
Bruce L. Overton

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FOR THE D.C. CIRCUIT

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September 11, 2000

United States Court of Appeals
For the District of Columbia Circuit

Mr. Mark J. Langer
Clerk of the Court
U.S. Court of Appeals
District of Columbia Circuit
Washington, D.C. 20001-2866

FILED SEP 12 2000

Special Division

re: Report of Independent Counsel: *In Re: William David Watkins*

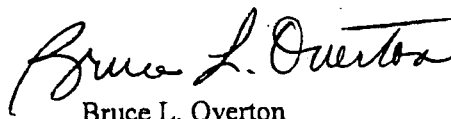
Dear Mr. Langer:

This letter is in reply to the opportunity the Court of Appeals has afforded me to review the portions of the report of the Independent Counsel in the above-referenced matter. Although the references to my grand jury testimony were minor and rather fragmented in the portions of the Final Report I was allowed to view, I did wish to bring one matter to your attention.

My testimony was primarily on the issue of the discovery of the "Watkins" memorandum and the establishment of a chain of custody with respect to its disclosure to the Independent Counsel. The report indicates that my testimony made reference to a phone conversation which I had with the White House Office regarding the discovery of the "Watkins" memorandum and that I did not discuss this conversation in my grand jury testimony because I had been instructed by the White House Office that the conversation was a privileged matter. At this point, some four years after discovery of the Watkins memorandum, I do not recall such a conversation with the White House Office. While such a phone conversation may well have occurred, I have no reference to it in my attorney's notes regarding my testimony which were written immediately after I provided the testimony. I, therefore, respectfully request that someone on the Independent Counsel's staff re-read my testimony to ensure that I did make this statement.

Finally, should the reference to my testimony be accurate, it appears to be used in the context of assertions of privileges by those providing grand jury testimony and the validity of such assertions which were subsequently limited by the Court of Appeals' decision in *In re: Bruce Lindsay*. At the time I provided my testimony (June 1996), the *Lindsay* case -- and the elucidation of the standards for asserting privileges in these instances -- had yet to be determined. Consequently, I believe it would be useful for the Final Report to somehow acknowledge that career civil servants who did assert privileges under these circumstances, did so in good faith.

Sincerely,



Bruce L. Overton