

Lewis (KY)	Pelosi	Smith (MI)
Linder	Peterson (MN)	Smith (NJ)
Livingston	Peterson (PA)	Smith (OR)
LoBiondo	Pickering	Smith (TX)
Lowey	Pickett	Smith, Adam
Lucas	Pitts	Smith, Linda
Maloney (CT)	Pombo	Snowbarger
Maloney (NY)	Pomeroy	Snyder
Manzullo	Porter	Solomon
Martinez	Portman	Souder
Mascara	Poshard	Spence
Matsui	Price (NC)	Spratt
McCarthy (MO)	Pryce (OH)	Stabenow
McCarthy (NY)	Quinn	Stearns
McCollum	Radanovich	Stenholm
McCrery	Rangel	Stokes
McHale	Redmond	Strickland
McHugh	Regula	Stump
McInnis	Reyes	Stupak
McIntosh	Riggs	Sununu
McIntyre	Riley	Talent
McKeon	Rivers	Tanner
McNulty	Rodriguez	Tauscher
Meehan	Roemer	Tauzin
Meek (FL)	Rogan	Taylor (MS)
Menendez	Rogers	Taylor (NC)
Metcalfe	Rohrabacher	Thomas
Mica	Ros-Lehtinen	Thompson
Millender-	Rothman	Thornberry
McDonald	Roukema	Thune
Miller (FL)	Roybal-Allard	Thurman
Mink	Ryun	Tiahrt
Moakley	Sabo	Tierney
Mollohan	Salmon	Torres
Moran (KS)	Sanchez	Trafigant
Moran (VA)	Sandlin	Turner
Murtha	Sawyer	Visclosky
Myrick	Saxton	Walsh
Neal	Scarborough	Wamp
Nethercutt	Schaefer, Dan	Waters
Neumann	Schaffer, Bob	Watkins
Ney	Schumer	Watts (OK)
Northup	Scott	Waxman
Norwood	Serrano	Weldon (FL)
Nussle	Sessions	Weldon (PA)
Ortiz	Shadeegg	Weller
Oxley	Shaw	Wexler
Packard	Sherman	Weygand
Pallone	Shinkus	White
Pappas	Shuster	Whitfield
Parker	Sisisky	Wicker
Pascrell	Skaggs	Wise
Pastor	Skeen	Wynn
Paxon	Skelton	Young (AK)
Pease	Slaughter	Young (FL)

## NAYS—61

Barrett (WI)	Hoekstra	Owens
Becerra	Hoolley	Paul
Berry	Jackson (IL)	Payne
Brown (CA)	Johnson (WI)	Petri
Brown (OH)	Kind (WI)	Rahall
Campbell	Klecza	Ramstad
Conyers	Kucinich	Royce
Coyne	Lee	Rush
Davis (IL)	Lofgren	Sanders
DeFazio	Luther	Sanford
Delahunt	McDermott	Sensenbrenner
Deutsch	McGovern	Shays
Doggett	McKinney	Stark
Ehlers	Meeks (NY)	Towns
Fattah	Miller (CA)	Upton
Filner	Minge	Velazquez
Frank (MA)	Morella	Vento
Franks (NJ)	Nadler	Watt (NC)
Furse	Oberstar	Woolsey
Gutierrez	Obey	
Hinchey	Olver	

## NOT VOTING—14

Baessler	Hamilton	Markey
Crane	Kaptur	McDade
Dingell	LaFalce	Wolf
Frelinghuysen	Lipinski	Yates
Gonzalez	Manton	

□ 2007

Mr. HOEKSTRA changed his vote from "yea" to "nay."

Mr. PICKERING and Ms. RIVERS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. FRELINGHUYSEN. During the vote on final passage of H.R. 4103, the National Security Appropriations Act, I was on the floor and intended to vote but the machine failed to register my vote. Had it been registered, I would have voted yes on final passage of the bill.

## APPOINTMENT AS MEMBERS TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) as amended by Section 2(d) of Public Law 102-586, the Chair announces the Speaker's appointment of the following members on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Mr. William Robert Byars, Jr., South Carolina, to a one year term;

Ms. Adele L. Grubbs, Georgia, to a three year term.

There was no objection.

## APPOINTMENT AS MEMBERS TO NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 503(b)(3) of Public Law 103-227, the Chair announces the Speaker's reappointment of the following members on the part of the House to the National Skills Standards Board for four year terms:

Mr. James D. Burge, Washington, D.C.;

Mr. Kenneth R. Edwards, Rockville, Maryland.

There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The Speaker pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,

Washington, DC, June 24, 1998.

Hon. NEWT GINGRICH,

Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: I am writing to resign my position on the House Science Committee in exchange for a position on the House National Security Committee. Thank you for your assistance with this matter and please contact me if you have any questions.

Sincerely,

ELLEN O. TAUSCHER,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resigna-

tion as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,

Washington, DC, June 24, 1998.

Hon. NEWT GINGRICH,

Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a member of the Committee on Small Business.

With kind regards, I am

Sincerely yours,

VIRGIL H. GOODE.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, at the direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 492) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## HOUSE RESOLUTION 492

*Resolved*, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Banking and Financial Services, VIRGIL GOODE of Virginia.

To the Committee on National Security, ELLEN TAUSCHER of California, ROBERT BRADY of Pennsylvania.

To the Committee on Small Business, ROBERT BRADY of Pennsylvania.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN THE CONGRESSIONAL RECORD ON THURSDAY, JUNE 25, 1998

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extension of Remarks" on Thursday, June 25, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 2015

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CONTROVERSIAL ARTICLE REGARDING KENNETH W. STARR, INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I will place in the RECORD an article that has become controversial in the fact that it begins to examine more carefully the question surrounding the Independent Counsel, Kenneth W. Starr, in connection with his off-the-record contacts with Members of the media. I ask that this material be included.

The material referred to is as follows:

[From Brill's Content, July/August 1998]

PRESSGATE

(By Steven Brill)

What makes the media's performance a true scandal, a true example of an institution being corrupted to its core, is that the competition for scoops so bewitched almost everyone that they let the man in power write the story—once Tripp and Goldberg put it together for him.

It began with high fives over the telephone. "It's breaking! It's breaking! We've done it," Lucianne Goldberg screamed into her phone in Manhattan to her son in Washington. It was 7:00 A.M., Wednesday, January 21.

"This was my mom's day," says Jonah Goldberg, 29, referring to the controversial New York literary agent who had now shepherded the Monica Lewinsky story into the world's headlines and onto Independent Counsel Kenneth Starr's radar screen. "Here was everything we'd done since the fall breaking right there on Good Morning America, with Sam Donaldson standing in front of the White House and George Stephanopoulos talking . . . impeachment."

"For five years I had had all kinds of Clinton stories that I had tried to peddle," Lucianne Goldberg recalled during a series of interviews. "Stories from the state troopers, from other women, you name it. And for five years I couldn't get myself arrested. Now I was watching this [and] I was lovin' it. Spikey and Linda and us had really done it." "Spikey" is Lucianne Goldberg's pet name for Michael Isikoff, the relentless Newsweek reporter whose stories about President Clinton's alleged sexual misconduct—from Paula Jones to Kathleen Willey and now to Monica Lewinsky—had led the way on this sometime lonely beat. "Linda" is Linda Tripp, the one-time White House secretary now known more for taping than typing. For four years she had been a frustrated client of Goldberg's, hoping to sell a White House scandal memoir.

As of this morning, Tripp, under Lucianne Goldberg's tutelage, had constructed the material for Isikoff's greatest scoop—often according to his probably unwitting specifications. The two women had even steered it in a way that now allowed Ken Starr to hone in on the president and the intern. Then, by leaking the most damaging details of the investigation to a willing, eager press corps Starr was able to create an almost complete presumption of guilt. Indeed, the self-righteousness with which Starr approached his role—and the way he came to be able to count on the press's partnership in it—generated a hubris so great that, as detailed below, he himself will admit these leaks when asked.

The abuses that were Watergate spawned great reporting. The Lewinsky story has reversed the process. Here, an author in quest of material teamed up with a prosecutor in quest of a crime, and most of the press became a cheering section for the combination that followed. As such, the Lewinsky saga raises the question of whether the press has abandoned its Watergate glory of being a check on official abuse of power. For in this story the press

seems to have become an enabler of Starr's abuse of power.

An examination of the Lewinsky story's origins and a day-by-day review of the first three weeks of the media coverage that followed, suggest that as it has careened from one badly sourced scoop to another in an ever more desperate need to feed its multimedia, 24-hour appetite, the press has abandoned its treasured role as a skeptical "fourth estate." This story marks such a fundamental change in the press's role that the issues it raises will loom long after we determine (if we ever do) whether the president is guilty of a sexual relationship with the intern, obstruction of justice, or both.

#### LOOKING FOR A TRUE CRIME STORY

It started with the 1993 death of Deputy White House Counsel Vincent Foster, Jr. In some anti-Clinton circles, Foster's suicide became what Lucianne Goldberg calls "the best true crime story out there. . . . I was interested in getting a book out about Foster's death, and Tony Snow [the conservative columnist and now-Fox newsmen] suggested I talk to Linda Tripp."

A veteran government secretary, Tripp, then 43, had been assigned to work for White House Counsel Bernard Nussbaum. Tripp claimed to have been the last person to see Foster alive, and, as with many aspects of her jobs, she made more of this Jeopardy-like fact than it was worth.

Following Nussbaum's resignation in 1994, Tripp was moved to a job at the Pentagon. She got a rise, but, in terms of status, it was a comedown.

Goldberg was a good match for Tripp. A gravelly-voiced, chain-smoking 63 year-old with a self-described "big mouth," Goldberg is a West Side Manhattanite who takes delight in defying her neighborhood's liberal chic. She runs in conservative circles, makes no secret of her disdain for the president, and her acknowledged past includes doing dirty tricks for the Nixon campaign.

Yet the reception Tripp got from Goldberg was a letdown. "She had been the last person to see Vince Foster, and she hated the Clinton people and told me stories about the clothes they wore and how they f—ked around with each other. . . . But was that a book? Come on," says Goldberg.

"I kinda liked her," Goldberg continues. "So we kept in touch, and we did put a proposal together."

As The New Yorker reported in a February article by Jane Mayer that deserves credit for being the first to spot the Goldberg—book deal impetus for the Tripp-Lewinsky story, the proposal contained a purported but nonspecific chapter on sexual hijinks.

#### THE "PRETTY GIRL"

In May of 1996, Tripp told Goldberg about a former White House interim who had been transferred to the Pentagon and was working with Tripp in the public affairs office. "One day Linda called and told me about what she called 'the pretty girl,' who'd become 'her friend,'" Goldberg recalls. "She said the pretty girl said she had a boyfriend in the White House. Linda was excited. This might be material."

"A few weeks later," says Goldberg, "Linda told me the pretty girl's name [Monica Lewinsky] and said the boyfriend was Clinton."

But, says Goldberg, "even with proof, which she didn't have, it was just another Clinton girlfriend story. Maybe the girlfriend could do a book, but not Linda."

"I remember for a while my mom thinking Linda could get us Monica as a client," says Jonah Goldberg, a television producer who also runs a Washington office for his mother.

Nonetheless, according to the two Goldbergs, Tripp repeatedly rebuffed their hints that they meet the former intern.

Although Tripp and Lucianne Goldberg kept up their relationship through 1996, Goldberg did not push the book idea. "It wasn't high on my list," says Goldberg. "No one seemed to care about this guy screwing everything in sight."

#### ON THE RADAR SCREEN

Perceptions about the president and sex changed markedly as 1997 began. In January, Newsweek published a cover story on the Paula Jones suit declaring that the case deserved to be taken seriously. The Newsweek story—along with the Supreme Court's hearing (also in January) of the Jones lawyers' appeal that their case not be delayed until after President Clinton had left office—suddenly made the president's alleged sexual misconduct and his resulting legal troubles topic A.

#### ISIKOFF ON THE HUNT

Newsweek now allowed Isikoff, its lead reporter on the Jones story, to add the Clinton sex allegations to a beat that already included not only Whitewater, but also the blossoming controversy surrounding the funding of the 1996 Democratic campaign.

A native New Yorker who grew up on Long Island, Isikoff, 46, started in journalism as a reporter for a Washington-based news service initially funded by Ralph Nader. "It was the Woodward and Bernstein era," he says. "Being a reporter was exciting."

For him, it still is. A journalist's version of Columbo, with a perpetually whiny voice and a awkward, nervous look, Isikoff instinctively distrusts power. Now, as he patrolled his expanded beat in early 1997, Isikoff got a tip from one of Jones's lawyers, who had heard that there was a volunteer White House worker who had been groped by the president in 1993 when she'd met with him seeking a job.

Isikoff eventually tracked down Kathleen Willey, and after he had pestered her over a period of several months, she talked about the incident but refused to be quoted. According to Isikoff, Willey suggested that he "go ask Linda Tripp" for confirmation, because Tripp had seen Willey after she'd left the Oval Office on the day of the alleged incident.

Yes, she had seen Willey emerge from the Oval Office disheveled, Tripp told Isikoff, according to his subsequent story. And yes, Willey claimed the president had kissed her and fondled her. But, no, Tripp declared, Willey was not upset; she seemed happy about the president's attention.

Isikoff says that he and his editors were reluctant to go with that confusing account, until they learned in late July that the Jones lawyers had subpoenaed Willey (but not Tripp, whom they did now know about). Now Newsweek had a hook—a legitimate more-than-just-sex hook—for the story.

The result, entitled "A Twist In Jones v. Clinton," was a tortured account of the potential role that a new but reluctant accuser, Kathleen Willey, might have in the Jones case. Isikoff quoted Tripp as confirming the incident but disputing whether Willey had seemed unhappy about it.

In the days that followed, Isikoff says, he was surprised that the rest of the press largely ignored the article, seeing it as just part of the detritus of the Smarmy Jones suit.

Linda Tripp did not ignore it.

"Linda tends to view her role in things as much more important than it is," says Jonah Goldberg. "And she was both thrilled and terrified by the play Isikoff gave her in this piece. She thought the whole world was now watching her. And she thought she also could now come to center stage with what she knew about Monica."

In fact, according to Isikoff, from the moment he had first talked to Tripp in March

1997 about Willey, "she was telling me that I had the right idea but that I was barking up the wrong tree with Kathleen Willey. She kind of steered me away from Willey."

At a meeting in a bar near the White House in April 1997, Tripp again pushed Isikoff to consider a better story, one about an intern and the president. But Isikoff remained focused on Willey. Why? Because, he says, he knew that there was a link from her to a story that was about more than sex: the Jones trial. He also says that he made no bones about the importance of that link to Tripp.

For Tripp, the motive for filling that need was unambiguous. "I always told Linda that for her to have a real book deal she had to get some of what she knew into a mainstream publication of some kind," recalls Goldberg. "I drummed that into her. Without that, she was just another kook."

According to Goldberg, it was soon after the Newsweek article appeared that Tripp—at Goldberg's urging—went to a Radio Shack store and bought a \$100 tape recorder so that she could begin gathering her proof.

#### THE TAPES

In October, the Goldbergs tried to advance the story by getting Isikoff to listen to Tripp's tapes of Lewinsky talking to her about sex with Clinton. Saying she was Tripp's "media adviser," as Isikoff recalls it, Goldberg invited him to a meeting at Jonah Goldberg's apartment. She told him he wouldn't regret it.

According to all who were present (except Tripp, who would not comment for this article), Isikoff was told Lewinsky's name. Two tapes were on the coffee table. Lucianne offered to queue up the first one.

Isikoff declined.

"I knew that if I listened to these tapes I would become part of the process, because I knew the taping was ongoing," explains Isikoff, who also adds that he was in a hurry to get to CNBC, where he was a paid Clinton sex scandal pundit.

#### GET ME SOMETHING TANGIBLE

But Isikoff heard enough of a description of what was on the tape to request more. He wanted "a tangible way to check this out with some other source," recalls Jonah Goldberg. "And he needed more than just sex. He said he needed other sources and he needed for this to relate to something official." Isikoff confirms this conversation.

To Isikoff, he was simply musing aloud about what would make a legitimate Newsweek story. To the Goldbergs and Tripp, he was writing out specs. And by the end of October, Isikoff's hopes had been fulfilled on both counts.

