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**McKenna Long  
& Aldridge**<sup>LLP</sup>  
Attorneys at Law

1900 K Street, NW • Washington, DC 20006  
Tel: 202.496.7500 • Fax: 202.496.7756  
www.mckennalong.com

New York  
Philadelphia  
San Diego  
San Francisco  
Washington, DC

STEFAN C. PASSANTINO  
(202) 496-7138

EMAIL ADDRESS  
spassantino@mckennalong.com

May 13, 2009

**VIA OVERNIGHT CARRIER  
AND EMAIL**

The Truth About EFCA.Org  
c/o ContactPrivacy.com  
96 Mowat Avenue  
Toronto, Ontario CA  
TheTruthAboutEFCA.Org@contactprivacy.com

Tucows, Inc.  
96 Mowat Ave.  
Toronto, ON M6K 3M1  
Canada  
domain\_management@tucows.com

Re: Illegal Use of the Names "Newt Gingrich", "Saul Anuzis"  
and the service mark "FREEDOM NOT FEAR" (the "Mark")

Dear Sirs:

This law firm represents Newt Gingrich, Saul Anuzis and American Solutions for Winning the Future ("American Solutions"). We are writing to demand that you immediately take down an illegal and fraudulent posting on Twitter (the "Posting") which falsely purports to be written by our clients, and unlawfully uses the names of Messrs. Gingrich and Anuzis, and American Solutions' Mark. A copy of the Posting is enclosed herewith and can be found online at: [twitter.com/EFCANOW/status/1689563771](http://twitter.com/EFCANOW/status/1689563771).

By way of background, Mr. Gingrich is the former Speaker of the House, highly influential author and speaker, and citizen leader. Mr. Anuzis is the former Chair of the Michigan Republican Party and was a candidate for Chair of the Republican National Committee this year. Both men currently occupy leadership positions with American Solutions. American Solutions is a well-known citizen action network of 1.5 million members that, among other things, provides

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advocacy and information on a wide range of public policy issues. Additional information about American Solutions' activities is available through its website located at: [www.americansolutions.com](http://www.americansolutions.com). American Solutions is strongly opposed to the highly controversial proposed legislation called the Employee Free Choice Act, a/k/a EFCA. In connection with American Solutions' anti-EFCA campaign, American Solutions has adopted the Mark which it widely uses in its literature. Our clients also utilize Twitter as one of many media outlets to disseminate their message.

We have recently learned that a pro-EFCA group calling itself "The Truth About EFCA.Org" and operating a website at that URL, has apparently published the Posting on Twitter. The Posting falsely purports to have been written by Messrs. Gingrich and Anuzis and includes the Mark as well as the Twitter "handles" of the foregoing individuals. The Posting is deliberately designed to fraudulently induce readers into believing that American Solutions and Messrs. Gingrich and Anuzis all support EFCA. It urges readers to "Join in signing the EFCA Freedom Not Fear Petition", and contains a link which brings readers to a pro-EFCA message at: <http://action.americanrightsatwork.org/campaign/efcaintro/>. That same website provides a page where readers can, and are asked to, send online messages to Congress to press for the passage of EFCA. A copy of that webpage is enclosed herewith. The foregoing uses of the Mark and the names of Messrs. Gingrich and Anuzis have been made without the consent or prior knowledge of American Solutions or these individuals. This scam has also received significant press attention, as shown in the attached article(s).

The publication of this Posting is and was completely and knowingly illegal from its inception and is causing ongoing and significant damage to our clients and the general public. It is clear that under the circumstances, Twitter users are likely to erroneously believe that the Posting is somehow connected, endorsed, affiliated, sponsored or owned by our clients. Moreover, as further discussed below, the continued publication of the Posting after being put on notice of the circumstances herein, can expose any and all involved parties (including Twitter, ContactPrivacy.com and/or TwoCows) to substantial ongoing, and even personal liability.

