Withdrawn/Redacted Material
The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Fax Cover Sheet	[Fax Cover Sheet] [with Attachment] [7 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/18/2025 JLS] - To: Brett Kavanaugh - From: paul Colborn	7	12/19/2001	
002	Fax Cover Sheet	[Fax Cover Sheet] [with Attachment] [28 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/18/2025 JLS] - To: Brett Kavanaugh - From: Paul Colborn	28	12/07/2001	
003	Memorandum	CFTF Response to AAG Robinson's Questions… [14 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/18/2025 JLS] - To: Jim Robinson, et al. - From: Robert Conrad	14	05/18/2000	

COLLECTION TITLE:
Counsel's Office, White House

SERIES:
Kavanaugh, Brett - Subject Files

FOLDER TITLE:
[DOJ Memos - Public Integrity Section] [1]

FRC ID:
9794

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material
The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
004	Memorandum	VPOTUS... [3 PAGES CLOSED IN WHOLE FOR (b)(6) ON PRA RE-REVIEW 09/18/2025 JLS] - To: James Robinson - From: Alan Gershel	3	N.D.	b6;
005	Fax Cover Sheet	[Fax Cover Sheet] [with Attachments] [28 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/18/2025 JLS] - To: Brett Kavanaugh	28	12/07/2001	
006	Memorandum	Vice President Gore... [2 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/18/2025 JLS] - To: Alan Gershel - From: Jim Robinson	2	N.D.	
007	Memorandum	CFTF Response to AAG Robinson's Questions... [13 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/18/2025 JLS] - To: Jim Robinson, et al. - From: Robert Conrad	13	05/18/2000	

COLLECTION TITLE:
Counsel's Office, White House

SERIES:
Kavanaugh, Brett - Subject Files

FOLDER TITLE:
[DOJ Memos - Public Integrity Section] [1]

FRC ID:
9794

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

This document was prepared on Thursday, September 18, 2025

2017-0345-F
2018-0016-P
2019-0017-F
2018-0016-P 2

Withdrawn/Redacted Material SUPERSEDED
The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Fax Cover Sheet	[Fax Cover Sheet] [with Attachment] - To: Brett Kavanaugh - From: paul Colborn	7	12/19/2001	P5;
002	Fax Cover Sheet	[Fax Cover Sheet] [with Attachment] - To: Brett Kavanaugh - From: Paul Colborn	28	12/07/2001	P5;
003	Memorandum	CFTF Response to AAG Robinson's Questions... - To: Jim Robinson, et al. - From: Robert Conrad	14	05/18/2000	P5;
004	Memorandum	VPOTUS... - To: James Robinson - From: Alan Gershel	3	06/20/2000	P5; P6/b6;
005	Fax Cover Sheet	[Fax Cover Sheet] [with Attachments] - To: Brett Kavanaugh	28	12/07/2001	P5;
006	Memorandum	Vice President Gore... - To: Alan Gershel - From: Jim Robinson	2	N.D.	P5;

COLLECTION TITLE:
Counsel's Office, White House

SERIES:
Kavanaugh, Brett - Subject Files

FOLDER TITLE:
[DOJ Memos - Public Integrity Section] [1]

FRC ID:
9794

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material SUPERSEDED
The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
007	Memorandum	CFTF Response to AAG Robinson's Questions... - To: Jim Robinson, et al. - From: Robert Conrad	13	05/18/2000	P5;

COLLECTION TITLE:
Counsel's Office, White House

SERIES:
Kavanaugh, Brett - Subject Files

FOLDER TITLE:
[DOJ Memos - Public Integrity Section] [1]

FRC ID:
9794

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Fax Transmission

UNITED STATES DEPARTMENT OF JUSTICE
Office of Legal Counsel

Paul P. Colborn, Special Counsel

950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Phone: (202) 514-2030
Fax: (202) 305-8524

TO: Brett Kavanaugh **DATE:** December 19, 2001

OFFICE #:

FAX #: 456-5104

PAGES: 7 (including coversheet)

SUBJECT:

COMMENTS: Per my email, attached is the additional Middleton declination memo, which I've added to the privilege log as document 11. I emailed you the revised log.

U. S. Department of Justice

Washington, D.C. 20530

LJR is released

October 22, 1997

MEMORANDUM

TO: Joseph E. Gangloff
Principal Deputy Chief
Public Integrity Section
Criminal Division

FROM: Nancy J. Newcomb
Senior Trial Attorney
Eric Yaffe
Trial Attorney
Public Integrity Section
Criminal Division

I concur 10/24/97 JRH

SUBJECT: Declination Memorandum
Mark E. Middleton
Former Special Assistant to the White House Chief of Staff
Possible violation of 18 U.S.C. § 208

In March 1996, Jack Quinn, then-Counsel to the President, referred information to then-Deputy Attorney General Jamie Gorelick regarding Mark E. Middleton, former Special Assistant to the White House Chief of Staff. The referral included information from confidential disclosure reports (SF-450s) and related records raising the possibility that Middleton had violated 18 U.S.C. § 208. The information was sent from the Deputy Attorney General's Office to the Public Integrity Section for review. We have concluded our review and recommend that the matter be closed. The evidence does not indicate that we could prove beyond a reasonable doubt that a violation of federal law occurred. Furthermore, even if we were able to do so, Middleton's financial interest was de minimis. The Federal Bureau of Investigation (FBI) concurs with our recommendation to decline prosecution.

Background

The referral from the White House involves Middleton's participation in matters affecting Tyson Foods, a poultry company in which Middleton owns stock. In August of 1993, the Department of Agriculture issued proposed regulations that were designed to educate consumers about and increase the safety of the meat and poultry supply. In particular, the proposed regulations required

meat and poultry producers to add safe handling labels to their products by certain dates. Meat and poultry producers, who opposed the expedited implementation of the labelling requirements imposed by the proposed schedule, successfully challenged the regulations in district court.

In September of 1993, Middleton participated in the White House's recommendation to the Department of Agriculture regarding revised implementation dates. On September 27, 1993, he drafted a decision memorandum recommending implementation dates for the various labelling requirements. On October 1, 1993, he drafted a memorandum for the Chief of Staff at the Department of Agriculture proposing these implementation dates. During this time frame, Middleton spoke with Jack Williams, a lobbyist employed by Tyson Foods, about the industry's concerns regarding the implementation schedule. In fact, on September 23, 1993, Middleton received a facsimile from Williams concerning the label issue.[1]

The Office of the Counsel to the President (the Office) identified Middleton as a confidential filer at the end of September 1993, and asked him to file an SF-450 on November 1, 1993.[2] On his form SF-450, Middleton indicated that he owned an Individual Retirement Account (IRA) with stock in the Tyson Foods company. The Office counselled Middleton on February 9, 1994, that he must recuse himself from personally and substantially participating in any matters that might affect the financial interests of Tyson Foods.[3] On November 1, 1994, Middleton filed

---

[1] The original implementation date for safe handling labeling of ground poultry and meat products was October 15, 1993. The original implementation date for the labeling of all other products was January 15, 1994. Williams recommended to Middleton that the October 15, 1993, date remain the same, but that the January 15, 1994, date be revised to July 1, 1994, which coincided with the effective date for new nutritional labeling requirements. In fact, Middleton recommended the date of October 15, 1993, for the labeling of ground poultry and meat products, but recommended April 15, 1994, for the labeling of all other products. Ultimately, the effective dates were May 27, 1994, and July 6, 1994, respectively.

[2] Information provided to us by the White House indicates that Middleton had attended an ethics training session on January 26, 1993, for White House staff in which the topic of conflicts of interests was addressed. Middleton, through his attorney, does not recall attending this training session.

[3] On March 28, 1994, Middleton was advised in writing to divest his interest in Tyson Foods, however he did not do so.

another SF-450, which reflected his continuing ownership of Tyson Foods stock in his IRA. On November 16, 1994, Middleton was reminded of his continuing obligation to recuse himself from matters that might affect the financial interests of Tyson Foods.

The investigation has not established any information which would indicate that Middleton participated in any way in matters affecting the financial interests of Tyson Foods after the potential for a conflict was brought to his attention.[4]

The Law

Title 18, United States Code, Section 208 provides, in relevant part:

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive

---

[4] As a threshold matter, prior to undertaking an investigation of Middleton's activities, it was necessary for us to determine whether Middleton was a covered person under the Independent Counsel Act (the Act), 28 U.S.C. § 591 et seq., since Middleton had some involvement in the presidential campaign. If Middleton was covered by the Act, an Independent Counsel may have had to be appointed to investigate whether Middleton committed any offenses.

We determined that Middleton's role in the campaign was that he was primarily responsible for fund raising in the state of Arkansas. He did not appear to have been involved in making decisions on national issues. Indeed, none of the persons interviewed recalled seeing Middleton at any campaign strategy session. He was referred to as a junior or mid-level person in the campaign by those in a position to know who the key players in the campaign were. We concluded, therefore, that Middleton was not a covered person under the Act, since he did not hold a position on the 1992 Clinton/Gore Committee which would bring him within the Act's purview. This basis for this conclusion was the subject of a memorandum to you from us dated October 10, 1996, entitled "Recommendation Not to Seek the Appointment of an Independent Counsel to Investigate Whether Mark Middleton Violated Conflict of Interest Laws."

The other provisions of the Independent Counsel Act which trigger the appointment of Independent Counsel, including 28 U.S.C. § 591(b)(1)-(5), all of which define persons within the Executive Branch who are covered by virtue of their job title and salary levels, clearly did not apply to Middleton, who was Special Assistant to the President and Assistant to the Chief of Staff prior to his departure in 1995. According to newspaper articles, Middleton's 1993 salary was $75,000 per year, which was well below the salary level necessary to trigger the appointment of an Independent Counsel.

> branch of the United States Government . . . participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he . . . has a financial interest --
>
> Shall be subject to the penalties set forth [in] section 216 of this title.

Discussion

In order to convict Middleton of violating § 208, we would need to prove, among other things, that his actions regarding the recommendation for revised safe handling label implementation dates had a direct and predictable effect on his financial interest in Tyson Foods.[5] It is unlikely that we would prevail.

A particular matter will have a "direct" effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. A particular matter will have a "predictable" effect if there is a real, as opposed to a speculative, possibility that the matter will affect the financial interest. See 5 C.F.R. § 2640.103(a)(3).

At the time Middleton purchased his 100 shares of Tyson Foods stock, July 7, 1993, the price per share was 21 3/8. During the time Middleton participated in recommending new implementation dates, the price fluctuated between 13 15/16 and 14 1/8 per share. The price per share on the original implementation date for labeling of ground meat and poultry, October 15, 1993, was 14 5/8. Middleton's recommendation kept this date intact.[6]

---

[5] We are assuming, for purposes of this discussion, that we would be able to prove beyond a reasonable doubt the recommendation of alternate regulation implementation dates is a particular matter. We are also assuming that we would be able to prove that Middleton personally and substantially participated in the particular matter.

[6] The price per share on the new effective date for labeling of ground meat and poultry products, May 27, 1994, was 21 5/8. The price per share on the new effective date for all other labeling, July 6, 1994, was 23 1/2. It is noteworthy that neither of these dates was recommended by Middleton.

There appears to be no close causal link between Middleton's actions and the effect on the stock price. In fact, there would arguably appear to be at best a distant causal link between Middleton's recommendation and his financial interest. Middleton was not the ultimate decisionmaker on the issue within the White House; rather, there was a considerable bureaucratic framework inside and outside the White House through which the decision on the implementation dates would be made.[7]

There was no reason for Middleton to predict what effect the labelling issue would have on the stock price. At the time of Middleton's involvement, it was a fait accompli that new labelling regulation would take effect; Middleton's involvement was merely recommending when it would take effect. While it could be argued that a delayed postponement date allowed the market to stabilize and bring the price per share up to the level that it was at prior to the initial implementation dates, the fact of the matter is that a court had already determined that the original dates were too burdensome for the industry.

Even if we can sustain our burden on the elements, Middleton's ownership in the stock is de minimis. Since the time of his ownership, Office of Government Ethics interim regulations recognizing a de minimis blanket waiver took effect:[8]

> [A]n employee may participate in any particular matter involving specific parties in which the disqualifying financial interest arises from the ownership by the employee . . . of securities issued by one or more entities affected by the matter, if (1) the securities are publicly traded . . .; and (2) the aggregate market value of the holdings of the employee . . . in the securities . . . does not exceed $5,000.

5 CFR § 2640.202(a).

As stated above, Middleton purchased 100 shares of Tyson Foods stock on July 7, 1993. The price per share at the time of purchase was 21 3/8, for a total investment of $2,137.50.[9] The

---

[7] Indeed, the fact that in the end the actual implementation dates bore no resemblance to what Middleton recommended attests to the relatively weak link that arguably existed between any recommendation Middleton would make and what would ultimately be determined on the issue.

[8] This regulation's effective date was January 17, 1997.

[9] On February 18, 1997, a three for two stock split occurred. Accordingly, Middleton's initial 100 shares were increased to 150.

price per share of the stock at the time he made his recommendations fluctuated between 13 15/16 and 14 1/8. The price on the implementation dates that he recommended were 14 5/8 and 19 3/4. At the time that the new regulations took effect, the price per share was between 21 5/8 and 23 1/2. No matter, the value of the Middleton's stock never exceeded $5,000, and as such, Middleton's holdings were de minimis.[10]

Finally, there is no evidence to suggest that Middleton attempted to hide or mask his ownership of the stock. He reported it when first requested to do so. According to Jack Quinn, then Counsel to the President, after the potential for a conflict was brought to his attention, Middleton no longer participated in any way in matters affecting the financial interests of Tyson Foods.[11] From a practical point of view, there was nothing more Middleton could do. The regulation comment deadline was November 4, 1993; the regulation was adopted on March 28, 1994. At that point, nothing more could be done.

Conclusion

We recommend that this matter be closed. Letters to the FBI and the Office of Government Ethics informing them of this decision are attached for your signature.

Attachments

---

[10] Furthermore, if the safe handling label issue is considered to be a matter of general applicability, such as rulemaking, then the de minimis amount is $25,000. See 5 CFR § 2640.202(b)(i)(A).

[11] Middleton did not file a formal recusal letter with the Office of the Counsel to the President. Instead, Middleton claims, through his attorney, that he took it upon himself to recuse from matters relating to Tyson Foods, without informing anyone. White House records indicate that when Middleton was contacted a year later by the Office of the Counsel regarding his continued holdings in Tyson Foods, he "confirmed that he has continued to recuse himself from any matters affecting/involving Tyson Foods."

Fax Transmission

Paul P. Colborn
Special Counsel
United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Phone: 202-514-2048
Fax: 202-305-8524

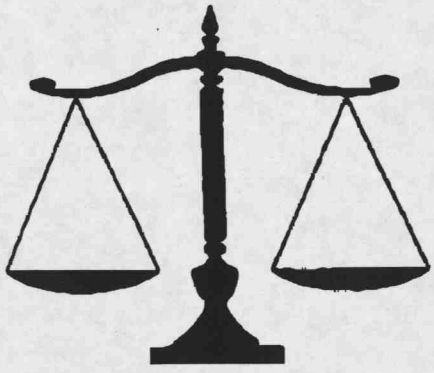
To: Brett Kavanaugh Date: 12-7-01

Office # ( ) _____ Pages: _____ (including cover sheet)

Fax#: ( ) 456-1647

Subject: _____

Comments: Here are additional five documents for C.P. claim.



DEC-10-2001 10:28 DOJ/OFC OF LEGAL COUNSEL 202 305 8524 P.01/27

Memorandum

Subject:	Vice-President Albert Gore Examination, April18,2000	Date:	May 1, 2000

To: Jim Robinson, AAG Criminal Division
Michael Horowitz, COS, AAG Criminal Division
Alan Gershel, DAAG Criminal Division

From: Robert J. Conrad, Jr., Chief, CFTF

On April 18, 2000, Vice-President Albert Gore was examined by the undersigned under oath at his residence at the Naval Observatory. The FBI participated in the preparation for, and SSA Bart Boodee and SA Greg Timberlake attended, the examination.

The examination resulted from an offer made to counsel for the White House, and repeated to the Vice President's personal counsel, to have the Vice President submit to voluntary examination under oath in lieu of a grand jury subpoena. Prior to the examination, counsel for the Vice President was given a non-exhaustive list of subject matters and documents likely to be covered in the questioning.

The Vice-President's responses ranged from minimization of his documented relationship to convicted felon Maria Hsia to false statements relating both to his role in DNC sponsored coffees and his prior knowledge of the fund-raising nature of the Hsi Lai Temple event.

