

1 A It depended. Sometimes there would be four or
2 five of us, sometimes more, but we tried to keep the
3 group as small as possible.

4 Q Where would you meet?

5 A In his office.

6 Q The secretary's office? And the core people
7 who were generally always there -- yourself, Rob Stein,
8 Melissa Moss -- were those three?

9 A David Rothkoff, Jeff Garden, someone from
10 MBDA, which is the Minority Business Development
11 Agency; Loretta Dunn from legislation, and somebody
12 from Public Affairs.

13 Q And these people from time to time would take
14 notes of those meetings, would they not?

15 A I don't know. I never really -- I don't know.

16 Q There was never an instruction not to take
17 notes, was there?

18 A I don't know who would -- no.

19 Q That you know of?

20 A No.

21 Q Were there any instructions to throw away your
22 notes after you took them?

1 A No.

2 Q Was there ever anyone present from the White
3 House at those meetings?

4 A No.

5 Q DNC?

6 A No.

7 Q Where the results of who was selected
8 communicated to the DNC in any way?

9 A No.

10 Q To the White House?

11 A No.

12 Q Was Ginger Lew present at any of these
13 meetings?

14 A Probably.

15 Q Was John Wong present at any of these
16 meetings?

17 A Absolutely not.

18 Q Melinda Yee?

19 A No.

20 Q Did the secretary ever say to you, I don't
21 trust John Wong, anything to that effect?

22 A No.

1 MR. HEGYI: Objection. Irrelevant and not
2 reasonably calculated to lead to the discovery of
3 admissible evidence.

4 BY MR. KLAYMAN:

5 Q Were there discussions at that meeting how the
6 participants that selected were to be notified?

7 A No.

8 Q Were there discussions at those meetings how
9 to notify participants that weren't selected?

10 A No.

11 Q Are you aware of anyone who ever complained
12 about not being taken on a trade mission?

13 MR. HEGYI: Counsel, haven't we been through
14 this before?

15 MR. KLAYMAN: It's a different question. It's
16 a different question.

17 MR. HEGYI: I don't believe it is.

18 MR. KLAYMAN: You can respond.

19 THE WITNESS: No.

20 BY MR. KLAYMAN:

21 Q Did you ever have contact while you were at
22 the Department of Commerce with anyone named Johnnie

1 Cochran?

2 A Yes.

3 Q You did?

4 A Yes.

5 Q In what context?

6 A A couple of contexts. Once I remember Johnnie
7 wrote a letter wanting to be on some commission. This
8 was in early 1993. I forgot what it was. And --
9 Johnnie is a friend.

10 Q How long have you known Johnnie?

11 A Four or five years.

12 Q Did he ever request that someone be taken on a
13 trade mission?

14 A I don't know. Not that I recall. He could
15 have. I don't remember.

16 Q Was he a friend of Secretary Brown's as well,
17 to the best of your knowledge?

18 A Very good friend.

19 Q How did you both get to know him?

20 A I don't know how the secretary got to know
21 him. I met him through friends in Los Angeles.

22 Q Your secretary got to know him?

1 A I said, I don't know how the secretary got to
2 know him.

3 MR. KLAYMAN: I'll show you what I'll ask the
4 court reporter to mark as Exhibit 19. This is a letter
5 of June 2, 1994 to Secretary Brown from Johnnie
6 Cochran.

7 (Hackney Exhibit 19 was marked for
8 identification.)

9 BY MR. KLAYMAN:

10 Q Have you ever seen this letter before?

11 MR. HEGYI: Counsel, the Exhibit 19 that is
12 before the witness has three pages, and the one that
13 has been provided to me has two.

14 THE WITNESS: Mine has three.

15 MR. KLAYMAN: I only have two. I guess we
16 isolate that one -- incidentally, just for the record,
17 I don't know who put the circle around Johnnie
18 Cochran's name at the top. It's not terribly
19 significant.

20 THE WITNESS: I don't specifically recall
21 seeing this.

22 BY MR. KLAYMAN:

1 Q Are you aware of someone by the name of Mr.
2 Toalany who wanted to go on a trade mission,
3 T-O-A-L-A-N-Y?

4 A No.

5 Q Did you have contact with Johnnie Cochran over
6 this particular matter?

7 A No.

8 Q Did you ever schedule requests with Secretary
9 Brown to meet with President Clinton?

10 A Did I -- could you repeat your question?

11 Q Did you play any role in scheduling meetings
12 between Secretary Brown and President Clinton?

13 A No.

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

16 (Hackney Exhibit 20 was marked for
17 identification.)

18 BY MR. KLAYMAN:

19 Q Have you ever seen Exhibit 20 before?

20 A I don't know.

21 Q You're not sure?

22 A I'm not sure.

1 Q This is a memo from Rob Stein to Christine
2 Varney. Who is Christine Varney?

3 A She was the cabinet secretary at the White
4 House.

5 Q What did the cabinet secretary do?

6 A She was the liaison with the cabinet.

7 Q This purports to try to set up a meeting with
8 President Clinton and Secretary Brown with regard to
9 missions to China and Hong Kong. Correct?

10 A Correct. That's what it says.

11 Q Did you participate in any such meetings?

12 A With the president?

13 Q Yeah.

14 A No.

15 Q Do you know of anyone who did?

16 A This particular meeting?

17 Q Yes.

18 A I don't know whether this even happened.

19 Q Okay.

20 Q Did you participate in choosing participants
21 for the mission to South Africa?

22 A Yes.

1 Q Was there a problem in finding minority
2 candidates to go on those missions?

3 A Not that I recall.

4 Q Were there any criteria that were written as
5 to whether you would be qualified to go on one of those
6 missions based on your minority status, one's minority
7 status?

8 MR. HEGYI: Based solely on that?

9 MR. KLAYMAN: Yeah. No. Based on that in any
10 way. Let me rephrase the question.

11 BY MR. KLAYMAN:

12 Q Was there anything in writing that would
13 reflect criteria to choose participants for the mission
14 to South Africa which refers or relates in any way to
15 one's minority status?

16 A Not that I know of.

17 Q Was that one of the criteria to select
18 participants on the missions?

19 A We always wanted to include small and
20 minority-owned businesses on the missions.

21 Q Would you do that to the exclusion of people
22 who were not minorities?

1 A I don't understand your question.

2 Q Well, what I mean is, was that a formal policy
3 of the Department that all things being equal, to
4 participants of equal qualifications, that you would
5 choose the minority over the nonminority? Was there
6 anything in terms of a policy or regulation of the
7 Department?

