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March 8, 2004

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 MAR 16 A 10:13

**VIA FACSIMILE (202-219-3923) AND  
CERTIFIED MAIL**

Federal Election Commission  
999 E Street NW  
Washington, DC 20463  
ATTN: Office of General Counsel

Re: MUR 5402

Dear Federal Election Commission:

Respondent Eric J. Tanenblatt has retained our firm to represent him in connection with the above-referenced matter under review. On behalf of Mr. Tanenblatt, this letter responds to the allegations contained in the complaint filed with the Federal Election Commission (the "Commission") by George Anderson on or about January 12, 2004.<sup>1</sup>

(1) Overview

In 2002, Governor Sonny Perdue defeated then Governor Roy Barnes to become the first Republican Governor of Georgia in 168 years. Respondent Eric Tanenblatt was appointed as Governor Perdue's first Chief of Staff and served until December 31, 2003. Former Governor Barnes' Chief of Staff has now become the Chairman of the Democratic Party of Georgia, and has initiated a "scorched earth" strategy of making, filing or precipitating, directly or indirectly, a series of charges, allegations and complaints against everyone from Governor Perdue to Respondent Tanenblatt.

The particular allegations in the above-referenced matter have been the subject of a complaint with the Georgia Attorney General, part of a complaint filed with the Georgia State Ethics Commission, and the complaint filed with the Commission in this case, all of which are still pending. The only connection any of these complaints have to any federal election is that Mr. Tanenblatt has raised funds for Bush-Cheney '04, Inc. There is no allegation or evidence

<sup>1</sup> By letter dated February 5, 2003, the Commission granted Mr. Tanenblatt an extension until March 8, 2004 to respond to Mr. Anderson's complaint.

that Mr. Tanenblatt solicited money in excess of the limits set out in the Bipartisan Campaign Reform Act ("BCRA") or that he acted in violation of Commission rules and regulations. Instead, at best, Mr. Anderson infers, from Mr. Tanenblatt's role as a fundraiser for Bush-Cheney '04, Inc. and from his previous position as the Governor's Chief of Staff, that phone calls that Mr. Tanenblatt made from the Governor's Office were fundraising phone calls. The only allegation made against Mr. Tanenblatt is that, when he reimbursed the State of Georgia for these alleged fundraising calls, these reimbursements placed him over the BCRA contribution limit, because he has already contributed the maximum to Bush-Cheney '04, Inc.

As a threshold matter, and as reflected herein below, the calls were not fundraising calls. Mr. Tanenblatt was very careful, while serving as the Governor's Chief of Staff, to take every precaution to assure that his actions remained above reproach. Moreover, even if all of the calls for which Mr. Tanenblatt reimbursed the State were fundraising calls (they were not), the total cost of such reimbursements was de minimis - less than \$100.00 - and thus incidental costs.

Notwithstanding the complete absence of factual merit to the allegations against Respondent Eric Tanenblatt, out of an abundance of caution, and in order to eliminate any conceivable basis for even a suggestion of an appearance of impropriety, Bush-Cheney '04, Inc. has refunded Respondent Eric Tanenblatt's full contribution. This refund eliminates any basis for an allegation that Respondent Eric Tanenblatt has contributed, and Bush-Cheney '04, Inc. has accepted from Mr. Tanenblatt, any amount in excess of the BCRA limit. For these reasons, and for the reasons discussed below, the complaint should be dismissed in its entirety.

## (2) Response to Allegations Against Tanenblatt

Factually, Mr. Anderson's allegations against Mr. Tanenblatt are without merit. Quite simply, Mr. Tanenblatt's communications with the people Mr. Anderson has identified in his complaint did not involve fundraising on behalf of the Bush-Cheney '04 campaign. Mr. Anderson's allegations are based on nothing more than a series of inaccurate and unfounded assumptions. Even a quick review of the documents attached to Mr. Anderson's complaint confirms that there is no factual support for his allegations.

Before addressing Mr. Anderson's allegations about communications with specific individuals and companies, a number of general points should be made about his complaint. These facts alone merit dismissal of the complaint.

