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## DECLARATION OF DAN E. MOLDEA

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I, Dan E. Moldea, hereby state as follows:

1. I am over eighteen years of age, and I am competent to give this statement based upon my personal knowledge.
2. I have been an independent investigative journalist since 1974, specializing in investigations of organized crime and political corruption. I am also the author of nine nonfiction books: *The Hoffa Wars: Teamsters, Rebels, Politicians, and the Mob* (1978, 1993, 2015); *The Hunting of Cain: A True Story of Money, Greed, and Fratricide* (1983, 1988); *Dark Victory: Ronald Reagan, MCA, and the Mob* (1986, 1987, 2016); *Interference: How Organized Crime Influences Professional Football* (1989, 2014); *The Killing of Robert F. Kennedy: An Investigation of Motive, Means, and Opportunity* (1995, 2002, 2018); *Evidence Dismissed: The Inside Story of the Police Investigation of O.J. Simpson* (with Tom Lange and Philip Vannatter, 1997, 2016); *A Washington Tragedy: How the Death of Vincent Foster Ignited a Political Firestorm* (1998, 2014); my memoir, *Confessions of a Guerrilla Writer: Adventures in the Jungles of Crime, Politics and Journalism* (2013, 2015); and *Hollywood Confidential: A True Story of Wiretapping, Friendship, and Betrayal* (2017, 2018).
3. Unless otherwise noted, bold-numbered cites in parentheses correspond with paragraph numbers in my August 24, 1998, sworn declaration to U.S. District Judge Norma Holloway Johnson, which is attached.
4. Here is a summary of my 2018 affidavit:

Prior to and during the Clinton impeachment drama, the Office of the Independent Counsel, led by Kenneth Starr, leaked non-public information—much of which allegedly illegal—to a stable of selected journalists, some of whom were viewed by the OIC as confidential informants.

One of the OIC officials tasked to provide this off-the-record information—designed, in part and in my expert opinion, to damage and to smear Bill and Hillary Clinton—was Brett Kavanaugh, an accomplished political operative whom Donald Trump has nominated to the U.S. Supreme Court.

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5. On March 25, 1997, Regnery Publishing, a conservative publisher, offered me a \$100,000 advance to write a book about the death of Vincent Foster with an end-of-the-year deadline—even though I am a registered Democrat and was a supporter of Bill Clinton in 1992 and 1996.

Getting past all that, the publishing house gave me this assignment because of my well-known connections as a crime reporter to the law-enforcement community. (6-7)

6. In December 1997, I completed my manuscript, concluding that Foster had committed suicide. However, my book featured a group of dishonest right-wing propogandists, posing as politically neutral authors and journalists, who had maliciously attempted to portray Foster's death as a murder—arranged, enabled, and/or covered up by Bill and Hillary Clinton. (8)

7. As I prepared to submit my manuscript to my publisher, I learned that the Office of the Independent Counsel—then actively investigating the Clintons—was preparing to release a second report about Foster's death. An earlier report concluded that Foster had, indeed, committed suicide. (9, 16-18)

8. Fearing that this upcoming report—which would supposedly be released after the publication of my book—could make my work cold coffee, I reached out to the OIC, hoping to get a heads up. (19-20)

9. Independent Counsel Kenneth Starr had two top deputies: Hickman Ewing and Jackie Bennett. I received an introduction to Ewing with whom I had an on-the-record conversation on December 10, 1997. I recorded this call. (21-25)

10. Ewing explained the process by which OIC officials would provide non-public information, “off-the-record,” on a case-by-case basis—if they knew where the reporter was “coming from” and if Starr personally approved of him or her. (26-27)

11. At that point, the only thing that Ewing knew about me was that my book about Foster's suicide would be released by the conservative Regnery Publishing, which apparently qualified me for Ewing's time and attention.

Because of my publisher, he thought he knew where I was “coming from.”

