

# WADLEIGH, STARR & PETERS, P.L.L.C.

THEODORE WADLEIGH (Of Counsel)  
WILLIAM C. TUCKER  
RICHARD M. VAN LOAN III  
JOHN E. FRIEDBERG, Sr.  
JAMES C. WHEAT  
JOHN A. LASSEY  
RONALD J. LARSON  
KATHLEEN R. SULLIVAN  
JEFFREY B. KABLEN  
DONALD J. FERRELL  
MARC R. SCHERER  
GREGORY C. PETERS

Attorneys At Law  
95 Market Street  
Manchester, New Hampshire 03101  
Telephone (603) 669-4140  
Facsimile (603) 667-6018

INTERNET: WWW.WADLEIGHLAW.COM

ROBERT E. MURPHY, JR.  
DEAN B. ECCERT  
MICHAEL B. BIGNARDIA  
KATHLEEN C. FRANK  
RICHARD THORNER  
GILBERT P. CLEARY  
CHRISTINE DISMARIA-GORDON  
PAUL L. APPLE  
JENNIFER L. MURPHY  
TODD J. HANAWAY  
STEPHEN L. BOYD

*Serving New Hampshire since 1899*

February 10, 2003

Thomas P. Colantuono, Esquire  
U.S. Attorney's Office  
55 Pleasant Street  
Concord, New Hampshire 03301

RE: Possible Violation of 47 U.S.C.A. §223

Dear Attorney Colantuono:

I am writing to report certain actions that appear to violate 47 USC §223 and ask that your office investigate and, if warranted, prosecute the responsible parties. The following conduct took place on November 5, 2002, the date of the New Hampshire general election.

On that day, a continuous stream of telephone calls were made to five Democratic Party offices, which had the effect of tying up the lines and preventing legitimate business calls from being received. These calls were "hang up" calls; when the phone was answered, the incoming caller would either hang up or say nothing. The calls interfered with the "Get Out The Vote" activities of the Party. At the same time, similar calls were being made to the local Manchester Professional Firefighters Association office. As is widely known, the Firefighters conduct a "Ride to the Polls" operation at each election. They do not ask callers which party they belong to; in fact, the Firefighters are traditionally bi-partisan. In this past election, for example, the New Hampshire Professional Firefighters endorsed former Governor Jeanne Shaheen, a Democrat, and currently Gov. Craig Benson, a Republican. As you can imagine, the bulk of the rides provided by the Firefighters are to New Hampshire's senior population. I have enclosed a copy of a February 7, 2003 Union Leader article about this.

The Manchester Police Department has investigated this matter and determined the responsible parties, but decided not to prosecute under their jurisdiction because the conduct is a misdemeanor under New Hampshire law involving out of state defendants. The individual handling the investigation for the Manchester Police Department is Lt. Detective Fred Roche. Lt. Roche ascertained that the telephone calls were made by Milo Enterprises of Sand Point, Indiana. Representatives of Milo Enterprises told Detective Roche that it was contracted to call six numbers all day. The numbers were the Manchester Democratic City Committee Office, the Democratic Party Coordinated Campaign Office in Manchester, the Firefighter's Hall/"Ride to the Polls", and the Democratic Party field offices in the cities of Rochester, Claremont, and Nashua. The representatives of Milo also told Lt. Roche that they made the calls for an hour.

FEB-10-2003 12:51

603 626 4888

001

US 00620

FROM

(MON) 2.10.03 17:26/ST.17:26/NO.4861219658 P 2

February 10, 2003

Page 2.

then stopped because they were "suspicious." It is my understanding, however, that the calls were stopped after complaints to Verizon. Milo's representatives also told Detective Roche that the company was hired to make the calls by another company called GOP Marketplace, LLC, of 600 Cameron Street, Alexandria, Virginia. GOP Marketplace paid Milo \$2,500.00. Newspaper accounts have now revealed that the New Hampshire Republican Party had a contract with GOP Marketplace.

Detective Roche spoke with one Chris Cupit, Vice President of Marketing for GOP Marketplace. He referred them to the company's corporate attorney, who refused to comment.

The Manchester Police Department has decided not to pursue the matter further, given that the companies are out of state and that the New Hampshire statute involved here is a misdemeanor (RSA 644:4.D).

In reviewing this matter further, it appears that the activities of Milo Enterprises, as paid for through the auspices of GOP Marketplace, LLC, is telephone harassment within the meaning of 47 U.S.C.A. §223. This activity is, I believe, a felony, subject to both fines and a potential prison terms of up to two years.

To make a long story short, this case goes well beyond the category of political pranks. Intentional, criminal activities were undertaken with the sole purpose of harassing and disrupting efforts by the New Hampshire Democratic Party on election day. Even worse, the jamming of the firefighters' lines was a direct attempt to suppress the rights of voters, particularly senior voters, to vote. These acts violated both New Hampshire and Federal law.

