I. Introduction

The principal question to be answered under the Lewinsky jurisdictional mandate was whether charges should be sought against President William Jefferson Clinton for violations of federal criminal law in connection with the civil lawsuit of *Jones v. Clinton*. Resolving that question involved consideration of (1) whether the evidence was sufficient to seek charges and (2) if the evidence was sufficient, whether discretion should be exercised to decline prosecution in light of other factors under the Principles of Federal Prosecution. Those factors included whether there was a substantial federal interest in prosecution and whether there were adequate non-criminal alternatives to prosecution.

The Independent Counsel concluded that the evidence was sufficient to prosecute President Clinton. The Independent Counsel further concluded that while there was a substantial federal interest in prosecuting the President of the United States for his testimony and conduct in connection with the *Jones* case, alternative non-criminal sanctions were imposed that adequately satisfied the interests of federal law enforcement.

Three years after the initial allegations arose, after unwarranted litigation delays, denials, and unsubstantiated allegations of misconduct against this Office, this investigation concluded on January 19, 2001, when President Clinton admitted to misconduct and entered into an Agreed Order of Discipline, acknowledging [3]
to an Arkansas court that he had knowingly given evasive and misleading answers about his relationship with Monica Lewinsky during sworn deposition testimony in the *Jones v. Clinton* case, in violation of a federal court's orders. President Clinton also admitted that his knowingly evasive and misleading answers were prejudicial to the administration of justice and expressly acknowledged that some of his responses to deposition questions about Lewinsky were false.

In the Independent Counsel's judgment, there was sufficient evidence to prosecute President Clinton for violating federal criminal laws within this Office's jurisdiction. Nonetheless, in light of: (1) President Clinton's admission of providing false testimony that was knowingly misleading, evasive, and prejudicial to the administration of justice before the United States District Court for the Eastern District of Arkansas; (2) his acknowledgement that his conduct violated the Rules of Professional Conduct of the Arkansas Supreme Court; (3) the five-year suspension of his license to practice law and $25,000 fine imposed on him by the Circuit Court of Pulaski County, Arkansas; (4) the civil contempt penalty of more than $90,000 imposed on President Clinton by the federal court for violating its orders; (5) the payment of more than $850,000 in settlement to Paula Jones; (6) the express finding by the federal court that President Clinton had engaged in contemptuous conduct; and (7) the substantial public condemnation of President Clinton arising from his impeachment, the Independent Counsel concluded,

consistent with the Principles of Federal Prosecution,[5] that further proceedings against President Clinton for his conduct should not be initiated.

[4] The prosecutor's "interest . . . in a criminal prosecution is not that [he] shall win a case, but that justice shall be done."[6] President Clinton's public acknowledgment of wrongdoing served the interests of justice, and the public interest, by finally and conclusively resolving a matter of national concern—one that diverted the country's attention for more than two years. President Clinton's sanctions in other venues reaffirmed the principle that high ranking government officials are not above the law. For these reasons, the Independent Counsel concluded that it would be "in the best interests of law enforcement and the country" for criminal prosecution of President Clinton to be declined.[7]

Under the independent counsel statute, a final report must "set[ ] forth fully and completely a description of the work of the independent counsel."[8] In this case, the investigation of President Clinton's conduct relevant to this report involved the nation's highest elected official. The results of that investigation were first detailed in this Office's September 9, 1998 referral of information to Congress. That referral was released by Congress to the public. The information set forth in the referral led to the impeachment of a President for only the second time in the history of the United States. The independent counsel statute nonetheless mandates that the final report also include an explanation of why criminal charges were not sought against President Clinton.

[5]

A. The Independent Counsel's Investigation.

On January 12, 1998, the Office of the Independent Counsel received information that Monica S. Lewinsky was attempting to influence the testimony of a witness in a civil lawsuit[9] brought against President Clinton and was planning to provide false information under oath in that lawsuit. This Office also was informed that Lewinsky had spoken to President Clinton and his friend, Vernon E. Jordan, about being subpoenaed as a witness in the *Jones* suit, and that Jordan and others were helping her find a job.[10] This Office presented that evidence to

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[5] United States Attorneys' Manual, Title 9 §§ 9–27.000 – 9–27.760. Under the independent counsel statute, independent counsels are required to follow written or other established policies of the Department of Justice to the extent that compliance with such policies does not impair their statutory independence. 28 U.S.C. § 594(f)(1).

