

United States Senate

SELECT COMMITTEE ON ETHICS
HART SENATE OFFICE BUILDING, ROOM 220
SECOND AND CONSTITUTION AVENUE, NE
WASHINGTON, DC 20510-6425

April 24, 2008

The Honorable Pete V. Domenici
United States Senate
Washington, DC 20510

Public Letter of Qualified Admonition

Dear Senator Domenici:

In response to a complaint of improper conduct reflecting upon the United States Senate, the Select Committee on Ethics of the United States Senate issues this Public Letter of Qualified Admonition to you pursuant to Section 2(d)(3) of Senate Resolution 338, 88th Congress, 2nd Session (1964), as amended by Senate Resolution 222, 106th Cong., 1st Session (1999) and its Supplementary Procedural Rules, Rule 3(g)(2).

The Committee's action in this matter addresses your conduct in calling David C. Iglesias, then the United States Attorney for the District of New Mexico, in October 2006 to inquire about the timing of indictments in a pending New Mexico federal grand jury investigation into allegations of public corruption relating to the construction of the Bernalillo County courthouse.

The Committee finds no substantial evidence to determine that you attempted to improperly influence an ongoing investigation. The Committee does find that you should have known that a federal prosecutor receiving such a telephone call, coupled with an approaching election which may have turned on or been influenced by the prosecutor's actions in the corruption matter, created an appearance of impropriety that reflected unfavorably on the Senate.

In making this determination, the Committee relied on general guidance under Rule 43 to avoid communications with a federal agency on a matter in which it is "engaged in an on-going enforcement, investigative or other quasi-judicial proceeding" (*Senate Ethics Manual*, 2003 ed., page 179). The Committee also considered the well-known duty of prosecutors to ensure the fair and impartial administration of justice and the publicity at the time of your call about the

handling of public corruption matters as an issue in the close election contest in the First Congressional District of New Mexico.

On March 7, 2007, the Committee began its review of this matter. In the course of the preliminary inquiry the Committee deposed, obtained sworn affidavits from or interviewed numerous witnesses, including you, Mr. Iglesias, members of your Senate staff, current and former executive branch officials and attorneys, and other private individuals. The Committee reviewed extensive documents and records, obtained through subpoena, by voluntary production, or available in the public record. The Committee also considered several submissions made by you through, or made on your behalf by, your counsel.

In its inquiry into all the circumstances surrounding your October 2006 telephone call to Mr. Iglesias, the Committee considered a number of questions, concerns and factual issues which we do not discuss in this letter because, as previously stated, the evidentiary record did not provide sufficient support for any determination by the Committee beyond that expressed above. We do emphasize, however, that the Committee confined its inquiry to your October 2006 call to Mr. Iglesias, its context and consequences and related actions by you or your office. It was never a purpose of the Committee in this matter to inquire more broadly into actions that may have been taken by others with regard to other United States Attorneys in the fall of 2006.

The Committee specifically notes and took into consideration your March 2007 public statement wherein you stated that:


I called Mr. Iglesias late last year. My call had been preceded by months of extensive media reports about acknowledged investigations into courthouse construction, including public comments from the FBI that it had completed its work months earlier, and a growing number of inquiries from constituents. I asked Mr. Iglesias if he could tell me what was going on in that investigation and give me an idea of what timeframe we were looking at. It was a very brief conversation, which concluded when I was told that the courthouse investigation would be continuing for a lengthy period.

In retrospect, I regret making the call and I apologize. However, at no time in that conversation or any other conversation with Mr. Iglesias did I ever tell him what course of action I thought he should take on any legal matter. I have never pressured him nor threatened him in any way.

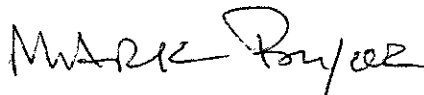
The Committee appreciates your candor.

With this Public Letter of Qualified Admonition, this matter is closed.

Sincerely,



Barbara Boxer
Chairman



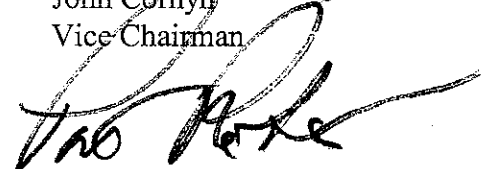
Mark Pryor, Member



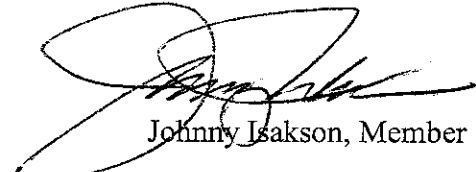
Sherrod Brown, Member



John Cornyn
Vice Chairman



Pat Roberts, Member



Johnny Isakson, Member