Appeal Docketed May 15, 2003
Probable Jurisdiction Noted June 5, 2003

No. 02-1674 *et al.*

IN THE

Supreme Court of the United States

MITCH MCCONNELL *et al.*,

Appellants,

v.

FEDERAL ELECTION COMMISSION *et al.*,

Appellees.

On Appeal From The United States District Court For The District of Columbia

JOINT APPENDIX

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FEC TWENTY YEAR REPORT

Shortly after the *MCFL* decision, the National Right to Work Committee (NRWC) filed a petition asking the FEC to rewrite its rules to adopt the Court's conclusion that "express advocacy" is the proper standard for determining when communications by corporations and labor organizations are prohibited under §441b. The Commission responded by publishing an Advance Notice of Proposed Rulemaking seeking comments on how the agency should respond to the *MCFL* decision.

The Commission received more than 17,000 comments in response to the Advance Notice, most of which supported the NRWC's position on express advocacy. Nevertheless, the comments, the testimony at public hearings on the subject and discussions among the Commissioners themselves all revealed a wide range of views on how broadly or narrowly the Commission should define express advocacy. Some encouraged the Commission to limit express advocacy to the words and phrases spelled out in *Buckley*, while others--citing *MCFL* and *Furgatch*--favored a broader interpretation.

In the wake of the *Austin* decision, the Commission published a second notice inviting comments on express advocacy and the MCFL exemption. Again, most of the those commenting supported adoption of a narrow express advocacy standard. Several also offered suggestions for implementing the MCFL exemption.

In its attempt to craft regulations, the Commission has struggled to find an express advocacy definition that is narrow enough to avoid impinging upon First Amendment rights, but broad enough to ensure the effectiveness of the federal election laws. The definition must distinguish express advocacy from issue advocacy without creating a loophole that would, in effect, allow corporations, labor unions and individuals to sidestep the requirements of the election law.

FEC, Twenty Year Report, Ch. 3, p. 4 (April 1995)

In August 1994, the Commission tentatively approved an express advocacy definition, but has not taken final action on the rulemaking.

The Commission is also considering proposals to implement the MCFL exemption allowing certain nonprofit advocacy groups to make independent expenditures using treasury funds. In addition, the rulemaking proposals under consideration would revamp the applicable standards for corporate and union activities such as the publication of voter guides and candidate endorsements, in line with the *MCFL* decision.

Soft Money

soft money- n. [slang]: funds raised and/or spent outside the limitations and prohibitions of the FECA. Sometimes called nonfederal funds, soft money often includes corporate and/or labor treasury funds, and individual contributions in excess of the federal limits, which cannot legally be used in connection with federal elections, but can be used for other purposes.

Soft money is one of the most difficult issues the Commission has addressed during the last 20 years. The origins of "soft money" lie in the United States' federal system of government. The Constitution grants each state the right to regulate certain activities within that state. In the area of campaign finance, each state may establish its own rules for financing the nonfederal elections held within its borders. As a result, committees that support both federal and nonfederal candidates frequently must adhere to two different sets of campaign finance rules--federal and state. (Sometimes, cities and counties create yet a third set of rules governing the financing of local elections.)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

In the Matter of	)	
	)	
	)	MUR 4624
	)	
The Coalition	)	
National Republican	)	
Congressional Committee, *et al.*	)	

STATEMENT FOR THE RECORD

COMMISSIONER BRADLEY A. SMITH

I.

I voted in favor of the General Counsel's Report of April 20, 2001 recommending that the file be closed. However, while some commissioners seem to feel this case indicates that the Commission's rules regarding coordination and political committees do not sufficiently restrain political speech and participation,[1] I believe that this case is illustrative of the need for still further protections for Americans wishing to participate in the political life of our nation. In particular, limiting the Commission's reach in cases involving allegations of coordinated public communications to communications involving express

[1] *See* Statement of Reasons of Commissioner Scott E. Thomas and Chairman Danny L. McDonald, (hereinafter "Thomas/McDonald Statement"); Statement for the Record of Commissioner Karl J. Sandstrom (hereinafter "Sandstrom Statement").

advocacy,[2] is, in my view, sound interpretation of both the statute and judicial precedent, and is required by the Constitution.

[1]

The broad facts and procedure of this case are substantially as put forth in the Statement of Reasons filed by Commissioner Thomas and Chairman McDonald.[3] In March of 1997, the Democratic National Committee ("DNC") filed a complaint alleging that various Republican Party affiliated committees, and a large number of business and trade associations supportive of the general agenda of Republicans in Congress, had in 1996 committed massive violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or "the Act"). This triggered a four-year investigation of more than 60 committees and organizations plus several individual respondents. The Commission's attorneys took nine depositions, collected thousands of pages of documents, and interviewed numerous other witnesses, before this case came to its merciful end.[4]

---

[2] The term "express advocacy" stems from the Supreme Court's decision in *Buckley v. Valeo*, 424 U.S. 1 (1976). In that case, the court limited the reach of sections 608(e)(1) and 434(e) of the FECA to those communications that "in express terms advocate the election or defeat of a clearly identified candidate," *id.* at 44, then held that a cap on section 608(e)(1) expenditures, even as narrowed, was unconstitutional. As examples of express advocacy, the Court offered such terms as "'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" *Buckley* at 44, n.52. This limitation on the reach of regulation has been reaffirmed by the Supreme Court, *see Federal Election Commission v. Massachusetts Citizens for Life*, 479 U.S. 238 (1986) (hereinafter "*MCFL*"), and countless lower courts, *see infra* note 27. The question in this case is whether or not this limitation applies to communications that are coordinated with the campaign.

[3] *See* Thomas/McDonald Statement at 2-4.

[4] I joined the Commission on June 26, 2000, at which time the case had been going on for over three years. Two weeks later, on July 11, 2000, I joined in a 5-0 Commission vote in favor of an additional round of

Despite the fact that the Commission has now found no violations in this case, I strongly suspect that the original complainant, the Democratic National Committee, considers its complaint to have been a success. The complaint undoubtedly forced their political opponents to spend hundreds of thousands, if not millions of dollars in legal fees, and to devote countless hours of staff, candidate, and executive time to responding to discovery and handling legal matters. Despite our finding that their activities were not coordinated and so did not violate the Act, I strongly suspect that the huge costs imposed by the investigation will discourage similar participation by these and other groups in the future.[5]

We cannot fault the complainant DNC for pursuing its political goals through the legal tools made available to it, but nor can we on the Commission blind ourselves to the fact that the substantial majority of the complaints filed with the Commission are filed by political opponents of those they name as respondents. These complaints are usually filed as much to harass, annoy, chill, and dissuade their opponents from speaking as to vindicate any public interest in

---

discovery. I now recognize the error of that vote, and, for the reasons stated below, will no longer lend my vote to any matter that prolongs the legal agony of citizens and groups whose communications do not contain express advocacy.

[5] Several of the Respondents in this MUR have also expressed their belief that the General Counsel's Report of April 20, 2001, while ultimately recommending that no action be taken against them, unfairly maligns their actions and insinuates illegal conduct. *See* Letter of Jan Witold Baran to Commission, June 13, 2001; Letter of Benjamin L. Ginsberg, et al. to Acting General Counsel Lois G. Lerner, July 5, 2001. I share the concerns of these respondents that reports to the Commission ought not be used to impugn the activities and motives of respondents when the evidence does not support continuing with the case or when no violation is found, and I believe that this type of tone will further discourage individuals and groups from participating in political activity in the future.

preventing "corruption or the appearance of corruption."[6] This knowledge makes it particularly important that we be sensitive to the possibility that

[2]

our interpretations of the Act can, and sometimes do, chill what is and ought to be constitutionally protected political speech.

In this case, the Office of General Counsel concluded that it could not prove that the activities and disbursements of the respondents were coordinated with candidates and committees pursuant to the regulations promulgated by the Commission only last December. *See* 11 C.F.R. § 100.23. These coordination rules were themselves a salutary effort to address problems of vagueness and overbreadth in the Commission's prior practices, which lacked any clear definition of "cooperation, consultation, or concert," *see* 2 U.S.C. § 441a(a)(7)(B)(i), and provided inadequate guidance to groups and individuals as to what activities would be deemed "coordinated" under the Act. *See Federal Election Commission v. Christian Coalition*, 52 F. Supp.2d 45 (D.D.C. 1999); *see* also *Clifton v. Federal Election Commission*, 114 F.3d 1309 (1st Cir. 1997). Groups and individuals who petition the government, contact their elected representatives, or perhaps are friends or acquaintances of representatives or Congressional staffers, former staffers, or friends and acquaintances of the same, need guidance on what conduct falls short of coordination without concluding that the only clear way to avoid liability

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[6] The phrase "corruption or appearance of corruption" comes from *Buckley v. Valeo*, 424 U.S. 1, 25 (1976), and serves as the constitutionally valid rationale for regulating political speech in the form of campaign contributions and expenditures. Although this case involves the DNC complaining about Republican candidates and organizations and their allies, it goes without saying that Republicans file charges against Democrats.

is to refrain from making independent expenditures. The conduct standard implemented by the new coordination rule is a vast improvement over the past practices of the Commission, providing much-needed guidance to makers of independent expenditures.[7]

Unfortunately, in promulgating 11 C.F.R. § 100.23, the Commission provided scant guidance to groups engaged in issue advocacy,[8] by not addressing the question of whether a content standard, as well as a conduct standard, would be

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[7] Commissioners Thomas and McDonald, who voted against adoption of the regulations, complain that the regulations are unduly strict. Thomas/McDonald Statement at 4-14. For reasons I state below, I believe they comply with the Act and that our old practices exceeded the scope of both the Act and the Constitution. Commissioners Thomas and McDonald also argue that the Commission has thwarted the will of the Senate, Thomas/McDonald Statement at 17, by implementing these regulations in the wake of the Senate's passage of S.27, the McCain-Feingold bill. Section 214 of S. 27 would effectively repeal the coordination rule of 11 C.F.R. 100.23. We are not, of course, entrusted with implementing the will of the Senate, at least not until such time as the House of Representatives manifests the same "will" and the President has either signed the bill, allowed it to become law without his signature, or had his veto over-ridden by the necessary two-thirds majority of each house. *See generally*, *INS v. Chadha*, 462 U.S. 919 (1983). I note that although the Senate received the proposed final rule on December 7, 2000, it did not "disapprove" the rule by resolution within thirty legislative days of its receipt, as it was free to do pursuant to 2 U.S.C. 438(d).

[8] As terms of art, "independent expenditures" expressly advocate the election or defeat of a candidate. Though not limited in amount, they are subject to other provisions of the Act. "Issue advocacy," on the other hand, is political discussion that does not contain explicit words of advocacy of election or defeat, and so has been protected by the Supreme Court from regulation. *See Buckley*, 424 U.S. at 44, n.52; *MCFL*, 479 U.S. at 249. The issue here is whether an issue ad, if coordinated with a candidate, becomes subject to the Act.

required before coordinated public communications would be subject to the rule.[9] This failure is

[3]

important, because as this case demonstrates, the conduct standard alone does not provide an adequately bright line to prevent the specter of investigation and litigation from chilling constitutionally protected speech. When a person decides to make independent political expenditures, he opens himself up to two potential burdens under the Act. The first burden is to report those independent expenditures in excess of $250.00. *See* 2 U.S.C. § 434(c). The second is to defend against allegations that the advocacy was somehow authorized by or coordinated with a candidate which, if true, would lead to still greater limits on the person's political activity. *See* 2 U.S.C. § 431(17). Respondents can spend substantial sums defending themselves against such allegations, and this possibility will cause many speakers to avoid engaging in what ought to be constitutionally protected

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[9] In the Explanation and Justification of the final rule, the Commission claims that it is "addressing the constitutional concerns raised in *Buckley* by creating a safeharbor for issue discussion." *See* Notice #2000-21, Final Rule on General Public Political Communications Coordinated with Candidates and Party Committees; Independent Expenditures, 65 Fed. Reg. 76138, 76141 (Dec. 7, 2000). This statement is true but applies only with respect to 11 CFR section 100.23(d), which makes clear that a candidate's response to an inquiry regarding her position on issues will not suffice to establish coordination. *Id.* Otherwise, the Commission has not provided an adequate safeharbor for issue discussion, for it has not, as of yet, determined the content standard necessary for regulating coordinated communications. *See id.* at 76141 ("The Commission is not adopting any content standard as part of these rules *at this time*.")(emphasis added). The Commission's conscious decision not to address a content standard should not be read as a presumption that the Commission has made a final decision against requiring a content standard, however, for as the Explanation & Justification also explains, "the Commission may revisit the issue of a content standard for all coordinated communications when it considers candidate-party coordination." 65 Fed Reg. at 76141.

speech. Thus, a bright line test is needed. A content test—express advocacy—provides such a bright line. If a financier of general public communications is not willing to defend against charges that his speech was authorized by a candidate, or prefers not to disclose the sources of his funding, *see e.g. NAACP v. Alabama*, 357 U.S. 449 (1958), *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995), he can simply delete from his message words of express advocacy and speak on any other topic of his choosing. If he is investigated nonetheless, he can be assured that the investigation will be short, non-intrusive, and inexpensive, merely by demonstrating the absence of express advocacy in his communications. Absent a content standard, however, no such immediate defense is available if the Commission launches an investigation into the alleged coordination with candidates. Further, such an investigation is likely to be highly intrusive, as is demonstrated by this case and another recent high-profile matter eventually resulting in no finding of a violation, MUR 4291 (American Federation of Labor and Congress of Industrial Organizations). The investigation can include extensive rifling through the respondents' files, public revelations of internal plans and strategies, depositions of group leaders, and the like. Such allegations and investigations may be avoided only by completely avoiding all contact with candidates, because even minimal contact could trigger a credible allegation. Oddly, the less immediately obvious evidence there is that the conduct would meet the standard of 11 C.F.R. § 100.23, the more intrusive the investigation is likely to be, as the Commission searches for evidence of the veracity of the complaint. The effect of the rule becomes essentially the same as that of the rule struck down in *Clifton*; "it treads heavily upon the right of citizens, individual or corporate, to confer and discuss public matters with their legislative representatives or candidates for such office," and is therefore, "patently offensive to the First Amendment."

114 F.3d 1309, 1314 (1st Cir. 1997), *cert. denied*, 522 U.S. 1108 (1998).

[4]

With that in mind, I believe that the Act, the Constitution, judicial precedent, and sound public policy require us to limit our enforcement to cases in which communications, whether or not coordinated with a candidate, expressly advocate the election or defeat of candidates for federal office. Failure to include such a content standard has and will have a chilling effect on political participation and speech.

II.

Institutional competence and prudence requires that executive agencies charged with enforcing the law, even more than the courts, ought to adhere to the general precept of not unnecessarily deciding Constitutional issues. Thus I first analyze our authority under the statute. I believe that the statute, as interpreted by the Supreme Court, does not authorize us to regulate issue advocacy, even when such advocacy is coordinated with a candidate.

Corporate expenditures and contributions are prohibited under section 441b of the Act. The phrase "contribution or expenditure" in section 441b is defined separately in 2 U.S.C. section 441b(b)(2).[10] Nevertheless, in

---

[10] 2 U.S.C. § 441b(b)(2) provides as follows:

> For the purposes of this section ... the term 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money or any other services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations in the ordinary course of business) to any candidate, campaign committee, or political

Federal Election Commission v. Massachusetts Citizens for Life, 479 U.S. 238 (1986)("*MCFL*"), the United States Supreme Court looked to the general definitions section of the Act, 2 U.S.C. section 431, to define the scope of the term "expenditure" as used in section 44 lb. *See* 479 U.S. at 245-46. The *MCFL* Court also held that "an expenditure must constitute 'express advocacy' in order to be subject to the prohibition of44lb." *Id.* at 249. There is no reason to believe that section 431, the general definitions section, is not as applicable in construing the term "contribution" in section 441b as it is in construing the term "expenditure" in 441b. Section 431(8)(B)(vi) states that the term "contribution" does not include "any payment made or obligation incurred by a corporation or labor union which, under section 441b(b) of this title, would not [first] constitute an expenditure by such corporation or labor organization." 2 U.S.C. § 431(8)(B)(vi). Because the Court has determined that the term "expenditure," as used in section 441b, is limited to communications containing express advocacy, and because the Coalition did not engage in express advocacy, the corporate respondents in this MUR did not make prohibited "expenditures" under section 441b. They therefore cannot have made prohibited in-kind "contributions" under section 441b, by way of section 441a(a)(7)(B)(i). Likewise, the committees involved in this MUR could not have accepted in-kind corporate contributions from the Coalition in violation of 2 U.S.C. section 44lb.

[5]

Nor do I believe that non-corporate respondents violate the Act through coordinated issue advocacy. In *Buckley*, the Supreme Court held that the phrase "'for the purpose of influencing' an election or nomination," appearing in the definition of "expenditure" at 2 U.S.C.

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party or organization, in connection with any election to any of the offices referred to in this section. ...

section 431 (9)(A)(i), limited the meaning of "expenditure" to communications containing express advocacy, at least when, as in this case, the speaker was not a political committee. 424 U.S. 1 at 79-80. After the *Buckley* decision was handed down, Congress, fully aware of the Court's restrictive interpretation of the term "expenditure" in section 431 (9)(A)(i), used the term "expenditure" in amending section 441a(a)(7)(B)(i). Section 441a(a)(7)(B)(i) provides that "*expenditures* made by any person in cooperation, consultation, or concert with ... a candidate ... shall be considered to be a contribution to such candidate." (emphasis added). Congress's post-*Buckley* use of the term "expenditure"—where the statutory definition of the term as interpreted by the Supreme Court is limited to communications containing words of express advocacy—indicates that even coordinated public communications must contain express advocacy before they can be transformed into regulable in-kind contributions.[11]

Indeed, Congress has responded to the courts on this topic before. After *Buckley*, Congress limited the disclaimer provisions to apply specifically to express advocacy communications, 2 U.S.C. § 441d(a), even where those communications are coordinated with a candidate.[12] If

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[11] Additionally, section 431(8)(A)(i) of the Act limits the definition of "contribution" to any gift, etc. "made ... for the purpose of influencing" a federal election. 2 U.S.C. § 431(8)(A)(i). This is the same statutory phrase as is used in the definition of "expenditure," 2 U.S.C. § 431 (9)(A)(i), and which was construed by the *Buckley* Court to require a showing of express advocacy. The *Buckley* Court referred to 2 U.S.C. § 431(8)(A)(i) arid 2 U.S.C. § 431(9)(A)(i) as "parallel provisions." *Buckley* at 77.

[12] *See* Pub. L. No. 94-283, 90 Stat. 497, May 11, 1976 (amending 2 U.S.C. § 441d). 2 U.S.C. § 441d(a)(2) provides in pertinent part:

> Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate ... such communication ... (2) if paid for by other persons but authorized by a candidate, an

Congress had intended for coordinated issue advocacy communications to be within the jurisdiction of the FECA, it surely would have required a disclaimer for such communications.

Finally, that the Act as currently written requires express advocacy before coordinated public communications are subject to its terms is evidenced by the fact that, in pending legislation, the Senate has approved an amendment to do away with any requirement of express advocacy in the coordination provisions of the Act.[13]

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Given that the respondents in this case did not engage in express advocacy, this should have ended the matter in the spring of 1997, without the extensive investigation that followed. The Commission may only pursue violations of the FECA. *See* 2 U.S.C. § 437g(a)(2). For me this is adequate to dismiss the case.[14] However, recognizing that the statute is not a model of clarity in this regard, and in light of the apparent certainty of other commissioners that the Act

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> authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee.

Prior to *Buckley*, the Second Circuit had also held that issue advocacy could not be subject to the disclosure provisions of the FECA, *United States v. National Committee for Impeachment*, 469 U.S. 1135 (2d Cir. 1972).

[13] *See* S. 27, Sec. 214, 107th Congress, 1st Session (commonly known as the "McCain-Feingold" bill) (amending the Act's definition of "contribution" to include "any coordinated expenditure or other disbursement made by any person in connection with a candidate's campaign, regardless of whether the expenditure or disbursement is a communication that contains express advocacy.")

[14] The Commission also made "reason to believe" findings under section 441d for failure to make disclaimers. As section 441d, by its express terms, only applies to "communications expressly advocating election or defeat," this charge could have been easily dismissed as well.

at least allows for regulation of coordinated issue advocacy, I believe it worthwhile to set forth more fully why it is both wise policy, and constitutionally required, to limit our enforcement efforts to communications including express advocacy.

III. A.

The starting point for any analysis of the constitutional and policy issues involved in enforcing the FECA is the recognition that "[t]he Act's contribution and expenditure limitations operate in an area of the most fundamental First Amendment activities." *Buckley*, 424 U.S. at 14. With that in mind, a key concern of the Supreme Court's *Buckley* decision was to prevent the Act from having a "chilling" effect on speech pertaining to public issues and affairs. *See* 424 U.S. at 41, n. 47. The Court noted that:

> vague laws may not only 'trap the innocent by not providing fair warning' or foster 'arbitrary and discriminatory application' but also operate to inhibit protected expression by inducing 'citizens to steer far wider of the unlawful zone... than if the boundaries of the forbidden areas were clearly marked.' 'Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity.'

424 U.S. at 41, n. 48 (citations omitted).

In *Buckley*, the Supreme Court accepted contribution limits as constitutionally permissible, but struck down limits on expenditures as violations of the First Amendment. There were three major reasons for providing greater protection to expenditures than to contributions. First, the Court noted that limits on contributions were a lesser burden on speech

because a contribution, unlike an expenditure for public communications, did not "communicate the underlying basis for the support. 424 U.S. at 21. Second, limits on expenditures "reduce [] the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached." *Id.* at 19. Limits on contributions to candidates, on the other hand, do not necessarily have the effect of materially reducing political discussion because they "leave the contributor free to become a member of any political association" and permit such associations "to aggregate large sums of money to promote effective advocacy." *Id.* at 22. Finally, limits on contributions "focus [3] precisely on the problem of ...

[7]

corruption...." By contrast, limitations on expenditures raise the concerns of vagueness that cause "citizens to steer far and wide of the unlawful zone." *Id.* at 41, n. 48.

Thus, in analyzing section 608(e)(l) of the Act, which provided that "[n]o person may make any expenditure ... relative to a clearly identified candidate during a calendar year which ... exceeds $1,000," the Court held that "the use of so indefinite a phrase as 'relative to' a candidate fails to clearly mark the boundary between permissible and impermissible speech." *Id.* at 41. It continued:

> The constitutional deficiencies [of vagueness] can be avoided only by reading §608(e)(1) as limited to communications that include explicit words of advocacy of election or defeat of a candidate. ... [F]unds spent to propagate one's views on issues without expressly calling for a candidate's election or defeat are thus not covered.... [I]n order to preserve the provision against invalidation on vagueness grounds, §608(e)(l) must be

> construed to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office.

Buckley at 43-44.

These same concerns arose when the Court considered the Act's disclosure provisions. Once again, the Court could have regulated issue advocacy, but did not. Rather, the Court chose again to give the term 'expenditure' a limiting construction. The Court stated:

> [T]he [disclosure] provision raises serious problems of vagueness, ... [that] may deter those who *seek* to exercise protected First Amendment rights. Section 434(e) applies to '[e]very person ... who makes contributions or expenditures.' 'Contributions' and 'expenditures' are defined ... in terms of money or other valuable assets 'for the purpose of influencing' the nomination or election of candidates for federal office. It is the ambiguity of this phrase that poses constitutional problems.
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> There is no legislative history to guide us in determining the scope of the critical phrase 'for the purpose of ... influencing'.... Where the constitutional requirement of definiteness is at stake, we have the further obligation to construe the statute, if that can be done consistent with the legislative purpose, to avoid the shoals of vagueness.
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[8]

> When we attempt to define 'expenditure' ... we encounter line-drawing problems of the sort we faced in §608(e)(l). Although the phrase 'for the purpose of ... influencing' an election or nomination, differs from the language used in §608(e)(l), it shares the same potential for encompassing both issue discussion and advocacy of a political result.

Id. at 76-79. (Citations omitted). The Court worried that the "general requirement that 'political committees' and candidates disclose their expenditures could raise similar vagueness problems, for 'political committee' is defined only in terms of the amount of annual 'contributions' and 'expenditures,' and could be interpreted to reach groups engaged purely in issue discussion." *Id* at 79. However, because the vagueness problems associated with the term "political committee" had already been largely resolved due to narrow readings of the statute by lower courts, it was not the effect upon groups defined as "political committees" under the Act that particularly concerned the Court.

The Court was more concerned about the effects that a vague and overbroad law could have upon the otherwise lawful First Amendment activities of other groups and individuals.[15] The Court, therefore, narrowed the term "for the purpose of influencing" to save the definition of the terms "expenditure" and "contribution" from being unconstitutionally overbroad: "To insure that the reach of §434(e) is not impermissibly broad, we construe "expenditure" ... in the same way we construed the terms of §608(e)— to reach only funds used for communications that

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[15] *See Buckley* at 79. Our new coordination regulations deal specifically with groups and individuals, exempting party committees and authorized committees. 65 Fed Reg. 76141-76142.

expressly advocate the election or defeat of a clearly identified candidate." *Id.* at 80. Thus, the Court concluded:

> [Section] 434(e) as construed imposes independent reporting requirements on individuals and groups only in the following circumstances: (1) when they make contributions earmarked for political purposes or authorized or requested by a candidate ... to some person other than a candidate or political committee, and (2) when they make expenditures for communications that expressly advocate the election or defeat of a clearly identified candidate.
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> ***
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> As [constitutionally] narrowed, §434(e), like §608(e)(1), does not reach all partisan discussion for it only requires disclosure of those expenditures that expressly advocate a particular election result.

Buckley at 80.

In reviewing the *Buckley* decision then, we see that each time the *Buckley* Court considered the definition of "expenditure," it narrowly interpreted the term to avoid

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vagueness or overbreadth.[16] Concerns of vagueness and overbreadth were foremost in the *Buckley* Court's thinking in

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[16] *See also Federal Election Commission v. Survival Education Fund*, 65 F.3d 285, 294-95 (2d Cir. 1995) (holding that the phrase "contributions ... earmarked for political purposes" must, for reasons of vagueness, also be limited to contributions earmarked for communications that expressly advocate the election or defeat of candidates for office).

interpreting all aspects of the FECA. Most importantly, it found that the qualifying phrase "for the purpose of influencing," which is also part of the Act's definition of "contribution," 2 U.S.C. § 431(8)(A)(i), could be saved from vagueness problems only by construing it as applying to "words that in express terms advocate ... election or defeat."

The *Buckley* Court referenced coordinated communications only in passing. In arguing *Buckley*, the parties defending the Act contended that its limitation on independent expenditures was necessary to prevent would-be contributors from avoiding the contribution limitations of the Act by paying directly for media advertisements or other portions of the candidate's campaign activities. The Court addressed this concern with a brief statement that "controlled or coordinated expenditures are treated as contributions rather than expenditures under the Act" under Section 608(c)(2)(B), *id.* at 46 (emphasis added), noting that "§608(e)(1) does not apply to expenditures 'on behalf of a candidate' within the meaning of §608(c)(2)(B). The latter subsection provides that expenditures 'authorized or requested by the candidate' ... are to be treated as expenditures of the candidate and contributions by the person making the expenditure." *Id.* at 46, n.53.

What the Court did not specifically address is whether it intended the same limiting construction of the term "expenditure" it had applied to sections 608(e)(l) and 434(e) to apply to section 608(c)(2)(B). Clearly the Court did not intend for independent issue advocacy to be regulated, but one might argue that in holding that authorized or requested "expenditures" are "contributions" under the Act, the Court meant to include coordinated issue advocacy. However, the *Buckley* Court's example of a coordinated "expenditure" that would be treated as a contribution, itself taken from the legislative history of the Act, is an express advocacy ad.

> [A] person might purchase billboard *advertisements endorsing a candidate....* [I]f the advertisement was placed in cooperation with the candidate's campaign organization, then the amount would constitute a gift by the supporter and an expenditure by the candidate—just as if there had been a direct contribution enabling the candidate to place the advertisement himself.

Buckley at 46, n. 53 (emphasis added). Nothing suggests that the Court did not intend to extend to section 608(c) the narrow definition of "expenditure" it had given the term in section 608(e). Of course, it is possible that the Court never considered that a candidate would request or authorize "media advertisements" that did not expressly advocate the election or defeat of one candidate or another. After all, the legal distinction between

express ads and issue ads did not exist before *Buckley*, so there would have been no reason for a campaign to request an ad that did not expressly advocate election or defeat. Still, the most probable interpretations of *Buckley* are that it either limited the term "expenditure" in section 608(c)(2)(B) to disbursements for express advocacy, or simply did not address the issue. That the Court intended to find coordinated issue ads to be covered by the Act seems the least probable interpretation.

The question we face is whether, in light of Congress's actions, the holdings in *Buckley* and its progeny, the Constitutional concerns raised by the Supreme Court and lower courts, and our position as officials of the executive branch who have independently taken an oath to uphold the

Constitution,[17] we can or should interpret the Act as reaching coordinated spending for issue advocacy communications.

In considering the question, I note first that each of the Constitutional concerns raised by the *Buckley* Court as reasons for providing greater protection to expenditures than to contributions is present in the context of coordinated issue advocacy disbursements. First, the coordinated issue advocacy disbursements do more than merely "serve as a general expression of support;" they do in fact "communicate the underlying basis for the support." *See Buckley*, 424 U.S. at 21. Second, restrictions on coordinated issue advocacy spending are, as a practical matter, likely to lead to a "reduc[tion] in the quantity of expression by restricting the number of issues discussed." *See id.* at 19. Arguably, of course, these groups might simply run their ads independently, so that no such speech reduction would result. As we know, however, groups regularly work with members of Congress to promote shared agendas. As the *Buckley* Court recognized, "[d]iscussions of those issues, and as well more positive efforts to influence public opinion on them, tend naturally and inexorably to exert some influence on voting at elections." *Id.* at 43, n. 50. If the Act applies to coordinated issue advocacy, many groups will be unable both to work with elected representatives and to run ads attempting to influence public opinion on issues of mutual interest. In short, the groups will be asked to surrender either their rights of free speech and association or their rights of speech and to petition for redress. As already noted, the threat of investigation is itself often sufficient to chill speech. It is exactly our job, as the administrative agency with

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[17] Unlike some of my colleagues, I do not interpret that oath to mean that we can fulfill our constitutional obligations simply by ignoring constitutional considerations until and unless we are bound by judicial ruling. Rather, as representatives of a co-equal branch of government, our obligation requires us to consider the constitutional implications of our actions even when we have not been b6und by judicial decisions.

expertise in enforcing the Act, to recognize the practical effects of differing interpretations of the Act and to set policy accordingly.

Most importantly, efforts to regulate coordinated issue advocacy raise exactly the vagueness concerns at the heart of *Buckley*. For example, if Common Cause, having coordinated its legislative efforts with Senator McCain, were to also run advertisements in support of its agenda that mentioned the Senator, whether or not their ads would violate the Act would depend upon whether or not the Commission believed that they

[11]

were "for the purpose of influencing an election." This is the exact standard that the Supreme Court found, without more, to be unacceptably vague even in terms of the less burdensome disclosure provisions of the Act.

Because of the resulting vagueness, *see Buckley*, 424 U.S. at 41, n. 48, we can anticipate that groups will, in the future, "'steer far wider of the unlawful zone'... than if the boundaries of the forbidden areas were clearly marked." The present case illustrates that only too well. The enormous costs, imposition, and length of the investigation that has occurred in this case suggests that at least some of the more than 60 respondents involved, and who knows how many other groups and individuals that have witnessed the debacle, will "steer far wide" rather than risk a lengthy investigation, even if that investigation does ultimately lead to a finding of "no probable cause."[18]

At one time, a majority of the Commission *see*ms to have recognized this vagueness problem. On June 24, 1999,

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[18] Everyone at this Commission is well aware of a favorite saying of the practicing campaign finance law bar: "The process is the punishment."

Commissioners Wold, Mason, and Sandstrom, joined by then Commissioner Elliott,[19] issued a statement of reasons rejecting the enforcement of coordination cases under a vague, "electioneering message" content standard.[20] The Commission majority at that time correctly concluded that the vague "electioneering message" standard offered no guideposts for free discussion, even in cases where such discussion was coordinated or presumably coordinated with a candidate, writing:

> The vagueness and overbreadth problems of the "electioneering message" and "relative to" standards are thus two sides of the same counterfeit coin. They are vague because it is not clear when they encompass issue discussion and not candidate advocacy. They are overbroad because, given the nature of campaigning, they will inevitably encompass both. For the same substantive reasons that the Supreme Court held the "relative to" standard in the FECA to be unconstitutional, the Commission may not employ the "electioneering message" standard. *Even in the context of coordinated, or presumably coordinated, communications in which the "electioneering message" test has generally been proposed* (see 11 C.F.R. §114.49c)(5)(ii)c)(5)(ii)(B)(E) (regulation of voter guides)), *the Commission may not ignore these constitutional requirements.*

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[19] I did not join the Commission until June of 2000.

[20] This appears to have been the standard used by the Commission in deciding whether or not coordinated issue advocacy was subject to the Act prior to adoption of 11 CFR § 100.23. *See* Advisory Opinion 1985-14 [1976—1990 Transfer Binder] Fed. Elec. Camp. Fin. Guide (CCH), ¶ 5819 at 11185.

Statement of Reasons of Vice Chairman Darryl R. Wold, and Commissioners Lee Ann Elliott, David M. Mason, and Karl J. Sandstrom on the Audits of "Dole for President Committee, Inc." (Primary), "Clinton/Gore '96 Primary Committee, Inc.," "Dole/Kemp '96, inc." (General), Dole/Kemp '96 Compliance Committee, Inc." (General),

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"Clinton/Gore '96 General Election Legal and Compliance Fund" at 6, (June 24, 1999) (emphasis added).

Shortly thereafter, the Federal District Court for the District of Columbia decided *Federal Election Commission v. Christian Coalition,* 52 F. Supp.2d 45 (D. D.C. 1999). That decision held that corporate expenditures for coordinated issue ads were subject to the contribution prohibitions of 2 U.S.C. section 441b.[21] *Id.* Because this single district court decision seems to have contributed to a re-evaluation of the Commission's previously expressed appreciation for and insistence upon definite content standards, I will address this decision and related precedent at some length.[22]

III. B.

In *MCFL* the Supreme Court had held that issue advocacy by corporations and unions does not constitute an

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[21] In doing so the district court failed to address the impact of 2 U.S.C. § 431(8)(B)(vi) in light of the Supreme Court's holding in *MCFL, supra. See ante* pp. 4-5.

[22] I presume that the *Christian Coalition* case was a factor in this change as all three Commissioners still on the Commission reversed course on the need for clear content standards after that opinion. Another possibility is that these commissioners believe that vagueness and overbreadth can be cured by a content standard somewhere between the "electioneering message" standard they specifically rejected and the express advocacy test they have so far not adopted, though to date no such standard has been proposed.

"expenditure" pursuant to the Act. 479 U.S. at 249. Thus, corporate and union communications lacking express advocacy are not only not "independent expenditures"[23] under Section 441b—they are not "expenditures" at all. Nevertheless, the *Christian Coalition* court concluded that whether or not corporate or union activity is prohibited or protected turns upon whether the activity is "in connection with an election," and not whether the activity is an "expenditure," under the Act because, "[t]he real issue ... is whether an expenditure is 'authorized' by a campaign or 'coordinated' with the campaign." 52 F. Supp.2d at 87-88. The *Christian Coalition* court went on to argue that "*Buckley*, in its treatment of coordinated expenditures as in-kind contributions, left undiscussed the First Amendment concerns that arise with respect to 'expressive coordinated expenditures.' ... It can only be surmised that the *Buckley* majority purposely left this issue for another case."[24] 52 F. Supp.2d at 85.

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[23] The district court stated that "corporations and unions can make *independent expenditures* that are related to a federal election campaign so long as those expenditures are not for communications that advocate the election or defeat of a clearly identified candidate." *Christian Coalition* at 48 (emphasis in the original). Because the term "independent expenditure" is defined within the FECA as requiring express advocacy, *see* 2 U.S.C. § 431(17), and section 441b prevents corporations and unions from making *any* FECA "expenditures" we know that the district court meant "issue advocacy" by its use of the term "independent expenditures" in the above sentence.

[24] The *Buckley* Court allowed contributions to be carved from First Amendment protection largely because contribution limits "involve [] little direct restraint on [one's] political communication [and] does not in any way infringe on the contributor's freedom to discuss candidates and issues." *Buckley* at 21. Investigating issue advocates on the theory that their communications may be coordinated with a candidate is a direct restraint on a speaker's freedom to discuss candidates and issues.

In addressing the issue, the *Christian Coalition* court next recognized a need to differentiate between "expenditures on non-communicative materials, such as hamburgers or travel expenses for campaign staff," which, like direct contributions to the candidate, do not communicate the underlying basis of support, and expenditures "in which the spender is responsible for a substantial portion of the speech." *Id.* at 85, n. 45. The latter, which the court termed "expressive coordinated expenditures," are speech-laden or communicative, and therefore different from other non-communicative in-kind contributions. *Id.* Ultimately, however, the court concluded that coordinated issue advocacy could be regulated, believing that it is the "fact of coordination" that is significant, not the character of the underlying item that is coordinated. The court seemed to conclude that the lesson of *Buckley* is that it is the independence of the speech, rather than its communicative value, that determines its level of constitutional protection. In other words, the court focused only on the corruption side of the coin, but not on the First Amendment side. Thus, the court found that independent speech is deserving of clear content standards, but where independence fades—or at least a complainant alleges it has faded—speech may be extensively investigated regardless of its content and without regard for whether that speech constitutes speech of the spender. *See id* at 87, n. 50.

The district judge in *Christian Coalition* reasoned that *Buckley* specifically read an express advocacy standard only into the statutory provisions regarding *independent* expenditures 'relative to' a clearly identified candidate and 'for the purpose of influencing any election for Federal office.' 52 F. Supp.2d at 87, n.50. Therefore, the court concluded, for all other parts of the FECA, the *Buckley* Court must have "used the term 'expenditure' advisedly, leaving intact the normal, broad meaning Congress had given it." *Id.* But what "normal, broad meaning" had Congress given the

definition of "expenditure"? Webster's Dictionary defines "expenditure" as "the act of expending; a spending or using up of money, time, etc.; disbursement." *Webster's New Twentieth Century Dictionary of the English Language*, p. 644, 2d ed., 1977. Clearly the Act did not intend, nor would it be constitutional to prohibit all expenditures or contributions by a person in excess of $1000, at least not in the broad, everyday meaning of the terms. Thus Congress had limited the scope of both the terms "expenditure" and "contribution" to, "[a]nything of value ... *for the purpose of influencing any election for Federal office.*" 2 U.S.C. §§ 431 (9)(A)(i) and 431 (8)(A)(i) (emphasis added). The *Buckley* Court, however, found that the phrase "for the purpose of influencing" was still insufficiently precise to overcome concerns of vagueness and overbreadth[25] and so narrowed it to cover only express advocacy. 424 U.S. at 79. If, as the *Christian Coalition* court maintained, the *Buckley* Court defined that critical phrase only with regard to *independent* expenditures, then that phrase must still be imbued with some semblance of meaning before deciding which coordinated disbursements are regulable "expenditures," and therefore "contributions" subject to the Act.

[14]

When a group engages in public discussion of political issues and coordinates its activity with a candidate or committee, the critical phrase that turns the speech into prohibited or limited activity is that it is speech "for the purpose of influencing an election." The court in *Christian Coalition* seemed to assume that because the Supreme Court did not specifically define the phrase as being limited to express advocacy in the context of coordinated expenditures,

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[25] There is no legislative history to guide [the courts] in determining the scope of the critical phrase 'for the purpose of influencing,'" *Buckley*, at 77, yet "[i]t is the ambiguity of this phrase that poses constitutional problems." *Id.*

it must have decided that groups that are alleged to have engaged in coordinated speaking are not faced with the same concerns of vagueness and overbreadth. In fact, the Supreme Court has simply never specifically answered the question.[26]

There is no normal, accepted meaning of the phrase, "for the purpose of influencing," and Congress has not provided one. An "unconstitutionally overbroad statute may not be enforced *at all* until an acceptable construction has been obtained." *McGautha v. California*, 402 U.S. 183, 259 (1971), *reh'g denied*, 406 U.S. 978 (1972). Either the Commission or the courts must give the phrase "for the purpose of influencing" some prospective, content-based meaning.[27]

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[26] *See* ante at 13.

