

Republican Majority Campaign PAC

FEC ID# C00442319

Randy Goodwin, Chairman/Treasurer

13421 Malena Drive

Santa Ana, CA 92705

RECEIVED
2012 SEP 19 PM 12:09
OFFICE

Federal Election Commission
Office of General Counsel
Mr. Anthony Herman
999 E Street, NW
Washington, DC 20463

RE: MUR 6633

Dear Mr. Herman:

This is in reply to MUR 6633--a complaint by Mr. Tim Edson of the Allen West for Congress campaign.

In the first paragraph of the complaint, Mr. Edson names Mr. Gary Kreep as an officer of the Republican Majority Campaign. At the time of the distribution of the email solicitation in question, I was the only officer of the Republican Majority Campaign PAC.

Mr. Kreep resigned his position as Chairman/President of RMCPAC in February, 2012, when he became a candidate for a state judicial position and his resignation from all political action committees was required by California state law. In the June, 2012, California state primary election, he was elected as a San Diego County Superior Court Judge, and, as a result, he will not be an officer of any political action committee for the term of his judgeship.

Let me state from the outset that Mr. Edson's complaint is completely without merit and is rebutted by his own exhibits.

The Republican Majority Campaign is a multi-candidate political action committee, founded in 2008.

We engage primarily in independent expenditures for and against candidates for federal office.

During our existence, we have conducted numerous IE campaigns and have given direct donations to many candidates.

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For example, during the 2008 elections our disbursements were \$3,850,590.00. Out of those disbursements we devoted \$3,089,396.64 to independent expenditures and \$23,550.00 in direct contributions to candidates for federal office.

That is over 80 percent of our disbursements made for the purpose of influencing the outcome of federal elections.

Mr. Edson alleges that an email (a copy of which is attached to his complaint) sent by the Republican Majority Campaign to our list of contributors on August 19, 2012, in which we solicited support for an independent expenditure campaign on behalf of Allen West, fraudulently misrepresents that we are part of the official Allen West for Congress campaign. Further he alleges that our email solicitation and our contribution "landing page" were intentionally designed to blur the line between our political action committee and Allen West's own campaign committee.

These charges are untrue.

First, as to the charge that our solicitation fraudulently misrepresents that we are part of the official Allen West campaign, no attempt was made to represent that our independent expenditure project on behalf of Allen West was part of the official Allen West campaign. An examination of the exhibits provided by Mr. Edson will show that to be the case.

Exhibit "A" shows our organization's letterhead prominently featured at the top of our email, clearly showing that the email came from the Republican Majority Campaign--not the Allen West for Congress campaign. All appropriate disclaimers were provided to the potential donor, including the one cited in Mr. Edson's complaint, which states, "RMCPAC's campaign efforts are not endorsed by any candidate or candidate's committee."

Furthermore, my signature appears on the solicitation as "National Chairman" of the Republican Majority Campaign.

Finally, we ask that contributors make checks out to: "Republican Majority Campaign PAC" and mail them to our Washington, D.C. address. The Allen West for Congress campaign is located in Florida--not Washington, D.C.

It should be noted that the solicitation in dispute was sent to our "in-house" donors. Each person on that list, has given us a contribution in the past and received numerous communications

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from us. They are familiar with my name and likeness, because I sign the email solicitations, newsletters, and thank you letters. It is highly unlikely that our donors would confuse our pro- Allen West project with activities of the official Allen West campaign.

In consideration of MUR 5385 (Groundswell Voters PAC), which is cited by Mr. Edson in the complaint, I have read through the documents associated with this MUR, and I believe that Mr. Edson misled the Commission in his characterization of this MUR in his complaint.