(a) Mr. Anderson Has Failed to Establish that Telephone Calls Were Actually Made to the Individuals and Companies Identified in His Letter. As an initial matter, Mr. Anderson has failed to provide evidence supporting his allegation that telephone calls were actually made to the individuals identified in his letter. Although Mr. Anderson has attached to his complaint the long distance records for calendar year 2003 for a number of different telephone extensions in the Governor's Office (which records Mr. Anderson obtained through Georgia's Open Records Act, O.C.G.A. § 50-18-70 et seq.), with very few exceptions Mr. Anderson does not identify, on the phone records, specific calls made to specific individuals. He also does not

provide, either in his complaint or in the attached exhibits, the phone numbers for any of the individuals or companies cited in his letter. Thus, by virtue of these failures, Mr. Anderson has failed to demonstrate in the first instance that calls were made to these individuals.

(b) Mr. Anderson Has Failed to Establish that the Individuals Cited in His Complaint Have Ties to Bush-Cheney '04. In addition, although Mr. Anderson claims that all of the alleged phone calls to the individuals and companies identified in his complaint were "fundraising-related telephone calls on behalf of Bush-Cheney '04," Mr. Anderson has offered no evidence whatsoever to support this broad statement. Specifically, for most of the individuals and companies identified in his complaint, Mr. Anderson has not even attempted to provide evidence tying these individuals to the Bush-Cheney '04 campaign generally, much less to Bush-Cheney '04 fundraising operations specifically. Indeed, many of the individuals identified in Mr. Anderson's complaint are simply lobbyists or other individuals involved in government affairs who contacted Mr. Tanenblatt for reasons related to his official duties as Chief of Staff to the Governor. A number of them are simply personal friends of Mr. Tanenblatt. A number of the calls appear to be simply return phone calls by Mr. Tanenblatt's assistant to people who had called Mr. Tanenblatt for a wide variety of reasons unrelated to campaign fundraising.

(c) Mr. Anderson's Assumptions Concerning Mr. Tanenblatt's Fundraising Efforts Are Erroneous. It is obvious from the nature of his complaint that Mr. Anderson has assumed that, because Mr. Tanenblatt has been listed as a "Ranger" by the Bush-Cheney campaign, Mr. Tanenblatt necessarily must have made hundreds of fundraising phone calls from the Office of the Governor. The unstated implication is that Mr. Tanenblatt could not have raised this much money on his own time and on his own home computer and personal cell phone, and he therefore must have been doing it while he was working during the day at the Governor's Office.

This assumption is simply incorrect, and it reflects a basic misunderstanding on Mr. Anderson's part about the "pyramid" fundraising in which Mr. Tanenblatt was engaged. When raising money for the campaign, Mr. Tanenblatt did not make large numbers of fundraising phone calls himself directly to donors. To the contrary, he recruited individuals who then went out and actually made fundraising phone calls for the Bush-Cheney campaign. These individuals forwarded the checks to Mr. Tanenblatt at his home address, and he then forwarded them on to the Bush-Cheney campaign. Because Mr. Tanenblatt was the individual who provided the checks to the campaign, he received credit under his "tracking number" for having raised these funds. Because of this type of pyramid fundraising, it was not necessary for Mr. Tanenblatt to make a large quantity of fundraising phone calls to donors in order to raise large amounts of money for the campaign. As a result, any implication that he had to have been making fundraising calls while working in the Governor's Office, because he lacked sufficient time to raise this much money if he was only doing it on his private time, is simply incorrect.

(3) **Specific Communications Referenced in Complaint**

As noted above, the phone calls that Mr. Anderson has identified did not involve fundraising on behalf of the Bush-Cheney campaign. The following addresses each specific individual and company mentioned in Mr. Anderson's complaint.