12. During our conversation, Ewing identified Brett Kavanaugh as the principal OIC representative who was designated to speak to reporters on and/or off the record. He offered to put me in touch with Kavanaugh—if Starr approved. (See the attached new transcript of the Ewing conversation in which OIC #2 in the earlier redacted version is identified as Brett Kavanaugh in the updated version.)

Here are the excerpts in which Kavanaugh is mentioned:

Ewing: And, so, I—Listen, I will talk to Ken. He's due here in about thirty minutes. But I think what he's going to tell me is to let you have at it with me and [OIC #1], for sure, and maybe **Brett. Brett Kavanaugh, the main guy that authored the—**

Moldea: Okay, **Brett Kavanaugh**, let me write that down.

Ewing: **He did all the writing and was the guy that continuously [inaudible]. He's a young guy. He's never tried and prosecuted a case, but a brilliant guy.**

Moldea: **Oh, he's a prosecutor? He's a lawyer?**

Ewing: **Oh, yeah.**

Moldea: **Oh, Okay.**

Ewing: **Yeah, yeah, yeah. He's the main guy. Once Miquel left, Brett ended up—**

<snip>

Ewing: But, basically, when Miquel left, I got called to Washington. So I went up there and spent, you know, a couple of months on the ground myself in the grand jury, etcetera. And then I got [OIC #1] to come up later, because we needed somebody who had been a murder prosecutor to look at it again, just to cross t's and dot i's and be sure everything was right. So, you know, I know I would be glad to talk to you. I'm sure [OIC #1], if Ken says it's okay, will. **I know Brett—We put Brett with several of these book reviewers and let—Because Brett—Of course, in those cases, some of them were, "Why didn't you do this? Why didn't you do that?" Brett says, "Here's the answer to that."**

Moldea: **Uh-huh.**

Ewing: **In other words, some of these questions that are raised that maybe it's not even in our report.**

13. When I had not heard back from Ewing by the second week in January 1998—causing me to believe that I had lingering problems with Starr over an earlier conflict—I sought and received an introduction to Starr's other deputy, Jackie Bennett. **(28-30)**

14. Bennett and I spoke on January 12, 1998, during an on-the-record discussion, which I also recorded. I asked him to arrange a meeting for me with Starr with the hope of convincing him to provide me with someone on his staff who could give me the heads up I needed about the upcoming report. Bennett, who also knew me as a Regnery author, said that Starr was very busy, but he would arrange for me to meet with someone who could provide me with "substantive information." He added that I could meet with Starr later.

I accepted Bennett's offer. **(31-37)**

15. On January 16, 1998, I received a telephone call from Brett Kavanaugh. I did not record this conversation which consisted of nothing more than setting a date for lunch.

16. On January 19, 1998, Kavanaugh and I met at The Old Ebbitt Grill near the White House. We agreed that this conversation was off the record. **(40)**

17. I was not the only journalist who received information from Kavanaugh. In fact, many reporters did. I spoke with two who covered the OIC and specifically identified Kavanaugh as their principal source within the OIC.

Thus, I ask Kavanaugh to release me—along with all other journalists with whom he had similar arrangements—from our off-the-record agreements.

18. Two days after my lunch with Kavanaugh, the *Washington Post*, the *Los Angeles Times*, and ABC News reported details about the relationship between President Clinton and Monica

Lewinsky, igniting a nationwide political firestorm. The OIC was conducting the official investigation. **(42)**

19. On February 6, 1998, the President's attorney, David Kendall, filed a complaint with Kenneth Starr, alleging that the OIC was violating federal law by illegally leaking non-public information to the media in an effort "to pressure, manipulate, and intimidate witnesses and possible witnesses, affect public opinion in your favor, and cause political harm to the President."

That same day, Starr denied Kendall's charges. **(44-45)**

20. On or about April 2, 1998, Regnery released my book, *A Washington Tragedy: How the Death of Vincent Foster Ignited a Political Firestorm*. That same day, I delivered a copy of the book to, among others, Brett Kavanaugh at this office, leaving it with a receptionist at the law firm, Kirkland & Ellis.

