

Jeffrey McCausland

From: Barry Faber
Sent: Monday, October 13, 2014 3:54 PM
To: Jeffrey McCausland; Allison Staley
Subject: RE: Formal Complaint from the Orman for U.S. Senate Campaign

Station can continue to run the ad. Please let both parties know of the decision and place all materials, including a notation of this decision, in station's public file. thanks.

From: Jeffrey McCausland
Sent: Monday, October 13, 2014 4:29 PM
To: Barry Faber; Allison Staley
Subject: FW: Formal Complaint from the Orman for U.S. Senate Campaign

Here is the response from American Media regarding complaint I just sent.

Jeff McCausland
General Manager
Fox-Kansas (KSAS-TV)
My TV Wichita (KMTW-TV)

From: Melissa Sharp (AmericanMediaAG) [<mailto:M.Sharp@AmericanMediaAG.com>]
Sent: Monday, October 13, 2014 2:50 PM
To: Jeffrey McCausland
Cc: JAMES.SCUTARI@msmtvsales.com
Subject: RE: Formal Complaint from the Orman for U.S. Senate Campaign

Jeffrey,

Please find attached ESAF's formal response to letter you received from the Orman campaign, as well as documentation to back up their advertisement.

Please confirm receipt and let me know if there are any further issues.

Thanks,

Melissa Sharp
National Media
Research, Planning and Placement, LLC
T - 703-683-4877
F - 703-683-6692
melissas@natmedia.com
www.nmrpp.com

From: Jeffrey McCausland [<mailto:JMccausland@sbgty.com>]
Sent: Monday, October 13, 2014 3:41 PM
To: Melissa Sharp (AmericanMediaAG)

Cc: SCUTARI, JAMES (JAMES.SCUTARI@msmtvsales.com)
Subject: FW: Formal Complaint from the Orman for U.S. Senate Campaign

Melissa,

Our station received the following e-mail and attached letter from the attorney for the Greg Orman for Senate campaign. The letter asks us to refuse airing the current commercial for Ending Spending Action Fund. Can your firm or the folks at Ending Spending please respond to this complaint within the next 24 hours?

Jeff McCausland
General Manager
Fox-Kansas (KSAS-TV)
My TV Wichita (KMTW-TV)
316-942-2424

From: Shayne Thoman [<mailto:shayne.thoman@ormanforsenate.com>]
Sent: Friday, October 10, 2014 5:39 PM
To: Jeffrey McCausland
Cc: Jim Jonas
Subject: Formal Complaint from the Orman for U.S. Senate Campaign

Please see the attached letter from our attorney.

Transcript of ad:

Narrator: We've seen his slick ads. What do we really know about Greg Orman? Orman won't be straight with Kansans about his business dealings or his support for amnesty for illegal immigrants, or repealing Obamacare.

Audio of Greg: "You know that's an interesting question"

Narrator: And Orman can't explain giving thousands to liberals, Barack Obama, Harry Reid and Hilary Clinton. So who is Greg Orman?

Audio of Greg: "He's just a liberal masquerading as an independent"

[Ending spending action fund is responsible for the content of this ad]

--
Shayne Thoman
Deputy Campaign Organizer
913-952-6142
www.OrmanForSenate.com

Jeffrey McCausland

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Sent: Friday, October 10, 2014 5:39 PM
To: Jeffrey McCausland
Cc: Jim Jonas
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Attachments: KSAS.pdf

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--

Shayne Thoman
Deputy Campaign Organizer
913-952-6142
www.OrmanForSenate.com

UTRECHT, KLEINFELD, FIORI, PARTNERS

ATTORNEYS AT LAW

1900 M Street, NW Suite 500 Washington, DC 20036

Main (202) 778-4000

Facsimile (202) 842-5825

www.up-law.com

October 10, 2014

Dear Mr. McCausland:

Utrecht, Kleinfeld, Fiori, Partners represents Greg Orman's senatorial campaign. I write with regard to an advertisement produced by Ending Spending Action Works. This advertisement is both inaccurate and misleading. KSAS-TV has a responsibility to the public to refrain from disseminating communications that are deceptive. KSAS-TV should immediately refuse to continue to air this advertisement, a transcript of which is provided below.

While we find many assertions contained in this advertisement objectionable, we have chosen to focus on only the following blatantly false claims.

First, the ad claims that Orman has not been straight forward with Kansans about "his support for amnesty for illegal immigrants." This statement is explicitly false as Orman does not and has never supported amnesty for illegal immigrants. Mr. Orman has clearly stated that he believes all illegal immigrants should pay a fine or participate in community service to acknowledge that they have broken the law prior to becoming eligible to apply for citizenship. This does not amount to amnesty under any reasonable interpretation. Such blatantly false statements only serve to mislead the public, a right that is not protected.

Second, in response to the narrator asking the question "who is Greg Orman?" the advertisement quotes Orman as saying "he's a liberal masquerading as an independent." The advertisement creates the falsehood that in using the words "a liberal masquerading as an independent," Orman was describing himself. In fact, the statement was made in reference to how his opponents will try to falsely attack him. This blatant manipulation of Orman's statement amounts to deceptive advertising. KSAS-TV should refuse to be a party to any ad that so clearly manipulates the context of the quote.

Unlike federal candidates, independent political organizations do not have a "right to command the use of broadcast facilities." See *CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you are not required to air this advertisement, KSAS-TV bears responsibility for its content when it willingly grants access to a political organization that is disseminating communications specifically designed to mislead the public. See *Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), cert. denied, 314 U.S. 909 (1950).

The FCC has recognized that broadcast licensees have a duty "to protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). The existence of such a legal standard reflects an important underlying public policy against the dissemination of communications containing false information. Thus, regardless of the specific

applicability of legal requirements, all media outlets should be cognizant of their duty to the public and recognize that they have a responsibility to refrain from disseminating deliberately misleading communications.

This advertisement is false, misleading and deceptive. We ask that you refuse to continue to air it. Any failure on your part to prevent the dissemination of such a misleading communication amounts to an abdication of your responsibility to the public.

I can be reached at (202) 778-4007 if you have any questions regarding this letter. Please contact us to inform us of your decision. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patricia Fiori".

Patricia A. Fiori
Counsel, Orman for Senate

Jeffrey McCausland

From: Melissa Sharp (AmericanMediaAG) <M.Sharp@AmericanMediaAG.com>
Sent: Monday, October 13, 2014 2:50 PM
To: Jeffrey McCausland
Cc: JAMES.SCUTARI@msmtvsales.com
Subject: RE: Formal Complaint from the Orman for U.S. Senate Campaign
Attachments: Ending Spending Action Fund - Response to Orman Letter - EXHIBITS.pdf; Ending Spending Action Fund - Response to Letter from Orman for Senate 10 13 14.pdf; 10 9 14 ESAF TV Ad Facts - Masquerade.pdf

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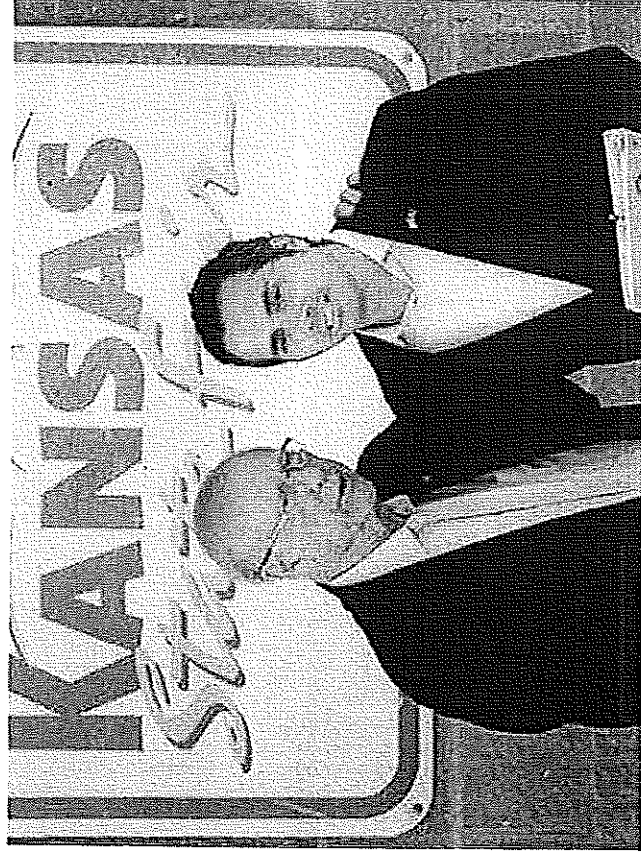
[Ending spending action fund is responsible for the content of this ad]

