

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED MAY 24 1995

Division for the Purpose of  
Appointing Independent Counsels

CLERK

Ethics in Government Act of 1978, As Amended

In re: Henry G. Cisneros

Division No. 95-1

Order Appointing Independent Counsel

Before: SENTELLE, Presiding, BUTZNER and FAY,  
Senior Circuit Judges

Upon consideration of the application of the Attorney General pursuant to 28 U.S.C. § 592(c)(1) for the appointment of an independent counsel with authority to exercise all the power, authority and obligations set forth in 28 U.S.C. § 594, to investigate whether Henry G. Cisneros, Secretary of Housing and Urban Development, committed a violation of federal criminal law when he made false statements to the Federal Bureau of Investigation ("FBI") during his background investigation, and to determine whether prosecution is warranted; it is

ORDERED by the Court in accordance with the authority vested in it by 28 U.S.C. § 593(b) that David M. Barrett, Esquire, of the Indiana and District of Columbia bars, with offices at Barrett & Schuler, Suite 100, 2626 Pennsylvania Ave., N.W., Washington, D.C. 20037, be and hereby is appointed Independent Counsel with full power, independent authority, and jurisdiction to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether Henry G. Cisneros, Secretary of Housing and Urban Development, committed a violation of any federal criminal law, other than a Class B or C

misdemeanor or infraction, by making false statements with respect to his past payments to Linda Medlar to the Federal Bureau of Investigation during the course of his background investigation or conspiring with others to do so.

The Independent Counsel shall have jurisdiction and authority to investigate other related allegations or evidence of violation of federal criminal law, other than a Class B or C misdemeanor or infraction, by any organization or individual as necessary to resolve the matter described above.

The Independent Counsel shall have jurisdiction and authority to investigate any violation of 28 U.S.C. § 1826, or any obstruction of the due administration of justice, or any material false statement or testimony in violation of federal criminal law, in connection with or arising out of the investigation of the matters described above.

The Independent Counsel shall have jurisdiction and authority to seek indictments and to prosecute any persons or entities involved in any of the matters described above, who are reasonably believed to have committed a violation of any federal criminal law arising out of such matters, including persons or entities who have engaged in an unlawful conspiracy or who have aided or abetted any federal offense.

The Independent Counsel shall have all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994. It is

**FURTHER ORDERED** by the Court that the Independent Counsel, as authorized by 28 U.S.C. § 594, shall have prosecutorial

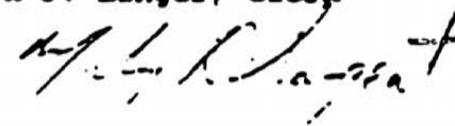
jurisdiction to fully investigate and prosecute the subject matter with respect to which the Attorney General requested the appointment of independent counsel, as hereinbefore set forth, and all matters and individuals whose acts may be related to that subject matter, inclusive of authority to investigate and prosecute federal crimes (other than those classified as Class B or C misdemeanors or infractions) that may arise out of the above described matter, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

It further appearing to the Court in light of the Attorney General's motion heretofore made for the authorization of the disclosure of her application for this appointment pursuant to 28 U.S.C. § 592(e) and of the ongoing public interest in this matter, that it is in the best interests of justice for the identity and prosecutorial jurisdiction of the Independent Counsel to be disclosed.

IT IS SO ORDERED.

Per Curiam:  
For the Court:

Mark J. Langer, Clerk

by 

Marilyn R. Sargent  
Chief Deputy Clerk