow your logic here.
25 You're talking about the memo that Ron Klain prepared for a

FONAFED © PENGAD • 1-800-631-6989

be

1 meeting that I didn't attend, related to the DNC goals.

2 Q I'm talking about the understanding of a $108

3 million fund-raising goal by the DNC. You were aware in late

4 February, were you not, that there was a goal of raising $108

5 million by the DNC?

6 A Yes.

7 Q Then a couple of months later there is a DNC-

8 sponsored event at the Temple, and it didn't raise any fund-

9 raising issues in your mind?

10 A I did not know this was a fundraiser.

11 Q Okay. Let me turn your attention --

12 A And the fact that I was there was connected in my

13 mind to the fact that I was invited to be there, and that I

14 accepted the invitation and it didn't surprise me when the

15 staff followed through on it and put me there.

16 MR. NEAL: Could we go off the record just a

17 minute?

18 MR. CONRAD: Yes.

19 (Whereupon, the proceedings were recessed from 3:59 p.m.

20 until 4:05 p.m.)

21 BY MR. CONRAD:

22 Q Mr. Vice President, what I would like to do right

23 now is go through a series of documents and ask you a series

24 of questions about each of them. I've previously produced

25 them to Mr. Neal. I think you've had an opportunity to

FORM FED © FENCAD • 1-800-631-6989

1 review those, and I'll try to go as quickly as possible.
2 Turning your attention to the exhibit labeled N,
3 which is a letter from Hsia & Associates, dated March 23,
4 1996 addressed to you, the last four Bates stamp numbers
5 1092, do you have that in front of you?
6 A Yes.
7 Q It says in there, "John Huang has asked me to help
8 with organizing a fund-raising lunch event, with your
9 anticipated presence, on behalf of the local Chinese
10 community. After the lunch, we will attend a rally at Hsi
11 Lai Temple where you will have the opportunity to meet
12 representatives from the Asian-American community and visit
13 again with Master Hsing Yun. The event is tentatively
14 scheduled for April 29 and I am hoping you will be able to
15 attend."
16 Are you familiar with that letter?
17 A It was shown to me yesterday. It's not the kind of
18 letter that I would have read. It refers to visiting the
19 Temple after a fund-raising lunch event somewhere else, and I
20 -- but I didn't see this until just yesterday.
21 Q How does this work? Maria Hsia sends you a letter
22 and it goes to someone else. Who would it have gone to?
23 A My scheduler.
24 Q And who is that?
25 A You know, I think it was Kim Tilley at this time,

FORMATED © PENGAD • 1-800-631-6989

1 but I'm not sure. I've had several schedulers over the years
2 and their start and stop dates are not clear to me. But, I
3 mean, just on --
4 Q In the spring of '96, you think it was Kim Tilley?
5 A I believe it was.
6 Q And she would have gotten this letter. What would
7 she have done with it?
8 A I don't know. You'd have to ask her. She would
9 use it in her scheduling work.
10 Q Okay. Do you have any present-day recollection of
11 a conversation with Kim Tilley about the contents of this
12 letter?
13 A No.
14 Q Let me turn your attention to Government Exhibit P,
15 a document with the last four Bates numbers 0826, which
16 appears to be a message from Lisa Berg to Kimberly Tilley.
17 Who is Lisa Berg?
18 A She is my scheduler. I believe at this time she
19 was an assistant scheduler, but I'm not certain. Maybe she
20 was an assistant trip director. I don't know.
21 Q And she is currently serving as your --
22 A Scheduler.
23 Q -- scheduler?
24 A Yes.
25 (Discussion off the record.)

FORMATED ® PENGAD • 1-800-631-6989

1 BY MR. CONRAD:

2 Q It appears to be, is that an e-mail message? Can

3 you tell from --

4 A It's an e-mail message, yes.

5 Q -- the structure?

6 A Yes.

7 Q And the subject, Cuomo Travel Information, Upcoming

8 travel of the Vice President. On the entry April 27-29, it

9 has "San Jose, LA, CA Some combination of possible Olympic

10 torch event LA, DNC fundraisers in San Jose & LA". Do you

11 see where that is mentioned in that e-mail message?

12 A I see it.

13 Q Do you have any reason to know why Lisa Berg would

14 be sending that kind of message to Kimberly Tilley?

15 A No.

16 Q Did you have any conversation with Kimberly Tilley

17 concerning the fundraisers in San Jose and LA referenced in

18 the April 27-29 entry?

19 A No, not that I recall.

20 Q Would it be fair to say that your scheduler knew as

21 early as March 12th that a fundraiser was being planned for

22 San Jose and LA?

23 MR. NEAL: Would you read the question again,

24 because I don't read this as quite that way.

25 MR. CONRAD: Sure.

FORM FED © PENGAD • 1-800-631-6989

1 BY MR. CONRAD:

2 Q Have you seen this document before?

3 A I saw it yesterday.

4 Q For the first time?

5 A I don't know if it was -- it's the first time -- I

6 did not see it at the time that it was generated. Whether I

7 saw it in preparation for some other question session with

8 the Justice Department, I don't, I don't recall. I may have.

9 I don't recall that. It may have been produced in a

10 newspaper article that I saw, but I don't recall that. I

11 just don't know. But I didn't see it at the time, if that's

12 what you're asking about.

13 Now, it was common for events to come on and off

14 the schedule.

15 Q Right.

16 A And so the use of some combination of possible

17 events would not necessarily indicate to me that she knew

18 that there was a fundraiser planned, some combination of

19 possible fundraisers.

20 Q Did any of these events take place that are listed

21 in the e-mail from Berg to Tilley?

22 A I know that there was a fundraiser in San Jose. I

23 don't know, I can't remember the torch event. I don't know.

24 I don't know if there was family/private time. I can go back

25 and look if it's important to you, but I don't recall.

FORM 450 PENGAD 1-800-631-6989

1 Q Let me turn your attention to Government Exhibit Q,
2 which has the last Bates stamp numbers 0827. There are two
3 e-mail messages, one from Albert Gore and one to Albert Gore,
4 dated March 15th of '96.
5 A Yes, I have it.
6 Q What are those e-mail messages concerning?
7 A Well, it looks like it concerns an invitation from
8 Rafael Grossman.
9 Q Who is that?
10 A He is a rabbi in Memphis, Tennessee.
11 Q What is your relationship with Rabbi Grossman?
12 A He's a friend of mine.
13 Q Okay.
14 A And a political supporter. He has been for many
15 years. He has the largest Orthodox congregation in America.
16 It's located in my home state of Tennessee.
17 Q And he was asking you to be a keynote address
18 speaker at the Rabbinical Council of America Sixtieth
19 Anniversary dinner on Sunday, April 28th in Lawrence, New
20 York?
21 A That's what it looks like.
22 Q And what was the reason why you could not do that?
23 A Well, are you wanting -- the bottom of this appears
24 to be the e-mail from Kim Tilley to me saying that we have
25 already confirmed fundraisers for Monday, April 29th, if

FORMATED © PENGAD • 1-800-631-6989

that's --

Q Right.

A -- what you're looking for.

Q And the e-mail back to her, would that have been an e-mail that you prepared?

A Yes.

Q And it states, "If we have already booked the fundraisers then we have to decline."

A Right.

Q The fundraisers that were mentioned in the e-mail were two fundraisers, one in San Jose and one in LA.

A Right.

Q Do you know whether or not the Rabbi's invitation was declined?

A No, I don't know. I assume it was. I get regular invitations from him and I rarely accept. He's a great friend, but I've been up there to Lawrence once or twice.

Q Is it fair to say that on March 15th Kimberly Tilley advised you that you had booked two fundraisers, one in San Jose and one in LA?

A It appears that, from this e-mail, that she has told me in this e-mail that we've confirmed the fundraisers for Monday, April 29th.

Q Let me turn your attention to Government's Exhibit R, which is a memorandum from Maura McManimon to Jackie

FORMFED ® FENCLOY - 1 800 631 6989

1 Dycke.
2 A Yes.
3 Q Who is Jackie Dycke?
4 A She's a former employee in the Office of the Vice
5 President.
6 Q What was her role in the OVP office?
7 A I don't know. I don't know the exact title. She
8 worked in scheduling, I guess.
9 Q Who is Maura McManimon?
10 A I don't recognize that name. I would probably
11 recognize her picture if I saw it, but I don't recognize the
12 name.
13 Q That lists two functions, does it not, APLC
14 luncheon with you at the Hsi Lai Temple, and a San Jose --
15 or a reception with you in Los Altos Hills, California?
16 A Right.
17 Q Have you seen this document before?
18 A Not until yesterday.
19 Q Okay. Let me turn your attention to Government
20 Exhibit S, which appears to be an e-mail message from Jackie
21 Dycke dated April 10th, 1996, which indicates that you're
22 going to San Jose and LA for DNC fund-raising events on April
23 29th, does it not?
24 A Yes, and "there are several ideas floating out
25 there for the VP to do public events, extra stops, etc."

FORMFED © FEDCAD - 1-800-631-6989

1 Q Apparently there is a meeting scheduled for
2 tomorrow, Thursday, at 2:15 in Kim Tilley's office. Did you
3 have any involvement in that meeting?
4 A No.
5 Q Were you consulted with respect to any decision
6 that was made at that meeting?
7 A No, not to my knowledge, nor would I -- well, it's
8 -- sometimes they will consult with me on a scheduling
9 detail, but usually not, or often not.
10 Q Let me turn your attention to Government Exhibit U,
11 which is an exhibit that appears to be dated April 15, and
12 it's an e-mail from Jackie Dycke to Tyler Beardsley. Who is
13 Tyler Beardsley?
14 A He's in the national security part of my office.
15 Q This e-mail refers to the issue of whether "there
16 are any problems/ramifications with the use of the Hsa (sic)
17 Lai Temple for the VP's DNC Lunch while in LA."
18 Did you have any conversation with Mr. Beardsley or
19 Ms. Dycke with respect to the use of the Hsi Lai Temple for
20 your lunch?
21 A No.
22 Q Were you --
23 A Not to my knowledge.
24 Q Were you aware at the time that the Temple was a
25 tax-exempt organization?

FORMATED © PENGAD · 1-800-631-6989

A I assume it was, but I don't have any specific knowledge that it was.

Q Who is Bill Wise?

A A former employee of mine, a former Deputy National Security Advisor to the Vice President.

Q Did you have any conversation with Mr. Wise about the Temple event?

A No, not to my knowledge.

Q Do you know what problems or ramifications might arise from using the Temple for the VP's lunch?

A I know what they're referring to here.

Q What are they referring to?

A They were -- now, the reason I know is from news accounts. They were referring to concerns that it might have implications in Taiwan versus Beijing diplomacy, that somehow we needed to know for sure that it wasn't going to upset some applecart diplomatically -- similar to the concern that I had when they raised a similar question about his, or similar to the concern that I had however it arose prior to his, Hsing Yun's visit to my office in the White House -- to make sure that the delicate politics of the Taiwan Straits and of Taiwan itself were not going to be discombobulated by me being associated with this fellow who was a Taiwanese figure.

Q Are you familiar with the legal prohibition on a tax-exempt corporation from making political contributions?

FORMATED @ REVOLAD, 1.800.631.6989

be

1 A Yes.

2 MR. NEAL: Excuse me just a moment. Is that a

3 present tense, or at some time?

4 BY MR. CONRAD:

5 Q Presently you are familiar with it. Were you

6 familiar in --

7 A Yes.

8 Q -- 1996?

9 A Yes.

10 Q And was there a concern in your mind at all with

11 respect to whether or not the Temple event would be

12 considered an in-kind contribution?

13 A No. No. I don't know that I was aware until I saw

14 the briefing memo that it was a DNC event. I'm not sure when

15 I first became aware of that. But it is a common practice

16 for the DNC to have events where they reimburse people for

17 the expense of the event. So, it wouldn't -- even if I had

18 known that it was a DNC-hosted luncheon, it would not have

19 triggered that red flag for me. I would have assumed that

20 they handled that the same way they do most of the events

21 that they hold.

22 Q Do you have any knowledge as to why it wasn't until

23 October that the DNC actually reimbursed the Temple for the

24 in-kind contribution?

25 A No, I do not.

FORWARD © PENGAD · 1-800-631-6989

1 Q There s a list of returns of contributions that the
2 DNC prepared and submitted to the Thompson senatorial
3 committee. They gave the various contributions that were
4 returned. One of the explanations for a return of
5 contributions involved a Buddhist Temple contribution of
6 $5,000, and the explanation for that return was, "It was a
7 Temple, you idiot!".
8 It seems like that would be a fairly identifiable
9 common thing for the DNC to recognize, the need for an in-
10 kind contribution or reimbursement. Would you agree?
11 A Are you asking me a -- what is it that you're
12 referring to? I'm not sure what the -- do you have that --
13 have I been -- do I have that here?
14 Q Yes. It's at HH, if you want to take a look at it.
15 A Are you asking me a question about that?
16 Q My actual question is, do you know why it took the
17 DNC so long to make a reimbursement to the Temple for that
18 luncheon?
19 MS. BROWN: Are you referring to the letter with
20 the check attached?
21 MR. CONRAD: Yes. I'm referring to a couple of
22 things.
23 MS. BROWN: The other one is not in here though, am
24 I correct?
25 MR. CONRAD: Yes, it's at HH. It's on the back of

FOLIMATED © PENGAD • 1 800 631 6989

1 HH.

2 MS. BROWN: We didn't get that.

3 MR. CONRAD: Here is a copy.

4 THE WITNESS: Well, whoever wrote that, I guess,

5 had the same assumption that I referenced earlier, that you

6 would think they would know that.

7 BY MR. CONRAD:

8 Q The reimbursement did not occur until after it

9 became public knowledge, is --

10 A I have no --

11 Q That's my question to you. Did you have any role

12 in terms of discussing the reimbursement by the DNC to the

13 Temple?

14 A I don't believe so. If they had not done it, I

15 would have had a role. I would have said -- I think the

16 first I learned about this was when they, when the DNC

17 informed me and others of what they had found out occurred,

18 and in the same communication they said they were sending, of

19 course, sending all the checks back.

20 Q What communication was that?

21 A I don't remember. It probably would have been a

22 verbal briefing to me based on a conversation with the DNC

23 that somebody on my traveling staff had, probably David

24 Strauss.

25 Q Do you know when you were first informed by the DNC

FORMATED @ PENGAD • 1-800-631-6989

1 of problems related to the Temple visit?

2 A No, I don't, but I believe that it was the day when

3 I first found out that, that it was a fundraiser and that it

4 was -- that it had become public and that the DNC was

5 embarrassed by having done this and that they were sending

6 back the contributions.

7 I had a conversation with -- I was on my plane,

8 still on the campaign trail, and I believe David Strauss told

9 me. And I said to him, David, you told me this was a

10 community outreach event. He said, it was. And I gave the

11 interview to Nina Totenberg that you quoted earlier on the

12 plane a few hours after that.

13 Q So, that would have been the date that you first

14 learned --

15 A I believe so. I believe so.

16 MR. NEAL: Well, you said that you learned it was a

17 fundraiser. I thought you just said --

18 THE WITNESS: No, he asked me if it was the first

19 time I learned that they had reimbursed the expenses and the

20 contributors, and I believe that's the first time I learned

21 that.

22 MR. NEAL: Well, I still want to go back. You said

23 you learned it was a fundraiser.

24 THE WITNESS: That was also the first time I

25 learned it was a --

FORMATO ® PENGAD • 1-800-631-6989

1 MR. NEAL: I thought you said previously you
2 didn't, you still don't know whether it was a fundraiser.
3 THE WITNESS: Well, that's right. That is more
4 accurate. Let me, let me amend that. That was the first
5 time that I learned it was alleged to be, to have been a
6 fundraiser. And, again, I still do not know that any funds,
7 that any money changed hands there. And I asked you earlier
8 if you knew, but that's probably not your role to say. So.
9 MR. NEAL: No, he's not here to answer questions.
10 THE WITNESS: Okay. I'll withdraw the question.
11 (Discussion off the record.)
12 BY MR. CONRAD:
13 Q Government V, with the last four Bates stamp
14 numbers 2538 is dated April 19. It appears to be e-mail
15 traffic between Robert Suettinger and John Norris. Who are
16 those two individuals, if you know?
17 A Both of them are involved in the national security
18 operation at the White House. John Norris works for me. I
19 believe Bob Suettinger worked on the President's side of the
20 house.
21 Q Okay.
22 A But I'm not -- do you -- anyway, they're both in
23 national security.
24 Q John's letter to Bob, or e-mail to Bob, indicates,
25 "Hsing Yun has invited the VP to visit the Hsi Lai Temple in

FORM FED PENGAD • 1-800-631-6989

1 LA. Hsing Yun would host a fundraising lunch for about 150
2 people in the VP's honor."
3 Did you have any conversation with Mr. Norris or --
4 A No.
5 Q -- Mr. Suettinger?
6 A No.
7 Q Do you know where they would have gotten the
8 information reflected in the e-mail that it was a fund-
9 raising lunch hosted by Hsing Yun?
10 A No, I don't.
11 Q Let me turn your attention to Exhibit W, with the
12 last four Bates stamp numbers 0890. It appears to be a
13 memorandum from John Huang to Kim Tilley. The Re is
14 Fundraising lunch for Vice President Gore 6/29/96 in Southern
15 California. The date is April 11, '96. Have you seen this
16 document before?
17 A No, not until my counsel showed it to me yesterday,
18 although I think that I saw reports of this in newspaper
19 articles at the time of the --
20 Q It was not contemporaneously shown to you?
21 A No.
22 Q Let me turn your attention to Exhibit X, which has
23 the Bates stamp number at the bottom EOP 056497. The title
24 of the document is Current Schedule For April 29. It's a
25 typewritten schedule with various handwritten notes. Have

FORM FED ® PENGAD • 1-800-631-6989

1 you seen this document before?

2 A Not contemporaneously. I saw it yesterday.

3 Q Do you recognize the handwriting at all?

4 A No, I don't.

5 Q It appears to show a Los Angeles and a San Jose

6 schedule. Do you know what the "OTR at Atlas Bar and Grill

7 (Per VP)" refers to?

8 A In the earlier e-mail that I sent to Kim Tilley,

9 you will recall that I said I need to go by the Atlas Bar and

10 Grill, if I can. I made an earlier trip to Los Angeles some

11 months prior to this and I did a fundraiser with the group

12 that included many from the Hispanic community.

13 And a young entrepreneur who owns the Atlas Bar and

14 Grill was very excited to host it at his place of business.

15 And just before I was supposed to come there, somebody raised

16 an objection that his employees were nonunion. And so he was

17 so excited about having me come there, having the event

18 there, that he actually signed a union agreement with his

19 employees.

20 Then hours before I was to arrive, one of the

21 Secret Service dogs hit on a suspicious odor behind one of

22 the walls. And instead of having this big event, he had

23 sledge hammers instead and the entire event was moved six

24 blocks away to a hotel. And I felt so badly for him that I

25 told him that the next time I came to Los Angeles, I would be

FORMATED @ PENGAD • 1-800-631-6989

1 sure and come by the Atlas Bar and Grill.

2 I don't think that I made it that trip. I think

3 that I did it a month or so after that on my next trip to Los

4 Angeles.

5 Q The reference in the --

6 A OTR means off the record. It's a standard

7 scheduling term that the press plays along with. It's

8 supposedly off the record, but you tell them about it so they

9 can report that it's off the record.

10 Q I see. The notation "1000-5000 head/150-200

11 people", do you know what that refers to?

12 A No. I just saw this memo yesterday.

13 Q Do you recognize it as --

14 A I can speculate, if you want me to speculate.

15 Q No. Just based upon your understanding of how your

16 office works, do you recognize this as a work product of any

17 particular person or --

18 A No.

19 Q -- section --

20 A No.

21 Q -- of your office?

22 A No, I don't.

23 Q Let me turn your attention to Government Exhibit

24 YZ. The first page is an invitation, Democratic National

25 Committee's Asian Pacific American Leadership Council.

FORMATED © PENGAD • 1-800-631-6989

1 A Yes.

2 Q Had you seen that invitation before?

3 A I did not see it until -- I did not see it

4 contemporaneously. I saw it at the time of the Thompson

5 committee hearings, and it clearly indicates that somebody

6 had in mind a fundraiser at another location, and a trip to

7 go see the Hsi Lai Temple -- well, that's not indicated here.

8 MR. NEAL: Mr. Vice President --

9 THE WITNESS: Yes.

10 MR. NEAL: -- to move it along.

11 THE WITNESS: Yes.

12 MR. NEAL: They asked you if you've seen it. Have

13 you --

14 THE WITNESS: I never saw it before.

15 BY MR. CONRAD:

16 Q Turn to the second page of that exhibit, which

17 appears to be an April 10 memorandum to the President and the

18 Vice President. Have you seen that before?

19 A Not contemporaneously. I testified previously that

20 these regular Ickes memos piled up in such volume I regularly

21 just sent them over to Ron Klain, my chief of staff.

22 Q Turning your attention to the next page, which is

23 Schedule A to the memorandum, which is the second page of

24 this exhibit --

25 A Yes.

FORM FED © PENGAD • 1-800-631-6989

Q -- have you seen that before?

A Same answer.

Q It would refer to, among other things, an April 29 VPOTUS event in Los Angeles, at which projected revenues were $250,000 and projected costs $25,000. Then a similar notation for the San Jose fundraiser on the same date. Have you seen this --

A Same answer.

Q Did you have any involvement in the estimate of projected revenue or costs?

A No.

Q Whether or not you've seen the exhibit itself?

A No.

Q Who is Peggy Wilhide?

A Former press secretary.

Q Did she accompany you on the trip to California for the Temple event?

A I don't remember.

Q Do you recall having any conversation with her about the --

A Now, I say press secretary. She may have been a deputy at this -- I'm just not sure. I thought that -- I thought that Lorraine Bowles was --

THE WITNESS: Do you remember when she took over?

MS. BROWN: I think Lorraine was still there during

FOURFEO PENGAD 1-800-631-6989

1 this time.

2 THE WITNESS: Well, was Peggy there then?

3 MS. BROWN: I wasn't there.

4 THE WITNESS: Where are you reading Peggy Wilhide?

5 MR. CONRAD: I'm not reading.

6 BY MR. CONRAD:

7 Q I'm just asking you who she is, without referring

8 to a specific document at this time.

9 A Okay. She was a press secretary for me. She no

10 longer is. She works for NASA now.

11 Q Then the followup question was, do you recall

12 having any conversations with her prior to the event,

13 concerning the event?

14 A No.

15 Q Let me turn your attention to some photographs that

16 were taken at the event, which are contained, I think, in

17 your book at Government's Exhibit GG.

18 A Yes. Mine is marked G, but that's fine.

19 Q Turning your attention to the first photograph

20 listed there, do you recognize that photograph?

21 A It was shown to me yesterday. I think yesterday

22 was the first time I saw that photograph. I may have seen it

23 before.

24 Q Does it appear to accurately reflect the Temple

25 event that you attended on April 29th?

FORM FED ® PENGAD • 1-800-631-6989

1 A Yes.
2 Q Who is the person to your left?
3 A All that I -- the only thing that I know about him
4 is what I have read about him in the accounts since that
5 time. With my memory refreshed on the prior documents, I
6 know that he was an attendee at the luncheon, or the
7 breakfast at the Hay Adams. To my knowledge, that luncheon
8 and this -- that breakfast and this luncheon were the only
9 times that I have been with him. But he has a somewhat
10 unusual appearance, and I think I would remember other times,
11 but I don't.
12 MR. NEAL: Unusual tie, too.
13 THE WITNESS: Yes.
14 BY MR. CONRAD:
15 Q And the person you are referring to has a name tag
16 that says Ted Sioeng?
17 A Right.
18 Q Do you recall any conversation with him at all at
19 the --
20 A No.
21 Q -- Temple event?
22 A No.
23 Q Do you recall whether he spoke English?
24 A No, I don't.
25 Q Who is the person to your right?

FORMATED © VERICAD - 1.800.631.6989

be

1 A Do you want me to go to the next photograph?
2 Q No, I'm sorry. In the same photograph, there --
3 MR. TIMBERLAKE: They may in a different order.
4 So, I apologize.
5 THE WITNESS: Well, the person to my right is Hsing
6 Yun, who is --
7 BY MR. CONRAD:
8 Q Were you looking at this photograph (indicating)?
9 A I was.
10 Q Now, turning your attention to the next photograph,
11 the person to your right is --
12 A Hsing Yun.
13 Q -- Hsing Yun? Now, if you would look at the next
14 photograph in that exhibit --
15 A That's Maria Hsia.
16 Q Do you recall any conversation that you had with
17 Maria Hsia at the Temple event?
18 A No. No, I don't.
19 Q And then finally, the photograph of a number of
20 people --
21 A That's Yvonne Burke, who is a Los Angeles County
22 Commissioner.
23 Q The person to the right of Maria Hsia?
24 A Right. I don't recognize the other two. Don
25 Knabe, another Los Angeles County Commissioner was also

FORMATED @ PENGAD • 1-800-631-6989

1 there. He's a Republican member of the Commission. Odd that
2 he would attend a DNC event and certainly unthinkable in my
3 mind that he would attend a DNC fund-raising event. Would
4 you think he would pay the DNC --
5 MR. NEAL: Mr. Vice President?
6 THE WITNESS: Okay, sorry.
7 BY MR. CONRAD:
8 Q Mr. Vice President, in the interests of time, I'm
9 going to strike a number of pages out of this outline and
10 move forward to a few questions about a woman you had
11 mentioned earlier, Pauline Kanchanalak.
12 A Yes.
13 Q How do you know her?
14 A I don't know when I first met her, but it would
15 have been at either a DSCC or a DNC fund-raising event. I'm
16 speculating there, but that's the kind of event that she went
17 to. I remember going to one event for a Senate candidate who
18 I was trying to help and Pauline Kanchanalak was at that
19 fund-raising event.
20 Q Okay.
21 A And I presumed that she was helping the DSCC, as
22 many about town do. I believe her to be a lobbyist, and many
23 lobbyists help the Democratic and Republican Senate
24 committees.
25 Q What is your relationship with her, other than

FORMATED © FENGAD • 1-800-631-6989

1 seeing her at events such as --
2 A That's it.
3 Q Approximately how many times have you --
4 A Seen her?
5 Q -- seen her?
6 A Been with her?
7 Q Yes.
8 A I would say half a dozen. She contacted my office
9 to ask for a meeting with somebody related to Thailand. And
10 I'm remembering partly from refreshed recollection to prepare
11 for this meeting, but I think that she was also somehow
12 involved with a reception that followed a meeting with
13 somebody else from Thailand. I just --
14 Q What timeframe are we talking about, to the best of
15 your knowledge?
16 A Last century. No, I'm sorry. It would be, it
17 would be sometime between '93 and '96, I guess.
18 Q Pre election cycle?
19 A I think so. I think so.
20 Q You're aware of the coffee in June of '96 that she
21 attended with people from Thailand. You weren't in
22 attendance, but are you familiar with --
23 A Only, only from news accounts.
24 Q Right.
25 A And I really have not --

FORMATED © PENGAD · 1-800-631-6989

1 Q I'm just using that as a marker.
2 A Okay.
3 Q Was what you're talking about sometime prior to
4 that?
5 A I think before that, yes.
6 Q Would it have had anything to do with the United
7 States Thailand Business Council?
8 A Yes.
9 Q Okay.
10 A I mean, I say that because of refreshed
11 recollection. I saw a document that I believe you provided
12 yesterday.
13 Q Have you had any substantive conversations with
14 Pauline Kanchanalak?
15 A No. No.
16 Q What was your knowledge of her fund-raising
17 history?
18 A I knew that she raised money for Marjorie Margolis
19 Mezvinsky. I assumed that she was one of the many people who
20 contributed $1,000, or however much to come to these events,
21 but she didn't particularly stand out for any reason. I
22 don't have any special memory of her.
23 Q Did you know that she was a DNC managing trustee,
24 or on the --
25 A I did not know that.

FOIA/FED @ FEDNAD • 1 800 631 5896

1 Q -- finance committee?
2 A But there are, I mean, there are lots of such
3 people. That's a, that's a title that goes with, I don't
4 know, giving or raising $25,000 or something like that.
5 Q Do you know Jeb Kanchanalak, her husband?
6 A No.
7 Q Do you have any knowledge of a Thailand business
8 called CP Group?
9 A No.
10 Q Do you know Georgie Kronenberg?
11 A I don't think so.
12 Q Did you have anything to do with the coffee on June
13 18th of --
14 A No.
15 Q -- 1996? With respect to the fund-raising event
16 for Marjorie Margolis Mezvinsky, did you attend that event?
17 A I did.
18 Q Who asked you to attend?
19 A I don't know. But it would have been -- what was
20 the date of that, if I may ask?
21 Q I think it was sometime in 1993, September of '93.
22 Q She was a very high priority for me and for the
23 President, because she had -- you may remember this. The
24 budget plan passed by one vote, and she was the last one, and
25 the object of a lot of persuasion. And she said, look, if I

FORMFED © (800-631-6989)

1 do this, I'm going to lose my seat, and she turned out to be
2 right. But it was an act of courage.
3 And because she showed political courage, both the
4 President and I were anxious to try to help her. And so
5 whoever asked me, it wouldn't have taken anybody special to
6 ask me to go to her event, because I, I admired her political
7 courage, and I wanted to help her and ease her fears that she
8 was going to lose next time around because of what she did.
9 Q Do you recall any conversation with Pauline
10 Kanchanalak at that event?
11 A No.
12 Q I want to ask you a few followup questions with
13 respect to James Riady.
14 A Okay.
15 Q You mentioned that he didn't make the trip in '89
16 to Taiwan.
17 A Right.
18 Q When is the first time you ever met James Riady?
19 A To my knowledge, I have only seen him twice in my
20 life. I may be wrong about this. There may be other times
21 that I'm not thinking, that I'm not remembering.
22 But the only times -- I think the only times I've
23 met him were once when he was in Betty Currie's office
24 preparing to go in to see the President with a couple of
25 other people.

