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2006 JAN 30 P 12 55

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January 30, 2006

BY FACSIMILE AND HAND DELIVERY

Jeff S. Jordan, Esq.
Office of Complaints Examination & Legal Administration
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2006 JAN 30 P 3 12

Re: Request for No Further Action on Matter Under Review No. 5694

Dear Mr. Jordan:

I am writing in response to the letter from the Federal Election Commission ("Commission"), dated December 13, 2005, notifying Americans for Job Security, Inc. ("AJS") of a complaint filed by the Bob Casey for Pennsylvania Committee under the Federal Election Campaign Act of 1971, as amended ("FECA").¹ As counsel for AJS, I respectfully request that the Commission dismiss the Complaint and take no further action in this matter. See 2 U.S.C. § 437(g)(a)(1); 11 C.F.R. § 111.6(a). By the Commission's letter dated December 20, 2005, the time for this response was extended to the close of business on January 30, 2006.

BACKGROUND

AJS is an incorporated nonprofit trade association organized pursuant to 26 U.S.C. § 501(c)(6)² with the mission of enhancing the climate for American businesses. Affidavit of

¹ The Complaint improperly names Fred Mass as the Secretary & Treasurer of AJS. The current Secretary & Treasurer is Jean Cottingham.

² 26 U.S.C. § 501(c)(6) accords tax-exempt status to "[b]usiness leagues . . . not organized for profit." In order to qualify under § 501(c)(6), an organization must be "an association of persons having some common business interest, the purpose of which is to promote such common interest" 26 C.F.R. § 1.501(c)(6)-1.

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Michael D. Dubke, ¶¶ 4, 6, attached hereto as Exhibit A ("Dubke Aff."). Copies of AJS's Articles of Incorporation and the IRS determination letter are attached to Mr. Dubke's Affidavit as Attachments 1 and 4. Chief among the goals of AJS is educating the public on issues of importance to businesses and encouraging a strong job-creating economy that promotes a pro-growth agenda. (Dubke Aff. ¶ 7, Attach. 1.)

To this end, AJS has relied since its inception on broadcast and print advertising and mass mail to inform the public about issues and legislation important to the association and to urge the public to contact their legislators to support legislation favorable to American businesses. (Dubke Aff. ¶ 7.) For example, in 2004, AJS produced a series of print advertisements critical of Republican Senator Don Nickles for not doing more to repeal the estate tax. (Dubke Aff. ¶ 8, Attach. 5.) The advertisements encouraged the public to contact Senator Nickles and urge him to solidify his legacy and "kill the Death Tax."

In 2005, AJS continued its campaign to raise awareness about the death tax. AJS produced a series of broadcast and print advocacy pieces that criticized Senate leadership -- namely Majority Leader Bill Frist, Senator Jon Kyl (who had been selected by the White House to shepherd the legislation), and Senator Santorum -- for failing to bring legislation that would repeal the estate tax to the Senate floor for a vote, despite their public promises to repeal the estate tax. (Dubke Aff. ¶¶ 9-10, 12, Attachs. 6-7, 13.) AJS also aired radio advertisements in states represented by key Democratic Senators, including Arkansas (Mark Pryor), Indiana (Evan Bayh), Louisiana (Mary Landrieu), Montana (Max Baucus), and Oregon (Ron Wyden). Each advertisement noted that the Senator's vote would be crucial to passage of legislation to repeal the estate tax, and encouraged listeners to contact the Senator's office to ask the Senator to

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support such legislation. (Dubke Aff. ¶ 11, Attachs. 8-12.) None of these communications were produced within 60 days of a general election or 30 days of a primary election, and none contained any electoral component. (Dubke Aff. ¶¶ 9-12.)

For similar public policy reasons, AJS sponsored a series of advertisements in Pennsylvania in the fall of 2005 ("Fall 2005 Advertisements") as part of a larger advocacy campaign to draw attention to the need for tax relief and retirement security. (Dubke Aff. ¶ 13.) The Fall 2005 Advertisements consisted of two different spots and were broadcast in a number of media markets throughout Pennsylvania, which is considered to have one of the most closely watched Senate races in 2006. (Dubke Aff. ¶ 13.) Copies of spots comprising the Fall 2005 Advertisements are attached to Mr. Dubke's Affidavit as Attachments 14 and 15. AJS did not seek assistance from or communicate in any way with Senator Santorum, his Senate office, or his U.S. Senate campaign regarding the Fall 2005 Advertisements. (Dubke Aff. ¶ 18.)

The first spot, entitled *Moms*, concerned tax relief legislation and included several different video clips depicting families while a voiceover noted Senator Santorum's efforts to pass tax relief legislation. (Attach. 14 to Dubke Aff., Bx. A hereto.) *Moms* included several textual graphics noting Senator Santorum's record on tax relief, referring to the "Jobs and Growth Tax Relief Reconciliation Act of 2003," and the "Jobs and Growth Tax Relief Act of 2005,"³ which Senator Santorum is currently sponsoring in the Senate and which would make the 2003 tax cuts permanent. The advertisement concluded with a message encouraging viewers

³ Senator Santorum supported the "Jobs and Growth Tax Relief Reconciliation Act of 2003," which was signed into law on May 28, 2003. See Pub. L. No. 108-27, 117 Stat. 754 (2003). The legislation enacted \$349.7 billion in tax relief from 2003 through 2013, accelerated an increase in the standard deduction for married couples filing joint tax returns, and increased the child tax credit from \$600 to \$1,000 per child from 2003 through 2004. See *id.* The spot also referred to the "Jobs and Growth Tax Relief Act of 2005," which would make the 2003 tax relief permanent. See S. 7, 109th Cong. (2005). Senator Santorum is a co-sponsor of this currently pending legislation.

to call Senator Santorum's district office and thank him for his efforts, and included the Americans for Job Security logo as well as a notice that AJS paid for the advertisement. *Moms* aired November 15 through November 26 in the media markets of Erie, Harrisburg-Lancaster, Johnstown-Altoona, Pittsburgh, and Wilkes Barre-Scranton. (Dubke Aff. ¶ 15.) The cost of the spot was \$368,339.⁴ (Dubke Aff. ¶ 15.)

The second spot, entitled *Grandkids*, addressed pending social security guarantee legislation sponsored by Senator Santorum. (Attach. 15 to Dubke Aff., Ex. A hereto.) While a voiceover referred to Senator Santorum's efforts to pass social security reform legislation, viewers saw clips of a grandfather in the park with his grandson and a textual graphic noting that Senator Santorum sponsored S. 1750, the "Social Security Guarantee Act of 2005."⁵ Similar to the *Moms* spot, *Grandkids* concluded with a message encouraging viewers to call Senator Santorum's district office and thank him for sponsoring the legislation. The advertisement also included the Americans for Job Security logo and a notice that AJS paid for the advertisement. *Grandkids* aired November 27 through December 12, in the Erie, Harrisburg-Lancaster, Johnstown-Altoona, Pittsburgh, and Wilkes Barre-Scranton media markets. (Dubke Aff. ¶ 17.) The cost of the spot was \$341,878.50.⁶ (Dubke Aff. ¶ 17.)

