

**ANDREW L. ASHER**

ATTORNEY AT LAW

RECEIVED  
FEDERAL ELECTION  
COMMISSION

ORLANDO - WASHINGTON

2009 DEC 23 PM 3:00

December 21, 2009

OFFICE OF GENERAL  
COUNSEL

*HAND DELIVERED*

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

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2009 DEC 22 PM 3:55

Re: **MUR 6238 – Response to Complaint.**

Dear General Counsel:

I am in receipt of Mr. Jeff S. Jordan's correspondence dated December 14, 2009, informing Mrs. Angie G. Langley and mycongressmanisnuts.com (MCIN) of the Federal Election Commission's (the "Commission") receipt of a complaint and the issuance of Matter Under Review (MUR) number 6238. Mrs. Langley and MCIN understand and respect the role and duty of the Commission with respect to Rep. Alan Grayson's complaint. Furthermore, they value the opportunity afforded by the Commission to respond-in-full to the allegations he has lodged against them. Please be advised that this firm is the counsel of record for Mrs. Langley and MCIN. Accordingly, all further correspondence from the Commission regarding this matter should be directed to my attention at the address below.

As you know, MCIN is a lawfully organized, non-connected political action committee established under the laws of the State of Florida and duly registered with the Commission.<sup>1</sup> Mrs. Langley is a Director/Officer and the formally recognized and registered Treasurer for MCIN. MCIN was created for the purpose of raising funds subject to regulation under the Federal Election Campaign Act (FECA)/Bipartisan Campaign Reform Act (BCRA) and to engage in permissible activities focused upon highlighting politically suspect behavior, activities and policy positions of Members of the U.S. House of Representatives throughout the United States. MCIN relies *solely* upon regulated contributions from its supporters and is not affiliated with and does not coordinate with any other candidate, committee, political party or unregulated entity in any fashion.

<sup>1</sup> FBC Statement of Organization, filed October 29, 2009.

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Bearing these facts in mind, Mrs. Langley and MCIN together offer the following responses to the allegations raised within Rep. Grayson's complaint letter to the Commission dated December 2, 2009:

## I. Committee and Web Site Name:

Notwithstanding Rep. Grayson's sense for the tasteless and juvenile, the "primary purpose" of his complaint is to allege that Mrs. Langley has engaged in "fundamentally deceptive and fraudulent" behavior by virtue of the committee's full name and "masquerading" as a constituent of his. Later in his complaint, Rep. Grayson asserts that Mrs. Langley has personally violated federal election law by claiming to be his constituent.

Regardless of the facts offered by Rep. Grayson in support of his claims, his complaint fails to establish any relevant legal basis for action by the Commission and, on its face, represents a demand for unconstitutional prior restraint of Mrs. Langley's, as well as MCIN's right to free political speech. In particular, I draw the Commission's attention to the following:

*a. Fraudulent Misrepresentation of Campaign Authority.* Rep. Grayson cites to federal election statute 2 U.S.C. § 441h as the legal basis for Commission action against Mrs. Langley. As you know, the language of this statute expressly prohibits individuals from engaging in fraudulent behavior with respect to solicitations and representations concerning candidates and political parties. Mrs. Langley is not a candidate for U.S. Congress nor is she an employee or agent for any candidate. Mrs. Langley is not an officer, employee or agent of any political party. Furthermore, Mrs. Langley has not represented herself as such to any person or media representative for the purpose of damaging any candidate or to solicit funds. Rep. Grayson has failed to submit any evidence which would support his allegation or which would serve to refute these facts. Therefore, his claim that Mrs. Langley has violated 2 U.S.C. § 441h is factually baseless, irrelevant and without legal justification.

*b. Prior Restraint on Political Speech Due to Geographic Residency.* Rep. Grayson's complaint asserts that Mrs. Langley is not a resident of the U.S. congressional district which he represents (FL-8). His logic then follows that because Mrs. Langley is the *Treasurer* of a federally regulated non-connected political action committee with the geographically generic moniker "mycongressmanisnuts.com" that both Mrs. Langley and MCIN are "fraudulent and dishonest". Unfortunately, Rep. Grayson's assumptions in this respect are at least unwarranted, and at worst dangerously unconstitutional. As I am certain Rep. Grayson is aware, the U.S. Constitution does not require Members of the U.S. House of Representatives to actually reside or domicile in the districts they

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represent. Indeed, they are only required to "inhabit" the State in which the district is geographically located.<sup>2</sup> Nonetheless, Rep. Grayson suggests in his complaint that the Commission investigate and punish Mrs. Langley and MCIN for having the temerity to express constitutionally protected political viewpoints on the basis that Mrs. Langley, the committee's *Treasurer*, does not reside in the congressional district he represents. I am unaware of any legal or constitutional ground for such a prior restraint of a freedom doubtlessly enjoyed by many of Rep. Grayson's colleagues in the U.S. House of Representatives who do not technically reside in the House districts they represent.

Furthermore, as I am certain the Commission can attest, and which Rep. Grayson can learn from public records, non-connected political action committees throughout the United States are frequently represented by professional Treasurers who do not reside within the political districts where those committees engage in political speech. Finally, again, as Rep. Grayson can learn from public records, MCIN is indeed a committee populated by his constituents. Two of the three required corporate directors on file with the State of Florida are residents of the FL-8. Therefore, Rep. Grayson's claims that Mrs. Langley and MCIN are "fundamentally fraudulent and dishonest", are violating federal law and should be subject to an undue prior restraint on their political speech are factually incorrect as well as legally and constitutionally without merit or justification.

