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September 29, 2012

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ATTORNEY GENERAL
OF
WASHINGTON

**TO: ATTORNEY GENERAL ROB McKENNA, PIERCE,
THURSTON, AND KING COUNTY PROSECUTORS,
AND THE WASHINGTON STATE PUBLIC DIS-
CLOSURE COMMISSION**

**RE: CITIZEN'S ACTION LETTER RE UNLAWFUL
CAMPAIGN ACTIVITY BY THE ACLU, ACLU
FOUNDATION, AND ACLU ENDOWMENT**

**FROM: NO ON I-502, STEVE SARICH, ARTHUR WEST,
JOHN WORTHINGTON, AND SAROJ SIDHU**

Please consider this as a formal citizen's action letter under RCW 42.17.460 concerning the continuing unregistered campaign activity, unregistered PAC activity, and campaign related receipts and expenditures to support I-502 by The American Civil Liberties Union, by and through the ACLU's Washington Chapter, and the ACLU Washington's Foundation and Endowment, all 501 (c) 3 organizations prohibited by Federal and State law from conducting "substantial" campaign or "lobbying"¹ activity on behalf of a Referendum or Initiative.

The Complainants believe that these ACLU groups, acting through ACLU Drug Policy Director Allison Holcolm, in concert with the National and State NORML organization (and some ex law enforcement officers of the federal and State government) devised a scheme and artifice to employ their status as "nonpolitical" charitable organizations to unlawfully combine and form New Approach Washington to allow the ACLU and NORML and their out of State principals to substantially participate in and dominate and control the political process in the State of Washington pertaining to the

¹ As opposed to State law, the Federal Tax Code 501(c) 3, defines campaigning for an initiative is defined as "lobbying"

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regulation of Marijuana, as a primary function of both the ACLU and NORML.

The complaining citizens allege that the ACLU envisioned and created New Approach Washington, and that the ACLU's organizations have been directly conducting and financing "substantial" "staff work" for the I-502 campaign directly through the person of their campaign director, Allison Holcolm. Holcolm confesses to the media and files PDC reports declaring that she is simultaneously the drug policy director for the ACLU Washington as well as the author, sponsor, and chief proponent of NAW's drug policy Initiative, I-502. Holcolm also campaigns for and expends ACLU staff resources on behalf of NAW and I-502 on a daily basis.

Further, it is evident from what PDC filings do exist that the ACLU drug policy director Holcolm formed the idea for NAW and I-502 on ACLU funded time, planned and executed the creation of NAW and Initiative I-502 on ACLU funded time, and acting simultaneously as ACLU Drug Policy Director, Board member of NAW, and the sponsor of I-502, carried forth the ACLU-NORML-NAW Initiative campaign itself in a directing and commanding role while being employed by the ACLU and using its staff, office equipment and resources, and did so in conjunction with the aid of various chapters of another National 501 (c) organization, NORML.

In the most recent report, the ACLU Foundation admits to \$1303.57 in "staff expenses" and \$7857.40 in staff services (presumably the salary of the ACLU's "drug Policy Director-Drug Policy Initiative Promoter), while the ACLU of Washington admits to spending 2394.14 in additional "Staff Services". This amounts to over \$10,000 a month of substantial campaign activity by paid employees and a additional \$1,493.93 in "staff expenses" as

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if the ACLU was actually hiring Allison Holcolm to run I-502 and facilitating her efforts by providing staff support and “expenses” related to supporting substantial campaign activity.

In reality, this is exactly what is taking place, with the ACLU and NORML conducting what can only be described as substantial campaign activity as their primary purpose, under false color of their tax exempt status as charitable organizations acting for the public good, and under false color of deceptive PDC filings as to in kind contributions of staff time and staff support, when both the ACLU and NORML were engaged in blatant, palpable, and undeniably “substantial” campaign activity to promote I-502.

Reports filed with the Washington State Public Disclosure Commission in May and June of 2011 alone show nearly \$40,000 in expenditures by the ACLU prior to the \$5.00 filing fee the ACLU’s policy Director paid for the filing of I-502.

The PDC filings of May 2011 through September of 2012 demonstrate that the ACLU paid Alison Holcolm and her ACLU assistants over \$10,000 monthly in what it described as “In Kind Contributions” of Staff Services. In addition, the ACLU staff campaigning for I-502 under false color of being a separate organization also used over \$500 a month in ACLU “Staff Expenses” presumably to run and support the ACLU office that NAW campaigned out of with the aid of NORML volunteers and volunteer coordinators.

