

NLWJC- Kagan

Counsel - Box 015 - Folder 005

[Paula Jones Pleadings File] [3]

IN THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 95-1050

PAULA JONES

Appellee,

vs.

WILLIAM JEFFERSON CLINTON

Appellant,

and

DANNY FERGUSON

Defendant.

Appeal from the United States District Court
for the Eastern District of Arkansas
Civil No. LR-C-94-290

APPENDIX
ACCOMPANYING OPENING BRIEF OF APPELLANT
PRESIDENT WILLIAM JEFFERSON CLINTON

Robert S. Bennett
Carl S. Rauh
Alan Kriegel
Amy R. Sabrin
Stephen P. Vaughn
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

Kathlyn Graves
Wright, Lindsey & Jennings
220 Worthen Bank Building
200 West Capitol Avenue
Little Rock, Arkansas 72201

Stephen Engstrom
Wilson, Engstrom, Corum, Dudley &
Coulter
809 West Third Street
Little Rock, Arkansas 72202

Attorneys for the Appellant
President William Jefferson Clinton

APPENDIX

1. Docket Sheet, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark.). (App. 1-6).
2. Complaint, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark. filed May 6, 1994). (App. 7-40).
3. Answer of Danny Ferguson, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark. filed June 10, 1994). (App. 41-47).
4. President Clinton's Motion to Set Briefing Schedule, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark. filed June 27, 1994). (App. 48-50).
5. President Clinton's Motion to Dismiss on Grounds of Presidential Immunity, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark. filed Aug. 10, 1994). (App. 51-53).
6. Order, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark. filed Nov. 23, 1994). (App. 54-58).
7. Affidavit of George L. Cook, May 3, 1994. (App. 59).
8. Press Release of Cliff Jackson, P.A., "Troopergate Whistle-Blowers Press Conference," Feb. 11, 1994. (App. 60-66).
9. Lloyd Grove, It Isn't Easy Being Right, The Washington Post, Feb. 14, 1994, at D1. (App. 67-71).
10. Transcript, Prime Time Live (ABC television broadcast, June 16, 1994). (App. 72-79).
11. Transcript, CNN: Paula Jones Interview (CNN television broadcast, June 17, 1994). (App. 80-88).
12. Bill Nichols, Paula Jones Says She's No Pawn, USA Today, June 17, 1994, at 2A. (App. 89-90).
13. Thomas Galvin, Paula: I'll Put Prez's Private's On Parade, New York Post, Oct. 26, 1994, at 18. (App. 91).
14. Memorandum for the United States Concerning the Vice President's Claim of Constitutional Immunity, In re Proceedings of the Grand Jury Impaneled Dec. 5, 1972, No. 73-965 (D. Md. filed Oct. 5, 1973). (App. 92-114).
15. Transcript, Daybreak (CNN television broadcast, Dec. 29, 1994). (App. 115-19).
16. Transcript, Nightline (ABC television broadcast, Dec. 28, 1994). (App. 120-27).

17. Complaint, Bailey v. Kennedy, No. 757200 (Los Angeles County Super. Ct. filed Oct. 27, 1960); Complaint, Hills v. Kennedy, No. 757201 (Los Angeles County Super. Ct. filed Oct. 27, 1960). (App. 128-44).
18. Motion to Vacate Pre-Trial Date and Stay Further Proceedings, Bailey v. Kennedy, No. 757200 (Los Angeles County Super. Ct. filed July 5, 1962). (App. 145-52).
19. Notice of Denial of Motion to Vacate Pre-Trial Date and Stay Further Proceedings, Bailey v. Kennedy, No. 757200 (Los Angeles County Super. Ct. filed July 31, 1962). (App. 153-54).
20. Order Denying Motion for Deposition, Bailey v. Kennedy, No. 757200 (Los Angeles County Super. Ct. filed Aug. 27, 1962). (App. 155).
21. Reply to Objections to Cross-Interrogatories, Bailey v. Kennedy, No. 757200 (Los Angeles County Super. Ct. filed Sept. 28, 1962). (App. 156-61).
22. Cross-Interrogatories to Robert F. Kennedy, Bailey v. Kennedy, No. 757200 (Los Angeles County Super. Ct. filed Sept. 20, 1962). (App. 162-80).
23. Two Suits Against Kennedy Settled, Los Angeles Examiner, April 2, 1963. (App. 181).



RECYCLED

ALL-STATE® LEGAL 800-222-0610 ED11

JURY APPEAL
JFF

U.S. District Court
USDC for the Eastern District of Arkansas (Little Rock)

CIVIL DOCKET FOR CASE #: 94-CV-290

Jones v. Clinton, et al
Assigned to: Judge Susan W. Wright
Demand: \$0,000
Lead Docket: None
Dkt # in USCA 8 : is :00-95-01050

Filed: 05/06/94
Jury demand: Both
Nature of Suit: 440
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

PAULA CORBIN JONES
plaintiff

Daniel M. Traylor
[COR LD NTC]
Traylor Law Firm
First Commercial Building
400 West Capitol Avenue
Suite 1700
Little Rock, AR 72201
(501) 372-3330

Gilbert K. Davis
[COR LD NTC]
Joseph Cammarata
[COR LD NTC]
Attorney at Law
9516-C Lee Highway
Fairfax, VA 22031
(703) 352-3850

v.

WILLIAM JEFFERSON CLINTON
defendant

Kathlyn Graves
[COR LD NTC]
Wright, Lindsey & Jennings
Worthen Bank Building
200 West Capitol Avenue
Suite 2200
Little Rock, AR 72201-3699
(501) 371-0808

Stephen C. Engstrom
[COR LD NTC]
Wilson, Engstrom, Corum, Dudley
& Coulter
809 West Third Street
Post Office Box 71
Little Rock, AR 72203-0071

Proceedings include all events.
4:94cv290 Jones v. Clinton, et al

JURY
APPEAL

JFF

(501) 375-6453

Robert S. Bennett
[COR LD NTC]
Skadden, Arps, Slate, Meaghen &
Flom
1440 New York Avenue N.W.
Washington, DC 20005
(202) 371-7000

DANNY FERGUSON
defendant

Bill W. Bristow
[COR LD NTC]
Seay & Bristow
216 East Washington Avenue
Jonesboro, AR 72401-3185
(501) 935-9000

Robert Batton, Municipal Judge
[COR LD NTC]
Attorney at Law
100 Hospital Circle
Jacksonville, AR 72076
(501) 982-1661

UNITED STATES OF AMERICA,
Department of Justice
amicus

Douglas N. Letter
[COR LD NTC]
Scott R. McIntosh
[COR LD NTC]
U. S. Department of Justice
10th & Pennsylvania Avenue,
N.W.
Room 3127 Civil Division
Washington, DC 20530-0001

Proceedings include all events.
4:94cv290 Jones v. Clinton, et al

JURY
APPEAL

JFF

- 5/6/94 1 COMPLAINT w/demand for jury trial (Summonses were issued) and returned to: attorney; Filing fee of \$120 paid; Receipt #54670 (ap) [Entry date 05/09/94]
- 5/6/94 2 MOTION by plaintiff for special or limited appearance by Joseph Cammarata & Gilbert K. Davis (ap) [Entry date 05/09/94]
- 5/6/94 3 ORDER by Judge Susan W. Wright granting motion for special or limited appearance by Joseph Cammarata & Gilbert K. Davis [2-1]; Attorneys have designated Daniel M. Traylor as local counsel (cc: all counsel) (ap) [Entry date 05/09/94]
- 6/10/94 4 ANSWER by separate deft Danny Ferguson; w/jury demand (vjt)
- 6/16/94 5 CLERK'S MINUTES: CONFERENCE (ph. cf.) before Judge Wright; Court will allow dft to file mot on immunity; additional time for filing further motions extended to August 5, 1994. (sc) [Entry date 06/17/94]
- 6/20/94 6 CONSENT ORDER by Judge Susan W. Wright extending the time until 8/5/94 for President Clinton to respond to the complt purs to the agreement of counsel during a telephone conference on 6/16/94 (cc: all counsel) EOD 6/20/94 (vjt)
- 6/24/94 7 WAIVER OF SERVICE OF SUMMONS upon defendant Danny Ferguson on 5/19/94 (vjt)
- 6/24/94 8 WAIVER OF SERVICE OF SUMMONS upon deft William Jefferson Clinton on 5/16/94 (vjt)
- 6/27/94 9 MOTION by separate deft President Clinton to bifurcate the briefing schedule w/respect to his motion to dismiss, so as to permit him to file a motion to dismiss on the grounds of presidential immunity on or before August 5, 1994, and to defer & preserve all other pleadings that must or may be filed under the FRCP until such time as the presidential immunity issue is resolved (vjt)
- 6/27/94 10 MEMORANDUM by deft President Clinton in support of motion to set briefing schedule [9-1] (vjt)
- 7/1/94 11 COURT Reporter's transcript of hearing held before Judge Susan Webber Wright on 6/16/94 (I volumes) (bt) [Entry date 07/05/94]
- 7/6/94 12 ORDER by Judge Susan W. Wright upon oral motion of pltf, pltf is granted until 7/13/94 to resp to deft Clinton's motion to set briefing schedule [9-1]; deft Clinton is granted until 8/10/94 to answer the complt (cc: all counsel) EOD 7/6/94 (bt)
- 7/13/94 13 MEMORANDUM in Opposition by pltf Paula Corbin Jones to motion of deft Clinton to set briefing schedule [9-1] (vjt)

Proceedings include all events.
4:94cv290 Jones v. Clinton, et al

JURY
APPEAL

JFF

[Entry date 07/14/94]

- 7/19/94 14 REPLY by deft William Jefferson Clinton to pltf's opposition to motion to set briefing schedule [9-1] (vjt)
- 7/21/94 15 RESPONSE BRIEF by pltf Paula Corbin Jones to Mr. Clinton's reply to pltf's opposition to deft's motion to set briefing schedule [9-1] (vjt)
- 7/21/94 16 MEMORANDUM AND ORDER by Judge Susan W. Wright granting the President permission to file a motion to dismiss on the grounds of presidential immunity on or before August 10, 1994, and to defer and preserve the filing of any other motions or pleadings that may or must be filed under the FRCP until such time as the issue of presidential immunity has been resolved by this Court (this order only addresses the procedural issue, not the substantive questions relating to immunity) [9-1] (cc: all counsel) EOD 7/21/94 (vjt) [Edit date 07/21/94]
- 8/10/94 17 MOTION by deft William Jefferson Clinton to dismiss on grounds of presidential immunity (vjt)
- 8/10/94 18 MEMORANDUM by deft William Jefferson Clinton in support of motion to dismiss on grounds of presidential immunity [17-1] (vjt)
- 8/10/94 19 ATTACHMENTS to memorandum in support of President Clinton's motion to dismiss [18-1] (vjt)
- 8/12/94 20 MOTION by plaintiff Paula Corbin Jones to extend time for responding to defendants motion to dismiss on grounds of presidential immunity (jad) [Entry date 08/15/94]
- 8/12/94 21 ORDER by Judge Susan W. Wright granting motion to extend time for responding to defendants motion to dismiss on grounds of presidential immunity [20-1] [17-1] (cc: all counsel) (jad) [Entry date 08/15/94]
- 8/19/94 22 STATEMENT of Interest of the United States (vjt)
- 10/21/94 23 RESPONSE by pltf Paula Corbin Jones to President Clinton's motion to dismiss on grounds of presidential immunity [17-1] (vjt)
- 10/21/94 24 MEMORANDUM by pltf in support of motion response [23-1] (vjt)
- 10/27/94 25 ORDER by Judge Susan W. Wright that amicus briefs are not to be filed with the Court, and if submitted, will be made a part of the correspondence file (cc: all counsel) EOD 10/27/94 (vjt)
- 10/27/94 26 MOTION by deft President Clinton for leave to file reply (vjt)

4

Proceedings include all events.
4:94cv290 Jones v. Clinton, et al

JURY
APPEAL

JFF

10/27/94 27 ORDER by Judge Susan W. Wright denying President Clinton's motion for leave to file reply brief [26-1] (cc: all counsel) (vjt) [Entry date 10/28/94]

11/1/94 28 MOTION by deflt President Clinton for oral argument on his motion to dismiss on grounds of presidential immunity (vjt)

11/3/94 29 MOTION by pltf to permit filing of affidavit of Paula Corbin Jones under seal (vjt)

11/3/94 30 MEMORANDUM in Opposition by deflt President Clinton to pltf's motion to permit filing of affidavit of Paula Corbin Jones under seal [29-1] (vjt) [Entry date 11/04/94]

11/14/94 31 REPLY by pltf to President Clinton's response to motion to permit filing of affidavit of Paula Corbin Jones under seal [29-1] (vjt) [Entry date 11/15/94]

11/14/94 32 RESPONSE by pltf to President Clinton's motion for oral argument [28-1] (vjt) [Entry date 11/15/94]

11/23/94 33 ORDER by Judge Susan W. Wright denying pltf's motion to permit filing of affidavit of Paula Corbin Jones under seal [29-1]; denying President Clinton's motion for oral argument re motion to dismiss on grounds of presidential immunity [28-1] (cc: all counsel) EOD 11/23/94 (vjt)

12/28/94 34 MEMORANDUM OPINION AND ORDER by Judge Susan W. Wright denying President Clinton's motion to dismiss on grounds of presidential immunity; the court will issue a scheduling order in due course [17-1] (cc: all counsel) EOD 12/28/94 (vjt)

12/30/94 35 NOTICE of appeal by defendant William Jefferson Clinton from District Court decision [34-1] (appeal fees paid) (2 certified copies to Clerk 8USCA), (cc: counsel) (dc) [Entry date 01/03/95]

1/5/95 36 MOTION by defendant William Jefferson Clinton to stay pending appeal (dc)

1/5/95 37 MEMORANDUM by defendant William Jefferson Clinton in support of motion to stay pending appeal [36-1] (dc)

1/9/95 38 CERTIFICATE REGARDING TRANSCRIPT by defendant William Jefferson Clinton (dc)

1/9/95 38 Statement of issues on Appeal by defendant William Jefferson Clinton [35-1] (dc)

1/13/95 -- DOCKETING LETTER: 8 USCA Number 95-1050; counsel to proceed on appendix (dc)

5

Proceedings include all events.
4:94cv290 Jones v. Clinton, et al

JURY
APPEAL
JFF

1/17/95 39 MEMORANDUM by plaintiff Paula Corbin Jones in opposition
to motion to stay pending appeal [36-1] (dc)

1/17/95 40 NOTICE of cross appeal by plaintiff Paula Corbin Jones from
District Court decision [34-1] (appeal fees paid) (2
certified copies to Clerk 8USCA), (cc: counsel) (dc)



RECYCLED

ALL-STATE® LEGAL 800-222-8510 ED11

VENUE

2. Venue is appropriate in this judicial district under 28 U.S.C. §1391(b), because Defendants William Jefferson Clinton and Danny Ferguson reside here, and a substantial part of the events giving rise to this Complaint occurred here.

THE PARTIES

3. Plaintiff Paula Corbin Jones (hereafter "Jones") is a citizen of the State of California. Prior to her marriage on December 28, 1991, Plaintiff was known as Paula Rosalee Corbin.

4. Defendant William Jefferson Clinton (hereafter "Clinton") is a citizen of the State of Arkansas or alternatively of the District of Columbia.

5. Defendant Danny Ferguson (hereafter "Ferguson") is a citizen of the State of Arkansas.

FACTS

6. On or about March 11, 1991, Jones began work as an Arkansas State employee for the Arkansas Industrial Development Commission (hereafter "AIDC"), an agency within the executive branch of the State of Arkansas. The Governor of Arkansas is the chief executive officer of the executive branch of the State of Arkansas.

7. On May 8, 1991, the AIDC sponsored the Third Annual Governor's Quality Management Conference (hereafter "Conference"), which was held at the Excelsior Hotel in Little Rock, Arkansas. Clinton, then Governor of Arkansas, delivered a speech at the Conference on that day.

8. Also on that day, Jones worked at the registration desk at the Conference along with Pamela Blackard (hereafter "Blackard") another AIDC employee.

9. A man approached the registration desk and informed Jones and Blackard that he was Trooper Danny Ferguson, Bill Clinton's bodyguard. Defendant Ferguson was at that time a law enforcement officer within the ranks of the Arkansas State Police and assigned to the Governor's Security Detail. He was in street clothes and displayed a firearm on his person. He made small talk with Jones and Blackard and then left.

10. At approximately 2:30 p.m. on that day, Ferguson reappeared at the registration desk, delivered a piece of paper to Jones with a four digit number written on it and said: "The Governor would like to meet with you" in this suite number. Plaintiff had never met Defendant Clinton and saw him in person for the first time at the Conference.

11. A three-way conversation followed between Ferguson, Blackard and Jones about what the Governor could want. Jones, who was then a rank-and-file Arkansas state employee being paid approximately \$6.35 an hour, thought it was an honor to be asked to meet the Governor. Ferguson stated during the conversation: "It's okay, we do this all the time for the Governor."

12. Jones agreed to meet with the Governor because she thought it might lead to an enhanced employment opportunity with the State. Blackard told Jones that she would assume Plaintiff's duties at the registration desk.

13. Trooper Ferguson then escorted Jones to the floor of the hotel suite whose number had been written on the slip of paper Trooper Ferguson had given to Jones. The door was slightly ajar when she arrived at the suite.

14. Jones knocked on the door frame and Clinton answered. Plaintiff entered. Ferguson remained outside.

15. The room was furnished as a business suite, not for an overnight hotel guest. It contained a couch and chairs, but no bed.

16. Clinton shook Jones' hand, invited her in, and closed the door.

17. A few minutes of small talk ensued, which included asking Jones about her job. Clinton told Jones that Dave Harrington is "my good friend." On May 8, 1991, David Harrington was Director of the AIDC, having been appointed to that post by Governor Clinton. Harrington was Jones' ultimate superior within the AIDC.

18. Clinton then took Jones' hand and pulled her toward him, so that their bodies were in close proximity.

19. Jones removed her hand from his and retreated several feet.

20. However, Clinton approached Jones again. He said: "I love the way your hair flows down your back" and "I love your curves." While saying these things, Clinton put his hand on Plaintiff's leg and started sliding it toward the hem of Plaintiff's culottes. Clinton also bent down to attempt to kiss Jones on the neck.

21. Jones exclaimed, "What are you doing?" and escaped from Clinton's physical proximity by walking away from him. Jones tried to distract Clinton by chatting with him about his wife. Jones later took a seat at the end of the sofa nearest the door. Clinton asked Jones: "Are you married?" She responded that she had a regular boyfriend. Clinton then approached the sofa and as he sat down he lowered his trousers and underwear exposing his erect penis and asked Jones to "kiss it."

22. There were distinguishing characteristics in Clinton's genital area that were obvious to Jones.

23. Jones became horrified, jumped up from the couch, stated that she was "not that kind of girl" and said: "Look, I've got to go." She attempted to explain that she would get in trouble for being away from the registration desk.

24. Clinton, while fondling his penis said: "Well, I don't want to make you do anything you don't want to do." Clinton then stood up and pulled up his pants and said: "If you get in trouble for leaving work, have Dave call me immediately and I'll take care of it." As Jones left the room Clinton looked sternly at Jones and said: "You are smart. Let's keep this between ourselves."

25. Jones believed "Dave" to be the same David Harrington, of whom Clinton previously referred. Clinton, by his comments about Harrington to Jones, affirmed that he had control over Jones' employment, and that he was willing to use that power. Jones became fearful that her refusal to succumb to Clinton's advances could damage her in her job and even jeopardize her employment.

26. At no time, nor in any manner, did Jones encourage Clinton to turn the meeting toward a sexual liaison. To the contrary, the unwanted sexual advances made by Clinton were repugnant and abhorrent to Jones who took all reasonable steps she could think to do to terminate Clinton's perverse attention and actions toward her.

27. Jones left the hotel suite and came into the presence of Trooper Ferguson in the hallway. Ferguson did not escort Plaintiff back to the registration desk. Jones said nothing to Ferguson and he said nothing to her during her departure from the suite.

28. Jones was visibly shaken and upset when she returned to the registration desk. Pamela Blackard immediately asked her what was wrong. After a moment, during which Jones attempted to collect herself, she told Blackard much of what had happened. Blackard attempted to comfort Plaintiff.

29. Jones thereafter left the Conference and went to the work place of her friend, Debra Ballentine.

30. When Ballentine met Plaintiff at the reception area, she immediately asked Jones what was wrong because Jones was visibly upset and nervous. Plaintiff wanted to talk about something that just happened and wanted to discuss it someplace privately. Ballentine and Jones went to a private area in the office, and later outside. Jones then told Ballentine what had happened with Clinton in the hotel suite. According to Ballentine, Jones told her that Clinton said as she left the room, "I know you're a smart girl and I'm sure you'll keep this to yourself."

31. Ballentine urged Jones to report the incident. Plaintiff refused, fearing that, if she did so, no one would believe her account, that she would lose her job, and that the incident would endanger her relationship with her then-fiance (now husband), Stephen Jones.

32. Later, on the same day, Plaintiff also described the substance of her encounter with Clinton to her sister, Charlotte Corbin Brown.

33. Within two days of May 8, 1991, Plaintiff also informed her sister, Lydia Corbin Cathey, and her mother, Delmar Lee Corbin, the substance of her encounter with Clinton.

34. Plaintiff also told her fiance, Stephen Jones, that "Bill Clinton made a pass at me but I said 'no'." She, however, did not at that time tell him the lurid details of her horrific encounter with Clinton in the hotel suite, which she feared, if disclosed, might ruin her relationship with Mr. Jones.

35. Plaintiff continued to work at AIDC. One of her duties was to deliver documents to and from the Office of the Governor, as well as other offices within the Arkansas State Capitol complex. In or about June, 1991, while Jones was performing this duty, Ferguson saw her at the Governor's office and said: "Bill wants your phone number. Hillary's out of town often and Bill would like to see you." Plaintiff refused to provide her telephone number.

36. On another occasion, Ferguson approached Jones and asked: "How's Steve?" This frightened Plaintiff and made her feel as if she was being watched and was not safe. She had never told Ferguson or Clinton the name of her fiance.

37. Plaintiff and Stephen Jones later married. She gave birth to her child and returned to work, after which she encountered Ferguson at Governor Clinton's office. Ferguson told her: "I've told Bill how good looking you are since you've had the baby." This, too, frightened Plaintiff and made her feel that her activities were being monitored.

38. On one occasion, Plaintiff was accosted by Clinton in the Rotunda of the Arkansas State Capitol. Clinton draped his arm over Plaintiff, pulled her close and tightly to his body and said: "Don't we make a beautiful couple -- beauty and the beast?" Clinton directed this remark to his bodyguard, Trooper Larry Patterson, an officer of the Arkansas State Police and also a member of the Governor's Security Detail.

39. Jones continued to work at AIDC even though she was in constant fear that Governor Clinton might take retaliatory action against her because of her rejection of his abhorrent sexual advances. Her enjoyment of her work was severely diminished. In fact, she was treated in a hostile and rude manner by certain superiors in AIDC. This rude conduct had not happened prior to her encounter with Clinton. Further, after her maternity leave she was transferred to a position which had no responsible duties for which she could be adequately evaluated to earn advancement. The reason

given to her by her superiors for the transfer was that her previous position had been eliminated. This reason was untrue since her former position was not abolished. It was a pretext for the real reason which was that she was being punished for her rejection of the various advances made by Clinton described above. In addition, the job in which she was placed called for a higher grade and pay, yet she was not paid more money than she received in her previous position. Although other employees received merit increases, Jones never received a raise beyond a cost of living increase.

40. Jones terminated her employment and separated from AIDC service on February 20, 1993. On May 4, 1993, Plaintiff, her husband and child moved to California.

41. In January, 1994, Plaintiff visited her family and friends in Arkansas. While Jones was in Arkansas, Ms. Ballentine telephoned Jones to arrange a meeting for lunch. During the telephone conversation, Ballentine read to Plaintiff a paragraph from an article published in the January, 1994 issue of The American Spectator magazine regarding Plaintiff's hotel suite encounter with Clinton. Attached hereto, and incorporated herein, as Exhibit "A" is a copy of The American Spectator article.

42. The American Spectator account asserts that a woman by the name of "Paula" told an unnamed trooper (obviously Defendant Ferguson), who had escorted "Paula" to Clinton's hotel room, that "she was available to be Clinton's regular girlfriend if he so desired," thus implying a consummated and satisfying sexual

encounter with Clinton, as well as a willingness to continue a sexual relationship with him. These assertions are untrue. The article, using information apparently derived from Ferguson, also incorrectly asserts that the encounter took place in the evening.

43. The American Spectator account also asserted that the troopers' "'official' duties included facilitating Clinton's cheating on his wife. This meant that, on the State payroll, and using State time, vehicles and resources, they were instructed by Clinton on a regular basis to approach women and to solicit their telephone numbers for the Governor, to drive him in State vehicles to rendezvous points and guard him during sexual encounters; to secure hotel rooms and other meeting places for sex; ..." and various other things to facilitate Clinton's sex life including "to help Clinton cover-up his activities by keeping tabs on Hillary's whereabouts and lying to Hillary about her husband's whereabouts." Although this pattern of conduct by Clinton may be true, the magazine article concluded, evidently from interviews with troopers from Clinton's Security Detail, including Ferguson, that "all of the women appear to have been willing participants in the affairs and liaisons [emphasis added]."

44. Since Jones ("Paula") was one of the women preyed upon by Clinton and his troopers, including by Defendant Ferguson, in the manner described above, those who read this magazine account could conclude falsely that Jones ("Paula") had a sexual relationship and affair with Clinton. Jones' reputation within her community was thus seriously damaged.

45. Jones realized that those persons who already knew about the hotel room encounter could identify her as the "Paula" mentioned in The American Spectator article. She became extremely upset because, inter alia, she feared that the statements in the magazine would damage her relationship with her husband, her family, and her friends and acquaintances, some of whom might have believed that she had agreed to be Clinton's "girlfriend" at a time when she was engaged to Mr. Jones.

46. On January 8, 1994, at approximately 12:00 noon, Jones and Ballentine were dining at the Golden Corral Steakhouse in North Little Rock, Arkansas. Trooper Ferguson, who happened to be dining with his wife at this restaurant, came over to their table to talk to Jones. Since Jones believed that the ultimate source of the report in The American Spectator of the hotel suite encounter was Trooper Ferguson, she confronted him on this matter. Trooper Ferguson stated that he was sorry that Jones' first name had appeared in the magazine article but that he had purposely concealed her last name and place of employment from those to whom he recounted the incident. Trooper Ferguson also said that he knew Jones had rebuffed Mr. Clinton's sexual advances because, "Clinton told me you wouldn't do anything anyway, Paula."

47. Because the false statements appearing in The American Spectator article that Jones was willing to have sex with Clinton (and the innuendo that she had already done so when she left the hotel suite) threatened her marriage, her friendships, and her family relationships, Plaintiff spoke publicly on February 11,

1994, that she was the "Paula" mentioned in The American Spectator article, that she had rebuffed Clinton's sexual advances, and that she had not expressed a willingness to be his girlfriend. Jones and her lawyer asked that Clinton acknowledge the incident, state that Jones had rejected Clinton's advances, and apologize to Jones.

48. Clinton, who is now President of the United States of America responded to Jones' request for an apology by having his press spokespersons deliver a statement on his behalf that the incident never happened, and that he never met Plaintiff. Thus, by innuendo and effect, Clinton publicly branded Plaintiff a liar. Moreover, as recently as the week this Complaint was filed, Clinton, through his White House aides, stated that Plaintiff's account of the hotel room incident was untrue and a "cheap political trick."

49. Clinton hired an attorney, who, as Clinton's agent, said that Jones' account "is really just another effort to rewrite the results of the election [i.e. for President of the United States] and ... distract the President from his agenda." The attorney further asked the question: "Why are these claims being brought now, three years after the fact?" The attorney also asked how Jones' allegations could be taken "seriously." These comments by Clinton's counsel, on behalf of Clinton, imply that Jones is a liar.

50. Dee Dee Meyers, White House Spokeswoman, said of Jones' allegations: "It's just not true." Thus, the pattern of defaming Jones continues to this date.

51. Clinton knows that Jones' allegations are true and that his, and his attorney's, spokespersons', and agents' denials are false.

52. The outrageous nature of Clinton's branding of Jones as a liar is aggravated in that a greater stigma and reputation loss is suffered by Jones by the statements of the President of the United States in whom the general public reposes trust and confidence in the integrity of the holder of that office.

53. Clinton, a member of the Arkansas State Bar, knew or should have known on May 8, 1991, and thereafter, that Arkansas law provides that harassment, including the touching or attempt or threat to do so which subjects the victim to offensive or potentially offensive physical contact, is a criminal violation of Arkansas Code Annotated 5-71-208.

54. While Jones was in Clinton's hotel suite, Jones was falsely imprisoned by Clinton's intentional restriction of her personal freedom of movement without legal right. Clinton's use of force in pulling Jones toward him, his words and acts, and the armed police guard outside the door, in conjunction with the impressive atmosphere of her being alone with the Governor of the State who was also her superior's boss, caused her to be initially and temporarily afraid to terminate the meeting.

55. The statements, acts, and omissions of Clinton's agents, servants, and employees who acted under his explicit and implicit instructions and supervision, during the pertinent periods herein when he was Governor of Arkansas, and after he became President,

bind Clinton under the doctrines of agency, joint conduct, master-servant, respondeat superior, and conspiracy.

56. The actions of the Arkansas state employees, including Defendant Ferguson and other agents of Clinton were taken under color of state law.

57. Clinton's actions and omissions above stated caused Jones embarrassment, humiliation, fear, emotional distress, horror, grief, shame, marital discord and loss of reputation.

COUNT I

DEPRIVATION OF CONSTITUTIONAL RIGHTS AND PRIVILEGES (42 U.S.C. §1983)

58. Plaintiff incorporates by reference paragraphs 1 through 57.

59. Plaintiff is entitled to the equal protection of the laws under the Fourteenth Amendment of the United States Constitution, and due process of law under the Fifth and Fourteenth Amendments of the United States Constitution.

60. Defendant Clinton, as Governor of Arkansas, acting under color of state law, discriminated against Plaintiff because of her gender by sexually harassing and assaulting her on May 8, 1991, and thereafter, and this deprived Jones of her right to equal protection of the law.

61. Further, he continued personally, and through agents, to impose a hostile work environment on Plaintiff in which she feared the loss of her employment and the possible adverse employment

actions against her, including job discrimination and monitoring of her personal life. As described above she was placed in a category separate from other public employees in that she was actually subjected to hostility by her superiors, which deprived her of an opportunity for advancement and she suffered an economic deprivation.

62. Plaintiff, as a citizen and Arkansas state employee, was entitled to due process protection of freedom from arbitrary action which jeopardized her property interest in her public employee job in that she should not have been subjected arbitrarily to the fear of losing that job or of having to provide sex to the Governor as a quid pro quo for keeping the job. Further, she should not have been subjected arbitrarily to the fear of losing the enjoyment of a proper and pleasant work environment, or to other adverse actions which she feared and which deprived her of the proper enjoyment and efficiency of her work. Clinton's actions deprived Jones of her due process liberty and property interests guaranteed to her by the Constitution of the United States.

63. Plaintiff also was entitled to a due process liberty interest in her reputation as an honest public employee. Clinton's actions and statements deprived Jones of these rights.

64. Plaintiff, for a brief period of time, was held against her will by the oppressive atmosphere of intimidation caused by the presence of the highest official of the State of Arkansas and an armed guard at the door. Not only was she subjected to unwelcome sexual advances, but also was personally restrained and imprisoned

by the seizing of her person, against her will, by Clinton and his agent.

65. The above-described actions of Clinton were undertaken when he was acting under the color of state law, as Governor of Arkansas, and said actions deprived Jones of federal equal protection and due process rights guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution, and made actionable by 42 U.S.C. § 1983 (The Civil Rights Act).

COUNT II

CONSPIRACY TO DEPRIVING PERSONS OF EQUAL PROTECTION OF THE LAWS (42 U.S.C. § 1985)

66. Plaintiff incorporates by reference paragraphs 1 through 65.

67. Clinton conspired with his Security Detail, including with Defendant Ferguson, and perhaps with others currently unknown to this Plaintiff, to deprive Jones of equal protection of the laws and of equal privileges and immunities under the laws, as further set forth in Count I above.

68. The conspirators committed some acts in furtherance of the conspiracy which included contacting Jones and bringing her to Clinton on May 8, 1991 to permit him to attempt to entice her on to have a sexual liaison with him.

69. As a result of the conspiracy, Jones was injured by Defendants in her person and property and deprived of having and exercising her rights and privileges as a citizen of the United States, as is more fully set forth in Count I.

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

70. Plaintiff incorporates by reference paragraphs 1 through 69.

71. The conduct of Clinton herein set forth was odious, perverse and outrageous. Not only were the acts of sexual perversity unwelcome by Jones, but they were wilful, wanton, reckless, intentional, persistent and continuous in the hotel room.

72. Clinton's sexual advances, assaults upon and imprisonment of Jones' person, and his exposure of his erect penis and his requests of acts to be performed thereupon were extreme, intentional, and caused Jones severe emotional distress.

73. Not content with the events in the hotel on May 8, 1991, Clinton on subsequent occasions, acting himself and through his agents, as specified above, aggravated further the initial severe emotional damage to Jones.

74. These actions were so outrageous in character, and extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized society.

COUNT IV

DEFAMATION

75. Plaintiff incorporates by reference paragraphs 1 through 74.

76. On several occasions on and after February 11, 1994, Clinton, and his agents and employees acting pursuant to his direction, maliciously and wilfully, defamed Jones by making statements which Clinton knew to be false. These statements were made with the intent and certain knowledge that they would be reprinted in the print and other media.

77. Such statements by Clinton, his agents and employees, characterized Jones as a liar and as being "pathetic," and damaged her good name, character, and reputation.

78. Defendant Ferguson's statements likewise maliciously and willfully defamed plaintiff and damaged her good name, character and reputation. Ferguson's statement that Jones had agreed to be Clinton's girlfriend, and his innuendo that she had willingly participated in a sexual encounter, were knowingly false.

79. That Ferguson knew these statements were false is confirmed by Clinton's denial to Ferguson that anything happened of a sexual nature between Clinton and Jones.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests the following relief:

a. Count I, judgment against Defendant Clinton for compensatory damages of \$ 75,000.00; punitive damages for Defendant's wilful, outrageous and malicious conduct, of \$100,000.00; the costs of her suit and attorneys' fees; nominal damages, and such other and further relief as the Court may deem proper.

b. Count II, judgment against Defendant Clinton and

Defendant Ferguson, jointly and severally for compensatory damages of \$ 75,000.00; punitive damages for Defendant's wilful, outrageous and malicious conduct, of \$ 100,000.00; the costs of her suit and attorney's fees; nominal damages, and such other and further relief as the Court may deem proper.

c. Count III, judgment against Defendant Clinton for compensatory damages of \$ 75,000.00; punitive damages for Defendant's wilful, outrageous and malicious statements and conduct, of \$ 100,000.00; the costs of her suit and attorneys' fees; nominal damages, and such other and further relief as the Court may deem proper.

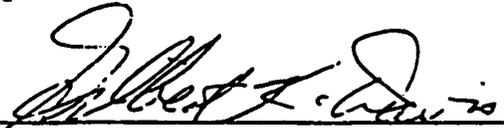
d. Count IV, judgment against Defendant Clinton and Defendant Ferguson, jointly and severally for compensatory damages of \$ 75,000.00; punitive damages for Defendant's wilful, outrageous and malicious statements and conduct, of \$ 100,000.00; the costs of her suit and attorneys' fees; nominal damages, and such other and further relief as the Court may deem proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on each of the counts.

Respectfully Submitted,

PAULA CORBIN JONES
By Her Counsel



Gilbert K. Davis, VA Bar No. 4683
Attorney for Plaintiff
9516-C Lee Highway
Fairfax, Virginia 22031
(703) 352-3850

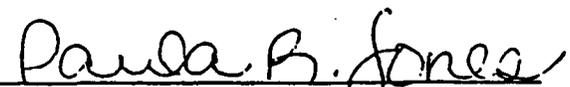
and



Joseph Cammarata, VA Bar No. 35118
Attorney for Plaintiff
9516-C Lee Highway
Fairfax, Virginia 22031
(703) 352-3850

VERIFICATION

I hereby certify under penalty of perjury that I am the Plaintiff in the above-captioned case; that I have read the foregoing Complaint; and, that the facts related therein are true and correct to the best of my knowledge, information, and belief.



Paula Corbin Jones

Ben Stein: Requiem for a Madam • Shalala's Shenanigans

THE AMERICAN SPECTATOR®

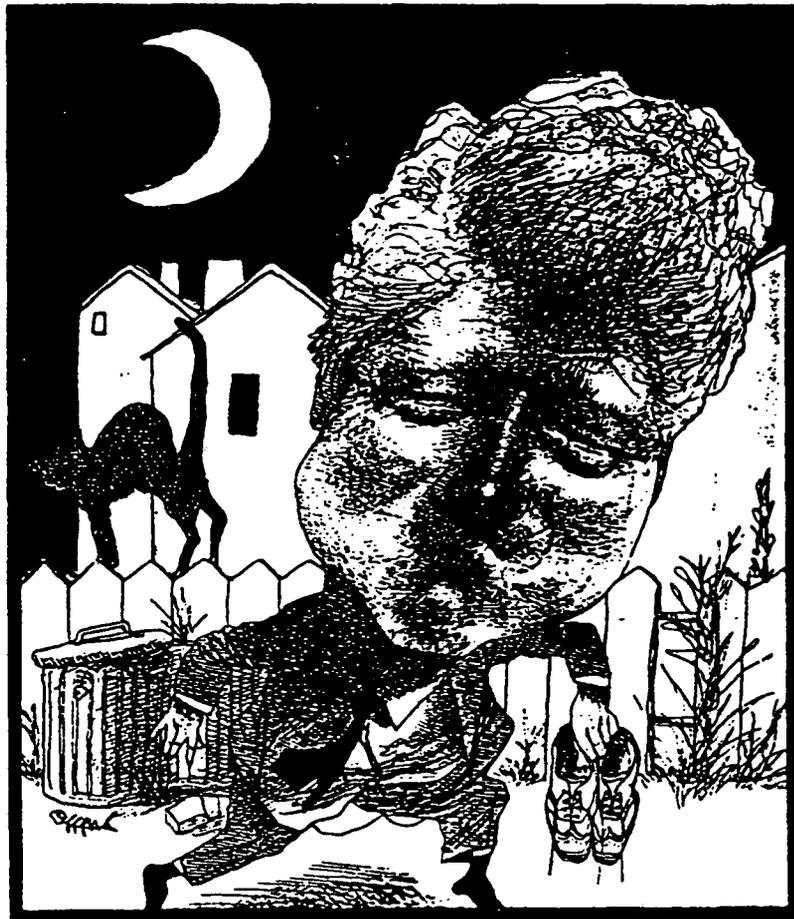
JANUARY 1994

A MONTHLY REVIEW EDITED BY R. EMMETT TYRRELL, JR.

