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BY HAND

MUR # 5385

September 3, 2003

Lawrence M. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Groundswell Voters PAC

Dear Mr. Norton:

My firm is counsel to Gephardt for President, Inc. (the "Committee"), the principal campaign committee to Congressman Richard A. Gephardt as he runs for President of the United States. An organization styled as "Groundswell Voters PAC" has been fraudulently soliciting contributions from Congressman Gephardt's supporters.

In August, the Committee obtained copies of a fundraising letter sent by Groundswell Voters PAC. See Attachment A. The letter purported to appeal "to a select group of supporters to help us boost Dick Gephardt in the upcoming primaries in New Hampshire and Iowa through a program of behind-the-scenes grassroots support ..." *Id.* The letter referred to Congressman Gephardt no fewer than seven times and promised to use funds it received "to help propel Dick Gephardt to the Democratic nomination and on to the Presidency in 2004." *Id.*

Groundswell Voters PAC's efforts were so far "behind the scenes" that the Committee was wholly unaware of them. The Committee concluded that the group did not truly support Congressman Gephardt's campaign and was trying to mislead his supporters for its own private gain.

A closer look at the solicitation and its sender only increased the Committee's concern. First, the names of the individuals known to have received the solicitation led the Committee to conclude that Groundswell Voters PAC had obtained them from

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reports on file with the Federal Election Commission – a clear violation of 2 U.S.C. § 438(a)(4) (2003). Second, its name notwithstanding, Groundswell Voters PAC is not registered with the FEC.

To stop these apparent violations, counsel to the Committee sent the organization a letter on August 20, 2003, demanding that it cease and desist in the use of Congressman Gephardt's name. The Committee further demanded that the group, within 10 days, provide a written accounting of funds raised through the illicit solicitation, and detail its plans to return fraudulently obtained funds to the original donors.

The Committee has received no response. However, the organization's web site suggests that the letter was received. The web site now contains language saying:

Please note: Our political agenda has changed but our website is still being updated to reflect these changes. Our recent advocacy of candidates to Federal office may subject your contribution to limitations imposed by the Federal Elections Campaign Act."

See Attachment B. That language was absent from the group's web page when the Committee sent its letter. At that time, the web page disavowed any effort to advocate the election or defeat of federal candidates. *See* Attachment C (copied from the group's web site by Committee staff on August 20, 2003).

The Federal Election Campaign Act has long banned the fraudulent misrepresentation of campaign authority by political opponents – a ban that dates back to the gross abuses of Watergate itself. In 2002, rising fraud in the political fundraising world led Congress to expand the ban. As amended, the law permits no doubt as to its application here. It now prohibits any person from fraudulently misrepresenting himself or herself "as speaking, writing, or otherwise acting for or on behalf of any candidate ... for the purpose of soliciting contributions or donations ..." 2 U.S.C. § 441h(b) (2003).

Fraud is the most serious violation presented here. Yet it is not the only one. Groundswell Voters PAC seems to have plundered Congressman Gephardt's FEC reports to raise funds, in stark violation of 2 U.S.C. § 438. Moreover, in an apparent effort to evade accountability and transparency, the group seems to have disregarded

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FEC registration and reporting requirements, notwithstanding large sums spent expressly advocating the election of Federal candidates.

Together, these violations present a compelling case for immediate criminal referral and investigation. Please do not hesitate to contact me if you have any questions about this matter.

Very truly yours,


Judith L. Corley
Counsel to Gephardt for President, Inc.

DISTRICT OF COLUMBIA

SUBSCRIBED AND SWORN to before me this 3 day of September, 2003.


Notary Public

My Commission Expires:

JORGE E. ROSITO
Notary Public, District Of Columbia
My Commission Expires May 31, 2006

Attachments

cc:

Groundswell Voters PAC

ATTACHMENT B

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Groundswell Voters is a non partisan Political Action Committee organized to oppose a unilateral war with Iraq.

We are made up of a diverse group that opposes going to war with Iraq without the support of the world community and clear evidence that Iraq is concealing weapons of mass destruction.

We do not advocate the election or defeat of candidates or holders of political office and we do not espouse an agenda of the liberal left or conservative right or any particular ideology except that this war under these conditions is wrong.

Our Washington DC office is located at 6701 Democracy Blvd, Ste 300, Bethesda, MD 20817. You may send us email at Info@GroundswellVoters.Org <<mailto:info@groundswellvoters.org>>.

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ATTACHMENT C

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About Groundswell Voters PAC

Groundswell Voters is a Political Action Committee organized to oppose a unilateral war with Iraq.

We are made up of a diverse group that opposes going to war with Iraq without the support of the world community and clear evidence that Iraq is concealing weapons of mass destruction.

Before the war we did not advocate the election or defeat of candidates or holders of political office. We now support efforts of the Democratic candidates for the Presidency.

Our Washington DC office is located at 6701 Democracy Blvd, Ste 300, Bethesda, MD 20817. You may send us email at Info@GroundswellVoters.Org.

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