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Evidence Reference

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Although the Office of the Independent Counsel has gathered and verified the information presented in this Referral from a wide variety of sources, the information falls into two broad categories. First, there is the direct testimony of numerous witnesses, who were called before grand juries, deposed under oath, or questioned by agents of the Federal Bureau of Investigation. Second, information was obtained from the many documents, tapes, and physical objects which the Office has subpoenaed and collected -- including some of the many gifts

exchanged by the President and Monica Lewinsky, the logs kept by the White House and the Secret Service (which record entries and exits of staff and visitors, the movements of the President, and telephone calls involving the President), and private records (such as appointment diaries, business telephone logs, and financial records).

This section discusses some of the issues and questions related to the evidence that might arise when reviewing the Referral. Part I provides an overview of the potential rules for the admissibility of evidence, drawing a comparison between the rules that would apply in a courtroom and those that may apply in Congress. Part II briefly describes the particular evidence sources upon which we rely -- focusing upon those that may be unfamiliar -- and provides the footnote citation forms for each type of source. Part III discusses the tape recorded conversations made by Linda Tripp. The first section in Part III addresses potential problems raised by the possibility that some of the tapes that were made by Linda Tripp and turned over to the OIC are duplicate, rather than original, tapes. The second section then explains in detail how the Office was able to assign dates to the particular conversations on the tapes.

I. ADMISSIBILITY

Much of the OIC's investigative time and effort was devoted to verifying information provided by the main witnesses: it pursued corroborating witnesses, telephone records, gift receipts, correspondence, movement logs, and other evidence that would support or refute the critical facts. In making the reliability of the evidence the touchstone of the investigation, the OIC nevertheless recognized that some of the information gathered and cited in the Referral might not be admissible in a judicial trial. For example, a court might not permit a jury to consider testimony by one Secret Service officer about what he heard another Secret Service officer say. If that testimony were used to prove that what the first officer said was true, then the testimony would be "hearsay," which is inadmissible at a trial under the Federal Rules of Evidence (unless an exception applies).¹

In compiling this Referral, the OIC has thought carefully about the role of federal evidentiary rules. Whenever feasible, the OIC has sought direct and circumstantial evidence that federal courts would admit, and indeed, this Office believes that the vast majority of the salient facts are supported by this type of information. Ultimately, however, the Office chose not to limit itself to *judicially* admissible evidence for several reasons.

¹ See Fed. R. Evid. 801-804 (discussing hearsay rules and exceptions).

First, the Rules of Evidence sometimes exclude reliable evidence for reasons that the OIC considers inapplicable in the context of this Referral. For instance, some rules of evidence address special concerns of the jury system. The hearsay rule is one example: If the jury hears only a report of what a declarant has said, it ordinarily cannot assess the declarant's perception, memory, narration, or sincerity. This Office believes that the inclusion of hearsay information is appropriate in the context of this Referral, however, both because 28 U.S.C. § 595(c) contemplates a written referral that necessarily prevents the assessment of live witnesses, and because members of the House of Representatives may conduct their own investigation and call witnesses directly.

Second, the Congress need not adhere to the Federal Rules of Evidence when deciding whether to impeach federal officers. The House of Representatives historically has delegated the task of gathering information to a committee (usually, the Judiciary Committee), which traditionally has collected and considered evidence that would be inadmissible in federal court.² Similarly, although the Senate customarily has followed some

² See House Rules Manual (House Document No. 104-272) §§ 603-606 (1998) (describing House procedures for investigating prior to voting whether to impeach); Charles L. Black, Jr., Impeachment: A Handbook 7 (1974) (describing the impeachment process in the House). The committee, however, does take evidentiary concerns into account when assessing the strength of the case for impeachment. See Warren S. Grimes, Hundred-Ton-Gun Control: Preserving Impeachment as the Exclusive Removal Mechanism For Federal Judges, 38 UCLA L. Rev. 1209, 1226 (1991).

evidentiary rules in impeachment proceedings,³ it has no fixed set of evidentiary rules.⁴ The Constitution requires the Senate merely to "try" impeachments.⁵ It does not specify the requirements for trial, and the federal courts will not review the procedures that the Senate decides to use.⁶ In an impeachment proceeding, therefore, the Senate also is not obligated to follow the Federal Rules of Evidence,⁷ and may choose to disregard or relax some rules that would apply in a trial conducted by the judiciary branch.⁸

³ See Stephen B. Burbank, Alternative Career Resolution: An Essay on the Removal of Federal Judges, 76 Ky. L.J. 643, 693 (1988) (noting that the Senate has always applied some rules of evidence); 3 Asher C. Hinds, Hinds' Precedents of the House of Representatives 537-643 (1907) (describing evidentiary rules used by the Senate in 19th-century impeachment trials).

⁴ The Senate has adopted a set of "Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials." Senate Manual (Senate Document 104-1) 177-185 (1998). These rules do not include rules of evidence, however. See *id.*; see also Michael J. Gerhardt, Rediscovering Nonjusticiability: Judicial Review of Impeachments after Nixon, 44 Duke L.J. 231, 267 (1994) (discussing the possibility of adopting rules of evidence for impeachments).

⁵ See U.S. Const. art. I, § 3, cl. 6.

⁶ See Nixon v. United States, 506 U.S. 224, 230 (1993) (holding that "the word 'try' in the first sentence of the Impeachment Trial Clause lacks sufficient precision to afford any judicially manageable standard of review of the Senate's actions").

⁷ See Black, *supra* note 2, at 18; see also Hastings v. United States Senate, Impeachment Trial Committee, 716 F. Supp. 38 (D.D.C.), *aff'd sub nom. Nixon v. United States Senate*, 887 F.2d 332 (D.C. Cir. 1989) ("It is clear that the federal rules of evidence do not apply in impeachment trials").

⁸ See Michael J. Broyde, Expediting Impeachment: Removing Article III Federal Judges after Criminal Conviction, 17 Harv. J.L. & Pub. Pol'y 157, 180 n.97 (1994) (noting that the Senate

Third, many of the Rules of Evidence would serve little purpose in an impeachment context. As Professor Charles L. Black, Jr., explained:

[The] technical rules of evidence were elaborated primarily to hold *juries* within narrow limits. They have no place in the impeachment process. Both the House and the Senate ought to hear and consider all evidence which seems relevant, without regard to technical rules. Senators are in any case continually exposed to "hearsay" evidence; they cannot be sequestered and kept away from newspapers, like a jury. If they cannot be trusted to weigh evidence, appropriately discounting for all the factors of unreliability that have led to our keeping evidence away from juries, then they are not in any way up to the job, and "rules of evidence" will not help.⁹

The Congress therefore may decide in a particular impeachment trial to adopt only a few broad rules that exclude irrelevant evidence, but that generally admit any other reliable evidence.¹⁰

often relaxes the rules of evidence).

⁹ Black, supra note 2, at 18. Other scholars have echoed this analysis. See Michael J. Gerhardt, The Constitutional Limits to Impeachment and its Alternatives, 68 Tex. L. Rev. 1, 93 (1991) ("The concerns leading to the use of special rules of evidence in state and federal courts do not apply to impeachment proceedings."); Broyde, supra note 9, at 180 n.97 (arguing that the rules of evidence "are designed to prevent confusion or manipulation of a lay jury and are not really necessary in the Senate, which includes many lawyers").

¹⁰ Professor Stephen B. Burbank has recommended that the Senate exclude irrelevant evidence but admit relevant hearsay. See Burbank, supra note 4, at 693. He explains:

Relevance remains the cornerstone of modern evidence law, and it is an imperative for impeachment trials as much as for any other trial. Hearsay, if by that word we intend the elaborate and largely irrational system accreted over two centuries of distrust for juries, is not a cornerstone of anything except the incomes of law professors. Trustworthiness and necessity should be the dominant considerations in the Senate's decision

II. UNDERSTANDING THE EVIDENCE

For the reader's convenience, this part briefly describe the sources of evidence upon which the Office has relied. Each description includes the abbreviated footnote form used in the rest of the Referral to refer to the particular source.

A. Direct Testimony

Testimony before the grand jury and testimony given in a deposition is given under oath, while testimony provided in interviews with the OIC is not.

1. Grand Jury Testimony.

The Grand Jury has heard the sworn testimony of many witnesses during the course of this investigation. Questions posed to witnesses before the grand jury may be asked either by members of the Independent Counsel's Office, or by members of the grand jury. Every question and answer spoken in the grand jury is recorded and then transcribed by a professional transcriber who is not affiliated with the OIC. Information gained from grand jury testimony is referred to in the footnotes with [name] [date] GJ at [#]. "GJ," of course, refers to "grand jury." The rest of the details identify the name of the witness, the date of that particular testimony, and the pages of the transcript upon which the information appears.

whether to admit relevant evidence that is hearsay according to whatever test is accepted.

Id. at 693-94 (footnotes omitted).

2. Deposition Testimony.

A deposition is a sworn statement in which a person responds to questions from the opposing side in a civil case. Depositions are recorded and then transcribed word-for-word by an independent transcriber. Depositions are cited in the footnotes as "[name] [date] Depo. at [#]". This format provides the last name of the person who testified at the deposition, the date of the deposition, and the page number(s) of the transcript pages relied upon. Thus, for example, President Clinton's deposition of January 17, 1998, which is frequently cited in the Referral, is referred to in the footnotes as "Clinton 1/17/98 Depo. at ___."

