

STEVEN L. BOSSÉ  
RICHARD M. ROLLMAN  
JOHN GABROY  
RONALD M. LEHMAN  
FRED A. FARSIJO  
LYLE D. ALDRIDGE  
RICHARD A. BROWN  
CRAIG L. CLINE  
LISA BOSSARD FUNK  
BRENT W. NELSON

LAW OFFICES OF  
**GABROY ROLLMAN & BOSSÉ**  
P.C.  
3507 NORTH CAMPBELL AVENUE, SUITE 111  
TUCSON, ARIZONA 85719

TELEPHONE  
520.320.1300

FAX  
520.320.0717

November 3, 2010

SENDER'S E-MAIL ADDRESS  
ALDRIDGE@GABROYLAW.COM

**VIA U.S. MAIL**

FEDERAL ELECTION COMMISSION  
Office of General Counsel  
999 East Street, NW  
Washington, D.C. 20463

Re: Complaint - MUR 6378

To Whom It May Concern:

This law firm represents Jones Outdoor Advertising, Inc. We have been asked to assist in responding to your notice of October 18, 2010 (received on October 20), regarding a complaint originally lodged against a third party. The complaint is now identified as a complaint against our client. Our client's completed and executed Notice of Counsel Denigration is ~~attached~~.

The complainant in this matter was the committee of Rep. Gabrielle Giffords, the incumbent seeking reelection in Arizona's Congressional District 8. That complainant complained that the signs in question had been paid for or authorized by a committee that was actually uninvolved. The messages were authorized and paid for by the company that owns the billboard structures, Jones Outdoor Advertising, Inc. The company's name did appear in isolation on each of the billboards, but the messages did not contain the company's address, website or phone number, or the disclaimer stating that the message was not authorized by a candidate or candidate's committee.

Once advised of the statute, our client moved quickly to bring the signs into compliance with 2 U.S.C. §441d by adding the additional statements, including words stating that Jones Outdoor had paid for the message. Photos showing the added disclaimers are enclosed.

We and our client believe no further action by the Commission is appropriate in this matter, and respectfully request that no action be taken. Our client was operating under a well-grounded belief that its message could be posted without further disclosure. There has been a huge amount of inaccurate material on this specific issue in news coverage for many recent months. Much of the coverage has stated or created

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FEDERAL ELECTION  
COMMISSION  
2010 NOV -4 PM 1:54  
OFFICE OF GENERAL  
COUNSEL

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**GABROY ROLLMAN & BOSSE**  
P.C.

Federal Election Commission  
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the clear impression that the disclosure requirements were negated by the Supreme Court's decision in *Citizens United v. Federal Election Commission*, \_\_\_ U.S. \_\_\_, 130 S.Ct. 876 (2010). Our client reasonably believed that to be correct.

Our client was not alone in being confused about the continuing status of the disclosure requirements. The President himself has recently delivered Saturday addresses on the effects of *Citizens United*, on August 21<sup>1</sup> and September 18<sup>2</sup>, 2010. In each of those addresses, he stated that the *Citizens United* decision allows corporations to spend on campaign advertising without disclosure, and that new legislation is needed to restore disclosure requirements. Rep. Giffords herself gave virtually identical statements in a recent debate at the University of Arizona, and for months has based much of her campaign strategy on alleged anonymity of her opponent's support. The President's addresses garnered news coverage nationwide, and Rep. Giffords' comments were broadcast verbatim throughout southern Arizona.

We recognize the general validity of the maxim that "ignorance of the law is no excuse." Ignorance that results from being misled, however, is quite another matter. We believe it is entirely reasonable for citizens to expect that the President, members of

<sup>1</sup> August 21: "The reason this is happening is because of a decision by the Supreme Court in the *Citizens United* case – a decision that now allows big corporations to spend unlimited amounts of money to influence our elections. They can buy millions of dollars worth of TV ads – and worst of all, they don't even have to reveal who is actually paying for them. You don't know if it's a foreign-controlled corporation. You don't know if it's BP. You don't know if it's a big insurance company or a Wall Street Bank. A group can hide behind a phony name like "Citizens for a Better Future," even if a more accurate name would be "Corporations for Weaker Oversight."

