

Oct. 25, 2010

The Man Behind our Secret Elections: James Bopp Jr.

***New Report Examines Radical Activist and His Drive to Dismantle
Election Laws***

“We had a 10-year plan to take all this down. If we do it right, I think we can pretty well dismantle the entire regulatory regime that is called campaign finance law. [...] We have been awfully successful and we are not done yet.” -- James Bopp, 2010

A Report by Klein Research Services Prepared for Common Cause and Public Campaign

TABLE OF CONTENTS

The Quotable Bopp	3
Executive Summary	4
Bopp Professional Background	7
Ties to Republican Establishment	7
Ties to Unregulated Advocacy Groups	15
Bopp, Coleson & Bostrom	19
James Madison Center for Free Speech	21
Appendix A: Bopp’s Lesser-known Campaign Finance and Election Law Cases	24
Appendix B: Bopp Case Chart	30

The Quotable Bopp

- “Campaign-finance reform, I consider mainly a slogan. I believe that this court, if pushed, would be willing to dump all campaign-finance regulations.” [Gannett News Service June 28, 2007]
- “I’m a guy that specializes in loopholes.” [New York Sun, May 9, 2008]
- “We had a 10-year plan to take all this down. If we do it right, I think we can pretty well dismantle the entire regulatory regime that is called campaign finance law. ... We have been awfully successful and we are not done yet.” [New York Times, January 25, 2010]
- “Groups have to be relieved of reporting their donors if lifting the prohibition on their political speech is going to have any meaning.” [New York Times, January 25, 2010]
- “The problem is having to file a report at all. To be regulated at all. To be accountable to the government at all.” [Washington Independent, February 3, 2010]

Executive Summary

- **James Bopp has a 30-year career of successfully challenging sensible curbs on the role of big money in politics, including a recent victory before the Supreme Court in *Citizens United v. the Federal Election Commission*, a decision that in early 2010 lifted a long-standing ban on corporate and union spending around elections**
- **Bopp's legal efforts are supported by politically-connected corporate interests and a conservative family that has bragged about buying influence and being the Republican Party's largest soft money donor.**
- **Bopp, a national committeeman for the Republican Party, is a leader of the right wing faction of the party that considered former President George W. Bush a "socialist" and is also committed to portraying President Obama and the Democratic Party as "socialists."**
- **Bopp has received nearly \$1.5 million in legal fees from the Republican National Committee since 2003.**

Although few know his name, James Bopp is one of the most powerful and influential leaders of corporate America's efforts to dismantle the post-Watergate campaign finance system. A tenacious litigator with a seemingly endless stream of funding from conservative donors who prefer to conceal their identities, and the Republican Party, Bopp is engaged in what he has described as a "ten year plan" to remove spending limits and disclosure requirements, thereby making the political system even less transparent and more subject to the influence of well-heeled interests than the current post-*Citizens United* world (a case that he successfully argued at the appellate level).

Bopp's career is unique because he has been both a legal defender of and a recipient of undisclosed political cash. In recent years, Bopp has represented a number of advocacy groups that hide their identity while seeking to influence elections and ongoing policy issues. During the 2008 election, for instance, Bopp represented The Real Truth about Obama, a group that claimed Obama "voted three times to deny lifesaving medical treatment to living, breathing babies who survive abortions."

From the late 1970s until 1990, Bopp's legal efforts focused mainly on abortion issues. As general counsel to the National Right to Life Committee, he challenged laws permitting the husbands of comatose women to approve life-saving abortions; laws restricting protest outside abortion clinics; and represented men seeking court orders to prevent their girlfriends from having abortions. "Roe is doomed, an experiment that failed," he said.

Though he began his career as a social conservative, Bopp is now a loyal lieutenant to corporate interests interested in buying the policies they favor. This stage of his career

began when he represented the Christian Coalition in a successful challenge of Federal Election Commission rules on the distribution of voter guides. Because the guides did not advocate the election of any one candidate, he argued, often successfully, they did not constitute advocacy sufficient to fall under FEC jurisdiction.

Starting in the mid-1990s, Bopp began challenging other aspects of campaign finance law. He severely attacked state restrictions on partisan activity by judicial candidates; sued to overturn caps on spending by candidates and contribution limits for donors at both the federal and state levels (among other things, he argued that New York State's overall donor limit of \$50,800 per year was too low); and continued to press for fewer restrictions and disclosure requirements for issue advocacy advertising.

As a result of his efforts undoing campaign finance regulations, Bopp has become entrenched in powerful conservative circles. In addition to serving as counsel and advisor to various Republican candidates (including Mitt Romney 2008), he is the go-to attorney for sticky election law situations, including filing a lawsuit to stop manual recounts in Florida in 2000 and assisting the GOP's efforts to extricate itself from the Tom DeLay scandals of the mid-1990s. Since 2003, Bopp has received nearly \$1.5 million in legal fees from the Republican National Committee.

In addition to assisting with Republican Party legal matters, Bopp is currently a vice-chairman with the organization, where he leads a conservative faction attempting to purge the party of moderates. He recently drafted a party resolution creating a 10-point litmus test for candidates, and he has urged conservatives to label President Obama a "socialist" and the Democratic Party "the Democrat Socialist Party." In addition to serving in official positions at the Federalist Society, Bopp is also a member of the secretive Council for National Policy, a group ABC News described as "the most powerful conservative group you've never heard of."

Bopp's operations are run out of two organizations sharing the same Terre Haute, Indiana office: his law firm, Bopp, Coleson & Bostrom; and the James Madison Center for Free Speech.

A review of financial records from the James Madison Center shows that the non-profit organization serves solely as a conduit for funneling unregulated money to Bopp's anti-reform litigation projects. For the past three years, nearly all of the Center's revenue has gone to make payments to Bopp's firm:

Year	2006	2007	2008
Total Income	\$1,018,689	\$277,956	\$317,853
Total Expenditures	\$1,018,781	\$277,524	\$319,328
Expenditures	\$1,011,000	\$276,355	\$317,678

to Bopp Firm			
---------------------	--	--	--

Thanks to the Center’s non-profit status, its revenue sources are somewhat opaque. Bopp himself has described them as “major donors” from the “conservative community.”

When the Center opened, news reports named the Christian Coalition and the National Rifle Association as among early donors. Additionally, disclosure forms reveal that the Dick and Betsy DeVos foundation has given the Center at least \$95,000 in recent years. Dick DeVos is a former Republican candidate for governor of Michigan, while Betsy DeVos is a major giver to Republican causes. According to her, her family was the largest giver of soft money to the party in the late 1990s, and she has bragged about her efforts at “buying influence” and seeking “return on investment.” Betsy DeVos is also a founding and continuing Board member and trustee of the Center, so it is likely that she continues to make sizeable, unreported contributions.

Tax records also show that the James Madison Center has received at least \$300,000 from the Charlotte and Walter Kohler Foundation. The Kohler Foundation has given extensively to conservative causes, including \$758,000 to the Rockford Institute, \$250,000 to the National Review Institute, \$70,000 to the Hudson Institute, and \$25,000 to the Young America’s Foundation.

The James Madison Center has had ties to the Republican establishment since its inception in 1996, when Sen. Mitch McConnell (R-KY), now the Senate GOP leader, helped set it up and served as honorary chairman. Numerous right-wing activists currently serve on its board of directors and executive leadership. In addition to Betsy DeVos, organizational officers include a former general counsel to the Republican National Committee and four directors and officers of the National Right to Life Committee.

Bopp’s firm also receives significant income from its campaign finance and election law litigation, which often results in attorney’s fees being paid to the plaintiffs. According to ABA Journal, “Half of his [Bopp’s] litigation comes through the privately funded center...If Bopp wins these cases, and he usually does, he often collects legal fees from the other side. His biggest payday by far came with the [Republican Party of Minnesota v. White] case: \$867,000.” Bopp’s firm has also earned \$336,000 from his legal work for Indiana causes and candidates since 1998.

Bopp has also received significant funding from the Republican National Committee, which has paid him more than \$1 million in legal fees since 2003.

Professional and Political Background

James Bopp has been a right-wing political activist since he volunteered as an adolescent for Barry Goldwater's 1964 presidential campaign. As a college student he led Indiana University's chapter of William F. Buckley's Young Americans for Freedom, and since then he has joined progressively prestigious groups of right-wing activists and politicians. In addition to serving a member of the Republican National Committee and in numerous leadership positions of the Indiana Republican Party, he is a long-time member of the Federalist Society and the Council for National Policy – a secretive group that counts Robert Bork, Phyllis Schlafly, Oliver North and Grover Norquist among its members.

Bopp's legal career has likewise been intimately linked to his right-wing political views, especially regarding abortion. Indeed, while Bopp is seen nowadays as an anti-reform attorney, his interest in the issue was sparked by his efforts as general counsel of the National Right to Life Committee to permit the distribution of organization voter guides without having to register as a political action committee and disclose donors. Over the past thirty years, he has filed dozens upon dozens of lawsuits attacking campaign finance laws and he has won most of them, including the most recent *Citizens United* case.