First, they produced something tangible. Lewinsky began sending letters and one package to presidential secretary Betty Currie at the White House, allegedly so that Currie could pass them to the president. What was in that package? Tripp and Goldberg told Isikoff it contained a lurid sex tape. Goldberg then told Isikoff how to get copies of the receipts for those letters and the package. It was easy—because the courier service employed by Lewinsky is owned by Goldberg's brother's family.

"We told Linda to suggest that Monica use a courier service to send love letters to the president," says Lucianne Goldberg. "And we told her what courier service to use. Then we told Spikey [Isikoff] to call the service." (Isikoff says he later found out that the service was owned by Goldberg's brother's family, but that for him the only issue was the fact that Lewinsky had, indeed, sent the letters and, one case, a package that seemed like a tape, according to the courier who delivered it to the White House—and who was made available for Isikoff to interview by the eager-to-be-helpful courier service.)

As for something "official," Tripp and Lucianne Goldberg told Isikoff that Lewinsky, who was planning to move to New York with her mother, was going to get a job there working for U.N. ambassador Bill Richardson. In fact, Richardson himself was going to meet with the lowly former intern at the Watergate over breakfast in a few days to talk about the job, Tripp and Goldberg reported. In other words, they contended, the president was getting his girlfriend a government job.

"That was interesting enough that we sent a reporter—not me, because I was now recognizable from all my TV stuff—to stake out the Watergate for breakfast," says Isikoff.

Newsweek's Daniel Klaidman waited from 7:00 until 11:30 a.m., But Richardson and Lewinsky never appeared. "That really worried my editors. . . . We didn't know that Richardson had an apartment there and they were meeting there," says Isikoff.

It was at about this time—October 1997—that the new Paula Jones legal team started getting anonymous calls from a woman saying that Linda Tripp and Monica Lewinsky would be well worth subpoenas. Each of what one member of the Jones team estimates were three or four calls got increasingly less vague.

Who made those calls?

"My mom didn't do it," Jonah Goldberg says. "Linda did, but I can tell you that she didn't get the idea on her own."

Lucianne Goldberg says she isn't sure Linda called them, "but it wouldn't surprise me, and it made sense, didn't it?"

Did Lucianne encourage her to make the calls? "Do you think I had to?" asks Goldberg.

Did she encourage her? "Not exactly, but, hell, I guess you could say so."

What seems clear is that no one other than one of the Goldbergs or Tripp would have had the knowledge or the motive to have tipped off the Jones lawyers. And whoever made the calls, they were persuasive enough that by just before Christmas both Lewinsky and Tripp had been subpoenaed.

"That's when this heated up," says Isikoff. "When I found out they had been subpoenaed, I could see the perjury possibilities and everything else. It was starting to be a real story."

In short, the exact dynamic that had made the Willey tale a publishable story for Isikoff—that it was part of the Jones trial—had now apparently been engineered by the Goldberg-Tripp book-deal team. Moreover, those similarly orchestrated "receipts" from the courier service gave Isikoff the tangible proof he said he needed.

"I guess I'd like to think this was more a Goldberg conspiracy than a right-wing conspiracy," Jonah concludes when asked about this orchestration.

#### MONICA BECOMES HYSTERICAL

According to the Goldbergs' accounts of the Lewinsky-Tripp tapes and to Isikoff's account of the tapes he eventually heard, when Lewinsky got her subpoena in December she became hysterical. On the tapes her hysteria comes off as a fear of how to decide whether to rat on the president or risk perjury—a fear exacerbated by Tripp's declaration to her that she, Tripp, was going to tell the truth about what Lewinsky had told her about the relationship.

As 1997 drew to a close, Isikoff says he knew he'd be coming back from his Christmas vacation in January to what might be a major story.

#### 'CLOWNS IN A CAR'

"That first week in January," recalls Lucianne Goldberg, "we were kind of panicked. You had [Lewinsky] on the phone to Linda . . . saying she didn't know what to do

and that she was gonna sign an affidavit saying she had never had any sex with the president"—an affidavit that Lewinsky did in fact sign on January 7. "And you had Linda worried about her own testimony and about what Isikoff was going to do."

Goldberg says the Tripp was now worried enough to consult Kirby Behre, the lawyer she had used when she had testified in the Whitewater hearings. But when Behre (who declined all public comment for this article) was told about the tapes, his suggestion, according to Goldberg, shocked Tripp and Goldberg: "He told her he was going to go to Bob Bennett"—the president's defense lawyer in the Jones case—" . . . and get Bennett to settle the Jones case and avoid all this."

In fact, Tripp and the Goldbergs wanted anything but a settlement that would see Tripp's cameo role in history evaporate. They were headed in the opposite direction. What they had pushed from a tale about a presidential affair to a story about a new witness in a civil suit they now wanted to push to the next stop—a criminal case. "We wanted a [new] lawyer so that Linda could go to Ken Starr," explains Lucianne Goldberg.

By Friday, January 9, Goldberg had found James Moody, a relatively unknown Washington attorney who had been active in taxpayer rights and other conservative causes.

#### TRIPP GOES TO STARR

Why the rush for a new lawyer? "Because we wanted someone to get the tapes back from Behre so we could take them to Starr," says Lucianne Goldberg.

In fact, while Moody ended up getting the tapes back quickly (apparently by Monday, January 12), even that wasn't fast enough for Tripp. "Linda," says Jonah Goldberg, "was in a frenzy."

"I told her to call Starr Monday night," says Lucianne Goldberg. "She was afraid Isikoff was going to do a story and she wanted to make sure who got to Starr first . . . Neither of us wanted Starr to read about her in *Newsweek*. We wanted to be at the center of it."

But didn't her going to Starr also insure that Isikoff would have a story? "Yes, that's true, too," says Goldberg with a laugh. "We knew this would never *not* be a story for Spikey [Isikoff] once Starr had it."

"Linda called Starr's people Monday night," Goldberg continues. "And after a few minutes they asked her where she was, told her to stay there, and piled in a car and drove out to her house. She told me it was like that Charlie Chaplin movie or something with all those cops like clowns stuffed into a car coming out to see her . . . We never knew they would pounce like that."

Starr says that his staff spent that night and the next day, Tuesday, January 13, debriefing Tripp.

According to Goldberg—who was in contact with Tripp through Wednesday night, January 14—Starr's lawyers and FBI agents told Tripp that they needed more than was on her tapes to prove both the president's alleged effort to get Lewinsky to lie and Washington lawyer and Clinton friend Vernon Jordan's supposed obstruction of justice, via his help getting a job for Lewinsky. Their plan? They wanted Tripp to meet with Lewinsky and wear a wire while she walked Lewinsky through a conversation that they would script.

Getting more about Jordan on tape was crucial for Starr. Because his office had been established to investigate Whitewater, his people had already concluded that extending their jurisdiction to the Lewinsky affair required their arguing that Jordan's role with Lewinsky paralleled his suspected but unproven role in helping disgraced former

Associate Attorney General Webster Hubbell obtain lucrative consulting assignments in exchange for Hubbell's remaining silent about the Clintons and Whitewater.

On Tuesday, Goldberg or Tripp (Goldberg and Isikoff won't say who) called Isikoff and told him that Tripp had gone to Starr and that Starr was planning to do his own taping of Lewinsky. "That call knocked my breath out," says Isikoff.

On Wednesday, Isikoff got a full report from Goldberg (according to both) and prepared to confront Starr's office the next day with what he knew.

#### THE STING

Later that night, says Goldberg, Tripp told her that "Starr's people were shutting her down . . . she was being moved and her phone number was being changed and all that."

Isikoff says that when he talked to Starr deputy Jackie Bennett, Jr., on Thursday, Bennett begged him to wait until Friday before trying to call Jordan, the White House, or Lewinsky about his story. Why? Because Starr was not only going to confront Lewinsky with the new tape his team had just recorded of her and Tripp as they met in a dining room at the Ritz-Carlton, Pentagon City (in Arlington); they were also going to try to get Lewinsky to wire herself and get Jordan and maybe even the president on tape obstructing justice. Isikoff says he agreed to hold off in exchange for getting a full report on how the stings had gone. Bennett refuses to comment on any discussion he had with Isikoff, except to say that "what Isikoff knew put us in a difficult position."

Also on Thursday, Starr's deputies met in the afternoon with Deputy Attorney General Eric Holder to request that Attorney General Janet Reno expand Starr's authority beyond Whitewater to include charges of an attempt to cover up Lewinsky's affair with the president. Again, their hook to Whitewater was Jordan's supposed role, a role that was murky at best on the original Tripp tapes.

Now, according to Bennett and to a Justice Department official, the Starr people talked about their own tapes of Tripp and Lewinsky, though no tapes were played at the meeting with Holder.

According to the Justice Department source, while Starr deputy Bennett made much of Jordan's job hunt for Lewinsky, he failed to mention what he knew from the earlier Tripp tapes—that Jordan had begun offering that help at least a month before Lewinsky was subpoenaed in the Jones case. Bennett says he does not remember "if I mentioned that."

Bennett does confirm that he mentioned repeatedly that Newsweek was working on an article that would be public by Sunday. "This was meant as a way of explaining why we had to act fast," says a Justice Department participant. "But the way he said it and kept saying it, it also was clear to us that if we turned down the request, Newsweek would know about that, too. We had no choice."

Another reason that Reno was in a bind was that under the independent counsel law, Starr could have appealed a turndown to the mostly conservative three-judge panel that had appointed him in the first place. That probably would have meant that Starr would have gotten his jurisdiction after all, while Reno got a story in Newsweek saying she had rejected it.

On Friday afternoon, January 16, Reno approved the expansion of Starr's jurisdiction.

Also on Friday, Tripp met again with Lewinsky at the Ritz-Carlton in Arlington, where FBI agents and Starr deputies descended on the former intern. They stayed with her until late that night trying to get her—and later, her and her lawyer, William

Ginsburg (who was conferring with them by telephone)—to agree to help them get Jordan and the president on tape in exchange for immunizing her from a perjury prosecution for having sworn in an affidavit in the Jones case that she and Clinton had not had a sexual relationship. No agreement was reached.

#### STARR BEGS NEWSWEEK

That snag in dealing with Lewinsky forced Starr's people to bet Isikoff to hold off until Saturday before trying to call anyone whom his story would implicate. Any call by Isikoff to the White House or to Jordan asking about the former intern would kill any chance of Jordan or the president being stung by her. "You want to report what you know," Isikoff says. "But you don't want to influence what happens." Isikoff agreed to wait until Saturday (his deadline was Saturday evening), but admits, "This was making me crazy. How was I gonna reach Jordan on a Saturday?"

It was also not clear on Friday that Newsweek was going to run any story at all. "New York was sounding like they thought this wasn't enough," says Isikoff, referring to Newsweek New York-based top editors.

"Friday night, Spike called and told me there was some problems," Goldberg recalls. "But he said it looked like they would to with it."

Soon after that call, Isikoff finally hears some of the original tapes. According to Lucianne and Jonah Goldberg and one source at Newsweek in a position to know, at 12:30 a.m. on Saturday, Tripp's new lawyer, Moody, showed up at the Newsweek offices with two tapes that he had selected because, he told the Newsweek staffers, they most pertained to Jordan and a possible cover-up.

"I had to fight with Moody until the last minute to let Newsweek hear those tapes," says Goldberg. "He just didn't get it," Moody says he "never played any tapes for Newsweek," but declined to comment on the account by the Goldbergs or the Newsweek source that he made the tapes available for them to play.

Lucianne Goldberg says that at her direction, Moody selected the tapes that would most implicate Jordan and the president in obstructing justice, because they contained the non-sex material that Isikoff said he needed to publish a story.

Isikoff, along with Washington bureau chief Ann McDaniel, deputy bureau chief Evan Thomas, and investigative correspondent Daniel Klaidman, listened for four hours as Lewinsky talked and cried and complained about a man whom she called names like "the big creep," but who she clearly meant was the president. The sexual talk was explicit, and it did not seem contrived.

"We were all pretty convinced," says Thomas. "Within five or ten minutes it was clear to everybody that this was compelling stuff."

Nonetheless, Isikoff concedes that the material they had hoped for about Jordan or the president being complicit in an obstruction of justice just wasn't there.

"What we didn't have here was Monica saying, 'Clinton told me to lie,'" says Isikoff. "In fact there is one passage where Linda, knowing the tape is going, says, 'He knows you're going to lie; you've told him, haven't you?' She seems like she's trying to get Monica to say it. But Monica says no." That, concludes Isikoff, "made New York real queasy when we told them."

Unknown to Isikoff, while he was listening to the tapes, Tripp had been released by Starr's investigators so that she could go home. Waiting for her there were Jones's lawyers—who were scheduled to question President Clinton the next morning in a deposition. Starr would later tell me that he did

not know why she was released from her extensive debriefing at that particular time.

Thus, the president's criminal inquisitors, having just finished with Tripp, had now made it possible for his civil case opponents to be given ammunition with which to question the president in his sworn testimony—from which Starr, in turn, might then be able to extract evidence of criminal perjury.

And we now know that the next morning President Clinton was questioned as closely about Monica Lewinsky as he was about Paula Jones.

On Saturday morning, Klaidman of Newsweek found out that Starr had gotten authorization from the Justice Department to expand his investigation to include Lewinsky. "That tipped me off the fence," says deputy Washington bureau chief Thomas. "Just that was a story."

Isikoff, Thomas, and Klaidman were now pushing New York to publish. Meantime, Starr's people again begged Isikoff to hold off, but for a few hours, then for another week.

"What followed," says Isikoff, "was an incredible seven-hour dialogue. It went back and forth. I couldn't believe we were still debating this when I've got to try to reach Vernon Jordan."

#### "SPIKED"

At about 5:00 p.m. Newsweek chairman and editor in chief Richard Smith decided to hold the story. Smith's decision, he says, was based on three factors: an uneasiness with what they had heard and not heard about Jordan on the tapes, their inability to question Lewinsky directly, and an inclination to take Starr up on his offer of waiting and not impeding the investigation while also getting a better story. "Hell, it's not like this was the Bay of Pigs," says Isikoff, who argued against delay. "We don't have any obligation to work with the government. This was as much a story about Starr as anything else. And we knew that part cold."

"We talked about just doing an item on the expanded investigation [without naming Lewinsky], but we thought we knew too much for that," says Smith. "It wouldn't have been leveling with our readers."

Goldberg says that she learned from Isikoff at about 6:00 that the story was killed. At 1:11 A.M. on Sunday, Internet gossip columnist Matt Drudge (who the prior summer had spilled the beans on his website when Isikoff's Willey story had been delayed) sent out a bulletin: Newsweek had spiked an Isikoff story about a presidential affairs with an intern.

Drudge's report made Lewinsky radioactive. She could no longer be used to sting Jordan or the president, and the immunity negotiations here lawyer was having that night with Starr abruptly ended.

Who leaked to Drudge? Although Lucianne Goldberg concedes readily that she took a call from Drudge that night and confirmed everything that Drudge knew, she adamantly denies being his original source and offers an elaborate recitation of the circumstance and time of her conversation with Drudge that evening.

"Besides," she adds, "what Drudge reported wasn't really complete; there was nothing about the sting."

Which is true, but it's also a giveaway, because if fact Goldberg had no way of knowing about the planned sting of the president and Jordan, which means that she seems a likely source. Asked about that, Goldberg laughs and says, "I'm sticking to my story."

As for Drudge, he supplied a similarly detailed explanation of why his source was not Goldberg.

"It would make sense for my mom to have talked to Drudge," says Jonah Goldberg.

"She really was mad that Newsweek was killing it and she didn't believe [Newsweek] would print it the next week. So, she may . . . be afraid to admit it because the leak seemed to blow up in Starr's face even though she had not way of knowing that at the time."

Actually, the leak did work for Linda Tripp and the Goldbergs. For it assured that the Newsweek story would be anything but buried.

#### SUNDAY GOSSIP

At 10:30 Sunday morning, William Kristol, the editor and publisher of the conservative Weekly Standard (and Dan Quayle's former chief of staff), who is a regular panelist on ABC's Sunday morning show *This Week with Sam Donaldson & Cokie Roberts*, became the first person to mention the intern scandal on any outlet beyond Drudge. Toward the end of the program, Kristol said: "The story in Washington this morning is that *Newsweek* magazine was going to go with a big story based on tape-recorded conversations, which [involve] a woman who was a summer intern at the White House."