8 A No.

9 Q Are you aware of having chosen individuals on
10 the trade mission to South Africa based on their race
11 or minority status?

12 MR. HEGYI: Him having done it?

13 MR. KLAYMAN: Yes.

14 THE WITNESS: No.

15 BY MR. KLAYMAN:

16 Q Do you know of anyone else?

17 A No.

18 MR. KLAYMAN: I'm going to show you what I'll
19 ask the court reporter to mark as Exhibit 21. This is
20 a memorandum for James Hackney, Jonathan Salad, David
21 Rothkoff from Melissa Moss and Sally Painter, dated
22 April 25, 1994.

1 (Hackney Exhibit 21 was marked for
2 identification.)

3 BY MR. KLAYMAN:

4 Q Have you ever seen this document before?

5 A Yes.

6 Q Did you see it in and around April 25, 1994?

7 A I don't remember when I saw it.

8 Q Does this refresh your recollection as to
9 whether there was a policy in effect to choose minority
10 candidates to go on that trip to South Africa?

11 A This is a trip to South America.

12 Q South America. I'm sorry.

13 MR. HEGYI: Is there something in here you're
14 directing his attention to?

15 MR. KLAYMAN: Yes, the first paragraph.

16 MR. HEGYI: The paragraph that says there is a
17 dearth of minority candidates.

18 MR. KLAYMAN: Yes.

19 THE WITNESS: And what is your question?

20 BY MR. KLAYMAN:

21 Q Does this refresh your recollection as to
22 whether there was a policy in effect to favor minority

1 candidates over non-minority candidates for trade
2 missions?

3 A Well, this disclaimer attached to this memo is
4 criteria for selection which sets forth the criteria
5 for selection on these trips, on these missions.

6 Q So this is a writing which sets forth the
7 criteria?

8 A It appears to be. Right. It says -- are
9 you --

10 Q I'm talking about the last page.

11 A "Presidential business development mission to
12 South America, criteria for selection"?

13 Q Correct. Is there anything in there which
14 reflects that minority candidates will be favored over
15 non-minority candidates?

16 A No, it does not.

17 Q This letter was written -- this memorandum was
18 written by Melissa Moss and Sally Painter to you,
19 Salad, and Rothkoff. Correct?

20 A Uh-huh, yes.

21 Q Did she ever discuss it with you, she or Sally
22 Painter?

1 A This particular memo?

2 Q Or the issues discussed in the memo?

3 A I think the issues discussed were probably
4 discussed with it, yes.

5 Q Was there an effort to get more minority
6 candidates for this trip?

7 A For this trip?

8 Q Yes.

9 A There was an effort to get some minority
10 candidates for this trip.

11 Q Did it make any difference to you or anyone
12 else at the Department if, as selected, there weren't a
13 certain number or a quota of minority candidates?

14 A No.

15 MR. KLAYMAN: Off the record. The time is
16 three-forty-two.

17 (Off the record.)

18 THE VIDEO OPERATOR: Back on the record. The
19 time is three-forty-two.

20 BY MR. KLAYMAN:

21 Q Let me refer you back to Exhibit 21. Do you
22 see that last page --

1 A Yes.

2 Q -- where it says, "In addition to the standard
3 conditions of participation for trade missions, the
4 criteria for selection are"?

5 A Yes.

6 Q What were the standard conditions for
7 participation?

8 A To be a U.S. company.

9 Q Is that written down anywhere that you know
10 of?

11 A Probably. I don't know. I can't lead you;
12 but, yes, we operated under that assumption.

13 Q Were these special conditions that are listed
14 on this page or additional conditions also relevant to
15 other trade missions? In other words, there is a
16 reference to standard conditions, and then it says, in
17 addition to the standard conditions, here are the
18 criteria for selection. I'm wondering whether these
19 criteria were relevant to other trade missions.

20 *****

21 A Yes, they were.

22 Q Is there anything in writing to that effect

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1 that you know of?

2 A I don't know. OBL may have done the same for
3 all trips.

4 Q Do you know of any writing that discusses what
5 the standard conditions are?

6 A No.

7 MR. KLAYMAN: I'll show you what I'll ask the
8 court reporter to mark as Exhibit 22. This is a
9 document styled "Table of Contents for India Trip
10 Working Group Meeting."

11 (Hackney Exhibit 22 was marked for
12 identification.)

13 BY MR. KLAYMAN:

14 Q Have you ever seen that document before?

15 A I'm sure I have.

16 Q What was an India working group meeting? Are
17 these the meetings where participants are selected?

18 MR. HEGYI: Do you mean the final decision is
19 made or whether it's discussed?

20 MR. KLAYMAN: Whether it's discussed.

21 THE WITNESS: Where it's discussed, yes.

22 BY MR. KLAYMAN:

1 Q And these are the individuals who are
2 generally present on such meetings?

3 A These are the individuals who were present for
4 the India working group meeting.

5 Q Was there more than one meeting?

6 A Yes.

7 Q How many meetings were there for the India
8 working group meeting?

9 A Oh, four or five.

10 Q And what were discussed at these meetings
11 specifically?

12 A The same issues that you see on the front
13 cover, front page.

14 Q Well let's start with "schedule and
15 logistics." Are you saying that you discussed when
16 these trips would take place and the plans in terms of
17 those arranging for these trips?

18 A Yes.

19 Q What is the category, "issues and deliverables
20 and message"? What does that mean?

21 A Whether there were any outstanding bilateral
22 issues between the U.S. and India that needed to be

1 discussed, what deliverables or what contracts were
2 going to be signed by the secretary, and message was
3 the overall message: We want to increase investment in
4 India. India is an emerging market that we think is
5 good for U.S. companies. That's why we're here.

6 Q Well, you just said contracts signed by the
7 secretary. Did the secretary sign contracts on trade
8 trips?

9 A Yes.

10 Q In what capacity?

11 A As the secretary -- a lot of these contracts
12 were contracts that -- it is not fair to say he himself
13 signed the contract. He oversaw the signing of
14 contracts by American officials.

15 Q Did he endorse any paper, any actual
16 contracts, "Witness: Ron Brown," or anything like
17 that?

18 A No. The contracts are between the American
19 firm and the particular agency of the Indian Government
20 or another Indian company.

21 Q What is referred to by "message"?

22 A The message that we wanted to advocate in

1 terms of the Indian market. There was a lot of press
2 covering these trips. What did we have to say? What
3 did we want to tell them?