On December 8, 2005, the Bob Casey for Pennsylvania Committee filed a complaint with the Commission. The Casey Committee is the authorized committee for U.S. Senate candidate Bob Casey, who is one of three Democratic candidates seeking the Party's nomination on May 16, 2006, the date of Pennsylvania's primary election. Notably, Mr. Casey is not running against

⁴ The Complaint, which is completely devoid of citation, erroneously states the cost of the advertisements to be \$451,740.

⁵ The legislation would issue certificates to Social Security beneficiaries born before 1950, guaranteeing their right to receive Social Security benefits under title II of the Social Security Act. See S. 1750, 109th Cong. (2005).

⁶ Again, without citation, the Complaint inaccurately describes the cost of the advertisements as \$425,755.

Senator Santorum, and unless he wins the Democratic Primary, will not be adverse to Senator Santorum in any election for the foreseeable future. The Casey Committee's Complaint alleges: (1) AJS conspired to make illegal corporate expenditures in connection with a federal election; (2) AJS failed to register and report as a "political committee;" and (3) the Fall 2005 Advertisements failed to comply with federal disclaimer requirements for broadcast advertisements by a "political committee." (Compl. at 3-4.)

Because there is no legal or factual basis to believe that AJS violated any law or regulation, we respectfully request that the Commission find no reason to believe a violation occurred and take no further action on the Bob Casey for Pennsylvania Committee complaint.

ANALYSIS

The Complaint filed by the Bob Casey for Pennsylvania Committee is factually inaccurate and premised on several facially erroneous claims. There is no legal or factual basis to believe that AJS violated any law or regulation. First, the advertisements sponsored by AJS did not qualify as electioneering communications or express advocacy, and consequently were not illegal corporate "expenditures." Second, AJS is a 501(c)(6) non-profit trade association dedicated to promoting the common business interests of its members. It is emphatically not a "political committee," as asserted in the Complaint. Finally, because AJS is not a political committee and the advertisements did not qualify as electioneering communications or express advocacy, the disclaimer requirements cited in the Complaint are not applicable. Accordingly, we respectfully request that the Commission conclude that no violation occurred and take no further action on the Complaint.

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I. The Fall 2005 Advertisements Did Not Violate Federal Election Law.

The Complaint alleges that AJS violated federal election laws by collecting corporate funds to pay for advertisements “containing advocacy of the election’ of Rick Santorum.” (Compl. at 5.) The Complaint’s allegations, however, mischaracterize the Fall 2005 Advertisements. The spots comprising the Fall 2005 Advertisements did not constitute either electioneering communications or express advocacy, and consequently were not illegal corporate “expenditures.”

A. The Fall 2005 Advertisements Did Not Constitute “Electioneering Communications.”

Three factors determine whether a public communication constitutes an electioneering communication: (1) the communication must involve a broadcast, cable, or satellite communication; (2) the communication must refer to a clearly identified candidate; and (3) the communication must be publicly distributed within 60 days of a general election or 30 days of a primary election. See 2 U.S.C. § 434(f)(3); 11 C.F.R. § 100.29(a), (b). The Fall 2005 Advertisements are not electioneering communications because the third prong is not met. Here, it is undisputed that the Fall 2005 Advertisements aired almost a year before the 2006 general election and some six months prior to the 2006 primary election – well outside the windows.

B. The Fall 2005 Advertisements Did Not Constitute “Express Advocacy.”

1. Buckley Test

As construed in *Buckley v. Valeo*, 424 U.S. 1 (1976), “expenditures” regulated by FECA are those that unmistakably urge election or defeat of one or more clearly identified candidate(s) by using certain “explicit words of advocacy of election or defeat.” 424 U.S. at 44 n.52; see also 11 C.F.R. § 100.22(a). The Supreme Court adopted this test as a means of preventing the term

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“expenditure” from being so vague and overbroad that it would unconstitutionally infringe political speech at the core of the First Amendment. The bright line express advocacy test established in *Buckley* has been repeatedly reaffirmed by the Supreme Court and other federal courts. See, e.g., *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238, 249 (1986); *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 356 (1995).

In the Bipartisan Campaign Reform Act of 2002, Congress created an alternative means of regulating a certain narrow class of spending, called “electioneering communications.” See 2 U.S.C. § 434(f)(3). The statutory elements of an electioneering communication are set forth above in Part I. A. In *McConnell v. FEC*, 540 U.S. 93 (2003), the Supreme Court held that the term “electioneering communications” was defined in a sufficiently precise and narrow way to avoid infirmity under the First Amendment. See 540 U.S. at 194. The Court did not suggest, much less hold, that the “express advocacy” test would be abandoned for political communications that did not meet the precise definition of “electioneering communications.” Indeed, numerous circuit courts have reached the conclusion that the “express advocacy” test survived *McConnell* intact. See e.g., *Anderson v. Spear*, 356 F.3d 651, 664 (6th Cir. 2004) (noting *McConnell* “left intact the ability of courts to make distinctions between express advocacy and issue advocacy, where such distinctions are necessary to cure vagueness and overbreadth in statutes which regulate more speech than that for which the legislature has established a significant governmental interest”); *ACLU of Nevada v. Heller*, 378 F.3d 979 (9th Cir. 2004) (declining to save statute regulating political expression because, by its terms, the statute was not restricted to “advocacy” and therefore was too broad for the express advocacy standard to save).

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Here, the Fall 2005 Advertisements aired well outside the definitional 30 and 60-day windows for electioneering communications. Accordingly, they are subject to regulation as "expenditures" only if they meet the *Buckley* "express advocacy" test. Although Senator Santorum was mentioned, the Fall 2005 Advertisements did not expressly call for his election (or the defeat of any other federal candidate). Nowhere do the advertisements instruct viewers to "vote for," "re-elect," "support," or otherwise take favorable electoral action for Senator Santorum. Nor do they mention Bob Casey, Alan Sandals, or Chuck Pennacchio (the Democratic candidates), or urge viewers to take action to defeat them. Rather, the predominant message was the need for legislation to make tax relief permanent and reform of social security.

2. "Only Reasonable Interpretation" Test

The Complaint's allegation that the Fall 2005 Advertisements constituted express advocacy is premised entirely on a Commission regulation, which suggests that, in the absence of explicit words of advocacy of election or defeat, a communication may also be a form of express advocacy when, taken as a whole and with limited reference to external events, it can only be interpreted by a "reasonable person" as unmistakably and unambiguously advocating the election or defeat of one or more clearly identified candidate(s). See 11 C.F.R. § 100.22(b).⁷ This regulation is based on *FEC v. Furgatch*, 807 F.2d 857 (9th Cir. 1987), which broadened *Buckley*'s definition of express advocacy and suggested that context is an appropriate consideration, even when the speech does not contain explicit words of advocacy as required by *Buckley*. See 807 F.2d at 864 (holding speech may be considered express advocacy if (1) its message is unmistakable and unambiguous, suggesting of only one plausible meaning, (2) it

⁷ The Complaint mistakenly refers to 11 C.F.R. §§ 100.24(a), (b), which define "federal election activity."