Former Clinton aide George Stephanopoulos, also an ABC pundit, interrupted and said, "And Bill, where did it come from—the Drudge Report?"

As Kristol began to answer, Sam Donaldson jumped in, with what would turn out to be one of the rare moments in the whole intern affair of a TV reporter exercising good on-air instincts: "I'm not an apologist for *Newsweek*," Donaldson said, drowning out Kristol with his trademark voice, "but if their editors decided they didn't have it cold enough to go with, I don't think we can here."

"I hadn't heard anything about Drudge or anything else about this story," Donaldson would later recall. "I just decided we shouldn't go on our air with a story that *Newsweek* had decided it couldn't go with."

But the story had now moved far beyond Drudge, and the race was on to get there first.

The principal contestants were Jackie Judd, a general assignment correspondent for ABC, and Susan Schmidt of the *Washington Post*, with *Time* and the *Los Angeles Times* also in the hunt. What Judd and Schmidt had in common with Isikoff was that they had been covering Whitewater—and Ken Starr and his deputies—for years, when almost everyone else was ignoring that beat. Schmidt recalls that the previous Friday she had "heard from sources in Starr's office something about Vernon Jordan and coaching a witness." The Drudge item, she says, gave her "more direction."

"By Tuesday mid-day, Sue Schmidt came to me with an outline of the story," recalls Washington Post executive editor Leonard Downie. "We still waited late into the afternoon and evening," he adds. "It wasn't anything we were missing as much as what would make us feel better. We have a high threshold on private lives around here."

Downie and the Post's top editors stayed through the evening, missing the deadline for the paper's first edition at about 9:00 because they still weren't comfortable. Then, says Downie, Peter Baker, Schmidt's reporting partner on this beat, "reached the wonderful Mr. Ginsburg, who gave us an on-the-record quote about the investigation, including the classic quote about the president either being a misogynist or Starr having ravaged Monica's life."

The article finally ran in the second edition, using the words "sources" or "sources" 11 times.

Citing "sources" who could only be people in Starr's office, the article's fifth paragraph said that Lewinsky can be heard on Tripp's

tapes describing "Clinton and Jordan directing her to testify falsely."

That is exactly the material that had been missing from the tapes that Newsweek heard, which, in part, had caused the magazine to hold its story, as Isikoff concedes. And, remember, Tripp's lawyer had selected what he said were the most incriminating tapes for Newsweek to hear that night.

Which means that this damning material was either on the new tapes that Tripp had just made of Lewinsky for Starr the prior week, or it is the Starr side's extreme spin on the tapes Newsweek heard.

This is not a minor point: The charge that Lewinsky had been instructed to lie was not only the linchpin of Starr's expanded jurisdiction, but would also be the nub of any impeachment action against the president—and the premise of all of the front-page stories and hours of talk show dialogue that would follow that speculated about impeachment. That such charges would stem secondhand—from one person's talking on a tape about what other people had said to her—is weak enough. Weaker still is that the only tapes heard by any reporters clearly didn't say that. In fact, they seemed to say just the opposite. The tapes, if any, that do have Lewinsky claiming she had been told to lie were based on a script provided by prosecutors and not heard by any independent party to verify if Lewinsky had said so, or if she was led too far into saying it.

#### HAVE THAT SCOTCH

Lanny Davis, then a White House counsel in charge of dealing with press inquiries related to the various investigations of the president, recalls that at about 9:00 that Tuesday night, January 20, he returned a call to the White House from Peter Baker of the Post: "I told him he was interrupting a good scotch. He said 'You're gonna need that scotch.' Then he laid it all out for me. It was breathtaking."

Davis drove back to the White House, where he and other top aides assembled in White House Counsel Charles Ruff's office and waited for a messenger to bring then the Post from its loading dock a few blocks away. By the time the Post came out on its website at 12:30 A.M., "all hell broke loose on my pager," Davis recalls. "It was surreal. Everyone was calling, and meanwhile Clinton is right below us in the Oval [Office] with [Israeli Prime Minister Benjamin] Netanyahu."

Over at ABC, Jackie Judd's story was ready for the 11:30 P.M. Nightline broadcast, which meant she would have beaten the Post. But Nightline host Ted Koppel, who was in Cuba doing a special on the Pope's visit, decided to hold it rather than shoehorn it in at the last minute.

Later that night, Judd managed to get the story onto the ABC radio network (as well as its overnight television news show and its website) and then led with it on Good Morning America the next morning—which is what caused Lucianne Goldberg to whoop into the phone on January 21.

From that point, says Bob Woodward, the Washington Post reporter who teamed up with Carl Bernstein in Watergate, there was "a frenzy unlike anything you ever saw in Watergate. . . . We need to remember that for the first eight or nine months of Watergate, there were only six reporters working on it full time."

What follows is a log of the first—and most furious—three weeks of that frenzy. It should be read with one often-overlooked reality in mind: All of it—every bulletin, every hour of talk radio, every segment of cable news specials, every Jay Leno joke, every website page, every Congressional pronouncement—would be based on a woman

looking for a book deal who had surreptitiously taped some of her conversations with a 23-year-old "friend" whom none of the reporters or pundits had talked to.

Day 1: Wednesday 1/21/98

#### THE SPECULATORS:

Jackie Judd's 7:00 A.M. Good Morning America report is a bombshell. Citing "a source," Judd says Lewinsky can be heard on a tape claiming the president told her to deny an affair and that Jordan "instructed her to lie." Again, those can't be the tapes Tripp made on her own, because Newsweek would have heard that.

Switching to the pundits, ABC's Stephanopoulos, the former Clinton aide, seconds a notion brought up five minutes earlier by Sam Donaldson, saying: "There's no question that . . . if [the allegations] are true . . . it could lead to impeachment proceedings." It has taken less than 70 minutes from the breaking of the story of an intern talking on the phone for the discussion to escalate to talk of impeachment.

At 7:30, the show's newscaster says that "two sources" have told ABC's Jackie Judd that both Jordan and the president "instructed her to lie under oath." Asked later what happened in that half hour to double her sources, Judd says, "I think I was trying to be extra-careful the first time. We actually had a lot of sources."

#### VISIT TO A MUSEUM, THEN PAYBACK TIME

For The New York Times, the intern story began the way Watergate had: The Washington Post had caught the Paper of Record asleep.

"Drudge was just not something on our radar screens," one Times Washington reporter recalls. And while some in the bureau had noticed Kristol's comment on *This Week*, they hadn't paid much attention to it, much less allowed it to mar the three-day Martin Luther King Day weekend.

Worse, when the Times people awoke on Wednesday and saw the front-page Post story or caught the news on Good Morning America, there was little they could do to get an early start on catching up. The office had arranged a special tour of a new exhibit of old Times front pages at Washington's Corcoran Gallery of Art, and two reporters would later recall that there was pressure on them to turn out in good numbers. So until about 10:00 that morning, most of the Times' talent was on a museum tour.

Not Jeff Gerth. He skipped the tour.

In terms of being a sleuth, Gerth is more Isikoff than Isikoff. Now 53, he has covered everything from organized crime, to global business regulation, to campaign finance, to food safety in his 21 years at the Times. And in 1992, he had broken the first Whitewater story.

Now, recalls another Times reporter, Gerth got "hold of his Ken Starr people and played a real guilt trip on them. They'd just made him look bad and he was Mr. Whitewater." (Gerth now refuses to comment on his sources, except to say that "you can imply what you want, but I always have multiple sources." He adds: "I didn't feel bad about missing this because I was never interested in touching the sex stories.")

Getting leaks from law enforcement officials—especially information about prospective or actual grand jury proceedings, where the leaks are illegal—is usually a cat-and-mouse process. The prosecutors know they are doing something wrong, and they worry about whom they can trust. You run a guess by someone. They answer vaguely but encouragingly. You push a little bit more, and they let on a bit more. Then you try someone else, again stretching what you think you know with a guess or two to see if that

person will confirm your suspicion by saying something like, "You're not far off." Then you go back to the first person for confirmation. It's almost never as easy as it seems when a story is published or broadcast that says, "sources say."

But this morning, while he did not, he later asserted, simply call one "magic phone number" and get it all, Gerth had an easier, faster time of it. "By about midday, Jeff had a memo that was about as comprehensive as you could imagine, which he kept supplementing," recalls Michael Oreskes, the Times' Washington bureau chief. Gerth freely shared his memo with everyone in the office.

#### ALL MONICA ALL THE TIME

At 6:00 p.m. the MSNBC Internet news service, which beginning at 11:00 a.m. had headlined the Lewinsky story "A Presidential Denial," is now calling it "Crisis at the Top," with the sub-headline "Sex allegations threaten to consume White House." Meantime, MSNBC's sister cable-TV channel is talking about the intern allegations almost nonstop. For the next 100 days, the fledgling cable channel would become virtually all Monica, all the time.

#### NEWSWEEK GOES ON-LINE

The Post and ABC stories (plus a front-pager in the Los Angeles Times that has almost as much information as the Post) have now made a joke out of the idea that Isikoff's story can hold until next week. So, at about 7:00 p.m., Newsweek goes on-line.

Isikoff's furiously typed story loads up everything he knows. What's notable is that he now doesn't mention what he later says was a key exchange on the tapes he heard, the question-and-answer that had caused his editors to hold the story: the fact that on those tapes Lewinsky answer, "No," when Tripp asks, "He [the president] knows you're going to lie. You've told him, haven't you?"

#### LIVE FROM HAVANA

Each of the three broadcast network news anchors is live in Havana for the Pope's visit, but the headline for each show is Lewinsky—and the heart of all three reports features a correspondent who, citing anonymous sources, has clearly been given extensive information by Starr's office.

#### STARR AND LEAKS

On April 15, during a 90-minute interview with Starr, I am reminded of the kind of old-world straight arrow that he is. Starr is the opposite of slick—which in this case means he doesn't lie when asked a straight, if unexpected, question. After he expresses disappointment with my insistence that our conversation not be off the record or on background, I ask a series of question not about his investigation, but about discussions he or his deputies might have had with reporters. I make clear that these questions are based not only on the obvious fact that many of the stories about the investigation seem to have only been able to have come from his office, but also on what reporters or editors at six different news organizations have told me and, in three cases, on documents I have seen naming his office as a source for their reporting about the Lewinsky allegations.

Details of his answers are reported below. As a general matter, in response to an opening "Have you ever . . . ?" question, Starr hesitates, then acknowledges that he has often talked to various reporters without allowing his name to be used and that his prime deputy, Jackie Bennett, Jr., has been actively involved in "briefing" reporters, especially after the Lewinsky story broke. "I have talked with reporters on background on some occasions," he says, "but Jackie has been the primary person involved in that. He

has spent much of his time talking to individual reporters."

Starr maintains that there was "nothing improper" about him and his deputies speaking with reporters "because we never discussed grand jury proceedings."

If there was nothing improper, why hadn't he or Bennett ever been quoted by name on the record?

"You'd have to ask Jackie," Starr replies. Aren't these apparent leaks violations of the federal law, commonly referred to as "rule 6-E," that prohibits prosecutors from revealing grand jury information?

"Well, it is definitely not grand jury information, if you are talking about what witnesses tell FBI agents or us before they testify before the grand jury or about related matters," he replies. "So, it's not 6-E."

In fact, there are court decisions, (including one in early May from the Washington, D.C., federal appeals court with jurisdiction over this Starr grand jury) that have ruled explicitly that leaking information about prospective witnesses who might testify at a grand jury, or about expected testimony, or about negotiations regarding immunity for testimony, or about the strategy of a grand jury proceeding all fall within the criminal prohibition. And Starr himself has been quoted on at least one occasion saying the same thing. On February 5, during one of his sidewalk press conferences, Starr refused to comment on the Lewinsky investigation's status. He couldn't talk, he said then on camera, "about the status of someone who might be a witness [because] that goes to the heart of the grand jury process."

Moreover, whether or not the criminal law applies to these discussions between reporters and Starr and his deputies, it is clearly a violation of both Justice Department prosecutorial guidelines and the bar's ethical code for prosecutors to leak substantive information about pending investigation to the press.

What about that? I ask Starr. Was he conceding unethical but not illegal leaks?

Perhaps realizing that he has already conceded too much, Starr reverts to a rationalization so stunning that two days later I called his just-hired spokesman, Charles Bakaly, who sat in on much of the Starr interview, to make sure I heard it correctly. (Bakaly said that I had.)

"That would be true," Starr says, "except in the case of a situation where what we are doing is countering misinformation that is being spread about our investigation in order to discredit our office and our dedicated career prosecutors. . . . I think it is our obligation to counter that kind of misinformation . . . and it is our obligation to engender public confidence in the work of this office. We have a duty to promote confidence in the work of this office."

In other words, Starr is claiming a free pass. For even assuming that his leaks are not illegal under 6-E—which, again, is a huge assumption—he's saying that they are not unethical either, because they are aimed at negating attacks and promoting confidence in the work of his office. Which, of course, could be said about any leak from any prosecutor that attempts to show that an investigation is making progress in going after the bad guys.

Asked two days after the Starr interview about this apparent loophole in the ethical prohibitions against leaks (again, even assuming they are not illegal), Starr's deputy, Bennett, says, "It is true that Ken's view is that . . . the public has a right to know about our work—to the extent that it does not violate legal requirements."

As for why, if all of this is proper, Starr or he had not been quoted by name on the record countering all this misinformation,

Bennett says, "I think I have been quoted on occasion."

NEXIS check of all stories by major newspapers, magazines, and network news organizations concerning the first month of the Lewinsky story did not turn up any examples of Bennett being quoted by name talking about the progress or particulars of the investigation.

As for the comprehensive network reports about the Lewinsky investigation aired on the first night the story broke, Starr confirms in our interview that Bennett had spent "much of the day briefing the press." But he asserts again that Bennett had done nothing improper because his efforts were directed at countering the impression that Starr's office had improperly exceeded its jurisdiction or had mistreated Lewinsky. In none of these reports is Bennett quoted by name.

Asked if he had spoken to the network correspondents, or to Schmidt of the Post, or to Gerth of the Times, Bennett said, "Ken has said what he said . . . but I am not going to answer any questions about any particular conversations I had with any members of the press. . . . I don't think it's any of your business."

The reporters involved declined all comment on their sources—which, of course, is what they should do if they have promised their sources anonymity.

#### APPLYING THE PRESSURE

There is a purpose to these January 21 leaks beyond glorifying Starr and embarrassing the president. On this day, the day that the story breaks, Starr's people are again negotiating with Lewinsky's lawyer, William Ginsburg. "The more they can make me feel like they have a strong case without me," says Ginsburg, "the more pressure they figure I'll be under. And the same I guess is true for Vernon Jordan. They want him to flip, too."

The most laughably lapdog-like work comes from NBC's David Bloom who, throughout this story, would perform as a virtual stenographer for Starr. In a report lasting about two minutes, he uses the terms "sources say" five times and "law enforcement source" twice, ending ominously with this: "One law enforcement source put it this way, quote, 'We're going to dangle an indictment in front of her [Lewinsky] and see where that gets us.'" Bloom is clearly helping Starr fulfill his duty to "engender confidence in the work of" his office.

CBS's Dan Rather and the network's chief White house correspondent, Scott Pelley, are more circumspect. Rather characterizes Clinton's comments on National Public Radio and The NewsHour with Jim Lehrer as "flat-out" denials, and he repeatedly emphasizes that none of the allegations have been proven.

At ABC, Sam Donaldson dissects what he sees as the tentativeness of the president's denials. Then, Jackie Judd, citing a "source who has heard the tapes" that Tripp made at the Ritz-Carlton under the Starr people's direction (which means at this point that only Starr's office can possibly be the source), says that Lewinsky can be heard on the tapes saying that "Jordan instructed her to lie under oath." The Starr people are clearly using one of the three reporters they know best and trust the most (the other two being Isikoff and the Post's Susan Schmidt) "to engender public confidence" in their work—and to step up the pressure on Lewinsky and Jordan.

When asked specifically about these three reporters during our interview, Starr acknowledges that his deputy, Bennett, has talked "extensively" to each. He then refers me to Bennett for details. Bennett refuses to

comment on any talks he had had with the favored three. In none of their reports is Bennett ever quoted by name.

#### FEEDING THE FURNACE

Twenty years ago a story of this scope would have had a chance to catch a breath after the network evening newscasts. The next round of coverage would not come until the morning papers. Now it is only after the networks' evening news that the story achieves maximum velocity. It's then that talk television gets to use it to fill its need for the news that is gold—the type that can generate ratings with inexpensive talking heads rather than expensive reporters in the field.

