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September 26, 2007

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Counsel  
United States Department of Justice  
Office of Professional Responsibility  
950 Pennsylvania Avenue, NW  
Suite 3525  
Washington, DC 20530

Glenn A. Fine, Esq.  
Inspector General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Suite 4706  
Washington, DC 20530

Re: Congresswoman Heather A. Wilson

Dear Mr. Jarrett and Mr. Fine:

I am in receipt of a letter from both of you to Congresswoman Heather Wilson dated August 17, 2007, in which you indicate that you are seeking the Congresswoman's cooperation with your investigation of "the circumstances surrounding the removal of certain United States Attorneys in 2006." I have been retained to represent Congresswoman Wilson for purposes of facilitating her cooperation with your investigation.

I recently contacted James Meade of the Office of Professional Responsibility to discuss the scope of your investigation, and to determine what specific information you are seeking from Congresswoman Wilson. Mr. Meade indicated that you are interested in information concerning the Congresswoman's contacts with David Iglesias, who previously served as United States Attorney for the District of New Mexico. Mr. Meade further indicated that you are interested in any discussions about Mr. Iglesias' performance as United States Attorney with other government officials. I indicated that we would attempt to set forth Congresswoman Wilson's recollection of those relevant facts in a letter, in an attempt to provide you the information you need to further your investigation of this important matter.

## **I. Wilson Contact With Iglesias**

Congresswoman Wilson has been acquainted with David Iglesias since 1998. Since his appointment and confirmation by the U.S. Senate, she has interacted with him professionally and considered him to be a friend.

Throughout 2006, there was extensive reporting and widespread public discussion about public corruption in New Mexico. Many New Mexicans expressed frustration about the slow pace of federal prosecutions in response to these problems. Congresswoman Wilson received a specific complaint about Mr. Iglesias in the fall of 2006. She was specifically told by a constituent with knowledge of ongoing investigations that U.S. Attorney David Iglesias was intentionally delaying corruption prosecutions. Congresswoman Wilson took this allegation seriously, as she knew the constituent and believed that the constituent spoke from personal knowledge.

Congresswoman Wilson was troubled by the allegation of intentional delay. She had always thought Mr. Iglesias to be an honorable man who would not purposely neglect his important responsibilities as United States Attorney. She concluded that she had an affirmative duty as a U.S. Representative to take some action to report and resolve her constituent's allegation. She decided on her own that she should bring the allegation directly to Mr. Iglesias in a personal conversation.

Congresswoman Wilson called Mr. Iglesias to discuss the constituent allegation sometime in the fall of 2006.<sup>1</sup> Congresswoman Wilson was alone when she placed the call, which was made to Mr. Iglesias at his office. He either returned the call or his office connected Congresswoman Wilson to Mr. Iglesias. Her best recollection of the conversation which ensued is as follows:

Iglesias: I just arrived in Washington for some meetings. It's a DOJ subcommittee I'm on.

Wilson: I'm sorry to hear that.

Wilson: David, there's something I need to talk to you about and I think matters like this are best addressed directly.

Iglesias: [Sure/What's Up]

Wilson: I'm being told that you're intentionally delaying corruption prosecutions.

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<sup>1</sup> Mr. Iglesias has testified that the conversation was on or about October 16, 2006. She has no reason to question this date.

Iglesias: That's just not true. I've got one guy who can do corruption cases and he's been in the Vigil trial.

Wilson: So, "delaying the release of sealed indictments", ["slowing things down in your office"] – that doesn't ring any bells with you?

Iglesias: Sometimes we have to seal things like national security investigations or juvenile cases, but no, that doesn't track with what we do with corruption cases.

Wilson: OK. I'll take you at your word.<sup>2</sup>

Congresswoman Wilson's call was not about any particular case or person, nor was it motivated by politics or partisanship. She did not ask about the timing of any indictments. She did not tell Mr. Iglesias what course of action she thought he should take or pressure him in any way. The conversation was brief and professional, though somewhat uncomfortable because she was dealing with an allegation of impropriety by a peer by confronting him directly about it.