3. Interviews with FBI Agents.

During the course of the investigation, FBI agents have interviewed many witnesses and taken detailed notes of those interviews. Although interviewees do not take an oath to answer truthfully, a knowing misstatement of a material fact to an FBI agent during the course of an investigation is subject to criminal punishment.¹¹ An FBI interview is referred to in the footnotes as "[name] [date] Int. at [#]". This citation format provides the last name of the person interviewed, the date of the particular interview, and the page of the interview notes upon which the information in the text appears.

¹¹ 18 U.S.C. § 1001.

B. Subpoenaed Documentary and Physical Evidence

A subpoena is a legal command issued to a person or entity by the authority of a court. A subpoena may direct a person to appear and give testimony at a trial or deposition, or, as discussed in this section, may also direct that the recipient turn over documents or things to the investigating authority -- in this case, the OIC. The recipient of a subpoena must either truthfully and fully produce the material described in the subpoena, or challenge the subpoena in court. Generally, a person producing materials in response to a subpoena will then "verify" under penalty of perjury that the materials produced are truly those called for by the subpoena, and that the person does not have other responsive documents that he has not produced. Subpoenas may seek government, financial, or personal records; they may also seek tangible physical things such as clothing or tapes. The OIC has served and received responses to a large number of subpoenas during the course of this investigation. Some of the specific types of documents are described in greater detail in the next part of this section.

Information derived from subpoenas is referred to in the footnotes in the following way: ###-DC-#####. The first three (or four)-digit number refers to the subpoena's place in the sequence of all subpoenas served during the course of this investigation. "DC" indicates that the subpoena was issued from

the D.C. office.¹² The eight-digit number indicates the particular page or pages of the document(s) produced in response to the subpoena that are being relied upon. Because the response to one subpoena may include many different documents, all of which would share the same initial number, the OIC has at times provided a parenthetical reference after the numbered reference (which gives the type of document -- or the name of the particular document -- being referenced).

1. White House Records.

[REDACTED]

a. White House Access Logs

[REDACTED]

¹² A few subpoena references begin with the letter "V." This indicates that they were issued from a Virginia grand jury.

¹³ B. Smith, Moffit, Dougherty, and Dates 3/16/98 Int. at 1.

[REDACTED]

(i) Epass records

[REDACTED]

¹⁴ Dougherty 2/11/98 Int. at 2.

¹⁵ Id.

¹⁶ Id.

[REDACTED]

[REDACTED]

[REDACTED] 26 [REDACTED]

[REDACTED]

[REDACTED] 27 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 28

b. Presidential Telephone Logs

[REDACTED]

[REDACTED]

[REDACTED] 29 [REDACTED]

[REDACTED]

[REDACTED] 30

[REDACTED]

[REDACTED] 31 [REDACTED]

[REDACTED]

[REDACTED]

26 B. Smith 3/16/98 Int. at 3.

27 Id.

28 Id.

29 Nagy 2/19/98 Int. at 1.

30 Nagy 2/19/98 Int. at 2; S. Smith 7/20/98 Depo. at 18,

24.

31 Nagy 2/19/98 Int. at 1; S. Smith 7/20/98 Depo. at 36-37.

(i) WHTS

[REDACTED]

[REDACTED] 32 [REDACTED]

[REDACTED]

[REDACTED] 33 [REDACTED]

[REDACTED] 34 [REDACTED]

[REDACTED] 35 [REDACTED]

[REDACTED]

[REDACTED] 36 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 37 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

32 Nagy 5/18/98 Depo. at 9-10.

33 Id.

34 Nagy 5/18/98 Depo.. at 44.

35 Nagy 2/19/98 Int. at 2.

36 Nagy 2/19/98 Int. at 4.

37 Nagy 5/18/98 Depo. at 69-71.

38

[REDACTED]

[REDACTED]

39

[REDACTED]

(ii) WHCA

[REDACTED]

[REDACTED]

[REDACTED]

40

[REDACTED]

[REDACTED]

[REDACTED]

41

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

42

[REDACTED]

³⁸ Nagy 5/18/98 Depo at 69.

³⁹ Nagy 5/18/98 Depo. at 69-70.

⁴⁰ S. Smith 7/20/98 Depo. at 19. [REDACTED]

[REDACTED]

⁴¹ Id. at 20-21.

⁴² Id. at 36-41.

[REDACTED] 43 [REDACTED]

[REDACTED] 44 [REDACTED]

[REDACTED] 45 [REDACTED]

[REDACTED] 46 [REDACTED]

[REDACTED] 47 [REDACTED]

[REDACTED] 48 [REDACTED]

2. United States Secret Service Records.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁴³ Id. at 38-41.

⁴⁴ Id. at 37.

⁴⁵ Id. at 47-50.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

a. Uniform Division Itineraries

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 49 [REDACTED]

[REDACTED] 50 [REDACTED]

[REDACTED]

[REDACTED]

b. POTUS Movement Logs/ First Family Locator Command Post Log

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

c. Protective Operations Activity and Personnel Reports

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁴⁹ Wilson 7/23/98 GJ at 14-15.

⁵⁰ Id.

[REDACTED] 51 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 52 [REDACTED]

[REDACTED] 53 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 54

d. F1 Movement Logs

[REDACTED] 55 [REDACTED]

[REDACTED]

[REDACTED] 56

51 Wilson 7/23/98 GJ at 19-20.

52 Id.

53 Id. at 62.

54 Id. at 29-31, 40-43.

55 F1 [REDACTED]

[REDACTED]

56 Wilson 7/23/98 GJ at 54-55.

C. Other Documentary and Physical Evidence

1. Searches.

The OIC has also obtained documentary and physical evidence through voluntary production of that evidence and through searches of certain locations, such as Ms. Lewinsky's apartment and Ms. Tripp's house. The search of Ms. Lewinsky's apartment is referred to in the footnotes as "MSL-55-DC-####." The transcript of Ms. Lewinsky's telephone answering machine tapes is referred to as "Search.001 at #.

The search of Ms. Tripp's house was directed solely toward finding the tapes she made of conversations with Ms. Lewinsky. The tapes are cited as T# at #. "T#" refers to the number of the tape on which the conversation is recorded, and "at #" refers to the transcript page on which the transcribed conversation appears. (Details of how the tapes were dated are given in Part III, below.)

2. The Dress.

In accordance with her cooperation agreement, on July 29, 1998, Ms. Lewinsky produced to the OIC a navy blue dress that she said might contain stains corroborating the sexual nature of her relationship with the President.⁵⁷ The OIC subsequently submitted the dress to the FBI lab for examination.⁵⁸ On Friday, July 31, 1998, the FBI lab orally informed the OIC that the

⁵⁷ See FBI form FD-597, Receipt for Property, 7/29/98.

⁵⁸ See Memorandum, FBI File No. 29D-OIC-LR-35063, Lab No. 980730002 S BO, Aug. 3, 1998.

stains on the dress tested positive for human semen, and recommended that the OIC obtain a blood sample from any known subject.⁵⁹ On August 3, 1998, in the presence of FBI and OIC personnel, the President provided a blood sample, which was turned over to the FBI for comparison.⁶⁰

The first examination the FBI conducted was a PCR-based DNA test.⁶¹ On August 6, 1998, the FBI notified the OIC that all the PCR markers from the test matched the DNA of President Clinton.⁶² The FBI lab was able to extract enough quality DNA from the dress for additional analysis, so it began an RFLP-based DNA test.⁶³ During the week of August 10, the FBI lab orally informed the OIC that, based on its continuing comparison using RFLP, the lab believed its tests would show a more discriminating match between the DNA from the semen stain and the President's DNA. On the morning of August 17, 1998, the FBI formally concluded that the

⁵⁹ See Report of Examination, FBI File No. 29D-OIC-LR-35063, Lab No. 980730002 S BO, Aug. 3, 1998.

⁶⁰ See FBI Memorandum of SSA Jenifer A.L. Smith, Aug. 3, 1998.

⁶¹ PCR is the acronym for polymerase chain reaction, a less definitive DNA test that can be completed relatively quickly and requires only a small specimen of genetic material.

⁶² The FBI concluded that the "probability of selecting an unrelated individual [from President Clinton's population] at random" was 1 in 43,000. Report of Examination, FBI File No. 29D-OIC-LR-35063, Lab Nos. 980730002 S BO and 980803100 S BO, Aug. 6, 1998.

⁶³ RFLP is the acronym for restriction fragment length polymorphism, an extremely definitive DNA test that requires a generous, high quality DNA specimen and usually takes additional time.

President "is the source of the DNA obtained from [Ms. Lewinsky's dress], to a reasonable degree of scientific certainty."⁶⁴

III. CONVERSATIONS TAPED BY LINDA TRIPP.

A. Background

After receiving court-ordered immunity under 18 U.S.C. §6002, Linda Tripp produced several cassette tapes and testified before the grand jury.⁶⁵ Among other subjects, she discussed notes and tape recordings she made of several conversations between herself and Monica Lewinsky.

Ms. Lewinsky began confiding in Ms. Tripp soon after Ms. Lewinsky began working at the Pentagon. Ms. Tripp took two sets of notes during their conversations. The first notes are in a Skilcraft Steno Notebook.⁶⁶ Ms. Tripp testified she took these between May 23, 1997, and July 1997.⁶⁷ The second notes are on a series of papers. Ms. Tripp testified she took these during

⁶⁴ Report of Examination, FBI File No. 29D-OIC-LR-35063, Lab Nos. 980730002 S BO and 980803100 S BO, Aug. 17, 1998. The FBI concluded that the "probability of selecting an unrelated individual [from President Clinton's population] at random" was 1 in 7.87 trillion.

