

**BEFORE THE FEDERAL ELECTION COMMISSION**

**IN THE MATTER OF:**

**THE AMERICAN LEADERSHIP  
PROJECT, and its OFFICERS,  
DIRECTORS, FUNDRAISERS, AND  
DONORS**

**MATTER UNDER REVIEW (MUR)**

**NO.**

**5977**

**2009 FEB 25 P 12:21**

**RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL**

**COMPLAINT FOR VIOLATION OF FEDERAL ELECTION LAW**

**NATURE OF THE COMPLAINT**

This Complaint alleges, under the enforcement provisions of the Federal Election Campaign Act ("FECA" or "the Act") and its implementing regulations,<sup>1</sup> that the American Leadership Project ("the Project") and its officers and directors are violating the Act by failing to register as a political committee and to limit their solicitations and receipts accordingly. The Complaint further alleges that the Project's fundraisers and donors are violating the Act as individuals, by failing to comply with the Act's limits on soliciting and making contributions to political committees.

**COMPLAINANTS**

The undersigned complainants are ordinary Ohioans, who have supported Senator Barack Obama's campaign, Obama for America, with small financial contributions consistent with the individual limits of the Act.

They include:

- Mischele Seng, a disabled woman from Streetsboro, Ohio who is unable to work due to her disability. Ms. Seng contributed \$10.00 to Senator Obama's campaign.
- J. Edward (Ed) Lupton, a union laborer from Streetsboro, Ohio who has contributed \$25.00 toward Senator Obama's movement.

<sup>1</sup> 2 U.S.C. § 437g; 11 C.F.R. § 111.4.

- **Emerylde Bradley, a semi-retired small-business owner from Streetsboro, Ohio who contributed \$25.00 to Senator Obama's campaign.**

These ordinary Ohioans contributed, in compliance with the law, what they could afford to assist Senator Obama. By contributing, they joined a movement that is close to having its millionth donation from ordinary Americans like them, mostly in small amounts. The ordinary Ohioans are also proud that the Obama campaign refuses to take political-action committee or special-interest money. The ordinary Ohioans are deeply distressed by the effort of the Project's wealthy funders to drown out the ordinary Ohioans' humble voices by evading individual contribution limits and by spending six- and seven-figure contributions on sham issue ads. According to press reports, the Project's intent is to defeat Senator Obama and assist Senator Clinton in turning around the result of 11-straight primary losses played by the rules. It appears that the Project may have been spurred in part by the Clinton campaign's over-reliance, relative to the Obama campaign, on wealthy donors and special-interest PACs that have contributed the maximum amount legally permitted and are thus unable to contribute more to assist Senator Clinton legally.

### **RESPONDENTS**

Respondents include the Project itself, located at 2261 Market Street, PMB 319, San Francisco, CA 94114, as well as those officers and directors (presently unknown to the ordinary Ohioans) who have consented to the Project's defiance of campaign-finance law. Respondents also include any donors (also presently unknown to the ordinary Ohioans) who contribute more than \$5,000 per calendar year to the Project.

29044231561

## **FACTUAL BACKGROUND**

On information and belief, based on several press reports (copies attached) and review of materials already publicly released by the Project, the ordinary Ohioans responsible for this Complaint allege the relevant facts to be as follows:

According to the Project's Form 8871 filing, on or about February 15, 2008, the Project was established with the self-described purpose as a "Section 527 political committee."<sup>2</sup> Consistent with this organizational document's stated purpose, according to press reports, several supporters of Senator Hillary Clinton's presidential campaign are collectively raising money and funding broadcast advertisements through the Project with the obvious purpose of supporting Senator Clinton's campaign. According to these reports, the Project's only plans are to run advertisements lauding Senator Clinton and attacking Senator Obama in the two states—Ohio and Texas—that Senator Clinton's campaign has identified as "firewall" states. Even former President Clinton has acknowledged Ohio and Texas to be "must-win" states for Senator Clinton's campaign, along perhaps with Pennsylvania, which is the last large state to hold its presidential-primary election.

## **LEGAL ANALYSIS**

In response to press and public outcry over its plans and activities, the Project has released a legal analysis (copy attached) explaining its view that its activities are not prohibited under the Bipartisan Campaign Reform Act ("McCain Feingold") restrictions on electioneering communications. Even if correct (which the ordinary Ohioans do not concede), this analysis ignores the PAC-status violations that the Project's failure to register presents.

As recently as last year, the Federal Election Commission took pains to make clear that groups organized under IRC section 527 to influence federal elections face significant vulnerability for failing to register as political committees under the Act and failing to comply with its limits. In particular, the Conciliation Agreements the Commission entered into with the "Swift Boat Veterans and POWs for

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<sup>2</sup> See American Leadership Project Form 8871, filed February 15, 2008 (copy attached).

Truth," the MoveOn.org Voter Fund, and the League of Conservation Voters 527s all illustrate that making express-advocacy communications is not, contrary to the analysis the Project offered, the *only* basis upon which political groups can trigger federal PAC status.<sup>3</sup> The FEC also presented these enforcement outcomes to the U.S. District Court for the District of Columbia in the *Shays II* litigation, in which the Commission explained that its recent regulatory changes had provided significant "anti-circumvention" measures to use in assessing penalties against groups like the Project that fail to comply with the Act's requirements for political committees.<sup>4</sup>

Thus, even assuming (but without conceding) that the Project's ads are not express advocacy<sup>5</sup> and are permissible under the Commission's regulations<sup>6</sup> for "electioneering communications" under *Wisconsin Right to Life II*,<sup>7</sup> the ordinary Ohioans allege that the Project has triggered PAC status based on (1) its public descriptions of itself and (2) on the contributions it has received in response to communications it has made to the public and, the ordinary Ohioans allege, on information and belief, to potential donors.

In particular, under the plain language of rules promulgated in 2004 to give FEC greater means to police exactly this kind of circumvention of the Act, PAC status can be imposed on the basis of the way a group like the Project raises its funds.<sup>8</sup> Given the sole and publicly admitted focus of this group on running ads lauding one clearly identified candidate and criticizing her opponent, and on running those ads only in the two states that a campaign has publicly identified as crucial to the candidate's chances to be the Democratic presidential nominee, it defies credulity to deny that the Project has assured its donors that their funds would be used to help Senator Clinton's presidential-election campaign. At a minimum, by publicly acknowledging that its ads would only run in precisely the same two states that Senator Clinton's campaign itself describes as her "firewall," the ordinary Ohioans allege that Project has indicated that any funds the Project receives will be used to support Senator Clinton's presidential primary election campaign.

