

OFFICE OF THE INDEPENDENT COUNSEL

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 DEPOSITION OF : Tuesday, September 8, 1998
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 CHARLES F. O'MALLEY : Washington, D. C.
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Deposition of

CHARLES F. O'MALLEY

before the Independent Counsel, held at the offices of the U.S. Secret Service, 1800 G Street, N. W., Eighth Floor, Washington, D. C., beginning at 10:10 a.m., when were present:

For the Independent Counsel:

EDWARD J. PAGE, ESQUIRE
Associate Independent Counsel

MARY ANNE WIRTH, ESQUIRE
Associate Independent Counsel

Court Reporter: Elizabeth A. Eastman

Deposition Services, Inc.

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P R O C E E D I N G S

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2 WHEREUPON,

3 CHARLES F. O'MALLEY

4 having been called for examination by the Office of the
5 Independent Counsel, and having been first duly sworn, was
6 examined and testified as follows:

7 EXAMINATION BY COUNSEL FOR THE INDEPENDENT COUNSEL

8 BY MR. PAGE:

9 Q Would you tell us your full name, please?

10 A My name is Charles Francis O'Malley.

11 Q Where do you work?

12 A Currently I work at the Foreign Missions Branch of
13 the Uniformed Division, Secret Service.

14 Q How long have you worked with the Secret Service?

15 A This past May it was 24 years; 24 years, three
16 months.

17 Q Before you were assigned to the Foreign Missions
18 Branch of the U. S. Secret Service, what was your assignment?

19 A I was assigned as the Deputy Chief at the White
20 House, Uniformed Division.

21 Q Uniformed Division?

22 A Yes.

23 Q How long were you the Deputy Chief of the Uniformed
24 Division, approximately?

25 A At the White House? I was the Deputy Chief from --

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1 it was three years, almost to the day.

2 Q So, what time span would that have been?

3 A January of '95 through January of '98.

4 Q What kinds of things are you responsible for in the
5 position of Deputy Chief of the Uniformed Division?

6 A I'm responsible for managing the Uniformed Division
7 personnel there, responsible for the policies and procedures
8 in effect. I'm responsible for manpower, scheduling. I'm
9 responsible for equipment. I'm responsible for the overall
10 physical security that our Uniformed Division provides at the
11 White House.

12 Q Basically, the entire operation?

13 A Uniformed Division-related, yes.

14 Q Are there other deputies besides yourself?

15 A Yes, there are.

16 Q What do they do?

17 A There's a Deputy Chief of Foreign Missions Branch,
18 which I am now, and they are responsible for providing
19 security to the diplomatic community in Northwest Washington,
20 D.C. Their responsibilities are similar to mine, but just
21 relative to that mission. And we have one Deputy Chief who
22 is assigned to the Program Support Branch, who supervises and
23 manages our units, our other units, administration, that sort
24 of thing.

25 Q I presume there is a Chief as well of the Uniformed

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1 A Yes.

2 Q Can you tell us a little bit about that
3 responsibility and how you carry it out?

4 A The policies that are in effect at the White House
5 regarding security, scheduling, whatever is related, they've
6 been developed over the course of years, and many of them
7 have been in place for years. When a -- for some reason or
8 other, some policy would need to be changed or edited or
9 looked at or whatever, it would be my responsibility to farm
10 that out to one of my subordinates to take a look at it, have
11 it rewritten, and change the policy. Periodically they are
12 looked at.

13 Q Could you go below your position and tell us in a
14 nutshell how the hierarchy looks, below deputy chief?

15 A At the White House Branch?

16 Q Correct.

17 Q There's one deputy chief. There is two inspectors.
18 One inspector is responsible for administration and the other
19 inspector is responsible for operations. In January of '95,
20 there was only one inspector assigned. This is -- having two
21 responsible for those two functions has only been in the past
22 year and a half, I want to say, because the workload was such
23 that it justified breaking up those responsibilities.

24 Underneath those two inspectors, there are eight
25 captains.

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1 BY MS. WIRTH:

2 Q Eight?

3 A Yes. One of them is assigned in the Deputy Chief's
4 office as a -- operations, and one is assigned
5 administration. And the remaining captains, the other six
6 captains, are assigned operations.

7 BY MR. PAGE:

8 Q When you say "operations", what do you mean?

9 A They would be in charge of the section. Like our
10 day is broken up into three sections: 6:30 in the morning to
11 2:30 in the afternoon; 2:30 in the afternoon to 10:30 at
12 night; 10:30 at night to 6:30 in the morning. And generally
13 there is a captain as the watch commander of each of those
14 respective sections.

15 Q The captain acts as the watch commander --

16 A Yes.

17 Q -- for each of those sections of shifts?

18 A Generally. Sometimes, if the captain is on leave
19 or sick or whatever, it would go down to the senior
20 lieutenants.

21 Q Can you give us an idea, below captains, what
22 exists there?

23 A Below captains? To carry out the supervision are
24 lieutenants.

25 Q Approximately how many lieutenants are there?

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1 different places around the White House?

2 A I would be -- if I'm on duty and working, I would
3 be notified of probably any type of an incident that
4 happened. And it could range from an arrest out on the
5 street, or someone trying to jump the fence, conflicts
6 between our employees and either a passholder or a guest of
7 the White House, breaches of security, that sort of thing.

8 Off duty, things that could kind of be handled when
9 I come in, they wouldn't be -- I'd be notified of them when I
10 came in. Things of a higher priority, like an arrest, or
11 maybe a confrontation between a passholder or a Congressman,
12 that sort of thing, I'd be called at home and notified
13 immediately.

14 Q So, is it fair to characterize the list that you've
15 just given us as relatively the run-of-the mill kinds of
16 things that generate your review or your involvement, your
17 assessment --

18 A Right.

19 Q -- of an event?

20 A Yes.

21 Q So, arrests, jumping the fence, conflicts with
22 guests or passholders, breach of security. Is there any
23 other category of incident or situation that might fit in
24 the, if there is, top five, six or seven?

25 A Right off the top of my head, no. And they would

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1 notify me on any kind of an incident in which we are going to
2 have to look into it, we are going to have to answer for,
3 that sort of thing.