## II. "Non-Connected Committee" Assertion:

Assumedly the secondary purpose of Rep. Grayson's complaint is to attack MCIN as a *bona-fide* non-connected political action committee supporting or opposing more than one candidate. Federal election law is quite clear on the standards governing non-connected committees. A "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee. A connected organization may be a corporation (including a corporation without capital stock), a labor organization, a membership organization, a cooperative or a trade association.<sup>3</sup> When the Commission has examined the establishment of a new non-connected political committee, the analysis has centered on whether the proposed non-connected committee receives "financial support," within the meaning of section 100.6 of Commission regulations, from another entity. Further, the Commission has considered the role which members or controlling individuals of other organizations play in the creation and operation of the proposed non-connected political committee. This is necessary to determine if their roles create a circumstance where the committee is being directly or indirectly administered or established by another entity, again, within the terms of section 100.6.<sup>4</sup>

<sup>2</sup> U.S. Constitution Article I, Section 2, Clause 2

<sup>3</sup> 11 C.F.R. 100.6(a)

<sup>4</sup> Federal Election Commission Advisory Opinion 2000-20

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To qualify as a multi-candidate committee, a non-connected committee must: a) be registered with the Commission for at least six (6) months; b) receive contributions from at least fifty-one (51) persons; and c) contribute to at least five (5) federal candidates.<sup>5</sup>

As stated earlier, MCIN was created for the purpose of raising funds subject to regulation under the Federal Election Campaign Act (FECA)/Bipartisan Campaign Reform Act (BCRA) and to engage in permissible activities focused upon highlighting politically suspect behavior, activities and policy positions of Members of the U.S. House of Representatives throughout the United States. MCIN relies *solely* upon regulated contributions from its supporters and is not affiliated with and does not coordinate with any other candidate, committee, political party or unregulated entity in any fashion. Its Officers and Directors do not manage, represent or work for any other political committee, candidate or political party.

In his complaint, Rep. Grayson offers specious evidence which he claims demonstrates conclusively that MCIN is organized exclusively for the purpose of his defeat in 2009-2010 election cycle. Ironically, Rep. Grayson has instead offered the evidence in support of the conclusion that MCIN is strictly adhering to the very purpose for which it was established. Given its generic name, which does not specifically mention Rep. Grayson, as well as the fact that MCIN was established less than six-weeks ago and is situated in Orlando, it is only natural that MCIN would focus its early fundraising and policy efforts on Rep. Grayson. Furthermore recognizing Rep. Grayson's high public profile and appetite for publicity, the mere fact that MCIN currently carries out activities in opposition to him does not mean it is focused exclusively upon his seat nor does it rule out future activities of MCIN in other Congressional districts around the United States.

Finally, Rep. Grayson offers no evidence that contradicts MCIN's registration as a non-connected committee. For this reason and those above, Rep. Grayson's claim that MCIN is not a non-connected committee that supports or opposes more than one candidate is factually inaccurate and without legal justification.

## Conclusion:

Contrary to Rep. Grayson's claim that MCIN and Mrs. Langley are "...awash with FECA violations," he has failed to offer any applicable or relevant legal basis, not to mention factual justification, for the claims asserted in his complaint letter to the Commission. Therefore, on behalf of Mrs. Langley and MCIN, I respectfully request the Commission to close its file on this matter and decline further enforcement proceedings.

<sup>5</sup> 11 C.F.R. 105(e)(3)

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If you have any questions or require further information, please do not hesitate to contact me directly at my office in Orlando.

Sincerely,



Andrew L. Asher, Esq.  
Attorney at Law

Cc: Mrs. Angie G. Langley  
Treasurer, [mycongressmanisnuts.com](http://mycongressmanisnuts.com)

The Hon. Alan Grayson  
Member, U.S. House of Representatives

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FEDERAL ELECTION COMMISSION  
600 E Street, NW  
Washington, DC 20463

**STATEMENT OF DESIGNATION OF COUNSEL**  
**Please use only for each Representative**  
**EXHIBIT 10-101**

NR# 16138

NAME OF COUNSEL: ANDREW L. ASHER, ESQ.

FIRM: ANDREW L. ASHER, P.C.

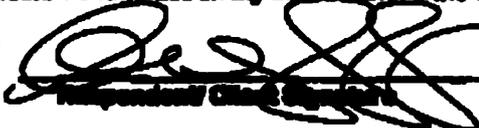
ADDRESS: 4767 NEW BRAND ST.

ORLANDO, FLORIDA 32814

TELEPHONE- OFFICE: (407) 514-2697

FAX: (407) 514-2698

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

12/20/09  TRM  
Rep. Independent Class Representative

RESPONDENT/CLIENT: ANGIE G. LINGLY  
(Please Print)

MAILING ADDRESS: \_\_\_\_\_

CLERMONT, FLORIDA 34711

TELEPHONE-HOME: \_\_\_\_\_

BUSINESS \_\_\_\_\_

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of E.O. 14176 (1975) apply. This action will be taken only if necessary and authorized by the Federal Election Commission without the express written approval of the person under investigation.

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