⁶⁵ See Tripp GJ, 6/30/98, pg. 8-14 (The Office of the Independent Counsel also promised Ms. Tripp that it would do what it could to persuade the State of Maryland from prosecuting Ms. Tripp for any violations of the state wiretapping law.).

⁶⁶ 845-DC-00000001-25.

⁶⁷ May 23, 1997, is the last date recorded in the notebook. Linda Tripp testified she wrote the book in July, see Tripp 7/7/98 GJ at 111, but did so before she knew about the contact between Ms. Lewinsky and Bruce Lindsey on July 14, 1997. *Id.* at 135.

several conversations, starting in September 1997.⁶⁸ Ms. Tripp indicated that Ms. Lewinsky was aware of the first note-taking but not the second.⁶⁹ Ms. Lewinsky said, though, that she never knew Ms. Tripp was taking notes.⁷⁰

From approximately October 3, 1997, to January 15, 1998, Linda Tripp tape recorded many of her telephone conversations with Monica Lewinsky. According to Ms. Tripp, on October 3, 1997, she purchased a voice activated tape recorder with a manual pause capability from Radio Shack (model CTR107), and connected it to a telephone in the study of her home. Ms. Tripp testified that she set the system to record all conversations from the study telephone so long as there was a tape in the machine and the machine remained on. Ms. Tripp added that because of the length of the conversations and the tapes, most of the tapes contain several conversations. As Ms. Tripp further told the grand jury, because the recorder was always working unless she turned it off, she captured conversations with people other than Ms. Lewinsky.

On October 6, 1997, after making two tapes, Ms. Tripp met in

⁶⁸ Tripp GJ 7/16/98 at 112-13.

⁶⁹ Tripp 7/7/98 GJ at 108-109, 160; Tripp 7/16/98 GJ at 113.

⁷⁰ The dates in the notebook sometimes appear to be a day or two off. One note, for instance, refers to Sunday, March 30, 1996; Sunday actually fell on March 31. See 845-DC-0000011 (notes); Tripp GJ 7/9/98 at 17. Ms. Tripp surmised that Ms. Lewinsky was consulting a 1997 calendar for dates without realizing the discrepancy. Tripp GJ 7/9/98 at 18.

Washington, D.C. with her friend Lucianne Goldberg, Jonah Goldberg (Ms. Goldberg's son), and Michael Isikoff. After this meeting, Ms. Goldberg kept the two tapes and brought them to New York. Ms. Goldberg made copies of these tapes, and she presented the two originals and copies of them to the Office of the Independent Counsel in January 1998.

Ms. Tripp told the grand jury she continued to make recordings and keep them in a bowl on a piece of furniture. She testified that around the beginning of 1998, she gave most of the tapes to her lawyer, Kirby Behre. According to Ms. Tripp, she changed attorneys and retained Jim Moody. She stated that Mr. Moody obtained the tapes from Mr. Behre and provided them to the OIC in early January 1998.

Later, the OIC received four additional tapes from Ms. Tripp. On March 3, 1998, Ms. Tripp searched her home with the help of her new attorney, Anthony Zaccagnini, and several FBI Special Agents assigned to the OIC. During this search, Ms. Tripp and the others found three additional tapes. After previewing these tapes on the cassette player in his car, Mr. Zaccagnini presented them to the Special Agents. Ms. Tripp told the grand jury that just before March 17, 1998, she found another tape in her home and gave it to Mr. Zaccagnini. He brought it to the Office of the Independent Counsel on March 17, 1998.

The OIC provided to the FBI Audio Signal Analysis Unit in Quantico, Virginia, all of the tapes obtained from Ms. Tripp. This unit is engaged in the elaborate and time-consuming process

of authenticating the tapes, but it has provided some results.

* Examination has preliminarily determined that 8 of the tapes submitted do not exhibit signs of duplication.

* Examination has preliminarily determined that 9 of the tapes submitted exhibit characteristics that are not consistent with being recorded on the Radio Shack CTR107 tape recorder Ms. Tripp says she used to record the original tapes.

* Examination has preliminarily determined that the 9 tapes inconsistent with the tape recorder Ms. Tripp says she used exhibit signs of duplication.

* Examination has preliminarily determined that 7 of the tapes that exhibit signs of duplication are consistent with the use of one tape recorder to duplicate.

* The examination has preliminarily determined that one of the tapes that exhibits signs of duplication was produced by a recorder that was stopped during the recording process.

These results raise three important issues. First, the Office of the Independent Counsel does not possess original recordings for nine of the tapes Ms. Tripp made. Two of these tapes contain inaudible recordings. Second, the OIC is not aware who made the "likely to be duplicate" tapes. Third, if Ms. Tripp duplicated any tapes herself or knew of their duplication, then she has lied under oath before the grand jury and in a deposition. The OIC continues to investigate this matter.

In light of these three issues, and to help ensure the reliability, authenticity, and accuracy of the evidence, the accompanying submission only refers to recorded conversations which meet four conditions: (1) the recorded conversation is contained on a tape that FBI examination has preliminarily determined not to exhibit signs of duplication; (2) Monica Lewinsky has listened to the recording and identified her voice

and Linda Tripp's voice;⁷¹ (3) Monica Lewinsky has identified the recording as an accurate depiction of a conversation she remembers;⁷² and (4) there is independent evidence to corroborate the contents of the recorded conversation.

Even though they do not appear in the submission, the Office of Independent Counsel has provided all of the recorded conversations as raw evidence. Consequently, a fourth issue arises when assigning dates to the tapes that exhibit signs of duplication.

When a tape was filled with recorded conversations, Ms. Tripp removed the tape and stored it in the bowl. Ms. Tripp did not mark the tapes, and she did not catalog them. As a result, the only way to determine which day Ms. Tripp recorded each tape was to use the information she provided while she was debriefed,⁷³ combined with information from the conversations.

⁷¹ Ms. Lewinsky stated with respect to these recordings that she believes the voice on the tapes is hers, based on "intonation and content."

⁷² Although Ms. Lewinsky cannot attest to whether there are missing portions of the conversations, she could not recall any specific conversation that was excluded from the particular conversations on the tapes. Ms. Lewinsky noted, however, that she had many more conversations with Linda Tripp about certain subject matters than were captured on tape.

⁷³ Ms. Tripp appeared at the Office of the Independent Counsel on many occasions between January 1998, and July 1998. During most of her initial visits, Ms. Tripp listened to the recordings of her conversations with Ms. Lewinsky and compared them with transcripts that the Office of the Independent Counsel prepared. Ms. Tripp corrected the transcripts as necessary. Ms. Tripp told the grand jury that the tapes accurately depict her conversations with Ms. Lewinsky and that the transcripts are accurate.

For the seven tapes which contain audible conversations and which exhibit signs of duplication, the Office of the Independent Counsel cannot exclude the possibility of tampering at this time. For this reason, the Office of the Independent Counsel cannot have full confidence that the dates assigned to these tapes are accurate. The following appendix represents the opinion of the Independent Counsel regarding the date of each tape. The tapes that exhibit signs of duplication are marked to reduce the possibility of confusion.

B. Dating the Tape Recorded Conversations

The following discussion represents the opinion of the Office of the Independent Counsel regarding the date of each tape. Although they are assigned dates, the duplicates are marked to reduce the possibility of confusion.

In her later visits to the Office of the Independent Counsel, Ms. Tripp participated in debriefing sessions with investigators and attorneys. One aspect of these sessions included eliciting information about the tapes and when Ms. Tripp made them.

1. Reference Charts Summarizing The Dates of the Tapes

Conversations Listed By Date

Conversations Listed By Tape

Note: Tapes Which Exhibit Sign of Duplication Are Printed In Italics

- | | |
|--|--|
| 1. Friday, October 3, 1997:
Tape 18, side A, first conversation on tape.
Transcript pages: 2-25. | 1. Tape 1, Side A, first conversation on tape:
Transcript pages: 2-40.
Monday, October 6, 1997 |
| 2. Friday, October 3, 1997:
Tape 18, side A, second conversation on tape.
Transcript pages: 25-71. | 2. Tape 1, side A, second conversation on tape:
Transcript pages: 40-110.
Monday, October 6, 1997. |
| 3. Saturday, October 4, 1997:
Tape 18, side B, third conversation on tape.
Transcript pages: 71-110. | 3. Tape 2, Side A, third conversation on tape:
Transcript pages: 2-38.
Thursday, October 16, 1997. |
| 4. Sunday, October 5, 1997:
Tape 19, side A, first conversation on tape.
Transcript pages: 2-21. | 4. Tape 3, side A, first conversation on tape:
Transcript: pages 2-39.
Saturday, October 18, 1997. |
| 5. Sunday, October 5, 1997:
Tape 19, side A, second conversation on tape.
Transcript pages: 21-34. | 5. <i>Tape 5, side A, first conversation on tape:
Transcript pages: 2-16.
Thursday, November 20, 1997.</i> |
| 6. Sunday, October 5, 1997:
Tape 19, side A, third conversation on tape.
Transcript page: 34. | 6. <i>Tape 5, side A, third conversation on tape:
Transcript pages: 17-41.
Thursday, November 20, 1997.</i> |
| 7. Monday, October 6, 1997:
Tape 19, side A, fourth conversation on tape.
Transcript pages: 35-41. | 7. <i>Tape 5, side A, fourth conversation on tape:
Transcript pages: 41-47.
Thursday, November 20, 1997.</i> |
| 8. Monday, October 6, 1997:
Tape 1, Side A, first conversation on tape.
Transcript pages: 2-40. | 8. <i>Tape 5, side A, fifth conversation on tape:
Transcript pages: 47-52.
Friday, November 21, 1997.</i> |
| 9. Monday, October 6, 1997:
Tape 1, side A, second conversation on tape.
Transcript pages: 40-110. | 9. <i>Tape 5, side B, sixth conversation on tape:
Transcript pages: 53-55.
Friday, November 21, 1997.</i> |
| 10. Thursday, October 16, 1997:
Tape 2, Side A, third conversation on tape.
Transcript pages: 2-38. | 10. <i>Tape 5, side B, seventh conversation on tape:
Transcript pages: 55-59.
Friday, November 21, 1997.</i> |
| 11. Thursday, October 16, 1997:
Tape 13, Side A, first conversation on tape.
Transcript pages 2-30. | 11. <i>Tape 5, side B, eighth conversation on tape:
Transcript pages: 59-91.
Friday, November 21, 1997.</i> |

