



October 29, 2008

Jerry Caruthers  
Executive Director  
Oregon Education Association  
6900 SW Atlanta Street  
Portland, OR 97223

Dear Mr. Caruthers:

On October 23, we wrote a letter asking you to remedy the false statements in your campaign mailing that wrongly listed Measure 65 as one of "Bill Sizemore's Measures."

We specifically asked you to publicly apologize to all of Measure 65's supporters, so that Oregon voters can understand that you are accepting responsibility for promulgating this falsehood. We also asked you to produce and distribute to the same mailing list an equivalent mailing that directly and exclusively corrects this material falsehood. Finally, we asked that you cease and desist from financing any further campaign advertising with similar or other false claims against Measure 65.

We did not hear back from you, despite the fact that we gave you ample time to respond. Your response from your spokesperson, Becca Uherbebeau, when questioned by the Oregonian was, "There was no intention to mislead our members" because they are now "wise enough to know the difference between a Sizemore measure and a measure sponsored by someone else."

Unfortunately, on October 25<sup>th</sup>, we received from an OEA member yet another false campaign mailing, also paid for and authorized by OEA. This flyer wrongly listed Measure 65 as one of "Sizemore & Mannix's Measures." This flyer was also blatantly false and misleading.

Indeed, from our perspective, the second flyer literally added insult to injury. In effect, you "corrected" the false portion of the first flyer that related to two initiatives sponsored by Kevin Mannix – Measures 61 and 62 – but in so doing, you falsely and deliberately associated us with yet another person who has utterly nothing to do with Ballot Measure 65.

We are today asking you to remedy both false statements, in a direct and timely way that reflects the fact that the November election is now less than a week away. In addition to the remedies we requested in the second paragraph above, we ask that you publish a statement no later than Friday, October 31 in the Oregonian,

Eugene Register Guard, Salem Statesman Journal, and any other daily newspaper in Oregon which is published in an area where either one of these flyers was distributed. Said ad should retract both false statements and publish, as listed on the Yes on 65 Website, the entire list of supporters who've publically endorsed Measure 65, whose reputations you have damaged by falsely and deliberately mis-attributing this measure.

Meanwhile, be advised that we have filed a formal request with both the Attorney General of the State of Oregon and the Oregon Secretary of State asking that an investigation be opened as to whether the OEA has violated any Oregon laws, including but not limited to the Oregon Corrupt Practices Act.

As I'm sure you are also aware, under Oregon law, we have until December 4th to decide whether to file our own civil lawsuit against OEA for violation of the Oregon Corrupt Practices Act (ORS 260.532). We believe – as do several attorneys with whom we've consulted – that your conduct in this election was unlawful under the Oregon Corrupt Practices Act and that we would have a very strong chance of prevailing in such an action.

We look forward to your timely and acceptable response.

Sincerely,



Phil Keisling  
Chief petitioner, Measure 65



Norma Paulus  
Co-sponsor, Measure 65