His Cheatin' Heart

David Brock in Little Rock

EXHIBIT
PLAINIFFS
EXHIBIT
A



Maurice Cranston, RIP

Hell of a Podhoretz





Living With the Clintons

Bill's Arkansas bodyguards tell the story the press missed.

by David Brock

I

In a remarkable but little-noticed article buried inside the Sunday *Washington Post* four months before the 1992 presidential election, top Clinton campaign aide Betsey Wright said she had been spending the better part of her time since the Democratic National Convention trying to quell potential "bimbo eruptions."

Through the Little Rock gossip mills, the campaign was tracking nineteen potential allegations that had surfaced in the first week following the convention, in addition to seven others that had appeared earlier in the year, Wright said. The extensive effort to short-circuit such stories, Wright said, included the campaign's hiring of a private investigator to obtain information damaging to the credibility of the women involved, which was then used, presumably, to persuade them to stay quiet.

Perhaps unintentionally, the phrase "bimbo eruptions" cut two ways. Wright's choice of the epithet "bimbo"—and a later reference to "gold-digger growth"—was obviously meant to discredit in advance any reports of sexual liaisons between Arkansas governor Bill Clinton and women other than his wife, Hillary. Yet at the same time, Wright also seemed to be conceding, if not promising, that there was more to come—i.e., the imminent appearance of an unspecified number of such women, and a subsequent round of stories raising questions about Clinton's private life.

Wright was not the first to talk about the campaign's aggressive efforts to discredit sources and lobby reporters and editors to spike emerging news stories. Writing in the *New York Times* in March, Gwen Ifill reported:



David Brock is the author of The Real Anita Hill (Free Press) and an investigative writer for The American Spectator.

There have been constant, though undocumented, reports of articles that were never published because the Clinton damage controllers were on full alert before final publication decisions were made. This works "more often than you think," said George Stephanopoulos.

Even the recently released documentary about the 1992 campaign, *The War Room*, showed Stephanopoulos on the telephone on the eve of the election, warning a caller not to go public with damaging information about Clinton's private life.

The campaign had gone on "full alert" when Jennifer Flowers, the former cabaret singer, alleged in an interview with the *Star* supermarket tabloid that she had carried on a 12-year affair with Clinton ("Mistress Tells All, The Secret Love Tapes That Prove It"). With Hillary at his side, Clinton appeared on "60 Minutes" to deny that he had ever had an affair with Flowers, calling her only "a friendly acquaintance," but acknowledging unspecified "wrongdoing" and "causing pain in my marriage."

Flowers's story was tainted at the outset, when she was reportedly paid \$150,000 to cooperate with a publication of no journalistic repute. It was then discovered by the *Arkansas Democrat-Gazette* that she had misrepresented parts of her educational background and work history. Writing in the *New Republic*, Sidney Blumenthal described Flowers as "the woman in red, trimmed in black to match the roots of her frosted hair."

On the other hand, there was direct evidence weighing in favor of Flowers. Though they had some unexplained pauses and ambiguous references, Flowers had tapes of conversations with Clinton, including his instruction that she deny that they had talked about her obtaining a state job ("If they ever ask you if you've talked to me about it, you can say no"). She also had corroboration for her story from her mother Mary, as well as from her roommate at the time, Lauren Kirk, who declared in an interview with the *New York Post's* Cindy Adams, "There can be no doubt that she and Bill Clinton had sex with one another."¹ And finally, Clinton never denied the authenticity of the tapes: in fact, he apologized to Mario Cuomo for a taped remark imputing Mafia ties to the New York governor.

Yet with very few exceptions—Phil Donahue and the *Washington Monthly's* Charles Peters among them—the press was untroubled by these wrinkles in Clinton's denial of the Flowers affair and accepted his suggestion that any marital indiscretions were history. Pressed by Donahue, Clinton seemed to assert that any peccadilloes were a thing of the past: "I've told you the only facts I think you're entitled to know. Have I had any problems with my marriage? Yes. Are we in good shape now? Yes." The contention that any marital infidelity was no longer occurring was crucial to Clinton's ability to put out the fire. As the *New York Times* paraphrased Clinton pollster Stan Greenberg at the time, "As long as voters believed the candidate had not lied and that his marriage was 'real,' they will not turn on him."

¹After speaking to the press, Kirk was fired from her job as a realtor in Dallas.

For the most part, the press coverage quickly devolved into a tortured colloquium on whether or not infidelity was a Legitimate Issue. To the extent that members of the press corps had come to believe that it no longer was, that they had gone too far in destroying Democratic front-runner Gary Hart's political career by exposing his ties to model Donna Rice in 1987, Clinton may have been treated with kid gloves on the womanizing issue. Though opinion polls showed that 14 percent of the electorate would not vote for an adulterer, the indifferent public response to the Flowers story may have convinced many in the media that the public desire for "change" outweighed any concerns about Clinton's character. In addition, it was clear that many reporters viewed Clinton as "one of us," a product of the 1960s not only politically, but on sexual matters as well—a "liberal semi-hip contemporary who seems to share their [reporters'] values," as the *Boston Globe* described the candidate. Clinton booster Eleanor Clift of *Newsweek* candidly stated after the Flowers revelations, "Truth is, the press is willing to cut Clinton some slack because they like him and what he has to say."

Nonetheless, a competing if minority view among some journalists held that the press must not repeat the slavish self-censorship of the Kennedy days. Surely a number of news organizations continued to scrutinize Clinton's private life after the Flowers story faded, and even more so following his presidential nomination. Despite Clinton's tacit admission of infidelity, however, after Flowers no other "bimbos" erupted.²

Having recently spent a good deal of time in Arkansas with people who were close to the Clintons in their Little Rock years, I'm fairly certain that it was less a lack of professional interest in the subject, and more the lack of on-the-record sourcing due to the strong-arm tactics acknowledged by Wright and Stephanopoulos, that kept what could have been one of the biggest political stories of the campaign from seeing the light of day.

II

Much has been written of Clinton's fascination with JFK, dating back to the time he was introduced to the president while visiting Washington as a teenager in 1963. When Clinton returned from Washington, he announced to his mother that he was going to enter politics. This past September, President Clinton

²Other names surfaced in the tabloids but, unlike Flowers, were never mentioned in the mainstream press. Appearing on the Sally Jesse Raphael show in July 1992, Sally Perdue, a former Miss Arkansas, claimed that she had had an affair with Clinton, but the media generally did not report this. After the appearance, Perdue was fired from her job in the admissions office of a Midwestern university. A second woman had actually surfaced prior to Flowers, in *Penthouse*. Connie Hamzy of Little Rock said she had been sunbathing by a pool at a hotel in North Little Rock in August 1984 when an aide to Clinton approached her and arranged a sexual encounter with Clinton.

summoned journalist Richard Reeves, the author of the recent biography *President Kennedy*, to the White House to discuss his book. Reeves writes of how Kennedy and his handlers worked hard to keep stories of the president's womanizing out of the papers, much as the Clinton campaign would do some thirty years later:

[Kennedy] understood an important fact about the press and scandal: respectable journals generally avoided being the first to report on rumors or evidence concerning sex. But he knew that once something had been printed, no matter where, newspapers and magazines quickly quoted each other, using the first publication as a peg for their own reports. . . . The idea was to stop the first mention.

Clinton followed his idol's strategy, and thus far he's been amazingly successful. On the Flowers tapes, Clinton is heard saying, "They can't run a story like this unless somebody said, 'Yeah, I did it with him.'" Given the way Flowers was made an example of by Wright, Blumenthal, and others, women who have been linked to Clinton were less likely to come forward. But aside from the women, there was another group of sources sought after by reporters in the fall of 1992 because they were uniquely positioned to have first-hand knowledge of the subject: the dozen or so Arkansas state police officers assigned to the governor's security detail both before and during the presidential run.

Under state law, these troopers are charged with safeguarding the first family of Arkansas, as well as the grounds of the gubernatorial mansion in downtown Little Rock. In practice, at least during the six terms that Clinton held office, the troopers functioned as chauffeurs, butlers, bodyguards, errand boys, and baggage handlers. They did everything for the Clintons, from receiving and placing telephone calls to changing bicycle tires and cleaning up after Socks the cat (who apparently retches with alarming frequency).

In late August and in September and October, I spent more than thirty hours interviewing four state troopers who had worked for the Clintons at various times over the years; in total, their experience covered most of the period from early 1979, when Clinton first took office, to January 16, 1993, when Clinton left Little Rock and flew east for his presidential inauguration. The meetings took place after I received an unsolicited tip that a group of Arkansas troopers was considering coming forward to tell all they knew about the Clintons, including extensive first-hand information about Bill's philandering.

The troopers' proximity to the Clintons had prompted reporters from many national news organizations to seek them out for interviews in 1992, calling them at home all hours of the day and night for weeks. Up until last fall, when I interviewed them, they had not talked. I spoke with the troopers separately and in various combinations and then re-interviewed them several times on tape to test and re-test their account for inconsistencies and embellishment.

Ultimately, two of the troopers, Larry Patterson and Roger Perry, decided to go on the record with the material and allow their names to be used in this piece. At that point, they retained two lawyers: Cliff Jackson, a former Oxford

classmate of Clinton's, who had accused Clinton of lying about his draft history in a series of media interviews in 1992; and Lynn Davis, a former director of the Arkansas state police and a former prosecutor.³

The troopers also spoke on the record and swore to affidavits furnished to the *Los Angeles Times*, which may make use of some of the material for a broader piece being developed on how the Clinton campaign kept these and similar stories from surfacing in 1992. The other two troopers have decided against going public at this time; their recollections are included here only if what they related to me in our off-the-record interviews corresponds with specific experiences they confided contemporaneously to one or both of the on-the-record troopers.

The troopers seem to have mixed motives. They say they are moved by public-spiritedness. They have come forward now because they believe the reckless personal behavior and poor judgment they witnessed by then-governor Clinton, if continued by the president, a subject on which they cannot speak authoritatively, could constitute a risk to the national security of the U.S. by making the president easy prey for blackmailers.

But as with all sources, there is also an element of self-interest and score-settling in their decision to speak to the media. As the troopers see it, Clinton behaved ungratefully and even rudely toward them after election day. "We lied for him and helped him cheat on his wife, and he treated us like dogs," Patterson said. When one of the troopers asked Clinton to sign some photographs for his family after the election, he said the president-elect snapped: "I don't have time for that s---." Clinton assured Patterson that he would secure for him a lateral transfer within the state police organization before leaving office, but he never found five minutes to make the telephone call. (The current governor, Jim Guy Tucker, later did.)

There is also a prospective financial interest. Patterson, 47, the articulate senior member of the group, with twenty-seven years of service in the state police, and Perry, 43, with sixteen years of service, hope to collaborate on a book about life at the governor's mansion. Perry, who worked for Clinton in his first term, returned to duty at the governor's mansion in 1989 and remains on Tucker's detail. Patterson had worked for Clinton on several special assignments

³ The process of getting the material from Patterson and Perry on the record was a long one. In October we signed a written agreement authorizing me to publish this piece in this magazine while protecting their right to sell a book later. So great was their fear of retaliation from what they called "the Clinton machine," that the troopers then had Jackson make inquiries about establishing a defense fund to cover potential legal costs and lost income that could result from coming forward. In early December, however, the troopers decided to go on the record with no such protection, in order to guard against the potential criticism that they had been induced to talk for money. To allay my own concerns on this issue, I requested and received written assurance from Jackson prior to publication that no money had been paid or promised to his clients by anyone for disclosing any information.

before assuming full-time duties in 1987. They both served Clinton until his last day as governor in 1993.

The experiences of Patterson and Perry, only a selection of which will be described here, show that, in addition to lying to the American public when he denied his relationship with Gennifer Flowers and claimed that any infidelity had occurred only earlier in his marriage, Clinton had an elaborate damage-control operation that was reminiscent of John Kennedy's—and for a very good reason: For at least a decade, Clinton has been prone to extramarital affairs, often more than one at a time, and to numerous one-night stands. According to the troopers, the clandestine sexual encounters occurred even after the presidential election and continued through Clinton's final days in Little Rock.

Clinton is a man of gargantuan appetites and enormous drive, and not only in relation to women. "When he would eat an apple," said Roger Perry, a stout 6'2" chain-smoker who does not seem easily offended, "he would eat the whole thing, core, stem, and seeds. He would pick up a baked potato with his hands and eat it in two bites. I've never seen anything like it."

The troopers said their "official" duties included facilitating Clinton's cheating on his wife. This meant that, on the state payroll and using state time, vehicles, and resources, they were instructed by Clinton on a regular basis to approach women and to solicit their telephone numbers for the governor; to drive him in state vehicles to rendezvous points and guard him during sexual encounters; to secure hotel rooms and other meeting places for sex; to lend Clinton their state cars so he could slip away and visit women unnoticed; to deliver gifts from Clinton to various women (some of whom, like Flowers, also had state jobs); and to help Clinton cover up his activities by keeping tabs on Hillary's whereabouts and lying to Hillary about her husband's whereabouts.

How important such revelations are in any assessment of Bill Clinton as a man, and as a political leader, can be left for the reader's judgment. The *Newsweek* reviewer of the Reeves book identified the dilemma for journalists and historians:

Kennedy scholars have by now proved that his private life was less than admirable. He was a compulsive womanizer and, like most such men and many presidents, an accomplished liar. A biographer has to decide how far to interpret Kennedy's public performance as president through the medium of his private foibles.

Surely, it is nothing new that many politicians use their positions to solicit sexual favors and come to believe that the laws and mores that govern others don't apply to them. So far as the troopers knew, Clinton's activities did not include abuse of drugs or alcohol, and all of the women appear to have been willing participants in the affairs and liaisons. Some may well conclude, therefore, that Bill and Hillary Clinton's loose sexual morals and their habitual foul language are irrelevant to their public roles and, in any event, are not uncharacteristic of their generation as a whole.

Still, the Clintons hold positions that, it is possible to argue, ought to be subject to a higher standard, particularly for people so inclined to argue for their public policies in a moral context. While rumors of extramarital dalliances have

surrounded many presidents in this century, the scale of Clinton's past indiscretions, if it has been sustained in the White House, as has been widely rumored, would appear to far exceed that of any of his predecessors, with the possible exception of John Kennedy. If, as the troopers describe it, he is a sexual predator and exploiter of women, his behavior may be more egregious than that which destroyed the political careers and reputations of Gary Hart, John Tower, and most recently Bob Packwood.

III

But there is a larger point in the case of Clinton that goes well beyond any moral or ethical judgment about—or prurient interest in—his private life. When

sources come forward of their own volition to describe how Clinton's private activities have caused lies to be told, threats to be made, and cover-ups to be undertaken, an issue of public integrity is raised, and the public's right to know outweighs a public figure's claim to privacy or journalistic discretion. Thus, even if one is inclined to give the issues of character, judgment, and self-control raised by the troopers' account of Clinton's behavior little weight—much of the material should strike readers as more farcical than scandalous, a view shared by the troopers, who chuckled through some of the telling—it became evident in the reporting of this story that Clinton and his surrogates continue to regard his private behavior as a political time bomb. Their effort to try to thwart publication of the story is itself newsworthy—and quite illustrative of how this information was kept from voters during the 1992 campaign.

Shortly after my first session with the troopers, three of the



four (Perry and the two who wished to remain off the record) received telephone calls from their former supervisor on the governor's security detail, Captain Raymond L. "Buddy" Young, who last July was named by Clinton to head a regional Federal Emergency Management Agency office in Texas. Perry said Young told him that he was aware that they had hired lawyers and were thinking of going public with a book or a story. Perry said that Young told him, "I represent the president of the United States. Why do you want to destroy him over this? You don't know anything anyway. . . . This is not a threat, but I wanted you to know that your own actions could bring about dire consequences." Patterson said Young sent him a handwritten note expressing concern for Patterson's health.

In an interview, Young confirmed that he had been in contact with the three troopers to discuss this matter. "I called Roger as a friend, and I told him I thought this was wrong, it was unethical, and it was a disgrace to security people. But I never said I spoke for the president, because I don't." Young denied having been in contact with the president or anyone in the White House on this subject. Young also confirmed that he sent a note to Patterson about his health, but denied any implication that the note was a veiled threat. "Larry has heart problems, and I was concerned about his cholesterol," Young said.

He went on to say that the thrust of Patterson and Perry's account was not true and that I should look closely at their motives. "These boys made this up to sell a book and because they were mad that Clinton didn't give them promotions," he said.⁴

Young also confirmed that one of the two troopers who decided not to go on the record—but whom Young voluntarily named, Danny Ferguson—subsequently obtained part-time employment at a Little Rock company, National Safety Consultants, in which Young owns an interest. "I started this consulting service for safety training for truck drivers a few years back as a part-time deal. I own an interest, but I don't have anything to do with the operation. They subcontracted with Danny. But it had absolutely nothing to do with what we're talking about. It was totally unrelated." Young also confirmed that the second trooper interviewed by me who decided not to come forward—whom he also voluntarily named, Ronnie Anderson—had a part-time job at this same company that pre-dated our first meeting. The job provides several thousand dollars a year in supplemental income to Anderson, Young said.

Ferguson also confirmed the arrangement but denied that it was related to his having decided not to go on the record with his stories about the Clintons. "I talked to Buddy more than a year ago about this job. But when I started, it was Ronnie Anderson who arranged it. Buddy didn't even know about it until after I started. I started a month ago, and I only made \$190 last month [November]. If I was going to do

something not to talk, it wouldn't be for that kind of money," Ferguson said.

Another attempt to suppress the story was allegedly made by Paul "Rocky" Wilmoth, a Clinton fundraiser and Arkansas bulk-oil dealer and distributor. According to Perry, Wilmoth recently stopped by the governor's residence and told two troopers who have not been involved with this story, Frank Tappin and Derrick Flowers, to convey to Perry and Patterson that they would be "destroyed" if they talked to the press. Wilmoth denied the story, as did Flowers. Tappin declined to comment.

Perry said that Ferguson told him that Clinton called him personally while he was on duty at the Arkansas governor's mansion on at least two occasions after our first interview. During the initial call, according to Perry, Clinton let it be known that he was willing to offer favors in return for the troopers' refusal to cooperate further. Clinton told Ferguson to tell Roger Perry that "Roger can have whatever he wants [not to talk]." In another call to Ferguson, Clinton asked what precisely Perry and Patterson were saying, Perry said. "If you tell me what stories Roger and Larry are telling, I can go in the back door and handle it and clean it up," Clinton allegedly said. Perry said that Ferguson told him that in the course of the conversations Clinton offered Ferguson a federal job—either as the U.S. marshal in Little Rock or as a regional FEMA director—explicitly in exchange for his help in thwarting publication of any stories. This could be a violation by Clinton of a criminal statute barring the solicitation of money or anything of value (in this case, information) in consideration for the promise of federal employment. Ferguson said, "I'm not going to confirm anything Roger is saying I said." Asked if he was denying receiving calls from Clinton, he said, "I've talked to a lawyer and I'm not denying it. No comment." (The White House did not return calls for this story.)

These rumblings from the Clinton machine notwithstanding, Perry and Patterson have hung tough and decided to be the first to pierce the shield of secrecy surrounding Clinton's indiscretions that has been so effectively maintained up to now. Readers should be forewarned about two aspects of their story. First, the many subjective observations and judgments made about the Clintons are the troopers' own and should be considered in the light of the troopers' inherent biases and limitations. That said, the unvarnished observations of these men warrant disclosure because they provide the kind of texture that would likely not be revealed until presidential biographies were published, years or decades after the Clintons left office. Second, the reader should be warned that when the troopers are describing events they witnessed and quoting verbatim statements made in their presence, much of what they have to say is vulgar tabloid fare. This, however, reflects not on them, but on the behavior of the first couple.

IV

As the troopers saw it, the Clintons' relationship is an effective political partnership, more a business relationship than a marriage. They described Bill as the public face, the communicator, the conciliator, a man

⁴ Young is currently being sued in Arkansas for allegedly lying in federal court to discredit a witness who claimed to have information about illegal drug money being funneled through the Arkansas bond market during Clinton's tenure.

who likes to be liked and even talked with them about his "star" qualities. "One time we got to talking while I was driving him back from a political event and he said, 'You know, I'm going to have to stay in politics now, because I'm too old to be a movie star,'" Patterson recalled.

The troopers charted a distinct change between the headstrong radical of Clinton's first term—"kind of a hippie," as Perry put it—and the chastened compromiser of later years. Rejection by the voters in 1980 left Clinton with a propensity to try to please all sides, therefore often pleasing none, and an aversion to taking potentially unpopular decisions, according to Patterson and Perry.

Clinton is a very quick study—Perry remembered a time when Clinton was filming a commercial and took a typed page he had never seen before, glanced at it for less than a minute, and then recited it verbatim into the camera—and a highly energetic, tenacious worker, consumed by ambition. "He would call legislators late into the evening, lobbying for votes," said Patterson, "and we had to place the calls, waking up important state legislators well after midnight." One thing he wasn't was lazy. Clinton thrived on four hours of sleep a night, they said.

For all his intelligence and diligence, though, the troopers viewed Clinton as something of a klutz in matters of ordinary life. Patterson said he will never forget that he had to show Clinton how to operate a Mr. Coffee machine one Saturday morning—and then had to show him again on Sunday.

To be sure, Clinton rarely had to do anything for himself. During his twelve years as governor, Clinton had a full household staff, including several cooks and a babysitter on the premises paid for by the state, not to mention several inmates from Arkansas penitentiaries who worked gratis as gardeners and handy-men on the grounds. (They were also made to provide free labor on the Little Rock home of the Rodhams, Hillary's parents.) The Clintons owned no property, and the state rented Bill the Lincoln town car in which he was driven.

In private moments with his bodyguards, often on long highway drives through the state, Clinton—with little experience of work outside the public sector—would sometimes reveal his insecurities. "He told me that if he was forced out of politics, he'd have no idea how to make a living," Perry said.

Clinton was perhaps more out of touch with the average

voter than President Bush. One day during the presidential campaign, the troopers witnessed a group of aides briefing the governor on the prices of various common groceries following media reports (later shown to be erroneous) that President Bush did not recognize a price-scanner at a supermarket in Florida. When Clinton was later asked by a viewer on "CBS This Morning" if he knew the price of bread and milk, and he answered correctly, campaign strategist James Carville cited this performance in a *New York Times* op-ed as an example of Clinton's ability "to empathize with average people."

Spending virtually every waking hour with him, the troopers were well positioned to judge both the private and the public man. They marveled at Clinton's ability to pass himself off as something he was not, viewing it as the

key to his political success. Perry thought Clinton's facility with language allowed him to bridge the gap with the Arkansas voter. "He would always try to come across as old Joe the rag man, working beside you in Pine Bluff building shelves. He could give a great speech to the common people," said Perry. This false populism manifested itself in other ways, too, they said. Throughout his tenure, Clinton was careful to fly coach-class into and out of Little Rock; but during the rest of his itinerary, he insisted on flying first-class.

At other times, Clinton would enthusiastically talk shop, explaining to the troopers how he—a career politician who chuckled privately that he "never met a tax he didn't like," as Perry recalled it—managed to get elected and re-elected in

Arkansas. Clinton told Perry that his strategy amounted to little more than old-fashioned interest-group politics: If he could hold the black vote, generally about 18 percent in a state election, his victory would be sealed. "He used to say that that meant his opponent had to get his 51 percent out of 82 percent," Perry said. "It was pretty smart politics."

His outsized ego notwithstanding, the troopers found Clinton to be personable and easy to be around. When his adolescent arrogance shone through, he was always quick to apologize to the troopers for his outbursts, which have included throwing an apple at the windshield of his car from the back seat, busting a cellular phone on cement pavement, and clearing the contents of an entire desk onto the floor.



"They were the kind of tantrums that you would not tolerate in a child," said Perry.

One of the worst explosions of temper that Larry Patterson remembered followed Clinton's ill-fated speech to the 1988 Democratic National Convention. Clinton spoke so long that delegates were shouting at him "Get off, get off" by the end. The speech had been written to last no more than seven minutes, but the Dukakis staff demanded the insertion of various lengthy passages. When Clinton arrived, the lights in the hall were supposed to be dramatically dimmed, as they had been for Ann Richards and Jesse Jackson. Instead, the lights glared, and monitors on either side of the podium mistakenly beamed "Jesse! Jesse!" causing the crowd to chant incongruously.

As Clinton left the podium, Patterson was standing on the platform along with various Democratic dignitaries. He saw Clinton stomp about, denouncing "that little Greek motherf---er" and promising to "get his ass, because he tried to kill me politically." A few weeks later, Dukakis called Clinton in Arkansas. Clinton put the telephone down for a moment and summoned Patterson in to hear what he was about to say. "He called him every kind of son of a bitch you can think of. Then he refused to endorse him until a few weeks before the election," Patterson recounted. Dukakis did not return a call seeking comment.

Dukakis was not the only Democratic competitor who met with Clinton's scorn. He seemed to delight in sharing his views on various politicians. The troopers said they remember Clinton commenting privately on Cuomo's alleged "Mafia connections" and joking about how Ted Kennedy "couldn't get a whore across a bridge." Perry said that after meeting with Jesse Jackson in October 1991 in Little Rock to get the reverend's blessing before announcing his presidential candidacy, Clinton told him that Jackson—who is reportedly contemplating a 1996 primary challenge to Clinton—was "a smart man, but I can't stand that motherf---er."

The troopers also saw first-hand that their fiercely competitive boss was not above a dirty trick or two. In the 1990 governor's race, Clinton asked Larry Patterson to locate a woman who was rumored to have had an illegitimate child by one of Clinton's primary opponents. "He was always having us research his opponents. If he had a source, he'd ask us to drop a dime on them and report back, even though he knew it was a violation of state law for us to take part in political campaigns," Patterson said. "On this one occasion, Clinton told me to go to the Holiday Inn at the [Little Rock] airport, find the woman, and offer her money or a job to sign a statement [about the illegitimate child]." Patterson followed Clinton's instructions to offer the illegal bribe, but the woman declined the offer and never came forward.

V

The troopers were closer to Bill than to Hillary Clinton, who in their telling comes off as unflatteringly one-dimensional. The troopers chauffeured Clinton on a daily basis and were privy to his every move. Hillary, on the

other hand, kept her distance. When she left the residence, she never informed them of her schedule. In fact, when she could, Hillary avoided even speaking to them, preferring to speak through Bill or some other third party, possibly because she disdained their role in facilitating his philandering.

Although Hillary's circle of friends and advisers included more activist liberals, the troopers saw Hillary—like Bill—as a shrewd and practical operator concerned primarily with personal political advancement. While the troopers saw Clinton playing the candidate, they saw Hillary playing the bad cop, gutsy and decisive, all backbone. They remembered well the now-famous time that Hillary showed up at a news conference of Tom McRae, Clinton's opponent in the 1990 governor's race, and interrupted the candidate's statement with a sustained defense of her husband.

From their direct observations, Patterson and Perry said they believe that Hillary is more obsessed than Bill with his political fortunes. She expressed this concern, as she did most everything, in language that makes the Watergate tapes sound like a Sunday school lesson. "I remember one time when Bill had been quoted in the morning paper saying something she didn't like," Patterson said. "I came into the mansion and he was standing at the top of the stairs and she was standing at the bottom screaming. She has a garbage mouth on her, and she was calling him motherf---er, c---sucker, and everything else. I went into the kitchen, and the cook, Miss Emma, turned to me and said, 'The devil's in that woman.'"

Hillary, as described by the troopers, pursued power with a single-minded intensity, had few friends outside politics, and was not especially close to her family—just like her husband. "Everything was politics. They wouldn't go out to dinner with friends the way you or I would or the way I've seen this governor [Tucker] do," said Perry. "If they were invited to a private party, and there were only going to be eight or ten people there, she would say, 'We're not going to waste time at that thing. There aren't enough people there.' I never saw Hillary just relax and have a good time."

While Bill genuinely enjoyed shaking every hand in a room, Hillary seemed to view retail politics as a distasteful if necessary evil. "She hated Arkansas. She would always say how 'backward' the state was," Perry said. One trooper told Perry that Hillary forbade him to speak when he accompanied her on a trip to Washington because, as she put it, he "sounded like a hick from Arkansas."

One of Hillary's pet projects in Arkansas was HIPPIE, the Home Instruction Program for Preschool Youngsters, which provided the mothers of underprivileged pre-school youth with in-home instruction by state-sponsored tutors. During the presidential campaign, a commercial was filmed at the governor's mansion featuring dozens of the impoverished HIPPIE children, who stood for several hours in the baking heat while the scene was set. For security purposes, the governor's residence is fitted out with several video cameras and one audio monitor—at the rear door—that connected it to the guard house. "They would usually forget that thing was on, and we would pick up a lot of what they said. On this particular day, I heard Hillary come out on the rear porch and say, 'I

want to get this s--- over with and get these damn people out of here," Perry remembered.

The troopers were also objects of Hillary's wrath. Patterson recalled the early morning of Labor Day in 1991, when Hillary came out of the mansion, got in her car, and drove off. Within a minute or so of leaving the gate, her aging blue Cutlass swung violently around and came charging back onto the grounds, tires squealing in the dust. "I thought something was terribly wrong, so I rushed out to her. And she screamed, 'Where is the goddamn f---ing flag?' It was early and we hadn't raised the flag yet. And she said, 'I want the goddamn f---ing flag up every f---ing morning at f---ing sunrise.'"

Such displays made Hillary by far the most unpopular member of the first family. Troopers volunteered to work several days of consecutive 16-hour shifts just to avoid traveling with her. Though it may have been a reflection of chauvinism on their part, the troopers thought Hillary "liked to intimidate men," Perry said. She would remark that troopers' guns are "phallic symbols." Or she would phone the mansion from her law office and order troopers to fetch feminine napkins from her bathroom and deliver them to her at the firm.

Though they believe she advised her husband on all important matters of state, it seemed to the troopers that the Clintons led very separate lives otherwise. Hillary drove herself in the Cutlass each morning to the Rose Law Firm, about a mile from the mansion. Clinton worked either from his office in the capitol or in the residence. More often than not, one of the troopers drove the Clintons' daughter, Chelsea, to school. In the evenings, the family members generally dined separately.

When Bill and Hillary did spend time together, they were barely civil to one another, in the troopers' assessment. Many times the couple would be driven to an event an hour or more outside Little Rock—with Bill sitting in the front seat of the Lincoln with the driver and Hillary in the back seat—and say nothing at all to each other, which struck the troopers as quite tragic. "If he was dead politically, I would expect a divorce in 30 days," Roger Perry said.



VI

Over the years, the troopers have seen Bill Clinton in compromising situations with dozens of women. They said their facilitation of the activities ranged

from wiping make-up off his shirt collar, to standing "Hillary watch" while Clinton cavorted, to arranging sex sessions in hotel rooms and parking lots, to sneaking women into the governor's mansion while Hillary and Chelsea slept.

The troopers said Clinton devised and they executed an elaborate plan to accommodate his sexual appetites. Not all of the dozen or so troopers were assigned to these special duties. Perry and Patterson were two of a select handful, chosen by Clinton because he evidently trusted them to protect him and appreciated their street-smarts. It was kind of a down-home replay of the Kennedy days, as described by Richard Reeves:

The logistics of Kennedy's liaisons with Judith Campbell and dozens of other women in the White House and in hotels, houses, and apartments around the country and around the world required

secrecy and devotion rare even in the annals of the energetic service demanded by successful politicians. The arrangements were frequent. . . . The routine of clandestine comings and goings had to be taught to the willing among the women Kennedy regularly propositioned, often within a couple of minutes of introduction. Some of the action was somewhat graceful—or at least roses were sent with a card that said: "Friends of Evelyn Lincoln" [Lincoln was JFK's private secretary]. Some of it was in the back seats of cars. . . . The delivery duty was shared by old friends and by almost everyone in the White House from the military attachés and typists—some of whom had made the backstairs trip a few times themselves—to members of the Cabinet. . . . The

women, secretaries, stars, the wives of friends, were symbols and rewards of aggressive privilege. Sneaking around, cleaning up the mess, covering up was all part of the game. . . . It was all good fun to those who knew—part of the thrill of being inside one of the president's closer circles. Keeping the secrets was part of the price of admission, and those who knew didn't tell those who didn't.

According to Clinton biographers Charles F. Allen and Jonathan Portis in *The Comeback Kid*, stories of Clinton's womanizing date back to the period when he was rejected by the voters in 1980 in his bid for a second term. "Clinton, seeing his political future vanish overnight, became careless about his actions," they wrote.

He had achieved so much so fast. Now it was gone. Rumors began filtering into the newsrooms and throughout the state offices that Clinton was having an affair with another woman. Such rumors about politicians are commonplace, but this one

had a persistence about it. Because Clinton was no longer in the public light, the reporters and editors decided to ignore the talk.

As the troopers described the situation, the scale of Clinton's extramarital activities only increased after he won election to a second term in 1982. When Perry returned to security duty at the mansion in the late 1980s, other troopers regaled him with tales of Clinton's affairs in the 1982-to-1987 period. During the last five years of Clinton's governorship, while Patterson worked at the residence, he said he gained first-hand knowledge that Clinton was involved with a group of Little Rock women—regular mistresses or girlfriends—numbering about a half-dozen. The names of the mistresses with whom Patterson was familiar, some of whom are married and have children, are known to me, but will not be revealed here, so as not to exploit them more than Clinton already has, or to punish innocent family members. Each of the names given me by Patterson was corroborated by Perry—who has knowledge of them dating back to 1989—and the other two troopers with whom I met. I located each of the women by telephone, but each either denied involvement or would offer no comment.

According to Patterson, the long-term mistresses since 1987, in addition to Jennifer Flowers, included a staffer in Clinton's office; an Arkansas lawyer Clinton appointed to a judgeship; the wife of a prominent judge; a local reporter; an employee at Arkansas Power and Light, a state-regulated public utility; and a cosmetics sales clerk at a Little Rock department store. They ranged in age from their early 30s to their early 40s. According to both Patterson and Perry, throughout the period of their employment at the governor's residence, Clinton visited one of these women, either in the early morning or the late evening, or one of them came to the residence to see him, at least two or three times a week.

Clinton also had a series of brief affairs and one-time encounters from 1987 through early 1993 of which the troopers had direct knowledge. He often met women at social functions in Little Rock or on the road. Sometimes he would even use troopers as intermediaries, sending them off with messages and outright propositions to women to retire to back rooms, hotel rooms, or offices with him.

One of the troopers told the story of how Clinton had eyed a woman at a reception at the Excelsior Hotel in downtown Little Rock. According to the trooper, who told the story to both Patterson and Perry as well, Clinton asked him to approach the woman, whom the trooper remembered only as Paula, tell her how attractive the governor thought she was, and take her to a room in the hotel where Clinton would be waiting. As the troopers explained it, the standard procedure in a case like this was for one of them to inform the hotel that the governor needed a room for a short time because he was expecting an important call from the White House. (Not a terribly plausible story during the Reagan and Bush years, but it seemed to work like a charm with hotel clerks in Arkansas.) On this particular evening, after her encounter with Clinton,

which lasted no more than an hour as the trooper stood by in the hall, the trooper said Paula told him she was available to be Clinton's regular girlfriend if he so desired.

Patterson—tall and trim, with the upright demeanor and closely cropped hair of a military officer—recalled another example he witnessed late in the evening on the night after Clinton's disastrous speech to the 1988 Democratic convention. "Norman Lear gave us a suite of offices in a building next to the CNN building where the governor and his staff were working. Sandy Berger (a longtime Clinton adviser and now deputy national security adviser) had flown in to write the speech. The day after, Clinton spent the day 'spinning' the press. Well, that night, when we finished, we went back to the offices around midnight and a young lady of about 30 or 32, [name withheld], who the governor had just met at the convention, was there to meet us. He took her back in a private office, closed the door, and stayed in there for an hour or so while I waited to take him back to the Marriott where he and Hillary were staying."

According to the troopers, Clinton often visited his regular Little Rock girlfriends in the early morning, during what were ostensibly long jogs. "He would jog out of the mansion grounds very early most mornings and then we would go pick up him at a McDonald's at 7th Street and Broadway," Patterson said. "When we picked him up, half the time he would be covered in sweat and the other half of the time there wouldn't be a drop of sweat on him, even in the middle of July in Little Rock. Sometimes I'd ask him, 'How far did you run today governor?' And he would say, 'Five miles.' I'd tell him there must be something wrong with his sweat glands because he didn't have a drop of sweat on him. He'd say, 'I can't fool you guys, can I?'"

As the troopers recounted events, several times a month in the late evening, Clinton would leave the residence in a state car borrowed from one of the troopers, because the governor's Lincoln was easily recognizable on the streets of Little Rock. "We were told to keep our cars clean for this purpose," said Perry, who often lent Clinton his green Corsica. A few minutes after the lights clicked off in the first couple's bedroom, Clinton would get out of bed and "go out for a drive," leaving instructions at the guard house that if Hillary woke up, he was to be alerted on his cellular phone. On more than a dozen occasions since 1987, Patterson said he saw one of the troopers' cars parked outside one particular girlfriend's condominium as he drove home after being relieved from his shift at the mansion at midnight. The woman lived just a few doors from Patterson on Shadow Oaks in Sherwood, on the outskirts of Little Rock.

