

Altman testified that he does not remember telling Steiner he had come under "intense pressure" from the White House. He was not under intense pressure from the White House not to recuse. Altman was quite adamant that the White House did not tell him that his recusal would be "unacceptable."

6. February 3: Altman Decides Not To Recuse Himself.

Altman testified that after sleeping on the issue, he decided that he would not recuse himself, at least for the time being. His rationale was that recusal was not required, he would follow Kulka's recommendation in any event, and he did not want the White House to take his decision as a personal rebuke.

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The evidence indicates that during this conversation, Altman told her that he had decided not to recuse himself for the time being. Altman said that his decision did not matter since he would follow Kulka's recommendation, but that the decision made "them" (meaning the White House officials) happy.

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Altman also said that the White House had one request, that Kendall be contacted so that he would be aware of the timing and the legal issues on the statute of limitations.

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[REDACTED] Altman asked Hanson to check with Kulka on that point.

That morning, Hanson called Kulka, and Kulka said that private counsel (including Kendall) would be contacted in due course, but that it was premature to do so at that point. Altman had no objections when Hanson later reported this information back to him.³¹⁰

Hanson testified that at some point she told Altman that she assumed he would get rid of his copy of the talking points. She did so because she did not want a version of the talking points lying around that stated that Altman had decided to recuse himself prior to changing his mind as a result of the White House meeting.³¹¹ Altman claims not to remember this conversation.

7. February 3: Altman Announces His Recusal Decision To The White House.

The evidence indicates that sometime after a conversation with Bentsen, Altman called over to the White House to arrange to meet with some of the same White House officials he had met with the day before. The testimony about how this meeting was set up, what time of day it took place, and what occurred at the meeting is widely varied.

In short, the evidence shows that Altman set up a meeting (on short notice) in Williams' office for the purpose of announcing that he had decided not to recuse himself for the time being. He arranged the meeting by calling either Williams or Ickes, and Williams, Ickes, Eggleston, Nussbaum, and Stephanopoulos may have been in attendance. Hanson was late,

310. [REDACTED]

311. Hanson testified that she had another similar conversation with Altman where she said to him that she assumed he had gotten rid of his talking points.

arriving only after Altman had already made his announcement and departed. She then had a discussion about Altman's recusal decision with possibly Williams, Ickes, and Eggleston present. The best evidence indicates that these meetings took place as an independently-scheduled event around the lunch hour on February 3, although there is some testimony that the meeting was simply a precursor to a regularly scheduled health care meeting in Williams' office around 6:00 p.m. that evening.³¹²

Altman testified that he called Ickes on the afternoon of February 3 and said that he wanted to stop by and see him for a minute. Altman cannot recall, but he thinks it is possible he told Ickes he would like to talk to him prior to that evening's 6:00 p.m. health care meeting that both would be attending in Williams' office in the West Wing. Altman does not remember asking that anyone else be present for the conversation with Ickes.

According to Altman, he went over to Williams' office at the White House to meet with Ickes. Hanson was late arriving. As he and Ickes stood just inside Williams' doorway, Altman told Ickes that for the time being he was not going to recuse himself. Ickes either said "good" or simply acknowledged what Altman was saying. At some point, Stephanopoulos came in and sat down on the couch, but Altman had already told Ickes about his recusal. Altman is not sure whether Eggleston was present for this discussion and does not believe Williams was even present.

According to Altman, he learned later that evening from Hanson that

312. When the meeting took place, and hence whether it was simply a precursor to another regularly scheduled meeting at the White House on an unrelated topic, was a significant question for our investigation because the meeting seems a more significant contact if it was a separately-scheduled event rather than a casual add-on to another meeting.

she had shown up just after he had left the meeting.