On CNN's Larry King Live, Evan Thomas of Newsweek leads off with his description of the Lewinsky tapes he had heard.

"Our PR department decided to do a blitz on television and get all of us out there," Thomas later explains. "It's something the newsweeklies always want to do nowadays—get mentioned and get noticed—and in this story we really wanted to be identified with it because it was our story. . . . You need to be careful about television," adds Thomas. "They try to lure you into saying more than you know, into saying something new. It's a trap, and after a few days I hated it."

Thomas tells a caller who asks how he can know the tapes are legitimate that one of the reasons that Newsweek did not run its story that weekend was that it could not authenticate the tapes. That's a new explanation, and, if sincere, it raises the question of why Newsweek went on-line today with its story; for the magazine certainly can't have authenticated the tapes since it heard them that Saturday morning because it did not get to keep copies.

Whatever these nits, King's show, which includes former Clinton aides James Carville and Dee Dee Myers as well as Ronald Reagan and George Bush press secretary Marlin Fitzwater, does provide a good, lively introduction to the story.

Geraldo Rivera, on CNBC's Rivera Live, provides quite a bit more. His guests include Paula Jones spokeswoman Susan Carpenter McMillan; William Ginsburg, who for this hour is in his "I-can't-say-anything" mode; a Newsweek editor named Jon Meacham (apparently one of Thomas's TV-blitz squad people), who had not heard the Lewinsky tapes but is on the show to talk about them anyway and does so happily; and one Dolly Browning, who has written a novel (agented by Lucianne Goldberg), which is described as a fictionalized version of her own long affair with Bill Clinton. Add three more lawyer-pundits and Rivera (who also has a law degree), and you have a kind of dinner party conversation from hell, in which any and all variety of truth, speculation, fiction, and ax-grinding are thrown together for the viewing public to sort out for themselves.

Over at MSNBC, we find The Big Show with Keith Olbermann, which features much the same mixture but with a more sarcastic and less intelligent host. The blitzing Newsweek here is Howard Fineman, the magazine's chief political correspondent. According to Thomas and Isikoff, Fineman hadn't even known about the Lewinsky story until after Drudge leaked it, much less heard the tapes, a point Fineman later concedes to me.

"We have heard some of the tapes," Fineman begins, not telling his viewers how royal his use of "we" really is. After describing what everyone else by now has said is on them, he adds something new, revealing that "we" have "confirmed, apparently, the president's own voice on Monica Lewinsky's answering machine. We haven't heard that tape, but we know pretty authoritatively

that apparently the president's voice is on her tape machine. . . . If true, how idiotic of the President of the United States," Fineman declares.

Nearly for months later, as of this writing, there is no confirmation of that tape, let alone confirmation that, if there is one, it incriminates the president in anything.

"Television is definitely more loosey-goosey than print," Fineman later explains. "And I have loosened up myself, sometimes to my detriment . . . and said things that were unfair or worse. . . . It's like you're doing your first draft with no layers of editors and no rewrites and it just goes out to millions of people."

Within a week, Fineman would become a regular on-air nighttime and weekend analyst for NBC, MSNBC, and CNBC for an annual fee that he says is "in the ballpark" of \$65,000. That's about 40 percent of his day-job Newsweek salary for what he estimates to be 5 to 10 percent of the time he works for the magazine.

"We didn't let our reporters actively covering this go on television, except for Bob [Woodward], who essentially talked about Watergate," The Washington Post's Downie later says. They're supposed to be reporters, not people giving spin or expressing a point of view. And if I were running Time or Newsweek I would have the same view."

"Len and I have a different view on that," counters Newsweek editor in chief Richard Smith, who also notes that "the people on our staff who were really in the know—Isikoff, McDaniel, Thomas—were among the most sober, thoughtful voices you heard. But you can find people in our organization or any organization that, given the voracious maw that electronic journalism has become, were tempted to say more than they knew."

Another Olbermann guest is the NBC colleague Tim Russert, the NBC Washington bureau chief and Meet The Press host. "One of his best friends told me today," says Russert, referring to the president, "if this is true, he has to get out of town." . . . Whether it will come to that, I don't know, and I don't think it's right or fair to be in the speculation game."

But talk TV is the speculation game. So, after taking a breath, Russert continues: "But I do not underestimate anything happening at this point. The next 48 to 72 hours are critical."

Olbermann's MSNBC show, which runs from 8:30 to 9:00 p.m. eastern time, debuted last October. A marquee newscaster at the ESPN cable sports network, Olbermann had been lured by big bucks and the promise of aggressive promotion that would put him and MSNBC—the Microsoft-NBC joint venture challenge to CNN—on the map. Now, as his show wraps on this first night of the scandal, his procedures are already talking among themselves in the control room about using the intern scandal to birth a whole new show called White House in Crisis. That show would debut at 11:00 on February 3. And MSNBC officials would later make no bones of the fact that with that show, and with Olbermann's 8:00 p.m. show and, indeed, with the entirety of their talk-news daytime programming, they were hell-bent on using the intern scandal to do for their entire network what the Iranian hostage crisis had done for a half-hour ABC program called Nightline in 1979.

Indeed, MSNBC's use of the alleged intern scandal was endemic to how all-24 hour cable news networks and all talk radio had come to use such topics in the late 1990s. For these talk machines, the subject matter isn't simply a question of bumping circulation a bit for a day or a week, the way it is for traditional newspapers or magazines or of boosting ratings for a part of a half-hour show or

an hour magazine program the way it is for network television. Rather it's a matter of igniting a rocket under the entire revenue structure of the enterprise.

Thus, while the three broadcast networks' evening news ratings increased a total of about six percent in the week beginning on this day (January 21), MSNBC's average rating for its entire 24-hour day—a day when almost all of its coverage was devoted to the intern scandal—increased by 131 percent. Which meant that its revenue from advertising (which is the only revenue that varies from week to week in cable television) would also jump 131 percent if it could sustain that increase.

Day 2: Thursday 1/22/98

#### NOT WATERGATE

The Times gets up off the mat with a comprehensive page-one report that leads with the president's denial—then details the material on the tapes. Most of the country's other newspapers use information from the Times and The Associated Press, which publishes a less complete story.

What all the stories have in common is that none is based on firsthand reporting. It is all the prosecutors' or other lawyers' ("sources") rendition of what witnesses or potential witnesses have said, are saying, or might say.

"The big difference between this and Watergate," says Bob Woodward is that in Watergate, Carl [Bernstein] and I went out and talked to people whom the prosecutors were ignoring or didn't know about. . . . In fact, that's what Watergate was all about—the government not doing its job when it came to prosecuting this case. . . . And we were able to look these people in the eye and decide if they were credible and get the nuances of what they were saying. . . . Here, the reporting is all about lawyers telling reporters what to believe and write."

#### TODAY FIGHTS BACK

After being bested by Jackie Judd and Good Morning America yesterday, the Today show is fighting back. One advantage the show has is NBC's contract with Newsweek's Isikoff. Plus, they have snagged Drudge. But first we hear from Tim Russert, who declares: "I believe [impeachment] proceedings will begin on the Hill if there is not clarity given by the president over the next few weeks."

Then cohost Matt Lauer peppers Drudge with questions about his journalistic standards. Then he demands, "Are you at all concerned that you've made a mistake here?"

Drudge responds by hurling another sleaze ball: "Not at all. As a matter of fact, I have reported that there's a potential DNA trail that would tie Clinton to this young woman."

What Drudge is referring to is his report on the Web the day before about a semen-stained dress—which is something Lucianne Goldberg later told me she had heard about from Tripp and had passed on to Drudge and some other reporters.

Lauer asks for more. "You say Monica Lewinsky has a piece of clothing that might have the president's semen on it," he says. "What evidence do you have of that?"

"She has bragged . . . to Mrs. Tripp, who has told this to investigators, it's my understanding," says Drudge.

Next up is Isikoff (who has already appeared in the first half hour). Lauer can't let the dress story die. He demands to know if Isikoff "has heard anything" about the dress, or if he has any confirmation of its existence. Isikoff tries to brush him off: "I have not reported that, and I am not going to report that until I have evidence that it is, in fact, true."



Lauer doesn't let go. "You're not telling me whether you've ever heard it," he persists. "I've heard lots of wild things, as I am sure you have," Isikoff replies, clearly frustrated. "But you don't go on the air and blab them."

Asked later why he had given Drudge the opportunity to air any unconfirmed rumors live on national television, let alone pressed him about the most sordid one out there, Lauer says, "Because that story was out there. People were starting to talk about it." As for why he hectored Isikoff about Drudge's dress rumor, Lauer says, "I was really just trying to get him to debunk it, not substantiate it. That's all I was doing."

In a moment rich enough an irony for a remake of the movie *Network*, Katie Couric followed Lauer's semen interviews about an hour later with a segment featuring a child psychologist explaining how to help our children "make sense" of "the Clinton sex scandal."

Meanwhile, at ABC's *Good Morning America*, the pundits, including George Stephanopoulos and Sam Donaldson, bat around all manner of rumors and leaks—including a dress about which "there are all sorts of reports on the Internet" (Donaldson), sexually explicit tapes, and the fact that the president admitted to having "an affair" with Gennifer Flowers in his Paula Jones deposition (something also mentioned on NBC). The only guest who stays on the straight and narrow is legal analyst Jeffrey Toobin.

"I do have an m.o.," Toobin explains later. "These cases really come down to facts . . . and facts tend to be in short supply at the beginning of a story like this. So I just try to emphasize the variety of options based on the factual scenarios. . . . It's more about journalism than the law, because journalism [asks] about facts. . . . The problem," Toobin continues, "is that if, for example, you engage in a . . . long discussion about the legal elements of obstruction of justice, you are presupposing that there was an obstruction of some kind. . . . A discussion about the elements of impeachment presupposes that there's some relevance to an impeachment discussion. Worst of all," he concludes, "all of the Lewinsky discussions were based on the one hundred percent certainty that they had a sexual relationship, and there is pressure in that direction because it makes the discussion interesting."

#### OUT OF HAVANA

The network evening newscasts have left Cuba and the Pope behind; the anchors are now reporting from Washington (NBC and CBS) or New York (ABC).

"First we heard that Brokaw was going back," recalls CBS's Dan Rather. "Then we heard Jennings was . . . clearing out . . . I truly wanted to stay there and report on the Pope, but I got the distinct impression [from his bosses in New York] that if I stayed another minute, I would have been there all alone and without a job. I might as well have just stayed here forever with Castro."

#### CBS'S SCOOP

For all of Rather's purported reluctance, CBS News now begins to emerge as a place for unexciting but important scoops. Tonight, White House correspondent Scott Pelley reports that the president's personal secretary has been subpoenaed to testify before the grand jury and that FBI agents had gone to her home last night. Pelley is also the first to report that Secret Service records indicate that Lewinsky visited the White House "as recently as last [December]."

#### 'THE BIGGEST DAY IN THE CLINTON PRESIDENCY'

On the *Nightly News*, NBC White House correspondent Claire Shipman cites "mount-

ing circumstantial evidence—messenger receipts [the ones created by Lucianne Goldberg's brother's family's courier service] . . . or reports of the president's voice on the answering machine of Lewinsky."

NBC caps its report with a discussion between Tom Brokaw and Tim Russert. "Tim, tomorrow [Friday, January 23] is the biggest day of the Clinton presidency," Brokaw declares. Whereupon Russert notes that the key event of the big day—Lewinsky's scheduled deposition in the Jones case—is now likely to be postponed, which it was.

#### NOW, IT'S 24-48 HOURS

Russert is nothing if not consistent. Yesterday he declared that the president had 48-72 hours to give their country a complete explanation. Now on NBC's sister network, CNBC, he tells Geraldo Rivera that the president "basically has the next 24 to 48 hours to . . . talk to the country, either through a press conference or a news interview and explain exactly what happened, what kind of relationship he had."

"I was only reporting the state of mind of people at the White House," Russert later contends. "Even the president, in those first few days, said he would provide answers sooner rather than later."

#### BRENDAN SULLIVAN TO THE RESCUE

Over at Larry King Live, *Newsweek's* Evan Thomas has apparently forgotten his own worry about reporters trying too hard to make news on television. "We understand Brendan Sullivan"—the famed Washington lawyer who represented Oliver North, among others, and is a partner at the firm where Clinton defense lawyer David Kendall is also a partner—"is masterminding a legal team" for the president, Thomas tells King. If so, as of this writing, he has never surfaced.

"That was just wrong," Thomas concedes later. "Brendan may have an informal role," he adds. "But how are you ever gonna prove it?"

Day 3: Friday 1/23/98

#### GENNIFER AND MONICA

The Washington Post publishes a story headlined "Flowers Feels Vindicated By Report; Similarities Seen in Relationships." The story is based on the false leak that the president has now acknowledged an "affair" with Flowers, rather than the one encounter that it turns out the president did admit to in his deposition. (This exaggeration of what the president actually admitted to—not of what might have actually happened—will pollute most subsequent accounts of the deposition.) The paper also runs an account of the continued sparring between Starr's office and Lewinsky lawyer William Ginsburg. It's full of anonymous sources from Starr's side and the on-the-record Ginsburg on Lewinsky's side. "They leak and I patch," Ginsburg asserts later.

#### 'OUT THERE'

The St. Louis Post-Dispatch (which is a good barometer of mainstream city newspapers outside the media hothouses of Washington, New York, and Los Angeles) leads with a story, "From News Services," that—by definition in a situation like this—vacuums up every leak and rumor about the investigation and the Lewinsky-Starr negotiations.

Bob Woodward would later say that print had done a much better job with this story than television because "it has the time to check things out and get it right." He's generally right about papers with their own national reporters, like *The Washington Post*, the *Los Angeles Times*, the *Chicago Tribune*, *USA Today*, and *The New York Times*. But today, as on most days, the other papers—which now mostly use news services and wire

reporters to disseminate national news—gobble up the confirmed and unconfirmed from everywhere else, print and television.

It is not a pretty picture.

And it's a major manifestation of the virus that will afflict this story: A rumor or poorly sourced and unconfirmed leak aired or printed in one national medium ricochets around the country until it becomes part of the national consciousness. In short, once it's "out there," it's really out there.

#### THE MISSOURI INTERNS

Today's Post-Dispatch rumor bazaar is supplemented by the one kind of national story that most newspapers still produce with their own reporters and with parody-like uniqueness: the classic "local angle." In this case, it's a piece headlined "Missouri, Illinois Interns Are Fully Briefed on Pitfalls of Job." It's about how interns at the two state legislatures are cautioned about being wowed by "people of influence and charisma."

#### INSIDE KEN STARR'S MIND

On the CBS Evening News with Dan Rather, Phil Jones reports that "two sources familiar with the independent counsel's investigation tell CBS News that Kenneth Starr is, quote, 'absolutely convinced that Monica Lewinsky was telling the truth when she was recorded by her friend Linda Tripp.'"

#### THE DRESS

ABC's Peter Jennings opens *World News*

Tonight with this introduction: "Today, someone with specific knowledge of what it is that Monica Lewinsky says really took place between her and the president has been talking to ABC's Jackie Judd."

Following this buildup, Judd reports: "The source says Monica Lewinsky claims she would visit the White House for sex with Mr. Clinton in the early evening or early mornings on the weekends, when certain aides who would find her presence disturbing were not at the office. According to the source, Lewinsky says she saved, apparently as some kind of souvenir, a navy blue dress with the president's semen strain on it. If true, this could provide physical evidence of what really happened."

This source could be someone who has heard the tapes. It could even be Linda Tripp. But it's not. Although Judd would not comment on her source, Lucianne Goldberg told me that she herself is the source for this Jackie Judd report and for others that would follow. And she claims she heard all this from Linda Tripp, but is not sure that any of it is on a tape. (The *Newsweek* people who heard the tapes say it is not on what they heard.) In fact, Goldberg is not sure that Tripp said Lewinsky had talked about having saved a dress, as opposed to a dress simply having been stained. "I might have added the part about it being saved," Goldberg told me.

We can assume that Goldberg is telling the truth that she's the source because of what Judd reports next:

"ABC News has obtained documents that confirm that Lewinsky made efforts to stay in contact with the president after she left the White House. . . . These are bills, 'she continues, holding some papers up to the camera, 'from a courier service which Lewinsky used at least seven times between October 7 and December 8.'"

