

1 employees over Judicial Watch's FOIA requests?

2 A No.

3 Q Did you ever attend a meeting where Judicial
4 Watch's FOIA requests were discussed?

5 A Yes.

6 Q When was that?

7 A I don't remember.

8 Q Who was at the meeting?

9 A I don't remember.

10 Q What was the context of the meeting?

11 A The meeting was more likely a general meeting
12 on a number of issues and I remember at some point
13 someone saying don't forget, we've got to respond to
14 the Judicial Watch requests and that was it.

15 Q Do you know who said that?

16 A No.

17 Q At the time of the meeting, you were aware
18 that Judicial Watch's FOIA requests had generated some
19 publicity, were you not?

20 A I don't recall whether I was or not. I don't
21 think so.

22 Q Have you ever read about Judicial Watch's FOIA

1 requests in the newspaper or seen anything on
2 television?

3 MR. HEGYI: Objection. Irrelevant. Not
4 reasonably calculated to lead to the discovery of
5 admissible evidence.

6 THE WITNESS: Yes.

7 BY MR. KLAYMAN:

8 Q And what do you recollect having read?

9 MR. HEGYI: Objection. Irrelevant.

10 MR. PAYTON: Hold on. You don't mean any news
11 report from today back in time, do you?

12 MR. KLAYMAN: Yes.

13 MR. PAYTON: Every news report?

14 MR. KLAYMAN: I'm just asking generally.

15 I'll ask you to identify when if you remember.

16 THE WITNESS: I don't remember when. And what
17 I remember reading was of its existence, trying to
18 discover documents regarding the secretary's trade
19 missions.

20 BY MR. KLAYMAN:

21 Q You were aware that Judicial Watch was
22 alleging that trade missions were being sold to

1 campaign donors?

2 A Yes.

3 Q And that's a serious allegation, is it not?
4 Based on your experience.

5 A Of course it's a serious allegation.

6 MR. KLAYMAN: This is a memorandum of
7 February 8, 1994 for James Hackney, Counsellor to the
8 Secretary, from Jude Kearney, Subject: "Company
9 Participation on the Secretary's Russia Trip."

10 BY MR. KLAYMAN:

11 Q Have you ever seen this document before?

12 A I don't remember.

13 Q Does this refresh your recollection as to
14 whether --

15 A No.

16 Q Are you sure?

17 A Pretty sure.

18 Q Did you ever talk to Melissa Moss about
19 Judicial Watch or it's FOIA requests?

20 MR. HEGYI: At any point in time?

21 MR. KLAYMAN: After you left.

22 THE WITNESS: Yes.

1 BY MR. KLAYMAN:

2 Q When was that?

3 A Probably -- oh, it was election night.

4 Q 1996?

5 A Mmm-hmm.

6 Q And what did Ms. Moss say to you or what did
7 you say to her?

8 A I said did you have a good time at your
9 deposition.

10 Q And what did she say?

11 A She said yes.

12 Q She had a good time.

13 A She had a good time.

14 Q Did she why?

15 A No. We were passing each other.

16 Q How do you know she was deposed?

17 A It was in the newspaper. It was in The
18 Washington Times, I believe.

19 Q Do you regularly read the Times and the Post?
20 The Washington Times and the Post?

21 MR. HEGYI: Objection. Irrelevant. Not
22 reasonably calculated to lead to the discovery of

1 admissible evidence.

2 THE WITNESS: From time to time.

3 MR. KLAYMAN: I know you don't read the Times,
4 Mr. Hegyi.

5 MR. HEGYI: What I choose to read or not read
6 is really none of your business, Mr. Klayman. And what
7 this witness chooses to read or not read is similarly
8 none of your business, Mr. Klayman, unless you can
9 somehow tie it in to make it either admissible or
10 reasonably calculated to lead to the discovery of
11 admissible evidence. He has a First Amendment right to
12 read what he chooses to or not read what he chooses not
13 to.

14 MR. KLAYMAN: No one is disputing that.

15 MR. HEGYI: So why don't we move to some
16 question that might lead to the discovery of admissible
17 evidence in this case? I'll ask you again, would you
18 please ask this witness what he knows, if anything,
19 about the adequacy of the search for documents in this
20 case.

21 MR. KLAYMAN: We've been doing that,
22 Mr. Hegyi.

1 MR. HEGYI: If you have, you've been
2 disguising it very well, Mr. Klayman.

3 MR. KLAYMAN: Why do you dislike me so much,
4 Mr. Hegyi?

5 MR. HEGYI: Mr. Klayman, you don't have enough
6 time to go into that. And it really is not reasonably
7 calculated to lead to the discovery of admissible
8 evidence either. Could you please ask this witness a
9 question that is reasonably calculated to lead to the
10 discovery of admissible evidence in this 1994 FOIA
11 case? Please, sir.

12 (Pause.)

13 MR. HEGYI: Are you done smirking? Could you
14 ask --

15 MR. KLAYMAN: I'm not smirking. I'm taking a
16 sip of a cup of coffee. In fact, we're bringing in
17 some cream and sugar for counsel for Mr. Hackney,
18 Mr. Payton.

19 MR. PAYTON: Thank you.

20 (Pause.)

21 BY MR. KLAYMAN:

22 Q Have you ever discussed Judicial Watch's FOIA

1 requests with anyone at the department that you can
2 remember besides Mr. Stein?

3 A No, not that I can remember.

4 Q During the time that you were at the Commerce
5 Department, did you receive any documentation from
6 Secretary Brown?

7 A About?

8 Q Anything.

9 A About anything? You want to know --

10 Q I'm just trying to lay a foundation. Just one
11 question.

12 A Yes.

13 Q How was that documentation routed to you?

14 A Somebody walked it down the hall.

15 Q Who would walk it down the hall?

16 A It could have been Barbara, Melanie, Lori.

17 Q Barbara, Barbara Schmitz?

18 A Barbara Schmitz. Melanie Long.

19 Q Melanie, Melanie Long.

20 A Lori Keller. Eve could have walked up and
21 gotten it. Charlotte could have gotten it. Katherine
22 could have gotten it. Somebody who was going to the

1 General Counsel's office could have dropped it off. I
2 mean, there are a thousand ways.

3 Q There was no established procedure?

4 A No.

5 Q No routing slips?

6 A No.

7 Q What type of documentation did you
8 receive generically from the secretary while you
9 were there?

10 A Someone wrote him a note or letter and he
11 wanted me to call them or respond to them, make sure
12 they were responded to or a matter that needed to be
13 looked into.

14 Q Any other types of documents?

15 A No.

16 Q The letters that you're referring to where he
17 would write a note to call them, some of them were
18 participants on trade missions?

19 MR. HEGYI: Excuse me, counsel. He didn't say
20 that there was a note on there to call them.

21 MR. KLAYMAN: Well, maybe I misunderstood.

22 MR. HEGYI: You're misstating his testimony.

1 BY MR. KLAYMAN:

2 Q Didn't you say there would be a note on a
3 letter to call a person? Yes?

4 A Yes.

5 Q Okay. You did say that. So you would then
6 call the person at the secretary's direction?

7 A Yes.

8 Q Did you ever do that with regard to a trade
9 mission participant?

10 A No.

11 Q During the time that you were at the Commerce
12 Department, did you ever call anyone at the Democratic
13 National Committee from Commerce Department phones?

14 A I'm sure I did.

15 Q Who did you call?

16 A I would have -- let me think for a second.
17 Well, I mean, the person that I probably talked to, I
18 have a friend there, David Mercer.

19 Q And what was his position?

20 A I don't know what -- I know he's involved in
21 fundraising, in the finance council. I don't know what
22 his position is.

1 Q Is he still there?

2 A I don't know.

3 Q Did you call him more than once?

4 A Probably. We're friends.

5 Q Did you ever discuss fundraising with him?

6 A No.

7 Q Did you ever discuss anything of a political
8 nature with him?

9 MR. HEGYI: Define what "a political nature"
10 is.

11 MR. KLAYMAN: I'm just asking the questions.
12 Maybe it jogs his recollection.

13 THE WITNESS: We may have been talking about
14 who was running for election in a certain district or
15 general politics. That's all.

16 BY MR. KLAYMAN:

17 Q Did you ever ask him to check the DNC records
18 to see if a trade mission participant had given money
19 to the DNC?

20 A Absolutely not.

21 Q Or how much he had given?

22 A No.

1 Q Or she?

2 A No.

3 Q Or it?

4 A Or it? No.

5 Q Who else did you call at the DNC?

6 A That would have been the only person that I
7 had any reason to talk to and that's because we were
8 friends.

9 Q Well, I didn't ask who you had reason to talk
10 to. Did you actually call anybody else?

11 A No, I don't think so. Not that I can recall.

12 Q That doesn't mean that you didn't, that's just
13 what you can recall.

14 A I don't recall calling anybody at the DNC
15 other than David and I may have talked to his secretary
16 at some point.

17 Q Why would you have talked to his secretary?

18 A Because he wasn't in.

19 Q Who was his secretary?

20 A I don't remember her name.

21 Q Lori Fitz-Pigano (phonetic). Do you know who
22 that is?

1 A Yes, I do.

2 Q Who is Lori Fitz-Pigano?

3 A She is the director general of the Foreign
4 Commercial Service.

5 Q Is she still there?

6 A I believe so.

7 Q And she was a close confidant of Secretary
8 Brown, wasn't she?

9 A Yes, they were friends and colleagues.

10 Q Traveled with him on many trade missions.

11 A Some. Not all of them.

12 Q Which trade missions did she go on?

13 A I don't know.

14 Q She had duties and responsibilities with
15 regard to those trade missions, did she not?

16 A Yes, she did.

17 Q What were her duties and responsibilities?

18 A To prepare her people in the Foreign
19 Commercial Service who were our Commerce Department
20 people in the country in which we were traveling.
21 They helped to arrange meetings and put together
22 programs and establish schedules.

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1 Q She was a participant on these trade missions
2 sometimes.

3 A Yes, sometimes.

4 Q And she would sit it on meetings that occurred
5 during these trade missions.

6 A Sometimes, yes.

7 Q And she would take notes at those trade
8 missions, would she not?

9 A I don't know. I do not know.

10 Q You've seen her taking notes, haven't you?

11 A Not that I can recall.

12 Q Did you ever have contact with anyone at the
13 White House during Department of Commerce time?

14 A Yes.

15 Q Who did you have contact with?

16 MR. PAYTON: On any subject?

17 MR. KLAYMAN: On any subject.

18 THE WITNESS: Oh, boy. John Podesta
19 (phonetic).

20 BY MR. KLAYMAN:

21 Q John Podesta?

22 A Podesta.

1 Q And what was his title?

2 A He was -- I don't remember his title. I don't
3 remember anybody's title. It's not something I get --

4 Q All right. Just tell us the people.

5 A Todd Stern (phonetic).

6 Q Tell us what John Podesta did generically.

7 A I think he was secretary to the president, I
8 believe that was his title.

9 Q Did you ever contact Mr. Podesta with regard
10 to trade missions?

11 A No.

12 Q Anything that might have anything to do with
13 political activities of the Clinton Administration?

14 A No.

15 Q What did you contact him about?

16 MR. PAYTON: Wait a minute. Hold it. If it's
17 not about that, now how could it possibly be relevant?

18 MR. KLAYMAN: I'm just trying to see if it
19 refreshes his recollection. Maybe it's something
20 tangential.

21 THE WITNESS: We could have talked about the
22 secretary's schedule out in California. We could have

1 talked about a particular program that we were involved
2 in in the technology field. A particular piece of
3 legislation that we were pushing. It could have been
4 any number of things. I don't have any specific
5 recollection of what we talked about.

