



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2756

DATE FILMED 4/25/89 CAMERA NO. 3

CAMERAMAN AS

83040743077

06C#831  
RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

October 14, 1988

88 OCT 30 PM 12:29

Mrs 2756

Lawrence Noble, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20004

Dear Mr. Noble:

This Complaint, by Rex Wiley, against Jim Chapman; the Chapman for Congress Committee, P.O. Box 388, Sulphur Springs, Texas; and, the Hopkins County Dairymen For Chapman Committee, Sulphur Springs, Texas, is filed with Exhibits with the Federal Election Commission ("FEC") pursuant to 2 U.S.C. Section 437g(a) of the Federal Election Campaign Act of 1971, as amended ("the Act").

I. Introduction

On August 12, 1988, the Hopkins County Dairymen for Chapman Committee ("Dairymen") sent a letter to approximately 1,000 dairy farmers in East Texas, soliciting support for the reelection of Jim Chapman ("Chapman"), U.S. Representative from the First Congressional District of Texas, so that Chapman "is not replaced by a carpetbagging opponent of dairy interests".

The Dairymen's letter expressly advocates the reelection of Chapman and solicits contributions to his campaign because "... Jim Chapman has led the fight for us ... it is time that we helped him in the fight for his political life." The letter does not, however, contain the sponsorship and authorization notices prescribed by Federal law, nor does it contain the appropriate response card necessary to identify contributors to the Chapman campaign. In fact, the letter appears to indicate "official"

83040743078

88 OCT 31 PM 11:33

FEDERAL ELECTION COMMISSION

8 3 0 4 0 7 4 3 0 7 9

sponsorship of Chapman's reelection bid as evidenced by a facsimile of his official stationery and includes the words "Congress of the United States", "House of Representatives", and "Washington, D.C. 20515-4301". Even the mailing envelope contained the official House address as its return address, although recipients were requested to "send your check to Chapman for Congress, P.O. Box 388, Sulphur Springs, TX."

By authorizing the use of such stationery for purely political purposes, Congressman Chapman has violated not only the Federal election law on disclaimers, but the Federal criminal code and the Rules and Regulations of the U.S. House of Representatives as well. By this complaint, Rex Wiley seeks an FEC investigation into Chapman's practices regarding the attached mailing (Exhibit A).

## II. Violations Of Law

A. Advocacy and Solicitations -- Federal law specifically provides that when a communication expressly advocates the election or defeat of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor facility, direct mailing or any other type of general public political advertising, it must clearly and conspicuously display one of the following authorization notices:

if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. (Emphasis added).

2 U.S.C. 441d.

8 2 0 4 0 7 4 3 0 8 0  
The August 12 letter rhetorically asks recipients "[w]hat kind of signal would it send the nation's agricultural community if the largest, most important dairy county in Texas failed to protect a Congressman with a 100 percent pro-dairy record and replaced him with an advocate of the elimination of dairy price supports?" According to the Dairymen, "It would tell our opponents across the nation that the dairy program is not important, and ought to be repealed . . . [i]t would signal the end of the dairy program and the nation's supply of fresh whole milk." Recipients are warned that "[t]hose are exactly the stakes involved in Jim Chapman's campaign to win reelection . . . ."

To counter the "flow of campaign dollars from Washington" to his Republican opponent, the Dairymen state that "Congressman Chapman now must redouble his fundraising . . . ." To help Chapman achieve this goal, recipients are invited to ". . . becom[e] founding members of Dairy for Chapman by writing a check for \$100 today to Chapman for Congress." In return, the Dairymen will provide ". . . two tickets to Congressman Chapman's campaign kickoff . . . complete with a side of beef and pot of beans."

Chapman and his campaign clearly attempted to benefit from the letter. But did Chapman's campaign pay for the mailer? Did the Dairymen For Chapman Committee? Or, does he have unseen, unknown benefactors? Was there help from sources Chapman did not want the

public to know about? By violating 2 U.S.C. 441d and 11 C.F.R. 110.11(a), Chapman and his campaign insured that the answers are hidden from the public.

Sponsorship identification was not, however, the only item missing from this direct mail solicitation. Federal law requires:

(a) An account shall be kept by any reasonable accounting procedure of all contributions received by or on behalf of the political committee.

(1) For contributions in excess of \$50, such account shall include the name and address of the contributor and the date of receipt and amount of such contribution.

(2) For contributions from any person whose contributions aggregate more than \$200 during a calendar year, such account shall include the identification of the person, and the date of receipt and amount of such contribution.

11 C.F.R. 102.9

Further, the Federal Election Commission, in its "Instructions For Preparing Schedule A" of the FEC reporting forms, has defined the term "identification" to mean:

. . . in the case of an individual, his or her full name, including: first name, middle name or initial, if available, and last name; mailing address; occupation; and the name of his or her employer.

Federal law makes it quite clear that ". . . the treasurer or his or her authorized agent shall use his or her best efforts to obtain, maintain and submit the required information and shall keep a complete record of such efforts." 11 C.F.R. 102.9(d).

To comply with these requirements, it is common practice to include a donor card, which requests contributor information required by federal law, within any direct mail solicitation as a

89040743081

3 2 0 4 0 7 4 5 0 8 2

safeguard against the receipt of illegal contributions. From the absence of such a card in this solicitation, it is clear that Chapman and the Dairymen's Committee may have intended to milk federal campaign finance laws in order to achieve Chapman's financial goals.

B. Expressions or Symbols of Official Sponsorship -- The Federal criminal code makes it unlawful for any person to solicit or receive any contribution in any room or building where Federal employees work. (18 U.S.C. Section 607). The Capitol, House office buildings, and district offices are covered by the prohibition. Rules of the House Office Building Commission also specifically prohibit solicitation of contributions in any House facility. (See Congressional Handbook, pp. 2.25 and 7.16).

Other provisions of the United States Code (see 2 U.S.C. Sections 42c, 46g, 56 and 122 and 31 U.S.C. Section 1301a, which provide that funds are to be used only for purposes for which appropriated), as well as regulations governing House allowances (see Congressional Handbook, pp. 2.1 and 3.1), specify that amounts provided from appropriated funds for telephone, mail, office space, stationery, etc. are to be used only for "official" purposes. These provisions, according to the Ethics Committee, effectively preclude origination of a solicitation from an official facility. (Ethics Manual, p. 151).

Therefore, when using a facsimile of official stationery for fundraising the letter must clearly state that contributions must be mailed to a location not on federal property (i.e.,

specifically not the Congressional office -- either in Washington, D.C. or in the Member's district office). In other words, campaign letterhead may not use the Congressional office as a return address.

The August 12, 1988 letter was written on a facsimile of Chapman's official stationery and the envelope specified a return address of "Congress of the United States, House of Representatives, Washington, D.C. 20515-4301" -- the official House office address. Use of the official address, therefore, raises the presumption that Congressman Chapman is not only conducting official activities from this location, but that he may, in fact, be soliciting contributions on behalf of his reelection campaign as well.

Further, Clause 11 of House Rule XLIII, added to the Code of Official Conduct on January 15, 1979, provides:

A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group, or organization to use the words "Congress of the United States," "House of Representatives," or "official business," or any combination of words thereof, on any letterhead or envelope.

In providing a general interpretation of the rule, the Committee on Standards of Official Conduct found that "the use of congressional letterhead by private organizations is a deliberate misrepresentation which reflects discredit upon the House of Representatives." Accordingly, Congressman Chapman may also be charged with deliberate misrepresentation of his official activities for his own political gain. Due, however, to the impending adjournment of the 100th Congress, a complaint will not be filed with the Committee on Standards of Official Conduct.