[6] *Berger v. United States,* 295 U.S. 78, 88 (1935).

[7] Press Release, Office of the Independent Counsel, Agreement Reached With President Clinton at 2 (Jan. 19, 2001). 28 U.S.C. § 594(g) provides that "the independent counsel shall have full authority to dismiss matters. . . before prosecution, if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws." *See infra* pp. 48–58 (application of the Department of Justice's Principles of Federal Prosecution in declining prosecution of President Clinton).

[8] 28 U.S.C. § 594(h)(1)(B) (1994).

[9] *Paula Corbin Jones v. William Jefferson Clinton, et al.*, LR–C–94–290 (E.D. Ark.) (1994) [hereinafter *"Jones v. Clinton"*].

[10] The allegations about Vernon Jordan's assistance with employment opportunities were similar to allegations under review in the Independent Counsel's Madison Guaranty Savings & Loan Association investigation. This Office already was investigating whether Jordan had attempted to influence the cooperation of Webster C. Hubbell, the former Associate Attorney General and friend of President Clinton who had pleaded guilty to fraud, by helping Hubbell get lucrative consulting contracts requiring nominal work. *See* Referral to the United States House of Representatives Pursuant to

Continued—

Attorney General Janet Reno for her determination as to whether further investigation was warranted and whether this Office should conduct the investigation.

On January 16, 1998, following her determination that further investigation was warranted, the Attorney General, pursuant to 28 U.S.C. § 593(c)(1), applied to the Division for the Purpose of Appointing Independent Counsels of the United States Court of Appeals for the District of Columbia Circuit (the "Special Division") for appointment of an independent counsel, concluding that "it would be a conflict of interest for the Department of Justice to investigate Ms. Lewinsky for perjury and suborning perjury as a witness in this civil suit involving the President, in light of the allegations involved in the lawsuit." [11] Attorney [6]
General Reno advised the Special Division that "Monica Lewinsky, a former White House employee and witness in the civil case *Jones v. Clinton*, may have submitted a false affidavit and suborned perjury from another witness in the case. In a taped conversation with a cooperating witness, Ms. Lewinsky states that she intends to lie when deposed. In the same conversation, she urges the cooperating witness to lie in her own upcoming deposition." [12] The Attorney
General recommended expansion of Independent Counsel Kenneth W. Starr's [7]

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28 U.S.C. § 595(c) Submitted by the Office of the Independent Counsel at 7–8 (Sept. 9, 1998) [hereinafter "Impeachment Referral"]; *see also* Final Report of the Independent Counsel *In re: Madison Guaranty Sav. & Loan Ass'n,* Vol. III, Part C, Sec. III B (filed Mar. 2, 2001) (summarizing evidence developed during the investigation of these allegations).

[11] Notification To The Court Of The Initiation Of A Preliminary Investigation And Application To The Court For The Expansion Of The Jurisdiction Of An Independent Counsel at 2, *In re: Monica Lewinsky,* Div. No. 94–1 (D.C. Cir. [Spec. Div.] Jan. 16, 1998).

[12] *Id*. at 1–2. The "cooperating witness" was Linda R. Tripp, who began cooperating with this Office in the Lewinsky investigation on January 12, 1998. *See* Tripp 1/12/98 Int. at 1; *see also* Impeachment Referral, *supra* note 10, at 7–8, 113–14 (reflecting Tripp's allegations regarding Lewinsky and the taped January 13, 1998 luncheon conversation between Tripp and Lewinsky referred to by the Attorney General in her Notification).

On January 16, Tripp's attorney also produced to this Office 27 tapes of telephone conversations between Tripp and Lewinsky concerning Lewinsky's relationship with President Clinton, the subject of the allegedly false affidavit. *See generally* Impeachment Referral, *supra* note 10, at 26 & n.125 (discussing Tripp's tapes).

On January 19, Paula Jones's attorneys issued a subpoena to depose Tripp on January 30, also requesting her to produce by January 22 "[a]ny audio tape upon which the voice of Defendant Clinton is recorded." Subpoena in a Civil Case (Linda Tripp), *Jones v. Clinton,* LR–C–94–290 (E.D. Ark. Jan. 19, 1998). In order to prevent interference with this Office's criminal investigation by Jones's attorneys seeking to obtain overlapping evidence and witnesses in their civil action, this Office sought and obtained an order staying that discovery on January 29, and Tripp's January 30 deposition therefore never occurred. Order, *Jones v. Clinton,* LR–C–94–290 (E.D. Ark. Jan. 29, 1998); *see also infra* p. 33 and note 106 (noting the Jones's attorneys efforts to obtain Betty Currie's testimony after she had testified before the grand jury in this Office's criminal investigation).

