

**FEDERAL ELECTION COMMISSION**

999 E Street, N.W.

Washington, D.C. 20463

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**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

MUR: 5698

DATE COMPLAINT FILED: January 17, 2006

DATE OF NOTIFICATION: January 24, 2006

LAST RESPONSE RECEIVED: February 10, 2006

DATE ACTIVATED: August 15, 2006

EXPIRATION OF SOL: January 17, 2011

**COMPLAINANT:**

Andy McKenna, Jr., Chairman, Illinois Republican Party

**RESPONDENTS:**

Tenth District Blog  
Illinois-10 General Election Fund, a project of  
ActBlue, and Matthew DeBergalis, in his official  
capacity as treasurer  
Committee to Elect Zane Smith, and Barry J. Moltz,  
in his official capacity as treasurer

**RELEVANT STATUTES:**

2 U.S.C. § 431(4)(A)  
2 U.S.C. § 431(8)(A)(i)  
2 U.S.C. § 431(9)(A)(i)  
2 U.S.C. § 433  
2 U.S.C. § 434(a)(1)  
2 U.S.C. § 441d(a)(3)  
11 C.F.R. § 100.26  
11 C.F.R. § 100.73  
11 C.F.R. § 100.94(a) & (b)  
11 C.F.R. § 100.132  
11 C.F.R. § 100.155(a) & (b)

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

**FEDERAL AGENCIES CHECKED:**

None

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**I. INTRODUCTION**

MUR 5698 involves alleged violations of the Federal Election Campaign Act of 1971, as amended, ("the Act") arising from the activities of an "Internet blog" named the Tenth District Blog ("the Blog").<sup>1</sup> The complaint alleges that the Blog expressly advocated the defeat of Illinois' 10<sup>th</sup> District's Congressman Mark Kirk and solicited contributions for the campaigns of his potential Democratic opponents, including the Committee To Elect Zane Smith ("Smith Committee") and the Illinois-10 General Election Fund ("IL-10 Fund"), a fundraising project of the federal political committee ActBlue. The Blog is also alleged to have failed to include a proper disclaimer on communications containing express advocacy or soliciting contributions. Due to the alleged making of expenditures and possible receipt of contributions, the complainant argues that the Blog triggered political committee status, requiring it to comply with the Act's reporting and registration requirements. Because the Blog directed readers to make contributions to the Smith Committee and the IL-10 Fund, the complaint asserts that these contribution recipients may have also violated the Act through their failure to report certain unidentified contributions facilitated by the Blog.

Based on the available information, the Blog does not appear to have made any expenditures or received any contributions that would trigger political committee status. Nor does the available information provide a sufficient basis to open an investigation to determine whether the Blog violated any other provision of the Act. Therefore, we recommend that the

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<sup>1</sup> The term "blog" derives from the term "web log" and is defined as an online diary or personal chronological log of thoughts published on a Web page. See Explanation and Justification for Internet Communications rulemaking, 71 Fed. Reg. 18589, 18590, fn5 (April 12, 2006) (citing to Webster's New Millenium Dictionary of English, available at <http://www.dictionary.com>)).

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1 Commission find no reason to believe that any of the Respondents violated the Act in connection  
2 with this MUR.

3 **II. FACTUAL AND LEGAL ANALYSIS**

4 **A. Background**  
5

6 The Tenth District Blog, [www.illinois10.blogspot.com](http://www.illinois10.blogspot.com), was established by an  
7 anonymous person using Google's E-blogger software. The E-blogger service, which advertises  
8 itself as free of charge, enables registered users who agree to certain terms of use to create a  
9 personal web site for the publication of materials. See <http://www.blogger.com/start>.<sup>2</sup> A blog  
10 operator on E-blogger can choose to remain publicly anonymous, as is the case with the Blog's  
11 author, although E-blogger apparently retains a registrant's identification information (electronic  
12 mail address). See <http://www.blogger.com/signup.g>. Pursuant to its privacy policy, E-blogger  
13 will not share information about blogger accounts except under limited circumstances such as the  
14 good faith belief that such disclosure is necessary to comply with compulsory legal process.<sup>3</sup> *Id.*

