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CHARLES R. SPIES

EMAIL ADDRESS

December 16, 2008

VIA HAND DELIVERY

Jeff S. Jordan, Esq.
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6113

Dear Mr. Jordan:

On behalf of Kirby Hollingsworth for State Representative and Kirby Hollingsworth (collectively, "the Committee"), this letter is submitted in response to the complaint filed by Frank Long and now labeled MUR 6113. The alleged violations in this complaint do not rise to a level that warrants the use of Commission resources and the complaint should be dismissed.

Kirby Hollingsworth is a small business owner who ran as a challenger for the office of State Representative in the 3rd District of Texas. In the course of Mr. Hollingsworth's campaign, it became clear that a major issue in the race was his opponent, Mark Homer's, support for Barack Obama. The Presidential race between McCain/Palin and Obama/Biden was not competitive or even, for all practical purposes, being waged in the 3rd District of Texas.¹ For the purpose of the State Representative race, however, Mr. Homer's support for Obama, and Hollingsworth's support for McCain/Palin, were perceived by the Committee to be strong campaign issues, so consequently the Committee interjected the issue into advertising in the State Representative race. As Mr. Long's complaint notes, the Committee in both mail and a radio advertisement attempted to tie Mr. Homer to Barack Obama and his "liberal policies," and Mr. Hollingsworth to John McCain and his real experience and real solutions. In other words, the Committee used the issue of Sen. Obama and his "liberal policies" to attack Mr. Homer, and the issue of Sen. McCain and his experience and real solutions to support Mr. Hollingsworth.

¹ McCain/Palin won the 3rd District of Texas with 70.3% of the vote. Obama/Biden received 28.86% of the vote. See <http://www.sos.state.tx.us/elections/index.shtml>.

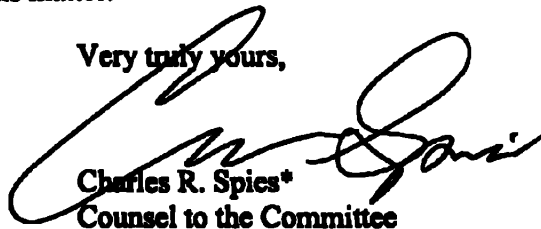
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At no point did the Committee make any communications for the purpose of influencing the Presidential (or any other Federal) race. The Hollingsworth advertisements (mail and radio) were created entirely independently of the McCain/Palin campaign (again, there effectively was no Presidential campaigning taking place in these counties of Texas) and the funds spent by the Committee were specifically - and only - for the purpose of influencing the State Representative race in the 3rd District of Texas. NO money was spent with the purpose of promoting, supporting, attacking or opposing any Federal candidate for office. In addition, when the Committee became aware of the allegations of this complaint, it ceased airing the radio advertisement in question and did not mail additional copies of the mailer in question.

Any potential violation by the Committee in this complaint was inadvertent and not of the scale or import to warrant the Commission's attention. Mr. Hollingsworth's campaign is in the process of terminating, and he has no intention of running for office again. Consequently, we respectfully request that the Commission dismiss this complaint. If the Commission feels that this matter does warrant the use of Commission resources to pursue, then in light of the Committee's limited funds and desire to expeditiously resolve this matter, the Committee requests that this complaint be considered for the Commission's Alternative Dispute Resolution Program.

Thank you for your consideration in this matter.

Very truly yours,



Charles R. Spies*
Counsel to the Committee

*Admitted only in Virginia
Supervision by Stefan Passantino
a member of the DC Bar.

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