Tripp was later prosecuted by the State of Maryland for allegedly violating state law prohibiting the taping of telephone conversations without the consent of both parties. *See Maryland v. Tripp,* Case No. 13–K–99–038397, 2000 WL 675492, at *1 (Md. Cir. Ct. May 5, 2000); Md. Code Ann., Courts and Judicial Proceedings §§ 10–401 & 10–402 (2000). After conducting a hearing under *Kastigar v. United States,* 406 U.S. 441 (1972), to determine the effect of Tripp's immunity agreement with this Office, the Maryland Circuit Court for Howard County barred the State from introducing the tapes into evidence, *see* Orders, *Maryland v. Tripp*, Case No. 13–K–99–038397 (Md. Cir. Ct. May 5 & 22, 2000), whereupon the State declined to proceed with its prosecution. *See* Ruling, Indictment Nolle Prosequi at Request of the State, *Maryland v. Tripp,* Case No. 13–K–99–038397 (Md. Cir. Ct. May 31, 2000), *at* http://www.courts.state.md.us/howard/mediaupdate/index.html.

existing jurisdiction to include the allegations related to Lewinsky.[13] On January 16, 1998, the Special Division granted the Attorney General's application:

> The Independent Counsel shall have jurisdiction and authority to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether Monica Lewinsky or others suborned perjury, obstructed justice, intimidated witnesses, or otherwise violated federal law other than a Class B or C misdemeanor or infraction in dealing with witnesses, potential witnesses, attorneys, or others concerning the civil case *Jones v. Clinton*.[14]

The civil case *Jones v. Clinton* had begun in May 1994, when Paula Corbin Jones sued William Jefferson Clinton in the United States District Court for the Eastern District of Arkansas, alleging that, while he was Governor and she was a state employee, he made a sexual advance to her in violation of federal and state law. Jones and President Clinton disputed the extent to which President Clinton would be required to disclose information during discovery about other sexual relationships he may have had. In late 1997, Judge Susan Webber Wright ruled Jones was "entitled to information regarding any individuals with whom President Clinton had sexual relations or proposed to or sought to have sexual relations and who were, during the relevant time frame, state or federal employees." [15]

[8]

On January 17, 1998, President Clinton was questioned under oath in a deposition about his relationships with other women in the workplace, including his relationship with Monica Lewinsky, who had been a White House intern from July to November 1995, a White House employee from November 1995 to April 1996, and then a Pentagon employee from April 1996 through December 1997.[16] President Clinton, after being placed under oath personally by Judge Wright, denied having a "sexual affair," a "sexual relationship" or "sexual relations" with Lewinsky. He also testified that he had no specific memory of being "alone" with Lewinsky.

Over the next several months, this Office conducted a comprehensive investigation, culminating in the Independent Counsel's referral to the United States House of Representatives on September 9, 1998, pursuant to 28 U.S.C. § 595(c), of substantial and credible information that might constitute grounds for President Clinton's impeachment.[17] The House of Representatives "authorized and

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[13] Notification To The Court Of The Initiation Of A Preliminary Investigation And Application To The Court For The Expansion Of The Jurisdiction Of An Independent Counsel at 2, *In re: Monica Lewinsky*, Div. No. 94–1 (D.C. Cir. [Spec. Div.] Jan. 16, 1998).

[14] Order, *In re: Madison Guaranty Sav. & Loan Ass'n,* Div. No. 94–1 (D.C. Cir. [Spec. Div.] Jan. 16, 1998) (granting jurisdiction regarding Monica Lewinsky and others). The Department of Justice informed this Office that investigation of President Clinton's conduct and testimony was included within the jurisdictional mandate of "others."

[15] Order, *Jones v. Clinton,* LR–C–94–290 (E.D. Ark. Dec. 11, 1997).

[16] EPASS Records for Monica Lewinsky dated Jan. 1, 1995 to Dec. 31, 1995 (first entry into the White House was July 10, 1995) (Doc. No. 827–DC–00000003); Resume of Monica Lewinsky (Doc. No. 830–DC–00000003); White House History of Employment for Monica Lewinsky (Doc. No. V006–DC–00000109); Notification of Personnel Action (Appointment to the White House Office of Legislative Affairs) (Doc. No. MSL–DC–00000645); Notification of Personnel Action (appointment to the Department of Defense) (Doc. No. 833–DC–00002730); Notification of Personnel Action (resignation) (Doc. No. 833–DC–00002716).