[27] In the context of FECA, the courts have consistently used an "express advocacy" test to give meaning to the Act's vague or overly broad provisions. *See e.g. Buckley v. Valeo*, 424 U.S. 1 (1976); *Massachusetts Citizens for Life*, 479 U.S. 238 (1986); *Maine Right to Life v. FEC*, 98 F.3d 1 (1st Cir. 1996), *cert. denied* 118 S. Ct. 52 (1997); *FEC v. Christian Action Network, Inc.*, 92 F.3d 1178 (4th Cir. 1996) (*summarily affirming* 894 F. Supp. 947 (W.D. Va. 1995)); *Faucher v. FEC*, 928 F.2d 468 (1st Cir.), *cert. denied*, 502 U.S. 820 (1991); *FEC v. Central Long Island Tax Reform Immediately Comm.*, 616 F.2d 45 (2d Cir. 1980) (en banc); *Colorado Republican Fed. Campaign Comm.*, 839 F. Supp. 1448 (D. Co.), *rev 'd on other grounds*, 59F.3d 1015 (1061 Cir. 1995), *vacated on other grounds*, 116 S. Ct. 2309 (1996); *Right to Life of Michigan v. Miller*, 23 F. Supp.2d 766 (W.D. Mich. 1998); *FEC v. National Org. for Women*, 713 F. Supp. 428 (D. D.C. 1989); *FEC v. American Fed'n of State, County & Mun. Employees*, 471 F. Supp. 315 (D. D.C. 1979). *See also FEC v. National Conservative Political Action Comm.*, 470 U.S. 480, 497 (1985) (holding that the First Amendment prohibits limits on independent expenditures that expressly advocate the election or defeat of a candidate, and noting in dicta "[t]he fact that candidates and elected officials may alter or reaffirm their own positions on issues in response to political messages ... can hardly be called corruption, for one of the essential features of democracy is the presentation to the electorate of varying points of view."); *Clifton v. FEC*, 114 F.3d 1309 (1st Cir. 1997) (holding that the Commission's efforts to regulate "issue advocacy" as "contributions" exceeded its powers under the FECA, and stating, "we do

IV.

The approach to coordinated expenditures adopted by Commissioners Thomas and McDonald would relieve the Commission from any need to clearly define which speech is "for the purpose of influencing" elections until after an extensive investigation. They would have this determination made by the Commission on a case-by-case basis after an investigation which would be, in effect, a search for evidence of the respondent's true intent based upon a totality of the circumstances. These Commissioners believe a complete investigation in this case, for example, could have shown that the "the Coalition's communications were undertaken for the purpose of influencing federal elections" because the Coalition "aired ads in the weeks before the election;" "dropped

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direct mail ten days before the election;" and "took credit" for the reelection of many members of Congress. Thomas/McDonald Statement, at 12, n. 6, (internal citations omitted). Additionally, they would find that "[t]here is no indication that the Coalition was formed for any purpose other than building ... public support for certain candidates [and] nothing suggesting that the Coalition engaged in ... issue discussion outside the context of elections." Thomas/McDonald Statement at 15. The capstone for the Commissioners is a quote from the Coalition itself: "Our ultimate objective is to return a pro-business, fiscally responsible majority for the 105th Congress."

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not take Congress to have authorized rules that sacrifice First Amendment interests.")

Thomas/McDonald Statement at 16 (emphasis omitted), quoting *The Washington Post*, August 8, 1996.[28]

These criteria offer no prospective guidance and contribute little if anything to overcoming the vagueness problem. Because, as the Supreme Court noted in *Buckley*, "campaigns themselves generate issues of public interest," 424 U.S. at 42, and because public interest in issues is often highest close to an election, the logical time to engage in

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[28] Commissioners Thomas and McDonald also cite these facts for the proposition that the Coalition was a "political committee" that must register under 2 U.S.C. § 433 and report its activity under 2 U.S.C. § 434. Thomas/McDonald Statement at 15-17. The Act defines "political committee" as "any ... association ... of persons which receives contributions ... or makes *expenditures* aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A) (emphasis added). The *Buckley* Court cautioned that the broad statutory definition of 'political committee,' which turns on the terms contribution and expenditure and on the phrase "for the purpose of influencing any election" had the potential for encompassing "both issue discussion and advocacy or a political result" and thus might encroach upon First Amendment freedoms. *Buckley* at 79. Therefore, to fulfill the purposes of the Act, the term political committee. "need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate." *Id.* While an organization's purpose may be evidenced by its public statements of its purpose, *see MCFL* at 262, such an inquiry is secondary to the requisite of finding "expenditures" or "contributions" in excess of $1,000. So "[e]ven if the organization's major purpose is the election of a federal candidate or candidates [, as Commissioners Thomas and McDonald insist the evidence would conclude,] the organization does not become a "political committee" *unless* or *until* it makes *expenditures* in cash or in kind." *See Machinists* at 392. The argument that "major purpose" alone is enough to make a group a "political committee" or make disbursements into "expenditures" as defined by the Act was specifically rejected in *Federal Election Commission v. GOPAC*, 917 F. Supp. 851, 861-62 (1996)("As a matter of law, the Commission ... failed to demonstrate that GOPAC became a political committee within the meaning of the Act by *spending* or *receiving* $1,000 or more and engaging in 'partisan politics' and 'electioneering.'")(emphasis added).

issue advocacy is close to an election.[29] Similarly, groups will ultimately hope that if politicians do not adopt their positions on issues, the voters will turn against them. Surely, we cannot regulate issue ads simply because they will affect what issues and stances voters think are important. That does not make their conduct "for the purpose of influencing" a federal election as the meaning of that crucial phrase has been defined to avoid vagueness problems in the context of independent expenditures. *See Federal Election Commission v. GOPAC*, 917 F. Supp. 851 (D. D.C.) (1996). Thus the type of criteria on which Commissioners Thomas and McDonald would rely fails, even after the

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fact, to provide any meaningful distinctions that would not chill constitutionally protected speech.

Equally important, "[n]o matter what facts [the Commission] finds through [an] investigation, the requisite jurisdiction for the investigation itself must stand or fall on the purely legal claim...." *Federal Election Commission v. Machinists Non-Partisan Political League*, 655 F.2d 380, 390 (D.C. Cir. 1981) (hereinafter "*Machinists*"). In *Machinists*, the Circuit Court of Appeals for the District of Columbia had to determine whether to enforce a Commission subpoena against a "draft" committee where it was unclear whether the Commission had statutory authority to regulate draft committees at all. *Id.* The Court stated that any alleged compelling interests the Commission may assert in seeking information, can be compelling and granted effect if the

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[29] Furthermore, Congress is often still in session within, for example, 60 days of an election, and engaged in more than the usual number of floor votes while attempting to wrap up the session. *See* Bradley A. Smith, *Soft Money, Hard Realities: The Constitutional Prohibition on a Soft Money Ban*, 24 J. Legis. 179, 192 n. 85 (1998); *See also Mills v. Alabama*, 384 U.S. 214 (1966)(striking down a limited ban on express advocacy close to an election).

Commission first has authority to regulate a particular type of speech or activity. *Id.* But the Court held that "the highly sensitive character of the information sought simply makes it all the more important that the court be convinced that jurisdiction exists." *Id* at 389.

In the current MUR, the purely legal claim is that coordinated issue advocacy is "for the purpose of influencing elections" and so subject to regulation under the FECA. In deciding the question of Commission jurisdiction, the Machinists Court warns us that "[i]n this delicate first amendment area, there is no imperative to stretch the statutory language, or read into it oblique references of Congressional intent...." Rather, "[a]chieving a reasonable, constitutionally sound conclusion in this case requires just the opposite. 'It is our duty in the interpretation of federal statutes to reach a conclusion which will avoid serious doubt of their constitutionality.'" *Id* at 394, quoting *Richmond v. United States*, 275 U.S. 331 (1928).

Certainly we, as Commissioners, should equally avoid interpretations of the statute that raise constitutional questions, at least absent a clear expression of intent from Congress. We are obliged to be certain we are acting within the confines of the FECA and the Constitution. We cannot use ambiguities to expand our regulatory authority. Even if Commissioners do not believe that the *Buckley* Court limited the phrase "for the purpose of influencing" to express advocacy when applied to coordinated communications, they must concede that our guidance in this area is at a minimum. To avoid serious constitutional concerns, we should adopt an objective, bright line express advocacy standard as a predicate to investigating allegedly coordinated issue discussion.

Indeed, the D.C. Circuit has also admonished this agency to use clear, bright line standards, not only to address constitutional concerns, but for more mundane, practical

reasons as well. In *Orloski v. F.E.C.*, 795 F.2d 156, 165 (D.C. Cir. 1986), the Court of Appeals wrote that, "[a]dministrative exigencies mandate that the FEC adopt an objective, bright-line test for distinguishing between permissible and impermissible corporate donations." Certainly this would apply to permissible and impermissible non-corporate donations as well. The *Orloski* court went on to add that, "an objective test is required to coordinate the liabilities of donors and donees. The bright-line test also is necessary to enable donees and donors to easily conform their conduct to the law and to

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enable the FEC to take the rapid, decisive enforcement action that is called for in the highly-charged political arena." *Id.* Each of these concerns apply in the context of coordinated issue advocacy—as the naming of over 60 respondents and the length of the investigation in this MUR show, without an objective content standard neither donees nor donors can "easily conform their conduct to the law," and the FEC cannot take "rapid, decisive enforcement action." And, of course, *Orloski* also warned of the need for a bright line to avoid a chilling effect on protected speech: "A subjective test based upon the totality of the circumstances [such as that favored by Commissioners Thomas and McDonald in this MUR] would inevitably curtail permissible conduct." *Id.*

In fact, *Orloski* warned of other practical problems with a subjective test, many of which are on exhibit in this case. Wrote the court:

> "[A subjective test] would also unduly burden the FEC with requests for advisory opinions ... and with complaints by disgruntled opponents who could take advantage of a totality of the circumstances test to harass the sponsoring candidate and his supporters. It would further

> burden the agency by forcing it to direct its limited resources toward conducting a full-scale, detailed inquiry into almost every complaint, even those involving the most mundane allegations. It would also considerably delay enforcement action. Rarely could the FEC dismiss a complaint without soliciting a response because the FEC would need to know all the facts bearing on motive before making its "reason to believe" determination.

Id. at 165. These considerations, and in particular the chilling effect on speech of this uncertainty, argue for an objective, express advocacy test over the vague, post hoc, subjective test favored by Commissioners Thomas and McDonald.

Commissioner Sandstrom, in his turn, voices a concern for vagueness and overbreadth, but argues that the "express advocacy test is a *subjective*, content-based test about which reasonable minds can on occasion reach different results," and for that reason, ought to be applied "only where more objective criteria are unavailable." Sandstrom Statement at 6. Commissioner Sandstrom then argues that the objective criteria should be whether the ads were tested for their effect on voters' candidate preferences. Based on this, he voted against the General Counsel's recommendation to take no further action in this case.

First, Commissioner Sandstrom errs in thinking that the express advocacy test is subjective. A subjective test depends on the mental impression of the respondent at the time his communications were made. An objective test relies on independently verifiable facts, such as whether or not a communication contains express 'words of advocacy of election or defeat. While it is true that the inexactness of

language means that reasonable minds can sometimes reach differing results on whether or not certain words are express

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words of advocacy of election or defeat,[30] in the overwhelming majority of cases the express advocacy standard is very easy to apply. The occasional disagreement does not mean that the express advocacy test is "subjective," that it fails to provide notice to the regulated community, or that it fails to provide courts a standard of reviewing the actions of legislatures, regulatory commissions, prosecutors, and inferior courts. By an "objective" test, it is not meant that every adjudicator will reach the same result in every case, but rather that the test will not rely on the subjective motives of the speaker. Commissioner Sandstrom's proposed objective criteria — whether or not the ad was tested for effect on voter candidate preferences — is, like the express advocacy test, objective in that it does not rely on intent, but is, like the express advocacy test, subject to disagreement as to whether it has been met.[31]

More important, Commissioner Sandstrom's proposed standard provides no guidance to a group that had not so tested its ads. That is, the presence of such testing might quickly allow the Commission to find a purpose to influence a federal election, but its absence would not allow

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[30] *See e.g. Federal Election Commission v. Furgatch*, 807 F.2d 857 (9th Cir. 1987), *cert den.* 484 U.S. 850 (1987); MUR 4922 (Suburban O'Hare Commission).

[31] For example, my standard for determining what constitutes "test[ing] an ad's influence on voters' choice of federal candidate" may differ from Commissioner Sandstrom's. Does it include, for example, asking generically whether a voter would be more or less inclined to favor a candidate who takes particular positions? Or asking not if the ad would affect one's vote or even preference, but merely the respondent's opinion of the individual in question? Or suppose that the ads are tested for voters using candidates in a Senate race, but then run in a House race? I am sure-many more variations are available.

the respondent to quickly demonstrate no such purpose. (I do not think that Commissioner Sandstrom means to propose that *only* issue ads that are tested for effect on voters' candidate preferences would be subject to regulation). Nor would the Commission be expected to routinely accept a respondent's denial of such testing without an investigation. Respondents would therefore continue to be subject to extensive investigations on the basis of allegations filed by their political adversaries. Thus, the chilling effects on speech, not to mention the other problems outlined in *Orloski*, would still be present. Furthermore, groups engage in issue advocacy in the ultimate hope of changing government policy. One way to assure that issue ads will be effective is to test them on voters to see if they are likely to encourage voters to put the desired pressure on legislators and candidates to adopt the favored positions. The right to engage in political issues discussion would lose much of its meaning if groups and individuals were limited to communications that were not effective in mobilizing voters.

The express advocacy test is an instrument of law designed to further constitutional aims by limiting actions of legislatures and regulatory bodies that would chill protected political speech through their overbreadth and vagueness. The existence of express advocacy is a threshold requirement for regulating the communicative expenditures of unions, corporations, groups or individuals. No matter the degree of dissatisfaction with the results the test yields, we are not permitted, nor would it be wise, to jettison the express advocacy test simply because we might believe in any given case that "more objective criteria" are available.[32]

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[32] It goes without saying that there is no basis in the statute or judicial interpretations of the statute for Commissioner Sandstrom's proposal to define groups as political committees by essentially redefining "expenditure" and "contribution" to include ads tested for their effect on voter candidate preferences. Commissioner Sandstrom is also justifiably concerned that the rules be made clear. Sandstrom Statement at 4-5. In

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It is true that the express advocacy test often yields results with which some individuals are unhappy. Many observers fear that coordinated issue advocacy has the potential to corrupt candidates and officeholders. The *Christian Coalition* court, for example, warned that were the express advocacy standard "imported" into section 44lb's contribution prohibition, "it would open the door to unrestricted corporate or union underwriting of numerous campaign-related communications that do not expressly advocate a candidate's election or defeat." 52 F. Supp.2d at 88. This would, feared the court, "present real dangers to the integrity of the electoral process." *Id* at 92. Of course, all of this is nothing more than the district court saying that its concern about *quid pro quo* corruption overrides the vagueness and overbreadth problems inherent in regulating issue advocacy. The Supreme Court faced the same issues in *Buckley* and reached the opposite conclusion, recognizing that issue advocacy would be used to influence campaigns: "It would naively underestimate the ingenuity and resourcefulness of persons and groups desiring to buy influence to believe that they would have much difficulty devising expenditures that skirted the restriction on express advocacy of election or defeat but nevertheless benefited the candidate's campaign." 424 U.S. at 45. Regulating coordinated issue advocacy, no matter how much it may or not benefit a campaign, plunges the discussion of issues back into a morass of regulation and resuscitates the concerns of vagueness and overbreadth the Court addressed in *Buckley*. A content standard is needed to alleviate this problem, but at this time our coordination regulations possess no content standard beyond the vague statutory language that expenditures be made for the purpose of influencing a federal

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addition to being well grounded in judicial precedent, the express advocacy test has the advantage of being clear, simple to understand for the inexperienced, easy to apply in the overwhelming majority of cases, and familiar to regular participants in campaigns.

election.[33] This is effectively no content standard at all, as the *Buckley* Court held in discussing the disclosure provisions of the Act, and as another Supreme Court case, cited extensively in *Buckley*, makes clear.

In *Thomas v. Collins*, 323 U.S. 516 (1945), Thomas, a national union leader, was accused of violating a Texas statute requiring "all labor union organizers operating in Texas ... to file [for an organizer's card] with the Secretary of State before soliciting any members for his organization." *Id* at 519, n. 1. The statute required organizers to carry the card whenever "soliciting" members, and to exhibit the same when requested to do so by prospective members. The statute was invalidated because speakers would not know in what ways they could speak about the labor movement, or about labor issues, without

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carrying a card. In short, the statute was invalidated because it lacked a definite content standard.

The Court suggested that had the statute included a precise content standard, equivalent to the express advocacy test later adopted in *Buckley*, the regulation could have been valid under the State's police power because, "[a] speaker in such circumstances could avoid the words 'solicit,' 'invite,'[or] 'join.'" *Id.* at 534. However,

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[33] Some have suggested that "the purpose of influencing" be found in 'any ad featuring a candidate's name or likeness.' But this is little improvement, for reasons of overbreadth, over the 'relative to a candidate' standard the Court rejected as vague in deciding *Buckley*. Limiting the content standard to any ad containing a clearly-identified candidate is unconstitutionally overbroad for as the Court observed in *Buckley*, "[c]andidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." 424 U.S. at 42.

> [w]ithout such a limitation, the statute forbids any language which conveys, or reasonably could be found to convey, the meaning of invitation. How one might 'laud unionism' as the State and State Court concede Thomas was free to do, yet in these circumstances not imply an invitation, is hard to conceive.... In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation, puts the speaker in these circumstances wholly at the mercy of his hearers. ... Such a distinction offers no security for free discussion.

Id. at 535.

The Court made the point most relevant to the problem posed by our current coordination regulations:

> The vice [in a statute prohibiting the issuing of invitations without an organizer's card] is not merely that invitation ... is speech. It is also that its prohibition forbids or restrains discussion which is not or may not be invitation. The sharp line cannot be drawn surely or securely.

Id. at 535-36 (emphasis added). Similarly, the "vice" in the coordination regulations is not that they regulate ads that a candidate may authorize or request. The vice of the regulations is that unless they are limited to phrases of a particular kind, speakers who want to discuss more generic matters will not know whether they will be investigated under the regulations. A speaker *see*king to discuss issues without risking investigation can avoid words such as 'vote for,' 'elect,' 'vote against,' or 'defeat.' But absent a content standard, our regulations provide no guidance as to which types of phrases will be deemed to "influence the outcomes

of elections," and our regulations will limit or chill much speech that is not or may not be "for the purpose of influencing" a federal election.

Nor can the lack of a content standard can be effectively offset through a restrictive test for coordination. While other considerations lead me to support a conduct test for coordination similar to that enunciated in *Christian Coalition* and since incorporated into our regulations at 11 C.F.R. § 100.23, the truth is that such a restrictive test for proving coordination can, absent a content standard, actually make investigations more intrusive and chilling of speech. The reason is because the more difficult evidentiary burden the Commission faces to prove coordination requires, a more intrusive investigation to gather facts that are usually in control of the respondent. Thus, while the

coordination rule of *Christian Coalition* solves the notice problem of the Commission's old "insider trading" standard, it does not address the fundamental vagueness problem. "The objectionable quality of vagueness and overbreadth does not depend [just] upon [the] absence of fair notice to a[n] accused ... but [more importantly] upon the danger of tolerating, in the area of First Amendment freedoms, the existence of a ... statute susceptible of sweeping and improper application." *NAACP v. Button*, 371 U.S. 415, 432-433 (1963). A content standard provides advance notice to actors of what kind of speech the FEC may investigate, and reduces the risk of arbitrary, discriminatory, or capricious enforcement far more effectively than a purely conduct based standard.

Absent a content standard, it does not appreciably warm the environment for speech to say that the standard for actually proving and punishing coordination "must be restrictive," as the court did in *Christian Coalition*. 52 F.

Supp.2d at 88. This is because a restrictive conduct standard does nothing to alleviate the ease with which allegations may be made and intrusive, expensive investigations launched. The Supreme Court in *Thomas v. Collins*, assessing the chilling effect of the Texas statute upon speech, did not discuss the defendant's likelihood of success at trial, or the difficulty that the State would have in proving whether the defendant violated the organizer-card ordinance, or the elements involved in that proof The mere threat of prosecution was sufficient to chill speech and make the statute unconstitutional. ("The threat of ... arrest ... hung over every word." *Id.* at 534.) Because the threat of prosecution (or investigation) can itself chill speech, *see Virginia v. American Booksellers Ass'n.*, 484 U.S. 383, 392-93 (1998), a tough conduct standard does not eliminate the need for a clear content standard. A precise content standard along with the new conduct standards outlined in 11 CFR § 110.23 would work as bookends in enforcing the Act while removing an unconstitutional chill from protected speech and associational activities.

V.

Investigations into allegations of coordination will often involve demands for access to an organization's detailed legislative and political plans, including intrusion into the most sensitive internal political discussions. *See generally, AFL-CIO, et al. v. FEC*, Civ. Action No. 01-1522 (GK), Dist. Ct., District of Columbia. The express-advocacy content standard ensures that investigations into allegations of coordination are only visited upon those groups, corporations or unions who first cross a bright, content line.

The dangers to the First Amendment posed by such broad government investigations of political activity have been recognized time and again by the federal courts. *See e.g., F.E.C. v. Larouche Campaign*, 817 F.2d 233, 234 (2d

Cir. 1987)(recognizing that the Commission's investigative authority should be constrained or clearly delineated due to the sensitive nature of the activities the agency regulates, and holding that where a case implicates First Amendment concerns, "the usual deference to the administrative agency is not appropriate and protection of the constitutional liberties of the target of the subpoena calls for a more exacting scrutiny of the justification offered by the agency.") In *Buckley*, the Supreme Court recognized that "compelled disclosure

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[of political activities], in itself, can seriously infringe on privacy of associations and belief guaranteed by the First Amendment." 424 U.S. at 64. Justice Frankfurter made the same point over forty years ago: "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the investigatory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of association, and freedom of communication of ideas." *Sweezy v. New Hampshire*, 354 U.S. 234, 235 (1957) (Frankfurter, J., concurring). Investigations into such areas of constitutional sensitivity ought to be triggered only where respondents can know that they have crossed a bright line.[34]

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[34] I do not suggest that the Commission may make no inquiries at all until it is sure that express advocacy exists. The Commission could conduct a *Reader's Digest* inquiry, even to the point of enforcing subpoenas, to be certain no express ads were run. *See Reader's Digest Ass'n. v. FEC*, 509 F. Supp. 1210 (S.D.N.Y) (where factual questions existed regarding whether the Commission had statutory authority to conduct a full investigation, the court adopted a two-step process to govern its continuation; the first stage of the investigation would be solely for the purpose of determining whether statutory authority existed). As a factual matter, complaints are normally filed because someone—usually the speaker's political opponent— has seen the ads in question. The ads are described in or attached to the complaint, so even a *Reader's Digest*

The suggestion that a bright line can be found by the fact of communicating with a candidate–in other words, that a speaker can find a safeharbor by not communicating at all with a candidate in the two, four or six-year period between elections, is not realistic.[35] Indeed, one reason for our passing the new coordination regulation was the recognition that our old enforcement standard, presumptively finding coordination based on any contact between the speaker and the candidate, was unrealistic. For example, in seeking to prove coordination between the Christian Coalition and various Republican candidates, the Commission's evidence included the fact that public officials addressed meetings of the organization. *See Christian Coalition*, 52 F. Supp.2d at 68, 71, 76. Public officials have a legitimate need to communicate with their constituents, these constituents have a right to listen to their elected officials, and "nowhere in the Act did Congress expressly limit an incumbent's right to communicate with his constituency." *Orloski v. Federal Election Commission*, 795 F.2d 156, 163 (D.C. Cir. 1986).

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inquiry will be rare. When the ads are not shown by the complaint to be issue ads, the respondent can typically attach the ads to the response, and if they do not include express advocacy, the enforcement ends there at very low cost to both respondent and Commission.

[35] Chairman McDonald and Commissioner Thomas state that the Act and the *Buckley* Court required only a "general understanding" to find coordination and presumably would state that persons speaking with legislative officials or candidates in the 2, 4 or 6 years between elections do so at their own risk. *See* Thomas/McDonald Statement at 7. I disagree with this conclusion, for the reasons stated in *Clifton*. *See* 114 F.3d 1309 at 1314. The district court in *Christian Coalition* also *see*med not to appreciate the First Amendment dilemma in this area, mischaracterizing the choice as one between "lobbying the *campaign* on issues but spending no money on the election ... or remaining walled off from the *campaign* so that all campaign-related expenditures are clearly independent." *Christian Coalition*, 52 F. Supp. 2d at 89, n. 53 (emphasis added). Approximately fifty percent of all "campaigns" involve officeholders who make up "the government," and with whom the speaker may wish to confer on legislative issues pursuant to the First Amendment right to "petition for a redress of grievances." U.S. CONST. amend. I.

Groups and candidates talk all the time, and to force groups to choose between talking to candidates or losing their safeharbor is likely to be as chilling on the First Amendment rights to speak and to petition the government as the conduct standard the Commission just rejected.

[23]

Issue discussion ought not, and constitutionally cannot, be regulated merely because an issue ad may be of benefit to the candidate or his campaign. Issue discussion will almost always, at some point, benefit some campaign, as the *Buckley* Court understood. The purpose of the express advocacy test is not to neatly separate those communications that are intended to influence a campaign from those that are not, but to protect the rights of all citizens to engage in protected speech. In this respect, the test is similar to many other prophylactic tests found in the law. For example, in *Miranda v. Arizona*, 384 U.S. 436 (1966), the Supreme Court recognized that "to permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored." *Miranda*, at 467.[36] The warnings that law enforcement officials have been required to give to suspects ever since are not a sifting screen to divine the subjective intent of the suspect; not one tool among many for determining whether his confession was voluntary. Likewise, the express advocacy test is not a sifting screen to divine the subjective intent of a respondent, to determine whether in his mind the speech he engaged in was for the purpose of influencing an election. Rather, both the Miranda warnings and the express advocacy test are objectively ascertainable threshold requirements promulgated

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[36] The *Miranda* warnings were re-affirmed last year as a constitutionally based approach for determining the admissibility of statements made during a custodial interrogation that could not be overruled by statutory enactment. *Dickerson v. United States* 530 U.S. 428 (2000).

by Courts to protect the constitutional rights of citizens. Neither test is disposable, even though there may be other evidence that a confession was voluntary, or that a respondent's speech was "for the purpose of influencing" an election. As stated by the Court in *Miranda*, the "privilege is so fundamental to our system of constitutional rule and the expedient of giving adequate warning as to the availability of the privilege so simple, we will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given." *Miranda* at 468. The First Amendment is no less fundamental,[37] and the expedient of applying the express advocacy test so simple, that we may not and ought not pause to inquire in individual cases whether *speech* can be "for the purpose of influencing" an election without first finding express advocacy.[38]

Campaign finance laws and regulations have, over time, become weapons in the arsenals of candidates and party committees, and we should not quickly minimize the far-reaching aspects of these regulations. In 2000 the Congressional Committee Chairman of one major political party went so far as to sue his counterpart under the RICO statute.[39] If

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[37] *See* e.g., *Buckley v. Valeo*, 424 U.S. at 14 ("Discussion of public issues and debate [is] integral to the operation of the system of government established by our Constitution.")

[38] The law is full of blanket rules, in addition to *Miranda*, that are adopted in order to protect rights or to provide for increased accuracy or efficiency, even if in a particular case the application of the rule does not *see*m to achieve its purpose. For example, statutes of limitations may prevent an action even when evidence is not stale; the exclusionary rule often prevents evidence from being used in trials though it is known to be probative; the parole evidence rule may make a contract unenforceable though the evidence is clear that such a deal was made, to name just a few.

[39] In 2000, DCCC Chairman, Patrick Kennedy (D-R.I.) sued the NRCC and Tom DeLay (R-Tx.) under the

our coordination regulations proceed without an adequate content standard, it will take the political elite about three minutes to deduce that nearly all allegations of coordination will be followed by an FEC investigation, to which the respondent can offer no affirmative defense that will quickly terminate the investigation. Given that groups frequently have contacts with officeholder/candidates, credible allegations of coordination will be easy to make. If the complaint is reasonably well-crafted,[40] the Commission will have no choice but to find "reason to believe" that a violation has occurred. This is low-hanging fruit for any party, candidate, person or group seeking to silence and harass opposing voices in an election cycle.

Whether express advocacy is present in any written or broadcast message, however, is a legal question susceptible of a quick preliminary determination by the Commission. It therefore acts as an affirmative defense the Commission can accept or reject in the initial stages of the MUR. Absent such a test, a respondent's preliminary denial of coordination, even when backed by signed affidavits, will never amount to anything more than a self-serving factual (not legal) representation. If in the future the Commission adopts an incorrect content standard, or effectively no content standard, there will be no affirmative defense that could save an advocate from a protracted investigation. The express

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RICO statute. *See* Juliet Eilperin, *House Democrats Sue DeLay, Action Accuses Whip of Extortion, Money Laundering in Fundraising*, THE WASHINGTON POST, May 4, 2000, at A06.

[40] Commission policy has been to treat complaints liberally. If the complainant swears an affidavit (as he is essentially required to do in swearing out a complaint, *see* 2 U.S.C. §437g(a)), the Commission will nearly always be required to launch into a full investigation to fairly decide whether the complainant or respondent has the better factual representation. "Rarely could the FEC dismiss a complaint ... because the FEC would need to know all the facts bearing on motive before making its ... determination." *Orloski* at 165.

advocacy bright line serves as that affirmative defense. If the Commission abandons that bright line, any group or individual which *see*ks to both engage in issue discussion and has even a passing contact with elected officials may be subject to allegations that will trigger the type of massive investigation, and corresponding costs, seen in this MUR. Thus it will be among the most aggressive moves the Commission has taken towards chilling debate in the United States.

The expensive, intrusive, lengthy investigation of MUR 4624, like the similar four-year investigation in MUR 4291, would have been readily avoided by the simple application of an express advocacy content standard. Adopting this standard is, in my view, required by both the statute and the Constitution. But even if not required, it is certainly a permissible standard under the statute, and offers many benefits. It provides clear notice to the community; it should result in fewer Advisory Opinion requests than the mere conduct standard; it will result in fewer expansive investigations which eat up Commission resources; it will reduce the role of litigation in campaigns; and most importantly, it avoids any concerns about constitutionality, and will not have the chilling effect on speech of an approach without a clear content standard.

Thus I would have ended this MUR on much simpler grounds, at a much earlier date, by finding that the Coalition's spending for issue advocacy, whether or not

otherwise coordinated, was as a matter of law not for the purpose of influencing an election and not subject to regulation under the FECA.

/s/ Bradley A. Smith 11/6/01

Bradley A. Smith, Commissioner Date

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[pages 1- 63 omitted]

Contributions from Minors

Section: 2 U.S.C. Sec.441a(a)(1)

Recommendation: Congress should establish a minimum age for contributors.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 65 - end]

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[FEC logo omitted]
[pages 1- 49 omitted]

Contributions from Minors

Section: 2 U.S.C. Sec.441a(a)(1)

Recommendation: The Commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 51 - end]

Federal Election Commission
Annual Report 1994
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[pages 1- 55 omitted]

Contributions from Minors

Section: 2 U.S.C. Sec.441a(a)(1)

Recommendation: The Commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 57 - end omitted]

Federal Election Commission
Annual Report 1995
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[pages 1- 55 omitted]

Contributions from Minors

Section: 2 U.S.C. Sec.441a(a)(1)

Recommendation: The Commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 57 - end omitted]

Federal Election Commission
Annual Report 1996
[FEC logo omitted]
[pages 1- 54 omitted]

Contributions from Minors

Section: 2 U.S.C. Sec.441a(a)(1)

Recommendation: The Commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 56 - end]

Federal Election Commission
Annual Report 1997
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[pages 1- 53 omitted]
Contributions from Minors
Section: 2 U.S.C. Sec.441a(a)(1)
Recommendation: The Commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.
Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.
[pages 54 - 96 omitted]

Federal Election Commission
Annual Report 1998
[FEC logo omitted]
[pages 1- 43 omitted]

Contributions from Minors

Section: 2 U.S.C. §441a(a)(1)

Recommendation: The Commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 45-92 omitted]

Federal Election Commission
Annual Report 1999
[FEC logo omitted]
[pages 1- 49 omitted]

Contributions from Minors (revised 2000)

Section: 2 U.S.C. §441a(a)(1)

Recommendation: The Commission recommends that Congress establish a minimum age of 16 for making contributions.

Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age of 16 for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

[pages 51-86 omitted]

Federal Election Commission
Annual Report 2000
[FEC logo omitted]
[pages 1- 42 omitted]
Contributions from Minors
Section: 2 U.S.C. Sec.441a(a)(1)
Recommendation: The Commission recommends that Congress establish a minimum age of 16 for making contributions.
Explanation: The Commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age of 16 for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.
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Federal Election Commission
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[pages 1- end omitted]

THE RULES OF THE REPUBLICAN PARTY

As adopted by the
2000 Republican National Convention
July 31, 2000

PREAMBLE

BE IT RESOLVED, That the Republican Party is the party of the open door. Ours is the party of liberty, the party of equality of opportunity for all and favoritism for none.

It is the intent and purpose of these rules to encourage and allow the broadest possible participation of all voters in Republican Party activities at all levels and to assure that the Republican Party is open and accessible to all Americans.

BE IT FURTHER RESOLVED, That the following be and hereby are adopted as the Rules of the Republican Party, comprised of the rules for the election and government of the Republican National Committee until the next national convention, the rules under which delegates and alternate delegates shall be allotted to the respective states in the next national convention and the rules under which such delegates and alternate delegates shall be elected and under which contests shall be considered, and the rules of business of this national convention.

THE REPUBLICAN NATIONAL COMMITTEE

RULE NO. 1
Organization of the Republican National Committee

The Republican National Committee shall have the general management of the Republican Party, subject to direction from the national convention. The members of the Republican National Committee shall consist of one (1) national committeeman and one (1) national committeewoman from, and the chairman of the state Republican Party of, each state. For the purposes of this rule and all other rules, the definition of "state" or "states" shall be that as defined in Rule No. 26.

RULE NO. 2
Method of Election

(a) Where the rules adopted by a state Republican Party provide a method of election of the national committeeman and the national committeewoman, they shall be elected pursuant to such method.

(b) Where the rules adopted by a state Republican Party do not provide a method of election of the national committeeman and the national committeewoman, and where state laws do provide such a method of election, they shall be elected pursuant to such method provided by state laws.

(c) Where neither the rules adopted by a state Republican Party nor state laws provide a method of election of the national committeeman and the national committeewoman, the national convention delegation from such state shall elect them.

(d) At each national convention, the roll shall be called and the delegation from each state shall report, through the chairman of the delegation, the names of the elected national committee members whose election shall be ratified by the national convention if otherwise in accordance with these rules.

RULE NO. 3
Term of Office

(a) National committeemen and national committeewomen shall serve from the adjournment of the national convention until the adjournment of the following **[*3]** national convention, and until their successors shall have been elected and ratified. For seniority purposes, newly elected committee persons shall be ratified in order of the date of their individual election.

(b) The duly elected and acting chairman of each state Republican Party shall be a member of the Republican National Committee during his or her term in office.

RULE NO. 4
Vacancies

(a) Election of members to fill vacancies in the Republican National Committee shall be ratified by the Republican National Committee upon their election by the state Republican Party in and for the state in which the vacancy occurs.

(b) The Republican National Committee shall have the power to declare vacant the seat of any member who refuses to support the Republican nominee for President of the United States or Vice President of the United States.

(c) In the event of the death, resignation, disqualification, or disability of any officer of the Republican

National Committee or member of a committee of the Republican National Committee, as enumerated in the Rules, such vacancy shall be filled by the same body and in the same manner as provided therein for the election of such officer or officers or committee members in the first instance.

(d) In the event of the death, resignation, disqualification, or disability of any member of the Republican National Committee, the vacancy shall be filled according to adopted Republican state party rules. If no rule exists, vacancies shall be filled by majority vote of the state committee.

RULE NO. 5
Officers of the
Republican National Committee

(a) The Officers of the Republican National Committee shall consist of:

(1) A chairman and a co-chairman of the opposite sex who shall be elected by the members of the Republican National Committee. Except as otherwise ordered by a majority of the members of the Republican National Committee present and voting on the matter, the chairman and **[*4]** the co-chairman shall be full-time, paid employees of the Republican National Committee. The chairman shall be the chief executive officer of the Republican National Committee. The chairman or co-chairman may be removed from office only by a two-thirds (2/3) vote of the entire Republican National Committee.

(2) Eight (8) vice chairmen, comprising one (1) man and one (1) woman from each of the following four (4) regions:

(i) The Western States Association: Alaska, American Samoa, Arizona, California, Colorado,

Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming;

(ii) The Midwestern States Association: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin;

(iii) The Northeastern States Association: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and the Virgin Islands; and

(iv) The Southern States Association: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3) A secretary, a treasurer, and such other officers as the Republican National Committee shall deem necessary, all to be elected by the Republican National Committee.

(b) The chairman, co-chairman, and all other officers shall be elected in January of each odd-numbered year. All officers, except the vice chairmen, shall be nominated from the floor, and candidates must have at least the majority vote of the Republican National Committee members in each of three (3) states in order to have their names placed in nomination. There shall be no nominating committee.

(c) The eight (8) vice chairmen shall be elected at regional caucuses by the Republican National Committee members of the four (4) regions and shall be residents of and Republican National Committee members from their respective regions. The election shall take place in January of

each odd-numbered year. The election of vice chairmen shall not require confirmation by the Republican National Committee.

(d) The chairman shall appoint a general counsel for the Republican National Committee and a chairman of the Republican Finance Committee, both of whom shall be confirmed by the Republican National Committee.

RULE NO. 6
Executive Committee

(a) There shall be an Executive Committee of the Republican National Committee to consist of eleven (11) members of the Republican National Committee: three (3) to be appointed by the chairman, to serve at the will of the chairman and whose terms shall be coterminous with that of the chairman, and eight (8) additional members to consist of one (1) man and one (1) woman elected by and from each of the four (4) regional caucuses. In addition, the following shall serve as ex-officio members of the Executive Committee: the chairman, the co-chairman, the vice chairmen, the secretary, the treasurer, the general counsel, the chairman of the Republican Finance Committee, the chairman of the Republican State Chairmen's Advisory Committee, the chairman of the Budget Committee, and the president of the National Federation of Republican Women.

(b) The Executive Committee may exercise all the executive and administrative functions required of the Republican National Committee between meetings of the Republican National Committee, with the exception of the following:

(1) election of officers of the Republican National Committee;

(2) ratification of the election of members of the Republican National Committee;

(3) issuance of the call and designation of the time and place for holding the national convention; and,

(4) filling a vacancy in the office of Republican candidate for President of the United States, or Republican candidate for Vice President of the United States.

(c) The Executive Committee shall meet on the call of the chairman and such meetings shall be held at least twice in each year. In addition, upon written petition of at least **[*6]** twenty-five percent (25%) of the members of the Executive Committee, the chairman, within ten (10) days of his receipt of said petition, shall call a meeting of the Executive Committee to be held in a city to be designated by the chairman. The date of such meeting shall fall between ten (10) and twenty (20) days from the date of the call. The minutes of all Executive Committee meetings shall be distributed as promptly as practicable to all members of the Republican National Committee.

(d) In addition to the foregoing, the Executive Committee shall encourage and solicit the advice and counsel of Republican groups and organizations.

RULE NO. 7
Rules of Order

(a) The current authorized edition of *Robert's Rules of Order: Newly Revised* ("*Robert's Rules of Order*") shall govern in all meetings of the Republican National Committee and its committees insofar as they are applicable and not inconsistent with these rules.

(b) All meetings of the Republican National Committee and all of its committees shall be open meetings, except as provided for by *Robert's Rules of Order*.

(c) A member of the Republican National Committee may give a written and witnessed proxy to an eligible and declared Republican voter of the same state, which shall be effective for one (1) meeting and may include all committees of the Republican National Committee and other meetings held in conjunction with the Republican National Committee meeting that the proxy grantor is eligible to attend. A member of a committee of the Republican National Committee may give a written and witnessed proxy to an eligible and declared Republican voter of the same state or to a member of that member's state delegation to the Republican National Committee. Proxies to attend Republican National Committee meetings shall be filed with the secretary of the Republican National Committee. Proxies to attend a committee of the Republican National Committee shall be filed with the chairman of the respective committee.

(d) No votes (except elections to office when properly ordered pursuant to the provisions of *Robert's Rules of Order*) shall be taken by secret ballot in any open meeting of the Republican National Committee or of any committee thereof.

[*7] (e) A prayer and the pledge of allegiance shall be conducted at the beginning of all meetings of the committees listed in these rules, including meetings of all subcommittees, immediately following the call to order by the chairman.

RULE NO. 8
Meetings of the
Republican National Committee

(a) The Republican National Committee shall meet at least twice in each year. A tentative agenda for each

meeting shall be mailed to the membership at least ten (10) days prior to such meeting. The minutes, including all resolutions and motions, shall be mailed to all members of the Republican National Committee within thirty (30) days after the close of the meeting.

(b) The first meeting of the Republican National Committee shall take place within five (5) days after the adjournment of the national convention. Such meeting and all other meetings of the Republican National Committee shall take place upon call of the chairman or, in case of a vacancy in the chairmanship, upon call of the co-chairman or, in case of a vacancy in the chairmanship or the co-chairmanship, upon the call of the vice chairman senior in time of service as a member of the Republican National Committee; provided, however, that such call shall be issued at least ten (10) days in advance of the date of the proposed meeting, except that if one of the purposes of a meeting of the Republican National Committee is to fill a vacancy in the office of Republican candidate for President of the United States or Republican candidate for Vice President of the United States then only five (5) days notice of the purpose, date, and place of said meeting shall be required. Upon written petition of sixteen (16) or more members of the Republican National Committee, representing no fewer than sixteen (16) states, filed jointly or severally with the chairman, requesting a meeting of the Republican National Committee, it shall be the duty of the chairman, within ten (10) days from receipt of said petition, to issue a call for a meeting of the Republican National Committee, to be held in a city to be designated by the chairman, the date of such called meeting to be not later than twenty (20) days or earlier than ten (10) days from the date of the call.

