



To: Utah GOP State Delegates  
From: Chairman Thomas Wright  
Date: May 8, 2012

RE: Chairman's Inquiry into CD2 Candidate Accusations at the 4-21-12 Utah Republican Party Nominating Convention

### **Background**

At the recent State Convention held April 21, 2012, a motion was made for the Chairman to conduct an inquiry into events arising with respect to the 2<sup>nd</sup> Congressional District race.

Motion at the Utah Republican Party Convention on April 21, 2012:

*Steve Kelley, State Delegate. "We've stayed, we've sacrificed, we've donated money, and we want to know what's going on. We deserve to know what's going on. I move to request a full investigation of whatever happened with the second district race by our Party Chair, and then post it so the delegates will know at some later date what happened today. That's my motion."*

The motion passed, and at the request of the delegates, I initiated an investigation into the events in question. Since that time, I have spoken with the ten 2<sup>nd</sup> Congressional District candidates present at the Convention to determine their version of this unfortunate situation. I have also spoken with numerous 2<sup>nd</sup> Congressional State Delegates, campaign workers, party leaders and others who wished to be heard.

I have been unable to reach the 11th candidate, Edward Mayerhofer. Mr. Mayerhofer filed for the race and paid the filing fee with a personal check that lists the address of a presumed family member in Cedar City, just down the road from the address listed as his home address. I don't believe his candidacy played a role in this situation.

The purpose and scope of this inquiry is to inform State Delegates, many of whom spent valuable time, energy and money vetting the candidates, what led to the statements candidate Milt Hanks made in his first round speech and subsequent reactions by other candidates at the Convention. Everyone who attended, myself included, wanted to know what happened?

My responsibility in compiling this report is to the State Delegates, not the candidates, which includes Chris Stewart, the Republican nominee for the 2<sup>nd</sup> Congressional District. Throughout this process I have made it clear that I would expose the facts, regardless of how they might affect the Republican nominee, the Utah Republican Party, or our ability to win elections in November. The integrity of the Utah Republican Party and the Caucus/Convention system has been brought into question here so this is not a task I take lightly. Additionally, if at any time it is determined that Federal Election Commission (FEC) laws have been violated, the Utah Republican Party will report that immediately.

This report only describes what I understand the story to be and answers to questions that are relevant. I have spent countless hours listening to many people and have decided to omit the "he said/ she said" rumors and suspicions. I will only include facts I have been able to substantiate.

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## Report

### **March 15 – April 18: Campaign Events and County Conventions after Caucus Meetings**

There is no disagreement amongst any of the 10 candidates I interviewed that there was tension between the Chris Stewart campaign and some of the other campaigns. This has been reported to me by County Chairs and by the candidates themselves. While this may be disappointing to some, this is quite normal during a competitive campaign like this. Unfortunately, it seems that some of the tension from events prior to the county conventions started boiling over before Saturday, April 21. As an example, I received emails prior to the convention concerning compliance with signage rules. While emails of that sort are typical given the nature of a competitive race, I can see now that they indicated potentially larger tensions.

In his first round convention speech that began the uproar, Mr. Hanks mentioned the Davis County Convention, held on Friday, April 13, as the time and location where he was approached by four candidates: Dave Clark, Cherilyn Eagar, Howard Wallack and Chuck Williams. Mr. Hanks' claims they asked him to agree with them to do two things. First, pledge their support to any candidate other than Mr. Stewart if they were to drop out of the race. Second, to engage in a last minute act of negative campaigning to uncover what they believed to be misleading statements made by Mr. Stewart.

The first allegation, that candidates would support each other as they dropped out, is a judgment call on what each person believes is appropriate for a campaign to do. Although technically allowed by our rules and parliamentary authority, candidates should always focus on campaigning to State Delegates. Pledges of support should be based on the issues that draw those candidates and their supporters together. Otherwise, concerns may be raised about potential quid pro quo "backroom deals" that are not appropriate.

The second allegation, that Mr. Clark, Ms. Eagar, Mr. Wallack and Mr. Williams were planning last minute negative attacks against another candidate, is not what we want to see in campaigns. This accusation is significant because it called other candidates' names, characters, and reputations into question and is what caused the emotional explosion in the speeches prior to the second round of voting in the 2<sup>nd</sup> Congressional District.