--
Shayne Thoman
Deputy Campaign Organizer
913-952-6142
www.OrmanForSenate.com

Exhibit A

Exhibit B

KANSAS'S PAT ROBERTS ATTACKS 'INDEPENDENT' GREG ORMAN AS PRO- AMNESTY LIBERAL



by MICHAEL PATRICK LEAHY / COLUMNISTS/MICHAEL PATRICK LEAHY
POST & COMMENT CHIEF-COVERS/ENT/Ent-09/IN-KANSAS-EAT-ROBERTS-ATTACKS-
O'DANAN-AS-PRO-ANNEXITY-LIBERAL/#COMMENTS/DEPENDENT-LEAG-

On Friday, Senator Pat Roberts (R-KS) attacked his "Independent" challenger Greg Orman for supporting "a path to citizenship" for 11 million illegal aliens.

Appearing on Laura Ingraham's national radio show, Roberts said (<http://www.lauraingraham.com/02/isp/charis/streamingAudioMaster.aspx?sessionId=AJ&dispid=302&headerDest=L2RnL2p2CulZWkRnYSombGfZaHdHGNvbwUuanNwPz3PpZD>) "[Orman] says he that wants to grant citizenship to all illegal aliens if they pay a small fine and promise to obey the law, [but] these people have already broken the law! I have fought amnesty every time. I will always fight amnesty; that's a big difference in our debate."

The 78-year-old Roberts has been staunchly anti-amnesty throughout his public career. Roberts voted against the Gang of Eight immigration reform bill in 2013. Orman, a 45-year-old Princeton educated multi-millionaire, has pledged to vote for the policies included in that bill.

Roberts' opposition to amnesty is not new. In 1986, while serving in the House of Representatives, he voted against <https://www.govtrack.us/congress/votes/99-1986/h872> the Simpson-Mazzoli Immigration "Reform Bill," which effectively granted amnesty to 2 million illegal aliens. That bill, which prohibited employers from knowingly employing illegals, is widely viewed as a failure.

(<https://humanevents.com/2007/06/04/simpsonmazzoli-twentyyears-later/>) in the anti-amnesty community. Businesses simply did not abide by the prohibition on the employment of illegal aliens because the law lacked enforcement teeth.

The Senate race in Kansas has become unexpectedly competitive after a series of unusual twists and turns. Roberts defeated Tea Party-endorsed challenger Milton Wolf by a narrower than expected 47% to 41% (<http://www.politico.com/story/2014/08/kansas->

BREITBART VIDEO PICKS

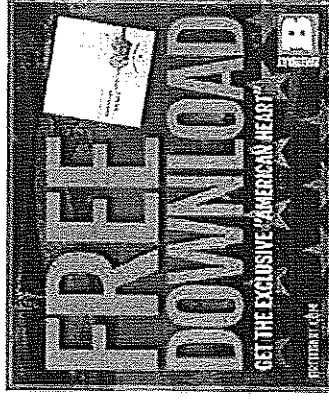
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Bloomberg Politics
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IOWA POLL



(<http://www.breitbart.com/exclusive/american-heart/>)

MOST POPULAR

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2:07 comments · 0 minutes ago

- Alec Baldwin: America Only Elected Obama Because Country Is More Sexist Than Racist
<http://www.breitbart.com/Breitbart-TV/2014/10/13/Alec-Baldwin-America-Only-Elected-Obama-Because-Country-Is-More-Sexist-Than-Racist>

180 comments · 0 minutes ago

- Washington Post: 94% Chance Republicans Win Senate
(<http://www.breitbart.com/Big-Government/2014/10/13/Washington-Post-94-Chance-Republicans-Win-Senate>)

[senate-2014-results-pat-roberts-milton-wolfe-109748.html](#)] margin in the August 5 Republican primary. Then Chad Taylor, the Democratic nominee who won the Democratic primary on August 5, dropped out of the race. In a legal challenge that went all the way to the Kansas Supreme Court, Kansas Secretary of State Kris Kobach was instructed that he had to remove Taylor's name from the ballot.

The latest polls indicate that Orman currently holds a slight lead (http://www.realclearpolitics.com/epolls/2014/senate/ks/kansas_senate_roberts_vs_orman-5216.html) in the race.

Orman has run a campaign that is more personality based than issue oriented. His campaign highlights his youth, financial success, and record as a pragmatic problem solver not tied to any particular ideology.

Stylistically, Orman has several advantage over Roberts. Not only does he look more than three decades younger than Roberts, he campaigns person-to-person with a zeal and vigor that Roberts, a former Marine, has not shown in years.

Roberts' campaign, in contrast, has been less person-to-person and more media driven.

Roberts' sudden focus on immigration, however, may be an indication his campaign believes Orman's personality-driven campaign may be more of a weakness than a strength.

Pat Roberts may be old and disconnected from the average Kansas voter, but his conservative voting record (American Heritage Scorecard rates him as the third most conservative Senator in this Congress) and steadfast opposition to amnesty throughout his long political career, is consistent with the political heritage of Kansas's conservative Republican voters.

Orman, a former McKinsey consultant (<http://www.politico.com/story/2014/09/greg-orman-senate-kansas-midterm-elections-110593.html>) and investor who estimates his net worth between \$21 million and \$86 million according to his recent financial disclosures, briefly ran against Roberts as a Democrat in 2008, is running as an independent and has soared in the polls since the Democratic candidate dropped out of the race.

As the *Kansas City Star* reported (<http://www.kansascity.com/news/government-politics/article2174379.html>) on September 19th, Orman told voters at a Kansas State Fair debate in early September: "If you are here undocumented, you should register, pay a fine, obey our laws, hold down a job and pay taxes, and then I think you should be able to stay here."

Beyond favoring a "pro-amnesty" position, Orman, who has never been elected to public office, has made very few other definitive statements about his positions on a number of key issues.

As the *Washington Post* reported (http://www.washingtonpost.com/politics/greg-orman-a-political-enigma-faces-growing-scrutiny-in-kansas-senate-race/2014/09/28/401d5e5c-4587-11e4-b437-1a7368204804_story.html) on Monday, Orman's positions on the Keystone Pipeline, gun control, the repeal of Obamacare, and even which party he might caucus with if elected remain vague.

Orman's prior business dealings, and his close business relationship with Rajat Gupta (http://www.washingtonpost.com/politics/greg-orman-a-political-enigma-faces-growing-scrutiny-in-kansas-senate-race/2014/09/28/401d5e5c-4587-11e4-b437-1a7368204804_story.html), his former colleague at McKinsey

(<http://blogs.bbr.org/2011/02/14/s-tentative-of-raid-gupta/>), who was convicted of insider trading (http://www.washingtonpost.com/business/economy/rajat-gupta-guilty-of-insider-trading/2012/06/15/gJQAlxmufV_story.html) in 2012, have also come under increasing scrutiny.

Conservative talk show host Ingraham, whose support for anti-amnesty Dave Brat was a key factor in his upset of House Majority Leader Eric Cantor in this past June's Republican primary in Virginia's 7th Congressional District, encouraged Roberts to make immigration the key issue in the Kansas Senate race against Orman.

"I think of all the issues in your race, [Orman's] position on the need to prop up illegal workers, and to keep businesses happy with cheap labor, that's your sweet spot senator, that's it," Ingraham told

(<http://www.lauraingraham.com/wp/jsp/charts/streamingAudioMuster.jsp?sessionId=AIDBdispid=402&headerDest=L3Bnl-2pzc-C0tZWVRpY-Sen16GFza-FillbGhWUuanNwP2BzZDoxRoberts-on-hershowFriday>). "He's going to say 'he's independent, I hold both parties accountable,' but you actually have done that," Ingraham added.