Both in substance and demeanor,[1] the Vice President exhibited indicia of untruthfulness. Examples of this include the following: (1) minimizing his relationship with Maria Hsia;[2] (2) his role in coffees; and (3) his understanding of the fund-raising nature of the Hsi Lai Temple event of April 19, 2000. Minimization of the relationship with Hsia is not offered here as evidence of mendacity worthy of further investigation but rather as indicia of the vice-president's untruthfulness throughout

---

[1]The FBI described VPOTUS' demeanor as follows: "During the questions pertaining to the Hsi Lai Temple event, the VPOTUS began sweating through his shirt, raised his voice, and became angry." CAMPCON summary dated 4/19/00

[2]For example in testifying about a letter sent to Hsia after a 1989 trip to Taiwan, he indicated that the undersigned was "receiving the impression (enduring friendship) this letter is intended to convey"; this letter and other expressions of gratitude were "overstated": "But all of the overstatements that I've noted are within the customary bounds of this particular form of communication." T. 21-22. In describing a handwritten note stating "I cannot thank you enough. You two are great friends. See you soon." (T.29-30), Gore characterized it as follows: "[T]his is the kind of routine overstatement that is quite common, both in P.S.'s to letters of this sort, and in captions on pictures, et cetera." T.30

RECEIVED
JUN 2 1 2000
Public Integrity Section

the examination. It is the opinion of the undersigned, shared I believe by the attending FBI agents, that the Vice President made willful misstatements under oath with respect to the coffees and the Hsi Lai Temple event. It is these latter subject matters that this memorandum addresses.

The Coffees

The Vice President was asked about certain talking points prepared for the Vice President by Ron Klain, Chief of Staff, in a February 26, 1996 memorandum. See Exhibit O. The talking points reference a "huge" DNC fund-raising task of raising $108 million dollars. The talking point for Mr. Gore includes the following:

> I did three events this week which were projected to raise $650,000, and, under rigorous accounting, actually raised $800,000. Tipper and I were supposed to do $1.1 million, and it looks like we will be closer to $1.3 million.
>
> So we can raise the money - BUT ONLY IF - the President and I actually do the events, the calls, the coffees, etc.

The Vice President denied being at the meeting for which the talking points were prepared, denied an independent recollection of the points but when pressed agreed with the "general view" that if they worked hard they could raise the necessary money. T. 51, 58.

When asked about the role of "coffees" in the ability to raise money, the Vice President responded as follows:

And the coffees were in a somewhat different category, and I don't -- that was not an activity that I -- I may have attended one. I don't know what the record reflects. But that was somewhat different and not -- that was -- I didn't lump them together this way.

Q What was the purpose of the coffees?

A Well, they were for the President to meet with people who were interested in supporting his policies and his politics. But that was more or less on his side of the house and I'm not the best source of information about that.

Q In terms of a fund-raising tool, what was the purpose of the coffees?

A I don't know. They were on his side of the house.

And I will give you my understanding of what I thought they were. I thought they were events that allowed the President to spend time with influential people who wanted to talk about policy, who would at some later time possibly be asked to financially support the DNC. It was certainly not my understanding that they were fund-raising events.

Q Did you have any understanding, or do you have any understanding that there was a price tag associated with the coffees?

A No, I do not and did not.

Q With respect to raising the $108 million, did you have discussions with anybody concerning the role coffees would play in raising that type of money?

A Well, let me define the term "raising", if I could, because if you mean by it, would they be events at which money was raised, the answer is no.

But it is, it was then and has for a long time been common practice to have meetings with people who are interested in various subjects, spend time with them, cultivate the relationship, show them the respect that the time signifies, and then, on the basis of the relationship that is built up then and in other ways, ask them to support the DNC, or, if you're in the Senate or the House, your campaign fund.

But often it is assumed that you're going to have a hard time asking somebody to be a contributor if you have never met the person, spent time with the person, or had an opportunity to hear the person's views.

The coffees, as I understood them, were opportunities for the President to reach out to a larger number of people, spend time with them, hear their views, respond to questions, et cetera, and in that way build more relationships, some of which later on would be the basis for campaign solicitations from the DNC.

Q When I use the term "coffee", in terms of raising the amount necessary for the DNC to succeed, I don't mean it in terms of money being contributed at the event. I mean it in terms of the coffee being a tool by which those funds are raised.

A Well, it's the same definitional. I mean, they are, they were what they were. They were sessions for the exchange of ideas, during which, it was my understanding, that the President would cultivate a closer relationship with the individuals who were there. It was contemplated at the time when they were set up that some or many of those who participated in those sessions would later on be likely to be asked to contribute; but that this was a part of relationship-building, and the relationship-building, in turn, had an impact on the likelihood that they would become donors later on.

Q Did you have any conversation with the President about the income-generating function of the coffee?

A No, not per se. Just in the way that I have described it to you previously. I attended meetings where the assumption was that the relationships built at these coffees would be such that some of those who attended would be more likely to be receptive at a later time, if they were solicited by the DNC.

Q Are you familiar with Senator Thompson's committee

investigation into alleged campaign finance abuses?

A I've seen the news reports about it. I have not read the transcript of the committee report.

Q Are you aware that they concluded that between November of '95 and August of '96, there were 103 White House coffees?

A I'm not familiar with their conclusion.

Q And that within a month of the coffees, over $7.7 million were contributed to the DNC. Are you familiar with that conclusion?

A No, I'm not.

Q Would it strike you as consistent with the theory of the coffee as being a fund-raising tool, as opposed to, I think what you were describing it as, as a donor-maintenance type event?

A Well, I never heard them described as fund-raising tools. Again, I've described what I felt that their role was. And as to whether I agree or disagree with somebody else's label being placed on it, I hesitate to wordsmith it. I would not call them fund-raising tools.

Q Have you had a conversation with anybody about the cost to attend a White House coffee?

A No. No, I -- it is not my -- it is my certain belief that I never heard anyone say that a particular amount of money was attached to attendance -- a particular amount of

money that would later be anticipated to be raised by the DNC was attached to attendance at these events. I never heard anything remotely similar to that, and I would be very surprised if any such reference was made.

Q You are not familiar with the cost of $50,000 being the --

A No.

Q -- cost to attend the fundraiser?

A Absolutely -- a coffee?

Q A coffee?

A Absolutely not. Absolutely not. And it is my

belief that that would have been considered wildly inappropriate, if not worse, by those who talked about those coffees. They were not considered in that, in that way.

Now, there was, as I've said before, an anticipation that the relationships built during these sessions might make some of those people more conducive to making financial contributions when they were solicited at a later time.

But I would be shocked if, if any of my colleagues who participated in the meetings I was at, or any other meetings at the White House that I was not at, thought of those coffees in that way.

Q What was your understanding as to how people were selected to attend the coffees?

A I did not participate in selecting the people. I don't know.

Q Did you ever have any conversation with someone at the DNC as to the criterion for selecting –

A No, I did not.

Q – attendees? Did you have any conversation to that effect with anybody within the White House?

A No, I did not.

Q This talking point that says, "So we can raise" --

A Now, hold on. I don't think that I did. But in scanning my memory, it's possible that somebody may have said, so-and-so is coming to an event and the President might have said, well, if he's coming, then make sure that so-and-so who has a, you know, represents a different part of the community, is also there, or we'll get, you know, we'll incur some political disadvantage for that reason.

I may have heard, I may have been in the room when

a conversation like that took place. I have no specific memory of it. But --

Q If a conversation like that took place, who would have been parties to that conversation?

A Gee, this is really speculative, but the President and Harold Ickes and, and others in the room. I mean, that's -- but that's very speculative.

Q This talking point, "So we can raise the money –

BUT ONLY IF – the President and I actually do the events, the calls, the coffees, etc.", do you have a recollection of making that, or expressing that idea to anyone?

A No, not that specific thought. The general thought about if we, if we will take the time to get out there and do the hard work that is necessary, then we can be successful in this, I have expressed that general thought, yes.

Q I understand that general thought, and that's very different than the particulars in this talking point. What I'm –

A Yes.

Q -- trying to understand is whether you are the source for those talking points or not?

A No, I'm not the source of these talking points.

Q And would you have expressed the particulars contained in the talking point to anyone else, to your knowledge?

A No. I don't think I was at the meeting that those proposed talking points were prepared for.

Q Whether you were at that meeting or not, you're not aware that you had any conversation with Ron Klain or David

Strauss with respect to the particulars of the talking points, that is, the coffees, the events?

A No. No, I don't. I already told you that I've expressed the general point that I was engaged in a debate

along with others about whether or not it was feasible to undertake to raise a DNC budget of the size that would be, that was contemplated. And I was of the general view that it was possible, but that it would require a lot of work. And I expressed that view on more than one occasion.

Q I think you had indicated –

A I never, I never expressed the view that the coffees were a fund-raising tool.

Q In your opinion, there simply was no quid pro quo of attendance at a coffee, payment to follow?

A That is absolutely my impression. The connection that I described earlier –

MR. NEAL: Excuse me. Let me –

MR. CONRAD: Let the witness answer the question.

MR. NEAL: Okay.

BY MR. CONRAD:

Q Go ahead.

A If you want me to repeat my earlier answer, I will. But that's been done.

Q You had indicated earlier that you may have attended one coffee. What were you talking about?

A I was really talking about a session in which I was prepared for one of the previous interviews that you all conducted -- not you, but others conducted. And I was, I was vaguely remembering that during one of those preparation

60

sessions I was told that, although it was not my practice to go to any of these coffees, there may have been one that I attended briefly, perhaps because some of the invitees were known to me and wanted to say hello to me.

Q And who were those invitees?

A I don't know. I'm sorry, I don't know.

Q There's an interesting book about your life on the bookshelves these days called "Inventing Al Gore", by an author named Bill Turque. Are you familiar with that work?

A I haven't read it, but I'm certainly familiar with it.

Q In that book, that author indicates that you hosted 23 White House coffees and joined the President at eight others. Would that be an accurate statement?

A I don't know.

Q But certainly more than one?

A I wouldn't necessarily take him as a, as a --

Q No, and I'm --

A -- source.

Q I'm not taking him as a source. What I'm saying is, would that perhaps refresh your recollection as to the number of coffees --

A That seems --

Q -- you attended?

A That seems inaccurate to me. Far from the only

61

inaccurate thing that has been quoted to me from that particular book. But, yes, that seems, that seems inaccurate to me.

Q He refers to you as earning the reputation as solicitor-in-chief. Have you ever heard that title before?

A I heard that title for the first time in a newspaper article by Bob Woodward, and it struck me as quite odd when he put that in the newspaper article, because I had never heard it prior to that time. I believe it to be completely unfair and inaccurate.

Q Do you believe it to be related in any way to the White House coffees?

A Oh, I know it's completely unrelated to the White House coffees. In fact, the article that I referred to -- you can find it for yourself -- was an article about the telephone calls, and that's what, that's what led Mr. Woodward to coin the phrase. I think that he alleged that someone else used the phrase in conversation with him, but I had never heard it before and the only time I've heard it since was either in direct or indirect reference to him using it, although it was often -- well, anyway.

Q Let me ask --

A When they write something, it becomes kind of conventional wisdom sometimes.

Q Let me ask you about a statistic. I know you don't

62

take the Thompson report as Gospel. But in the Thompson report --

A Are you talking about the Republican report or the Minority report?

Q Well, my guess is it's in the Majority report.

A Okay.

Q It's page 41 of the report. So, that's more than likely the Majority report. It says, between November of '95 and August of '96, the White House hosted 103 coffees, taking in $26.4 million, of which $7.7 million occurred within one month of the coffee; that 60 of these coffees were DNC-sponsored.

Would you have reason to dispute those findings?

A I would neither have reason -- I don't have reason to accept the findings. It is a highly-partisan document, as noted in the Minority report. But I have not reviewed it.

Q Sitting here today, you don't have a concrete recollection of your attendance at any particular coffee, is that --

A No.

Q. -- correct?

A No, I don't. This was on the President's side of things. That's my memory and impression.

On Wednesday, April 19, the day after the Vice President's examination, his attorney, Jim Neal called me and left a voice mail message to call him about the vice president's interview. On Thursday, April 20, 2000 he called again. Among other things, Neal indicated that the vice president had asked him to check the record on the coffees and clarify his testimony. I informed Neal that the testimony was what it was and could not be clarified. He stated he would send me a letter anyway. Neal's letter dated that same day (but not received by me until May 2, 2000 - a fax copy was received on April 27 after I informed him I had not received a 4/20 letter from him) stated the following:

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

twenty-one Coffees in the Old Executive Office Building. He did not understand your questions to include OEOB Coffees.

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

It is my opinion that the Vice President was not being truthful when he testified he may have been at one coffee; that he did not consider them as fund-raising tools; that he did not know how people were selected to attend the coffees; and that he did not believe their was a price to attend. Mr. Neal's attempt to "clarify" the testimony by letter fails. It rather tends to establish a consciousness of guilt on the part of the vice president.

Neal called a second time on April 27 to indicate he had received the transcript and would not add anything to it. It was during this conversation that I informed him that I had never received a letter dated April 20, 2000 and he faxed a copy to me.

The Hsi Lai Temple Event

The following is a verbatim transcript of the portion of the examination dealing with VPOTUS' understanding of the fund-raising nature of this event. The "cold" record does not begin to demonstrate Gore's severe state of agitation. The demeanor will be familiar to any trial attorney who has encountered an evasive and dissembling witness in cross-examination. The Vice President took deep breaths. He sweated profusely. His dark blue shirt began to display sweat under the armpits. The veins on his neck stood out. His body seemed puffed up. His voice rose. He appeared angry. He used "hell" to begin one response. During a break,[3] the Vice President bolted from the room. Upon his return, he seemed more under control, but angry still. In subsequent telephone conversation with Attorney Neal, he referred to his client's demeanor as "testy", a result he said from being questioned so frequently about the Hsi Lai Temple.

67

Q Well, let me turn your attention to the Hsi Lai Temple.

A All right.

Q Before I do, I wanted to read you a couple of comments that you have made publicly with respect to that event.

On October 22nd of 1996, you told NPR's Nina Totenberg that you thought that event was a "community

[3]Reflected at T.82.

outreach". Then on January 14th of 1997, you told NBC's Katie Couric that you did not know it was a fundraiser, but "I knew it was a political event and I knew that finance people were going to be present".

Having said those two fairly different things, knowing that you're under oath today, can you tell me what you knew about the Hsi Lai Temple event and when you knew it?

A Yes, I'll be glad to. At the time I went there, I felt that it was a visit that was arranged pursuant to the desire I had expressed in the meeting with Hsing Yun to visit his Temple. I knew that the individuals who were his followers included Maria Hsia and John Huang. I felt that this visit was something they would be very pleased with because it showed honor to their community and to their place of worship, and that it was a source of community pride to them.

I knew when I arrived that the community was expressing exactly that pride with, for example, a marching band on the steps of the Temple from a local school. I met elected officials, including officials from the other political party, Republicans. I met neighborhood leaders from the surrounding neighborhood, including those who were beneficiaries of the charitable contributions and charitable work performed by the Temple.

That rang true to me because I had seen the work they had done, that they did on a regular basis, in the place that I had visited in Taiwan.

There was no solicitation of money. I did not see any money or checks change hands. I never heard it discussed. Nor do I believe it took place, incidentally. Perhaps you know that some money changed hands there. But to this day, I don't think any did.

In any case, the members of their faith community were all out on the steps of the inner courtyard, and it was a celebratory event that, to me, expressed the tremendous pride they felt in having a high-ranking official, a sitting

Vice President of the United States, for the first time come to honor their community with a visit. It was as if -- the impression they gave me was that they felt that they were thereby arriving at a new plateau of acceptance in the larger community of Los Angeles.

69

We had a lunch. I made a speech. Bob Matsui, who is a close friend of mine, a congressman from California, who also played a role with the DNC finance operation, was also present. And he suggested to me -- I asked him for advice about my remarks. And he said that, he said the, something to the effect that this community wants to know that it's accepted in the United States. And I gave a speech that never mentioned anything to do with fund-raising or finance, because **I did not understand it to be a fund-raising event.** And then, and then I left.

And subsequent disclosures in the press and subsequent production of memoranda that I never saw at the time showed that -- showed what they showed. **And the very fact, for me, the very fact that the members of a finance-related event were present at the event was the only connection that I had to the possibility that it was finance-related.**

But I did not know that it was a fundraiser. And I do not to this day know that it was a fundraiser.

Q What do you mean by "finance-related event"?

A There were people, there were people associated with the DNC finance operation who were present at the event, and that, much like the original trip to Taiwan, there was an implicit assumption that the time spent, the honors shown, the communication that took place, all would create a warmer,

70

friendlier relationship, a sense of closeness that would greatly enhance the likelihood that later on some of those who were present to see this visit would be more likely to say, I want to be a part of what this person is doing politically and I want to support the DNC.

Q What finance people did you see there that would have been what you referred to as your only connection to the fact that it was a finance-related event?

A Well, Bob Matsui I mentioned. And if you can show me the list of people who were there, it might refresh my recollection.

Q When you refer to finance people who were there, do you have any independent recollection of who those people would have been?

A The DNC people who were there, I think Don Fowler was there, I can't recall.

Q When you told Katie Couric that you did not know it was a fundraiser but you knew it was a political event, what did you mean by the term "political event"?

A It was an outreach to a politically active community in a political campaign year.

...

71

...

BY MR. CONRAD:

Q When you told her that you knew that there were finance people who were going to be present, did you mean that you knew ahead of time that DNC people were going to be present?

A Well, let me think.

MR. NEAL: Bob, isn't this a little bit -- isn't it better -- well, can we go off the record a minute?

MR. CONRAD: Sure.

(Discussion off the record.)

BY MR. CONRAD:

Q I'm trying to figure out whether prior to arriving – you've just testified that when you arrived, you noticed some finance people there, and that was your only connection to the fact that it might have been a finance-related event. Is that a fair characterization of your testimony today?

