

# Cliff Brinson Interview

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## Interview Transcript

**Hon. Gerald B. Tjoflat:** . . . Well, let's begin. What we're going to do is introduce the audience in this oral history session to Mr. Clifton Brinson, a great lawyer from Raleigh, North Carolina, who clerked for me from August 1998 to 99.

**Cliff Brinson:** And to the extent I'm a great lawyer, that's the reason why.

**Hon. Gerald B. Tjoflat:** . . . You were there when I appeared before the House Judiciary Committee in [connection with] the impeachment of William Jefferson Clinton. . . . How I got there is very strange, but I'll get into that. First, I think . . . it's a good idea to lay the groundwork for why I was there. What I'm going to say is a matter of public record, mainly in the media. The President had been sued by a woman by the name of Paula Jones under Title XIII, 42 USC 1983 and other civil rights acts for sexual violations . . . that occurred with her way back in the '90s, early. And Kenneth Starr was a special counsel who had been appointed in the Whitewater investigation. And, . . . the *Jones* case, which led to the impeachment and [what] we're going to deal with today, . . . arose out of that investigation.

So what happened is that it came to Mr. Starr's attention that the President had engaged in . . . sexual misconduct with . . . Monica Lewinsky, an intern in the White House. This had become public and became known to Jones' lawyers. He had resisted the Paula Jones case on several grounds, one was that she could not sue him because he had immunity [as] a sitting president. And the case went all the way to . . . the Supreme Court of the United States. Susan Wright, who was a district judge in Arkansas, was presiding over the case. She had denied the [President's] immunity argument, but she entered an order postponing some of the events in the litigation while he was president. So [the case] went before the Supreme Court and the Supreme Court said "no, he does not have immunity."

Even though the conduct [in] the *Jones* case arose before he became president, he was still amenable to suit. And so, the Supreme Court effectively gave Judge Wright full authority to

proceed with the lawsuit as she would any other sexual discrimination case under federal law. So the next thing that happened, which brought this matter to a head in the impeachment proceedings, was in December 1997 Jones' lawyers in listing witnesses who were going to appear in the case, listed Monica Lewinsky as a witness. Monica Lewinsky had ceased being a part of President Clinton's staff, as it were. Even though she was an unpaid intern, I will treat her as a member of the staff, basically. So he and she got together allegedly and decided that they would both take a position in the Jones case because he would be deposed in the Jones case as a witness.

They both take the position that nothing inappropriate had ever occurred between them. And so, she signed an affidavit to that effect, the total denial of any impropriety with the president. That was filed in the Jones case. That was, now we're talking about December 1997. In January 1998 on the 17th, President Clinton's deposition was taken in Washington, D.C. Judge Wright flew from Arkansas to Washington to preside over the deposition. And there were gag orders [Judge Wright had] issued in that case, which were designed to prevent anything about the testimony from winding up in the news media. And in any event, [the President] was represented by [Bob Bennett]. His lawyer, a very well-known lawyer in Washington, was representing him at the deposition.

And during the deposition when they were asking [the President] about any . . . inappropriate [ ] sexual relationship [he had] with Monica Lewinsky, Bob Bennett, . . . his lawyer, objected on the ground that Monica Lewinsky had already filed an affidavit denying everything that could have taken place according to the Jones lawyers. Judge Wright made him answer the question. And of course, he denied any inappropriate relationship with Monica Lewinsky throughout that deposition. Of course, Bob Bennett was kind of in a box because he did not know that Monica Lewinsky's affidavit was false. So that was the 17th of January 1998. And on the 21st of January 1998, the Washington Post ran a major story, which accused the President of basically suborning perjury, getting Monica Lewinsky to file a false affidavit. . . . And that became, now notwithstanding the gag order and trying to keep all this quiet in the Jones case, it became full blown.

