

# ALAN M. DERSHOWITZ

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October 22, 2007

John Conyers, Jr.  
United States Senate  
2426 Rayburn Building  
Washington, DC 20510

Dear Chairman Conyers and esteemed members of the Committee,

I write to you as an attorney who represents attorney Geoffrey Fieger who has been targeted by the Justice Department based on his financial support to the John Edwards 2004 presidential campaign. The manner in which the Justice Department has conducted its investigation of my client is alarming and unprecedented. In November 2005, the Justice Department, with the express approval of Alberto Gonzales, amassed a small militia of nearly 100 federal agents to raid the Michigan law office of Fieger, Fieger, Kenney, and Johnson. At the same time, federal agents simultaneously appeared at the homes of nearly all of the Fieger firm's employees. The ostensible reason for this massive display of force was to find out why firm employees, their children, and other family members, donated money to the John Edwards campaign. With this, the Justice Department embarked on what I believe to be the largest campaign finance investigation in the history of America.

Shortly after the raid, federal prosecutors convened a grand jury which lasted for nearly two long and painful years. During that time, federal prosecutors compelled individuals, under the threat of the United States Department of Justice, to reveal for whom they voted in the presidential election as well as their history of donations to political candidates. Such acts, which are totally abhorrent to the First Amendment's protections of free speech, were carried out under the guise of law enforcement activity.

In August, the Justice Department indicted the principal members of the Fieger law firm, Mr. Geoffrey Fieger and Mr. Vernon Johnson. *United States v. Fieger*, Docket No. 07-20414 (E. D. Mich.). Like the other cases being reviewed by the Committee, the Justice Department's case against Mr. Fieger reeks of political overtones and incomprehensible theories of prosecution.

For instance, Mr. Fieger is charged with violating 2 U.S.C. § 441f which prohibits making contributions "in the name of another." On its face, this statute was enacted to prevent individuals from sending money to candidates in the names of the dead, the fictitious, or names randomly gathered up from the phone book. But in the *Fieger* case, the Justice Department has charged Mr.

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Fieger for giving bonuses to his employees who voluntarily made contributions to John Edwards in their own names and with their own funds. According to the Justice Department, § 441f (prohibiting contributions “in the name of another”) also prohibits employers from paying bonuses to corporate employees who make political contributions. With this theory, the Public Integrity Section of the Justice Department has free reign to charge almost any employer or corporate employee with a crime.

During the course of discovery, it has also been revealed that the Justice Department devised new tricks to spy on the political activities of American citizens. Specifically, the Justice Department has been using secret subpoenas to secure financial records for dozens of individuals. To do this, the government simply gagged the financial institutions from revealing the existence of its subpoena. To ensure its tactic would work, the Justice Department threatened the recipients of the subpoenas to keep quiet or else they would be impeding law enforcement activities, in other words obstructing justice. This is not how the law works. Under 12 U.S.C. § 3413(I) and § 3409, congress provided the Justice Department with a mechanism to seal the existence of a grand jury subpoena served on a financial institution. The Justice Department is completely ignoring the law and has created a new secret subpoena power to investigate the political activities of its targets.

I strongly urge this Committee to take action to stop the politically motivated investigations currently being carried out by the Justice Department. I am grateful for the Committee’s time in listening to my concerns.

Sincerely,

/s/ Alan M. Dershowitz

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