21. On May 19, 1998, I delivered a speech at the Martin Luther King Memorial Library in downtown Washington, D.C. **(50-55)**

At the end of my speech, I stated:

So, to summarize what I have just said: According to Hickman Ewing, Kenneth Starr's chief deputy, the OIC freely provides non-public information on an off-the-record basis to reporters and book reviewers who are personally approved by Kenneth Starr and whose work is in sync with the OIC's positions on key issues.

This runs contrary to the OIC's public statements about its relationship with the media and is further proof that the OIC's investigation of the Clinton White House, regardless of merit, is political, partisan, and punitive—built upon a series of well-timed leaks which have turned gossip into gasoline and some of these talented approved journalists into lapdogs who are dependent their sources' access and goodwill.

Because this matter has become a legal issue, I have chosen to speak out about it.

22. In the media reporting that followed my address—during which I did not mention my conversations with Jackie Bennett and Brett Kavanaugh—both Starr and Ewing declined to comment. **(62-70)**

23. On May 20, 1998, the day after my speech, I received a telephone call from Max Stier, an associate of David Kendall at Williams & Connolly. I referred him to my attorney, adding that I would prefer a subpoena before cooperating. **(74)**

24. On June 26, 1998—after a series of talks between my attorney and Stier—my lawyer and I met with Stier and one of his assistants at the law offices of Williams & Connolly and told them about my conversations with Hickman Ewing and Jackie Bennett. We also informed them that I had both conversations on tape. We allowed them to hear the entire Bennett tape and those portions of the Ewing tape that didn't reveal the identities of OIC #1 and OIC #2. Also, we allowed them to read and to take notes from the transcripts. **(75-76)**

25. I would have been willing to have had the same discussion with Starr and the OIC if they had asked for it—just as I had pledged at my May 19 speech—but they never asked. **(79)**

26. Prompted by the President’s lawyers’ detailed complaints of probable OIC leaks of non-public information, U.S. District Judge Norma Holloway Johnson ruled that the evidence of illegal leaking was persuasive and ordered Starr and his deputies at the OIC to appear at a “show cause” hearing—where the burden of proof would be on Starr and his team to show that they didn’t leak. **(80-81)**

27. Also, as part of this process, Judge Johnson cited twenty-four specific examples of allegedly illegal leaks and named the reporters from the *New York Times*, the *Washington Post*, *Newsweek*, ABC, CBS, CNN, NBC, among others, who had received them. Some of the reporters who were the beneficiaries of the leaks were viewed by the OIC as confidential informants. In other words, in their reciprocal roles as shills and stalking horses for the OIC, these reporters were feeding information to the OIC from their sources about the President and Mrs. Clinton. **(82)**

28. On July 27, 1998—after learning that the OIC, now under fire by the courts, had subpoenaed President Clinton to appear before a federal grand jury—I revealed to MSNBC and the *New York Daily News* that I had tape recorded my telephone conversations with Ewing and Bennett and, thus, memorialized their admissions about the OIC’s leaks to the press. **(83-84)**

29. On August 24, 1998—a week after the President's appearance before the OIC's federal grand jury—I attached the transcripts of my conversations with Ewing and Bennett to an affidavit I filed with U.S. District Judge Norma Holloway Johnson, who had already ordered that Starr and the OIC be investigated for allegedly leaking secret information illegally to its stable of reporters.<sup>1</sup> **(99)**

Here is an outline of my sworn statement:

- Background
- On Taping Conversations
- The OIC and the Starr Report
- OIC #1
- The Conversation with Hickman Ewing
- The Conversation with Jackie Bennett
- What Is "Substantive Information"?
- OIC #2
- Kendall Alleges Leaks from the OIC; Starr Replies
- The May 19 Speech
- Statements and Corroboration
- Did Ewing Offer Grand Jury Information?
- The CNN Report
- The OIC and White House Reactions to the May 19 Speech

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<sup>1</sup> See my August 24, 1998, sworn declaration at <http://www.moldea.com/DEM-OIC-AFF-08241998.pdf>.