[Senate](#)

366 comments • 0 minutes ago

- [Obama Plays 200th Round of Golf as 2nd Ebola Case Emerges](#) (<http://www.breitbart.com/Breitbart-Texas/2014/10/12/Obama-Plays-200th-Round-of-Golf-as-2nd-Ebola-Case-Emerges>)

1138 comments • 1 minute ago

- [Experts: Ebola Outbreak, Black Death 'Plague' Spread From Africa as Viruses](#) (<http://www.breitbart.com/Breitbart-Government/2014/10/09/Risks-Rise-Ebola-Pandemic-as-Spore-Viruses-the-Black-Death>)

2230 comments • 14 minutes ago

Fox News National

[Hurricane, led by clergy, march to Ferguson police station](#) (<http://fox4s.foxnews.com/-/r/foxnews/national/-/3/-/rEAPW03c/>)

13 Oct 2014, 9:30 AM PDT

[Beer and what festival? Fans remove 'whiskey' from expo name for fear of promoting drinking](#) (<http://fox4s.foxnews.com/-/r/foxnews/national/-/3/-/r4nubfD>)

13 Oct 2014, 8:02 AM PDT

[Climbers missing for days in Colorado mountains lost trail, fell separately, 1 dies, 1 rescued](#) (<http://fox4s.foxnews.com/-/r/foxnews/national/-/3/-/r4nubfD>)

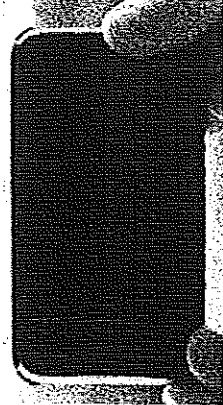
13 Oct 2014, 8:02 AM PDT

[Powerful storms take aim at Arkansas, Oklahoma, Texas: 1 killed, 4 hurt as house destroyed](#) (<http://fox4s.foxnews.com/-/r/foxnews/national/-/3/-/r4nubfD>)

13 Oct 2014, 7:30 AM PDT

[Prosecutor: Child killed, 2 adults hurt in accident involving vehicle near NJ farm festival](#) (<http://fox4s.foxnews.com/-/r/foxnews/national/-/3/-/r4nubfD>)

13 Oct 2014, 7:30 AM PDT



[/System/Breitbart%20Send%20A%20Tip?">/System/Breitbart%20Send%20A%20Tip?](#)
page=%2fBig-

Exhibit C

>

By Esther Cotton, McPherson

October 10, 2014 9:09AM

[Print Page](#)

Greg Orman not totally honest

Greg Orman has not been quite truthful about his feelings on amnesty. His TV Ad says he is NOT for amnesty yet on his answer on a survey for Numbers USA he says he is FOR amnesty. Which is it?

Greg Orman says, "I will only answer to you." I think Greg Orman will only answer to himself or Democrats. A leopard does not change his spots. We need Republicans in the Senate in Washington to break the dam that Harry Reid has put up, blocking passed House Bills from coming to a vote in the Senate. If you are a Republican, vote Republican.

<http://www.mcphersonsentinel.com/article/20141010/OPINION/141019958>[Print Page](#)

Exhibit D

- The Daily Caller - <http://dailycaller.com> -

Does The Senate Immigration Bill Mitigate The Moral Hazard Of Amnesty?

Posted By [John M. Ellis](#) On 4:02 PM 08/22/2014 In | [No Comments](#)

-
- [Tweet](#)
-

Disputes about 'comprehensive' immigration reform always center on the word amnesty: is the 2013 Senate bill an amnesty or isn't it? People who like the Senate bill are adamant that it isn't. "They call it amnesty," said the *Wall Street Journal's* Kim Strassel, as if it were simply obvious that the word is being misused.

Fox's much-respected Brit Hume is also indignant about the amnesty word, insisting that the dictionary definition makes it unconditional, whereas the Senate bill has conditions. But he's wrong about that: amnesties often impose conditions, and Webster's says as much. An illegal gun amnesty offers immunity from prosecution only if the illegal weapon is turned in. A tax amnesty offers immunity from prosecution and penalties to people who have not filed tax returns, but only if they pay what they owe in back taxes.

These conditions nail down two important principles. First, the offender must return to compliance with the law: the illegal gun owner can't continue doing what he did. Amnesty doesn't abolish a law. And second, the offender must never benefit from breaking the law. The tax delinquent can't keep the money he should have paid, because then he'd be better off than people who never broke the tax laws.

Both principles are about moral hazard. It's dangerous to waive laws, because laws invoked only some of the time are soon respected none of the time. But the moral hazard always present in an amnesty must never be exaggerated by allowing someone to profit from their crime, or to continue the behavior that broke the law in the first place.

The question is not whether the Senate bill is an amnesty. Of course it is: it suspends the operation of a law. The real question is whether the particular conditions of this amnesty raise, or instead lower the inherent moral hazard in mass forgiveness of law-breaking. Let's call an amnesty with conditions that much reduce the inherent moral hazard a mitigated amnesty, and one which exaggerates moral hazard an aggravated amnesty. Which one is the Senate bill?

To answer that, look at the two principles that can be seen in tax and weapons amnesties. Does the Senate bill safeguard them? It does not. Tax delinquents avoid prosecution and penalties only if they give up the money that they in effect stole, and weapons delinquents have to change their behavior. But in the Senate bill, people who stole residence in this country are allowed to keep it, and they can go on behaving as before. They are allowed to profit from their crime. Worse, they are given a large bonus: a path to citizenship. For purposes of comparison, imagine an amnesty for bank robbers under which the robber escapes prosecution if he comes forward to confess — but gets to keep what he stole and is also given a reward. That makes it much better to be a bank robber than a law abiding citizen. An absurd scenario? Yes indeed, but that's essentially what the Senate bill does. So far, this is surely a much aggravated amnesty, one which raises moral hazard sky-high.

But do the conditions imposed by the bill mitigate this exaggerated hazard to any appreciable degree? There are five of them: illegals would have to learn English, pass a background check, get to the back of the line for citizenship, pay back taxes, and pay a fine. Three of these are obviously not real conditions at all. Learning English is what any legal immigrant has to do to become a citizen. Passing a background check is again what any legal immigrant has to do. And the most important thing about getting to the back of the line (which any newcomer always does, whatever the line) is that the illegal immigrant is in the line at all. That's more reward than

punishment.

The other two conditions may look more serious, but they aren't. Submitting tax returns is hardly likely to burden people who have been employed off the books for low wages; they are far more likely to qualify for payments under the earned income tax credit program, a plus for them rather than a minus. And as for the fine, it is set at the absurdly low level of \$1,000, a tiny fraction of the economic value of residence in the U.S.

It is hard to escape the conclusion that these frequently cited five conditions try to make up in numbers what they lack in substance. They don't provide a shred of mitigation for the moral hazard of an amnesty, let alone the much aggravated amnesty of the Senate bill.

The consequences of an aggravated amnesty are soon visible. President Obama's Dream Act by executive fiat created incentives for children from other countries to be sent to the US illegally, and the result was a flood of illegal children. The 1983 immigration legislation gave 3 million who had disobeyed our immigration laws a much better deal than those who didn't, and 13 million new illegals was the result. There are many ways to improve our defective immigration system: much expanded legal immigration, secure borders, enforcement of employment laws, and so on. But giving citizens of other countries a powerful incentive to break our immigration laws can't possibly help. A heavily aggravated amnesty should be out of the question.

John M. Ellis is a professor emeritus at the University of California, Santa Cruz, and Chairman of the California Association of Scholars.

