



Caplin & Drysdale, Chartered
One Thomas Circle, NW, Suite 1100
Washington, DC 20005
202-862-5000 202-429-3301 Fax
www.caplindrysdale.com

September 16, 2014

VIA ELECTRONIC MAIL

Stacey Cowan
FOX 31 Denver KDVR-TV
100 East Speer Blvd.
Denver, Colorado 80203

Re: Response to Frivolous Cease-and-Desist Demand

Dear Ms. Cowan:

I write on behalf of my client, CounterPAC, a federally registered political committee that is dedicated to stemming the flood of untraceable money polluting our nation's elections. To that end, CounterPAC recently asked U.S. congressional candidates in Colorado's 6th Congressional District to dissuade outside groups from spending undisclosed money in their race.¹ Mike Coffman flatly refused, paving the way for undisclosed funds to continue unabated in the 6th District campaign.² CounterPAC purchased advertising time on your station to inform voters of Mr. Coffman's decision through the following communication:

Mike Coffman is enjoying the support of six-figure campaign ads funded by secret donors. The problem with secret donors is you just don't know who they are. Big tobacco? Russian oil billionaires? Too-big-to-jail Wall Street bankers? The owner of China's largest casino? We don't know – and that's just how Mike Coffman wants it. Colorado needs a candidate who answers to voters. Who does Mike Coffman answer to? It's still a secret.

Mr. Coffman prefers that the public never learn about his rejection of a fully transparent campaign, and he has now instructed his lawyers to send your station a frivolous cease-and-desist demand in an attempt to muzzle CounterPAC.

Unfortunately for Mr. Coffman, CounterPAC's attempt to inform the public is entirely accurate. Mr. Coffman is, in fact, "enjoying the support of six-figure campaign ads funded by

¹ When this type of pledge has been accepted, the results have been notable. In the Massachusetts 2012 Senate race, for example, pledges by both major-party candidates significantly reduced the volume of undisclosed outside spending. See Joshua Miller, *Group's Study Backs Pact that Limited Outside Political Spending*, THE BOSTON GLOBE (May 2, 2013) (describing study indicating that only 9 percent of spending in the 2012 Senate race came from outside groups).

² Jon Murray, *A New PAC's Challenge to Coffman, Romanoff: Reject Spending of 'Secret Money'*, The Denver Post 'The Spot' Blog (Sept. 3, 2014) ("So far, Romanoff says he'd accept CounterPAC's challenge, while Coffman, a Republican seeking a fourth term in Congress, is brushing it off.").

secret donors.” For instance, the U.S. Chamber of Commerce has repeatedly sponsored six-figure advertisement buys that support Mr. Coffman’s candidacy, and the Chamber does not disclose its donors in connection with those ad buys.³ CounterPAC does not claim to know exactly who is funding these types of undisclosed communications. Instead, CounterPAC’s purpose is to point out the fundamental issue with undisclosed money: the public cannot identify the donors. This purpose is apparent through CounterPAC’s repeated statements (e.g. “The problem with secret donors is you just don’t know who they are”, “We don’t know”, “It’s Still a Secret”). Mr. Coffman demonizes CounterPAC’s use of possible donor examples to underscore this concept, but these examples are certainly possibilities. Altria (i.e. “big tobacco”) is a dues-paying member of the Chamber,⁴ foreign businesses (i.e. “Russian oil billionaires”) contribute money to the Chamber and other outside groups,⁵ financial-services companies and their principals (i.e. “too-big-to-jail Wall Street bankers”) have contributed to the Chamber and other outside groups for political advocacy,⁶ and Sheldon Adelson (i.e. “the owner of China’s largest casino”) is a prominent source of political money.⁷ Mr. Coffman might not like to admit it, but by tolerating secret money in his congressional campaign, he is allowing for the possibility that groups like these will influence the election.

Your station should not do Mr. Coffman’s bidding, but should instead allow the public to hear about the potential dangers of secret money in elections.