A I looked at a briefing paper immediately prior to going into the event. It was not the major event of the day. I gave a speech to ten or 15,000 people at the National Cable Television Association.

If you look at my schedule for the days preceding

72

that day and the days following that day, it may give you some indication of what it was like to go from one event to the other, day after day after day, and to rely on a daily notebook full of briefing papers to inform you of what's next.

Typically, the day was so cram-packed that I did not have a chance at the beginning of the day to read completely through the briefing memos for every event. And after I caught my breath from making this speech, which was with slides and multi-media and one of the largest audiences I've ever addressed, after I caught my breath in the car I flipped, took out my notebook and flipped to the next event, and my immediate impression was, good, they finally, they were able to work out this visit to the Hsi Lai Temple; this ought to be interesting. Little did I know.

Then when I got there, there was a big brass – we drove right up to the steps and there was a local high school marching band on the steps. But my impression and the knowledge that I had in my head when I went into that would have been shaped by the briefing paper that was in my notebook that I looked at just prior to the time when I went in.

Now, when I answered questions to the news media after the – I mean, I gave my first recollections of what was going through my mind at the time. And then the

73

Republican National Committee puts out this, that, and the other, and different documents get out into the news media, it becomes obvious to one and all that somebody knew that there were DNC finance people related, involved in this event.

And I can't remember the exact questions that each news interviewer asked me, but I'm happy to be accountable to you for each one of them, if you want me to go back and look at exactly what was going on in my mind when I did the television show or the radio show or the newspaper interview.

Q The question I think that I asked, and I think you've answered it is, when did you learn that DNC people were going to be at this event?

A I don't know. If you want me to refresh my recollection by looking at the memo, I've told you that that would have shaped my state of mind at the time I went into the event. It may have been reflected in that memorandum.

Q Please go ahead and refresh your recollection by reading the briefing paper.

MR. NEAL: Do you want to mark it?

MR. CONRAD: Yes. For the record, let's mark the 302 that the Vice President used to refresh his recollection earlier as VPOTUS 2.

(VPOTUS Exhibit No. 2 was marked for identification.)

MR. CONRAD: Let's go ahead and mark this exhibit as VPOTUS No. 3.

(VPOTUS Exhibit No. 3 was marked for identification.)

(Discussion off the record.)

THE WITNESS: Yes. Here is, right at the -- near

the top of the briefing, it says, "Meeting requested by the Democratic National Committee. Briefing prepared by Richard Sullivan, John Huang and Maura McManimon, with DNC Finance." So, that would have told me that this was finance-related.

But it is not -- you said, you expressed the opinion earlier that community outreach and finance-related are two very different things. That is your opinion. That is not necessarily a fact.

BY MR. CONRAD:

Q When you use the word "finance-related", what are you referring to?

A The finance wing of the DNC had prepared the briefing. So, it was obviously related to the kinds of outreach efforts that were, what I thought were relationship-building and outreach to this particular community.

Now, again, you've said they are different things. Let me tell you why I don't think they are different things. If you are reaching out to a community that wants to be more involved in the political process, and one of the results of

that outreach is going to be that they are going to be more likely to join the DNC Finance Council or make contributions at a later time to the Democratic National Committee, then it is both community outreach and finance-related, and that's what I thought this event was.

And, in fact, again, maybe you have evidence that, that money was given at the event. To this day, I don't know that it was. Was it?

Q When you use the term "finance-related", are you using it in a synonymous sense with fund-raising?

A No.

Q Or not?

A No.

Q Would seeing the DNC on this briefing paper, DNC Finance, a briefing paper by Richard Sullivan, John Huang and Maura McManimon, with DNC Finance, would that have triggered in your mind the fact that this was a fund-raising event?

A No. No.

Q Even though the DNC is responsible for raising funds –

A Correct. It was extremely common to have events with people who don't feel like they have a relationship with me or with the President or with the Democratic National Committee, and you develop the relationship. You spend the time with them. You talk with them, give them a chance to

express their views. And then later on you go back to them, sometimes you go back to them and you say, look, I would like you to contribute money to the, to the campaign or to the DNC.

I mean, it's the most common thing in the world. It happens all the time.

Q Is it your testimony today that the first time you were aware of the DNC's involvement in this event was reading the briefing paper on the way –

A Oh, I don't know about that. I don't know about that. I did not testify to that.

Q Okay. What --

A I don't know about that. But when I first met these people in the first place it was, it was because of an outreach, a community outreach effort by the DSCC that was also finance-related, but it wasn't a fundraiser when I went to, on that trip. It was an outreach to that community, with an expectation that there would be a greater likelihood at some future time that these individuals would get involved in financially supporting the DSCC or my campaigns in the future. And I thought it was the same sort of thing here.

Q When was the first time that you learned that the DNC had a role in putting this –

A I don't know.

Q – event together?

77

A I don't know. John Huang was involved with the DNC at the time that he attended my meeting in the White House. But it was not my impression at all that, that he was there in that capacity.

But it could well be that in the aftermath of that event, somebody said to me, John Huang called and said that you had indicated that you wanted to go by and visit this Hsi Lai Temple. But I don't know specifically whether or not I had knowledge that the DNC was involved in organizing it before I read this memo.

I believe that the first time I knew that the DNC was involved in organizing this event was when I read this memo. That's what I -- that's my recollection.

MR. NEAL: When he is referring to "this memo", could the record reflect he is referring to -- what is the exhibit number now?

THE WITNESS: VPOTUS No. 3, the memo that was in my briefing book that I looked at just prior to the event. I thought that I was going to a visit with this community as a result of my accepting the invitation of this fellow when he was in my office in the White House, which followed upon the invitation that he had first extended to me years earlier in Taiwan.

BY MR. CONRAD:

Q In the meeting in the White House on the 15th of

78

March when he invited you to the Temple, you had indicated that you would be in LA in the upcoming months?

A I said, I said that I would be in Los Angeles numerous times because it was an election year.

Q And what would be your purpose for being in Los Angeles?

A Because I -- well, a variety of purposes. But I knew that I would be there a number of times because I was running for reelection as Vice President. But it was typical for me to do a number of different things when I went to a city. The initial purpose for scheduling a visit to a city would, in an election year, would usually be something to do with the election.

But there were other reasons that would lead to it also. For example, the major event on that trip was a speech to the National Cable Television Association that had, I don't know the exact number, but I think it was ten or 15,000 people. I think I mentioned that earlier. And if you've ever spoken to ten to 15,000 people, you know that you kind of get prepared for something like that.

Q Mary McGrory calls you the best-briefed man in Washington. **Did you have conversations with any of your staff concerning this event prior to leaving to attend the event?**

A I don't recall any.

79

Q When is the first time you recall any communication to you concerning attending an event at the Hsi Lai Temple on April 29th?

A Could you repeat that question?

Q Sure. Maybe I can phrase it in a better way. **When do you first recall having any conversation to do with attending the Temple on April 29th, with anyone on your staff or anyone else? When is --**

A When Hsing Yun was there in my White House office.

Q Okay. When is the next time you had a conversation

with any person concerning going to the Temple?

A I don't know. I don't know.

Q Do you recall having any conversations with anybody about attending on that --

A I sure as hell don't recall having -- I sure as hell did not have any conversations with anyone saying, this is a fund-raising event. As to whether or not I had any followup conversations that said, were we able to set up this event or not, I don't think I did. But I may have. The reason I don't think I did is because I recall the feeling I had, when I looked at the briefing book, and saw, oh, great, I'm going to be able to go see this, this Temple.

Q From March 15th --

A. Now, you have to understand this. With so many events every day, day after day, you may think that when a

schedule is put together it's like you would do yours, or that I would do mine in a non-election year where, you know, you consider each thing and weigh it and balance it out against all the other things and so forth. With the torrent of events coming one right after the other, it was very common to trigger the initial impulse and then it's massaged and looked at and talked about and fit in with all the other thousand moving pieces and it shows up on the schedule and I pick it up. I pick up my schedule for that day and when I get to it, there it is, and it's either a pleasant surprise or an unpleasant surprise.

Q Between March 15th and April 29th, did you have a conversation with anyone concerning the fund-raising nature of your trip to the Temple?

A No.

Q Even though in February, February 26th, there are talking points that talk about how you'll have to lose considerable time to the campaign trail to do all of this

fund-raising, in your mind the trip to the Temple is not a fund-raising event?

A I don't know what you're referring to.

Q What I was referring to, and I forget what exhibit number it is, but it's the Klain memorandum, the talking points that you've reviewed before.

A Did that refer to the Hsi Lai Temple?

81

Q No, it didn't, but it referred to the talking point of having to lose considerable time to the campaign trail to do all the fund-raising.

A That doesn't refer to this.

Q In late February –

A Let me just say that the, the memo that you're talking about was describing -- what it described most to me was my role in making telephone calls, which would mean that I would not be out on the campaign trail. It didn't refer to doing fund-raising events on the campaign trail.

Q Actually, it --

A It referred to doing fund-raising events that were not on the campaign trail.

Q I'm not trying to quibble with you, but actually the talking point included events, calls, and coffees as a way of raising $108 million that the DNC estimated it needed to accomplish its goals, late February. And then --

A Well, it wasn't my memo. So, I don't --

Q Then two months later, there is a DNC-sponsored event at the Temple. And in your mind there is no connection between that and the fund-raising nature of the event. Is that correct? I mean, it never triggered in your mind the fact that there may be fund-raising issues here?

A I'm not quite sure I follow your logic here.

You're talking about the memo that Ron Klain prepared for a

meeting that I didn't attend, related to the DNC goals.

Q I'm talking about the understanding of a $108 million fund-raising goal by the DNC. You were aware in late February, were you not, that there was a goal of raising $108 million by the DNC?

A Yes.

Q Then a couple of months later there is a DNC-sponsored event at the Temple, and it didn't raise any fund-raising issues in your mind?

A I did not know this was a fundraiser.

Q Okay. Let me turn your attention --

A And the fact that I was there was connected in my mind to the fact that I was invited to be there, and that I accepted the invitation and it didn't surprise me when the staff followed through on it and put me there.

MR. NEAL: Could we go off the record just a minute?

MR. CONRAD: Yes.

(Whereupon, the proceedings were recessed from 3:59 p.m. until 4:05 p.m.)

The balance of the examination established that OVP and DNC staffers, and others in memos and e-mails repeatedly referred to the Hsi Lai Temple event as a fundraiser in the days and weeks leading up to April 29, 2000 and that this was communicated to the Vice President. On March 12, John Huang wrote the vice president scheduler, Kim Tilley, about the "fundraising lunch" at the Hsi Lai Temple on April 29, 1996. Tilley three days later e-mailed the Vice President stating they had confirmed fundraisers in L.A. and San Jose on April 29, 1996. Tilley told Gore this in seeking guidance on how to respond to a request from a rabbi for the vice

president to speak on that day. Gore responded by e-mail (the only Gore e-mail we have) that if the "fundraisers" are booked, they would have to decline the rabbi's invitation. Maria Hsia wrote the vice president on March 23 and stated that "John Huang has asked me to help with organizing a fund-raising lunch event... Harold Ickes sent the vice-president a memorandum on April 10 reporting on the "weekly DNC budget/fundraising meeting." In that memorandum he listed projected revenues ($250,000) and costs ($25,000) for the Huang's fundraiser in L.A. on April 29.

In addition there exists numerous other e-mail and memoranda from OVP staff (see attached chart) characterizing the Temple event as a fundraiser yet the vice president insisted he had never discussed the fundraising nature of the Temple event with anyone.

Conclusion

It is my opinion that the Vice President deliberately testified falsely on issues material to the CFTF investigation, to wit: his role in, and knowledge of, fund-raising coffees, and his understanding of the fund-raising nature of the Hsi Lai Temple event. Investigatory options would include the following:

1) Conclude that no further investigation is warranted;

   A) insufficient predicate

   B) lack of materiality

2) Conduct a preliminary inquiry to determine whether to open an investigation;

3) Begin a CFTF grand jury investigation;

4) Consider appointing a Special Counsel on the basis that

   A) extraordinary circumstances exist such that the public interest would be served by removing a large degree of responsibility for the matter from the Department of Justice;

   B) avoid conflict of interest;

   C) that I would potentially be called as a witness;

   D) resource issues.

I believe that there exists sufficient predicate to bypass #1 & 2. As difficult a decision as it is, I strongly recommend # 4. Material and wilful misstatements under oath by the Vice President must be vigorously investigated. by a body that is untainted and perceived to be so. The CFTF has exposure in two areas. First in conducting the examination, I have first hand knowledge of the vice president's demeanor and therefor might reasonably be called as a witness.

Second this Vice President's previous testimony has triggered a preliminary investigation concerning his veracity in related inquiries. The Department and the Bureau differed on whether to appoint an OIC. This dispute has recently resurfaced in the public and has led to substantial criticism of the department's view that no IC was warranted.

The better course would be to appoint special counsel in these "extraordinary circumstances" who could vigorously investigate the matter of the vice president's false statements under oath without the attendant baggage the CFTF would face.[4] The public's confidence in the investigative/prosecutive decisions would be promoted. The investigation could be conducted immediately without the resource issues that currently confront the CFTF.

---

[4] Ironically, the dilemma faced here is reminiscent of that faced by the OIC in the reverse: "Before long, Starr would chastise himself for ever taking on the Lewinski investigation. By the time it began, he realized, he had already taken on too much. Much of the public was already confused about his work and distrustful of his motives. The Clinton White House had seen to that, and he had not tried hard enough to counter it. His authority derived not just from the law, but from the American public. There is only so much baggage one can carry, he would say, and he should have known he'd already reached his limit." Schmidt & Weisskopf, Truth at Any Cost, p.272.

HSI LAI TEMPLE EVENT TIME LINE

3/12	Berg to Tilley 4/27-29	fundraisers in LA & San Jose
3/15	Tilley to VPOTUS	Confirmed fundraisers for 4/29 (San Jose & LA); Do we regret to Rabbi Rafael Grossman
	VPOTUS to Tilley	If we have already booked the fundraisers then we have to decline.
3/23	Hsia to Gore	John Huang asked her to organize fund-raising lunch event followed by rally at Temple on 4/29
4/3	McManimon(DNC) to Dycke (OVP)	DNC events at Temple (APALC luncheon) and San Jose
4/10	Ickes to POTUS, VPOTUS	re budget/fundraising mtg. Schedule A is list of planned events; VPOTUS -4/29 in LA, $250,000 projected revenue; $25,000 cost; San Jose (same)
4/10	Dyke to Host of recipients	VPOTUS is going to San Jose & LA for DNC fundraising events in 4/29
4/11	Huang to Tilley	Fundraising Lunch for VPOTUS on 4/29
4/15	Beardsley to Dyke	Any problems with use of Hsi Lai Temple for VPOTUS DNC lunch
4/15	Norris to Sueltinger	Hsing Yun hosting fundraiser lunch for about 150 people in VPOTUS honor
4/26	DNC to OVP	Schedule; luncheon is for members of APALC of DNC; annual membership is $2500/person

MEMORANDUM

To: Jim Robinson, AAG
Alan Gershel, DAAG
Michael Horowitz, AAG, COS

From: Robert J. Conrad, Jr.

Re: CFTF response to AAG Robinson's questions re: Vice President Gore Examination

Date: May 18, 2000

This memorandum attempts to set forth the information the task force was able to gather the week of May 14, 2000 which might be considered responsive to the questions Jim Robinson sets forth in his May 12, 2000 memorandum.

Jim Robinson's memo asks important questions. This response provides information which is readily available. Sources for the information include previous CFTF investigations. the Thompson Committee Report, and the press. Conclusive answers would often require intensive investigation.

It would appear that the major issue to resolve is what quantum of evidence of a crime must exist prior to the appointment of a special prosecutor. I certainly do not believe there is sufficient evidence in hand to convict the Vice President. Yet I believe an important purpose of the regulation is to allow independence in the investigative as well as the prosecutive stage of cases. There are sufficient indications of crime to justify a serious investigation. That investigation is best carried out by a special prosecutor, a non-executive branch decision-maker, whose investigative and prosecutive decisions are free from the taint of potential or apparent conflict of interest

I have set forth below and underlined each question asked by Jim followed by information believed to be responsive.

COFFEES

1) Do we know what the Vice President's actual role was, if any, regarding the White House coffees? Do we know whether anyone ever described the coffees to the Vice President "as fund raising tools?"

The Vice President's role was "to do the events, call and coffees" as described in Ron Klain's talking points dated February 26, 1996.

George Stephanopoulos, senior White House aide, is quoted in Newsweek (3/10/97) as

follows: "That was true (it would take a miracle to get Clinton re-elected) - and it would also take cash, tons of it, and everybody from the president on down knew it. So money became a near obsession at the highest levels. We pulled out all the stops: overnights at the White House, coffees, intimate dinners at Washington hotels, you name it."

Campaign Finance Task Force records indicate a total of 105 coffees. A search of records on Oracle Data Base reveals that between January 1, 1995 and November 7, 1996, Vice President Gore attended approximately 38 coffees, at 21 of which some representative of the DNC was present. Approximately $416,563 was contributed by coffee attendees within 30 days of the coffees hosted by VPOTUS.

