

COMMONWEALTH OF PUERTO RICO
PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION

ANÍBAL ACEVEDO-VILÁ
GOVERNOR

EDUARDO BHATIA
EXECUTIVE DIRECTOR

October 9, 2007

The Honorable John Conyers
Chairman
House Judiciary Committee
2426 Rayburn Building
Washington, DC 20515

Dear Chairman Conyers:

As the representative of the Governor of the Commonwealth of Puerto Rico in the United States, I write to respectfully request a formal investigation by the House Judiciary Committee on the work of the U.S. Attorney's office in Puerto Rico, under the direction of Acting U.S. Attorney Rosa Emilia Rodríguez. Ms. Rodríguez was appointed to this position by Alberto Gonzales on June 8, 2006, and nominated by President Bush to become the U.S. Attorney for Puerto Rico in January 16, 2007.

The similarities between the serious questions surrounding the federal prosecution of Don Siegelman, the Democratic former Governor of Alabama, and the federal grand jury investigation of Aníbal Acevedo-Vilá, the Democratic Governor of Puerto Rico, are truly uncanny. This week, *TIME* magazine published a chilling report by Adam Zagorin of its investigation into the prosecution of former Governor Siegelman titled "*A Case of Selective Justice*," subtitled "*In Alabama a Democratic former Governor goes to prison. Top Republicans go untouched. A TIME investigation asks the questions the U.S. Attorneys didn't.*" In Puerto Rico, those serious questions remain unanswered and, in order to preserve the purity of the democratic process and the impartiality of the justice system, they must be raised and answered through a thorough investigation.

The House Judiciary Committee is scheduled to hold a hearing on Thursday October 11 on the irregularities in the prosecution of former Governor Siegelman. In Alabama, in the case of former Governor Siegelman, the facts that have come out make it apparent that the Bush Administration engaged in a case of selective prosecution, where politics seems to have trumped justice. In Puerto Rico, the facts that have come out so far about the investigation

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surrounding Governor Acevedo-Vilá clearly point to a similar case where justice has been sacrificed at the altar of politics. This warrants a hearing and a thorough investigation by your Committee.

In Puerto Rico, Acting U.S. Attorney Rosa Emilia Rodríguez, who has been conducting the lengthy investigation surrounding Governor Acevedo-Vilá, has recused herself and her office from investigating the serious accusations of “pay for play” involving her “political mentor,” Republican Resident Commissioner in Congress Luis Fortuño.

Since Mr. Fortuño had supported her nomination and continues to support her confirmation as U.S. Attorney, Ms. Rodríguez deemed that she could not be impartial and recused herself from this investigation of Mr. Fortuño, thus sending the matter to Washington.

This begs the question: If Ms. Rodríguez acknowledges favoritism towards Mr. Fortuño and states that she and her office cannot investigate him due to her lack of impartiality, how can she continue to investigate Mr. Fortuño’s chief political rival, Governor Acevedo-Vilá?

Mr. Fortuño - Puerto Rico’s first ever Republican Member of Congress - has filed to be his party’s candidate to run for Governor against Governor Acevedo-Vilá in the island’s general elections in November 2008. Mr. Fortuño was drafted to run for Congress by none other than Karl Rove. In fact, Mr. Fortuño’s former campaign manager, Ms. Annie Mayol, worked at the White House for Karl Rove.

Given the favoritism acknowledged by Ms. Rodríguez and her recusal in the investigation of Mr. Fortuño, if Mr. Fortuño were to become Governor of Puerto Rico and Ms. Rodríguez was the U.S. Attorney, will she and the office of the U.S. Attorney for Puerto Rico then have to be recused from all investigations surrounding Mr. Fortuño and his administration? If so, the implications are disconcerting.

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It is not just the political leanings of Ms. Rodríguez that are a concern. The investigation by Ms. Rodríguez's office surrounding Governor Acevedo-Vilá has been plagued by constant leaks of embarrassing and politically damaging, yet false or misleading, information. Furthermore, there have been repeated violations of the federal laws mandating confidentiality of grand jury proceedings. In fact, since IRS agents have worked with federal agents in this investigation, the Inspector General of the U.S. Treasury Department has just sent a letter informing that his office will investigate the alleged irregularities by the IRS in the federal investigation surrounding Governor Acevedo-Vilá.

Finally, as raised by the U.S. Attorney in Alabama, Ms. Rodríguez's defense against charges of bias is that the investigation surrounding Governor Acevedo-Vilá originated not with her but with her predecessor as U.S. Attorney, Bert García. But, if anything, this defense highlights the irregular manner in which the U.S. Attorney's office under Ms. Rodríguez has handled this investigation. First, while Bert García was the U.S. Attorney, the public did not know about the investigation, because it was properly kept confidential. The leaks began the week after Ms. Rodríguez assumed the position of Acting U.S. Attorney. Second, we have learned that the investigation by Mr. García was merely an offshoot of an investigation by a grand jury in Philadelphia into fundraising practices by certain residents of Pennsylvania, in relation to several political campaigns, including that of then Resident Commissioner Aníbal Acevedo-Vilá. As is the norm with these campaign finance cases, the investigation centers on the contributors, not the candidates who are often the victims of the unlawful practices of some contributors. Interestingly, the grand jury in Philadelphia is no longer pursuing these allegations, yet in Puerto Rico, under Ms. Rodríguez, the investigation has expanded into a fishing expedition of anything connected to the Governor, from his college transcript to his medical records.

At this point, the leaks tell us they are investigating the Governor. Dozens of seemingly irrelevant witnesses connected to the Governor have been paraded, and announced to the press, before the grand jury, yet no allegation of a real crime has yet to surface among the numerous leaks. As one former Assistant U.S. Attorney, Mr. Miguel Pereira, stated in a letter to the Chairman of the

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Senate Judiciary Committee, he believes that the reason for Ms. Rodríguez's irregular behavior in the investigation may include "an outright desire to use the federal government's power in order to interfere with local political processes."

Chairman Conyers, your Committee's investigation of the U.S. Attorney's Office in Puerto Rico is necessary. Puerto Rico deserves a serious investigation and oversight into this office, the process through which Ms. Rodríguez was selected, the way in which she has carried out her duties as an Acting U.S. Attorney, and into whether her political and partisan ties have indeed dictated her actions.

Ms. Rodríguez's confirmation by the U.S. Senate is apparently on hold. Ms. Rodríguez's interim appointment expires on Friday October 12, under the rules of the "Preserving United States Attorney Independence Act of 2007." However, the law does not affect her appointment as U.S. Attorney for Puerto Rico and, under the new law, she can still be appointed on an interim basis by the judges of the U.S. District Court for the District of Puerto Rico.

As the *TIME* magazine report concludes in the case of former Governor Siegelman, there are heightened suspicions that the prosecution in that case "was a case of selective justice and that in the Bush Administration, enforcing the law has been a partisan pursuit." This epidemic of selective justice did not only touch Alabama. Puerto Rico seems to have been affected as well. An investigation is thus warranted.

Sincerely,



Eduardo A. Bhatia