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presents a clear plan for action, and (3) it is clear what action is advocated). Other federal courts called on to consider the *Furgatch* standard (as it has been interpreted by section 100.22(b)), however, have rejected it. See *FEC v. Christian Action Network*, 92 F.3d 1178 (4th Cir. 1996) (unpublished), *aff'g*, 894 F. Supp. 946 (W.D. Va. 1995) (rejecting FEC's position, citing Supreme Court and other dispositive authority that "express words of advocacy" are the constitutional minima). Indeed, at least three federal courts have held that the regulation cited by the Casey Committee is invalid and unenforceable. See *e.g.*, *Maine Right to Life Comm., Inc. v. FEC*, 98 F.3d 1 (1st Cir. 1996) (affirming ruling invalidating section 100.22(b) because it improperly enlarges the definition of "express advocacy"); *Virginia Soc'y for Human Life, Inc. v. FEC*, 263 F.3d 379, 392 (4th Cir. 2001) (finding section 100.22(b) "goes too far because it shifts the determination of what is express advocacy" and violates the First Amendment); *Right to Life of Dutchess County v. FEC*, 6 F. Supp. 2d 248 (S.D.N.Y. 1998) (declaring section 100.22(b) invalid because it would encompass substantially more communication than is permitted to avoid First Amendment overbreadth problems).

Even if, contrary to law, 11 C.F.R. § 11.22(b) were valid, however, the Complaint's allegations would fail. The Fall 2005 Advertisements encouraged viewers to contact Senator Santorum's district office to thank him for his support of tax relief and social security reform legislation. They did not solicit contributions for Senator Santorum, nor did they mention Senator Santorum's campaign, campaign headquarters, Bob Casey, or the 2006 election. And, importantly, unlike the advertisements in *Furgatch*, they had no proximity to the election.

Especially when considered with prior advertisements by AJS, including the advertisements earlier in 2005 criticizing Senator Santorum for not acting promptly enough to

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push repeal of the estate tax, the total circumstances indicate that the Fall 2005 Advertisements were public policy advertisements. As further evidence of the issue-oriented nature of the advertisements, the Bob Casey for Pennsylvania Committee responded shortly after the ads aired by attacking the merits of the "Social Security Guarantee Act of 2005," noting that S. 1750 "would do nothing to address Social Security's projected shortfalls in the future." Bob Casey for U.S. Senate, http://www.bobcaseyforpa.com/ajs_response.html (last visited Jan. 30, 2006), attached hereto as Exhibit B. By Complainant's own actions, then, the ads had the desired effect – to ignite a spirited debate on issues of importance to AJS and its members – and are plainly susceptible to a reasonable interpretation other than as a directive to vote for Senator Santorum or against Bob Casey.

II. Americans for Job Security Is Not a "Political Committee."

The Complaint alleges that AJS is a "political committee" that should be subjected to pervasive regulations under FECA. (Compl. at 5-6.) For several reasons, the Complaint's allegations are unsupported and facially inaccurate. First, AJS is a 501(c)(6) nonprofit trade association that engages in issue-oriented advocacy, consistent with its members' common interests. Second, AJS cannot be held subject to the pervasive regulations that govern political committees because it does not receive contributions or make expenditures to advocate expressly for the election or defeat of a clearly identified candidate. Finally, to the extent the Complaint relies on the embattled "major purpose" standard, its allegations also fail because AJS does not have electoral goals as its major purpose.

A. *Americans for Job Security Is a Section 501(c)(6) Entity, Not a Section 527 "Political Organization."*

The Complaint seems to suggest that AJS falls within the narrow definition of a section 527 political organization. Section 527 of the Internal Revenue Code defines political organizations as any "party, committee, association, fund, or other organization (whether or not incorporated) organized and operated *primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both,*" to influence the election of candidates. 26 U.S.C. § 527(e)(1) (emphasis added); *see also* 26 U.S.C. § 527(e)(2).

AJS is a 501(c)(6) entity, not a political organization. As stated in its Articles of Incorporation, AJS is an incorporated nonprofit trade association organized pursuant to section 501(c)(6) of the Internal Revenue Code for the purpose of uniting "*in a common organization businesses, business leaders, entrepreneurs, and associations of businesses*" and to "*promote the common business interests of its members . . . by helping members of the American public to better understand public policy issues of interest to business.*" (Attach. 1 to Dubke Aff., Ex. A hereto.) The IRS audited AJS in 2004, but elected to take no action challenging its status under 501(c)(6). (Dubke Aff. ¶ 5.) AJS continues to maintain its tax exempt status as a nonprofit trade association in good standing. (Dubke Aff. ¶ 5.)

Contrary to the unfounded assertions set forth in the Complaint, AJS does not contribute to candidates or their authorized committees, nor does it serve as a "vehicle to use corporate funds to engage in express advocacy." (Compl. at 5.) To the extent its actions relate to candidates or legislators, the message is focused on educating the public on positions and encouraging the public to urge legislators to support policies consistent with AJS's pro-job, pro-growth agenda. Such educational efforts and other "grassroots lobbying" are standard fare for

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trade associations like AJS; that is presumably why the Internal Revenue Code treats trade associations differently than section 527 political organizations. Moreover, although not pertinent to this case, it is worth noting that the Internal Revenue Code allows section 501(c)(6) trade associations to engage in some amount of political activity without automatically triggering "political organization" status. See Rev. Rul. 2004-06, 2004-4 I.R.B. 328 (section 501(c)(6) business leagues may engage in some political activities, provided those activities are not the groups' primary activities).

B. Americans for Job Security Is Not a Political Committee Because It Did Not Make "Expenditures."

The Complaint confuses the public policy goals of AJS in an attempt to characterize AJS as a political committee and seeks the bizarre result of subjecting AJS to pervasive regulation as a "political committee" when it has not made an "expenditure." Under FECA and Commission regulations, a political committee is "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4)(A); 11 C.F.R. § 100.5(a). The terms "contribution" and "expenditure" are both defined as "anything of value . . . for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i), (9)(A)(i); 11 C.F.R. §§ 100.52(a), 100.111(a). The Supreme Court specifically limited the phrase "for the purpose of influencing" a federal election narrowly to include disbursements for "communications that expressly advocate the election or defeat of a clearly identified candidate." *Buckley*, 424 U.S. at 80; see also *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238, 248-49 (1986). Consequently, a group qualifies as a "political

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committee" only if it receives contributions or makes expenditures to expressly advocate the election or defeat of a clearly identified candidate.

AJS is not a "political committee," because it does not receive contributions or make expenditures – as defined by *Buckley* – for advertisements or other communications that expressly advocate the election or defeat of a clearly identified candidate. To support its allegation that AJS should be regulated as a political committee, the Complaint falsely claims that AJS "spent over \$1,000 in a calendar year to influence Federal elections." (Compl. at 5.) As demonstrated on the face of the advertisements and explained above in Part I, the Fall 2005 Advertisements did not constitute "expenditures" because they contained no express advocacy and were aired many months before a primary and almost a year before a general election. Therefore, under no facts alleged can the Commission find that AJS meets the threshold requirements that define a "political committee."