Bopp's work to “dismantle the entire regulatory regime that is called campaign finance law,” as he recently said, has been lucrative and brought him into close relations with a national Republican infrastructure less interested in abortion policy but strongly committed to undermining campaign finance and disclosure laws. Sen. Mitch McConnell (R-KY) was honorary chairman at the inception of the James Madison Center For Free Speech – a body that appears to have done nothing other than funnel money to Bopp's law firm – and Bopp has consequently over the last thirty years become the Party's go-to attorney for election law issues. Among other things, he was one of a number of Party-linked attorneys to file lawsuits in Florida in 2000 to stop manual recounts.

As a member of the Republican National Committee, Bopp has in recent years proved himself one of the group's most extreme voices. He was the leader of efforts to pass Party resolutions accusing President Obama of “socialism” and to rename the Democratic Party “The Socialist Democrat Party.” He was also the main booster of efforts to draft a Party litmus test for potential Republican candidates.

BOPP AND THE REPUBLICAN ESTABLISHMENT

James Bopp has long been at the center of right-wing activism.

- Bopp campaigned for Barry Goldwater in 1964. [Indianapolis Star, July 2, 2007]
- Bopp served as head of William F. Buckley's Young Americans for Freedom at Indiana University in the late 1960s. [New York Times, January 25, 2010]

Bopp has personally given more than \$200,000 to conservative causes since 1988.

- According to data provided by the non-partisan Sunlight Foundation, Bopp has given \$206,400 to conservative causes since 1989.

His largest contributions have been to the following organizations:

Organization	Total Bopp Contributions	Type
Protect Marriage Washington	\$126,507	In-kind legal services
Indiana Republican Party	\$51,677	Cash
Indiana Republican State Central Committee	\$13,405	Cash
Minnesota Republican Party	\$5,000	Cash

Bopp's law firm, of which he is the sole equity partner, has given more than \$85,000 to Indiana conservative causes since 1987.

- According to Indiana's Secretary of State, the firm's largest contributions have been to the following organizations:

Organization	Total Bopp Firm Contributions	Type
Indiana Republican State Committee	\$41,568	Cash
Mitch Daniels for Governor (2004)	\$18,733	In-kind (\$11,024) & Cash

Bopp is a member of numerous conservative and Republican Party organizations, including the Federalist Society and the Republican National Committee.

- **The Federalist Society Election Law Subcommittee**, Chairman, 1996-2005. [Bopplaw.com, accessed April 20, 2010]
- **Republican National Lawyers Association**, Board of Governors, 2002-present. [Bopplaw.com, accessed April 20, 2010]
- **Republican National Committee**, National Committeeman, 2006-present; Vice-Chairman, 2008-present. [Bopplaw.com, accessed April 20, 2010]
- **Republican National Committee Conventions**, five-time delegate, three-time convention platform committee member. [Tribune-Star, August 31, 2008]

- **Indiana Republican Party**, National Committeeman, 2006-present; State Treasurer, 2005-2006; General Counsel, 2004-present. [Bopplaw.com, accessed April 20, 2010]
- **Vigo County Republican Central Committee**, Chairman, 1993 – 1997. [Bopplaw.com, accessed April 20, 2010]

Bopp has served as an advisor or legal counsel for numerous Republican political campaigns

- **Dan Coats for Senate 2010**, Advisor. [Politico, February 3, 2010]
- **Romney for President 2008**, Co-Chair. [Bopplaw.com, accessed April 20, 2010]
- **Bush-Cheney 2004**, Indiana Campaign Leadership Team. [Bopplaw.com, accessed April 20, 2010]
- **Mitch Daniels for Governor 2004**, General Counsel. [Bopplaw.com, accessed April 20, 2010]
- **Mitch Daniels Transition Team 2004**, General Counsel. [Bopplaw.com, accessed April 20, 2010]
- **Early for Governor 1996**, State Vice Chairman. [Bopplaw.com, accessed April 20, 2010]
- **Dan Coats for Indiana**, 1990, 1992, Vigo County Chairman. [Bopplaw.com, accessed April 20, 2010]

Bopp is a member of the Council for National Policy, a secretive organization described by ABC News as “the most powerful conservative group you've never heard of.” It lists “campaign finance reform” next to “worldwide terrorism” as its policy interests.

- Described as advocating a “concoction of federalism, economic growth, social traditionalism, religious activism and anti-secularism,” the Council for National Policy’s membership has historically included Grover Norquist, Phylliss Schlafly, Oliver North and Robert Bork. [Bopplaw.com, ABC News, May 2, 2005]
- The group’s executive director, Steven Baldwin, described the group’s policy interests to ABC News: "Worldwide terrorism. Campaign finance reform. Generally, we kind of mirror what's going on in society. We pride ourselves on being relevant and timely, so that members want to come to our meetings." [ABC News, May 2, 2005]

Bopp has received more than \$1 million in legal fees from the Republican National Committee.

- Federal Election Commission data shows that Bopp’s law firm has received \$1,495,539 in legal fees from the Republican National Committee since 2003. [fec.gov, accessed May 20, 2010]

Date	Expenditure
12/23/09	\$137,923
12/23/09	\$216,988
10/28/09	\$100,000
7/2/09	\$121,026
7/2/09	\$231,794
4/26/07	\$47,445
12/18/08	\$100,000
12/18/08	\$100,000
5/25/06	\$83,255
5/25/06	\$6,108
11/7/03	\$5,000
Total	\$1,149,539

In his role as Vice Chairman of the Republican National Committee, Bopp has been leading the “conservative faction” of the party to take extreme positions against President Obama and purge the party of moderates.

- **Bopp has likened former President George W. Bush and GOP congressional leaders to “socialists.”**

- The Washington Times reported: “Republican Party officials say they will try next month to pass a resolution accusing President Bush and congressional Republican leaders of embracing ‘socialism’...Republican National Committee vice chairman James Bopp Jr. wrote the resolution and asked the rest of the 168 voting members to sign it. [The Washington Times, Dec. 30, 2008]

- **Bopp wrote an RNC resolution accusing Obama of “socialism.”**

The Washington Times reported: “Tension had been growing all day as about 115 state Republican Party chairmen and more than 30 other members of the 168-member RNC awaited what turned out to be the formal adoption of a historic compromise between a national GOP chairman and conservative dissidents on the GOP’s governing body. The dissidents, who used a procedural move to force the vote, succeeded in putting the full weight of the RNC behind an appeal to Mr. Obama and his party to ‘stop pushing America toward socialism and more government control.’ The wording was worked out between lead sponsor James

Bopp Jr., a constitutional lawyer and Indiana RNC member, and Henry Barbour, Mississippi RNC member and nephew of Mississippi Gov. Haley Barbour. [Washington Times, May 21, 2009]

- **Bopp advocated a strategy of calling the Democratic Party the “Democratic Socialist Party.”**

Politico reported: “A conservative faction of the Republican National Committee is urging the GOP to take a harder line against both Democrats and wayward Republicans, drafting a resolution to rename the opposition the ‘Democrat Socialist Party’ and moving to rebuke the three Republican senators who supported the stimulus package. In an e-mail sent Wednesday to the 168 voting members of the committee, RNC member James Bopp, Jr. accused President Obama of wanting ‘to restructure American society along socialist ideals.’” [Politico, November 24, 2009]

- **Bopp was the leader of a recent effort to create GOP litmus test for candidates.**

The New York Times reported: “A group of conservative Republican leaders is proposing a solution to the internecine warfare over what the party should stand for: a 10-point checklist gauging proper adherence to core principles like opposing government financing for abortion and, more generally, President Obama's ‘socialist agenda.’[...] ‘The problem is that many conservatives have lost trust in the conservative credentials of the Republican Party,’ said James Bopp Jr., a committee member from Indiana who is the chief sponsor of the resolution. ‘So the task is to restore our conservative bona fides.’” [New York Times, November 24, 2009]

During the Florida recount fight in 2000, Bopp sued to prevent hand-recounts in Brevard County.

- The Boston Globe reported: “Bopp brought the federal suit on behalf of three Bush voters from Florida's Brevard County. They asked the court to stop manual recounts in selected Florida counties because they say recounts diluted their ballots, which have not been recounted.” [Boston Globe, November 19, 2000]

Bopp was deeply involved in the Republican Party efforts to shield themselves from fallout from the Tom DeLay scandals.

- **Bopp sued to remove Tom DeLay from the Texas ballot after he resigned from Congress.**

The Washington Post reported: “James Bopp Jr., a lawyer representing the Republicans, said the Democrats are trying to win the election ‘by litigation rather than having the voters decide.’” [Washington Post, June 18, 2006]

- **Bopp argued that Republican officials should not consider returning money from Tom DeLay after he was charged with campaign finance violations.**

The Tallahassee Democrat reported: “It's perfectly lawful money,’ said James Bopp, an Indiana attorney who specializes in election law. ‘The reason people like Tom DeLay have political-action committees is because they want to increase the number of Republicans in Congress so they can be majority leaders rather than minority leaders.’” [Tallahassee Democrat, October 6, 2005]

- **Bopp defended two of the political committees that Tom DeLay and Jack Abramoff relied upon to illegally funnel money to favored candidates.**

The Washington Post reported: “House Democrats settled their racketeering suit against House Majority Whip Tom DeLay (R-Tex.) and three affiliated political groups yesterday, reaching an agreement that left both sides declaring victory... the lawsuit had the potential to expose both parties' campaign operations to detailed scrutiny. Just as the Democrats planned to investigate DeLay's fundraising activities, the whip's lawyers had vowed to question House Minority Leader Richard A. Gephardt (Mo.) and other top Democrats about their money-raising tactics. ‘There were scandals galore waiting for them,’ said James Bopp, the attorney that represented RMIC [Republican Majority Issues Committee] and the U.S. Family Network in the suit.” [Washington Post, April 6, 2001]

Bopp represented a secretive \$25 million fundraising vehicle endorsed by the House Republican leadership.