15 The material published on the Blog consisted of seven diary entries ("posts") filed  
16 between November 12-17, 2005 and two additional posts, the first on December 5, 2005 and the  
17 second on June 25, 2006. The sporadic writings discuss various issues related to Illinois' 10<sup>th</sup>  
18 Congressional District, which is currently represented by Republican Mark Kirk (e.g. the  
19 district's demographics, the site of an upcoming campaign event, analysis of candidate

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<sup>2</sup> E-blogger is operated by Pyra.com, a subsidiary of Google. Web sites operated through E-blogger contain the "blogspot" name in their Internet addresses.

<sup>3</sup> We made no formal attempt to retrieve the identity of the operator of the Blog since this Matter remains in a pre-investigative stage. It appears the individual responsible for the Blog also posts entries frequently to a "diary" published on the [www.dailykos.com](http://www.dailykos.com) and [www.mvdd.com](http://www.mvdd.com) web sites, where he or she uses the alias "peacenik23." Peacenik23 has indicated in the diaries that he or she is affiliated with the Northbrook (IL) Peace Project, an organization mentioned in Blog posts.

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statements and positions). Attachment 1. Although it is clear that the blogger supports Democrats over the incumbent Republican, the Blog's posts generally do not appear to expressly advocate the election or defeat of a specific candidate. The Blog also contains hyperlinks to various other web sites, including those of the different candidates for the seat (including Mark Kirk), the Center for Responsive Politics' webpage on Mark Kirk's campaign finances, and to the Library of Congress's "Thomas" legislation locator's listing of bills sponsored by Mark Kirk.

In its right-hand margin, the Blog has a small section entitled "Support Democrats" containing a box that enables readers to make contributions to Kirk's political opponents via ActBlue.com, a web site operated by ActBlue, a registered federal political committee that advertises itself as a clearinghouse for contributions to Democratic Party candidates. <http://www.actblue.com/>. At the time the complaint was filed, the site was listing the Smith Committee as well as the Il-10 Fund as potential contribution recipients. As of the date of the general election, the link encouraged contributions to Dan Seals, the Democratic nominee in the 10<sup>th</sup> District of Illinois. It appears that the Blog made no contact with the recipient committees prior to listing their names on the webpage.

When making a contribution using the Blog's hyperlinks to ActBlue, contributors are transferred to the web site of ActBlue.com where they must complete an online contribution form and provide credit card information in order to effect the contribution to the selected candidate. The processed contributions are reported on ActBlue's Commission-filed disclosure reports as earmarked contribution receipts. The reports' disbursement schedules, in turn, disclose that

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1 ActBlue has forwarded the contributions to the appropriate candidates.<sup>4</sup> ActBlue claims to have  
2 received over \$12,000,000 in contributions on behalf of numerous Democratic candidates from  
3 2004 through October 2006.

4 In addition to accepting earmarked contributions for declared candidates, ActBlue also  
5 operates "district funds" in election contests where a Democratic nominee has yet to be  
6 nominated. ActBlue has created funds for scores of congressional district elections and the Il-10  
7 Fund was one such fund. When a candidate is eventually nominated, ActBlue forwards the  
8 amounts collected in the specific district fund to the appropriate nominee.<sup>5</sup>

9 ActBlue claims to track which web sites connect contributors to its service, and has  
10 represented that its records show no contributions to any candidates or the Il-10 Fund resulting  
11 from the Blog's link. It also states that it had no contact with the Blog concerning the hyperlink,  
12 but speculates that the Blog obtained the software to establish the hyperlink by downloading it  
13 from ActBlue.com's web site where its link technology is made available to bloggers and others.

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<sup>4</sup> ActBlue appears to have been properly receiving earmarked contributions on behalf of candidates who had established authorized committees and it properly reported those earmarked contributions and forwarded them within 10 days. *See* 11 C.F.R. §§ 102.8(a) and 110.6(c); *see also* Audit of Schneider for Congress (LRA 624) and Audit of Chellie Pingree for U.S. Senate (LRA 643) (discussing MoveOn.Com's Internet-based earmarked contribution fundraising program).