4 Q "Category Three: Business Delegation, Melissa
5 and Sally." Does that refer to Melissa Moss and Sally
6 Painter?

7 A Yes.

8 Q Do you know who made that notation?

9 A No.

10 Q Is this the category of discussion of who goes
11 on the trips?

12 A It's the discussion of what companies have
13 applied to go on the trips.

14 Q You said there were about four meetings with
15 regard to India. Were the participants discussed at
16 each of those four meetings?

17 A No.

18 Q Which meetings did they tend to be discussed
19 at, at the beginning or towards the end of a series of
20 meetings for trade trips?

21 A Toward the end.

22 Q But this is relevant to a discussion of the

1 criteria of those who should go.

2 A Yes.

3 Q "Category. Interagency Delegation,
4 Charlotte." Who is Charlotte?

5 A Charlotte Key.

6 Q And what is discussed with regard to
7 interagency delegation?

8 A What agencies of the U.S. Government are
9 sending representatives on the trip.

10 Q Charlotte Key was in charge of that?

11 A Yes.

12 Q Coordinating that?

13 A Yes.

14 Q The fifth category: "Congressional, Sally
15 Sussman." Who was Sally Sussman?

16 A She was the Number Two person in the
17 legislative office.

18 Q And what was she in charge of specifically?

19 A Which congressmen or senators were going on
20 the trip.

21 Q Were there any criteria for inviting
22 congressmen or senators on the trip?

1 A No. Whoever indicated they wanted to go.

2 Q You take anybody who wanted to go?

3 A Yeah, basically.

4 Q Who paid the expense for that?

5 A You'd have to ask the congressmen.

6 Q Do you remember any congressmen or senators
7 who went on these trips?

8 A Congressman Rangel went to South Africa.

9 Governor Bayh went to Latin America. I think
10 then-Representative Richardson might have gone on a
11 trip. There are others. You would need to talk --

12 Q Do you remember a Republican going on a trip?

13 A A Republican that went on the trip. No, I
14 don't remember.

15 Q Do you remember an independent that went on
16 the trip, assuming there are any?

17 A I don't remember.

18 Q Okay.

19 A That's not to say they didn't; I just don't
20 remember.

21 Q Press. Carol Hamilton was in charge of
22 press?

1 A Uh-huh.

2 Q And what was discussed specifically about
3 press, how to promote the trip?

4 A No. Who in the press was going on the trip.
5 If you remember, when Secretary Brown was killed, there
6 was a member of the New York Times on that trip. On
7 every trip that he took there was a member of the press
8 traveling with the delegation.

9 Q Who paid for the press's participation on
10 those trips?

11 A I don't know. The organization.

12 Q Can you tell me the names of anybody who went
13 on the trips from the press?

14 A No, no.

15 Q Did David Sangor of the New York Times ever go
16 on a trip?

17 A I don't remember.

18 Q Did Paul Bluestein of the Washington Post?

19 A I don't remember, but the list -- I mean, it's
20 a public list. You can find out very easily.

21 Q Agenda items. "Seven: Garden's advance trip
22 preparation." Was Jeffrey Garden in charge of advance?

1 A No. Jeffrey Garden took a trip to India prior
2 to the secretary's trip to prepare for the secretary's
3 trip.

4 Q It says: "Request for timeliness action
5 schedule." What is a "timeliness action schedule"?

6 A A timeline is an action schedule.

7 Q Okay. I'm sorry. What does that mean?

8 A Each of the people who are responsible for
9 these categories would submit a timeline for when
10 specific projects would be completed.

11 Q "Requests for India trip outreach calendar."
12 What does that mean?

13 A Conversations with U.S. companies doing
14 business in India, Indian companies here in the United
15 States, the Indian-American community, and the
16 U.S-India Chamber of Commerce.

17 Q What was the definition, if there was one, of
18 "outreach" at the Department?

19 MR. HEGYI: Objection. Irrelevant.

20 THE WITNESS: Of outreach?

21 MR. KLAYMAN: Yeah.

22 THE WITNESS: Context?

1 BY MR. KLAYMAN:

2 Q Was "outreach" a euphemism for taping
3 companies up for campaign contributions?

4 A No. We weren't in that business.

5 Q Look at page two.

6 A Yes.

7 Q These are the individuals who participated in
8 the India working group meetings.

9 A Yes.

10 Q John Wong. Do you see him right in the middle
11 there?

12 A I sure do.

13 Q Do you remember John Wong sitting in on
14 meetings?

15 A No.

16 Q You don't know that he didn't, though, do you?

17 A I have no idea.

18 Q Melinda Yee; do you remember her sitting in on
19 meetings?

20 A No, not specifically.

21 Q But you don't know that she didn't, do you?

22 A I have no idea.

1 Q Do you know why John Wong was invited?

2 A He is a deputy assistant secretary for the
3 region of the world that India is located in. It would
4 make sense.

5 Q What is the designation, "IEPPDAS" next to his
6 name?

7 A IEP is the "International Economic Policy,"
8 and "PDS" is probably "Principal Deputy Assistant
9 Secretary."

10 Q "Principal" means he is the one who was in
11 charge?

12 A Yes.

13 MR. HEGYI: In charge of what?

14 MR. KLAYMAN: You can cross-examine at your
15 appropriate time, Mr. Heygi.

16 MR. HEGYI: Why don't we ask the witness now
17 so that --

18 MR. KLAYMAN: Why do you persist in trying to
19 pollute the record? You know, you are here to pursue
20 an agenda for the Clinton administration, --

21 MR. HEGYI: No, sir, I'm not.

22 THE COURT: -- not for the Department of

1 Justice as I know it.

2 MR. HEGYI: No, sir, I'm not, but I can
3 certainly imagine how you might try to twist what the
4 witness just said into meaning something --

5 MR. KLAYMAN: I'm not trying to twist
6 anything.

7 MR. HEGYI: -- that he may or may not mean, so
8 why don't we ask him what he means by that?

9 MR. KLAYMAN: No, because you'll have your
10 opportunity.

11 MR. HEGYI: Why don't we ask him now?

12 MR. KLAYMAN: No. I don't want to ask him
13 now. This is my testimony, Mr. Heygi. You are the
14 most partisan individual I've ever met in the context
15 of the Department of Justice. I ask that you simply
16 stop that partisanship and let me take my testimony.
17 You can cross-examine when we're done.

18 MR. HEGYI: I want the record to be clear.
19 You are not going to invite this witness now to --

20 MR. KLAYMAN: That is correct.

21 MR. HEGYI: -- expand and say what he means by
22 that.

1 MR. KLAYMAN: That is correct.

2 MR. HEGYI: So the record is clear on that.

3 THE WITNESS: It says "PDS," which I assume
4 it's "Principal Deputy Assistant," sir. I'm not sure.

5 MR. KLAYMAN: Okay.

6 THE WITNESS: It could be. And what that
7 would mean was that he had responsibility for the
8 entire region, not a -- not China, not India not
9 Singapore, but that entire region.