- The Hill reported: “A new \$25 million fundraising effort endorsed by the House Republican leadership has sparked a controversy between supporters who believe in unfettered political speech and critics who call for full disclosure and accountability. □ □ The money, to be spent on issue-advocacy ads and get-out-the-vote drives for heavily contested races in 2000, is to come from undisclosed donors. [...] But critics say that, despite claims by this and other organizations, such spending will help -- and be geared toward -- particular candidates. And some critics, including Republican Rep. Chris Shays [IS THAT WHO YOU MEANT?], fear that such organizations could accept secret foreign contributions. □ □ James Bopp, legal counsel for the [Republican Majority] Issues Committee, dismissed such fears as a ‘red herring.’ □ □ ‘It would be legal,’ Bopp said. ‘But we have a policy in place not to accept foreign contributions.’” [The Hill, May 26, 1999]

In 2008, Bopp sued to overturn restrictions on donations from parties to candidates.

- The Times Picayune reported: “The Louisiana and national Republican parties have given the maximum permitted by law to the congressional campaign of Anh "Joseph" Cao [...] But they want to give more and, along with Cao, have filed suit

in U.S. District Court in New Orleans challenging the 1974 campaign finance law that states they cannot, claiming it represents an unconstitutional infringement of the party organizations' free speech rights. 'They have committed the maximum they can spend for Cao and they want to do more, and they can't,' said James Bopp Jr., the Terre Haute, Ind., attorney and Republican National Committee member who has emerged in recent years as the legal scourge of campaign finance restrictions. Bopp is the lead attorney on the suit, which was filed Nov. 13 on behalf of Cao, the RNC and the Louisiana Republican Party in federal court in New Orleans." [Times-Picayune, November 20, 2008]

Bopp joined a PAC dedicated to defeating then-Senate Democratic Leader Tom Daschle.

- Congressional Quarterly reported: "Senate Majority Leader Tom Daschle may believe his circle of critics is large enough, but a group of conservative activists is working to expand it. "The conservatives are raising money online to stir up trouble for Daschle in his home state of South Dakota. □ [...] The effort also has attracted campaign finance and election lawyer James Bopp Jr. His firm, Bopp, Coleson & Bostrom, is on retainer to Fight Back South Dakota." [Congressional Quarterly Daily Monitor, January 22, 2002]

Bopp defended the GOP from charges that it illegally used party money to support a Rhode Island gubernatorial bid.

- The Providence Journal reported: "The Republican Party's new legal team has filed motions seeking to block an investigation by the state Board of Elections into Governor Carcieri's 2002 campaign and to dismiss accusations that the Republicans illegally used national party money to support Carcieri's successful race for governor. □□The motions, and an 82-page memo supporting them, are from James Bopp Jr. and Richard E. Coleson, of Bopp, Coleson & Bostrom in Terre Haute, Ind., whom the Republicans have hired to help defend themselves." [Providence Journal, December 1, 2005]

Bopp drafted a brief for the Republican governor of Rhode Island in opposition to same-sex marriage.

- The Providence Journal reported: "State Democratic Party Chairman William Lynch is questioning Governor Carcieri's decision to pay a nationally known conservative lawyer to file a legal brief opposing same-sex marriage.□□ The governor's office signed a \$15,000 contract with Indiana lawyer James Bopp Jr. to file a friend-of-the-court brief last week with the state Supreme Court, which had invited public comments while deciding whether to grant a divorce to a lesbian couple married in Massachusetts." [Providence Journal, August 9, 2007]

In 1996, Bopp defended the Christian Coalition against FEC charges that it improperly spent money supporting George H.W. Bush's 1992 campaign as well as 1994 efforts by Newt Gingrich, Oliver North and Jesse Helms.

- CNN reported: "In its civil suit agreed to by two Democrats and two Republican commissioners, the FEC charges the Christian Coalition in 1992 helped Republican President George Bush's reelection campaign. How? Voter identification, get-out-the-vote efforts and the printing and distribution of 28 million voters guides. The commission says such help was a violation of federal election law by an organization which claims to be non-partisan, dedicated to political education. The Coalition is also charged with improperly promoting House Speaker Newt Gingrich in 1994 with a widely distributed letter and a so-called congressional scorecard that terms him a 'Christian Coalition 100-percenter.' The same year, according to the suit, failed Republican Senate candidate Oliver North benefited from almost two million coalition voters guides in Virginia, along with voter identification and get-out-the-vote activities. In 1990, says the FEC, Republican Senator Jesse Helms of North Carolina got the same kind of help." [CNN, July 30, 1996]

In 2003, Bopp represented a Republican congressman who used his children's' trust fund as a campaign resource.

- National Journal reported: "Rep. Mike Ferguson (R) on 6/13 announced he has reached a settlement with the FEC regarding an inquiry into a 2000 disbursement from 'an irrevocable trust' established by his parents that would 'equally benefit each of the couple's four children.' After obtaining a written legal opinion from election law atty [sic] James Bopp Jr., Ferguson used a portion of the funds he received from the trust to loan his campaign \$525K. [National Journal's House Race Hotline, June 13, 2003]

In 2007, Bopp defended an Indiana mayoral candidate who claimed it was permissible for him to hide the identities of people who loaned him \$150,000 that he in turn loaned to the campaign.

- The Fort Wayne Journal Gazette reported: "On May 14, six days after the primary, Matt Kelty and some of his top supporters [...] met at Allen County Republican Headquarters with the county GOP executive committee [...] □□How Kelty came up with more than \$150,000 to loan to his campaign committee was a subject of discussion. [...] His attorney, James Bopp Jr., suggested at a news conference that candidates should provide no more information than legally required and that Kelty was not required to disclose the loans from Rost [president of local Allen County Right to Life] and Jehl. [Fort Wayne Journal-Gazette, June 24, 2007]

In 2008, Bopp represented a Wisconsin judge who ran a "Willie Horton style" ad

- □□The Associated Press reported, “A Wisconsin Supreme Court justice facing charges that he lied in a Willie Horton-style television ad said in court filings Wednesday there was nothing untruthful about the spot in question. □□Justice Michael Gableman also said the Wisconsin Code of Judicial Conduct rule he is accused of violating unconstitutionally restricts his free speech rights. □ [...] Gableman is represented by James Bopp, a prominent Republican attorney from Indiana. □ □The ad showed a picture of Butler, the state's first black justice, next to a mug shot of black convicted rapist Reuben Lee Mitchell. A narrator said: ‘Butler found a loophole. Mitchell went on to molest another child.’” [Associated Press, November 19, 2008]

In 2010, Bopp sued to overturn San Diego restrictions on campaign donations by political parties.

- The San Diego Union-Tribune reported: “A federal appeals court has lifted a ban placed on political party donations in the city of San Diego ahead of the June 8 election, which could open the door to unlimited party contributions to City Council candidates in the next few weeks. [...] The city has had a ban on political party contributions since 1973. [...] James Bopp Jr., the Republican Party’s lead attorney in the case, issued a statement saying the court has made it clear that the government can’t try to take away a party’s voice.” [San Diego Union-Tribune, May 19, 2010]

Opposing clean elections, Bopp in 1989 instead supported giving donors a tax credit for any campaign donation.

- Knight Ridder reported: “James Bopp Jr., general counsel for the National Right to Life Committee, which opposes the [clean elections] laws, said a better alternative is to provide a tax credit for private political contributions. □□ ‘That way you’re encouraging people of modest means to contribute,’ he said. ‘The other way, taxpayer money, instead of going to the poor or disadvantaged, is going to politicians.’” [Knight Ridder, February 15, 1999]

BOPP AND UNREGULATED ADVOCACY GROUPS

Bopp began his career as a legal activist representing anti-choice groups in their efforts to overturn campaign finance laws – in particular those requiring advocacy groups to register with the appropriate election authorities and disclose their donors.

In recent years, Bopp has expanded his involvement far beyond the abortion movement, representing various groups hoping to push a right wing agenda without having to identify their funders. In 2001, for instance, Bopp represented the American Taxpayers Alliance, which spent \$2 million on advertising attacking California Governor Gray Davis over the energy crisis. The alliance was headed by Scott Reed, a Republican campaign consultant and the former campaign manager for Bob Dole's 1996 presidential bid.

Bopp represented a group that attacked President Obama during the 2008 election, saying that he wanted to deny medical treatment to infants.

- During the 2008 election, Bopp represented The Real Truth About Obama, a shadowy group that claimed Obama “voted three times to deny lifesaving medical treatment to living, breathing babies who survive abortions.” He preemptively sued the FEC to permit the group to run ads. (*The Real Truth About Obama, Inc. v. FEC et al.*)
- The Real Truth About Obama registered as a corporation in Virginia in 2008. One of its directors, Laura Echevarria, is the former director of media relations for the National Right to Life Committee. [Virginia Pilot, August 13, 2008]

Bopp is connected to a shadowy group running anti-bailout ads.