The troopers also drove Clinton from the capitol late in the evening to various women's homes and waited for hours for him to emerge. They became expert at parking unobtrusively, by backing into driveways and the like. Patterson recalled that the first time he parked in this manner outside the home of the Clinton staffer in 1987, where he sat from midnight until about 4:30 a.m. waiting on the governor, Clinton congratulated him on his stealthiness. "He told me it was our responsibility to cover his ass so he wouldn't get in trouble," Patterson said.

By all accounts, whenever Clinton returned to the resi-

dence after one of these encounters, he went to the bathroom in the troopers' guard house, where he washed up before entering the main house.

During the day, when Hillary was in town but not at home and Clinton wanted privacy in the residence with a woman, the troopers said, they were instructed to buzz him on the intercom as soon as Hillary's car approached the front gate of the compound. When Hillary was out of town, the troopers remembered innumerable occasions when Bill wouldn't hesitate to seize the opportunity to entertain women at all hours of the day and night, clearing them through the gates for what the troopers said he called a "personal tour of the mansion."

After the presidential election, Bill instructed the troopers to clear women through the outer Secret Service blockade on the street by falsely identifying them as staff, or as cousins of the troopers. Shortly before the Clintons left Little Rock for Washington, Roger Perry said, one of the troopers (whom I also interviewed) told him that he had arranged for the AP&L employee to arrive at the governor's mansion at 5:15 a.m., dressed in a trench coat and a baseball cap at Clinton's instruction. The trooper told Perry he had told the Secret Service that she was "staff coming in very early." Clinton had arranged for the trooper to bring the woman through a basement door, which opened into a game room, where Clinton was waiting. The trooper said he was instructed to stand at the top of the stairs leading from the basement to the main floor of the residence and to alert Clinton if Hillary woke up, according to Perry.

Over time, as both Patterson and Perry described it, each mistress was assigned a particular trooper whose job it was to call her and find out when she could see Bill at her home, drive her to various events where Bill was appearing, and deliver gifts to her. "Three times after the [presidential] election I called [the judge's wife] to see if she was at home for the governor," Patterson said. They also said Clinton regularly slipped them cash to pay for gifts for the women they were told to pick up from Victoria's Secret in the Little Rock mall and other women's shops around town. "He told us to make sure they were kept in the trunk of the cars and never bring them into the house where Hillary might see them," Perry said. At Christmas 1992, the trooper whose request for autographed photos for his family Clinton had waved away was able to get his autographs only by insisting on a signature each time Clinton asked him to pick up and deliver a gift to a woman.

In everyone's estimation, Clinton built relationships with

each of the long-time girlfriends and treated them well, though perhaps manipulating them to his own ends. He once told Roger Perry he was in love with one of them, though there is debate among the troopers as to which of the women he meant.

When speaking to the troopers about these liaisons, Clinton was usually quite circumspect, but on some occasions he inexplicably permitted himself to be caught *in flagrante delicto*. More than once, Larry Patterson said, he stood guard and witnessed the department store clerk performing oral sex on Bill in a parked car, including in the parking lot of Chelsea's elementary school, and on the grounds of the governor's mansion.

In one instance, in the fall of 1988 or 1989, as Patterson remembered it, he was driving Clinton to an annual reception for the Harrison County Chamber of Commerce in a hospitality suite at the Camelot Hotel in Little Rock. On the way, Clinton suggested a detour to Chelsea's school, Booker Elementary. When they arrived, Clinton told Patterson the sales clerk was sitting in her car, which was parked in the otherwise deserted front parking lot. "I parked across the entrance and stood outside the car looking around, about 120 feet from where they were parked in a lot that was pretty well lit. I could see Clinton get into the front seat and then the lady's head go into his lap. They stayed in the car for 30 or 40 minutes," Patterson said.

In a second instance, Patterson was on duty at the residence, again late in the evening, when the same woman drove up in a yellow and black Datsun or Nissan pick-up truck and asked to see Clinton. "The governor came out of the residence and climbed into the front seat of the truck, which she parked in an area off the rear drive," Patterson recalled. This time, Patterson said, with a gleam in his eye, he got an even clearer view of the sex act by aiming a remote-controlled camera with a swivel base mounted on a 30-foot pole in the back yard of the house right into the truck. The image was projected onto a 27-inch video screen in the guard house. "He was sitting on the passenger side and she was behind the wheel. I pointed the thing directly into the windshield, and watched on the screen as the governor [received oral sex]," Patterson said.

As this act was occurring, Chelsea's babysitter at the time, Melissa Jolley, drove into the compound. Realizing that she would usually drive right by the area where the



pick-up was parked on her way to the guest house where she lived, Patterson quickly intercepted her, told her there was a security problem on the grounds, and then instructed her to drive by a different route, go in her house, and stay there. "When they were done Clinton came running over to me and asked, 'Did she see us? Did she see us?' I told him what I'd done and he said 'Atta boy,'" Patterson said.

On yet another occasion that Patterson described, the governor and his security detail arrived at the Little Rock airport and Clinton told his bodyguards that he was going to be driven back to the residence by the Arkansas lawyer, who had met the plane, so that she could show him her new Jaguar. "On the ride back he drove and she was nowhere to be seen in the car," Patterson said. "Later he told me that he had researched the subject in the Bible and oral sex isn't considered adultery."

Like many men, Clinton and the troopers shared locker room comments about women and sex. "When he was in a down mood, all you had to do was start talking about sex and he would come alive," said Perry. "I remember one time when I asked him to sign an autograph for a female friend, and he asked me, 'Does she have big titties?'"

"He told me there are two kinds of f---ing redheads," Patterson said. "Beautiful f---ing redheads and ugly f---ing redheads." About a local reporter (not the one with whom he was involved), Clinton told Patterson, "I bet she could give [good oral sex]." Complaining about the same woman, Clinton later said, "If you were a buddy you would f--- her and get her off my ass."

VII

Hillary apparently was aware of Bill's hanky-panky, at least in general terms. Patterson recalled one Sunday afternoon in the late 1980s when he heard Hillary complain to Bill in highly colorful language about their inadequate sex life. Listening to the audio monitor at the rear porch of the main house, Patterson said he sat in the guard house and heard Hillary tell Bill, during an argument in the kitchen, "I need to be f---ed more than twice a year." When Clinton spent an inordinate amount of time speaking with an attractive woman at a public event—apparently a common occurrence—several troopers said they have heard Hillary complain bitterly. "She would say, 'Come on Bill, put your dick up. You can't f--- her here,'" as Patterson remembered the unforgettable phrasing.

"Even though she knew what was going on, he would hide it because he didn't want the confrontation," Perry said. Bill did get caught every once in a while. Generally a heavy sleeper, Hillary once woke up in the middle of the night, flicked on the bedroom light, and called down to the guard house looking for Bill. "The sorry damn son of a bitch!" she exclaimed when told the governor had gone out for a drive. Perry grabbed the cellular phone, turning Clinton up at one of the women's homes, and told him to get back to the residence fast. "He started saying 'Oh god, god, god. What did you tell her?'" Perry recalled. When Clinton arrived soon after, Hillary was waiting in the kitchen, where, not unexpectedly,

a wild screaming match ensued. When Perry entered the kitchen after the dust had settled, the room was a wreck, with a cabinet door kicked off its hinges.

Another fight ensued on the Clintons' final day in Little Rock, according to Patterson. Clinton asked him to bring one of his women friends to the send-off ceremony at the Little Rock airport before he departed for Washington. "When I got there with [the judge's wife], Hillary turned to me and said, 'What the f--- do you think you're doing? I know who that whore is. I know what she's doing here. Get her out of here.' Clinton was standing right there. I looked at him and he just shrugged his shoulders, so I took her out of there and dropped her at the Holiday Inn Center City."

The troopers speculated that Hillary tolerated this behavior much as eighteenth-century aristocrats maintained marriages of convenience to suit the social and material needs of both parties. Hillary herself was intimately involved with the late Vincent Foster, a partner at the Rose Law Firm and later deputy White House counsel. Foster killed himself in July under circumstances that remain murky. "It was common knowledge around the mansion that Hillary and Vince were having an affair," said Larry Patterson, though he conceded that the evidence for this is more circumstantial than his first-hand knowledge of Clinton's behavior.

According to all of the troopers, whenever Clinton left town, no sooner would he be out of the mansion gates than Foster would appear, often staying in the residence with Hillary into the wee hours of the morning. One of the off-the-record troopers drove Hillary and Foster to a mountain cabin in Heber Springs, maintained by the Rose firm as an out-of-town retreat for its lawyers, where the two spent significant amounts of time alone. Patterson and Perry were both aware of this at the time. On several chance occasions—at the Heber Springs retreat, and once stopped at a traffic light in Little Rock—troopers said they observed Foster and Hillary embracing and open-mouth kissing.

Patterson once saw the two in a compromising position at a birthday party for Hillary held at the Little Rock French restaurant Alouette's. Bill also attended. While seated at the restaurant's bar, outside the dining room, Patterson said he observed Hillary and another woman from the Rose firm, Carolyn Huber, come out to the bar for a private chat. Soon thereafter, Foster emerged from the dining room on his way to the men's room. "He came up behind Hillary, and squeezed her rear end with both of his hands. Then he winked and gave me the 'OK' sign," Patterson said. "On the way back, Huber was turned away, and Vince put his hand over one of Hillary's breasts and made the same 'OK' sign to me. And she just stood there cooing, 'Oh Vince. Oh Vince.'" Huber, now an assistant to the president, said she never attended such a party.

VIII

The only person Bill Clinton has specifically denied having an affair with is Jennifer Flowers, yet all of the troopers agreed that Clinton and Flowers were roman-

tically involved for several years.⁵ They said Flowers called the mansion regularly, asking to speak with "Bill." As the troopers described the routine, when Hillary was not at home, Clinton generally took the calls. When she was, Clinton always instructed a trooper to tell Flowers that he would call her back. Soon thereafter, Clinton would trundle down to the troopers' guard house and retreat to a private back room, where he would then get on the telephone—a line that Hillary could not pick up from inside the mansion. This is how he regularly handled personal calls from women.

Patterson said he often drove Clinton to the Quapaw Towers in Little Rock, where Flowers lived, late in the evening, waiting in the parking lot for as long as two hours for Clinton's return. "Every place we ever went, even a private party, we would go in with him, except a woman's house," Patterson said. Perhaps because his relationship with Flowers began long before he began to acknowledge his behavior to the troopers, Clinton had a story to cover his tracks. Clinton told Patterson that he was visiting Maurice Smith, director of the state highway department, who lived in the same building, but Patterson believes that if this were true he would have gone into the building with Clinton, as was usual with business meetings.⁶

Yet despite this cover story, Clinton evidently couldn't resist bragging about his sexual exploits. On one occasion, Perry recalled, Clinton said that Gennifer Flowers "could suck a tennis ball through a garden hose."

According to Patterson and Perry, in the late spring of 1991, as Clinton was seriously considering making a presidential run, Flowers began calling him incessantly, sometimes four or five times a week. Shortly after this spate of calls, Flowers got a job as an administrative assistant for the Arkansas Board of Review's appeal tribunal, which hears unemployment cases. According to published news accounts, Flowers first asked Clinton about obtaining a state job in September 1990, and Clinton turned the request over to his special assistant Judy Gaddy. After applying for one position and being turned down, Flowers complained in a letter to Clinton the following January

⁵ It could be argued that Clinton did not categorically deny any romantic involvement with Flowers. For example, in the Kroft interview, Clinton was asked about Flowers's allegation of a "12-year affair" and Clinton answered, "That allegation is false." This could leave open the possibility that the affair lasted less than twelve years.

⁶ According to Flowers in a *Penthouse* interview in December 1992, Clinton often jogged over to her apartment from the nearby governor's mansion, "arriving sweaty but eager." On other occasions, Flowers said, Clinton's driver sat in the car in the complex driveway and waited for two hours or so. In an interview with me, Flowers said she knew Larry Patterson and also knew that Clinton's drivers waited for him in the parking lot. During the initial visits, Clinton entered the building through the lobby and was seen getting off the elevator at the second floor, where Flowers lived. Rumors soon circulated through the building. Thereafter, Flowers said, she waited on her balcony until she saw the governor's Lincoln pull in and then went to the first floor to prop open a fire exit door with a newspaper so Clinton could enter the building undetected.

and mentioned allegations linking the two romantically. Shortly thereafter, Judy Gaddy inquired about a job opening at the Board of Review for Flowers. Flowers applied. Bill Gaddy, Judy's husband and another Clinton appointee, is the director of the state's Employment Security Division, which oversees the review board. According to a state committee which later investigated the matter, with Gaddy's approval, Don K. Barnes, the chairman of the review board who hired Flowers, improperly waived certain hiring procedures, and Flowers got the job. Barnes later said that Gaddy had recommended Flowers for the job, but Gaddy has denied this. Flowers told the *Star* that Clinton "pulled strings" to secure the job for her, which Clinton has denied. Patterson, however, corroborated Flowers's allegation. "I remember I was driving the car when Clinton got on the phone and discussed that particular job with Bill Gaddy. There is no doubt in my mind that he was asking Gaddy to give it to Gennifer," Patterson said. Gaddy denied ever having a telephone conversation with Clinton about Flowers. (Flowers lost the job for failing to show up for work three days in a row, shortly after coming forward with her story in the *Star*. She is currently circulating a book proposal in New York.)

Even before the Flowers story broke, Clinton was aware that the issue of his womanizing would plague him in a presidential campaign. "He was walking along one day in 1991 with Bruce Lindsey [now a senior White House aide] and he said, 'If I make the race, I'm going to keep Larry around to deal with all the women.'" Patterson said. ("That never happened," Lindsey said.) According to Perry, Clinton told him in 1990 that he was considering not running for re-election in Arkansas because he feared his history of womanizing would be exposed. As it happened, during that year's campaign, a disgruntled former state employee named Larry Nichols filed a lawsuit linking Clinton to five named women and making the unsubstantiated charge that he had been fired as part of an attempted cover-up involving a secret fund used to facilitate Clinton's trysts. The suit was reported in Arkansas, but neither the precise nature of the allegations nor the women's names were mentioned.

In 1992, the task of "dealing with the women" was ultimately assigned to Buddy Young, the supervisory trooper in governor's security, the troopers said. "Buddy Young specifically told me that he was trying to keep a lid on the other women," Patterson said. "If one more came out, they knew Gennifer would be credible. He said they could weather the storm on one, but not two. He told me he went to Texas to talk to Elizabeth Ward [a former Miss America named in the Nichols suit]. He said that she had told him that she didn't need any money, but he said, 'If the money's right, I know she'll keep her mouth shut.'" Young denied this. "I've never spoken to Elizabeth Ward," he said. Ward could not be reached for comment.

According to Perry, about six weeks before the *Star* inter-

⁷ When Ward appeared in the May 1992 issue of *Playboy*, which did not mention the alleged affair, the Clinton campaign quickly circulated a written statement from Ward in which she denied any romantic involvement with Clinton.

view was published. Flowers again began calling the residence day and night asking to speak with Bill. Word around the guard house was that Flowers might be trying to blackmail Clinton by threatening to expose their affair. "She was constantly calling, sometimes several times a day. And we were aware that she was up to something. We were told that she might be trying to tape the calls with Clinton, so I called her Gennifer Fowler so it would look like I didn't know who she was." Here is an excerpt from a transcript of the Flowers tapes:

PERRY: Governor's mansion, Roger Perry.
FLOWERS: Is Bill Clinton in please?
PERRY: Ma'am, he's with some people right now. May I ask who's calling?
FLOWERS: This is Gennifer Flowers, I'm returning his call.
PERRY: Gennifer Fowler?
FLOWERS: Flowers.
PERRY: OK. Hang on just a second. . . .

After the story broke, the damage-controllors went into high gear. Pursuing the story further, reporters began filing requests for various state records, including personnel files and phone records. Up to the time the *Star* story appeared, the troopers said they kept two logs at the guard house. One was a gate log, produced on a typewriter, noting all vehicles coming into or out of the mansion gates. A second record was a standard telephone message log, with one copy of any telephone message going to Bill or Hillary and one copy retained in the log book.

Patterson said he was told by Buddy Young that Hillary Clinton ordered that the gate log no longer be maintained. And a new procedure was instituted for handling the phone log. Previously, old log books were stored in a maintenance house on the property after they were filled. Post-Flowers, the troopers said, they were told to bring the message log book directly to Buddy Young, who disposed of it. It was Patterson's understanding that the old logs from the maintenance house—records kept by state employees—were destroyed on Hillary's orders.

In another instance in the spring of 1992, aides to Clinton pored over telephone records for evidence of personal calls to women, Patterson said. "I was told by Buddy Young that there were several calls made by the governor on his cellular phone to a number in Sherwood, Arkansas, that belonged to [the Clinton girlfriend who lived near Patterson]. At the time, the media was covering the Flowers story. I was told that if the records were made public Betsey Wright had told Buddy that I was going to have to take responsibility for making the calls to protect the governor and he asked me to write a check to pay for them." In what Patterson believes was seen as an act of disloyalty by the Clinton clique, he refused to do so.

Young flatly denied this story. Wright, now a Washington lobbyist, said Patterson's account was "absurd." When she was the governor's chief of staff, Wright did regularly review all telephone records and ask people to pay for their personal calls, she said. "But I would never have asked someone to pay for calls that were not their own. Poor Larry has all of that screwed up." When I asked Wright if she knew this particular Sherwood woman, she said, "It is not an unfamiliar

name, but one of the wonderful things about a place like Little Rock is that you get to know everyone."

Throughout the tense period, Young constantly warned the troopers, "If you're smart, you won't talk to the press," the same warning they said he delivered a year later as they prepared to go public with this story.

Clinton, meanwhile, was by turns angry and very worried. From the back of his Lincoln he would say, "What does that whore think she's doing to me?" He also referred to Flowers as a "f---ing slut," according to Patterson. On the Flowers tapes, after telling Flowers "if they ever hit you with it just say 'no' and go on," Clinton had said he would be free and clear on the womanizing issue so long as "they don't have pictures." In a conversation in the kitchen of the governor's mansion after Flowers went public, Clinton asked one of the troopers for advice on how to handle the situation. Clinton said that without photos, nothing could be proved. "I told him, 'Then lie your ass off,'" the trooper said, and Clinton apparently did. □

© 1993 The American Spectator. All Rights Reserved.

REPRINTS AVAILABLE

Copies of David Brock's "Living With the Clintons" are available for \$5 each; ten for \$35; twenty-five for \$75; one-hundred for \$250.

Send your order to:
The American Spectator,

P.O. Box 549, Arlington, Virginia 22216-0549

See page 37 for a complete listing of reprints available.

Subscribe to THE AMERICAN SPECTATOR® today!

12 big monthly issues for only \$35.

Call 1-800-524-3469

or send this handy coupon

The American Spectator,

Subscription Department,

P.O. Box 657, Mt. Morris, IL 61054-0657.

Yes, please send me 12 monthly issues of
The American Spectator for only \$35.00.

Payment enclosed

Bill me later

Name: _____

Address: _____

City: _____ State: _____

Zip code: _____

89428



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JUN 10 1994

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION
JAMES W. MCCORMACK, CLERK

PAULA CORBIN JONES

PLAINTIFF

v. No. LR-C-94-290

WILLIAM JEFFERSON CLINTON AND
DANNY FERGUSON

DEFENDANTS

ANSWER OF DANNY FERGUSON

Comes now Danny Ferguson, and for his Answer to the Complaint filed herein, states and alleges as follows, viz:

1. Defendant Danny Ferguson notes that the plaintiff has attempted to plead several reasons why this Court would have jurisdiction. Defendant Danny Ferguson denies that he has violated any of plaintiff's federally protected rights, but does admit that there is diversity of citizenship between the parties, and that this Court has jurisdiction based on the diversity allegations.

2. Defendant Danny Ferguson admits that venue is proper in the Little Rock Division of the Eastern District of Arkansas.

3. Defendant Danny Ferguson admits the allegations of Paragraphs 3, 4, and 5 of the Complaint as regards the parties herein.

4. Defendant Danny Ferguson is without knowledge as to when plaintiff Paula Corbin Jones began work as an Arkansas state employee, and thus denies the allegations of Paragraph 6.

5. Defendant Danny Ferguson has knowledge of a Governor's Quality Mangement Conference held at the Excelsior Hotel in Little Rock, at which Governor Bill Clinton delivered a speech to the conference. Defendant Danny Ferguson has no personal knowledge as to the date of said conference and thus denies the specific allegations of Paragraph 7.

6. Defendant Danny Ferguson admits that Paula Corbin Jones was at the registration desk on the day of the aforesaid conference with another female employee, but is not aware of the identity of such female employee and he thus denies the allegations of Paragraph 8.

7. Defendant Danny Ferguson denies the allegations of Paragraph 9. He does admit that at the time of the aforesaid conference that he was a law enforcement officer within the ranks of the Arkansas State Police and assigned to the Governor's Security Detail. He admits that he was wearing street clothes but specifically denies displaying a firearm on his person. As regards the allegations of small talk with plaintiff Paula Corbin Jones, after the speech given by Governor Clinton, Paula Corbin Jones did make several comments to defendant Danny Ferguson about how she found Governor Clinton to be "good looking" and about how she thought his hair was sexy, and which comments she asked defendant Danny Ferguson to relay to Governor Bill Clinton.

8. Defendant Danny Ferguson denies each and every material allegation in Paragraph 10 of the Complaint.

9. Defendant Danny Ferguson denies each and every material allegation in Paragraph 11 of the Complaint.

10. Defendant Danny Ferguson denies the allegations in Paragraph 12 of the Complaint. Plaintiff Paula Corbin Jones had made comments in the morning about Governor Clinton's good looks, and his sexy demeanor and had mentioned nothing to defendant Danny Ferguson in any of these conversations about hoping to have an enhanced employment opportunity. Defendant Denny Ferguson denies each and every other allegation of Paragraph 12.

11. Defendant Danny Ferguson admits traveling in an elevator with plaintiff Paula Jones and pointing out a particular room of the hotel. He has no information as to whether the door was opened or closed.

12. Defendant Danny Ferguson denies each of the allegations in Paragraph 14. When he pointed out the room in question, he left and returned to the second floor.

13. Defendant Danny Ferguson has no knowledge or information as to the allegations made in Paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, and therefore denies each and every allegation in same.

14. Defendant Danny Ferguson specifically denies the allegations of Paragraph 27. Paul Corbin Jones did not come into the presence of defendant Danny Ferguson in the hallway because he was sitting on a couch on the second floor. The defendant Danny Ferguson does not have personal knowledge of what took place in the hotel room or of the amount of time spent by Paula Jones in such room. When Paula Jones returned to the second floor, some 20 to 30 minutes after having been left by defendant Danny Ferguson, she asked him if he and the Governor were going to stay at the seminar for the rest of the day. He replied that

they had the option to do that, but that it was up to the Governor. She then asked if the Governor had a girlfriend and Danny Ferguson answered negatively, and she then responded that she would be the Governor's girlfriend. Plaintiff Paula Corbin Jones did not appear to be upset in any way at this time.

15. Defendant Danny Ferguson specifically denies the allegations of Paragraph 28, 29, 30, 31, 32, 33, and Paragraph 34 of the Complaint.

16. Defendant Danny Ferguson denies the specific allegations of Paragraph 35 of the Complaint. Approximately a week or two after the aforesaid conference, plaintiff Paula Jones came into the Governor's office to deliver mail when Danny Ferguson was present. She motioned for Danny Ferguson to follow her into the hall as she left and he did so. Once in the hall, she asked if the Governor had said anything about her and Danny Ferguson replied in the negative. Plaintiff Paula Corbin Jones then asked for a piece of paper and a pen and wrote down her home phone number and told defendant Danny Ferguson to give it to Governor Clinton. She said to tell him that she was living with her boyfriend and that if the boyfriend answered, Governor Clinton should either hang up or say that he had a wrong number.

17. Defendant Danny Ferguson specifically denies each and every allegation of Paragraph 36 stating that he did not even know plaintiff's husband's first name until she went public in February of 1994, and he saw this name in the newspaper.

18. Defendant Danny Ferguson specifically denies the allegations of Paragraph 37 and denies in the most specific terms having made any such comment as alleged herein.

19. Defendant Danny Ferguson has no information as to the allegations in Paragraph 38, 39, 40, and 41 of the Complaint and therefore denies same.

20. Defendant Danny Ferguson never spoke to anyone who said they were associated with The American Spectator. He did have a conversation with David Brock who indicated that he was writing a book. He denies that he said that the incident happened in the evening and said nothing whatsoever about a consummated and satisfying sexual encounter with Clinton nor did he say anything about any future sexual relationship as regards plaintiff Paula Corbin Jones.

21. Defendant Danny Ferguson denies the allegations in Paragraphs 43, 44, and 45 of the Complaint.

22. Trooper Danny Ferguson specifically denies the allegations in Paragraph 46 of the Complaint. He does admit that the parties had a conversation at the Golden Corral Steak House in which Paula Corbin Jones inquired as to how much money Danny Ferguson thought that she could make for herself by coming forward with her allegations. Danny Ferguson responded by talking about his painful experiences with the media after The American Spectator article and about the effect on Paul Corbin Jones' family if she came forward and talked about the matter. The specific allegations in Paragraph 46 are denied.

23. Defendant Danny Ferguson denies each and every material allegation of Paragraphs 47, 48, 49, 50, 51, 52, and 53 of the Complaint.

24. Defendant Danny Ferguson specifically denies the allegations of Paragraph 54 of the Complaint and affirmatively avers that he was not outside the door to the hotel room.

25. Defendant Danny Ferguson specifically denies the allegations of Paragraphs 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65 of the Complaint.

26. Defendant Danny Ferguson specifically denies having engaged in any conspiracy and thus specifically denies Paragraphs 66, 67, 68, and 69 of the Complaint.

27. Defendant Danny Ferguson denies Paragraph 70, 71, 72, 73, and 74 of the Complaint.

28. Defendant Danny Ferguson specifically denies Paragraph 75, 76, 77, 78, and 79 of the Complaint. Defendant Danny Ferguson states that any actual statements made by him as outlined in this Answer were in fact true and that he pleads the defense of truth as regards the allegations set forth in the Answer. The other allegations made by plaintiff herein are specifically denied.

29. Defendant Danny Ferguson denies each and every material allegation of the Complaint not specifically admitted herein.

30. Defendant Danny Ferguson prays that the Complaint filed herein against him be dismissed.

31. Defendant Danny Ferguson would request a trial by jury on each and every allegation of disputed fact herein.

WHEREFORE, premises considered, defendant Danny Ferguson prays that the Complaint filed herein against him be dismissed; prays for trial by jury; prays for his cost herein paid, laid out, and expended, including attorney's fees, and prays for all other further and proper relief in the premises.

DANNY FERGUSON

By Bill W. Bristow
Bill W. Bristow, P. A.
State Bar No. 75009
216 E. Washington
Jonesboro, Arkansas 72401

Robert Batten
State Bar No. 71004
1412 West Main
Jacksonville, Arkansas 71004

CERTIFICATE OF SERVICE

I, Bill W. Bristow, attorney for defendant Danny Ferguson, certify that I have served a copy of the foregoing Answer on plaintiff by mailing a copy of same to her attorney of record, Mr. Joseph Cammarata, 9516-C Lee Highway, Fairfax, Virginia 22031, and also to co-defendant by mailing a copy of same to Mr. Steve Engstrom, P.O. Box 71, Little Rock, Arkansas 72203, and to Mr. Robert Bennett, 1440 N. Y. Avenue N.W., Washington, D.C. 20005 this 10th day of June, 1994.

Bill W. Bristow
Bill W. Bristow, P. A.



RECYCLED

ALL-STATE® LEGAL 800-222-6610 ED11

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

PAULA CORBIN JONES,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	NO. LR-C-94-290
v.	:	
	:	
WILLIAM JEFFERSON CLINTON	:	Judge Susan Webber Wright
	:	
and	:	
	:	
DANNY FERGUSON,	:	
	:	
Defendants.	:	

**PRESIDENT CLINTON'S
MOTION TO SET BRIEFING SCHEDULE**

President Clinton, by and through counsel, hereby moves the Court to bifurcate the briefing schedule with respect to President Clinton's motions to dismiss, so as to permit him to file a motion to dismiss on the grounds of presidential immunity on or before August 5, 1994, and to defer and preserve all other pleadings and motions that must or may be filed under the Federal Rules of Civil Procedure until such time as the presidential

immunity issue is finally resolved. The reasons for the President's request are explained more fully in the Memorandum that accompanies this Motion.

Respectfully submitted,

By: *Robert S. Bennett*
Robert S. Bennett, Esq.
Carl S. Rauh, Esq.
Alan Kriegel, Esq.
Amy R. Sabrin, Esq.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Kathlyn Graves, Esq.

WRIGHT, LINDSEY & JENNINGS
220 Worthen Bank Building
200 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 371-0808

Stephen Engstrom, Esq.

WILSON, ENGSTROM, CORUM,
DUDLEY & COULTER
809 West Third Street
Little Rock, Arkansas 72202
(501) 375-6453

Counsel to President William J. Clinton

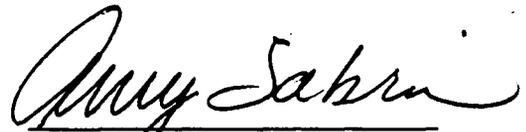
CERTIFICATE OF SERVICE

I hereby certify that on June 27, 1994, I caused President Clinton's Motion To Set Briefing Schedule, the Memorandum in Support thereof, and a proposed Order to be delivered by hand to:

Gilbert K. Davis, Esq.
Joseph Cammarata, Esq.
9516-C Lee Highway
Fairfax, Virginia 22031

and to be delivered by Federal Express to:

Bill W. Bristow, Esq.
216 East Washington
Jonesboro, Arkansas 72401


Amy Sabrin



RECYCLED

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

PAULA CORBIN JONES,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	NO. LR-C-94-290
v.	:	
	:	
WILLIAM JEFFERSON CLINTON	:	Judge Susan Webber Wright
	:	
and	:	
	:	
DANNY FERGUSON,	:	
	:	
Defendants.	:	

**PRESIDENT CLINTON'S
MOTION TO DISMISS
ON GROUNDS OF PRESIDENTIAL IMMUNITY**

President Clinton, on the constitutional grounds of presidential immunity, hereby moves the Court to dismiss the above-captioned complaint without prejudice and to toll any statutes of limitation applicable to the claims asserted therein, until he is no longer President, at which time the plaintiff may refile the instant suit.

The reasons for the President's Motion are fully set forth in the Memorandum, Appendix and Attachments filed herewith.

Respectfully submitted,

By: Robert S. Bennett
Robert S. Bennett, Esq.

Carl S. Rauh
Carl S. Rauh, Esq.

Alan Kriegel, Esq.
Amy R. Sabrin, Esq.
Stephen P. Vaughn, Esq.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Kathlyn Graves, Esq.

WRIGHT, LINDSEY & JENNINGS
220 Worthen Bank Building
200 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 371-0808

Stephen Engstrom, Esq.

WILSON, ENGSTROM, CORUM,
DUDLEY & COULTER
809 West Third Street
Little Rock, Arkansas 72202
(501) 375-6453

Counsel to President William J. Clinton

CERTIFICATE OF SERVICE

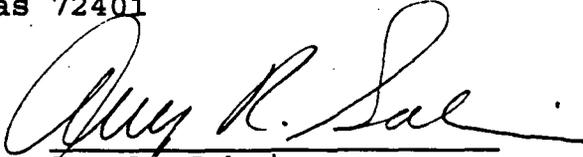
I hereby certify that on August 10, 1994, I caused copies of President Clinton's Motion To Dismiss On Grounds Of Presidential Immunity, together with the Memorandum in Support thereof and Appendix and Attachments thereto, to be delivered by hand to:

Gilbert K. Davis, Esq.
Joseph Cammarata, Esq.
9516-C Lee Highway
Fairfax, Virginia 22031

And by Federal Express to:

Daniel M. Traylor, Esq.
First Commercial Building
400 West Capitol Avenue, Suite 1700
Little Rock, Arkansas 72201

Bill W. Bristow, Esq.
216 East Washington
Jonesboro, Arkansas 72401


Amy R. Sabrin

ALL-STATE® LEGAL 800-222-0510 ED11 RECYCLED



FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 23 1994

JAMES W. MCCORMACK, CLERK
By: *[Signature]*
DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

PAULA CORBIN JONES, *
 *
 Plaintiff, *
 *
 vs. * No. LR-C-94-290
 *
 WILLIAM JEFFERSON CLINTON *
 and DANNY FERGUSON, *
 *
 Defendants. *

ORDER

On November 1, 1994, separate defendant William Jefferson Clinton filed herein a motion requesting oral argument [Doc. # 28] on the issue of presidential immunity, which is the only issue now before the Court. For the reasons that follow, the motion is denied. Also denied is plaintiff Paula Corbin Jones' motion to file an affidavit under seal [Doc. # 29].

This Court seeks to follow some semblance of order in its conduct of cases. In this case in particular, the Court believes it must keep a tight rein on the proceedings to ensure the case progresses in a timely manner with a minimum of distractions and fanfare. A brief review of recent developments in this case will illustrate the Court's concerns.

The defendant's request for oral argument and the plaintiff's request to file an affidavit under seal are the latest motions that seek actions by the Court which are not part of this Court's usual conduct of cases. It is not the regular practice of this Court to hear oral argument on motions to dismiss. The Federal Rules of Civil Procedure do not mandate oral arguments on motions at the district court level.¹

The plaintiff, meanwhile, seeks to file an affidavit under seal, the contents of which may not be disclosed, even to the Court, without the prior approval of the plaintiff. This is an extremely unusual request, and the plaintiff has presented no persuasive argument why it should be granted. Rule 26 of the Federal Rules of Civil Procedure provides for the filing of documents under seal in certain circumstances, but under that rule the court, not the parties, directs when the sealed documents will be opened. There is no provision in the Federal Rules of Civil Procedure for such a filing as the plaintiff requests.

The previous motion for leave to file a reply brief and the submission of amicus briefs were also outside the usual progression of a case in this Court. Neither the federal rules nor local rules of this Court provide for amicus briefs at the district court level or for a reply to a response.²

¹ As the Court and parties are aware, the Federal Rules of Appellate Procedure do set forth circumstances in which oral argument will be permitted. *See* Fed. R. App. P. 34.

² As the Court and parties are aware, there are provisions in the Federal Rules of Appellate Procedure concerning filing amicus briefs in cases on appeal. *See* Fed. R. App. P. 29. The filing of a reply to a response is not unheard of in this Court, but because such a reply is not provided for in the Federal Rules of Civil Procedure, the Court is not obligated to consider reply briefs in making its rulings unless the Court directs the parties to file the replies.

To revisit the facts with regard to the amicus briefs and reply briefs, the last pleading due in this case was a response and brief filed on October 21, 1994, by the plaintiff. On the same date, a motion and amicus brief were submitted by the American Civil Liberties Union, and after the due date of plaintiff's response, another amicus brief was submitted by a group of prominent professors of constitutional law from various American law schools. By recent Order, those two amicus briefs were refused filing with the Clerk of the Court and were placed in a correspondence file available to the Court along with other correspondence which the Court has received about this case. Documents in the correspondence file are not included as part of the official record of the case.³

Further, subsequent to the filing by the plaintiff of her response and brief, one of the Court's clerks was contacted by a local attorney for President Clinton, who requested to file a reply brief to the plaintiff's response and who sought a mid-December due date for the reply. Presumably, plaintiff Jones would have wished to file a response to the President's reply brief. The Court would certainly have had to permit the plaintiff to respond if a reply were accepted from the defendant. The Court, acting through the clerk, informed President Clinton's local counsel that the Federal Rules of Civil Procedure do not provide for replies to responses.

³Correspondence relating to cases before the Court is often placed in the official case file. However, in cases which generate correspondence not only from the parties but also from interested members of the public, a separate correspondence file is sometimes maintained. If a district court's decision is appealed, the Eighth Circuit Court of Appeals has discretion to decide whether the correspondence file is sent to the Court of Appeals along with the case file.

Through his attorneys, the President then sought leave to file a reply brief, which the Court denied. Presumably, the parties would have wanted to respond to the amicus briefs had they been made a part of the record. It is clear to the Court that without orderly management of this case, briefing could have continued unabated for months.

After this case was filed in May 1994, the Court set up a briefing schedule agreeable to the parties. The amicus briefs were not submitted until the conclusion of that schedule, even though the schedule had been established in mid-summer and was readily available from the Court. Both the questions of reply briefs and oral argument were raised after the briefing schedule had been concluded.

The Court has been thoroughly informed about the issue pending before it as the result of well-researched, well-documented briefs filed herein by the attorneys for the parties and by the Department of Justice.⁴ It has received and believes it would benefit from the scholarly amicus briefs submitted.

The Court intends to act on the issue before it in a timely manner, recognizing the extreme importance of the case as well as the intense interest in it. To prolong the decision through oral argument and further briefs would not, in the view of the Court, prove of any benefit to the Court and would only serve to needlessly delay resolution of the issue.

⁴The United States filed a Statement of Interest in this case on August 19, 1994, pursuant to 28 U.S.C. § 517.

In sum, the defendant's motion for oral argument is denied, and the plaintiff's motion to file an affidavit under seal is denied.

IT SO ORDERED this 23rd day of November 1994.


Susan Kella Wright
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET IN
COMPLIANCE WITH RULE 58 AND/OR 79(a) FRCP
ON 11/23/94 BY VT



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

AFFIDAVIT

GEORGE L. COOK, on oath, states:

In January of 1994, several weeks prior to Paula Jones' press conference with Cliff Jackson at the Conservative Political Action Conference, I met with Danny Traylor in Little Rock.

Traylor contacted me through a mutual friend because he thought I could convey a message to the White House.

Traylor revealed that he represented Paula Jones who said she had a claim against President Clinton and, if she did not get money for it, she would embarrass him publicly.

After Traylor described his client's claims, I asked him why he would take a case like that. He said he knew his case was weak, but he needed the client and he needed the money. I told Traylor it was a preposterous claim and he should not expect to get any money out of it. Traylor said it would help if President Clinton would get Paula a job out in California.