3 9 0 4 0 7 4 6 0 8 3

### III. Conclusion

It is difficult to believe that a veteran of the campaign trail such as Jim Chapman is totally ignorant of federal law. These "omissions" appear to be knowing and willful violations of federal law and should be dealt with as such. The public deserves to know who is funding Chapman's reelection campaign, and how.

Complainant therefore requests that the FEC investigate these potential violations and enforce, as necessary, the Commission's regulations.

### IV. Verification

The undersigned swears that the allegations and facts set forth in this Complaint are true to the best of his knowledge, information and belief.

Rep. C. Willey  
Rt 1 Box 132 Henderson Tx  
(Name and Address of Complainant)

Subscribed and sworn to before me this 20<sup>th</sup> day of October, 1988.

Myra M. Tolman  
Notary Public

My Commission Expires: 9/17/89

8904074,084



JIM CHAPMAN  
FIRST DISTRICT  
TEXAS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4301**  
August 12, 1988

Mr. John W Ragan  
Rt 5 Box 457  
Sulphur Springs, Texas 75482

Dear Mr. Ragan:

In the coming 90 days, East Texas will make a critical decision that will affect our future for years to come. For Hopkins County dairy producers, it represents a choice between a bright future and a future full of trouble.

Ours is a choice between a Congressman who strongly supports the dairy industry and a candidate who is opposed to dairy interests.

What kind of signal would it send the nation's agricultural community if the largest, most important dairy county in Texas failed to protect a Congressman with a 100 percent pro-dairy record and replaced him with an advocate of the elimination of dairy price supports? It would tell our opponents across the nation that the dairy program is not important, and ought to be repealed. You know that our opponents would not let such a chance pass by.

It would signal the end of the dairy program and the nation's supply of fresh whole milk.

Those are exactly the stakes involved in Jim Chapman's campaign to win reelection over Republican challenger Horace McQueen.

Hopkins County dairy producers have never had a better friend in Congress than Jim Chapman. He led the fight to keep the price support at a reasonable level and to beat back repeated attempts to cut the level back even more. He led the fight just last week to freeze the price support, eliminating the scheduled 50 cent per hundredweight cut, and to increase it 50 cents more. He fought hard to at least see it remain in the drought bill, even if it is only temporary.

Jim Chapman helped write the dairy part of the drought bill and he also convinced the Agriculture Committee to provide a cost-share program for winter forage, a provision they had already rejected.

Every vote rating on dairy interests rate Jim Chapman 100 percent. And if a vote rating could be written for Hopkins County, he would be way above that. Chapman has revived the Cooper Lake project, "going to war" with the Senate a few weeks ago and winning victory for us only days after the war was declared. He has fought for and won new highway money for us. He is

developing a bovine disease grant for East Texas State University. And he is working on finding a solution to the problem of immigrant dairy production.

Without a doubt, Jim Chapman has led the fight for us. It is time that we helped him in the fight for his political life.

Chapman's Republican challenger, Horace McQueen, told dairy producers on his first visit to Hopkins County that milk price supports aren't needed here. "It's a political salve for the people in the Midwest," McQueen said. Mr. McQueen obviously thinks he knows more about our business than we do. But that is about what you would expect from someone who has never lived or worked in our First District (McQueen lives in Troup, in the Fourth District).

But McQueen is now receiving a flow of campaign dollars from Washington that he never really expected. Because Senator Lloyd Bentsen is now on the Democratic ticket, Texas has become the battleground for the presidency, and East Texas is where the White House will be won or lost. Chapman's opponent is now the targeted race in Texas, and that means thousands of dollars to his campaign.

Congressman Chapman now must redouble his fundraising if he is to match the flood of money from Washington to Horace McQueen. He needs our help and he needs it now.

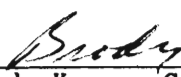
Because the stakes are so high for us, we have today founded the Hopkins County Dairymen for Chapman Committee. We each wrote "Chapman for Congress" a \$100 check only moments ago. Congressman Chapman needs and we want you to join us in this important effort by becoming founding members of Dairy for Chapman by writing a check for \$100 today to Chapman for Congress. It really is a small price to pay for insurance on a brighter future. If you'll write that check and send it back to us today, we'll provide you with two tickets to Congressman Chapman's campaign kickoff on September 1, complete with a side of beef and pot of beans. It's going to be a campaign kickoff the likes of which nobody in this area has ever seen.

Please join us in making sure that one of Hopkins County's own, a 100 percent dairy supporter, is not replaced by a carpetbagging opponent of dairy interests. Write your check today and send it back immediately. Thank you for your support.

Sincerely,

HOPKINS COUNTY DAIRYMEN FOR CHAPMAN COMMITTEE

  
Vera Harrington - Co-Chair

  
Brody Koon - Co-Chair

SEND YOUR CHECK TO CHAPMAN FOR CONGRESS, P.O. BOX 388, SULPHUR SPRINGS, TX

89040743080



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 1, 1988

SPECIAL DELIVERY

Mr. Rex Wiley  
1010 Jacksonville Drive  
Henderson, TX 75652

RE: MUR 2756

Dear Mr. Wiley:

This letter acknowledges receipt on October 31, 1988, of your complaint against the Jim Chapman For Congress Committee and Nancy Rooks, as treasurer, Jim Chapman, and the Hopkins County Dairymen For Chapman Committee, alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this letter shall remain confidential in accordance with 2 U.S.C. Sections 437g(a)(4)(B) and 437g(a)(5)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Procedures

39040743087



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 1, 1988

SPECIAL DELIVERY

Vern Harrington, Co-Chair  
Hopkins County Dairymen  
For Chapman Committee  
c/o Jim Chapman For  
Congress Committee  
PO Box 388  
Sulphur Springs, TX 75482

RE: MUR 2756  
Hopkins County  
Dairymen For Chapman  
Committee

Dear Mr. Harrington:

This letter is to notify you that on October 11, 1988, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2756. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate or explain that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this letter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response, we have enclosed a pre-addressed, postage paid, special delivery envelope. If no response is received within 15 days, the Commission may take further action based on the available information.

The complaint may be dismissed by the Commission prior to the receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by overnight express mail.

This letter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public.

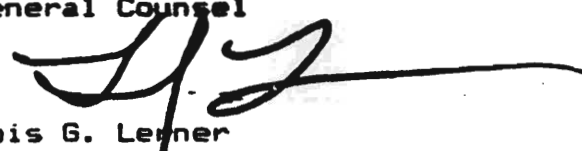
89040745088

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Colleen Miller at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures  
Complaint  
Procedures  
Envelope  
Form

8 3 0 4 0 7 4 3 0 8 9



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 1, 1988

SPECIAL DELIVERY

Brody Koon, Co-Chair  
Hopkins County Dairymen  
For Chapman Committee  
c/o Jim Chapman For  
Congress Committee  
PO Box 338  
Sulphur Springs, TX 75482

RE: MUR 2756  
Hopkins County  
Dairymen For Chapman  
Committee

Dear Mr. Koon:

This letter is to notify you that on October 11, 1988, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2756. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. These materials should be submitted under oath. Your response should be addressed to the General Counsel's Office. It must be submitted within 15 days of receipt of this letter. You are still free to respond to this notification promptly. In order to facilitate an expeditious response, we have enclosed a pre-addressed, postage paid, special delivery envelope. If no response is received within 15 days, the Commission may take further action based on the available information.

The complaint may be dismissed by the Commission prior to the receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by overnight express mail.

This letter will remain confidential in accordance with Section 437a(e)(2)(B) and Section 437g(a)(1)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public.

8 9 0 4 0 7 4 3 0 9 0

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Colleen Miller at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures  
Complaint  
Procedures  
Envelope  
Form

89040743091



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 1, 1988

SPECIAL DELIVERY

Mr. Jim Chapman  
PO Box 538  
Sulphur Springs, TX 75482

RE: MUR 2756  
Jim Chapman

Dear Mr. Chapman:

This letter is to notify you that on October 31, 1988, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2756. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response, we have enclosed a pre-addressed, postage paid, special delivery envelope. If no response is received within 15 days, the Commission may take any action based on the available information.

