

Tab 16

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 1/23/98

On January 16, 1998, SSA [REDACTED] and SA [REDACTED] approached MONICA LEWINSKY in the food court area of the Pentagon City, Mall Arlington, Virginia. SSA [REDACTED] immediately identified himself and SA [REDACTED] as agents of the Federal Bureau of Investigation (FBI), detailed to the Office of the Independent Counsel (OIC) for "Whitewater" and requested her presence in a room of the Ritz Carlton Hotel to discuss her status as a person suspected of committing a federal crime. LEWINSKY was advised OIC attorneys were waiting in the room, and that the agents and the attorneys wished to discuss her culpability in criminal activity related to the PAULA JONES civil lawsuit. LEWINSKY was advised she was not under arrest and the agents would not force her to accompany them to the hotel room. LEWINSKY told SSA [REDACTED] he could speak to her attorney. SSA [REDACTED] advised the offer to discuss her legal status was not being offered to her attorney, but to LEWINSKY alone. SSA [REDACTED] explained to LEWINSKY she was being offered an opportunity to meet with the OIC attorneys and agents and hear them explain why they felt she was in trouble without being required to make any statement. SSA [REDACTED] further explained LEWINSKY would then have an opportunity to ask clarifying questions of the attorneys and be better informed as to whether she wanted legal counsel before making any statements, or whether she thought it better to cooperate with the OIC. LEWINSKY voluntarily accompanied the agents to room number 1012 of the Ritz Carlton hotel, under the conditions set forth above.

Also present in room 1016, the adjoining room, were Associate Independent Counsel (AIC) BRUCE UDOLF, AIC MICHAEL EMMICK, AIC STEVEN D. BINHAK, Deputy Independent Counsel JACKIE M. BENNETT, JR., AIC STEPHEN BATES and Contract Investigator COY A. COPELAND, all members of the Office of the Independent Counsel staff. At various times during the day, OIC attorneys entered and departed room 1012. Their movement is not recorded herein. The chronology of the meeting, with all times approximate, is as follows:

1:05 p.m. LEWINSKY arrived in Room 1012. AIC EMMICK entered Room 1012 and began talking to LEWINSKY.

1:10 p.m. LEWINSKY given bottled water.

Investigation on 1/16/98 at Pentagon City, VA File # 29D-OIC-LR-35063
 by SA [REDACTED] SSA [REDACTED] Date dictated 1/23/98

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1:33 p.m. SSA [REDACTED] began reading LEWINSKY her rights as found on the form FD-395, "Interrogation; Advice of Rights." SSA [REDACTED] was unable to finish reading the FD-395.

1:40 p.m. LEWINSKY was offered a towel.

1:47 p.m. LEWINSKY was offered water.

2:02 p.m. The air conditioning in room 1012 was turned on at LEWINSKY's request.

2:13 p.m. LEWINSKY was offered water. LEWINSKY said, "if I don't cooperate, I can talk to whomever I want".

2:15 p.m. SA [REDACTED] arrived in room 1012.

2:29 p.m. LEWINSKY stated, "if I leave now, you will charge me now."

2:30 p.m. LEWINSKY said, "I don't know much about the law."

2:33 p.m. LEWINSKY asked and was allowed to go to the restroom.

2:36 p.m. LEWINSKY requested and was given her second bottle of water. LEWINSKY said she is not diabetic and no medication was necessary.

2:50 p.m. LEWINSKY suggested she take a taxi to her attorney's office. LEWINSKY advised she understands our risks.

3:10 p.m. LEWINSKY asked if she could be escorted to New York to see her mother, MARCIA LEWIS.

3:20 p.m. LEWINSKY called her mother, MARCIA LEWIS, in New York.

3:36 p.m. LEWINSKY requested and was allowed to go to the restroom.

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- 3:45 p.m. LEWINSKY departed room 1012 unescorted.
- 3:54 p.m. LEWINSKY called room 1012 and advised that she was in the lobby, using a pay phone. LEWINSKY advised she changed phones she was using because some people came too close to the phone she had been using. LEWINSKY advised she called to let the Agents know, in case she was being watched.
- 4:08 p.m. LEWINSKY voluntarily returned to room 1012. LEWINSKY offered and accepted coffee.
- 4:12 p.m. LEWINSKY called MARCIA LEWIS. LEWIS requested to speak with an OIC attorney. AIC EMMICK and SA ██████ got on the phone and identified themselves to LEWIS. LEWIS advised she would travel to Washington, DC via AMTRAK Metroliner.
- 4:20 p.m. LEWINSKY left room 1012 with AIC BINHAK and SA ██████ to use a pay phone in the lobby of the Ritz Carlton Hotel.
- 4:31 p.m. LEWINSKY, AIC BINHAK and SA ██████ returned to room 1012.
- 5:00 p.m. LEWINSKY called her answering machine to retrieve messages.
- 5:21 p.m. LEWINSKY requested and received aspirin.
- 5:40 p.m. LEWINSKY, AIC EMMICK and SA ██████ departed room 1012, en route to the Pentagon City Mall. LEWINSKY, AIC EMMICK and SA ██████ walked in the mall.
- 6:03 p.m. LEWINSKY requested and was permitted to visit the restroom on the third level of the MACY's department store in the mall.
- 6:30 p.m. LEWINSKY, AIC EMMICK and SA ██████ dined at MOZZARELLA'S American Grill, within the Pentagon City Mall. LEWINSKY paid for her portion of the dinner.