And the President appeared over the next several weeks in various forums. For example, he was interviewed on NPR radio and denied at length any relationship with Monica Lewinsky and other, other major outlets, the television, radio, and in the press. It was a constant bombardment from the President's point of view that anything inappropriate had happened. Meanwhile, special counsel, Mr. Starr, is now involved in this investigation because of the things that were happening in the *Jones* case. And President Clinton was called before the grand jury and was questioned at length in all sorts of ways about his relationship with Lewinsky and his appearances in the *Jones* case before Judge Wright and his testimony in that case. He stuck to his position that nothing inappropriate had happened. So in September, I think it was about September 9, special counsel filed a report, as part of the job as special counsel, which laid out how it was that they discovered or it came to light that Monica Lewinsky had this relationship with President Clinton and had engaged in all of these obstructions, filed a false affidavit, and things of that sort.

So then in October, the House passed the resolution, or however they did it, gave me, gave and gave the House Judiciary Committee the authority to launch an impeachment investigation. So that's the background of how we get to December 1, 1998. That was the ultimate hearing on this impeachment thing. So, that's . . . the background. And I think you were with me when I got a telephone call from Washington on Monday, November 23. It was right before Thanksgiving. Barbara Lay was my secretary, and she said you have a call from the Administrative Office. that was, that I think the head of the liaison, public liaison or committee or division of the AO who dealt with the Congress and told me that the Chairman of the House Judiciary Committee, Henry Hyde, wanted me to testify and was going to summon me to testify [at] the hearing on December 1.

That was a shocker. I think you and I and the other clerks were headed out to lunch, and we chatted about it momentarily. Before we came out of the door Barbara Lay had communicated my answer to the caller. The caller called back and said, "Judge, they're going to subpoena you and come get you. But you're coming up there to that hearing." Of course, the first thing that entered my mind was whether or not I could even appear before that body in that kind of proceeding given the codes of conduct and regulations [governing] federal judges. I recall discussing the matter with you guys at lunch.

**Cliff Brinson:** Now did you have any understanding of why they were interested in having you come testify?

**Hon. Gerald B. Tjoflat:** Well, the reason why they wanted me to testify, I assumed, I have to back up sometime in the early '90s [to] a case called [*United States vs. Holland*], "the Holland case" . . . in the Northern District of Georgia in Atlanta. The Ku Klux Klan had assaulted pretty badly a group of civil rights workers. And they filed suit against the clan, and they hit the leaders of the group. One of them was a guy named Holland, and they got a big money judgment [against Holland]. I think it was upwards of a half million dollars or thereabouts, which was a lot of money in those days. And what Holland did was --- and he had a lot of assets, real estate and other kinds of assets --- he parked them with nominees so that . . . when the plaintiffs now armed with this judgment tried to execute on the judgment, they couldn't fight anything. And so they took his testimony, and of course he said he didn't have anything, and they discovered it in [a] short time that he had parked all these assets, changed titles, and things like that. And so the US attorney in the Northern District of Georgia summoned the grand jury, and, Holland was indicted on about five counts of perjury and obstruction of justice that had occurred during the plaintiff's attempt to enforce their judgment. And he was convicted, I think, on four of the counts. And the case came before Judge Orinda Evans for sentencing. And the guidelines for perjury and obstruction of justice were pretty stiff. And she said, "This is a civil case, and . . . perjury and obstruction of justice is not that important in a civil case." And so she gave him a very light sentence, and the government appealed.

I happened to write the [Court of Appeals] opinion, and in the opinion, I put to rest any idea that perjury in a civil case was different from perjury in a criminal case. Both [perjuries] have a

detrimental effect on the administration of justice in lots of different ways. Well, that opinion apparently [was] about the only opinion saying something like that in existence at this time, 1998. And I was aware that ear[y] in 1998, former US Attorney General Thornburgh had written an op-ed piece in the Wall Street Journal. And [he] cited . . . my opinion [in *Holland*]. And, as time went on between then, early in '98, and . . . Starr's report in September, [the *Holland* case appeared in the New York Times [and] in several news outlets who were reporting on the progress of this Clinton [impeachment] investigation from time to time.