10 MR. KLAYMAN: Mark this as part of the
11 deposition. This is a perfect example of how Mr. Heygi
12 has injected testimony with witnesses improperly.

13 MR. HEGYI: I haven't injected (inaudible).

14 THE WITNESS: The person in charge of IEP is
15 Chuck Meisner, who is the assistant secretary.

16 MR. KLAYMAN: Certify this. Are you proud of
17 yourself, Mr. Heygi?

18 MR. HEGYI: Does that really call for a
19 response, Mr. Klayman?

20 MR. HEGYI: No, because I'm asking you to stop
21 this improper conduct.

22 MR. HEGYI: If the truth comes out and doesn't

1 allow you to twist it and turn it to make it appear to
2 be something that it's not, then I am happy when the
3 truth comes out.

4 MR. KLAYMAN: Why aren't you here to allow me
5 to conduct the testimony? You can take on any
6 questions you want when we are done and do it on
7 cross-examination. Why do you persist -- and I'm on
8 record as to moving for sanctions for this continuing
9 conduct -- why do you persist in interjecting in my
10 testimony? And I want to know what your motivation is,
11 because if your motivation is to follow the rules, you
12 will wait until the end of my testimony and do your
13 cross-examination.

14 MR. HEGYI: Counsel, there is no reason why in
15 this very, very tedious and long deposition, that I
16 believe has passed the grounds of abusiveness on your
17 behalf, you would not ask this witness to expand on
18 something so that we could all be clear on what it was
19 that he was saying, what that term meant, so that we
20 could all do it right here and we could close the loop
21 on it rather than to allow you perhaps to misuse what
22 this witness was saying. And I'd ask you if you would

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1 be kind enough to ask this witness what he meant by
2 that. And you, for reasons best known to yourself, are
3 not interested in doing that.

4 MR. KLAYMAN: And I'm not here, Mr. Heygi, to
5 pursue your agenda. I'm not here to pursue the agenda
6 of the Clinton administration. I'm not here to pursue
7 the agenda of the U.S. attorney or of you or of anyone
8 else. I'm here to pursue the public interest. I will
9 decide what questions I want to ask.

10 MR. HEGYI: Are you done with your speech, Mr.
11 Klayman?

12 MR. KLAYMAN: I'd ask you to stop this kind of
13 behavior, and that's why I've made the speech. Would
14 you please mark as Exhibit 23 the document dated July
15 22, 1994, to China Group and Paul Rosenberg.

16 (Hackney Exhibit 23 was marked for
17 identification.)

18 BY MR. KLAYMAN:

19 Q Have you ever seen this document before?

20 MR. HEGYI: Let the record reflect that Mr.
21 Klayman is holding two and is now leering at me for
22 having asked for a second break.

1 MR. KLAYMAN: I'm not leering, Mr. Heygi. I
2 object to your constant wisecracks, remarks,
3 disrespect, and lack of decorum.

4 MR. HEGYI: I don't understand why you would
5 sit there snickering, holding two copies of this
6 document when we've already made it clear, not just in
7 this deposition, but in all others, that you are to
8 provide me with a copy of what you're (inaudible).

9 MR. KLAYMAN: There is no ulterior motive, and
10 to the extent that you think there is a motive, it's
11 just simply paranoia.

12 MR. HEGYI: Mr. Klayman, if there is a
13 paranoid in this room, it would be the person with the
14 pink shirt who is asking most of the questions in this
15 case, and I think we are all in agreement on that, save
16 and except for perhaps your good self.

17 THE WITNESS: Yes, I've seen this document.

18 BY MR. KLAYMAN:

19 Q When have you seen it, in or around the time
20 it was written?

21 A I assume so.

22 Q Who is Paul Rosenberg?

1 A He was a member of the Office of Policy
2 Planing. He worked for Jonathan Salad.

3 Q Is he still with the Department?

4 A No.

5 Q Is he related in any way to Melissa Moss?

6 A Paul Rosenberg?

7 Q Yeah.

8 A Not that I know of.

9 MR. HEGYI: Mr. Klayman, I want to know if we
10 can take about five minutes.

11 MR. KLAYMAN: Sure. That's fine. Let's take
12 15 minutes. That will be fine.

13 THE VIDEO OPERATOR: Off the record at
14 three-fifty-eight.

15 (Whereupon, at 3:58 p.m., a brief recess was
16 taken.)

17 THE VIDEO OPERATOR: Back on the record. The
18 time is four-thirteen.

19 MR. KLAYMAN: I'll show you what I'll ask the
20 court reporter to mark as Exhibit 24.

21 (Hackney Exhibit 24 was marked for
22 identification.)

1 BY MR. KLAYMAN:

2 Q Have you ever seen Exhibit 24 before?

3 A No.

4 Q Take an opportunity and review it and tell me
5 after you review it whether this refreshes your
6 recollection as to what it is about or if it jogs your
7 memory as to perhaps your knowing what it is about.

8 A I have no idea.

9 MR. HEGYI: You asked him before whether he
10 had ever seen it before.

11 MR. KLAYMAN: A different question.

12 THE WITNESS: No. I have no idea what it's
13 about.

14 BY MR. KLAYMAN:

15 Q There is a reference to Hackney, and it says:
16 "Yes, a few Hoffman gave to me."

17 A I'm lost. Where is that at? Oh, yes, I see
18 it.

19 Q Do you know what that's in reference to?

20 A No.

21 Q Do you know whose handwriting this is?

22 A No, I don't.

1 MR. KLAYMAN: I'll show you what I'll ask the
2 court reporter to mark as Exhibit 25.

3 (Hackney Exhibit 25 was marked for
4 identification.)

5 BY MR. KLAYMAN:

6 Q Have you ever seen this document before? This
7 is a "Declaration of Ronald H. Brown," dated March 4,
8 1996.

9 A No.

10 Q Do you have any knowledge -- strike that. Did
11 you have any knowledge before I just showed you this
12 document that Ronald Brown had prepared a declaration
13 in this lawsuit?

14 A No.

15 Q Did he ever discuss providing sworn testimony
16 to you?

17 A No.

18 Q Do you know who prepared this document?

19 A No.

20 Q Did you ever discuss Judicial Watch's FOIA
21 request with Anthony Doss?

22 A No.

1 Q Beverly Galimore?

2 A No.

3 Q Have you ever seen a declaration prepared --
4 strike this. Have you ever seen a declaration signed
5 by Anthony Doss related to this lawsuit?