FORWARD © PENGAD - 1-800-631-6989

be

1 Q Did you know who those people were?

2 A No, I did not. I was on the way out. And either

3 he introduced himself or somebody introduced him to me. The

4 only other time I --

5 Q Before you get to the other time, do you recall the

6 substance of any conversation with him at that time?

7 A Hello, how are you. I said, you know, I've heard

8 your name. That was it. The door was open. It was one of

9 these deals.

10 Q What about the second time?

11 A The second time was in Malaysia. I filled in for

12 the President at the last minute for a trip to Kuala Lumpur

13 for a meeting of the Asian Pacific --

14 Q Economic Council?

15 A Yes, APEC.

16 Q Right.

17 A And in conjunction with that event, which was

18 hosted by Mahathir, the leader of Malaysia, there was a

19 cultural event where all of the heads of state and their

20 stand-ins -- of which I think I was the only stand-in -- all

21 went to this big dinner and they had a dance, kind of a show.

22 And he came up to me during that and said, introduced himself

23 again, and said, hello, how are you. I said, fine, hello,

24 how are you. It was just -- that was the substance of it.

25 And I took it from the circumstances that he was

FORWARD © PENGAD • 1-800-631-6989

one of the hosts or underwriters of the cultural event. It's typical when governments put on deals like these that they will get people in the private sector to help finance the shindigs that go along with them. And that's what I assumed.

Q Any substantive conversation with Mr. Riady?

A No.

Q And no other meetings that you remember?

A No, not that I remember.

Q Did you have conversations with the President about who Mr. Riady was?

A No.

Q Did you have any understanding of his background, where he lived, what he did for a living, that type of thing?

A I knew that he was a businessman in Indonesia. And later on I knew that he had some relationship to the President in Arkansas. I heard that discussed. But I did not know the details of it.

Q Mr. Riady has been fairly active, some would say aggressive, in his courting of other political people. But I take it from the testimony that you've provided today that you weren't one of them?

A No. I think that -- no. Unless you count his role evidently in the background of organizing that trip to Taiwan, but I never saw him or talked to him there.

Q We provided documents to your attorney earlier that

FONLFED @ PENGAD • 1-800-631-6989

be

1 involved substantive, for the lack of a better word, wish-
2 list items that Mr. Riady has communicated to other political
3 people. Did you review that in preparation for your
4 testimony here? We're not going to spend a lot of time on
5 it.
6 THE WITNESS: Did I see that? Did I go over that?
7 MS. BROWN: The Tim Wirth --
8 THE WITNESS: Yes. I never saw that before.
9 BY MR. CONRAD:
10 Q You never had contacts like that with --
11 A Nothing like that.
12 Q -- Mr. Riady?
13 A Nothing like that.
14 Q You never discussed the Most Favored Nation --
15 A No. Tim was on the Banking Committee, and I don't
16 know if those others were.
17 Q Did you ever meet his father, Mochtar Riady?
18 A No.
19 Q Did you ever have any dealings with any of the
20 Lippo --
21 A Not to my knowledge. Not to my knowledge.
22 Q The Lippo Group, is that a --
23 A No.
24 Q -- name that's familiar to you?
25 A Oh, of course, from the news. But, no, I never had

FORM FED ® PENGAD • 1 800 631-6989

1 any dealings with them.

2 Q At least based on your previous testimony, you had

3 no knowledge of any financial sponsorship by Mr. Riady of a

4 portion of the '89 trip to Asia?

5 A I don't think so. I don't think so. Again, the

6 sponsorship was submitted to the Senate Ethics Committee for

7 review, and that drained me of any sense of urgency about

8 inquiring into the details, because I assumed that it had

9 been looked at thoroughly. And so I -- if, in the course of

10 that, somebody told me that he was a sponsor of it, I do not

11 recall that.

12 Q In 1992, the Worthen Bank in Arkansas extended a

13 line of credit to the Clinton-Gore campaign. Are you

14 familiar with that?

15 A I am not. First I've heard of it.

16 Q So, you had no conversation with the President

17 concerning --

18 A No.

19 Q -- that extension of credit?

20 A No.

21 Q Also in August of 1992, Mr. Riady made certain

22 financial fund-raising commitments to the President. Did you

23 ever have any discussion with the President about the fund-

24 raising role of Mr. Riady in --

25 A No.

FORMATO © PERONAO - 1-800-333-9999

1 Q -- the 1992 election cycle?
2 A No.
3 Q Have you had any conversation with the President
4 about Mr. Riady?
5 A I have heard the President talk about his
6 friendship with Mr. Riady.
7 Q Okay.
8 A And it's my impression that usually this would come
9 in some conversation where he was commenting on some
10 newspaper article accusing him of this or that, and he would
11 talk about the nature of the friendship and --
12 Q Well, prior to the controversy surrounding --
13 A No, not --
14 Q -- the media coverage, did you and the President
15 have --
16 A I don't believe so. No.
17 Q -- any conversations?
18 A No.
19 Q Is the name China Resources familiar to you?
20 A From the news. But not other than from the news
21 story.
22 Q You don't know of any connection between China
23 Resources and Mr. Riady or --
24 A No.
25 Q -- the Lippo Group?

FORM 1120 ® PENGAD • 1-800-631-6989

1 A No, I don't.
2 Q Are you familiar with an individual, the chairman
3 of that group, named Shen Juren?
4 A No.
5 Q Are you aware of a meeting --
6 A Now, I was told yesterday in preparation for this
7 meeting that -- I can't even remember now from yesterday.
8 But I have no independent recollection of him.
9 Q There is some information that in 1993 your chief
10 of staff, Jack Quinn, met with Shen Juren?
11 A I have no memory of what was, of the story that was
12 briefed to me. It was in preparation for this meeting that
13 others recall him passing me outside the office in the
14 hallway. I do not have any recollection of that. That kind
15 of thing happens on some days many times a day. And it would
16 not be the kind of thing that I would, that would stick in my
17 mind.
18 Q I want to ask you a series of questions concerning
19 White House e-mail. What is your knowledge, sitting here
20 today, of the issues surrounding the White House e-mail
21 system's failure to archive messages?
22 A I have no idea. I have read the recent news
23 stories. That is the first time that I knew that some of the
24 e-mail that I assumed was being stored was apparently not
25 stored, or at least wasn't stored in the form that it was

FOTOMFED ® PENGAD • 1-800-631-6989

1 supposed to be stored in.

2 Q There are actually two issues. One is the failure

3 of the White House e-mail system to store or archive e-mail

4 messages from approximately a time period of -- I think it

5 was discovered in June of '98 and corrected sometime in 1999.

6 Prior to the public treatment of that issue, did you have any

7 knowledge of that problem?

8 A No.

9 Q There's also an issue as to whether the Office of

10 the Vice President e-mail system archived messages in the way

11 it was supposed to. Do you have any knowledge about that

12 issue?

13 A That also came as a surprise to me, partly because

14 we have produced a hell of a lot of e-mail.

15 Q You'll notice in the e-mail messages we went

16 through that the only ones, actually the only one that came

17 from your e-mail address was in response to an e-mail sent to

18 you. We don't have any firsthand e-mail messages that you

19 sent. When is the first time that you became aware that your

20 system was not archiving your personal e-mail messages?

21 A Last week. Or two weeks ago, three weeks ago?

22 Whenever the newspaper story broke.

23 Q All right. When a subpoena, such as a Campaign

24 Financing Task Force subpoena, is sent to your office

25 requesting documents of which e-mail messages would be

FOLIO FED © PENGAD - 1-800-631-6989

1 responsive, how is a search for those documents conducted?
2 A The staff conducts the search. And then if it is a
3 request for which they have some reason to believe it may be
4 on my personal machine alone, then they ask me if I will look
5 at my e-mail, which I have done several times in response to
6 requests from counsel.
7 Q Has anybody, in conducting that type of search, or
8 you, yourself, personally discovered that there were
9 responsive e-mails that had not been --
10 A Properly stored?
11 Q -- stored?
12 A No.
13 Q Now, I think you indicated that the first time that
14 you became aware of the e-mail issue was by news reports?
15 A Yes.
16 Q Have you had conversations within the White House?
17 A Yes. Let me amend that. I think immediately prior
18 to the news reports I was informed by counsel that there is,
19 we've just found out, et cetera, et cetera. But it was
20 contemporaneous with the news reports. Since that time, I
21 have had conversations, yes, with my chief of staff, and with
22 my counsel.
23 Q Have you had any conversations with Charles Ruff
24 prior to --
25 A No.

FOREFIELD © PENGAD • 1-800-631-6989

1 Q -- the media attention on the e-mail issue?
2 A No. Not about that.
3 Q Right. And the same, how about for Mark Lindsey?
4 A No.
5 Q When is the first time you became aware that
6 anybody within the White House was aware of the problem?
7 A First time? Same answer.
8 Q Contemporaneous with the --
9 A Correct.
10 Q -- media treatment?
11 A Correct.
12 Q Prior to that time, did you have any conversation
13 with John Podesta --
14 A No.
15 Q -- about the failure to archive?
16 A No.
17 Q You are not aware of any efforts to correct the
18 e-mail problem after its discovery in June of 1998?
19 A No.
20 Q Are you aware of any effort to notify investigative
21 bodies that compliance with their subpoena requests might
22 have been impaired by the failure of the system to archive
23 e-mail messages?
24 A No.
25 Q Apparently there was a problem that was identified

FOIA/FED ® PENGAD • 1-800-631-6989

1 by some independent contractors. It was raised with certain
2 White House employees. But, as far as you know, it was never
3 raised at your level? Is that a fair assessment?
4 A I know it was never raised at my level.
5 MR. NEAL: You mean you. There is somebody above
6 you. I know you won't believe this, but --
7 THE WITNESS: When I said at my level, I did not --
8 did I say that my level is the top level?
9 MR. NEAL: I'm just trying to lighten the
10 atmosphere.
11 THE WITNESS: You're a little rusty, counsel.
12 BY MR. CONRAD:
13 Q Have you had discussions with anybody in the White
14 House with respect to current attempts to discover your
15 e-mail messages which might be responsive --
16 A Yes.
17 Q -- to subpoenas? Who have you discussed --
18 A Charles Burson, my chief of staff and former
19 counsel; Lisa, who is here with us; and I believe that's it.
20 Q And do you know whether or not there has been a
21 success in retrieving --
22 A What I have been told is that they believe that
23 most or all are likely to be recovered, but that it is a
24 laborious project that will take a matter of months. That's
25 what I have been told.

FOSNETO ® PERSUAD · 1-800-631-6989

1 Q And who have you been told that by?
2 A Charles Burson and Lisa Brown.
3 Q With respect to certain allegations by Northrop
4 Grumman employees of threats made against them if they
5 disclose the existence of the e-mail problem, did anybody
6 bring that to your attention prior to news coverage?
7 A No.
8 Q The name Howard Glicken, is that familiar to you?
9 A Yes, it is.
10 Q Who is Howard Glicken?
11 A He is a businessman in South Florida, who was a
12 supporter and campaign contributor to me. He was the Florida
13 State chair, state finance chair, of my race for President in
14 1988. He was a member of the Residence Foundation that helps
15 to maintain this facility that we're in now. He has over the
16 years helped to organize several fund-raising events and he
17 has contributed, and I believe his wife has also, to my
18 campaigns for Senate and President and Vice President.
19 Q Has he visited you in the White House on occasion?
20 A I believe that he has, yes. Not recently, of
21 course, but in earlier years, yes.
22 Q Were those personal visits, or were they more in
23 the nature of substantive policy or business reasons for
24 visits?
25 A You know, I don't really recall the specific

FORM FED © PENGAD • 1-800-631-6989

1 visits. But the feeling I have is that he was certainly
2 interested in policy, and Latin America, in particular. But
3 it would usually be a friendly personal meeting. But he
4 would find a way to bring up some concern related to Latin
5 America. That's my impression.
6 He also helped with the Summit of the Americas,
7 which was an event that the United States hosted in Miami, I
8 believe in December of '94, and I think that he played a
9 prominent role in helping to raise private funds for the,
10 again, the shindigs that accompanied the official meetings.
11 Q Did he ever discuss with you raising or illegally
12 contributing funds to the --
13 A Of course not.
14 Q -- Clinton-Gore campaign? Does he really have GORE
15 1 and GORE 2 on the license plates of his Jaguars?
16 A He really did. I remember -- I was talking to Jim
17 and Lisa about this yesterday. I remember when I first
18 became aware that he and his wife had those license plates,
19 and I thought, geez, this is a little over the top here. But
20 you meet people in politics who are over the top in their
21 enthusiasm, and they get, you know, real enthusiastic and so
22 forth.
23 But, as I was telling them privately yesterday,
24 that kind of made me think that there's something a little
25 out of the ordinary here, even though it was consistent with

FORWYTED @ PENGAD • 1-800-631-6989

be

1 what a lot of people do. I mean, I can show you people that
2 get so enthusiastic that they do -- they paint their faces,
3 you know. But, anyway.
4 Q Charlie Trie.
5 A That one, to my knowledge, I do not know. I may
6 well have been introduced to him at a large event, but I have
7 no knowledge of it. I kind of think that he was in a long
8 line of people that came through a receiving line at one of
9 the big California events. And I have a vague memory of the
10 President saying to me, this is my friend, Charlie Trie, he's
11 from Arkansas. I have a vague memory of that. But --
12 Q No substantive conversations with --
13 A No.
14 Q -- him about --
15 A Absolutely not.
16 Q -- fund-raising or any other --
17 A Absolutely not.
18 Q Ted Sioeng, you previously testified you've seen
19 him twice?
20 A I don't even know if he speaks English.
21 Q David Chang?
22 A The name does not ring a bell.
23 Q A New Jersey businessman with dealings in Korea and
24 other places?
25 A No.

FOSTER ® REPORTING • 1 800 631 6989

1 MR. CONRAD: If I may just have a moment?

2 MR. NEAL: Sure.

3 MR. CONRAD: We are done. I appreciate your time.

4 (Whereupon, at 5:10 p.m., the proceedings were

5 concluded.)

* * * * *

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Elizabeth A. Eastman, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me electronically and thereafter reduced to typewriting by me; 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 hereto, nor financially or otherwise interested in the outcome of the action.

NOTARY PUBLIC FOR THE
DISTRICT OF COLUMBIA

My Commission Expires:
July 31, 2000

FORMAT FED © FENGAD • 1-800-631-6989

Draft

November 22, 1988

The Honorable Gore
U.S. Senator

Attention: Peter Knight

Dear Senator Gore:

We are very delighted to hear from D.S.C.C. that there might be a chance that you can join us in the forthcoming trip to the Far East.

I would like to explain to you more about the trip, and maybe will help you in your decision.

The trip is headed by P.L.C. members and the expenses will be distributed by a cultural organization in Taiwan, a cultural organization in Indonesia and all the individual members. The trip will be more political, it will be purely cultural and educational. The purpose of this trip is planned for recruiting more D.S.C.C. members in the future and this is the first and historical trip in the D.S.C.C.

I remembered at Mrs. Hartman's house when you mentioned to me that you would like to know the Asian community better and would like to be closer to them. I think this will be a very good opportunity for you to know some of the P.L.C. members who will be joining this trip. They are leaders of the community in different field.

If you decide to join this trip, I will persuave all my colleagues in the future to play a leader role in your future presidential race.

Very truly yours,

MARIA [illegible]

A0435-0474-04-26

EXHIBIT
GOVERNMENT
C

Maria L. Hsia
8701 Wilshire Boulevard
10th Floor Suite 1088
Los Angeles, California 90010
Tel (213) 387-0954

December 19, 1989

Leon Fuerth
Office of Senator Gore
393 Senate Russell Office Building
Washington, D.C. 20510

Dear Leon:

Thank you for sending a copy of Kenn Miller's letter dated December 6, 1989 regarding the California constituent whose father-in-law was denied a tourist visa by the American Institute in Taiwan.

Unfortunately, Mr Miller's experience is very typical of the way people are treated by the staff at AIT. As an example, we have a client who is studying here under an F-1 visa. Her children were denied the right to visit their mother here in the U.S. Many sad incidents happen almost on a daily basis at AIT.

For the sake of justice, we will be very happy to assist Kenn Miller if he calls on a pro bono basis. I certainly hope Senator Gore will investigate any charges of misconduct at AIT.

Very truly yours,

MARIA HSIA

MH/js

EXHIBIT
GOVERNMENT
D

5701 Wilshire Boulevard
10th Floor Suite 1088
Los Angeles, California 90010
Tel. (213) 587-0954

March 20, 1989

Dear D.S.C.C. Members:

Herewith is a list of the coming events:

March 25, 1989
6:30 p.m.: D.S.C.C. internal members meeting to discuss future organization. Midtown Hilton, 400 N. Vermont Ave. Los Angeles, CA.

March 30, 1989

8:00 a.m.: Town Hall meeting with Senator Paul Simon regarding New Immigration Reform Bill he sponsored, Co-sponsor Alan Cranston, Thomas Daschle. $25.00 per person none fundraising, we need lots of people there. Venue is Midtown Hilton. (This is PLC community service). Please distribute the enclosed brochures to all your friends. Enclosed also is a press release for your reference.

Fred Hong, Bernie Tandy, Marie Haing, Paul Lee have tickets available

11:30 a.m.: Fund raising for Senator Paul Simon $1,000.00 per person, need 10-15 people to attend lunch.

7:00-9:00 pm:- Dinner with Senator Thomas Daschle at the Midtown Hilton. None fundraising, $30.00 covers cost of the dinner per person.

April 30, 1989

12:30-2:00 p.m.: Lunch with Senator Al Gore. Fund raising at the Sostanza Restaurant located at 12100 Wilshire Boulevard near Bundy Street, W. Los Angeles, CA.
$350.00 per person

2:00-3:00 p.m.: (Coffee) with Senator Al Gore. Sostanza Restaurant. Hosted by Michael Reyes. Invite your friends to attend.

Very truly yours,

[illegible]

R.S.V.P. For any of the events:
David Lang (213)620 2560
Fine (213) 587 0954

A0435-0474-04-2262

EXHIBIT
GOVERNMENT
E

SENATOR ALBERT GORE, JR.
WASHINGTON, DC 20510

May 23, 1989

Ms. Maria Hsia
Howard Hom & Associates
3701 Wilshire Blvd., 10th Fl.
Suite 1088
Los Angeles, California 90010

Dear Maria:

I wanted to take this opportunity to thank you for your early donation to my 1990 reelection campaign. As you know, my involvement in the Presidential race over the past two years has delayed my efforts to raise money for the 1990 campaign and left our coffers empty for the upcoming race. Your contribution at the early stage of this effort has helped to replenish our account and will allow me to build a strong organization that can repel the inevitable attacks from the Republicans when they field a candidate in the near future.

I appreciate your generosity and hope that we can get together sometime soon. Please keep in touch.

Best Regards,

Albert Gore, Jr.
U.S. Senator

A0435-0474-08-1975

EXHIBIT
GOVERNMENT
F

Maria L. Hsia
3701 Wilshire Boulevard
10th Floor Suite 1088
Los Angeles, California 90010
Tel. (213) 387-0954

May 25, 1989

The Honorable Al Gore
United States Senate
393 Senate Russell Office Building
Washington, D.C. 20510

Dear Senator Gore:

We were so happy that you were able to spend some time with members of the Asian Pacific American community here in Los Angeles. Your thoughts on global warming and other community concerns were well received by everyone. Indeed, many people were impressed by your command of the issues so important to Asian Pacific Americans.

I appreciate your willingness to provide an opportunity for people to get to know you better. I would also like to see you become one of the senators closest to the Asian Pacific community. But for that to occur, we need time and a special commitment from each other. If you share the same sentiments, please allow my colleagues and I a role in developing this relationship.

I wish we had more time to talk last Sunday. I hope we can discuss in depth our community concerns when I visit Washington.

Again, thank you for taking the time to visit.

Very truly yours,

MARIA L. HSIA
Co-chair Pacific Leadership Council

A0435-0474-08-1974

EXHIBIT
GOVERNMENT
G

ALBERT GORE, JR.
TENNESSEE

393 RUSSELL SENATE OFFICE BUILDING
PHONE: 202-224-4944

United States Senate
WASHINGTON, DC 20510

January 13, 1989

Ms. Maria Hsai
3701 Wilshire Blvd.
Los Angeles, CA 90010

Dear Maria,

As I sit on the plane on our return trip I only wish I could be with you on the rest of the voyage.

Our visit to Taiwan was as interesting as it was exciting. The meetings with the government and business leaders were fascinating and the visit to Fo Kuang Shan was almost overwhelming.

But the most important thing I will take away from this trip will be the enduring friendships I have made. You made this trip for me and I will never forget your generousity, your warmth, and your good humor.

Thank you for helping me learn more about Taiwan- its culture, politics and business. And thank you for the most enjoyable trip I have ever taken with such an outstanding and talented group. I know we can do great things together in the future.

Thank you from the bottom of my heart.

Sincerely,

Albert Gore Jr.

Albert Gore Jr.
United States Senator

AG/adh

EXHIBIT
GOVERNMENT
I

A0435-0474-04-258

October 2, 1990

Howard Hom and Maria Hsia
Howard Hom & Associates
3701 Wilshire Boulevard
Suite 1088
Los Angeles, California 90010

Dear Maria and Howard:

Thank you for your generous contribution to my 1990 campaign. Your personal interest in my first Senate re-election bid for the U.S. Senate is greatly appreciated.

Election Day is only a few weeks away and my Republican opponent will be William Hawkins. He is from the Knoxville area and has been an active member of the Tennessee Conservative Union, which worked hard to help him win the primary. Your contribution at such an important juncture in my re-election effort will help me to prepare for whatever he and the national Republican leadership have planned.

Again, thank you for your continued support and friendship. I appreciate your interest in my political endeavors and am personally grateful for your involvement in this important campaign.

P.S. I cannot thank you enough. You two are great friends. See you soon.

Best regards,

Al Gore
U.S. Senate

EXHIBIT
GOVERNMENT
J

P.O. Box 7992 Washington, D.C. 20013 (202) 543-5930 FAX (202) 543-8508

A0435-0474-08-1977

December 15, 1990

Dear Maria:

I am deeply grateful for all that you did to make this ~~re-~~election campaign a success. Your friendship and your personal commitment to my political endeavors mean a great deal to me.

Tipper and I wish you and your family a joyous holiday season. We look forward to seeing you in the coming year. Again, thank you.

With warmest regards,

Al

Al Gore

A0435-0474-08-1982

EXHIBIT
GOVERNMENT
K

PEHGAD-Bayonne, N.J.
GOVERNMENT EXHIBIT
116-1

[illegible]

[illegible]

[illegible]

Dear Friends,

On behalf of Hillary, Al Gore, and myself, I am pleased to welcome you tonight to the Clinton/Gore '96 Primary Committee's Southern California Presidential Gala. It is a good time to be with so many old and new friends here to kick off the primary campaign. I thank you for your generous support and wonderful generosity, and the promises commitment you have made to the reelection effort.

The 1996 Presidential Campaign will be like no other in recent history. Several Republicans have announced their candidacy, each with an agenda to dismantle all that we have accomplished over the past three years. No other administration has been more active or more successful since the 1960's. No other administration has done more for middle class families, for the economy, for free trade, for national security, for education, for the environment, for crime prevention, and for reducing the size of the federal bureaucracy.

Your dedication and tireless efforts will help us get our message of accomplishment out to all Americans. Our record is strong and our message is clear: America has leadership that puts people first. Together we can continue that leadership and the strong foundation.

Thank you again for your commitment and continuing support. I look forward to seeing you.

Sincerely,

Bill Clinton

Bill Clinton

The Clinton/Gore '96 Primary Committee, Inc.

Presents

The Southern California Presidential Gala

Honoring

and

Thursday, September 19
Nineteen Hundred and Ninety-Six

Dinner at 7:30 P.M.

The Century Plaza Hotel and Tower
2025 Avenue of the Stars
Los Angeles, California

Master of Ceremonies: Tom Hanks

Terence R. McAuliffe
Chairman, National Committee

Laura Harrington
Finance Director, Clinton/Gore '96

Kimberly Rip
Southern California Finance Director

Presidential Gala Leadership Council

The Co-Chair Committee

Tom Hanks
Bill Lumis
Barbara Streisand
Mark Nichols
Bill Press
Peter Kelly
Peter and Lee Weissman
Ed Sanders

The Vice-Chair Committee

Hope Greenfield
Ron Burkle
Diane and John Fiedler
Marie and Jon Robinson
Norm and Ted Hulshizer
Mel Green
Richard Park
Mike Penn

The Executive Committee

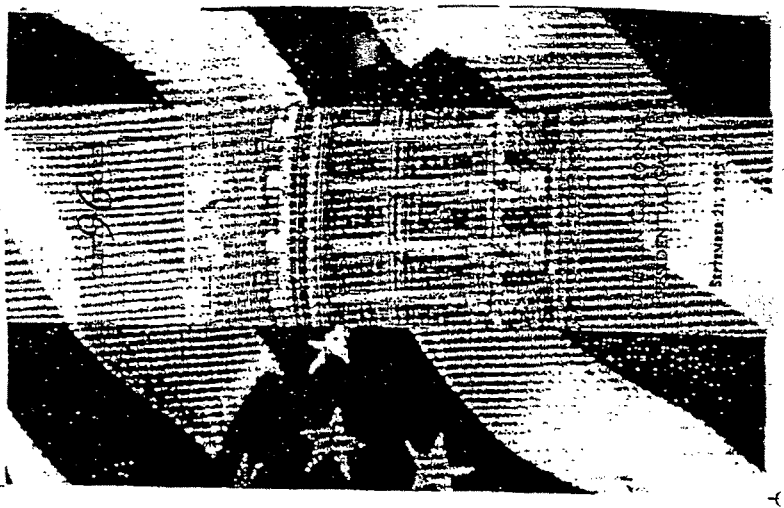
Lorraine and Howard Adler
Barry and Phyllis Addison
Clarence Avant
Shelly and Gary Bell
Tony Bergfeld
Linda and James Cheng
Johnny Cheng
Sam Dawid
Paul Goldenberg
Ruth Hunter
Cheryl Mayer
Michael Ko

The Host Committee

Tom and Mary Addison
Alan Ashman
Alfie Bigelow
Richard Bonnell
Dennis Donnelly
Dick Dorchard
Edythe and Eli Broad
Sally and Bob Burkett
Jane and Lee Cohen
Henry Daly
Barbara and Marvin Davis
Jordan and John Davis
Sharon and the Hon. Gray Davis
Richard Dreyfuss
Jane and John Fabian
Eli Feasey
Douglas Gladstone
Ronald Goodman
Marina Gorsuch
Peter Gold
Diane and Peter Lankenau
Ed and Brad Gray
Andy Hayward
Cindy Harrell Hunt and Allen Hunt
David Hurlstone
Linda and Eli Kay-Broad
Robin and Lidy Jacobs
Humbly and Allen Jones
Pamela Keogh
Diane Landau-Stanton and Neil Simon
Barbara and Allen Lawrence
Mary Linde
Carol Lin
Eli Lieberman
Linda and Eli Young Lieberman
Mary and Lee Masterson
Steven Mason
Diane and Peter Off Limoli
Ron Olson
Murray Pepper
Jim Perry
Diane Passmore Mann
Ron and Bob Roberts
Bob Rich, Roger Rosten and Rob Rosten
The Honorable Willie Reynolds
Stephen M. Rosen
Linda and Lee Rosenberg
Karen and David Sachs
John Schulman
Maureen Shah, M.D.
Ruth and Jimmy Singer
Rebecca Smith Wilson
Rosemary Tomich
Ann Turowsky
Cathy and Lee Unger
Bill Wardlow
Bob White
Karen and Gary Wenick
Carl Zapata

DNC 3321659

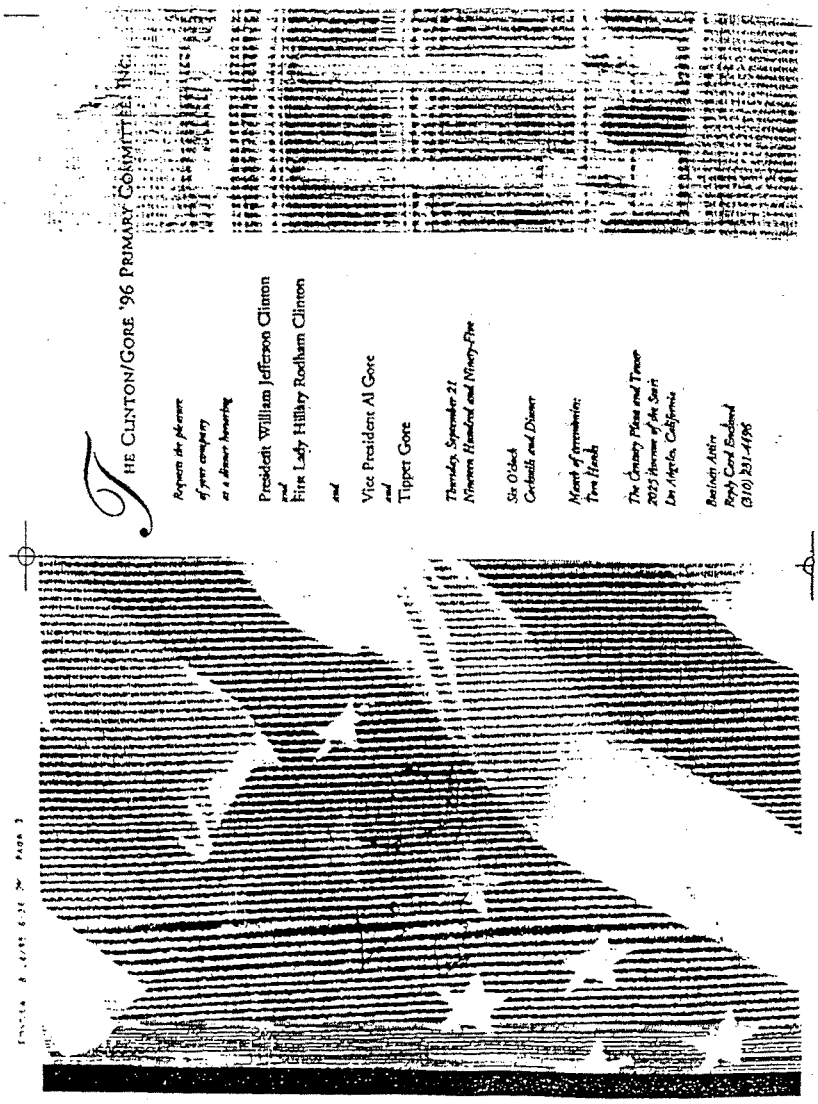
VDNC-0922-10-2123



VDNC-0922-10- 2124

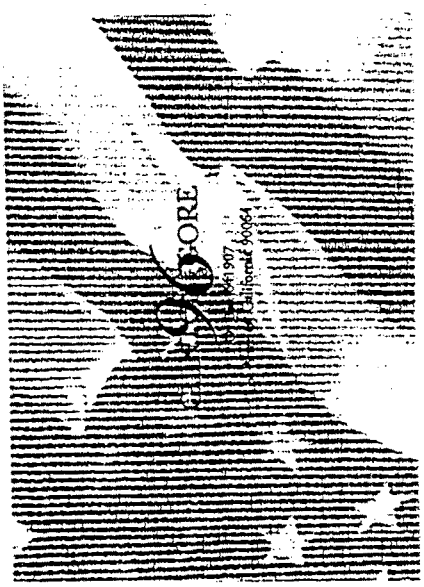
DNC 3321660

FROM : Panasonic TAD/FAX PHONE NO. : Aug. 14 1995 05:56PM P01



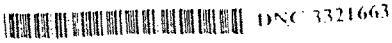
VDNC-0922-10-2125

DNC 3321661



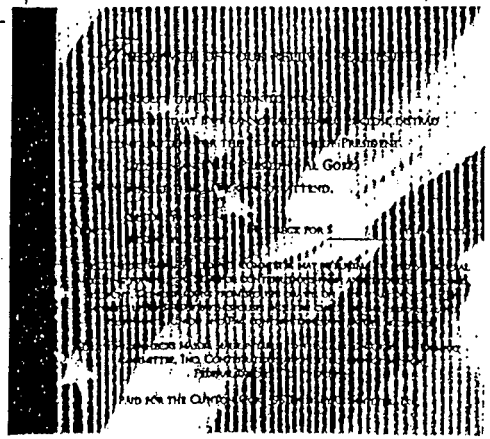
DNC 3321662

VDNC-0922-10- 2127



DNC 3321663

Invite 7/31/95 8:56 AM Page 3



FEDERAL LAW REQUIRES POLITICAL COMMITTEES TO REPORT THE NAME, MAILING ADDRESS, OCCUPATION AND NAME OF EMPLOYER FOR EACH INDIVIDUAL WHO CONTRIBUTIONS AGGREGATE IN EXCESS OF $200 IN A CALENDAR YEAR.