In addition to trademark infringement, the Posting may also constitute a violation of Messrs. Gingrich and Anuzis' publicity rights, false advertising, false designation of origin, tortious interference with prospective economic advantage and contractual relations, common law and computer trespass, conversion, traditional fraud and wire fraud, breach of Twitter's own online agreement and violations of the Computer Fraud and Abuse Act. The conduct is so blatantly willful and consistent with a regular and ongoing pattern of lawlessness, that it may even constitute criminal behavior which can trigger the application of RICO and other laws, as well as enhanced monetary damages (including attorneys' fees and punitive damages) and perhaps even liability against each of you and/or other responsible decision-makers within your organizations. In short, this is not a close case nor one in which there is any *bona fide* or good faith controversy.

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The unlawful conduct is plain, and will be compounded by any further delay in taking immediate corrective action.

From our review of the website of The Truth About EFCA.Org (the "Website") and domain name registration records, it appears that the Website is anonymously owned, but that ContactPrivacy.com (owned, operated by, or affiliated with TwoCows) is listed as the registrar and only contact for this organization. Presumably ContactPrivacy's relationship with The Truth About EFCA.Org is in accordance with the terms of a standard online registration agreement between those parties, that authorizes ContactPrivacy to exercise a broad range of remedies against The Truth About EFCA.Org. If any of the foregoing is in any way incorrect or inaccurate, please let us know immediately, and in any event, advise us as to the actual circumstances of which you are aware.

Similarly, the Posting is presumably also subject to, and a violation of, Twitter's online Terms. These terms include a requirement that users "...must not abuse [or]... impersonate other Twitter users..." and "...may not use the Twitter.com service for any illegal or unauthorized purpose..." and "...must not, in the use of Twitter, violate any laws...". Twitter's terms further provide Twitter with a broad range of remedies against violators of these terms, including:

"...the right to modify or terminate the Twitter.com service for any reason, without notice at any time...

...the right, in accordance with any applicable laws, to refuse service to anyone for any reason at any time...

...[the right] to...remove Content and accounts containing Content that we determine in our sole discretion are unlawful, offensive, threatening, libelous, defamatory, obscene or otherwise objectionable or violates any party's intellectual property or these Terms of Use...

...the right to reclaim usernames on behalf of businesses or individuals that hold legal claim or trademark on those usernames."

Accordingly, we hereby put you on express notice of our clients' existing rights (and the harm to the public) and demand that to the extent that each of you are able to do so you: (i) immediately take down the Posting; and (ii) prohibit any further use of our clients' names, Twitter handles and service mark. In addition, we demand that you provide us with all information and documentation in your possession regarding the Posting, including reports showing any and all visitor traffic to the Posting and containing the identities of those responsible for same.

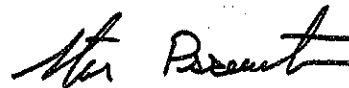
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Please be advised that if we do not hear from you by May 21, 2009, our clients will be forced to consider taking legal action against you and seek temporary and permanent injunctive relief and monetary damages. Please note that the continued activities complained of herein with full knowledge of the harm to our clients and the public, may also constitute willful misconduct for which enhanced monetary damages and perhaps even personal or criminal liability for responsible companies and individuals are available.

In closing, please be advised that this letter is made without prejudice to any other rights or remedies that may be available to our clients. Nothing contained herein should be deemed an admission or waiver by our clients and they expressly reserves the right to assert any other factual or legal positions as additional facts come to light or as the circumstances may otherwise warrant.

Please direct all communications regarding this matter to the undersigned.

Very truly yours,

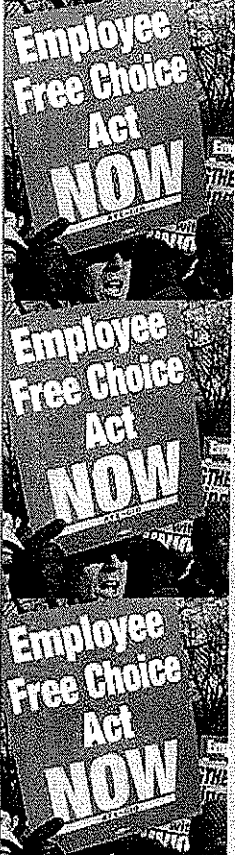


Stefan C. Passantino

Encl.

cc. Newt Gingrich  
Saul Anuzis  
Frank S. Benjamin, Esq.  
Robert S. Lauchlan, Esq.