RULE NO. 9
Filling Vacancies in Nominations

(a) The Republican National Committee is hereby authorized and empowered to fill any and all vacancies which **[*8]** may occur by reason of death, declination, or otherwise of the Republican candidate for President of the United States or the Republican candidate for Vice President of the United States, as nominated by the national convention, or the Republican National Committee may reconvene the national convention for the purpose of filing any such vacancies.

(b) In voting under this rule, the Republican National Committee members representing any state shall be entitled to cast the same number of votes as said state was entitled to cast at the national convention.

(c) In the event that the members of the Republican National Committee form any state shall not be in agreement in the casting of votes hereunder, the votes of such state shall be divided equally, including fractional votes among the members of the Republican National Committee present or voting by proxy.

(d) No candidate shall be chosen to fill any such vacancy except upon receiving a majority of the votes entitled to be cast in the election.

RULE NO. 10
Committees of the Republican National Committee

(a) There shall be the following committees:

(1) There shall be a Standing Committee on Rules of the Republican National Committee, composed of one (1) member of the Republican National Committee from each state, to review and propose recommendations with

respect to the Rules of the Republican Party. The members of the Republican National Committee from each state shall caucus, and by majority vote, choose from their number within eight (8) months following the national convention appointees to serve on this committee. If the members of the Republican National Committee from any state do not within this period submit to the chairman of the Republican National Committee their choice to serve on the Standing Committee on Rules, the chairman of the Republican National Committee shall select, from among the members of the Republican National Committee from each such state, one (1) member to serve on the Standing Committee on Rules. The chairman of the Standing Committee on Rules shall be elected by the committee from among its members.

(2) There shall be a Committee on Arrangements to plan for and manage the next national convention. The **[*9]** chairman and co-chairman of the Republican National Committee shall be members of the Committee on Arrangements and the chairman of the Republican National Committee shall appoint to the Committee on Arrangements at least one (1) member of the Republican National Committee from each state. The chairmen of the Committee on Arrangements and of its subcommittees shall be appointed by and serve at the pleasure of the chairman of the Republican National Committee from among the members of the Committee on Arrangements and, together with such other officers as shall be elected by the Committee on Arrangements, shall be members of the Executive Committee of the Committee on Arrangements. The chairman of the Standing Committee on Rules and the chairman of the Committee on Contests shall also be members of the Committee on Arrangements.

(3) There shall be a Committee on the Call, composed of a chairman and at least seven (7) members of the Republican National Committee who shall be appointed by the chairman of the Republican National Committee. This

committee shall assist the Republican National Committee in connection with the issuance of the call for the next national convention pursuant to Rule No. 12. This committee shall be appointed after the selection of the Committees on Rules and Arrangements.

(4) There shall be a Committee on Contests, which shall be composed of two (2) members of the Republican National Committee from each of the four (4) regions described in Rule No. 5, elected by members of the Republican National Committee from each such region, and a chairman appointed by the chairman of the Republican National Committee from among the members or officers of the Republican National Committee. This committee shall perform the duties relating to the resolution of contests prescribed in Rule No. 22. This committee shall be elected after the selection of the Committees on Rules and Arrangements.

(5) There shall be a Committee on the Site of the Republican National Convention, which shall be composed of two (2) members of the Republican National Committee from each of the four (4) regions described in Rule No. 5, elected by the members of the Republican National Committee from each such region, and a chairman appointed by the chairman of the Republican National Committee from among the members or officers of the Republican National Committee. This committee shall be responsible for investigating potential sites for the next national convention and for recommending a **[*10]** site to the Republican National Committee for selection. This committee shall be selected no later than two (2) years following the presidential election.

(6) There shall be a Committee on Resolutions, which shall be composed of two (2) members of the Republican National Committee from each of the four (4) regions described in Rule No. 5. elected by the members of the Republican National Committee from each such region,

and a chairman appointed by the chairman of the Republican National Committee from among the members of the Republican National Committee. This committee shall consider all resolutions submitted by any member for adoption by the Republican National Committee and shall report to the Republican National Committee all resolutions timely submitted to it together with its recommendations for adoption, amendment, or other disposition. The Committee on Resolutions shall report out, without amendment and for consideration by the Republican National Committee, any resolution submitted in writing and supported by at least one (1) member of the Republican National Committee from each of ten (10) states which is dated and submitted to the Chairman of the Resolutions Committee at least thirty (30) days before any regularly called meeting of the Republican National Committee or at least ten (10) days before a specially called meeting.

(7) Each member of the Republican National Committee shall be a member of at least one (1) of the above mentioned committees. The general counsel of the Republican National Committee shall be counsel to each of such committees. The minutes of these committees shall be distributed as promptly as practicable to all members of the Republican National Committee. Any of these committees may meet and act by telephone conference upon twenty-four (24) hours notice.

(b) The Republican National Committee shall create a Republican Finance Committee and any subcommittees thereof which it deems desirable to which it may delegate the responsibility of developing and implementing a broad-based fundraising plan. The chairman of the Republican Finance Committee shall be appointed pursuant to the provisions of Rule No. 5(d).

(c) The Republican National Committee shall create a Budget Committee and any subcommittees thereof

which it deems desirable to which it may delegate the responsibility of developing a budget and reviewing income and expenditures of the Republican National Committee. The Budget **[*11]** Committee shall be composed of seven (7) members of the Republican National Committee, three (3) of whom shall be appointed by the chairman of the Republican National Committee and one (1) of whom shall be elected by each of the four (4) regional caucuses in January of each odd numbered year (as provided in Rule No. 5(c)). In addition, the general counsel of the Republican National Committee shall be counsel to such committee and the following shall serve as *ex officio* members of the Budget Committee: the chairman, co-chairman, and treasurer of the Republican National Committee, and the chairman of the Republican Finance Committee. The chairman of the Republican National Committee shall make every effort in such appointments to ensure that an equal number of men and women serve on the Budget Committee. The chairman of the Republican National Committee shall appoint the chairman of the budget Committee from among the members thereof.

(d) The annual budget shall be approved at the first meeting of the Republican National Committee held in each year. The proposed budget, in reasonable detail, shall be mailed to all members of the Republican National Committee at least ten (10) days prior to such meeting.

(e) The chairman of the Republican National Committee, with the approval of the Republican National Committee, may appoint such other committees and assistants as he or she may deem necessary. Whenever such committees are appointed, they shall consist of a chairman and an equal number of men and women.

RULE NO. 11
Candidate Support

(a) The Republican National Committee shall not, without the prior written and filed approval of all members of the Republican National Committee from the state involved, contribute money or in-kind aid to any candidate for any public or party office except the nominee of the Republican Party or a candidate who is unopposed in the Republican primary after the filling deadline for that office. In those states where state law establishes a non-partisan primary in which Republican candidates could participate, but in which the general election may not include a Republican candidate, the candidate endorsed by a convention held under the authority of the state Republican Party shall be recognized by the Republican National Committee as the Republican nominee.

(b) No state party rule or state law shall be observed that allows persons who have participated or are participating in **[*12]** the selection of any nominee of a party other than the Republican Party, including, but not limited to, through the use of a multi-party primary or similar type ballot, to participate in the selection of a nominee of the Republican Party for that general election. No person nominated in violation of this rule shall be recognized as the nominee of the Republican Party from that state.

CONVENING OF THE NEXT NATIONAL CONVENTION

RULE NO. 12
Call of Next Convention

The Republican National Committee shall issue the call for the next national convention to nominate candidates for President of the United States and Vice President of the United States prior to January 1 of the year in which the

national convention is to be held. The Republican National Committee shall issue and promulgate the call in a manner consistent with these rules. The call shall include the text of the rules relating to the convening and the proceedings of the national convention.

RULE NO. 13
Membership in Convention

Subject to the provisions of Rule No. 16, the membership of the next national convention shall consist of:

(a) Delegates.

(1) Ten (10) delegates at large from each of the fifty (50) states.

(2) The national committeeman, the national committeewoman and the chairman of the state Republican Party of, each state and American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) Three (3) district delegates for each Representative in the United States House of Representatives from each state.

(4) Six (6) delegates at large from American Samoa, sixteen (16) delegates at large from the District of Columbia, six (6) delegates at large from Guam, twenty (20) delegates at large from Puerto Rico, and six (6) delegates at large from the Virgin Islands; provided, however, that if Puerto Rico shall become a state prior to the next national **[*13]** convention, the number of delegates from Puerto Rico shall be calculated in accordance with the same formula used for the other states.

(5) From each state having cast its electoral votes, or a majority thereof, for the Republican nominee for

President of the United States in the last preceding election: four and one-half (4 1/2) delegates at large plus a number of the delegates at large equal to sixty percent (60%) of the number of electoral votes of that state; provided, however, that if Puerto Rico shall become a state prior to the next national convention, it shall be presumed that it would have cast its electoral votes, or a majority thereof, for the Republican nominee in the last preceding election. (In the computation of the number of delegates at large, any sum of the four and one-half (4 1/2) plus the sixty percent (60%) representing a fraction shall be increased to the next whole number.) In addition, one (1) delegate at large shall be awarded to a state for any and each of the following public officials elected by such state in the year of the last preceding presidential election or at any subsequent election held prior to January 1 of the year in which the next national convention is held:

(i) A Republican governor, provided that no such additional delegate at large award to any state shall exceed one (1);

(ii) Membership in the Republican Party of at least one-half (1/2) of the Representatives representing a state in the United States House of Representatives; provided that no such additional delegate at large award to any state shall exceed one (1);

(iii) Membership in the Republican Party of a majority of the members of any chamber of a state legislature, if such chamber has been organized, and is presided over (if the presiding officer is elected by the chamber), by Republicans; provided that no such additional delegate at large award to any state shall exceed one (1).

(iv) Membership in the Republican Party of a majority of all chambers of a state legislature, if all such chambers are presided over (if the presiding officer is elected by the chamber), by a Republican; provided that no

such additional delegate at large award to any state shall exceed one (1).

(6) In addition, one (1) delegate at large shall be awarded to a state for any and each Republican United States **[*14]** Senator elected by such state in the six (6) year period prior to January 1 of the year in which the next national convention is held; provided that no such additional delegate at large award to any state shall exceed two (2).

(7) In addition, if the District of Columbia shall have cast its electoral votes, or a majority thereof, for the Republican nominee for President of the United States in the last preceding presidential election: four and one-half (4 1/2) delegates at large plus the number of delegates at large equal to thirty percent (30%) of the sixteen (16) delegates at large allotted to the District of Columbia. In the computation of the number of delegates at large, any sum of the four and one-half (4 1/2) plus the thirty percent (30%) representing a fraction shall be increased to the next whole number.

(b) Alternate Delegates.

One (1) alternate delegate for each delegate to the national convention, except that no alternates shall be selected for Republican National Committee members.

(c) Any state party may set the date for any primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention. To the extent a state party's rules are in conflict with its state's laws with respect to this rule, the provisions of this rule and the state party's rules shall control. To the extent the provisions of the rule are inconsistent with the provisions of Rule No. 15, the provisions of this rule shall be controlling for all purposes.

RULE NO. 14
Participation

(a) The Republican National Committee shall assist the states in their efforts to inform all citizens as to how they may participate in delegate selection procedures. The states, in cooperation with the Republican National Committee, shall prepare instructive material on delegate selection methods and make it available for distribution.

(b) Participation in a Republican primary, caucus, or any meeting or convention held for the purpose of selecting delegates and alternate delegates to a county, district, state, or national convention shall in no way be abridged for reasons of sex, race, religion, color, age, or national origin. The Republican National Committee and the Republican state committee or governing committee of each state shall take **[*15]** positive action to achieve the broadest possible participation by men and women, young people, minority and heritage groups, senior citizens, and all other citizens in the delegate selection process.

(c) Unless otherwise provided by the laws of the state in which the election occurs, in those states where delegates and alternate delegates are elected through the convention system or a combination of convention and primary systems, the precinct, ward, township, or county meetings shall be open meetings and all citizens who are qualified shall be urged to participate.

(d) Each state shall endeavor to have equal representation of men and women in its delegation to the Republican National Convention.

(e) The provisions of these rules are not intended to be the basis of any kind of quota system.

RULE NO. 15
Election of Delegates and Alternate Delegates

(a) Order of Precedence.

Delegates at large and their alternate delegates and delegates from congressional districts and their alternate delegates to the national convention shall be elected in the following manner:

(1) In accordance with any applicable Republican Party rules of a state, insofar as the same are not inconsistent with these rules; or,

(2) To the extent not provided for in the applicable Republican Party rules of a state, in accordance with any applicable laws of a state, insofar as the same are not inconsistent with these rules; or,

(3) By a combination of the methods set forth in paragraphs (a)(1) or (a)(2) of this rule; or,

(4) To the extent not provided by state law or party rules, as set forth in paragraph (c) of this rule.

(b) General.

In all elections of delegates or alternate delegates to the national convention, the following rules shall apply:

[*16] (1) In any jurisdiction in which Republican representation upon the board of judges or inspectors of elections for primary elections is denied by law, delegates and alternate delegates shall be elected as provided in paragraph (a)(1) or (a)(4) of this rule.

(2) In selecting delegates and alternate delegates to the national convention, no state law shall be observed which hinders, abridges, or denies to any citizen of

the United States, eligible under the Constitution of the United States to hold the office of President of the United States or Vice President of the United States, the right or privilege of being a candidate under such state law for the nomination for President of the United States or Vice President of the United States or which authorizes the election of a number of delegates or alternate delegates from any state to the national convention different from that fixed in these rules.

(3) Alternate delegates shall be elected to the national convention for each unit of representation equal in number to the number of delegates elected therein and shall be chosen in the same manner and at the same time as the delegates and under the same rules; provided, however, that if the law of any state shall prescribe another method of choosing alternate delegates, they may be chosen in accordance with the provisions of the law of the state in which the election occurs, except that no alternates shall be selected for Republican National Committee members.

(4) Delegates and alternate delegates at large to the national convention when serving as delegates and alternate delegates shall be residents of and duly qualified voters in their respective states. All delegates and alternate delegates allocated as delegates and alternate delegates at large shall be elected at large in the several states; provided, however, that such allocation and method of election may be varied in any state to the extent, and only to the extent, necessary to avoid conflict with state law applicable to the selection of national convention delegates if such varying allocation and method of election were those pursuant to which delegates at large and alternate delegates at large were elected to the 1988 Republican National Convention from that state.

(5) Delegates and alternate delegates to the national convention representing congressional districts shall be residents of and qualified voters in said districts

respectively when elected and when serving as delegates and alternate delegates. There shall be three (3) delegates and three (3) alternate delegates allocated to represent each **[*17]** congressional district of the several states, who shall be elected by each such congressional district; provided, however, that such number of delegates and alternate delegates allocated to represent, and elected by, any congressional district of a state may be reduced or increased to the extent, and only to the extent, necessary to avoid conflict with state law applicable to the selection of national convention delegates if such varying allocation was that pursuant to which district delegates and alternate district delegates were elected to the 1988 Republican National Convention from the state.

(6) No delegate or alternate delegate to the national convention shall be required to pay an assessment or fee in excess of that provided by the law of the state in which his or her election occurs as a condition of serving as a delegate or alternate delegate to the national convention.

(7) There shall be no automatic delegates to the national convention who serve by virtue of party position or elective office, except as provided for in Rule No. 13 (a)(2).

(8) Delegates and alternate delegates to the national convention may be elected only in one of the following manners:

(i) by primary election;

(ii) by the Republican state committee, where specifically provided by state law;

(iii) by state and congressional district conventions;

(iv) by any method consistent with these rules by which delegates and alternate delegates were selected to the most recent Republican National Convention from that state;

(v) by Rule No. 13 (a)(2) of these rules.

(9) No state law shall be observed which permits any person to participate in a primary delegate and alternate delegate selection process that also permits that person at the same primary to participate in the choosing of nominees of any other party for other elective office. Delegates and alternate delegates to the national convention shall in that event be selected pursuant to state party rules that are not inconsistent with the Rules of the Republican Party; provided, however, that the selection process established by the state **[*18]** party rules shall provide that only persons eligible to vote who are deemed to be Republicans pursuant to state law or state party rules shall participate in such delegate selection process.

(10) No delegates or alternate delegates shall be selected pursuant to any Republican Party rule of a state or state law which materially changes the manner of selecting delegates or alternate delegates or the date upon which such state party holds a presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention if such changes were adopted or made effective after the first Tuesday in October of the year before the year in which the national convention is to be held. Where it is not possible for a state party to certify the manner and the date upon which it holds a presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention in effect in that state on the date and in the manner provided in paragraph (d) of this rule, the process for holding the presidential primary, caucus,

convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention shall be conducted in the same manner and held upon the same date as was used for the immediately preceding national convention. If it is not possible to hold a presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention upon the same date as was used for the immediately preceding national convention, then delegates or alternate delegates shall be selected by congressional district or state conventions pursuant to paragraph (c) of this rule.

(11) Except with respect to delegates and alternate delegates elected under paragraph (b)(8)(ii) of this rule and if consistent with paragraph (c)(5) of this rule:

(i) No presidential primary, caucus, convention, or other meeting may be held for the purpose of voting for a presidential candidate and/or selecting delegates or alternate delegates to the national convention, prior to the first Tuesday of February or after the third Tuesday of June in the year in which the national convention is held; and,

(ii) The selection process of choosing those who will select delegates or alternate delegates shall not begin before September 1 of the year before the year in which the national convention is to be held.

[*19] (12) The Republican National Committee may grant a waiver to a state party from certain provisions of this rule in the following instance:

Where it is not possible for a state party to comply with the first Tuesday in October deadline delineated in paragraph (d) of this rule and not possible for a state party to hold its presidential primary, caucus, convention, or meeting for the purpose of voting for a

presidential candidate and/or selecting delegates to the national convention as was used for the immediately preceding national convention or to select delegates or alternate delegates by congressional district or state conventions pursuant to paragraph (c) of this rule, and the Republican National Committee determines that granting such waiver is in the best interests of the Republican Party.

(c) Conventions.

Wherever state law permits or the Republican Party rules of a state require the election of delegates and alternate delegates by convention or there is no applicable state law or Republican Party rule, delegates and alternate delegates to the national convention shall be elected by congressional district or state conventions pursuant to the following rules:

(1) Congressional district or state conventions shall be called by the Republican state committee.

(2) Delegates to congressional district conventions may be elected in precinct caucuses, mass meetings, mass conventions, or county conventions in which only eligible voters in such precinct, county, or district, as the case may be, shall vote.

(3) Notices of the call for any such caucus, meeting, or convention shall be published in a newspaper or newspapers of general circulation in the county, district, or state, as the case may be, not less than fifteen (15) days prior to the date of such caucus, meeting, or convention.

(4) Only persons eligible to vote who are deemed as a matter of public record to be Republicans pursuant to state law or, if voters are not enrolled by party, by Republican party rules of a state, shall participate in any primary election held for the purpose of electing delegates or alternate delegates to the national convention or in any

Republican caucus, mass meeting, or mass convention held for the purpose of selecting delegates to the county, district, or state conventions, and only such legal and qualified voters shall be elected as delegates to county, district, and state conventions; **[*20]** provided, however, that in addition to the qualifications provided herein, the applicable Republican party rules of a state may prescribe additional qualifications not inconsistent with law, which additional qualifications shall be adopted before the first Tuesday in October in the year before the year in which the national convention is to be held and published in at least one (1) newspaper having a general circulation throughout the state, such publication to be at least ninety (90) days before such qualifications become effective.

(5) No delegates shall be deemed eligible to participate in any congressional district or state convention the purpose of which is to elect delegates to the national convention who are elected prior to the date of the issuance of the call of such national convention.

(6) Congressional district conventions shall be composed of delegates who are persons eligible to vote and who are deemed to be Republicans pursuant to state law or party rules. State conventions shall be composed of delegates who are persons eligible to vote and who are deemed to be Republicans pursuant to state law or party rules in the respective districts which they represent in said state conventions. Such delegates shall be apportioned by the state Republican Party among counties, parishes, and cities of the state or district having regard to the Republican vote or the population therein.

(7) There shall be no proxies at any district or state convention (which shall not include meetings of a Republican state committee) held for the purpose of selecting delegates to the national convention. If alternate delegates to such selection convention are selected, the alternate delegate and no other shall vote in the absence of the delegate.

(d) Certification and filing by state committees.

On or before the first Tuesday in October of the year before the year in which the national convention is to be held, each Republican state committee shall adopt rules, procedures, policies, and instructive materials (prepared pursuant to Rule No. 14(a)) governing the selection of delegates and alternate delegates to the national convention to convene during the following year and shall certify and file with the secretary of the Republican National Committee true copies of the same and of all statutes governing the selection of such delegates and alternate delegates.

[*21] RULE NO. 16
Enforcement of Rules

(a) If any state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the next national convention, such state shall suffer a loss of its delegates and alternate delegates to that national convention as follows:

(1) If a state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the national convention before the call to the national convention is issued, then the number of delegates to the national convention from that state shall be reduced by fifty percent (50%), and the corresponding alternate delegates shall also be reduced.

(2) If a state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the national convention after the call to the national convention is issued, then the number of delegates

to the national convention from that state shall be reduced by ninety percent (90%), and the corresponding alternate delegates shall also be reduced.

(3) Any sum representing a fraction shall be increased to the nearest whole number, so long as such rounding does not prevent a state from having at least one (1) delegate or alternate delegate to the national convention.

(b) If a violation has occurred before the issuance of the call to the national convention, the chairman of the Republican National Committee shall notify the offending state of the violation and shall inform the state of the number of delegates and alternate delegates it will lose. This reduced number of delegates and alternate delegates will be reflected in the call to the national convention, and will be reported to the secretary of state or responsible election official of the offending state and to the chairman of every state party. Said reduced number will be the only number recognized as the official delegation of the state to the national convention.

(c) If a violation has occurred after the issuance of the call to the national convention, the chairman of the Republican National Committee shall notify the state of the violation and shall inform the state of the number of delegates and alternate delegates it will lose. This reduced number of **[*22]** delegates and alternate delegates will be reported to the secretary of state or responsible election official of the offending state and to the chairman of every state party, and such reduced number will be the only number recognized as the official delegation of the state to the national convention.

(d) If the chairman of the Republican National Committee does not act upon a violation of the Rules of the Republican Party relating to the selection and/or allocation of delegates or alternate delegates to the national convention, then a statement may be filed against a state or state party by any three (3) members of the Republican National Committee

Standing Committee on Rules who feel that a violation has occurred.

(1) A statement filed against a state or state party by any three (3) members of the Standing Committee on Rules shall be written and shall specify the reasons why the members believe the state or state party is in violation. The statement shall be signed and dated by each Rules member filing the statement, and shall be filed with the secretary of the Republican National Committee. The secretary of the Republican National Committee shall, within twenty (20) days of receipt, distribute such statement to all members of the Republican National Committee.

(2) The Standing Committee on Rules shall meet upon the call of the chairman of the Rules Committee, and shall vote upon whether a state or state party is in violation. If by majority vote the Standing Committee on Rules finds a violation, then such state or state party shall suffer the penalties described in paragraph (a) of this rule.

(e) If a state or state party is determined to be in violation:

(1) No member of the Republican National Committee from the offending state shall be permitted to serve as a delegate or alternate delegate to the national convention.

(2) After the Republican National Committee members are excluded from being part of the offending state's delegation to the national convention, the state party shall determine which of the state's remaining delegates (and corresponding alternate delegates) are entitled to serve as part of the state's reduced delegation to the national convention.

[*23] (3) In addition to the penalties provided for in paragraphs (e)(1) and (2) of this rule, the Republican

National Committee Standing Committee on Rules may impose additional sanctions relating to the offending state's hotel location at the national convention, guest privileges and VIP passes at the national convention, and seating location in the national convention hall.

(f) A state or state party shall have no appeal from either a finding of a violation against it or a penalty imposed upon it under this rule.

RULE NO. 17
Excess Delegates and Alternate Delegates

(a) No state shall elect a greater number of persons to act as delegates and alternate delegates than the actual number of delegates and alternate delegates respectively to which it is entitled under the call for the national convention. Provided, however, that if a state is found in violation of the delegate selection rules under Rule No. 16, then that state shall not elect a greater number of persons to act as delegates and alternate delegates than the actual number of delegates and alternate delegates respectively to which it is entitled under Rule No. 16. No unit of representation may elect any delegate or alternate delegate with permission to cast a fractional vote.

(b) Where more than the authorized number of delegates from any state is certified and forwarded to the secretary of the Republican National Committee in the manner provided in Rule No. 18, a contest shall be deemed to exist and the secretary shall notify the several claimants so reported and shall submit all such credentials and claims to the whole Republican National Committee for decision as to which claimants reported shall be placed upon the temporary roll of the national convention.

RULE NO. 18
Certification of Election

(a) All delegates and alternate delegates shall be elected not later than thirty-five (35) days before the date of the meeting of the national convention, unless otherwise provided by the laws of the state in which the election occurs.

(b) Election of delegates and alternate delegates shall be certified:

(1) In every case where they are elected by convention, by the chairman and secretary of such convention **[*24]** or by the chairman and secretary of the Republican state committee, and forwarded to the secretary of the Republican National Committee;

(2) In every case where they are elected by primary, by the canvassing board or officer created or designated by the law of the state in which the election occurs, to canvass the returns and issue certificates of election to delegates or alternate delegates to national conventions of political parties, and all certificates shall be forwarded by said duly elected delegates and alternate delegates in the manner herein provided; and,

(3) In every case where they are elected by the Republican state committee, by the chairman and secretary of the Republican state committee, and forwarded to the secretary of the Republican National Committee.

(c) No later than thirty (30) days before the time set for the meeting of the national convention, the credentials of each delegate and alternate delegate shall be filed with the secretary of the Republican National Committee for use by the secretary in making up the temporary roll of the national convention, except in the case of delegates or alternate delegates elected at a time or times in accordance with the

laws of the state in which the election occurs rendering impossible the filing of credentials within the time above specified.

RULE NO. 19
Contests: Resolution by States

All contests arising in any state electing district delegates by district conventions shall be decided by its state convention or, if the state convention shall not meet prior to the national convention, then by its state committee. Only contests affecting delegates elected at large shall be presented to the Republican National Committee; provided, however, if the contest regarding a district delegate arises out of the irregular or unlawful action of the state committee or state convention, the Republican National Committee may take jurisdiction thereof and hear and determine the same under the procedures provided in Rules No. 21 and No. 22.

[*25] **RULE NO. 20**
Temporary Roll

(a) The names of the delegates and alternate delegates presenting certificates of election from the officials designated in Rule No. 18 shall be placed upon the temporary roll of the national convention by the Republican National Committee.

(b) No person on the temporary roll of the national convention and whose right to be seated as a delegate or alternate delegate is being contested shall be entitled to vote in the national convention or in any committee thereof until by vote of the national convention the contest as to such person has been finally decided and such person has been permanently seated, except that any such person may be accorded the right to so vote, except in matters involving the credentials of that person, by an affirmative vote of a majority

of the members of the Republican National Committee or the Committee on Credentials.

RULE NO. 21
Contest Filing

(a) Notices of contests shall state the grounds of the contest and shall be filed, no later than thirty (30) days before the time set for the meeting of the national convention, with the secretary of the Republican National Committee and shall be sent, simultaneously, by registered mail to the person or persons being contested, except in the case of delegates or alternate delegates elected at a time or times in accordance with applicable state law rendering impossible the filing of the notice of contest within the time above specified.

(b) Notices of contests may be filed only by a resident of the state whose delegation is challenged who was eligible to participate at any level in the delegate selection process of that state.

(c) Only contests that are timely filed under these rules shall be considered.

(d) For purposes of the rules relating to contests and credentials, the term "party" shall mean a person or persons who shall have filed a notice of contest pursuant to this Rule No. 21, and the person or persons whose right to be seated as a delegate or alternate delegate is the subject of such notice of contest.

[*26] **RULE NO. 22**
Contest Procedure

(a) The Committee on Contests shall have the power to adopt procedural rules, not inconsistent with these rules, which shall govern the expeditious resolution of contests before the Committee on Contests. When any

deadline set out in this rule falls on a Sunday or legal holiday, such deadline shall be extended to the following day.

(b) No later than twenty-two (22) days before the convening of the national convention (or, in the case of delegates or alternate delegates elected at a time or times in accordance with applicable state law rendering impossible compliance with this requirement, within five (5) days after such election), each of the parties shall file with the secretary of the Republican National Committee at least three (3) printed or typewritten copies of the statement of position in support of the party's claim to sit as delegates or alternate delegates to the national convention together with such affidavits or other evidence as desired. The secretary of the Republican National Committee, upon receiving the statement of position of a party, shall furnish the opposing party a copy of said statement of position. Each statement of position shall begin with a summary of not more than one thousand (1,000) words setting forth succinctly a synopsis of the statement of position and a specific statement of the points relied upon.

(c) The Committee on Contests shall promptly hear the matter; decide which issues are involved, either of law or fact, or both; decide upon its recommendation for resolution of such issues; and submit such issues and its recommendations for resolution to the Republican National Committee. The issues so submitted by the Committee on Contests shall be the sole issues passed upon and determined by the Republican National Committee unless the Republican National Committee shall, by a majority vote, extend or change the same. If the Committee on Contests for any reason shall fail to state the issues either of law or fact, the Republican National Committee shall decide upon what issues the contest shall be tried, and the hearing shall be limited to such issues unless the Republican National Committee, by a majority vote, shall decide otherwise.

(d) The Committee on Contests shall make up a report of each contest filed, showing the grounds of contest; the statute and rule, if any, under which the contest is waged; and the contentions of each party thereto. The report shall conclude with a statement of the points of issue in the contest, both of fact and law, and a statement of the recommendation **[*27]** of the Committee on Contests as to resolution of such points of issue, and shall be signed by the chairman or his designee. When the Committee on Contests has prepared such report stating the issues of law and fact, a copy of the statement of such issues shall be submitted forthwith to a person in the convention city, whom the parties must appoint at the time of filing the contest to receive such statement, and a copy shall be served forthwith by the chairman of the Committee on Contests upon the parties by the most expeditious method available, providing for written evidence of receipt including, but not limited to, overnight delivery service.

(e) The parties shall have eight (8) days to file written objections to the Committee on Contests' statement of the issues of fact or law, or both, unless the Republican National Committee is called to act upon the contest sooner, in which case such objections shall be made before the meeting of the whole committee. If the parties reside in American Samoa, Guam, Alaska, Hawaii, Puerto Rico, or the Virgin Islands, they shall be entitled to ten (10) days to file written objections. The objections shall contain any additional statement of issues of either law or fact, or both, claimed by the party submitting the same to be involved in and necessary to be decided in the contest.

(f) When the Republican National Committee is called to pass upon any contest that may arise, the members of the Committee on Credentials shall also be notified of the time and place of such meeting and shall have the right to attend all hearings of all contests but without the right to participate in the discussion or the vote.

RULE NO. 23
Convention Committee on Credentials

(a) When the national convention shall have assembled, the secretary of the Republican National Committee shall deliver to the Committee on Credentials all credentials and other papers forwarded under Rule No. 18(c).

(b) An appeal may be taken to the Committee on Credentials from any ruling of the Republican National Committee on any contest, by and only by a party to such contest in the proceedings conducted pursuant to Rules No. 21 and No. 22; provided, however, that notice of such appeal must be filed with the secretary of the Republican National Committee within twenty-four (24) hours after the decision, that such notice shall specify the grounds upon which the appeal is taken, and that only the grounds so specified shall be heard by the Committee on Credentials upon such appeal. No **[*28]** evidence other than that taken before the Republican National Committee shall be taken up by the Committee on Credentials unless it shall, by a majority vote of its members present and voting, so direct.

(c) No issue involving the status of one or more delegates or alternate delegates or any contest relating thereto may originate before the Committee on Credentials of the national convention. All contests must first be presented to the Committee on Contests of the Republican National Committee or to the whole Republican National Committee.

(d) No motion with respect to delegates or alternate delegates from more than one (1) state or territory shall be in order before the Committee on Credentials.

RULE NO. 24
Order of Business

The convention shall proceed in the order of business prepared and printed by the Republican National Committee.

RULE NO. 25
Committee Reports

(a) The report of the Committee on Credentials shall be disposed of before the report of the Committee on Rules and Order of Business is acted upon; the report of the Committee on Rules and Order of Business shall be disposed of before the report of the Committee on Resolutions is acted upon; and the report of the Committee on Resolutions shall be disposed of before the convention proceeds to the nomination of candidates for President of the United States and Vice President of the United States.

(b) The report of any such committee listed in Rule No. 25(a) shall be considered as read if made available to the delegates prior to its consideration.

RULE NO. 26
Definition of "States"

Whenever used in these rules, "state" or "states" shall be taken to include American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, except in Rule No. 13 and unless the context in which the word "state" or "states" is used clearly makes such inclusion inappropriate.

RULE NO. 27
Admission to Convention Hall

(a) No person except members of the several delegations, officers of the convention, members of the Republican National Committee and incumbent Republican governors, incumbent Republican United States Senators, and incumbent Republican members of the United States House of Representatives, shall be admitted to the section of the convention hall restricted to delegates.

(b) Press and staff shall be admitted to the section(s) of the hall authorized for them.

(c) The chairman of the Republican National Committee shall insure that guest passes to the convention are distributed in an equitable fashion. Each delegate and alternate delegate to the convention shall receive at least one guest pass to each session of the convention.

(d) Each state, through its Republican National Committee members, shall be allocated full sets of additional guest passes equal to thirty-three percent (33%) of the total number of delegate and alternate delegate membership for that state, rounded to the next whole number.

RULE NO. 28
Voting

(a) Each delegate to the convention shall be entitled to one (1) vote, which may be cast by an alternate delegate in the absence of the delegate.

(b) In the absence of any delegate at large or any delegate from any congressional district, the roll of alternate delegates for the state or district shall be called in the order in which the names are placed upon the roll of the convention, unless the law governing the state or district electing the

absent delegate, the state or district convention, or the Republican state committee or governing committee shall otherwise provide, or the delegation shall otherwise direct at the time of certification, in which event the alternate delegates from the state or district shall vote in the order established pursuant to the foregoing, as set forth in the delegation's certification. The form of certificate provided by the Republican National Committee shall provide a means by which an order for voting by alternate delegates may be specified.

[*30]

RULE NO. 29
Rules of Order

The Rules of the House of Representatives of the United States shall be the rules of the convention, except that the current authorized edition of *Robert's Rules of Order: Newly Revised* ("*Robert's Rules of Order*"), shall be the rules for committees and subcommittees of the convention, insofar as they are applicable and not inconsistent with the rules herein set forth; provided, however, that the convention may adopt its own rules concerning the reading of committee reports and resolutions.

RULE NO. 30
Length of Debate

No delegate shall speak more than once or longer than five (5) minutes upon the same question, unless by leave of the convention, except in the presentation of the name of a candidate for nomination for President of the United States or Vice President of the United States.

RULE NO. 31
Suspension of Rules

A motion to suspend the rules shall always be in order, but only when made by authority of a majority of the

delegates from any state and seconded by a majority of the delegates from each of five (5) or more other states severally.

RULE NO. 32
Platform Resolutions

All proposed resolutions relating to the platform shall be submitted in writing to the Committee on Resolutions without reading and without debate.

RULE NO. 33
Minority Reports; Amendments

(a) No resolution or amendment pertaining to the report of the Committee on Resolutions or the Committee on Rules and Order of Business shall be reported out or made a part of any report of such committee or otherwise read or debated before the convention, unless the same shall have been submitted to the chairman, vice chairman, or secretary of such committee or to the secretary of the convention in writing not later than one hour after the time at which such committee votes on its report to the convention and shall have been accompanied by a petition evidencing the affirmative written **[*31]** support of a minimum of twenty-five percent (25%) of the membership of such committee.

(b) No amendment pertaining to the report of the Committee on Credentials affecting delegates or alternate delegates from more than one (1) state shall be in order.

RULE NO. 34
Motion to Table

It shall be in order to lay on the table a proposed amendment to a pending measure and such motion, if adopted, shall not carry with it or prejudice such original measure.

RULE NO. 35
Previous Question

When the previous question shall be demanded by a majority of the delegates from any state, and the demand is likewise seconded by a majority of delegates from each of two (2) or more other states severally, and the call is sustained by a majority of the delegates to the convention, the question shall then be proceeded with and disposed of according to the Rules of the House of Representatives of the United States in similar cases.

RULE NO. 36
Roll Call

(a) Upon all subjects before the convention requiring a roll call, the states shall be called in alphabetical order.

(b) In the balloting, the vote of each state shall be announced by the chairman of such state's delegation, or his or her designee; and in case the vote of any state shall be divided, the chairman shall announce the number of votes for each candidate, or for or against any proposition; but if exception is taken by any delegate from that state to the correctness of such announcement by the chairman of that delegation, the chairman of the convention shall direct the roll of members of such delegation to be called, and the result shall be recorded in accordance with the vote of the several delegates in such delegation.

(c) In balloting, if any delegation shall pass when its name is called, then at the conclusion of the roll call all delegations which passed shall be called in the order herein before established. No delegation shall be allowed to change **[*32]** its vote until all delegations which passed shall have been given a second opportunity to vote.

(d) Except in a roll call for nomination for President of the United States and Vice President of the United States, or where the majority of delegates of fifteen (15) or more states severally have requested that a roll call be conducted by voice call of the roll, the chairman of the convention may order that the balloting on any subject placed before the convention requiring a roll call be conducted by electronic, telephonic or computer device which will display votes to the convention simultaneously. Each delegation chairman shall record and tally any such votes of the delegation on official roll call tally sheets provided by the secretary of the convention, showing the individual vote of the delegates, and file such tally sheets with the secretary of the convention not more than thirty (30) minutes after the completion of the roll call vote.

RULE NO. 37
Unit Rule

No delegate or alternate delegate shall be bound by any attempt of any state or congressional district to impose the unit rule.

RULE NO. 38
Record Vote

If a majority of the delegates of any six (6) states severally shall demand a roll call vote, the same shall be taken of the states in the order hereinbefore established.

RULE NO. 39
Nominations

(a) In making the nominations for President of the United States and Vice President of the United States and voting thereon, the roll of the states shall be called separately in each case; provided, however, that if there is only one candidate for nomination for Vice President of the United

States who has demonstrated the support required by paragraph (b) of this rule, a motion to nominate for such office by acclamation shall be in order and no calling of the roll with respect to such office shall be required.

(b) Each candidate for nomination for President of the United States and Vice President of the United States shall demonstrate the support of a majority of the delegates from each of five (5) or more states, severally, prior to the presentation of the name of that candidate for nomination.

[*33] (c) The total time of the nominating speech and seconding speeches for any candidate for nomination for President of the United States or Vice President of the United States shall not exceed fifteen (15) minutes.

(d) When at the close of a roll call any candidate for nomination for President of the United States or Vice President of the United States has received a majority of the votes entitled to be cast in the convention, the chairman of the convention shall declare that the candidate has been nominated.

(e) If no candidate shall have received such majority, the chairman of the convention shall direct the roll of the states be called again and shall repeat the calling of the roll until a candidate shall have received a majority of the votes entitled to be cast in the convention.

(f) For the 2000 Republican National Convention, notwithstanding any other provision of these rules or any Rule of the House of Representatives, it shall be in the discretion of the Chair to suspend the roll call conducted to nominate the candidate for President of the United States at any time in order to conduct other Convention business under the established order of business.

RULE NO. 40
Convention Committees

(a) The delegates elected to the convention from each state, promptly once all such delegates are elected, shall elect from the delegation a delegation chairman and their members of the Committees on Resolutions, Credentials, Rules and Order of Business, and Permanent Organization of the convention, consisting of one (1) man and one (1) woman for each committee, and shall file notice of such selection with the secretary of the Republican National Committee; provided, however, that no delegate may serve on more than one (1) committee of the convention. Alternate delegates may not serve as delegation chairmen or as members of the convention committees, except when the number of delegates attending the convention is less than the number of committee positions to be filled, then an alternate delegate can serve, except as noted above.

(b) Committees and subcommittees may set time limits for speaking on any question by a simple majority vote; provided, however, that not less than twenty (20) minutes, equally divided between proponents and opponents on any **[*34]** question, shall be allowed in any case on any debatable motion, order, or appeal.

(c) Upon request of twenty percent (20%) of the members of a committee or subcommittee of the convention, a vote shall be recorded in the manner provided by these rules, and no votes in the committees or subcommittees of the convention shall be taken by secret ballot.

(d) No later than twenty-five (25) days prior to the national convention, members of the Committee on Rules and Order of Business and members of the Republican National Committee shall be provided a copy of the existing Rules of the Republican Party along with all recommended changes to those rules approved as of that date by the Standing

Committee on Rules of the Republican National Committee since the previous national convention. Any changes shall be prominently noted. A letter shall be attached to the document stating that all proposed rules are still subject to change prior to the meeting of the Committee on Rules and Order of Business. After this information is provided, any additional recommendations regarding changes in the Rules of the Republican Party approved by the Republican National Committee shall be provided to the members of the Committee on Rules and Order of Business as soon as practicable.

RULE NO. 41
Temporary Rules

Rules No. 24 through No. 40 shall be the temporary rules of the next national convention and its committees and subcommittees

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* * *

[*1] REPUBLICAN NATIONAL COMMITTEE
Jim Nicholson, Chairman
310 First Street, S.E.
Washington, D.C. 20003

ELECTION ALERT ELECTION ALERT ELECTION ALERT

October 8, 1997

Mr. Owen Green
Maple Manor
Apartment 401
1920 19th Avenue N.W.
Rochester, MN 55901-0714

Dear Mr. Green:

I urgently need you to rush the most generous contribution you can afford to the "Coleman for Mayor" campaign to help reelect Republican Norm Coleman mayor of St. Paul.