Mr. Iglesias' strong denial of the constituent allegation of intentional delay in corruption prosecutions ended the matter. Based on their brief conversation, Congresswoman Wilson decided that there was insufficient information to take the matter any further. Congresswoman Wilson took Mr. Iglesias "at his word" and told him so during the conversation. Taking someone "at his word" is a phrase with significance to military men and women like Mr. Iglesias and Congresswoman Wilson. It means that one accepts an explanation on its face, given the honor of the person uttering that explanation. Congresswoman Wilson specifically intended to use those words and convey her acceptance to Mr. Iglesias.

This single telephone call is the only direct contact which Congresswoman Wilson ever recalls having had with Mr. Iglesias concerning matters about his job performance.

## **II. Conversations About Mr. Iglesias With Other Government Officials**

### **A. Constituent Allegation of Delay**

Congresswoman Wilson did not discuss her constituent's allegation of intentional delay of corruption investigations with any other legislative or executive official. She did not tell New Mexico Senator Pete Domenici or anyone on his staff about the matter or her telephone conversation with Mr. Iglesias. She did not report the allegation to anyone at the Department of Justice. She did not communicate the allegation to anyone at the White House or within the Administration. Her silence on the specific allegation has continued to this day, as she has still

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<sup>2</sup> This account of the Wilson/Iglesias conversation is not meant to be a verbatim transcript. It rather represents Congresswoman Wilson's best recollection of their conversation. While she has a good recollection of the overall tone and substance of the conversation, she is less certain about her use of certain particular phrases. I have attempted to indicate where she is particularly uncertain about the words she and Mr. Iglesias chose by isolating those comments in brackets.

not discussed the specific constituent allegation or the telephone call with Mr. Iglesias with any other official.

B. Mr. Iglesias' Performance as United States Attorney

Congresswoman Wilson has never had any communications with anyone at the Justice Department about David Iglesias, his performance, or his employment as U.S. Attorney. No one within the Justice Department ever asked her anything about Mr. Iglesias before he was fired.

Similarly, Congresswoman Wilson did not have any communications with anyone at the White House about David Iglesias, his performance, or his employment as U.S. Attorney until after the decision had apparently been made to fire him. No one in the White House ever asked her anything about Mr. Iglesias before he was fired.

1. Conversations with the White House Officials

Congresswoman Wilson had one brief conversation with Karl Rove at the White House regarding Mr. Iglesias, sometime after a decision had apparently been made to relieve him of his duties as United States Attorney. On November 15, 2006, she attended a breakfast at the White House. She recalls making a disparaging comment about Mr. Iglesias to Mr. Rove at the breakfast. Congresswoman Wilson told Mr. Rove that Mr. Iglesias was "a waste of gravity." Mr. Rove replied, "That decision has already been made. He's gone." There was no additional discussion with Mr. Rove about Mr. Iglesias beyond this brief exchange.

At the time she criticized Mr. Iglesias to Mr. Rove, Congresswoman Wilson had lost faith in Mr. Iglesias' ability to serve effectively as United States Attorney. Just days before November 15, 2006, the attorney for her re-election campaign had referred an allegation of voter fraud to Mr. Iglesias' office. The specific allegation which the attorney referred to the United States Attorney was that someone had unlawfully added votes to the tally that would have benefited Congresswoman Wilson. She believed that an investigation of this allegation was necessary to ensure public faith in the election results in what was a very close race. It became immediately clear to Congresswoman Wilson and her attorney that the United States Attorney's Office did not intend to investigate the allegation. It was then referred to the Bernalillo County Attorney overseeing the elections and the District Attorney in Albuquerque, who investigated the fraud allegation and found it baseless. This experience was the last straw. Coupled with her own observations of his job performance and the frustration she had heard expressed by others about Mr. Iglesias' inability or unwillingness to handle public corruption investigations, Congresswoman Wilson concluded that he was not an effective United States Attorney.