NAME

RESIDENT ADDRESS

CITY STATE ZIP

MAILING ADDRESS (IF DIFFERENT)

PHONE

OCCUPATION

EMPLOYER

CITY STATE ZIP

BUSINESS TELEPHONE

CONTACT STATE

CONTRIBUTOR SIGNATURE

CONTRIBUTOR SIGNATURE

VDNC-0922-10-2128

DNC 3321664

H. A & ASSOCIATES, I. C.
55 E. Huntington Dr. Suite 277
Arcadia, CA 91006
Tel: (818) 289-4499, Fax: (818) 289-1116

March 22, 1996

White House
Vice President
National Security Council Office
Mr. Leon Forth

Dear Leon:

It was a pleasure to see you again after such a long time. You still look prosperous and it was nice to know that you are doing well. I thought the meeting between Master Hsing Yun and Vice President Gore was mutually beneficial. As you know, 75% of Asian Americans are Buddhist, so Master Hsing Yun is a leader to the Asian community. He could be very helpful for Vice President Gore's re-election.

I hope we'll have an opportunity to meet again soon. Take care and keep in touch.

Best wishes,

Maria Hsia

EXHIBIT
GOVERNMENT
MC

A0308-C727-01-1095

H. A & ASSOCIATES, I L.
55 E. Huntington Dr. Suite 277
Arcadia, CA 91006
Tel: (818) 289-4499, Fax: (818) 289-1116

March 23, 1996

Dear Vice President Gore:

I want to express my deep thanks for meeting with Master Hsing Yun on March 15. It was a very meaningful event and I hope you found it rewarding. As I am sure you know, Master Hsing Yun is the leader of the Asian community. Seventy-five percent of Asian-Americans are Buddhist. By meeting with the Master, you are gaining valuable suppon and respect from this community. Your interest and understanding of Asian and Asian-American concerns is clearly reflected in the attention you have given to Master Hsing Yun. I am happy that you have made this effort and I hope it will benefit you in the future.

John Huang has asked me to help with organizing a fund-raising lunch event, with your anticipated presence, on behalf of the local Chinese community. After the lunch, we will attend a rally at Hsi Lai Temple where you will have the opportunity to meet representatives from the Asian-American community and visit again with Master Hsing Yun. The event is tentatively scheduled for April 29 and I am hoping you will be able to attend. I am confident that the day will be extremely positive, and your participation will be very special.

Once again, thank you for meeting with Master Hsing Yun. Best wishes, and I look forward to seeing you in April.

Sincerely,

Maria Hsia

EXHIBIT
GOVERNMENT
N

A0308-0727-01-1092

Ok to go Hsia statement

March 23, 1996

Dear Vice President Gore:

Check date
it was last Fri

I want to express my deep thanks for meeting with Master Hsing Yun on March 16. It was a very meaningful event and I hope you found it rewarding. As I am sure you know, Master Hsing Yun is the leader of the Asian community. Seventy-five percent of Asian-Americans are Buddhist. By meeting with the Master, you are gaining valuable support and respect from this community. Your interest and understanding of Asian and Asian-American concerns is clearly reflected in the attention you have given to Master Hsing Yun. I am happy that you have made this effort and I hope it will benefit you in the future.

John Huang has asked me to help with organizing a fund-raising lunch event, with your anticipated presence, on behalf of the local Chinese community. After the lunch, we will attend a rally at Hsi Lai Temple where you will have the opportunity to meet representatives from the Asian-American community and visit again with Master Hsing Yun. The event is tentatively scheduled for April 29 and I am hoping you will be able to attend. I am confident that the day will be extremely positive, and your participation will be very special.

Once again, thank you for meeting with Master Hsing Yun. Best wishes, and I look forward to seeing you in April.

Sincerely,

Maria Hsia

A0308-0727-01-1093

MEMORANDUM FOR THE VICE PRESIDENT

FROM: RON KLAIN and DAVID STRAUSS

SUBJECT: DNC and REELECT BUDGETS

REDACTED

EOP 047836

A0518-0588-01-2045

EXHIB
GOVERNMEN
0

A0518-0588-01-3046

REDACTED

047837

REDACTED

II. DNC Budget

The DNC Budget is far larger, and therefore, far more complex. Also, the major options in this area involve changes on the revenue side, as well as the expense side.

A. Overview

The "DNC Budget" is composed of six key elements; they are, in general categories:

1.	DNC General Budget	$48-50 million
2.	DNC Media Fund	$20-40 million

3.	DNC Coordinate Campaign	$20-25	million
4.	Supportive Media (441(a)(d))	$12	million
5.	DNC GOTV Media	$3-5	million
5.	Donations to DCCC	$ 2	million
TOTAL BUDGET		$105-134	million

As you can see, there is quite a range as to what different campaign leaders have in mind for spending in this area – with the range of difference an order of magnitude as large as the entire Clinton-Gore '96 budget. To simplify the analysis, one possible budget path as a starting point would be as follows:

1.	DNC General Budget	$49	million
2.	DNC Media Fund	$38	million
3.	DNC Coordinated Campaign	$23	million
4.	Supportive Media (441(a)(d))	$12	million
5.	DNC GOTV Media	$ 4	million
5.	Donations to DCCC	$ 2	million
TOTAL BUDGET		$128	million

While each of these figures can be debated; the story here is more on the effort it will take to make these spending levels – rather than over the figures themselves.

POINTS FOR POLITICAL BUDGET MEETING WITH PRESIDENT

REDACTED

A0518-0588-01-2049

EOP 047840

REDACTED

EOP 047841

A0518-0588-01-2050

II. DNC Budget

We seem to be in essential agreement on this -- and in agreement that the fundraising task is huge.

- **DNC Operating Budget:** This has been pared back to a range of $46-$50 million. It should probably be set at $48 ot $49 million and then we should move on. Baseline there (95 Budget + added fundraising costs + debt service) is $44 million -- so at $49 million, we are only adding about $5 million for 1996 campaign activities.

- **DNC Media:** We expect to fully fund the $17 million for DNC Media until the Convention.

- **DNC Coordinated Campaign:** The budget ranges around $25 million. While this could be cut some, this is a very well thought out investment.

- **DNC Support for Campaign:** The DNC can spend $12 million in support of the ticket. We should invest it all in media.

- **Other Expenses:** Finally, the DNC recommends spending $5 million for GOTV in minority communities, and $2 million for a DCCC contribution.

- **The Bottom Line:** Assuming the above, we are talking about a DNC Budget of approximately $108 million.

- **Open Question:** On top of this, the Strategy Group has not yet made a proposal -- nor are we including here -- any spending for generic DNC media in the fall. We may want to do some of that.

• Fundraising: This is the big question -- can we raise $108 million (or more, if generic DNC media is desired in the fall)?

-- All budgets assume that we can raise, after expenses, $30 million from direct mail. Thus, the "big donor" fundraising need is around $80 million (plus any additional media).

-- From a current schedule of events, Fowler thinks we can raise $92 million (Rosen thinks we can raise $80 million.) I did three events this week which were projected to raise $650,000, and, under rigorous accounting, actually raised $800,000. For the month, Tipper and I were supposed to do $1.1 million, and it looks like we will be closer to $1.3 million.

-- So we can raise the money -- BUT ONLY IF -- the President and I actually do the events, the calls, the coffees, etc.

-- And we should also consider other dimensions to the fundraising, such as getting Terry McAuliffe more involved in the DNC effort -- as Peter Knight has been (who is chairing the DNC gala coming up in April) - or adding other programs or ideas.

-- And we will have to lose considerable time to the campaign trail to do all of this fundraising.

From: Lisa A. Berg on 03/12/96 04:46 PM
To: Kimberly H Tilley/OVP
cc:
Subject: CUOMO TRAVEL INFORMATION

Up-coming travel of the Vice President

March 18 Monday	Houston / Dallas	DNC/DCCC Lunch Houston REGO event - General Store - Houston Crime event (T) - Dallas DNC/DCCC Dinner Dallas
March 26 Tuesday	Wisconsin	DNC Lunch Milwaukee Possible Rally - Milwaukee Possible Green Bay area additional event
April 8 Monday	Louisiana/Mississippi	DNC Lunch in New Orleans DNC dinner in Jackson
April 11 Thursday	Alabama/Florida	DNC lunch in Birmingham DCCC Dinner in Boca Raton
NOTE:	Possible elimination of Jackson, Mississippi & Birmingham, Alabama would result in one travel day, April 11, to New Orleans & Boca	
April 16 Tuesday	Las Vegas Phoenix Albuquerque	Address National Association of Broadcasters DNC Lunch DNC Dinner
April 27-29	San Jose, LA, CA	Some combination of possible Olympic torch event LA DNC fundraisers in San Jose & LA Family / Private time

A0518-0588-05-0826

EOP 053290

EXHIBIT
GOVERNMENT
P

Albert Gore
03/16/96 05:40 PM

To: Kimberly H Tilley/OVP
cc:
Subject: Re: Rabbi Rafael Grossman

If we have already booked the fundraisers then we have to decline.
I need to do something at the Atlas Bar and Grill that Sunday night if I go out there.

To: Albert Gore/OVP
cc: Heather M. Marabeti/OVP
From: Kimberly H Tilley/OVP
Date: 03/15/96 02:19:44 PM
Subject: Rabbi Rafael Grossman

has invited you to deliver the keynote address at the Rabbinical Council of America Sixtieth Anniversary dinner on Sunday, April 28th in Lawrence, NY. This is the same evening that you wanted to fly out to CA, overnight, and then do the two fundraiser in San Joe and LA, while Sarah and Mrs. Gore visit colleges. (By the way, I spoke with Peggy; the Monday timing works out very well.)

We've confirmed the fundraisers for Monday, April 29th. The question is whether you wish to seriously consider Rabbi Grossman's request, go up to NY on Sunday evening and then depart for CA early in the a.m. on Monday. David did not weigh in on this except to say you needed to know because of your relationship with Rabbi Grossman.

Should we regret Rabbi Grossman's invitation?

Thanks.

A0518-0588-05-0827

FOP 053291

EXHIBIT
GOVERNMENT
Q

Via Facsimile
1 page
(202) 456-1606

MEMORANDUM

TO:	Jackie Dycke Office of the Vice President
FROM:	Maura McManimon Democratic National Committee
RE:	April 29 DNC Events
DATE:	April 3, 1996

Following is an outline of the DNC events in California on Thursday, April 25. It is our understanding that the luncheon will be in Los Angeles and the reception will be in San Jose. The call times and event addresses are below:

1. Asian Pacific American Leadership Council Luncheon with Vice President Gore
   - Time: 12:00pm
   - Location: Hsi Lai Temple
     (Buddhist Temple presided over by Hsing Yun, whom the Vice President has met)
     3456 South Glenmark Drive
     Hacienda Hights, California 91754
     Phone: (818) 961-9697
   - Attendance: 150-200 guests

2. Reception with Vice President Gore
   - Time: 6:30pm
   - Location: The Home of George and Judy Marcus
     27900 Black Mountain Road
     Los Altos Hills, California 94022
     Phone: (415) 948-4270
   - Attendance: 150-200 guests

This is the extent of the information that I have right now; I will update you as I receive more. Please call me at (202) 863-7164 if you have any questions. Thank you.

A1&A2-0961-01-1607

DNC 1894275

EXHIBIT
GOVERNMENT
R

JACKIE A BYKO
03/29/96 02:55 PM

To: MARTINEZ_R @ A1@CD@LNGATE @ LNGATE, EMERSON_J @ A1@CD@LNGATE @ LNGATE, Kimberly H Tilley/OVP, Julia M. Payne/OVP, Karen Skelton/OVP, Ellen L. Ochs/OVP, Wendy Hartman/OVP, Caren L. Solomon/OVP, Dennis W. Alpert/OVP, David R Thomas/OVP, Kim J. Hopkins/OVP

cc:

Subject: Preliminary California Meeting

As you know, the VP is going to San Jose and LA for DNC fundraising events on April 29. There are several ideas floating out there for the VP to do public events, extra stops, etc. We are going to have a meeting at 2:15 pm TOMORROW (Thursday) in Kim Tilley's office (Rm 285) to discuss everything that is out there for this California trip. Thanks! Jackie, 51750

A0518-0588-05-0828

EOP 053292

EXHIBIT
GOVERNMENT
5

[redacted]

Exhibit
17-163

To: Tyler S. Beardsley/OVP
cc: Kimberly H Tilley/OVP, Lisa A. Berg/OVP
Subject: California/Hsi Lai Temple Location

As we discussed today, I am trying to get an answer from Bill Wise on the Hsi Lai Temple location. THis was an issues that Kim asked me to raise with NSA on Thursday of last week, which I did with Bill. We are trying to find out if there are any problems/ramifications with the use of the Hsa Lai Temple for the VP's DNC Lunch while in LA. Please let me know. Thanks!!!!!

LIMITED COMMITTEE ACCESS

34

CLASS: UNCLASSIFIED
DISPOSITION: NON RECORD
Transmission: 19-Apr-96 11:51 am
SENDER: Suettinger, Robert L.
SUBJECT: RE: Hsing Yun Again [UNCLASSIFIED]
TO: Norris, John J.

CC: NO CC's on THIS MESSAGE

John –

This is terra incognita to me. Certainly from the perspective of Taiwan/China balancing, this would be clearly a Taiwan event, and would be seen as such. I guess my reaction would be one of great, great caution. They may have a hidden agenda.

From: Norris, John J.
To: Suettinger, Robert L.
CC: /N, NonRecord at A1
Subject: Hsing Yun Again [UNCLASSIFIED]
Date: Monday, April 15, 1996 04:11 PM

Bob –

Hsing Yun has invited the VP to visit the Hsi Lai Temple in LA. Hsing Yun would host a fundraising lunch for about 150 people in the VP's honor.

Any problems with the VP participating in this event from the perspective of U.S.-China relations? The event would take place at the end of June.

John

EXHIBIT
GOVERNMENT
V

COP 003407

A0593-0869-01-2538 RS002535

MEMORANDUM FOR KIM TILLEY

FR: John Huang
RE: Fundraising lunch for Vice President Gore 6/29/96 in Southern California
DT: April 11, 1996

Per our discussion this morning, I have furnished the following information to you regarding the above proposed event.

1. Proposed location:
   Hsi Lai Temple
   Hacienda Heights, California

This temple was established by Venerable Master Hsing Yun during 1980's with many structures including Large dinning facility. You know we have together arranged Master Hsing Yun to visit the Vice President Gore in the White House in March of this year. To show his appreciation and friendship to Vice President Gore, Master Hsing Yun would like to host this upcoming Vice Presidential event in L.A.

2. Event participants will be around 150 people.

3. Hsi Shi Lai Temple has hosted other political events before (for Congressmen Howard Berman, Bruce Morrison and Lee Hamilton recently).

4. Since I have tried and have been unable to connect with you in the last two weeks, (including a fax from L.A.), Richard Sullivan, David Strauss and I had a conference call on this event last week.

5. I hope this above information is sufficient. Please let me know if I can provide any further information. I certainly would appreciate to know the answer asap if we can proceed on this matter. If so, in what parameters can we do, or not do.

PS: During last meeting between Master and Vice President Gore, Master extended an invitation to VP Gore to visit Hsi Lai Temple. Vice President Gore also expressed his willingness to do so in a future date.

A0001-0004-01-0890

EXHIBIT
GOVERNMENT
W

Exhibit
17.1**

MEMORANDUM FOR KIM TILLEY

FR: John Huang
RE: Fundraising lunch for Vice President Gore 6/29/96 in Southern California
DT: April 11, 1996

Per our discussion this morning, I have furnished the following information to you regarding the above proposed event.

1. Proposed location:
   Hsi Lai Temple
   Hacienda Heights, California

This temple was established by Venerable Master Hsing Yun during 1980's with many structures including Large dinning facility. You know we have together arranged Master Hsing Yun to visit the Vice President Gore in the White House in March of this year. To show his appreciation and friendship to Vice President Gore, Master Hsing Yun would like to host this upcoming Vice Presidential event in L.A.

2. Event participants will be around 150 people.

3. Hsi Shi Lai Temple has hosted other political events before (for Congressmen Howard Berman, Bruce Morrison and Lee Hamilton recently).

4. Since I have tried and have been unable to connect with you in the last two weeks, (including a fax from L.A.), Richard Sullivan, David Strauss and I had a conference call on this event last week.

5. I hope this above information is sufficient. Please let me know if I can provide any further information. I certainly would appreciate to know the answer asap if we can proceed on this matter. If so, in what parameters can we do, or not do.

PS: During last meeting between Master and Vice President Gore, Master extended an invitation to VP Gore to visit Hsi Lai Temple. Vice President Gore also expressed his willingness to do so in a future date.

DEPOSITION EXHIBIT
Tilley 25

John Huang
1/15/96

Exhibit
17-114

SCHEDULE for VICE PRESIDENT AL GORE
FRIDAY, MARCH 15, 1996
FINAL

SCHEDULER: ANSLEY JONES

REDACTED

CURRENT SCHEDULE FOR APRIL 29:

Los Angeles
-DNC Luncheon in LA/Hacienda Heights: 1000-5000 head /150-200 people
-Need Something Public
-OTR at Atlas Bar and Grill (Per VP)

San Jose
-Reception in San Jose 150-200 guests/ticket price working out
-Need Something Public

SUGGESTIONS

Electronic Messaging Association Annual Conference in Anaheim
(Submitted by Powler)

California Small Business Association Legislative Roundtable in Sacramento
(Per JE: not pushing Sacramento but is a good market for usa nd small business is an important constituency)

National Cable Television Association's Convention and International Exposition in LA
(Per GS: should be part of our victory lap on the telecom bill and NCTA was VERY helpful)
(Per LV: defer to greg, good forum for tv/violence, spectrum on kids tv)

Fresno Public Event to target swing voters
(From Re Elect)Past California Trips

PAST CALIFORNIA TRIPS 1995-1996

27 April 1995

San Francisco, CA
-PCSD
-DNC Silicon Valley Lunch

9-10 May 1995

Los Angeles/Beverly Hills, CA
-Constitutional Rights Foundation Event
-DNC Breakfast
-Industry Meeting (Family Conference Prep)
-Community Empowerment Event

Exhibit
17-172

EXHIBIT
GOVERNMENT
X

EOP 056497

Exhibit
17-167

WIN '96 DEMOCRATIC NATIONAL COMMITTEE

Donald L. Fowler, National Chair • Christopher J. Dodd, General Chair

The Democratic National Committee's

Asian Pacific American Leadership Council (APALC)

Cordially Invites You To Attend A Luncheon

Honoring

Vice President Al Gore, Jr.

Monday, April 29, 1996

12:00 Noon

The Harbor Village Restaurant
(Tel: 818/300-8833)

Corner of Atlantic Boulevard and Garvey Avenue

City of Monterey Park
California

EXHIBIT
PAGES 1 DATE 7-23-97
NORMA L. GADDISON, CSR

To RSVP or confirm attendance, please call:
Joha Huang at 202/863-7178 or 818/244-5049
Maria Hsia at 818/289-4499

211 SEN 01362

Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.

EXHIBIT
GOVERNMENT
YZ

Exhibit
17-168

96 APR 11 A9:10

10 April 1996

MEMORANDUM TO THE PRESIDENT
THE VICE PRESIDENT

CC: Leon Panetta
Evelyn Lieberman
Maggie Williams
Ron Klain
Doug Sosnik (w/o enc.)
Karen Hancox (w/o enc.)
Senator Dodd (w/o enc.)
Don Fowler (w/o enc.)
B.J. Thornberry (w/o enc.)
Marvin Rosen (w/o enc.)
Scott Pastrick (w/o enc.)
Brad Marshall (w/o enc.)

From: Harold Ickes HI

Re: Weekly DNC budget/fundraising meeting EOP 040780

At our weekly DNC budget/fundraising meeting on 10 April, which included Chairman Fowler, Marvin Rosen, Scott Pastrick, and Brad Marshall, from the DNC, it was reported that anticipated gross revenue for April would be approximately $11.0 million of which $8.7 will be from "direct donors" and approximately $2.3 million will be from direct mail. Of the $11.0 million, $3.0 has been raised to date, which includes the $875,000 delivered yesterday (Tuesday) from the two David Geffen events. (Approximately an additional $700,000 is expected to come in from those events.) Attached as schedule A is a list of the planned events for January, February, March and April 1996.

Schedule B lists all events and anticipated gross revenues from all major donor fundraising, month by month, event by event for January through October 1996.

Schedule C, captioned "Democratic National Committee Financial Summary: 4/8/96" shows a net debt of approximately $6.17 million. This is derived by taking the typewritten $6.372 million net debt and from that subtracting approximately $1.3 in deposits to be made in the next several days which results in a $5.07 net debt. To that should be added $1.1 million in media that will be transferred later this week which will result in a

Schedule A

1994 APRIL EVENTS								
Date	Event		Projected Revenue	Raised to Date	Projected Cost	Actual Cost	Variance	Staff
1-Apr	POTUS	Coffee	$400,000	$400,000	n/a	$0	tbs	
4-Apr	POTUS	DC Dinner	$500,000	$462,000	$5,000	$3,330	tbs	Swiller
8-Apr	POTUS	DC Dinner	$500,000	$290,000	$5,000	$2,420	tbs	Schumann
8-Apr	POTUS	DC Dinner	$500,000	$300,000	$5,000	$5,000	tbs	Knight
10-Apr	POTUS	Baltimore Dinner	$600,000	$0	$60,000	$15,000	tbs	Schmoke
11-Apr	POTUS	DC Dinner (servicing)	n/a	$0	$20,000	$0	tbs	
11-Apr	VPOTUS	New Orleans	$250,000	$0	$25,000	$4,400	tbs	Martial
12-Apr	VPOTUS	Coffee (servicing)	n/a	$0	n/a	$0	tbs	Knight
16-Apr	VPOTUS	Albuquerque Dinner	$250,000	$0	$25,000	$2,800	tbs	Romero
16-Apr	VPOTUS	Phoenix Lunch	$250,000	$0	$25,000	$1,700	tbs	Sanders
17-Apr	VPOTUS	DC Lunch	$250,000	$0	$5,000	$0	tbs	
22-Apr	FLOTUS*	Miami	$250,000	$0	$50,000	$2,902	tbs	Berlin
22-Apr	FLOTUS	New York	$250,000	$0	$50,000	$0	tbs	
25-Apr	MSG	Cincinnati	$50,000	$0	$5,000	$0	tbs	Chesley
26-Apr	POTUS	Philadelphia Dinner	$650,000	$0	$65,000	$1,191	tbs	Leonard
26-Apr	VPOTUS	Coffee (servicing)	n/a	$0	n/a	$0	tbs	
29-Apr	POTUS	Miami Gala	$2,000,000	$190,000	$200,000	$43,281	tbs	Rosen
				($30,000)				
29-Apr	VPOTUS	Los Angeles	$250,000	$0	$25,000	$0	tbs	Huang
29-Apr	VPOTUS	San Jose	$250,000	$0	$25,000	$0	tbs	Huang
	POTUS	LA Event (see Feb.)	$1,500,000	$875,000	$0	$0	$0	Spahn
		+ Mar. 8 Dinner						
	Proceeds from past events:			$60,000				
	Unallocated event revenue:			$0				
	Directed-Donor Media Fund/Coordinated Campaign:			$150,000				
		Event Totals:	$8,700,000	$2,577,000	$595,000	$81,814	$0	
tbs	POTUS	DC Dinner	$500,000	$0	$5,000	$0	tbs	
		Miscellaneous Expenses			$107,727			
		Salaries			$260,000			
		TOTALS:	$8,700,000	$2,577,000	$967,727	$81,814	$0	
		Direct Mail	$2,341,416	$494,556				
		GRAND TOTAL:	$11,041,416	$3,071,556				

* Courtesy towards March total

$78,500
[illegible]

PRINCIPAL	EVENT/SOURCE	DATE	PRO. REVENUE	IN HAND	PRO. COST	ACTUAL COST	VARIANCE
POTUS	Coffee	1-Apr	$400,000	$400,000	$0	n/a	$0
POTUS	DC Dinner	4-Apr	$500,000	$462,000	$5,000	$3,330	tbd
POTUS	DC Dinner	5-Apr	$500,000	$390,000	$5,000	$2,430	tbd
POTUS	DC Dinner	8-Apr	$500,000	$300,000	$5,000	$5,000	tbd
POTUS	Baltimore Dinner	10-Apr	$600,000	$0	$60,000	$15,000	tbd
POTUS	DC Dinner (servicing)	11-Apr	n/a	n/a	$20,000	$0	tbd
POTUS	Philadelphia Dinner	26-Apr	$650,000	$0	$65,000	$1,191	tbd
POTUS	Miami Gala	29-Apr	$2,000,000	$190,000	$200,000	$43,281	tbd
POTUS	LA Event (see Feb.)	n/a	$1,500,000	$875,000	n/a	n/a	$0
	+ Mar. 8 Dinner						
VPOTUS	New Orleans	11-Apr	$250,000	$0	$25,000	$4,400	tbd
VPOTUS	Coffee (servicing)	12-Apr	n/a	n/a	$0	$0	$0
VPOTUS	Albuquerque Dinner	16-Apr	$250,000	$0	$25,000	$3,800	tbd
VPOTUS	Phoenix Lunch	16-Apr	$250,000	$0	$25,000	$1,700	tbd
VPOTUS	DC Lunch	17-Apr	$250,000	$0	$5,000	$0	tbd
VPOTUS	Coffee (servicing)	26-Apr	n/a	n/a	$0	$0	$0
VPOTUS	Los Angeles	29-Apr	$250,000	$0	$25,000	$0	tbd
VPOTUS	San Jose	29-Apr	$250,000	$0	$25,000	$0	tbd
FLOTUS	Miami	22-Apr	$250,000	$0	$50,000	$2,703	tbd
FLOTUS	New York	22-Apr	$250,000	$0	$50,000	$0	tbd
MEG	Cincinnati	25-Apr	$50,000	$0	$5,000	tbd	tbd
	proceeds from past events:			$60,000			
	unallocated event revenue:			$0			
TOTAL			$8,700,000	$2,577,000	$593,000	$81,814	tbd