4 Q Does the Secret Service Uniformed Division
5 routinely make arrests around the White House complex?

6 A It would be routine if necessary. When we
7 stretched the perimeter and closed off Pennsylvania Avenue,
8 it brought us into closer proximity to the general public.
9 The general public out in front of the White House could
10 range from a Congressman on down to a street person. And we
11 have gotten more involved since that.

12 So, arrests, I would venture to say -- and, really,
13 I'm stabbing in the dark here -- there's probably two or
14 three a week.

15 I'm really kind of guessing, because at the Foreign
16 Missions Branch, we have the facilities to move prisoners.
17 At the White House, they have vehicles, but we usually do
18 their transports to the station house, and I see that. We
19 assist at the White House in providing transport to the
20 district stations.

21 So, maybe two. I'd say two a week is a safe
22 number.

23 Q These items or situations that we've talked about,
24 what kind of policies are there, or rules or guidelines, to
25 generate something that memorializes, for example, in a

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1 report, a memo, something like that, about an arrest or
2 jumping the fence, breach of security, conflicts with guests,
3 et cetera?

4 A I'm sorry. Would you restate that?

5 Q Yes. What kinds of policies or rules control
6 whether -- in other words, what kind of paperwork is normally
7 or routinely generated? I'll break the question down, for
8 these kinds of events?

9 A For an arrest, there would be the Metropolitan
10 Police forms would be completed. And we have an incident
11 report that we would have completed. And the incident report
12 would spell out essentially what's in the arrest report.

13 Q Jumping the fence, is that an incident report as
14 well?

15 A Yes, that's an incident report.

16 Q You've said that a couple of times now. Is that a
17 standard form that --

18 A Yes, it is.

19 Q -- the Secret Service Uniformed Division would
20 generate upon one of these five or six events --

21 A Right.

22 Q -- that we've talked about occurring?

23 A Right.

24 Q Conflicts with guests or passholders?

25 A Conflicts with guests or passholders would just be

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1 via memorandum.

2 Q Does the Secret Service Uniformed Division, or you
3 in your experience as one of the deputy chiefs, what would be
4 in the memorandum?

5 A They would spell out where they were. The
6 individual involved in it would spell out where they were,
7 what they were doing, their assignment at the time, the
8 persons involved in it, the people that -- the complainants,
9 if there was a complaint, our version of the story,
10 witnesses.

11 Q So, a summary of the events basically?

12 A Yes.

13 Q And is it policy to do that near in time to the
14 event so that it is as accurate as possible?

15 A Yes.

16 Q How is that report used, if at all, within the
17 Uniformed Division?

18 A That memorandum would be held -- if it was -- we
19 would follow up on it. We would try to ascertain, if it was
20 an incident with a passholder or a Congressman, ascertain if
21 our people were responsible for it, try to get as many
22 details as possible.

23 Q And is that for a number of purposes?

24 A Uh-huh.

25 Q For example, to memorialize what happened --

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1 A Yes.

2 Q -- so that you don't have to confront failing
3 memories later?

4 A Uh-huh.

5 Q Is it fair to say that that is one?

6 A Right.

7 Q Is another one to permit an intelligent review of
8 the matter?

9 A Right.

10 Q To see, do we need to fix a policy?

11 A Exactly.

12 Q Discipline somebody or --

13 A Uh-huh.

14 Q -- et cetera?

15 A Yes.

16 Q Are there any other purposes that you can think of
17 for generating the memo?

18 A That's essentially it. To continue to operate as
19 efficiently as we can, to limit the number of similar
20 incidents, and take whatever action is necessary to do that.

21 Q Is this kind of report-making process, the memo as
22 well as the incident report, required by a rule or
23 regulation, or is it a routine practice?

24 A It's a routine practice. However, like arrests,
25 I'm sure it's documented to the 2032, which is the incident

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1 report number.

2 Q 2032 --

3 A Yes.

4 Q -- is the form?

5 A That's right.

6 Q The incident report number?

7 A It will be completed.

8 Q Is there a memo form?

9 A Yes, there's a standard memo form, U. S. Government
10 memo form. I don't know the number of it.

11 Q All right.

12 BY MS. WIRTH:

13 Q The memo form is just memo to, from, and the date?

14 Is there any other --

15 A Subject.

16 Q And subject. Okay.

17 BY MR. PAGE:

18 Q Did you when you were Deputy Chief, or were you
19 aware of efforts to educate the staff about their obligations
20 concerning these memos or incident reports?

21 A No.

22 Q Is that done at the basic training level or is that

23 a --

24 A My employees?

25 Q Correct.

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1 A That's done at the basic training level. When they
2 come to the White House or the Foreign Missions Branch, new
3 employees receive three weeks of -- generally three weeks of
4 on-the-job training. And that sort of information is
5 covered.

6 Q So, that's when I would learn -- take me,
7 hypothetically. If I was a new Uniformed Division Officer
8 going through that three-week training session, that's where
9 I would learn that, hey, when somebody jumps the fence,
10 that's a big deal and I write up a memo or an incident
11 report?

12 A Right.

13 Q Correct?

14 A Yes.

15 Q And I assume that there's some foundation
16 underlying that? In other words, some internal Secret
17 Service rule or --

18 A Uh-huh.

19 Q -- procedure or guideline that suggests to document
20 it?

21 A Exactly. Yes, sir.

22 Q Is that accurate?

23 A Uh-huh.

24 Q Going back to the hierarchy that you mentioned or
25 testified about earlier, officers, sergeants, lieutenants,

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1 captains, two inspectors and then the deputy chief, and I
2 presume above that the Chief, where do these incident
3 reports, if they are generated at the officer level, go? In
4 other words, through whose hands in the review process?

5 A The officer who is responsible is the reporting
6 officer. There could be a sergeant, you know, depending on
7 if he was directly involved in it.

8 Q I understand.

9 A That person would do that. They would be
10 responsible for all of the reports involved in it, whether it
11 be Metropolitan arrests. And it would go to the captain.
12 The captain of the section would review it and sign off on
13 it.

14 Q So, it bypasses the lieutenant theoretically, if it
15 is --

16 A Well, theoretically. But the lieutenants, whoever
17 is working, the lieutenants that are working that day, they
18 would probably get a look at it and say, hey, you spelled
19 this person's name wrong. They'd look through it for errors
20 also. But it would be ultimately signed off by the captain
21 and then it would be forwarded to the deputy chief's office.