C. Even Assuming the "Major Purpose" Test Were Applicable, Americans for Job Security Does Not Meet It.

Despite insufficient legal precedent for the "major purpose test," the Complaint nevertheless asserts that AJS should have registered with the Commission as a political committee because its "major purpose" is electoral. (Compl. at 5-6.) While the Complaint suggests that the so-called "major purpose test" supplements the express advocacy test to subject to pervasive regulation as a "political committee" any entity whose "major purpose" is to influence federal elections, this suggestion is misguided. To begin with, it invokes dicta from an unrelated passage of *Buckley* to eviscerate the statutory definition of "political committee." Furthermore, it is not itself a legally operative standard for defining a political committee. No such language appears anywhere in FECA or in Commission regulations. Indeed, the

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Commission recently confirmed that an organization's "major purpose" is not an appropriate measure of whether the organization meets the definition of a political committee. See Political Committee Status, 69 Fed. Reg. 68,056, 68,064-65 (Nov. 23, 2004) (declining to incorporate the "major purpose" test into the definition of "political committee").

Even assuming *arguendo* that some sort of major purpose test did apply, the Complaint drastically mischaracterizes both the purposes and accomplishments of AJS by suggesting that the organization's activities consist solely, or even primarily, of supporting and opposing candidates for office. The Complaint asserts with no basis that AJS's primary activity is to "support Republican candidates in close elections." (Compl. at 5.) To the contrary, AJS does not seek to elect or defeat any candidate for a federal election, nor was it created to achieve such a goal. (Dubke Aff. ¶ 7.) In 2004 and 2005, for example, AJS embarked on a widespread campaign concerning legislation to repeal the estate tax. The association distributed a series of print advertisements in Oklahoma, criticizing Senator Don Nickles – a Republican not running for reelection – for not doing more to repeal the estate tax. The advertisements included a message encouraging readers to contact Senator Nickles and urge him to "kill the Death Tax" before his announced retirement from the Senate. (Dubke Aff. ¶ 8, Attach. 5.) AJS continued its campaign concerning legislation to repeal the estate tax in 2005 with a series of broadcast advertisements urging listeners to contact key Democratic Senators to ask their support of legislation to repeal the estate tax. (Dubke Aff. ¶ 11, Attachs. 8-12.) Also that year, AJS produced a series of print advocacy pieces that criticized Senate leadership – namely Majority Leader Bill Frist, Senator Jon Kyl, and Senator Santorum – for failing to bring legislation to the

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floor for a vote, despite their public promises to repeal the estate tax. (Dubke Aff. ¶¶ 9-10, 12, Attachs. 6-7, 13.)

The 2004-05 death tax campaign resoundingly rebuts the suggestion that AJS is an electoral, rather than issue-oriented, entity. The 2004 communications focused on a retiring Senator, and the 2005 communications named one Senator (Frist) who had already announced his intent not to seek reelection and several others (Pryor, Bayh, Landrieu, Baucus, and Wyden) who were not in an election cycle at the time. Indeed, whereas the Casey Committee complains that the Fall 2005 Advertisements were solely intended to help Senator Santorum's reelection, it ignores the association's earlier advertisements that were critical of him. And, of course, none of these communications were disseminated within 60 days of a general election or 30 days of a primary election, and none contained any express advocacy or even any electoral component. (Dubke Aff. ¶¶ 8-12.)

Just as with the communications described above, the Fall 2005 Advertisements were issue-oriented advocacy pieces. AJS sought to use the 2006 Pennsylvania Senate race as a platform to frame the national debate to include issues important to AJS and its members, namely tax relief and social security viability. (Dubke Aff. ¶ 13.) The 2006 Pennsylvania Senate race is widely considered to be one of the nation's most closely watched races and consequently has gained increased media exposure. See Bob Warner, *Casey Will Run for Santorum's Seat*, Philadelphia Daily News, Mar. 5, 2005 (characterizing the race as "one of the nation's most heavily contested, closely watched races"); Kathryn Jean Lopez, *Reelect Rick*, Nat'l Rev., June 1, 2005 ("the Pennsylvania Senate race is the eye of the storm in 2006"). Notably, in the 1991 campaign to fill the seat of deceased Pennsylvania Senator Heinz,

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Democratic Senator Harris Wofford campaigned heavily on the issue of health care, raising that issue to prominence in the American political debate. Recognizing the unique opportunity to draw attention to and publicly advocate the need for tax relief and retirement security, AJS aired the Fall 2005 Advertisements in an effort to have its issues be part of the debate. (Dubke Aff. ¶ 13.)

III. The Fall 2005 Advertisements Were Not Required to Carry a Disclaimer Notice.

The Complaint wrongly assumes that the disclaimer requirements found in 2 U.S.C. § 441d apply to the advertisements sponsored by AJS. The provisions of FECA and Commission regulations require that political advertisements purchased by a non-connected *political committee* contain a disclaimer notice identifying who authorized and paid for it. *See* 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a)(1). More broadly, FECA and Commission regulations also provide that a disclaimer is required, regardless of who sponsors the advertisement, when (1) the advertisement *expressly advocates the election or defeat* of a clearly identified candidate, (2) the advertisement *solicits contributions*, or (3) the advertisement constitutes an *electioneering communication*. *See* 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a)(2)-(4). As explained above, AJS is not a "political committee," nor did it pay for electioneering communications or advertisements that expressly advocated the election or defeat of a federal candidate. Therefore, the public policy advertisements are not subject to the disclaimer requirements cited in the Complaint.

CONCLUSION

In sum, there is no legal or factual substance to the allegations set forth by the Bob Casey for Pennsylvania Committee. Accordingly, AJS respectfully requests that the Commission find

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January 30, 2006
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no reason to believe a violation has been committed, dismiss the Complaint, and close the matter with no further action.

If you have any questions or require additional information, please do not hesitate to contact me at (202) 756-8003.

Respectfully submitted,

Bobby R. Burchfield / NLS

Bobby R. Burchfield

Attachments

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EXHIBIT A

ATTACHMENT 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION



CERTIFICATE

THIS IS TO CERTIFY that all applicable provisions of the DISTRICT
OF COLUMBIA NONPROFIT CORPORATION ACT have been complied with and
accordingly, this CERTIFICATE of INCORPORATION is hereby issued to
AMERICANS FOR JOB SECURITY

as of NOVEMBER 3RD , 1997 .