Please contact me at your earliest convenience (202-862-5046 or msanderson@capdale.com) to advise as to your station’s actions with respect to CounterPAC’s advertisement.

Sincerely,



Matthew T. Sanderson
Caplin & Drysdale, Chartered

Enclosure: FEC Report Excerpts

³ See Attached hereto, Federal Election Commission Report Excerpts.

⁴ <http://www.altria.com/About-Altria/Government-Affairs/engaging-with-others/Pages/default.aspx?src=leftnav>.

⁵ <http://www.factcheck.org/2010/10/the-chamber-and-foreign-contributions/>

⁶ <http://www.nytimes.com/2010/10/22/us/politics/22chamber.html?pagewanted=all>

⁷ <http://www.thedailybeast.com/articles/2014/09/03/casino-tycoon-sheldon-adelson-takes-100-million-gamble-on-gop-senate.html>

FEC FORM 5**REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED**

To Be Used by Persons (Other than Political Committees)

1. (a) Name of Individual, Organization or Corporation US Chamber of Commerce		3. FEC Identification Number C C90013145
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 1615 H Street NW		
(c) City, State and ZIP Code Washington DC 20062		
2. Occupation and Name of Employer (for Individual Filers Only)		

4. TYPE OF REPORT (check appropriate boxes):

(a) ☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ 24-Hour Report☐ October 15 Quarterly Report☒ 48-Hour Report☐ January 31 Year-End Reportb) Is this Report an amendment? ☒ No ☐ Yes, it amends the report filed on

5. COVERING PERIOD:

FROM

THROUGH

6. TOTAL CONTRIBUTIONS.....

0.00

7. TOTAL INDEPENDENT EXPENDITURES

4400000.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or any political party committee or its agent.

TYPE OR PRINT NAME OF PERSON COMPLETING FORM

SIGNATURE

DATE

Warren Powers

Warren Powers

[Electronically Filed]

05/09/2014

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. §437g.

SCHEDULE 5-E ITEMIZED INDEPENDENT EXPENDITURES

PAGE 3 OF 5
FOR LINE 7 OF FORM 5

NAME OF FILER (In Full)
US Chamber of Commerce

Full Name (Last, First, Middle Initial) of Payee Something Else Strategies		Date of Public Distribution/Dissemination 05 07 2014	
Mailing Address 112 Lantern Ridge Drive		Amount 800000.00	
City Easley	State SC	Zip Code 29642	Transaction ID : 57495522
Purpose of Expenditure TV and digital advertisement "Dysfunctional" supporting Cory Gardner, 5/7 - 5/31.		Category/ Type 004	Office Sought: <input checked="" type="checkbox"/> House State: CO <input checked="" type="checkbox"/> Senate District: _____ <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Cory Gardner		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 1100000.00		Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General 2014 <input type="checkbox"/> Other (specify) _____	
Full Name (Last, First, Middle Initial) of Payee Something Else Strategies		Date of Public Distribution/Dissemination 05 07 2014	
Mailing Address 112 Lantern Ridge Drive		Amount 300000.00	
City Easley	State SC	Zip Code 29642	Transaction ID : 57495523
Purpose of Expenditure TV and digital advertisement "Dysfunctional Spn" supporting Cory Gardner, 5/7 - 5/31.		Category/ Type 004	Office Sought: <input type="checkbox"/> House State: CO <input checked="" type="checkbox"/> Senate District: _____ <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Cory Gardner		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 1100000.00		Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General 2014 <input type="checkbox"/> Other (specify) _____	
Full Name (Last, First, Middle Initial) of Payee Something Else Strategies		Date of Public Distribution/Dissemination 05 07 2014	
Mailing Address 112 Lantern Ridge Drive		Amount 450000.00	
City Easley	State SC	Zip Code 29642	Transaction ID : 57495527
Purpose of Expenditure TV and digital advertisement "Voice" supporting Mike Coffman, 5/7 - 5/27.		Category/ Type 004	Office Sought: <input checked="" type="checkbox"/> House State: CO <input type="checkbox"/> Senate District: 06 <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Mike Coffman		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 450000.00		Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General 2014 <input type="checkbox"/> Other (specify) _____	