<sup>5</sup> Counsel to ActBlue asserts that the district funds were established in compliance with AO 1982-23, where the Commission permitted a terminating political committee to disburse its remaining funds to a local party organization for its use on behalf of a yet to be selected party candidate. More recently, the Commission approved a request in AO 2006-30 from ActBlue and in AO 2003-23 from We Lead, allowing them to collect earmarked contributions for unnamed or undeclared candidates for federal office. The Commission concluded in these opinions that for the purposes of the earmarking regulations, a candidate was sufficiently identified when the office, party, and election cycle were identified. Thus, it appears that ActBlue's fundraising efforts on behalf of anticipated candidates for congressional races are consistent with the Commission's interpretations of earmarking regulations in AO 2006-30 and AO 2003-23 because each district fund is dedicated to a specific office, party, and election cycle. In any event, a review of ActBlue's disclosure reports and its archived contribution data suggests that a de minimis amount of contributions were made to "district funds" and that the vast majority of activity was related to specifically identified candidates and PACs.

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**B. The Blog's Political Committee Status**

Complainant alleges that the Blog became a political committee as a result of receiving more than \$1,000 in contributions or making more than \$1,000 in expenditures. The Act requires all political committees to register with the Commission and file a statement of organization within ten days of becoming a political committee. *See* 2 U.S.C. § 433. Each treasurer of a political committee shall file periodic reports of the committee's receipts and disbursements with the Commission. *See* 2 U.S.C. § 434(a)(1). The Act defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4)(A). For the purpose of triggering political committee status, the Act defines the terms "contribution" and "expenditure" as including "anything of value made by any person for the purpose of influencing any election for Federal office."<sup>6</sup> *See* 2 U.S.C. §§ 431(8)(A)(i), (9)(A)(i).

**1. Contributions**

The Blog does not appear to have received any contributions that might have triggered political committee status. The web site does not request that readers make contributions to it. It merely provides hyperlinks to enable donors to contribute to registered political committees through ActBlue. Additionally, ActBlue has asserted that, in fact, no contributions were received

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<sup>6</sup> The Act and Commission regulations define the term "expenditure" to include "any purchase, payment, ... or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9)(A)(i); 11 C.F.R. § 100.11(a). Funds used for communications that expressly advocate the election or defeat of a clearly identified Federal candidate are "expenditures." *See McConnell v. FEC*, 540 U.S. 93, 190-92 (2003); *see also Buckley v. Valeo*, 429 U.S. 1, 77-80 (1976).

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1 through the hyperlink provided by the Blog. ActBlue's archived fundraising data, available on  
2 its web site, also do not show any contributions from the Tenth District Blog.

3                   2.     Expenditures

4             An individual's uncompensated personal services related to Internet activities and the  
5 individual's use of equipment or services for uncompensated Internet activities do not constitute  
6 contributions or expenditures.<sup>7</sup> 11 C.F.R. §§ 100.94(a) and 100.155(a). "Internet activities"  
7 include, but are not limited to: sending or forwarding electronic messages; providing a hyperlink  
8 or other direct access to another person's web site; blogging; creating, maintaining or hosting a  
9 web site; paying a nominal fee for the use of another person's web site; and any other form of  
10 communication distributed over the Internet. 11 C.F.R. §§ 100.94(b) and 100.155(b). Further,  
11 any cost incurred in covering or carrying a news story, commentary or editorial by a web site or  
12 other periodical publication, including any Internet or electronic publication, is not a contribution  
13 or expenditure unless the facility is owned or controlled by a political party, political committee  
14 or candidate. 11 C.F.R. §§ 100.73 and 100.132.