W. David Watts
Director

Katherine A. Williams
Administrator
Business Regulation Administration

Act. Asst. Desiree M. Jones
Superintendent of Corporations
Corporations Division

Marion Barry, Jr.
Mayor

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ATTACHMENT 3

Commonwealth
of VirginiaState
Corporation
Commission

Enter

Signoff

Help

Print

WEB#366 CIS 01/19/06
 TCP00065 CTS#0180 CORPORATE DATA INQUIRY 11:09:50
 CORP ID: F13654 - 3 STATUS: 00 ACTIVE STATUS DATE: 06/05/03
 CORP NAME: AMERICANS FOR JOB SECURITY
 DATE OF CERTIFICATE: 04/16/2001 PERIOD OF DURATION: INDUSTRY CODE: 00
 STATE OF INCORPORATION: DC WASHINGTON, D.C STOCK INDICATOR: N NON-STOCK
 MERGER IND: CONVERSION/DOMESTICATION IND:
 GOOD STANDING IND: Y MONITOR INDICATOR:
 CHARTER FEE: 50.00 CASE NO: CASE STATUS: HEARING DTE:
 R/A NAME: CORPORATION SERVICE COMPANY
 STREET: 11 S 12TH ST AR RTN MAIL:
 CITY: RICHMOND
 R/A STATUS: C CORP/LIC/RLP R EFF. DATE: 06/12/03 LOC.: 216
 ACCEPTED AN#: 205 36 1845 DATE: 05/03/05 RICHMOND CITY
 CURRENT AN#: 205 36 1845 DATE: 05/03/05 STATUS: A ASSESSMENT INDICATOR: 0
 YEAR FEES PENALTY INTEREST TAXES BALANCE TOTAL SHARES
 05 25.00
 COMMAND:

NOTE: Function Key usage varies depending on the Application Screen.
 For specifics, refer to Function Key Documentation.

ATTACHMENT 4

ATTACHMENT 5

SENATOR NICKLES

WE'RE COUNTING ON YOU
TO COMPLETE YOUR LEGACY



Thank you, Senator Nickles, for your
tireless work to end the federal Death
Tax that punishes families and farmers.

Time and again, you led the fight to
end the Death Tax, and for that we
are grateful.

Now, Oklahoma needs your leadership
and help one last time.

Before you leave the Senate, complete
your legacy and kill the Death Tax.

Permanently.



**CALL SENATOR
NICKLES AT
(918) 581-7651**

Call and urge
him to complete
his legacy and kill
the death tax.



PAID FOR BY AMERICANS FOR JOB SECURITY.

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Which Senator would allow a hard working small business owner to pass on more to their children?



Sen. John Kerry



Sen. Don Nickles

*If you guessed Nickles,
you guessed wrong!*

Surprised? It surprised us too.

Last week, instead of renewing his call for the elimination of the Death Tax, Senator Nickles proposed a Death Tax exclusion that was \$500,000 less than what John Kerry, and 40 other Democrats, voted for last year.

That's right, John Kerry, the most liberal member of the Senate, Ted Kennedy and

Tom Daschle are for letting a small business owner pass on more of their hard earned income than the Republican Chair of the Senate Budget Committee.

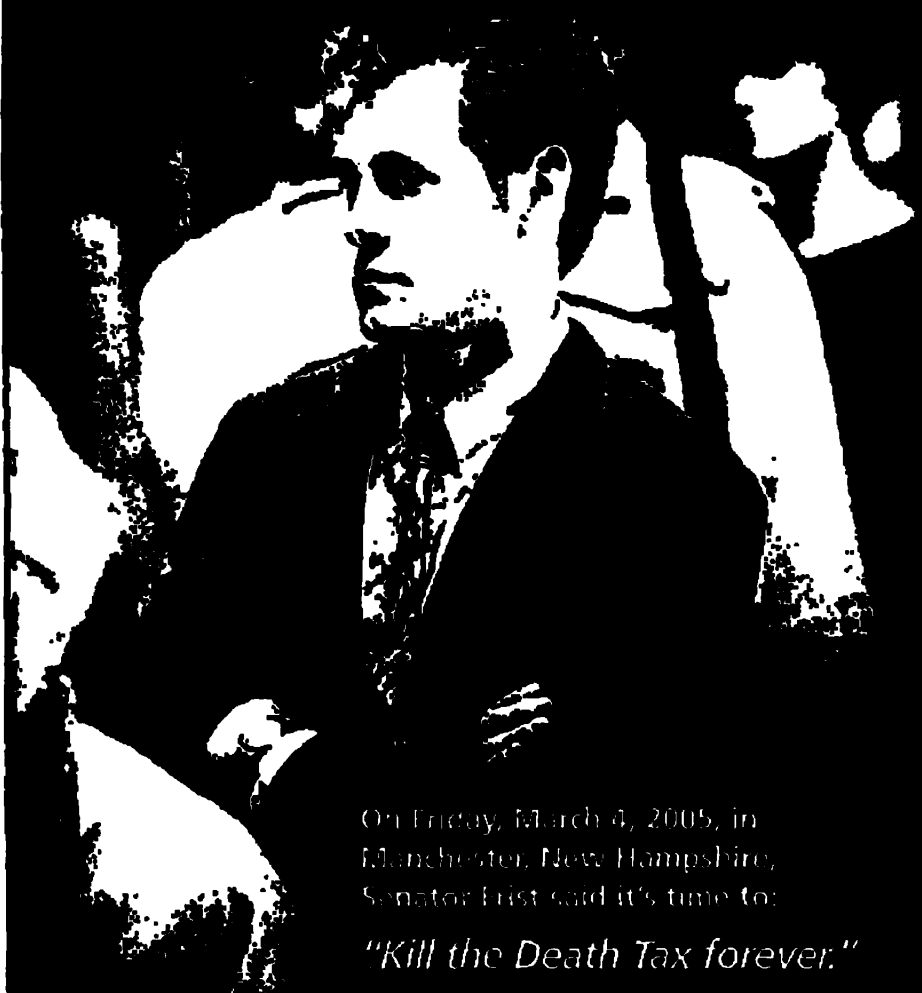
Taxing the living is bad enough. Taxing the dead is outrageous and must be stopped. Call Senator Nickles at 202-224-5754. Tell him it's time to build a true legacy, kill the Death Tax permanently.



ATTACHMENT 6

It's Day 14...

Working families are still waiting.



On Friday, March 4, 2005, in
Manchester, New Hampshire,
Senator Frist said it's time to:

"Kill the Death Tax forever."

IT'S DAY 14... AMERICA'S
WORKING FAMILIES ARE
STILL WAITING.

Call Senator Frist

(202) 224-3344



**Tell him you're tired of waiting.
Tell him to vote to kill the Death Tax this year.**



SENATOR FRIST,
THANK YOU FOR YOUR PROMISE
IN NEW HAMPSHIRE OF A VOTE.

"We will fight to
kill the Death
Tax forever!"

Pledge to Taxpayers

March 19, 2003



It's Day 30...

Working families are still waiting.

www.stoptaxingthedeath.com

© 2003 Stop Taxing the Death Tax



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It's Day 101... Working families are still waiting.

On Friday, March 4, 2005
Manchester, New Hampshire
Senator Blanche Lincoln

TELL HIM YOU'RE TIRED OF WAITING.

Tell him it's time to schedule a vote.



Transcript of "Death Tax New Hampshire" Spot

Female VO:

John, what should we do this weekend?

Male VO:

I thought we could check out Bill Frist.