RNC Ex. 1 37, RNC Ex. 232 1

The polls are very close, and victory depends on an all-out advertising blitz and get-out-the-vote drive right through Election Day!

That is why I am asking the RNC's strongest grassroots supporters like you to make a special contribution as soon as possible.

Your check for $25, $35, $50 or whatever you can afford should be made payable to "Coleman for Mayor" and mailed directly to the campaign in the postage-paid return envelope I've enclosed with this letter.

This is one of the most important elections in the nation this year.

Since Bill Clinton was elected president, over 300 elected Democrat officials have switched parties. Norm Coleman is one of the most prominent to do so.

As mayor of St. Paul, Norm Coleman has fought to . . .

- Stabilize and reduce city taxes;
- Streamline municipal permits and regulations;
- Slash overhead and dead weight in city agencies;
- Revitalize the downtown with new private sector investment, based on a pro-growth, pro-small business philosophy;
- Reduce crime through effective community policing;
- Pull the people of St. Paul together as one team, instead of dividing people along class and racial lines.

It's an impressive record. It has won Norm Coleman broad support cutting across party lines.

But like so many others, Norm Coleman discovered that the entrenched special interests and back-room power brokers in the DFL were not interested in straight-forward government and common sense reform.

(Next page, please)

[*2] Page Two - Mr. Green

That's why he became a Republican -- and I'm proud to be working for his reelection today. I hope I can count on your help.

So please send your contributions for $25, $35, $50 or more to "Coleman for Mayor" today. The election is November 4. There is no time to lose. Please act today. Thank you.

Sincerely,
Jim Nicholson, Chairman

P.S. A new generation of Republican mayors across the country are now cutting crime and turning urban America around. Norm Coleman is an important part of this Republican Renaissance. Please rush your contribution for $25, $35, $50 or whatever you can afford to "Coleman for Mayor" today to help reelect a strong Republican mayor in St. Paul. Thank you.

[RESPONSE FORM OMITTED]

* * *

[*1] October 4, 2001

Dear Salutation,

Please join me in supporting Bret Schundler and his campaign for Governor of New Jersey. Bret's victory is incredibly important to the Republican Party, let me tell you why.

Bret represents what is best about the Republican Party. He consistently reaches out to every segment of our society to bring people together so our communities benefit. Look at his record as Mayor of Jersey City, Jersey City is an ethnically diverse city that Democrats outnumber Republicans 11-1. Yet, thanks to Bret's outreach he has handily won three landslide elections.

I am proud to support Bret, because he is doing the same thing President Bush did in Texas - reach out to every part of society. In doing so, he has proven once again that Republican ideas win elections and also work brilliantly in practice.

In this year's Governor's race, Bret won the Republican nomination for Governor by upsetting his front-runner primary opponent by 14 percentage points. Everyone here at the Republican National Committee wants to help Bret as he faces the challenge of defeating his well-funded liberal Democratic opponent in the general election this November.

Bret is a leading proponent of school choice. He led the successful fight for charter school legislation in New Jersey and has raised more than $1 million in scholarship money for low-income families to have a better selection of schools for their children. Proving once again the success of compassionate conservative policies.

Bret supports medical savings accounts and tax cuts to help working families. A win in New Jersey for Bret Schundler could easily spur breakthroughs for these policies throughout America.

Bret has a touch election and needs your support. There are a lot of important things going on these days, but rest assured the entire political world will be watching this election.

I would like you to make a contribution to Bret's campaign. New Jersey law allows individuals, corporations and PACs to contribute up to $2,600. Please make checks payable to Schundler for Governor, Inc. I would greatly appreciate it if you **[*2]** would contribute at least $2,000 to this effort and send it to Schundler for Governor, P.O. Box 419 W.O.B., West Orange, NJ 07052-0419.

Please join us in helping this outstanding leader. Thank you in advance for your participation.

Yours truly,

Jack Oliver

P.S. The last few weeks have underscored the importance of America's Democracy and principles of Freedom. You have consistently proven that you will be involved in making our Republic strong. And I look forward to working with you now and in future political campaigns. Your involvement is part of what keeps our country proud, strong and free.

Republicans Have Huge Edge In Campaign Cash

Thomas B. Edsall and David VonDrehle
Washington Post Staff Writers

Friday, February 14, 2003

The Washington Post
A Section

Long before issues emerge and nominees are chosen for the 2004 elections, Republicans are opening a huge advantage in ready cash.

New campaign finance laws, plus control of the White House and Congress, have given President Bush and his party an unprecedented edge in all-important "hard money." Strategists in both parties and independent experts believe Bush is likely to raise three to five times more than his Democratic opponent in this type of contribution, which can be used for any purpose in a campaign.

Republican campaign committees are positioned to raise at least twice as much as their Democratic counterparts, enabling them to help GOP candidates up and down the ballot by expanding the party's successful grass-roots organizing efforts and coordinated advertising campaigns.

"The spending advantage will be enormous," said veteran Democratic strategist Harold Ickes. "Not overwhelming -- because that means it's hopeless -- but enormous."

The Center for the Study of Elections and Democracy at Brigham Young University, which studied campaign spending in the 2002 elections, concluded that the GOP's hard money

advantage provides "an ominous warning for Democrats in the 2004 election cycle."

Ironically, much of the Democrats' financial dilemma stems from their success in passing the McCain-Feingold campaign finance law last year, party fund-**[*A6]**raisers believe. The measure, which received minimal support from congressional Republicans, prohibits the national political parties and federal candidates from raising and spending "soft money" contributions.

Soft money contributions are unlimited donations often made directly from corporate or union treasuries, and from rich people. Hard money contributions can be made only by individuals and political action committees. Individuals can give candidates $2,000 and political parties $25,000 in hard money; PACs can give candidates $5,000.

In the most recent election cycle, nine of the top 10 "soft money" donors backed the Democrats, including Haim Saban, creator of "Power Rangers," who gave $9.3 million; television station owner Fred Eychaner ($7.4 million); the American Federation of State, County and Municipal Employees ($6.6 million) and the Service Employees International Union ($4.7 million), according to PoliticalMoneyLine.

Thanks to these superdonors, the Democratic Party's senatorial, House and national campaign committees essentially matched their GOP counterparts -- $245.8 million to $250 million -- in soft money in the 2002 election cycle.

Under the new law banning soft money in national campaigns, however, these Democratic supporters now can give only relatively small sums to federal candidates and party groups. This increases the importance of hard-money fundraising, where Republicans traditionally have excelled. The new law, which took effect in November, raised the

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maximum legal hard money contribution to candidates from $1,000 to $2,000 per donor.

In the 2002 election cycle, GOP campaign committees outraised Democrats in hard money by $332 million to $163 million. Looking to 2004 and beyond, Republicans have a much larger pool of reliable donors and a more effective operation for finding new contributors.

"The Republican Party just has a much broader base of large and small donors, and on average they give more," said Anthony Corrado, a campaign finance expert at Colby College in Maine.

No one has used this advantage more effectively than George W. Bush. In 1999 and 2000, as governor of Texas, he raised about $100 million in hard-money donations for his presidential campaign and shattered all records. At least $60 million came in $1,000 donations, much of it collected by "Pioneers," supporters charged with raising at least $100,000 each. Bush tapped as many donors willing to give the maximum hard-money contribution as did all his competitors combined.

"If just one-third of them double up and give the new maximum of $2,000 each this time, Bush will start with a base of $80 million," Corrado calculated.

One Pioneer, GOP lobbyist Ed Rogers, said that should be no problem now that Bush is a president seeking reelection. "I don't think the step from $1,000 to $2,000 will be consequential," he said. "There's no gag factor there."

Republicans also have far more small-check donors, who give, on average, $20 more apiece than their Democratic counterparts. "Twenty dollars per gift, times 30,000 more donors -- pretty soon you're talking real money," Corrado said.

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The bottom line: Few if any experts believe Bush will raise less than $125 million for the primary phase of the 2004 campaign. Some people believe the number might be far higher. "I take it as an article of faith that he will raise $225 million to $250 million," Ickes said. "Or maybe much more."

The same experts say the most successful Democratic presidential contender -- whoever it turns out to be -- won't come close to that amount. No Democrat in a presidential campaign has ever raised enough hard money to opt out of the public financing system, as Bush did during the 2000 primary election and is virtually certain to do again next year. Most, if not all, of the 2004 Democratic contenders are expected to take public subsidies during the primaries -- which means they must agree to spend no more than about $44 million before the midsummer nominating convention.

The eventual Democratic nominee may need all of that money just to prevail by March or April. From that point until the party convention **[*A7]** in late July, the winner may be nearly broke, while Bush is awash in cash. He and his party can use that money not only for his campaign, but also to help GOP candidates at the congressional and state levels.

The national Republican Party made such efforts in 2002, contributing not only to gains in the House and Senate, but also to the unexpected retention of a majority of governorships and to winning a plurality of state legislatures, ending 50 years of Democratic dominance.

The power to set the legislative agenda -- now firmly in Republican hands -- is always important in winning the support of lobbyists, corporate executives and trade association executives who can encourage their clients, employees and their members to make donations.

"The business community writ large is going to be very supportive of this president," said Bruce Josten, executive vice president of the U.S. Chamber of Commerce.

Ickes and other Democratic strategists are looking into establishing "independent" groups that could receive soft money donations to air "issue ads" in support of their party's candidates. While the new campaign finance law will not allow the candidates to coordinate with such groups, "there's no great mystery to figuring out what messages the candidate wants to send," Ickes said. "Just pick up the paper and watch TV."

A provision of the new law, however, would ban such advertising within 60 days of the general election. If courts uphold that provision, such groups would be of limited value.

What appears certain, experts said, is that special-interest groups -- such as labor unions, abortion rights groups and the National Rifle Association -- will use the cash they once sent to the political parties as soft money to air ads and organize voters directly. These groups' leaders might enjoy that power, Corrado said.

"I don't think [AFL-CIO President] John Sweeney liked sending that money to the Democratic National Committee, anyway," Corrado said. But such a system is likely to be less efficient than a coordinated campaign run by a party and its candidates.

Democratic National Committee Chairman Terence R. McAuliffe, perhaps the most renowned fundraiser of the 1990s, has vowed to boost DNC hard-money fundraising by $100 million to fill the gap left by the ban on soft money. He said his staff is pressing the party's large individual donors to give the maximum allowable to party headquarters -- $25,000 per person per year, under the McCain-Feingold law.

He said the money will go into a separate "Presidential Trust Fund" devoted exclusively to help the eventual nominee. He is also urging presidential candidates to ask their top donors to give to the fund.

"Any major contribution check that comes into this party, that money is now going into an account which will be given to the nominee the day they are nominated, maybe March 10 [2004]," McAuliffe said.

McAuliffe and others say that advancing the primary process will give the party more time to raise cash -- especially from supporters of defeated candidates who would want to establish ties with the nominee. But McAuliffe's earlier efforts to wean his party from soft money have been marginally successful. Hard-money contributions to the DNC rose by just $7 million from the 1997-98 election cycle to 2001-02.

The likely Republican money edge may add further leverage at a time when the political terrain is already favorable. Analysts in both parties believe the GOP is well-situated to expand its majorities in both the House and Senate next year. Democratic strategists rating the most vulnerable Senate seats in 2004 list a dozen that are held by Democrats, and five in Republican hands.

In the House, some analysts feel the 10 most vulnerable seats are held by Democrats representing districts that voted strongly for Bush in 2000.

Many leading Democrats argue that no amount of fundraising will save Bush and his congressional comrades from a laggard economy.

"I can envisage a scenario in which 2004 would not be a hostile or bad year," Democratic lobbyist Lawrence F. O'Brien III said, citing rising unemployment, the troubled stock market and the president's controversial tax cuts.

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He added, however: "The one thing I find immutably troubling is the money."

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Liberals Meeting To Set '04 Strategy; Labor, Rights Groups Focus On Getting Out The Vote To Help Democrats

Thomas B. Edsall
Washington Post Staff Writer

Sunday, May 25, 2003

The Washington Post
A Section

Major liberal organizations, from labor unions to civil rights groups, have begun to meet privately to develop a coordinated strategy to oppose President Bush's reelection in 2004. Their goal is to buttress the Democratic Party and its nominee by orchestrating voter mobilization and independent media in as many as a dozen battleground states.

All of the organizations are free to accept unlimited contributions, or "soft money" from wealthy individuals, unions and corporations. These donations are the kind that the new campaign finance law prohibits political parties and federal candidates from collecting.

Together, these organizations have the potential to target $40 million to $50 million in key states including Florida, Michigan and Pennsylvania. The amount could be much higher if organized labor invests heavily and a new, pro-Democratic committee gearing up to run television advertisements is successful. In addition, these organizations are expected to play a crucial role in Election Day get-out-the-vote efforts.

Liberal organizations have backed Democratic presidential candidates in the past, but never have they been able to work together to maximize the value of every dollar by minimizing

overlap in direct mail, person-to-person voter contact or television advertising.

Leaders of these organizations contend they are driven to work together by the threat of massive spending by Bush and the Republican Party; by the undermining of Democratic Party finances, which have suffered from the new prohibition on large, "soft money" contributions, and by the likelihood of continued legislative and regulatory setbacks if Republicans maintain control of the government.

"The Democratic Party goes into this next election weak on money, weak on the ground. There is a huge vacuum for us to fill," said one of the organizers who asked not to be quoted by name. "Organizations that agree they have to defeat a Republican president want to come together and figure out the best way to do it. This is an uncommon event in the history of Democratic organizational politics."

Emily's List President Ellen Malcolm, who hosted the groups' first meeting on May 8, said, "There is a tremendous amount of common motivation given what the Bush administration has been doing to virtually every issue we care about."

In addition to Malcolm, other leaders of the drive are Carl Pope, executive director of the Sierra Club; Andrew L. Stern, president of the Service Employees International Union; Harold Ickes, a former Clinton White House aide who is setting up a special committee to raise money for independent TV advertising during the campaign; and Steve Rosenthal, former political director of the AFL-CIO who now runs the labor-financed Partnership for America's Families.

Among the other groups at the first meeting who are expected at a larger gathering in early June are the NAACP, the League of Conservation Voters, NARAL-Pro Choice America, the pro-gay rights Human Rights Campaign and the

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American Federation of State, County and Municipal Employees.

Money, and the damaging effects of the 2001 McCain-Feingold campaign finance law on the Democratic Party, are two key factors driving the mobilization effort.

"We are looking at a president who can raise $250 million if he wants to, and the RNC [Republican National Committee] can match that. We're talking about half a billion dollars," said a political operative for one of the interest groups.

He pointed out that in 2000, the RNC raised $213 million in the kind of "hard money" that remains legal under McCain-Feingold, while the DNC that year raised $124 million in "hard money," its best year ever when the party had an incumbent president to help pull in contributions.

The Bush campaign is expected to raise at least $200 million to spend by September 2004, while Democratic presidential candidates will have about $48 million to spend before the convention in July if they accept public subsidies.

Many labor and liberal interest groups say they are convinced that the presidency offers the Democrats its best chance to win one branch of the federal government, as GOP majorities in the House and Senate look tough to defeat.

Historically, efforts to get liberal groups to work under a coordinated strategy have run into problems. Few organization leaders have been willing to cede power; competitive fundraising strategies have emerged among groups appealing to similar constituencies; and fundamental agenda conflicts forced splits, such as those between environmentalists and the more pro-development labor movement.

This election cycle, some participants say, will be different.

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"The Democrats have always been reliant upon liberal special interest groups to fund the Democratic National Committee," said Republican National Committee spokesman James Dyke. "Now it looks like they have just set up an organization that will work with instead of for the DNC."

Dyke argued that the emergence of a liberal alliance vindicated Republican arguments that the new campaign finance law undermines political parties.

The McCain-Feingold law passed last year restricted contributions from individuals to a $2,000 maximum when made to federal candidates, and $25,000 when made to parties. This is known as "hard money." The law bars candidates and parties from raising unlimited donations, or soft money, from wealthy people, corporations and unions.

Most of the groups at the May 8 meeting at Emily's List's offices in Washington have special committees, known by their tax designations as "501c4s" or "527s," that are generally not restricted by McCain-Feingold. Most are competing for large contributions from many of the "soft money" donors to the Democratic Party.

While no umbrella structure has been developed, participants discussed ways to coordinate messages through the campaign and, in eight to 12 key battleground states, appointing "traffic cops" who would try to find the most cost-effective methods to contact voters, run ads and build coalitions.

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Union Do's and Don'ts For the Democrats

Harold Meyerson
Editorial

Wednesday, May 28, 2003

The Washington Post
A Section

For a moment there, it almost looked as if the Democrats were getting their act together.

Leaders of the key Democratic constituency groups have begun meeting to develop a strategy and the wherewithal for winning the battleground states in the 2004 presidential election. On May 8 the president of Emily's List, Ellen Malcolm, hosted a gathering of the heads of various environmental, pro-choice, civil rights and labor organizations to look at how they could have the greatest impact in next year's race. (The gathering was a tribute, in its way, to the regular meetings of conservative leaders hosted by anti-tax zealot Grover Norquist.)

The centerpiece of the May 8 meeting was a presentation by Steve Rosenthal, until recently director of the AFL-CIO's political program and now director of the labor-backed Partnership for America's Families. The Partnership is one of myriad so-called 527s -- the tax code designation for organizations that are springing up now that campaign reform has banned the two parties from collecting soft money to fund voter registration and mobilization campaigns.

Rosenthal was speaking because long before the McCain-Feingold campaign finance bill became law, the AFL-CIO began waging its own campaigns to turn out union members for pro-labor candidates. The unions' decision, quite daring at the time, to strike out on their own came shortly after John

Sweeney became president of the AFL-CIO in 1995. Under the leadership of Sweeney and Gerald McEntee, president of the American Federation of State, County and Municipal Employees and longtime chairman of the AFL-CIO's political committee, labor developed the most successful get-out-the-vote program in the land. In 1994, the year of the last pre-Sweeney-and-McEntee election, voters from labor households constituted just 14 percent of the nation's electorate. By the election of 2000, that figure had risen to 26 percent, and 59 percent of those voters backed the Gore-Lieberman ticket.

The turnaround of labor's political program is the movement's signal achievement of the past decade. Had labor not moved the resources and developed the expertise to get its own political house in order, the Democrats would be in receivership today, rather than at a precarious parity with George W. Bush's Republicans. Working-class perspectives -- for instance, the need for universal health insurance -- would be marginalized within the party, rather than the centerpiece of several presidential campaigns.

But with union membership at an anemic 13 percent of the workforce, the union household vote can take the Democrats only so far. The goal of the Partnership is to augment labor's efforts with its own members by mobilizing the rest of the Democratic base -- in particular, the millions of African Americans, Latinos and working women who aren't union members. Any doubt that such a program is needed was effectively dispelled by the 2002 elections. As the Los Angeles Times exit poll and some election night polling by Fox News made clear, the Republicans owed their successes to a marked decline in African American and Latino voting.

In the election's wake, a number of unions concluded that the sooner the McEntee-Rosenthal operation could be brought to the rest of the Democratic base, the better. A $30 million registration, education and mobilization campaign ($20

million from unions, the remainder from other groups and individuals) is being put in place.

For Democrats, that's the good news. The bad news is that turf battles have arisen during the past couple weeks over the Partnership's mandate. The objections haven't come from the other Democratic constituencies -- one civil rights activist attending the May 8 meeting said, "I've attended 527 meetings about 527s, and this is the first one that made sense."

Ironically, the reservations have come from within labor itself, where certain cross-union constituency groups such as the Coalition of Black Trade Unionists have felt threatened by the Partnership. Stunningly, AFL-CIO Executive Vice President Linda Chavez-Thompson and McEntee himself have left the Partnership's board.

But the Partnership is the prime exponent of one of the few successful electoral models the Democrats have. In Los Angeles the success of that kind of campaign is evident in the labor movement's mobilization of non-union Latino voters, which has made the city a liberal bastion and California a Democratic stronghold. In Philadelphia, the Partnership, in its first few weeks in existence, has already registered 10,000 African American voters in preparation for this year's mayoral election. There is no way the Democrats can prevail in 2004 absent a massive, unified working-class mobilization based on the Sweeney-McEntee-Rosenthal model -- as Karl Rove well knows.

"John Sweeney and Jerry McEntee should be proud that their work has become the basis of the Democratic constituencies' political action programs," says Andrew Stern, president of the Service Employees International Union, which is a major backer of the Partnership. For either of them to pull back their support from this campaign for working-class votes would not only damage the Democrats' prospects, but also undermine their own historic achievement in

revitalizing labor's political program and clout. It should hardly be necessary to remind them that in union there is strength.

The writer is editor at large of the American Prospect.

Meyerson, WASH. POST, May 28, 2003 A19

Lobbying Organizations Spent Record $925.8 Million On Washington Lobbying in Last Half of '02

Kenneth P. Doyle

June 24, 2003

BNA, Money & Politics Report

Organizations spent a record-breaking $925.8 million on Washington lobbying in the last six months of 2002, according reports filed under the federal Lobbying Disclosure Act and analyzed by PoliticalMoneyLine, an online disclosure service tracking money in politics.

The latest six-month report on lobbying issued June 23 by PoliticalMoneyLine said the $925 million spent in the last six months of 2002 was a 7.7 percent increase ($66 million) over the previous record-setting $859 million spent during the first six months of 2002. Lobbying reports covering the first six months of 2003 are not due until August.

Organizations with large increases included the spending of the U.S. Chamber Institute for Legal Reform at nearly $17.4 million--up from $4.9 million in the previous reporting period. Also, the institute's parent organization, the Chamber of Commerce of the U.S. spent $11.3--up from $7.9 million. The Chamber and its legal affiliate had previously announced record lobbying spending for the period.

The Business Roundtable also posted a big increase--spending $8.4 million, up from nearly $3.5 million.

The health care industry remained the top lobbying spender of all sectors for the eighth straight six-month period, with spending at $135 million, up $6 million from $129 million, according to PoliticalMoneyLine.

Top Organizations, Firms

The top-10 organizations spending on lobbying were:
1. U.S. Chamber Institute for Legal Reform: $17.4 million
2. Chamber of Commerce of the U.S.: $11.3 million
3. 60 Plus: $10.7 million
4. Business Roundtable: $8.4 million
5. Pharmaceutical Research & Manufacturers Association: $8.1 million
6. American Medical Association: $7.2 million
[*2]7. General Electric: $7 million
8. Altria Corporate Services: $6.8 million
9. Seniors Coalition: $6.3 million
10. American Hospital Association: $6.0 million

The top-10 lobbying firms reporting receipts for paid lobbying were:
1. Cassidy & Associates: $14.1 million
2. Patton Boggs: $12.9 million
3. Akin Gump Strauss Hauer & Feld: $11.4 million
4. Piper Rudnick (fka Verner Liiphert): $11.1 million
5. Greenberg Traurig: $9.5 million
6. Van Scoyoc Associates: $9.2 million
7. Barbour Griffith & Rogers: $6.4 million
8. Washington Council Ernst & Young: $6.3 million
9. Dutko Group: $5.6 million
10. Williams & Jensen: $5.6 million

Detailed listings of all industries, sectors, companies and organizations, rankings, clients, and searches are available via FECInfoPro, a subscription service on the PoliticalMoneyLine web site www.PoliticalMoneyLine.com.

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[1 (11 PCS/ NRA 106)]

[NRA] Bylaws

ARTICLE I

Name

The name of this organization is the National Rifle Association of America.

ARTICLE II

Purposes and Objectives

The purposes and objectives of the National Rifle Association of America are:

1. To protect and defend the Constitution of the United States, especially with reference to the inalienable right of the individual American citizen guaranteed by such Constitution to acquire, possess, collect, exhibit, transport, carry, transfer ownership of, and enjoy the right to use arms, in order that people may always be in a position to exercise their legitimate individual rights of self-preservation and defense of family, person, and property, as well as to serve effectively in the appropriate militia for the common defense of the Republic and the individual liberty of its citizens.
2. To promote public safety, law and order, and the national defense;
3. To train members of law enforcement agencies, the armed forces, the militia, and people of good repute in marksmanship and in the safe handling and efficient use of small arms;

4. To foster and promote the shooting sports, including the advancement of amateur competitions in marksmanship at the local, state, regional, national, and international levels;

5. To promote hunter safety, and to promote and defend hunting as a shooting sport and as a viable and necessary method of fostering the propagation, growth and conservation, and wise use of our renewable wildlife resources.

The Association may take all actions necessary and proper in the furtherance of these purposes and objectives.

[1 (11 PCS/ NRA 133)]

NATIONAL RIFLE ASSOCIATION OF AMERICA
INCORPORATED 1871
12250 WAPLES MILLS ROAD - FAIRFAX, VA 22030

WAYNE LAPIERRE
EXECUTIVE VICE PRESIDENT

EMERGENCY MEDIA STATEMENT ENCLOSED

[Address blacked out]

Dear [name blacked out]

Because of Bill Clinton's recent and repeated appearances on national television to attack your Second Amendment rights, I am forced to send you this EMERGENCY MEDIA STATEMENT and to ask for your help.

This statement represents a one-time extra payment for freedom over and above your NRA member dues.

And I hope I can count on you to put this EMERGENCY MEDIA STATEMENT with your monthly bills right now, and pay it just as you would any other bill.

This statement represents your fair share of the extra funds that NRA must raise for our efforts in the media this year, now that Bill Clinton has declared his intent to spend his final months in office campaigning FULL TIME against your Second Amendment rights and lying about you as a gun owner.

My friend, this national NRA media effort cannot wait another year or another month or another week. As long as the American people remain in the dark about the critical difference between gun control and crime control, the odds of the Second Amendment suffering a knockout defeat in this election will continue to grow each and every day.

I don't know if you saw Bill Clinton on the *Today* show with Katie Couric recently. But if you did, you know that Bill Clinton now believes that trashing the NRA and personally trashing NRA members like you is the best way to destroy your Second Amendment rights.

> **On national T.V., before an audience of tens of millions of your fellow Americans, Bill Clinton declared that NRA members like you are "basically against anything that requires anybody to do anything as a member of society that helps to make it safer."**
>
> **That's a direct quote. And it's just one of the many personal attacks and lies [2 (11 PCS/ NRA 134)] he has recently aimed straight at you and your family because you own a gun.**

There is no way the media would let Bill Clinton get away with personal attacks like this against the members of any other group. But because you and I are gun owners, we cannot expect the media to challenge any of Bill Clinton's smears or slanders.

It's become clear that the only way we are going to win the debate in this election year is to buy and pay for the media opportunities we need -- including T.V., radio, and newspaper ads nationwide -- to get our message to the American people and make sure they hear our side of the story.

And I need you to pay this statement so that throughout this year, whenever Bill Clinton or Charles Schumer or Sarah Brady or some big media conglomerate blasts us, we'll have the strength and dollars to buy ads and run commercials to wage the war and be heard.

There's no alternative. Without your EMERGENCY MEDIA STATEMENT payment, they will demonize us, ridicule us, distort our issues beyond recognition and rob our country of its greatest and most important freedom.

And your fellow voters will come to believe these lies and slanders during the most critical election year that the Second Amendment and gun owners have ever faced.

Because of Bill Clinton's planned attacks against us – and in order to get our message to America's 65 million gun owners -- we will need to increase our media budget by at least $3,270,000 over what we had already planned for the Year 2000.

I'm asking you to do your part, by paying $21.37 to help us reach 425 of these gun owners and voters, or $42.74 to help us reach 850.

To put my request in perspective, either of these amounts is less than most Americans willingly pay for cable T.V. for just one month. This EMERGENCY MEDIA STATEMENT is the price I am asking you to pay, not every month but just this one time to keep the torch of freedom burning in your own home and across our nation in this critical election year.

If we are to fight and win this year we must be heard. Rosie O'Donnell must know that when she tries to trample freedom she is on the wrong side of American history. We

must not let the *Washington Post*, the *New York Times*, or the big T.V. networks keep the truth from our fellow citizens. Or let Hillary Clinton go unanswered with her vicious attack letters trying to scare your neighbors against you, your gun freedoms and the NRA.

By paying your EMERGENCY MEDIA STATEMENT, you'll make it possible for us to pay for the T.V. time we need to reach your fellow voters with our NRA "infomercial"--a special broadcast that spotlights how gun control and registration [3 (11 PCS/ NRA 135)] inevitably lead to confiscation as we've seen in England, Australia, and around the globe.

You'll enable us to fund a nationwide campaign of radio ads telling America how it was the NRA--not Bill Clinton--who first got behind "Project Exile" and demanded that the federal government punish armed, violent criminals under the gun laws now on the books.

And you'll enable us to run ads in newspapers telling the American people about Bill Clinton and Janet Reno's refusal to prosecute violent criminals.

Every law enforcement officer on the street knows that the one thing that will stop crime is apprehending and convicting violent criminals with and without guns and putting them in jail.

Yet, Bill Clinton -- with the consent of anti-gun Congressmen and Senators -- is allowing thousands of criminals every day to walk away from multiple felonies committed when they try to buy a gun.

Meanwhile his Attorney General, Janet Reno, talks of forcing law-abiding gun owners like you to line up in gov-

ernment indoctrination classrooms for the "privilege" of owning a gun.

Bill Clinton tells America that the crime problem can't be solved until the "culture" of hunters and shooters can be made to "evaporate." And every time there's another heinous crime, Bill Clinton gets millions more dollars worth of free airtime to attack not only the Second Amendment -- but now you personally.

Meanwhile, marksmanship programs are being pulled out of our public schools. Scout troops and summer camps are being pressured to discontinue NRA-endorsed programs that teach safety, responsibility, and respect for firearms.

Anti-gun reporters in local newspapers are attacking our lifesaving Eddie Eagle gun safety program just because it's sponsored by the NRA.

And you can't turn on your T.V. set or pick up the newspaper without being hit in the face by one of the big media conglomerates trying to demonize you, me, the NRA, the Second Amendment and our freedom.

These are not just the usual year-in, year-out skirmishes that we have fought with the media and the gun-ban lobby for the past decade.

In many ways, this year marks the final battle with the most powerful anti-gun forces in American history, all determined to elect an unstoppable anti-gun majority in this election and close the final chapter in Second Amendment history forever.

<u>And the future of your freedom all comes down to whether or not your NRA can [4 (11 PCS/ NRA 136)] reach</u>

your fellow voters with our side of the story between now and Election Day, November 7, 2000.

Your timely payment of the enclosed EMERGENCY MEDIA STATEMENT is the key.

George Washington went house to house raising the dollars and the army to fight. If I could, I would sit down with you face to face in your home, to tell you how important the fight is, and try to persuade you to contribute as much as you can.

And I do hope to see you in person and say thanks--but for now this is my only way to reach you personally, and ask for your support in this fight to win the hearts and minds of the American people.

So please, every day is crucial. President Clinton and Al Gore and the American media are telling folks you're to blame... That you don't deserve to be heard... And that you are part of a culture that needs to be eliminated from the face of America.

I say on his best day Bill Clinton is not worthy of the American soldiers who have fought and died over the years to give birth to our freedom and to keep our American culture alive. And he is not worthy of NRA members like you who, with that same conviction and courage, have fought so valiantly to defend our precious Constitution.

So please mail this EMERGENCY MEDIA STATEMENT today or put it with your monthly bills, so that we may have the dollars we need to tell America the truth during the do-or-die months just ahead.

When you do it, know that you are helping to save our guns and our nation's Bill of Rights.

Thank you very much.

Sincerely,

/s/ Wayne LaPierre

Wayne LaPierre
Executive Vice President

P.S. You are under no legal obligation to pay this statement. But I was under the obligation to send it to you because of what Bill Clinton has said about you and me and our fellow law-abiding NRA members.

And I hope you will agree that you and I have a moral obligation -- to our country and to future generations– to do all we can to win the battle for freedom, just as those who came before us willingly fought life and death battles for us. I urge you as strongly as I can to pay this EMERGENCY MEDIA STATEMENT today or put it with your monthly bills right now. Thank you again.

Annenberg Public Policy Center
Issue Advertising in the 1999-2000 Election Cycle

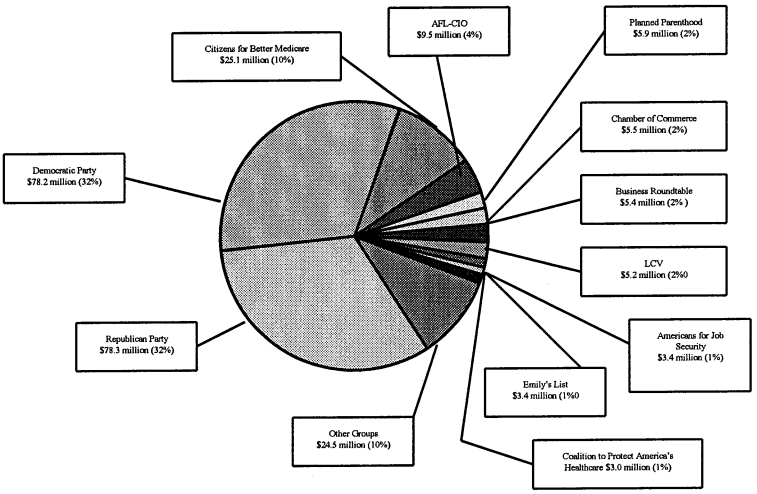
* * *

[7 (11 PCS/ NRA 197)]
The two major political parties and one other group, Citizens for Better Medicare, account for almost three out of every four dollars (74%) spent on television issue advertising after Super Tuesday.

Despite the fact that more than 70 groups ran television spots during this period, spending on issue advertising was dominated by a small number of groups. In fact, the two parties and nine groups (Citizens for Better Medicare, the AFL-CIO, the Business Roundtable, the US Chamber of Commerce, the League of Conservation Voters, Planned Parenthood, Americans for Job Security, Emily's List, and the Coalition to Protect America's Healthcare) accounted for 90% of the spending on issue ads. Sixty-five other groups account for only ten percent spending.

Nine groups and the two major parties accounted for 90% of the spending on television issue ads in the top 75 media markets after Super Tuesday.

Chart 2: Spending on Television Issue Ad Air Time in the Top 75 Media Markets After Super Tuesday



In addition to the nine groups listed above, eight other groups spent over $1 million on television issue ads: the Alliance for Quality Nursing Home Care ($2.2 million), Handgun Control ($1.9 million), the National Rifle Association ($1.6 million), Prochoice Decision ($1.6 million), the Sierra Club ($1.4 million), the National Abortion Rights Action League ($1.3 million), the Pharmaceutical Research & Manufacturers of America ($1.2 million) and the National Shooting Sports Federation ($1.1 million).

* * *

[27] **Appendix 1**

GROUPS RUNNING ISSUE ADS

The Annenberg Public Policy Center tracked issue advertising from over 100 groups. Complete descriptions of the groups and their activities can be found at www.appcpenn.org/issueads. The following groups sponsored issue advocacy advertising during the 1999-2000 cycle:

AARP
AFL-CIO
Alabama Hospital Association
Alliance for Florida Economy
Alliance for Quality Nursing Home Care
American Association of Health Plans
American Cancer Society
American Civil Liberties Union
American Conservative Union
American Family Voices
American Federation of Teachers
American Immigration Control Foundation
American Medical Association
American Seniors Inc.
American Society of Anesthesiologists
Americans for Balanced Energy Choices
Americans for Economic Growth
Americans for Hope, Growth & Opportunity
Americans for Job Security
Americans for Responsible Medicare Spending
Americans for Tax Reform
Antitrust Coalition for Consumer Choice in Health Care
Aretino Industries
Association of Builders & Contractors
Better World Campaign
Black America's Political Action Committee
Business Leaders for Sensible Priorities
Business Roundtable
Campaign for a

Progressive Future
Campaign for America's Children/Coalition for Better Education
Catholic Health Association
Center for Reclaiming America
Center for Reproductive Law & Policy
Christian Action Network
Citizens for a Better America
Citizens for Better Medicare
Citizens for Life
Clean Air Trust/Clean Air Project
Club for Growth
Coalition for Affordable Quality Health Care
Coalition for Asbestos Resolution
Coalition for the Future American Worker/Americans for Better Immigration
Coalition to Protect Americans Now
Coalition to Protect America's Health Care
Committee for Good Common Sense
Competitive Broadband Coalition
Conservative Leadership PAC
Council for a Livable World
Cuban American National Foundation
Democratic Party
Education Reform Alliance
Emily's List
Federation for American Immigration Reform
Federation of American Health Systems
First American Education Project
Friends of the Earth
Handgun Control, Inc.
Hands Across New Jersey
Hands off the Internet
Health Benefits Coalition
Health Insurance Association of America
Healthcare Reform Project
Healthtrack.org
Heritage Forests Campaign
Human Rights Campaign
Judicial Watch Org.
League of Conservation Voters
League of Women Voters
Log Cabin Republicans
Montanans for Common Sense Mining Laws
Motorola/Business Coalition for China Trade
National Association for

the Advancement of Colored People
NASA Langley Community Support Team
National Abortion Rights Action League
National Association of Realtors
National Center for Policy Analysis
National Cttee. To Preserve Social Security & Medicare
National Environmental Trust
National Pro Life Alliance
National Rifle Association
National Right to Life
National Right to Work Committee
National Shooting Sports Federation
National Smokers Alliance
Natural Resources Defense Council
Negative Population Growth
New York Conservative Party
North Carolina Voters Education Fund
Nuclear Energy Institute
PARCA
Peace Action Committee/ Peace Voter Fund
People for the American Way
People for the Ethical Treatment of Animals
Pharmaceutical Research & Manufacturers of America
Planned Parenthood Action Fund
Priests for Life
Pro Choice Decision
Project Abolition
Republican Ideas Political Committee
Republican Jewish Coalition
Republican Leadership Coalition
[28]
Republican Leadership Council
Republican Party
Republicans for Choice
Republicans for Clean Air
RuffPAC
Shape the Debate
Sierra Club
Solutions for a New Century
South Carolina Heritage Coalition
Susan B. Anthony List
Taxpayers for Common Sense
Traditional Values Coalition

U.S. Term Limits/
Americans for Limited
Terms
Union of Concerned
Scientists
United Bowhunters of
Pennsylvania
United Steelworkers of
America
US Action
US Chamber of
Commerce
Voters for Campaign
Truth
Voters for Choice
Washington Conservation
Voters
West Virginia Rivers
Coalition
World Campaign
Organization
Youth Christian League

1963

1964

1965

[1 (11 PCS/ NRA 216)]

NRA Infomercial
California
Fall 2000
Airdates: Tuesday 8 29 00 –Sunday 11 5 00

Total No. Of Airings	857
Cumulative Gross Media Costs	$770, 868.00

Market	
Fresno-Visalia	180
San Francisco	94
Los Angeles	208
Chico-Redding	33
Bakersfield	63
Eureka	40
San Diego	105
Santa Barbara	76
Sacramento	8
Monterey-Salinas	4
Palm Springs	46

[Layout altered to fit on page]

* * *

[10 (11 PCS/ NRA 209)]

We therefore propose the following exemption for the Commission's consideration:

The term "electioneering communication" does not include any communication that:

* * *

(x)(A) Meets all of the following criteria: (i) the communication concerns only a legislative or executive branch matter, (ii) the communication's only reference to the clearly identified federal candidate is a statement urging the public to contact the candidate and ask that he or she take a particular position on the legislative or executive branch matter, (iii) the communication refers to the candidate only by use of the term "Your Congressman," "Your Senator," "Your Member of Congress" or a similar reference and does not include the name or likeness of the candidate in any form, including as part of an Internet address; and (iv) the communication contains no reference to any political party.

(B) The criteria in Paragraph (A) are not met if the communication includes any reference to: (i) the candidate's record or position on any issue; (ii) the candidate's character, qualifications or fitness for office; or (iii) the candidate's election or candidacy.

This formulation allows individuals and entities concerned about legislation to run true issue ads [11 (11 PCS/ NRA 210)] with a legislative objective and a request to contact an

elected official during the 30 or 60 day windows. Permitting the use of "Your Congressman" and similar expressions that clearly identify the person or persons to be contacted, but continuing to prohibit the use of a candidate's name makes it less likely that the exemption will used to accomplish an electoral objective. This proposal also guards against critiques of a political party being used as a proxy for attacking a candidate. This exemption would be an appropriate use of the Commission's authority under 2 U.S.C. § 434(f)(3)(B)(iv). We do not think it is useful to try to distinguish between communications that discuss a general issue as opposed to a particular piece of legislation.

* * *

MD/SHRIVER BLOCKED NRA

Brand: POL-CONGRESS (B332)
Parent: POLITICAL ADV
Aired: 08/27/2002 – 08/28/2002

Creative Id: 2609471

FRAME 1

[Shriver]: "I stood up on the floor of the House of Delegates and defeated a piece of legislation backed by the NRA that would have allowed convicted felons to own handguns.

FRAME 2

That's bad public policy. We shouldn't allow people who are convicted of domestic

FRAME 3

violence to own a handgun. We need further locks on our handguns. We need

FRAME 4

to eliminate the gunshow loophole. We need to make gun licensing

FRAME 5

the law of the land. I welcome the fight from the NRA. Nothing would

FRAME 6

give me more pleasure than defeating the NRA."
FRAME 7

[PFB]: Citizens for Mark Shriver

[1 (11 PCS/NRA 226)]

MD/SHRIVER TOUGH FIGHTS

Brand: POL-CONGRESS (B332)
Parent: POLITICAL ADV
Aired: 09/03/2002 – 09/03/2002

Creative Id: 261746

FRAME 1

[Shriver]: "If you believe in something passionately, then who cares who's opposed to you."