- Bopp represents the Committee for Truth in Politics, an obscure group that ran anti-Obama ads in 2008 and recently ran ads urging people to oppose “a big bank bailout bill.” The 501(c)(4) organization spent “an estimated \$5 million on advertising against the proposals,” the International Herald Tribune reported. [Missoulian, February 12, 2010; International Herald Tribune, March 29, 2010]
- The Committee for Truth in Politics has also “been involved in lawsuits challenging federal regulations on registration and disclosure by political groups,” including *Koerber vs. FEC*. [Missoulian, February 12, 2010]
- The Committee for Truth in Politics was registered as a non-profit in 2008 in North Carolina by an attorney named Bill Peaslee. On the same date, he registered another non-profit called The Committee for a Balanced Congress.
- Bill Peaslee is formerly the chief of staff, legal counsel and political director for the North Carolina Republican Party. [NPR, October 3, 2008]
- The Committee for Truth in Politics did not register with the Federal Election Commission nor did it file any reports with the Internal Revenue Service as of early 2010. [KUSA, 2010 date uncertain, <http://www.9news.com/news/article.aspx?storyid=132378&catid=188>] Is that illegal? IF NOT we should cut it.

In 2001, Bopp defended a group that California election officials said failed to register and disclose donors.

- The San Francisco Chronicle reported: “Lawyers for Gov. Gray Davis were in court today trying to stop a group from running any more attack ads criticizing the

governor's handling of California's energy crisis. [...] The American Taxpayers Alliance spent \$2 million on the ads, which do not mention the next gubernatorial election in 2002 or any possible opposing candidates. The alliance is headed by Scott Reed, a Republican campaign consultant and the former campaign manager for Bob Dole's 1996 presidential bid and is registered with the Internal Revenue Service as a nonprofit corporation. James Bopp, an attorney for the alliance, said the ad is an assessment of the governor's performance in office -- not a campaign piece -- and should be protected by the First Amendment as free speech. [San Francisco Chronicle, August 20, 2001]

Bopp is a board member of the following right wing groups:

- **Indiana Policy Review Foundation**, Board of Advisors, 1992-present

The Indiana Policy Review describes its mission as “To advance its educational purpose through research, seminars, written material and the publication of the ‘Indiana Policy Review’, a journal concerning human liberty, free competitive enterprise, and freedom.” [Indiana Policy Review Form 990, 2008]

Representative Mike Pence (R-ID) has been a scholar at and contributor to the Indiana Policy Review since 1991. [Hotline, February 14, 2001]

- **Opportunity Project of Indiana**, Board of Advisors, 1993-present

The Opportunity Project of Indiana is a conservative political action committee “focused on races where a conservative is challenging an incumbent. Challengers are evaluated in terms of commitment to welfare reform, a cap on state spending and school choice.” [Indianapolis Star, April 23, 2000]

- **National Institute of Family and Life Advocates**, National Advisory Board, 1993-present

The National Institute of Family and Life advocates runs 1,195 “crisis pregnancy centers” nationwide. According to the Guttmacher Institute, Crisis pregnancy centers “provide pregnancy options counseling from an antiabortion perspective,” typically engaging in deceptive marketing and providing false and inflammatory information about abortion. [www.nifla.org, accessed April 27, 2010; Guttmacher Report on Public Policy, May 2002]

Bopp has served as agent or officer for the following right-wing groups and campaigns, often using his law firm’s office as the contact address:

- **The Phoenix Group**, contact/agent [Lexis, accessed April 19, 2010]

The Phoenix Group is a political action committee focused on electing conservative candidates in Indiana. It has distributed \$331,579 in campaign

funding since 2001. [Indiana Secretary of State, April 27, 2010]

Since 2006, nearly all of its funding has come from three private companies: FirstSource Capital (\$23,000) Estridge Companies (\$5000), and LHT Capital (\$20,000). [Indiana Secretary of State, accessed April 27, 2010]

Fred Klipsch, the influential Indiana businessman who chairs Hoosiers for Economic Growth, was founding chairman of The Phoenix Group.

Bopp's law firm made a \$1000 contribution to The Phoenix Group in 2001. [Indiana Secretary of State, accessed April 27, 2010]

Campaign finance filings suggest that The Phoenix Group is a pass-through committee.

The same filings indicating the \$20,000 donation from LHT Capital on October 20, 2008 show a \$20,000 contribution to the Indiana House Republican Campaign Committee [HRCC] on the same date. LHT had also given the HRCC \$10,000 three days previous. [Indiana Secretary of State, accessed April 27, 2010]

- **Hoosiers for Economic Growth**, agent. [Lexis, accessed April 19, 2010]

Hoosiers for Economic Growth is a political action committee focused on electing conservative candidates in Indiana. It has distributed \$342,693 in campaign funding since the 2008 cycle. [Indiana Secretary of State, accessed April 27, 2010]

The chairman of Hoosiers for Economic Growth is Fred S. Klipsch, a prominent Indiana businessman who has donated \$449,865 to conservative political causes since 1989, including \$32,075 to the Indiana Republican Party, \$50,050 to the Indiana Republican State Central Committee, and \$10,000 to the Senate Majority Campaign Committee. [Sunlight Foundation, accessed April 27, 2010]

- **Indiana Association of Pregnancy Centers [IAPC]**, former president. [Lexis, accessed April 19, 2010]

The IAPC, an organizing group for crisis pregnancy centers, is the sponsoring organization for the Indiana Choose Life license plate. [http://www.chooselifeindiana.com/, accessed April 19, 2010.]

According to the Guttmacher Institute, Crisis pregnancy centers “provide pregnancy options counseling from an antiabortion perspective,” typically engaging in deceptive marketing and providing false and inflammatory information about abortion. [Guttmacher Report on Public Policy, May 2002]

- **Midwest Republican Leadership Conference Host Committee** (dissolved)

- 2007), registered agent. [Lexis, accessed April 19, 2010]
- **Republican National Conservative Caucus**, registered agent. [Lexis, accessed April 19, 2010]
 - **Indiana Republican State Committee**, registered agent. [Lexis, accessed April 19, 2010]
 - **American Policy Center**, president. [Lexis, accessed April 19, 2010]
 - **National Legal Center for the Medically Dependent and Disabled** (previously, People Concerned With Mental Retardation Foundation), president 1984-present. [Bopplaw.com, accessed April 29, 2009; Lexis, accessed April 19, 2010]
 - **National Coalition of Pro-Life Physicians** (dissolved 1986), incorporator [Lexis, accessed April 19, 2010]
 - **Stand for Marriage** (dissolved 2008), agent [Lexis, accessed April 19, 2010]

Bopp's Terre Haute office is listed as contact information for other right-wing groups and organizations

- **Hellman For Congress**
- **Indiana Citizens for Life**
- **American Policy Center Trust Fund (currently Indiana Association of Pregnancy Centers)**
- **Vigo County Right to Life**
- **Wabash Valley Right to Life Education Fund**

[Lexis business locator search, accessed April 19, 2010]

Bopp, Coleson & Bostrom

Bopp Coleson & Bostrom, of which only James Bopp is an equity partner, has a long career in representing right wing causes. As described elsewhere in this report, the firm has represented the National Right to Life Committee and numerous Republican candidates and conservative causes. Other clients include Focus on the Family, Traditional Values Coalition, Club For Growth, and the Christian Coalition.

Litigation efforts to overturn campaign regulations have been fruitful for Bopp's law firm. According to ABA Journal, Bopp typically collects attorney's fees when he wins his cases. His biggest payday came with Republican Party of Minnesota v. White, a 2002

case in which he successfully attacked restrictions on judicial candidate speech and collected an \$867,000 payday. The firm has also done significant work for Indiana-based candidates and causes, earning more than \$336,000 since 1998.

Though lucrative, Bopp's work at least once put him in ethical hot water. In 1993, a Louisiana state ethics panel found Bopp had violated ethics rules as an attorney by accepting legal fees from a New Orleans anti-abortion group while working for the state to defend the state's anti-abortion laws.

Bopp, Coleson & Bostrom's website lists numerous right-wing groups as "representative clientele":

- National Right to Life Committee, Focus on the Family, Susan B. Anthony List, All Children Matter, Friedman Foundation, Catholic Answers, Christian Broadcasting Network, Salem Radio, Gerard Health Foundation, Priests for Life, Traditional Values Coalition, Home School Legal Defense Association, Vision America, National Organization for Marriage, Common Sense America, Catholic Citizens Committee, Life Issues Institute, Physicians for Compassionate Care, the Christian Coalition, Christian Life Commission of the Southern Baptist Convention, Concerned Women of America, American Academy of Medical Ethics, National Right to Work Legal Defense and Education Foundation, Club for Growth, Citizens United, Federation for American Immigration Reform, National Federation of Independent Businesses, Republican Governors Association, the Libertarian Party, Republican National Committee, and the state Republican Parties of Alabama, Indiana, Michigan, Minnesota, Rhode Island, Texas and Vermont. [Bopplaw.com, accessed April 20, 2010]

A large source of income to the Bopp firm appears to be election-related litigation, which often results in attorney's fees being paid to the plaintiffs.