6 BY MR. KLAYMAN:

7 Q During the time that you worked in the
8 Department of Commerce, did you ever have any contact
9 with anyone that's involved with the Lippo Group?

10 A No.

11 Q Who else -- you said Todd. Todd who?

12 A Todd Stern.

13 Q Stern. What --

14 A He worked for Podesta.

15 Q Okay. During the time that you were at the
16 Department of Commerce, did you yourself ever attend
17 fundraisers?

18 A No. Not that I remember. No.

19 Q Did you ever go to any coffee klatches at the
20 White House?

21 A No.

22 Q Do you know whether Secretary Brown did?

1 A Not specifically.

2 Q Who else did you have contact with at the
3 White House?

4 A Alexis Herman.

5 Q What was her position?

6 A She was director of the Office of Public
7 Liaison, I believe.

8 Q Do you know what her duties and
9 responsibilities were?

10 A Outreach to the business community.

11 Q What does "outreach" mean?

12 MR. PAYTON: In the context of what she did?

13 MR. KLAYMAN: Yes.

14 BY MR. KLAYMAN:

15 Q What is outreach?

16 A She kept in touch with the business community,
17 discussed what their concerns were, what they were
18 thinking, how they were thinking, what they thought the
19 future was going to be like. She brought them in for
20 meetings at the White House to talk to the president
21 about their concerns and their issues. If a business
22 group or a particular company had a concern, that's the

1 office they called, was my understanding.

2 Q Why were you contacting her?

3 A On a couple of occasions, we arranged for
4 businesses that were going on a particular trade
5 mission to be briefed by the White House or to see the
6 president before the mission got underway or to see the
7 vice president.

8 Q Who is "we"?

9 A The Department of Commerce, the group that was
10 putting together the trade mission.

11 Q Which trade missions are we talking about for
12 briefings? All of them?

13 A All of them, I believe. Yes.

14 Q And there would be a formal briefing at the
15 White House?

16 A Either at the White House or the Department of
17 Commerce or Ex-Im Bank, somewhere, in the day or two
18 preceding the mission.

19 Q And who arranged for those briefings from the
20 Commerce Department side?

21 A OBL. OBL.

22 Q Melissa Moss and company?

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1 A Mmm-hmm.

2 Q Did you arrange for those briefings?

3 A Un-huh.

4 Q Did anyone in the secretary's office arrange
5 for them

6 A Un-huh.

7 Q Did anyone from the secretary's office attend
8 them?

9 A Oh, sure.

10 Q You attended them.

11 A Mmm-hmm.

12 Q Who else from the secretary's office?

13 A Depends on who -- again, it depends on the
14 trip and who was traveling with the mission.

15 Q And there would be communications with the
16 White House going back and forth arranging for those
17 meetings.

18 A Yes.

19 Q Fax communications?

20 A I don't know.

21 Q Letter communications?

22 A More likely telephone.

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1 Q But also in writing from time to time.

2 A I don't have any specific recollection of
3 that.

4 Q And from time to time you jotted down notes in
5 your communications with the White House about these
6 meetings, didn't you?

7 A No.

8 Q You're saying you never took a note?

9 MR. HEGYI: In his entire life?

10 MR. KLAYMAN: About this issue.

11 THE WITNESS: That's right. Not about this
12 issue.

13 BY MR. KLAYMAN:

14 Q Why?

15 A There was no need to.

16 Q You didn't mark the time for a meeting down on
17 a piece of paper?

18 A It was not my responsibility. There were
19 people in the department that were worried about those
20 things.

21 Q You're absolutely sure you never took one note
22 on this matter.

1 A Reasonably sure, but I may have written
2 something. Who knows? I doubt it.

3 Q Who else participated from the Commerce
4 Department in these meetings?

5 A At which meetings?

6 Q These briefing sessions.

7 A Again, it depends on the trip. There would
8 have been someone from OBL.

9 Q Then name everybody that you can on any trip.

10 A Melissa Moss. Sally Painter. Michael
11 Rodgers. Gil Cologne. Loretta Dunn. Jill Schuker.
12 Carol Hamilton. Rob Stein. Jonathan Sallet. Dave
13 Barram.

14 Q Dave Barram? How's that spelled?

15 A B-a-r-r-a-m.

16 Q What was his position?

17 A He's a deputy secretary.

18 Q Anybody else?

19 A That's --

20 Q Jude Kearney?

21 A Yes, Jude could have been at some of them.

22 Q Anybody else?

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1 A David Rothcoff. Jeff Garden. Lori
2 Fitz-Pigano. Clyde Robinson.

3 Q Who is Clyde Robinson? What was his --

4 A He's the director of the advocacy center.

5 Q Robertson?

6 A Robinson.

7 Q Robinson. Anyone else?

8 A Bill Morton. Chuck Meisner. Katherine
9 Hoffman.

10 Q Anyone else?

11 A That's all that comes to mind right now.

12 Q Who at the White House side participated in
13 these meetings? And let's go slowly because I want to
14 ask you who they are.

15 A President Clinton. Vice President Gore.
16 Secretary of State Christopher. Secretary of Defense
17 Perry. The idea was to -- well, Sandy Berger. Tony
18 Lake. Chairman of the Joint Chiefs of Staff. They
19 were briefings about the country that we were traveling
20 to. That's what the purpose was, to give our
21 businessmen a sense of what they were going into.

22 Q Why was the president and vice president

1 there?

2 A It was a nice thing to do. Say hello, we
3 appreciate what you're doing, we appreciate your
4 mission, appreciate what you're doing for the country,
5 this is important.

6 Q Were materials handed out at these meetings
7 from time to time?

8 A I don't know. I don't remember.

9 Q Did the president make any substantive remarks
10 about the trade mission in terms of what was going to
11 happen on these trade missions?

12 A No. He would say this is an important
13 country, this is a big market, exports create American
14 jobs, the economy is on the upswing, this is an
15 important part of it, I wish you all good luck.

16 Q What advice did Vice President Gore say?
17 Generally speaking.

18 A The same thing.

19 Q Did the foreign affairs advisors such as
20 Anthony Lake provide information on foreign
21 intelligence matters?

22 A On foreign intelligence?

1 Q Yes.

2 A No.

3 Q Did they provide economic assessments of the
4 country or anything like that?

5 A Yes. Yes.

6 Q Were there people from the CIA present?

7 A I don't remember. Maybe. I don't remember.

8 Q I guess what I'm getting at, were there
9 briefings on matters of substance in terms of what
10 would happen on these trips at these White House
11 functions or were they more just a courtesy, just to --

12 A Oh, no. They were substantive briefings.

13 Q And who participated in terms of substance
14 primarily at these briefings?

15 A People from Ex-Im Bank, from OPIC, from the
16 NSC, from the State Department.

17 Q All right. Let's stop there. Which people?

18 A I don't remember.

19 Q Do you remember any of them?

20 A No.

21 Q You can go on then. Who else?

22 A From the agencies of the government. I mean,

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1 these trade missions were products, working products,
2 of the entire U.S. Government and we had interagency
3 participation from all over the government.

4 Q Was there any procedure for clearing the
5 individuals from the private sector security-wise
6 before they were invited to these meetings?

7 MR. HEGYI: Objection. Irrelevant. Not
8 reasonably calculated to lead to the discovery of
9 admissible evidence.

10 THE WITNESS: I don't know.

11 BY MR. KLAYMAN:

12 Q You don't know of any?

13 A No. I don't know. I assume they were.

14 Q But you don't know.

15 A You have to clear --

16 MR. HEGYI: Objection. Asked and answered.

17 THE WITNESS: Yes. I don't know.

18 MR. KLAYMAN: Okay.

19 BY MR. KLAYMAN:

20 Q Were there minutes kept of these briefings by
21 Commerce or anyone else?

22 A I don't know.

1 Q Was there any directive inside the department
2 to the effect that minutes should be kept of these
3 briefings at the White House?

4 A Not that I know of.

5 Q Were these briefings recorded on tape or any
6 other audio means?

7 A I don't know. I don't know.

8 Q People did take notes at these meetings.

9 A I don't know. I didn't.

10 Q There was no directive not to take notes, was
11 there?

12 A I don't know that either.

13 Q Did you ever receive a directive not to take
14 notes at these meetings?

15 A No.

16 Q Were there any guidelines, instructions on
17 what you could and could not do at these meetings as a
18 Commerce Department official?

19 A Etiquette? Not that I remember. These
20 meetings were handled by the Office of Business Liaison
21 at the Commerce Department working with the Office of
22 Public Liaison at the White House. Those were the two

1 points of contact.

2 Q And Alexis Herman was in charge from the White
3 House standpoint.

4 A Yes.

5 Q Name some of the businessmen that were taken
6 over for these briefings.

7 A Dennis Picard (phonetic).

8 Q And identify their company.

9 A If I remember. Raytheon.

10 Q P-a-c-k-a-r-d?

11 A P-i-c-a-r-d.

12 Q Raytheon.

13 A The chairman of Bell Atlantic. The chairman
14 of --

15 Q Who's the chairman of Bell Atlantic?

16 A I can't remember.

17 Q Okay.

18 A I'll just tell you the companies that I
19 remember.

20 Q Okay.

21 A The chairman of Boeing. Harry Stonesipher
22 (phonetic), the chairman of McDonnell Douglas.

1 The chairman of AT&T, Ray Allen (phonetic). Those are
2 just some. The chairman of Bell South, whose name I
3 forget.

4 Q The chairman of Entergy?

5 A Probably. I think Entergy -- if Entergy --
6 anybody that went on a trip was invited to attend these
7 briefings.

8 Q Were they given a package of materials in a
9 folder or a briefing book?

10 A Mmm-hmm. Yes.

11 Q Who prepared them?

12 A Office of Business Liaison.

13 Q Did you have copies of what they were given?

14 A Working with ITA.

15 Q Did you retain copies of what they were given?

16 A No.

17 Q And, of course, the secretary would be there,
18 too, right? Brown? At these briefings.

19 A Yes.

20 Q Bernie Schwartz (phonetic) of Loral? He went
21 to some of these briefings?

22 A I don't know.

1 Q How long would generally speaking the
2 president stay at these briefings?

3 A Five minutes, 10 minutes.

4 Q Was he accompanied by anyone?

5 A His staff.

6 Q Who on his staff?

7 A I don't remember.

8 Q Same question for Vice President Gore.

9 A His staff. I don't remember.

10 Q From time to time, did you get communications
11 in writing from Alexis Herman of the White House?

12 A Did I? No.

13 Q Anyone at the department?

14 A I don't know. I mean, OBL was in contact with
15 her office, so -- I don't know.

16 Q During the time that you worked for the
17 Department of Commerce, did you have Alexis Herman's
18 E-mail address?

19 A No.

20 Q You had her phone number, though, didn't you?

21 A I'm sure I did.

22 Q And you called her from time to time, didn't

1 you?

