COMMITTEE ON PROFESSIONAL CONDUCT
SUPREME COURT
STATE OF ARKANSAS

IN RE: WILLIAM JEFFERSON CLINTON

STATE BAR NO. 73019

VERIFIED COMPLAINT

Comes now the Southeastern Legal Foundation, Inc., a non-profit public interest legal foundation, Complainant in the above-entitled matter, and, by and through L. Lynn Hogue, Esq., its General Counsel and a member of the Arkansas State Bar, and, pursuant to the Procedures of the Arkansas Supreme Court Regulating the Professional Conduct of Attorneys at law, submits this Complaint seeking the disbarment of William Jefferson Clinton, Esq., Arkansas State Bar No. 73019 for his Serious Misconduct and Serious Crimes.

1.

William Jefferson Clinton is a member of the Arkansas State Bar, having Bar No. 73019. Mr. Clinton is subject to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (hereinafter referred to as the “Procedures”). Mr. Clinton is the President of the United States of America. He resides and may be served at The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C., and/or by his attorney, David E. Kendall, Williams & Connally, 725 12th Street, N.W., Washington, D.C.
20005. Mr. Clinton is subject to the jurisdiction of the Arkansas Supreme Court Committee on Professional Conduct.

2.

On September 10, 1998, the U.S. House of Representatives released to the public a referral from the Office of Independent Counsel headed by Kenneth Starr containing substantial and credible information that Mr. Clinton has committed acts which may constitute grounds for impeachment (hereinafter sometimes referred to as the “Referral”). The introduction to the Narrative section of the Referral states as follows:

    Pursuant to Section 595(c) of Title 28, the Office of Independent Counsel (OIC) hereby submits substantial and credible information that President Clinton obstructed justice during the Jones v. Clinton sexual harassment lawsuit by lying under oath and concealing evidence of his relationship with a young White House intern and federal employee, Miss Monica Lewinsky. After a federal criminal investigation of the President's actions began in January 1998, the President lied under oath to the grand jury and obstructed justice during the grand jury investigation.
The Referral goes on to exhaustively describe overwhelming evidence concerning 11 separate categories of acts by Mr. Clinton which may constitute grounds for impeachment. Fully ten of these acts, singly and together, constitute Serious Crimes or Serious Misconduct within the meaning of the Procedures and therefore warrant disbarment of Mr. Clinton from the Arkansas State Bar. A true and correct copy of the publicly released portions of the Referral, obtained from the Internet, is attached hereto as Exhibit 1. For purposes of establishing the evidentiary foundation for this complaint, the Referral is incorporated herein by reference.

3.

Mr. Clinton should be disbarred because 10 separate categories of acts by Mr. Clinton as described in the Referral by the Office of Independent Counsel are “Serious Crimes” within the meaning of § 1(E)(8) of the Procedures in that all reflect adversely on Mr. Clinton’s honesty, trustworthiness, or fitness as a lawyer in other respects, or in that all involve interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery and an attempt, conspiracy or solicitation of another to commit a serious crime.

4.

Mr. Clinton should be disbarred because 10 separate categories of acts by Mr. Clinton as described in the Referral by the Office of Independent Counsel
are Serious Misconduct within the meaning of Section 7(B) of the Procedures in that, pursuant to Section 7(B)(3), they all involve dishonesty, deceit, fraud or misrepresentation by the lawyer; pursuant to Section 7(B)(4) the misconduct is a part of a pattern of similar misconduct; and pursuant to Section 7(B)(6), the misconduct constitutes a “Serious Crime” as defined in the Procedures.

5.

Mr. Clinton should be disbarred because 10 separate categories of acts by Mr. Clinton as described in the Referral by the Office of Independent Counsel constitute violations of the Model Rules of Professional Conduct, Rule 8.4 in that he committed criminal acts reflecting adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaged in conduct prejudicial to the administration of justice.

6.

The ten separate categories of acts described in the Referral which constitute grounds for disbarment are the following:

1. President Clinton lied under oath in a civil case in which he was the defendant, *[Paula Corbin Jones v. William Jefferson Clinton and Danny Ferguson*, United States District Court for the Eastern District of Arkansas, Civil
Action File No. LR-C-94-290, Judge Susan Webber Wright] when he denied a sexual affair, a sexual relationship, or sexual relations with Miss Monica Lewinsky.

2. President Clinton lied under oath to the grand jury about his sexual relationship with Miss Lewinsky.

3. In his civil deposition, to support his false statement about the sexual relationship, President Clinton also lied under oath about being alone with Miss Lewinsky and about the many gifts exchanged between Miss Lewinsky and himself.

4. President Clinton lied under oath in his civil deposition about his discussions with Miss Lewinsky concerning her involvement in the Jones case.

5. During the Jones case, the President obstructed justice and had an understanding with Miss Lewinsky to jointly conceal the truth about their relationship by concealing gifts subpoenaed by Miss Jones's attorneys.

