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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 5158
DATE COMPLAINT FILED: November 21, 2000
DATE OF NOTIFICATION: November 29, 2000
ACTIVATION DATE: December 7, 2001

EXPIRATION OF STATUTE January 1, 2005
OF LIMITATIONS:

COMPLAINANT:

American Conservative Union, by David A.
Keene, Chairman,

RESPONDENTS:

Brady Campaign to Prevent Gun Violence f/k/a/
Handgun Control, Inc.

Brady Voter Education Fund f/k/a/ Handgun
Control Voter Education Fund, and Mark A.
Ingram, as treasurer

James S. Brady

Sarah Brady

Gore/Lieberman, Inc., and Jose Villarreal, as
treasurer

Stabenow for U.S. Senate and Angela M. Autera,
as treasurer

Bill Nelson for U.S. Senate and Peggy Gagnon, as
treasurer

Carnahan for Senate Committee, and Lisa L.
Lindsey, as treasurer

Robb for Senate and Thomas J. Lehner, as
treasurer

Handguncontrol.org

Ashcroftandguns.com

Allenandguns.com

Bushandguns.com

Mccollumandguns.com

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**RELEVANT STATUTES AND
REGULATIONS**

2 U.S.C. § 431(8)(A) and (9)(A)
2 U.S.C. § 431(9)(B)(iii)
2 U.S.C. § 431(17)
2 U.S.C. § 434(b) and (c)
2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f) 2 U.S.C. § 441b 2 U.S.C. §
441d 11 C.F.R. § 100.8(b)(3)
11 C.F.R. § 114.2
11 C.F.R. § 114.3
11 C.F.R. § 114.4

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

Internal Revenue Service

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I. INTRODUCTION

The complaint alleges that Handgun Control, Inc., now the Brady Campaign to Prevent Gun Violence ("the Brady Campaign"), and the Handgun Control Voter Education Fund, now the Brady Voter Education Fund ("the Brady Committee"), made prohibited, unreported, in-kind contributions to the campaigns of several federal candidates during the 1999-2000 election cycle in violation of the Federal Election Campaign Act of 1971, as amended ("the Act").¹ These alleged prohibited contributions resulted from television advertisements, press conferences, and websites that purportedly were sponsored by the Brady respondents. Additionally, the complaint alleges that the Brady Committee failed to include proper disclaimers on campaign advertisements and listed inaccurate addresses of contributors in its disclosure reports.

The Brady respondents originally submitted a cursory response to the complaint in which they categorically denied all allegations. Over one year later, the Brady respondents supplemented their response, acknowledging that one particular advertisement in opposition to Senate candidate John Ashcroft failed to include a complete disclaimer. The federal candidate committee respondents each responded to the complaint, denying any coordination with the Brady respondents and requesting that the complaint be dismissed. These responses, as well as the applicable law, will be discussed in the following sections, which analyze the specific allegations made in the complaint.

II. BACKGROUND

The Brady Campaign is a 501(c)(4) non-profit corporation chaired by Sarah Brady. Her husband, James Brady, is on the board of the Brady Campaign's self-described "sister

¹ All of the facts relevant to these matters occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act or statements of law regarding provisions of the Act contained in this report refer to the Act as it existed prior to the effective date of BCRA. Similarly, all citations to the Commission's regulations or statements of law regarding any specific regulation contained in this report refer to the 2002 edition of Title 11, Code of Federal Regulations, published prior to the Commission's promulgation of any regulations under BCRA.

organization," the Brady Center to Prevent Gun Violence ("Brady Center"), a 501(c)(3) non-profit organization which is not a respondent in this matter. The website for the Brady Campaign and the Brady Center sets out the following "Vision and Mission Statement":

As the largest national, non-partisan, grassroots organization leading the fight to prevent gun violence, the Brady Campaign and the Brady Center are dedicated to creating an America free from gun violence, where all Americans are safe at home, at school, at work, and in their communities. The Brady Campaign and the Brady Center believe that a safer America can be achieved without banning all guns.

The Brady Campaign works to enact and enforce sensible gun laws, regulations and public policies through grassroots activism, electing pro-gun control public officials and increasing public awareness of gun violence.

The Brady Center works to reform the gun industry and educate the public about gun violence through litigation and grassroots mobilization, and works to enact and enforce sensible regulations to reduce gun violence including regulations governing the gun industry.

www.bradycampaign.org/about/mission.asp (emphasis added)

The Brady Committee is a separate segregated fund connected to the Brady Campaign. In its Statement of Organization, the Brady Committee describes the Brady Campaign as a membership organization. During the 1999-2000 election cycle, the Brady Committee reported over three million dollars of combined receipts and disbursements. Included among its disbursements are over one million dollars for independent expenditures, a number of which were made in connection with U.S. Senate campaigns in Florida, Virginia, and Missouri.

III. THE FLORIDA SENATE RACE

The complaint alleges that the Brady respondents violated the Act in connection with three activities during the 2000 general election for Senate in Florida. First, the complaint alleges that the Brady respondents co-sponsored a press conference with candidate Bill Nelson. Second, the complaint alleges that the Brady respondents aired a television advertisement that advocated the defeat of Nelson's opponent, Bill McCollum. Third, the complaint alleges that the Brady

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1 respondents maintained a website that advocated the defeat of McCollum. According to the
2 complaint, the Brady respondents coordinated expenditures for these activities with Bill Nelson and
3 his principal campaign committee, Bill Nelson for U.S. Senate ("the Nelson Committee").

4 **A. Nelson Press Conference**

5 According to a newspaper article attached to the complaint, Sarah Brady, Jim Brady, and
6 Bill Nelson all participated in a press conference on October 16, 2000, in which Jim and Sarah
7 Brady endorsed Nelson on behalf of the Brady Campaign. (Complaint Exhibit 20). The complaint
8 alleges that expenditures related to the press conference were not reported to the Commission.
9 Furthermore, the complaint contends that the expenditures were coordinated with the Nelson
10 Committee and constituted a prohibited corporate contribution by the Brady Campaign. The Nelson
11 Committee, in its response to the complaint, denies any violation of the Act, though it states that it
12 "sponsored and publicized" the press conference.

13 This Office first examined the complaint's allegation that expenses related to the press
14 conference were not reported to the Commission. *See* 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13
15 (requiring all disbursements by committees, including in-kind contributions, to be reported). This
16 Office found that the Brady Committee reported expenditures in connection with the event, but after
17 the complaint was filed. In its 2000 Post-General Report, the Brady Committee itemized two
18 disbursements described as "in-kind travel/Nelson for Senate." These disbursements, totaling
19 \$2,078.13, were dated on November 21, 2000 to Grand Bay Hotel and American Airlines. After the
20 Brady Committee submitted this report, the Nelson Committee amended its 2000 Pre-General
21 Report to include receiving an in-kind contribution from the Brady Committee in the amount of
22 \$2,078.13 on October 16, 2000.

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1 Although the aforementioned expenditures were reported as being made by the Brady
2 *Committee*, a newspaper article attached to the complaint states that Jim and Sarah Brady endorsed
3 Nelson on behalf of the Brady *Campaign*. (Complaint Exhibit 20). Similarly, a press release from
4 the Nelson Committee also states that the Bradys endorsed Nelson on behalf of the Brady
5 Campaign. (Complaint Exhibit 19). The Brady Campaign, as a corporate entity, is prohibited from
6 making contributions or expenditures in connection with federal elections. *See* 2 U.S.C. § 441b.²
7 Likewise, candidates and their authorized committees are prohibited from accepting contributions
8 from corporations. *Id.*

9 The Act defines "contribution or expenditure" as "any direct or indirect payment, gift of
10 money, services, or anything of value, to any candidate or campaign committee in connection with
11 any federal election." 2 U.S.C. § 441b(b)(2). The phrase "anything of value" includes all in-kind
12 contributions. 11 C.F.R. § 100.7(a)(1)(iii). Nonetheless, despite this general prohibition on
13 corporate expenditures, the regulations allow corporations to endorse candidates through press
14 conferences, provided that (1) the disbursements related to the press conference are *de minimis* and
15 (2) the public announcement is not coordinated with the candidate or his authorized committee.
16 11 C.F.R. § 114.4(c)(6)(i) and (ii).

17 Here, the Brady Campaign appears to have coordinated the announcement with the Nelson
18 Committee. Jim and Sarah Brady reportedly endorsed Nelson on behalf of the Brady Campaign,
19 and the press conference was sponsored by the Nelson Committee and attended by Nelson himself.
20 This situation is analogous to MUR 4116 (National Council of Senior Citizens ["NCSC"]). In that
21 matter, NCSC's executive director attended a press conference with Charles Robb to endorse him
22 on behalf of NCSC. Although the NCSC's separate segregated fund reported expenditures in

² Although certain nonprofit corporations may make independent expenditures, the Brady Campaign has not claimed to be such a corporation. *See* 11 C.F.R. § 114.10

1 connection with the event, the Commission found reason to believe that NCSC violated the Act
2 because it apparently communicated with Robb's campaign about the press conference. Likewise,
3 notwithstanding expenditures reported by the Brady Committee, the Brady Campaign appears to
4 have communicated with the Nelson Committee to make arrangements for the press conference.