6 A No.

7 Q Have you ever seen a declaration signed by
8 Melanie Long related to this lawsuit?

9 A No.

10 Q Have you ever seen a declaration signed by
11 Barbara Schmitz related to this lawsuit?

12 A No.

13 Q I believe you testified you left the
14 Department in February of 1995.

15 A Correct.

16 Q Did you ever visit Secretary Brown or anyone
17 in the Department after you left?

18 MR. HEGYI: Are you asking him visit them at
19 their home?

20 MR. KLAYMAN: No, at the Department.

21 THE WITNESS: Yes.

22 BY MR. KLAYMAN:

1 Q Did you ever return to the Department for
2 business?

3 A No.

4 Q Personal visits?

5 A Yes.

6 Q Did you visit with anyone in the secretary's
7 inner office after Secretary Brown died in the
8 Department?

9 A No.

10 Q Did you ever discuss removing the contents of
11 Secretary Brown's office after he died with anyone?

12 A No.

13 Q Are you aware of whether or not anyone went
14 into his office the day he died?

15 A No, I'm not aware.

16 Q Or thereafter?

17 A I have no knowledge of that.

18 Q Have you ever had any meetings with Secretary
19 Kantor concerning Judicial Watch?

20 A No.

21 Q Have you ever had any discussions with him
22 about Judicial Watch?

1 A No.

2 Q Did you ever have any contact with Senator Ted
3 Kennedy over trade missions?

4 A Not that I can recall.

5 Q Mark Middleton?

6 A No.

7 Q Have you ever met Mark Middleton?

8 A Not that I can recall.

9 Q Do you remember the name Kailas, K-A-I-L-A-S,
10 J. Rao, R-A-O, Ph.D, Executive Managing Director? Does
11 that name ring a bell?

12 A No, it does not.

13 MR. KLAYMAN: I'll show you what I'll ask the
14 court reporter to mark as Exhibit 26. If you want
15 another copy, Mr. Heygi, I'll make you one, but I only
16 have three copies of it.

17 (Hackney Exhibit 26 was marked for
18 identification.)

19 MR. HEGYI: I would like to know at some
20 point, are we going to have another slew of them that
21 you don't have enough of them, in which case let's go
22 ahead and stop now and make copies of those. If this

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1 is the only one, let's go ahead and continue to see if
2 we can get this deposition concluded. And next break,
3 we'll (inaudible).

4 MR. KLAYMAN: Why don't we take a short break.

5 THE VIDEO OPERATOR: Off the record. The time
6 is four-twenty-three.

7 (Discussion off the record.)

8 THE VIDEO OPERATOR: Back on the record. The
9 time is four-twenty-eight.

10 (Off the record.)

11 MR. KLAYMAN: Let's go off the record. We are
12 still making copies.

13 THE VIDEO OPERATOR: Off the record at
14 four-twenty-eight.

15 (Off the record.)

16 THE VIDEO OPERATOR: Back on the record at
17 four-twenty-nine.

18 BY MR. KLAYMAN:

19 Q Mr. Hackney, I'm showing you Exhibit 26. Does
20 this refresh your recollection as to whether or not you
21 ever had any contact with someone by the name of Mr.
22 Rao?

1 A No, it doesn't.

2 Q This is a letter where Mr. Rao is expressing a
3 complaint that he wasn't chosen for a trade mission.
4 Do you know whether or not there was a procedure for
5 getting back to people who wrote such letters to the
6 Department?

7 MR. HEGYI: Objection. Asked and answered.

8 MR. KLAYMAN: You can respond.

9 THE WITNESS: Yes, there was a procedure.

10 BY MR. KLAYMAN:

11 Q What was the procedure?

12 A OBL would respond to them.

13 Q Had you ever seen a letter like this before?

14 A I don't remember it specifically. There would
15 have been really no reason for me to see it.

16 Q Was there any discussion on how OBL would get
17 back to someone who was complaining about not being
18 chosen?

19 MR. HEGYI: Objection. Asked and answered.

20 MR. KLAYMAN: You can respond.

21 THE WITNESS: No.

22 BY MR. KLAYMAN:

1 Q Was it assigned to any particular person at
2 OBL?

3 MR. HEGYI: Objection. Asked and answered.

4 THE WITNESS: It was assigned to Melissa Moss.

5 BY MR. KLAYMAN:

6 Q Who assigned it to her?

7 MR. HEGYI: Objection. Asked and answered.

8 THE WITNESS: Either -- probably Rob Stein.

9 BY MR. KLAYMAN:

10 Q You're not sure?

11 A No, but it was OBL's function.

12 Q Was there any type of discussion at any time
13 as to what would be said to that person?

14 A Not that I was a part of.

15 Q Does that mean you don't know?

16 MR. HEGYI: His answer means what it means.

17 BY MR. KLAYMAN:

18 Q Well, did someone else set criteria and you're
19 not aware?

20 A I don't know. Not that I'm aware of.

21 MR. KLAYMAN: I'll show you what I'll ask the
22 court reporter to mark as Exhibit 27. This is a copy

1 of an article which appeared in yesterday's edition of
2 the Washington Times. The headline is "Commerce
3 Officials Didn't Forget to Remember Trei: '94 Memo
4 Reveals Talk of Private Reception in Beijing."

5 (Hackney Exhibit 27 was marked for
6 identification.)

7 BY MR. KLAYMAN:

8 Q Have you seen this article before today?

9 A No.

10 Q Did you see it yesterday?

11 MR. HEGYI: Excuse me, counsel. If it's
12 yesterday, he's already answered you that he has not
13 seen it before.

14 BY MR. KLAYMAN:

15 Q I misspoke. Did you see it before the
16 deposition today?

17 A No.

18 Q Take your time and review this, if you would.
19 Go ahead and review it. I want to ask you some
20 questions. I just want to use it as a launching point
21 to ask you some questions.

22 Have you had an opportunity to review it?

1 A Yes.

2 Q Do you see where it says in the third column,
3 "Mr. Tierney's August 10, 1994 memo to Jim Hackney," --
4 that's you, correct?

5 A Correct.

6 Q -- "Mr. Brown's official counselor in the
7 Department, and Melissa Moss, who headed the Commerce
8 Office of Business Liaison, shows he recognized the
9 sensitivity of his request on behalf of Mr. Trei, whose
10 consultants he represented more than 30 companies in
11 the United States, Hong Kong, and China"? Do you
12 remember this instance where Mr. Trei was communicating
13 with Mr. Tierney?

