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January 15, 2008

The Honorable Michael B. Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

We are writing to ask the Justice Department to investigate whether former Baltimore Orioles baseball player Miguel Tejada made knowingly false material statements to the Committee in connection with the Committee's investigation of former Orioles player Rafael Palmeiro. Such statements would constitute a violation of federal criminal law under 18 U.S.C. 1001.

Mr. Tejada made statements to the Committee in a transcribed interview on August 26, 2005, regarding his knowledge of and involvement with steroids. Evidence contained in former Senator George Mitchell's report on steroid use in Major League Baseball appears to be inconsistent with the statements he gave to the Committee.

In light of the new evidence contained in Senator Mitchell's report, we respectfully request that the Justice Department investigate Mr. Tejada's statements to the Committee.

Background

On March 17, 2005, the Committee held a hearing entitled, "Restoring Faith in America's Pastime: Evaluating Major League Baseball's Efforts to Eradicate Steroid Use." During that hearing, former Baltimore Orioles baseball player Rafael Palmeiro appeared before the Committee and testified under oath that he had never used steroids.

On August 1, 2005, Major League Baseball announced that Mr. Palmeiro tested positive for steroids on May 4, 2005. As a result of Mr. Palmeiro's positive test, the Committee initiated an investigation into the truthfulness of Mr. Palmeiro's testimony before the Committee. During this investigation, Mr. Palmeiro denied using steroids. He also said that the positive steroid test

could have resulted from his use of an injectable form of vitamin B-12 that he received from his teammate Mr. Tejada.

On August 26, 2005, Committee staff conducted a transcribed interview of Mr. Tejada. During this interview, Mr. Tejada was asked questions about his relationship with Mr. Palmeiro and his knowledge and use of illegal steroids.

Out of deference to Mr. Tejada's privacy, the Committee never released the transcript of Mr. Tejada's interview. Mr. Tejada's statements did, however, have a significant impact on the Committee's investigation.

Committee Interview of Miguel Tejada

The Committee's interview with Mr. Tejada took place on August 26, 2005, at the Renaissance Harborplace Hotel in Baltimore, Maryland. The interview was transcribed, but Mr. Tejada was not placed under oath. Mr. Tejada was accompanied by his attorney, Mark Tuohey, and Diego Beritz, a Spanish-language interpreter. Before the questioning began, Committee staff advised Mr. Tejada of the importance of providing truthful answers, stating:

[I]t is important that your answers be completely truthful. A person who makes a knowingly false material statement, even when it is not under oath and not in a hearing, can be prosecuted under 18 USC section 1001 for a criminal offense.¹

The interview began with questions about Mr. Tejada's baseball career and the B-12 vitamin supplements that he regularly purchased in the Dominican Republic for use in the United States during the baseball season. Then, Mr. Tejada was asked about his awareness of any discussions among fellow players about steroids:

Committee Staff:	Has there been discussion among other players about steroids?
Mr. Tejada:	No, I never heard.
Committee Staff:	You never heard any of that?
Mr. Tejada:	No. ²

¹ Interview of Miguel Tejada, House Committee on Oversight and Government Reform, 9 (Aug. 26, 2005).

² *Id.* at 31.

Mr. Tejada played on the Oakland Athletics from 1997 to 2003. He was asked specifically whether he knew of any other players on the Oakland Athletics who used steroids:

Committee Staff: When you were with the Oakland A's, they had a reputation in some places as a place where a lot of players used steroids: were you aware of that?
Mr. Tejada: In the big leagues or in the minor leagues?
Committee Staff: Big leagues.
Mr. Tejada: No.
Committee Staff: You never knew of any other player using steroids?
Mr. Tejada: No.
Committee Staff: Or just that it was even an issue for some players?
Mr. Tuohey: Are you suggesting when he was playing with Oakland, or today?
Committee Staff: When he was playing.
Mr. Tejada: I didn't know any player.³