2 A Or somebody in her office.

3 Q Who worked with her? Who was her closest
4 assistant?

5 MR. HEGYI: Objection. Irrelevant. Not
6 reasonably calculated to lead to the discovery of
7 admissible evidence.

8 THE WITNESS: I don't remember.

9 BY MR. KLAYMAN:

10 Q Did you ever attend meetings with Secretary
11 Brown and President Clinton where trade missions were
12 discussed other than these briefings?

13 A No.

14 Q Did you ever attend a meeting with Secretary
15 Brown and President Clinton, a small meeting?

16 A Yes.

17 Q During those meetings, did you ever discuss
18 contributions to Democratic Party interests?

19 A No.

20 Q Did you ever discuss trade missions with
21 Harold Ickes?

22 A No.

1 Q Bruce Linsey?

2 A No.

3 Q Lynn Spofter (phonetic)?

4 A No.

5 Q The First Lady?

6 A No.

7 Q Did the First Lady ever come into any of these
8 briefings?

9 A No.

10 Q The participants at these briefings, did they
11 receive anything from the White House with regard to
12 these briefings?

13 A No.

14 Q You're sure of that?

15 A Other than -- no. I mean, they may have
16 received, and I'm not even sure of this -- not that I
17 can recall. No. I mean, the package -- the packages
18 that they received were prepared by OBL. Now, some of
19 the information that was in that package could have
20 been as a result of information given by NSC or
21 somebody.

22 Q What I'm wondering is whether the White House

1 gave them anything.

2 A Oh, I don't know. I have no idea. I wouldn't
3 have paid attention to it.

4 Q How were participants notified that they were
5 chosen for trade missions, if at all?

6 A They got a call from OBL.

7 Q How do you know that?

8 A Because that was OBL's function.

9 Q How do you know that?

10 A That's the way we operated.

11 Q Is it in writing?

12 A I don't know.

13 Q Did they ever get a formal acceptance letter?

14 A Yes.

15 Q Was that a routine procedure?

16 A Yes.

17 Q Was that in writing?

18 A Is what in writing? The procedure?

19 Q The procedure to send them --

20 A I have no idea.

21 Q Who sent them the formal acceptance letter?

22 A OBL.

1 Q Was it followed up by any communication from
2 Secretary Brown?

3 A I don't know. I don't remember.

4 Q Maybe, maybe not, is that what you're saying?

5 A They received notification, a letter from OBL.
6 Whether Melissa signed that letter or the secretary
7 signed it, I don't know, but something went out saying
8 you have been chosen to go, these are the dates, this
9 is the information.

10 Q Was there a package of materials that went
11 out?

12 A Yes.

13 Q What was in that package?

14 A I don't know. I never really paid attention
15 to that.

16 Q Who would know?

17 A OBL.

18 Q When these individuals participated in the
19 trade missions, at the conclusion of the trade
20 missions, did they get anything from the Commerce
21 Department or the White House or any other government
22 agency?

1 A Not that I remember.

2 Q Did they get a certificate for participating,
3 anything like that?

4 A I don't remember.

5 Q A souvenir?

6 A I don't remember. I don't remember.

7 Q Participants on trade missions were encouraged
8 to promote the success of the trade mission, were they
9 not?

10 MR. HEGYI: Objection. Ambiguous.

11 THE WITNESS: No.

12 BY MR. KLAYMAN:

13 Q Are you saying that individuals at the
14 Commerce Department never urged trade mission
15 participants to write op-ed pieces and boast of the
16 success of Secretary Brown's trade missions in the
17 press?

18 A Not to my knowledge.

19 Q The secretary traveled with a photographer on
20 these trade missions, did he not?

21 A I don't remember. There were photographers
22 around. Whether they were Commerce Department

1 employees, I don't really remember.

2 Q Do you remember the names of any photographers
3 that went on these trade trips?

4 A No.

5 Q Were there any criteria for choosing where the
6 secretary would stay on trade missions when he was
7 overseas?

8 A You mean the hotels?

9 Q Yes.

10 A I don't know. I don't think so. I don't
11 know.

12 Q Any criteria for how much expense could be
13 incurred on trade missions at the department?

14 A There was a budget.

15 Q Who prepared the budget?

16 A ITA.

17 Q Who in ITA?

18 A I don't remember.

19 Q You went on some trade missions, correct?

20 A Mmm-hmm.

21 Q How did you decide where you were going to
22 stay overseas?

1 A I didn't decide.

2 Q Who decided?

3 A ITA. The embassy.

4 Q Were there any criteria at the department as
5 to how many people could be taken on trade missions?

6 A As few as possible.

7 Q Was that in writing?

8 A I don't know.

9 Q Do you remember having reviewed or know of
10 anyone else reviewing budgets for particular trade
11 missions?

12 A Yes.

13 Q You reviewed the budgets?

14 A We all looked at them.

15 Q Who is "all"?

16 A Rob Stein. Myself. Jonathan Sallet. Jeff
17 Garden. David Rothcoff. Chuck Meisner. Ginger Lew.
18 Loretta Dunn.

19 Q Were there any instructions on what to look
20 for when you saw these budgets?

21 A Well, ITA would tell us how much money was
22 available, how much they thought it would cost, and we

1 would try to get in below that.

2 Q What criteria were there for getting in
3 underneath the amount of money that was allocated?

4 A Expenses. Just general expenses. How
5 many cars were needed, how many hotel rooms were
6 needed, what kind of rate we could get out of the
7 hotel, receptions, dinners, I mean, just general --

8 Q So you participated in that with the
9 secretary?

10 A No.

11 Q Who played a part in making those decisions?

12 A ITA.

13 Q Who in the ITA?

14 A Jeff Garden. David Rothcoff. Chuck Meisner.
15 Lori Fitz-Pigano. I mean, wherever the money was
16 coming from in ITA.

17 Q Were people ever sent overseas with cellular
18 phones?

19 A With cellular phones?

20 Q Yes.

21 A I don't know.

22 Q Did you ever have contact with anyone at the

1 White House by the name of Rita Lewis?

2 MR. HEGYI: You mean about these FOIA
3 requests?

4 MR. KLAYMAN: About trade missions.

5 THE WITNESS: Not that I can recall.

6 BY MR. KLAYMAN:

7 Q Did you ever have contact with a person by the
8 name of Gerald McGowan (phonetic), a law partner of
9 Lucas, McGowan, Nace & Guttierrez (phonetic)?

10 MR. HEGYI: About the FOIA requests made the
11 basis of this lawsuit?

12 MR. KLAYMAN: Yes.

13 THE WITNESS: No.

14 BY MR. KLAYMAN:

15 Q Did you ever have contact with Entergy
16 Corporation?

17 MR. HEGYI: About the FOIA requests made the
18 basis of this lawsuit?

19 MR. KLAYMAN: About trade trips. Yes. It's a
20 continuing question. I'll just see if I can abbreviate
21 it.

22 MR. HEGYI: No, sir. I want to make sure we

1 do it right each time so you don't end up just taking a
2 little sound bite and putting it on the air and saying
3 this gentleman has said no when in fact the question
4 was qualified and I want it to be very clear on the
5 record what he's answering.

6 MR. KLAYMAN: You're not representing him.

7 MR. HEGYI: I don't care whether I'm
8 representing him or not. I am making an objection.

9 MR. KLAYMAN: Well, you put your objection on.

10 MR. HEGYI: That's fine. I will object each
11 time.

12 BY MR. KLAYMAN:

13 Q You understand that my question deals with the
14 subject of Judicial Watch's FOIA requests, trade
15 missions, campaign contributions, fundraising, you
16 understand that, Mr. Hackney.

17 Did you ever have any contract --

18 MR. HEGYI: Are you asking about all of those
19 things, irrespective of whether --

20 MR. KLAYMAN: Well, first I'm going to
21 identify whether there was any contact and then I'm
22 going to be specific.

1 BY MR. KLAYMAN:

2 Q Did you ever have any contact with Entergy
3 Corporation about those matters?

4 A Not that I can recall.

5 Q Anything with regard to trade missions?

6 A Not that I can recall.

7 Q Did you ever have contact with anyone from
8 Entergy Corporation?

9 A Not that I can recall.

10 Q Did you ever have contact with an individual
11 by the name of Trisha Lum (phonetic)?

12 MR. HEGYI: About these FOIA requests?

13 MR. KLAYMAN: About anything.

14 MR. HEGYI: Objection. Irrelevant. Not
15 reasonably calculated to lead to the discovery of
16 admissible evidence.

17 THE WITNESS: She was an employee of the
18 Department of Commerce.

19 BY MR. KLAYMAN:

20 Q And what was her job?

21 A I don't know. I don't remember. At one point
22 she worked in the Minority Business Development Agency.

1 I think.

2 Q She is the daughter of Nora Lum (phonetic), is
3 she not?

4 A I don't know.

5 Q Did you ever meet Nora Lum?

6 A No.

7 Q Have you ever heard of a company called
8 Dynamic Energy?

9 A Only through the press.

10 Q During the time that you worked at the
11 Department of Commerce, were you aware that Michael
12 Brown was on the board of directors of Dynamic Energy?

13 MR. HEGYI: Objection. Irrelevant. Not
14 reasonably calculated to lead to the discovery of
15 admissible evidence.

16 THE WITNESS: No.

17 BY MR. KLAYMAN:

18 Q Was anyone with the last name Lum ever invited
19 to participate on trade missions, to the best of your
20 knowledge?

21 A Not that I can recall. No.

22 Q How about the APEC summit?

1 A I don't know. I didn't go. I don't know.

2 Q Was that during the time that you were with
3 the department?

4 A The APEC summit was every year.

5 Q Did you ever have contact with anyone at the
6 White House by the name of Mark Gearan, G-e-a-r-a-n?

7 MR. HEGYI: With regard to these FOIA
8 requests?

9 MR. KLAYMAN: This is my continuing question.

10 THE WITNESS: Yes.

11 MR. HEGYI: Is that with regard to these FOIA
12 requests?

13 MR. KLAYMAN: Mr. Hegyi, you're just trying to
14 create difficulties for the sake thereof.

15 MR. HEGYI: I'm trying to keep your questions
16 clear.

17 MR. KLAYMAN: I already instructed him of the
18 limits of my questions.

19 MR. HEGYI: Yes, sir, but --

20 MR. KLAYMAN: Which is continuing in terms of
21 contact.

22 MR. HEGYI: Your FOIA requests only deal with

1 certain specific identified trade missions. They do
2 not deal with political contributions.