14 A No, I do not.

15 Q Do you have any knowledge about what happened
16 on or about August 10, 1994 concerning Mr. Trei?

17 A No, I do not.

18 Q Do you know who Mr. Trei is?

19 A Yes, I do.

20 Q Did you ever have contact with him when you
21 were with the Department of Commerce?

22 A No, I did not.

1 Q Were you ever involved in meetings where Mr.
2 Trei was discussed?

3 A No, not that I recall.

4 Q Were you ever involved in meetings where Mr.
5 Trei's companies were discussed?

6 A Not that I recall, no.

7 Q Did you ever have contact when you were with
8 the Department of Commerce with Vita Benvenides of the
9 DNC?

10 A No.

11 Q Doris Metsui --

12 A No.

13 Q -- of the White House?

14 A No, other than just passing to say hello.

15 Q Do you know why Mr. Tierney wrote you a memo
16 on August 10, 1994?

17 A No, I don't.

18 Q Do you remember such a memo?

19 A No.

20 Q Do you know who Pauline Kanchanalak,
21 K-A-N-C-H-A-N-A-L-A-K?

22 A No, I don't.

1 Q Have you ever met her?

2 A Not that I recall.

3 Q Have you ever met Jean Lum?

4 A I don't think so. I don't remember. I mean,
5 I know who they are through the press accounts and the
6 fact that their daughter worked at the Commerce
7 Department. No, I don't think so.

8 Q Do you remember an Ira Sokowitz at the
9 Department of Commerce?

10 A Uh-huh, yes.

11 Q How did you get to know Mr. Sokowitz?

12 A I don't remember. It was sort of in the
13 course of everyday business in the Commerce Department.

14 Q What were his duties and responsibilities, to
15 the best of your knowledge?

16 A I don't remember. I just don't remember.

17 Q Did he play any role in vetting companies on
18 trade missions?

19 A I believe so. If he worked for Ginger Lew,
20 the answer is yes.

21 Q Ginger Lew; did she leave to go to the Small
22 Business Administration while you were there?

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1 A No.

2 Q That was after you left?

3 A Yes.

4 Q Have you had contact with Ginger Lew?

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

8 BY MR. KLAYMAN:

9 Q No?

10 A No.

11 Q Have you had a chance to speak with anyone of
12 the Brown family concerning Judicial Watch's case?

13 A No.

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

17 THE WITNESS: No.

18 BY MR. KLAYMAN:

19 Q Has anyone discussed with you whether
20 documents were taken from the secretary's office after
21 he died?

22 A No.

1 Q I take it, you have been in Secretary Brown's
2 home office.

3 A I've been in Secretary Brown's home.

4 Q And did he have an office in a particular
5 room?

6 A I don't know. I don't think so.

7 Q He had a desk?

8 A I don't know. I don't know. Not in the parts
9 of the house that I've been in.

10 Q Now, you're aware that Melanie Long once went
11 to fix a fax machine in Secretary Brown's house, aren't
12 you?

13 A I have no idea. No, I'm not aware of that.

14 Q During the time that you were at the
15 Department of Commerce, were you ever -- strike that --
16 did you ever receive documents, written documents
17 discussing general FOIA procedures?

18 A I don't remember.

19 Q During the time that you were at the
20 Department of Commerce, did you ever have contact with
21 Michael Brown?

22 MR. HEGYI: Objection. Irrelevant and not

1 reasonably calculated to lead to the discovery of
2 admissible evidence in this 1994 FOIA case.

3 THE WITNESS: Yes.

4 BY MR. KLAYMAN:

5 Q Did you ever discuss Judicial Watch with
6 Michael Brown?

7 A No.

8 Q Or their FOIA requests?

9 A No.

10 Q Were there any procedures in the office in
11 writing that would describe the types of matters that
12 you could work on for Secretary Brown?

13 A No.

14 Q Did anyone ever counsel you at the department
15 as to what you could do and what you couldn't do,
16 vis-a-vis Mr. Brown's activities?

17 MR. HEGYI: Objection. Irrelevant and not
18 reasonably calculated to lead to the discovery of
19 admissible evidence.

20 THE WITNESS: No.

21 BY MR. KLAYMAN:

22 Q Are you aware of the Ron Brown Memorial

1 Library at the Department of Commerce?

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

5 THE WITNESS: (Inaudible.)

6 BY MR. KLAYMAN:

7 Q Has anybody contacted you about it?

8 A No.

9 MR. HEGYI: Same objection.

10 BY MR. KLAYMAN:

11 Q Did Secretary Brown use a Dictaphone?

12 A Not that I remember.

13 Q He might have?

14 A I just don't remember. I don't remember.

15 Q Did Barbara Schmitz do transcription from
16 tapes from time to time when you were in the office?

17 A Not that I saw.

18 Q Did you or Secretary Brown keep a calendar of
19 your activities?

20 A A calendar?

21 Q Yes.

22 A I don't know what he kept.

1 MR. HEGYI: Objection. The question is
2 multifarious. You're asking him whether or; you're
3 asking him whether he or Secretary Brown (inaudible).

4 BY MR. KLAYMAN:

5 Q Well, did you ever keep a calendar?

6 A Yes.

7 Q What kind of a calendar did you keep?

8 A Just handwritten notes on a piece of paper.
9 It was a week-by-week thing. You can get them at
10 Staples.

11 Q Where are those calendars today?

12 A I have no idea.

13 Q Did you --

14 A No. I didn't keep them from week to week.

15 Q Did you take --

16 A (Inaudible) a piece of paper. You write what
17 you had to do the week. When the week is over, you
18 throw it away.

19 Q Did you keep a calendar on a computer, or did
20 anyone do it on your behalf?

21 A No.

22 Q Did Secretary Brown keep a calendar?

1 A I don't know.

2 Q Did he keep schedules?

3 A He had a daily schedule.

4 Q What did that look like? What did it
5 comprise?

6 A It was produced by the Executive Secretariat,
7 and it listed his schedule for the day.

8 Q How was it disseminated?

9 A The Executive Secretariat.

10 Q Who in the Executive Secretariat produced that
11 schedule?

12 A I don't know specifically who, but it was done
13 under the direction of Tony Doss, who at that point was
14 head of the ES.

15 Q Was that schedule disseminated to you so you
16 knew what he was doing?

17 A Yes, yes.

18 Q Was it one sheet of paper each day?

19 A Oh, no.

20 Q What was it physically comprised of?

21 A The cover sheet said, "Schedules, Commerce
22 Secretary Ron Brown." It gave the date, then under it,

1 it had the listing of events for that day by time, and
2 then under that, any backup documentation that was
3 needed for a particular event. If he was giving a
4 speech, it included the speech. If he were giving a
5 talk, it included the talking points. If he were going
6 to a meeting at the White House, it outlined what the
7 agenda was.