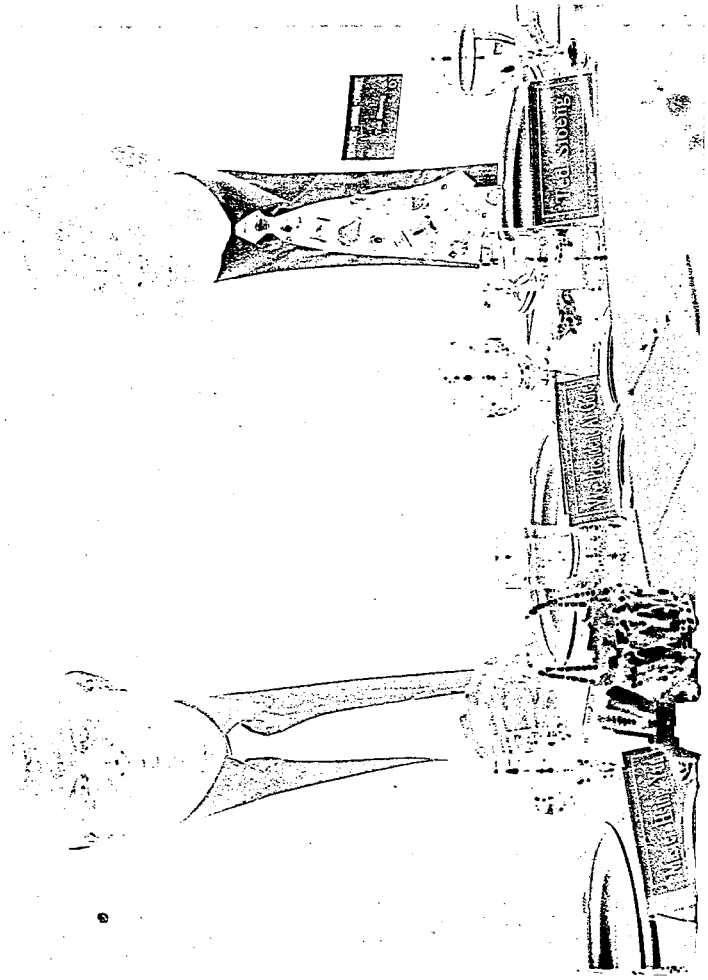


EXHIBIT
GOVERNMENT
GG(a)
(copy)

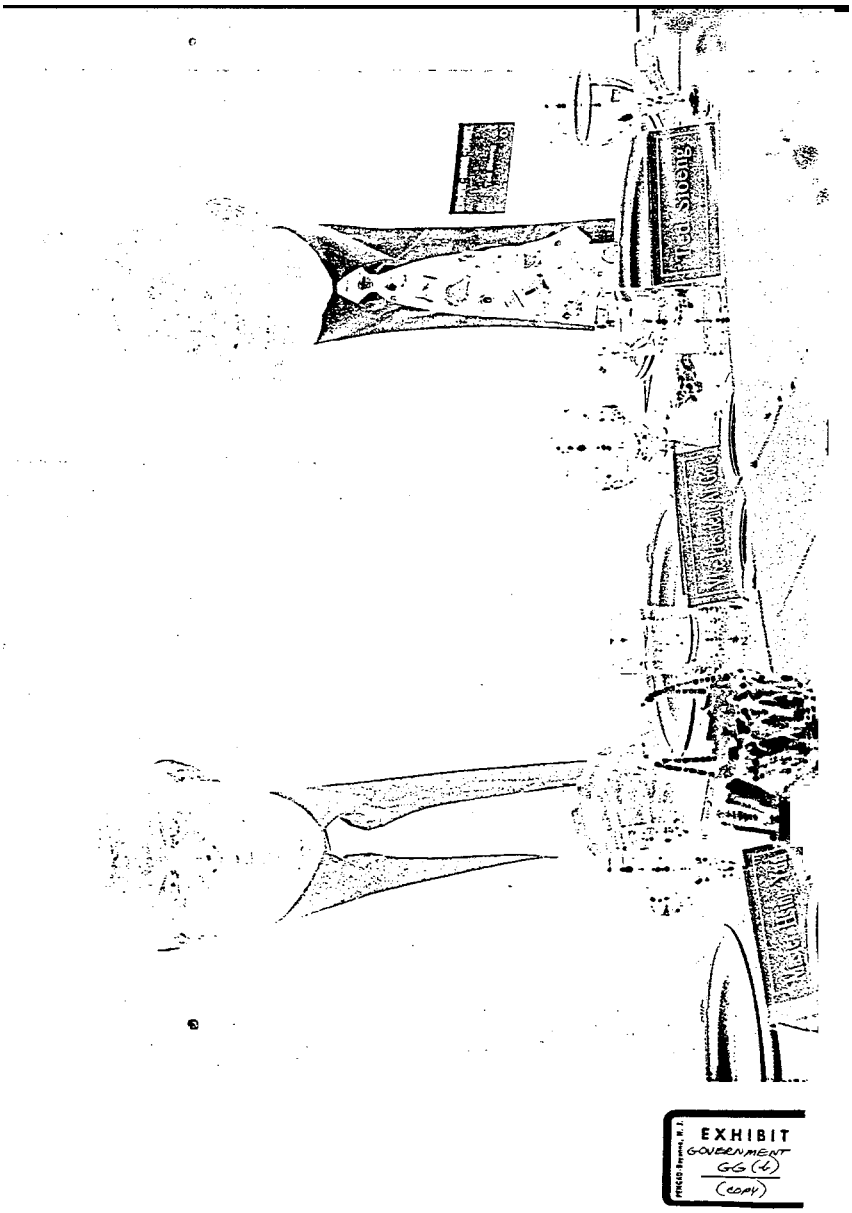


EXHIBIT
GOVERNMENT
GG (4)
(COPY)

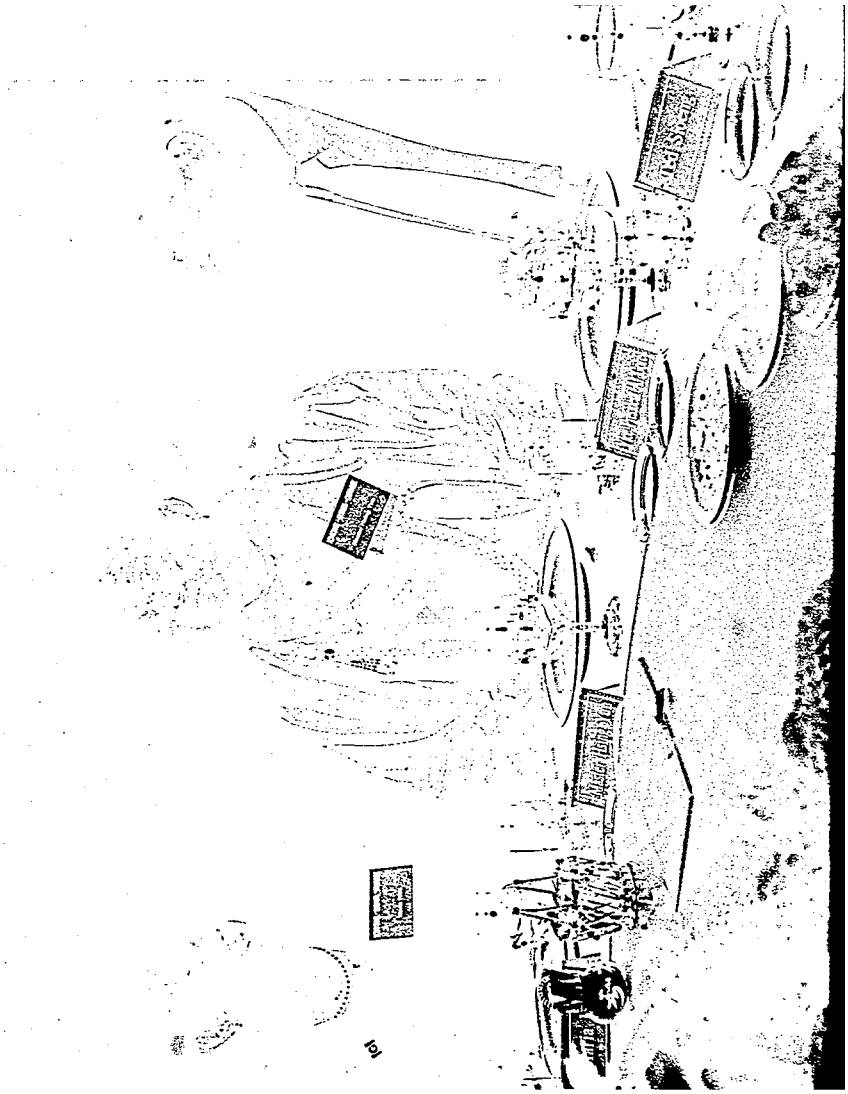
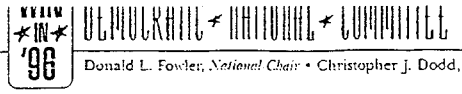


EXHIBIT
GOVERNMENT
GG(c)
(COPY)
PRESID Reporters, R.I.

EXHIBIT
GOVERNMENT
GG(2)
(COPY)



Donald L. Fowler, *National Chair* • Christopher J. Dodd, *General Chair*

October 18, 1996

Buddha's Light International Association
3456 Glenmark Drive
Hacienda Heights, CA 91745

Attention: Man Ho

Dear Ms. Ho:

Enclosed is a check for $15,000, representing reimbursement of the estimated costs of space, food, beverage and other services and facilities provided to the DNC in connection with an event held at Hsi Lai Temple on April 29, 1996.

Thank you for your time and attention to this matter.

Sincerely yours,

Bradley K. Marshall
Chief Financial Officer

A0019-0091-01-0102

HLT 097

Democratic Party Headquarters • 430 South Capitol Street, S.E. • Washington, D.C. 20003 • 202.863.8000 • FAX: 202.863.8174
Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.

VENDOR: BUDDHA

DNC SERVICES CORPORATION
ALLOCATION ACCOUNT

CHECK NO. 025100

VOUCHER NO.	INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
033031	101796	10/17/96	15,000.00	15,000.00	.00	15,000.00
					Check Total	15,000.00

CHECK NO.	CHECK DATE	VENDOR NO.
25100	10/17/96	BUDDHA

NationsBank
National Bank of D.C., N.A.

DNC SERVICES CORPORATION
ALLOCATION ACCOUNT
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, DC 20003

CHECK NO. 025100

15-120/540
3241

CHECK AMOUNT
$***15,000.00

FIFTEEN THOUSAND AND 00/100 DOLLARS

PAY TO THE ORDER OF
BUDDHA'S LIGHT INTERNATIONAL ASSOCIATION
3456 GLENMARK DRIVE
HACIENDA HEIGHT CA 91745

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

THE SECURITY FEATURES ON THIS DOCUMENT INCLUDE MICRO-PRINT SIGNATURE LINES.

⑈0002510⑈ ⑆054001204⑆ 300474 0⑈

HLT 098

A0019-0091-01-0103

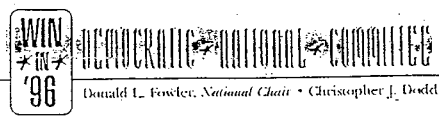
INTERNAL ONLY

Democratic National Committee Contributions
Returned Since September, 1996
(as of 11/22/96)

Exhibit 17-139

Name of Donor	Amount	Date of Refund	Reason
Cheong Am America	$250,000	9/20/96	Foreign owned U.S. sub did not meet FEC criteria
Jorge Cabrera	$20,000	10/16/96	Contribution determined to be inappropriate
John H.K. Lee	$10,000	10/16/96	Foreign National
Man Ya Shih	$5,000	10/21/96	Contribution in the name of another
Gulf Canada Resources Ltd.	$10,000	10/28/96	Check was drawn on foreign parent instead of US sub
Onex Corp	$2,000	10/28/96	Check was drawn on foreign parent instead of US sub
Richard Tienken Deposited 10/10/96 Interactive Wireless	$25,000 $50,000	10/29/96 10/31/96	Contribution determined to be inappropriate
Carolina PCS	$15,000	10/29/96	Contribution determined to be inappropriate
Psaltis Corp.	$50,000	11/5/96	Foreign owned U.S. company did not meet FEC criteria
Yogesh Gandhi	$325,000	11/7/96	Unable to substantiate source of funds
Buddhist Temple	$5,000	11/16/96	It was a temple, you idiot!
Pauline Kanchanalak	$253,500	11/20/96	Contribution in the name of another
Ban Chang International	$300	11/20/96	U.S. representative office of foreign corporation
Jao Yi Lu	$1,000	11/20/96	Could not locate an address
Arief and Soraya Wiriadinata	$450,000	11/22/96	Contribution determined to be inappropriate

V-P 0[illegible]



Donald L. Fowler, *National Chair* • Christopher J. Dodd, *General Chair*

Briefing for the Vice President of the United States
Al Gore, Jr.

Event:	Democratic National Committee Asian Pacific American Leadership Council Breakfast
Date:	Tuesday, February 20, 1996
Place:	Hay-Adams Hotel Washington, D.C.
Time:	9:00 am to 10:30 am
Group:	80 to 100 APA Donors of the DNC from Across the Country Each Participant Donated Minimum $12,500 to the DNC
Format:	Breakfast with Vice President Al Gore, Jr. Discussion of 1996 Presidential Election
Attire:	Business
Contact:	Mr. John Huang, Vice Chair of Finance Democratic National Committee 202-863-7178

EXHIBIT
VPOTUS #1
4/8/00 EE

COMMITTEE ACCESS

A. Background of the Asian Pacific American Leadership Council

The Asian Pacific American Leadership Council ("APALC") was created to empower Asian Pacific Americans ("APA") by providing them with a stronger voice in the Democratic Party. The concept of a council evolved from individual discussions with businessmen and women, professional leaders, Democratic National Committee Trustees, and the Democratic Business Council members from throughout the country. The need was expressed for a council that focused on the issues of concern to the APA community. Through policy luncheons, monthly briefings and task force groups, APALC members will interact with key political leaders who shape our party and our nation. Members will serve as liaisons with the APA community to provide input into the Democratic Party's agenda.

EOP 008510

The goals of APALC are:

*To create a component of the DNC aimed at fostering the engagement of Asian Pacific American leaders with the DNC's fundraising efforts.

*To expand the national network of APA Democrats interested in contributing to the Democratic Party.

*To provide a vehicle for APA Democrats to voice their concerns and continue outreach to the members of the APA community nationwide who support the Democratic Party's agenda.

On Monday, February 19, 1996, APALC participants attended a dinner with President Bill Clinton.

Participants of APALC breakfast have each donated a minimum of $12,500 to the Democratic National Committee.

B. Logistics

The breakfast will be held at the Hay-Adams Hotel. The breakfast will begin at 9:00 am. Your host is Mr. John Huang, Vice Chair of Finance for the Democratic National Committee.

C. The Vice President's Role at the Breakfast

Your role at this event is to:

1) Discuss the 1996 Presidential Campaign; and
2) Inspire political and fundraising efforts among the APA community.

D. Vast Diversity: Ethnic Composition in the APA Community

Asian Pacific Americans are comprised of Chinese, Filipino, Japanese, Asian Indian, Korean, Vietnamese, Cambodian, Hmong, Laotian, and Thai. Pacific Islanders include Native Hawaiians, Samoans, Tongans, Guamanians, Micronesian, and other Melanesian of Pacific Islanders. Because Asian and Pacific Islanders are grouped for census and political reasons, this population may be the most diverse of America's minority communities. This political appellation represents ethnic groups that have diverse backgrounds, histories, languages, and cultures.

E. Demographics & Characteristics

COMMITTEE ACCESS

The Asian Pacific American community is growing rapidly and could be a reservoir for votes and contributions in 1996. For the last two decades, the number of Asian Pacific Americans in the United States has doubled, from 1.5 million in 1970 to 3.7 in 1980 to 7.3 million in 1990. The percentage in the total population has nearly doubled in the 1980's from 1.5 percent to 2.9 percent in 1990. Based on current immigration patterns, APA's will continue to be the fastest growing ethnic group in the United States into the next millennium.

Fifty-four percent of the Asian population lived in the West Coast in 1990, compared with twenty-one percent of the total population. Approximately sixty-six percent of Asians live in five states -- California, New York, Hawaii, Texas, and Illinois. In California, the largest electoral state in the country, APA's are a significant political force to be reckoned with. APA's in California consist of ten percent of the population, the third largest ethnic group in the state. In Los Angeles and San Francisco, APA's consist of 10.8 and 20.6 percent of the county population, respectively. In New York, APA's consist of approximately four percent of the population. In the 104th Congress, there were 62 congressional districts where APA's represented 5 percent or more of the constituency.

In 1990, the largest percentage of APA's were Chinese (24%) and Filipino (20%), followed by Japanese (12%), Asian Indian (12%), Korean (11%), and Vietnamese (9%) of the Asian population. Newer immigrant groups comprised of Laotian, Cambodian, Thai, and Hmong, each accounting for 2 percent or less of the APA's in America.

Other significant characteristics of the APA community is as follows:

*In 1994, nearly 9 out of 10 APA men 25 years old and over, and 8 out of 10 APA women had at least a high school diploma;

*In 1994, two-fifths of APAs 25 years old and over had at least a bachelor's degree;

*52 percent of APA householders own their own home versus 70 percent for non-Hispanic White householders;

*College educated APA men are twice a likely as comparable non-Hispanic White men work in technical and administrative support positions.

F. Voter Registration & Political Profile

1.2 million APAs were registered to vote in the 1994 elections. About 890,000 actually voted, representing a 76.3 percent turnout.[1]

---

1 Democratic National Committee, Summary of U.S. Census Bureau data (1994)

In 1992, thirty-one percent and fifty-five percent voted for Clinton and Bush respectively. Fifteen percent of APAs voted for Perot. In California, there was a strong showing for President Clinton -- fifty three and thirty seven percent voted for Clinton and Bush, respectively. Nine percent of California APAs voted for Perot.[2]

In an exit poll taken in the San Francisco Bay Area, New York City, Diamond Bar/City of Walnut (Los Angeles area), APA voters identified themselves as 62 percent, 43 percent, and 45 percent Democrat, respectively. In Rosemead and Koreatown, APA voters identified themselves as 33 percent and 45 percent Democrat, respectively.[3]

In a recent study by the National Asian Pacific American Legal Consortium ("NAPALC") of three regions of the United States, factors considered by APA voters include:

- APA voters strongly vote in favor of Asian Pacific American candidates.
- When issues affect their communities, APAs turn out to vote.
- Bilingual materials and support lead toward greater APA voter participation.
- There continues to be racial polarization in voter behavior.

The NAPALC study was conducted in the San Francisco Bay Area, the New York City Burroughs, and Los Angeles Country.[4]

G. Asian Pacific American Candidates and Elected Officials

In 1994, there was an unprecedented number of APA's who ran for elected office. Twelve APA's campaigned for national office (7 incumbents, 5 challengers). Of the twelve candidates, eleven were Democrats. More than one hundred APA's ran for state and local offices.

APA's holding national office include: Senator Daniel Akaka (D-HI), Senator Daniel Inouye (D-HI), Del. Eni Falaomavaega (D-AS), Rep. Jay Kim (R-CA), Rep. Robert Matsui (D-CA), Rep. Patsy Mink (D-HI), and Del. Robert Underwood (D-GU).

At the state level in 1994, Benjamin Cayetano (D-HI) defeated former U.S. Representative and Bush appointee Patricia Saiki (R) to become the first Governor of Filipino

---

2 Democratic National Committee, Campaign Summary (July 13, 1995).

3 NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, *Asian Pacific American Electoral Participation Three Region Study* 1 [hereinafter NAPALC] (August 31, 1995). Approximately 6,500 individuals were either exit polled or surveyed in November 1994

4 NAPALC, *supra* note 3, at 1

COP 008513

COMMITTEE ACCESS

ancestry in Hawaii and the U.S. Matt Fong (R-CA) became the highest ranking APA in California state office when he was elected as State Treasurer. Fong's mother is Democrat March Fong Eu who is currently U.S. Ambassador to the Federated States of Micronesia.

H. Issues to Drive Political Involvement for APA's in 1996

With the fierce debate over immigration, affirmative action and welfare reform, political participation of APA's in the 1996 elections will likely be issue-driven. As the Republican Congress leads the charge to scrutinize and ultimately eliminate programs that affect minority, immigrant, and indigent communities, APA's are relying heavily on President Clinton to protect crucial programs that have a substantial impact on their community. A recent Washington Post-ABC News Poll showed that President Clinton and the Democrats have "scored strong points" in attempting to maintain social programs that protect the many vulnerable and middle class Americans. With so much at stake, APA's by necessity will be pulled into the political debate in 1996.

For example, Proposition 187, the California ballot initiative that limits state assistance to unlawfully admitted aliens, mobilized Asian Pacific American communities throughout the state in their attempts to defeat the measure. In San Francisco, APA voting patterns and participation saw a 17 percent increase due to aggressive voter registration and GOTV programs aimed at Proposition 187. Although the initiative passed, the organization for and reaction to the issue is a critical indicator of APA political participation in 1996.

Heads Up: Top three issues for the APA community are: 1) Immigration and Naturalization, 2) Affirmative Action; and 3) Small business and Economic Issues.

I. Immigration & Naturalization: Keep Fourth Preference

1. Asian Immigration: We Are a Young Community

In 1990, there were approximately 7.3 million Asian Pacific Americans ("APA's") in the United States, consisting of 2.9 percent of the total U.S. population. The APA population increased in size by 95 percent since 1980. About 66 percent of Asians were born in foreign countries, with 38 percent of Asians entering the United States from 1980 to 1990. Cambodians, Laotians, and Hmong were the highest proportion of persons immigrating during this period. The median age of the Asian community was 30 years in 1990, compared to the national median of 33 years. Only 6 percent of Asians are 65 years old and older, compared with 13 percent of the total population.

2. Immigration Policy: APA's Suffer a Long History of Discrimination

U.S. immigration and naturalization policy remains a significant concern of the APA community. Because APA's have been historically discriminated against in immigration policy, the APA community continuously keeps a careful watch on Congressional and executive branch

COP 008514

COMMITTEE ACCESS

isions. For example:

*In 1790, Congress passed a law limiting naturalization to "free white persons."

*The Chinese Exclusion Act of 1882 suspended immigration by Chinese laborers for ten years. This marked the first time the United States has restricted immigration on the basis of race or national origin.

*In 1907, in the "Gentlemen's Agreement," the United States promised not to ban Japanese immigration in exchange for Japan's pledge not to issue passports to Japanese laborers. By separate order, President Roosevelt prohibited secondary immigration from Hawaii to the mainland.

*In 1917, Congress enacts a literacy requirement for all new immigrants, and designates Asia as a "barred zoned zone," except Japan and the Philippines) from which immigration will be prohibited.

*In 1924, the Johnson-Reed Act establishes a national origin quota system, and bans all immigration by persons "ineligible to citizenship" -- primarily affecting the Japanese.

*In 1934, the Tyding-McDuffie Act placed a quota of 50 immigrants per year on immigration from the Philippines.

Heads Up: With the historical mistreatment of APA's in U.S. immigration policy, APA's are cognizant of and strongly opposed to any discriminatory laws (intentional or disparate impact) that adversely affect their community.

3. APA's Oppose H.R. 2202 and CIR Proposals: The Significant Elimination of the Family Preference Categories

Of grave concern to the APA community is the ability to unify the family unit. Current family immigration policies allow U.S. citizens to bring spouses, children (married and unmarried), parents, and brothers and sisters to the United States. Legal permanent residents may sponsor spouses and unmarried children. As such, 64 percent of legal immigrants come to the U.S. to rejoin family members.

The INS divides family members eligible for sponsorship into two categories: 1) Immediate Relatives of U.S. Citizens; and 2) Family Preference System.

Under the Immediate Relatives System, spouses, unmarried minor children, and parents of U.S. citizens are eligible for immigration. While there is an unlimited number of visas available each year, it is estimated that 253,000 persons will immigrate to the United States as immediate relatives in FY 1995.

Under the Family Preference System, visas are distributed among four different

categories, with the first receiving top priority. The INS allows in unmarried and married adult children, and brother and sisters of U.S. citizens; and spouses and unmarried minor and adult children of legal permanent aliens. The four categories are as follows:

Category 1:	Unmarried adult children (21 years or older)
Category 2A:	Spouses and minor children
Category 2B:	Unmarried adult children (21 years or older)
Category 3:	Married adult children
Category 4:	Brothers and sisters

There are two major immigration proposals at the discussion table: 1) H.R. 2202, sponsored by Representative Lamar Smith; and 2) the proposal recommended by the U.S. Commission on Immigration ("CIR"), formerly chaired by the late Barbara Jordan. H.R. 2202 and the CIR, seek to significantly limit family immigration from 480,000 (FY 1995) to 330,000 and 400,000 persons, respectively. H.R. 2202 and CIR eliminate all family preference categories except category 2A (spouses and minor children). However, both proposals retain the unlimited immigration of immediate relatives (spouses, minor unmarried children, and parents) of U.S. citizens.

Heads Up: APA's are strongly opposed to H.R. 2202 and CIR proposals because of its detrimental effect on the Asian Pacific American community. Under H.R. 2202, a significant number of persons eliminated will be Asian immigrants. Many of these family members have been on the waiting list for ten years or more. Of the 824,000 immigrants waiting in the adult children category, over 300,000 are from Asian countries. Approximately 240,000 are from the Philippines, 23,000 are from China, 17,000 are from India, 11,000 are from Taiwan, and 10,000 are from South Korea.

4. Top APA Priority: Maintain the Fourth Preference for Brothers and Sisters

While the APA community seeks to maintain all family preference categories, the "fourth preference" (brothers and sisters) is of significant importance to the APA community. State Department reports indicate a backlog of 1.6 million brothers and sisters waiting for family preference visas as of 1994. Nearly 1.1 million or 69 percent of the backlog are from Asian countries alone -- 285,000 are from the Philippines, 207,000 are from India, 154,000 are from China, 135,000 are from Vietnam, 86,000 are from Taiwan, 67,000 are from South Korea, 52,000 are from Hong Kong, and 37,000 are from Pakistan. Currently, only 65,000 immigrants are allowed visas under the Fourth Preference each year.

Heads Up: Brothers and sisters are considered part of the "immediate family" in the APA community. As such, maintaining the Fourth Preference is of extreme importance to the APA community.

White House Position: The White House has been silent as to its support of the Fourth Preference

COP 008516

COMMITTEE ACCESS

J. APAs Show Mixed Support in Retaining Affirmative Action Policies and Programs

1. Myth versus Reality: APAs Still Unequal in Status

Asian Pacific Americans ("APAs") share two underlying attitudes which impact on how they view affirmative action and race-related issues, generally. First, the vast majority of APAs want to live in a society where hard work and perseverance are rewarded. Generally speaking, APAs are confident of their ability to compete in school or in the corporate environment.[6]

Confidence and ability, however, does not translate into social equity for APAs. The facts clearly indicate that APAs have yet to gain parity in earning, managerial, and economic status. For example:

*Whites with college degrees make almost 11 percent more than APAs with college degrees. Whites with a high school education make almost 26 percent more than APAs with a high school education.

*The 1992 Heidrick and Struggles study of 806 of the public Fortune companies revealed that APA women held less than one one-hundredth of one percent of board of director positions, and APA men held less than two-tenths of one percent of those positions.

*In 1989, U.S. born APA doctoral scientists and engineers earned 8% less of that of White doctoral scientists and engineers.

2. Misperception That APAs are Financially Stable

Pervasive is also the misperception that APAs are financially stable. About 11 percent of APA families lived in poverty in 1989, a rate slightly higher than the 10 percent national rate for all families. Hmong and Cambodian families had the highest family poverty rates of 62 percent and 42 percent, respectively. The APA per capita income was $13,806, compared with $14,143 national per capita income. The per capita income for Cambodians and Hmongs are $5,120 and $2,692, respectively. About 6.5 percent of APA legal immigrants receive public assistance, compared to eight percent of the total U.S. population.

3. APAs Show Mixed Support for Affirmative Action Programs

A significant view amongst APAs is that they strongly support affirmative action. Those who have spoken out stress that the selection and promotion processes in the business world and elsewhere often are shot through with favoritism - old-boy networks, mentorship, perks, various other forms of corner cutting - that still favor white males at the expense of women and

---

[6] See e.g. Federal Glass Ceiling Commission, Good For Business: Making Full Use of the Nation's Human Capital, Washington, D.C. 1995

COMMITTEE ACCESS

minorities. APAs assert that affirmative action is one legitimate way to ameliorate the situation.

