

Carter Wrenn  
December 14, 2017

Senator Thom Tillis  
By Email  
Washington D.C.

Dear Thom:

Back in 1990, at the end of Senator Jesse Helms' campaign against Harvey Gantt, we retained a consultant to do a ballot security program, along with the State Republican Party.

I thought one purpose of the program was to mail Democrats so that the postcards that could not be delivered could be used to identify voters who no longer lived at their address. Then, later, if the election was close, we could contest people who had voted improperly. Instead, the 'postcard mailing' turned out to be one of those campaign screwups where you look back on and wonder, *How did I let that happen?*

During Senator Helms campaign, direct mailings and TV and radio ads would come to me for final approval. Ads and mailings seldom raised legal issues but, if one had, the only person who would talk to a lawyer about the final copy would have been me.

In late October of 1990, one of the staff brought me a copy of the postcard they wanted to mail for me to approve. It was near the end of the election, there was a new problem every five minutes, and the postcard sat on my desk a couple of days until the staffer returned and said, *You need to approve that card today.* I said, *Go ahead and send it.* Instead of stopping to think, review the card, or seek a legal opinion, I said send it.

And that was my mistake – the card was supposed to have had an innocuous message like, *The election is Tuesday.* But, instead, it had a misleading message. Ron Brown, who was then Chairman of the National Democratic Party, filed a complaint and the Justice Department announced it would investigate.

I then received a Justice Department letter shortly before the election. And that was the first time I contacted Tom Farr about the postcard – after I received the Justice Department’s letter. Up until that time, Tom hadn’t seen the card that had been mailed, did not know it had been mailed, or know who it was mailed to.

Eventually, the Helms campaign settled the complaint: It did not admit it had done anything wrong but did agree not to do a ballot security program unless we cleared it with the Justice Department in advance.

Several years ago, Tom Goldsmith, a reporter with the N&O called me about Tom’s role in the mailing and I explained to him that Tom did not know about the card mailing until after I received the Justice Department’s letter and that I had approved the card and added, *That was my mistake not Tom’s.*

I recently read newspaper reports where Gerald Herbert, a former lawyer at the Department of Justice in Washington, stated that in October of 1990 there had been a series of meetings, including Helms’ campaign staff, vendors, Jack Hawke and others, about the ballot security program and that Tom, on October 16<sup>th</sup> or 17<sup>th</sup>, had attended one of those meetings.

It is important to understand two facts: First, the actual postcard that was mailed could not have been discussed because it did not exist at the time of the meetings described by Mr. Herbert. And second, the problem with the postcard that was actually mailed was the copy: It was the copy and who the card was mailed to that was a problem. And, as I explained, I never talked with Tom Farr about the actual card that was mailed, the copy, or who it had been mailed to, until after I received the Justice Department letter.

If I had showed that card to Tom before, instead of after, it would not have been mailed.

As ever, best wishes and thank you for the work you are doing in Washington.

Yours,



Carter Wrenn