22 Q So, there is some review by the person immediately
23 above the person who --

24 A Uh-huh.

25 Q -- witnesses the event?

be

1 A Uh-huh.

2 Q Is that accurate?

3 A Yes, sir.

4 BY MS. WIRTH:

5 Q The incident report is filled out normally by the
6 officer involved?

7 A Yes.

8 Q And that's also true about the memo?

9 A Yes.

10 Q If there's an officer involved?

11 A Yes.

12 Q And I may have missed what was just said here, and
13 I apologize for that, if that is so. But, the sergeant's
14 role, does the sergeant have a role at all in reviewing those
15 reports?

16 A If it happened at an officer's post, the sergeant
17 would probably respond, if it went over the radio. And he
18 would be there providing any assistance that the officer may
19 need, or solving a problem if there's a problem involved in
20 it. And he would be knowledgeable of the incident, the
21 sergeant that is assigned to that particular area.

22 Q Does he sign the incident report, the sergeant?

23 A Only -- no. The only person who signs it is the
24 person making the report, and it could be a sergeant making
25 the report.

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1 Q If that's the --

2 A And then reviewing official, which is usually a
3 captain, unless it's a lieutenant watch commander because
4 there's not a captain working.

5 Q But if it's an officer making the report, that
6 person is the only person who signs it?

7 A Him or her, and the reviewing official.

8 Q Which would be a captain?

9 A In most instances.

10 Q Okay.

11 A It could be a lieutenant if the lieutenant was
12 acting as a captain.

13 Q Okay.

14 A If there was no captain working.

15 BY MR. PAGE:

16 Q Can you give us an idea about the kinds of
17 conflicts, generally speaking, that arise between Uniformed
18 Division officers and guests or passholders? Remember that
19 subcategory of the overview of things that generated an
20 incident report or memo? What's the normal flavor, so to
21 speak, of these things?

22 A I could give you one or two examples, and they are
23 based on truth. It's like, you know, there's all the
24 important people who work at the White House. And you have
25 people that work at this level [gesturing], the President's

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1 staff, Chief of Staff, everyone on his staff, and the
2 workers. And there's a lot of people over there that are
3 very important, as you know. And sometimes -- everyone is
4 required to wear one of these [indicating]. This is a White
5 House pass.

6 And when our officers don't know a person, they are
7 tasked with asking to see their identification. They should
8 have it on at all times. But, if I knew you and you were on
9 the President's staff, I wouldn't -- and if I knew you -- I
10 wouldn't challenge you for walking up and down West Executive
11 Avenue. However, if I didn't know you, we are tasked with
12 doing that. And sometimes people get upset about it.

13 And if they perceived that the same officer or
14 sergeant asked me a half a dozen times, he knows who I am.
15 That sort of incident. And sometimes you may get a little
16 conflict between our members and them.

17 Similarly, Congressmen coming in, they pull up to
18 the gate and the officer may not know -- if it's a
19 Congressman who isn't big in the news, who doesn't have his
20 picture out there all the time, they feel that we should have
21 instant recognition. That has caused problems in the past.

22 Q So, we have your category of very important people,
23 Congressmen. Any other kind of things that routinely give
24 rise to conflict or tension between the Uniformed Division
25 and somebody, some kind of person?

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1 A Well, it could happen with an appointment who -- a
2 person shows up at a certain amount of time between when he's
3 expected. And if he shows up a little early, he identifies
4 himself at our entrance gates and we don't have any
5 information on the individual, and we direct them to --
6 there's a house phone outside and maybe you should call the
7 person who made the appointment for you and get the ball
8 rolling to get you into our system.

9 Sometimes, depending on the person, the level of
10 the person, or just the personalities, we're like kind of
11 between a rock and a hard spot out there. We're the ones
12 that's holding him up, her up.

13 Q You are really --

14 A And really, the appointment may have never been
15 made, or the name was spelled wrong and it's not coming up
16 when we call it up, that sort of thing. So, we're out there
17 facing the public daily. And I'd say that is another area
18 where we come into conflict.

19 Q Have we just about exhausted the kinds of conflicts
20 that might fit within this subcategory?

21 A Yes.

22 Q Do members of the Uniformed Division, regardless of
23 rank, normally have contact with the Deputy Chief of Staff on
24 up, say, to the Vice President and President?

25 A Hmm.

be

1 Q And when I say that, I don't mean in letting the
2 Chief of Staff have access, or in through the Northwest Gate.
3 But I mean on a daily -- I'll change that. At any time, do
4 they routinely have contact with those people, those quote
5 very important people?

6 A I'm not sure in what situation. Coming in the
7 gate, parking on the Avenue?

8 Q Excluding --

9 A Excluding that?

10 Q Excluding that kind of thing, where you are doing
11 your protective function.

12 A I'm assuming you know all the posts where our
13 officers are in the West Wing. I think, just by coming into
14 contact with our people every day, the Chief of Staff or the
15 Deputy Chief of Staff would probably come to know my face
16 very well, maybe even my first name. And the same thing with
17 the staff as it goes down.

18 Our people are generally there, it's the same
19 people every day. We rotate shifts and all, but, I mean,
20 they would see our people very frequently, our officers that
21 are assigned to the West Wing. So, I would say, yes. Yes,
22 for Chief of Staff and everyone on down.

23 Q What about the President and the Vice President?

24 A I would say the President and the Vice President,
25 only to the extent -- and it's been my experience, because I

be

21

1 worked as an officer at the White House, too -- depending on
2 the personality of the individual, a nod of the head or a
3 good morning. That was the extent of it.

4 Q Does the President have the ability to tell an
5 officer of the Uniformed Division what to do or what not to
6 do, in his official capacity?

7 A That would really be so far out of -- I can't
8 imagine that happening. But I -- if the President said, I
9 want this door kept shut, it would be done.

10 Q It would be done?

11 A Yes. We are there to provide the security. We're
12 not there to say, well, I've been told by sergeant so-and-so
13 to leave it open. He would do what the President said in
14 that sort of a scenario.

15 Q Can you think of some things that the Uniformed
16 Division officers would not do?

17 A (No response.)

18 Q For example, can the President say at different
19 Echo posts, I don't want somebody there at this Echo post, I
20 want to create a new Echo post and put you down 15 feet, here
21 or there?