Mr. Tejada was also asked if he had ever taken steroids or other performance-enhancing drugs. He denied doing so:

Committee Staff: And you, I believe, testified to this earlier, but I just want to make sure, have you ever taken a steroid before?
Mr. Tejada: No.
Committee Staff: Have you ever taken any illegal performance-enhancing drugs?
Mr. Tejada: No.
Committee Staff: Have you ever taken Andro or any other steroid precursor?
Mr. Tejada: No.⁴

Mitchell Report Discussion of Miguel Tejada

These statements by Mr. Tejada appear to conflict with evidence contained in Senator Mitchell's report, entitled "Report to the Commissioner of Baseball of an Independent Investigation into the Illegal Use of Steroids and Other Performance Enhancing Substances by Players in Major League Baseball."

According to Senator Mitchell, he was contacted during his investigation by Adam Piatt, a former major league player. Mr. Piatt was the only player to voluntarily admit his use of performance-enhancing drugs and to accept full responsibility for his actions. In cooperating with Senator Mitchell's investigation, Mr. Piatt told Senator Mitchell about his knowledge of the use of steroids in baseball.

³ *Id.* at 33.

⁴ *Id.* at 116.

Mr. Piatt and Mr. Tejada were teammates on the Oakland Athletics in 2003. Mr. Piatt told Senator Mitchell that during this period, he discussed steroid use with Mr. Tejada and provided him with steroids and human growth hormone. Senator Mitchell's report states:

According to Piatt, Tejada asked specifically if he had any steroids. ... Piatt had several conversations with Tejada before a transaction occurred. Piatt admitted he had access to steroids and human growth hormone and agreed to obtain them for Tejada. Piatt recalled that he provided Tejada with testosterone or Deca-Durabolin, as well as human growth hormone.⁵

As corroborating evidence, Senator Mitchell's report reproduces copies of two checks written by Mr. Tejada to Mr. Piatt. The checks are both dated March 21, 2003, and were in the amounts of \$3,100 and \$3,200.⁶

Additionally, Senator Mitchell's report states that Kirk Radomski, a former New York Mets clubhouse employee, also corroborates some of the information provided by Adam Piatt. According to the report:

Radomski recalled receiving a call from Piatt during which he said he needed extra testosterone because "one of the guys wanted some." In a later conversation, Piatt told Radomski that the testosterone was for his teammate, Miguel Tejada. ... Radomski provided this information to me without knowledge that I had spoken to Piatt or that I was otherwise aware of Piatt's alleged sales to Tejada.⁷

Senator Mitchell's report did not include direct evidence that Mr. Tejada used the steroids Mr. Piatt said he provided to him. But the evidence that Mr. Tejada purchased steroids from Mr. Piatt does raise the possibility that Mr. Tejada used illegal performance-enhancing drugs. Such use would also be inconsistent with the Mr. Tejada's denials in his interview with the Committee.

Request for an Investigation

In light of the conflicts between the statements that Mr. Tejada provided to the Committee and the evidence in Senator Mitchell's report, we ask the Justice Department to investigate whether Mr. Tejada made knowingly false material statements to the Committee in

⁵ Senator George J. Mitchell, *Report to the Commissioner of Baseball of an Independent Investigation into the Illegal Use of Steroids and Other Performance Enhancing Substances By Players in Major League Baseball* (Dec.13, 2007).

⁶ *Id.*

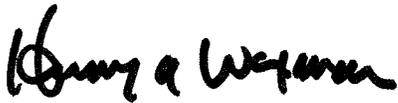
⁷ *Id.*

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violation of 18 U.S.C. 1001. We do not presume that Mr. Tejada lied to the Committee. But we do believe that this is a serious enough issue to warrant further examination by the Justice Department. We are especially concerned about the veracity of Mr. Tejada's statements because they materially influenced the course of the Committee's investigation in 2005.

Thank you very much for your assistance.

Sincerely,



Henry A. Waxman
Chairman



Tom Davis
Ranking Minority Member