As represented by Mr. Edson, the issue in MUR 5385 was the language used in the solicitation by Groundswell Voters PAC. He quotes their solicitation that funds would be used "to help propel Dick Gebhardt to the Democratic nomination and on to the Presidency in 2004." He leaves the distinct impression that this type of boilerplate language was the central issue in the finding of fraud by the FEC. But that wasn't the issue at all. Mr. Edson failed to accurately present the most important issues, starting with the fact that 1.) Groundswell Voters PAC was not registered with the FEC; 2.) There was no disclaimer stating that the PAC efforts were not authorized by any candidate or candidate's committee; 3.) The Groundswell Voters PAC published a false IRS tax number to lend an air of legitimacy to their efforts; 4.) They asked that donations be made out to "Gebhardt for President, Inc."; and 5.) They illegally appropriated names from official Gebhardt for President FEC campaign reports, and used them for their solicitations.

It is quite clear from the sum total of all of the circumstances that the Groundswell Voters PAC was a fraudulent activity. It is also quite clear that Mr. Edson's assertion that MUR 5385 supports his claim against the Republican Majority Campaign is false and misleading.

Mr. Edson's statement that "RMC's solicitations containing Congressman West's name (or any of its other activities, for that matter) are not authorized by Congressman West, and RMC is in no way affiliated or associated with Congressman West's campaign committee," contains an implicit assumption that a PAC must obtain permission or authorization to conduct independent expenditure activities. This betrays a fundamental misunderstanding of the law. It would be illegal to coordinate our independent expenditures with the Allen West campaign.

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Mr. Edson is also guilty of hypocrisy when he raises the issue of salaries being paid by RMC PAC. First of all, it is irrelevant to the issue at hand, but I note that Mr. Edson himself received \$16,000 in payments from the Allen West for Congress campaign in the month of May alone. No one associated with the Republican Majority Campaign has ever received salary payments that large in the course of a month.

For reasons which are obscure, Mr. Edson devotes more than a page and a half of his complaint on a disjointed and erroneous account of our history and our activities. In one passage, which seems entirely irrelevant to the complaint, he states, with some apparent dismay, that we receive a large number of small donations. He fails to make any cogent argument on why this point should be considered as part of his complaint.

He also makes the demonstrably false claim that "Virtually all of the funds that RMC raises are spent on "operating expenditures". The record of our FEC reports shows that our independent expenditures far outweigh our operating expenditures. However, this is also irrelevant to the issue at hand.

In his recap of our July (2012) Quarterly Report, Mr. Edson states that payments were made for "list rental", "management services" and "legal fees". He then veers into a conspiratorial tone and says, "most significantly, large payments to Political Advertising in Arizona."

Why Mr. Edson believes that it is significant to his complaint that we use a vendor in Arizona to call voters is unclear. It certainly has nothing whatsoever to do with our pro-Allen West independent expenditure efforts. We have not done any telephoning in connection with our support for Allen West, only email.

Furthermore, he makes another erroneous assumption when he says that the fact that we spend money on printing indicates that we engage in "direct mail efforts." For the record, the expenditures to "United Printing" are not for direct mail fund raising. But, even if they were, that would have no relevance to the complaint.

We consider it part of our basic purpose to support worthy candidates who are locked in close election contests. The

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Republican Majority Campaign has helped candidates all over the country.

We intend to continue doing so.

Our efforts on behalf of candidates like Allen West are why we exist. An acceptance of Mr. Edson's arguments would mean that no PAC could conduct independent expenditure campaigns on behalf of Allen West, or any other candidate, who did not "authorize" their activities.

The law against fraudulent misrepresentation was not intended to shut down fund raising for legitimate independent expenditure projects undertaken by political action committees.

Finally, Mr. Edson's conclusion that the Republican Majority Campaign is a scam and that we seek to profit from the name and reputation of Allen West is utterly false. The record shows otherwise. Mr. Edson's arguments, and his flawed recitation of the particulars of the case, fail in every respect. This complaint should be dismissed because neither the statutes cited nor MUR 5385 are applicable to this case.

Sincerely

Randy Goodwin
Chairman
Republican Majority Campaign

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State of California, County of ORANGE
On 9-17-12 before me, NAVEED JATTALA,
Notary Public, personally appeared RANDY GOODWIN,
who proved to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in his/hers/their authorized capacity(ies)
and that by his/hers/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