According to all the candidate interviews I conducted (including Mr. Hanks), no such formal meeting took place at the Davis County Convention. Mr. Hanks still maintains that even though there was no formal meeting, he was engaged informally in a conversation with the four candidates mentioned while the 2<sup>nd</sup> Congressional District candidates were waiting for their chance to speak as they assembled in a hall leading to the stage. Mr. Hanks said he was asked, "Are you ready to wear an ABC button?" Mr. Hanks has no recollection of who actually asked him to join in the "ABC group," just "it was one of those four." The other four candidates mentioned all emphatically deny that this conversation took place. It should also be noted that the acronym "ABC," which apparently refers to "Anybody but Chris," has no proven origin.



While Mr. Hanks was upset with what he said happened at the Davis County Convention, he quickly disregarded doing anything about it when he attended the Millard County Convention on Tuesday, April 17. “I didn’t hear anyone talk negatively about Chris Stewart, so I decided it was dead.”

### **April 18-21: The Days Leading up to the State Convention**

On Wednesday, April 18, a letter was sent to some of the State Delegates in the 2<sup>nd</sup> Congressional District, although it is not clear how many State Delegates received the communication. One of the State Delegates who received the letter by mail met with me at State Party Headquarters the week following the Convention and shared the letter and envelope with me. Two different State Delegates have scanned and sent an identical letter with an identical stamp and postmark. A scanned copy of the original letter and envelope can be found [here](#). To protect his privacy, I have blocked out the name of the State Delegate who provided the letter.

This report will not address the accusations made in the letter since that is outside the scope of this inquiry. Mr. Stewart provided a copy of a [letter](#) and a [note](#) from Major General Douglas L. Raaeburg, USAF (Retired) and I have decided to include it in this report for your review. Also, a copy of the Congressional Record, which addresses some of the accusations in the letter, was provided during an interview with Mr. Williams and can be found [here](#).

Despite considerable time and energy on the part of myself and my staff, I have been unable to ascertain who is responsible for the letter. It appears to be hand-folded and hand-stamped – it does not appear to have been mass-produced, and there is no return address. The letter does not contain a “paid for” or “authorized by” disclaimer, which is a violation of FEC laws. I strongly encourage anyone who has information that would be helpful in determining who is responsible for the letter to contact the Federal Elections Commission.

On Friday, April 20, the day before the Utah Republican Party Convention, Mr. Hanks was at a Provo mall when a woman approached him and asked, “Are you Milt Hanks?” He confirmed that he was, and she shared with him a copy of a communication (the same communication previously referenced and attached). He read the communication and concluded the alleged attack against Mr. Stewart, that he claims was discussed at the Davis County Convention, was going forward, despite his previously mentioned conclusion at the Millard County Convention. Mr. Hanks told me he has never seen the woman before and didn’t get her name. He took the communication and concluded that it had to be an attachment to an email since it had no header or footer that commonly accompanies an email. Mr. Hanks gave the original communication he received to a State Delegate on Saturday. He received another copy by email which he provided to me when we met to discuss what happened.

### **The Final Hours Before 2<sup>nd</sup> Congressional District Speeches**

Mr. Hanks arrived at the State Convention with the letter given to him by the unidentified woman in the mall in his suit pocket. According to candidate Bob Fuehr, Mr. Hanks sought him out and asked, “Have you seen the email?” Mr. Fuehr said that he had not.

Mr. Hanks did not ask Mr. Clark, Ms. Eagar, Mr. Williams or Mr. Wallack if they had seen the letter. When I asked him why he didn’t call them after he saw the letter at the mall or in the time prior to the



2<sup>nd</sup> Congressional District speeches at the Convention he said, “I didn’t want to get into it with them.” Since Mr. Hanks said in his speech that “he wasn’t going to stand for this kind of campaigning and to bring a good man down,” one would reason he would apply that standard to himself before leveling accusations in his speech that may have, upon investigation, been unsubstantiated. I confronted Mr. Hanks about this, asking him: “Don’t you think it would have been a good idea to ask before you accuse them of breaking federal law and running a dirty campaign?” Mr. Hanks responded, “I should have done that. I would be willing to apologize to them.”