6. During the Jones case, the President obstructed justice and had an understanding with Miss Lewinsky to jointly conceal the truth of their relationship from the judicial
process by a scheme that included the following means: 
(i) Both the President and Miss Lewinsky understood 
that they would lie under oath in the Jones case about 
their sexual relationship; (ii) the President suggested to 
Miss Lewinsky that she prepare an affidavit that, for the 
President's purposes, would memorialize her testimony 
under oath and could be used to prevent questioning of 
both of them about their relationship; (iii) Miss Lewinsky 
signed and filed the false affidavit; (iv) the President 
used Miss Lewinsky's false affidavit at his deposition in 
an attempt to evade questions about his relationship 
with Miss Lewinsky; and (v) when that failed, the 
President lied under oath at his civil deposition about the 
relationship with Miss Lewinsky. A true and accurate 
copy of Miss Lewinsky's affidavit, as publicly released on 
the Internet March 13, 1998, is attached hereto as Exhibit 
"2."

7. President Clinton endeavored to obstruct justice by 
helping Miss Lewinsky obtain a job in New York at a time 
when she would have been a witness harmful to him
were she to tell the truth in the *Jones* case.

8. President Clinton lied under oath in his civil deposition about his discussions with Vernon Jordan concerning Miss Lewinsky's involvement in the *Jones* case.

9. The President improperly tampered with a potential witness by attempting to corruptly influence the testimony of his personal secretary, Mrs. Betty Currie, in the days after his civil deposition.

10. President Clinton endeavored to obstruct justice during the grand jury investigation by refusing to testify for seven months and lying to senior White House aides with knowledge that they would relay the President's false statements to the grand jury—and did thereby deceive, obstruct, and impede the grand jury.

Referral, Introduction to Section on Grounds for Impeachment.

7.

The Complainant will not here attempt to recapitulate the exhaustive information set forth in the Referral proving the foregoing acts occurred as described therein except to briefly describe some of the evidence which conclusively shows that Mr. Clinton committed perjury in his deposition and
before a federal grand jury concerning his sexual relationship with Miss Monica Lewinsky.

8.

At page 78 of his deposition in Jones v. Clinton, Mr. Clinton was asked the following series of questions by Plaintiff's counsel:

Q. Did you have an extramarital sexual affair with Miss Monica Lewinsky?

A. No.

Q. If she told someone that she had a sexual affair with you beginning in November of 1995, would that be a lie?

A. It's certainly not the truth. It would not be the truth.

Q. I think I used the term "sexual affair." And so the record is completely clear, have you ever had sexual relations with Miss Monica Lewinsky, as that term is defined in Deposition Exhibit 1, as modified by the Court?

MR. BENNETT: I object because I don't know that he can remember -

JUDGE WRIGHT: Well, it's real short. He can -- I will permit the question and you may show the witness definition
number one.

A. I have never had sexual relations with Miss Monica Lewinsky. I've never had an affair with her.

Deposition of William Jefferson Clinton, p. 78. A true and correct copy of relevant excerpts of Mr. Clinton's deposition are attached hereto as Exhibit 3.

9.

Mr. Clinton knowingly lied under oath in his deposition when he denied having sexual relations with Miss Monica Lewinsky as the term sexual relations was defined in Exhibit 1 to his deposition. A true and correct copy of that definition is attached hereto as Exhibit 3.

10.

Mr. Clinton knowingly lied under oath when he denied having an extramarital sexual affair with Miss Monica Lewinsky.

11.

Mr. Clinton knowingly lied under oath when he said that it would not be the truth if Miss Monica Lewinsky had told someone that she had a sexual affair with him beginning in November of 1995.

12.

In fact, Mr. Clinton did have sexual relations with Miss Monica Lewinsky and did carry on an extramarital sexual affair with her. The sexual relationship and sexual affair are proved, *inter alia*, by the presence of Mr. Clinton’s semen.
on a dress belonging to Miss Lewinsky. The semen was identified as Mr. Clinton's by a positive match between the DNA of the dried semen on Miss Lewinsky's dress with the DNA taken from a sample of the President's blood. According to the Referral, the chances that the semen is not Mr. Clinton's are 1 in 7.87 trillion.

13.

On August 17, 1998, Mr. Clinton testified before a federal grand jury conducting a criminal investigation into his obstruction of justice and perjury in the case of Jones v. Clinton. Mr. Clinton claimed in that testimony that he had not lied in his deposition because he did not consider the term sexual relations as defined for purposes of the deposition to include his role in receiving oral sex from Miss Lewinsky. According to Mr. Clinton, while Miss Lewinsky was performing oral sex on him she was having sexual relations with him but he was not having sexual relations with her. Apart from the farcical nature of this claim, Miss Lewinsky testified to multiple acts by Mr. Clinton that would fit the definition of sexual relations, even as he claimed to understand it. For example, Miss Lewinsky testified that Mr. Clinton touched her breasts with his hands and or mouth on November 15, 1995, November 17, 1995, December 31, 1995, January 7, 1996, January 21, 1996, February 4, 1996, March 31, 1996, April 7, 1996, February 28, 1997, and March 29, 1997. In addition, she testified that Mr.
Clinton fondled her genitalia, directly or through her clothing, on November 15, 1995, February 4, 1996, March 31, 1996, and March 29, 1997. Any one of these acts fits within the definition of the term “sexual relations” even as Mr. Clinton professed to understand it.