5 By not complying with the regulatory procedures for endorsing candidates through press
6 conferences, *see* 11 C.F.R. § 114.4(c)(6)(ii), the Brady Campaign may have made expenditures in
7 connection with the press conference that would constitute an unreported in-kind contribution to the
8 Nelson Committee. Additionally, because Mrs. Brady appears to have attended the conference in
9 her capacity as director of the Brady Campaign, a portion of her salary should have been reported as
10 an in-kind contribution.³ *See* 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13. Therefore, this Office
11 recommends that the Commission find reason to believe that the Brady Campaign violated 2 U.S.C.
12 § 441b and 11 C.F.R. § 114.4(c)(6) in connection with the Nelson press conference. Likewise,
13 because the Nelson Committee may have received and failed to report the contribution from the
14 Brady Campaign, this Office further recommends that the Commission find reason to believe that
15 the Nelson Committee violated 2 U.S.C. §§ 441b and 434(b) in connection with this press
16 conference.

17 **B. Anti-McCollum Television Advertisement**

18 The complaint also alleges that the Brady Campaign produced a television advertisement
19 that expressly advocated the defeat of Bill Nelson's opponent, Bill McCollum. A newspaper article
20 attached to the complaint stated that the advertisement cost \$250,000 and was shown in two media

³ According to the Brady Campaign's 1999 tax statement, Sarah Brady worked 50+ hours per week and was paid \$155,900 per year, half of which was paid for by the Brady Center. (Complaint Exhibit 1)

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1 markets and on the website www.mccollumandguns.com. (Complaint Exhibit 18). According to
2 National Journal's on-line Ad Spotlight,⁴ the script for this advertisement read as follows:

3 **FEMALE ANNOUNCER** [v/o]: In 1990, you said you wanted a
4 three day waiting period on handgun sales in Florida.

5 *(On screen: Headline: Floridians overwhelmingly vote for*
6 *constitutional amendment to establish handgun waiting period 84%-*
7 *16%)*

8 **MALE ANNOUNCER** [v/o]: But back in Washington, Bill McCollum
9 listened to the gun lobby and voted against a handgun waiting
10 period twice.

11 *(On screen: McCollum voted against the Brady Bill waiting period*
12 *twice -- H.R. 7, 5/8/91, H.R. 1025, 11/10/93)*

13 **FEMALE ANNOUNCER** [v/o]: In 1998, you said you wanted
14 Florida's gun show loophole closed.

15 *(On screen: Headline: Floridians vote for constitutional amendment*
16 *to close gun show loophole 72%-28%)*

17 **MALE ANNOUNCER** [v/o]: But McCollum listened to the gun lobby
18 again and voted against closing the loophole.

19 *(On screen: See for yourself www.McCollumAndGuns.com; McCollum*
20 *voted against closing the Gun Show Loophole -- McCarthy*
21 *Amendment to H.R. 2122, 6/18/99)*

22 And now, Bill McCollum is gunning for the Senate and wants your
23 vote.

24 **FEMALE ANNOUNCER** [v/o]: Why vote for him when he keeps
25 voting against you?

26 **MALE ANNOUNCER** [v/o]: Don't send Bill McCollum to the Senate.

27 *(On screen: Paid for by Handgun Control Voter Education Fund [the*
28 *Brady Committee]; Not authorized by any candidate or candidate's*
29 *committee)*

⁴ To view the advertisement, visit <http://nationaljournal.com/members/adspotlight/2000/09/0908hc1.htm>

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1 Although the aforementioned script contains a disclaimer stating that the *Brady Committee*
2 paid for the advertisement, the complaint attached a picture of this advertisement with a disclaimer
3 stating that the *Brady Campaign* paid for the ad. (Complaint Exhibit 17). The picture of the
4 disclaimer included in the complaint appears to have been taken from the Internet. The conflicting
5 disclaimers indicate that the Brady respondents may not have complied with the Act's disclaimer
6 requirements. The Act requires a disclaimer whenever any person makes an expenditure for the
7 purpose of financing communications that expressly advocate the election or defeat of a clearly
8 identified federal candidate through any broadcasting station, newspaper, direct mailing, or other
9 type of general public advertising. 2 U.S.C. § 441d. Disclaimers must identify the individual or
10 entity that paid for the communication and state whether the communication was authorized by a
11 candidate or candidate's committee. *Id.*

12 Here, by using the exhortation "Don't send Bill McCollum to the Senate," the advertisement
13 expressly advocated the defeat of Bill McCollum and thus should have contained a proper
14 disclaimer. *See* 11 C.F.R. § 100.22(a); 2 U.S.C. § 441d. The anti-McCollum advertisement that ran
15 on television appears to have included such a disclaimer because it states that the Brady Committee
16 paid for it and that it was not authorized by a candidate. On the other hand, the printout from the
17 website—attached to the complaint—states the Brady Campaign paid for it, and it fails to indicate
18 whether it was authorized by a candidate.

19 Examining available information, this Office found that the advertisement was likely paid
20 for by the Brady Committee. The Brady Committee, in its 2000 Pre-General Report, itemized two
21 independent expenditures in opposition to Bill McCollum. The first was for \$240,000 on
22 September 5, just days before the advertisement ran, for "TV/media placement " The second
23 disbursement was for \$24,630.44 on September 13 to the same vendor for "media production," for a

1 total of \$254,630.44. Given the estimated cost of \$250,000 cited in the article attached to the
2 complaint, the television advertisement likely was paid for by the Brady Committee. Additionally,
3 the Brady Committee's 2000 Post-General Report itemized two independent expenditures for a
4 website in opposition to McCollum for Senate. Thus, contrary to the complaint's allegation, the
5 advertisement appears to have been paid for by the Brady Committee, not the Brady Campaign.

6 Because the Brady Committee apparently paid for the Internet advertisement, it appears to
7 have violated the Act's disclaimer requirements. The disclaimer states that the Brady Campaign
8 paid for the advertisement when the Brady Committee should have been listed. Further, the
9 disclaimer does not indicate whether the advertisement was authorized by a candidate. The
10 appearance of this advertisement on the Internet does not affect the analysis; the Commission has
11 determined that Internet sites constitute general public political advertising for purposes of the Act's
12 disclaimer provisions. See Advisory Opinion 1995-9; MUR 4340; 2 U.S.C. § 441d.⁵ Therefore,
13 this Office recommends that the Commission find reason to believe that the Brady Committee
14 violated 2 U.S.C. § 441d in connection with this advertisement.

15 C. Anti-McCollum Internet Site

16 The complaint also alleges that the Brady respondents made prohibited, unreported
17 expenditures in connection with a website that expressly advocated the defeat of Bill McCollum.
18 The complaint attached a picture from this website, www.mccollumandguns.com.⁶ (Complaint
19 Exhibit 35). The website states that Florida families voted "YES" for common-sense gun laws,
20 while Bill McCollum voted "NO." The website then states, "Why vote for him, when he keeps
21 voting against you?" At the bottom of the page is a notation that the Brady Committee paid for the

⁵ More recently, in response to BCRA, the Commission promulgated regulations requiring websites of political committees to include disclaimers. 11 C.F.R. § 110.11(a)

⁶ The domain name for this website is registered to the Brady Campaign (Complaint Exhibit 32)

1 website, but no indication is given of whether the website was authorized by a candidate. The
2 website also allowed visitors to view the anti-McCollum television advertisement discussed in the
3 previous section.

4 The complaint alleges that the Brady Committee did not report any expenses associated with
5 the website. After the complaint was filed, however, the Brady Committee reported expenditures in
6 connection with the website. In its 2000 Post-General Report, the Brady Committee itemized two
7 independent expenditures for a website in opposition to Bill McCollum: \$2,529.95 to Net Politics
8 Group and \$40.00 to Network Solutions. Thus, expenditures for the website appear to have been
9 paid for by the Brady Committee, even though the website existed for a substantial period prior to
10 the expenditures.

11 Because the Brady Committee paid for the website, it should have included a proper
12 disclaimer. *See* 2 U.S.C. § 441d. A disclaimer was required because the website expressly
13 advocated visitors not to "vote for" Bill McCollum. 11 C.F.R. § 100.22(a). Indeed, the Brady
14 Committee would not have needed to report the website as an independent expenditure had it not
15 contained express advocacy. *See* 11 C.F.R. § 109.2. The disclaimer on the website, however, is
16 incomplete in that it does not state whether the website was authorized by a candidate.

17 Additionally, the Commission has determined that Internet sites constitute general public political
18 advertising for purposes of the Act's disclaimer provisions. *See* Advisory Opinion 1995-9; MUR
19 4340; 2 U.S.C. § 441d. Therefore, this Office recommends that the Commission find reason to
20 believe that the Brady Committee violated 2 U.S.C. § 441d in connection with this website.

21 Because there does not appear to be any dispute that the Brady Committee paid for the website, this
22 Office further recommends that the Commission take no action against

23 www.mccollumandguns.com.

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D. Coordination of Expenditures

The complaint also alleges that the Brady Committee's endorsement of Nelson at the October 16, 2003 press conference, in addition to a \$7,500 contribution from the Brady Committee to the Nelson Committee, provides sufficient evidence that the Brady Committee and the Nelson Committee coordinated expenditures for the anti-McCollum television advertisement and website. The Nelson Committee denies coordinating with the Brady Committee and notes that there was a "vacuum" in the law regarding coordination at the time. The Brady Committee did not respond to this particular allegation, though it reported expenditures for the advertisement and the website as independent expenditures. Consistent with the regulations for reporting independent expenditures, the treasurer of the Brady Committee swore under penalty of perjury that the expenditures were not made in "cooperation, consultation or concert with, or at the request or suggestion of" any candidate or candidate's committee. See 11 C.F.R. § 104.3(b)(3)(vii)(B).