### **The First Round Speeches**

There was not an official recording of the first round of 2<sup>nd</sup> Congressional District speeches. However, there is consensus that in his first round speech at the State Convention, Mr. Hanks broke decorum, a violation of the Convention rules, when he accused and named candidates Mr. Clark, Ms. Eagar, Mr. Wallack and Mr. Williams of conspiring to defeat Mr. Stewart. He also suggested they were responsible for the communication that he received the day before from the unknown woman at the mall.

Things happen very quickly in conventions, there is a lot going on, and the volunteers running breakout races do the best they can. That being said, the State Party Treasurer who chaired the first round of the 2<sup>nd</sup> Congressional District speeches should have cut Mr. Hanks off at the microphone in his first round speech when he began naming candidates and making subjective, inflammatory accusations. I asked the State Party Treasurer what his thought process was at this critical moment, since I was chairing the other races in the main convention hall and was not present. He stated, “It all happened so fast I didn’t have time to react. Nobody saw that coming.” Had it been possible, the microphone would have been turned off on Mr. Hanks for his breach of decorum, especially in light of what was done in the main hall when breaches of decorum occurred later.

Mr. Hanks was the final speaker due to the random drawing order that was determined by the Utah Republican Party a few days after the filing deadline for candidates. There is no way Mr. Hanks could have been “planted” to speak last. I conducted the drawing myself and affirm it was done in the presence of many campaigns after the filing deadline.

### **Second Round Speeches**

After the first round speeches concluded, delegates entered back into the main hall. There are differing opinions on where people were and what they were doing but one thing is clear, no delegate or candidate contacted me, the Rules Chair, the State Party Treasurer who chaired the meeting, or Party staff to object to what happened until the second round speeches were already underway. There were at least 30 minutes that expired between Mr. Hanks’ comments and the second round of the 2<sup>nd</sup> Congressional District speeches. As Chairman, I was unaware of what had transpired in the first round of the 2<sup>nd</sup> Congressional District speeches until after the convention had adjourned.

During the 10-plus hours of the Convention, I only left the stage a limited number of times, one of which was during the first four-and-a-half speeches of the second round of the 2<sup>nd</sup> Congressional District. Candidates Mr. Fuehr and Jason Buck spoke first and second, respectively. Ms. Eagar spoke next and came to the podium wearing a Dave Clark button on her blouse. When she exceeded her one-minute time allotment for speaking, her microphone was turned off. The next speaker was Mr. Williams. Mr.



Williams also came to the podium wearing a Dave Clark button on his suit coat and instead of clearing his name of the accusations made by Milt Hanks in his first round speech, Mr. Williams chose to attack Chris Stewart. The State Party Vice Chair, turned off Mr. Williams' microphone after he breached decorum. I was backstage, but returned to the stage when I heard Mr. Williams' remark. I explained to Mr. Williams why his microphone was turned off and then signaled to have the microphone turned back on. Before the microphone was turned on, Ms. Eagar returned to the stage and started to chant, "let him speak." It is always inappropriate to rush the stage while another candidate is speaking. The microphone was turned back on and Mr. Williams finished his speech followed by Mr. Wallack (who also came to the podium wearing a Dave Clark button on his lapel), Mr. McElehaney, Mr. Clark and Mr. Hanks.

Ms. Eagar, Mr. Williams and Mr. Wallack decided to voluntarily withdraw from the race prior to being eliminated according to Convention rules. They each withdrew individually during their second round speeches, which came before the ballots were cast in the second round. That left Mr. Fuehr, Mr. Buck, Mr. Stewart, Mr. McElehaney, Mr. Clark and Mr. Hanks on the ballot for the second round.

Mr. Stewart and Mr. Clark advanced to the third round and Mr. Stewart then won the nomination.