I told Traylor that would be illegal.

George L. Cook
George L. Cook

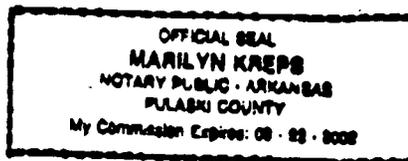
STATE OF ARKANSAS)
)
) ss.
COUNTY OF PULASKI)

On this 3rd day of May, 1994, before me, Marilyn Kreps, the undersigned notary for the County and State aforesaid, personally appeared George L. Cook, satisfactorially proven to be the person whose name is subscribed to the foregoing and verified on oath that the statements contained therein are true to the best of his information and belief and that he has made these statements of his own free will.

In witness whereof I hereunto set my hand and seal on this 3rd day of May, 1994.

Marilyn Kreps
Notary Public

My Commission Expires:
9-22-2002





RECYCLED

ALL-STATE* LEGAL 800-222-0810 ED11

FOR IMMEDIATE RELEASE
February 11, 1994

For Information, Contact:
Cheryl Rampy
(703) 739-5920

TROOPERGATE WHISTLE-BLOWERS PRESS CONFERENCE

Washington, DC - Troopergate, the Clinton scandal fueled by the Arkansas State Trooper revelations, ignited again today with the launching of the "Troopergate Whistle-Blower Fund" ... complete with its own 1-800 number (1-800-955-1997) ... at a press conference in Washington, D.C.

The Fund's organizers, the two Arkansas Troopers and their attorneys, also presented to the press and media the "first of hopefully many corroborating whistle-blowers", a former state employee named Paula Jones who disclosed "uninvited and unwelcomed on-the-job sexual harassment by then-Governor Clinton, her ultimate employer."

Trooper attorney Lynn A. Davis explained that the whistle-blower fund is designed to encourage and support whistle-blowers and to counteract "the overt coercion, intimidation and retaliation of the Clinton cover-up machine."

Davis also released a letter to Arkansas State Police Director Tommy Goodwin, which itemized ten instances of Goodwin's "personal intimidation as part and parcel of the Clinton machine's cover-up and conspiracy of silence", and Davis said that only with the whistle-blower fund's assistance will most people speak out.

Cliff Jackson, another trooper attorney, stated that the whistle-blower fund will "absolutely not" buy information but instead will provide assistance to "true whistle-blowers" who want their stories handled in a "professional, dignified and non-tabloid manner, but who nevertheless have legitimate job security, income and legal service needs."

Paula Jones, 27, an Arkansas state employee at the time, was a hostess at an official event in May 1991, when Arkansas Trooper Danny Ferguson asked her to "go upstairs to visit Governor Clinton."

Ms. Jones, who had worked for the Arkansas Industrial Development Commission (AIDC) for only two months, had never met Governor Clinton before and says that she did not then know of his "womanizing" reputation. Accompanied by Trooper Ferguson, she went to a room in the Excelsior Hotel, where she hoped to "talk him (Clinton) into offering me a job in the Governor's office."

Instead, Jones alleges. Clinton sexually harassed her and subjected her to "on-the-job, uninvited and unwelcomed" sexual advances, which she rebuffed.

Ms. Jones said that Clinton told her that he would "fix it" with her agency head, an appointee and close personal and political friend of Clinton's, if she got into trouble for abandoning her job duties at the agency conference.

Fleeing the room as soon as possible, Jones says that she was "humiliated, shocked, outraged and embarrassed" by the encounter. Later that day she told two

other women about it, both of whom in signed affidavits now corroborate Ms. Jones' account, and, in addition, told four family members about the encounter.

Ms. Jones says that Ferguson continued to "sexually harass" her as she went about her job duties at the Sate Capitol. She claims that he badgered her to give him her phone number "for the Governor" or to meet Clinton when "Hillary was out-of-town," even after she repeatedly refused and even after she was married.

Ferguson had previously disclosed this incident involving a woman named "Paula" in accounts published in The American Spectator. Ferguson's version, however, implied a consummated and satisfying sexual encounter with Bill Clinton, as well as a willingness to continue sexual liaisons with him, which Ms. Jones branded as "totally false."

"I was victimized, embarrassed and humiliated by the encounter itself," Ms. Jones said, "but I had managed to repress it until Danny Ferguson painted me as one of Clinton's bimbos rather than as a victim of sexual harassment in the workplace."

Ms. Jones, who says that she has not been paid or promised any money for her story, chose to come forward now "to clear up my good name, to set the record straight, and to stand up for women's rights."

Daniel M. Traylor, personal attorney for Ms. Jones and a self-described "yellow dog Democrat," told reporters that he had previously through "unofficial channels" indirectly notified the White House but had been rebuffed in "my efforts to secure an apology and redress of grievances privately without undue public embarrassment to the

President." Traylor also released a letter to Clinton formally notifying him of his client's legal claims and asking for an apology.

"Ms. Jones' courageous account is only the beginning of corroboration and vindication of the troopers," Jackson predicted. "The people do not realize the magnitude of the problem and cover-up," he said, "but hopefully the Troopergate Whistle-Blower Fund can successfully counteract the Clinton machine's on-going deception of the press and public."

Contributions to the Troopergate Whistle-Blower Fund should be mailed to P.O. Box 5344, Little Rock, AR 72215, or contributors may phone 1-800-955-1997.

LYNN A. DAVIS
ATTORNEY AT LAW
38 SCENE BLVD.
LITTLE ROCK, ARKANSAS 72207
TEL. (501) 664-7229

January 17, 1994

HAND DELIVERED

Col. Tommy Goodwin
Director, Arkansas State Police
#3 Natural Resources Drive
Little Rock, Arkansas 72207

Dear Col. Goodwin:

As a former Director of the Arkansas State Police, I have been reluctant to pick a fight with you so as to not embarrass you and the ASP. Instead I have, to date, stood by while you have publicly pilloried my clients, Roger Perry and Larry Patterson, even while turning a blind eye to *their* allegations.

In doing so, you have played a key role, perhaps *the* key role, in what I believe is a White House-orchestrated effort to intimidate other troopers into maintaining the conspiracy of silence which even still blankets this State, thereby chilling the First Amendment rights of those who would otherwise speak out.

That you would investigate those who come forward with evidence and allegations of wrong-doing, including the misuse of tax dollars and state personnel and other possible criminal activity, speaks volumes about your law enforcement priorities and your loyalties.

It clearly labels you as part and parcel of this cover-up when you tell the press that you are going to conduct a criminal investigation of Patterson and Perry for "insurance fraud" while on the day before you had told me that you were going to do no such thing. Your role in this cover-up and intimidation raises serious doubt in my mind as to your fitness to serve as ASP Director.

For the record, your response to the "Troopergate" scandal includes:

(1) Your "counseling" Roger Perry in your office and trying, unsuccessfully, to prevent him from exercising his free speech rights to tell the truth;

(2) Transferring Roger Perry from Governor's Mansion Security in retaliation for the exercise of his constitutional rights, without any just cause whatsoever and in clear violation of departmental policy;

(3) Your promotion of a Clinton loyalist in Mansion Security in complete disregard of the competitive examinations and other requirements set forth in Departmental Policy #89-052 and for the apparent purpose of assuring his continued loyalty and silence:

(4) Despite no monies having been sought or received, you went on statewide television to announce that the ASP would possibly conduct a criminal investigation of my clients to determine if money changed hands in exchange for information:

(5) You asked the Attorney General's Office to advise you regarding the possible criminality of the Troopers' furnishing information of interest regarding violations of the law, an exercise of their free speech:

(6) You publicly stated that the ASP would possibly undertake disciplinary action against my clients for speaking out:

(7) You permitted the posting of a memorandum at the Governor's Mansion guard house warning all other troopers, upon pain of transfer and disciplinary action, against talking with anyone, including the press, about Bill Clinton's activities:

(8) After the Attorney General thwarted your first choice for a criminal investigation, directing last Friday an ASP criminal investigation into the bogus "insurance fraud" claim, despite personal assurances to me the day before that no such inquiry had been directed:

(9) You have indicated to other persons both within and without the Department, in your official capacity as ASP Director, your intent to "fire" both Patterson and Perry, while at the same time telling me that you had no such intention:

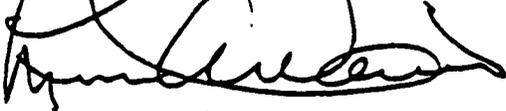
(10) You have coordinated and reported your efforts at cover-up and intimidation to the highest echelons of the White House damage control team while making confidential ASP information available in furtherance of that effort.

While selectively targeting my clients and intimidating other troopers, you have disregarded other questionable, even illegal, conduct within and without the Department and government --- some at the highest echelons---over which the ASP clearly has jurisdiction.

I believe I remain true to the highest principles of the Arkansas State Police when I say that you have chosen to politicize your duties, putting your loyalty to one individual above your loyalty to troopers and others within the Department. I therefore call upon you to resign as Director immediately.

If you choose not to take this course, I shall within ten (10) days publicly request that Governor Tucker replace you. At the same time, I shall present you and other appropriate law enforcement and governmental entities with a bill of particulars setting forth conduct, including your own, within and without the ASP which clearly warrants immediate investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn A. Davis", written over the word "Sincerely,".

Lynn A. Davis

LAD/bp



ALL-STATE LEGAL SUPPLY CO. 1-800-222-9510 ED11 RECYCLED

LEVEL 1 - 7 OF 7 STORIES

Copyright 1994 The Washington Post
The Washington Post

February 14, 1994, Monday, Final Edition

SECTION: STYLE; PAGE D1

LENGTH: 1742 words

HEADLINE: It Isn't Easy Being Right;
At the Conservative Confab, Out of Sorts About Who's in Power

SERIES: Occasional

BYLINE: Lloyd Grove, Washington Post Staff Writer

BODY

It may or may not say something about the Republican predicament in the Clinton era that the most compelling voices at this past weekend's Conservative Political Action Conference -- a three-day gabfest featuring 1,400 true believers -- were not Bill Bennett, Bob Dole, Phil Gramm or Jack Kemp.

Respectable right-thinking leaders in the act of pre-presidential speechifying are just not getting the blood going the way that Reagan fellow did.

Alas, the most exciting phenomena at the Omni Shoreham Hotel were: a tall, tart-tongued young woman with a weakness for skin-tight pantsuits and punky black lipstick who happens to be an MTV veejay named Kennedy; the famous Arkansas state troopers, in town to retell their infamous bedtime stories; and, of course, the seismic rumblings attending the promised eruption, yet again, of Mount Bimbo.

"I've never seen so much angst over a politician," mused GOP political consultant Craig Shirley, who helped organize the 21st annual "CPAC," as the conference is called.

Republican strategist David Keene, head of the American Conservative Union, CPAC's main sponsor, acknowledged that despite everything, public opinion polls still show the president enjoying healthy job-approval ratings.

"I think people [i.e., conservative activists] are a little perplexed, with all the things that have come out in recent months about Bill Clinton," Keene remarked.

A little perplexed? More like enraged and terrified (just the sort of emotions that make fund-raising go like gangbusters). Listen to the primal scream: "Bill Clinton is the most anti-gun president in the history of the United States -- a real enemy of the people" (from John Snyder of the Committee for the Right to Keep and Bear Arms); "We don't have a health care crisis -- we have a mental health care crisis with two people in the White House" (from a woman attending the conference during an audience Q&A); Clinton is "a sleazebag

and a scumbag" (from former college professor Mark Draper, president of a group called Accuracy and Academia). Then there was another woman's howl of frustration, as she waited -- for too long, apparently -- to be seated in the hotel coffee shop: "Everybody's on welfare, but there's not enough help, so they won't get anybody to clear the tables."

That, of course, was Clinton's fault, too.

"I feel like there has been an alien invasion," said Lewis Uhler, president of the National Tax Limitation Committee, another CPAC sponsor. "We are in the grip of that old movie, 'The Invasion of the Body Snatchers.' "

"There's no question that Bill Clinton is setting the agenda, and we're playing defense," lamented sometime Republican operative Todd Blodgett, who was hawking "Slick Times" -- a purported humor magazine featuring doctored photos of Hillary Rodham Clinton in various states of undress, heh, heh -- at a booth in the CPAC exhibit hall, where other activists sold buttons, bumper stickers and T-shirts with such messages as "Impeach Hillary," "I love animals -- they're delicious" and "Stop the liberal media."

"See, we don't have anybody right now that can lead us, the knight in shining armor, the man on the white horse," Blodgett went on. "There's no Ronald Reagan to make us feel good."

Indeed, it's almost as if the messiah has come and gone. Or Moses left his people to wander in the wilderness while he and Nancy entered the promised land -- in this case, Bel Air.

"I'd have to bet on Bill Clinton over anybody else in 1996," Adam Dubitsky, another conference organizer, said resignedly. "Most Americans believed that he's a womanizer who dodged the draft, smoked pot, was the governor of an insignificant state, and yet he got himself elected president. If he got through the campaign and was able to come out the other end, you'd think he'd be able to do it from the White House."

Dubitsky, smiling pleasantly, said all this with the preternatural calm of a pod person.

"Barbara Roberts sucks. She blows."

Kennedy, sitting in the hotel bar, was applying her pungent political analysis to the Democratic governor of Oregon, Kennedy's home state. The daughter of a corporate lawyer father and artist mother, Lisa Kennedy Montgomery, 21, eschewed college to start a career in radio, where she gained a following with heavy-breathing poetry -- "sexual sonnets," she calls them -- about her love fantasy, Dan Quayle. "There he is, Dan, with the piercing eyes so blue ..." she intoned, by way of illustration. In 1992 she jumped to MTV, where she hosts the 11:30 to 12:30 late night grunge show, "Alternative Nation."

"Conservative guys are babes," she argued. "Suit-wearing hunks."

On Saturday, Kennedy was seated at a place of honor at retired Marine Lt. Col. Oliver North's table, when North breezed into the conference to address the Young America's Foundation, a group of several hundred college kids.

"He looks like he watches MTV," Kennedy ventured, eyeing North.

"No, we don't get much TV," the Virginia Senate candidate clarified later. "But we had a very nice conversation."

Then North posed for pictures with admirers.

"Say Hillary!" he shouted as the cameras popped.

The pompadoured and mustachioed Roger Perry -- a primary source for the recent stories about Clinton's alleged personal habits -- is still employed by the Arkansas state police as an undercover narcotics cop. As he rambled here and there through the Omni Shoreham, he received spontaneous bursts of applause from the CPAC faithful.

On Thursday, Perry went on the "G. Gordon Liddy" radio show with fellow officer Larry Patterson and Little Rock lawyer and former Clinton friend Cliff Jackson, the impresario of the scandal variously dubbed "Troopergate" and "Fornigate."

"Will they ever stop putting 'gate' at the end of everything?" Liddy scolded his guests, recalling his own heroic role in Watergate. "I have a proprietary interest in the suffix 'gate.' It's mine. Get your own!"

The next day there was a press conference, held ostensibly to announce the Troopergate Whistle-Blowers Fund. But Jackson trotted out a 27-year-old Arkansas woman, her angry-looking husband and their excited-looking lawyer to make the claim that Clinton, as governor, had done something untoward and uninvited to her in a Little Rock hotel room almost three years ago. It wasn't quite clear what -- they were being sketchy on the details "out of deference to the First Family," lawyer Dan Traylor mystifyingly explained, adding that the woman, Paula Jones, was going public to protect her good name.

The attending reporters, plus a large contingent from Accuracy in Media, the conservative watchdog group, commenced playing an exhausting game of Animal, Vegetable or Mineral. Lots of tittering and chuckling from the 100 or so conference attendees gathered in back for this historic occasion.

"You mentioned that he asked you to perform a sexual act," Accuracy in Media's Reed Irvine began, assuming the no-nonsense stance of investigative reporter. "Is it something that could have been performed without your taking your clothes off?"

"Ohhhh Reeeed!" the assembled scribes groaned.

David Keene seemed delighted to let his confab be turned into a staging area for yet another ascension of Mount Bimbo.

"You'd think that at some point they'd get to the top," Keene said with a laugh. "But apparently not."

Can a conservative be an open homosexual? Take David Brock, the writer for the American Spectator who broke the Troopergate story and later revealed his sexual orientation amid a storm of criticism.

"No," said right-wing psychologist Paul Cameron, head of the Family Research Institute, an organization devoted to denouncing gay people. "The conservative philosophy says people ought to be productive in their lives -- both economically and sexually. Homosexuality is a dead-end lifestyle."

Of Brock's decision to come out, "I'd say shame on him," Cameron said. Better to stay in the closet. "Maybe there are 1,500 people here and three of them are child molesters," Cameron explained. "As long as they don't try to push it, you know, get up and say 'I've tried 8-year-old girls and it's good,' it's not really my problem."

On Saturday, Cameron eyed Brock with a sour smile as the writer participated in a panel discussion on Clinton and the media. "He's in the wrong place," Cameron said.

But many others at the confab had no such qualms. After leaving the stage Brock was swarmed with admirers and autograph-seekers, many of them brandishing his best-selling attack on Anita Hill.

"A friend of mine said to me last night, 'You're gonna be like Mick Jagger here,' " Brock grinned as he scrawled his John Hancock over and over.

Kennedy was also going for the gusto. "Can't we start beating up the liberals on college campuses?" she suggested during her panel discussion, to a heartening round of applause.

For Mark Cerbone, 37, who described himself as a Christian environmentalist who also works with inner city teenagers as an associate pastor of a Mennonite church in Buffalo, the veejay's call to mayhem reflected his problem with the whole conference.

"It often feels like we're more concerned with taking easy shots at the Clinton administration than coming up with substantive answers or alternatives," he complained to a reporter.

A bearded, turtlenecked fellow, Cerbone was moved during the question period to take Kennedy on. "If we are to offer the American public a consistent, viable values alternative, shouldn't we decry MTV and what it represents instead of inviting people who peddle this stuff to be part of the program?" he demanded, adding that the music video channel is an example of "what's rotting America away."

"Can I answer this one?" Kennedy chimed in. "Sorry, I mean, that's your opinion about what MTV is. Anything more despicable than censorship from the left is censorship from the right and what about the First Amendment? You know, what about the Bill of Rights? And you should consider yourself lucky to have a 21-year-old conservative in my position. You know, not to start ringing my own bell, but at least I stand up for what I believe in."

"I stand up for what I believe in," Cerbone replied. "In fact, I think that's the thrust of this conference." At which point the moderator jumped in to cut him off.

The Washington Post, February 14, 1994

"Yeah let's take it outside, pal," Kennedy quipped, putting her dukes up and getting the reward of laughter.

Ah ... the battle of ideas.

GRAPHIC: PHOTO, SCENES FROM THE WEEKEND'S CONSERVATIVE POLITICAL ACTION CONFERENCE: CLOCKWISE FROM TOP, STEVE AND PAULA JONES, WHO MADE VAGUE SEXUAL ALLEGATIONS ABOUT BILL CLINTON; DAVID KEENE, A REPUBLICAN STRATEGIST WHO ACKNOWLEDGES CLINTON'S POPULARITY; AND KENNEDY, MTV'S CONSERVATIVE VEEJAY. KEITH JENKINS

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 14, 1994



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11



330 West 42nd Street, New York, NY 10036
 (212) 736-2010 / Fax: (212) 736-8396
 6430 West Sunset Blvd., Los Angeles, CA 90028
 (213) 993-0111 / Fax: (213) 467-7540
 212 West Superior Street, Chicago, IL 60610
 (312) 649-1131 / Fax: (312) 649-1527
 1930 Chestnut Street, Philadelphia, PA 19103
 (215) 569-4990 / Fax: (215) 563-1985
 730 Harrison Street, San Francisco, CA 94107
 (415) 543-3361 / Fax: (415) 543-6148

26400 Lahser Road, Suite 312, Southfield, MI 48034
 (810) 352-9220 / Fax: (810) 352-9226
 361 Newbury Street, Boston, MA 02115
 (617) 266-2121 / Fax: (617) 266-1301
 8111 LBJ Freeway, Dallas, TX 75251
 (214) 644-9696 / Fax: (214) 644-7055
 1066 National Press Building, Washington, DC 20045
 (202) 393-7110 / Fax: (202) 393-5451
 10260 Westheimer, Suite 210, Houston, TX 77042
 (713) 789-1635 / Fax: (713) 789-0980

2125 Biscayne Boulevard, Miami, FL 33137
 (305) 576-3581 / Fax: (305) 576-3049
 190 East Ninth Avenue, Denver, CO 80203
 (303) 864-7152 / Fax: (303) 832-4104
 630 Oakwood Avenue, West Hartford, CT 06110
 (203) 953-1889 / Fax: (203) 953-1713
 1951 Fourth Avenue, San Diego, CA 92101
 (619) 544-1860 / Fax: (619) 544-0230

A Affiliate

TRANSCRIPT

DATE June 16, 1994
 TIME 10:00-11:00 PM (ET)
 NETWORK ABC-TV
 PROGRAM Prime Time Live

Sam Donaldson, co-host:

Sexual harassment is shocking enough without having the president of the United States accused of it. Being president is difficult enough without having to deal with a lawsuit stemming from such a charge. But both of these things have happened.

Tonight, in her first network television interview, you will hear from President Clinton's accuser, and to some extent, you can judge for yourself her sincerity. Now, we've not attempted to try the case here. It is enough to make the point that people ought not to automatically believe his accuser just because they may dislike the president on other grounds, or vice versa. What we're doing is hearing the story his accuser tells as she tells it. The story the president and the country must now deal with.

Ms. Jones, a lot of people think that you're just trying to get the president.

Paula Jones (Suing Bill Clinton for Sexual Harassment): No, I'm not. I haven't got a- a suit filed against the president. It's against Bill Clinton. Just because he's president...

Donaldson: But he is the president.

Jones: That's right. But the president is not, I don't feel, over the law (sic), and he needs to tell the truth. And he needs to pay for what he's done.

Donaldson: Paula Corbin Jones, age twenty-seven, now married, claims that in 1991, when she was single and working for the state of Arkansas, then-governor Bill Clinton sexually harassed her in a vulgar manner. Because she's now filed a public civil suit against the president, she's become the hero--some would charge pawn--of many of Mr. Clinton's long-time political opponents.

White House aides have called her a liar and pathetic. Robert Bennett, Mr. Clinton's private lawyer, put it this way.

Robert Bennett (Attorney for Bill Clinton): The president adamantly denies the vicious and mean-spirited allegations in this- this complaint. Quite simply, the incident did not occur.

Donaldson: On the same day, President Clinton made his one and only public comment about the charges.

Clinton: Bob Bennett spoke for me, and I'm going back to work. I'm not going to dignify this by cong- commer- commenting on it.

Donaldson: Paula Jones' story really begins in the little Arkansas town of Lonoke, population four thousand one hundred twenty-eight, some thirty miles east of Little Rock. Jones is the youngest of three sisters. Her mother was a housewife; her father a textile worker and part-time Nazarine preacher.

Did you think of yourself as poor?

Jones: We had our hard times, yes, we did.

Donaldson: Once out on her own, Jones held a series of dead-end jobs, but finally went to work in Little Rock for the Arkansas Industrial Development Commission, a state agency. And that's where she was working when on May 8, 1991, she claims Bill Clinton sexually harassed her. The scene was the Excelsior Hotel, where an industrial conference was being held. She and a co-worker were holding down the registration desk on the second floor when, she says that afternoon about two-thirty, Mr. Clinton's bodyguard, State Trooper Danny Ferguson, spoke to her.

Jones: Trooper Ferguson approached me and handed me a little slip of paper, and he told me that--he used the word 'Bill'--would like to meet with you up in his room number (sic). And my response was, 'Well, why does he want to see me?' And Mr. Ferguson said, 'It's okay. We do this all the time.'

Donaldson: What did you take that to mean?

Jones: I don't know. I was very excited the governor wanted to see me. I- I was. Who wouldn't be? And I thought, well- and when me and my friend had talked about it, we thought, well, we might could get a job (sic).

Donaldson: Looking back, wasn't that a little naive?

Jones: Well, yes. That's the only reason why I would think that he would want me up there. Why- I mean, you know, the governor is asking you to come up to a room, and I did not know him or any of his past before that day.

Donaldson: Jones says Trooper Ferguson escorted her up in the elevator to the eleventh floor, she thinks, and pointed to a room. The door was slightly ajar. She says Governor Clinton, alone, in his shirtsleeves, showed her in. At first, she says, they made small talk. Then, she says, the governor made his move.

Jones: He was leaning up against the back of a wingback chair, and I was standing a little ways off from him, and we were talking. Well, he leaned up, and well, he tried to pull me over, and he put his hand up my leg. I mean, he jumped- you know, it was just real quick, and he tried to kiss on my neck. And he told me how he liked the way my curves were, and he liked the way my hair went down to the middle of my back. And then, I mean, I said, you know, 'Don't do this,' you know. I rejected it.

Donaldson: At that point, Ms. Jones, a lot of people wonder why you didn't just run out of the room--leave.

Jones: I was scared. I knew the state trooper was sitting aside. You know, I'm pretty sure he was sitting out there. And I was just very scared. He told me he knew my boss. This was the governor.

Donaldson: Jones claims that Mr. Clinton then exposed himself to her and explicitly requested she perform a sex act.

Jones: And then I was just shocked. I jumped up, and I said, 'No, I'm not this kind of girl. I'm not that kind of girl.' And he said, 'Well, I don't want to make you do something you don't want to do.'

Donaldson: What was his demeanor like?

Jones: Well, his face was very red. I remember it was beet red. And you could tell that--I don't know if he was embarrassed that I refused him or what--but he was just red as he could be.

Donaldson: Jones said Mr. Clinton told her to have her boss call him if she got in trouble for leaving her post downstairs. And then...

Jones: The last thing he said to me was, 'You're a smart girl. Let's keep it between ourselves.' And I left out the door.

Donaldson: Jones says she went downstairs, and distraught, immediately told her co-worker, Pamela Blackard (sp), what happened. As the day progressed, she says she told her sister, Charlotte Brown, and another friend, Deborah Ballantine.

Did any of the people you told advise you to file a complaint?

Jones: Debbie told me to- I need to report it to the authorities. And I was scared. I was scared I'd lose my job.

Donaldson: Jones says in the months ahead, she ran into Trooper Ferguson again, and he said the governor wanted her phone number, which she says she didn't provide. Jones married her boyfriend, Steve Jones, had a son, and moved to California.

And that is how things might have ended had it not been for the now-famous article in The American Spectator magazine last January, in which it was implied that a woman identified only as "Paula" engaged in a consensual sexual liaison with the governor that day at the Excelsior Hotel. And Paula Jones saw herself as held up falsely to public scorn.

Jones: I had told my family and friends and my fiance at the time the story that did happen. And when that came out and made me look like a willing participant, I mean, that jeopardized the relationship with all of those people, I felt, that they would think that maybe I was lying, and that I did have a sexual relationship or something with Mr. Clinton.

Donaldson: Jones went public and told her story at a news conference held during a conservative political action convention in Washington. She was surrounded by arch enemies of Bill Clinton, including Cliff Jackson, the same Little Rock lawyer who back in 1992 propelled the Clinton draft issue into the spotlight.

But when you came forward, you did so surrounded by the president's political enemies. Did it occur to you that people would suspect your motives?

Jones: Those are the only people that are coming to my defense. There's not any Democrats that are wanting to support me. I was just wanting to tell my story, and I'm thankful that the conservatives let me use their podium to tell it on.

Donaldson: But do you think these people care about you or are they just using you to get Bill Clinton?

Jones: I don't know. But I'm not in with them.

Donaldson: But you are in with them. You appeared with them.

Jones: But I was just there. I didn't- I wasn't a conservative. I didn't even know what a conservative was.

Donaldson: Who did you vote for in the last election?

Jones: Mr. Bush. That was my first time I ever voted, and I registered to vote just so I could vote against Bill Clinton.

Donaldson: Jones' lawyer, Daniel Trailer (sp), tried to reach an out-of-court settlement with the president's attorneys. Among other things, he asked for money. But no settlement was reached. And last month, on May 6, Paula Jones filed a lawsuit against President Bill Clinton and Trooper Danny Ferguson, claiming they had violated her civil rights, had intentionally caused her distress, and had defamed and were continuing to defame her.

Jones: The reason I filed a complaint is because I asked for an apology, and I didn't get an apology. And instead, he called me pathetic and a liar. And that's- I felt that to get my reputation back and to do what's right and to get my good name back, I had to file a suit against him.

Donaldson: Trooper Ferguson, in a response filed last Friday with the court, admitted riding up the elevator with Jones and pointing to a room, but he said Jones was the one who was interested in the governor, rather than the other way around.

He says, first of all, you said to him that afternoon that you thought the governor was good-looking and had sexy hair. Did you say that?

Jones: Not at all. I did not even speak to Mr. Ferguson about Mr. Clinton before he come and approached me, and give me the note (sic). Not at all.

Donaldson: But he denies giving you that note.

Jones: Oh, he gave the note to me. I wish I had it still.

Donaldson: He denies saying the governor wanted to see you.

Jones: Well, you know, I know the truth, and Mr. Ferguson knows the truth.

Donaldson: And it turns out there is a third person who may know what was said. Pamela Blackard, the co-worker with Jones at the registration desk, in a telephone interview with PrimeTime, supports Jones' version.

Pamela Blackard (Paula Jones' Former Co-worker): Danny Ferguson handed her a piece of paper, and it had a number

on it. He said that the governor would like to see you up in this room. And she said, 'Well, what does he want?' And he said, 'Oh, he'd just like to meet you. And it's just routine, this happens all the time.'

Donaldson: Trooper Ferguson says that you came downstairs after about twenty or thirty minutes, and you asked him whether Governor Clinton had a girlfriend, and he said no. And you said that you were willing to be the governor's girlfriend.

Jones: Isn't that ridiculous? I mean, you would think if it went very well in the room, why didn't I tell Mr. Clinton I wanted to be his girlfriend myself? Why would I wait to go and hunt a state trooper down to tell him that I wanted to be his girlfriend? That did not happen.

Donaldson: But it is not just Ferguson who raises questions about Jones. Jones' own sister, whom she talked to that afternoon, believes her story but not her motives.

You're aware that your sister, Charlotte Brown, says that you were amused, and said to her that you "smelt money" whichever way it went.

Jones: I- I don't know why Charlotte is saying those things, and it does hurt me deeply. It really does. She's my sister, and I still love her, but I know that my sister, Charlotte, supported me one hundred percent.

Donaldson: But she says that from the very beginning you were really in it for the money.

Jones: I was- I never spoke to her or anyone that I wanted the money. Never.

Donaldson: Ms. Jones, as you know, her husband, Mark Brown, has painted you to the news media as a loose woman.

Jones: And it- it's wrong. I mean, I am not that type of person, and I never was, and I never will be.

Donaldson: In her court suit, in an effort to show that she suffered retaliation for refusing the governor's advances, Jones says that after the incident she was treated in a hostile and rude manner at work, shifted to a dead-end job, and, unlike others, received no merit raises. It turns out that isn't quite true.

You're aware that in the complaint filed with the court you say that you got no merit raises? But you did get one, according to a document that we have at ABC News.

Jones: Well, they're still checking in on those- the-

the record. And whatever the record shows, I mean, that-that's what will be.

Donaldson: If you got a merit raise, wouldn't that suggest that they weren't retaliating against you?

Jones: Well, I guess I just feel that ways (sic) because even a real close co-worker, she had gotten several, when I wouldn't- maybe to my one.

Donaldson: Ms. Jones, would you be willing to take a lie detector test, a polygraph examination?

Jones: Yes. I have taken one.

Donaldson: Jones' lawyers arranged for a polygraph examination, which they say she passed. Now, she wants the president to take a polygraph test.

Jones: Why shouldn't he if he's telling the truth? He should be more than willing to take one if he's telling the truth. And- and Mr. Ferguson too.

Donaldson: But wouldn't that turn it into a circus?

Jones: Maybe.

Donaldson: I mean, the president of the United States we're talking about.

Jones: Well, that's right. But just because he's the president doesn't mean that he can't take a lie detector test. What's that- what harm's that gonna (sic) do?

Donaldson: What do you want from Bill Clinton?

Jones: A public apology. That's all I've asked for in the first place was an apology.

Donaldson: Well, you've asked for seven hundred thousand dollars in cash money.

Jones: Well, that's- and if- if there's any money whatsoever left over after the legal expenses are paid, that will go to a charity.

Donaldson: What about radio and television appearances, a book contract, lecture fees?

Jones: I have not been offered anything of that nature at all.

Donaldson: If you are offered money for that, would you give that to charity also?

Jones: Yes, but you know, that's not what this is all about is the money. I'm not in it for the money.

Donaldson: Is it too late to settle?

Jones: Well, if he was to make a public apology, and it'd be what I want, for him to let people know that I did not do anything in the room that was sexual of any- of any nature.

Donaldson: Well, what if he agreed to that, but did not have to agree with you that he had made some untoward overture?

Jones: I would have to think about that, whether or not I would, you know, drop a lawsuit because of that. I would have to think of- about it.

Donaldson: So, the president may have to answer Jones' charges in court, and many people believe that's the way it should be. But others argue, and there is at least one court case supporting them, that civil suits against a sitting president, ought to be postponed until he leaves office, on the grounds his time is too valuable to the whole country. We asked Ms. Jones what she thinks about that.

Isn't it true that your suit damages the president's credibility and may harm United States interests? If he can't carry out the burden of his office in foreign affairs, in health care, does it bother you that it may hurt the whole country?

Jones: No, he's the one who did this to himself. I'm not doing it to Mr. Clinton.

Donaldson: What about the country? Are you more important than the country?

Jones: No.

Donaldson: How do you think this is going to play out in the future--in your life, in the life of your son?

Jones: I just hope my son will know that I did this for him and for my reputation, for my husband, for my family, to let people know that- what the real truth was, and what did really happen in that room on May 8 of 1991.

Donaldson: The president's lawyer is expected to argue that this case should be dismissed, or at the very least postponed until Mr. Clinton leaves office. But if those motions fail, then Paula Jones will get her day in court, along with the president, and the country will be watching.

#



ALL-STATE® LEGAL 800-222-0510 ED11 RECYCLED

46TH STORY of Level 1 printed in FULL format.

Copyright 1994 Cable News Network, Inc.
All rights reserved
CNN

SHOW: NEWS 6:58 pm ET

June 17, 1994

Transcript # 848-3

TYPE: Package

SECTION: News; International

LENGTH: 3753 words

HEADLINE: Text of Paula Jones Interview on Clinton Case

GUESTS: PAULA JONES;

HIGHLIGHT:

Paula Jones recounts how she was allegedly accosted by President Clinton when he was Arkansas governor. She says he made overtures and exposed himself to her and she's been penalized since the case surfaced.

BODY:

CATHY MARSHALL, Anchor: From the CNN Center in Atlanta, I'm Cathy Marshall.

LINDEN SOLES, Anchor: And I'm Linden Soles. We'll be bringing you any recent developments in the O.J. Simpson murder investigation. However, for the next half hour on Prime News, two sides of an unprecedented issue - Paula Jones' federal civil lawsuit against President Bill Clinton.

MARSHALL: Hers is the first such lawsuit ever filed against a sitting U.S. president. Jones claims then-Governor Bill Clinton made persistent and continuous unwanted sexual advances during a 1991 business conference in Arkansas. CNN's Judy Woodruff talked with Paula Jones earlier this week.

JUDY WOODRUFF, Anchor: Ms. Jones, thank you for being with us.

PAULA JONES: Thank you.

WOODRUFF: Let me just start out by taking you back to May of 1991. You were an employee of the Arkansas State Development Commission, Industrial Development Commission.

Ms. JONES: Industrial.

WOODRUFF: They were holding a conference in downtown Little Rock. It was at the Excelsior Hotel. You were working at the registration desk, is that right?

Ms. JONES: That is correct.

WOODRUFF: Now what exactly was your job there?

Ms. JONES: The day at the registration desk I was asked to go and sit at the desk to hand out name tags and give brochures and booklets and stuff to the gentlemen, or the business people, that were going into the conference.

WOODRUFF: Now you had not met Governor Clinton before this day, is that right?

Ms. JONES: That is true. Not at all.

WOODRUFF: So tell us what happened then that day?

Ms. JONES: Well, I was approached by Trooper Ferguson-

WOODRUFF: This is a state trooper, Danny Ferguson.

Ms. JONES: Yes ma'am, and he came up to me and my coworker, and he handed me a little piece of paper with a 4-digit number on it, and he told me that Mr. Clinton, or he used the word, 'Bill,' would like to meet with me up in this room number. Well of course I did not give him an answer at the time.

WOODRUFF: Well, what did you think when he gave you the piece of paper?

Ms. JONES: Well, I had asked, I said, 'He wants me to come up there?' And of course I was very curious to why, and well, shocked, well, he want me, you know, and so I was excited. I mean, who wouldn't be. He's the governor, and I wanted to discuss it with my coworker, and she's also a good friend of mine. We talked about it, and thought well maybe you know it could be a good advancement to get a new job or get a good job, you know, job with the governor's office or something.

WOODRUFF: Did you have any suspicion about what- that something that might be on his mind, of a personal nature?

Ms. JONES: No, not in that type of nature, not at all. If I had a gotten that feeling, I wouldn't have went up into the room.

WOODRUFF: So, he gave you the piece of paper. You talked it over with your coworker. What happened then?

Ms. JONES: Well, she agreed. Well, yes, you know, maybe go on up there and see what takes place, and I did, and I was excited. She was too. So I went- this state trooper told me that he would escort me up, so he escorted me up in the elevator, and he pointed out the doorway to me, and it was opened up. It was cracked, and he sat down out in the hall waiting on me. He did not go on up to the door with me.

WOODRUFF: And then what? So you what?

Ms. JONES: I knocked on the door facing because I didn't want to just go on in, and Bill Clinton answered open the door, and we introduced ourselves, and just a little smalltalk. When I first came in, he was asking which department I worked for, and well, I'm sure he knew, but he was asking me what kind of job I did, and he said that he knew Dave Harrington [sp?] very- was a very dear friend of his.

WOODRUFF: This is the head of the department then?

Ms. JONES: He is the director. And we were just talking you know when I first walked in.