3 MR. KLAYMAN: I'm allowed to identify if he's
4 had contact with them. Yes.

5 BY MR. KLAYMAN:

6 Q Did you have contact with Mr. Gearan with
7 regard to trade trips?

8 A No.

9 Q Did you have contact with Mr. Gearan over
10 political matters?

11 A No.

12 Q What did you have contact with him about?

13 A I don't remember. It was very limited
14 contact.

15 Q During the time that you were at the Commerce
16 Department, did you ever have contact with anyone at
17 Wilke, Farr & Gallagher?

18 A I don't remember. It's a big law firm.

19 Q Does the name Phil Verveer, V-e-r-v-e-e-r,
20 ring a bell?

21 A No.

22 Q Did you ever have contact with anyone at the

1 White House whose name is Verveer?

2 A Not that I remember.

3 Q Does the name William Ginsburg, Chief
4 Executive Officer of Cellular Communications
5 International, Inc. ring a bell?

6 A Yes.

7 Q How do you know about him?

8 A I believe he was a participant on the Latin
9 America trip. I think.

10 Q Did you have anything to do with his selection
11 on the Latin America trip?

12 A I was part of the group that made the decision
13 that he could go.

14 Q What were the criteria for selecting him?

15 A I don't remember. He obviously had business
16 in Latin America.

17 Q Do you remember what business?

18 A No. Cellular phone business.

19 (Pause.)

20 MR. KLAYMAN: We can go off the record for a
21 few minutes.

22 VIDEO OPERATOR: Off the record. The time is

1 2:08.

2 (A brief recess was taken.)

3 VIDEO OPERATOR: Back on the record. The time
4 is 2:15.

5 MR. KLAYMAN: I'll show you what I'll ask the
6 court reporter to mark as Exhibit 5. This is a
7 memorandum from Phil Verveer of Wilke, Farr & Gallagher
8 to Rob Stein and Jonathan Sallet dated September 29,
9 1994.

10 (Hackney Deposition Exhibit No. 5
11 was marked for identification.)

12 BY MR. KLAYMAN:

13 Q Have you ever seen this document before?

14 A I have no idea. I don't remember it.

15 Q Well, the two recipients of this document, Rob
16 Stein and Jonathan Sallet, they both participated in
17 selecting participants on trade missions. I believe
18 you testified to that.

19 A Right.

20 Q Turn to the second page, where it says
21 "Ginsburg was an early financial supporter of the
22 Clinton-Gore campaign and a very generous donor to the

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1 party's 1992 election effort."

2 A Mmm-hmm.

3 Q That was one of the criteria for selecting him
4 for the trade mission, wasn't it?

5 A The criteria was that his company held a
6 50 percent interest in a license to serve New Delhi.
7 Without that, this in addition would have been totally
8 irrelevant.

9 Q Well, but this was one of the criteria, was it
10 not?

11 A The criteria, as I have said over and over
12 again, was whether a person's company was doing
13 business in the country to which we were traveling.
14 And this memo highlights that on the first page.

15 Q But it obviously helped that he was a campaign
16 supporter, did it not? For his selection?

17 A I don't know whether that helped or not. What
18 we were concerned with was that he was an American
19 businessman doing business in India, which was the
20 country to which we were traveling.

21 Q It didn't hurt him, did it?

22 A Well, he went on the mission. He went on the

1 mission because he did business in India.

2 Q So you're saying that there was no discussion
3 ever about Mr. Ginsburg's generous giving to the
4 Clinton-Gore campaign?

5 A Not in my presence, no.

6 Q In other people's presence?

7 A I have no idea.

8 Q Were there any guidelines at the department to
9 exclude individuals who had made political
10 contributions to the Clinton-Gore campaign or the
11 Democratic Party?

12 A Guidelines to exclude --

13 Q Yes. To exclude them from trade missions.

14 A Not to my knowledge.

15 Q Was there ever any discussion that we need to
16 not take donors because we could create an appearance
17 of political favoritism?

18 A Yes.

19 Q Who said that?

20 A I don't remember.

21 Q Did you?

22 A No.

1 Q Did Secretary Brown?

2 A I don't remember who said it.

3 Q That's a pretty important statement, isn't it?

4 A It's a very important statement.

5 Q And you would have remembered it if somebody
6 said it, correct?

7 A Well, it was a general policy. As I have
8 stated quite often here today, our primary interest
9 was who was doing business in the country and if
10 there were someone who was attempting to get on
11 this trip who had been a donor to the party and had
12 not done business in the country, then they weren't
13 going to go.

14 Q Was anything ever put in writing, we will not
15 take those who have made political contributions to the
16 Clinton-Gore campaign or the Democratic Party because
17 it would create an appearance of political favoritism?
18 Anything in writing to that effect?

19 A Not that I know of. Not that I know of. Not
20 that I'm aware of.

21 Q Does this refresh your recollection about Phil
22 Verveer?

1 A No.

2 Q Did you ever have any contact with Susan
3 Thomas (phonetic) at Wilke, Farr & Gallagher, a lawyer
4 with the firm?

5 A No.

6 MR. KLAYMAN: I'll show you what I'll ask the
7 court reporter to mark as Exhibit 6.

8 (Hackney Deposition Exhibit No. 6
9 was marked for identification.)

10 BY MR. KLAYMAN:

11 Q Have you ever seen Exhibit 6 before?

12 A No.

13 Q I'm sorry, I didn't hear you.

14 A No, I haven't.

15 Q Turn to page 2 of Exhibit 6. This is a
16 Chicago Sun-Times article of June 30, 1995 entitled
17 "The President's Price List" and there is a document
18 printed on the second page, at the top it says
19 "Democratic National Committee, DNC Managing Trustee
20 Events and Membership Requirements."

21 Had you ever seen a document that looked like
22 that before today?

1 A No. No.

2 Q See where it says -- looking down five stars,
3 "Annual Economic Trade Missions. Managing trustees are
4 invited to participate in foreign trade missions which
5 affords opportunities to join party leaders in meeting
6 with business leaders abroad." Were you aware of that?

7 MR. HEGYI: You mean aware of that, you mean
8 is that what it says?

9 BY MR. KLAYMAN:

10 Q Did you read that?

11 MR. HEGYI: Right now?

12 MR. KLAYMAN: Yes. Are you reading that?

13 THE WITNESS: Yes.

14 MR. KLAYMAN: Why are you so belligerent,
15 Mr. Hegyi?

16 MR. HEGYI: Mr. Klayman, I'm not being
17 belligerent. I don't understand why you're badgering
18 this witness about something he said he's never seen
19 before.

20 MR. KLAYMAN: I'm not badgering anybody.

21 MR. HEGYI: Yes, sir. You're asking him lots
22 and lots of questions --

1 MR. KLAYMAN: Your concept of badgering is --

2 MR. HEGYI: -- at 2:20 p.m. when if you would
3 ask him what knowledge he has, if any, of the adequacy
4 of the search, we would have been done long before now.

5 So you've asked him has he ever seen the
6 article, you've asked him has he ever seen the brochure
7 that's in it, he says no. So to me, I don't know where
8 you're going. It certainly can't lead to the discovery
9 of admissible evidence.

10 MR. KLAYMAN: Well, of course you don't know
11 where I'm going because you're not taking the
12 deposition, Mr. Hegyi.

13 MR. HEGYI: Mr. Klayman, would you please ask
14 him something that's either relevant or reasonably
15 calculated to lead to the discovery of admissible
16 evidence in this case?

17 BY MR. KLAYMAN:

18 Q Mr. Hackney, did you ever go on any trade
19 missions sponsored by the DNC?

20 A No.

21 Q You don't know of any trade missions that were
22 sponsored by the DNC while you were at Commerce, do

1 you?

2 A Not to my knowledge. No. I have no knowledge
3 of any.

4 Can we go off the record for just a second
5 here?

6 VIDEO OPERATOR: Off the record.

7 (A brief recess was taken.)

8 VIDEO OPERATOR: On the record. The time is
9 2:24.

10 BY MR. KLAYMAN:

11 Q In fact, Mr. Hegyi, you don't know of any
12 trade missions ever having --

13 MR. PAYTON: Whoa, whoa, whoa. Mr. Hackney?

14 MR. HEGYI: You're not deposing me in this
15 case.

16 MR. KLAYMAN: Not yet.

17 BY MR. KLAYMAN:

18 Q Mr. Hackney, you don't know of any DNC trade
19 missions, do you?

20 A No.

21 Q Have you ever heard of a company called
22 Americom?

1 A I don't remember. It sounds familiar, but I
2 can't place it. It's with a P at the end?

3 Q With a c-o-m.

4 A c-o-m? No.

5 Q During the time that you were at the
6 Department of Commerce, did you ever have any contact
7 with a Nolanda Hill?

8 A Yes.

9 Q Did any of that contact ever concern a
10 reporter by the name of Jerry Knight?

11 A Yes.

12 Q What was discussed?

13 MR. PAYTON: Excuse me. I just want to know,
14 this is going towards any of the subjects that you
15 identified in the --

16 MR. KLAYMAN: It is.

17 MR. PAYTON: It is?

18 MR. KLAYMAN: And I've been over this in
19 pleading before.

20 MR. HEGYI: In pleading. You've never --

21 MR. KLAYMAN: Well, I'm not going to tip the
22 witness off.

1 MR. PAYTON: Go ahead.

2 MR. KLAYMAN: I have a very limited number of
3 questions.

4 MR. PAYTON: Go ahead.

5 MR. HEGYI: Just so we're clear, you've put a
6 lot of things in pleading that in our opinion have
7 absolutely nothing to do with your FOIA case and the
8 court's never ruled that they did. So --

9 BY MR. KLAYMAN:

10 Q What did you discuss with Ms. Hill?

11 A Mr. Knight was writing a series of articles on
12 Secretary Brown's involvement with Ms. Hill and a
13 company called First International and we were trying
14 to determine exactly what First International was, what
15 it did, just what the facts were.

16 Q Where did you discuss this with Ms. Hill?

17 A Probably by telephone. Telephone.

18 Q I'm sorry, I didn't hear you.

19 A I said probably by telephone.

20 Q And did you ever discuss with Ms. Hill getting
21 Jerry Knight off the secretary's back?

22 A No, not to my recollection. No.

1 Q Why were you discussing matters involving
2 First International with Ms. Hill while you were
3 working with Commerce?

4 A Because it involved Secretary Brown.

5 Q So as long as it involved Secretary Brown, it
6 didn't necessarily have to relate to Department of
7 Commerce business?