In *Christian Coalition*, the court discussed two general ways in which coordination with a candidate committee could occur. First, "expressive coordinated expenditures made at the request or the suggestion of the candidate or an authorized agent" would be considered coordinated. Second, absent a request or suggestion, an expressive expenditure becomes "coordinated" where the candidate or her agents can exercise control over, or where there has been substantial discussion or negotiation between the campaign and the spender over, a communication's: (1) contents; (2) timing; (3) location, mode or intended audience (e.g., choice between newspaper or radio advertisement); or (4) volume (e.g., number of copies of printed materials or frequency of media spots). 52 F. Supp.2d at 92.

More information is needed to determine whether the Brady and Nelson Committees engaged in substantial discussion or negotiation regarding the content, timing, location, or volume

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1 of the anti-McCollum television advertisement or website. The collaboration between the Brady
2 and Nelson Committees regarding the press conference at which Jim and Sarah Brady appeared
3 with Bill Nelson to endorse his candidacy provides a reasonable basis for this Office to investigate
4 whether the two committees also coordinated on the television advertisement and the anti-
5 McCollum website, each of which expressly advocated the defeat of Nelson's opponent, Bill
6 McCollum.

7 The facts in this matter regarding possible coordination are also similar to MUR 4116
8 (NCSC). In that matter, shortly after NCSC held a press conference with Senator Robb to endorse
9 him, NCSC's separate segregated fund made "independent" expenditures for advertisements critical
10 of Senator Robb's opponent. The Commission found reason to believe that the expenditures for the
11 subsequent advertisements may have been coordinated between NCSC and Senator Robb's
12 campaign. The Commission's analysis in MUR 4116 noted that the issues discussed at the press
13 conference were similar to the subject of the advertisements. Likewise, in the present matter, both
14 the press conference and the advertisement focused on Bill McCollum's votes against the Brady
15 Bill.

16 The collaboration between the Brady and the Nelson Committees on the press conference
17 similarly raises questions about whether the expenditures for the advertisement, which aired
18 approximately one month before the press conference occurred, and the anti-McCollum website,
19 were truly independent. An investigation is thus needed to determine whether the Brady Committee
20 also coordinated with the Nelson Committee regarding the advertisement or website. If the Nelson
21 Committee had substantial discussions about the timing, content, location or volume of the website
22 and the television advertisement with the Brady Committee, then the expenditures for the

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1 advertisement and website may have constituted in-kind contributions and should have been
2 reported as such. *See* 2 U.S.C. §§ 441a(7)(B)(i) and 434(b).

3 The Act limits contributions from multicandidate committees such as the Brady Committee
4 to \$5,000 per election. *See* 2 U.S.C. § 441a(a)(2)(A). Likewise, candidates and their committees
5 are prohibited from accepting contributions in excess of the Act's limits. 2 U.S.C. § 441a(f).

6 Before paying for the advertisement and website, the Brady Committee had contributed the
7 maximum \$5,000 to Nelson's primary campaign and \$2,500 to the general campaign.

8 Consequently, if expenditures for the advertisement and website were coordinated, their combined
9 cost of over \$250,000 would have resulted in violations of the Act's contribution limits as well as
10 the Act's reporting requirements. Therefore, this Office recommends that the Commission find
11 reason to believe that the Brady Committee violated 2 U.S.C. §§ 441a(a)(2)(A) and 434(b) and that
12 the Nelson Committee violated 2 U.S.C. §§ 441a(f) and 434(b)

13 **IV. THE VIRGINIA SENATE RACE**

14 In addition to the Florida Senate race, the complaint alleges that the Brady respondents
15 undertook prohibited activities in connection with the 2000 general election for Senate in Virginia.
16 First, the complaint alleges that the Brady respondents co-sponsored a press conference with
17 candidate Charles Robb. Second, the complaint alleges that the Brady respondents maintained a
18 website that advocated the defeat of Robb's opponent, George Allen. According to the complaint,
19 the Brady respondents coordinated expenditures for these activities with Charles Robb and his
20 principal campaign committee, Robb for Senate ("the Robb Committee")

21 **A. Robb Press Conference**

22 The complaint alleges that the Brady Campaign made prohibited corporate expenditures by
23 attending a September 12, 2000, press conference with Virginia Senate candidate Charles Robb to

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1 endorse him. The complaint also alleges that expenditures related to the press conference were
2 coordinated with the Robb Committee and not reported to the Commission. According to press
3 releases by both the Robb Committee and the Brady Campaign, Jim and Sarah Brady attended the
4 press conference with Senator Robb. (Complaint Exhibits 39-40). The Robb Committee states, in
5 its response to the complaint, that the Robb Committee "sponsored and publicized" the press
6 conference attended by the Bradys, but that the complainant fails to present any violation of the Act.

7 This Office first examined the complaint's allegation that expenditures related to the press
8 conference were not reported to the Commission. This Office reviewed the Brady Committee's and
9 the Robb Committee's disclosure reports and found no itemized disbursements that appear related
10 to the press conference. Yet unlike the Nelson press conference, which occurred in Florida, the
11 Robb press conference occurred in Arlington, Virginia, near the offices of the Brady Campaign.
12 Moreover, the Robb Committee's response to the complaint states that the press conference
13 occurred at a county courthouse, which was available for use by the public without cost. Thus,
14 there may not have been any travel or facility charges related to the Robb press conference.

15 According to the press release issued by the Brady Campaign, Jim and Sarah Brady
16 endorsed Robb on behalf of the Brady Committee. (Complaint Exhibit 40). Nonetheless, the
17 regulatory requirements for corporate public endorsements would still apply. See 11 C.F.R.
18 § 114.4(c)(6). As the connected organization, the Brady Campaign necessarily was involved in a
19 press conference co-sponsored by its separate segregated fund. See 11 C.F.R. § 114.5(d) (allowing
20 membership organizations to exercise control over their separate segregated funds).

21 The regulatory procedures for endorsing candidates through press conferences prohibit
22 corporations from coordinating press conferences with candidates. See 11 C.F.R. § 114.4(c)(6)(ii).
23 Consequently, because the press conference appears to have been coordinated with the Robb

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1 Committee, the Brady Campaign may have made expenditures in connection with the press
2 conference that would constitute an unreported in-kind contribution. Like the situation involving
3 the Nelson press conference, this Robb press conference is analogous to MUR 4116 (NCSC). In
4 that matter, which also involved a press conference endorsement of Charles Robb, the Commission
5 found reason to believe that NCSC, a nonprofit corporation, violated the Act even though its
6 separate segregated fund reported expenditures in connection with the press conference. Like
7 NCSC, the Brady Campaign also must have communicated with the Robb Committee to make
8 arrangements for the joint press conference.

9 As with the Nelson press conference, a portion of Sarah Brady's salary should have been
10 reported in connection with the event because she apparently endorsed Robb on behalf of the Brady
11 Campaign. Therefore, this Office recommends that the Commission find reason to believe that the
12 Brady Campaign violated 2 U.S.C. § 441b and 11 C.F.R. § 114.4(c)(6) in connection with the Robb
13 press conference. Likewise, because the Robb Committee may have received and failed to report
14 the contribution from the Brady Campaign, this Office further recommends that the Commission
15 find reason to believe that the Robb Committee violated 2 U.S.C. §§ 441b and 434(b) in connection
16 with the press conference.

17 B. Anti-Allen Internet Site

18 The complaint also alleges that the Brady respondents made prohibited, unreported
19 expenditures in connection with a website that expressly advocated the defeat of Charles Robb's
20 opponent, George Allen. The complaint attached a picture from this website,
21 www.allenandguns.com.⁷ (Complaint Exhibit 34). The heading on the website reads, "What is the
22 George Allen record on guns?" Summaries of Allen's activities as governor are then listed,

⁷ The domain name for this website is registered to the address of Brady Campaign (Complaint Exhibit 31).

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1 followed by the tag-line, "Tell George Allen kids and handguns don't mix. E-mail him at
2 govallen@mwbb.com." A link at the bottom of the page stated, "Click here to help [the Brady
3 Campaign] fight gun violence in America."

4 A disclaimer on the website states that the Brady Campaign, not the Brady Committee, paid
5 for it. Indeed, a review of the Brady Committee's disclosure reports does not indicate a payment for
6 this website. Thus, unlike the other activities discussed in this report, the Brady Campaign appears
7 to have paid for this one. The Brady Campaign's payment, however, does not automatically
8 constitute a prohibited corporate expenditure under section 441b of the Act. The Supreme Court
9 has held that a corporate expenditure for a general public communication, made independently of a
10 candidate, must constitute express advocacy to be subject to the prohibition of section 441b. *See*
11 *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238 (1986) ("MCFL").