The complaint may be disclosed by the Commission prior to the receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission disclose the complaint, you will be notified by overnight express mail.

This matter will remain confidential in accordance with Section 417g(a)(4) B and Section 417g(a)(10)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public.

89040743092



If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Colleen Miller at (202) 376-6200.

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures  
Complaint  
Procedures  
Envelope  
Form

3 3 0 4 0 7 4 3 0 9 3



# FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 1, 1988

SPECIAL DELIVERY

Nancy J. Rooks, Treasurer  
Jim Chapman For Congress  
Committee  
PO Box 388  
Sulphur Springs, TX 75482

RE: MUR 2756  
Jim Chapman For Congress  
Committee and Nancy J.  
Rooks, as treasurer

Dear Ms. Rooks:

This letter is to notify you that on October 31, 1988, the Federal Election Commission received a complaint which alleges that the Jim Chapman For Congress Committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (FECA). A copy of the complaint is enclosed. We have numbered this matter MUR 2756. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the Jim Chapman For Congress Committee in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. These materials, statements, affidavits, be submitted in writing. Your response, which should be addressed to the General Counsel, a Director, must be submitted within 15 days of receipt of this letter. You are encouraged to respond to this notification and to provide in order to facilitate an expeditious hearing. We have enclosed a pre-addressed, postage paid envelope. All correspondence, if a response is received within 15 days, will be sent by first-class mail. If no response is received within 15 days, the Commission may take further action based on the available information.

The complaint may be dismissed by the Commission prior to the receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by overnight express mail.

This matter will remain confidential in accordance with Section 474(a)(4)(B) and Section 474(a)(12)(A) of Title 2, unless you notify the Commission in writing that you want the matter to be made public.

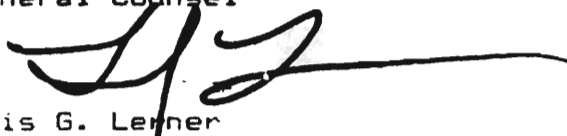
89040743094

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Colleen Miller at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures  
Complaint  
Procedures  
Envelope  
Form

89040743095



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *jm*

DATE: NOVEMBER 2, 1988

SUBJECT: MUR 2756  
FIRST GENERAL COUNSEL'S REPORT  
SIGNED NOVEMBER 1, 1988

The above-captioned report was received in the Secretariat at 3:14 p.m. on Tuesday, November 1, 1988 and circulated to the Commission on a ~~24~~ hour no-objection basis at 4:00 p.m. on Tuesday, November 1, 1988.

There were no objections to the report.

39040743096

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRET

08 NOV -1 PM 3:14

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

MUR 2756  
Date Complaint Received by  
OGC: October 31, 1988  
Date of Notification to  
Respondent: November 1, 1988  
Staff: Miller

SENSITIVE

COMPLAINANT: Rex Wiley

RESPONDENTS: Jim Chapman

Jim Chapman for Congress Committee and  
Nancy J. Rooks, as treasurer

Hopkins County Dairymen for Chapman  
Committee

Vera Harrington, Co-Chair  
Brody Koon, Co-Chair

RELEVANT STATUTES: 2 U.S.C. § 433  
2 U.S.C. § 434  
2 U.S.C. § 441d

INTERNAL REPORTS  
CHECKED: None

FEDERAL AGENCIES  
CHECKED: None

I. SUMMARY OF ALLEGATIONS

A complaint was received from Rex Wiley, alleging that the Hopkins County Dairymen for Chapman Committee sent a letter to East Texas dairy farmers, soliciting support for and contributions to the candidacy of Jim Chapman for Congress. The letter is written on the Congressman's official stationery but is signed by two people who identify themselves as co-chairs of the Hopkins County Dairymen for Chapman Committee. The letter does not clearly state who authorized and paid for the communication.

The letter complained of is signed on behalf of the Hopkins County Dairymen for Chapman Committee. This committee is not

39040743097

registered with the Federal Election Commission. The letter seeks contributions of \$100 each and was mailed to 1000 dairy farmers, according to the complaint.

The complaint alleges that Chapman knowingly and willfully violated the Act.

## II. PRELIMINARY LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441d, a person making an expenditure for a communication which expressly advocates the election of a clearly identified candidate through direct mailing or through other types of general public political advertising must:

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents ... state that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, ... state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, ... state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

2 U.S.C. § 441d(a).

The Act defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4)(A). All committees

89040743098

are required to file Statements of Organization. If the committee is an authorized committee, the filing must occur within 10 days of designation as an authorized committee. All other committees other than an authorized committee must file the Statement of Organization within 10 days of qualifying as a political committee. 2 U.S.C. § 433(a). Political committees are required to file periodic reports of receipts and disbursements. 2 U.S.C. § 434.


Because it appears that violations of the Act may have occurred, this Office believes it is necessary to await Respondents' replies to the complaint before making recommendations to the Commission.

Lawrence M. Noble  
General Counsel

Date

11/1/88

By:

  
Lois G. Lerner  
Associate General Counsel

89040743099

**STATEMENT OF DESIGNATION OF COUNSEL**

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

060127

MUR 2756

88 DEC -6 AM 9:37

NAME OF COUNSEL: ROBERT F. BAUER

ADDRESS: PERKINS COIE  
1110 Vermont Ave, NW  
Suite 1200

TELEPHONE: WASHINGTON, DC 20005  
887-9030

The above-named individual 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.

Date \_\_\_\_\_

Brody Koon  
Signature

RESPONDENT'S NAME: Brody Koon

ADDRESS: Route 1, Box 113 B3  
Brashear, Texas 75420

HOME PHONE: 214/485-2691

BUSINESS PHONE: \_\_\_\_\_

88 DEC -6 AM 11:41

3 0 0 4 0 7 4 3 1 0 0



**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 2756

NAME OF COUNSEL: ROBERT F. BAUER

ADDRESS: PERKINS COIE

1110 VERMONT AVE, NW

SUITE 1200

TELEPHONE: WASHINGTON, DC 20005

887-9030

The above-named individual 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.

Date \_\_\_\_\_

  
Signature \_\_\_\_\_

RESPONDENT'S NAME: \_\_\_\_\_

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

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

89040743101

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2756

NAME OF COUNSEL: Robert F. BAVER

ADDRESS: PERKINS CO. 16

1110 VERMONT AVE, NW

Suite 1200

TELEPHONE: WASHINGTON, DC 20005

887-9030

The above-named individual 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.

Date \_\_\_\_\_

Vera Harrington  
Signature

RESPONDENT'S NAME: Vera Harrington

ADDRESS: Route 2, Box 567

Sulphur Springs, Texas 75482

HOME PHONE: 214/383-2246

BUSINESS PHONE: same

33040743102

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 2756

NAME OF COUNSEL: ROBERT F. BAYER

ADDRESS: PERKINS COIE

1110 VERMONT AVE, NW

SUITE 1200

TELEPHONE: WASHINGTON, DC 20005

887-9030

The above-named individual 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.

