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MAINE ETHICS COMMISSION

September 21, 2009

Jonathan Wayne
Executive Director
Commission on Governmental Ethics
135 State House Station
Augusta, ME 04333-0135
207-287-4179

Re: StandforMarriageMaine.com

Dear Mr. Wayne:

Please be advised that this firm represents StandforMarriageMaine.com and writes this letter on its behalf. This firm also represents the National Organization for Marriage. Thank you for your letter of August 27, 2009, advising of the allegations being made by Fred Karger and Californians Against Hate, and giving StandforMarriageMaine an opportunity to respond prior to the Commissions meeting on October 1, 2009.

As you know, StandforMarriageMaine.com is a registered Maine political action committee (hereinafter the "Maine PAC"). It is filing its reports in good faith compliance with Maine law after requesting and receiving specific legal advice before it began activities. It is identifying all contributors as required by Maine law. The allegations being made by Mr. Karger are false.

As you state in your letter, "Mr. Karger alleges that 'the four funders of Stand for Marriage Maine are merely conduits for those wishing to hide their contributions. These entities are laundering money to evade the disclosure of the actual contributors to Stand for Marriage Maine.'" Of course, use of the phrase "laundering money" is pejorative, and apparently intended

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to allege that the PAC is not in compliance with Maine campaign finance law. He relies primarily on unfounded allegation and innuendo.

We respond to Mr. Karger's specific allegations/observations as follows:

1. Mr. Karger notes that several large contributions have been reported. Large contributions from churches and non-profit issue advocacy organizations are not evidence that the Maine PAC accepted unlawful contributions. Issue advocacy organizations may make contributions out of their general treasury without any special appeals for the Maine PAC, and without registering and reporting as a BQC.
2. Mr. Karger notes large contributions from the National Organization for Marriage (NOM). NOM is a national organization that is active in several states across the country. It makes large contributions from its general treasury in several states. By "general treasury" we mean funds not solicited or designated for any specific state or ballot measure.
3. Last week, Mr. Karger supplemented his complaint with copies of NOM emails. As explained in the response submitted by NOM, less than \$5,000 was received from contributions to support the Maine referendum.
4. Mr. Karger notes that in 2008 he filed a complaint against the Mormon Church with the California FPPC. This is irrelevant to his allegations against the Maine PAC, and, nearly a year later, no violations have been announced by the FPPC.

Mr. Karger calls the reporting of large contributions from these organizations "irregularities." But there is nothing irregular here, just unsupported accusations, assumptions, and guesses. Such baseless charges could be made against any referendum PAC that accepts corporate contributions and do not merit investigation. The Commission's Standards for Requests for Investigation detailed in your memo emailed to Fred Karger and dated August 14, 2009 require "setting forth *such facts with sufficient details as are necessary to specify the alleged violation . . . based on personal knowledge*" or other authoritative sources (emphasis added). This standard has not been met, thus, no investigation is justified by Mr. Karger's complaint.

In addition, if the Commission were to open an investigation prior to the election, the investigation itself would become an issue in the "Yes on Question 1" campaign. Mr. Karger, by his own admission, is a political consultant who supports legalization of homosexual marriage, and who specifically targets donors who support tradition marriage. He has produced television advertisements, raised funds, and openly encouraged harassment of donors who support

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traditional marriage. Californians Against Hate operates a "dishonor roll" and encourages his supporters to contact traditional marriage supporters with threats and intimidation, and to boycott the businesses of donors who support traditional marriage.


If the Commission were to launch a pre-election investigation, Karger will likely run ads and issue press releases trumpeting the "news" that the "Yes on Question 1" campaign is under official investigation for "illegal" activities. The purpose of this would be to discredit the "Yes on 1" campaign with unsupported allegations and innuendo in the final weeks of the election. The Commission should not permit itself to be used in this matter, which could potentially impact the outcome of a free and fair election that is of crucial importance to the people of Maine.

Since Mr. Karger has not shown sufficient facts to justify the Commission's use of agency resources to investigate StandforMarriageMaine.com and its contributors, no investigation is warranted.

If I may be of further assistance in this matter, please contact me. Thank you.

Sincerely,

BOPP, COLESON & BOSTROM

A handwritten signature in black ink that reads "Barry A. Bostrom". The signature is written in a cursive, flowing style.

Barry A. Bostrom

enc.



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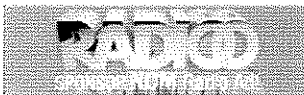
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