

# The Clinton/Lewinsky Story

How Accurate? How Fair?

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**1900 M Street NW Suite 210 | Washington DC 2009**

**202-293-7394 | [www.journalism.org](http://www.journalism.org)**

## Overall Summary

Contrary to White House accusations, those doing the bulk of the original reporting did not ferry false leaks and fabrications into coverage of the Clinton/Lewinsky story. But in some important cases, the press leaned on the suspicions of investigators that did not hold up and downplayed the denials of the accused, according to a new study.

The findings of the study, conducted by the Committee of Concerned Journalists, raise questions about whether the press always maintained adequate skepticism about its sources.

There were occasions, moreover, when the press got ahead of the facts in its basic reporting. Others then used that work to engage in sometimes reckless speculation and propaganda.

Overall, while the initial reporting of certain well-known stories, such as the blue dress, were proven right, and none was made out of whole cloth, it is an oversimplification to say the press has been vindicated.

The study, conducted under the supervision of journalist Jim Doyle, former special assistant to the Watergate Special Prosecutors, was an attempt to discern the nature of the press coverage to date by examining several major threads of the story and comparing them to the Starr Report and its supporting evidentiary material.

The goal was to make a disciplined and detailed examination of the coverage in order to balance accusations on both sides that the reporting has been proven substantiated or that it had been manipulated by misleading leaks.

The study identified six major threads, tracking their first appearance and subsequent development in major news outlets in print, television and the Internet.

## General Findings

Overall, the research paints a picture of a news media culture that in breaking stories usually relied on legitimate sources and often was careful about the facts in the initial account.

But even in these careful stories, the press at times tended to accept interpretations from those sources uncritically and may have had a penchant to emphasize the perspective of investigators over those being investigated. This may have been a factor in coverage of Betty Currie and Vernon Jordan.

At other times, reporting was based on sources whose knowledge was second hand, and this occasionally got journalists into trouble. This may have been the case in trying to report, without having heard the tapes, more subtle questions of law such as what Lewinsky told Tripp about Vernon Jordan. It also may have occurred in coverage of whether there was a third party witness to an intimate encounter of the president and Lewinsky.

On occasion, the press also ferried speculation, some of which could have been construed as threats, from investigators into news accounts, raising questions about whether the press was sufficiently wary of being used by sources, especially law enforcement sources. This may have been the case, for example, in reporting on the so-called "talking points" Lewinsky gave Linda Tripp and in accounts of a third party witness.

### **The Argument Culture**

Lastly, so much of the news media culture today involves commenting on the news rather than reporting it, that in follow-up coverage, especially on television, the principle of keeping fact separate from suspicion and analysis separate from agenda- setting is no longer clearly honored. It was in the talk show arena that many of the rumors and unsubstantiated suspicions found their way into the mainstream media. The press itself has encouraged this by helping create a new class of activist pundits: loosely credentialed personalities who often thrive on their being provocateurs. These people are often treated as authorities, but they operate neither as news sources nor as opinion journalists. The argument culture may be undermining the reporting culture, and news organizations are helping that occur.

### **The Story Threads**

The study identified six story threads that went to the crux of the Clinton-Lewinsky case: whether the affair occurred and whether the president had obstructed justice and tampered with evidence to hide it.

The six threads are: the existence of a blue dress with DNA evidence of the affair; the existence of witnesses of an affair; the existence of other staffers who had also had affairs; the existence of talking points for Tripp and Lewinsky to lie about what they knew; the role of Vernon Jordan and the role of Betty Currie.

## **On these, the study found:**

### **The Blue Dress**

ABC was accurate in its first reporting that a stained dress of Lewinsky's contained traces of the President's semen. That report cited a single source, which raised concern among many journalists. A good deal of misreporting of "the dress" by other news organizations followed.

### **The "Talking Points"**

From the first disclosure that Monica Lewinsky had handed Linda Tripp a document entitled "Points to make in an affidavit," many major news outlets emphasized a supposition that turned out not to be provable--namely that the memo was written by agents of the President and represented a smoking gun proving obstruction of justice or witness-tampering. That supposition may have reflected the suspicions of some investigators but it proved to be unsupported. The Starr Report devotes only two non-judgmental sentences and one footnote to the talking points.

### **Vernon Jordan**

The earliest stories often overstated what Lewinsky really told Tripp about whether Vernon Jordan told her to lie about her affair with Clinton. These news accounts also failed to adequately consider that Lewinsky might be exaggerating or misleading what she told Tripp. Lewinsky eventually told investigators that on the matter of Jordan's role, she was exaggerating the truth. Subsequent press accounts of Jordan treated him with great suspicion. In the end, the Starr Report omits any mention of either attempted obstruction by Jordan, or the taped allegations of his telling Lewinsky to lie under oath. The other evidentiary materials also proved inconclusive.

### **Betty Currie**

The initial New York Times account accurately reported what Currie told investigators about Clinton having "led her through an account of his relationship" with Lewinsky and her retrieving gifts from Lewinsky. The Times, however, played in the 17th paragraph Currie's response through her attorney. And some subsequent reports elsewhere inflated what the Times reported. The press was similarly careful about who initiated Currie retrieving the gifts from Lewinsky. Some commentators leaped to broad conclusions in speculating about what effect Currie and the gifts would have on Clinton's future. In the end, Starr makes Currie a key part of the impeachment case, but acknowledges that he has conflicting testimony about what happened. Overall, the New York Times account, which constituted the principal source for other reporting, holds up well.

### **Third Party Witnesses**

From the earliest days of the story, reports were widely published both that there were third party witnesses who had observed Clinton and Lewinsky in acts of intimacy, or, somewhat more cautiously, that Starr was reaching out

to such potential eyewitnesses. Some subsequent reports included not-so-veiled warnings to Lewinsky that if she didn't agree to cooperate soon, Starr wouldn't need her much longer. Neither the Starr Report nor other supporting documents establish any eyewitnesses to acts of intimacy. Two serious problems are potentially raised here. One is that the press got ahead of the facts because it relied on second-hand sources. The other is that the press was being used by investigative or prosecutorial sources who wanted to employ the media to apply pressure on Lewinsky or other potential witnesses.

### **A "Second Intern"**

The discussion of other women surfaced almost immediately, first by pundit Anne Coulter on CNBC's "Rivera, Live!" and then Internet columnist Matt Drudge, who was asked about it on NBC's Meet the Press. The allegation remained dormant until August, when Chris Matthews on CNBC and Fred Barnes of the Weekly Standard on Fox News renewed the rumors. That spawned coverage in the New York Post and elsewhere. There is no evidence supporting a second intern, or anyone else, in the Starr Report or in the evidentiary material. Kathleen Willey's account stands apart from this thread, as her accusation came from her own lips detailed in a "60 Minutes" broadcast.

There may be other threads to examine. The study did not focus on what the President said about the affair. His comments were limited, always recorded on video or on tape, carefully and well reported and it is clear that he did not tell the truth. The study also did not focus on what Lewinsky said about whether there had been an affair. The tape with the strongest evidence of the affair was the one conversation that any news organization (Newsweek) had heard for itself. After the first days' accounts, moreover, Lewinsky said nothing. Thus the coverage, and the case, turned to corroborating evidence, such as the talking points, the dress, witnesses.

There is a general sense that over time the reporting of this story became more careful and that news outlets became more cautious about publishing rumors. A study by the Committee in March documented empirically that there was less reliance on anonymous sourcing and less punditry in the coverage in March than was true in January. However, in the late summer, there were some cases of rumors resurfacing. To track the anatomy of this rumor-reporting, the study added a seventh story thread:

### **The Cigar**

Washington summer gossip included a rumor that Lewinsky had used a cigar as a sex toy while with the President. It started with an internet posting on "The Drudge Report," was broadcast later the same day by Drudge on his Fox News Channel show, then spread to veiled references on the Sunday talk shows, then to the London Times, then to Jay Leno's monologue, then to a column in The Washington Times and elsewhere in the mainstream press as references to "kinky sex," including on Meet the Press and on one CNN talk

program. In general, however, it is fair to say the press resisted spreading such rumors. The Drudge Report turned out to be wrong in some details, as did most of the reports flowing from it. But the Starr Report does include a sentence confirming a Clinton-Lewinsky use of a cigar in a sexual act.

Thus while there is much evidence of the press relying on legitimate sources, there are also cautions here about haste, about punditry, about relying on second-hand sources, and about presenting information thoroughly so that audiences will find it credible.

There are cautions, too, about whether the news media in an increasingly instantaneous and competitive media environment are always maintaining adequate skepticism--less about the facts than how and how quickly those facts might be interpreted. This is especially important in a case where the special prosecutor has indicated in at least one court paper that he makes no distinction between journalists and police informants.

It is important to recall that in studies such as this it is not always possible to fully measure the press' caution, since the stories that were not aired because of diligence are impossible to credit. Mountains of accurate reporting, about the background of the players on all sides, and corroborating evidence about Lewinsky's actions, about the constitution and the history of the White House all have deepened the public's understanding and perceptions.

It is not the purpose of this study to deal with the question of the amount of coverage. We are only attempting to assess the quality. In addition, it was not meant to evaluate individual news outlets but rather the role of the news media in general in a slippery case like this to see what they do well and what they don't.

### **Starr's Dealings with the Press**

If the coverage at certain points showed a penchant to reflect the suspicions of prosecutors and investigators out of balance with the denials of the accused, this would hardly be unusual, whether the case be Richard Jewell or countless of other accused citizens whose cases are covered in the press. It does, however, reflect a growing tendency of media coverage.