(a) **White House Office of Political Affairs.** Mr. Anderson first claims that Mr. Tanenblatt made phone calls to the White House Office of Political Affairs. Mr. Anderson does not identify these calls on the phone records. There is also no explanation regarding how these calls allegedly related to fundraising for the Bush-Cheney campaign. Nonetheless, to the extent that such calls occurred, they involved official business between the White House and the Office of the Governor.

As has been noted previously, during most of 2003 Mr. Tanenblatt served as Chief of Staff to Governor Sonny Perdue. As Chief of Staff, he spoke on occasion to the southern regional director for the White House. There were numerous official reasons for those calls, including: (a) for the White House to inform the Governor's Office of official Presidential travel, (b) to discuss upcoming visits to Georgia by cabinet secretaries or Administration officials, (c) to ask for feedback on potential appointments of Georgians to federal boards and commissions, (d) to coordinate letters from the President to Georgians for special occasions, (e) to request information on individuals who contact the White House from Georgia, (f) to obtain briefings on regional or state issues of relevance to the White House, and (g) to discuss the upcoming G-8 Summit in Georgia.<sup>2</sup>

In short, these phone calls involved numerous official topics, and the calls did not involve campaign fundraising. Mr. Anderson's complaint also reflects a basic misunderstanding regarding the respective roles of the White House and the Bush-Cheney campaign; quite obviously, the campaign, rather than the White House, handles fundraising issues.

(b) **Ron McDuffie with Bush-Cheney '04.** Mr. Anderson claims that Mr. Tanenblatt called a "Ron McDuffie with Bush-Cheney '04." Mr. Anderson does not identify any phone call allegedly made to this person, nor does he provide any documents identifying this individual. Mr. Tanenblatt does not know a "Ron McDuffie," and to his knowledge he has never made any phone calls to anyone with that name.

(c) **Haley Barbour.** Mr. Anderson alleges that a call or calls were made to Haley Barbour, whom Mr. Anderson identifies as "then Governor-elect of Mississippi and President of

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<sup>2</sup> The G-8 Summit, consisting of the heads of state of the leading industrial countries, will occur in Sea Island, Georgia in June, 2004. As Chief of Staff to Georgia's Governor, Mr. Tanenblatt was actively involved in the efforts to bring the G-8 Summit to Georgia. Mr. Tanenblatt now serves as chairman of the Georgia state planning group for the G-8 Summit.

Barbour Griffith & Rogers (identified as Bush-Cheney '04 fundraisers)." Once again, Mr. Anderson does not identify any specific call(s) made to Mr. Barbour.

On this issue, Mr. Tanenblatt has not spoken to Mr. Barbour. Mr. Tanenblatt believes that his assistant may have called the assistants to Messrs. Bob Wood and/or Lanny Griffith, whom Mr. Tanenblatt believes work at Barbour Griffith & Rogers, Inc. These individuals sent Mr. Tanenblatt an invitation to dinner with other chiefs of staff and intergovernmental representatives during the National Governors Association and Republican Governors Association meetings in 2003. These calls had nothing to do with fundraising for the Bush-Cheney campaign.

(d) "The Bonnar Group [sic], a national fundraising company in Washington, DC." Mr. Anderson does not identify any phone call to this organization, and he provides no documentation whatsoever to suggest that this group is involved in fundraising for the Bush-Cheney campaign. In addition, Mr. Tanenblatt did not call this organization. It appears that Mr. Tanenblatt's secretary returned a phone call from this company, which she believes is actually called The Bonner Group (not The "Bonnar" Group); someone at the company was apparently attempting to update her contact information.

(e) "Bo Callaway, former Chairman of the Georgia Republican Party." Although Mr. Anderson identifies one call to Mr. Callaway, Mr. Anderson does not provide any documentation establishing that Mr. Callaway is involved in fundraising for the Bush-Cheney campaign. More importantly, Mr. Anderson fails to note that Mr. Callaway is on the Board of Directors of the Georgia Department of Industry, Trade and Tourism, and his son is on the Board of Directors for the Georgia Department of Natural Resources. To the extent that Messrs. Tanenblatt and Callaway engaged in conversations while Mr. Tanenblatt was in the Governor's Office, those conversations related to economic development and tourism matters.