Date \_\_\_\_\_

  
Signature \_\_\_\_\_

RESPONDENT'S NAME: Nancy J. Rocks

ADDRESS: 624 College Street

Sulphur Springs, Texas 75482

HOME PHONE: 214/885-4783

BUSINESS PHONE: 214/885-8682

89040743103

DEC 12 98

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9040

December 7, 1988

Mr. Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

88DEC-8 AM 11:52

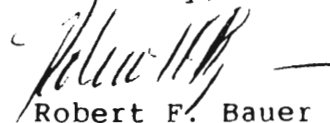
Re: MUR 2756: Chapman for Congress Committee

Dear Mr. Noble:

This letter is written to request an extension of time to respond to the Complaint filed by Rex Wiley against the Chapman for Congress Committee, alleging violations of certain sections of the Federal Election Campaign Act. We have just received a copy of the Complaint and other materials related to this case on December 5, 1988. Because the Complaint was received by the Chapman Committee just before the general election, Mr. Chapman was unable, due to the pressure of his campaign schedule, to complete full review of the Complaint, or make final arrangements for counsel. I understand that, since that time, there was some confusion on the part of staff about the decisions made on retention of counsel. A designation of counsel was prepared and forwarded to the Commission only this week. This office became aware of this designation the day following your receipt.

Therefore, we request a brief extension of time to respond, until December 23, 1988. Please contact me if you have any questions or need any additional information.

Sincerely,



Robert F. Bauer  
Counsel to  
Chapman for Congress Committee

cc: Coleen Miller

0499E

39040743104



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1988

Robert F. Bauer  
Perkins Coie  
1110 Vermont Avenue, N.W.  
Washington, D.C. 20005

RE: MUR 2756  
Chapman for Congress Committee  
Nancy Rooks, as treasurer

Dear Mr. Bauer:

This is in response to your letter dated December 7, 1988, which we received on December 8, 1988, requesting an extension of 30 days to respond to the complaint in MUR 2756. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 21, 1988.

If you have any questions, please contact Colleen Miller, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner".

BY: Lois G. Lerner  
Associate General Counsel

99040743105

OGC 1451

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

83 DEC 23 PM 2:35

December 23, 1988

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2756 - Congressman Jim Chapman, Chapman for  
Congress Committee and Nancy Rooks, as Treasurer,  
Vera Harrington and Brody Koon

Attention: Colleen Miller

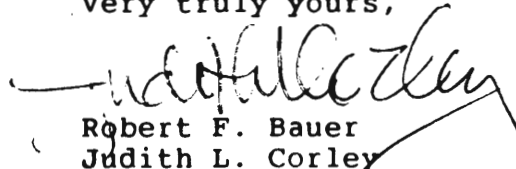
Dear Mr. Noble:

Enclosed is the reply of the above-referenced Respondents to the Commission's notification that a complaint had been filed against them in MUR 2756.

The response refers to an affidavit by Perry F. Bradley, Jr. We were unable to obtain the executed copy of the affidavit in time to submit it to you today. We have, however, attached an executed facsimile of the affidavit which Mr. Bradley intends to submit. As soon as the originally executed affidavit is received, we will have it hand delivered to your offices.

If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,

  
Robert F. Bauer  
Judith L. Corley  
Counsel for Respondents

0529E

89040743106

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

December 23, 1988

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2756 - Congressman Jim Chapman, Chapman  
for Congress Committee and Nancy Rooks, as Treasurer,  
Vera Harrington and Brody Koon

Attention: Colleen Miller

Dear Mr. Noble:

Congressman Jim Chapman, the Chapman for Congress Committee, and Nancy Rooks, as Treasurer, Vera Harrington, and Brody Koon (hereinafter referred to as "Respondents") hereby reply through counsel to the Commission's notification that a complaint had been filed against them by Rex Wiley. Respondents are also submitting an affidavit from an individual with direct knowledge of the issues involved in this Complaint: Perry F. Bradley, Jr., the Campaign Chairman of the Chapman for Congress Committee.

The Complaint alleges that a mailing distributed to benefit the Chapman for Congress Committee did not contain an adequate sponsorship or authorization notice as required under federal law. It also alleges that the mailing did not contain a response card to identify contributors.<sup>1/</sup>

<sup>1/</sup> The Complaint also alleges other violations, of the Criminal Code and the Rules of the House of Representatives, which are not within the jurisdiction of the Federal Election Commission. These allegations, therefore, are not addressed in this response.

89040743107

These allegations are groundless, and the Commission should dismiss this Complaint without taking any further action.

Disclaimer Requirement

The mailing identified in the Complaint was a mailing prepared and paid by the Chapman for Congress Committee. All expenses in connection with the mailing were paid by the Chapman for Congress Committee; its preparation and distribution were done by the Committee.

These facts are clear from a simple examination of the mailing. The letterhead used for the mailing is that of Jim Chapman. The contributions solicited by the mailing are to be made payable to and sent to the Chapman for Congress Committee. If a contribution was made in response to this mailing, the contributor was offered tickets to the kickoff of Congressman Chapman's campaign.

The "group" identified in the mailing, Hopkins County Dairymen for Chapman Committee, is not a separate organization or political committee. The "group" was used to appeal to certain individuals in Congressman Chapman's District who share a common interest. They collected no funds and spent no money as a group. As noted above, all contributions were solicited for and received by the Chapman for Congress Committee, and the mailing is clear on this point.

The Chapman for Congress Committee has, and had at the time, an established policy to place an authorization disclaimer on any communication or solicitation distributed by the Committee. In this case, the specific "authorized by" or "paid for by" language was inadvertently omitted from the mailing. This was, however, the only time during the campaign that the disclaimer policy was not fulfilled. The procedures and policies established by the Chapman Committee functioned, with this lone exception, extremely well in a campaign where there was a significant amount of direct mail.

In any event, it is questionable whether the disclaimer would have been required on this mailing at all. The Commission's regulations require that communications which expressly advocate the election or defeat of a clearly identified candidate or which solicit contributions through certain types of public political advertising must contain the authorization notice. 11 C.F.R. § 110.11. The regulation identifies as examples of "public political advertising" such means of communication as a broadcasting station, newspaper, magazine, outdoor facility or direct mailing. The only

8 7 0 4 0 7 4 3 1 0 8



possible public political advertising which would be relevant in this case would be direct mail. The Commission's regulations do not in this section of the regulations define the term "direct mail." By analogy to other sections of the regulations, however, it would appear that the Commission generally regards direct mail to include mailings done by a commercial vendor or a mailing done from a commercial mailing list. See, e.g., 11 C.F.R. §§ 100.7(b)(16), (17).

The mailing at issue in this Complaint was not done through a commercial vendor. The mailing list used to distribute the mailing was one developed by Chapman for Congress.

Furthermore, there is no specific number of pieces of mail which the regulations indicate would constitute a "direct mailing." The common usage of the term "direct mail" implies a relatively large mailing. Here, contrary to the completely fabricated number stated in the Complaint, the mailing went to a list of approximately 450 individuals. The small number of recipients of the mailing is additional evidence that the mailing did not qualify as a direct mailing and, therefore, no disclaimer was required.

The purpose of the authorization notice requirement is to make clear to the person receiving a communication or a solicitation who was responsible for the mailing. There is little question here that the mailing was the result of the efforts of the Chapman for Congress Committee. The letterhead clearly indicates the letter was from Jim Chapman. The contributions are solicited to his campaign committee and, as a result of a contribution, the contributor will receive a ticket to his kickoff campaign. There is no ambiguity about the sponsor of this mailing.

Even if the Commission were to find that the mailing should have included the disclaimer, the "violation" was insignificant -- involving a minuscule mailing -- and was not repeated. This allegation should be dismissed with no further action.

#### Return Card

In the second allegation, Complainants make the ridiculous argument that because the mailing did not include a return card seeking contributor information, it in some way violated the "best efforts" requirements of the regulations. What Complainants apparently do not realize is that regulations do not specify any particular method for complying with the best efforts requirement. Section 104.7 of the regulations, for example, simply states that there must be one oral or written

8 9 0 1 2 3 4 5 6 7 8 9

request for information.

