

# *Election Fraud Is the Target of F.B.I. Sting*

By The Associated Press

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CHARLESTON, W.Va., Dec. 3 - Thomas Esposito's campaign for the State Legislature in 2004 seemed to be following the usual pattern. Mr. Esposito, a former mayor of Logan, issued press releases, raised money and bought newspaper advertisements. Signs bearing his name popped up in yards around rural Logan County.

But less than a month before the May primary election, Mr. Esposito dropped out, citing an ailing mother-in-law. The real reason surfaced only later: the Federal Bureau of Investigation had planted Mr. Esposito among the field of candidates to help find evidence of vote-buying in southern West Virginia.

Federal prosecutors say the tactic worked.

They say Mr. Esposito gave \$2,000 to a resident who had offered to bribe voters on his behalf. They also credit the undercover sting operation for last year's guilty pleas by the sheriff of Logan County and the police chief in the coal-mining city of Logan, who each admitted to election violations.

The chief judge of the United States District Court for the Southern District of West Virginia condoned the F.B.I. tactic on Thursday in an election fraud case against Perry French Harvey Jr., 55, the man who prosecutors say accepted the \$2,000. The judge, David A. Faber, rejected arguments from Mr. Harvey's lawyer that the government had acted improperly by putting up a sham candidate.

Mr. Esposito, 54, began cooperating with investigators in July 2003, when he agreed to plead guilty to a federal corruption charge for failing to notify the authorities of criminal activities involving a former county magistrate.

He entered the House race in January 2004, after losing his bid for a fifth term as mayor. He faces up to three years in prison for the corruption charge and a \$250,000 fine at his sentencing Jan. 10.

Greg Campbell, a lawyer for Mr. Harvey, urged the judge to dismiss the vote-buying count against his client, who faces trial Dec. 14. "I can't understand why it's all right to corrupt an election when you're investigating corruption in elections," Mr. Campbell said Friday.

But in his ruling, Judge Faber noted that even Mr. Campbell had conceded that corruption has been endemic to West Virginia politics.