

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	Criminal Case No. 04-141-01JD
Plaintiff,)	
)	
v.)	MOTION TO RESCHEDULE
)	SENTENCING
ALAN RAYMOND,)	
)	
Defendant.)	
_____)	

COMES NOW, the victim, the New Hampshire Democratic Party, and hereby moves this court to reschedule the sentencing in the above case until a date no later than October 25, 2004. As grounds for and in support of this motion, the victim of the defendant's crimes shows the court that:

1. The defendant is a long time Republican party operative who stands convicted of engaging in a conspiracy which had as its conscious objective the disruption of the New Hampshire Democratic Party's efforts to assist the elderly and infirmed in reaching the election polls in the 2002 election.

2. Although the matter was detected and the criminals directly involved were identified almost immediately by the Manchester Police Department, the government failed to bring any charges for a nineteen-month period. This unexplained delay has enabled the persons and the organization involved in setting up the phone jamming criminal enterprise to remain free of any legal restrictions and left the victim exposed to further criminal depredations in the period leading up to the 2004 election.

3. The New Hampshire Republican Party, the organization that paid for and is directly responsible for the actions of the defendant, his codefendants and his still uncharged co-conspirators, has engaged in efforts to deny the victim access to information concerning the identity of those who have committed these felony level election crimes. This has left the victim in a situation wherein it is unable to take steps to protect itself from further election crimes and has left the uncharged co-conspirators in a position where they are free to commit further crimes in their corrupt pursuit of power. Among steps taken for the purpose of concealing the identity of the unnamed conspirators, the GOP has sought to stop all discovery in the civil case filed by the victim until such time as the federal criminal case of the defendant is completed.

4. The victim had subpoenaed the defendant for a deposition in the civil case on the date after his scheduled sentencing on October 4th. On the last business day prior to the sentencing, the victim learned that the matter had been continued due to some unstated conflicts in the schedule of the counsel for the government and the defendant. The two parties, both of whom might be suspected of having motives to deny the victim information about those responsible for the crimes, asked the court for a continuance so that the case would not be heard until a date after the election. Counsel for the victim has spoken to the lawyer for the defendant and the government and accepts that they had valid conflicts. The existence of conflicts, however, does not justify postponing the sentencing until after the election.

5. No reason exists why this case cannot be scheduled prior to the election, thereby both providing the victim with the information it needs to protect itself prior to the election and reassuring the public that the judicial system is not being subjected to

manipulation intended to protect members of the political party that controls the justice department at its highest levels. The current state of affairs has already caused speculation and discussion of possible manipulation of the justice system. (See appended articles from The Union Leader Granite Status column, dated 10/07/04, attached as Exhibit A; and Conway Daily Sun, dated 10/05/04, attached as Exhibit B).

6. The victim believes that the unnamed individual who connected the criminal endeavors of convicted defendants McGee and Raymond was a regional director of the 2002 Republican Senatorial Committee and that his efforts were directed at depriving former governor Jeanne Shaheen of victory in her race for the United States Senate. This same individual is believed to currently be directing the New England Regional Bush-Cheney campaign, and thus is in a critical position from which he can engage in further illegal activities to distort the outcome of the presidential race of 2004. The greatest disinfectant is sunlight, and the victim here seeks to open the shades that have obscured the identity of persons and organizations that have shown a willingness to commit election felonies in the past so that they do not commit them in the near future. Among other actions, the victim intends to use evidence obtained through the sentencing and deposition of Raymond and McGee to obtain injunctive relief against the criminals still at large and uncharged to prevent them from committing more felonies designed to rob citizens of the rights to a free and fair election in 2004. The victim also wishes to identify the source or sources of the \$15,000 used by the New Hampshire Republican Party to pay for this crime so that it can take action to protect itself from these individuals. Likewise the victim wishes to determine the source and provenance of the \$6,000 "bonus" given by the New Hampshire Republican Party to defendant McGee for

his "election" activities by the Republican Party, after the discovery of the phone jamming crime by police.

7. The supposedly contrite felon, Alan Raymond, has refused to provide the victim with confirmation of the names of his fellow criminals, even though he was offered relief from any potential monetary damages in the civil suit. The United States Attorney's Office, which usually likes to trumpet boldly the names of criminal organizations, has in this instance shown a delicacy not generally shown to criminals in referring to the criminal racketeering outfit which perpetrated these offenses as "a national political organization," without naming it.

8. The victim is aware that its fears have not been established in court by competent proof, and indeed they cannot be established as long as the defendants in the criminal and civil cases are allowed to avoid proceedings in which people have to take responsibility for their actions under oath. This court need not decide whether the fears of the victim are real or illusory—all the victim asks of the court is to schedule a hearing at a time when the victim can make use of the information generated so as to protect itself and the public from interference with the election of November 2, 2004. The unnecessary prolonging of the criminal proceedings should not be allowed to be a shield for the guilty. If the fears of the victim ultimately prove to be baseless, nothing would have been lost by scheduling the hearing prior to the election.

9. The public itself would gain from a pre-election hearing. To begin with, it sends a very poor message when election felonies, discovered the day of the previous election, remain unpunished TWO YEARS later. This situation makes a mockery of our election laws and creates a situation where the public trust in the fairness of elections is

diminished. Secondly, the public has an absolute right to use the information concerning the past criminal activities of a political party such as the Republican Party in deciding how to vote in the upcoming election.

10. While counsel for the government and Raymond have stated that they object to this motion, counsel for the government has indicated that, should the court wish to re-schedule the sentencing, he would be available any date after October 12.

