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June 3, 2010

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**VIA HAND DELIVERY**

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination &  
Legal Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 6270  
Ron Paul

Dear Mr. Jordan:

This response is submitted on behalf of Rep. Ron Paul (R-TX) ("Rep. Paul") in response to a complaint filed by Johnathan C. Gay with regard to five e-mails that the Committee to Re-Elect Ron Paul ("the Committee to Re-Elect") sent to members of its email list that either endorse Rep. Paul's son, Rand Paul, as a candidate for the U.S. Senate from Kentucky or that solicit contributions to Rand Paul's principal campaign committee, Rand Paul for U.S. Senate (the "Rand Paul campaign"). It is difficult to determine from Mr. Gay's ~~inherent~~ complaint exactly how he believes that Rep. Paul violated the Federal Election Campaign Act ("FECA") or Federal Election Commission ("FEC") regulations or why Rep. Paul has even been named a respondent in this matter. The complaint alleges that the Rand Paul campaign violated 11 C.F.R. § 109.21 by failing to report coordinated communications made by the Committee to Re-Elect. Complaint at ¶ 7. The complaint makes no specific allegation against Rep. Paul, but merely speculates that he may have sent the five e-mails Mr. Gay contends were illegally coordinated

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with the Rand Paul campaign. Id. The implication that Rep. Paul in any way violated 11 C.F.R. § 109.21 only demonstrates that Mr. Gay failed to gain even a minimal understanding of FECA and FEC regulations before filing this complaint.

There are two major flaws in Mr. Gay's allegation against Rep. Paul. First he assumes that the five e-mails he finds so objectionable were personally sent by Rep. Paul. Even a cursory review of the e-mails, however, shows that they were distributed by the Committee to Re-Elect and not by Rep. Paul personally. While the e-mails appear to be from "Congressman Ron Paul," the e-mail address from which they were sent - updates08@ronpaulforcongress.com - is an e-mail account belonging to the Committee to Re-Elect that is used to send out press releases and other routine information. The second major flaw in Mr. Gay's allegation is that, even if Rep. Paul had personally sent out these five e-mails, such public communications are specifically exempted from the definition of coordinated communications under 11 C.F.R. § 109.21.

Mr. Gay should have read all the way through 11 C.F.R. § 109.21 before he filed this complaint. Had he done so, he would have discovered that the Commission created a safe harbor for endorsements and solicitations by ~~any~~ Federal candidate ~~in~~ behalf of another Federal candidate. 11 C.F.R. § 109.21(g). Specifically, 11 C.F.R. 109.21(g)(1) provides that, "A public communication in which a candidate for Federal office endorses another candidate for Federal office . . . is not a coordinated communication with respect to the endorsing Federal candidate" unless the communication promotes, supports, attacks or opposes the endorsing candidate or another candidate in the same race as the endorsing candidate. Similarly, 11 C.F.R. §

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109.21(g)(2) provides that, "A public communication in which a candidate for Federal office solicits funds for another candidate for Federal office . . . is not a coordinated communication with respect to the soliciting Federal candidate" unless the communication promotes, supports, attacks or opposes the soliciting candidate or another candidate in the same race as the soliciting candidate.

At the time that the five e-mails specified in Mr. Gay's complaint were sent out, Rep. Paul was a candidate for re-election to the seat he currently holds in the House of Representatives. 11 C.F.R. § 100.3(b). Accordingly, all of the e-mails that Mr. Gay complains about are public communications in which one Federal candidate endorses or solicits funds for another Federal candidate and are, therefore, exempt from the definition of a coordinated communication under 11 C.F.R. § 109.21.

For the reasons set forth above, the Commission should activate this case and promptly determine that there is no reason to believe that Rep. Paul committed any violation of 11 C.F.R. § 109.21.

Sincerely,



Brett G. Kappel

Counsel for Ron Paul

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