Ickes memo dated 2/9/96 to POTUS, VPOTUS lists "major donor fund-raising" and includes coffees in that list. VPOTUS' coffees were coordinated by his scheduling office (Kim Tilley, Lisa Berg). "We were responsible for the coffees the Vice President was responsible for attending. We would put that on the schedule." Dep. 57. Tilley would get a list of "fund-raising dates" which would include coffees. For example, one memo stated "DNC and Re-elect are anxious for fund-raising dates in May and June. In May, the request is for you to host one to four coffees." Dep. 61.

According to Ron Klain, VPOTUS Chief of Staff, David Strauss was responsible for the VPOTUS' attendance "at coffees and solicitation phone calls." 302 at 2:

> Klain had no responsibilities for the White House Coffees which were held in the Ceremonial Office. He understood the purpose of the coffees were to recruit new supporters for the DNC. Klain mentioned the DNC felt the coffees generated support for the election. Klain recalled that fund-raising matters were handled by a variety of persons to include the President, the Vice President, Don Fowler, Marvin Rosen, Richard Sullivan, Harold Ickes, Doug Sosnick and Scott Patrick. These individuals would discuss fund-raising progression and the scheduling of additional coffee dates.

Id. Klain was not questioned about his (2/26/96) Talking Points memorandum in that his deposition took place before the Vice President identified him as the author of that document.

David Strauss, Deputy Chief of Staff, stated that the White House coffees encouraged coffee guests to give contributions in the future. They were DNC events designed to reward people who were contributors and lay the groundwork for future contributions by letting them talk to Vice President Gore about issues of interest.

According to Richard Sullivan: "Everyone involved knew the coffee's were going to be tremendously helpful in fund-raising." 302 at 5. Sullivan acknowledged there was a monthly breakdown of fund-raising events by principal (POTUS, VPOTUS, FLOTUS, 2LOTUS) and type and that coffees were included.

We have at least one briefing paper for a coffee 4/26/96 (ironically 3 days before the Hsi Lai Temple event), indicating the event "DNC Vice Presidential Coffee"; the place and time; the contact - Richard Sullivan; the attendees "10-12 top DNC supporters"; and the VPOTUS role "honored guest and speaker." The event was closed to the press.

7/26/95 "DNC Fund-raising Dates" memo listing among other things projected VPOTUS coffees on September 14, 15 and VPOTUS' requests for eight coffees from September through December. There is also a list of DNC contributors who should be invited to VPOTUS coffees on September 14 or 15 as a result of past contributions.

Amy Weiss Tobe, Press Secretary DNC said: "They (coffees) were part of a fund raising strategy but they were not fund raisers."

In summary, numerous forward-looking documents describe the coffees as major donor fund-raising events. Conceptually, they were part of the three prong strategy for raising funds quickly ("the events, the calls, and the coffees"). The retrospective analysis by numerous White House and DNC officials carefully distinguish them from "classic" or "formal" fund-raisers where tickets are sold.

2) Do we know whether "there was a price tag associated with the coffees" or a "cost to attend a White House coffee?" Do we believe there was a $50,000 "cost to attend the fund raiser?" If so, what was the basis for asking that question?

Approximately 60% of coffees were DNC-sponsored. 92% of guests were Democratic Party contributors who gave $26 million in contributions or an average of $54,000/guest. $7.7 million was given within one month of the donor's attendance.

The Kanchanalak coffee[1] cost $500,000 (for 10 people). Kanchanalak's lawyer claims that Huang gave the $50,000 per person figure to Kanchanalak. Huang disputes that claiming that Kanchanalak wanted to do a "$500,000 deal. Huang told FBI agents that he knew $500,000 to be the price for an exclusive coffee event. According to Huang's 302: "Huang knew the DNC would not have agreed to invite Kanchanalak to a coffee for less than $500,000.

In interviews of Charlie Trie, Trie mentioned he knew it would cost $50,000 to get Wang Jun into a coffee. This was the same amount Trie had paid a year earlier (summer 1995) in getting Winston Wong into a coffee. When pressed for an answer on how he came to know the $50,000 price tag, Trie was unable to provide the name(s) from whom he learned that information. Investigators believe that source was DNC's David Mercer.

The investigation conducted by the Task Force in 1997 and 1998 determined while the White House coffees were used as donor servicing events there was not sufficient evidence to support that the individual coffees had been given a specific "price tag." None of the sixty-five individuals interviewed said they paid to attend the coffee. There was no money collected at the coffees, nor was there any discussion of fund-raising (except for Karl Jackson's claim) at the events. Richard Sullivan stated "the coffees were a chance to invite supporters, either political or business, to have coffee and speak with the Vice president or President. The coffees helped raise money for the Democrats but they were not designated as fund raisers because tickets were not sold and there was not a set contribution for each coffee."

In the view of Special Agent Mark Stanley, the DNC clearly used the coffees as a fund raising tool as supporters of the Democratic Party were rewarded with an invitation to a coffee or individuals who attended a coffee and had not yet contributed were subsequently contacted and solicited for a contribution to the Party.

However there is evidence to support the use of a price tag.

---

[1]Kanchanalak was a POTUS coffee about which we have more info than other coffees.

DNC press spokesman Amy Tobe learned from Richard Sullivan that he had to reprimand DNC staffers for putting price tags on coffees. Dep. 46-47.

Washington Post reported an anonymous source stating that Marvin Rosen quoted a $50,000 fee for coffees to a DNC fund raiser. Dep. 51

Tobe was aware that a supporter named Buttonweiser stated that Terry McAuliffe said it cost $50,000 to attend White House luncheon. Dep. 57.

Sheila Kaplan, a free lance writer did an undercover lunch with DNC employee David Mercer in which Mercer said it cost $50,000 for a coffee. Mercer did not deny saying this when asked by Tobe. Dep. 57-59.

But others like Joseph Sandler and Richard Sullivan said the coffees were not ticketed events but people were invited after a contribution or solicited after a coffee and some people did not give at all.

3) Do we know who selected the people to attend the coffees? Do we have a factual basis to believe that the Vice President was involved in the selection process for the coffees? If so, what is the basis for that belief? Do we have a factual basis to believe that the Vice President had conversations with anybody within the White House or the DNC about the criteria for selecting people to attend the coffees? If so, what is the basis for that belief?

The DNC coffee attendees were selected by the DNC. Richard Sullivan worked with Karen Hancox, White House Deputy Political Director, and Doug Sosnick, White House Political Director, to invite people. Of the 103 coffees, Sullivan believes DNC Fund-Raising Division was responsible for30 coffees and Clinton-Gore Campaign and the Clinton-Gore Primary Campaign were responsible for the rest. "Everyone involved in these coffees would work together on the invitations." 302 at 4.

A number of people on the DNC staff would forward names of individuals to be invited to a coffee. Richard Sullivan, Marvin Rosen, and Scott Pastrick would make the final decisions on who was invited to the event. We have no reason to believe the Vice President was involved in the selection process for the coffees.

David Strauss stated that the DNC decided who attended the coffees.

4) Do we have a factual basis to believe that the Vice President made or expressed the specific thoughts stated in the "talking points" regarding raising the money if "the President and I actually do the events, the calls, the coffees, etc?" What is the basis for such belief? Do we have a factual basis to believe that the Vice President "had any conversation with Ron Klain or David Strauss with respect to the particulars of the talking points, that is, the coffees, the events, etc."?

Klain indicated in a 302 that the Vice President was one of a group of people that met and discussed fund-raising and scheduled coffees. Klain was not asked any questions concerning the talking points memorandum attributed to him by the Vice President. When interviewed in 1997, as part of the preliminary inquiry into the fund-raising telephone calls, Vice President Gore claimed the talking points had been written by Ron Klain for a meeting scheduled for 2/28/96. Gore claimed not to have attended the meeting and as a result, did not see or read the memorandum during that time period.

5) Do we have a factual basis to believe that the Vice President, in fact, "expressed the view that the coffees were a fund-raising tool?" Do we have a factual basis to believe that it was not the Vice President's impression that "there simply was no quid pro quo of attendance at a coffee, payment to follow?"

The fact that the Vice President agreed to host/attend the coffees shows that he had an understanding of the coffees, that although maybe were not "classical" or "formal" fund-raisers, had a fund-raising aspect to them and were a fund-raising tool. If there was no fund-raising aspect to the coffees, none of the principals (POTUS and VPOTUS) would have attended the events in the quantity that they did. The fact that Klain, Stephanopoulos, and others indicate that fund raising was discussed in groups and that those groups included coffees as vehicles to raise funds.

6) Do we have a factual basis to believe that the Vice President, as he sat at the interview on April 18, 2000, had a concrete recollection of his attendance at any particular coffee?

He attended 38 coffees and testified "he may have been at one"?

His lawyers follow-up letter "clarifying the testimony" at the Vice President's request is evidence of knowledge.

We have daily VPOTUS schedules for 1995-96 listing "DNC coffees", and distinguishing those coffees from the "POTUS coffees"

David Strauss stated he attended coffees with Vice President Gore. These coffees took place as the first event each morning on Vice President Gore's schedule. Strauss described how he would arrive at the location of the coffee just prior to Vice President Gore's arrival.

HSI LAI TEMPLE

1) Was the Hsi Lai Temple event, in fact, a fund raising event? If so, what is the factual support for that conclusion? We should take a close look at the transcript in the Maria Hsia trial. I understand John Huang may have provided relevant testimony on this issue.

Since October, 1996, there has been a serious revisionist effort on the part of the Vice President, the DNC, and others, to describe the Hsi Lai Temple event as something other than a fund-raiser. Sullivan distinguishes it from a "formal" fund-raiser. Others, principally VPOTUS and his scheduler Kim Tilley, invent a term, "finance-related" to refer to the Temple event. Prior to January, 1997 there is no record of this term being used.

Here are the facts. As early as February, 1996, and consistently from that point forward, the OVP and DNC had blocked out April 29, 1996 for the VPOTUS to do fund-raisers in LA and San Jose. It was the practice of the DNC to get time for a location (a city) and not a specific site. Once the location (city) was booked, the schedulers would zero in on a particular site. The Vice President signed off on the location early on in the process (prior to April).

From as early as April 4, the April 29th fund raiser date was recorded in his daily calendar. That never changed. The temple became the place at which the fund-raiser occurred. Maura McManimon, fund-raising event coordinator, testified that the Hsi Lai Temple was designated as the site as early as April 3.

John Huang was responsible for the Hsi Lai Temple fund-raiser. Huang states that everyone knew that there would be a cultural and fund-raising event at the temple. He discussed it with Richard Sullivan and David Strauss. The DNC wanted to generate $200,000-250,000.

Huang began to solicit invitees for the Temple event telling them it would cost $2500 per person or $5,000 to sit at the head table. He encouraged Man Ho to activate temple devotees (lay members) to solicit funds. In addition Maria Hsia, her associate Matthew Gorman, and Betty Luk raised money. On April 28, 1996, Man Ho gave a list of contributors and amounts each was expected to give. Huang asked Man Ho if she knew anyone else and Man Ho called a friend who contributed $2500.

Invitations and tickets were created which did not have a ticket price because of "appearances." The invitations had call back numbers to John Huang and Maria Hsia.

By the day of the event, Huang had raised approximately $40,000, including $1,000 - $1,500 collected by his wife at the event.

Temple devotees were successful in raising approximately $45,000.

Hsia told Gorman at the event that she was disappointed they had not raised enough money. After the event she went to the temple and arranged to have an additional $55,0000 contributed through conduit monastics bringing the temple contributions to $100,000.

DNC records reflect a total of $140,250 raised at the Hsi Lai Temple.

Matthew Gorman indicates that the Temple was his "first fund-raiser." He knew it was a fund-raiser ever since Maria Hsia returned to LA from the March 15 meeting between the VPOTUS and the Master. During the month leading up to the event, Hsia was overseas but called in to check on the donations, at one point scolding Gorman: "You know Matthew, this is a fund-raiser." She gave him a list of names to call. Gorman recalls soliciting Wu Quong of T&W Arts & Craft to contribute $5,000 to attend. He got the money the morning of the event.

Huang believes the event was closed to the press because it was a fund-raiser.

He was interviewed by a Chinese newspaper five days before the "vegetarian fund raising banquet." That article reveals the following:

> DNC Vice Chairman of Finance Huang...indicated that the fund raiser on the 29th is sponsored by the DNC's Asian Pacific Leadership Council. Initially the event was to be held at a Chinese restaurant with Gore meeting Chinese Americans there. The Chinese community of Southern California would, at the same time, show support for the re-election of Clinton and Gore. Hsi Lai Temple, later chosen, indeed differs from the traditional fund raising location. This is believed to be the first political fund raiser at Hsi Lai Temple.
>
> ...
>
> After being briefed, the White House saw no conflict in Gore attending a fund raiser at a religious facility. Citing prior instances of such, the White House agreed on Gore's appearance at Hsi Lai Temple.
>
> ...
>
> Huang would not elaborate on individual donations or the monetary goal of this fund raiser but indicated that it depends on individual attendees. Accordingly a ticket for this fund raiser can cost up to $5,000.

Jacqueline Dycke, VPOTUS Scheduling Office, knew it would cost money to attend. Don Fowler knew the event was "primarily" a fund-raiser.

In Joseph Sandler's deposition he refers to a document that describes a conversation between Richard Sullivan and Kumiki Gibson (White House counsel). Gibson asks: "Did you think of the lunch as a fundraiser?" Sullivan responds: "In a loose sense, yes. I knew John Huang was going to do something to help raise funds for the DNC." So there's not much difference between what I thought of the luncheon - what I thought of as would have been the original function of the luncheon and the Hsi Lai Temple event as it actually took place. Sandler Dep. 95.

2) Do we have factual information to dispute the Vice President's assertion that he

"did not know [the Temple event] was a fund raiser? If so, what is the information? Do we have factual information to dispute the Vice President's assertion that: "I sure as hell did not have any conversation with anyone saying, this is a fund raising event?" If so, what is the information? Do we have factual information to dispute the Vice President's assertion that: "I believe that the first time I knew that the DNC was involved in organizing this event was when I read this [briefing] memo?" If so, what is the information?

As to the Vice President's knowledge of the fund-raising nature of the Event, see previous responses as to the universal understanding that it was a fund raiser. Ickes planning memo, the Vice President's e-mail exchange with Kim Tilley acknowledging the fund-raisers in L.A. and San Jose indicate knowledge.

I am not aware of any specific conversation. This would constitute the crux of the recommended investigation.

3) How do we distinguish between a "finance related" event and a "fund-raiser?"

"Finance-related is a term made up out of whole cloth in January, 1997. It did not exist within White House or DNC lexicon prior to that time. A search of the Oracle Database does not produce it in the '96 election cycle.

Lisa Berg, Deputy Director of Vice President Scheduling Office said "No, that's not a term that is regularly used." Dep. 93. In fact she had never heard it used. Id.

Jackie Dycke, OVP Scheduler, could not distinguish between "fund-raiser" and "finance related." Dep. 54.

Maura McManimon, DNC Finance Department (Events Coordinator), stated she never used the term "finance related" and did not recall hearing anyone use the term before the election. Dep. 68, 88-89, 90.

David Strauss, Deputy Chief of Staff, stated he never heard the term finance related used in the VPOTUS office.

Only Kim Tilley uses the term in a June, 1997 deposition. Tilley was represented by White House and personal counsel. She met with white counsel to "prepare" for the deposition.[2] She answered "I don't recall" or "I don't remember" approximately 110

---

[2]Lisa Brown, counsel to the VPOTUS lodged privilege objections to questions concerning the substance of that meeting.

[3]For instance, concerning the Hsi Lai Temple event she prefaced her answers twice with "[T]here's so very little of this I remember..."

times.[3] With respect to questions concerning "finance related" she answered as follows:

Q: You used the term finance related several times now. When did you first hear the phrase finance related?

A: I have no idea.

Q: Before the election?

A: I don't recall.

Q: Do you recall them (DNC) referring to events as Finance related as opposed to fund-raisers or donor maintenance or anything like that, specifically using the term Finance related?

A: I don't remember specifically receiving a document or documents, but there are documents that say DNC Finance.

Q: Do they say Finance related or -

A: I don't recall.

Q: And when they said DNC Finance, what were they in connection with?

A: Your - it - I'm sorry. I don't recall, is the answer.

Dep. 95, 96-97.

When confronted with the fact that references to the Temple event prior to April 29, 1996 all mention "fund-raiser", Tilley attributed such descriptions to "sloppiness." Dep. 61, 86. It did get difficult for her to maintain that fiction however:

I don't remember when we knew (it was a fund-raiser), but that is presume (sic) we knew it was a fund-raiser. We knew it was a DNC Finance-related event. Specifically as to it being a fund-raiser, and setting up the event, we knew it was a finance event.[4]

---

[3]For instance, concerning the Hsi Lai Temple event she prefaced her answers twice with "[T]here's so very little of this I remember..."

[4]Dep. 85.

Yes, that's where the request came from - no, no, no - let me be clear. We had a request that the Vice President signed off on to do a DNC Finance event or a fund-raiser in L.A. The point at which we signed off on that, it was not a temple event. And so when we knew it was - you're saying when we knew it was a fund-raiser, I think it would be press accounts.[5]

I would say that again, it goes to the fund-raising versus finance, and I know it says fund-raising here, but as Dan (her lawyer) said, assuming it was received in the office, which I believe it was, then yes, they had knowledge of this (fund-raising). But we would not have been handling the fund-raising part of this.[6]

"Finance related" is a post-election convention utilized to avoid the "F" word (fund-raiser). The fact is that every single memo referring to the April 29th L.A. event, or the Hsi Lai Temple event, prior to its occurrence used the word fund raiser. Every reference after January, 1997 uses "finance related."