To the contrary, Williams testified that Altman called her at about noon a day or two after the February 2 meeting. Altman told her that he had decided not to recuse himself, and he said he wanted to tell people at the White House of his decision prior to going to a meeting he had scheduled on Capitol Hill. (Altman's calendar confirms that he was due for a meeting on the Hill at 1:15 p.m. on February 3. 001-DC-00000487.) Williams thinks Altman asked if she could get Ickes and Stephanopoulos together so that he could tell them that he had decided not to recuse himself. Williams told Altman she would try to get them together in her office in the West Wing in five minutes. According to Williams, Ickes showed up, but Stephanopoulos walked in late. She also remembers that someone from the Counsel's office was there, either Eggleston or Nussbaum. Altman then came into her office and said that he had decided not to recuse himself. Ickes may have asked Altman if he was comfortable with his decision.

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Ickes initially testified in the grand jury that Altman called him on the phone or told him in the White House within a day or two of the February 2 meeting that he would not recuse himself. When he later testified in the grand jury, Ickes testified that he remembers meeting with Altman *and* Williams in the doorway to her office. Altman said that he was not going to recuse. According to Ickes, this meeting took place before a 6:00 p.m. health care meeting in Williams' office. Ickes' phone log for February 3 shows an entry stating, "Roger Altman needs another meeting today," 006-DC-00000206, but Ickes is not sure whether that

refers to the meeting regarding Altman's recusal decision.

Eggleston testified that he was in Williams' office on February 3 with Williams and Ickes for some unknown reason. Eggleston is not sure whether he knew Altman would be coming over, but at some point Altman stuck his head in the office. Altman said that he had decided not to recuse for the time being and left.³¹³

Stephanopoulos recalls being in a health care meeting in Williams' office that was about to start, and Altman walked in and announced that he had decided not to recuse.

According to Hanson, she was having lunch on February 3

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Hanson testified that when she arrived, Eggleston, Ickes, and Williams were

313. Nussbaum initially testified that he remembers running into Ickes or Altman in the hallway in the West Wing within a few days after February 2 and being informed that Altman was leaning against recusing himself. In his second grand jury appearance, Nussbaum was more confident he had this conversation with Altman on February 3 and believed he may have also had the same discussion with Ickes.

314. Hanson's schedule card confirms that she had a 12:00 p.m. lunch date scheduled at the Old Ebbitt Grill on February 3. 329-DC-00000116.

315. Both Hanson's secretary and Gross corroborate Hanson's version of these events, further supporting the view that the February 3 meeting took place around the lunch hour.

standing in Williams' office, and they told her that Altman had just left. Hanson testified that Ickes asked her who else was aware that she had recommended to Altman that he recuse himself. Hanson remembers giving Ickes three names, Ben Nye (Altman's special assistant), Michael Levy (the Assistant Secretary for Legislative Affairs), and one other person whose name she does not now recall. Hanson testified that Ickes said that that was good because if that fact got out, it would not look good in light of Altman's decision not to recuse. Hanson responded by saying that she would have recused had she been in Altman's position, and Ickes again stated that it would be better if her advice did not get out. Hanson replied that she would say what she advised Altman if asked.

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Eggleston remembers telling Hanson that Altman had just left and that Altman had told them he would not recuse. Ickes then asked Hanson how many other people knew that she recommended Altman recuse himself. Hanson responded with a list of names sufficiently long that Ickes became uncomfortable. The list included Steiner, Levy, and possibly several others.

Ickes testified that he saw Hanson on the second floor of the West Wing within a day or two of the February 2 meeting, but claims not to recall any discussion about Altman's

recusal. [REDACTED]

8. Ickes Discusses The Madison Civil Investigation With The President And Mrs. Clinton.

A critical issue for the investigation was whether anyone present at the February 2 meeting discussed with the Clintons (or anyone else who might have communicated with the Clintons or their counsel) either the fact of the meeting or the substance of the information that had been conveyed during the February 2 meeting regarding the RTC's handling of the statute of limitations issue or Altman's recusal. All of the participants except Ickes denied having passed on this information to the Clintons or their agents.