Female VO:

Frist, who's he?

Male VO:

Senate Majority Leader but he's also thinking of running for President.

Female VO:

Um, so, what's he like.

Male VO:

He's a good man, good leader. Passed education reform, Medicare reform, but nothing yet on the death tax.

Female VO:

Why not, double taxation is never right.

Male VO:

I know and it's not like he hasn't had a chance. The House has passed the death tax repeal at least three times and this is a top priority of President Bush.

Female VO:

You know, I am sick and tired of worrying if we can pass our family business on to our children. When is Senator Frist going to get it done?

Male VO:

You know that is exactly what I am going to ask him. Frist wants to meet New Hampshire. Well, this Granite Stater wants to know when he is going to kill the death tax for good.

Male VO:

Small businesses all over this country need relief from the death tax. New Hampshire, next time you see Bill Frist whether it be at a coffee, the supermarket, or on the street, please ask him when will America stop taxing the dead. Senator Frist, it's time to protect small businesses. It's time to do the right thing. Paid for by Americans for Job Security.

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Transcript of "Frist All Talk" Spot

Male VO:

It is time to stop making death a taxable event.

Female VO:

On March 4, Senate Leader Bill Frist told the people of New Hampshire that it was time to kill the death tax forever.

Male VO:

That was over 20 weeks ago, New Hampshire small business owners are still waiting.

Female VO:

As Majority Leader Bill Frist can schedule a vote at any time, yet, Senator Frist has failed to take action and time is running out. Just another politician who is all talk?

Male VO

The death tax hurts small businesses and family farms. Often it means selling off the business just to pay the death tax.

Female VO:

That's wrong.

Male VO:

Senator Frist needs to understand that in New Hampshire trust is earned.

Female VO:

Fool me once shame on you, fool me twice shame on me. There is no place in New Hampshire for empty promises.

Male VO:

Visit stoptaxingthedead.com and next time you see Senator Frist in New Hampshire tell him it's time to schedule a vote and time to stop taxing the dead.

Female VO:

Paid for by Americans for Job Security.

ATTACHMENT 7

PENNSYLVANIA FAMILIES, FARMERS AND SMALL BUSINESSES NEED TAX RELIEF NOW.



**SENATOR SANTORUM SHOULD USE HIS CLOUT
TO PROVIDE US WITH TAX RELIEF.**

AMERICANS FOR JOB SECURITY
1240 NORTH PITT STREET, SUITE 350
ALEXANDRIA, VA 22314



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U.S. POSTAGE
PAID
HUNNELL
DIST. CORR.



SENATOR SANTORUM

PENNSYLVANIA NEEDS TAX RELIEF NOW.

Pennsylvania's families, farmers and small businesses pay far too much in taxes. They need tax relief now.

The Death Tax is an unfair tax paid by families when they leave their business or farm to their loved one.

Senator Santorum is one of the highest ranking members of the U.S. Senate. He has the power to call for a vote to end this tax today.

But sadly, Senator Santorum refuses to use his leadership position to end this tax on working families.

It's time to give Pennsylvania families the tax break they deserve. Let Senator Santorum know that you want him to end the Death Tax.

SENATOR SANTORUM SAYS HE WANTS TO END THE DEATH TAX. SENATOR SANTORUM, IT'S TIME TO DELIVER.

END THE TAX ON HARDWORKING FAMILIES.

VISIT WWW.STOPTAXINGTHEDEAD.COM

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ATTACHMENT 8

Transcript of "Arkansas Death Tax" Spot

Female VO:

Lloyd, did you read that the US senate is voting to kill the death tax?

Male VO:

Again?

Female VO:

This time it's for real repeal of the death tax, not just some fig leaf.

Male VO:

Really, that's great news for the kids.

Female VO:

Oh.

Male VO:

Oh what, what's the catch.

Female VO:

It says here that Mark Pryor is a key vote. That Senator Pryor holds the crucial vote to kill the death tax forever.

Male VO:

Mark Pryor is a good guy. He knows family farmers and small businesses have paid their fair share. The death tax needs to go.

Female VO:

Lloyd, Senator Pryor's vote is the difference between giving all we've worked for to the kids or to the IRS. We need to call him to tell him to vote for Arkansas families.

Male VO:

Pryor must understand that this is the most important vote he'll cast this year for family owned farms and businesses.

Female VO:

Call Mark Pryor at 501-324-6336. Tell him it's time to stop taxing the dead. It's time to start protecting small businesses and family farms.

Male VO:

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ATTACHMENT 9

Transcript of "Indiana Death Tax" Spot

Female VO:

Lloyd, did you read that the U.S. Senate is voting to kill the death tax?

Male VO:

Again?

Female VO:

This time it's for real repeal of the death tax, not just some fig leaf.

Male VO:

Really, that's great news for the kids.

Female VO:

Oh.

Male VO:

Oh what, what's the catch.

Female VO:

It says here that Evan Bayh is a key vote. That Senator Bayh holds the crucial vote to kill the death tax forever.

Male VO:

Evan Bayh is a good guy. He knows family farmers and small businesses have paid their fair share. The death tax needs to go.

Female VO:

Lloyd, Senator Bayh's vote is the difference between giving all we've worked for to the kids or to the IRS. We need to call him to tell him to vote for Indiana families.

Male VO:

Bayh must understand that this is the most important vote he'll cast this year for family owned farms and businesses.

Female VO:

Call Evan Bayh at 317-554-0750. Tell him it's time to stop taxing the dead. It's time to start protecting small businesses and family farms.

Male VO:

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ATTACHMENT 10

Transcript of "Louisiana Death Tax" Spot

Female VO:

Lloyd, did you read that the U.S. Senate is voting to kill the death tax?

Male VO:

Again?

Female VO:

This time it's for real repeal of the death tax, not just some fig leaf.

Male VO:

Really, that's great news for the kids.

Female VO:

Oh.

Male VO:

Oh what, what's the catch.

Female VO:

It says here that Mary Landrieu is a key vote. That Senator Landrieu holds the crucial vote to kill the death tax forever.

Male VO:

Mary Landrieu is a good person. She knows family farmers and small businesses have paid their fair share. The death tax needs to go.

Female VO:

Lloyd, Senator Landrieu's vote is the difference between giving all we've worked for to the kids or to the IRS. We need to call and tell her to vote for Louisiana families.

Male VO:

Landrieu must understand that this is the most important vote she'll cast this year for family owned farms and businesses.

Female VO:

Call Mary Landrieu at 225-389-0395. Tell her it's time to stop taxing the dead. It's time to start protecting small businesses and family farms.

Male VO:

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ATTACHMENT 11

Transcript of "Montana Death Tax" Spot

Male VO:

It is time to stop making death a taxable event.

Female VO:

Senator Max Baucus knows that we need to kill the death tax. Several years ago he said full permanent repeal is the right thing to do.

Male VO:

Yet Montana farmers and small business owners are still waiting.

Female VO:

Now, Max Baucus says a vote on the death tax would not be "constructive" and he also said "I don't think we're ready yet."