Article printed from The Daily Caller: <http://dailycaller.com>

URL to article: <http://dailycaller.com/2014/08/22/does-the-senate-immigration-bill-mitigate-the-moral-hazard-of-amnesty/>

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Exhibit E

BACKGROUND

No. 2819 | JUNE 24, 2013

The Senate's Comprehensive Immigration Bill: Top 10 Concerns

The Heritage Foundation Immigration and Border Security Reform Task Force

Abstract

More than any other nation in history, the United States has welcomed immigrants in search of a better life. Over the past several decades, however, immigration policy has become confused, unfocused, and dysfunctional. Millions of people who entered the U.S. illegally believe the core principle of the rule of law and belittle the legal naturalization process, while continued large-scale immigration without effective assimilation threatens social cohesion and America's civic culture and common identity. This is especially true when immigrants are assimilated into the welfare state rather than into a society of opportunity. American citizens, as well as current and future immigrants, deserve better. In April 2013, the Senate introduced the Border Security, Economic Opportunity, and Immigration Modernization Act. But, instead of offering meaningful reform, the act fails to address the intricacies of America's immigration challenges by trying to solve everything in one colossal bill; it also imposes exorbitant costs and is filled with political trade-offs and misguided policies. In this Background, the Heritage Foundation Immigration and Border Security Reform Task Force details the 10 most critical reasons why Congress should reject the Senate's flawed approach, and lays out steps for true immigration reform.

KEY POINTS

- More than any other nation in history, the United States has offered immigrants a new home. Over the past several decades, however, immigration policy has become confused, unfocused, and dysfunctional.
- Millions of people who broke U.S. law to live in America make a mockery of the legal naturalization process. Continued large-scale legal immigration without effective assimilation threatens social cohesion and America's civic culture and common identity.
- In April, the Senate introduced the misnamed Border Security, Economic Opportunity, and Immigration Modernization Act. The act is an amnesty bill that fails to address the intricacies of America's immigration challenges, imposes exorbitant costs on taxpayers, and is filled with political trade-offs and policies that merely encourage additional illegal immigration.
- Amnesty was tried in 1986. It failed. Instead of repeating the mistakes of the past, the U.S. should implement reforms that encourage lawful immigration, discourage unlawful immigration, and uphold America's principles.

The United States is—by far—the world's leading destination for immigrants.¹ More than any other nation in history, the United States has made itself a welcome home for immigrants in search of a better life. Over the past several decades, however, immigration policy has become confused, unfocused, and dysfunctional. America

This paper, in its entirety, can be found at <http://report.heritage.org/bg2819>

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Now, more than two decades later, leaders in Congress are once again proposing amnesty. Specifically, S. 744 would:

- Create a “registered provisional immigrant” (RPI) status that would grant travel and work authorization similar to the “temporary resident status” of 1986. RPI status would be initially valid for six years and could be renewed indefinitely.⁶
- Allow those granted RPI status to adjust their status to “legal permanent resident” once the bill’s border security provisions are met. So too, an individual must be able to show that he was “regularly employed” while an RPI, demonstrate that he is not likely to become a public charge (through an average income or resources not less than 125 percent of the federal poverty level), and pursue government-assisted English language and civics education.⁷
- Streamline the naturalization process for unlawful immigrants by stipulating that an alien LPR who has been eligible for work authorization for no fewer than 10 years before gaining that LPR status may be naturalized after three years as an LPR.⁸ Current law requires that applicants for naturalization have resided in the U.S. as LPRs for five years.⁹

Making matters worse, the draft law states that anyone who was present in the U.S. on or before December 31, 2011, would qualify for amnesty, creating massive opportunity for fraud, since there is no proof required that applicants have been in the U.S. several years.

At the same time, the bill also contains a version of the DREAM Act, which would grant amnesty to

those illegal immigrants who came to the U.S. when they were under the age of 16. This version would be more inclusive than previous bills, since it sets no upper age limit for DREAM Act recipients.¹⁰ The bill also creates a special “blue-card” program that would grant work authorization and lawful status to unlawful agricultural workers.¹¹ After five years, DREAM Act-eligible immigrants would be granted citizenship and those with blue-card status would be eligible to become legal permanent residents.¹²

To allow an amnesty would teach precisely the wrong lesson to America’s lawful immigrants and the culture at large. The message of amnesty is: When a group of people who have violated the law grows too big to prosecute, the U.S. will simply change the law to accommodate them. Even more, the U.S. will allow them to stay in the country until, ultimately, they become permanent residents or even citizens. A massive pardon of intentional violation of law also undermines the rule of law, particularly since it would be the second blanket amnesty in about a quarter century.

Amnesty is also deeply unfair to all those who waded through the United States’ complex and convoluted immigration system to come and remain here legally. The same is true for the approximately 4.4 million individuals who at this very moment are waiting in line to come to the United States, some of whom have been waiting for more than two decades.¹³

2. Border Security “Triggers”

In 1986, Congress promised the American people enhanced border security in exchange for amnesty. This improved security largely never came to fruition. This time around, S. 744’s authors included requirements that the Secretary of Homeland Security certify certain “border triggers” before additional steps

6. Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, 113th Cong., 1st Session, §2101.

7. *Ibid.*, §2102.

8. *Ibid.*

9. Immigration and Nationality Act Sec. 316, 8 U.S.C. §1427.

10. Border Security, Economic Opportunity, and Immigration Modernization Act, §2103.


11. *Ibid.*, §2211.

12. *Ibid.*, §2103 and §2212.

13. U.S. Department of State, Bureau of Consular Affairs, *Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center, as of November 1, 2012*, <http://www.travel.state.gov/pdf/WaitingListItem.pdf> (accessed June 4, 2013), and U.S. Department of State, Bureau of Consular Affairs, “Visa Bulletin for March 2013,” http://travel.state.gov/visa/bulletin/bulletin_5885.html (accessed June 4, 2013).

Exhibit F

"Immigration Reform" Equals Amnesty for Illegal Aliens and Their Employers

 cis.org/immigration-reform-amnesty-illegal-aliens-and-their-employers

Ronald W. Mortensen, PhD, is a retired career U.S. Foreign Service Officer and former Society for Human Resource Management senior executive.

am-nes-ty (am-nuh-stee) an act of forgiveness for past offenses, especially to a class of persons as a whole.

Synonym: par-don (pah-r-dn) a release from the penalty of an offense; forgiveness of a serious offense or offender; to release (a person) from liability for an offense; to remit the penalty of (an offense)

Led by Senator Marco Rubio, the "Gang of Eight" is attempting to hide the fact that their "comprehensive immigration reform" bill would provide amnesty for illegal aliens and their employers.

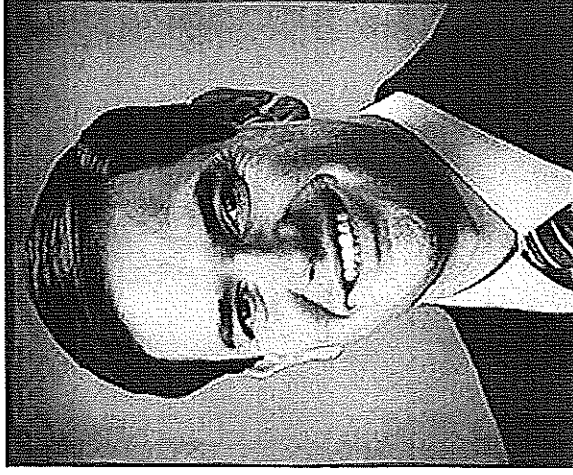
Sen. Marco Rubio

Rubio argues that illegal aliens would not be forgiven of past, harmless infractions, but would be required to pay for them. However, a review of the bill shows that the token penalties, when they do exist, are not commensurate with the employment-related felonies committed by the vast majority of illegal aliens, nor are they commensurate with the benefits received by illegal aliens. The penalties are, therefore, no more than thinly veiled attempts to hide the amnesty provisions of S. 744.

A preliminary analysis of pp. 59 to 150 of S. 744 reveals that, like the failed 2007 amnesty bill, the Gang's bill contains 11 clear-cut amnesties for both illegal aliens and for their employers, while doing absolutely nothing about the millions of victims of illegal aliens or about employment-related identity theft and other serious felonies. If you carefully review the bill, however, you will likely find many more amnesties.