15             There is no basis to infer that the Blog incurred sufficient expenditures to trigger political  
16 committee status since its apparent operational costs were minimal. The web site did not appear  
17 to incur any registration fees and the minimal amount of blogging suggests that limited resources

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<sup>7</sup> The effective date of the Commission's new Internet regulations was May 12, 2006, thirty days after the rules were published in the Federal Register. Although most of the Blog's activities pre-date the new rules, the Commission stated that it was "clarifying and affirming" its existing practices with the adoption of the new regulations. See 71 Fed. Reg. 18590.

As explained earlier in the Report, we do not believe it possible to determine the actual identity of the blogger without opening an investigation. While there is a possibility that the blogger is not eligible for the exemption, because for instance the blogger is not in fact an individual or group of individuals, there is nothing in the record to suggest such an inference. See Statement of Reasons by Commissioners Mason, Sandstrom, Smith, and Thomas in MUR 4960 (Hillary Rodham Clinton for US Senate Exploratory Committee), at page 3 ("purely speculative charges" do not meet reason-to-believe threshold).

1 were used for its maintenance. Moreover, the recent "Internet" rulemaking makes plain that the  
2 Commission will not regulate "ordinary blogging activity" and specifically exempts blogging  
3 performed by an individual from the definition of expenditure and contribution. See 11 C.F.R.  
4 §§ 100.94(a) & (b) and 100.155(a) & (b); see also 71 Fed. Reg. 18596 (April 12, 2006). Thus,  
5 even if the costs of the blog exceeded \$1,000, these costs are not applicable to the expenditure  
6 threshold for establishing political committee status.<sup>8</sup>

7 Therefore, because the Blog has not received more than \$1,000 in contributions or made  
8 in excess of \$1,000 in expenditures, it has not triggered political committee status. Thus, we  
9 recommend that the Commission find no reason to believe that the Tenth District Blog has  
10 violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee.

11 **C. Disclaimers**

12 Whenever any person makes a disbursement for the purpose of financing a "public  
13 communication" that expressly advocates the election or defeat of a clearly identified candidate  
14 or solicits contributions, such communication must clearly state the name and identifying  
15 information of the person who paid for it. 2 U.S.C. § 441d(a)(3); 11 CFR § 110.11(a). A "public  
16 communication" does not include communications over the Internet, except for communications  
17 placed for a fee on another person's Web site. 11 C.F.R. § 100.26.<sup>9</sup>

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<sup>8</sup> The statement "support Democrats" which promoted the Blog's campaign fundraising hyperlinks constitutes express advocacy of the candidates whose names are featured below the slogan. See 11 C.F.R. § 100.22(a). However, because blogging activity is exempt from the definition of contribution or expenditure, the statement does not give rise to a contribution or expenditure. 11 C.F.R. §§ 100.94(a) and 100.155(a). Additionally, the costs associated with this express advocacy appear to be minimal.

<sup>9</sup> Prior to the Internet rulemaking, the definition of public communications exempted all Internet communications. See 11 C.F.R. § 100.26 (2005).

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As explained above, the Blog encouraged readers to make contributions to certain candidates and promoted its hyperlink to ActBlue's fundraising web site with the slogan "Support Democrats," which appeared above the names of candidates accepting contributions. This type of solicitation and express advocacy message, if used in a "public communication," requires a disclaimer identifying who funded it. However, the Commission has exempted Internet communications from the definition of "public communication," provided that the web site using express advocacy received no fees for the communication.

In this case, counsel for ActBlue has stated that ActBlue had never heard of the Blog prior to this MUR, much less paid it any funds for establishing hyperlinks to ActBlue's web site. Similarly, the Smith Committee denies any contact with the Blog. Thus, it appears that no disclaimer was required for the web site's solicitation of contributions or use of express advocacy, and there is no reason to believe the Blog violated 2 U.S.C. § 441d.

