

Tab 56

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LAW OFFICES

WILLIAMS & CONNOLLY

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

DAVID E. KENDALL
(202) 434-5145

July 31, 1998

CONFIDENTIAL

Robert J. Bittman, Esq.
Deputy Independent Counsel
Office of the Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004

By Hand

Dear Bob:

I received your July 31 letter which refers to "[i]nvestigative demands." As you must surely be aware, the cases require a heightened standard of probable cause for bodily intrusions. See, e.g., Schmerber v. California, 384 U.S. 757, 769 (1966); Winston v. Lee, 470 U.S. 753, 759 (1985); In re Grand Jury Proceedings (Suleski), 816 F. Supp. 1196, 1204-06 (W.D. Ky. 1196). Since the request you make is addressed to the President of the United States, I believe that also applicable to this request are the considerations identified in Clinton v. Jones, ___ U.S. ___, 117 S.Ct. 1636, 1650-1651 (1997), that mandate a "high respect that is owed to the office of the Chief Executive . . . [which should] inform the conduct of the entire proceeding." Accordingly, I ask that you inform me of the precise factual basis for your request.

I have another concern and another request. I will not rehearse the history of grand jury leaks in this investigation or the orders that Chief Judge Johnson has entered. While the OIC has retained outside counsel to appeal portions of the district court orders which afforded us discovery against the OIC and while an administrative stay from the Court of Appeals is now in effect, the OIC has not appealed the underlying findings which caused the Chief Judge to enter her orders. In just the last few days, there have been numerous leaks to the news media of reports about a dress of Ms. Lewinsky's which is allegedly stained in

INDEPENDENT COUNSEL
OFFICE OF THE
INDEPENDENT COUNSEL
1001 PENNSYLVANIA AVENUE, N.W.
SUITE 490-NORTH
WASHINGTON, D.C. 20004

WILLIAMS & CONNOLLY

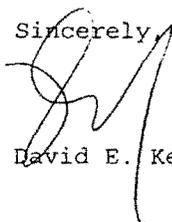
Robert J. Bittman, Esq.
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Page 2

some way. As to these latter leaks, I do not at the present time have information sufficient to say who may be guilty of any improper disclosures, but unfortunately such leaks appear to be a way of life in this investigation. I fear that, if we provide the sample you have requested, false information of any tests that are conducted will be leaked. In its papers in the leaks litigation, the OIC has often adverted to "false" leaks. The only way we can be protected against such a phenomenon is to be made aware of any test results which are conducted, so we will be in a position to respond to false leaks.

If you believe either of these disclosures would be protected by Rule 6(e), we would be willing to stipulate to a motion to the Court for a Rule 6(e) order allowing the release of information to us, and we would undertake not to disclose it further, except on the terms specified in the order.

I would like to discuss these matters with you further and will give you a call after you have received this letter.

Sincerely,



David E. Kendall

DEK/bb