Amnesties for Illegal Aliens

While illegal aliens would be granted amnesty for crimes they have committed, government employees (who have sworn an oath to the Constitution to faithfully discharge their duties) who uncover Social Security fraud, identity theft, or perjury on I-9 forms while reviewing applications for provisional status would be prohibited from notifying victims, law enforcement, etc. (pp. 92, 120) If government employees do report the crimes, they could be fined \$10,000. This is 10 times more than the \$1,000 penalty paid by an illegal alien who has committed felony identity theft. (pp. 84, 120, 130-134)



Related Topics:

1. Amnesty for the estimated 75 percent of illegal aliens committing Social Security fraud. "Our assumption is that about three-quarters of other-than-legal immigrants pay payroll taxes", said Stephen C. Goss, Social Security's chief actuary. Since a Social Security number (SSN) is required to pay payroll taxes, 75 percent of illegal aliens commit Social Security fraud because they cannot legally obtain SSNs. Furthermore, since around 50 percent of Social Security numbers have been issued, it is possible that as many as 38 percent (four million) of the 11 million illegal aliens are using numbers that belong to American citizens and legal residents. This is felony identity fraud. (See the CIS *Backgrounder* "Illegal but Not Undocumented: Identity Theft, Document Fraud, and Illegal Employment" for more details.)



According to a Department of Justice press release, a person faces a maximum penalty of 10 years in federal prison without parole and a fine up to \$250,000 for using a fraudulently obtained Social Security card or a maximum penalty of five years and a fine up to \$250,000 on the charge of misusing a Social Security number. In spite of this, the amnesty bill:

1. Would grant amnesty to all illegal aliens applying for Registered Provisional Immigrant status from the serious penalties associated with the fraudulent use of a Social Security card or number. (pp. 120, 134)
2. In addition, the \$1,000 penalty covers not only Social Security fraud, but all other crimes committed by the illegal alien. Finally, illegal aliens would receive services paid for by the penalty, thus it is not really a penalty at all, but more akin to pre-paid legal services. (pp. 84, 120, 130-134)
2. Amnesty from returning to home countries for 10 years before adjusting status.
 1. S. 744 would grant amnesty from the requirement that individuals residing illegally in the United States return to their home countries and wait for 10 years before applying for readmission. Under S. 744, illegal aliens could continue to live and build their lives in the United States while those going through the legal process would have to remain in their home countries until their requests for admission are granted. This gives those who violate the law a clear benefit over those who follow the law.
3. Amnesty for illegal aliens committing identity theft. A high percentage of the Social Security numbers used by illegal aliens belong to American men, women, and children. This is identity theft under state laws as well as under federal law in certain cases. In spite of this, S. 744:
 1. Would grant amnesty to those committing identity theft when the misuse of a Social Security number is discovered. It also would protect illegal aliens' privacy and prohibit the Social Security Administration from notifying Americans that illegal aliens are using or have used their Social Security numbers. (pp. 92, 120, 130)
 2. Would give illegal aliens new Social Security numbers and a totally fresh start in terms of anything that was attached to the SSN they previously used, such as bad credit and arrest records, while leaving the American citizens who legitimately hold those numbers to recover their good names, which have been destroyed by illegal aliens. (p. 92)
 3. Would not require illegal aliens or the federal government to make restitution for the serious



harm done to innocent American citizens and legal residents, many of them children, whose SSNs are being used. These victims have their futures seriously compromised (destroyed credit, arrest records attached to their names, IRS liabilities for unpaid taxes on income earned on their SSNs, medical records corrupted, etc.) and yet nothing would be done for them. (See the CIS *Backgrounder* "Illegal Aliens: Turning the Dreams of American Children into Nightmares" for more on this.)

4. Amnesty for illegal aliens by officially authorizing them to continue committing identity theft by using fraudulently obtained Social Security numbers belonging to American citizens.
 1. S. 477 would allow illegal aliens to continue working, committing identity theft, and doing damage to the true owners of the SSNs they are using until such time as they are granted Registered Provisional Immigrant status and new SSNs, which may take many years. During that time the illegal aliens' earnings, credit, arrest, and medical records would continue to be linked to the Social Security numbers of their American victims. (pp. 69, 78, 92, 120, 130)
5. Amnesty for illegal aliens who have committed perjury on I-9 forms.
 1. The I-9 form was implemented following the last major amnesty to help employers ensure that they are hiring legal workers. However, illegal aliens quickly learned that they could obtain fraudulent Social Security numbers, green cards, drivers' licenses, etc. in order to provide employers with the documents they needed to complete the I-9 form and that employers would turn a blind eye to the false documents. When illegal aliens use these documents, they sign the form certifying, under penalty of perjury, that all of their statements are true. (See the CIS *Backgrounder* "Federal Employment Verification Requirements: Don't Ask, Don't Tell" for more on this.)
6. De-Facto amnesty from the token \$1,000 penalty, which effectively pre-pays services provided to illegal aliens. Illegal aliens would have to pay \$500 up-front and be allowed to pay the remaining \$500 of the penalty in installments over six years. This money would go into the Comprehensive Immigration Reform Trust Fund and then be used to provide benefits for illegal aliens, which means that they would not really be paying a penalty, but prepaying for services that would help them gain citizenship.
 1. The bill would provide \$50 million in grants to organizations to assist eligible applicants complete their applications for provisional immigrant status, apply for waivers, meet language and civics requirements, etc. Funding for this assistance would come from the Comprehensive Immigration Reform Trust Fund, so the \$1,000 penalty is little more than a prepayment of future services, which is akin to a pre-paid legal services plan. (p. 133)
 2. Absolutely no assistance would be provided to the millions of victims of illegal-alien identity theft who would be left to clean up their records and those of their children without any help from their government, even though it is the government's failure to carry out its duties that resulted in their being victimized. However, government assistance would be provided to illegal aliens in regularizing their status. (pp. 130-134)
 3. No assistance would be provided to legal immigrants with their applications to immigrate lawfully to the United States.
7. Amnesty from existing exclusion, deportation, and removal orders.
 1. Illegal aliens who are subject to a prior order of exclusion, deportation, or removal but who have failed to comply with the legal order (which can be a felony) would be granted amnesty,

allowed to file an application for provisional status, and to remain in the United States. (pp. 72, 73-74)

Amnesties for the Employers of Illegal Aliens

While employers would be held harmless, again government employees who find that employers violated the law while reviewing applications for temporary status would be prohibited from notifying the appropriate law enforcement authorities. If government employees do report tax violations, they could face a fine of \$10,000 while the employers would pay no penalty at all. (pp. 120, 130)

1. Amnesty for employers found to have employed illegal aliens or who are currently employing illegal aliens.

1. No charges would be brought against employers who have hired or who are currently employing illegal aliens. (pp. 92, 120, 130)
 2. Employers would be allowed to continue to employ illegal aliens who apply for provisional status even though they know that these employees are unlawfully in the United States. (pp. 78, 120)
 3. Employers would be allowed to continue to accept fraudulently obtained Social Security numbers used by illegal aliens who apply for provisional status, even when the numbers belong to American citizens. (pp. 78, 92, 120, 130)
 4. Employers would be allowed to maintain and renew I-9 forms that they know have been falsified by illegal aliens. (pp. 78, 92, 120, 130)
2. Amnesty for employers who did not withhold and/or submit payroll taxes for individuals illegally in the United States.
1. When employers submit information in support of applications for provisional immigrant status that show they paid illegal aliens "under the table", they would be held harmless. Employers who obeyed the law, used E-Verify, hired legal workers, and who paid payroll taxes would receive no refund of their taxes. (pp. 120, 130)

3. Amnesty for employers who violated labor laws by paying unfair wages, who failed to pay wages, etc.

1. When employers submit information in support of applications for provisional immigrant status that shows they failed to comply with wage and labor laws, they would not be held accountable. (pp. 120, 130)

4. Amnesty for employers who facilitated Social Security fraud and identity theft by providing or accepting false Social Security numbers.

1. Employers who hired multiple illegal aliens using the same Social Security number, who accepted Social Security numbers when told that they belonged to someone else, who provided stolen or made-up Social Security numbers to their employees, who had employees give them multiple SSNs, or who continued to employ illegal aliens after they were advised that the name and Social Security number did not match would be granted amnesty from their actions. (pp. 120, 130)

Exhibit G



Published on *The Weekly Standard* (<http://www.weeklystandard.com>)

Orman Backs 2013 Senate Immigration Bill, Won't Say How He'd Vote on Abortion Bills

John McCormack

October 9, 2014 8:45 AM

Overland Park, Kansas

Greg Orman, the independent candidate running against Kansas GOP senator Pat Roberts, did the best he could at a debate Wednesday to fend off accusations that he's really just a liberal Democrat pretending to be a centrist. There was a lot of non-ideological talk about how we need to get "certainty around things like transportation funding." There was plenty of blame cast on both parties. "Pat Roberts will tell you that Harry Reid and Barack Obama are the reason Washington is such a mess. He's half right," said Orman, who has promised to caucus with whichever party wins a majority. "But the other half of the mess is Mitch McConnell and Pat Roberts. The truth is both parties are more interested in playing political games than problem-solving."