Ickes testified that he told Clinton the gist of what the February 2 meeting had been about, but Ickes claims not to be able to recall when or where he did so or exactly what was said other than that he recounted what had transpired in the meeting, including both the statute of limitations and recusal discussions. Ickes believes he probably told Clinton about the February 3 follow-up meeting with Altman during this same discussion. Ickes does doubt that this conversation would have taken place, however, after the February 12 enactment of the extension of the statute of limitations.³¹⁶ Ickes does not recall but believes it is possible he told Clinton that the RTC would not have time to decide whether it had claims that it intended to pursue with full force. Ickes testified that he never discussed with Clinton whether Clinton should sign a tolling agreement.

316. One possibility we explored was whether Ickes' conversations with the Clintons may have taken place after the controversy had erupted regarding the February 2 meeting. While Ickes was not positive, he thought, however, that the discussions took place before February 12 and before Altman disclosed the February 2 meeting in his February 24 testimony.

Ickes remembers having essentially an identical but separate conversation with Mrs. Clinton. He similarly does not remember the circumstances of that discussion, except that, like the conversation with Clinton, it probably occurred before February 12.

During the course of the summer 1994 investigations, Ickes' private counsel, Amy Sabrin, had a conversation with Jane Sherburne and Sheila Cheston, both of the White House Counsel's Office. Sherburne and Cheston took notes during this discussion, in which Sabrin apparently conveyed her client's confidences to the White House. Portions of these notes were produced to the OIC. Both sets of notes reveal that Ickes may have also had separate conversations with each of the Clintons regarding Altman's decision not to recuse. Sherburne's notes read:

HI Recalls informing both WJC and HRC (meets with them several times/wk) separately that Altman not going to recuse.

442-DC-00006538, at 6538-6539. Cheston's notes similarly state (to the best they can be deciphered in her handwriting):

Informed HRC + BC individually that RA w/d not recuse self, mtg w/ each [at least] 1/day and this time. Told between 2/3-24.

442-DC-00006542. These notes are at least generally consistent with Ickes' testimony that he believes he likely told both Clintons about the February 3 meeting with Altman (at which Altman announced he would not recuse himself).

Mrs. Clinton testified that she did not learn of the February 2 meeting until around the time Altman announced his recusal (February 25). Moreover, she denied having any discussions with Ickes prior to Altman's testimony on February 24 regarding the RTC's civil investigation of Madison. She specifically claims not to recall Ickes having briefed her on the

options the RTC had in light of the statute of limitations -- filing suit, not filing suit, or seeking tolling agreements. Nor does she remember Ickes discussing with her prior to February 24, Altman's possible recusal.

Clinton testified that he did not learn of the February 2 meeting until it was disclosed in the newspapers. He testified that he learned basically what had appeared in the press, that Altman had briefed the White House on procedural issues relating to the RTC's investigation; he did not learn that recusal had been discussed. Clinton further testified that the first he learned that Altman was considering recusal was only when he did recuse on February 25. Similarly, he does not believe he was aware prior to public reports that Altman had discussed his possible recusal with the White House.³¹⁷

9. The February 24 Senate Banking Committee Hearing.

During the hearing on February 24, Senator Gramm first raised the issue of communications by the RTC or Treasury with the White House regarding Madison or Whitewater. The following exchange ensued:

Q. . . . Mr. Altman, I want to ask you first.

- Have you or any member of your staff had any communication with the President, the First Lady, or any of their representatives, including their legal counsel, or any member of their White House staff, concerning Whitewater or the Madison Savings & Loan?

A. I have had one substantive contact with White House staff, and I want to tell you about it.

Q. Let me, if I may, just given that "yes," I would like to know what the

317. Fiske did not question Clinton about his conversations with Ickes, and we never had the opportunity to question Clinton on this issue.

substance of the communication was, when it occurred, who initiated it, and what you were asked to do.

A. First of all, I initiated it.

About three weeks ago, Jean Hansen [sic], who is Treasury's General Counsel, and I requested a meeting with Mr. Nussbaum -- he is the White House Counsel.