[17] Impeachment Referral, *supra* note 10.

directed [the Committee on the Judiciary] to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional authority to impeach William Jefferson Clinton, President of the United States of America."[18] The House Judiciary Committee reported four Articles [9]
of Impeachment,[19] and on December 19, 1998, the House of Representatives adopted two Articles of Impeachment alleging perjury before a federal grand jury and obstruction of justice before a federal grand jury and the United States District Court, sending the matter to the United States Senate for trial of impeachment.[20] On February 12, 1999, the Senate decided not to remove President Clinton from office, voting as follows: 55 Senators voted not guilty and 45 Senators voted guilty on Article I of the Articles of Impeachment (perjury); 50 Senators voted guilty and 50 Senators voted not guilty on Article II (obstruction of justice).[21]

The Independent Counsel continued the investigation to determine [10]
whether criminal charges should be sought against President Clinton after his term of office.[22] A new grand jury was empaneled in July 2000 and, from then until January 2001, met a total of 28 days and heard from eight agent witnesses. These witnesses summarized testimony presented to the previous grand jury that heard evidence prior to President Clinton's impeachment. The new grand jury also received 223 exhibits, including transcripts of witness testimony before the previous grand jury.[23]

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[18] H.R. Res. 581, 144 Cong. Rec. H10115 (daily ed. Oct. 8, 1998); Report of the Committee on the Judiciary House of Representatives Together With Additional, Minority, and Dissenting Views To Accompany H.R. Res. 611, Report 105–830, 105th Cong., 2nd Sess. (Dec. 16, 1998).

[19] Report of the Committee on the Judiciary House of Representatives Together With Additional, Minority, and Dissenting Views To Accompany H.R. Res. 611, Report 105–830, 105th Cong., 2nd Sess. 128–36 (Dec. 16, 1998).

[20] 144 Cong. Rec. H12040–42 (daily ed. Dec. 19, 1998).

[21] 145 Cong. Rec. S1458–S1459 (daily ed. Feb. 12, 1999). Following the Senate vote on removal of President Clinton from office, 38 Senators co-sponsored a resolution by Senator Dianne Feinstein "censur[ing]" President Clinton. *Id.* at S1652. The resolution recited (1) that President Clinton's conduct with Monica Lewinsky had been "shameful, reckless, and indefensible"; (2) that he had "g[iven] false or misleading testimony and. . . imped[ed] discovery of evidence in judicial proceedings"; (3) that he "remain[ed] subject to criminal actions in a court of law like any other citizen"; (4) that his "conduct in this matter has brought shame and dishonor to himself and to the Office of the President"; and (5) that he "violated the trust of the American people." S. Res. 44, 106th Cong. (1999) (unenacted). Of the 38 Senators who co-sponsored the resolution, 32 had voted against removal from office on both articles in the impeachment trial. When Senator Feinstein attempted to have the resolution brought to a vote, however, it failed to achieve the required number of votes to overcome a procedural objection. 145 Cong. Rec. S1462 (daily ed. Feb. 12, 1999).

[22] At this Office's request, the Department of Justice, Office of Legal Counsel, provided its formal opinion that: (1) "a sitting President is constitutionally immune from indictment and criminal prosecution." *See* Mem. for the Attorney General from Randolph D. Moss, Assistant Attorney General at 38 (Oct. 16, 2000); and (2) "a former President may be prosecuted for crimes of which he was acquitted by the Senate." *See* Mem. for the Attorney General from Randolph D. Moss, Assistant Attorney General at 1 (Aug. 18, 2000).

[23] A new grand jury was empaneled because the term of the original grand jury expired on March 18, 1999 and was not extended because it would have terminated by normal operation of law well before President Clinton's term in office ended on January 20, 2001. *See* Fed. R. Crim. P. 6(g) (limiting term of regular grand jury to a maximum of 24 months).