**D. Other Respondents**

The Smith Committee in its response to the Commission's complaint notification stated that it had no contact with or knowledge of the Blog. Additionally, it appears that no contributions were ever forwarded to the Smith Committee from the Blog or ActBlue, which would have given rise to a reporting obligation of the Smith Committee. Therefore, there is no reason to believe that the Committee To Elect Zane Smith has violated any provision of the Act. Similarly, it has been represented that the Illinois-10 General Election Fund received no funds at any point, and therefore, it had no reporting obligations and there is no reason to believe that it violated any provision of the Act.<sup>10</sup>

<sup>10</sup> Other than those activities pertaining to the Blog and the Tenth District Fund project, the activities of ActBlue are not at issue in this MUR and we make no recommendations as to ActBlue and its fundraising programs.

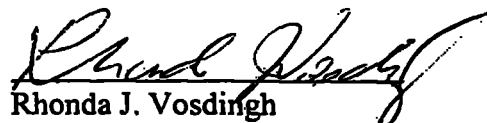
1 **III. RECOMMENDATIONS**

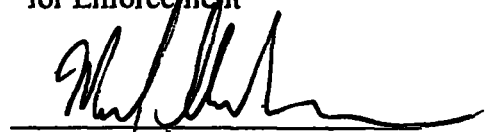
- 2 1. Find no reason to believe that the Tenth District Blog has violated 2 U.S.C.  
3 §§ 433 and 434 by failing to register and report as political committee or any other  
4 provision of the Act and find no reason to believe that the Tenth District Blog has  
5 violated 2 U.S.C. § 441d by failing to include disclaimers on its communications;  
6  
7 2. Find no reason to believe that the Committee To Elect Zane Smith, and Barry J.  
8 Moltz, in his official capacity as treasurer, has violated any provision of the Act;  
9  
10 3. Find no reason to believe that the Illinois-10 General Election Fund and Matthew  
11 DeBergalis, in his official capacity as treasurer, has violated any provision of the  
12 Act;  
13  
14 4. Approve the appropriate letters; and  
15  
16 5. Close the file.

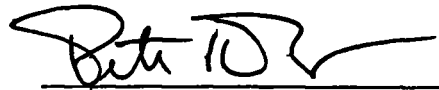
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19 Lawrence H. Norton  
20 General Counsel

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Rhonda J. Vosdinger  
Associate General Counsel  
for Enforcement

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Mark D. Shonkwiler  
Assistant General Counsel

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Peter G. Blumberg  
Attorney

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39 Attachment:

- 40 1. Illinois 10 Blog Postings  
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 SEARCH THIS BLOG  
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# TENTH DISTRICT BLOG

ANALYSIS ON THE 2006 CONGRESSIONAL RACE IN IL-10.

SATURDAY, JUNE 24, 2006

## Back

This blog was first launched over six months ago and my initial ambitions notwithstanding I very quickly took an indefinite leave of absence. And, this would likely not have ended if not for events of the past week. I got to meet Dan Seals personally and then in my conversations with people about other issues, I kept hearing about a great candidate named Dan Seals. After looking some more in to Dan's candidacy, I realized this really is a person I can get excited about. So here I am, back to blogging and following events in my home district.

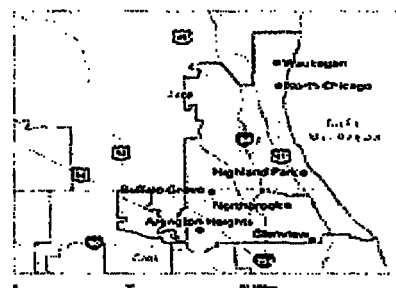
Dan Seals made waves with his tremendous fundraising success in the last quarter. He raised \$374,159 and ended with \$244,297 in cash on hand. To provide some perspective, as far as I can tell in the 2004 race Democrat Lee Goodman raised only \$95,992 for the election. Seals is doing significantly better and claims to have raised in the "same ballpark" for this quarter which ends June 30th. In response to Seals' fundraising prowess and Bush's tumbling popularity, the Cook Political Report added IL-10 to its list of competitive races this cycle. Meanwhile Mark Kirk still has a huge cash on hand advantage with \$1,367,397 as of the latest report, but he's got to be feeling the pressure of having a real race on his hands.