And there were even some feints to the right. "We need to relax the Dodd-Frank regulations that relate to community banks and regional banks," Orman said. "These weren't the banks that were responsible for bringing our financial industry to the brink of collapse."

Pat Roberts, who has been beleaguered by residency issues, a tough primary, and his own lackluster personality on the campaign trail, has struggled to draw a clear ideological contrast against Orman, a businessman without a voting record. But Roberts highlighted the fact that Orman has donated to many Democrats and even ran for office as a Democrat in 2008 (in his current race Orman has hired [Democratic Senatorial Campaign Committee staffers](#)). When Roberts pointed to Orman's donations to Barack Obama and Hillary Clinton as proof he's a liberal Democrat, Orman shot back by pointing out that he "gave money to Scott Brown in Massachusetts in 2010 precisely because he was the vote that was supposed to prevent the Affordable Care Act from becoming law."

But after the debate ended, it became clear that Orman's task of being (or at least appearing to be) a straight-shooting and scrupulous centrist isn't as easy as it looks. Orman describes himself as pro-choice on the issue of abortion, but during a brief press conference after the debate he declined to say how he'd vote on the two abortion bills—one prohibiting taxpayer-funding and the other [banning late-term abortion](#)—most likely to come up for a vote in the Senate in the near future.

Orman said he needs to read the bills first, but he refused to say if he would tell voters where he stands before they head to the polls in less than a month:

THE WEEKLY STANDARD: Mr. Orman, I know that you say you're pro-choice on the issue of abortion in general, but on two specific issues—bills that have actually been introduced—there's the No Taxpayer-Funding for Abortion Act, which would cut off taxpayer funds for [elective abortion] under Medicaid and Obamacare, and a late-term abortion bill that would prohibit abortion after 20 weeks [of pregnancy]. Would you vote for or against each of those bills?

ORMAN: You know, what I've said on that issue is that as a man--

TWS: But on these specific bills, could you say yes or no?

ORMAN: I'll get there. What I've said on these issues that as a man I'm not going to face those decisions and I trust the women of Kansas are smart and they should be able to make those decisions on their own. I do however agree on some reasonable restrictions. I thought the restriction on partial-birth abortion makes sense and I would have voted for that restriction. And as it relates to taxpayer-funding, I don't believe we should be funding abortions.

TWS: So you'd vote for the no-taxpayer funding bill?

ORMAN: But I need to read the bills before I can comment.

TWS: Will you comment on that before the election? On those two specific bills, those are the ones in the Senate right now that would be before you.

ORMAN: We'll have our people take a look at it--

TWS: But you can't give people an answer before you face the voters?

ORMAN: Once again, we will go ahead, and I try to read every bill before I say whether or not I'd support it, and I'll read those bills.

Immigration could also prove to be a dicey issue for Orman. During the debate, he disputed Roberts' claim that he supports amnesty for illegal immigrants. But when I asked Orman during the press conference if he would vote for the 2013 Senate immigration bill if it comes up in a future Congress, he replied: "I would."

"John McCain, Lindsey Graham, 14 Republican senators supported that bill. They do not believe it's an amnesty bill," Orman continued. "They believe it's commonsense comprehensive immigration reform. Like those Republican senators and like Senator Dole before them, I'd want to have a very practical policy on immigration reform, and not one that's driven simply to win elections." Roberts voted against the 2013 bill.

Perhaps the most difficult issue for Orman is how he would handle Obamacare. As he was walking away from his press conference, I asked Orman three times if he would vote to repeal Obamacare's individual mandate. He didn't say a word.

Orman has kept his media interviews and public appearances to a bare minimum, presumably to avoid taking too clear of a position on any one issue that could sink him in a relatively conservative state like Kansas. But two new polls released Wednesday suggest that Orman might not be able to run out the clock. According to a Fox poll, Roberts leads Orman by 5 points (44 percent to 39 percent), and CNN found Roberts one point ahead of Orman (49 percent to 48 percent). Orman still holds a 2.5-point lead over Roberts in the RealClearPolitics average of polls.

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October 13, 2014

ATTENTION STATION MANAGER

Re: Ending Spending Action Fund's Advertisement

On behalf of Ending Spending Action Fund ("ESAF"), we write about a letter you may have received from counsel to Greg Orman's senatorial campaign, Orman for Senate ("OFS"), regarding an ESAF advertisement that is currently airing on your station. The letter takes issue with ESAF's advertisement entitled "Masquerade," which informs voters about Greg Orman's unwillingness to be straight with Kansans about his business background, his stances on important public policy issues, and his political contributions to liberal politicians. Specifically, OFS takes issue with the portion of the ad that states "Orman won't be straight with Kansans about...his support for amnesty for illegal immigrants." OFS then has the audacity to request that your station censor ESAF's airing of direct footage of Orman from a publicly available YouTube video.

The letter from Orman's counsel is a desperate attempt to conceal his support for amnesty for illegal immigrants and silence his critics' widely-held belief that he is a liberal masquerading as an independent. It is meant to intimidate stations and outside advertisers in the lead up to the election. As we demonstrate below, Orman's challenge is baseless. Each and every statement in the advertisement is carefully documented and supported. ESAF's advertisement is accurate in every respect, raises critical public policy and character issues, and should continue to air.

Orman's Support for Amnesty for Illegal Immigrants

ESAF's ad poses the question, "What do we really know about Greg Orman?" The narrator then responds that, among other things, "Orman won't be straight with Kansans...about his support for amnesty for illegal immigrants." Orman's support for amnesty for illegal immigrants is well-established and has been confirmed by numerous news organizations. In fact, in addressing his position on immigration in last Wednesday's debate, a *Breitbart News Network* article made clear that "**Greg Orman endorses amnesty for illegals.**"¹ The article notes how Orman "**endorsed amnesty for illegal immigrants** during [last] Wednesday's debate," and stated that "we are not going to find and send home 11 and a half million people -- nor would it

¹ Tony Lee, *Pat Roberts Takes Lead in Two Polls As Greg Orman Endorses Amnesty for Illegals*, BREITBART NEWS NETWORK, Oct. 4, 2014, available at <http://www.breitbart.com/Big-Government/2014/10/08/Pat-Roberts-Takes-Lead-in-Two-Polls-as-Greg-Orman-Endorses-Amnesty-for-Illegals> (attached as Exhibit A).

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be advisable.” *Id.* *Breitbart News Network* has also explained that “[b]eyond favoring a ‘pro-amnesty’ position, Orman, who has never been elected to public office, has made very few other definitive statements about his positions on a number of key issues.”² On Friday of last week, the *McPherson Sentinel* also confirmed Orman’s support for amnesty, stating that “Greg Orman has not been quite truthful about his feelings on amnesty. His TV Ad says he is NOT for amnesty yet on his answer on a survey for Numbers USA he says he is FOR amnesty.”³

Orman’s support for amnesty for illegal immigrants is rooted in his explicit support for the 2013 Senate immigration bill, widely viewed as an amnesty bill.⁴ The Center for Immigration Studies has said that the “bill contains 11 clear-cut amnesties for both illegal aliens and for their employers.”⁵ In a recent press conference, Orman told *The Weekly Standard* that he would support the Senate’s 2013 immigration bill. *The Weekly Standard*’s article explained:

Immigration could also prove to be a dicey issue for Orman. During the debate, he disputed Roberts’ claim that he supports amnesty for illegal immigrants. But when I asked Orman during the press conference if he would vote for the 2013 Senate immigration bill if it comes up in a future Congress, he replied: “I would.”⁶

Orman’s own campaign website echoes his statements during last week’s debate, and confirms his support for amnesty. He claims on his website that “it’s just not practical to say that we’re going to find and send back to other countries 11 million undocumented people. We’ve got whole industries in Kansas that would go away if we attempted to introduce such an unworkable policy.”⁷ Talking Points Memo adds that “Orman endorses a path to citizenship -- which has

² Michael Patrick Leahy, *Kansas’s Pat Roberts Attacks ‘Independent’ Greg Orman as Pro-Amnesty Liberal*, BREITBART NEWS NETWORK, Sep. 29, 2014, available at <http://www.breitbart.com/Big-Government/2014/09/29/In-Kansas-Pat-Roberts-Attacks-Independent-Greg-Orman-as-Pro-Amnesty-Liberal> (attached as Exhibit B).