We tried to fix this last month. There was a proposal supported by Democrats and Republicans that would've required corporate political advertisers to reveal who's funding their activities. When special interests take to the airwaves, whoever is raising and funding the ad would have to appear in the advertisement and take responsibility for it – like a company's CEO or an organization's biggest contributor."

<sup>2</sup> September 18: "Back in January, in my State of the Union Address, I warned of the danger posed by a Supreme Court ruling called *Citizens United*. This decision overturned decades of law and precedent. It gave the special interests the power to spend without limit – and without public disclosure – to run ads in order to influence elections.

Now, as an election approaches, it's not just a theory. We can see for ourselves how destructive to our democracy this can become. We see it in the flood of deceptive attack ads sponsored by special interests using front groups with misleading names. We don't know who's behind these ads or who's paying for them. Even foreign-controlled corporations seeking to influence our democracy are able to spend freely in order to swing an election toward a candidate they prefer.

We've tried to fix this with a new law – one that would simply require that you say who you are and who's paying for your ad. This way, voters are able to make an informed judgment about a group's motivations. Anyone running these ads would have to stand by their claims."

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P.C.

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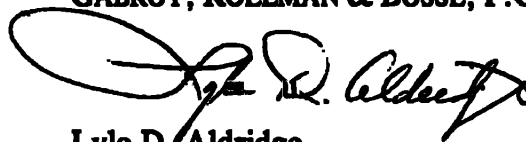
Congress and the media will reliably state the law that governs their conduct, and will not make inaccurate or incomplete statements of the law. Our client is now aware of its obligations, and can be expected to comply fully in the future.

It must also be noted that these signs really are not the kind of communication for which source disclosure is likely to benefit a recipient. In other words, in this context, the disclosure requirements do not serve the purposes for which they were upheld in *Citizens United*. These are not sternly narrated radio or television commercials, and are nothing like the documentary film involved in *Citizens United*. Those communications are the primary targets of the disclosure requirements. Unlike those forms of communication, our client's station signs do not convey a message that recipients might mistakenly believe to be a product of journalism. Our client's message is one hyperbolized statement of opinion, reminiscent of cartoons by Thomas Nast. The message lacks any reference to the candidate's purported views or performance on any specific issue or range of issues. The bias is blatant, not hidden. These signs are also directed only to a relatively knowledgeable audience who can identify the political figures whose caricatures they contain, and understand their metaphorical content. Unless one knows the recent legislative history behind the message, and knows who "Pelosi" and "Gabby" are, the signs are meaningless. It is hard to believe that voters with that level of political acumen benefit from knowing exactly who paid for the sign.

For all of these reasons, therefore, we submit that the Commission should not take any further action on this matter.

Sincerely,

GABROY, ROLLMAN & BOSSÉ, P.C.



Lyle D. Aldridge

LDA/smm

Encl. Notice of Counsel Designation  
Photographs

11044304697

**FEDERAL ELECTION COMMISSION**

999 E Street, NW  
Washington, DC 20463

**STATEMENT OF DESIGNATION OF COUNSEL**  
**Please use one form for each Respondent/Entity/Treasurer.**  
**FAX (202) 219-3923**

MUR # 6378NAME OF COUNSEL: Lyle D. AldridgeFIRM: Gabroy, Rollman & Bossé, P.C.ADDRESS: 3507 N. Campbell Ave., Ste. 111, Tucson, AZ 85719TELEPHONE- OFFICE ( 520 ) 320-1300FAX ( 520 ) 320-0717

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/30/2010  
Date

[Signature]  
Respondent/Agent - Signature

[Signature]  
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Jones Outdoor Advertising, Inc.

MAILING ADDRESS: 10657 E. Old Vail Connection Rd  
(Please Print)

Tucson, AZ 85747

TELEPHONE- HOME (        )       BUSINESS ( 520 ) 749-1307

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(1)(2)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2006

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# PELOSÌ

by Jones Outdoor Advertising, Inc.

Communication not authorized by any candidate.

**JONES**

11044304699

PELOSI'S PUPPET?

GABBY'S

GOTTA GO!

JONES

LEFEVRE  
ROSELLINI

PATTERSON

KENT  
SOLBERG

FRANKEN

11044304701

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