A generation ago, it was not uncommon for news organizations to have policies against naming the accused in cases until they were charged. Those policies are largely gone now, and while they may never have applied to politicians, these changing standards reinforce the importance of a press that is skeptical of being used by investigative arms of the government.

In Clinton/Lewinsky, the issue may be particularly important given the stakes involved. It may also be important because Starr himself in trying not to disclose his contacts with the press has alluded to his relationship with

reporters as being analogous to a relationship with informants.

Starr has been accused of leaking prejudicial grand jury material in an attempt to shape opinion in the Lewinsky case. (His accusers include opposing counsel and an array of editorial writers, columnists and commentators including Anthony Lewis, Albert R. Hunt, Lars-Erik Nelson and Steven Brill.)

The judge in charge of the Starr grand jury gave credence to those accusations by ordering Starr to show cause why he should not be held in contempt of court for leaks. The judge's order does not confirm prosecutorial misconduct, but places the burden on Starr to disprove the charge that he violated the Federal Rules of Criminal procedure by improperly divulging grand jury secrets. Johnson wrote: "The Court finds that the serious and repetitive nature of disclosures to the media of Rule 6(e) material strongly militates in favor of conducting a show cause hearing."

Starr sought to stay a hearing on the subject by arguing that his anonymous dealings with reporters should be treated the same as an investigator's dealings with confidential informants. (See footnote 1)

Some reporters found troubling the suggestion that Starr was using journalists as informants, but his argument to that effect got little attention in the press. The court is hearing arguments on the leaks in closed session. Heavily redacted transcripts are then released weeks or months later, if at all. Major news organizations went to court in an attempt to force these proceedings out in the open. (See footnote 2)

The story of who has been leaking and why has gotten little notice in the mainstream media because news organizations have invested time and resources to establish a relationship with the Office of Independent Counsel. (See footnote 3). It is also difficult for news organizations to cover a story in which they are actors, and in this case it may even hinder their relations with Starr. The story might be analogized to an elephant at a dinner party: if nobody pays attention, maybe it will go away. (See footnote 4)

## **Methodology**

The study identified six major threads, tracking their first appearance and subsequent development in major news outlets in print, television and the Internet. The major media outlets were defined as ABC World News Tonight, CBS Evening News, NBC Nightly News, CNN World View, The Newhour with Jim Lehrer, The New York Times, The Washington Post, The Los Angeles Times, USA Today, Time and Newsweek. In addition, using the Lexis database, searches were conducted of all available news outlets by key words and concepts to expand the universe. Then other research sources such as the Hotline, were consulted to further expand the universe.

The Committee of Concerned Journalists is a consortium of journalists founded in 1997 from various media interested in reflecting on the performance and responsibilities of their profession. The group is funded by the Pew Charitable Trusts.

Footnote 1: Starr filed an emergency motion before the Court of Appeals for the District of Columbia seeking to stay Judge Johnson's "show cause" order. This motion was heavily censored before release but contains the following argument against a hearing to disclose the OIC's contacts with the news media:

[Censored] "It is impossible to disclose the Government's contacts and communications [Censored] without revealing confidential investigative information.

[Censored] ("Long recognized at common law, the informer's privilege serves important individual and societal interests in protecting the anonymity of citizens who cooperate in law enforcement.") Subsequently, Timothy J. Burger of the N.Y. Daily News quoted "legal sources outside the prosecutor's office familiar with the proceedings" as confirming that Starr argued "he wanted to keep confidential the information received from reporters, and their identities."

Footnote 2: The leaks investigation continues under a shroud of secrecy. Judge Johnson has appointed a special master to hear evidence but has not disclosed the master's identity.

Footnote 3: The release of the Starr Report itself may raise questions about disclosure of grand jury secrets. The Starr Report was delivered to the House Judiciary Committee the afternoon of September 9. Officials immediately placed everything under lock and posted armed guards. No member of the House had access to it. Yet the next morning, details of the Starr Report appeared in newspapers across the country. The stories cited as sources "lawyers familiar with the report" (the New York Times), "allies of Mr. Starr" (the Wall Street Journal) and "sources close to the case" (the Washington Post). At the time, only the Office of Independent Counsel knew what was in the Starr Report. If Starr's office briefed the press before the House decided to release the material, some might argue that constitutes another "prima facie" violation of Rule 6(e) comparable to those cited earlier by Judge Johnson. The material was grand jury material. Starr's mandate allowed him to deliver it to the House, but Rule 6(e) of the Federal Rules of Criminal Procedure still applied to Starr in his dealings with the press and the public. House officials, not subject to Rule 6(e), publicly released the material September 11, two days after stories describing the material appeared.

Footnote 4: The Washington Post and the New York Times did occasional stories on the leaks controversy. On Feb.6 the NewsHour with Jim Lehrer devoted a long segment to "the battle over leaks and unnamed sources." On

Sept. 30, the NewsHour did a long piece on anonymous sources, which featured prominent print journalists.

## **The Blue Dress**

The press was largely on the mark in its reporting on the dress that quickly became central to the Clinton-Lewinsky story. ABC's early reporting turned out to be highly accurate. The stain did turn out to be the president's semen. And although Lewinsky in her testimony maintained the dress wasn't, as ABC called it in their report, "a kind of souvenir" (she said she thought the stain might have come from "spinach dip"), Linda Tripp's tapes of Lewinsky indicate otherwise.

ABC's initial report was based on a single source who, according to ABC, had "specific" knowledge of what Lewinsky had claimed.

Various factors may have led the media to later discount the story its potential impact, its unsavory nature, the possibility that Lewinsky was lying and the fact that ABC cited only a single source. On Jan. 24, the New York Times reported that the stained dress had been a gift from the president. Other organizations picked up on the Times's story and when "the gift dress" came back clean from DNA testing, the media speculated, and the public assumed, that the stained dress story was wrong. The speculation spawned a series of reports on how the media had botched the coverage of the story in general, such as Time magazine's Feb. 16 story "The Press and the Dress. The Anatomy of a Salacious Leak." This discounting was fueled by comments by William Ginsberg, Lewinsky's attorney, in which he dissembled about the dress enough to sound like a denial.

The attacks on the dress story, along with testimony leaks, made it easier for columnists and commentators to downplay the dress story, after it reemerged. It also made it more likely that they could be spun by the White House. One such comment: Geraldo Rivera's July 8 declaration that there is "absolutely no possibility that a so-called semen-stained dress exists" based on the fact that "Monica has insisted to everyone that things never went that far."

This confusion over the dress story points out an interesting argument. Was the reporting of the blue dress vindicated because it turned out to be accurate? Some journalists have argued no. It is not good enough that stories turn out to be correct, they argue. ABC was lucky, they contend, not good. The ends -- whether a story is true -- do not justify the means -- a thin level of sourcing. That judgment may be too harsh. If ABC had good



reason to believe its lone source--and it contends it did--that may be the result of having reliable sources, not luck.

The problem may be more subtle. Accuracy is certainly the first goal of journalism, but it is not the only one. Credibility and clarity are important as well. Before a news organization goes with a story, it needs to consider whether it has sourcing that is thorough enough that the account will be understood and believed. Making stories as clear and credible as possible, even if it means waiting, may also protect against stories being mischaracterized in subsequent versions as they echo through the media.

### **A Chronology of Stories on the Blue Dress:**

1. On **1/21**, the day the story broke in the *Washington Post*, *Newsweek* goes on AOL with excerpts from the Tripp tapes. In its account *Newsweek* reports Lewinsky "says that Clinton gave her a dress."
2. On **1/21**, the *Drudge Report* wrote "investigators have become convinced that there may be a DNA trail that could confirm Clinton's sexual involvement with Lewinsky. Tripp has shared with investigators a conversation where Lewinsky allegedly confided that she kept a garment with Clinton's semen on it -- a garment she allegedly said she would never wash."
3. On **1/22**, Sam Donaldson on *Good Morning America* announced that in his Paula Jones deposition Clinton denied he had a sexual relationship with Lewinsky, but "apparently acknowledged giving her gifts, including a dress." That same day the *Washington Post* reports that Starr is "searching for gifts that might show whether there was a relationship, including reports that Clinton gave Lewinsky a dress."
4. On **1/23**, *ABC* first reported a "semen-stained" dress. "According to a source, Lewinsky says she saved--apparently as a kind of souvenir -- a navy blue dress with the president's semen stain on it."
5. On **1/24**, the *New York Times* reported: "Investigators who have heard the tapes said Ms. Lewinsky made references to gifts she had received from President Clinton, including a dress. On one of the tapes, the investigators said, Ms. Lewinsky tells a friend, Linda R. Tripp that the dress contains a semen stain from President Clinton."
6. On the **1/25**, *This Week* Lewinsky's attorney, William Ginsburg said: "There is a report, which I was advised of initially a week ago by the office of independent counsel, that there was a dress that might be forensically important in terms of DNA evidence." That same day, as Ginsburg appeared on *Meet the Press*, Tim Russert asked Ginsburg about "reports that there may be some dresses or a dress with DNA evidence." Ginsburg: "That's a salacious comment. It's a salacious

comment, because I would assume that if Monica Lewinsky had a dress that was sullied or dirty, she would have had it cleaned. I know of no such dress." Russert: "But did they take some of her clothing?" Ginsburg: "Oh, yes. Oh, yes. ... They took her black and blue pant suits and dresses."