The Brill Article  
Contacts with the President's Attorneys  
Judge Johnson's Inquiry; Starr's Appeal  
The Decision to Reveal the Tapes  
Did Perjurers Question the President about His Alleged Perjury?  
A Dangerous and Sinister Alliance  
Certificate of Service  
Attachment A: Ewing transcript (redacted)  
Attachment B: Bennett transcript  
Endnotes

30. On October 30, Judge Johnson made documents public, showing that in September she had appointed a "special master," Judge John Kern 3rd, a senior D.C. judge, to investigate, among other matters, the source of twenty-four illegal grand-jury leaks. Once again, she had found "a *prima facie* violation" of secrecy rules and demanded that "a complete and thorough review of these allegations must be undertaken."

31. In a profile about me in the *Washington Post* on August 8, 2007, reporter Howard Kurtz quoted Bennett's criticism of me, writing:

Moldea had called the office of special prosecutor Starr -- who had investigated Foster's death -- and spoke by phone with Starr's deputy, Jackie Bennett, and another official. Moldea admits, somewhat sheepishly, that he recorded them without their knowledge.

Initially, he says, "I didn't want the tapes to come out because I knew I'm going to get my head chopped off" for taping without permission. But he says he was "disturbed" by his conclusion that Starr's prosecutors would leak to him if they thought he was a friendly reporter.

"An absolute lie, and you can quote me," Bennett says in response. "That was invented."

Moldea asked to speak to Starr, and Bennett told him, according to the transcript, that if he was looking for "substantive information . . . then there are other people who really are better to talk to." Bennett says he was just trying to accommodate a journalist's request.

"I remember being agitated at the time," Bennett says. "It was a dishonest thing to do. . . . He misled us."

Moldea's move caught the attention of attorneys for President Clinton, who was battling the Republican effort to impeach him, and the reporter submitted an affidavit detailing his allegations.

Several months later -- after the Monica Lewinsky scandal broke -- Moldea went public with his tape. Moldea might have been seeking confidential information himself, but now, in light of the attacks on Clinton, he accused the Starr team of improper leaking. . . .

"There was a right-wing attempt to overthrow the executive branch of government, and I thought I could be sacrificed," Moldea says. "This was important enough for me to risk being destroyed."<sup>2</sup>

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<sup>2</sup> Howard Kurtz, *Washington Post*, "Morals of a Muckraker," August 8, 2007. See: <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/07/AR2007080702078.html>.

32. What is lost in Bennett’s version is that all the OIC knew about me was that the conservative Regnery Publishing was the publisher of my book about Foster’s suicide. They drew whatever conclusions they wanted from that information and acted accordingly.

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33. On July 25, 2003, President George W. Bush nominated Brett Kavanaugh to the U.S. Court of Appeals for the D.C. Circuit. Because of the controversies surrounding his political partisanship, his nomination was not confirmed by the full Senate until May 26, 2006, by a vote of 57-35.

At no time did I even consider getting involved in that process.

34. On July 9, 2018, Donald Trump, amid his declared war on leaks and leakers, nominated Kavanaugh to replace Anthony Kennedy as an Associate Justice of the U.S. Supreme Court. Earlier in his legal career, Kavanaugh had clerked for Justice Kennedy.

Notably, Trump advocates the criminal prosecutions of those who leak non-public information.

35. In Kavanaugh’s official disclosure statement to the U.S. Senate Judiciary Committee, he wrote the following:

I provided interviews for the following books:

Jan Crawford, *Supreme Conflict* (2007).

Benjamin Wittes, *Starr: A Reassessment* (2002).

Peter Baker, *The Breach: Inside the Impeachment and Trial of William Jefferson Clinton* (2001).

Susan Schmidt and Michael Weisskopf, *Truth At Any Cost: Ken Starr and the Unmaking of Bill Clinton* (2000).

Bob Woodward, *Shadow: Five Presidents and the Legacy of Watergate* (1999).

Michael Isikoff, *Uncovering Clinton: A Reporter's Story* (1999).

