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March 24, 1998

Via Overnight Delivery

Lawrence Noble
Federal Election Commission
999 East Street, N.W., 6th Floor
Washington, D.C. 20463

RE: MUR 4710: Response of Alonzo Cantu

Dear Mr. Noble:

This law firm represents Mr. Alonzo Cantu in connection with MUR 4710. This letter is Mr. Cantu's response to the complaint filed with the FEC by an individual named Tom Haughey.

Mr. Cantu's first response is that the matters complained of by Mr. Haughey, even if they occurred, would not constitute a violation of the law. Mr. Cantu would further respond that he does not recall the third person pretext telephone call that Mr. Haughey claims to have instigated.

Summary of Haughey Allegation

While Mr. Haughey's January 12 complaint is fairly vague, he apparently admits that he instigated a pretext phone call to Mr. Cantu at his place of business in an effort to involve corporate personnel in political fundraising activities. Mr. Haughey, who has no personal knowledge of what actually was said in the pretext call, asserts that Mr. Cantu's secretary then located Mr. Cantu by cellular phone and relayed the questions from the pretext caller. Mr. Haughey seems to view these allegations as evidence of a corporate contribution to the Ruben Hinojosa Congressional Campaign.

The Complaint Does Not Allege a Violation

Mr. Cantu is the President of Alonzo Cantu Construction, Inc. He does support Congressman Ruben Hinojosa, and has helped raise campaign contributions to Congressman Hinojosa. However, he does not recall talking on the telephone with anyone named "Lorraine Owens" - the individual identified in Mr. Haughey's complaint as having placed the pretext phone call. Nor does either of Mr. Cantu's secretaries recall such a call.

In connection with the January 9, 1998 fundraising event for Congressman Hinojosa, Mr. Cantu spoke with a great many people and answered a great many questions. The fundraising event included an appearance by the President, and several hundred persons attended and

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contributed. The fundraising event took place at Mr. Cantu's home, so it was entirely normal that many people contacted him for information.

Mr. Cantu's activity on behalf of Congressman Hinojosa was done as an individual and not as an officer or employee of a corporation. The fact that Mr. Cantu earns his living as an owner and officer of a construction company does not deprive him of the right to engage in political activities as an individual. Alonzo Cantu Construction, Inc. did not make a corporate contribution to the Hinojosa campaign, nor did the corporation assign its employees to work on the campaign.

In the course of his daily work, in or out of the office, Mr. Cantu may receive and transmit business communications, personal communications, or political communications. This is true of any corporate executive who is active in support of a congressional candidate.

Even if a corporate secretary passes along a political phone call or relays political fundraising questions to a corporate officer, there is no reason to conclude that any violation of federal election law has occurred. While federal law prohibits corporate contributions, it clearly allows "occasional, isolated, or incidental use" of corporate facilities by individuals engaging in personal political activity. *See* 11 C.F.R. Section 114.9(a)(1). There is no indication from Mr. Haughey's complaint that the pretext phone call, placed to Mr. Cantu at his workplace, prevented any corporate employees from completing the normal amount of work. *See also* Advisory Opinion 1995 - 33 (corporate secretaries may receive e-mail solicitation to corporate executive intended as solicitation only to "restricted class," provided that secretary was performing usual and normal secretarial function in routing such communications).

Use of Pretext Calls by Political Opponents

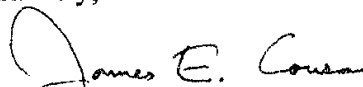
While Mr. Cantu has committed no violation of federal election law, he respectfully suggests that the FEC take steps to discourage the political gamesmanship and attempted entrapment techniques employed by Mr. Haughey. Mr. Haughey's agent admittedly had no intent of contributing to Congressmen Hinojosa, and the apparent purpose of the phone call was an effort to engage the employees of Alonzo Cantu Construction, Inc. in some type of political activity. The FEC clearly has important work to do, and it should not waste its resources on contrived political stunts of this type.

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Conclusion

In conclusion, Mr. Haughey's allegations, even if they were accurate, would not describe a violation of federal election law. Mr. Haughey is a perennial unsuccessful congressional candidate whose motives in making this complaint are, at best, suspect. The commission should dismiss Mr. Haughey's complaint and take no further action.

Sincerely,



James E. Cousar
Attorneys for Alonzo Cantu

JEC:jlrm

cc: Brian Svoboda

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