8 A It involved Secretary Brown.

9 Q Have you discussed this with Ms. Hill during
10 Commerce Department hours, while you were working --

11 A I don't remember when we discussed it. First
12 International was part of his financial disclosure form
13 which I worked with Barbara Fredericks in determining
14 how that form was -- what to say about First
15 International.

16 Q Did you participate in preparing the financial
17 disclosure form?

18 A Yes.

19 Q And how would what Jerry Knight writes about
20 Secretary Brown with regard to a matter that is not
21 related to Department of Commerce business other than
22 disclosure forms have anything to do with Commerce

1 Department business?

2 MR. HEGYI: Objection. Irrelevant. Not
3 reasonably calculated to lead to the discovery of
4 admissible evidence in this 1994 FOIA case.

5 Counsel, you may have lots and lots of
6 questions about things that pique your curiosity. Tell
7 me how this could lead to the discovery of admissible
8 evidence in this 1994 FOIA case --

9 MR. KLAYMAN: He can respond.

10 MR. HEGYI: -- where the sole factual issue
11 remaining to be resolved is the adequacy of the 1994
12 and early 1995 search for documents.

13 MR. KLAYMAN: You can respond.

14 MR. HEGYI: Will you please enlighten us?

15 MR. KLAYMAN: No, I will not enlighten you,
16 Mr. Hegyi.

17 MR. HEGYI: Please tell the court why, then.
18 If you won't tell me, please tell the court.

19 MR. KLAYMAN: At the appropriate time and
20 place, certainly.

21 Mr. Hackney?

22 MR. HEGYI: This is abusive, counsel, and you

1 know it.

2 MR. KLAYMAN: You can respond.

3 MR. HEGYI: This is abusive and I object.

4 THE WITNESS: The secretary's financial
5 disclosure form was filled out because he was Secretary
6 of Commerce and obviously it had to relate to that
7 position, else he wouldn't have filled it out.

8 Barbara Fredericks was assigned to help in
9 filling that out. I assisted her in trying to gather
10 information, as did others. It is a form that
11 government officials have to fill out because they are
12 government officials, so it relates directly to their
13 duties. We are his staff.

14 BY MR. KLAYMAN:

15 Q The First International matter is a matter
16 which gave rise ultimately, did it not, to the
17 appointment of an independent counsel? Based on your
18 knowledge.

19 MR. HEGYI: Objection. Irrelevant. Not
20 reasonably calculated to lead to the discovery of
21 admissible evidence. How could --

22 MR. KLAYMAN: Correct?

1 MR. HEGYI: How could this lead to the
2 discovery of admissible evidence in this FOIA case?

3 MR. KLAYMAN: Mr. Hegyi, I don't have to tell
4 you.

5 MR. HEGYI: You should tell me, though. You
6 really should.

7 MR. KLAYMAN: No, I don't have to. I don't
8 have to tell you anything.

9 Go on.

10 MR. HEGYI: Do you have to tell the court?

11 MR. KLAYMAN: I'll tell the court at the
12 appropriate time and place.

13 MR. HEGYI: But by the time you get to the
14 court and the appropriate time and place, as you define
15 it, you will have had this witness here, as you did so
16 many others, for hours and hours and hours of questions
17 that are utterly irrelevant and not reasonably
18 calculated to lead to the discovery of admissible
19 evidence.

20 MR. KLAYMAN: Mr. Hegyi, we know your position
21 that this case is meritless. We know your position
22 that the Clinton Administration --

1 MR. HEGYI: Counsel, don't put words in my
2 mouth. Don't characterize --

3 MR. KLAYMAN: -- has done nothing wrong --

4 MR. HEGYI: Excuse me. Don't characterize my
5 personal opinions or my position.

6 MR. KLAYMAN: Well, it's very clear.

7 MR. HEGYI: Don't do that.

8 MR. KLAYMAN: So I ask you not to clutter the
9 record --

10 MR. HEGYI: Don't do that.

11 MR. KLAYMAN: -- because you are making these
12 depositions longer than they need to be with these
13 unnecessary comments.

14 MR. HEGYI: No, counsel. You are making them
15 with these unnecessary questions that are not
16 reasonably calculated to lead to the discovery of
17 admissible evidence.

18 Would you ask this witness what he knows, if
19 anything, about the adequacy of the search for
20 documents and involvement he may have had? He's told
21 you briefly what I understood was the extent of his
22 knowledge and his participation in the search for

1 documents --

2 MR. KLAYMAN: You know, I might add, his
3 counsel, Mr. Payton, has been quite a gentleman here
4 today. My hat's off to Mr. Payton. He is not trying
5 to obstruct this deposition, he's just trying to have
6 it move along. I would ask that you do the same thing.

7 MR. HEGYI: I'd love for this deposition to
8 move to something that is relevant or reasonably
9 calculated to lead to the discovery of admissible
10 evidence.

11 Mr. Payton, as he indicated at the very
12 beginning of the case, has not had to sit here with you
13 for, what, going on 70 hours of depositions where you
14 ask the same things over and over and they're not
15 reasonably calculated to lead to the discovery of
16 admissible evidence. Smirking, Mr. Klayman, and
17 fiddling with your lip with your finger don't make it
18 any more relevant.

19 MR. KLAYMAN: You know, wisecracks really do
20 not help, Mr. Hegyi, and your attitude is documented
21 throughout these depositions. We'll let your attitude,
22 your approach, your frivolous objections and everything

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1 else speak for itself. Not to mention the time you
2 walked out of a deposition without producing documents.

3 MR. HEGYI: Do you have -- I'm not agreeing to
4 what you just said and you know that's not accurate,
5 Mr. Klayman. Now, do you have --

6 MR. KLAYMAN: Well, that's what the court
7 found.

8 MR. HEGYI: It did not find that I walked out
9 of a deposition without producing documents,
10 Mr. Klayman. It did not find that and that is a
11 mischaracterization on your part and not the first one
12 that you've made in this case. It is only one in a
13 long line of them.

14 Now, do you have any questions that are
15 reasonably calculated to lead to the discovery of
16 admissible evidence in this case?

17 MR. KLAYMAN: Well, I would refer you to the
18 court's order of August 30, 1996.

19 MR. HEGYI: I've seen it. I've seen that
20 court's order.

21 MR. KLAYMAN: Yes.

22 MR. HEGYI: I've seen it. I've also seen a

1 long litany of times where you personally have been
2 sanctioned for making frivolous arguments.

3 MR. KLAYMAN: Well, yes, and we're aware that
4 you've disseminated that to the press and others,
5 Mr. Hegyi. We're aware of all these things.

6 MR. HEGYI: Mr. Klayman, what I have done or
7 haven't done is really none of your business in this
8 case.

9 MR. KLAYMAN: And we're aware of your
10 vindictive approach and we're aware of your conduct and
11 we're aware of nearly everything. I'm sure there are
12 things I still don't know about.

13 MR. HEGYI: Mr. Klayman, I'm sure there are
14 little ghosties around there somewhere rattling around
15 that maybe you don't and maybe you do, but would you
16 ask this witness questions that are reasonably
17 calculated to lead to the discovery of admissible
18 evidence so we can move on and get this deposition over
19 with?

20 MR. KLAYMAN: And I am.

21 BY MR. KLAYMAN:

22 Q You are aware that the First International

1 matter gave rise to an independent counsel, correct?

2 MR. HEGYI: Objection. Irrelevant. Not
3 reasonably calculated to lead to the discovery of
4 admissible evidence.

5 MR. KLAYMAN: You can respond.

6 THE WITNESS: Attorney General Reno's order
7 establishing independent counsel gives the reasons.

8 BY MR. KLAYMAN:

9 Q And that was not a matter that as part of your
10 duties and responsibilities you were to work on at the
11 Commerce Department, was it?

12 MR. HEGYI: Objection.

13 MR. PAYTON: What was not a matter, sir?

14 MR. KLAYMAN: The independent counsel's
15 investigation.

16 THE WITNESS: No. Absolutely.

17 BY MR. KLAYMAN:

18 Q And that would have been off limits for you to
19 work that while you were the department, correct?

20 MR. HEGYI: Same objection.

21 THE WITNESS: I don't know the answer to that.
22 I don't know the answer to that.

1 BY MR. KLAYMAN:

2 Q Were you asked to gather documents in response
3 to a subpoena that was received by Secretary Brown from
4 the independent counsel?

5 MR. HEGYI: Same objection.

6 MR. PAYTON: Look, if you have a whole line of
7 questions here, I think it's inappropriate and out of
8 bounds and if you want to go on about this, I think we
9 ought to ask the judge about it. If you just have one
10 or two more questions --

11 MR. KLAYMAN: I have one or two more
12 questions.

13 MR. PAYTON: Ask one or two more questions.

14 MR. KLAYMAN: So we'll see where it takes up.

15 I'll ask the court reporter to mark as
16 Exhibit 7 --

17 I'm sorry I complemented you, Mr. Payton.
18 I guess I -- a lawyer who is being too nice
19 sometimes -- but you have been a gentleman, I will
20 say that.

21 I'm showing you what has been marked as
22 Exhibit 7.

1 (Hackney Deposition Exhibit No. 7
2 was marked for identification.)

3 MR. HEGYI: Can I get another one?

4 MR. KLAYMAN: Sure.

5 BY MR. KLAYMAN:

6 Q Have you ever seen this document before?

7 A In preparation for this --

8 MR. HEGYI: Do you have one for me,

9 Mr. Klayman?

10 MR. KLAYMAN: Yes.

11 MR. HEGYI: I'm waiting to get it.

12 THE WITNESS: I saw this in preparation for
13 the deposition.

14 BY MR. KLAYMAN:

15 Q Have you ever seen the document before?

16 A In preparation for this deposition.

17 Q Did you see it before then?

18 A No.

19 Q Take an opportunity to review it, unless
20 you've already reviewed it.

21 A Mmm-hmm. I have.

22 Q Is there anything in this memorandum which is

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1 incorrect, that you know to be false?

2 MR. HEGYI: Excuse me. You haven't
3 established that he knows whether any of it's true. He
4 said he never saw it before his deposition. It's
5 improper to ask the witness if he knows if anything in
6 there is incorrect. Objection.

7 MR. KLAYMAN: Well, this is a discovery
8 deposition. We're not in trial right now.

9 MR. HEGYI: I understand we're not in trial,
10 but you can still ask the witness a clear question.
11 You haven't established that he knows anything --

12 MR. KLAYMAN: Review this memorandum and tell
13 me if there's anything in there that has been written
14 that you know to be incorrect.

15 MR. HEGYI: Same objection.

16 MR. PAYTON: Mr. Klayman, I guess I have a
17 question here which is I take it you would agree with
18 me that nothing in this memorandum relates to anything
19 sought in your FOIA request.

20 MR. KLAYMAN: Well, let's do this. Why don't
21 we ask Mr. Hackney to leave the room for a second and
22 I'll explain to you what the relevance of this is.

1 MR. PAYTON: All right.

2 VIDEO OPERATOR: We're going off the record.

3 Do you want to go off the record for this?

4 MR. KLAYMAN: No, we'll stay on the record.

5 (The witness was temporarily excused.)