- According to ABA Journal, "Half of his [Bopp's] litigation comes through the privately funded center...If Bopp wins these cases, and he usually does, he often collects legal fees from the other side. His biggest payday by far came with the [Republican Party of Minnesota v. White] case: \$867,000." [ABA Journal, November 24, 2006]

Bopp's firm has earned hundreds of thousands of dollars from Indiana conservative causes since 1998.

- Since 1998, Bopp's firm has earned \$336,782.50 from Indiana candidates and committees alone. [Indiana Election Division, accessed April 20, 2010.]

Bopp has worked as a lobbyist for abortion right opponents in Indiana.

- According to state records, Bopp registered as lobbyist for Indiana Right to Life Inc. in 2006 and was paid \$1000 for his work. [Indiana Lobby Registration

Commission, accessed April 20, 2010.]

In 1993, a Louisiana state ethics panel found Bopp had violated ethics rules as an attorney helping to defend the state’s anti-abortion laws.

- The Times-Picayune reported: “Five lawyers hired in 1991 by then-Attorney General William Guste Jr. to help defend the constitutionality of the state's anti-abortion law violated ethics laws by accepting legal fees paid by a New Orleans anti-abortion group, a state ethics panel has ruled. But the Commission on Ethics for Public Employees did not impose fines on the five - Thomas Rayer, James Bopp Jr., Joy Goldberg-Braun, Robert Winn and Sharon Ryan-Rodi - for receiving payments from the New Orleans Right to Life Educational Foundation Inc. The five-member commission also held the foundation in violation of the ethics code for paying more than \$135,000 in legal fees to the five lawyers. The foundation also was not fined.” [Times-Picayune (New Orleans, LA) June 19, 1993]

The James Madison Center for Free Speech

The James Madison Center was established in 1996 with the assistance of Sen. Mitch McConnell (who served as honorary chairman) and funding support from the Christian Coalition, the National Rifle Association, and the Dick and Betsy DeVos Foundation. A non-profit entity, it appears to exist for the sole purpose of funneling money to Bopp, Coleson & Bostrom. With revenue of between \$277,000 and \$1 million, nearly all of the Center’s reported expenditures are to the Bopp firm.

Bopp has described the group’s funders as “major donors” from the “conservative community.” In recent years, the Center has received significant financial support from two conservative foundations: the Dick and Betsy DeVos Foundation and the Charlotte and Walter Kohler Foundation. The former is controlled by Dick DeVos, an Amway executive and former Republican candidate for Michigan governor; and Betsy DeVos, a major funder of Republican causes. The latter has also given extensively to conservative causes, including to the Rockford Institute, the National Review Institute, the Hudson Institute and the Young America’s Foundation.

The Center’s board of directors includes a former general counsel to the Republican Party and numerous officers of the National Right to Life Committee.

The James Madison Center has an annual budget of between hundreds of thousands of dollars and more than one million dollars

Year	2006	2007	2008
Income	\$1,018,689	\$277,956	\$317,853
Expenditures	\$1,018,781	\$277,524	\$319,328

Nearly all of the James Madison Center’s budget is spent on legal fees to James Bopp’s law firm, Bopp, Coleson & Bostrom (BCB).

Year	2006	2007	2008
Total expenditures	1,018,781	\$277,524	\$319,328
Expenditures to BCB	\$1,011,000	\$276.355	\$317,678

The James Madison Center is funded by large corporate and right wing interests connected to the Republican Party.

- In 2001, James Bopp described the James Madison Center’s supporters as “major donors” from the “conservative community.” [National Journal, February 17, 2001]
- The National Rifle Association and the Christian Coalition were among early supporters of the James Madison Center. [The Atlanta Journal and Constitution, November 6, 1997]

The conservative Dick and Betsy DeVos Foundation has played an instrumental role in creating and funding the James Madison Center.

- Tax records show that the Dick and Betsy DeVos Foundation have given the Center at least \$95,000 since 1999. [mediatransparency.org, accessed April 25, 2010]
- The Dick and Betsy DeVos Foundation funds numerous right wing groups, including Focus on the Family, the Foundation for Traditional Values, Prison Fellowship Ministries, and the Heritage Foundation. [mediatransparency.org, accessed May 3, 2010]

Dick and Betsy DeVos have close ties to the conservative establishment.

- Betsy DeVos is former chairwoman of the Michigan Republican Party. [Associated Press, April 30, 2010]
- Dick DeVos, the son of the founder of Amway and himself an Amway executive, was the 2006 Republican nominee for governor of Michigan.
- Members of the DeVos family have given more than \$44 million in campaign contributions since 1989. [Sunlight Foundation, accessed May 3, 2010]

Betsy DeVos bragged that her family attempted to “buy influence” by making record-setting soft money contributions.

- According to Betsy DeVos, her family was the Republican Party’s single biggest contributor of soft money, having given \$2.5 million by 1997. [Roll Call, September 6, 1997]
- In a 1997 op-ed in Roll Call, Ms. DeVos admitted that her family was “buying influence” and sought “a return on our investment.” [Roll Call, September 6, 1997]

Ms. DeVos said: "[M]y family is the largest single contributor of soft money to the national Republican Party....I have decided, however, to stop taking offense at the suggestion that we are buying influence. Now, I simply concede the point. We expect to foster a conservative governing philosophy consisting of limited government and respect for traditional American virtues. We expect a return on our investment; we expect a good and honest government. Furthermore, we expect the Republican party to use the money to promote these policies, and yes, to win elections." [Roll Call, September 6, 1997]

The James Madison Center has also received significant funding from leading conservative interest groups and foundations.

- Tax records show that the James Madison Center has received at least \$300,000 from the Charlotte and Walter Kohler Foundation. [ABC News, January 13, 2010]

The Kohler Foundation has given extensively to conservative causes, including \$758,000 to the Rockford Institute, \$250,000 to the National Review Institute, \$70,000 to the Hudson Institute, and \$25,000 to the Young America’s Foundation. [mediatransparency.org, accessed April 26, 2010]

The James Madison Center’s Board of Directors includes leading conservative politicians and activists.

- David Norcross, a current trustee, is a former general counsel to the Republican Party and has held numerous other party positions. He currently serves as chairman of the Republican National Lawyers Association. [blankrome.com, accessed May 3, 2010]

In May 2010, Norcross said about Organizing for America, “It’s creepy. ... It’s a permanent personal apparatus built around one man, meant to reinforce his cult of personality. It has precious little to do with Democrats.” [Washington Post, Right Now blog, May 4, 2010]

- Wanda Franz, president of the James Madison Center, is president of the National Right to Life Committee. [www.nrlc.org, accessed April 20, 2010]
- Darla St. Martin, secretary of the James Madison Center, is co-executive director

of National Right to Life Committee. She is also a member of the Council for National Policy, a secretive conservative group described as “the most powerful conservative group you've never heard of.” [nrlc.org, accessed April 20, 2010; ABC News, May 2, 2005]

- David O’Steen, treasurer of the James Madison Center, is Co-executive director of National Right to Life Committee [nrlc.org, accessed April 20, 2010.]

Appendix A: Bopp’s Lesser-known Campaign Finance and Election Law Cases

An analysis of Bopp’s history as a “free speech” litigator is beyond the scope of this report, but it is worth noting that Bopp has taken extreme views on campaign finance and election law issues. His most successful cases such as *Citizens United* are well known and need little further discussion. What follows is a history of Bopp’s lesser-known but equally extreme positions on election regulations.

A full accounting of Bopp’s campaign reform cases can be found in Appendix B.

Bopp has opposed campaign finance limits that have passed by voter initiative

- **In 1996, Bopp sued to overturn a Colorado law passed by voter initiative that limited campaign contributions.**

The Denver Post reported: “The finance reform amendment that was passed by 66 percent of the voters in the November general election limits the amount of money individuals and political action committees can contribute to candidates for state offices. The measure also limits the amount individuals may contribute to PACs and political parties and prohibits contributions from one candidate committee to another. The lawsuit, written by local attorney James P. Rouse and Indiana attorney James Bopp Jr., charges that the amendment violates the constitutional rights of the plaintiffs...” [Denver Post, December 13, 1996]

- **In 1997, Bopp sued to overturn a voter-initiated Arkansas law establishing contribution limits.**

The Arkansas Democrat-Gazette reported: “A new voter-initiated law that limits campaign contributions is under attack on two fronts. Initiated Act 1 of 1996 is the subject of constitutional challenges in U.S. District Court in both the Eastern and Western districts of Arkansas. The challengers? Two political action committees. The committees are smarting because the new law won't allow them to contribute more than \$ 300 per candidate per election to constitutional offices, \$ 100 per candidate per election for all other offices. James Bopp of Terre Haute, Ind., the attorney in the second case, says he will fight the attorney general's request.” [Arkansas Democrat-Gazette, June 22, 1997]

- **In 2005 Bopp sued to overturn a Colorado initiative that banned direct corporate contributions and limited contributions from political action committees to candidates and parties. The amendment also limited contributions to candidates for the state House and Senate and statewide offices such as governor.**

The Associated Press reported: “An anti-abortion group urged a federal judge Wednesday to toss out voter-approved restrictions on Colorado advocacy groups, saying they are an unconstitutional curb on free speech. James Bopp Jr., who represents the Colorado Right to Life Committee, said financial-disclosure requirements and other provisions of Amendment 27 are ‘draconian restrictions’ that could result in civil and criminal penalties even for someone mailing out wedding invitations that lists the name of someone who happens to be a political candidate.” [Associated Press, June 1, 2005]

Bopp has opposed Clean Elections laws and similar public financing systems that expand political speech.

