

## **Tab 5**



**Office of the Independent Counsel**

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**AGREEMENT**

This is an agreement ("Agreement") between Monica S. Lewinsky and the United States, represented by the Office of the Independent Counsel ("OIC"). The terms of the Agreement are as follows:

1. Ms. Lewinsky agrees to cooperate fully with the OIC, including special agents of the Federal Bureau of Investigation ("FBI") and any other law enforcement agencies that the OIC may require. This cooperation will include the following:

A. Ms. Lewinsky will provide truthful, complete and accurate information to the OIC. She will provide, upon request, any documents, records, or other tangible evidence within her custody or control relating to the matters within the OIC's jurisdiction. She will assist the OIC in gaining access to such materials that are not within her custody and control, and she will assist in locating and gaining the cooperation of other individuals who possess relevant information. Ms. Lewinsky will not attempt to protect any person or entity through false information or omission, and she will not attempt falsely to implicate any person or entity.

B. Ms. Lewinsky will testify truthfully before grand juries in this district and elsewhere, at any trials in this district and elsewhere, and in any other executive, military, judicial or congressional proceedings. Pending a final resolution of this matter, neither Ms. Lewinsky nor her agents will make any statements about this matter to witnesses, subjects, or targets of the OIC's investigation, or their agents, or to representatives of the news media, without first obtaining the OIC's approval.

C. Ms. Lewinsky will be fully debriefed concerning her knowledge of and participation in any activities within the OIC's jurisdiction. This debriefing will be conducted by the OIC, including attorneys, law enforcement agents, and representatives of any other institutions as the OIC may require. Ms. Lewinsky will make herself available for any interviews upon reasonable request.

D. Ms. Lewinsky acknowledges that she has orally proffered information to the OIC on July 27, 1998, pursuant to a proffer agreement. Ms. Lewinsky further

represents that the statements she made during that proffer session were truthful and accurate to the best of her knowledge. She agrees that during her cooperation, she will truthfully elaborate with respect to these and other subjects.

E. Ms. Lewinsky agrees that, upon the OIC's request, she will waive any evidentiary privileges she may have, except for the attorney-client privilege.

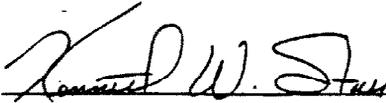
2. If Ms. Lewinsky fully complies with the terms and understandings set forth in this Agreement, the OIC: 1) will not prosecute her for any crimes committed prior to the date of this Agreement arising out of the investigations within the jurisdiction of the OIC; 2) will grant her derivative use immunity within the meaning and subject to the limitations of 18 United States Code, Section 6002, and will not use, in any criminal prosecution against Ms. Lewinsky, testimony or other information provided by her during the course of her debriefing, testimony, or other cooperation pursuant to this agreement, or any information derived directly or indirectly from such debriefing, testimony, information, or other cooperation; and 3) will not prosecute her mother, Marsha Lewis, or her father, Bernard Lewinsky, for any offenses which may have been committed by them prior to this Agreement arising out of the facts summarized above, provided that Ms. Lewis and Mr. Lewinsky cooperate with the OIC's investigation and provide complete and truthful information regarding those facts.

3. If the OIC determines that Ms. Lewinsky has intentionally given false, incomplete, or misleading information or testimony, or has otherwise violated any provision of this Agreement, the OIC may move the United States District Court for the District of Columbia which supervised the grand jury investigating this matter for a finding that Ms. Lewinsky has breached this Agreement, and, upon such a finding by the Court, Ms. Lewinsky shall be subject to prosecution for any federal criminal violation of which the OIC has knowledge, including but not limited to perjury, obstruction of justice, and making false statements to government agencies. In such a prosecution, the OIC may use information provided by Ms. Lewinsky during the course of her cooperation, and such information, including her statements, will be admissible against her in any grand jury, court, or other official proceedings.

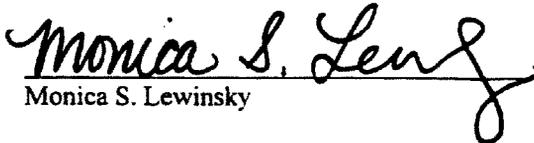
4. Pending a final resolution of this matter, the OIC will not make any statements about this Agreement to representatives of the news media.

5. This is the entire agreement between the parties. There are no other agreements, promises or inducements.

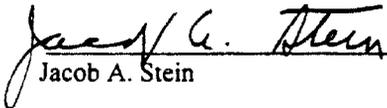
If the foregoing terms are acceptable, please sign, and have your client sign, in the spaces indicated below.

Date: July 28, 1998   
KENNETH W. STARR  
Independent Counsel

I have read this entire Agreement and I have discussed it with my attorneys. I freely and voluntarily enter into this Agreement. I understand that if I violate any provisions of this Agreement, the Agreement will be null and void, and I will be subject to federal prosecution as outlined in the Agreement.

Date: July 28, 1998   
Monica S. Lewinsky

Counsel for Ms. Lewinsky:

  
Jacob A. Stein

  
Plato Cacharis

