

SCANNED

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
PORTLAND, MAINE
RECEIVED AND FILED

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UNITED STATES OF AMERICA)	Crim. No.	
)	08-187-P-S	
v.)	VIOLATIONS:	
)		DEPUTY CLERK
JAMES TOBIN,)	18 U.S.C. § 1001-Counts 1 and 2	
)	(False Statements)	
Defendant.)		
)		
)		
)		

INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

1. At all times relevant to this Indictment, the defendant, JAMES TOBIN, was the New England Regional Political Director for the Republican National Committee, and the New England Chairman of the National Republican Senatorial Committee. His duties included assisting the effort to elect Republican candidates for the United States Senate in the New England states, including the State of New Hampshire.

2. On November 5, 2002, pursuant to the laws of the United States and of the State of New Hampshire, an election was held in the District of New Hampshire, for the purpose of electing, among others, candidates for the United States Senate and House of Representatives from the State of New Hampshire.

3. In or about October 2002, Charles McGee, then Executive Director of the New Hampshire Republican State Committee,

informed the defendant, JAMES TOBIN, then the New England Regional Director of the Republican National Committee, that McGee wanted to hire a telephone services vendor to annoy and harass Democratic telephone volunteers in order to disrupt their attempts to communicate with qualified voters on Election Day. McGee told TOBIN that he had been unable to identify a vendor willing to implement the telephone harassment plan. McGee requested TOBIN's assistance in identifying such a vendor.

4. Knowing that McGee wanted to hire a vendor to annoy and harass Democratic and Manchester Firefighters' telephone volunteers and to disrupt their attempts to communicate with voters and with each other, TOBIN provided McGee with contact information for Allen Raymond, a former colleague of TOBIN's who operated a Virginia-based telephone services vendor called GOP Marketplace. Raymond had a reputation for engaging in highly aggressive telemarketing tactics to help candidates who hired him. TOBIN recommended that McGee call Raymond to seek his help with the plan.

5. TOBIN followed up his conversation with McGee by himself placing a call to Allen Raymond. TOBIN explained McGee's telephone harassment plan to Raymond, and asked Raymond if his company could help McGee implement the plan. TOBIN told Raymond to expect a call from McGee.

6. In or about October 2002, McGee called Raymond, introduced himself as having been referred by JAMES TOBIN and enlisted Raymond's help in implementing the telephone harassment plan. McGee subsequently provided Raymond with five telephone numbers for various New Hampshire Democratic Party offices, and one for the Manchester Professional Firefighters Association ride-to-the-polls service.

7. With the assistance of Mylo Enterprises, an Idaho-based telemarketing company hired by Raymond, between approximately 7:09 a.m. EST and approximately 9:10 a.m. EST, on Election Day, November 5, 2002, hundreds of calls were made to the six phone numbers discussed above, causing them to ring repeatedly and continuously until answered, and the callers then hung up without disclosing their identities.

8. The harassment was so severe that the Manchester Professional Firefighters Association called the Manchester Police Department, and it was then that investigators began to inquire into the phone jamming scheme. Tobin was ultimately interviewed by the Federal Bureau of Investigation on October 14, 2003. By that time, the existence of the investigation had been widely reported in the press. Tobin was accompanied by an attorney from the staff of the Republican National Committee.

COUNT ONE

[Title 18, United States Code, Section
1001(a)(2) - False Statement]

9. The allegations contained in ¶¶ 1-8 are realleged in this Count and are incorporated by reference as if fully set forth herein.

10. On or about October 14, 2003, in the District of Maine, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, the defendant,

JAMES TOBIN,

knowingly and willfully made a false and fraudulent material statement, to wit, during an interview with a Special Agent of the Federal Bureau of Investigation, TOBIN stated that it was Charles McGee's idea to contact Allen Raymond to request his assistance in the phone jamming scheme, and that TOBIN did not suggest that McGee call Raymond. In fact, as TOBIN well knew, TOBIN himself suggested to McGee that he call Allen Raymond, with whom McGee was not acquainted.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT TWO [Title 18, United States Code, Section 1001(a) (2)
- False Statement]

11. The allegations contained in ¶¶ 1-8 are realleged in this Count and are incorporated by reference as if fully set forth herein.

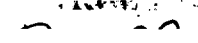
12. On or about October 14, 2003, in the District of Maine, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, the defendant,

JAMES TOBIN,

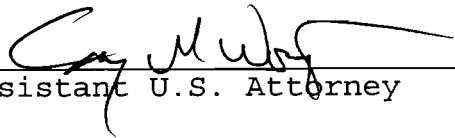
knowingly and willfully made a false and fraudulent material statement, to wit, during an interview with a Special Agent of the Federal Bureau of Investigation, TOBIN stated that when he first called Allen Raymond to discuss the phone jamming scheme, Raymond and Charles McGee had already spoken with each other about the plans. In fact, as TOBIN well knew, TOBIN spoke with Raymond before Raymond was contacted by McGee, and TOBIN requested that Raymond assist McGee with the plan.

All in violation of Title 18, United States Code, Section 1001(a) (2).

A TRUE BILL

A redacted signature, appearing as a series of blacked-out marks.

SIGNATURE REDACTED
Original on File in Clerk's Office

A handwritten signature in cursive script, written over a horizontal line.

Assistant U.S. Attorney

Date: 10/2/08