<sup>3</sup> See <http://www.fec.gov/press/press2006/20061213mura.html>.

<sup>4</sup> See [http://www.fec.gov/law/litigation/Shays\\_04\\_fec\\_memo\\_support\\_2nd\\_summary\\_judgment.pdf](http://www.fec.gov/law/litigation/Shays_04_fec_memo_support_2nd_summary_judgment.pdf) at pp. 14-17.

<sup>5</sup> See 11 C.F.R. § 100.22(b).

<sup>6</sup> See 11 C.F.R. § 114.15.

<sup>7</sup> 127 S. Ct. 2652 (2007).

<sup>8</sup> See 11 C.F.R. § 100.57.

**This would have the effect of drowning out the voices of ordinary Ohioans who play by the rules.**

Under § 100.57, this means that the Project either has received or will receive more than \$1,000 in "contributions" as the Act defines that term, and that any donors who provide funds to the Project in response to these kinds of communications have made or will be making such FECA-defined "contributions" to the Project. To the extent the Commission determines that the Project is a political committee, all these "contributions" would be limited to \$5,000 per donor, per calendar year. But even if the Commission concludes that the Project is not acting as a PAC (which it is), any funds received from donors in response to the Project's assurances that its funds will be used to support Senator Clinton's campaign are subject to the bi-ennial aggregate limit of all contributions to federal recipients.<sup>9</sup>

Furthermore, the Project's major purpose is crystal clear. Since the Project itself reportedly acknowledges that it has no plans to engage in any other activities beyond the "pro-Clinton" ads noted above—and given the Project's suspicious emergence the moment Senator Clinton did not sweep Super Tuesday, February 5, 2008 and ran into serial primary-losses and financial trouble—the Project's exclusive purpose to support Senator Clinton's campaign through the funding and airing of sham issue ads. The Project's proposed ads contain no legitimate lobbying call-to-action, nor do they address any legislative issue. Ordinary Ohioans allege that the only reasonable interpretation of the ads themselves, especially since they are not part of a broader governmental issue-lobbying campaign, is that the ads and the group funding them have the exclusive purpose of supporting Senator Clinton's election.

Finally, to the extent that § 527 of the Internal Revenue Code describes "political organizations," the Project's self description of its own purpose as a "political committee" in its founding document is a dispositive admission that the Project's major purpose is not that of a "political organization" under I.R.C. § 527. To the contrary, the Project admits that its own purpose and legal status to be that of a "political committee."

Ordinary Ohioans allege that at bottom, the Project has been set up simply as a means for "maxed-

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<sup>9</sup> See 11 C.F.R. § 110.5(d).

out" supporters of Senator Clinton's presidential campaign to circumvent the requirements of the FECA and support her campaign through contributions larger than those permitted for candidates or PACs. That is illegal. And that violates the ordinary Ohioans' right to have their humble voices heard.

### CONCLUSION

As explained above, the ordinary Ohioans allege upon information and belief that the American Leadership Project is violating the Federal Election Campaign Act, and that the Project's donors are also violating the law to the extent their contributions to the Project exceed \$5,000 in a calendar year. The ordinary Ohioans respectfully ask that the Commission:

- immediately begin an investigation into these apparent violations,
- use its statutory authority to assess fines against Respondents for the violations described above,
- seek an immediate injunction to prevent the Project from irreparably harming the fairness of the presidential primary by distorting the outcome with illegal activity and by drowning out the voices and aspirations of ordinary Ohioans, and
- refer the matter for a criminal investigation should the Project and its officers, directors, fundraisers, and donors' illegal actions be determined to be knowing and willful.

Sworn and subscribed, under penalty of perjury:

Michele Seng 2/22/08  
Michele Seng/date

Streetsboro, Ohio 44241

[Signature] 2-22-2008

Signed and sworn to before me  
Subodh Chandra, Notary Public  
Attorney at law admitted in Ohio; my commission does not expire

29044231565

Emerylde Bradley 2-22-08  
Emerylde Bradley/date

Streetsboro Eyes and Ears Alliance  
Streetsboro, Ohio 44241

[Signature] 2-22-2008

Signed and sworn to before me  
Subodh Chandra, Notary Public  
Attorney at law admitted in Ohio; my commission does not expire

James P. Lupton 22 Feb 2008  
J. Edward Lupton/date

Streetsboro, Ohio 44241

[Signature] 2-22-2008

Signed and sworn to before me  
Subodh Chandra, Notary Public  
Attorney at law admitted in Ohio; my commission does not expire

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2008 FEB 25 P 12:27

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## Political Punch

Power, pop, and probings from ABC News Senior National Correspondent Jake Tapper



Jake Tapper is ABC News' Senior National Correspondent based in the network's Washington bureau. He writes about politics and popular culture and covers a range of national stories.

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					1	2
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24	25	26	27	28	29	

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## New Pro-Clinton S27 to Ding Obama in Ohio

February 20, 2008 9:33 AM

ABC News has learned that a group of Democratic politicians have set up a new independent S27 organization called the American Leadership Project (ALP) with the express purpose of helping Sen. Hillary Clinton, D-NY, beat Sen. Barack Obama, D-Illinois, in Ohio, and possibly Texas and Pennsylvania as well.

Free from campaign finance rules, ALP will not be legally permitted to coordinate with the Clinton campaign, but it is clearly intended to help her.

The group is targeting through TV ads, mail, and phone communications white women under 50 in the Ohio area -- specifically Cleveland, Columbus, Youngstown, Charleston (WV), Wheeling-Steubenville, Zanesville, and Parkersburg (WV).

White men will also be a focus, and if there are any excess funds Latinos in Texas and middle class families in Pennsylvania will also be targeted.

ALP has developed three ads aimed at pushing the idea that Sen. Barack Obama, D-Illinois, is a talker and not a doer -- the ads are called "If speeches could solve problems" -- and they will contrast Obama and Clinton on issues of importance to middle class voters, such as the economy, health care, and the mortgage crisis.