7. On **1/28**, *MSNBC* reported Starr's investigators are "awaiting laboratory test results" on one of Monica Lewinsky's dresses. That same day Ginsburg on *CNN* acknowledged the testing but added "I don't anticipate that they're going to find a thing." *CBS* announced the FBI has "finished DNA tests on one of Lewinsky's dresses. The results are due soon." Later, *CNN* reported "We've been told by sources that all of the garments appeared to be clean, had come back from a dry cleaners, but presumably, they think that if there are any stains, or whatever on those garments, DNA testing might show that, so they're going through that very, very carefully."
8. On **1/29**, the *New York Post* wrote: "The dirty little secret is that some Democrats are quietly crossing their fingers in hopes that Lewinsky really does have a dress with semen stains so Clinton will have to exit quickly, instead of dragging them down."
9. On **1/29**, *CBS* reported that "that no DNA evidence or stains have been found on a dress that belongs to Lewinsky. The dress and other clothes that were seized by the FBI from Lewinsky's apartment after she told a friend that they might contain physical evidence. But again, tonight, the FBI lab has found no such evidence."
10. In its **2/16**, issue *Time* magazine ran a piece on the dress headlined: "The Press and the Dress. The anatomy of a salacious leak, and how it ricocheted around the walls of the media echo chamber." The piece chronicled how the story made its way from Drudge's web site to the mainstream media. The piece said the dress story showed, "the occasional slipups that occur as a story reverberates through today's journalistic echo chamber, changing slightly each time it is repeated."
11. On **6/20**, Lucianne Goldberg told *Matt Drudge* on *Fox News Channel* that she was the source of stories that Lewinsky had a semen-stained dress: "That's a true story. there's a lot more to that story. ... Hopefully, when Linda (Tripp) is able to speak for herself we'll know more about a lot of things. ... Trust me, when this thing hits, it will be explosive, the accumulation of all the things that people don't know yet."
12. On **7/8**, *Geraldo Rivera* told his audience, "There is, ladies and gentlemen, absolutely no possibility that a so-called semen-stained dress exists because Monica has insisted to everyone that things never went that far, never went to completion."

13. On **7/29**, *ABC* reported Lewinsky will turn the dress over. "Legal sources tell ABC News that as part of the immunity deal with prosecutors, Monica Lewinsky agreed to turn over evidence she claimed would back up her story that she had a sexual relationship with the President. The sources confirmed that one piece of evidence is in fact the dress Lewinsky said she saved after an encounter with Mr. Clinton because it had a semen stain on it. ... The dress may provide Starr with forensic evidence of a relationship."
14. On **7/30**, the *New York Times* and *Washington Post* reported that the dress will be turned over to Starr. The *Post* writes, "If there is bodily fluid" on the dress, "it would take just a day to determine whether there was enough to submit for DNA testing and just a few more days to yield a unique genetic marker. ... Such a test, though, would be meaningless without a blood sample from the president to compare with and it was unclear whether Clinton would agree to provide that."
15. The evening of **7/30**, the blood-test angle received prominent play. *ABC*: "White House sources say there has been no discussion of whether Mr. Clinton would turn over a sample if requested by Starr. It is clear that an ordinary citizen could be compelled to provide such a sample. ... Starr clearly is hoping that the physical evidence Lewinsky provided, including the dress will prove that Mr. Clinton's sworn statement denying a sexual relationship was false." *NBC*: "A dress containing the President's DNA would dramatically change this case... Experts say the FBI lab could know within a day if there's bodily fluids on the dress; tests to identify the DNA could take at least a week. Only if there is a definite DNA finding would the prosecutors consider asking the President for a blood sample."
16. In its **8/10** issue, *Newsweek* reports that Goldberg said Tripp and Goldberg plotted to steal the dress from Lewinsky's Watergate apartment. "We were just two girls having a Nancy Drew fantasy," Goldberg says in the piece.
17. On **8/4**, *Geraldo Rivera* on his CNBC show announced that "one source very close to the president" had told him that "one lab says it's positive," meaning there is human genetic material on the dress. About an hour later, "NBC sent out a system-wide computer message warning its journalists not to follow" Rivera's footsteps. The message: "NBC News has not confirmed and will not report the information about test results from 'Rivera Live.'" Rivera did "back off from one part of his report." *NBC* did not criticize Rivera's account because he "reported what he had heard," but also said, "We were concerned that if it was taken without context, it would take on a life of its own."

18. On **8/21**, the *New York Times* reported that the FBI crime laboratory "has determined that the stain on the blue dress was semen, two officials briefed on the results said."

### **The Starr Report and Supporting Documents**

The report confirms the accuracy of the blue dress story:

"After reaching an immunity and cooperation agreement with the Office of the Independent Counsel on July 28, 1998, Ms. Lewinsky turned over a navy blue dress that she said she had worn during a sexual encounter with the President on February 28, 1997. According to Ms. Lewinsky, she noticed stains on the garment the next time she took it from her closet. From their location, she surmised that the stains were the President's semen.(1)

Initial tests revealed that the stains are in fact semen.(2) Based on that result, the OIC asked the President for a blood sample.(3) After requesting and being given assurances that the OIC had an evidentiary basis for making the request, the President agreed.(4) In the White House Map Room on August 3, 1998, the White House Physician drew a vial of blood from the President in the presence of an FBI agent and an OIC attorney.(5) By conducting the two standard DNA comparison tests, the FBI Laboratory concluded that the President was the source of the DNA obtained from the dress.(6) According to the more sensitive RFLP test, the genetic markers on the semen, which match the President's DNA, are characteristic of one out of 7.87 trillion Caucasians.(7)"

### **The Talking Points**

The day after the Lewinsky story broke, news organizations learned that on Jan. 14 Monica Lewinsky had handed Linda Tripp a three-page document that began "Points to make in an affidavit." The memo, which was dubbed the "talking points" in Newsweek's America on-line report, bedeviled news organizations for months though it scarcely makes an appearance in the Starr Report. In the height of the coverage, several different versions of the "official" memo emerged. In the Jan. 22 on-line story, Newsweek reported that it was not clear who wrote the talking points "but Starr believes that Lewinsky did not write them herself. He is investigating whether the instructions came from (Vernon) Jordan or other friends of the President." Because the memo was in pseudo-legalese, it was assumed that Lewinsky did not write the talking points. In the coverage that followed the Newsweek report, many journalists accepted and repeated this line of thinking. The memo became a potential "smoking gun" ( NBC , 1/22/98 ; USA Today 7/1/98) that many news organizations were chasing and trying to link to various Clinton friends and confidants even after it was clear there were different versions of the memo. In its Feb. 9 issue Time magazine said, "Starr may have good reason to press (Bruce) Lindsey under oath." On Feb. 23, Fox News reported that Starr thought Clinton himself might have helped write the memo.

Talk show hosts and guests speculated about the authorship and the likelihood that the talking points represented witness tampering. Several publications printed versions, speculated on the origins and implicated the President, Jordan or Lindsey. Some news accounts speculated that Starr's office was suspicious the talking points were a smoking gun and Fox News reported that it "has learned" that Lewinsky would not be immunized until she told who assisted in their writing.

After Lewinsky received immunity, several stories reported the talking points were no longer considered central to the investigation.

The Starr Report devotes just one paragraph and one footnote to the memo, saying that Lewinsky gave the document to Tripp and that she testified she wrote it herself perhaps with ideas from Tripp. The footnote says that in contrast Tripp testified she believed Lewinsky had assistance in drafting the talking points. The talking points are not mentioned among the "substantial and credible information that may constitute grounds for an impeachment."

The press cannot be held accountable for not knowing the authorship of the talking points. Nor is historical accuracy the standard by which the press should be accountable. Journalists can strive only for the best obtainable version of the truth at the time. But they can be held accountable for not reporting the limits of their knowledge and for not demonstrating a certain amount of skepticism for the information they gather.

### **A Chronology of the Talking Points:**

1. On **1/22**, *Newsweek* disclosed the existence of the "talking points" memo, at its online site, reporting it was "not clear who prepared these talking points, but Starr believes that Lewinsky did not write them herself. He is investigating whether the instructions came from (Vernon) Jordan or other friends of the President."
2. On **1/22**, *NBC News at Sunrise* reported, "prosecutors suspect the President and his longtime friend, Vernon Jordan, tried to cover up allegations that Mr. Clinton was involved sexually with White House intern Monica Lewinsky and other women -- which is why this document, obtained last night by NBC News, could be a smoking gun. It's called, 'Points to make in affidavit.'"
3. On **1/24**, *US News Online* published a version of the Talking Points containing the line: "You have never observed the President behaving inappropriately with anybody." It was the only version that would have the line.
4. On **2/2**, *USA Today* reported that Lindsey disavowed any responsibility for the talking points.