WOODRUFF: And then what?

Ms. JONES: He made his first pass I guess you could call.

WOODRUFF: What did he do?

Ms. JONES: We were talking. He was leaning on a window sill, and as he was talking to me, he had his arms crossed, and when he was talking to me, he was leaning up. He pulled out and grabbed my hand, and pulled me up towards him, kind of thrust me up next to him, and-

WOODRUFF: Did he say something?

Ms. JONES: No, not at the time. He was just trying to pull me up next to him. He may have said something, but I can't remember, but- and I backed off and I says no. And maybe I said what are you doing? I know I refused, and I started to talk again and divert the whole scene, and I had asked him about if he was going to run for president and of course he didn't answer, but just ask him different things, you know, about him and about what it's like being governor and different things, and during that process, he walked- we were walking of course around the room. I wasn't sitting down at the time, and he leaned up against the back of a wing-backed chair that was in the suite, and he started- I was talking with him, and all the sudden he just told me I love the way your curves and I love the way your hair goes down to the middle of your back. And he pulled me- started running his hand up my leg, and he tried to kiss on my neck, and I pushed away and said, stop it, I said, no, I'm not that kind of girl. And he kind of pushed away, and I remember him asking me did I have a boyfriend. Maybe he was wondering why I had pushed away and kept-.

WOODRUFF: Why didn't you leave then?

Ms. JONES: Well, it was the governor. And me, I mean, I was just a little person, you know, and I say that in the sense that you know, my job was a little [unintelligible], and I was scared. I didn't know how to react, and I couldn't really believe was this really happening to me.

WOODRUFF: But by then you got the picture.

Ms. JONES: I was definitely getting the picture, and I was wanting to try to leave, and I asked him something, and I diverted the conversation to Hillary. And I asked him, Hillary was doing something with children at the time, or something, and I was diverting the conversation to her, talking about what a nice job I thought she was doing with the school or something like that, and I got on the far end towards the door, and just kind of sat down- didn't set completely back on the end of the couch, but I didn't know- I was very you know, I was getting scared at this point, and sat down, and then I was planning on leaving. Before I could get up to leave, he come over and he sat down and he exposed himself to me, and he asked me to kiss it.

WOODRUFF: And what did you do then?

Ms. JONES: Oh, I stood straight up. I jumped up and I said, 'I am not that kind of girl.' And I said, 'I need to be leaving immediately.' And you know, I'm going to get in trouble. I need to be at my registration desk. I had mentioned that earlier also. And he said, you know, if you have any trouble, you have Dave Harrington contact me immediately.

WOODRUFF: And didn't he say something- did he say something else as you left?

Ms. JONES: Yes he did. He said you're a smart girl, and let's keep this between ourselves. And I took that as a threat. And I had the feeling that the state trooper was setting outside the door, and I was just- it was a frightening situation, the whole thing was.

WOODRUFF: Now then you left and went back downstairs, and you proceeded to tell the story to your coworker and you later told other people. Now as you know, the trooper, Danny Ferguson, has said that he did not give you a piece of paper. He said that you initiated a conversation with him. You said the governor was good looking, that you thought his hair was sexy. How can there be such a discrepancy?

Ms. JONES: Um, I'm just thankful that I had a witness when Trooper Ferguson did approach me and my coworker. She was there. She signed affidavit as to what has happened. He did hand me-.

WOODRUFF: She's also a good friend of yours, is she not?

Ms. JONES: Yes, but she's- she would never, you know, do anything that was against the law or that would lie or under perjury of anything. She saw him approach me. She heard when he asked me. She- that Bill invited me up to the room, saw him give me the piece of paper, and you know, all I have to say is I know that Danny does know what the truth is, and I believe that the reason why he's saying this is that he doesn't want to agree to trying get women for Mr. Clinton. I mean, that's the only thing I can think of that he does not want to admit to that.

WOODRUFF: All right, there is some other parts of your story that Trooper Ferguson disputes, and I want to ask you about that in just a moment. We'll be right back.

[Commercial break]

WOODRUFF: We're back now speaking with Paula Jones. Ms. Jones, as I was saying, there are other parts of your story Trooper Ferguson disputes. One point he says is that he did not wait outside the room. He acknowledges he was on the elevator with you. He acknowledges he pointed out the room, presumably the governor's room, but then he says he left and went to the second floor of the hotel. What- you're sure you saw him outside the room?

Ms. JONES: Oh yes, I'm positive because when I walked out, he was sitting there and he had a smirk on his face when he looked up at me, and I did not say anything to him, he did not say a word to me. He had a smirk on his face.

WOODRUFF: Because he also says that not only that, he says he was on the second floor, and he said that you came up to him, asked how long he and the governor

were going to remain at the hotel, then asked if the governor had a girlfriend and so on.

Ms. JONES: That is not true. And you know, if things went so well in the room, why wouldn't I tell Mr. Clinton myself that I wanted to be his girlfriend. Why would I go and get a state trooper or try to find a state trooper and tell him oh I'd like to be Mr. Clinton's girlfriend.

WOODRUFF: That day, you talked to the friend who was with you at the hotel, the coworker, another friend, and you also told one of your sisters, as I understand it, and then a couple of days later, you told another sister and your mother about the incident. Now, one of your sisters, Charlotte Brown [sp?], and her husband, have said, as you know, that you were not at all upset about this incident, you seemed delighted, excited, even thrilled to have met the governor of Arkansas and that you gave no indication that anything so awful had happened in that hotel room.

Ms. JONES: You know, my sister believed the story and she said that she did believe that it took place, and I did tell her that I was thrilled at first as I told her the story, that I was thrilled to meet the governor before I found out what had took place in the room, and I was upset about what did take place, and my sister believed me, and she has done nothing but support me on this whole issue the whole time until the day of the [unintelligible] that I filed.

WOODRUFF: And why do you think that is?

Ms. JONES: Well, her husband, I know he's always liked Bill Clinton, he's never liked me, he doesn't like my sister, Lydia [sp?], he's never gotten along with anyone, none of my family members.

WOODRUFF: But she- your sister Charlotte has made the flat-out statement, she told one reporter, she says I know Paula. She says if anything happened in that hotel room. She said if there was sexual harassment, Paula would've done something right then about it.

Ms. JONES: Oh I was scared, you know, and nobody ever knows what they will do. They will just say what I will do until you're put in those shoes and you're the one that it happened to. I was scared to lose my job. I had a job that paid very good for Arkansas, I thought. I needed a job. Jobs were hard to come by. I was scared. I didn't know how to- I didn't know if I could tell Dave Harrington. He was the director. He was also a dear friend of the governors.

WOODRUFF: He was again the head of agency where you were working.

Ms. JONES: Right.

WOODRUFF: Now you stayed- you did not do anything at that time. You stayed in that job and eventually another job in state government until 1993.

Ms. JONES: That's correct.

WOODRUFF: Now you allege in your lawsuit that you were treated badly by your superiors, that they were cool toward you, you were moved from one position to another, that you were not given any merit pay raises, and I believe they are now saying that you did get a merit pay raise.

Ms. JONES: I may have, and you know, whatever the record show, that'll be what's true. But not to my recollection that I got anything compared to what my coworkers, my peers, got, and-

WOODRUFF: Are you saying- is it your suggestion in the lawsuit that Governor Clinton was somehow behind your being treated not as well as your coworkers?

Ms. JONES: Well yes, I feel that way. He was very close to Mr. Harrington and the deputy director, Cherry Dunkett [sp?], and I could tell an attitude change from Ms. Dunkett definitely. I would look up, the woman would walk into a room right where I was at, I would say, hello, how you doing or good morning, and she would not even look at me, respond to me. Just certain actions that would take place even with my own supervisor. I felt something was going on, and I just didn't know what it was, that I feel bad, I feel that it could have been that-

WOODRUFF: Somehow the governor- the governor may have been. All right, move ahead now three years, almost three years, to early 1994. You are talking, you've come back to Arkansas, or you're on the telephone with a friend from Arkansas, and she tells you about this article in The American Spectator Magazine, reads to you from the article the story written by David Brock [sp?] that alleges a number of activities of then-governor engaging in so-called womanizing. How did you know- what made you think the Paula in that article was you?

Ms. JONES: Well, someone pointed out to my friend, Debbie, that she had talked about Paula, blah blah blah, that she worked at Arkansas Industrial Development Commission, they did a lot of business with the Arkansas Industrial Development Commission. They thought that's who it was, and asked my friend Debbie, and Debbie knew that was me.

WOODRUFF: So you were concerned that what?

Ms. JONES: That that would ruin my reputation. I had told my friends, my family, my fiance at the time, what the real truth was, and then that article made me look like that I did have a consensual relationship with Mr. Clinton which did not take place, and I absolutely did not say that I wanted to be his girlfriend.

WOODRUFF: Filing this lawsuit had to be a very big decision on your part. You've waited three years, you knew the publicity that it was going to bring. Did you have any hesitation about doing this.

Ms. JONES: Well, I really didn't wait three years. This all happened in January. I probably would've never come out on my own if I haven't- they hadn't tainted me as a woman that would do those kind of things, which I did not. And I wanted to- all I wanted to do was clear my name and make sure that people knew that I did not do those things.

WOODRUFF: Now, as you know, your sister and brother-in-law, among others, are saying you did this for the money. You're asking for \$700,000.

Ms. JONES: And if there's any of that money left, that is going to go to the charity - a charity of my choice. I am not in it for the money. It's not about the money. It is about getting my good name and my reputation back.

WOODRUFF: But do you think you can get that with this lawsuit and with this kind of publicity? This lawsuit against the president- unprecedented lawsuit against the president?

Ms. JONES: Well, all I asked for was an apology. I did not want to file this at all. All I wanted was an apology and an acknowledgement that yes, he did invite me up to his room - instead of saying that I was a pathetic liar and all that. That's all I asked for and he can't admit to any of that and I did not want to do this and that's the only way I felt that I could take action was to do this.

WOODRUFF: There is a businessman in Little Rock, George Cook [sp?], who has said in a sworn statement that your former attorney, Daniel Traylor [sp?], told him that he took on the suit for money and he also said to him it would help if President Clinton got Paula a job in California.

Ms. JONES: You know, it's by choice and I want to stay home with my little boy. I love to stay home with him, and it's by my choice, only, that I want to stay home with my little boy. If I wanted a job I'm sure I could find one, but I don't want to have to work-

WOODRUFF: - did your attorney say that, do you think? Or do you know if he said that? Is that what you thought?

Ms. JONES: No. When- I was told that he- he told me he sent a response or whatever you want to call it, to the White House stating what was going on. They just wanted to give them a chance to respond and to acknowledge or to even apologize. I was not aware of some of the things that they said he did, which he said he did not say, so I can't- he did not tell me if he did it.

WOODRUFF: So would you have been satisfied if the president had gotten you a job in California?

Ms JONES: Oh, no, not at all. That was not what I was told that he was going there for, and I did not know about that until my new attorneys, Mr. Camaretto [sp?], and Mr. Davis, has come on board - that's how I found out that he even did that. I was not even aware of that.

WOODRUFF: Do you feel you're being used in any way by these conservative groups, these anti-Clinton groups that are paying for some of the legal part of it?-

Ms JONES: You know, I really don't know that much about them. Honestly, I don't talk with them. People say that they're- this is all that- this is all about conservative people, or whatever, trying- the right wing trying to destroy the president. I don't even care about politics. It's not about politics. I didn't even know what a conservative was until this come out - or a liberal was - I really didn't. That's just not what I like- you know, my interests are. And where are they if they're supporting us so much and everybody says they're paying us off? We haven't had any money. We don't want any money, and it's not about that-

WOODRUFF: -Didn't they pay for a hotel room, and so forth, when you had the news conference, and so forth?-

Ms. JONES: -Not at all. No, they- nobody has paid us any money for anything.

We have paid our own way to and from places and nobody's paid us any money, and we don't want any money.

WOODRUFF: By the way, who did you vote for for president in 1992.

Ms. JONES: That was my first time I'd ever registered to vote, first time I ever voted, and I did it, and I voted for Mr. Bush.

WOODRUFF: You did?

Ms. JONES: Yes.

WOODRUFF: Was this incident in your mind when you voted for him?

Ms. JONES: Well, yes. Yes it was. I just don't feel that what he done to me, that he has the right to be, you know, that high up, or- you know, but that's what he is today, and yes, he's the president, but I just didn't want my little vote to go for him.

WOODRUFF: But you say you're not into politics, or conservative, liberal-

Ms. JONES: No. I'm not at all. I don't know that much about it actually.

WOODRUFF: As you may know, there are public opinion polls that have been done - national polls that have been done here in the United States, that show that the vast majority of the people think you are doing this for political purpose and for financial gain, and only a small percentage believe that you are telling the truth.

Ms. JONES: Well, if people would do their jobs and investigate - the reporters and everybody - and find out who really is getting the money, the truth would come out, but they refuse to try to do that.

WOODRUFF: What do you mean, who's getting the money?

Ms. JONES: Well, I'm not getting any money. They will know that. Maybe I should re-word it - that I'm not. Maybe look at my sister and her brother - my brother-in-law's background and see what's going on.

WOODRUFF: You mean your sister, Charlotte, and her husband who have been critical of what you've-

Ms. JONES: I haven't received any money. I don't want any money. I've turned down offers for money.

WOODRUFF: But for many of these groups, it's a political purpose, very much. They really very much want to see Bill Clinton out of office.

Ms. JONES: But that's not what I'm doing it for. That's not- that's just not it at all. If that's their motive- they're not in with me on this. That's not what it's about-

WOODRUFF: Do you think he should be- go ahead.

Ms. JONES: -I just want to clear my name and reputation. That is all. I just

NEWS, June 17, 1994

want to clear my name and let people know, my little boy to know, I wasn't that girl that they said did what- willingness, you know, to Bill Clinton. I didn't do that.

WOODRUFF: But don't you think this has created a huge embarrassment for the president of the United States?

Ms. JONES: He's the one who put himself there, you know. I didn't do this. He's the one who did it to me, and just because I'm coming forward like a woman should do when they're done wrong, just because it's the president I guess I shouldn't have done it. That's the way I feel.

WOODRUFF: Do you think he should be president?

Ms. JONES: I'm not trying to make him not be. That's not this is about. I mean, he can be the president, but he has to pay for what he's done, and I'm not- he's responsible and he's the president.

WOODRUFF: Well, Paula Jones, we thank you for being with us. Thank you very much.

The preceding text has been professionally transcribed. However, although the text has been checked against an audio track, in order to meet rigid distribution and transmission deadlines, it may not have been proofread against tape.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: June 21, 1994

ALL-STATE® LEGAL 800-222-0510 ED11



RECYCLED

4TH STORY of Level 1 printed in FULL format.

Copyright 1994 Gannett Company, Inc.
USA TODAY

June 17, 1994, Friday, FINAL EDITION

SECTION: NEWS; Pg. 2A

LENGTH: 695 words

HEADLINE: Paula Jones says she's no pawn / No 2nd thought on Clinton suit:
'He's responsible'

BYLINE: Bill Nichols

BODY:

Paula Corbin Jones, who filed a sexual harassment suit last month against President Clinton, denies she's a pawn of conservatives and says that even if she inflicts mortal political damage on Clinton, she has no second thoughts.

In an interview this week, Jones, surrounded by her lawyers and leaders of her legal defense fund, said she understands that many in the public doubt her motives as well as her story.

"But they don't know until they are in my shoes. I don't know if people can imagine a strange person . . . plus being the governor, dropping his pants. It's like being raped mentally."

Said Jones of Clinton: "He's responsible. . . . If he's found guilty and if that's what he has to pay, to not be president any more, I guess that's his way of paying for what he's done."

Jones, a former Arkansas state employee, filed a \$ 700,000 suit charging that Clinton, when he was governor of Arkansas, sexually harassed her in 1991 in a Little Rock hotel room.

Clinton, through his lawyers, has denied the incident.

Arkansas state trooper Danny Ferguson, also named in the suit as approaching her about meeting Clinton, confirmed in court papers last week that Clinton did meet Jones, though he had no idea of what transpired.

But Ferguson also said Jones pushed him for the meeting and later asked him how much money she could make by going public.

-- Jones, in the interview, denied Ferguson's contentions.

She said when she ran into Ferguson at a North Little Rock steak house earlier this year, he apologized profusely for describing the incident with Clinton to a reporter from the American Spectator magazine. Jones said that story spurred her to go public.

-- She said Ferguson at that meeting showed no love lost for his old boss. "Talking about Bill Clinton, he said, 'You know what kind of man he is.' "

USA TODAY, June 17, 1994

Ferguson and other former members of Clinton's security detail have charged that Clinton participated in numerous extramarital affairs, often with their help. The White House has called those charges ridiculous.

Also in the interview:

-- Jones repeated her pledge to donate money she received from the suit, beyond her legal fees, to charity.

But she pointedly would not extend that pledge to cover any possible revenue from book or television deals.

"I don't even know that I would do that," she said of selling book or TV rights. "I'm not thinking about that."

-- She said she regretted making her first statements about the alleged incident at a conservative conference, but said she has no political agenda. "I didn't know anything about what a conservative was or a liberal was. . . . I didn't know nothing about politics."

An array of conservative activists are raising money for Jones' defense.

She said that after the alleged incident she "was not given the privileges or the raises that my peers were given" and was discouraged to apply for promotions. "I felt like I was being punished," Jones said.

In her suit, however, Jones says she never received a raise beyond a cost-of-living increase. State records show she got a 2.5% merit raise in 1992 and also received two cost-of-living increases after the alleged incident.

She said she waited nearly three years to file "because I was scared, bad scared. I didn't know who to tell."

Clinton's lawyer, Robert Bennett, is expected to ask the suit be postponed until Clinton is out of office, arguing it would distract from his duties.

Jones said she still thinks Clinton should be held responsible now. "He may be the president, but he did something wrong. . . . The American people should know.

"Everybody's supposed to look up to someone like that like he's a God on Earth, you know? I would think the people would at least want to know and see if it's true or not."

Jones, 27, has been living in Long Beach, Calif., with her husband and son, but she came to a Washington for a series of print and TV interviews, including one with ABC's Prime Time Live Thursday night.

On ABC, Jones was asked whom she voted for in the 1992 election. "Mr. Bush. That was my first time I ever voted, and I registered to vote just so I could vote against Bill Clinton."

GRAPHIC: PHOTO, b/w, H. Darr Beiser, USA TODAY; PHOTO, b/w, AP



ALL-STATE® LEGAL 800-222-0510 ED11 RECYCLED

Paula: I'll put prez's privates on parade

By THOMAS GALVIN
Post Correspondent

WASHINGTON — Paula Jones declared yesterday she has fool-proof evidence that President Clinton made sexual advances toward her three years ago: a description of Clinton's genitals.

But some of Jones' body parts will soon be on display in Penthouse magazine — along with a tough story aimed at undermining her claim that she was naive and that Clinton, then Arkansas governor, took advantage of her.

"Mr. Clinton exposed himself to me," Jones told a circus-like press conference, waving a manila envelope she claimed held the evidence. "I have the proof . . . and I want the opportunity to be heard."

Jones claims that in May 1991 Clinton had Arkansas state trooper Danny Ferguson escort her up to a hotel room. She claims Clinton then dropped his trousers and asked her to perform a sexual act.

Clinton has vehemently denied

the allegations, calling them "pathetic."

Jones said she's signed an affidavit describing "distinguishing characteristics" of Clinton's private parts.

The affidavit will be filed in court in the next few days, said Jones' lawyer Joseph Cammarata.

Asked how she could positively describe Clinton's genitalia, Jones replied: "You could see it." But she refused to give any specific details.

Now Jones faces the publication of partially nude photos of taken her in 1987.

Mike Turner, a former boyfriend, has sold about two dozen photos of a scantily-clad Jones to Penthouse, which plans to publish them in its January edition, coming out on Dec. 8.

Besides the photos — which a source said show her in just panties and in very suggestive poses — Penthouse plans a story detailing Jones' "life in the fast lane" during the 1980s.

Penthouse would not say how much it paid for the pictures.

"It hurts me, because they were private pictures and the person that is doing it apparently is only in it for the money and for greed," Jones said.

Jones has sued Clinton and Ferguson for \$700,000 in damages, which she says she would give to charity.

It's unclear when Jones will get her day in court.

U.S. District Court Judge Susan Webber Wright has granted Clinton's request that he be allowed to argue that the case should be delayed on he grounds of presidential immunity until after he leaves the White House.

Jones' lawyers are fighting a delay, saying their client deserves the chance to clear her name from allegations that she willingly met with Clinton for a sexual encounter.



Associated Press

BODY OF EVIDENCE? Paula Jones gets emotional yesterday at Washington press conference during which she said she could describe President Clinton's genitals.



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

F

In Re Proceedings of The Grand Jury Impaneled December 5, 1972:	:
Application of Spiro T. Agnew Vice President of the United States	:

Case Number
Civil 73-965

MEMORANDUM FOR THE UNITED STATES
CONCERNING THE VICE PRESIDENT'S
CLAIM OF CONSTITUTIONAL IMMUNITY

The motion by the Vice President poses a grave and unresolved constitutional issue: whether the Vice President of the United States is subject to federal grand jury investigation and possible indictment and trial while still in office.

Due to the historic independence and vital function of the grand jury, motions to interfere with or restrict its investigations have traditionally met with disfavor. See, e.g., United States v. Dionisio, 410 U.S. 1 (1973); Branchburg v. Hayes, 408 U.S. 665 (1972); United States v. Ryan, 402 U.S. 530 (1971). Thus in ordinary circumstances we would oppose litigious interference with grand jury proceedings without regard to the underlying merits of any asserted claim of immunity. But in the special circumstances of this case, which involves a constitutional issue of utmost importance, we believe it appropriate, in the interest of both the Vice President and the nation, that the Court resolve the issue at this stage of the proceedings.

Counsel for the Vice President have ably advanced arguments that the Constitution prohibits the investigation and indictment of an incumbent Vice President. We acknowledge the weight of their contentions. In order that judicial

F

Filed
12/5/72

resolution of the issues may be fully informed, however, we wish to submit considerations that suggest a different conclusion: that the Congress and the judiciary possess concurrent jurisdiction over allegations made concerning a Vice President.

This makes it appropriate that the Department of Justice state now its intended procedure should the Court conclude that an incumbent Vice President is amenable to federal jurisdiction prior to removal from office. The United States Attorney will, in that event, complete the presentation of evidence to the grand jury and await that body's determination of whether to return an indictment. Should the grand jury return an indictment, the Department will hold the proceedings in abeyance for a reasonable time, if the Vice President consents to a delay, in order to offer the House of Representatives an opportunity to consider the desirability of impeachment proceedings.^{2/}

The Department believes that this deference to the House of Representatives at the post-indictment stage, though not constitutionally required, is an appropriate accommodation of the respective interests involved. It reflects a proper comity between the different branches of government, especially in view of the significance of this matter for the nation. We also appreciate the fact that the Vice President has expressed a desire to have this matter considered in the forum provided by the Congress. The issuance of an indictment if any, would in the meantime toll the statute of limitations and preserve the matter for subsequent judicial resolution.

^{2/} We note that the Speaker of the House, Representative Carl Albert, though declining to take action at this stage, has not foreclosed the possibility that he might recommend House action at a subsequent stage.

We will first state the posture of this matter and then offer to the Court considerations based upon the Constitution's text, history, and rationale which indicate that all civil officers of the United States other than the President are amenable to the federal criminal process either before or after the conclusion of impeachment proceedings.

STATEMENT

A grand jury in this District, impaneled December 5, 1972, is currently conducting an investigation of possible violations by Spiro T. Agnew, Vice President of the United States, and others of certain provisions of the United States Criminal Code, including 18 U.S.C. 1951, 1952 and 371, and certain criminal provisions of the Internal Revenue Code of 1954. This investigation is now well advanced and the grand jury is in the process of receiving evidence.

The Vice President has moved to enjoin "the Grand Jury from conducting any investigation looking to his possible indictment * * * and from issuing any indictment, presentment or other charge or statement pertaining to [him]" (Motion, p. 1). The Vice President has further moved "to enjoin the Attorney General of the United States, the United States Attorney for the District of Maryland and all officials of the United States Department of Justice from presenting to the Grand Jury any testimony, documents, or other materials looking to possible indictment of [him] and from discussing with or disclosing to any person any such testimony, document or materials" (Motion, pp.1-2).

The Vice President's motion is based on two contentions: (1) that "[t]he Constitution forbids that the Vice President be indicted or tried in any criminal court," and (2) that "officials of the prosecutorial arm have engaged in a steady campaign of statements to the press which could have no purpose and effect other than to prejudice any grand or petit jury hearing evidence relating to the Vice President * * * (Motion, p. 2).

On September 28, 1973, this court directed that the Department of Justice submit its brief on the constitutional issue on October 5 and its brief on the remaining issue on October 8, that the Vice President's counsel file a reply brief on October 11, and that oral argument be had on October 12. This Memorandum is submitted on behalf of the United States, the grand jury, and the individual respondents named in the motion, in opposition to the claim that the grand jury should be enjoined because the Vice President cannot "be indicted or tried in any criminal court" (Motion, p. 1).

I

THE TEXT OF THE CONSTITUTION AND
HISTORIC PRACTICE UNDER IT
DO NOT SUPPORT A BROAD IMMUNITY
FOR CIVIL OFFICERS PRIOR TO REMOVAL

Analysis of the Constitution's text indicates that no general immunity from the criminal process exists for civil officers who are subject to impeachment.

A. The Only Explicit Immunity in the Constitution is the Limited Immunity Granted Congressmen.

The Constitution provides no explicit immunity from criminal sanctions for any civil officer. The only express immunity in the entire document is found in Article I, Section 6, which provides:

The Senators and Representatives
* * * shall in all Cases except Treason,
Felony and Breach of the Peace, be priv-
ileged from Arrest during their Attendance
at the Session of their respective Houses,
and in going to and returning from the
same * * * .

Since the Framers knew how to, and did, spell out an immunity, the natural inference is that no immunity exists where none is mentioned. Indeed, any other reading would turn the constitutional text on its head: the construction advanced by counsel for the Vice President requires that the explicit grant of immunity to legislators be read as in fact a partial withdrawal of a complete immunity legislators would otherwise have possessed in common with other government officers. The intent of the Framers was to the contrary. Cf. United States v. Johnson, 383 U.S. 169, 177-185 (1966).

In the face of this strong textual showing it would require a compelling constitutional argument to erect such an immunity for a Vice President. Counsel for the Vice President contend that such an argument is provided by Article I, Section 3, Clause 7, by Article II, Section 4, and by the Twelfth Amendment. We will examine each of these contentions in turn.

B. The Meaning of Article I, Section 3, Clause 7.

Article I, Section 3, Clause 7 provides:

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to law.

Counsel for the Vice President argue that this clause means impeachment must precede indictment. The

records of the debates of the constitutional convention, however, show that the Framers contemplated that this sequence should be mandatory only as to the President.

During most of the debate over the impeachment clause, the Framers' attention was directed specifically to the Office of the Presidency, and their remarks strongly suggest an understanding that the President, as Chief Executive, would not be subject to the ordinary criminal process. See 2 Farrand, Records of the Federal Convention 64-69, 626 (New Haven, 1911). For example, as the memorandum submitted on behalf of the Vice President points out (Memo., p. 9), Gouverneur Morris observed that the Supreme Court would "try the President after the trial of impeachment." 2 Farrand, supra, at 500. It is, of course, significant that such remarks referred only to the President, not to the Vice President and other civil officers.

However, the Framers did not debate the question whether impeachment generally must precede indictment. Their assumption that the President would not be subject to criminal process was based upon the crucial nature of his executive powers. Moreover, the debates concerning the impeachment clause itself related almost exclusively to the Presidency.^{2/} The impeachment clause was expanded

^{2/} As a recent commentator has observed:

One thing is clear: in the impeachment debate the Convention was almost exclusively concerned with the President. The extent to which the President occupied center stage can be gathered from the fact that the addition to the impeachment clause of the "Vice President and all civil officers" only took place on September 9, shortly before the Convention adjourned. [Berger, Impeachment: The Constitutional Problems 100 (Cambridge, Mass., 1973)]

to cover the Vice President and other civil officers only toward the very end of the convention. Berger, Impeachment: The Constitutional Problems 146-147 (Cambridge, Mass., 1973). Indeed creation of the Office of the Vice Presidency itself "came in the closing days of the Constitutional Convention." S. Rep. No. 66, 89th Cong., 1st Sess., p. 9 (1965). Thus none of the general impeachment debates addressed or considered the particular nature of the powers of the Vice President or other civil officers. Certainly nothing in the debates suggests that the immunity contemplated for the President would extend to any lesser officer.

As it applies to civil officers other than the President, the principal operative effect of Article I, Section 3, Clause 7, is solely the preclusion of pleas of double jeopardy in criminal prosecutions following convictions upon impeachments. The President's immunity rests not only upon the matters just discussed but also upon his unique constitutional position and powers. See infra, pp. There are substantial reasons, embedded not only in the constitutional framework but in the exigencies of government, for distinguishing in this regard between the President and all lesser officers including the Vice President.

Notwithstanding the paucity of debate or contemporaneous commentary on the issue, it is clear that the Framers and their contemporaries understood that lesser impeachable officers are subject to criminal process. The first Congress, many of whose members had been delegates to the Constitutional Convention, promptly enacted Section 21 of the Act of April 30, 1790, 1 Stat. 117, recognizing that sitting federal judges were criminally punishable for bribery and providing for their disqualification from office upon

conviction. And in 1796, Attorney General Lee informed Congress that a judge of a territorial court, a civil officer subject to impeachment, was indictable for criminal offenses while in office. 3 Winda, Precedents of the House of Representatives 982-983 (Washington, 1907). These considerations, together with those rooted in the constitutional text and practicalities of government that we discuss below, have led subsequent commentators to conclude, with virtual unanimity, that the Framers did not intend civil officers generally to be immune from criminal process. See, e.g., Rawle, A View on the Constitution of the United States of America 169, 215 (Philadelphia, 1829); Simpson, supra, 52-53; Fearick, Impeaching Federal Judges: A Study of the Constitutional Provisions, 39 Fordham L. Rev. 1, 55 (1970).

The sole purpose of the caveat in Article I, Section 3, that the party convicted upon impeachment may nevertheless be punished criminally, is to preclude the argument that the doctrine of double jeopardy saves the offender from the second trial. This was the interpretation of the clause offered by Luther Martin, a member of the Constitutional Convention and Judge Chase's counsel, during Chase's impeachment. 14 Annals of Congress, 8th Cong., 2d Sess., p. 423. In truth, impeachment and the criminal process serve different ends so that the outcome of one has no legal effect upon the outcome of the other. James Wilson, an important participant in the Constitutional Convention,^{2/} put the matter succinctly:

^{2/} "James Wilson was the strongest member of this [the Pennsylvania] delegation and Washington considered him to be one of the strongest men in the convention. . . . He had served several times in Congress, and had been one of the signers of the Declaration of Independence. At forty-five he was regarded as one of the ablest lawyers in America." Ferrand, The Framing of the Constitution 21 (New Haven, 1913).

Impeachments * * * come not * * * within the sphere of ordinary jurisprudence. They are founded on different principles; are governed by different maxims, and are directed to different objects; for this reason, the trial and punishment of an offense in the impeachment, is no bar to a trial of the same offense at common law. [Wilson, Works 324 (Cambridge, Mass., 1967).]

Because the two processes have different objects, the considerations relevant to one may not be relevant to the other. For that reason, neither conviction nor acquittal in one trial, though it may be persuasive, need automatically determine the result in the other trial. To take an obvious example, a civil officer found not guilty by reason of insanity in a criminal trial could certainly be impeached nonetheless.

The argument advanced by counsel for the Vice President, which insists that only a party actually convicted upon impeachment may be tried criminally, would tie the two processes together in a manner not contemplated by the Constitution. Impeachment trials, as that of President Andrew Johnson reminds us, may sometimes be influenced by political passions and interests that would be rigorously excluded from a criminal trial. Or somewhat more than one-third of the Senate might conclude that a particular offense, though properly punishable in the courts, did not warrant conviction on impeachment. Hence, if Article I, Section 3, Clause 7, were read to mean that no one not convicted upon impeachment could be tried criminally, the failure of the House to vote an impeachment, or the failure of the impeachment in the Senate, would confer upon the civil officer accused complete and -- were the statute of limitations permitted to run -- permanent immunity from criminal prosecution however

plain his guilt.^{*/} There is no such requirement in the Constitution or in reason. To adopt that view would give Congress the power to pardon by acquittal or even by mere inaction, since the officer would never be a "Party convicted" upon impeachment, even though the Constitution lodges the power to grant clemency exclusively in the President. The Framers certainly never supposed that failure to obtain conviction upon impeachment conferred permanent criminal immunity.

The conclusion seems required, therefore, that the Constitution provides that the "Party convicted" is nonetheless subject to criminal punishment, not to establish the sequence of the two processes, but solely to establish that conviction upon impeachment does not raise a double jeopardy defense in a criminal trial.^{**/} A similar conclusion has been reached under state constitutions containing provisions

^{*/} The Congress could only avoid this result by attending to complaints of criminal conduct against all civil officers so protected. Since the Office of the Vice President appears indistinguishable in this respect from that of other civil officers, the construction of the Constitution offered by counsel for the Vice President would place a significant burden on the Congress. As the result of historic experience, the Congress has chosen to make sparing use of its impeachment power. The House is not structured to act with any frequency as a prosecutor nor the Senate as a jury. A construction of the Constitution that forces the Congress to choose between impeachment or immunization would deprive Congress of the discretion of how and to what extent it wishes to exercise its impeachment jurisdiction. It might also frequently immobilize the Congress, preventing it from dealing with pressing national affairs, to the harm of both Congress and the country

^{**/} Just as an individual may be both criminally prosecuted and deported for the same offense (see Fong Yue Ting v. United States, 149 U.S. 698 (1893)), a civil officer could be both impeached and criminally punished even absent the Article I, Section 3 proviso. Moreover, the civil nature of an impeachment under the Constitution renders the English precedent -- involving an impeachment process that was both criminal and political -- inappropriate. Whereas conviction of impeachment under our Constitution has no criminal consequences, impeachment in England was designed to accomplish punishment as well as removal, for peers of the realm were not subject to ordinary criminal process. As a consequence, the relationship between the impeachment power and the criminal process in the two countries is wholly different. See generally, Berger, supra, 78-83.

modeled upon Article I, Section 3, Clause 7. These state constitutional provisions have been held not to bar prosecution of impeachable state officers while in office. See, e.g., Commonwealth v. Rowe, 112 Ky. 482, 66 S.W. 29 (1902); State v. Jefferson, 90 N.J.L. 507, 101 A. 569 (E. & A., 1917). Indeed, indictment, trial and conviction of state officers while in office has been common. See generally, Anno: Office - Conviction of Crime, 71 A.L.R. 2d 593 (1960).

C. The Meaning of Article II, Section 4.

Article II, Section 4 provides:

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.

The Vice President's contention that he is immune from criminal process while in office rests heavily on the assumption that even initiation of the process of indictment, trial, and punishment upon conviction, would effect his practical removal from office in a manner violative of the exclusivity of the impeachment power (See, e.g., Memo., pp. 2, 5-6). This assumption is without foundation in history or logic.

We agree that conviction upon impeachment is the exclusive means for removing a Vice President from office. Although non-elective civil officers in the executive branch may be dismissed from office by the President, and Senators and Representatives may be expelled by their respective Houses, historically the President, Vice President, and federal judges have been removable from office only by impeachment.^{2/} But it is clear from history that a criminal

^{2/} We do not here address the question of whether 18 U.S.C. §201(e) constitutionally operates to remove a civil officer (footnote con't on next page)

indictment, or even trial and conviction, does not, standing alone, effect the removal of an impeachable federal officer.

As counsel for the Vice President point out (Memo., pp. 14-15), one of his predecessors, Aaron Burr, was subject to simultaneous indictment in two states while in office, yet he continued to exercise his constitutional responsibilities until the expiration of his term.^{*/} Judge John Warren Davis of the United States Court of Appeals for the Third Circuit and Judge Albert W. Johnson of the United States District Court for the Middle District of Pennsylvania, were both indicted and tried while in office; neither was convicted, and each continued to hold office during trial. See Borkin, The Corrupt Judge 95-186 (New York, 1962). Judge Kerner of the Seventh Circuit, whose conviction is currently pending on appeal, has not yet been removed from office. Similarly, the criminal conviction of Congressmen does not act to remove them from office: "the final judgment of conviction [does] not operate, ipso facto, to vacate the seat of the convicted Senator, nor compel the Senate to expel him or to regard him as expelled by force alone of the judgment." Burton v. United States, 202 U.S. 344, 369.

^{*/} (Footnote from previous page)

without impeachment. We only note that the federal statutes contain no general provision, as do the statutes of many states providing that a vacancy exists in any civil office whenever the incumbent is convicted of a serious crime. These statutes have been upheld as operating to remove the officer without impeachment. See State v. Sullivan, 188 P.2d 592 (Ariz. 1948). See generally, Annos: Officer - Conviction of Crime, 71 A.L.R. 2d 593 (1960). If such a statute were passed by the Congress, its application to judges, who serve during "good behavior" (Article III, §1) might be different than its application to the Vice President, who has a term of office of four years (Article II, §1).

^{*/} Apparently neither Burr nor his contemporaries considered him constitutionally immune from indictment. Although counsel for the Vice President assert that Burr's indictments were "allowed to die" (Memo., p. 15), that was merely because "Burr thought it best not to visit either New York or New Jersey." Farnet & Necht, Aaron Burr: Portrait of an Ambitious Man, 231 (New York, 1967).

This is not to say that trial and punishment would not interfere in some degree with an officer's exercise of his public duties, although, as the case of Aaron Burr illustrates, mere indictment standing alone apparently does not seriously hinder full exercise of the powers of the Vice Presidency. But the relationship between trial and punishment, on the one hand, and actual removal from office, on the other, is far from automatic. As perhaps the leading American commentator on impeachment has observed (Simpson, A Treatise on Federal Impeachment 52 (Philadelphia, 1916)):

A public officer may be criminally convicted of trespass, though acting under a claim of right, or for excessively speeding his automobile, yet neither would justify impeachment. If, however, the conviction was followed by imprisonment, impeachment might be well maintained, for the office would be brought into contempt if a convict were allowed to administer it. It may be said that, in that event, impeachment would depend on the severity or lenity of a trial judge, and this would be so, but for the office's sake, a man may be said to be guilty of a "high misdemeanor" if he so acts as to be imprisoned.