4) Do we have factual information to dispute the Vice President's claimed lack of recall about "conversations with any of [his] staff concerning this event prior to leaving to attend the event?" If so, what is the information? Do we have factual information to dispute the Vice President's claimed lack of recall of conversations with anyone on his staff concerning attending the Temple on April 29th (other than "when Hsing Yun was there in my White House office")? If so, what is the information?

At this point, we don't have a "smoking gun."

One reason might be the White House's delay in producing e-mail. We only have one responsive e-mail (From Gore to Tilley re declining the rabbi's invitation if we have already confirmed the fund-raisers in LA and San Jose). We are attempting to obtain the OVP e-mails for the relevant time period. Tilley says they used e-mail a lot. Berg says if she communicated with the VPOTUS it would have been by e-mail.

What we do have is the following:

2/9/96 Memo Ickes to POTUS, VPOTUS re "DNC major donor fund-raising events" which projects VPOTUS April, 1996 LA event to raise $350,000 and cost $25,000.

3/12 Memo Berg to Tilley 4/27-29 re fund-raisers in LA & San Jose

---

[5]Dep. 85.
[6]Dep. 118.

3/15 E-mail Tilley to VPOTUS re confirming fund-raisers for 4/29 (San Jose & LA); Do we regret to Rabbi Rafael Grossman?

VPOTUS to Tilley re "If we have already booked the fund-raisers then we have to decline."

3/22 Lttr Hsia to Leon Fuerth "Master Hsing Yun... could be very helpful for Vice President Gore's re-election."

3/23 Lttr Hsia to Gore re John Huang asked her to organize fund-raising lunch event followed by rally at Temple on 4/29

4/3 memo McManimon(DNC) to Dycke (OVP) re DNC events at Temple (APALC luncheon) and San Jose

4/10 Ickes to POTUS, VPOTUS re budget/fund-raising mtg. Schedule A is list of planned events; VPOTUS -4/29 in LA, $250,000 projected revenue; $25,000 cost; San Jose (same)

4/10 memo Dyke to Host of recipients re VPOTUS is going to San Jose & LA for DNC fund-raising events in 4/29

4/11 memo Huang to Tilley re Fund-raising Lunch for VPOTUS on 4/29

4/15 memo Beardsley to Dyke re Any problems with use of Hsi Lai Temple for VPOTUS DNC lunch?

4/15 e-mail Norris to Sueltinger re Hsing Yun hosting fund-raiser lunch for about 150 people in VPOTUS honor

4/24 news article referring to upcoming fund raising banquet at Hsi Lai Temple on Monday 4/29; Interview of Huang noting first fund raiser at Temple; White House saw no conflict in Gore attending a fund raiser at a religious facility; Huang's refusal to comment on monetary goal but that a ticket can cost up to $5,000

4/26 DNC to OVP re Schedule; luncheon is for members of APALC of DNC; annual membership is $2500/person

5) Do we have factual information to dispute the Vice President's claim that "between March 15th and April 29th [he did not] have a conversation with anyone concerning the fund raising nature of [his] trip to the Temple?" If so, what is the information?

The April 15th responsive e-mail concerning the fund raisers on the 29th in L.A. and San

Jose. We have no evidence of conversations. We also don't have his e-mails. We do have the documents referred to in Answer to # 4. We have the common sense conclusion that if everyone around him talked about the temple in terms of a fund raiser, and he refers to the April 29 event as a fund-raiser in an e-mail, that there is sufficient predicate to investigate whether he conversed with anyone about the fund raising nature of the trip.

In addition to determining the answers to these questions, we need to analyze the elements of any potential criminal violations.

18 USC 1001

The false statement statute provides, in pertinent part:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation shall be [guilty of a felony]

To obtain a conviction under 1001, the government must prove (1) a statement; (2) that is false, fictitious or fraudulent; (3) materiality; (4) specific intent; and (5) to an agency of the United States.

18 USC 1621

The perjury statute provides in pertinent part:

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify...truly...and contrary to such oath states any material matter which he does not believe to be true... is guilty of perjury.

A witness testifying under oath violates 18 U.S.C. § 1621, if he willfully gives false testimony on a material matter. United States v. Dunnigan, 507 U.S. 87, ----, 113 S.Ct. 1111, 1116, 122 L.Ed.2d 445 (1993).

We also need to review the current Special Counsel regulations to determine how they apply to our factual and legal analysis of the facts as we know them.

The Attorney General's promulgation of regulations to replace the procedures set out in the Independent Counsel Reauthorization Act of 1994 seeks to strike a balance between independence and accountability in certain sensitive investigations, recognizing that there is no perfect solution to the problem. The balance struck is one of day-to-day independence, with a Special Counsel appointed to investigate and, if appropriate, prosecute matters when the Attorney General concludes that extraordinary circumstances exist such that the public interest would be served by removing a large degree of responsibility for the matter from the Department of Justice. The Special Counsel would be free to structure the investigation as he or she wishes

and to exercise independent prosecutorial discretion to decide whether charges should be brought, within the context of the established procedures of the Department. Nevertheless, it is intended that ultimate responsibility for the matter and how it is handled will continue to rest with the Attorney General (or the Acting Attorney General if the Attorney General is personally recused in the matter); thus, the regulations explicitly acknowledge the possibility of review of specific decisions reached by the Special Counsel.

Section 600.1 provides grounds for appointing a Special Counsel as follows:

"The Attorney General... will appoint a Special Counsel when... she determines that criminal investigation of a person or matter is warranted and--

(a) That investigation or prosecution of that person or matter by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department or other extraordinary circumstances; and

(b) That under the circumstances, it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter."

Section 600.2 Alternatives Available to the Attorney General

"When matters are brought to the attention of the Attorney General that might warrant consideration of appointment of a Special Counsel, the Attorney General may:

(a) Appoint a Special Counsel;

(b) Direct that an initial investigation, consisting of such factual inquiry or legal research as the Attorney General deems appropriate, be conducted in order to better inform the decision; or

(c) Conclude that under the circumstances of the matter, the public interest would not be served by removing the investigation from the normal processes of the Department, and that the appropriate component of the Department should handle the matter. If the Attorney General reaches this conclusion, he or she may direct that appropriate steps be taken to mitigate any conflicts of interest, such as recusal of particular officials."

Withdrawal Marker
The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	VPOTUS... - To: James Robinson - From: Alan Gershel	3	06/20/2000	P5; P6/b6; MAC 9/18/2025

This marker identifies the original location of the withdrawn item listed above. For a complete list of items withdrawn from this folder, see the Withdrawal/Redaction Sheet at the front of the folder.

COLLECTION:
Counsel's Office, White House

SERIES:
Kavanaugh, Brett - Subject Files

FOLDER TITLE:
[DOJ Memos - Public Integrity Section] [1]

FRC ID:
9794

OA Num.:
2174

NARA Num.:
2085

FOIA IDs and Segments:
2018-0016-P
2017-0345-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

This Document was withdrawn on 7/31/2018 by MAY

Fax Transmission

Paul P. Colborn
Special Counsel
United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Phone: 202-514-2048
Fax: 202-305-8524

To: Brett Kavanaugh Date: 12-7-01

Office # ( ) Pages: _____ (including cover sheet)

Fax#: ( ) 456-1647

Subject: _____

Comments: Here are additional five documents for C.P. claim.

FROM (FRI) 12. 7'01 5:41/ST. 5:41/NO. 4861219767 P 2

Memorandum

Subject:	Vice-President Albert Gore Examination, April18,2000	Date:	May 1, 2000

To: Jim Robinson, AAG Criminal Division
Michael Horowitz, COS, AAG Criminal Division
Alan Gershel, DAAG Criminal Division

From: Robert J. Conrad, Jr., Chief, CFTF

On April 18, 2000, Vice-President Albert Gore was examined by the undersigned under oath at his residence at the Naval Observatory. The FBI participated in the preparation for, and SSA Bart Boodee and SA Greg Timberlake attended, the examination.

The examination resulted from an offer made to counsel for the White House, and repeated to the Vice President's personal counsel, to have the Vice President submit to voluntary examination under oath in lieu of a grand jury subpoena. Prior to the examination, counsel for the Vice President was given a non-exhaustive list of subject matters and documents likely to be covered in the questioning.

The Vice-President's responses ranged from minimization of his documented relationship to convicted felon Maria Hsia to false statements relating both to his role in DNC sponsored coffees and his prior knowledge of the fund-raising nature of the Hsi Lai Temple event.

Both in substance and demeanor,[1] the Vice President exhibited indicia of untruthfulness. Examples of this include the following: (1) minimizing his relationship with Maria Hsia;[2] (2) his role in coffees; and (3) his understanding of the fund-raising nature of the Hsi Lai Temple event of April 19, 2000. Minimization of the relationship with Hsia is not offered here as evidence of mendacity worthy of further investigation but rather as indicia of the vice-president's untruthfulness throughout

---

[1]The FBI described VPOTUS' demeanor as follows: "During the questions pertaining to the Hsi Lai Temple event, the VPOTUS began sweating through his shirt, raised his voice, and became angry." CAMPCON summary dated 4/19/00

[2]For example in testifying about a letter sent to Hsia after a 1989 trip to Taiwan, he indicated that the undersigned was "receiving the impression (enduring friendship) this letter is intended to convey"; this letter and other expressions of gratitude were "overstated": "But all of the overstatements that I've noted are within the customary bounds of this particular form of communication." T. 21-22. In describing a handwritten note stating "I cannot thank you enough. You two are great friends. See you soon." (T.29-30), Gore characterized it as follows: "[T]his is the kind of routine overstatement that is quite common, both in P.S.'s to letters of this sort, and in captions on pictures, et cetera." T. 30.

RECEIVED
JUN 2 1 2000
Public Integrity Section

the examination. It is the opinion of the undersigned, shared I believe by the attending FBI agents, that the Vice President made willful misstatements under oath with respect to the coffees and the Hsi Lai Temple event. It is these latter subject matters that this memorandum addresses.

The Coffees

The Vice President was asked about certain talking points prepared for the Vice President by Ron Klain, Chief of Staff, in a February 26, 1996 memorandum. See Exhibit O. The talking points reference a "huge" DNC fund-raising task of raising $108 million dollars. The talking point for Mr. Gore includes the following:

> I did three events this week which were projected to raise $650,000, and, under rigorous accounting, actually raised $800,000. Tipper and I were supposed to do $1.1 million, and it looks like we will be closer to $1.3 million.
>
> So we can raise the money - BUT ONLY IF - the President and I actually do the events, the calls, the coffees, etc.

The Vice President denied being at the meeting for which the talking points were prepared, denied an independent recollection of the points but when pressed agreed with the "general view" that if they worked hard they could raise the necessary money. T.51, 58.

When asked about the role of "coffees" in the ability to raise money, the Vice President responded as follows:

And the coffees were in a somewhat different category, and I don't -- that was not an activity that I -- I may have attended one. I don't know what the record reflects. But that was somewhat different and not -- that was -- I didn't lump them together this way.

Q What was the purpose of the coffees?

A Well, they were for the President to meet with people who were interested in supporting his policies and his politics. But that was more or less on his side of the house and I'm not the best source of information about that.

Q In terms of a fund-raising tool, what was the purpose of the coffees?

A I don't know. They were on his side of the house.

And I will give you my understanding of what I thought they were. I thought they were events that allowed the President to spend time with influential people who wanted to talk about policy, who would at some later time possibly be asked to financially support the DNC. It was certainly not my understanding that they were fund-raising events.

Q Did you have any understanding, or do you have any understanding that there was a price tag associated with the coffees?

A No, I do not and did not.

Q With respect to raising the $108 million, did you have discussions with anybody concerning the role coffees would play in raising that type of money?

A. Well, let me define the term "raising", if I could, because if you mean by it, would they be events at which money was raised, the answer is no.

But it is, it was then and has for a long time been common practice to have meetings with people who are interested in various subjects, spend time with them, cultivate the relationship, show them the respect that the time signifies, and then, on the basis of the relationship that is built up then and in other ways, ask them to support the DNC, or, if you're in the Senate or the House, your campaign fund.

But often it is assumed that you're going to have a hard time asking somebody to be a contributor if you have never met the person, spent time with the person, or had an opportunity to hear the person's views.

The coffees, as I understood them, were opportunities for the President to reach out to a larger number of people, spend time with them, hear their views, respond to questions, et cetera, and in that way build more relationships, some of which later on would be the basis for campaign solicitations from the DNC.

Q When I use the term "coffee", in terms of raising the amount necessary for the DNC to succeed, I don't mean it in terms of money being contributed at the event. I mean it in terms of the coffee being a tool by which those funds are raised.

A Well, it's the same definitional. I mean, they are, they were what they were. They were sessions for the exchange of ideas, during which, it was my understanding, that the President would cultivate a closer relationship with the individuals who were there. It was contemplated at the time when they were set up that some or many of those who participated in those sessions would later on be likely to be asked to contribute; but that this was a part of relationship-building, and the relationship-building, in turn, had an impact on the likelihood that they would become donors later on.

Q Did you have any conversation with the President about the income-generating function of the coffee?

A No, not per se. Just in the way that I have described it to you previously. I attended meetings where the assumption was that the relationships built at these coffees would be such that some of those who attended would be more likely to be receptive at a later time, if they were solicited by the DNC.

Q Are you familiar with Senator Thompson's committee

investigation into alleged campaign finance abuses?

A I've seen the news reports about it. I have not read the transcript of the committee report.

Q Are you aware that they concluded that between November of '95 and August of '96, there were 103 White House coffees?

A I'm not familiar with their conclusion.

Q And that within a month of the coffees, over $7.7 million were contributed to the DNC. Are you familiar with that conclusion?

A No, I'm not.

Q Would it strike you as consistent with the theory of the coffee as being a fund-raising tool, as opposed to, I think what you were describing it as, as a donor-maintenance type event?

A Well, I never heard them described as fund-raising tools. Again, I've described what I felt that their role was. And as to whether I agree or disagree with somebody else's label being placed on it, I hesitate to wordsmith it. I would not call them fund-raising tools.

Q Have you had a conversation with anybody about the cost to attend a White House coffee?

A No. No, I -- it is not my -- it is my certain belief that I never heard anyone say that a particular amount of money was attached to attendance -- a particular amount of

money that would later be anticipated to be raised by the DNC was attached to attendance at these events. I never heard anything remotely similar to that, and I would be very surprised if any such reference was made.

Q You are not familiar with the cost of $50,000 being the --

A No.

Q -- cost to attend the fundraiser?

A Absolutely -- a coffee?

Q A coffee?

A Absolutely not. Absolutely not. And it is my

belief that that would have been considered wildly inappropriate, if not worse, by those who talked about those coffees. They were not considered in that, in that way.

Now, there was, as I've said before, an anticipation that the relationships built during these sessions might make some of those people more conducive to making financial contributions when they were solicited at a later time.

But I would be shocked if, if any of my colleagues who participated in the meetings I was at, or any other meetings at the White House that I was not at, thought of those coffees in that way.

Q What was your understanding as to how people were selected to attend the coffees?

A I did not participate in selecting the people. I don't know.

Q Did you ever have any conversation with someone at the DNC as to the criterion for selecting --

A No, I did not.

Q -- attendees? Did you have any conversation to that effect with anybody within the White House?

A No, I did not.

Q This talking point that says, "So we can raise" --

A Now, hold on. I don't think that I did. But in scanning my memory, it's possible that somebody may have said, so-and-so is coming to an event and the President might have said, well, if he's coming, then make sure that so-and-so who has a, you know, represents a different part of the community, is also there, or we'll get, you know, we'll incur some political disadvantage for that reason.

I may have heard, I may have been in the room when

18 a conversation like that took place. I have no specific
19 memory of it. But --

20 Q If a conversation like that took place, who would
21 have been parties to that conversation?

22 A Gee, this is really speculative, but the President
23 and Harold Ickes and, and others in the room. I mean, that's
24 -- but that's very speculative.

25 Q This talking point, "So we can raise the money --

1 BUT ONLY IF -- the President and I actually do the events,
2 the calls, the coffees, etc.", do you have a recollection of
3 making that, or expressing that idea to anyone?

4 A No, not that specific thought. The general thought
5 about if we, if we will take the time to get out there and do
6 the hard work that is necessary, then we can be successful in
7 this, I have expressed that general thought, yes.

8 Q I understand that general thought, and that's very
9 different than the particulars in this talking point. What
10 I'm --

11 A Yes.

12 Q -- trying to understand is whether you are the
13 source for those talking points or not?

14 A No, I'm not the source of these talking points.

15 Q And would you have expressed the particulars
16 contained in the talking point to anyone else, to your
17 knowledge?

18 A No. I don't think I was at the meeting that those
19 proposed talking points were prepared for.

20 Q Whether you were at that meeting or not, you're not
21 aware that you had any conversation with Ron Klain or David

Strauss with respect to the particulars of the talking points, that is, the coffees, the events?

