



U. S. Department of Justice

Antitrust Division

[Date]

[witness name/address]

Re: [caption of investigation]

Dear [witness]:

The Antitrust Division is conducting a criminal investigation of possible violations of the antitrust and related laws in the [blank] industry. Your counsel has advised us that you would decline to answer our questions [at an interview][before the grand jury] on the ground that your truthful answers may tend to incriminate you. Accordingly, this letter sets forth the conditions under which you will provide documents, objects, and/or statements in response to our questions [at an interview][before the grand jury] on [date].

We will ask questions about alleged violations of Section 1 of the Sherman Act, 15 U.S.C. § 1, and related federal statutes. Your responses to our questions will be complete, candid, and truthful.

The United States will not make direct or indirect use of the oral or written statements that you make in response to our inquiries, nor will we make direct or indirect use of any document or object that you make available to us in response to our inquiries, to prosecute you for any violation of Section 1 of the Sherman Antitrust Act, 15 U.S.C. § 1, or for violation of any other federal criminal statute committed in connection with [bid rigging] [price fixing] [market allocation] in the [blank] industry in [geographic area] between [date] and the date of this letter. However, our agreement not to make direct or indirect use of information you provide will not apply to civil matters of any kind, any violation of the federal tax or securities laws, or crimes of violence.

The United States may use your oral or written statements and the documents or objects you provide against you in the following circumstances:

- a. as substantive evidence in prosecuting you for perjury (18 U.S.C. § 1621), for making a false statement (18 U.S.C. § 1001), for making a false statement or declaration in grand jury or court proceedings (18 U.S.C. § 1623), or for obstruction of justice (18 U.S.C. § 1503);
- b. to impeach your testimony in any proceeding, including any prosecution of you.

There are no other agreements between the United States and you regarding your prosecution or nonprosecution or the use of the statements, documents, or objects you provide in

response to our inquiries.

The United States may use directly or indirectly any of the statements you make or the documents or objects you provide for, or in connection with, the prosecution of any other individual or artificial entity, such as a corporation.

Please sign and date this letter to indicate your understanding of and agreement with the conditions for your [interview][grand jury appearance] and ask your counsel to do the same.

Sincerely yours,

[Chief]
[Field Office]

[witness]

DATE

Counsel for [witness]

DATE