(f) "Alan Novak of Novak Strategic Advisors and a Bush-Cheney fundraiser." Mr. Anderson alleges that a call or calls were made to Mr. Novak, but he does not identify any of these alleged calls. The "documentation" provided by Mr. Anderson on Mr. Novak also indicates that Mr. Novak apparently is an attorney with Conrad O'Brien Gellman and Rohn, which is identified in Mr. Anderson's materials as a firm of "Lawyers & Lobbyists." In any event, neither Mr. Tanenblatt nor his assistant know Mr. Novak, and neither has any recollection of making any call to this individual or this firm. It is possible that, if such a call occurred, it may have been a return phone call.

(g) "Andrew Entwistle of Entwistle & Cappucci, a Republican fundraising firm." Mr. Anderson does not provide any documentation or evidence supporting his contention that Entwistle & Cappucci is a "Republican fundraising firm." According to the firm's Internet website, this is in fact a law firm, not a fundraising firm (see <http://www.entwistle-law.com/>). Mr. Anderson also does not provide any evidence establishing that the firm is involved in raising money for the Bush-Cheney campaign.

More importantly, however, the call or calls from Mr. Tanenblatt or his assistant to this firm had nothing to do with fundraising. To the best of Mr. Tanenblatt's recollection, one of the attorneys in this firm, Andrew Entwistle, was honored in 2003 by a major charitable program (believed to be the Catholic Big Brothers for Boys and Girls program; the law firm's website indicates that Mr. Entwistle sits on the board of this organization). Someone from this firm called to request that Governor Perdue provide a letter of congratulations in honor of this event. Any calls that were made from Mr. Tanenblatt's office to the firm related to this requested letter of congratulations or commendation, and had nothing to do with fundraising.

(h) "Congressman Eric Cantor (R-VA) at his campaign number." In connection with this individual, Mr. Anderson provides no explanation whatsoever in his complaint about why a call to a Congressman, regardless of the office to which the call was placed, should somehow be assumed to relate to Bush-Cheney campaign fundraising. In any event, this phone call was a return phone call from Mr. Tanenblatt to the Congressman, who had called Mr. Tanenblatt to provide a reference for a job candidate.

(i) "The Dutko Group, a Washington lobbying firm (two members of the firm are identified by Bush-Cheney as fundraisers.)" Mr. Anderson does not provide any documentation to support his contention that two of the members of this apparent lobbying firm, whom Mr. Anderson does not even name, have been "identified" as Bush-Cheney fundraisers. Mr. Anderson also does not contend that Mr. Tanenblatt spoke to either such individual, and he does not identify any specific calls made to the firm. In any event, Mr. Tanenblatt has no recollection of any telephone conversation from the Governor's Office with any individual at this firm. He notes, however, that this is a lobbying firm, and it is possible that he or his assistant returned a phone call from them.

(j) "Paul Bennecke, Political Director for the Georgia Republican Party." With respect to Mr. Bennecke, Mr. Anderson does not, among other things, offer any explanation whatsoever about why a phone call with a state party official necessarily involved fundraising for the Bush-Cheney campaign. More importantly, Mr. Bennecke was an aide to the Governor for several years, and he is currently married to the personal assistant to Mrs. Mary Perdue, the Governor's wife. Mr. Bennecke called the Governor's Office periodically to speak about scheduling and other matters. These calls did not relate to Bush-Cheney campaign fundraising.

(k) "David Swords at McKenna, Long & Aldridge." As with Mr. Anderson's other references, this identification is meaningless and utterly irrelevant. As an initial matter, there is no "David Swords" at the law firm of McKenna, Long & Aldridge LLP. Mr. Tanenblatt believes that this may be a reference to David Schwarz, who Mr. Tanenblatt believes works on government affairs matters for the Savannah, Georgia community and for various private clients.