WHEREFORE, the victim respectfully requests this Court to schedule a hearing for sentencing in the above case no later than October 25, 2004.

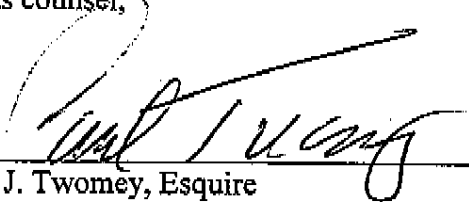
Respectfully submitted,

NEW HAMPSHIRE DEMOCRATIC
PARTY

By its counsel,

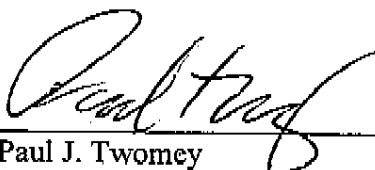
Date: October 8, 2004

By:


Paul J. Twomey, Esquire
P.O. Box 635
Epsom, NH 03234

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2004 copies of the foregoing were mailed via first class mail, postage prepaid to counsel for Defendant Raymond and the U.S. Attorney's Office.


Paul J. Twomey

(A)

THE UNION LEADER

Granite Status - October 7, 2004

SENTENCINGS PUT OFF. We reported last month that in the civil suit filed by state Democrats against the GOP over the Election Day 2002 phone-jamming scandal, the Republicans had asked a judge to halt the proceedings until a federal criminal investigation has concluded. The probe has so far resulted in guilty pleas by former state GOP executive director Chuck McGee and former Virginia-based Republican consultant Allen Raymond.

Despite Democratic charges to the contrary, the GOP's attorney said the move was not aimed at postponing the matter until after the election. A decision is pending.

We've now learned the October sentencings of McGee and Raymond have been delayed until after Election Day.

At the defendants' request, federal judge Joseph DiClerico, Jr., postponed Raymond's sentencing until Nov. 8 and McGee's until the week of Dec. 6. The Justice Department did not contest the requests.

Not surprisingly, state Democratic chairman Kathy Sullivan is curious. She said her party, as the "victim" of the phone jam, will soon ask the court to move the sentencings back up.

She did not criticize the judge and said she was told by her party's attorney that the prosecutor and the defense attorneys had scheduling conflicts. "But we believe they should all find a date prior to the election," she said.

"We hope that the Department of Justice, headed by John Ashcroft, is not simply allowing McGee and Raymond to go until after the election. That would send a wrong message about the process," she said.

Sullivan noted that the feds still have not identified a high-ranking official of a national Republican organization who they said played a role in the conspiracy. We reported in August this person has a significant role in the Bush-Cheney campaign.

(B)

CONWAY DAILY SUN

October 5, 2004

10/5/2004

Hiding what? Protecting whom?

Mark Hounsell

—Two year ago, Charles "Chuck" McGee, the executive director of the N.H. Republican State Committee arranged for the payment (from the party's treasury) of \$15,600 to Allen Raymond, president of the Virginia-base firm known as GOP Marketplace. Together, McGee and Raymond conspired and engaged in the illegal and despicable act of jamming Democratic telephone lines on Nov. 5, 2002—Election Day. Both McGee and Raymond have been convicted as both have pled guilty in federal court to felony charges stemming from their part in this un-American electioneering swindle. McGee faces up to 5 years in prison and a \$250,000 fine. His sentencing hearing is scheduled for today.

I suppose one could argue how effectively their illegal scheme worked. A person can only speculate if the elections would have turned out differently or not. I personally contend (as do many others) that since the skullduggery was aimed at the "get out the vote" efforts in Manchester, the outcome of the close Sununu and Shaheen U.S. Senate race was determined by this dishonest deed by official (or maybe officials) work on behalf of the Republican Party.

What is not arguable is that the United States of America (a nation currently engaged in an expensive and human casualty-ridden military action to bring democracy and voting rights to Iraq) should never—not ever—leave undone the task of rooting out the dastardly ne'er-do-wells who would usurp the people's blood-bought, free and unencumbered access to the voting booth. Such individuals cast a dark shadow over freedom and freedom's defenders. They must be brought to justice—all of them. Not just Charles McGee and Allen Raymond.

This brings us to the next logical question in the matter. Based on McGee's testimony, he and Raymond did not act alone. Defendant McGee claims to have identified and recruited his co-conspirators through the efforts of "a visiting official from a national political organization" and to have sought the approval of "a then high-ranking official in the New Hampshire Republican State Committee" prior to causing the issuance of the \$15,600 Republican check that funded the criminal act. This is very serious! What additional activity may have taken place? Who is the visiting national official? Who is the former high-ranking official from the state GOP? One would think that the GOP would want to ferret out these scoundrels if they in fact exist. One would think that the GOP would work in concert with investigators and others from the public to put their house in order. After all, many good, honest and decent citizens support the GOP and the candidates they nominate. Sadly, this is not the case. Instead of identifying and bringing to justice all perpetrators and co-conspirators, who may still be active and who may be continuing in their foul deeds during this current election year, the GOP has hired their 1996 gubernatorial nominee, attorney Ovide Lamontagne, who has filed two motions in Superior Court. One motion is to stay proceedings and discovery efforts and the other is to quash all legal and proper quests to get to the bottom of the whole disgusting business.

These distressing efforts by the GOP causes one to wonder—who is hiding what and who is protecting who? Stay tuned.

Mark Hounsell of Conway, a former selectman and former Republican state senator, can be reached at MarkHounsell@adelphia.net