

MEMORANDUM

CLIENT-MATTER NUMBER
999100-0100

TO: Station Managers / Legal Counsel

FROM: Cleta Mitchell, Esq., Counsel
Rebuilding America Now

DATE: July 26, 2016

RE: Response to Hillary Clinton Attorney Challenges to Rebuilding America Now
“Outsourcing” Ad

As counsel to Rebuilding America Now (“RAN”), my client has forwarded to me the letter dated today from legal counsel for the Hillary Clinton campaign regarding RAN’s television advertisement entitled “Outsourcing” (“the Ad”), the contents of which they find objectionable.

First and foremost, the Ad is well within the scope of important public discourse on vitally important issues in the presidential race. Accordingly, my client is duly and properly exercising its First Amendment rights to be heard on the issue of outsourcing of American jobs and Hillary Clinton’s duplicitous record of saying one thing to voters in America while saying different things overseas to wealthy business and political leaders. It is further of serious public importance to inform the public of the facts that foreign leaders and others have rewarded Mrs. Clinton and her family handsomely over the past decade with speaking fees and contributions to the Clinton Family Foundation. That is the crux of the Ad and it is well documented, protected political speech.

With respect to the claims of the Clinton lawyers, it appears that they are challenging three statements in the Ad. The Clinton assertions and RAN’s responses are below:

1. *The 2005 meeting in India at which then-Sen. Clinton made her comments regarding outsourcing was not a ‘closed door’ meeting.*

RESPONSE: The “India Today Conclave” is an annual event sponsored by India Today, which is an Indian English language news magazine and news television channel. It was established in 1975 by Vidya Vilas Purie (owner of Thompson Press), with his daughter Madhu Trehan as its editor and his son Aroon Purie as its publisher. Aroon Purie Is The “Chairperson Of The India Today Group And Served As Its Editor-In-Chief.” ([Bloomberg](#), Accessed 6/23/16) Mr. Purie introduced Sen. Clinton at the 2005 India Today Conclave:

Aroon Purie, Editor in Chief Of India Today And Chief Exec Of India Today Group: “Good evening. Welcome to all of you, ladies and gentlemen, and distinguished guests. It's indeed a moment of rare privilege for me to welcome the keynote speaker of our gala dinner. With us tonight is an extraordinary women who has an intimate affair with history. ... Let me welcome Senator Hillary Rodham Clinton. Ladies and gentlemen, please join me in giving her a standing ovation. Thank you. Your presence here, Senator Clinton, enriches the finale of the conclave.” (India Today Conclave 2005, New Delhi, India)

The India Today Conclaves began in 2001 and consisted of a group of “delegates” and invited guests to hear from various speakers. These are not events open to the general public. Even three years later, the 2008 India Today Conclave was limited to 300 delegates “... to ensure peer level interaction is not diluted”:

According To The 2008 India Today Conclave Website, The Conclave Allowed A Maximum Of 300 Delegates “... To Ensure Peer Level Interaction Is Not Diluted”. “Is there a limit on numbers? Yes. A maximum of 300 delegates, to ensure that the peer level interaction is not diluted. This way, delegates will have more opportunity and time to interact with one another and speakers, key government officials and analysts.” (“FAQs,” [India Today Conclave 2008](#), Accessed 6/23/16)

The statements by the Clinton campaign to the contrary are not relevant or correct. Simply because the speech was announced publicly and the sponsoring media entity posted photographs from the event after the fact does not change the nature of the event, which involved a small group of invited guests, and where the speech itself was not publicly accessible at the time.