FRAME 2

[Announcer]: He took on the gang and drug dealers in Baltimore to save young lives. And battled the NRA in Annapolis,

FRAME 3

taking guns away from domestic abusers. He led the fight for all-day

FRAME 4
kindergarten and childcare for working families. Mark Shriver's always

FRAME 5

taken on the tough fights to make a difference for people. [Shriver]: "If the NRA or the pharmaceutical industry or the polluters

FRAME 6

are opposed to me, that's fine with me. Bring it on. I welcome that fight."

FRAME 7

[PFB]: Shriver for Congress

[1 (11 PCS/NRA 227)]

MD/SHRIVER VAN HOLLEN WENT NEGATIVE

Brand: POL-CONGRESS (B332)
Parent: POLITICAL ADV
Aired: 09/07/2002 – 09/07/2002

Creative Id: 2621512

FRAME 1

[Announcer]: He promised not to do it, but now Chis Van Hollen's gone negative with a blizzard of false and disingenuous attacks on Mark Shriver's record.

FRAME 2

The Washington Post calls Shriver, "exceptionally well qualified" praising his

FRAME 3

innovative CHOICE program to save kids from gangs and drugs. He led the

FRAME 4

fight in Annapolis for all day kindergarten earning the support of Maryland's teachers

FRAME 5

and took on the NRA to block guns for domestic abusers. Elect a proven

FRAME 6

fighter for people. Mark Shriver for Congress.

FRAME 7

[PFB: Citizens for Mark Shriver]

[1 (11 PCS/NRA 228)]

MD/VAN HOLLEN RECORD

Brand: POL-CONGRESS (B332)
Parent: POLITICAL ADV
Aired: 08/27/2002 – 08/28/2002

Creative Id: 2608231

FRAME 1

[Announcer]: The Washington Post called Chris Van Hollen 'one of Maryland's best legislators.' The Baltimore Sun called him a 'rising star, one of the senate's

FRAME 2

most effective advocates.' Time Magazine called him a 'hero to environmentalists,

FRAME 3

education groups, and gun control advocates.' He wrote the plan that will bring an additional

FRAME 4

130 million per year to our schools, authored laws that protect

FRAME 5

the Chesapeake Bay and took on the NRA and passed the nation's first

FRAME 6

trigger lock law. Chris Van Hollen, a congressman for people who care

FRAME 7

about issues. [PFB]: Van Hollen for Congress

[1 (11 PCS/NRA 229)]

BRAND: POL-CONGRESS+
TITLE: CA/CADP Cunneen NRA 15
COMMERCIAL: CA/CADP Cunneen NRA 15
LENGTH : 15
FRAMES : 3

FRAME 1

[Announcer] : Jim Cunneen voted with the NRA to allow adults to carry concealed weapons in pubic places such as parks, restaurants, or the workplace.

FRAME 2

Under pressure, we can't count on Jim Cunneen. Tell Jim Cunneen

FRAME 3

to vote against the NRA and for public safety. [California Democratic Party]

[1 (11 PCS/NRA 230)]

BRAND: POL-CONGRESS+
TITLE: MA/Jacques Gun Violence
COMMERCIAL: MA/Jacques Gun Violence
LENGTH : 30
FRAMES : 8

FRAME 1

[Jacques] "As a criminal prosecutor, I saw the impact gun violence had on peoples' lives.

FRAME 2

That's why I led the fight to ban assault weapons and pass the toughest

FRAME 3

gun control law in the nation. I think the NRA already

FRAME 4

has too many friends in Washington." [Announcer] Senator Stephen Lynch

FRAME 5

voted against the '96 ban on assault weapons.

FRAME 6

A top rating and friend of the NRA. Can we trust his priorities?

1979

FRAME 7

[Jacques] "I'll be a leader who puts your safety before the NRA."

FRAME 8

[PFB: Cheryl Jacques for Congress]

[1 (11 PCS/NRA 231)]

BRAND: POL-CONGRESS+
TITLE: FL/FLDP Who is Jennifer Carroll
COMMERCIAL: FL/FLDP Who is Jennifer Carroll
LENGTH : 30
FRAMES : 8

FRAME 1

[Announcer]: Who is Jennifer Carroll? She's anti-choice, pro-gun, pro-tobacco.

FRAME 2

Siding with extremists, that's Republican Jennifer Carroll.

FRAME 3

She has a plan to cut taxes for the rich, but raise taxes on low income

FRAME 4

families. Siding with the rich against working families. That is also

FRAME 5

Jennifer Carroll. She supports a law that lets people carry concealed weapons.

FRAME 6

Siding with the NRA against our families, that's Jennifer Carroll

FRAME 7

too. Tell Jennifer Carroll she is too extreme for our families.

FRAME 8

[PFB Florida Democratic Party]

[1 (11 PCS/NRA 232)]

1982

[1 (11 PCS/ NRA 343)]

The Washington Post

September 21, 2002, Saturday, Final Edition

SECTION: STYLE; Pg. C01; THE TV COLUMN LISA DE MORAES

LENGTH: 948 words

HEADLINE: Political 'Reality': Viewers to Pick 2004 Candidate

BYLINE: Lisa de Moraes

BODY:

Rupert Murdoch has finally found a way to get what he wants in Washington.

His cable network FX announced yesterday it has bought a TV series in which it gets to select a candidate for the 2004 presidential election.

"American Candidate" will allow TV viewers to choose their "people's candidate" over a six-month period, the network said.

The show was conceived by R. J. Cutler. He's the guy who produced the 1993 oscar-nominated documentary "The War Room," about the '92 presidential campaign of Bill Clinton.

"Finally! Reality television is returning to its natural home," Cutler told the TV column yesterday.

"Presidential politics is the Great Reality Television Platform."

"American Candidate" will have elements of "The War Room," Cutler told us, as well as elements of "American Idol," another reality series brought to us by a Murdoch network.

"We will be making available to every American who is qualified, the opportunity to run for president," Cutler said

Just like Fox's "American Idol" made available to every American the opportunity to become a recording star. So long as they were young and hot and didn't do opera or anything like that.

Cutler partnered on the new project with Jay Roach (a good choice to help pick a U.S. president since he directed all three Austin Powers movies) and Tom Lassally. Lassally is another excellent choice since he was the Warner Bros. executive who shepherded the film "Dave," in which the fabulous Kevin Kline became U.S. president -- twice.

I'd definitely vote for Kevin Kline!

But Mr. Murdoch, alas, cannot run for president. That's because if you prick him, he bleeds Aussie. In 1985 Murdoch was made a U.S. citizen faster than you can say "station duopoly." That was right around the time he was adding to his U.S. media empire TV stations that a foreigner is not allowed to own.

[2 (11 PCS/ NRA 344)]

Presidential candidates must, owing to that pesky U.S. Constitution, be natural-born American citizens.

That leaves Simon Cowell out as well. Too bad. I'd vote for him.

To vie for a chance to be crowned American Candidate, applicants must fill out questionnaires, make a video in which they explain why they think they should be picked -- kind of like those "Survivor" audition tapes -- and produce a petition signed by 50 supporters. That's 50 live supporters -- not Dudley Moore or Saint Paul, both of whom turned up on Mayor Tony Williams's petitions.

"We expect to receive thousands and thousands of applicants," Cutler said. "Each is going to be sponsored by 50 members of the applicant's community. We see this show as tapping into grass-roots politics. Word will spread and interest will spread and, as a result, galvanize not only the viewing audience but a broad cross section." of the voting-age population, he forecast.

A panel of experts -- I'm thinking Paula Abdul, Randy Jackson, Shepard Smith and Sean Hannity -- will look over all the applicants and choose about 100 candidates. They will be unveiled in the first episode, which will debut in January 2004. Those candidates will square off in various competitions that Cutler said, will test their "presidential mettle." The competitions will reveal the candidates' core beliefs, oratory skills, wisdom, stamina, leadership, family background, ability to answer multiple-choice questions, proficiency with Burt Bacharach songs and drugged-pig-killing skills.

A handful of presidential hopefuls will be whacked each week, based on a point system that factors in those competition results, the live audience's preferences, and telephone and Internet voting.

Each episode will originate from some location that just screams America, like Mount Rushmore or Gettysburg

The final episode, which will be telecast right around the Fourth of July, will be an "American Candidate" convention, which Cutler hopes will be staged on the Mall here in Washington. Viewers will determine the winning candidate from three finalists.

The winner decides whether to actually run for president that fall.

Should he or she decide to got ahead, the producers will follow the candidate a[grv] la "The War Room," and telecast the campaign trail in a weekly series right up until election night.

But, Cutler emphasized, "we won't be running them for office; we won't require them to run for office. We certainly hope they will choose to run."

And how will this made-for-TV candidate finance her campaign? Let us not forget that in the last presidential election George W. Bush spend about $186 million and Al Gore not much less than that.

"They're going to have to figure that out," Cutler said.

"We're certainly not going to provide them. This show is going to function squarely within whatever finance regulations there are. That's why we are being very careful not to say our goal is to run anybody for office. . . . We know that a television show or a cable channel or a media organization cannot run anyone for office."

Of course, it might look kinda suspicious when the candidate promises if elected she'll make sure a media

company can own as many major league baseball teams as it likes and the DirecTV/EchoStar merger will be declared unconstitutional.

[3 (11 PCS/ NRA 345)]

And if this works and our made-for-TV candidate actually gets elected, who knows, we might even see Bernie Mac named secretary of state, Homer Simpson as energy secretary, Agent Mulder brought back to run the FBI and daily briefings held by White House Press Secretaries Brian Dunkleman and Ryan Seacrest.

And what becomes of the "American Candidate" winner who decides not to run?

"Maybe we'll give them a Winnebago," Cutler said.

LOAD-DATE: September 21, 2002

[1 (11 PCS/ NRA 352)]

Copyright 1998 M2 Communications Ltd.
INTERNET BUSINESS NEWS

July 1, 1998

LENGTH: 313 Words

HEADLINE: INTERNET DOUBLES CLAIMS NEW SURVEY, FRAUD WARNINGS MADE

BODY:

Matrix Information and Directory Services have estimated that the number of Internet users as of January 1998 was 102m compared with an estimated 57m in January 1997. The company has pointed out that the use of the Internet has been growing almost 100% each year since 1988 and shows no sign of slowing down for several years yet. Meanwhile business on the Internet could rise from US$ 2.6bn to US$ 220bn in 2001 according to the Federal Trade Commission's report to the subcommittee on Telecommunications, Trade and Consumer Protection of the House Commerce Committee. The FTC has warned however, that if the trend is to continue consumers must feel confident that the Internet is safe from fraud. The Commission has launched its Consumer Sentinel fraud database as part of its strategy for dealing with online fraud to provide secure access to consumer complaints for over 150 law enforcement organisations across the US and Canada. The FTC has also revealed that consumers have very little privacy protection on the Internet. A FTC survey of over 1,400 web sites revealed that only 14 percent of the sample provided any notice of their information collection practices and approximately two percent provided a comprehensive privacy policy. The most troubling statistic is possibly the fact that fewer than 10 percent of the sites directed at

children provide for some form of parental control over the collection of information from their offspring. Meanwhile Schema has published results of a study conducted across the European Internet Protocol services market which suggests that the number of companies using e-commerce to sell goods and services will increase from 500,000 to eight million by 2003. This will represent 40% of all European businesses and that the use of IP telephony and real time video will increase dramatically over the next three years.

LOAD-DATE: August 3, 1998

[1 (11 PCS/ NRA 444)]

Introduction and Summary: Internet Sapping Broadcast News Audience

Pew Research Center for the People & the Press
Survey Reports

Internet Sapping Broadcast News Audience

Released: June 11, 2000

Introduction and Summary

Traditional news outlets are feeling the impact of two distinct and powerful trends. Internet news has not only arrived, it is attracting key segments of the national audience. At the same time, growing numbers of Americans are losing the news habit. Fewer people say they enjoy following the news, and fully half pay attention to national news only when something important is happening. And more Americans than ever say they watch the news with a remote control in hand, ready to dispatch uninteresting stories. To some extent, these trends are affecting all traditional media, but broadcast news outlets -- both national and local -- have been the most adversely affected.

These are the principal findings of the Pew Research Center's biennial survey of the national news audience, which documents the rapid emergence of the Internet as a news source, as well as a significant decline in regular viewership of broadcast television news. Fully one-in-three Americans now go online for news at least once a week, compared to 20% in 1998. And 15% say they receive daily reports from the Internet, up from 6% two years ago. At the same time, regular viewership of network news has fallen from 38% to

30% over this period, while local news viewership has fallen from 64% to 56%.

Among younger and better-educated people, the Internet is making even bigger inroads. Many more college graduates under the age of 50 go on the Internet every day than regularly watch one of the nightly network news broadcasts. And generally, the survey finds that people who are interested in the news and go online tend to watch less network TV news. The survey also finds modest declines in the viewership of television news magazines and the morning news shows, but these slips appear unrelated to Internet news competition.

The digital tide is having less of a direct negative impact on cable TV news, radio and print outlets. The Pew Research Center survey finds no evidence that Internet use is driving down regular use of cable news channels, daily newspapers, or radio news. However, all news outlets are being affected by the public's slowly declining appetite for the news.

Less than half of the public (45%) now says it enjoys keeping up with the news a great deal and just 48% say they follow national news closely most of the time. Both of these percentages represent a modest decline from two years ago, when 50% said they enjoyed keeping up with the news and 52% reported following national news closely most of the time. But the percentage of Americans saying they enjoy keeping up with the news has fallen steadily since the mid-1990s.

[2 (11 PCS/ NRA 445)]

The generational divide on these questions is striking. Just one-in-three young adults (31%) enjoy keeping up with the news. In contrast, well more than half (57%) of those age 50 and over enjoy following the news. While younger people don't like the news so much, they do like having a wide vari-

ety of information sources from which to choose. Older Americans, who have a greater affinity for the news, often feel overwhelmed by the increasingly crowded media landscape.

As a consequence, Internet news is attracting many younger people who have only a marginal interest in the news as well as serious news consumers. In fact, Internet news has a relatively larger place in the lives of those with access who don't enjoy the news than among those who do. The Internet, with its headline news format and capacity for quick updates, is clearly attractive to this type of consumer. On the other hand, the Internet's capability for providing more depth on a given subject appeals to those with large news appetites, such as affluent college graduates.

In that regard, the growth of Internet news has had a dramatic impact on the way Americans, particularly those with access to technology, get information on business and financial matters. For active investors--those who have traded stocks within the past six months--the Internet has largely supplanted traditional media as the leading source for stock quotes and investment advice. The Internet's capacity for personally-designed news and information is clearly a factor here. Nearly six-in-ten (58%) active traders who log on to the Internet for such information have customized online stock portfolios.

So far, this quiet revolution in financial news has had less of an impact on the general public and less active investors, who still tend to go to the traditional media for stock quotes and advice. But underscoring the general popularity of the Internet for financial news, 16% of all Americans volunteered that they would turn first to the Internet for news if the market were to crash 1,000 points; cable news was mentioned second most frequently, at 14%.

As Americans grow more reliant on the Internet for news, they also have come to find online news outlets more credible. Despite the controversy over news-gathering techniques employed by some Internet sites, those who go online generally give Internet news operations high marks for believability. In fact, the online sites of such well-known news organizations as ABC News get better ratings from Internet users than the ratings accorded the traditional broadcast or print outlets.

But having a familiar name clearly helps. Internet-only news sources such as Yahoo,

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[Graphics entitled *Broadcast News vs. Online News* and *Logging On for News, Advice* omitted]

1993

[1 (12 PCS/ NRA 687)]

January/February 1991

[Photograph Omitted]
No GE Lightbulb on Today Show

Extra!, January/February 1991

THE GE BOYCOTT:

A Story NBC Wouldn't Buy

By Todd Putnam

When I got a call from NBC's *Today* show in June 1990, telling me they were interested in airing a story on consumer boycotts, naturally, as the editor of *National Boycott News*, I was enthusiastic. But I suspected there might be a problem when Amy Rosenberg from *Today* asked me for "the biggest boycott going on right now."

I already had a good idea, but I wanted to do a little more research before I gave her my answer. When I looked at major boycotts in terms of visibility, effectiveness, scope and public support, one stood out: the boycott of GE products led by the group INFACT, prompted by GE's leading role in the production and promotion of nuclear weapons.

The only trouble was, GE has owned NBC since 1986, when the company bought RCA. Would NBC News be willing to discuss a boycott against its own corporate parent?

When I next talked to Rosenberg, I broke the news to her: "The largest boycott in the county is against General Electric."

[2 (12 PCS/ NRA 688)]

"We can't do that one," she responded immediately. "Well, we could do that one, but we won't."

She asked for some other major boycotts, but she didn't seem too interested in any of them -- most of which were against major corporations with large TV advertising budgets. She thanked me and said goodbye.

Three weeks later, in July, she called again, saying the show was now interested in doing something about "small" boycotts. We had a couple of conversations, the upshot of which was that *Today* might do something about the boycott against shrimp producers provoked by the killing of sea turtles.

In September, Today told me that I was scheduled to be on air Oct. 5 and that a plane ticket would be sent. When I called on Oct. 4 to say that I hadn't gotten a ticket, I was told that it had been rescheduled for Oct. 15. When I hadn't received anything by Oct. 12, I called again, and learned the segment had been canceled.

I had a few more conversations with Amy Rosenberg, where I learned that *Today* was looking for a boycott that was "small," "local" and "sexy." By this point I seriously doubted NBC would ever do a segment on any sort of boycott.

But on Friday, Nov. 23, Roland Woener, a *Today* show producer, called me and told me that "the bottom fell out" of the next Monday's show, and that I should immediately book a flight -- NBC would reimburse me. He told me the idea was to have a table with some of the products that were targets of major boycotts, and he wanted to know what they should feature.

When GE came up as one of the most important boycotts, he signed audibly. "You guys," he said.

"I had to say it, it's a major boycott," I said.

"OK, tell me about it," he said.

I gave him a brief description of the INFACT boycott, which is promoted by a grassroots network involving hundreds of organizations nationwide, and is supported by an estimated 1 percent of U.S. consumers. I added that I had heard that David Letterman's producer got in trouble after comic-book writer Harvey Pekar was brought on as a guest and said some unflattering things about GE on the show.

"Yeah, I'll be looking for a new job on Tuesday," he said.

As it turned out, his job was in no jeopardy. The boycotted products that *Today* selected were Marlboros and Miller beer from Philip Morris, which supports homophobic Sen. Jesse Helms; Spam and Dinty Moore stew from Hormel, involved in a bitter labor dispute; tennis shoes by Nike, criticized for not supporting the African-American community; California grapes, which are boycotted for both labor and environmental reasons; and canned tuna, some producers of which continue to kill dolphins There was not a GE lightbulb to be found.

Finally, after months of waiting, I was interviewed live by Deborah Norville. She asked me briefly about the featured products, not dwelling on the reasons for any of the boycotts. My interview lasted all of three minutes.

When I left the studio, heading out into the hallway to catch an elevator, I was finally asked about the GE boycott -- by an NBC janitor. "So how is the INFACT boycott of GE doing?" he asked, apparently [3 (12 PCS/ NRA 689)] having

seen the segment on a monitor. I told him that GE had reportedly lost $60 million in sales because of the boycott, largely from hospitals refusing to buy their medical equipment. "That's the way to hit 'em," he said.

That night (11/26/90), the NBC Nightly News had a segment on the Japanese corporation Matsushita buying MCA, which owns Universal Studios and MCA records. The NBC news correspondent focused on whether the Japanese owner would "interfere in content." He expressed no concerns about U.S. corporations doing the same.

1997

[1 (12 PCS/ NRA 696)]

COLUMBIA JOURNALISM REVIEW
www.cjr.org

MEDIA MONEY

How Corporate Spending Blocked Political Aid Reform & Other Stories of Influence

BY CHARLES LEWIS

In his January 1998 State of the Union address, after decrying the campaign fundraising "arms race," President Bill Clinton proposed a major new policy that would address a big part of the problem--the high cost of campaign commercials. "I will formally request that the Federal Communications Commission act to provide free or reduced-cost television time for candidates," the president said. "The airwaves are a public trust, and broadcasters also have to keep us in this effort to strengthen our democracy." Within twenty-four hours, Federal Communications Commission chairman William Kennard announced that the FCC would develop new rules governing political ads.

But days later, the powerful broadcast corporations and their Capitol Hill allies managed to halt this historic initiative. In the Senate, Senator John McCain of Arizona, the Commerce Committee chairman, and Conrad Burns, a Republican from Montana and the chairman of that panel's communications subcommittee, announced that they would legislatively block the FCC's free-air-time initiative. "The FCC is clearly overstepping its authority here," McCain said. In the House of Representatives, seventeen Republicans--including Majority Whip Tom DeLay, Appropriations chairman Bob Livingston, future House Speaker Dennis Hastert, and Billy Tauzin, chairman of the House Commerce Committee's telecommu-

nications subcommittee -- sent a blunt letter to Kennard: "Only Congress has the authority to write the laws of our nation, and only Congress has the authority to delegate to the Commission programming obligations by broadcasters." John Dingell, the Michigan Democrat and ranking House Commerce Committee member, also sent an opposing letter to Kennard. Faced with the very real threat that his agency's [2 (12 PCS/ NRA 697)] budget would be cut, Kennard had no choice but to retreat from the opposed rule making.

It was a humiliating and metaphorical moment for the FCC. The threat of a shrunken budget and a congressional backlash--"the likes of which would not be pleasant to the Federal Communications Commission under any circumstances" is the way Livingston described it -- was too much for the FCC. Many politicians in power tend to fear free air time for the leg up it would give to challengers. More than that, free air time for political candidates would directly affect the bottom line of a very important industry and Washington player -- the media industry. It would cost broadcasters millions of dollars in lost advertising revenue, and they wee not about to allow a direct affront to their financial self-interest become law. Free air time quickly went from the fast track to the back burner. In a very public way, the agency and the White House had been "rolled like a pancake," recalls former FCC chairman Reed Hundt, Kennard's immediate predecessor.

Indeed, the media's success in handling the threat of free air time for candidates is but one of a stack of pancakes that media companies have rolled in Congress and the White House in recent years. Which is why the media industry is widely regarded as perhaps the most special interest today in Washington.

How do media corporations win friends and influence people in our nation's capital? The old-fashioned way, by using the time-honored techniques with which business interests rou-

tinely reap billions of dollars worth of subsidies, tax breaks, contracts, and other favors. They lobby vigorously. They give large donations to political campaigns. They take politicians and their staffs on junkets.

LOBBYING --An investigation by cjr and the Center for Public Integrity found that since 1996, the fifty largest media companies (defined as companies that derive half or more of their revenues from broadcasting, cable operations, publishing, online media, and their content providers) and four of their trade associations have spent $111.3 million to lobby Congress and the executive branch of government. The number of registered, media-related lobbyists has increased from 234 in 1996, the year the historic Telecommunication Act became law, to 284 in 1999. And last year, the amount of money spent on lobbyists was $31,408,965, up 26.4 percent from the $24,835,961 spent in 1996.

2000

[1 (12 PCS/ NRA 862)]

Introduction and Summary: Self Censorship: How Often and Why

Pew Research Center for the People & the Press
Survey Reports

Self Censorship: How Often and Why
Journalists Avoiding the News

Released: April 30, 2000

Introduction and Summary

A Survey of Journalists in Association with Columbia Journalism Review

Self-censorship is commonplace in the news media today, according to a survey of nearly 300 journalists and news executives by the Pew Research Center and the Columbia Journalism Review. About one-quarter of the local and national journalists say they have purposely avoided newsworthy stories, while nearly as many acknowledge they have softened the tone of stories to benefit the interests of their news organizations. Fully four-in-ten (41%) admit they have engaged in either or both of these practices.

The poll of 206 reporters and 81 news executives—150 from local news outlets and 137 from national news organizations--found widespread concern over commercial and competitive pressures. As a result of these pressures, say journalists, good stories all too frequently are not pursued.

There is general agreement about the extent of the self-censorship and its principal causes. Market pressures--manifested when newsworthy stories are avoided because

they are too boring or complicated--are seen as the most common factor. Majorities in the print and broadcast media acknowledge that newsworthy stories are often or sometimes avoided because of their complexity or lack of audience appeal.

Nearly eight-in-ten (77%) say stories that are seen as important but dull are often (27%) or sometimes avoided (50%). A majority (52%) also says that overly complex stories are at least sometimes ignored. Fewer but still significant percentages report that such stories are not pursued because they conflict with organizational interests. More than one-third [2 (12 PCS/ NRA 863)] (35%) say news that would hurt the financial interests of a news organization often or sometimes goes unreported, while slightly fewer (29%) say the same about stories that could adversely affect advertisers.

The survey highlights the difficult challenges faced by local journalists in the increasingly competitive media environment. About one-third (32%) of local reporters acknowledge they have softened the tone of a news story on behalf of the interests of their news organization; only 15% of those in the national media say they have done so. And 26% of local reporters say they have been told to avoid a story because it was dull or overly complicated, but suspect the real reason for the decision was that the story could harm their company's financial interests. Just 2% of national reporters harbor such suspicions.

Investigative journalists, who were surveyed separately from the local and national reporters and editors, are most likely to cite the impact of business pressures on editorial decisions. Fully half of this group -- drawn from members of Investigative Reporters and Editors (IRE) -- say newsworthy stories are often or sometimes ignored because they conflict with a news organization's economic interests. More than six-in-ten (61%) believe that corporate owners exert at least a fair

amount of influence on decisions about which stories to cover; 51% of local journalists and just 30% of national journalists agree. Since this group is comprised of members of IRE, and thus does not represent a cross-section of journalists, its responses are not included in the total.

Broadcasters Cite Audience Factors

The reasons for avoiding stories can be many and varied. Often, time-starved reporters say they simply do not have the opportunity to follow up on important subjects. But market forces are seen as the primary reason why worthwhile stories are not pursued, and this factor is especially prevalent in the broadcast arena.

Three-quarters of national broadcast journalists (and nearly six-in-ten of their local counterparts) say newsworthy stories are at least sometimes ignored because they are regarded as too complicated for the average person. Print journalists, both local and national, are far less likely to cite this as a factor.

In general, local journalists and news executives cite conflicts of interests--financial and otherwise--more often than their national colleagues. In particular, more local than national print reporters say stories that are damaging to the financial interests of news organizations are commonly or sometimes avoided. At the local level, print reporters and executives are about as likely as broadcast news professionals to cite this as a reason for ignoring stories. But among national journalists, broadcasters cite this as more of a factor than print reporters.

Perhaps surprisingly, peer pressure -- fear of embarrassment or potential career damage -- is mentioned by about half of all journalists as a factor for avoiding newsworthy stories. But the survey finds little evidence that journalists steer clear

of newsworthy stories because they [3 (12 PCS/ NRA 864)] might aggravate community problems. Only about one-in-five (19%) of all journalists say newsworthy stories are often or sometimes avoided for this reason.

Journalists say that, typically, they do not decide on their own to avoid newsworthy stories. More than half of those who think stories are sometimes ignored (54%) say they either get signals from their bosses to avoid such stories (30%) or ignore them based on how they think their bosses would react (24%). Of those who believe newsworthy stories are being ignored to protect corporate interests, fully three-quarters say journalists get signals or anticipate negative reactions from superiors, and just 8% say journalists decide to avoid such stories completely on their own.

Suspicions, Some Unfounded

Just as journalism is often more art than science, the process of determining when, why and even whether good stories are being ignored is an imperfect one--as journalists themselves freely admit. A strong majority (58%) says that journalists at least sometimes wrongfully suspect stories are killed or buried because of conflicts of interest, when the stories in question simply lack merit.

On the other hand, the survey provides considerable evidence that at least for some journalists, there has been an unmistakable intrusion of commercial interests into newsroom decisions. For instance, about one-in-five local (20%) and national (17%) reporters say they have faced criticism or pressure from their bosses after producing or writing a piece that was seen as damaging to their company's financial interests.

Overall, journalists have a more pessimistic attitude toward their profession than in the Pew Research Center's last major poll of journalists in early 1999. More local journalists re-

port influence by corporate owners and advertisers in decisions on which stories to cover. And on the question of whether the media does a good job of informing the public, both local and national journalists give themselves poorer marks than last year.

At that time, about half of national (49%) and local (55%) journalists said the news business did a good or excellent job of balancing journalism's twin goals of telling the public what it wants to know and what it needs to know. Now, only 37% of national journalists and 35% of local journalists give the profession high marks, with majorities in both groups saying the media does only a fair job at this crucial task.

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[Graphics entitled *Three Kinds of Self-Censorship* and *Pressures to Avoid Stories* omitted]

[1 (12 PCS/ NRA 885)]

NRA TELEVISION ADVERTISEMENT ADDRESSING THE BRADY BILL AS AIRED IN 1994

*** From NRA-ACK 0001. *See* Videotape Attached as NRA App. A.**

There's a better way than Brady to check gun buyers, the Staggers Instant Check Bill. The only one that requires criminal record checks to catch felons buying guns, the only one that keeps police free to fight crime, the only one that computerizes criminal records, so its fair to honest citizens. The Justice Department agrees and so will **your Congressman,**[*] if you call now. Ask for something better or you'll get something worse.

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[*] Reference to candidate for federal office is in bold.

[1 (12 PCS/ NRA 886)]

NRA TELEVISION ADVERTISEMENT ADDRESSING THE CRIME BILL AS AIRED IN 1994

*** From NRA-ACK 0001. *See* Videotape Attached as NRA App. A.**

Crime Bill 1:

What President Clinton's not telling you about the Crime Bill should be a crime. He says it'll put a 100,000 new police in the street, it's not true, it would only fully fund 20,000 police, that's only one new officer for every police department in the Nation. In fact, it hires two social workers for every one cop. Before they spend your money, call **your Congressman,**[*] because what they're not telling you about the crime bill should be a crime.

Crime Bill 2:

What President Clinton's not telling you about the Crime Bill should be a crime, such as who it really protects. Oh, it protects the rights of convicted killers from years of death row appeals and even protects the privacy of the violent sexual predator released in your town. They don't tell you or even his victim that he's there. So who does it protect? Ask **your Congressman**, because what they're not telling you about the crime bill, should be a crime.

Crime Bill 3:

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[*] References to candidates for federal office appear in bold.

What President Clinton's not telling you about the Crime Bill should be a crime, for example they eliminated mandatory sentences for criminals who use guns, they even want to release drug dealers now serving mandatory prison time and they call this a tough crime bill. Come on, before they spend $33 billion of your tax dollars, call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

Crime Bill 4:

What President Clinton's not telling you about the Crime Bill should be a crime, maybe you think it will put drug dealers behind bars, but instead it could release 10,000 felons from federal prisons onto your streets - drug dealers now serving mandatory prison time. Before they spend $33 billion of your tax dollars, call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

[2 (12 PCS/ NRA 887)]

Crime Bill 5:

What President Clinton's not telling you about the Crime Bill should be a crime, almost a third of the nearly $9 billion goes to social welfare programs, dance lessons, arts and crafts, midnight basketball and kids programs that can teach don't use dirty drug needles, but can't teach thou shalt not kill. Call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

Crime Bill 6:

What President Clinton's not telling you about the Crime Bill should be a crime, he says it'll put 100,000 new police on the streets. It's not true; it would only fully fund 20,000 police, that's only one new officer for every police department in the

Nation. In fact, it hires two social workers for every one cop. Before they spend your money, call **your Congressman** because what they're telling you about the crime bill should be a crime.

***Crime Bill 7*:**

What President Clinton's not telling you about the Crime Bill should be a crime, such as who it really protects. Oh, it protects the rights of convicted killers from years of death row appeals and even protects the privacy of the violent sexual predator released in your town. They don't have to tell you or even the victim that he's there. So who does it protect? Ask **your Congressman**, because what they're not telling you about the crime bill should be a crime.

***Crime Bill 8*:**

What President Clinton's not telling you about the Crime Bill should be a crime, for example, they eliminated mandatory sentences for criminals who use guns, they even want to release drug dealers now serving mandatory prison time, and believe this is a tough crime bill. Come on, before they spend $33 billion of your tax dollars, call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

***Crime Bill 9*:**

What President Clinton's not telling you about the Crime Bill should be a crime, maybe you think it'll put drug dealers behind bars, but instead it could release 10,000 felons from federal prisons onto your streets, drug dealers now serving mandatory prison time. Before they spend $33 billion of your tax dollars, call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

[3 (12 PCS/ NRA 888)]

Crime Bill 10:

What President Clinton's not telling you about the Crime Bill should be a crime, almost a third of the nearly $9 billion goes for social welfare programs, dance lessons, arts and crafts, midnight basketball and kids programs that can teach don't use dirty drug needles, but can't teach thou shalt not kill. Call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

Crime Bill 11:

What President Clinton's not telling you about the Crime Bill should be a crime, he says it'll put a 100,000 new police on the streets. It's not true. It would only fully fund 20,000 police, that's only one new officer for every police department in the Nation. In fact, it hires two social workers for every one cop. Before they spend your money, call **your Congressman**, because what they're not telling you about the crime bill should be a crime.

[1 (12 PCS/ NRA 892)]

"CALIFORNIA"
***From NRA-ACK 00005. Videotape attached as NRA App. D.**

(As Aired for the NRA in the 60 Days Prior to the 2000 General Election)*

The following is a paid program of the National Rifle Association

Charlton Heston: How often have you heard politicians tell honest gun owners that nobody wants to take away your guns or your Second Amendment rights. You've heard them say they'll never make you a criminal when they register then ban and then confiscate your guns. That'll never happen here they say. Not in America. In England and Australia and Canada, sure. But that can't happen in a free country. That would be outrageous. Well what's outrageous is that it has happened here. Out in California. And it won't stop happening unless you and all freedom-loving Americans get registered to vote and get informed about the candidates and vote on November 7th. As you are about to see, California's gun hating politicians believe with good reason that by bringing

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***(References to candidates for federal office appear in bold).**

California gun owners to their knees, the rest of the nation will soon follow. Please watch.

Interviewee: We in the legislature must have the courage to stand up to the bully on the block, the National Rifle Association.

Interviewee: I'm here today to urge you, all of you, to stand up to the National Rifle Association, to refuse their campaign contributions, to refuse to do their bidding on this issue. If this bill is law, violent deaths will not occur in the State of California next year that otherwise would have. Thank you, congratulations.

[Applause]

Reporter: The stage now set. The strategy in place. California's coalition of anti-gun bureaucrats admitting their outright assault on the Second Amendment and its champion the NRA. The year 1989. The new law, banning a long list of semi-automatic firearms. The first in the country and the model used for the 1994 Clinton-**Gore** assault weapons ban. But California's momentum drives on. In ten years gun control has become a cottage industry expanding the semi-automatic ban this time to include characteristics no just model number or name. One handgun a month. A ban on small affordable handguns. A proposed massive licensing and registration scheme for all new handgun buyers and in L.A. County, a push to ban the sale of ammunition.

[2 (12 PCS/ NRA 893)]

Interviewee: Whether it's ammunition or whether its registration or whether it's adding a new firearm to the assault weapon ban, everyone one of them is just another chip away.

Interviewee: Ultimate goal is citizen disarmament. That's what they're pushing towards. None of this has anything to do with crime.

Interviewee: I'm sickened by the things that are being taken from us. That our liberties are being stripped. How are we to protect ourselves?

Reporter: Personal freedoms stolen by misleading politicians pledging false promises.

State Legislator: First let me say what this legislation does not do. It does not infringe on the rights of legitimate sportsmen.

Reporter: False promises that have now turned into cries for prohibition.

State Senator: If people have a weapon like this, the law enforcement officials can confiscate the weapon, charge the individual and then the prosecution could take place.

Interviewee: You can't trust the government anymore. They've always said they'd never do it, there is nothing to worry about, and it's a big fat lie.

Interviewee: Rely on us. The government we'll protect you, we'll take care of you. And it's just a bunch of bull.

Interviewee: Gun control is a bunch of garbage. Used almost entirely to gain political votes. The long-term effect is that we lose a very valuable freedom.

Reporter: A political agenda forcing law-abiding citizens to obey laws that they can't even understand. Laws that have been expanded, re-written and re-defined again and again, but still with no clear definition. Turning gun owners into victims and criminals all at the same time. The result – mass confusion.

Interviewee: I hate to look over my shoulder all the time and worry about am I doing something wrong? They pass so many laws so fast you can't keep up with anything they are doing. Nobody has a clue as what's legal and what isn't legal. An average citizen could sure get locked up in a hurry for having the wrong gun locked up in his trunk or whatever.

Interviewee: The law-abiding citizen, um, who is unfamiliar with the law, they could become instant felons here in a few months. And they're not even gonna know it.

[3 (12 PCS/ NRA 894)]

Interviewee: They're not making anybody any safer. All they're doing is taking people that want to target practice, recreational use of firearms, and making them criminals.

Reporter: Worse yet, when can't concerned gun owners try to find out what's legal and what's not, they can't get an answer. Lawyers admit they're even confounded by the law.

Interviewee: The State of California has had more changes in their interpretations of the new assault weapons law then most of us attorneys can count. They're confused. They don't even know what they're doing.

Reporter: And when gun owners call ATF directly or the California Attorney General's Office, they can't get a straight answer from them either.

Interviewee: You get shuffled through four different people to get an answer and when you do get an answer it's vague.

Reporter: Even California police and Sheriff's deputies are baffled. How can they enforce laws they don't understand and without the manpower they need.

Interviewee: I can walk you in the police department down here and I can get you a hundred, two hundred, cops, and I will bet you a month's salary that less than one percent of them will have any idea if I put two weapons in front of them which is illegal and which is not illegal.

Orange County Sheriff: I have gun owners that will ask me when I'm out giving a speech, this type of weapon, and they'll define it for me, can I carry it? Can I

own this weapon? And frankly, I don't know the answer to that question.

Deputy Sheriff: If we spent all of our time trying to enforce all the local, state, federal laws that we have now for firearms and ammunition and the rest, we'd have no time to catch murders, rapists, real, real, criminals. There's so many of those laws and so few of us.

Reporter: The power of confusion and contradiction calculating politicians was the method behind their anti-gun madness. Hassling and harassing gun owners into giving up their guns.

Interviewee: It'll just become too difficult, too difficult, too expensive, too much liability.

Interviewee: Many people are just saying um they've won, I give up, and uh it's not worth owning a firearm.

[4 (12 PCS/ NRA 895)]

Interviewee: The irrational gun laws that we have now are not designed for public safety. They're designed to keep people from entering the shooting sports out of fear.

Interviewee: My daughter, you know, she's six and a half years old now, I would like for her to get into the shooting sports if that's what she wants to do. Five years down the road, is she going to be able to do that? Probably not with the way the legislation is going.

Reporter: America's cherished Second Amendment freedoms now on trial. Haunting images that once seemed worlds away have found a port of entry, California, and the anti-gun forces at work believe if gun owners here can be brought to their knees, the rest of the nation will soon follow.

Interviewee: California is just a testing ground. If they get a foothold here, they have a tremendous impact on the rest of the nation.

Orange County Sheriff: If people think that gun ownership cannot be taken away from them by the simple vote of an elected official, they're wrong.

Interviewee: Eventually, we're just gonna end up like Australia and their crime rate went way up after they took away all the guns.

Interviewee: Better wake up pretty soon. Because they're coming to get em. And it doesn't matter why. It doesn't matter whether they have a good reason, a bad reason, anything else. The tools that they're using in California to advance their agenda here, are going to be shipped out of state. It's coming soon to a neighborhood near you.

Wayne LaPierre: Hello, I'm Wayne LaPierre of the National Rifle Association. If you're outraged at what's happening in California, if you think it's wrong to criminalize gun owners, if you don't want California-style laws imported to

your doorstep, then call this number now to join NRA. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and Reading "Clinton to the Gore"].** Your one-year NRA membership includes a subscription to NRA magazines, a no-fee Mastercard, and special member benefits. But if you call now you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part to keep California madness from infecting our entire country. So call this toll-free number now to get your silver bullet keepsake and join the NRA.

Interviewee: Registration in this case led to confiscation. They confiscated my firearm. No, they didn't break down the door in the middle of the night and come and get my gun. But what they told me is that if you don't turn in the gun we are gonna break down the door and come and get you.

[5 (12 PCS/ NRA 896)]

Reporter: Bill Doss, retired Air Force officer and airline pilot followed the law, but was still declared an instant criminal.

Interviewee: It was always my hope, [crying] my intention, to retire in Oregon.

Reporter: Roy Denney spent his life savings fighting to prove his innocence because the gun he bought 30 years ago suddenly became illegal.

Interviewee: I'm facing a crime now. You've got to be kidding me. I go out there and I uphold the law. I arrest people who are law offenders. By me possessing a weapon, I'm a danger to society?

Reporter: And police officer Steve O'Connor now on the wrong side of the law and at risk of losing his job. All three law-abiding citizens now victims of California's semi-automatic gun ban that has been redefined three times overnight accidental felons in jeopardy of losing their careers, their savings and their peace of mind because California's gun ban amounts to a blank check for gun owner prosecutions and firearm confiscations.

Interviewee: Immediately you're a criminal. For owning by definition an assault weapon which I mean is, it's really a sporting rifle.

Reporter: Looking through these records Bill Doss still can't believe it. When he and his wife decided to move to California, he checked with the authorities to make sure his gun, an SKS Sporter semi-automatic rifle, was still legal. First, he called ATF in Washington.

