



WWW.RICKPERRY.ORG

January 5, 2012

RECEIVED
FEDERAL ELECTION
COMMISSION
2012 JAN 18 AM 11:05
OFFICE OF GENERAL
COUNSEL

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Matter Under Review Number 6514
Response of RickPerry.org

Sirs:

I am the General Counsel to Rickperry.org, the principal campaign committee supporting the candidacy of Governor Rick Perry for the nomination of the Republican Party for the office of President. The committee's Treasurer, Salvatore Purpura, sent an executed Designation of Counsel form in MUR # 6514 to your office by facsimile last week. Thus, this letter constitutes the formal response of the committee to the unsubstantiated allegation in MUR # 6514.

The complaint which constitutes MUR # 6514 is unsubstantiated, contrary to fact, and without merit and should be dismissed on its face. The complaint asserts that RickPerry.org colluded with an outside group, Make Us Great Again, Inc. to utilize video coverage of Governor Perry in an advertisement and did so without compensating Make Us Great Again, Inc. for the utilization of that video material. The complainant alleges that such a utilization of this video material would constitute a prohibited "in-kind" contribution [2 USC 431(8)(A)(1)] and relies exclusively upon a November 26, 2011 article in Politico and a November 18, 2011 article in the Houston Chronicle, which itself was based upon the earlier Politico article. Unfortunately, the complainant made no independent effort to ascertain the true facts before filing this frivolous complaint. Had the complainant made a minimal effort to ascertain the true facts, this complaint would not have been filed.

Here are the uncontested facts: (a) following the filing of FEC Forms 1 and 2 in August, 2011, the principals of RickPerry.org adopted an internal policy prohibiting any employee or consultant to the committee from having any contact with any independent expenditure committee about any matter involving RickPerry.org.; (b) the advertisement at issue in MUR # 6514 was created, in-house, by employees of RickPerry.org without ANY consultation, coordination, or discussion with any other political entity, specifically Make Us Great Again, Inc.; (c) the video material used in the advertisement complained of in MUR # 6514 appears, on its face, to be video of remarks made by Governor Perry that were recorded at a public event by an individual not affiliated with RickPerry.org and thus independent

P.O. Box 28890 • Austin, Texas 78755 • facebook.com/GovernorPerry • Twitter: @TeamRickPerry & @GovernorPerry

Paid for by RickPerry.org, Inc.

12044322757

12044322758

of any employee or consultant to RickPerry.org.; (d) the video material complained of in MUR # 6514 was, in fact, taken from the public domain by the in-house creators of the advertisement; (e) the public domain from which the video at issue in MUR # 6514 was taken was www.youtube.com; (f) the specific YouTube posting of this video was found by RickPerry.org employees at http://www.youtube.com/watch?feature=player_embedded&v=maxGO74h1Z1; and (g) this posting could have been found by the complainant prior to the filing of this complaint had the complainant expended a minimal effort at searching the web... with the result that such a frivolous complaint would not have been filed in the first place. As indicated above, the video was posted on a publically available website by an individual unknown to RickPerry.org who appears to have recorded the video at an event featuring Governor Perry that was open to the public.

In conclusion, not one single shred of factual evidence supports the allegation made in this complaint. Because there is no factual basis on which the complaint should have been made, I ask that the complaint be dismissed and that no further action be taken with respect to RickPerry.org in MUR # 6514. Lastly, because this complaint was so factually bereft of substance and because the actual source of the video at issue could have been readily obtained from a minimal internet search before the complaint was filed, I would respectfully ask the Federal Election Commission to either sanction or admonish the complainant for the filing of such a demonstrably frivolous complaint.

Should you have any addition questions, please do not hesitate to contact me directly at (202) 530-3352.

Sincerely,



William B. Canfield III
General Counsel