(l) "Carl Collins of Public-Private Partnership." With respect to this individual, Mr. Anderson does not identify any call allegedly made to him by Mr. Tanenblatt. Mr. Anderson also does not provide any materials whatsoever that might identify this person or explain how he is somehow connected to Bush-Cheney fundraising. In any event, neither Mr. Tanenblatt nor his

assistant know any person of this name, and they have no recollection of having any phone conversation with any such person.

(m) "Jonathan Baron of Red Sea Campaign Consulting Company." Although Mr. Anderson identifies this individual and provides some information available on the Internet about him, Mr. Anderson has provided absolutely no information suggesting that Mr. Baron is involved with the Bush-Cheney campaign. Mr. Baron is a personal friend of Mr. Tanenblatt's; they both used to work for the late Senator Paul Coverdell of Georgia.

(n) "Steven Goldsmith, a Bush-Cheney '04 fundraiser." Mr. Anderson also claims that Mr. Tanenblatt spoke to Mr. Goldsmith, whom, according to Mr. Anderson, is an attorney with Baker & Daniels, a firm of "Lawyers & Lobbyists," in Indianapolis, Indiana. Mr. Tanenblatt notes that Mr. Goldsmith is the previous Mayor of Indianapolis, and that he has served as a government affairs consultant in Georgia. To the extent that Messrs. Tanenblatt and Goldsmith had telephone conversations, they concerned issues related to state government rather than to Bush-Cheney fundraising.

(o) "Log Cabin Republicans, a Republican Political Action Group." Mr. Anderson provides absolutely no information suggesting that this group is somehow involved in fundraising for the Bush-Cheney campaign. This group represents gay and lesbian Republicans. Mr. Tanenblatt's assistant recalls that someone from the group called the Governor's Office to request a meeting with Mr. Tanenblatt and the group's national chairman, who was visiting Georgia. Any calls that occurred were related to the logistics for this proposed meeting (which did not occur), and had nothing to do with Bush-Cheney fundraising.

(p) "Thurman Enterprises, a lobbying firm." With respect to this company, Mr. Anderson does not identify any call allegedly made to the company by Mr. Tanenblatt. In addition, Mr. Anderson does not provide any materials whatsoever that identify this company or that explain how it is somehow connected to Bush-Cheney fundraising. In any event, neither Mr. Tanenblatt nor his assistant know of any "Thurman Enterprises," and they have no recollection of having any phone conversation with anyone at any such company.

(q) "Bill Dudley, government relations with AFLAC." With respect to this individual, Mr. Anderson once again offers no explanation of how he is involved in Bush-Cheney fundraising. To the best of Mr. Tanenblatt's recollection, Mr. Dudley is AFLAC's lobbyist or government affairs representative, and they may have had a conversation concerning possible appointment of an AFLAC employee to a position on the board of the Georgia Technology Authority. Any call(s) that occurred between them (and again, Mr. Anderson identifies none) almost certainly dealt with this issue or with issues related to AFLAC.

(r) "Christine Estrada of Gordon C. James public relations group." With respect to Ms. Estrada, Mr. Anderson identifies one call made to her, a May 16, 2003 call for seven minutes, at a total cost of \$0.59. Mr. Anderson does not, however, provide any information establishing that Ms. Estrada is involved in fundraising for the Bush-Cheney '04 campaign. Mr.

Tanenblatt knows Ms. Estrada through her work organizing Governor Perdue's Inaugural Celebration, as well as her work in connection with the G-8 Summit site selection committee. Mr. Tanenblatt also recalls that Ms. Estrada called to invite him and his family to the White House Easter Egg Hunt. Any calls between them did not involve Bush-Cheney fundraising.

(s) "Fred Cooper, a Bush-Cheney '04 fundraiser." This individual is a longtime personal friend of Mr. Tanenblatt; they have known each other and worked together for many years. Mr. Cooper heads the G-8 Summit Host Committee, and was a senior member of Governor Perdue's transition team. Messrs. Tanenblatt and Cooper speak frequently about a variety of matters unrelated to the Bush-Cheney campaign, including state personnel matters, appointments to state boards and commissions, the upcoming G-8 Summit, etc. Mr. Tanenblatt did not engage in fundraising phone calls with Mr. Cooper from the Governor's Office.