- **In 2009, Bopp sued to overturn Wisconsin’s public financing system.**

The Associated Press reported: “Wisconsin Right to Life filed a federal lawsuit Friday challenging a new state law increasing the amount of public money available for Supreme Court races, saying it violates First Amendment free speech rights. The law passed the Legislature earlier this year and was signed into law Dec. 1 by Gov. Jim Doyle. Under the law, eligible candidates could get a \$100,000 grant in public money for a primary campaign and another \$300,000 grant for a general election run. [...] That has a chilling effect on the free speech rights of groups like Wisconsin Right to Life, said their attorney James Bopp Jr. of Terre Haute, Ind.” [Associated Press, December 18, 2009]

- **In 2005, Bopp sued to overturn North Carolina’s voluntary public financing system for judicial candidates.**

The Associated Press reported: □”A Court of Appeals judge and an anti-abortion group sued Monday over North Carolina’s public financing system for judicial races, arguing the rules limit free speech and put candidates who don’t participate at a disadvantage. [...] ‘The law unfairly disadvantages candidates and citizens’ groups from participating in judicial elections,’ said James Bopp Jr., an Indiana attorney with the conservative James Madison Center for Free Speech representing the plaintiffs, who want portions of the law found unconstitutional.” [Associated Press, August 8, 2005]

- **In 1996, Bopp sued to overturn Maine’s Clean Elections law.**

The Bangor Daily News reported: “James Bopp Jr., an Indiana lawyer who is handling the case for National Right to Life, said there are three main areas of

objection to the law. They are the limit on contributions to candidates, the limit on independent expenditures, and the penalty on independent expenditures that goes with the voluntary spending limit.” [Bangor Daily News, December 24, 1996]

Bopp said he didn’t think that campaign contributions could affect a judge’s rulings.

- □ The Wisconsin Law Journal reported: “ ... James Bopp Jr., general counsel for the James Madison Center for Free Speech in Indiana, downplayed the idea that justices act impartially toward one party over another. □ □ Although the panelist conceded that interest group spending likely contributed to current Wisconsin Supreme Court Justice Annette K. Ziegler's victory in 2007, Bopp did not think it confirmed a public perception of impartiality. □ □ ‘This interpretation is completely novel,’ said Bopp of Sample's contention. ‘I have not yet found a single case in which recusal was required because either a judge announced his views on disputed political or legal issues, or that he or she accepted a campaign contribution.’” [Wisconsin Law Journal, March 17, 2008]

Bopp sued to overturn Kentucky campaign laws restricting campaigning within 500 feet of polling places, lending as much money as they want to their own campaigns and asking for donations even after they win an election.

- The Lexington Herald Leader reported: “Parts of Kentucky's election laws that restrict campaigning and fund-raising were effectively struck down yesterday by the 6th U.S. Circuit Court of Appeals. □ □ The court ruled that politicians are entitled, among other things, to campaign within 500 feet of polling places, lend as much money as they want to their own campaigns and ask for donations even after they win an election. [...] □ Anderson's attorney said yesterday's ruling is a victory for lesser-known candidates trying to unseat an entrenched incumbent. □ □ ‘Politicians know that if they don't allow their challengers a fair chance to campaign, they will hold an unfair advantage,’ said James Bopp Jr. of Terre Haute, Ind., general counsel for the James Madison Center for Free Speech. □ □” [Lexington Herald Leader, January 17, 2004]

Bopp has opposed sensible limits on the role of lobbyists in political fundraising.

- **Bopp sued to overturn a Maryland law prohibiting lobbyists from doing fundraising.**

The Daily Record reported: “A prominent anti-abortion attorney is behind a federal lawsuit in which a Maryland group sharing his beliefs and two of its members allege that laws prohibiting registered lobbyists from fundraising violate First Amendment rights. [...] Individuals who choose both to fund-raise and to lobby are subject to civil and criminal sanctions -- penalties that the pro-lifers say

impermissibly chill the exercise of First Amendment rights. And they've hired James Bopp Jr., a Terre Haute attorney who has served as general counsel for the National Right to Life Committee since 1978, to press their claims in court.” [The Daily Record, February 28, 1997]

- **Bopp sued to overturn Minnesota restrictions on contributions from wealthy and lobbyists.**

The Star Tribune reported: “A major challenge to Minnesota's campaign finance laws, including an effort to relax restrictions on how much candidates can receive from lobbyists and large donors, is expected to be heard soon in U.S. District Court in St. Paul. The multifaceted lawsuit, filed by Minnesota Citizens Concerned for Life (MCCL), also seeks to undo a ban on the transfer of funds between campaign committees. The MCCL, which opposes abortion, long has been one of the state's more powerful interest groups. ‘We have won dozens of these cases around the United States,’ said James Bopp Jr., an Indiana attorney for the MCCL.” [Star Tribune, September 30, 2003]

- **Bopp sued to overturn New York City’s campaign finance laws limiting contributions from lobbyists and those doing business with the city.**

The New York Sun reported: “New York City's new campaign finance regulations, which limit the campaign contributions of lobbyists and many business owners by 90%, are headed to court on a First Amendment challenge. [...] Those who are classified as having business dealings with the city face contribution maximums that are generally less than 10% of what most citizens can contribute. A lobbyist can give a maximum of \$400 to a mayoral candidate or \$250 to a candidate for the council, compared with the \$4,950 or \$2,750 that most individuals can donate to candidates for those offices. [...] The Indiana lawyer who is bringing the suit, James Bopp Jr., said that by creating different caps for different individuals the city ‘is discriminating against potential contributors and citizens.’” [New York Sun, February 12, 2008]

In 1999, Bopp sued to overturn a Maine law requiring disclosure related to referendum campaigns.

- The Portland Press Herald reported: “A leading promoter of Christian politics in Maine has asked a federal judge to declare some of the state's campaign laws unconstitutional. Paul Volle, the head of the Christian Coalition of Maine, claims the state is violating his right to free speech by requiring him to form political action committees to finance his referendum campaigns. Political action committees must disclose the names of people and organizations that contribute to them. [...] James Bopp Jr., an Indiana attorney who is representing Volle, has presented similar lawsuits against PAC laws in Alabama and Hawaii.” [Portland Press Herald, September 15, 1999]

Bopp has opposed laws requiring organizations to attach their names to their political communications.

- **In 1999, Bopp sued to overturn Maine laws requiring political ads to carry the name of their sponsor.**

The Portland Press Herald reported: “A group campaigning to outlaw so-called “partial-birth” abortions has filed a lawsuit challenging Maine's requirement that political action committees must attach their names and addresses to their advertisements. The lawsuit, filed Friday in U.S. District Court in Portland, claims that the law violates the free speech of groups working on referendum campaigns. [...] The union of the political right and left over these issues does not surprise James Bopp Jr., a First Amendment lawyer from Indiana who represented the MCLU in the Clean Election case, and is now representing the Yes For Life PAC.” [Portland Press Herald, October 13, 1999]

- **In 2001, Bopp sued to overturn a California law restricting anonymous mailings.**

The West County Times reported: “For the second time in seven years, the California Supreme Court grappled Wednesday with the validity of a state requirement that political candidates and others identify themselves in voter mailings. [...] But Griset's attorney, James Bopp Jr., said the U.S. Supreme Court's 1995 decision is relevant to Griset's case.” [West County Times, March 8, 2001]

Bopp has opposed spending limits for university student elections.

- **In 2001, Bopp sued to overturn a UC Irvine rule limiting spending for student elections.**

The Los Angeles Times reported: “Three UC Irvine undergraduates have filed a lawsuit against the university over its rules on student government elections, saying campaign spending limits violate free-speech rights. David Welker, Ian McGrew and Nathan C. Masters also are challenging the bans on placing campaign posters and bumper stickers on cars and campaigning off-campus during election week. [...] ‘None of these provisions would be constitutional if applied to a candidate for state or federal office,’ said Welker's attorney, James Bopp Jr., of the James Madison Center for Free Speech.” [Los Angeles Times, November 4, 2001]

- **In 2007, Bopp sued to overturn Montana restrictions on spending in university government races.**

The How Appealing blog reported: “Unanimous three-judge Ninth Circuit panel rejects challenge to the University of Montana's imposition of a dollar limit on

what a student may spend on his campaign for student. [...] Lest you dismiss this case as some kooky challenge by a wealthy student with too much time on his hands, it's worth noting that James Bopp, Jr. appears as lead counsel for the student." [How Appealing blog, June 1, 2007]

In 2007, Bopp said New York State's campaign finance law limiting total contributions to \$58,000 a year were too stringent.

- Gannett News Service reported: "Wednesday, the Senate Elections Committee heard from a lawyer who this week won a Supreme Court decision that removed a limit on campaign expenditures, as well as from a scholar from a conservative think tank who opposes limits. The lawyer, James Bopp, said Spitzer's claim that New York has one of the laxest systems of campaign-donation limits in the country is 'simply divorced from reality.' The limit in New York on individual donors can contribute, \$50,800 a year, is higher than most states, but 13 have no limits at all, he pointed out." [Gannett News Service, June 28, 2007]

Appendix B: Bopp's History of Campaign Regulation Cases

James Bopp has been involved in dozens upon dozens of money-in-politics and election law cases at the state and federal level. What follows is a thorough but not necessarily complete listing compiled from news reports and James Bopp's own resume.