5. In *US News's* **2/2** issue, an editor's note reported that the version posted was "only the first page and parts of the second page (and) that the copy we were given was retyped at least once. That could account for minor typographical differences of the talking points published by different news organizations."
6. On **2/4**, the *NBC Nightly News*, referring to the Talking Points memo, reported "Sources in Starr's office and close to Linda Tripp say they believe the instructions came from the White House. If true, that could help support a case of obstruction of justice."
7. On **2/5**, the *Washington Post* reported that in a proffered statement to the prosecutors "Lewinsky did not discuss the origins of one of the crucial pieces of evidence in the investigation -- the so-called talking points. Sources said that Ginsburg had told prosecutors that Lewinsky was prepared to provide a full version of events -- including the origin of the talking points -- if an agreement was concluded based on her statement."
8. On **2/5**, *USA Today* ran a slightly different version of the memo.
9. On **2/6**, *USA Today* reported "Starr's investigators are exploring whether anyone close to Clinton prepared or knew about the talking points."
10. On **2/8**, the *New York Times* ran another slightly different version of the memo.
11. In its **2/9** issue, *Time* said that in his appearance before the grand jury, "potentially the most damaging questions for (Bruce) Lindsey will concern the list of 'talking points' that Lewinsky allegedly gave Linda Tripp in mid-January, shortly before Tripp was scheduled to give a deposition in the Paula Jones case. The origins of the talking points remain a big mystery, but Starr may have good reason to press Lindsey under oath."
12. On **2/10**, the *Washington Post* ran yet another slightly different version of the memo's text along with analysis of it and interviews with lawyers who "concluded that the document may have a lawyer's hand behind it."
13. On **2/19**, the *New York Times* reported "It is unclear who wrote the talking points and whether they were given to Ms. Tripp on Jan. 14 to encourage her to give false testimony in the Paula Corbin Jones sexual misconduct lawsuit against the President. These are questions of intense interest to Independent Counsel Kenneth W. Starr, said lawyers close to his investigation. The talking points could be an important piece of physical evidence showing that there were unlawful efforts to encourage false testimony in the Jones case. Whether the

genesis of the somewhat clumsily crafted talking points memorandum will ever be known is unclear."

14. On **2/19**, *CNN* confused matters when they used the term "talking points" to describe an altogether different memo Lewinsky had told Tripp she had taken off her boss Ken Bacon's desk, about an overseas journey by the President. *CNN* said, "Sources independent of the investigation who took notes while listening to the secretly recorded tapes tell *CNN* Lewinsky stole what she described as the 'talking points' to try to position herself to be on the trip. Lewinsky's lawyer is denouncing release of this information"
15. On **2/23**, *Fox News Special* reported "according to sources" Starr's team is "considering the possibility that President Clinton helped Monica Lewinsky write the so-called 'Talking Points' memo'" because they met at the White House on Dec. 27, "just a few weeks before Lewinsky gave Linda Tripp the memo."
16. On **3/7**, the *New York Times* reported, "Based largely on two pieces of evidence -- those talking points and the secret tapes made by Mrs. Tripp of her conversations with Ms. Lewinsky -- Mr. Starr is trying to determine whether the President, Mr. Jordan, Ms. Lewinsky or others set about to obstruct justice in the Jones case by lying, concealing evidence, and tampering with witnesses."
17. On **3/10**, the *Washington Post* reported, "Because of (Bruce) Lindsey's earlier discussions with (Linda) Tripp about the (Kathleen) Willey incident, prosecutors appear to be trying to learn whether he had any role in helping Lewinsky prepare the three-page document. Lindsey, who has been summoned to the grand jury twice, has denied any connection to the Talking Points."
18. In its **3/23** issue, *Newsweek* reported Lewinsky appeared to know what Clinton would say in the Kathleen Willey case, that Clinton would be extremely upset if Tripp contradicted him, according to Lewinsky, who added Tripp and her children were "'in danger' if she didn't testify the right way about the Willey episode." Lewinsky then handed Tripp the talking points, the story said, and that Tripp doubted they had been written by Lewinsky and thought "one part of the talking points seemed to echo the approach, if not the actual words, of Bruce Lindsey."
19. On the **4/19** *This Week*, Tripp lawyer Anthony Zaccagnini denied the Talking Points said "Please lie about this." "I think the purpose of the talking points was to provide someone a means of communicating certain information without incriminating anyone," he said.
20. On **5/18**, the *Washington Times* reported, "Mr. Starr, according to lawyers and others close to the grand jury probe, wants to know what

White House Deputy Counsel Bruce R. Lindsey and senior aide Sidney Blumenthal know about the source of the summary, or 'talking points' that were given to Mrs. Tripp by Miss Lewinsky, the former White House intern. The summary, which prosecutors are convinced was not written by Miss Lewinsky, could corroborate accusations of a White House attempt to obstruct justice and suborn perjury in the Jones suit, sources said.

21. On **6/10**, *Fox News Special* reported, "Fox News has learned investigators working for (Starr) won't consider a deal for immunity until Lewinsky reveals who helped her write the so-called 'Talking points' memo. Fox interviewed former Independent Counsel Michael Zeldin: "If you can establish that Vernon Jordan, the President or the President's agents gave these to Monica Lewinsky with the intent to have her improperly influence Linda Tripp to lie, then you've got something there."
22. On **6/11**, the *New York Times* reported "The talking points memorandum and the Tripp-Lewinsky tapes form the backbone of the independent counsel's inquiry into whether anyone lied or obstructed justice over Ms. Lewinsky's relationship with President Clinton."
23. On *CNBC*, **6/17**, Chris Matthews: "What I think is the toughest nut to crack here, could it be that Monica is not protecting Bruce Lindsey, and not Bob Bennett, not Vernon Jordan, but the person who may have given her the talking points may in fact have been the person she had the closest relationship with, the person who had the closest relationship with her, and that's the President. But if the President gave her the talking points, she can't give him away without bringing down this administration. I'll tell you one thing, if every prosecutor in this country were as tough as Ken Starr, the streets would be swept of criminals right now."
24. On **6/22**, *The Washington Times* reported that Starr "has focused on White House Deputy Counsel Bruce R. Lindsey" as the possible source for the talking points. "Specifically, the independent counsel's office is trying to gather evidence to bolster the following scenario: Mrs. Tripp relayed her concerns to Miss Lewinsky, who mentioned them to Mr. Clinton. The president then briefed Mr. Lindsey, his closest adviser, who responded by arranging for Miss Lewinsky to give Mrs. Tripp the talking points."
25. On **6/29**, *USA Today* reported "The document has emerged as possible evidence of obstruction of justice as Starr investigates whether Clinton or his associates made attempts to conceal the president's encounters with women."
26. *USA Today* on **7/1** reported that the Talking Points memo might prove to be the most important evidence. The writers quoted "legal experts"



- saying the talking points are "the meat of possible obstruction of justice or witness-tampering charges. They quote Paul Rothstein, law professor at George Washington University: "The talking points are the closest thing to a smoking gun in this case." With the story is what they describe as "the actual text" of the talking points.
27. On the **7/6** *CNN Burden of Proof*, English Professor John Gillis discussed his report, co-authored with Skip Fox, on the origin of the talking point. He believes there were two authors: "Our hypothesis is that it was some lawyer that was working on Linda Tripp's behalf very conscientious, albeit in haste. The second author seems to be some friend or confidante of Linda Tripp, and you can make your own guesses. We believe the most likely candidate would be Lucianne Goldberg." They speculate she emailed parts of the talking points to Tripp. In an online report on "The Real News Page" on Sept. 17, Gallagher and Fox asserted that sometime subsequent to this TV appearance Lucianne Goldberg reported her hard drive failed.
28. On **7/27**, the *New York Times* reported "The talking points, which seemed intended to coach Mrs. Tripp in possible testimony about Mr. Clinton, are central to Mr. Starr's effort to determine whether obstruction of justice occurred."
29. On *CNBC 7/29*, Chris Matthews asked Lucianne Goldberg about the speculation that Lewinsky wrote the talking points with ideas from Linda Tripp. "I haven't spoken to Linda about it," she responded, "but I suggest that what happened would be that they were they were working out what they were going to do about the Willey situation, who was going to say what. And Linda said, 'well, if you want to know what I say about it, go and read the letter I wrote to Newsweek last summer.' So Monica toodles off, gets that language and incorporates it into her typing."
30. On **7/29**, the *NewsHour* with Jim Lehrer interviewed print reporters on a Starr investigation update segment. The Time correspondent reported the talking points "to date had been the most tangible possible evidence of obstruction of justice that could have made in any case against the White House. Now we have Monica Lewinsky saying nobody at the White House helped me write them"

### **The Starr Report and Supporting Documents**

The Starr report devotes only one paragraph to the talking points. It is as follows:

"On January 14, Ms Lewinsky gave Ms. Tripp a three-page document regarding "points to make in [Ms. Tripp's] affidavit." Ms Lewinsky testified that she wrote the document herself, although some of the ideas may have been inspired by conversations with Ms. Tripp."

There is also a footnote. It reads: "Ms. Tripp, in contrast, testified that she believed Ms. Lewinsky received assistance in drafting the talking points."

### **Vernon Jordan**

News organizations indicated almost immediately that Kenneth Starr was investigating Vernon Jordan for obstruction of justice. The reports said that Starr had tapes on which Monica Lewinsky said Jordan told her she should lie about her relationship with President Clinton. The initial Jan. 21 Washington Post story, for instance, reported that Lewinsky told Tripp on tape of "Clinton and Jordan directing her to testify falsely." ABC's *Good Morning America* reported the same day that sources said Lewinsky can be heard on a tape claiming the president told her to deny an affair and that Vernon Jordan "instructed her to lie."

The coverage in the following weeks included Jordan's denials, but tended to maintain that he might be in big trouble despite them. They sometimes characterized Jordan's statements as strategic or, as *Time* said in its Feb. 2 issue, he was "wrapping himself in a protective layer of syntax."