2. Conversations with Senator Domenici and His Staff

Congresswoman Wilson does not recall ever discussing anything about David Iglesias or the performance of the US Attorney's Office with Senator Domenici at any time before Mr. Iglesias was fired. Senator Domenici did not tell Congresswoman Wilson that he had called Mr.

Iglesias in October 2006. Similarly, she never told Senator Domenici that she had called Mr. Iglesias or that a constituent had made an allegation of impropriety against Mr. Iglesias. She was not aware of Senator Domenici's complaints to the Justice Department about Mr. Iglesias until Mr. Iglesias made this matter public in February 2007.

In late May or early June of 2006, Congresswoman Wilson did become aware that Senator Domenici had lost confidence in Mr. Iglesias' ability to do his job. That awareness came from discussions between Congresswoman Wilson and Senator Domenici's Chief of Staff, Steve Bell. Shortly after the federal corruption trial of State Treasurer Robert Vigil ended in a mistrial, Mr. Bell called Congresswoman Wilson. Congresswoman Wilson believes this was their first discussion about Mr. Iglesias' job performance. Mr. Bell asked if Congresswoman Wilson had heard anything about the US Attorney's prosecution in the Vigil case. She told Mr. Bell that she had heard that the prosecution had a good case, but they didn't present it very well. Mr. Bell told Congresswoman Wilson that Senator Domenici's office had received the same information.

In this telephone conversation with Congresswoman Wilson, Mr. Bell went on to tell her that Senator Domenici had come to the conclusion that they needed a new U.S. Attorney in New Mexico. Mr. Bell said that the Senator had tried to help Mr. Iglesias by getting his office additional resources, but that problems in the U.S. Attorney's office were not getting better. Mr. Bell mentioned some names of possible new U.S. Attorneys. Congresswoman Wilson expressed concern that an immediate change in leadership of the U.S. Attorney's Office could negatively impact the upcoming retrial of Robert Vigil. She noted that confirmations were moving very slowly in the Senate and, as time in this administration got shorter, it would be more and more difficult to get someone highly qualified to be the U.S. Attorney for just a short period of time. Mr. Bell agreed with these points. He stated that there would be a very narrow window to make any change in the U.S. Attorney's office. Mr. Bell asked Congresswoman Wilson if she thought it might help if the Justice Department would send some experienced white collar prosecutors to help Mr. Iglesias. She told him that she thought such assistance might help Mr. Iglesias.

Congresswoman Wilson had several subsequent conversations with Mr. Bell sometime in the summer or fall of 2006. Before the Vigil retrial, the New Mexico Attorney General indicted several cooperating witnesses who had testified for the government in the initial federal trial of Robert Vigil. The state charges were issued without coordination with the United States Attorney's Office. The witness' indictments had a significant impact on the Vigil retrial, as at least one of the indicted cooperating government witnesses refused to testify in the retrial. Mr. Iglesias remained silent about this turn of events, which frustrated Congresswoman Wilson and others in New Mexico. The continued slow pace of corruption prosecutions was widely discussed and reported on publicly, and the Vigil retrial resulted in a guilty verdict on only one of twenty-four counts. Throughout these events, Congresswoman Wilson spoke to Mr. Bell about these matters and expressed frustration with continued problems in the U.S. Attorney's Office. She never urged him to take steps to remove Mr. Iglesias or raised the matter with Mr. Bell's boss, Senator Domenici.

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The facts recounted in this letter represent Congresswoman Wilson's best recollection of all of the specific conversations which Congresswoman Wilson recalls having with or about Mr. Iglesias that are relevant to your review. Congresswoman Wilson wants to be completely cooperative with your investigation and has directed that I provide you with this thorough account of the relevant conversations. We believe that this letter is fully responsive to your specific request for information, and we hope that it obviates your need to interview the Congresswoman about this matter.

Please contact me if you would like to discuss the matter or have any additional requests for the Congresswoman.

Sincerely,

Timothy J. Heaphy

cc: The Honorable Heather A. Wilson