22 A That, that hasn't been my experience nor have we
23 been asked to do anything like that.

24 Q But I guess I'm asking hypothetically, the
25 interaction between the President and the Uniformed Division,

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1 can he direct or give commands to officers or above that are
2 in the Uniformed Division?

3 A I guess he could. Could.

4 Q Has that been your experience during your tenure at
5 the White House or within the Secret Service?

6 A Never.

7 Q Do you know of any instance of that, by any
8 President?

9 A I know of one instance where someone -- and this is
10 the only instance -- like I said, I've probably worked at the
11 White House on and off in my various ranks through my career
12 maybe 14 years or so -- where a President, and I'm being as
13 forthright as I can here, as is possible for me to be.

14 Q Yes.

15 A An incident happened out on the street where an
16 officer divulged to someone where the President was in the
17 White House, and I think to the extent of who the President
18 was with. And somehow or other the person called into the
19 White House, and somehow, however the scenario went, the
20 watch commander was in the vicinity of the Oval Office and
21 the President addressed him and said -- I don't know if he
22 questioned, do our officers do this sort of thing; if they
23 do, they shouldn't tell people who I'm meeting with.

24 That's to the best of my recollection. That did
25 transpire.

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1 Q What President was that?

2 A It was President Clinton.

3 Q When was this incident?

4 A To the best of my recollection, it was in maybe the
5 spring or the summer of '97. I think that's when it was.

6 Q Spring or summer of '97?

7 A Yeah. It happened on a Saturday. It happened
8 while I was at home and I was notified of it by the on-duty
9 watch commander.

10 Q Can you give us some of the names of people
11 involved?

12 A Captain Jeff Purdie was the watch commander, and he
13 called me at home and says, I just want to make you notice of
14 something that just happened. He said, I spoke to the
15 President, or the President spoke to me. I think he was
16 outside of the Oval Office. And he indicated that one of our
17 officers out on the perimeter was addressed by a female as
18 to, is the President in -- I'll tell you, I'm going back on a
19 recollection here -- is the President in, who is in the West
20 Wing with him, that sort of a thing.

21 And the President became aware of that, Jeff told
22 me, Captain Purdie told me. And he said that the President
23 asked him a question like, do your officers tell people that;
24 if they do, stop it, I don't want that happening, words to
25 that effect. That's the best of my recollection.

be

1 Q This is a telephone conversation between you and
2 Jeff Purdie?

3 A Yes.

4 Q Do you understand it to be on the day that the
5 incident occurs?

6 A Yes.

7 Q I will represent to you that this incident appears
8 to have taken place on Saturday, December 6th, 1997. In view
9 of that representation, can you do any better with your
10 estimate about --

11 A Timeframe?

12 Q -- when it occurred?

13 A I couldn't, because the thing that's fresh in my
14 mind is I have two children. Both of them are involved in
15 soccer and that sort of thing. And it was a sunny day. I
16 was in my family room. There's a lot of windows and
17 skylights, and it was bright and I was warm. And that's what
18 I'm using as a recollection. And that's what I based spring
19 or summer on.

20 BY MS. WIRTH:

21 Q What does it have to do with soccer? Were your
22 kids playing that day?

23 A Like I say, I cannot remember. But I remember just
24 being involved in a lot of activities.

25 Q Would they be playing soccer in early December?

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1 I just had this incident with the President, I'm just letting
2 you know so that you won't be blindsided when it's brought to
3 your attention.

4 Q So, he describes for you being near to the Oval
5 Office and having a conversation with the President?

6 A Yes.

7 Q And apparently the President shut the door?

8 A Yes.

9 Q And Jeff asked you, is he mad, or words to that
10 effect?

11 A No, I asked him. I said to him, well, what was the
12 President's attitude, was he all upset about it, was he
13 angry? Just trying to get a gauge on how hot this was going
14 to be.

15 Q And what did Purdie say?

16 A He said, no, it was just like take care of it, you
17 know, make sure it doesn't happen again, something like that.

18 BY MS. WIRTH:

19 Q When you said the President pulled the door shut,
20 what do you mean?

21 A He went back into his office and closed the door
22 behind him.

23 Q I see. Okay.

24 BY MR. PAGE:

25 Q Were you appreciative of Purdie's heads-up?

be

1 A Yes. Just if it, like I said, did come downhill, a
2 complaint from the President would be pretty significant. I
3 mean, there would be a lot of attention given it.

4 Q So, what do you recall is the next event as a
5 result of this phone call that you got from Purdie?

6 A Well, I told Purdie, make sure, find out, you know,
7 who may have said something out on the Avenue, because that
8 was my main concern. I mean, the process for getting people
9 in is pretty standard. But our officers shouldn't be out
10 there giving any kind of information out, and that was my
11 main concern.

12 Q And that's a request that you made of Purdie --

13 A Yes.

14 Q -- during this conversation?

15 A Yes.

16 Q This phone conversation we've been speaking about?

17 A Uh-huh.

18 Q What goes on next, to the best of your memory?

19 A I think I talked to Purdie sometime after that and
20 he says he spoke to the officers that were on the post and
21 just, you know, to reinforce what our policies and procedures
22 are as far as, you know, they shouldn't be giving out any
23 information, if they are. They shouldn't be saying where the
24 President is or, you know, who's in the West Wing, or what
25 appointments are coming up. We just don't give that out.

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1 Q Is this an in-person conversation or another phone
2 conversation during the weekend?

3 A This was, I think, the following week. I can't
4 remember if it was in person or on the phone. It could have
5 been either, but I would see the watch commanders every day
6 that I'm working, on duty.

7 Q Does Purdie tell you during his first phone
8 conversation with you that the President told him words to
9 the effect, I trust you'll use your discretion in this
10 matter?

11 A I don't remember that.

12 Q Did Purdie indicate to you that the President
13 wanted to sort of, so to speak, put a lid on this event, or
14 contain it in any regard?

15 A I, I can't, I can't answer that positively.

16 Q So, it could have happened? Is that what you're
17 saying, or it --

18 A It could have happened.

19 Q Do you recall from your first conversation with
20 Purdie over the phone whether or not this event involved
21 Monica Lewinsky?

