

JUN 22 2007

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

2007 JUN 22 A 10: 53

In the Matter of:)
)
)
David Vitter for U.S. Senate and)
William Vanderbrook, in his official)
capacity as treasurer)
)

MUR 5587R

SENSITIVE

GENERAL COUNSEL'S REPORT #4

I. ACTIONS RECOMMENDED

Authorize the Office of General Counsel to file suit against David Vitter for U.S. Senate and William Vanderbrook, in his official capacity as treasurer.

II. INTRODUCTION

On November 28, 2006, the Commission found probable cause to believe that David Vitter for U.S. Senate and William Vanderbrook, in his official capacity as treasurer ("the Committee"), violated 2 U.S.C. § 441d of the Federal Election Campaign Act of 1971, as amended ("the Act"). The finding was based on evidence showing that the Committee made disbursements for two sets of phone banks without including disclaimers stating who paid for the calls. See 2 U.S.C. § 441d(a)(1) ("... shall clearly state that the communication has been paid for by such authorized political committee").

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III. DISCUSSION

The Committee spent a total of \$279,300 on both sets of phone banks.

In the first set of calls, which numbered approximately 400,000, the caller informed the recipient that s/he was "working with the David Vitter for U.S. Senate Campaign." The caller then explained, "I have decided to work to elect David Vitter because he has worked hard to bring good jobs to Louisiana[,] . . . has a concrete record of fighting political corruption [a]nd fully supports the Bush tax cuts;" asked the recipient of the call if "David Vitter [can] count on your vote on election day;" and asked what issue the recipient considered to be the most important issue facing our nation today. The caller ended by stating, "Thank you for your time and we really do hope you will consider David Vitter for U.S. Senate when you go to vote."

In the second set of calls, which numbered approximately 90,000, the caller stated that s/he was with "PJB Media Research," which was a d/b/a name of the company hired to make the calls. The caller asked the recipient, "In the U.S. Senate Race [sic] in November are you more likely to vote for:" and then listed the names of the candidates, including David Vitter. The callers were instructed to rotate the order they read the candidates' names when making the calls.

Throughout the enforcement process, the Committee has consistently denied that the calls in question required disclaimers and challenged the Commission's interpretation of section 441d. See MUR 5587R First General Counsel's Report, General Counsel's Brief and General Counsel's Report #3.

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we recommend that the Commission

authorize the Office of General Counsel to file suit against David Vitter for U.S. Senate and
William Vanderbrook, in his official capacity as treasurer.²

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1 IV. RECOMMENDATIONS

- 2 1. Authorize the Office of General Counsel to file suit against David Vitter for U.S.
3 Senate and William Vanderbrook, in his official capacity as treasurer.
4 2. Approve the appropriate letter.

June 21, 2007
Date

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