The allegations against Jordan also spawned profiles that often depicted him as an amoral character, included pejorative anecdotes, and emphasized stories about his attitude toward women. A *Newsweek* profile in its Feb. 2 issue describing Jordan's relationship with Clinton talked of how their "mutual fondness for the ladies is a frequent, if crude, topic of conversation," a point repeated in other media accounts as well.

By February, particularly in talk show venues, Jordan was generally a suspect in the media accounts. Meet the Press aired a rumor, which ABC later reacted to, that Jordan had been granted limited use immunity by Starr, which suggested that he needed shielding from a criminal charge.

When Starr finally made his report to Congress, however, the case against Jordan was missing. Lewinsky admitted that, in fact, no one had told her to lie, and that she had told Jordan she did not have an affair with Clinton. The widely reported allegation that Lewinsky had said on tape that Jordan told her to just lie about it was wrong. Apparently it was an advocate's interpretation of this snippet of the conversation taped by the FBI:

There is a prosecutors' memorandum, which says Tripp asserted to investigators that "Jordan encouraged Lewinsky to lie." This may or may not have been available to the press at the time of their reporting but it is not supported by the evidence. The closest Lewinsky comes on the tapes is the following:

*Tripp:* But did he address the perjury issue at all? Because this is perjury.

*Lewinsky*: OK he -- Yeah. He said that -- he said, "You are not gonna go to jail. You're not going to go to jail." (and later): "What he showed me is there's no way to get caught in perjury in a situation like this."

In her grand jury appearances, Lewinsky said she was lying when she said the above and that no one had told her to lie. Regardless, a careful reporter who heard this FBI tape would be reluctant to report that it makes a clear case for coaching the witness to lie. And a skeptical reporter might have decided the tape had an argumentative tone more than a conversational or narrative tone. If a reporter and an editor had heard this tape, one might have argued Tripp was pushing Lewinsky for answers and Lewinsky was obliging, but somewhat evasively. In the Starr Report and supporting documents, the Independent Counsel does not suggest this tape reflects obstruction or witness-tampering. The Starr report summarizes Vernon Jordan's testimony concerning his contacts with the President and his contacts with Monica Lewinsky, without any suggestion that he urged Lewinsky to lie or otherwise obstructed justice.

In the Jordan case, the media seemed eager to rush to judgement without having confirmation and to have used the allegations against Jordan to pry into his personal life on topics that would normally be off limits and prejudicial.

### **A Chronology of Stories on Jordan's Involvement:**

1. On Wednesday, **1/21** the *Washington Post* reported that according to sources Lewinsky told Tripp on tape of "Clinton and Jordan directing her to testify falsely."
2. On **1/21**, ABC's Good Morning America, citing a source, said Lewinsky could be heard on a tape claiming the president told her to deny an affair and that Vernon Jordan "instructed her to lie." On the 7:30 segment ABC News reported "that two sources say tapes exist in which" Lewinsky "tells another colleague that" Clinton -- and later his close associate Vernon Jordan -- "instructed her to lie under oath about an alleged sexual relationship she had with Clinton." "According to a source with a witness familiar in the matter, Lewinsky is heard describing the sexual nature of her relationship with the President. The source says, in another tape Lewinsky claimed she called Mr. Clinton to tell him about the subpoena, and he told her to deny the relationship. On another occasion, Lewinsky allegedly says the President told her he would have Vernon Jordan talk to her. The source says Lewinsky is later heard saying Jordan instructed her to lie, and told her, even if she got caught, they don't prosecute people for lying in civil cases."
3. On **1/21**, the *Los Angeles Times*, in contrast, said simply that Starr was investigating "whether Clinton deployed his friend and trusted

advisor, Vernon Jordan, to discuss with Lewinsky her testimony or to otherwise shape her account in the Jones case."

4. On **1/22**, the *Los Angeles Times* reported "If Clinton or friend Vernon Jordan urged her to falsely deny having had a sexual relationship with the president, they could be charged with soliciting perjury and obstruction of justice."
5. On **1/22**, *USA Today* reported "Presidents from Lyndon Johnson to Bill Clinton have relied on good judgment and sound advice from Vernon Jordan. But the latest furor depicts the powerful Georgetown lawyer in an unfamiliar role: contributing to problems instead of solving them." (Starr) "is investigating whether Jordan urged" Lewinsky "to deny the affair and helped her get a job." This is a case, it should be noted, of the press reporting what Starr was investigating or suspecting, not what he knew.
6. On **1/22**, *Newsweek* in its AOL piece noted "However, there was no clear evidence on the (Tripp) tape (which Newsweek heard) that would confirm or deny Tripp's allegation that Clinton or Vernon Jordan had coached Lewinsky to lie." The report also said the magazine had "obtained what may be an important new piece of evidence" (the talking points memo) "It's not clear who prepared these talking points, but Starr believes that Lewinsky did not write them herself. He is investigating whether the instructions came from Jordan or other friends of the President."
7. On **1/22**, *ABC* featured "A close look at the other man in this White House crisis -- Vernon Jordan. He is accused of encouraging Monica Lewinsky to lie under oath about a sexual relationship she's alleged to have had with the president. This is much more the nub of the crisis than any sex which may have been involved."

"According to sources who have heard the secret tapes, Monica Lewinsky says Jordan told her to lie about her relationship with the president."

"Ken Starr would have to prove that Vernon Jordan intended that Monica Lewinsky lie in her deposition. It's very hard to get that kind of state of mind evidence and he doesn't yet."

8. On **1/23**, most news organizations prominently featured Vernon Jordan's public denial in which he said "At no time did I ever say, suggest or intimate to her (Lewinsky) that she should lie," and Jordan's statement that both the President and Lewinsky had denied to him any sexual affair.
9. On **1/24**, Stuart Taylor of the *National Journal* reported Lewinsky "was allegedly pressed to deny the relationship both by Clinton and his

- friend Vernon Jordan. According to a source familiar with Tripp's account, Lewinsky told Tripp that Clinton (and Jordan) had said repeatedly that if only two people were in a room and both deny that anything happened, 'they can never prove it.' And Starr's office is laying the groundwork for a climactic cross-examination of Clinton about whether he orchestrated a cover-up of his alleged affair with Lewinsky..."
10. On the **1/26** *Good Morning America*, *Newsweek's* Evan Thomas: "We understand from very reliable sources that when Monica Lewinsky was talking to Tripp, her friend, and Tripp was on--being wired Lewinsky by the FBI, Lewinsky did say some very damaging stuff about Jordan; that Jordan said 'Deny it, say it never happened' that he had basically told her to lie. Now that doesn't mean that Jordan did do that. I have to be careful about that. But the FBI--with the FBI listening, Lewinsky said that's what Jordan said to her"
  11. On **1/28**, *USA Today* reports that Jordan, "has another connection to Monica Lewinsky besides his old friend, President Clinton. Jordan is a long-time friend of R. Peter Straus, a wealthy New York media executive who is engaged to Lewinsky's mother, Marcia Lewis."
  12. On **1/30**, *USA Today* followed up on its report in a short item called "The dog that didn't bite:" saying, "Vernon Jordan had a ready-made explanation for his seemingly suspicious efforts to find Lewinsky a private-sector job. Marcia Lewis, Lewinsky's mother, is engaged to marry Peter R. Straus, a long-time friend and business associate of Jordan's. These ties give rise to a perplexing question: Why did Jordan fail to mention last week that Lewinsky will soon be the step-daughter of a close friend?"
  13. In its **2/2** issue, *Newsweek* carried a profile of Vernon Jordan, which said he and Clinton are, "Southerners who love to work a room, both men love to eat, golf, tell stories -- and flirt with women. Their mutual fondness for the ladies is a frequent, if crude, topic of conversation. Is Vernon Jordan's star finally fading? That depends on whether the man who fixes other people's messes can find a way to fix his own."
  14. *Time*, in its **2/2** issue, carried a profile of Vernon Jordan which reported, "Lewinsky reportedly told Tripp that Jordan said to her, 'They can't prove anything. Your answer is, It didn't happen, it wasn't me.' If that turns out to be true, Jordan could be on the hook for suborning perjury and obstruction of justice." The profile quoted Jordan's categorical denial but said that in his statement he was "wrapping himself in a protective layer of syntax." *Time* added, "If Jordan's performance seemed stagy and even sanctimonious, it may have been because 'drive, ambition and personality' are not the only attributes he and Clinton are known to find impressive in young women. 'Large men

- of large appetites' is one of the euphemisms that have been used when broaching the subject of their legendary womanizing."
15. On the **2/15** *Sixty Minutes*, Mike Wallace profiled Vernon Jordan emphasizing the theme of President Clinton and Jordan crudely discussing women together.
  16. On **2/21**, the *New York Times*, *Newsweek* and *NBC* were reporting on Jordan's version of events -- that he did not know of the sexual relationship, which was denied to him by both parties, and he was unaware Lewinsky was the target of an investigation.
  17. On the **3/1** *This Week*, ABC reported Jordan's version and "that he was acting in total innocence when he went to what some would say were extraordinary lengths to find this young woman a lawyer and a job. Now the tapes suggest a different scenario, that Mr. Jordan was aware that there was something of a sexual nature between the President and Lewinsky, and that he did tell her, or instruct her, or encourage her, to deny there was a relationship when she went under oath in the Paula Jones case. And that's what the prosecutors will be asking him about."
  18. On the **3/1** *Meet the Press*, Sen. Orrin Hatch (R-UT) said, "There is a rumor now that he (Starr) has given limited use immunity to Vernon Jordan.
  19. On **3/1**, reacting to Hatch's comment, ABC reported: "Vernon Jordan today refused to discuss reports he may be given limited immunity when he appears before the grand jury on Tuesday. Which raises a question--why would Jordan need immunity when he so adamantly denied the most serious accusation concerning Monica Lewinsky's relationship with the President?"
  20. On **3/3**, the *Washington Post* reported on Jordan's scheduled appearance before the grand jury that day. The defense Jordan "appears to be establishing for himself hinges on the idea that even if there was a sexual relationship he was an unwitting participant in any cover-up"
  21. On **3/3**, the *NewsHour* interviewed Dan Balz of the *Washington Post* who reported, "the tapes that involve Monica Lewinsky and Linda Tripp indicated that Vernon Jordan had asked Monica Lewinsky to lie in the Paula Jones deposition that she was about to give. That's according to people who were familiar with those tapes. They believe that's what she was saying."
  22. On **3/3**, Stuart Taylor appeared on *MSNBC's The News*: "I think the speculation that he's going to hurt (Clinton) might be very wrong. I think it would be very hard for Vernon Jordan to be put in any

jeopardy here. I expect Starr may be trying to make a case that Vernon Jordan was, perhaps, an unwitting tool of a cover up."

