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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

EISENBERG, LLP

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December 18, 2006

2006 DEC 19 P 2: 25

Via Hand Delivery

Jeff S. Jordan, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

**Re: MUR 5859
Respondents Lois Murphy for Congress and Katherine A. Rowe, Treasurer**

Dear Mr. Jordan:

I am responding on behalf of Lois Murphy for Congress and Katherine A. Rowe, Treasurer (the "Campaign") to a complaint filed by Mr. Brandon Moody, the campaign manager for Jim Gerlach for Congress Committee.

There is no reason to believe that the Campaign coordinated with a corporation on the public announcement of the corporation's endorsement because there was no such endorsement by a corporation. The Campaign acted in full compliance with the requirements set forth in the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations. For the reasons stated below, we respectfully request that the Commission close this matter with respect to the Campaign.

1. The Campaign was not endorsed by a corporation.

The Campaign was endorsed by Pennsylvania ACORN Political Action Committee not ACORN. In a letter dated march 26, 2006, the Campaign received notification that Lois Murphy was endorsed by Pennsylvania ACORN PAC. See Exhibit A. The entire basis of the complaint is that Lois Murphy was endorsed by a corporation. She was not. As a result, there can be no reason to believe that the Campaign coordinated the announcement of a corporate endorsement in violation of 11 C.F.R. §114.4(c)(6) when no such endorsement was even made.

2. A Campaign press release incorrectly identified the endorsing entity.

In a press release dated April 26, 2006, the Campaign mistakenly stated that ACORN endorsed Lois Murphy. See Exhibit B. The press release should have stated that Pennsylvania ACORN PAC endorsed her. Jill Harris, the campaign manager for the Campaign, confirmed in her declaration that the press release mistakenly stated that

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ACORN endorsed Lois Murphy when it should have stated that the PAC endorsed her. See Exhibit C.

3. The Campaign was permitted to participate in a small event with Pennsylvania ACORN PAC.

In the March 26 endorsement letter, Pennsylvania ACORN PAC invited the Campaign to participate in a formal announcement of the endorsement in April. The Campaign worked with Pennsylvania ACORN PAC volunteers in preparation for the event. On April 29, 2006, Pennsylvania ACORN PAC held a small rally to announce their endorsement of Lois Murphy. After the event, Ms. Murphy and some volunteers went to a small number of houses in the neighborhood. These activities were permissible under the ACT and did not violate any Commission regulations.

Conclusion

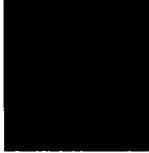
The Campaign was not endorsed by a corporation. As a result, the Campaign could not coordinate the public announcement of a corporate endorsement in violation of 11 C.F.R. §114.4(c)(6). Therefore, there can be no reason to believe that Lois Murphy for Congress and Katherine A. Rowe, Treasurer violated any provision of the Act in this matter. Accordingly, we respectfully request that the Commission promptly close this matter with regard to these respondents.

Sincerely,



James Lamb
Counsel to Lois Murphy for Congress
and Katherine A. Rowe, Treasurer

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Pennsylvania ACORN Political Action Committee
Association of Community Organizations for Reform Now
846 N Broad Street Philadelphia, PA 19130
p: (215) 765-0042 f: (215) 765-0045 www.acorn.org

March 24, 2006

Dear Ms. Murphy:

On behalf of the members of the Pennsylvania ACORN (Association of Community Organizations for Reform Now) Political Action Committee we are please to announce our endorsement of your candidacy for United States Congressional Representative for the Sixth District of the Commonwealth of Pennsylvania.

Our members across the state and in your district look forward to working with you toward victory. We are pleased to make the formal announcement with you at our APAC rally and neighborhood door knock on April 22, 2006. In preparation for this event and to discuss further campaign details, we look forward to meeting with your Campaign and Field Managers on Tuesday April 4, 2006.

For further details on the endorsement please contact Krista Holub at (215) 765-0046.

Sincerely,

Pennsylvania ACORN Political Action Committee

John Moore, Philadelphia ACORN
Mary Neil, Allegheny County ACORN
Tom Kline, Lehigh Valley ACORN

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FOR IMMEDIATE RELEASEBonitatibus
April 26, 2006
667-5061**Contact:** Amy

Office: 610-

ACORN Endorses Lois Murphy

Narberth, PA— The Association of Community Organizations for Reform Now (ACORN) endorsed Lois Murphy for Congress. Lois will join members of ACORN to canvass in Pottstown on Saturday. Lois and ACORN will be reaching out to members of the community to talk about minimum wage, education, and healthcare.

“I am honored to be endorsed by the Association of Community Organizations for Reform Now,” Lois Murphy said. “ACORN plays such an integral role in helping improve communities throughout Pennsylvania and the country, and I am very grateful to have their support.”

“ACORN has fought for many of the same critical issues that I will fight for as a member of Congress,” Murphy said. “They has spent over three decades working to increase the minimum wage, improve schools in low-income neighborhoods, and improve the environmental conditions for those living in some of our biggest cities.”

Lois’s opponent, Jim Gerlach, has a long record of voting against Pennsylvania’s working families. In 2005, he blocked a vote to increase the minimum wage to \$7.25 an hour [Vote #365, 7/12/05]. Gerlach also refused to back a bill that would have provided protection for workers to form unions [Employee Free Choice Act, HR 1696].

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ACORN, the Association of Community Organizations for Reform Now, is the nation's largest community organization of low- and moderate-income families, working together for social justice and stronger communities. ACORN works in more than 75 cities across the United States to improve housing conditions for the economically disadvantaged, increase community safety, secure living wages for all workers and improve the quality of local schools. (www.acorn.org)

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EXHIBIT C

**BEFORE THE
FEDERAL ELECTION COMMISSION**

_____)	
IN RE)	
Lois Murphy for Congress and)	MUR 5859
Katherine A. Rowe, as Treasurer)	
_____)	

Declaration of Jill Harris

This declaration by the Campaign Manager explains that the campaign's press release announcing the endorsement of ACORN was incorrect. The press release should have stated that Pennsylvania ACORN Political Action Committee endorsed Lois Murphy.

1. My name is Jill Harris. I was the campaign manager for Lois Murphy for Congress (the "Campaign").
2. The Campaign received a letter from Pennsylvania ACORN Political Action Committee dated March 26, 2006 announcing that their organization endorsed Lois Murphy's candidacy for U.S. Representative. In the letter, Pennsylvania ACORN PAC invited the Campaign to participate in a formal announcement of the endorsement at a small event on April 22, 2006. The event was later rescheduled for April 29, 2006.
3. The Campaign worked with Pennsylvania ACORN PAC volunteers in preparation for the public announcement of their endorsement.
4. On April 26, 2006, the Campaign issued a press release that mistakenly stated ACORN endorsed Lois Murphy. The Campaign's press release should have stated that Pennsylvania ACORN PAC endorsed her.
5. On April 29, 2006, Lois Murphy attended the Pennsylvania ACORN PAC rally to accept their endorsement.
6. The Campaign did not receive an endorsement from ACORN and, therefore, could not coordinate any public announcement because there was no such endorsement or announcement.
7. I am over 21 years of age, of sound mind, and I have personal knowledge of the facts stated above.



 Jill Harris, Campaign Manager
 Lois Murphy for Congress

 12/18/06

 Date

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