B. Arkansas Bar Proceeding.

On April 12, 1999, while this Office's criminal investigation was ongoing, Judge Susan Webber Wright of the United States District Court for the Eastern District of Arkansas held President Clinton in civil contempt of court pursuant to Fed. R. Civ. P. 37(b)(2) for his willful failure to obey the Court's discovery orders in the civil lawsuit.[24] Judge Wright ruled:

[11] > [t]he record demonstrates by clear and convincing evidence that the President responded to plaintiff's questions by giving false, misleading and evasive answers that were designed to obstruct the judicial process.[25]

Judge Wright also found that President Clinton had "deliberately violated this Court's discovery orders and thereby undermined the integrity of the judicial system" [26] and referred President Clinton's conduct to the Arkansas Supreme Court's Committee on Professional Conduct to consider whether President Clinton, as a member of the Arkansas Bar, should be disciplined.[27]

On January 27, 2000, the Arkansas Supreme Court ordered its bar ethics committee to commence formal disciplinary proceedings against President Clinton.[28] The Committee served a formal complaint on President Clinton on February 15, 2000, ordering him to respond by April 21, 2000.[29] On May 22, 2000, following President Clinton's submission of his answers to the formal complaint, the Committee decided "to initiate disbarment proceedings against" President Clinton based on "the findings by a majority of the Committee" of "serious misconduct." [30] The disbarment recommendation was filed in the Pulaski County Circuit Court in Little Rock, Arkansas, where the Committee initiated formal disbarment proceedings.[31]

[12]

On November 9, 2000, the Committee served Requests for Admissions on President Clinton, asking him to admit or deny, among other things, whether during his *Jones* deposition he "falsely testified that [he] had no specific recollection of ever being alone with Ms. Monica Lewinsky," whether "[his] January 17, 1998 deposition testimony, in which [he] testified that [he] had never had sexual relations with Ms. Monica Lewinsky as 'sexual relations' was defined for the purposes of the deposition, was false," and whether "[t]he facts, as stated by Judge Susan Webber Wright in the April 12, 199[9] Order, are true." [32] After receiving

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[24] *Jones v. Clinton,* 36 F. Supp. 2d 1118 (E.D. Ark. 1999). Judge Wright was cognizant of the Independent Counsel's jurisdiction under criminal law and expressly limited the scope of her civil contempt finding so as not to interfere with this Office's ongoing investigation. *See infra* p. 40 and note 135.

[25] *Jones v. Clinton,* 36 F. Supp. 2d at 1127.

[26] *Id*. at 1134.

[27] *Id*. at 1135.

[28] *Hogue v. Neal,* 340 Ark. 250, 253, 12 S.W.3d 186, 188 (Jan. 27, 2000).

[29] Formal Complaint, *Neal v. Clinton* (under seal with the Arkansas Supreme Court, Committee on Professional Conduct, Feb. 15, 2000).

[30] Letter to Leslie Steen, Clerk, Arkansas Supreme Court from James A. Neal, Executive Director, Supreme Court of Arkansas, Committee on Professional Conduct (May 22, 2000).

[31] Complaint for Disbarment, *Neal v. Clinton,* Civ. No. 2000–5677 (Cir. Ct. of Pulaski Co., Ark. June 30, 2000).

[32] Plaintiff's First Set of Requests for Admissions, *Neal v. Clinton,* No. Civ. 2000–5677 (Cir. Ct. of Pulaski Co., Ark. Nov. 9, 2000).

several extensions of time to respond, the Committee and President Clinton agreed he would answer the Request for Admissions by January 22, 2001, after the expiration of his term in office.[33]

Following a December 27, 2000 meeting requested by the Independent Counsel with President Clinton regarding resolution of the matter consistent with general principles of federal prosecution, counsel for President Clinton contacted the Arkansas Committee on Professional Conduct seeking to "settle the lawsuit arising out of the President's deposition testimony in the Paula Jones case." [34]

On January 19, 2001, the Committee and President Clinton agreed he would accept "a five year suspension, pay[ ]. . . a $25,000 fine (as legal fees for the Committee's outside counsel), and formally acknowledg[e] a violation of one of the Arkansas Rules of Professional Conduct." [35] President Clinton admitted: [13]

> A. That he knowingly gave evasive and misleading answers in violation of Judge Wright's discovery orders, concerning his relationship with Monica Lewinsky, in an attempt to conceal from plaintiff Jones's lawyers the true facts about his improper relationship, which had ended almost a year earlier.
>
> B. That by knowingly giving evasive and misleading answers, in violation of Judge Wright's discovery order, he engaged in conduct that is prejudicial to the administration of justice in that his discovery responses interfered with the conduct of the *Jones* case by causing the court and counsel for the parties to expend unnecessary time, effort, and resources, setting a poor example for other litigants, and causing the court to issue a thirty-two page Order civilly sanctioning Mr. Clinton.[36]