12 The Supreme Court, in *Buckley v. Valeo*, 424 U.S. 1 (1976), gave as examples of express
13 advocacy the phrases "vote for," "elect," "cast your ballot for," "Smith for Congress," "vote
14 against," "defeat," and "reject." 424 U.S. at 44, n. 52. Later, in *MCFL*, the Court found that a
15 newsletter that did not contain any of the particular phrases set forth in *Buckley* nonetheless
16 contained words that "in effect" constituted express advocacy by urging individuals to "vote pro-
17 life." 479 U.S. at 249. The Ninth Circuit, in *FEC v. Furgatch*, 807 F.2d 857 (1987), defined
18 express advocacy to include a communication that is "susceptible to no other reasonable
19 interpretation but as an exhortation to vote for or against a specific candidate." In response to these
20 judicial interpretations, the Commission promulgated 11 C.F.R. § 100.22 to provide guidance on
21 definitions of "express advocacy."⁸

⁸ The First and Fourth Circuit Courts of Appeal have determined that part (b) of this regulation is invalid. *See Maine Right to Life v. FEC*, 98 F.3d 1 (1st Cir.1996), *FEC v. Christian Action Network*, 110 F.3d 1049 (4th

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1 The website does not contain the so-called “magic words” listed in *Buckley*, the related
2 phrases found at 11 C.F.R. § 100.22(a), nor does it contain communications “which in context can
3 have no other meaning than to urge the election or defeat of one or more clearly identified
4 candidate(s).” 11 C.F.R. § 100.22(a). The *Christian Coalition* court declared that to constitute
5 express advocacy, a corporate communication must “in effect contain an explicit directive to take
6 electoral action.” 52 F. Supp. 2d at 62. Here the directive is to contact George Allen, not to vote
7 against him. The website does not even mention that George Allen is a candidate for the U.S.
8 Senate or make any reference to the general election. Moreover, to contain express advocacy, a
9 communication “must contain some explicit words of advocacy.” *Calif. Pro-Life Council v.*
10 *Getman*, 328 F.3d 1088, 1097 (9th Cir. 2003) (emphasis in original); *see FEC v. Furgatch*, 807 F.2d
11 857 (9th Cir.), cert denied, 484 U.S. 850 (1987), 11 C.F.R. § 100.22(b). Here, there are no such
12 explicit words of advocacy. Therefore, there does not appear to be a legal basis to support the
13 allegation that this website expressly advocated the defeat of George Allen.

14 C. Coordination of Expenditures

15 Although the website does not contain express advocacy, the Brady Campaign would still be
16 liable for violating the Act’s prohibition on corporate expenditures if it coordinated expenditures
17 with the Robb Committee, as the complaint alleges. *See Christian Coalition*, 52 F. Supp.2d at 87
18 (stating that express advocacy is not a prerequisite for finding that a corporation violated section
19 441b by coordinating expenditures with a candidate). The Robb Committee, in its response to the
20 complaint, argues that the complaint’s allegations of coordination do not meet the *Christian*
21 *Coalition* standard. The response further argues that the Robb Committee did not coordinate with
22 the Brady Campaign regarding “the communications in question.”

Cir.1997); *FEC v. Virginia Society for Human Life, Inc.*, 263 F.3d 379 (4th Cir. 2001). Although the website was available worldwide, eligible voters in the Virginia Senate race reside in the Fourth Circuit

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1 The situation with the Robb Committee is very similar to that of the Nelson Committee; the
2 Brady respondents collaborated with the Robb Committee to appear at a campaign press conference
3 with Robb around the same time as they produced communications criticizing Robb's opponent.
4 The collaboration between the Brady and Robb Committees regarding the campaign press
5 conference provides a reasonable basis for this Office to investigate whether the expenditures for
6 the website were in fact coordinated and thus constituted a prohibited corporate in-kind
7 contribution. Again, further investigation is necessary, especially considering that little information
8 is currently available to the Commission because the Brady respondents did not substantively
9 respond to these allegations. Therefore, this Office recommends that the Commission find reason to
10 believe the Brady Campaign violated 2 U.S.C. § 441b and that the Robb Committee violated
11 2 U.S.C. §§ 441b and 434(b) in connection with this website. Because there does appear to be any
12 dispute that the Brady Campaign paid for and maintained the website, this Office further
13 recommends that the Commission take no action against www.allenandguns.com.

14 **V. THE MISSOURI SENATE RACE**

15 In addition to the Florida and Virginia Senate races, the complaint alleges that the Brady
16 respondents violated the Act in connection with activities in the 2000 general election for the Senate
17 in Missouri. First, the complaint alleges that the Brady respondents aired a television advertisement
18 that expressly advocated the defeat of candidate John Ashcroft. Second, the complaint alleges that
19 the Brady respondents maintained a website that also advocated the defeat of Ashcroft. According
20 to the complaint, the Brady respondents coordinated expenditures for these activities with
21 Ashcroft's opponent, Mel Carnahan,⁹ and Carnahan's principal campaign committee, Carnahan for
22 Senate ("the Carnahan Committee").

⁹ Governor Carnahan died on October 16, 2000, after the alleged activities occurred

A. Anti-Ashcroft Television Advertisement

The complaint first alleges that the Brady respondents paid for a television advertisement that expressly advocated the defeat of Senator John Ashcroft. The complaint contends that the advertisement did not include a proper disclaimer and that expenditures were coordinated with the Carnahan Committee. Although the complaint also alleges that expenditures for the advertisement were not reported, the Brady Committee itemized a \$254,932 independent expenditure in its 2000 Pre-General Report for a "media placement" in opposition to John Ashcroft (\$125,156 of which was later refunded).

The complaint attached a computer screen image apparently taken from this advertisement. (Complaint Exhibit 44). The image shows Sarah and James Brady, with the words "Vote No on John Ashcroft," "www.AshcroftAndGuns.com" and a disclaimer that read: "Paid For By [the Brady Committee]." The Brady Committee submitted a copy of the videotape in its supplemental response to the complaint. The audio portion of this advertisement stated:

Sarah Brady: It happened so quickly. (Gun shots) In an instant President Reagan and Jim were shot.

Background: Get the ambulance in here.

James Brady: Our lives have never been the same.

Sarah Brady: That's why we are so offended when John Ashcroft called Jim the leading enemy of gun owners. Last year John Ashcroft supported the Missouri referendum to allow carrying concealed handguns.

James Brady: He even voted against child safety locks. It's time to vote NO on John Ashcroft.

By using the exhortation "Vote no on John Ashcroft," the advertisement expressly advocated the defeat of Ashcroft and thus should have contained a proper disclaimer. See 11 C.F.R. § 100.22(a); 2 U.S.C. § 441d. Although the disclaimer on the advertisement stated who paid for it, it did not state whether it was authorized by any candidate. See 2 U.S.C. § 441d. The Brady Committee, in its supplemental response to the complaint, acknowledges that the disclaimer was

1 incomplete and should have stated that the commercial was not authorized by any candidate.

2 Saying that it "regrets" the incomplete disclaimer, the Brady Committee asserts that responsibility
3 for placing a proper disclaimer rested with its vendor.

4 Contrary to the Brady Committee's argument, the responsibility for including a proper
5 disclaimer rests with the person placing the advertisement, not the vendor. *See* 2 U.S.C. § 441d.
6 Although the Brady Committee cites MUR 3739 as an instance where the Commission took no
7 action against a committee because of a vendor's mistake, that matter involves significantly
8 different circumstances. In MUR 3739, the respondent committee provided documentation that it
9 submitted an advertisement with a proper disclaimer to a newspaper. The newspaper also wrote a
10 letter acknowledging that it mistakenly omitted the disclaimer. By contrast, the Brady Committee
11 has not submitted any documentation to support its claim. In fact, the Brady Committee simply
12 states that it "assume[d]" that its vendor would include the appropriate disclaimer language.

13 Other matters demonstrate that committees, not vendors, are responsible for ensuring that
14 proper disclaimers appear on communications. *See, e.g.,* MURs 4759 (Maloof), 4741 (Mary Bono
15 Committee), 3682 (Fox for Congress Committee). Therefore, this Office recommends that the
16 Commission find reason to believe that the Brady Committee violated 2 U.S.C. § 441d in
17 connection with this television advertisement.

18 **B. Anti-Ashcroft Internet Site**

19 The complaint also alleges that the Brady respondents made prohibited expenditures in
20 connection with a website that expressly advocated the defeat of John Ashcroft. The complaint
21 attached a picture from this website, www.ashcroftandguns.com.¹⁰ (Complaint Exhibit 33). The
22 heading on the website reads, "What is John Ashcroft's Record on Guns?" followed by summaries

¹⁰ The domain name for this website is registered to the address of the Brady Campaign. (Complaint Exhibit 31).

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1 of Ashcroft's position on gun laws. The text at the bottom of the page reads, "It's time to say NO to
2 John Ashcroft" and "Vote against John Ashcroft on Tuesday, November 7th." A disclaimer at the
3 bottom of the page states: "Paid for by the [Brady Committee]."

4 The complaint alleges that the Brady Campaign, not the Brady Committee, paid for the
5 advertisement, noting that the Brady Committee never reported any expenditures for the website.
6 After the complaint was filed, however, the Brady Committee reported expenditures in connection
7 with the website. In its 2000 Post-General Report, the Brady Committee itemized two independent
8 expenditures for a website in opposition to Ashcroft for Senate: \$500 to Rob Letzler of McLean,
9 Virginia, and \$40 to Network Solutions. Thus, expenditures for the website appear to have been
10 reported by the Brady Committee, albeit, only after the complainant's allegations regarding the
11 website were filed with the Commission.