Case name	Issue	Additional citation
<i>Faucher v. Federal Election Com.</i> , 743 F. Supp. 64 (D. Me. 1990)	Restrictions on publication of voter guides by unregistered pro-life groups.	Washington Times, July 4, 1990
<i>Family Found. v. Brown</i> , 9 F.3d 1075 (4th Cir. 1993)	Restrictions on publication of voter guides by unregistered pro-life groups.	Washington Times, October 30, 1993
<i>La Porte County Republican Cent. Comm. v. Board of Comm'rs</i> , 43 F.3d 1126 (7th Cir. Ind. 1994)	Redistricting issues for county offices.	South Bend Tribune, February 19, 1994
<i>Georgia Right to Life Political Action Committee v. Reid</i> , No. 94-9182 (11th Cir. 1994)	\$ 7,500 state cap on independent expenditures for political candidates.	Atlanta Journal and Constitution, October 20, 1994
<i>Maine Right to Life Comm. v. FEC</i> , 914 F. Supp. 8 (D. Me. 1996)	Federal ban on corporations from advocating issues during a federal campaign.	Bangor Daily News, February 15, 1996
<i>FEC v. Christian Coalition</i> , 178 F.R.D.	State registration and disclosure requirements for	Richmond Times Dispatch, August 8, 1996

456 (E.D. Va. 1998)	political advocacy groups.	
<i>Kentucky Right to Life, Inc. v. Stengel</i> , 522 U.S. 860 (U.S. 1997)	State limit of \$1500 in contributions per cycle.	New York Times, October 7, 1997
<i>North Carolina Right to Life v. Bartlett</i> , 3 F. Supp. 2d 675 (E.D.N.C. 1998)	State ban of corporate contributions to candidates.	News & Record, October 5, 1996
<i>Colo. Republican Fed. Campaign Comm. v. FEC</i> , 518 U.S. 604 (U.S. 1996)	Colorado voter initiative imposing limits on contributions to candidates and PACs.	Denver Post, December 13, 1996
<i>National Right to Life PAC State Fund v. Devine</i> , 1997 U.S. Dist. LEXIS 12637 (D. Me. Aug. 8, 1997)	Maine's Clean Elections law.	Bangor Daily News, December 24, 1996
<i>Maryland Right to Life State PAC v. Weathersbee</i> , 975 F. Supp. 791 (D. Md. 1997)	State law prohibiting lobbyists from fundraising for candidates.	The Daily Record, February 28, 1997
<i>Wisconsin Right to Life v. Paradise</i> , 138 F.3d 1183 (7th Cir. Wis. 1998)	State law requiring politically active groups engaged in express advocacy to register.	Milwaukee Journal Sentinel, May 13, 1997
<i>Arkansas Right to Life State PAC v. Butler</i> , 146 F.3d 558 (8th Cir. Ark. 1998)	State law limiting contributions from PACs to candidates to \$300 per election.	Arkansas Democrat-Gazette, June 22, 1997
<i>New Hampshire Right to Life PAC v. Gardner</i> , 99 F.3d 8 (1st Cir. N.H. 1996)	State spending limits for political action committees.	Union Leader, October 11, 1996
<i>North Carolina Right to Life v. Bartlett</i> , 1998 U.S. Dist. LEXIS 6443 (E.D.N.C. Feb. 3, 1998)	State law requiring politically active groups engaged in express advocacy to register.	Herald-Sun, July 11, 1998
<i>Right to Life v. Miller</i> , 23 F. Supp. 2d 766 (W.D. Mich. 1998)	State ban on election communications within 45 days of elections.	Associated Press, September 14, 1998
<i>Kansans for Life, Inc. v. Gaede</i> , 38 F. Supp. 2d 928 (D. Kan. 1999)	State law requiring politically active groups engaged in express advocacy to register.	
<i>FEC v. Christian</i>	FEC charged CC with aiding	CNN, July 30, 1996

<i>Coalition</i> , 965 F. Supp. 66 (D.D.C. 1997)	H.W. Bush and Gingrich campaigns, violating their non-partisan, nonprofit status.	
<i>Clifton v. FEC</i> , 114 F.3d 1309 (1st Cir. Me. 1997)	Federal rules on express advocacy.	Roll Call, February 16, 1998
<i>Legacy Alliance, Inc. v. Condon</i> , 76 F. Supp. 2d 674 (D.S.C. 1999)	Anonymous donations, \$3,500 limit on contributions from individuals to state ballot issue committees.	Greenville News, January 4, 1999
<i>Iowa Right of Life Committee v. Williams</i> , 187 F.3d 963 (8th Cir. 1999)	Federal restrictions on publication of voter guides by unregistered pro-life groups.	The Hill, September 1, 1999
Virginia Soc'y for Human Life, Inc. v. FEC, 83 F. Supp. 2d 668 (E.D. Va. 2000)	Federal restrictions on issue advocacy.	Roll Call, October 14, 1999
<i>Pittman v. Cole</i> , 117 F. Supp. 2d 1285 (S.D. Ala. 2000),	State disclosure requirements for groups spending more than \$1000 on political messaging.	Birmingham News, September 9, 1999
<i>Volle v. Webster</i> F. Supp. 2d 171; 1999 U.S. Dist. LEXIS 15971	State law requiring politically active groups to register as PACs.	Portland Press Herald, September 15, 1999
<i>Yes for Life PAC v. Webster</i> , 84 F. Supp. 2d 150 (D. Me. 2000)	State law requiring PACs to attach their names to advocacy ads.	Portland Press Herald, October 13, 1999
<i>Stenson v. McLaughlin</i> , 2001 U.S. Dist. LEXIS 14167 (D. N.H. 2001)	State law requiring issue ads to be labeled as "political advertising."	
<i>Griset v. Fair Political Practices Com</i> 25 Cal. 4th 688	State law restriction anonymous political mailings.	West County Times, March 8, 2001
<i>Randell v. Sorrell</i> , 382 F.3d 91 (2d Cir. 2002)	State law limiting spending on legislative races to \$2000.	Associated Press, May 7, 2001
<i>Governor Gray Davis Com. v. American Taxpayers Alliance</i> , 102 Cal. App. 4th 449 (Cal. App. 1st Dist. 2002)	State law requiring politically active groups to register and disclose funding.	San Francisco Chronicle, August 20, 2001
<i>Welker v. Cicerone</i> , 174 F. Supp. 2d 1055 (C.D. Cal. 2001)	State law restricting spending for university student government positions.	Los Angeles Times, November 4, 2001
<i>Fla. Right to Life, Inc. v. Lamar</i> , 273 F.3d 1318 (11th Cir. Fla. 2001)	State law banning political candidates from contributing personal or campaign funds to nonprofit groups.	Associated Press, December 1, 2001

<i>Republican Party of Minnesota v. Kelly</i> , 996 F. Supp. 875 (D. Minn. 1998)	State law restricting political statements by judicial candidates.	Associated Press, December 3, 2001
<i>Wis. Right to Life v. Schober</i> , 366 F.3d 485 (7th Cir. 2004)	Requiring politically active groups to register; spending limits for candidates who don't take public funding.	Milwaukee Journal Sentinel, July 27, 2002
<i>Beaumont v. FEC</i> , 2000 U.S. Dist. LEXIS 20740 (E.D.N.C. Oct. 26, 2000)	Restricting campaign contributions from unregistered political advocacy groups.	Associated Press, November 18, 2002
<i>Alaska Right to Life Comm. v. Miles</i> , No. CV-02-00274-A-RRB (D. Alaska 2005)	States restrictions on issue advocacy by unregistered groups.	Anchorage Daily News, December 1, 2002
<i>Republican Party v. White</i> , 536 U.S. 765 (2002)	State restrictions on fundraising and partisan activity by judicial candidates.	Star Tribune, December 11, 2002
<i>Minn. Citizens Concerned for Life v. Kelley</i> , 291 F. Supp. 2d 1052, (D. Minn. 2003)	State restrictions on how much candidates can receive from lobbyists and large donors.	Star Tribune, September 30, 2003
<i>Ariz. Right to Life PAC v. Bayless</i> , 320 F.3d 1002	State laws imposing registration and disclosure requirements for politically active groups.	Associated Press, October 3, 2003
<i>Anderson v. Spear</i> , 356 F.3d 651, 2004 U.S. App. LEXIS 586, 2004 FED App. 25P (6th Cir.) (6th Cir. Ky. 2004)	State laws restricting campaign activity with 500 feet of polling places and limiting loans by candidates to their own campaigns to \$50,000.	Lexington Herald Leader, January 17, 2004
<i>Wis. Right to Life, Inc. v. FEC</i> , 2004 U.S. Dist. LEXIS 29036 (D.D.C. Aug. 17, 2004)	McCain-Feingold restrictions on advocacy ads near election day.	Associated Press, July 28, 2004
<i>Ind. Right to Life, Inc. v. Shepard</i> , 463 F. Supp. 2d 879 (N.D. Ind. 2006)	State law restricting political speech by judicial candidates.	Associated Press, September 30, 2004
<i>Family Trust Found., Inc. v. Wolnitzek</i> , 345 F. Supp. 2d 672 (E.D. Ky. 2004)	State law restricting political speech by judicial candidates.	The Courier-Journal October 2, 2004
<i>Colo. Right to Life Comm. v. Davidson</i> , 395 F. Supp. 2d 1001, (D.	State voter initiative that banned direct corporate contributions and limited	Associated Press, June 1, 2005