A No. No, I don't. I already told you that I've expressed the general point that I was engaged in a debate

along with others about whether or not it was feasible to undertake to raise a DNC budget of the size that would be, that was contemplated. And I was of the general view that it was possible, but that it would require a lot of work. And I expressed that view on more than one occasion.

Q I think you had indicated –

A I never, I never expressed the view that the coffees were a fund-raising tool.

Q In your opinion, there simply was no quid pro quo of attendance at a coffee, payment to follow?

A That is absolutely my impression. The connection that I described earlier –

MR. NEAL: Excuse me. Let me –

MR. CONRAD: Let the witness answer the question.

MR. NEAL: Okay.

BY MR. CONRAD:

Q Go ahead.

A If you want me to repeat my earlier answer, I will. But that's been done.

Q You had indicated earlier that you may have attended one coffee. What were you talking about?

A I was really talking about a session in which I was prepared for one of the previous interviews that you all conducted -- not you, but others conducted. And I was, I was vaguely remembering that during one of those preparation

60

sessions I was told that, although it was not my practice to go to any of these coffees, there may have been one that I attended briefly, perhaps because some of the invitees were known to me and wanted to say hello to me.

Q And who were those invitees?

A I don't know. I'm sorry, I don't know.

Q There's an interesting book about your life on the bookshelves these days called "Inventing Al Gore", by an author named Bill Turque. Are you familiar with that work?

A I haven't read it, but I'm certainly familiar with it.

Q In that book, that author indicates that you hosted 23 White House coffees and joined the President at eight others. Would that be an accurate statement?

A I don't know.

Q But certainly more than one?

A I wouldn't necessarily take him as a, as a --

Q No, and I'm --

A -- source.

Q I'm not taking him as a source. What I'm saying is, would that perhaps refresh your recollection as to the number of coffees --

A That seems --

Q -- you attended?

A That seems inaccurate to me. Far from the only

61

inaccurate thing that has been quoted to me from that particular book. But, yes, that seems, that seems inaccurate to me.

Q He refers to you as earning the reputation as solicitor-in-chief. Have you ever heard that title before?

A I heard that title for the first time in a newspaper article by Bob Woodward, and it struck me as quite odd when he put that in the newspaper article, because I had never heard it prior to that time. I believe it to be completely unfair and inaccurate.

Q Do you believe it to be related in any way to the White House coffees?

A Oh, I know it's completely unrelated to the White House coffees. In fact, the article that I referred to -- you can find it for yourself -- was an article about the telephone calls, and that's what, that's what led Mr. Woodward to coin the phrase. I think that he alleged that someone else used the phrase in conversation with him, but I had never heard it before and the only time I've heard it since was either in direct or indirect reference to him using it, although it was often -- well, anyway.

Q Let me ask --

A When they write something, it becomes kind of conventional wisdom sometimes.

Q Let me ask you about a statistic. I know you don't

62

take the Thompson report as Gospel. But in the Thompson report --

A Are you talking about the Republican report or the Minority report?

Q Well, my guess is it's in the Majority report.

A Okay.

Q It's page 41 of the report. So, that's more than likely the Majority report. It says, between November of '95 and August of '96, the White House hosted 103 coffees, taking in $26.4 million, of which $7.7 million occurred within one month of the coffee; that 60 of these coffees were DNC-sponsored.
Would you have reason to dispute those findings?

A I would neither have reason – I don't have reason to accept the findings. It is a highly-partisan document, as noted in the Minority report. But I have not reviewed it.

Q Sitting here today, you don't have a concrete recollection of your attendance at any particular coffee, is that –

A No.

Q. – correct?

A No, I don't. This was on the President's side of things. That's my memory and impression.

On Wednesday, April 19, the day after the Vice President's examination, his attorney, Jim Neal called me and left a voice mail message to call him about the vice president's interview. On Thursday, April 20, 2000 he called again. Among other things, Neal indicated that the vice president had asked him to check the record on the coffees and clarify his testimony. I informed Neal that the testimony was what it was and could not be clarified. He stated he would send me a letter anyway. Neal's letter dated that same day (but not received by me until May 2, 2000 - a fax copy was received on April 27 after I informed him I had not received a 4/20 letter from him) stated the following:

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

twenty-one Coffees in the Old Executive Office Building. He did not understand your questions to include OEOB Coffees.

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

It is my opinion that the Vice President was not being truthful when he testified he may have been at one coffee; that he did not consider them as fund-raising tools; that he did not know how people were selected to attend the coffees; and that he did not believe their was a price to attend. Mr. Neal's attempt to "clarify" the testimony by letter fails. It rather tends to establish a consciousness of guilt on the part of the vice president.

Neal called a second time on April 27 to indicate he had received the transcript and would not add anything to it. It was during this conversation that I informed him that I had never received a letter dated April 20, 2000 and he faxed a copy to me.

The Hsi Lai Temple Event

The following is a verbatim transcript of the portion of the examination dealing with VPOTUS' understanding of the fund-raising nature of this event. The "cold" record does not begin to demonstrate Gore's severe state of agitation. The demeanor will be familiar to any trial attorney who has encountered an evasive and dissembling witness in cross-examination. The Vice President took deep breaths. He sweated profusely. His dark blue shirt began to display sweat under the armpits. The veins on his neck stood out. His body seemed puffed up. His voice rose. He appeared angry. He used "hell" to begin one response. During a break,[3] the Vice President bolted from the room. Upon his return, he seemed more under control, but angry still. In subsequent telephone conversation with Attorney Neal, he referred to his client's demeanor as "testy", a result he said from being questioned so frequently about the Hsi Lai Temple.

67

Q Well, let me turn your attention to the Hsi Lai Temple.

A All right.

Q Before I do, I wanted to read you a couple of comments that you have made publicly with respect to that event.

On October 22nd of 1996, you told NPR's Nina Totenberg that you thought that event was a "community

[3]Reflected at T.82.

outreach". Then on January 14th of 1997, you told NBC's Katie Couric that you did not know it was a fundraiser, but "I knew it was a political event and I knew that finance people were going to be present".

Having said those two fairly different things, knowing that you're under oath today, can you tell me what you knew about the Hsi Lai Temple event and when you knew it?

A Yes, I'll be glad to. At the time I went there, I felt that it was a visit that was arranged pursuant to the desire I had expressed in the meeting with Hsing Yun to visit his Temple. I knew that the individuals who were his followers included Maria Hsia and John Huang. I felt that this visit was something they would be very pleased with because it showed honor to their community and to their place of worship, and that it was a source of community pride to them.

I knew when I arrived that the community was expressing exactly that pride with, for example, a marching band on the steps of the Temple from a local school. I met elected officials, including officials from the other political party, Republicans. I met neighborhood leaders from the surrounding neighborhood, including those who were beneficiaries of the charitable contributions and charitable work performed by the Temple.

That rang true to me because I had seen the work they had done, that they did on a regular basis, in the place that I had visited in Taiwan.

There was no solicitation of money. I did not see any money or checks change hands. I never heard it discussed. Nor do I believe it took place, incidentally. Perhaps you know that some money changed hands there. But to this day, I don't think any did.

In any case, the members of their faith community were all out on the steps of the inner courtyard, and it was a celebratory event that, to me, expressed the tremendous pride they felt in having a high-ranking official, a sitting

Vice President of the United States, for the first time come to honor their community with a visit. It was as if -- the impression they gave me was that they felt that they were thereby arriving at a new plateau of acceptance in the larger community of Los Angeles.

69

We had a lunch. I made a speech. Bob Matsui, who is a close friend of mine, a congressman from California, who also played a role with the DNC finance operation, was also present. And he suggested to me -- I asked him for advice about my remarks. And he said that, he said the, something to the effect that this community wants to know that it's accepted in the United States. And I gave a speech that never mentioned anything to do with fund-raising or finance, because I did not understand it to be a fund-raising event. And then, and then I left.

And subsequent disclosures in the press and subsequent production of memoranda that I never saw at the time showed that -- showed what they showed. And the very fact, for me, the very fact that the members of a finance-related event were present at the event was the only connection that I had to the possibility that it was finance-related.

But I did not know that it was a fundraiser. And I do not to this day know that it was a fundraiser.

Q What do you mean by "finance-related event"?

A There were people, there were people associated with the DNC finance operation who were present at the event, and that, much like the original trip to Taiwan, there was an implicit assumption that the time spent, the honors shown, the communication that took place, all would create a warmer,

70

friendlier relationship, a sense of closeness that would greatly enhance the likelihood that later on some of those who were present to see this visit would be more likely to say, I want to be a part of what this person is doing politically and I want to support the DNC.

Q What finance people did you see there that would have been what you referred to as your only connection to the fact that it was a finance-related event?

A Well, Bob Matsui I mentioned. And if you can show me the list of people who were there, it might refresh my recollection.

Q When you refer to finance people who were there, do you have any independent recollection of who those people would have been?

A The DNC people who were there, I think Don Fowler was there, I can't recall.

Q When you told Katie Couric that you did not know it was a fundraiser but you knew it was a political event, what did you mean by the term "political event"?

A It was an outreach to a politically active community in a political campaign year.

...

71

...

BY MR. CONRAD:

Q When you told her that you knew that there were finance people who were going to be present, did you mean that you knew ahead of time that DNC people were going to be present?

A Well, let me think.

MR. NEAL: Bob, isn't this a little bit -- isn't it better -- well, can we go off the record a minute?

MR. CONRAD: Sure.

(Discussion off the record.)

BY MR. CONRAD:

Q I'm trying to figure out whether prior to arriving – you've just testified that when you arrived, you noticed some finance people there, and that was your only connection to the fact that it might have been a finance-related event. Is that a fair characterization of your testimony today?

A I looked at a briefing paper immediately prior to going into the event. It was not the major event of the day. I gave a speech to ten or 15,000 people at the National Cable Television Association.

If you look at my schedule for the days preceding

that day and the days following that day, it may give you some indication of what it was like to go from one event to the other, day after day after day, and to rely on a daily notebook full of briefing papers to inform you of what's next.

Typically, the day was so cram-packed that I did not have a chance at the beginning of the day to read completely through the briefing memos for every event. And after I caught my breath from making this speech, which was with slides and multi-media and one of the largest audiences I've ever addressed, after I caught my breath in the car I flipped, took out my notebook and flipped to the next event, and my immediate impression was, good, they finally, they were able to work out this visit to the Hsi Lai Temple; this ought to be interesting. Little did I know.

Then when I got there, there was a big brass -- we drove right up to the steps and there was a local high school marching band on the steps. But my impression and the knowledge that I had in my head when I went into that would have been shaped by the briefing paper that was in my notebook that I looked at just prior to the time when I went in.

Now, when I answered questions to the news media after the – I mean, I gave my first recollections of what was going through my mind at the time. And then the

Republican National Committee puts out this, that, and the other, and different documents get out into the news media, it becomes obvious to one and all that somebody knew that there were DNC finance people related, involved in this event.

And I can't remember the exact questions that each news interviewer asked me, but I'm happy to be accountable to you for each one of them, if you want me to go back and look at exactly what was going on in my mind when I did the television show or the radio show or the newspaper interview.

Q The question I think that I asked, and I think you've answered it is, when did you learn that DNC people were going to be at this event?

A I don't know. If you want me to refresh my recollection by looking at the memo, I've told you that that would have shaped my state of mind at the time I went into the event. It may have been reflected in that memorandum.

Q Please go ahead and refresh your recollection by reading the briefing paper.

MR. NEAL: Do you want to mark it?

MR. CONRAD: Yes. For the record, let's mark the 302 that the Vice President used to refresh his recollection earlier as VPOTUS 2.

(VPOTUS Exhibit No. 2 was marked for identification.)

MR. CONRAD: Let's go ahead and mark this exhibit as VPOTUS No. 3.

(VPOTUS Exhibit No. 3 was marked for identification.)

(Discussion off the record.)

THE WITNESS: Yes. Here is, right at the -- near

the top of the briefing, it says, "Meeting requested by the Democratic National Committee. Briefing prepared by Richard Sullivan, John Huang and Maura McManimon, with DNC Finance." So, that would have told me that this was finance-related.

But it is not -- you said, you expressed the opinion earlier that community outreach and finance-related are two very different things. That is your opinion. That is not necessarily a fact.

BY MR. CONRAD:

Q When you use the word "finance-related", what are you referring to?

A The finance wing of the DNC had prepared the briefing. So, it was obviously related to the kinds of outreach efforts that were, what I thought were relationship-building and outreach to this particular community.

Now, again, you've said they are different things. Let me tell you why I don't think they are different things. If you are reaching out to a community that wants to be more involved in the political process, and one of the results of

that outreach is going to be that they are going to be more likely to join the DNC Finance Council or make contributions at a later time to the Democratic National Committee, then it is both community outreach and finance-related, and that's what I thought this event was.

And, in fact, again, maybe you have evidence that, that money was given at the event. To this day, I don't know that it was. Was it?

Q When you use the term "finance-related", are you using it in a synonymous sense with fund-raising?

A No.

Q Or not?

A No.

Q Would seeing the DNC on this briefing paper, DNC Finance, a briefing paper by Richard Sullivan, John Huang and Maura McManimon, with DNC Finance, would that have triggered in your mind the fact that this was a fund-raising event?

A No. No.

Q Even though the DNC is responsible for raising funds --

A Correct. It was extremely common to have events with people who don't feel like they have a relationship with me or with the President or with the Democratic National Committee, and you develop the relationship. You spend the time with them. You talk with them, give them a chance to

76

express their views. And then later on you go back to them, sometimes you go back to them and you say, look, I would like you to contribute money to the, to the campaign or to the DNC.

I mean, it's the most common thing in the world. It happens all the time.

Q Is it your testimony today that the first time you were aware of the DNC's involvement in this event was reading the briefing paper on the way --

A Oh, I don't know about that. I don't know about that. I did not testify to that.

Q Okay. What --

A I don't know about that. But when I first met these people in the first place it was, it was because of an outreach, a community outreach effort by the DSCC that was also finance-related, but it wasn't a fundraiser when I went to, on that trip. It was an outreach to that community, with an expectation that there would be a greater likelihood at some future time that these individuals would get involved in financially supporting the DSCC or my campaigns in the future. And I thought it was the same sort of thing here.

Q When was the first time that you learned that the DNC had a role in putting this –

A I don't know.

Q – event together?

77

A I don't know. John Huang was involved with the DNC at the time that he attended my meeting in the White House. But it was not my impression at all that, that he was there in that capacity.

But it could well be that in the aftermath of that event, somebody said to me, John Huang called and said that you had indicated that you wanted to go by and visit this Hsi Lai Temple. But I don't know specifically whether or not I had knowledge that the DNC was involved in organizing it before I read this memo.

I believe that the first time I knew that the DNC was involved in organizing this event was when I read this memo. That's what I -- that's my recollection.

MR. NEAL: When he is referring to "this memo", could the record reflect he is referring to -- what is the exhibit number now?

THE WITNESS: VPOTUS No. 3, the memo that was in my briefing book that I looked at just prior to the event. I thought that I was going to a visit with this community as a result of my accepting the invitation of this fellow when he was in my office in the White House, which followed upon the invitation that he had first extended to me years earlier in Taiwan.

BY MR. CONRAD:

Q In the meeting in the White House on the 15th of

78

March when he invited you to the Temple, you had indicated that you would be in LA in the upcoming months?

A I said, I said that I would be in Los Angeles numerous times because it was an election year.

Q And what would be your purpose for being in Los Angeles?

A Because I -- well, a variety of purposes. But I knew that I would be there a number of times because I was running for reelection as Vice President. But it was typical for me to do a number of different things when I went to a city. The initial purpose for scheduling a visit to a city would, in an election year, would usually be something to do with the election.

But there were other reasons that would lead to it also. For example, the major event on that trip was a speech to the National Cable Television Association that had, I don't know the exact number, but I think it was ten or 15,000 people. I think I mentioned that earlier. And if you've ever spoken to ten to 15,000 people, you know that you kind of get prepared for something like that.

Q Mary McGrory calls you the best-briefed man in Washington. **Did you have conversations with any of your staff concerning this event prior to leaving to attend the event?**

A I don't recall any.

Q When is the first time you recall any communication to you concerning attending an event at the Hsi Lai Temple on April 29th?

A Could you repeat that question?

Q Sure. Maybe I can phrase it in a better way. **When do you first recall having any conversation to do with attending the Temple on April 29th, with anyone on your staff or anyone else? When is --**

A When Hsing Yun was there in my White House office.

Q Okay. When is the next time you had a conversation

with any person concerning going to the Temple?

A I don't know. I don't know.

Q Do you recall having any conversations with anybody about attending on that –

A I sure as hell don't recall having – I sure as hell did not have any conversations with anyone saying, this is a fund-raising event. As to whether or not I had any followup conversations that said, were we able to set up this event or not, I don't think I did. But I may have. The reason I don't think I did is because I recall the feeling I had, when I looked at the briefing book, and saw, oh, great, I'm going to be able to go see this, this Temple.

Q From March 15th –

A. Now, you have to understand this. With so many events every day, day after day, you may think that when a

schedule is put together it's like you would do yours, or that I would do mine in a non-election year where, you know, you consider each thing and weigh it and balance it out against all the other things and so forth. With the torrent of events coming one right after the other, it was very common to trigger the initial impulse and then it's massaged and looked at and talked about and fit in with all the other thousand moving pieces and it shows up on the schedule and I pick it up. I pick up my schedule for that day and when I get to it, there it is, and it's either a pleasant surprise or an unpleasant surprise.