12 Because the Brady Committee paid for the website, and because the website expressly
13 advocated visitors to "vote against" John Ashcroft, the website should have included a proper
14 disclaimer. *See* 2 U.S.C. § 441d; 11 C.F.R. § 100.22(a). The disclaimer that appears on the website
15 is incomplete because it does not state whether the website was authorized by a candidate; it only
16 states that the Brady Committee paid for the communication. *See* 2 U.S.C. § 441d. Therefore, this
17 Office recommends that the Commission find reason to believe that the Brady Committee violated
18 2 U.S.C. § 441d in connection with this website. Because there does not appear to be a dispute that
19 the Brady Committee paid for the website, this Office further recommends that the Commission
20 take no action against www.ashcroftandguns.com.

21 C. Coordination of Expenditures

22 The complaint alleges that the Brady Committee coordinated expenditures for the anti-
23 Ashcroft advertisement and website with the Carnahan Committee. To support this allegation, the

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1 complaint points to the disclaimer on the advertisement, which fails to disavow authorization by a
2 candidate. With regard to the website, the complainant argues, as discussed above, that the Brady
3 Committee had not reported expenses related to the website as independent expenditures, and that
4 the Brady Committee's previous contributions to the Carnahan Committee establish a relationship
5 that demonstrates that the two committees coordinated with one another. The Brady Committee has
6 responded that the disclaimers should have stated that the activities were not authorized by a
7 candidate. The Carnahan Committee made a general denial of coordination with the Brady
8 Committee, but did not specifically address the advertisement and website.

9 A search of news databases shows no reports that the Bradys held a press conference with
10 Governor Carnahan as they did with other candidates. Additionally, an examination of disclosure
11 reports indicates that the Brady and Carnahan committees used different vendors for television
12 advertisements. Consequently, unlike the allegations of coordination against the Nelson and Robb
13 Committees, there are no facts to support an investigation into coordination with the Carnahan
14 Committee. Therefore, this Office recommends that the Commission find no reason to believe that
15 the Brady Committee violated 2 U.S.C. §§ 441a(a)(2)(A) or 434(b) in connection with the anti-
16 Ashcroft advertisement or website. This Office further recommends that the Commission find no
17 reason to believe that the Carnahan Committee violated 2 U.S.C. §§ 441a(f) or 434(b) in connection
18 with the anti-Ashcroft advertisement or website.

19 VI. THE PRESIDENTIAL RACE

20 In addition to the Senate races, the complaint contends that the Brady respondents violated
21 the Act in connection with activities they undertook in the 2000 general election for president.
22 Specifically, the complaint alleges that the Brady Campaign paid for a television advertisement and
23 website that expressly advocated the defeat of candidate George W. Bush. The complaint contends

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1 that expenditures for these activities constituted prohibited expenditures under the Act and were
2 coordinated with Bush's opponent, Al Gore, and Gore's principal campaign committee,
3 Gore/Lieberman, Inc. ("the Gore-Lieberman Committee").

4 **A. Anti-Bush Television Advertisement**

5 The complaint first alleges that the Brady Campaign made a prohibited corporate
6 expenditure by sponsoring a television advertisement that it claims expressly advocated the defeat
7 of George W. Bush and was coordinated with the Gore-Lieberman Committee. The complaint
8 attached a screen shot of the advertisement. (Complaint Exhibit 43). According to the National
9 Journal's on-line Ad Spotlight,¹¹ the transcript for the advertisement, titled "Bush's Record" read as
10 follows:

11 **MARTIN SHEEN:** Hello, I'm Martin Sheen. Between now and
12 Election Day, at least 2000 Americans will die from gunfire. Should
13 the next president be a candidate of the gun lobby? Should he
14 have signed a bill that allows hidden handguns in churches,
15 hospitals and amusement parks? Should he be someone of whom
16 the NRA has said, that if he is elected, they'll be working right out
17 of the Oval Office?

18 That's Governor Bush's record. Find out more at
19 bushandguns.com. Somebody's life may depend on it.

20 (On screen: *www.bushandguns.com*; Paid for by [the Brady
21 Campaign])

22 The disclaimer on the advertisement states that the Brady Campaign, not the Brady
23 Committee, paid for it. Indeed, a review of the Brady Committee's disclosure reports does not
24 indicate a payment for this advertisement. The Brady Campaign's apparent payment, however,
25 does not automatically constitute a prohibited corporate expenditure under section 441b of the Act.
26 The Supreme Court has held that a corporate expenditure for a general public communication, made

¹¹ To view the advertisement, visit <http://nationaljournal.com/members/adspotlight/2000/09/0928hc1.htm>

1 independently of a candidate, must constitute express advocacy to be subject to the prohibition of
2 section 441b. *See MCFL*, 479 U.S. 238.

3 The anti-Bush advertisement does not contain the so-called "magic words" listed in *Buckley*
4 *v. Valeo*, the related phrases found at 11 C.F.R. § 100.22(a), nor does it contain communications
5 "which in context can have no other meaning than to urge the election or defeat of one or more
6 clearly identified candidate(s)." 11 C.F.R § 100.22(a). Although the advertisement mentions
7 "election day," "the next president," and "Governor Bush," it concludes not by urging people to
8 vote against Bush, but to "find out more" by visiting a website. The *Christian Coalition* court
9 declared that to constitute express advocacy, a corporate communication must "in effect contain an
10 explicit directive to take electoral action." 52 F. Supp. 2d at 62. Here, though, the directive is to
11 "find out more" about Bush's record, not necessarily to vote against him. Moreover, to contain
12 express advocacy, a communication "must contain some explicit words of advocacy." *Calif. Pro-*
13 *Life Council v. Getman*, 328 F.3d 1088, 1097 (9th Cir. 2003) (emphasis in original); *see FEC v.*
14 *Furgatch*, 807 F.2d 857 (9th Cir.), cert denied, 484 U.S. 850 (1987); 11 C.F.R. § 100.22(b). Here,
15 there are no such explicit words of advocacy. Thus, the advertisement does not expressly advocate
16 the defeat of Bush.

17 B. Anti-Bush Internet Site

18 The complaint also alleges that the Brady respondents made prohibited, unreported
19 expenditures in connection with a website that criticized George W. Bush. The complaint attached
20 a picture from this website, www.bushandguns.com.¹² (Complaint Exhibit 36). The heading on the
21 website reads, "What is the George W. Bush record on guns?" Underneath this heading, summaries
22 of Bush's positions on gun control are listed, as well as a quote from the NRA: "if we win, we'll

¹² The domain name for this website is registered to the address of Brady Campaign (Complaint Exhibit 30)

1 have a President where we work out of their office.” The tag-line read, “Tell Governor Bush the
2 White House shouldn’t belong to the gun lobby. / Call him at 512 463.2000 or e-mail him at ...”
3 Near the bottom of the page, a link reads “Click here to help [the Brady Campaign] fight gun
4 violence in America,” followed by a disclaimer that reads, “Paid for by [the Brady Campaign].”

5 A review of the Brady Committee’s disclosure reports does not indicate a payment for this
6 website. Thus, as the disclaimer indicates, the Brady Campaign appears to have paid for it. As with
7 the other websites discussed in this report, the Brady Campaign’s payment does not automatically
8 constitute a prohibited corporate expenditure under section 441b of the Act. Instead, the
9 advertisement must contain express advocacy to be subject to the prohibition, assuming that the
10 website was produced independently of a candidate. *See MCFL*, 479 U.S. 238.

11 Like the television advertisement, the website does not contain the so-called “magic words”
12 listed in *Buckley*, the related phrases found at 11 C.F.R. § 100.22(a), nor does it contain
13 communications “which in context can have no other meaning than to urge the election or defeat of
14 one or more clearly identified candidate(s).” 11 C.F.R § 100.22(a). . The *Christian Coalition* court
15 declared that to constitute express advocacy, a corporate communication must “in effect contain an
16 explicit directive to take electoral action.” 52 F. Supp. 2d at 62. Here, though, the directive is to
17 contact George Bush, not to vote against him. Moreover, to contain express advocacy, a
18 communication “must contain some explicit words of advocacy.” *Calif. Pro-Life Council v.*
19 *Getman*, 328 F.3d 1088, 1097 (9th Cir. 2003) (emphasis in original); *see FEC v. Furgatch*, 807 F.2d
20 857 (9th Cir.), cert denied, 484 U.S. 850 (1987); 11 C.F.R. § 100.22(b). Here, there are no such
21 explicit words of advocacy. Therefore, as with the television advertisement, there does not appear
22 to be a legal basis to support the allegation that this website contained express advocacy.

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C. Coordination of Expenditures

Although the anti-Bush advertisement and website do not contain express advocacy, the Brady Campaign would still be liable for violating the Act's prohibition on corporate expenditures if it coordinated the activities with the Gore-Lieberman Committee, as the complaint alleges. *See Christian Coalition*, 52 F. Supp.2d at 87 (stating that express advocacy is not a prerequisite for finding that a corporation violated section 441b by coordinating expenditures with a candidate). Additionally, because the Gore-Lieberman Committee received public funding, it was prohibited from accepting any in-kind contributions from the Brady respondents. *See* 26 U.S.C. § 9012(b).