APAs also maintain that affirmative action programs can be set up without resort to quotas or mandates. APAs acknowledge that affirmative action must be consistent with ideals of merit and personal responsibility. If affirmative action programs fail in this respect, then it should be fixed, not ended.

Finally, APA proponents of affirmative action express strong apprehension that conservatives will use the issue of affirmative action to pit APAs against African Americans and Hispanics (by characterizing APAs as the "model minority" that has succeeded without relying on preferential programs).

However, an equally significant portion of the APA community support the elimination of affirmative action. APAs who oppose affirmative action recoil at the notion that APAs, women and minorities are victims of society. Second, they express concern that affirmative action is being used in some cases to create quotas that penalize APAs. This is particularly a concern in the area of university admissions. Third, in lieu of affirmative action, they express a preference for diversity programs and other measures to "educate" the public about race. Some also favor more effective enforcement of discrimination laws.

Heads Up: Affirmative action is met with wide diversity within the APA community.

K. APAs Support SBA Programs That Enable Minority Firms to Become Preferred Supplies for Federal Contracts

In 1994, approximately $195 billion was spend on federal procurement. About $9 billion in contracts were awarded to minority firms, of which $4.4 billion went to 8(A) firms. An 8(A) firm is a federal program administered by the Small Business Administration that certifies small businesses owned by women, minorities, veterans, and disabled persons to become certified as preferred suppliers for federal contracts. The program was created by the Small Business Act of 1958.

APA's accounted for 1,137 or 20.1 percent of 8(A) firms, resulting in $1.1 billion or 25 percent of 8(A) funding.

Heads Up: Federal programs that give preference to women and minorities are under scrutiny by Congress. APA's strongly urge the continuation of such SBA programs that enable minority-owned small businesses to grow, develop and compete in the marketplace.

L. Glass Ceiling: Asian Pacific Americans in Corporate America

1. APAs Above the National Average in Education

APAs are well prepared to become corporate managers. As a whole, APAs are above

the national average in terms of educational achievements at both the high school and college levels. 20 percent of the general population has graduated with a bachelor's degree or higher, whereas 38 percent of APAs have earned bachelor's degrees. Between 1979 and 1989, the number of bachelor's and master's degrees have doubled. While the rate of gain for doctorates is somewhat lower, the 46 percent increase in doctorates earned during this period by APAs puts them ahead of all other groups.

2. Stereotypes Result in Managerial Underrepresentation

There is widespread stereotype that APAs are not affected by the glass ceiling. Studies show that while APAs are well represented as professionals in the workforce, they are underrepresented in executive-managerial positions. The Federal Glass Ceiling Commission showed that while APAs are held in high regard, they are not selected to become members of management teams. Dangerous stereotypes of APAs as being better suited for technical work rather than people-oriented work is a major reason why they are often not considered leadership material.

3. APAs Nearly Void in Corporate Directorships and Senior Executive Positions

Attitude concerning leadership potential is also reflected in the small number of Asians who serve on the board of directors of major corporations. In a 1992 Heidrick and Struggles study of 806 of the public Fortune companies, APA women held less than one-hundredth of one percent of seats, and APA men held less than two-tenths of one percent of the seats. A recent survey of highly successful executives in Fortune 500 companies show that only 0.3 percent of senior executives are APAs.[6]

4. APA Annual Earnings Lower than White Counterparts

The low promotion rates of APAs have affected earning potential. Even with English fluency and higher levels of education, the average annual earnings of APA's continue to be lower than their White counterparts in the same occupations. The Glass Ceiling Commission found that APAs receive lower yield in terms of income and promotions.

Some research has even suggested that foreign-born APAs experience increasingly lower returns despite more years of education than their White counterparts and that their returns often decrease as education and age increase. This suggests the existence of racial barriers or the possibility that European employees with English-language difficulties are treated differently than are those who immigrated from Asia or the Pacific Islands.

---

6 U S COMMISSION ON CIVIL RIGHTS, *Civil Rights Issues Facing Asian Americans in the 1990's* 133-34 (1992) quoting KORN/FERRY INTERNATIONAL, *Korn/Ferry's International Executive Profile A Decade of Change in Corporate Leadership* 23 (1990)

M. Clinton Administration Appointees Buck the National Trend

President Clinton has made more APA appointments than any previous Presidential admi stration. To date, Clinton has appointed over 170 APA's to significant posts in the feder government, three times more than President Bush. According to the White House Offic of Personnel, APA appointees account for 3 percent of the administration, in parity with 3 per ent of the APA population in the U.S. A summary is as follows:

3 percent of the top positions requiring senate confirmation (PAS); an increase of 155 percent over the Bush administration.

3 percent of the non-career Senior Executive Service; an increase of 225 percent over the Bush administration.

3 percent of Presidential Appointments (PA) positions; and increase of 733 percent over the Bush administration.

3 percent of Schedule C positions; an increase of 117 percent over the Bush administration.

ached are your talking points.

Talking Points for Vice President Al Gore
Asian Pacific American Leadership Council Breakfast
February 20, 1996

[Acknowledgments from advance]

I. Thank goodness it's warmed up a little here in Washington. It's been so cold recently people thought I was frozen stiff.

II. Today is one of those days when you can really see the difference between Republicans and Democrats.
President Clinton is here at the White House . . . hard at work . . . keeping up the fight for jobs, education, the environment, Medicare, and fair treatment for all our people.
Meanwhile, on this primary day, the Republicans are up in New Hampshire -- screaming at each other, slinging mud, and looking pretty bad.

COMMITTEE ACCESS COP 008521

III. One of them will eventually win, of course. But when he does, he'll face something even more daunting than the New Hampshire snow or Pat Buchanan's scowl. He'll face Bill Clinton's record of achievement.

IV. It's hard to argue with success. And it's hard to argue with the facts of the Clinton presidency. Since Bill Clinton became President,

– The American economy has generated nearly 8 million new jobs.

– The national unemployment rate has come down dramatically.

– Inflation has dropped to a 30 year low.

COMMITTEE ACCESS COP 008522

The Misery Index – unemployment and inflation combined – is at its lowest level in 28 years.

– The budget deficit has dropped three years in a row for the first time since Harry Truman was President.

– Home ownership last year reached its highest level in fifteen years.

V. President Clinton has turned this government around, this economy around, by relying basic values – the type of values Asian Pacific Americans learn from their parents and grandparents. . . . Anyone who works hard ought to have a fair chance to get ahead.

COMMITTEE ACCESS EOP 008523

. . . A strong country cannot abandon its weakest citizens. . . . And diversity is not an American weakness -- but a fundamental American strength.

VI. But those Republicans up there in New Hampshire don't seem to understand these mainstream values. And they don't have much to put up against the President's record of success. So they're resorting to two techniques of the desperate.

VII. First, they're trying a divide and conquer strategy. The more you listen, the more you hear scary talk about putting up barriers, constructing walls, and digging trenches -- all to keep out immigrants . . . to keep out goods . . . to keep out ideas. That strategy has been tried before, and it's been a dismal failure.

EOP 008524

COMMITTEE ACCESS

Our diversity is our strength. Our connections to the rest of the world are a source of pride and prosperity. And this country would be a better place if we spent less time building walls – and more time breaking the glass ceiling.

VIII. Second, these desperate Republicans are trying to change the subject. Because of President Clinton's outstanding record, they can't talk about the economy. They can't talk about crime. They can't talk about the environment or education or Medicare. So they go back 15 years, spend millions of taxpayer dollars, and talk about the First Lady's law practice.

That's wrong. And to the cynical souls who are doing all this, I say . . . show some courage, and cut it out.

COMMITTEE ACCESS

COP 008525

IX. Asian Pacific Americans have had enough of that kind of politics. You've gravitated to the political arena, and supported this President, not to score points — but to improve lives. And this President is grateful for your support.

I'm sure he told you that when you heard from him last night.

X. But let me say it again. We need your ideas, your enthusiasm, your experience, and your wisdom. Our door is always open, and we'll do everything we can to give life to the values we all share.

XI. Thank you again for your support. The election of 1996 won't be easy. But if we work together, together we will triumph.

EOP 008526

COMMITTEE ACCESS

Democratic National Committee
Asian Pacific American Leadership Council Breakfast

with

Vice President of the United States
Al Gore, Jr.

PLS ADD: MR. CHARLIE TRIE
CHAIRMAN
DAIHATSU INT'L TRADING CORP
1407 S. CLEVELAND
LITTLE ROCK, AR 72204-

Mr. Leo Chan
Chairman & CEO
Colt America Ltd.
9901 Cozy Glen Circle
Las Vegas, NV

Mr. David Chen
4208 Shiloh Drive
Birmingham, AL 35213

Ms. Ethel Chen
Ethel Chen & Associates
39-15 Main Street, Suite 303
Flushing, NY 11354

Dr. Jau Fei Chen
E. Excel International, Inc.
~~1250 N. Mountain Springs Parkway~~ 1198 NORTH SPRING CREEK PLACE
Springville, Utah 84663

Mr. Andrew J.C. Cherng
President & CEO
Panda Management Co.
899 El Centro Street
South Pasadena, CA 91030

Mr. Richard J. Choi
Chairman
A.I.C. Green, Inc.
American International College
4601 Wilshire Blvd., Suite 123
Los Angeles, CA 90010

Mr. Meinarko Dananto
860 Gretna Greenway
Los Angeles, CA 90049

Mrs. Sandra Elnitiarta & Mr. Didi Kurniavan
President

EOP 046162

Panda Real Estate Investments, Inc.
5825 Sunset Blvd.
Hollywood, CA 90028

Mr. Yopie Elnitiarta
Panda Real Estate Investments, Inc.
5825 Sunset Blvd.
Hollywood, CA 90028

Mr. Alex Huang
President
Taiwanese American Chamber of Commerce of Greater Los Angeles
3111 Via Mondo
Compton, CA 90221

Mr. Herbert Huang
Executive Vice President & CEO
Top of California, Inc.
5623 Peck Road
Arcadia, CA 91006

Ms. Maria Hsia
Director
International Buddha Light Assoc.
c/o 55 E. Huntington Drive, Suite 277
Arcadia, CA 91601

Ms. Pauline Kanchanalak &
Ms. Georgie Kronenberg
Ban Chang Group
3050 K Street, N.W.
Washington, D.C. 20007

Mr. Miechael Leung
193-07 McLaughlin Ave.
Holliswood, NY 11423

Mr. Kwai Fai Li
Chairman
Ludanlan Group
5825 Sunset Blvd., Suite 211
Hollywood, CA 90028

Ms. Shulan Liu, General Manager
Mr. Yunling Ren, President
Ms. Xiaoxia Ren, Manager
Yun Shih Lan International, Corp.
410 S. San Gabriel Blvd., Suite 10
San Gabriel, CA 91776

Mr. Henry Ly
President
Anhing Corp.
418 North Avenue

Los Angeles, CA 90031

Mr. Kazuhiro Nakagawa
President & CEO
Sunflower Holding Co.
2333 Branden Street
Los Angeles, CA 90026

Mr. Pin Ni
President
Wanxiang America Corp.
2400 Elainhurst Road
Elk Grove Village, Illinois 60007

Mr. Richard Park
Principal, Park's Jewelry
851 Southwestern Avenue
Los Angeles, CA 90005

Dr. Ted Sioeng
Chairman
Panda Industries, Inc.
5625 Sunset Blvd.
Hollywood, CA 90028

Mr. Ben Tang &
Mr. Jili Qian
J & B International
1173 Katy Court
Upland, CA 91784

Ms. Maeley Tom
Cassidy & Associates
1127 11th Street, Suite 431
Sacramento, CA 95814

Mr./Mrs. Jimmy C.M. & Jean Lim Tsang
Goldlion International, Inc.
5825 Sunset Blvd., Suite 205
Hollywood, CA 90028

Dr./Mrs. Chi & Ernestine Wang
8344 Old Dominion Drive
McLean, VA 22103

Mr. Kang Song Ye
President & CEO
Kang Long Group
9630 Alpaca Street
South Elmonte, CA 91733

Patrick Pei Chen Ying
President
AST Sportswear, Inc.

115 W. 30th Street, 5th Floor
New York, NY 10001

Mr. Huey-Min Yu
President
Platinum Group
17890 Castelton Street, Suite 112
City of Industry, CA 91748

Mr./Mrs. Timothy & Cecilia Yu
C.K.Y., Inc.
3480 Torrance Blvd., Suite 100
Torrance, CA 90503

Dr. Rui Kang Zhang
E. Excel International, Inc.
~~1590 N. Mountain Springs Parkway~~ 1198 NORTH SPRING CREEK PLACE
Springville, Utah 84663

Mr. Stephen Zhou
President
Zarke International Corp.
55 E. Huntington Drive, Suite 277
Arcadia, CA 91601

(1) MS. YAN GE
133-18 AVERY AVE., 2ND FLOOR
FLUSHING, N.Y. 11355

(2) MR. BRUCE KANG TONG CHEUNG
c/o JESSICA ELNITIARTA
5825 SUNSET BLVD
HOLLYWOOD, CA 90028

(3) MR. YIBIN CHU
c/o JESSICA ELNITIARTA
5825 SUNSET BLVD
HOLLYWOOD, CA 90028

(4) MS. NINA WANG
c/o COMMERCE CORP.
SUITE 560
1455 PENNSYLVANIA AVE. N.W.
WASH., DC 20004

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/13/97

Albert Arnold Gore, Jr., Vice President of the United States, date of birth March 31, 1948, Social Security Account Number: [redacted] was contacted via prior arrangement at his residence, U.S. Naval Observatory, Massachusetts Avenue, N.W., Washington, D.C. George Frampton and James Neel, Vice President Gore's legal counsel, and their assistant, Susan Kaslow, were also present during the interview. After being advised of the identities of the interviewing agents and that of Department of Justice Attorneys Peter Ainsworth, Jonathan Biran, Charles LaBella, and Lee Radek, Gore provided the following information:

During 1995, there were numerous discussions in small groups, which included President Clinton and Vice President Gore, regarding the issues of raising additional monies for the Democratic National Committee (DNC). As early as January 1995, President Clinton and Vice President Gore were looking forward to the new election cycle. During the spring of 1995, the DNC had scheduled some fund-raising events. However, it became obvious during the summer of 1995, that the DNC would need to raise additional monies in order to put television ads on the air. With the scheduled events that the DNC had during the summer of 1995, the monies raised would just be enough to pay the existing DNC bills and there would be no remaining money for the media fund. It was not until the fall of 1995 that there were discussions regarding the Vice President making fund-raising telephone calls in support of the DNC media fund. President Clinton and Vice President Gore were keenly aware that there was a need to raise more money if the television ads were to be run. Such money could be raised more easily if both the President and Vice President were personally involved in fund-raising efforts. The idea to make fund-raising telephone calls was an attempt to raise the needed money and at the same time reduce the amount of time that the President and Vice President were out on the road at fund-raising events.

Vice President Gore was shown a memorandum, dated December 18, 1995, from Harold Ickes to the President, et al., and the five related documents. The interviewing agents directed Vice President Gore's attention to the first paragraph to a reference of "DNC budget and fund-raising meeting on 21 November 1995 in the map room." Although Vice President Gore recollects

Investigation on 11/11/97 at Washington, D.C.

File # 58A-HQ-1193317-VPG Date dictated 11/11/97

by SA Martin F. Harris
SA Mark Richard Stanley:kjb

EXHIBIT
VPOTUS #2
4/13/00

FBI-TRIE154

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency.

FD-302a (Rev. 10-6-95)

58A-HQ-1193317-VPG

Continuation of FD-302 of Albert Arnold Gore, Jr. On 11/11/97 Page 2

attending the 11/21/95 meeting, discussions of the fund-raising calls for him and the President would not have been discussed at that meeting. The discussions regarding the fund-raising calls would have been conducted in a meeting which preceded the November 21, 1995 meeting. The November 21 meeting would have also been preceded by discussions within a small group, including the President, the Vice President, Leon Panetta, Harold Ickes, and possibly one or two other individuals. The issue of the Vice President and President making fund-raising calls would have probably been referred to in the November 21 meeting, but probably only in passing and not discussed in detail. The discussion in the smaller group was not a debate session and again, the idea of the President and the Vice President making fund-raising calls seemed attractive because it would require less time and expense to raise the necessary money.

The smaller group meetings were held on a regular basis during this same time frame (November 1995). The meetings were generally run by Ickes during which he (Ickes) presented an agenda of approximately five - six items dealing with fund-raising and campaign issues.

The smaller group meetings were not the meetings commonly referred to as the "Wednesday meeting," also known as the "residence meetings," which were held in the yellow Oval room of the White House. The topics of discussion at the "residence meetings" usually centered on the polling results in support of the DNC commercials. The group would also review new commercials, which were planning to be aired. These "residence meetings" were attended by approximately thirty people. There were also infrequent meetings held in the map room, as needed. These meetings would be attended by six - ten people and were usually held so that an issue could be resolved by the President.

Vice President Gore was shown a copy of a memorandum dated November 20, 1995, from Ickes to the President. The interviewing agents directed Vice President Gore's attention to the first paragraph regarding "This confirms the decisions made at our meeting 18 November 1995." Vice President Gore advised that he never saw this memo. However, it implies that the November 18, 1995 meeting may have been one of the small meetings which he (Gore) discussed earlier where the issue of fund-raising

FD-302a (Rev. 10-6-95)

58A-HQ-1193317-VPG

Continuation of FD-302 of Albert Arnold Gore, Jr. On 11/11/97 Page 3

calls was brought up.

Vice President Gore was shown a copy of a memorandum dated November 28, 1995, from Harold Ickes to the President and Vice President, et al. The interviewing agents directed Vice President Gore's attention to the last paragraph of the first page, which listed "approximately 20 phone calls by the President, approximately 15 phones call by the Vice President." Vice President Gore advised that he does not remember ever seeing this memo. He stated that the number of telephone calls to be made by the President and Vice President was never discussed with him and he doubts that the issue was ever discussed with the President. This was because the general decisions were made by the President and then Harold Ickes and the DNC would try to make sense of it. The number of fifteen calls for the Vice President and twenty calls for the President may have been an effort by the DNC to put a reasonable number of such calls on the President's and Vice President's schedule. However, this did not reflect a conversation between the Vice President, the President and the DNC.

Vice President Gore was shown a copy of a computer E-mail dated November 24, 1995, from K. Hancox to Kimberly H. Tilley. Vice President Gore stated that he did not see this E-mail initially but has seen it through newspaper accounts. Again, the reference to "on their own" was consistent with the President and the Vice President initiating the idea of the fund-raising calls to reduce the amount of time on the road that would be required to fund the media campaign. The practice of "issue" advertising was a well-established practice by previous campaigns.

From a historical background, the need for the media campaign began in January 1995. This was when Newt Gingrich was sworn in as the Speaker of the House and the Republicans were the majority party. The Republican agenda (Contract with America) was at odds with the direction the Clinton Administration had intended for the country. Vice President Gore felt that these differences would come to a head near the end of the fiscal year, October 1995. He stated that in February 1995, he advised the President that there was a likelihood of a government shutdown in October 1995. At the time, the Republicans had a higher approval rating in the public opinion polls. Vice President Gore felt

that in order to frame the upcoming election, the Democrats had to get their version as to the course of the country to the public. The public needed to be informed as to why this pending Republican agenda was not good for the country. At the time, the DNC was financially just barely keeping their head above water, but it was felt that they (DNC) could take on this media effort.

As the time for October 1995 was approaching, the only way that the Democrats could get their message out to the public was through the television ads. These ads had been budgeted at approximately one million dollars per week. The only way to get the message out was through the television ads and the only way to raise enough money for the DNC was for the President and Vice President to get personally involved in fund-raising. The DNC was running approximately one million dollars worth of television ads per week, depending on the DNC budget. However, this was on a week to week basis. Vice President Gore stated that when the DNC ads went off the air, the polls reflected an increase in the approval rating of the Republicans, but while the ads were running the Republicans approval rating fell. A government shut down was imminent.

During the November meetings, there was no discussion of where the fund-raising calls were to be made from. This issue was never discussed in the small or large meetings - at least, never in the presence of the President and Vice President.

The small meetings would usually be held based on a request from Harold Ickes. President Clinton would then convene one of these small meetings as needed. As background, there was a huge struggle going on between Dick Morris and Harold Ickes regarding the media effort. Morris was a strong advocate of having the television ads run each week. Ickes was highly skeptical of this approach. Ickes was also the liaison to the DNC, and as such was protective of the DNC budget. Any of the disagreements between Morris and Ickes over the media effort were resolved by the President. One of the normal disputes between Morris and Ickes would be around the issue of whether it was possible for the DNC to take on the media campaign without busting the DNC budget. There were also smaller disputes over particular ads, such as Ickes would feel an ad produced by Morris was terrible. Morris would then produce polling data that said the ad was good. Ickes would then question the legitimacy of the

polling questions which had been asked. There were also disagreements over Morris being paid by the DNC. It was commonly known that Morris and Ickes did not like each other.

The small meetings were scheduled on very short notice and there was not a discussion of the fund-raising calls made during these meetings. The President and Vice President had already agreed to make the fund-raising calls so there was no need to bring the issue up at the small meetings. The context of these small meetings was framed by the larger question "was it possible or feasible for the DNC to take on such a large media project and would the DNC be able to raise the large amount of money needed for the project?" Vice President Gore said the answer to this question was "yes" because the President was the titular head of the DNC. Traditionally, the incumbent is able to do more for his party. Vice President Gore stated that he and the President were willing to do more personally to raise money for the media campaign by making more fund-raising trips and meeting with people to ask for contributions. However, there is also a need to balance the time spent in cities trying to raise money with spending more time on official duties. Vice President Gore stated that he had prior experience in calling people to raise money and knew that this could be done to raise money for the media fund.

Vice President Gore was shown a copy of a memorandum titled "DNC 1995 Budget Analysis - 11/21 POTUS Presentation." Attorney Ainsworth directed Vice President Gore's attention to the second page of the memo and the paragraphs numbered five - seven. Vice President Gore stated that the increase in the media budget from ten million to thirteen million, reflected the constant struggle between Morris and Ickes. Vice President Gore stated he had not seen this memorandum and that he did not typically read Ickes' memos. There was usually one of these memos produced each day. He stated these memos were ideological tracts (budget analysis) of the struggle between Ickes and Morris. Ickes would constantly document for the President reasons to show why Morris' ideas were "nuts" and would destroy the DNC. Vice President Gore stated that Ickes' memos would remain in his in-box until they were removed and destroyed. At the November 21 meeting, the topic of discussion was probably the DNC budget outlook and discussions regarding the potential

sources of income. It was also discussed whether it was feasible to continue the television ads at a cost of one million dollars per week. Vice President Gore stated that in general terms, he does remember the topic of the media budget being increased from ten million to thirteen million dollars being discussed during this meeting.

Vice President Gore stated it was his understanding from the start that the media fund was funded by so called "soft" money. He stated that he does not recall any discussions about "hard" and "soft" money relating to the media fund. From the start, the media fund was feasible because it could be financed by corporate money or non-federal money. Vice President Gore was aware that the DNC needed to raise both "hard" and "soft" money. However, the "issue ads" were financed through the use of "soft" money.

Vice President Gore was directed back to the memorandum titled "DNC 1995 Budget Analysis - 11/21 POTUS Presentation." Vice President Gore advised he remembered the DNC budget and the effect of the ads on that budget being discussed during the November 21 meeting. Vice President Gore does not remember going over the issue (paragraph seven) that one million of the new 2.2 million dollars needed to be raised for the media budget would be "hard" money. Vice President Gore stated he is confident that he did not know that anything other than "soft" money was used to fund the media effort.

Vice President Gore stated there were frequent references that the DNC needed to raise a combination of "soft" and "hard" money to optimize the workings of the DNC. Vice President Gore stated that in regards to the "hard" and "soft" money ratios, that was a science he did not involve himself in. He stated he now knows something about the "hard/soft" ratios but there was a great deal of what he did not know about the "hard/soft" issue that was a mystery to him. Vice President Gore stated he does not know if the memorandum was distributed at the November 21 meeting. He recalls that there were budget tables distributed at the meeting. The specific topics of the "hard/soft" money in regards to the media fund, to his recollection, were not discussed.

Vice President Gore stated it was his understanding

that the media fund was a fund for the production and purchase of commercials to be run by the DNC. Vice President Gore advised he never saw any DNC accounting information indicating there was a separate, discrete account set up for the media fund. However, he believes that the DNC's media fund was analogous to the Social Security fund. Vice President Gore stated that as a result of being involved in the fund-raising process, he has become aware that if you are asking someone to contribute it is better to allow the donor to make a firm connection to a result of their contribution. People are less likely to give money if they think it will be used to pay the salaries of employees, travel budgets of the chairman, and pay for lavish parties. The media fund was a way of describing the need for extra money to be raised for the television ads. It was easier to get people to contribute if they could tie their contribution to a specific thing, such as the television ads. The DNC financed an effort to put the ads on television and possibly on the radio. The funding for the television commercials came from the media fund. The television ads were aimed at showing the contrast between the Gingrich/Dole agenda and the Democratic Party's agenda.

Vice President Gore stated that the idea for the media campaign and the television ads may have begun in May 1995. The idea for the media campaign was Dick Morris'. Initially, Morris advocated running the commercials for a few weeks. Sometime prior to May 1995, meetings were held to discuss the media campaign. These meetings were informal and would sometimes only consist of the President talking separately with Morris. Vice President Gore stated the President would then come to him and ask for his thoughts about the media campaign. In late spring 1995, the President and Vice President Gore started raising funds for the DNC and the Clinton/Gore re-elect. The earliest commercials shown in the media campaign may have been related to the President's crime bill. All of the television ads focused on issues where the Democrats and the President were on one side of an issue, with the Republicans on the opposing side of the issue. The overall goal for the media campaign was in preparation of the anticipated battle over the budget. Initially, Morris had an idea to compromise with the Republicans, specifically with Trent Lott over the budget. A secondary goal of the media campaign was to frame the Democratic position for the reelection in 1996. The overall goal of the media fund was to prepare the battle field for the clash at the end of the year over the anticipated

government shut down. The Vice President stated he had forewarned the President that this shut down was coming. If the ads were able to affect how Americans viewed the Democrats, they (Democrats) could win the budget battle with the Republicans. In addition, winning this budget battle would frame the reelection of the following year. Vice President Gore stated that in the meetings where the media campaign was discussed, he at first listened and then became an advocate for doing more (fund-raising) and launching the media campaign.

Vice President Gore stated there were several types of meetings in which the media campaign was discussed. One was the large "Wednesday or Residence" meetings, where the attendees would see the proposed television ads and hear the polling results. The DNC pretty much respected the wishes of the President in regards to the media campaign. The decision making process of the President regarding these media campaign issues included advice from his advisors, including DNC officials, information from the polls, discussions about the affordability of the media campaign and what effect or response the television ad would have on the Republicans. As a practical matter, the President would make any decision related to the media campaign. The media campaign television ads continued to focus on the clash between the Democrats and the Republicans. The media campaign was used to keep the pressure on the Republicans.

Vice President Gore stated it was understood that the President and he would have to do a lot more personal fund-raising to obtain the necessary monies for the media campaign. During meetings, the issues of how the DNC was presently raising money were discussed. These areas included how the direct mail campaign could be improved and discussing the number of fund-raising events that needed to be scheduled to meet the goals. It was understood that the media fund required adding extra effort by the President and Vice President. The only elasticity in the fund-raising system was the degree to which the President and Vice President would devote to these activities.

Vice President Gore stated that at the time, he was operating under the impression that the DNC was short of "soft" money. "Hard" money was raised from events with individual donors. Vice President Gore was shown a copy of a memorandum dated October 20, 1995, from Harold Ickes to the President and

Vice President. The interviewing agents directed Vice President Gore's attention to the second page, first paragraph, referencing "since the approximate ratio of hard/soft for the media purchases to date is approximately 40%/60%." Vice President Gore stated the memorandum would have been sent to his office, but he would not have seen it, again because it was a Harold Ickes memo. As background, every memorandum to the President was copied to the Vice President. In addition, the Vice President also receives memoranda which are directed to him from his staff. Vice President Gore stated that when Harold Ickes started producing these types of memoranda, he (Gore) would not look at them. There are two in-boxes for incoming memoranda in the Vice President's office. One is located on the Vice President's desk and the other on the desk of the secretary. Vice President Gore would set aside the Harold Ickes memoranda and they would start to stack up. Eventually, a secretary would come into the office and automatically send these types of memos to the Vice President's Chief of Staff. Because of the clash between Morris and Ickes, the significance of the memoranda was diminished. Vice President Gore stated he knew that the memoranda only stated Ickes' position and that there was another side (Morris') to the issues. Vice President Gore advised that his Chief of Staff would alert him to anything that he (Gore) needed to see in the memorandums. However, Vice President Gore assumed the subject matter of the memorandums would have already been discussed in his and the President's presence.

Vice President Gore stated that if he read a memorandum, he would usually place a right-handed check mark in the upper left-hand corner of the document or by the caption of the document. Vice President Gore does not utilize a stamp. He stated if the document got to his in-box, and he read it, he would have almost certainly placed a check mark on the document. However, he qualified the statement by saying, if the volume of the documents that he was reviewing was high, he may not have placed a check mark on the documents. The memorandums received in the Vice President's office were not archived. Vice President Gore stated if he had seen the memo (10/20/95), it would have signaled that the media fund was made up of "hard" money. Vice President Gore stated that overall, he did know that the DNC's budgets required a mix of "hard" and "soft" money.

