

# WHY MIGHT SCHLOZMAN HAVE BEEN REFERRED TO A GRAND JURY

While I'm waiting to hear from the next President of the United States, I thought I'd make some suggestions about what Brad "Shorter" Schlozman said that got him a perjury referral to the grand jury for. In this post, I laid out several things Schlozman said when he testified before the Senate which are probably truth-challenged.

## **The ACORN Investigation Is/Is Not National**

You'll recall that Brad Schlozman indicted 4 former ACORN workers (one of whose name he got wrong) for submitting fraudulent voter reg information. Well, he strongly suggested that the indictments were not part of a national investigation (a few Senators hammered him on this point—suggesting that, since the investigation was not national, it shouldn't have been filed before the election). But, at the same time, Schlozman indicated over and over again that the investigation **is** national.

There needs to be follow-up on this. Did Schlozman and some other flunkies dream up a national campaign against ACORN based on the 4 flimsy indictments in MO?

[snip]

## **Schlozman Claims He Didn't Know of MO Job Until It Was Publicized**

If there is one claim, of many, that I think Schlozman will eventually get busted on, I suspect it's this one (which is remarkably similar to Rachel Paulose's claims, I might add). Schlozman argued he didn't apply—or know

about—the potential opening in WD MO (Todd Graves’ old job) until it was published. Only once it was, Schlozman tells it, did he apply for the job.

As Schumer elicited, it’s not like Schlozman should have thought he was qualified for the job. He had never prosecuted a case, neither civil nor criminal at that point.

But he applied for the job and—only because they needed someone within 2 weeks, Schlozman said—he was hired.

### **Schlozman Claims He Didn’t Tell Monica about the MN Voting Rights Case**

You’ll recall that (as perhaps **first reported here**), there was a voting rights issue that may be behind the planned firing of Thomas Heffelfinger. The Republican SOS wanted to prevent Native Americans from using tribal IDs to vote. And an AUSA in Heffelfinger’s office wanted to make sure they could do so.

For the record, Schlozman claims he didn’t spike the investigation. Rather, he told the AUSA to refer the investigation to the SOS, rather than investigate allegations at the county level. You know, the same Republican SOS who ruled against tribal IDs in the first place? Yeah, that investigation is going far.

Well, Schlozman claims he didn’t tell Ms. Goodling about this investigation. Which might mean one of three things:

- *Schlozman is lying (again)*
- *Someone else—like the White House, after having heard from someone in MN—told*

*Monica*

- *The Voting Rights issue is not the Native American issue that got Heffelfinger placed on the firing list.*

Then there's the issue that Schlozman had to issue a correction about within days of his testimony: whether or not he had been advised it was cool to indict those ACORN workers just before an election. But as I pointed out, Schlozman was still trying, desperately, not to admit that he was the one who decided to ignore DOJ guidelines.

My written testimony explicitly stated that the Department's informal policy of not interviewing voters during the pre-election period, which is intended to avoid actions that could conceivably have a chilling effect on voting, does not forbid the filing of any charges around the time of an election. While the ACORN matter arose in October, Department policy, as confirmed by the Elections Crime Branch (the director of which authored the Department's election crimes manual), did not require a delay of this investigation and the subsequent indictments because they pertained to voter registration fraud (which examined conduct during voter registration), not fraud during an ongoing or contested election. Consequently, the Department's policy was not implicated in this matter.

*Shorter Schloz: This one's tricky, Mr. Democrat [sic] Senator, so watch closely. First, yes, I admit that my written testimony also suggested it was cool to bring indictments before the election. I will insist that the Department's policy, inscribed in a fancy red manual you all seem to have read closely, is just informal. Because, you see, I'm a Republican and ... never mind. Anyway, I'm going to pull a fancy trick of grammar, now that I'm not sitting right in front of you any more, and blame the "Elections Crime Branch"—and not Craig Donsanto himself—for allowing me to file the indictments before the election. You like that trick, how I blamed the "Elections Crime Branch," but then followed it immediately with an unrelated reference to Craig Donsanto? You don't? Damn, you elected Democrat [sic] Senators have no sense of humor. And how about how I use the passive in that last sentence, "the Department's policy was not implicated"? A pretty fancy way of avoiding any mention of who made the final decision here, right?*

*If I were Leahy, I'd haul Schlozman's ass back before the Committee and keep asking questions until he provided the subject of that now-passive sentence. Who made the decision to go forward with the indictments? Because this "clarification" does nothing but continue to obscure the key facts.*

And then there's the question which Schlozman flat out decided not to answer: which indictments he spoke to Mike Elston about.

That leaves a lot for federal prosecutors to choose from, huh?