To support its allegation of coordination, the complaint states that James Brady appeared in a commercial in February 2000 that was paid for by the Gore primary campaign. In the advertisement, Brady praises Gore's record on gun control, education, health care, and abortion rights, according to a newspaper article. (Complaint Exhibit 37). The Gore-Lieberman Committee, in its detailed response to the complaint, argues that the complaint's allegations of coordination do not meet the *Christian Coalition* standard. The response further states that the Gore-Lieberman Committee did not engage in any discussions or negotiations with the Brady Campaign regarding the advertisement or website. Further, the Gore-Lieberman Committee asserts that it had no control or decision-making authority over the communications, nor was it even aware of the website's contents. The response also argued that the complaint's reliance upon Mr. Brady's appearance in a primary campaign advertisement cannot support a finding of coordination in the present matter.

The allegations are insufficient to support an investigation into this issue. Unlike several of the other respondent principal campaign committees, the Brady respondents do not appear to have participated in any of the campaign activities conducted by the Gore-Lieberman Committee (e.g. attending a press conference to provide an endorsement). As a result, there is no reasonable basis to

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1 conclude that coordination may have occurred between the two committees on the Gore
2 advertisement, the anti-Bush advertisement or the website.

3 Therefore, based on all the reasons stated, this Office recommends that the Commission find
4 no reason to believe that the Gore-Lieberman Committee violated 2 U.S.C. § 441b or 26 U.S.C.
5 § 9012(b). This Office further recommends that the Commission find no reason to believe that the
6 Brady Campaign violated 2 U.S.C. § 441b in connection with the anti-Bush television
7 advertisement or website. Finally, this Office recommends that the Commission take no action
8 against www.bushandguns.com.

9 VII. OTHER ACTIVITIES BY THE BRADY RESPONDENTS

10 In addition to sponsoring the candidate-specific websites discussed in the previous sections,
11 the Brady respondents have their own website, www.bradycampaign.org. The complaint alleges
12 that the Brady respondents violated the Act in connection with this website. Two specific examples
13 are cited in the complaint: first, a "pop-up" web page that allegedly expressly advocated the defeat
14 of George Bush; and second, a portion of the website that dealt with the "Dangerous Dozen." In
15 addition to these web pages, the complaint alleges that the Brady respondents also violated the Act
16 by reporting inaccurate address of its contributors to the Commission.

17 A. Anti-Bush Pop-up Web page

18 The complaint alleges that the Brady Campaign made prohibited expenditures in connection
19 with a "pop-up" web page on its Internet site. This page contains a picture of Charlton Heston and
20 quotes him as stating, "Now, [Al Gore is] saying 'I'm with you guys on guns.' In any other time or
21 place you'd be looking for a lynching mob..." Following this quote, the following text appeared:

22 These are the people who are endorsing and supporting Governor Bush.

23
24 Do you want a man in the White House whose most ardent supporters
25 publicly call for violence?"

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NEITHER DO WE
(Click here to give)

(Complaint Exhibit 22).

The complaint alleges that this page expressly advocates the defeat of George Bush and fails to contain a proper disclaimer. Further, the complaint alleges that expenditures for this page were not reported and that the Brady Campaign made a prohibited corporate expenditure. Although the Brady respondents did not respond to this allegation, the Gore-Lieberman Committee did. The Gore-Lieberman Committee argues that the page does not contain express advocacy, stating that the language could also be assumed to constitute a request "to contact George W. Bush and Al Gore and ask them not to support violence or a mob mentality . . ." Additionally, the Gore-Lieberman response noted that the complaint did not allege coordination

An examination of disclosure reports filed by the Brady Committee shows no disbursements obviously related to this particular website page. Although the Brady Committee reported a series of independent expenditures on behalf of general election candidates in 2000, none of these reported expenditures were on behalf of the Gore presidential campaign or in opposition to the campaign of George W. Bush. Thus, the Brady Campaign likely paid for this page, which appeared on its website.

The web page in question expressly advocates the defeat of George W. Bush, naming both candidates in the 2000 presidential general election, and using election-related words such as "endorsing" and "supporting." See 11 C.F.R. § 100.22(a). Further, by asking and answering the rhetorical question related to putting "a man in the White House" with the phrase "neither do we," the website "in effect" calls for Bush's defeat. *MCFL*, 479 U.S. at 249.

Membership organizations such as the Brady Campaign are entitled to expressly advocate the election and defeat of candidates, but only to their restricted class. See 2 U.S.C.

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1 § 441b(b)(2)(A) and 11 C.F.R. § 114.3(a). Likewise, as a separate segregated fund, the Brady
2 Committee is entitled to solicit funds only from its restricted class. The restricted class of an
3 incorporated membership organization includes its members, its executive and administrative
4 personnel, and the families of these groups. 11 C.F.R. § 114.1(j). In Advisory Opinion 1997-16,
5 the Commission determined that, because of the general availability of access to the Internet, the
6 posting of an endorsement on an incorporated group's website would be considered a form of
7 communication to the general public and thus a prohibited expenditure, unless access to such
8 information were somehow restricted to the group's members.¹³

9 The Brady Campaign's website has been available for viewing by any member of the
10 general public with a web browser installed on a computer with access to the Internet. Furthermore,
11 the Brady Campaign does not appear to have taken any steps to prevent access to the pop-up
12 advertisement by persons outside its restricted class. Thus, the general availability of the pop-up
13 web page resulted in a prohibited communication beyond the restricted class. Likewise, if an
14 investigation shows that the solicitation at the bottom of the page ("Click here to give") was for the
15 Brady Committee, then the Brady respondents would have solicited outside their restricted class.

16 The complaint did not allege that the Brady respondents coordinated this page with any
17 candidate, nor are there any available facts to suggest that the Gore-Lieberman Committee had any
18 involvement in the web page. In the absence of evidence of coordination, and given the express
19 advocacy in the advertisement and its dissemination to the general public, the page appears to have
20 been an independent expenditure. As such, it should have contained a disclaimer stating who paid

¹³ More recently, the Commission has stated that "the Act generally prohibits [corporations and labor organizations] from using web sites that are available to the general public to assist or advocate on behalf of any federal candidate." Notice of Proposed Rulemaking, *The Internet and Federal Elections*, 66 FR 50358, 50363 (October 3, 2001). Although these proposed new regulations would explicitly permit certain Internet activity by incorporated membership organizations, they would not allow such organizations to create a special web page—or "pop up ad"—available to the public that expressly advocates the defeat of a candidate, as the Brady Campaign appears to have done with the anti-Bush page. *Id.*

1 for it and whether it was authorized by any candidate or candidate's committee. *See* 2 U.S.C.
2 § 441d. Further, if the cost of the web page exceeded \$250, the Brady Campaign would have been
3 required to report the independent expenditure. *See* 2 U.S.C. § 434(c). Therefore, this Office
4 recommends that the Commission find reason to believe that the Brady Campaign violated 2 U.S.C.
5 §§ 441b, 441d, and 434(c) in connection with the pop-up web page.

6 **B. The Dangerous Dozen Web Page**

7 The complaint also alleged violations by the Brady Campaign in connection with a portion
8 of its website relating to "The Dangerous Dozen." The Dangerous Dozen is a list of elected
9 officials with records opposed to gun control, according to a September 19, 2000 press release by
10 the Brady Campaign announcing the list. The first line of that press release reads, "If our
11 lawmakers will not change the gun laws, then for God's sake, let's change the lawmakers." The
12 home page of the Brady Campaign's website apparently contained three alternating links to a
13 special page on the Dangerous Dozen: "Handgun Control Presents Our Election 2000 Dangerous
14 Dozen," (Complaint Exhibit 24); "These men are the biggest threat to common sense gun laws this
15 election season," (Complaint Exhibit 23); and "Know the issue. Know the candidates. Make a
16 difference on Nov. 7." (Complaint Exhibit 25).

17 In each instance the hyperlink took the viewer to a page entitled "The Dangerous Dozen,"
18 which included the pictures of then-Governor George W. Bush and eleven candidates for the U.S.
19 Senate and House of Representatives. The opening text on this page read:

20 Handgun Control presents its "Dangerous Dozen" list
21 highlighting the particularly dangerous records of elected officials.
22

23 "This is the most critically important election we have ever faced,"
24 said Mrs. Brady. "When the votes are counted on November 7, we
25 expect to gain some new supporters of sensible gun laws, and lose
26 some adversaries who are out of touch with the American people."
27

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1 Know the issue. Know the candidates. On November 7, vote for
2 common sense gun laws.

3 (Complaint Exhibit 27).

4 Following this introduction came discussions of specific, named candidates divided into
5 three sections. The first section addressed records of presidential candidate George W. Bush and
6 vice-presidential candidate Richard Cheney through a series of bullet points displayed between
7 pictures of the two candidates. The second section contained pictures of eleven Republican
8 candidates for the Senate and House of Representatives, as well as corresponding lists of bulleted
9 statements.¹⁴ The bullet points cited each candidate's record on gun related issues, noted NRA
10 endorsements and contributions, and, in most instances, the name of the candidate's opponent in the
11 2000 election. The third section of this page, titled "Dishonorable Mentions," named fourteen
12 additional candidates for the U.S. Senate and House of Representatives in 2000.¹⁵ In each instance,
13 the name was followed by bullet points citing contributions from the NRA and votes against the

¹⁴ The complaint notes that the Brady Committee has contributed to a number of candidates who were opponents of the so-called "Dangerous Dozen." For example, the Brady Committee contributed to the Robb Committee, the Carnahan Committee, the Nelson Committee, and Stabenow for U.S. Senate ("the Stabenow Committee"), which was the principal campaign committee for Debbie Stabenow, Senate candidate of Michigan. According to the Brady Committee's disclosure reports, it made general election contributions of \$1,000 on June 5, 2000 and of \$4,000 on September 1, 2000 to the Robb Committee; a general election contribution of \$5,000 to the Carnahan Committee on February 15, 2000; a general election contribution of \$2,500 on June 5, 2000, plus travel-related in-kind contributions on November 21, 2000 totaling \$2,078, to the Nelson Committee; and two general election contributions of \$2,500 each to the Stabenow Committee on June 20, 2000 and September 27, 2000.