(t) "Jaime [sic] Reynolds, a Bush-Cheney '04 fundraiser." With respect to this individual, Mr. Reynolds is a member of the Board of Directors of the Georgia Department of Natural Resources, and he is former chairman of the nominating committee for this Board. As such, he and Mr. Tanenblatt have had conversations on issues related to appointments.

In addition, Messrs. Reynolds and Tanenblatt had a number of conversations concerning an upcoming session of the Southern Governor's Association ("SGA"). Governor Perdue is the incoming chairman of the SGA, and as such Georgia will host the SGA's August, 2005 meeting. During the summer of 2003, the SGA site selection committee was looking at Reynolds Plantation as an option. As such, at approximately the same time as the Bush-Cheney fundraiser mentioned in Mr. Anderson's complaint, Messrs. Tanenblatt and Reynolds had telephone conversations to arrange for the SGA site selection committee to visit Reynolds Plantation. Mr. Tanenblatt also made phone calls to Steve Freund, manager of the Ritz-Carlton at the Reynolds Plantation (who is mentioned elsewhere in Mr. Anderson's complaint), to discuss this issue. This addresses Mr. Anderson's allegation that "[s]everal of those telephone calls were directly to the site of the fundraiser or were to people and firms involved in organizing the fundraiser." The phone calls that Mr. Tanenblatt made from the Office of the Governor related exclusively to the site selection for the SGA conference, and not to Bush-Cheney fundraising.

(u) "Calder Clay for Congress campaign headquarters." With respect to this alleged phone call, Mr. Anderson offers no explanation whatsoever for his assumption that it related to Bush-Cheney fundraising. Mr. Tanenblatt believes that he returned a call to Mr. Clay, who is a candidate for Congress in the Third Congressional District of Georgia. The call did not have anything to do with Bush-Cheney fundraising.

(v) "Benedetti & Farris, event planners for the June 24, 2003 BC04 fundraiser." As an initial matter, Mr. Anderson offers no support for his statement that Benedetti & Farris were the "event planners" for the June, 2003 fundraiser. Mr. Tanenblatt has no independent knowledge on that issue. Mr. Tanenblatt believes that Mr. Benedetti has a public affairs firm, and also believes that he is a lobbyist or government affairs specialist. Mr. Tanenblatt also believes that Mr. Benedetti called Mr. Tanenblatt at one point to let him know that one his

partners was coming to Atlanta, and Mr. Tanenblatt's recollection was that this individual wanted to meet with him on business.

(w) "Steven Freund, Ritz-Carlton in Greensboro, GA (site of the Bush Cheney '04 fundraiser.)" The call(s) to Mr. Freund was explained above; it related to site selection for the August, 2005 meeting of the Southern Governor's Association.

(x) "Rob Lever, Washington DC lobbyist." Mr. Anderson does not provide any information to identify Mr. "Lever." Although Mr. Tanenblatt cannot be certain, he believes that this may be a reference to Rob Leebern, a lobbyist at the law firm of Troutman Sanders. To the best of Mr. Tanenblatt's recollection, Mr. Leebern represented H&K Manufacturers, a company that recently broke ground on a manufacturing facility in Columbus, Georgia. Mr. Tanenblatt believes he spoke to Mr. Leebern about the announcement of this move, which was of interest to the Governor's Office because it would bring additional jobs to Georgia.

(y) "William Timkin, a Bush-Cheney '04 fundraiser." With respect to this individual, Mr. Anderson does not identify any call allegedly made to this person by Mr. Tanenblatt. In addition, Mr. Anderson does not provide any materials whatsoever that might help identify this person or explain how he is somehow connected to Bush-Cheney fundraising. In any event, neither Mr. Tanenblatt nor his assistant know any "William Timkin," and they have no recollection of having any phone conversation with any such person.

