

11044283994

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
MUR 6303)
CLAYTON BOWLER) CASE CLOSURE UNDER THE
LONG IS WRONG POLITICAL ACTION) ENFORCEMENT PRIORITY SYSTEM
COMMITTEE)
JACOB LAWRENCE)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated _____

_____ are forwarded to
the Commission with a recommendation for dismissal, or in certain cases where the complaint is
speculative in nature, a no reason to believe finding.

In this matter, the complainant, Andre Bruner, alleges that respondent Clayton Bowler, who
writes a blog entitled <http://longiswrong.blogspot.com/>,¹ operated an "un-registered Federal PAC
[political action committee] named 'Long is Wrong,'" in violation of "the \$1,000 threshold of
contributions or expenditures that requires FEC registration" as a political committee, as set forth at
2 U.S.C. § 431(4)(A). The complainant surmises that the alleged PAC expended in excess of
\$4,000: approximately \$1,590 for the estimated value of Mr. Bowler's time spent blogging; travel
expenses reportedly incurred by Mr. Bowler for attending political events; and the purchase of
"collateral," such as T-shirts, bumper stickers, bumper magnets, yard signs and other items, which
were allegedly advertised on the "Long is Wrong" blog.

¹ The blog is critical of congressional candidate Billy Long, who is seeking to represent Missouri's Seventh Congressional District.

1 In addition, the complainant states that the alleged PAC may have committed the following
2 violations: using candidate Billy Long's surname as part of its name; failing to collect donor
3 information; coordinating with other political campaigns; and failing to include disclaimer
4 information. Finally, the complainant notes that Mr. Bowler retired from blogging as of
5 May 25, 2010, and that the "Long is Wrong" blog was taken over by an individual named Jacob
6 Lawrence.

7 Appended to the complaint is what appears to be a printed page from the blog, dated
8 February 11, 2010, and entitled "Political Action Committee," in which the author, presumably
9 Mr. Bowler, states that he plans to register the "Billy Long is Wrong Political Action Committee"
10 with the Federal Election Commission later that week.² Also appended to the complaint are pages
11 from the blog dated March 6, 2010 and April 22, April 27, and April 29, 2010, which advertise,
12 without prices, anti-Long yard signs and bumper stickers. These pages, and others provided by the
13 complainant, include a tab labeled "Donate—Long is Wrong PAC" over what appear to be several
14 credit card icons, from the blog <http://bungalowbillscw.blogspot.com/>, also allegedly operated by
15 Mr. Bowler.

16 In response, Clayton Bowler maintains that no PAC named "Long is Wrong PAC" exists,
17 although he acknowledges that he had considered setting up such a committee at one point. As for
18 the "collateral" described in the complaint, Mr. Bowler states that he and his wife spent \$34.66 for a
19 banner emblazoned with the Internet address of the "Long is Wrong" website, and that he also
20 received 105 bumper stickers free of charge, which he gave away. Mr. Bowler denies that there
21 were any "Long is Wrong" yard signs or T-shirts. With respect to attending political events,
22 Mr. Bowler states that he sometimes travels to candidate forums and to Tea Party events, but asserts
23 that he does not do so on behalf of any political action committee or candidate. Finally, Mr. Bowler

² A review of the Commission's public filings indicates that no such entity is registered.

1 takes the position that the political articles in his blog, which he assertedly operates as a hobby on a
2 volunteer basis, constitute *bona fide* news stories.

3 Ted Lawrence filed a response on behalf of Jacob Lawrence, stating that Jacob Lawrence is
4 Ted Lawrence's 17 year old son.³ According to Mr. Ted Lawrence, Jacob Lawrence has
5 occasionally contributed entries for another blog operated by Mr. Bowler but has had nothing to do
6 with the "Long is Wrong" blog or alleged PAC.

7 Commission regulations exempt uncompensated blogging from the definition of
8 "contribution" and "expenditure," including blogging performed in connection with a federal
9 election, such as that allegedly performed by Mr. Bowler and Mr. Jacob Lawrence. See 11 C.F.R.
10 §§ 100.94 and 100.155; see also *Explanation and Justification, Internet Communications*,
11 71 Fed. Reg. 18590, 18594 (April 12, 2006) (. . . communication through one's own website is
12 analogous to a communication made from a soapbox in a public square.") Additionally, although
13 pages from <http://longiswrong.blogspot.com/> refer to an entity entitled "Long is Wrong PAC," there
14 is no other indication that such an entity exists, sells merchandise or accepts contributions, as
15 evidenced by the message "[t]his recipient is currently unable to receive money," which we
16 (*i.e.*, OGC staff) received after clicking the "donate" tab. Thus, we recommend that the
17 Commission find that there is no reason to believe that Clayton Bowler or Jacob Lawrence violated
18 the Act.

19 **RECOMMENDATIONS**

- 20 1. Find no reason to believe that Clayton Bowler violated the Federal Election Campaign Act
21 of 1971, as amended.
22

³ Jacob Lawrence's Blogger web page identifies him as a 17 year old student living in Nixa, Missouri.

2. Find no reason to believe that Jacob Lawrence violated the Federal Election Campaign Act of 1971, as amended.
3. Close the file and send the appropriate letters.

Christopher Hughey
Acting General Counsel

11/24/10
Date

BY:

Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration

Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Ruth Heilizer
Attorney
Complaints Examination
& Legal Administration