In addition to the interviews listed above, I have also spoken to reporters on background as appropriate or as directed.

36. Kavanaugh did not put me on this list—or on any other known publicly released list. I don’t know why.

37. According to the *Washington Post*:

One of the reporters he talked with was Dan Moldea, who told *The Washington Post* that Kavanaugh “was the designated person whom the [Office of the Independent Counsel] puts with people like me.” Moldea wrote a book called *A Washington Tragedy: How the Death of Vincent Foster Ignited a Political Firestorm*.

Moldea contrasted the ease with which reporters were able to get inside information about the Starr probe with the strict secrecy widely attributed to special counsel Robert S. Mueller III's investigation of President Trump and Russian interference in the 2016 election.

"I doubt that Robert Mueller's people are doing that," Moldea said.<sup>3</sup>

38. In his July 22, 2018, story in *Politico*, reporter Josh Gerstein wrote:

In February 1998, Starr's office filed 96 declarations from staff members denying any involvement in Lewinsky-related leaks. "With today's filing, everyone in the Office of Special Counsel, is on record denying, under penalty of perjury, responsibility for disclosing to the news media any of the [grand jury] material," Starr deputy Robert Bittman wrote.

Kavanaugh, who had left the office at that point but later would return, was not among the Starr lawyers and investigators who filed declarations under penalty of perjury in February 1998, but a person close to Kavanaugh said Wednesday that Kavanaugh believes he completed at least one declaration during his tenure confirming that he was not a source for leaks that were fought over in court during the Starr proceedings.<sup>4</sup>

39. It is my understanding that Kavanaugh was furloughed to Kirkland & Ellis from November 1997 to April 1998 and was not officially a member of the OIC staff during that time—including that period in February 1998, after David Kendall's complaints against the OIC, when Bittman was collecting sworn statements from members of the OIC staff who insisted that they had not leaked grand-jury information to the press.

Notably, during our conversation in December 1997, Hickman Ewing referred to Kavanaugh as one of the OIC's designated leakers. Also, after Jackie Bennett told me in January 1998 that he would have someone contact me who could provide "substantive information," I received a call from Kavanaugh with whom I met on January 19, 1998.

Apparently, Kavanaugh had *some* connection to the OIC during his supposed five-to-six-month hiatus.

40. On August 6, 2018, I retyped the transcript of my December 10, 1997, conversation with Ewing, unredacting the references to Kavanaugh.

41. On August 15, 2018, I met with a friend, Professor Mark Feldstein, who, among other subjects, teaches ethics in the Philip Merrill College of Journalism at the University of

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<sup>3</sup> Tom Hamburger, Robert Barnes, and Robert O'Harrow Jr., *Washington Post*, "Senate Democrats want to know whether Kavanaugh crossed line as source during Clinton probe," August 22, 2018. See: [https://www.washingtonpost.com/politics/senate-democrats-want-to-know-whether-kavanaugh-crossed-line-as-source-during-clinton-probe/2018/08/22/d5cadfce-a58a-11e8-a656-943eefab5daf\\_story.html?utm\\_term=.183ecf0186d1](https://www.washingtonpost.com/politics/senate-democrats-want-to-know-whether-kavanaugh-crossed-line-as-source-during-clinton-probe/2018/08/22/d5cadfce-a58a-11e8-a656-943eefab5daf_story.html?utm_term=.183ecf0186d1)

<sup>4</sup> Josh Gerstein, *Politico*, "Brett was involved" Inside Supreme Court nominee's work for Bill Clinton probe," July 22, 2018. See: <https://www.politico.com/story/2018/07/22/brett-kavanaugh-supreme-court-bill-clinton-starr-investigation-735082>.

Maryland. I asked him if I could reveal Kavanaugh's name in the transcript of my on-the-record conversation with Ewing.

Feldstein replied that if the Ewing conversation was on the record, then anything he said during that conversation was also on the record.

The original transcript of my January 12, 1998, on-the-record conversation with Jackie Bennett, also attached to my August 1998 affidavit, was not redacted.