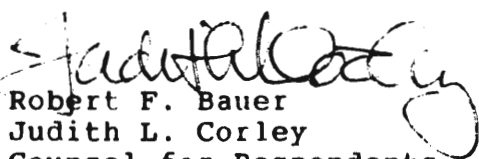
Furthermore, the solicitation seeks contributions of \$100 for which the Chapman Committee would be required to maintain only the name and mailing address of the contributor. Since this information is usually clear on the face of the contribution check, a reply card to request this information would not be necessary. In any event, if the information was not clear on the face of the contribution, the best efforts requirement could be fully and lawfully met by a follow-up letter or telephone call to the contributor.

Complainants have presented no evidence that Respondents failed to comply with the best efforts requirement and this allegation should be dismissed.

Conclusion

It is clear that this Complaint was filed for political reasons right before the election to harass Congressman Chapman and the other respondents. The Federal Election Commission should dismiss this Complaint without further action.

Respectfully submitted,

  
Robert F. Bauer  
Judith L. Corley  
Counsel for Respondents

0543E

3 2 0 4 0 7 4 3 1 0

**BEFORE THE FEDERAL ELECTION COMMISSION**

**MUR 2756**

**Respondents:** Congressman Jim Chapman, Chapman for Congress Committee and Nancy Rooks, as Treasurer, Vera Harrington and Brody Koon

The State of Texas )  
 )  
County of Hopkins ) 55

I, PERRY F. BRADLEY, JR., being duly sworn according to law,  
hereby depose and state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testify as set forth herein.

2. I was Campaign Chairman of the Chapman for Congress Committee during the 1988 primary and general elections.

3. The mailing identified by Complainants in MUR 2756 was produced, distributed, and paid for in all respects by the Chapman for Congress Committee.

4. The Dailymen for Chapman for Congress Committee is not a separate political committee, but is a name for an informal group of supporters of Jim Chapman.

5. It is the standard policy of the Chapman for Congress Committee to put an authorization disclaimer on all communications and solicitations distributed by the Committee.

6. The mailing identified in MUR 2756 was distributed by employees and volunteers of the Chapman for Congress Committee.

7. The mailing list used to distribute the mailing was an in-house list created by Chapman for Congress Committee.

8. The mailing was distributed to approximately 450 individuals.

Perry F. Bradley Jr  
PERRY F. BRADLEY, JR.

SUBSCRIBED AND SWORN TO BEFORE ME

this 23<sup>rd</sup> day of December, 1988.

Joan D. Snow  
Notary Public

My Commission Expires:

1-27-90

3 2 0 4 0 7 4 3 1 1 2

DEC 1470

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

December 27, 1988

68 DEC 28 AM 10:34

RECEIVED  
FEDERAL ELECTION COMMISSION

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Attention: Colleen Miller

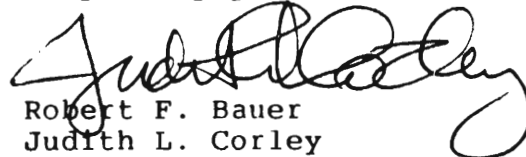
Re: MUR 2756 - Congressman Jim Chapman, Chapman  
for Congress Committee and Nancy Rooks, as  
Treasurer, Vera Harrington and Brody Koon

Dear Mr. Noble:

Enclosed is the original executed affidavit of Perry F.  
Bradley in the above-referenced Matter Under Review.

If you have any questions or need additional information,  
please contact the undersigned.

Very truly yours,



Robert F. Bauer  
Judith L. Corley  
Counsel for Respondents

Enclosure

0549E

3  
1  
1  
3  
4  
2  
0  
4  
0  
0  
6  
8



1 5. It is the standard policy of the Chapman for Congress Committee to put an authorization disclaimer on all communications and solicitations distributed by the Committee.

6. The mailing identified in MUR 2756 was distributed by employees and volunteers of the Chapman for Congress Committee.

7. The mailing list used to distribute the mailing was an in-house list created by Chapman for Congress Committee.

8. The mailing was distributed to approximately 450 individuals.

Perry F. Bradley Jr  
PERRY F. BRADLEY, JR.

SUBSCRIBED AND SWORN TO BEFORE ME

this 23<sup>rd</sup> day of December, 1988.

Joan J. Snow  
Notary Public

My Commission Expires:

1-27-90

8 9 0 4 0 7 4 3 1 1 5

89 FEB 13 AM 11:39

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Jim Chapman for Congress Committee )  
and Nancy J. Rooks, as treasurer )  
Jim Chapman )  
Hopkins County Dairymen for Chapman )

**SENSITIVE**

MUR 2756

GENERAL COUNSEL'S REPORT

I. GENERATION OF MATTER

Rex Wiley (the "Complainant") submitted a complaint to the Commission on October 30, 1988 alleging that Jim Chapman, the Jim Chapman for Congress Committee (the "Chapman Committee"), and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman (the "Hopkins County Dairymen") violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). This Office circulated an Expedited First General's Report without recommendations on November 1, 1988.

On December 23, 1988, counsel for the Respondents filed a response with the Commission denying the allegations in the complaint. On December 28, counsel further submitted an affidavit executed by Perry F. Bradley, the Campaign Chairman for the Jim Chapman for Congress Committee.

II. FACTUAL AND LEGAL ANALYSIS

The Complainant alleges that on August 12, 1988, the Hopkins County Dairymen for Chapman sent letters to approximately 1,000 dairy farmers expressly advocating the reelection of Jim Chapman, a U.S. Representative from the First Congressional District of Texas and soliciting contributions for his campaign. The letter, which requested \$100 contributions from the dairy farmers, failed to include a disclaimer identifying who paid for and authorized

830440743110



the solicitation. The Complainant further contends that the Chapman Committee violated 2 U.S.C. § 432(c) by failing to include a donor card with the solicitation in order to meet the recordkeeping requirements of the Act. Finally, the Complainant alleges that the Respondents violated provisions of the federal criminal code and the rules of the House of Representatives by soliciting and receiving contributions in a building where federal employees work. This issue, however, is outside the jurisdiction of the Commission and will not be discussed in this report.

8 3 0 4 0 7 4 3 1 1 7  
The Hopkins County Dairymen sent out a solicitation letter, dated August 12, 1988, on what appears to be Congressman Jim Chapman's official stationery. The letter stated in part that "Hopkins County dairy producers have never had a better friend in Congress than Jim Chapman....Without a doubt, Jim Chapman has led the fight for us. It is time that we helped him in the fight for his political life....Because the stakes are so high for us, we have today founded the Hopkins County Dairymen for Chapman Committee. We each wrote "Chapman for Congress" a \$100 check only moments ago." Moreover, the letter indicated that a \$100 contribution entitled the giver to two tickets to Congressman Chapman's campaign kickoff.

The Act requires that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper or any type of general public political advertising, such communication if

paid for and authorized by a candidate, an authorized political committee of a candidate, or its agent shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1). If, however, the communication is paid for by other persons, but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such persons and authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2). Finally, if the communication is not authorized by the candidate, an authorized political committee of the candidate or its agents, it shall clearly the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3).

In the response to the complaint, the Respondents, through counsel, state that the mailing in question was prepared, paid for and distributed by the Chapman Committee. In a sworn affidavit, Perry F. Bradley, the Campaign Chairman of the Chapman Committee, states that the Hopkins County Dairymen for Chapman was an informal group of Chapman supporters. The response indicates that the group did not collect any funds or spend any money in connection with the mailing. All contributions were solicited for and received by the Chapman Committee. Moreover, the Campaign Chairman of the Chapman Committee states that employees and volunteers of the Committee sent the mailing to 450 individuals from a list developed and maintained by the Committee, not a commercial vendor.