"Our purpose is to encourage audiences to look beyond the campaign speeches and political rhetoric to specific proposals to address these core issues," says an ALP mission statement obtained by ABC News.

The plan right now is for the TV ads to never actually mention Obama -- rather, the statements about rhetoric vs. reality will go after him through implication, the contrast between Clinton and Obama already being so well-known.

More Ambinder of The Atlantic this morning first reported that a pro-Clinton S27 had been set up. For Ambinder, the group is "scurrying Clinton donors for pledges of up to \$100,000 in the hope of raising at least \$10M by the end of next week...A Democrat who was briefed on the project said that Pennsylvania attorney William A. K. Tishman is leading the effort to solicit money. Tishman, who raised money for Gov. Bill Richardson's presidential campaign, has not contributed money to Clinton. He did not respond to an e-mail seeking comment...A Clinton spokesman said he knew nothing about the S27."

ALP is being run by the following people:

Jason Kinney, of California Strategies, LLC, a former senior communications advisor and chief speechwriter to former California Governor Gray Davis;

Mattie Goldman of SeeChange Media, a former ad maker for Los Angeles Mayor Antonio Villaraigosa, Sen. Sherrod Brown, D-Ohio, and Democratic Congressional Campaign Committee Rep. Chris Van Hollen, D-Maryland, who works for . (Samples of Goldman's ads can be seen [HERE](#)).

Erick Mullien, a political consultant with lots of Capitol Hill experience who has worked for the presidential campaigns of Sen. Wesley Clark (Ret.) in 2004 and former Sen. Bill Bradley, D-NJ, in 2000, as well as the successful 1998 Senate run of Chuck Schumer. (Mullien's website is [HERE](#)).

Paul Rivera, founder of Britten Marry, LLC, senior political adviser for the 2004 Kerry-Edwards campaign, and a Clinton-Gore White House advance staffer from 1994 through 1999.

Roger Saloner of AssocSaloner LLC, who worked in the Clinton White House from 1994-1999 as assistant press secretary, national spokesman for then-Sen. John Edwards' 2004 presidential race, national spokesman and deputy press secretary the 2000 presidential campaign of Al Gore, and press secretary for Gov. Davis' successful re-election.

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The law firm representing the group is Rancho, Johansen & Parcell, LLC. Accounting and bookkeeping is being handled by Nancy Warren of the San Francisco-based Warren & Associates LLC.

-jpt

NOTE: Some minor tweaks in diction to this post were made for accuracy about the actual ads. And the sentence about the ads not mentioning Obama by name was added.

February 20, 2008 | [RanchoLink](#) | [User Comments \(563\)](#)

TrackBack

TrackBack URL for this entry:

<http://www.typepad.com/blog/trackback/433071/26324000>

Listed below are links to weblogs that reference [New Pro-Clinton 527 to Ding Obama in Ohio](#):

User Comments

I think if Obama wins the nominee, it would be a cake walk for the republican machinery to work, it will be very difficult for him to survive the conservative 527 group attack, it would go some thing like "would you want America to be ruled by a Hussein?" That is all it takes for the poll numbers to tumble.

I think this election is clear now itself who will be the president, there is too much hype and hoopla going in the media, I don't understand why CNN has to hype their polls towards one candidate they like.

The 527 have the power to tilt the election as they did for John Kerry, Hillary has a chance in fighting but still McCain will win.

Posted by: Core | Feb 22, 2008 3:19:04 PM

Howard Dean where are you???

Will you let the Clintons get away with this under-the-table-sleaze? No wonder Bill was not at the debate, he is in a back room approving and directing all the ads for this 527 project of corruption.

I can't believe one of the guys on the list above is from the Kerry/Edwards 2004 campaign. Yuck!

Please, please great spirit do not tell me that Edwards is backing her. If he does, he will forever disappoint his former supporters and loose all political credibility.

The underhanded dealings going on for her kept her from totally wiggling out tonight at the debate.

Posted by: girlygirl voter too | Feb 22, 2008 2:36:14 AM

Being European, and kind of indifferent, I'm right now even more appalled at the first couple of comments than at the actual article. I don't know when people are going to realize it but it's all the negativity that's just undermining all credibility and dignity. If this is how you treat your fellow patriots, using this kind of negative attacks against a pretty impressive phenomenon, you've got a lot to learn.... O6

Posted by: H | Feb 22, 2008 12:37:56 AM

To the poster below, you should also add L-I-A-R to the list to describe Obama.

Apparently, as a state senator, Barack Obama wrote letters to city and state officials supporting his political patron Tony Rezko's successful bid to get more than \$14 million from taxpayers to build apartments for senior citizens.

Interestingly, the deal included \$835,000 in development fees for Rezko and his partner, Allison S. Davis, Obama's former boss, according to records from the project, which was four blocks outside Obama's state Senate district.

Obama's letters, written nearly nine years ago, for the first time show the Democratic presidential hopeful did a political favor for Rezko — a longtime friend, campaign fund-raiser and client of the law firm where Obama worked — who was indicted last fall on federal charges that accuse him of demanding kickbacks from companies seeking state business under Gov. Blagojevich.

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# Atlantic

SLIDESHOWS VIDEOS AUDIO

## Marc Ambinder A REPORTED BLOG ON POLITICS

a Clinton Campaign's Delegate Hub | Main | Letter: Popper Your Strategy

### Pro-Clinton 527 Prepares For Ohio, PA and Texas

20 Feb 2008 09:00 am

Allies of Hillary Clinton plan an expensive, stealth campaign to buttress her standing in the must-win states of Ohio, Texas and Pennsylvania.

They're canvassing Clinton donors for pledges of up to \$100,000 in the hope of raising at least \$10M by the end of next week. The money will be placed in the account of a political committee organized under section 527 of the tax code.

A Democrat who was briefed on the project said that Pennsylvania attorney William A. K. Tishman is leading the effort to solicit money. Tishman, who raised money for Gov. Ed Richardson's presidential campaign, has not contributed money to Clinton. He did not respond to an e-mail seeking comment.

By law, the 527 cannot coordinate its activities with the Clinton campaign, although at least one major Clinton donor with direct ties to the campaign said last night that the effort was an open secret among donors.

(Update: Per ABC's John Tapper, the group is calling itself the "American Leadership Project" and is staffed by several veterans of the Clinton White House.)

