

TOOMEY

P.O. Box 8888, Allentown, PA 18105 • 610-438-6330 • www.pattoomey.org

March 15, 2004

HAND DELIVERED

General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: In the Matter of Club for Growth and Representative Patrick Toomey
MUR 5415

Dear Sir/Madam:

Please allow this letter to serve as the response of the Pat Toomey for Senate Committee to the above referenced complaint.

To provide the appropriate context for the complaint lodged by Senator Specter's campaign, it should be noted that the Toomey campaign's polls, and therefore presumably the polling conducted by the Specter campaign, show that Senator Specter is likely to be defeated in the primary election to be held on April 27, 2004. Further, as indicated by Appendix "A", Senator Specter himself is an elected member of the Republican Main Street Partnership (RMSP), an organization that has paid for a substantial advertising effort directed against Congressman Toomey. Lastly, as indicated by Appendix "B", Senator Specter is well versed in FEC violations as he was assessed a hefty fine for not obeying the law in past campaigns.

With this background, one can see that the Specter campaign (1) would look for every opportunity to try to impede the momentum of the Toomey campaign, (2) would try to intimidate the Club for Growth (CFG) from further attempting to educate voters of his embarrassingly liberal record, and (3) would attempt to divert attention from the obvious link between Senator Specter and the RMSP, in an effort to inoculate itself against what would be far more credible charges of coordination between the Specter campaign and the RMSP than the baseless charges in the ridiculous affidavit of Christopher Nicholas.

The affidavit of Mr. Nicholas contains not a shred of evidence of coordination between the Toomey campaign and the CFG.

The affidavit points to no evidence whatsoever of any unlawful contacts between the Toomey campaign and the CFG – no evidence of any conversations, phone calls, meetings or correspondence between the two organizations regarding advertising. Rather, the Specter campaign is attempting to put the Toomey campaign in the position of having to prove a

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negative, i.e., that it did not have contacts with the CFG concerning the advertisements placed by the CFG.

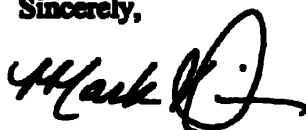
Since it is well-nigh impossible to prove a negative, we can only attest, under oath, that there was absolutely no contact whatsoever between the Toomey campaign and the CFG concerning advertising.

It is true, of course, that the goal of our campaign is to disseminate our message as often and as broadly as possible, and the Toomey campaign expressed that goal in comments in early January. Senator Specter's campaign, it seems, is attempting to transform the expression of this intention into an obligation to run television ads every day in every market without regard to circumstances that might render such a course inadvisable, including the circumstances that gave rise to the decision not to make a buy for the week of February 16. Not running ads the week of February 16 was due to the fact that it was not viewed as the most effective use of the campaign's resources to repeat ads that had already been running for quite some time (January 8 - February 16). In addition, the campaign did not have new ads produced to start airing.

That is why, apart from the rank suppositions masquerading as fact contained in Mr. Nicholas's affidavit, there is no evidence of any such contacts or coordination, whereas Senator Specter has continued as a member of the RMSP during the entire period of its advertising campaign against Congressman Toomey.

As there were no such contacts between the campaign and the CFG, we respectfully request that the complaint in this matter be dismissed, and, in light of the substantial fine levied by the Commission on a prior Specter campaign for violation of campaign finance laws, respectfully suggest that the Commission's resources would be more effectively directed to querying the Specter campaign concerning its ties with the RMSP.

Sincerely,



Mark Dion
Campaign Manager

I, Mark Dion, Campaign Manager for the Pat Toomey for Senate Committee, am authorized to submit the above response to the complaint in case MUR 5415, state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and make this statement subject to the penalties of 18 U.S.C. s 1001.

Sworn to and subscribed before me this
16th day of March, 2004.



Notary Public

Sandra D. Bean
Notary Public, District of Columbia
My Commission Expires 04-08-2008

EXHIBIT A

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FEATURE STORY
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Elected Members

Elected officials who are members of the Partnership

Rep. Charles Bass, New Hampshire (<http://www.house.gov/bass/>)

Rep. Douglas Bereuter, Nebraska (<http://www.house.gov/bereuter/>)

Rep. Judy Biggert, Illinois (<http://www.house.gov/biggert/>)

Rep. Sherwood Boehlert, New York (<http://www.house.gov/boehlert/>)

Rep. Mary Bono, California (<http://www.house.gov/bono/>)

Rep. Jeb Bradley, New Hampshire (<http://www.house.gov/bradley/>)

Rep. Ginny Brown-Waite, Florida (<http://www.house.gov/brown-waite/>)

Rep. Ken Calvert, California (<http://www.house.gov/calvert/>)

Rep. Dave Camp, Michigan (<http://www.house.gov/camp/>)

Rep. Mike Castle, Delaware (<http://www.house.gov/castle/>)

Rep. Shelley Moore Capito, West Virginia (<http://www.house.gov/capito/>)

Sen. Lincoln Chafee, Rhode Island (<http://www.senate.gov/~chafee/>)

Sen. Norm Coleman, Minnesota (<http://coleman.senate.gov/>)

Sen. Susan Collins, Maine (<http://www.senate.gov/~collins/>)

Rep. Tom Davis, Virginia (<http://www.house.gov/tomdavis/>)