6 MR. KLAYMAN: As Mr. Hegyi is well aware, this
7 document has been used by the Plaintiff to suggest that
8 perhaps there was an effort to limit the flow of
9 information from the Commerce Department with regard to
10 Secretary Brown.

11 Insofar as it is the contention of Plaintiff
12 that there has been an effort to withhold documentation
13 and information from the Commerce Department in this
14 case, it shows a course of conduct and intent to limit
15 that information and that is what we're using it for,
16 because this is a FOIA case, there are elements of bad
17 faith involved, as we have alleged.

18 MR. HEGYI: You haven't proven a single scrap
19 of anything and the judge has so indicated, so don't
20 make a passing statement to a lawyer who has not been
21 actively involved in this case and say that there's
22 been elements of bad faith.

1 MR. KLAYMAN: These are our allegations. I'm
2 telling him what our allegations are. And we're
3 entitled to prove them up. That's the reason for these
4 questions.

5 MR. PAYTON: But none of this relates to the
6 FOIA requests, but it relates to what you say --

7 MR. KLAYMAN: A course of conduct.

8 MR. PAYTON: -- may be similar conduct --

9 MR. KLAYMAN: Yes.

10 MR. PAYTON: -- in some other context?

11 MR. KLAYMAN: No. A general course --

12 MR. PAYTON: It doesn't relate to a FOIA
13 request?

14 MR. KLAYMAN: A general course of conduct on
15 behalf of individuals that worked with Secretary Brown,
16 including the secretary himself.

17 MR. PAYTON: It doesn't relate to your FOIA
18 requests.

19 MR. KLAYMAN: It may or may not. I haven't
20 had a chance to ask all my questions.

21 MR. PAYTON: Fine. Okay. I hear your little
22 caveat, but on its face, it doesn't appear to relate in

1 any way --

2 MR. KLAYMAN: On its face, it speaks for
3 itself.

4 MR. PAYTON: Yes. It doesn't relate to the
5 FOIA requests or the search to respond to the FOIA
6 requests, correct?

7 MR. KLAYMAN: On its face, it does not appear
8 to relate to the FOIA requests -- I don't know unless I
9 really probe.

10 MR. PAYTON: Okay.

11 MR. KLAYMAN: And this is the first
12 opportunity --

13 MR. PAYTON: It predates the FOIA request,
14 doesn't it?

15 MR. KLAYMAN: This is the first opportunity
16 for Mr. Hackney that I've had a chance to probe.

17 MR. PAYTON: Mr. Klayman, it predates the FOIA
18 request.

19 MR. KLAYMAN: Yes, but it deals with a course
20 of conduct.

21 MR. PAYTON: And it's not responsive to the
22 FOIA request. So how can you ask him questions about

1 this?

2 MR. KLAYMAN: Because it deals with a course
3 of conduct.

4 MR. PAYTON: A course of conduct that doesn't
5 relate to FOIA requests.

6 MR. KLAYMAN: Look, we're both clear on
7 the record. I will reserve this for purposes of moving
8 the deposition along. I'll reserve on this. I will
9 not require that you move for a protective order right
10 now.

11 MR. PAYTON: All right.

12 MR. KLAYMAN: If you object to going further.

13 MR. PAYTON: I do.

14 MR. KLAYMAN: Okay. And we'll move the court
15 accordingly.

16 MR. PAYTON: All right. Okay.

17 (The witness was recalled.)

18 MR. KLAYMAN: Certify this portion of the
19 record.

20 BY MR. KLAYMAN:

21 Q Have you ever heard of a company called Aryana
22 International? A-r-y-a-n-a.

1 A No.

2 (Pause to adjust recording equipment.)

3 MR. KLAYMAN: I'll show you what I'll ask the
4 court reporter to mark as Exhibit 8. This is a letter
5 from Aryana International to Melissa Moss dated
6 September 8, 1994.

7 (Hackney Deposition Exhibit No. 8
8 was marked for identification.)

9 BY MR. KLAYMAN:

10 Q I ask whether this refreshes your
11 recollection.

12 A No, not at all.

13 Q I refer you to the second paragraph from the
14 bottom wherein it states, "I am hereby submitting my
15 name to be included in Secretary Brown's delegation and
16 would be very encouraged if we can get a positive reply
17 from you. You can be assured of our continued support
18 to the Democratic National Committee."

19 Do you know whether or not Melissa Moss
20 discussed Aryana International's continued support to
21 the Democratic National Committee in the context of
22 this trade mission to India?

1 MR. HEGYI: I'm going to object to this
2 because the witness has already said several times that
3 to the best of his knowledge and recollection there was
4 never any discussion of any campaign contributions and
5 any quid pro quo for any participation on any trade
6 missions and he's said that repeatedly, counsel. So to
7 ask him this over and over and then ask him if he knows
8 it with regard to this company and that individual --

9 MR. KLAYMAN: You've now given him --

10 MR. HEGYI: -- it is improper.

11 MR. KLAYMAN: He never testified to that.

12 MR. HEGYI: Yes, he did.

13 MR. KLAYMAN: You know, and your role in this
14 case, Mr. Hegyi, is with regard to FOIA, not with
15 regard to what the documents show. You seem to be
16 defending the Clinton Administration with regard to the
17 actual allegation that we claim the documents show.

18 MR. HEGYI: No, sir. I'm trying to keep
19 this --

20 MR. KLAYMAN: This is an example of your
21 partisanship in this case.

22 MR. HEGYI: I am trying to keep this case

1 focused on, as the judge indicated in its order
2 stopping you from taking further deposition of John
3 Huang, that you are going beyond what the court decided
4 and described as the narrow issues in this FOIA case.
5 And I'm sorry, Mr. Klayman, but you have not taken that
6 admonition to heart.

7 BY MR. KLAYMAN:

8 Q Does this refresh your recollection as to
9 whether or not Melissa Moss discussed this with this
10 executive from Aryana International?

11 A No.

12 MR. KLAYMAN: Can I ask you not to inject your
13 testimony in the record again, Mr. Hegyi?

14 Please certify this.

15 MR. HEGYI: Mr. Klayman, I am not interjecting
16 my testimony. I am not here being deposed. The
17 witness is.

18 Would you please ask him a question you have
19 not already asked him over and over and over again in
20 perhaps a slightly different form?

21 MR. KLAYMAN: I'll show you what I'll ask the
22 court reporter to mark as Exhibit 9.

1 (Hackney Deposition Exhibit No. 9
2 was marked for identification.)

3 BY MR. KLAYMAN:

4 Q Have you ever seen Exhibit 9 before? It's a
5 letter of April 8, 1994 from a Co S-a-r-i-b-e-k-i-n to
6 Secretary Ronald Brown.

7 A No. Not that I can recall.

8 Q You did participate in the selection process
9 for the trip to Russia, did you not?

10 A Yes.

11 Q Yes?

12 A Yes.

13 Q Did you ever speak with this individual,
14 Saribekin?

15 A Not that I remember.

16 Q Did you speak with Senator Mitchell or Senator
17 Cohen about this mission?

18 A No.

19 Q You see the second page, wherein it says,
20 "Again, I thank you and your exceptional team for the
21 opportunity to participate and I look forward to
22 repaying the generosity of Department of Commerce in

1 some way in the months ahead. Melissa and I are
2 keeping in touch about the latter."

3 Do you have any knowledge as to Melissa's
4 keeping in touch with this individual about repaying
5 the Department of Commerce?

6 A No.

7 MR. HEGYI: Mr. Klayman, are you representing
8 as an officer of the court that an original copy of
9 this document that was provided to you by the
10 Department of Commerce in this case, assuming that it
11 was, that it had the marks here by that paragraph and
12 had that asterisk that I'll hold up to the camera?

13 MR. KLAYMAN: No, no. That was put on, I
14 think, probably by a volunteer of Judicial Watch.

15 MR. HEGYI: So Judicial Watch has altered that
16 document.

17 MR. KLAYMAN: No.

18 MR. HEGYI: I would thank you in future --

19 MR. KLAYMAN: This is a document that we're
20 using.

21 MR. HEGYI: I would thank you in the future if
22 you are handing any of the witnesses documents that

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1 you've altered in some manner that you point out the
2 alterations --

3 MR. KLAYMAN: Mr. Hegyi, don't play games.
4 I didn't ask him to authenticate the document. I'm not
5 offering it for its authenticity. I'm just offering it
6 for refreshing his recollection.

7 MR. PAYTON: He's answered.

8 BY MR. KLAYMAN:

9 Q Do you know of any discussions with regard
10 to repaying the generosity with anyone at the
11 department?

12 A No.

13 Q Did you ever hear of this company before?

14 A No.

15 MR. KLAYMAN: I'll show you what I'll ask the
16 court reporter to mark as Exhibit 10.

17 (Hackney Deposition Exhibit No. 10
18 was marked for identification.)

19 BY MR. KLAYMAN:

20 Q I ask you whether you've ever seen this
21 document before. It's a letter to the Secretary of
22 Commerce from a Lee L. Lindenbaum (phonetic) of

1 Universal Export Company, Ltd. dated August 4, 1994.

2 (Pause.)

3 Q You were at the department on August 4, 1994?

4 A Yes.

5 Q And have you ever heard of a company Universal
6 Export, Ltd?

7 A No.

8 Q This was the trade mission to China, was it
9 not?

10 A Yes.

11 Q You participated in the selection of companies
12 on the trade mission to China, did you not?

13 A Yes.

14 Q Now, this letter was addressed to Secretary
15 Brown, attention John Ost. Who was John Ost?

16 A I believe he worked in OBL.

17 Q In the ordinary course of routing of documents
18 at the department, would you have been copied with a
19 document such as this?

20 A No. Not necessarily.

21 Q Would you turn to page 2? Let me read the
22 whole paragraph. "The reason I am writing this letter

1 is as follows. I read in the Far Eastern Economic
2 Review America Calling U.S. plans big sales push in
3 China next month, dated 28 July 1994, that yourself and
4 Under Secretary Jeffrey Garden will be bringing 25
5 executives on a presidential mission to the region. I
6 assume that these executives contribute a lot of money
7 to the administration. I am a registered Democrat.
8 However, I am unable to contribute hundreds of
9 thousands of dollars as yet for the privilege to meet
10 the right contacts in any country."

11 In fact, this was one of the criteria for
12 going on the trade mission, was it not?

13 MR. HEGYI: What was?

14 MR. KLAYMAN: To China.

15 MR. HEGYI: What was a criteria?

16 MR. KLAYMAN: What I just read.

17 MR. HEGYI: No, sir. Tell me what you mean.

18 MR. KLAYMAN: Contributing hundreds of
19 thousands of dollars for the privilege.

20 THE WITNESS: You're asking that purpose?

21 MR. KLAYMAN: Yes.

22 THE WITNESS: Absolutely not.

1 BY MR. KLAYMAN:

2 Q Are you aware of anyone having discussed this
3 letter with Mr. Lindenbaum?

4 A No.

5 Q Mr. Ost?

6 A No.

7 Q Did you ever discuss it with Mr. Ost?

8 A No.

9 MR. KLAYMAN: I'll show you what I'll ask the
10 court reporter to mark as Exhibit 11. This is a letter
11 of May 23, 1994 from Ambassador James R. Cheek to
12 Mr. Don Cassil, C-a-s-s-i-l, Cassil Marketing.