Yes, the courier service—the one owned by Goldberg's brother's family. How else but from Goldberg could Judd have obtained those handy records?

#### STOP US BEFORE WE KILL AGAIN

Every two or three days throughout the reporting of this alleged scandal, the press seems to stop, take a breath, and flagellate itself, as if to say to its audience, "Stop us -



before we kill again." Much of it, including a piece by ABC's Cynthia McFadden and a special on CNN moderated by Jeff Greenfield, would be quite good. Much of it would be quite the opposite.

For example, minutes after Judd's scoop, Jennings introduces Tom Rosensteel of the Pew Charitable Trusts' Project for Excellence in Journalism.

Jennings: "How do you think the media is doing, Tom?"

Rosensteel: "So much of what we have seen in the last three days is speculation, rumor, innuendo."

Jennings: "Let me say . . . that I think the press has been pretty good on saying repeatedly these are allegations. Would you have us ignore them?"

Rosensteel: "No. . . . But we have reporters go on and characterize secondhand what is on the tapes. . . . We've had reporters go on and say that the president has 48 hours to . . . put the scandal behind him."

Jennings: "Okay, Tom Rosensteel, thanks very much. Critical of the press. Part of his job."

#### A WEAKNESS FOR 24-YEAR-OLDS

Olderman's Big Show at 8:00 features a guest who says, "Maybe if he stood . . . up there and said, 'I'm sorry. I have a weakness for 24-year-olds,' he might . . . survive it."

The expert: Watergate ex-con John Ehrlichman.

#### FOUR OTHER INTERNS

Geraldo Rivera hosts the usual melange, who trade all variety of wild theories. He calls them his "cast," and they include Gennifer Flowers, Paula Jones's lawyer, and some other lawyers, one of whom is Ann Coulter, a Rivera regular described as a conservative "constitutional law attorney." Asked by Rivera if she thinks it is "sleazy" that Lewinsky had been questioned for "eight to nine hours without an attorney present," Coulter counters matter-of-factly that it is not as bad as "the President of the United States using her to service him, along with four other interns."

What's curious about the Rivera show is the way it uses its NBC bloodline to combine this kind of rollicking garbage with the more serious contributions of the network's newsmen. Mixed in with the screaming and smearing from Coulter and the others are live reports from White House correspondent Shipman and even taped bites from Tom Brokaw.

It's a fascinating display of corporate synergy. Or perhaps it is a suicidal, long-term cheapening of a great brand name. True, the high-low mix helps ratings short-term; but if your business plan as a media organization is to be a cut above Drudge—and it has to be, because anyone can be Drudge—how can this be a good long-term business strategy?

Asked later if she minded being sandwiched in that night between Rivera, talking about the president's "alleged peccadilloes," and Coulter, talking about those "four other interns," Shipman says, "It's true that you get a different style on NBC with Brokaw than with Olbermann or Geraldo, but I think Geraldo does a pretty good job of separating out the rumor from the fact. He's very smart and I am not at all uncomfortable with his role at NBC."

Do the NBC and Brokaw brand names get hurt by mixing them with Geraldo? "Geraldo does what he does," Brokaw says. "He doesn't arrive in the guise of someone who is going to be a traditional mainstream reporter. . . . And the public is very good at telling the difference. They have a good filter on this stuff."

"In the case of Claire or Tom, they're being reporters on Nightly News and being reporters on Geraldo," says NBC News presi-

dent Andrew Lack later. "The shows have different flavors, but as long as they don't change their acts, I'm not concerned."

Day 4: Saturday 1/24/98

#### THE SOUVENIR DRESS

The Lucianne Goldberg-Jackie Judd semen dress story is spreading. The front page of the New York Post blares, "Monica's Love Dress," with the declarative subhead "Exintern Kept Gown as Souvenir of Affair." The story quotes "sources."

"She Kept Dress," echoes the Daily News. Some papers across the country also ran a United Press International wire service story, sent out the night before, saying that ABC has quoted an unnamed source saying, "Lewinsky saved a navy blue dress stained with President Clinton's semen." So now we have a source not saying that that is what Lewinsky says, but just plain stating it.

#### LEWINSKY NOT 'SQUEEZED'

Schmidt of The Washington Post does stonography for the prosecutors. Citing "sources close to Starr," she writes that Lewinsky's ten-hour session in Arlington with Starr's deputies and the FBI wasn't really a harrowing encounter, after all. It only took that long, Schmidt writes, because Lewinsky let it drag on.

This kind of leak from Starr's shop clearly falls under the category of what Starr later contends were "attempts by us to counter the spread of misinformation."

In fact, in our interview he even cites "correcting allegations about our mode of interrogating a particular witness" as an example of the kind of press briefing Bennett had undertaken. But as an attempt to affect public perception—and a potential jury's perception—it is also a clear violation of Justice Department guidelines and the lawyer's code of professional responsibility.

#### RESIGNATION

At 6:00 p.m. on this Saturday evening, CNN breaks into its regular programming with a bulletin. Wolf Blitzer, standing on the White House lawn, says, "Despite the president's public and carefully phrased public denials, several of his closest friends, and advisers, both in and out of the government, now tell CNN that they believe he almost certainly did have a sexual relation[ship] with . . . Lewinsky, and they're talking among themselves about the possibility of a resignation . . ." Mark this moment—about 6:00 p.m. on Saturday, January 24—as the height of the frenzy.

"Every one of us senior advisers were sitting there . . . in the White House having a meeting to prepare to go on the Sunday talk shows," Clinton aide Paul Begala later recalls, "and we heard Wolf outside saying we were talking about resignation . . . It was pure bullshit. And we all went out there and yelled at him."

But Blitzer had been careful to say he was referring to Clinton friends, in and out of the government, not just to the White House group Begala is talking about. And with all the media tornadoes swirling about concerning other women, a smoking gun—semen dress, and the like, it should have been no surprise that some of the president's friends, especially those outside the immediate White House group working on fighting the storm, would at least "talk about" resignation.

#### THE 'COME-HITHER LOOK'

Just after the Blitzer resignation-talk story, CNN produces a 10- or 12-second video clip from its archives that shows the president embracing Lewinsky. She is in a crowd at a White House lawn reception. It's the first picture of the two of them together, and it will be aired hundreds of times in the weeks to follow, usually in slow motion.

"I thought that showing it once was okay, but that after that we should have shown it in context," CNN/US president Richard Kaplan says later. "Clinton always embraces people and he must have embraced a hundred people just that way at that event . . . I told our people to show it in context."

So how come we still have only seen this isolated embrace? I ask Kaplan two months after it was first aired, "I don't know," he says. "I told them not to do it. I just don't know."

Tomorrow, in its new issues, Newsweek will make even more of the picture. Evan Thomas will pen an article that tells readers to "look closely at those video clips. There is a flirty girl in a beret, gazing a little too adoringly at the president—who in turn gives her a hug that is just a bit too familiar."

"What Newsweek wrote was just bullshit," Kaplan asserts. "There's nothing special about the embrace."

"Any criticism of that is completely full of shit," counters Thomas. "All over Washington you could just feel people reacting to that picture. She had that come-hither look."

#### RATINGS HEAVEN

According to MSNBC communications director Maria Battaglia, the fledgling cable network scores its highest ever full-day rating (outside of its Princess Diana coverage) today. By her estimate, "ninety-five percent of our coverage was the scandal." The stars are Newsweek pundits Isikoff and Jonathan Alter, who has a contract with NBC and its cable networks to produce pieces and provide commentary.

Day 5: Sunday 1/25/98

'SPECIAL ASSISTANT TO THE PRESIDENT FOR B-- J---'???

At 6:00 a.m., Time magazine director of public affairs Diana Pearson reports for work. Pearson, who had recently been lured away from Newsweek, is one of a new breed of in-house magazine marketing people. Her job: to get Time mentioned. Her main tool: the press release she finishes at dawn every Sunday morning that touts the issue that went to press late the night before. She then faxes it to newspapers and television networks, making sure that it reaches the TV people in time to be talked about on the Sunday shows.

This morning she is working with what Time managing editor Walter Isaacson later tells me "is our crash effort to catch up to Newsweek."

She reads through Time's piece and decides, as she later puts it, that "the most catchy item, and one thing we had that seemed to be new," is an unsourced claim buried in Time's exhaustive report, in which Lewinsky reportedly told Tripp that if she ever moved back to the White House from the Pentagon, she would be "Special Assistant to the President for blow jobs." So, she makes it the headline of her press release.

"I have never seen this," Isaacson says when asked about this press release five weeks later. "But I have heard about it, and can tell you that that should not have been the headline. . . . We've now taken careful steps," he adds, "to make sure that all press releases are cleared by a top editorial person."

Five weeks after she penned the release, Pearson says that "in retrospect it probably wasn't representative of the story." She also says that "there has been no change in the press release procedure. No one sees them after I do them Sunday morning."

#### EXHAUSTIVE, BUT . . .

Time's package of stories is, indeed, not well represented by that tawdry press release. Fabulously written, particularly the

main story by senior editor Nancy Gibbs, it raises questions from all sides and touches all bases—from Ken Starr's tactics, to Vernon Jordan's role, to Lewinsky's bio, to Linda Tripp's motives, to the relevant legal issues. It is all done in a better, more understandable form than any other publication, including, ironically, Newsweek, which still has so much to report from the tapes that its package seems overwhelmed and disorganized.

"You can cover a lot of sins and reporting gaps with Nancy Gibbs," Time Inc. editor in chief Norman Pearlstine explains later.

"A role of a newswriter," continues Pearlstine, in what many of his more aggressive reporters would view as an obvious rationalization, "usually can't be to make news the way Newsweek did. . . . The more traditional role is that of synthesis, analysis, and writing. And for that I'll take a Nancy Gibbs over any investigative reporter in America. . . . Remember," he adds, "that in the beginning [Time founder] Henry Luce didn't even think we needed reporters, just writers who could synthesize what others were reporting . . . which for this story in particular is what I think readers really needed."

True enough. But one could argue that, instead of a filter, Time applied a shovel to reporting what was "out there" already.

About five weeks after the issue appeared, I asked Pearlstine to read the following lines of Gibbs's story:

"Monica Lewinsky's story was so tawdry, and so devastating, it was hard to know which was harder to believe: that she would make up such a story, or that it actually might have happened. Without proof, both possibilities were left to squirm side by side. . . . As each new tape surfaced, each new detail arose, of Secret Service logs showing late-night visits when Hillary was out of town; of presents sent by courier; of a dark dress saved as a souvenir, spattered with the president's DNA, the American public began stripping Bill Clinton of the benefit of the doubt."

Didn't that last sentence, for all its opening qualifiers, simply throw in a whole bunch of unproved allegations unfairly? I asked Pearlstine. "Yes, I do have a problem with it. It seems to have just taken everything out there and treated it as fact," he said, through he added that he wanted to confer with those who had worked on the story and get back to me.

Three days later, Pearlstine sent a letter attaching a longer letter from Time managing editor Walter Isaacson defending the paragraphs. Pearlstine said the Isaacson letter made him more comfortable than he had been when he spoke. Isaacson's letter, citing the qualifiers that preceded that final sentence, argued that "even in hindsight, I do not think we could have stated more clearly that these allegations which were . . . widely reported but also confirmed to us by investigators . . . were not proven and were part of a murky tale."

Of course what was "confirmed by us" were only the unsourced allegations by investigators. But Isaacson is right: The real problem is the swirling allegations and rumors, not Time's performance in summarizing them. And Isaacson's qualifiers in talking about them were a lot stronger than most.

#### SOFTENING STARR'S IMAGE

Susan Schmidt of The Washington Post begins this Sunday with another softening of Ken Starr's image. "[A] source close to the prosecutor insisted he never intended to eavesdrop on Jordan or Clinton," Schmidt reports.

#### ANGUISHED LINDA

On the Sunday Today show, Isikoff—now openly engaged in punditry and touting how

"genuine" the taped conversations seem with a certainty that he would never be allowed to assert in print—refers to an anguished Monica Lewinsky being heard on Newsweek's newly released tape excerpts, along with "a similarly anguished Linda Tripp."

#### 'IT'S 50-50 AT BEST'

Next up on the Sunday Today show is Tim Russert, who takes time out from preparing for Meet The Press to tell host Jack Ford that "one [friend] described [President Clinton] as near Houdini-like in his ability to escape these kind of scandals and crises. But they realize that it's 50-50 at best."

#### MEET THE DRUDGE

On his own show, Russert announces that among his Meet The Press guests is Matt Drudge.

Drudge seizes his moment. When Russert asks about reports on the tapes of the president and other women, Drudge declares, "There is talk all over this town [that] another White House staffer is going to come out from behind the curtains this week. . . . [T]here are hundreds—hundreds, according to Miss Lewinsky, quoting Clinton." At a later point, Drudge adds that if the Clinton side keeps denying the charges, "this upcoming week is going to be one of the worst weeks in the history of this country."

"Our Round Table is an op-ed page," Russert explains later. "And Matt Drudge was a big player—the big player—in breaking this story. . . . We can pretend that the seven to ten million Americans who were logging on to him don't have the right to see him, but I don't agree."

#### THE WITNESS

On ABC's This Week with Sam Donaldson—Cokie Roberts (where the alleged scandal got its first airing a week ago), ABC's Jackie Judd has what Cokie Roberts announces are "new revelations in the alleged affair."

Judd then declares: "ABC News has learned that Ken Starr's investigation has moved well beyond Monica Lewinsky's claims and taped conversations that she had an affair with President Clinton. Several sources have told us that in the spring of 1996, the president and Lewinsky were caught in an intimate encounter in a private area of the White House. It is not clear whether the witnesses were Secret Service agents or White House staff."

There are four things you need to know about that paragraph:

1. This report surfaces at the time that Starr's people are putting the most pressure on Ginsburg and his client to have Lewinsky testify that she had an affair with the president and that he pressured her to lie about it. "With leaks like that, they were just trying to scare me into thinking they had a smoking gun and didn't need Monica," Ginsburg asserts later. As if to make sure that the point isn't lost on Ginsburg, Judd's report concludes this way: "This development . . . underscores how Ken Starr is collecting evidence and witnesses to build a case against the president—a case that would not hinge entirely on the word of Monica Lewinsky."

2. On the night before (Saturday, January 24) ABC had televised a one-hour special on the alleged scandal, and according to anchor Peter Jennings, Judd had wanted to air her report then. But, says Jennings "I wanted to hold it . . . I was just not comfortable with the sourcing."

Asked later what happened between late Saturday night and early Sunday morning to make the story airworthy, Jennings says, "I wasn't there on Sunday, but I am told that Jackie worked on it more and was happy

with the sourcing by Sunday. . . . She is a fabulous reporter, and I have no reason to doubt her. . . . She plays by the rules and her sourcing is always great."

Judd later explains that "there was no start or stopping in this news cycle. So, yes, between Saturday night and Sunday there was new sources."

3. What can "several" sources mean? Webster's dictionary defines several as "more than two but fewer than many." Didn't Judd even know how many sources she had? Can there be any excuse for this imprecision other than that this was a figure of speech? "To me," Judd later explains, "it usually means a minimum of three. . . . I know it was at least three. Of course, I knew how many it was at the time, but I didn't think I needed to specify."

4. As of this writing, nearly four months after Judd's ABC "scoop," there is no sign of these independent witnesses.

Does ABC still think the story was right? I later ask Jennings. "We have not yet retracted it," he says, "and I am still happy she's had no reason to think we should retract it. . . . Overall, ABC has done a fabulous job. Our reporting on this has been exemplary, and I challenge anyone to find where it hasn't been."

"We have not had to retract a single thing," echoes Judd. "I still think there might be a potential witness," she adds.

Might be? A potential witness?

"Jackie Judd is a first-class reporter; she's no crackpot," says Richard Kaplan, who is president of CNN but until last year was a top news executive at ABC and used to supervise Judd. It's an assessment echoed by Judd's current colleagues, too. But a first-class reporter needs an editor—a questioner, someone who slows up on the accelerator at exactly the time that the reporter becomes certain that full speed ahead is the only speed.

This is especially true if the reporter is aggressive and has been covering a prosecutorial beat too long. For example, reporters who make their careers organized crime can become so inured to the badness of their targets and to the righteousness of the prosecutors on the other side that, after a while some believe almost anything the prosecutors tell them. There is an almost complete suspension of the skepticism that had made them want to be reporters in the first place.