The purpose of that meeting was to describe the procedural reasons for the -- the procedural reasons for the then-impending -- then-impending -- February 28th deadline as far as the then-statute of limitations was concerned.

I am sure you know that that statute of limitations has subsequently been retroactively reinstated for certain types of civil claims.

And we explained the process which the RTC would follow in reaching a decision before that February 8 [sic] deadline; that it would be exactly identical to procedures used in any other case, any other PLS case, and that the RTC fundamentally would come to a conclusion as to whether or not there existed the basis for a claim, or whether there did not.

In the event a basis for a claim existed, then it would pursue either a tolling agreement -- which is the equivalent of a voluntary extension of the statute of limitations from the parties at interest -- or it would file that claim in court.

That was the whole conversation. I was asked one question. That question was whether we intended to provide the same briefing to attorneys for the parties at interest.

I said, I assume so.

I went back. Jean Hansen [sic] checked with the RTC General Counsel. The answer was: In due course.

I said, fine, that was it.

I have not had any contact with the President of the United States or the First Lady on any matter like this.

Altman, Senate Hearing, Feb. 24, 1994, at 55-56.³¹⁸

Hanson testified that she noticed right away that Altman had not mentioned the recusal discussion in describing the February 2 meeting. Indeed, he had missed the entire paragraph on his prepared Q&A that included the sentence on recusal. Gross, who was sitting right behind Hanson, tapped Hanson on the shoulder and said that Altman had left out recusal, and Hanson responded that she knew.³¹⁹ According to Hanson, she immediately considered handing Altman a note to remind him of the recusal discussion, but then Altman stated that, "That was the whole conversation," and she believed the opportunity had passed for correcting his testimony.

Hanson also testified that she was not concerned about Altman's failure to mention the February 3 follow-up meeting, because she actually had been under the impression that he had mentioned it; she claims it was not until she later reviewed the transcript that she realized he had failed to include this information.

Eggleston, who attended the hearing for the White House, testified that he was immediately concerned that Altman had failed to mention the recusal discussion that had taken place at the February 2 meeting. He telephoned Podesta from the hearing to tell him that Altman had failed to mention recusal. (Podesta does not remember speaking with Eggleston while

318. The excerpts from Altman's February 24 testimony are taken from the final printed hearing transcript. *The Semiannual Report of the Resolution Trust Corporation Thrift Depositor Protection Oversight Board -- 1994: Hearing before the Committee on Banking, Housing, and Urban Affairs*, 103d Cong., 2d Sess. (1994). That transcript reflects several minor typographical corrections that were made to the preliminary hearing transcript. None of the changes appears to be material to the investigation.

319. Gross stated that she does not recall this incident.

Eggleston was at the hearing. He also does not remember the issue of Altman's failing to mention the recusal discussion coming up this soon.) Stern does remember receiving a call from Eggleston as the hearing ended, in which Eggleston reported that the recusal issue had not come up during the hearing.³²⁰

Altman testified that he used the word "substantive" to mean "relating to the substance of the case," "the facts of the case," "the merits of the case," "the status of the case," "or where the case is going." Altman also testified that by "substantive" he meant "about the case, about the procedures applying to the case." He explained that he did not consider a discussion regarding his possible recusal a "substantive" discussion; he never associated himself with the substance of the case since in any event he was de facto recused and thus did not view his recusal as relating to the procedures (and in his terminology "substance") of the case. Altman testified that when he used the word substantive he was not thinking of other meetings that would be excluded by using that word (other than the February 3 meeting, obviously).

Altman testified that he did not intentionally leave out the prepared sentence on recusal and that he now wishes he had read it out loud. He admits that his answer as given is "susceptible to misinterpretation" and that the distinction he drew between the substance of the case and his recusal was "stupid" in retrospect given that few agreed with the distinction. Indeed, when looking at the transcript of his testimony, Altman stated that he knows people must think he was trying to hide the recusal discussion.

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320. It had also been expected that Altman would be asked more generally why he had failed to recuse himself from the Madison matter.