8 Q And who kept copies of that?

9 A Kept copies?

10 Q Yes.

11 A No one. I mean, ES may have it. I don't
12 know. It would be voluminous.

13 Q Does the name Lisa Thornton ring a bell?

14 A No.

15 Q Would she have it?

16 A I don't know who that is.

17 Q Bobbie Parsons? Do you know who that is?

18 A Vaguely.

19 Q Who were these schedules disseminated to?

20 A Rob Stein got one, Jonathan Salad, myself,
21 Melissa Moss, Joe Schuker, Loretta Dunn, Ginger Lew,
22 his staff.

1 Q Any more?

2 A I don't think so. I don't know, but -- I know
3 who got it upstairs on the fifth floor. That's all.

4 Q Was there any direction to throw it out after
5 a day had passed.

6 A Any direction?

7 Q Anything in writing or any other kind of
8 direction to not keep these schedules, to throw them
9 out after the relevant date had passed?

10 A No.

11 Q And on these schedules, it listed who the
12 secretary was going to meet with that day?

13 A Uh-huh.

14 Q It listed the subject of the conversation,
15 general subject matter?

16 A General subject matter.

17 Q Yes?

18 A Yes.

19 Q Did these schedules also contain his meetings
20 during the evening hours if he had meetings after work?

21 A Official business meetings, yeah.

22 Q If he had a meeting at the DNC, it would list

1 that?

2 A Uh-huh.

3 Q You've seen schedules that had meetings at the
4 DNC listed?

5 A Yeah.

6 Q Does he remember who was listed he was meeting
7 with at the DNC, just one name?

8 A No, because it wasn't that type -- you know,
9 the DNC on occasion would get together, business
10 groups, business executives, have a dinner or
11 reception, and the secretary would go say hello, give a
12 speech at a dinner.

13 Q You are aware that the secretary attended
14 fund- raising events while he was secretary, aren't
15 you?

16 A Yes.

17 Q Tell me some of the funds-raising events he
18 attended.

19 A I don't remember.

20 Q And those fund-raising events would have been
21 listed on the schedule, too. Correct?

22 A Sure.

1 A In and out of Washington.

2 Q Who handled his booking for the fund-raising
3 events?

4 A His what?

5 Q Who handled the arrangements in terms of his
6 agreeing to attend fund-raising events?

7 A It was part of his schedule. If he were going
8 to be in California or in Texas and there was a
9 fund-raising event, quite often the White House would
10 call and ask a cabinet secretary to attend a
11 fund-raising event if it's something that fit in the
12 schedule and go on and do it.

13 Q And these schedules didn't concern personal
14 matters of Secretary Brown, just his official function?

15 A That is correct.

16 Q Did he ever attend a fund-raising event with
17 John Wong?

18 A Not that I know of.

19 Q But you don't know that he didn't.

20 A I don't know.

21 Q Did the secretary ever recommend -- I'm
22 talking about the period that you were at the

1 Department -- political appointments in the Commerce
2 Department and in different agencies? Did he ever
3 forward recommendations to the White House, political
4 appointments?

5 MR. HEGYI: Objection. Irrelevant and not
6 reasonably calculated --

7 THE WITNESS: I don't know.

8 MR. HEYGI: -- to lead to the discovery of
9 admissible evidence.

10 THE WITNESS: Not that I'm aware of.

11 BY MR. KLAYMAN:

12 Q Did you ever participate in any discussions
13 over political appointments?

14 A No.

15 MR. HEGYI: Objection. Irrelevant and not
16 reasonably calculated to lead to the discovery of
17 admissible evidence.

18 BY MR. KLAYMAN:

19 Q Are you aware of something called
20 Asian-American Outreach?

21 MR. HEGYI: Same objection.

22 THE WITNESS: No.

1 BY MR. KLAYMAN:

2 Q Do you know whether the secretary or anyone
3 else at Department ever attended events at Buddhist
4 temples?

5 MR. HEGYI: Objection. Same objection.

6 THE WITNESS: No, I don't know.

7 BY MR. KLAYMAN:

8 Q Have you ever attended an event at a Buddhist
9 temple?

10 MR. HEGYI: Same objection.

11 BY MR. KLAYMAN:

12 Q During the time that you were at the
13 Department of Commerce, did anyone ever send a check
14 into the secretary's office, a bank check?

15 A Not that I know of.

16 Q Cash?

17 A No.

18 Q Were there any procedures in the secretary's
19 office what to do in the event a company or an
20 individual sent money into the Department?

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

1 admissible evidence.

2 THE WITNESS: No. There weren't any formal
3 procedures, but I would have been notified or Rob Stein
4 would have been notified.

5 BY MR. KLAYMAN:

6 Q Were you ever notified?

7 A No.

8 Q Do you know if Rob Stein was ever?

9 A Not that I know of.

10 Q Who would have notified him?

11 A Barbara Schmitz opened the secretary's mail.

12 Q Are you aware of any procedures of the
13 Department to store documents on computer, to scan them
14 into computers and to store them?

15 A I'm computer illiterate. I have no idea.

16 Q Is there a storage room at the Department of
17 Commerce for documents or computer materials?

18 A I don't know. I never inquired.

19 Q Did you ever participate in any trade mission
20 involving the inspector general where either he was
21 going on the trip or had any involvement in any way?

22 MR. HEGYI: What inspector general?

1 MR. KLAYMAN: Of the Commerce Department.

2 THE WITNESS: No.

3 BY MR. KLAYMAN:

4 Q Up to the time you left the Department, have
5 you ever had contact with any of the two lawyers other
6 than Mr. Heygi, Ms. Means, and Ms. Mintz about this
7 case?

8 MR. HEGYI: Up to the time he left --

9 MR. KLAYMAN: Yeah.

10 MR. HEGYI: -- the Department?

11 BY MR. KLAYMAN:

12 Q Right. Had you ever had any contact with any
13 of them?

14 A You mean prior to the time I left?

15 Q Yeah.

16 A No.

17 Q Same question with regard to Elise Packard.

18 A No.

19 Q Barbara Fredericks?

20 A The question is -- repeat it.

21 Q Did you ever have any dealings with Barbara
22 Fredericks while you were at the Department?

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1 A Yes.

2 Q About what?

3 A About this case.

4 Q Not Judicial Watch and FOIA requests?

5 A No.

6 Q I take it, you never had any personal contact
7 with anyone at the Department about Judicial Watch's
8 FOIA requests when you were there.

