



April 7, 2010

Ross Johnson
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Re: Complaint Against California Chamber of Commerce

Mr. Johnson,

I am writing on behalf of Consumer Watchdog to call for an investigation of television advertisements by the California Chamber of Commerce against gubernatorial candidate Jerry Brown that we believe constitute express advocacy against a candidate for office. The Chamber claims the advertising is issue advocacy and has refused to follow campaign disclosure rules that require the identity of donors to express advocacy efforts be made public.

The advertisement in question -- which can be viewed at http://www.youtube.com/watch?v=R0OoXCUnx2w&feature=player_embedded -- runs afoul of Section 82031 of the Political Reform Act because its timing, wording and context can lead to no other conclusion than the advertisement is made to influence the election of a candidate for the governor's office, Jerry Brown.

The ad says:

"California has lost one million jobs... We're \$200 billion in debt... And Jerry Brown has a 35 year record of higher spending and taxes. Governor Brown opposed Prop 13 -- Spending increased 163%. He turned a budget surplus into a massive deficit. Mayor Brown -- Taxes went up. Spending increased 60%, and jobs vanished. Go to EnoughSpending.com to tell Brown enough is enough on higher taxes and spending."

We urge you to investigate and take action against the Chamber resulting in full disclosure of the sources of contributions to this advertising effort based on the following.

The campaign advertisement has no other purpose than to undercut the public standing of a gubernatorial candidate, and therefore is express advocacy against a candidate. The claims in the advertising do not relate at all to Jerry Brown's

current duties in the Attorney General's office. The "call to action" at the end of the advertisement, for Brown to oppose taxes, is little more than window dressing because the Attorney General has no control over tax increases. The claim is clearly targeted at candidate Brown, not the Attorney General.

Moreover, the Chairperson of the campaign of Brown's chief rival, Meg Whitman, is Pete Wilson, who is an influential member of the Board of Directors of the California Chamber of Commerce. An investigation of former Governor Wilson's role in approving, encouraging or even discussing this advertising effort is in order because such communication would likely constitute coordination between the Chamber and Whitman campaign. FPCC regulation 18550.1(b)(2) establishes a presumption that an ad is coordination when it is made "by or through an agent" of the candidate.

Given the dangerous precedent being established here, of the Chamber being able to spend money against candidates without having to disclose the source of those contributions, we urge the FPCC to inspect any funding solicitations by the Chamber of Commerce for this advertising campaign. If the funding was sought based on a call for direct express advocacy, then the donors must be disclosed.

I declare these facts to be true upon penalty of perjury.

Sincerely,



Jamie Court
(310) 392-0522 ext 327