A Clinton spokesman said he knew nothing about the 527.

Two Democrats said that the 527 plans to run television ads and send pro-Clinton literature in all three states. One of the Democrats said that the ads will also include contrast messages against Obama.

Plans for the 527 were conceived in late January, when Clinton's campaign was nearly broken. Since Feb. 5, she has raised nearly \$20M, but still faces a massive disadvantage. Obama's aides said they're approaching their goal of raising money from 500,000 new donors since Jan. 1 and project a total haul of more than \$35M for February.

Perhaps as early as today, a consortium of Service Employees union locals will disclose its own plans for mobilization in Ohio and Pennsylvania on behalf of Barack Obama, an irony that will not be lost on those covering the race closely: a similar SEIU compact in Iowa ran ads praising John Edwards and drew strong protests from Obama's campaign.

Related: [Sumner, 527](#) - [Tishman, 527](#) - [Shaw, 527](#)

TrackBack

TrackBack URL for this entry:

<http://marcambinder.theatlantic.com/cgi-bin/mt/mt-4.cgi/19455>

Comments (64)

Miro-This will be all out war with the Clintons and the hidden money folks that benefit from their power. I hate 527s but I wouldn't hold it against any pol running against them for using any tool available to them.

You can't change DC if you don't get elected to DC.

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ABOUT

Marc Ambinder, an Atlantic associate editor, is mapping the 2008 presidential election from the runaways. He might also write the occasional post about religion, national security, and cognitive neuroscience. Mostly politics, though.

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McCain could win the nomination without winning any states in a single state. [Read more](#)

ROLLBACK

**Political Organization  
Notice of Section 527 Status**

OMB No. 1545-1089

**General Information**

**1 Name of organization** **American Leadership Project** **Employer identification number**  
**33 - 1203619**

**2 Mailing address (P.O. box or number, street, and room or suite number)**

**2261 Market Street, PMB 319**

**City or town, state, and ZIP code**

**San Francisco, CA 94114**

**3 Check applicable box:** ☒ **Initial notice** ☐ **Amended notice** ☐ **Final notice**

**4a Date established**  
**02/15/2008**

**4b Date of material change**

**5 E-mail address of organization**  
**no@gmail**

**6a Name of custodian of records**  
**Nancy Warren**

**6b Custodian's address**  
**2261 Market Street, PMB 319**  
**San Francisco, CA 94114**

**7a Name of contact person**  
**Roger V. Sakum**

**7b Contact person's address**  
**1005 12th Street, Suite A**  
**Sacramento, CA 95814**

**8 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number**

**2261 Market Street, PMB 319**

**City or town, state, and ZIP code**

**San Francisco, CA 94114**

**9a Election authority**

**9b Election authority identification number**

**NONE**

**Notification of Claim of Exemption From Filing Certain Forms (see instructions)**

**10a Is this organization claiming exemption from filing Form 8872, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes ☐ No ☒**

**10b If "Yes," list the state where the organization files reports:**

**11 Is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt from Income Tax, as a caucus or association of state or local officials? Yes ☐ No ☒**

**Purpose**

**12 Describe the purpose of the organization**

**Section 527 political committee**

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**List of All Related Entities (see instructions)**

13 Check if the organization has no related entities ☒

14a Name of related entity	14b Relationship	14c Address
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**List of All Officers, Directors, and Highly Compensated Employees (see instructions)**

15a Name	15b Title	15c Address
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Roger V. Salazar	President	1005 12th Street, Suite A Sacramento, CA 95814
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Under penalties of perjury, I declare that the organization named in Part I is to be treated as a tax-exempt organization described in section 527 of the Internal Revenue Code, and that I have examined this notice, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that I am the official authorized to sign this report, and I am signing by entering my name below.

Roger V. Salazar

02/15/2008

**Sign  
Here**

\_\_\_\_\_  
Name of authorized official

\_\_\_\_\_  
Date

29044231572

**REMCHO, JOHANSEN & PURCELL, LLP**  
ATTORNEYS AT LAW

201 DOLORES AVENUE  
SAN LEANDRO, CA 94577  
PHONE: (510) 346-6200  
FAX: (510) 346-6201  
EMAIL:  
WEBSITE: www.rjp.com

SACRAMENTO PHONE: (916) 264-1818

Joseph Remcho (1944-2003)  
Robin B. Johansen  
Kathleen J. Purcell (Ret.)  
James C. Harrison  
Thomas A. Willis  
Karen Getman  
Margaret R. Prinzing  
Karl Krogseng

**MEMORANDUM**

**VIA EMAIL**

**To:** Whom It May Concern  
**From:** Remcho, Johansen & Purcell  
**Date:** February 21, 2008  
**Re:** The American Leadership Project (Our File No.: 2439.1)

The American Leadership Project was established to amplify the primary election's focus on issues of importance to the middle class – the economy, jobs, education, healthcare and the mortgage crisis. It is an unincorporated association organized under the auspices of Internal Revenue Code section 527. It is not associated with, and is not coordinating with, any federal candidate or candidate's committee.

ALP will not air any advertisements that contain express advocacy on behalf of a federal candidate. It is soliciting funds to air advertisements that meet its purpose of highlighting the issues enumerated above, all of which it believes are important to middle class families and should be discussed and debated during the weeks prior to the upcoming primary elections. ALP's major purpose is to convey information and urge consideration of those important issues during a time when viewers are paying closer attention to such matters. As the U.S. Supreme Court recently stated: "Issue advocacy conveys information and educates. An issue ad's impact on an election, if it exists at all, will come only after the voters hear the information and choose -- uninvited by the ad -- to factor it into their voting decisions." *FEC v. Wisconsin Right to Life, Inc.*, 127 S. Ct. 2652 (June 25, 2007).

In *Wisconsin Right to Life*, Chief Justice Roberts, writing for the Court, agreed that an advocacy group has a constitutional right, protected by the First Amendment, to air issue ads in the days prior to an election without being constrained by the contribution and expenditure limitations of BCRA, even if those ads mention a federal candidate. The Court said:

29044231573

Whom It May Concern  
February 21, 2008  
Page 2

Discussion of issues cannot be suppressed simply because the issues may also be pertinent in an election. Where the First Amendment is implicated, the tie goes to the speaker, not the censor.

