

Republican Liberty Caucus of Texas
201 West Stassney Lane, #181-B
Austin, Texas 78745-3144

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FEC MAIL
OPERATIONS CENTER

.., March 29, 2004

2004 APR 12 A 11:39

Via Fax 202-219-3923 and Certified Mail
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Complaint No. MUR 5423

To whom it may concern:

I received two copies of the referenced complaint on Monday, March 22, 2004, and provide the following response. The complaint states that the mailing in question "did not contain a disclaimer stating who paid for it." RLC submits the following reasons why the complaint should be dismissed and no further action should be taken:

1. Only 88 people were on the mailing list, so it is not a mass mailing of more than 500 or more as defined by FEC rules, nor is it a direct mailing for more than 100 pieces as defined by FEC rules as they apply to political committees. It is therefore exempt from any disclosure requirements. Attached is a list of all 88 persons to whom the card was sent.
2. The mailing was not made in cooperation, consultation, or concert with, or at the request or suggestion of, Wes Riddle, his authorized committee or their agents, or a political party committee or its agents.
3. The cost of mailing and printing the postcard was well under \$30.00, so there was no reporting requirement.
4. The mailing in question was a postcard that was mailed to persons who are members of, or parties interested in, the Republican Liberty Caucus of Texas ("RLC"), an unincorporated association. It was a private, not public, mailing.
5. One can see on the face that the card that it was prepared by and mailed from RLC, therefore it is clear that RLC paid for the card; thus there was such a disclaimer.
6. It is unclear that the card was express advocacy for the election of Mr. Riddle. It stated that RLC "endorsed" Mr. Riddle.

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COUNSEL

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7. RLC did not have any other mailers or other communications of support for Mr. Riddle, or any other federal candidate for the Republican primary.

In summary, the complaint should be dismissed, primarily for the reason that it was sent to only 88 people and is therefore exempt from any disclaimer requirements from the Federal Election Commission. However, RLC also urges the additional reasons for dismissal set forth above. RLC does not choose to be represented by counsel at this time, but may so elect in the future if this matter is not dismissed.

Please contact me if you require any additional information or have further questions.

Sincerely,



Don Zimmerman
Exec. Dir., Republican Liberty Caucus of Texas

