

Tab 17

- 1 -

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 5/29/98

On May 28, 1998, at approximately 8:30 a.m., MONICA S. LEWINSKY (hereinafter referred to as LEWINSKY) arrived at the Federal Building, 11000 Wilshire Boulevard, Los Angeles, California, for purposes of providing her fingerprints and handwriting exemplars to the Federal Bureau of Investigation, as agreed upon by Deputy Independent Counsel (DIC) ROBERT BITTMAN of the Office of the Independent Counsel (OIC) and WILLIAM GINSBURG, LEWINSKY's attorney. Present were GINSBURG, TODD C. THEODORA, an associate with the law firm of GINSBURG, STEPHAN, ORINGER & RICHMAN, representing LEWINSKY, BERNARD LEWINSKY, MONICA LEWINSKY's father, Associate Independent Counsel (AIC) EDWARD J. PAGE and writer.

LEWINSKY and her party were escorted from their car to the Federal Building in Los Angeles by Special Agents of the Los Angeles office of the FBI and by officers of the Federal Protective Service.

After being processed for fingerprints by the FBI's [REDACTED], LEWINSKY and her party were accompanied to the 17th floor office of Los Angeles FBI [REDACTED] for the purpose of LEWINSKY providing handwriting exemplars.

The pens used for this examination were as follows: one Bic, round stic, medium, black ink pen; one paper mate pen with black ink; and one paper mate, gel writer, with black ink. At various times during the examination, LEWINSKY was asked to use one of the three different pens. LEWINSKY's attorneys interrupted the examination on numerous occasions so LEWINSKY could consult privately with her attorneys.

MONICA LEWINSKY was first asked to write the alphabet in its entirety, with three different pens, on an 8 1/2" x 11" sheet of paper (unless specified otherwise, each sheet of paper used was 8 1/2" x 11") attached to a pad. On the same sheet of paper, LEWINSKY was asked to write the number one thru ten, three times, using a different pen each time.

LEWINSKY was then asked to perform the same task, this time using a sheet of paper resting only on the desk where she

Investigation on 05/28/98 at Los Angeles, CA File # 29D-OIC-LR-35063

by SA [REDACTED] Date dictated 5/29/98

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29D-OIC-LR-35063

Continuation of OIC-302 of Fingerprint and Handwriting Exemplars of Lewinsky . On 05/28/98 . Page 2

was sitting.

LEWINSKY was then asked to print her name three times on a sheet of paper attached to a pad, each time using a different pen. LEWINSKY was then asked to sign her name on a sheet of paper attached to a pad, each time using a different pen. LEWINSKY was then asked to perform the same task, with the sheet of paper used resting directly on the desk.

LEWINSKY was then asked to sign her name to a photocopy of a blank check. At that time, GINSBURG objected and advised his client not to sign the form. GINSBURG advised that the OIC would need to get a Court Order before his client would sign anything that resembled a check. GINSBURG advised that he had no idea what the OIC had in the way of evidence and he was not going to create an exhibit. GINSBURG asked if he could use the telephone to call his co-counsel. GINSBURG advised he would use his AT&T card when calling. GINSBURG was permitted to use the telephone in [REDACTED] office.

After much discussion and delay, the meeting resumed and GINSBURG was asked if a compromise could be worked out where LEWINSKY would sign the documents and GINSBURG, THEODORA and SA [REDACTED] would initial the front so as to limit any question about the source of the document.

At this time, LEWINSKY asked GINSBURG to have BERNARD LEWINSKY leave because if he stayed, "[the OIC] would subpoena him." Several minutes later, BERNARD LEWINSKY departed, citing the need to see patients.

The meeting resumed several minutes later. GINSBURG replied that he had just received a letter from Deputy Independent Counsel (DIC) ROBERT BITTMAN wherein BITTMAN advised that LEWINSKY had no immunity and anything she did or said could be used against her. GINSBURG advised by allowing his client to write the checks, he would be allowing the OIC to violate her 5th Amendment rights. In addition, BITTMAN's letter stated that SA [REDACTED] and AIC PAGE had no authority to work out any compromise on behalf of the OIC. GINSBURG continued that in fact, BITTMAN had no authority to work out any deals on behalf of the OIC and the only person who did so would be KEN STARR.