12. Friday, October 17, 1997:
Tape 13, side A, second conversation on tape.
Transcript pages: pages 30-38.
13. Saturday, October 18, 1997:
Tape 3, side A, first conversation on tape.
Transcript: pages 2-39.
14. Saturday, October 18, 1997:
Tape 8, Side A, first conversation on tape.
Transcript pages 2-34.
15. Sunday October 19, 1997:
Tape 7, Side A, first conversation on tape.
Transcript pages: 2-51.
16. Thursday, October 23, 1997:
Tape 15, Side A, first conversation on tape.
Transcript pages: 2-30.
17. Thursday, October 23, 1997:
Tape 15, Side A, second conversation on tape.
Transcript pages: 30-73.
18. Wednesday, October 29, 1997:
Tape 11, first conversation on tape.
Transcript pages: 2-57.
19. Monday, November 3, 1997:
Tape 11, Side B, fifth conversation on tape.
Transcript pages: 58-113.
20. Saturday, November 8, 1997:
Tape 16, side B, sixth conversation on tape.
Transcript pages: 60-103.
21. Tuesday, November 11, 1997:
Tape 16, side B, ninth conversation on tape.
Transcript pages: 104-114.
22. Tuesday, November 11, 1997:
Tape 26, side A, first conversation on tape.
Transcript pages: 2-5.
23. Tuesday, November 11, 1997:
Tape 26, side A, second conversation on tape.
Transcript pages: 5-32.
24. Tuesday, November 11, 1997:
Tape 26, side A, third conversation on tape.
Transcript pages: 32-55.
12. Tape 6, side A, second conversation on tape:
Transcript pages: 2-24.
Monday, December 22, 1997.
13. Tape 6, side A, fourth conversation on tape:
Transcript pages: 24-32.
Monday, December 22, 1997.
14. Tape 6, side B, fifth conversation on tape:
Transcript pages: 33-68.
Monday, December 22, 1997.
15. Tape 7, Side A, first conversation on tape:
Transcript pages: 2-51.
Sunday October 19, 1997.
16. Tape 8, Side A, first conversation on tape:
Transcript pages 2-34.
Saturday, October 18, 1997.
17. Tape 9, side A, first conversation on tape:
Transcript pages: 2-33.
Sunday, November 16, 1997.
18. Tape 9, side A, second conversation on tape:
Transcript pages: 33-51.
Monday, November 17, 1997.
19. Tape 9, side B, third conversation on tape:
Transcript pages: 51-79.
Tuesday, November 18, 1997.
20. Tape 9, side B, fourth conversation on tape:
Transcript pages: 79-100.
Thursday, November 20, 1997
21. Tape 11, Side A, first conversation on tape:
Transcript pages: 2-57.
Wednesday, October 29, 1997
22. Tape 11, Side B, fifth conversation on tape:
Transcript pages: 58-113.
Monday, November 3, 1997.
23. Tape 13, Side A, first conversation on tape:
Transcript pages 2-30.
Thursday, October 16, 1997.
24. Tape 13, side A, second conversation on tape:
Transcript pages: pages 30-38.
Friday, October 17, 1997.

25. *Thursday, November 13, 1997:*
Tape 16, side A, first conversation on tape.
Transcript pages: 2-9.
26. *Friday, November 14, 1997:*
Tape 16, side A, second conversation on tape.
Transcript pages: 9-51.
27. *Sunday, November 16, 1997:*
Tape 16, side A, third conversation on tape.
Transcript pages: 52-60.
28. *Sunday, November 16, 1997:*
Tape 9, side A, first conversation on tape.
Transcript pages: 2-33.
29. *Monday, November 17, 1997:*
Tape 9, side A, second conversation on tape.
Transcript pages: 33-51.
30. *Tuesday, November 18, 1997:*
Tape 9, side B, third conversation on tape.
Transcript pages: 51-79.
31. *Thursday, November 20, 1997:*
Tape 9, side B, fourth conversation on tape.
Transcript pages: 79-100.
32. *Thursday, November 20, 1997:*
Tape 5, side A, first conversation on tape.
Transcript pages: 2-16.
33. *Thursday, November 20, 1997:*
Tape 5, side A, third conversation on tape.
Transcript pages: 17-41.
34. *Thursday, November 20, 1997:*
Tape 5, side A, fourth conversation on tape.
Transcript pages: 41-47.
35. *Friday, November 21, 1997:*
Tape 5, side A, fifth conversation on tape.
Transcript pages: 47-52.
36. *Friday, November 21, 1997:*
Tape 5, side A, sixth conversation on tape.
Transcript pages: 53-55.
37. *Friday, November 21, 1997:*
Tape 5, side A, seventh conversation on tape.
Transcript pages: 55-59.
25. *Tape 15, Side A, first conversation on tape:*
Transcript pages: 2-30.
Thursday, October 23, 1997.
26. *Tape 15, Side A, second conversation on tape:*
Transcript pages: 30-73.
Thursday, October 23, 1997.
27. *Tape 16, side A, first conversation on tape:*
Transcript pages: 2-9.
Thursday, November 13, 1997.
28. *Tape 16, side A, second conversation on tape:*
Transcript pages: 9-51.
Friday, November 14, 1997.
29. *Tape 16, side B, sixth conversation on tape:*
Transcript pages: 60-103.
Saturday, November 8, 1997.
30. *Tape 16, side B, ninth conversation on tape.*
Transcript pages: 104-114.
Tuesday, November 11, 1997:
31. *Tape 16, side A, third conversation on tape:*
Transcript pages: 52-60.
Sunday, November 16, 1997.
32. *Tape 18, side A, first conversation on tape:*
Transcript pages: 2-25.
Friday, October 3, 1997.
33. *Tape 18, side A, second conversation on tape:*
Transcript pages: 25-71.
Friday, October 3, 1997.
34. *Tape 18, side B, third conversation on tape:*
Transcript pages: 71-110.
Saturday, October 4, 1997.
35. *Tape 19, side A, first conversation on tape:*
Transcript pages: 2-21.
Sunday, October 5, 1997
36. *Tape 19, side A, second conversation on tape:*
Transcript page: 21-34.
Sunday, October 5, 1997
37. *Tape 19, side A, third conversation on tape:*
Transcript pages: 34.
Sunday, October 5, 1997.

38. *Friday, November 21, 1997:*
Tape 5, side A, eighth conversation on tape.
Transcript pages: 59-91.
39. *Tuesday, December 9, 1997:*
Tape 23, side A, first conversation on tape.
Transcript pages: 2-6.
40. *Tuesday, December 9, 1997:*
Tape 23, side A, second conversation on tape.
Transcript pages: 6-56.
41. *Friday, December 12, 1997:*
Tape 23, side A, fifth conversation on tape.
Transcript pages: 57-68.
42. *Friday, December 12, 1997:*
Tape 23, side B, sixth conversation on tape.
Transcript pages: 68-127.
43. *Friday, December 12, 1997:*
Tape 23, side B, eighth conversation on tape.
Transcript pages: 127-131.
44. *Monday, December 22, 1997:*
Tape 6, side A, second conversation on tape.
Transcript pages: 2-24.
45. *Monday, December 22, 1997:*
Tape 6, side A, fourth conversation on tape.
Transcript pages: 24-32.
46. *Monday, December 22, 1997:*
Tape 6, side B, fifth conversation on tape.
Transcript pages: 33-68.
47. *Thursday, January 15, 1998:*
Tape 22, side A, first conversation on tape.
Transcript pages: 2-55.
48. *Thursday, January 15, 1998:*
Tape 22, side A, second conversation on tape.
Transcript pages: 55-76.
38. *Tape 19, side A, fourth conversation on tape:*
Transcript pages: 35-41.
Monday, October 6, 1997.
39. *Tape 22, side A, first conversation on tape:*
Transcript pages: 2-55.
Thursday, January 15, 1998.
40. *Tape 22, side A, second conversation on tape:*
Transcript pages: 55-76.
Thursday, January 15, 1998.
41. *Tape 23, side A, first conversation on tape:*
Transcript pages: 2-6.
Tuesday, December 9, 1997.
42. *Tape 23, side A, second conversation on tape:*
Transcript pages: 6-56.
Tuesday, December 9, 1997.
43. *Tape 23, side A, fifth conversation on tape:*
Transcript pages: 57-68.
Friday, December 12, 1997.
44. *Tape 23, side B, sixth conversation on tape:*
Transcript pages: 68-127.
Friday, December 12, 1997.
45. *Tape 23, side B, eighth conversation on tape:*
Transcript pages: 127-131.
Friday, December 12, 1997.
46. *Tape 26, side A, first conversation on tape:*
Transcript pages: 2-5.
Tuesday, November 11, 1997.
47. *Tape 26, side A, second conversation on tape:*
Transcript pages: 5-32.
Tuesday, November 11, 1997.
48. *Tape 26, side A, third conversation on tape:*
Transcript pages: 32-55.
Tuesday, November 11, 1997.