13 (Hackney Deposition Exhibit No. 11
14 was marked for identification.)

15 BY MR. KLAYMAN:

16 Q Have you ever heard of Mr. Don Cassil?

17 A No.

18 Q Have you ever heard of a company called Cassil
19 Marketing?

20 A No.

21 Q I'll show you what I've asked the court
22 reporter to mark as Exhibit 11 and ask you if you've

1 ever seen this document before.

2 A No, I have not.

3 Q You do know who Ambassador Cheek is, do you
4 not?

5 A Yes.

6 Q Who was Ambassador Cheek on May 23, 1994, the
7 date of this letter?

8 A He was the ambassador to Argentina, I believe.

9 Q And you had contact with him with regard to
10 the trip to Latin America, did you not?

11 A Very limited. And I don't remember if it was
12 before or during the trip.

13 Q Now, this letter refers to contacting Jude
14 Kearney about going on the trip, does it not?

15 A Yes.

16 Q Jude Kearney did play a role in deciding who
17 would go on the Latin America trip? You can confirm
18 that?

19 A Excuse me?

20 Q Can you confirm that Jude Kearney played a
21 role in deciding who would go on the Latin America
22 trip?

1 A No, he did not.

2 Q Do you know why this letter is being written
3 by Ambassador Cheek and referring this individual to
4 Jude Kearney? Do you have independent knowledge of
5 that?

6 A No.

7 Q Do you know what is referred to in the third
8 paragraph of this letter, "In addition to your White
9 House contacts"? Do you have any independent knowledge
10 as to those White House contacts?

11 MR. HEGYI: Objection. Irrelevant. Not
12 reasonably calculated to lead to the discovery of
13 admissible evidence.

14 THE WITNESS: No.

15 BY MR. KLAYMAN:

16 Q Did Ambassador Cheek deal with people in the
17 White House about putting people on trade missions to
18 Latin America?

19 MR. HEGYI: Same objection.

20 THE WITNESS: I don't know.

21 BY MR. KLAYMAN:

22 Q Do you have any knowledge of that?

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1 A No.

2 Q Would that have been a reference to Alexis
3 Herman, in your opinion?

4 MR. HEGYI: Objection. Same objection.

5 THE WITNESS: I don't know.

6 BY MR. KLAYMAN:

7 Q During the time that you were at the
8 Department of Commerce, did you ever have contact with
9 a company called UNC, Inc.?

10 A Not that I can recall.

11 Q Did you ever have contact with Jude Kearney
12 concerning a company called UNC, Inc.?

13 A Without knowing more about who -- I don't
14 recall. I may have, I don't know.

15 MR. KLAYMAN: I'll show you what I'll ask the
16 court reporter to mark as Exhibit 12.

17 (Hackney Deposition Exhibit No. 12
18 was marked for identification.)

19 MR. KLAYMAN: I have three copies of this
20 document. I can provide two.

21 Perhaps, Mr. Hegyi, if you could look over the
22 witness' shoulder, if you object strongly, I'll make

1 you another copy.

2 MR. HEGYI: Would you mind making me a copy at
3 the first break?

4 MR. KLAYMAN: Sure. If you object strongly,
5 I'll make you another copy.

6 THE WITNESS: Would you mind making me a copy
7 at the first break?

8 MR. KLAYMAN: Sure. This is a memorandum of
9 February 8, 1984 for James Hackney, Counselor to the
10 Secretary, from Jude Tierney; subject: "Company
11 Participation on the Secretary's Russia Trip."

12 BY MR. KLAYMAN:

13 Q Have you ever seen this document before?

14 A I don't remember.

15 Q Does this refresh your recollection as to
16 whether you had contact with UNC, Inc.?

17 A No.

18 Q Or about UNC, Inc.?

19 A No.

20 Q Look at the third paragraph. It says: "The
21 second company is not yet on the list. It's a
22 billion-dollar Arkansas investment bank, Stevens, Inc.

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1 They do a great deal of international finance, are
2 involved with a fair amount of major project financing.
3 They are interested in going to Russia and would also
4 make a positive contribution to both the secretary's
5 trip and the objectives set forth for the trip."

6 Did you ever have contact, or did you ever
7 discuss the participation of Stevens, Inc., on a trade
8 mission?

9 A No.

10 Q Do you know who Stevens, Inc., is?

11 A Yes.

12 Q Who are they?

13 A It's a big Arkansas investment banking firm.

14 Q Have you ever done business with them in your
15 private capacity?

16 A No.

17 Q Are you aware of whether or not Stevens, Inc.,
18 was selected to go on a trade mission?

19 A To my knowledge, they weren't.

20 Q Was this discussed at a meeting?

21 A Not that I recall.

22 Q How do you know they weren't?

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1 A I just don't remember seeing them on a list of
2 the trade mission participants.

3 MR. KLAYMAN: I'll show you what I'll ask the
4 court reporter to mark as Exhibit 13. This is a
5 memorandum from C. Payne Lucas to Jude Tierney, dated
6 November 19, 1993, a copy to Kelvin A. Wall. Who is C.
7 Payne Lucas; do you know?

8 (Hackney Exhibit 13 was marked for
9 identification.)

10 MR. HEGYI: The witness doesn't have before
11 him the document you just made reference to.

12 BY MR. KLAYMAN:

13 Q But do you know who he was?

14 THE WITNESS: Where is the document? Let me
15 see that.

16 MR. HEGYI: Do you have a copy of that for me?

17 MR. KLAYMAN: I only have three. I'll make
18 them at the break.

19 THE WITNESS: C. Payne is the director of
20 Africare.

21 BY MR. KLAYMAN:

22 Q What is Africare?

1 A It's a think tank on Africa issues, Africa
2 matters. It is also a group that has supported small
3 African entrepreneurs' businesses in Africa.

4 Q To the best of your knowledge, has he been a
5 contributor to the Democratic Party or the Clinton-Gore
6 campaign?

7 A Who?

8 Q C. Payne Lucas.

9 A I have no idea.

10 Q Kelvin A. Wall. Who is that?

11 A I have no idea.

12 Q Did you participate in any discussions while
13 you were at the Department or deliberations concerning
14 taking Kelvin A. Wall on a trade mission?

15 A No.

16 Q Turn to the last page of this.

17 MR. HEGYI: It's only one page.

18 BY MR. KLAYMAN:

19 Q Excuse me -- the last line. It says:
20 "Contributed \$2,000 to both the election campaigns of
21 Mandela and President Clinton." Do you see that?

22 A Uh-huh.

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1 Q Do you know if anyone at the Department ever
2 communicated with individuals such as C. Payne Lucas to
3 tell them don't write that stuff in memoranda because
4 that is not part of our selection process?

5 A I have no idea.

6 Q You don't know of anyone ever having discussed
7 forgetting these memoranda that refer to political
8 campaign contributions, write back to these people, and
9 tell them not to make reference because this isn't part
10 of our criteria? You don't know about anything about
11 that?

12 MR. HEGYI: Objection to relevance and not
13 reasonably calculated to lead to the discovery of
14 admissible evidence.

15 BY MR. KLAYMAN:

16 Q Do you know about anything like that?

17 MR. HEGYI: Same objection.

18 THE WITNESS: No.

19 BY MR. KLAYMAN:

20 Q If something like that crossed your desk, --

21 MR. HEGYI: Like what?

22 BY MR. KLAYMAN:

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1 Q This letter, this memorandum, Exhibit 13, and
2 you saw that C. Payne Lucas was suggesting that an
3 individual should go a trade trip and one of the
4 criteria was a political contribution, would you inform
5 him that that is not a correct assumption?

6 A If he asked me, yeah, yes.

7 Q Do you have anything in writing where you ever
8 informed anyone to that effect?

9 A I doubt it. I probably informed them by
10 phone, if anything.

11 Q Do you know of anyone else having written
12 anything like that?

13 A No.

14 MR. KLAYMAN: I'll show you what I'll ask the
15 court reporter to mark as Exhibit 14.

16 (Hackney Exhibit 14 was marked for
17 identification.)

18 MR. HEGYI: Counsel, do you have a whole slew
19 of them that you don't have enough copies to go around?
20 Why don't we take a break now and let you go ahead and
21 make the copies.

22 MR. KLAYMAN: Okay.

1 THE VIDEO OPERATOR: Off the record at 3:01
2 p.m.

3 (Off the record.)

4 MR. KLAYMAN: I'll show you what the court
5 reporter has marked as Exhibit 14.

6 BY MR. KLAYMAN:

7 Q Have you ever seen this document before?

8 A You know, maybe. I don't know.

9 Q Did you play any role in selecting Glen Biggs
10 to go on the trip to Argentina?

11 A I was part of the group that selected the
12 participants in that mission, yes.

13 Q And why was Mr. Biggs selected?

14 A Because of Diamond Shamrock's investments in
15 Latin-America.

16 Q Was there anything put in writing analyzing
17 its investments in Latin-America?

18 A I believe so.

19 Q Was there anything prepared in writing that
20 set forth the selection process with regard to Diamond
21 Shamrock?

22 A At the beginning of each trip, we decided what

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1 we wanted in terms of those participants on the trip,
2 and Diamond Shamrock, whatever those criteria were --
3 and they were set forth by the International Trade
4 Administration, we felt that Diamond Shamrock met those
5 criteria.

6 Q And what were the criteria, other than its
7 large investments?

8 A They had an investment in Latin-America. It
9 was a company that was active in Latin-America. It was
10 a company that we thought, by increasing its business
11 in Latin America, we could create American jobs.

12 Q That would be true for any company that does
13 business in Latin America, would it not?

14 A No, not necessarily. I mean, there are a lot
15 of companies that do business that are not exactly job
16 creation.

17 Q What I'm saying is, was there some kind of a
18 written document where there was a check list of the
19 criteria setting forth why this company was chosen?

20 A Yes, I'm sure there was.

21 Q And is it not the case that Mr. Biggs, having
22 been recommended by Senator Benson, also played a role?

1 A That his recommendation from Senator Benson
2 played a role?

3 Q The fact that he was a long-time supporter of
4 Secretary Benson; didn't that play a role in his
5 selection?

6 A It gives him some credibility, but the primary
7 focus is who has business in the countries in which we
8 are traveling to. I'm sure there are a lot of
9 supporters of Senator Benson that have business in
10 Latin America. This was someone who was interested in
11 going with us who had business down there who we could
12 help, and Senator Benson knew him to be a credible
13 businessman; so, yes, all of that helped.