8 9 0 4 0 7 4 3 1 9

The term "direct mailing" is not defined in 2 U.S.C. § 441d(a) and the Commission has not previously interpreted "direct mailing" as it pertains to this section. Commission Regulations provide, however, that pursuant to 11 C.F.R. § 100.7(b)(15)(i), the term "direct mail" means any mailing by a commercial vendor or any mailing made from commercial lists. "Direct mail", for 11 C.F.R. § 100.7(16), refers to any mailing by commercial vendors or mailing made from lists which were not developed by the candidate. The use of an official list of eligible voters provided by a county department of elections does not constitute a direct mailing. See Advisory Opinion 1988-40.

The mailing of 450 solicitations from a list developed by the Chapman Committee does not, therefore, appear to fall within the category of a "direct mailing" or "other type of general public advertising." Accordingly, it appears that the Committee was not required to include a disclaimer on the solicitation letter at issue. Therefore, this Office recommends that the Commission find no reason to believe that Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman violated 2 U.S.C. § 441d(a) by failing to include a disclaimer in its solicitation letter to the dairy producers.

The Act also requires a treasurer of a political committee to comply with certain recordkeeping requirements. 2 U.S.C. § 432(c). For a contribution in excess of \$50, a treasurer must keep an account of the name and address of the contributor, the date and the amount of the contribution. 2 U.S.C. § 432(c)(2).

If a person makes contributions aggregating more than \$200 during a calendar year, the treasurer must record the identification of the person, the date and the amount of the contribution.

2 U.S.C. § 432(c)(3). Commission Regulations require that a treasurer, in performing the recordkeeping duties, must use his or her best efforts to obtain, maintain and submit the required information. 11 C.F.R. § 102.9(d).

The Complainant alleges that the Chapman Committee violated 2 U.S.C. § 432(c) by failing to include a donor card with the solicitation in order to meet the recordkeeping requirements of the Act. In the response, counsel for the Respondents states that because the solicitation letter sought contributions of \$100, the Chapman Committee, pursuant to the Act, was only required to record the name and address of the contributor, and the date and amount of the contribution which are all easily obtainable from the face of the contribution check. Moreover, the Act and Commission Regulations do not specify a required method for a committee to obtain the necessary information. Therefore, it does not appear that the Chapman Committee violated 2 U.S.C. § 432(c) by failing to include a donor card with its solicitation, as long as the Committee obtains the pertinent information for the recordkeeping requirements through other means. Based on the foregoing analysis, this Office recommends that the Commission find no reason to believe that Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman violated 2 U.S.C. § 432(c).

8 9 0 4 0 7 4 3 1 2 0

### III. RECOMMENDATIONS

1. Find no reason to believe that Jim Chapman violated 2 U.S.C. §§ 432(c) and 441d(a).
2. Find no reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, violated 2 U.S.C. §§ 432(c) and 441d(a).
3. Find no reason to believe that the Hopkins County Dairymen for Chapman violated 2 U.S.C. §§ 432(c) and 441d(a).
4. Close the file.
5. Approve the attached letter.

Lawrence M. Noble  
General Counsel

Date

2/10/89

By:

Lois G. Lerner  
Associate General Counsel

#### Attachments

1. Response
2. Letter

Staff Person: Frania Monarski

89040745121



FEDERAL ELECTION COMMISSION  
WASHINGTON D C 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: *[Signature]* MARJORIE W. EMMONS  
COMMISSION SECRETARY

DATE: February 14, 1989

SUBJECT: MUR 2756 - General Counsel's Report  
signed February 10, 1989

The above-captioned document was circulated to the  
Commission on Monday, February 13, 1989 - 4 PM.

Objection(s) have been received from the Commissioner(s)  
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	<u>X</u> _____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda  
for Tuesday, February 28, 1989 10:00 am.

Please notify us who will represent your Division before the  
Commission on this matter.

89040743122



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: *Marjorie W. Emons* MARJORIE W. EMMONS  
COMMISSION SECRETARY

DATE: FEBRUARY 14, 1989

SUBJECT: MUR 2756 - General Counsel's Report  
Signed February 10, 1989

Attached is a copy of Commissioner Thomas'  
vote sheet with comments regarding the above-captioned matter.

Attachment:  
Copy of Vote Sheet

89040743123

BALLOT



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

19  
**SENSITIVE**

DATE & TIME TRANSMITTED: MONDAY, FEBRUARY 13, 1989 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIAK, McDONALD, MCGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY WEDNESDAY, FEBRUARY 15, 1989 4:00

SUBJECT: MUR 2756 - General Counsel's Report  
Signed February 10, 1989

89FEB 14 PM 3:56

FEDERAL ELECTION COMMISSION  
RECEIVED

- 8 9 0 4 0 7 4 3 1 2 4
- ☒ I approve the recommendation  
☐ I object to the recommendation

COMMENTS: A couple of corrections in letters needed. See G. Barron

DATE: 2/14/89

SIGNATURE [Signature]

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.  
PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.  
PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.



89 MAR -3 PM 3:20

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Jim Chapman for Congress Committee )  
and Nancy J. Rooks, as treasurer )  
Jim Chapman )  
Hopkins County Dairymen for Chapman )

**SENSITIVE**

MUR 2756

**EXECUTIVE SESSION**

GENERAL COUNSEL'S REPORT

I. GENERATION OF MATTER

MAR 14 1989

Rex Wiley (the "Complainant") submitted a complaint to the Commission on October 30, 1988 alleging that Jim Chapman, the Jim Chapman for Congress Committee (the "Chapman Committee"), and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman (the "Hopkins County Dairymen") violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). This Office circulated an Expedited First General's Report without recommendations on November 1, 1988.

On December 23, 1988, counsel for the Respondents filed a response with the Commission denying the allegations in the complaint. On December 28, 1988, counsel further submitted an affidavit executed by Perry F. Bradley, the Campaign Chairman for the Jim Chapman for Congress Committee.

II. FACTUAL AND LEGAL ANALYSIS

The Complainant alleges that on August 12, 1988, the Hopkins County Dairymen for Chapman sent letters to approximately 1,000 dairy farmers expressly advocating the reelection of Jim Chapman, a U.S. Representative from the First Congressional District of Texas and soliciting contributions for his campaign. The letter, which requested \$100 contributions from the dairy farmers, failed to include a disclaimer identifying who paid for and authorized

4 3 7 4 0 7 4 3 1 2 5

the solicitation. The Complainant further contends that the Chapman Committee violated 2 U.S.C. § 432(c) by failing to include a donor card with the solicitation in order to meet the recordkeeping requirements of the Act. Finally, the Complainant alleges that the Respondents violated provisions of the federal criminal code and the rules of the House of Representatives by soliciting and receiving contributions in a building where federal employees work. This issue, however, is outside the jurisdiction of the Commission and will not be discussed in this report.

The Hopkins County Dairymen sent out a solicitation letter, dated August 12, 1988, on what appears to be Congressman Jim Chapman's official stationery. The letter stated in part that "Hopkins County dairy producers have never had a better friend in Congress than Jim Chapman....Without a doubt, Jim Chapman has led the fight for us. It is time that we helped him in the fight for his political life....Because the stakes are so high for us, we have today founded the Hopkins County Dairymen for Chapman Committee. We each wrote "Chapman for Congress" a \$100 check only moments ago." Moreover, the letter indicated that a \$100 contribution entitled the giver to two tickets to Congressman Chapman's campaign kickoff.

The Act requires that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper or any type of general public political advertising, such communication if

89040743126

paid for and authorized by a candidate, an authorized political committee of a candidate, or its agent shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1). If, however, the communication is paid for by other persons, but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such persons and authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2). Finally, if the communication is not authorized by the candidate, an authorized political committee of the candidate or its agents, it shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3).