### **Conclusions**

My conclusion, based on the facts that I know now, is that Mr. Hanks believed what he said to be correct when he said it. I believe he acted according to his conscience but he did not consider the full impact his actions would have on the elections or on the reputations of these individuals and their families for making allegations against them. Mr. Hanks acted irresponsibly by accusing four candidates of misconduct with no evidence to support his claims. I could not find any evidence that Mr. Clark, Mrs. Eagar, Mr. Wallack, and Mr. Williams were guilty of the misconduct alleged by Mr. Hanks during his speech. Mr. Hanks, by his own admission, does not know where the letter/communication originated and can't prove any candidate was responsible for it. Mr. Hanks was handed a copy of the letter on Friday, April 20, by an unknown woman at a mall in Provo. The burden was on Mr. Hanks to prove his allegations and he has been unable to do so.

Mr. Hanks said:

*"I apologize for the parts of my speech at the Convention which may have impacted Dave Clark, Cherylyn Eagar, Howard Wallack, Chuck Williams and others without proper documentation. I spoke what I believe to be the truth based on conversations I had with other candidates. It was unfair of me to not verify that my suspicions were true before making accusations during my speech. The Party is better than this. Utah is better than this."*

This race clearly reached a boiling point after first round results were announced and candidates began their second round speeches. Each candidate was trying to win and was engaged in securing support from the other candidates during second and third round votes. I believe this is an accepted campaign practice, even good politics, and it does not indicate any so-called "backroom dealing." Rick Perry now supports Mitt Romney; David Kirkham went on stage with Governor Herbert after he was eliminated, etc. This is an appropriate strategy that should not be discouraged in the future, although any candidate who runs should be running to win and believe they can do so.



I have no doubt that many candidates and their supporters said and did things along the campaign trail in the heat of the moment they now regret. Most campaigns do. But I have found no evidence that any laws were violated by any of the candidates or their campaigns. Mr. Clark, Ms. Eagar, Mr. Wallack and Mr. Williams were accused of conspiring against Mr. Stewart – I found no evidence to support this claim. Nor did I find any evidence to support the claim that Mr. Hanks was part of a conspiracy orchestrated to get Mr. Stewart elected.

### **Chairman's Recommendations**

I will be making several recommendations for discussion and action to the State Central Committee (the governing body of the Utah Republican Party) and I will make several logistical recommendations to future Convention planning committees. I will ask them to address candidates who do not campaign but are still allowed time to speak at the State Convention. I will ask for a review of the rules regarding speaking times and possible rebuttal times if your name is mentioned by another candidate, time between announcing results and next round speeches, convention recordings, rules of decorum, delegate/guest seating, and delegate microphone access.

This situation is unfortunate and has been one of my most challenging as your Chairman. I hope every State Delegate, candidate, and supporter will be satisfied with the results of this investigation and join me in moving on, focusing our efforts on registering voters, working for GOP candidates, and striving for victory this November and in future elections. We should learn from this experience, not dwell on it.

I have spent countless hours since the Convention interviewing, candidates, campaign staff, volunteers and State Delegates in order to complete my inquiry. I have been thoughtful and deliberative and tried to give a complete report that reflects the high level of trust the delegates have placed in me. I have done my best to present the facts and add some light to this regrettable situation. I hope you will see how seriously I took this report and my desire to fulfill the duty requested. I want to thank you for the honor of being Chairman of this great Party.

I support Chris Stewart as our nominee because he met the requirements to be such and hope all Republicans will join me in getting him elected.

### **Notes**

1. The deadline to file a recount of any Convention vote for any reason has expired, according to the 2012 Convention rules adopted by the delegates. **(2012 URP Convention Rules Section M.4.I)**
2. The deadline to submit names for the Primary ballot has passed and the Republican Party has certified Chris Stewart as the nominee. There will be no primary in the 2<sup>nd</sup> Congressional District. **( State Code 20A-9-403)**
3. No challenge was submitted to any candidate's declaration of candidacy within the 5 days after filing was closed. **(State Code 20A-9-202 )**
4. A candidate who has filed a declaration of candidacy for a political party may not file a certificate of nomination as an unaffiliated candidate in the same year. **(State Code 20A-9-501)**



5. It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate. (**State Code 20A-9-204**)