2. How the OIC Determined the Chronology of these Undated Tapes

Conversation # 1:

Friday, October 3, 1997

Tape 18, side A, first conversation on the tape.

Transcript pages: 2-25.

During this conversation, Ms. Tripp says it is October. See T18 at 24. Ms. Lewinsky observes that the President will be delivering a radio address on the following morning, and then traveling to Maryland and Camp David. See T18 at 20. The President's October 4, 1997, schedule shows he gave a radio address, see 968-DC-00003058, and then traveled to Prince George's County, Maryland and Camp David. See 968-DC-00003059. Ms. Lewinsky also comments the President will be at an event in Virginia on Saturday night. See page 21. The Presidential Press Schedule shows the President attended a function at the National Airport Hilton on October 4, 1997. See 968-DC-00003060.

These factors are consistent with a conversation on October 3, 1997.

Conversation # 2:

Friday, October 3, 1997

Tape 18, side A, second conversation on the tape.

Transcript pages: 25-71.

During this conversation, Ms. Tripp says it is Friday night, and Ms. Lewinsky says she is going to New York City on the next Saturday for the weekend. See T18 at 28. Ms. Lewinsky's American Express bill reveals she bought an airplane ticket from LaGuardia Airport to the Ronald Reagan National Airport on October 13, 1997. See 852-DC-00000042. Ms. Lewinsky also mentions that the

President is leaving the following Sunday, October 12, 1997. See T18 at 41. The President's schedule shows he left for a week-long trip to Latin America on October 11, 1997. See United States President, Weekly Compilations of Presidential Documents at 1608, 1609, 1652.

These factors are consistent with a conversation on Friday, October 3, 1997.

Conversation # 3:

Saturday, October 4, 1997

Tape 18, side B, third conversation on the tape.

Transcript pages: 71-110.

The conversation that immediately precedes this conversation on the tape occurred on Friday, October 3, 1997. At the end of the previous portion, Ms. Lewinsky notes that it is 10:20, that she is going to sleep, and she indicates that she is not working the next day. See T18 at 70. This conversation begins with Ms. Lewinsky describing her trip to the Potomac Mills Mall for the day. See T18 at 70-79. The placement of the conversation on the tape and the day-long trip to the mall are consistent with a weekend day.

In addition, Ms. Lewinsky says Betty Currie was in the office during the morning because of the Radio Address. See T18 at 88. The President delivered a Radio Address on Saturday October 4, 1997, at 10:06 am. Also, Betty Currie rarely works on Sunday because it is her "church day." See Currie 5/7/98 GJ at 91. Ms. Lewinsky further says she wants to buy the President a gift because he now had a hearing aid. See T18 at 80. The

President was fitted for hearing aids on October 3, 1997. See "Age Catching Up With Clinton; He's Getting Hearing Aids," Sandra Sobieraj, The Associated Press, October 3, 1997.

Ms. Lewinsky also says there are three months before the beginning of the year, and she refers to sunglasses she bought the President for his Latin America trip. See T18 at 103-4. This statement would place the tape in early October.

These factors are consistent with a conversation on October 4, 1997.

Conversation # 4:

Sunday, October 5, 1997

Tape 19, side A, first conversation on the tape.

Transcript pages: 2-21.

Ms. Lewinsky tells Ms. Tripp that CNN is leading its "Headline News" with a story about the White House releasing video tapes of the coffee receptions for Democratic supporters. See T19 at 2. At the outset of the call, Ms. Lewinsky is waiting excitedly for the next half hour news cycle so she can see the whole story. Evidently, she was concerned the White House might have a video taping system that showed her on tape.

The White House released these tapes, and the story broke on October 5, 1997. See Videotapes Released Showing Presidential Coffee Meetings, NBC Nightly News, October 5, 1997. Because of her excitement and the fact that Ms. Lewinsky followed White House news so carefully, it is likely she is describing the story that broke earlier in the day.

In addition, Ms. Tripp refers to a message she received at

work on Friday, and she says she did not call back because it was "the kind of thing that could wait until Monday." See T19 at 31. This statement is consistent with a weekend conversation. Also, Ms. Tripp and Ms. Lewinsky discuss how Ms. Lewinsky will help Ms. Tripp with parking at work the next day. See T19 at 15. This final point places this conversation on a Sunday night.

These factors are consistent with a conversation on Sunday, October 5, 1997.

Conversation # 5:

Sunday, October 5, 1997

Tape 19, side A, second conversation on the tape.

Transcript pages: 21-34.

Ms. Lewinsky discusses the sunglasses she bought for the President and how she will send them to him. See T19 at 24. Because Ms. Lewinsky bought these sunglasses on October 4, 1997, this conversation must have occurred after that day. Ms. Tripp also says Ms. Lewinsky should send the glasses by FedEx. FedEx receipts show that Ms. Lewinsky sent a Federal Express package to the White House on October 10, 1997. See 925-DC-00000003. For this reason, the conversation probably occurred before October 10, 1997.

In the conversation that immediately precedes this conversation, Ms. Lewinsky and Ms. Tripp discussed their parking plans for the next morning. Ms. Lewinsky said she would be in a meeting until approximately 8:00 am, and then she could bring Ms. Tripp into the parking lot. See T19 at 16. Ms. Tripp and Ms. Lewinsky ended this conversation by bidding each other good night

and with Ms. Tripp saying she would call Ms. Lewinsky "probably eight-ish." See T19 at 34. For these reasons, the conversation that immediately precedes this conversation likely occurred on October 5, 1997.

The conversation that immediately follows this one also occurred on October 5, 1997 (see explanation of next conversation). Because this conversation comes between two October 5 conversations on T19, it most likely occurred on October 5, 1997.

These factors are consistent with a conversation on Sunday, October 5, 1997.

Conversation # 6:

Sunday, October 5, 1997

Tape 19, side A, third conversation on the tape.

Transcript page: 34.

Ms. Lewinsky and Ms. Tripp spoke during the early evening of October 5, 1997. See T19 at 2-21. After this first conversation, Ms. Tripp went to the gym to exercise and Ms. Lewinsky called back. See 19 at 21-34. Sometime after that conversation ended, Ms. Tripp received a call from her friend Kate Friederich and turned off the recorder. See T19 at 34. Ms. Tripp knows the conversation with Ms. Friederich occurred in the late evening of Sunday, October 5, 1997, because the conversation happened the day before Ms. Tripp met with Lucianne Goldberg, Jonah Goldberg, and Michael Isikoff. That meeting occurred October 6, 1997. Furthermore, in a letter to the President, Ms. Lewinsky wrote that Ms. Friederich spoke to Ms. Tripp on Sunday

night. See MSL-55-DC-0178.

These factors are consistent with a conversation on Sunday October 5, 1997.

Conversation 7:

Monday, October 6, 1997

Tape 19, side A, fourth conversation on the tape.

Transcript pages: 35-41.

The segment of conversation that immediately precedes this conversation is the interrupted discussion between Ms. Tripp and Ms. Friedrich. In this conversation, Ms. Tripp tells Ms. Lewinsky what Ms. Friederich said. During her debriefing, Ms. Tripp remembered having this conversation the morning after speaking with Ms. Friederich. One thing that sparked Ms. Tripp's memory was her statement during the conversation, "Let me get my coffee . . . I've got to wake up." T19 at 35. According to Ms. Tripp, she usually only drinks coffee in the morning.

There are further indications that this conversation occurred on October 6, 1997. In this conversation, Ms. Tripp says she has not spoken to Kate in a month. During a conversation taped on the night of October 6, 1997, Ms. Tripp and Ms. Lewinsky discussed this conversation again. See T1 at 13-23. Consequently, this conversation must have occurred before the evening of October 6, 1997.

These factors are consistent with a conversation on October 6, 1997.

Conversation # 8:

Monday, October 6, 1997

Tape 1, Side A, first conversation on the tape.

Transcript pages: 2-40.

Ms. Lewinsky tells Ms. Tripp that Ms. Currie would not get her into the White House this evening because of a dinner. See T1 at 6. The Presidential press schedule reveals the President hosted a state dinner with the President of Israel on October 6, 1997. See 968-DC-00003063.

Also, this conversation ends with a discussion about a letter that Ms. Lewinsky intends to send to the President. At the end of the conversation, Ms. Lewinsky says she will write the letter and call Ms. Tripp back in about 15-20 minutes. See T1 at 40. The next conversation, which follows immediately on the tape, begins with a discussion of the letter Ms. Lewinsky has composed. The next conversation also features Ms. Lewinsky saying it is the 6th. See T1 at 90.