And they cited me as having made this statement in the *Holland* case. So, I assumed . . . that's why they wanted me [at the December 1 impeachment hearing]. So, the Judicial Conference has a Committee on Codes of Conduct, and . . . has a member from each circuit. So I called our circuit's representative. It was Lanier Anderson, . . . a colleague. And I told him about the subpoena that was going to issue from the House Judiciary Committee commanding me to come to [testify] on December 1. And . . . what did he think about it? And I think the resolution was, I would not testify as to what . . . the [Judiciary] Committee should do [regarding] impeaching the President. But I could [testify] in the abstract about the effect of perjury and obstruction of justice on the administration of justice. So that's where we are. So now we have Thanksgiving and, and we're sitting, you may remember, we're sitting . . . next week [in Montgomery], Monday through Thursday. So this hearing [before the Judiciary Committee] is on Tuesday. So, so I flew to Washington on . . . late [Monday afternoon], and then I met with Chairman Hyde and cemented the idea that I was only going to testify about the effect of perjury and obstruction of justice on the administration of justice in the courts. So that's where we are.

**Cliff Brinson:** Okay. So then you get the call from Henry Hyde's office. You talk with the people with the [Committee on Codes of Conduct], decide it's okay for you to attend as long as you're not opining on the merits of President Clinton's particular case. You're just going to talk about perjury in general. And then . . . December 1st rolls around, you go to Washington, DC for this hearing. Could you, could you set the stage for us a little bit on the hearing? How is this structured? What does it look like?

**Hon. Gerald B. Tjoflat:** Well, of course, it was a huge event. I mean, the press was all over the place. The hearing started at nine o'clock, full committee, all 35 members, 21 Republicans [and] 14 Democrats. We got to the hearing room, which is a large hearing room, and of course the press was everywhere. And I'm just a supernumerary. . . . We had nine witnesses lined up like this, that this is facing the committee, and I'm on the right, the extreme right. And next to me is Judge Wiggins from the Ninth Circuit who had been on the House Judiciary Committee when they had impeachment proceedings involving President Nixon. He had taken a major role in that investigation. So, he's to my left, and to his left is Leon Higginbotham, who's now a retired former judge of Third Circuit Court of Appeals, and then Elliot Richardson who had been Attorney General [and had served in] all kinds of positions with the federal government.

You may remember Elliot Richardson was Attorney General when President Nixon told him to fire Archibald Cox during that proceeding. And he refused to do it. But anyway, then there was an admiral by the name of Edney and a General Carney. These two retired officers were

extremely prominent and had great roles in the army and the navy. Then we had Alan Dershowitz, whom everybody knows, is a professor from Harvard. And Steve Saltzburg, a law professor from George Washington. I knew him when he was a professor at University of Virginia Law School. And Jeffrey Rosen was another law professor from George Washington. So, even we just lined up there and I remember very vividly, oh, this is 15 minutes before the hearing began, people are milling around. All of the sudden Alan Dershowitz appears at the door and enters the hearing room, and it was a huge vacuum. The press just [rushed him] It was like you had one of the things you hang out at night that get the mosquitoes or the bugs — they were just sticking to him. And he was going to be the star of the show as it were before it was over. I think he probably was [as] solemn as that occasion was.

**Cliff Brinson:** The topic for the hearing was the consequences of perjury and related crimes. I take it what they did was they pulled in you and a number of other legal experts from various fields to try to inform them on this topic, the thread tying all of these people together.

**Hon. Gerald B. Tjoflat:** Yeah, the whole thing had been laid out basically. And the Starr Report, the background of the *Jones* case, and everything I've said that evolved and ultimately the Supreme Court giving Judge Wright in Arkansas the green light to go forward with the [*Jones*] case. But everything [the President] had done in that case to obstruct justice or allegedly to perjure himself, that was the centerpiece. The hearing had nothing to do really with anything he'd done in the office of presidency in executing the laws of the United States, for example. It was [his] relationship with Monica Lewinsky . . . while he was President, of course, and the perjury and the obstruction of justice [that] occurred while he was President, but . . . in a private setting, in a private lawsuit.