Rep. David Dreier, California (<http://dreier.house.gov/>)

Rep. Vern Ehlers, Michigan (<http://www.house.gov/ehlers/>)

Gov. Robert Ehrlich, Maryland (<http://www.gov.state.md.us/>)

Rep. Phil English, Pennsylvania (<http://www.house.gov/english/>)

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Rep. Mark Foley, Florida (<http://www.house.gov/foley/>)

Rep. Rodney Frelinghuysen, New Jersey (<http://www.house.gov/frelinghuysen/>)

Governor Jim Geringer, Wyoming
(http://www.state.wy.us/governor/governor_home.html)

Rep. Wayne Glicrest, Maryland (<http://www.house.gov/glicrest/>)

Rep. Paul Gillmor, Ohio (<http://www.house.gov/gillmor/>)

Rep. Porter Goss, Florida (<http://www.house.gov/goss/>)

Rep. Key Granger, Texas (<http://www.house.gov/granger/>)

Rep. Jim Greenwood, Pennsylvania (<http://www.house.gov/greenwood/>)

Rep. David Hobson, Ohio (<http://www.house.gov/hobson/>)

Rep. Amo Houghton, New York (<http://www.house.gov/houghton/>)

Rep. Johnny Isakson, Georgia (<http://www.house.gov/isakson/>)

Rep. Nancy Johnson, Connecticut (<http://www.house.gov/nancyjohnson/>)

Rep. Tim Johnson, Illinois (<http://www.house.gov/timjohnson/>)

Rep. Sue Kelly, New York (<http://www.house.gov/suekelly/>)

Rep. Mark Kirk, Illinois (<http://www.house.gov/kirk/>)

Rep. Jim Kolbe, Arizona (<http://www.house.gov/kolbe/>)

Rep. Ray LaHood, Illinois (<http://www.house.gov/lahood/>)

Rep. Steve LaTourette, Ohio (<http://www.house.gov/latourette/>)

Rep. James Leach, Iowa (<http://www.house.gov/leach/>)

Rep. Jerry Lewis, California (<http://www.house.gov/jerrylewis/>)

Gov. Linda Lingle, Hawaii (<http://www.hawaii.gov/gov/>)

Rep. Frank LoBlundo, New Jersey (www.house.gov/loblundo)

Sen. John McCain, Arizona (<http://www.senate.gov/~mccain/>)

Rep. Jim McCrery, Louisiana (<http://www.house.gov/mccrery/>)

Rep. George Nethercutt, Washington (<http://www.house.gov/nethercutt/>)

Rep. Tom Osborne, Nebraska (<http://www.house.gov/osborne/>)

Rep. Doug Ose, California (<http://www.house.gov/ose/>)

Gov. George E. Pataki, New York (<http://www.state.ny.us/governor/>)

Rep. Thomas Petri, Wisconsin (<http://www.house.gov/petri/>)

Rep. Todd Platts, Pennsylvania (www.house.gov/platts)

Rep. Jon Porter, Nevada (<http://www.house.gov/porter/>)

Rep. Deborah Pryce, Ohio (<http://www.house.gov/pryce/>)

Rep. Jack Quinn, New York (<http://www.house.gov/quinn/>)

Rep. Jim Ramstad, Minnesota (<http://www.house.gov/ramstad/>)

Rep. Ralph Regula, Ohio (<http://www.house.gov/regula/>)

Sen. Pat Roberts, Kansas (<http://www.senate.gov/~roberts/>)

Gov. Arnold Schwarzenegger, California (<http://www.governor.ca.gov/>)

Rep. E. Clay Shaw, Jr., Florida (<http://www.house.gov/shaw/>)

Rep. Christopher Shays, Connecticut (<http://www.house.gov/shays/>)

Rep. Rob Simmons, Connecticut (<http://www.house.gov/simmons/>)

Sen. Gordon Smith, Oregon (<http://www.senate.gov/~gsmith/>)

Sen. Olympia Snowe, Maine (<http://www.senate.gov/~snowe/>)

Sen. Arlen Specter, Pennsylvania (<http://www.senate.gov/~specter/>)

Sen. Ted Stevens, Alaska (<http://www.senate.gov/~stevens/>)

Rep. Fred Upton, Michigan (<http://www.house.gov/upton/>)

Rep. Greg Walden, Oregon (<http://www.house.gov/walden/>)

Rep. Jim Walsh, New York (<http://www.house.gov/walsh/>)

Rep. Curt Weldon, Pennsylvania (<http://www.house.gov/curtweldon/>)

Rep. Jerry Weller, Illinois (<http://www.house.gov/weller/>)

EXHIBIT B

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April 17, 2003

National Briefing: Washington

SENATOR SETTLES SUIT OVER TRAVEL A long-running federal lawsuit that accused Senator Arlen Specter, Republican of Pennsylvania, of illegally accepting hundreds of thousands of dollars worth of private plane rides during his failed 1996 presidential bid has been settled for \$25,000, court records show. The settlement closes a bitter dispute between Senator Specter and the Federal Election Commission that began after he ended a yearlong run for the White House in 1995. The commission and the "Arlen Specter '96" campaign committee agreed on the settlement "without any concession as to liability," papers filed on Feb. 27 in federal District Court in Philadelphia show. (AP)

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