Subsequently, on December 26, 2007 the Federal Election Commission issued new regulations implementing the Supreme Court's decision. 72 Fed. Reg. 72899. Those regulations confirm that only communications containing express advocacy or the "functional equivalent of express advocacy" are subject to BCRA's funding restrictions. In particular, electioneering communications are *permissible* if they (1) do not mention any election, candidacy, political party, opposing candidate, or voting by the general public; (2) do not take a position on a candidate's character, qualifications, or fitness for office; and (3) focus on a legislative, executive or judicial issue while urging the public to adopt a particular position and contact the candidate on the issue. Even if the electioneering communication could be construed as taking a position on a candidate's qualifications, the communication is *permissible* if it contains content that would support a determination that a communication has an interpretation other than as an appeal to vote for or against a candidate by, for example, focusing on a public policy issue and urging the public to contact the candidate about the issue. In cases of doubt, the FEC's position is that "any doubt will be resolved in favor of permitting the communication."

Of note, the FEC gave as a specific example of a *permissible communication* the following advertisement, airing in the weeks just prior to a congressional election:

It's our land, our water. America's environment must be protected. But in just 18 months, Congressman Ganske has voted 12 out of 12 times to weaken environmental protections. Congressman Ganske even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman Ganske voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman Ganske. Tell him to protect America's environment. For our families. For our future.

Although ALP is not a political committee for purposes of BCRA, and will not be subject to BCRA's funding restrictions, it will have reporting requirements with the FEC as well as the IRS. As required by law, every time the ALP spends \$10,000 or more on an electioneering communication, it will file within 24 hours a report with the FEC that lists its donors of \$1,000 or more. Those reports will be publicly accessible on the FEC website.

KG:NL  
(00051903)

29044231574

**HOME / PRESS OFFICE**

For Immediate Release  
December 13, 2006

Contact: Bob  
Bierack

## **FEC COLLECTS \$630,000 IN CIVIL PENALTIES FROM THREE 527 ORGANIZATIONS**

WASHINGTON - The Federal Election Commission announced today that it has reached settlements with three 527 organizations accused of violating the federal campaign finance laws during the 2004 presidential election. The League of Conservation Voters 527 and 527H, MoveOn.org Voter Fund, and Swiftboat Veterans and POWs for Truth have collectively paid almost \$630,000 to settle charges that they failed to register and file disclosure reports as federal political committees, and accepted contributions in violation of federal limits and source prohibitions. The Commission approved all three conciliation agreements by a vote of 6-0.

"These unanimous decisions provide important guidance as to when organizations must register and report as political committees," said Commission Chairman Michael Toner. "The findings and six-figure penalties we are announcing today send a strong message that the Commission takes these kinds of cases very seriously, and that when an organization fails to file as a political committee, it carries serious legal consequences," he added. "The bipartisan and unanimous nature of the Commission's action today leaves little doubt that this agency is willing to regulate election activity more aggressively than it has in the past" said Vice Chairman Robert Lenhard. "These settlements resulted from thorough investigations of all aspects of these groups' activities, full and fair consideration of the complex legal issues, and tough, constructive negotiations," added Lawrence H. Norton, the Commission's General Counsel.

If an organization receives contributions or make expenditures in excess of \$1,000, and its major purpose is involvement in campaign activity, it must register with the Commission and abide by the contribution restrictions and reporting requirements of the Federal Election Campaign Act. Each of these entities registered with the Internal Revenue Service as "Section 527" organizations - tax exempt groups whose function is to influence the selection, nomination, election, or appointment of any individual to Federal, State, or local public office or office in a political organization, or the election of Presidential electors.

Through their public statements, solicitations for contributions, and various communications to the public, these organizations clearly established that they were political committees during the 2004 campaign. Their failure to register with the Commission, abide by contribution limits and prohibitions, and file disclosure reports resulted in the organizations agreeing to pay the following civil penalties:

- League of Conservation Voters 527 and 527H -- \$180,000
- MoveOn.org Voter Fund -- \$ 150,000
- Swiftboat Veterans and POWs for Truth -- \$ 299,500

The organizations also agreed to cease and desist from violating applicable laws and regulations and to file reports with the Commission for the relevant periods containing all of the information that must be disclosed by federal political committees.

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Among other spending in the 2004 election, the League of Conservation Voters 527 groups funded door-to-door and phone canvassing activities that expressly advocated the election of Senator Kerry and the defeat of President Bush. MoveOn.org Voter Fund produced television advertisements targeted to Presidential battleground states aimed at defeating George W. Bush, and its solicitations for funds clearly indicated that the funds received would be used to defeat President Bush in the 2004 general election. Swiftboat Veterans and POWs for Truth produced advertisements and sent out direct mail that attacked John Kerry and expressly advocated his defeat.

#### Case Summaries:

#### 1. MUR 5511 & 5525 RESPONDENTS:

- (a) Swift Boat Vets and POWs for Truth [5511 & 5525]
- (b) Bush-Cheney '04, Inc., David Herndon, treasurer [5525]
- (c) Alachua County Republican Party [5525]
- (d) Republican National Committee, Mike Retzner, treasurer [5525]
- (e) George W. Bush [5525]
- (f) Dick Cheney [5525]
- (g) Karl Rove [5525]
- (h) Kenneth Cordier [5525]
- (i) Harlan Crow [5525]
- (j) William Franke [5525]
- (k) Roy Hoffman [5525]
- (l) Alvin Horne [5525]
- (m) Bill Lannom [5525]
- (n) John O'Neill [5525]
- (o) Bob Perry [5525]
- (p) Charles Plumly [5525]
- (q) Weymouth Symmes [5511] [5525]
- (r) Merrie Spaeth [5525]
- (s) Alachua Bush/Cheney Committee  
Kerry-Edwards 2004, Inc. [5525]

#### COMPLAINANT:

Fred Werthelmer, on behalf of Democracy 21 [5511]

J. Gerald Hebert, on behalf of Campaign Legal Center [5511]

**SUBJECT:**

Steven Weiss, on behalf of Center for Responsive Politics [5511]

Failure to register as a political committee; failure to report contributions and expenditures; knowingly accepting excessive contributions from individuals; knowingly accepting corporate contributions; coordination.