22 A I cannot remember if he said that name. I honestly
23 can't remember if he said that name or referred to it. At
24 that time, I wouldn't have recognized it anyway because I, I
25 didn't know what was going on. If he said it, I don't

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1 Q -- quote, the watch commander, right?

2 A Purdie, like I said, I can't remember him saying
3 Monica Lewinsky was out there, she was the one querying who's
4 in the West Wing, where's the President. But he did indicate
5 it's a woman who used to work here and it was kind of --

6 Q You are motioning your hand back and forth.

7 A I can't -- I'm trying to characterize it. He did
8 indicate that it could be a touchy sort of a thing.

9 Q During this initial --

10 A Yeah.

11 Q -- phone conversation?

12 A Uh-huh.

13 Q What did you take from that, that it could be a
14 touchy kind of thing?

15 A I don't know. I took it that it could be a
16 personal thing with the President. I took it -- that's what
17 I took from it. And, like I said, my main concern was the
18 security angle of it. His personal, I wasn't concerned with.
19 I was just concerned with getting the appropriate people into
20 the White House who belonged, and keeping out those who
21 don't. And that was my main issue. Anything personal to the
22 First Family, it was personal to the First Family.

23 Q What did Purdie say that allowed you to infer that
24 this was something about a personal thing, or maybe something
25 about a personal thing?

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1 A You know, I don't, I don't know if Monica Lewinsky
2 was in the press before this at all. But apparently Jeff, I
3 guess as you know, used to be on Tours at the White House,
4 and he knew a lot of people in the staff.

5 Now, if there were -- if there were things that
6 were inappropriate up until then, if there was like rumors
7 going around, if anybody knew about this beforehand, before
8 this incident, I could understand him knowing about it. I
9 don't know that to be the case. But I can't exactly tell you
10 what he said to me that made it seem as though this could be
11 a big thing.

12 Q Or a personal matter?

13 A Or a personal matter, yes.

14 Q Is that what you are saying?

15 A Yes.

16 Q Well, it wasn't in the press as of that date. You
17 have this recollection that he did say something --

18 A Uh-huh.

19 Q -- that I would assume -- and you correct me if I'm
20 wrong -- made you think that this was about a personal matter
21 involving the President, correct?

22 A Uh-huh.

23 Q So, therefore, it had to come from something Purdie
24 told you.

25 A Uh-huh.

be

1 Q Is that accurate?

2 A Uh-huh.

3 Q Do you recall any other details of the substance of
4 your conversation with Purdie over the telephone?

5 A No.

6 Q So, tell us what your understanding -- when you
7 hang up the phone from Purdie, what is your understanding of
8 what has happened?

9 A That someone on the perimeter answered a question
10 that the President's in the Oval Office or with someone, or
11 guests have arrived and gave out the name. The President is
12 upset -- not upset about it, but the President questions my
13 watch commander on it: how did this information get out.
14 And, to me, that was the significant thing. Our officers
15 aren't doing exactly what we want them to do, if that gets
16 out.

17 Q And isn't it also part of this story that it may
18 involve a personal matter and that [REDACTED] [REDACTED] is
19 involved as well?

20 A Well, as far as that was concerned, with [REDACTED]
21 [REDACTED] and the other people, if they belonged in there, I
22 didn't -- we did what we're supposed to do to get these
23 people in. That was fine. My main concern, like I said, was
24 that our officers aren't giving out information.

25 As far as the personal matter, I really didn't have

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1 a concern in that.

2 BY MS. WIRTH:

3 Q To the extent that you understood that it was a
4 personal matter, was that with respect to the person out on
5 the street as opposed to the person in the President's
6 office? Or do you have a sense of that?

7 A I just had a sense that it was with the President,
8 you know.

9 Q So, it wasn't clear to you which individual --

10 A No.

11 Q -- that was intended?

12 A No.

13 Q Okay.

14 BY MR. PAGE:

15 Q So you viewed this as a breach of security kind of
16 incident?

17 A I wouldn't characterize it as a breach of security,
18 but --

19 Q Well, somebody within the Uniformed Division
20 allegedly indicated to someone outside the location of the
21 President or who the President was with, correct?

22 A Uh-huh.

23 Q Is that accurate?

24 A It's a breach of our procedures, yes.

25 Q And on a scale of one to 10, is that a one or a 10,

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1 in terms of low significance one; 10 high significance?

2 A I would say probably right in the middle. It would
3 be a four, if you wanted to put a number on it.

4 BY MS. WIRTH:

5 Q Would you characterize it fairly as a breach of
6 security?

7 A No, I wouldn't, because the President wasn't
8 endangered by it.

9 Q Does the President have to be endangered by an
10 activity for it to be a breach of security?

11 A Not necessarily, no.

12 Q Well, why then do you say that this is not a breach
13 of security because the President wasn't endangered?

14 A It wasn't like there was a physical intrusion. It
15 wasn't a breakdown of our technical security systems. It was
16 just someone probably saying something that they shouldn't
17 have said. That's, I guess, subjective on my part. I didn't
18 take it as a serious -- or a breach of security.

19 BY MR. PAGE:

20 Q In your opinion, would this event warrant either a
21 memorandum or an incident report, or some other kind of
22 memorialization of what had occurred, in view of the fact
23 that Purdie had had personal dealings with the President
24 regarding what had happened?

25 A No.

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1 Q Can you help us understand that?

2 A I didn't think at the time it was something that we
3 had to -- clearly it wouldn't have been on an incident
4 report. And as long as Purdie handled the officer down at
5 the post, that's what I wanted. That's why I was concerned
6 with it.

7 Q In your view, this wouldn't be an incident that
8 would warrant a memo so that you could take a look at --
9 first of all, create a memo of the facts surrounding what had
10 happened, as well as to address what you put as a four on a
11 one-to-ten, in terms of a potential breach of security?

12 A No. Would you rephrase that, or ask that question
13 again, please?

14 Q I'm just wondering why, if this was a big deal for
15 Purdie, who calls you at home -- I assume he doesn't do that
16 routinely -- that the President has contact. You said in
17 your 14 years that doesn't happen routinely; in fact, never
18 happened except on this occasion. And in view of all the
19 other facts and circumstances you've described, why a
20 memorandum of the event is not generated by someone?

21 A If this happened with the officer on the post,
22 maybe we would have asked him to put it exactly in writing
23 the way it transpired.