In addition, Ms. Lewinsky and Ms. Tripp discuss a conversation between Ms. Tripp and her friend Kate Friederich who works at the National Security Council. See T1 at 13-36. For the reasons cited above, the conversation between Ms. Tripp and Ms. Friederich occurred on the previous night.

These factors are consistent with a conversation on Monday, October 6, 1997.

Conversation # 9:

Monday, October 6, 1997

Tape 1, side A, second conversation on the tape.

Transcript pages: 40-110.

During this conversation, Ms. Lewinsky says: "Today is the 6th." See T1 at 90. In addition, Ms. Lewinsky and Ms. Tripp are discussing a letter that Ms. Lewinsky intends to send to the

White House. There is a courier receipt which shows a delivery from Ms. Lewinsky to the White House on October 7, 1997. See 837-DC-00001.

Ms. Lewinsky also observes that Mrs. Clinton "is coming home Friday night from Panama to go to South America with him on Sunday, just so she can be here for their anniversary." See T1 at 69. The First Lady's travel schedule reveals Mrs. Clinton returned from Panama on Friday, October 10. See 968-DC-00003477. Ms. Lewinsky further refers to the fact that the President is leaving for Latin America on Sunday. See T1 at 69. The Presidential Press Schedule shows that the President left for Latin American on Sunday October 12, 1997. See 968-DC-00003076.

These factors are consistent with a conversation on Monday, October 6, 1997.

Conversation # 10:

Thursday, October 16, 1997

Tape 2, Side A, third conversation on the tape.

Transcript pages: 2-38.

Ms. Tripp says tomorrow is the 17th. See T2 at 31. Also, on page 4, Ms. Lewinsky says the President is in Latin America and will be back on Sunday morning. The Presidential Press Schedule reveals the President returned from Latin America on October 19, 1997. See 968-DC-00003141.

These factors are consistent with a conversation on October 16, 1997.

Conversation # 11:

Thursday, October 16, 1997

Tape 13, Side A, first conversation on the tape.

Transcript pages: 2-30.

This conversation ends with Ms. Tripp telling Ms. Lewinsky, "I'll talk to you tomorrow." See T13 at 30. The next conversation on the tape begins with Ms. Tripp asking Ms. Lewinsky what Ms. Lewinsky is still doing in the office on a Friday night. See T13 at 30. These factors are consistent with a Thursday conversation.

The following factors place the conversation in a more general time frame. Ms. Lewinsky says the President will get a package she has sent him on Monday. See T13 at 17. The Presidential Press Schedule shows the President returned from his Latin America trip on Sunday, October 19, 1997. See 968-DC-00003141. Ms. Lewinsky also indicates the First Lady will be in New York on Monday and then go to Chicago "for some big birthday thing." See T13 at 17. The First Lady's schedule reveals that she was in New York on October 20, 1997, that her birthday was October 26, 1997, and that she went to Chicago on October 27, 1997. See 968-DC-00003477.

All of these factors are consistent with a conversation on Thursday, October 16, 1997.

Conversation # 12:

Friday, October 17, 1997

Tape 13, side A, second conversation on the tape.

Transcript pages: pages 30-38.

At the outset of this tape, Ms. Tripp asks Ms. Lewinsky why she is working late on a Friday night. See T13 at 31. October

17, 1997, was a Friday. Also, Ms. Lewinsky tells Ms. Tripp the First Lady's birthday is the next week. See T13 at 12. The First Lady's birthday is October 26. See 968-DC-00003477.

These factors are consistent with a conversation on Friday October 17, 1997.

Conversation # 13:

Saturday, October 18, 1997
Tape 3, side A, first conversation on the tape.
Transcript: pages 2-39.

In a question regarding the President, Ms. Tripp asks: "When does he get back? Tonight, tomorrow?" Ms. Lewinsky responds: "I think early tomorrow morning." See T3 at 12. The President's schedule reveals that he returned from Latin America on the morning of October 19. See 968-DC-00003141. Later, Ms. Lewinsky once again notes that the First Lady's birthday is the next weekend, and she recites the First Lady's travel schedule including a trip to New York, a trip to Chicago, and a trip to Ireland. The First Lady's travel schedule includes a trip to New York (October 20), her birthday (October 26), and a trip to Ireland (Starting October 30). See 968-DC-00003477.

These factors are consistent with a conversation on Saturday, October 18, 1997.

Conversation # 14:

Saturday, October 18, 1997
Tape 8, Side A, first conversation on tape.
Transcript pages 2-34.

Ms. Lewinsky says she called Andy Bleiler earlier in the day. See T8 at 8. Phone records reflect four calls from Ms. Lewinsky to Mr. Bleiler on October 18 (three were one minute each

and one was four minutes, the first at 7:33 p.m. and the last at 7:41 p.m.). See 810-DC-00000017. In addition, Ms. Lewinsky says she first told the President she wanted help finding a job on January 8, 1997-- ten months ago. This statement is consistent with this conversation's being in October.

These factors are consistent with a conversation on Saturday, October 18, 1997.

Conversation 15:

Sunday October 19, 1997

Tape 7, Side A, first conversation on the tape.

Transcript pages: 2-51.

Ms. Lewinsky mentions that the President returned from Latin America and could have gone to his office and seen her package. See T7 at 10. The Presidential travel schedule reveals the President returned from Latin America on the morning of Sunday, October 19. See 968-DC-00003141. Also, Ms. Lewinsky comments that a World Series game is on television. See T7 at 2. Game 2 of the 1997 World Series occurred on Sunday, October 19, 1997. See "The Schedule," The Daily News, October 19, 1997.

There are other indications that this call happened on a Sunday. First, Ms. Lewinsky suggests that the President can call her on a Sunday even if Mrs. Clinton is in the White House. See T7 at 10-11. Lewinsky also mentions that Ms. Currie usually does not come in on Sundays. See T7 at 14. Furthermore, Ms. Lewinsky refers to going to the Mall earlier that day. See T7 at 2-5. This assertion is consistent with a weekend conversation.

These factors are consistent with a conversation on Sunday,

October 19, 1997.

Conversation # 16:

Thursday, October 23, 1997

Tape 15, Side A, first conversation on tape.

Transcript pages: 2-30.

Ms. Lewinsky indicates that Ambassador Richardson called on Tuesday. See T15 at 15. Phone records reflect a call from Ambassador Richardson's line to Ms. Lewinsky on Tuesday, October 21. See 828-DC-00000004.

These factors are consistent with a conversation on Thursday, October 23, 1997.

Conversation # 17:

Thursday, October 23, 1997

Tape 15, Side A, second conversation on the tape.

Transcript pages: 30-73.

This is a continuation of the previous conversation. In the conversation that immediately precedes this conversation on the tape, Lewinsky is upset because she has not had enough contact with the President. During this previous conversation, Ms. Lewinsky says it is 8:15 and she promises to call Ms. Tripp as soon as the President calls her. See T15 at 27.

This conversation opens with Ms. Lewinsky describing the conversation she has just finished with the President. Ms. Lewinsky says it is 10:30. See T15 at 34. This timing and Ms. Lewinsky's comments are consistent with back-to-back phone calls. Also, Ms. Lewinsky says she told the President that Ambassador Richardson called her on Tuesday. See T15 at 31. Ambassador Richardson called Ms. Lewinsky on Tuesday, October 21, 1997. See 828-DC-00000004. Also, as a general matter, Ms. Lewinsky says it

is October. See T15 at 65.

These factors are consistent with a conversation on Thursday, October 23, 1997.

Conversation 18:

Wednesday, October 29, 1997

Tape 11, first conversation on tape.

Transcript pages: 2-57.

This Conversation Appears On A "Likely To Be Duplicate Tape."

Ms. Lewinsky says she spoke to Bayani Nelvis on the telephone that afternoon. T11 at 2. Telephone records reflect a conversation between Mr. Nelvis and Ms. Lewinsky on this day. See 1051-DC-00000003. Ms. Lewinsky also says she last spoke to the President a week ago. See T11 at 30. At this time, Ms. Lewinsky and the President last spoke six days before--on October 23. Finally, Ms. Lewinsky says she sent the President a present. On October 28, Ms. Lewinsky sent a package to the White House via Speed Service Couriers. See 837-DC-00000004.

These factors are consistent with a conversation on Wednesday, October 29, 1997.

Conversation # 19:

Monday, November 3, 1997

Tape 11, Side B, fifth conversation on the tape.

Transcript pages: 58-113.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky refers to a call from the U.N. regarding a job offer. See T11 at 60-63. Phone records show a call from the U.N. to Ms. Lewinsky at 11:02 a.m. See 828-DC-00000003. Ms.

Lewinsky further says she arranged with Ms. Currie to send a package to the White House by courier. See T11 at 84. A courier receipt reflects that Ms. Lewinsky sent a package to the White House on November 3, 1997. See 837-DC-00000006. Moreover, Ms. Lewinsky remarks that the First Lady is leaving on Sunday. The First Lady's travel schedule reveals that she left for London on Sunday, November 9, 1997.

These factors are consistent with a conversation on Monday, November 3, 1997.

Conversation # 20:

Saturday, November 8, 1997

Tape 16, side B, sixth conversation on tape.