Twitter, Inc.  
539 Bryant St., Suite 402  
San Francisco, CA 94107  
privacy@twitter.com  
copyright@twitter.com



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Join @newtgingrich @sanuzis in signing the EFCA Freedom Not Fear petition at <http://action.americanright...> WSJ

1:21:46 PM May 2nd from web



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www.TheTruthAboutEFCA.org

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1. Newt Gingrich [@newtingrich](#) simply Does Not Favor Workers Freely Choosing Union Representation. <http://tinyurl.com/dd86wn> [@sanuzis](#) [@AmSol39](#) minutes ago from web
2. [@newtingrich](#) is Wrong on EFCA <http://tinyurl.com/dd86wn> [@AmSol](#) [@Heritage](#) [@JimDeMint](#) [@WSJ](#) [@cnnbrk](#) [@RightWingNews](#): <http://digg.com/d1p001> about 1 hour ago from web
3. [@aflcio](#): [@newtingrich](#) is wrong on Employee Free Choice Act EFCA <http://tinyurl.com/dd86wn> SEE <http://digg.com/d1p001> [@sanuzis](#) [@BarackObama](#) about 1 hour ago from web
4. Imagine Billionaire Donors Penny Pritzker, Split With Obama on EFCA <http://digg.com/d1qaqA> Billionaire vs Workers How Surprising [@BarackObama](#) about 1 hour ago from web
5. The Great Depression and Labor <http://economics.about.com/...> EFCA Will Help Our Economy and Wages about 2 hours ago from web

4:26 print

- Removing Secret Ballot <http://tinyurl.com/cl5pox> Fnd it6:20 PM  
May 3rd from web
56. EFCANOW: Join in signing the EFCA Freedom Not Fear petition  
<http://action.americanright...> Employee Free Choice6:11 PM May  
3rd from web
57. Join in signing the EFCA Freedom Not Fear petition at  
<http://action.americanright...> @newtgingrich @sanuzis EFCA4:38  
PM May 3rd from web
58. Specter if Your Now a Democrat Act Like one or Else Go Back to  
Republicans or Become Independent Employee Free Choice  
<http://bit.ly/UoL544>:12 PM May 3rd from web
59. Specter if Your Now a Democrat Act Like one or Else Go Back to  
The Republicans or Become Independent EFCA Healthcare  
<http://bit.ly/UoL544>:07 PM May 3rd from web
60. What will The Employee Free Choice Act EFCA Compromise Look  
Like? <http://tinyurl.com/c2vkea> Saul Anuzis @newtgingrich  
@sanuzis gingrich9:20 PM May 2nd from web
61. SCAM: I'm assuming EVERYONE knows @newtgingrich &  
@sanuzis are Lying That EFCA Would Remove the Secret Ballot It  
Don't! Saul Anuzis newt9:05 PM May 2nd from web
62. Join in signing the EFCA Freedom Not Fear petition at  
<http://action.americanright...>9:00 PM May 2nd from web
63. Eric B Meyer: Rep. Tom Perriello said, before adding that it's  
possible lawmakers could reach a compromise on the EMPLOYEE  
FREE CHOICE bill1:59 PM May 2nd from web
64. What will The Employee Free Choice Act EFCA Compromise Look  
Like? <http://tinyurl.com/c2vkea> AFL-CIO AFLCIO SEIU IBEW  
UFCW USW Labor Unions1:53 PM May 2nd from web
65. Join @newtgingrich @sanuzis in signing the EFCA Freedom Not  
Fear petition at <http://action.americanright...> WSJ12:46 PM May 2nd  
from web
66. @sanuzis Join Saul Anuzis in signing the EFCA Freedom Not Fear  
petition at <http://action.americanright...> AFLCIO5:43 PM May 1st  
from web in reply to sanuzis
67. sanuzis: Join @newtgingrich in signing the EFCA Freedom Not  
Fear petition at <http://action.americanright...>5:38 PM May 1st from  
web
68. Happy May Day the Real Labor Day <http://efcanow.blogspot.com/>

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140

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140

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Take Action: The Employee Free Choice Act must pass!