Q Between March 15th and April 29th, did you have a conversation with anyone concerning the fund-raising nature of your trip to the Temple?

A No.

Q Even though in February, February 26th, there are talking points that talk about how you'll have to lose considerable time to the campaign trail to do all of this

fund-raising, in your mind the trip to the Temple is not a fund-raising event?

A I don't know what you're referring to.

Q What I was referring to, and I forget what exhibit number it is, but it's the Klain memorandum, the talking points that you've reviewed before.

A Did that refer to the Hsi Lai Temple?

81

Q No, it didn't, but it referred to the talking point of having to lose considerable time to the campaign trail to do all the fund-raising.

A That doesn't refer to this.

Q In late February --

A Let me just say that the, the memo that you're talking about was describing -- what it described most to me was my role in making telephone calls, which would mean that I would not be out on the campaign trail. It didn't refer to doing fund-raising events on the campaign trail.

Q Actually, it --

A It referred to doing fund-raising events that were not on the campaign trail.

Q I'm not trying to quibble with you, but actually the talking point included events, calls, and coffees as a way of raising $108 million that the DNC estimated it needed to accomplish its goals, late February. And then --

A Well, it wasn't my memo. So, I don't --

Q Then two months later, there is a DNC-sponsored event at the Temple. And in your mind there is no connection between that and the fund-raising nature of the event. Is that correct? I mean, it never triggered in your mind the fact that there may be fund-raising issues here?

A I'm not quite sure I follow your logic here.

You're talking about the memo that Ron Klain prepared for a

82

meeting that I didn't attend, related to the DNC goals.

Q I'm talking about the understanding of a $108 million fund-raising goal by the DNC. You were aware in late February, were you not, that there was a goal of raising $108 million by the DNC?

A Yes.

Q **Then a couple of months later there is a DNC-sponsored event at the Temple, and it didn't raise any fund-raising issues in your mind?**

A I did not know this was a fundraiser.

Q Okay. Let me turn your attention --

A And the fact that I was there was connected in my mind to the fact that I was invited to be there, and that I accepted the invitation and it didn't surprise me when the staff followed through on it and put me there.

MR. NEAL: Could we go off the record just a minute?

MR. CONRAD: Yes.

(Whereupon, the proceedings were recessed from 3:59 p.m. until 4:05 p.m.)

The balance of the examination established that OVP and DNC staffers, and others in memos and e-mails repeatedly referred to the Hsi Lai Temple event as a fundraiser in the days and weeks leading up to April 29, 2000 and that this was communicated to the Vice President. On March 12, John Huang wrote the vice president scheduler, Kim Tilley, about the "fundraising lunch" at the Hsi Lai Temple on April 29, 1996. Tilley three days later e-mailed the Vice President stating they had confirmed fundraisers in L.A. and San Jose on April 29, 1996. Tilley told Gore this in seeking guidance on how to respond to a request from a rabbi for the vice

president to speak on that day. Gore responded by e-mail (the only Gore e-mail we have) that if the "fundraisers" are booked, they would have to decline the rabbi's invitation. Maria Hsia wrote the vice president on March 23 and stated that "John Huang has asked me to help with organizing a fund-raising lunch event... Harold Ickes sent the vice-president a memorandum on April 10 reporting on the "weekly DNC budget/fundraising meeting." In that memorandum he listed projected revenues ($250,000) and costs ($25,000) for the Huang's fundraiser in L.A. on April 29.

In addition there exists numerous other e-mail and memoranda from OVP staff (see attached chart) characterizing the Temple event as a fundraiser yet the vice president insisted he had never discussed the fundraising nature of the Temple event with anyone.

Conclusion

It is my opinion that the Vice President deliberately testified falsely on issues material to the CFTF investigation, to wit: his role in, and knowledge of, fund-raising coffees, and his understanding of the fund-raising nature of the Hsi Lai Temple event. Investigatory options would include the following:

1) Conclude that no further investigation is warranted;

   A) insufficient predicate

   B) lack of materiality

2) Conduct a preliminary inquiry to determine whether to open an investigation;

3) Begin a CFTF grand jury investigation;

4) Consider appointing a Special Counsel on the basis that

   A) extraordinary circumstances exist such that the public interest would be served by removing a large degree of responsibility for the matter from the Department of Justice;

   B) avoid conflict of interest;

   C) that I would potentially be called as a witness;

   D) resource issues.

I believe that there exists sufficient predicate to bypass #1 & 2. As difficult a decision as it is, I strongly recommend # 4. Material and wilful misstatements under oath by the Vice President must be vigorously investigated. by a body that is untainted and perceived to be so. The CFTF has exposure in two areas. First in conducting the examination, I have first hand knowledge of the vice president's demeanor and therefor might reasonably be called as a witness.

Second this Vice President's previous testimony has triggered a preliminary investigation concerning his veracity in related inquiries. The Department and the Bureau differed on whether to appoint an OIC. This dispute has recently resurfaced in the public and has led to substantial criticism of the department's view that no IC was warranted.

The better course would be to appoint special counsel in these "extraordinary circumstances" who could vigorously investigate the matter of the vice president's false statements under oath without the attendant baggage the CFTF would face.[4] The public's confidence in the investigative/prosecutive decisions would be promoted. The investigation could be conducted immediately without the resource issues that currently confront the CFTF.

---

[4] Ironically, the dilemma faced here is reminiscent of that faced by the OIC in the reverse: "Before long, Starr would chastise himself for ever taking on the Lewinski investigation. By the time it began, he realized, he had already taken on too much. Much of the public was already confused about his work and distrustful of his motives. The Clinton White House had seen to that, and he had not tried hard enough to counter it. His authority derived not just from the law, but from the American public. There is only so much baggage one can carry, he would say, and he should have known he'd already reached his limit." Schmidt & Weisskopf, Truth at Any Cost, p.272.

HSI LAI TEMPLE EVENT TIME LINE

3/12	Berg to Tilley 4/27-29	fundraisers in LA & San Jose
3/15	Tilley to VPOTUS	Confirmed fundraisers for 4/29 (San Jose & LA); Do we regret to Rabbi Rafael Grossman
	VPOTUS to Tilley	If we have already booked the fundraisers then we have to decline.
3/23	Hsia to Gore	John Huang asked her to organize fund-raising lunch event followed by rally at Temple on 4/29
4/3	McManimon(DNC) to Dycke (OVP)	DNC events at Temple (APALC luncheon) and San Jose
4/10	Ickes to POTUS, VPOTUS	re budget/fundraising mtg. Schedule A is list of planned events; VPOTUS -4/29 in LA, $250,000 projected revenue; $25,000 cost; San Jose (same)
4/10	Dyke to Host of recipients	VPOTUS is going to San Jose & LA for DNC fundraising events in 4/29
4/11	Huang to Tilley	Fundraising Lunch for VPOTUS on 4/29
4/15	Beardsley to Dyke	Any problems with use of Hsi Lai Temple for VPOTUS DNC lunch
4/15	Norris to Sueltinger	Hsing Yun hosting fundraiser lunch for about 150 people in VPOTUS honor
4/26	DNC to OVP	Schedule; luncheon is for members of APALC of DNC; annual membership is $2500/person

FROM

U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, DC 20530-0001*

MEMORANDUM

To: Alan Gershel
Bob Conrad
Michael Horowitz

From: Jim Robinson

Re: Vice President Gore Examination

After careful review of the April 18, 2000, transcript of the Gore examination and Bob's May 1, 2000, memorandum, and following our discussion, I think it is premature, given the present state of the record, to make a recommendation to the Attorney General on whether to appoint a special counsel to investigate whether the Vice President made willful misstatements under oath on April 18, 2000, with respect to his role in the White House coffees and the fund raising nature of the Hsi Lai Temple event.

While I will miss the meeting on Monday, I believe there are certain objective facts that we must know in order to make any recommendations to the Attorney General about future investigative activities. We should be able to explore most of these factual matters based upon information already available to the Task Force. We need preliminary answers to at least the following questions, which I hope you plan on discussing on Monday and have answers for when we next get together to discuss this matter:

The Coffees

1) Do we know what the Vice President's actual role was, if any, regarding the White House coffees? Do we know whether anyone ever described the coffees to the Vice President "as fund raising tools?"

2) Do we know whether "there was a price tag associated with the coffees" or a "cost to attend a White House coffee?" Do we believe there was a $50,000 "cost to attend the

Temple event] was a fund raiser? If so, what is the information? Do we have factual information to dispute the Vice President's assertion that: "I sure as hell did not have any conversation with anyone saying, this is a fund raising event?" If so, what is the information? Do we have factual information to dispute the Vice President's assertion that: "I believe that the first time I knew that the DNC was involved in organizing this event was when I read this [briefing] memo?" If so, what is the information?

3) How do <u>we</u> distinguish between a "finance related" event and a "fund-raiser?"

4) Do we have factual information to dispute the Vice President's claimed lack of recall about "conversations with any of [his] staff concerning this event prior to leaving to attend the event?" If so, what is the information? Do we have factual information to dispute the Vice President's claimed lack of recall of conversations with anyone on his staff concerning attending the Temple on April 29th (other than "when Hsing Yun was there in my White House office")? If so, what is the information?

5) Do we have factual information to dispute the Vice President's claim that "between March 15th and April 29th [he did not] have a conversation with anyone concerning the fund raising nature of [his] trip to the Temple?" If so, what is the information?

In addition to determining the answers to these questions, we need to analyze the elements of any potential criminal violations. We also need to review the current Special Counsel regulations to determine how they apply to our factual and legal analysis of the facts as we know them. Further, we need to address the timing question as to why the Task Force, rather than a Special Counsel, should not conduct any additional inquiries required to determine if there is a further basis to investigate whether there are possible federal criminal violations.

FROM

MEMORANDUM

To: Jim Robinson, AAG
Alan Gershel, DAAG
Michael Horowitz, AAG, COS

From: Robert J. Conrad, Jr.

Re: CFTF response to AAG Robinson's questions re: Vice President Gore Examination

Date: May 18, 2000

This memorandum attempts to set forth the information the task force was able to gather the week of May 14, 2000 which might be considered responsive to the questions Jim Robinson sets forth in his May 12, 2000 memorandum.

Jim Robinson's memo asks important questions. This response provides information which is readily available. Sources for the information include previous CFTF investigations. the Thompson Committee Report, and the press. Conclusive answers would often require intensive investigation.

It would appear that the major issue to resolve is what quantum of evidence of a crime must exist prior to the appointment of a special prosecutor. I certainly do not believe there is sufficient evidence in hand to convict the Vice President. Yet I believe an important purpose of the regulation is to allow independence in the investigative as well as the prosecutive stage of cases. There are sufficient indications of crime to justify a serious investigation. That investigation is best carried out by a special prosecutor, a non-executive branch decision-maker, whose investigative and prosecutive decisions are free from the taint of potential or apparent conflict of interest

I have set forth below and underlined each question asked by Jim followed by information believed to be responsive.

COFFEES

1) Do we know what the Vice President's actual role was, if any, regarding the White House coffees? Do we know whether anyone ever described the coffees to the Vice President "as fund raising tools?"

The Vice President's role was "to do the events, call and coffees" as described in Ron Klain's talking points dated February 26, 1996.

George Stephanopoulos, senior White House aide, is quoted in Newsweek (3/10/97) as

follows: "That was true (it would take a miracle to get Clinton re-elected) - and it would also take cash, tons of it, and everybody from the president on down knew it. So money became a near obsession at the highest levels. We pulled out all the stops: overnights at the White House, coffees, intimate dinners at Washington hotels, you name it."

Campaign Finance Task Force records indicate a total of 105 coffees. A search of records on Oracle Data Base reveals that between January 1, 1995 and November 7, 1996, Vice President Gore attended approximately 38 coffees, at 21 of which some representative of the DNC was present. Approximately $416,563 was contributed by coffee attendees within 30 days of the coffees hosted by VPOTUS.

Ickes memo dated 2/9/96 to POTUS, VPOTUS lists "major donor fund-raising" and includes coffees in that list. VPOTUS' coffees were coordinated by his scheduling office (Kim Tilley, Lisa Berg). "We were responsible for the coffees the Vice President was responsible for attending. We would put that on the schedule." Dep. 57. Tilley would get a list of "fund-raising dates" which would include coffees. For example, one memo stated "DNC and Re-elect are anxious for fund-raising dates in May and June. In May, the request is for you to host one to four coffees." Dep. 61.

According to Ron Klain, VPOTUS Chief of Staff, David Strauss was responsible for the VPOTUS' attendance "at coffees and solicitation phone calls." 302 at 2:

> Klain had no responsibilities for the White House Coffees which were held in the Ceremonial Office. He understood the purpose of the coffees were to recruit new supporters for the DNC. Klain mentioned the DNC felt the coffees generated support for the election. Klain recalled that fund-raising matters were handled by a variety of persons to include the President, the Vice President, Don Fowler, Marvin Rosen, Richard Sullivan, Harold Ickes, Doug Sosnick and Scott Patrick. These individuals would discuss fund-raising progression and the scheduling of additional coffee dates.

Id. Klain was not questioned about his (2/26/96) Talking Points memorandum in that his deposition took place before the Vice President identified him as the author of that document.

David Strauss, Deputy Chief of Staff, stated that the White House coffees encouraged coffee guests to give contributions in the future. They were DNC events designed to reward people who were contributors and lay the groundwork for future contributions by letting them talk to Vice President Gore about issues of interest.

According to Richard Sullivan: "Everyone involved knew the coffee's were going to be tremendously helpful in fund-raising." 302 at 5. Sullivan acknowledged there was a monthly breakdown of fund-raising events by principal (POTUS, VPOTUS, FLOTUS, 2LOTUS) and type and that coffees were included.

We have at least one briefing paper for a coffee 4/26/96 (ironically 3 days before the Hsi Lai Temple event), indicating the event "DNC Vice Presidential Coffee"; the place and time; the contact - Richard Sullivan; the attendees "10-12 top DNC supporters"; and the VPOTUS role "honored guest and speaker." The event was closed to the press.

7/26/95 "DNC Fund-raising Dates" memo listing among other things projected VPOTUS coffees on September 14, 15 and VPOTUS' requests for eight coffees from September through December. There is also a list of DNC contributors who should be invited to VPOTUS coffees on September 14 or 15 as a result of past contributions.

Amy Weiss Tobe, Press Secretary DNC said: "They (coffees) were part of a fund raising strategy but they were not fund raisers."

In summary, numerous forward-looking documents describe the coffees as major donor fund-raising events. Conceptually, they were part of the three prong strategy for raising funds quickly ("the events, the calls, and the coffees"). The retrospective analysis by numerous White House and DNC officials carefully distinguish them from "classic" or "formal" fund-raisers where tickets are sold.

FROM

2) Do we know whether "there was a price tag associated with the coffees" or a "cost to attend a White House coffee?" Do we believe there was a $50,000 "cost to attend the fund raiser?" If so, what was the basis for asking that question?

Approximately 60% of coffees were DNC-sponsored. 92% of guests were Democratic Party contributors who gave $26 million in contributions or an average of $54,000/guest. $7.7 million was given within one month of the donor's attendance.

The Kanchanalak coffee[1] cost $500,000 (for 10 people). Kanchanalak's lawyer claims that Huang gave the $50,000 per person figure to Kanchanalak. Huang disputes that claiming that Kanchanalak wanted to do a "$500,000 deal. Huang told FBI agents that he knew $500,000 to be the price for an exclusive coffee event. According to Huang's 302: "Huang knew the DNC would not have agreed to invite Kanchanalak to a coffee for less than $500,000.

In interviews of Charlie Trie, Trie mentioned he knew it would cost $50,000 to get Wang Jun into a coffee. This was the same amount Trie had paid a year earlier (summer 1995) in getting Winston Wong into a coffee. When pressed for an answer on how he came to know the $50,000 price tag, Trie was unable to provide the name(s) from whom he learned that information. Investigators believe that source was DNC's David Mercer.

The investigation conducted by the Task Force in 1997 and 1998 determined while the White House coffees were used as donor servicing events there was not sufficient evidence to support that the individual coffees had been given a specific "price tag." None of the sixty-five individuals interviewed said they paid to attend the coffee. There was no money collected at the coffees, nor was there any discussion of fund-raising (except for Karl Jackson's claim) at the events. Richard Sullivan stated "the coffees were a chance to invite supporters, either political or business, to have coffee and speak with the Vice president or President. The coffees helped raise money for the Democrats but they were not designated as fund raisers because tickets were not sold and there was not a set contribution for each coffee."

In the view of Special Agent Mark Stanley, the DNC clearly used the coffees as a fund raising tool as supporters of the Democratic Party were rewarded with an invitation to a coffee or individuals who attended a coffee and had not yet contributed were subsequently contacted and solicited for a contribution to the Party.

However there is evidence to support the use of a price tag.

---

[1]Kanchanalak was a POTUS coffee about which we have more info than other coffees.

DNC press spokesman Amy Tobe learned from Richard Sullivan that he had to reprimand DNC staffers for putting price tags on coffees. Dep. 46-47.

