



Democratic National Committee

December 3, 2003

The Honorable John Ashcroft
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001



Dear Attorney General Ashcroft:

We are not optimistic that you will pursue this, as you have ignored past examples of potentially criminal activity by top Republican officeholders, but we would be remiss if we failed to bring this to your attention.

According to multiple media accounts, Congressman Nick Smith (R-MI) was offered \$100,000 in campaign contributions for his son's congressional campaign, in exchange for an affirmative vote on Medicare reform. Not only was this bribe offered to a member of Congress, it was offered on the floor of the House of Representatives, by another member of Congress.

Conservative columnist Robert Novak wrote in a November 27 column, "On the House floor, Nick Smith was told business interests would give his son \$100,000 in return for his father's vote. When he still declined, fellow Republican House members told him they would make sure Brad Smith never came to Congress. After Nick Smith voted no and the bill passed, Duke Cunningham of California and other Republicans taunted him that his son was dead meat."

This is a clear violation of USC Title 18, Section 201 which addresses the bribery of public officials and witnesses. The law states, a person commits bribery if he or she "directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent to influence any official act...."

In the past year, your office has ignored serious allegations that Majority Leader Tom Delay and other Republican congressional leaders asked for political donations in exchange for congressional action on legislation favorable to the energy company Westar Energy, Inc. You have also refused to recuse yourself from the investigation into the leaking of the name of an undercover CIA operative by White House officials. Unfortunately, your repeated inaction on serious matters concerning top Republican officials leads to the conclusion that politics, not the law, is the driving force in your decision-making as Attorney General.

Mr. Attorney General, your repeated unwillingness to uphold the law is creating a wild west atmosphere in the Capitol where rules and regulations mean nothing. Republican officeholders feel free to openly and repeatedly break the law. It is disgraceful that you have allowed your inaction to



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foster this kind of atmosphere. I am asking once again, that you put upholding the law ahead of partisanship and investigate this matter.

Sincerely,

Terence R. McAuliffe
Chairman