**Cliff Brinson:** Yeah, I remember. I was interviewing with law firms in the area at the time, and so I got to have the privilege of going in there with you and sitting in the audience while this was all going on. I remember there were a couple of reporters that came up to me and asked me how to pronounce your name. That was, that was my role in the hearing. And as I remember, the way they set it up was each of the nine members of that panel got five minutes to give opening remarks. I recall you stuck to your five minutes. Everyone else wasn't necessarily as good about that as you were, and then the committee members had the chance to ask questions after everybody had given their opening remarks. That should be a lead to why don't you tell us what you said when you had your chance to give your opening remarks to the panel?

**Hon. Gerald B. Tjoflat:** I'll just begin. Chairman Hyde called on me first. I'm sitting up to the right. I really didn't know if I was going to be first or not. I just happened to be assigned that seat. So, it became obvious [that] I was first. And John Conyers, who was at that time on the Judiciary Committee but was also chair of the Judiciary Subcommittee on Criminal Justice, he was there. And no sooner had Chairman Hyde called on me for my remarks than John Conyers asked to be heard. And he had in his hand an ABA Code of Ethics book. And he was saying --- I think he was talking to all three judges, but he was aimed at me there --- that I ought not be

testifying in this proceeding because something about it may come before me as a court of appeals judge.

I told him I was well acquainted with the Canons of Ethics and Codes of Conduct and that I wasn't going to say a word about what this Committee should be doing substantively in this hearing. I was simply going to give an academic [explanation], as it were, about the effects of perjury and obstruction of justice [on the administration of justice in the courts. So, I think when he did that, when he raised the question of whether I should testify, my mind went back to the Alcee Hastings impeachment proceeding in the 1980s. I was one of five judges on the 11th Circuit Judicial Council who was involved in the investigation of [Hastings' alleged perjury and obstruction of justice in the criminal case that had been brought against him for conspiring to solicit a bribe]. And we had issued a report, which in effect indicated that [Hastings had] committed perjury or obstruction of justice in perhaps 17 episodes.

And a bill of impeachment was ultimately introduced based on our investigation. [It] was introduced in the House of Representatives by the Judicial Conference of the United States in 1987 by request. And the bill of impeachment was ultimately assigned to [Conyers'] Subcommittee on Criminal Justice. And so I had a prominent role in that investigation, which, in effect, recommended that Judge Hastings be impeached on a variety of articles, all having to do with perjury or obstruction of justice. So I had [this] in the back of my mind while [Conyers is] suggesting maybe I ought not testify --- that I had already done that over a decade beforehand having to do with the same subject matter, impeachment. So that ended that, and I made my little presentation, which was built around the theme that the administration of justice, especially in the litigation context, requires three things.

An impartial judge, lawyers who are wedded to the highest ethical and professional standards and practice them, and witnesses who will testify truthfully. And it's kind of like a three-legged stool. And I said, if any of the legs are missing, the stool collapses. So then I focused on perjury and obstruction of justice, and what [that] does . . . in addition to collapsing the stool. I used an illustration in which perjury, or obstruction of justice, is like a pebble, and you drop the pebble in a pond and [observe] it's ripple effect. It just keeps on going. And it affects everything that has to do with the administration of justice in the courts. As a matter of fact, it creates injustice. So, that was the thesis that I had, and of course it had nothing to do with whether they should impeach President Clinton.

