



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

August 24, 2004

Anthony W. Dale
10521 Fosseway Drive
Austin, TX 78717

Re: ADR/181 (MUR 5423)

Dear Mr. Dale:

On March 8, 2004, the Federal Election Commission ("Commission") received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Respondents, Republican Liberty Caucus of Texas and Don Zimmerman, Treasurer, Republican Liberty Caucus PAC and Alan Cousin, Treasurer, and Wes Riddle for Congress Campaign Committee and J. Anthony Van Slyke, Treasurer. In its memorandum to the Commission, dated August 17, 2004, this office stated:

ADR 181/MUR 5423: The complaint alleges that Respondents Republican Liberty Caucus of Texas and Don Zimmerman, Treasurer ("RLC TX") violated the FECA by mailing postcards in support of Wes Riddle, a federal candidate, and soliciting contributions for the national Republican Liberty Caucus PAC ("RLC PAC"), with no disclaimer to say who paid for the communication and if it was authorized by the candidate or the RLC PAC.

RLC TX contends that no disclaimer was required as the mailing was not a public communication as defined by the FECA, nor was it done in cooperation, consultation or concert with, or at the request or suggestion of Wes Riddle, his authorized committee, or the RLC PAC. RLC TX maintains that the postcards were sent to a select group of eighty-eight (88) individuals who were thought to be interested in the same issues as RLC TX to inform the recipients of RLC TX's endorsement of Wes Riddle and suggesting how they could help.

Respondent RLC PAC contends it did not authorize, approve, or pay for the mailing, nor did it request RLC TX to solicit contributions for the national organization's PAC. RLC PAC states that no contributions were received attributable to RLC TX's mailing.

Respondents West Riddle for Congress Campaign, and J. Anthony Van Slyke, Treasurer contend they were not even aware of the RLC TX mailing until the candidate received one of the postcards in the mail. In addition, they contend that no contributions were received by the campaign as a result of the RLC TX communication.

Accordingly, the Commission closed its file in this matter on August 20, 2004.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and this office, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lynn M. Fraser
Assistant Director, ADR Office

2001-025-325-3215

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10521 Fosseway Drive
Austin, TX 78717

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City, State, ZIP+4

PS Form 3800, January 2001 See Reverse for Instructions

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Official Business

August 24, 2004

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