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Office of the Independent Counsel

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July 31, 1998

HAND DELIVERED

David E. Kendall, Esq.
Williams & Connolly
725 Twelfth Street, N.W.
Washington, D.C. 20005

Re: William Jefferson Clinton

Dear David:

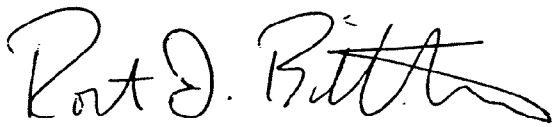
This responds to your letter of today, which was delivered to me at 5:35 p.m.

I assure you that we have substantial factual and legal predication for our request of the President. We are mindful of the legal requirements of our request, and we are certain that the request is lawful and would be upheld by a reviewing court. We make this request, as we have others, respectful of the dignity of the Office of the President. Because of the President's pledge to cooperate with this investigation and out of respect for the Presidency, we have not issued a subpoena for this sample. We do not wish to litigate this matter, and we wish no embarrassment to the President. Yet, we have substantial predication for our request, and we must do our job.

You also refer to the dissemination of information in the media. As confirmed by Messrs. Stein and Cacheris, this Office is not the source -- either directly or indirectly -- of the information. That being said, we are sensitive to your desires, consistent with our abiding aim, to insure complete confidentiality. We have -- we believe -- powerful predication for our request of the President, and that representation, which reflects our considered professional judgement, should suffice. If you disagree, then the prudent and wise course may be to proceed under the aegis of the Chief Judge. We would set forth our predication, which we believe is powerful, before the Chief Judge. This would assure you the independent review of an Article III judge, and thereby further insure that the dignitary interests of the President are scrupulously protected. The Chief Judge would also, under our proposed approach, then be in a position to consider any protective order (or evaluate a motion to quash) that you might see fit to request.

We are not in a position at this early juncture to agree to a release of information subsequent to further examination; such a release to you might raise serious questions of law, as you recognize. Here again, we could go before Chief Judge Johnson for appropriate direction to protect all relevant interests.

Sincerely,



Robert J. Bittman
Deputy Independent Counsel