

## ***Abner J. Mikva***

October 30, 2006

Hon. Patrick J. Fitzgerald  
United States Attorney  
Northern District of Illinois  
219 South Dearborn Street, Suite 500  
Chicago, IL 60604

Hon. Richard A. Devine  
State's Attorney of Cook County  
69 West Washington  
Chicago, IL 60602

Dear Sirs:

I am attaching to this letter the text of an article that appeared in the Chicago Sun-Times on Thursday, October 26, 2006. In the article, there is an allegation that a federal employee, a staff member of Congressman Mark Kirk (IL-10), engaged in a scheme to intimidate a political supporter of Congressman Kirk's election opponent, Dan Seals, thereby aiding an entity known as Kirk for Congress, a federally registered congressional campaign committee located at P. O. Box 8, Winnetka, IL. 60093, in Cook County. The 10<sup>th</sup> Congressional District of Illinois lies in both Cook and Lake Counties.

I also attach a copy of the e-mail in question, as evidence of the alleged offense. The e-mail was sent on Wednesday, July 19, 2006, during working hours. Ms. Garber works in Congressman Kirk's Northbrook (Cook County) office. Specifically, with the e-mail as evidence, the article accuses the staff member and campaign aide, Caryn Garber, of soliciting others to threaten Mr. Robert Schroyer, a charitable fundraiser for a group known as Tel Aviv University American Council. The gist of her scheme was to bring pressure upon and coerce Mr. Schroyer into abandoning his political support of Mr. Seals in the upcoming November 7, 2006 election. She sought to use the threat that Tel Aviv University and Mr. Schroyer would suffer if Mr. Schroyer maintained his right to speak out for, fundraise for, vote for, or otherwise support Mr. Seals. And the threat was hardly subtle: "Revenge is a dish best served cold." That overt threat of revenge against Mr. Schroyer and the University, harms every voter in the district, each of whom is entitled to vote next week without fear of retribution.

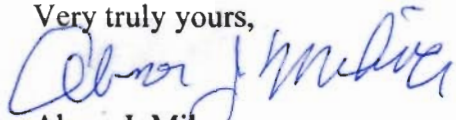
According to the article, Mr. Kirk, when the alleged criminal conduct was exposed, did not terminate his congressional staff member and campaign worker. Apparently the Congressman requested from his staffer that she no longer commit crimes, but I understand she continues to work for, and hold herself out as a representative of Congressman Kirk's office. I also understand that she continues to play a role for the Congressman's political campaign.

I attach a federal law (18 USC 594) and an Illinois state statute (10 ILCS 5/29-4) that criminalizes intimidating, threatening, or coercing members of the public in an attempt to thwart the free exercise of their vote or the right to freely support or oppose the election of persons to public office. Finally, I attach a provision of the Voting Rights Act (42 USC 1971(b)) which permits the government to seek injunctive relief to prevent this sort of crime and to give the residents of the 10th Congressional District some confidence that when they cast their ballots on November 7, 2006, they can do so without fear of illegal retribution. Given the seriousness of the purported conduct by the Kirk worker, coupled with the failure of Congressman Kirk to take any definitive action to prevent recurrences of this alleged criminal behavior within his office and on his behalf, the situation warrants prompt review. If the facts are as they appear, immediate injunctive relief against the Kirk for Congress Committee may be called for.

I do not suggest the listed statutes are the only ones appropriate for application to these facts. I do suggest that the facts outlined in the Sun-Times article, paint a picture of intimidation that can wrongly affect every voter in the 10<sup>th</sup> Congressional District. The election must and should proceed, but the legal processes also must and should proceed in a prompt manner to assure voters of their freedom to support their own political choices without fear of retribution. The chilling impact of this misconduct, unanswered by law enforcement authorities, can impair the right to freely cast votes by any number of **residents** of the 10<sup>th</sup> Congressional District. Mr. Schrayers philanthropic and charitable **works** do not deserve to be met with threats of revenge upon the objects of his **philanthropy**. No voter should be subjected to such treatment.

**Thank** you for your immediate consideration of this request to review the matter and to take prompt appropriate action.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Abner J. Mikva', is written over the typed name.

Abner J. Mikva

Member of Congress, 10<sup>th</sup> Cong. Dist., IL (ret.)