Whether conviction of and imprisonment for minor offenses must lead to removal on conviction of impeachment therefore depends, in any given case, on the sound judgment of the Congress and the President's exercise of his pardoning power. Certainly it is clear that criminal indictment, trial, and even conviction of a Vice President would not, ipso facto, cause his removal; subjection of a Vice President to the criminal process therefore does not violate the exclusivity of the impeachment power as the means of his removal from office.

D. The Twelfth Amendment

Counsel for the Vice President suggest (Memo., pp. 7-8, 18) that adoption of the Twelfth Amendment, providing for separate elections of the President and Vice President, in some way supports immunity for a Vice President. In fact, the implication of the Amendment is the contrary.

The original constitutional plan was that each elector should vote for two persons for President. The man receiving the greatest vote was to be President and the runner up was to be Vice President. The Vice President was thus the next most powerful contender for the Presidency. The Framers, however, did not foresee the development of political parties which ran "tickets," one man standing for President and the other for Vice President. An elector would then cast one ballot for each of these candidates which had the embarrassing result that Thomas Jefferson and Aaron Burr, though regarded by their party as candidates for, respectively, President and Vice President, received an equal number of votes. There being no constitutionally elected President, the election was thrown into the House of Representatives.

The Twelfth Amendment, adopted in response, provided separate elections so that a man wanted only as Vice President should not thus block the election of the man wanted as President. The adoption of the Twelfth Amendment, therefore, was recognition that the Vice President, under a party system, is not the second most desired man for President but rather an understudy chosen by the presidential candidate. That recognition does not magnify the constitutional position of a Vice President.^{2/}

^{2/} Counsel for the Vice President additionally argue that sir (footnote con't on next page)

II

THE STRUCTURE OF THE CONSTITUTION AND THE
WORKINGS OF THE CONSTITUTIONAL SYSTEM DO
NOT IMPLY AN IMMUNITY FOR A VICE PRESIDENT

The Constitution is an intensely practical document and judicial derivation of powers and immunities is necessarily based upon consideration of the document's structure and of the practical results of alternative interpretations. McCulloch v. Maryland, 4 Wheat. 316 (1819); Stuart v. Laird, 1 Cranch 299, 308 (1803); Field v. Clark, 143 U.S. 649, 691 (1892); United States v. Midwest Oil Co., 236 U.S. 459, 472-473 (1915); United States v. Curtis-Wright Corp., 299 U.S. 304, 328-329 (1936). We turn, therefore, to a structural and functional analysis of the Constitution in relation to the immunity claimed for Vice Presidents.

- A. Immunity Should be Implied for an Officer Only if Subjecting Him to the Criminal Process Would Substantially Impair the Functioning of a Branch of Government.

The real question underlying the issue of whether indictment of any particular civil officer can precede conviction upon impeachment -- and it is constitutional in every sense because it goes to the heart of the operation of government -- is whether a governmental function would be seriously impaired if a particular civil officer were liable to indictment

*/ (footnote con't from previous page)

the Framers could not have intended the President, through his Attorney General, to harass political rivals, therefore the Vice President must be immune from criminal process (see Memo., p. 18). This argument appears unsound. Once he accepts the secondary office, the Vice President is rarely, if ever, an important political rival of the incumbent President. Moreover, the logical implication of the argument is that all major politicians -- Senators, Governors, and many persons not even holding office -- must be freed of responsibility for criminal acts.

before being tried on impeachment. The answer to that question must necessarily vary with the nature and functions of the office involved.

1. We may begin with a category of civil officers subject to impeachment whom we think may clearly be tried and convicted prior to removal from office through the impeachment process: federal judges.*/ A judge may be hampered in the performance of his duty when he is on trial for a felony but his personal incapacity in no way threatens the ability of the judicial branch to continue to function effectively. There have been frequent occasions where death, illness, or disqualification has removed all of the available judges from a district or a circuit and even this extreme circumstance has been met effectively by the assignment of judges from other districts and circuits.

Similar considerations apply to Congressmen, and these practical judgments are reflected in the Constitution. As already noted, Article I, Section 6 provides a very limited immunity for Senators and Representatives but explicitly permits them to be tried for felonies and breaches of the peace. This limited grant of immunity demonstrates a recognition that, although the functions of the legislature are not lightly to be interfered with, the public interest in the expeditious and even-handed administration of the criminal law outweighs the cost imposed by the incapacity of a single

*/ The Department of Justice is now contending that a United States court of appeals judge is subject to indictment, conviction, and sentencing prior to removal through the impeachment process. See United States v. Kerner, now pending in the Court of Appeals for the Seventh Circuit. This, of course is the historic position of the Department. See page 12, supra. It seems too clear for argument that other civil officers, such as heads of executive departments, are fully subject to criminal sanctions whether or not first removed from office.

legislator. Such incapacity does not seriously impair the functioning of Congress.

2. Almost all legal commentators agree, on the other hand, that an incumbent President must be removed from office through conviction upon an impeachment before being subject to the criminal process. Indeed, counsel for the Vice President takes this position (Memo, pp. 5-8), so it is not in dispute. It will be instructive to examine the basis for that immunity in order to see whether its rationale also fits an incumbent Vice President, for that is the crux of the question before the Court.

As we have noted, page 6, supra, the Framers' discussions assumed that impeachment would precede criminal trial because their attention was focused upon the Presidency. See also, 2 Farrand, Records of the Federal Convention, supra, p. 500, and Hamilton, The Federalist, Nos. 65 and 69. They assumed that the nation's Chief Executive, responsible as no other single officer is for the affairs of the United States, would not be taken from duties that only he can perform unless and until it is determined that he is to be shorn of those duties by the Senate.

The scope of the powers lodged in the single man occupying the Presidency is shown by the briefest review of Article II of the Constitution. The whole "executive Power" is vested in him and that includes the powers of the "Commander in Chief of the Army and the Navy," the power to command the executive departments, the power shared with the Senate to make treaties and to appoint ambassadors, the power shared with the Senate to appoint Justices of the Supreme Court and other civil officers, the power and responsibility to execute the laws, and the power to grant

reprieves and pardons. The constitutional outline of the powers and duties of the Presidency, though more complete than noted here, does not flesh out the full importance of the office, but this is so universally recognized that we do not pause to emphasize it.

The singular importance of the Presidency, in comparison with all other offices, is further demonstrated by the Twenty-fifth Amendment, Sections 3 and 4. The problem, as we have noted, is one of the functioning of a branch of government, and it is noteworthy that the President is the only officer of government for whose temporary disability the Constitution provides procedures to qualify a replacement. This is recognition that the President is the only officer whose temporary disability while in office incapacitates an entire branch of government. The Constitution makes no provision, because none is needed, for such disability of a Vice President, a judge, a legislator, or any subordinate executive branch officer.

3. Without in any way denigrating the constitutional functions of a Vice President -- or those of any individual Supreme Court Justice or Senator, for that matter -- they are clearly less crucial to the operations of the executive branch of government than are the functions of a President. Although the office of the Vice Presidency is of course a high one, it is not indispensable to the orderly operation of government. There have been many occasions in our history when the nation lacked a Vice President, and yet suffered no ill consequences. And, as has been discussed above (page 12, supra), at least one Vice President successfully fulfilled the responsibilities of his office while under indictment in two states. There is in fact no comparison between the importance of the Presidency and the Vice Presidency.

A Vice President has only three constitutional functions: (1) to replace the President in the event of the President's removal from office, or his death, resignation, or inability to discharge the powers and duties of his office (Twenty-Fifth Amendment, Sections 1, 3, and 4); (2) to make, together with a majority of either the principal officers of the executive departments or such other body as Congress may by law provide, a written declaration of the President's inability (Twenty-Fifth Amendment, Section 3); and, (3) to preside over the Senate, which Vice Presidents rarely do, and cast the deciding vote in case of a tie (Article I, Section 3).^{*/}

None of a Vice President's constitutional functions is substantially impaired by his liability to the criminal process.^{**/} The only problem that might arise would be the death of a President at the time a Vice President was the defendant in a criminal trial.^{***/} That would pose no practical difficulty, however. The criminal proceedings could be suspended or terminated and the impeachment process begun. This would leave the nation in the same practical situation

^{*/} The Framers assumed that Vice Presidents would not regularly preside over the Senate, for they expressly provided in Article I, Section 3, Clause 5 for the election of a President pro tempore to act in the Vice President's absence.

^{**/} Counsel for the Vice President stresses the importance of the Vice President's role, under the Twenty-Fifth Amendment, with respect to a declaration of Presidential inability. But that responsibility is not an active, continuous executive function. It is, to the contrary, a responsibility -- never yet exercised -- that entails only a single act, one that could be performed by a Vice President who was, for example, under indictment. Moreover, it is a responsibility that is shared with a majority of the Cabinet members, who are themselves subject to the criminal process.

^{***/} We assume, for reasons stated above (p. 13, supra), that conviction and imprisonment of a Vice President, or any civil officer, would lead to prompt removal through impeachment.

as would the institution of impeachment proceedings against an incumbent President, the sole legal difference being that the successor to office would be the Speaker of the House of Representatives rather than the Vice President.

- B. The Functions of the President are not only Indispensable to the Operation of Government, They are Inconsistent with His Subjection to the Criminal Process; There is no Similar Inconsistency in the Case of a Vice President.

The inference that only the President is immune from indictment and trial prior to removal from office also arises from an examination of other structural features of the Constitution. The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions (Article I, Section 3). And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment" (Article I, Section 2, Clause 1), a power that is consistent only with the conclusion that the President must be removed by impeachment, and so deprived of the power to pardon, before criminal process can be instituted against him. A Vice President, of course, has no power either to control prosecutions or to grant pardons. The functions of the Vice Presidency are thus not at all inconsistent with the conclusion that an incumbent may be prosecuted and convicted while still in office.

- C. Basic Considerations of Law Enforcement Militate Against Extension of Immunity to Officers other than the President.

Thus we conclude that considerations derived from the structure of the Constitution itself indicate that only a President possesses immunity from the criminal process prior to impeachment. The position of a Vice President would appear

to be similar to that of judges, Congressmen, and other civil officers. There are also, however, practical considerations that point in the same direction. Such considerations are entitled to weight in the absence of compelling constitutional reasons for an immunity of the sort we have shown exist only for the Presidency. In many cases, for instance, problems will be posed by the presence of co-conspirators and the running of the statute of limitations.

An official may have co-conspirators and even if the officer were immune, his co-conspirators would not be. The result would be that the grand and petit juries would receive evidence about the illegal transactions and that evidence would inevitably name the officer. The trial might end in the conviction of the co-conspirators for their dealings with the officer, yet the officer would not be on trial, would not have the opportunity to cross-examine and present testimony on his own behalf. The man and his office would be slandered and demeaned without a trial in which he was heard. The individual might prefer that to the risk of punishment, but the courts should not adopt a rule that opens the office to such a damaging procedure.

This practical problem is raised by the notion here which asks this Court to prohibit "the Grand Jury from conducting any investigation looking to the [Vice President's] possible indictment" and to enjoin the prosecutors from presenting any evidence to the grand jury "looking to [his] possible indictment" (Motion, p. 1).

The criminal investigation being conducted by the grand jury is wide-ranging, and the Vice President is not its sole subject. The evidence being presented, while it touches on the Vice President, involves others also. It

would be virtually impossible to exclude all evidence relating to the Vice President and at the same time present meaningful evidence relating to possible co-conspirators. Thus, enjoining the investigation and presentation of evidence "looking to the possible indictment of [the Vice President]" would require the investigations of other persons also to be suspended. The relief therefore would plainly "frustrate the public's interest in the fair and expeditious administration of the criminal laws" (United States v. Dionisio, supra, 410 U.S. at 17).

The statute of limitations with respect to some of the possible illegal activities being investigated will run as early as October 26, 1973. A suspension of the grand jury's investigation of the Vice President and others could therefore jeopardize the possibility of a timely indictment. Should this Court suspend the grand jury investigation the result would likely be to accord the Vice President and other persons permanent immunity from prosecution through the running of the statute of limitations even though it is unlikely he is entitled even to the temporary immunity, pending conviction upon impeachment, that his counsel claim for him.

CONCLUSION

Nothing we have said is intended to deprecate in any way the high office of the Vice Presidency or its importance in the Constitutional scheme. We acknowledge that the issue raised by counsel for the Vice President is a momentous and difficult one for any court. However, in order to assist the Court in resolving this troublesome question, we have set forth arguments that counter those advanced by counsel for the Vice President.

For the reasons stated, applicant's motions
should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

KEITH A. JONES,
EDMUND W. KITCH,
Assistants to the
Solicitor General.

OCTOBER 5, 1973.



ALL-STATE® LEGAL 800-222-0510 ED11 RECYCLED



New York
(212) 736-2010

Detroit
(810) 352-9220

Denver
(303) 861-7152

Los Angeles
(213) 953-0111

Boston
(617) 266-2121

Hartford
(203) 953-1889

Chicago
(312) 649-1131

Dallas
(214) 644-9696

San Diego
(619) 544-1860

Philadelphia
(215) 569-4990

Houston
(713) 789-1635

San Francisco
(415) 543-3361

Miami
(305) 576-3581

A

Affiliate

1066 National Press Building
Washington, DC 20045
(202) 393-7110
(202) 393-5451

DATE
TIME
NETWORK
PROGRAM

December 29, 1994
8:00-9:00 AM (ET)
CNN-TV
Daybreak

Transcript

Andrea Arceneaux, co-anchor:

Both sides are calling it a victory. A federal judge ruled yesterday that Paula Jones' sexual harassment suit against President Clinton will go to trial, but not until he leaves office. Judge Susan Webber Wright did allow the taking of sworn statements in the meantime. In reaction, the attorney for Mr. Clinton said, quote, "We are very pleased that Judge Wright recognized that the president has immunity from [the] trial in this matter while he is in office. This is an important victory." He continues, "As to Judge Wright's ruling allowing discovery to go forward, we are likely to appeal this aspect of the judge's ruling."

For a reaction from Jones' attorneys we go to Washington, where we are joined by Gil Davis and co-counsel Joe Cammarato. We thank you both for joining us this morning.

Mr. Davis, have you talked to your client, and has Paula Jones had any specific response to yesterday's ruling?

Gil Davis (Attorney For Paula Jones): She's quite pleased with it. You mentioned who has the victory in this matter, and I guess the issue there is who's going to appeal it. And the president and his counsel, I guess, are going to take an appeal, because they recognize that their- their exposure here is to depositions and discovery in preparation for this case.

Arceneaux: Yes, but you also lost out on a quick trial. Were you planning to go to trial any sooner?

Davis: It's very doubtful in the normal course that a trial would have occurred before the election of- in 1996 in- in any case. And so this was not an issue that particularly concerned us. And what we were concerned with is preserving the evidence, making sure that witnesses who have something to say about what happened in that circumstance, the troopers who brought women to then-Governor Clinton, perhaps other women who have similar

NOTICE

©Cable News Network, Inc. 1994. All Rights Reserved. Prepared by Video Monitoring Services of America, Inc. which takes sole responsibility for the accuracy of transcription of reproduction.

For a videocassette(TV) or audio cassette(radio) of this news segment contact your nearest VMS office.
Material supplied by Video Monitoring Services of America, Inc. may only be used for internal review, analysis or research. Any publication, re-broadcast or
NOTICE: (c) Cable News Network, Inc. 1995. All Rights Reserved. Prepared by Video Monitoring Services of America, Inc. which takes sole responsibility.

stories to tell about what happened to them. But this can be preserved now, and we don't have to await what the president wanted to do, was put this whole thing on hold until after he's out of office. And our client has a need to have her reputation restored certainly as quickly as possible.

Arceneaux: But the president also has a right to his image. Mr. Cammarata, taking a deposition from the president, and the possible information that might leak from such questioning--and certainly there will be some kind of political price--does it not bother you that such questioning and such possibilities could affect a sitting president?

Joe Cammarata (Attorney For Paula Jones): Well, I think that what's important in this case is the principle that no person is above the law. What we are pursuing are Paula Jones' claims that then-private citizen Bill Clinton had undertaken certain activities toward her which were offensive to her. For that, the president must be held accountable.

The court, in her ruling today, or yesterday actually, agreed with our position, that this case must go forward, that this is important in our nation, that no person, regardless of their position, is immune from suit, is above the law. And so I think it's important to all of us to recognize that- that this case transcends just Paula Jones and Bill Clinton, but it's important to our country as a whole.

Arceneaux: But could it not take him away from running the business of this nation?

Cammarata: Well, it may take him away for the hour or so that he may be involved in the deposition. But I might point out that he is extensively involved, as is his staff, in the Whitewater matter. He has given a deposition in that matter. He has promised to give another. His wife has given a deposition in that matter, and has- has promised to give another.

So, the country didn't suffer by their giving depositions related to Whitewater, and I don't think the country will suffer by his giving a deposition in this case.

Arceneaux: Mr. Davis, you said that you were planning to speak to other women who possibly would be able to support Mrs. Jones' claims. If these claims are not made in public, and if they go unsubstantiated in the public eye, is that not unfair to the president, to have those kind of notions thrown out there with no defense?

Davis: Well, I'm not prejudging what evidence there might be. Certainly we will handle it as- as lawyers in a

proper fashion. And I would suggest that if it's evidence that is important, the public may have some interest in it. I- our interest is in the- the welfare and vindication of the rights of our client.

You mentioned a little bit ago about whether this case is in some way deleterious to the presidency, or the president. I think our country is enhanced when we have an establishment that clearly- of the principle that no one is above the law, everyone is accountable for their private conduct. And I certainly think that- that we all win when we don't have kings or people who are above us serving in public life.

Arceneaux: So who are you planning to talk to through this deposition process?

Davis: Well, we would- certainly everyone who has relevant information. The troopers who apparently were used, they say, for purposes of private activities by then-Governor Clinton. They were public servants, and they said that they would round up women for him, and observe, at least guard the situation; all those who might have something to say about what happened during that day to corroborate Paula Jones. We think she's very well corroborated for everything that happened outside of the hotel room. And- and further, as you probably know, the only person who doesn't know he was in the hotel room is Mr. Clinton.

So there's a lot to be established, evidence to be preserved, and we intend to proceed and to do that.

Arceneaux: Mr. Cammarata, you have called this process "exhaustive." In what way? What do you mean?

Cammarata: Well, I was referring to the discovery process. It was- has been characterized, is there a winner and loser in the judge's ruling? And what I was trying to point out is that a person does not file a lawsuit on a given day and then the next day go to trial. There's a process called the pre-trial discovery process, which intervenes between the filing of a lawsuit and the trial of an action. And it's in that context the discovery process is quite exhaustive.

We are able to undertake the discovery, or examination of witnesses, documents, medical exams, to the extent that they're appropriate, about things that are relevant to the case or that may lead to the discovery of admissible evidence.

If you contrast that with a trial, a trial is limited to putting forth before a judge or a jury that information which is only admissible and relevant to the matter at hand. So the discovery process is a lot broader, is a lot more extensive, and we intend to fully pursue, and exhaustively pursue this case in the discovery stage.

And I might point out that President Clinton's attorneys, although they characterize it as a victory,

what they have sought all along is to avoid having to answer the allegations of the complaint. They sought to avoid having to have Mr. Clinton answer questions under oath. And the judge has said, 'No, this case will go forward.' We will prepare this case, we will get it ready for trial so that we're able to move ahead as soon as the president leaves office.

So that's an important step in our direction.

Arceneaux: What are you planning to ask the president?

Cammarata: Well, certainly we want to inquire regarding the allegations in Mrs. Jones' complaint. Was he at the Excelsior Hotel on the day in question? Was he in that hotel room with Paula Jones? Those types of questions. In addition, we want to- we may want to inquire into a course of conduct. Had he used state troopers to pursue private business before? Did he have any other such relationships with other women? Those types of inquiries would be relevant and would be probative of the various issues in this case, and we would intend to pursue that line of questioning.

Arceneaux: Mr. Davis, your client has said that she can identify certain distinguishing characteristics of the president's lower body. Do you plan to seek a physical examination of the president?

Davis: The federal rules permit medical examination for the- for such purposes. And it very well may be that we may seek to have that done. I'm not trying to prejudge what our view would be at the time that we're engaged in- in the discovery process. But the short answer to your question is very possibly.

Arceneaux: Very possibly. That could be very possibly embarrassing to the president. Do you not agree?

Davis: Well, I would think his conduct, if it was true, would be embarrassing to anyone. And it's not Paula Jones who- who was the person who was subjected to what she claims to have happened to her (sic). It was activity by then-Governor Clinton, now President Clinton.

Arceneaux: Mr. Cammarata, Mrs. Jones has also sought a suit against Arkansas state trooper Danny Ferguson. Does yesterday's ruling affect the time of that trial, and is it possible that information from that trial could affect the one against President Clinton?

Cammarata: Well, the judge has said that those two matters are tied together, and as such, the trial of the Ferguson matter would be held at the same time as the trial of the Clinton matter. We intend- the- the Ferguson case is a little different posture. Danny Ferguson has

answered the allegations of the complaints, so in legal jargon, we are at issue. We can proceed immediately with discovery in the Ferguson matter. Contrast that with the Clinton suit. They have not yet answered the complaint, and I imagine that the judge will provide for a scheduling as to when they must do that.

But in the context of the Danny Ferguson matter, we can undertake discovery, which would include the deposition of Danny Ferguson and others, as well as President Clinton. Because President Clinton, it is alleged, is a- conspired with Danny Ferguson to do the acts that were alleged in the complaint.

Arceneaux: Mr. Cammarata, unfortunately I'm going to have to break off. I'm short of time at this point. But we do thank both of you for joining us this morning. Gil Davis and co-counsel Joe Cammarata, attorneys for Paula Jones, the woman alleging sexual harassment against the president of the United States, Bill Clinton.

#



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

LEVEL 1 - 110 OF 343 STORIES

Copyright 1994 American Broadcasting Companies, Inc.
All rights reserved
ABC NEWS

SHOW: Nightline (ABC 11:30 pm ET)

December 28, 1994

Transcript # 3548

TYPE: Show; Interview

SECTION: News; Domestic

LENGTH: 5292 words

BODY:

ANNOUNCER: December 28th, 1994.

CHRIS WALLACE: [voice-over] For the President, a day with two major developments. Word that Paula Jones's lawyer can start questioning him and others under oath in her sexual harassment case.

WOMAN [?]: The stuff that goes on before the trial can be equally distracting and circus-like

CHRIS WALLACE: [voice-over] And the resignation of his embattled CIA director, James Woolsey.

RON KESSLER, Author: He was really rather arrogant, and in the end, it did him in.

CHRIS WALLACE: [voice-over] Tonight, more bad news for President Clinton.

ANNOUNCER: This is ABC News Nightline. Substituting for Ted Koppel and reporting from Washington, Chris Wallace.

CHRIS WALLACE: The decision handed down today in the Paula Jones lawsuit against the President raises serious legal and political issues for the White House, especially the ruling that Jones's lawyers can now interrogate Mr. Clinton under oath. In a few moments, we'll be talking about what happens next with several experts, including one of the Jones attorneys. But first, we begin with what the White House says was a big surprise, the resignation of the President's CIA director. James Woolsey says he's going for personal reasons, but whatever his motivation, his departure leaves the administration with one more vacancy. December 31st will be the last day for five other key players on the Clinton team: his treasury secretary, his agriculture secretary, his press secretary, his counselor, and his surgeon general. And whoever is named to fill the latest vacancy at the CIA will find, as Nightline's Dave Marash now reports, that he is taking on a pile of trouble.

DAVE MARASH, ABC News: [voice-over] At the White House, an administration briefer said today, quote, 'We were all quite surprised by James Woolsey's resignation.' The briefer added, 'He certainly wasn't pushed.' But Woolsey's letter does show one sign of haste; it was originally dated January 26th,

Nightline (ABC), December 28, 1994

1994.

Back in February '93, when Woolsey took over as director of Central Intelligence, his mission was to restructure American intelligence for the new post-cold-war era, a tough assignment.

VICTORIA TOENSING, former Attorney, Senate Intelligence Committee: Anytime you're dealing with this secret culture, it is going to resist change. And why? Because it knows it doesn't have to change as long as it can keep everything secret.

DAVE MARASH: [voice-over] Under Woolsey, embarrassing agency secrets leaked, first and foremost the unmasking of Russian mole Aldrich Ames, who somehow escaped detection for almost a decade while acquiring a big house paid for in cash, a Jaguar and millions in Soviet payments, and while betraying at least 10 American spies.

RON KESSLER, Author: The main problem with Woolsey has been his handling of the Ames case, the fact that he's been defensive, the fact that he hasn't taken any action that really would send a message to the CIA.

STANSFIELD TURNER, former CIA Director: Woolsey is a victim of being in between a rock and a hard place. On the one hand, the Congress, the public have been demanding stern discipline over the Ames case. On the other hand, there's a long-standing tradition in the CIA that only they know how to discipline people, because their work is so unique.

DAVE MARASH: [voice-over] The reputation of the CIA's unique work suffered during Woolsey's term, from sloppy reporting on Haitian leader Jean-Bertrand Aristide's alleged mental health problems, and from the fact that the mob that menaced American forces arriving in Haiti aboard the ship Harlan County was led by a paid CIA informant. In Bosnia, an accurate CIA prediction of problems inside areas designated safe havens was ignored, demonstrating how little Woolsey and his agency had President Clinton's ear. Mr. Clinton also ignored a CIA report that North Korea probably has built nuclear weapons, issuing a statement that, quote, 'We will not allow the North Koreans to develop a nuclear bomb,' a statement the embarrassed President had to withdraw.

Sen. DENNIS DeCONCINI, (D), Arizona: The agency and the community was very divided, so the President didn't have, even if he had asked, a clear yes or no. To this day you will get a very mixed opinion within the agency.

DAVE MARASH: [voice-over] When it came to Russia, some administration insiders complained the CIA missed the sudden rise of right-wing extremist Vladimir Zhirinovskiy. The major criticism of James Woolsey, though, is not that he failed to understand foreign threats, but that he failed to take on established bureaucratic interests inside his own agency. For example, says Victoria Toensing, when her client, Jane Doe Thompson, accused the CIA of covering up a pattern of sexual discrimination and harassment, the agency response was a gag order.

VICTORIA TOENSING: There are certain people at the agency who, no matter what they do, they're protected, and for want of a better word, I'll call it an old boys' network.

Nightline (ABC), December 28, 1994

DAVE MARASH: [voice-over] In the end, says one journalistic critic-

RON KESSLER: Woolsey's credibility was just totally shot in the intelligence community, in Congress, in the White House, at the National Security Council. He- he was not trusted.

DAVE MARASH: [voice-over] Woolsey's exit, predicts the departing head of the Senate Intelligence Committee, opens a new era at the CIA, a Bill Clinton era.

Sen. DENNIS DeCONCINI: The President has a- far more interest in having hands on, so I think you're going to see somebody in there the President's going to work closer with.

DAVE MARASH: Most of the guessing tonight in Washington is that that man will be Deputy Defense Secretary John Deutch, who said today he wouldn't even consider the job without a promise that he would get to work hand in hand with Bill Clinton. I'm Dave Marash for Nightline, in Washington.

CHRIS WALLACE: When we come back, the Paula Jones decision.

[Commercial break]

CHRIS WALLACE: Ever since that federal judge in Arkansas issued her ruling in the Paula Jones case today, reporters have been struggling with how to characterize it. A partial victory for the President, good news and bad news. The problem is that Judge Susan Weber Wright [sp?] said several things. First, she refused to throw out the Jones case, saying to grant the President absolute immunity from civil suits, quote, 'is contrary to our form of government.' But then she postponed the trial until Mr. Clinton is out of office, saying that this case is not so urgent as to demand disturbing the President. However, the judge said that the deposition process, questioning witnesses, including the President, under oath, can proceed.

We've invited several people to help us sort through the legal and political implications of all this. Gilbert Davis is Paula Jones's attorney. William Webster was a federal judge before becoming director of the FBI and then the CIA. And Ron Brownstein is the national political correspondent for the Los Angeles Times. He's covered Bill Clinton since the 1992 campaign.

Incidentally, we asked the President's lawyers to participate tonight. One was unavailable and the other turned us down.

Mr. Davis, let's start with who won today. I suspect that you're going to say that your side did, but given the fact that this case is going- the trial is going to be delayed until Mr. Clinton is out of office, didn't he win?

GILBERT DAVIS, Paula Jones Attorney: I would say certainly not. The effort of the President to get the judge to rule that he had some immunity here was truly, we think, an effort to prevent the discovery process from going forward. It would be unlikely, in view of the court's dockets and the necessity of pretrial procedures, that a trial could have commenced before the end of this first term, anyway. What we're pretty excited about is the fact that we now get to preserve evidence that otherwise could very well be lost. We'll be able to ask the President certain pertinent questions, certainly about his own conduct, what happened on that day in 1991 in May at the Excelsior Hotel. Was this a pattern

Nightline (ABC), December 28, 1994

of conduct that involved the use of police for private functions that would not be thought to be part of their duty? Are there other women involved? Who are they? What issues of credibility there might be, all is on the table in the discovery deposition, including evidence that can lead to admissible evidence. So it's a pretty wide-ranging effort that can be used to present a good case for our client.

CHRIS WALLACE: All right. Let me bring in Judge Webster. In practical terms, who do you think got more? Obviously, there was something for both sides today. Who do you think got more?

Judge WILLIAM WEBSTER, former FBI/CIA Director: I think it was- it was a very practical, sound, carefully considered balanced verdict. There are two important issues here, accountability for individual conduct, and separation of powers, and the judge said there is a role for the court here, there is no perfect immunity for the President. On the other hand, we the people, I think, won this victory, because we are entitled to a full-time president.

CHRIS WALLACE: Ron Brownstein, I've got to think that the President's men, though, are focusing on the horrifying prospect of Mr. Davis walking down the driveway into the West Wing and asking those questions he just told us about to Mr. Clinton, under oath, in the Oval Office.

RONALD BROWNSTEIN, 'Los Angeles Times': Absolutely. To use your phrase, Chris, it was a good news-bad news decision, but for a president who really can't afford any bad news, the possibility of taking depositions has got to be as frightening to the White House as the possibility of a trial, and I'd be very surprised if they don't make every effort to appeal this decision and to delay as long as possible. I mean, this litigation is really as much as political as a legal problem for the President, and any opportunity for Paula Corbin Jones's attorneys to depose the President, to ask the kinds of questions that Mr. Davis cited, and then the prospect that that information almost inevitably will be leaked into public view is something that has got to be very, very dismaying to them, and I'm sure that they are going to aggressively appeal this decision, or at least that portion of the decision.

CHRIS WALLACE: Let me pick up on that last point and ask you, Judge Webster, if the President's lawyers want to seal the deposition, to make sure that it can't be made public, if you were sitting as a judge in a sex harassment case, would you allow that?

Judge WILLIAM WEBSTER: Well, that would be a very tough choice, and each one's going to hang on its own facts. A protective order is given only after a very significant showing of harm, harm in the outcome of the case, untoward embarrassment, and other damage. That burden is on the person seeking it. I don't know whether- whether the judge can succeed- whether- whether the attorneys can succeed in convincing the judge that that situation is here. Given the practicalities that have already been mentioned, it's hard to be sure you can keep that in the bottle, no matter how hard you try.

CHRIS WALLACE: I was going to ask you, Ron Brownstein, about that. I mean, whether it's sealed by a judge or not, this kind of information is going to get out, isn't it?

RONALD BROWNSTEIN: It's hard to believe that there would be a deposition of

Nightline (ABC), December 28, 1994

the President or of the troopers or of any of the potential witnesses that Mr. Davis cited without at least some of it coming into the public view. I mean, you can expect to read this in a number of publications that I think would have a pretty clear line on this sort of information.

GILBERT DAVIS: Chris, your point about the appeal, even though the President may well seek to get permission to take an interlocutory appeal, we would still make every effort to preserve evidence and we have another case that's a companion to this and part of the same litigation which we would think would entitle us to take depositions and discovery, and that's the Ferguson matter, and I would anticipate an effort to take the President's deposition, as well as all other witnesses who- who have something to say.

CHRIS WALLACE: Let's talk about that. The President's lawyer said tonight that they will likely appeal the judge's ruling allowing the depositions to go forward. As far as the President is concerned - you say you can proceed against the state trooper - as far as the President is concerned, can't they tie this up for years so that you will not get to depose him during his first term?

GILBERT DAVIS: Well, I- as I say, I think the Ferguson matter should- should proceed. There is an interest in any plaintiff having the right to preserve evidence before witnesses die, memories fade, evidence gets lost, and- and it's in her interest for us to- to do everything we can to preserve this evidence. And therefore, if the President does appeal, even if he is successful in having the appellate court consider this matter, we surely hope that the- that the Ferguson case is not one that would likewise require any delay in taking these depositions and conducting this discovery.

CHRIS WALLACE: Judge Webster, can the President's lawyers delay his deposition past the election?

Judge WILLIAM WEBSTER: Well, you're talking two years on interlocutory appeal. I would expect to see very rapid action as court decisions go. They may try to reach up to the Supreme Court. I rather doubt that the Supreme Court would take it. I think that it's possible they can- they can come up with new motions. But I think politically, once those decisions are made by the court of appeals, politically it would be very bad for the President to continue to press as if he had something to hide.

RONALD BROWNSTEIN: Politically, it would have to be worse, though, I think, to have to expose himself to the risk of deposition. I mean, there- there is clearly the risk that if you delay, people will think you have something to hide. But the circus-like atmosphere that would- that would surround such a deposing of the President would probably rival or even exceed O.J. mania. So I think that any risk on the- on the risk of delay has got to be greatly overshadowed by the very tangible threat of allowing this to go trial or even deposition.

CHRIS WALLACE: All right, gentlemen, we do have to take a break here, but we'll be back in a moment.

[Commercial break]

CHRIS WALLACE: And we're back now with Gilbert Davis, William Webster and Ron Brownstein.

Nightline (ABC), December 28, 1994

Mr. Davis, your client says that the President has distinguishing physical characteristics. As part of the deposition process, are you going to ask to have him examined?

GILBERT DAVIS: I wouldn't want to say whether we would or would not. There are provisions in the federal rules for medical examinations to- for purposes that may be evidentiary. That's a little premature and it is something that we will consider, obviously, but tonight I'm not prepared to say that that's the course we'd take.

CHRIS WALLACE: Why wouldn't you do it?

GILBERT DAVIS: Well, I- you know, there are several reasons that I probably could- could formulate. I'm just saying that tonight that this- this decision as to the course of the deposition, what subject matters or what procedures we will follow in discovery or evidence on medical examination, we're not prepared to say. May very well be that we'll ask for such an examination.

CHRIS WALLACE: Judge Webster, obviously, I'm not asking you to comment on this case, but again, in a hypothetical sexual harassment case, would you allow that?

Judge WILLIAM WEBSTER: I think that Judge Wright has focused on the amount of time and the amount of distraction that may be involved in this particular case, and she distinguishes other types of cases. I think I would probably allow it if a case for a showing, a preliminary showing of why that was crucial to the case was made. I'd focus on the amount of distraction, because that is the- the basis on which she's to postpone the trial.

CHRIS WALLACE: But when you say distraction, you mean distraction to the President being able to do his job, not- not political embarrassment.

Judge WILLIAM WEBSTER: That's right.

CHRIS WALLACE: Mr. Davis, that really brings up the point. I understand that you're being paid to represent Ms. Jones, and I understand there's also a lot of politics involved here, but as a citizen, do you have any qualms at all about putting a sitting president of the United States through all this?

GILBERT DAVIS: I think one of the things that is important about the decision of Judge Wright, which I think was a well-considered and well-crafted and, I think, courageous decision, is her language about what kind of country we are. No person in this country do we regard as above the law. No public servant do we believe is unaccountable for their private, personal conduct. And to say that the president is not accountable is to say something about ourselves that we don't consider as to the nature of our country. And I think her decision will stand the test of time. I think it's one that will outlive this case, it's more important than either of the parties involved. It's a principle that- that closes any loophole as to the- as to anyone claiming that they are not accountable for their personal conduct.

CHRIS WALLACE: Ron Brownstein, let's talk about the politics of all this. I mean, just the specter of what we're talking about here today, depositions in the Oval Office, the idea of a physical examination of a president, I mean, this would be-

Nightline (ABC), December 28, 1994

RONALD BROWNSTEIN: Well, I think your questioning of the last few minutes frames the real political dimensions of this. We've been talking narrowly about the impact on Bill Clinton, and obviously, I think most Americans are troubled by the thought, the prospect, that their president sexually harassed someone only three years ago. But I think if you look at it more broadly, I think many, many people are disturbed by what this entire process is doing to the office of the presidency, and the extent to which it is demeaning the office of the presidency, and I think there are lots of questions out there that people legitimately have about Paula Jones's motivation in bringing the suit at such a late date, and whether all of this, whatever her motivation is, whether all of this sort of ties into a broader effort to discredit and weaken the President. I think-

GILBERT DAVIS: I think it demeans the office of the presidency to hide behind that office as a shield for personal conduct. I further think that- that the record is clear. Paula Jones had no interest in bringing this case until she had her name dragged through the mud in February of the year that- this year that she brought- brought the suit.

RONALD BROWNSTEIN: But this would hardly be the way to duck back into obscurity, to launch a national lawsuit against the President that has made her and her accusations a household name.

GILBERT DAVIS: If- if the President had- if the President had agreed to make the- a statement that we had come close to negotiating, it would have ended this matter. He came close, but his own White House did not tell the truth to the press about the courtesy we extended in not filing on the day that we had planned to file. They leaked information that she didn't file because her family was against her and she knew she didn't have a case, when the fact was that we gave that courtesy to the President and his lawyer to keep talking. That's the reason that this- that those negotiations failed, and it- and the President's- I would say, through his own fault, and his own staff's fault, could have had a settlement here and didn't.