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Altman testified that when he said, "That was the whole conversation," he meant that was the whole conversation regarding the "substance" of the case. He also explained that he was referring to what he thought was the purpose of the meeting, which was to discuss the statute of limitations procedures; the recusal discussion was a "by the way" type of remark. He claims he made no attempt to conceal the recusal discussion. As he asked the grand jury, "I mean, if I had had an intent, would I have sat around the night before with all these people, with the line 'recusal' in there? -- I mean, 10 or 12 people -- if I'd intended to conceal it? . . . and would I have gone over to the White House and talked -- with our general counsel, taking with me, and four White House staff members, if I intended to conceal it?" Altman testified that he did not have any fear that disclosing the recusal discussion would create more controversy. (He also claims that in the preparation sessions nobody ever said that the recusal discussion was in any way an explosive or particularly embarrassing fact.)

Altman explained his statement that he was asked only one question during the February 2 meeting as relating to the procedural discussion part of the case, the "substantive" portion of the meeting. "One question about the substance, that's what I meant." According to Altman, that is why he did not disclose the questions he admits being asked during the recusal discussion.

According to Altman, he did understand that Senator Gramm's question required him to answer for himself and his staff -- whether either had any contacts with the White House regarding Madison.

A short while later, Senator D'Amato again raised the issue of contacts:

Q. Mr. Chairman, I have to say to Mr. Altman that I would like to go back to a question that Senator Gramm brought up as it relates to any meetings with White House Staff or counsel.

Mr. Altman, I think you said that you and an official from Treasury sought out Mr. Nussbaum? Is that correct?

A. Yes, I did.

Q. Could you tell us why? In other words, I have difficulty understanding why it is you felt compelled to seek out the White House counsel.

A. Solely to ensure --

Q. Solely to?

A. Solely to be sure that he understood the legal and procedural framework within which the RTC was working.

If you recall, as I said, at that time there was a February 28, 1994 date which was the subject of major attention in the Congress and in the press. It is not uncommon of meetings of that type to take place. And I describe it as a "heads-up" and a very stiff conversation.

Q. A heads-up? In what connection would that heads-up be? Do you mean that the statute of limitations was running?

A. No, that they should be aware of the internal processes and the types of criteria which the RTC was going to be following in order to reach a decision by February 28, 1994.

Q. Were any representatives of the President or Mrs. Clinton, or any legal counsel, which I think would be appropriate, speaking to the counsel for the RTC, or people handling this particular matter? I mean, was there any legal representation going on? Was this you just called them? Did they have any representatives, or any counsel who may have been meeting with staff people, or talking to staff people?

A. I was accompanied by our General Counsel, Treasury General Counsel.

Mr. Nussbaum had his assistant with him. And Mr. Ickes and Margaret Williams were both at the --

Q. Oh? Ickes is in it, huh?

Let me ask you this. Prior to this meeting, was there any representation, was there any counsel, that was representing the President's interests or Mrs. Clinton's interests, or anyone else that you were aware of, as it relates to the matter that you went to brief them on?

A. No. Not to my knowledge. Nor were there any substantive conversations -- subsequent conversations.

Q. Did anyone request this meeting?

A. I requested the meeting.

Q. Was there any other meeting that may have been requested?

A. No.

Q. There was no other meeting that you were aware of that the White House counsel requested?

A. No.

Q. Or anyone else from the White House?

A. No.

Q. Mr. Ickes?

A. I had no subsequent -- I received no subsequent requests for meetings.

Q. What about private counsel? Did private counsel -- I find it hard to believe that there was no private counsel. Are you saying to me that there was not even private counsel meeting with staff lawyers at some level?

A. Not to my knowledge, Senator.

Altman, Senate Hearing, Feb. 24, 1994, at 63-64.

Altman testified that he meant to say that there were no subsequent, substantive conversations with the White House. Altman claims that he did not intentionally leave out his

request for the February 3 meeting with Ickes because as he understood the question, D'Amato was asking whether *the White House* had requested any other meetings. Again Altman claims that while he may have misinterpreted the question, he did not intentionally conceal the February 3 meeting; his defense is that had he intended to conceal the meeting, he would not have had the meeting described in his Q&A briefing books access to which as many as a dozen people at Treasury and the RTC had.