Based on these admissions, the Arkansas Court ruled President Clinton had committed professional misconduct and "engag[ed] in conduct that was prejudicial to the due administration of justice." [37] Also on January 19, 2001, President Clinton's last full day in office, he issued a public statement announcing his acceptance of the Agreed Order of Discipline and admitting that "certain of [his] responses to questions about Lewinsky were false." [38] Additionally, President Clinton advised the Independent Counsel that he agreed not to seek "legal fees to which he might otherwise become entitled under the Independent Counsel Act as a result of the Lewinsky investigation." [39] [14]

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[33] Order, *Neal v. Clinton,* No. Civ. 2000–5677 (Cir. Ct. of Pulaski Co., Ark. Jan. 11, 2001).

[34] Letter from David E. Kendall, private counsel to President Clinton, to Robert W. Ray, Independent Counsel 1 (Jan. 19, 2001).

[35] *Id.* at 1. Former President Clinton paid the $25,000 fine by personal check dated March 16, 2001. *See* Appendix A–2. President Clinton acknowledged violation of Rule 8.4(d) of the Arkansas Rules of Professional Conduct, which defines professional misconduct, in part, as "conduct that is prejudicial to the administration of justice." Agreed Order of Discipline at 3, *Neal v. Clinton,* No. Civ. 2000–5677 (Cir. Ct. of Pulaski Co., Ark. Jan. 19, 2001).

[36] Agreed Order of Discipline at 3–4, *Neal v. Clinton,* No. Civ. 2000–5677 (Cir. Ct. of Pulaski Co., Ark. Jan. 19, 2001).

[37] *Id.* at 4.

[38] Statement on Resolution of Legal Issues, Weekly Comp. Pres. Doc. 194 (Jan. 19, 2001) (*see also* Appendix A–1).

[39] Letter from David E. Kendall, private counsel to President Clinton, to Robert W. Ray, Independent Counsel 2 (Jan. 19, 2001).

C. Resolution of Criminal Allegations Against President Clinton Relating To His Testimony About Monica Lewinsky.

The Independent Counsel considered the evidence regarding President Clinton's conduct—his testimony and other conduct in connection with the *Jones* deposition and the grand jury—in light of the Principles of Federal Prosecution [40] that guide all federal prosecutors and concluded that the evidence was sufficient to prosecute President Clinton for federal crimes within this Office's jurisdiction. Exercising his prosecutorial discretion, however, the Independent Counsel on January 19, 2001 declined prosecution of President Clinton because President Clinton's conduct had been adequately addressed through substantial administrative sanctions, including appropriate admissions of misconduct, and because the interests of justice did not otherwise warrant a criminal prosecution.[41]

[15] The Independent Counsel concluded that impeachment, the contempt citation issued by Judge Wright, the Agreed Order of Discipline, and President Clinton's public statement acknowledging the falsity of his testimony adequately upheld federal law enforcement interests in promoting truthfulness and honesty before judicial tribunals by a high government official in a position of trust. He also determined that President Clinton's payment of fees, fines, and the negotiated civil settlement effectively addressed the monetary harms visited on the plaintiff in the civil suit and the damages suffered by the federal and state courts. In short, as stated by the Independent Counsel on January 19, 2001:

> President Clinton has acknowledged responsibility for his actions. He has admitted that he knowingly gave evasive and misleading answers to questions in the *Jones* deposition and that his conduct was prejudicial to the administration of justice; he has acknowledged that some of his answers were false; he has agreed to a five year suspension of his Arkansas bar license; and he has agreed not to seek attorneys' fees in connection with this matter.
>
> The nation's interests have been served. And therefore, I decline prosecution.[42]

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[40] United States Attorneys' Manual, Title 9 §§ 9–27.000 – 9–27.750.

[41] *See* Letter from Robert W. Ray, Independent Counsel, to David E. Kendall, private counsel to President Clinton 1 (Jan. 19, 2001) ("Upon entry of [the] Order by the Pulaski County Circuit Court and following the President's issuance of his public statement, I have decided to exercise my discretion, consistent with the Principles of Federal Prosecution, to decline prosecution, with prejudice, of all matters within the January 16, 1998 jurisdictional mandate").

[42] Televised Statement of Independent Counsel Robert W. Ray (Jan. 19, 2001).