## The Employee Free Choice Act must pass!

In this economy, middle class families struggle while CEOs continue to rake in lavish salaries and bonuses. The Employee Free Choice Act would help level the playing field.

This important bill would give more workers the chance to form unions and bargain for better pay, benefits and job security. And that will make things better for all of us.

But corporate interests are working hard to protect the status quo. To defeat the greedy CEOs and anti-union front groups fighting this bill, we need to ratchet up our grassroots efforts. **Send the letter below and ask Congress to pass the Employee Free Choice Act.**

Subject:

Take Action on this Issue  
Send a letter to Congress!

- Your Congressperson
- Your Senators

[Send This Message](#)

Complete the following to send this message and sign-up to receive periodic updates. If you have participated before, just type in your email address and set your prefix, then submit the form.  
Email:\*

Prefix:\*

Please support the Employee Free Cho

Dear [ Decision maker ],

(Edit Letter Below)

I am writing to voice my support for the Employee Free Choice Act (S. 560, H.R. 1409) which has just been reintroduced in Congress. If you haven't become a co-sponsor, I urge you to do so. And if you're already a co-sponsor, I hope you'll do everything you can to encourage your colleagues to get on board.

The economic tailspin has put the middle class, our country's backbone, in peril. Rising health care costs, home foreclosures, stagnant wages, and shrinking retirement plans are all taking a huge toll.

To revive the economy and rebuild the middle class in the long term, we need to empower workers to bargain for better wages and benefits.

[Your name]  
[Your address]

--Select--  
First Name:\*

Last Name:\*

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State/ Province:

--Choose One--  
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# AMERICAN SOLUTIONS

*for Winning the Future*

# FREEDOM NOT FEAR

*Protect Your Right to a Private Ballot and Freedom to Negotiate*

[ad here]

### PETITION

Sign the Petition for "Freedom Not Fear"

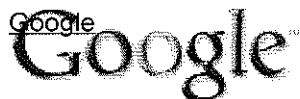
---

### TAKE ACTION

- Kill the Energy Tax: Call The Following Representatives...
- Our Energy Policy is in Your Hands: Submit Your Public Comments Now
- Tea Party Interview with Glenna Thornton (Texas)
- Learn What We Can Do to Get Our Savings Back
- Calculate Your Debt from Obama's Budget

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### American Solutions - Petitions

By stripping American workers of these rights, **freedom** would be supplanted by **fear**, force and intimidation. Moreover, with business owners struggling to ...  
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#### American Solutions for Winning the Future

**Freedom not Fear ...** PLEASE NOTE: the personal information (not including email addresses) you ... **Not** authorized by any candidate, or candidate committee.  
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### 100000 Americans Sign 'Freedom Not Fear' Petition While Congress ...

Mar 10, 2009 ... To learn more about the "Freedom Not Fear" petition drive, visit www.AmericanSolutions.com/FreedomNotFear. About **American Solutions American ...**  
www.reuters.com/article/pressRelease/idUS237112+10-Mar-2009+PRN20090310 - 58k - [Cached](#) - [Similar pages](#)

### American Solutions's Notes | Facebook

**American Solutions's Notes.** 44510 for **Freedom Not Fear**. Thursday, March 5, 2009 at 12:45pm. [http://www.AmericanSolutions.com/FreedomNotFear ...](http://www.AmericanSolutions.com/FreedomNotFear)  
www.facebook.com/note.php?note\_id=55608403631 - 38k - [Cached](#) - [Similar pages](#)

#### American Solutions | Facebook

**American Solutions** We've created a **Freedom Not Fear** Cause to make it ... **American Solutions** has passed 150000 signatures for the **Freedom Not Fear** petition. ...  
www.facebook.com/pages/American-Solutions/17388161402?ref=mf - 103k - [Cached](#) - [Similar pages](#)  
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We need **freedom not fear** in the workplace. Sign o. ... 137340 views.  
**American Solutions** Members Say Bankruptcy, **Not** Bailout for Big Three ...  
www.youtube.com/watch?v=-D63TjIXvj4