24 Q What do you mean, if it happened with the officer
25 at the post?

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1 A I'm trying to go back and think, you know, why
2 didn't I do that at the time.

3 Q Why didn't you do what?

4 A Why didn't I memorialize it in a memo, like you
5 said.

6 Q Well, but you're not a fact witness, are you?
7 Wouldn't you tell Purdie, write something down, or tell the
8 gate person who was involved in this to write it down?

9 A I may have asked Jeff the extent, is this it, is
10 this all this is? And he indicated, yeah. And I said, well,
11 you got to talk to the guy out on the post, you know, we
12 cannot be discussing blah-blah-blah, which we discussed here,
13 you and I.

14 Q So, your --

15 A But being the watch commander, I didn't direct him
16 because I thought we had the facts right here. I didn't
17 think it was any more than what was at face value.

18 Q Should he have taken it upon himself even absent
19 your direction, for whatever reason, in view of your request
20 to go talk to the person at the gate and find out what
21 happened, should Purdie have taken it upon himself to
22 generate a report or incident memo?

23 A Incident? No. He could have put it in a memo. I
24 mean, he could have.

25 Q Are you aware of whether or not he did it?

be

1 A He didn't do it -- I don't know if he did it. It
2 didn't go through me if he did it.

3 Q Would it have been the routine practice to go
4 through you had --

5 A Yes.

6 Q -- he done a memo?

7 A Yeah.

8 Q And why would that have been?

9 A Because it's like the chain of -- if he wanted to
10 write this to the Chief or to the Director of the Secret
11 Service or whoever, he would go through me.

12 Did he write a memo?

13 Q I'm sorry?

14 A Did he write a memo?

15 Q I can't represent to you --

16 A Oh, okay. I'm sorry.

17 Q -- right now whether or not he did.

18 A But I know I didn't get a memo from him.

19 BY MS. WIRTH:

20 Q I just want to get a couple of things clear. When
21 you said earlier that in your 14 years at the White House
22 this was the only time that you know that this type of thing
23 had happened, what you meant by that, I take it, was direct
24 contact between the President and what type of person, what
25 level of person in the Uniformed Division?

be

1 A At any level.

2 Q Any level?

3 A Uh-huh.

4 Q Including someone such as yourself?

5 A Uh-huh.

6 Q Okay. So, are you aware of any circumstances
7 where, at any time in the 14 years that you've worked at the
8 White House, where the President had an issue involving some
9 procedure involving the Uniformed Division and did raise it
10 with someone at a very high level?

11 A Yes.

12 Q Or someone did that on his behalf?

13 A Someone did it on the President's, or the First
14 Lady's behalf.

15 Q Okay. And at what level would that be raised?

16 A It would probably be leveled at the detail level,
17 at the Special Agent in charge of the detail level. I can
18 think of a few instances where they didn't -- the First
19 Family didn't like what we were doing, like posting a certain
20 way when they would be out on the south grounds.

21 Q Is that the Clinton Administration?

22 A I think one incident was the Clinton
23 Administration.

24 Q Okay. And you are talking about the Uniformed
25 Division now?

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1 A Yeah.

2 Q Questions about the Uniformed Division?

3 A Yeah. And said they didn't like these people too
4 close, or too visible, or something like that.

5 Q Okay. And who raised what with whom in that
6 particular case? From their end and your end?

7 A To the best of my memory, it was raised with the
8 First Lady's detail and --

9 Q The PBD?

10 A Yes.

11 Q And the PBD brought it to the attention of the
12 Uniformed Division?

13 A Yeah.

14 Q Okay. And at what level of the Uniformed Division
15 was this discussed?

16 A At my level.

17 Q At your level?

18 A Yeah.

19 Q So, someone from the PBD got in touch with somebody
20 at your level?

21 A Uh-huh.

22 Q And that's how it was dealt with?

23 A Right.

24 Q But this incident at the Northwest Gate that we're
25 talking about today, this is the first one and the only one

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1 that you're aware of in your tenure at the White House where
2 the President himself had direct contact with someone in the
3 Uniformed Division with respect to a complaint?

4 A To the best of my recollection, yes.

5 Q Okay. Do you know whether in your conversation
6 with Captain Purdie, or in any discussions that you've had
7 with anybody about this incident, did you ever learn that one
8 of the sergeants had been addressed by the President
9 directly?

10 A No.

11 Q Have you ever heard that?

12 A I think this is the first I'm hearing it.

13 Q Have you had any conversations with anybody about
14 this incident besides Captain Purdie?

15 A No.

16 Q Okay. In any of your discussions with Captain
17 Purdie, did Captain Purdie ever tell you that the President
18 wanted somebody fired over this? Was the word "fired" ever
19 used?

20 A I don't remember that.

21 Q That the President wanted somebody's job? Anything
22 like that?

23 A I don't remember that.

24 Q You said that you have some memory of Captain
25 Purdie telling you that when he was spoken to by the

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1 President he was in Betty Currie's office, correct?

2 A Yes.

3 Q Did Captain Purdie ever tell you whether he had had
4 any discussions with Betty Currie about this incident?

5 A I don't remember him saying that.

6 Q Did Captain Purdie ever say to you, it's my
7 judgment that we shouldn't write a report on this, do you
8 agree? Anything of that nature, where Captain Purdie raised
9 with you the prospect of not doing a report?

10 A No. I don't remember that.

11 Q And he never said to you, I'm not going to do a
12 report, and it's my judgment that this situation doesn't
13 require one?

14 A I can't remember that.

15 Q Okay.

16 A I'm sorry.

17 Q If indeed someone at the gate had said to a guest
18 out at the gate, you know, the President is in the Oval
19 Office and he is presently with X person, in this case
20 Eleanor Mondale --

21 A Uh-huh.

22 Q -- you would view that as a breach of procedure,
23 correct?

24 A Uh-huh.

25 Q Would that be something that would go on that

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1 officer's disciplinary record or personnel record, or is that
2 some record that should be kept of that person's performance?

3 A Performance probably. I mean, depending on how
4 many times this person did this, if they'd been counseled on
5 it prior.

6 Q Did you have any discussions with Captain Purdie as
7 to whether the person who had said these things had ever done
8 anything like that before?

9 A I left it to Jeff. I said, check with -- see who
10 did what out there. And I'd assume that if it was something
11 that should be pursued discipline-wise, or whatever, Jeff
12 would have done it.