### **Starr Report and Supporting Documents**

The Starr report does not point to any attempted obstruction by Jordan or taped allegations of his urging Lewinsky to lie, saying only that "OIC investigators and prosecutors recognized parallels between Mr. Jordan's relationship with Ms. Lewinsky and his earlier relationship with pivotal Whitewater-Madison figure Webster, L. Hubbell."

Contrary to various press accounts detailed here, there is nothing in the Starr report substantiating allegations that Lewinsky said to Tripp that Jordan coached her to lie. After noting Jordan's testimony that "Ms. Lewinsky said she had not had a sexual relationship with the President, the report states the following: "Ms. Lewinsky testified, however, that at this time she assumed Mr. Jordan knew 'with a wink and a nod that [she] was having a relationship with the President. She therefore interpreted Mr. Jordan's question as 'What are you going to say,' rather than 'What are the accurate answers.' "

Further the report says, "In January 1998, Linda Tripp, a witness in three ongoing OIC investigations, came forward with allegations that (i) Monica Lewinsky was planning to commit perjury in Jones v. Clinton, and (ii) she had asked Ms. Tripp to do the same. Ms. Tripp also stated that (i) Vernon Jordan had counseled Ms Lewinsky and helped her obtain legal representation in the Jones case, and (ii) at the same time, Mr. Jordan was helping Ms. Lewinsky obtain employment in the private sector.

"OIC investigators and prosecutors recognized parallels between Mr. Jordan's relationship with Ms. Lewinsky and his earlier relationship with a pivotal Whitewater-Madison figure, Webster L. Hubbell. Prior to January 1998, the OIC possessed evidence that Vernon Jordan -- along with high-level associates of the President and First Lady -- helped Mr. Hubbell obtain lucrative consulting contracts while he was a potential witness and/or subject in the OIC's ongoing investigation.

"Against this background, the OIC considered the January 1998 allegations that: (i) Ms. Lewinsky was prepared to lie in order to benefit the President, and (ii) Vernon Jordan was assisting Ms. Lewinsky in the Jones litigation, while simultaneously helping her apply for a private-sector job with, among others, Revlon, Inc.

"Based in part on these similarities, the OIC undertook a preliminary investigation. On January 15, 1998 the Office informed the Justice Department of the results of our inquiry. The Attorney general immediately applied to the Special Division of the Court of Appeals for the District of Columbia Circuit for an expansion of the OIC's jurisdiction. The Special Division granted this request and authorized the OIC to determine whether

Monica Lewinsky or others had violated federal law in connection with the *Jones v. Clinton* case."

According to the transcript of the FBI sting tape released by the House Judiciary Committee, this is what Lewinsky told Tripp about Vernon Jordan's advice on her sworn affidavit:

**Tripp(T):** "Did he say anything about -- and, now this is -- this is touchy and you don't have to answer it.

**Lewinsky(L):** "Right."

**T:** "But did he address the perjury issue at all? Because that is perjury."

**L:** "OK, he -- Yeah. He said that -- he said, "You're not gonna go to jail. You're not going to go to jail."

**T:** "You're not going to go to jail, but did he -- did he -- did he assess what could happen? I mean assuming -- let's say worst case, they come up to me or to you and say 'you on this date and this date and this date said something completely wrong to us. It's obviously a falsehood.' And let's just say it's perjury or can be construed as perjury. Did he --

**L:** "I would say it's not. What I said is true. It did not happen. She is -- I did not say that. She must have misunderstood. Maybe --

**T:** "I mean, you're not hearing what I'm saying. I understand all that.

**L:** "O.K."

**L:** "I -- I -- I've gotten that."

**L:** "See, no. No. I understand what you're saying. What I'm trying to show you is that what he has showed me is there's no way to get caught in perjury in a situation like this."

**T:** "Really?"

**L:** "In a situation like this -- "

**T:** "He's sure?"

**L:** "That's -- look that's what he's told me."

**T:** "When he presented it to you, did he seem sure?"

**L:** "Yes."



T: "Like -- but you don't seem to be concerned about that anyway."

L: "I'm not because -- because of all those reasons."

T: "I know. But did you express concern at all?"

L: "Yes, I did. Of course I did."

T: "You said -- "

L: "I was crying."

T: "You were?"

L: "Yeah."

T: "O.K. So you knew -- he knew that you were concerned."

L: "Yes. Oh, yes."

### **Betty Currie**

Shortly after the Lewinsky story broke, Clinton's personal secretary Betty Currie was named as a potentially important link in Kenneth Starr's case--a key White House contact for Lewinsky. A round of personality profiles appeared that tried to put a face on the woman--they ranged from that of a motherly friend to Lewinsky, to adept keeper of presidential secrets.

The next set of stories, however, placed Currie in the eye of the media's coverage. The Feb. 6 *New York Times* reported that Currie told investigators she had retrieved from Lewinsky gifts the president had given the intern and that Clinton had led Currie through a series of questions about the accuracy of his own testimony. The *Times* piece was accurate and careful about details, but did place the response of Currie's lawyer, who said Currie knew of no ethical or legal violations, in the 17th paragraph.

Subsequent press accounts were less careful than the *New York Times*. The *Times*' painstaking but suggestive wording of Clinton having "led" Currie through questioning had become "coaching" Currie in venues such as NBC News's *Today Show* and *Time* magazine.

The following day, Currie's lawyer gave a more detailed statement regarding the story, saying the account had been mischaracterized by a prosecutor's office leak. News organizations, included the denial, but again tended to play up the angle, reflecting the prosecutors' belief, that Currie was working with the president to keep Lewinsky silent and that her testimony meant big

trouble for the president.

When Starr's report was released, it admitted that Clinton's discussions with Currie could have had other purposes -- that he could have been "trying to refresh his memory" as Currie testified -- but said it was much more likely that he was in fact coaching his secretary. In effect, this suspicion became the press' too.

On the question of the gifts, press accounts generally pointed out that it was not clear who ordered the gifts be returned, but they also implied that there was probably a less-than-innocent explanation.

In the Starr report, too, there is conflicting testimony over who called whom for the pickup of the gifts to take place, Lewinsky or Currie, or whether Clinton had instigated the exchange. Lewinsky says Currie called her. Currie says the opposite. The report concludes Lewinsky is more reliable.

Overall, the press performance here is mixed. The initial reporting based on anonymous sourcing was accurate in major details. This was not a case, as the White House alleged, of false leaks or disinformation. The press coverage, even the most speculative, seemed to capture the significance, legally and politically, of the allegation. But some journalists declared that the account, if true, was proof of obstruction of justice, which may at least have been premature given the paucity of facts beyond the New York Times story. In general, however, the independent counsel's perspective tended to be the prevailing tone of the media coverage. Currie's side of the story, offered through her attorney, was downplayed.

### **A Chronology of Stories on Betty Currie's Involvement:**

1. On **1/22** the *Los Angeles Times* reported that Lewinsky visited the White House "numerous times in the months after her internship ended, knowledgeable sources said." "They said on each occasion," Lewinsky "was authorized to enter" by Currie.
2. On **1/22** *Newsweek* on America On Line reported that Lewinsky first went to see Jordan at the "instruction" of Currie. And Lewinsky sent packages to the White House using a messenger service. "The contact number on the packages is ... the phone number of Clinton's personal secretary, Betty Currie."
3. On **1/23** *The Washington Post* described Currie as the "genteel gatekeeper" who is "unfailingly gracious." " 'This is not Rose Mary Woods,' "one source said in the piece, "referring to President Richard M. Nixon's secretary who is believed to have erased a key 18 1/2 minutes of the Watergate tapes. 'Betty is not someone who would ever do anything unethical, immoral or untoward. She has made it to where

she is because of hard work and because she is just an impeccable woman and not a political hack.' "