(a) SUBTOTAL of Itemized Independent Expenditures..... 1550000.00

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures.....
(carry total from last page forward to Line 7)

FEC FORM 5**REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED**

To Be Used by Persons (Other than Political Committees)

1. (a) Name of Individual, Organization or Corporation US Chamber of Commerce		3. FEC Identification Number C C90013145
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 1615 H Street NW		
(c) City, State and ZIP Code Washington DC 20062		
2. Occupation and Name of Employer (for Individual Filers Only)		

4. TYPE OF REPORT (check appropriate boxes):

(a) ☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ 24-Hour Report☐ October 15 Quarterly Report☒ 48-Hour Report☐ January 31 Year-End Reportb) Is this Report an amendment? ☒ No ☐ Yes, it amends the report filed on

5. COVERING PERIOD:

FROM

THROUGH

6. TOTAL CONTRIBUTIONS.....

0.00

7. TOTAL INDEPENDENT EXPENDITURES

5314829.59

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or any political party committee or its agent.

TYPE OR PRINT NAME OF PERSON COMPLETING FORM

SIGNATURE

DATE

Warren Powers

Warren Powers

[Electronically Filed]

09/05/2014

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. §437g.

SCHEDULE 5-E **ITEMIZED INDEPENDENT EXPENDITURES**

PAGE 7 OF 12
FOR LINE 7 OF FORM 5

NAME OF FILER (In Full) US Chamber of Commerce	
---	--

Full Name (Last, First, Middle Initial) of Payee Integrated Web Strategies		Date of Public Distribution/Dissemination MM / DD / YYYY 09 / 05 / 2014	
Mailing Address 5330 N. 12th St.		Amount 273.94	
City Phoenix	State AZ	Zip Code 85014	Transaction ID : 57511516
Purpose of Expenditure Email expenditure opposing Ron Barber.		Category/ Type 004	Office Sought: <input checked="" type="checkbox"/> House State: AZ <input type="checkbox"/> Senate District: 02 <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Ronald Barber		Check One: <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 350423.94		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General 2014 <input type="checkbox"/> Other (specify) _____	
Full Name (Last, First, Middle Initial) of Payee Something Else Strategies		Date of Public Distribution/Dissemination MM / DD / YYYY 09 / 05 / 2014	
Mailing Address 212 Golden Willow Ct.		Amount 300000.00	
City Easley	State SC	Zip Code 29642	Transaction ID : 57511524
Purpose of Expenditure TV advertisement "Just Like" opposing Andrew Romanoff, 95 - 9/18.		Category/ Type 004	Office Sought: <input checked="" type="checkbox"/> House State: CO <input type="checkbox"/> Senate District: 06 <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Andrew Romanoff		Check One: <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 300916.19		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General 2014 <input type="checkbox"/> Other (specify) _____	
Full Name (Last, First, Middle Initial) of Payee Integrated Web Strategies		Date of Public Distribution/Dissemination MM / DD / YYYY 09 / 05 / 2014	
Mailing Address 5330 N. 12th St.		Amount 150.00	
City Phoenix	State AZ	Zip Code 85014	Transaction ID : 57511525
Purpose of Expenditure Website development - www.vote4jobs.com.		Category/ Type 004	Office Sought: <input checked="" type="checkbox"/> House State: CO <input type="checkbox"/> Senate District: 06 <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Mike Coffman		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 300916.19		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General 2014 <input type="checkbox"/> Other (specify) _____	

(a) SUBTOTAL of Itemized Independent Expenditures..... 300423.94

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures.....
(carry total from last page forward to Line 7)