**DISPOSITION:**

(a) Conciliation Agreement: \$299,500 civil penalty\* [re: political committee status]

(b) Reason to believe, took no further action [re: coordination]

(c-h) Close the file\*

**DOCUMENTS ON PUBLIC RECORD:**

(i-s) Take no action\*

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5511 or 5525 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

**2. MUR 5753  
RESPONDENTS:**

(a) League of Conservation Voters 527

(b) League of Conservation Voters 527 II

**COMPLAINANT:**

(c) League of Conservation Voters Action Fund, and Barbara Gonzalez-McIntosh in her official capacity as treasurer  
Thomas J. Josefak, General Counsel, Bush-Cheney '04, Inc.

**SUBJECT:**

Jill Holtzman Vogel, Chief Counsel, Republican National Committee  
Failure to register as a political committee; failure to report contributions and expenditures; knowingly accepting excessive contributions from individuals; allocation

**DISPOSITION:**

(a-b) Conciliation Agreement: \$180,000 civil penalty\*

**DOCUMENTS ON PUBLIC RECORD:**

(c) Reason to believe, no further action [re: allocation]

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5753 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

**3. MUR 5754  
RESPONDENTS:**

(a) MoveOn.org Voter Fund (MOVF)

(b) MoveOn PAC

**COMPLAINANTS:**

(c) MoveOn.org  
Thomas J. Josefak, General Counsel, Bush-Cheney '04, Inc.

Jill Holtzman Vogel, Chief Counsel, Republican National Committee

**SUBJECT:**

Failure to register as a political committee; failure to report contributions and expenditures; knowingly accepting excessive contributions from individuals; allocation.

**DISPOSITION:**

(a) Conciliation Agreement: \$150,000 civil penalty\* [re: failure to register as a political committee; failure to report contributions and expenditures; knowingly accepting excessive contributions from individuals]; no reason to believe [re: coordination with John Kerry for President Inc.]

(b) Reason to believe, take no further action [re: allocation]

(c) Take no action

**DOCUMENTS ON PUBLIC RECORD:**

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5754 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

There are four administrative stages to the FEC enforcement process:

- |                                |                           |
|--------------------------------|---------------------------|
| 1. Receipt of proper complaint | 3. "Probable cause" stage |
| 2. "Reason to believe" stage   | 4. Conciliation stage     |

It requires the votes of at least four of the six Commissioners to take any action. The FEC can close a case at any point after reviewing a complaint. If a violation is found and conciliation cannot be reached, then the FEC can institute a civil court action against a respondent.

**MURs 5511 and 5525**

**SWIFT BOAT VETERANS AND POWs FOR TRUTH**

**QUICK REFERENCE SHEET**

**BASIC FACTS**

- The Commission found reason to believe that Swift Boat Veterans and POWs for Truth ("SwiftVets") violated:
- 2 U.S.C. § 433 (failure to register with the Commission as a political committee);
- 2 U.S.C. § 434 (failure to report contributions and expenditures to the Commission);
- 2 U.S.C. § 441a(f) (knowingly accepting contributions in excess of \$5,000 from individuals); and
- 2 U.S.C. § 441b(a) (knowingly accepting corporate contributions).

- SwiftVets is a 527 organization that filed its Notice of 527 Status with the IRS on April 23, 2004.
- SwiftVets did not register with the FEC as a federal political committee.

#### **CONCILIATION AGREEMENT**

- SwiftVets will pay a Civil Penalty of \$299,500.
- This Agreement settles all alleged violations as to SwiftVets' status and obligations as a Federal political committee.
- SwiftVets will file reports with the FEC containing all information that it should have disclosed as a Federal PAC during 2004. The Commission has agreed that this obligation may be met by filing copies of its IRS reports with the FEC, along with certain supplemental information.
- SwiftVets will register with the FEC and report as a political committee if its activities trigger federal political committee status in the future.
- SwiftVets will cease and desist from further violating the provisions of the law at issue here.

#### **CONTRIBUTIONS**

- SwiftVets' fundraising solicitations clearly indicated that the funds sought would be targeted to the defeat of John Kerry (e.g. "[W]e plan to make sure every American is aware of how John Kerry is misrepresenting his record and ours in Vietnam... ..and to demonstrate why he is clearly unfit for command...."). Funds received in response to such solicitations are "contributions" under the Act.
- SwiftVets raised approximately \$25 million during the 2004 election cycle.
- SwiftVets accepted approximately \$12.5 million in individual contributions in excess of the \$5,000 per year limit.
- Swift Vets accepted \$713,030 in prohibited corporate contributions.

#### **EXPENDITURES**

- According to IRS reports, SwiftVets spent approximately \$22.6 million during the 2004 election cycle attacking John Kerry and/or expressly advocating John Kerry's defeat in the 2004 Presidential election.
- SwiftVets spent approximately \$20 million, or more than 90% of its reported disbursements, on television advertisements and direct mail pieces targeted to presidential election battleground states, including Ohio, Pennsylvania, Florida, Nevada, New Mexico, Colorado, Minnesota, West Virginia, Wisconsin and Tennessee.
- SwiftVets spent \$9.4 million on 5 television advertisements that expressly advocated the defeat of John Kerry.
- SwiftVets spent \$1.1 million on two mail pieces that expressly advocated the defeat of John Kerry.
- These express advocacy communications, along with others, constitute "expenditures" under the Act.

#### **COORDINATION ALLEGATIONS**

- Following an investigation, the Commission dismissed allegations that SwiftVets unlawfully coordinated its activities with President Bush's campaign committee, Bush-Cheney '04

## MUR 5753

## League of Conservation Voters 527 I and II (LCV 527s)

## QUICK REFERENCE SHEET

**BASIC FACTS**

- The Commission found reason to believe that two League of Conservation Voters 527s (known as LCV 527 I and II) violated three provisions of the Federal Election Campaign Act:
- 2 U.S.C. § 433 (failure to register with the Commission as a political committee);
- 2 U.S.C. § 434 (failure to report contributions and expenditures to the Commission); and
- 2 U.S.C. § 441a(f) (knowingly accepting contributions in excess of \$5,000 from individuals).
- The LCV 527s are 527 organizations. They are part of the larger League of Conservation Voters "family," which also includes the League of Conservation Voters, Inc. (a 501(c)(4) organization), and the League of Conservation Voters Action Fund (a federal political action committee registered with the Commission).
- League of Conservation Voters 527 I was founded in 1997 and filed a Notice of 527 Status with the IRS in 2000. The League of Conservation Voters 527 II filed a Notice of 527 Status with the IRS in October 2004.