That's what has happened to Jackie Judd this morning. And apparently there was no editor there to stop her. It was as if in the fabled scenes in the Watergate movie, All The President's Men, when Jason Robards, playing Washington Post executive editor Ben Bradlee, tells his "boys," Woodward and Bernstein, that they "need more," they shrug the old man off and take their stuff to the writing press.

And as with those organized crime reporters, it may be that Judd—and Schmidt and Isikoff, too—are right in general about President Clinton's allegiance to his marriage vows. Ditto Ken Starr. The issue here, though, is whether they're right about this particular allegation and are treating the president fairly in considering it. In short, whether there turns out to be a witness or now, how can Judd defend a January story declaring that there were witnesses by saying four months later that "there still might be a potential witness"?

#### THE WITNESS AS PREDICATED

Now that Judd's scoop has been aired, Sam Donaldson uses it as the predicate for much of his questioning of guests on This Week. They include Clinton aide Paul Begala, who attacks it as an unsubstantiated leak, and House Judiciary Committee Chairman Henry Hyde, who would preside over any initial impeachment hearings.

Donaldson begins with Hyde by saying, "Corroborating witnesses have been discovered . . . Mr. Chairman, what do you think of that?"

Hyde doesn't bite. "It's an allegation," he says. "We don't have any proof of it yet."

In their closing roundtable discussion, Donaldson tells co-anchor Cokie Roberts, "If he's not telling the truth, I think his presidency is numbered in days. . . . Mr. Clinton, if he's not telling the truth and the evidence shows that, will resign, perhaps this week."

"You have Sam Donaldson saying it's a matter of days, and Tim Russert talking about 72 hours—it's kinda crazy," Bob Woodward says later. "They seem to forget that it was April of 1974 when the tapes came out with Nixon saying, 'I want you to lie and it still took four months.'"

Three months later, Donaldson defends his prediction, saying, "I said, . . . 'if there is evidence,' and I thought evidence would be presented before now. And I clearly meant evidence that it is persuasive."

#### RATCHETING UP THE STORY

At the end of his show, Donaldson takes Judd's report a step further. Instead of Judd's "several sources have told us" introduction, Donaldson closes the show by declaring that "corroborating witnesses have been found who caught the president and Miss Lewinsky in an intimate act in the White House."

"Someone in the control room asked me to summarize Jackie's report," Donaldson explains later. "And one of the dangers of an ad-lib situation is that you never say it as precisely as you would like." As for the bona fides of the story three months later, Donaldson says, "All I can say is that we believed it was accurate, but people changed their minds about what they would say."

#### FOUR SOURCES

By about 3:00 Sunday afternoon, *The New York Times* is drafting its own story about witnesses interrupting the president and Lewinsky. "When I saw the Judd report on ABC, I recognized it as a story we were working on," *Times* Washington bureau chief Michael Oreskes later recalls. "By the time I came in that afternoon, we had four sources. And we were preparing to lead the *Times* with it the next morning."

#### BULLETIN

At 4:42 eastern time, Tom Brokaw and Claire Shipman of NBC break into pre-Super Bowl programming with the following bulletin:

Brokaw: "There's an unconfirmed report that, at some point, someone caught the president and Ms. Lewinsky in an intimate moment. What do you know about that?"

Shipman: "Well, sources in Ken Starr's office tell us that they are investigating that possibility but that they haven't confirmed it."

"Our anchor and White House reporter come on the air and say, here's something that we don't know it true but we just thought we'd tell you anyway just for the hell of it, so we can say we reported it just in case it turns out to be true," a disgusted NBC reporter says later. "That's outrageous."

Asked three months later why he aired that kind of "bulletin," Brokaw says, "That's a good question. I guess it was because of ABC's report. Our only rationale could be that it's out there, so let's talk about it . . . But in retrospect we shouldn't have done it."

Of course, what Shipman did confirm in that report was the commission of one certain felony, though not one involving the president: The leak of material from Starr's office pertaining to a grand jury investiga-

tion. For she does tell us that her report comes form "sources in Ken Starr's office."

In our later interview, when asked about Shipman's report, Starr refers me to Bennett, who, again, refused to discuss any conversations with specific reporters.

#### STORY KILLED

At about 6:00, the *Times* kills its witness story. According to Oreskes, reporters Stephen Labaton and John Broder "came in to me and said 'guess what? We don't have it.' It turns out that they had felt uneasy, and when they tracked back our four sources [Broder and Labaton], concluded that they were only telling them what they'd all heard from the same person—who did not know it firsthand anyway."

"Sometimes, especially in this thing, the story you're proudest of is the story you don't run," Oreskes adds. "We were under enormous pressure on this one . . . People were beating us. But sometimes you just have to sit there and take it."

#### PULLING BACK

By the time ABC airs its evening news at 6:30, Jackie Judd is pulling back. In the morning, "several sources" had told her the president and Lewinsky was caught in the act. Now we hear from her only that "Starr is investigating claims" that a witness caught them in the act.

Day 6: Monday 1/26/98

#### CAUGHT IN THE ACT

Picking up on Judd's "scoop," both the *Daily News* and post in New York scream. "Caught In The Act" across their front pages this morning. Meanwhile, the *St. Louis Post-Dispatch*, in a story bylined "From News Services," reports (as do other newspapers using similar wire services) that "ABC News reported that the president and Lewinsky were caught in an intimate encounter."

#### 'ALL THIS STUFF FLOATING AROUND'

One of the stranger pick-ups of Judd's witness story comes from the *Chicago Tribune*, a paper "shut out of getting our own scoops from Starr because we never invested in having our people cover him on Whitewater," according to Washington bureau Chief James Warren.

The *Tribune* reports what ABC reported, then says that it could not confirm the story independently: "I was against using it, but agreed to this as a compromise," Warren explains later.

*Tribune* associate managing editor for foreign and national news George de Lama says later, "We figured that our readers had seen it and had access to it. So we had to acknowledge that it existed, and we wanted to say we could not confirm it."

It is indeed a dilemma. Should a story become a news item that has to be repeated and talked about simply because it is broadcast the first time? Or should *Chicago* newspaper readers be shielded from it?

"In retrospect," de Lama later concedes, "I wish we had not published it.... It soon became clear to us that there's gonna be all kinds of stuff out there floating around and we should just publish what we know independently."

Which the *Tribune* later did, admirably, with a scoop interview of press secretary Mike McCurry musing about the possibility that the truth of the president's relationship with Lewinsky is "complicated," and with a story about money going to a legal defense fund for Paula Jones being used by Jones personally.

#### 'DESPERATE TIMES'

Again, *Newsweek's* Evan Thomas has forgotten his own admonition about reporters mouthing off on television. On *Good Morning America* to promote *Newsweek's* new issue, he

is asked, "Do the [president's] advisers think that the American people are going to draw some sort of distinction between sexual acts?" To which Thomas replies, as if he knows, "Desperate times call for desperate measures."

#### MORE PRESSURE ON LEWINSKY

On the NBC Nightly News, David Bloom, with his ever-helpful "sources," puts more pressure on Lewinsky and Ginsburg. "[S]ources also caution that if no deal is struck tonight, [Lewinsky] could be hauled before a . . . grand jury. . . as early as tomorrow." Four months later, there would still be no deal and no Lewinsky testimony.

#### MONICA AT THE GATES

On CBS's evening newscast, Scott Pelley reports that "sources" tell him that on January 3, Lewinsky was "denied entry at the [White House] gate" and "threw a fit, screaming, Don't you know who I am?" It's a report that doesn't get picked up by the rest of the media, despite its apparent news value; if true, it would mean that during this exact week that the president was trying to get Lewinsky to participate in a cover-up, she was being turned away at the White House. But three months later Pelley maintains, "I know this story was true."

#### 'THIS JUST IN': A SEVENTH-HAND STORY

Larry King Live seems to be going well for the president. This is the night of the day when the president forcefully denied having had sex with "that woman, Miss Lewinsky." Former campaign aide Mandy Grunwald and the Reverend Jesse Jackson (plus the ubiquitous Evan Thomas, Republican politico Ed Rollins, and former *Washington Post* executive editor Ben Bradlee) are engaged in a balanced, calm discussion for most of the show. Then, with a few minutes left, King returns from a commercial break with a bulletin:

"Panel, this just in from Associated Press, Washington: A Secret Service agent is reportedly ready to testify that he saw President Clinton and former White House intern Monica Lewinsky in a compromising position. The *Dallas Morning News* reports tonight [on its website] that it has talked to an unidentified lawyer familiar with the negotiations between the agency and the office of . . . Ken Starr. The paper quotes the lawyer as saying the agent is, quote, 'now a government witness,' end quote."

Reread that paragraph. At best, it's a fourth-hand report (though, as we'll see, it's actually seventh-hand). The Associated Press (1) is quoting The *Dallas Morning News* (2) as quoting an anonymous lawyer-source (3) as saying that a witness (4) will say something. Yet it punctures the "maybe-Clinton-will-survive" tone of the rest of the King show—as it does the remainder of Geraldo Rivera's show on CNBC, where he introduces the AP report as follows: "Uh-oh, hold it. Oh, hold it. Hold it, hold it, hold it. Bulletin, Bulletin, Bulletin. Associated Press, three minutes ago. . . ."

Ninety minutes later, The *Dallas Morning News* pulls the story, because, the *News* would later explain, its source called in to say they had gotten it wrong.

"You get handed something you read it," Larry King says later. "I didn't have to, but I kind of felt compelled to. . . . It wasn't the *New York Post*. It was the AP and The *Dallas Morning News*. It's a dilemma of live television. What do you do? You're at the mercy of what's handed to you."

CNN president Richard Kaplan says later that he had been asked earlier in the evening by CNN producers who had heard about the possible *Dallas* story whether they should use it if the *Morning News* indeed published it. He had said no. "But then Tom Johnson"—CNN's chairman and Kaplan's boss—

"called into the control room," Kaplan says. "Tom knew these Dallas people well and he said they were reliable."

Johnson says that his go-ahead for CNN to report the Dallas Morning News story came only "after some producer just ripped it off the wire and had Larry read it; I then told them it was okay to do it on the ten o'clock news how, too." Still, Johnson confirms that "it's my fault. I called around to the Morning News people and to AP people, and they assured me on this story. . . . The Morning News people told me the source, who was some lawyer. . . . But I'm the one who made the decision."

Associated Press Washington bureau chief Jonathan Wollman explains later that AP uses its own judgment in deciding which stories from other news organizations to publish on its wire. He also notes that, soon after his organization filed the report that Larry King read, "we added something from our own people quoting Secret Service agents as being skeptical of the Morning News story. Then we added something from the White House disputing the story."

In fact, this story was a leak from a Washington lawyer named Joseph diGenova. He and his wife, Victoria Toensig, are former federal prosecutors who often appear on talk TV, defending Starr and making the case for the president's guilt.

According to Toensig, she had been approached by a "friend of someone who is a former worker in the White House." (Toensig will not say if the person's friend was a Secret Service agent or a White House steward.) The person who contacted Toensig told Toensig that this former White House employee had been told by a coworker at the White House that the coworker had, says Toensig, "seen the president and Lewinsky in a compromising position." Toensig was asked by the friend whether she might be willing to represent this secondhand witness if this person decided to go to Starr and talk about what the alleged firsthand witness (the coworker) had said.

DiGenova had overheard his wife discussing this possibility with this friend of the secondhand witness. Then, according to diGenova, after he had heard Jackie Judd's report of a witness on Sunday, he "mentioned" to Dallas Morning News reporter David Jackson that he'd "heard the same story that Judd had broadcast." Without telling Jackson, diGenova was thinking about what he had heard his wife discussing. However, by the time diGenova had mentioned this to Jackson, unbeknownst to him, the person who had approached his wife on behalf of this secondhand witness had broken off the discussions, and the secondhand had not come forward. According to Toensig, when Jackson called her on Monday and asked her about the story. "I told him, 'If Joe [her husband] told you that, he's wrong. Do not go with that story.' But I guess he didn't believe me."

According to Toensig, before her talks with the friend of the possible secondhand witness had broken off, she had mentioned the possibility of the witness to people in Starr's office—which means that when Jackson of the Morning News called Starr's office to get a second-source "confirmation," his second source was, in fact, no second source at all. It was just someone playing back diGenova's now-inoperative story, which diGenova's wife had tried to shoot down.

"When I saw Geraldo read the bulletin," Toensig recalls, "I figured they must have gotten it from someone else—not Joe and certainly not me. Then I got a call from [the Morning News] later that night and Jackson asked me to tell him again that he was right . . . and I immediately said, 'I told you you were wrong earlier to not go with it.'"

"This was a single-source story from me," diGenova concludes. "I thought they'd check it; all I did was give them a vague tip of what I had heard Vicki talking about on the phone." Jackson of The Dallas Morning News declines to comment on his conversations with diGenova or his sources for the story.

In short, this story of a "Secret Service" witness seems to have been a one-source story from a fifth-hand source: DiGenova (1) heard his wife (2) talking to a friend (3) of someone (4) who had talked to someone (5) who said he'd seen Lewinsky with Clinton. That makes CNN's report a seventh-hand story, because we have to add The Dallas Morning News and The Associated Press to the chain before we get to Larry King.

"As a result of the Morning News thing," CNN's president of global gathering and international networks, Eason Jordan, says later, "We instituted a new policy. At least two senior executives here have to give the okay before we go with anyone else's reporting on anything having to do with this story. . . . We've decided that it's a total cop-out to go with someone else's stuff and just attribute it to them. Once you put in on your air it's your responsibility."

"I can't tell you how much pressure we were under from our own bosses to report something like the Morning News reported," CBS's Dan Rather remembers. "that rumor was all over the place. But we just couldn't nail it. . . . It was a third-hand source and maybe a fourth-hand source."

"Without getting into details," adds Scott Pelley of CBS, "I can tell you that we just didn't like the sourcing. It was too suspect."

According to a journalist at ABC, and to two reporters working on the story that day at rival news organizations, Jackie Judd's sources for her report about a White House witness the night before were also people in Starr's office who had heard about the supposed secondhand witness, probably from Toensig. Which would make hers a fifth-hand report, too.

Jennings disputes this. "I have no doubt that we were on to a different story," he says, "because I know who our sources are." Could his sources, whom he declined to name, have been people who had simply talked to the Dallas paper's sources? "I'm fully satisfied that they weren't," he says.

Judd refuses all comment about "anything having to do with sources."

#### A GOOD DAY ON THE WEB

At MSNBC's ambitious website there have been 830,000 visits today, far more than for any other day, including the days following the death of Princess Diana.

Day 7: Tuesday 1/27/98

#### THE RETRACTED STORY LIVES

The St. Louis Post-Dispatch reports this morning that "The Dallas Morning News reported Monday night that a Secret Service agent was prepared to testify that he saw Clinton and Lewinsky in a compromising situation."

#### GOODBYE

Tonight is the night of the president's State of the Union message, and in The Washington Post, James Glassman writes a column saying that the president should say he's sorry and that he's resigning.

#### 'RECKLESS IDIOT'

New York Times op-ed foreign affairs columnist Thomas Friedman writes about his feeling of personal betrayal: "I knew he was a charming rogue with an appealing agenda, but I didn't think he was a reckless idiot with an appealing agenda."

#### FOUR OPTIONS

On the Microsoft-owned and Michael Kinsley-edited Slate web magazine, Jacob

Weisberg presents four options for the president with their chances of success: Brazen It Out: 20 percent; Contrition: 5 percent; Full Confession: 15 percent; and Wag the Dog: 2 percent.

#### CIRCULATION UP

The Washington Post reports that USA Today printed 20 percent more copies than usual for its weekend edition, that CNN's rating are up about 40 percent, and that Time added 100,000 copies to its usual newsstand distribution.

#### "LET'S NOT ASK ABOUT ANY RUMORS"

The event of the day is Hillary Clinton's morning appearance on the Today show, forcefully defending her husband. Matt Lauer interviews her, and does a terrific job.

"We found out over the weekend that she was going to go through with [the long-scheduled interview]," Lauer says. "On Monday afternoon I sat down with [various producers and NBC News president] Andy Lack to run through it for about two or three hours. . . . It wasn't so much about questions as about tone. . . . We talked about asking her about whether the president defines oral sex as sexual relations, but we decided that we were not going to ask the First Lady of the United States a question like that."