9 A Yes, sir. Correct.

10 Q Are you aware that Rob Stein was deposed in
11 this case?

12 A Yes.

13 Q Have you ever discussed this case, that is,
14 litigation, with Mr. Stein?

15 A No.

16 Q Did he contact you after his deposition?

17 A No, he did not.

18 Q Do you know what he is doing today?

19 A No.

20 Q Do you know William Ginsberg, --

21 A Yes.

22 Q -- the successor to Mr. Stein?

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1 A Yes, I do.

2 Q You didn't work with him, though, at the
3 Department, did you?

4 A He was the -- he was not the chief of staff;
5 he was the assistant secretary for economic
6 development.

7 Q Was he involved in trade missions, too?

8 A No.

9 Q Was he the chief of staff after you left the
10 Department?

11 A Yes.

12 Q Have you ever discussed Judicial Watch with
13 him?

14 A No.

15 Q Have you ever discussed Judicial Watch or this
16 case with Alma Brown?

17 A No.

18 Q During the time that you were at the
19 Department of Commerce, Secretary Brown was being
20 investigated by a grand jury in Miami for allegations
21 of accepting bribes from Vietnam. Correct?

22 A Correct.

1 Q Did you play any role in advising him with
2 regard to that matter?

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

6 Tell me, counsel, how whether or not Secretary
7 Brown was being investigated for anything under the sun
8 could possibly have something to do with the FOIA
9 request in this case, which deals with the adequacy of
10 certain specific trade missions in 1994.

11 MR. KLAYMAN: It deals with the nature of his
12 responsibilities at the Department of Commerce.

13 MR. HEGYI: He's already told you what his
14 responsibilities were, and --

15 BY MR. KLAYMAN:

16 Q Why don't you just answer the question, Mr.
17 Hackney? Did you ever deal with him in any way on
18 that?

19 A No.

20 MR. HEGYI: Same objection.

21 THE WITNESS: He had outside legal counsel.

22 BY MR. KLAYMAN:

1 Q Were you aware of any documents being stored
2 by Ms. Schmitz that were duplicates of documents
3 provided to independent counsels concerning Mr. Brown?

4 A No.

5 Q You don't know of any such documents?

6 A No.

7 Q Are you aware of Ms. Barbara Schmitz working
8 on any response to subpoenas issued by grand juries of
9 independent counsel?

10 A No.

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

14 BY MR. KLAYMAN:

15 Q During the time that you were at the
16 Department of Commerce, did you ever shred documents?

17 A No.

18 MR. HEGYI: Same objection.

19 BY MR. KLAYMAN:

20 Q Do you know of anyone who did?

21 A No.

22 Q Were you aware of the existence of a shredder?

1 A No.

2 MR. HEGYI: Same objection.

3 BY MR. KLAYMAN:

4 Q You didn't know of a shredder at all.

5 MR. HEGYI: Asked and answered. Same
6 objection.

7 BY MR. KLAYMAN:

8 Q Did Mr. Brown ever discuss with you working on
9 a response to a grand jury subpoena by Daniel Pearson?

10 A No.

11 MR. HEGYI: Same objection. Counsel, you
12 don't need to point your finger at this witness.

13 MR. KLAYMAN: I'm not pointing a finger.

14 THE WITNESS: No.

15 MR. KLAYMAN: You know, those kinds of cute
16 remarks are really unnecessary. I've been extremely
17 respectful of Mr. Hackney. He's been respectful of me.

18 MR. HEGYI: Counsel, can we wrap this up,
19 please?

20 MR. KLAYMAN: I'll wrap it up when it's
21 wrapped up.

22 BY MR. KLAYMAN:

1 Q Since the time you left the Department of
2 Commerce, have you ever met or been present during a
3 meeting with President Clinton?

4 MR. HEGYI: Objection. Irrelevant and not
5 reasonably calculated to lead to the discovery of
6 admissible evidence. How could that have anything to
7 do with this case?

8 MR. KLAYMAN: You can respond.

9 THE WITNESS: The question is --

10 BY MR. KLAYMAN:

11 Q Have you ever been in the presence of
12 President Clinton since you left the Department of
13 Commerce?

14 A Yes.

15 Q When was that?

16 MR. HEGYI: Same objection.

17 THE WITNESS: I went to a Black Caucus dinner.
18 I went to a Hispanic Caucus dinner. I went to a
19 funeral. Yeah, a big funeral.

20 BY MR. KLAYMAN:

21 Q Did you discuss Judicial Watch with President
22 Clinton?

1 A No.

2 Q Did he discuss this case?

3 MR. HEGYI: Same objection.

4 THE WITNESS: No.

5 MR. HEGYI: Also asked and answered.

6 BY MR. KLAYMAN:

7 Q Do you know whether President Clinton is aware
8 of this case?

9 A I have no idea.

10 MR. HEGYI: Same objection and asked and
11 answered.

12 BY MR. KLAYMAN:

13 Q Do you know whether anyone at the White House
14 ever reviewed documents that were subject to production
15 in Judicial Watch?

16 A I don't know.

17 MR. HEGYI: Objection. Irrelevant and not
18 reasonably calculated to lead to the discovery of
19 admissible evidence in this case.

20 MR. KLAYMAN: I have no further questions at
21 this time.

22 It's our position this deposition will be left

1 open in the event that other questions arise by virtual
2 of discovery or with regard to documents as yet
3 unproduced by the Department of Commerce. Thank you,
4 Mr. Hackney.

5 THE WITNESS: Thank you, Mr. Klayman.

6 MR. HEGYI: This deposition is over. The
7 witness has been here. It's been a fairly long and
8 laborious deposition, and it's now approaching 5
9 o'clock.

10 MR. KLAYMAN: It's four-fifty-five.

11 MR. HEGYI: The witness has answered all
12 nonprivileged questions that I believe have been put to
13 him, and the deposition is over (inaudible).

14 MR. KLAYMAN: You are not the judge, Mr.
15 Heygi, of what's over and what's not over.

16 THE VIDEO OPERATOR: Off the record.

17 (Whereupon, at 5:45 p.m., the deposition of
18 JAMES HACKNEY was concluded.)

19 * * * * *

1 I have read the foregoing pages, which are a
2 correct transcript of the answers given by me to the
3 questions therein recorded.

4 Deponent _____

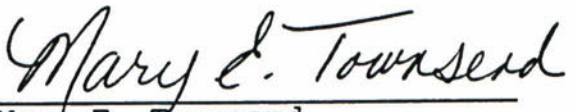
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6

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Mary E. Townsend