There were no separate meetings to discuss how the

media campaign was going to be funded. The topic may have been touched on but there were no specific discussions of how the money was going to be raised for the media campaign. The principal issues of discussion were the issues for the ads (health care, environment, et ct.) and whether the money could be raised.

DNC officials were almost always present in the Wednesday night meetings at the White House, as well as the infrequent Map Room meetings. However, the DNC officials were almost never in the small meetings. The small meetings were usually attended by the President, Vice President, Ickes, Panetta, and possibly the Vice President's Chief of Staff.

Vice President Gore was shown documents related to a supporters meeting held on October 13, 1995 in San Francisco and December 11, 1995 in Chicago, Illinois, for the purpose of discussing the media fund with likely contributors to the media fund. Vice President Gore stated these meetings were an attempt to introduce the media fund "wholesale" to a group of people rather than through individual calls. Both of these events were added to the Vice President's schedule after he had been scheduled to go to the respective cities for other purposes. The people in attendance at the meetings were individuals who would be willing to contribute to the DNC media fund. Vice President Gore assumed that the DNC organized these events and that the DNC finance division came up with the idea. Vice President Gore stated that during these meetings, the proposed television ads were shown to the attendees as a group and he made a pitch to them as a group.

The talking points for the supporters meeting in San Francisco were prepared by Eric Anderson, who was on the Vice President's staff. The talking points were developed or prepared in consultation with the DNC finance division. Vice President Gore stated that he would not use the talking points that were prepared for him. Vice President Gore would typically tell the attendees that the Democrats were in the middle of a struggle and they needed to win the fight with the Republicans over the budget. He advised the group that the Democrats were able to run ads for this purpose and that "soft" money (corporate) was allowed. Vice President Gore would then tie the ads with the polling results which would show the success of the commercials.

The commercials would then be shown to the group. Vice President Gore stated he would tie the commercials into the reelection campaign, as stated in the last bullet paragraph of the talking points for the supporters meeting. Vice President Gore stated the paragraph read "the outcome of this effort will not only affect the direction of many programs that affect Americans but will also frame the 1996 campaign." If there was hesitation on the part of a contributor, Vice President Gore would sometimes bring up the selling point that "soft" money was allowed because it is a lot easier to convince people to give "soft" money rather than "hard" money. Vice President Gore stated he did solicit the attendees for contributions during the meeting and sometimes let the attendees know that someone would be getting back to them in the future regarding a contribution to the media fund. Vice President Gore stated he was not sure if he told the attendees who would be getting back to them, but that it was safe to assume the attendees knew that someone would be contacting them. The attendees that were at the meetings were there because they were previous contributors. The DNC made the decision on what television ads were shown during these meetings.

Vice President Gore was shown a memorandum for the Vice President, dated February 26, 1996, titled "Weekly meeting with the President," which included "points for political budget meeting with President." Vice President Gore stated that he does not remember a "pep talk" meeting held on approximately February 28, 1996. He said that he does not think he went to this meeting because either the meeting was canceled or he was called out of town. He stated that in any event, he did not use the talking points which had been prepared by Ron Klain. Vice President Gore advised he believes these talking points were prepared by Ron Klain because the format of the talking points was characteristic of Klain's writing. He advised that he also knows the talking points were prepared by Klain because his memory has been refreshed by recent newspaper accounts.

Vice President Gore stated he has no recollection of the meeting and furthermore has never been scheduled to make a formal presentation at such a meeting. Vice President Gore advised that he would speculate the reason that Klain prepared the talking points was because of the continuing clash of recommendations between the President's advisors. Vice President Gore was identified with the school of thought to do more fund-

raising rather than less. Ron Klain's role was to try and arm the Vice President with specifics so that the Vice President could be persuasive in the discussions. Vice President Gore stated he does not remember seeing this memorandum during that referenced time period. Furthermore, he did not read the talking points at that time.

Vice President Gore stated that the list of people that he was to call for his fund-raising calls was prepared by the DNC. A block of telephone calling time would appear on his schedule to make the DNC fund-raising calls. David Strauss may have staffed the calls with the Vice President on one or two occasions. Peter Knight may have been present on one or two occasions also. On the days that the calls were on the Vice President's schedule, Heather Marabeti, the Vice President's Executive Assistant, would come into the Vice President's office with the call sheets from the DNC.

Vice President Gore stated that as background, there was an earlier period of thank you calls made during the spring of 1995, during which the calls were initiated and dialed from Peter Knight's office. Once the answering party was on the line, the Vice President was conferenced in. Vice President Gore stated that he assumed that the DNC fund-raising calls were going to be handled in the same manner (initiated and dialed from Peter Knight's office). However, at some point during the initial DNC fund-raising calls, Vice President Gore became aware that the calls were being initiated and dialed from his office. Vice President Gore advised that he realized there was a departure from this earlier practice and then asked his Executive Assistant "is it alright?" He stated that his Executive Assistant replied "yes, we have a credit card."

Vice President Gore stated his earlier practice in the Senate did not differentiate as to where you were sitting when you made the call but how the call was billed. It had to be clear that the call would not be billed as a government expense. As a House and Senate member, there were ethics rules regarding fund-raising calls from the official office. However, the only legal question involved the reimbursement of such calls. Vice President Gore stated that as a House and Senate member, he would leave his office to make calls due to this restriction. He was also advised during his tenure as a House and Senate member that

if he left a message for an individual from which he was attempting to solicit a contribution, that it was "ok" to leave his office number for that individual to call him back. When the individual then returned the call to the official office, there would be no reimbursement issue as the caller would be paying for the call.

Vice President Gore stated when he got into the White House, it was this background from his House and Senate days, that he used when the calls were made in the spring of 1995. Vice President Gore advised that because there was no charge to the taxpayers he thought these calls were "ok." Vice President Gore stated that he assumed that the individuals listed on the call sheets from the DNC had been advanced, meaning the individuals had been previously been informed that the Vice President would be calling them.

Vice President Gore was shown a copy of a DNC finance call sheet, dated November 27, 1995, for Jim Hormel. Vice President Gore stated that the information he looked for on such call sheets included any spouse information and additional notes. He stated that he looked at this information so that he would be alerted to what the person may possibly talk about during their conversation. The written "PSK" were the initials of Peter Knight, which indicated that Peter Knight was present during this call. Heather Marabeti's handwriting was the "L.M.2p 11/28". Joel Velasco may have written the telephone number beside Hormel's name. Vice President Gore stated that the writing "non-federal $ soft" and "will call back" was his handwriting. Vice President Gore could not identify who may have written "no federal $ '95," nor does he believe that this writing was on the call sheet when he used it to talk with Hormel. The telephone calls to the individuals listed on the calls sheets were actually placed by Joel Velasco.

Vice President Gore stated it was his understanding that the money he was asking for the media fund was "soft" money. Vice President Gore advised that he thought "hard" money was subject to the $1,000 limit to a candidate. If the candidate was involved in both a primary and general election, the limit would be $2,000. If the individual (contributor) had a spouse, there was a possibility of an additional $2,000 "hard" contribution. If the contributor had children, additional money could be given

toward "hard" money. In all, the aggregate total for all candidates could not exceed in total $25,000.

Vice President Gore stated when the controversy over his fund-raising calls broke, that was the first time he became aware that "hard" money could be given in any amount other than $1,000 or $2,000 increments. He advised that he thought the "soft" money which was contributed as a result of his fund-raising calls was anything above those limits ($25,000). He stated it never occurred to him that it could be anything but "soft" money. Again, he used "soft" money as a selling point for the media fund because an individual could use their company funds to make the contribution.

Vice President Gore stated that Peter Knight may have staffed a few (three) of his fund-raising calling sessions. David Strauss may have sat in on one or two of the sessions and Heather Marabeti on one of the sessions. Vice President Gore stated that to his recollection, there were approximately four or five sessions in which he made fund-raising calls. During each of these sessions, there were approximately four to five calls made to donors. The other sessions that were conducted consisted of only one or two calls to donors. Vice President Gore stated the instances when a contributor returned his call were probably treated as a call session by the media.

Vice President Gore stated that during the fund-raising call sessions, Peter Knight would sit across from his desk and make notations on the call sheet. He advised that Peter Knight was his former Finance Chair and is recognized by those in the fund-raising arena as being associated with Vice President Gore's efforts to raise campaign funds. At the time that Knight was staffing the fund-raising calls, he (Knight) was not an official at the DNC and was still an attorney at a law firm. Vice President Gore stated that he was confident that the DNC may have given Knight or Strauss some type of feedback regarding the status of his fund-raising calls. He advised that he did not receive this information directly, nor did he receive it from Strauss or Knight.

Vice President Gore was shown a copy of a memorandum dated December 20, 1995, from Marvin Rosen and Richard Sullivan to Harold Ickes and Karen Hancox. Vice President Gore stated he

FD-302a (Rev. 10-6-95)

58A-HQ-1193317-VPG

Continuation of FD-302 of Albert Arnold Gore, Jr. , On 11/11/97 , Page 15

has no recollection of this memo.

Vice President Gore was shown a copy of a DNC finance call sheet dated November 27, 1995, referencing Dr. C.J. Wang. Vice President Gore stated that upon reviewing the call sheet, he only remembered the general conversation, but no verbatim discussion during the call.

Vice President Gore was shown a copy of a DNC finance call sheet, dated December 1, 1995, in the name of Peter May. Vice President Gore stated that the handwriting for the two paragraphs on the call sheet was that of Peter Knight. He stated that reading this handwriting refreshes his memory as May wanted to honor him for the Simon Wisenthal Center. Vice President Gore stated he did make an appearance at the Center as requested in May's letter. Vice President Gore stated he had no knowledge that May was an overnight guest at the White House prior to receiving this fund-raising call.

Vice President Gore was shown a copy of a DNC call sheet dated April 22, 1996, in the name of Peter Angelos. Vice President Gore stated he does not specifically remember the conversation with Angelos, only that he remembers some type of confusion occasionally occurred on the part of the DNC. The DNC would sometimes ask the Vice President to call someone who had just given money or had already committed to give money. Peter Angelos may have already made it clear that he had already given money or was about to give money.

Vice President Gore was shown a copy of a DNC finance call sheet, dated February 1, 1996 in the name of Bob Johnson. Vice President Gore stated he has no independent recollection of the call, even though he does remember the call. Vice President Gore advised that he seems to remember Johnson making a point of insisting that it would be of benefit to the DNC to spend some of the money related to the media fund with black-owned or African-American owned radio and television stations. Vice President Gore stated that the attached "thank you letter" was probably prepared by the DNC finance division. Vice President Gore opined that the DNC finance division probably sent the thank you letters over to Heather Marabeti who would then bring the letters for him (Gore) to sign.

FD-302a (Rev. 10-6-95)

58A-HQ-1193317-VPG

Continuation of FD-302 of Albert Arnold Gore, Jr. , On 11/11/97 , Page 16

Vice President Gore was shown a copy of a DNC finance call sheet, February 1, 1995, in the name Eric Becker. Vice President Gore stated that the handwriting on this call sheet was that of David Strauss. In regards to the writing "soft $ is permitted," Vice President Gore stated this was only brought up to ease the sale of contributing to the media fund to Becker. Vice President Gore stated that not only did he not understand "hard" and "soft" money but that there is considerable doubt about the same topic in the donor community.

Vice President Gore was shown a copy of a DNC finance call sheet, dated February 1, 1995, in the name Jack Bendheim and directed to the writing "soft & corporate ok." Vice President Gore stated this language would always be found (referring to the "soft and corporate ok") on the call sheets when he made this distinction as a selling point. He stated the terms "need hard money" would never be found on the call sheets because he never brought that topic up in his discussion with the donor.

Vice President Gore stated he had no independent recollection of when he made the last fund-raising calls for the media fund. However, in preparation for this interview, he could place the date that the last calls were made as May 2, 1996. Vice President Gore advised that he was unsure of the reason that the fund-raising calls stopped. One reason may have been that there was always a need for a clear delineation between issue ads and candidate specific ads. In an issue ad, the ad cannot specifically ask people to vote for an individual campaign. Some of the DNC lawyers may have thought that closer to the time of the campaign, the issue ads had to be discontinued. Vice President Gore opined that another reason the calls may have stopped, was that it was about time for the President and himself to turn their attention to the campaign.

Vice President Gore stated he never inherited any fund-raising calls the President was not able to make. He stated that he never knew whether or not the President made fund-raising calls. He stated that from the knowledge that he has now, during the period of fall 1995 to spring 1996, he (Gore) made approximately forty-six calls, with possibly four additional calls made. Vice President Gore spoke with thirty-six people. Fourteen of those were not solicited (ie. Angelos). Twenty-two of the thirty-six people were called and asked for a

contribution. However, fourteen of the twenty-two actually gave money as a result of the call.

Vice President Gore stated that his independent recollection of the fund-raising calling sessions was there were a few occasions and a grand total of possibly two to three dozen people contacted. However, after the newspaper accounts about his fund-raising calls were issued, the numbers were inflated because the media took into account any calls more than one minute in duration and assumed these were fund-raising calls.

Vice President Gore stated that both he and the President took an active role in reviewing the ads run for the media campaign. He and the President reviewed rough copies of the ads, which were usually presented to the group attending the Wednesday meetings. He stated that both he and President Clinton were active participants in reviewing and changing the ads as they saw fit.

Vice President Gore stated no one educated him on "hard/soft" money. There may have been a lawyer or someone from the DNC, possibly Lynn Utricht, that was knowledgeable about the topic. Vice President Gore stated he never reached out for this information because he felt that he had been in the political game for years and there was no need for further advice on the topic.

Vice President Gore stated he remembers talking with Noah Liff. However, he was not sure if it was part of the fund-raising call program. Liff is identified as a Republican, although he has given to Vice President Gore in the past when Gore was a candidate.

Vice President Gore stated he never said anything to a potential contributor that would produce a feeling or impression of being uncomfortable on the donor's part. This was reported in Bob Woodward's article through the quotation of an anonymous person. Vice President Gore stated he absolutely would not say or do anything to produce that type of feeling or impression, nor had anyone conveyed such a feeling to him.

Vice President Gore advised he can speculate on how the DNC finance division prepared the list of people to be included

on the call sheets. He stated that the DNC finance division may have spoke with Peter Knight to determine who would be especially responsive to a call from the Vice President. He advised that all the call sheets he received for the media fund project specifically requested money to be raised for the media fund.

Vice President Gore stated that in regards to a call to David Cofrin, he does not think he (Gore) would suggest that Cofrin contribute to a coordinated campaign. A coordinated campaign is used to describe a mutuality of effort between local, state and federal candidates for projects such as "get out the vote." Vice President Gore stated he never asked for any money for the coordinated campaign during his fund-raising calls for the media fund.

Vice President Gore stated that it was his understanding that the money resulting from his fund-raising calls was being deposited as soft money into the DNC media fund. He stated that he believes the DNC was logging contributions as received. For example, if a contribution came in as "soft" money the DNC logged it as "soft" money and likewise if the contribution was a "hard" money contribution the money was logged as "hard" money. The DNC would adjust the types of fund-raising events depending on their need for "soft" and "hard" money.

Vice President Gore stated that his understanding of federal or "hard" money was within the $1,000 per candidate limitation, per election cycle. This amount could be expanded if there were both a primary and general election for the candidate. Any additional family member of the contributor could add another $1,000 toward the outer limit of $25,000. This $25,000 was the cumulative total of these $1,000 and $2,000 limits. A person can raise federal money in the amounts of $5,000 or $10,000, by asking other individuals to contribute $1,000 for a candidate. However, the individual contributions would still be attributed to the individual donors and the total of those contributions would only be credited to the solicitor for DNC fund-raising purposes. This would not count against the solicitors "hard" money limits. Vice President Gore stated that his knowledge of the sources of "hard" money was from direct mail or from a fund-raising event. Federal money can only be spent toward specific candidates.

Vice President Gore stated that his understanding of non-federal or "soft" money was either corporate money or money from an extremely wealthy individual. "Soft" money given by an individual was extremely rare but technically possible. Most of the "soft" money from individuals was obtained through the smaller fund-raising events. He stated that the way "soft" money was used depended on an archaic formula that was best left up to Miss Utricht and others to determine. The media fund was clearly non-candidate related and this was one of the "markers" that designated the media fund as a "soft" money expenditure.

Vice President Gore was shown a copy of a memorandum dated February 22, 1996 and an attached memo dated February 21, 1996, from Harold Ickes to the President and the Vice President. Vice President Gore stated he did not see this memo, however, if he had seen the memo he would have noted that the DNC had a zero balance in the non-federal individual account and that until more "soft" money was raised the DNC would be unable to put the ads on the air. He advised this was well into the period of time that he was not reading the Harold Ickes memos. The interviewing agent directed Vice President Gore's attention to the February 21, 1996 memo and its last paragraph stating "federal money is the first $20,000 given by an individual." Vice President Gore stated that even if he had seen this memo, it would not have brought to mind that the contributions resulting from his fund-raising calls were going to be split according to that formula. However, it certainly would have challenged his understanding of "hard" and "soft" money. Vice President Gore stated that his belief of how the DNC treated contributions changed when he read about it in the newspaper a few weeks ago. The newspaper article was written about that specific memo.

Vice President Gore stated when he was in the House of Representatives from approximately January 1977 through January 1983, he never had a hard election race and doubts that he ever had a fund-raising event. However, when it became known that incumbent Senator Baker from Tennessee was not going to seek reelection, Vice President Gore decided to run for that Senate position and began fund-raising in support of his campaign. As a result of declaring his Senate campaign, he began to receive briefings from the Democratic Senatorial Campaign Committee (DSCC) and the Ethics Committee. The Ethics Committee would provide sessions for incumbents who were engaged in campaigns. One of

the rules that was stated regarded the use of telephones. There was no law against using an official telephone for fund-raising calls. However, the Ethics Committee suggested that it would make a better forum to leave your office to make such calls. In response to questions from Congressmen regarding leaving a call back number when the potential contributor was not home, the Ethics Committee advised that the Congressmen could leave their office number for the caller to return the telephone call. If the caller returned the call it was "ok" to receive it at the office and ask for a solicitation. Vice President Gore stated that this was the advice that he received during his time in the House and Senate. When he got to the Senate, Vice President Gore followed the same advice. It was irrelevant where he was seated when the call was made. However, he did make fund-raising calls from an apartment in the Methodist Building which was rented by his parents. In the event that Vice President Gore attempted to contact someone for a solicitation and they were not available, he would leave his office number for them to call back. When the people called back to his office, if he (Gore) had placed the call to solicit a contribution, he would then make a solicitation to the caller. Vice President Gore said that from this understanding, it made perfect sense to him relating to the calls made during the spring of 1995, since they were being transferred to him from Peter Knight's office and resulted in no expense to the government.

Vice President Gore advised he did make fund-raising calls from the DNC on approximately October 28, 1994. This was immediately preceding the 1994 election, when the Democrats were facing a landslide defeat. There were many young people working at the DNC at the time who were facing morale problems because of the impending elections. Terry McAuliffe asked the Vice President to come over to the DNC to cheer up the DNC employees and "show the flag." Vice President Gore stated that while he was there he did make fund-raising calls to raise money for the party.

Vice President Gore was directed to a reference to David Strauss memorandum notes dated the fall of 1994. Vice President Gore stated he never saw the Strauss memo/notes until it came out in the newspaper. He stated it appears to be a set of notes that Strauss made during a meeting of political advisors. He advised he does not recall any discussion of where

to make calls or to make calls from the residence. Vice President Gore stated he thinks that Terry McAuliffe directly asked him to come to the DNC to make the fund-raising calls. Vice President Gore was not aware of any conversation that Harold Ickes may have had regarding the topic of where the calls could be made from.

Vice President Gore stated his press conference was held on Monday, March 3, 1997. The day before, there was an article about the Vice President and the fund-raising calls on the front page of the Washington Post. However, the article, which had been written by Bob Woodward, did not say where the Vice President had made the calls from. Woodward said that it was not becoming of the office of the Vice President to solicit contributions. Vice President Gore stated that it was not until later that day on several talk shows, that some of the panelists mentioned that there may have been a problem with where the calls were made from.

Vice President Gore's attention was directed to his press briefing, dated March 3, 1997. Vice President Gore stated he said he was a candidate for reelection simply because as a candidate he should be able to and was asking for contributions. Vice President Gore stated that six months before the Woodward article came out, Woodward had asked him to help in writing a book about the campaign. Vice President Gore stated he turned down Woodward's request because he felt that providing information to Woodward would test his confidences to the President. He advised that he thought after he declined to assist Woodward, that Woodward would therefore "come after me." Vice President Gore advised he felt relieved when the article actually appeared in the newspaper, because Woodward had spent six months and nothing of substance was listed in the article.

Vice President Gore stated it was from the Sunday talk shows that he first became aware that there may have been a problem if the calls were made from his office. In the period of 24 to 36 hours before his press conference, he wanted to find out as much about his fund-raising calls so that he could make a clear explanation of what he had done to the press media. Vice President Gore advised that his staff did not want him to have a press conference so early before they had a chance to research his fund-raising calls. On one of the talk shows, George

Stephanoupolis had stated that the White House had established a separate phone line for these types of fund-raising calls. Vice President Gore stated he knew that this was not the truth and that he wanted to lay out his position regarding the fund-raising calls he had made.

Vice President Gore stated he became aware of the press media's interest in his fund-raising calls through a Monday (March 3, 1997) meeting with the President and a Head of State. The press came in after the meeting and were asking questions about the fund-raising calls. Vice President Gore stated he told the press media that he would address their questions at a later time.

Vice President Gore stated he then went to his counsel, Charles Burson, and asked Burson for the backup information that he (Gore) needed so that he could say everything he did in regards to the fund-raising calls was correct. At that point in the interview, Attorneys Neal and Frampton raised a possible attorney client privilege regarding the discussions between the Vice President and Burson. However, Vice President Gore waived a limited attorney client privilege and agreed to answer questions regarding his discussions with Burson. Vice President Gore stated that Burson did the requested research and concluded that no law had been violated. Vice President Gore stated that until the articles about his fund-raising calls appeared in the newspaper, he did not know any of the title or section numbers of any possible violation, nor did he know what the term "Pendleton Act" meant. Vice President Gore stated that he did have a vague impression from the Ethics Committee training in Congress that Section 607 did not apply to telephone calls.

Vice President Gore stated the reason that he said the calls were placed on the DNC calling card was because in his rush to issue a statement to the press, he did not listen to his staff's advise to fully research the calls. He did clarify in a later statement that the fund-raising calls were placed on a Clinton/Gore calling card instead of a DNC calling card. Vice President Gore stated the first time he knew about the calling card was when he asked about the change in the way the fund-raising calls were initiated and dialed from his office. Vice President Gore asked Heather Marabeti if it was alright to make the fund-raising calls and she explained it was because they had

a calling card. Vice President Gore stated that his conversation with Marabeti possibly took place in the presence of Liz Cotham and Joel Velasco, or close enough to them that they may have overheard the conversation. Vice President Gore was unaware that the Clinton/Gore calling card was issued in his name or that Marabeti had obtained the calling card.

Vice President Gore stated there were fund-raising events where the ticket price for the event was more than $1,000. He opined that either this would be "soft" money or the person who had paid the ticket had raised the money from other contributors to go to the event.

Vice President Gore stated it was his belief that making the calls from his office was completely legal and proper and was not based on the "hard/soft" distinction. He stated the reason he was asking for only "soft" money had nothing to do with the "hard/soft" legality issues. Vice President Gore stated he assumed that there were no legal issues associated with the fund-raising calls because of the intense vetting process that occurs in placing events on his schedule. He stated the competition for both the President's and his time is so intense that each request is vetted by the Chief of Staff, Legal Counsel and staff advisors.

Vice President Gore stated the Clinton/Gore re-elect operation was able to put together the maximum fund-raising amount without the personal solicitations for contributions from the President and himself.

DEMOCRATIC NATIONAL COMMITTEE
ASIAN PACIFIC AMERICAN LEADERSHIP COUNCIL
LUNCHEON HONORING VICE PRESIDENT GORE
The Hsi Lai Temple
3456 South Glenmark Drive
Hacienda Hights, California
Time: 12:00 p.m. - 2:00 p.m.
Monday, April 29, 1996

Meeting requested by the Democratic National Committee.
Briefing prepared by Richard Sullivan, John Huang and Maura McManimon, with DNC Finance.

EVENT

This luncheon is with members of the Asian Community in Southern California who [illegible] the Asian Pacific American Leadership Council of the Democratic [illegible] Membership in the APALC requires an annual contribution of $2,500 per person or couple. Estimated attendance at this event is 125 guests.

LOGISTICS

12:00 p.m.	Call time for guests
12:50 p.m.	You arrive at the Hsi Lai Temple. Upon arrival you will be greeted by Temple Master Hsing Yun.
12:55 p.m.	Following your arrival, you, accompanied by Hsing Yin, proceed [illegible] for a brief meet and greet with the abbotts and monks of the temple.
1:05 p.m.	You proceed to the dining hall for a receiving line with the guests.
1:25 p.m.	Receiving line concludes
	You proceed to your seat at the table for lunch.
1:35 p.m.	Program begins: - Hsing Yun makes welcoming remarks and introduces Don Fowler - Don Fowler makes remarks and introduces Congressman Matsui - Cong. Matsui makes remarks and introduces you - You make remarks
2:00 p.m.	Program concludes
2:05 p.m.	You depart

EXHIBIT
VOOTUS #3
4/18/01 EK

YOUR ROLE AND CONTRIBUTION

- To be the honored guest and featured speaker
- To extend appreciation for participant support and inspire political and fundraising efforts among the Asian Pacific American Community
- To generally describe the Administration's current agenda and convey to guests that their support is vital to re-electing the President and regaining congressional majorities

PROGRAM NOTES

- Top issues of concern to the Asian Pacific American community include immigration and naturalization; affirmative action; and small business and the economy.
- The Asian Pacific American Leadership Forum, under the leadership of John Huang, a DNC Finance Vice Chair, is a new donor program within the Democratic National Committee with a strong base in California.
- In 1989, as a U.S. Senator, you visited the home office of this temple in Taiwan, the Kwang Shan Temple.

ATTACHMENTS: 1. Guest list
2. Talking Points

DEMOCRATIC NATIONAL COMMITTEE
LUNCHEON HONORING VICE PRESIDENT GORE
APRIL 29, 1996

GUEST LIST

Senior Temple Members

Reverend Master Hsing Yun (SHEEN YOON)
Abbess Tzu Jong (ZOO RONG)
Abbess Tzu Chuang (ZOO CHWONG)
Abbess Tzu Hui (ZOO HUEY)
Reverend Man Ho

Teachers at the Temple University

Jennifer Tsai
Joseph Chen
Ananda W.P. Guruge
Paul Kjellberg
Edward Hughes
Jeffrey Lin

Major Supporters of this Event

Alex Shuay-Luen Wu
Ann Lung-Sheng Pan-Wu
Hui-Lin Chung
Te-Heng Chung
Andy Huang
Jan Yueh Lian Huang
Cheng-Nan Chen
Yen-O Fan-Chen
Wen-Tou Wu
Wen-Chun Chiu
Ying-Chiu Tien
Marina Chiu

Guests of Maria Hsia (Event Co-Chair and friend of yours)

Yvonne Burke, L.A. County Supervisor
James David
Don Knabe
Senator Art Torres, Chairman, California Democratic Party

Guang Miao Huang
Qiong Wu
Monte Perez
Tom Byun
Louvenia Ortega
Paul Shao-Han Shet
Maggie Clark, Mayor, City of Rosemead
Reverend Jackson
Judge Robert Tagasuki
Joseph Thomas
Daniel Hesse
Peter Kelly
Kenneth Han, L.A. County Assessor
Gary Townsend, L.A. County Deputy Assessor
Maria Lynn Hsia
Stephen Zhou
Matthew Gorman
Jamie Rundberg

DNC Guests

Don Fowler, DNC National Chair
Congressman Bob Matsui, DNC Vice Chair
Mona Pasquil
Macley Tom
John Huang
Jane Huang
Isaac Huang
Chris Huang
Ann Lord
David Lang
David Ng
Brenda Lee
Steve Juarez
Gelley Borremeo

Mr. SHAYS. If it's not included, also without objection, the letter to Mr. Burton from Attorney General of May 3rd, denying us that transcript. Without objection, so ordered.

[The information referred to follows:]

Office of the Attorney General
Washington, D.C. 20530

May 3, 2000

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your subpoena, received on April 25, 2000, seeking Department records relating to the interviews of the President and Vice President taken about two weeks ago by representatives of the Department's Campaign Financing Task Force.

The Department has previously provided the Committee with the summaries of the interviews of the President and the Vice President from past years that were part of closed investigations. The interviews of the President and the Vice President that the Task Force conducted two weeks ago were part of its ongoing investigations. Based on the Department's longstanding policy of declining to provide congressional committees with access to open law enforcement files, we must decline to provide the requested material. The Department's policy is based on our firm belief that the Department's ability to discharge its responsibilities for the fair administration of justice would be compromised by the disclosure to Congress of open investigative files. We have long believed that both the integrity of the criminal justice process and the Government's ability to prevail in particular prosecutions would be threatened by acceding to congressional requests of this kind. Almost sixty years ago Attorney General Robert H. Jackson informed Congress that:

> It is the position of the Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest . . . .

