



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB 19 2004

VIA FAX (202-293-2660) AND CERTIFIED MAIL

Fred Wertheimer, President
Democracy 21
1825 Eye Street, NW, #400
Washington, DC 20036

RE: MUR 5343

Dear Mr. Wertheimer:

This concerns the complaint you and others filed November 21, 2002. On January 7, 2003, the Federal Election Commission severed eight respondents from MUR 5338 and placed them in the above-referenced MUR 5343. On February 3, 2004, the Commission exercised its prosecutorial discretion and dismissed the complaint with respect to the Democratic Senate Majority Fund – Non-Federal Account and Marc Farinella, as treasurer, PAC for a Democratic House – Non-Federal Account and Moses Mercado, as treasurer, Representative Tom DeLay, Americans for a Republican Majority and Corwin Teltschik, as treasurer, and Americans for a Republican Majority Non-Federal and Tony Rudy, as executive director. In addition, the Commission found that on the basis of the information provided in your complaint, the responses to the complaint, and information available to the public, there is no reason to believe the Democratic Issues Agenda and Diane Evans, as treasurer, Empowerment for the New Century and Antonio Harrison, as treasurer, Strategic Task Force to Mobilize People, and Progress for America and its treasurer, violated the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission closed the file in MUR 5343 on February 3, 2004.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the dispositive General Counsel's Report is enclosed for your information, as well as a Statement for the Record expressing the additional views of Commissioner Mason.

----- The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence H. Norton
General Counsel

BY:


Lawrence L. Calvert Jr.
Deputy Associate General Counsel
for Enforcement

Enclosures
General Counsel's Report
Statement for the Record

515-904-4042