Transcript pages: 60-103.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

An answering machine recording that immediately precedes this conversation identifies the date as November 8. See T16 at 60. In addition, Ms. Lewinsky tells Ms. Tripp the First Lady is leaving the next day. See T16 at 69. Mrs. Clinton left for London on Sunday, November 9, 1997. There are two additional indications that this conversation occurred on a Saturday. First, Ms. Lewinsky says that, when she asked Ms. Currie if she could see the President "tomorrow," Ms. Currie said the President would be attending church in the morning. See T16 at 68. Second, Ms. Lewinsky says that she was told by Ms. Currie that the President taped the Radio Address on the previous day. See T16 at 65. Furthermore, because Ms. Lewinsky tells Ms. Tripp how

she asked Ms. Currie for a Veterans Day meeting with the President, the conversation must have occurred before November 11. See T16 at 69.

These factors are consistent with a conversation on Monday, November 8, 1997.

Conversation # 21:

Tuesday, November 11, 1997

Tape 16, side B, ninth conversation on tape.

Transcript pages: 104-114.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Tripp says she has a message from Norma Asnes in which Ms. Asnes invites Ms. Tripp to a play at the Arena Theatre for the next night. See T16 at 104. That event was on November 12, 1997. Also, Ms. Lewinsky describes a conversation with Ms. Currie in which she asked about the President's schedule "tonight," then "tomorrow," then Thursday, and then Friday. See T16 at 107-08. This sequence places this conversation on a Tuesday. November 11, 1997, was a Tuesday.

These factors are consistent with a conversation on Tuesday, November 11, 1997.

Conversation # 22:

Tuesday, November 11, 1997

Tape 26, side A, first conversation on tape.

Transcript pages: 2-5.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Tripp asks Ms. Lewinsky whether she would like to attend the play with Ms. Tripp, Ms. Asnes, and others. As noted in the

description of conversation 21, this production occurred on November 12, 1997. Also, in the next conversation, which is clearly a continuation of this one, Ms. Tripp says it is the 11th. See T26 at 22.

These factors are consistent with a conversation on Tuesday, November 11, 1997.

Conversation # 23:

Tuesday, November 11, 1997

Tape 26, side A, second conversation on tape.

Transcript pages: 25-32.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Tripp says it is the 11th. See T26 at 22. This exchange is clearly a continuation of the conversation that immediately precedes it on the tape because the topic is the same, and Ms. Lewinsky hung up from the last conversation merely to get a telephone number from information. Ms. Lewinsky said she would call back immediately. See T26 at 5.

These factors are consistent with a conversation on Tuesday, November 11, 1997.

Conversation # 24:

Tuesday, November 11, 1997

Tape 26, side A, third conversation on tape.

Transcript pages: 32-55.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky says she wants to see the President because it is Veterans Day and he is all alone. See T26 at 35. Veterans Day is November 11. In addition, this conversation is a continuation

of the previous conversation (also dated November 11) which was interrupted by call waiting. Ms. Tripp says she just got off the phone with Ms. Asnes, whom Ms. Tripp was trying to reach. See T26 at 36.

These factors are consistent with a conversation on Tuesday, November 11, 1997.

Conversation # 25:

Thursday, November 13, 1997

Tape 16, side A, first conversation on tape.

Transcript pages: 2-9.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

In this brief conversation, Ms. Lewinsky says she was in the White House earlier in the evening while President Zedillo of Mexico was there. She says she saw the President for 60 seconds. President Zedillo dined at the White House on November 13. See Baltimore Sun (Nov. 14, 1997, at 17A. WAVES records confirm Ms. Lewinsky was at the White House on this date. See 827-DC-000018, V006-DC-000008, 137-DC-000318.

These factors are consistent with a conversation on Thursday, November 13, 1997.

Conversation # 26:

Friday, November 14, 1997

Tape 16, side A, second conversation on tape.

Transcript pages: 9-51.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

On T16, this conversation immediately follows the one in which Ms. Lewinsky describes her visit earlier in the day with

President Clinton while President Zedillo was in the White House. The previous discussion ends with Ms. Lewinsky and Ms. Tripp exchanging "good night" wishes. See T16 at 9. This conversation begins with Ms. Lewinsky commenting that the President is in Las Vegas. See T16 at 9. The President's travel schedule indicates he was in Las Vegas on November 14, 1997. See 968-DC-0003257. Also, Ms. Lewinsky says she is going to New York by train. See T16 at 11. On November 14, 1997, Ms. Lewinsky sent an e-mail which indicated her plans to travel to New York by train. See V06-DC-000359.

These factors are consistent with a conversation on Friday, November 14, 1997.

Conversation # 27:

Sunday, November 16, 1997

Tape 16, side A, third conversation on tape.

Transcript pages: 52-60.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

This very brief conversation, which is the last one on T16, immediately follows a Friday, November 14, 1997, conversation. This conversation is also cut off in the middle. The first conversation on T9 is also from Sunday night, November 16, 1997. Ms. Tripp told the Office of the Independent Counsel she would record until a tape ran out and then replace it with another tape. Ms. Tripp also told the Office of the Independent Counsel that when a tape was filled up, she would not put it in the recorder again.

Ms. Lewinsky left for New York City early in the morning on November 15, 1997. Ms. Lewinsky returned the night of the 16th. In this conversation, she describes her trip. Sunday night would have been the first time she could have made such a call. Moreover, T9 contains additional discussion of the weekend in New York City, and it was also recorded on Sunday night. For all of these reasons, it is likely that Ms. Tripp began this recording of Ms. Lewinsky on Sunday night and the tape ran out. Ms. Tripp then apparently inserted T9 into the recorder and captured the remaining discussion.

These factors are consistent with a conversation on Monday, November 16, 1997.

Conversation # 28:

Sunday, November 16, 1997

Tape 9, side A, first conversation on tape.

Transcript pages: 2-33.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky says that she arrived in New York City "yesterday." See T9 at 3. Ms. Lewinsky was in New York City on November 15 and 16. These facts would place this conversation on Sunday night, November 16, 1997. In addition, Ms. Lewinsky describes a chance encounter with Ambassador Richardson in a restaurant in New York the day before. During this meeting, Ambassador Richardson commented on Ms. Lewinsky's pending job offer. See Richardson 4/30/98 Depo. at 115 (recalling encounter with Ms. Lewinsky on his birthday, November 15).

More generally, Ms. Lewinsky says she tried to buy Ms. Tripp a birthday present at a flea market in New York City over the weekend. See T9 at 8. Ms. Tripp's birthday is November 24. Since Ambassador Richardson offered Ms. Lewinsky a job at the UN on November 3, 1997, this conversation would have to be between these two dates. Of the three intervening weekends, Ms. Lewinsky was in New York City only once: on November 15 and 16.

These factors are consistent with a conversation on Sunday, November 16, 1997.

Conversation # 29:

Monday, November 17, 1997

Tape 9, side A, second conversation on tape.

Transcript pages: 33-51.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky mentions it is November. See T9 at 41. Furthermore, Ms. Lewinsky says she spotted an attractive man in New York the day before. See T9 at 43. During November 1997, Ms. Lewinsky was only in New York City on November 15 and 16. In addition, this conversation immediately follows a conversation from Sunday, November 16, 1997, on tape T9. The previous conversation ended with Ms. Tripp and Ms. Lewinsky saying good night. In the next conversation on T9, Ms. Lewinsky says it is Tuesday.

These factors are consistent with a conversation on Monday, November 17, 1997.

Conversation # 30:*Tuesday, November 18, 1997**Tape 9, side B, third conversation on tape.**Transcript pages: 51-79.***This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky says it is Tuesday. See T9 at 60. In addition, the conversation that immediately precedes this one on T9 is November 17, 1997, the Monday Ms. Lewinsky returned from New York City. Also, Ms. Lewinsky says she spoke with the President a week ago. See T9 at 60. According to an e-mail Ms. Lewinsky sent to a friend, she spoke to the President on November 12, 1997, six days earlier. See 1037-DC-0000318.

These factors are consistent with a conversation on Tuesday, November 18, 1997.

Conversation # 31:*Thursday, November 20, 1997**Tape 9, side B, fourth conversation on tape.**Transcript pages: 79-100.***This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky says her 60 second meeting with the President was one week before. See T9 at 84. Ms. Lewinsky visited with the President for 60 seconds on November 13, 1997, when President Zedillo of Mexico was at the White House. In addition, Ms. Lewinsky describes a conversation with Ms. Currie in which Ms. Lewinsky says the First Lady is leaving tomorrow. T9 at 80. The First Lady's travel schedule shows she left for Los Angeles on November 21, 1997. See 968-DC-00003478.

These factors are consistent with a conversation on Thursday, November 20, 1997.

Conversation # 32:

Thursday, November 20, 1997

Tape 5, side A, first conversation on tape.

Transcript pages: 2-16.

Conversation # 33:

Thursday, November 20, 1997

Tape 5, side A, third conversation on tape.

Transcript pages: 17-41.

Conversation # 34:

Thursday, November 20, 1997

Tape 5, side A, fourth conversation on tape.

Transcript pages: 41-47.

**These 3 Conversations Appear On A Tape
That Exhibits Signs of Duplication.**

Conversations 32-34 (treated together here) concern an audio tape that Ms. Lewinsky is making for the President. In the first two conversations, Ms. Lewinsky plays portions of the tape for Ms. Tripp and asks for advice preparing it. In conversation 34, Ms. Lewinsky calls Ms. Tripp to thank her for her help. Consistent with Ms. Lewinsky's sending the tape the next morning, courier receipts show Ms. Lewinsky ordered a courier delivery from the Pentagon to the White House at 8:18 a.m. on November 21. See 837-DC-00000014.