I cannot believe that any public official, whether Republican or Democrat, would condone criminal conduct in political activity. For that reason, I look forward to a vigorous investigation by your office into these criminal activities.

I look forward to hearing from you.

Very truly yours,

  
Kathleen N. Sullivan  
[ksullivan@wadleighlaw.com](mailto:ksullivan@wadleighlaw.com)

/sos

enclosure

"There is nothing  
so powerful as truth"  
DANIEL SWERSTEN

140th Year

© 2003, Union Leader Corp.

Manchester, New Hampshire • Friday, February 7, 2003

★

52

# THE UNION LEADER

## New Hampshire's Newspaper

# DIRTY TRICKS

### Federal officials alerted by police to alleged GOP phone jamming

By JOHN DISTASO  
Staff Political Reporter

Manchester police have alerted the U.S. Justice Department to an action day operation allegedly directed by a Republican telemarketing dealer that jammed out-the-vote phone banks operated by the city's firefighters union and the state Democratic Party.

Fred Roach of the city's detective bureau said this week. Ida Busceti telemarketing firm which teprises was hired by GOP to replace of Alexandria, Va., to he repaired hang-up calls to a up of New Hampshire phone calls on Nov. 5.

Union and Democratic officials said the phone jam, broken by a phone jammer after two hours, lasted long enough to hurt their efforts to reach people who credited rides in polls. Union president William Clayton said many intended

TELEPHONES, Page A10

Bode Miller smiles on the podium after winning the Men's combined at the World Alpine Ski Championships in St. Moritz, Switzerland, yesterday.



## Miller skis to gold

### Franconia native takes combined at

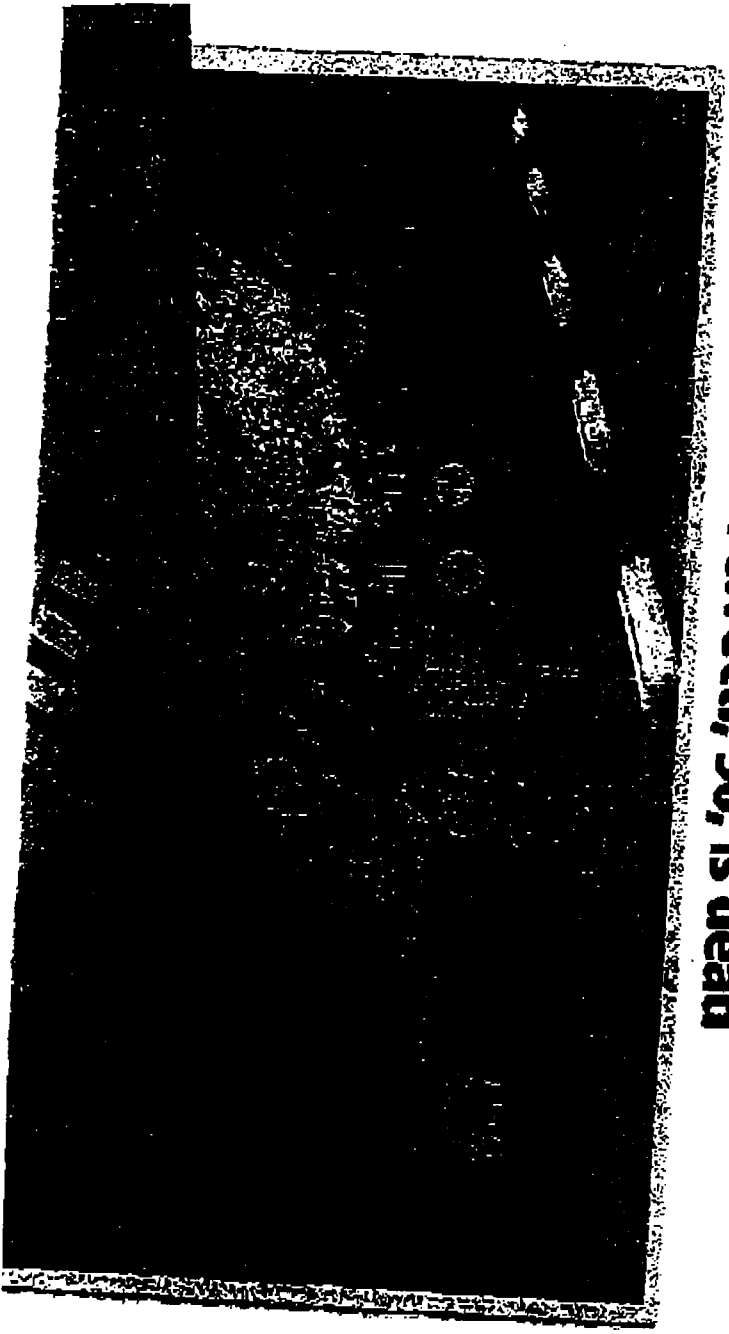
By PAULA TRACY  
Union Leader Staff

FRANCONIA — Despite the fact his name is known by Duror-jeans and ski race enthusiasts everywhere, Bode Miller said his quiet home town here in the White Mountains will not be changed by his international ski success.