All that being said, I finally got to meet Dan last week at a house party in Lincolnshire. He had the crowd of Democrats, Independents, and even some Republicans nodding along and hanging on his every word. Dan has a clear command of the issues and ability to break them down to their most basic essence. Particularly on economics he took big picture ideas and explained them in a way that made sense on a bread and butter level. He was also clear that American troops must be redeployed from Iraq despite knowing that some in

ABOUT ME

IS

VIEW MY COMPLETE PROFILE



- District Info
- Mark Kirk and Tom Delay
- Kirk's Finances
- Kirk's Attempted Legislation
- Kirk's Voting Record

SUPPORT DEMOCRATS

Dan Seals (IL-10)

\$ 
**Contribute**  
 with ActBlue

LINKS

 Mark Kirk (R) Campaign  
 Site
Attachment 1Page 1 of 10

attendance disagreed.

While all this policy stuff is important for a Congressman, there were two things that particularly impressed me.

- 1) Dan connects with people on a human to human level.
- 2) Dan isn't running against "Mark Kirk" the individual. He's running against Mark Kirk the Assistant Majority Whip in the House who has been integral in pushing the Bush/Cheney/Rove/Republican agenda for the country.

It looks like this race is going to be fun.

POSTED BY IS AT 1:07 PM 0 COMMENTS

MONDAY, DECEMBER 05, 2005

## Kirk's Record

A great new reference has been posted to keep track of Kirk's far right Republican voting record

Check it out

More analysis later..

POSTED BY IS AT 4:59 PM 0 COMMENTS

THURSDAY, NOVEMBER 17, 2005

## clips

Two Brief Kirk stories to report on today

- 1) AtCenterNetwork.com has put up the video of MoveOn petitions being delivered to Kirk's office. These residents of the 10th district demanded that Kirk practice fiscal sanity and reject any outrageous budget proposal.

Check out the video here.

- 2) Mark Kirk got a lot of favorable coverage today for going to Winnetka and honoring some soldiers.

Dan Seals (D) Campaign Site  
10th District Democrats  
AtCenterNetwork.com  
EllenOfTheTenth  
Public Affairs

## PREVIOUS POSTS

Back  
Kirk's Record  
clips  
Meet the Dems  
Persistence  
Outrage Grows  
Obama Criticizes Kirk  
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District Info

## ARCHIVES

November 2005  
December 2005  
June 2006

000902

Free Website Counter



Attachment 1  
Page 2 of 10

U.S. Rep. Mark Kirk, R-10th, a veteran himself, stood alongside local vets and made special mention of several generations of Winnetka's soldiers, said Phil Hoza, quartermaster of the New Trier post of the Veterans of Foreign Wars.

Frankly, this type of shallow recognition of veterans should be accompanied by some meaningful action. Beyond the obvious move of bringing troops home from Iraq so that more don't have to die, there are other useful steps Kirk could be taking. Why hasn't he been working as dilligently on VA issues like Obama and Durbin? Where was he when Obama held hearings on the horrid state of the Chicago VA Regional Office? Represenative Kirk, if you want to support our troops, we're completely behind you. But, don't do so with shallow public displays. Take meaningful action to actually make their lives better.

POSTED BY IS AT 12:04 PM 0 COMMENTS

MONDAY, NOVEMBER 14, 2005

## Meet the Dems

I just got word from TenthDems that there'll be a chance to meet some of the 10th District candidates.

Want to talk about politics with some of the Democratic 10th District Congressional candidates? You will get your chance on **Wednesday, November 16, 7:00 p.m. at the AmVets Post, 700 McHenry Road, Wheeling.** Tenth Dems and the Wheeling Township Democrats are co-hosting this event for volunteers, members and supporters of our groups. The candidates have been invited. This is a chance for them to talk to you about some of their views, and for you to give them some feedback about what's important to you. Join us for the discussion.

Not sure who'll be there but its definitely worth checking out.