Also, Ms. Lewinsky says that Ms. Currie told her the President will leave too early on Saturday to allow a 15-minute visit by Ms. Lewinsky. See T5 at 5. According to the Presidential schedule, the President left for Vancouver on

November 22. Baggage check-in occurred at 6:00 a.m. at Andrews Air Force Base, and Air Force One press pool check-in occurred at 8:30. 968-DC-00003301. This schedule is consistent with an early wake-up at the White House.

These factors are consistent with a conversation on Thursday, November 20, 1997.

Conversation # 35:

Friday, November 21, 1997

Tape 5, side A, fifth conversation on tape.

Transcript pages: 47-52.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

This conversation immediately follows a conversation from November 20, 1997, on the tape. Ms. Lewinsky ended the last conversation by saying, "I'll see you tomorrow." See T5 at 47. This conversation is clearly the next day because Ms. Lewinsky describes several phone calls she had with Ms. Currie during the day, including calls after an interview the President was taping at 6:15 p.m. See T5 at 51.

These factors are consistent with a conversation on Monday, November 21, 1997.

Conversation # 36:

Friday, November 21, 1997

Tape 5, side A, sixth conversation on tape.

Transcript pages: 53-55.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

At the end of the conversation that immediately precedes this conversation on T5, Ms. Tripp instructs Ms. Lewinsky to call

Ms. Currie and Ms. Currie her to remain at work until the President leaves. See T5 at 52. At the beginning of this conversation Ms. Lewinsky reports the results of the call. T5 at 53. These exchanges indicate this conversation was shortly after conversation 33. In addition, Ms. Currie told Ms. Lewinsky she was waiting for the President to leave the office and return to the residence. See T5 at 53. Since the President left for Denver, Seattle, and Vancouver early in the morning on November 22, see 968-DC-00003301, this conversation most likely occurred on November 21, 1997.

These factors are consistent with a conversation on Monday, November 21, 1997.

Conversation # 37:

Friday, November 21, 1997

Tape 5, side A, seventh conversation on tape.

Transcript pages: 55-59.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

This conversation is another report from Ms. Lewinsky regarding whether Ms. Currie gave Ms. Lewinsky's cassette tape to the President. Besides the context of the tapes, in the conversation that immediately follows this one, Ms. Tripp says it is the 21st. See T5 at 69.

These factors are consistent with a conversation on Monday, November 21, 1997.

Conversation # 38:*Friday, November 21, 1997**Tape 5, side A, eighth conversation on tape.**Transcript pages: 59-91.***This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Tripp says it is the 21st during this conversation. See T5 at 69. Also, Lewinsky says that Monday is the 24th. See T5 at 81. November 21, 1997, was a Friday, so November 24, 1997, was a Monday. Moreover, this conversation is clearly a continuation of the earlier conversations in the evening because Ms. Lewinsky gives another report regarding Ms. Currie and the cassette tape Ms. Lewinsky sent to the President.

These factors are consistent with a conversation on Monday, November 21, 1997.

Conversation # 39:*Tuesday, December 9, 1997**Tape 23, side A, first conversation on tape.**Transcript pages: 2-6.***This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky says she delivered something to the White House on "Monday," which was "yesterday morning." See T5 at 4-5. This statement is consistent with a courier receipt which shows a delivery from Ms. Lewinsky at the Pentagon to the White House on December 8, 1997. See 837-DC-00000017. In addition, Ms. Lewinsky says she is having lunch with Vernon Jordan on Thursday. See T23 at 2. The visitor log at Mr. Jordan's law firm and his calendar reveal that Ms. Lewinsky met with Mr. Jordan on

Thursday, December 11, 1997. See V004-DC-00000171. (Akin and Gump visitor/contact log); V004-DC-00000148. (Vernon Jordan's calendar).

These factors are consistent with a conversation on Monday, December 9, 1997.

Conversation # 40:

Tuesday, December 9, 1997

Tape 23, side A, second conversation on tape.

Transcript pages: 6-56.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Tripp says it is "Tuesday afternoon." See T23 at 19. December 9, 1997, was a Tuesday. Ms. Tripp also says, "I can't believe you got in there Saturday." See T23 at 44. Epass records reveal Ms. Lewinsky saw the President at the White House on Saturday, December 6, 1997. See 827-DC-00000018. Ms. Tripp further mentions that Ms. Lewinsky will be seeing Mr. Jordan on Thursday. The visitor log at Mr. Jordan's law firm and his calendar reveal that Ms. Lewinsky met with Mr. Jordan on Thursday December 11, 1997. See V004-DC-00000171. (Akin and Gump visitor/contact log); V004-DC-00000148. (Vernon Jordan's calendar).

Moreover, Ms. Tripp mentions Ms. Lewinsky had an item sent to the White House by courier on Monday morning. See T23 at 19. A courier receipt reveals a delivery from Ms. Lewinsky at the Pentagon to the White House on Monday, December 8, 1997. See 837-DC-17, 20.

These factors are consistent with a conversation on Monday, December 9, 1997.

Conversation # 41:

Friday, December 12, 1997

Tape 23, side A, fifth conversation on tape.

Transcript pages: 57-68.

Conversation # 42:

Friday, December 12, 1997

Tape 23, side B, sixth conversation on tape.

Transcript pages: 68-127.

Conversation # 43:

Friday, December 12, 1997

Tape 23, side B, eighth conversation on tape.

Transcript pages: 127-131.

**These Conversations Appear On A Tape
That Exhibits Signs of Duplication.**

These three segments on tape 23 were likely two different conversations held on the same night. Because they concern the same subject matter (Ms. Tripp's meeting with her attorney regarding the subpoena she received in the Jones case); and because they wrap around two sides of the same cassette tape (conversation 39 ends side A and conversation 40 begins side B of tape 23) conversation 39 and conversation 40 are most likely the same discussion interrupted by side A of the tape's running out.

Conversation 41 is most likely a new conversation on the same night. In conversation 41, Ms. Lewinsky reads a letter she composed to the President. The letter concerns suggestions on how to settle the Jones case. See T23 at 129. Ms. Tripp and Ms. Lewinsky discussed this issue in conversation 40. See T23 at 88.

In addition, conversation 40 ends with Ms. Tripp saying she will speak to her attorney in the morning and then call Ms. Lewinsky. See T23 at 126. At the outset of conversation 41, Ms. Tripp says, "I cannot believe someone who I thought was already in bed is at the computer." This statement is consistent with a later call on the same night.

Given these circumstances, the date for all three conversations comes from conversation 40. In conversation 40, Ms. Tripp describes how she watched a movie called "A Home of Our Own" on this evening. The Family Channel broadcast this movie on December 12, 1997 at 8:00 p.m. During her debriefings, Ms. Tripp confirmed she watched the movie on the night it was broadcast on the Family channel.

These factors are consistent with a conversation on Monday, December 12, 1997.

Conversation # 44:

Monday, December 22, 1997

Tape 6, side A, second conversation on tape.

Transcript pages: 2-24.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Ms. Lewinsky received her subpoena on December 19, 1997. See 902-DC-00000135-138. In this conversation, Ms. Tripp refers to the subpoena and the fact that it calls for a hat pin. See T6 at 3. For this reason, the conversation has to be after the 19th. Ms. Lewinsky also says she had a short meeting with Mr. Jordan on this day. Mr. Jordan's calendar reveals he met with

Ms. Lewinsky on December 22, 1997. This is the day Mr. Jordan brought Ms. Lewinsky to see Frank Carter. See V004-DC-0000072, 1034-DC-00000103. Vernon Jordan also met with Ms. Lewinsky on December 19, 1997, but that meeting was for 45 minutes. See V004-DC-00000172.

These factors are consistent with a conversation on Monday, December 22, 1997.

Conversation # 45:

Monday, December 22, 1997

Tape 6, side A, fourth conversation on tape.

Transcript pages: 24-32.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

This brief conversation is a continuation of conversation 42. At the end of conversation 42, Ms. Tripp told Ms. Lewinsky to speak with her mother about their plan to avoid the subpoena. See T6 at 23. At the beginning of this conversation, Ms. Lewinsky says her mother thinks the plan is brilliant. See T6 at 24.

These factors are consistent with a conversation on Monday, December 22, 1997.

Conversation # 46:

Monday, December 22, 1997

Tape 6, side B, fifth conversation on tape.

Transcript pages: 33-68.

**This Conversation Appears On A Tape
That Exhibits Signs of Duplication.**

Conversation 43 is brief because the first side of the tape runs out. This conversation, which is the first conversation on

side B, is clearly a continuation of the same conversation. Ms. Tripp and Ms. Lewinsky were speaking about Ms. Currie at the end of conversation 43. See T6 at 32. This conversation begins with a continuation of the same conversation about Ms. Currie. See T6 at 33.

These factors are consistent with a conversation on Monday, December 22, 1997.

Conversation # 47:

Thursday, January 15, 1998
Tape 22, side A, first conversation on tape.
Transcript pages: 2-55.

Conversation # 48:

Thursday, January 15, 1998
Tape 22, side A, second conversation on tape.
Transcript pages: 55-76.

Both of the conversations on this tape were made under the supervision of the Office of the Independent Counsel. For this reason, the OIC knows the date of the conversations independently from the contents of the tapes.