United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510–6275

April 28, 2006

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

You have not responded to our letter sent two weeks ago in which we expressed our grave concerns about the serious allegations of unlawful campaign tactics employed by the Republican Party during the 2002 elections in New Hampshire. A copy of that letter is attached.

In the days since we sent that letter, additional facts have come to light regarding the phone jamming scheme employed during the New Hampshire election. The media reports that Haley Barbour, a former National Republican Party chairman, arranged a quarter-million dollar loan to provide startup financing for the telemarketing company implicated in the scheme. In our continuing efforts to discover the truth about what happened and who was involved in the scheme to disenfranchise New Hampshire voters, in addition to our pending list of questions posed in our previous correspondence, we want to be sure that you also advise us whether those who arranged the financing for the telemarketing firm, G-O-P Marketplace, are being questioned in the investigation.

We look forward to hearing from you on or before May 1, 2006.

Sincerely,

Patrick Leahy

PATRICK LEAHY
Ranking Member

Ed Kennedy

EDWARD M. KENNEDY
United States Senator

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510–6275

April 20, 2006

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

We are deeply troubled by recent media reports on the outrageous campaign tactics used by the Republican Party during the 2002 elections in New Hampshire.

In the months leading up to the election, the New Hampshire Democratic Party and the Manchester Professional Fire Fighters Association organized an effort to assist elderly, sick, and low-income voters in getting to their polling places. Telephone contact numbers were established for these persons to call on election day to request transportation. On the morning of the election, however, the phone lines were jammed by hundreds of outside calls, apparently placed at the direction of a telemarketing firm hired by the New Hampshire Republican Party. This appalling "dirty tricks" effort became the subject of both civil and criminal litigation. The New Hampshire Democratic Party filed a civil lawsuit in state court seeking damages and an injunction to prevent Republican Party officials from engaging in any further interference with the right of New Hampshire citizens to vote.

We previously wrote to former Attorney General John Ashcroft about this matter in October, 2004, requesting information about reports that the Department of Justice was attempting to halt discovery in the lawsuit challenging the unlawful campaign tactics. Attorney General Ashcroft explained the Department's actions in the case, and assured us that the Department would aggressively pursue an investigation of these campaign practices.

A federal criminal investigation was ultimately commenced of the extent of high-ranking Republican officials' involvement in the deliberate phone-jamming tactic. Guilty pleas were entered by GOP political consultant Alan Raymond, and the former Executive Director of the New Hampshire Republican State Committee, Charles McGee, who both admitted their participation in the phone jamming conspiracy. In December, 2005, James Tobin, the former New England Regional Director of the Republican National Committee, was convicted for his involvement in the phone jamming scheme.

Current media reports are raising the possibility that involvement in the phone-jamming scandal reaches higher than Mr. Tobin, and that others – including Jack Abramoff and his Indian tribe clients -- possibly were involved in this scandal. These reports indicate that the Senate Majority Project, after examining the phone records produced in Mr. Tobin's case, discovered that at the same time he was implementing the phone-jamming scheme, Mr. Tobin also made dozens of calls to the office of political affairs in the White House.

Ken Mehlman, the Republican National Committee chairman who also was the White House political director at the time, insists that close contact of this kind between political operatives is the norm on Election Day, and that none of the calls mentioned the jamming scheme.

We believe that the public has a right to know all that happened and who else was involved in the scheme to disenfranchise New Hampshire voters. Please let us know no later than May 1, 2006: (1) whether the latest allegations involving Mr. Abramoff and Mr. Mehlman are being investigated, and if so, by whom; (2) whether you or anyone in the White House Counsel's Office made any inquiry or investigation into this incident while you were the White House Counsel, or was otherwise involved in it ; (3) whether you are currently involved in any aspect of this investigation, or have recused yourself, and, if the latter, who is in charge of the matter; and (4) whether the Office of the Inspector General or the Office of Professional Responsibility has been asked to investigate or has otherwise opened a file on the matter and, if so, whether either office has issued an informal or formal report to you on any aspect of the New Hampshire phone-jamming scheme, and what the disposition of any such report was. If there are any documents reflecting or relating to any of the answers to these questions, we request that we be provided with copies of them by May 1.

With respect and appreciation we look forward to hearing from you.

Sincerely,

PATRICK LEAHY
Ranking Member

EDWARD M. KENNEDY
United States Senator