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FOR IMMEDIATE RELEASE:
September 29, 2008

**STATEMENT BY K. LEE BLALACK, ATTORNEY FOR SENATOR PETE V.
DOMENICI, REGARDING THE REPORT OF THE OFFICE OF THE
INSPECTOR GENERAL AND OFFICE OF
PROFESSIONAL RESPONSIBILITY**

(Washington, DC) — Today, the Office of the Inspector General and Office of Professional Responsibility released a joint report referencing my client, Senator Pete Domenici. The report is replete with innuendos that pass as findings. The report suggests that Senator Domenici was unwilling to cooperate with the review when, in fact, the Inspector General rejected the Senator's repeated offers to answer questions in writing through counsel.

The Senate Ethics Committee has already investigated and rejected the allegation that Senator Domenici may have obstructed or otherwise interfered with an ongoing criminal investigation. After an exhaustive review, taking sworn testimony from numerous witnesses and reviewing thousands of pages of documents in the process, the Ethics Committee found "no substantial evidence that [Senator Domenici] attempted to improperly influence an ongoing investigation." Indeed, even Mr. Iglesias himself has conceded that Senator Domenici did not attempt to obstruct his investigations explaining, "I doubt [Senator Domenici] called me to interfere with the courthouse cases" and the Senator "never directly pressured me to take action" on voter fraud cases.¹

The facts also belie any insinuation that Mr. Iglesias was asked to resign because of the Senator's telephone call to him. Long before the call in October 2006, Senator Domenici had already asked the Justice Department to remove and replace Mr. Iglesias because of complaints from local law enforcement, members of the state bar, and constituents.

In light of this record—including Mr. Iglesias's own admissions—there is no credible basis to suggest that Senator Domenici called Mr. Iglesias in order to interfere with or obstruct any ongoing investigation.

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¹ Jim Scarantino, *A Conversation with David Iglesias*, Alibi.com Vol.16 No.21 (May 24 - 30, 2007), available at <http://www.alibi.com/index.php?story=19161&scn=news>.



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VIA FACSIMILE AND FEDERAL EXPRESS

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Re: *Report of the Office of the Inspector General and Office of Professional Responsibility*

Dear Messrs. Jarrett & Fine:

I represent Senator Pete V. Domenici, who is referenced in the joint report released by your offices today. I write to object to your report, which is replete with innuendos that pass as findings. As an initial matter, the suggestion in your report that Senator Domenici was unwilling to cooperate with your internal review is simply false. As you know, the Senator offered on several occasions to answer your questions in writing through counsel. Although such responses might have furthered your review, you rejected the Senator's offer of assistance. You are entitled to pursue evidence in connection with your review in the manner you believe is most appropriate. But having elected not to accept Senator Domenici's offer to provide you with the information that you requested, it is completely inappropriate to suggest in your report that the Senator was unwilling to cooperate with your review.

The suggestion that Senator Domenici may have obstructed or otherwise interfered with an ongoing criminal investigation is even more outrageous. As you know, the Senate Ethics Committee investigated this precise allegation, taking sworn testimony from numerous witnesses and reviewing thousands of pages of documents in the process. After an exhaustive review that lasted more than one year, the Committee found "no substantial evidence that [Senator Domenici] attempted to improperly influence an ongoing investigation." Mr. Iglesias's own public statements confirm that he did not believe the Senator's telephone call was an attempt to

obstruct his investigations. As Mr. Iglesias has explained in press interviews, "I doubt [Senator Domenici] called me to interfere with the courthouse cases" and the Senator "never directly pressured me to take action" on voter fraud cases.¹ Furthermore, Mr. Iglesias has also stated that the Senator's telephone call does not implicate criminal laws: "[h]aving me removed for not prosecuting voter fraud cases or [not] prosecuting cases fast enough probably does not constitute obstruction of justice."²