Interviewee: The agent I talked to was very informative and said not it was not listed and I said, well, uh, can you send me any information? He said sure. He says I'll send you pages out of my ATF manual.

Reporter: This was the document ATF sent to Bill. A page and picture from its official manual verifying that the SKS Sporter was legal. But

just to be safe, Bill Doss decided to contact the California Attorney General's Office in Sacramento. He sent along his correspondence from ATF and within ten days Bill got a letter back.

Interviewee: This is the letter from the Attorney General to me saying that the SKS Sporters with a detachable magazine are not an assault weapon in California. So with the cover letter and the drawing annotated O.K., I had every reason to believe that bringing the SKS Sporter into California was a perfectly legal action on my part.

Reporter: Perfectly legal that is until the rules changed because the Attorney General changed his mind and changed the definition of an assault weapon. Suddenly, Bill got this letter warning him that his SKS Sporter was now illegal to own.

[6 (12 PCS/ NRA 897)]

Interviewee: Total confusion. It's like, this is not really addressed to me, it's really not the gun we're talking about, it must be a mistake.

Reporter: But it was no mistake. In the end, Bill did what any honest, law-abiding American would do and these photos are a reminder of a day he'll never forget. The day he turned in his SKS Sporter to the police.

Interviewee: I think mine is a classic case. They had my name as an owner of an SKS Sporter. When it came time for them to redefine the SKS

Sporter, they knew where to find me. That's registration.

Reporter: Roy Denney, another victim, because even to this day, California authorities can't agree on what guns are banned and what guns are legal.

Interviewee: I bought that rifle I was charged with in 1971. In 1989 when the law was first passed, that rifle was not even on the list because of the nomenclature that they used. Later, a few months later, they corrected the nomenclature for my gun and it was on the list but I never checked.

Reporter: Roy paid a harrowing price for not knowing. He saw his finances drained along with his emotions. But as Roy's attorney points out, the vagueness and uncertainty that underscores this gun ban may have been put there for a purpose.

Interviewee: This case was not about public safety or keeping bad people from having guns. It was purely politically motivated, uh, to try and harass law-abiding gun owners.

Reporter: Roy Denney made into an example. A stern warning to other gun owners that their freedoms are unwelcome in the State of California. And putting them on notice that Senate Bill 23 could add hundreds of rifles, shotguns and handguns to the list of banned firearms.

Interviewee: The criminal justice system has treated me like I was guilty from the get-go and, uh, I

feel very much like a victim. This is a bad law. And SB 23 that was recently passed here in California is gonna make more people like me criminals. Uh, knowingly or unknowingly.

Interviewee: SB 23 can be applied to almost any firearm that's semi-automatic in the State of California. So it will be enforced. It's going to be enforced wrong. It's going to be enforced incorrectly and innocent people are gonna fall into that pit.

Reporter: Innocent people who are also police officers caught in the contradictions of the law. Officer Steve O'Connor knows that first-hand.

[7 (12 PCS/ NRA 898)]

Police Officer: I purchased it before the law was in effect, but the law goes back. It goes back whereas they can take people who lawfully purchased a firearm and prosecute them for a crime that was not a crime when they purchased it.

Reporter: And that's exactly what happened to Officer O'Connor. This is a letter he got from the State Attorney General's Office approving the sale and registration of his firearm under the 1989 gun law. But believe it or not, Office O'Connor is now being accused by his own police department because it claims Officer O'Connor's gun is an illegal assault weapon under that same law. Once again, proving the absurdity of it all. Not even the chief law enforcement officer in California can agree

with local police departments about what is or is not illegal.

Police Officer: This is something that potentially could end my career.

Interviewee: I mean I don't know how much more convoluted and screwed up things can get. The bottom line, I mean that's the right word, these people are getting screwed.

Reporter: Law-abiding citizens becoming instant felons and politicians working overtime enacting gun laws no one can understand and drafting definitions no one can define.

Interviewee: Conspicuously protruding pistol grip. They're on three revisions, and they still don't have it clear enough to where the average person can understand what a conspicuously protruding pistol grip is. It's pretty ridiculous.

Reporter: Ridiculous, maybe. But a recent ruling by the California Supreme Court requires every law-abiding citizen to know every nuance of every law. If they don't, they can be prosecuted, sent to prison, no excuses.

Police Officer: I'm incredibly angry about it. I don't, as an officer I don't want to go out and arrest good citizens for "illegal possession of a firearm." I don't agree with it. If you're a good citizen, I don't care what firearm you have, you should be able to own it.

Reporter: The vicious cycle of gun control California style. Politicians and judges who refuse to recognize your individual rights. In fact, California Supreme Court Justice Janice Rogers Brown blatantly admits in a recent opinion that "no mention is made in a State Constitution of a right to bear arms."

Interviewee: Our government just doesn't care anymore about the Second Amendment. I mean, they could care less that there is people out there trying to change our Constitution. They could care less what our forefathers did to get us where we are now.

[8 (12 PCS/ NRA 899)]

Police Officer: And I don't . . . mean to get over philosophical here but so many people died for our freedoms. Why is it that so many people are so quick to give them away? I don't understand that. I really don't.

Reporter: Law-abiding citizens. Victims of registrations schemes and gun bans that erode a basic freedom while at the same time their State Attorney General relishes the right to add to his list of banned firearms virtually whenever he decides. From those who have already felt the long-arm of the law, this disparity should serve as a wake-up call.

Interviewee: Open your eyes. Wake up. It's happening. It's happening whether you want to believe it or not. And, I'm here to tell you that

registration leads to confiscation and I am living proof.

Interviewee: If we don't take a stand now, we may not have the opportunity when they come knocking on our doors and taking them.

Police Officer: If it's happening to me, then it can happen to you. That's the very point. It it's going to happen to anybody in society, and you're worried about just Joe Citizen saying it can't happen to him, well I hate to say it, if it's happening to a police officer, then you're fair game.

Wayne LaPierre: Hello, I'm Wayne LaPierre of the National Rifle Association. If you're outraged at what's happening in California, if you think it's wrong to criminalize gun owners, if you don't want California-style laws imported to your doorstep, then call this number now to join NRA. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore."].** Your one-year NRA membership includes a subscription to NRA magazines, a no-fee Mastercard, and special member benefits. But if you call now you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part to keep California madness from infecting our entire country. So call this toll-free number now to get your silver bullet keepsake and join the NRA.

Interviewee: What a scapegoat I am. They're trying to blame me for what goes on in this city in the way of crime. Our customers are honest citizens.

Reporter: A blatant and calculated strategy that is forcing Laura Segal to close up the gun shop her family has run for 57 years. A well thought out plan by cities across California burdening businesses with taxes no one can afford to pay and in the end guns no one will be able to buy.

[9 (12 PCS/ NRA 900)]

Interviewee: My business tax used to be a $1.20 per thousand and it got bumped up to $24 per thousand. They don't want gun shops in this city and that's what they're doing. If they can't legislate, they just tax you out of business.

Deputy Sheriff: Their agenda was to eliminate firearms any way they could. This is the easiest way is to tax everything that comes out of the store. I've seen a number of businesses fall in the last ten years.

Interviewee: If we are out of business, there will be no Second Amendment rights.

Interviewee: They are stripping people of their gun ownership rights is what they're doing. If people can't shop at a store like this, they

can't buy guns. And that's exactly what their intent is.

Reporter: An assault from all angles. Gun dealers being forced out and competitive shooters who may have to move out for a shot at the Olympic gold. 18-year-old Lauren Santovinez of San Diego already has a record of National and International titles. But she soon may have another record, a criminal one.

Interviewee: I never saw this coming. Just from being a competitive athlete I would be labeled a criminal.

Reporter: Lauren's custom-made target pistol is now categorized as an assault weapon under California's new gun law because of its design. Outlawed just like tens of thousands of other pistols and rifles used by competitive shooters throughout the State.

Interviewee: The law the way it stands now it will probably kill Olympic-style shooting in California.

Reporter: Olympic dreams threatened, but still that doesn't muster much sympathy from the author of this gun ban. In fact, Senator Don Perado of Oakland could only offer Lauren this bit of advice. "If Olympic shooting is her goal, she may be better off living in Texas."

Interviewee: I was kind of offended by that comment because I have my whole life here and at the time I was a high school student and you can't just tell a high school teenager to just go pack off to Texas.

Interviewee: This is totally ridiculous.

State Senator: Our gun laws are making the guns she wants to use in an Olympic competition illegal. That's nuts. That is completely and absolutely nuts.

[10 (12 PCS/ NRA 901)]

Reporter: Olympic athletes now joining the ranks of other law-abiding gun owners who have been labeled instant criminals. Also in the line of fire, handgun owners soon to be victims of a proposed massive licensing and registration scheme. A scheme with just one goal in mind.

Interviewee: To take every gun away there is in the nation. There is no doubt in my mind.

Interviewee: This is the way to confiscation. This is a file card. This is a way to confiscation and the new registration card is set up exactly to give them the proper information to come back later on and seize the gun.

Interviewee: I see eventually they're going to take that list and they're going to come to your door and say where's your gun? They're already registered when you purchase the handgun. Why do they need another list?

Interviewee: I do believe registration would lead to confiscation. It's a perfect paper trail to go right back and say hey you have all these things, we want them.

Interviewee: All guns are gonna end up on their list. They want them totally banned. That's what's eventually gonna happen. I hope I'm not around when it does.

Reporter: Registration and confiscation. A total ban on the rights of honest citizens to own a firearm and an ever-expanding list of gun laws that won't infringe on the ability of criminals to get their guns.

Interviewee: It's posturing politicians. Because we have enough laws in place and they don't enforce the ones they have. What they need to do is clamp down on the people that abuse the system.

Interviewee: If you take somebody that commits a crime with a gun and actually prosecute them and actually put them in jail, well they probably won't do it again. But when you have people that continually commit crime after crime after crime after crime after crime, and they just keep walking away, well when are they gonna take it serious?

Interviewee: If I could say anything to the politicians it would be that you need to start enforcing the laws that are on the books and quit trying to make up new laws that are only gonna affect law-abiding citizens. Go after the criminals.

Sheriff: So, do we need more laws? No. Do we need to enforce the laws we have? Absolutely.

Interviewee: Enforce the laws on the street and just leave my guns alone.

Reporter: This is the upside-down world of gun control being played out in California. Where plenty of politicians and police chiefs, like L.A.'s Chief Bernard Parks, [11 (12 PCS/ NRA 902)] still insist on banning all small or portable handguns and push mandatory registration to help combat crime. But the U.S. Supreme Court has already made it very clear in *Haines v. U.S.* that convicted felons can't be required to register a firearm. Because it's a violation of their Fifth Amendment rights. Self-incrimination. So who's kidding who?

Interviewee: It's only the law-abiding citizens who are gonna have their guns confiscated. That have to go through all this extra registering. The criminals don't have to do it.

Interviewee: Well since when did they get all the rights and I don't have any? That's my problem. It's all backwards, completely turned around. The criminals have all the rights and the honest citizen has none.

Reporter: A dangerous game of politics that only denies the law-abiding their right to protect themselves from a system that refuses to.

Interviewee: How are we going to be protected? Especially someone like me who lives out in the backcountry and there is no law out there until they get there.

Interviewee: What you end up doing is make it so that the criminal has the advantage. Now if the police could be at your house in 20 to 30 seconds every single time you call them, this wouldn't be a problem. But they can't.

Reporter: In fact, Los Angeles, a leader in the victim disarmament movement, has seen its violent crime rate jump 7.5 percent in the past year. Proof it's gun control schemes have backfired.

Interviewee: I really predicted a bleak future and no new laws are gonna stop that. The criminals are gonna do what they always have done and what they want to do and crime is gonna go up.

State Senator: It typifies the mindset that your constitutional rights, your freedoms are irrelevant. It's whatever we the government want to do and we're gonna go after you. Regardless.

Reporter: Laws that aren't being enforced and a political agenda forcing honest citizens into obeying laws they don't understand. Calculated confusion led by an unholy alliance of anti-gun politicians and trial lawyers.

State Senator: Without question, once they figure they've gotten all the guns away, the political will to eliminate the Second Amendment will be there.

[12 (12 PCS/ NRA 903)]

Interviewee: This is not a case of the camel's nose under the tanter of the slippery slope, these are people who are pushing an agenda, who are well-financed by the liberal foundations making multi-million dollar block grants and who have the media in their pockets.

Reporter: California gun owners now realizing their worst nightmare. Registration is not the end, it's just the beginning of the end.

Interviewee: I believe in my heart that the State of California, the politicians, want to remove all firearms from the homes of our citizens.

Interviewee: If you get California to go along and fall in line, then pretty much they feel they could just start working state by state by state.

Reporter: That's why this election season those who have lived it have a resounding compelling warning for Americans concerned about protecting their personal freedoms.

Interviewee: What happens in California, watch out. It's gonna hit the other 50 states through our federal government later. So if we can't stop it in California, we're in trouble.

Interviewee: Just better wake up and start fighting for your rights because they're gonna come and take your guns away. It's what it boils down to.

Interviewee: You need to protect your rights. 'Cause if they take away your guns they're gonna take away your other liberties eventually.

Interviewee: Vote. Vote for the people that are on our side.

Interviewee: I think that what the gun owners need to do is to be organized and probably the best way is to join the National Rifle Association and support it the best they can.

Police Officer: Of course, I strongly suggest you get involved in the NRA.

Interviewee: Well, if it wasn't for the NRA, we would have total gun confiscation today.

Interviewee: Join the NRA.

Deputy Sheriff: Tell the average citizen, tell the city council, tell elected officials, tell the government that you do not want your rights infringed.

[13 (12 PCS/ NRA 904)]

Deputy Sheriff: Their rights to own a firearm is under attack and the only way they are going to circumvent that system is to go to the polls and vote for those people that will support the Second Amendment rights.

Wayne LaPierre: Hello, I'm Wayne LaPierre of the National Rifle Association. If you're outraged at what's happening in California, if you think it's wrong to criminalize gun owners, if you don't want California-style laws imported to your doorstep, then call this number now to

join NRA. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore."].** Your one-year NRA membership includes a subscription to NRA magazines, a no-fee Mastercard, and special member benefits. But if you call now you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part to keep California madness from infecting our entire country. So call this toll-free number now to get your silver bullet keepsake and join the NRA.

The preceding was a paid program of the National Rifle Association.

[1 (12 PCS/ NRA 905)]

TODAY SHOW INTERVIEW OF BILL CLINTON
***From NRA-ACT 17894. *See* videotape attached as NRA App. C.**

Narrator: From NBC News this is Today with Katie Couric and Matt Lauer.

K. Couric: On Close-up this morning the President of the United States. We wanted to talk with him about this weeks shooting. President Clinton joins us now - live - from the Roosevelt Room in the White House. Mr. President thank you so much joining us.

President Clinton: Good morning, Katie.

K. Couric: Good Morning. Let me ask you first of all, when you heard the story of a six-year old boy, in Michigan, a first grader, bringing a gun to school and shooting to death his six-year old classmate. What was your reaction?

President Clinton: Well first I think I had a normal human reaction, I didn't respond as President, I was just -- as a parent I was heartbroken and then I was angry. I thought, you know, how did this child get the gun in the first place. What's a six-year old doing with a gun.

K. Couric: When something like this happens politicians often jump on it as an excuse for more gun control. But I know that Mr. President you're

very proud of pointing out that gun deaths have dropped to their lowest levels in more than 30 years in this country. So, should we view this more as a tragedy than a reason to call for more gun control?

President Clinton: Well, it's both. The gun death rate has dropped to its lowest point in thirty years, but its still by far the highest of any advanced nation in the world, and if we had passed the child trigger lock provision and we applied it to all new guns, then at least those guns would not be used by six-year olds to kill other six-year olds. I think that's very important and that's a part of this bill which also closes the gun show loophole in the background check law, bans the import of large ammunition clips, that the Congress has had for eight months now with no action. So, I am, I'm gonna call the leaders of both parties in both Houses and ask them to come down here and break the logjam. There's been a House version and a Senate version to this bill for eight months and they have done nothing and meanwhile 13 kids everyday, every single day, there are 13 children who die from guns in this country. So I do think we need more legislation.

[2 (12 PCS/ NRA 906)]

K. Couric: Well, why is it locked in committee, why has it been stalemated, and when would you like them to come to the White House?

President

Clinton: Well, I think it has been locked in committee because the Senate, the Vice President cast the tie-breaking vote in the Senate, so we've got a tough bill in spite of fierce lobbying against it by the NRA and the two Houses can't resolve their differences, but maybe this tragic death will help. I mean, we need these child trigger locks on the new handguns. That will begin to make a big difference and then in this year's budget I've asked them to fund some more research into smart gun technology which would enable us to have guns that could only be fired by the adults who own them. That also would be a big advance. We had, one of the things that is being debated in Michigan is whether there should be a parental accountability provision. So we had provisions in our law for that so that all states would have these laws, several do, but most don't. And those were taken out, so maybe they'll be revisited in the conference as well. But the main thing is, if we can just get the child trigger locks and fund investment in the smart gun technology, I think we'll be a long way down the road. Of course, I think ultimately what we ought to do is license handgun owners, the way we license people who drive cars. I think that is the critical next step. And I hope that we will consider that as well. Now,

K. Couric: Let me ask you.

President Clinton: this guy stole a gun apparently, that's the allegations in the house where the child took

it, but it would clearly make a big difference in the future to peoples' lives.

K. Couric: Let me deal with some of those issues that you just raised Mr. President. What about registering guns, all Americans are required to register their cars, why not require them to register guns?

President Clinton: Well I, you could do that, but the problem is there are over 200 million guns out there, some say 250 million guns out there now, and most of the experts with whom I've talked before I made my proposal believe that if we required all hand gun owners to be licensed, we could achieve the same results, that is whether you've got an old gun or you're buying a new gun, if people could come in when they do get new guns and get a license, I believe we would have the same result. I'm not sure practically that we could get all the guns registered in this country because there are so many out there already, so I'd like to begin with that, you know, keep in mind, we had all those kids besides Columbine and when I fought for the Brady Bill, which has kept a half a million fellow fugitives and stalkers from [3 (12 PCS/ NRA 907)] getting guns and the assault weapons ban about somewhere between 8 and 12 members of Congress were defeated in the next election by the NRA because they voted for that, and then when all those kids were killed in Columbine I thought surely we can close the gun show loopholes, have the child safety locks, and maybe have the parental responsibility

provisions and ban ammunition clips and both those have been lingering for 8 months, I don't think that most Americans have any idea what a strangle-hold the NRA has had on this Congress and the people in our party have taken the lead with a few brave Republicans in trying to fight for sensible legislation. But we need the public aroused on this; we need the public to be heard. I would not be opposed to registering guns as well, but I just want you to understand that there are practical problems with that and you get most of the benefit if you license the gun owners. So I would like to see a start with that.

K. Couric: When it comes to licensing, Mr. President, Wayne LaPierre, whom you know is Executive Vice President of the NRA said "Criminals aren't going to stand in line to get their photos taken, they're not going to stand in line, stand rather for licenses, you're walking way out on a limb."

President Clinton: Well, you could say that about people with automobile licenses, too. But when people don't have gun licenses, and they're found with guns, then they're in violation of a law for that. Very often you can get them before they commit a crime. This is, if the facts as they've been reported are true about the tragic circumstances in which this six-year old boy lived, and had the even more tragic consequence of killing that totally innocent young girl, this man apparently stole that gun, but the point is he could never get a license to carry a hand gun.

K. Couric: But, meanwhile, is it practically possible to check every gun owner in America to see if he or she is carrying a license?

President Clinton: Well, none of these things will happen instantaneously overnight. But yet they will begin to make a difference. Look, when we passed the Brady Bill, Katie, let me remind you, people said well this won't make any difference because criminals don't get their guns at gun stores. Turned out a lot of them did, it turned out we were able to deny 500,000 people who were trying to buy handguns the right to do so, because they were felons, fugitives and stalkers. Now there are a lot of kids alive and there are a lot of adults alive in America because we did that. Now a lot of them are using the gun shows and these urban flea markets, if we close that loophole, do the background check there, license new hand guns, license, excuse me, license hand gun owners, and put safety locks, these trigger locks, on the guns to protect the kids, and then the next big step is to [4 (12 PCS/ NRA 908)] technologically develop guns that can only be fired by their lawful owners. We can turn this situation around, but you know, like I said we got over 200 million guns out there were losing 13 kids a day, the accidental rate of children, that's another thing I'd like the American people to think about. The rate of kids being killed by accidents with guns is 9 times higher in America than that of the next 24 biggest countries combined, combined. So we have not done nearly enough and we need

to identify these things and just systematically go do them. None of them interfere with the right of any lawful citizen to hunt or to engage in sport shooting. And it is an unbelievable thing after what we saw clearly at Columbine and all the problems that were there, that 8 months have gone by and the Congress can't act and the reason they can't act is because the heat the NRA has put on them.

K. Couric: Mr. President why haven't you publicly asked gun manufacturers to produce these so-called smart guns voluntarily?

President Clinton: Oh, I have. We've worked, and let me say, we're getting some support from responsible gun manufacturers, many of them have already said they want to put the child safety locks on their new guns, many of them are engaged in this technology but what I want to do is to have the government also fund some of the research just as we funded the initial research that led to the internet, just as we fund the initial research that is leading to secrecy of the human gene element. A lot of this basic research to solve big national problems often starts with government funding. So I'd like to see the government [do] its part, but I have asked the gun manufacturers to do so and some of the responsible manufacturers have already said yes we're gonna go with the child safety locks and we want this smart gun technology. I just think we ought to get there as quickly as we can which is why I want the government to invest as well.

K. Couric: All the presidential candidates seem to agree on this point, so you would think it could be accomplished. What is the NRA's biggest beef in your estimation about the technology that would enable only the person who owns the gun to actually fire it?

President Clinton: Well, first of all, I don't think that's accurate that all the presidential candidates do.

K. Couric: Well, George W. Bush favors trigger locks, I understand.

President Clinton: This morning..

[5 (12 PCS/ NRA 909)]

K. Couric: Pardon

President Clinton: This morning but Senator McCain voted against the Brady Bill.

K. Couric: But he says he favored technology that would enable the gun user to wear a special bracelet; he said that last night.

President Clinton: Yeah, but they were against the Brady Bill, they're against extending, closing the gun show loophole. They're against the licensing of handgun owners. Now, you know, but nobody could be against technology, so I hope that we can get a hundred percent of the

Congress to at least vote for the research of the new technology.

K. Couric: What is the NRA's biggest beef about smart guns?

President Clinton: I don't know that they'll be against smart guns, but they're basically against anything that requires anybody to do anything as a member of society that helps to make it safer, that is, if they were making this argument on car licensing or licensing of car drivers, they would say that everybody has an individual right to drive a car and therefore no lawful car owner should be required to undergo the terrible burden of getting a car license because they're are some people who are irresponsible and shouldn't be driving cars. I mean that's the essential argument they're making, they're saying guns are special, guns are different than cars and the rights of individual citizens are far, far more important than the safety of society as a whole. That's their argument, and I just disagree with them.

K. Couric: An NRA spokesman actually told us last night, that this isn't about making guns safer, its about prosecuting criminals and that your Justice Department hasn't done enough in that area.

President Clinton: Well, we've increased gun prosecution since I've been here, and we have a lot of people in jail for it. All I can tell you is we have a higher percentage of people in jail than all the

other advance countries, and they have a lower gun death rate, why is that? That's because they don't have an NRA in their country, and they take sensible steps to protect children and society as a whole from people having guns who shouldn't have them doing things they shouldn't do with them. You gotta keep guns away from criminals and children if you want a safe society. Look, if the NRA were arguing years ago in this vein, they'd be against airport metal detectors because, after all, everybody, most people that go through airport [6 (12 PCS/ NRA 910)] metal detectors are innocent, why should we burden them with having to go through and empty their pockets and take out their money clips and all that because there's just a few criminals around and you know you're interfering with their individual rights to walk on an airplane. I mean that's the argument they make, you shouldn't burden an individual law abiding handgun owner because most of them are lawful, just because there are few criminals. But the point is that society takes steps with speed limits, with licensing laws, with airport metal detectors and any number of other ways. There were we all make a little bit of sacrifice and time and effort to comply with the system, that makes us all freer and we still get to do our lawful activity. So I just think they're wrong about this, they're saying that guns are different, guns are different than cars, and guns are different than any other area of our national life where we seek for common safety. We protect ourselves from the people who would abuse our liberty, abuse our freedom and abuse our safety. And I just

think they're wrong about this and I hope that a majority of the Congress will agree and I hope that more and more members of the Republican Party will agree. As I say, we have had some few brave members of the Republican party that have joined the vast majority of Democrats in trying to responsibly deal with this without in any way undermining the right of people to do legitimate hunting or sports shooting activities. And we can do this; we can make America a lot safer.

K. Couric: Mr. President, before we go in closing, when do you plan to invite congressional leaders to the White house to discuss the juvenile justice bill?

President Clinton: Well, I'd like them to come down next week as soon as we can set it up, because we're running out of time, we need to get out of this terrible log jam and I hope these tragedies will give a little impulse, a profound sense of obligation to do that. Again, I say, nobody's trying to interfere with individual rights here, what we're trying to do is promote the common safety of the American people, and we're not nearly safe enough, all you've gotta do is look at these incidents. Can we eliminate every problem? No. Is there is silver bullet that will solve it overnight? No. Can we save a lot of lives including a lot of children, 13 every day, 13 funerals a day? You bet we can, and we ought to.

K. Couric: Mr. President, again, thank you very, very much for spending some time with us this morning, we really appreciate it.

President Clinton: Thank you, Katie.

[1 (12 PCS/ NRA 917)]

"IT CAN'T HAPPEN HERE"
***From NRA-ACK 00012. *See* Videotape attached as NRA App. E.**

(As Aired for the NRA in the 60 Days Prior to the 2000 General Election)*

Charlton Heston: It's been a long time since Americans fought a border war. Well there's one under way, I doubt you knew about. But in a few minutes you will. It's the struggle to keep our American shores free of the anti-gun epidemic that's swept through much of the world. Around the globe countries have been systematically disarming their citizens leading to higher crime rates, deaths of innocents and government oppression of human rights in countries as diverse as England, Australia, South Africa, Brazil, Canada and many more. That contagion has broken through our borders in the State of California, which is now controlled by newly-elected gun-hating politicians with national ambitions. And our gun forces believe with good reason that if they can bring California gun owners to their knees, the rest of the nation will soon follow. Please watch.

***(References to candidates for federal office appear in bold).**

Legislator: We in the legislature must have the courage to stand up to the bully on the block, the National Rifle Association.

Speaker: I'm here today to urge you, all of you, to stand up to the National Rifle Association, to refuse their campaign contributions, to refuse to do their bidding on this issue.

Speaker: If this bill is law, violent deaths will not occur in the State of California next year that otherwise would have. Thank you. [Applause]. Congratulations.

Reporter: The stage now set. The strategy in place. California's coalition of anti-gun bureaucrats admitting their outright assault on the Second Amendment and its champion the NRA. The year 1989. The new law, banning a long list of semi-automatic firearms. The first in the country and the model use of the 1994 Clinton-**Gore** assault weapons ban. But California's momentum drives on. In ten years gun control has become a cottage industry expanding the semi-automatic ban this time to include characteristics not just model number or name. One handgun a month. A ban on small affordable handguns. A proposed massive licensing and registration scheme for all new handgun buyers and in L.A. County, a push to ban the sale of ammunition.

Interviewee: Whether it's ammunition or whether its registration or whether it's adding a new

firearm to the assault weapon ban, everyone one of them is just another chip away.

[2 (12 PCS/ NRA 918)]

Interviewee: Ultimate goal is citizen disarmament. That's what they're pushing towards. None of this has anything to do with crime.

Interviewee: I'm sickened by the things that are being taken from us. That our liberties are being stripped. How are we to protect ourselves?

Reporter: Personal freedoms stolen by misleading politicians pledging false promises.

State Legislator: First let me say what this legislation does not do. It does not infringe on the rights of legitimate sportsmen.

Reporter: False promises that have now turned into cries for prohibition.

Interviewee: If people have a weapon like this, the law enforcement officials can confiscate the weapon, charge the individual and then the prosecution could take place.

Interviewee: You can't trust the government anymore. They've always said they'd never do it, there is nothing to worry about, and it's a big fat lie.

Interviewee: Rely on us. The government we'll protect you, we'll take care of you. And it's just a bunch of bull.

Interviewee: Gun control is a bunch of garbage. Used almost entirely to gain political votes. The long-term effect is that we lose a very valuable freedom.

Reporter: A political agenda forcing law-abiding citizens to obey laws that they can't even understand. Laws that have been expanded, re-written and re-defined again and again, but still with no clear definition. Turning gun owners into victims and criminals all at the same time. The result – mass confusion.

Interviewee: I hate to look over my shoulder all the time and worry about am I doing something wrong? They pass so many laws so fast you can't keep up with anything they are doing. Nobody has a clue as what's legal and what isn't legal.

Interviewee: An average citizen could sure get locked up in a hurry for having the wrong gun locked up in his trunk or whatever.

Interviewee: The law-abiding citizen, um, who is unfamiliar with the law, they could become instant felons here in a few months. And they're not even gonna know it.

Interviewee: They're not making anybody any safer. All they're doing is taking people that want to target practice, recreational use of firearms, and making them criminals.

[3 (12 PCS/ NRA 919)]

Reporter: Worse yet, when concerned gun owners try to find out what's legal and what's not, they can't get an answer. Lawyers admit they're even confounded by the law.

Interviewee: The State of California has had more changes in their interpretations of the new assault weapons law then most of us attorneys can count. They're confused. They don't even know what they're doing.

Reporter: And when gun owners call ATF directly or the California Attorney General's Office, they can't get a straight answer from them either.

Interviewee: You get shuffled through four different people to get an answer and when you do get an answer it's vague.

Reporter: Even California police and Sheriff's deputies are baffled. How can they enforce laws they don't understand and without the manpower they need.

Interviewee: I can walk in the police department down here and I can get you a hundred, two hundred, cops, and I will bet you a month's salary that less than one percent of them will have any idea if I put two weapons in front of them which is illegal and which is not illegal.

Orange County Sheriff: I have gun owners that will ask me when I'm out giving a speech, this type of weapon, and they'll define it for me, can I carry it? Can I own this weapon? And frankly, I don't know the answer to that question.

Deputy Sheriff: If we spent all of our time trying to enforce all the local, state, federal laws that we have now for firearms and ammunition and the rest, we'd have no time to catch murderers, rapists, real, real, criminals. There's so many of those laws and so few of us.

Reporter: The power of confusion and contradiction. Calculating politicians was the method behind their anti-gun madness. Hassling and harassing gun owners into giving up their guns.

Interviewee: It'll just become too difficult, too difficult, too expensive, too much liability.

Interviewee: Many people are just saying um they've won, I give up, and uh it's not worth owning a firearm.

Interviewee: The irrational gun laws that we have now are not designed for public safety. They're designed to keep people from entering the shooting sports out of fear.

[4 (12 PCS/ NRA 920)]

Interviewee: My daughter, you know, she's six and a half years old now, I would like for her to get into the shooting sports if that's what she wants to do. Five years down the road, is she going to be able to do that? Probably not with the way the legislation is going.

Reporter: America's cherished Second Amendment freedom is now on trial. Haunting images that once seemed worlds away have found a port of entry, California, and the anti-gun forces that believe if gun owners here can be brought to their knees, the rest of the nation will soon follow.

Interviewee: California is just a testing ground. If they get a foothold here, they have a tremendous impact on the rest of the nation.

Orange County Sheriff: If people think that gun ownership cannot be taken away from them by the simple vote of an elected official, they're wrong.

Interviewee: Eventually we're just gonna end up like Australia and their crime rate went way up after they took away all the guns.

Interviewee: Better wake up pretty soon. Because they're coming to get'em. And it doesn't matter why. It doesn't matter whether they have a good reason, a bad reason, anything else.

Interviewee: The tools that they're using in California to advance there agenda here, are going to be shipped out of state. It's coming soon to a neighborhood near you.

NRA Spokesman: If you want the Bill of Rights to survive the election of our lifetimes, call and join the NRA now. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading**

"Clinton to the Gore"]. Your one-year NRA membership includes a subscription to NRA magazines, a no-fee MasterCard and special member benefits. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore"].** But if you call now you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part in this election year to preserve firearm freedom. Because this may be the last chance for gun owners to unite against the gun-hater's campaigns. Think about it. Nobody's gonna fight for your rights like the NRA. From state capitals to Congress to the White House, but only if gun owners like you stand up now with your voice and your vote and your membership. So call this toll free number now to get your silver bullet keepsake and join the NRA.

Interviewee: Registration in this case led to confiscation. They confiscated my firearm. No, they didn't break down the door in the middle of the night and come and get my [5 (12 PCS/ NRA 921)] gun. But what they told me is that if you don't turn in the gun we are going to break down the door and come and get you.

Reporter: Bill Doss, retired Air Force officer and airline pilot followed the law, but was still declared an instant criminal.

Interviewee: It was always my hope, my intention, to retire in Oregon.

Reporter: Roy Denney spent his life savings fighting to prove his innocence because the gun he bought 30 years ago suddenly became illegal.

Interviewee: I'm facing a crime now. You've got to be kidding me. I go out there and I uphold the law. I arrest people who are law offenders. By me possessing a weapon, I'm a danger to society?

Reporter: And police officer Steve O'Connor now on the wrong side of the law and at risk of losing his job. All three law-abiding citizens now victims of California's semi-automatic gun ban that has been redefined three times. Overnight accidental felons in jeopardy of losing their careers, their savings and their peace of mind because California's gun ban amounts to a blank check for gun owner prosecution and firearm confiscation.

Interviewee: Immediately you're a criminal. For owning by definition an assault weapon which I mean is, it's really a sporting rifle.

Reporter: Looking through these records Bill Doss still can't believe it. When he and his wife decided to move to California, he checked with the authorities to make sure his gun, an SKS Sporter semi-automatic rifle, was still legal. First, he called ATF in Washington.

Interviewee: The agent I talked to is very informative and said no it was not listed and I said, well, uh, can you send me any information? He said sure. He says I'll send you pages out of my ATF manual.

Reporter: This was the document ATF sent to Bill. A page and picture from its official manual verifying that the SKS Sporter was legal. But just to be safe, Bill Doss decided to contact the California Attorney General's Office in Sacramento. He sent along his correspondence from ATF and within ten days Bill got a letter back.

Interviewee: This is the letter from the Attorney General to me saying that the SKS Sporter with a detachable magazine are not an assault weapon in California. So with the cover letter and the drawing annotated O.K., I had every reason to believe that bringing the SKS Sporter into California was a perfectly legal action on my part.

[6 (12 PCS/ NRA 922)]

Reporter: Perfectly legal that is until the rules changed because the Attorney General changed his mind and changed the definition of an assault weapon. Suddenly, Bill got this letter warning him that his SKS Sporter was now illegal to own.

Interviewee: Total confusion. It's like, this is not really addressed to me, it's really not the gun we're talking about, it must be a mistake.

Reporter: But it was no mistake. In the end, Bill did what any honest, law-abiding American would do and these photos are a reminder of a day he'll never forget. The day he turned in his SKS Sporter to the police.

Interviewee: I think mine is a classic case. They had my name as an owner of an SKS Sporter. When it came time for them to redefine the SKS Sporter, they knew where to find me. That's registration.

Reporter: Roy Denney, another victim, because even to this day, California authorities can't agree on what guns are banned and what guns are legal.

Interviewee: I bought that rifle I was charged with in 1971. In 1989 when the law was first passed, that rifle was not even on the list because of the nomenclature that they used. Later, a few months later, they corrected the nomenclature for my gun and it was on the list but I never checked.

Reporter: Roy paid a harrowing price for not knowing. He saw his finances drained along with his emotions. But as Roy's attorney points out, the vagueness and uncertainty that underscores this gun ban may have been put there for a purpose.

Interviewee: This case was not about public safety or keeping bad people from having guns. It was purely politically motivated, uh, to try and harass law-abiding gun owners.

Reporter: Roy Denney made into an example. A stern warning to other gun owners that their freedoms are unwelcome in the State of California. And putting them on notice that Senate Bill 23 could add hundreds of rifles,

shotguns and handguns to the list of banned firearms.

Interviewee: The criminal justice system has treated me like I was guilty from the get-go and, uh, I feel very much like a victim. This is a bad law. And SB 23 that was recently passed here in California is gonna make more people like me criminals. Uh, knowingly or unknowingly.

Interviewee: SB 23 can be applied to almost any firearm that's semi-automatic in the State of California. So it will be enforced. It's going to be enforced wrong. It's going to be enforced incorrectly and innocent people are gonna fall into that pit.

Reporter: Innocent people who are also police officers caught in the contradictions of the law. Officer Steve O'Connor knows that first-hand.

[7 (12 PCS/ NRA 923)]

Police Officer: I purchased it before the law was in effect, but the law goes back. It goes back whereas they can take people who lawfully purchased a firearm and prosecute them for a crime that was not a crime when they purchased it.

Reporter: And that's exactly what happened to Officer O'Connor. This is a letter he got from the State Attorney General's Office approving the sale and registration of his firearm under the 1989 gun law. But believe it or not, Office O'Connor is now being accused by his own

police department because it claims Officer O'Connor's gun is an illegal assault weapon under that same law. Once again, proving the absurdity of it all. Not even the chief law enforcement officer in California can agree with local police departments about what is or is not illegal.

Police Officer: This is something that potentially could end my career.

Interviewee: I mean I don't know how much more convoluted and screwed up things can get. The bottom line, I mean that's the right word, these people are getting screwed.

Reporter: Law-abiding citizens becoming instant felons and politicians working overtime enacting gun laws no one can understand and drafting definitions no one can define.

Interviewee: Conspicuously protruding pistol grip. They're on three revisions, and they still don't have it clear enough to where the average person can understand what a conspicuously protruding pistol grip is. It's pretty ridiculous.

Reporter: Ridiculous, maybe. But a recent ruling by the California Supreme Court requires every law-abiding citizen to know every nuance of every law. If they don't, they can be prosecuted, sent to prison, no excuses.

Police Officer: I'm incredibly angry about it. I don't, as an officer I don't want to go out and arrest good

citizens for "illegal possession of a firearm." I don't agree with it. If you're a good citizen, I don't care what firearm you have, you should be able to own it.

Reporter: The vicious cycle of gun control California style. Politicians and judges who refuse to recognize your individual rights. In fact, California Supreme Court Justice Janice Rogers Brown blatantly admits in a recent opinion that "no mention is made in a State Constitution of a right to bear arms."

Interviewee: Our government just doesn't care anymore about the Second Amendment. I mean, they could care less that there is people out there trying to change our [8 (12 PCS/ NRA 924)] Constitution. They could care less what our forefathers did to get us where we are now.

Police Officer: And I don't mean to get over philosophical here but so many people died for our freedoms. Why is it that so many people are so quick to give them away? I don't understand that. I really don't.

Reporter: Law-abiding citizens. Victims of registrations schemes and gun bans that erode a basic freedom while at the same time their State Attorney General relishes the right to add to his list of banned firearms virtually whenever he decides. From those who have already felt the long-arm of the law, this disparity should serve as a wake-up call.

Interviewee: Open your eyes. Wake up. It's happening. It's happening whether you want to believe it or not. And, I'm here to tell you that registration leads to confiscation and I am living proof.

Interviewee: If we don't take a stand now, we may not have the opportunity when they come knocking on our doors and taking them.

Police Officer: If it's happening to me, then it can happen to you. That's the very point. It it's going to happen to anybody in society, and you're worried about just Joe Citizen saying it can't happen to him, well I hate to say it, if it's happening to a police officer, then you're fair game.

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Congress to the White House, but only if gun owners like you stand up now with your voice and your vote and your membership. So call this toll free number now to get your silver bullet keepsake and join the NRA.

Interviewee: What a scapegoat I am. They're trying to blame me for what goes on in this city in the way of crime. Our customers are honest citizens.

Reporter: A blatant and calculated strategy that is forcing Laura Segal to close up the gun shop her family has run for 57 years. A well thought out plan by cities across [9 (12 PCS/ NRA 925)]California burdening businesses with taxes no one can afford to pay and in the end guns no one will be able to buy.

Interviewee: My business tax used to be a $1.20 per thousand and it got bumped up to $24 per thousand. They don't want gun shops in this city and that's what they're doing. If they can't legislate, they just tax you out of business.

Deputy Sheriff: Their agenda was to eliminate firearms any way they could. This is the easiest way is to tax everything that comes out of the store. I've seen a number of businesses fall in the last ten years.

Interviewee: If we are out of business, there will be no Second Amendment rights.

Interviewee: They are stripping people of their gun ownership rights is what they're doing. If people can't shop at a store like this, they can't buy guns. And that's exactly what their intent is.

Reporter: An assault from all angles. Gun dealers being forced out and competitive shooters who may have to move out for a shot at the Olympic gold. 18-year-old Lauren Santibanez of San Diego already has a record of National and International titles. But she soon may have another record, a criminal one.

Interviewee: I never saw this coming. Just from being a competitive athlete I would be labeled a criminal.

Reporter: Lauren's custom-made target pistol is now categorized as an assault weapon under California's new gun law because of its design. Outlawed just like tens of thousands of other pistols and rifles used by competitive shooters throughout the State.

Interviewee: The law the way it stands now it will probably kill Olympic-style shooting in California.