In the response to the complaint, the Respondents, through counsel, explain that the mailing in question was prepared, paid for and distributed by the Chapman Committee. In a sworn affidavit, Perry F. Bradley, the Campaign Chairman of the Chapman Committee, states that the Hopkins County Dairymen for Chapman was an informal group of Chapman supporters. The response indicates that the group did not collect any funds or spend any money in connection with the mailing. All contributions were solicited for and received by the Chapman Committee. Moreover, the Campaign Chairman of the Chapman Committee states that employees and volunteers of the Committee sent the mailing to 450 individuals from a list developed and maintained by the Committee, not a commercial vendor.

9 3 0 4 0 7 4 3 1 2 7

3 7 7 4 0 7 4 3 1 2 8

The term "direct mailing" is not defined in 2 U.S.C. § 441d(a) and the Commission has not previously interpreted "direct mailing" as it pertains to this section. Commission Regulations provide, however, that pursuant to 11 C.F.R. § 100.7(b)(15)(i), the term "direct mail" means any mailing by a commercial vendor or any mailing made from commercial lists. "Direct mail", for 11 C.F.R. § 100.7(16), refers to any mailing by commercial vendors or mailing made from lists which were not developed by the candidate. The use of an official list of eligible voters provided by a county department of elections does not constitute a direct mailing. See Advisory Opinion 1988-40.

The Committee, in its response, does not make it clear how it developed the mailing list to send out the solicitation in question. The Committee may have purchased a commercial list for use in soliciting contributions with resulting new contributors added to the Committee's own contributor mailing list. A mailing of this sort could be viewed as a "direct mailing" or "other type of general public political advertising" pursuant to 2 U.S.C. § 441d(a).

Moreover, the Act provides an exemption from the disclaimer requirement to expenditures for similar campaign materials made by State or local committees of a political party distributed by volunteers on behalf of a candidate. 2 U.S.C. § 431(9)(B)(viii). This exemption, however, does not apply to expenditures made on behalf of a candidate by his or her authorized committee. No other exemption is applicable which would allow the Committee to forego the disclaimer requirement under these circumstances.

Therefore, based on the foregoing analysis, this Office recommends that the Commission find reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, violated 2 U.S.C. § 441d(a) by failing to include a disclaimer on its solicitation letter to the dairy producers. This Office further recommends that the Commission find no reason to believe that Jim Chapman and the Hopkins County Dairymen for Chapman violated 2 U.S.C. § 441d(a).

8 7 7 4 0 7 4 3 1 2 2  
The Act also requires a treasurer of a political committee to comply with certain recordkeeping requirements. 2 U.S.C. § 432(c). For a contribution in excess of \$50, a treasurer must keep an account of the name and address of the contributor, the date and the amount of the contribution. 2 U.S.C. § 432(c)(2). If a person makes contributions aggregating more than \$200 during a calendar year, the treasurer must record the identification of the person, the date and the amount of the contribution. 2 U.S.C. § 432(c)(3). Commission Regulations require that a treasurer, in performing the recordkeeping duties, must use his or her best efforts to obtain, maintain and submit the required information. 11 C.F.R. § 102.9(d).

The Complainant alleges that the Chapman Committee violated 2 U.S.C. § 432(c) by failing to include a donor card with the solicitation in order to meet the recordkeeping requirements of the Act. In the response, counsel for the Respondents states that because the solicitation letter sought contributions of \$100, the Chapman Committee, pursuant to the Act, was only required to record the name and address of the contributor, and

the date and amount of the contribution which are all easily obtainable from the face of the contribution check. Moreover, the Act and Commission Regulations do not specify a required method for a committee to obtain the necessary information. Therefore, it does not appear that the Chapman Committee violated 2 U.S.C. § 432(c) by failing to include a donor card with its solicitation, as long as the Committee obtains the pertinent information for the recordkeeping requirements through other means. Based on the foregoing analysis, this Office recommends that the Commission find no reason to believe that Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman violated 2 U.S.C. § 432(c).

### III. RECOMMENDATIONS

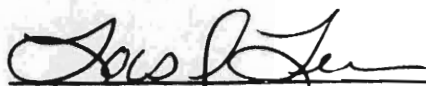
1. Find no reason to believe that Jim Chapman violated 2 U.S.C. §§ 441d(a) and 432(c).
2. Find reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, violated 2 U.S.C. § 441d(a).
3. Find no reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, violated 2 U.S.C. § 432(c).
4. Find no reason to believe that the Hopkins County Dairymen for Chapman violated 2 U.S.C. §§ 441d(a) and 432(c).

3 3 7 4 0 7 4 3 1 3 0

5. Approve the attached letter and Factual and Legal Analysis.

Lawrence M. Noble  
General Counsel

3/3/89  
Date

By:   
Lois G. Lerner  
Associate General Counsel

Attachments

1. Response
2. Letter and Factual and Legal Analysis
3. Proposed Interrogatories and Request for Production of Documents

Staff Person: Frania Monarski

3 2 0 4 0 7 4 3 1 3 1



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/CANDACE M. JONES *my*  
COMMISSION SECRETARY

DATE: MARCH 7, 1989

SUBJECT: MUR 2756 - General Counsel's Report  
Signed March 3, 1989

The above-captioned document was circulated to the  
Commission on Mon., March 6, 1989 at 11:00 a.m..

Objection(s) have been received from the Commissioner(s)  
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____XX
Commissioner Josefiak	_____XX
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda  
for Tuesday, March 14, 1989.

Please notify us who will represent your Division before the  
Commission on this matter.

89040743132





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*  
COMMISSION SECRETARY

DATE: MARCH 8, 1989

SUBJECT: OBJECTIONS TO MUR 2756 - General Counsel's Report  
Signed March 3, 1989

The above-captioned document was circulated to the  
Commission on Monday, March 6, 1989 at 11:00 a.m..

Objection(s) have been received from the Commissioner(s)  
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____ X _____

This matter will be placed on the meeting agenda  
for March 14, 1989.

Please notify us who will represent your Division before the  
Commission on this matter.

8 3 0 4 0 7 4 3 1 3 3



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*  
COMMISSION SECRETARY

DATE: MARCH 8, 1989

SUBJECT: OBJECTIONS TO MUR 2756 - General Counsel's Report  
Signed March 3, 1989

The above-captioned document was circulated to the  
Commission on Monday, March 6, 1989 at 11:00 a.m..

Objection(s) have been received from the Commissioner(s)  
as indicated by the name(s) checked below:

Commissioner Aikens	<u>X</u>
Commissioner Elliott	<u>X</u>
Commissioner Josefiak	<u>X</u>
Commissioner McDonald	<u></u>
Commissioner McGarry	<u></u>
Commissioner Thomas	<u>X</u>

This matter will be placed on the meeting agenda  
for March 14, 1989.

Please notify us who will represent your Division before the  
Commission on this matter.

9 3 0 4 0 7 4 3 1 3 4

89040743135

)
)
)
)
)
)
)

**MUR 2756**

)

89040743135

89040743135

- 89040743135

89040743135

Federal Election Commission  
Certification for MUR 2756  
March 16, 1989

Page 2

5. Close the file.
6. Direct the Office of General Counsel to send appropriate letters pursuant to the above-noted actions.

Commissioners Aikens, Elliott, Josefiak, and Thomas  
voted affirmatively for the decision; Commissioners  
McDonald and McGarry dissented.

Attest:

3-16-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

3 9 0 4 0 7 4 3 1 3 6



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 24, 1989

Robert F. Bauer  
Perkins Coie  
1110 Vermont Avenue, N.W.  
Suite 1200  
Washington, D.C. 20005

RE: MUR 2756  
Jim Chapman;  
Jim Chapman for Congress  
Committee and Nancy J.  
Rooks, as treasurer; and  
Hopkins County Dairymen  
for Chapman

Dear Mr. Bauer:

On November 1, 1988, the Federal Election Commission notified your clients, Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 14, 1989, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe Jim Chapman, Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman violated 2 U.S.C. § 441d(a) and 432(c). Accordingly, the Commission closed its file in this matter. Enclosed is a copy of the General Counsel's Report and Certification. A Statement of Reasons concerning the Section 441d(a) finding will be forwarded to you at a later date.