40 Op. Att'y. Gen. 45, 46 (1941). Moreover, Attorney General Jackson's position was not new. His letter cited prior Attorney

General letters taking the same position dating back to the beginning of the century (id. at 47-48).

The disclosure of the records of such recent interviews is of particular concern because revealing information, especially the questions posed in the interviews, could disclose significant aspects of our ongoing campaign finance investigations which include multiple matters. No prosecutor would want other witnesses to have the benefit of these witness interviews. The investigations would be seriously prejudiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained. As Attorney General Jackson observed:

> Disclosure of the [law enforcement] reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or a prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Atty. Gen. at 46.

The rationale for the Department's open law enforcement files policy is set forth in a published opinion of the Office of Legal Counsel issued by Charles J. Cooper, OLC's Assistant Attorney General during part of the Reagan Administration. See Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76-77 (1986). In addition to addressing the concerns discussed above, Mr. Cooper noted in his opinion that providing a congressional committee with confidential information about active criminal investigations would place the Congress in a position to exert pressure or attempt to influence the prosecution of criminal cases. 10 Op. O.L.C. at 76. Congress could second-guess tactical and strategic decisions, challenge witness interview schedules and the scope and nature of our questioning of witnesses, and generally attempt to influence the conduct and outcome of the criminal investigation. Such a practice would significantly damage law enforcement efforts and shake public and judicial confidence in the criminal justice system. Decisions about the course of a criminal investigation must be made without reference to political considerations. As one Justice Department official noted thirty years ago,

> Over a number of years, a number of reasons have been advanced for the traditional refusal of the Executive to supply Congress with information from open

> investigative files. Most important, the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation.

Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Submission of Open CID Investigation Files 2 (Dec. 19, 1969). In addition, the reputation of individuals mentioned in this kind of document could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution.

The Committee's request for the records of the interviews of the President and Vice President taken two weeks ago in connection with our ongoing investigations is clearly distinguishable from the Committee's prior request for the records of the interviews of the President and Vice President taken in past years. The Department was able to accommodate the prior request because at that time the investigations of which those interviews were a part had been closed and we identified no potential harm to any ongoing investigations from the disclosure of the records. As discussed above, significant harm to ongoing investigations would result from the disclosure of the records of the recent interviews.

In summary, the Department must decline to provide the requested documents relating to the recent interviews of the President and Vice President. Public and judicial confidence in the criminal justice process would be undermined by the congressional intrusion into ongoing criminal investigations that congressional access to this investigative information pursuant to the Committee's subpoena would represent. Moreover, disclosure at this juncture of the aspects of the open investigations that is revealed by the investigators' questioning at these interviews would unquestionably risk compromise to the pending investigations and possible future prosecutions. I respectfully request that you withdraw the Committee's subpoena

in order to protect our law enforcement interests. As always, I would be happy to discuss this matter with you further if that would be helpful.

Sincerely,

Janet Reno

cc: The Honorable Henry Waxman
Ranking Minority Member

Mr. SHAYS. I now have my 5 minutes. I'd like to ask you, Mr. Raben, if the Vice President was given a copy of his transcript and all the exhibits to the interview, and he was allowed to provide that interview in evidence to the media, why did the Justice Department fail to provide Congress with the same information when we subpoenaed it?

Mr. RABEN. I think you've reversed the sequence, the denial to Congress preceded the Vice President's counsel releasing the transcript.

Mr. SHAYS. Have we received any transcript from you?

Mr. RABEN. No, you haven't received it from us, since——

Mr. SHAYS. So you all basically still have not provided us the transcript? Is that not correct?

Mr. RABEN. Right. The one you've just now entered in the record.

Mr. SHAYS. Seems like the Justice Department has two different standards. You can't give the interview to Congress, because that would harm your investigation. However, you cut a deal with the Vice President that allowed him not only to give the media his transcript, but also the exhibits that you showed the Vice President.

Mr. Raben, why did the Justice Department fail to take steps to prevent the Vice President from distributing his transcript, particularly when it was so sensitive that you couldn't comply with a congressional subpoena?

Mr. RABEN. You have so many premises in that question I'm not exactly sure where to begin. But I'll try to remember everything you've said.

You called it a double standard, I believe. It's not a double standard, it's two different requestors and two different sets of legal obligations. The witness, once provided a transcript as part of a voluntary interview, as I've been taught about by the Criminal Division, is free to do what he or she wants with his or her own words. And we apparently do not have a legal ability to object to the release, whether or not we personally object.

With respect to Congress and it seeking information from us, I think the policy, as I manifest it in this job is to resist as much as possible the ability of Congress to have access to open file material. We do everything that we can to try to accommodate what you and we consider to be legitimate oversight needs without providing open access material, open file material.

Mr. SHAYS. Mr. Gershel, in the letter that we received from the Attorney General, she said, disclosure of the records of such recent interviews is a particular concern, because revealing information, especially the questions posed in the interviews, could disclose significant aspects of our ongoing campaign finance investigation, which include multiple matters. No prosecutor would want other witnesses to have the benefit of these witness interviews.

The investigation would be seriously prejudiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained. She goes on to say, as discussed above, significant harm to ongoing investigations would result from the disclosure of the records of the recent interviews. She then says, moreover, disclosure at this juncture of the aspects of the open investigation that is revealed by an investigator's ques-

tion at these interviews would unquestionably risk compromise to the pending investigations and possible future prosecutions.

So I'd like to ask you, is the Attorney General speaking the truth? Is that true?

Mr. GERSHEL. Certainly she's speaking the truth. But as Mr. Raben indicated, the circumstances that occurred here are different. We could not have prevented the Vice President from releasing that transcript. We could not have prevented it by law, by rules of ethics, by our duties as a prosecutor, by the first amendment. He was free to walk out of that room after that interview, sir, and tell the whole world what he had said.

Mr. SHAYS. You have told us what you felt would happen by the release of that document. Did you share that information with the Vice President, that he would compromise the investigation? All those things that the Attorney General said, did you share that with the Vice President?

Mr. GERSHEL. Mr. Shays, it would be inappropriate for me to comment on any discussions I might have had with the Vice President.

Mr. SHAYS. Mr. Conrad, did you share with the Vice President that any disclosure of this information would harm this investigation?

Mr. CONRAD. I would be in the same situation as Mr. Gershel.

Mr. SHAYS. Mr. Robinson.

Mr. ROBINSON. I didn't speak to the Vice President about this matter or Mr. Neal or anyone else. I think when Mr. Conrad made these arrangements, he was new enough to Washington he didn't expect leaks. But that's unfortunately what happened.

Mr. SHAYS. See, this is where I begin to feel that this, that your responses border on absurdity. It's one thing to say you can't talk about an investigation. It's another thing to say that you can't disclose to us whether or not you asked the Vice President not to disclose this information.

And for the life of me, I can't understand how you can equate that, not disclosing what you said to the Vice President about disclosing sensitive information that would harm investigation. And I just want to be certain that all of you are still contending that would be inappropriate for you to disclose to the committee.

The question is very simple. Did you make it clear to the President that disclosure of these tapes would harm the investigation, the Vice President? Mr. Robinson.

Mr. ROBINSON. I didn't have any discussions.

Mr. SHAYS. You had no discussions with the Vice President about this?

Mr. ROBINSON. No, I did not.

Mr. SHAYS. OK. Mr. Raben.

Mr. RABEN. I didn't have any conversations, either. I would not accept the label absurd to say that it's inappropriate, or if they say it's inappropriate to talk about their conversations with somebody, I wouldn't accept the label absurd.

Mr. SHAYS. Well, I think it was when it's just about whether or not we wanted to protect an investigation. It's one thing when you're talking about the investigation. It's another thing about wanting to protect it.

Mr. RABEN. Yes, you know, I'd like to say, I'm not a prosecutor. I come, I sat where Mr. Wilson and Mr. Schiliro are for 7 years, and I've been at the Department for a year. And it's amazing to me what these career prosecutors do, the amount of time they work, the dedication they bring to their job and the kind of criticism they take. It's very, very impressive.

Mr. SHAYS. It is impressive, but it doesn't answer the question. We take criticism, too. But it's totally irrelevant what you said.

Mr. RABEN. I don't think it's totally irrelevant.

Mr. SHAYS. The issue——

Mr. RABEN. I don't think it's absurd when they explain——

Mr. SHAYS. The issue is the following. How is it inappropriate for you to tell us whether or not you were protecting an investigation by telling the individual, in this case the Vice President, that he had sensitive information that he should not disclose? I'm just reading what the Attorney General told us. She told us it would be inappropriate for this information to be shared. And I want to know if you made it clear to the Attorney General, because he happened to disclose it.

And Mr. Conrad, I'm asking the question. Are you still going to make the claim that answering that question is inappropriate?

Mr. CONRAD. Mr. Shays, I think if—you probably conclude that I made a mistake in setting up the interview the way I did, and that is deposition style, where I get a copy of the transcript and the Vice President gets a copy of the transcript.

Mr. SHAYS. No, I don't make that assumption yet. What I do make an assumption is that I have a right as a Member of Congress to know whether you tried to protect sensitive information that you told us shouldn't be made public.

Mr. CONRAD. I think once I made that decision to do it that way, I did not have a legal objection to assert——

Mr. SHAYS. But what about a moral, moral responsibility to protect your investigation? So are you saying that the President didn't know he would harm the investigation by disclosing it?

Mr. CONRAD. I don't know what he'd do. I'm saying to you that I think at the point in time that he does release it, that's his decision, not mine.

Mr. SHAYS. OK, I think in a sense, you did answer it, and maybe you could tell me, you basically did not tell him that if he disclosed this information it would be harmful?

Mr. CONRAD. No, sir.

Mr. SHAYS. OK. Mr. Gershel.

Mr. GERSHEL. No, sir, I had no conversations with him.

Mr. SHAYS. OK, thank you.

Mr. Horn, you have the time.

Mr. HORN. Would you like 2 or 3 minutes to finish up?

Mr. SHAYS. Yes, please.

I would now like to ask you, each of you gentlemen, Mr. Robinson, did the disclosure of the tapes, of the transcript by the Vice President harm the investigation?

Mr. ROBINSON. I can't comment on whether it did or didn't. We always prefer that information that we have not be disclosed. But as I said, we can't prohibit that and couldn't in this instance and didn't.

Mr. SHAYS. As discussed above, significant harm to ongoing investigations would result from the disclosure of the records of the recent interviews. That's what the Attorney General said. Was she telling us the truth?

Mr. ROBINSON. That's generally true of all such matters.

Mr. SHAYS. So this was a boiler plate? This was not, so we shouldn't really believe it?

Mr. ROBINSON. No, I think it's true.

Mr. SHAYS. OK, that's all I wanted to know.

Mr. Raben, did the Attorney General speak truthfully, that the disclosure of this information harms the information?

Mr. RABEN. Yes, Raben, yes.

Mr. SHAYS. Mr. Conrad.

Mr. CONRAD. There's two parts to that question. One is a policy where if witnesses thought we were releasing their statements after they gave us statements, there would be a chilling effect in ongoing investigations. So any time there's that perception that we're releasing statements of witnesses, it has an adverse effect, or the potential for that in investigations.

Mr. SHAYS. The Attorney General left no ambiguity about the release of this document. She was very clear, I read it to you. Mr. Gershel, is the Attorney General correct, and was the investigation harmed by releasing these transcripts?

Mr. GERSHEL. I can't comment if the investigation was harmed. But her comments are correct.

Mr. HORN. Let me just finish up on the hierarchy over there. As I read the regulations and all, the Public Integrity Section has the responsibility for reviewing special counsel matters. Now, Mr. Conrad, did your particular recommendation go through the Public Integrity Section? Seems to be that's the hierarchy.

Mr. CONRAD. Any recommendation of the nature you're suggesting would go from me to the Attorney General through Mr. Robinson.

Mr. HORN. I see. And would not go through Mr. Radek as Chief of the Public Integrity Section?

Mr. CONRAD. That's right.

Mr. HORN. OK. So let me just note that the Attorney General, on July 13th, said she was still reviewing the recommendation, presumably yours, but that she would like to resolve the issue, "as soon as possible." Now, do any of you know where that recommendation stands today? How soon is as soon as possible? Mr. Conrad.

Mr. CONRAD. I'd like to defer to Mr. Robinson on that.

Mr. ROBINSON. I think as soon as possible is her words. I think that's what she'd like to do. But I can't give you an estimate of when that would occur.

Mr. HORN. Well, when this all came out with her comments there, numerous press reports indicated that Justice officials were "shocked" or "surprised" by Mr. Conrad's recommendation that a special counsel be appointed. One anonymous Justice Department official went so far as to predict that the Attorney General would decline to appoint a special counsel.

Are any of you concerned that statements like that and leaks of information are precisely why a special counsel is needed? What do you think of that?

Mr. ROBINSON. I'm concerned whenever there are leaks of confidential, internal, deliberative information. I continue to be upset by it, surprised by it. But less surprised with every day I've spent here in Washington.

Mr. HORN. Well, I don't blame you. I'm a country boy, too. But the fact is that the games played here with leaks, and usually by the administration, are, oh, that's old news, what are you talking about? We've got three members of the press here, maybe four. But that's old news, you know, why don't they just blithely go on doing what they're doing, which is sometimes corruption. And the question we're asking starts back to George Washington and the St. Clair expedition, Congress has the right to the paper and the files when there's a big mess going on.

George Washington set that precedent. Nobody has objected to that except this administration.

Thank you, Mr. Chairman. You can have the remaining couple of minutes.

Mr. SHAYS. Mrs. Chenoweth-Hage, you have the floor.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Chairman.

Yesterday our staff here on the committee had the chance to review declination memos at the Justice Department. Now, these memos, as you know, are explanations of why the Justice Department has refused to pursue prosecutions in certain aspects of the campaign finance investigations.

Mr. RABEN. May I interrupt you for 1 second? I'm sorry, I know that's unusual, but it is directly responsive to Mr. Horn's point that we don't provide information. I think we've provided an enormous amount——

Mrs. CHENOWETH-HAGE. I'm sorry, Mr. Raben, but you had a chance to answer Mr. Horn, and this is my time now.

Mr. RABEN. I apologize for interrupting.

Mrs. CHENOWETH-HAGE. One of the declination memos concerned White House coffees. Now, I want to read you a section of that memo. That memo says, "It was determined that while the White House coffees were used as donor servicing events, there was no evidence to support that the individual coffees had been given a specific price tag. It is therefore recommended this portion of the investigation be closed."

Now, I don't know what evidence the Justice Department considered. But these documents and testimony received by the committee indicate that there was indeed a price tag on attendance at the coffees. Charlie Trie testified before that, "I checked with my contact at the DNC and find out about the Presidential coffee. I'm not sure whom I spoke with, but I think it was probably either David Mercer or Richard Sullivan. I find out that for a $50,000 contribution to the DNC, it were possible to attend a coffee meeting with the White House, meeting in the White House with President Clinton."

Now, in fact, Mr. Trie purposely did not attend the coffee in June 1995, precisely because he didn't want to pay the $50,000 to attend. Now, one attendee at the coffee, a man by the name of Carl

Jackson, stated that John Huang solicited coffee attendees for political contributions. Now, the DNC accounting documents for fundraisers lists target fundraising amounts for coffees, and whether the coffees actually met these goals. And that you will find in your exhibits, exhibit No. 4.

Also in his book, To Tell The Truth, former White House lawyer Lanny Davis stated, "It would have been better to have described these events from the start as fund raisers and not to have attempted to deny the obvious." Now, Mr. Robinson, since you're heading up this team, I'm going to direct this question to you.

The examples I just cited are just a few of many examples that we've received here in the committee. In light of these examples, how could the Justice Department conclude that there was no evidence that the coffees had price tags?

Mr. ROBINSON. Well, you're asking me to comment on something that happened before I arrived at the Justice Department. I wasn't involved in the preparation of that or the decisionmaking with regard to that. And so I don't, off the top of my head, have an answer to your question. I mean, I would think that I would want to read the document carefully and look at the other materials. But you're talking about a decision on an independent counsel matter that occurred before June 1998 when I was teaching evidence and being a law school dean.

Mrs. CHENOWETH-HAGE. Well, Mr. Robinson, it would appear that the information I've given you would be somewhat compelling. I would think it would be very compelling to Justice. And in light of a mistake like this, is the Justice Department going to reopen the investigation of the White House coffees?

Mr. ROBINSON. It would be entirely inappropriate for me to answer that question. I would be commenting on whether or not we're going to be investigating something which the code of professional responsibility tells prosecutors they're not supposed to do. And Congress has told me I'm not supposed to it under the McDade Act as well.

Mrs. CHENOWETH-HAGE. Mr. Robinson, what I'm going to do is I'm going to submit this question to you in writing that I just proposed. And we will submit the evidence to you, all the exhibits and everything.

Mr. ROBINSON. Be happy to receive it.

Mrs. CHENOWETH-HAGE. And I believe that it's very compelling and I would like your response in writing.

Mr. ROBINSON. Be happy to receive the information.

Mrs. CHENOWETH-HAGE. I have another question. After Johnny Chung began cooperating with Department of Justice and this committee, he said that he had been paying an official at the U.S. Embassy in Beijing, Charles Parish, to help get visas for Chinese to visit the United States. Chung also stated that he had given Parish a number of gratuities as part of his efforts to get visas for individuals who otherwise would not have been able to get them.

Now, Mr. Chung's allegations began an investigation of Mr. Parish, who had been forced out of his job in Beijing after similar accusations were made against him by his subordinates. Now, the Justice Department declined to prosecute Mr. Parish, despite the testi-

mony of a number of individuals that Parish had broken the law. Now, in its declination memo, that's available to you——

Mr. SHAYS. Would the gentlelady suspend? Her time is up, but Mr. LaTourette is next, and may be he could just yield to you. We can go one quick round before we give the counsel the opportunity.

Mr. LATOURETTE. I'd be happy to yield to you.

Mrs. CHENOWETH-HAGE. I thank the gentleman.

Now, in its declination memo, which is available in your department, as it was to us, finally, the Department stated that there was no specific or corroborative evidence developed to support the allegation that Parish was illegally selling visas. Now, this committee asked Mr. Parish to testify and he took the fifth amendment.

So did Mr. Chung's testimony not constitute specific evidence against Mr. Parish? Chung testified that he saw Parish sell the visas. Isn't that pretty compelling, Mr. Robinson?

Mr. ROBINSON. I couldn't comment on that. I'd be happy to receive the information.

Mrs. CHENOWETH-HAGE. We will provide that to you, with, and again, this question in writing with all the evidence.

Mr. ROBINSON. Thank you.

Mrs. CHENOWETH-HAGE. Did the Department interview Jay Ding before it closed the Parish investigation?

Mr. ROBINSON. I don't know the answer to that question one way or the other at this point. If you want to submit that, we'll take a look at it.

Mrs. CHENOWETH-HAGE. Mr. Raben, do you know?

Mr. RABEN. No, ma'am, I don't.

Mrs. CHENOWETH-HAGE. Mr. Conrad, do you know?

Mr. CONRAD. That was way before my time. I don't know.

Mrs. CHENOWETH-HAGE. I don't want to take up all the gentleman's time, so I will yield back. Thank you.

Mr. LATOURETTE. I thank you very much.

Mr. Conrad, I was talking to Mr. Robinson before about Ernie Green and others. Actually, I was talking and he was telling me he couldn't tell me anything. But maybe I'll have better luck with you.

Do you know why it took the Justice Department 3 years to request documents from the White House relative to Ernie Green, and a full year after there was a referral made by this committee relative to charges of perjury against Mr. Green?

Mr. CONRAD. I don't know, and if I did——

Mr. LATOURETTE. You wouldn't tell me. It would be one of those, you could tell me, but then you'd have to kill me.

Let me talk about Mark Middleton for just a second. Mark Middleton served in the White House chief of staff's office. He has taken the Fifth and refused to cooperate with the committee. The Justice Department, it's my understanding, requested his calendars in August 1998, which was 2 years after the investigation started, just requested additional, subpoenaed his calendars and telephone messages in March 2000.

In the hearings that this committee has conducted, Mark Middleton was clearly the key contact person at the White House for both Mr. Huang and also Charlie Trie. Mr. Conrad, do you know why

it took 2 years to get around to asking the White House for Mark Middleton's records?

Mr. CONRAD. It would be inappropriate for me to comment on that as well.

Mr. LATOURETTE. Let me ask you this, and I think I already know the answer, but you know what? I'm going to ask it anyway. Are Mark Middleton and Ernie Green under active investigation by the Department of Justice?

Mr. CONRAD. I couldn't comment on that.

Mr. LATOURETTE. Well, the reason I ask you that question, we were specifically asked by the Department of Justice to avoid talking about Ernie Green during the Charlie Trie hearing, if I remember correctly. Because we were advised that there was an ongoing criminal investigation that the Justice Department was very excited about.

But I have to tell you that the level of excitement is puzzling to me, and I assume to my colleagues, when we find out that what you're so excited about you're not even requesting records about from the White House. And again, I don't like this backseat driving business. It makes me very uncomfortable, because I'm sure as career prosecutors, you all do an excellent job.

But I hope you take a look at it from our side of the fence. We're being told two things. We're being told we don't need an independent counsel, everything's under control. We can take care of it. But then when we get records from the White House as to how it's being taken care of, we find out on a direct referral by the committee, where we believe that perjury was committed by a fellow named Ernie Green, we find out from records that we get from the White House that you all haven't even contacted the White House for a year and a half for those records.

And so it leaves the impression in our minds, and I understand we've got partisan folks on both sides here, but it leaves the impression in our minds that you're not quite as excited about it as we're being told. Mr. Robinson, do you want to say something?

Mr. ROBINSON. I would like to make one comment that I hope will continue to be the case in our interaction on parallel matters with the Congress. To the extent that we have conversations with counsel for committees about the appropriate scope of inquiry into witnesses, we don't make those, we don't have those conversations with the expectation that they will be publicly disseminated. And the code of professional responsibility prohibits us from doing that.

And so I would assume the Justice Department ought to be able to talk to Congress about the scope of parallel matters without our operating on the assumption that everything we tell in all of our discussions are going to be published to the world. Because if that were the case, we would be inhibited in what we could confer with Congress on. And I'm sure that's not the intention.

Mr. LATOURETTE. Yes, and I appreciate that chastisement, but I will tell you that the committee also has an oversight responsibility. And what you're asking us to do is say, trust us. But then when we get documents from the White House, we find out that stuff we gave you a year and a half ago, you haven't acted on, regardless. We don't have to talk about specific people.

But how can we conduct our oversight responsibility, other than just to say, you can come down to Capitol Hill any time you want, say, we're working on it, and you bet we're working on it. But then when we get the records from the White House, we find out that subpoenas for documents that we think need to be looked at in order to conduct an effective investigation haven't gone out for 3 years?

Mr. SHAYS. It's my time and I'm happy to yield on my time, so he has 5 minutes. What we're going to do, just so you gentlemen can anticipate, because it's been a long afternoon, well, you know what, we could break for 5 minutes. Usually we have a vote and we give people opportunities here. Here's what I think we'll do. We'll just go through, Congressmen, we're just going to go one more quick round and then we're going to have counsel. Maybe before the counsels begin, we can give you a little break. Is that OK?

Mr. ROBINSON. That would be great, thank you.

Mr. SHAYS. OK. Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Shays, and I'll just take a couple minutes of your time, if I can.

Since I already know the answer to my next series of questions is going to be that you can't tell me, I just want to tell you one other thing that's bothering me is, as someone that's charged with having some oversight with all of my colleagues on this committee, and that is again, in the records that we received back from the White House, we discovered that the only mention of people who are well known to the members of this committee, Kent La, Ted Sioeng, Mr. Glicken and Wong Jun, who's an arms dealer who attended a White House coffee, in all of the subpoenas and document requests that we got back from the White House, the only mention that the Justice Department was asking the White House what they knew about these folks at all, what records they had and what can you tell us about it was one subpoena sent to Ann Lewis. And did you know who Ann Lewis was or is, if she still is, or what she used to do?

Mr. ROBINSON. I know she was at the White House, that's about all I know.

Mr. LATOURETTE. She's the communications director at the White House, and I believe was the spokesperson for the Presidential campaign. So the only request that has been made by the Justice Department to the White House for information about Wong Jun, who is an arms dealer who attended the White House coffee. Howard Glicken, you know who Mr. Glicken is, he has two cars, license plates, Gore1 and Gore2, convicted of campaign violations, I believe, by the Justice Department. Ted Sioeng has been identified in testimony before this committee as an agent of the Communist Chinese Government, and Kent La is an associate of his.

The only request that anybody at the Justice Department made, according to documents held by the Clinton White House, was one request to Ann Lewis, the flak, the person in charge of spinning the White House's story, press person. And that's the only one we could find.

Now, again, I understand that what you just said, and I take it seriously, and I certainly didn't mean to overstep. But if you're us,

don't you think that that's strange? If that's true, don't you think that that's weird?

Mr. ROBINSON. I—I leave it to your characterization. I wouldn't characterize it, and it wouldn't be appropriate for me to comment on grand jury subpoenas, that's for sure. And it's not the only way we can get information generally. But I think we can't go further than that.

And hopefully maybe the dialog can be better between our staffs on parallel matters. I think that's appropriate.

Mr. LATOURETTE. OK, well, thank you. And thank you for giving me some added time, Mr. Shays.

Mr. SHAYS. Thank you. Is the gentleman concluded?

Mr. LATOURETTE. I am, thank you.

Mr. SHAYS. I'll use the remaining 2 minutes very quickly, and then the chairman will gain the floor here.

Mr. Gershel, I just want to quickly talk about priority and why you, the Attorney General, then the Criminal Justice Division, Mr. Robinson, your deputy, Mr. Gershel and Mr. Conrad, you're in charge of the Campaign Financing Task Force. Mr. Gershel, evidently you decided to undertake the case against Mr. Bakaly, who evidently was the former independent counsel spokesperson.

And I'm just curious why you decided to prosecute this case. Why did you want to participate in this case? You've been an active participant in this case.

Mr. GERSHEL. Congressman, that matter is certainly a pending matter. I'm not going to comment as to why the case was brought.

Mr. SHAYS. I didn't ask that. I asked why you. Why are you involved in that case?

Mr. ROBINSON. I can answer that question perhaps even better than Mr. Gershel. But I don't want to——

Mr. SHAYS. Well, let's give him a try.

Mr. GERSHEL. With all due respect, I think Mr. Robinson can give a better answer.

Mr. SHAYS. I'll take a less better answer, and then I'll ask him.

Mr. GERSHEL. I was requested to participate in the case.

Mr. SHAYS. OK. Why did you request him, Mr. Robinson?

Mr. ROBINSON. This matter was being handled by Mr. Gershel's predecessor, who became my chief of staff. And so that was, when Mr. Gershel took——

Mr. SHAYS. Let me ask you, why would you ask your deputy to take a case about a spokesman for the independent counsel on whether or not he told the truth on a statement? Why did you feel it was so important that it be such a high ranking official?

Mr. ROBINSON. It was a matter that was handled by Mr. Gershel's predecessor, appropriately so. And——

Mr. SHAYS. Appropriately so. Is it the Deputy Criminal Division head that needs to handle this case?

Mr. ROBINSON. He was certainly more than qualified, as was his predecessor, to try the case.

Mr. SHAYS. I'm not saying he's more than qualified. Is he the only person qualified to handle this case?

Mr. ROBINSON. No, he's not the only person qualified. But he certainly was qualified, and——

Mr. SHAYS. Doesn't it send a very keen message about priority and appearance? I mean, he's in charge of investigating the President and the Vice President, but he's going after the independent counsel. Isn't there a real clear message in your priorities when you do that?

Mr. ROBINSON. Well, I—Mr. Gershel's responsible for supervising a wide array of things. I happened to decide——

Mr. SHAYS. So he's a very busy guy?

Mr. ROBINSON. Very busy. I'm busy, too.

Mr. SHAYS. But you decided that he needed to be the one to handle this case. I just find it curious.

Mr. ROBINSON. I decided to argue a case before the Supreme Court as well, and I'm a busy guy. But I think it's appropriate.

Mr. SHAYS. It just so happens, though, it's kind of like a law firm, if a law firm was handling it, it's interesting the different priorities they set, and whether it's connected with the same kind of case. It's really related.

Mr. BURTON [presiding]. Would the gentleman yield real briefly?

Mr. SHAYS. Happy to yield.

Mr. BURTON. I'm just curious about that, too. Because as I understand it, the campaign finance investigation is supposed to be the largest investigation that you've ever undertaken. And if that's the case, why would the fellow who's pretty much in charge of it be assigned a case of that significance when you have a huge undertaking with the campaign finance investigation? Seems to me that there would have been a lot of other people you could have picked. So why would you pick him?

Mr. ROBINSON. Mr. Conrad's in charge of the campaign finance investigation. And Mr. Gershel's responsibility is supervisory over lots of things, and isn't day to day handling the campaign finance investigation.

Mr. BURTON. So he's a supervisor of a lot of things?

Mr. ROBINSON. Fraud section, child——

Mr. BURTON. But you said supervisory.

Mr. ROBINSON. Yes.

Mr. BURTON. And yet you picked him to go ahead and prosecute this one particular case?

Mr. ROBINSON. He took this matter over from his predecessor. All of us who are trial lawyers try cases.

Mr. BURTON. Why would his predecessor be doing that?

Mr. ROBINSON. Pardon?

Mr. BURTON. Why was his predecessor assigned to that job?