Reporter: Olympic dreams threatened, but still that doesn't muster much sympathy from the author of this gun ban. In fact, Senator Don Perata of Oakland could only offer Lauren this bit of advice. "If Olympic shooting is her goal, she may be better off living in Texas."

Interviewee: I was kind of offended by that comment because I have my whole life here and at the

time I was a high school student and you can't just tell a high school teenager to just go pack off to Texas.

Interviewee: This is totally ridiculous.

[10 (12 PCS/ NRA 926)]

Interviewee: Our gun laws are making the guns she wants to use in an Olympic competition illegal. That's nuts. That is completely and absolutely nuts.

Reporter: Olympic athletes now joining the ranks of other law-abiding gun owners who have been labeled instant criminals. Also in the line of fire, handgun owners soon to be victims of a proposed massive licensing and registration scheme. A scheme with just one goal in mind.

Interviewee: To take every gun away there is in the nation. There is no doubt in my mind.

Interviewee: This is the way to confiscation. This is a file card. This is a way to confiscation and the new registration card is set up exactly to give them the proper information to come back later on and seize the gun.

Interviewee: I see eventually they're going to take that list and they're going to come to your door and say where's your gun? They're already registered when you purchase the handgun. Why do they need another list?

Interviewee: I do believe registration would lead to confiscation. It's a perfect paper trail to go

right back and say hey you have all these things, we want them.

Interviewee: All guns are gonna end up on their list. They want them totally banned. That's what's eventually gonna happen. I hope I'm not around when it does.

Reporter: Registration and confiscation. A total ban on the rights of honest citizens to own a firearm and an ever-expanding list of gun laws that won't infringe on the ability of criminals to get their guns.

Interviewee: It's posturing politicians. Because we have enough laws in place and they don't enforce the ones they have. What they need to do is clamp down on the people that abuse the system.

Interviewee: If you take somebody that commits a crime with a gun and actually prosecute them and actually put them in jail, well they probably won't do it again. But when you have people that continually commit crime after crime after crime after crime after crime, and they just keep walking away, well when are they gonna take it serious?

Interviewee: If I could say anything to the politicians it would be that you need to start enforcing the laws that are on the books and quit trying to make up new laws that are only gonna affect law-abiding citizens. Go after the criminals.

Reporter: So, do we need more laws? No. Do we need to enforce the laws we have? Absolutely.

Interviewee: Enforce the laws on the street and just leave my guns alone.

[11 (12 PCS/ NRA 927)]

Reporter: This is the upside-down world of gun control being played out in California. Where plenty of politicians and police chiefs, like L.A.'s Chief Bernard Parks, still insist on banning all small affordable handguns and push mandatory registration to help combat crime. But the U.S. Supreme Court has already made it very clear in *Haines v. U.S.* that convicted felons can't be required to register a firearm. Because it's a violation of their Fifth Amendment rights. Self-incrimination. So who's kidding who?

Interviewee: It's only the law-abiding citizens who are gonna have their guns confiscated. They have to go through all this extra registering. The criminals don't have to do it.

Interviewee: Well since when did they get all the rights and I don't have any? That's my problem. It's all backwards, completely turned around. The criminals have all the rights and the honest citizen has none.

Reporter: A dangerous game of politics that only denies the law-abiding their right to protect themselves from a system that refuses to.

Interviewee: How are we going to be protected? Especially someone like me who lives out in the

backcountry and there is no law out there until they get there.

Interviewee: What you end up doing is make it so that the criminal has the advantage. Now, if the police could be at your house in 20 to 30 seconds every single time you call them, this wouldn't be a problem. But they can't.

Reporter: In fact, Los Angeles, a leader in the victim disarmament movement, has seen it's violent crime rate jump 7.5 percent in the past year. Proof its gun control schemes have backfired.

Interviewee: I really predicted a bleak future and no new laws are gonna stop that. The criminals are gonna do what they always have done and what they want to do and crime is gonna go up.

Interviewee: It typifies the mindset that your constitutional rights, your freedoms are irrelevant. It's whatever we the government want to do and we're gonna go after you. Regardless.

Reporter: Laws that aren't being enforced and a political agenda forcing honest citizens into obeying laws they don't understand. Calculated confusion led by an unholy alliance of anti-gun politicians and trial lawyers.

Interviewee: Without question, once they figure they've gotten all the guns away, the political will to eliminate the Second Amendment will be there.

[12 (12 PCS/ NRA 928)]

Interviewee: This is not a case of the camel's nose under the tanter of the slippery slope, these are people who are pushing an agenda, who are well-financed by the liberal foundations making multi-million dollar block grants and who have the media in their pockets.

Reporter: California gun owners now realizing their worst nightmare. Registration is not the end, it's just the beginning of the end.

Interviewee: I believe it my heart that the State of California, the politicians, want to remove all firearms from the homes of our citizens.

Interviewee: If you get California to go along and fall in line, then pretty much they feel they could just start working state by state by state.

Reporter: That's why this election season those who have lived it have a resounding compelling warning for Americans concerned about protecting their personal freedoms.

Interviewee: What happens in California, watch out. It's gonna hit the other 50 states through our federal government later. So if we can't stop it in California, we're in trouble.

Interviewee: Just better wake up and start fighting for your rights because they're gonna come and take your guns away. It's what it boils down to.

Interviewee: You need to protect your rights. If they take away your guns they're gonna take away your other liberties eventually.

Interviewee: Vote. Vote for the people that are on our side.

Interviewee: I think that what the gun owners need to do is to be organized and probably the best way is to join the National Rifle Association and support it the best they can.

Police Officer: Of course, I strongly suggest you get involved in the NRA.

Interviewee: Well, if it wasn't for the NRA, we would have total gun confiscations today.

Interviewee: Join the NRA.

Deputy Sheriff: Tell the average citizen, tell the city council, tell elected officials, tell the government that you do not want your rights infringed.

Interviewee: Their rights to own a firearm is under attack and the only way they are going to circumvent that system is to go to the polls and vote for those people that will support the Second Amendment rights.

[13 (12 PCS/ NRA 929)]

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The preceding was a paid program of the National Rifle Association.

[1 (PCS 12/ NRA 930)]

"MILLION MOM MARCH/PROSECUTION"
***From NRA-ACK 00007. See videotape attached as NRA App. F.**

(As Aired for the NRA in the 60 Days Prior to the 2000 General Election)*

The following is a paid program of the National Rifle Association

Charlton Heston: In this next segment, you'll see the one trait that always reveals enemies of personal freedom. Those who want to take it away always give themselves away with their hypocrisy. Enemies of freedom want laws that apply to you but not to them. As they want to restrict your rights but not their own. They want to preach less freedom for you but practice more freedom for themselves. In the case you are about to see, there; celebrities and politicians who want to disarm you while they live with armed body guards behind security gates. Hypocrisy is their hallmark, but it should stir those of us who love personal freedom to come to her defense. Please watch.

Rosie O'Donnell: We have had enough. [Applause]. Enough of the NRA and their tactics. [Applause].

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* **(References to candidates for federal office appear in bold).**

Enough of the stranglehold the NRA has in Congress and in the Senate.

Female: Rosie O'Donnell preaching from the pulpit at the Million Mom March. Spelling out a political agenda masquerading as motherhood, recruiting the crowd to push for more gun control, proclaiming it's all in the name of protecting children.

Rosie: We want all guns registered. All gun owners to have a license. We want child safety locks. [Chanting from crowd].

Female: Then finally admitting it's really about restricting your right to protect yourself and your family. Your right to own a firearm.

Female: There are just too many guns. It's too easy.

Female: The police department need to have it, that's all that need to have it. And you don't need no gun. What you need a gun for?

[2 (12 PCS/ NRA 931)]

Female: Mothers led to believe but lied to by Rosie. Just a few weeks after the march it was front page news. Anti-gun Rosie's bodyguard had applied for a concealed carry permit to protect Rosie and her children. Did Rosie have a change of heart? We called Rosie's office to find out.

Female: We were interested in seeing if we could chat with Rosie about the story that's making

headlines up in Connecticut about her bodyguard applying for a gun permit.

Female: Yeah, no, she's not gonna talk about that.

Female: But don't you think it's kind of interesting that she's against guns and she wants to restrict the ownership for other people?

Female: She's not against guns. That's not her stance.

Female: In other words, Rosie's not against guns as long as her bodyguard is the only one who has them. A double standard set by doubletalking Rosie who just last year took to the airwaves on her own show declaring it's time to re-write your rights out of the Constitution. Rosie said "I think they should have a law, no one can have a gun in the U.S. If you have a gun, you go to jail. Only police should have guns." And when it comes to the issue of right to carry, this past May, Rosie was asked on ABC TV's *This Week* if she opposed right to carry laws and she quickly responded "Of course I'm against them. That would do more harm than good."

Female: What gives her the right to decide what I do with my life when you're doing the same thing?

Orrin Hatch: **It's wrong for you or me to have arms to protect our families, but her detective that's with her. There's nothing wrong with him having a gun to protect her**

children. Now why is that double standard. It's hypocritical.

Female: No guns allowed unless of course you're Rosie O'Donnell. Or anti-gun Senator Diane **Feinstein** who once held a rare California firearms permit for personal protection. It's a hypocrisy that really hit home. Celebrities and politicians preaching gun control for the rest of us but don't practice what they preach when it comes to their safety and their rights. They can afford to hire security guards and live behind gated communities. But for single family mothers and for senior citizens who live alone, the right to own a firearm isn't a luxury, it's a lifesaver.

Female: 911 isn't there by my side protecting me. They'll respond eventually to write up the paperwork.

[3 (12 PCS/ NRA 932)]

Female: I live alone. Nobody's going to be there to help me except my gun if I'm lucky enough to be able to get to it.

Female: That's the very reason these women are opposed to mandatory safety locks. They point to a recent press conference where Maryland Governor Paris Glendenning couldn't remove a lock from a gun and that was during a scripted photo op. Imagine when every second counts.

Female: They want the pick-a-locks on the guns. Well I contend then you have a lock for the

criminals. When he come it to rob me let him give me six minutes to take my pick-a-lock off.

Female: A false sense of security and more gun laws that only disarm the defenseless. Like Rosie, these women have had enough. Enough of the false promises from politicians. Enough of the lax prosecutions and enough of laws that never get enforced.

Female: The federal referrals for prosecution in this administration have fallen 40%. That means we aren't prosecuting the violent criminals who are using firearms to commit crimes.

Female: Like the young man that uh robbed me. He had a 25-year sentence for armed robbery. But he served only a few years and the let him out and then in a month or so he was back doing the same thing.

Female: The legacy of this Administration is gonna be less safety and more deaths. And if you're not prosecuting people then there's more people on the streets who are going to commit crimes.

Female: Even women marching with the Million Moms speak the truth when asked about the real problem. Admitting that criminals like the ones who killed Lucille Dunn's son are getting away with murder.

Female: The boy got 15 to life, the girl got 7-22. That's not enough time. They shot my baby in the head then they put my baby out on the

back porch with a blanket over his head and just, you know, just like he was a piece of garbage.

Female: The tragic reality of a failed political agenda. Families urging that if protecting kids is the real agenda, then make sure they get the education they need.

Female: Educate. We don't need to legislate any more. We have enough laws. If we just enforce those laws and educate and care for our children we all wouldn't be here. We would all be home taking care of our kids.

[4 (12 PCS/ NRA 933)]

Female: If you teach a child not to touch a hot stove or cross a busy street you could certainly teach them firearm safety. In my mind that will prevent more deaths than anything else.

Female: And this fifth grader makes it very clear that if her parents didn't teach her about gun safety she never would have learned it.

Female: They expect that the schools are going to do this but I must admit that I'm in fifth grade and they haven't given us one gun lesson yet. So I think that it's important for the parents to be there to tell their kids what's right and what's not.

Female: Putting kids' safety first. Mothers and fathers, families and gun owners who won't be duped by Rosie's double standards.

Rosie: The NRA you have been put on notice. The gig is up.

Female: Women support firearms and not all moms are being hoodwinked by the politicians who are trying to say that the problem is law-abiding citizens..

Female: Families well aware that this so-called Million Mom grassroots movement was choreographed from Pennsylvania Avenue.

Female: This is completely about politics. It was organized by a friend of the Clinton Administration who's Dan Rather's publicist. This is just an intent to cram new gun control laws into the education reauthorization bill. It is President Clinton, **Hillary**, Schumer, you name them, they're all out there. They're using it for their own political gain. I mean if you want safety for kids you educate your children.

Rosie: They say we cannot defeat the gun lobbies. They are wrong. We will. We must.

Female: For millions of moms and Americans concerned about their freedoms, it's a call to action that can't be ignored. That's why for the safety of their families and their right to protect them, they plan a different march this November. A march to voting booth to make their voices heard.

Female: Stand up for your rights. Speak up. Don't get put on the sidelines and let somebody else do it for you.

Female: Maybe they ought to start listening to the NRA. Because we have a lot to say as NRA women about how to handle firearms safely. We have a lot to say about education. We have a lot to say about what works and what doesn't work.

[5 (12 PCS/ NRA 934)]

Female: Gun owners of America get involved before it's too late.

Male: If you want the Bill of Rights to survive the election of our lifetimes, call and join the NRA now. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore"].** Your one-year NRA membership includes a subscription to NRA magazines **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore"]**, a no-fee MasterCard and special member benefits. But if you call now, you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part in this election year to preserve firearm freedom. Because this may be the last chance for gun owners to unite against the gun-haters' campaigns. Think about it. Nobody's gonna fight for your rights like the NRA. From State Capitals to Congress to the White House. But only in gun owners like you stand up now with your voice and your vote and your membership. So call this toll free number

now to get your silver bullet keepsake and join the NRA.

Charlton Heston: If you're like me you'll find this next story disturbing. Not because it happened but because it shouldn't have happened. It's the story of two brutal crimes that have one thing in common. They were entirely preventable if existing law had been enforced. As you'll see investigators say these are murders committed by criminals who by every measure could have and should have been behind bars. Plenty of tough laws were in place. Plenty of police did their job. But somehow, some way these armed violent felons were set free to murder innocent people. As prosecution under federal gun law has dropped, police say such stories are not the rare exception but very often the rule. Please watch.

Female: A 911 call that never should have been made. A Sheriff's deputy from Fulton County, Georgia who never should have been killed. And the suspect Former Black Panther Atrap Brown now know as Jamiel Alamein who never should have been out on the street.

Male: The shame of the matter is that there's laws on the books that should have had that guy already in jail and he should have never been able to possess a firearm.

Female: For Marie August the tears that never stop, the grief too hard to bear and too many questions left unanswered.

Female: Just wanna know why that person killed my brother.

[6 (12 PCS/ NRA 935)]

Female: Marie's brother, manager of this Wendy's on Main Street in Flushing, New York was brutally murdered along with five other employees. These two suspects arrested. Accused of gagging the victims. Covering their heads with plastic bags. Then herding them into a walk-in refrigerator and shooting them one by one in the head execution style.

Female: He would be alive. My brother would be here alive today if they still in jail.

Female: The senseless and calculated killings here at Wendy's in New York. The tragic gunning down of a Sheriff's Deputy in Georgia. Both with one common accomplice. A catch and release criminal justice system that put dangerous felons back on the street to kill and kill again. In each case, the men charged with these terrible murders were no strangers to the law.

Female: These people who have had long rap sheets should be held forever. They should die in there.

Female: In the Wendy's massacre, suspect Craig Goodenau, convicted of a host of crimes dated back to 1989. Robbery, possession of a weapon and sale of a controlled substance. Out on parole.

Male: The breakdown is in the courts. We bring them in. They let them out.

Female: The other suspect John Taylor an even more disturbing story. At the time of the shootings he was being sought on an outstanding warrant for failing to show up in court. Back in June he was accused of a string of fast food robberies and caught with a gun, but disappeared after a Judge released him on $3,500 bail, even though prosecutor urged bond be set at a hundred thousand dollars.

Male: I have no idea how that Judge let someone out with that record on that amount of low bail. I mean I'm shocked.

Male: I think the families should sue the Judge. I think if more families sued Judges for cases such as this we'd have less problems on the street.

Male: Governmental conspiracy. Governmental conspiracy.

Female: Conspiracy? Or a conscious decision not to prosecute? That's the question in the case of Jamiel Alamean. Once on the FBI's most wanted list and a rap sheet with felony arrests and gun convictions stretching back over 30 years. 1967 accused of inciting a riot but disappeared before the trial. 1971 sentenced to 5 years in prison for his role in a robbery that ended in a shoot-out with New York police. Paroled in 1976. But then in 1995 this warrant charging Alamean with aggravated assault after [7 (12 PCS/ NRA 936)] shooting

a man in his neighborhood. The victim later recanted his story. Investigators say because Alamean intimidated him. So the assault charges were dropped. But police reports also show when Alamean was arrested for that shooting he was carrying a concealed unlicensed firearm. A convicted felon with a gun. Then why wasn't he prosecuted? Why was a Sheriff's Deputy killed?

Male: He was a convicted felon and he was in possession of a firearm he should have been locked up and prosecuted for it. He should not be on the street.

Female: Federal authorities refusing to press charges. We called President Clinton's Chief Prosecutor in Atlanta at the time former U.S. Attorney Ken Alexander to try to get some answers. His response.

Male: Yeah, actually I'm not interested in commenting on it though I appreciate your calling and asking.

Female: No comment and no commitment to enforce existing laws. Over and over again this Administration's indifference is costing innocent lives.

Female: You got human beings out here. You got lives that we're trying to protect, we're trying to protect and we're losing our lives and somebody has to stop and say look enough is enough.

Male: I think Bill Clinton should feel guilty about what's going on in this country. If he would have his agencies enforce the laws on the books today a lot of this wouldn't happen.

Female: For police, it's a legal charade. Over and over officers risking their lives making arrests only to watch hardened criminals set free by politicians who can't be bothered to prosecute.

Male: If it's 30 years to life then give them 30 years to life. There's people who commit murder in this city in New York and the State of New York and they're out in 7 years. They're out in 8 years. They're out in 12 years. That's wrong and they kill again.

Female: A public outcry that goes unheeded. In fact, a study of federal law enforcement conducted at Syracuse University shows that in the first 6 years of the Clinton-**Gore** era federal firearm prosecutions were the exception rather than the rule. Cut by 44 percent. Instead, they keep pushing one new anti-gun law after another.

Male: It seems like it's a great cliché that if you don't know how to fight crime it's a great way to validate, you know, you just say we need more gun control.

[8 (12 PCS/ NRA 937)]

Male: It's window dressing for politicians. It sounds good. Good soundbites. There's two things that people have to know about criminals. Criminals don't obey the law, that's why their

criminals and criminals don't buy guns legally.

Female: The bottom line on the streets, because the Clinton-**Gore** White House has turned its back on real justice, defenseless citizens are living in fear.

Female: It's the same thing that happened to me. I mean I didn't get shot but I got stuck up at my workplace. It was very very frightening and very scary.

Male: It happened to them, but it could have happened to us too and myself.

Female: Police and citizens who understand. Passing new laws with no intention of enforcing them and denying the law-abiding their rights without curtailing a felon's freedom is the most cynical and dangerous political gain imaginable.

Male: There would be a lot of women alive today who are involved in domestic disputes that had orders of protection. A piece of paper. Um, that if they had access to a weapon, they would be alive today.

Female: They're looking at the wrong people to give up their guns. You understand the criminals are not giving up their guns.

Male: When a criminal wants a gun, he's gonna get a gun. You think he's gonna go register his gun? No way. He's gonna go get guns off the street.

Male: There's plenty of guns on the street to buy. Those laws are worthless.

Female: That's why this November millions of Americans will deliver a verdict of their own. Voting for tough prosecution of criminals then for the absolute unaltered right to defend themselves with a firearm guaranteed by the Constitution. There have been too many tears shed, too many innocent lives lost and all of us asking how many more times.

Male: That'd say to every mother and father, every store owner, every female victim of domestic abuse that that's one subject that your right to bear arms that you should definitely take into consideration when you go to the polls in November.

Male: If you want the Bill of Rights to survive the election of our lifetimes, call and join the NRA now. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore"].** Your two-year NRA membership includes a [9 (12 PCS/ NRA 938)] subscription to NRA magazines, a no-fee Mastercard and special member benefits. But if you call now, you'll also get this silver bullet memento engraved with 'Heston's signature. It tells the world you're doing your part in this election year to preserve firearm freedom. Because this may be the last chance for gun owners to unite against the gun-haters' campaigns. Think about it. Nobody's gonna fight or your rights like the NRA. From State

Capitals to Congress to the White House. But only if gun owners like you stand up now with your voice and your vote and your membership. So call this toll free number now to get your silver bullet keepsake and join the NRA.

* * *

[1 (12 PCS/ NRA 943)]

"TRIBUTE TO CHARLTON HESTON"
***From NRA-ACK 00006. Videotape attached as NRA**

App. G.

(As Aired for the NRA in the 60 Days Prior to the 2000 General Election)*

The following is a paid program of the National Rifle Association.

Wayne LaPierre: Hi, I'm Wayne Lapierre. You know if you looked at every political leader in America today, you'd find nobody stands up for the cause of pure freedom as passionately or as persuasively as Charlton Heston. At colleges across the country, he's shaking America's future leaders awake with the infinite promise of freedom and challenging Americans everywhere to have the courage and conviction to fight for their beliefs. Join us now for a look at how Charlton Heston is taking the fight for freedom to future generations.

Narrator: Actor, Author, Civil Rights Champion, Patriot, he hasn't just spoken the word of God; he's also spent his life defending the freedoms God gave us. Today with your rights under

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***(References to candidates for federal office appear in bold).**

the fiercest attacks in history, Heston is there on TV, in auditoriums, colleges, conferences, Congressional hearings and rallies. He's taking your belief to America and America is listening. He's not a professional politician, so he can't be unseated from the debate, but like a politician, he gets the airtime and ink and coverage our freedoms depend on. Never before has anyone been elected to three consecutive terms as President of the NRA. Never before has our cause been more visible or more vocal when it is more urgently needed.

Heston: I accepted a call from the National Rifle Association of America to help protect the Second Amendment. In 1963 I marched on Washington with Dr. Martin Luther King to uphold the Bill of Rights. Supporting Civil Rights then was about as popular as supporting gun rights now.

Narrator: And Heston has paid a price for his convictions.

Heston: Spike Lee ridiculed my work on behalf of the Second Amendment. Spike said I should be shot for my beliefs. I've been blasted from Time Magazine to the Washington Post to the Today Show and the guy down the street who called me everything from ridiculous, duped to a brain-injured, senile crazy old man. Coming from today's media that could be construed as a compliment. [Laughter].

[2 (12 PCS/ NRA 944)]

Narrator: Why the media attacks? Maybe because when it comes to hypocrisy and dishonest thinking, Heston calls them as he sees them, and sets the record straight whether it's in the media---

Heston: How can we entrust to you the Second Amendment when you were so stingy with your own First Amendment.

Narrator: or the gun control lobby--

Heston: Anti-gun organizations that wouldn't know a semi-auto from a sharp stick.

Narrator: or even the Clinton/**Gore** administration.

Heston: What President Clinton's not telling you about the crime bill should be a crime. So, does Bill Clinton tolerate a level of gun debts to further his political agenda? Shh---you decide.

Narrator: That takes courage and honest debate. Virtues he's fighting for on college campuses where young minds are learning wrong ideas.

Heston: Telling us what to think has evolved into telling us what to say. So telling us what to do can't be far behind. Don't let America's universities serve as incubators for a rampant epidemic of this new brand of McCartheism. Why do you, who are supposed to debate ideas, surrender to their suppression? And as long as you shrug your shoulders and abide it, then by the standards of your grandfathers, you are culture cowards. Democracy is dialogue.

Narrator: And it's dialogue Heston refuses to be shut out of.

Heston: Still I go out in the road catching redeye flights, speaking at rallies in Seattle, eating pancakes in Peoria and rubber chicken in Des Moines. Yet I choose to engage in this debate. Why? Because it matters.

Narrator: Personal freedom, individual rights. Heston stands for all that's good and right and unique about America.

Heston: It's been said that the creation of the United States is the greatest political act in history. I'll sign that. The Bill of Rights wasn't cut into stone tablets, but the text surely has that same righteous feel to it. I say that the Second Amendment is in order of importance. The First Amendment, the right to keep and bear arms is the one right that allows rights to exist at all. That's why I so deeply love this great nation and the Constitution that defines it.

Narrator: And it's that love for freedom that drives Heston to demand the same courage from others that he demands from himself.

[3 (12 PCS/ NRA 945)]

Heston: So, what can you do? Dare to consider both sides of any issue, and find the courage to question authority. Don't be shamed or startled into lock step conformity by seemingly powerful people. But politicians and the press feed you lies and

deceit-- expose them, embarrass them. When a law firm joins in the greedy litigation to put gun makers out of business, bar them and their clients from your business relationships. When someone you elected is seduced by political power and betrays you, expose them, petition them, oust them, banish them. We just need to unite and then disobey, boycott, march, embargo, speak up, shout down, [a loud rallying] defy, interrupt, overwhelm, raise hell till the heavens hear us.

Narrator: Americans who cherish their freedoms could ask for no better champion than Charlton Heston. From college campuses to the halls of Congress, from political rallies to network TV, he's taking the fight for your beliefs to the front lines of the cultured war in America, and with reason, passion, and personal conviction, he's winning young allies in the unlikeliest of places. In this election year, with so much of our freedom at stake, Heston's rallying cry could prove decisive. If you want to help Charlton Heston mobilize future generations to fight for our freedoms, then join the National Rifle Association now. **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore"].** Your one-year NRA membership includes a subscription to NRA magazine, a no-fee MasterCard and special member benefits. Call now, and you'll also get the silver bullet commemorative engraved with Charlton Heston's signature--a symbol of your election year active duty service in defense of the Second Amendment. Remember without

every American gun owner behind this fight, our freedoms could be lost in this year's election. So don't wait, call this toll free number now to raise your voice with Charlton Heston. Get the silver bullet commemorative and join the NRA now.

Wayne LaPierre: You know, it's not easy or cheap to be a guardian of freedom, but that's what makes our country and our cause unique in the history of the world. The simple steely commitment to fight one more battle, go one more mile. **[Appearing as text at bottom of screen: National gun registration plan from Sen. Dianne Feinstein - Campaign Centers on Gun Photo ID's."]** and give that last full measure of devotion that determines the difference between freedom and defeat. Charlton Heston stands as a perfect example of that virtue in action. **[Appearing as text at bottom of screen: "Candidates demand a 'stand up to NRA' Gephardt pleas for gun bans"].** See for yourself why in this critical election year everyone of us owes him so much.

Heston: It looks like I'm back for one more encore. [Applause]. I've been asked to serve a third term as your president. [Applause and Hollering]. I don't think anyone has done that before, but George Washington hung around until the Revolutionary War was over. Roosevelt hung around until World War II was won. Reagan hung around until the Cold War was won; so if you want, I'll hang around until we win this one, too. [Much Applause]. Do you people are remarkable. You feel that

[4 (12 PCS/ NRA 946)] incredible energy in the air here today? I'll tell you what it is. It's the feeling you get when you're making a difference in the future of your country. That was my goal--to make a difference when I became the president two years ago. First, I asked you to rebuild our NRA membership, and you have--not by just a few thousand members, but by 1,000,000 members. [Applause]. Second, I asked you to rebuild our NRA war chest and you have. I don't mean just in dollars, but in sense--the good sense of the NRA leadership you see here before you. [Applause]. Your leaders are qualified, competent, unified and believe me, fearless. [Applause]. Third, I wanted to bring the NRA back to the table of mainstream political debate, and we have. You saw Wayne on that tape. I'd say we're not just at the table; we are eating their lunch. [Much Applause]. But more than anything else, I asked you to believe in each other again--to believe that gun ownership is as wholesome as it is constitutional, to believe that an NRA sticker on your windshield is a sign of pride, to believe that a kid who wants to plick at tin cans is not a kid gone wrong, to believe that the great flame of freedom our founding fathers ignited has not grown cold. The NRA is baaaaaaack. [Much Applause]. All of this spells very serious trouble for a man named **Gore**. [Applause]. That leads me to that one mission that is left undone--winning in November. That's why I'm staying on for a third tour of duty. [Applause]. And, today, I challenge you, all of you, to find your third term and serve it. Find your extra mile and

walk it; only you know what you can do between now and that decisive November day to turn the tide of these elections in favor of freedom. I ask you to find it and fulfill it. Go the extra distance. Find that extra member; write the extra check, knock on one more door, work one more hour, make one more call, convince one more friend, turn the other cheek if you must, but find your third term and serve it! [Applause]. That's your part to play, all of you. What more important role could there be than to bequeath our freedom to the next generation as pure and intact as it was given to us. Each of us in his own way plus all of us in our collective millions, must give that extra measure that freedom demands of us. Let me tell you what I mean. Until a few hours ago, I was finishing my 80th film in Vancouver, Canada; I was there because I love my craft and I also love to feed my family [laughter]. So, you'll forgive me if I look a little tired today. I flew all night across a continent and through three time zones to be here with you. [Applause]. No, you don't need to applaud that because I'm here because I love my country and I love this freedom. [Applause]. But that flight last night was just the most recent flight in thousands of flights, the most recent mile on thousands of roads I've traveled in my ten years of active service to this great association. It's been a hell of a ride! I remember a decade ago at my first annual meeting in St. Louis after my banquet remarks to a packed house, they presented me with a very special gift. It was a splendid hand-crafted musket. I admit I was overcome by the power of its simple symbolism. I

looked at that musket and I thought of all the lives given for that freedom, I thought of all the lives saved with that freedom, and it dawned on me that the doorway to all freedoms is framed by muskets. So, I lifted that musket over my head for all to see, and as flashbulbs popped around the room, my heart and a few tears swelled in and I uttered five unscripted words that weren't in the speech. When I did that, the [5 (12 PCS/ NRA 947)] room exploded in a sustained applause and hoots and shouts and hollers that seemed to last forever. At that moment I bonded with this great association and in thousands of moments since, I've been asked to repeat those five words in airports and hotels and rallies and speeches across the whole country. In your own way, you've already heard them. That's why you're here. Everytime our country stands in the path of danger, an instinct seems to summon her finest first. Those who truly understand her. When freedom shivers in the cold shadow of true peril, it's always the patriots who first hear the call. When loss of liberty is looming, as it is now, the siren sounds first in the hearts of freedom's vanguard. The smoke in the air of our Concorde bridges and Pearl Harbors is always smelled first by the farmers who come from their simple homes to find the fire and fight because they know that sacred stuff resides in that wooden stock and boot steel—something that gives the most common man the most uncommon of freedoms. When ordinary hands can possess such an extraordinary instrument that symbolizes the full measure of human dignity and liberty.

That's why those five words issue an irresistible call to us all, and we must [Laugher and Applause]. So, as we set out this year to defeat the divisive forces that would take freedom away, I want to say those fighting words for everyone within the sound of my voice to hear and to heed and especially for you, Mr. **Gore**. "From my cold dead hands." [Much Applause].

Narrator: Join Charlton Heston in giving your one extra mile for firearm freedom by joining the National Rifle Association. Your NRA membership includes **[Appearing on screen is the cover of First Freedom depicting Bill Clinton morphing into Al Gore and reading "Clinton to the Gore"].** Our great monthly magazine, a no-fee MasterCard and exclusive member benefits like the silver bullet keepsake engraved with Charlton Heston's signature, a symbol of your commitment to give another tour of duty for the right to keep and bear arms. This year's elections mean survival or surrender for your gun rights, so don't set them out. Help Charlton Heston and the NRA defend your Second Amendment rights from the White House to your house, from the halls of Congress to your hometown City Hall. Call this toll free number now to join the fight and win. You'll get the silver bullet keepsake and you'll be doing your duty to defend our precious freedoms.

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[1 (12 PCS/ NRA 974)]

NRA INFOMERCIALS (2000)

Total No. Airings: 11,443
Relative Gross Media Costs: $13,791,488.00

Market	No. of Airings	State Totals
Alabama:	34	
% of Total No. Airings:	0.30%	34
Alaska:	12	
% of Total No. Airings:	0.105%	12
Arizona:	218	
% of Total No. Airings:	1.910%	218
Arkansas:	214	
% of Total No. Airings:	1.870%	214
California:	498	
% of Total No. Airings:	4.352%	498
Colorado:	124	
% of Total No. Airings:	1.083%	124
Washington, D.C.	98	
% of Total No. Airings:	0.856%	98

Florida:	714	
% of Total No. Airings:	6.240%	714
Georgia:	88	
% of Total No. Airings:	0.769%	88
Hawaii	10	
% of Total No. Airings:	0.087%	10
Idaho:	20	
% of Total No. Airings:	0.175%	20
Illinois:	274	

[2 (12 PCS/ NRA 975)]

% of Total No. Airings:	2.39%	274
Indiana:	176	
% of Total No. Airings:	1.538%	176
Iowa:	229	
% of Total No. Airings:	2.001%	229
Kansas:	60	
% of Total No. Airings:	0.524%	60
Kentucky:	93	

% of Total No. Airings:	0.813%	93
Louisiana:	139	
% of Total No. Airings:	1.215%	139
Maine:	108	
% of Total No. Airings:	0.944%	108
Maryland:	103	
% of Total No. Airings:	0.900%	103
Massachusetts:	64	
% of Total No. Airings:	0.559%	64
Michigan:	253	
% of Total No. Airings:	2.211%	253
Minnesota	108	
% of Total No. Airings:	0.944%	108
Mississippi:	94	
% of Total No. Airings:	0.821%	94
Missouri:	367	
% of Total No. Airings:	3.207%	367
Montana:	26	
% of Total No. Airings:	0.227%	26

Nebraska:	49	
[3 (12 PCS/ NRA 976)]		
% of Total No. Airings:	0.428%	49
Nevada:	124	
% of Total No. Airings:	1.084%	124
New Mexico:	217	
% of Total No. Airings:	1.896%	217
New York:	260	
% of Total No. Airings:	2.272%	260
North Carolina:	391	
% of Total No. Airings:	3.417%	391
North Dakota:	65	
% of Total No. Airings:	0.568%	65
Ohio	318	
% of Total No. Airings:	2.779%	318
Oklahoma:	334	
% of Total No. Airings:	2.919%	334

Oregon:	177	
% of Total No. Airings:	1.547%	177
Pennsylvania:	377	
% of Total No. Airings:	3.295%	377
Rhode Island	9	
% of Total No. Airings:	0.079%	9
South Carolina:	376	
% of Total No. Airings:	3.286%	376
South Dakota:	146	
% of Total No. Airings:	1.276%	146
Tennessee:	293	
% of Total No. Airings:	2.561%	293
Texas:	931	
[4 (12 PCS/ NRA 977)]		
% of Total No. Airings:	8.136%	931
Utah:	232	
% of Total No. Airings:	2.027%	232
Vermont:	6	

% of Total No. Airings:	0.052%	6
Virginia:	217	
% of Total No. Airings:	1.896%	217
Washington:	102	
% of Total No. Airings:	0.891%	102
West Virginia:	137	
% of Total No. Airings:	1.197%	137
Wisconsin	235	
% of Total No. Airings:	2.054%	235
Wyoming:	99	
% of Total No. Airings:	0.865%	99
National:	2,224	
% of Total No. Airings:	19.435%	2,224
TOTAL NUMBER OF AIRINGS:		11,443

[1 (12 PCS/ NRA 978)]

"THE TRUTH ABOUT PROSECUTION"
HUD INFOMERCIAL
From NRA-ACK 00004.

(As Aired for the NRA in the 60 Days Prior to the 2000 General Election)*

Charlton Heston: **[Background - a display of different facial expressions of President Clinton] Mr. Clinton**, this message is for you. There are eighty million decent lawful gun owners in this country and we're not going to take it anymore. You've made it popular, even commendable, to condemn the Second Amendment and the Bill of Rights. You've led the arrogant, unprecedented assault upon this most precious of freedoms. Well, I'm going to call a fraud, a fraud. I'm here to reveal your lies about the right to keep and bear arms and expose your hopes for its demise. You incite media bias and fuel the politics of hate against the National Rifle Association. You slander our century-long contribution to society as America's firearms safety training authority. Instead, you pervert current events to sentence the Second Amendment to slaughter. Demonizing lawful guns and their owners as agents of the evil in American culture. You never miss a chance to step before the cameras and play out the

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* **References to President Clinton are in bold.**

gun-haters drama of distortion, defamation and downright lies. For example, that fatherless six-year old kid living in a crack house infested with drug dealers and stolen guns who tragically shot a schoolmate. I'd expect a **President** to demand a crackdown on crack houses, busting gun theft rings and calling for responsible parenting. But no, **Mr. Clinton**, you blamed the NRA and said "We need these child trigger locks on the new handguns, that'll begin to make a big difference." **[Flash picture of President Clinton's face in background].** Don't get me wrong, we support safety locks and most gun makers already provide them, but your solution is to knock on crack-house doors and hand drug dealers safety locks for stolen guns. There are already twenty thousand gun laws on the books, but with a straight face you said "We've increased gun prosecutions since I've been here and we have a lot of people in jail for it." **[Flash picture of President Clinton's face in background]. Mr. Clinton**, that's a lie. On your watch, federal gun prosecutions have dropped 46%, that's almost half of what they used to be. Let me give you a sampling - of the thousands of gun criminals that could have been sent to prison in 1998 guess how many went? 8 in San Francisco, 14 in New Jersey, 9 in Pittsburgh, 2 in Washington, D.C. **[Flash picture of President Clinton's face in background].** With odds that good, gun violence is a lottery criminals can't loose. Speaking of winning criminals, you claim that "The Brady **Bill** has kept a half-million felons, fugitives and stalkers from getting guns." **[Flash picture of**

President Clinton's face in background]. If that's true, **Mr. Clinton**, where are a half million arrests? Where are even a thousand [2 (12 PCS/ NRA 979)] prosecutions? Where are even a hundred felons in jail for trying to buy guns? They're not there. The truth is, it was the NRA who pioneered and passed the National Instant Criminal background check on gun buyers. Not **Bill Clinton**. He wants criminals turned away; we want criminals turned in and prosecuted. Still you blame and complain that "Eight months have gone by and the Congress can't act. And the reason they can't act is because of the heat the NRA has put on them." **[Flash picture of President Clinton's face in background].** That's a lie **Mr. Clinton**, it was you and your friends in the U.S. House that defeated legislation that required safety locks on new firearms, required instant background checks on gun show buyers and banned gun possession for violent juveniles forever. That's right, it's your fault, but you blame the NRA. Apparently we're to blame for everything. You said "They're basically against anything that requires anybody to do anything as a member of society that helps make it safer." **[Flash picture of President Clinton's face in background]. Mr. Clinton**, it's hard to imagine an uglier insult. The NRA's programs have taught safe and responsible gun ownership for 130 years. The NRA does more for gun safety in a day than your laws can in your lifetime. Still you vilify the NRA by feeding the media made for TV lies like "We're loosing 13 kids a day [to gun accidents], 13 funerals a day." **[Flash picture**

of President Clinton's face in background]. Mr. Clinton, that's not only a lie, it's an insult, to the thousands of teachers and school systems and twelve million kids who've used the NRA's award winning accident prevention programs. Nobody, including your administration, invests a fraction of what we do to keep kids safe from gun accidents through education. As a result, guns are involved in far fewer accidental childhood deaths than biking or swimming. About 130 a year. That's the lowest in history, but still too many. And we won't rest until there are none. And finally, **Mr. Clinton**, you said "Should people have to register their guns like they register their cars? Do I think that? Of course I do, of course I do." **[Flash picture of President Clinton's face in background].** But since criminals won't bother signing up, your big federal register will list only honest gun owners, right? So, the government bureaucrats will know who has what guns and where they live and whenever it's politically expedient they'll come and get them. The truth, **Mr. Clinton**, is that you admire countries with no Second Amendment. You said "Other countries have a lower gun death rate. Why is that? Because they don't have an NRA in their country." **[Flash picture of President Clinton's face in background]. Mr. Clinton**, with that cruel slur, you have not only blamed gun owners for the savage acts of same criminals you won't prosecute, you also revealed what we've said all along, you want a county with no NRA, you want a country with no Second Amendment. **Mr. Clinton**, the Bill of Rights is not yours to

rewrite, and this election year we're taking it back. Yes, the mainstream media may be on your side, but on our side stand more than three million NRA members with thousands more joining every day whose votes and voices are going to thunder this election year, and the message is this, freedom will abide no more lies. Across this land, decent, lawful, honorable people are rising up to turn back the tide of your dishonesty. They will no longer be shamed, labeled and libeled just because they own firearms. One by one, and by the thousands, they're putting their names, their time and their money [3 (12 PCS/ NRA 980)] on the line. They know gun owners must preach the truth and reclaim their freedom now or never. They know the make or break moment for the Second Amendment is upon us and these are the most important votes of our lifetimes. So **Mr. Clinton**, to you and to every candidate campaigning on a gun hating, NRA hating, Second Amendment hating platform, you're in for the political licking of a lifetime.

[COMMERCIAL]: If you want the Bill of Rights to survive the election of our lifetimes, call and join the NRA now. Your one-year NRA membership includes a subscription to NRA magazines, a no-fee MasterCard, and special member benefits. But if you call now, you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part in this election year to preserve firearm freedom because this may be the last chance for gun owners to unite against the gun haters campaigns. Think

about it nobody's gonna fight for your rights like the NRA. From state capitals to congress to the White House, that only if gun owners like you stand up now with your voice and your vote and your membership. So call this toll free number now to get your silver bullet keepsake and join the NRA.

