

13044334171



Caplin & Drysdale, Chartered
One Thomas Circle, NW, Suite 1100
Washington, DC 20005
202-662-5000 • 202-429-3301 Fax
www.caplindrysdale.com

November 28, 2012

VIA ELECTRONIC AND CERTIFIED MAIL

Anthony Herman
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6689—Response of John McCain 2008, Inc. (Joseph Schmuckler, Treasurer)

Dear Mr. Herman:

This letter responds to a recent complaint by Making Change at Walmart, which accused John McCain 2008 of accepting an excessive contribution from Jim C. Walton.

The complaint is based upon incomplete information. Mr. Walton did, as the complaint noted, give a direct contribution of \$2,300 to John McCain 2008 that was received on May 16, 2008.¹ He also contributed \$4,300 to the McCain Victory 2008 joint fundraising committee on August 15, 2008, \$2,300 of which was originally distributed by the committee to John McCain 2008.² But John McCain 2008 did not retain these funds, as the complainant supposes. Upon conducting a regular review of its records, John McCain 2008 discovered that duplicate records existed for Mr. Walton and that the \$2,300 joint fundraising distribution attributed to him must be returned to McCain Victory 2008. The \$2,300 distribution was indeed promptly returned on September 13, 2008, and this transfer of funds was duly noted on both Schedule A and Schedule B of John McCain 2008's October Monthly disclosure report filed with the Commission.³ After McCain Victory 2008 received the returned \$2,300, it subsequently redistributed Mr. Walton's

¹ John McCain 2008, June Monthly Report of Receipts and Disbursements, available at <http://images.nictusa.com/cgi-bin/fecimg/?28933358533>.

² McCain Victory 2008, October Quarterly Report of Receipts and Disbursements, available at <http://images.nictusa.com/cgi-bin/fecimg/?29933558330>.

³ John McCain 2008, October Monthly Report of Receipts and Disbursements Schedule A, available at <http://images.nictusa.com/cgi-bin/fecimg/?28935165951> (noting that Mr. Walton's contribution was a "transfer from McCain Victory 2008" and that a "refund [was] to be issued"); John McCain 2008, October Monthly Report of Receipts and Disbursements Schedule B, available at <http://query.nictusa.com/cgi-bin/dcdev/forms/C00430470/421550/sb/24> (showing a transfer of \$56,315 to McCain Victory 2008 from John McCain 2008). The particular distributions returned to McCain Victory 2008 as part of the \$56,315 transfer made on September 13, 2008 are shown on the attached spreadsheet.

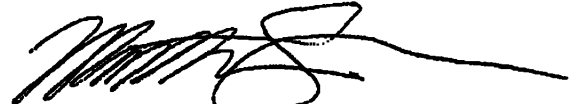
contribution to other joint fundraising participants.⁴ John McCain 2008 therefore did not accept an excessive contribution from Mr. Walton.

Because Making Change at Walmart's accusation is without merit, the complaint should be dismissed and the Commission should take no further action related to this Matter.

Respectfully Submitted,



Trevor Potter
Caplin & Drysdale, Chtd.



Matthew T. Sanderson
Caplin & Drysdale, Chtd.

Encl.: John McCain 2008 Spreadsheet for Sept. 13, 2008 Transfer

⁴ See Republican National Committee, Report of Receipts and Disbursements, <http://images.nictusa.com/cgi-bin/fecimg/?29992393002> (showing distribution of \$2,000 from McCain Victory 2008 as attributable to Mr. Walton).

13044334172