The complainants allege that the ACLU of Washington, and the ACLU Foundation, and the ACLU endowment directly paid Allison Holcolm and ACLU staff to create NAW and to basically envision, effectuate and run the I-502 campaign, which Holcolm did, with the aid and

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assistance of another group of 501(c) "Charitable" organizations, the dozen State and National NORML organization chapters (See previous NORML complaint incorporated herein by reference)

By so acting, The ACLU and NAW and NORML employed Allison Holcolm as the focal point for the ACLU and NORML and various disaffected former State And Federal Government officials to employ the vast resources of the various 501(c)3 and (possibly in NORML's Case), (c)4 organizations who supplied Allison Holcolm (of both NAW and the ACLU) with a willing crew of paid operatives to pursue the grand plan of the ACLU, NORML, and the ACLU's Drug Policy Director Allison Holcolm.

Through the use of the vast financial and fund raising connections and databases of NORML and the ACLU, I-502 and NAW were designed, funded and operated by ACLU staff and staff expenses, mailings were sent out to ACLU and NORML donors soliciting contributions for I-502, and a willing crew of NORML-ACLU-NAW volunteers was created and maintained.

This was all done deliberately with the intent and effect of creating a shadow organization to veil the reality that the ACLU and NORML were employing the vast resources of 501(c)3 charitable organizations to substantially promote and campaign for and organize the campaign for a State Initiative as one of their primary purposes. This type of overwhelming influence and control of politics by unregistered political action committees is exactly what the Washington State primary function test enunciated in the WEA case is designed to disclose.

All of this conduct constitutes overwhelming political activity by the ACLU, in combination with NORML and NAW (and their various well

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connected rogue government allies) for as a primary function, a purpose prohibited under 26 USC 501(c) for such Corporations, Foundations and endowments.

Such conduct also expressly violates the Articles of the ACLU of Washington, the ACLU of Washington Foundation, and its Endowment which require them all to act within the proper scope of such tax exempt charitable public benefit groups.

The actions, statements, expenditures, and (lack of) reports of the various ACLU organizations clearly demonstrate that one of the primary purposes of the ACLU (as well as NORML) is to affect the citizens' and governmental decision making by supporting I-502.

Incorporated by reference is a link to NAW's PDC filings that demonstrates beyond a shadow of a doubt that the ACLU has been running and directing the NAW campaign by and through its Drug Policy Director.

The previous complaint filed concerning NORML reveals that the I-502 campaign has been supported and staffed by NORML representatives, including Pierce County NORML, which openly declares that it is "campaigning to support I-502" virtually every day, presumably in connection with the ACLU staff and Drug Policy Director paid for and operated by the ACLU.

The ACLU Drug Policy Director, along with her support staff and the Pierce County and Washington chapters of NORML appear to have no other real function other than to campaign for I-502, and there is no real distinction between the members of the ACLU, NORML and the NAW campaign staff promoting I-502.

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The ACLU created NAW, and NORML, ACLU and NAW staff at events are often indistinguishable, as they are often the very same individuals. The line between the NAW, the ACLU, and NORML has blurred, as these organizations have in essence merged into a unified whole campaigning for I-502 under the aegis of the ACLU's Drug Policy Director, Allison Holcolm.

As the attached complaint and exhibits demonstrate, The ACLU's Washington organization, foundation and endowment acting in conjunction with the ACLU national organization, as well as the Pierce County and Washington divisions or NORML have violated State law by entering into a scheme and artifice to conduct substantial campaign activities under false color of "education" and in kind contributions, and they have colluded to veil their campaigning under false reporting of "in kind contributions when the ACLU is actually campaigning full time along with NORML and failing to report campaign receipts and expenditures made or the purpose of substantial partisan electoral campaign activity to support I-502.

By so acting, the ACLU's various organizations violated their articles of incorporation and failed to register or report campaign related expenditures made by the ACLU to conduct substantial political campaigning to support I-502 and in addition the various ACLU chapters failed to register or report as PACs as required by RCW 42.17A. 205-240 of organizations supporting a ballot proposition like I-502.

This violated the intent of RCW 42.17.0001, including section (1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

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There is also a valid concern that the actions and finances of the ACLU's and NORML's sister 501 (c) 3 and/or 501(c) 4 organizations have overlapped in an impermissible manner in violation of the requirements that such operations be at arms length.

In addition, due to the conduct of what is defined in federal law as substantial "lobbying" activity, under the facts and circumstances test, the ACLU and NORML organizations may be in violation of the terms of their federal tax exempt status under 26 USC 501(c) 3 and/or 4.

Please investigate and take any necessary action in regard to this complaint and Citizen's Action Letter.

Done September 29, 2012, in Seattle. I, Arthur West, an officer of No On I-502, certify the foregoing to be correct and true under penalty of law.


~~S/Arthur West~~
ARTHUR WEST
No On I-502

LINK TO PDC WEBSITE

[http://www.pdc.wa.gov/MvcQuerySystem/CommitteeData/inkind?
param=TkVXIEFXIDExMQ%3D%3D%3D%3D&year=2012&type=in
itiative](http://www.pdc.wa.gov/MvcQuerySystem/CommitteeData/inkind?param=TkVXIEFXIDExMQ%3D%3D%3D%3D&year=2012&type=initiative)