Importantly, Mr. Iglesias has not alleged that Senator Domenici asked him to take some specific action on the merits of any investigation. He does not allege that the Senator inquired about particular individuals who may have been the targets of an investigation. Nor does he claim that the Senator asked him to reveal evidence before a sitting grand jury. Rather, as Mr. Iglesias has publicly acknowledged, the Senator simply asked about the status of a public corruption investigation that the FBI had itself previously disclosed to the New Mexico press. Thus, Mr. Iglesias's own descriptions of the telephone call from Senator Domenici make clear that the Senator requested a simple status report on the progress of a well-known and widely discussed investigation. Similar requests for information regarding the nature and timing of criminal investigations are routine. Members of Congress frequently direct such inquiries to the Department of Justice. Likewise, several former U. S. Attorneys have publicly confirmed that they received calls from Members of Congress about specific cases "all the time."³ As Roscoe Howard, the former U.S. Attorney for the District of Columbia, explained, "[i]t wasn't unusual to have somebody from the Hill call our office, because . . . [we had] an awful lot of cases that would indirectly involve any number of congressman and senators" and "[c]ertainly I had elected officials call me about investigations."⁴ In fact, because such communications are commonplace and have been for years, the U. S. Attorneys' Manual provides specific procedures for U.S. Attorneys to follow when they are contacted by Members of Congress.⁵

The facts also belie any suggestion that Mr. Iglesias was asked to resign because of the Senator's telephone call to him. By the time of the call in October 2006, Senator Domenici had already asked for Mr. Iglesias to be removed. The Senator had become dissatisfied with the performance and priorities of the U.S. Attorney's Office in New Mexico by late 2005. Senator Domenici and his staff expressed concerns to the Justice Department on numerous occasions about the resources and performance of the U.S. Attorney's Office. Those conversations commenced in 2005, well before the Senator telephoned Mr. Iglesias to request a status report on the corruption case in October 2006. In fact, most of those communications with the Justice Department occurred before the courthouse corruption case had even been publicly reported. Not surprisingly, the Justice Department has publicly confirmed that the courthouse corruption case was not raised in the Senator's discussions with the Department. Moreover, well before

¹ Jim Scarantino, *A Conversation with David Iglesias*, Alibi.com Vol.16 No.21 (May 24 - 30, 2007), available at <http://www.alibi.com/index.php?story=19161&scn=news>.

² *Id.*

³ Ron Hutcheson and Marisa Taylor, Op-Ed, *Why Did Bush Fire Own Appointees?*, Deseret Morning News, Mar. 18, 2007 (reporting remarks by former United States Attorney Joseph DiGenova).

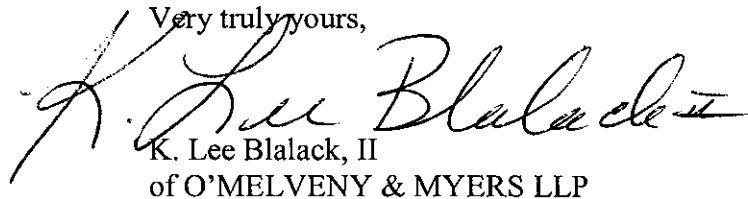
⁴ Nathan Carlile, *Ex-Federal Attorney Muses On Flap*, Legal Times, Apr. 5, 2007.

⁵ U.S. Attorneys' Manual, § 1-8.010 (Ex. 6).

Senator Domenici called Mr. Iglesias in October 2006, he had already made clear to the Justice Department that Mr. Iglesias should be replaced as U.S. Attorney for the District of New Mexico. There is thus no credible argument that Mr. Iglesias was asked to resign simply because he failed to file public corruption charges before the November 2006 election.

In light of this factual record—including Mr. Iglesias's own admissions—there is no credible basis to suggest that Senator Domenici called Mr. Iglesias in order to interfere with or obstruct any ongoing investigation. Indeed, the Senate Ethics Committee's exhaustive review of the evidence concluded as much.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Lee Blalack, II". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

K. Lee Blalack, II
of O'MELVENY & MYERS LLP