



Wiley Rein & Fielding LLP

OPERATIONS CENTER

NOV 22 A 9 38

2776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

Virginia Office
1925 JONES BRANCH DRIVE
SUITE 5200
MCLEAN, VA 22102
PHONE 703.005.2800
FAX 703.005.2820

www.wrf.com

November 8, 2004

Jan Witold Baran
202-719-7330
jbaran@wrf.com

VIA FACSIMILE & REGULAR MAIL

Brian T. Hildreth, Esq.
Sweeney, Davidian & Greene LLP
8001 Folsom Boulevard, Suite 101
Sacramento, California 95826

Re: The Committee for the Preservation of Capitalism (CPC)

Dear Mr. Hildreth:

This firm represents The Committee for the Preservation of Capitalism ("CPC"). Your October 21, 2004, letter to Bruce Gates has been forwarded to us for review and reply. We appreciate you bringing the misidentified contributions to CPC's attention. We also share your concern that appropriate steps must be taken to ensure against similar occurrences in the future.

Specifically, you have brought to our attention the fact that both the Committee for the Preservation of Capitalism and the California Portland Cement Company PAC use the acronym CPC. As a result, you indicate that because of an unspecified internal coding procedure at the Federal Election Commission ("FEC"), the FEC Internet website misidentifies which of the two committees has been the recipient of certain PAC contributions. However, the Committee for the Preservation of Capitalism has correctly reported the receipt of each of the contributions identified in your letter. Therefore, a simple check of the records would have clarified any confusion over the recipient of the contributions.

Moreover, as your letter indicates, a separate segregated fund most commonly receives contributions only from its own restricted class, which is comprised primarily of the executive and administrative personnel of the company. See 11 C.F.R. § 114.1(j), definition of restricted class. Thus, any PAC contributions reported as having been made to CPC PAC should put the FEC on notice that the Committee for the Preservation of Capitalism and not the California Portland Cement Company Political Action Committee is the recipient of the contributions. Therefore, when a Committee designates CPC or CPC PAC on its report, the FEC

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should attribute this to the Committee for Preservation of Capitalism, not to the California Portland Cement Company PAC. In this way, the problem you highlight can be averted by the FEC staff which is responsible for coding this type of information.

We also note that the Federal Election Campaign Act, 2 U.S.C. § 432(e)(5), and FEC regulations, 11 C.F.R. § 102.14(c) do not allow a separate segregated fund to use an acronym unless it is widely recognized. The acronym "CPC" is not widely recognized as an acronym of California Portland Cement Company. Instead, we have reviewed your website and found that the California Portland Cement Company goes by the acronym of CPCC. ("From its early years, CPCC has remained a leader in the industry through its commitment to quality and customer service." <http://www.calportland.com/cpc/history.htm>.) Therefore, you could easily fix this problem by amending your statement of organization to show yourselves as the CPCC-PAC.

Finally, you assert that your client "is the legitimate holder of the name "CPC-PAC"" and you ask that our client cease all use of the designation. CPC cannot agree to this request. Our client was organized as a political action committee in 1997 and has used the acronym "CPC" as a service mark since at least as early as 2000. The records of the Federal Election Commission show that your client was organized in 2003.

In view of the foregoing, it appears that our client has clear priority as against your client with respect to adoption and use of CPC and, hence, superior rights in the designation. As a result, on behalf of our client, we must insist that your client immediately cease all use of CPC and CPC-PAC in connection with its activities.

We hope that you understand our client's position in this matter and that further action on our part will not be necessary. We ask to have your response to this letter within ten (10) days of its receipt, indicating the nature of your client's intentions.

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Thank you for your prompt attention to this matter.

Very truly yours,



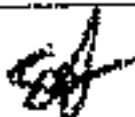
Jan Witold Baran

cc: Bruce Gates, Treasurer
Kristin Davis, Reports Specialist, Federal Election Commission

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Federal Election Commission
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