### Available Podcasts | American Solutions

**Freedom not Fear** · 12 **American Solutions** for Jobs & Prosperity · Travel ASAP · Drill Here, ... We launched **American Solutions** for Winning the Future, ...  
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### American Solutions | The Next Right

To expose and stop this effort, I've joined **American Solutions** as National Chairman of our "**Freedom Not Fear**" campaign, and you can join us by signing our ...  
www.thenextright.com/category/blog-tags/american-solutions - 39k - [Cached](#) - [Similar pages](#)

### American Solutions on Employee Free Choice Act | The Kansas Progress

To defeat this destructive bill, we began our **Freedom Not Fear** campaign last ... **American Solutions**. P.S. The Wall Street Journal reported today that Card ...  
kansasprogress.com/wordpress/index.php/2009/03/14/american-solutions-on-employee-free-choice-act/ - 78k - [Cached](#) - [Similar pages](#)

### Big Mark: Saul Anuzis Joins American Solutions'



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EFCA war spills onto Twitter

By Reid Wilson
Posted: 05/04/09 02:32 PM [ET]

An anonymous organization backing the card-check bill is using tags on Twitter to con opponents of the legislation into signing a petition supporting it.

The group, operating in apparent association with a primitive website called TheTruthAboutEFCA.org, links to a pro-Employee Free Choice Act petition in its Twitter feed, run under the name EFCANow.

But in doing so, the EFCANow Twitter feed broadened its reach well beyond the 2,274 followers it has on the popular micro-blogging site. In fact, by adding the names of two prominent EFCA opponents, the group's message could reach nearly 250,000 additional Twitter users.

The petition is hosted by American Rights at Work, the leading pro-EFCA organization, though American Rights at Work is not affiliated with TheTruthAboutEFCA. In fact, those who control the Twitter account and the website have remained anonymous, registering their website with a Canadian company designed to mask the owners' identity.

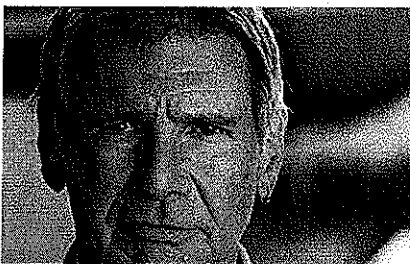
Twitter allows users to tag messages with the @ symbol followed by another account name, associating the message with the other account and subsequently reaching subscribers to the other account's news feed.

In linking to feeds controlled by former House Speaker Newt Gingrich (R-Ga.), who boasts more than 238,000 followers, and former Michigan Republican Party Chairman Saul Anuzis, who has 8,000 followers of his own, the pro-EFCA group's message reached those who follow two anti-EFCA activists.

Some of Anuzis's followers have been duped into signing the petition, Anuzis told The Hill on Monday.

The misleading campaign first showed up on Saturday, when EFCANow posted to its Twitter account: "Join @newtingrich @sanuzis in signing the EFCA Freedom Not Fear petition," followed by a website.

Since Saturday, nearly a dozen entries into the group's Twitter feed mention Gingrich, the general chairman of American Solutions, and Anuzis, who heads American Solutions' anti-EFCA campaign.



Let's not jeopardize another 1.2 million jobs.
Join Harrison Ford and many others. >

Twitter has become a popular platform for groups on both sides of EFCA — also called card-check — debate. The Service Employees International Union (SEIU), AFL-CIO and Communications Workers of America are all using the site to send brief messages to supporters, while those opposed to the bill are rallying their troops as well.

Frequently, the two sides are sparring on Twitter, accusing each other of offering misleading talking points or incomplete data in the guise of facts.

But at times, major political players, including those most invested in the EFCA debate, will make news, to the chagrin of their press aides. SEIU chief Andy Stern on Sunday used his Twitter account to call Rep. Joe Sestak (D-Pa.) "impressive" and to reveal that he would meet with Sestak on Monday.

Sestak is considering challenging Sen. Arlen Specter (D-Pa.), who bolted the Republican Party last week, in next year's Democratic primary. Though unions have held out hope that the new Democrat will change his mind, Specter has said he will not vote for EFCA. Sestak is an original co-sponsor of the bill.

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