14.

Mr. Clinton’s own counsel, Robert Bennett, elicited the following testimony from Mr. Clinton during his deposition regarding an affidavit tendered by Miss Lewinsky:

Q. In paragraph eight of her [Miss Lewinsky’s] affidavit, she says this, “I have never had a sexual relationship with the President, he did not propose that we have a sexual relationship, he did not offer me employment or other benefits in exchange for a sexual relationship, he did not deny me employment or other benefits in exchange for a sexual relationship, he did not deny me employment or other benefits for rejecting a sexual relationship.”

Is that a true and accurate statement as far as you know it?

A. That is absolutely true.

Clinton Deposition, p. 204., Exhibit “3.” Mr. Clinton thus adopted Miss Lewinsky’s denial that she had a sexual relationship with him even though he
knew it was false and knew her affidavit was false. Mr. Clinton's testimony that he did not have sexual relations with Miss Lewinsky and that Miss Lewinsky did not have sexual relations with him cannot be reconciled with the presence of his semen on her dress. Nor can it be reconciled with Miss Lewinsky's graphic testimony regarding the details of their sexual encounters. Thus, Mr. Clinton lied under oath in his deposition.

15.

Before the grand jury, Mr. Clinton repeated his denial of any sexual relations with Miss Lewinsky. He further testified that his testimony in the deposition was "legally accurate." This claim was based upon his reading of the definition of "sexual relations" as used in the deposition. According to Mr. Clinton, a person who receives oral sex is not having sexual relations but a person who performs oral sex is. However, as aforesaid, Mr. Clinton's definitional evasion in his deposition was defeated when, at the instance of his own counsel, Mr. Clinton adopted Miss Lewinsky's testimony that she did not have a sexual relationship with him. Thus, for Mr. Clinton's deposition testimony to be accurate in any sense, legal or otherwise, oral sex could neither have been given nor received. Yet the physical evidence and Miss Lewinsky's testimony prove that she did perform oral sex on Mr. Clinton and that he deposited his semen on her dress. Thus, it is impossible for Mr. Clinton's
deposition testimony to have been legally accurate. Mr. Clinton thus lied under oath to the grand jury when he said his deposition testimony was legally accurate. Mr. Clinton repeated the lie to a national television audience on January 21, 1998, and on August 17, 1998, continued to aver that his testimony was “legally accurate.”

16.

The evidence compiled by the Office of Independent Counsel and described in the Referral substantially and credibly, if not overwhelmingly, shows that Mr. Clinton committed “Serious Crimes” and “Serious Misconduct” within the meaning of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. His conduct involves lying, deceit, perjury, fraud, dishonesty, untrustworthiness obstruction of justice, subornation of perjury, tampering with witnesses and other forms of misconduct inimical to and destructive of the administration of justice. As a man and as a lawyer, Mr. Clinton is utterly without shame and utterly without honor. Because of his position as a prominent public figure, perhaps the most prominent governmental official in the world, who is known to be lawyer, and not just a lawyer but a member of the Arkansas Bar, his conduct brings great discredit and great disgrace to the Arkansas legal profession. His status as a member of our Bar is an intolerable affront to the rule of law. Mr. Clinton should therefore be permanently disbarred.
Wherefore, Complainant respectfully prays

(a) that this Complaint be received and filed by the Executive Director of the Committee on Professional Conduct of the Supreme Court of the State of Arkansas;

(b) that the Executive Director promptly initiate a formal complaint against William Jefferson Clinton for the matters set forth herein and for each and every violation of the Procedures described in the Referral;

(c) that the Executive Director and the Committee carefully review and study the Referral;

(d) that the Committee proceed with the prompt and permanent disbarment of William Jefferson Clinton from the State Bar of Arkansas without possibility of reinstatement; and

(e) for such other and further relief as seems just to the Supreme Court of Arkansas and its Committee on Professional Conduct.

Respectfully Submitted,
SOUTHEASTERN LEGAL FOUNDATION

3340 Peachtree Road, N.E.
Suite 2515
Atlanta, Georgia 30326

L. Lynn Hogue
Arkansas Bar No. 79165
VERIFICATION

Appeared before me the undersigned officer duly authorized to administer oaths, L. Lynn Hogue, who after being duly sworn, states that all of the facts set forth in the foregoing document are true and correct to the best of his/her knowledge and belief.

L. Lynn Hogue
Arkansas Bar No. 79165

Sworn to and subscribed before me this 15th day of September, 1998.

Cheryl A. Willis
Notary Public
My commission expires: July 17, 1999
This is to certify that I have this day served a courtesy copy of the
foregoing upon the respondent attorney and his counsel with a copy of the
attached pleading by depositing a copy of same in the United States Mail by
certified mail, return receipt requested in a properly addressed envelope with
adequate postage thereon to insure delivery.

The Hon. William Jefferson Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C.

David E. Kendall, Esquire
Williams & Connolly
725 12th Street, N.W.
Washington, D.C. 20005

This 15th day of September, 1998.

L. Lynn Hogue
Arkansas Bar No. 79165