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October 30, 2008

Via hand-delivery

R. Bruce Thompson, II
Parker Poe Adams and Bernstein, LLP
150 Fayetteville Street, Suite 1400
Raleigh, NC 27601

RE: Your October 29, 2008 letter

Dear Bruce:

This confirms our phone call and e-mail this morning advising you of our representation of Sen. Elizabeth Dole (R-NC) and the Elizabeth Dole Committee, Inc. the principal authorized committee for Sen. Dole's re-election (collectively, "the Dole Committee.") We are in receipt of your October 29, 2008 letter and threat of legal action against the Dole Committee. As we advised at 10:30 or so today, we are available before noon and any time thereafter in either state or federal court for any filing regarding threatened legal action against any potential defendant. We are aware of the "Notice to Opposing Counsel" and certification requirements of Rule 2.9 of the Local Rules of Superior Court, regarding applications for "cease and desist" lawsuits.

Your letter demands that the Dole Committee "cease and desist" (we assume you meant Temporary Restraining Order or Preliminary Injunction) from airing an advertisement in which the ad states certain FACTS about your client's involvement with leaders of the national atheist movement. Our responses and assurances below demonstrate the proof of the truth of each fact and is fully supported by tangible evidence.

Who are the individuals who hosted the Hagan fundraising event?

- Kay Hagan attended a fundraising event in Massachusetts in September held in the home of two anti-religion activists Wendy Kaminer and her lawyer husband Woody Kaplan.

- Woody Kaplan is a founder and member of the Board of Advisors to the Godless Americans Political Action Committee.
- *Before* your client attended the fundraising event, the Dole Committee issued a press release in August, 2008 publicly challenging Hagan's decision to fly to Massachusetts for the purpose of attending the event in her honor sponsored by these individuals. Your client chose to disregard Sen. Dole's public challenge and nonetheless flew to Massachusetts to spend an evening in the home of Kaminer and Kaplan.
- Kaminer is the author of *Sleeping with Extra-Terrestrials*, in which one reviewer said Kaminer is ". . . trying to save us from 'the perils of piety'- the pestilence of organized religion and its encroachment on public life."
- Katha Pollitt, another atheist activist at the ultra-left wing publication, *The Nation* and author of a book called *Reasonable Creatures*, has given Kaminer's book "a gushing blurb?" (Norah Vincent, Op-Ed, "Unbelievable," National Review, 11/22/99).
- Kaminer is also an advisory board member of which her husband Woody is the chairman of **The Secular Coalition for America** which is "the national lobby for atheists, humanists, freethinkers and other nontheistic Americans with the unique mission of protecting their civil rights." (Secular Coalition For America, Press Release, 1/16/08).
- The Godless Americans PAC has engaged in an active, very public and self-described effort to identify and cultivate political figures and members of Congress who will be sympathetic to their views.

What benefit has Kay Hagan received from these anti-religion activists?

- Woody Kaplan contributed \$2300 to the Hagan campaign committee.
- The Hagan Committee reported *no costs* for the fundraising event held in the home of Kaminer and Kaplan – which means that Kaminer and Kaplan paid the costs for the event in their home up to \$2,000 – allowable under FEC law and further demonstrates the financial support of Kay Hagan by these two atheist activists and leaders of the national "godless in America" movement.

- The Website DaylightAtheism.org posted the following statement about Kay Hagan, “Kay Hagan ought to be rewarded for inviting nonbelievers onto her platform...”
- ActBlue, the leftist online fundraising website, posted the event on its website with the names of the hosts (Kaminer & Kaplan) initially included but then removed after the Dole Committee’s press release challenging the Hagan trip to the home of these two leaders of the “godless in America” movement. Nonetheless, Hagan has continued to receive contributions through ActBlue in support of her campaign from the solicitation related to the Kaminar/Kaplan event.

Therefore, the Dole Committee’s ad plainly states facts. We will gladly disclose any and all evidence in our possession that supports the truthfulness of the advertisement and our opinions and legal conclusions.

Your client may not *like* that the ad publicly disseminates information she would prefer to keep quiet in these days before the election, but the ad is 100% factually accurate and truthful. Boyce & Isley, as counsel, are authorized to assure you that the Dole Committee has absolutely no intention of pulling this ad. With totally accurate content, federally regulated television media will not and by law cannot refuse to continue publication simply because Ms. Hagan prefers silence to truth.

Other than determining the ad speaks the truth, we have reviewed the political ad in light of the United States Constitution (Amendment I) and North Carolina Constitution (Art. I, Sec. 14) and the guarantees of Free Speech and Free Press. We have also reviewed the North Carolina and federal precedents regarding defamation and find contrary authority to atheist belief or affiliation being deemed “libel *per se*” or even defamatory. Certainly pointing out Ms. Hagan is a guest of honor at an atheist-sponsored money raising event is not actionable under any law.

Finally, giving you in advance the benefit of our analysis, any effort by Ms. Hagan to obtain a “Cease and Desist Order” is directly contrary to principles of “Prior Restraint of Free Speech.” The seminal case in 1931 regarding prior restraint of free political speech not only is applicable precedent today, subsequent federal and state authority has strengthened the public right to say and hear all that one can back up with truth and fact.

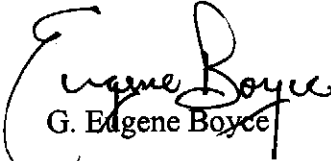
Accordingly, our clients, the Dole Committee and related parties, have no intention of removing a thoroughly documented and factual ad and no legal authority exists under the laws of North Carolina and the United States to force judicially or otherwise the threatened action. Please let us know of any contact made or to be made with any court or judge as we certainly have a right to be heard.

Mr. R. Bruce Thompson
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Do not hesitate to call us to discuss this matter if you have any questions related to this letter or our clients' position.

With kindest personal regards, we remain

Boyce & Isley, PLLC


G. Eugene Boyce

Philip R. Isley