Wayne LaPierre: Hello, and welcome back to news about your gun rights you won't get anywhere else. This year is the election of a lifetime for gun owners if congress and the White House fall into the wrong hands, if the next **President** appoints up to four new Supreme Court justices who hates your guns as much as he does, the Second Amendment could be gone forever. For example, did you know this administration is using its public housing projects to file a huge lawsuit against gun makers to put them out of business. That's right, the same politicians who couldn't take away your guns in Congress, are trying to take them away in court. This government is regulating and suing gun makers at the same time to get with lawyers what they can't get with law makers. That ought to scare you to death. But nobody cares except the NRA and the innocent residents of those housing projects whose gun rights are gone. Take a look.

Interviewee: Walking through the projects alone you can get mugged, raped, beaten, shot in the head, stabbed.

Interviewee: I can remember going out on Fridays and you had to get in at a certain time because you were ducking from gun shots.

Interviewee: Its like, 24-hours a day, 7 days a week,

Interviewee: Just the other day somebody got shot up the block right here.

Interviewee: You gotta watch your back, every minute, every second.

[4 (12 PCS/ NRA 981)]

Interviewee: Every morning before I leave out of my house I pray that I come back and I find my home the way I left it.

Reporter: Life in the projects. A world of graffiti stained walls and broken glass. Of gun shots in the night and police sirens that arrive too late, if at all.

Interviewee: If I pick up that phone to call 911, I probably be dead by the time the police get there, or be hurt, or robbed or anything else.

Interviewee: They're afraid they're going to get shot at; they're afraid somebody's going to come out of the woodwork and just shoot them right in the head.

Reporter: It's an upside down world, where law abiding people in some of the Nation's worst neighborhoods live in prisons behind bars. Stripped of their safety and even their most basic civil rights - self-protection. All because

the police have no authority and gangs and drug dealers have no fear of prosecution.

Interviewee: Instead of taking my gun away as a law-abiding citizen what they should do is take away the felons gun and put the felon in jail and get the felon out of the projects. That'll stop the majority of the crime that's going on in the projects.

Reporter: False promises instead of prosecutions. And now to cover up for a horrendous history of mismanaging innocent people's lives the Department of Housing and Urban Development backed by **President Clinton**, plans to use your tax dollars to sue gun manufacturers for the cost of violence in the housing projects.

Senator Larry Craig: I say to this **President** and to that Secretary, you really ought to be ashamed of yourselves - that you're playing this kind of game with your trial lawyer friends. Congress is gonna have to step in and say no. Government cannot promote lawsuits.

Reporter, Ginny Simone: Suing the gun industry to reduce crime and make public housing communities like Abreene Green here in Chicago safer. Talk to the residents and they'll tell you that the lawsuits are a flat out fraud.

Interviewee: Suing the gun industry is not gonna stop people from killing people. The criminal is always gonna have his gun.

Interviewee: It may be possible given jobs can cut down crime; maybe possibly getting a better education system in inner cities to give some of these kids hope is a better system but taking away guns, that's not gonna take away the crime.

Interviewee: It's way more than guns. Its drugs, its poverty, its lack of education.

[5 (12 PCS/ NRA 982)]

Interviewee: It's not gonna clear the projects at all. And instead of doing all that, they should just sue **Clinton** for not doing what he's supposed to be doing for his public. We're his public.

Ginny Simone: For the past ten years police have conducted what they call "Operation Cleansweep" door-to-door sometimes warrantless searches, to get rid of gangs and confiscate guns.

Interviewee: They don't have no search warrants - nothing like that - they just come in your house without even, you know, like I said, without not even askin, just knockin on the doors, so. . yeah . . a big violation on my rights.

Ginny Simone: Has it worked? Take a look for yourself. The gangs are still here and the violence continues.

Interviewee: The police will come in a grab a whole set of guns, and these guys are gonna buy a stack of guns and come back and start it all over.

Ginny Simone: Residents who feel they're just powerless pawns in a political game. The HUD lawsuits, just another dishonest diversionary tactic drawing attention away from the real problem. A total collapse in federal gun law enforcement. In fact, in just six years under the **Clinton** administration federal gun law prosecutions cut by almost half.

Interviewee: Janet Reno as Attorney General, is a very poor example of a prosecutor. She needs to enforce the laws that we have on the books now. That would stop a lot of the violence.

Police Officer: In the past I've locked up people for possession of firearms and two and three times they've been arrested for firearms and they never go to jail. There put on probation and its totally ludicrous.

Ginny Simone: Law enforcement instead of lawsuits. The talk at this year's shooting, hunting and outdoor trade show was about more than just products and promotion. It was about the full frontal assault on the gun industry. Lawsuits that are driving some gun makers out of the handgun business and others out of business altogether.

Thomas Millner, Pres. & CEO, [6 (12 PCS/ NRA 983)]

Remington: The very fact that our own elected officials would try and litigate a lawful legal industry that, in fact, that they regulate, out of business, should terrify every businessperson in America whatever industry they're in. Cause if they can do it to us, they can do it to anybody.

Ginny Simone: A predictable reaction you say. Well this legal assault by HUD has also been condemned, by some you might not expect. A public housing official is quoted in this housing affairs letter saying "This whole thing is absurd. The housing authorities hardly have enough for operating expenses. It's preposterous to ask them to file a suit and fund the expenses with their revenue." The bottom line, public housing authorities would have less money to afford security for residences and that means more crime and more victims.

Interviewee: I want to ask them seriously, I want to ask them particularly the Secretary of HUD, and his boy **Bill Clinton**, to be serious. Play politics someplace else, not with these poor peoples lives.

Interviewee: Instead of spending the money on suing the gun industry, you should take the money and use it on housing police and use it for the community.

Ginny Simone: A political sham that makes a mockery of our democracy. That's how Robert Wright, a

liberal democrat and former member of **President Clinton**'s cabinet sees it. In this commentary for the Wall Street Journal he writes "Fed up with trying to move legislation, the White House is launching law suits to succeed where legislation has failed. The strategy may work, but at the cost of making our frail democracy even weaker.

Intereviewee: My freedom, I feel my freedom is way more important than a law suit.

Ginny Simone: It's a dangerous precedent. Trampling the rule of law and ultimately the rights of law-abiding citizens. The harsh reality of a long-term agenda - first lawsuits, then gun registration and owner licensing, photo ids and, in the end, confiscation. Your gun rights threatened like never before, but your voice and your vote speak volumes.

Thomas Millner: The election's in November; for anybody that cares about liberty are the most crucial elections of our lifetime.

Interviewee: So you've gotta become aware of what's going on, you've gotta start fighting for your right for the Second Amendment because we won't have it any longer.

Interviewee: Join the NRA.

[7 (12 PCS/ NRA 984)]

Interviewee: NRA's probably, not only the best voice we have, its probably the only voice we have at this time.

Interviewee: Don't give an inch. All they wants is a toe in the door, once they gotta toe, they gotta foot, and they gotta leg, and they got the whole body. Don't ever give up.

[COMMERCIAL]: If you want the Bill of Rights to survive the election of our lifetimes call and join the NRA now. Your two-year NRA membership includes a subscription to NRA magazines, NRA magazines, a no-fee MasterCard, and special member benefits. But if you call now, you'll also get this silver bullet memento engraved with Charlton Heston's signature. It tells the world you're doing your part in this election year to preserve firearm freedom because this may be the last chance for gun owners to unite against the gun haters campaign. Think about it nobody's gonna fight for your rights like the NRA. From state capitals to congress to the White House, that only if gun owners like you stand up now with your voice and your vote and your membership. So call this toll free number now to get your silver bullet keepsake and join the NRA.

* * *

EXHIBIT 6 - ADAMS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Caption Omitted In Printing]

George W. Bush
PRESIDENTIAL EXPLORATORY COMMITTEE, INC.
MEMORANDUM

TO: **ROBBIE AIKEN**
BUD ALBRIGHT
DAVID BROWN
HALEY FISACKERLY
KERRILL SCRIVNER
PATSY THOMPSON
JEANNE WOLAK
JOHN MAXSON

FROM: **TOM KUHN /s/**

RE: **JUNE 22 RECEPTION WITH GOV. GEORGE W. BUSH**

DATE: **MAY 27, 1999**

My personal thanks to all of you for taking a leadership role is gathering support for the June 22 reception honoring Governor George W. Bush. I believe that it will be a great evening, and I know that the electric utility industry will show their continued support and enthusiasm for the Governor's exploratory campaign committee.

Enclosed is a copy of the June 22 invitation, along with a list of cities and dates for upcoming fundraising events. We can give you as many invitations as you need to mail out to friends and colleagues. Please let Joanne Igoe know how many invitations you will need and we'll get them over to you as soon as possible. The Bush Exploratory

Committee has also produced a very impressive video profiling the Governor's career and his campaign platforms. I'd be happy to make this video available to you if you believe that it can be helpful to your efforts.

As you know, a very important part of the campaign's outreach to the business community is the use of tracking numbers for contributions. Both Don Evans and Jack Oliver have stressed the importance of having our industry incorporate the #1178 tracking number in your fundraising efforts. ***LISTING YOUR INDUSTRY'S CODE DOES NOT PREVENT YOU, ANY OF YOUR INDIVIDUAL SOLICITORS OR YOUR STATE FROM RECEIVING CREDIT FOR SOLICITING A CONTRIBUTION. IT DOES ENSURE THAT OUR INDUSTRY IS CREDITED, AND THAT YOUR PROGRESS IS LISTED AMONG THE OTHER BUSINESS/INDUSTRY SECTORS.*** If you have any questions about your industry's tracking information, please do not hesitate to let me know.

I look forward to working with you and will help in any way that I can to support your efforts on behalf of our industry. Please don't hesitate to let me know if there's any other information that you need, or if you have any questions. Once again, thank you for your ongoing efforts!

George W. Bush
PRESIDENTIAL EXPLORATORY COMMITTEE, INC.
MEMORANDUM

TO: **ASSOCIATION EXECUTIVES FOR BUSH**

FROM: **TOM KUHN**

RE: **UPCOMING EVENTS**

DATE: **MAY 26, 1999**

Many thanks to those of you who were able to join us on the May 3 conference call. I believe it was an excellent opportunity for us to discuss the Governor's campaign with our friends Jack Oliver and Don Evans, and I know they were very appreciative of the work this group is doing on behalf of the Governor Bush Presidential Exploratory Committee.

As we heard from Don and Jack, the campaign is heavily focused on the next Federal Election Commission filing deadline of June 30, 1999. It is critical that we reach our to our colleagues, associates and friends to encourage them to send their personal contributions of $1,000 to the campaign before June 30.

Governor Bush will be traveling across the country in June attending a number of fundraising events. While the campaign is still in the process of finalizing dates for each of the events, we do have a list of the cities, which is attached for your reference.

NOW IS THE TIME FOR EACH OF US TO IDENTIFY OUR INDUSTRY COLLEAGUES IN EACH OF THESE MAJOR CITIES, AND ASK THEM TO SERVE AS A VICE CHAIR OR CO-CHAIR FOR THEIR CITY'S EVENT. As soon as the Texas legislature adjourns, the

Governor will begin traveling, so it is important that we begin our outreach *now*. Also enclosed is a form that you can complete and return to the Bush exploratory committee to help them build their host committees in each of these states.

The focal point of our efforts in the coming weeks will continue to be the June 22 reception honoring Governor Bush here in Washington, D.C. Most of our Association Executives group has committed to serve as either a Vice Chair or Co-Chair for the event, and I know that our efforts are very important to the success of the national capitol area event.

Many of you have already received your invitations for the June 22 event. We have been advised by the Bush Exploratory Committee that you can pick up additional invitations at their National Capital Area Fundraising Event office, located at 2100 M Street, Second Floor, Washington, D.C. 20037. The phone number for the office is (202) 785-5111.

The Bush Exploratory Committee has also produced a very impressive video profiling the Governor's career and his campaign platforms. We have requested a copy of this video for each of you, and will forward that to you just as soon as is received.

We have scheduled our next group conference call for Monday, June 7, at 5 pm Eastern Daylight Time. We will be sending you a "reminder" fax next week with the conference call number and code. We look forward to having additional members of the Bush campaign team join us for this call, and to discussing our "success stories" for the June 22 event.

Finally, I want to remind you that a very important part of the campaign's outreach to the business community is the use of tracking numbers for contributions, and both Don and Jack reiterated the importance of having your industry incorporate your tracking number in your fundraising efforts. ***LISTING YOUR INDUSTRY'S CODE DOES NOT PREVENT YOU, ANY OF YOUR INDIVIDUAL SOLICITORS OR YOUR STATE FROM RECEIVING CREDIT FOR SOLICITING A CONTRIBUTION. IT DOES ENSURE THAT YOUR INDUSTRY IS CREDITED, AND THAT YOUR PROGRESS IS LISTED AMONG THE OTHER BUSINESS/INDUSTRY SECTORS.*** If you have any questions about your industry's tracking information, please do not hesitate to let me know.

This group of Association Executives for Bush has been and will continue to play a pivotal role in the campaign's outreach to the business/industry community. Each day, we welcome another association president or executive to the group. If you know of someone who may want to be a part of our efforts, please complete the enclosed form and fax it back to me at your earliest convenience. We will contact them and provide them with the necessary information so that they can be a part of what promises to be an exciting campaign to elect the next President of the United States.

Once again, I appreciate your taking the time to join us for the May 3 conference call, and look forward to talking with you again on June 7 and working with you all in the coming weeks to ensure that the June 22 Washington, D.C., event is an unprecedented success.

EXHIBIT 34 - ADAMS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Caption Omitted In Printing]

Senate takes up rival to McCain-Feingold spending limits JIM ABRAMS; Associated Press Writer

WASHINGTON (AP) _ The Senate debate on **campaign finance▷** law came down Tuesday to the question of whether unlimited soft money should be banned from American politics, as sought by Sen. John McCain, or just restricted.

In the main challenge to legislation championed by McCain, R-Ariz., and Sen. Russ Feingold, D.-Wis., a measure proposed by Sen. Chuck Hagel, R-Neb., would cap largely unregulated soft money donations that corporations, unions and individuals can make to national political parties. Hagel's proposal also would triple to $3,000 the hard money contribution limit on what individuals can make directly to candidates.

A vote is expected around noon Tuesday.

Each side said the other's measure would fail to reform the current system where monied interests spend millions to influence the outcome of elections.

Sen. Pat Roberts, R-Kan., a Hagel supporter, said McCain-Feingold was a "whack-a-mole" approach to special interests finding new ways to spend money.

Sen. Charles Schumer, D-N.Y., a backer of McCain, said that under Hagel's measure, a couple could still contribute $540,000 every election cycle in hard and soft money. The

"Hagel bill is so watered down, has so many loopholes in it, it is like Swiss cheese," he said.

McCain contends the measure offered by Hagel, a close friend, would make the current system of money politics even worse by reaffirming the legality of soft money. "I don't think Americans want us to do that," he said.

The Senate is now in its second week of debate on the McCain-Feingold bill, with a goal of coming to a final vote by the end of the week.

Hagel's measure would allow donations of up to $60,000 a year to the national parties. It would triple the current hard money donations to candidates and political action committees that individuals can make and increase disclosure for individuals and groups that participate in elections.

Hagel says his bill provides a middle ground on ◁**campaign finance**▷ that does not raise the constitutional free-speech problems that McCain-Feingold might face; would not weaken the influence of political parties, particularly at the state level; and would win the president's signature.

"We believe our ◁**campaign finance** proposal would pass constitutional muster," Hagel said. "What good does it do to pass legislation we know will be struck down by the courts?"

The constitutionality issue came to the forefront Monday when the Senate passed, 51-46, a proposal by Sen. Paul Wellstone, D-Minn., that would ban late-campaign advertising by advocacy groups such as the National Right to Life Committee and the Sierra Club.

Wellstone said this provision was needed to close a loophole in the McCain-Feingold bill that would keep corporations and unions from paying for attack ads in the final 60 days of an election but keep nonprofit groups from placing an identical ad.

McCain said he liked the idea of the Wellstone amendment but voted against it because of significant questions about its constitutionality. He said the passage of the Wellstone amendment, supported by numerous Republican opponents of McCain-Feingold, made it more important to fend off an amendment expected later this week that would nullify the entire legislation if the courts found just one part of it unconstitutional.

McCain-Feingold says nothing about increasing the $1,000 limit on individual contributions, although both sponsors have acknowledged that they will have to accept some increase in the 27-year-old ceiling.

"There's legitimacy to the fundamental argument that $1,000 in 1974 is not $1,000 today," McCain said.

But some supporters of McCain-Feingold are uncomfortable with raising the hard money limit.

Sen. Christopher Dodd, D-Conn., called it a "cost-of-living adjustment for less than 1 percent of the American public that can afford to write a $1,000 check. . . . It is incredible to me that we would even entertain such a thought as part of the campaign reform mechanism."

On Monday the Senate defeated, 56-40, an attempt by Sen. Ernest Hollings, D-S.C., to amend the Constitution to allow Congress and the states to place reasonable limits on campaign spending. Hollings and others argued that the amendment was needed to avoid the possibility

that the courts would strike down the changes McCain-Feingold is meant to legislate.

"The current system is rotten, it's putrid, it stinks, and the people of this country ought to really know what this system is giving to them and what it is taking from them," said Sen. Robert Byrd, D-W.Va., who supported the amendment.

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The bill is S.27

On the Net: Senators' Web sites: http://www.senate.gov/senators/index.cfm

Keywords: Washington

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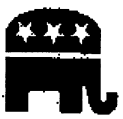
JIM ABRAMS; Associated Press Writer
Senate takes up rival to McCain-Feingold spending limits, 03-27-2001

[MMc 0095]

COUNSEL ONLY



The Republican Party of Kentucky

Capitol Avenue at Third Street * P.O. Box 1068 * Frankfort, Kentucky 40602
Phone (502) 875-5130 FAX (502) 223-5625

March 2, 2001

Mrs. Jan S. Karzen
205 Coralberry Road
Louisville, KY 40207

Dear Jan:

As you know, my reelection is right around the corner, and I am busily preparing for another hard-fought race. Thank you for the generosity you have shown me in already contributing the legal maximum amount to my Senate reelection campaign, the McConnell Senate Committee. I value your friendship and want you to know that your support is deeply appreciated.

Since you have contributed the legal maximum to the McConnell Senate Committee, I wanted you to know that you can still contribute to the Victory 2002 program. As you may know, Victory 2002 is the volunteer get-out-the-vote effort the Republican Party of Kentucky will run on behalf of my campaign and other campaigns in Kentucky. This program was an important part of President George W Bush's impressive victory in Kentucky last year, and it will be critical to my race, and others next year.

As you may know, an individual may contribute up to an aggregate maximum of $25,000 annually to all federal campaigns and party committees. Under federal election rules, the $2,000 you already contributed to my campaign counts against your 2002 limit. Contributions to Victory 2002, however, will count in the year in which they are made, so contributions made to this program this year will count against your 2001 limit, rather than your 2002 limit. Within this annual aggregate limit, you may contribute up to $7,500 to Victory 2002 in each calendar year, and a couple may jointly contribute up to $15,000 each year to Victory 2002. I hope you will consider contributing as much as possible this year.

With the election just a little more than a year away, I am preparing for what promises to be a well-funded, well-organized opponent wholeheartedly supported by the Democratic Party and its outside interest groups.

As you may know, the other side has already produced one candidate to run against me, and I will not be surprised to see more people step up in the coming months.

I look forward to hearing from you soon and hope you will help us fund this very important program. For your convenience, I have enclosed a contribution form and reply envelope. As always, should you have any questions or need anything further, please do not hesitate to call me or Scott Douglas at (202) 628-4636.

Thank you again for your friendship and support.

Sincerely,

Mitch McConnell
United States Senator

Jan -
My heart to Ron. You
may not want to mess with this
request at this time. If not -
no problem. I'm thinking
about you both.

Paid for by The Republic Party of Kentucky, Catherine D. Bell Treasurer

[Confidential Only]
[Huard Deposition – Exhibit 4]
[Letterhead of The Tarrance Group]

MEMORANDUM

TO: The Coalition Steering Committee

FROM: Ed Goeas
Brian C. Tringali
Bill Cullo

DATE: June 28, 1996

RE: Preliminary Testing of AFL-CIO Advertising & Responses

The Tarrance Group was commissioned to conduct electronic focus groups among 24 "swing" voters in the Cleveland, Ohio media market on June 17th. The facility used for the focus group was Opinion Nation Research in Parma. Dr. David Hughes of Decision Labs, Ltd. of Chapel Hill, North Carolina assisted with his Speedback direct response system.

It is our considered opinion that Members of Congress currently under attack by AFL-CIO advertising are ill-prepared to respond. Essentially they are outgunned and outclassed. If targeted Republican Members ever hope to be operating on an even playing field during the 1996 election, it will require that an outside voice come to their defense. Finding a message for that voice is what we have been charged with in our research.

A reel of 10 ads were tested, which included 4 AFL-CIO ads that have already run and 6 potential Coalition response ads. The net result among swing voters in Cleveland was that 25% of participants were moved closer to voting for a Republican candidate for Congress and about half of the participants were moved against national labor leaders. In other words, the response ads not only levelled the playing

field, but put some points on the board for Republican candidates as well.

The following include our recommendations for responding to the AFL--C10 series:

Negative ads work

The AFL-CIO ads are fundamentally altering the political environment, by running commercials that are typically not seen until October. Their tone and quality reflect the negative advertising usually not seen until late in an election cycle. However, although voters may not like these ads they are having a tremendous impact on the electorate. Our findings indicate that again, negative advertising works – and works well.

From our own experience we have seen this impact first hand with Congressman Greg Ganske in Des Moines.

It is imperative that Republican candidates begin responding to these charges. And because most individual campaigns cannot begin to wage this war alone, it makes sense for an entity like the coalition to come to their defense.

Produce two ads

We would recommend that the Coalition consider producing the following two ads:

- **Flag** – This ad builds continually on the "cognitive" level until the viewer is left with a positive impression. Yet it can communicate the parameters of what the AFL-CIO has been doing with their advertising. It sets the stage and that is vital.

  Some elements about labor bosses need to be pumped up to include use of mandatory dues and better highlight their $35 million dollar investment in order to return Congress to the ways of the past.

We might consider using an actual labor union member who perhaps retired recently to help make the point that the leadership does not reflect the rank & file.

The Chabot response worked extremely well to have members who are under attack answer the charges directly. But if we are answering charges on Medicare, then the 48% or 61% figures lend little credibility to our argument. Consider using language that calls attention to the fact that the Congressman has more than protected Medicare by voting for an increase that more than compensates the individual beyond even the "rate of inflation" (maybe the "rate of inflation in medical care").

The rate of inflation seems to be a personal economic indicator for many voters. As a result, protecting against the rate of inflation makes them feel secure.

- **8mm** – This ad starts out strong and remains strong both at an "affect" and "cognitive" level. In its current format, it is probably too offensive to seniors to consider running, but with some changes it could be the strongest ad in the bunch.

  Visually, the picture of speed boat is probably not ideal. The most important thing to do is change the rhetoric so that we do not present the life of our parents as perfect – something with wider appeal would be better. The ad currently offends some seniors in claiming that they led the "life of Riley."

  A line such as "they might not have been able to do all that they wanted to do, but we never felt like we went without..." might be a little less offensive to seniors.

  A balanced budget does not need to be an integral part of this ad and could be replaced. The tax message is what is important to the ad. But, as we have seen before, a number of individuals expressed concern about foreign aid, which might make a better issue for inclusion in the ad.

Additional Research

We would like the group to consider the suspension of additional focus groups and the use of these two spots in two key test markets. These test markets could include:

1. Des Moines, Iowa
2. Erie, Pennsylvania

In each market, about 1,200 gross rating points could be run of one or both of these television spots.

Prior to running commercials, a survey could be conducted in order to determine the political landscape. After the television spots have reached saturation, a telephone survey in the form of a panel-back design could be conducted again to determine the impact of the spots. That would give the Coalition two case studies from which to draw conclusions and legitimize their activities with regard to fund raising.

Because of our current work with Congressman Ganske, we would ask that the Tarrance Group be used only for the survey research in Erie.

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[Confidential-Counsel Only]

[Huard Deposition – Exhibit 18]

The Coalition:
Americans
Working for Real
Change

Post Election Survey Analysis

November 22, 1996

MEMORANDUM

TO: Chuck Greener
The Coalition

FROM: Brian Tringali
Gary Ferguson

RE: Key Findings from Post-Election Surveys in OH-6, IA-4, WA-1, WA-5, WA-9 and KY-1

DATE: November 22, 1996

American Viewpoint and The Tarrance Group are pleased to present the following findings from our latest surveys of voter attitudes in six key Congressional Districts following the 1996 elections. The Tarrance Group and American Viewpoint were commissioned by the business Coalition to conduct a survey of N=300 voters from the 1996 election for each of seven Congressional Districts where both the Coalition and the AFL-CIO were active during the campaign. These districts include OH-6, IA-4, WA-1, WA-5, WA-09 and KY-01. For each survey, the margin of error for a sample of this type is likely to be within ±5.8%. Responses to the survey were gathered November 13-14, 1996.

The Coalition commissioned this research to assess the impact of their two-month advertising campaign and its

relative effect on voters in the face of the very aggressive, year-long campaign sponsored by the AFL-CIO. Given that four of the six Republican candidates tested in this research won their respective races, one could conclude that the Coalition's efforts were a success – as they were in the vast majority of the targeted districts in which the Coalition was involved.

To be sure, the most compelling empirical evidence that Coalition dollars were spent effectively is the fact that although the AFL-CIO outspent the Coalition by nearly 7 to 1 and began their onslaught almost a year earlier, voters in the tested districts were only twice as likely (36% average) to recall having seen, read, or heard the labor union's advertising as they were the business coalition's advertising (16% average). This, despite the fact that the Coalition has no "brand name" awareness -- unlike the AFL-CIO labor union.

The following are our key findings that emerged from our analysis of each of the six districts and are grouped into (1) lessons learned, (2) impact of advertising, and (3) future messages:

COALITION SURVEY COMPARISON

Political Environment

Financial Status Compared to Four Years Ago

It is clear that the overwhelming proportion of voters either feel that, financially, they are better off, are or about the same as they were four years ago. In fact, 70% of voters in every district share this sentiment. This is reflective of the political environment which allowed Bill Clinton to be re-elected easily, and for incumbent members of Congress to hang on to their seats. Voters, in effect, voted for the status quo, as we find that only a small number of incumbents were defeated nationwide

	IA 4	OH 6	WA 5
Better Off	32%	27%,	22%
Worse Off	15%	16%	26%
About the Same	50%	54%	50%
Don't Know/Refused	3%	3%	2%

Most Important Issue

The common issues that were the most important factors influencing voter decision making in the three districts were Medicare, taxes, and a balanced budget. Medicare was the number one issue in two of the districts, while balancing the budget ranked number one in one district. Education is also on the minds of a significant number of voters.

	IA 4	OH 6	WA 5
Medicare	6%	7%	5%
Taxes	7%	6%	4%
Education	5%	5%	3%
Balancing the Budget	4%	5%	8%
Republican Extremism	4%	3%	3%
Democratic Liberalism	3%	3%	3%
Control of Congress	2%	2%	2%
The Environment	1%	1%	3%
Welfare Reform	2%	1%	2%
Social Security	1%	2%	1%

Health Care	2%	2%	*
Someone to work with Clinton	*	*	*
Bill Clinton	1%	1%	1%
Newt Gingrich	*	*	1%

When responses were combined, we find that voters were most likely to have hinged their vote for Congress on lifestyle issues such as Medicare, social security, education, and the environment, rather than on fiscal issues (balanced budget, taxes) or political issues. We find that voters focused on lifestyle issues were more likely to be of Democratic persuasion, while those focused on fiscal issues were more likely to be Republican. Voters focused on political issues are the most partisan voters, and decided who they were going to vote for the earliest.

	IA-4	OH 6	WA 5
Lifestyle issues	17%	18%	14%
Fiscal issues	11%	10%	12%
Political issues	10%	9%	11%
Other	26%	27%	29%
Don't Know/Refused	36%	37%	34%

AFL-CIO Advertising

Generic Impact on Candidate Supported by AFL-CIO

When voters were asked to if they would be more likely or less likely to support a candidate who is being promoted by AFL-CIO advertising, many more voters say they are less likely to support that generic candidate. It is also apparent that the majority of voters say that it makes no difference to them. Those who say more likely are most likely to be partisan Democrats. Republicans and men drive those who are less likely to vote for that candidate.

	IA 4	OH 6	WA 5
Less likely	25%	25%	29%
More likely	8%	12%	6%
No Difference	63%	58%	60%
Don't Know/Refused	4%	5%	4%

Seen, Read or Heard AFL-CIO Advertising

Between 34% and 38% of voters in all of our districts say they have seen read or heard of the AFL-CIO campaign. Voters in OH 6 were least likely to have heard of the campaign, while voters in IA 4 were most likely to have heard. These highs and lows correspond with the number of spots that were run in each area. Approximately half of voters in all of these districts say they did not see, read or hear advertising by the AFL-CIO during the campaign.

Men, who are typically more politically aware, were more likely to have seen, read or heard the ads when compared with women. In IA 4, 47% of men were aware of the campaign, while only 30% of women were. The same was true in OH 06 and WA 5, where the breakdown was 39% men to 28% women, and 38% men to 34% women, respectively.

It is clear from our research that Democrats and those in union households were most aware of the AFL-CIO advertising campaign.

	IA 4	OH 6	WA 5
Yes	38%	34%	36%
No	47%	47%	46%
Don't recall	15%	19%	18%

Effect of AFL CIO Advertising on vote for GOP Incumbent

In two of our districts, we find that there was a backlash against the AFL-CIO by voters, as higher percentages of voters said they were more likely to vote for the Republican candidate after hearing this ad campaign. These backlash

voters are most likely to be Republicans and conservatives. Only in OH 6 were voters less likely to support the Republican candidate after hearing the advertising by the AFL-CIO. These voters were most likely to Democrats, and senior citizens. Overall, we find that the most partisan and politically aware voters were most likely to respond to AFL-CIO advertising, while the less partisan, and less engaged mainstream of voters said that the ads made no difference in their vote behavior.

	IA 4	OH 6	WA 5
Less likely	13%	26%	16%
More likely	23%	14%	19%
No Difference	63%	58%	63%
Don't Know/Refused	1%	6%	2%

Coalition Advertising

Generic Impact on Candidate Supported by Business Groups

It is apparent from the research that a generic candidate being supported by a coalition of business groups has no major impact on voter support for that particular candidate. Exactly 73% of voters in each district said that support from business groups made no difference to them. The other 27% of voters who responded to the question gave business mixed reviews, with slightly more of these voters being less likely to support a candidate being supported by the National Chamber of Commerce or the National Association of Independent Businesses.

	IA 4	OH 6	WA 5
Less likely	12%	13%	12%
More likely	9%	10%	9%
No Difference	73%	73%	73%
Don't Know/Refused	6%	4%	6%

Seen, Read or Heard Coalition Advertising

Approximately 17% of voters in each district say they had seen, read, or heard of advertising supporting their Republican candidate paid for by the Coalition. A large majority of voters in each district said they had no awareness of the Coalition's advertising. Awareness of the Coalition ads were approximately half of what the awareness of the AFL-CIO advertising was.

	IA 4	OH 6	WA 5
Yes	17%	16%	17%
No	66%	64%	61%
Don't recall	17%	20%	22%

Effect of Coalition Advertising on vote for GOP Incumbent

A majority of voters in all of our districts who said they were aware of the Coalition ad campaign, said the campaign made no difference on their vote for the Republican incumbent. It is important to remember that many voters were confused by the volume of political advertising, and may have had trouble distinguishing one ad campaign from the other.

In two of our districts, we find that of the voters who say they were impacted by Coalition advertising, a higher percentage said they were less likely to vote for the Republican candidate. In IA 4 the results were mixed, with 14% of voters saying they less likely and 14% saying they were more likely.

	IA 4	OH 6	WA 5
Less likely	14%	14%	20%
More likely	14%	10%	12%
No Difference	67%	74%	.65
Don't Know Refused	6%	2%	4%

Election 1996 Results

Timing of Voter Decision Making

The largest portion of voters made up their minds in September or before, and these voters tend to be more partisan, more educated, and more politically informed. A majority of voters in WA 5 made up their minds in September or before, while pluralities did the same in OH 6 and IA 4.

A majority of voters made up their minds in the final five weeks of the campaign, except in WA 5. Of those voters who made up their mind in the last week of the campaign, 29% were in IA 4, 28% in OH 6, and only 17% in WA 5. The data supports the premise that late advertising is a way to influence the outcome of races. Voters who decided in the final weeks of the campaign are more likely to be less educated, of lower socio-economic status, working women, and ticket-splitters:

	IA 4	OH 6	WA 5
Election Day	12%	13%	4%
Weekend before the election	10%	8%	8%
First week in November	7%	7%	5%
Last two weeks of October	16%	12%	13%
First two weeks of October	7%	6%	12%
In September	11%	8%	13%
Before September	32%	38%	39%
First Week in November	29%	28%	17%
October	22%	18%	25%
In September or Before	43%	46%	52%

Presidential Vote

The data shows that Bob Dole lost in every district. Dole took the worst beating in OH 6, where the Republican incumbent lost by two percentage points. The top of the ticket was a drag on Republicans in 1996, and especially hurt those incumbents that were in trouble.

	IA 4	OH 6	WA 5
Dole	38%	29%	37%
Clinton	41%	41%	38%
Perot	6%	8%	9%
Don't Know/Refused/Other	14%	22%	17%

Congressional Vote

Of the three Republican incumbents in these districts, two were returned to office (Greg Ganske and George Nethercutt), while one was defeated (Frank Cremeans). Our surveys show results that correspond with the election results, though it should be noted that Frank Cremeans received more of the vote on election day than is shown in our survey.

	IA 4	OH 6	WA 5
GOP Incumbent	53%	34%	52%
Democrat Challenger	34%	47%	36%
Don't Know/Refused/Other	13%	19%	13%
GOP Incumbent Advantage	**+19**	**-13**	**+16**

- The gender gap was apparent in our surveys, but only in OH 6 did the Democrat challenger receive a larger percentage of women and men than the Republican incumbent. In OH 6, Cremeans lost men by a close margin (37% to 42%) and lost women (32% to 53%). In IA 4, Greg Ganske carried women 48% to 38%, while he won a with a large margin among men, 57% to 29%. In WA 5, Nethercutt carried women 47% to 39% and won with men 57% to 32%.

- Where ticket-splitters broke against the Republican, the Republican lost. Ticket-splitters went for the Republican incumbent in Ganske's (56%-16%) and Nethercutt's (48%-28%) districts (IA 4 & WA 5), but against Cremeans (16%-48%) in OH 6.
- Among voters who were aware of the AFL-CIO campaign, two districts showed that the Republican received more of the vote. In IA 4 a majority of voters who had seen, read or heard of the AFL-CIO ad campaign voted for Ganske. In WA 5, 46% of voters who were aware of the ad campaign voted for Nethercutt. In OH 6 the trend went the other way, with 50% of voters aware of the AFL-CIO campaign voted for the Democrat challenger.
- In all three districts, voters who said they were aware of the Coalition advertising, gave the Republican challenger larger percentages of the vote. In OH 6, 45% of voters aware of the ad campaign voted for Cremeans. In WA 5, 53% of the voters that knew about the Coalition ads voted for Nethercutt. Similarly, in IA 4 45% of voters went for Ganske.

Perceptions - GOP Incumbents

Not surprisingly, the Republican incumbents who won their races have a much higher favorability ratio than does the incumbent who lost his race. Greg Ganske and George Nethercutt had very high favorables, while Frank Cremeans was not so fortunate.

	IA-4	OH 6	WA 5
Favorable	64%	43%	58%
Unfavorable .	26%	32%	32%
No Opinion	7%	19%	8%
Never Heard Of	2%	6%	2%

- Among voters who say they were aware of the AFL-CIO advertising, Ganske's favorables were higher at 67% favorable, 26% unfavorable. Among voters who were aware of the Coalition's advertising, Ganske had 59% of

voters viewing him favorably, and 35% of voters viewing him unfavorably.

- Among voters who say they were aware of the AFL-CIO advertising, Nethercutt's favorables were at 56% favorable, 36% unfavorable. Among voters who were aware of the Coalition's advertising, Nethercutt had 55% of voters viewing him favorably, and 35% of voters viewing him unfavorably.
- Among voters who say they were aware of the AFL-CIO advertising, Cremeans favorables were at 48% favorable, 35% unfavorable. Among voters who were aware of the Coalition's advertising, Cremeans had 53% of voters viewing him favorably, and only 18% of voters viewing him unfavorably.

Perceptions - Democrat Challengers.

Among the Democrat challengers, we find that Judy Olson was in the worst shape in WA 5, while Connie McBurney and Ted Strickland fared much better. Strickland, who had the highest favorables, was the only candidate who won the race.

	IA 4	OH 6	WA 5
Favorable	53%	54%	46%
Unfavorable	32%	26%	29%
No Opinion	11%	16%	21%
Never Heard Of	4%	3%	4%

- Among voters who say they were aware of the AFL-CIO advertising, McBurney's favorables were at 61% favorable, 27% unfavorable. Among voters who were aware of the Coalition's advertising, McBurney had 61% of voters viewing her favorably, and 25% of voters viewing her unfavorably.
- Among voters who say they were aware of the AFL-CIO advertising, Olson's favorables were at 52% favorable, 31% unfavorable. Among voters who were aware of the Coalition's advertising, Olson had 49% of voters

viewing her favorably, and 35% of voters viewing her unfavorably.

- Among voters who say they were aware of the AFL-CIO advertising, Strickland's favorables were at 57% favorable, 33% unfavorable. Among voters who were aware of the Coalition's advertising, Strickland had 53% of voters viewing him favorably, and 24% of voters viewing him unfavorably.

Newt Gingrich

Gingrich Influence on Vote Behavior

Newt Gingrich was not a major factor in the vote behavior of majorities of voters in our districts. Approximately one quarter of voters said that their vote was against Gingrich, and these voters were most likely to be partisan Democrats. WA 5 had the largest majority of voters who said they voted against Gingrich, while IA 4 voters were most likely to say that Gingrich was not a factor. Only a small percentage of voters said their vote was for Gingrich, and this sentiment was driven mostly by Republican men.

	IA 4	OH 6	WA 5
Vote was for Gingrich	8%	7%	6%
Vote was against Gingrich	21%	23%	28%
Gingrich was not a factor	69%	64%	58%
Don't Know	2%	6%1	9%

Perceived Effectiveness of AFL-CIO Efforts to Tie Members to Gingrich

Approximately one-third of voters in each of our districts believes that the AFL-CIO attempt to link Newt Gingrich to individual members of Congress was very effective. These voters are most likely to be Democrats, especially Democrat men, less educated voters, and women at home. A majority of voters in IA 4 believe the effort was not effective, while a plurality of voters in OH 6 and WA 5 say it was not effective.

	IA 4	OH 6	WA 5
Effective	33%	34%	32%
Not effective	50%	43%	47%
Don't Know	16%	23%	21%

Perceptions of AFL-CIO Campaign/Campaign Finance

AFL-CIO's Use of Union Dues to target Republicans

Overall, an overwhelming majority of voters in each of our districts say they disapprove of the AFL-CIO's use of mandatory union dues to defeat Republicans and give Democrats control of the House of Representatives. Those saying that they approve are the most partisan Democrats, while the other segments of the electorate are against the AFL-CIO's tactics.

	IA 4	OH 6	WA 5
Approve	16%	17%	11
Disapprove	65%	64%	70%
No Difference	9%	7%	8%
Don't Know	10%	12%	11%

Future Campaign Finance Reform Should Restrict AFL-CIO Spending and Make them Follow the Same Rules and Spending Limits as Other Organizations

Large majority of voters in all of our districts agree with the assertion that the AFL-CIO should be included in future campaign finance reform, specifically restricting the use of mandatory dues, and making the AFL-CIO comply with the same spending limits and rules that other organizations follow.

	IA-4	OH 6	WA 5
Agree	76%	69%	74%
Disagree	8%	16%	13%
Don't Know/Depends	16%	15%	13%

Priorities For GOP Congress/Perception of Medicare

Importance of Republican Efforts to Reform Medicare to Vote Decision

More than 60% of voters in each district say that the Republican efforts to reform Medicare were important to their vote decision. Voters in WA 5 were more likely to believe that Medicare was important, while less educated voters in OH-06 said that the Medicare issue was not as important to them. Seniors and women were most likely to be driving the intensity on the importance of the Medicare issue to vote behavior.

	IA-4	OH 6	WA 5
Important	65%	64%	70%
Not Important	16%	17%	11%
No Difference	9%	7%	8%
Don't Know	10%	12%	11%

First Thing You Would Like to See the New GOP Congress Address

In all of our surveys, we find that the top issues voters expect the new Republican majority to address are resolving Medicare, balancing the budget, and implementing tax relief for working families. It is not surprising that voters are focused on these three issues, as they were the core of the 1996 campaign. It is also interesting to note that the issues that these voters are focused on, were also the major themes of Coalition advertising. Welfare Reform and Education were also on the minds of a significant number of voters.

	IA 4	OH 6	WA 5
Resolving Medicare	29%	32%	27%
Balancing the Budget	23%	22%	27%
Tax Relief for working families	15%	11%	13%
Education Reform	8%	7%	6%
Welfare Reform	9%	8%	9%
Campaign Finance Reform	5%	4%	7%
Superfund	1%	3%	2%
Energy Deregulation	1%	1%	*

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