4. On **1/23** an *Associated Press* report carried in the *Chicago Tribune* said her loyalty to Clinton "is undeniable, as is his loyalty to her."
5. On **1/26** several newspapers ran stories on Currie's character. The *New York Daily News* said aides insist she's not the type to "engage in unseemly wheeling and dealing." The *LA Times* reported that part of her job as Clinton's personal secretary involves "zealously protecting presidential secrets."
6. On **1/28** the *Wall Street Journal* reported that Currie "is emerging as a key witness" for Starr because "she appears to have been an important contact" for Lewinsky.
7. The **2/6** *New York Times* reported that Currie told investigators that Clinton "called her into his office last month and led her through an account of his relationship" with Lewinsky that "differs in one critical aspect from her own recollections, said lawyers familiar with her account." The report also said, "Currie has also retrieved and turned over to investigators several gifts... that the president had given Ms. Lewinsky, the lawyers said." Though the account does say "it is not clear who, if anyone, instructed Mrs. Currie to retrieve the gifts" Currie's lawyer's response is stuck deep in the story at the 17th graph.
8. On **2/5**, *Nightline* devoted an entire broadcast to the Times report repeatedly saying they would not be reporting the story if they had not confirmed "essential details" of it with a source themselves. "The essence of this story marks the first time that someone within the president's inner circle is alleging both that Mr. Clinton tried to suggest a particular version of his meetings with Monica Lewinsky and that his version was contrary to what his staffer knew to be true." *Nightline's* report refers to a "White House" response, but discounted it as "keeping with the White House strategy to avoid the substance of all these charges."
9. On **2/5** *MSNBC*, reacting to an early edition of the 2/6 *New York Times*, confirmed the story citing "two source close to the investigation." Appearing on *MSNBC* Ex.-Deputy Assistant AG Bruce Fein comments on the report saying "impeachable offenses don't have to be technical crimes ... These are very serious allegations."
10. On **2/6**, the *Today* show reported that, "[I]n a potentially damaging admission, sources say that Currie has been described being coached by President Clinton as to how she might explain his relationship with Monica Lewinsky."

11. On the morning of **2/6**, *CNN* reports Currie's attorney Lawrence Wechsler issued: "I am shocked and dismayed by the numerous leaks regarding Mrs. Currie's grand jury testimony. I want to be absolutely clear: To the extent there is any implication or the slightest suggestion that Mrs. Currie believed that the president or anyone else tried to influence her recollection, that is absolutely false and a mischaracterization of the facts."
12. On **2/6** on its *All Politics* website *CNN* reported that Currie told Starr's office "she knows of several occasions in which (Clinton and Lewinsky) met alone."
13. On **2/7** *NPR*'s Nina Totenberg, speaking on *Inside Washington*: "The thing in the story that I think is going to provide the most difficulty for the president is the account that says Betty Currie retrieved from Monica Lewinsky presents that the president had given to her. Now Betty Currie, through her attorney, has said the *New York Times* has mischaracterized her testimony. But you can't mischaracterize presents. And if the Independent Counsel can show that those presents were retrieved on orders from Mr. Clinton, I think that's obstruction of justice."
14. In its **2/16** issue *Newsweek* reported that Currie "was not just a front-row spectator, but caught up as a player in a high-stakes game." "[D]epending on what she knows and what she is willing to say, she could change the course of Starr's investigation and, possibly, Clinton's presidency." Her role takes the investigation to "new and -- for Clinton -- dangerous ground." In a different *Newsweek* story in the same issue: "Two key questions come straight from a detective novel: were gifts returned" to the White House? "If so whose idea was it to return them? As a matter of law, if not politics, the president's fate could partly rest on what she knows and what she will eventually say in court."
15. In its **2/16** issue, *Time* wrote that Currie has "a kind of credibility no one else in this mess could muster. She is a Clinton loyalist, a reluctant witness squeezed between her devotion to her boss and her obligation to the facts. She was Ken Starr's dream come true."
16. In its **4/6** issue *Time* reported that, according to an "attorney familiar with the case", "that even without Lewinsky's direct testimony ... Congress will have strong circumstantial evidence that suggests Clinton oversaw Lewinsky's job search and tried to coach the testimony of a potential witness," Betty Currie.

## **Starr Report and Supporting Documents**

### **On Clinton "coaching" Currie's testimony:**

The report says Clinton was never able to "devise an innocent explanation" for why he called Currie into his office for the discussion of past events, discounting his explanation that he was trying to "refresh his memory." It adds that "if the most reasonable inference from the president's conduct is drawn--that he was attempting to enlist a witness to back up his false testimony from the day before--his behavior with Ms. Currie makes complete sense."

### **On Currie collecting the gifts Clinton had given Lewinsky:**

The report says there is conflicting testimony on the gifts. Lewinsky testified that a few hours after she had spoken with the President about the gifts on Dec. 28, 1997, she received a call from Currie saying "'I understand you have something to give me.' Or, 'The President said you have something to give me'--[Something] [a]long those lines."

The report also says that Currie testified that Lewinsky, not Currie, placed the call and raised the subject of transferring the gifts. Currie has testified that Lewinsky said that she (Lewinsky) was uncomfortable holding the gifts because people were asking questions them. Currie, however, admitted her recollection of events may not have been clear.

The report concludes that Lewinsky's testimony is more reliable than Currie's, but adds that even if Lewinsky "is mistaken" and Currie chronology is correct, "the evidence still leads to the conclusion that the President orchestrated this transfer."

## **Third Party Witnesses**

From the earliest days of the Lewinsky story, reports were broadcast and published that Starr was investigating the existence of eyewitnesses to the intimate encounters between the President and Monica Lewinsky. Several stories named potential eyewitnesses. But in the Starr Report and supporting material, there are no eyewitnesses.

On Jan. 26, both the New York Post and the Daily News led with the headline "Caught in the Act" following the ABC report of a secret service agent or White House staffer catching Clinton and Lewinsky in an "intimate encounter." For the next week, speculation swirled about the witness or witnesses with news organizations issuing and retracting reports. And in the months that followed the supposed witnesses surfaced and disappeared with little coming of predictions that the case was to be blown open.

This case appears to raise several concerns. One is whether the press was relying on second-hand sourcing in reporting about the alleged eyewitnesses.

Journalists have acknowledged privately that at least some of the sources for some of these press accounts were not those directly involved either in seeing the president and Lewinsky or even the investigators or prosecutors directly involved in the case. While a news organization may have two sources on a story, how much direct knowledge do those sources need to have before one can trust that a story has been verified?

Second, this also appears to be a case where investigators and prosecutors' suspicions or suppositions made their way into the media coverage. The fact that these suppositions proved wrong raises questions about whether prosecutors' theories should be treated as news or should be handled with more restraint. It may well be that these investigative sources used the press to float rumors, to put pressure on potential witnesses including Lewinsky, and to try out a prosecution theory that included a possible conspiracy to cover up the affair. This all suggests that the press was not sufficiently skeptical in the case of the third party witness thread about its sources and their motives.

### **A Chronology of Stories Concerning the "Third Party Witness":**

1. On **1/25**, ABC's *"This Week"* reported: "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. 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." Sam Donaldson treated the report as a fact and sought comment on it from guest Rep. Henry Hyde. Hyde declined to comment on the report, calling it "an allegation." And at the conclusion of the show, Donaldson again mentioned the report, saying, "Corroborating witnesses have been found who caught the president and Miss Lewinsky in an intimate act in the White House."
2. On **1/26**, the *New York Post* and the *New York Daily News* bannered the Sunday ABC report with front pages that said "CAUGHT IN THE ACT." The *St. Louis Post-Dispatch* and others carried front page stories attributed to ABC News saying Clinton and Lewinsky were caught in an intimate encounter.
3. On **1/26**, ABC changed the Sunday report on Good Morning America, saying that several sources said Starr was "investigating claims that in the Spring of 1996 the President and Lewinsky were discovered in an intimate encounter" and that shortly afterwards, Lewinsky was moved out of the White House to the Pentagon. The network also carried

White House Press secretary Mike McCurry's sweeping denial of the earlier ABC report.

4. On **1/26**, *CBS News* reported that sources say Starr is investigating reports of White House staffers who saw Clinton and Lewinsky alone together at various places in the mansion. "including the White House theater and a study off the Oval office."
5. On **1/26**, the *Washington Post* reported Starr's office would seek to interview Secret Service agents to ask if they personally observed Clinton and Lewinsky engaged in any "intimate acts."
6. On **1/26**, the *Dallas Morning News* website reported and then, hours later, retracted a report that a Secret Service agent would testify he saw Clinton and Lewinsky in a compromising situation. Before the retraction, *MSNBC* and *CNN's Larry King Live* carried the report and speculated on its consequences. Nightline also had carried the report.
7. On **1/27**, the print edition of *Dallas Morning News* reported "an intermediary for one or more witnesses who report having seen an ambiguous incident involving" Clinton and Lewinsky were talking about possible cooperation with Starr.
8. On **1/28**, *NBC News* quoted "legal sources" saying a Secret Service agent claimed to have seen Lewinsky and Clinton in "unusual circumstances" but Williams added, "the Secret Service insists it knows of no agent who witnessed any compromising behavior involving the President.
9. On **2/3**, *CBS News* reported "the Secret Service has conducted an internal inquiry and now believes that no agents saw any liaison between the President and Monica Lewinsky."
10. On **2/4**, the *Wall Street Journal* website reported that White House Steward Bayani Nelvis testified before the grand jury that he saw Clinton and Lewinsky together in the White House, and that he found a stained tissue afterwards. Bureau Chief Alan Murray then told the story on *CNBC*.
11. In its **2/5**, edition the *Wall Street Journal* changed its story to say Nelvis had told this not to the grand jury but to Secret Service agents because he was personally offended when he "found and disposed of tissues with lipstick and other stains on them following a meeting between" Clinton and Lewinsky.
12. On **2/9**, the *Wall Street Journal* retracted its story and reported Nelvis was questioned for three hours during two grand jury appearances and said he didn't see Clinton alone with Lewinsky.