14 Q And it would have helped if he had given
15 campaign contributions, would it have not?

16 A To me, it would have been irrelevant.

17 Q It wouldn't have hurt, though, would it?

18 A It would have been irrelevant.

19 Q Is there anything in writing that says that's
20 irrelevant?

21 A In writing?

22 Q Yeah.

1 A That it's irrelevant to me?

2 Q To anybody?

3 A I don't know. There is nothing in writing
4 that says that it is relevant.

5 MR. KLAYMAN: I'll show you what I'll ask the
6 court reporter to mark as Exhibit 15.

7 (Hackney Exhibit 15 was marked for
8 identification.)

9 BY MR. KLAYMAN:

10 Q Have you ever seen Exhibit 15 before?

11 A Not that I can recall.

12 Q Was this type of a letter from Ron Brown
13 routine, that once an inquiry was invested, he would
14 respond to the individual that was recommending a
15 participant on a trade mission?

16 A I don't know what you mean by routine. Did he
17 respond to everyone? No.

18 Q He responded to those that had some political
19 clout. Correct?

20 A He responded -- I don't know who he responded
21 to. You know, this says "Dear Ron," so my -- I don't
22 know. It may have been someone he knew personally.

1 Q Were there any guidelines on how Secretary
2 Brown would respond?

3 A I don't know. You would have to ask the
4 Executive Secretary. I can't tell.

5 Q How would this document have been prepared?
6 Did Secretary Brown type this out himself on his
7 computer?

8 A Of course, not.

9 Q Who would have prepared it?

10 A Probably somebody in OBL.

11 Q They would have presented it to him for
12 signature?

13 A Yes.

14 Q Was there a procedure for them to write these
15 kinds of letters?

16 A I'm sorry. I was crunching on ice. Excuse
17 me.

18 Q Was there a procedure for him to write these
19 kinds of letters?

20 A I don't know. It was not something I was
21 involved in.

22 Q Was it ever discussed? Did you have to write

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1 thank-you letters; did you have to write
2 acknowledgement letters, anything like that?

3 A If it was discussed between the secretary and
4 OBL.

5 Q You weren't privy to any of those discussions?

6 A No.

7 MR. KLAYMAN: I'll show you what I'll ask the
8 court reporter to mark as Exhibit 16. This is a letter
9 of August 8, 1994 from Ralph Oman of Mudrose, Guthrie,
10 Alexander & Ferndon.

11 (Hackney Exhibit 16 was marked for
12 identification.)

13 BY MR. KLAYMAN:

14 Q Have you ever seen that document before?

15 A Not that I remember.

16 Q Did you yourself play a role in selecting
17 Francis Preston, CEO, Broadcast Music, Inc., for any
18 trade mission?

19 A Not that I recall.

20 MR. KLAYMAN: I'll show you what I'll ask the
21 court reporter to mark as Exhibit 17.

22 (Hackney Exhibit 17 was marked for

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1 identification.)

2 BY MR. KLAYMAN:

3 Q Did you participate in any decision to choose
4 Glen A. Gladney, G-L-A-D-N-E-Y, chairman, CEO, of DS
5 Electric Power Systems, for a trip to South Africa?

6 A No.

7 Q Have you seen this correspondence before?

8 A No.

9 Q You did participate in choosing participants
10 on the South Africa trade trip, did you not? Yes?

11 A Yes, I did.

12 MR. HEGYI: Counsel, can I ask you again, on
13 the second page we've got this --

14 MR. KLAYMAN: Yes. That is most likely a
15 marking of one of our volunteers, that little star and
16 the bracket.

17 BY MR. KLAYMAN:

18 Q It says, last sentence?

19 A "I look forward with eager anticipation to
20 continuing my long-standing relationship with you since
21 the days at the Democratic National Committee and hope
22 to have an opportunity to personally express my

1 appreciation in the near future, Wilson Golden." Do
2 you know Wilson Golden?

3 A No.

4 Q This letter is copied on Terrence R.
5 McAuliffe, M-C-A-U-L-I-F-F-E. Do you know who Terry
6 McAuliffe is?

7 MR. HEGYI: It says "Esquire" under it.

8 BY MR. KLAYMAN:

9 Q Esquire. Who is he?

10 A He is a lawyer in Washington, and he is also
11 -- was or is the director of finance at the DNC.

12 Q What was he at the time this letter was
13 written, November 16, 1993?

14 A I have no idea. I don't remember when he took
15 over at the DNC.

16 Q Did you ever have any contacts with Terry
17 McAuliffe about trade trips?

18 A No.

19 Q Did you ever have any contact with him when he
20 was at the Department of Commerce?

21 A Yes.

22 Q What was the contact about?

1 A I went out -- he put together a group of
2 businessmen for a briefing from various members of the
3 administration, different departments -- Commerce, SBA,
4 Ex-Im Bank -- and we went down and gave a pep talk.

5 Q What was the briefing for?

6 A It was just a general sense of direction on
7 what the administration was doing to help businesses.

8 Q Businesses were invited?

9 A Yes.

10 Q Where did the briefing take place?

11 A I think it was at the Small Business
12 Administration. I don't have a specific recollection,
13 but I think it was the SBA, because I think it was
14 targeting towards small businesses.

15 Q And this was during the time that Mr. Terry
16 McAuliffe was with the DNC?

17 A Yes.

18 Q And, in fact, many of those companies were
19 donors, were they not?

20 A I don't know.

21 Q Who was there for Commerce?

22 A Just myself, I think. I was asked at the last

1 minute to do it.

2 Q You took notes?

3 A Notes? No.

4 Q Was anything handed out?

5 A No.

6 Q Who is Steven J. Boikin, B-O-I-K-I-N?

7 A I don't know.

8 MR. KLAYMAN: Let me show you what I'll ask
9 the court reporter to mark as Exhibit 18.

10 (Hackney Exhibit 18 was marked for
11 identification.)

12 BY MR. KLAYMAN:

13 Q Have you ever seen Exhibit 18 before?

14 A No.

15 Q Have you seen this type of document before --

16 A Yes.

17 Q -- in terms of those its -- the generic nature
18 of it?

19 A Yes.

20 Q What is this?

21 A It's a document produced by the Executive
22 Secretary. I can't tell.

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1 Q Of the Commerce Department?

2 A Yes, of the Commerce Department, circulating a
3 particular document.

4 Q It says "ES/OS" at the top.

5 A "Executive Secretariat/Office of the
6 Secretary."

7 Q Okay. And what does "controlled
8 correspondence" mean?

9 A Something that's probably within -- I don't
10 know. I would be guessing.

11 Q It says "control number below." What is the
12 control number? What is that?

13 A I don't know.

14 Q "White House control number." Why is the
15 White House listed on this document?

16 A I don't know.

17 Q Is this a document which is sent to the White
18 House?

19 A No, not necessarily, no.

20 Q There is handwriting on the right-hand side.
21 It says: "Tracey, please respond." Can you read that
22 handwriting?

1 A Yes.

2 Q What does it say?

3 A It says -- I don't know what the word is, but
4 it's "due by 5/31," it looks like it's what he is
5 saying.

6 Q "Thanks, Sally." Is that Sally Painter?

7 A Yes.

8 Q Do you recognize her handwriting?

9 A No, I don't recognize her handwriting, but it
10 makes sense.

11 Q Who is Tracey?

12 A Tracey Rancifer.

13 Q And how do you spell that name?

14 A R-A-N-C-I-F-E-R.

15 Q Where does she work?

16 A Office of -- OBL.

17 Q And where did Sally Painter work at the time?

18 A OBL.

19 Q Do these types of documents routinely cross
20 your desk?

21 A No.

22 Q Had you ever seen one like this before?

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1 A Oh, yes.

2 Q In what context?

3 A Information on mostly -- if the rare
4 occurrence -- and it would be very rare -- that I was
5 the one that had to prepare a response.

6 Q What do you mean that you had to prepare a
7 response?

8 A Well, see, it says: "Instruction: Prepare
9 response for signature." This attached the letter from
10 Ronald Platt.

11 Q Right.

12 A Somebody had to respond for its signature. A
13 secretary is going to respond. So action agency is
14 OBL.

15 Q Does this refer to the letter that we
16 previously marked as Exhibit 14?

17 A It may. What date was that received?

18 Q I can't tell from the document. Maybe you can
19 tell. I'll show it to you.

20 A Yeah, May 24th. It's probably -- I mean, I
21 don't know, but it's probably. Yeah. It says it's a
22 letter from Ron Platt requesting that Glen Biggs be

1 included in the trade mission to Argentina. The
2 document actually is pretty self-explanatory.

3 Q Well, was there a procedure on how responding
4 to these pieces of correspondence from individuals
5 requesting participation in trade missions was to be
6 handled?

7 A Yes.

8 Q What was the procedure?

9 A I don't know. You would have to talk to OBL
10 and ES.

11 Q From time to time you were requested to
12 respond --

13 A I'm just guessing. There may have been one or
14 two indications. I don't remember any specification
15 where I responded.

16 Q Was the criteria for selecting you, to the
17 best of your knowledge, because you knew the person who
18 had written it?

19 A I don't remember. It could have been, but I
20 don't remember.

21 Q How is it determined, if at all, how the
22 response would read? Were there any criteria for

1 determining what the response would be?

2 A It was all handled out of OBL. They were the
3 liaison with the business community. They would
4 determine how to respond, and in this case the
5 secretary signed it. He may have reviewed it, probably
6 did, and decided, yeah, it's okay, or I want to add a
7 sentence.

8 Q To the best of your knowledge, before the
9 secretary would sign these kinds of letters, did he
10 meet with Melissa Moss and go over the participants?

11 A I don't quite understand your question.

12 Q Well, in other words, it's fair to say, isn't
13 it, that the secretary reviewed the list of potential
14 participants before a formal notification was provided
15 to each participant, that he would be included, he or
16 she? That's a fair --

17 A That's fair.

18 Q -- characterization. And that the secretary
19 would make the final ultimate decision that
20 participants would be invited.

21 A It was his trade mission.

22 Q So the answer is yes?

1 A Yes.

2 Q And how was the documentation or information
3 provided to the secretary so he could make that
4 ultimate decision?

5 A He was briefed.

6 Q And who briefed him?

7 A Melissa, Rob Stein, myself, Jonathan Salad,
8 Loretta Dunn, Dave Barram, David Rothkoff, Jeff Garden,
9 on and on and on.

10 Q And what kind of documents, if any, were
11 provided to him at those briefing sessions?

12 A If a document were provided -- and I'm sure it
13 was -- it was a document prepared by ITA and OBL that
14 listed the company, the CEO of the company, the
15 contract that was at issue, or the business activity
16 that was at issue, and the country in which we were
17 traveling.

18 Q Were there anything else, any other listings
19 on those documents?

20 A No, not that I remember.

21 Q Did you all meet together, or did you meet
22 separately with the secretary, generally speaking?

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