**CONCILIATION AGREEMENT**

- The League of Conservation Voters 527s will pay a Civil Penalty of \$180,000.
- This Agreement settles all alleged violations as to the League of Conservation Voters family of organizations with respect to the 2004 election cycle. In particular, this Agreement settles all alleged violations as to the LCV 527s' status and obligations as a federal political committee.
- LCV 527 I and II will file reports with the FEC containing all information that it should have disclosed as a federal PAC from January 1, 2003 through December 31, 2004. The Commission has agreed that this obligation may be met by filing copies of its IRS reports with the FEC, along with certain supplemental information.
- The Agreement requires the LCV 527s to register and report as federal PACs if either engages in activities that trigger federal political committee status in the future.
- The LCV 527s have agreed to cease and desist from further violating the provisions of the law at issue here.

**CONTRIBUTIONS**

- The LCV 527s' fundraising solicitations clearly indicated that the funds sought would be used to target the defeat of George W. Bush and the election of John Kerry, or to influence the election or defeat of specific candidates in Congressional races (e.g. "support LCV's Environmental Victory Project, our uniquely strategic plan with the capacity to persuade independents, moderate Republicans and Nader-folk to cast deciding votes for John Kerry in what's sure to be a breathtakingly close election."). Funds received in response to such solicitations are

**"contributions" under the Act.**

- During the 2004 election cycle, the LCV 527s reported \$6.7 million in receipts to the IRS. Of this amount, almost \$6,000,000 consisted of contributions in amounts exceeding the legal maximum of \$5,000 per individual per year to a federal PAC.
- The Commission *did not* find that the LCV 527s accepted contributions from prohibited sources (such as corporations, labor unions, or foreign nationals).

#### **EXPENDITURES**

- In 2004, the LCV 527s spent \$3,900,000 for television and radio advertisements and printed materials such as mailers and door-hangers, some of which expressly advocated the election or defeat of clearly identified federal candidates. Activity was focused in battleground states such as Florida, New Mexico, Oregon, and Wisconsin.
- The LCV 527s spent in excess of \$850,000 to fund the Environmental Victory Project, a door-to-door canvass of swing voters in key Presidential election battleground states, where paid workers used scripts and talking points expressly advocating the election of John Kerry and the defeat of George W. Bush. The LCV 527s' canvassers distributed fliers and door hangers, produced with funds provided by LCV Inc. and its PAC, that also expressly advocated the election of John Kerry. By funding activities expressly advocating the defeat of George W. Bush or the election of John Kerry, the LCV 527s made expenditures under the Act.
- One of these scripts read, *"we think it's dangerous to have George Bush in office another four years. So we encourage you to consider which candidate has the right priorities for health and safety of our families and vote for John Kerry in November."*
- The LCV 527s made more than \$1,000 in expenditures for a mailer expressly advocating the defeat of Senate candidate Pete Coors.
- *Coors beer can mailer:* depicts a beer can labeled "Pete Coors for Senate" along with the candidate's picture, accompanied by text intended to resemble the Surgeon General's warning label stating: "Warning: This candidate cares more about his bottom line than our kids' safety. Elect at your own risk"

**MUR 5754**

**MOVEON.ORG VOTER FUND (MOVF)**

#### **QUICK REFERENCE SHEET**

#### **BASIC FACTS**

- The Commission found reason to believe that MoveOn.org Voter Fund (MOVF) violated three provisions of the Federal Election Campaign Act:
- 2 U.S.C. § 433 (failure to register with the Commission as a political committee);
- 2 U.S.C. § 434 (failure to report contributions and expenditures to the Commission); and

- 2 U.S.C. § 441a(f) (knowingly accepting contributions in excess of \$5,000 from individuals).
- MoveOn.org Voter Fund is a 527 organization. It is part of the larger MoveOn "family," which also includes MoveOn.org (a 501(c)(4) organization) and MoveOn PAC (a federal PAC registered with the Commission).
- MoveOn.org Voter Fund filed a Notice of 527 Status with the IRS in September 2003
- MoveOn.org Voter Fund did not register with the FEC as a federal political committee.

#### **CONCILIATION AGREEMENT**

- MoveOn.org Voter Fund will pay a Civil Penalty of \$150,000.
- This Agreement settles all alleged violations as to MoveOn.org Voter Fund's status and obligations as a federal political committee.
- MoveOn.org Voter Fund will file reports with the FEC containing all information that it should have disclosed as a federal PAC from September 2003 through December 31, 2006. The Commission has agreed that this obligation may be met by filing copies of its IRS reports with the FEC, along with certain supplemental information.
- The Agreement requires MOVF to register and report as a federal PAC if it engages in activities that trigger federal political committee status in the future.
- MoveOn.org Voter Fund, and all its officers, principals, and agents, have agreed to cease and desist from further violating the provisions of the law at issue here.
- The Commission found no reason to believe that MoveOn.org Voter Fund violated the Act in connection with allegations of coordination with John Kerry for President, Inc. and took no action as to MoveOn.Org.

#### **CONTRIBUTIONS**

- MoveOn.org Voter Fund sent solicitations for contributions mostly by email communication, but also via their website and by blast fax.
- MoveOn.org Voter Fund's solicitations clearly indicated that the funds sought would be used to target the election or defeat of specific federal candidates (e.g. "Our objective is to challenge George Bush's policies and record in order to reduce support for his re-election in 2004.") Funds received in response to such solicitations are "contributions" under the Act.
- During the 2004 election cycle, MoveOn.org Voter Fund accepted \$9.8 million in contributions in amounts exceeding the legal maximum of \$5,000 per individual for federal PACs.
- The Commission *did not* find that MOVF accepted contributions from prohibited sources (such as corporations, labor unions, or foreign nationals).

#### **SPENDING**

- The Commission made its findings without concluding that any of the MoveOn.org Voter Fund communications expressly advocated the election or defeat of a clearly identified federal candidate.