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- 7:35 p.m. LEWINSKY, AIC EMMICK and SA [REDACTED] returned to room 1012.
- 8:00 p.m. LEWINSKY payed \$2 to SA [REDACTED] for the cost of her coffee.
- 8:19 p.m. MARCIA LEWIS telephoned room 1012, and advised she was on the "163 Northeast Direct", and was experiencing travel delays.
- 9:05 p.m. LEWINSKY, SSA [REDACTED], and SA [REDACTED] departed room 1012 and LEWINSKY withdrew money from the automatic teller machine on the first floor at the Pentagon City Mall.
- 9:30 p.m. Coffee was ordered and brought to room 1012 by room service.
- 10:16 p.m. MARCIA LEWIS arrived and all members of the OIC staff left LEWIS and LEWINSKY alone.
- 10:20 p.m. A meeting was held in room 1018 between LEWIS, AIC EMMICK, SSA [REDACTED] and SA [REDACTED].

LEWIS advised that this was an emotional experience for LEWINSKY. LEWIS advised LEWINSKY was younger than her chronological age. LEWIS asked if tapes were admissible in court. LEWIS advised she wanted to protect LEWINSKY. LEWIS asked how she would know LEWINSKY would not be charged if she cooperated. LEWIS asked about LEWINSKY's safety if LEWINSKY cooperated. LEWIS advised that LEWINSKY talked about suicide six years ago. After LEWINSKY's parents divorced, LEWINSKY saw a therapist, but she is not currently seeing one. LEWIS advised she alone could not take responsibility for convincing LEWINSKY to cooperate with the OIC.

- 11:02 p.m. LEWIS requested and was permitted a trip to the restroom.
- 11:06 p.m. LEWIS telephonically contacted BERNARD LEWINSKY, her ex-husband, at [REDACTED]
- 11:20 p.m. BERNARD LEWINSKY telephoned room 1018.

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- 11:22 p.m. AIC EMMICK talked to BERNARD LEWINSKY. Cooperation, an interview, telephone calls, body wires and testimony were mentioned. AIC EMMICK advised BERNARD LEWINSKY that MONICA LEWINSKY was free to leave anytime she wished.
- 11:30 p.m. MONICA LEWINSKY entered room 1018.
- 11:32 p.m. MARCIA LEWIS got back on the phone with BERNARD LEWINSKY. BERNARD LEWINSKY advised he would go to a pay phone and would call back.
- 11:35 p.m. BERNARD LEWINSKY telephoned room 1014. BERNARD LEWINSKY advised AIC EMMICK that MONICA LEWINSKY was represented by counsel.
- 11:36 p.m. MONICA LEWINSKY talked to BERNARD LEWINSKY on the telephone.
- 11:37 p.m. AIC EMMICK spoke with BERNARD LEWINSKY. AIC EMMICK asked MONICA LEWINSKY if she had an attorney and LEWINSKY advised it was GINSBURG.
- AIC EMMICK advised MONICA LEWINSKY she did not have to accept an attorney she did not select.

MONICA LEWINSKY asked if there was still a chance she would go to jail if she cooperated. MONICA LEWINSKY suggested she may have not told the truth in previous conversations. MONICA LEWINSKY asked, "what if I partially cooperate?"

MARCIA LEWIS asked what would happen if MONICA LEWINSKY gave everything but did not tape anything. MONICA LEWINSKY asked if the PAULA JONES case went away would "this" go away and was advised by AIC EMMICK "no."

MONICA LEWINSKY asked how the OIC would resolve the chance that MONICA LEWINSKY said something to LINDA TRIP that was not true.

MARCIA LEWIS advised that she appreciated the OIC

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members waiting until she arrived to proceed. MONICA LEWINSKY advised she appreciated having her mother present.

- 11:55 p.m. BILL GINSBURG telephoned room 1018 and spoke to AIC EMMICK, who advised GINSBURG he was uncomfortable with the relationship between GINSBURG and MONICA LEWINSKY. MONICA LEWINSKY advised she was not 100% sure it was the right thing to do because GINSBURG was a medical lawyer.
- 11:59 p.m. MONICA LEWINSKY advised she was represented by GINSBURG.
- 12:08 a.m. GINSBURG was advised by AIC EMMICK that MONICA LEWINSKY always had the right to leave at any time.
- 12:17 a.m. MONICA LEWINSKY spoke with GINSBURG, outside the presence of the OIC staff.
- 12:23 a.m. AIC EMMICK ended the phone call with GINSBURG and advised MONICA LEWINSKY and MARCIA LEWIS they were free to leave.
- 12:30 a.m. MARCIA LEWIS and MONICA LEWINSKY thanked the Agents and the staff of the OIC for being so kind and considerate.
- 12:45 a.m. SA [REDACTED] and SA [REDACTED] escorted MARCIA LEWIS and MONICA LEWINSKY to LEWINSKY's vehicle, which was parked in the parking garage adjacent to the Pentagon City Mall.