42. On August 17, 2018, I received a call from a senior attorney with the U.S. Senate Judiciary Committee. Also on the line was an associate, another lawyer, who had learned about my 1998 affidavit during a search of the docket of the 1998-1999 leaks investigation by the federal court.

After I agreed to allow them to hear the recordings of my on-the-record conversations with Hickman Ewing and Jackie Bennett, the committee attorneys suggested that we set up a meeting.

43. From the outset, I told the committee attorneys that I was in possession of materials that helped to provide a roadmap about the process of leaking by the OIG during the investigations of President Clinton. However, I cautioned that I was not in possession of a smoking gun about anything illegal—and that I was not accusing Kavanaugh of doing anything illegal.

44. On Saturday, August 18, 2018, I met the two attorneys for lunch at The Old Europe restaurant in Glover Park. During the meeting, I played the two tapes and gave each of them copies of the unredacted Ewing transcript.

45. On August 21, 2018, a trusted, politically connected friend told me that the Democrats had conceded that they did not have the votes to block Kavanaugh's confirmation and were not going to put up much of a fight during the confirmation hearings.

46. That same day, I received a call from a reporter at the *Washington Post* and met with him and one of his colleagues. I played the tapes for them and provided copies of my unredacted transcript with Hickman Ewing.

47. On August 22, 2018, the *Post* published its article online. The following day, it appeared on the front page of the newspaper the following morning.

According to the *Post* story:

In meetings with *The Post*, Moldea played 20-year-old recordings of his conversations with Starr deputies. He said he also played the recordings for Judiciary Committee lawyers Saturday in a meeting they requested.

The recordings suggest that Starr's top deputies referred Moldea to Kavanaugh for answers to questions about the Foster matter.

Moldea said that Kavanaugh called him and that they arranged to have lunch on Jan. 19, 1998, at the Old Ebbitt Grill near the White House.

Moldea said he did not record that conversation, and he declined to discuss it in detail. “I am not going to describe the substance of my off-record conversations with Brett Kavanaugh,” he said.

At the time of their meeting, Kavanaugh had left Starr’s office after concluding an investigation of Foster’s death, which was ruled a suicide, and was working at a law firm. He later returned to the independent counsel’s office to work on other aspects of the Clinton investigation.

Moldea said he has no evidence that Kavanaugh broke any laws, such as sharing information that was presented to a grand jury. In an affidavit he prepared at the time, he said he wanted to be “clear” that he was not alleging “any wrongdoing” by Kavanaugh or another lawyer with the independent counsel’s office whom he interviewed.

48. On August 23, 2018, the special master’s report about the OIC leaks was unsealed and released. Because Kavanaugh’s name was not mentioned and the special master failed to find solid evidence of the OIC specifically leaking grand-jury material, the White House and the Republicans claimed complete vindication for the OIC and Kavanaugh.

This was a pure con job.

Significantly, the special master only investigated the period after the Lewinsky scandal was revealed. It did not address the numerous leaks—many of which were allegedly illegal, as well as the smears against the Clintons—that had preceded the Lewinsky revelations in which Kavanaugh was clearly involved.

49. On August 28, 2018, I saw Todd Gitlin’s story in the *Columbia Journalism Review*, “Journalists Should Out Kavanaugh,” featuring reporting about my contacts with the committee attorneys, as well as with the *Washington Post*.<sup>5</sup>

50. During the afternoon of August 31, 2018, I received a call from one of the judiciary-committee attorneys with whom I had met two weeks earlier. After telling me that the Democrats were aggressively investigating Kavanaugh, the attorney asked if I would be willing to give the committee my recorded, on-the-record conversations with Ewing and Bennett.

51. I called my personal attorney, the same lawyer who had battled out this situation with me twenty years earlier. He told me that he saw no problem with me providing the committee with the tapes.

52. That afternoon, I emailed the two digital recordings to the committee attorney.

53. And, then, to provide context for those two recordings—and to augment my August 1998 sworn declaration—I executed this affidavit on September 3, 2018.