POSTED BY IS AT 10:44 PM 0 COMMENTS

SUNDAY, NOVEMBER 13, 2005

## Persistence

Attachment 1  
Page 3 of 10

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If nothing else, you have to give Democrats in the 10th a ton of credit for never giving up. Ever since Kirk refused to hold hearings on the War in Iraq (an offense which future candidate Lee Goodman apparently took personally), residents of the district have been hounding him on a variety of issues.

In the debate on privatizing social security Mark Kirk refused to publicly take a stand. Our only hint as to his stance comes from his adoption of the "Republican Main Street Partnership's stance" that "supports individual savings accounts and work incentives".

Congress must address the rapidly approaching disaster of a depleted Social Security system. Within the next ten years "baby boomers" will start retiring. It is estimated that, as a result of this, by 2013 Social Security will be making greater payments to retirees than it will take in from the workforce. By 2032 the Social Security Trust Fund will be completely exhausted. Congress could rewrite this forecast by establishing individual savings accounts, restoring Social Security to permanent actuarial solvency, improving work incentives and/or resolving internal administrative problems.

Source: Republican Main St. Partnership Issue Paper: Fiscal Policy 98-RMSP3  
on Sep 9, 1998

In response, MoveOn.org had residents of the 10th District deliver petitions to Rep. Kirk's office showing opposition to social security privatisation.

Now, this Wednesday, MoveOn, the Northbrook Peace Committee, and a variety of other Democratic groups will be delivering petitions calling on Kirk to reject the budget and work towards fiscal responsibility. This is an issue that can be a winner for Democrats in the district as Republicans like Kirk and Bush have driven the US into greater and greater deficits.

I encourage you to attend and report back on the event:

**Date:** Wednesday, November 16, 2005

**Time** 10:00 a.m.

**Location:** Office of Congressman Mark Kirk  
(Republican, 10th Dist. IL), 102 Wilmot Road, Deerfield,

Attachment 1  
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IL (office complex on the northwest corner of Wilmot and Lake-Cook Roads, just east of 294)

As always, look for a video report of what happens over at AtCenterNetwork.com. And, it'd be great if some other local media were there as well.

POSTED BY IS AT 10:03 PM 0 COMMENTS

## Outrage Grows

The outrage over Mark Kirk's remarks about Arab males continues to grow as a coalition of religious leaders has come out demanding an apology:

The twenty-five groups calling for an apology include the Jewish Council on Urban Affairs and the United Methodist Church's Northern Illinois Conference. The Council of Islamic Organizations of Greater Chicago has also urged public officials to repudiate Kirk's remarks.

This is precisely the type of press that Rep. Kirk has managed to avoid over the past 5 years. The unified opposition presented by these groups demonstrates that Kirk's views are not in the mainstream of the 10th district.

POSTED BY IS AT 11:42 AM 1 COMMENTS

SATURDAY, NOVEMBER 12, 2005

## Obama Criticizes Kirk

Lots of coverage this past friday of Senator Obama's criticism of Mark Kirk. Never a good sign when the most popular politician in your state goes after you.

Attachment 1  
Page 5 of 10

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The Sun Times had quoted Kirk as saying:

"I'm OK with discrimination against young Arab males from terrorist-producing states. I'm OK with that."...

"I think that when we look at the threat that's out there, young men, between, say, the ages of 18 and 25 from a couple of countries, I believe a certain amount of intense scrutiny should be placed on them," the Highland Park congressman was quoted as saying. "I'm not threatened by people from China. I'm not even threatened by people from Mexico. I just know where the threat is from. It's from a unique place, and I think it's OK to recognize that."

The Tribune, Sun-Times and Daily Herald all reported at least part of Obama's remarks:

"I like Mark Kirk, enjoy working with him and believe he cares deeply about our nation's security, but I believe his statement indicates a cavalier attitude towards civil liberties," the Democrat said. "His comments do a disservice to the public diplomacy process that's required to win the war on terror."

The Democrats are making a big issue of this as it is now the main entry over at TenthDems. They're also celebrating the fact that the Tribune recently referred to the 10th as a "tossup congressional district". One has to wonder how many slip-ups like this Kirk can afford over the next 52 weeks as the national Republican Party slowly disintegrates.