Washington Post reported an anonymous source stating that Marvin Rosen quoted a $50,000 fee for coffees to a DNC fund raiser. Dep. 51

Tobe was aware that a supporter named Buttonweiser stated that Terry McAuliffe said it cost $50,000 to attend White House luncheon. Dep. 57.

Sheila Kaplan, a free lance writer did an undercover lunch with DNC employee David Mercer in which Mercer said it cost $50,000 for a coffee. Mercer did not deny saying this when asked by Tobe. Dep. 57-59.

But others like Joseph Sandler and Richard Sullivan said the coffees were not ticketed events but people were invited after a contribution or solicited after a coffee and some people did not give at all.

3) Do we know who selected the people to attend the coffees? Do we have a factual basis to believe that the Vice President was involved in the selection process for the coffees? If so, what is the basis for that belief? Do we have a factual basis to believe that the Vice President had conversations with anybody within the White House or the DNC about the criteria for selecting people to attend the coffees? If so, what is the basis for that belief?

The DNC coffee attendees were selected by the DNC. Richard Sullivan worked with Karen Hancox, White House Deputy Political Director, and Doug Sosnick, White House Political Director, to invite people. Of the 103 coffees, Sullivan believes DNC Fund-Raising Division was responsible for30 coffees and Clinton-Gore Campaign and the Clinton-Gore Primary Campaign were responsible for the rest. "Everyone involved in these coffees would work together on the invitations." 302 at 4.

A number of people on the DNC staff would forward names of individuals to be invited to a coffee. Richard Sullivan, Marvin Rosen, and Scott Pastrick would make the final decisions on who was invited to the event. We have no reason to believe the Vice President was involved in the selection process for the coffees.

David Strauss stated that the DNC decided who attended the coffees.

4) Do we have a factual basis to believe that the Vice President made or expressed the specific thoughts stated in the "talking points" regarding raising the money if "the President and I actually do the events, the calls, the coffees, etc?" What is the basis for such belief? Do we have a factual basis to believe that the Vice President "had any conversation with Ron Klain or David Strauss with respect to the particulars of the talking points, that is, the coffees, the events, etc."?

Klain indicated in a 302 that the Vice President was one of a group of people that met and discussed fund-raising and scheduled coffees. Klain was not asked any questions concerning the talking points memorandum attributed to him by the Vice President. When interviewed in 1997, as part of the preliminary inquiry into the fund-raising telephone calls, Vice President Gore claimed the talking points had been written by Ron Klain for a meeting scheduled for 2/28/96. Gore claimed not to have attended the meeting and as a result, did not see or read the memorandum during that time period.

5) Do we have a factual basis to believe that the Vice President, in fact, "expressed the view that the coffees were a fund-raising tool?" Do we have a factual basis to believe that it was not the Vice President's impression that "there simply was no quid pro quo of attendance at a coffee, payment to follow?"

The fact that the Vice President agreed to host/attend the coffees shows that he had an understanding of the coffees, that although maybe were not "classical" or "formal" fund-raisers, had a fund-raising aspect to them and were a fund-raising tool. If there was no fund-raising aspect to the coffees, none of the principals (POTUS and VPOTUS) would have attended the events in the quantity that they did. The fact that Klain, Stephanopoulos, and others indicate that fund raising was discussed in groups and that those groups included coffees as vehicles to raise funds.

6) Do we have a factual basis to believe that the Vice President, as he sat at the interview on April 18, 2000, had a concrete recollection of his attendance at any particular coffee?

He attended 38 coffees and testified "he may have been at one"?

His lawyers follow-up letter "clarifying the testimony" at the Vice President's request is evidence of knowledge.

We have daily VPOTUS schedules for 1995-96 listing "DNC coffees", and distinguishing those coffees from the "POTUS coffees"

David Strauss stated he attended coffees with Vice President Gore. These coffees took place as the first event each morning on Vice President Gore's schedule. Strauss described how he would arrive at the location of the coffee just prior to Vice President Gore's arrival.

HSI LAI TEMPLE

1) Was the Hsi Lai Temple event, in fact, a fund raising event? If so, what is the factual support for that conclusion? We should take a close look at the transcript in the Maria Hsia trial. I understand John Huang may have provided relevant testimony on this issue.

Since October, 1996, there has been a serious revisionist effort on the part of the Vice President, the DNC, and others, to describe the Hsi Lai Temple event as something other than a fund-raiser. Sullivan distinguishes it from a "formal" fund-raiser. Others, principally VPOTUS and his scheduler Kim Tilley, invent a term, "finance-related" to refer to the Temple event. Prior to January, 1997 there is no record of this term being used.

Here are the facts. As early as February, 1996, and consistently from that point forward, the OVP and DNC had blocked out April 29, 1996 for the VPOTUS to do fund-raisers in LA and San Jose. It was the practice of the DNC to get time for a location (a city) and not a specific site. Once the location (city) was booked, the schedulers would zero in on a particular site. The Vice President signed off on the location early on in the process (prior to April).

From as early as April 4, the April 29th fund raiser date was recorded in his daily calendar. That never changed. The temple became the place at which the fund-raiser occurred. Maura McManimon, fund-raising event coordinator, testified that the Hsi Lai Temple was designated as the site as early as April 3.

John Huang was responsible for the Hsi Lai Temple fund-raiser. Huang states that everyone knew that there would be a cultural and fund-raising event at the temple. He discussed it with Richard Sullivan and David Strauss. The DNC wanted to generate $200,000-250,000.

Huang began to solicit invitees for the Temple event telling them it would cost $2500 per person or $5,000 to sit at the head table. He encouraged Man Ho to activate temple devotees (lay members) to solicit funds. In addition Maria Hsia, her associate Matthew Gorman, and Betty Luk raised money. On April 28, 1996, Man Ho gave a list of contributors and amounts each was expected to give. Huang asked Man Ho if she knew anyone else and Man Ho called a friend who contributed $2500.

Invitations and tickets were created which did not have a ticket price because of "appearances." The invitations had call back numbers to John Huang and Maria Hsia.

By the day of the event, Huang had raised approximately $40,000, including $1,000 - $1,500 collected by his wife at the event.

Temple devotees were successful in raising approximately $45,000.

Hsia told Gorman at the event that she was disappointed they had not raised enough money. After the event she went to the temple and arranged to have an additional $55,0000 contributed through conduit monastics bringing the temple contributions to $100,000.

DNC records reflect a total of $140,250 raised at the Hsi Lai Temple.

Matthew Gorman indicates that the Temple was his "first fund-raiser." He knew it was a fund-raiser ever since Maria Hsia returned to LA from the March 15 meeting between the VPOTUS and the Master. During the month leading up to the event, Hsia was overseas but called in to check on the donations, at one point scolding Gorman: "You know Matthew, this is a fund-raiser." She gave him a list of names to call. Gorman recalls soliciting Wu Quong of T&W Arts & Craft to contribute $5,000 to attend. He got the money the morning of the event.

Huang believes the event was closed to the press because it was a fund-raiser.

He was interviewed by a Chinese newspaper five days before the "vegetarian fund raising banquet." That article reveals the following:

> DNC Vice Chairman of Finance Huang...indicated that the fund raiser on the 29th is sponsored by the DNC's Asian Pacific Leadership Council. Initially the event was to be held at a Chinese restaurant with Gore meeting Chinese Americans there. The Chinese community of Southern California would, at the same time, show support for the re-election of Clinton and Gore. Hsi Lai Temple, later chosen, indeed differs from the traditional fund raising location. This is believed to be the first political fund raiser at Hsi Lai Temple.
>
> ...
>
> After being briefed, the White House saw no conflict in Gore attending a fund raiser at a religious facility. Citing prior instances of such, the White House agreed on Gore's appearance at Hsi Lai Temple.
>
> ...
>
> Huang would not elaborate on individual donations or the monetary goal of this fund raiser but indicated that it depends on individual attendees. Accordingly a ticket for this fund raiser can cost up to $5,000.

Jacqueline Dycke, VPOTUS Scheduling Office, knew it would cost money to attend. Don Fowler knew the event was "primarily" a fund-raiser.

In Joseph Sandler's deposition he refers to a document that describes a conversation between Richard Sullivan and Kumiki Gibson (White House counsel). Gibson asks: "Did you think of the lunch as a fundraiser?" Sullivan responds: "In a loose sense, yes. I knew John Huang was going to do something to help raise funds for the DNC." So there's not much difference between what I thought of the luncheon - what I thought of as would have been the original function of the luncheon and the Hsi Lai Temple event as it actually took place. Sandler Dep. 95.

2) Do we have factual information to dispute the Vice President's assertion that he

"did not know [the Temple event] was a fund raiser? If so, what is the information? Do we have factual information to dispute the Vice President's assertion that: "I sure as hell did not have any conversation with anyone saying, this is a fund raising event?" If so, what is the information? Do we have factual information to dispute the Vice President's assertion that: "I believe that the first time I knew that the DNC was involved in organizing this event was when I read this [briefing] memo?" If so, what is the information?

As to the Vice President's knowledge of the fund-raising nature of the Event, see previous responses as to the universal understanding that it was a fund raiser. Ickes planning memo, the Vice President's e-mail exchange with Kim Tilley acknowledging the fund-raisers in L.A. and San Jose indicate knowledge.

I am not aware of any specific conversation. This would constitute the crux of the recommended investigation.

3) How do we distinguish between a "finance related" event and a "fund-raiser?"

"Finance-related is a term made up out of whole cloth in January, 1997. It did not exist within White House or DNC lexicon prior to that time. A search of the Oracle Database does not produce it in the '96 election cycle.

Lisa Berg, Deputy Director of Vice President Scheduling Office said "No, that's not a term that is regularly used." Dep. 93. In fact she had never heard it used. Id.

Jackie Dycke, OVP Scheduler, could not distinguish between "fund-raiser" and "finance related." Dep. 54.

Maura McManimon, DNC Finance Department (Events Coordinator), stated she never used the term "finance related" and did not recall hearing anyone use the term before the election. Dep. 68, 88-89, 90.

David Strauss, Deputy Chief of Staff, stated he never heard the term finance related used in the VPOTUS office.

Only Kim Tilley uses the term in a June, 1997 deposition. Tilley was represented by White House and personal counsel. She met with white counsel to "prepare" for the deposition.[2] She answered "I don't recall" or "I don't remember" approximately 110

---

[2]Lisa Brown, counsel to the VPOTUS lodged privilege objections to questions concerning the substance of that meeting.

[3]For instance, concerning the Hsi Lai Temple event she prefaced her answers twice with "[T]here's so very little of this I remember..."

times.[3] With respect to questions concerning "finance related" she answered as follows:

Q: You used the term finance related several times now. When did you first hear the phrase finance related?

A: I have no idea.

Q: Before the election?

A: I don't recall.

Q: Do you recall them (DNC) referring to events as Finance related as opposed to fund-raisers or donor maintenance or anything like that, specifically using the term Finance related?

A: I don't remember specifically receiving a document or documents, but there are documents that say DNC Finance.

Q: Do they say Finance related or -

A: I don't recall.

Q: And when they said DNC Finance, what were they in connection with?

A: Your - it - I'm sorry. I don't recall, is the answer.

Dep. 95, 96-97.

When confronted with the fact that references to the Temple event prior to April 29, 1996 all mention "fund-raiser", Tilley attributed such descriptions to "sloppiness." Dep. 61, 86. It did get difficult for her to maintain that fiction however:

I don't remember when we knew (it was a fund-raiser), but that is presume (sic) we knew it was a fund-raiser. We knew it was a DNC Finance-related event. Specifically as to it being a fund-raiser, and setting up the event, we knew it was a finance event.[4]

---

[3]For instance, concerning the Hsi Lai Temple event she prefaced her answers twice with "[T]here's so very little of this I remember..."

[4]Dep. 85.

FROM

Yes, that's where the request came from - no, no, no - let me be clear. We had a request that the Vice President signed off on to do a DNC Finance event or a fund-raiser in L.A. The point at which we signed off on that, it was not a temple event. And so when we knew it was - you're saying when we knew it was a fund-raiser, I think it would be press accounts.[5]

I would say that again, it goes to the fund-raising versus finance, and I know it says fund-raising here, but as Dan (her lawyer) said, assuming it was received in the office, which I believe it was, then yes, they had knowledge of this (fund-raising). But we would not have been handling the fund-raising part of this.[6]

"Finance related" is a post-election convention utilized to avoid the "F" word (fund-raiser). The fact is that every single memo referring to the April 29th L.A. event, or the Hsi Lai Temple event, prior to its occurrence used the word fund raiser. Every reference after January, 1997 uses "finance related."

4) Do we have factual information to dispute the Vice President's claimed lack of recall about "conversations with any of [his] staff concerning this event prior to leaving to attend the event?" If so, what is the information? Do we have factual information to dispute the Vice President's claimed lack of recall of conversations with anyone on his staff concerning attending the Temple on April 29th (other than "when Hsing Yun was there in my White House office")? If so, what is the information?

At this point, we don't have a "smoking gun."

One reason might be the White House's delay in producing e-mail. We only have one responsive e-mail (From Gore to Tilley re declining the rabbi's invitation if we have already confirmed the fund-raisers in LA and San Jose). We are attempting to obtain the OVP e-mails for the relevant time period. Tilley says they used e-mail a lot. Berg says if she communicated with the VPOTUS it would have been by e-mail.

What we do have is the following:

2/9/96 Memo Ickes to POTUS, VPOTUS re "DNC major donor fund-raising events" which projects VPOTUS April, 1996 LA event to raise $350,000 and cost $25,000.

3/12 Memo Berg to Tilley 4/27-29 re fund-raisers in LA & San Jose

---

[5]Dep. 85.
[6]Dep. 118.

FROM

3/15 E-mail Tilley to VPOTUS re confirming fund-raisers for 4/29 (San Jose & LA); Do we regret to Rabbi Rafael Grossman?

VPOTUS to Tilley re "If we have already booked the fund-raisers then we have to decline."

3/22 Lttr Hsia to Leon Fuerth "Master Hsing Yun.:. could be very helpful for Vice President Gore's re-election."

3/23 Lttr Hsia to Gore re John Huang asked her to organize fund-raising lunch event followed by rally at Temple on 4/29

4/3 memo McManimon(DNC) to Dycke (OVP) re DNC events at Temple (APALC luncheon) and San Jose

4/10 Ickes to POTUS, VPOTUS re budget/fund-raising mtg. Schedule A is list of planned events; VPOTUS -4/29 in LA, $250,000 projected revenue; $25,000 cost; San Jose (same)

4/10 memo Dyke to Host of recipients re VPOTUS is going to San Jose & LA for DNC fund-raising events in 4/29

4/11 memo Huang to Tilley re Fund-raising Lunch for VPOTUS on 4/29

4/15 memo Beardsley to Dyke re Any problems with use of Hsi Lai Temple for VPOTUS DNC lunch?

4/15 e-mail Norris to Sueltinger re Hsing Yun hosting fund-raiser lunch for about 150 people in VPOTUS honor

4/24 news article referring to upcoming fund raising banquet at Hsi Lai Temple on Monday 4/29; Interview of Huang noting first fund raiser at Temple; White House saw no conflict in Gore attending a fund raiser at a religious facility; Huang's refusal to comment on monetary goal but that a ticket can cost up to $5,000

4/26 DNC to OVP re Schedule; luncheon is for members of APALC of DNC; annual membership is $2500/person

5) Do we have factual information to dispute the Vice President's claim that "between March 15th and April 29th [he did not] have a conversation with anyone concerning the fund raising nature of [his] trip to the Temple?" If so, what is the information?

The April 15th responsive e-mail concerning the fund raisers on the 29th in L.A. and San

Jose. We have no evidence of conversations. We also don't have his e-mails. We do have the documents referred to in Answer to # 4. We have the common sense conclusion that if everyone around him talked about the temple in terms of a fund raiser, and he refers to the April 29 event as a fund-raiser in an e-mail, that there is sufficient predicate to investigate whether he conversed with anyone about the fund raising nature of the trip.

In addition to determining the answers to these questions, we need to analyze the elements of any potential criminal violations.

18 USC 1001

The false statement statute provides, in pertinent part:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation shall be [guilty of a felony]

To obtain a conviction under 1001, the government must prove (1) a statement; (2) that is false, fictitious or fraudulent; (3) materiality; (4) specific intent; and (5) to an agency of the United States.

18 USC 1621

The perjury statute provides in pertinent part:

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify...truly...and contrary to such oath states any material matter which he does not believe to be true... is guilty of perjury.

A witness testifying under oath violates 18 U.S.C. § 1621, if he willfully gives false testimony on a material matter. United States v. Dunnigan, 507 U.S. 87, ----, 113 S.Ct. 1111, 1116, 122 L.Ed.2d 445 (1993).

We also need to review the current Special Counsel regulations to determine how they apply to our factual and legal analysis of the facts as we know them.

The Attorney General's promulgation of regulations to replace the procedures set out in the Independent Counsel Reauthorization Act of 1994 seeks to strike a balance between independence and accountability in certain sensitive investigations, recognizing that there is no perfect solution to the problem. The balance struck is one of day-to-day independence, with a Special Counsel appointed to investigate and, if appropriate, prosecute matters when the Attorney General concludes that extraordinary circumstances exist such that the public interest would be served by removing a large degree of responsibility for the matter from the Department of Justice. The Special Counsel would be free to structure the investigation as he or she wishes