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<sup>5</sup> Todd Gitlin, *Columbia Journalism Review*, “Reporters should out Kavanaugh,” August 27, 2018. See: <https://www.cjr.org/criticism/reporters-should-out-kavanaugh.php>.

I state that the foregoing is true and correct, based upon by personal knowledge under a penalty of perjury this 3rd day of September 2018.

\_\_\_\_\_/s/ Dan E. Moldea\_\_\_\_\_

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**The Hickman Ewing on-the-record-conversation transcript—  
with the identity of OIC #2 unredacted**

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In my August 24, 1998, sworn declaration, I attached a transcript of my on-the-record December 10, 1997, recorded conversation with Hickman Ewing, one of Kenneth Starr's two top lieutenants. In my submission to the court, I had redacted two names from the transcript, whom I only identified as "OIC #1" and "OIC #2."

This is the unredacted transcript of my conversation with Ewing in which OIC #2 is identified as Brett Kavanaugh.:

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Hickman Ewing: . . . yesterday, briefly. [Kenneth Starr is] coming in this morning to Little Rock. And I told him, kind of what I knew about it at that point. He was very positive about it, for sure.

Dan Moldea: Good.

Ewing: Let me say this. We have—I think, in the wake of—When we submitted our report, and then we've seen the Ambrose book, and we've seen the Ruddy book.

Moldea: Oh, those are both garbage, yeah.

Ewing: And we have talked pretty freely with people doing reviews of those books. I mean, I've sat down with several people doing reviews. You know, we've told them, "Look, from our standpoint." For example, there are questions raised in Ambrose's book, you know, and one guy sat down with us. And we said, "Look, this is wrong. And here's why it's wrong." And some of it's, maybe, on the record. Most of what we're telling them is off the record. But we're saying, "Look, here's the fact on that particular point."

Moldea: Uh-huh.

Ewing: And, so, I—Listen, I will talk to Ken. He's due here in about thirty minutes. But I think what he's going to tell me is to let you have at it with me and [OIC #1], for sure, and maybe **Brett. Brett Kavanaugh, the main guy that authored the—**

Moldea: Okay, **Brett Kavanaugh**, let me write that down.

Ewing: **He did all the writing and was the guy that continuously [inaudible]. He's a young guy. He's never tried and prosecuted a case, but a brilliant guy.**

Moldea: **Oh, he's a prosecutor? He's a lawyer?**

Ewing: **Oh, yeah.**

Moldea: **Oh, Okay.**

Ewing: **Yeah, yeah, yeah. He's the main guy. Once Miquel left, Brett ended up—**

Moldea: Oh, I'm going to rip Miquel up. I mean—

Ewing: Well, I'd like to—You've probably heard lots of things. But there are some perspectives on Miquel.

Moldea: I'd like to hear those perspectives. I'd like to hear his defense.

Ewing: You know, I mean, I know how the Fiske FBI people felt about him. I—

Moldea: Not to mention the Park Police. [laughing]

Ewing: Yeah, the Park Police. But there is room for disagreement on Miquel. I mean, I will be glad to talk to you about that.

Moldea: Yeah, I'd like to hear that.

Ewing: Basically, what happened is—And the Ruddy book gets a little—I mean, I talked to Ruddy at length. I talked to Ambrose at length back, way back. Because we wanted—They were rattling the swords. And we basically said, "Okay, tell us what you think. I mean, we're trying to get to the bottom of this. Tell me what your theory is—"

Moldea: "And your evidence," yeah.

Ewing: "Tell me what your evidence is. I mean, you know, I don't write you off as nuts, as we're going along. I want to—A lot of nuts can have ideas that may fit in." I mean, we get tons of letters on the Foster thing. We still do, probably less so now that our report's come out. But, still, there are many that say we've covered up. Clinton's paid for us and everything else.

Moldea: Right.

