

the independent counsel's decision not to indict; taking into account the extent to which the individual was central or peripheral to the independent counsel's jurisdictional mandate; exonerating the innocent; and protecting individual rights to due process, privacy and fairness.⁸

In recognition of these competing considerations identified by Congress, and balancing the public interest, we have adopted the following approach in the preparation of this Final Report. We describe at length the facts relevant to the Independent Counsel's mandate and, in particular, to the conduct of Secretary Babbitt, the person who is the focus of that mandate; but for the most part we avoid criticism of others more tangential to the investigation. In addressing Secretary Babbitt's conduct, we have sought to describe the facts and the reasonable factual inferences that can and should be drawn from those facts, and we provide an explanation for our decision not to seek an indictment. We believe such an approach is consistent with both the letter and the spirit of the law, and with the public interest.

⁸H.R. Conf. Rep. No. 511, 103rd Cong., 2nd Sess., 1994, 1994 U.S.C.C.A.N. 792, 45.