Colo. 2005)	contributions from PACs and individuals to \$200 to legislative candidates and \$500 for statewide candidates.	
<i>N.C. Right to Life Comm. Fund v. Leake</i> , 5:06-cv-00324-BR (unpublished opinion), <i>aff'd</i> 524 F.3d 427 (4th Cir. 2008)	To overturn state's voluntary public financing system for judicial candidates.	Associated Press, August 8, 2005
<i>Pa. Family Inst. v. Black</i> , 2005 U.S. Dist. LEXIS 29735 (M.D. Pa. 2005)	Restriction on political statements by judicial candidates.	Patriot News, October 28, 2005
<i>Rhode Island Republican Party v. Daluz</i> , No. PC 06-1378 (unpublished opinion), <i>vacated by</i> 961 A.2d 287 (R.I. 2008).	Defending GOP from charges of illegally funneling money into a state governor's race.	Providence Journal, December 1, 2005
<i>California Pro-Life Council v. Getman</i> , No. S-00-1698 (E.D. Cal. 2002)	State law requiring registration and disclosure by politically active groups.	Los Angeles Times, April 16, 2006
<i>Carey v. Wolnitzek</i> , 2006 U.S. Dist. (E.D. Ky. Sept. 27, 2006)	State law restricting political speech by judicial candidates.	Lexington Herald Leader, June 13, 2006
<i>Fla. Family Policy Council v. Freeman</i> , 561 F.3d 1246, (11th Cir. Fla. 2009)	State law restricting political speech by judicial candidates.	Florida Family Policy Council press release, August 28, 2006
<i>Duwe v. Alexander</i> , 490 F. Supp. 2d 968 (W.D. Wis. 2007)	State law restricting political speech by judicial candidates.	Associated Press, January 3, 2007
<i>Pa. Family Inst., Inc. v. Celluci</i> , 489 F. Supp. 2d 460, 2007 (E.D. Pa., 2007)	State law restricting political speech by judicial candidates.	Sunday News, April 29, 2007
<i>Flint v. Dennison</i> , 336 F. Supp. 2d 1065 (D. Mont. 2004)	Petitions against \$100 spending limits for university student government races.	How Appealing blog June 1, 2007
<i>Ognibene v. Parkes</i> , 599 F. Supp. 2d 434; 2009 U.S. Dist. LEXIS 8946	New York City laws restricting contributions by lobbyists and those having business with city.	New York Sun, February 12, 2008
<i>Siefert v. Alexander</i> ,	State law restricting judicial	Wisconsin Law Journal,

2008 U.S. Dist. LEXIS 90922 (W.D. Wis., Nov. 7, 2008)	candidates from joining political parties.	March 14, 2008
<i>Human Life of Washington v. Washington State Public Disclosure Commission et al</i> (2008)	Indiana law requiring advocacy groups to register and disclose donors.	Associated Press, May 20, 2008
<i>Wolfson v. Brammer</i> , 2008 U.S. Dist. LEXIS 82179 (D. Ariz. Sept. 22, 2008)	State law restricting political speech by judicial candidates.	Arizona Republic, June 7, 2008
<i>Ctr. for Individual Freedom, Inc. v. Ireland</i> , 2008 U.S. Dist. LEXIS 33222 (S.D. W. Va. Apr. 22, 2008)	State law requiring advocacy groups to register and disclose donors.	The Times West Virginian, October 5, 2008
<i>Cao v. FEC</i> , 2010 U.S. Dist. LEXIS 12846 (E.D. La. Jan. 27, 2010)	Limits on contributions from parties to individual candidates; also overturn ban on coordinated expenditures.	Times-Picayune, November 20, 2008
<i>Perry v. Schwarzenegger</i> , 2009 U.S. Dist. LEXIS 55594 (N.D. Cal. June 30, 2009)	Attempting to prevent disclosure of donors to supporters of anti-gay marriage voter initiative.	Associated Press, January 9, 2009
<i>Doe v. Reed</i> , 586 F. 3d 671 (9th Cir. 2009)	Attempting to prevent disclosure of ballot signatories to anti-gay marriage amendment.	Associated Press, October 20, 2009
<i>Wisconsin Right to Life PAC v. Brennan</i> , 2010 U.S. Dist. LEXIS 22863 (W.D. Wis. Mar. 10, 2010);	Public financing law.	Associated Press State & Local Wire December 18, 2009
<i>Vermont Right to Life Comm. v. Sorrell</i> , 19 F. Supp. 2d 204; 1998 U.S. Dist. LEXIS 14405	State law requiring advocacy groups to register and disclose donors	Seven Days, February 10, 2010 - February 17, 2010
<i>Real Truth About Obama, Inc v. FEC</i> , U.S. Dist. 4th Cir. Va., Aug. 5, 2009 LEXIS 73551	Arguing that state law defining “express advocacy” ads is inconsistent with Supreme Court precedent	
<i>Wolfson v. Brammer</i> , U.S. Dist. LEXIS	State law restricting political speech by judicial candidates.	

82179, January 14, 2009		
<i>Ctr. for Individual Freedom, Inc. v. Ireland</i> , 2008 U.S. Dist. LEXIS 75206 (S.D. W. Va. Sept. 29, 2008)	State prohibition on corporate spending, and express advocacy.	
<i>Swaffer v. Deininger</i> , 2008 U.S. Dist. LEXIS 103998 (E.D. Wis. Dec. 17, 2008)	State law requiring registration of groups opposing or supporting a referendum.	
<i>Wersal v. Sexton</i> , 2008 U.S. Dist. LEXIS 57015 (D. Minn. July 22, 2008)	State law restricting political speech by judicial candidates.	
<i>Bauer v. Shepard</i> , 2008 U.S. Dist. LEXIS 37315 (N.D. Ind. May 6, 2008)	State law restricting political speech by judicial candidates.	
<i>Human Life of Washington Inc v. Brumsickle</i> , 2009 U.S. Dist. LEXIS 4289 (W.D. Wash. Jan. 8, 2009)	Reporting and disclosure requirements of state's campaign finance laws.	
<i>Citizens United v. FEC</i> , 530 F. Supp. 2d 274 (D.D.C. 2008)	BRCA restrictions on corporate-funded advertising within 45 days of an election.	
<i>National Right to Work Legal Defense and Education Foundation v. Herbert</i> , No. 2:07cv00809 (D. Utah 2007)	Disclosure and reporting requirements on all organizations that make campaign- related expenditures.	
<i>Kansas Judicial Watch v. Stout</i> , 440 F. Supp. 2d 1209 (D. Kan. 2006)	State law restricting political speech by judicial candidates.	
<i>Christian Civic League of Me., Inc v. FEC</i> , 433 F. Supp. 2d 81 (D.D.C. 2006)	BCRA prohibitions on use of corporate funds by a nonprofit for "electioneering communications."	
<i>Jackson v. Leake</i> , 476 F. Supp. 2d 515 (E.D.N.C. 2006)	State public financing law.	
<i>Wis. Right to Life, Inc. v. FEC</i> , 2004 U.S. Dist. LEXIS 29036 (D.D.C. Aug. 17, 2004)	Express advocacy issues.	

<i>Republican Party v. Kelly</i> , 996 F. Supp. 875 (D. Minn. 1998)	State law restricting political speech by judicial candidates.	
<i>Anderson v. Spear</i> , 189 F. Supp. 2d 644 (E.D. Ky. 2002), <i>cert denied Stumbo v. Anderson</i> , 543 U.S. 956 (2004)	State prohibition on solicitation of contributions for election expenses after regular elections; public financing.	
<i>Montana Right to Life Ass'n v. Eddleman</i> , 999 F. Supp. 1380 (D. Mont. 1998)	Voter approved initiative to reduce contribution limits to candidates.	
<i>McConnell v. FEC</i> , 251 F. Supp. 2d 176 (D.D.C. 2003)	Challenge to restrictions on soft money contributions to political campaigns and on issue advertising.	
<i>Cook v. Gralike</i> , 996 F. Supp. 889 (W.D. Mo. 1998)	A state constitutional amendment that required candidates for Congress to support a congressional term limits amendment.	
<i>Shrink Mo. Gov't PAC v. Adams</i> , 5 F. Supp. 2d 734 (E.D. Mo. 1998)	State limits on contributions to state political candidates.	
<i>Brownsburg Area Patrons Affecting Change v. Baldwin</i> , 943 F. Supp. 975 (S.D. Ind. 1996)	Defining a political action committee under Indiana law.	
<i>Virginia Soc'y for Human Life v. Caldwell</i> , 256 Va. 151, 500 S.E.2d 814, 1998 Va. LEXIS 88 (1998)	Whether state law extended reporting and disclosure requirements to groups involved only in issue advocacy.	
<i>Akins v. FEC</i> , 1992 U.S. App. LEXIS 14849 (D.C. Cir. June 9, 1992)	Challenged the designation by the FEC of the American Israel Public Affairs Committee (AIPAC) as a political committee.	