So with that, they moved to Judge Wiggins. I should say that I had known him for a long time. We were colleagues. [He was in] the Ninth Circuit. The judiciary in those days was kind of small in a way. And so, you had comradery feelings with these other judges, and he was dying of cancer. . . . I knew that when he was there sitting next to me. And as a matter of fact, he died . . . in March of the following year. And on the other side of him was Leon Higginbotham. And of course, Leon and I had been members of the Judicial Conference of the United States at the same time as chief judges of our circuits. And he died on December 14 — 13 days after this hearing he had a stroke.

So, these two friends were with me there at this hearing. They're gone pretty soon. Judge Wiggins testified that the . . . Committee should issue articles of impeachment and bring them to the floor of the House. He didn't go into the behavior of the President, the false testimony, and all those things that I mentioned in the outline. Of course, he had properly assumed that the Committee had the Starr Report. So he didn't have to say much at all. [The Report] was just rampant with inappropriate conduct. And so his comments were fairly brief and to the point. And then [the Committee] moved to Judge Higginbotham who had left the bench now. He's teaching and doing some other things. He's 70 years old. And he as delicately as possible acknowledged [the President's] misbehavior, but somehow thought that maybe because it involved [a] sitting President [he] probably ought not be impeached now for something that was done in this collateral [*Jones*] proceeding. By no means was he indicating that the behavior was appropriate.

To the contrary, it was reprehensible. [H]is point was that the President ought not be impeached for that. And then [the Committee] went to Elliot Richardson. Well, the admiral and the general followed, and of course, both testified as to the importance in leadership and everything else of candor and honesty and truth-telling and all those kinds of things. They discussed it from the standpoint of the military and not in the court system. And Elliot Richardson was in the same sort of a position that he's talking about it as a general proposition. When [the Committee] got to Alan Dershowitz things started exploding a little bit. He made it clear that we ought not be having this hearing at all, that this just a bunch of malarkey. And then he went on to talking about perjury and obstruction justice.

He said perjury in civil cases is so widespread that it's in every case, basically. I use the word every, but he says everywhere. And then he said, "We don't do anything about it, and we just live with it." [He said] that's the way [it is in] civil litigation, for example, this is what we're dealing with in the *Jones* case, civil litigation. This is all false and crookedness and such. [I]f anybody's going to do anything about it, it should be the judges maybe, maybe Judge Wright in this case could cite President Clinton for contempt because perjury [in] the presence of the court is criminal contempt. And so that's the solution. She can handle that. . . and not bother disrupting the national government because the President's undergoing impeachment.

Still talking about perjury, he said, "Perjury is rampant in the administration of civil justice." He said, "The police always lie. They lie for affidavits that they file with courts for search warrants. They lie on the witness stand so that the police on the criminal end are just as bad as witnesses in the civil cases that lie all the time. And so, we shouldn't make be making a big deal out of the fact that the President may have lied in this civil case involving Paula Jones." That was about the gist of Professor Dershowitz's position. It brought some reactions from the audience, especially the members of the committee. You know how forceful he is anyway. You never have any doubt about what he has in his mind.

And what he had in his mind was that this is small potatoes when it comes to perjury and perjury's rampant, anyway, so what? The [next witness was] Professor Saltzburg. He did not follow suit. He sort of, I say this in a charitable way, he kind of danced around what the

committee should be doing, but [he] recognized that perjury and obstruction in civil cases, like this *Jones* case, is serious business. And Professor Rosen, who was the last [to be called on, was] sort of the same way. So the [Committee] had a lot [before it] after these five-minute statements. Then, we were subject to questioning by the members of the Committee.

**Cliff Brinson:** And as I recall, the way it worked was each member of the Committee got five minutes to ask questions. So they went one by one through each of the Committee members. As I recall, a number of them chose more or less to give speeches rather than ask questions. Yeah. But there were a few that actually interacted with the panel.