Ewing: But, basically, when Miquel left, I got called to Washington. So I went up there and spent, you know, a couple of months on the ground myself in the grand jury, etcetera. And then I got [OIC #1] to come up later, because we needed somebody who had been a murder prosecutor to look at it again, just to cross t's and dot i's and be sure everything was right. So, you know, I know I would be glad to talk to you. I'm sure [OIC #1], if Ken says it's okay, will. **I know Brett—We put Brett with several of these book reviewers and let—Because Brett—Of course, in those cases, some of them were, "Why didn't you do this? Why didn't you do that?" Brett says, "Here's the answer to that."**

Moldea: **Uh-huh.**

Ewing: **In other words, some of these questions that are raised that maybe it's not even in our report.**

Moldea: You've heard about John Corry's review in the *American Spectator*, haven't you?

Ewing: I, well—I take it was positive.

Moldea: No, no, no. John Corry ripped Ruddy's book in the *American Spectator*.

Ewing: That's what I mean; that's what I mean, yeah.

Moldea: And then Richard Scaife—

Ewing: Yeah, I saw the article on that.

Moldea: —has pulled back his money. I don't think *American Spectator* can survive this.  
[laughing] But—

Ewing: Well, it may. You know, I don't know. But I know we've—There are a number of people who have done reviews. And we talk very freely with them.

Moldea: Uh-huh. Well, that's terrific. Like I said—

Ewing: Especially those who we—when we heard where they're coming from.

Moldea: Right. Well, again, I'm willing to—What I'd like to do is: I was talking to [OIC #1] whom I like very much. And I said, "Listen, if you or Mr. Ewing or—" I want somebody to read this thing, somebody who can say, "Okay, this is—You're on target on this." And with that understanding—and also that this would remain confidential among us—

Ewing: Right.

Moldea: —I would—That would be terrific. And, so however you want to proceed with this, sir.

Ewing: Let me say this: I know—I mean, I would actually like to talk to you, probably.

Moldea: That's great! Better!

Ewing: I would like to read this. But I would also like to, you know, there's some—Obviously, everybody's got a perspective. I mean, the FBI agent that worked for Fiske has got a perspective.

Moldea: Right, he sure does.

Ewing: There's some things that they didn't do that they should have done. Okay?

Moldea: Right.

Ewing: But that's hindsight. I mean, we, obviously, learned a lot more. We reached the same conclusion as Fiske, but we learned a lot more. And there're things that have not been addressed. I mean, Foster's state of mind. I mean, you read the part of the report about Dr. Berman and so forth--

Moldea: Sure.

Ewing: —But we know a lot more about it that's not in the report—that, probably, we're not going to say anything about yet—

Moldea: Oh, I'm sure you do. I'm sure you do.

Ewing: —because it fits into the overall scheme of things.

Moldea: Yeah, I'm sure you do. I, you know—I believe that, after examining everything that I've examined, I, sort of, have a gut feeling that what Foster did probably had more to do with his personal situation than anything else. And—

Ewing: Well, that had a lot to do with it, but he had other things on his mind that hasn't come out.

Moldea: Well, I'd sure like to hear about that. So you tell me how you want to proceed, sir. And that's what we'll do.

Ewing: Why don't we do this—

Moldea: Have you talked to Ken Starr about me already?

Ewing: Yeah, I just mentioned—As I said, I just mentioned you to him yesterday. But I will talk to him when he gets here.

Moldea: I have great respect for Ken Starr. He wiped me out on a big case I was involved in one time with an amicus brief that he had filed. And we were just awed by him. We really were awed by—

Ewing: He's a great guy.

Moldea: Yeah, he sure is.

Ewing: Straight-up guy.

Moldea: In fact, my attorney debated him on Court-TV one time. And I've had nothing but respect for him. He's a classy guy.

Ewing: Let me do this: Let me—I will call you back today.

Moldea: Yes, sir.

Ewing: I will talk to him, probably, within the hour. And I will call back, and then I'll tell you how we'd like to proceed.

Moldea: That'll be terrific, sir.

Ewing: Okay, thank you.

Moldea: Thank you very much, Mr. Ewing.