13 Q Well, you said that you viewed this in seriousness
14 as somewhere in the middle on a range from one to 10, in
15 terms of a breach of procedure, correct?

16 A Uh-huh.

17 Q Is there any kind of procedure for recording
18 breaches of procedure by individual officers for the purpose
19 of keeping personnel records?

20 A I would say no, unless a supervisor wanted to
21 document this officer's been counseled on numerous occasions,
22 or he's been tardy, or for whatever it is. After several
23 breaches of them, I'm sure it would appear in his performance
24 file.

25 Q But how are you supposed to know if there are

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be

1 several breaches if there isn't a record of it every time it
2 happens?

3 A Well, we kind of rely on the captains to stay
4 abreast of the people that they're responsible for, and the
5 other officials.

6 Q Are there forms dealings with performance issues on
7 the part of the employees?

8 A Yes.

9 Q What are those forms called?

10 A I think it's Noteworthy Performance, and it can be
11 used negatively or positively.

12 Q So, it's like an incident report regarding a
13 person's performance?

14 A I wouldn't use the term incident report, because it
15 could get confused with the other incident report. But it's
16 a -- I think it's called a 3292.

17 Q Okay. And it records performance issues with
18 respect to particular individuals who are employed in the
19 Secret Service?

20 A Uh-huh.

21 Q Does it report specific incidents that happen when
22 they happen?

23 A Sometimes.

24 Q And under what conditions are those reports
25 prepared?

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1 A They're -- and the system is only as good as the
2 people that are doing it. Maybe they should be done more
3 frequently than they are. I think it depends on, like I
4 said, the individual. Sometimes people are too anxious to
5 complete them. And on other times, maybe people want to be a
6 nice guy and not complete them.

7 Q Did you have any discussions with Captain Purdie as
8 to whether one would be filled out in this case?

9 A No.

10 Q Do you think one should have been filled out in
11 this case?

12 A Yeah. It probably would have been appropriate.

13 Q Did Captain Purdie ever tell you that Betty Currie
14 was satisfied with the way that this incident had been
15 handled?

16 A Like I said, I can't say under oath that he
17 indicated that Betty Currie was there.

18 Q So, you have no memory of that happening, of him
19 saying Betty Currie is satisfied with the way that this has
20 been taken care of or handled?

21 A No, I don't.

22 Q And just so the record is clear, do you ever
23 remember Captain Purdie saying to you, I'm not going to do
24 any paperwork on this because Betty Currie is satisfied with
25 the way it's been handled?

be

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1 A No, I don't remember that.

2 Q Okay.

3 BY MR. PAGE:

4 Q Did anybody ever suggest to you, either below the
5 chain of command or above your chain of command, anybody,
6 that a report shouldn't be written about this incident?

7 A No.

8 Q And you --

9 A Not to my recollection. I don't remember anybody
10 giving me any advice on it.

11 Q Can you exclude that event happening, that somebody
12 above you, in your chain of command or otherwise, might have
13 said, don't do a report about this?

14 A I'm not sure if anybody above my chain of command
15 even knew it. And I wasn't getting any advice from below.

16 Q Did you ever come to understand that anybody, or
17 somebody I should say, did not want a memorandum or incident
18 report or other memorialization --

19 A No.

20 Q -- of this incident?

21 A No.

22 Q You never had that understanding from anybody?

23 A Are you saying -- is your question, did someone
24 advise you not to memorialize this?

25 Q Either advise or --

be

1 A Suggest?

2 Q -- did you ever come to understand that, from
3 whatever source, that a report should not be generated or a
4 memorandum should not be generated about this incident?

5 A No.

6 BY MS. WIRTH:

7 Q In your discussions with Captain Purdie, did he
8 ever tell you that he had told the officers at the gate,
9 after his discussion with the President, anything to the
10 effect of, this never happened, today never happened, no one
11 is to talk about this, as long as no one talks about this,
12 nothing will happen? Anything to that effect? Did he ever
13 report --

14 A Did anybody tell me that?

15 Q Did Captain Purdie ever tell you that, that he had
16 done that?

17 A I can't remember anything like that.

18 Q Have you ever heard that from any source
19 whatsoever, that the officers at the gate were told, this
20 never happened, today never happened, anything like that?

21 A I don't recall it.

22 Q Have you ever heard of anything like that happening
23 before, where officers were told to forget about an incident,
24 not to report it, not to talk about it?

25 A Not in my -- I can't remember, no.

be

1 MS. WIRTH: I don't have anything else.

2 MR. PAGE: I think that will do it for today.

3 (Whereupon, at 11:16 a.m., the proceedings were
4 concluded.)

* * * * *

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Elizabeth A. Eastman, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me electronically and thereafter reduced to typewriting by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

NOTARY PUBLIC FOR THE
DISTRICT OF COLUMBIA

My Commission Expires:
July 31, 2000

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- x
IN RE: :
GRAND JURY PROCEEDINGS :
----- x

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Tuesday, August 11, 1998

The testimony of JOE BROWN OVERSTREET was taken in
the presence of a full quorum of Grand Jury 97-2, impaneled
on September 19, 1997, commencing at 4:31 p.m., before:

MARY ANNE WIRTH
EDWARD J. PAGE
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

- 1 A Yes.
- 2 Q Okay. This is our opportunity to ask you some
- 3 questions about what you might know related to that
- 4 investigation. Do you understand?
- 5 A Mm-hmm.
- 6 THE COURT REPORTER: You have to give a verbal
- 7 answer, please.
- 8 THE WITNESS: Yes.
- 9 BY MR. PAGE:
- 10 Q I understand that while not currently working at
- 11 the White House, you formerly worked at the White House as an
- 12 officer with the United States Secret Service.
- 13 A Correct.
- 14 Q You're still a member of the United States Secret
- 15 Service, correct?
- 16 A Correct.
- 17 Q And what is your current assignment?
- 18 A I'm assigned to the special operations training
- 19 branch.
- 20 Q And where is that?
- 21 A That's at Beltsville, Maryland.
- 22 Q All right. The John T. Riley Training Center?
- 23 A James J. Riley. Yes.
- 24 Q James J. Riley?
- 25 A Correct.