(z) "Ken Norman, Bush-Cheney '04." With respect to this individual, Mr. Anderson does not provide any materials that identify this person or explain how he is connected to Bush-Cheney fundraising. In any event, neither Mr. Tanenblatt nor his assistant know any "Ken Norman," and they have no recollection of having any conversation with any such person.

(aa) "Hollis 'Chip' Felkel, The Felkel Group (political relations firm running the Bush-Cheney '04 fundraiser.)" As an initial matter, Mr. Anderson offers no evidence supporting his contention that The Felkel Group is a "political relations firm running the Bush-Cheney '04 fundraiser." Mr. Tanenblatt also has no first-hand knowledge on that issue. Mr. Felkel, however, is a personal friend of Mr. Tanenblatt's who lives in South Carolina. He and Mr. Tanenblatt spoke this past summer because Mr. Felkel was coming through Atlanta and wanted to visit Mr. Tanenblatt. Neither their calls nor their visit concerned Bush-Cheney fundraising.

(bb) "Ed Brookover, II, Greener & Hook." With respect to this individual, there is nothing in the materials that Mr. Anderson has provided that indicate that Mr. Brookover is involved in Bush-Cheney campaign fundraising. Mr. Tanenblatt also does not know Mr. Brookover. Mr. Tanenblatt believes that, to the extent any calls were made to this firm, they were probably made to Barry Bennett, who is now the communications director for G-8 Summit. Mr. Tanenblatt believes that Mr. Bennett previously worked at this firm.

(cc) "Mercer Reynolds, Bush-Cheney '04 fundraiser and finance chair for Bush-Cheney '04." In his complaint, Mr. Anderson does not cite any phone calls specifically made to

Mr. Reynolds. Mr. Tanenblatt does recall, however, that he spoke to Mr. Reynolds last summer concerning the Governor's anticipated recommendation of Fred Cooper to serve as chairman of the G-8 Summit Host Committee. Mr. Tanenblatt did not engage in fundraising phone calls with Mr. Reynolds from the Governor's Office.

(dd) "David Winstead, Bush-Cheney '04 campaign advisor." Once again, Mr. Anderson has provided no information suggesting that this individual is a "campaign advisor" to the Bush-Cheney campaign, or that he is involved in Bush-Cheney fundraising. Mr. Anderson does not identify any call allegedly made to this person by Mr. Tanenblatt. In any event, neither Mr. Tanenblatt nor his assistant know any of any "David Winstead," and they have no recollection of having any phone conversation with any such person.

(ee) "Bob Young, former delegate to Republican National Convention and Bush-Cheney elector." Bob Young is the Mayor of Augusta, Georgia, and he and Mr. Tanenblatt have had a number of conversations about government-related issues. Mr. Anderson has also offered no information establishing that Mayor Young is involved in Bush-Cheney fundraising.

(ff) "Alec Poitevint, state Republican chair and Bush-Cheney '04 fundraiser." With respect to this individual, Mr. Anderson has once again offered no information establishing that he is involved in fundraising for the Bush-Cheney campaign. The newspaper story attached to Mr. Anderson's complaint simply notes that Mr. Poitevint, the current chairman of the Georgia Republican Party, "was treasurer of [Governor] Perdue's campaign." More importantly, Mr. Anderson fails to note that Mr. Poitevint is Federal Commissioner on the Apalachicola-Chattahoochee-Flint ("ACF") River basin, and during 2003 he was actively involved in the so-called "water war" negotiations between Georgia, Alabama and Florida.<sup>3</sup> Messrs. Tanenblatt and Poitevint have had numerous conversations about water issues, which of course are critical to the Governor's Office and totally unrelated to Bush-Cheney fundraising.

(gg) "Odell & Simms, direct marketers for the Republican National Committee." Finally, Mr. Anderson references Odell & Simms, but, once again, he provides absolutely no information or evidence establishing that the firm is involved in fundraising for the Bush-Cheney '04 campaign. Mr. Anderson also fails to identify any specific call(s) made to the firm. Nonetheless, Mr. Tanenblatt recalls that a Tony Lynch, who Mr. Tanenblatt believes works at the firm, contacted Mr. Tanenblatt to attempt to get the Governor's help in raising funds for the Gettysburg Memorial Foundation. These calls had nothing to do with Bush-Cheney fundraising.