Mr. ROBINSON. Because it was considered to be an appropriate thing under the circumstances. When this matter arose, and as I said, the details of the matter, I think, which is still under consideration by the court, we shouldn't be discussing. I'm happy to discuss generally, these are qualified people to try cases, argue appeals. This wasn't a long matter, a little longer than people thought perhaps.

Mr. BURTON. I thank the gentleman for yielding.

Mr. SHAYS. Thank you. My understanding is that we're pretty much set. Mr. Horn, do you have anything left, or Mr. LaTourette?

Then, Mr. Chairman, what we agreed, they've been on the table for a while, and we thought we'd have a 5-minute recess and then

we would allow counsel to ask their questions. Is that OK with you?

Mr. BURTON. It would be fine with me.

Mr. SHAYS. OK, so we'll just have a 5-minute recess, and thank you for your patience, gentlemen.

[Recess.]

Mr. WILSON. Good afternoon. If all goes well, we will not take the 30 minutes and we will all get out of here as quickly as possible.

Mr. Conrad, I wanted to ask you just a threshold question that goes to our concerns. In your opinion, has the task force process, since the time that you have been in Washington, worked in the best interests of justice?

Mr. CONRAD. I have enjoyed my time in Washington. I have worked with very conscientious, hard-working people pursing what I think are very serious matters and pursing them in a way that I do think works.

Mr. WILSON. We are not focused so much on whether you enjoyed your time, but we are really interested in whether in your perception you believe that the American people and folks who are following the campaign finance investigation will emerge with a sense of confidence that questions have been asked in a timely fashion. And I just want to set the stage. We have asked a lot of questions of the panel about why it took nearly 4 years for the Vice President to be asked about the Hsi Lai Temple, and we have asked questions about why it took nearly 4 years for the President to be asked any questions about foreign money or James Riady. And so I would like you to step away from the specifics of the case, and I know you are not going to answer that question if I ask it again, but one of the principal concerns here, do you think this process, as you have seen it, has worked in the best interest of justice?

Mr. CONRAD. My own personal opinion is that a task force concept like this is a good one and it is set up to work, and I think it——

Mr. WILSON. Well, again, I do not want to talk about the concept so much, because we all understand the concept, it is a very good concept and it is applied in many places around the country and in many different instances, and each type of investigation is, in many respects, governed by the facts of that type of investigation. But in this investigation, which goes to investigation of the President, the Vice President, a political party, by the same political party that happens to control the Justice Department with all that entails, is it in your opinion, and I just want this for the record so you can look at it years from now and we can look at it years from now and you will be able to see what you said, we just want to know whether in your opinion this process has worked to promote people's confidence in the justice system.

Mr. CONRAD. I think in the 7-months that I have been there that it has worked well, yes.

Mr. WILSON. Fair enough.

I will truncate this as much as possible, but to recapitulate about the December 15, 1995, White House coffee tape that has been shown. We have played it, the purported words have been put on a poster. One of the areas of principal concern, it was discussed earlier, was yesterday's CNN news article, and it was read earlier

but it is worth reading again, from CNN, under the heading of Justice Says White House Coffee Tape Unclear, "But a Justice Department source said it was unclear what was on the tape because of poor audio."

Now I wanted to just take a moment and read Mr. Robinson's opening statement, which you very thoughtfully provided to us a few minutes before this hearing. On the second page, "I am also bound by the similar provisions of the United States Attorney's Manual which provides, among other things, that 'personnel of the Department of Justice shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress.'" Now this is a characterization admittedly, but that appears to be precisely what happened yesterday when somebody spoke to the media and characterized the tape as being unclear because of poor audio.

Now, we have a CNN news report, that does not mean it happened, but if that happened, would that promote the Campaign Financing Task Force's investigation, Mr. Robinson?

Mr. ROBINSON. No.

Mr. WILSON. Mr. Conrad, would that promote your investigation if somebody said that?

Mr. CONRAD. No. I think that would be inappropriate.

Mr. WILSON. You believe it would be inappropriate?

Mr. CONRAD. Yes, sir.

Mr. WILSON. Now why would that be inappropriate?

Mr. CONRAD. It is a comment on pending matters. The same reason why we are not saying as much as you would like us to say today.

Mr. WILSON. OK. And that we respect and we understand it. We have worked with the Department of Justice for the last couple of years and generally kept issues off the table when you have asked us to.

Mr. Gershel, I will ask you the same question. Would it have been, in your opinion, appropriate for somebody at the Department of Justice to make the statement that is put in the CNN news report?

Mr. GERSHEL. No.

Mr. WILSON. Is that a problem from all of your perspective about this particular investigation? Is this particular comment something that—first of all, let's ask whether you know whether the Department of Justice is trying to followup on this particular matter, this particular characterization.

Mr. Robinson.

Mr. ROBINSON. I think we violate the language you are quoting to be talking about an ongoing or whether there is an investigation or not. But I can say generally, and I have been troubled about this since I was a U.S. attorney in Detroit, leaks are not new to Government and people leak for a lot of different reasons, sometimes to influence decisionmakers, sometimes to hurt people. I have always been of the firm belief that this interferes with us getting our job done. I am sure Congress finds the same thing when leaks happen that interfere with your work.

And so I think it is inappropriate, I think it hurts our investigations, it hurts our credibility, and it often harms people who do not

deserve to be harmed by having their reputations tarred and they never get an opportunity to rehabilitate themselves because they never get charged with anything. So I am a firm believer in these rules and I rigorously follow them. And if we were to determine that people were not following them, there would be consequences. It would depend on what it is, but——

Mr. WILSON. No, and I appreciate that. Well, just because we are working with a record here and want a record and juxtapose what did happen with what people are testifying here, let me ask you, Mr. Gershel, were you the source for this comment?

Mr. GERSHEL. I was not.

Mr. WILSON. Mr. Conrad, were you the source for this comment?

Mr. CONRAD. No.

Mr. WILSON. Mr. Raben, were you the source for this comment?

Mr. RABEN. No.

Mr. WILSON. Mr. Robinson, were you the source for this comment?

Mr. ROBINSON. Absolutely not. If there was a comment made, I made no comment.

Mr. WILSON. Has there been any speculation, and I know it is only something that happened yesterday, but has there been any speculation as to who the source of the comment was?

Mr. ROBINSON. If there was, it would not be appropriate to comment on the speculation.

Mr. WILSON. Well, is there an ongoing investigation?

Mr. ROBINSON. I could not answer that question.

Mr. WILSON. Because you do not know, or because you cannot answer because there is an ongoing investigation?

Mr. ROBINSON. I think it would not be appropriate to answer that question.

Mr. WILSON. Let me just ask you whether you understand, from the perspective of this committee, that there is the perception of a real problem when there is a piece of possible evidence out there that is being characterized by somebody in the Department of Justice in a way that is, frankly, very political. One can see that through this comment very easily. Is that a source of concern in terms of the public's confidence in the investigation? Can you see that concern?

Mr. ROBINSON. Any leaks are a source of concern. I was troubled about the leaks that occurred with regard to whether Mr. Conrad made any recommendations. That should not happen either. We should be able to do our deliberative processes without having this information be leaked. I think as a general proposition that is not the way to proceed. But it does happen, seems to happen here more than I was used to back in Michigan. But, you know.

Mr. WILSON. But this, as you are well aware, this is not the first time there has been a leak that has been beneficial to a suspect or a target of the campaign financing investigation. A couple of years ago there was a very beneficial leak from the Department of Justice in the John Huang case that was beneficial to John Huang. A question that was asked of Mr. Radek in a hearing not so long ago was is that something he factored in when he was considering whether somebody independent, somebody from outside, somebody

from outside the political chain of command should handle this case. And Mr. Radek told us that no, he had not considered that.

And I guess I would like to ask that question now, given that some of the people here are involved in the decisionmaking process, if there is a recommendation on the table for the appointment of a special counsel to investigate either all of or matters in the campaign financing investigation, Mr. Robinson, would you take into account the fact that there appears to be somebody here, at a bare minimum, who is characterizing information in a rather adverse way to the interests of justice?

Mr. ROBINSON. I think leaks are a problem no matter where they come from, from an independent counsel's office, from a Government, either the executive or the legislative branch. I think it is a problem and I think there needs to be rigorous efforts to avoid these things. And that is why we have regulations——

Mr. WILSON. But what I was asking was a very specific question about this process. Obviously, given the number of hearings and the interest of Members of Congress, there is a very clear concern that there is a possible conflict of interest that may not advance the cause of justice in the campaign financing investigation. And if there are leaks coming out of the Department of Justice in this specific investigation, what I am asking you is the same thing I asked Mr. Radek, is that a consideration in whether you think that somebody independent should——

Mr. ROBINSON. You would have to assume where the leaks were coming from. For example, if there were an independent counsel, ordinarily they are staffed by Justice Department people as well. Ordinarily, investigative agencies support independent counsels. We detail people from the Justice Department to independent counsels' offices. Basically, the investigators traditionally within the Justice Department include the investigative agencies. The FBI is part of the Justice Department and there are other agencies within the Justice Department and other law enforcement agencies in Treasury and other places. So it is an issue, but I would not suggest that the situation can be localized in a way that gives you much help, it seems to me, on what I take it to be the premise of your question, which is that it is happening at a particular place in a major bureaucracy.

Mr. WILSON. Well, my question begins with the premise that every case is different, admittedly, and no two cases can be treated in precisely the same way. Consequently, a task force model might be good in one case, a special counsel model might be good in another case, handling the case in the U.S. Attorney's Office might be good in another case. But what we are looking at here is a very specific set of, a large universe of facts, but it is an investigation that is being supervised by the Attorney General, you are the second person in the chain of command, Mr. Gershel is the third person in the chain of command, Mr. Conrad——

Mr. ROBINSON. Do not leave out the Deputy. I am actually the third person in the chain of command.

Mr. WILSON. Well, just working from recent studies that have been provided on that. But you are all in this direct chain of command and there are other ways of handling the case, and I asked you the question. And it sounds like, to me, it is fair to characterize

that leaks in this particular case are not a particular concern of yours beyond the normal concern that you would feel about any case. Is that a fair characterization?

Mr. ROBINSON. I am concerned generally about leaks, and I see it not just in this area but in other areas that trouble me whenever I walk to my front door of my apartment to pick up my papers in the morning.

Mr. WILSON. You see, from our perspective, here we have a Department of Justice that is putting out a public face on a piece of evidence that is almost a self-fulfilling type of prophecy that we have got here. We have got somebody, not one of you, according to your testimony, but somebody putting out an adverse reaction to something that they probably have never seen. We have asked the question, and I do not think you are going to answer, but I will ask it again. Has the Department of Justice seen the original Beta tape of the December 15, 1995, coffee event?

Mr. ROBINSON. It would not be appropriate I think for us to answer. I would only say that——

Mr. WILSON. We can find this out, obviously. We can check and we can develop the answer.

Mr. ROBINSON. Sure.

Mr. WILSON. So is it not possible for you to tell us whether you have seen the original tape?

Mr. ROBINSON. I think it would not be appropriate for us to comment. We would be commenting on a pending matter and commenting about evidence in a pending matter. We have seen it here, I can tell you that.

Mr. WILSON. Well that is not the original tape. So that is a rather flip answer, but that is not the original tape, it is a copy. One would think if you are doing an investigation and you want to see or understand or hear what is going on, you would want the original. I can ask the question, is there any interest in having the original tape?

Mr. ROBINSON. I think it would not be appropriate for us to comment. We listen to what you have to say and we take what we hear from you seriously. I think that is about as much as we can say. You have told us your view of this and we——

Mr. WILSON. I understand that. But if it is not appropriate to comment, how are you ever going to request the original tape to do the job that you need to do? Are you telling us now you are not interested in it?

Mr. ROBINSON. What I am telling you is I am not going to make a statement for public dissemination here at this hearing about a pending matter. We are happy to have other discussions, as we do all the time. I made the point earlier that I think we are all in the same Government here and we ought to cooperate on something——

Mr. WILSON. And we have done that and it has been a good relationship thus far. When we interviewed Johnny Chung certain issues were taken off the table, you asked us not to divulge a certain matter about various investigations. But unless you set up a different type of arrangement with us than you did with the Vice President, unless you set up some type of non-disclosure agreement, if you come to us and say we will ask for the tape but you

cannot tell anybody that we asked for the tape, then it is just a matter of sort of use of common sense that if you come and you ask for the original evidence that it will necessarily follow that people will know whether you asked for the original evidence or not.

Mr. ROBINSON. Right. I think it does make a difference the extent to which we have an understanding about whether we can have a conversation with the committee here that we have to worry about McDade over because we have got this rule that says you cannot make statements knowing that it is going to be publicly disseminated. Now we can receive anything, and we are happy to receive anything that the committee or others think appropriate for the Department to receive and consider.

Mr. WILSON. But thus far, the only public iteration of interest that we can use in any cognitive way is a pejorative representation from the Department of Justice. It is like we do not care, it is a poor quality tape. And of course that begs the question, if it is a poor quality tape, maybe that is because it is not the original. So I think we understand your position there and perhaps that is something for a dialog at a later time.

Mr. ROBINSON. Fine. Happy to do that.

Mr. WILSON. We obviously welcome that and look forward to that.

Let me just turn to another issue that has not really been addressed. In March of this year, nearly 4 months ago, the committee asked the Attorney General to appoint a special counsel to look into allegations that the White House had obstructed justice in terms of not turning over e-mail information and also a possible intimidation of witness issue. I know there has been some discussion, unfortunately, I had to leave the room briefly for that. I think the question was asked has there been a conclusion. Have you come to a conclusion as to whether a special counsel will be appointed to investigate the e-mail matter?

Mr. ROBINSON. Earlier, there was an indication that the Attorney General has made no such announcement at this point. And I think that if there were to be such a statement, it would be made by the Attorney General. And so we are not quite in a position to answer for her on that topic.

Mr. WILSON. We have come to a point now where it has been nearly a third of a year. It might be helpful to come to some closure on that issue.

Mr. ROBINSON. We will take that back.

Mr. WILSON. But it is a matter of some concern to us because one of the things we have learned as we have conducted our investigation of the e-mail matter is that there is a large universe of individuals who have not been spoken to by the Department of Justice. And as we pointed out in the March letter, there was some concern that the Department of Justice is on both sides of the same case. Even today, apparently, the Department of Justice is representing the White House in the e-mail matter and at the same time the Campaign Financing Task Force is theoretically conducting an investigation of possible issues of impropriety in the e-mail matter. And we sent a letter a few weeks ago indicating that the Department of Justice had not talked to a number of significant witnesses. And I will not go through the list today, but even yesterday

I called counsel for three people who have pieces of information that are very important to the puzzle of understanding what is going on and the Department of Justice has not contacted them even to set up an interview.

So, Mr. Conrad, this is a characterization, it may be unfair, but it is beginning to look like your e-mail investigation is a bit like the campaign financing investigation. A long period of time is going by without some basic fact-finding occurring. Like the near 4 year delay asking the Vice President about the Hsi Lai Temple, we have gone nearly a half a year on some e-mail matters.

Let me ask you one question that I think you can answer. Mr. Conrad, how are you kept up to date on the e-mail reconstruction project? Who talks to you?

Mr. CONRAD. I do not want to get into the deliberative process within the task force investigation.

Mr. WILSON. No, no. I do not mean to even ask you to go there, and please do not think that I am. What I am asking you is not what is going on inside the task force, it is just as theoretically the White House should be keeping us up to date on what is going on with the reconstruction project. We learned in court just in the last week that the White House apparently has just started copying tapes and will not be finished copying tapes until next year.

So what I am not asking you for is deliberative process, what I am asking you for is who keeps you up to speed with what is going on in the reconstruction process at the White House.

Mr. CONRAD. In the ordinary course of supervising a myriad of task force investigations, I make it a point as a supervisor to meet with prosecutors and agents assigned to different responsibilities. And White House e-mail would be no different than any other case.

Mr. WILSON. Again, I guess I am not making my question clear. Is it the White House that keeps you up to date with what is going on, or is it the White House's lawyers, other Department of Justice lawyers, who tell you what is going on, if anybody. Maybe nobody does.

Mr. CONRAD. I have under my supervision criminal prosecutors and agents that are conducting the criminal investigation and I supervise them. That is who would keep me up to date with any developments in any of the cases.

Mr. WILSON. But the people you supervise are not the people who have any idea what is going on in the reconstruction process unless they are told. What I am asking you for is who does the telling. Does the White House—first of all, to characterize, the White House has not kept us informed, but does the White House keep your subordinates informed, or do they have direct contacts with other Department of Justice attorneys who happen to be representing the White House in this matter?

Mr. CONRAD. I really would not be in a position to talk about how I conduct a criminal investigation. That is a pending matter under my supervision and it is being supervised in a way I think is appropriate. But how we do that, what decisions we make, who informs who is something that is part of the deliberative process which I am not in a position to talk about.

Mr. WILSON. So you are not able to discuss at all what is going on outside of the task force in terms of advising you of any of the reconstruction issues?

Mr. CONRAD. That is correct.

Mr. WILSON. Just a few more things. I want to just for the record clarify a couple of matters. One, I understand the answer to the question that was posed earlier about why it took nearly 4 years to ask the Vice President about the Hsi Lai Temple matter, but I will ask this question from a different angle. Mr. Robinson, have you ever made any inquiries as to why it took nearly 4 years to ask the Vice President about the Hsi Lai Temple matter?

Mr. ROBINSON. I guess not directly that way, except that I expect the people who are in charge of these task forces, including some very fine prosecutors, Chuck La Bella included, Dave Vicinonzo, Bob Conrad, that they are going to do their job in a deliberate, careful way and that they are going to proceed appropriately. And I think I have empowered them to do that and not interfered with it and I expect that they are doing it.

These things move along. Obviously, we had a trial that took a fair amount of time, we have had a number of pleas, we have debriefed witnesses. This is a process that those of us who are involved in major investigations appreciate that sometimes things take longer than one would like and that there are a variety of ways to proceed. I have no reason to believe that these prosecutors and the people running the task forces are not proceeding in what they view to be the best interest of the investigation, which I think is the case.

Mr. WILSON. We understand that and we appreciate that there was a trial involved. But there appears to be somewhat of a novel representation here that one needs to wait until after, if you are referring to the Hsia trial, wait until after the Hsia trial to ask a witness about information that might be pertinent to the trial itself.

Mr. ROBINSON. I think it is legitimate for you all to make comments about that. But it would not be appropriate for us to comment about the investigation, the strategy that relates to it. But sessions like this are helpful for us to understand how other people feel about it and for us to take that into consideration. I think that is appropriate.

Mr. WILSON. Let me perhaps turn to Mr. Conrad and ask the same question. Admittedly, much of this happened long before you came here. But in terms of your supervisory role, have you made any effort to reconstruct whether there was a legitimate—I guess what I am asking is was there a legitimate prosecutorial or strategy rationale for waiting nearly 4 years to ask the Vice President about the Hsi Lai Temple matter?

Mr. CONRAD. The only thing I can say is my own personal experience. I have not reconstructed other people's investigative strategies. I came on in January, I interviewed the Vice President in April. To me, that was working pretty expeditiously. That is the universe of my knowledge.

Mr. WILSON. Right. We understand that. But was it a matter of any concern to you personally that the Vice President was not

asked the very questions you asked him prior to the Hsia trial? Were you curious about that matter?

Mr. CONRAD. My focus was on setting up an interview and asking the questions that needed to be asked, and that is what I did.

Mr. WILSON. I understand if you cannot answer my question, you can say that. But I asked if you were curious as to why it took that amount of time, and I will ask whether you are curious that the questions were asked after the Hsia trial and not before the Hsia trial. We have read the transcript and you did a fine job of asking questions. But the perspective we have is why were those questions asked after the trial as opposed to before the trial. And I am asking whether you were curious about that.

Mr. CONRAD. I think the appropriate people to ask those questions, if you have specific people in mind who you think should have asked the questions, they would be the people to ask why they did not. My focus was on the needs of the investigation at the time I took over and that is where my energies went, that is where my thought processes went.

Mr. WILSON. Mr. Robinson, I just wanted to tidy up one matter relating to the Charles Parish issue. I think it was Mr. LaTourette spoke extensively about some representations that were made about Mr. Parish's conduct and your response was we would have to receive that evidence. Is that a correct representation of your words?

Mr. ROBINSON. No. I think I said we would be happy to receive anything that exists and to look at the matter. Off the top of my head, I was not in a position, and I would be glad to evaluate whether we can make any kind of a response. I did not review that matter. I did not understand that was going to be a subject of our discussion. But if somebody wants to direct something for us to take a look at and see what, if anything, we can appropriately say about it, we would be glad to undertake to do that.

Mr. WILSON. I think the response took some people by surprise because the evidence was all put before the public at a public hearing and it seemed that you were indicating that you would have to receive that into evidence to take it into account. It is something that has been received and it was read sort of in juxtaposition to a declination memo indicating that there was in evidence. So the declination memo——

Mr. ROBINSON. I was suggesting I would have to look at it. Off the top of my head, I was not able to answer. I can say as a general proposition that a working arrangement has been that on all declinations with the task force there has been the joint concurrence of the Attorney General of the United States and the Director of the FBI, as a general proposition. On the details of this particular matter, I would have to look at the matter, and I did not before I came here. I do have 800 people and a $100 million budget to operate and there are lots of cases. So that particular matter—I would be glad to try to look at it and anything we can say appropriately without violating these rules, we would be happy to try to do it.

Mr. WILSON. And we understand that, obviously, it is an extraordinary responsibility and it is one that people owe you a great debt of gratitude for undertaking. But it is interesting, you talk about

the breadth of your job, and I was actually going to ask Mr. Gershel a question that goes to the breadth of his job. These are complicated, difficult, time consuming, and sometimes burdensome jobs, and when you take on new responsibilities that (a) is evidence of your priorities, and (b) it takes away from your ability to take on other tasks. And I was going to ask Mr. Gershel how many trials he has been involved in as a participating trial member since he became a Deputy Assistant Attorney General.

Mr. GERSHEL. That was my first.

Mr. WILSON. The Bakaly trial was your first trial since——

Mr. GERSHEL. In the last 6 months since I have been here.

Mr. WILSON. Right, since becoming a Deputy Assistant Attorney General.

Mr. GERSHEL. I should indicate, though, that even as the criminal chief and first assistant, where I also had broad management responsibilities, it was always important for me to stay in the courtroom and try cases. I felt it made me more valuable as a manager and more helpful to the people that I supervise.

Mr. WILSON. Do you have any other cases that you will be handling in the immediate future?

Mr. GERSHEL. I am not going to comment on that.

Mr. ROBINSON. I would like to say some of us who are trial lawyers—I sought out an opportunity to argue a case in the Supreme Court, and maybe somebody would criticize me for doing that but it was the highlight of my professional career. I worked hard nights and weekends to do it. I would do it again, although we are working pretty hard at it. But those of us who are trial lawyers and get into supervisory positions, the opportunity I think, as Alan said, to stay in the courtroom and to completely appreciate this it helps give a credibility. I taught as a dean, so, you know——

Mr. WILSON. Gentlemen, thank you——

Mr. CONRAD. Mr. Wilson, can I go back to one of your questions because I want to complete an answer.

Mr. WILSON. Absolutely.

Mr. CONRAD. I want to make sure I am right on it. You asked me about whether I was curious about the Vice President not being interviewed. I came on in January. The Maria Hsia case was set for trial in January. I had to come up to speed on a whole host of pending investigations. And I sort of came on with the notion that that trial had no input from me and was going to trial the same month I was starting up. So as I started to look at different cases, my curiosity with respect to the Vice President and the Hsi Lai Temple was what he would have to say about it, and that was structured into the examination.

Mr. WILSON. I did not mean to characterize that you were amiss in any way for not following up. I just wanted to know whether you had thought about why that event had not taken place.

Mr. CONRAD. And I wanted to put it in context what I thought and why I thought that.

Mr. SHAYS. Mr. Conrad, the record will be clear that you began work this year in this position as head of the task force. Correct?

Mr. CONRAD. January 2000, yes, sir. Well, the day after Christmas, the first full week.

Mr. SHAYS. Fair enough.

I thank the gentleman for his questions, his 30 minutes.

We now turn to the minority for their 30 minutes.

Mr. SCHILIRO. Thank you, Mr. Chairman. And in fairness to the witnesses and the late hour and also to Chairman Shays, I think I will only use 2 of my 30 minutes. I was not going to use any of it, but when counsel was asking you questions about the leak that was reported in CNN yesterday, you all said that you were bothered by the leak and you wished there were no leaks. I think that is the view of everybody on the panel, that in a perfect world there would be no leaks. But leaks sometimes have different magnitudes. And I thought Mr. Robinson pointed out that the leak of Mr. Conrad's recommendation by any measure was a more significant leak than probably the one yesterday in CNN. Mr. Conrad's leak I think on a Richter scale would probably be a nine. Yesterday, I do not know how to evaluate it, but it would be somewhat less than that.

And if you were going to put that leak in context, it may be that the Justice Department was getting asked questions about it because this committee asserted we knew what was on that tape and said it as a matter of fact, when in fact there may not be any agreement on what is on the tape. The hearing reporter we have here today is probably the most equipped person in the room to figure out what people say because that is what his job is, he has to transcribe it. And the other night on Fox TV there was a show called Hannity and Colmes and the chairman was on the show. I have a transcript of it and they have caught in this transcript every possible word that anybody said, with one exception. When the tape was played that we played here before, the reporter wrote down "Albert Gore, Vice President of the United States, 'We ought to, we ought to show that to [unintelligible] here, let [unintelligible] tapes, some of the ad tapes [unintelligible].'" So the person whose job it is to figure out what is on the tape—who is not a Republican, who is not a Democrat, who does not have a bias, he is not related to the administration—that person, whoever it is, had a very difficult time trying to figure out exactly what was on the tape.

So it may well be, and I am not making excuses for the Department, but when they were asked the question, it is not secret information they were giving out, but it is information that other people, including the professionals who have to interpret these things, have already reached on their own.

Mr. ROBINSON. I would only suggest, though, that prosecutors and investigators ought not to be commenting on matters that might involve pending matters. I do not do it. I do not think it is right. I think the code of professional responsibility does not allow for that. People are entitled to their opinion, but this one, unlike many situations, at least there is something everybody can take a look at I guess and try to figure it out as best they can.

Mr. SCHILIRO. What is on it, what is actually being said on the tape.

Mr. ROBINSON. What is being said.

Mr. SCHILIRO. But when we are in the realm of leaks, all this started because the initial leak about Mr. Conrad's recommendation.

Mr. ROBINSON. I do not think it would be appropriate for me to comment about why other people leaked other people's stuff. But it hurts us. It gets in the way of our deliberative process and it can hurt people who might or might not get charged. Prosecutors, investigators, those in law enforcement, we are supposed to be enforcing the law and enforcing the rules and we ought not to be breaking them. That is my philosophy and that is one that I try to live by.

Mr. SCHILIRO. I have used a minute and a half more than my 2 minutes. So I thank the chairman for his courtesy. I have no more questions.

Mr. SHAYS. I appreciate you gentlemen being here and I appreciate your patience for allowing us to question you from 1 to 5:15. And I appreciate the cooperation of both the majority and minority and their counsels as well.

We will call this hearing adjourned.

[Whereupon, at 5:15 p.m., the committee was adjourned.]

[The prepared statement of Hon. Helen Chenoweth-Hage follows:]

Statement of Congressman Helen Chenoweth-Hage
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
July 20, 2000

Thank you, Mr. Chairman. I would like to thank the Committee for holding this hearing regarding "*Has the Department of Justice Given Preferential Treatment to the President and Vice President?*" This is an issue of importance that is both timely and necessary. I look forward to hearing the Department of Justice's (DOJ) explanations regarding their oversight and enforcement of criminal laws in the Executive Office.

Mr. Chairman, for the past eight years, this administration has been consistent in obstructing justice and ignoring its Constitutional obligations. The laws that apply to every other citizen of this great nation seem to have no force when applied to the White House. We have seen, time and again, a White House that ignores subpoenae, obfuscates, misleads, and ignores the Constitutional prerogatives of Congress.

No other citizen would dare to ignore subpoenae for e-mail records. And yet, this White House has delayed and resisted the legitimate efforts of this Committee to conduct its obligatory Constitutional oversight of the Executive Office by being recalcitrant in providing its e-mail records. This is simply unacceptable.

Mr. Chairman, first the White House said it would provide the e-mail records within 170 days. Now, we *discover* that the White House only ordered the copying of the e-mail tapes by the *end of this year*! This is the case, even *after* Judge Lamberth made clear to the White House that the 170 day turnaround was unacceptable. So in review, once again, the Executive Office is ignoring both Congress and a the legitimate orders of the D.C. District Court.

Furthermore, DOJ is now assisting the Vice President's communications spin by preparing transcripts of FBI interviews for the Vice President while resisting the legitimate requests of this Committee for the same documents.

Mr. Chairman, I've said this before, and I'll say it again. The work this committee has done critical work is exposing the corrupt and ongoing conspiracy in the Executive Office to obstruct justice. In many ways, DOJ is now involved part and parcel in this corruption. Without the loyal and truthful field agents and other workers, DOJ might as well be part of the Communications Office of the White House.

Mr. Chairman, again, I thank both you and the Committee for holding this hearing. I look forward to hearing the White House's spin, as enunciated by DOJ's witnesses today. Once again, I have the fear that we will sit here and wittness further obstruction of this Committee's legitimate, constitutionally appropriate, oversight of the Executive Office.

Thank you Mr. Chairman.

○