While the India Today Conclaves may be accessible to the public in 2016 via some means, that was *not* the case in the early years of the Conclaves. (<http://conclave.intoday.in/conclave-2005.html> accessed July 2016)

2. *There was no sourcing for contributions from “Indian sources” to the Clinton Foundation in calendar year 2008.*

RESPONSE: As of 2008, India politician Amar Singh had donated between \$1,000,001 and \$5,000,000 to the Clinton Foundation, according to several sources, including the *New York Times*. In an article published on December 18, 2008, the *Times* noted that, as of

that date in 2008, Indian politician Amar Singh¹ had donated between \$1,000,001 and \$5,000,000 to the Clinton Foundation. See Peter Baker and Charlie Savage, “In Clinton List, A Veil Is Lifted On Foundation,” [The New York Times](#), 12/18/08.

The article stated:

“In addition, the foundation accepted sizable contributions from several prominent figures from India, like a billionaire steel magnate and a politician who lobbied Hillary Clinton this year on behalf of a civilian nuclear cooperation agreement between India and the United States, a deal that has rankled Pakistan, a key foreign policy focus of the incoming administration.” (emphasis added).

Even the Clinton Foundation website is a source of verification of the statement in the Ad:

- **As Of 2013, Amar Singh Had Donated Between \$1,000,001 And \$5,000,000 To The Clinton Foundation.** (Clinton Foundation [[Web Archive](#)], Accessed 2/26/15)
- **As Of 2012, Indian Politician Amar Singh Had Donated Between \$1,000,001 And \$5,000,000 To The Clinton Foundation.** (Clinton Foundation, Accessed 11/13/13)
- **The article in India Today regarding then Sen. Clinton’s appearance at the 2005 India Today Conclave includes photographs of Sen. Clinton and Amar Singh, both in attendance at the gala dinner:** “TIME OUT: (Left) Clinton, flanked by Natwar and Purie, talks to Abdullah; Bachchan with daughter Shweta Nanda and friend Amar Singh” (Kanika Gahlaut, “Starry Nights, Power Moments,” [India Today](#), 3/21/05)

If the Clinton campaign now says that there was “no contribution from Indian sources during 2008”, then perhaps the Clinton Foundation should just produce the exact dates and precise amounts of all contributions from the Indian (and all other) sources. Clearly, there had been multiple contributions from Indian sources to the Clinton Foundation as of 2008, according to both the *New York Times* and the Clinton Foundation itself. Perhaps the arguments of the Clinton campaign counsel should be directed to the Clinton Foundation. And we would welcome any additional information as to whether the dates of the contributions were earlier than 2008, which is even closer in proximity to Mrs. Clinton’s speech to the 2005 India Today Conclave. That would be important for the public to know. So we ask, if there were no “Indian Contributions” in 2008, when were those contributions described in the *New York Times* actually received? 2006? 2007? 2005?

3. *There is no evidence that Sen. Clinton ‘herself’ personally solicited or received the contributions to the Clinton Foundation.*

RESPONSE: Seriously? Does the Clinton campaign really want to go there? Surely we are not going to be told that notwithstanding the plethora of articles and statements and factual

¹ Amar Singh is the former leader of the Samajwadi Party in India.

information that continues to pour into the public domain regarding the sleazy interplay between Hillary Clinton's public activities, positions and actions and the subsequent burgeoning contributions to the Clinton Foundation from foreign countries, wealthy individuals and business entities, that there is no basis for the Ad's references to those connections?

Attached is a research report that documents just *some* of the dozens, perhaps hundreds, of sources raising questions over the span of many years regarding the relationship between the Clinton Foundation's fundraising and the part that Hillary Clinton played in the Foundation's fundraising 'success'.

The Ad is well within the parameters of a discussion and debate of issues of importance to the general public, and in particular, Hillary Clinton's role in the millions of dollars from Indian sources to the Clinton Foundation.

In summary, the Ad is factually correct and is based upon substantial documentation from a wide variety of sources.

There is no factual or legal basis for the claims by the Clinton campaign and we believe the documentation in this Memorandum, further bolstered by the research attached to the Memorandum, are more than sufficient to support the content of the Ad.

Please contact me at (202) 431-1950 if you have additional questions.

Attachment:

Documentation for "Outsourcing" Ad Contents