POSTED BY IS AT 11:36 PM 2 COMMENTS

Attachment 1  
Page 6 of 10



## Democrats Debate

The two declared Democrats running for IL-10 had a debate November 7th sponsored by Democracy for American-Evanston.

Dan Seals and Zane Smith talked about a variety of issues in a congenial setting. AtCenterNetwork.com was there filming the event. It's being posted in 6 parts so the links will be updated as they become available. I will comment more on this later.

Part 1

Part 2

Part 3

Part 4

Part 5

Part 6

According to the TenthDems, here is the status of Democratic candidates running to oppose Mark Kirk:

Dan Seals of Wilmette, a former aide to Sen. Joseph Lieberman (D-Connecticut) has publicly announced his candidacy for the 10th Congressional District seat now held by Rep. Mark Kirk. He joins Zane Smith, a Winnetka attorney and Parks Board member, as the two "official" candidates, although no one is technically official until they obtain enough signatures on petitions to get their name on the ballot. Peg Cucci, a Lincolnshire School Board member and a nurse at Stevenson High School, may soon join Seals and Smith in the race. Barry Bradford, a Stevenson teacher, has decided against making a run this year. Other potential

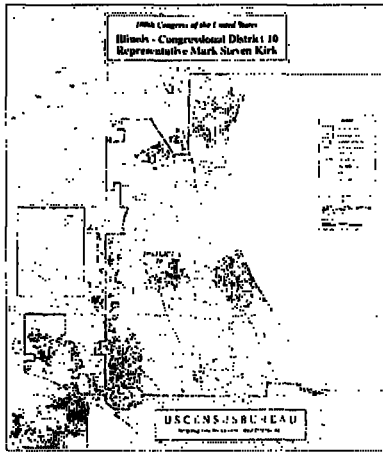
Attachment 1  
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candidates who are keeping their options open are David Robin, Clint Krislov, Jay Footlik, and Angelo Kyle.

It should be an interesting primary if more candidates jump in. This will be a nice change from the single candidacies of Perritt in 2002 and Goodman in 2004 - both of whom could have benefited from primary endorsements.

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## District Info



Welcome to the Illinois 10th Congressional District

### Some Basic Facts:

Total Population: 654,062

Foreign Born - 120,170 or 18.37%

Naturalized citizens- 50,848 -

The following data is a bit outdated but largely reflects the district as well:

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*About 45.2 percent of residents in the 10th district make a living as doctors, lawyers, managers and other professionals and 28.3 percent work in 9 to 5 office jobs as salespeople, administrative assistants or secretaries, for example. Another 10.4 percent are employed in transportation and production, jobs courted by powerful unions.*

*Median household income is \$69,030 a year and the median value of a home is \$263,200.*

*Married couples make up 62.3 percent of the district's households, and those with children represent 32 percent.*

In 2004, John Kerry defeated George W. Bush in the 10th District with 53% of the vote. In 2000, Al Gore defeated George W. Bush in this district as well.

### **Past Election Results:**

#### **2004**

x- Mark Kirk GOP 64%  
Lee Goodman Dem 36%

#### **2002**

x- Mark Kirk GOP 69%  
Henry Perritt, Jr. Dem 31%

#### **2000**

x-Mark Kirk GOP 121,582 51%  
Lauren Gash Dem 115,924 49%

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**1998**

x-John E. Porter GOP

**1996**

x-John E. Porter GOP 145,626 69%

Philip R. Torf Dem 65,144 31%

Philip Truskowski Oth 3 0%

**1994**

x-John E. Porter GOP 114,884 75%

Andrew M. Krupp Dem 38,191 25%

**1992**

x-John E. Porter GOP 155,230 65%

Michael J. Kennedy Dem 85,400 35%

**Thanks to**

[http://www.reviewjournal.com/db/election.results?](http://www.reviewjournal.com/db/election.results?district=il10&results=y)

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<http://www.icirr.org/legislators/kirk.pdf>

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