Male VO

The death tax hurts small businesses and family farms. Often it means selling the business or selling off the family farm just to pay the death tax.

Female VO:

The politicians might not be ready but Montana farmers and small business owners are more than ready for relief. While Max Baucus fiddles, Montana families are losing out.

Male VO:

It's time for Max Baucus to stop talking and start using his leadership skills and bring the death tax to a vote.

Female VO:

Visit stoptaxingthedeath.com and next time you see Senator Baucus, tell him it's time to stop taxing the dead.

Male VO:

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ATTACHMENT 12

Transcript of "Oregon Death Tax" Spot

Female VO:

Lloyd, did you read that the U.S. Senate is voting to kill the death tax?

Male VO:

Again?

Female VO:

This time it's for real repeal of the death tax, not just some fig leaf.

Male VO:

Really, that's great news for the kids.

Female VO:

Oh.

Male VO:

Oh what, what's the catch.

Female VO:

It says here that Ron Wyden is a key vote. That Senator Wyden holds the crucial vote to kill the death tax forever.

Male VO:

Ron Wyden is a good guy. He knows family farmers and small businesses have paid their fair share. The death tax needs to go.

Female VO:

Lloyd, Senator Wyden's vote is the difference between giving all we've worked for to the kids or to the IRS. We need to call him to tell him to vote for Oregon families.

Male VO:

Wyden must understand that this is the most important vote he'll cast this year for family owned farms and businesses.

Female VO:

Call Ron Wyden at 503-326-7525. Tell him it's time to stop taxing the dead. It's time to start protecting small businesses and family farms.

Male VO:

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ATTACHMENT 13



Press Statement

For Immediate Release
July 21, 2005

Contact: Michael Dubke
(703) 535-3110

Transcript of "Kyl Doesn't Deliver"

Male VO:

Senator Jon Kyl says he wants to permanently eliminate the Federal Death Tax.

Female VO:

In fact, President Bush asked Jon Kyl to lead that effort.

Male VO:

Senator Jon Kyl proclaimed that there would be a vote before the end of July. But Senator Kyl has not been able to deliver and time is running out.

Female VO:

The death tax hurts small businesses and family farms. Often times it means selling off the business just to pay the Death Tax.

Male VO:

That's wrong. President Bush is counting on Arizona leadership to pass his number one priority for small businesses and family farms. Jon Kyl is letting him down.

Female VO:

Senator Kyl gave his word to eliminate the death tax, if you can't trust him on this issue when can you trust him?

Male VO:

Or maybe he's just not that effective. Visit stoptaxingthedead.com and next time you see Senator Kyl tell him to keep his word vote to kill the Death Tax now.

Female VO:

Paid for by Americans for Job Security.

1240 North Pitt Street
Suite 350
Alexandria, VA 22314

703-535-3110
703-535-3111 FAX
info@savejobs.org

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ATTACHMENT 14

“Moms”

Script

Most Saturdays they get together in the park - 8 a.m. sharp.

Video

Film:

A family (husband, wife, daughter, son, and pet dog) walks on a road bordering the woods.

Support

No support needed.

Graphic:

"[Saturday 8:00 am]"

Script

Pennsylvania families relax a little more these days. Because Rick Santorum is getting things done every day.

Video

Film:

A mother plays with her young child in a pile of leaves.

Graphic:

*"Rick Santorum
[getting things done everyday]"*

Support

No support needed.

Script

Over \$300 billion in tax relief.

Video**Film:**

A mother helps her young child walk as they play in the woods.

Graphic:

"Rick Santorum
[Over 300 Billion in Tax Relief]"

Summary

On May 23, 2003, Senator Rick Santorum voted to pass the Conference Report on H.R. 2, "The Jobs and Growth Tax Relief Reconciliation Act of 2003." See Senate Roll Call Vote No. 108th Cong., 78 CONG. REC. S7087 (May 23, 2005) (TAB A). The President signed the legislation into law on May 28, 2003. See President's Remarks on Signing the Jobs and Growth Tax Relief Reconciliation Act of 2003, 39 WEEKLY COMP. PRES. DOC. 22 (June 2, 2003), at 666-69 (TAB B). The law enacted \$349.7 billion in tax relief from 2003 through 2013. See CONG. BUDGET OFFICE COST ESTIMATE, H.R.2 JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003, at 1, 3, and 6 (May 23, 2005) (TAB C).

Script

Eliminating the marriage penalty.

Video**Film:**

A mother plays helps her young child walk as they play in the woods.

Graphic:

*"Rick Santorum
[Eliminating Marriage Penalty]"*

Support

Section 103 of The Jobs and Growth Tax Relief Reconciliation Act of 2003 accelerated an increase in the standard deduction for married couples filing joint tax returns. See The Jobs and Growth Tax Relief Reconciliation Act of 2003, Pub. L. No. 108-27, § 103, 117 Stat. 754 (2003) (TAB D); see also Bush Remarks at 667 (TAB E); CBO ESTIMATE at 3 (TAB C); and JOINT COMM. ON TAXATION, SUMMARY OF CONFERENCE AGREEMENT ON H.R. 2, THE "JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003" (May 22, 2003), at 1 (TAB E).

Script

Increasing the per-child tax credit . . . All done.

Video

Film:

A mother plays helps her young child walk as they play in the woods.

Graphic:

"Rick Santorum
[Increase Per Child Tax Credit]

Summary

Section 101 of The Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the child tax credit from \$600 to \$1,000 per-child from 2003 through 2004. See Pub. L. No. 108-27, § 101, 117 Stat. 753-54, (2003) (TAB D); see also Bush Remarks at 667 (TAB B); CBO ESTIMATE at 3 (TAB C); and JOINT TAX COMM. at 1 (TAB E).

<u>Series</u>	<u>Video</u>	<u>Summary</u>
And now Rick Santorum's fighting to eliminate unfair taxes on family businesses.	Film: A woman purchases food at a pastry shop.	Senator Santorum opposes the estate tax and is a cosponsor of S. 7, "The Jobs and Growth Tax Relief Act of 2005," which would enact a permanent repeal of federal estate, gift, and generation-skipping transfer taxes. See S. 7, 109th Cong. (2005) (TAB F); 15 Cong. Rec. S1345 (Feb. 14, 2005) (TAB G).

<u>Script</u>	<u>Video</u>	<u>Support</u>
Call and say thanks.	File:	No support needed.

Because Rick Santorum is the one getting it done.
Two toddlers play together while pulling a wagon down a sidewalk.

Graphic:

" Senator Rick Santorum

(412) 562-0533

[Getting It Done]

Americans for Job Security Logo

PAID FOR BY AMERICANS FOR JOB SECURITY"

ATTACHMENT 15

“Grandkids”

Script

These days, Edgar's afternoons are reserved for grandkids.

Video

Film:

A grandfather runs with his grandson in a park.

Graphic:

"[Tuesday 3:30 p.m.]"

Support

No support needed.

