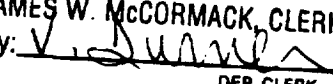


FEB 10 1998

JAMES W. McCORMACK, CLERK
By: 
DEP. CLERK

CLERK'S MINUTES

AULA CORBIN JONES
Repr: Wes Holmes

JUDGE: Susan W Wright
REPORTER: Lois Lambert
CLERK: Sandy Carpenter
DATE: February 6, 1998

VS.

CASE No. LR-C-94-290

WILLIAM JEFFERSON CLINTON, ET AL
Repr: Bob Bennett
Kathy Graves
Katie Sexton/Amy Sabrin

UNDER SEAL

ACTION: IN-CAMERA HEARING

4:00 p.m.

Conference call with above counsel present along with Mike Emmick and Paul Rosensweig from OIC included on call. Bill Bristow has been excused from call.

Conference is to take up pleading filed by President's counsel in opposition to subpoena of OIC re: video taped deposition of Clinton. Court has custody of pltf's and deflt Clinton's copy. Court will allow OIC to respond and states Court is receiving a fax which is a letter from Kendall to Starr re: alleged leaks taking place in Washington. Court inquires if OIC has had opportunity to review letter and the motion by Bennett and can respond to mot orally.

Emmick states his analysis of mot which he deems is meritless and states procedural concerns and that he thinks mot is flawed because it should be in the district where subpoena was issued and states reasons he thinks this Court has an interest in this matter but may not have jurisdiction. Also states they are not leaking any materials; arguments and authority for their position.

Holmes states that they will take no position in this matter.

Bennett doesn't think Court should make a ruling now since OIC has made a jurisdiction issue and he will file a motion to quash by Wednesday. Arguments by Emmick and Bennett concerning jurisdiction issue.

Court states it is custodian of tapes and had taken the position that OIC should subpoena anything they need from the Court and is willing for D.C. Court to determine if motion to this district should be quashed. Court believes OIC is entitled to tape and because Emmick raised issue of Court's jurisdiction and Bennett plans to file a motion to quash, sees no reason to rule on it.

Court states that subpoena lists all kinds of records from Court files and that copies would be made available over the weekend and inquires if there is any objection. Bennett says, on Tuesday, he will file mot applicable to entire subpoena. In response, Emmick states that Bennett is not one who has been subpoenaed. Bennett says tape is their tape.

Court advises that because of modification of Protective Order, it feels comfortable in giving OIC access to Court's files and sealed records for use by Grand Jury in District of Columbia.

Bennett, however, indicates he is not comfortable with handing over sealed documents and asks that he have until Tuesday to file appropriate pleadings. Emmick responds that these are not Bennett's documents, and they have no standing.

Court directs that it will proceed with making copies of these documents. The way the Court understands the Protective Order as modified, the Court may give OIC access to these files and this is the way the Court will respond to the subpoena. If anyone wants to challenge Court's decision on this, Court will not hand over until Monday. If Bennett wants to file something in opposition to this, he may do so.

Bennett raised questions about the confidentiality order and its application to OIC and requested that OIC be a signatory to the confidentiality order. That way, if leaks should occur and should be traced to OIC, OIC could be punished for violating the confidentiality order. Bennett wanted to prevent OIC from later claiming that the confidentiality order did not apply.

Emmick objected to signing the confidentiality order because its terms are much more strict than the terms of Rule 6E regarding grand jury secrecy. Bennett wants something in writing to hold OIC accountable for leaks attributable to OIC. Sabrin pointed out that Rule 6E was not the only concern here. The Court has a concern in seating a fair jury for the civil trial, as well.

The Court pointed out that typically, under the law, the civil yields to the criminal. Also, in this Court's experience, grand juries do abide by Rule 6E and keep information secret. If OIC were to violate the provisions of Rule 6E, the D.C. court could enforce Rule 6E. However, OIC intervened in the *Jones* case to modify the confidentiality order and motion was granted so OIC could obtain material for its criminal investigation. This Court concludes that by filing its motion to intervene, OIC subjected itself to this Court's jurisdiction and could be held in contempt by this Court.

The Court requests that OIC clarify its view of Rule 6E material, especially in regard to material not necessarily before the grand jury, like witness statements.

Emmick confirmed that material like witness statements are not covered by Rule 6E. However, other confidentiality provisions would apply. He assured the Court that those types of materials, such as interviews and witness statements, would be kept confidential. The Court expressed concern regarding the grand jury leaks and considers such leaks to be a very serious matter.

Bennett will file an appropriate motion to quash the OIC subpoena in the D.C. court.

The Court again expressed its view that such a motion would be proper as to the video tapes of the President's deposition which are the property of the parties and over which the Court is simply the custodian. However, in regard to the documents requested by OIC, the Court is more than a custodian. Those documents are the property of the Court. The Court intends to comply with the subpoena in regard to the documents requested.

Campbell stated that he is worried about OIC taking all copies of the video tape of the President's deposition so that none would be available for use during the civil trial. He consented to the Court selecting a videographer in Little Rock to copy the tape and then for the Court to maintain custody of both the original and the copy of the tape. That way, if OIC does obtain a copy of the tape, the Court would still have an additional copy for use at the civil trial. If OIC does not obtain a copy, then the Court would keep both copies of the tape.

4:45 p.m.

Conference concludes.