

US Justice review sought in Calif. pol's probe

By DON THOMPSON, Associated Press Writer

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Former state Senate leader Don Perata's attorney asked the U.S. Justice Department's inspector general Wednesday to launch an investigation into whether prosecutors here improperly resurrected the government's nearly five-year-old corruption probe of the powerful East Bay politician.

Perata is objecting to federal prosecutors in Sacramento picking up the case after prosecutors in San Francisco decided against seeking an indictment.

"Once a decision to decline was made, the case should have been over," his attorney, George O'Connell, said in the complaint to Inspector General Glenn A. Fine. "The conduct on display here regrettably seems to be that of an unsupervised and runaway office determined to pursue Senator Perata at any cost."

The complaint asks for an investigation of "this grossly unfair and highly questionable conduct of both the FBI and the Eastern District of California in taking on this politically charged case against Senator Perata, after the matter had already been thoroughly investigated, vetted, and declined."

Attorneys for Perata and his son, Nick, say the clock should have run out for filing corruption charges. They say their agreement with the San Francisco U.S. Attorney's office to postpone the deadline should not extend to prosecutors in Sacramento.

Acting U.S. Attorney Lawrence Brown has said his Sacramento office is properly reviewing the case developed by San Francisco-based FBI agents and prosecutors. No charges have been filed.

"While I strongly disagree with Mr. O'Connell's letter, I am not going to be drawn into some public spat with counsel for Senator Perata," Brown said in a statement Wednesday.

The inspector general could not be reached to comment.

Perata, a Democrat from Oakland, was termed out of the Senate in December.

FBI agents and a San Francisco-based grand jury investigated his business dealings and whether political allies and campaign contributors benefited from his influence. They examined payments involving Perata, firms operated by his family and friends and his campaign committees, and they examined whether any money was eventually funneled back to Perata.

In an interview, O'Connell said defense attorneys would like the Justice Department to intervene before Sacramento prosecutors decide whether to indict Perata.

O'Connell last week asked members of the U.S. House Judiciary Committee to investigate the "hijacking" of the San Francisco case by Sacramento prosecutors. Nick Perata's attorney, Elliot Peters, raised similar

objections in a Feb. 26 letter to new U.S. Attorney General Eric Holder.

Brown took over as acting chief prosecutor after Bush appointee McGregor Scott left the U.S. Attorney's post in January. Both men have denied political influence.

Wednesday's complaint also accuses Brown of "inappropriate conduct" by commenting to reporters about an ongoing investigation. It said Brown made various misleading or untrue statements, including when the investigation came to Sacramento prosecutors' attention and when he first met with defense attorneys.

Associated Press Writers Tim Reiterman in San Francisco and Devlin Barrett in Washington contributed to this report.

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