



October 25, 2010

Via Facsimile

Honorable Paul J. Fishman
United States Attorney
Room 700
970 Broad Street
Newark, New Jersey 07102

And

Honorable Paula T. Dow
Attorney General
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, New Jersey 08625

Re: Request for Investigation

United States Attorney Fishman and Attorney General Dow:

I write in my capacity as Chairman of the New Jersey Republican State Committee to respectfully request that your offices investigate whether any crimes have been committed in connection with the efforts of certain individuals and organizations to have Peter DeStefano become a candidate for the United States House of Representatives for the 3rd Congressional District of New Jersey. Because this election is a federal election involving a federal office and because the activities potentially violate federal law, it is appropriate for the Office of the United States Attorney to investigate. Because these same actions, detailed in various news reports also present potential violations of state law, I am requesting that the New Jersey Attorney General's Office also investigate.

The Courier Post has reported that individuals employed by the campaign of Congressman John Adler and the Camden County Democrat Committee solicited organization and operational support for Mr. DeStefano. The Courier Post reported that this support included the solicitation of signatures for Mr. DeStefano's petition by direct nomination by paid staffers of the Camden County Democrat Committee. It was further reported that these activities were directed by a paid consultant of the Adler for Congress campaign. It has been suggested by sources cited in the

Courier Post stories that the purpose of getting Mr. DeStefano on the ballot as candidate running under the slogan “NJ Tea Party” was to pull votes from the Republican candidate Jon Runyan by misleading voters into believing Mr. DeStefano was a conservative “Tea Party” candidate. Additional facts demonstrating the connection between the Adler for Congress campaign, the Camden County Democrat Committee are included in the attached FEC Complaint.

N.J.S.A. 19:34-2 provides in pertinent part, “[n]o person shall falsely make, falsely make oath to, ...or file, or receive for filing, any certificate of nomination or petition, knowing the same or any part thereof to be falsely made...A person violating any of the provisions of this section shall be guilty of a crime of the third degree.” The individuals who witnessed the signatures on Mr. DeStefano’s petition for direct nomination, including Mr. DeStefano himself, all swore that the petition was “prepared and filed in good faith for the sole purpose indorsing the person herein named...” The reports by the Courier Post call into question the veracity of these swearings suggesting that the purpose of Mr. DeStefano’s petitions was to mislead voters thereby furthering the campaign of John Adler, not for the “sole purpose of indorsing” Mr. DeStefano.

The questions raised by the Courier Post stories regarding the involvement of individuals compensated by the Adler for Congress campaign and the Camden County Democrat Committee in the effort to have Mr. DeStefano placed on the ballot under the slogan “NJ Tea Party” and its alleged purpose of misleading voters may also violate N.J.S.A. 19:34-29. That statute prohibits the use of any “fraudulent device or contrivance” for the purpose of impeding or otherwise interfering with the exercise of the vote including inducing any voter through the use of such “fraudulent devise or contrivance” to vote or not vote for a particular candidate. N.J.S.A. 19:34-29. “Contrivance” is defined by Webster’s dictionary as “a plot, plan or scheme.” The sources in the Courier Post story are to be believed, they certainly outline a “fraudulent” “plot, plan or scheme” to induce voters to not vote for Jon Runyan.

Additional reports in the Asbury Park Press imply that Mr. DeStefano and/or his family might have received some financial benefit as a result of his candidacy. Mr. DeStefano’s son made the following suggestive comments on his Facebook page:

- “On the campaign trail, need signatures, when you do the right thing its(sic) funny how certain doors can open up for future college graduates in a recession :-),” Entry made in early June 2010.
- “One step closer to becoming a self made millionaire.” Made on June 8, 2010, the date Mr. DeStefano’s petition by direct nomination was filed with the Secretary of State.

- “Pops is on the ballot! Busines(sic) plan in the works, things are all good!” This entry was made June 9, 2010, the day after his father’s petition by direct nomination was filed.
- “First rule of politics, its(sic) not what you know but who you know and who you can impress ;-).” This entry was made on June 22, 2010.

It should also be noted that Mr. DeStefano himself recently emerged from bankruptcy where he swore before the bankruptcy court that his income each of the last three years was less than \$11,000. In addition to the statements of Mr. DeStefano’s son, Mr. DeStefano’s own statements raise the specter that he received remuneration for appearing on the ballot. When asked whether Adler for Congress or the Camden County Democratic Committee played any role in his candidacy, Mr. DeStefano denied their involvement and then offered the strange and unsolicited statement that “[n]o one promised me anything before, during or after this campaign. No one has rewarded me for becoming a candidate.”

The statements attributed to Mr. DeStefano and his adult son by the Courier Post and the Asbury Park Press raise significant questions as to whether either received any remuneration or promise of remuneration, including a promise of employment, in exchange for Mr. DeStefano becoming a candidate. In the event Mr. DeStefano or his son were remunerated or promised employment in exchange for becoming a candidate, it is possible that a crime was committed. By way of example, 18 U.S.C.A. 599 provides:

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both.

Similarly, 18 U.S.C.A. 600 provides:

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined under this

title or imprisoned not more than one year, or both.

In addition, if it is determined following an investigation that Mr. DeStefano or his son were remunerated or promised employment in exchange for Mr. DeStefano becoming a candidate, such actions would also constitute crimes under New Jersey law. See N.J.S.A. 19:34-39, -40.

N.J.S.A. 19:34-39 in pertinent part makes it a crime for any person to directly or indirectly by himself or through any other person:

* * *

Employment purposes. b. Shall give, offer or promise any office, place or employment, or to promise to procure or endeavor to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

Gifts or other inducements. c. Shall make any gift, loan, promise, offer, procurement or agreement, to, for or with any person, in order to induce him to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election.

Procuring votes. d. Shall procure, or engage, promise or endeavor to procure, in consequence of any gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at such election.

Furnishing means for bribery. e. Shall advance or pay, or cause to be paid, money or other valuable thing, to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election, or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

* * *

Indorsement of candidates. g. Shall advance or pay, or cause to be paid, money or other valuable thing, to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a

political party or principle, or any club, society or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society or association, having voted to select or indorse any person as a candidate for a public office.

N.J.S.A. 19:34-40 may also be applicable given the items reported in the Courier Post and the Asbury Park Press. It provides in relevant part:

No person, directly or indirectly, by himself or through any other person:

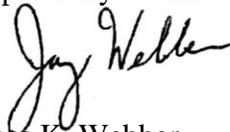
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Securing delegates or indorsements. c. Shall receive any money or other valuable thing before, during or after an election, because of himself, or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates or other body, representing, or claiming to represent, a political party or principle, or any club, society or association, or because of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as above.

Finally, to the extent that an investigation reveals that Congressman Adler, despite his repeated denials, was involved or knew of any actions which may be determined to violate any of the foregoing State laws, it is worth noting that N.J.S.A. 19:34-49 makes such involvement by a candidate a crime of the third degree.

Should you have any questions or require any additional information in connection with your investigation, please do not hesitate to contact me.

Respectfully submitted,



James K. Webber
Chairman