"Another thing we decided," Lauer says, "was that we were not going to ask a single question based on rumor or speculation."

Why was that standard used for Mrs. Clinton, but for no one else?

"Because we knew we'd run into a dead end because she'd say, 'that's based on rumor or a sealed document,' or something like that, 'and I'm not going to talk about it.'"

If only other Today guests had that discipline.

Day 8: Wednesday 1/28/98

#### DO AS WE SAY, NOT AS WE DO

The St. Louis Post-Dispatch greets its readers with an editorial that slams Jackie Judd's ABC report about a "witness" and the Dallas Morning News report about a "Secret Service witness" as examples of "rumor being reported as news. . . . The media would be best to stick with traditional conventions that require firsthand information and confirmation from multiple sources," says the paper.

Not mentioned is the fact that the Post-Dispatch had itself reported both stories in its own news columns. Why not? William Freivogel, who wrote the editorial for the Post-Dispatch, explains. "We don't in general criticize our own paper. . . . This was meant as a general commentary."

Day 9: Thursday 1/29/98

#### THE VANISHING DRESS

The CBS Evening News leads with a scoop. Scott Pelley reports that "no DNA evidence or stains have been found on a dress that belongs to Lewinsky."

"I'd much rather have our scoop about the semen dress than the scoop everyone else had," Pelley says later.

The next night, Jackie Judd will spin the no-dress story her way. She'll say "law enforcement sources . . . say a dress and other pieces of clothing were tested, but that they had all been dry-cleaned before the FBI picked them up from Lewinsky's apartment." In other words, the lack of evidence only proves how clever the criminals are.

Whether it turns out that Bill Clinton had sex with Monica Lewinsky or not (and whether it turns out that he stained one dress or 100 dresses) has nothing to do with the fact that Judd's every utterance is infected with the clear assumption that the president is guilty at a time when no reporter can know that.

Day 10: Friday 1/30/98

## THOSE TERRIBLE PAPARAZZI

The Daily News leads with a story about Lewinsky being mobbed by the press when she went out to dinner in Washington the night before with Ginsburg. "The black car being pursued by the paparazzi echoed the scene just before the car crash that killed Princess Diana," the paper reports.

On the front page of the paper is the paparazzi shot of Lewinsky in the car.

Asked later why his own paper would help enhance the market for paparazzi misconduct by buying a photograph taken under circumstances that his paper described as so intimidating and dangerous. Daily News owner and copublisher Mortimer Zuckerman said he would have to call me back. He didn't.

## THREE 'PRECIOUS WORDS'

Jeff Greenfield, who has just joined CNN from ABC, proves why he may be one of the smartest people on television. On Larry King Live, he's asked what he thinks of Linda Tripp having charged today that she was present at 2:00 a.m. in Lewinsky's apartment when the president called one night. His answer: "Well . . . since I was not in the room, have not talked to Linda Tripp, have not talked to Monica Lewinsky, have not heard the tape . . . I think the best course of action is for me to say, 'I don't know.' And, you know, I am beginning to think those might be the three most precious words that we all ought to . . . remember . . . This notion of guessing . . . what . . . do we think the president, if it was the president, might have said to Monica Lewinsky that Linda Tripp could conceivably have heard that I haven't talked to her about? I'll pass."

Day 11: Saturday 1/31/98

## TRIPP SURFACES

The big story in the morning newspapers is that Linda Tripp has come out of hiding to issue the statement King asked Greenfield about the night before. Tripp charges, as the St. Louis Post-Dispatch dutifully reports in a widely circulated Associated Press story, that Lewinsky described "every detail of an alleged affair with Clinton during hundreds of hours of conversations over the last 15 months. In addition, I was present when she received a late night phone call from the president. I have also seen numerous gifts they exchanged and heard several of her tapes of him."

Another wire service story in the same edition of the Post-Dispatch says Lewinsky lawyer Ginsburg denies that Tripp "ever was 'pry to any conversation' between Lewinsky and President Bill Clinton."

What's most curious about Tripp's statement is that witnesses who are cooperating with prosecutors are routinely forbidden from making any public statements, in exchange for not being prosecuted themselves. (Tripp was potentially vulnerable under a Maryland law that prohibits taping telephone conversations without the consent of both parties.) "She made her own decision," Starr later contends. "You can't control the actions of an independent-minded human being."

Day 12: Sunday 2/1/98

## MORE FROM THE FBI TAPES

Starr's people have obviously continued to make good on their promise to give Isikoff the best seat in the house as they continue to trickle out the alleged contents of the tapes they made of Tripp and Lewinsky. Now, in its new issue, Newsweek reports that Lewinsky told Tripp that she had told Vernon Jordan she would not sign the affidavit stating she did not have sex with the president until he got her a job.

In another article, Newsweek declares that the magazine "has learned that [in his Jones deposition] Clinton swore he never met alone with Lewinsky after she left the employ of the White House. . . . But Newsweek has confirmed that Clinton and Lewinsky did in fact meet last Dec. 28, and investigators are examining the possibility of several other occasions on which the two met alone."

When Clinton's deposition is revealed three weeks later, the premise of this scoop would turn out to be wrong; the president did not say he hadn't met alone with Lewinsky.

Day 13: Monday 2/2/98

## AN ALL-TIME HIGH

Most of the nation's newspapers report that polls show the president's popularity to be at an all-time high. Meantime, Susan Schmidt and Bill McAllister of the Washington Post lead with Star saying "his investigation of the Monica Lewinsky matter is moving swiftly."

Day 14: Tuesday 2/3/98

## NO SECRET SERVICE AGENT

On the Evening News, CBS's Pelley says he has "learned that the Secret Service has conducted an internal inquiry and now believes that no agents saw any liaison between the president and Monica Lewinsky."

"I liked that scoop better than Jackie Judd's," Pelley says later.

Day 15: Wednesday 2/4/98

## THE JOURNAL PUSHES THE BUTTON

Just before 4:00 p.m. Wall Street Journal reporter Glenn Simpson tells White House deputy press secretary Joe Lockhart that the paper needs comment for a story charging that White House steward Bayani Nelvis has told a federal grand jury that he saw President Clinton and Lewinsky alone in a study next to the Oval Office, and that after the two left he recovered tissues with "lipstick and other stains" on them. Lockhart says he'll get back to Simpson quickly.

Fifteen minutes later, and without waiting for Lockhart, the Journal publishes the story on its Internet site.

"When I told [Journal Washington bureau chief Alan] Murray that Joe was going to get right back to me, Alan told me it was too late," Simpson says later. "He had already pushed the button."

"The White House had taken the position [in general] that it was not commenting," Murray says. "So I figured, why wait?"

Murray, who refuses comment on whether Starr's office was the source for the story except to say, "I can promise you we had sources outside of Starr's office," concedes that he had heard that ABC was also on the story and that he wanted to beat them. Murray, who is known around Washington as an especially careful, responsible journalist, also acknowledged that his paper had just completed a joint venture agreement with NBC to provide editorial content to its CNBC cable network (which offers financial news during the day and talk shows at night) and that, "yes, it was in my mind that we could impress them with this." However, Murray also points out that because the Journal has long operated a wire service, "making instant publishing decisions was not new to us."

"They got too excited and Alan rushed to get on television," asserts one veteran Journal reporter, who says he has knowledge of the decision to publish.

Indeed, Murray appears on CNBC minutes after he pushes the button on his website reciting the Nelvis story. Almost immediately, the White House press office denounces the story, and Nelvis's attorney, who seems to be cooperating with White House lawyers, calls the story "absolutely false and irresponsible."

By the time the actual newspaper would go to bed later that evening, the Journal would pull back. It will report that the steward described the incident in question to Secret Service personnel, not to the grand jury.

When the paper sees daylight on February 5, White House press secretary Mike McCurry will denounce the Journal's online story—and its failure to await comment from him—as "one of the sorriest episodes of journalism I've ever witnessed."

By Monday, February 9, the Journal would be forced to report that "White House steward Bayani Nelvis told a grand jury he didn't see President Clinton alone with Monica Lewinsky, contrary to a report in The Wall Street Journal last week." And Journal managing editor Paul Steiger would be quoted in the same story as saying, "We deeply regret our erroneous report of Mr. Nelvis's testimony."

Could it be that Judd's report on Sunday night about a "witness" catching the president in the act, and The Dallas Morning News's dead-wrong, one-sourced, fifth-hand report on Monday night about a Secret Service agent being ready to testify, and this report about Nelvis testifying or, as it later became, about Nelvis telling a Secret Service agent what he had seen, are all different versions of the same story? "Yes, I am sure it's all the same story," says Victoria Toensig (the lawyer whose conversations that her husband had overheard became the "source" for the Dallas Morning News story).

Of course, it could ultimately turn out that a credible witness claiming to have seen the president and Lewinsky in a compromising position—or claiming that Nelvis told him or her about that—does come forward. By late-May, rumors would persist that Starr would produce at least that much. But the point is that, in early February, when these stories are published, they are at best third-, fourth-, or fifth-hand claims and the reporting of them as breakthrough news is a scandal.

## NO OTHER BITES

It's near 6:00 p.m. and the networks have to decide how to handle the Journal's scoop.

ABC goes halfway, saying Nelvis has been called as a witness and "he might have been in a position to observe Mr. Clinton without the president's knowledge."

At NBC, "[vice president of NBC News] Bill Wheatley, [Nightly News's executive producer] David Doss, and I were standing in a cubicle at 5:50 talking into a conference phone with Tim Russett," Tom Brokaw recalls. "The Journal's website story moving toward a full-blown story. But we decided, after talking to Tim, that it didn't have legs."

"We almost went with the Journal story," CNN's head of newsgathering, Eason Jordan, says. "But the rule we put in place after the Dallas Morning News screwup stopped us."

"The difference between this and Watergate," says Brokaw, "is what I call the Big Bang Theory of Journalism. There's been a Big Bang and the media have expanded exponentially. . . . Back then, you had no Nightline, no weekend Today or Good Morning America, no Internet, no magazine shows [except 60 Minutes], no C-Span, no real talk radio, and no CNN or MSNBC or Fox News doing news all day. . . . As a result of all that, the news process has accelerated greatly. . . . Something, some small piece of matter, maybe a rumor, can get pulled into the vacuum at night on a talk show or in the morning on Imus [the nationally syndicated radio show that is a bastion of smart, irreverent political conversation] and get talked about on radio or on CNN or MSNBC during the day and pick up some density, then get talked about some more or put on a website

that afternoon and pick up more density, and by late afternoon I have to look at something that has not just shape and density but some real veneer—and I have to decide what to do with it. That's kind of what happened with this one."

Brokaw's description of the care he took in this instance of the unsubstantiated Wall Street Journal story is impressive. And his assessment of the way the new technology of 24-hour cable channels and websites has forever turned the old news cycle into a tornado is right on the money. But the often sorry performance of his own news organization—for example, in chasing Judd's ABC "scoop" by rushing on that Brokaw-Shipman "bulletin" the prior Sunday of an "unconfirmed report" of a witness, let alone NBC's airing on sister channels MSNBC and CNBC of any and all rumors—makes it impossible not to conclude that Brokaw is describing an out-of-control process that he and his colleagues are often part of. He's like the articulate alcoholic at an AA meeting.

Day 16: Thursday 2/5/98

NO 'JAM JOB':

The New York Times "bulldog" edition comes out tonight with a Friday morning story that punctures the revelry among those who hear about it at the White House state dinner for British Prime Minister Tony Blair. It's about Clinton secretary Betty Currie having not been at work for "several" days because she was with Starr's people. Among other things, says the Times, Currie has spoken of having retrieved some presidential gifts from Lewinsky, and about how she had been called into the Oval Office the day after President Clinton faced those surprise Lewinsky questions at his Jones deposition and was taken by the president through a series of rhetorical questions and answers.

The article, by Jeff Gerth, Stephen Labaton, and Don Van Natta, Jr., seems to be yet another relying on prosecutorial leaks rather than Watergate-like firsthand reports from witnesses. In fact, in our interview, Starr acknowledges that he personally had met with Labaton and Gerth about the story, although, he says, "My understanding was that they knew the substance of it . . . I only wanted to talk to them about its timing." Starr urges me to talk to his deputy, Bennett—who, he says, had "talked more extensively with the Times for the story." As for why he had not been quoted by name if the discussion was not improper, Starr says only that Bennett "knows about the ground rules."

But Bennett refuses to discuss the ground rules, while asserting that he was "in no way a source for the information in the Time's Betty Currie story." No one at the Times will discuss their sources for this or any other story, but one top Times editor points out that the reporters could not have cared about discussing the timing of the story with Starr because "we ran it in the next available paper" after that meeting.

Prepared over several days—"this was not some Sue Schmidt jam job," says one Times reporter—the Time's Currie story would stand out nearly four months later as the most damaging to the president—and the one whose basic facts had not been challenged. But although it is precisely written and careful not to draw conclusions, it will not be read by the rest of the press with the same precision.

COACHED

On Nightline, Ted Koppel scraps a planned show on the International Monetary Fund. He opens by announcing "a later-breaking story" that "the president's personal secretary is said to have told investigators that

she was coached by President Clinton to say things she knew to be untrue."

"This was a breaking story, and the opening has to be written very quickly," Koppel later recalls. "But right after that I quoted the Time's language exactly. . . . Our opener is like a magazine cover or news headline; it frequently will use a grabber verb or adjective than is used later on."

Nightline guest Sam Donaldson also repeats the word "coached." Only NPR's Nina Totenberg, another guest, is more careful: "This story . . . is fairly clearly a leak from the prosecutor's office and with the exception of [the gifts] . . . it is their characterization of what Betty Currie has said."

By the next morning, Currie's lawyer—who was quoted deep down in the original Times article saying that Currie was not "aware of any illegal or ethical impropriety by anyone"—would issue a statement declaring that it is "absolutely false" that his client believed that Clinton "tried to influence her recollection." The White House, meanwhile, offers its own spin on the Clinton session with Currie: The president was simply refreshing his own memory.

Whatever the full story, what matters is that the Times didn't spin it one way or the other, while the rest of the press did.

"Everyone said we said 'coaching,' but we didn't," Gerth recalls later. "There was a lot of deliberation here over what words went into that story. . . . The story as written, not as interpreted, was accurate."

"I still have no idea whether she was coached or not," says Times Washington bureau chief Oreskes. "We were acutely aware of the fact that we were dealing with descriptions and partial descriptions that were secondhand."

Day 17: Friday 2/6/98

COUNTERATTACK

The morning shows are filled with talk about the president "coaching" Betty Currie, as are the newspaper headlines. ("Prez Told Me To Lie," screams the New York Post.)

But by the afternoon, the White House has turned the day around. First there is the president's relaxed, effective performance at his afternoon joint press conference with Prime Minister Blair. Then there's a counterattack from his lawyer, David Kendall, who bashes Starr for alleged unlawful leaks and distributes a 15-page letter to Starr that claims to document them.

Kendall's slam works so well that the NBC, ABC, and CBS evening news shows lead with it. The only talk about the Times Betty Currie story—the stuff of the Nightline show the night before—comes by way of explaining that this is the latest leak that the Clinton lawyers are so angry about.

The reason it's working has to do with the dynamics of the media. True, the press loves a good crime investigation and loves reporting the leaks that trickle out. But even more, reporters love a one-on-one fight. It's more dramatic easier to understand—and it makes booking pro and con guests on the talk shows a breeze.

"We'd been talking about leaks since this started," says White House spin man Paul Begala. "But sometimes you just have to get up and scream it and start a food fight to get them to write about it."

"Because we decided not to get into specific denials of most of this stuff, we could not answer with facts," concedes former White House scandal counsel Lanny Davis. "So we answered with a fight about the process and the prosecutor."

SHOWING THEIR COLORS

Now it has become a Starr-Clinton food fight, the reporters on the talk shows are

even more tempted to show their real colors. Rather than "analyze" what is happening in the investigation, tonight they are called upon to take sides. It is almost scary to watch people who sell themselves as unbiased reporters of fact by day become these kind of fierce advocates at night once the camera goes on.