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<sup>3</sup> For background on this, see <http://www.chattahoochee.org/TriState/background.shtml>.

(4) **Additional Points**

In addition, it should be noted that Mr. Anderson has attached numerous documents to his complaint that appear to have absolutely no bearing whatsoever to his allegation that Mr. Tanenblatt made an excessive contribution to the Bush-Cheney '04 campaign. For example, he has attached (a) copies of executive orders issued by Governor Perdue (which are obviously irrelevant for purposes of determining whether Mr. Tanenblatt made an excessive contribution in violation of federal election law); (b) reimbursement requests for a "Thomas D. Hills" that are not mentioned, referenced or explained in the complaint; and (c) a copy of Mr. Tanenblatt's calendar (which is irrelevant). The randomness with which Mr. Anderson has thrown documents together and slapped them to the back of the complaint underscores that Mr. Anderson has no real facts upon which to base his allegations: he is simply trying to convince the Commission that, were there is smoke, there must be fire.

It should also be noted that, although there are some calls on the phone records that Mr. Anderson has identified as phone calls to the Bush-Cheney '04 campaign headquarters, these calls are extremely limited in number, and they have valid explanations unrelated to campaign fundraising. With respect to the former, Mr. Anderson has explicitly marked only seven phone calls made to the Bush-Cheney '04 campaign from phones in the Governor's Office in 2003. The total duration of these seven calls identified by Mr. Anderson is 23 minutes, and the total cost of the calls was \$0.83 (i.e., 83 cents). With respect to the latter, on a number of occasions during Mr. Tanenblatt's service as chief of staff, he would receive inquiries from reporters about Bush-Cheney campaign matters in Georgia. Mr. Tanenblatt did not take those calls in the Governor's Office; he referred them to the Bush-Cheney '04 campaign headquarters. In most cases, Mr. Tanenblatt also asked his assistant to call the campaign to advise them that a reporter wanted to talk to them about some issue. This explains why there are a very limited number of short phone calls to the campaign from the Governor's Office. It should be noted that most of these calls were made from Mr. Tanenblatt's assistant's line, rather than Mr. Tanenblatt's line, and that most of the calls had a one-minute duration.

Out of an abundance of caution, and in order to avoid creating even the appearance of impropriety, Mr. Tanenblatt and the Bush-Cheney '04 campaign have nonetheless agreed that the Bush-Cheney '04 campaign has refunded Mr. Tanenblatt's entire \$2,000 contribution.

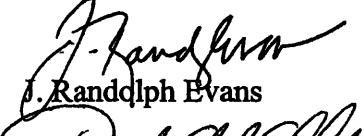
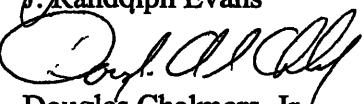
(5) **Conclusion**

Mr. Tanenblatt was very careful in his activities as the Governor's Chief of Staff, and he took every precaution to assure that his actions remained above reproach. He did not make fundraising calls for the Bush-Cheney '04 campaign from the Governor's Office. To avoid any suggestion of impropriety, he also reimbursed the State of Georgia for charges for all long distance calls made on his direct line (404-651-7793). The total cost of such calls was the de minimis amount of \$83.43. In addition, the Bush-Cheney '04 campaign has also refunded his entire \$2000 contribution. Given these facts, there is no basis to permit these unfounded accusations to continue, and no reason to believe that a violation of the Act has occurred.

Federal Election Commission  
March 8, 2004  
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For the foregoing reasons, Mr. Tanenblatt respectfully requests that the Commission dismiss Mr. Anderson's complaint. Thank you.

Very truly yours,

  
J. Randolph Evans  
  
Douglas Chalmers, Jr.

cc: Eric Tanenblatt

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