**Hon. Gerald B. Tjoflat:** It would go from a Republican, Chairman Hyde, then to the lead Democrat, the ranking Democrat, then back to the second-ranking Republican, back and forth, like a tennis match. Then sometimes, as you say, they would make big speeches. Of course, they were fairly divided politically. On the Republican side, behavior such as [the President's] was reprehensible. And from the other side, a lot of times [they were] just kind of quiet. And sometimes they would yield if a congressman was going too long or . . . he'd borrowed someone else's time. But they asked a bunch of questions. They asked me, I don't know on six or seven occasions. They would . . . ask [we] three judges collectively, or they would signal you out. By the way, they asked Professor Dershowitz what he thought [about] my statement [in *Holland* that perjury in civil cases w[as] just as serious as perjury in criminal cases. And he said [*Holland*] was the most "wooden headed" opinion he had ever read --- that I didn't know what the hell I was talking about, in other words. So, that was sort of how it went.

**Cliff Brinson:** So, then after the hearing, I guess you went back to Montgomery to finish your case calendar, right?

**Hon. Gerald B. Tjoflat:** Well, . . . I left the hearing, I was flying to Montgomery, so I had to catch a plane to Atlanta. I got the last plane to Atlanta that would get me to Montgomery. I think two or three questions were asked of me while I had already gone, and I think Judge Wiggins had gone, too. But that was the end of the day. It was a long day.

**Cliff Brinson:** And then what happened with the impeachment process after that?

**Hon. Gerald B. Tjoflat:** Within eight or 10 days, the House impeached the President on two articles, and both of them came out of the *Jones* thing — one had to do with the perjury before the grand jury, the federal grand jury. And the other had to do with perjury that had occurred before Judge Wright. [The Committee] focus[ed] really on two things. One, his false testimony altogether, and also his having gotten together with Lewinsky to concoct this false affidavit that she filed, which his lawyer didn't know about and thought it was genuine. And so that, that was about the size of it.

**Cliff Brinson:** And as I recall your three-legged stool analogy came up on—

**Hon. Gerald B. Tjoflat:** It came [up again] along the line—



**Cliff Brinson:** And it stuck with a lot of people, yeah?

**Hon. Gerald B. Tjoflat:** And the *Holland* case was cited in the Starr Report that was filed in September. The [statement] I'd made in that opinion, clearing the air on whether perjury in civil cases was as bad as in criminal cases. That was about the size of that.

**Cliff Brinson:** Okay.

**Hon. Gerald B. Tjoflat:** I have to say I was glad to get back over there to Montgomery.

**Cliff Brinson:** Well, here we are almost 25 years out now from all that. Any thoughts that you have looking back, either on the impeachment process generally or the testimony that you gave or anything else about all these events?

**Hon. Gerald B. Tjoflat:** I think I was able to go to sleep that night and ever since [because] I did not tell that body what they should be doing. My main goal was simply to reinforce the idea that we just can't tolerate perjury and obstruction of justice. I didn't even mention what hadn't happened in *Holland*. I just [discussed perjury and obstruction of justice] in the abstract --- that it was bad. Looking back though, Cliff, I subsequently did read the Starr Report because I was astonished [that some of] the witnesses [before the Committee] would do nothing, and especially [with] Professor Dershowitz's tirade on the extent to which [he claimed that] perjury is accepted, literally accepted by the judicial branch and by society in civil matters, and that it happens all the time in criminal matters, and the FBI ought to be investigating the police.

[He said that] if there was any investigation going on . . . , it was that [the Committee] ought to be investigating the police who lie all the time during trial and [in] obtaining search warrants. But looking back after having read [the Starr] Report, and then thinking about the testimony generally at the hearing, perjury in . . . the *Jones* case and before the grand jury was to an extent I have never seen in my life . . . , hadn't seen beforehand or afterwards. I think every law student needs to read the Starr Report. They ought to understand the magnitude of the wrongdoing in that case [and that it] affected the federal grand jury, for heaven's sakes, and a U.S. district judge. I can't think of anything more serious than having a United States district judge presiding over a deposition, which is very unusual.