³ Esther Cotton, *Greg Orman not totally honest*, MCPHERSON SENTINEL, Oct. 10, 2014, available at <http://www.mcphersonsentinel.com/article/20141010/OPINION/141019958/10080/OPINION> (attached as Exhibit C).

⁴ See John M. Ellis, *Does The Senate Immigration Bill Mitigate The Moral Hazard Of Amnesty?*, DAILY CALLER, Aug. 22, 2014, available at <http://dailycaller.com/2014/08/22/does-the-senate-immigration-bill-mitigate-the-moral-hazard-of-amnesty/> (“The question is not whether the Senate bill is an amnesty. Of course it is: it suspends the operation of a law.”) (attached as Exhibit D); see also, The Heritage Foundation Abstract, *The Senate’s Comprehensive Immigration Bill: Top 10 Concerns*, June 21, 2013, available at <http://www.heritage.org/research/reports/2013/06/the-senates-comprehensive-immigration-bill-top-10-concerns>

(“According to the most recent numbers published by the Department of Homeland Security, there were an estimated 11.5 million illegal immigrants in the United States in January 2011...S. 744 would create a framework for providing amnesty to the majority of these individuals.”) (attached as Exhibit E, at 2-3).

⁵ Ronald W. Mortenson, “Immigration Reform” Equals Amnesty for Illegal Aliens and Their Employers, CENTER FOR IMMIGRATION STUDIES, Apr. 2013, available at <http://cisis.org/immigration-reform-amnesty-illegal-alien-and-their-employers> (attached as Exhibit F).

⁶ John McCormack, *Orman Backs 2013 Senate Immigration Bill. Won’t Say How He’d Vote on Abortion Bills*, WEEKLY STANDARD, Oct. 9, 2014, available at http://www.weeklystandard.com/blogs/orman-backs-2013-senate-immigration-bill-wont-say-how-hed-vote-abortion-bills_810820.html (attached as Exhibit G).

⁷ Orman for Senate Campaign Website, available at <http://www.ormanforsenate.com/issues>.

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been a line in the sand for most Democrats on the issue.”⁸ In adopting an immigration policy that provides for a pathway for citizenship, but that does not seek to locate and enforce existing immigration laws against illegal immigrants, Orman has embraced amnesty for illegal immigrants. Orman’s policy stances, in addition to the numerous articles above that explicitly call Orman out for his endorsement of amnesty for illegal immigrants, are more than enough to support ESAF’s statement that “Orman won’t be straight with Kansans...about his support for amnesty for illegal immigrants.”

Orman is a Liberal Masquerading as an Independent

OFS takes issue with ESAF’s airing of footage of Orman at the end of its ad, in which he confirms a widely-held sentiment of many Kansans—that “he’s just a liberal masquerading as an independent.” As an initial matter, ESAF’s ad contains unmanipulated, direct footage of Orman from a publicly available YouTube video—these are his words coming from his mouth. Although it is understandable that Orman wishes he never said “he’s just a liberal masquerading as an independent,” it is nonetheless his baggage to live with, and the people of Kansas deserve to make an educated decision based upon his statements. If Orman believes that ESAF somehow took this quote out of context, he is free to purchase airtime on your station to make that case. However, Orman should not be allowed to censor and silence his critics by threatening stations with legal letters—especially when those opponents are merely airing his own statements.

In reality, Orman is “just a liberal masquerading as an independent,” as numerous publications have revealed that Orman’s political history and policies signify he would align with liberal Democrats. In 2008, Orman briefly ran as a Democrat for Senate against Pat Roberts.⁹ A recent *Politico* article states that Orman’s “political views...suggest he’d line up more naturally with Democrats.”¹⁰ Late last week it was also reported that Orman plans to hold a fundraiser at the home of Massachusetts liberal Democrat former Congressman Chester Atkins.¹¹ Orman has also been described as “an empty Democratic suit.”¹² In addition, OFS concedes that “Orman can’t explain giving thousands to liberals Barack Obama, Harry Reid and Hillary Clinton,” a fact ESAF points out in its ad. In light of his long history of liberal policies and support for liberal Democrats, it is unquestionable that Orman is a “liberal masquerading as an independent.”

⁸ Dylan Scott, *What Exactly Are Dems Getting With Kansas Independent Greg Orman?*, TALKING POINTS MEMO, Oct. 12, 2014, available at http://talkingpointsmemo.com/dc/greg-orman-kansas-political-leaning?utm_content=bufferdc98&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer.

⁹ See Fred Mann, *Olathe Businessman Greg Orman Wants To Run For Pat Roberts’ U.S. Senate Seat*, WICHITA EAGLE, July 23, 2014, available at <http://www.kansas.com/news/politics-government/article1145310.html>.

¹⁰ Manu Raju, *Role Reversal: Orman’s Wealth Gives GOP Fodder*, POLITICO, Oct. 5, 2014, available at <http://www.politico.com/story/2014/10/kansas-2014-elections-greg-orman-pat-roberts-111616.html>.

¹¹ See KS-Sen: *Greg Orman holds Fundraiser at Home of Liberal MA Democrat*, RED STATE, Oct. 10, 2014, available at <http://www.redstate.com/2014/10/10/ks-sen-greg-orman-holds-fundraiser-home-liberal-ma-democrat/>.

¹² Leon H. Wolf, *Greg Orman is an Empty Democratic Suit*, RED STATE, Oct. 9, 2014, available at <http://www.redstate.com/2014/10/09/greg-orman-empty-democrat-suit/>.

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Conclusion

In threatening your station with baseless arguments, Greg Orman is trying to halt a healthy discussion about policy differences between the candidates for U.S. Senate, by cutting off his critics' access to the airwaves. While Orman is welcome to purchase airtime on your station to defend his record on immigration and his liberal agenda – and he has used his campaign war chest to do so already – he cannot silence his critics by taking away their right to respond. When Orman decided to run for Senate, he became a public figure. The ability to criticize a candidate's policies, and matters of public importance, lies at the heart of the First Amendment, as courts have repeatedly recognized. *See, e.g. Time, Inc. v. Hill*, 385 U.S. 374 (1967); *New York Times v. Sullivan*, 376 U.S. 254 (1964). As you know, the Federal Communications Commission has held that stations best meet their public interest obligations “by presenting contrasting views” and encouraging “robust, wide-open debate.” *In re Complaint by Hon. Ronald Reagan*, 38 F.C.C.2D 314 (1972). It has consistently rejected invitations by political figures to “judge the truth or falsity of material being broadcast on either side of a currently controversial issue.” *Id. Accord In re Complaint by Alan S. Burstein*, 43 F.C.C.2d 590 (1973); *In re Complaint by Patton Echols*, 43 F.C.C.2d 479 (1973).

The facts set forth above and in the attachments to this letter clearly support each and every claim made in ESAF's ad. We trust you will make a fact-based decision and continue to air ESAF's ad in order to allow the people of Kansas to be fully educated about their candidates for Senate. With only a few weeks before election day, any decision to stop airing the ad will cause irreparable harm to ESAF.

If you have any questions, or believe that ESAF's ad is somehow unfit for airing on your station, we ask that you contact us immediately to discuss this matter further. I can be reached directly at (202) 772-0915.