Senator Bond then asked Altman questions regarding the criminal referrals:

Q. Next, when did you become aware of the RTC recommendations that further criminal prosecution be taken against Madison?

A. Last fall. I was advised that the question of a referral to the Justice Department was under consideration at the RTC. And as other members of the RTC staff will attest, I said that normal procedures with no deviations whatsoever should be pursued, including chain of command procedures, in terms of reaching that conclusion.

I might tell you that typically decisions like that are made at the Regional Office level, and it was in this case.

Q. Were you aware that the Regional Office had asked the National Office to make a determination as to whether the Clintons' name should be in the new expanded referral?

A. - No.

Q. You did not know they were asking for the National Office to make a determination?

A. No. I was simply informed that this issue was on the table, and my reaction was -- and I had only one conversation about it -- that normal procedure should be followed. That is the way we are going to handle this thing from beginning to end.

Q. How was the White House notified of the referral?

A. They were not notified by the RTC, to the best of my knowledge.

Q. Nobody in your agency, to your knowledge, advised the White House staff that this was going to be a major -- this could be a major source of concern?

A. Not to my knowledge.

Altman, Senate Hearing, Feb. 24, 1994, at 69.

As soon as Altman provided this last response, he turned back to Hanson (who was sitting behind him) and asked her a question. Hanson testified that Altman asked her, in substance, whether his answer was correct, and Hanson responded that she thought it was. Hanson then spoke with Kulka, who was seated next to her, and asked her if she was aware whether the RTC had notified the White House of the referrals, and she said, "No." She remembers that when Bond asked his question she had a vague recollection of having spoken with Nussbaum, but she recalled no other details of the conversation at that time other than that the conversation obviously related to the criminal referrals in some way.³²¹ Hanson testified that she does not recall if she had her "flash" of recollection about the Nussbaum conversation before Altman turned to her or afterwards.³²² When she did recall this information, she did not believe Altman had to correct his testimony because she understood the questions as asking simply whether *the* RTC had notified the White House, not the Treasury. Hanson also remembers having thought at the time that Treasury had not prepared a Q&A about the fall contacts for

321. Hanson testified that she did not recall at the time the October 14 meeting.

322. According to Hanson, she did not mention her conversation with Nussbaum to Altman after the hearing.

Altman.³²³

According to Altman, as soon as Bond finished with him, Altman turned to Hanson, who was seated just behind him, to double-check his response. Altman testified that he said to Hanson, "They didn't, did they?" and Hanson responded, "No."

We had lip reading experts from the FBI examine the videotape of this incident. Because of the camera angles, they were not able to provide a definitive analysis of exactly what Altman said to Hanson. They did conclude that the videotape is consistent with the versions given by both Altman and Hanson, that Altman asked Hanson a negative question along the lines of, "We didn't do that, did we?" and Hanson responded in the negative by shaking her head side to side to confirm Altman's recollection.

Senator Domenici concluded the questioning on contacts:

Q. Mr. Altman, you spoke a while ago of your one contact with the White House regarding this, and you and your counsel went up to talk to the White House counsel.

A. One substantive contact.

Q. Please?

A. One substantive or meaningful contact.

Q. Well, I assume we are not arguing there that you had -- you are not suggesting you had more than one are you?

A. No. I am just saying that if you, you know, you run into someone in the hall, if you see that thing in the paper this morning, I am not including

323. Eggleston testified that he did not have immediate concerns with Altman's response to Bond about the White House being notified about the criminal referrals. He believes he may have temporarily forgotten about the fall contacts or simply not had concern for whatever unidentified reason.

that.

Q. You said you were there to give a heads-up.

What I understand the situation to be on average folks, like a couple of folks in my State that were bordering up alongside of a statute of limitations becoming a defense, was that they were presented with a tolling agreement. If they did not sign it, the suit was filed so as to toll the statute.