<u>Script</u>	<u>Video</u>	<u>Summary</u>
Like thousands of Pennsylvania seniors, he's enjoying retirement.		According to Social Security Administration statistics, the Federal Government paid Social Security benefits to approximately 1.5 million Pennsylvania retirees in 2003. <i>See State Statistics for December 2003 Pennsylvania, Social Security Administration</i> (Feb. 2005) (TAB A). Retired workers in Pennsylvania received an average benefit of \$948 per month. <i>See id.</i> (TAB A).
Because Rick Santorum's protecting his Social Security.	Grandfather walks with his grandson down a path in a park. Graphic: "Rick Santorum"	Senator Rick Santorum (R-Penn.) is the Chairman of the Senate Finance Subcommittee on Social Security and Family Policy, which has jurisdiction over Social Security legislation. <i>See Senate Finance Subcommittee Roster, The Congressional Directory or the 109th Congress</i> (2005-2006), U.S. Government Printing Office, at 358 (TAB B).
		RetireSafe.org gave Senator Santorum a 100-percent approval rating for 2003-2004 for supporting issues important to the organization. <i>See Retire Safe Ratings, Project Vote Smart, available at</i> http://www.vote-smart.org/issue_rating_detail.php?sig_id=003502M (TAB C). RetireSafe.org is a grassroots organization promoting

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retirement security issues. *See id.* (TAB C).

United Seniors Association gave Senator Santorum a 100-percent rating for 1999 and 2000 for supporting issues important to the association. *See* Project Vote Smart, available at http://www.vote-smart.org/issue_rating_detail.php?sig_id=001163M (TAB D) and http://www.vote-smart.org/issue_rating_detail.php?sig_id=001664W (TAB E). United Seniors Association is a 1.5 million member non-profit organization that works to safeguard the Social Security Trust Fund. *See id.* (TABS D and E).

Script

Santorum sponsored legislation guaranteeing Americans 55 and older the Social Security they deserve.

Video**Film:**

Close-up of grandfather's hand, which is holding his grandson's hand as they walk down a path in the park.

Graphic:

"Rick Santorum

[Sponsored Social Security Guarantee Act of 2005]

s.1750"

Summary

On September 22, 2005, Senator Santorum introduced S. 1750, "The Social Security Guarantee Act of 2005." See S. 1750, 109th Cong., 151 Cong. Rec. S10378 (Sept. 22, 2005) (TAB F). The legislation requires the Treasury Department to issue a certificate guaranteeing benefits and cost-of-living adjustments to each Social Security beneficiary born before 1950. See 151 Cong. Rec. S10379-80 (Sept. 22, 2005) (TAB G).

Senator Santorum introduced similar legislation in 2001. See S. 1558, 107th Cong. (2001) (TAB H); 139 Cong. Rec. S10769, S10773-74 (Oct. 16, 2001) (TAB I).

Script

Fighting to make sure Congress can't touch it in the future.

Video**Film:**

Close-up of grandfather's hand, which is holding his grandson's hand as they walk down a path in the park.

Graphic:

"Rick Santorum

[Ensuring Social Security is there when we need it]"

Support

The Social Security Guarantee Act of 2005, S. 1750, 109th Cong. § 2(c) (2005), would enact an obligation by the Federal Government to provide Social Security benefit payments to beneficiaries born before 1950. See S. 1750 ("Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. § 401 et seq.) in amounts in accordance with the guarantees set forth in the certificate.") (TAB J). The provision would "make it much harder for a future Congress to reduce retirees' benefits." See David C. John, *Guaranteeing Retirees' Social Security Benefits: An Important First Step Toward Reform*, HERITAGE FOUNDATION WEB MEMO, Sept. 27, 2005, at 1 (TAB K).

Script

Because seniors worked so hard to pay into it, Santorum's ensuring it's there when we need it.

Video**Film:**

Grandfather places his hat on his grandson's head.

Graphic:

"Rick Santorum

[Ensuring Social Security is there when we need it]"

Support

Worker and employer contributions to the Old-Age and Survivors Insurance Trust Fund, which is the account of the Social Security Trust Fund that pays retirement and survivor benefits, have increased from \$765 million in 1937 to \$472.8 billion in 2004. *See* Old-Age and Survivors Insurance Trust Fund Receipts, Social Security Administration (Jan. 2005) (TAB L). According to the recent Social Security Administration statistics, over 1.5 million retired workers in the Commonwealth of Pennsylvania were Social Security beneficiaries in 2003. *See* Social Security Fact Sheet, Pennsylvania State Statistics, Social Security Administration (Mar. 2005) (TAB M).

Senator Santorum introduced S. 1750, The Social Security Guarantee Act of 2005, S. 1750, 109th Cong. § 2(c) (2005), which would exact an obligation by the Federal Government to provide Social Security benefit payments to beneficiaries born before 1950. *See supra* "Support" at 6 (TABS J and K).

<u>Script</u>	<u>Video</u>	<u>Support</u>
Call and say thanks.	Film:	No support needed.
Rick Santorum's the one getting it done.	Grandfather places his hat on his grandson's head.	
	Graphic:	
	"Senator Rick Santorum	
	(412) 562-0533	
	[Getting It Done]	
	Americans for Job Security Logo	
	PAID FOR BY AMERICANS FOR JOB SECURITY"	

EXHIBIT B

29044232225

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FOR U.S. SENATE, PENNSYLVANIA

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Santorum "Swift Boats" Social Security

Bob Casey Discloses the Truth
New TV ad from shadowy "Americans
for Job Security" closely aligned with
Santorum web ad

[Help Fight Back](#)



AJS AD
Released: 10/20/06



Santorum Web Ad
Released: 10/20/06



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Santorum "Swift Boats" Social Security

The REAL Santorum Record on Social Security

- Seniors know that they can't trust Senator Santorum on Social Security. While running for Senate in 1994, Santorum said, "It is ridiculous that we have a retirement gap in this country at age 65. ... At least age 70. ... I'd go even further if I could." [Santorum at LaSalle University, 10-18-94; Associated Press, 10-21-94]
- In June, Sen Delfino introduced and Santorum cosponsored a bill to move the money in the Social Security surplus into private investment accounts. [S. 1302] According to the Social Security statistics, the Delfino-Santorum plan would make Social Security insolvent 3 years faster if no general revenue funds offset the lost Social Security funds - 2041 to 2052. [CSPF, 8-24-03]
- The AARP opposes Santorum's privatization legislation and said that the "plan would lead to cuts in guaranteed Social Security benefits" and that the "plan is a bad idea." [AARP web site]
- Santorum has been President Bush's biggest ally in their fight to privatize Social Security. Santorum even attacked Bush for not pushing privatization aggressively enough after the 2004 elections.

"With this mandate that you're going to change the sacred cow of the [retirees] left, who've just been exploited beyond belief."

"You've just defeated your opponent, and, you know, you take a 3-vote to the beach," Santorum said. "You go out there and whisk the beachers, and you wonder why all these bees are buzzing around your head. And not only do you whisk the beachers, but then you don't do anything [more] for two months." [Pittsburgh Post-Gazette, 8-22-03]

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www.BobCaseyforPA.com
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