Sincerely,



James E. Tyrrell III
Counsel to Ending Spending Action Fund

AD FACTS: Ending Spending Action Fund: "Masquerade" (TV:30)

SUMMARY

Organization: Ending Spending Action Fund

Ad: "Masquerade"

Media: TV:30

TV AD FACTS

Video/On Screen	Voice Over	Ad Facts
Who is Greg Orman?	We've seen his slick ads, what do we really know about Greg Orman?	
Greg Orman: "Orman's Link To Jailed Investor Deeper Than First Portrayed" - Topeka Capital-Journal, 9/21/14 Greg Orman Won't Be Straight With Kansans: About Amnesty Repealing Obamacare	Orman won't be straight with Kansans about his business dealings. Or his support for amnesty for illegal immigrants...or repealing Obamacare.	Topeka Capital-Journal: "Orman's Link To Jailed Investor Deeper Than First Portrayed" (Tim Carpenter, "Orman's Link To Jailed Investor Deeper Than First Portrayed," <i>Topeka Capital-Journal</i> , 9/21/14) Politico: Orman "Has Ties To Rajat K. Gupta, The Former Head Of McKinsey And An Ex-Goldman Sachs Board Member Who Was Found Guilty Of Leaking Secrets To Hedge Fund Billionaire Raj Rajaratnam." (Ben White, "Why Does Obama Get No Credit On The Economy? -- Congress Says Yes To The President -- SEC To Vote," <i>Politico Morning Money</i> , 9/16/14) "The Orman-Gupta Relationship Dates Back To The Early 1990s When The Two Worked Together At McKinsey." (Manu Raju, "Role Reversal: Orman's Wealth Gives GOP Fodder," <i>Politico</i> , 10/5/14) A Bloomberg News Report Described Orman As Gupta's Financial Advisor. "Among defense witnesses named by Naftalis were Rick Schutte, Galleon's former U.S. president; Richard Feachem, former executive director of the Global Fund to Fight AIDS, Tuberculosis & Malaria; and Gregory Orman, Gupta's financial adviser." (Patricia Hurtado and David Glovin, "Goldman's Blankfein To Testify At Gupta Trial, U.S. Says," <i>Bloomberg</i> , 6/1/12) Following Gupta's Insider Trading Conviction, Orman Was Appointed To Represent Him On New Silk Route's Board In Order To

“Distance [Gupta] From The Company While Securities Charges Were Pending.” (Anita Raghavan, “Gupta Sued Against Partner Is Dismissed,” *The New York Times*, 12/5/13)

Gupta And Orman Are Both Listed As Owning 5 Percent Or More Of Exemplar Wealth Management’s Capital. (Kansas Secretary Of State, Filed 3/31/14)

- **Exemplar Wealth Management, LLC, Is A “Focused Wealth Management Company Providing Family Office Services To Wealthy Individuals.”** “Mr. Orman is also the Managing Partner of Exemplar Wealth Management, LLC, a focused wealth management company providing family office services to wealthy individuals.” (“Proxy Statement,” Maxus Realty Trust, 4/5/12)

“In 2011, Federal Prosecutors Said In A Court Filing Exemplar Wealth Management Was The ‘Office That Managed Gupta’s Money.’” (Tim Carpenter, “Orman’s Link To Jailed Investor Deeper Than First Portrayed,” *Tapeka Capital-Journal*, 9/21/14)

Immigration

In A Press Conference, Orman Told *The Weekly Standard* That He Would Support The 2013 Comprehensive Immigration Bill.

“Immigration could also prove to be a dicey issue for Orman. During the debate, he disputed Roberts’ claim that he supports amnesty for illegal immigrants. But when I asked Orman during the press conference if he would vote for the 2013 Senate immigration bill if it comes up in a future Congress, he replied: ‘I would.’”
‘John McCain, Lindsey Graham, 14 Republican senators supported that bill. They do not believe it’s an amnesty bill,’ Orman continued. ‘They believe it’s commonsense comprehensive immigration reform. Like those Republican senators and like Senator Dole before them, I’d want to have a very practical policy on immigration reform, and not one that’s driven simply to win elections.’ Roberts voted against the 2013 bill.” (John McCormack, “Orman Backs 2013 Senate Immigration Bill. Won’t Say How He’d Vote on Abortion Bills,”

		<p><i>The Weekly Standard</i>, 10/9/14)</p> <p>Orman Said It Is “Not Practical To Say That We’re Going To Find And Send Back To Other Countries 11 Million Undocumented People.” “Our policy must be practical. It’s just not practical to say that we’re going to find and send back to other countries 11 million undocumented people. We’ve got whole industries in Kansas that would go away if we attempted to introduce such an unworkable policy.” (Orman For Senate, Accessed 9/4/14)</p> <p>“[O]rman Endorses A Path To Citizenship -- Which Has Been A Line In The Sand For Most Democrats On The Issue.” (Dylan Scott, “What Exactly Are Dems Getting With Kansas Independent Greg Orman?” TalkingPointsMemo, 9/26/14)</p> <p><u>ObamaCare</u></p> <p>“[Orman] Wouldn’t Say Last Week If He Would Vote To Repeal Obamacare, Instead Saying He’d Work To Fix The Law, A Common Democratic Mantra.” (Manu Raju, “Role Reversal: Orman’s Wealth Gives GOP Fodder,” <i>Politics</i>, 10/5/14)</p> <p>Orman “Didn’t Say A Word” When Asked “Three Times If He Would Vote To Repeal ObamaCare’s Individual Mandate.” “Perhaps the most difficult issue for Orman is how he would handle Obamacare. As he was walking away from his press conference, I asked Orman three times if he would vote to repeal ObamaCare’s individual mandate. He didn’t say a word.” (John McCormack, “Orman Backs 2013 Senate Immigration Bill, Won’t Say How He’d Vote on Abortion Bills,” <i>The Weekly Standard</i>, 10/9/14)</p>
<p>Greg Orman: “You know, that’s an interesting question.”</p>	<p>ORMAN: “You know, that’s an interesting question.”</p>	<p>Orman To Parade Attendee: “You Know, That’s An Interesting Question.” (Greg Orman, Remarks, Overland Park, KS, 9/27/14)</p>
<p>Greg Orman: Gave Thousands To Liberals</p>	<p>And Orman can’t explain giving thousands to liberals Barack Obama, Harry Reid and Hillary Clinton.</p>	<p>In 2007, Orman Contributed \$1,000 To Harry Reid. (Center For Responsive Politics, Accessed 9/4/14)</p> <p>In 2007, Orman Contributed \$4,600 To Obama. (Center For Responsive Politics, Accessed</p>

		<p>9/4/14)</p> <p>In 2007, Orman Contributed \$2,300 To Hillary Clinton. (Center For Responsive Politics, Accessed 9/4/14)</p> <p>In 2007, Orman Contributed \$1,000 To Tom Harkin. (Center For Responsive Politics, Accessed 9/4/14)</p> <p>In 2009, Orman Contributed \$9,400 To The Kansas Democratic State Committee. (Center For Responsive Politics, Accessed 9/4/14)</p>
<p>So Who Is Greg Orman?</p> <p>Greg Orman</p> <p>“...just a liberal masquerading as an independent.”</p>	<p>So who is Greg Orman?</p> <p>ORMAN: “...he’s just a liberal masquerading as an independent.”</p>	<p>2008: Orman Explored Running As A Democrat In The Kansas Senate Race Against Pat Roberts But Never Filed With The Kansas Secretary Of State. (Orman For Senate, Accessed 9/5/14; Fred Mann, “Olathe Businessman Greg Orman Wants To Run For Pat Roberts’ U.S. Senate Seat,” The Wichita Eagle, 7/23/14)</p> <p>Orman’s “Political Views . . . Suggest He’d Line Up More Naturally With Democrats.” “Though he’s keeping his party options open, Orman’s political views — and the fact he ran as a Democrat against Roberts in 2008, before quickly dropping out — suggest he’d line up more naturally with Democrats.” (Manu Raju, “Role Reversal: Orman’s Wealth Gives GOP Fodder,” Politics2, 10/5/14)</p> <p>Orman: “Pat Roberts Has Come Out And Said, ‘He’s Just A Liberal Masquerading As An Independent.’” (Orman For Senate, “What Does Greg Really Believe,” 8/31/14)</p>
<p>Who Is Greg Orman?</p> <p>Ending Spending Action Fund paid for and is responsible for the content of this advertising. Not authorized by any candidate or candidate’s committee.</p> <p>WWW.ENDINGSPENDINGFUND.COM</p>	<p>Ending Spending Action Fund is responsible for the content of this advertising.</p>	