Is that a rather fair assessment of the way business is done?

A. I think I would have to know the details of the matter, Senator.

Q. I guess what I am wondering is are we getting the right perspective of why you did this?

Did you go there because you wanted them to know that, clearly, they might be asked to sign a tolling agreement?

Or, to know that the normal process was that the statute is going to toll. If there were reasonable grounds to suspect something, they might expect a lawsuit?

Why else would you give them a heads-up?

A. The difference between this and a matter like the one you referred to is I had been receiving -- I had begun to receive a lot of inquiries, including inquiries in writing, from Congress as to what procedures the RTC was going to follow.

I wanted to give them the same sense of those procedures that I was giving Members of Congress. I said to them nothing different than I have said to Members of Congress.

Q. I understand that, but I guess what I am getting at is there must have been a reason for telling them that.

Congress was just saying "the statute is going to run, what are you going to do." So, you went over there to tell them we are going to apply the same thing we do in any other case?

That is the "heads-up" that you were giving them?

A. That is right.

Q. Was it serious enough that you wanted them to know because there might be something that they would be confronted with that was untoward as you applied your rules like asking for a tolling agreement, or filing a lawsuit?

A. Again, the essence of what we said was that the statute of limitations which then applied was scheduled to expire on February 28, 1994.

The RTC was going to make every effort to make a decision by that date.

It could fundamentally reach only one of two decisions:

That there was the basis for a claim, or that there was not.

If there was a basis for a claim, then we would either seek a tolling agreement to permit more discovery and more preparation, or we would file that claim in court.

Q. Well, the passage of the statute of limitations extension eliminates that problem, as you have already indicated.

I guess, Mr. Chairman, I am having a little difficulty with the explanation. One way of looking at it was that it was not a very meaningful or important meeting; that he was just doing this so that he would be able to tell Congress he had told them he is going to treat them the same way as others.

I do not think a man -- I know you fairly well. I do not think you would be going over there to just be able to send this letter to Senator D'Amato that says I have told the White House that they are going to be treated the same way as other people.

A. Senator, I did not know whether they knew of such procedures which, as I say, I was then communicating to Members of Congress. It just seemed to me a little odd to explain to a Member of Congress that we are going to follow X, Y, Z procedures and not have them ever be made aware of what those were.

Q.

My last observation would be that it is inconceivable to me, Mr. Altman,

that you would really be concerned that people involved in the investigation, whomever they are, whether it be people in Arkansas, whether it be confidants of the President, or whomever, that they would not know that the statute of limitations was going to toll, and that that presented a situation where you had to advise somebody. I just do not think anybody involved in this would not have known that.

A. Well, Senator, I also -- I would agree with you. I cannot say for sure. I cannot say what was in their minds. I doubt very much that they did not know about the statute of limitations.

Q. Right.

A. What I was saying was not that. What I was saying is I did not know if they knew, and, frankly, my impression is, as a result of that meeting, that they had not previously known what procedures the RTC would be following.

By that I mean that you have to choose between -- you have to reach a conclusion as to whether there is a claim or there is not, and then determine what you have to do if you reach a conclusion that there is.

Altman, Senate Hearing, Feb. 24, 1994, at 70-72.

Altman testified that he emphasized to Domenici that he was referring to one "substantive or meaningful contact" to stress again that he was only talking about meetings regarding the substance of the case, and that he did not associate himself and his recusal with any aspect of the case. Altman claims that while he was sitting there testifying he did not think about his conversation with McLarty and his February 3 meeting with Ickes and decide that they were not substantive. Rather, he thought the Senators were asking about only contacts with the White House *about the case*. According to Altman his staff had already prepared a Q&A about the Ickes meeting stating that the contact was not substantive, but was rather "incidental."³²⁴ He

324. As discussed above, Altman consistently defends his testimony on the grounds that he did not prepare the contacts Q&A and that his staff chose the descriptive terms "substantive" and