- MoveOn.org Voter Fund spent \$21 million in the 2004 election cycle.
- Between September 2003 and November 2004, MOVF spent \$14.6 million (70% of \$21.3 million total spending) on 25 television ads targeted to presidential battleground states (Pennsylvania, Florida, Maine, West Virginia, Minnesota, Iowa, Ohio, Colorado, Oregon, Nevada, Michigan, Missouri, Wisconsin, and on CNN). The advertisements opposed George W. Bush's record on campaign issues and criticized his leadership.
- These advertisements included the following language:
  - "Face it. George Bush is not on our side."
  - "M-I-S leader"
- The remaining 30% went to administrative expenses (including fundraising) and a \$724,000 grant to other political organizations.
- MoveOn.org Voter Fund's advertising stopped on November 2, 2004 and all election-related activity stopped less than 2 months later.

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For Immediate Release  
November 19, 2007

Contact: Bob Biersack  
George Smaragdis  
Michelle Ryan

### Media Fund to Pay \$580,000 Civil Penalty

Washington – The Federal Election Commission (FEC/Commission) announced today that it has reached a settlement with The Media Fund, a 527 organization charged with violating federal campaign finance laws during the 2004 Presidential election. The Media Fund (TMF) agreed to pay \$580,000, the seventh largest civil penalty in Commission history, to settle charges that it failed to register and file disclosure reports as a federal political committee and knowingly accepted contributions in violation of federal limits and source prohibitions. The Commission unanimously approved the conciliation agreement.\*

This is the eleventh settlement the Commission has entered into in the past year with organizations exempt from taxation under either section 527 or 501(c)(4) of the Internal Revenue Code. The Commission determined all of these organization violated election laws during the 2004 campaign, most by failing to register as political committees. The Commission collected more than \$3,000,000 in civil penalties from these cases.

If an organization receives contributions or makes expenditures in excess of \$1,000, and its major purpose is involvement in campaign activity, it must register with the Commission as a federal political committee and abide by the contribution restrictions and reporting requirements of the Federal Election Campaign Act (FECA/the Act).

#### Facts of the Case

TMF is an unincorporated entity organized in November of 2003 under Section 527 of the Internal Revenue Code. TMF has not registered as a political committee with the Commission.

From its inception through 2004, TMF raised \$59,414,183. Approximately 93% of its receipts during that time period—over \$55 million—came from labor organizations or corporations prohibited from contributing to political committees, or from individuals who gave in amounts that exceeded the \$5,000 limit established under the Act for contributions to political committees. The Commission concluded that the language used in fundraising solicitations sent by TMF or its joint fundraising committee, the Joint Victory Campaign, clearly indicated that the funds received would be targeted to the election or defeat of a specific federal candidate. Most of the solicitations targeted the defeat of George W. Bush, and some of the solicitations targeted the election of John Kerry. Funds received in response to these solicitations constituted contributions under the Act and caused TMF to surpass the \$1,000 statutory threshold by December 2003. TMF's former president made direct solicitations to donors, which included messages such as "Bush can be beaten," "The Race for 270; The fight for the White House is a state-by-state battle," "270 Electoral Votes (Evs) Needed to Win," and "17 Key States Will Decide the 2004 Election."

TMF spent approximately \$53,389,856 – or more than 92% of its reported disbursements during that time period – on 37 television advertisements, 24 radio advertisements, nine newspaper advertisements and 20 mailers that referenced President George Bush or Senator John Kerry in the context of the 2004 Presidential election. TMF broadcast or disseminated some of these communications in "battleground states," including Florida, Missouri, Nevada, New Hampshire, Ohio, Pennsylvania, Wisconsin and West Virginia.

A TMF mailer on education contained express advocacy, referring to the "need" for a particular kind of President, followed by identification of John Kerry as that type of candidate.

Other TMF mailers contained express advocacy because the advertisements attacked the character, qualifications and fitness for office of George Bush, or supported the character, qualifications and fitness for office of John Kerry to a degree that reasonable minds could not differ as to whether the communications encouraged actions to elect or defeat the candidates.

The Commission concluded that TMF's statements and activities demonstrate that its major purpose was to elect John Kerry and defeat George Bush. From its inception, TMF presented itself to donors as a destination for "soft money" to support the Democratic Presidential nominee. The Commission concluded that TMF's communications to the public further establish its major purpose of federal campaign activity—specifically the defeat of George Bush. The vast majority of TMF's advertisements—34 out of 36 television advertisements, 20 out of 24 radio advertisements and 26 out of 29 print advertisements—mention either George Bush or John Kerry. TMF's self-proclaimed goal in producing and running these advertisements was to decrease public support for Bush and to increase public support for Kerry.

The conciliation agreement was reached after the Commission had determined that there was probable cause to believe that the Media Fund had violated the Act. The Media Fund was the first respondent in an FEC investigation to request and be granted a "probable cause hearing" under the Commission's pilot program for such hearings, which became effective February 16, 2007. TMF's hearing was held on March 21, 2007. Documents from the case, including a transcript of this hearing, are available on the FEC's website at [www.fec.gov](http://www.fec.gov).

\*FEC Chairman Robert Lenhard was recused in this matter.

This release contains only summary information. For additional details, please consult publicly available documents for each case in the Enforcement Query System (EQS) on the FEC website at <http://eqs.nictusa.com/eqs/searcheqs>.

**1. MUR 5440**

<b>RESPONDENTS:</b>	The Media Fund
<b>COMPLAINANT:</b>	The Republican National Committee and Bush-Cheney '04, Inc.; Bush-Cheney '04, Inc.; Democracy 21, the Campaign Legal Center, and the Center for Responsive Politics
<b>SUBJECT:</b>	Failure to register as a political committee; failure to report contributions and expenditures; knowingly accepting excessive contributions from individuals; knowingly accepting contributions from prohibited sources.
<b>DISPOSITION:</b>	Conciliation agreement: \$580,000 civil penalty
<b>DOCUMENTS ON PUBLIC RECORD:</b>	Documents from this matter are available from the Commission's web site at <a href="http://www.fec.gov">http://www.fec.gov</a> by entering 5440 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

*The Federal Election Commission (FEC) is an independent regulatory agency that administers and enforces federal campaign finance laws. The FEC has jurisdiction over the financing of campaigns for the U.S. House, the U.S. Senate, the Presidency and the Vice Presidency. Established in 1975, the FEC is composed of six Commissioners who are nominated by the President and confirmed by the U.S. Senate.*

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