GINSBURG advised he would accept only compromises signed by STARR and GINSBURG would accept them as long as. GINSBURG was permitted to get handwriting exemplars from STARR. GINSBURG continued that the only compromise he would accept would

29D-OIC-LR-35063

Continuation of OIC-302 of Fingerprint and Handwriting Exemplars of Lewinsky . On 05/28/98 . Page 3

be from STARR and the OIC should send STARR to Los Angeles to work out the compromise. While refusing to explain his reasoning, GINSBURG paused and explained to AIC PAGE that none of this was personal and, in fact, PAGE and GINSBURG could go out and have a few beers together. However, GINSBURG continued, BITTMAN had drawn a "razor-fine line" in his letter and GINSBURG was going to draw a similarly fine line in representing his client.

AIC PAGE asked GINSBURG if he would permit LEWINSKY to sign checks if PAGE showed GINSBURG a case which held that the request by the OIC was permitted to obtain the exemplars in this manner on the blank check forms. GINSBURG advised he would. PAGE showed GINSBURG such a case, but GINSBURG refused to permit LEWINSKY to fill out the checks.

AIC PAGE asked GINSBURG if GINSBURG understood that the OIC could use LEWINSKY's refusal to provide the requested handwriting exemplars against her at a trial or a proceeding. GINSBURG stated he was aware of that fact.

At approximately 9:30 a.m., GINSBURG was asked if LEWINSKY had consumed any medication during the morning. GINSBURG replied that, to his knowledge, LEWINSKY had not. Upon hearing this, LEWINSKY indicated to GINSBURG that she needed to speak with him, and PAGE and [REDACTED] departed the room. After a break, GINSBURG advised that LEWINSKY had taken "no narcotic, benzodiazepine, or other medication which in [GINSBURG]'s opinion would affect [LEWINSKY]'s coordination or alertness." GINSBURG refused to advise what medication LEWINSKY had taken.

The handwriting examination continued until approximately 10:06 a.m., when LEWINSKY took a break to visit the restroom.

The examination resumed approximately fifteen minutes later. LEWINSKY was asked to write various words and phrases. After LEWINSKY was asked to write "I have only read excerpts from Leaves of Grass before," GINSBURG requested SA [REDACTED] and AIC PAGE to leave the room. Upon resuming the examination, GINSBURG advised that there were several exemplars which appeared to be from the same letter, so GINSBURG would permit no more exemplars from that letter.

LEWINSKY was then asked to write "The Pres., through Ms. Currie." GINSBURG objected and advised that the "proffer was off limits." LEWINSKY was asked to write certain words and

29D-OIC-LR-35063

Continuation of OIC-302 of Fingerprint and Handwriting Exemplars of Lewinsky . On 05/28/98 . Page 4

phrases and to sign her name on 5" x 7" note paper. Some of the samples taken were done so with the paper attached to the pad and some were taken with the paper resting directly on the desk.

The examination continued and GINSBURG agreed, although he objected earlier, to allow LEWINSKY to sign her name to strips of paper that, though not photocopies of or the same size as checks, more closely resembled a check than an 8 1/2" by 11" piece of paper. GINSBURG would not permit LEWINSKY to write amounts or dates on the pages that were close in size to a check.

At approximately 11:00 a.m., the examination ended, at which time GINSBURG was served grand jury subpoena number D-1319 for LEWINSKY's appearance on June 4, 1998 in Washington, DC to provide handwriting exemplars. GINSBURG advised he thought that a handwriting examination was just completed. GINSBURG was advised that all requested exemplars were not provided, therefore, LEWINSKY would have to come to Washington, DC to do so.

GINSBURG, LEWINSKY and THEODORA were escorted to their car by Special Agents of the FBI's Los Angeles Office and officers of the Federal Protective Service.