[Judge Wright, who] came all the way from Little Rock to Washington to [preside over the President's deposition], and everybody in the room, President Clinton, his lawyer, Bob Bennett, who's a world-class criminal defense lawyer, and the lawyers on the other side [in *Jones*] and whoever else was there, everybody knew exactly what the focus [of the deposition] was. The focus was whether [the President] had sexual relations with Monica Lewinsky as alleged. And so there wasn't any doubt [about the focus]. There was a funny thing, [though], that came out of the cross examination of [the President] or [on direct] examination about the meaning of the word "is," i-s. What happened was that he was . . . asked . . . whether or not his statement that he never had sexual relationship with Monica Lewinsky *is* true or false. He interpreted the

question as asking him whether he had . . . anything going on right now?" [And that the word 'is' as used in the question referred to what was going on "now."

And so, when he said, "I've had no relationship with Monica Lewinsky," he [was] talking about right now, and there's not a chance anywhere then when you read the transcript of the deposition that anybody could be misled. The focus was on what happened between the two of them in the White House and . . . many times in the Oval Office. So I think an enormous amount of damage was done to the administration of justice, generally speaking, as a result of, well, the approval of . . . what took place . . . in the sense that some people didn't want to do anything. [It was a] callous disregard of the severity of the conduct not to say that this [was unacceptable]. [T]he law professors, . . . they wouldn't acknowledge it was that bad and . . . the disregard[ed] it, . . . just kind of pasted [it] over. But I do think every law student needs to have a seminar on that case because it was . . . obstruction and perjury that occurred day after day, after day. It was just constant for months. Lots of it [was] in the open before the media. Lots [of it occurred] before the media. Of course, that [was] not perjury because it [was] not under oath, but lots [occurred] before the grand jury, as well as before Judge Wright. But I'm glad that I was not called upon it to say [all of] that at that time.

**Cliff Brinson:** Well, I think your *Holland* opinion really spoke for itself, and what made it so powerful, it seemed to me, was number one, unlike Mr. Dershowitz, I thought it was very well written and very clear and very powerful. But secondly, it was written before anything with President Clinton had ever happened. And so, when you came to Congress to testify, consistent with what you had written years earlier in *Holland*, it was clear that you weren't taking a position on perjury based on your political views. You were taking a position based on your view as a judge, as someone who had been close to the legal system and who had seen the consequences of perjury and how it plays out, and why it is one of the three legs of the three-legged stool.

**Hon. Gerald B. Tjoflat:** Well, yes, [the President] lost his law license. And I think he was disbarred in Arkansas. Of course he didn't need [the license], but I don't know if he was ever reinstated as a lawyer. And . . . he paid a civil judgment to Paula Jones or a settlement, whatever. But I don't know whether [there] was a contempt proceeding or not in the district court, but, . . . looking at it from the contempt point of view, it was so monstrous. . . . [But] it would have been catastrophic from the nation's point of view [to cite the President with contempt]. I guess sometimes some things are so bad in terms of being reprehensible that because of the position of the person, you can't do anything about it without causing huge political disruption or things of that sort. But it sure was an important time.

**Cliff Brinson:** It was, it was, it was important, exciting. And I was glad to be there with you for it.

**Hon. Gerald B. Tjoflat:** And I'll never forget [it]. I remember [it] like it was yesterday, that damn phone call. It was about 20 [minutes] of 12. We were going down to the — we had lunch sometimes in those days down at the Bell South cafeteria or whatever. And [I remember] Barbara Lay saying that somebody from the Administrative Office — I already knew who it was,

I dealt with [him] before. [He] said, “judge, I’m an intermediary. The [Judiciary Committee] is e having an impeachment hearing, the final one. The [whole] enchilada, the whole works, next Tuesday, and you’re going to be a witness.” And I laughed like hell. I said, “You’re crazy. I can’t do that.” And then five minutes later, he called back and said, “They’re going to come get you with a subpoena.” Well, of course, he knew. I [had] to respond to a subpoena, right?