¹⁵ The Brady Committee had made, or would later make, contributions to opponents of these fourteen candidates who were criticized on the website. The Brady Committee reported general election contributions of \$2,500 on October 25, 2000 to Schiff for Congress (CA-27); \$2,500 on October 25, 2000 to Brannen for Congress (NH-2), \$2,500 on July 28, 2000 and \$2,500 on September 27, 2000 to Baesler for Congress (KY-6); \$2,500 on September 27, 2000 to Evans for Congress (IL-17); \$2,500 on September 27, 2000 and \$2,500 on October 25, 2000 to Stedem for Congress (FL-12); \$2,500 on September 27, 2000 to Berkley for Congress (NV-01); \$5,000 on September 13, 2000 to Jordan for Congress (KY-03); \$1,500 on September 27, 2000 and \$2,000 on October 25, 2000 to O'Shaughnessy for Congress (OH-12); \$1,000 on September 27, 2000 and \$1,500 on October 31, 2000 to Bass Levin for Congress (NJ-03), plus a travel-related in-kind contribution on September 12, 2000 of \$178; \$5,000 on September 27, 2000 to Toltz for Congress (CO-06); \$5,000 on June 9, 2000 to Kelly for Congress (NM-01); \$1,500 on September 27, 2000 and \$1,500 on October 25, 2000 to Larsen for Congress (WA-02); \$2,500 on September 27 to O'Brien for Congress (PA-15); and \$2,000 on June 20, 2000 and \$2,500 on October 25, 2000 to Inslee for Congress (WA-1)

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1 Brady Campaign's positions, plus poll results, statements made by the candidate, and legislative
2 actions.

3 The complaint alleges that the "Dangerous Dozen" web page expressly advocates the defeat
4 of the listed candidates. Additionally, the complaint argues that this page constituted a
5 communication beyond the restricted class of the Brady respondents and expenditures in connection
6 with this web page were not properly reported to the Commission. Finally, the complaint alleges
7 that by sponsoring this web page, the Brady Campaign made a prohibited, in-kind contribution to
8 opponents of each of the candidates listed.

9 *1. Express Advocacy/Corporate Expenditures*

10 Although the Brady respondents did not respond to the allegations concerning the
11 Dangerous Dozen page, the response submitted by the Gore-Lieberman Committee argued that this
12 website "is precisely the type of issue-related speech that is constitutionally protected and must
13 remain outside the coverage of the Commission's express advocacy regulation." Specifically, the
14 Gore-Lieberman Committee states, "the only reasonable interpretation of the plain language of this
15 web page is that the viewer (1) should educate himself on the issue of gun control and the
16 candidates' records thereon and (2) should vote – as opposed to not voting at all – in accordance
17 with those issues." The response also argued that the web page qualifies either as a permissible
18 voting record or get-out-the-vote communication.

19 To determine whether the Dangerous Dozen page contains express advocacy, as the
20 complaint alleges, one must look to the language of the communication. The hyperlinks that one
21 must click to reach the Dangerous Dozen page contain phrases such as "our Election 2000," "this
22 election season," and "Know the candidates. Make a difference on Nov. 7." The Dangerous Dozen
23 web page itself contained such language as: "This is the most critically important election we have

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1 ever faced . . . When the votes are counted on November 7, we expect . . . to lose some adversaries
2 who are out of touch with the American people. Know the issue. Know the candidates. On
3 November 7, vote for common sense gun laws” (emphasis added).

4 The directive to “vote for common sense gun laws” expressly advocates the defeat of the
5 listed candidates, especially considering that the pictures of candidates and their positions on gun
6 laws were listed on the page. The web page thus exhorts voters not to “vote for” the listed
7 candidates because they all oppose “common sense gun laws.” See 11 C.F.R. § 100.22(a). This
8 situation is analogous to that in *Massachusetts Citizens for Life v. FEC*, 479 U.S. 238 (1986). In
9 *MCFL*, an organization issued a newsletter that bore the headline “Everything You Need To Know
10 To Vote Pro-Life” and that stated: “No pro-life candidate can win in November without your vote
11 in September.” The newsletter listed all the candidates running for election in Massachusetts that
12 year, identified each as supporting or opposing certain issues, but featured pictures of only those
13 candidates whose positions were consistent with those of the organization. 479 U.S. at 243. The
14 Supreme Court stated:

15 The publication not only urges voters to vote for “pro-life” candidates, but
16 also identifies and provides photographs of specific candidates fitting that
17 description. The [newsletter] cannot be regarded as a mere discussion of
18 public issues that by their nature raise the names of certain politicians.
19 Rather, it provides in effect an explicit directive: vote for these (named)
20 candidates. The fact that this message is marginally less direct than “Vote
21 for Smith” does not change its essential nature. The [newsletter] goes
22 beyond issue discussion to express electoral advocacy

23 *Id.* at 249.

24 Like the newsletter in *MCFL*, the Dangerous Dozen page not only urges people to “vote for
25 common sense gun laws,” but it identifies and provides photographs of specific candidates who
26 oppose those laws. Thus, the web page “in effect” provides an explicit directive to vote against the
27 named candidates. See *id.* Consequently, because the web page contains express advocacy, it

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1 cannot qualify as a voter guide. *See* 11 C.F.R. § 114.4(c)(2)-(5) (allowing corporations to prepare
2 and distribute voter guides provided that no candidate is given prominence over another and that no
3 electioneering message is conveyed). Additionally, as noted in the previous section, the Brady
4 Campaign website is available to the general public, not just the restricted class. Therefore, the
5 Brady Campaign appears to have made a prohibited corporate expenditure beyond its restricted
6 class. *See* 11 C.F.R. § 114.3(a); Advisory Opinion 1997-16.

7 Because the Dangerous Dozen page contains express advocacy, it should have contained a
8 disclaimer stating who paid for it and whether it was authorized by any candidate or candidate's
9 committee. *See* 2 U.S.C. § 441d. Yet no disclaimer appears on the web page. Further, if the web
10 page cost \$250 or more, the Brady Campaign would have been required to report the independent
11 expenditure. *See* 2 U.S.C. § 434(c). Therefore, based on all the reasons stated, this Office
12 recommends that the Commission find reason to believe that the Brady Campaign violated 2 U.S.C.
13 §§ 441b, 441d, and 434(c) in connection with the Dangerous Dozen web page.

14 2. *Coordination*

15 The complaint alleged that the Brady Campaign's expenditures for the website pages
16 constituted in-kind contributions. However, the complaint did not make mention of any
17 coordination of the web pages. The Gore-Lieberman Committee denies any coordination with the
18 Brady respondents, noting that the complaint did not even raise the issue of coordination for this
19 website. The Carnahan Committee, the Nelson Committee, the Robb Committee, and the Stabenow
20 Committee—who are all represented by the same counsel—submitted separate but largely identical
21 responses. In these responses, the committees did not deny that the communications involved were
22 express advocacy, but argued that only coordinated expenditures would constitute contributions to
23 the respective candidate committees and that no such coordination had been alleged. The

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1 committees also assert that the exact distinction between independent expenditures and coordinated
2 expenditures/in-kind contributions "was an open question at the time of [the] complaint," and that
3 there was not a clear standard. Finally, the responses argue that "the meager facts offered by the
4 complaint come nowhere near satisfying the Christian Coalition standard [for coordination]."

5 While the complaint termed the expenditures for the subject web pages "in-kind
6 contributions," no evidence was provided of coordination of the web pages. This Office looked for
7 shared website vendors, but found that only two of the campaigns shared vendors with the Brady
8 respondents. One, Network Solutions, was at the time in the business of registering web domain
9 names and other activities apparently not involving the creative aspects of website design. The
10 other, Net Politics, only apparently worked for the Brady Committee in the Florida Senate race,
11 while at the same time working for the Stabenow Committee in the Michigan Senate race. Thus,
12 the absence of commonality among vendors does not support finding that these expenditures were
13 coordinated.

14 Overall, the known facts do not support investigating the complaint's allegation that the
15 Brady Campaign coordinated its "Dangerous Dozen" web page with candidates or their committees.
16 Nonetheless, an investigation of other possible coordinated expenditures among the Brady, Nelson,
17 and Robb Committees (i.e., television advertisements and websites) may shed light on the
18 "Dangerous Dozen" web page. Therefore, this Office recommends that the Commission take no
19 action at this time against the Nelson and Robb Committees with respect to possible coordination of
20 this web page with the Brady respondents.