13. On **2/11**, the *Washington Post* reported that former Secret Service officer Lewis Fox said that Clinton and Lewinsky "spent at least 40 minutes alone" while Fox was posted outside the Oval Office door. "She had arrived with papers for the president, he said, and Clinton instructed Fox to usher her into his office," the account said. "[H]is statement could be critical to independent counsel Kenneth Starr's attempt to determine whether" Clinton and Lewinsky had a relationship and tried to conceal it.
14. In its **4/6** issue, *Time* reported Starr had set his sight on two eyewitnesses. One is a Secret Service agent who has told colleagues he saw Clinton and Lewinsky in a compromising situation. The second is Lewinsky herself.
15. On **4/14**, *ABC* reported that "sources" said Starr had "subpoenaed seven Secret Service uniformed guards to find out what they know of the Clinton-Lewinsky relationship, and that Starr believes Bayani Nelvis, the steward, did indeed tell some of these agents he found lipstick-stained towels in the Oval Office study after a Clinton-Lewinsky meeting." *ABC* added, "But a lawyer close to the case says that Nelvis has denied the story to the grand jury.
16. On **7/7**, *ABC* reported that the Federal Appeals Court had ruled that Secret Service agents must testify in Starr's case. The report said, "This decision means that Ken Starr could have access to witnesses who could have seen something between the President and Monica Lewinsky, instead of just having heard of their alleged relationship."
17. On **7/17**, Starr said publicly that the Office of Independent Counsel "is in possession of information that Secret Service personnel may have observed evidence of possible crimes while stationed in and around the White House." *The L.A. Times* quoted Michael Leibig, attorney for some agents; "The areas that he's (Starr's) interested in, I think, are much more specific than some of the press stories have been. They're not generally 'Did you see a crime?' They're generally 'On January 23, where were you, Where were other people?' "
18. By **7/19**, many news organizations were reporting, based on named sources representing the subpoenaed agents, that no agent claimed to have seen Clinton and Lewinsky in a compromising position, but several would testify they saw Lewinsky join Clinton alone in the Oval Office for periods of private time.



## **Starr Report and Supporting Documents**

The Starr Report is mute on the quest for third party witnesses to the Clinton-Lewinsky meetings. It does, however, use the testimony of the Secret Service agents to build the case that Lewinsky's version of the affair is credible because these witnesses saw her arrive in the President's office.

And the supporting documents to the Starr Report, show that Secret Service agent Gary J. Byrne testified steward Bayani Nelvis told him about lipstick-stained towels that the President had left in his study, and that Nelvis complained he was tired of cleaning up that stuff. Byrne said he thought the stains had been left by another woman who worked in the White House, not Monica Lewinsky, and that he suggested to Nelvis the steward should discard the towels rather than send them to the White House laundry where they might "give anybody any more fuel for any more rumors about the President."

Byrne testified that agent John Muskett told him of discovering Clinton and Lewinsky in a compromising moment. Muskett denies it.

## **The "Second Intern"**

From early in the story, rumors circulated in Washington that one or more other women were about to be identified as involved with the President. For the most part, the rumors stayed at the level of cocktail party buzz, but some outlets in the new media culture lean toward publication of such rumors, even by journalists who would not apparently do so in other venues.

On Jan. 23 on "*Rivera, Live!*," GOP pundit Ann Coulter stated as fact that Clinton had sex with "four other interns" in addition to Lewinsky. Two days later, Internet gossip columnist Matt Drudge appeared on NBC News' "*Meet the Press*" and was asked by Tim Russert about reports that on the tape there are "discussions of other women, including other White House staffers, being involved with the President." Drudge replied, "There is talk all over this town another White House staffer is going to come out from behind the curtains this week. There are hundreds, hundreds according to Ms. Lewinsky, quoting Clinton ."

The story faded from the major news media until August when journalist Fred Barnes of the *Weekly Standard* put it back in play on *Fox News' Beltway Boys*. It quickly began to spread without documentation until, a week later, the media reporter for the *Washington Post* traced its roots and showed that there was no substantial reporting behind the story. It then dropped from publication. The Starr Report has no reference to the rumors.

## A Chronology of the Second Intern Rumor:

1. On Friday, **1/23**, two days after the Lewinsky story broke. Ann Coulter, a regular panelist on the *CNBC* show "*Rivera, Live!*" was asked by Geraldo Rivera if she thought it was "sleazy" that Monica Lewinsky was detained by the prosecutors for "eight to nine hours without an attorney present." She responded it was not as bad as "the President of the United States using her to service him, along with four other interns."
2. On the **1/25** *Meet the Press*, host Tim Russert asked Matt Drudge about reports that on the tapes there are "discussions of other women, including other White House staffers involved with the President." Drudge replied, "There is talk all over this town another White House staffer is going to come out from behind the curtains this week there are hundreds, hundreds, according to Miss Lewinsky, quoting Clinton."
3. On **8/28**, on *CNBC's Hardball* Chris Matthews interviewed Lucianne Goldberg and asked her if she had hard evidence that more than one young intern was involved. Goldberg responded, "No, not an intern. I know there were other women that were on the staff that were involved....These were women who were actively involved. It's all going to come out."
4. On **8/30**, on the *Fox News Channel's The Beltway Boys*, co-host Fred Barnes of the *Weekly Standard* told viewers: "The second intern. Politicians, newspaper reporters, TV people all around town were talking about the possibility that there's a second intern who was sexually involved with the President. If there is, that will certainly be dynamite."
5. On **9/2**, the *New York Post* disclosed the rumor to its readers, writing in its "Page Six" gossip column "the Beltway is buzzing" that Bob Woodward of the *Washington Post* is "about to break a big exclusive about a second White House intern." The *Post* then quoted Woodward as saying the report was "absolutely untrue" and that he had gotten several similar inquiries and had made the same denial.
6. On **9/4**, *WMAL* radio in Washington passed the rumor to its listeners. Radio anchor Andy Parks asked ABC correspondent Bettina Gregory about rumors "that the *Washington Post* is about to go with a story that talks about other interns involved ." Gregory responded, "Bob Woodward has denied that, and I don't know whether he denied it because he didn't want other people to work on it. For a long time there have been rumors--this is speculation--unconfirmed rumors that there were other interns that had been involved."

7. On **9/5**, the *Washington Post* published Howard Kurtz' detailed report on the rumor from Barnes' first reference through the *New York Post* and *WMAL* repetitions of the unsubstantiated rumor.

### **Starr Report**

There is nothing in the Starr Report about the possibility of a second intern or other staff member being involved with the President.

### **The Cigar**

In late August the rumor of Lewinsky using a cigar as a sexual toy began making the rounds in Washington. News Organizations largely kept the salacious rumor out of the mainstream press. But the initial account on the Drudge Report, a sanitized version of which was broadcast on the Fox News Channel on Matt Drudge's show, did work its way cryptically into some reporting.

Perhaps on more than any other thread of the Lewinsky story, this one was actually pushed forward by late night talk show monologues. Jay Leno, on Aug. 24, made numerous references to the story. The story also found its way into newspapers through media columns that discussed how the media was handling the issue. On Aug. 28, for instance, a Wesley Pruden column in the Washington Times had it both ways, writing about how newspapers, including his own, had avoided the details of "the President's cigar, the phallic toy, that Monica is said to have employed in the pantry, to the President's delighted applause."

The Starr Report differed in some key areas from the Drudge Report. Lewinsky testified to using the cigar sexually and to Clinton then putting it in his mouth and commenting on it. But according to Lewinsky's testimony there was no mutual masturbation and the meeting was in general less sordid than the leaks. There is also no support in the Starr Report for Drudge's allegation that Yassir Arafat was waiting in the Rose Garden when an encounter took place (the Drudge Report is not clear about what encounter it is writing about).

7) In his 8/26 media column, the Washington Post's Howard Kurtz wrote that, "the mainstream media, meanwhile, are grappling with how to deal with the seamier details of the affair. In recent days, cyber-gossip Matt Drudge has alleged a kinky sexual episode that would further tarnish the president's image." He then went on to list other media mentions of the Drudge account.

8) In his 8/28 column, the Washington Times' Wesley Pruden wrote: "Never have so many jokes been made about the president's cigar, the phallic toy that Monica is said to have employed in the pantry to the president's delighted applause." "The mainstream newspapers, including this one, have

avoided saying exactly what it was the president suggested Miss Lewinsky do with his cigar, though everyday they skate closer to the explanation, as if one were needed."

9) On 8/29, the Houston Chronicle published a column by Susan Estrich lamenting the cigar episode blaming the Drudge Report to the Leno circuit.

10) On 8/30, the Denver Post in a piece headlined "The Sordid, Shameful Details" reported: "According to an Aug. 22 Drudge Report published on the Internet, Clinton and Lewinsky indulged in a lewd and lascivious daytime sex session, conducted in a small room off the oval office, involving what can best be described in a family newspaper as parallel acts of masturbation. You'll have to read between the lines."

### **Starr Report and Supporting Documents**

"At one point, the President inserted a cigar into Ms. Lewinsky's vagina, then put the cigar in his mouth and said: "It tastes good."(274) After they were finished, Ms. Lewinsky left the Oval Office and walked through the Rose Garden.(275)"