PROCEEDINGS

1 Whereupon,
2 JOE BROWN OVERSTREET
3 was called as a witness and, after having been first duly
4 sworn by the Foreperson of the Grand Jury, was examined and
5 testified as follows:
6

EXAMINATION

BY MR. PAGE:

- 9 Q Good afternoon.
- 10 A How are you?
- 11 Q Fine. Would you tell us your full name, please?
- 12 A Joe B. Overstreet.
- 13 Q And is that Joe Brown Overstreet?
- 14 A Mm-hmm.
- 15 Q All right. Is it Officer Overstreet?
- 16 A Technician.
- 17 Q Technician Overstreet. All right. My name is
- 18 Edward Page. I work for the Office of Independent Counsel
- 19 and I wanted to go over a couple of basic things before we
- 20 get started today, all right?
- 21 The first is that what we say here today is being
- 22 taken down by the court reporter who is immediately to your
- 23 left and you are sitting now in front of a federal grand jury
- 24 that's investigating certain matters involving Monica
- 25 Lewinsky and others. Do you understand that?

- 1 Q Before that, up until about September or so of '97,
- 2 you were employed at the White House.
- 3 A Correct.
- 4 Q As an officer.
- 5 A Yes.
- 6 Q And what was your assignment then?
- 7 A Before I left or --
- 8 Q Correct. As of the date you left.
- 9 A Unassigned.
- 10 Q Did you have posts that you were stationed at?
- 11 A Yes.
- 12 Q And before you were unassigned, were you stationed
- 13 at particular posts?
- 14 A Yes.
- 15 Q What posts?
- 16 A I was stationed at the southwest gate for a year.
- 17 Prior to that, I was in tours, and prior to that I was at
- 18 [REDACTED]
- 19 Q And what's [REDACTED]?
- 20 A That's the West Wing.
- 21 Q And within the West Wing, [REDACTED], did you work [REDACTED],
- 22 [REDACTED] or what post?
- 23 A Okay. There is no [REDACTED]
- 24 Q All right.
- 25 A [REDACTED] yes.

1 Q [redacted]? Is that the post you worked exclusively?
 2 A No. [redacted].
 3 Q So [redacted] and [redacted]?
 4 A Mostly [redacted]. The only time I went to [redacted] was as
 5 relief, if the guy had to go to the bathroom I would come up
 6 and let him go.
 7 Q And when were you at the White House working?
 8 A From '92 --
 9 Q To '97?
 10 A -- to '97.
 11 Q All right. Do you know a person named Monica
 12 Lewinsky?
 13 A I do now, yes.
 14 Q When you were working at the White House, did you
 15 ever see her?
 16 A Yes.
 17 Q On more than one time?
 18 A Yes.
 19 Q In the West Wing?
 20 A Yes.
 21 Q Where were you stationed at the time?
 22 A [redacted].
 23 Q All right. And where is [redacted]?
 24 A That's in the basement, off West Exec. West
 25 Executive Avenue.

1 A She was what we called -- we referred to in the
 2 West Wing as one of the Pony Express people. The interns
 3 would bring papers back and to from the Old EOB to the White
 4 House, to the West Wing, and she was one of them.
 5 Q Do you have any specific recollection about her
 6 carrying anything in particular?
 7 A No, just papers.
 8 Q Well, were they in a manilla file?
 9 A Sometimes, yes.
 10 Q Did you ever speak with Monica Lewinsky?
 11 A Other than saying good morning first in the morning
 12 or hello, that was the extent of the conversation.
 13 Q I represent to you that she was working at the
 14 White House in one capacity or another from approximately
 15 July of '95 through April of '96. Does that timeframe square
 16 with your recollection of having seen her come back and forth
 17 through [redacted]?
 18 A That's about right because I would come back in as
 19 an alternate because once you work in the wing, they like to
 20 pull you back in. If they're short, they'll pull you back
 21 in. I didn't work every day there after I left.
 22 Q Did you ever while you were there have a
 23 conversation with another Secret Service agent, whether
 24 officer or PPD person, about Monica Lewinsky?
 25 A No.

1 Q And is that -- tell us what's there.
 2 A It's -- the Navy mess is down there. National
 3 Security Council is down there. That's about -- there's a
 4 few offices down there.
 5 Q Is it on the ground floor?
 6 A Well, it's actually called the basement lobby, but
 7 it's on the ground floor, right off of West Executive Avenue.
 8 The VP comes in through there, it's where -- 90 percent of
 9 the traffic that comes into the wing, they come through that
 10 door.
 11 Q So that's an entranceway, you're saying.
 12 A That's an entrance post. Yes.
 13 Q The times that you saw Monica Lewinsky, was she
 14 entering or leaving the West Wing?
 15 A Both.
 16 Q Are those the only times that you saw her there?
 17 A Yes.
 18 Q Can you estimate for the grand jury approximately
 19 how many times you saw her coming and going?
 20 A In a day's time or my shift?
 21 Q Yes.
 22 A Twelve, maybe 15 times a day.
 23 Q Entering the West Wing and --
 24 A Leaving.
 25 Q -- and leaving the West Wing.

1 Q Did she do anything noteworthy that you recollect?
 2 A No.
 3 Q When you saw her after the media attention started
 4 back in January of 1998, did you think about any event in
 5 particular or maybe say to yourself, "I thought there was a
 6 problem," "I saw her too much," or "I saw her too little," or
 7 anything like that?
 8 A No. She was just like all the rest of the interns
 9 that were there.
 10 BY MS. WIRTH:
 11 Q Do you have any information whatsoever about Monica
 12 Lewinsky making any visits to the Oval Office?
 13 A No.
 14 A JUROR: Did you ever see her there on a Saturday?
 15 THE WITNESS: On a Saturday? If I did, I can't
 16 recall. It's possible, but I can't remember, to be honest
 17 with you.
 18 A JUROR: Thank you.
 19 MS. WIRTH: Any other questions?
 20 (No response.)
 21 THE FOREPERSON: You are excused.
 22 MS. WIRTH: Thank you.
 23 THE FOREPERSON: Thank you.
 24 THE WITNESS: Thank you.
 25 MR. PAGE: Thank you.

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1 (The witness was excused.)
2 (Whereupon, at 4:40 p.m., the taking of testimony
3 in the presence of a full quorum of the Grand Jury was
4 concluded.)
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