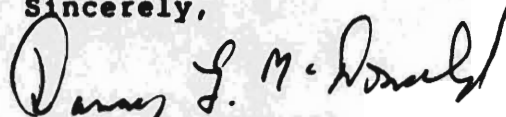
This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

8 9 0 4 0 7 4 3 1 3 7

Robert F. Bauer  
Page 2

If you have any questions, please contact Frania Monarski,  
the attorney assigned to the matter, at (202) 376-8200.

Sincerely,



Danny E. McDonald  
Chairman

Enclosure  
General Counsel's Report  
Certification

89040743138



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20461

March 24, 1989

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Rex A. Wiley  
Route 1  
Box 132  
Henderson, TX 75653

MUR 2756

Dear Mr. Wiley:

This is in reference to the complaint you filed with the Federal Election Commission on October 30, 1988, concerning a solicitation letter sent to dairy farmers by the Jim Chapman for Congress Committee.

Based on that complaint, the Commission, on March 14, 1989, found no reason to believe that Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman violated 2 U.S.C. §§ 441d(a) and 432(e). Enclosed is a copy of the General Counsel's Report and Certification. A Statement of Reasons concerning the Section 441d(a) finding will be forwarded to you at a later date.

This matter will become a part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

89040743139

Rex Wiley  
Page 2

If you have any questions, please contact Frania Monarski,  
the attorney assigned to the matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

*Lois G. Lerner*

By: Lois G. Lerner *by LGL*  
Associate General Counsel

Enclosure  
General Counsel's Report  
Certification

89040743140





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: THE COMMISSION

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *Jm*

DATE: APRIL 7, 1989

SUBJECT: STATEMENT OF REASONS FOR MUR 2756

Attached is a copy of the signed Statement of Reasons in MUR 2756 received in the Commission Secretary's Office Friday, April 7, 1989 at 11:53 a.m.

82040743141



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Jim Chapman for Congress  
Committee and Nancy J. Rooks,  
as treasurer

)  
)  
)  
)  
)

**MUR 2756**

**STATEMENT OF REASONS**

On March 14, 1989, the Federal Election Commission rejected the General Counsel's recommendations and found no reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer ("Respondents") violated 2 U.S.C. §441d(a).<sup>1/</sup>

In MUR 2756, complainants stated that letters had been sent expressly advocating the federal election of Jim Chapman and soliciting contributions for his campaign. Complainants alleged that the letter failed to include a disclaimer identifying who paid for and authorized the mailing in violation of 2 U.S.C. §441d(a). In response, the Chapman Committee explained that it had prepared, paid for and distributed the mailing. In addition,

<sup>1/</sup> The Commission accepted, however, the remainder of the General Counsel's recommendations: (1) find no reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, violated 2 U.S.C. §432(c); and (2) find no reason to believe that Jim Chapman and the Hopkins County Dairymen for Chapman violated 2 U.S.C. §§441d(a) and 432(c).

89040743142

the campaign chairman of the Chapman Committee stated in a sworn affidavit that employees and volunteers of the Chapman Committee had sent the mailing to 450 individuals from a list "created" and maintained by the committee, not a commercial vendor.

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any direct mailing, such communication, if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agent, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. §441d(a)(1). In defining "direct mailing" as used in §441d(a), the Commission looks to 11 C.F.R. §100.7(b)(16) which defines the term "direct mail" to mean "any mailing(s) by commercial vendors or mailing(s) made from lists which were not developed by the candidate." See Advisory Opinion 1988-40. See also 11 C.F.R. §100.8(b)(17).

It appeared that the Chapman Committee's communication did not constitute "direct mail" subject to the disclaimer requirements of §441d(a). First, the chairman of the Chapman Committee stated in a sworn affidavit that the Committee used its employees and volunteers, not a commercial entity, to do the mailings. Second, the campaign Committee's chairman further stated that "the mailing list used to distribute the mailing was an in-house list created by the Chapman for Congress Committee." (emphasis added). Affidavit of Perry F. Bradley, Jr. at p.7.

890040743143

Thus, the evidence suggested that the mailing was made from mailing lists developed by the candidate. See 11 C.F.R. §100.7(b)(16). Based upon these factors, the Commission found no reason to believe that the Jim Chapman for Congress Committee and Nancy J. Rocks, as treasurer, violated 2 U.S.C. §441d(a).2/

4/7/89  
Date

Lee Ann Elliott  
Lee Ann Elliott  
Vice Chairman

4/7/89  
Date

Joan D. Aikens  
Joan D. Aikens  
Commissioner

4/7/89  
Date

Thomas J. Josefiak  
Thomas J. Josefiak  
Commissioner

4/7/89  
Date

Scott E. Thomas  
Scott E. Thomas  
Commissioner

2/ Commissioner Josefiak agreed with the conclusion that the communication mailed by the respondent committee would not require a disclaimer under the analysis adopted by the Commission in Advisory Opinion 1988-40. However, Commissioner Josefiak considers that part of the advisory opinion to have erroneously extended the Commission's definition of "direct mail" under its regulations at 11 C.F.R. §100.7(b)(16) and §100.8(b)(17) (regarding the exemption from the definition of "contribution" and "expenditure" for campaign materials used in volunteer activities) to the disclaimer requirements of 2 U.S.C. §441d(a)(1). He believes the Commission should correct this problem through changes in its regulations, so that a candidate committee's mailing would have to display a disclaimer under the facts presented by this matter.

83090743144



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20461

April 12, 1989

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Rex A. Wiley  
Route 1  
Box 132  
Henderson, TX 75653

MUR 2756

Dear Mr. Wiley:

By letter dated March 24, 1989, the Office of the General Counsel informed you of a determination made with respect to the complaint filed by you against Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rocks, as treasurer, and the Hopkins County Dairymen for Chapman. Enclosed with the letter were copies of the General Counsel's Report and Certification.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find no reason to believe Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rocks, as treasurer, and the Hopkins County Dairymen for Chapman violated 2 U.S.C. § 441d(a). This document will be placed on the public record as part of the file of MUR 2756.

If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By: George F. Rishel  
Acting Associate General Counsel

Enclosure  
Statement of Reasons

83040743145



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

April 12, 1989

Robert F. Bauer  
Perkins Coie  
1110 Vermont Avenue, N.W.  
Suite 1200  
Washington, D.C. 20005

RE: MUR 2756  
Jim Chapman;  
Jim Chapman for Congress  
Committee and Nancy J.  
Rooks, as treasurer; and  
Hopkins County Dairymen  
for Chapman

Dear Mr. Bauer:

By letter dated March 24, 1989, the Federal Election Commission informed you of the determination made with respect to the complaint filed against your clients, Jim Chapman, the Jim Chapman for Congress Committee and Nancy J. Rooks, as treasurer, and the Hopkins County Dairymen for Chapman. Enclosed with that letter were copies of the General Counsel's Report and Certification.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find no reason to believe your clients violated 2 U.S.C. § 441d(a). This document will be placed on the public record as part of the file of MUR 2756.

8 9 0 4 0 7 4 3 1 4 6

Robert F. Bauer  
Page 2

If you have any questions, please contact Frania Monarski,  
the attorney assigned to the matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel



By: George F. Rishel  
Acting Associate General Counsel

Enclosure  
Statement of Reasons

83040743147



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2756

DATE FILMED 4/25/89 CAMERA NO. 3

CAMERAMAN AS

89040743148