21 As for the other candidates listed as opposing the "Dangerous Dozen," there are no
22 indications that they or their campaigns coordinated the website with the Brady respondents.
23 Therefore, this Office further recommends that the Commission find no reason to believe that the

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1 Gore-Lieberman Committee, the Stabenow Committee, or the Carnahan Committee violated 2
2 U.S.C. §§ 441b or 434(b) in connection with the "Dangerous Dozen" web page. Because there are
3 no other allegations concerning these respondents, this Office also recommends that the
4 Commission close the file as it pertains to the Gore-Lieberman, Stabenow, and Carnahan
5 Committees.

6 **C. Reporting of Addresses**

7 The complaint also alleges that the Brady Committee violated the Act by incorrectly
8 reporting the addresses of eight itemized contributors. Attached as Complaint Exhibit 45 were
9 copies of three pages from the Schedule A submitted by the Brady Committee as part of its 2000
10 April Quarterly Report. Eight contributors are reported as having the address of the Brady
11 Campaign—1225 Eye St., #1100, Washington, DC 20005.¹⁶ The complaint contends that this report
12 constituted the filing of "false and misleading information" and to a "deliberate action" warranting
13 "criminal investigation" and referral to the Department of Justice.

14 Political committees are required to report the names and addresses of all persons who make
15 contributions aggregating over \$200 in a calendar year. *See* 2 U.S.C. § 434(b)(3)(A); 11 C.F.R.
16 § 104.8. A review of the information attached to the complaint has also revealed that each of the
17 eight contributors whose addresses were given as that of the Brady Campaign were also missing
18 information as to "Occupation/Employer," with entries of "Info requested" appearing instead. On
19 June 14, 2000, the Reports Analysis Division sent a Request for Additional Information (an
20 "RFAI") to the Brady Committee regarding missing information on the occupation/employer of
21 contributors. The RFAI listed the requirement to identify contributors by mailing address, but did
22 not specifically cite problems with the addresses of the contributors.

¹⁶ The eight are Roscoe Dellums, Mary Lewis Grow, Victoria Reggie Kennedy, Richard Parise, Nancy Schoenke, Phyllis Segal, Jerry Ter Horst and Ray Schoenke

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1 On June 17, 2000, the committee submitted an amended April Quarterly Report which
2 included as a Schedule A an itemization of nine contributors, including four of the eight with
3 addresses previously reported as 1225 Eye Street, NW. The addresses on the amended report were
4 not changed; the amendment only provided new information about the "Occupation/Employer" of
5 each contributor. Later, on July 7, 2000, the committee submitted a second amendment of its April
6 Quarterly Report. This amendment addressed the contributor identification issue by attaching its
7 solicitation materials and a copy of a follow-up letter. It is not clear from these forms that the
8 committee focused upon the contributor's address; rather, the emphasis was upon obtaining
9 information about occupation and employer, therefore, it is questionable if the Committee used
10 "best efforts" to obtain the contributors' address information required by the Act. *See* 11 C.F.R. §
11 104.7(b)(1)(i).

12 Later reports filed by the Brady Committee in 2000 do not show further use of the
13 committee's address as that of contributors. The total number of contributions from individuals
14 itemized by the Brady Committee in all of its 2000 reports was 149. Thus, the eight contributions
15 with incorrect addresses itemized in the April Quarterly Report represented 5% of the total number
16 for the year. Given the small percentage of addresses apparently misreported and that the problem
17 was confined to one reporting period, this Office does not propose investigating the incorrect
18 addresses. Nonetheless, because the proper addresses were never reported, this Office recommends
19 that the Commission find reason to believe that the Brady Committee violated 2 U.S.C. § 434(b).

20 **D. Involvement of James and Sarah Brady**

21 The complaint specifically named James and Sarah as persons who may have violated the
22 Act. Although publicly available information has shown that the Bradys were actively involved
23 with the Brady Campaign and the Brady Committee, and that one or both may have been involved

1 in authorizing some of the expenditures at issue in this matter, this Office will reevaluate whether
2 there is reason to believe that either James or Sarah Brady personally violated the Act after
3 evaluating the responses to written discovery. Therefore, this Office recommends that the
4 Commission take no action at this time with respect to Sarah and James Brady as individuals, or as
5 chairperson of the Brady Campaign, and board member of the Brady Center, respectively.

6 **VIII. PROPOSED DISCOVERY**

21 **IX. RECOMMENDATIONS**

- 22 1. Find reason to believe that the Brady Campaign to Prevent Gun Violence violated
23 2 U.S.C. § 441b and 11 C.F.R. § 114 4(c)(6) in connection with the press conference
24 with Bill Nelson;

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2. Find reason to believe that Bill Nelson for U.S. Senate and Peggy Gagnon, as treasurer, violated 2 U.S.C. §§ 441b and 434(b) in connection with the press conference with the Brady Campaign to Prevent Gun Violence;
3. Find reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. § 441d in connection with the anti-McCollum television advertisement;
4. Find reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. § 441d in connection with the anti-McCollum website;
5. Take no action against www.mccollumandguns.com;
6. Find reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. §§ 441a(a)(2)(A) and 434(b) by coordinating expenditures with Bill Nelson for U.S. Senate and Peggy Gagnon, as treasurer;
7. Find reason to believe that Bill Nelson for U.S. Senate and Peggy Gagnon, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b) by coordinating expenditures with the Brady Voter Education Fund and Mark A. Ingram, as treasurer;
8. Find reason to believe that the Brady Campaign to Prevent Gun Violence violated 2 U.S.C. § 441b and 11 C.F.R. § 114.4(c)(6) in connection with the press conference with Charles Robb;
9. Find reason to believe that Robb for Senate and Thomas J. Lehner, as treasurer, violated 2 U.S.C. §§ 441b and 434(b) in connection with the press conference with the Brady Campaign to Prevent Gun Violence;
10. Find reason to believe that the Brady Campaign to Prevent Gun Violence violated 2 U.S.C. § 441b by coordinating expenditures with Robb for Senate and Thomas J. Lehner, as treasurer;
11. Find reason to believe that Robb for Senate and Thomas J. Lehner, as treasurer, violated 2 U.S.C. §§ 441b and 434(b) by coordinating expenditures with the Brady Campaign to Prevent Gun Violence;
12. Take no action against www.allenandguns.com;
13. Find reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. § 441d in connection with the anti-Ashcroft television advertisement;
14. Find reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. § 441d in connection with the anti-Ashcroft website;
15. Take no action against www.ashcroftandguns.com;
16. Find no reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. §§ 441a(a)(2)(A) or 434(b) by coordinating expenditures with Carnahan for Senate Committee, and Lisa L. Lindsey, as treasurer;
17. Find no reason to believe that Carnahan for Senate Committee, and Lisa L. Lindsey, as treasurer, violated 2 U.S.C. §§ 441a(f) or 434(b) by coordinating expenditures with the Brady Voter Education Fund and Mark A. Ingram, as treasurer;

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18. Find no reason to believe that Gore/Lieberman, Inc., and Jose Villarreal, as treasurer, violated 2 U.S.C. § 441b or 26 U.S.C. § 9012(b) in connection with the anti-Bush television advertisement and website;
19. Find no reason to believe that the Brady Campaign to Prevent Gun Violence violated 2 U.S.C. § 441b in connection with the anti-Bush television advertisement and website;
20. Take no action against www.bushandguns.com;
21. Find reason to believe that the Brady Campaign to Prevent Gun Violence violated 2 U.S.C. §§ 441b, 441d, and 434(c) in connection with the pop-up web page that advocated the defeat of George Bush;
22. Find reason to believe that the Brady Campaign to Prevent Gun Violence violated 2 U.S.C. §§ 441b, 441d, and 434(c) in connection with the "Dangerous Dozen" web page;
23. Take no action at this time against Bill Nelson for U.S. Senate and Peggy Gagnon, as treasurer, with respect to the "Dangerous Dozen" web page;
24. Take no action at this time against Robb for Senate and Thomas J. Lehner, as treasurer, with respect to the "Dangerous Dozen" web page;
25. Find no reason to believe that Gore/Lieberman, Inc., and Jose Villarreal, as treasurer, violated 2 U.S.C. §§ 441b or 434(b) in connection with the "Dangerous Dozen" web page;
26. Find no reason to believe that Stabenow for U.S. Senate and Angela M. Autera, as treasurer, violated 2 U.S.C. §§ 441b or 434(b) in connection with the "Dangerous Dozen" web page;
27. Find no reason to believe that Carnahan for Senate Committee, and Lisa L. Lindsey, as treasurer, violated 2 U.S.C. §§ 441b or 434(b) in connection with the "Dangerous Dozen" web page;
28. Close the file as it pertains to Gore/Lieberman, Inc., and Jose Villarreal, as treasurer; Stabenow for U.S. Senate and Angela M. Autera, as treasurer; and Carnahan for Senate Committee, and Lisa L. Lindsey, as treasurer;
29. Find reason to believe that the Brady Voter Education Fund and Mark A. Ingram, as treasurer, violated 2 U.S.C. § 434(b) by not properly reporting addresses of contributors;
30. Take no action at this time with respect to Sarah and James Brady;
31. Approve the appropriate factual and legal analyses;
32. Approve the use of compulsory process in this matter, including the issuance of appropriate subpoenas and interrogatories to the Brady Campaign to Prevent Gun Violence, the Brady Voter Education Fund, Bill Nelson for U.S. Senate Committee, and Robb for Senate Committee, and the issuance of additional interrogatories, document subpoenas, and deposition subpoenas, as necessary;

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1 33. Approve the appropriate letters.

10/23/03
Date

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