(See full coverage in St. Page D1)

"Franconia is pretty much nervous and that is pretty r-why I am who I am," Miller yesterday in a conference after winning the gold medal the combined at the world c-hips in St. Moritz, Swi-

## Arthur Ferretti, 96, is dead



Pr  
'Th  
is  
for  
Bush s  
his comm  
weapons.  
WASHINGTON:  
(MON) 2.10.03 17:27/ST.17:26/NO.4861219658 P.4

22900 SN

attention to it and immediately engage the North Koreans in direct talks."

# TELEPHONES

(Continued From Page A1)

contacts with potential riders, especially seniors, were not made, and "I know a lot of them got hit out" of voting.

Rauch said a state harassment law may have been violated. The case's multi-state nature prompted him to confide authorities about possible federal violations, he said.

State Republican Chairman Lynn Millerick said yesterday the state committee hired GOP fieldplaces, but not to join opposition phone lines, something she said she knew nothing about.

Millerick, elected chairman a two weeks ago, said party executive director Chuck McGee told her that, "at the very end of the election cycle, the state party contacted with GOP Marketplace with the thought that the party may use telemarketing to do more get-out-the-vote calling. But the calls were never made, and the state party is currently working on getting a refund."

She noted the hiring occurred before my time" as party chairman. Millerick worked with the state GOP in the fall to direct the "Republicans' own get-out-the-vote efforts in the final hours of the campaign.

GOP Marketplace calls itself the first Internet-based political

reply or arguments. The study. The two countries continue to exchange harsh words. On Wednesday, Defense Secretary

B2B (Business-to-business). We link campaigns and committees with telephone vendors online.

The Republican State Committee paid GOP Marketplace \$13,000 on Nov. 1. A lawyer for GOP Marketplace would neither confirm nor deny the firm hired Milio Enterprises.

State Democratic Chairman Kathleen Sullivan said, "It breaks my heart that anyone in this country would engage in criminal activity to try to prevent seniors from voting and to interfere with a free election."

City firefighters heard Clayton said union volunteers noticed they could not make or receive calls at about 7:30 a.m. on Election Day. After an hour, he said, the problem was reported to police.

Lt. Rauch said Verizon was contacted, freed the phone lines and identified the caller as Milio Enterprises.

He said Milio officials, contacted last month, "were very cooperative. They said they were a telemarketing firm for hire and had been paid in advance (by GOP Marketplace, Rauch said.) To reportedly call a variety of phone numbers in New Hampshire on November 5."

Rauch said Milio officials told

that does not suggest to the North Koreans that we are doing it because they have this tool, this weapon . . ."

But he said he has contacted the U.S. Justice Department in Washington.

One federal law prohibits causing "the telephone of another repeatedly or continuously to ring with the intent to harass any person at the called number." Rauch said, "It appears the Justice Department may be interested in pursuing the matter."

McGee, the Republican State Committee executive director, said early yesterday he had vaguely heard of GOP Marketplace and did not hire the firm. Later, Millerick called The Union Leader to say that McGee "was mistaken," and had in fact hired Sullivan said, "I find it fascinating that Chuck McGee's initial

Sullivan said she identified the party numbers blocked as those for the Democratic City Committee office, the state party's now-closed coordinated campaign office and state party field offices in Nashua, Rochester and Claremont.

Rauch noted a state law making it a misdemeanor to make a telephone call "with a purpose to annoy or alarm another." Prosecuting an out-of-state entity on a misdemeanor is difficult, he said.

slowling in decades.

"We've been in the basement for years," he said.

Miller's uncle, Mike Kenney, who is also coach at FSC, keeps the connection between the parents and Miller alive. Kenney is with Miller now. Come Feb. 16, the club will be auctioning a pair of skier Miller raced on this winter

he said, the jam only lasted for about 10 to 20 minutes. And officials with the Kerry campaign also dismissed the story.

but he said he has contacted the U.S. Justice Department in Washington.

One federal law prohibits causing "the telephone of another repeatedly or continuously to ring with the intent to harass any person at the called number." Rauch said, "It appears the Justice Department may be interested in pursuing the matter."