A good example is Stuart Taylor, Jr., the serious, scrupulous, and brilliant senior writer for the National Journal who virtually started all of this with a groundbreaking 1996 piece on the Paula Jones suit in The American Lawyer that, by Newsweek's own account, had inspired the Newsweek cover story about the case. Taylor has become the complete anti-Clinton partisan. He makes no bones about it, so much so that the one television show that prefers calm analysis to food fights—The NewsHour with Jim Lehrer on PBS—has already dropped him from his legal analyst perch. (I was the co-owner and editor of the American Lawyer when Taylor's Jones piece was published.)

Now, on Nightline, Taylor takes the absurd Starr position as his own—that if prosecutors leak material coming from their talks with witnesses as they prepare them for the grand jury, they are not committing a crime, because only leaks from actual grand jury testimony are crimes. That's not what the courts have ruled, and it's a quite a bit of legalistic derring-do, coming from someone who said 11 days earlier on Nightline, in referring to the president, that "innocent people with nothing to hide who tell the truth don't need to surround themselves with phalanxes of lawyers." (About six weeks after this appearance, Taylor would begin negotiating with Starr to take a job advising Starr and writing the independent counsel's report to the House of Representatives, but he would ultimately decide not to accept the offer.)

Day 18: Saturday 2/7/98

LEAKS? WHAT LEAKS?

The nation's newspapers generally highlight Kendall's leak charges. Many of those writing the stories, such as Schmidt and Baker of The Washington Post, know from their own experience the charges are true. But they can't and won't say it.

Two days later, media reporter Howard Kurtz of The Washington Post (who is also a contributor to this magazine) would write a story headlined "With Leaks, Reporters Go With The Flow." In the piece, Kurtz describes the "bizarre quality to the weekend coverage of White House charges that . . . Starr was illegally leaking. . . . At least some journalists at each major news organization know whether Starr's staff is in fact dishing on background, but the stories are written as though this were an impenetrable mystery."

Day 19: Sunday 2/8/98

WE CAN'T ASK

Time magazine is out this morning with a cover story entitled "Trial By Leaks." The story has a problem: It's produced by reporters, writers, and editors who know the truth but can't write it.

Even a wordsmith as skilled as Time senior editor Nancy Gibbs—who, as with the first Time Lewinsky cover story, pens the lead piece here—can't write around this problem. Describing leaks "so fast and steady" that they are "an underground river," Gibbs proceeds over five pages simply to describe all the leaks—in essence republishing even the now-discredited ones. But nowhere does she confront the basic question the article raises: Aren't Starr's people leaking? Nowhere do we find a Time reporter asking Starr what any reporter would ask in any other story: whether he or Bennett or anyone else in the office has talked to specific

reporters who are the obvious beneficiaries of leaks.

It's hardly an unimportant question. For in the entire Lewinsky story there is a lot more evidence of Starr and some of his deputies committing this felony than there is of the president or Vernon Jordan committing a felony. The problem is that the best witnesses—the witnesses with firsthand knowledge—are the reporters and editors covering the story.

"We can't ask Starr or Bennett if they have leaked to this or that reporter, because we are out there getting those leaks ourselves from them," Time managing editor Walter Isaacson later concedes.

TARRING THE TIMES

The White House spin people are out in force today. At noon, on CNN's Late Edition with Wolf Blitzer, top Clinton Advisor Rahm Emanuel charges that in both the case of the Wall Street Journal steward-witness story and the Time's Betty Currie story, "lawyers representing those individuals issued statements saying these stories are blatantly false."

Not true in terms of the Times. Currie's lawyer had simply stated that all of the coaching interpretations of that story—not the carefully written Times story itself—were false. In other words, Emanuel has skillfully, and cynically, used one bad story—the Journal's—to tar the Times story, the facts of which no one had disputed by that morning (and which no one has disputed as of this writing, and which remains, with its accounts of gifts retrieved and testimony reviewed, the single most damaging story for the president).

This raises a larger issue. Because so much of the reporting of the Lewinsky story would turn out to be discredited, the journalism that should not be discounted by the public will be. That's because the average reader or viewer, especially when pushed this way by the White House, will not be able to discern the difference.

Day 21: Tuesday 2/10/98

A MATTER OF HONOR

Geraldo asks cowboy lawyer Gerry Spence about a "powerful man of a certain age . . . who is accused of accepting sexual favors from an allegedly frisky young California girl. Gerry." Rivera says, "I believe you have some folk wisdom to impart?"

Spence dives in: "Why hasn't he told the truth about this alleged peccadillo? . . . I was sitting in the little town of Newcastle the other day and talking to an old cowboy. And here's what he had to say about that. . . . 'Well,' he said, 'Here's to the heights of heaven and here's to the depths of hell, and here's to the dirty SOB who'd make love to a woman and tell.'"

Day 22: Wednesday 2/11/98

ALONE AT LAST

Susan Schmidt has another scoop, and it's a firsthand report, not a leak. This morning she writes that former uniformed Secret Service guard Lewis Fox says that he was posted outside the Oval Office one Saturday in the fall of 1995 and he saw the president meet alone with Lewinsky for 40 minutes in the early afternoon. Schmidt makes much of this. In her lead sentence, 40 minutes becomes "Monica S. Lewinsky spent part of a weekend afternoon in late 1995 alone with President Clinton. . . ." And that, she says, makes Fox "the first person to publicly say that he saw the president and Lewinsky alone together."

But there's less here than meets the eye. Strangely, Fox is paraphrased but not quoted in Schmidt's article because, she later asserts, "he refused to be quoted." It's a rate article that is wholly about an on the

record interview with someone (and headlined as such) in which that person is not quoted at all.

But it turns out that Fox had been liberally quoted in his local Pennsylvania newspaper and on Pittsburgh television before Schmidt got to him, saying that, yes, he had seen the two alone, but that he doubted anything untoward could have happened because there are so many ways to see into the Oval Office and there is such a constant threat of interruption from people walking in.

Why didn't Schmidt ask Fox if the two could have been interrupted? "I wasn't interested in his opinion," she says later. "Who care about his opinion? Clinton testified that he was never alone with her, and this guy makes him a liar. Period."

In fact, when the president's deposition in the Jones case is made public soon after this interview with Schmidt, it turns out that Clinton did not testify that he was never alone with Lewinsky.

"This story was a perfect example of Sue Schmidt's attitude," says Clinton aide Emanuel. "Anyone who things the president could do something like that uninterrupted on a f—king Saturday is either in fantasy land or doesn't care about facts. We're all here on Saturday at 1:00. We live here, goddamnit."

THE GOOD, THE BAD, AND THE GERALDO

It is tempting to dismiss Geraldo Rivera as a sleazy peddler. But he is also one of the smartest, best-prepared newsmen out there.

And tonight, as with many nights of his Lewinsky circus, he shows it. Talking about Schmidt's Washington Post story on Secret Service officer Fox, Rivera says, "We note, however, for the record, that the agent's story has become . . . [in Schmidt's hands] far more damning since he first began talking about a week ago. Back then Fox told a local newspaper . . . that it would've been difficult for the two to have had a sexual encounter while in the Oval Office because of its many windows. . . . And we also note for the record that every allegation [about] purported eyewitness to the president and Monica's being alone, including last week's account of Mr. Nelvis in The Wall Street Journal, has so far proven erroneous."

CIRCUS OR TOWN MEETING

Rivera's show is emblematic of these first three weeks of coverage of the Lewinsky story. There was some good reporting and some sharp analysis. But it was mixed in with so many one-sided leaks and rumors that it was diluted into nothingness—so much so that many opinion polls showed that a majority of Americans believed the president to be guilty of something he adamantly denied and about which there is not yet nearly enough real evidence to know for sure, one way or the other.

Brokaw may be right: Americans may be good at filtering out the reliable from the nonreliable. It could also be argued that, in the old days, any town meeting would have had some crazies and gossips take the stage or whisper among the audience the way the crazies and prosecutor-fed gossips took to the printing presses and the electronic stage in the days following January 21.

But in the end that only euphemizes the appalling picture of the fourth estate presented by the first three weeks of this imbroglio.

Because it is episodic, the log presented above does not convey that overall picture, nor does the more subdued coverage of later weeks in this story.

But you can remember it.

It's a blizzard of newspaper front pages and magazine covers and every TV news show and pseudo-news show giving this story the

kind of play that no story—none, not Princess Diana, not O.J., and certainly not Watergate—has ever gotten.

And so much of that coverage was rumors and speculation, that when a self-styled Committee of Concerned Journalists did a study examining 1,565 statements and allegations contained in the reporting by major television programs, newspapers, and magazines in the first six days of the circus, they found that 41 percent of the statements were not factual reporting at all, but were "analysis, opinion, speculation, or judgement"; that only 26 percent were based on named sources; and that 30 percent of all reporting "was effectively based on no sourcing at all by the news outlet publishing it."

It doesn't take Woodward and Bernstein to know that most of those anonymous sources were from Starr's office, spinning out stories to pressure Lewinsky or other witnesses and to create momentum and a presumption of guilt. I have personally seen internal memos from inside three news organizations that cite Starr's office as a source. And six different people who work at mainstream news organizations have told me about specific leaks.

Here's more specific, tangible, sourced proof of the obvious: For an internal publication circulated to *New York Times* employees in April, Washington editor Jill Abrahamson is quoted in a discussion about problems covering the Lewinsky story as saying, "[T]his story was very much driven in the beginning on sensitive information that was coming out of the prosecutor's office. And the [sourcing] had to be vague, because it was . . . given with the understanding that it would not be sourced."

And, as we have seen, Starr himself conceded to me that he talked to the *Times* about the Betty Currie story and often talked to other reporters, and he has all but fingered Bennett as 1988's Deep Throat. Moreover, his protestation that these leaks—or "briefings," as he calls them—do not violate the criminal law, and don't even violate Justice Department or ethical guidelines if they are intended to enhance confidence in his office or to correct the other side's "misinformation," is not only absurd, but concedes the leaks.

Worse still is the lack of skepticism with which the press by and large took these leaks and parroted them.

To be sure, that kind of leak-report dynamic is common in crime reporting, where reporters make lawmen look good and defendants look bad by publishing stories of mounting evidence in ongoing investigations.

Yet there's a difference here. In the typical criminal process, all that bad publicity historically hasn't outweighed the burden of proof and the ability of a jury to focus on the evidence actually presented at trial. Juries are famous for getting from "where there's smoke there's fire" to looking at specific evidence. But Bill Clinton is not going to have a trial with that kind of jury. If he gets any hearing at all, it will be an impeachment hearing—which is a political process, a process where all the bad effects of all the leaks could count. And absent an impeachment hearing, the president's continuing ability to do his job will depend in some part on his public standing.

Many now agree that it is hard to imagine that a powerful independent counsel under no real checks and balances is what the Founding Fathers had in mind when they wrote the Constitution. It is harder still to imagine that a press corps helping that prosecutor in his work by headlining whatever he leaks out—instead of remaining professionally suspicious of him and his power—is what the founders had in mind when they



wrote the First Amendment. The press, after all, is the one institution that the Founding Fathers permanently protected so that reporters could be a check on the abuse of power.

And it is impossible to imagine that what the founders had in mind when they wrote the impeachment clause is that a president could be brought down by that prosecutor and by that press corps, all because a Linda Tripp had a Lucianne Goldberg got an intern to talk into a tapped phone about sex so they could put together a book deal.

So far, it seems that the American people understand this, even if the press doesn't.

So maybe it's the press that needs to draw lessons from Pressgate, not its customers. Or maybe the customers can force these lessons on the press by being more skeptical of the product that is peddled to them. I have three such lessons in mind:

First, consumers of the press should ignore all publications or newscasts that try to foist the term "sources" on them unaccompanied by any qualifiers or explanation. The number of sources should be specified (is it two or 20?) and the knowledge, perspective, and bias of those sources should be described, even if the source cannot be named. (Is it a cab driver or a cabinet officer, a defense lawyer or a prosecutor?)

Second, no one should read or listen to a media organization that reports on another news outlet's reporting of anything significant and negative without doing its own verification.

And, third, no one should read or listen to any media outlet that consistently shows that it is the lapdog of big, official power rather than a respectful skeptic.

The big power here is Ken Starr. Prosecutors usually are in crime stories, and the independent counsel's power is unprecedented.

This is what makes Pressgate—the media's performance in the lead-up to the Lewinsky story and in the first weeks of it—a true scandal, a true instance of an institution being corrupted to its core. For the competition for scoops to toss out into a frenzied, high-tech news cycle seems to have so bewitched almost everyone that the press eagerly let the man in power write the story—once Linda Tripp and Lucianne Goldberg put it together for him.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes. (Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mrs. CHENOWETH) is recognized for 5 minutes.

(Mrs. CHENOWETH addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### COLUMBIA JOURNALISM REVIEW ARTICLE "WHERE WE WENT WRONG . . . AND WHAT WE DO NOW"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, it is coincidental that my good friend, the gentleman from Michigan, was here just a few moments ago and entered into the RECORD the article by Stephen Brill which appeared in Brill's Content, the Independent Voice of the Information Age, which talks about Pressgate.

In that article, Mr. Brill says on the cover, "In Watergate, reporters checked abuse of power. In the Lewinsky affair, they enabled it; that is, the press enabled abuse of power by lapping up Ken Starr's leaks, which he now admits for the first time, the inside story day by day. Mr. CONYERS just entered that article into the RECORD.

I would like to take this opportunity to draw the attention of the Members of the House and anyone else who is interested in this issue to the March-April edition of Columbia Journalism Review. I do so because, unfortunately, Mr. Brill's article has been attacked. It has been attacked most vociferously by the Independent Counsel and the apologists for the Independent Counsel, Mr. Starr.

However, objective analysis of Mr. Brill's article shows that in spite of the attacks against it, the article stands up very well and reveals quite clearly the abuse of power engaged in by the Independent Counsel in this particular investigation.

The Independent Counsel, it appears, and it is shown by Mr. Brill's article, engaged in a conscious series of leaks of misinformation to the press over a prolonged period of time. Now, if additional substantiation is needed going beyond Mr. Brill's report, that additional substantiation can be found to a remarkable degree in that March-April edition of the Columbia Journalism Review.

The article in Columbia Journalism Review, and it is a cover story, is entitled "Where We Went Wrong," and it is an examination of the press coverage of the so-called events that the prosecutor is allegedly looking into.

I would like to read a few brief excerpts from the story in the Columbia Journalism Review and then enter the entire article in the RECORD.

The article says, in part, "But the explosive nature of the story, and the speed with which it burst upon the consciousness of the Nation, triggered in the early stages a Piranha-like frenzy in pursuit of the relatively few tidbits tossed into the journalistic waters—by whom," the story asks?

"That there were wholesale leaks from lawyers and investigators was evident, but either legal restraints or reportorial pledges of anonymity kept the public from knowing with any certainty the sources of key elements in the saga."

The story goes on: "Not just the volume but the methodology of the reporting came in for sharp criticism—often more rumor-mongering than fact-getting and fact-checking, and unattributed approbation of the work and speculation of others. The old yardstick said to have been applied by the Post in the Watergate story, that every revelation had to be confirmed by two sources before publication, was summarily abandoned by many news outlets," and no wonder, because they thought they were getting the information from the horse's mouth, from Mr. Starr and his investigators.

The story goes on: "As often as not, reports were published or broadcast without a single source named or mentioned in an attribution so vague as to be worthless. Readers and listeners were told repeatedly that this or that information came from "sources", a word that at best conveyed only the notion that the information was not pure fiction or fantasy. As leaks flew wildly from these unspecified sources, the American public was left, as seldom before in a major news event, to guess where stories came from and why.

"Readers and listeners were told what was reported to be included in affidavits and depositions . . . or presented to Independent Counsel Starr. Leakers were violating the rules while the public was left to guess about their identity and about the truth of what was passed on to them through the news media, often without the customary tests of validity."

Of course, the story goes on.

I include this article for the RECORD, Mr. Chairman. We will take other opportunities to talk more about this in the future.

The article referred to is as follows:

[From the Columbia Journalism Review, Mar./Apr. 1998]

WHERE WE WENT WRONG

(By Jules Witcover)

In the sex scandal story that has cast a cloud over the president, Bill Clinton does not stand to be the only loser. No matter how it turns out, another will be the American news media, whose reputation as truth-teller to the country has been besmirched by perceptions, in and out of the news business, about how the story has been reported.

The indictment is too sweeping. Many news outlets have acted with considerable responsibility, especially after the first few frantic days, considering the initial public pressure for information, the burden of obtaining much of it from sealed documents in