CHRIS WALLACE: I think, Ron- Ron, we're running out of time. Let me ask you, briefly, what does your polling show about the character issue? How much is that cutting with the voters right now?

RONALD BROWNSTEIN: Certainly there is a segment of the electorate that is turned off to Bill Clinton because they believe they do not- they do not trust him, that he doesn't have the honesty and integrity to be president. But I think the decisive, you know, swing vote, the core, the question is still his performance, and I think most Americans, I believe, would not be sorry to see this entire matter go away and not have it discussed on Nightline, to not have to explain it to their kids, to have the entire issue sort of resolved in some way that does less damage to the office of the presidency.

CHRIS WALLACE: All right. I'm going to break in here. We have a little over a minute left, and Judge Webster, I'm going to ask you to take off your hat as a former federal judge and put on your hat as a former CIA director, and get your reaction to the resignation of James Woolsey today. What went wrong?

Judge WILLIAM WEBSTER: It's hard for me to answer what went wrong, and I think that- that Jim Woolsey ran into a number of headwinds, some clearly not of his

Nightline (ABC), December 28, 1994

own making, some because of his own style. But through it all, it was clear to me he was trying to do the right thing, and he was willing to take personal heat in order to do what he thought was right. You may disagree with what he did in one issue after the other, but he was trying to move the agency down into the area of the '90s and the next century, and he confronted a number of problems and he handled them as best he could, and I think he'll be remembered for that. But it's very important that this Central Intelligence Agency capability be enhanced and not destroyed because of- of pratfalls and putfalls and things for which he was in part responsible, but largely not so. All of us who lived there and worked there take responsibility for some of the things that happened.

CHRIS WALLACE: Judge Webster, you gave us a twofer tonight, and we appreciate it very much. And Mr. Davis, Mr. Brownstein, I want to thank you also for joining us.

GILBERT DAVIS: Thank you, Chris.

RONALD BROWNSTEIN: Thank you.

CHRIS WALLACE: And I'll be back in a moment.

[Commercial break]

CHRIS WALLACE: Tomorrow on PrimeTime, behind the bench with a justice of the Supreme Court, an exclusive interview with Ruth Bader Ginsburg. That's tomorrow, on this ABC station.

And that's our report for tonight. I'm Ted Koppel in Washington. For all of us here at ABC News, good night.

The preceding text has been professionally transcribed. However, although the text has been checked against an audio track, in order to meet rigid distribution and transmission deadlines, it has not yet been proofread against videotape.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 29, 1994



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

1 MARVIN M. MITCHELSON
2 & DOUGLAS L. GLASER
3 411 South Beverly Drive
4 Beverly Hills, California

5
6
7
8 Attorneys for Plaintiff

FILED
COURT OF 1880
HAROLD I. GIBBY, COUNTY CLERK
E. P. [Signature]
C. GIBBY COURT

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

11 HUGH LEE BAILEY

12 Plaintiff,

13 vs.

14 JOHN P. KENNEDY, GEORGE S.
15 HARETT, LEO RACINS, HARGER-
16 MALDENAN, a corporation,
17 ROLLINS RENT A CAR, a corpo-
18 ration, dba ROLLINS CHARGE
19 & CAR, ARTHUR SRES, DOES ONE
20 through SEVEN, Inclusive,

21 Defendants.

NO. 767200

COMPLAINT FOR NEGLIGENCE

(Personal Injuries)

22 Plaintiff complains of defendants, and each of them,
23 and alleges as follows:

24 I

25 The true names or capacities, whether individual,
26 corporate, associate or otherwise, of defendants, DOES ONE through
27 SEVEN, Inclusive, are unknown to plaintiff, who therefore sues
28 said defendants by such fictitious names. Plaintiff is informed
29 and believes and thereon alleges that each of the defendants desig-
30 nated herein as a Doe is negligently responsible in some manner
31 for the events and happenings herein referred to, and negligently
32 caused injury and damages proximately thereby to the plaintiff
as herein alleged.

II

That at all times mentioned herein, defendant Harger-

1 Haldeman was and now is a corporation duly organized and existing
2 under and by virtue of the laws of the State of California.

3 III

4 That at all times mentioned herein, defendant Rollins
5 Rent A Car was and now is a corporation duly organized and existing
6 under and by virtue of the laws of the State of Delaware and
7 authorized to do business in California; and that defendant Rollins
8 Rent A Car is authorized and licensed to do business and is doing
9 business under the fictitious name of Rollins Charge A Car.

10 IV

11 That at all times mentioned herein, defendants Leo Racino,
12 George S. Zarett, Doe Three and Doe Four were the agents, servants,
13 and employees of defendants John F. Kennedy (hereinafter referred
14 to as Kennedy) and Doe Five, and each of them, were at all times
15 mentioned herein, acting within the scope of such agency, service
16 and employment.

17 V

18 That at all times mentioned herein defendants Harger-
19 Haldeman, Rollins Rent A Car, Doe One and Doe Two, and each of
20 them, were the owners of the motor vehicle referred to in this
21 complaint and generally described as a 1959 Chevrolet Convertible,
22 yellow in color, bearing California license number SDV 821; (hereinafter
23 after called Chevrolet).

24 VI

25 That at all times mentioned herein, defendants Arthur
26 Seres, Doe Six and Seven, and each of them, were the owners of
27 the motor vehicle referred to in this complaint and generally described
28 as a 1954 Buick, two-door, green in color, bearing California
29 license number HPT 920 (hereinafter called Buick).

30 VII

31 That at all times mentioned herein, defendant Arthur
32 Seres was the agent, servant and employee of defendant Arthur Seres,

1 Doe Six and Doe Seven, and each of them, and was at all times men-
2 tioned herein acting within the scope of such agency, service
3 and employment.

4 VIII

5 That at all times mentioned herein, defendant George S.
6 Barrett was operating the said Chevrolet automobile with the con-
7 sent and permission and knowledge of defendants Kennedy, Margara-
8 Haldeman, Rollins Rent A Car, Doe One, Doe Two, and Doe Five; that
9 at all times mentioned herein defendant Arthur Seres was operat-
10 ing the said Buick automobile with the consent and permission
11 and knowledge of defendants Arthur Seres, Doe Six and Doe Seven.

12 IX

13 That at all times mentioned herein, Wilton Place and
14 Fifth Street were public streets and highways in the City of Los
15 Angeles, Los Angeles County, State of California.

16 X

17 That at all times mentioned herein, plaintiff, a
18 state senator from the state of Mississippi, was a delegate to
19 the 1960 Democratic National Convention, which convention was being
20 held in Los Angeles, California.

21 XI

22 That at all times mentioned herein, defendant Kennedy
23 was engaged in the ambitious enterprise and undertaking of seeking
24 and campaigning for nomination and election as the candidate of
25 the Democratic Party for the office of President of the United
26 States of America.

27 XII

28 That in pursuit and furtherance of said undertaking
29 said defendant Kennedy found it politically expedient, necessary
30 and efficacious to court and campaign for the favor, approbation
31 and endorsement of the delegates, including plaintiff, to said
32 Democratic National Convention.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

XIII

That on or about July 12, 1960, said defendant Kennedy and Doe Five, and each of them, acting through their agents, servants and employees, defendants Leo Racine, Doe Three, and each of them, rented said Chevrolet automobile from defendant: Hergen-Saldeman, Rollins Rent A Car, Doe One, and Doe Two, and each of them.

XIV

That to promote his said campaign to secure said nomination and election as candidate of the Democratic Party for President of the United States of America, said defendant Kennedy, together with defendant Doe Five and each of them, organized and sponsored, directly and indirectly, pre-nomination day events, occasions, and functions to which various delegates to said Convention, including plaintiff, were invited by said defendants Kennedy and Doe Five, and each of them, acting through their agents, servants and employees, defendants Leo Racine, Doe Three, and Doe Four, and each of them; and that one of the principal purposes of arranging and sponsoring said functions, occasions and events was to court and gain the favor, approbation, and ultimately, the endorsement of said delegates to the convention, including plaintiff, for said defendant Kennedy as Democratic Nominee and Candidate for the Presidency of the United States of America.

XV

That to insure the attendance of said delegates, including plaintiff, at said functions, occasions and events, defendants Kennedy and Doe Five, and each of them, acting through their agents, servants, and employees, defendants Leo Racine, George S. Zaratt, Doe Three and Doe Four, and each of them, arranged and provided transportation by motor vehicle for said delegates, including plaintiff, to said functions, occasions and events.

XVI

That on or about July 12, 1960, defendants Kennedy and Doe

1 Five, and each of them, acting through their agents, servants and
2 employees, defendants Leo Racine, George S. Zarett, Doe Three
3 and Doe Four, and each of them, invited plaintiff and various other
4 delegates to the said Convention to ride in said Chevrolet autom-
5 bile to one of the said functions, occasions or events sponsored
6 directly or indirectly, by and on behalf of said defendant Kenned-
7 and Doe Five, and each of them; that plaintiff accepted said invi-
8 tation so to ride in said Chevrolet automobile, which automobile
9 was driven and operated by said defendant George S. Zarett.

10 XVII

11 That at approximately 10:30 a.m. on or about July 12,
12 1960, on Fifth Street near or at its intersection with Wilton Place
13 in said city, county, and state, plaintiff was riding as a passen-
14 ger in said Chevrolet automobile driven by said defendant George
15 S. Zarett for the reasons and purposes as described hereinabove.

16 XVIII

17 That at approximately 10:30 a.m. on or about July 12,
18 1960, on Wilton Place near or at its intersection with Fifth
19 Street in said city, county and state, defendant Arthur Sares was
20 driving and operating said Buick automobile.

21 XIX

22 That at said time and place defendants, and each of
23 them, so negligently entrusted, managed, maintained and operated
24 their said automobiles at the intersection of Fifth Street and
25 Wilton Place so as to proximately cause said automobiles to collide
26 with and against one another, thereby proximately causing plain-
27 tiff the injuries and damages as hereinafter described.

28 XX

29 That as a proximate result of the said conduct of the
30 defendants and each of them, the plaintiff was hurt and injured
31 in his health, strength and activity, sustaining injury to his
32 body and shock and injury to his nervous system and person, all
of which said injuries have caused and continue to cause plaintiff

1 great mental, physical and nervous pain and suffering. Plaintiff
2 is informed and believes, and thereon alleges, that said injuries
3 will result in some permanent disability to the said plaintiff,
4 all to his general damage in the sum of \$250,000.00.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

XXI

That as a further proximate result of the said conduct
of the defendants, and each of them, the plaintiff was required
to and did employ physicians and surgeons to examine, treat,
and care for him and did incur hospital expense. Plaintiff is
informed and believes and based thereon alleges that there will
be some additional medical expense, the exact amount of which is
unknown. Leave of court will be sought to amend the complaint to
insert the correct amount of medical expense at such time as it is
ascertained.

XXII

That as a further proximate result of the said conduct
of the defendants, and each of them, plaintiff was prevented from
attending to his usual occupation and sustained a loss of earnings
thereby in the sum of \$15,000.00, and plaintiff is informed and
believes, and thereon alleges, that he will thereby be prevented
from attending to said usual occupation for a period in the future
and will sustain a further loss of earnings. Leave of court will
be sought to amend the complaint to set forth the exact amount
thereof when the same is ascertained.

WHEREFORE, plaintiff prays for judgment against the
defendants and each of them as follows:

1. General damages in the sum of \$250,000.00;
2. All medical and incidental expenses according to
proof;
3. All loss of earnings according to proof;
4. All costs of suit; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

5. Such other and further relief as to this Court may
seen proper.

MARVIN M. MITCHELSON &
DOUGLAS L. GLASER

By *Marvin M. Mitchelson*
Marvin M. Mitchelson
Attorneys for Plaintiff

SMITH, BUTTS & DIEHLMAN
Suite 212
4081 Hollywood Boulevard
Hollywood 29, California

Hollywood 2-6651

Attorneys for Plaintiffs

FILED
JUN 10 1964
Clerk of Superior Court
Los Angeles, California

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

757231

JIMMIE LEE MILLS, WALTER M.
CERRAS, JR., and WILLIAM H.
AUSTIN,

NO.

Plaintiffs,

COMPLAINT FOR NEGLIGENCE

vs.

(Personal Injuries)

JOHN F. KENNEDY, GEORGE F.
ZARETT, LEO RAGINE, HARGER-
MALDEMAN, a Corporation,
ROLLINS RENT A CAR, a Corpora-
tion dba ROLLINS CHARGE A CAR,
ARTHUR SERES, DOES ONE through
SEVEN, Inclusive,

Defendants.

COME NOW the Plaintiffs and for cause of action
against the defendants, and each of them, complain and allege
as follows:

I

That the true names or capacities, whether individual,
corporate, associate or otherwise, of the defendants DOES ONE
through SEVEN, Inclusive, are unknown to plaintiffs, who there-
fore sue said defendants by such fictitious names. Plaintiffs
are informed and believe and thereon allege that each of the
defendants designated herein as a Doe is negligently responsible
in some manner for the events and happenings herein referred to,
and negligently caused injury and damages proximately thereby

1 to the plaintiffs as herein alleged.

2 II

3 That at all times mentioned herein defendant Harger-
4 Haldeman was, and now is a corporation duly organized and ex-
5 isting under and by virtue of the laws of the State of California.

6 III

7 That at all times mentioned herein defendant Rollins
8 Rent A Car was, and now is a corporation duly organized and ex-
9 isting under and by virtue of the laws of the State of Delaware;
10 and authorized to do business in California; and that defendant
11 Rollins Rent A Car is authorized and licensed to do business and
12 is doing business under the fictitious name of Rollins Charge A
13 Car.

14 IV

15 That at all times mentioned herein defendants Leo Racine,
16 George S. Zarett, Doe Three and Doe Four, were the agents, ser-
17 vants and employees of defendants John D. Kennedy (hereinafter
18 referred to as Kennedy) and Doe Five, and were at all times
19 mentioned herein acting within the scope of such agency, service
20 and employment.

21 V

22 That at all times mentioned herein defendants Harger-
23 Haldeman, Rollins Rent A Car, Doe One and Doe Two, and each of
24 them, were the owners of the motor vehicle referred to in this
25 complaint and generally described as a 1959 Chevrolet Convertible,
26 yellow in color, bearing California license number SDV 824
27 (hereinafter called Chevrolet).

28 VI

29 That at all times mentioned herein defendants Arthur
30 Seres, Doe Six and Seven, and each of them, were the owners of
31 the motor vehicle referred to in this complaint and generally
32 described as a 1954 Buick two door, green in color, bearing

1 California license number HPT 920 (hereinafter called Buick).

2 VII

3 That at all times mentioned herein defendant Arthur Seres
4 was the agent, servant and employee of defendants Arthur Seres,
5 Doe Six and Doe Seven, and each of them, and was at all times
6 mentioned herein acting within the scope of such agency, service
7 and employment.

8 VIII

9 That at all times mentioned herein defendant George S.
10 Carrett was operating the said Chevrolet automobile with the con-
11 sent and permission and knowledge of defendants, Kennedy, Marger-
12 Haldeman, Rollins Rent A. Car, Doe One, Doe Two, and Doe Five;
13 that at all times mentioned herein defendant Arthur Seres was
14 operating the said Buick automobile with the consent and per-
15 mission and knowledge of defendants Arthur Seres, Doe Six and
16 Doe Seven.

17 IX

18 That at all times mentioned herein Wilton Place and
19 Fifth Street were public streets and highways in the City of
20 Los Angeles, Los Angeles County, State of California.

21 X

22 That at all times mentioned herein plaintiffs were
23 delegates to the 1960 Democratic National Convention, from the
24 State of Mississippi, which convention was being held in Los
25 Angeles, California.

26 XI

27 That at all times mentioned herein defendant Kennedy
28 was engaged in the ambitious enterprise and undertaking of seek-
29 ing and campaigning for nomination as the Democratic candidate
30 for the office of President of the United States of America.

31 XII

32 That in pursuit and furtherance of said undertaking

2221
WALLWOOD 24 CALIFORNIA
NO. 2 6641

1 said defendant Kennedy found it politically expedient and nec-
2 essary and efficacious to court and campaign for the favor,
3 approbation and endorsement of various delegates, including
4 plaintiffs, to said Democratic National Convention.

5
6 XIII

7 That on or about July 12, 1960, said defendant Kennedy
8 and Doe Five, and each of them, acting through their agents,
9 servants and employees, defendants Leo Racine, Doe Three, and
10 each of them, rented said Chevrolet automobile from defendants
11 Harger-Waldeman, Rollins Rent-A. Car, Doe One and Doe Two, and
12 each of them.

13 XIV

14 That to promote his said campaign to secure said nom-
15 ination as Democratic Candidate for President of the United
16 States of America, said defendant Kennedy, together with de-
17 fendant Doe Five, and each of them, organized and sponsored
18 pre-nomination day events, occasions and functions to which
19 various delegates to said Convention, including plaintiffs, were
20 invited by said defendants Kennedy and Doe Five, and each of
21 them, acting through their agents, servants and employees, refer-
22 ence to Leo Racine, Doe Three and Doe Four, and each of them, and
23 that one of the direct purposes of arranging and sponsoring
24 said functions, occasions and events, was to court and gain the
25 favor, approbation and endorsement of said delegates to the
26 convention, including plaintiffs, for said defendant Kennedy as
27 Democratic Nominee and Candidate for the Presidency of the United
28 States of America.

29 XV

30 That to insure the attendance of said delegates, includ-
31 ing plaintiffs, at said functions, occasions and events, defen-
32 dents Kennedy and Doe Five, and each of them, acting through
their agents, servants and employees, defendants Leo Racine,

1 George S. Zarett, Doe Three and Doe Four, and each of them,
2 arranged and provided transportation by motor vehicle for said
3 delegates, including plaintiffs, to said functions, occasions and
4 events.

5 XVI

6 That on or about July 12, 1960, defendants Kennedy and
7 Doe Five, and each of them, acting through their agents, ser-
8 vants and employees, defendants Leo Racine, George S. Zarett, Doe
9 Three and Doe Four, and each of them, invited plaintiffs and
10 various other delegates to the said Convention, to ride in said
11 Chevrolet automobile to one of the functions sponsored, directly
12 or indirectly by and on behalf of said defendants Kennedy and
13 Doe Five, and each of them; that plaintiffs accepted said invi-
14 tation so to ride in said Chevrolet automobile, which automob-
15 ile was driven and operated by said defendant George S. Zarett.

16 XVII

17 That at approximately 10:30 A. M. on or about July 12,
18 1960 on Wilton Place at its intersection with Fifth Street in
19 said City, County and State, plaintiffs were riding as passen-
20 gers in said Chevrolet automobile for the reasons and purposes
21 as described hereinabove.

22 XVIII

23 That at said time and place, said defendants, and each
24 of them, their agents, servants and employees so negligently
25 entrusted, managed, maintained and operated their respective
26 automobiles so as to cause the same to collide thereby causing
27 said plaintiffs to suffer severe personal injuries hereinafter
28 enumerated.

29 XIX

30 That as a proximate result of the said conduct of the
31 defendants, and each of them, plaintiff Jimmie Lee Hills was
32 injured in her health, strength and activity, sustaining injury

1 to her body and shock and injury to her nervous system and person.
2 all of which injuries have caused and continue to cause said
3 plaintiff great mental, physical and nervous pain and suffering.
4 Plaintiff is informed and believes and therefore alleges, that
5 said injuries will result in some permanent disability to the
6 said plaintiff, all to her general damage in the sum of
7 \$100,000.00.

8
9 XX

10 That as a further proximate result of the said conduct
11 of the defendants, and each of them, their agents, servants and
12 employees, plaintiff Jimmie Lee Mills was required to and did
13 employ physicians and surgeons to examine, treat and care for
14 her and did incur hospital, medical and incidental expense. Said
15 plaintiff is informed and believes and based thereon alleges
16 that there will be some additional medical expense, the exact
17 amount of which is unknown. Leave of Court will be sought to
18 amend this complaint to insert the correct amount of medical
19 expense at such time as it is ascertained.

20 XXI

21 That as a further proximate result of the said conduct of
22 the defendants, and each of them, their agents, servants and em-
23 ployees, plaintiff Jimmie Lee Mills was forced to and did leave
24 her employment in order to secure proper medical care and atten-
25 tion; that said plaintiff has suffered loss of earnings thereby;
26 that said plaintiff does not know at this time the amount due and
27 to become due for said loss of earnings, but will ask leave of
28 court to amend this complaint to set forth said amounts at the
29 time they are ascertained.

30 FOR A SECOND, SEPARATE AND FURTHER CAUSE OF ACTION,
31 PLAINTIFF WALTER M. O'BARR, JR., ALLEGES AS FOLLOWS:

32 I

Realleges Paragraphs I, II, III, IV, V, VI, VII, VIII.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-17-01 BY SP-10/STP/STP

1 IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII of the first
2 cause of action both generally and specifically, to which
3 reference is hereby made and the same are hereby incorporated
4 in the second cause of action, and made a part hereof as though
5 the same were again fully set forth.

6 II

7 That as a proximate result of the said conduct of the
8 defendants, and each of them, their agents, servants and employees,
9 plaintiff Walter M. O'Barr, Jr., was injured in his health,
10 strength and activity, sustaining injury to his body and shock
11 and injury to his nervous system and person, all of which in-
12 juries have caused and continue to cause said plaintiff great
13 mental, physical and nervous pain and suffering. Plaintiff is
14 informed and believes and therefore alleges, that said injuries
15 will result in some permanent disability to the said plaintiff.
16 all to his damage in the sum of \$50,000.00.

17 III

18 That as a further proximate result of the said conduct
19 of the defendants, and each of them, their agents, servants and
20 employees, plaintiff Walter M. O'Barr, Jr., was required to and
21 did employ physicians and surgeons to examine, treat and care
22 for him and did incur hospital, medical and incidental expense.
23 Said plaintiff is informed and believes and based thereon alleges
24 that there will be some additional medical expense, the exact
25 amount of which is unknown. Leave of Court will be sought to
26 amend this complaint to insert the correct amount of medical
27 expense at such time as it is ascertained.

28 IV

29 That as a further proximate result of the said conduct
30 of the defendants, and each of them, their agents, servants and
31 employees, plaintiff Walter M. O'Barr, Jr., was forced to leave
32 his employment in order to secure proper medical care and

1 attention: that said plaintiff has suffered loss of earnings
2 thereby; that said plaintiff does not know at this time the amount
3 due and to become due in the future for said loss of earnings.
4 But will ask leave of court to amend this complaint to set forth
5 said amounts at the time they are ascertained.

6 FOR A THIRD, SEPARATE AND FURTHER CAUSE OF ACTION,
7 PLAINTIFF WILLIAM H. AUSTIN ALLEGES AS FOLLOWS:

8 I

9 Realleges Paragraphs I, II, III, IV, V, VI, VII, VIII,
10 IX, X, XI, XII, XIII, XIV, XV, XVI, XVII and XVIII of the first
11 cause of action both generally and specifically, to which
12 reference is hereby made, and the same are hereby incorporated
13 in this third cause of action, and made a part hereof as though
14 the same were again fully set forth.

15 II

16 That as a proximate result of the said conduct of the
17 defendants, and each of them, their agents, servants and em-
18 ployees, plaintiff William H. Austin, was injured in his health,
19 strength and activity, sustained injury to his body and shock
20 and injury to his nervous system and person, all of which in-
21 juries have caused and continue to cause said plaintiff great
22 mental, physical and nervous pain and suffering. Said plain-
23 tiff is informed and believes and therefore alleges, that said
24 injuries will result in some permanent disability to the said
25 plaintiff, all to his damage in the sum of \$50,000.00.

26 III

27 That as a further proximate result of the said conduct
28 of the defendants, and each of them, their agents, servants and
29 employees, plaintiff William H. Austin was required to and did
30 employ physicians and surgeons to examine, treat and care for
31 him and did incur hospital, medical and incidental expense.
32 Said plaintiff is informed and believes and based thereon

1 alleges that there will be some additional medical expense, the
2 exact amount of which is unknown. Leave of Court will be sought
3 to amend this complaint to insert the correct amount of medical
4 expense at such time as it is ascertained.

5 IV

6 That as a further proximate result of the said conduct
7 of the defendants, and each of them, their agents, servants and
8 employees, plaintiff William H. Austin was forced to and did
9 leave his employment in order to secure proper medical care and
10 attention; that said plaintiff has suffered loss of earnings thereby;
11 that said plaintiff does not know at this time the amount due and
12 to become due in the future for said loss of earnings, but will
13 ask leave of court to amend this complaint to set forth said
14 amounts at the time they are ascertained.

15 WHEREFORE, plaintiffs pray judgment against the defen-
16 dants and each of them, as follows:

- 17 1. For \$100,000.00 general damages in favor of
18 plaintiff Jimmie Lee Hills;
- 19 2. For medical expenses incurred and to be incurred in
20 favor of plaintiff Jimmie Lee Hills;
- 21 3. For loss of earnings accrued and to accrue in favor
22 of plaintiff Jimmie Lee Hills;
- 23 4. For the sum of \$50,000.00 general damages in favor
24 of plaintiff Walter M. O'Barr, Jr.;
- 25 5. For medical expenses incurred and to be incurred in
26 favor of plaintiff Walter M. O'Barr, Jr.;
- 27 6. For loss of earnings accrued and to accrue in favor
28 of plaintiff Walter M. O'Barr, Jr.;
- 29 7. For the sum of \$50,000.00 general damages in favor
30 of plaintiff William H. Austin;
- 31 8. For medical expenses incurred and to be incurred

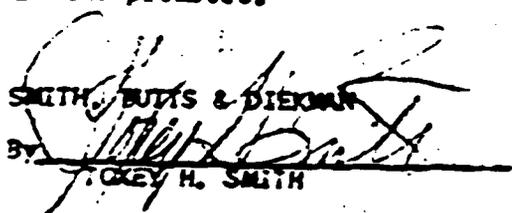
1 in favor of plaintiff William H. Austin;

2 9. For loss of earnings incurred and to be incurred
3 in favor of plaintiff William H. Austin;

4 10. For costs of suit herein incurred; and

5 11. For such other and further relief as to the
6 Court may seem just and proper in the premises.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
SMITH, BUTTS & DICKSON

BY 
J. GRAY H. SMITH

Attorneys for Plaintiffs



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

1 CRIDER, TILSON & RUPPEL
2 Attorneys at Law
3 228 South Spring Street
4 Los Angeles 13, California

5 Telephone: Madison 6-3131

6 Attorneys for Defendants
7 JOHN F. KENNEDY, ROLLINS
8 GEORGE-A-CAR and HARGER-
9 HALDEMAN-U-DRIVE.

85
31
ORIGINAL FILES
JUL 5 - 1962
FILED
COUNTY CLERK
LOS ANGELES

225-192
C. Kennedy
Rollins

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 EUGENE LEE BAILEY,
13 Plaintiff.

14 vs.

15 JOHN F. KENNEDY, et al.,
16 Defendants.

17 JUDITH LEE HILLS, et al.,
18 Plaintiffs,

19 vs.

20 JOHN F. KENNEDY, et al.,
21 Defendants.

NO. 757,200

NOTICE OF MOTION TO
VACATE PRE-TRIAL DATE
AND STAY FURTHER PROCEEDINGS

NO. 757,201

22 TO PLAINTIFFS HEREIN AND TO DOUGLAS L. GLASER AND MARVIN M.
23 MITCHELSON AND TO SMITH, BUTTS & DIENMAN, THEIR ATTORNEYS; AND TO
24 DEFENDANT ARTHUR SERES AND JEROME M. BUDINGER, HIS ATTORNEY:

25 YOU, AND EACH OF YOU, PLEASE TAKE NOTICE that on July
26 19, 1962, at the hour of 10:30 A.M., or as soon thereafter as
27 counsel may be heard, in Department 1 of the above-entitled Court,
28 defendant, JOHN F. KENNEDY, will move the Court for an order va-
29 cating the pre trial date of July 30, 1962 and staying all further
30 proceedings in the above-entitled action.

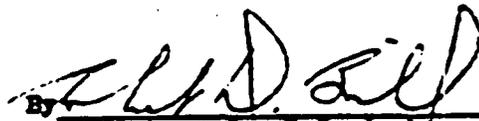
31 Said motion will be made upon the ground that said
32

1 said defendant at the present time is in military service and his
2 ability to conduct his defense would be materially affected by
3 reason of said military service, as more particularly shown by the
4 Declaration of Robert D. Brill attached hereto.

5 Said motion will be based on this Notice, on the
6 Memorandum of Points and Authorities attached hereto, on the
7 Declaration of Robert D. Brill attached hereto, and upon all the
8 documents on file in the above entitled actions.

9 DATED: June 29, 1962.

10 CRIDER, TILSON & RUPPE'

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
By 
Attorneys for Defendants

1 MEMORANDUM OF POINTS AND AUTHORITIES

2
3 I.

4 50 U. S. C. A. App. §§ 501-527.

5
6 "§ 511. Definitions.

7 "(1) The term 'persons in military service' and
8 the term 'persons in the military service of the United States',
9 as used in this Act (sections 501-548 and 560-599 of this Appendix),
10 shall include the following persons and no others: All members of
11 the Army of the United States, the United States Navy, the Marine
12 Corps, the Coast Guard, and all officers of the Public Health Ser-
13 vice detailed by proper authority for duty either with the Army or
14 the Navy. The term 'military service', as used in this Act (said
15 sections), shall signify Federal service on active duty with any
16 branch of service heretofore referred to or mentioned as well as
17 training or education under the supervision of the United States
18 preliminary to induction into the military service. The terms
19 'active service' or 'active duty' shall include the period during
20 which a person in military service is absent from duty on account
21 of sickness, wounds, leave, or other lawful cause.

22 "(2) The term 'period of military service', as
23 used in this Act (said sections), shall include the time between the
24 following dates: For persons in active service at the date of the
25 approval of this Act (Oct. 17, 1940) it shall begin with the date
26 of approval of this Act (Oct. 17, 1940); for persons entering active
27 service after the date of this Act (Oct. 17, 1940), with the date of
28 entering active service or death while in active service, but in no
29 case later than the date when this Act (said sections) ceases to be
30 in force.

31 "(3) The term 'person', when used in this Act
32 (said sections), with reference to the holder of any right alleged

1 to exist against a person in military service or against a person
2 secondarily liable under such rights, shall include individuals,
3 partnerships, corporations, and any other forms of business asso-
4 ciation.

5 "(4) The term 'court', as used in this Act (said
6 sections), shall include any court of competent jurisdiction of the
7 United States or of any State, whether or not a court of record.
8 Oct. 17, 1940, c. 888, § 101, 54 Stat. 1179."

9 "§ 512. Territorial application; Jurisdiction of courts;
10 form of procedure.

11 "(1) The provisions of this Act (sections 501-548
12 and 560-590 of this Appendix) shall apply to the United States, the
13 several States and Territories, the District of Columbia, and all
14 territory subject to the jurisdiction of the United States, and to
15 proceedings commenced in any court therein, and shall be enforced
16 through the usual forms of procedure obtaining in such courts or
17 under such regulations as may be by then prescribed.

18 "(2) When under this Act (said sections) any ap-
19 plication is required to be made to a court in which no proceeding
20 has already been commenced with respect to the matter, such appli-
21 cation may be made to any court."

22 "§ 521. Stay of proceedings where military service
23 affects conduct thereof.

24 "At any stage thereof any action or proceeding in
25 any court in which a person in military service is involved, either
26 as plaintiff or defendant, during the period of such service or
27 within sixty days thereafter may, in the discretion of the court in
28 which it is pending, on its own motion, and shall, on application
29 to it by such person or some person on his behalf, be stayed as pro-
30 vided in this Act (sections 501-548 and 560-590 of this Appendix).
31
32

1 unless, in the opinion of the court, the ability of plaintiff to
2 prosecute the action or the defendant to conduct his defense is not
3 materially affected by reason of his military service."

4
5 "§ 524. Duration and term of stays; codefendants not
6 in service.

7 "Any stay of any action, proceeding, attachment,
8 or execution, ordered by any court under the provisions of this Act
9 (sections 501-548 and 560-590 of this Appendix) may, except as
10 otherwise provided, be ordered for the period of military service
11 and three months thereafter or any part of such period, and subject
12 to such terms as may be just, whether as to payment in installments
13 of such amounts and at such times as the court may fix or otherwise.
14 Where the person in military service is a codefendant with others
15 the plaintiff may nevertheless by leave of court proceed against
16 the others."

17
18 This section (section 521) leaves discretion in the
19 trial court to determine whether plaintiff's ability to prosecute
20 action or defendant's ability to conduct defense is materially af-
21 fected by reason of his military service, but, in effect, places
22 burden of proof on party resisting postponement of trial because of
23 party's military absence and makes postponement mandatory on appli-
24 cation by or for such party, unless his ability to prosecute or
25 defend is not materially affected in court's opinion.

26 Pacific Greyhound Lines v. Superior Court of the City
27 and County of San Francisco, 28 C. (2d) 61.

28 "The President shall be Commander-in-Chief of the Army
29 and Navy of the United States, . . ."

30 Article II, Section 2, Cl. 1, Constitution of the
31 United States.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

II.

In absence of showing by plaintiff that defendant's ability to defend his action would not be materially affected by reason of his military service, a stay of proceedings became mandatory upon filing of affidavit showing that defendant was in military service.

LaFace, v. Incurvia, 113 K. E. (2d) 128.

In re Adoption of a Minor, 136 F. (2d) 790.

Davis v. Wyche, 32 S. E. (2d) 359.

Kelley v. Kelley, 38 N. Y. S. (2d) 388.

Thompson v. Anderson, 37 S. E. (2d) 581.

Reynolds v. Haulcraft, 170 S. W. (2d) 678.

III.

While under the provisions of the Soldiers' and Sailors' Civil Relief Act, courts may, in the exercise of their discretion, refuse to stay proceedings, they are obligated not to do so unless they are of the opinion that the interests of the person in the military or naval service will not be materially affected by a refusal.

McArthur v. Shaffer, 59 C. A. (2d) 728 at 728.

IV.

"The discretion that is vested in trial courts to that end is not to be withheld on nice calculations as to whether prejudice may result from absence, or absence result from the service. Absence when one's rights or liabilities are being adjudged is usually prima facie prejudicial."

Boone v. Lightner, 318 U. S. 750.

Myester v. Lederle, 128 F. 2d 197.

Respectfully submitted,

By [Signature]
Attorneys for Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

that the Democratic National Convention was in progress at the time of the occurrence of the accident involved herein, that said plaintiffs were delegates to said Convention, and that defendant Kennedy was furnishing the transportation for consideration, said consideration apparently being the desire to secure the vote of said delegates on the Convention floor.

That defendant Kennedy, in his answers filed herein, denies virtually all of the allegations of said Complaints, specifically, but not limited to, those with reference to agency as between said defendant Barrett and himself, and the claimed status of said plaintiffs as "passengers" as distinguished from "guests" in the vehicle in question.

That these consolidated cases presently are set for trial on July 2, 1952, at 8:45 A.M. in Department 2 of the above entitled Court.

That, obviously, defendant's inability to be present to testify in his own behalf either in person or by way of deposition, as a result of his present role in government service, including, but not limited to, his capacity as Commander in-Chief of all branches of the military, would greatly affect and prejudice his ability to conduct a defense to the above actions.

That attempts have been made on the part of defendants herein to dispose of these respective actions by way of settlement, but to no avail. That it still is the desire of all defendants herein to dispose of these cases by way of settlement, if possible.

I hereby certify that this action is filed in good faith, not for the purposes of delay and in my opinion the grounds are well taken.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, on June 25, 1952.



RECYCLED

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11

1 SMITH, BUTTS AND DICKMAN
2 6331 Hollywood Boulevard
3 Hollywood 28, California
4 Hollywood 2-6651

MARVIN M. MITCHELSON
& DOUGLAS L. GLASER
211 South Beverly Drive
Beverly Hills, California
Bradshaw 2-0634

5 Attorneys for Plaintiffs
6 Jimmie Lee Hills, Walter
7 M. O'Barr, Jr., and
8 William H. Austin

Attorneys for Plaintiff
Hugh Lee Bailey
FILED
JUL 11 1962
E. Robinson
CLERK OF COURT

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF LOS ANGELES

11 HUGH LEE BAILEY)
12 Plaintiff)
13 vs.)
14 JOHN P. KENNEDY, et al)
15 Defendants)

NO. 757 200

16 JIMMIE LEE HILLS, WALTER M.)
17 O' BARR, JR., and WILLIAM H.)
18 AUSTIN)

NO. 757 201

18 vs.)
19 Plaintiffs)
20 JOHN P. KENNEDY, GEORGE F.)
21 ZARRETT, LEO RACINE, et al)
22 Defendants)

23 ARTHUR SERES)
24 Cross-Complainant)

NO. 757 201

25 vs.)

NOTICE OF DENIAL OF
MOTION TO VACATE PRE-TRIAL
DATE AND STAY FURTHER
PROCEEDINGS

26 JIMMIE LEE HILLS, WALTER M.)
27 O' BARR, JR., and WILLIAM H.)
28 AUSTIN)

29 Cross-Defendants)

30 TO DEFENDANTS HEREIN AND TO CRIDER, TILSON & RUPPE' AND TO
31 JEROME M. BUDINGER, THEIR ATTORNEYS:

32 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on,
July 19, 1962 in Department 34 of the above entitled Court,

1 defendant JOHN P. KENNEDY'S motion to vacate pretrial date and
2 stay further proceedings, was denied.
3
4

5
6
7
8
9
10 DATED: July 25, 1962

11 SMITH, BUTTS AND DICKMAN

12 By *[Signature]*

13 Attorneys for Plaintiffs
14 Jimmie Lee Hills, Walter M.
15 O'Barr, Jr. and William H.
16 Austin.

17
18 MARVIN M. MITCHELSON
19 & DOUGLAS L. GLASER

20 By *[Signature]*

21 Attorneys for Plaintiff
22 Hugh Lee Bailey.
23
24
25
26
27
28
29
30
31
32



RECYCLED

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

DEPT.

FILE NO.