McGee, the Republican State Committee executive director, said early yesterday he had vaguely heard of GOP Marketplace and did not hire the firm. Later, Millerick called The Union Leader to say that McGee "was mistaken," and had in fact hired Sullivan said, "I find it fascinating that Chuck McGee's initial

voled down. School board members said Bedford's students could continue to attend West but a new tuition arrangement would have to be negotiated with Manchester. School board member Dan Sullivan said Bedford probably wouldn't have to pay \$20,000 per student in tuition but would pay more than the other three towns if those commitments approved their agreements with Manchester and Bedford didn't.

Under the plan, Bedford would be guaranteed seats at West up until it reached a population of about 1,000 students. Bedford currently has a high school population of about 607 students, according to officials.

In addition to the projected tuition costs of about \$6,700 per student, the capital costs for the project should not total more than \$1,500 per student, according to school board members. The figures are for a "worst-case

reaction was to He. I don't know I can believe anything now."

Rauch said blocking phone lines "is serious crime, regardless of whether it's a misdemeanor or a felony. Whether it be you, or a union hall, they're all the same."

Raymond is a 31-year-old or nizer whose recent clients included Republican Nat'l Committee co-chair Pat Harrison and former President candidate Steve Forbes' 2000 campaign committee. According to the firm's Web site, last year he headed the Republican Leadership Conference, which approved \$150,000 advertising against conservative GOP form candidate for governor Gov. Humphrey.

scenario and will likely be finalized before the agreement is finalized they said. Bedford currently paid Manchester about \$6,400 per student for tuition.

In Bedford, the tuition proposal requires a simple majority approval, although some voters have questioned that aspect the plan and say it could require at least a 60 percent vote for approval. School officials are staying by the opinion of legal counsel that only a simple majority is needed. That stance was revealed last night in response a voter's question.

Voters still had to discuss several remaining waiver articles about 10 p.m. One of those articles included a proposed public warrant article — Article 13 that doesn't require a right to be built if it is approved by

# MILLER

(Continued From Page A1)

Miller, 25, grew up in Easton, at outside of this small town. In village of fewer than a thousand residents and skilled at state-unioned Gannon Mountain where another, Jo, worked. His father, Woody, is an area serial killer and the family runs Thacker Tennis Camp in the summer.

which are held in odd-numbered years, much up the best skiers in the world for almost two weeks of competition.

Friends and followers in the Granite State, who watched the results fed live on the Internet at about 9:30 a.m. here, said they were thrilled he was able to put together two solid runs of slalom and was able to overcome a 17th

slowling in decades.

Miller's uncle, Mike Kenney, who is also coach at FSC, keeps the connection between the parents and Miller alive. Kenney is with Miller now. Come Feb. 16, the club will be auctioning a pair of skier Miller raced on this winter

er, Woody, is an area serial killer and the family runs Thacker Tennis Camp in the summer.

Friends and followers in the Granite State, who watched the results fed live on the Internet at about 9:30 a.m. here, said they were thrilled he was able to put together two solid runs of slalom and was able to overcome a 17th

slowling in decades.

Miller's uncle, Mike Kenney, who is also coach at FSC, keeps the connection between the parents and Miller alive. Kenney is with Miller now. Come Feb. 16, the club will be auctioning a pair of skier Miller raced on this winter

Voters still had to discuss several remaining waiver articles about 10 p.m. One of those articles included a proposed public warrant article — Article 13 that doesn't require a right to be built if it is approved by

**FAX TRANSMISSION**  
**UNITED STATES ATTORNEY'S OFFICE**  
**DISTRICT OF NEW HAMPSHIRE**

55 Pleasant Street  
Concord, NH 03301  
Voice (603) 225-1552  
Fax: (603) 225-1470

**To:** Barbara Comstock  
202-514-5331  
Craig Donsanto  
202-514-3003

**Date:** February 10, 2003

**Pages:** 5, Including Cover

**From:** Linda Tomlinson

**Subject:** NH General Election letter from Democratic Party Chair, Kathleen Sullivan

**COMMENTS:**

Here's more of the story that our AUSA, Peter Papps apprised you of on Friday. Barbara, please be advised that the reporter who broke the story will be calling you shortly. I will call and let him know that you are the contact person after I fax this to you. His name is John DiStaso from the Union Leader in Manchester. Please call me if you have any further questions.

*Kind regards,  
Linda*

**RECEIVED**

FEB 10 2003

PUBLIC INTEGRITY SECTION

This facsimile contains privileged and confidential information intended only for the use of the addressee(s) named above. If you are not the intended recipient of the facsimile, or the employee or agent responsible for delivering it to the intended recipient, or you have received this facsimile in error, please immediately notify the sender by telephone and return the original via U.S. Postal Service.