Philbrick McCoy

FILED

R L Bartlett

63

Charles Glenn

Dorothy Swett

Reporter

Parties and counsel changed in 1961 and

757200

Counsel for Plaintiff: Douglas L. Glaser and Marvin H. Mitchelson

Hugh Lee Bailey

VS

John F. Kennedy, et al

Counsel for Defendant: Crider, Tilson & Ruppe for defendants, John F. Kennedy, Rollins Charge-A-Car and Marger-Haldeman U-Drive BY R. MC GEE,

NATURE OF PROCEEDINGS:

1 0 0 0 2 0 1 0 0 0 2 C

757201

Jimmie Lee Mills, et al

VS

John F. Kennedy, et al

Counsel for Defendant: Jerome M. Budinger for defendant Arthur Jones

Smith, Butts & Dickman for Jimmie Lee Mills, Walter M. O'Barr, Jr and William H. Austin in Action #757201 BY IXIE F. FITH FILED

- (1) Motion of defendants, John F. Kennedy, Rollins Charge-A-Car and Marger-Haldeman U-Drive for Commission to take deposition of Robert Kennedy upon oral interrogatories
- (2) Motion of plaintiffs, Hugh Lee Bailey, Jimmie Lee Mills, Walter H. O'Barr, Jr and William Austin for Commission to take deposition of John F. Kennedy upon oral interrogatories
- (3) Motion of plaintiffs, Hugh Lee Bailey, Jimmie Lee Mills, Walter H. O'Barr, Jr and William Austin for order requiring defendants to defray expenses of plaintiff's attorneys to appear in re deposition in Washington D C

- (1) MOTION DENIED WITH LEAVE GRANTED TO THE DEFENDANTS, IF SO DESIRED, TO TAKE DEPOSITION ON WRITTEN INTERROGATORIES. NOTING DEFENDANTS MAY SERVE PROPOSED INTERROGATORIES ON ALL OTHER PARTIES WITHIN 15 DAYS. PLAINTIFFS AND ALL OTHER PARTIES MAY SERVE CROSS-INTERROGATORIES WITHIN 15 DAYS THEREAFTER AND THE ANSWERING PARTIES MAY SERVE RECROSS WITHIN 5 DAYS. WHEN INTERROGATORIES ARE SETTLED, COMMISSION TO ISSUE. NOTICE WAIVED.
- (2) MOTION DENIED. DEFENDANT JOHN F. KENNEDY IS ORDERED TO SERVE AND FILE ANSWERS TO INTERROGATORIES SERVED ON DECEMBER 5, 1961, WITHIN 20 DAYS. THE COURT FINDS THAT NO OBJECTIONS TO SAID INTERROGATORIES HAVING BEEN HERETOFORE FILED, ALL OBJECTIONS ARE WAIVED. NOTICE WAIVED.
- (3) MOTION DENIED. NOTICE WAIVED.

Date Aug 27, 1962 (8) Dept. 63



RECYCLED

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11

SMITH, BUTTS AND DIEKMAN
SUITE 212 GRADY BLDG
2331 HOLLYWOOD BLVD
HOLLYWOOD 28, CALIFORNIA
HOLLYWOOD 2-0851

ORIGINAL
DUPLICATE
FILED
SEP 29 1962
CLERK OF SUPERIOR COURT
LOS ANGELES, CALIF.

APPEARANCE FOR PLAINTIFFS
Jimmie Lee Hills, Walter M.
O'Beary and William Hoyt Austin

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

HUGH LEE BAILEY,
vs. Plaintiff,
JOHN P. KENNEDY, et al.
Defendants,

No. 757, 200
REPLY TO OBJECTIONS
TO
CROSS-INTERROGATORIES

JIMMIE LEE HILLS, et al.,
vs. Plaintiffs,
JOHN P. KENNEDY, et al.,
Defendants.

NO 757, 200

FACTS

Since the filing of the cross-interrogatories, these plain-
tiffs are informed and believe that the defendant John P. Kennedy
has now admitted that the witness Robert P. Kennedy was his
general Campaign Manager. This new development permits, of
course, the witness Robert P. Kennedy to be examined under the
provisions and latitude of C. C. P. 2055.

In its "Objections to Cross-Interrogatories" defendants
admit that the issues are broad in this case, listing among others
the following: (1) Whether or not the driver of the vehicle in
which the plaintiffs were riding was an agent of the defendant

1 John P. Kennedy. (2) Whether or not the driver of such automobile
2 was negligent, (3) Whether the plaintiffs are guests or not, and
3 (4) Whether the plaintiffs are passengers or not.

4 The witness, Robert F. Kennedy, being the general agent of
5 the defendant John P. Kennedy, it is now proper to ask questions
6 of a Discovery nature and the plaintiffs should not be barred
7 or restricted in this regard.

8
9 POINTS AND AUTHORITIES

10
11 I.

12
13 THE DEFENDANT JOHN P. KENNEDY IS TAKING AD-
14 VANTAGE OF HIS TEMPORARY HIGH POSITION TO
15 ANNOY, HARASS AND VEX THE PLAINTIFFS IN THIS
16 CASE BY RESORT TO THE FRIVOLOUS ASSERTION
17 THAT THE PLAINTIFFS WERE NOT "PASSENGERS" AT
18 THE TIME OF THE ACCIDENT.

19
20 To anyone fully awake to the facts of life, and this
21 Court will take Judicial Notice of same, the Kennedy forces were
22 courting the favor of all delegates to the 1960 Democratic Con-
23 vention; that this was not a gratuitous undertaking. The
24 claim in this lawsuit that the plaintiffs were being merely
25 transported out of the goodness of heart of the defendant John
26 P. Kennedy who had no expectation of personal gain is a frivo-
27 lous assertion to the point of absurdity.

28 Plaintiffs are sincerely convinced that this frivolous
29 defense is injected for the sole purpose of annoying, harassing
30 and vexing the plaintiffs and to deny to them just compensation
31 for the injuries inflicted upon them by the defendant John P.
32 Kennedy's driver.

2.

SMITH, BUTTS & O'BRIEN
ATTORNEYS AT LAW
605 WEST WASHINGTON
SANTA ANA, CALIFORNIA
ND 5-5001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

II.

WHETHER ROBERT P. KENNEDY AND THE DEFENDANT
JOHN F. KENNEDY WERE ACTING AS PART OF A
FAMILY DYNASTY IS AN ISSUE IN THIS CASE.

Plaintiffs' belief that there is such a thing as a Kennedy
Family Dynasty is sincere and in good faith with this Court.
This belief is shared by many true Americans who are not in any
way involved in this litigation.

A recent article by Morrie Ryskind appearing in the Los
Angeles Times reads as follows:

"If this is the wave of the future, however,
let's be realistic and change the name of the
United States - provided our northern neighbors
don't object to the similarity - to the Dominion
of Kennedy. For that's what we are now.

"Not that I hold with those who shriek
'Nepotism!' That is strictly a disease of
commoners, and you and I are rightly charged
with it when we exert influence in getting a
younger brother a job. But the blue blood of
royalty is impervious to the taint, so the
charge falls flat on its face.

"What the layman mistakes for the virus
of nepotism - and there is a superficial re-
semblance - in royalty is its deep concern for
the masses entrusted to its care. This bene-
volent germ - noblesse oblige is its scienti-
fic term - places duty above all.

"This explains why Bob Kennedy could deny
he would take a high post in the administration

SMITH, BUTTS & GIBMAN
ATTORNEYS AT LAW
6001 HOLLYWOOD BOULEVARD
HOLLYWOOD, CALIFORNIA
HO 90001

1 since 'that would be nepotism.' The royal
2 family had not yet ascended the throne and
3 Bobby was still, technically, a commoner.
4 After inauguration, however, when the Pres-
5 ident's diligent search revealed Bobby as
6 the man best qualified to be Attorney General,
7 he was morally bound to accept the office.

8 "There is high precedent for this. When
9 Napoleon became emperor, he made one brother
10 king of Spain and another king of Holland; and
11 rewarded Murat, who had the forethought to
12 marry Caroline - Caroline Bonaparte, that
13 is - with the kingdom of Naples. Later, when
14 his son was born, he celebrated by making the
15 infant king of Rome. You can't start too
16 early in this business."

17
18 Elvis Presley in his recent release "King of the
19 World" puts the matter this way:-

20 " A poor man wants to be a rich man
21 - a rich man wants to be king, x x."

22
23 It is still possible in this case to make Joseph Ken-
24 nedy and Ted Kennedy parties to this action as active partici-
25 pants in the 1960 Democratic Convention Campaign both financially
26 and personally. If the Judiciary does not shield the witness
27 Robert F. Kennedy then the answers of Robert F. Kennedy to the
28 proposed cross-interrogatories may well furnish a proper basis
29 for making such named Kennedys parties to this action.

30 -----
31 -----
32 -----

METTA BUYS & GIERMAN
ATTORNEYS AT LAW
6000 HOLLYWOOD BLVD., HOLLYWOOD, CALIFORNIA
HO 8-0001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

III.

PLAINTIFFS ARE MORE THAN JUST A LITTLE
CONVINCED DEFENDANT JOHN F. KENNEDY AND
WITNESS ROBERT F. KENNEDY ARE PREJUDICED
AGAINST THE STATE OF MISSISSIPPI AND THE
RESIDENTS THEREOF, INCLUDING THE PLAINTIFFS
HEREIN

It is an inescapable fact that the Mississippi Delegates
and Alternate Delegates to the 1960 Democratic Convention gave
earnest consideration to all candidates at the Convention, but
finally concluded that the defendant John F. Kennedy was not
their choice. Defendant John F. Kennedy did not make a single
speech during the campaign in the state of Mississippi. Robert
F. Kennedy avoids the state of Mississippi in regards to his own
person on his good will tours.

At the present time the witness Robert F. Kennedy is
attempting to interfere with the state university of Mississippi,
Ole Miss, and there is some indication that he will cause the
state to be invaded by Federal Forces under his command and to
occupy same.

Plaintiffs sincerely believe that the frivolous defense
to the effect that the plaintiffs were not passengers in the
Kennedy automobile is born out of prejudice against them and
to deny to them just compensation for the injuries inflicted
upon them. The plaintiffs feel that they have every right to
go into this question of prejudice. Plaintiffs feel that their
state's rights are in the process of being abolished, but feel
that their individual rights should not be abolished by the
courts in this case.

Plaintiffs are not as well off financially to shoulder

SHIRLEY B. SMITH & COMPANY
ATTORNEYS AT LAW
2000 W. UNIVERSITY BLVD.
ANN ARBOR, MICHIGAN 48106

1 the burden of this litigation as are the defendants, but at great
2 sacrifice the plaintiffs are now able and willing to take the
3 depositions of all the Kennedys . This method of interrogatories
4 and cross-interrogatories of the witness Robert F. Kennedy is
5 not of the choice of plaintiffs but was ordered by the court
6 without prior notice to the plaintiffs when they appeared before
7 this court trying to get expense money back to Washington where
8 the defendants wanted to take the deposition of Robert F.
9 Kennedy.

10 DATED: September 28, 1962.

11 RESPECTFULLY SUBMITTED,

12
13 TOXEY H. SMITH

14
15 TOXEY H. SMITH
16 Attorney for Plaintiffs
17 Jimmie Lee Hills, Walter
18 M. O'Barr and William
19 Hoyt Austin.
20
21
22
23
24
25
26
27
28
29
30
31
32

SMITH, SMITH & SMITH
ATTORNEYS AT LAW
2001 BROADWAY, SUITE 200
HOUSTON, TEXAS 77002



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

SMITH, BUTTS AND CHICKMAN
SUITE 112 GARRETT BUILDING
5351 HOLLYWOOD BOULEVARD
HOLLYWOOD 28, CALIFORNIA
HOLLYWOOD 2-6637

~~FILED~~
BT FILED
SEP 20 1962
M WELLS & STUP, COURT CLERK
BY K. [unclear]
R. [unclear]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

ATTORNEYS FOR PLAINTIFFS
Jimmie Lee Hills, Walter
M. O. Barr & William Hoyt
Austin

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

HUGH LEE BAILEY,

Plaintiff,

vs.

JOHN F. KENNEDY, et al.,

Defendants.

JIMMIE LEE HILLS, et al.,

Plaintiffs,

vs.

JOHN F. KENNEDY, et al.,

Defendants.

No. 757, 200

CROSS-INTERROGATORIES

TO

ROBERT F. KENNEDY

Ex. 157, 201

The following cross-interrogatories are to be propounded to Robert F. Kennedy, whose address is Department of Justice, Washington, D. C. by Miss Eleanor Goodman, whose address is Alderson Reporting Company, 306 9th Street N. W., Washington, D. C., or such competent officer as shall be named by the Court herein:

PRELIMINARY STATEMENT.

This action against defendant John F. Kennedy arose at a time when he was seeking the nomination by the Democratic Party for President of the United States. In other words, it arose

1 before he was nominated by the Democratic Party and at a time
2 when he was solely responsible to put up his own money or to
3 raise and spend other people's money to further his personal
4 political fortunes, and at a time when he had no right to spend
5 any money belonging to the Democratic Party.

6 The positions of the plaintiffs are very simple and
7 may be stated as follow:

8 Prior to the Democratic Convention held in Los Angeles,
9 California the advance guard of the Kennedy Organization moved
10 into the area. A transportation corps was set up and automobile
11 were rented and leased in wholesale lots. The demand exceeded
12 the supply and auto dealers were contacted for demonstrators, etc..
13 The huge cost of this elaborate organization could not be borne
14 by the Democratic Party as defendant John F. Kennedy was not
15 as yet their nominee. The enormous funds necessarily had to
16 be furnished by him or through him.

17 The automobiles rented and leased on behalf of the
18 defendant John F. Kennedy generally bore banners and stickers
19 proclaiming "Kennedy for President" and were generally manned
20 by Kennedy "Volunteers" and these automobiles would take dele-
21 gates anywhere they wanted to go.

22 The plaintiffs herein were delegates and alternate
23 delegate from Mississippi to the Democratic Party Convention.
24 They wanted to attend a "brunch" being given by Perle Mesta at
25 the Ambassador Hotel, were invited into and got into a "Kennedy
26 for President" automobile to make the trip. On the way to the
27 brunch their car was involved in a collision with another car
28 and all were seriously injured. When the plaintiffs sought
29 compensation for their injuries the defendant John F. Kennedy
30 through his insurance companies and its attorneys denied that
31 the injured delegates were "passengers". The plaintiffs contend
32 that they were "passengers" for the following reasons: The

1 automobile was furnished by the defendant John F. Kennedy in
2 order to create good-will on the part of the delegates towards
3 the defendant John F. Kennedy. It is the plaintiffs' contention
4 that the defendant John F. Kennedy was not just giving them a
5 ride out of the mere goodness of his heart and that therefore
6 there was a consideration for the ride which places them in the
7 status of "passengers". In other words, the defendant John F.
8 Kennedy was furnishing transportation to all delegates, in-
9 cluding even delegates from Mississippi, for his own personal
10 political gain. Plaintiffs contend therefore that they were
11 "passengers" and not mere "guests".

12 The distinction between "passenger" and "guest" is
13 very important under the laws of California where the accident
14 occurred. If the injured delegates are "passengers" they may
15 receive just compensation for their injuries from the defendant
16 John F. Kennedy on proof of negligence of his driver. If they
17 are mere "guests" then they cannot recover just compensation
18 for their injuries from the defendant John F. Kennedy even if
19 his driver was negligent. If the defendant John F. Kennedy is
20 successful in his claim that the injured delegates were mere
21 "guests" then the only way the plaintiffs may receive just com-
22 pensation for their serious injuries would be to prove that his
23 driver was either intoxicated, which he may not have been, or
24 that his driver was guilty of "wilfull misconduct", which is
25 most difficult to prove.

26 Furthermore the defendant John F. Kennedy has seen fit
27 to disclaim all responsibility for his "Kennedy for President"
28 automobile, even though it is obvious that such was being used
29 to further his personal political ambitions and for his personal
30 political gain. Thus the defendant John F. Kennedy has injected
31 the political issues into this civil lawsuit in order to defeat
32 the just claims of the injured delegates.

SMITH, RUFFIN & CHERMAN
ATTORNEYS AT LAW
6881 HOLLYWOOD BOULEVARD
HOLLYWOOD 28, CALIFORNIA
HO 8-4624

1 The injection of political issues into this civil law-
2 suit by the defendant John F. Kennedy in order to defeat the
3 rights of the injured plaintiffs to be justly compensated now
4 forces the injured delegates to cross-interrogate thoroughly
5 and exhaustively the avowed Chief-Lieutenant of this convention
6 political organization, namely one Robert F. Kennedy, who has
7 now become Attorney General of the United States because of his
8 appointment by the successful candidate.

9 It should be obvious that this witness, Robert F. Ken-
10 nedy, has just cause to be an adverse witness. The extent of
11 his interest, motive, bias, and prejudice are necessary elements
12 of his testimony and go to his credibility or lack of credibility
13 as a witness. The mere fact that he is temporarily Attorney
14 General of the United States does not give to him any special
15 exemption or consideration by the Courts. He is entitled to
16 no more and no less than any ordinary citizen of the United
17 States, including the injured plaintiffs against whom the defen-
18 dant John F. Kennedy has raised the defenses we are here concern-
19 ed with. The part that he played in the vast organization of
20 "Kennedy for President" is a vital issue and element of this
21 case. How this organization was financed, who put up the money
22 and why, are proper subjects of inquiry to establish "Agency"
23 and responsibility in this case. To deny the injured plaintiffs
24 their full rights as ordinary citizens to inquire fully into
25 these matters, now that they are issues, would be to deprive
26 them of their rights as free men and equal men under the Con-
27 stitution of the United States of America, and this is true
28 even though one of the defendants is President of the United
29 States and the adverse witness to the plaintiffs is the Attorney
30 General of the United States.

31 Long before this action ever arose the great latitude
32 permitted in cross-examination by our Courts was and is as follows:

SMITH, BURTON & DUNHAM
ATTORNEYS AT LAW
2011 Broadway Building
San Francisco 24, California
No. 8-6687

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SHIRLEY GREGORY, Defendant
Attorney for said
defendant
1000 Broadway
San Francisco, California
94108

The interest and feeling of a witness are always material elements to be considered by the jury in weighing his testimony.
People v. Gregory 120 Cal. 16

It is always proper for a party against whom a witness has given damaging testimony to show out of the mouth of the witness himself, if he can, or by other sources, if necessary, that such witness has an unusual interest in the outcome of the case, thus putting the jury in possession of a circumstance which may materially aid them in determining how much weight, if any, the testimony of such witness is entitled to.
People v. Sacramento Butchers Assn., 68 C.A. 471, 494.

Though interested witnesses are presumed to speak the truth, yet where there is evidence before the jury upon which to determine the weight to be given their testimony, the jury is entitled to consider their conduct in speaking, or failing to speak when the circumstances require that in good faith they should do so; and the jury may discredit their testimony although there is no direct testimony in conflict therewith.
Sterling v. Cole 12 C.A. 93.

DAVID B. BARTON
ATTORNEY AT LAW
3801 HUNTERS GREEN BLVD
SAN ANTONIO, TEXAS 78201
TEL: 548-1111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

The position and interest of a witness may be taken into consideration in determining his credibility.

People v. Bartol, 24 C.A. 659.

Jury has a right to disregard testimony of interested witnesses.

Rutherford, Inc. v. Rouse, 120 C.A.2nd 129.

The state of mind of a witness as to his bias or prejudice, his interests involved, and his hostility or friendship towards the parties are always proper matters for investigation by the adverse party, upon cross-examination.

People v. Thomson 92 C. 506.

People v. Pantages 212 C. 237.

People v. Senegran 27 C.A. 301.

Mainfest bias of a witness and his zeal to aid one party usually discredits him in the eyes of a jury.

People v. Miller 68 C. A. 758.

Where motive or state of mind of a witness is the object of cross-examination, questions which have a tendency to show bias of a witness are not only competent, but great latitude on cross-examination should be allowed in developing its existence.

People v. Payton 36 C.A.2nd 41.

INTERROGATORIES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

INTERROGATORY NO:

1. Are you aware that the defendant John F. Kennedy has derived in substance in this action that he furnished to the plaintiffs, delegates and alternate delegate to the 1960 Democratic Party Convention, transportation for a consideration, namely, for personal political gain to himself?

2. Have you discussed this case within anyone before these interrogatories were propounded to you?

3. Have you written any letters to the insurance company defending this case?

4. Have you received any letters from any insurance company defending this case?

5. Have you received any telephone calls from the representative of any insurance company defending this case?

6. Have you made any telephone calls to anyone in any insurance company defending this case?

7. Have you written any letters to any of the attorneys defending this case?

8. Have you received any letters from any attorneys defending this case?

9. Have you made any telephone calls to any attorney defending this case?

SMITH, BUTTS & GIBSON
ATTORNEYS AT LAW
600 HULL HOUSE BUILDING
BOSTON, MASSACHUSETTS
NO. 2-5450

1 10. Have you received any telephone call from any attorney
2 defending this case ?

3
4 11. Have you discussed this case over the telephone with
5 the defendant John F. Kennedy ?

6
7 12. Did you call the defendant John F. Kennedy over the
8 telephone and discuss this case with him ?

9
10 13. Has the defendant John F. Kennedy ever called you over
11 the telephone and discussed this case with you in the ensuing
12 conversation ?

13
14 14. Have you ever discussed this case in person with the
15 defendant John F. Kennedy ?

16
17 15. Have you ever discussed this case with anyone in the
18 office of Attorney General of the United States ?

19
20 16. Have you ever discussed this case with anyone in the
21 F. B. I. ?

22
23 17. Have you ever discussed this case with any personal
24 attorney for the defendant John F. Kennedy ?

25
26 18. Have you ever made telephone recordings of any telephone
27 calls made wherein this case was discussed ?

28
29 19. Has any telephone conversations relating to this case
30 ever been recorded ?

31
32 20. Have you ever talked with your father about this case ?

1 21. Did you ever talk with Senator James O. Eastland of
2 Mississippi about this case ?

3
4 22. If your answer to Interrogatory No. 21 is in the
5 affirmative, what was the date, time and who was present ?

6
7 23. As a witness in this case, are you under any obligation
8 to the defendant John F. Kennedy ?

9
10 24. In regard to the extent of any obligation to the
11 defendant John F. Kennedy, did the defendant John F. Kennedy
12 assist you in any way to obtain a job with any Congressional
13 Committee while he was a United States Senator ?

14
15 25. As a matter of cross-examination, did you obtain a
16 job on a Congressional Committee solely on the basis of your
17 experience and ability as an attorney ?

18
19 26. In regard to your experience and ability as an attor-
20 ney before you received a job with any Congressional Committee,
21 how many lawsuits had you actually tried to a judgement before
22 you received such job ?

23
24 27. As a matter of cross-examination and so that plaintiffs
25 will be afforded the right to check on your credibility what
26 were the names of all cases that you had tried to a judgement
27 before you received a job on any Congressional Committee ?

28
29 28. Do you feel any obligation to the defendant John F.
30 Kennedy in this case because you are now Attorney General of the
31 United States ?

32

SAMUEL SUYIN & CHRISTIAN
ATTORNEYS AT LAW
221 BROADWAY, SUITE 2000
NEW YORK, N.Y. 10038

1 (29) In regard to the extent of any obligation you may be
2 under to the defendant John F. Kennedy in this case, how many
3 lawsuits had you personally actually tried to a judgement before
4 the defendant John F. Kennedy appointed you to be Attorney Gen-
5 eral of the United States ?
6

7 30. Were you in any way connected with the preparations for
8 the campaign of defendant John F. Kennedy to become the nominee
9 of the Democratic Party to be President of the United States ?
10

11 31. When did you first take any part in the campaign of
12 defendant John F. Kennedy to become President ?
13

14 32. Was any part of the campaign plan to obtain the Presi-
15 dency for defendant ever put in writing ?
16

17 33. If the answer to Interrogatory No. 32 is in the af-
18 firmative who has custody of such ?
19

20 (34) Do you have any objection to the plaintiffs examining
21 any plan in existence regarding the campaign to obtain the
22 Presidency for the defendant John F. Kennedy ?
23

24 (35) Will you forward to the attorneys for the plaintiffs
25 photostats of any and all plans in writing that in any way per-
26 tain to the campaign to obtain the Presidency of the United
27 States for the defendant John F. Kennedy, making delivery of
28 same within thirty days from the date of these cross-interroga-
29 tories ?
30

31 (36) Did the plan to obtain the Presidency of the United
32 States for the defendant John F. Kennedy, whether the same be

SMITH BROTHERS & COMPANY
ATTORNEYS AT LAW
4601 HOLLYWOOD BLVD., HOLLYWOOD, CALIFORNIA
HWY 101-3300

1 in writing or not, include the assumption by you of the Office
2 of Attorney General of the United States ?

3
4 37. Did the campaign plan to obtain the Presidency of the
5 United States for the defendant, whether in writing or not, in-
6 clude the strengthening of a Federal Police Force under your con-
7 trol and direction ?

8
9 38. Did the plan to obtain the Presidency of the United
10 States for the defendant John F. Kennedy, whether in writing or
11 not, include the establishment and control of a "Peace Corp"
12 under the direction and control of some member of the Kennedy
13 family ?

14
15 39. Did the plan to obtain the Presidency of the United
16 States for the defendant John F. Kennedy, whether in writing or
17 not, include the taking over of the educational systems of the
18 various states and placing them under a Federal administrator
19 or secretary of cabinet rank ?

20
21 40. Did the plan to obtain the Presidency of the United
22 States for the defendant John F. Kennedy, whether in writing or
23 not, include the eventual assumption of Senatorial duties by
24 Edward Kennedy ?

25
26 41. Did the plan to obtain the Presidency of the United
27 States for the defendant John F. Kennedy, whether in writing or
28 not, include the eventual occupation of the State of Mississippi
29 by some branch or arm of a Federal Police Force ?

30
31 42. Did the plan to obtain the Presidency of the United
32 States for the defendant John F. Kennedy include the establish-

1 ment of any pressure group for use on the Congress of the United
2 States to be known by the name of the "Bully Boys From Boston"
3 or its equivalent ?

4
5 43. Is there a there a political trust fund established
6 for political purposes which is available to all members of
7 the Kennedy family.

8
9 44. If your answer to Interrogatory No. 43 is in the
10 affirmative, will you state the amount of such fund in the
11 following blank space ? \$ _____

12
13 45. If your answer to Interrogatory No. 43 is in the
14 affirmative, was this fund established by your father ?

15
16 46. If your answer to Interrogatory No. 43 is in the
17 affirmative, are you in charge of this trust fund ?

18
19 47. Do you have a political trust fund to further your
20 own political ambitions ?

21
22 48. Did you use any of your own money to finance the
23 campaign to obtain the Presidency of the United States for
24 your brother, the defendant herein ?

25
26 49. If your answer to Interrogatory No. 48 is in the
27 affirmative, how much ?

28
29 50. Did you use any of your father's money to pay the
30 expenses of the campaign to obtain the Presidency of the United
31 States for the defendant John F. Kennedy ?
32

SMITH, BULLOCK & GIBBMAN
ATTORNEYS AT LAW
3333 HOLLYWOOD BLVD.
HOLLYWOOD 28 CALIFORNIA
HO 8-9991

1
2 51. Did you use any of your brother Edward Kennedy's money
3 to assist in the financing of the campaign to obtain the nomina-
4 tion for President by the 1960 Democratic Party Convention of
5 defendant John F. Kennedy ?

6
7 52. Do you have any objections to the plaintiffs in this
8 case taking the deposition of Edward Kennedy under oath to in-
9 quire of his participation in the 1960 Democratic Party Conven-
10 tion out of which this action arose ?

11
12 53. Did you ever write any check on any account to pay
13 any of the campaign expenses in connection with the campaign of
14 defendant John F. Kennedy to obtain the nomination for President
15 by the Democratic Party in 1960 ?

16
17 54. If your answer to Interrogatory No. 53 is in the
18 affirmative, what is the name and address of the institution
19 wherein the funds were kept ?

20
21 55. Do you give the plaintiffs herein permission to examine
22 this account ?

23
24 56. If your answer to Interrogatory No. 53 is in the
25 affirmative, do you give permission to the plaintiffs herein
26 to photostat all records in said account ?

27
28 57. If your answer to Interrogatory No. 53 is in the
29 affirmative, will you produce for the inspecting and photostat-
30 ing of same by the plaintiffs of all cancelled checks from
31 said account ?

1 58. What are the names and addresses of all institutions
2 where funds were kept for the financing of the campaign of
3 defendant John F. Kennedy to become President of the United
4 States ?

5
6 59. Was a fund set up in a special account for the payment
7 of all expenses for transportation in connection with the 1960
8 Democratic Party Convention in regard to the campaign of defen-
9 dant John F. Kennedy to become the nominee of the Democratic
10 Party for President of the United States ?

11
12 60. If your answer to Interrogatory No. 59 is in the
13 affirmative, did you ever write any check on this account ?

14
15 (61) What are the names and addresses of all institutions
16 where funds were kept for the financing of the campaign of
17 defendant John F. Kennedy to become President of the United
18 States prior to his nomination by the Democratic Party in
19 the 1960 Democratic Convention ?

20
21 62. In all matters where you did or attempted to do anything
22 in furtherance of the campaign of defendant John F. Kennedy to
23 obtain the nomination of the Democratic Party to be President
24 of the United States was such with the consent of the defendant
25 John F. Kennedy ?

26
27 63. Were you in charge of the campaign of defendant John
28 F. Kennedy to obtain the nomination of him by the 1960 Democratic
29 Party Convention to be President of the United States ?

30
31 64. If your answer to Interrogatory No. 63 is in the
32 negative, what is the name of the person directly under defen-

WALTER BRYAN & GIERMAN
ATTORNEYS AT LAW
4311 HOLLYWOOD BOULEVARD
HOLLYWOOD 28, CALIFORNIA
HO 8-8666

1 ant John F. Kennedy who was in charge of such campaign ?

2
3 65. In regard to any interest you might have in this case,
4 have you made any attempt to settle this case ?

5
6 66. Was the offer to settle out of court on the part of
7 the plaintiff Jimmie Lee Hills for the sum of only \$40,000.00
8 ever communicated to you ?

9
10 67. Was the offer to settle out of court on the part of
11 plaintiff Walter M. O'Barr for the sum of only \$20,000.00 ever
12 communicated to you ?

13
14 68. Was the offer to settle out of court on the part of
15 plaintiff William Hoyt Austin for the sum of only \$10,000.00
16 ever communicated to you ?

17
18 69. Are you prejudiced against the plaintiffs in this
19 case simply because they are residents of the state of Mississ-
20 ippi ?

21
22 70. In regard to your state of mind, do you recognize
23 the plaintiffs' right to exercise their civil rights in cross-
24 interrogating you thoroughly in this civil case, even though
25 in the exercise of their civil rights such cross-interrogatories
26 might necessarily be embarrassing to you ?

27
28 71. What is the name and address of the insurance company
29 or companies defending this case ?

30
31 72. What is the amount of insurance coverage on the part
32 of defendant John F. Kennedy in this case ?

SMITH, BUTTS & DIERMAN
ATTORNEYS AT LAW
6333 Hollywood Boulevard
HOLLYWOOD 28, CALIFORNIA
HO 2-0091

1
2 73. Who was in immediate charge of leasing or renting
3 automobiles to transport delegates at the 1960 Democratic Party
4 Convention on behalf of the campaign of defendant John F. Kennedy ?

5
6 74. Did you ever ride in a car with a banner on it pro-
7 claiming "Kennedy for President" at any time during the 1960
8 Democratic Party Convention ?

9
10 75. Were these "Kennedy for President" automobiles to be
11 used for transportation of all delegates and alternate delegates
12 regardless of what state they were from ?

13
14 76. In your capacity with the campaign of the defendant
15 John F. Kennedy to obtain the nomination of the Democratic Party
16 Convention to be President, did you feel that the use of auto-
17 mobiles to transport all delegates from all states to destina-
18 tions of their choice was a benefit to the defendant John F.
19 Kennedy ?

20
21 77. Was there any order issued by the organization of
22 Defendant John F. Kennedy at the 1960 Democratic Party Conven-
23 tion to the effect that no Kennedy automobiles were to be
24 used to transport any delegates and alternate delegates to the
25 Perle Masta Party at the Ambassador Hotel.?

26
27 78. Were any "Kennedy for President" automobiles used to
28 transport anyone to the Perle Masta Party at the Ambassador
29 Hotel during the 1960 Democratic Party Convention ?

30
31 79. What are the names and addresses of any person or
32 persons presently in charge of the books and records of the
33 Campaign of defendant John F. Kennedy to obtain the nomination

1 of the 1960 Democratic Party Convention for President of the
2 United States ?

3
4 80. Did you, in any way, participate in the procurement of
5 any insurance coverage of the activities of the organization to
6 obtain the 1960 Democratic Party Convention nomination of defend-
7 ant John P. Kennedy for resident of the United States ?

8
9 81. If your answer to Interrogatory No. 80 is in the neg-
10 ative, who did ?

11
12 82. Have you instructed the insurance company representing
13 the defendant John P. Kennedy in this case not to compensate the
14 plaintiffs for their injuries ?

15
16 83. Do you admit for and on behalf of defendant John P.
17 Kennedy that the driver of the automobile in which the plaintiffs
18 were riding at the time of the accident was acting as the agent
19 of the defendant John P. Kennedy ?

20
21 84. Do you admit for and on behalf of the defecant John P.
22 Kennedy that the driver of the automobile in which the plaintiffs
23 were riding at the time of the accident was acting within the
24 scope and course of his employment as an agent of the defendant
25 John P. Kennedy ?

26
27 85. Have you used any personnel under the control of the
28 office of Attorney General of the United States to assist in any
29 way in defense of this case ?

30
31 86. Do you plan to consult with any personnel of the office
32 of Attorney General of the United States in regard to this private

SHM:IN. DUJ:RE in the
ATTORNEY GENERAL
0281 HULLWOOD ROAD
HULLWOOD, CALIFORNIA
NO. 2-4288

1 civil action wherein you may be personally involved ?

2
3 87. Have you used any personal funds of your own in de-
4 fense of this case ?

5
6 88. Have you made any phone calls at government expense in
7 regard to this case ?

8
9 89. Have you hired any attorney in private practice to
10 represent you in this action in the event you become a defendant
11 herein ?

12
13 90. Do you have a file in your possession pertaining to this
14 case ?

15
16 91. Do you have a file under your control pertaining to
17 this case ?

18
19 92. If your answer to Interrogatory No. 91 is in the
20 affirmative do the plaintiffs in this case have your permission
21 to examine such file and photostat the contents of same ?

22
23 93. Are you aware that the plaintiff Walter M. O'Barr
24 served in the U. S. Navy during World War II and knew the
25 defendant John F. Kennedy personally long before the 1960
26 Democratic Party Convention ?

27
28 94. Are you aware that the plaintiff Walter M. O'Barr,
29 who is now a Circuit Judge in the state of Mississippi has
30 testified under oath that the defendant John F. Kennedy was
31 personally present just before the plaintiffs started on their
32 ride in the "Kennedy for President" automobile and that the

SMITH LUTTS & BIRNBAUM
ATTORNEYS AT LAW
241 HOLLAND STREET
HOUSTON 28, CALIFORNIA
HO 8-4487

1 defendant John F. Kennedy personally directed the driver of the
2 "Kennedy for President" automobile to take the party anywhere
3 they wanted to go ?
4

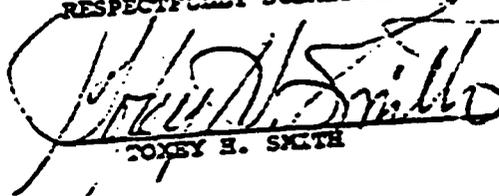
5 95. Have you instructed anyone connected with this case to
6 deny that the driver of the automobile in which the plaintiffs
7 were riding at the time of the accident was not under the direction
8 of the defendant John F. Kennedy ?
9

10 96. Do you plan to take time off from your busy duties
11 to see that the plaintiffs in this case are justly compensated
12 for their injuries which were received while riding in a
13 "Kennedy for President" automobile ?
14

15 97. Will you make it your business to be present in person
16 if this case goes to trial so that the plaintiffs may cross-examine
17 you more fully in the presence of a Jury ?
18

19 DATED: September 19, 1962.

20 RESPECTFULLY SUBMITTED

21 
22
23 TOXEY H. SMITH

24 Attorney for Plaintiffs
25 Jimmie Lee Hills, Walter M.
26 O'Barr and William Hoyt
27 Austin.
28
29
30
31
32

SAINT J. RUSTIS & CHESTNUT
ATTORNEYS AT LAW
6331 HOLLYWOOD BLVD. SUITE 2000
HOLLYWOOD 28, CALIFORNIA
HO 8188



RECYCLED

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 EDT1

\$17,750 for L.A. Accident

Two Suits Against Kennedy Settled

Two auto accident suits against President Kennedy by four delegates to the 1960 Democratic Convention here have been settled for \$17,750, it was learned today.

The suits grew out of a collision between a rented car carrying the delegates and another auto at Fifth Street and Wilton Place on July 12, 1960.

The President was made a defendant because a campaign committee had arranged for the delegates transportation. One suit was brought by State Sen. Hugh Lee Bailey, of Mississippi; by Marvin M. Mitchelson, a local attorney.

ANOTHER SUIT

Three other Mississippi delegates who were plaintiffs were represented by Atty. Toxey H. Smith, in

another suit. They were Mrs. Jimmie Lee Hills, wife of a newspaper columnist; Circuit Judge Walter M. O'Barr Jr. and William H. Austin, a Hernando, Miss., farm owner.

The total asked was \$450,000.

LARGEST TO BAILEY

Sen. Bailey, it was said, received the largest amount, since he was the most seriously injured.

Other defendants in the cases other than the President where the driver of the delegate's car, George S. Zarett, two corporations and the driver of the other car, Arthur Seres, a h o e manufacturer.

At one time, Robert D. Brill, attorney for the defense in the suits, sought unsuccessfully to have the President eliminated as a defendant on the grounds he is in the military service (i.e. Commander-in-Chief of the Armed Forces and therefore should not be sued under California law until he is released.)

Los Angeles Herald-Examiner, Tuesday, April 2, 1963